

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

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

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

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

VOLUME VI

For the Plaintiff:

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

Reported by:

Douglas J. Zweizig, RDR, CRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

1 For the Defendant Daniel Hersl:

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

4 For the Defendant Marcus Taylor:

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

7 Also Present:

8 Special Agent Erika Jensen, FBI

9 TFO John Sieracki

10 Matthew Kerrigan, Government's Trial Technician

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(10:10 a.m.)

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

MR. PURPURA: May we approach quickly?

THE COURT: Sure. Of course.

(Bench conference on the record:

MR. PURPURA: Good morning, Your Honor.

THE COURT: Good morning.

MR. PURPURA: Just out of an abundance of caution and to protect the record for Mr. Hersl, I'll make a motion for mistrial based on the outburst yesterday by Ronald --

THE COURT: Hamilton.

MR. PURPURA: -- Hamilton. Excuse me. I don't have a transcript of exactly what went on. But it was, in essence, two separate outbursts for, I'd say, at least 15 seconds per outburst.

The Court really couldn't control him. No one could control him at that point. His outbursts were directed not, quite frankly, at Mr. Nieto's client, but at the center of our defense, which is the Hamiltons' case. We're charged with a substantive count as well.

And he said he's here as a result of these officers ruined his life and caused a divorce and caused everything else. And things which would normally not be admissible he did

1 in a very emotional and emphatic way for at least, in my
2 calculation, about 30 seconds before the jury.

3 So I would ask the Court to declare a mistrial as far
4 as Mr. Hersl's concerned at this point.

5 **THE COURT:** All right. Anyone else want to be heard?

6 **MR. WISE:** We obviously would oppose a motion for
7 mistrial. We repeatedly objected to the line of questioning
8 that Mr. Nieto was pursuing. We thought the questioning was
9 provocative, to say the least.

10 It was, frankly, invited, given the tone and the clear
11 import, which was a man like that can't possibly have a house
12 like that except if he's a drug dealer.

13 And so it wasn't -- it wasn't -- he didn't start
14 shouting out of the blue in some explosion of anger. It was
15 invited and it was persistent.

16 And, again, over our repeated objection that Mr. Nieto
17 continued on that path. And the defense has obviously decided
18 that they're going to cross each other's episodes; that's a
19 strategic decision they've made.

20 Mr. Purpura has been doing that in episodes only
21 involving Mr. Taylor. Mr. Nieto and Ms. Wicks have been doing
22 that in episodes only involving Mr. Hersl.

23 And so I don't believe that, even though the fact it
24 was directed at a Hersl episode, means it's not collectively
25 part of defense and what they've tactically decided -- how

1 they've tactically to go after the victims in this case.

2 **THE COURT:** Okay.

3 **MR. NIETO:** Your Honor, may I?

4 **THE COURT:** Mr. Nieto.

5 **MR. NIETO:** And I would join with Mr. Purpura's
6 request for a mistrial. I've had a little bit of time to sort
7 of digest what was going on. It was the last witness of the
8 day. There was no additional witnesses thereafter.

9 My -- our -- although Mr. Hamilton's testimony had
10 focused more so on Mr. Hersl than it had on Detective Taylor,
11 obviously with the conspiracy count and the racketeering, it
12 would still be relevant testimony that could be considered
13 against Detective Taylor.

14 This seems to be a -- seems to be some confusion on
15 the part of the Government as to what the defense attorneys'
16 roles are here and that we're somehow pigeonholed into
17 witnesses that they determined are going to be specifically
18 more focused on one or the other.

19 The questions that I were -- was presenting to the
20 witness was specifically based on his testimony and his
21 grand jury testimony.

22 And the version of events that the Government
23 wholeheartedly adopted was that a couple with a total gross --
24 not before taxes -- a total gross income of \$130,000, including
25 losses and earnings and revenue from apartments that maybe --

1 or maybe he received all of it or he didn't, all of that with
2 children, with a wife, they were able to afford a house that's
3 a half a million dollars.

4 And those questions that I had posed to Mr. Hamilton
5 was to try to take him down a path of absurdity, because that
6 was what our position has been with regards to his testimony.
7 And his outburst was not directly in response to a question
8 that I had posed.

9 If memory serves, Your Honor, one of the last
10 questions I had asked him was: How -- when he indicated what
11 his down payment had been, how it -- what his mortgage payments
12 were, because you can conclude, if his mortgage payments, from
13 my estimation, were going to be approximately \$4,000 a month,
14 with their gross income, they would have to be supplemented in
15 some way. And that's where we were going with it.

16 Mr. Hamilton's credibility as a witness and the
17 adoption by the United States Government that that is, in fact,
18 truth is not only relevant for Defendant Hersl but also for
19 Defendant Taylor.

20 And it's completely within my purview and right to be
21 able to cross-examine that, notwithstanding the Government's --
22 they weren't even actually objections; just mystification as to
23 why I was doing what I was doing.

24 The witness's response or witness's outburst was not,
25 in fact, in response to a question that I had posed. I

1 attempted during his outburst to stop him. I attempted to
2 speak over him, and he continued and continued.

3 Then when we tried to bring it back in, he had another
4 outburst sua sponte without a question being posed, per my
5 recollection.

6 So our issue is that that is a bell that we did not
7 invite to be rang and cannot be unring. And the prejudicial
8 value of those unrequested and nonresponsive statements by the
9 witness are prejudicial to not only Defendant Hersl's case but
10 also to Detective Taylor, so we would be joining in
11 Mr. Purpura's request.

12 **THE COURT:** Sure. Okay. Well, first of all, I will
13 say that I agree with defense counsel that they were within
14 their rights to somewhat overlap on cross-examination. I do
15 not expect to have the same identical questions repeated over
16 and over again.

17 But it seemed to me so far that defense counsel have
18 taken a line of cross-examination in a somewhat different path,
19 even if it sounds like the same thing to begin with. And I
20 agree that the issue of the credibility of an important
21 government witness such as this, given that this is a
22 conspiracy, has certainly some impact on or could have some
23 impact on Detective Taylor. So I don't fault defense counsel
24 or both being involved in this cross-examination.

25 Having said that, it was fairly aggressive

1 cross-examination. It certainly was nothing provoked by the
2 Government. I'm not saying that it was -- that it was unfairly
3 provoked by the defense, but it clearly was in response to
4 cross-examination by the defense that he had this outburst,
5 nothing to do with the Government.

6 I don't think it is sufficient to warrant a mistrial.
7 I would propose before we start testimony today to advise the
8 jury that there was, as they will recall, an outburst from a
9 witness on the stand at the end of trial yesterday; that what
10 he said was not responsive to a question; it is not evidence;
11 and it should be stricken and not considered in any way, if you
12 want me to do that.

13 **MR. WISE:** Your Honor, we think it is -- it shouldn't
14 be stricken. The -- these are charged as robberies. And the
15 fear and effects of that -- the jury instructions on robbery
16 make it clear that fear and the element of fear is from the
17 perspective of the victim.

18 And I think what he was addressing was the fear that
19 was felt at that time and its ongoing consequences. And I
20 think that's evidence of the circumstances at that -- on that
21 evening; that it wasn't just a search warrant that, you know,
22 was executed in the normal course, and then they discovered
23 money was missing.

24 This was a traumatic event. And just like in a
25 robbery case, just like when Ms. Cousins testified in the fall

1 when she was robbed, the circumstances of that event came out.

2 We didn't -- we didn't invite it. We didn't push it,
3 but they chose to. And we think it should not be stricken at
4 all.

5 **THE COURT:** Mr. Nieto, what's your position on my
6 instruction to the jury?

7 **MR. NIETO:** Your Honor, we would concur. Obviously,
8 our position would be that a mistrial should be appropriate.
9 But if Your Honor thinks a curative instruction at the start of
10 today's testimony would be appropriate, we would agree.

11 There needs to be some -- it needs to be addressed in
12 some fashion.

13 **THE COURT:** Mr. Purpura.

14 **MR. PURPURA:** Again, I agree there should be an
15 instruction. And the Government should not be allowed to argue
16 this in closing argument, which obviously it looks like it's
17 their intent at this point.

18 **THE COURT:** Well, they won't be able to do that if
19 it's stricken from the evidence.

20 **MR. PURPURA:** Thank you.

21 **THE COURT:** And I'm sure they will follow that.

22 I disagree that it reflected fear that he may have
23 felt at the time. I think it reflected a great deal more of
24 perhaps perfectly understandable anger rather than fear and
25 anger about what the consequences of this have been to him in

1 regard, apparently, to his personal life and his relationship
2 with his wife and so forth.

3 And I think that's very different from the fear that
4 may have been generated in the victim of a violent crime at the
5 time it's happening. That's not what I heard yesterday and, in
6 any event, was not responsive to any question. So it's not
7 evidence and shouldn't be considered as evidence.

8 **MR. PURPURA:** Thank you.

9 And the next very quick issue is the first witness who
10 is going to testify is going to be Donald Stepp. Donald Stepp
11 is going to reference meeting Mr. Hersl at a bar, at a party
12 with police officers present.

13 And what he's going to recall is that Sergeant Jenkins
14 was making public fun of Mr. Hersl regarding the number of
15 writeups that Hersl has. Again, it goes to whether he does or
16 does not have writeups, and it shouldn't be admissible. I
17 think we can get around that by leading that Jenkins was making
18 fun of Hersl for whatever reason.

19 **MR. HINES:** And that's not -- he won't testify that
20 Jenkins was making fun of Hersl. What he'll say is Jenkins
21 made those statements which induced him to join the conspiracy
22 with Daniel Hersl moving forward.

23 He explained that Daniel Hersl was corrupt, the most
24 Internal Affairs complaints. And at that moment Stepp agreed,
25 moving forward, to start supplying Daniel Hersl with illegal

1 trackers. He started to -- he then moved forward and agreed to
2 sell the drugs from the storage unit, so that's all relevant
3 conduct in furtherance of the conspiracy.

4 **MR. PURPURA:** You know, there is nothing in any of
5 these reports which indicates any of that information.

6 **MR. HINES:** It does.

7 **MR. PURPURA:** Just that does right there. Nothing
8 more than that.

9 **THE COURT:** Where is that?

10 **MR. PURPURA:** There's initial report, and that's a
11 subsequent report. And there's a third report too.

12 **MR. NIETO:** Yeah, there's -- I have the other report.

13 **THE COURT:** Well, in any event, I'm sustaining the
14 objection to any reference to the number of writeups that
15 Mr. Hersl may have had for the same reason that I did before.
16 Under 403, this is just unduly prejudicial. I'm not going to
17 wind up with a mini trial on whether those complaints were or
18 were not justified.

19 You may -- I wish you would advise Mr. Stepp, which I
20 didn't ask you to do, so I'm not blaming you; but the previous
21 witness that was in this particular situation, we agreed that
22 you wouldn't ask anything to bring it out. He didn't know that
23 he wasn't supposed to volunteer it, so he did once or twice.

24 **MR. HINES:** In response to defense questions.

25 **THE COURT:** I agree. Again, I'm just saying I should

1 have thought of that the last time, but this time I am. If you
2 could -- if we could figure out some, perhaps right now, even,
3 before the jury goes in, I'm going to request that Government
4 counsel advise Mr. Stepp that he will not be asked and he
5 should not volunteer the comment about how many writeups
6 Mr. Hersl has.

7 You may ask him if -- something to the effect of if
8 Jenkins told him he could trust Hersl.

9 **MR. WISE:** I think the issue is trust; but the concept
10 is it's a corrupt relationship, not trust him like you can
11 trust him to do the right thing. It's you can trust him to
12 commit crimes with us.

13 So maybe Mr. Hines could lead him to say what's the
14 comment so that we don't get into the complaints, which is that
15 immediately following that, Did he tell you -- did he describe
16 Mr. Hersl as corrupt? And that was the word that Stepp has
17 used. And that's what, in Stepp's mind, made him someone he
18 would deal with.

19 **THE COURT:** What else is there in the conversation?

20 **MR. PURPURA:** And I don't see the tracker, I don't see
21 anything about the tracker.

22 **MR. WISE:** It's in -- it's all in --

23 **MR. HINES:** I mean, Bill, correct me if I'm wrong; we
24 expect you to attack his credibility on how he formed his
25 agreement with Hersl. And if he can't describe all of the

1 actions that led up to that --

2 **MR. PURPURA:** The only thing in the 302, which Stepp
3 says he's met Hersl two occasions, once at this gathering of
4 400 officers. And what he recalls, according to this, is that
5 he was being made fun of, publicly made fun of by Jenkins for
6 his writeups.

7 And the second time is when their cars were passing.
8 He's in a vehicle with Jenkins, and Hersl's coming by. And a
9 tracker is thrown from Jenkins into Hersl's car. And that's
10 it.

11 And that what he says. He says he's never talked to
12 him or anything else. He's never had a conversation with
13 Hersl. I mean, that's --

14 **MR. WISE:** Jenkins asked him for an illegal tracker to
15 give to Hersl, and he knew it was for Hersl. He then, of
16 course, provides drug proceeds, money that Jenkins tells him
17 will be given to Hersl after they break into the Armstrong
18 storage facility at Jenkins' direction when Hersl is there, and
19 Hersl knows all about this.

20 **THE COURT:** Okay.

21 **MR. PURPURA:** See what happens.

22 **THE COURT:** Well, I don't know yet what the
23 cross-examination is going to be. Possibly it will open the
24 door for something, but I don't think leading him to say that
25 he used the word "corrupt" is going to work either.

1 **MR. WISE:** Did he ask him, How did he -- how did he
2 describe Mr. Hersl to you? With the admonition before he goes
3 in to say, Whatever you're going to say, but don't talk about
4 IAD complaint --

5 **MR. PURPURA:** What would he say?

6 **MR. WISE:** Well, he would say he told him he was a
7 corrupt cop.

8 **MR. PURPURA:** Does he use those words?

9 **THE COURT:** If he -- if that's what he has said, that
10 those are the words that are used, then you can ask that, just
11 telling him not to get into any --

12 **MR. HINES:** Writeups.

13 **THE COURT:** -- writeups.

14 And you can cross-examine him on: Where is that in
15 the 302? If you need to.

16 **MR. PURPURA:** Is the corrupt cop as a result of the
17 writeups? Is that what the issue is? Is that what he's basing
18 that upon?

19 **MR. HINES:** I think that's part of it. It's Jenkins'
20 statement.

21 **MR. WISE:** He knows everything Jenkins is doing.
22 Stepp knows everything Jenkins is doing. So I think it's --
23 the writeups, in his mind, are part of it. But there's also a
24 lot more that Jenkins is doing. So I think it's a broader --

25 **MS. WICKS:** And I think that's part of the problem.

1 **THE COURT:** You're not going to be picked up.

2 **MS. WICKS:** I think that's part of the problem, is
3 that there is a lot more that Jenkins is doing and that Jenkins
4 is doing with this witness. I don't think it's the same
5 conspiracy, and I don't think these are co-conspirator
6 statements.

7 So I would be objecting also on behalf of Mr. Taylor.
8 Just because Jenkins is describing something to Mr. Stepp
9 doesn't mean that it's a co-conspirator statement.

10 **THE COURT:** Okay. All right. Well, I'll respectfully
11 disagree with that. From everything I've heard, I think it is
12 going to be a co-conspirator statement.

13 I will just ask you to tell Mr. Stepp not to mention
14 Internal Affairs writeups, that sort of stuff.

15 **MR. HINES:** Okay.

16 **THE COURT:** Okay? Is he behind the door there?

17 **MR. WISE:** I can go back and find him briefly.

18 **THE COURT:** Okay. Why don't you find him and tell me
19 when you've done that.)

20 (Bench conference concluded.)

21 **THE COURT:** All right. We'll get the jury.

22 **MR. WISE:** Would Your Honor like the next witness
23 brought in now or after --

24 **THE COURT:** No; because I'm going to instruct the
25 jury.

1 **MR. WISE:** I see. Okay.

2 (Jury entered the courtroom at 10:29 a.m.)

3 **THE COURT:** All right. Welcome back. And be seated,
4 please.

5 Let me start, ladies and gentlemen, first of all,
6 apologizing for our delay. There were a combination of
7 technical and other issues that we had to deal with.

8 Before we get started today, I do want to think back
9 to yesterday afternoon. You will recall that the witness at
10 the end of the day, Mr. Hamilton, when he was testifying, that
11 there was what I will just describe as an outburst towards the
12 conclusion of his testimony.

13 That -- what he said at that point, it was not
14 responsive to any specific question that had been asked and it
15 is not evidence.

16 I am instructing you that it is stricken from the
17 testimony, and you may not consider it in any way as part of
18 the evidence in this case. It is simply not evidence.

19 Thank you.

20 Now, before we call the first witness, I have a note,
21 so I'll ask counsel up to the bench.

22 (Bench conference on the record:

23 **THE COURT:** All right. Ms. Moyé has been given
24 another note by a juror. Ms. Moyé's been given another note,
25 and she's also going to relate something the juror said to her.

1 **THE CLERK:** Yes. The juror gave me the note this
2 morning. She said, I'm not sure if they asked -- answered this
3 question on -- yesterday.

4 **THE COURT:** Okay. She said she's not sure it was
5 answered.

6 And the question is: How did they get permission to
7 go to Carroll County? Don't they have to have permission to
8 cross county/city lines?

9 Seems to me, in fact, there's been testimony about
10 there's citywide jurisdiction --

11 **MR. PURPURA:** Statewide.

12 **THE COURT:** -- but perhaps that can be addressed with
13 another witness or something like that. But, anyway, that's
14 the question.

15 **MR. PURPURA:** Thank you.

16 **THE COURT:** Okay.

17 **MR. PURPURA:** Judge, I apologize. I'm concerned that
18 I may be missing some -- a 302 on Stepp, because I can't find
19 that. If the Government can just take a moment before they
20 start the direct and point to where it is on the 302, then I'd
21 be satisfied.

22 **MR. WISE:** Point to where what is?

23 **MR. PURPURA:** Where the reference that Stepp was
24 supplying trackers to Hersl.

25 **MR. WISE:** Yeah, I know --

1 **MR. HINES:** We'll show you.

2 **MR. PURPURA:** Show me? Right? Because I'm concerned
3 that I'm missing something, so they can take a second to show
4 me; is that fair?

5 **MR. WISE:** We provided the Jencks two weeks ago. I
6 don't -- you know, I don't know what to say. I mean, he's
7 going to testify if something -- if you can't find something in
8 the 302, you can ask him about it.

9 **MR. PURPURA:** I'm concerned it doesn't exist. That's
10 all.

11 **MR. WISE:** It's a live trial.

12 **THE COURT:** Then --

13 **MR. PURPURA:** The Government's represented it exists
14 in the 302.

15 **THE COURT:** Yes. And I expect they will be able to
16 come up with it and perhaps -- who's doing the questioning?

17 **MR. HINES:** I'm doing the questioning.

18 **THE COURT:** Perhaps Mr. Wise can help look for it if
19 it's not in there. We seem to have a good point for
20 cross-examination. And if you think there's something even
21 further, you'll make that motion.

22 **MR. PURPURA:** Okay.

23 **THE COURT:** Okay?)

24 (Bench conference concluded.)

25 **THE COURT:** All right. Would you like to call a

~~STEPP~~ ~~DIRECT~~

1 witness.

2 **MR. HINES:** United States calls Donald Stepp,
3 Your Honor.

4 **THE COURT:** All right.

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

6 DONALD STEPP, JR., GOVERNMENT'S WITNESS, SWORN.

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

8 Please speak directly into the microphone. State your
9 full name for the record and spell your last name, please.

10 **THE WITNESS:** Donald Carroll Stepp, Jr., last name
11 spelled S-T-E-P-P.

12 **THE CLERK:** Thank you.

13 DIRECT EXAMINATION

14 **BY MR. HINES:**

15 **Q.** Good morning, Mr. Stepp.

16 **A.** Hi. How are you?

17 **Q.** Are you presently a defendant in a pending federal case?

18 **A.** I am.

19 **Q.** What are you charged with in that case?

20 **A.** Drug charges.

21 **Q.** What have you pled?

22 **A.** I pled guilty.

23 **Q.** Why did you plead guilty?

24 **A.** Because I am guilty.

25 **Q.** What kinds of drugs were you charged with in that case?

~~STRICTLY CONFIDENTIAL~~

1 **A.** Cocaine base, cocaine, heroin, MDA, I think they call it
2 Molly.

3 **Q.** Who did you get the crack cocaine and heroin from that
4 you're charged with in that case?

5 **A.** Sergeant Wayne Jenkins.

6 **Q.** Did you admit in your case that you received other drugs
7 from Wayne Jenkins that he and other officers had robbed from
8 citizens in Baltimore?

9 **A.** Yes, I have.

10 **Q.** Who prosecuted you for the crimes you committed?

11 **A.** The United States of America.

12 **Q.** As part of your plea agreement, did you agree to cooperate
13 with the United States?

14 **A.** I did.

15 **Q.** What does that mean?

16 **A.** That means just to come forward with the facts and the
17 truth.

18 **Q.** What, if anything, do you hope to get in return for saying
19 the truth and the facts?

20 **A.** I hope I get a reduced sentence.

21 **Q.** Have you been sentenced yet?

22 **A.** No, I haven't.

23 **Q.** Who will sentence you?

24 **A.** The United States of America, you will.

25 **Q.** And the judge ultimately decides your sentence?

~~STEPP~~ ~~DIRECT~~

1 **A.** Yes.

2 **Q.** Is the judge a party to your plea agreement?

3 **A.** No, she's not.

4 **Q.** Even if the Government recommends that you get a lower
5 sentence, does the judge have to follow that recommendation?

6 **A.** No, she doesn't.

7 **Q.** Have any promises been made to you about what your
8 sentence will actually be?

9 **A.** No.

10 **Q.** What is the maximum penalty for the crime that you pled
11 guilty to?

12 **A.** Life imprisonment.

13 **Q.** What is the minimum penalty for the crime that you pled
14 guilty to?

15 **A.** Ten years, no parole.

16 **Q.** If the Government makes a motion based on your truthful
17 testimony, can your attorney argue for a sentence less than ten
18 years?

19 **A.** Yes, from what I understood, yes.

20 **Q.** But even if that motion is made, can the Government ask
21 for anything up to life imprisonment?

22 **A.** Yes, they can.

23 **Q.** Mr. Stepp, how old are you today?

24 **A.** I'm 51.

25 **Q.** And where are you from, sir?

1 **A.** Baltimore, Maryland.

2 **Q.** How long have you lived in Baltimore?

3 **A.** Just basically my whole life.

4 **Q.** Prior to your arrest, what did you do for a living?

5 **A.** I owned a bail bonds company.

6 **Q.** And can you describe to the jury what a bail bonds company
7 is.

8 **A.** Bail bondsmans wait for people to get locked up; we act in
9 a fiduciary capacity to take funds, secure bails, to get
10 people's freedoms, and get 'em back out.

11 **Q.** So after the police and prosecutors charge someone in a
12 case, does a commissioner decide what that person's bail is?

13 **A.** They do. Commissioner, after they're arrested, they --
14 they'll go in front of the commissioner. Commissioner then
15 will either determine to let 'em go or give 'em a bail.

16 If they give 'em a bail, that's when we step in. And we
17 look for indemnification, indemnitors, people that's willing to
18 sign for them. And then from there, we'll try to secure their
19 bails and get their freedom.

20 **Q.** As a bail bondsman, did you have the same powers as the
21 police?

22 **A.** No, I don't.

23 **Q.** Were you authorized to investigate crimes?

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

25 **Q.** Were you authorized to arrest people for drug or gun

1 offenses?

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

3 **Q.** How do you know former Sergeant Wayne Jenkins?

4 **A.** I grew up with his brother Bobby Jenkins. I grew up with
5 him, went to school with him. So I've known the family for
6 close to 40 years.

7 And then I would go over and start playing cards with a
8 lot of police officers and stuff. They'd have local card games
9 that I would attend, and I would go to those. And then I got
10 to know Wayne pretty good from the card games and stuff.

11 **Q.** Did Wayne Jenkins ask you to sell drugs?

12 **A.** At first it was his brother. It was his older brother.
13 But, secondly, after years went by, then it come down to be --
14 it come down to be him.

15 **Q.** Where were you when Wayne Jenkins first asked you to sell
16 drugs?

17 **A.** We was -- we was riding to Delaware State Park Casino when
18 it had opened, and I was in the passenger seat. And he started
19 saying to me that, you know, that he gets -- he gets a lot of
20 narcotics, which was well known; that he was one of the top
21 cops here in the city and seizing some of the biggest busts in
22 Baltimore City history that he had had.

23 So I knew -- I knew his reputation of what he had, and he
24 just asked me. He just come out and says he sent his brother
25 to me years ago and that he could start doing it, you know, if

~~STAPP~~ ~~DIRECT~~

1 I wanted to do it. I agreed.

2 **Q.** I'm showing you what's been marked as
3 Government's Exhibit DA-3. It's -- is this a photograph from
4 your phone, Mr. Stepp?

5 **A.** It is.

6 **Q.** And is it dated -- it's small, but is it dated
7 December 15th, 2012, in the bottom left-hand corner?

8 **A.** It is, yes.

9 **MR. HINES:** And, Mr. Kerrigan, if you zoom in on the
10 top.

11 **BY MR. HINES:**

12 **Q.** What does this photo show?

13 **A.** It shows Delaware Park Casino. It looks like the roulette
14 table that we was at, and I recall this and remember it.

15 **Q.** And who's in the photograph?

16 **A.** That is -- that is the back of Sergeant Wayne Jenkins
17 right here with the -- towards the right of the photo with
18 the -- looks like a gray jacket that he's wearing. That's me
19 standing right in behind him.

20 **Q.** And you described a moment ago the excursion in which
21 Sergeant Jenkins proposed giving drugs to you. Is this that
22 same excursion?

23 **A.** Yes, this is it. This was the time.

24 **Q.** And what he said to you was in the car ride?

25 **A.** Yes, he did.

~~STREET DIRECT~~

1 Q. When you gave your phone to the FBI -- or let's back up a
2 step.

3 After your arrest, did you give your phone to the FBI?

4 A. I did.

5 Q. Did you have several photos on your phone of you and
6 Wayne Jenkins?

7 A. I had many photos.

8 Q. I'll show you an example, Government's Exhibit DA-11.

9 Is this a photo dated February 3rd, 2013?

10 A. It is.

11 Q. And who's in the photograph?

12 A. That would be me and -- at that time Sergeant Wayne Earl
13 Jenkins.

14 Q. And where are you guys?

15 A. We was at the Super Bowl. It was the 2012 NFL season, but
16 it was February 2013 for the San Francisco 49ers/Baltimore
17 Ravens Super Bowl in New Orleans.

18 Q. So this was approximately two months after the Delaware
19 state trip; right?

20 A. Correct.

21 Q. When did you actually start to receive drugs from
22 Wayne Jenkins?

23 A. It would have been soon after the Delaware State Park
24 incident that he started to bring -- he started to bring
25 amounts of drugs to the house right after this -- right after

1 the Delaware State Park.

2 **Q.** Can you sort of explain why, as a licensed bail bondsman,
3 you agreed to start selling drugs for Wayne Jenkins?

4 **A.** Well, you know, we know that it's a tragic mistake, you
5 know, looking back in hindsight. But it was 40 years of
6 knowing his family, knowing his brother as good as I did, and
7 knowing that he originally sent his brother to me eight, nine
8 years before anything took place.

9 I felt comfortable with it because all the police officers
10 that I met, which were many during the card games, in my
11 opinion, they owned the city. So that was my -- my assessment
12 at the time.

13 I value -- you know, I evaluate risk every day, what I do
14 with my job. You know, I look at risk. I thought it was a
15 winner. And I'm here because of greed. It's that simple.

16 **Q.** Were you already selling drugs at the time that Jenkins
17 asked you?

18 **A.** I was.

19 **Q.** And did you have a supplier for those drugs?

20 **A.** I did.

21 **Q.** What kind of drugs were you selling?

22 **A.** Strictly just cocaine.

23 **Q.** Did you have a customer base in --

24 **A.** Yes.

25 **Q.** -- and around Baltimore?

1 **A.** I did.

2 **Q.** When -- after Jenkins began giving you drugs, what kind of
3 drugs did he give you?

4 **A.** Phew, it was -- it was just -- it was just over the top.
5 I can't -- everything and anything that could be imagined. I
6 didn't even know what some of the stuff was. I mean, it was
7 just -- it was coming in such an abundance that I didn't even
8 know what it was.

9 I mean, there was so -- he would call it different names
10 of scramble, capsules of heroin, of -- this is cocaine. This
11 is crack. This is Molly. This is -- I didn't even know
12 because I -- I didn't -- that wasn't my base. That wasn't my
13 clientele.

14 **Q.** What drugs did you know that you were able to sell?

15 **A.** I could tell the cocaine. I knew the cocaine from my
16 years of dealing with it. I always knew that -- what was real
17 and what was fake.

18 **Q.** Did you also receive marijuana?

19 **A.** I did. I did. You know, I ended up branching out because
20 I knew what marijuana was, and he was bringing an extreme
21 abundance of marijuana.

22 **Q.** So you said you think of things as a fiduciary. You know,
23 given your mind-set, why did you decide that these drugs made
24 sense for you to sell versus the other drugs you had from your
25 other supplier?

1 **A.** Strictly financial reasons. The prices that we negotiated
2 worked. You know, I would pay \$34,000 to \$39,000 for a
3 kilogram of cocaine that I could get from Sergeant Jenkins at
4 \$15,000. To me it was just a mathematical equation, and I felt
5 good. After knowing the family for 40 years and knowing what I
6 knew about him, I felt as though it was a -- it was a good
7 gamble and a good risk.

8 **Q.** Okay.

9 **A.** We know that that was wrong.

10 **Q.** So that I understand, your supplier would sell it to you
11 for thirty-four to thirty-nine thousand a kilogram?

12 **A.** Correct.

13 **Q.** And then did you have to mark that up to resell it?

14 **A.** Well, I sold -- my number one client base was a
15 professional base that I would sell to people for a hundred
16 dollars a gram, \$125 a gram. You get a thousand -- thousand
17 grams in a kilogram. The math is kind of simple, 100,000 to
18 one twenty-five. So the profit ratio, when it was -- it was
19 significant.

20 **Q.** And when Wayne Jenkins gave you a kilogram of cocaine, did
21 you say you only had to pay him 15,000?

22 **A.** \$15,000, correct.

23 **Q.** So you made a greater profit on those drugs from the --
24 from Jenkins?

25 **A.** Correct.

~~STREET DIRECT~~

1 Q. Did -- how did Jenkins get these drugs to you?

2 A. Phew.

3 MS. WICKS: Objection.

4 THE COURT: Overruled.

5 THE WITNESS: Various different ways. Normally --
6 normally he -- sometimes he'd meet me at lunch, breakfast, and
7 we would do it at lunch or breakfast. A lot of times, though,
8 because I would be in bed, he would -- he knew my shed was
9 unlocked. I'd just leave the -- I'd have a lock on the shed,
10 but I would leave it unlocked.

11 I knew if I'd come up in the morning, if the shed was
12 locked, I knew that he had been in there and left something.
13 And he would normally get back to me.

14 A lot of times it was like that. Or he would call me
15 just to tell me to meet him. Or if it was something
16 substantial, he would call me late at night and tell me to get
17 up and open my garage door.

18 BY MR. HINES:

19 Q. How frequently did this occur?

20 A. Almost nightly.

21 Q. How much money did you earn from the sale of drugs that
22 Jenkins gave you?

23 A. What did I make? Probably -- probably a million dollars
24 or more.

25 Q. And what did you return to Jenkins?

1 **A.** I'd give him -- on the set prices that we'd have, I would
2 give him that. I would say that he's profited over a
3 quarter-of-a-million dollars to a half-million dollars would be
4 my guesstimate.

5 **Q.** Did Jenkins tell you what unit he was in?

6 **A.** I've known him -- I've known him to be in various units
7 throughout Baltimore City for the ten-plus years that I -- that
8 I knew him. So I knew that he was in Selective Enforcement
9 Unit, Major Crimes, Narcotics, right into the
10 Gun Trace Task Force.

11 **Q.** Did he say anything about what the Gun Trace Task Force
12 did?

13 **A.** Yeah. I mean, it was -- it was a front. It was -- it was
14 a front for a criminal enterprise. It's what he -- it was --

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

16 **THE COURT:** Do you want to come up to the bench?

17 **MR. PURPURA:** Are these in quotes or is he just
18 ad-libbing at this point?

19 **THE COURT:** Who made the statement that you just
20 repeated, Mr. Stepp?

21 **THE WITNESS:** It was Sergeant Jenkins.

22 **THE COURT:** Okay.

23 **BY MR. HINES:**

24 **Q.** Other than saying that it was a criminal enterprise, what
25 else did Wayne Jenkins say about the Gun Trace Task Force?

1 **A.** Pardon? Can you repeat that. I didn't --

2 **Q.** Sure. You said that Sergeant Jenkins said it was a
3 criminal enterprise. Apart from that, what else did
4 Wayne Jenkins say about the Gun Trace Task Force?

5 **A.** There was -- there's umpteen conversations that I've had
6 with him about it. But he would use -- it gave him free reign
7 of the entire city. So he really liked this unit because other
8 units would have him confined to special areas and segregated
9 areas.

10 He enjoyed the Gun Trace Task Force because it just opened
11 up the entire city. So it gave him the pick of -- of the
12 cream-of-the-crop officers in what he was doing, and it gave
13 him the ability to be able to have the entire city at his
14 disposal.

15 **Q.** Did Jenkins tell you that he was committing robberies?

16 **A.** He didn't tell me that he was committing robberies, but it
17 was -- it was obvious that, you know, he --

18 **MR. PURPURA:** Objection. It's nonresponsive,
19 Your Honor.

20 **MR. HINES:** Sure.

21 **BY MR. HINES:**

22 **Q.** Did you ultimately agree to commit robberies with
23 Wayne Jenkins?

24 **A.** I didn't call them robberies, but yes, yes.

25 **Q.** What -- okay. Then what did you -- what kinds of things

1 did you agree to do with Wayne Jenkins?

2 **A.** I was basically a person that would -- you know, I would
3 get rid of the stuff. I dealt solely and exclusively with him,
4 not the other -- not the other officers that was within his
5 unit, even though I knew everything that was going on within --
6 within the unit because of talking to him, but my business was
7 with him and him solely. So --

8 **Q.** And why did you want your business to be with him solely?

9 **MR. PURPURA:** Objection; leading, Judge. Leading.

10 **THE COURT:** Overruled.

11 **THE WITNESS:** I -- there was no need -- I didn't want
12 any more exposure than what I already had. To me it was solely
13 him, and I didn't want anything to do with the other people
14 that was in his unit.

15 **BY MR. HINES:**

16 **Q.** Did Jenkins ask you to buy any items for him?

17 **A.** Yes. He needed what -- what he called quick bags for his
18 crew. And because he didn't want the stuff to tag back to him,
19 he knew that I had the bail bond shop and I could get it
20 delivered. Plus we had -- you know, in the bail bond business,
21 you have things known as fugitive apprehension units that can
22 go after bail skips, people that skip bails. You have to have
23 bounty hunters that go and chase 'em down.

24 So they knew this equipment wouldn't raise any flags for
25 me being able to order up specialized equipment that he needed

~~STAFF DIRECT~~

1 off of the books that wouldn't tag back to him.

2 **Q.** What did he tell you he wanted to use the equipment for?

3 **A.** Equipment was used for him and his squad and -- and the
4 many members that he had throughout Baltimore Police
5 Department.

6 **Q.** Did he say what they were going to do with the equipment?

7 **A.** It was kind of obvious from, you know, the --

8 **MR. PURPURA:** Objection.

9 **THE COURT:** Sustained. "Did he say."

10 **BY MR. HINES:**

11 **Q.** Sure. Set aside what was obvious. Did he say to you what
12 he was going to do with this equipment?

13 **A.** Yes, he did. He was supplying -- he was supplying men
14 within his unit and men within other parts of the Baltimore
15 Police Department.

16 **Q.** And did you find it unusual that he was coming to you to
17 order equipment rather than getting it from the Baltimore
18 Police Department?

19 **A.** Well, you know, it's obvious when you're taking, in my --
20 it was obvious to me that when I'm taking millions of dollars
21 worth of drugs from the Baltimore Police Department and selling
22 them, that these are not a -- this is not a normal police
23 department.

24 So by getting -- by getting --

25 **MR. PURPURA:** Judge, objection again.

~~STIPP DIRECT~~

1 **THE WITNESS:** -- this equipment --

2 **MR. PURPURA:** This is, again, nonresponsive to a
3 simple question. This witness takes every opportunity to --

4 **THE COURT:** Now, Mr. Purpura, that's -- all right.
5 You can make your objection.

6 **MR. PURPURA:** Objection.

7 **THE COURT:** Thank you.

8 Mr. Stepp can stop.

9 **MR. HINES:** I'll move on, Your Honor.

10 **THE COURT:** You can ask a different question.

11 **MR. HINES:** Sure.

12 **BY MR. HINES:**

13 **Q.** I'd like to show you what's been marked -- or actually
14 admitted as Government's Exhibit 19A -- 19B, the photograph.

15 Do you recognize any of the gear in 19B?

16 **A.** I do. I recognize all of it.

17 **Q.** Was some of that gear, with the exception of the Baltimore
18 police vest, gear that you purchased for Jenkins?

19 **A.** Over the many orders that I've took for 'em and the many
20 lists that he --

21 **MR. PURPURA:** Objection. Again, nonresponsive.

22 **THE COURT:** Overruled.

23 **MR. PURPURA:** Very good.

24 **THE COURT:** Let him finish his question -- his answer.
25 Go ahead.

~~STEPP DIRECT~~

1 **THE WITNESS:** Many lists that would come from him that
2 he would give me for specialized equipment like this, I would
3 order for him. A lot of times he would call me for other
4 specialized equipment to add on to get stuff that they needed.
5 It was a steady abundance of equipment that they needed.

6 **THE COURT:** Now, repeat the question.

7 Mr. Stepp, listen to the question and see if you can
8 answer it.

9 **BY MR. HINES:**

10 **Q.** Apart from the Baltimore police vest, was any of this
11 equipment on 19B equipment that you ordered or provided to
12 Wayne Jenkins?

13 **A.** Everything except what's circled there I ordered for him,
14 I believe all of it.

15 **Q.** And turning to FBI-20B, were some of these tools things
16 that you ordered for Wayne Jenkins?

17 **A.** I ordered all of them for him, I believe. And he would --
18 it was an enormous list that he would keep me up with of what
19 he wanted.

20 **Q.** I'll show you -- how did you order these tools for him?

21 **A.** I ordered them through Amazon. I would order them through
22 Amazon and then would get them to him when he would -- he would
23 come by and pick them up.

24 **Q.** I'm going to show you Exhibit DA-14.

25 Is this an Amazon printout list in your name?

~~STAFF~~ ~~DIRECT~~

1 A. Correct. It is.

2 Q. Did you provide this to the FBI?

3 A. I did.

4 Q. And just directing your attention to Page 3 of DA-14.

5 A. Correct.

6 Q. Are these some of the items that we just saw in 20B and
7 19B?

8 A. Yes.

9 Q. Same thing with the following page?

10 A. It's a grappling hook.

11 Q. And how about this item here (indicating)?

12 A. It's a machete.

13 Q. Did Wayne Jenkins tell you why he needed a machete?

14 A. Phew, no. Just -- they just put in the --

15 **MR. PURPURA:** Objection.

16 **BY MR. HINES:**

17 Q. Just --

18 A. No. I'm sorry.

19 Q. I'd like to show you a photograph marked DA-5. Who's in
20 that photograph?

21 A. That would be me.

22 Q. And the date is February 19th, 2015?

23 A. Yes, it is.

24 Q. Where are you in that photograph?

25 A. It was the first time that he asked me to come to

~~STAFF DIRECT~~

1 Baltimore City Police headquarters.

2 Q. So you're actually in the Baltimore Police Department
3 headquarters?

4 A. Correct.

5 Q. Which office are you in?

6 A. That was Wayne Jenkins' office there. That was his
7 original -- the first office that I ever went into with him.

8 Q. And what do you have on you?

9 A. I have on a police vest.

10 Q. And what's --

11 A. It's his. And his gun.

12 Q. And the "his" is Wayne Jenkins?

13 A. Correct.

14 Q. What's in your right hand?

15 A. His gun.

16 MR. HINES: And, Mr. Kerrigan, if you could just zoom
17 in on this section here (indicating).

18 Yes, sir.

19 BY MR. HINES:

20 Q. What is that photograph that's sitting on that table?

21 A. That was a picture of -- it's a picture of recent busts
22 that he's had within Baltimore, and he -- he had them on his
23 desk and was showing me.

24 Q. And if you turn to Government's Exhibit DA-4, is this
25 another one of the photographs that was on the desk?

~~STEPP~~ ~~DIRECT~~

1 A. Correct, it was.

2 Q. What did Wayne Jenkins say to you about this photograph?

3 A. He's told me that this was a bust that him and his -- his
4 guys were in on, and he made good money out of this bust too.

5 Q. And directing your attention to Government's Exhibit DA-6,
6 is this another photograph of you?

7 A. It is.

8 Q. Who took that photograph?

9 A. Wayne Jenkins took that photograph.

10 Q. And that's in the police department headquarters again?

11 A. Correct.

12 Q. Now, while you're in headquarters, what conversation, if
13 any, do you have with Wayne Jenkins about working with him to
14 steal stuff?

15 A. He was working on some very big cases in Baltimore, and he
16 was well known to be the most prolific --

17 **MR. PURPURA:** Objection. That's nonresponsive. Can
18 we get a relevance -- a time period now, please.

19 **BY MR. HINES:**

20 Q. Yeah. So the date -- if you go back to DA-6 a second
21 here, you can see the photo -- the date on the photo,
22 February 19th, 2015.

23 A. Yes.

24 Q. And my question was, Mr. Stepp, what specifically did
25 Mr. Jenkins say to you about stealing stuff?

~~STAFF DIRECT~~

1 **A.** That it was easy for him to be able to steal because he
2 had access, unbelievable access in his position.

3 **Q.** Did you agree to steal stuff with Mr. Jenkins?

4 **A.** Yes.

5 **Q.** Are you aware of other officers who were involved in
6 stealing stuff with you?

7 **A.** Yes.

8 **Q.** Who else was involved?

9 **A.** Many people have been involved. I mean, definitely the --
10 his immediate squad in the Gun Trace Task Force at that time
11 that they were moving him up, we knew that all of them were
12 stealing. But there was other units and other officers too
13 that stole.

14 **Q.** Can you give an example of who within the
15 Gun Trace Task Force was involved that you knew of.

16 **A.** The entire unit.

17 **Q.** Okay. Does that include Detective Taylor?

18 **MR. PURPURA:** Objection.

19 **MS. WICKS:** Objection.

20 **THE COURT:** Do you want to ask him who that includes.

21 **MR. HINES:** Yeah.

22 **BY MR. HINES:**

23 **Q.** Who does the entire unit include?

24 **A.** I knew of the names that he would give me, but there
25 was -- he -- it was his -- he got to handpick everyone that

~~STEPP~~ ~~DIRECT~~

1 come inside of his unit.

2 **THE COURT:** Mr. Stepp, you need to listen to the
3 question.

4 **THE WITNESS:** I'm sorry.

5 **THE COURT:** Answer the question.

6 **BY MR. HINES:**

7 **Q.** What were the names of the people that you knew of that
8 worked with Wayne Jenkins in the unit?

9 **A.** Oh, Detective Danny Hersl, Detective Marcus Taylor,
10 Detective Ward, Detective -- Detective Rayam, Detective Gondo,
11 Detective -- I don't know who else I'm forgetting out of the
12 whole thing, but there's --

13 **Q.** Are you aware of an episode at the Belvedere Towers?

14 **A.** I am.

15 **Q.** Was that in the spring of 2015?

16 **A.** Yes.

17 **Q.** What was your involvement in this episode?

18 **A.** No involvement in it except that he called me late that --
19 he woke me up and told me to get up and open the garage door,
20 so I knew it was something substantial by the way he was
21 talking.

22 **Q.** When you say he called you, who --

23 **A.** Sergeant Wayne Jenkins.

24 **Q.** And did Jenkins come to your house?

25 **A.** He did.

1 Q. What happened when he arrived?

2 A. I opened the garage door. He pulled up with his
3 police-issued surveillance car, undercover car. He pulled up.
4 He popped the trunk of the car. He started looking around.

5 And I'm looking at him, like, why are you so nervous?

6 He started looking around. He pulled out two duffel bags,
7 started walking towards my garage door. And I said, "What do
8 you got?"

9 And he goes, "It's full of cocaine."

10 And I'm like, "Oh, my God." So I'm thinking he's got, you
11 know, a hundred pounds of cocaine, but it was -- he said, "Just
12 kidding. 60 pounds of weed."

13 Q. 60 pounds of what?

14 A. 60 pounds of marijuana. I'm sorry.

15 Q. And what was your reaction when you learned it was
16 marijuana instead of cocaine?

17 A. It was 30 pounds of marijuana. Let me correct that.
18 30 pounds of marijuana.

19 Q. Thank you, sir.

20 A. Okay.

21 Q. What was your reaction when you learned it was 30 pounds
22 of marijuana instead of cocaine?

23 A. I was kind of disappointed because my base wasn't -- my
24 base wasn't marijuana. So I knew I was going to have trouble
25 getting rid of it.

~~STAFF DIRECT~~

1 Q. Now, when you were arrested, was your home searched?

2 A. It was.

3 Q. And was it -- who was -- what agencies were involved in
4 the search?

5 A. Baltimore County and the FBI.

6 Q. Did you ultimately provide the FBI or learn that the FBI
7 had seized a bag?

8 A. I did.

9 Q. And what was that bag?

10 A. It was one of the bags that was brought to me by
11 Sergeant Jenkins that night.

12 Q. I'm showing you what's been admitted as Government's
13 Exhibit FBI-24, submitted on Tuesday.

14 A. That's the bag he brought the marijuana in.

15 Q. From the Belvedere Towers?

16 A. Correct.

17 Q. And he told you it was from the Belvedere Towers?

18 A. He did.

19 Q. Did you learn who else -- well, did Wayne Jenkins tell you
20 who else was involved in the Belvedere Towers incident?

21 A. He told me he's with his squad, that it was his squad. So
22 I took it that it was the immediate members.

23 **MR. PURPURA:** Objection.

24 **THE COURT:** Just stop with he told you it was his
25 squad.

~~STAFF DIRECT~~

1 **BY MR. HINES:**

2 **Q.** Were you later present for a conversation in which you
3 learned who from his squad was with him?

4 **A.** Yes, I did.

5 **Q.** Where was that conversation?

6 **A.** That would have been at Scores adult nightclub in
7 Baltimore City.

8 **Q.** And why were --

9 **MR. PURPURA:** I apologize. Just for relevancy again,
10 can we get a time reference period.

11 **MR. HINES:** Sure.

12 **BY MR. HINES:**

13 **Q.** So I asked you a moment ago about the Belvedere Towers in
14 spring of 2015.

15 **MR. PURPURA:** Thank you.

16 **BY MR. HINES:**

17 **Q.** When did this -- when were you at Scores?

18 **A.** It was -- it was sometime soon after -- soon after that
19 date that you just said, probably within weeks. I would -- I
20 would say it was within weeks that we -- we all went to Scores.

21 **Q.** And who's "we all went to Scores"?

22 **A.** It was a drug dealer out of New York. His name was
23 Morano. He come. He had some of his friends with him. We
24 had -- we had paid for security through Baltimore Police
25 Department. Mr. Marcus Taylor, he was one of the members that

~~STREET DIRECT~~

1 was doing it. Another sergeant named Thomas Wilson was also
2 there. Another off-duty police officer, I can't remember his
3 name; it was Steve-something. Sergeant Wayne -- Sergeant Wayne
4 Earl Jenkins was there. And I was there and some other people
5 was there.

6 **Q.** Was -- I think you said his name is Morano, the guy from
7 New York. Was he your drug supplier?

8 **A.** He was.

9 **Q.** And that's who Detective Taylor and others were providing
10 security for?

11 **A.** Correct.

12 **Q.** And this was at the adult nightclub?

13 **A.** Yes.

14 **Q.** Did you have a conversation with Jenkins and Mr. Wilson?

15 **A.** I did.

16 **Q.** What was said?

17 **MS. WICKS:** Objection. Hearsay.

18 **THE COURT:** You don't -- come up to the bench. I
19 mean, I assume it's going to be co-conspirator.

20 (Bench conference on the record:

21 **THE COURT:** I think we need to be specific about what
22 was said by whom, but what's the objection?

23 **MS. WICKS:** I don't think this witness is a part of
24 the conversation. He overhears a conversation apparently
25 between Jenkins and Wilson. Wilson is not alleged to be a

1 member of the conspiracy.

2 **THE COURT:** Okay. What's the conversation?

3 **MR. HINES:** So he's present for the conversation.

4 That's what he just testified to. What Jenkins tells

5 Mr. Wilson and him is that Taylor was in on the --

6 Detective Taylor was in on the marijuana sale from

7 Belvedere Towers. So as Your Honor said, these are

8 co-conspirators.

9 **THE COURT:** Okay. Objection --

10 **MR. NIETO:** And, Your Honor, the 302 had reflected

11 that this was he overheard this conversation between these two

12 other people. This is the first time we're hearing that he was

13 an active participant in the conversation. That was part of

14 our objection.

15 **MS. WICKS:** I don't see how this is in furtherance of

16 the conspiracy if he's just describing something that's already

17 occurred to somebody else that's outside of the conspiracy. I

18 don't think there's any allegation that Wilson is a member of

19 the conspiracy.

20 **MR. HINES:** It's Detective Taylor. That's why it's

21 relevant, because as you know from the Jencks, after this,

22 Stepp shows up at the Stevenson house when Detective Taylor's

23 there.

24 **THE COURT:** Okay. The question is: At any time in

25 committing any robberies, did Mr. Stepp actually use any

~~STAPP DIRECT~~

1 official police gear or pose as a police officer?

2 Second question: Was he, Mr. Stepp, armed with a
3 police weapon?

4 **MR. HINES:** May I take that and give it back to you?

5 **MR. WISE:** While we're up here, just to save us the
6 trip, this is the 302 of Stepp that references the illegal
7 tracker, the paragraph at the bottom. The date is 12/19,
8 Page 7 of 11. And we've just put brackets around the reference
9 to the illegal tracker.

10 **MR. PURPURA:** I have that, but the Government
11 proffered -- that's what obviously threw me off, was that Stepp
12 was supplying trackers to Hersl.

13 **MR. WISE:** That's who he threw the tracker to. Him
14 and Jenkins pulled up to Hersl's car, and he threw the tracker
15 to Hersl.

16 **MR. PURPURA:** That Jenkins threw a tracker to Hersl.

17 **MR. WISE:** No. I think it's Stepp's tracker. Stepp
18 gave it to Jenkins. Jenkins threw it to Hersl. He knows it's
19 Hersl.

20 **THE COURT:** Okay.)

21 (Bench conference concluded.)

22 **THE COURT:** All right. Go ahead, Mr. Hines.

23 **BY MR. HINES:**

24 **Q.** So I asked you about a conversation you said you
25 participated in with Jenkins and Thomas Wilson?

~~STREET DIRECT~~

1 A. Correct.

2 Q. What was said during this conversation?

3 THE COURT: By?

4 BY MR. HINES:

5 Q. By Detective Jenkins -- or Sergeant Jenkins.

6 A. The question come from Sergeant Thomas Wilson. It didn't
7 come from Sergeant Jenkins.

8 Q. And what was the question by Thomas Wilson?

9 A. The question from him was: How was Marcus Taylor doing as
10 being, I guess, one of the newbies to the unit?

11 And Sergeant Jenkins replied that he's doing great, that
12 he was a part of the 30 pounds that come from the
13 Belvedere Tower.

14 Q. And the 30 pounds being in reference to the marijuana?

15 A. Correct.

16 Q. Do you know Oreese Stevenson?

17 A. I do.

18 Q. How are you familiar with Oreese Stevenson?

19 A. Just hearing the names from Sergeant Jenkins. I don't
20 know him personally. I've never met him. Just know him from
21 Sergeant Jenkins.

22 Q. Were you involved in an episode involving him?

23 A. Correct.

24 Q. Can you describe what happened.

25 A. I was home. The phone rings. It's Sergeant Jenkins.

1 Says, Donnie, I need you to -- I need you to come to this
2 address as quick as you can. I got a monster, as he called
3 them, substantial -- substantial, large amount -- he called him
4 a drug lord that day.

5 Q. A drug lord, you said?

6 A. A drug lord. He says, One of Baltimore's drug lords.

7 Q. And which -- what address did Sergeant Jenkins give to you
8 or talk to you about?

9 A. I can't remember the exact address. I punched it in on my
10 TomTom within my bail bonds truck and started to go that way.
11 So he told me to hurry up. He told me that there was -- there
12 was -- he described to me, he says, "I need you to hurry up and
13 get here. I got the guy in my office. I'm debriefing him."

14 And he told me that he was crying, trying to set up his
15 supplier, and that if I hurried up and would get there, that
16 his squad didn't realize -- the squad didn't realize what was
17 really going on.

18 Wayne was telling me I could get -- there was a
19 quarter-of-a-million dollars on top of a small safe and that
20 there was over a half-million dollars of cash in the safe. And
21 6 feet to the left of the safe, he told me there was a closet
22 that contained 10 kilograms of cocaine. He said, "Donnie,
23 you're looking at a total take of 1.75 million." He says, "If
24 you get in, we can split it."

25 Q. And just so -- to be clear, Jenkins is telling you things

~~STREET~~ ~~DIRECT~~

1 that Jenkins says that Stevenson told him?

2 **A.** Correct.

3 **Q.** Okay. Did you believe Jenkins?

4 **A.** Oh, I believed him.

5 **Q.** So what did you do?

6 **A.** I put the address in my TomTom GPS and drove -- started
7 heading to that address. He was telling me to go around to the
8 back door; that no one was in there; that there was -- that he
9 had him there; the house was completely empty.

10 **Q.** What happened -- at some point did you see Jenkins or
11 others arrive at the house?

12 **A.** I did.

13 **Q.** What happened after you saw them arrive?

14 **A.** After they arrived, I watched Jenkins produce a key. I
15 had a pair of binoculars. So I -- I don't -- went around the
16 house twice, and there was somebody there on the back. So I
17 just went and pulled to the front. And I said, "I'm not doing
18 it," because it was just a bad situation, so I wasn't doing it.

19 So I pulled a block and a half, maybe two blocks away,
20 pulled out my binoculars, started watching. I had done talked
21 to Jenkins saying that there was somebody in the back that, you
22 know, the place isn't empty.

23 **Q.** Did you take a photograph on your phone?

24 **A.** I did.

25 **Q.** I'm showing you what's been marked as

1 Government's Exhibit DA-8. Is this a photograph you took on
2 March 22nd, 2016?

3 **A.** Correct.

4 **Q.** And is this at Heathfield?

5 **A.** It is.

6 **Q.** And if you zoom in right there, who's in that photograph
7 or who did you know in that photograph?

8 **A.** Well, when they -- when they pulled up in the unmarked
9 car, you know, I recognized Sergeant Jenkins was the only
10 Caucasian officer that was working that day that was with the
11 four officers that got out; and the other officer being Taylor,
12 Ward, and Mr. Hendrix. That was the one to the right, right
13 here. In the middle of the photo was Sergeant --
14 Sergeant Jenkins.

15 **Q.** So did these officers essentially get into the house
16 before you could?

17 **A.** No. I knew I -- I wasn't going because someone was on the
18 back. And I told him the place, it's -- somebody's --
19 somebody's there, and I think that they're trying to empty the
20 house out.

21 **Q.** Well, how old was the person on the --

22 **A.** He was a young -- he was a younger gentleman, but he had a
23 big bag. So I thought for sure that he was there to empty the
24 place out. But I just -- I told him that it's -- it's a no-go
25 for me.

~~STREET DIRECT~~

1 Q. At any time in the commission of any robberies, did you
2 wear any police gear or pose as a police officer?

3 A. Never.

4 Q. Were you ever armed with a police weapon?

5 A. Never.

6 Q. So what were you wearing when you -- when you saw this boy
7 in the back when you got to the house?

8 A. Just normal clothes.

9 Q. Then after -- you said you saw Jenkins use a key on the
10 door?

11 A. I did.

12 Q. What happened next?

13 A. I watched -- when Jenkins arrived at the scene, he
14 directed -- he directed one of the officers to the door to the
15 left. Here in the photo coming away -- to the right-hand side
16 is Oreese's door. Come to the left was the neighbor's door
17 where they're standing at. They're standing at the neighbor's
18 right there on that spot.

19 Q. This is the neighbor's door (indicating)?

20 A. Correct.

21 Q. And this is Stevenson's house?

22 A. Correct.

23 Q. And the officers are at the neighbor's house?

24 A. They are. He's -- this is when Sergeant Jenkins is
25 directing the officers. He had one go to the corner. He

1 directed one to go to the neighbor's. And then he took --
2 Marcus Taylor went right in behind him, went through the front
3 door of Oreese Stevenson's house with the key.

4 **MS. WICKS:** Objection, Your Honor. May we approach?

5 **THE COURT:** All right.

6 (Bench conference on the record:

7 **MS. WICKS:** This witness just testified he was a block
8 and a half to two blocks away, so I don't know what his basis
9 of knowledge is for what Sergeant Jenkins is saying at the
10 building.

11 **THE COURT:** I don't think he just testified to
12 anything that Jenkins said. He said he directed
13 people: somebody to the neighbors, somebody to another corner,
14 and then he went in with Mr. Taylor. And he was watching with
15 binoculars.

16 **MS. WICKS:** Okay. Just wasn't clear to me.

17 **THE COURT:** Okay.)

18 (Bench conference concluded.)

19 **BY MR. HINES:**

20 **Q.** After you saw Sergeant Jenkins and Detective Taylor enter
21 Oreese Stevenson's house, what happened next?

22 **A.** I sat there to watch and see what was going -- what was
23 going to transpire. Approximately three to five minutes after
24 they entered the door, you still got the one officer that's
25 talking to the next-door neighbor; you still have one officer

1 that is -- is down to the left -- down by the end of the
2 street. He comes back up, goes into the house. Eventually the
3 other officer next door goes in too.

4 Three to five minutes, then Sergeant Jenkins comes through
5 the door. I had my binoculars. I'm looking at him through the
6 binoculars. And as soon as he exits the door, I like to
7 describe it as he -- I know how he -- from knowing him, I know
8 how he looks with his gear and stuff on from seeing him so many
9 times.

10 **Q.** So he had his BPD vest on?

11 **A.** He did. He had his -- he had his Baltimore --
12 Baltimore City Police -- a bulletproof vest he was wearing.

13 **Q.** Was he armed?

14 **A.** He was.

15 **Q.** Did you see if the other officers had their vests and guns
16 as well?

17 **A.** They was. They was all armed and all of 'em displaying
18 their vests.

19 **Q.** So after you saw Jenkins with his vest, what did you
20 observe?

21 **A.** As I like to say, he come out the door looking like
22 Santa Claus. He was -- he was -- he was protruding from the
23 vest (indicating), so I knew -- I was thinking that it was the
24 10 kilos that he was talking about and the money that was on --
25 the quarter million dollars that was on top of the safe.

~~STREET DIRECT~~

1 Q. And then did you learn what it actually was that he had?

2 A. Well, what had happened was he went straight to --

3 THE COURT: Mr. --

4 THE WITNESS: He went straight to the back of the
5 unmarked police car.

6 MR. PURPURA: Judge, objection, again.

7 THE COURT: No. He -- I thought he was going that
8 way, but he's now said he went straight to the back of the
9 police car.

10 So go ahead.

11 BY MR. HINES:

12 Q. What happened when Jenkins went to the back of the police
13 car?

14 A. He threw a bag in the back of the police car trunk.

15 Q. And what happened after he threw the -- a bag in the
16 police car trunk?

17 A. He rang my cell phone and asked me where I was at. And I
18 was sitting approximately a block and a half, two blocks off,
19 which you can see from the photo exactly where I'm sitting,
20 that distance to the door.

21 And he told me to -- he said, "Don't come near the house."
22 He wanted me to shoot straight down the street that was right
23 there.

24 Q. Did he not want the -- did he tell you that he didn't want
25 the other officers to see you?

~~STREET DIRECT~~

1 **A.** No, he didn't want -- they never -- they didn't know about
2 many occasions, but that was one that they didn't know about.

3 **Q.** And what happens after you had this call with Jenkins and
4 you arranged where you were?

5 **A.** I started driving down the street. As I drove down the
6 street, he come flying behind me with the police car. I
7 stopped. He jumps. He opens the -- the passenger door to my
8 truck, throws 2 kilograms of cocaine in it and says, "Donnie,
9 can you -- can you get me -- I'm going on vacation, can you get
10 me \$5,000 within this week? I'm leaving for vacation."

11 I said, "Yes, I ain't got a problem."

12 He just threw me a couple hundred thousand dollars' worth
13 of drugs in my truck. So, of course, I told him that I'd get
14 him his \$5,000 within a week.

15 And he told me if I got pulled over, to give him a call,
16 that he would come and fix it and told me to drive and do the
17 speed limit and I left.

18 **Q.** Did you ultimately sell those 2 kilograms of cocaine?

19 **A.** I did.

20 **Q.** And how much did you sell those 2 kilos for?

21 **A.** Phew, took me a while, but my biggest seller, again, is I
22 sell grams of cocaine, so it takes quite a while.

23 **Q.** And how much money did you return to Jenkins for those
24 2 kilograms of cocaine?

25 **A.** The agreed amount of what was said with him, \$30,000,

1 \$15,000 each.

2 **Q.** Now, I'd like to move on to -- you testified that you knew
3 Daniel Hersl; is that right?

4 **A.** Correct.

5 **Q.** How did Jenkins describe Daniel Hersl to you?

6 **A.** He has stated to me that he's one of the most corrupt cops
7 in Baltimore City.

8 **Q.** What happened after Jenkins told you that Daniel Hersl was
9 one of the most corrupt cops in Baltimore City?

10 **A.** What do you mean what happened?

11 **Q.** Did you have a subsequent -- moving on from that time when
12 he told you that, did you have a subsequent interaction with
13 Daniel Hersl?

14 **A.** Yes. The first time -- the first time I met Mr. Hersl,
15 seen Mr. Hersl --

16 **Q.** Let's -- just to orient you, did you meet -- the first
17 time you met him, did you meet him at a bar?

18 **A.** Correct.

19 **Q.** Let's talk about the second time, now moving forward.
20 When was that that you saw Daniel Hersl?

21 **A.** I saw Daniel Hersl when we was leaving headquarters one
22 night. He was going in to do some admin. He needed a ride. I
23 took him in. We were sitting at his desk. He got -- he
24 received a phone call from Mr. Hersl of -- that he needed one
25 of the trackers.

~~STEPP DIRECT~~

1 So we left headquarters --

2 Q. You were in Baltimore Police Department headquarters?

3 A. Yes.

4 Q. And you left with Jenkins?

5 A. Left with Jenkins.

6 Q. To meet Hersl?

7 A. In my truck; correct.

8 Q. And what did Jenkins tell you was the reason you guys
9 needed to meet Hersl?

10 A. That Hersl was up -- the phrase was that "he was up on
11 somebody," which meant that he was up on a target of someone,
12 whoever they were going to rob or bust or whatever, both sides
13 that they worked. I don't know, but that --

14 MR. PURPURA: Judge, Your Honor, I apologize.

15 THE COURT: I'll strike that last part.

16 MR. PURPURA: Counsel understands the witness. They
17 can control the witness. This is getting --

18 THE COURT: We'll strike the last part.

19 And, Mr. Stepp, please just answer the question.

20 BY MR. HINES:

21 Q. What happened after Jenkins told you that Daniel Hersl
22 wanted -- or had a target?

23 A. We left. After that happened, he needed one of the GPS
24 tracking devices, one of the GPS units.

25 Q. I'm showing you what's been marked as Government's

1 Exhibit DA-7.

2 Are these some of the types of tracking units that you
3 had?

4 **A.** Yes.

5 **Q.** And why or how did you purchase or come to get these
6 tracking units?

7 **A.** In the bail bond business, we're entitled on big bails --
8 it's within our contracts that we're entitled to use GPS
9 devices. So we will use them on large bails. So he knew I had
10 access to GPS devices that were off the books.

11 **Q.** When you say "off the books," what does that mean?

12 **A.** That means I'm paying for 'em in cash. There's no paper
13 trail. There's no credit card receipts. There's nothing that
14 shows anything with the -- with the units.

15 **Q.** And the date of this photo is April 20th, 2015?

16 **A.** Correct.

17 **Q.** When you and Jenkins left Baltimore Police Department, did
18 you have one of your trackers with you?

19 **A.** He had one within the office there, yes.

20 **Q.** And was it a Baltimore Police Department tracker?

21 **A.** No, it wasn't. It was one -- it was one of my units that
22 I got.

23 **Q.** And what did you and Jenkins do with one of your units?

24 **A.** We drove -- come up out of the headquarters in
25 Baltimore City and drove over to Monument Street where

1 Danny Hersl pulled up in an unmarked, blue police car. And he
2 rolled his window down. No words were exchanged. I handed
3 Jenkins the unit. He threw it through the window. It went
4 through the window with Danny Hersl.

5 Q. No words exchanged at all?

6 A. Nothing.

7 Q. I'd like to now direct your attention to August 8th, 2016.
8 Did you participate in a robbery involving a storage unit off
9 Sinclair Lane?

10 A. Yes.

11 Q. How did you become involved in the robbery?

12 A. Got a phone call from Sergeant Jenkins again, telling me
13 that he had -- he had a storage locker. He had the guy. He
14 says, "Donnie, there's \$220,000 in cash. There's 8 kilos of
15 cocaine. I have the codes to the door. I need you to head
16 this way and bring something to get through the door."

17 Q. Did Jenkins sometimes embellish the amount of drugs or
18 money that was in these locations?

19 A. You never -- you never knew with him because with -- yes,
20 some of the -- some of the places that I went were definitely
21 embellished. But you never knew with him --

22 **MR. PURPURA:** Judge, objection.

23 **THE COURT:** Stop. That's fine. You've answered it.

24 **BY MR. HINES:**

25 Q. Did you agree to go to this storage unit?

1 A. I did.

2 Q. What happened -- did you go there?

3 A. I did go there.

4 Q. And what happened when you got there?

5 A. I got -- he told me to come up behind this storage unit
6 where there was no cameras to climb a fence. It's already
7 getting dark on me when I pulled in behind the storage unit.
8 And I couldn't get through the foliage and stuff, so I had to
9 come back out and come a different way.

10 So when I had to come a different way, I had to come in
11 front of the unit. I ended up parking my truck across the
12 street and walking across 'cause I -- he had told me that
13 there's cameras, to turn the other way. So I walked across,
14 turned my head away from the cameras to get across another --
15 another entrance into the storage unit.

16 Q. Did you have to scale a fence?

17 A. I did.

18 Q. What happened when you tried to scale the fence?

19 A. I rolled my ankle and thought I broke it. So it turned
20 into a real situation of getting into the unit because I -- I
21 actually thought I had broke my ankle when I come across the
22 fence.

23 Q. Did you take a photograph of your ankle the following day?

24 A. I did.

25 Q. I'm showing you what's been marked as

~~STAPP~~ ~~DIRECT~~

1 Government's Exhibit DA-9. The photo is dated August 9th,
2 2016. What is this a photograph of, Mr. Stepp?

3 **A.** It's a photograph of my right ankle that I rolled coming
4 across the fence at the storage unit.

5 **Q.** So what happened after you rolled your ankle?

6 **A.** Well, I was driven by the \$220,000 and 8 kilos. I went
7 ahead and sucked it up and started heading in to get into this
8 storage unit.

9 **Q.** And how did you endeavor to get into the storage unit?

10 **A.** Sergeant Jenkins provided me with the codes to get through
11 the initial door. I got through the initial door. He gave me
12 the number to the unit. I headed up to the unit.

13 I had a -- I took a grinder with me to the storage unit.
14 I tried the grinder. It wasn't working correctly. And I also
15 had a crowbar with me. The crowbar eventually worked, and I
16 entered into the unit.

17 **Q.** I'm showing you what's been admitted as DA-15.

18 Zoom out here a second. Whoa.

19 It's a series of photographs, Mr. Stepp.

20 Are these photographs of the unit that you went to?

21 **A.** Correct.

22 **Q.** And how did you get into the unit?

23 **A.** The grinder didn't work, so I end up using a crowbar.

24 **Q.** Did you destroy the unit?

25 **A.** I did.

1 Q. What did you find in the unit?

2 A. When I got inside of the unit, it was a very small unit.
3 It was -- I would guesstimate 4 foot wide, 6 to 8 foot in
4 length. It was a -- it was a very small storage unit.

5 It wasn't much stuff in it. It was tools, working stuff,
6 things like just odds and ends.

7 Finally come across a bag that had, I would estimate, 4 to
8 10 empty kilo wrappers. It was multiple -- from my experience
9 of knowing what kilo wrappers were, kilograms of cocaine
10 wrappers, there was approximately -- better guesstimates would
11 probably be 6 to 10 of the empty kilo wrappers that was inside
12 of a bag.

13 One of 'em, though, contained three-quarters of a kilogram
14 of cocaine where the top part was broke off. Come to find out
15 subsequently that was like 700 and -- it was a little over
16 three-quarters of a kilo of cocaine.

17 Q. So did you take that cocaine?

18 A. I did.

19 Q. Did you find anything else in the unit that you took?

20 A. Well, I was looking for the \$220,000 that I was told that
21 was in the unit. It wasn't in -- I took everything out of the
22 unit looking for it, going back through it twice. Then I
23 started looking at the walls thinking, well, maybe the person
24 was putting it in the ceiling or had it behind walls.

25 And at that time I started beating the walls to the

1 storage unit to look to see if it was -- because he had certain
2 tools there that made me think that it was possible that he was
3 hiding the money that was in behind the walls.

4 **Q.** Did you take the 3 quarters of a kilo of cocaine?

5 **A.** I did.

6 **Q.** And what happened next?

7 **A.** Well, it was a real hard task with my ankle to get back
8 across that fence; but eventually I made it, got back into the
9 truck.

10 I called Sergeant Jenkins because I -- after I come out, I
11 seen the officers that were -- were still there.

12 **Q.** Who did you see there?

13 **A.** I seen Mr. Hersl. I seen Mr. Hendrix. I seen
14 Sergeant Jenkins was out front.

15 At that time I got back in my truck, drove by 'em and
16 left, but --

17 **Q.** Let me ask you a question here: What were Hersl, Jenkins,
18 and Hendrix wearing?

19 **A.** They were wearing their Baltimore City Police -- the same
20 gear that you seen in front -- in the last photo that you
21 showed.

22 **Q.** And were they armed?

23 **A.** Yes.

24 **Q.** That includes Mr. Hersl?

25 **A.** Correct.

~~STREET DIRECT~~

1 Q. So what happened after you got back in your truck?

2 A. At that time I -- I called Wayne because I was real upset
3 that that money's there [sic], and I was automatically thinking
4 that maybe they would think that I took this money and just hid
5 it myself, is what I was thinking.

6 And I didn't like that kind of a feeling. So I was real,
7 real upset on the phone with him saying that it -- it wasn't
8 there and neither is the 8 kilos that -- there's empty kilo
9 wrappers there, but there's not no 8 kilos there.

10 Q. What happened after you told Jenkins that there wasn't as
11 much drugs and money as he had said there was going to be?

12 A. He had said to me that he knew I was telling the truth;
13 that it's okay; that he then stated to me that Taylor blew it,
14 that Taylor blew the whole thing.

15 Q. And what did he mean -- what did you understand that to
16 mean?

17 A. Well, I asked him, I said, "What does that mean?"

18 And he had told me that they -- they sent Taylor down to
19 the target's -- the target's house. They sent Taylor to the
20 target's house, not the storage unit where we was at, but they
21 sent Taylor back to the house to watch the house to make sure
22 that nothing exited from the house, from anybody that they had.

23 Q. And is that where he said that the -- all the drugs and
24 money were that he thought?

25 A. He said that Taylor had called and said that there was a

1 lady that left that house with two trash bags of -- large trash
2 bags and that he didn't pull 'em over and that Taylor blew it
3 by letting the lady get out of the house with drugs and the
4 cash.

5 **Q.** What happened after he told you that Taylor blew it?

6 **A.** He eventually come to my house later that evening.

7 **Q.** What happened when Sergeant Jenkins got to your home?

8 **A.** He looked at my ankle, and he requested money because he
9 had to go back because it was in -- quote/unquote, he said that
10 it was Danny Hersl's score, and "score" being his score; it was
11 his case.

12 **Q.** Did Jenkins say that because it was Daniel Hersl's score,
13 that he had --

14 **MR. PURPURA:** Objection. Objection.

15 **THE COURT:** Sustained.

16 **MR. PURPURA:** This is leading.

17 **MR. HINES:** I think he asked me to lead, but I'll
18 rephrase, then, Your Honor.

19 **MR. PURPURA:** I didn't ask . . .

20 **BY MR. HINES:**

21 **Q.** What else did Sergeant Jenkins tell you?

22 **A.** He told me that Danny Hersl was real upset with me because
23 I had left and those kilo -- those empty kilo wrappers that
24 were there, that eventually they went back and they used the
25 report that it was burglarized.

~~STAFF DIRECT~~

1 But he was mad at me because I had left approximately a
2 little over 4 ounces of cocaine in those empty kilo wrappers.
3 And he said, "You had done left 4 extra ounces that was there,
4 and that's money." So he was real upset with that, that
5 Danny Hersl was upset that I left the 4 ounces inside the empty
6 kilo wrappers.

7 Q. So Jenkins tells you that Danny Hersl is upset --

8 A. Correct.

9 Q. -- that you had missed 4 ounces of cocaine?

10 A. Correct.

11 Q. And is that because you could have sold it?

12 A. Correct.

13 Q. Did you sell the three-quarters of a kilo of cocaine?

14 A. I did.

15 Q. What did you do with the money?

16 A. That night he come over and needed money because he said
17 Danny needed some money. So I gave him money that evening, a
18 couple thousand dollars, I think it was. And then he end up
19 leaving and went back to see Mr. Hersl, from what --

20 MR. PURPURA: Objection.

21 THE WITNESS: -- he said to me.

22 BY MR. HINES:

23 Q. So Sergeant Jenkins told you he went to see Daniel Hersl
24 with the money?

25 A. That's why he needed the money, to go back to see Danny.

~~STENO~~ ~~DIRECT~~

1 Q. And what -- were you paying the money because it was
2 Daniel Hersl's score?

3 A. Well, I was paying the money because I owed, it was
4 three-quarters -- I owed him approximately, I think it come to
5 be -- if it was \$15,000 for a kilo, we just did the math, at
6 15 -- 15 times 750-some grams, I think it was. It was
7 three-quarters of a kilo, so we just -- we do the math that
8 way. \$15 a gram, you know, it was --

9 Q. Did -- I didn't mean to cut you off.

10 A. Okay.

11 Q. Did Hersl or Jenkins ever give you the other 4 ounces of
12 cocaine?

13 A. There was so much coming from Mr. Jenkins that very
14 possible I got --

15 MR. PURPURA: Objection.

16 BY MR. HINES:

17 Q. You don't know for sure if the cocaine was from the
18 storage unit that Jenkins gave you after the fact?

19 A. It could have been from anywhere.

20 Q. How much is 4 ounces of cocaine worth?

21 A. 4 ounces of cocaine is 112 grams of cocaine at a hundred,
22 \$125 a gram. I don't have my calculator on me, but that's how
23 much it's worth to me.

24 Q. On -- so when you were -- I'm going to go back to your
25 arrest a moment here. When you were arrested, did you have

1 some paperwork in your house that was seized?

2 **A.** I did.

3 **Q.** And what was that paperwork?

4 **A.** It was the indictments that originally come out with
5 Sergeant Jenkins and his squad.

6 **Q.** And why did you have those indictments?

7 **A.** Well, I was -- I was in pretty -- I was keeping up on the
8 case because I was obviously pretty worried that they were
9 coming to get me, speaking of the FBI.

10 **Q.** What kinds of quantities did Jenkins bring and leave in
11 your toolshed?

12 **A.** Phew, it varied. It was -- but it accumulated to -- over
13 the years it just -- I can't even sit here and begin to fathom
14 how much that he's brought.

15 **Q.** Did --

16 **A.** Large amounts.

17 **Q.** Did you receive any prescription pills?

18 **A.** Yes.

19 **Q.** What -- where were those prescription pills from?

20 **A.** It was during the riots of Freddie Gray that he called me
21 again and told me to -- woke me up and says, "I need you to
22 open the garage door."

23 So I went downstairs, opened the garage door. Same
24 routine: pulls in, police-issued car, undercover car, popped
25 his trunk. This time he come out with two trash bags, large

1 trash bags.

2 And he goes -- I go, "What's this?"

3 And he says, "I just got people coming out of these
4 pharmacies. I've got -- I've got an entire pharmacy. I don't
5 even know what it is."

6 **Q.** Did Jenkins say he was allowed to give you these pills
7 because of Freddie Gray's death?

8 **A.** No, he never -- he never stated that.

9 **Q.** I want to -- after you began cooperating with the FBI, did
10 you provide any information to the FBI and the FBI's dive team?

11 **A.** I did.

12 **Q.** What did you tell them?

13 **A.** I believed a watch that was -- that he had brought to me,
14 I believed that it was Oreesse Stevenson's watch, after reading
15 the indictments and stuff, that they were looking for a
16 Breitling watch.

17 Once they were charged and the news come out, I knew that
18 I -- I believed that I held Oreesse Stevenson's watch. So at
19 that time I took the watch and threw it at the end of my pier.
20 I live on a waterfront property and went down on my pier and
21 threw it down on a pylon to get rid of the watch because I was
22 expecting the FBI to eventually get to my house.

23 **Q.** Did you tell the FBI the exact pylon and location where
24 that watch was thrown?

25 **A.** I did.

~~STAFF DIRECT~~

1 Q. And did you later learn whose watch it actually was?

2 A. I didn't learn --

3 MR. PURPURA: Objection.

4 BY MR. HINES:

5 Q. Let me ask you --

6 THE COURT: Sustained.

7 BY MR. HINES:

8 Q. Let me show you what's been -- was admitted yesterday
9 afternoon as RH-8A. Do you recognize this exhibit?

10 A. I do.

11 Q. What is this exhibit?

12 A. That is a watch that Sergeant Wayne Earl Jenkins brought
13 to my house --

14 Q. And was this --

15 A. -- gave to me to sell.

16 Q. And was this the watch that was -- that you threw in the
17 water by your pier?

18 A. It is.

19 MR. HINES: No further questions, Your Honor.

20 THE COURT: All right. We'll take the mid-morning
21 recess.

22 (Jury left the courtroom at 11:39 a.m.)

23 (Recess taken.)

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

25 Ready for the jury?

~~STEP~~ ~~CROSS~~

1 **MR. PURPURA:** Thank you.

2 **BY MR. PURPURA:**

3 **Q.** Do you see the screen in front of you?

4 **A.** Pardon?

5 **Q.** Is that -- do you see the screen in front of you?

6 **A.** I do.

7 **Q.** Do you see Defense Exhibit No. 23 there?

8 **A.** I do.

9 **Q.** And is that one of your bail bond vehicles?

10 **A.** It is.

11 **Q.** And does that have your bail bond logo on it?

12 **A.** It does.

13 **Q.** And you can see -- and who do the Ds stand for?

14 **A.** Pardon?

15 **Q.** Who do the Ds stand for on that?

16 **A.** Donald and Dennis.

17 **Q.** And you can see that as well, correct, the DD?

18 **A.** Yes, correct.

19 **Q.** Thank you.

20 **MR. PURPURA:** You can put it down.

21 Can we go to the document camera, please.

22 **BY MR. PURPURA:**

23 **Q.** Now, you indicated you knew Mr. Jenkins for almost

24 40 years; correct?

25 **A.** I knew his brother for almost 40 years.

~~STEP~~ ~~CROSS~~

1 Q. Take that back.

2 And you met Sergeant Jenkins, Wayne Jenkins, for how long?

3 A. 10, 15 years.

4 Q. And during that time, you found him to be honest?

5 A. Find Sergeant Jenkins to be honest?

6 Q. Just -- that's kind of like a yes -- do you think he's an
7 honest man? Is he a thief?

8 A. No --

9 Q. Does he steal?

10 A. No, he's not an honest man.

11 Q. He's not an honest man; right?

12 A. Correct.

13 Q. And you already indicated that he embellishes; right? He
14 exaggerates. He'll say things which are just not true;
15 correct?

16 A. Correct.

17 Q. Now, when you spoke about going with Sergeant Jenkins --
18 and I'll put up briefly -- it's not a very good picture, DA-3,
19 Government DA-3, which is the casino in Delaware Park. And
20 that was in 2012; correct?

21 A. Correct.

22 Q. So you knew Jenkins back in 2012; right?

23 A. Yes, I did.

24 Q. And at that point you haven't done anything illegal with
25 Mr. Jenkins, have you?

~~STEP~~ ~~CROSS~~

1 A. No, sir.

2 Q. Okay. And when you went to the casino, you didn't go with
3 Dan Hersl, did you?

4 A. I did not.

5 Q. You never went to the casino with Dan Hersl, did you?

6 A. Never have.

7 Q. And then you indicated there were card games; do you
8 remember that?

9 A. I do.

10 Q. And you played in how many card games with Baltimore City
11 police officers?

12 A. Phew, countless.

13 Q. And Jenkins was mostly there, correct, because he was your
14 contact?

15 A. Correct; brothers and other police there, yes.

16 Q. Dan Hersl wasn't a card player. He was not in those
17 games, was he, sir?

18 A. Never have seen Danny Hersl at any card game.

19 Q. And then you said you gave your phone to the FBI; correct?

20 A. I have.

21 Q. And when you gave the phone to the FBI, they were able to
22 download -- and you helped them download all the photographs on
23 the phone; correct?

24 A. I have.

25 Q. And they showed you photographs which they were going to

~~STEP~~ ~~CROSS~~

1 use like Government Exhibit DA-4; correct?

2 **A.** Correct.

3 **Q.** And you called that a photograph of Sergeant Jenkins'
4 crew; is that correct? That's what you said.

5 **A.** I would say, yes, that that would be an accurate
6 statement, yes.

7 **Q.** So all you know is that they're police officers; right?

8 **A.** Yes.

9 **Q.** And this apparently was taken, if we can see it -- there
10 it is, February 19th, 2015; right?

11 **A.** I think that -- I'm not sure on the dates that it was
12 took.

13 **Q.** All right. Did you ever know the names of the people in
14 that picture?

15 **A.** I knew the guy to the left, Ben. I can't recall the other
16 guys' names, besides Wayne in the middle.

17 **Q.** Very good. Obviously, Dan Hersl is not there in that
18 photograph; right?

19 **A.** He is not.

20 **Q.** As a matter of fact, on your count -- how many pictures do
21 you have involving police officers or things with Jenkins?

22 **A.** Hundreds.

23 **Q.** Hundreds; right?

24 And Government has all those pictures; right?

25 **A.** They do.

~~STEP~~ ~~CROSS~~

1 Q. Not one picture of Danny Hersl (indicating); right?

2 A. Not one picture.

3 Q. You went to the Super Bowl with Jenkins, not Dan Hersl;
4 correct?

5 A. Correct.

6 Q. You indicated that getting involved with the drugs was a
7 tragic mistake. I think those were your words; correct?

8 A. It was.

9 Q. And that was that Jenkins made you feel comfortable. He
10 sent his brother to see you. And you figured that he was like
11 the prince of the city, so you were protected?

12 A. At the time, yes.

13 Q. All right. He made you feel that way; correct?

14 A. He did.

15 Q. But as you indicated before, you were already selling
16 drugs; right?

17 A. Correct.

18 Q. And when we talked about wholesale, you were not a
19 wholesale drug trafficker, were you?

20 A. I don't quite get that.

21 Q. You're not a large -- you were not a large-quantity
22 trafficker. You are a gram trafficker; correct?

23 A. Yes, that was my number one -- that was my number one
24 base.

25 Q. And the way you break it down, if you had a hundred grams

~~STEP~~ ~~CROSS~~

1 of cocaine, cocaine powder --

2 **A.** Correct.

3 **Q.** -- and you could sell a gram --

4 **A.** Correct.

5 **Q.** -- for a hundred to \$125 a gram, like you said, do the
6 math; right?

7 **A.** Correct.

8 **Q.** So you're making a hundred to a hundred twenty-five
9 thousand off of that hundred grams; right?

10 **A.** Off of a thousand grams.

11 **Q.** Off a thousand grams; correct?

12 **A.** Correct.

13 **Q.** And that's a lot of money if a kilo is going for perhaps
14 thirty to thirty-five thousand; correct?

15 **A.** It is.

16 **Q.** And you indicated you earned a million or more dollars;
17 correct?

18 **A.** In the overall scheme of things, yes.

19 **Q.** Did you give any of that back to the Government so far?

20 **A.** They've took it all.

21 **Q.** How much money?

22 **A.** They've took a couple thousand dollars.

23 **Q.** A couple thousand? Well, it seems like you're short about
24 999,000, then?

25 **A.** I had issues.

~~STEFF~~ ~~CROSS~~

1 Q. Now, is it fair to say that you've got a -- you've been a
2 criminal all your life; right?

3 A. Not all my life.

4 Q. Well, let's say past the age of 10.

5 A. Sure. Yes.

6 Q. All right. You've been involved with theft schemes --

7 MR. HINES: Objection, Your Honor.

8 May we approach?

9 THE COURT: Sure.

10 (Bench conference on the record:

11 MR. PURPURA: I can shortcut it. I'm not asking about
12 prior convictions. It's credibility. He's involved in thefts.
13 He's involved with credit card fraud. That all goes to his
14 credibility.

15 MR. HINES: I think there's one admissible credit card
16 fraud conviction.

17 MR. PURPURA: I'm not asking about convictions,
18 counsel. I'm asking about, were you involved in thefts and
19 credit card frauds?

20 I'm not -- I don't care about his convictions. That
21 goes to his credibility.

22 MR. HINES: As to whether he was involved in an arrest
23 that did not result in a conviction?

24 THE COURT: My understanding is that Mr. Purpura is
25 not going to ask whether he was arrested or convicted of any of

~~STEPP~~ ~~CROSS~~

1 these. He's going to find out if Mr. Stepp is admitting to
2 prior fraudulent behavior which would go to his credibility.

3 **MR. HINES:** Okay.

4 **THE COURT:** Okay.)

5 (Bench conference concluded.)

6 **BY MR. PURPURA:**

7 **Q.** Mr. Stepp, I believe I left off, I was asking you about
8 some prior, when you were younger, fraudulent activities.

9 Do you remember that?

10 **A.** I do.

11 **Q.** Okay. And, in fact, you were involved in fraud when you
12 were younger is that correct, sir?

13 **A.** Yes. I was an addict.

14 **Q.** An addict at fraud or just an addict in general?

15 **A.** I was an addict at that time.

16 **Q.** You were a drug addict?

17 **A.** Correct.

18 **Q.** And you -- as a result of that, you were involved in a lot
19 of fraud; correct?

20 **A.** Much fraud.

21 **Q.** Great fraud.

22 And in fraud, you have to lie and you have to deceive; is
23 that fair to say?

24 **A.** Correct.

25 **Q.** And you became very good, adept at lying and deceiving

~~STEP~~ ~~CROSS~~

1 when you're involved in fraud, isn't that correct, sir, even as
2 an addict?

3 **A.** Well, I -- you know, I wasn't too good at fraud, I'd say,
4 because it put me in prison and destroyed my life as an addict.
5 So I don't -- I don't consider that to be too good.

6 **Q.** Well, I didn't ask you if you got convicted, but
7 apparently you were in prison for a period of time as well; is
8 that correct, sir?

9 **A.** Correct.

10 **Q.** While in jail, you did make steps to get clean; correct?

11 **A.** I did.

12 **Q.** And you can see how bad drugs are; right?

13 **A.** I do.

14 **Q.** And caused you to be involved in a lot of, as you said,
15 fraud and credit card fraud; right?

16 **A.** It did.

17 **Q.** Criminal activities; right?

18 **A.** Correct.

19 **Q.** And when you came out, you actually got a reduced sentence
20 'cause you kind of promised the Court you'd do really good and
21 you were going to live --

22 **A.** Talking about coming out of prison, you're talking about?

23 **Q.** Yeah, yeah. Did you promise the Court or anyone you were
24 going to do good when you got out of prison?

25 **A.** I just got out. They modified my sentence, and it got me

~~STEP~~ ~~CROSS~~

1 loose.

2 **Q.** You said the judge actually -- so you told the Government
3 the judge took notice that I was going to change my life
4 around, and you got a reduced sentence; right?

5 **A.** I did, yes.

6 **Q.** Didn't change your life around, did it?

7 **A.** One mistake with Sergeant Jenkins, and here we are.

8 **Q.** Well, you -- actually before Sergeant Jenkins; right?
9 Come on.

10 **A.** We can say -- we can say that.

11 **Q.** We can blame so much --

12 **THE COURT:** Stop.

13 **MR. PURPURA:** I'm sorry, Judge.

14 **THE COURT:** Okay. He needs to ask a question and
15 finish it.

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

17 **THE COURT:** You answer and finish it.

18 **THE WITNESS:** Okay.

19 **THE COURT:** Let's not talk over each other. Okay.

20 **BY MR. PURPURA:**

21 **Q.** We can agree that Jenkins is deceitful. He lies. He's a
22 drug dealer. But he's not the only bad thing in your life --

23 **A.** True.

24 **Q.** -- right?

25 The other bad thing --

~~STEFF~~ ~~CROSS~~

1 A. -- is myself; that's correct.

2 Q. There you go.

3 A. Hey.

4 Q. And what you did after you got released and you knew how
5 bad cocaine -- what was your -- you were addicted to what?
6 What was your addiction?

7 A. My drug of choice was cocaine.

8 Q. Cocaine.

9 And you knew how bad cocaine was. You were still able to
10 and you continued to sell cocaine; correct?

11 A. Correct.

12 Q. But you were able to sell it and not use it; right?

13 A. A little bit of both.

14 Q. A little bit of both. All right.

15 And you started on selling, as you told the Government,
16 small amounts on the side; right?

17 A. Correct.

18 Q. And then one of your friends introduced you to a loan
19 brokerage business; correct?

20 A. Correct.

21 Q. And in that brokerage business, there was actually people
22 who became your clients for cocaine sales; correct?

23 A. Correct.

24 Q. And your sales, then, substantially increased; right?

25 A. At that time, yes, correct.

~~STEP~~ ~~CROSS~~

1 Q. And that's all without the help of Sergeant Wayne Jenkins;
2 right?

3 A. No. No.

4 Q. He helped on that as well?

5 A. No. I'm saying he --

6 Q. Right. Right.

7 A. You're asking if, is it --

8 Q. That was probably a bad question. I apologize.

9 A. Okay.

10 Q. Let me start -- Jenkins was not involved at that time with
11 giving you drugs. You had --

12 A. No, he wasn't.

13 Q. -- another source?

14 A. No. It was -- it was -- it was solely me.

15 Q. Solely you?

16 A. Nothing to do with Sergeant Jenkins.

17 Q. Very good.

18 And during that time period, you actually became a pretty
19 big gambler as well; correct?

20 A. Correct.

21 Q. And you were betting, as you indicated to the Government,
22 tens of thousands of dollars on football games, sporting
23 events; correct?

24 A. Correct.

25 Q. And you purchased your house; correct?

~~STEP~~ ~~CROSS~~

1 **A.** Correct.

2 **Q.** And as you indicated to the jury, your house is on the
3 water. And you got this beautiful pier that goes out into the
4 water as well; right?

5 **A.** I do.

6 **Q.** You do. And you have a beautiful house; right?

7 **A.** I do.

8 **Q.** And you actually -- you're not in jail now, are you?

9 **A.** I'm not.

10 **Q.** You're allowed -- well, you're on electronic monitoring.
11 You're detained at that beautiful house you have; right?

12 **A.** Correct.

13 **Q.** And that house, as you told the Government, is, what,
14 about \$850,000; correct?

15 **A.** Correct.

16 **Q.** And then what happened -- and you were doing pretty good.
17 2008 rolled around, and this is still before Wayne Jenkins;
18 right?

19 **A.** Correct.

20 **Q.** And then we have a problem in the market, housing. The
21 bubble bursts and other things burst in 2008 --

22 **A.** Correct.

23 **Q.** -- correct?

24 All right. And because of that, your actual legal
25 business, you weren't making as much money. And you had some

~~STEP~~ ~~CROSS~~

1 jeopardy to your house and a mortgage and things like that;
2 right?

3 **A.** Correct.

4 **Q.** And so then you had to go deeper into drug trafficking;
5 right?

6 **A.** Correct.

7 **Q.** And you -- well, you're from Baltimore; right?

8 **A.** I am.

9 **Q.** And you live in -- don't tell me where, but what county
10 are you living in right now?

11 **A.** Baltimore County.

12 **Q.** In Baltimore County. So a Baltimore City guy,
13 Baltimore County guy. In 2008, then you reach out -- in the
14 drug-trafficking world, you're reaching out for Colombian and
15 Dominican sources; right?

16 **A.** Correct.

17 **Q.** And tell the jury, what do you need a Colombian or
18 Dominican source for?

19 **A.** It's -- they had the best supply line in -- in the drug
20 business.

21 **Q.** Of what?

22 **A.** Of cocaine.

23 **Q.** And what do you -- just tell me, how does that work? You
24 just pick up the phone and you go to -- well, not Yellow Pages
25 anymore. Do you Google "Colombian, Dominican traffickers"?

~~STEP~~ ~~CROSS~~

1 A. It doesn't work that way.

2 Q. What do you do? Tell us. Go ahead. Spit it out. You
3 like to talk.

4 A. It takes -- it takes a lot of years to get up to -- to
5 people like that.

6 Q. And that's exactly what happened. And you were so
7 embedded in that drug world in all those years that you got up
8 to people like that; right?

9 A. Correct.

10 Q. Now, let me ask you, you mentioned Oreese Stevenson. And
11 we showed -- you showed us -- we saw those pictures of
12 Oreese Stevenson.

13 Did you ever think that maybe you should have probably
14 deleted some of those pictures on your camera?

15 A. Nah. I kind of liked them as insurance myself.

16 Q. Well, what do you mean by that?

17 A. Just -- I didn't trust him.

18 Q. You didn't trust Wayne Jenkins?

19 A. Correct.

20 Q. 'Cause he's not truthful; he's not honest; you didn't
21 trust him. Right?

22 A. Correct.

23 Q. So you wanted to have something over his head; right?

24 A. Not something over his head; it was just --

25 Q. Yeah. What do you mean?

~~STEP~~ ~~CROSS~~

1 **THE COURT:** Let him finish.

2 **THE WITNESS:** I guess -- yes.

3 **BY MR. PURPURA:**

4 **Q.** Kind of like blackmail.

5 **A.** Wasn't blackmail. I'd have took my stuff to the grave.

6 **Q.** But it was your insurance, as you put it. You had that
7 information; correct?

8 **A.** I didn't trust him down the end. I was starting to worry
9 about my life.

10 **Q.** Now, Wayne Jenkins, from the Oreesse Stevenson incident,
11 gave you 2 kilos of cocaine. And you sold that cocaine; right?

12 **A.** I did.

13 **Q.** No reference to Mr. Hersl in that incident?

14 **A.** Not at all.

15 **Q.** Eric Clash; do you know who Eric Clash is?

16 **A.** I do.

17 **Q.** What's his nickname?

18 **A.** White Boy.

19 **Q.** Who's Eric Clash?

20 **A.** Sergeant Jenkins told me he's the biggest drug lord in
21 Baltimore City.

22 **Q.** And that came from Sergeant Jenkins; right?

23 **A.** Correct.

24 **Q.** Not from Danny Hersl (indicating); right?

25 **A.** Correct.

~~STEP~~ ~~CROSS~~

1 Q. Sergeant Jenkins wanted to go after Eric Clash; right?

2 A. Correct.

3 Q. And you were up for it as well; correct?

4 A. Correct.

5 Q. To steal and take drugs from him; correct?

6 A. Correct.

7 Q. Jenkins brought so much drugs to your house during that
8 period of time that you gave him a key to the -- your garage or
9 where did you give him a key to?

10 A. Correct, to the shed, shed lock.

11 Q. So he wouldn't bother you during that period of time;
12 correct?

13 A. Correct.

14 Q. Hersl (indicating) never came to your house, did he?

15 A. Never has.

16 Q. Not for a card game, not for dinner, not for a drink?

17 A. Never.

18 Q. Not to go fishing off of your pool --

19 A. Never.

20 Q. -- pier? Excuse me. Nothing; right?

21 Involved in thefts of watches. I'm not sure -- I'm not
22 sure that Mr. Hines asked you those questions. You were
23 involved in thefts of watches as well?

24 A. Correct.

25 Q. And that was with Mr. Jenkins; is that correct, sir?

~~STEP~~ ~~CROSS~~

1 A. It was.

2 Q. That you and Mr. Jenkins targeted a person who you both
3 thought would have apparently expensive watches; is that right?

4 A. No. That's not correct.

5 Q. What did you target him for?

6 A. What's that again?

7 Q. Why was he targeted?

8 A. He was targeted for a large sum of cash and narcotics.

9 Q. Fair enough.

10 You go into -- did you go into his house?

11 A. I did.

12 Q. Who broke in the house with you?

13 A. Sergeant Jenkins entered the house first.

14 Q. Okay. When you went in the house and Mr. Jenkins went in
15 the house, there was no one in the house at that time at all;
16 correct?

17 A. Correct.

18 Q. So you knew, based on all your contacts with the criminal
19 world, that you were committing a burglary when you broke into
20 that house at that time; is that correct, sir?

21 A. I did.

22 Q. Because it was your intent when you broke into that house
23 to take goods from that house; correct, sir?

24 A. Correct.

25 Q. Okay. You didn't find drugs, and you didn't find money in

~~STEP~~ ~~CROSS~~

1 the house; correct?

2 A. Correct.

3 Q. What you did find were expensive watches; correct?

4 A. Correct.

5 Q. About five watches, I believe?

6 A. It was.

7 Q. And --

8 A. I think it was six.

9 Q. Six?

10 A. Or seven.

11 Q. Total price, ballpark?

12 A. Quarter of a million dollars.

13 Q. You take 'em?

14 A. Yes.

15 Q. Hersl's not there, is he?

16 A. No.

17 Q. Hersl never got one of those watches, did he?

18 A. Never.

19 Q. Then there's a second time you talked about breaking into
20 another home with a Baltimore County police officer as well;
21 isn't that right?

22 A. Correct.

23 Q. And that was you and Jenkins and this Baltimore County
24 police officer; is that correct?

25 A. Correct.

~~STEFF~~ ~~CROSS~~

1 Q. And you told that information to the Government; right?

2 A. I did.

3 Q. And they were writing it down as you told it to 'em;
4 correct? Do you remember?

5 A. Pardon again? What was that?

6 Q. I'm talking fast. I apologize.

7 A. It's okay.

8 Q. Special Agent Jensen, she was taking notes when you were
9 talking to the Government, do you remember?

10 A. I don't recall her, no.

11 Q. All right. When you broke into this house, you were
12 wearing a ski mask; is that correct?

13 A. Correct.

14 Q. You had gloves on; isn't that correct?

15 A. Correct.

16 Q. And your intent, again, was another burglary; is that
17 correct, sir?

18 A. Correct.

19 Q. And you didn't want anyone to be home when you broke in
20 the house; right?

21 A. Correct.

22 Q. You wanted to get in; you wanted to steal; and you wanted
23 to get out. Right?

24 A. Correct.

25 Q. Despite the fact that you broke in and you and Jenkins had

~~STEP~~ ~~CROSS~~

1 gloves and masks on, you found nothing in this house; is that
2 correct?

3 **A.** Correct.

4 **Q.** Kenny Bird Jackson, who's he?

5 **A.** According to Sergeant Jenkins, he's one of the largest
6 heroin dealers in Baltimore.

7 **Q.** You -- you -- you -- you broke into Kenny Bird Jackson's
8 car?

9 **A.** I did.

10 **Q.** Come on. Daylight?

11 **A.** Correct.

12 **Q.** One of the largest drug traffickers in Baltimore. You a
13 little nervous about doing that?

14 **A.** No offense to Kenny Bird Jackson or any of the other
15 people, I didn't know who they was.

16 **Q.** All right.

17 **A.** I do now.

18 **Q.** Having second thoughts about breaking into his car?

19 **A.** Yes. Yes.

20 **Q.** You broke into his car at Jenkins -- at Jenkins'
21 directions; correct?

22 **A.** Correct.

23 **Q.** And I didn't ask you before; but when that
24 Baltimore County police officer and Jenkins, you found nothing,
25 again, Hersl wasn't there either, was he?

~~STEP~~ ~~CROSS~~

1 A. He was.

2 Q. And Kenny Bird Jackson -- where was Kenny Bird Jackson's
3 car?

4 A. It was inside the Sam's Club parking lot on Route 40.

5 Q. What kind of car was it?

6 A. I believe it's a silver Acura.

7 Q. You actually stole about somewhere between fifteen to
8 nineteen thousand dollars from that vehicle; is that correct?

9 A. I think it was more around 19,000.

10 Q. 19,000?

11 A. Uh-huh.

12 Q. Fair enough.

13 Split it with Hersl -- didn't split it with Hersl, did
14 you?

15 A. No.

16 Q. Split it with Jenkins; correct?

17 A. Correct.

18 Q. You also were involved in tracking Kenny Bird to a home;
19 correct?

20 A. Correct.

21 Q. You -- you, with gloves and a mask, you had broke into
22 that home; correct?

23 A. Not me. That was Sergeant Jenkins, but I was there.

24 Q. You were outside when Jenkins broke in?

25 A. Yes. Correct.

~~STEP~~ ~~CROSS~~

1 Q. Again, you didn't want Kenny Bird to be home. You're
2 trying to get in there secretly; is that correct?

3 A. Didn't -- at that time I didn't know who the target was.
4 It was just Jenkins telling me what he had.

5 Q. No one in the house, to your knowledge; correct?

6 A. Correct.

7 Q. It was just you and Sergeant Jenkins; correct?

8 A. Correct.

9 Q. You guys were kind of like a team out there doing this
10 stuff; correct?

11 A. Correct.

12 Q. In that house you found 41 pounds of weed; right?

13 A. No.

14 Q. What did you find in that house?

15 A. He come out with 4 pounds of --

16 Q. 4 pounds?

17 A. -- very low-quality weed.

18 Q. I apologize.

19 And it was really -- it was bad weed. Couldn't do much
20 with it; fair to say?

21 A. Very, very true.

22 Q. You told us about the Dominican drug dealer who came up
23 here. His name was Morano; is that right?

24 A. Correct.

25 Q. And I believe what you testified to is that at that point

~~STEP~~ ~~CROSS~~

1 there was some off-duty Baltimore City Police that were
2 accompanying you that evening; is that correct?

3 **A.** I don't know if they were off duty.

4 **Q.** All right. And Jenkins described them as his guys; is
5 that correct?

6 **A.** Correct.

7 **Q.** And it was not Danny Hersl (indicating), was it?

8 **A.** It was not.

9 **Q.** Let me just ask you about the storage unit. I believe --
10 I'm getting some of my dates mixed up here.

11 **MR. PURPURA:** Your Honor, just one second, if I may.

12 **THE COURT:** Sure.

13 (The defendant conferred with counsel.)

14 **BY MR. PURPURA:**

15 **Q.** The storage unit where you injured your foot, August 8th,
16 2016, now, you were interviewed about that incident; is that
17 correct?

18 **A.** Correct.

19 **Q.** And it was -- you were instructed -- you get a call. Was
20 it a random call by Sergeant Jenkins at that point?

21 **A.** It was.

22 **Q.** You weren't expecting Sergeant Jenkins to call you, were
23 you?

24 **A.** No.

25 **Q.** Sergeant Jenkins didn't before -- this is August 8th,

~~STEP~~ ~~CROSS~~

1 2016 -- he didn't say that I've got some information; we're
2 going to take someone down, and we're going to hit a storage
3 unit?

4 **A.** He didn't.

5 **Q.** Okay. So you get a call sometime early evening, late
6 afternoon, early evening that Jenkins needs you right away?

7 **A.** Correct.

8 **Q.** He didn't want you to hesitate. He needed something done
9 fast; correct?

10 **A.** Correct.

11 **Q.** And he gave you an incentive that there's going to be a
12 large amount of money and a substantial amount of drugs there;
13 correct?

14 **A.** Correct.

15 **Q.** And so you basically dropped everything at that point, and
16 you went to the storage unit; correct?

17 **A.** Correct.

18 **Q.** And you were unarmed when you went there?

19 **A.** Correct.

20 **Q.** And your intent was to break into that storage unit;
21 correct?

22 **A.** Correct.

23 **Q.** And you received some aid by Sergeant Jenkins because
24 Sergeant Jenkins gave you a combination to what?

25 **A.** Repeat that again, Mr. Purpura.

~~STEP - CROSS~~

1 Q. Did you receive any aid by -- from Sergeant Jenkins with
2 combinations to the gate or anything like that?

3 A. On the phone he -- he had told me which way to come -- to
4 come to the unit, and he did have codes to the door to get
5 through.

6 Q. Okay. And so you did that; is that right?

7 A. I did.

8 Q. No preplanning, no anything. It's just spur of the
9 moment; correct?

10 A. Correct.

11 Q. And your intent and what you did was you broke into an
12 empty storage unit, and you stole about three-quarters of a
13 kilo of cocaine; correct?

14 A. Correct.

15 Q. And you thoroughly searched that unit; right?

16 A. Oh, I did.

17 Q. As a matter of fact, we have photographs where the walls
18 were broken side to side. And that's what you did; correct?

19 A. That was -- that was me.

20 Q. And you thoroughly, when you saw those wrappers and that
21 cocaine, you thoroughly went through the cocaine to make sure
22 that you got everything you could get; is that fair to say?

23 A. I was looking for the -- because of what he said. I
24 didn't thoroughly go through what I believed to be empty
25 wrappers, so I didn't -- obviously from what he said, I didn't

~~STEP - CROSS~~

1 thoroughly go through them. I was just looking for bigger
2 amounts.

3 **Q.** Okay. And you didn't find any more?

4 **A.** Correct.

5 **Q.** Now, when you spoke to the Government about this incident
6 on December 19th, 2017, that's the second time you spoke with
7 the Government.

8 Do you remember talking to them three times?

9 **A.** I do.

10 **Q.** December 18th, December 19th, and January 3rd --

11 **A.** Correct.

12 **Q.** -- of 2018; right?

13 **A.** Okay. Sounds about right.

14 **Q.** Thank you.

15 And the second time you were asked some questions about
16 this storage unit, and you indicated to the Government that you
17 learned that the unit -- this is the one on August 8th, 2016 --
18 the unit belonged to Thomas Wilson, brother-in-law. Wilson was
19 Jenkins' ex-partner?

20 **A.** Correct.

21 **Q.** All right. And so who is this Thomas Wilson to you?

22 **A.** It's Wayne Jenk -- he's been to my house for parties.

23 He's been -- he -- he worked the security detail, coming out
24 with us with the fights.

25 **Q.** That's a police officer you're talking about?

~~STEP~~ ~~CROSS~~

1 A. Correct.

2 Q. All right. And that's what you told the Government. You
3 thought that Jenkins told you that the storage unit, according
4 to you -- or did Jenkins tell you that?

5 A. He did.

6 Q. All right. That the storage unit belonged to a police
7 officer, Thomas Wilson's brother-in-law; right?

8 A. He did.

9 Q. And that's what you told the Government; right?

10 A. I did.

11 Q. Did you ever find out that's wrong?

12 A. No, I never did.

13 Q. Do you know the -- do you know who Dennis Armstrong is,
14 who owned that storage unit or rented that storage unit?

15 A. I was told, from what I heard, that it was Thomas Wilson's
16 brother-in-law.

17 Q. All right. Well, do you -- is --

18 **THE COURT:** Sustained.

19 **BY MR. PURPURA:**

20 Q. Do you know who a Dennis Armstrong is?

21 A. I do not.

22 Q. Is Thomas Wilson -- is he Caucasian, or is he
23 African-American?

24 A. He's African-American.

25 Q. And do you know what his brother-in-law's name is?

~~STEP 4 CROSS~~

1 A. Pardon?

2 Q. Do you know his name, the brother-in-law?

3 A. I don't.

4 Q. And this is what Jenkins told you; is that correct, sir?

5 A. It is correct.

6 Q. Now, on that storage unit, you never gave Danny Hersl any
7 cash; correct?

8 A. Never.

9 Q. Danny Hersl never gave you any drugs; correct?

10 A. Never.

11 Q. But what you -- what Jenkins told you is that he had to
12 give money to Danny Hersl for information; correct?

13 A. Yes. He told me that he had to take money back to
14 Danny Hersl because it was his -- I guess his investigation,
15 and it was his --

16 Q. Well, what you told the Government was for information; is
17 that fair to say?

18 A. I -- I don't recall that.

19 Q. Okay. What information?

20 A. What do you mean "what information"?

21 Q. What information did Danny Hersl give, if you know?

22 A. That Danny Hersl gave me information?

23 Q. No. What information did Dan Hersl give to
24 Detective Jenkins about the storage unit?

25 A. I don't know if he gave any information. I wasn't there.

~~STEP 4 CROSS~~

1 Q. You don't know anything about the incident on August 8th,
2 2016, do you, sir?

3 A. I don't.

4 Q. You don't know anything about the stop, whether it was a
5 random stop?

6 A. I don't.

7 Q. You don't know if it was a high-speed chase?

8 A. I have no idea.

9 Q. And you don't know if Sergeant Jenkins was truthful or not
10 truthful?

11 A. Don't -- don't know, but I could take a guess.

12 Q. You know, as a matter of fact, you've never even had a
13 conversation with Dan Hersl, have you?

14 A. Never.

15 Q. And the only two times you ever saw Dan Hersl in your
16 entire life was once at a party sometime in 2015 where those
17 400 police officers are present; right?

18 A. I do recall that.

19 Q. I know. Some party you set up, had help in setting up;
20 correct?

21 A. Correct.

22 Q. So there's 400 police officers there. And Dan Hersl,
23 Jenkins, and 398 others were present; correct?

24 A. At different points in time, yes.

25 Q. And not once during that night did you talk to Dan Hersl

1 (indicating); right?

2 **A.** Correct.

3 **Q.** And the only other time you saw him for a -- apparently a
4 very short period of time, within seconds, was when a GPS unit
5 was given to Mr. Hersl, according to you, by Sergeant Jenkins.
6 And Sergeant Jenkins was working at that time; is that correct?

7 **A.** Correct.

8 **Q.** And Dan Hersl was, as you say, following a target or on a
9 target at that point; correct?

10 **A.** Correct.

11 **Q.** And he was given a GPS unit; correct?

12 **A.** Correct.

13 **Q.** And other than that, you've had absolutely no contact with
14 Mr. Hersl; is that correct?

15 **A.** Correct.

16 **Q.** Now, when you're arrested, what date were you arrested on?

17 **A.** I'm not sure. Sometime in December.

18 **Q.** December -- December 18th sound about right to you?

19 **A.** It does.

20 **Q.** I take that back, December 13th sound right?

21 **A.** Somewhere right around there.

22 **Q.** Okay. Fair enough.

23 And to be fair, so the jury knows, when you were first
24 arrested on December 13th, 2017, you were arrested by
25 Baltimore County and -- well, actually Baltimore County. It

~~STEP 4~~ ~~CROSS~~

1 was a state charge or a city charge?

2 **A.** It was a state charge.

3 **Q.** State charge.

4 Was it in the county or the city originally?

5 **A.** It was in the county.

6 **Q.** Can't be both. Were you taken -- where were you taken
7 when you --

8 **A.** I was taken to the local, Baltimore County.

9 **Q.** Baltimore County.

10 **A.** Correct.

11 **Q.** So you had Baltimore County charges at that point, state
12 charges; correct?

13 **A.** Correct.

14 **Q.** And because you're a bail bondsman, Double D Bail Bonds,
15 you were able to bail out fairly quickly; is that --

16 **A.** That would be correct.

17 **Q.** But then what happened was that a couple days later, the
18 federal indictment comes down --

19 **A.** Correct.

20 **Q.** -- and you get arrested; right?

21 Now, your house was searched on the night or the -- the
22 night you were arrested.

23 Do you remember that?

24 **A.** I do.

25 **Q.** And one of the bases for the search was just before the

~~STEP - CROSS~~

1 house was searched, you actually served a customer; correct?

2 **A.** Correct.

3 **Q.** Was it a -- it was a woman; right?

4 **A.** Correct.

5 **Q.** Small amount of cocaine; right?

6 **A.** Correct.

7 **Q.** \$125 worth of coke?

8 **A.** This one was a half ounce for 650.

9 **Q.** So this woman came to your house?

10 **A.** She did.

11 **Q.** So she gave you \$650 for a half ounce of cocaine; right?

12 **A.** Approximately, yes.

13 **Q.** All right. And you had no problem selling it to her;
14 right?

15 **A.** Correct.

16 **Q.** 'Cause that's what you were doing?

17 **A.** Correct.

18 **Q.** For years and years and years?

19 **A.** Correct.

20 **Q.** She gets stopped by the police. They get a
21 search warrant. They hit your house; right?

22 **A.** Correct.

23 **Q.** At that time in your house, they find 223 plastic baggies.

24 Why would you have so many plastic baggies with coke? Is that

25 the way you were packaging your coke, in plastic baggies?

1 A. Correct.

2 Q. That was 262 grams' worth; sound about right?

3 A. Correct.

4 Q. 37 plastic bags with rock. That would be crack; right?

5 A. The crack come from Sergeant Jenkins. The powder was
6 mine.

7 Q. Whoever it came from, it was in your house; right?

8 A. Correct.

9 Q. And you had it to sell, right?

10 A. Correct.

11 Q. You're not using crack yourself, are you?

12 A. No.

13 Q. And you really don't care who you sell the crack to?

14 A. No.

15 Q. As long as they got green; right?

16 A. No, no, no. I don't sell crack.

17 Q. What were you going to do with the 37 plastic baggies of
18 crack?

19 A. It was just in the box. It was there for years.

20 Q. Just going to keep it there?

21 A. I was looking, but I -- I still had it.

22 Q. If you didn't want to sell it, why didn't you just throw
23 the damned stuff out?

24 A. That's a good question.

25 Q. That is a good question. Can you answer it?

~~STEP 4 CROSS~~

1 A. I guess greed, maybe hold on to it.

2 Q. 'Cause you wanted to sell it; right?

3 A. Correct.

4 Q. You had 14 more plastic baggies with rock; right?

5 A. I'm not sure.

6 Q. All told, you had over 423 grams of crack in your house?

7 A. Yes.

8 Q. That's a lot of crack; right?

9 A. It is.

10 Q. Man, as a matter of fact, your lawyer, he told you what
11 that amount of crack does to you in the federal system, didn't
12 he?

13 A. No.

14 Q. He didn't? We'll have to talk to him.

15 Now, in addition, you even had some heroin; right?

16 A. Unbeknownst, yes.

17 Q. 14 grams of heroin? Yes? No? Do you know?

18 A. No. No, I didn't know -- I didn't know the heroin was in
19 there.

20 Never sold a grain of heroin a day in my life.

21 Q. Who lives -- who lives in your house?

22 A. I do.

23 Q. Who else?

24 A. My fiancée.

25 Q. Who else?

~~STEP~~ ~~CROSS~~

1 A. My daughter.

2 Q. Your daughter?

3 A. Uh-huh.

4 Q. And I'm not prying, but your daughter is special needs;
5 fair to say?

6 A. Correct.

7 Q. Now, after you get -- after you get arrested and you began
8 to cooperate, you actually told the Government that you missed
9 some drugs. I got more drugs in the house; right?

10 A. Correct.

11 Q. And they went back in; they got a couple kilos of cocaine?

12 A. Approximately 3.

13 Q. Packaging and scales?

14 A. Correct.

15 Q. Watches, four Rolex, one Breitling, Breitling. Too
16 expensive for me.

17 A. I thought it was more than that.

18 Q. A lot of watches; right?

19 A. Correct.

20 Q. All right. And then you know at that point that you're
21 now in the federal system; right?

22 A. Correct.

23 Q. And I think 51's young. But 51, you're 51 years old;
24 right?

25 A. True.

~~STEP 4~~ ~~CROSS~~

1 Q. You want to be able to spend as much time as you can with
2 your fiancée?

3 A. Correct.

4 Q. And as we mentioned before, with your daughter; correct?

5 A. Correct.

6 Q. You had to be nervous March 1st, 2017, when you see that
7 Jenkins gets arrested.

8 A. Beyond nervous.

9 Q. You knew you had some stuff on him 'cause you had your
10 cell phone. You had your little insurance; right?

11 A. Correct.

12 Q. But you don't know if Jenkins is going to cooperate;
13 right?

14 A. That is true.

15 Q. And if Jenkins is going to cooperate, you're going down
16 like a lead weight; right?

17 A. Correct.

18 Q. And so what you did, as you told us what you did, is you
19 followed what was going on; correct?

20 A. I did.

21 Q. And I would assume you had a very keen interest to follow
22 every single news report, TV report; right?

23 A. True.

24 Q. In addition, you have a keen interest and you could obtain
25 information by going on the federal Web site and looking at

1 PACER to see what's going on, filings; correct?

2 A. Correct.

3 Q. And that's what you did; right?

4 A. More with the news.

5 Q. But you also had ability to see what was being filed in
6 the federal system; correct?

7 A. I didn't have the ability, but I was more into the news
8 side.

9 Q. All right. And you're thinking, you know -- and you've
10 been around the criminal justice system. You're thinking, if
11 they get me, what can I do; right?

12 A. I wasn't thinking -- I didn't -- I thought I was going to
13 get through, to be honest with you.

14 Q. But like you said, you always weigh the odds. You've got
15 to have a little insurance there; right?

16 A. I didn't -- I knew I had it, but I didn't think that he
17 would -- I didn't think that he would reveal me.

18 Q. Yeah. Well, anyway, bottom line is this: Is
19 Wayne Jenkins sittin' over here today (indicating)?

20 A. He's not.

21 Q. No, 'cause you know he's already pled guilty; right?

22 A. Correct.

23 Q. Who's left here, Taylor and Hersl (indicating); right?

24 A. Correct.

25 Q. If you don't say something about Taylor and Hersl, you

~~STEP 4~~ ~~CROSS~~

1 ain't got no cooperation; right?

2 **A.** Mr. Purpura, I'm just bringing the facts and the truth.

3 **Q.** I know. That's a good statement.

4 **A.** It's not a good statement. It's a for-real statement.

5 **Q.** Am I right or wrong? If you don't have information --

6 **MR. HINES:** Judge --

7 **THE COURT:** Sustained.

8 **THE WITNESS:** The facts are the facts, Mr. Purpura.
9 You can't change 'em.

10 **THE COURT:** Okay. That's fine. Just wait.

11 **BY MR. PURPURA:**

12 **Q.** Now, you have a plea agreement in this case; right?

13 **A.** I do.

14 **Q.** All right. And I mentioned you've been released, so
15 you're not being detained; correct?

16 **A.** Correct.

17 **Q.** And your particular plea agreement is for conspiracy to
18 distribute more than 280 grams of crack; right?

19 **A.** Correct.

20 **MR. HINES:** Objection --

21 (The defendant conferred with counsel.)

22 **BY MR. PURPURA:**

23 **Q.** I'm being corrected, which is fine. And I apologize. I
24 wasn't trying to mislead you.

25 It's possession with intent to distribute more than

~~STEP 4~~ ~~CROSS~~

1 280 grams of crack; correct?

2 **A.** I believe you.

3 **Q.** All right. That's good.

4 And you know -- and your attorney, Marshall Henslee
5 (indicating), did he tell you what the penalties were?

6 **A.** Sure. I've spoke with my attorneys; yes.

7 **Q.** Sure. Sure. And the bottom line is, as the Government
8 pointed out, you know that you can face a maximum of life
9 imprisonment; right?

10 **A.** I do.

11 **Q.** And anyone by statute could face the same thing if they
12 have more than 280 grams of crack; correct?

13 **A.** Correct.

14 **Q.** And also, your lawyer went through the guidelines with
15 you, the United States sentencing guidelines; correct?

16 **A.** They have.

17 **Q.** Okay. "They," so you have two lawyers?

18 **A.** I do.

19 **Q.** It's a great country.

20 The --

21 **A.** How many does Mr. Hersl have?

22 **Q.** He's got one and a half right now.

23 **MR. PURPURA:** I apologize, Tom.

24 **BY MR. PURPURA:**

25 **Q.** He's got one; he's got one pro bono, if you want to know.

~~STEP 4~~ ~~CROSS~~

1 **A.** All right. There we go.

2 **THE COURT:** All right. That's two.

3 **THE WITNESS:** I'll take the pro bono.

4 **THE COURT:** Moving on.

5 **THE WITNESS:** I'm sorry.

6 **BY MR. PURPURA:**

7 **Q.** That was wrong. I'm sorry.

8 Bottom line is this: that you know this 'cause you spoke
9 to your lawyers and you're very interested in it, right, how
10 much penalties you face; correct?

11 **A.** It's my life, so I'm very interested in it.

12 **Q.** Very good. And you know that, as the Government pointed
13 out in the counts you have, you face a mandatory minimum of ten
14 without the possibility of parole; correct?

15 **A.** I do.

16 **Q.** And the only way for you -- because of your particular
17 circumstance, the only way for you to get below ten years would
18 be through cooperation; correct?

19 **A.** That is correct.

20 **Q.** And with cooperation and in your plea agreement, you can
21 erase that mandatory minimum which allows you -- just allows
22 you to go below that; correct?

23 **A.** Correct.

24 **Q.** Because if you didn't cooperate -- if you didn't
25 cooperate, no matter who you were, if you're the President's

~~STEP 4~~ ~~CROSS~~

1 son or anybody else, it wouldn't matter. You'd face that ten
2 real years in federal prison; correct?

3 **A.** Correct.

4 **Q.** And ten years means what in federal prison?

5 **A.** It means actually ten -- ten years.

6 **Q.** And you do hope that your cooperation does shorten your
7 sentence any amount of time; is that fair to say?

8 **A.** That is a correct statement.

9 **MR. PURPURA:** And, Judge, I do apologize to my
10 co-counsel.

11 And I have nothing further. Thank you.

12 Thank you, sir.

13 **THE COURT:** Two full counsel.

14 **MR. PURPURA:** Full counsel. Yes.

15 **THE COURT:** All right. Ms. Wicks.

16 **MS. WICKS:** Thank you.

17 **CROSS-EXAMINATION**

18 **BY MS. WICKS:**

19 **Q.** Good afternoon, sir.

20 **A.** Good afternoon.

21 **Q.** You were pretty -- when you were hanging out with
22 Wayne Jenkins and -- you thought you were pretty well connected
23 with the police force in Baltimore; correct?

24 **A.** I didn't think. I knew I was.

25 **Q.** You knew you were?

~~STEP~~ ~~CROSS~~

1 A. Correct.

2 Q. And you knew you were based on what Wayne Jenkins was
3 telling you; correct?

4 A. Correct.

5 Q. And at that time you also were working on your business
6 being a bail bondsman; correct?

7 A. Correct.

8 Q. And it was -- you were lobbying for the bail bondsman
9 industry; correct?

10 A. Correct.

11 Q. You were making campaign contributions; correct?

12 A. Correct.

13 Q. Including to Marilyn Mosby; correct?

14 A. To who?

15 Q. Marilyn Mosby, to her campaign?

16 A. Yes, correct.

17 Q. Other politicians in Baltimore and outside of
18 Baltimore City; correct?

19 A. Correct.

20 Q. But a lot of your business as a bail bondsman centered
21 around Baltimore City and Baltimore County; correct?

22 A. Correct.

23 Q. And you were depending on what Jenkins was telling you to
24 make decisions about risks you were apparently willing to take
25 with him; correct?

1 **A.** Correct.

2 **Q.** And while you and Jenkins were doing these robberies
3 together, Jenkins would be telling his wife and you would be
4 telling your fiancée, Kelly, that you were working together to
5 apprehend guys that had skipped out on your bail bonds;
6 correct?

7 **A.** Correct.

8 **Q.** So part of the reason that you were taking the pictures
9 all the time was to be showing Kelly what -- that you were
10 doing stuff with Jenkins; correct?

11 **A.** That is correct.

12 **Q.** And so over the years, there's years and years and years
13 of pictures of you doing things with Jenkins; correct?

14 **A.** That is correct.

15 **Q.** Because you want to be -- your wife to know what you're
16 doing; correct?

17 **A.** Correct; video and pictures.

18 **Q.** Pardon me?

19 **A.** I had videos and pictures.

20 **Q.** Okay. And he would -- to your knowledge, Jenkins would be
21 telling his wife that he was assisting you with your bail bonds
22 work; correct?

23 **A.** Correct.

24 **Q.** Okay. And then there's a night you talked about there
25 were several police officers -- you said Marcus Taylor,

1 Thomas Wilson, some other Baltimore County cop, I think you
2 said, and Jenkins -- were providing a security detail for a guy
3 that happened to be your friend 'cause he was your drug
4 connect; correct?

5 **A.** Correct.

6 **Q.** And that was a security detail through the Baltimore
7 Police Department; correct?

8 **A.** It was a private through Mr. Jenkins and
9 Mr. Thomas Wilson, his old partner, had -- had formed a
10 security business.

11 **Q.** Okay.

12 **A.** And because they had this security business, I retained
13 that.

14 **Q.** Okay. So you retained the private security business that
15 Jenkins and Wilson were running together. And you knew that
16 Baltimore police officers, Baltimore County officers, other
17 law enforcement, could be working a secondary job for security
18 through a security company; right?

19 **A.** Correct.

20 **Q.** So there wasn't anything fishy about you hiring a security
21 firm to provide security for your client; correct?

22 **A.** That is absolutely correct.

23 **Q.** Okay. And so that was an interaction that you had with
24 Marcus Taylor; correct? He was a paid employee, essentially,
25 providing security to your client?

~~STEP 4~~ ~~CROSS~~

1 **A.** Correct.

2 **Q.** Now, on this day --

3 **MS. WICKS:** And if I could have -- I think it's DA-9.
4 Is that . . .

5 Thank you. Okay.

6 **BY MS. WICKS:**

7 **Q.** This is DA-9. And just showing you the bottom, I'm
8 pointing at the date that's on DA-9. That's the date that the
9 photograph was taken in your iPhone; correct?

10 **A.** I'm not sure, but that -- that could be correct.

11 **Q.** Well, you said that's the date -- when you testified on
12 direct, you said that was the date that you took that
13 photograph; correct?

14 **A.** Not -- I'm not sure if that's the exact date, because if
15 it come back into my phone through a different -- if I put it
16 in my favorites or something, it might have timestamped it
17 incorrectly.

18 **Q.** Okay. So you --

19 **A.** But that is my -- that is my foot, if that's what you're
20 trying to get at.

21 **Q.** Okay. I'm believing that's your foot.

22 **A.** Okay.

23 **Q.** But I'm asking: Do you know that's the date of the
24 incident that -- you were saying that's the day after the
25 incident where you broke into the storage unit and hurt your

1 foot.

2 **A.** Not sure if that's the exact date of the storage unit.

3 **Q.** So you don't know what the exact date of the storage unit
4 is?

5 **A.** Correct. Correct. I don't. I don't recall the date.

6 **Q.** But what you do know, and we have evidence of, is you hurt
7 your foot around that time?

8 **A.** That is -- that is -- whenever this original picture here
9 was taken, this is either the night of or the day after --

10 **Q.** Okay.

11 **A.** -- that event.

12 **Q.** And on that -- during that incident or, I guess,
13 afterwards -- well, Jenkins had told you that you were going to
14 be looking at a lot of money, \$200,000 and 8 kilos in that
15 storage unit; right?

16 **A.** 220,000, he stated.

17 **Q.** Okay. 220,000?

18 **A.** Correct.

19 **Q.** Okay. And 8 kilos of cocaine were -- that's what you were
20 looking for in that score; correct?

21 **A.** Correct.

22 **Q.** And when you went into the storage unit, you -- that's the
23 day you found three-quarters of a kilo of cocaine and no money;
24 correct?

25 **A.** Absolutely correct.

~~STEP 469~~ ~~CROSS~~

1 Q. And so afterwards, whatever day this was, Jenkins tells
2 you that Taylor messed the investigation up; correct?

3 A. That is what he stated.

4 Q. Okay. And on this date and in other dates, you talked
5 about Oreese Stevens [sic] as well. Your dealings with Jenkins
6 getting stuff out of people's houses, that's between you and
7 him; correct?

8 A. It is. Correct.

9 Q. Okay. He doesn't want other people knowing that he's
10 basically giving you drugs, and you and he have this deal going
11 where he's making money off the drugs; correct?

12 A. Absolutely correct.

13 Q. And so back on the Oreese Stevenson date, when you come
14 there, you're parked a block and a half or two blocks away,
15 using your binoculars; is that what you said?

16 A. Correct.

17 Q. Okay. Using your binoculars to see the officers that are
18 on the scene, but Jenkins doesn't want them to know that you're
19 there; correct?

20 A. That is true.

21 Q. Okay. And back on the day that you break into this
22 storage unit and break through the walls, Jenkins is telling
23 you that he had sent Taylor to do something and Taylor hadn't
24 done it right; right?

25 A. That was his statement.

~~STEP 4 CROSS~~

1 Q. But his statement to you right after you didn't find
2 220,000 -- I'm sorry, \$220,000 and 8 kilos of cocaine, he's
3 basically apologizing to you. That's perhaps why there's not
4 so much money and not so much cocaine; correct?

5 A. Correct.

6 Q. Okay. But Jenkins is the one telling you that
7 Marcus Taylor had something to do with that investigation;
8 correct?

9 A. That is true.

10 Q. You did not see Marcus Taylor at the storage unit that
11 day; correct?

12 A. Correct -- I seen officers there. Marcus Taylor wasn't
13 one that I believe that I seen.

14 Q. Okay. And back -- now, going back for a moment to the
15 Oreese Stevenson incident, Jenkins calls you on the phone and
16 tells you that he has this guy that he's talking to. And in
17 the end, he's apparently -- he's referring to talking to
18 Oreese Stevenson; correct?

19 A. Correct.

20 Q. And he says he has the guy in his office and that the
21 guy's talking about 10 kilos of cocaine and five hundred to
22 seven hundred fifty thousand dollars in the guy's house;
23 correct?

24 A. Correct.

25 Q. And so you're driving pretty fast to get there to try to

~~STEP 4 CROSS~~

1 help Wayne get this score; right?

2 **A.** Correct.

3 **Q.** And when you get there, you observe a young man in the
4 back of the house; is that correct?

5 **A.** Correct. Correct; on the porch.

6 **Q.** Okay. Not a police officer?

7 **A.** Correct.

8 **Q.** And it's a young -- is it a young African-American man?

9 **A.** It is.

10 **Q.** And how old was this person?

11 **A.** I'd guesstimate anywhere from 12 to 16.

12 **Q.** Okay. So a teenager?

13 **A.** Correct.

14 **Q.** With a book bag?

15 **A.** Correct -- no. It was a rather large bag.

16 **Q.** What -- how would you describe the bag?

17 **A.** Large.

18 **Q.** Like a duffel bag?

19 **A.** It was a big bag.

20 **Q.** Okay. Did it have straps like he could put it on his back
21 or it's just -- he's carrying a big bag but it's empty?

22 **A.** It's an empty bag, but it was a big bag. It was a large
23 bag. I didn't get -- I didn't get a real good chance to see if
24 it was puffed out, but he had a large bag with him.

25 **Q.** Okay. And when you call Wayne to -- I'm sorry. When you

~~STEP 4~~ ~~CROSS~~

1 call Jenkins to tell him that this young man is back there,
2 Jenkins asked you to drive through again to get the guy to
3 leave; correct?

4 **A.** No. He wanted me to drive through and double-check to
5 make sure that that was the correct address that he was on;
6 that he was on the thing -- he told me to count the houses down
7 from the address from the front --

8 **Q.** Okay.

9 **A.** -- and then go around into the alley and count the same
10 number back to make sure it was the same -- the same exact
11 house.

12 **Q.** So you're saying at no time did he ask you to try to get
13 rid of the kid that's in the back?

14 **A.** No.

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

16 **BY MS. WICKS:**

17 **Q.** You met with -- I know Mr. Purpura asked you about this.
18 But you met several times with the Government pursuant to your
19 proffer agreement in December; correct?

20 **A.** Correct.

21 **Q.** And once in January, at least; correct?

22 **A.** Correct.

23 **Q.** And you told them "when driving through the alley the
24 second time, the boy ran"?

25 **A.** He did.

~~STEPP~~ ~~CROSS~~

1 Q. I'm sorry. I'll start a little earlier.

2 You -- you called Jenkins to inform Jenkins of the boy's
3 presence, and Jenkins instructed Stepp to drive through the
4 alley again. When driving through the alley the second time,
5 the boy ran. And then you contacted Jenkins to let him know
6 what happened; correct?

7 A. Correct.

8 Q. And it's your testimony the person that was behind the
9 house was not a police officer; correct?

10 A. Correct.

11 Q. There's only one person that you saw behind the house that
12 day, and that was this young teenage boy with a large, empty
13 bag; correct?

14 A. Correct.

15 Q. And when you came through the second time, he ran?

16 A. He did.

17 MS. WICKS: Court's indulgence.

18 BY MS. WICKS:

19 Q. And although Jenkins told you there was going to be
20 10 kilos of cocaine, he only gave you 2 kilos of cocaine that
21 day to sell?

22 A. Correct.

23 Q. And he came out, and I guess you met him a ways away from
24 the house. You left the area. He came to where you were and
25 gave you the cocaine; correct?

~~STEP~~ ~~CROSS~~

1 **A.** I was right there. It was the street. It was one street
2 off of the actual street where the house was.

3 **Q.** Okay. But he made sure that the other officers didn't see
4 what he was doing; correct?

5 **A.** Correct. He did not want any of the other officers to see
6 me.

7 **Q.** There were no other officers in his car at the time;
8 correct?

9 **A.** Correct.

10 **Q.** There were no other officers that you could see at that
11 time when this transfer of 2 kilos of cocaine was made?

12 **A.** Oh, no. There was nobody else around.

13 **Q.** And at that point, after you got the cocaine, you left;
14 correct?

15 **A.** Correct.

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

17 **BY MS. WICKS:**

18 **Q.** Now, the -- when you -- when the police -- well, when
19 Wayne Jenkins got arrested March 1st, you were pretty
20 concerned; correct?

21 **A.** That would be an understatement.

22 **Q.** Okay. But you kept selling drugs; correct?

23 **A.** Not immediately after.

24 **Q.** But apparently, at least -- starting at least the date you
25 got arrested, you were up to selling a fair amount of drugs;

~~STEP~~ ~~CROSS~~

1 correct?

2 **A.** Correct.

3 **Q.** And you had a lot of drugs in your house; correct?

4 **A.** Correct.

5 **Q.** And you had -- before when Jenkins was bringing you drugs,
6 you had other drug suppliers; correct?

7 **A.** Correct.

8 **Q.** And so once Wayne Jenkins got arrested, then you had to
9 lean on your other drug suppliers for drugs as well; correct?

10 **A.** Correct.

11 **Q.** And so the drugs that were in your house in December of
12 2017 when you got arrested were drugs that you had acquired
13 from other drug suppliers, in addition to Jenkins; correct?

14 **A.** It would be -- there's a lot of Sergeant Jenkins' drugs
15 that were on the scene of my house, and then there was also the
16 drugs that I had personally obtained myself.

17 **Q.** From other drug suppliers?

18 **A.** Correct.

19 **Q.** Okay. You had personally obtained the drugs from Jenkins
20 as well; correct?

21 **A.** Yes, correct.

22 **Q.** Okay. So that you had a -- several sources of drugs. One
23 was Sergeant Jenkins; correct?

24 **A.** Correct.

25 **Q.** And there wasn't anyone else on the Baltimore Police

~~STEP 4~~ ~~CROSS~~

1 Department that you were getting drugs from other than
2 Sergeant Jenkins; correct?

3 **A.** Correct.

4 **Q.** Now, in terms of your plea agreement, your plea is to
5 possession with intent to distribute the drugs that were found
6 in your house on December 14th; correct?

7 **A.** Correct.

8 **Q.** In addition to that, there were subsequent searches with
9 your consent of your house where they found 3 more kilos of
10 powder cocaine; correct?

11 **A.** Correct.

12 **Q.** You're not going to be -- you're not going to be facing
13 charges for that as well; correct?

14 **A.** I'm not sure. I don't -- I believe so.

15 **Q.** Well, your cooperation agreement includes immunity for any
16 disclosures that you make to the Government under the
17 agreement; correct?

18 **A.** Correct.

19 **Q.** And any information and documents that you fully and
20 truthfully disclosed to the Government will not be used against
21 you directly or indirectly in any federal criminal case;
22 correct?

23 **A.** Correct.

24 **Q.** And so these burglaries, home invasions, drug dealing for
25 years and years, that's information that you've provided to the

~~STEP 4~~ ~~CROSS~~

1 Government, you're not going to be charged for that; correct?

2 **A.** Correct.

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

4 **BY MS. WICKS:**

5 **Q.** What paperwork did you have in your house concerning this
6 case? What paperwork did you have in your house concerning
7 this case when you got arrested?

8 **A.** Probably a printout of the original indictment.

9 **Q.** The original indictment.

10 And you reviewed the original indictment?

11 **A.** I have.

12 **Q.** Okay. And in reviewing the original indictment, you were
13 aware --

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

15 **BY MS. WICKS:**

16 **Q.** Well, when was the first time that you told the Government
17 that Wayne Jenkins told you that Marcus Taylor messed up the
18 investigation on the day that you broke into the storage unit?

19 **A.** I don't know which -- I don't know what session that it
20 was. Just -- we was just going through the different stuff,
21 and I -- that come up. I don't know which one it was. I'm not
22 sure.

23 **Q.** Okay. But you believe that you told them that before
24 today?

25 **A.** Yes.

~~STEP 4 CROSS~~

1 Q. Okay. And the -- you believe that the incident where you
2 hurt your ankle was on or around August 8th or 9th of 2016;
3 correct?

4 A. I'm not sure on the exact date. It depends on what my
5 phone -- going back to the phones would dictate the times. And
6 if there's -- if we look at the police report or whatever it
7 was of the storage unit, it would tag back to right around that
8 vicinity.

9 That picture was either taken that night or the following
10 day of the incident at the storage locker from the fence of
11 when I hurt it.

12 Q. Okay. So I'm showing you again DA-9, and the date on that
13 is August 9th of 2016; correct?

14 A. Correct; but it could be -- it could be an incorrect time
15 of when the phone -- the picture might have got moved from a
16 different section within the phone to another section on the
17 app. I'm not -- I'm not sure if that was when the actual
18 picture was taken. But I do know this --

19 **THE COURT:** Okay. I think we've been through this a
20 couple times.

21 **BY MS. WICKS:**

22 Q. Well, so do you believe Wayne Jenkins may have been lying
23 to you about Marcus Taylor having anything to do with the
24 investigation that led to you breaking into that storage unit?

25 A. That is a very fair assessment to say. And you know what?

~~STAPP REDIRECT~~

1 I can't endeavor [sic] into Sergeant Jenkins' mind. It's just
2 impossible.

3 **Q.** It wouldn't surprise you to find out that maybe he was
4 lying to you about that?

5 **A.** It would not surprise me in the least.

6 **MS. WICKS:** Thank you. No further questions. Thank
7 you, Your Honor.

8 **THE COURT:** All right. Any redirect?

9 **MR. HINES:** I can be very brief, Your Honor.

10 **THE COURT:** Okay.

11 REDIRECT EXAMINATION

12 **BY MR. HINES:**

13 **Q.** Mr. Stepp, you were asked if you --

14 **THE CLERK:** Mr. Hines, excuse me, microphone.

15 **BY MR. HINES:**

16 **Q.** Mr. Stepp, you were asked if you were released on
17 conditions pending your sentencing, and you're out at your
18 home; right?

19 **A.** Correct.

20 **Q.** Who made the decision to release you?

21 **A.** I believe it was Federal Judge Gallagher,
22 Magistrate Gallagher.

23 **Q.** And as part of your conditions, are you on electronic home
24 monitoring?

25 **A.** I am.

~~STEP 1 REDIRECT~~

1 Q. Essentially, you can't go anywhere; is that right?

2 A. Correct.

3 Q. You were asked some questions about your house and it
4 being a waterfront property.

5 What's the financial status of your home?

6 A. I'm \$1.2 million in debt, and I'm getting ready to lose
7 it.

8 Q. Is the bank going to foreclose on it?

9 A. Soon.

10 MR. HINES: No further questions, Your Honor.

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

13 (Witness excused.)

14 THE COURT: And, ladies and gentlemen, we will take
15 the lunch recess. I'll see everybody at 2 o'clock.

16 (Jury left the courtroom at 1:00 p.m.)

17 (Luncheon recess taken.)

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

19 Are we ready for the jury?

20 MR. WISE: We are, Your Honor. Would you like us to
21 have the witness on the stand before the jury is brought in?

22 THE COURT: Sure. And who would that be?

23 MR. WISE: Mr. Santiful, Antonio Santiful.

24 THE COURT: Okay.

25 (Jury entered the courtroom at 2:13 p.m.)

~~SANTIFUL DIRECT~~

1 A. Twenty -- 28.

2 Q. In 2008, were you convicted of possession of a firearm and
3 sentenced to three years' imprisonment?

4 A. Yes.

5 Q. In 2015, sir, were you convicted of possession of drugs
6 and received essentially a sentence of about a month?

7 A. Yes.

8 Q. After you were released in the summer of 2015, what did
9 you do to earn money?

10 A. Work.

11 Q. Where did you work, sir?

12 A. DTD Cleaning.

13 Q. That's a cleaning agency?

14 A. Yes.

15 Q. What kind of cleaning does the agency do?

16 A. Buildings, stuff like that. Buildings.

17 Q. Cleans like commercial office buildings?

18 A. Yes.

19 Q. Is that still your job today?

20 A. Yes.

21 Q. Do you have an additional job today as well?

22 (Cellular telephone interruption.)

23 THE WITNESS: Dang.

24 Yes.

25 BY MR. HINES:

1 Q. And what is that job, sir?

2 A. Construction.

3 Q. What kind of shifts do you work at the cleaning agency?

4 A. Late nights.

5 Q. All night shifts?

6 A. Overnight shifts.

7 Q. How are you paid by the cleaning agency?

8 A. Under the table.

9 Q. Does "under the table" mean cash?

10 A. Cash.

11 Q. And how about at your construction cement job now, how are

12 you paid?

13 A. Paycheck.

14 Q. Now, sir, I'm going to be asking you some questions about

15 November 28th, 2015. Were you arrested on that day?

16 A. Yes.

17 Q. Have you testified about what happened to you in the

18 grand jury in this case?

19 A. Yes.

20 Q. And when you testified in the grand jury, did you have

21 immunity?

22 A. Yes.

23 Q. Do you have immunity for your testimony here today?

24 A. Yeah.

25 Q. What do you understand that to mean, sir?

1 **A.** I'm not sure. I'm not sure. I don't understand.

2 **Q.** I understand, sir.

3 Do you understand that you have an obligation to provide
4 truthful testimony today?

5 **A.** Yes.

6 **Q.** And if you provide truthful testimony, the Government will
7 not use your words against you to charge you; do you understand
8 that?

9 **A.** Yes.

10 **Q.** Now, sir, did you come to the FBI or did the FBI come to
11 you?

12 **A.** Came to me.

13 **Q.** Are you here today because you received a subpoena?

14 **A.** Yeah.

15 **Q.** Now, sir, I'd like to talk about November 28th, 2015.

16 Were you on Aiken Street on that day?

17 **A.** Yes.

18 **Q.** What were you doing on Aiken Street?

19 **A.** Visiting a friend.

20 **Q.** What friend were you visiting?

21 **A.** Goo -- I'm not sure. Goo.

22 **Q.** And how long had you known this --

23 **MR. PURPURA:** I apologize, I didn't hear the answer.

24 **MR. HINES:** Sure.

25 **MR. PURPURA:** Could you repeat that.

THE WITNESS: Goo.

BY MR. HINES:

Q. And was that Goo or Goon? I didn't under --

A. Goo.

MR. PURPURA: Goo.

BY MR. HINES:

Q. And how long had you visit -- had you known this friend?

A. For a couple years now.

Q. How did you get to Aiken Street?

A. Drove.

Q. Whose car did you drive?

A. My sister's.

Q. And where did you park your sister's car?

A. On the next street over, on Aisquith Street or something like that.

Q. And after you parked your sister's car, that's when you went to your friend's house?

A. Yes.

Q. And that was on Aiken Street?

A. Yeah.

Q. What were you doing on Aiken Street?

A. He was playing a video game.

Q. Where were you playing video games?

A. On the front.

Q. So on the front porch?

1 A. Yes.

2 Q. Was there like a TV and a video game system out there?

3 A. Yes.

4 Q. How many folks were out there on the front porch?

5 A. Probably about 10, 15 people, something like that.

6 Q. Were you selling drugs on the front porch?

7 A. No, sir.

8 Q. Did you see anyone else selling drugs on the front porch?

9 A. No, sir.

10 Q. Was everyone -- did you see people hanging out and playing
11 video games? Is that what you saw?

12 A. Yes.

13 Q. Did the police show up?

14 A. Yes.

15 Q. Tell us about how they showed up. What did you see?

16 A. Pulled up in the police car. I mean, a unmarked car or
17 something like that.

18 Q. So the cops pulled up in an unmarked police car?

19 A. Yes.

20 Q. How many police officers came?

21 A. I think it was like four, four of 'em. I'm not sure.

22 Like four.

23 Q. What happens when the four police officers got out of the
24 vehicle?

25 A. They told a few people to go, go, go, and then that's all.

1 Like, let a few people go and then sat -- sat people down, sat
2 the two people down. Sat me down.

3 Q. Were you placed in handcuffs?

4 A. Yes.

5 Q. And you said they sat two people down but let everyone
6 else go?

7 A. Yes.

8 Q. Were you searched?

9 A. Yes.

10 Q. And what was taken off you at that time when you were
11 first searched?

12 A. Nothin'.

13 Q. Did you have any keys to your sister's vehicle on you?

14 A. Yes.

15 Q. Who searched you at that time?

16 A. I think it was Burns.

17 Q. Burns, sir?

18 A. Yes.

19 Q. Did Burns retrieve the keys from you?

20 A. No, sir.

21 Q. What happened next?

22 A. After that, Hersl came over there.

23 Q. Hersl came up to you?

24 A. Yes.

25 Q. What happened when Hersl came up to you?

1 **A.** He rechecked me for -- rechecked me, then he grabbed the
2 keys.

3 **Q.** So Hersl took the keys from you?

4 **A.** Yes.

5 **Q.** And what happened next?

6 **A.** After that he asked me where the car was at or something
7 like that and then sat me down and what-you-call-'em, got in
8 the car and left.

9 **Q.** So Hersl asked you where the car was?

10 **A.** Yes.

11 **Q.** And what did you say in response?

12 **A.** "I don't know what you talkin' about."

13 **Q.** And then when you said you didn't know, what did Hersl do
14 next?

15 **A.** Got in his car.

16 **Q.** So did Hersl leave?

17 **A.** Yes.

18 **Q.** At that time, sir, did you have money on you?

19 **A.** Yes.

20 **Q.** How much money did you have on you?

21 **A.** Like \$700.

22 **Q.** Was that in cash, that \$700?

23 **A.** Cash, yes.

24 **Q.** How had you earned that \$700 in cash?

25 **A.** Work.

1 Q. Was this work for the cleaning service company?

2 A. Yes, sir.

3 Q. When had you been paid?

4 A. I'm not -- I'm not sure what date that was. For, like,
5 that week, that week. I know it was that week, though.

6 Q. And this is the company that paid you in cash?

7 A. Yes.

8 Q. What were you planning to do with that \$700 that you had,
9 sir?

10 A. Get my car.

11 Q. Was your -- when you say get your car, where was your car?

12 A. Like, in the pound. In the private towing spot.

13 Q. Is that why you had borrowed your sister's car?

14 A. Yes.

15 Q. That's because your car was in the impound?

16 A. Yes.

17 Q. After Hersl left, what happened to you next?

18 A. I was just sat down, sat down for a minute.

19 Q. How long did you wait there, sat down on the porch?

20 A. Probably like a hour, 30 minutes, something like that.

21 Q. And was Burns with you during the hour and 30 minutes?

22 A. Yes; they was standing right there, yes.

23 Q. Were the other officers, did they remain at the porch with
24 you?

25 A. Yes.

1 Q. So is Hersl the only person that left with your keys?

2 A. Yes.

3 Q. After an hour and a half, what happened next?

4 A. They put the handcuffs behind his back and the paddy wagon
5 was pulling up.

6 Q. So you were handcuffed and put in the paddy wagon?

7 A. Yes.

8 Q. Where did -- where did the paddy wagon take you?

9 A. To the district.

10 Q. To the district.

11 Now, at any point in time had you given Hersl consent to
12 search your sister's car?

13 A. No, sir.

14 Q. What happened when you got to the district?

15 A. We were sent into -- sent in a room.

16 Q. You were sent into a room?

17 A. Yeah.

18 Q. What happened when you were sent into the room?

19 A. I guess -- I guess he had do the paperwork -- do some
20 paperwork or something. Then he came -- they had to do some
21 paperwork or something, I guess.

22 Q. And you said he had to do some paperwork; who was that?

23 A. Hersl.

24 Q. Did Hersl come to the district?

25 A. Yes.

1 Q. What happened when Hersl came to the district?

2 A. Told me step out, checked my pockets again, but then I
3 think he took -- he took the money out my pocket and stuff,
4 then put me back in the room.

5 Q. So when Hersl came to the district, he took the \$700 out
6 of your pocket?

7 A. Yes.

8 Q. And then he put you in a room?

9 A. Yes.

10 Q. Did you see what Mr. Hersl did with your \$700?

11 A. No, sir.

12 Q. Now, I'd like to show you a property receipt.

13 Sir, how long were you at the district?

14 A. I'm not sure. For like 30 minutes, something. I'm not
15 sure -- I'm not sure.

16 Q. Were you ultimately booked? Were you ultimately charged,
17 sir?

18 A. Was I being charged?

19 Q. Yes.

20 A. Yes.

21 Q. Do you know what you were charged with?

22 A. Well, he told me I'd been charged with handgun on
23 person -- hand -- I mean handgun on vehicle or something like
24 that. Handgun on vehicle, drugs, or something like -- drugs.

25 Q. Was it actually nine charges that you were charged with?

1 **A.** Yes.

2 **Q.** Distributing controlled, dangerous substances; possession
3 with intent to distribute narcotics; possession of drugs;
4 conspiracy to distribute drugs; handgun in your sister's
5 vehicle; knowingly altering a firearm; illegal possession of a
6 firearm --

7 **MR. NIETO:** Objection, Your Honor. I'm sorry, was the
8 charge that the handgun was in the, quote, sister's vehicle, or
9 is that just the prosecutor sort of editorializing?

10 **THE COURT:** I don't even know which car we're talking
11 about.

12 Go ahead.

13 **BY MR. HINES:**

14 **Q.** Were you charged with the handgun that was in your
15 sister's vehicle?

16 **A.** Yes.

17 **Q.** So in addition to all of those charges that I just named,
18 were you charged with a firearm and drug trafficking?

19 **A.** Yeah.

20 **Q.** And illegal possession of ammo?

21 **A.** Yes.

22 **Q.** What happened to those nine charges?

23 **A.** They -- I mean, they nolle prossed.

24 **Q.** By "nolle prossed" does that mean dismissed?

25 **A.** Dismissed.

1 Q. So testifying here today, sir, you're not facing any
2 charges?

3 A. No, sir.

4 Q. Now, I'm going to show you an exhibit that's been marked
5 as AS- . . .

6 When you were released, did you sign a receipt for
7 personal property that was given back to you?

8 A. Yes.

9 Q. And if -- is this the personal property receipt that you
10 received, sir?

11 A. Yes.

12 MR. HINES: And if Mr. Kerrigan could zoom in on the
13 cash property section.

14 BY MR. HINES:

15 Q. The bottom left-hand corner, sir, did you receive 65 cents
16 back when you were released?

17 A. Yes.

18 Q. Did you ever receive any of your \$700 back that you had in
19 your pocket?

20 A. No, sir.

21 THE CLERK: Counsel, the exhibit number, please?

22 MR. HINES: Yes. For the record, that's AS-2.

23 THE CLERK: Thank you.

24 MR. HINES: Thank you, Ms. Moyé.

25 BY MR. HINES:

~~SANTIFUL DIRECT~~

1 Q. Did you learn, sir, in your court paperwork how much money
2 the police said that they had taken from you?

3 A. Yes.

4 Q. How much was reported in your police paperwork?

5 A. 200 -- 200-something. Like 218, I think.

6 Q. \$218?

7 A. Yes.

8 Q. After you were released, were you able to get your car out
9 of the impound lot?

10 A. No.

11 Q. Why is that?

12 A. Because I got locked up.

13 Q. And did you have any money to get your car out of the
14 impound lot?

15 A. No, sir.

16 Q. Did you ever get that car back?

17 A. No.

18 Q. Do you know what happened to your sister's car?

19 A. She had to get a new -- had to buy a new key and get her
20 car at the pound, for real.

21 Q. Your sister had to buy a new key for her vehicle?

22 A. Yes.

23 Q. So she never got -- to your knowledge, got the key back?

24 A. She never got the key back, no.

25 MR. HINES: Nothing further, Your Honor.

~~SAINTFUL~~ ~~CROSS~~

1 Q. Do you recognize that, sir?

2 A. Yes.

3 Q. What is it?

4 A. It's a block.

5 Q. A block of what?

6 A. A street, Aiken Street.

7 Q. Aiken Street; right?

8 A. Yes.

9 Q. Okay. And that's the street that you were arrested on
10 right near; right?

11 A. Yes.

12 Q. Do you see Goo's house?

13 A. Yeah.

14 Q. Now, Goo, how do you -- is that a nickname?

15 A. I guess, yeah.

16 Q. Well, do you know Goo's real name?

17 A. Berg or something like that.

18 Q. I'm sorry, what?

19 A. Goo Berg or something. I don't --

20 Q. You have to speak a little clearer. What? Who is it?

21 A. Goo Berger.

22 Q. Goo Berger. Goo Berger. Does Goo Berger have a first
23 name, to your knowledge?

24 A. I don't know his first name, sir.

25 Q. All right. And where does Goo Berger live?

~~SANITIZED~~ ~~CROSS~~

1 **A.** I don't know the address. I think it's -- I don't know.

2 I'm not sure of the address.

3 **Q.** Can you point to the house?

4 **A.** (Indicating.)

5 **Q.** You think right about there (indicating)?

6 **A.** Yeah.

7 **THE CLERK:** Come up just a little closer to the
8 microphone.

9 **THE WITNESS:** Yes.

10 **THE CLERK:** Thank you.

11 **BY MR. PURPURA:**

12 **Q.** And do you have Goo Berger's phone number?

13 **A.** It ain't -- Goo Berger' phone off.

14 **Q.** No?

15 **A.** No, not right now.

16 **Q.** Is it in your phone?

17 **A.** No.

18 **Q.** You are familiar with this area at Aiken Street; right?

19 **A.** Yes.

20 **Q.** You know it is -- you know what an open-air drug market
21 is, right, where people gather to sell drugs; right?

22 **A.** Yes.

23 **Q.** That's a pretty active area in there, isn't it?

24 **A.** Yes, sir.

25 **Q.** And that's an active area for selling drugs; right?

~~SAINTFUL~~ ~~CROSS~~

1 A. Yes.

2 Q. And you see that all around that area; right?

3 A. Yes.

4 Q. When you were interviewed back on January 6th, 2017, you
5 met with a Detective Jared Stern and Officer/TFO Matt Smith,
6 and they were taking notes of what you told them.

7 Do you remember being interviewed by the police back on
8 January 6th, 2017? Do you remember being interviewed by them?

9 A. No, I'm not sure, no.

10 Q. You don't remember?

11 A. No.

12 Q. Okay. This interview supposedly took place on
13 November 6th, 2017, which is about a year ago. Do you remember
14 being interviewed about a year ago by police about this very
15 incident?

16 A. Yes.

17 (Counsel conferred.)

18 **BY MR. PURPURA:**

19 Q. Yes, that's a "yes"?

20 A. You said the FBI; right?

21 Q. FBI, yeah.

22 A. All right. Yeah.

23 Q. Oh, right. I apologize. FBI, TFO, task force officer is
24 FBI; do you remember that now?

25 A. Yes.

~~SAWYER~~ ~~CROSS~~

1 Q. Okay. Great.

2 And at that time they were asking you about this very
3 incident; right?

4 A. Yes.

5 Q. And they wanted to know who you were visiting in that
6 block; do you remember that?

7 A. Yes.

8 Q. And Goo Berger, is Goo Berger a man or a woman?

9 A. Man.

10 Q. A man. And -- all right. And at that time, a year ago,
11 January 6th, 2017, when they asked you who you're in the block
12 visiting, you said your girl. Do you remember saying that?

13 A. I --

14 Q. Do you want me to show it to you to help you refresh your
15 recollection?

16 A. I'm not sure.

17 Q. Defense Exhibit No. 26 for identification. Refresh your
18 recollection. See if this refreshes your recollection who
19 you're visiting (handing).

20 A. All right.

21 Q. Okay. Now, do you remember telling the officer about a
22 year ago that you were in the area visiting your girl?

23 A. Yes.

24 Q. Your girl's not Goo Berger, is it?

25 A. No.

~~SAINTFUL~~ ~~CROSS~~

1 Q. You just told this jury here today you were visiting
2 Goo Berger who lives in that house you pointed out to.

3 A. Right. That specific date right there, that's what you
4 sayin', for real.

5 Q. Now, you also told this jury that the car that you drove
6 up in was a Lexus truck; correct?

7 A. Yes.

8 Q. The Lexus truck is in the name of your sister, Shanequia,
9 S-H-A-N-E-Q-U-I-A; is that correct?

10 A. Yes.

11 Q. And she allowed you to use your -- her truck on that day;
12 is that correct, sir?

13 A. Yes.

14 Q. Now, your sister doesn't have a gun, does she?

15 A. No, sir.

16 Q. And your sister doesn't keep drugs in her car, to your
17 knowledge, does she?

18 A. No, sir.

19 Q. And you drove up in that car, didn't you?

20 A. Yes.

21 Q. And you also drove up in that car with someone else;
22 right?

23 A. Yes.

24 Q. And that someone else was Deontray Brown; right?

25 A. Yes.

~~SANITIZED~~ ~~CROSS~~

1 Q. And Deontray Brown is the other gentleman that got
2 arrested that day with you; correct?

3 A. Yes.

4 Q. And Deontray Brown is a gentleman that had six caps in his
5 mouth that were spit out; correct?

6 A. I don't know about that. I don't -- I'm not sure.

7 Q. And the green caps -- excuse me, the green zips that came
8 out of Deontray Brown, there was actually a couple green zips
9 in your sister's truck; did you know that?

10 A. No.

11 Q. Did your sister have green zips of cocaine kept in her
12 truck?

13 A. No, sir.

14 **MR. PURPURA:** May I have the weapon, please,
15 Defense Exhibit No. 27.

16 **BY MR. PURPURA:**

17 Q. I'm now going to show you what has been marked as
18 Defense Exhibit No. 27. This is the handgun, with bullets,
19 that was found in your sister's vehicle under the passenger
20 seat. Is this your gun?

21 A. No, sir.

22 Q. You never saw it before, sir?

23 A. No, sir.

24 Q. Is it Deontray's gun?

25 A. No, sir.

~~SAINTFUL~~ ~~CROSS~~

1 Q. Your sister's gun?

2 A. No, sir.

3 Q. And you are -- let me just take a step back.

4 You've had guns before, though; right? Yes; right?

5 A. (No response.)

6 Q. Have you had guns before?

7 A. No, sir.

8 Q. You got convicted, sir, of possession of a handgun, as the
9 Government brought out, in [sic] November 14th, 2008, and you
10 received a three-year sentence for possession of a handgun. Do
11 you remember that, sir?

12 A. Oh, yes, sir.

13 Q. You possessed that handgun, didn't you, sir?

14 A. Yes, sir, it was right there. I pleaded guilty, yes, sir.

15 Q. And you just lied to us two seconds ago on that?

16 A. I didn't lie, sir. I didn't -- I didn't lie.

17 Q. Did you possess that gun you got convicted for?

18 A. Yes, sir.

19 Q. And that's not the first time you got convicted for a
20 handgun in 2008, is it, sir?

21 A. Yes, sir.

22 Q. You got convicted in 2006 for possession of a handgun,
23 didn't you, sir?

24 A. Yes, sir, it isn't too much -- yes. Yes, sir.

25 Q. And so while you were still on probation from that 2006

~~SAINTFUL~~ ~~CROSS~~

1 possession of a handgun, you again possessed a handgun in 2008
2 and you got a second conviction for a handgun; right?

3 **A.** Yes, sir.

4 **Q.** And you're telling this jury that that handgun, which was
5 found in your sister's car, the car that you and Deontray Brown
6 pull up in, that's not your handgun?

7 **A.** No, sir.

8 **Q.** Do you remember making some phone calls to your girlfriend
9 from the jail?

10 **A.** Yes.

11 **Q.** Do you remember they're recorded phone calls?

12 **A.** Yes.

13 **Q.** Government played some of those phone calls for you?

14 **A.** Yes.

15 **Q.** And in one phone call in particular, the second day you're
16 locked up, you said [reading]: My record is fucking so fucked
17 up, yo, and it's like every time I get locked up for a gun,
18 it's like a gun or something, that shit makes me look real bad,
19 for real.

20 You're telling that to your girlfriend; right?

21 **A.** Right.

22 **Q.** And you're saying those pills were not yours. You're not
23 involved with Deontray?

24 **A.** No, sir.

25 **Q.** Do you remember on that recorded phone call being first

~~SANTIFUL - REDIRECT~~

1 worried that the feds were going to pick you up?

2 **A.** Just -- yeah, go ahead -- yeah, go finish.

3 **Q.** You said [reading]: The feds might pick me up. I'm gone.

4 And you're almost crying, do you remember that?

5 **A.** Talking to my girl, yeah.

6 **Q.** Yeah. 'Cause that would be your third handgun; right?

7 **A.** Yes.

8 **Q.** And then you said about those pills [reading]: Now I just
9 got to swallow some fucking pills.

10 Do you remember telling your girl that?

11 **A.** Yes.

12 **MR. PURPURA:** No further questions. Thank you.

13 **THE COURT:** Mr. Nieto.

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

15 **THE COURT:** Mr. Hines, any redirect?

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

17 **REDIRECT EXAMINATION**

18 **BY MR. HINES:**

19 **Q.** Mr. Santiful, counsel for Mr. Hersl asked you several
20 questions about a 2006 gun conviction.

21 **A.** Yes.

22 **Q.** And counsel for Defendant Hersl asked you if you had a gun
23 during that conviction. Was that your gun?

24 **A.** 2006?

25 **Q.** In 2006.

~~SANITIZED~~ ~~REDACTED~~

1 **A.** No, sir.

2 **Q.** And I'm showing you what's been marked as AS-6. Sir, is
3 this the conviction that counsel for Defendant Hersl relied on
4 that he was asking you about?

5 **A.** Yes.

6 **Q.** And is the filing date October 3rd, 2006, and that's your
7 name, sir (indicating)?

8 **A.** Yes.

9 **Q.** Sorry. If you can't see, I can zoom in a little for you,
10 sir.

11 You said the gun that you had for that conviction wasn't
12 yours?

13 **A.** No, sir.

14 **Q.** What happened?

15 **A.** I was ran through the alley or something. They came and
16 said they had found a -- they had found a gun in the alley or
17 something that day, for real. When I was young, I ain't know
18 no better. But I was just trying to go home, so I just took
19 it. Like, I copped out to the charge.

20 **Q.** And I want to show you the --

21 **MR. NIETO:** Your Honor, I'm sorry, if I may object.

22 If we may approach before this goes on the ELMO?

23 **THE COURT:** Sure.

24 (Bench conference on the record:

25 **MR. NIETO:** I had seen this before. And I know we had

1 some issues yesterday with the real data property search that I
2 tried to introduce. And I didn't know what a printout of this
3 particular case really meant.

4 So they're trying to submit this into evidence as
5 definitive proof that when Jenkins was, in fact, involved in
6 that case?

7 **THE COURT:** I don't know.

8 **MR. PURPURA:** Well, then, yeah --

9 **MR. HINES:** I'm going to ask him who the officer was
10 who was involved in the case.

11 **MR. NIETO:** There are three or four officers.

12 **MR. HINES:** You can bring that out.

13 **MR. NIETO:** No. Before you put it on the ELMO, when
14 it hasn't been introduced, that was where I was going with
15 this. And I didn't know what the Government anticipated on
16 doing.

17 **THE COURT:** So there are several questions here.
18 You're certainly entitled to ask him if he recalls what
19 officers were involved in 2006.

20 I think the objection is to whether you're offering
21 this, which you may or may not be able to. It looks like a
22 court record.

23 **MR. PURPURA:** I'm sorry, I'm not sure, on a relevance
24 issue, probative versus prejudicial. There's no allegation at
25 all that Jenkins has done anything wrong in this incident

1 whatsoever.

2 **MR. HINES:** He just testified that he had a gun
3 planted on him. The gun wasn't his.

4 **MR. NIETO:** I'd be very curious to know if the
5 Government can proffer to the Court the facts of this case and
6 why they have reason to believe that Officer Wayne Jenkins, who
7 was an officer in 2006, is apparently planting this gun. 2006.
8 2006. All right. As an officer.

9 **THE COURT:** When did he start working as an officer?

10 **MR. NIETO:** I'm not sure, Your Honor.

11 **THE COURT:** I mean, there's been evidence in this case
12 that the alleged wrongdoing by various people, most
13 specifically Mr. Jenkins, dates back some years.

14 This witness was asked about a 2006 conviction. His
15 version of it is that it was a gun that was planted on him. It
16 might be relevant and it might make that slightly more
17 probative, since it's been used against him by defense counsel
18 as to credibility, if he's allowed to bring out that it was
19 charged or then-Officer Wayne Jenkins was involved in his
20 arrest.

21 **MR. NIETO:** And I'm just -- I guess my only question
22 is what, if any, role did Officer Jenkins play in this
23 particular case?

24 **THE COURT:** I guess we'll --

25 **MR. HINES:** I can ask him.

1 **THE COURT:** We'll find out.

2 **MR. NIETO:** Respectfully, I'm sorry. I'm not saying
3 that to you.

4 **THE COURT:** Okay.

5 **MR. NIETO:** Before they just sort of light this bomb
6 and then walk away, I'm asking if the Government has any
7 knowledge or can proffer to the Court what, if any, role
8 Officer Jenkins played in this other than just being
9 submitting, if he was recovering, if he did pre-raid
10 observations. I have no idea what the issues are.

11 **THE COURT:** What do you expect Mr. Santiful to say?

12 **MR. HINES:** So he says that Mr. Jenkins chased him
13 down the alley and then said that he came up with a gun,
14 charged him with the gun. He was a youth then and he had no
15 other choice, he pled guilty.

16 **MR. NIETO:** That wasn't in any of the reports that we
17 have received.

18 **MR. HINES:** We didn't bring this out. We actually
19 opposed bringing it in initially.

20 **THE COURT:** They objected to this conviction coming
21 in, as I recall.

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

23 2008, do you have the same issue?

24 **MR. HINES:** So 2008, he isn't -- no, I don't have that
25 theory.

1 **THE COURT:** Okay. See if we can do it without the
2 document unless there's some other --

3 **MR. HINES:** I think it's certified.

4 **THE COURT:** Is there a certified? Let's see where
5 we -- let's see where we get without putting that on the
6 screen. Has the witness seen that document?

7 **MR. HINES:** He saw it before his testimony today.

8 **THE COURT:** Okay. I mean, because you showed it to
9 him?

10 **MR. HINES:** Yes.

11 **THE COURT:** Right. But let's see what he remembers.

12 **MR. HINES:** Okay.

13 **THE COURT:** Okay.)

14 (Bench conference concluded.)

15 **THE COURT:** Okay. If you want to just rephrase that,
16 Mr. Hines.

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

18 **BY MR. HINES:**

19 **Q.** Sir, you were -- I was asking you some questions about the
20 2006 conviction that counsel for Mr. Hersl relied on, and you
21 said you were running down an alley; is that right?

22 **A.** Yes.

23 **Q.** And how old were you at this time when you were running
24 down the alley?

25 **A.** 17, 16. Like 17, I think.

~~SANITIZED~~ ~~REDACTED~~

1 Q. And what were you doing in that area?

2 A. We was -- like, we was driving or something. We was
3 driving.

4 Q. You were driving?

5 A. Yeah.

6 Q. And did you get out of the vehicle?

7 A. Yes, we got out the vehicle, yes.

8 Q. And then you were -- you said you were running down an
9 alley?

10 A. Correct. Everybody took off.

11 Q. Did you have a gun on you at that time?

12 A. No, sir.

13 Q. Did you have a gun on you around that time at all?

14 A. No, sir.

15 Q. Do you recall the name of the police officer involved in
16 your case?

17 A. No, sir, I'm not sure who it was.

18 Q. Would it refresh your recollection to see the conviction
19 in your case?

20 **MR. NIETO:** Objection, Your Honor. Again . . .

21 **THE COURT:** If it's to his being shown the document --
22 do you want to come back up?

23 **MR. NIETO:** Please, if I may.

24 (Bench conference on the record:

25 **MR. NIETO:** Okay. So Government counsel said would it

1 refresh your recollection if I show you the conviction. That's
2 not the true test copy of the conviction. It is a printout
3 from a Web site that's not from the file.

4 So once again, in the exact same vein in which a real
5 property data search from the state of Maryland Web site became
6 an issue yesterday with regards to the chronology of the
7 purchase of the house and -- I'm saying the documents for
8 evidentiary purposes, in my mind, are equal.

9 If the Government has a statement of probable cause or
10 something from the actual court file that has some indicia of
11 reliability, that's one thing. But to classify it in their
12 question in front of the jury: Take a look at the conviction,
13 which, of course, gives this piece of paper some added level of
14 indicia of credibility, that's partially where my objection
15 lies, if that makes sense.

16 **THE COURT:** So the objection is to calling it a
17 conviction?

18 **MR. NIETO:** Yes, Your Honor. It's the way the
19 question was framed. And it's also going to be provided to
20 this particular witness, a piece of paper in which
21 Wayne Jenkins' name has been highlighted by the Government.

22 **THE COURT:** Okay.

23 **MR. NIETO:** That's all.

24 **THE COURT:** I mean, he can -- it's different from
25 yesterday for a number of reasons, because, as I understand it,

1 what he's being asked about is something that he personally
2 experienced. Believe it or not, true or not, what he is saying
3 is running down the alley, gun's planted on him, and Jenkins
4 was one of the officers.

5 **MR. NIETO:** Respectfully, Your Honor, he does not know
6 the name of the officer when he was running down the alley. So
7 the Government's going to show a piece of paper that has
8 Wayne Jenkins' name on it to refresh his recollection.

9 And my issue is that paper, it will just be a paper in
10 which it says "Wayne Jenkins," and that was my issue with it.
11 And when it's been couched the way it has been, to give it this
12 air of credibility and authenticity, which it's not --

13 **THE COURT:** Supposing they get a certified copy of the
14 document?

15 **MR. NIETO:** Obviously, if they had a certified
16 document that would have the name of the officers that were
17 witnesses -- if I may, Your Honor? If I may.

18 (Counsel conferred.)

19 **MR. NIETO:** Your Honor, that's fine. I will withdraw
20 my objection.

21 **THE COURT:** Okay. I'm still not saying that it needs
22 to be admitted into evidence. And just ask him, just look at
23 this document and see if it refreshes your recollection. He'll
24 say what he says.

25 Obviously, he can be asked on cross whether -- I don't

1 know whether he really -- did he -- whether he remembered this,
2 whether he volunteered this.

3 **MR. HINES:** He did, because I asked -- anticipating
4 Mr. Purpura was going to bring it out today -- what happened in
5 that 2006 conviction; he volunteered it.

6 **MR. NIETO:** So he remembered Wayne Jenkins as the one
7 that chased him down the alley.

8 **MR. HINES:** So I asked him in your 2006 conviction,
9 what happened, just to bring it out. He said the gun was
10 planted. And then on the second page, he said Wayne Jenkins.

11 **MR. NIETO:** He just looked at it and said
12 "Wayne Jenkins"?

13 **MR. HINES:** About 20 minutes before we --

14 **MR. NIETO:** Oh, so that was the person who did it?

15 **MR. HINES:** He said Wayne Jenkins.

16 **MR. NIETO:** So it was -- point at it and said
17 Wayne Jenkins --

18 **MR. HINES:** Well, here --

19 **MR. NIETO:** It's like trying to nail water to the
20 wall. I'm just trying to get a clear answer, because I know
21 where the Government's trying to go with it, but I think
22 they're trying to put words in his mouth.

23 **THE COURT:** All right. Well, the Government has now
24 proffered that he said to them that he recalls it being
25 Wayne Jenkins that did this. So let's move ahead, but without

~~SANITIZED~~ ~~REDACTED~~

1 introducing the document at this point.

2 **MR. HINES:** Sure. I'll just show it.)

3 (Bench conference concluded.)

4 **BY MR. HINES:**

5 **Q.** Sir, I'm showing you what's been marked for identification
6 as AS-6. Can you see if this refreshes your recollection as to
7 the officer that was involved.

8 **A.** Yes.

9 **Q.** And what was the name of the officer that was involved?

10 **A.** Wait (indicating).

11 **Q.** This officer (indicating)?

12 **A.** Jenkins.

13 **Q.** Wayne Jenkins, is that what you said, sir?

14 **A.** Yes, sir.

15 **Q.** Sir, I'm going to play for you the portion of the call
16 that Mr. Purpura just referenced earlier. The transcript's on
17 AS-2 -- I'm sorry, AS-5 is the transcript. And the audio is
18 from AS-4.

19 **THE COURT:** I'm sorry, where was the transcript?

20 **MR. HINES:** The transcript is on AS-5, looks like;
21 right, Mr. Kerrigan?

22 (Counsel conferred.)

23 (Audio was played but not reported.)

24 **MR. HINES:** You can pause it right there,

25 Mr. Kerrigan.

~~SAINT PAUL~~ ~~RECORDS~~

1 **BY MR. HINES:**

2 **Q.** Sir, is that your voice on this call?

3 **A.** Yes.

4 **Q.** Who are you speaking with, sir?

5 **A.** A friend of mine, girl.

6 **Q.** A girlfriend of yours?

7 **A.** Yes.

8 **Q.** And was this call made on November 28th, 2015, the same
9 day that you were arrested by Mr. Hersl?

10 **A.** Yes.

11 **Q.** And did you make this call from Central Booking?

12 **A.** Yes.

13 **Q.** When you say on the first line "Look, the police took all
14 my money," what is that in reference to?

15 **A.** The money I had in my pocket.

16 **Q.** And then a little later down, when you say, "I just had
17 like 700 in my pocket, yo," is that in reference to the \$700
18 that Mr. Hersl took from you?

19 **A.** Yes.

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

21 **MR. PURPURA:** Thank you. Just a few.

22 Can we go back to the overhead, please.

23 **REXCROSS-EXAMINATION**

24 **BY MR. PURPURA:**

25 **Q.** The police did take your money; correct?

~~SANITIZED~~ ~~RECORD~~

1 A. Yes.

2 Q. Okay. They took your money when you were arrested;
3 correct?

4 A. Yes.

5 Q. And putting the same exhibit back up, and I'll ask you a
6 question too that Mr. Hines didn't ask you on that very same
7 exhibit. And I highlighted it. It says [reading]: Just ran
8 up the spot.

9 Do you see that (indicating)?

10 A. (No response.)

11 Q. [Reading]: They took all my shit just now, yo.
12 Right?

13 A. (No response.)

14 Q. They did take you -- they took your drugs too; right?

15 A. No.

16 Q. What do you mean by "spot"?

17 A. What you mean? My pocket spot, what?

18 Q. Your pocket spot?

19 A. Yes.

20 Q. "And they took all my shit" (indicating); right?

21 A. Yes.

22 Q. And they did; right?

23 A. Yes.

24 Q. You know they seized drugs; right?

25 A. Yes.

~~SANITIZED~~ ~~RECORDS~~

1 Q. You know they seized the gun; right?

2 A. Yes.

3 Q. Now, you were -- Mr. Hines asked you about your 2006
4 conviction. You went into Baltimore City Circuit Court. You
5 had a lawyer; correct?

6 A. No.

7 Q. You had a lawyer in 2006 with your handgun case, didn't
8 you, sir?

9 A. Not when I copped out for it. I only had a lawyer for
10 that first beginning, for real.

11 Q. Hold on. Stephen Sacks; do you remember Stephen Sacks,
12 your defense lawyer in 2006?

13 A. Oh, Stephen Sacks.

14 Q. Right? So you did have a lawyer; right?

15 A. That's a appointed attorney. I didn't pay for that
16 lawyer.

17 Q. Doesn't matter, you had a lawyer; right?

18 A. Yes.

19 Q. And with that lawyer, you went into court and you pled
20 guilty to possession of a handgun in 2006; is that correct,
21 sir?

22 A. Yes.

23 Q. You were placed on probation; correct?

24 A. Yes.

25 Q. And during that period of time, while you were on

~~SANITIZED~~ ~~RECORD~~

1 probation, you possessed another handgun in 2008; right?

2 **A.** Yes.

3 **Q.** And you did possess that handgun, didn't you, or was that
4 put on you?

5 **A.** No. You talking about 2008, they --

6 **Q.** What about it?

7 **A.** It's right there, black and white, sir.

8 **Q.** You possessed the handgun; right?

9 **A.** That's what it say. I copped out to it; right?

10 **Q.** You copped out in 2006 too, handgun; right?

11 **A.** Yes; I was young.

12 **MR. PURPURA:** No further questions. Thank you.

13 **THE COURT:** Okay.

14 **MR. HINES:** Nothing further, Your Honor.

15 **THE COURT:** All right. Thank you, sir. You are
16 excused.

17 (Witness excused.)

18 **THE COURT:** All right. Does the Government have
19 another witness?

20 (Counsel conferred.)

21 **MR. HINES:** United States calls Theresa Anderson.

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

23 THERESA ANDERSON, GOVERNMENT'S WITNESS, SWORN.

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

25 Please speak directly into the microphone. State your

1 full name for the record and spell your last name, please.

2 **THE WITNESS:** Theresa Aleaze Anderson,
3 A-N-D-E-R-S-O-N.

4 **THE CLERK:** Is Theresa T-H or T-E?

5 **THE WITNESS:** T-H. Aleaze, A-L-E-A-Z-E.

6 DIRECT EXAMINATION

7 **BY MR. HINES:**

8 **Q.** Good afternoon.

9 **A.** Good afternoon.

10 **Q.** Where do you work?

11 **A.** I work at Baltimore City Police Department.

12 **Q.** And how long have you worked for the Baltimore City Police
13 Department?

14 **A.** I've been contracted there since 2006, but I'm retired
15 police.

16 **Q.** What do you do for the Baltimore City Police Department?

17 **A.** I work in Evidence Control.

18 **Q.** And can you describe what Evidence Control is?

19 **A.** It's a location where the officers bring in evidence or
20 other types of property. We receive the property. We do data
21 entry into the computer system, and we store the property.

22 **Q.** And when the officers bring the property to you, when
23 money is brought to Evidence Control, how is that accounted
24 for?

25 **A.** When they bring the money in, they have previously counted

1 it. They have to run the money through a money counter to
2 obtain two receipts. They give us a form, which is called a 56
3 form, which is filled out by the submitting officer with their
4 information, the total amount. We enter that into the
5 computer. Then we photograph it. And the officers drop it in
6 a particular location.

7 **Q.** Okay. I'd like to direct your attention to
8 Government's Exhibit AS-1.

9 **MR. HINES:** If you go -- zoom in on the bottom of the
10 page, Mr. Kerrigan.

11 **BY MR. HINES:**

12 **Q.** Is this your signature?

13 **A.** Yes, it is.

14 **Q.** And is this in reference to money that was submitted?

15 **A.** Correct.

16 **Q.** How much money is submitted here?

17 **A.** \$218.

18 **MR. HINES:** Go to the top of the page.

19 **BY MR. HINES:**

20 **Q.** It says Antonio Santiful?

21 **A.** Correct.

22 **Q.** And that was the arrestee/suspect?

23 **A.** The arrestee, correct.

24 **Q.** And above that it says the submitting officer is J. Burns;
25 is that right?

1 A. Correct.

2 MR. HINES: If you go to the next page, Mr. Kerrigan.

3 BY MR. HINES:

4 Q. Is this the -- what does this page show?

5 A. That's a receipt.

6 Q. Is this what spits out of the money counter?

7 A. That is.

8 Q. And it shows the denominations of the bills that were
9 seized?

10 A. Correct.

11 Q. For \$218?

12 A. Yes.

13 MR. HINES: And you go to the final page,
14 Mr. Kerrigan.

15 BY MR. HINES:

16 Q. Is this a computerized printout of that first page we
17 looked at?

18 A. It is.

19 Q. Showing the same information for the seizure on
20 November 28th, 2015?

21 A. Correct.

22 MR. HINES: And is there one more page on this
23 exhibit, Mr. Kerrigan?

24 BY MR. HINES:

25 Q. What is this photograph?

1 **A.** That is the layout of the money. That's the way it's laid
2 out so that each serial number is seen for each bill from the
3 large denomination to the smallest, with the 56 attached and
4 the receipt as well as the photo envelope with the assigned
5 property number.

6 **Q.** So for this particular arrest, only \$218 was turned in?

7 **A.** Correct.

8 **MR. HINES:** No further questions.

9 **THE COURT:** Mr. Purpura?

10 **MR. PURPURA:** Very few. Thank you.

11 **CROSS-EXAMINATION**

12 **BY MR. PURPURA:**

13 **Q.** Good afternoon, ma'am.

14 **A.** Good afternoon.

15 **THE CLERK:** Mr. Purpura, microphone, please.

16 **BY MR. PURPURA:**

17 **Q.** Ms. Anderson, very quickly, you were just shown
18 Government Exhibit AS-1.

19 **MR. PURPURA:** I'm sorry. Can we get the document
20 camera back up.

21 Great.

22 **BY MR. PURPURA:**

23 **Q.** And Mr. Hines did direct your attention to the -- what
24 does it mean by submitting officer?

25 **A.** That's the person that's standing in front of me.

1 Q. The person who actually hands you the money; is that
2 correct?

3 A. Correct.

4 Q. And that person is Sergeant J. Burns.

5 Do you know Sergeant Burns?

6 A. I can't say that I can remember him.

7 Q. Okay. Fair enough.

8 But the name is J. Burns; correct? And the rank is right
9 here, Sergeant; correct?

10 A. Correct.

11 Q. So the submitting person would have been Sergeant Burns;
12 is that correct?

13 A. Correct.

14 Q. And when the officers submit the money, it should be the
15 actual money taken. I mean, they're not supposed to go to --
16 let's assume there are hundred-dollar bills which were seized.
17 They're not supposed to go to a bank and make a hundred ones or
18 10 tens, correct?

19 A. Correct.

20 Q. They should be the exact bills which are seized from the
21 individual defendant; correct?

22 A. Correct.

23 Q. And in this particular case, Antonio Santiful had -- he
24 had a lot of ones; correct?

25 A. Correct.

1 Q. He had a lot of fives on him; correct?

2 A. Correct.

3 Q. He had some tens and then some twenties; correct?

4 A. Correct.

5 Q. Fairly small denominations of money; fair to say?

6 A. Correct.

7 Q. And that's, in your experience, as

8 Evidence Control Unit -- when you see street-level drugs and

9 street-level seizures of money being brought in, that's pretty

10 indicative of what you see, small denominations; is that fair

11 to say?

12 A. It varies.

13 Q. It does vary?

14 A. It varies.

15 Q. Good enough.

16 MR. PURPURA: I have no further questions. Thank you.

17 Pleasure.

18 MS. WICKS: No questions.

19 THE COURT: Anybody else?

20 MR. HINES: No redirect. Thank you.

21 THE COURT: Thank you very much. You're excused.

22 (Witness excused.)

23 MR. WISE: United States calls Kimberly Swinton.

24 THE CLERK: Please raise your right hand.

25 SERGEANT KIMBERLY SWINTON, GOVERNMENT'S WITNESS, SWORN.

1 **BY MR. WISE:**

2 **Q.** While that's coming up, you testified you're the
3 supervisor. In addition to being the supervisor, do you also
4 process evidence yourself?

5 **A.** Sometimes, yes. If we're busy, then I'll get on it.

6 **MR. WISE:** If we could see the first page of HT-1. If
7 you could just go to the bottom first just so we can verify.

8 **BY MR. WISE:**

9 **Q.** Whose signature is that?

10 **A.** Mine.

11 **MR. HINES:** Okay. And if we could have the top
12 portion of that.

13 **BY MR. WISE:**

14 **Q.** This is dated November the 27th, 2015; correct?

15 **A.** Yes.

16 **Q.** Okay. And who is the submitting officer on HT-1?

17 **A.** It says D. Hersl.

18 **Q.** And who is the arrestee/suspect identified?

19 **A.** Herbert Tate.

20 **MR. HINES:** And, Mr. Kerrigan, if we could see the
21 lower third.

22 **BY MR. WISE:**

23 **Q.** How much money was turned in from Herbert Tate by
24 Detective Hersl on November 27th of 2015?

25 **A.** \$216 U.S. currency.

1 **MR. HINES:** And if we go to the second page.

2 We'll have to turn our heads.

3 **BY MR. WISE:**

4 **Q.** But what's that?

5 **A.** That's our receipt.

6 **Q.** From what?

7 **A.** From our money counter.

8 **Q.** Okay. And whose signature is that across the top?

9 **A.** It's usually whoever is submitting. So if Hersl's name is
10 on there, it would be Hersl's.

11 **Q.** Okay. And if we go to the third page, what's this --
12 what's this document, I guess?

13 **A.** That's our receipt. Once we --

14 **Q.** Who fills this out?

15 **A.** We have a computer, and we just print it off the computer.

16 **Q.** Okay.

17 **A.** And it has the information that we type in.

18 **Q.** So this reflects like we saw, that \$216 was submitted by
19 Detective Hersl related to the arrest of Herbert Tate on
20 November 27th, 2015; correct?

21 **A.** Yes.

22 **Q.** And then if we go to the final page, is this a photograph
23 of the money that Detective Hersl turned in on that day?

24 **A.** Yes.

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

1 coming in off the street in alleged drug transactions?

2 **A.** It's according to what they retrieve. And it's according
3 to what they retrieve, and then they just put it on the table
4 themselves.

5 **Q.** Very good.

6 **A.** So it's like different amounts that they have.

7 **Q.** Depending on how much drugs were being seized, things like
8 that normally; correct?

9 **A.** It's whatever they bring in.

10 **Q.** Fair enough.

11 And is it unusual to have amounts in the amount of 216,
12 218, 320, 400 dollars coming in on a daily basis?

13 **A.** No. It varies.

14 **MR. PURPURA:** Thank you. I have no further questions.

15 **THE COURT:** All right. Thank you. Anything else,
16 Mr. Wise?

17 **MR. WISE:** No redirect, Your Honor. I don't know
18 (indicating).

19 **MR. NIETO:** Court's indulgence, if I may.

20 **THE COURT:** All right.

21 (Counsel conferred.)

22 **MR. NIETO:** If I may, Your Honor.

23 **THE COURT:** Sure.

24

25

CROSS-EXAMINATION

1
2 **BY MR. NIETO:**

3 **Q.** Good afternoon, ma'am.

4 **A.** How are you?

5 **Q.** I'm doing well, ma'am. How are you?

6 **A.** I'm fine.

7 **Q.** Now, you work as a supervisor at Evidence Control;
8 correct?

9 **A.** Yes.

10 **Q.** Have you always worked there?

11 **A.** No.

12 **Q.** Where were you before you were in Evidence Control?

13 **A.** I used to be in patrol. I used to be a detective,
14 handling like burglaries and different things like that.

15 **Q.** So for how long were you on patrol or worked as a
16 detective?

17 **A.** I got there in '08 to like 2013.

18 **Q.** All right. So about five years or so?

19 **A.** About that.

20 **Q.** Okay. And during that time, I'm sure you've made a
21 variety of arrests; right?

22 **A.** Being a detective is different. We've made arrests, but
23 that's like with our warrants that we have or if we got
24 information like from a pawnshop or something and that's it.

25 **Q.** Okay. So would you say in the parlance of your time,

1 would you say you made some on-view arrests?

2 **THE COURT:** Some what?

3 **MR. NIETO:** On-view, O-N, dash, V-I-E-W.

4 **THE WITNESS:** You mean when I was a detective?

5 **BY MR. NIETO:**

6 **Q.** Yes, ma'am.

7 **A.** From what I can remember, not really, because most of ours
8 was cases coming in from officers who had already investigated
9 it.

10 **Q.** I see. When you were on patrol, did you make any on-view
11 arrests at that time?

12 **A.** I've made arrests on patrol, yes.

13 **Q.** Okay. And during those times when you make these arrests
14 on patrol, do the people that you're arresting, do they protest
15 their innocence to you?

16 **A.** Only like most of 'em if we went to stores or something --
17 this was like in the '90s. Like when we went to stores, some
18 of 'em would like argue that they didn't do it or whatever.
19 But, you know, and that was basically it.

20 **Q.** Well, when you say "you know," what do you mean by that,
21 ma'am?

22 **A.** Years ago --

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

24 **MR. NIETO:** Sure.

25 (Bench conference on the record:

1 **THE COURT:** What are we doing?

2 **MR. NIETO:** I'm just getting some background
3 information on her. You know, it seems to be that many of the
4 witnesses, the victims, as they were, that the Government has
5 brought in, they are -- they're just saying that they didn't
6 commit any crimes; they didn't do anything. And then we ask
7 them -- no?

8 **THE COURT:** No. Some of them have said they did.
9 They've been quite candid about it. Some of them said they
10 didn't. And her experience from years ago, whatever kind of
11 detective patrol work she was doing, is not something that you
12 can use to argue as a matter of evidence.

13 **MR. NIETO:** You're right, Your Honor. I was simply
14 trying to elicit from her some information that, in her
15 experiences as a police officer, I know sometimes people --

16 **THE COURT:** Anything else that you want to elicit?

17 **MR. NIETO:** I think I have one other question that's
18 completed unrelated to that.

19 **THE COURT:** All right.

20 **MR. WISE:** Is it related to something in the case?

21 **MS. WICKS:** Yes, it is.

22 **THE COURT:** We'll find out. Okay.)

23 (Bench conference concluded.)

24 **BY MR. NIETO:**

25 **Q.** Ma'am, I just have another question or two for you.

1 The exhibit that the Government had presented to you with
2 regards to your signature, if you recall --

3 **THE COURT:** Do you want it up on the screen again? Is
4 that --

5 **MR. NIETO:** May I use it?

6 **MR. WISE:** (Handing.)

7 **MR. NIETO:** Thank you.

8 **BY MR. NIETO:**

9 **Q.** All right, ma'am. Okay. This would be Government
10 Exhibit HT-1, yes, ma'am.

11 Now, the -- you have identified -- you identified on the
12 top part of the page, right, that the signature for the
13 submitting officer was D. Hersl; correct?

14 **A.** Yes, it's -- uh-huh.

15 **Q.** And my only question is the -- this -- is that a -- what
16 is that (indicating)?

17 **A.** A sequence number.

18 **Q.** And what is a sequence number, ma'am?

19 **A.** Sequence number is the officer number when they first get
20 hired, they give them -- it's a sequence number. You carry it
21 until you leave the department.

22 **Q.** Okay. Is that different from your badge number?

23 **A.** Yes.

24 **Q.** Okay. So I see you have a badge; correct?

25 **A.** Uh-huh.

1 Q. So the number that's on your badge is --

2 A. Is different.

3 Q. There's no correlation between that; correct?

4 A. No. It's different.

5 MR. NIETO: Okay. Nothing further, Your Honor.

6 THE COURT: All right. Thank you. Any redirect?

7 MR. WISE: No, Your Honor. Thank you.

8 THE COURT: All right. Thank you very much.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: You are excused.

11 (Witness excused.)

12 THE COURT: And would this be a good opportunity for
13 the mid-afternoon break, or do you have somebody --

14 MR. HINES: It's a good time for the break,
15 Your Honor.

16 THE COURT: Okay. All right. We'll take the
17 mid-afternoon break. Thank you.

18 (Jury left the courtroom at 3:14 p.m.)

19 (Recess taken.)

20 THE COURT: You can be seated, please.

21 MR. HINES: May we approach?

22 THE COURT: Counsel, have an issue? Yes.

23 MR. HINES: Thank you.

24 (Bench conference on the record:

25 MR. HINES: So the next witness is Samara Irby. She

1 is the aunt of Jimmie Griffin, who will follow. She is
2 familiar with the bank accounts of her son and the money
3 that -- she gave the money to Mr. Griffin on the day of his
4 arrest by Defendant Hersl.

5 She also has advised the Government that her husband
6 was placed on life support when Defendant Hersl attacked her.
7 And Defendant Hersl later, years later, came and sort of
8 taunted her and her husband in the car by saying, "Are you the
9 one that I put on life support?"

10 And then in addition to that, her son told her that
11 drugs were planted on her.

12 Now --

13 **THE COURT:** Wait. Her son told her?

14 **MR. HINES:** Her son told her the drugs were planted on
15 her. I say all this, not because I'm planning to get into it.
16 I'm just letting the Court know. I know Mr. Purpura does not
17 intend to get into it.

18 And if there's an understanding amongst counsel that
19 they're not going to try and portray some bias on her part
20 because of these incidents, I won't get into it on direct. But
21 I just want to make sure that Mr. Nieto and everyone else is
22 under that same understanding as well.

23 **MR. PURPURA:** It would have been my motion to preclude
24 this information, so I'm not getting into it.

25 **THE COURT:** Okay. Mr. Nieto agrees.

1 Okay. Have you had the chance to tell this witness
2 that you will not get into -- counsel will not get into and she
3 should not volunteer?

4 **MR. HINES:** So in prepping her, I did not ask her any
5 questions along those lines. And I think counsel will find
6 she's a pretty sophisticated witness. I don't think she's
7 going to blurt it out. She's pretty good.

8 So I'm confident she won't go into it. Also, I'll cut
9 her off if for some reason she starts to go there.

10 **THE COURT:** Okay. It probably wouldn't hurt if you
11 just had a word with her, wherever she is --

12 **MR. HINES:** Sure. I will.

13 **THE COURT:** -- and then bring her out. Okay?

14 **MR. HINES:** Okay.

15 **THE COURT:** All right.)

16 (Bench conference concluded.)

17 (Jury entered the courtroom at 3:31 p.m.)

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

19 Let's see. The Government's calling another witness?

20 **MR. HINES:** The United States calls Samara Irby.

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

22 SAMARA IRBY, GOVERNMENT'S WITNESS, SWORN.

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

24 Please speak directly into the microphone.

25 State your full name for the record, and please spell

1 your first and your last name.

2 **THE WITNESS:** Sure. Samara Irby. First name,
3 S-A-M-A-R-A; last name, I-R-B-Y.

4 **THE CLERK:** Thank you.

5 DIRECT EXAMINATION

6 **BY MR. HINES:**

7 **Q.** Good afternoon, Ms. Irby.

8 **A.** Good afternoon.

9 **Q.** Ms. Irby, without giving your exact address, where do you
10 live?

11 **A.** I live in Middle River, Maryland.

12 **Q.** How long have you lived in Middle River, Maryland?

13 **A.** In May will be ten years.

14 **Q.** And what do you do for a living?

15 **A.** I'm an HIV counselor.

16 **Q.** How long have you been an HIV counselor?

17 **A.** Since 2012, '11 or '12. I'm sorry. '11 or '12.

18 **Q.** Have you ever been arrested for a crime?

19 **A.** No.

20 **Q.** Are you related to Jimmie Griffin?

21 **A.** Yes.

22 **Q.** How are you related to Jimmie Griffin?

23 **A.** Jimmie is my nephew.

24 **Q.** And do you know where Mr. Griffin is now?

25 **A.** Yes.

1 Q. Where is he?

2 A. He's in federal custody.

3 Q. Does Mr. Griffin suffer from any illness or poisoning?

4 A. He do suffer from lead poisoning. That's all that I know
5 of.

6 Q. And can you describe in your family and amongst your
7 relatives, is there lead settlement payments that are received?

8 A. Yes.

9 Q. And how does that work?

10 A. Well, I have -- my family have a history of
11 lead settlement. Where we grew up in a house, my siblings, we
12 had children while residing at that address. My sister, two
13 children, and my son received lead settlement for damage. And
14 I also have another sister who, she have three boys who receive
15 settlements as well.

16 Q. And --

17 **THE CLERK:** Mr. Hines, excuse me. Please turn your
18 microphone on.

19 **MR. HINES:** Thank you.

20 **BY MR. HINES:**

21 Q. And what's the name of your son who received
22 lead settlement payments?

23 A. His name was Tyrone Creighton.

24 Q. And is he deceased now today?

25 A. Yes.

~~ERBY DIRECT~~

1 Q. I'd like to show you Government's Exhibit JG-4.

2 Is this your son's name right here?

3 A. Yes.

4 Q. And is this, ma'am, a record showing the amount of the
5 lead settlement payments that he received?

6 A. Yes.

7 Q. And, ma'am, was the date October 16th, 2014, when he
8 received this -- the overall settlement amount?

9 A. Yes.

10 Q. Ma'am, do you know where Mr. Creighton held his money, at
11 which bank?

12 A. M&T Bank.

13 Q. Did you also hold your money there that you received for
14 your lead settlement?

15 A. Yes.

16 Q. Did Mr. Creighton share his money with family members?

17 A. Yes, he did.

18 Q. Who did he share it with?

19 A. He shared it with myself, and he shared money with
20 Jimmie Griffin.

21 Q. Okay. Ma'am, I'm going to show you two pages of the same
22 exhibit, JG-4. I'll zoom out and zoom in.

23 MR. HINES: I have nothing on my screen. I don't know
24 if you guys do.

25 THE CLERK: Is it dark?

1 **MR. HINES:** It says "no signal." It just went out.

2 **THE COURT:** Are the jurors' on?

3 **MR. HINES:** Mine just turned back on, Your Honor.

4 **BY MR. HINES:**

5 **Q.** Ma'am, did -- is this a cash withdrawal from October 20th,
6 2014, from customer Mr. Creighton's account for \$120,000?

7 **A.** Yes.

8 **Q.** And are you aware of what Mr. Creighton did with this
9 money?

10 **A.** Yes.

11 **Q.** What did he do, ma'am?

12 **A.** He gave it to me and put it in my account.

13 **Q.** And I'll show you the following page. There's another
14 cash withdrawal for 29,800 on November 4th.

15 Do you know what Mr. Creighton did with that money?

16 **A.** Yes.

17 **Q.** And what did he do, ma'am?

18 **A.** Put it into my account.

19 **Q.** Now, between those two withdrawals, on October 24th, 2014,
20 did he withdraw \$1,000?

21 **A.** Yes. Yes.

22 **Q.** And October 25th, 2014, \$3,500?

23 **A.** Yes.

24 **Q.** And the 27th, \$2500?

25 **A.** Yes.

1 Q. The 28th, \$1,002?

2 A. Yes.

3 Q. Ma'am, did Mr. Creighton provide you with any of that
4 money?

5 A. No.

6 Q. Did Mr. Creighton provide Mr. Griffin with any of the
7 settlement money from his lead --

8 MR. NIETO: Objection, Your Honor; basis of knowledge.

9 MR. HINES: It's in the Jencks, but I'll get into it.

10 THE COURT: If you want to establish how she knows.

11 MR. HINES: Yeah.

12 BY MR. HINES:

13 Q. Did Mr. Creighton give you some money to give to
14 Mr. Griffin?

15 A. Yes, sir.

16 Q. And how much money did Mr. Creighton give to you?

17 A. He gave me 600 -- \$6,500.

18 Q. Did you learn that police arrested Mr. Griffin on
19 November 5th, 2014?

20 A. Yes.

21 Q. How close in time prior to that date did Mr. Creighton
22 give you the \$6500 to give to Mr. Griffin?

23 A. He gave me the money the day before Mr. Griffin' arrest.

24 Q. And did you give it to Mr. Griffin?

25 A. Yes, I did.

~~IRBY~~ ~~CROSS~~

1 Q. And where were you when you gave it to Mr. Griffin?

2 A. I met up in East -- Northeast Baltimore with him. It was
3 by a mechanic shop -- that's what I remember, to give him the
4 money.

5 Q. Are you aware if Mr. Griffin had previously given some of
6 his lead settlement money to you or your son?

7 A. Yes. He gave lead settlement money to my son.

8 Q. And did the family sort of share the money as
9 distributions were made to various family members?

10 MR. NIETO: Objection, Your Honor; form; leading.

11 THE COURT: Overruled.

12 BY MR. HINES:

13 Q. You can answer.

14 A. Yes.

15 MR. HINES: No further questions, Your Honor.

16 MR. PURPURA: What was that exhibit number?

17 MR. HINES: JG-4, I believe.

18 THE COURT: Mr. Purpura?

19 MR. PURPURA: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. PURPURA:

22 Q. Ms. Irby, good afternoon, ma'am.

23 A. Good afternoon.

24 Q. Ms. Irby, you were just shown a document from M&T Bank;
25 correct?

~~TURBY~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** Okay. And this was your son's bank account; is that
3 correct?

4 **A.** Yes, sir.

5 **Q.** I'm going to show a document a little more detail. That
6 was his address?

7 **A.** Yes.

8 **Q.** Okay. And if you can just go down with me -- let me go
9 back a little bit on this.

10 **THE CLERK:** Mr. Purpura, is this your next exhibit?

11 **MR. PURPURA:** This is a government exhibit. I just
12 made marks on it. This is Government Exhibit -- excuse me.
13 The number again?

14 **MR. HINES:** JG-4.

15 **MR. PURPURA:** -- JG-4.

16 **THE CLERK:** Thank you.

17 **BY MR. PURPURA:**

18 **Q.** We can see here that it looks like the lead settlement
19 check was deposited at M&T Bank, \$266,801.13, big check going
20 in; correct?

21 **A.** Yes.

22 **Q.** And that's what opened up your son's bank account;
23 correct?

24 **A.** Yes, sir.

25 **Q.** And before that he didn't have a bank account; is that

~~TRBY~~ ~~CROSS~~

1 fair to say?

2 **A.** Yes.

3 **Q.** Okay. And then what we see here is that \$120,000 was
4 withdrawn from his bank account; correct?

5 **A.** Yes, sir.

6 **Q.** And we know that that \$120,000 went into your bank
7 account; correct?

8 **A.** Yes.

9 (Counsel conferred.)

10 **MR. PURPURA:** This next defense exhibit, 28.

11 **BY MR. PURPURA:**

12 **Q.** I'm now going to show you what has been marked as Hersl
13 Exhibit 28. And you can see that's your name; correct?

14 **A.** Yes.

15 **Q.** And that's your M&T Bank account; correct?

16 **A.** Yes, sir.

17 **Q.** And you can see right there on November -- or, excuse me,
18 October 20th, 2014, that \$120,000 check shows up in your
19 account; correct?

20 **A.** Yes.

21 **Q.** And then let's work our way down. You're going to see
22 that -- and the check that you received was a M&T check which
23 is ending in 0055; correct? When you got the \$120,000, it was
24 an M&T Bank check which you received?

25 **A.** Yes, sir. Yes.

~~TRBY~~ ~~CROSS~~

1 Q. And then you can see that there are a series of M&T Bank
2 checks which are being withdrawn. It's a bank check on
3 October 24th, 2014, for the amount of \$1,000.

4 Do you see that?

5 A. Yes.

6 Q. Who withdrew that, if you know?

7 A. Tyrone Creighton, I'm assuming.

8 Q. And do you know what he did with that check?

9 A. No.

10 Q. Okay. And then you're going to see that on October 24th,
11 four days later, another M&T Bank check in the amount of
12 0055 -- let me see if I got that, for thirty-five -- I could be
13 wrong on that. Hold on. Let me try to be exact with this. I
14 apologize.

15 All right. So we have the October 24th, 055 in the amount
16 of \$1,000.

17 And let's go up to the next bank check, October 27th,
18 2014, \$3500 by way of a bank check.

19 Do you see that?

20 A. Yes.

21 Q. And that was your son that withdrew that; is that right?

22 A. Yes.

23 Q. Do you know what he did with that bank check?

24 A. I'm assume -- no. I'm assuming he gave it to -- held the
25 money for Jimmie.

~~TRBY~~ ~~CROSS~~

1 Q. Well, it's not money. It's a check. It's a bank check.
2 It's not cash.

3 MR. HINES: Your Honor, we'll object. The cash
4 withdrawals are there in this exhibit. That's what I showed
5 her.

6 BY MR. PURPURA:

7 Q. This is a -- let me see.

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

9 (Bench conference on the record:

10 MR. HINES: So with respect to you, I made the same
11 mistake the first time, but you can see all these check
12 numbers. These are withdrawals, and they match the
13 accompanying cash withdrawals each day here: \$1,000, \$3500,
14 \$2500. That's written out in cash.

15 MR. WISE: It's not really a bank check. They all
16 have the same number sequence, separate checks. Just happens
17 to be held --

18 MR. HINES: So she's not writing checks. It's all in
19 cash.

20 MR. PURPURA: Good to know. Okay.

21 THE COURT: Move on.)

22 (Bench conference concluded.)

23 BY MR. PURPURA:

24 Q. So just going back again, if I may, there is a series
25 between October 20th, 2014; October 24th, 2014; and

1 October 27th, 2014, of withdrawals from M&T Bank; is that
2 correct?

3 **A.** Yes.

4 **Q.** And these withdrawals were not made by you; is that
5 correct?

6 **A.** Correct.

7 **Q.** They were made by Jimmie Griffin; correct? If you know.

8 **A.** The withdrawals?

9 **Q.** Yes.

10 **A.** They should have been made by Tyrone Creighton.

11 **Q.** I'm sorry. I'm sorry. By Tyrone Creighton. I apologize.
12 They were made by Tyrone Creighton; correct?

13 **A.** Yes.

14 **Q.** Okay. And these were made on the 24th, the 27th, and the
15 28th, three separate days; correct?

16 **A.** Yes, sir.

17 **Q.** And then as we go further, from the 28th right through the
18 31st, there's no more large withdrawals, is that correct, or
19 any type of withdrawals except a \$2 charge; correct?

20 **A.** Yes.

21 **Q.** And then if we go to the following days, getting closer to
22 November 4th, we see a small, looks like charge for some rather
23 small items; correct?

24 **A.** Yes.

25 **Q.** But no further withdrawals. And we're talking from

1 October 31st right through November 3rd; correct?

2 **A.** Yes.

3 **Q.** And then we go a little further, getting closer to
4 November 4th. You can see finally there is an ATM cash
5 withdrawal; correct?

6 **A.** Yes.

7 **Q.** And that's \$500; right?

8 **A.** Yes.

9 **Q.** And if we go further on November 3rd, there's more cash
10 withdrawals. Do you see that?

11 **A.** Yes.

12 **Q.** There's a cash withdrawal at Norma Jean's at Custom House
13 in Baltimore, and that's for \$204.

14 There's another cash withdrawal at Norma Jean's for \$104
15 on the same date.

16 And there's another cash withdrawal from Norma Jean's on
17 November 3rd for \$204 on the same date. And again on
18 November 3rd, there's another cash withdrawal in the amount of
19 \$204; correct?

20 **A.** Yes.

21 **Q.** So on that date, the date before November 4th -- do you
22 know what Norma Jean's is?

23 **A.** I've heard of it, but never --

24 **Q.** It's kind of a strip place on the block.

25 **A.** Yes, I've heard.

~~TRBY~~ ~~CROSS~~

1 Q. So at that point Tyrone Creighton was withdrawing money to
2 spend at Norma Jean's or something like that, maybe, perhaps;
3 right? So he's needing money, cash money to spend, correct,
4 November 3rd, the day before November 4th; right?

5 A. Yes.

6 Q. And then as we keep on going on November 3rd, we see
7 another cash withdrawal for \$60; correct?

8 A. Yes.

9 Q. And another cash withdrawal November 3rd for \$32.25,
10 another cash withdrawal for \$82 on November 3rd, and finally a
11 cash withdrawal November 3rd for \$300; correct?

12 A. Yes.

13 Q. And that brings us right up to November 4th; right?

14 A. Yes, sir.

15 Q. And November 4th is the day that Jimmie Griffin gets
16 arrested; correct?

17 A. I believe it was the 5th.

18 **THE COURT:** The 5th.

19 **BY MR. PURPURA:**

20 Q. I'm sorry. November 5th. Thank you.

21 We'll keep on going. It is the 5th. I apologize.

22 Now, cash withdrawals again on November 4th. So it
23 appears again that Tyrone is -- needs cash on November 4th.

24 And he's taking money \$202; \$202; back at Norma Jean's, \$204;

25 Norma Jean's, \$204; Norma Jean's, \$204. This brings us to the

~~PRBY REDIRECT~~

1 deposit in your account of \$29,800. That went into your
2 account; correct?

3 **A.** Yes, sir.

4 **Q.** And then we have November 5th; right? Brings us right to
5 November 5th; correct?

6 **A.** Yes.

7 **MR. PURPURA:** Okay. Thank you. I have no further
8 questions.

9 Thank you, ma'am.

10 **THE COURT:** Mr. Nieto?

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

12 **THE COURT:** Mr. Hines?

13 **MR. HINES:** Briefly.

14 REDIRECT EXAMINATION

15 **BY MR. HINES:**

16 **Q.** I just want to make sure the record is clear regarding
17 these initial --

18 **THE CLERK:** Mr. Hines.

19 Thank you.

20 **BY MR. HINES:**

21 **Q.** So Mr. Purpura showed you these check numbers, what you
22 said were checks initially. And these four add up to over
23 \$8,000; is that right?

24 **A.** Yes.

25 **Q.** Now, ma'am, when we -- on direct, we went over these

~~DEBY REDIRECT~~

1 amounts on these exact same days, showing \$1,000 cash
2 withdrawal October 24th, 2014. And if you go across, that's
3 the same amount here (indicating); right?

4 **A.** Yes.

5 **Q.** And then it's 3500, 2500, 1,002 dollars, which are the
6 exact same amounts here (indicating); right, ma'am?

7 **A.** Yes.

8 **Q.** So when it says "check number," this actually represents
9 the check number of the cash withdrawal slip for an amount of
10 over \$8,000 in cash; right?

11 **A.** Yes, sir.

12 **Q.** And I'm not going to add all them up, but Mr. Purpura
13 highlighted several thousand dollars additionally that were
14 withdrawn from Mr. Creighton's bank account prior to
15 Mr. Griffin's arrest on November 5th, 2014; right?

16 **A.** Yes.

17 **Q.** And you testified that the 8,000, 6500 of that
18 Mr. Creighton gave to you to give to Mr. Griffin?

19 **A.** He gave me \$6,500.

20 **MR. HINES:** Okay. No further questions.

21 **THE COURT:** Thank you.

22 Thank you very much, Ms. Irby. You're excused. Thank
23 you.

24 **THE WITNESS:** Thank you.

25 (Witness excused.)

~~DRBY~~ ~~REDIRECT~~

1 **THE COURT:** All right. Ms. Moyé. If you want to have
2 her wait.

3 Okay. Could I see counsel at the bench.

4 (Bench conference on the record:

5 **THE COURT:** So this question says, "How come dates
6 don't match for the \$3500?"

7 **MR. HINES:** I think it does, but I'll go back and
8 double-check.

9 **MR. PURPURA:** There's nothing we can do about that
10 now.

11 **MR. HINES:** Put her back on the stand.

12 **THE COURT:** Put her back on the stand and look at the
13 documents again.

14 **MS. WICKS:** The jury will have the exhibit.

15 **MR. HINES:** Just put her back on the stand.

16 **THE COURT:** The jury asked. If it's easy to get the
17 answer, let's just do it.)

18 (Bench conference concluded.)

19 **THE CLERK:** You're still under oath, Ms. Irby.

20 **THE WITNESS:** Okay.

21 **BY MR. HINES:**

22 **Q.** Ms. Irby, I just want to clear something up from my
23 questioning.

24 The \$3500 in the M&T Bank account is listed as a posting
25 date on October 27th, 2014; correct?

~~DEBT REDIRECT~~

1 **A.** Yes.

2 **Q.** Follow that across.

3 Now, that's the date that it actually posted into the bank
4 account; right?

5 **MR. PURPURA:** Objection. This is really -- he's
6 testifying.

7 **THE COURT:** Really --

8 **MR. PURPURA:** I'm not sure if that --

9 **THE COURT:** Overruled.

10 **BY MR. HINES:**

11 **Q.** And then on this page, what we saw before was the date
12 handwritten on the cash withdrawal of October 25th, 2014; is
13 that right?

14 **A.** Yes.

15 **Q.** And that's not listed as a posting date; correct?

16 **A.** Yes.

17 **THE COURT:** Thank you. Thank you, ma'am. You're
18 excused.

19 (Witness excused.)

20 **THE COURT:** All right. Government, have another
21 witness?

22 **MR. HINES:** United States calls Jimmie Griffin.

23 I understand that the witness is on his way right now.

24 **THE COURT:** All right.

25 (Pause.)

1 Q. How long have you worked for the Baltimore City Police
2 Department?

3 A. From '84 to 2005, I worked as a police officer. I left,
4 retired out for medical line of duty injury that I received
5 from a gunshot wound.

6 Q. And what are some of your duties in the
7 Evidence Control Unit?

8 A. To admit all submissions, whatever comes into evidence.

9 Q. Now, I'm going to be asking you about a specific
10 submission today related to a Jimmie Griffin.

11 If I could direct your attention to Government's
12 Exhibit JG-1.

13 **MR. HINES:** Can you zoom in on the signature section,
14 Mr. Kerrigan.

15 **BY MR. HINES:**

16 Q. Mr. Harcum, whose signature is that?

17 A. That is my signature.

18 Q. And if you look at the top of the page where it says
19 arrestee/suspect, what is the name of the arrestee/suspect?

20 A. Griffin, last name; first name, Jimmie.

21 Q. And that's in relation to 3028 Pinewood Avenue?

22 A. Yes.

23 Q. And if you go to the bottom here, how much currency is
24 written on the submission?

25 A. \$4,903.

1 Q. Directing your attention to the top of the page, who is
2 listed as the submitting officer?

3 A. Romeo, Detective.

4 MR. HINES: Turning to Page 2, Mr. Kerrigan.

5 BY MR. HINES:

6 Q. What are these receipts here?

7 A. The receipts are from the money machine, officer's
8 signature at the top, along with the sequence number.

9 Q. Okay. And how much money is shown submitted here?

10 MR. HINES: If you can zoom in here a little bit,
11 Mr. Kerrigan. Well, let me just . . .

12 BY MR. HINES:

13 Q. \$2,590 on the left batch?

14 A. Yes, sir.

15 Q. And is that in one hundreds, fifties, and twenties?

16 A. Correct.

17 Q. And on the right-hand column, is there \$2,313?

18 A. That is correct, sir.

19 Q. And is that in ones, fives, tens, and twenties?

20 A. Correct.

21 Q. If you turn to the third page here, what is this sheet?

22 A. This is our -- we call it a Form 56, which is evidence --
23 well, it's submitted. That's what everything is submitted on,
24 and that's what we go by when we do the submission.

25 Q. I understand. So is this essentially basically a

1 computerized printout of the first page we looked at?

2 **A.** That is correct, sir.

3 **MR. HINES:** And on the last page, please,

4 Mr. Kerrigan.

5 **BY MR. HINES:**

6 **Q.** What is this?

7 **A.** This is the money submission. The money is laid out on
8 the table, and it's laid out to the point that we all -- the
9 sequence numbers are on the money, can be shown. And this is
10 the submission from there.

11 **MR. HINES:** Okay. Is there a second page, or is that
12 it?

13 **BY MR. HINES:**

14 **Q.** And then is there also a second page which shows the
15 money?

16 **A.** Yes, sir. And that shows the 56 form at the top, along
17 with the photo envelope at the bottom.

18 **MR. HINES:** If we just briefly go back to Page 1,
19 Mr. Kerrigan.

20 **BY MR. HINES:**

21 **Q.** And was \$4,903 the amount that was reported as seized?

22 **A.** Yes, it was.

23 **Q.** Okay. And that's Government's Exhibit JG-5.

24 **THE COURT:** All right.

25 **MR. HINES:** Nothing further, Your Honor.

~~MARCUM~~ ~~CROSS~~

1 Detective Tim Romeo's signature; is that correct?

2 **A.** That is correct, sir.

3 **Q.** And that's what he should do, either the signature or
4 initial --

5 **A.** Correct.

6 **Q.** -- the counting; is that correct?

7 **A.** Correct.

8 **Q.** And other than receiving the ECU submission, you don't
9 know anything else about -- or do you know anything about this
10 particular case which occurred on November 5th, 2014, involving
11 Jimmie Griffin? Do you, sir?

12 **A.** No, sir.

13 **Q.** Not the detectives or officers involved in the
14 search warrant, nothing?

15 **A.** No, sir.

16 **MR. PURPURA:** Thank you. I have no further questions.

17 **THE COURT:** Thank you.

18 Anything?

19 **MR. PURPURA:** Just actually one, if I may, and I
20 apologize.

21 **THE COURT:** Go ahead.

22 **BY MR. PURPURA:**

23 **Q.** Officer Romeo, to your knowledge, he's still on the
24 Baltimore City Police Department; is that correct?

25 **A.** Excuse me? Couldn't quite hear you.

~~MARCOM~~ ~~CROSS~~

1 **Q.** I apologize.

2 To your knowledge, is Detective Timothy Romeo still a
3 Baltimore City police officer?

4 **A.** Yes, sir.

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

6 **THE COURT:** Any redirect?

7 **MR. HINES:** No, Your Honor.

8 **THE COURT:** Okay. Thank you very much, sir. You're
9 excused.

10 (Witness excused.)

11 **MR. HINES:** United States calls Jimmie Griffin.

12 **THE CLERK:** Please raise your right hand. Stand up,
13 please.

14 JIMMIE GRIFFIN, GOVERNMENT'S WITNESS, SWORN.

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

16 Please speak directly into the microphone. You may
17 pull the microphone down to you. And please speak directly
18 into it.

19 State your full name for the record and please spell
20 your first and your last name.

21 **THE WITNESS:** Jimmie Griffin, J-I-M-M-I-E,
22 G-R-I-F-F-I-N.

23 **THE CLERK:** Thank you.

24 If you can just get closer, please. Thank you.

25

DIRECT EXAMINATION

BY MR. HINES:

Q. Good afternoon, Mr. Griffin.

A. Good afternoon.

Q. Where are you from, sir?

A. From East Baltimore.

Q. Did you grow up in Baltimore?

A. Yes.

Q. How old are you today?

A. 27.

Q. How far did you go in school?

A. I graduated high school.

Q. I'm going to be asking you some questions about November 5th, 2014. Were you arrested on that day?

A. Yes, sir.

Q. Have you testified about what happened to you in the grand jury in this case?

A. Yes.

Q. When you testified in the grand jury, were you given immunity?

A. Yes.

Q. And do you understand that you have immunity here today as well?

A. Yes.

Q. What do you understand that to mean?

~~CRIFPIN DIRECT~~

1 **A.** It means that as long as I speak truthfully, nothing can
2 be used against me.

3 **Q.** And as a result of the arrest on November 5th, 2014, were
4 you charged in Federal Court?

5 **A.** Yes.

6 **Q.** Did you plead guilty to possession with intent to
7 distribute a hundred grams or more of heroin?

8 **A.** Yes.

9 **Q.** Was that in relation to heroin and some other items that
10 were seized from your residence?

11 **A.** Yes.

12 **Q.** What is your understanding of what could happen to your
13 sentence as a result of your truthful testimony in this case?

14 **A.** My sentence could be reduced.

15 **Q.** And who decides that?

16 **A.** The judge.

17 **Q.** So ultimately, even if the Government recommends a
18 sentence, does the judge make the final decision?

19 **A.** Yes.

20 **Q.** Sir, were you previously convicted in state court in 2012
21 of handgun in a vehicle, and did you receive a sentence of
22 three years with about two years suspended?

23 **A.** Yes.

24 **Q.** Now, I'd like to ask you a few questions about what you
25 were doing to make money leading up to your arrest on

~~CRIPPIN DIRECT~~

1 November 5th, 2014; all right?

2 Were you employed at that time?

3 **A.** No.

4 **Q.** How did you earn money?

5 **A.** I was selling drugs.

6 **Q.** And did you also have lead settlement payments as well?

7 **A.** Yes.

8 **Q.** And can you describe what that means.

9 **A.** I received a lead paint settlement of a little over
10 \$200,000 in 2010 from having lead paint poisoning.

11 **Q.** Were other members of your family also poisoned?

12 **A.** Yes.

13 **Q.** Did they receive settlement payments as well?

14 **A.** Yes.

15 **Q.** What, if anything, did you and your family members do with
16 the settlement payments?

17 **A.** We usually split the money down until the next family
18 member got their settlement.

19 **Q.** So would one person, for example, get paid first and then
20 give some of their share to other members who hadn't been paid
21 yet?

22 **A.** Yes.

23 **Q.** And then when those other members of your family got their
24 payments, would they give you some, for example?

25 **A.** Yes.

~~GRIFFIN - DIRECT~~

1 Q. Who are the other members of your family that gave you
2 money from lead settlement payments?

3 A. My sister, my cousins, and my aunt.

4 Q. And what's your cousin's name?

5 A. Tyrone Creighton.

6 Q. And how about your aunt?

7 A. Samara Reynolds.

8 Q. Now, as of November 5th, 2014, did you have any money?

9 A. Yes.

10 Q. What money did you have?

11 A. I had \$10,000, and I had additional \$6,000.

12 Q. Where was the \$10,000?

13 A. I had \$10,000 in the house in a safe.

14 Q. What was the address of the house?

15 A. 3028 Pinewood Avenue.

16 Q. If you -- if I direct your attention to JG-3, is this --
17 what is that a photograph of?

18 A. That's my house.

19 Q. And just to be clear, Mr. Griffin, when you said
20 "Samara Reynolds," does she also go by Samara Irby?

21 A. Yeah. She got married.

22 Q. Okay. And that's your aunt, you said?

23 A. Yes.

24 Q. Who purchased the home JG-3?

25 A. Me.

~~GRIPPIN - DIRECT~~

1 Q. And how did you purchase your home?

2 A. With my settlement money.

3 Q. Who lived there with you in 2014?

4 A. Me, my mother, my two sisters, my brother, and my cousin.

5 Q. Now, you indicated on November 5th, 2014, you said you had
6 \$10,000 at your home?

7 A. Yes.

8 Q. And \$6,000 on your person?

9 A. Yes.

10 Q. What happened with the \$10,000?

11 A. The \$10,000 I took \$5,000 of.

12 Q. And what did you take out the \$5,000 for?

13 A. To buy a car.

14 Q. So that leaves you with 5,000 bucks?

15 A. Yes.

16 Q. And where was that remaining \$5,000?

17 A. Still in the safe.

18 Q. Safe at your home?

19 A. Yes.

20 Q. And how had you earned or received that \$10,000?

21 A. I was given that \$10,000 from my cousin.

22 Q. And what did your cousin do at that time?

23 A. I don't understand your question.

24 Q. Well, how was he -- in addition to the lead settlement
25 payments, how was he earning money?

~~GRiffin~~ ~~DIRR~~

1 **A.** Oh, he -- he was selling drugs also.

2 **Q.** Was he selling drugs with you as well?

3 **A.** Yes.

4 **Q.** And so do you know what the source of that \$5,000 was? Do
5 you know where he got that money?

6 **A.** Not -- not really, but I assumed it was from his
7 settlement money.

8 **Q.** Now, when you took out the \$5,000 for the car, did you end
9 up spending that \$5,000?

10 **A.** Yeah, I spent some of it.

11 **Q.** How much of that did you spend?

12 **A.** I spent 3,000 on a car.

13 **Q.** What kind of car did you buy?

14 **A.** It was an Acura TL, an '03.

15 **Q.** Where did you buy the Acura TL from or who?

16 **A.** I bought it from Belair Road.

17 **Q.** And you had \$2,000 left after that?

18 **A.** Yes.

19 **Q.** What did you do -- first of all, when was this that you
20 bought the car?

21 **A.** This was early in the day, around like 11:00, 11 o'clock,
22 between 11:00 and 12 o'clock in the evening.

23 **Q.** On November 5th?

24 **A.** Yes.

25 **Q.** With the remaining \$2,000 that you had after you bought

~~GRiffin~~ ~~DIRRt~~

1 the car, what did you do with that?

2 **A.** I bought some weed.

3 **Q.** How much weed did you buy?

4 **A.** A thousand dollars worth, 4 ounces.

5 **Q.** And after you paid for that 4 ounces of weed with a
6 thousand dollars, how much money did you have left?

7 **A.** I had a thousand left.

8 **Q.** And what did you do with that thousand?

9 **A.** I put that back in the house.

10 **Q.** Where did you put it in your house?

11 **A.** I put it inside my -- my dresser drawer.

12 **Q.** And that was money that had also been given to you by your
13 cousin?

14 **A.** Yes.

15 **Q.** And you said you weren't sure where that money was from?

16 **A.** Not really.

17 **Q.** So in total, how much money was at your house on
18 November 5th, 2014, after you purchased the car and the
19 marijuana?

20 **A.** \$6,000.

21 **Q.** And then you -- did you testify that you had an additional
22 6,000 as well?

23 **A.** Yes.

24 **Q.** How did you receive that additional 6,000?

25 **A.** I received that from my aunt that same day.

1 Q. And what is your understanding of where your aunt got that
2 money?

3 A. She got that from -- from the settlement money.

4 Q. Settlement money?

5 A. Yes.

6 Q. And was that from your cousin, Tyrone?

7 A. Yes.

8 Q. Did he owe you money for the settlement at that time?

9 A. He ain't really owe it to me, but yeah.

10 Q. Look out for each other?

11 A. Yeah.

12 Q. And where did you have that \$6,000 on November 5th, 2014?

13 A. I had that money on me.

14 Q. I'm sorry, where?

15 A. I had that money on me, on my person.

16 Q. On your person?

17 A. Yeah.

18 Q. Now, after you bought the weed, where did you go?

19 A. I drove to a friend's house to go smoke. We all met up to
20 go smoke.

21 Q. And where was your friend's house?

22 A. Around by Evesham.

23 Q. Where were you smoking?

24 A. In the backyard.

25 Q. And what happened while you were smoking?

1 **A.** While we smoking in the backyard, his house was actually
2 being raided, but we ain't know. We was in the back the whole
3 time.

4 So while we was smoking, an officer came around the back
5 and asked for everybody' IDs and everybody' identification. I
6 ain't have one. Me and another dude didn't have one.

7 So they asked our names.

8 I gave a fake name. Other dude gave his real name. So
9 she kept running it through.

10 **Q.** It was a female officer?

11 **A.** Yeah, it was a female officer.

12 **Q.** And she ran the other guy's name through the system?

13 **A.** Yeah, the database, both our names. They both came back
14 clean.

15 **Q.** Your fake name came back clean?

16 **A.** Yeah. So she was like, "All right. We going let you guys
17 go." So then about a couple seconds later, some other officers
18 came out the back door. He came down. They was like, "Who we
19 got here?"

20 She like, "We got a couple of guys back here. They
21 smoking weed."

22 "We ain't worried about the weed."

23 **Q.** Do you know which officer said that?

24 **A.** Hersl.

25 **Q.** Okay.

~~GRIFFIN DIRECT~~

1 **A.** That's when she was like -- that's when the dude was like,
2 "Let me see everybody' IDs again."

3 And she was like, "These two guys don't have IDs."

4 "Like what's your name?"

5 **Q.** And when you say "the dude," who's the dude?

6 **A.** That was Hersl.

7 **Q.** Okay.

8 **A.** So I gave 'em the fake name again, and they ran it
9 through. He kept looking at me, though, like, "What's your
10 name again?"

11 I gave him the fake name again.

12 He went to the other guy: "What's your name?"

13 He gave him the fake name.

14 And he came back to me like, "What's your name again?"

15 I told him again.

16 And he was like, "Yeah, this him right here. This
17 Mr. Griffin right here. Lock him up."

18 That's when he grabbed me. He was like, "Yeah, you didn't
19 think I was going to get you, did you? You didn't think I was
20 going to get you, did you? Don't you know who I am? Like I'm
21 Hersl."

22 **Q.** Is that how you learned his name?

23 **A.** Yeah, that's how I figured out his name. He told me.

24 So --

25 **Q.** What happened after Hersl said his name was Hersl?

~~GRIFPIN~~ ~~DIRECT~~

1 A. They cuffed me.

2 Q. Who cuffed you?

3 A. Hersl. That's when he started walking me to the house.

4 Q. Walked you into the house?

5 A. Yeah; to the basement, through the basement of the house.

6 Q. When --

7 A. When he walked me through there, he checked me. He
8 checked my pockets, got my money, got my phone.

9 Q. Let me stop you right there.

10 Where were you when Hersl checked you?

11 A. We were in the house, in the basement.

12 Q. And is that on the same level as the porch in the back?

13 A. Yeah. It's ground level.

14 Q. Was -- did just Hersl walk you into the house at first?

15 A. No. It was him and another officer.

16 Q. What was the race of the other officer?

17 A. He was a white dude, another white dude.

18 Q. Do you know who -- anything else about the other officer?

19 A. No, I don't know.

20 Q. What happened when they walked you inside the house?

21 A. He began to check me and search me. He got my phone, got
22 my money.

23 Q. This is Hersl searching you?

24 A. Yes.

25 Q. When you say he got your money, how much money did he get?

~~GRIPPIN DIRECT~~

1 **A.** Took the whole \$6,000 out my pocket.

2 **Q.** What did you see him do with the \$6,000?

3 **A.** He started counting it. While he was counting it, he was
4 like, "Geez, this guy making more money than us."

5 **Q.** Hersl said, "These guys making more money than us"?

6 **A.** Yeah. And while he was counting, he saying my chains,
7 saying my jewelry. He's like, "Is this real gold?"

8 I'm like, "Yeah, this real gold."

9 So he took the chains from me.

10 "Got to make sure the feds get these, 'cause you going to
11 the feds. I'm going to make sure you go to the feds."

12 And after he took the chains, he started walking away.
13 While he was walking away, he told the other officer to check
14 my rectum.

15 **Q.** Check your rectum, that's what Hersl said?

16 **A.** Yes. He said, "Check his rectum. He's known to keep
17 stuff in his rectum." That's when he walked out the door.

18 **Q.** And that's when Hersl left with your money and the chains?

19 **A.** Yes.

20 **Q.** And that's after having counted it and said, "This guy
21 makes more money than us"?

22 **A.** Yes.

23 **Q.** What did the other officer do after Hersl said to check
24 your rectum?

25 **A.** The other officer began pulling down my pants. That's

1 when he stopped and he was like, "You ain't got anything else
2 on you, do you?"

3 I was like, "Naw. I don't keep nothing in my rectum."

4 He was like, "All right, man." Pulled my pants back up.

5 That's when he walked me through, walked me through the
6 house.

7 **Q.** So the other officer didn't actually perform the search?

8 **A.** No.

9 **Q.** And he then walked you through the house, you said?

10 **A.** Yes.

11 **Q.** Did you exit the house?

12 **A.** Yes. He took me back outside.

13 **Q.** Were you in handcuffs at all this time?

14 **A.** Still in cuffs. Took me back outside. That's when he was
15 asking whose cars it was. It was three cars out there.

16 **Q.** Who was asking whose car that was?

17 **A.** All the officers. They was asking whose cars these was,
18 'cause I just bought the car. So nobody was trying to claim
19 the cars because ain't nobody know what was going on.

20 **Q.** This was the Acura you bought earlier in the day?

21 **A.** Yeah.

22 **Q.** What happened next?

23 **A.** So after that, they grabbed me. He was like, "Yeah, say
24 good-bye to everybody. You going away for a long time."

25 Everybody said "good-bye," said they loved me. Then he

1 walked me back through the basement, up the stairs, through the
2 kitchen, and out the front door.

3 **Q.** And when Hersl had said, "This guy's going to the feds,"
4 what did you understand that to mean?

5 **A.** That I was going to the feds.

6 **Q.** Which is where you are now; right?

7 **A.** Yeah.

8 **Q.** What happened after they walked you back -- Hersl walked
9 you back through the house?

10 **A.** They walked me down the stairs through the front. We got
11 in the car. Everyone drove off. While everyone was driving
12 off, we just sat there. It was me, Hersl, and another white
13 officer. We all sat in the car. So once everybody pulled off,
14 we just sat there. He was like, "Phew. Man, you got a lot
15 going on, man. You got two guns, 200 grams of heroin. You
16 looking at at least 20 years. Like, man, can you get us a
17 brick, man? Can you get us a brick?"

18 He kept asking me to get him a brick, so I didn't never
19 respond. So he kept asking, like, "Can you get us a brick,
20 man?"

21 So I never responded. So after that he go, "Oh, he's not
22 talking. He's not gonna talk."

23 **Q.** So when they're asking you for a brick, was that a
24 kilogram of drugs?

25 **A.** Yes.

1 Q. And we brought the drugs and a gun today, I'm not going to
2 drag them out.

3 Did you actually have some drugs and a gun back at your
4 house?

5 A. Yes.

6 Q. And you said Hersl said there were two guns. Was -- were
7 both of them yours?

8 A. No.

9 Q. Was one of them yours?

10 A. Yes.

11 Q. And then what happened after Hersl was asking you to buy a
12 brick? What happened next?

13 A. Once I didn't respond, he just stopped asking and we drove
14 off. He took me to the district.

15 Q. What happened when Hersl took you to the district?

16 A. He took me to the district. He kept on saying, "We got
17 somebody there that you know. They already talked to us. We
18 know everything. Wait till you see him."

19 So I ain't know what he was talking about. He kept on
20 saying, "We got Mr. Lee. We got Mr. Lee."

21 I'm like, "I don't know who Mr. Lee is."

22 So once they took me to the station, it was another guy
23 there.

24 Q. Was that Mr. Lee?

25 A. Yeah. They had --

1 Q. Did you know Mr. Lee?

2 A. No. They had him handcuffed. So he was sittin' there
3 lookin'. So once I got there, they put us in a room together,
4 and they just stood there to see if we was going to talk. We
5 never talked.

6 Q. 'Cause you didn't know him?

7 A. Yeah. So they know he not going talk. These guys smart.
8 He walked off. When he walked off, I sat down. Sat down.
9 We still wasn't talking. So as I was sitting down, I end up
10 getting back up, walking to the door.

11 When I walked to the door, they was right there at the
12 door listening. He's like, "Oh, he got us. This guy smart.
13 He still ain't gonna talk."

14 Q. That's Hersl that was there listening?

15 A. Yeah.

16 So after that, we just went through the process and then
17 he took us down to bookings.

18 Q. And were you -- were you first released pending your
19 federal charges, or were you charged right away and brought to
20 Federal Court?

21 A. No, I never was released. I sat with the state for about
22 four months, four to five months.

23 Q. I'm going to show you what's been marked as JG-1.

24 Did you authorize -- I'm sorry. It's the property
25 receipt. JG-2.

~~GRIPPIN - DIRECT~~

1 What's your mother's name?

2 **A.** Sheila Smith.

3 **Q.** Did you authorize her to get the property that was
4 returned?

5 **A.** Yes.

6 **Q.** I'm showing you, on the left-hand side it shows a watch, a
7 ring, a belt, a jacket, and it says a license. Is that the
8 property that was returned to your mother?

9 **A.** Yes.

10 **Q.** Okay. When you were charged, did you learn how much money
11 the officers had said that they had taken?

12 **A.** Yeah. I learned once I got my charge papers, statement of
13 facts.

14 **Q.** How much money did the officers say had been taken?

15 **A.** They said they took \$900 off me.

16 **Q.** 900 from your person?

17 **A.** Yes.

18 **Q.** And how about from your house; how much money did they say
19 was taken from your house?

20 **A.** About 4,000.

21 **Q.** So was that actually \$4,003?

22 **A.** Yes.

23 **Q.** So just so my math is clear, 4,003 plus 900, they reported
24 \$4,903?

25 **A.** Yes.

~~CRIFPIN~~ ~~DIRECT~~

1 Q. And if you add up the amounts that you said -- you
2 testified to were actually the amounts you had, is that
3 \$12,000?

4 A. Yes.

5 Q. And does that equal a difference of 7,097 bucks that
6 wasn't reported?

7 A. Yes.

8 THE CLERK: Mr. Hines, the exhibit number, please.

9 MR. HINES: The exhibit is JG-5.

10 THE CLERK: Thank you.

11 MR. HINES: Thank you, Ms. Moyé.

12 BY MR. HINES:

13 Q. When Hersl came in and had arrested you, took you in the
14 house, was he armed?

15 A. Yes.

16 Q. What did you believe could happen to you if you resisted?

17 A. I believe anything could happen to me. Could have been
18 killed.

19 Q. Did you consent to let him search your home or your
20 person?

21 A. Yes. I had no choice. He just -- I was handcuffed.
22 Nothing I could do.

23 Q. So you submitted to his authority?

24 A. Yes.

25 Q. And, again, what was Hersl's comment to you when he took

~~GRIFFIN~~ ~~CROSS~~

1 the money?

2 **MR. NIETO:** Objection, Your Honor; asked and answered.

3 **THE COURT:** Sustained.

4 **MR. HINES:** No further questions.

5 **THE COURT:** Mr. Purpura.

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

7 CROSS-EXAMINATION

8 **BY MR. PURPURA:**

9 **Q.** Mr. Griffin --

10 **THE CLERK:** Excuse me, Mr. Purpura. Thank you.

11 **MR. PURPURA:** Again, I'm trying to speed up. It's
12 late.

13 **BY MR. PURPURA:**

14 **Q.** Mr. Griffin, you indicated you gave a false name; is that
15 right?

16 **A.** Yes.

17 **Q.** Okay. And -- hold on one second.

18 The false name you gave was Shawn White?

19 **A.** Yes.

20 **Q.** Okay. Who's Shawn White?

21 **A.** I don't know.

22 **Q.** Just came -- just threw it out; right?

23 **A.** Yeah.

24 **Q.** Why did you give a false name?

25 **A.** Because I thought I was going to get arrested for the

~~GRiffin~~ ~~CROSS~~

1 weed.

2 Q. All right. So you didn't want to be arrested; correct?

3 A. Right.

4 Q. And did you have an ID on you?

5 A. No.

6 Q. Are you sure?

7 A. My ID was in the car. I didn't have it on my person.

8 Q. Did they seize the ID?

9 A. Yes.

10 Q. When did they seize the ID?

11 A. I don't know.

12 Q. All right. You didn't have ID on you at that time;
13 correct?

14 A. Right.

15 Q. So you gave a false name.

16 Actually, you gave it to the first -- the female police
17 officer came up. And you said, "My name's Shawn White"; right?

18 A. Yes.

19 Q. And you didn't want to get arrested; right?

20 A. Right.

21 Q. And you didn't want to get arrested because you don't want
22 to be in jail; right?

23 A. Right.

24 Q. And you lied to try to get out of jail; right?

25 A. Right.

1 Q. You did it then; correct?

2 A. Right.

3 Q. You did it once; you did it a second time. You lied when
4 they asked you your name again; correct?

5 A. Right.

6 Q. And you did it a third time. You lied again; correct? At
7 least three times, said, "My name's Shawn White, Shawn White,
8 Shawn White"; right?

9 A. Right.

10 Q. Each time you did that -- each time you admit you lied;
11 right?

12 A. Yeah.

13 Q. And each time you lied, your intent was you're going to
14 fool these cops 'cause you want to stay out of jail; right?

15 A. Yeah.

16 Q. Cause you don't want to be in jail; right? Right?

17 A. Yeah.

18 Q. You don't want to be in jail now, either, do you?

19 A. Nobody want to be in jail.

20 Q. Right. And you'd lie to get out of jail now, too,
21 wouldn't you?

22 A. No.

23 Q. Just lied back then in 2014 to stay out of jail?

24 A. I don't understand your question.

25 Q. You lied in 2014 to try to avoid jail. You're not going

~~GRIFIN~~ ~~CROSS~~

1 to lie in 2018 to avoid jail?

2 **A.** I'm already in jail.

3 **Q.** Yeah, but you want to reduce your sentence. You want to
4 get out; right? Right?

5 **A.** Oh, that's your question?

6 **Q.** That is my question.

7 **A.** I already served most of my time. I don't have no reason
8 to lie.

9 **Q.** So do you want to tell the Court right now you don't want
10 to get out, no matter what happens?

11 **A.** Everybody --

12 **Q.** You want to say that?

13 **A.** Everybody want to get out of jail.

14 **Q.** Well, if it doesn't matter to you and you're just here to
15 tell the truth, say it in open court right now.

16 **MR. HINES:** Objection, Your Honor.

17 **THE COURT:** Sustained.

18 **BY MR. PURPURA:**

19 **Q.** Everybody wants to get out of jail; right?

20 **MR. HINES:** Asked and answered, Your Honor.

21 **THE COURT:** Yes.

22 **BY MR. PURPURA:**

23 **Q.** Now, let me ask you a couple questions about this -- the
24 10,000. You got 10,000 cash --

25 **A.** Yes.

1 Q. -- or a bank check?

2 A. Cash.

3 Q. Cash. And that was from your cousin; correct?

4 A. Correct.

5 Q. And that's Tyrone; right?

6 A. Yes.

7 Q. And you got that -- when did you get that?

8 A. I don't know the exact date.

9 Q. Okay. That's not fair. I apologize.

10 November 5th, 2014, is the day you got arrested. You
11 remember that; right?

12 A. Right.

13 Q. 'Cause you haven't -- have you been out of jail since
14 then?

15 A. No.

16 Q. Okay. So November 5th, 2014, how soon before that did you
17 get \$10,000 in cash from your cousin, Tyrone?

18 A. I'd say about a couple days before.

19 Q. A couple days before?

20 A. No more than a week.

21 Q. Okay. Within a week.

22 And then in addition, you got another 6,500 from his
23 mother, Ms. Irby; right?

24 A. No.

25 Q. 6,000?

~~GRIFIN~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** If she said 6,500, she may be wrong?

3 **MR. HINES:** Objection.

4 **THE COURT:** Sustained.

5 **BY MR. PURPURA:**

6 **Q.** How much you get from Ms. Irby?

7 **A.** 6,000.

8 **Q.** \$6,000.

9 So that would be -- and where'd that money come from?

10 **A.** I don't know, but I assume it come from that --

11 **Q.** Tyrone Creighton --

12 **A.** -- settlement.

13 **Q.** -- right?

14 **A.** Yeah.

15 **Q.** Okay. So that's \$16,000 from a settlement within a week;
16 correct?

17 **A.** Yes.

18 **Q.** Did you ever look at the bank records?

19 **MR. PURPURA:** What? I'm sorry, Judge.

20 **THE COURT:** I think his prior testimony, sir, was the
21 whole 16,000 from the settlement or did you say --

22 **MR. PURPURA:** That's what he said, Judge.

23 **THE COURT:** No.

24 **MR. HINES:** No, it wasn't.

25 **MR. PURPURA:** Okay. Wait a second.

1 **THE COURT:** Come up to the bench.

2 No, that's not what he said earlier. Come up to the
3 bench.

4 (Bench conference on the record:

5 **THE COURT:** He said his cousin was selling drugs, and
6 he's not sure where it came from.

7 **MR. PURPURA:** No. What he said -- on his question,
8 which was a leading question, "Then it could have come from
9 selling drugs?"

10 And he said it could have.

11 I'm asking specifically if he knows it came from the
12 settlement.

13 **THE COURT:** Well, that is not --

14 **MR. HINES:** He said he was uncertain where he got it
15 from.

16 **THE COURT:** Right.

17 **MR. HINES:** It could have been from the settlement, or
18 it could have been from drugs.

19 **THE COURT:** Don't say it as though it's already what
20 he's testified to. If you want -- if you want to ask him the
21 question again in a different way, you may do that. But the
22 way you asked it made it sound as though that is what he had
23 testified to. And that's not what he testified to.

24 **MR. PURPURA:** If he didn't get it -- I asked him, "You
25 got it from the settlement?"

~~GRIFIN~~ ~~CROSS~~

1 He said, "Yes."

2 If he said -- if he got it from drugs, he could have
3 stopped me and said, "No." He didn't do that.

4 **THE COURT:** I'm sustaining the objection. You don't
5 have to go back to it if you don't want to.

6 **MR. WISE:** Ms. Moyé just got a note.

7 **THE COURT:** Okay.

8 **MR. PURPURA:** "Where did the money come from?"

9 **THE COURT:** "When he went to smoke with his friends,
10 was that in his backyard or his friend's backyard?"

11 **MR. PURPURA:** Okay. Thank you. We'll get there.)

12 (Bench conference concluded.)

13 **THE COURT:** Now, if you could just rephrase that,
14 Mr. Purpura.

15 **MR. PURPURA:** I will, Your Honor.

16 **BY MR. PURPURA:**

17 **Q.** But just before I do that, 3028 Pinewood Avenue --

18 **MR. PURPURA:** Do you guys have that exhibit? Was that
19 the paper image of the house?

20 (Counsel conferred.)

21 **MR. PURPURA:** Can we get JG-3, please.

22 **BY MR. PURPURA:**

23 **Q.** The 3028 Pinewood Avenue, that's your residence; correct?

24 **A.** Yes.

25 **Q.** Okay. And when you went to go smoking, that was how far

~~GRiffin~~ ~~CROSS~~

1 away from your residence? Where were you smoking that night?

2 **A.** We was smoking around Evesham.

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

4 **A.** Around Evesham, in the back, in the alley.

5 **Q.** So how far away from your residence were you?

6 **A.** I don't know the exact distance. Probably about --

7 **Q.** Ballpark.

8 **A.** -- 15 minutes away, 15, 20.

9 **Q.** Okay. So, in other words, this is your house again, JG-3.

10 **A.** Yes.

11 **Q.** And you were not smoking in the backyard here; correct?

12 **A.** No.

13 **Q.** You left your house on November 5th with the marijuana you
14 just bought for a thousand dollars, and you went to smoke at
15 another friend's house some distance away; correct?

16 **A.** Correct.

17 **Q.** And that's where you were arrested, in that backyard
18 smoking; correct?

19 **A.** Correct.

20 **Q.** Okay. Great. Thank you.

21 Now, we'll go back to the money.

22 You received \$10,000, according to you, from
23 Tyrone Creighton within a week of November 5th, 2014; correct?

24 **A.** Yes.

25 **Q.** Okay. And did -- how did Tyrone give you the money?

1 Let's start with that.

2 **A.** He just gave me a whole \$10,000.

3 **Q.** Was it hundred-dollar bills, twenties?

4 **A.** I can't remember if it was all hundreds or -- I just know
5 it was \$10,000.

6 **Q.** Did you count the money?

7 **A.** Yeah.

8 **Q.** Can you -- 10,000 is a nice chunk of money; right? Yes?

9 **A.** Yes.

10 **Q.** Okay. And do you remember counting the money?

11 **A.** I remember counting the money.

12 **Q.** All right. And so what denominations were they? How did
13 you stack it up?

14 **A.** I can't remember how I stacked the \$10,000 up.

15 **Q.** Okay. And did Tyrone bring you to his bank when you got
16 that money?

17 **A.** No.

18 **Q.** Did he bring you to M&T Bank?

19 **A.** He never took me to no bank.

20 **Q.** So where did he give you the money?

21 **A.** He was living with me.

22 **Q.** So he brought it right to the house?

23 **A.** Yes.

24 **Q.** Brought it right to this house here; right?

25 **A.** Yes.

1 Q. And that -- well, and did Tyrone -- you and Tyrone had
2 lead paint poisoning settlements; correct?

3 A. Correct.

4 Q. And when you got yours back in 2010, you gave Tyrone and
5 his sister some of your money; right?

6 A. Correct.

7 Q. And now he's paying you back; correct?

8 A. He not really paying me back.

9 Q. What's he doing?

10 A. He just giving me some money.

11 Q. Right, 'cause you -- that's what you did to him; right?

12 A. Right.

13 Q. And he gave you this large sum of money after his
14 lead paint poisoning settlement; correct?

15 A. Correct.

16 Q. All right. And where did the money come from?

17 A. He never told me where it came from. He just gave me the
18 money.

19 Q. 10,000?

20 A. Yes.

21 Q. Now, he was dealing drugs back then, too; right?

22 A. Yes.

23 Q. Like you?

24 A. Correct.

25 Q. Making 10,000 a day selling drugs?

~~ORRIFIN~~ ~~CROSS~~

1 A. Not 10,000 a day. He was making some money.

2 Q. Making what?

3 A. He made some money, not 10,000 a day.

4 Q. You're not making 10,000 a day. No offense. Right? I
5 mean, he wasn't -- or was he?

6 A. I don't know.

7 Q. Well, was he making 10,000 a day?

8 A. I don't know.

9 Q. But he gave you \$10,000. And do you believe it came from
10 his selling drugs, do you know?

11 A. I don't know where it came from. It could have come from
12 the settlement. Could have come from selling drugs. He just
13 gave me the money.

14 Q. Fair enough.

15 And then also that week, he gave you another, according to
16 you, \$6,000; correct?

17 A. No.

18 Q. How much?

19 A. My aunt gave me 6,000.

20 Q. Coming from him; correct?

21 A. Yes.

22 Q. Where did that money come from?

23 A. She didn't tell me where it came from. I didn't ask where
24 it come from. She just gave me the money.

25 Q. This -- the house at 3028 Pinewood, who lived in that

~~ORRIN~~ ~~CROSS~~

1 house?

2 **A.** Me, my mother, my two sisters, my brother, and my cousin.

3 **Q.** How old are your sisters?

4 **A.** One of my sisters is 25. One is 17. My little brother,
5 14.

6 **Q.** How old's your cousin?

7 **A.** My cousin, he deceased now.

8 **Q.** All right. At that time?

9 **A.** At that time he was 22.

10 **Q.** So you at least had --

11 **A.** 21 or 22.

12 **Q.** -- your one minor sister, 17 years old, and your minor
13 brother, 14 years old, living in the house; correct?

14 **A.** Yeah, but they wasn't those ages at the time. That's how
15 old they is now.

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

17 **A.** They wasn't those ages at that time. That's how old they
18 are now.

19 **Q.** They were younger. Everybody was at least a couple years
20 younger; correct?

21 **A.** Yeah.

22 **Q.** All right. So they were actually probably 10 and 14;
23 right?

24 **A.** Right.

25 **Q.** Roughly.

1 But despite that, you admit you did have certain narcotics
2 in that house; correct?

3 A. Right.

4 Q. And you admit that you were selling drugs, despite the
5 fact that you received a lead paint poisoning settlement,
6 fairly large amount of money; correct?

7 A. Correct.

8 Q. You continued to sell drugs; correct?

9 A. Correct.

10 Q. Where were you selling your drugs?

11 A. I was selling my drugs in Baltimore City.

12 Q. Where in Baltimore City?

13 A. All over Baltimore City.

14 Q. Any particular street corner, any particular market?

15 A. No.

16 Q. What kind of drugs were you selling?

17 A. Heroin.

18 Q. Heroin. How were you packaging 'em up?

19 A. I wasn't packaging 'em. I was selling in grams.

20 Q. Grams?

21 A. Yeah.

22 Q. How much a gram?

23 A. \$100.

24 Q. Were you street hustling with those grams? In other
25 words, were you on the street selling out to people coming by?

1 A. No.

2 Q. You were selling grams which were going to be broken down
3 by other people to sell; correct?

4 A. Correct.

5 Q. How many times -- tell the jury: How many times can you
6 break down a gram of heroin for street sale?

7 A. I don't understand your question.

8 Q. You get a gram of heroin; right?

9 A. Yeah.

10 Q. You sell them a gram of heroin. That's basically -- that
11 gram gets broken down further; correct?

12 A. Correct.

13 Q. Okay. How many times, based on your experience, can you
14 break a gram of heroin down, to how many pieces, how many
15 pills?

16 A. I don't know 'cause I've never broken them down, so I
17 don't know.

18 Q. How much you sell a gram of heroin for?

19 A. \$100.

20 Q. And when the warrant -- how many -- did you see -- how
21 many police officers actually were there involved in your
22 arrest?

23 A. I don't know the number. It was a lot.

24 Q. Lots of 'em; correct?

25 A. Yeah.

~~ORRIFIN~~ ~~CROSS~~

1 Q. And how about at your house? They ever bring you back to
2 your house?

3 A. No.

4 Q. So you don't know how many police officers were at your
5 house right?

6 A. No.

7 Q. You were not present when your house was searched;
8 correct?

9 A. No.

10 Q. You're not present when the safe was opened up; correct?

11 A. No.

12 Q. But in the house, you did have a hydraulic brick press.
13 Do you know what that is? You have to know what it is; right?

14 Is that a yes?

15 A. Yes.

16 Q. What is it? Tell us.

17 A. It's used to compress drugs.

18 Q. Right. And you had it in your house; correct?

19 A. Correct.

20 Q. And you had it there to compress drugs; correct?

21 A. Correct.

22 Q. And you had it there to compress drugs for resale;
23 correct?

24 A. Correct.

25 Q. And why would you do that? Why would you need a hydraulic

1 brick press?

2 **A.** That's how I double my money.

3 **Q.** Just quickly tell us how you do that.

4 **A.** All right. For instance, I had a hundred grams. I had
5 another hundred grams of cut.

6 **Q.** What's cut? People don't -- I know, but they may not
7 know.

8 **A.** It's used to stretch the drugs.

9 **Q.** What would you use for cut?

10 **A.** Benita quinine.

11 **Q.** Quinine?

12 **A.** Yeah.

13 **Q.** Then what happens?

14 **A.** So I put the hundred together with the other hundred. I
15 make 200 grams, compressed it together. Now you got 200 grams.

16 **Q.** And why would you have to compress it? I guess that's the
17 question.

18 **A.** So it all could be together, be stuck together.

19 **Q.** And it would look like it's not cut; right?

20 **A.** Right.

21 **Q.** And so you double your profit that way?

22 **A.** Correct.

23 **Q.** And that's why you have a hydraulic press; correct?

24 **A.** Correct.

25 **Q.** In addition to the hydraulic press --

~~GRiffin~~ ~~CROSS~~

1 **MR. PURPURA:** May I see the -- can I have the bag
2 right now for the -- just the clothing.

3 **BY MR. PURPURA:**

4 **Q.** You found a red bandana -- this is Defense Exhibit 29 --
5 in your house. Yours; right?

6 **A.** Correct.

7 **Q.** Associated with the Bloods?

8 **A.** No.

9 **Q.** Not a gang member?

10 **A.** No.

11 **Q.** Nothing to do with the Bloods at all?

12 **A.** No.

13 **Q.** What's the tat on your eye?

14 **A.** It's a Bugatti sign.

15 **Q.** They found these, Defense Exhibit No. 30, digital scales;
16 correct?

17 **A.** Correct.

18 **Q.** What are they for?

19 **A.** To weigh.

20 **Q.** Weigh what? You can say it.

21 **A.** Drugs.

22 **Q.** Heroin?

23 **A.** Any drug.

24 **Q.** That's what you use them for; right? Is that what you use
25 them for, to weigh drugs? Yes? You've got to answer.

~~GRIFFIN~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** Thank you.

3 Defense Exhibit No. 31, Hersl. Just the photograph first.
4 This is the heroin which was seized in your house, in your
5 basement; right?

6 **A.** Yes.

7 **Q.** And that's what you had, a hundred -- just a tad over a
8 hundred grams of heroin; correct?

9 **A.** Correct.

10 **MR. PURPURA:** Judge, I'm just going to walk past the
11 jury, if I may?

12 **THE COURT:** All right.

13 **MR. PURPURA:** Thank you.

14 (Above-identified exhibit displayed to the jury.)

15 **MR. PURPURA:** And finally, may I have the firearm,
16 please.

17 **BY MR. PURPURA:**

18 **Q.** Mr. Griffin, it was brought out by Mr. Hines you had a
19 2012 handgun violation here in Baltimore City for having a
20 handgun in your vehicle; is that correct?

21 **A.** Correct.

22 **Q.** And as a person who has a handgun in your vehicle and
23 you're convicted, you were prohibited from possessing a
24 firearm; is that correct?

25 **A.** Correct.

~~CRIFIN~~ ~~CROSS~~

1 Q. You even had papers which indicated you had to agree you
2 wouldn't have a firearm again; correct?

3 A. Correct.

4 Q. And you signed those papers; right?

5 A. Right.

6 Q. 2014, November 5th, 2014, this is the firearm which was
7 yours with the drugs in the basement; correct (indicating)?

8 A. Correct.

9 THE CLERK: Is there an exhibit number?

10 MR. PURPURA: 32, Hersl. Thank you.

11 THE CLERK: Thank you.

12 BY MR. PURPURA:

13 Q. While we're on the -- just quickly on the subject of
14 Bloods, do you remember there was actually some paperwork,
15 Bloods paperwork seized from your house as well? You don't
16 remember that?

17 A. No.

18 Q. Now, you kept these things in your house and you had --
19 you were living in the basement; is that fair to say?

20 A. Correct.

21 Q. And your younger siblings were living upstairs?

22 A. Correct.

23 Q. Didn't come down to the basement?

24 A. No.

25 Q. Never; right? Kept them away; correct?

~~CRIFPIN~~ ~~CROSS~~

1 **A.** (No response.)

2 **Q.** Thank you.

3 Where did you keep your drug money? You were selling it,
4 a hundred grams of -- where was all that kept?

5 **A.** I spent it all.

6 **Q.** Spent it all.

7 Norma Jean's, you ever go there?

8 **A.** Yeah, I been there before.

9 **Q.** With your cousin as well?

10 **A.** Yes.

11 **Q.** After he got his lead money, he went there a lot?

12 **A.** Yeah.

13 **MR. PURPURA:** No further questions. Thank you.

14 **THE COURT:** All right. Mr. Nieto? Ms. Wicks?

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

16 **THE COURT:** Any redirect?

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

18 **THE COURT:** Thank you very much. This witness is
19 excused.

20 (Witness excused.)

21 **THE COURT:** If I could see counsel at the bench.

22 (Bench conference on the record:

23 **THE COURT:** Just in case you have a really short
24 witness.

25 **MR. WISE:** We don't. Just Detective Gondo.

1 **THE COURT:** Yes. Okay. No point in starting on
2 Detective Gondo today. Okay.

3 All right. So I will -- is Detective Gondo your last
4 witness?

5 **MR. WISE:** He's our -- we have three more, I think. I
6 have to check our list. There are sort of minor witnesses.
7 But it will be Detective Gondo, Special Agent Jensen, and then
8 Officer Kostoplis. And those will be our three.

9 There may be, like I said, one or two very minor if
10 there's some piece of evidence. But those are the three
11 substantive witnesses.

12 **THE COURT:** All right. Thank you, all. We'll excuse
13 the jury for today.)

14 (Bench conference concluded.)

15 **THE COURT:** All right. Ladies and gentlemen, we
16 appear to be at a good stopping point for today. As I think I
17 mentioned yesterday, we're not sitting in this trial tomorrow,
18 so you are excused until Monday.

19 Please leave your notes here. Keep an open mind.
20 Don't talk about the case. Don't read or listen to anything
21 that there might be about it. No research, et cetera,
22 et cetera.

23 Thank you very much. We'll start in again Monday
24 morning at 10 o'clock.

25 Thank you. I'll see you Monday at 10:00.

1 (Jury excused at 4:53 p.m.)

2 **THE COURT:** All right. You can be seated.

3 Just briefly, so we talked about the witnesses.

4 Sounds as though you would anticipate maybe resting Tuesday
5 morning?

6 **MR. WISE:** I think that's certainly possible, yeah. I
7 would say Tuesday, Tuesday morning.

8 **THE COURT:** Tuesday, maybe morning.

9 **MR. WISE:** Tuesday morning.

10 **THE COURT:** All right. And then defense will be
11 prepared, if they wish, to call witnesses possibly Tuesday
12 afternoon, but we'll see.

13 Okay. Any issue anybody wants to anticipate before
14 Monday?

15 **MR. PURPURA:** Can we have just one second, Your Honor?

16 **THE COURT:** Sure.

17 (Counsel conferred.)

18 **MR. PURPURA:** Judge, if we could just approach very
19 briefly.

20 **THE COURT:** Sure.

21 (Bench conference on the record:

22 **MR. PURPURA:** It's probably not the biggest issue in
23 the world right now, but it still goes back to my one witness
24 who I don't want to bring in. It's the one woman that was on
25 Aiken Street.

1 **THE COURT:** Yes.

2 **MR. PURPURA:** Santiful indicated that it is an
3 open-air drug market. The only thing that I'm asking -- if she
4 would come in, she would testify that on several occasions in
5 2015, she allowed Daniel Hersl to use her house as an
6 observation post to look out for people in this open-air drug
7 market so they could be arrested and targeted.

8 That's it. That's what she would testify to.

9 **MR. WISE:** So, I mean, our position is it's just not
10 relevant that on other occasions that didn't have anything to
11 do with Antonio Santiful, this lady apparently let Mr. Hersl
12 come in her house and look at people.

13 We also know that it specifically -- we know it has
14 nothing to do with Santiful because Mr. Hersl made up the
15 statement of probable cause where he claimed to have taken or
16 he claimed to have done surveillance that day. He admitted
17 that in his proffer. All that's made up.

18 So if you could -- the one like -- I mean, if the
19 argument was, well, he does surveillance and that corroborates
20 the surveillance he did on that day, but he's already admitted
21 that that's not true. So we just don't think it's relevant
22 that at some other point for some other person, he did
23 surveillance.

24 **MR. PURPURA:** If I may -- and I hate to get in his
25 proffers, but he did admit that -- he put down in his statement

1 of probable cause is that he saw Santiful exit the vehicle and
2 that that is inaccurate.

3 But what he did say that was accurate, he saw Santiful
4 dealing -- Santiful dealing drugs, along with his co-defendant
5 at that point. And that's when he stopped and arrested him for
6 what he did, which was wrong, which is when he took the keys,
7 as we heard Santiful say, and then he went around trying to
8 find the vehicle. He found the vehicle.

9 And that's what he misrepresented in his statement of
10 probable cause, how he found the vehicle. So why it's relevant
11 is that this is a drug area. You have a person that allows him
12 to observe people in drug areas. And Santiful got up there and
13 denied that he's involved in any drug trafficking. So this is
14 just another piece of -- this is no other reason to be there
15 except for selling drugs.

16 **THE COURT:** But what you just said doesn't -- you
17 can't use that to prove what Mr. Santiful was doing on that
18 particular day. I mean, he admitted it was an open-air drug
19 market.

20 **MR. PURPURA:** He did. He did.

21 **THE COURT:** So you've got that.

22 **MR. PURPURA:** We do have that. And that's why I said
23 it's not as important.

24 **THE COURT:** It seems to me not relevant until I hear
25 something else.

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

2 (Bench conference concluded.)

3 **THE COURT:** All right. Then I think we can adjourn
4 for today.

5 (Court adjourned at 4:58 p.m.)

6
7
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18
19 I, Douglas J. Zweizig, RDR, CRR, do hereby certify that
20 the foregoing is a correct transcript from the stenographic
21 record of proceedings in the above-entitled matter.

22 _____
23 /s/

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

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

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