

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,)	
8	Defendants.)	
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Thursday, February 1, 2018
Courtroom 1A
Baltimore, Maryland

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

VOLUME VI - EXCERPT

TESTIMONY OF JIMMIE GRIFFIN

For the Plaintiff:

Leo J. Wise, Esquire
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Reported by:

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1 For the Defendant Daniel Hersl:

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

4 For the Defendant Marcus Taylor:

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

7 Also Present:

8 Special Agent Erika Jensen, FBI

9 TFO John Sieracki

10 Matthew Kerrigan, Government's Trial Technician

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(4:10 p.m.)

(Excerpted as follows:

MR. HINES: United States calls Jimmie Griffin.

THE CLERK: Please raise your right hand. Stand up,
please.

JIMMIE GRIFFIN, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone. You may
pull the microphone down to you. And please speak directly
into it.

State your full name for the record and please spell
your first and your last name.

THE WITNESS: Jimmie Griffin, J-I-M-M-I-E,
G-R-I-F-F-I-N.

THE CLERK: Thank you.

If you can just get closer, please. Thank you.

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.

~~GRIFFIN DIRECT~~

1 Q. How old are you today?

2 A. 27.

3 Q. How far did you go in school?

4 A. I graduated high school.

5 Q. I'm going to be asking you some questions about
6 November 5th, 2014. Were you arrested on that day?

7 A. Yes, sir.

8 Q. Have you testified about what happened to you in the
9 grand jury in this case?

10 A. Yes.

11 Q. When you testified in the grand jury, were you given
12 immunity?

13 A. Yes.

14 Q. And do you understand that you have immunity here today as
15 well?

16 A. Yes.

17 Q. What do you understand that to mean?

18 A. It means that as long as I speak truthfully, nothing can
19 be used against me.

20 Q. And as a result of the arrest on November 5th, 2014, were
21 you charged in Federal Court?

22 A. Yes.

23 Q. Did you plead guilty to possession with intent to
24 distribute a hundred grams or more of heroin?

25 A. Yes.

~~GRiffin~~ ~~DIRECT~~

1 Q. Was that in relation to heroin and some other items that
2 were seized from your residence?

3 A. Yes.

4 Q. What is your understanding of what could happen to your
5 sentence as a result of your truthful testimony in this case?

6 A. My sentence could be reduced.

7 Q. And who decides that?

8 A. The judge.

9 Q. So ultimately, even if the Government recommends a
10 sentence, does the judge make the final decision?

11 A. Yes.

12 Q. Sir, were you previously convicted in state court in 2012
13 of handgun in a vehicle, and did you receive a sentence of
14 three years with about two years suspended?

15 A. Yes.

16 Q. Now, I'd like to ask you a few questions about what you
17 were doing to make money leading up to your arrest on
18 November 5th, 2014; all right?

19 Were you employed at that time?

20 A. No.

21 Q. How did you earn money?

22 A. I was selling drugs.

23 Q. And did you also have lead settlement payments as well?

24 A. Yes.

25 Q. And can you describe what that means.

~~GRiffin~~ ~~DIRECT~~

1 **A.** I received a lead paint settlement of a little over
2 \$200,000 in 2010 from having lead paint poisoning.

3 **Q.** Were other members of your family also poisoned?

4 **A.** Yes.

5 **Q.** Did they receive settlement payments as well?

6 **A.** Yes.

7 **Q.** What, if anything, did you and your family members do with
8 the settlement payments?

9 **A.** We usually split the money down until the next family
10 member got their settlement.

11 **Q.** So would one person, for example, get paid first and then
12 give some of their share to other members who hadn't been paid
13 yet?

14 **A.** Yes.

15 **Q.** And then when those other members of your family got their
16 payments, would they give you some, for example?

17 **A.** Yes.

18 **Q.** Who are the other members of your family that gave you
19 money from lead settlement payments?

20 **A.** My sister, my cousins, and my aunt.

21 **Q.** And what's your cousin's name?

22 **A.** Tyrone Creighton.

23 **Q.** And how about your aunt?

24 **A.** Samara Reynolds.

25 **Q.** Now, as of November 5th, 2014, did you have any money?

~~GRIFFIN~~ ~~DIRECT~~

1 A. Yes.

2 Q. What money did you have?

3 A. I had \$10,000, and I had additional \$6,000.

4 Q. Where was the \$10,000?

5 A. I had \$10,000 in the house in a safe.

6 Q. What was the address of the house?

7 A. 3028 Pinewood Avenue.

8 Q. If you -- if I direct your attention to JG-3, is this --
9 what is that a photograph of?

10 A. That's my house.

11 Q. And just to be clear, Mr. Griffin, when you said
12 "Samara Reynolds," does she also go by Samara Irby?

13 A. Yeah. She got married.

14 Q. Okay. And that's your aunt, you said?

15 A. Yes.

16 Q. Who purchased the home JG-3?

17 A. Me.

18 Q. And how did you purchase your home?

19 A. With my settlement money.

20 Q. Who lived there with you in 2014?

21 A. Me, my mother, my two sisters, my brother, and my cousin.

22 Q. Now, you indicated on November 5th, 2014, you said you had
23 \$10,000 at your home?

24 A. Yes.

25 Q. And \$6,000 on your person?

~~GRiffin~~ ~~DIRECT~~

1 A. Yes.

2 Q. What happened with the \$10,000?

3 A. The \$10,000 I took \$5,000 of.

4 Q. And what did you take out the \$5,000 for?

5 A. To buy a car.

6 Q. So that leaves you with 5,000 bucks?

7 A. Yes.

8 Q. And where was that remaining \$5,000?

9 A. Still in the safe.

10 Q. Safe at your home?

11 A. Yes.

12 Q. And how had you earned or received that \$10,000?

13 A. I was given that \$10,000 from my cousin.

14 Q. And what did your cousin do at that time?

15 A. I don't understand your question.

16 Q. Well, how was he -- in addition to the lead settlement
17 payments, how was he earning money?

18 A. Oh, he -- he was selling drugs also.

19 Q. Was he selling drugs with you as well?

20 A. Yes.

21 Q. And so do you know what the source of that \$5,000 was? Do
22 you know where he got that money?

23 A. Not -- not really, but I assumed it was from his
24 settlement money.

25 Q. Now, when you took out the \$5,000 for the car, did you end

1 up spending that \$5,000?

2 A. Yeah, I spent some of it.

3 Q. How much of that did you spend?

4 A. I spent 3,000 on a car.

5 Q. What kind of car did you buy?

6 A. It was an Acura TL, an '03.

7 Q. Where did you buy the Acura TL from or who?

8 A. I bought it from Belair Road.

9 Q. And you had \$2,000 left after that?

10 A. Yes.

11 Q. What did you do -- first of all, when was this that you
12 bought the car?

13 A. This was early in the day, around like 11:00, 11 o'clock,
14 between 11:00 and 12 o'clock in the evening.

15 Q. On November 5th?

16 A. Yes.

17 Q. With the remaining \$2,000 that you had after you bought
18 the car, what did you do with that?

19 A. I bought some weed.

20 Q. How much weed did you buy?

21 A. A thousand dollars worth, 4 ounces.

22 Q. And after you paid for that 4 ounces of weed with a
23 thousand dollars, how much money did you have left?

24 A. I had a thousand left.

25 Q. And what did you do with that thousand?

~~GRIPPIN DIRECT~~

1 A. I put that back in the house.

2 Q. Where did you put it in your house?

3 A. I put it inside my -- my dresser drawer.

4 Q. And that was money that had also been given to you by your
5 cousin?

6 A. Yes.

7 Q. And you said you weren't sure where that money was from?

8 A. Not really.

9 Q. So in total, how much money was at your house on
10 November 5th, 2014, after you purchased the car and the
11 marijuana?

12 A. \$6,000.

13 Q. And then you -- did you testify that you had an additional
14 6,000 as well?

15 A. Yes.

16 Q. How did you receive that additional 6,000?

17 A. I received that from my aunt that same day.

18 Q. And what is your understanding of where your aunt got that
19 money?

20 A. She got that from -- from the settlement money.

21 Q. Settlement money?

22 A. Yes.

23 Q. And was that from your cousin, Tyrone?

24 A. Yes.

25 Q. Did he owe you money for the settlement at that time?

1 A. He ain't really owe it to me, but yeah.

2 Q. Look out for each other?

3 A. Yeah.

4 Q. And where did you have that \$6,000 on November 5th, 2014?

5 A. I had that money on me.

6 Q. I'm sorry, where?

7 A. I had that money on me, on my person.

8 Q. On your person?

9 A. Yeah.

10 Q. Now, after you bought the weed, where did you go?

11 A. I drove to a friend's house to go smoke. We all met up to
12 go smoke.

13 Q. And where was your friend's house?

14 A. Around by Evesham.

15 Q. Where were you smoking?

16 A. In the backyard.

17 Q. And what happened while you were smoking?

18 A. While we smoking in the backyard, his house was actually
19 being raided, but we ain't know. We was in the back the whole
20 time.

21 So while we was smoking, an officer came around the back
22 and asked for everybody' IDs and everybody' identification. I
23 ain't have one. Me and another dude didn't have one.

24 So they asked our names.

25 I gave a fake name. Other dude gave his real name. So

~~GRIPPIN DIRECT~~

1 she kept running it through.

2 Q. It was a female officer?

3 A. Yeah, it was a female officer.

4 Q. And she ran the other guy's name through the system?

5 A. Yeah, the database, both our names. They both came back
6 clean.

7 Q. Your fake name came back clean?

8 A. Yeah. So she was like, "All right. We going let you guys
9 go." So then about a couple seconds later, some other officers
10 came out the back door. He came down. They was like, "Who we
11 got here?"

12 She like, "We got a couple of guys back here. They
13 smoking weed."

14 "We ain't worried about the weed."

15 Q. Do you know which officer said that?

16 A. Hersl.

17 Q. Okay.

18 A. That's when she was like -- that's when the dude was like,
19 "Let me see everybody' IDs again."

20 And she was like, "These two guys don't have IDs."

21 "Like what's your name?"

22 Q. And when you say "the dude," who's the dude?

23 A. That was Hersl.

24 Q. Okay.

25 A. So I gave 'em the fake name again, and they ran it

~~GRIFFIN DIRECT~~

1 through. He kept looking at me, though, like, "What's your
2 name again?"

3 I gave him the fake name again.

4 He went to the other guy: "What's your name?"

5 He gave him the fake name.

6 And he came back to me like, "What's your name again?"

7 I told him again.

8 And he was like, "Yeah, this him right here. This
9 Mr. Griffin right here. Lock him up."

10 That's when he grabbed me. He was like, "Yeah, you didn't
11 think I was going to get you, did you? You didn't think I was
12 going to get you, did you? Don't you know who I am? Like I'm
13 Hersl."

14 **Q.** Is that how you learned his name?

15 **A.** Yeah, that's how I figured out his name. He told me.

16 So --

17 **Q.** What happened after Hersl said his name was Hersl?

18 **A.** They cuffed me.

19 **Q.** Who cuffed you?

20 **A.** Hersl. That's when he started walking me to the house.

21 **Q.** Walked you into the house?

22 **A.** Yeah; to the basement, through the basement of the house.

23 **Q.** When --

24 **A.** When he walked me through there, he checked me. He
25 checked my pockets, got my money, got my phone.

~~GRIPPIN DIRECT~~

1 Q. Let me stop you right there.

2 Where were you when Hersl checked you?

3 A. We were in the house, in the basement.

4 Q. And is that on the same level as the porch in the back?

5 A. Yeah. It's ground level.

6 Q. Was -- did just Hersl walk you into the house at first?

7 A. No. It was him and another officer.

8 Q. What was the race of the other officer?

9 A. He was a white dude, another white dude.

10 Q. Do you know who -- anything else about the other officer?

11 A. No, I don't know.

12 Q. What happened when they walked you inside the house?

13 A. He began to check me and search me. He got my phone, got
14 my money.

15 Q. This is Hersl searching you?

16 A. Yes.

17 Q. When you say he got your money, how much money did he get?

18 A. Took the whole \$6,000 out my pocket.

19 Q. What did you see him do with the \$6,000?

20 A. He started counting it. While he was counting it, he was
21 like, "Geez, this guy making more money than us."

22 Q. Hersl said, "These guys making more money than us"?

23 A. Yeah. And while he was counting, he saying my chains,
24 saying my jewelry. He's like, "Is this real gold?"

25 I'm like, "Yeah, this real gold."

1 So he took the chains from me.

2 "Got to make sure the feds get these, 'cause you going to
3 the feds. I'm going to make sure you go to the feds."

4 And after he took the chains, he started walking away.
5 While he was walking away, he told the other officer to check
6 my rectum.

7 **Q.** Check your rectum, that's what Hersl said?

8 **A.** Yes. He said, "Check his rectum. He's known to keep
9 stuff in his rectum." That's when he walked out the door.

10 **Q.** And that's when Hersl left with your money and the chains?

11 **A.** Yes.

12 **Q.** And that's after having counted it and said, "This guy
13 makes more money than us"?

14 **A.** Yes.

15 **Q.** What did the other officer do after Hersl said to check
16 your rectum?

17 **A.** The other officer began pulling down my pants. That's
18 when he stopped and he was like, "You ain't got anything else
19 on you, do you?"

20 I was like, "Naw. I don't keep nothing in my rectum."

21 He was like, "All right, man." Pulled my pants back up.

22 That's when he walked me through, walked me through the
23 house.

24 **Q.** So the other officer didn't actually perform the search?

25 **A.** No.

1 Q. And he then walked you through the house, you said?

2 A. Yes.

3 Q. Did you exit the house?

4 A. Yes. He took me back outside.

5 Q. Were you in handcuffs at all this time?

6 A. Still in cuffs. Took me back outside. That's when he was
7 asking whose cars it was. It was three cars out there.

8 Q. Who was asking whose car that was?

9 A. All the officers. They was asking whose cars these was,
10 'cause I just bought the car. So nobody was trying to claim
11 the cars because ain't nobody know what was going on.

12 Q. This was the Acura you bought earlier in the day?

13 A. Yeah.

14 Q. What happened next?

15 A. So after that, they grabbed me. He was like, "Yeah, say
16 good-bye to everybody. You going away for a long time."

17 Everybody said "good-bye," said they loved me. Then he
18 walked me back through the basement, up the stairs, through the
19 kitchen, and out the front door.

20 Q. And when Hersl had said, "This guy's going to the feds,"
21 what did you understand that to mean?

22 A. That I was going to the feds.

23 Q. Which is where you are now; right?

24 A. Yeah.

25 Q. What happened after they walked you back -- Hersl walked

~~GRIPPIN DIRECT~~

1 you back through the house?

2 **A.** They walked me down the stairs through the front. We got
3 in the car. Everyone drove off. While everyone was driving
4 off, we just sat there. It was me, Hersl, and another white
5 officer. We all sat in the car. So once everybody pulled off,
6 we just sat there. He was like, "Phew. Man, you got a lot
7 going on, man. You got two guns, 200 grams of heroin. You
8 looking at at least 20 years. Like, man, can you get us a
9 brick, man? Can you get us a brick?"

10 He kept asking me to get him a brick, so I didn't never
11 respond. So he kept asking, like, "Can you get us a brick,
12 man?"

13 So I never responded. So after that he go, "Oh, he's not
14 talking. He's not gonna talk."

15 **Q.** So when they're asking you for a brick, was that a
16 kilogram of drugs?

17 **A.** Yes.

18 **Q.** And we brought the drugs and a gun today, I'm not going to
19 drag them out.

20 Did you actually have some drugs and a gun back at your
21 house?

22 **A.** Yes.

23 **Q.** And you said Hersl said there were two guns. Was -- were
24 both of them yours?

25 **A.** No.

1 Q. Was one of them yours?

2 A. Yes.

3 Q. And then what happened after Hersl was asking you to buy a
4 brick? What happened next?

5 A. Once I didn't respond, he just stopped asking and we drove
6 off. He took me to the district.

7 Q. What happened when Hersl took you to the district?

8 A. He took me to the district. He kept on saying, "We got
9 somebody there that you know. They already talked to us. We
10 know everything. Wait till you see him."

11 So I ain't know what he was talking about. He kept on
12 saying, "We got Mr. Lee. We got Mr. Lee."

13 I'm like, "I don't know who Mr. Lee is."

14 So once they took me to the station, it was another guy
15 there.

16 Q. Was that Mr. Lee?

17 A. Yeah. They had --

18 Q. Did you know Mr. Lee?

19 A. No. They had him handcuffed. So he was sittin' there
20 lookin'. So once I got there, they put us in a room together,
21 and they just stood there to see if we was going to talk. We
22 never talked.

23 Q. 'Cause you didn't know him?

24 A. Yeah. So they know he not going talk. These guys smart.

25 He walked off. When he walked off, I sat down. Sat down.

~~GRIPPIN DIRECT~~

1 We still wasn't talking. So as I was sitting down, I end up
2 getting back up, walking to the door.

3 When I walked to the door, they was right there at the
4 door listening. He's like, "Oh, he got us. This guy smart.
5 He still ain't gonna talk."

6 **Q.** That's Hersl that was there listening?

7 **A.** Yeah.

8 So after that, we just went through the process and then
9 he took us down to bookings.

10 **Q.** And were you -- were you first released pending your
11 federal charges, or were you charged right away and brought to
12 Federal Court?

13 **A.** No, I never was released. I sat with the state for about
14 four months, four to five months.

15 **Q.** I'm going to show you what's been marked as JG-1.

16 Did you authorize -- I'm sorry. It's the property
17 receipt. JG-2.

18 What's your mother's name?

19 **A.** Sheila Smith.

20 **Q.** Did you authorize her to get the property that was
21 returned?

22 **A.** Yes.

23 **Q.** I'm showing you, on the left-hand side it shows a watch, a
24 ring, a belt, a jacket, and it says a license. Is that the
25 property that was returned to your mother?

~~GRIPPIN DIRECT~~

1 **A.** Yes.

2 **Q.** Okay. When you were charged, did you learn how much money
3 the officers had said that they had taken?

4 **A.** Yeah. I learned once I got my charge papers, statement of
5 facts.

6 **Q.** How much money did the officers say had been taken?

7 **A.** They said they took \$900 off me.

8 **Q.** 900 from your person?

9 **A.** Yes.

10 **Q.** And how about from your house; how much money did they say
11 was taken from your house?

12 **A.** About 4,000.

13 **Q.** So was that actually \$4,003?

14 **A.** Yes.

15 **Q.** So just so my math is clear, 4,003 plus 900, they reported
16 \$4,903?

17 **A.** Yes.

18 **Q.** And if you add up the amounts that you said -- you
19 testified to were actually the amounts you had, is that
20 \$12,000?

21 **A.** Yes.

22 **Q.** And does that equal a difference of 7,097 bucks that
23 wasn't reported?

24 **A.** Yes.

25 **THE CLERK:** Mr. Hines, the exhibit number, please.

~~GRIFIN~~ ~~CROSS~~

1 **MR. HINES:** The exhibit is JG-5.

2 **THE CLERK:** Thank you.

3 **MR. HINES:** Thank you, Ms. Moyé.

4 **BY MR. HINES:**

5 **Q.** When Hersl came in and had arrested you, took you in the
6 house, was he armed?

7 **A.** Yes.

8 **Q.** What did you believe could happen to you if you resisted?

9 **A.** I believe anything could happen to me. Could have been
10 killed.

11 **Q.** Did you consent to let him search your home or your
12 person?

13 **A.** Yes. I had no choice. He just -- I was handcuffed.
14 Nothing I could do.

15 **Q.** So you submitted to his authority?

16 **A.** Yes.

17 **Q.** And, again, what was Hersl's comment to you when he took
18 the money?

19 **MR. NIETO:** Objection, Your Honor; asked and answered.

20 **THE COURT:** Sustained.

21 **MR. HINES:** No further questions.

22 **THE COURT:** Mr. Purpura.

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

24

25

CROSS-EXAMINATION

BY MR. PURPURA:

Q. Mr. Griffin --

THE CLERK: Excuse me, Mr. Purpura. Thank you.

MR. PURPURA: Again, I'm trying to speed up. It's late.

BY MR. PURPURA:

Q. Mr. Griffin, you indicated you gave a false name; is that right?

A. Yes.

Q. Okay. And -- hold on one second.

The false name you gave was Shawn White?

A. Yes.

Q. Okay. Who's Shawn White?

A. I don't know.

Q. Just came -- just threw it out; right?

A. Yeah.

Q. Why did you give a false name?

A. Because I thought I was going to get arrested for the weed.

Q. All right. So you didn't want to be arrested; correct?

A. Right.

Q. And did you have an ID on you?

A. No.

Q. Are you sure?

~~GRIFFIN~~ ~~CROSS~~

1 A. My ID was in the car. I didn't have it on my person.

2 Q. Did they seize the ID?

3 A. Yes.

4 Q. When did they seize the ID?

5 A. I don't know.

6 Q. All right. You didn't have ID on you at that time;
7 correct?

8 A. Right.

9 Q. So you gave a false name.

10 Actually, you gave it to the first -- the female police
11 officer came up. And you said, "My name's Shawn White"; right?

12 A. Yes.

13 Q. And you didn't want to get arrested; right?

14 A. Right.

15 Q. And you didn't want to get arrested because you don't want
16 to be in jail; right?

17 A. Right.

18 Q. And you lied to try to get out of jail; right?

19 A. Right.

20 Q. You did it then; correct?

21 A. Right.

22 Q. You did it once; you did it a second time. You lied when
23 they asked you your name again; correct?

24 A. Right.

25 Q. And you did it a third time. You lied again; correct? At

~~GRIFIN~~ ~~CROSS~~

1 least three times, said, "My name's Shawn White, Shawn White,
2 Shawn White"; right?

3 **A.** Right.

4 **Q.** Each time you did that -- each time you admit you lied;
5 right?

6 **A.** Yeah.

7 **Q.** And each time you lied, your intent was you're going to
8 fool these cops 'cause you want to stay out of jail; right?

9 **A.** Yeah.

10 **Q.** Cause you don't want to be in jail; right? Right?

11 **A.** Yeah.

12 **Q.** You don't want to be in jail now, either, do you?

13 **A.** Nobody want to be in jail.

14 **Q.** Right. And you'd lie to get out of jail now, too,
15 wouldn't you?

16 **A.** No.

17 **Q.** Just lied back then in 2014 to stay out of jail?

18 **A.** I don't understand your question.

19 **Q.** You lied in 2014 to try to avoid jail. You're not going
20 to lie in 2018 to avoid jail?

21 **A.** I'm already in jail.

22 **Q.** Yeah, but you want to reduce your sentence. You want to
23 get out; right? Right?

24 **A.** Oh, that's your question?

25 **Q.** That is my question.

1 **A.** I already served most of my time. I don't have no reason
2 to lie.

3 **Q.** So do you want to tell the Court right now you don't want
4 to get out, no matter what happens?

5 **A.** Everybody --

6 **Q.** You want to say that?

7 **A.** Everybody want to get out of jail.

8 **Q.** Well, if it doesn't matter to you and you're just here to
9 tell the truth, say it in open court right now.

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

11 **THE COURT:** Sustained.

12 **BY MR. PURPURA:**

13 **Q.** Everybody wants to get out of jail; right?

14 **MR. HINES:** Asked and answered, Your Honor.

15 **THE COURT:** Yes.

16 **BY MR. PURPURA:**

17 **Q.** Now, let me ask you a couple questions about this -- the
18 10,000. You got 10,000 cash --

19 **A.** Yes.

20 **Q.** -- or a bank check?

21 **A.** Cash.

22 **Q.** Cash. And that was from your cousin; correct?

23 **A.** Correct.

24 **Q.** And that's Tyrone; right?

25 **A.** Yes.

1 Q. And you got that -- when did you get that?

2 A. I don't know the exact date.

3 Q. Okay. That's not fair. I apologize.

4 November 5th, 2014, is the day you got arrested. You
5 remember that; right?

6 A. Right.

7 Q. 'Cause you haven't -- have you been out of jail since
8 then?

9 A. No.

10 Q. Okay. So November 5th, 2014, how soon before that did you
11 get \$10,000 in cash from your cousin, Tyrone?

12 A. I'd say about a couple days before.

13 Q. A couple days before?

14 A. No more than a week.

15 Q. Okay. Within a week.

16 And then in addition, you got another 6,500 from his
17 mother, Ms. Irby; right?

18 A. No.

19 Q. 6,000?

20 A. Yes.

21 Q. If she said 6,500, she may be wrong?

22 MR. HINES: Objection.

23 THE COURT: Sustained.

24 BY MR. PURPURA:

25 Q. How much you get from Ms. Irby?

~~GRIFFIN~~ ~~CROSS~~

1 **A.** 6,000.

2 **Q.** \$6,000.

3 So that would be -- and where'd that money come from?

4 **A.** I don't know, but I assume it come from that --

5 **Q.** Tyrone Creighton --

6 **A.** -- settlement.

7 **Q.** -- right?

8 **A.** Yeah.

9 **Q.** Okay. So that's \$16,000 from a settlement within a week;
10 correct?

11 **A.** Yes.

12 **Q.** Did you ever look at the bank records?

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

14 **THE COURT:** I think his prior testimony, sir, was the
15 whole 16,000 from the settlement or did you say --

16 **MR. PURPURA:** That's what he said, Judge.

17 **THE COURT:** No.

18 **MR. HINES:** No, it wasn't.

19 **MR. PURPURA:** Okay. Wait a second.

20 **THE COURT:** Come up to the bench.

21 No, that's not what he said earlier. Come up to the
22 bench.

23 (Bench conference on the record:

24 **THE COURT:** He said his cousin was selling drugs, and
25 he's not sure where it came from.

1 **MR. PURPURA:** No. What he said -- on his question,
2 which was a leading question, "Then it could have come from
3 selling drugs?"

4 And he said it could have.

5 I'm asking specifically if he knows it came from the
6 settlement.

7 **THE COURT:** Well, that is not --

8 **MR. HINES:** He said he was uncertain where he got it
9 from.

10 **THE COURT:** Right.

11 **MR. HINES:** It could have been from the settlement, or
12 it could have been from drugs.

13 **THE COURT:** Don't say it as though it's already what
14 he's testified to. If you want -- if you want to ask him the
15 question again in a different way, you may do that. But the
16 way you asked it made it sound as though that is what he had
17 testified to. And that's not what he testified to.

18 **MR. PURPURA:** If he didn't get it -- I asked him, "You
19 got it from the settlement?"

20 He said, "Yes."

21 If he said -- if he got it from drugs, he could have
22 stopped me and said, "No." He didn't do that.

23 **THE COURT:** I'm sustaining the objection. You don't
24 have to go back to it if you don't want to.

25 **MR. WISE:** Ms. Moyé just got a note.

~~GRIFFIN~~ ~~CROSS~~

1 **THE COURT:** Okay.

2 **MR. PURPURA:** "Where did the money come from?"

3 **THE COURT:** "When he went to smoke with his friends,
4 was that in his backyard or his friend's backyard?"

5 **MR. PURPURA:** Okay. Thank you. We'll get there.)
6 (Bench conference concluded.)

7 **THE COURT:** Now, if you could just rephrase that,
8 Mr. Purpura.

9 **MR. PURPURA:** I will, Your Honor.

10 **BY MR. PURPURA:**

11 **Q.** But just before I do that, 3028 Pinewood Avenue --

12 **MR. PURPURA:** Do you guys have that exhibit? Was that
13 the paper image of the house?

14 (Counsel conferred.)

15 **MR. PURPURA:** Can we get JG-3, please.

16 **BY MR. PURPURA:**

17 **Q.** The 3028 Pinewood Avenue, that's your residence; correct?

18 **A.** Yes.

19 **Q.** Okay. And when you went to go smoking, that was how far
20 away from your residence? Where were you smoking that night?

21 **A.** We was smoking around Evesham.

22 **Q.** I'm sorry?

23 **A.** Around Evesham, in the back, in the alley.

24 **Q.** So how far away from your residence were you?

25 **A.** I don't know the exact distance. Probably about --

1 Q. Ballpark.

2 A. -- 15 minutes away, 15, 20.

3 Q. Okay. So, in other words, this is your house again, JG-3.

4 A. Yes.

5 Q. And you were not smoking in the backyard here; correct?

6 A. No.

7 Q. You left your house on November 5th with the marijuana you
8 just bought for a thousand dollars, and you went to smoke at
9 another friend's house some distance away; correct?

10 A. Correct.

11 Q. And that's where you were arrested, in that backyard
12 smoking; correct?

13 A. Correct.

14 Q. Okay. Great. Thank you.

15 Now, we'll go back to the money.

16 You received \$10,000, according to you, from
17 Tyrone Creighton within a week of November 5th, 2014; correct?

18 A. Yes.

19 Q. Okay. And did -- how did Tyrone give you the money?
20 Let's start with that.

21 A. He just gave me a whole \$10,000.

22 Q. Was it hundred-dollar bills, twenties?

23 A. I can't remember if it was all hundreds or -- I just know
24 it was \$10,000.

25 Q. Did you count the money?

1 A. Yeah.

2 Q. Can you -- 10,000 is a nice chunk of money; right? Yes?

3 A. Yes.

4 Q. Okay. And do you remember counting the money?

5 A. I remember counting the money.

6 Q. All right. And so what denominations were they? How did
7 you stack it up?

8 A. I can't remember how I stacked the \$10,000 up.

9 Q. Okay. And did Tyrone bring you to his bank when you got
10 that money?

11 A. No.

12 Q. Did he bring you to M&T Bank?

13 A. He never took me to no bank.

14 Q. So where did he give you the money?

15 A. He was living with me.

16 Q. So he brought it right to the house?

17 A. Yes.

18 Q. Brought it right to this house here; right?

19 A. Yes.

20 Q. And that -- well, and did Tyrone -- you and Tyrone had
21 lead paint poisoning settlements; correct?

22 A. Correct.

23 Q. And when you got yours back in 2010, you gave Tyrone and
24 his sister some of your money; right?

25 A. Correct.

1 Q. And now he's paying you back; correct?

2 A. He not really paying me back.

3 Q. What's he doing?

4 A. He just giving me some money.

5 Q. Right, 'cause you -- that's what you did to him; right?

6 A. Right.

7 Q. And he gave you this large sum of money after his
8 lead paint poisoning settlement; correct?

9 A. Correct.

10 Q. All right. And where did the money come from?

11 A. He never told me where it came from. He just gave me the
12 money.

13 Q. 10,000?

14 A. Yes.

15 Q. Now, he was dealing drugs back then, too; right?

16 A. Yes.

17 Q. Like you?

18 A. Correct.

19 Q. Making 10,000 a day selling drugs?

20 A. Not 10,000 a day. He was making some money.

21 Q. Making what?

22 A. He made some money, not 10,000 a day.

23 Q. You're not making 10,000 a day. No offense. Right? I
24 mean, he wasn't -- or was he?

25 A. I don't know.

1 Q. Well, was he making 10,000 a day?

2 A. I don't know.

3 Q. But he gave you \$10,000. And do you believe it came from
4 his selling drugs, do you know?

5 A. I don't know where it came from. It could have come from
6 the settlement. Could have come from selling drugs. He just
7 gave me the money.

8 Q. Fair enough.

9 And then also that week, he gave you another, according to
10 you, \$6,000; correct?

11 A. No.

12 Q. How much?

13 A. My aunt gave me 6,000.

14 Q. Coming from him; correct?

15 A. Yes.

16 Q. Where did that money come from?

17 A. She didn't tell me where it came from. I didn't ask where
18 it come from. She just gave me the money.

19 Q. This -- the house at 3028 Pinewood, who lived in that
20 house?

21 A. Me, my mother, my two sisters, my brother, and my cousin.

22 Q. How old are your sisters?

23 A. One of my sisters is 25. One is 17. My little brother,
24 14.

25 Q. How old's your cousin?

1 **A.** My cousin, he deceased now.

2 **Q.** All right. At that time?

3 **A.** At that time he was 22.

4 **Q.** So you at least had --

5 **A.** 21 or 22.

6 **Q.** -- your one minor sister, 17 years old, and your minor
7 brother, 14 years old, living in the house; correct?

8 **A.** Yeah, but they wasn't those ages at the time. That's how
9 old they is now.

10 **Q.** I'm sorry?

11 **A.** They wasn't those ages at that time. That's how old they
12 are now.

13 **Q.** They were younger. Everybody was at least a couple years
14 younger; correct?

15 **A.** Yeah.

16 **Q.** All right. So they were actually probably 10 and 14;
17 right?

18 **A.** Right.

19 **Q.** Roughly.

20 But despite that, you admit you did have certain narcotics
21 in that house; correct?

22 **A.** Right.

23 **Q.** And you admit that you were selling drugs, despite the
24 fact that you received a lead paint poisoning settlement,
25 fairly large amount of money; correct?

~~GRIFFIN~~ ~~CROSS~~

1 A. Correct.

2 Q. You continued to sell drugs; correct?

3 A. Correct.

4 Q. Where were you selling your drugs?

5 A. I was selling my drugs in Baltimore City.

6 Q. Where in Baltimore City?

7 A. All over Baltimore City.

8 Q. Any particular street corner, any particular market?

9 A. No.

10 Q. What kind of drugs were you selling?

11 A. Heroin.

12 Q. Heroin. How were you packaging 'em up?

13 A. I wasn't packaging 'em. I was selling in grams.

14 Q. Grams?

15 A. Yeah.

16 Q. How much a gram?

17 A. \$100.

18 Q. Were you street hustling with those grams? In other
19 words, were you on the street selling out to people coming by?

20 A. No.

21 Q. You were selling grams which were going to be broken down
22 by other people to sell; correct?

23 A. Correct.

24 Q. How many times -- tell the jury: How many times can you
25 break down a gram of heroin for street sale?

1 A. I don't understand your question.

2 Q. You get a gram of heroin; right?

3 A. Yeah.

4 Q. You sell them a gram of heroin. That's basically -- that
5 gram gets broken down further; correct?

6 A. Correct.

7 Q. Okay. How many times, based on your experience, can you
8 break a gram of heroin down, to how many pieces, how many
9 pills?

10 A. I don't know 'cause I've never broken them down, so I
11 don't know.

12 Q. How much you sell a gram of heroin for?

13 A. \$100.

14 Q. And when the warrant -- how many -- did you see -- how
15 many police officers actually were there involved in your
16 arrest?

17 A. I don't know the number. It was a lot.

18 Q. Lots of 'em; correct?

19 A. Yeah.

20 Q. And how about at your house? They ever bring you back to
21 your house?

22 A. No.

23 Q. So you don't know how many police officers were at your
24 house right?

25 A. No.

~~GRIFFIN~~ ~~CROSS~~

1 Q. You were not present when your house was searched;
2 correct?

3 A. No.

4 Q. You're not present when the safe was opened up; correct?

5 A. No.

6 Q. But in the house, you did have a hydraulic brick press.
7 Do you know what that is? You have to know what it is; right?

8 Is that a yes?

9 A. Yes.

10 Q. What is it? Tell us.

11 A. It's used to compress drugs.

12 Q. Right. And you had it in your house; correct?

13 A. Correct.

14 Q. And you had it there to compress drugs; correct?

15 A. Correct.

16 Q. And you had it there to compress drugs for resale;
17 correct?

18 A. Correct.

19 Q. And why would you do that? Why would you need a hydraulic
20 brick press?

21 A. That's how I double my money.

22 Q. Just quickly tell us how you do that.

23 A. All right. For instance, I had a hundred grams. I had
24 another hundred grams of cut.

25 Q. What's cut? People don't -- I know, but they may not

1 know.

2 **A.** It's used to stretch the drugs.

3 **Q.** What would you use for cut?

4 **A.** Benita quinine.

5 **Q.** Quinine?

6 **A.** Yeah.

7 **Q.** Then what happens?

8 **A.** So I put the hundred together with the other hundred. I
9 make 200 grams, compressed it together. Now you got 200 grams.

10 **Q.** And why would you have to compress it? I guess that's the
11 question.

12 **A.** So it all could be together, be stuck together.

13 **Q.** And it would look like it's not cut; right?

14 **A.** Right.

15 **Q.** And so you double your profit that way?

16 **A.** Correct.

17 **Q.** And that's why you have a hydraulic press; correct?

18 **A.** Correct.

19 **Q.** In addition to the hydraulic press --

20 **MR. PURPURA:** May I see the -- can I have the bag
21 right now for the -- just the clothing.

22 **BY MR. PURPURA:**

23 **Q.** You found a red bandana -- this is Defense Exhibit 29 --
24 in your house. Yours; right?

25 **A.** Correct.

~~GRIFFIN~~ ~~CROSS~~

1 Q. Associated with the Bloods?

2 A. No.

3 Q. Not a gang member?

4 A. No.

5 Q. Nothing to do with the Bloods at all?

6 A. No.

7 Q. What's the tat on your eye?

8 A. It's a Bugatti sign.

9 Q. They found these, Defense Exhibit No. 30, digital scales;
10 correct?

11 A. Correct.

12 Q. What are they for?

13 A. To weigh.

14 Q. Weigh what? You can say it.

15 A. Drugs.

16 Q. Heroin?

17 A. Any drug.

18 Q. That's what you use them for; right? Is that what you use
19 them for, to weigh drugs? Yes? You've got to answer.

20 A. Yes.

21 Q. Thank you.

22 Defense Exhibit No. 31, Hersl. Just the photograph first.
23 This is the heroin which was seized in your house, in your
24 basement; right?

25 A. Yes.

~~GRIFFIN~~ ~~CROSS~~

1 **Q.** And that's what you had, a hundred -- just a tad over a
2 hundred grams of heroin; correct?

3 **A.** Correct.

4 **MR. PURPURA:** Judge, I'm just going to walk past the
5 jury, if I may?

6 **THE COURT:** All right.

7 **MR. PURPURA:** Thank you.

8 (Above-identified exhibit displayed to the jury.)

9 **MR. PURPURA:** And finally, may I have the firearm,
10 please.

11 **BY MR. PURPURA:**

12 **Q.** Mr. Griffin, it was brought out by Mr. Hines you had a
13 2012 handgun violation here in Baltimore City for having a
14 handgun in your vehicle; is that correct?

15 **A.** Correct.

16 **Q.** And as a person who has a handgun in your vehicle and
17 you're convicted, you were prohibited from possessing a
18 firearm; is that correct?

19 **A.** Correct.

20 **Q.** You even had papers which indicated you had to agree you
21 wouldn't have a firearm again; correct?

22 **A.** Correct.

23 **Q.** And you signed those papers; right?

24 **A.** Right.

25 **Q.** 2014, November 5th, 2014, this is the firearm which was

1 yours with the drugs in the basement; correct (indicating)?

2 **A.** Correct.

3 **THE CLERK:** Is there an exhibit number?

4 **MR. PURPURA:** 32, Hersl. Thank you.

5 **THE CLERK:** Thank you.

6 **BY MR. PURPURA:**

7 **Q.** While we're on the -- just quickly on the subject of
8 Bloods, do you remember there was actually some paperwork,
9 Bloods paperwork seized from your house as well? You don't
10 remember that?

11 **A.** No.

12 **Q.** Now, you kept these things in your house and you had --
13 you were living in the basement; is that fair to say?

14 **A.** Correct.

15 **Q.** And your younger siblings were living upstairs?

16 **A.** Correct.

17 **Q.** Didn't come down to the basement?

18 **A.** No.

19 **Q.** Never; right? Kept them away; correct?

20 **A.** (No response.)

21 **Q.** Thank you.

22 Where did you keep your drug money? You were selling it,
23 a hundred grams of -- where was all that kept?

24 **A.** I spent it all.

25 **Q.** Spent it all.

1 Norma Jean's, you ever go there?

2 **A.** Yeah, I been there before.

3 **Q.** With your cousin as well?

4 **A.** Yes.

5 **Q.** After he got his lead money, he went there a lot?

6 **A.** Yeah.

7 **MR. PURPURA:** No further questions. Thank you.

8 **THE COURT:** All right. Mr. Nieto? Ms. Wicks?

9 **MR. NIETO:** No questions, Your Honor.

10 **THE COURT:** Any redirect?

11 **MR. HINES:** No redirect, Your Honor.

12 **THE COURT:** Thank you very much. This witness is
13 excused.

14 (Witness excused.)

15 (End of excerpt.)

16 (4:51 p.m.)

17 INDEX

18 GOVERNMENT'S EVIDENCE

19 <u>WITNESS</u>	<u>DR</u>	<u>CR</u>	<u>RDR</u>	<u>RCR</u>
20 JIMMIE GRIFFIN	3	22	--	--

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

23 /s/
24 Douglas J. Zweizig, RDR, CRR
25 Registered Diplomat Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: February 18, 2018

<p>\$</p> <p>\$10,000 [14] 8/2 8/3 8/12 8/13 26/11 30/16 30/21 30/24 31/8 33/3</p> <p>\$100 [2] 35/17 36/13</p> <p>\$12,000 [1] 20/20</p> <p>\$16,000 [1] 27/9</p> <p>\$2,000 [2] 9/9 9/17</p> <p>\$200,000 [1] 6/2</p> <p>\$4,003 [1] 20/13</p> <p>\$4,903 [1] 20/16</p> <p>\$5,000 [6] 8/3 8/4 8/8 8/21 8/25 9/1</p> <p>\$6,000 [8] 7/3 7/25 10/12 11/4 14/18 14/19 27/2 33/10</p> <p>\$900 [1] 20/7</p>	<p>4,003 [1] 20/15</p> <p>4:19 p.m. [1] 4/2</p> <p>4:51 p.m. [1] 42/16</p> <p>4th [1] 1/24</p> <p>5</p> <p>5,000 [1] 8/6</p> <p>5th [13] 4/6 4/20 5/18 6/25 7/22 9/15 10/10 11/4 26/4 26/10 30/7 30/17 40/25</p> <p>6</p> <p>6,000 [5] 10/14 10/16 26/19 27/1 33/13</p> <p>6,500 [2] 26/16 26/21</p> <p>7</p> <p>7,097 [1] 20/22</p> <p>9</p> <p>900 [2] 20/8 20/15</p> <p>A</p> <p>about [16] 4/5 4/8 5/14 5/16 6/23 12/9 12/14 14/10 18/11 19/13 20/10 20/12 25/17 26/12 29/25 36/20</p> <p>above [2] 40/8 42/22</p> <p>above-entitled [1] 42/22</p> <p>Above-identified [1] 40/8</p> <p>according [2] 30/16 33/9</p> <p>actually [9] 11/18 15/24 17/20 20/13 20/19 23/10 34/16 36/15 41/8</p> <p>Acura [3] 9/6 9/7 16/12</p> <p>Acura TL [2] 9/6 9/7</p> <p>add [1] 20/18</p> <p>addition [3] 8/16 26/16 38/19</p> <p>additional [3] 7/3 10/13 10/16</p> <p>address [1] 7/6</p> <p>admit [3] 24/4 34/20 34/23</p> <p>after [16] 9/9 9/17 9/22 10/10 11/10 13/17 15/4 15/12 15/15 16/15 16/25 17/13 18/3 19/8 32/7 42/5</p> <p>afternoon [2] 3/20 3/21</p> <p>again [13] 12/19 12/25 13/2 13/3 13/6 13/7 21/17 22/5 23/23 23/25 28/15 30/3 40/21</p> <p>against [1] 4/19</p> <p>Agent [1] 2/8</p> <p>ages [2] 34/8 34/11</p> <p>agree [1] 40/20</p> <p>ain't [8] 11/1 11/19 11/23 12/14 15/18 16/11 18/11 19/5</p> <p>all [24] 5/18 9/11 11/11 12/8 15/21 16/5 16/9 17/5 22/21 23/6 30/23 31/6 32/10 34/2 34/16 35/7 37/23 38/12 39/5 40/6 41/23 41/24 41/25 42/8</p> <p>alley [1] 29/23</p> <p>already [4] 18/9 24/21 25/1 28/13</p> <p>also [7] 2/7 5/23 6/3 7/12 8/18 10/4 33/9</p> <p>am [1] 13/12</p> <p>AMERICA [1] 1/3</p> <p>amount [1] 34/25</p> <p>amounts [2] 20/18 20/19</p> <p>another [9] 11/23 14/7 14/9 17/4 18/14 26/16 30/9 33/9 37/24</p>	<p>answer [1] 39/19</p> <p>answered [2] 13 21/18 25/14</p> <p>any [5] 6/25 35/8 35/8 39/17 42/10</p> <p>anything [4] 6/7 14/10 15/18 21/9</p> <p>apologize [1] 26/3</p> <p>are [8] 3/22 4/1 6/18 16/23 22/25 33/22 34/12 39/12</p> <p>armed [1] 21/6</p> <p>around [5] 9/13 11/14 11/21 29/21 29/23</p> <p>arrest [3] 4/20 5/17 36/16</p> <p>arrested [8] 4/6 21/5 22/19 22/21 23/13 23/15 26/4 30/11</p> <p>as [19] 3/3 4/14 4/18 4/18 4/20 5/5 5/23 6/5 6/25 8/19 10/14 14/4 19/1 19/15 28/13 28/16 40/16 41/9 42/3</p> <p>ask [4] 5/16 25/17 28/14 33/17</p> <p>asked [7] 11/22 11/24 21/19 23/23 25/14 28/16 28/18</p> <p>asking [10] 4/5 16/7 16/8 16/9 17/10 17/11 17/15 18/3 18/5 28/5</p> <p>Assistant [1] 1/19</p> <p>Associated [1] 39/1</p> <p>assume [1] 27/4</p> <p>assumed [1] 8/23</p> <p>attention [1] 7/8</p> <p>Attorneys [1] 1/19</p> <p>aunt [6] 6/20 6/23 7/14 10/17 10/18 33/13</p> <p>authority [1] 21/15</p> <p>authorize [2] 19/16 19/20</p> <p>Avenue [3] 7/7 29/11 29/17</p> <p>avoid [2] 24/19 24/20</p> <p>away [9] 15/4 15/5 16/16 19/11 29/20 29/24 30/2 30/9 41/19</p> <p>B</p> <p>B. [1] 2/2</p> <p>back [26] 10/1 11/19 11/21 12/5 12/7 12/10 12/12 13/6 14/4 15/21 16/4 16/6 16/18 16/25 17/1 17/20 19/2 24/17 28/24 29/23 30/15 31/23 32/1 32/2 32/15 36/20</p> <p>backyard [6] 11/16 11/18 29/4 29/4 30/5 30/11</p> <p>bag [1] 38/20</p> <p>Ballpark [1] 30/1</p> <p>Baltimore [8] 1/10 1/25 3/23 3/24 35/5 35/6 35/7 40/13</p> <p>Baltimore City [4] 35/5 35/6 35/7 40/13</p> <p>bandana [1] 38/23</p> <p>bank [5] 25/20 27/12 31/9 31/12 31/13</p> <p>based [1] 36/7</p> <p>basement [8] 13/22 13/22 14/3 16/18 39/24 41/1 41/13 41/17</p> <p>basically [1] 36/4</p> <p>be [15] 3/8 4/5 4/19 5/6 7/11 22/21 23/16 24/10 24/12 24/13 26/21 27/3 35/21 38/12 38/12</p> <p>because [3] 16/11 22/19 23/15</p> <p>been [9] 6/12 10/4 19/15 20/6 21/9 26/7 28/11 28/12 42/2</p> <p>before [6] 1/11 26/10 26/12 26/13 29/11 42/2</p> <p>began [2] 14/13 15/17</p>
--	---	--

B
being [1] 11/19
Belair [1] 9/8
Belair Road [1] 9/8
believe [3] 21/8 21/9 33/3
belt [1] 19/24
bench [4] 27/20 27/22 27/23
29/6
Benita [1] 38/4
Benita quinine [1] 38/4
between [1] 9/14
bills [1] 30/22
BLAKE [1] 1/11
Bloods [4] 39/1 39/5 41/8 41/9
bookings [1] 19/9
both [3] 12/5 12/5 17/24
bought [8] 9/8 9/12 9/17 9/19
11/10 16/10 16/12 30/8
break [2] 35/25 36/8
brick [8] 17/9 17/9 17/10 17/11
17/15 18/4 37/6 37/20
brick press [2] 37/6 37/20
bring [3] 31/9 31/12 36/20
broken [3] 35/21 36/5 36/10
brother [4] 7/21 33/21 33/23
34/7
brought [5] 17/18 19/11 31/16
31/18 40/12
bucks [2] 8/6 20/22
Bugatti [1] 39/8
buy [5] 8/5 9/5 9/7 9/20 18/3
bye [2] 16/16 16/17

C
C. [1] 2/4
calls [1] 3/4
came [17] 11/21 12/5 12/7 12/10
12/10 13/6 21/5 22/16 23/11
27/25 28/5 32/11 33/3 33/5 33/5
33/6 33/17
can [12] 3/17 4/18 5/25 17/8
17/9 17/11 29/15 31/2 35/24
36/7 38/20 39/14
can't [2] 30/23 31/8
car [12] 8/5 8/25 9/4 9/5 9/12
9/18 10/10 16/8 16/10 17/3 17/5
23/1
cars [4] 16/7 16/7 16/9 16/11
case [3] 1/4 4/9 5/5
cash [4] 25/18 25/21 25/22
26/11
CATHERINE [1] 1/11
Cause [1] 24/10
CCB [1] 1/4
CCB-17-106 [1] 1/4
certain [1] 34/20
Certified [1] 42/24
certify [1] 42/21
chains [4] 14/23 15/1 15/4
15/10
charge [1] 20/4
charged [3] 4/21 19/11 20/2
charges [1] 19/11
check [6] 14/13 15/5 15/7 15/8
15/15 25/20
checked [3] 13/24 13/25 14/2
choice [1] 21/13
Christopher [1] 2/4
Christopher C. Nieto [1] 2/4
chunk [1] 31/2
City [4] 35/5 35/6 35/7 40/13

claim [1] 16/10
clean [2] 12/6 19/7
clear [2] 7/11 20/15
closer [1] 3/17
clothing [1] 38/21
come [10] 27/3 27/4 27/20 27/21
28/2 29/2 32/10 33/16 33/18
41/17
coming [2] 33/14 35/19
comment [1] 21/17
compress [4] 37/11 37/14 37/16
38/10
compressed [1] 38/9
concluded [1] 29/6
conference [2] 27/23 29/6
conferred [1] 29/14
consent [1] 21/11
continued [1] 35/2
convicted [2] 5/12 40/17
cops [1] 24/8
corner [1] 35/8
correct [64]
could [15] 5/4 5/6 21/8 21/9
21/9 21/14 28/2 28/4 28/11
28/12 28/21 29/7 33/5 33/6
38/12
Counsel [1] 29/14
count [1] 30/25
counted [1] 15/12
counting [5] 14/20 14/20 14/23
31/4 31/5
couple [6] 12/9 12/12 25/17
26/12 26/13 34/13
court [8] 1/1 1/24 4/21 5/12
19/12 25/3 25/9 42/25
Courtroom [1] 1/9
cousin [12] 7/21 8/13 8/14 10/5
10/23 25/22 26/11 27/24 33/21
33/25 34/1 42/3
cousin's [1] 6/21
cousins [1] 6/20
CR [1] 42/19
Creighton [3] 6/22 27/5 30/17
CRIMINAL [1] 1/4
CROSS [1] 22/1
CROSS-EXAMINATION [1] 22/1
CRR [3] 1/23 42/21 42/23
Crystal [1] 2/11
Crystal Panas [1] 2/11
cuffed [2] 13/18 13/19
cuffs [1] 16/6
cut [4] 37/24 37/25 38/3 38/13

D
DANIEL [2] 1/5 2/1
Daniel Hersl [1] 2/1
database [1] 12/5
date [2] 26/2 42/25
day [10] 4/6 9/13 10/17 16/12
26/4 32/19 32/20 32/22 32/23
33/1
days [2] 26/12 26/13
dealing [1] 32/15
deceased [1] 34/1
decides [1] 5/7
decision [1] 5/10
Defendant [2] 2/1 2/3
Defendants [1] 1/6
Defense [4] 2/11 38/23 39/9
39/22
Defense Exhibit No. 30 [1] 39/9
Defense Exhibit No. 31 [1]

39/22
denominations [1] 31/6
Derek [1] 1/18
Derek E. Hines [1] 1/18
describe [1] 5/25
despite [2] 34/20 34/23
did [74]
didn't [17] 11/23 13/10 13/11
15/24 17/10 18/5 18/23 22/21
23/1 23/6 23/13 23/15 28/18
28/22 33/17 33/17 41/17
difference [1] 20/22
different [1] 28/15
digital [1] 39/9
digital scales [1] 39/9
Diplomate [1] 42/24
direct [2] 3/18 7/8
directly [2] 3/9 3/10
displayed [1] 40/8
distance [2] 29/25 30/9
distribute [1] 4/24
district [5] 1/1 1/1 18/6 18/7
18/8
DIVISION [1] 1/2
do [30] 4/14 4/17 6/7 8/14 8/21
8/21 9/11 9/18 9/25 12/15 14/10
14/19 15/15 15/19 21/14 24/12
25/3 28/15 28/22 29/11 29/12
31/4 33/3 33/4 37/7 37/19 37/22
39/5 41/8 42/21
does [3] 5/10 7/12 20/22
doesn't [1] 25/8
doing [2] 5/17 32/3
dollar [1] 30/22
dollars [3] 9/21 9/23 30/8
don't [30] 8/15 12/20 13/12
14/11 15/20 18/13 22/15 23/5
23/15 24/10 24/12 24/18 25/1
25/3 26/2 27/4 28/13 28/23
28/24 29/25 32/25 33/2 33/5
36/1 36/10 36/11 36/17 36/23
37/25 41/9
door [6] 12/10 15/9 16/19 19/2
19/3 19/4
double [2] 37/21 38/15
Douglas [3] 1/23 42/21 42/23
down [15] 3/10 6/9 12/10 15/17
17/2 18/25 18/25 19/1 19/9
35/21 35/25 36/5 36/8 36/10
41/17
DR [1] 42/19
drag [1] 17/19
drawer [1] 10/3
dresser [1] 10/3
driving [1] 17/3
drove [3] 11/11 17/3 18/5
drug [2] 39/17 41/22
drugs [26] 5/22 8/18 8/19 17/16
17/18 17/20 27/24 28/3 28/12
28/21 32/15 32/19 33/4 33/6
34/23 35/2 35/4 35/5 35/10
37/11 37/14 37/16 38/2 39/15
39/19 41/1
dude [7] 11/23 11/25 12/18
12/22 12/22 14/9 14/9

E
E. [1] 1/18
each [4] 11/2 24/4 24/4 24/7
earlier [2] 16/12 27/21
early [1] 9/13
earn [1] 5/21

E

earned [1] 8/12
 earning [1] 8/17
 East [1] 3/23
 East Baltimore [1] 3/23
 either [1] 24/12
 else [2] 14/10 15/18
 employed [1] 5/19
 end [3] 8/25 19/1 42/15
 enough [1] 33/8
 entitled [1] 42/22
 equal [1] 20/22
 Erika [1] 2/8
 Erika Jensen [1] 2/8
 Esquire [6] 1/18 1/18 2/2 2/2
 2/4 2/5
 even [2] 5/9 40/20
 evening [1] 9/14
 ever [3] 27/12 36/20 42/1
 everybody [7] 16/16 16/17 17/5
 25/5 25/7 25/13 34/13
 everybody' [3] 11/22 11/22
 12/19
 everyone [2] 17/3 17/3
 everything [1] 18/10
 Evesham [3] 11/14 29/21 29/23
 EVIDENCE [1] 42/18
 exact [2] 26/2 29/25
 EXAMINATION [2] 3/18 22/1
 example [2] 6/11 6/16
 excerpt [2] 1/13 42/15
 Excerpted [1] 3/3
 Excuse [1] 22/4
 excused [2] 42/13 42/14
 exhibit [8] 20/25 21/1 29/12
 38/23 39/9 39/22 40/8 41/3
 exit [1] 16/3
 experience [1] 36/7
 eye [1] 39/7

F

fact [1] 34/24
 facts [1] 20/5
 fair [3] 26/3 33/8 41/13
 fairly [1] 34/25
 fake [5] 11/25 12/7 12/25 13/3
 13/5
 false [4] 22/8 22/12 22/18 23/9
 family [5] 6/3 6/7 6/9 6/15
 6/18
 far [3] 4/3 29/19 29/24
 FBI [1] 2/8
 February [2] 1/9 42/25
 federal [5] 1/24 4/21 19/11
 19/12 42/25
 Federal Court [2] 4/21 19/12
 feds [5] 15/2 15/3 15/3 16/20
 16/22
 female [3] 12/2 12/3 23/10
 few [1] 5/16
 figured [1] 13/15
 final [1] 5/10
 finally [1] 40/9
 firearm [4] 40/9 40/18 40/21
 40/25
 first [7] 3/13 6/11 9/11 14/6
 19/10 23/10 39/22
 five [1] 19/14
 Floor [1] 1/24
 follows [1] 3/3
 fool [1] 24/8

foregoing [1] 42/21
 found [2] 38/23 38/9
 four [2] 19/14 19/14
 friend's [4] 11/11 11/13 29/4
 30/9
 friends [1] 29/3
 front [2] 16/19 17/2
 full [1] 3/12
 further [3] 21/21 36/5 42/7

G

G-R-I-F-F-I-N [1] 3/15
 gang [1] 39/3
 gave [19] 6/18 11/25 11/25
 12/25 13/3 13/5 22/8 22/12 23/9
 23/10 30/21 31/23 32/7 32/11
 33/3 33/7 33/9 33/13 33/18
 Geez [1] 14/21
 get [27] 3/17 6/11 13/11 13/12
 14/17 15/2 17/8 17/9 17/10
 17/11 19/20 22/19 23/13 23/15
 23/18 24/14 24/23 25/4 25/7
 25/13 26/1 26/11 26/25 28/18
 29/5 29/15 36/2
 gets [1] 36/5
 getting [1] 19/2
 give [5] 6/12 6/16 22/18 30/19
 31/14
 given [3] 4/11 8/13 10/4
 giving [1] 32/4
 go [12] 4/3 7/12 11/10 11/11
 11/12 12/9 15/3 17/13 28/24
 29/19 30/15 42/1
 going [20] 4/5 12/8 13/11 13/12
 15/2 15/3 16/11 16/16 16/20
 16/22 17/7 17/18 18/21 18/24
 19/15 22/19 24/7 24/19 35/21
 40/4
 gold [2] 14/24 14/25
 gonna [2] 17/14 19/5
 good [4] 3/20 3/21 16/16 16/17
 good-bye [2] 16/16 16/17
 got [37] 6/10 6/15 7/13 8/22
 10/18 10/20 12/11 12/12 13/25
 13/25 14/13 14/13 14/17 15/2
 15/18 17/2 17/6 17/7 18/8 18/12
 18/12 18/20 19/4 20/4 25/18
 26/1 26/4 26/16 28/8 28/19
 28/21 28/25 31/9 31/23 38/9
 39/19 42/5
 Government [1] 5/9
 Government's [3] 2/10 3/7 42/18
 grabbed [2] 13/10 16/15
 graduated [1] 4/4
 gram [7] 35/16 35/25 36/2 36/4
 36/5 36/8 36/12
 grams [12] 4/24 17/7 35/13
 35/14 35/18 35/21 37/23 37/24
 38/9 38/9 40/2 41/23
 grand [2] 4/9 4/11
 grand jury [2] 4/9 4/11
 Great [1] 30/14
 GRIFFIN [11] 1/14 3/4 3/7 3/14
 3/20 7/11 13/9 22/3 22/8 40/12
 42/20
 ground [1] 14/5
 grow [1] 3/24
 guess [1] 38/10
 guilty [1] 4/23
 gun [2] 17/18 17/20
 guns [2] 17/7 17/23
 guy [5] 13/4 14/21 15/12 18/14

19/4
 guy's [2] 13/4 16/20
 guys [6] 12/8 12/12 12/20 14/22
 18/24 29/12

H

had [34] 7/3 7/3 7/5 7/22 8/12
 9/9 9/17 9/24 10/4 10/13 11/5
 11/7 16/20 18/17 18/19 20/3
 20/3 20/6 20/19 21/5 21/13
 28/16 31/20 34/4 37/12 37/14
 37/16 37/23 37/23 40/1 40/12
 40/20 40/20 41/12
 hadn't [1] 6/12
 hand [2] 3/5 19/23
 handcuffed [2] 18/19 21/13
 handcuffs [1] 16/5
 handgun [4] 5/13 40/13 40/14
 40/16
 happen [3] 5/4 21/8 21/9
 happened [10] 4/8 8/2 11/17
 13/17 14/12 16/14 16/25 18/3
 18/4 18/7
 happens [2] 25/4 38/7
 has [1] 40/16
 have [34] 4/8 4/14 5/23 6/25
 7/2 9/23 11/4 11/23 11/23 12/20
 17/20 21/9 22/23 23/1 23/6 25/1
 26/7 28/2 28/4 28/11 28/12
 28/21 28/24 29/12 33/5 33/6
 34/20 37/6 37/7 38/10 38/17
 38/20 40/9 40/21
 haven't [1] 26/7
 having [3] 6/2 15/12 40/13
 he [110]
 he's [8] 14/24 15/8 17/13 17/14
 19/4 27/25 28/14 32/1
 her [1] 19/20
 here [9] 4/14 12/11 12/12 13/8
 13/9 25/8 30/5 31/18 40/13
 hereby [1] 42/21
 heroin [13] 4/24 5/1 17/7 35/11
 35/12 35/25 36/2 36/4 36/8
 36/12 39/16 39/23 40/2
 HERSL [25] 1/5 2/1 12/16 12/23
 13/13 13/17 13/17 13/20 14/2
 14/6 14/15 14/22 15/7 15/10
 15/15 16/20 16/25 17/4 17/23
 18/3 18/7 19/6 21/5 39/22 41/4
 Hersl's [1] 21/17
 high [1] 4/4
 him [16] 13/3 13/5 13/7 13/8
 13/9 14/7 14/19 17/10 18/10
 18/19 18/23 21/11 28/14 28/18
 32/5 33/14
 Hines [3] 1/18 20/25 40/12
 his [21] 8/23 11/18 11/25 13/14
 13/15 13/17 15/8 15/9 21/15
 26/16 27/14 27/24 28/1 29/3
 29/4 29/4 31/9 31/24 32/7 33/4
 42/5
 hold [1] 22/11
 home [5] 7/16 7/18 7/23 8/10
 21/11
 Honor [6] 21/19 25/10 25/14
 29/9 42/9 42/11
 HONORABLE [1] 1/11
 house [43]
 how [46]
 hundred [9] 4/24 30/22 37/23
 37/24 38/8 38/8 40/1 40/2 41/23
 hundred-dollar [1] 30/22

H
 hundreds [1] 30/23
 hustling [1] 35/18
 hydraulic [4] 37/6 37/19 38/17 38/19
 hydraulic press [2] 38/17 38/19

I
 I'd [2] 5/16 26/12
 I'm [18] 4/5 11/6 13/12 14/25 15/3 17/18 18/13 19/15 19/16 19/23 22/5 24/21 27/13 28/5 28/23 29/22 34/10 40/4
 I've [1] 36/10
 ID [5] 22/23 23/1 23/2 23/4 23/6
 identification [1] 11/22
 identified [1] 40/8
 IDs [3] 11/22 12/19 12/20
 image [1] 29/13
 immunity [2] 4/12 4/14
 INDEX [1] 42/17
 indicated [3] 7/22 22/8 40/20
 indicating [1] 41/1
 inside [2] 10/3 14/12
 instance [1] 37/23
 intent [2] 4/23 24/7
 involved [1] 36/15
 Irby [3] 7/12 26/17 26/25
 is [38] 5/4 7/8 7/9 10/18 13/14 14/4 14/15 14/24 16/23 18/13 19/24 20/15 20/19 21/1 22/8 24/25 26/4 28/7 28/16 30/3 31/2 33/23 33/23 34/9 37/7 37/7 37/8 37/10 38/23 39/18 39/23 40/14 40/18 40/25 41/3 41/13 42/12 42/21
 it [75]
 it's [8] 14/5 19/16 22/5 28/13 37/11 38/2 38/13 39/8
 items [1] 5/1

J
 J-I-M-M-I-E [1] 3/14
 J. [1] 1/18
 jacket [1] 19/24
 jail [14] 23/16 23/18 24/8 24/10 24/12 24/13 24/14 24/17 24/19 24/20 24/21 25/7 25/13 26/7
 Jean's [1] 42/1
 Jenifer [1] 2/5
 Jenifer Wicks [1] 2/5
 Jensen [1] 2/8
 jewelry [1] 14/24
 JG [7] 7/8 7/16 19/15 19/17 21/1 29/15 30/3
 JG-1 [1] 19/15
 JG-2 [1] 19/17
 JG-3 [4] 7/8 7/16 29/15 30/3
 JG-5 [1] 21/1
 JIMMIE [5] 1/14 3/4 3/7 3/14 42/20
 JIMMIE GRIFFIN [5] 1/14 3/4 3/7 3/14 42/20
 John [1] 2/9
 John Sieracki [1] 2/9
 Jr [1] 2/2
 judge [6] 1/11 5/8 5/10 27/13 27/16 40/4
 jury [6] 1/12 4/9 4/11 35/24

40/5 40/8
 just [31] 3/17 7/11 14/6 16/19 17/4 17/6 18/5 18/21 19/8 20/15 21/13 22/16 22/16 24/17 25/8 28/25 29/7 29/11 30/8 30/21 30/23 32/4 32/11 33/6 33/18 37/22 38/21 39/22 40/1 40/4 41/7

K
 keep [3] 15/8 15/20 41/22
 kept [9] 12/1 13/1 17/10 17/11 18/8 18/11 41/12 41/19 41/23
 Kerrigan [1] 2/10
 killed [1] 21/10
 kilogram [1] 17/16
 kind [2] 9/5 35/10
 kitchen [1] 16/19
 know [33] 8/21 8/22 11/19 12/15 13/12 14/10 14/11 16/11 18/9 18/10 18/11 18/13 18/18 18/23 18/24 22/15 23/5 26/2 27/4 29/25 30/23 32/25 33/2 33/4 33/5 36/10 36/11 36/17 36/23 37/7 37/7 37/25 38/1
 known [1] 15/8
 knows [1] 28/5

L
 large [2] 32/7 34/25
 last [1] 3/13
 late [1] 22/6
 later [1] 12/9
 lead [9] 5/23 6/1 6/2 6/19 8/16 31/21 32/8 34/24 42/5
 lead paint [5] 6/1 6/2 31/21 32/8 34/24
 lead settlement [3] 5/23 6/19 8/16
 leading [2] 5/17 28/2
 learn [1] 20/2
 learned [2] 13/14 20/4
 least [4] 17/8 24/1 34/4 34/13
 leaves [1] 8/6
 Lee [5] 18/12 18/12 18/13 18/16 18/18
 left [6] 9/9 9/23 9/24 15/10 19/23 30/7
 left-hand [1] 19/23
 Leo [1] 1/18
 Leo J. Wise [1] 1/18
 let [5] 12/8 12/19 14/1 21/11 25/17
 Let's [1] 30/20
 level [2] 14/4 14/5
 license [1] 19/24
 lie [3] 24/14 24/20 25/2
 lied [7] 23/18 23/22 23/25 24/4 24/7 24/17 24/19
 like [28] 5/16 9/13 12/8 12/10 12/12 12/18 12/18 12/20 12/21 13/1 13/6 13/8 13/10 13/12 14/21 14/24 14/25 15/18 15/20 15/21 16/15 17/6 17/8 17/11 18/13 19/4 32/17 38/13
 listening [2] 19/4 19/6
 little [2] 6/1 33/23
 lived [2] 7/20 33/19
 living [4] 31/15 34/7 41/13 41/15
 Lock [1] 13/9
 Lombard [1] 1/24

long [2] 4/18 16/16
 look [3] 11/8 27/12 38/13
 lookin' [1] 18/20
 looking [2] 13/1 17/8
 lot [3] 17/6 36/17 42/5
 Lots [1] 36/18
 loved [1] 16/17

M
 made [2] 28/16 32/22
 make [5] 5/10 5/17 15/2 15/3 38/9
 makes [1] 15/13
 making [7] 14/21 14/22 32/19 32/20 32/21 32/23 33/1
 man [6] 15/21 17/6 17/7 17/8 17/9 17/12
 many [8] 35/24 35/24 36/7 36/8 36/8 36/14 36/15 36/23
 MARCUS [2] 1/6 2/3
 Marcus Taylor [1] 2/3
 marijuana [2] 10/11 30/7
 marked [1] 19/15
 market [1] 35/8
 married [1] 7/13
 MARYLAND [3] 1/1 1/10 1/25
 math [1] 20/15
 matter [3] 25/4 25/8 42/22
 Matthew [1] 2/10
 Matthew Kerrigan [1] 2/10
 may [7] 3/9 26/21 28/15 37/25 38/20 40/5 40/9
 me [50]
 mean [3] 4/17 16/21 32/24
 means [2] 4/18 5/25
 member [2] 6/10 39/3
 members [5] 6/3 6/7 6/12 6/15 6/18
 met [1] 11/11
 microphone [2] 3/9 3/10
 minor [2] 34/6 34/6
 minutes [1] 30/2
 money [56]
 months [2] 19/14 19/14
 more [5] 4/24 14/21 14/22 15/13 26/14
 most [1] 25/1
 mother [4] 7/21 19/25 26/17 33/21
 mother's [1] 19/18
 Moyé [2] 21/3 28/25
 Mr. [17] 3/20 7/11 13/9 18/12 18/12 18/13 18/16 18/18 20/25 21/22 22/3 22/4 22/8 29/8 40/12 40/12 42/8
 Mr. Griffin [6] 3/20 7/11 13/9 22/3 22/8 40/12
 Mr. Hines [2] 20/25 40/12
 Mr. Lee [5] 18/12 18/12 18/13 18/16 18/18
 Mr. Nieto [1] 42/8
 Mr. Purpura [3] 21/22 22/4 29/8
 Ms. [5] 21/3 26/17 26/25 28/25 42/8
 Ms. Irby [2] 26/17 26/25
 Ms. Moyé [2] 21/3 28/25
 Ms. Wicks [1] 42/8
 much [13] 9/3 9/20 9/23 10/9 14/17 20/2 20/6 20/10 26/25 33/12 35/16 36/12 42/12
 my [45]

N

name's [2] 25/11 24/1
 names [2] 11/24 12/5
 narcotics [1] 34/20
 Naw [1] 15/20
 need [1] 37/19
 never [8] 17/10 17/13 18/22
 19/13 31/13 32/11 36/10 41/19
 next [3] 6/9 16/14 18/4
 nice [1] 31/2
 Nieto [2] 2/4 42/8
 night [1] 29/20
 no [42] 1/4 5/20 14/7 14/11
 15/25 17/25 18/19 19/13 21/13
 21/21 22/24 24/16 25/1 25/4
 26/9 26/14 26/18 27/17 27/18
 27/21 28/1 28/22 30/6 31/11
 31/13 32/23 33/11 35/9 35/20
 36/22 36/25 37/3 37/5 39/2 39/4
 39/6 41/11 41/18 41/20 42/7
 42/9 42/11
 No. [2] 39/9 39/22
 nobody [3] 16/10 16/11 24/13
 Norma [1] 42/1
 Norma Jean's [1] 42/1
 NORTHERN [1] 1/2
 not [23] 8/23 8/23 10/8 17/13
 17/14 17/18 18/24 24/19 26/3
 27/21 27/25 28/7 28/17 30/5
 32/2 32/20 32/22 32/23 37/1
 37/4 37/25 38/13 39/3
 note [1] 28/25
 nothing [4] 4/18 15/20 21/14
 39/5
 November [13] 4/6 4/20 5/18
 6/25 7/22 9/15 10/10 11/4 26/4
 26/10 30/7 30/17 40/25
 November 5th [13] 4/6 4/20 5/18
 6/25 7/22 9/15 10/10 11/4 26/4
 26/10 30/7 30/17 40/25
 now [21] 5/16 6/25 7/22 8/25
 11/10 16/23 24/12 24/14 25/3
 25/9 25/17 29/7 30/15 32/1
 32/15 34/1 34/9 34/12 38/9
 38/21 41/12
 number [3] 20/25 36/17 41/3

O

o'clock [2] 9/13 9/14
 objection [4] 21/19 25/10 26/22
 28/23
 off [7] 17/3 17/4 17/5 18/6
 18/25 18/25 20/7
 offense [1] 32/23
 officer [13] 11/21 12/2 12/3
 12/15 14/7 14/8 14/10 15/5
 15/15 15/17 15/24 17/5 23/11
 officers [6] 12/9 16/9 20/3
 20/6 36/15 36/23
 Official [2] 1/24 42/25
 Oh [4] 8/18 17/13 19/4 24/24
 Okay [20] 7/14 12/17 12/24 20/2
 22/11 22/14 26/3 26/10 26/15
 27/9 27/19 29/1 29/5 29/19 30/3
 30/14 30/19 31/4 31/9 36/7
 old [6] 4/1 33/22 34/6 34/7
 34/9 34/11
 old's [1] 33/25
 once [6] 17/5 18/5 18/14 18/20
 20/4 23/22
 one [8] 6/11 11/23 11/23 18/1

22/11 33/23 33/23 34/6
 opened [1] 37/4
 other [20] 5/1 6/3 6/12 6/15
 6/18 11/2 11/25 12/4 12/9 13/4
 14/8 14/10 15/5 15/15 15/17
 15/24 30/3 35/18 35/22 38/8
 ounces [2] 9/21 9/22
 our [2] 11/24 12/5
 out [22] 8/4 8/25 11/2 12/10
 13/15 14/18 15/9 16/7 16/19
 17/19 22/16 23/18 24/8 24/14
 24/17 24/23 25/4 25/7 25/13
 26/7 35/19 40/12
 outside [2] 16/4 16/6
 over [3] 6/1 35/7 40/1
 owe [2] 10/25 11/1

P

p.m [2] 3/2 42/16
 packaging [2] 35/12 35/13
 paid [3] 6/11 6/12 9/22
 paint [5] 6/1 6/2 31/21 32/8
 34/24
 Panas [1] 2/11
 pants [2] 15/17 15/21
 paper [1] 29/13
 papers [3] 20/4 40/20 40/23
 paperwork [2] 41/8 41/9
 Paralegal [1] 2/11
 particular [2] 35/8 35/8
 past [1] 40/4
 paying [2] 32/1 32/2
 payments [6] 5/23 6/5 6/8 6/16
 6/19 8/17
 pending [1] 19/10
 people [3] 35/19 35/22 37/25
 perform [1] 15/24
 person [8] 6/11 7/25 11/7 11/8
 20/8 21/12 23/1 40/16
 Phew [1] 17/6
 phone [2] 13/25 14/13
 photograph [2] 7/9 39/22
 pieces [1] 36/8
 pills [1] 36/9
 Pinewood [4] 7/7 29/11 29/17
 33/19
 Pinewood Avenue [2] 29/11 29/17
 Plaintiff [2] 1/3 1/17
 plead [1] 4/23
 please [10] 3/5 3/6 3/8 3/9
 3/10 3/12 3/17 20/25 29/15
 40/10
 plus [1] 20/15
 pocket [1] 14/18
 pockets [1] 13/25
 poisoned [1] 6/3
 poisoning [4] 6/2 31/21 32/8
 34/24
 police [3] 23/10 36/15 36/23
 porch [1] 14/4
 possessing [1] 40/17
 possession [1] 4/23
 present [3] 2/7 37/1 37/4
 press [4] 37/6 37/20 38/17
 38/19
 previously [1] 5/12
 prior [1] 27/14
 probably [2] 29/25 34/16
 proceedings [1] 42/22
 process [1] 19/8
 profit [1] 38/15

prohibited [1] 40/17
 property [3] 19/16 19/20 19/25
 pull [1] 37/10
 pulled [2] 15/21 17/5
 pulling [1] 15/17
 purchase [1] 7/18
 purchased [2] 7/16 10/10
 Purpura [3] 21/22 22/4 29/8
 Purpura, [1] 2/2
 put [5] 10/1 10/2 10/3 18/20
 38/8

Q

question [9] 8/15 24/18 24/24
 24/25 28/1 28/2 28/15 36/1
 38/11
 questions [6] 4/5 5/16 21/21
 25/17 42/7 42/9
 quickly [2] 37/22 41/7
 quinine [2] 38/4 38/5

R

race [1] 14/8
 Rafter [1] 2/2
 raided [1] 11/19
 raise [1] 3/5
 ran [2] 12/4 12/25
 RCR [1] 42/19
 RDR [4] 1/23 42/19 42/21 42/23
 real [3] 11/25 14/24 14/25
 really [4] 8/23 10/8 11/1 32/2
 Realtime [1] 42/24
 reason [1] 25/1
 receipt [1] 19/17
 receive [3] 5/13 6/5 10/16
 received [5] 6/1 8/12 10/17
 30/16 34/24
 recommends [1] 5/9
 record [3] 3/12 27/23 42/22
 records [1] 27/12
 rectum [6] 15/6 15/7 15/8 15/9
 15/16 15/20
 red [1] 38/23
 redirect [2] 42/10 42/11
 reduce [1] 24/22
 reduced [1] 5/6
 Registered [1] 42/24
 relation [1] 5/1
 released [2] 19/10 19/13
 remaining [2] 8/8 9/17
 remember [7] 26/5 30/23 31/4
 31/5 31/8 41/8 41/10
 rephrase [1] 29/7
 reported [3] 1/22 20/15 20/23
 Reporter [4] 1/24 42/24 42/24
 42/25
 resale [1] 37/16
 residence [4] 5/2 29/17 29/20
 29/24
 resisted [1] 21/8
 respond [2] 17/11 18/5
 responded [1] 17/13
 response [1] 41/20
 result [2] 4/20 5/5
 returned [2] 19/21 19/25
 Reynolds [2] 6/24 7/12
 right [76]
 ring [1] 19/24
 Road [1] 9/8
 room [1] 18/20
 ROOSEVELT [1] 1/6
 Roughly [1] 34/19

R
 running [1] 12/1

S
 safe [4] 7/5 8/9 8/10 37/4
 said [32] 7/11 7/14 7/22 10/7
 12/15 13/17 14/22 15/7 15/8
 15/12 15/15 16/1 16/17 16/17
 16/20 17/23 17/23 20/3 20/7
 20/18 23/11 24/1 26/21 27/16
 27/21 27/24 28/1 28/4 28/8
 28/20 28/21 28/22
 sale [1] 35/25
 Samara [3] 6/24 7/12 7/12
 Samara Irby [1] 7/12
 Samara Reynolds [2] 6/24 7/12
 same [2] 10/17 14/4
 sat [6] 17/4 17/5 17/6 18/25
 18/25 19/13
 say [12] 12/22 14/17 16/15 20/6
 20/10 25/6 25/9 26/12 27/15
 28/13 39/14 41/13
 saying [4] 14/23 14/24 18/8
 18/12
 says [1] 19/24
 scales [1] 39/9
 school [2] 4/3 4/4
 search [3] 14/13 15/24 21/11
 searched [1] 37/1
 searching [1] 14/15
 seated [1] 3/8
 second [3] 22/11 23/22 27/19
 seconds [1] 12/9
 see [6] 12/19 14/19 18/10 18/21
 36/14 38/20
 seize [2] 23/2 23/4
 seized [3] 5/2 39/23 41/9
 sell [4] 35/2 35/22 36/4 36/12
 selling [16] 5/22 8/18 8/19
 27/24 28/3 32/19 33/4 33/6
 34/23 35/4 35/5 35/10 35/13
 35/19 35/21 41/22
 sentence [5] 5/5 5/6 5/10 5/13
 24/22
 served [1] 25/1
 settlement [21] 5/23 6/1 6/5
 6/8 6/10 6/19 7/19 8/16 8/24
 10/20 10/21 10/25 27/6 27/9
 27/15 28/6 28/11 28/19 32/8
 33/6 34/24
 settlements [1] 31/21
 share [1] 6/12
 Shawn [6] 22/12 22/14 23/11
 24/1 24/1 24/2
 Shawn White [6] 22/12 22/14
 23/11 24/1 24/1 24/2
 she [13] 7/12 7/13 10/20 12/1
 12/4 12/8 12/12 12/18 12/20
 26/21 26/21 33/17 33/18
 Sheila [1] 19/19
 Sheila Smith [1] 19/19
 show [1] 19/15
 showing [1] 19/23
 shows [1] 19/23
 siblings [1] 41/15
 side [1] 19/23
 Sieracki [1] 2/9
 sign [1] 39/8
 signed [1] 40/23
 since [1] 26/7
 sir [4] 3/22 4/7 5/12 27/14

sister [3] 6/20 31/24 34/6
 systems [4] 7/21 23/21 33/28
 33/23
 sittin' [1] 18/19
 sitting [1] 19/1
 smart [2] 18/24 19/4
 Smith [1] 19/19
 smoke [4] 11/11 11/12 29/3 30/8
 smoking [10] 11/15 11/17 11/18
 11/21 12/13 29/19 29/20 29/21
 30/5 30/12
 so [51]
 some [14] 4/5 5/1 6/12 6/16 9/2
 9/19 12/9 17/20 30/9 31/24 32/4
 32/20 32/22 41/8
 somebody [1] 18/9
 soon [1] 26/10
 sorry [5] 11/6 19/16 27/13
 29/22 34/10
 sound [1] 28/16
 source [1] 8/21
 speak [3] 3/9 3/10 4/18
 Special [1] 2/8
 specifically [1] 28/5
 speed [1] 22/5
 spell [1] 3/12
 spend [1] 9/3
 spending [1] 9/1
 spent [4] 9/2 9/4 41/24 41/25
 split [1] 6/9
 stack [1] 31/7
 stacked [1] 31/8
 stairs [2] 16/18 17/2
 Stand [1] 3/5
 start [1] 30/20
 started [3] 13/20 14/20 15/4
 state [3] 3/12 5/12 19/13
 state court [1] 5/12
 statement [1] 20/4
 STATES [4] 1/1 1/3 1/19 3/4
 station [1] 18/14
 stay [2] 24/8 24/17
 stenographic [1] 42/21
 still [4] 8/9 16/6 19/1 19/5
 stood [1] 18/21
 stop [1] 14/1
 stopped [3] 15/18 18/5 28/22
 street [5] 1/24 35/8 35/18
 35/19 35/25
 stretch [1] 38/2
 stuck [1] 38/12
 stuff [1] 15/9
 subject [1] 41/7
 submitted [1] 21/15
 sum [1] 32/7
 sure [5] 10/7 15/2 15/3 22/25
 27/25
 suspended [1] 5/14
 Sustained [3] 21/20 25/11 26/23
 sustaining [1] 28/23
 SWORN [1] 3/7
 system [1] 12/4

T
 T Bank [1] 31/12
 tad [1] 40/1
 take [1] 8/4
 taken [3] 20/3 20/6 20/11
 talk [4] 17/14 18/21 18/24 19/5
 talked [2] 18/9 18/22
 talking [3] 17/14 18/11 19/1
 tat [1] 39/7

TAYLOR [2] 1/6 2/3
 Technician [1] 2/10
 tell [6] 25/3 25/9 33/17 35/24
 37/10 37/22
 testified [6] 4/8 4/11 20/19
 28/14 28/17 28/17
 testify [1] 10/13
 testimony [3] 1/14 5/5 27/14
 TFO [1] 2/9
 than [4] 14/21 14/22 15/13
 26/14
 Thank [15] 3/16 3/17 21/2 21/3
 21/23 22/4 29/5 30/14 39/21
 40/7 41/4 41/5 41/21 42/7 42/12
 that [115]
 that's [33] 7/10 7/14 12/18
 12/18 13/10 13/15 13/20 15/7
 15/9 15/10 15/12 15/17 15/22
 16/6 19/6 24/24 25/24 26/3 27/9
 27/16 27/21 28/17 29/17 30/11
 32/5 34/8 34/11 36/4 37/21
 38/10 38/17 39/18 40/1
 their [2] 6/12 6/15
 them [8] 17/19 17/24 18/1 36/4
 36/10 39/18 39/19 41/19
 then [16] 6/11 6/15 10/13 12/9
 16/1 16/17 18/3 19/8 23/20
 24/17 26/8 26/16 28/2 32/15
 33/9 38/7
 there [23] 7/20 13/24 14/1 16/7
 17/4 17/6 17/23 18/9 18/15
 18/19 18/20 18/21 19/3 19/6
 29/5 36/15 37/14 37/16 41/3
 41/8 42/1 42/2 42/5
 these [8] 12/20 14/22 15/2 16/9
 18/24 24/8 39/9 41/12
 they [42] 6/5 6/10 6/16 11/24
 12/5 12/10 12/12 12/25 13/18
 14/12 16/9 16/15 16/17 16/25
 17/2 18/9 18/14 18/17 18/19
 18/20 18/21 18/24 19/3 20/3
 20/7 20/7 20/10 20/15 23/2 23/4
 23/23 31/6 34/8 34/9 34/11
 34/11 34/13 34/16 36/20 37/25
 39/9 39/12
 they're [1] 17/15
 things [1] 41/12
 think [3] 13/11 13/11 27/14
 third [1] 23/25
 this [25] 4/9 5/5 7/8 9/11 9/13
 13/8 13/8 14/15 14/21 14/24
 14/25 15/12 16/5 16/12 16/20
 19/4 25/17 30/3 31/18 32/7
 33/19 38/23 39/23 40/25 42/12
 THOMAS [2] 1/5 2/2
 Thomas W. Rafter [1] 2/2
 those [5] 6/15 34/8 34/11 35/18
 40/23
 though [3] 13/1 28/13 28/16
 thought [1] 22/19
 thousand [5] 9/21 9/23 9/24
 9/25 30/8
 three [3] 5/14 16/7 24/1
 threw [1] 22/16
 through [13] 12/1 12/4 13/1
 13/22 13/24 15/22 15/22 16/1
 16/18 16/18 17/1 17/2 19/8
 Thursday [1] 1/9
 till [1] 18/10
 time [17] 5/19 8/14 10/25 11/20
 16/5 16/16 23/6 23/22 23/25
 24/4 24/4 24/7 25/1 34/2 34/3

T

time... [2] 34/8 34/11
times [4] 24/1 35/24 35/24 36/7
TL [2] 9/6 9/7
today [3] 4/1 4/14 17/18
together [5] 18/20 38/8 38/9
38/12 38/12
told [4] 13/7 13/15 15/5 32/11
too [2] 24/14 32/15
took [16] 8/3 8/25 14/18 15/1
15/4 16/4 16/6 18/6 18/7 18/8
18/14 19/9 20/7 21/5 21/17
31/13
total [1] 10/9
transcript [1] 42/21
Trial [1] 2/10
truth [1] 25/9
truthful [1] 5/5
truthfully [1] 4/18
try [2] 23/18 24/19
trying [2] 16/10 22/5
twenties [1] 30/22
two [6] 5/14 7/21 12/20 17/7
17/23 33/21
Tyrone [11] 6/22 10/23 25/24
26/11 27/5 30/17 30/19 31/9
31/20 31/20 31/23
Tyrone Creighton [3] 6/22 27/5
30/17

U

ultimately [1] 5/9
uncertain [1] 28/8
understand [6] 4/14 4/17 8/15
16/21 24/18 36/1
understanding [2] 5/4 10/18
UNITED [4] 1/1 1/3 1/19 3/4
United States [1] 3/4
until [1] 6/9
up [19] 3/5 3/24 5/17 9/1 11/11
13/9 15/21 16/18 19/1 19/2
20/18 22/5 23/11 27/20 27/21
31/7 31/8 35/12 37/4
upstairs [1] 41/15
us [12] 14/21 14/22 15/13 17/8
17/9 17/11 18/9 18/20 19/4 19/9
37/10 37/22
use [3] 38/3 39/18 39/18
used [3] 4/19 37/11 38/2
usually [1] 6/9

V

vehicle [3] 5/13 40/14 40/16
very [1] 42/12
VI [1] 1/13
violation [1] 40/13
VOLUME [1] 1/13

W

W. [1] 2/2
Wait [2] 18/10 27/19
walk [2] 14/6 40/4
walked [14] 13/21 13/24 14/12
15/9 15/22 15/22 16/1 16/18
16/25 16/25 17/2 18/25 18/25
19/3
walking [4] 13/20 15/4 15/5
19/2
want [17] 22/21 23/13 23/15
23/15 24/8 24/10 24/12 24/13
24/22 24/22 25/3 25/3 25/6 25/7

28/14 28/14 28/24
vents [1] 25/13
warrant [1] 36/14
was [115]
wasn't [7] 19/1 20/23 27/18
32/24 34/8 34/11 35/13
watch [1] 19/23
way [3] 28/15 28/16 38/15
we [27] 6/9 11/11 11/18 11/19
11/19 11/21 12/8 12/10 12/12
12/14 14/3 17/2 17/4 17/5 17/6
17/18 18/5 18/8 18/9 18/12
18/12 18/21 18/21 19/1 19/8
29/15 29/21
we'll [2] 29/5 30/15
we're [1] 41/7
weed [7] 9/19 9/20 9/22 11/10
12/13 12/14 22/20
week [5] 26/14 26/15 27/9 30/17
33/9
weigh [3] 39/13 39/14 39/19
well [12] 4/15 5/23 6/5 8/16
8/19 10/14 25/8 28/7 31/20 33/1
41/9 42/3
went [6] 13/4 19/8 29/3 29/19
30/8 42/5
were [42] 4/6 4/11 4/20 5/2
5/12 5/17 5/19 6/3 11/15 11/17
14/2 14/3 16/5 17/23 17/23
19/10 19/10 19/11 20/2 20/19
29/20 29/24 30/5 30/11 31/6
34/13 34/16 34/23 35/4 35/10
35/12 35/18 35/19 35/21 35/21
36/15 36/23 37/1 40/17 41/13
41/15 41/22
weren't [1] 10/7
what [58]
what's [10] 6/21 12/21 13/1
13/4 13/6 19/15 19/18 32/3
37/25 39/7
when [38] 4/11 6/15 7/11 8/25
9/11 12/18 12/18 12/22 13/10
13/20 13/23 13/24 14/2 14/12
14/17 15/9 15/10 15/18 15/22
16/6 16/20 17/15 18/7 18/25
19/3 20/2 21/5 21/17 23/4 23/22
26/1 29/3 29/19 31/9 31/23
36/14 37/1 37/4
where [31] 3/22 7/4 8/8 8/22
9/7 10/2 10/7 10/18 11/4 11/6
11/10 11/13 11/15 14/2 16/23
27/25 28/8 29/2 29/20 30/11
31/14 32/10 32/11 33/5 33/16
33/17 33/17 35/4 35/6 41/22
41/23
where'd [1] 27/3
which [7] 12/15 16/23 28/2
35/21 39/23 40/20 40/25
while [8] 11/17 11/18 11/21
14/20 14/23 15/5 17/3 41/7
white [9] 14/9 14/9 17/4 22/12
22/14 23/11 24/1 24/1 24/2
who [14] 5/7 6/12 6/18 7/16
7/20 9/7 12/10 13/12 13/19
14/10 16/8 18/13 33/19 40/16
who's [2] 12/22 22/14
whole [4] 11/19 14/18 27/15
30/21
whose [3] 16/7 16/8 16/9
why [5] 22/18 37/19 37/19 38/10
38/17
Wicks [2] 2/5 42/8

will [1] 29/9
William [1] 49/2
William B. Purpura, Jr [1] 2/2
Wise [1] 1/18
within [3] 26/15 27/9 30/17
witness [4] 3/7 42/12 42/14
42/19
words [2] 30/3 35/19
worried [1] 12/14
worth [1] 9/21
would [8] 6/11 6/16 27/3 37/19
37/19 38/3 38/10 38/13
wouldn't [2] 24/15 40/21
wrong [1] 26/21

Y

yeah [37] 7/13 9/2 11/1 11/3
11/9 12/3 12/5 12/8 13/8 13/10
13/15 13/22 14/5 14/23 14/25
16/13 16/15 16/24 18/17 18/24
19/7 20/4 22/17 24/6 24/9 24/11
24/22 27/8 31/1 34/8 34/15
35/15 36/3 36/19 38/6 42/2 42/6
years [6] 5/14 5/14 17/8 34/6
34/7 34/13
yes [73]
yet [1] 6/13
you [312]
you'd [1] 24/14
you're [6] 24/7 24/19 25/8
32/23 37/4 40/17
You've [1] 39/19
younger [3] 34/13 34/14 41/15
your [93]
Your Honor [6] 21/19 25/10
25/14 29/9 42/9 42/11
yours [5] 17/24 18/1 31/23
38/24 41/1

Z

Zweizig [3] 1/23 42/21 42/23