

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.)	
	_____)	

Monday, February 5, 2018
Courtroom 1A
Baltimore, Maryland

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

VOLUME VII

For the Plaintiff:

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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

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P R O C E E D I N G S

(10:06 a.m.)

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

MR. PURPURA: May I approach just very quickly on an ex parte matter?

THE COURT: All right.

(Sealed ex parte bench conference under separate cover.)

THE COURT: All right. Just getting my computer set up here.

What will we be expecting today?

MR. WISE: Our first witness, Your Honor, will be Momodu Gondo, followed by Special Agent Erika Jensen, followed by James Kostopolis.

THE COURT: All right.

MR. WISE: If we get there.

THE COURT: Sure. Sure. If we get there. Okay.

All right. Then I assume we're ready for the jury.

Well, where is the witness?

THE CLERK: He's in the back.

THE COURT: Right there. Okay. All right.

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

THE COURT: Okay. Good morning, and welcome back. And you can all be seated.

THE CLERK: Please raise your right hand.

MOMODU GONDO, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

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

THE WITNESS: It's Momodu Bondeva Kenton Gondo. First name is spelled M-O-M-O-D-U. Last name is spelled G-O-N-D-O.

THE CLERK: Spell your middle name, please.

THE WITNESS: Both of 'em?

THE CLERK: Yes.

THE WITNESS: B-O-N-D-E-V-A and K-E-N-T-O-N.

THE CLERK: Thank you.

THE COURT: Mr. Wise.

MR. WISE: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. WISE:

Q. Mr. Gondo, are you formerly a Baltimore Police Department detective?

A. Yes, that's correct.

Q. And are you a defendant in this case?

A. Yes.

Q. What have you pled?

A. Guilty.

Q. And why did you plead guilty?

A. 'Cause I'm guilty.

1 Q. What are you charged with in this case?

2 A. I'm charged with a racketeering conspiracy which consists
3 of robbing citizens, overtime fraud, falsifying documents to
4 give the illusion or basically cover up that we were taking
5 money, on reports, incident reports.

6 Q. And when did you rob people? When did you rob citizens?

7 A. Working.

8 Q. And in what circumstances? In what kind of circumstances?

9 A. Street rips, which involves car stops, or search warrants.

10 Q. And what did you steal from them?

11 A. Money.

12 Q. Did you also steal personal property?

13 A. Yes.

14 Q. Did you also steal drugs?

15 A. Yes.

16 Q. And what did you do with the drugs that you stole from
17 people?

18 A. Sold 'em.

19 Q. And what did you do with the money you stole from people?

20 A. Kept it.

21 Q. Did you also, on at least one occasion, steal a gun, along
22 with one of your co-defendants?

23 A. Yes.

24 Q. And what did you do with that?

25 A. Gave it to a friend.

1 Q. How much money, approximately, do you think you stole from
2 people over the course of your time with the Baltimore Police
3 Department?

4 A. Oh, I would say up to 100,000.

5 Q. Now, you testified that you robbed people. When did you
6 start robbing people?

7 A. This started when I got into a specialized unit.

8 Q. And approximately what year was that?

9 A. I would say about '08, '09.

10 Q. And when you started, did you do it alone?

11 A. No.

12 Q. Who did you do it with?

13 A. People in my squad.

14 Q. And did that continue up through the time you were
15 arrested in this case?

16 A. Yes, that's correct.

17 Q. And when did you join the Gun Trace Task Force?

18 A. I would say probably 2010.

19 Q. And when you joined the Gun Trace Task Force, did you rob
20 people?

21 A. Yes.

22 Q. And who did you rob people with on the
23 Gun Trace Task Force?

24 A. People on my squad.

25 Q. And who are they?

1 **A.** Sergeant Allers -- Former Sergeant Allers, Jemell Rayam,
2 Maurice Ward, Hendrix, Wayne Jenkins, Taylor, and now Hersl.

3 **Q.** Were you armed when you robbed people when you were a
4 member of the Gun Trace Task Force?

5 **A.** Yes; with my duty weapon.

6 **Q.** And were other officers on the Gun Trace Task Force armed
7 when you robbed people with them?

8 **A.** Yes.

9 **Q.** Including Defendants Hersl and Taylor?

10 **A.** Yes.

11 **Q.** Did you physically restrain people with handcuffs when
12 they were being robbed?

13 **A.** Yes.

14 **Q.** Did other members of the Gun Trace Task Force do that?

15 **A.** Yes.

16 **Q.** Including Defendants Hersl and Taylor?

17 **A.** That's correct.

18 **Q.** And did you -- I think you've testified to this, but did
19 you create false police reports when you robbed people?

20 **A.** Yes.

21 **Q.** And I think you've -- you've said this, but why did you do
22 that?

23 **A.** Basically, to cover up our tracks. When we wrote incident
24 reports, if money was taken, if a person had \$10,000, we may
25 write we only have \$5,000. Take the 5,000 and submit the other

1 five. Or sometimes just take everything.

2 Q. Now, were you also charged in a second federal case at the
3 same time as this federal case?

4 A. Yes.

5 Q. And what were you charged with?

6 A. Conspiracy to distribute a hundred grams or more of
7 heroin.

8 Q. And what did you plead in that case?

9 A. Guilty.

10 Q. And why did you plead guilty?

11 A. 'Cause I'm guilty.

12 Q. And what did you admit to doing in that case?

13 A. Conspiring to assist members of the Shropshire
14 organization distribute heroin through Baltimore City.

15 Q. And how did you do that? How did you help them in the
16 Shropshire drug case?

17 A. By giving them information about police officers'
18 whereabouts when they were committing they own crimes of
19 selling drugs in the Northeast area.

20 Q. And did you have a personal relationship with members of
21 the Shropshire drug organization?

22 A. Yes.

23 Q. And who were those people?

24 A. Antonio Shropshire and Glen Wells.

25 Q. How did you come to know, first, Glen Wells and then

1 Antonio Shropshire?

2 **A.** Glen Wells, he was a longtime friend. I knew -- known him
3 for over 25 years, growing up in the city.

4 And Antonio Shropshire, I've known him through Wells for
5 about five years. We got real close from 2010 until about
6 now -- I mean 2012 until about now.

7 **Q.** And in addition to providing Shropshire and Wells with
8 information about police whereabouts and other information, did
9 you also participate in a home invasion with Wells and Rayam?

10 **A.** Yes.

11 **Q.** And describe what happened in that home invasion.

12 **A.** Basically, my childhood friend came, propositioned me
13 about an individual having \$100,000 in his home, in an
14 apartment.

15 I then reached out to Rayam, who was my partner at the
16 time. We placed a GPS track on the vehicle once we confirmed
17 who the target was, to make sure that he was away from the home
18 before we made entry.

19 Then once we put the tracker in, the person was -- the
20 target was away from the home; Rayam and my friend Glen Wells
21 went inside the residence.

22 **Q.** And where were you when they went inside the residence?

23 **A.** I was serving as a lookout adjacent from the apartment
24 building.

25 **Q.** At some point did they come out?

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1 A. Yes.

2 Q. And what happened after they came out?

3 A. Once they came out, we met at my home, condo in
4 Owings Mills, and we split some money. It was heroin and it
5 was some jewelry, watches and necklaces.

6 Q. Was a gun also taken during that home invasion?

7 A. Yes. It was a Glock.

8 Q. And where did the gun go?

9 A. To Glen Wells.

10 Q. And what happened with the money and the drugs and the
11 jewelry?

12 A. It was split up and sold as well.

13 Q. Split up among who?

14 A. It was split up amongst myself, Rayam, Glen Kyle --
15 Glen Wells, and Twan.

16 Q. And just briefly, who was Twan?

17 A. Twan was also a person in my second indictment.

18 Q. And had he given you the -- or had he given Wells, to your
19 understanding, the information about what the person who owned
20 the home that was invaded had in the house?

21 A. Yes. He provided Kyle with information.

22 Q. All right. Mr. Gondo, at some point were you shot?

23 A. Yes.

24 Q. And describe to the members of the jury the circumstances
25 of that shooting.

1 **A.** This happened 12/5/06. I was working in Northwest --
2 Northwest District in patrol at the time. I was working
3 overtime, worked a double, went home, drove home after work,
4 stopped at a carryout, Stoko's on York Road, grabbed a
5 cheesesteak, paid for it, drove home, sat outside my parents'
6 house, which was on The Alameda in the Northeast of Baltimore.

7 As I sat in the car, I saw two individuals walk directly
8 towards my car. I hung up the phone with my girlfriend at the
9 time, stepped out of the vehicle. Once I stepped out of the
10 vehicle, I faced them head on.

11 One individual walked on the passenger side of my car.
12 Guy who shot me, he walked on the same side as I was, the
13 driver's side. They didn't do anything.

14 I proceeded to walk in front of my vehicle to go inside my
15 parents' house. At that time something told me to turn around.
16 Once I turned around, the guy was rushing me with a .357. I
17 hit the gun, reached for my gun, 'cause I had it in -- in my
18 waist area (indicating), tried to shoot back. He shot me three
19 times in the back.

20 **Q.** Did you know the person that shot you?

21 **A.** Not at all.

22 **Q.** Do you know why he shot you?

23 **A.** From -- I was raised in Baltimore. The information I got
24 from just people in the neighborhood was that this person was
25 committing robberies in the area of Moravia, and he just came

1 to the northeast side of town where we lived at to rob people.

2 **Q.** Now, you testified about growing up in Baltimore City. At
3 some point when you were growing up, were you with someone when
4 they bought a gun or got a gun that you later learned was
5 involved in a murder?

6 **A.** Yes.

7 **Q.** And can you describe the circumstances of that.

8 **A.** Basically, growing up in the Northeast as a teenager -- I
9 was a teenager. I was in a car. Individual that I knew drove
10 to Druid Hill Park area. He picked up a gun, spoke out loud
11 that he was going to get rid of this particular person. We all
12 drove back to the neighborhood. Later on that evening, that
13 person got killed.

14 **Q.** How old were you at that time?

15 **A.** I was a teen. This was well before the police department.
16 I can't really -- you know, I was a teenager.

17 **Q.** Okay. Now, as part of your plea agreement in both cases,
18 frankly, did you agree to cooperate with the United States in
19 this case and in the drug case and in the ongoing investigation
20 into corruption at the Baltimore City Police Department?

21 **A.** Yes.

22 **Q.** And what does that mean to you? What do you understand
23 you have to do as part of that agreement?

24 **A.** Be 100 percent truthful. Also, any knowledge of anything
25 that I have done in the past or any knowledge of any type of

1 corruption, whether it be partners, supervisors, or anybody I
2 work with, give the information to the Government.

3 Q. And you testified you have to be truthful. What happens
4 to your plea agreement if you're not truthful?

5 A. If I'm not truthful, the Government can basically offer at
6 sentencing any recommendation that they -- that they -- that
7 they -- that they deem fit.

8 Q. Now, what do you hope to get in exchange for your truthful
9 testimony and your cooperation?

10 A. Leniency.

11 Q. And what -- how would -- what form would that leniency
12 take?

13 A. As far as?

14 Q. How would you -- or who is your agreement with?

15 A. The Government.

16 Q. And have you been sentenced?

17 A. No.

18 Q. And who will sentence you?

19 A. The Government.

20 Q. Well, will the Government or will the judge?

21 A. The judge, I mean. I'm sorry. The judge.

22 Q. Is the judge part of your plea agreement?

23 A. Not at all.

24 Q. And even if the United States were to recommend a lower
25 sentence, does Judge Blake have to follow the Government's

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1 recommendation?

2 **A.** Not at all.

3 **Q.** Have any promises been made to you as to what your
4 sentence actually will be?

5 **A.** None whatsoever.

6 **Q.** What is the maximum penalty you face, first, in the
7 racketeering case? What --

8 **A.** 20 years.

9 **Q.** 20 years?

10 **A.** Yes.

11 **Q.** And what is the maximum penalty for the drug charges you
12 pled guilty to?

13 **A.** 40 years.

14 **Q.** So Judge Blake could sentence you up to 60 years in jail.
15 You understand that; right?

16 **A.** Yes, correct.

17 **Q.** And are you in jail right now?

18 **A.** Yes.

19 **Q.** Why?

20 **A.** 'Cause I'm guilty.

21 **Q.** And who prosecuted you in these cases?

22 **A.** The Government.

23 **Q.** Now, you testified that you grew up in Baltimore City.
24 How far did you go in school?

25 **A.** I did some college.

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1 Q. And when did you join the Baltimore Police Department?

2 A. 11/29/05.

3 Q. And where were you first assigned?

4 A. Northwest District patrol.

5 Q. And when did you become a detective?

6 A. I would say that was about like '08, '09.

7 Q. When you testified you first joined a specialized unit?

8 A. Yes, that's correct.

9 Q. And is that when the robberies began?

10 A. That's correct.

11 Q. You testified that -- I think you said in 2010 you joined
12 the Gun Trace Task Force; correct?

13 A. Yes.

14 Q. At some point after that, did Defendant Hersl join the
15 Gun Trace Task Force?

16 A. Yes.

17 Q. And at some point after that, did Defendant Taylor join
18 the Gun Trace Task Force?

19 A. Yes.

20 Q. You testified that your first sergeant or one of your
21 early sergeants was Sergeant Allers; right?

22 A. Yes.

23 Q. Who became the sergeant after Sergeant Allers?

24 A. Wayne Jenkins.

25 Q. And what, if anything, did Wayne Jenkins tell you about

1 Defendant Hersl when he became the sergeant in charge of the
2 Gun Trace Task Force?

3 **A.** One of the things Wayne told me when Hersl came into our
4 unit, that he basically said he was straight.

5 **Q.** And what does that mean? What did you understand that to
6 mean?

7 **A.** All my years working in drugs on the Gun Unit, things do
8 happen. And you want people that you can trust. And when a
9 person says that they're straight, it basically means that you
10 can trust them. You know, we're going to -- going after some
11 of the -- I mean, the worst people in Baltimore. So you can
12 trust him as far as having your back or -- and also as far as
13 like with IAD complaints, you know, if money was taken, they'll
14 be with it, basically.

15 **Q.** When you say, "If money was taken, they'll be with it,"
16 what does that mean?

17 **A.** Basically that they have taken money before; and if money
18 comes up, you can basically split the money with them and
19 they'll keep their mouth shut.

20 **Q.** And will they also split the money with you?

21 **A.** Yes.

22 **Q.** And, again, this is Defendant Hersl he's talking about;
23 right?

24 **A.** That's correct.

25 **Q.** Now, I first want to ask you about an incident that

1 happened on July 8th of 2016; okay?

2 A. Okay.

3 Q. Is this one of the robberies you admitted to committing in
4 your plea agreement?

5 A. Yes.

6 Q. And the victims in this case were Ronald and
7 Nancy Hamilton; correct?

8 A. Yes.

9 Q. When did you first encounter them on July 8th, 2016?

10 A. You mean at what time or --

11 Q. Or I guess let me ask it this way: Where did you first
12 encounter them?

13 A. This was in the Owings Mills area.

14 Q. And who was with you?

15 A. Myself, Rayam, John Clewell, Daniel Hersl -- and
16 Dan Hersl.

17 Q. And what did you do when you encountered them in the
18 Owings Mills area?

19 A. We conducted a car stop and detained 'em.

20 Q. And were they arrested?

21 A. No.

22 Q. When you said they were detained, what does that mean?

23 A. They were placed in handcuffs.

24 Q. And who placed them in handcuffs, if you recall?

25 A. I can't really recall which one out of all of us.

1 Q. What were they doing before they were detained?

2 A. They were inside of a Home Depot, I believe.

3 Q. And did you observe them engaging in any illegal activity
4 before they were detained?

5 A. No.

6 Q. In fact, had you ever seen Ronald Hamilton engaged in any
7 illegal activity before he was detained?

8 A. No.

9 Q. Did you participate in a surveillance or -- I'll ask it
10 that way: Did you participate in a surveillance of
11 Ronald Hamilton before he was detained at some point?

12 A. Yes.

13 Q. And what did you see?

14 A. We basically followed him, didn't really see much.
15 Followed him into Owings Mills. We followed him all the way to
16 a auto auction spot way out in Maryland. Saw him meet up with
17 an individual in the Owings Mills area briefly.

18 That's basically it.

19 Oh, we also saw him off of Liberty -- no, I mean -- yeah,
20 Liberty Heights, Liberty Road, where he met with an individual
21 on a side street and -- but Wayne, he basically saw the
22 observations. I didn't have -- I didn't see the observations,
23 so it won't be me saying it firsthand.

24 Q. When you said "we," I wanted to first follow up and ask
25 you, who's "we" when you were doing these surveillance --

1 surveillances, the two of them?

2 **A.** Myself, Rayam, Hersl, and Wayne Jenkins.

3 **Q.** Now, when you said Wayne saw something, I guess, on the
4 second occasion --

5 **A.** Yes.

6 **Q.** -- what did Jenkins tell you he saw?

7 **A.** He basically told me he saw a black Honda with New York
8 plates pull right beside the individual -- individual we were
9 targeting. A bag was exchanged. The black Honda then sped
10 off.

11 **Q.** What did Jenkins say he had wanted to do at that time?

12 **A.** He basically said he had the perfect view of the whole
13 transaction and that he wanted to rob 'em.

14 **Q.** What did he think was in that black bag?

15 **A.** Money.

16 **Q.** Now, prior to detaining Mr. and Mrs. Hamilton, had Rayam
17 obtained a search warrant for their home?

18 **A.** Yes.

19 **Q.** And do you know if Rayam lied on that search warrant?

20 **A.** Yes, he lied.

21 **Q.** Do you know where Rayam got the information he put in his
22 search warrant?

23 **A.** As far as?

24 **Q.** Do you know where he got any of it?

25 **A.** My years knowing Rayam, anything involving money, you

1 know, he's just going to, you know, just write anything to get
2 inside the house.

3 **Q.** And when you say "anything to get inside the house," what
4 was the purpose at that time of getting inside the house?

5 **A.** From my recollection -- recollection, Rayam told me that
6 his informant advised him that the target was a big-time drug
7 dealer. Anytime you dealing with big-time drug dealers, you
8 either going to have large amount of drugs or large amount of
9 money.

10 **Q.** And what were your intentions with -- what were you going
11 to do with drugs if you found them? And what were you going to
12 do with money if you found them?

13 **A.** As far as the drug standpoint with that particular case, I
14 really can't speak on it. But as far as the money, it would
15 have been taken.

16 **Q.** And you said Rayam said he got this information from an
17 informant. Do you know if that information was accurate?

18 **A.** As far as with guns, dealing with that informant's pretty
19 much accurate. But as far as with, you know, big cases or big
20 targets, I can't say 100 percent if it was accurate. I pretty
21 much doubt it, though.

22 **Q.** Okay. Now, when the Hamiltons were stopped and detained,
23 were you armed?

24 **A.** Yes.

25 **Q.** And was Rayam armed?

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1 A. Yes.

2 Q. Was Hersl armed?

3 A. Yes.

4 Q. I think you've testified to this: They were both
5 handcuffed, both Mr. Hamilton and Mrs. Hamilton?

6 A. Yes.

7 Q. Were they free to go if they wanted to leave at that
8 point?

9 A. Not at all.

10 Q. And who took Ronald Hamilton out of the car, if you
11 remember?

12 A. Rayam.

13 Q. Did Rayam take anything from him?

14 A. He took personal items and some money, U.S. currency.

15 Q. And what did Rayam do with that money?

16 A. Placed it in his pocket.

17 Q. Did he turn it in?

18 A. No.

19 Q. Were any drugs found on Ronald Hamilton?

20 A. No.

21 Q. What about Nancy Hamilton?

22 A. No.

23 Q. What about in their car?

24 A. No.

25 Q. Once they were detained and in handcuffs, what happened to

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1 them?

2 **A.** We transported 'em to a satellite location which we called
3 the barn. It's like a police station right off of -- what is
4 that? -- Northern Parkway.

5 **Q.** And I'm going to play for you a call. This is -- the
6 audio is FBI-8, and the transcript is FBI-9 on Page 9. It will
7 just take a second to bring that up.

8 And the transcript will appear on your screen, and then
9 I'll ask Mr. Kerrigan to play the call in a moment. And then
10 I'm going to ask you some questions about what was said in that
11 call; okay?

12 **A.** Okay.

13 (Audio was played but not reported.)

14 **MR. WISE:** And if we could leave that on the screen.

15 **BY MR. WISE:**

16 **Q.** Mr. Gondo, is that your voice?

17 **A.** Yes.

18 **Q.** And who are you talking to?

19 **A.** Wayne Jenkins.

20 **Q.** And when were you calling him?

21 **A.** That was once we detained both individuals and we were
22 headed back to the barn.

23 **Q.** And when you say, "We got, um, we got the package," what
24 are you referring to?

25 **A.** That's -- well, I'm referring to the two individuals we

1 detained.

2 **Q.** And when Jenkins says, "Then tell him you got to wait for
3 the U.S. Attorney," was the U.S. Attorney going to show up at
4 the barn?

5 **A.** No.

6 **Q.** And when -- when Jenkins says, "Then introduce me as the
7 U.S. Attorney" -- I think this is probably obvious, but was
8 Wayne Jenkins the U.S. Attorney?

9 **A.** No.

10 **Q.** And did you ultimately bring the Hamiltons to the barn?

11 **A.** Yes.

12 **Q.** All right. Now, what happened once you got there? Take
13 us through what happened once you got to the barn with the
14 Hamiltons.

15 **A.** Once we got to the barn, John stayed with -- well,
16 John Clewell, he was a member of the unit. He stayed with the
17 female outside. We brought the male inside and we --

18 **Q.** Who's "we"? Who brought the male inside?

19 **A.** Myself, Rayam, Hersl.

20 **Q.** And who was inside when you got there?

21 **A.** Shortly -- it was other squads and other individuals in
22 the barn as well.

23 **Q.** Was Jenkins there?

24 **A.** He came, yes. He ended up pulling up.

25 **Q.** All right. And then once you and Rayam and Hersl

1 brought -- you said "the male." Is that Mr. Hamilton?

2 **A.** Yes.

3 **Q.** Once you brought him inside the barn, what happened?

4 **A.** We began to debrief him.

5 **Q.** Who debriefed Ronald Hamilton?

6 **A.** It was everybody: myself, Hersl, Jenkins, and Rayam.

7 **Q.** And what does "debrief" mean? That's a term that
8 law enforcement uses. What does that mean?

9 **A.** Debriefing means, basically, we let them know about our
10 investigation; ask them a series of questions, if it's
11 drug-related or gun-related.

12 **Q.** And what were the questions that were asked of
13 Mr. Hamilton?

14 **A.** Did he have any drugs at his residence, did he have any
15 money at his residence, and could he set somebody up as far as
16 a bigger target than himself or his supplier.

17 **Q.** And I want to ask you about each of those things. But
18 when you say "set someone up," what were you -- what were you
19 interested in if he could set someone up?

20 **A.** Basically, we were interested in -- into getting a bigger
21 target.

22 **Q.** And what would you do if he had set up a bigger target?

23 **A.** Pretty much -- I mean, it's a series of things we could
24 have done.

25 **Q.** Well, if he had set up a bigger target, what would you

1 have done?

2 **A.** We would have followed through with it and basically used
3 him as a -- an informant at that point.

4 **Q.** All right. Now, you said he told you -- well, you said he
5 was asked if he had drugs and if he had money and if he could
6 set someone up. Let's go through each of those.

7 What did he tell you about whether he had any drugs at his
8 house?

9 **A.** No, no drugs.

10 **Q.** What did he tell you about money?

11 **A.** He said he had in -- upwards to 50,000, I believe.

12 **Q.** And what about setting someone else up; did he -- what did
13 he say about whether he could set someone up?

14 **A.** Yeah. He actually attempted to make a phone call in our
15 presence, but it didn't go through. Person didn't answer the
16 phone.

17 **Q.** Do you know who he was calling?

18 **A.** I believe it was a person that he was using as a supplier,
19 basically.

20 **Q.** Now, after he said he didn't have any drugs at his house
21 but he did have money -- well, let me ask you this: How did
22 Jenkins introduce himself to Mr. Hamilton?

23 **A.** As a U.S. Attorney.

24 **Q.** And then once he -- once Mr. Hamilton said he didn't have
25 any drugs at his house but he did have money, what did -- what

1 happened next?

2 **A.** Basically, just our tenure being in the law enforcement,
3 we really don't believe what an individual says, so we ended up
4 going to his residence.

5 **Q.** Who went to his residence?

6 **A.** It was myself, Wayne Jenkins, Rayam, and Hersl.

7 **Q.** And you said that Clewell was there at the barn with
8 the -- with Mrs. Hamilton; right?

9 **A.** Yes.

10 **Q.** Did he go to Westminster? Did he go to their home?

11 **A.** No.

12 **Q.** Where did he go?

13 **A.** Rayam had two search warrants, I believe. One was for the
14 target, Mr. Hamilton, the house in Westminster; and one was
15 kind of like a dud house where we didn't think anything was
16 actually going to be at.

17 **Q.** And so where was Clewell sent?

18 **A.** He actually was sent to the house where we didn't think
19 any drugs, money was going to be at.

20 **Q.** Why was he sent to the house that you thought was a dud
21 house where there wouldn't be anything?

22 **A.** Basically because it was a dud house.

23 **Q.** Because it was a what?

24 **A.** It was a dud house. It wasn't going to have anything in
25 it. If -- if we believed there was going to be drugs or gun or

1 anything in it, one of us would have split off and went to that
2 house.

3 **Q.** So what was your intention at this point when you and
4 Jenkins and Hersl and Rayam went to the house in terms of what
5 you would do if you found any money?

6 **A.** We went to the house for the curiosity of money. Also
7 for -- to see if he had a gun at the house or drugs.

8 **Q.** And I want to take each of those in turn. What was your
9 intention -- what would you do if he did have guns or drugs at
10 the house?

11 **A.** It all depends on the situation, to be honest.

12 **Q.** And what would -- would you seize them and turn them in to
13 BPD?

14 **A.** Yes.

15 **Q.** What about if he had money?

16 **A.** It all depends on the situation. Normally when a
17 situation happens like that, when it comes with the drugs and
18 money, it's like a group conversation, you know. Some people
19 may do they own thing; some people may not.

20 **Q.** And what does that mean?

21 **A.** Basically, you know, when we do these search warrants, one
22 person can take it upon they self to take the money. And then
23 everybody else can come -- can become involved at the end, just
24 off of default. Or we all can come together and say, Hey, you
25 know this is what we're going to do.

- 1 Q. And if money is taken, who keeps it or where does it go?
- 2 A. As far as?
- 3 Q. Is it shared?
- 4 A. Yes.
- 5 Q. Among the people that are going to the house or the
- 6 search?
- 7 A. Yes.
- 8 Q. And you said there's a group conversation. Was there a
- 9 group conversation here?
- 10 A. As far as -- what do you mean?
- 11 Q. Before you went to the Hamiltons' house.
- 12 A. No, it wasn't a group conversation when we went -- before
- 13 we went to the Hamiltons' house.
- 14 Q. Was there a group conversation at some point later?
- 15 A. Yes.
- 16 Q. And when did that happen?
- 17 A. Once we left the location of Mr. Hamilton's house, we went
- 18 to a local bar in the area. And Wayne Jenkins made a comment
- 19 of basically saying that, you know, we can do this -- we can do
- 20 this -- we can do this three times a year, but don't be greedy,
- 21 referring to money, taking money.
- 22 Q. And I'm going to -- I want to walk through what happened
- 23 at the house. But when you said Jenkins afterwards said, "We
- 24 can do this three times a year," what had just happened?
- 25 A. Money had been taken.

1 Q. From where?

2 A. Westminster.

3 Q. The Hamiltons' house?

4 A. Yes.

5 Q. All right. And I want you to sort of walk us through what
6 happened at their house before -- before the conversation you
7 just described.

8 Who -- I think you've said in terms of law enforcement who
9 went to the house in Westminster, but where did the Hamilton --
10 where were the Hamiltons?

11 A. Westminster, Maryland.

12 Q. Were they brought back to their house?

13 A. Yes.

14 Q. And so once -- well, who brought them back?

15 A. We did.

16 Q. And who's "we"?

17 A. Myself, Rayam, Wayne, and Hersl.

18 Q. And who drove the Hamiltons back to the house, if you
19 remember?

20 A. We -- yeah. I can't remember. We all drove. We -- I
21 can't remember if I had Mr. Hamilton and his wife in the car,
22 but we all drove 'em.

23 Q. How many cars -- I guess how many BPD cars did you take?

24 A. One.

25 Q. And what other vehicles were taken back to the Westminster

1 house?

2 **A.** I believe it was Mr. Hamilton's truck.

3 **Q.** All right. And once you got there, what happened?

4 **A.** Once we got there, it was children in the home. We
5 entered the location.

6 **Q.** Who's "we"?

7 **A.** Myself, Hersl, Rayam, and Wayne.

8 **Q.** Okay.

9 **A.** Entered the location, secured the location. At that point
10 we did a sneak-and-peek.

11 **Q.** What's a sneak-and-peek?

12 **A.** A sneak-and-peek is basically when -- I've done it
13 numerous times. If it's involving drugs or anything, we search
14 or do a scan of where a gun might be or money might be prior to
15 another agency coming.

16 So basically, if we're in, let's say, Baltimore County, we
17 don't have jurisdiction there, so prior to Baltimore County
18 coming, we'll do a quick scan prior to them coming.

19 **Q.** Now, in this case you were in Westminster. What county is
20 that in, if you remember?

21 **A.** Yeah. I can't remember what --

22 **Q.** Is it Carroll County?

23 **A.** Carroll County, yes.

24 **Q.** So were you -- when you did this sneak-and-peek the way
25 you described how those were done -- well, let me ask you this:

1 Before Westminster, had you done sneak-and-peeks like that with
2 Defendant Hersl?

3 **A.** I probably would have to say yes.

4 **MR. PURPURA:** Objection. There's no basis. It's a
5 guess.

6 **THE COURT:** Sustained.

7 **BY MR. WISE:**

8 **Q.** Who were you waiting for when you did the sneak-and-peek
9 with Rayam and Hersl and Jenkins? What other agency?

10 **A.** I believe that was MSP.

11 **Q.** Is that Maryland State Police?

12 **A.** Yes.

13 **Q.** So had they been called to come to the scene to actually
14 search the residence?

15 **A.** Yes.

16 **Q.** So if MSP was going to search the residence, why were you
17 and Jenkins and Rayam and Hersl doing this sneak-and-peek?

18 **A.** Basically, to see if there was any drugs, money.

19 **Q.** And what were you going to do if there were drugs or money
20 or both?

21 **A.** It all depends on each particular situation, but with this
22 situation, if it was a gun, we probably would have submitted it
23 and charged them. But as far as -- all we saw was the money,
24 so we took it from there.

25 **Q.** Who saw the money?

1 A. I saw the money first.

2 Q. And where was the money?

3 A. In the bedroom.

4 Q. And who was with you in the bedroom when you, I guess,
5 first saw the money?

6 A. I believe -- Rayam. Rayam was in the house, I believe.

7 Q. At some point did anyone else join you and Rayam in the
8 bedroom with the money?

9 A. Oh, yeah. Absolutely.

10 Q. Who?

11 A. Wayne and Hersl.

12 Q. All right. And describe -- describe the money you saw.

13 A. There was a big block of 50,000 Ziploc'ed and it was
14 20,000 loose hundreds under a -- like a towel in the closet.

15 Q. How do you know it was 20,000 loose?

16 A. 'Cause I counted it.

17 Q. And when did you count it?

18 A. Once I saw it.

19 Q. Who was with you when you counted it?

20 A. Rayam was right beside me when I was counting it.

21 Q. Where was Hersl?

22 A. I believe Hersl, we -- my -- I stepped in the other room.
23 It was a fairly big house. I believe Hersl was still in the
24 bedroom.

25 Q. Okay. Before you took the money to count it, did Hersl

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1 see the loose money?

2 **A.** Yes.

3 **Q.** Did you see him see it?

4 **A.** Yes.

5 **Q.** And you said the other package -- which turned out to be
6 50,000 -- was actually sort of closed up?

7 **A.** Yes; heat-sealed.

8 **Q.** All right. And when you -- after you counted the money,
9 where did you go?

10 **A.** Once I counted the money, I put it back.

11 **Q.** Where did you put it back?

12 **A.** Right where it was.

13 **Q.** In the bedroom?

14 **A.** Yes; the closet.

15 **Q.** And who was in the bedroom when you put it back?

16 **A.** Hersl was still in the bedroom.

17 **Q.** All right.

18 **A.** Rayam was still in the bedroom. I went downstairs.

19 **Q.** And you went downstairs?

20 **A.** Yes.

21 **Q.** And then who came downstairs next?

22 **A.** I can't really remember who, but everybody was just
23 flowing through the house at that point.

24 **Q.** All right. Now, at some point did the officers from MSP,
25 the Maryland State Police, show up?

1 **A.** Yes.

2 **Q.** And what were they told about what went on, what you all
3 did before they got there?

4 **A.** As far as?

5 **Q.** Did you tell them that you had searched and found money?

6 **A.** Oh, not at all.

7 **Q.** Why not?

8 **A.** Because we had no right to do that. We know -- it's
9 protocol that we're supposed to wait for the next jurisdiction
10 before we do any search.

11 Basically, supposed to just walk through the house, do a
12 cursory search, make sure it's nobody else in the house.
13 That's basically it. But to go inside and look, you know, lift
14 up towels or look under beds, we're not supposed to do that.

15 **Q.** Now, did Jenkins ask Hamilton any questions before MSP got
16 there that you were present for?

17 **A.** Yes.

18 **Q.** What did he ask him?

19 **A.** Asked him for bigger targets.

20 **Q.** And what -- how did he specifically ask him for bigger
21 targets, if you remember?

22 **A.** Yeah. We were in the living room. He basically said
23 if -- he made the statement just basically saying that -- do
24 you know any big-time individuals that -- who would you rob,
25 basically?

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1 Q. That's what Jenkins asked Hamilton?

2 A. Yeah.

3 Q. "Who would you rob?"

4 A. "Who would you rob if you had the opportunity?" you know,
5 in reference to a big-time drug dealer.

6 Q. And who was present when Jenkins asked Mr. Hamilton that
7 question?

8 A. His girlfriend, his kids, myself, Rayam, and Hersl.

9 Q. And do you remember if Mr. Hamilton gave a response?

10 A. He kind of was just like flustered. He didn't really give
11 a response.

12 Q. All right. Now, did you -- at some point did the MSP
13 officers leave?

14 A. Yes.

15 Q. And were you all still there?

16 A. Yes.

17 Q. And at some point after the MSP officers left, did you
18 leave?

19 A. Yes.

20 Q. And before we sort of leave the scene, what had you
21 learned had happened to the 20,000 or what had started out as
22 20,000 upstairs in the bedroom?

23 A. It was taken.

24 Q. By who?

25 A. Rayam.

1 Q. How did you learn that?

2 A. I was sitting in the car, I believe. And once I saw Rayam
3 come out with the bag and he placed it in the car, I said,
4 "What you doing?"

5 He said, "G, yo, G, I'm taking it."

6 And I was just basically like, "Why would you take it?
7 There's nothing in the house."

8 Q. When you say, "There's nothing in the house," what were
9 you concerned about at that time?

10 A. With me is, you know, if you're going to skim it, you
11 know, skim money or take money off the top, it's better to have
12 some type of evidence. It was no evidence at all.

13 Q. Why is it better to have some type of evidence?

14 A. That's just my personal feel. You know, it's just
15 basically a better coverup than just taking the money boldly
16 and there's no drugs; there's no guns, nothing at all.

17 Q. And I think you -- your answer sort of suggests this, but
18 had any evidence been recovered from the Hamiltons' house?

19 A. No.

20 Q. Any drugs?

21 A. No.

22 Q. Any guns?

23 A. No.

24 Q. Any evidence of anything?

25 A. No.

1 Q. I think you testified to this, but at this point there's
2 just the one BPD vehicle at the Hamiltons' house; right?

3 A. Yes.

4 Q. So who's in the car with you when Rayam brings the money
5 in?

6 A. Brings it to the car?

7 Q. Yeah.

8 A. Myself, Wayne, and Hersl.

9 Q. And then were the Hamiltons arrested or charged for
10 anything?

11 A. No.

12 Q. So they were just -- were the handcuffs just taken off and
13 they were sort of left in their house?

14 A. Yeah. Basically once Rayam came with the money, saw
15 Mr. Hamilton look very distraught, you know --

16 Q. You saw Mr. Hamilton look distraught?

17 A. Yes; as if he looked, went upstairs -- 'cause once the MSP
18 showed him the 50,000, so, of course, he knew he had another
19 20,000.

20 Q. Right.

21 A. So I believe that he went back upstairs, saw that the
22 twenty was missing, because he would have saw it once the MSP
23 had him sign a property receipt.

24 And then I basically told Rayam, and then Rayam was just
25 basically like, "G, what you want me to do? It's already too

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1 late."

2 Q. So did you actually see Mr. Hamilton sort of come out --

3 A. Yeah, yeah.

4 Q. -- and look at you guys, like, what had just happened?

5 A. Yeah. Yeah. That's how he looked -- looked.

6 Q. All right. Now, once you -- you testified you were all in
7 the car. You were out of the house. The 20,000 or what
8 started out as 20,000 is in the car. Where did you go from
9 there?

10 A. Went to a local pub down the street. Well, not down the
11 street. Probably like 10, 15 minutes, on the way back to the
12 office.

13 Q. And who went into the pub?

14 A. Myself, Hersl, Wayne, and Rayam.

15 Q. And is this where the conversation you described earlier
16 happened?

17 A. Yes.

18 Q. And describe what that conversation was.

19 A. Basically said, you know, "Guys, don't be greedy." You
20 know, just --

21 Q. Who's saying this?

22 A. This is Wayne saying this.

23 Q. All right.

24 A. Guys, we don't have to be easy -- I mean greedy; we can
25 just do this three times a year, get three big ones.

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1 Q. And what did you understand him to be talking about?

2 A. When he -- that's talking about money, I mean, taking
3 money.

4 Q. Stealing money?

5 A. Stealing money, yes.

6 Q. And who is there for that when he's saying that?

7 A. Myself, Rayam, and Hersl and Wayne.

8 Q. And was this a big hit?

9 A. 20,000?

10 Q. Yeah.

11 A. I wouldn't consider it a big hit.

12 Q. You wouldn't consider it a big hit?

13 A. No.

14 Q. What would be a big hit?

15 A. 100,000 or more, to me that would be a big hit.

16 Q. All right.

17 A. Yeah.

18 Q. From the restaurant, where did you go?

19 A. Back to the barn, first, and then we went to headquarters.

20 Q. Who went to the barn, all four of you?

21 A. Yes.

22 Q. And then who went to headquarters?

23 A. I believe we all did.

24 Q. And then where did you go from headquarters?

25 A. We -- myself, I got into my own -- I mean, we got into our

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1 own personal cars, well, BPD vehicles. I met with Rayam
2 downtown.

3 Q. And what happened to Jenkins and Hersl? Where were they
4 going?

5 A. They headed to a bar in Canton where we all were going to
6 meet.

7 Q. What was the bar?

8 A. What was the name of that?

9 Q. If you remember.

10 A. Looney's.

11 Q. Okay. Now, where's the money -- you said the money was in
12 the car the four of you drove back?

13 A. Uh-huh.

14 Q. Who was in -- who kept that car? Whose car was that?

15 A. That was my vehicle; but once we switched vehicles, Rayam
16 took the money out of my vehicle and put it in his own vehicle.

17 Q. All right. Now, at some point before you got to Looney's
18 and -- well, did you ultimately go to Looney's?

19 A. Yes; afterwards.

20 Q. And did you -- who did you meet up with there?

21 A. Rayam -- well, yeah, myself, Hersl, Rayam, and Wayne, we
22 all met up.

23 Q. Now, on the way to Looney's, did you and Rayam talk on the
24 phone?

25 A. Yes.

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1 Q. And what did you talk about?

2 A. Meetin' up.

3 Q. All right. And what about the amount of money that now
4 Rayam had that Rayam was driving -- or, no, that you were
5 driving, I'm sorry, you said, in the car? What about that
6 money?

7 A. Well, we were -- when I was driving to meet up with Rayam,
8 Rayam was telling me -- he called me and said that the money
9 was short.

10 Q. I'm sorry. I think I mixed it up.

11 So you said the money's now in Rayam's car; right?

12 A. It was in Rayam's car.

13 Q. And he told you it was short?

14 A. Yes.

15 Q. By how much?

16 A. I believe he said a thousand dollars.

17 Q. Do you recall if he said 3,000?

18 A. He had took over, I think, like 3400 for -- from
19 Mr. Washington.

20 Q. Mr. Hamilton, you mean?

21 A. Mr. Hamilton, I mean.

22 MR. WISE: Okay. If I could just have a moment.

23 If I could just have a moment. We can play the call.

24 BY MR. WISE:

25 Q. This is in FBI-9 -- I'm going to play a call for you,

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1 Mr. Gondo. FBI-9, Page 11, is the transcript. This is -- the
2 audio is FBI-8, Session 804.

3 It will just take a moment for Mr. Kerrigan to get the
4 audio and the transcript.

5 **THE COURT:** All right.

6 (Audio was played but not reported.)

7 **MR. WISE:** And if we could have the transcript up on
8 the screen.

9 **BY MR. WISE:**

10 **Q.** Who's on this call, Mr. Gondo?

11 **A.** Myself and Rayam.

12 **Q.** And this is on July 8th now at 10:30 at night; right?

13 **A.** Yes.

14 **Q.** 10:36 exactly.

15 So you testified that you counted the money the first time
16 at the Hamiltons' house; right?

17 **A.** That's correct.

18 **Q.** And now Rayam's driving the car with the money in it;
19 right?

20 **A.** Right.

21 **Q.** So when he says, "I'm counting and counting and counting,"
22 what's he talking about?

23 **A.** He's countin' the money that was took -- that was taken.

24 **Q.** All right. And when he says -- and when you say, "No,
25 negative, I would never -- come on, man. I would never like to

1 ya," what do you -- what do you mean?

2 **A.** I'm basically saying that at Westminster, when I counted
3 that 20,000, it was 20,000. Basically, I'm not going to
4 miscount the money. That wasn't my first time countin' money,
5 and I consider myself good at countin' money. So when he said
6 the money was short, I was just reassuring Rayam that, you
7 know, I know a hundred percent it was 20,000.

8 **Q.** All right. And then when you -- you said you ultimately
9 got to Looney's and met up with Rayam; right?

10 **A.** Met up with -- we all met together, but I met up with --
11 we met up with Hersl and Wayne that was already there.

12 **Q.** I see.

13 **A.** Yeah.

14 **Q.** And when Rayam got there, if you recall, how much money of
15 the 20,000 did -- was left?

16 **A.** When I gave it to -- when I met up with Rayam?

17 **Q.** Yeah. How much was there?

18 **A.** It was short a couple thousand.

19 **Q.** Okay. And then what did you do with the money after Rayam
20 gave it to you?

21 **A.** Rayam took his cut. He gave me my cut. And then we
22 counted the money, split it up for Wayne and Hersl to have
23 their cut of the money.

24 **Q.** Why did -- why did you give Jenkins his cut and Hersl's
25 cut?

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1 **A.** For one, I never really did anything with Hersl at that
2 time. I had a better relationship with Wayne.

3 **Q.** Okay.

4 **A.** I've worked with Wayne before. So it was just, you know,
5 Hey, you know, we're here. I gave him the money.

6 And then once I gave Wayne the money, I also said that,
7 Hey, you know, something's fishy. You know, some money was
8 missing.

9 **Q.** And we can -- just to put a number on it, I think it's --
10 I think it's Session 803.

11 **MR. WISE:** Can you play Session 803, Mr. Kerrigan.
12 I'm not sure we have a transcript for it, but if you could just
13 play the -- are you able to access the session? All right.

14 **BY MR. WISE:**

15 **Q.** We'll just play Session 803 and let you listen to it.

16 **MR. WISE:** Page 7. I'm sorry. We do have it
17 transcribed. This is FBI-9, Page 7.

18 (Audio was played but not reported.)

19 **MR. WISE:** And then if we could go to the next
20 segment.

21 (Audio was played but not reported.)

22 **BY MR. WISE:**

23 **Q.** So who are you talking to at this point, Mr. Gondo?

24 **A.** I was talking to a female that I was talkin' to at the
25 time.

1 Q. And this call occurred just, I think, a minute before the
2 one I played a moment ago.

3 When you say, "This N saying I'm three grand short,
4 though," what are you talking about?

5 A. Referring to Rayam.

6 Q. So is that how much the 20,000 was now short, about 3,000?

7 A. Yes.

8 Q. All right. Now, you testified that once you got to
9 Looney's, Jenkins and Hersl were already there?

10 A. Yeah. They were basically outside waiting.

11 Q. And what was the purpose of meeting up with them at
12 Looney's, what were you going to do there?

13 A. Split the money.

14 Q. With who?

15 A. With -- myself and Rayam already had our proceeds of the
16 money; give it to Wayne so he can in turn give it to Hersl so
17 they both can have they proceeds of the money.

18 Q. And is that what happened when you got to Looney's?

19 A. Yes.

20 Q. And did you split the 17,000 that was left about four
21 ways?

22 A. Yes.

23 Q. And did each person get about a quarter of that money?

24 A. Yes.

25 Q. Why -- did you give any -- did you give Jenkins any money

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1 for Clewell?

2 **A.** No.

3 **Q.** Why not?

4 **A.** Clewell wasn't a part of it. Clewell was basically an
5 analytical guy in the squad. To me he wasn't a street cop. He
6 wasn't going to get his hands dirty. He never was involved
7 with any money being taken when we were doing search warrants
8 or anything. He was just kept out of that, that loop in the
9 squad.

10 **Q.** Okay.

11 **MR. WISE:** If I could just have a moment, Your Honor.

12 **BY MR. WISE:**

13 **Q.** All right. Moving forward in time, we just talked about
14 July 8th -- well, last question or series of questions.

15 Where did everybody go after Looney's?

16 **A.** After Looney's, I went -- myself and Rayam, we went to
17 Casino Live! And Hersl and Wayne went to the Horseshoe
18 downtown.

19 **Q.** The casino here in the city?

20 **A.** Yes.

21 **Q.** Now, that was July 8th. I want to move forward in time to
22 July 25th, 2016. Did you participate in a search at a
23 residence on Boston Street?

24 **A.** Yes.

25 **MR. WISE:** All right. And if I could have -- this is

1 going to be, again, from FBI-8. And this is in the transcript
2 package, FBI-9, Page 19.

3 (Audio was played but not reported.)

4 **MR. WISE:** If we can go back to the first page.

5 **BY MR. WISE:**

6 **Q.** Is that your voice on this call, Mr. Gondo?

7 **A.** Yes.

8 **Q.** And who called you?

9 **A.** Wayne Jenkins.

10 **Q.** All right. And when he says, "I'm -- I'm going to be
11 hitting a condo on Boston Street," where in -- where's
12 Boston Street?

13 **A.** It's downtown Baltimore, Canton area.

14 **Q.** Is that sort of a -- what kind of condos are on
15 Boston Street?

16 **A.** Like -- I would say like the waterfront condos.

17 **Q.** So expensive condos?

18 **A.** Yeah, I would say that.

19 **Q.** And when he says, "The guy's got a G wagon, 2016," what's
20 a G wagon?

21 **A.** A G wagon is a Mercedes-Benz truck that is about
22 150,000-plus in price.

23 **Q.** And what's a 20 -- what's a 2016 twin-turbo C -- CLK?

24 **A.** That is another Mercedes. It's a smaller Mercedes, a
25 twin-turbo. It's probably 50K or more.

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1 Q. And so when Jenkins said, "I just saw him take work from
2 one trunk to the other, and then he went into the apartment --
3 into Apartment 201," what did you understand that to mean?

4 A. "Taking work" is probably drugs. That's how I took it.

5 Q. All right. And what -- what, in your experience, goes
6 along with drugs?

7 A. Money.

8 Q. And so when he said, "I -- I already called Danny. I only
9 have Danny and you coming in," who's Danny?

10 A. That's Daniel Hersl.

11 Q. And then he says, "You need to call Rayam and just say
12 Jenkins needs you, and I'm going to be down there typing."

13 MR. WISE: And then if we could flip to the next page.

14 BY MR. WISE:

15 Q. When he says "Hey, you, Rayam, and Danny, that's it," what
16 did you understand that to mean?

17 A. Basically, it was just going to be myself, Dan, and Wayne.
18 He didn't want the other guys involved in this particular
19 incident.

20 Q. And why did you understand that he didn't want the other
21 guys involved?

22 A. It's kind of weird with Wayne. He could say the same
23 thing with the other guys. But anytime during a situation, if
24 a person calls and says the things that Wayne is saying, it's
25 involving money.

1 And, also, Wayne could have just thought like the more
2 people there is, the more money he would have to split up. So
3 that's less money for himself. So the smaller the group, the
4 better, basically. That's how I took it.

5 **Q.** So what was your intention at this time if there had been
6 money and drugs in that house, in that condo?

7 **A.** Again, that's -- it's kind of hard to say because this was
8 Wayne's case. I would be dictated by him and how he wanted to
9 go about it.

10 **Q.** What did you understand him to want to do?

11 **A.** Oh, knowing Wayne, any big cases, it was always about
12 drugs and money.

13 **Q.** And what about drugs and money?

14 **A.** That that's what he thrived on. That's what -- he has
15 taken drugs, large amounts of drugs; and he targets people for
16 the money for the most part. That's what he used the job for.

17 **Q.** And I understand that that "target" word can be used in
18 lots of different ways. But when you say he targets people for
19 a large amount of money, what do you mean?

20 **A.** For greed, you know. He'd target people. You know, use
21 law enforcement tactics, you know, to target big-time drug
22 dealers, knowing that they going to have a large quantity of
23 drugs or money in the house, to either take one or the other or
24 both.

25 **Q.** And keep it?

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1 A. And keep it, yes.

2 Q. And so before you -- did you ultimately go to this unit,
3 Unit 201, on Boston Street?

4 A. Yes.

5 Q. And who went to it?

6 A. It was myself, Daniel, Daniel Hersl, and Wayne Jenkins.

7 Q. Before you got there, did the three of you meet up?

8 A. Yes.

9 Q. And where did you meet?

10 A. I met Wayne at headquarters.

11 Q. All right. And after that, before you got to the condo,
12 did you meet up with Hersl too?

13 A. Yes.

14 Q. And what, if anything, did Jenkins say when you and Hersl
15 and him were together before you got to the condo?

16 A. Yeah. Prior to getting the warrant signed, I believe we
17 were driving -- well, we pulled over before we got the warrant
18 signed. Wayne pulled over, stepped out of the car, common
19 practice. He thought that the vehicle may be bugged, listening
20 by the FBI.

21 Q. Did you ultimately learn that one of the vehicles was
22 bugged?

23 A. Yes, that's correct.

24 He stepped out the vehicle. He stated, "I believe this
25 house should have at least 40 to 50 more thousand dollars in

1 it."

2 I just sat there -- I mean, I stood there being quiet.
3 Hersl then said basically, Yeah, I can -- I can use the money.
4 I'm -- I'm in the process of getting a house, buying a house,
5 so . . .

6 **Q.** So I think it's clear from what you just testified; but
7 what was the intent, if there had been \$40,000 in that house,
8 that you all had?

9 **A.** If not all or some of it was going to be taken from that
10 residence.

11 **Q.** And kept by the three of you?

12 **A.** Yes.

13 **Q.** Now, you said you and Jenkins and Hersl actually went to
14 Unit 201 on Boston Street?

15 **A.** Yes.

16 **Q.** And what did you find in that -- in that condo?

17 **A.** Heroin.

18 **Q.** Heroin?

19 **A.** Yes.

20 **Q.** Did -- was there \$40,000?

21 **A.** No.

22 **Q.** What happened to the heroin?

23 **A.** I believe it was submitted.

24 **Q.** And was anything taken -- you said that there wasn't any
25 money found, but was anything taken that wasn't submitted?

1 **A.** A bag.

2 **Q.** What kind of bag?

3 **A.** A purse.

4 **Q.** What kind of purse?

5 **A.** A Chanel purse, \$5,000.

6 **Q.** A \$5,000 Chanel purse?

7 **A.** Yes.

8 **Q.** Who took it?

9 **A.** Hersl.

10 **Q.** And what did he do with it?

11 **A.** Gave it to me.

12 **Q.** Why did he give it to you?

13 **A.** Gave it to me, and I gave it to a female I was talking to
14 at the time.

15 **Q.** At the time did you -- did you -- well, why did he give --
16 why did he take the \$5,000 -- why did Hersl take a \$5,000 purse
17 but then give it to you?

18 **A.** Because at that time, it was no money. It was a lot of
19 expensive things in the dwelling. I particularly said, "Oh, he
20 has nice items in the house."

21 Then Dan said, "Hey, you can just give this to your girl."

22 **Q.** All right.

23 **A.** Yeah.

24 **Q.** And when you were arrested in this case, where were you
25 housed at first?

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1 **A.** I was housed at Howard County.

2 **Q.** And who was housed there with you?

3 **A.** All the co-defendants: myself; Hersl, Dan; Ward; Rayam;
4 Wayne. All the individuals in my squad were housed together.

5 **Q.** Did Hersl bring up this incident where he took the \$5,000
6 purse at Boston Street with you?

7 **A.** Yes.

8 **Q.** And what did he say -- what did he tell you to say?

9 **A.** He basically told me to tell the Government that we put
10 the heroin in the bag; that was the purpose of us taking the
11 bag.

12 **Q.** I see. So as if it had been seized just as a bag to
13 put --

14 **A.** With the drugs, as the bag, yeah.

15 **Q.** Right, a \$5,000 purse.

16 All right. I next want to ask you about -- I want to move
17 forward in time. We started July 8th. We just covered
18 July 25th. I now want to ask you about August the 8th of 2016;
19 okay?

20 **A.** Okay.

21 **Q.** Did you go to a storage facility that day, like a storage
22 unit store or --

23 **A.** Yes.

24 **Q.** -- facility?

25 And who did you go with?

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1 **A.** It was myself, Wayne Jenkins, Rayam, Hersl, and Taylor.

2 **Q.** And when you got there -- well, take us through -- when
3 you got to the storage unit, I guess, who was already there, if
4 you remember?

5 **A.** What do you mean, as far as --

6 **Q.** Do you remember how you got there or who you were driving
7 with?

8 **A.** I was in the car with Rayam.

9 **Q.** Okay. And so you and Rayam were in one car?

10 **A.** Yes.

11 **Q.** Who told you to go to this storage unit?

12 **A.** We were targeting vehicles, conducting enforcement in the
13 area, so we ended up there.

14 **Q.** So what led up to -- just kind of walk us through. What
15 led up to getting to that storage facility, if you remember?

16 **A.** Yeah. It wasn't -- it was basically when we were doing
17 enforcement, we knew that drug dealers would -- will have
18 storage units where they keep drugs and money, so during --
19 driving through the whole entire Baltimore, we frequently
20 stopped at storage units to see if individuals were coming to
21 and from storage units.

22 **Q.** Had that happened on August the 8th? Did you see someone
23 coming out of this storage unit?

24 **A.** Yes.

25 **Q.** And then what happened?

1 **A.** I believe we stopped their vehicle. We stopped that
2 vehicle.

3 **Q.** All right. And then was the -- where was the vehicle?
4 Was it taken back to the storage unit?

5 **A.** Yes.

6 **Q.** And I just want to be clear. This is -- this is a storage
7 on Sinclair Lane.

8 **A.** Yes.

9 **Q.** Okay. And once the individual was brought back to the
10 storage unit, what happened?

11 **A.** Once he was brought back -- well, it was also, I
12 thought -- I was getting mixed up with the storage unit. It
13 was also -- John was there as well.

14 **Q.** John Clewell?

15 **A.** Yeah, John Clewell.

16 **Q.** Okay.

17 **A.** Yeah. So it was basically -- on Sinclair Lane, it was
18 myself, John, Rayam, Hersl, and Wayne.

19 **Q.** Okay.

20 **A.** Yeah.

21 **Q.** So not Taylor?

22 **A.** Not Taylor. I got it confused with the other incident.

23 **Q.** Okay. Was there another storage unit --

24 **A.** Yes.

25 **Q.** -- incident that involved Taylor?

1 A. Yes.

2 Q. Got it.

3 All right. So once the people you just mentioned -- you,
4 Rayam, John Clewell, Hersl, and Jenkins -- were at this storage
5 unit on Sinclair Lane, what happened?

6 A. Just to backtrack a little bit --

7 Q. Sure.

8 A. -- those guys was chasing a vehicle. When they were
9 chasing the vehicle, that individual was throwing the drugs
10 outside of the vehicle.

11 Q. Okay.

12 A. Prior to the car stop, Wayne and those guys --

13 Q. Who's "those guys," just to be clear?

14 A. It was John, Hersl; and Wayne had saw the guy come from
15 the storage unit.

16 Q. I see.

17 A. Myself and Rayam were on our way to assist 'em, so once
18 they finished with the vehicle pursuit and apprehended the
19 suspect, we met 'em at the storage unit in which they observed
20 the guy come from initially.

21 Q. Okay. And then once you all were together at the storage
22 facility, where did you go?

23 A. Myself and John Clewell, we went to headquarters so John
24 can write up an affidavit for a search warrant.

25 Q. And when you went back with him to headquarters so that he

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1 could write the search warrant, did you stay with him the whole
2 time while he was writing?

3 **A.** No. Dropped him off, had a brief conversation with him.
4 Then I went to get something to eat for the rest of the guys.

5 **Q.** And then once you got something to eat for the rest of the
6 guys, where did you go?

7 **A.** I went back to the storage unit on Sinclair Lane.

8 **Q.** And so who was there when you got -- you said Clewell was
9 back at headquarters writing the warrant. When you got back to
10 the storage unit on Sinclair Lane, who was there?

11 **A.** It was Rayam, Hersl, and Wayne Jenkins.

12 **Q.** And what happened -- at some point did Clewell show up
13 with the search warrant?

14 **A.** Yes.

15 **Q.** And then what happened?

16 **A.** Once John came back with the warrant, we proceeded to
17 enter the location to execute the warrant.

18 **Q.** And what did you discover?

19 **A.** That it was already ransacked. It was already opened.

20 **Q.** What was?

21 **A.** The storage unit in which John wrote the warrant for.

22 **Q.** I see. You said it had already been ransacked?

23 **A.** Yes. It was already opened. Things, items were already
24 out of the storage unit prior to even John even gettin' there.

25 **Q.** What, if anything, did Rayam tell you happened at the

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1 location while you were away?

2 **A.** As far as?

3 **Q.** Was money taken?

4 **A.** Yes.

5 **Q.** What did he tell you about that?

6 **A.** Basically, money was taken from the individual's van --

7 **Q.** Okay.

8 **A.** -- in which he was fleeing in prior to -- prior to us
9 leaving to get the warrant, myself and John.

10 **Q.** And who did Rayam tell you took the money?

11 **A.** Himself and Hersl.

12 **Q.** And what did they do with it?

13 **A.** They split it.

14 **Q.** Did he say where they split it?

15 **A.** 7-Eleven.

16 **Q.** Did you -- did he give you any of that money?

17 **A.** No.

18 **Q.** Did he tell you how much money they split?

19 **A.** It was up in the 700. All I heard was 700.

20 **Q.** 700?

21 **A.** Yeah.

22 **Q.** Now, you testified that you were all -- you were all
23 together -- Hersl, you, Rayam, Jenkins, Ward, Hendrix, and
24 Taylor were all together at Howard County Detention Center when
25 you were arrested; right?

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1 **A.** Yes.

2 **Q.** Did Hersl bring up this storage unit incident when you
3 were at Howard County?

4 **A.** Yes.

5 **Q.** And what did he say about it?

6 **A.** Basically, you know, the feds, they have -- they had a
7 wire in the car, Rayam. They know that we split 700. That's
8 what he said.

9 And that was prior to him -- he went to court to see about
10 his -- getting out on bail. And that's when he gave us the
11 information or gave me the information.

12 **Q.** Okay.

13 **THE COURT:** Are you moving on to another area,
14 Mr. Wise?

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

16 **THE COURT:** Why don't we take the mid-morning recess.
17 (Jury left the courtroom at 11:17 a.m.)

18 (Recess taken.)

19 **THE COURT:** You can be seated.

20 Are we ready to bring the jury back in?

21 **MR. WISE:** We are, Your Honor.

22 **THE COURT:** Okay.

23 (Pause.)

24 **THE COURT:** Are we waiting for Mr. Gondo?

25 (Witness entered the courtroom.)

(Jury entered the courtroom at 11:36 a.m.)

THE COURT: You can all be seated.

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

THE WITNESS: Okay. Thank you.

THE COURT: Mr. Wise, do you want to continue.

MR. WISE: Thank you, Your Honor.

BY MR. WISE:

Q. Earlier in your testimony, Mr. Gondo, you mentioned that you ultimately became aware that the FBI had, in fact, put a bug in one of the cars that you all were using; right?

A. Yes.

Q. I want to play you a recording from that. This is -- the audio is FBI-10. The transcript is FBI-11, Page 7. I'll play that audio, and then I'm going to ask you some questions about this, Mr. Gondo.

(Audio was played but not reported.)

BY MR. WISE:

Q. Whose voices are on that microphone recording?

A. Myself and Jemell Rayam.

Q. All right. And I want to ask you some questions about what was said.

Who is Rayam talking about when he says, starting at the very top [reading]: He told me about that. Ah, he put me on to some big shit.

Who's he talking about?

1 **A.** Wayne Jenkins.

2 **Q.** All right. So is he talking about a conversation he had
3 with Jenkins?

4 **A.** Yes.

5 **Q.** And then when he said [reading]: What the F you doing in
6 pockets? It's an f'ing waste of time, man.

7 What did you understand Rayam to be talking about?

8 **A.** Basically, it's -- the slang for it is pocket surfing.
9 You know, hopping out on individuals, taking money from their
10 person on the street.

11 **Q.** Okay. So when Rayam said he -- "He put me on to some big
12 shit," what's "big shit," by contrast?

13 **A.** Oh, "big shit" is in reference to big-time drug dealers.

14 **Q.** And to do what with big-time drug dealers?

15 **A.** Take money or drugs from 'em.

16 **Q.** And turn it in to BPD or keep it?

17 **A.** All depends on the situation. It may be a situation where
18 everything is taken and some submitted, vice versa.

19 **Q.** And let me -- I think you mentioned this earlier, but were
20 there instances where money was taken and some of it was
21 submitted to BPD, and then some of it was kept by you and other
22 members of the GTTF?

23 **A.** Yes.

24 **Q.** For instance, like in the case of the Hamiltons that you
25 testified about?

1 **A.** Yes.

2 **Q.** Why do that? Why submit any of the money if you've
3 testified that you were robbing these people? Why turn any of
4 it in?

5 **A.** A couple reasons: One clear reason is that when -- say,
6 for instance, if a person has a kilo of cocaine and \$10,000,
7 submit 5,000 and split the rest just to alleviate, you know,
8 that person making a complaint, 'cause more than likely, a drug
9 dealer is not going to complain about their money being taken.

10 **Q.** Why not? Why wouldn't the drug dealer complain about
11 their money being taken?

12 **A.** Because they know that we submitted or seized drugs from
13 them. So at that point, you know, why would they say anything
14 about it when you have them dead to rights on the drugs,
15 basically.

16 **Q.** And would saying they had more money mean they were
17 probably selling even more drugs?

18 **A.** Absolutely.

19 **Q.** You also testified about how, just using the Hamiltons as
20 an example, MSP came to that location; right?

21 **A.** Yes.

22 **Q.** Why would -- why would you all bring another
23 law enforcement agency to a location where money was taken?
24 Why involve somebody else?

25 **A.** We needed that law enforcement to be there because we had

1 no jurisdiction in that county. So their sole purpose was just
2 for us to be -- lawfully be there at that dwelling and conduct
3 a search for us. But prior to that -- prior to them coming, we
4 already did our own search and scan of the residence.

5 **Q.** Right. So then when -- in the middle there when Rayam
6 tells you, "He was like, Yeah. And then I was like, Well,
7 what's up with the other dudes, your boys?" who's that a
8 reference to?

9 **A.** He's talking about Wayne and his guys that came to the
10 squad, which were Taylor, Ward, and Hendrix.

11 **Q.** Okay. And then when Rayam said, "Then he brought up the
12 one where he, um, when they went outside and after eatin',
13 everybody put up \$20 -- you know what I'm talking about?
14 Everybody was -- he talked about the time where everybody had
15 20 g's," what did you understand Rayam to be talking about?

16 **A.** It was a incident where that -- those members in that
17 squad --

18 **Q.** Who?

19 **A.** Wayne, Ward, Hendrix, and Taylor did a search warrant
20 where they all took 20,000 apiece.

21 **Q.** And how did you learn about that?

22 **A.** I also heard that from Wayne.

23 **Q.** Directly?

24 **A.** Directly from Wayne.

25 **Q.** All right. All right. I think that's it for that

1 recording.

2 Mr. Gondo, I now want to shift topics.

3 You testified that you also pled guilty in this case to
4 overtime fraud. I want to ask you some questions -- or time
5 and attendance fraud, I guess, or overtime fraud. I want to
6 ask you some questions about that; okay?

7 **A.** Okay.

8 **Q.** Just to begin, how did you commit overtime fraud when you
9 were on the GTTF?

10 **A.** It was multiple ways. One way was it was like seven of
11 us, I believe, in the squad. If two guys on the squad came in
12 and got a gun, say, at 4 o'clock, some other individuals may be
13 just coming into work for the overtime or not even there; but
14 if those guys got the gun, we will all put in overtime.

15 And we might not even be there with them when they got the
16 gun; to give the illusion that we were all working together
17 when they got the gun.

18 **Q.** And if -- when you said "the seven of us," that would
19 include Defendants Hersl (indicating) and Taylor (indicating)?

20 **A.** Yes.

21 **Q.** Now, if you weren't actually working the time that was on
22 the slip, how would you -- where would the numbers to put on
23 the slip come from?

24 **A.** As far as?

25 **Q.** Well, how did you all know what to put on your slips to

1 make it look like you had all done the arrest together?

2 **A.** Oh, we all corroborated. We all talked about it.

3 **Q.** All right. And that includes Defendant Hersl and Taylor?

4 **A.** Yes. Everybody in the squad.

5 **Q.** And I'm going to ask you some follow-ups to that. But
6 just to orient us, in the summer of 2016, what was your typical
7 shift?

8 **A.** 8:00 to 4:00.

9 **Q.** And did you work 8:00 to 4:00?

10 **A.** Like did I come in from 8:00 to 4:00? No, absolutely not.

11 **Q.** When would you typically come in?

12 **A.** It all depends. Sometimes it may be 10:00 -- I would say
13 for me it would be 11:00 to 12 o'clock. That's when I would
14 make my way down to the office, sometimes even later.

15 **Q.** And on your overtime slips when you submitted them, did
16 you on those days claim to have started working at 8 o'clock?

17 **A.** Yes.

18 **Q.** Did you see other members of the GTTF show up hours after
19 the start of the shift?

20 **A.** Yes.

21 **Q.** Including Defendant Hersl?

22 **A.** Hersl, Taylor, everybody in the squad. Nobody showed up
23 at 8 o'clock. Everybody came in 10:00, 11:00, 12 o'clock, if
24 later, on a day-to-day basis.

25 **Q.** And then when did you over -- when could you start getting

1 pay for overtime? What --

2 **A.** 4 o'clock, technically, on the overtime. I think it was
3 like 4:16 to 4:19 hours -- I mean 4:19, something like that.

4 **Q.** And would you get paid time and a half for overtime?

5 **A.** Yes.

6 **Q.** And so when you did put in for overtime -- putting aside
7 for a second whether you even worked the assigned shift, when
8 you put in for overtime, was that accurate?

9 **A.** No.

10 **Q.** And in what ways was it not accurate?

11 **A.** Because we didn't work the 8:00 to 4:00 shift prior to
12 even gettin' the overtime.

13 **Q.** I see.

14 **A.** We just came in late for one or we came in once overtime
15 started and filled the slip saying that we worked 8:00 to 4:00
16 when, in fact, we didn't.

17 **Q.** So just so I understand it, were there times when you
18 didn't work at all during the assigned shift and just came in
19 to start getting time and a half?

20 **A.** Yeah, absolutely.

21 **Q.** And were there times when you saw Defendant Hersl do that?

22 **A.** Absolutely.

23 **Q.** And Defendant Taylor?

24 **A.** Yes.

25 **Q.** And then the time you actually claimed to have worked on

1 overtime, was that accurate?

2 **A.** It's hit or miss. Sometimes we did. If we got guns, a
3 lot of guns during that night, you know, if we had a long
4 night, we did. In some incidents, we can get a gun in a matter
5 of ten minutes. And then we may be done for the night and get
6 paid for four, six, eight hours' overtime.

7 **Q.** So just to be clear on that last example, were there times
8 when you worked, you said, ten minutes or an hour but then
9 submitted a slip where you claimed to have worked for four or
10 six or eight more overtime hours?

11 **A.** Yes. It all depends on how we were on the street. Like I
12 said, if we got a gun quickly, I mean, we're in and out. It
13 could be a Thursday; we wanted to shut things down early.

14 So we go out there and get a gun real quick, and we know
15 we going to get paid six to eight hours. That whole process
16 may only take an hour. So by 5:00, 6 o'clock, we're all gone
17 but we're still on the clock.

18 **Q.** When you say "we," who are you talking about?

19 **A.** Everybody on the squad: Taylor, Jenkins, Ward, Hendrix,
20 Hersl, myself, and Rayam.

21 **Q.** Now, you testified that there were times when you got
22 overtime for arrests you didn't even show up for, have anything
23 to do with; right?

24 **A.** Yes.

25 **Q.** How would -- how would slips get submitted if you weren't

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1 even there?

2 **A.** Individuals on the squad may sign for it, sign for certain
3 individuals and just fill 'em out.

4 **Q.** So did you fill out slips for other people on the squad?

5 **A.** Yes; the person -- the one person I did was Rayam. I knew
6 his signature, I would sign for Rayam. If I did fill out a
7 slip for another person, just fill it in; then another member
8 who may know they signature will do their personal signature.

9 **Q.** You said you could do Rayam's signature, but did you fill
10 out slips for Hersl that you knew were false that somebody else
11 then signed?

12 **A.** Yes.

13 **Q.** Did you do it for Taylor?

14 **A.** Yes.

15 **Q.** Did either Rayam or anybody else do that for you?

16 **A.** Yes. The whole -- all intertwined. We all did it as one,
17 one group. We all looked after each other.

18 **Q.** All right. I want to play a call. So this is -- FBI-8 is
19 the audio. And then the transcript is FBI-9, actually starting
20 on Page 1.

21 **MR. WISE:** If you could play that call, Mr. Kerrigan.

22 **BY MR. WISE:**

23 **Q.** I'll have some questions for you, Mr. Gondo, about it.

24 (Audio was played but not reported.)

25 **BY MR. WISE:**

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1 Q. All right. If we can go back to the first page,
2 Mr. Gondo, is that your voice?

3 A. Yes.

4 Q. And who are you talking to?

5 A. Maurice Ward.

6 Q. Now, the date of this call is June 14th, 2016.

7 What had just happened in the squad?

8 A. I believe Ward, Wayne, Taylor, and Hendrix just came to
9 our squad --

10 Q. Okay.

11 A. -- the Gun Trace Task Force. We joined together, 'cause
12 we didn't have a supervisor at the time.

13 Q. And so when Ward says, "He told us to move our shit in
14 here," is that what he's making reference to, joining -- sort
15 of joining the squad at that point?

16 A. Yeah, basically bringing their computers, whatever, to our
17 office that was on the seventh floor.

18 Q. So when Ward says, "He don't like to come in on time, yo.
19 He'll come in late every day, yo," who's he talking about?

20 A. He's speaking about Wayne Jenkins.

21 Q. And so when he said, "So we usually don't come to work
22 till like 10:00, 11 o'clock" -- again, when was your assigned
23 shift, for the most part, in the summer?

24 A. 8:00 to 4:00.

25 Q. 8:00 to 4:00?

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1 **A.** 8:00 to 4:00.

2 **Q.** So when he says "10:00 or 11 o'clock," he's talking about
3 10:00 or 11 o'clock in the morning?

4 **A.** Yes.

5 **Q.** And then if we go to the next page, when he says
6 [reading]: And -- or he'll try to make you see if you want
7 to -- want to make overtime every day. We seen O'Ree last
8 night, said the overtime budget just opened back up. Work as
9 much as you want."

10 My question is: Is he talking about actually working all
11 the overtime you claim or working some overtime and then
12 claiming more?

13 **A.** Your last statement.

14 **Q.** So working some but then claiming --

15 **A.** Then claiming more.

16 **Q.** Like you said, to get a gun in an hour, claiming four,
17 six, eight hours?

18 **A.** Yes.

19 **Q.** That you didn't work?

20 **A.** Yes, that's correct.

21 **Q.** All right. Now, I have -- moving forward in time --
22 that's June 14th. I want to move forward in time about ten
23 days to June 24th, 2016.

24 Did you participate in a raid on a house on June 24th,
25 2016?

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1 A. Yes.

2 Q. And was the address of that house 1927 East Chase Street?

3 A. Yes.

4 Q. Do you remember what time of day that raid was?

5 A. East Chase Street, the daytime.

6 Q. Was it early in the morning?

7 A. Yes.

8 MR. WISE: All right. And if I could have Government
9 Exhibit PP-1B, I believe.

10 And if you could enlarge that top portion.

11 BY MR. WISE:

12 Q. What's the date on this individual overtime report?

13 A. 6 -- 6/24/16.

14 Q. So is that June 24th, '16, the day we're talking about?

15 A. Yes.

16 Q. And is that your name on it?

17 A. Yes.

18 Q. And what did you -- what overtime did you put in for on
19 June 24th, 2016?

20 A. Six hours nine minutes.

21 Q. And what hours did you claim to have worked?

22 A. 10:00 to 6:00.

23 Q. And then what overtime hours in this box (indicating) did
24 you put in for?

25 A. 03:30 to 03 -- 9:39.

1 Q. So is that 3:30 in the morning until 9:39 in the morning?

2 A. Yes, that's correct.

3 Q. And then you claimed a regular shift, I guess, that

4 started at 10:00 a.m. to 6:00 p.m.?

5 A. 6:00 p.m.

6 Q. All right. And was this the -- was this the early morning

7 raid at the house at 1927 East Chase Street?

8 A. Yes.

9 Q. And was the -- do you remember the name of the person that

10 was the target of that raid, whose house it was?

11 A. No, I don't remember.

12 Q. Was it Milton Miller? Does that sound familiar?

13 A. Really -- I can't really remember.

14 Q. Okay. But you remember the raid?

15 A. Oh, absolutely.

16 Q. Was Defendant Hersl there at all?

17 A. No, I don't believe he was there on this one.

18 Q. Do you remember who was there?

19 A. It was myself, Taylor -- I mean, not Taylor. Myself,

20 Ward, and Hendrix and Rayam and Wayne.

21 Q. And for overtime work performed, it has "SS warrant." Is

22 that search-and-seizure warrant?

23 A. Yes.

24 Q. And then with a number, 3160610902, do you see that?

25 A. Yes.

~~GONDO DIRECT~~

1 Q. What are those numbers for? What are they used for?

2 A. The 3 stands for the district, which was Eastern; '16 is
3 the year. And the rest follows as far as the complaint number.
4 The number of reports that were documented within that month.

5 MR. WISE: Okay. Can I just have a moment,
6 Your Honor.

7 BY MR. WISE:

8 Q. I'm going to move forward in time now from June 24th to
9 June 29th. I want to play another call for you. Mr. Gondo,
10 this, again, is -- FBI-8 is the audio, and it's Session 121.
11 And the transcript is FBI-9, Page 5.

12 (Audio was played but not reported.)

13 BY MR. WISE:

14 Q. Is that your voice, Mr. Gondo?

15 A. Yes.

16 Q. And who are you talking to?

17 A. Wayne Jenkins.

18 Q. So this is about two weeks after he took over as the
19 sergeant for the GTTF; right?

20 A. Yes.

21 Q. And the time of this call is just about five minutes
22 before 1:00; right?

23 A. Yes.

24 Q. And so he told you Hendrix and Ward's comin' in at 1:00,
25 so right around that time; right?

~~CONFIDENTIAL~~

1 **A.** Yes.

2 **Q.** And, again, when was your shift supposed to have started?

3 **A.** 8:00 to 4:00.

4 **Q.** And then he says [reading]: I'm gonna -- me and Taylor's
5 going to go to the joint.

6 What was the joint?

7 **A.** Joints are basically storefronts that sell paraphernalia.
8 They may be little vials or Ziploc bags where detectives or
9 officers sit out front to see if an individual comes out with a
10 large quantity of vials or bags. You can tell if the bag is
11 big or weighted. And they'll target that person, believing
12 that person with the large amount of vials of paraphernalia,
13 that they have drugs or they are dealing drugs.

14 **Q.** All right. So 1 o'clock or 12:55, did you understand this
15 was something Jenkins was telling you he and Taylor were going
16 to do, I guess, that afternoon?

17 **A.** Yes.

18 **Q.** And then when he says, "So it's -- it's gonna be take it
19 easy until around 5:00 or 6 o'clock," would that be -- is 5:00
20 or 6 o'clock, then, after your shift?

21 **A.** Yes.

22 **Q.** And so as of 5:00 or 6 o'clock, what could you start to
23 do?

24 **A.** 5:00 or 6 o'clock, that's when we were going to start
25 hitting the street to get guns.

1 Q. And could you submit time-and-a-half overtime for that?

2 A. Yes.

3 Q. And when he says "some street rippin'," what's

4 "street rippin'?"

5 A. Getting guns off the street.

6 Q. And how did -- on a typical night, how did you all do

7 that?

8 A. Once -- once those guys came to the squad -- myself and

9 Rayam, we always stayed in my car. But once Wayne, Taylor,

10 Ward, and Hendrix came, it was a different dynamic that they

11 were doing. It was basically door popping; whereas, though,

12 they would -- if it was -- say, if it three individuals on the

13 street, pull up real fast, scream out the window, pop the door,

14 close it, to see if individuals going to run and see if they

15 show characteristics of a person -- whereas, though, myself and

16 Rayam, we'll sit back. So whatever they couldn't see, we would

17 see. You know, if a person -- if they missed a person walking

18 away, ripping their self, we would -- we would target that

19 person to try to get the gun off of 'em.

20 Q. Now, did you ultimately meet up with Jenkins and Taylor

21 and Ward and Hendrix later that evening to do some

22 street ripping?

23 A. Yes.

24 Q. Was Hersl there at all that day, if you recall?

25 A. I can't recall.

~~GONDO DIRECT~~

1 **MR. WISE:** And if I could see Government
2 Exhibit PP-2C.

3 If you could enlarge that.

4 **BY MR. WISE:**

5 **Q.** What's this, Mr. Gondo?

6 **A.** This is an overtime slip.

7 **Q.** And it has 6/30/16 written on it, but then it has a slash
8 and has the number 29 written through it; right?

9 **A.** Yes.

10 **Q.** Okay. So is it your understanding that this was a slip
11 for the 29th, the day we were just talking about?

12 **A.** Yes.

13 **Q.** And what are the hours that were claimed in terms of the
14 assigned shift?

15 **A.** 8:00 to 4:00.

16 **Q.** And the call we just heard was at 1 o'clock in the
17 afternoon; right?

18 **A.** Yes.

19 **Q.** And then what kind of overtime hours were claimed?

20 **A.** 14 hours.

21 **Q.** Did you work those hours?

22 **A.** No.

23 **Q.** Did you see anyone on the squad work those kind of hours?

24 **A.** No.

25 **MR. WISE:** Now, if we could move forward in time to

1 July the 1st, I'm going to play an audio from FBI-8. This is
2 Session 226. The transcript is FBI-9, Page 30.

3 (Audio was played but not reported.)

4 **MR. WISE:** Can you stop it there.

5 If you could enlarge that part that you just had, the
6 top third.

7 Thanks, Mr. Kerrigan.

8 **BY MR. WISE:**

9 **Q.** So who are you talking to?

10 **A.** Jemell Rayam.

11 **Q.** And the numbers that you're talking about, what are you --
12 what are you guys talking about?

13 **A.** Our paychecks.

14 **Q.** And that includes both salary and now --

15 **A.** Overtime.

16 **Q.** -- overtime?

17 **A.** Yes.

18 **Q.** And was this overtime you were working?

19 **A.** Some and some not.

20 **Q.** Right. So some overtime was just claimed overtime?

21 **A.** Claimed, yep, that's correct.

22 **Q.** And so when he says -- or when you say, "Just imagine
23 these Ns been doing this shit, yo," and then Rayam says, "Them
24 Ns been for a whole year getting, I mean, so they've been
25 getting at least eight to ten thousand a month," who are you

1 talking about?

2 **A.** I'm referring to Wayne, Ward, Taylor, and Hendrix.

3 **Q.** Getting this kind of overtime for a whole year at that
4 point?

5 **A.** Or -- or if more, yeah, exactly.

6 **Q.** And were these -- were these numbers -- was the whole
7 squad getting these big numbers now at this point, now that
8 Jenkins is in charge?

9 **A.** Yeah. Once Wayne came to the squad, this new dynamic of
10 coming in late, you know, coming in at 5:00, getting paid ten,
11 eight, six, even fourteen hours, yeah, everybody was getting
12 paid.

13 **Q.** For time everybody was working?

14 **A.** No. Some incidents we were, but more than -- most of 'em
15 we weren't working, and we were getting paid that amount of
16 money. He dictated how much we would put on our overtime
17 slips.

18 **Q.** Who's "he"?

19 **A.** Wayne Jenkins.

20 **Q.** And that would include Defendant Hersl was getting paid
21 like that?

22 **A.** Yes.

23 **Q.** And Defendant Taylor?

24 **A.** Yes.

25 **Q.** Now, that was July 1st. We're now going to go to

1 July 14th. This is from FBI-8, Session 1162. The transcript
2 is FBI-9, Page 12. This is July 14th.

3 **MR. WISE:** If you could play that call, Mr. Kerrigan.
4 (Audio was played but not reported.)

5 **MR. WISE:** And if you could keep that on the screen.

6 **BY MR. WISE:**

7 **Q.** Who are you talking to, Mr. Gondo?

8 **A.** Jemell Rayam.

9 **Q.** And what are you talking about in this call?

10 **A.** Talking about the other members in the unit gettin' a gun.

11 **Q.** And I can go back to the first page --

12 **MR. WISE:** Why don't we do that. Let's go back to the
13 first page. And in the middle, if you could enlarge the middle
14 of the page, Mr. Kerrigan.

15 **BY MR. WISE:**

16 **Q.** When you say, "They got a gun at 4:00," and then Rayam
17 says, "Oh, shit, shit, them, the three dudes," who got the gun
18 at 4:00?

19 **A.** The other members in the squad.

20 **Q.** Who were they?

21 **A.** Ward, Taylor, and Hendrix.

22 **Q.** Okay. And this call is at 7:16; right?

23 **A.** Yes.

24 **Q.** So were you -- where were you when you made this call?

25 **A.** I was downtown at headquarters.

~~CONFIDENTIAL~~

1 Q. With Ward, Hendrix, and Taylor?

2 A. Yes.

3 Q. And you learned from them that they had, I guess, arrested
4 someone with a gun at 4:00?

5 A. 4 o'clock, yep.

6 MR. WISE: And then if we go to the second page and if
7 you can enlarge what you had enlarged before, Mr. Kerrigan.
8 Actually, the bottom, the bottom third, if you can do that.

9 BY MR. WISE:

10 Q. When Mr. Rayam says, "Where Dan at? Is Danny there?"
11 who's he talking about? Who's he asking about?

12 A. Daniel Hersl.

13 Q. And was Daniel Hersl there?

14 A. No.

15 Q. And you say, "Dan's probably at the bar"? Is that what
16 you said?

17 A. Yes.

18 Q. Did you participate in this arrest?

19 A. No.

20 Q. Did Mr. Hersl?

21 A. No.

22 MR. WISE: All right. And if I could have Government
23 Exhibit PP-4D.

24 If you could enlarge that, Mr. Kerrigan.

25 BY MR. WISE:

~~CONDO DIRECT~~

1 Q. And is this an overtime slip for that day, July 23rd?

2 A. Yes.

3 Q. For you?

4 A. Yes.

5 Q. And what hours do you claim to have worked?

6 A. The 3:00 to 11:00 shift.

7 Q. And then how much overtime?

8 A. Four hours.

9 Q. From, I guess, 11:16 in the evening until about --

10 A. 3:00 in the morning.

11 Q. -- 3:00 in the morning.

12 And did you work those hours?

13 A. No.

14 Q. You testified at 7 o'clock, you were downtown with Ward
15 and Hendrix and Taylor. Did they leave before 3:15 in the
16 morning, if you recall?

17 A. Yes.

18 Q. I'm sorry. Did I misspeak?

19 Oh, I think I got ahead of myself.

20 I was asking you about July 14th, and I showed you a slip
21 for July 23rd. That's my fault.

22 The slip I meant to show you was PP-3C.

23 Do you see that on the screen now?

24 A. Yes.

25 MR. WISE: All right. Wait a minute.

1 Actually, it's the bottom part of that page,
2 Mr. Kerrigan.

3 Yeah, there it is. Okay.

4 **BY MR. WISE:**

5 **Q.** So the call we listened to was July 14th, right?

6 **A.** Yes.

7 **Q.** And is that the date on this slip?

8 **A.** Yes.

9 **Q.** And I'm sorry. I showed you the wrong one.

10 And what are the hours -- is this a slip with your name on
11 it?

12 **A.** Yes.

13 **Q.** And what are the hours that you claimed to have worked?

14 **A.** 8:00 to 4:00.

15 **Q.** And then how much overtime?

16 **A.** Eight hours.

17 **Q.** And for the reason, the overtime work performed explained,
18 what's listed?

19 **A.** [Reading]: OS crime suppression, Northeast District, four
20 by four.

21 **Q.** And then what address?

22 **A.** The location is 4600 Grindon Avenue.

23 **Q.** And is that where Ward and Taylor and Hendrix had made the
24 gun arrest you were talking about on the call to Rayam?

25 **A.** Yes.

1 Q. The one where you said you didn't participate; right?

2 A. No.

3 Q. And Hersl didn't participate?

4 A. No. Or Rayam.

5 Q. Or Rayam. Okay.

6 Now I want to ask you about July 23rd. And so this is --
7 the audio is FBI-8, Session 1745, first. And then there will
8 be a second one. And the transcript is FBI-9, Page 14.

9 (Audio was played but not reported.)

10 MR. WISE: And if we could go back to the first page,
11 Mr. Kerrigan.

12 BY MR. WISE:

13 Q. Is that your voice, Mr. Gondo?

14 A. Yes.

15 Q. And who are you talking to?

16 A. Jemell Rayam.

17 Q. And when Rayam says, He gonna call you. He basically
18 saying it was you, him, and what-his-name. He said you and
19 Gondo. He said me and Gondo, who's Rayam talking about?

20 A. Oh, Wayne Jenkins.

21 Q. So who was going to go out that night, I guess,
22 street ripping?

23 A. It was supposed to be myself, Wayne Jenkins, and Rayam.

24 Q. Okay. And what does Rayam tell you that he -- well, what
25 does Rayam tell you?

1 **A.** Basically, he was going to be tied up.

2 **Q.** Okay. So it was just going to be the two of you?

3 **A.** Myself and Wayne; that's correct.

4 **Q.** Only members of the squad working that night?

5 **A.** Yep, that's correct.

6 **MR. WISE:** And if we go forward to Session 1747, which
7 is Page 17, that last call was at, like, 4:48. This call is
8 now at 5:35.

9 If you could -- if you could actually play the second
10 portion where it picks up for the second half of the page.

11 (Audio was played but not reported.)

12 **BY MR. WISE:**

13 **Q.** So when Rayam says, "I thought it was like four people
14 tonight" and then you said, "Everybody had plans," who were you
15 talking about?

16 **A.** Other members in the squad.

17 **Q.** Okay. In fact, did you and Jenkins go out that night?

18 **A.** Yes, we did.

19 **Q.** Were you the only two that went out?

20 **A.** Yes.

21 **Q.** So Hersl (indicating) didn't go out?

22 **A.** No.

23 **Q.** Taylor (indicating) didn't go out?

24 **A.** No.

25 **MR. WISE:** And now if I could have Government

~~CONDO DIRECT~~

1 Exhibit PP-4D.

2 **BY MR. WISE:**

3 **Q.** Is this your overtime slip for that day and into the
4 night?

5 **A.** Yes.

6 **Q.** 7/23/2016; is that right?

7 **A.** Yes.

8 **Q.** And what was the assigned shift you claimed?

9 **A.** 3:00 to 11:00.

10 **Q.** And what was the amount of overtime?

11 **A.** Four hours.

12 **Q.** And did you work that assigned shift?

13 **A.** No. Came in way later than that.

14 **Q.** Did you work that much overtime, if you remember?

15 **A.** Once I got there, yeah, pretty much I was there until like
16 3:00 in the morning.

17 **MR. WISE:** Okay. All right. Now moving forward in
18 time to July 29th. From FBI-8, this is Session 1916. And from
19 the transcript, this is FBI-9, Page 24.

20 (Audio was played but not reported.)

21 **MR. WISE:** You can stop it there, Mr. Kerrigan. If
22 you could go back to the first page.

23 **BY MR. WISE:**

24 **Q.** Is that your voice, Mr. Gondo?

25 **A.** Yes.

1 Q. And who are you talking to?

2 A. Jemell Rayam.

3 Q. Now, the time on this call is 9:38 p.m.; right?

4 A. Yes.

5 Q. On July 29th?

6 A. Yes.

7 Q. And when you say, "Hey, he just got here at 9:40," who are
8 you talking to that just got there at 9:40?

9 A. Taylor.

10 Q. And where had he -- where was he coming from before that?

11 A. To be honest, I have no idea.

12 Q. Later on -- well, I guess later in that paragraph, you
13 say, "This N was in PA." Is that Pennsylvania?

14 A. Yeah. That's what he was saying, but it's no telling
15 where Taylor actually was.

16 Q. I see.

17 A. He was telling us that he was in PA.

18 Q. Okay. And this is, again, at 9:38, 9:40 at night; right?

19 A. Yes.

20 Q. Had you worked -- had you or the squad worked anytime
21 before this that day?

22 A. No.

23 Q. So this was when the -- I guess the start of the shift
24 was --

25 A. Yeah. That's when we started doing overtime.

~~GONDO DIRECT~~

1 Q. And this was on overtime, you said?

2 A. Yeah, this was on overtime.

3 Q. And you said -- you talk about Jenkins being there; right?

4 A. Yes.

5 Q. And you're there; right?

6 A. Yes.

7 Q. Rayam's on the phone. He's not there; right?

8 A. No.

9 Q. You said Hendrix is there; right?

10 A. Yes.

11 Q. Was Hersl there?

12 A. No.

13 **MR. WISE:** Okay. And if I could have Government
14 Exhibit PP-5E. I'll put it up on the document camera, if I
15 could just have a second.

16 **THE COURT:** Sure.

17 **BY MR. WISE:**

18 Q. This is Government Exhibit PP-5E, Mr. Gondo. What's this?

19 A. Overtime slip; City overtime slip.

20 Q. For which day?

21 A. 7/29/16.

22 Q. So the day we were just listening to the call from?

23 A. That's correct.

24 Q. And this has got your name on it; right?

25 A. Yes.

~~GONDO DIRECT~~

1 Q. And when did -- what's the assigned shift you claimed to
2 have worked?

3 A. 3:00 to 11:00.

4 Q. And then how much overtime?

5 A. Eight hours fifteen minutes.

6 Q. And you said everybody was getting together around
7 9 o'clock that night; right?

8 A. Yes.

9 Q. So you didn't work your assigned shift from 3:00 until
10 about 9:00; right?

11 A. That's correct.

12 Q. And then in terms of the overtime that was claimed to 7:30
13 the next morning, did you work all that?

14 A. No.

15 **MR. WISE:** All right. Okay. I have the -- I think
16 this is the last call I'm going to play. Moving forward from
17 July 29th to August the 8th, this is from FBI-8, Session 2367.
18 And in the transcript it's FBI-9, Page 28.

19 (Audio was played but not reported.)

20 **BY MR. WISE:**

21 Q. Is that your voice, Mr. Gondo?

22 A. Yes.

23 Q. And who are you talking to?

24 A. Jemell Rayam.

25 Q. And when you say, "He was out late last night. That's why

~~CONDO DIRECT~~

1 he pushed it back till 2:00," who are you talking about?

2 **A.** Wayne Jenkins.

3 **Q.** And this call is at 11:00 a.m -- or 11:50 a.m., so almost
4 noon; right?

5 **A.** That's correct.

6 **Q.** And what did Wayne Jenkins push back till 2:00?

7 **A.** Telling us when to come into work.

8 **Q.** The whole squad?

9 **A.** The whole squad, come in at 2 o'clock.

10 **Q.** Including Hersl and Taylor?

11 **A.** That's correct.

12 **MR. WISE:** And if I could have Government
13 Exhibit PP-6C. If you could enlarge that, Mr. Kerrigan.

14 **BY MR. WISE:**

15 **Q.** What's this, Mr. Gondo?

16 **A.** City overtime slip.

17 **Q.** For what day?

18 **A.** 8/8/16.

19 **Q.** So the same day as that call?

20 **A.** Yes.

21 **Q.** And is that your name on it?

22 **A.** Yes.

23 **Q.** And what was the assigned shift you claimed to have
24 worked?

25 **A.** 8:00 to 4:00.

~~GONDO DIRECT~~

1 Q. And how much overtime?

2 A. 12 hours 45 minutes.

3 Q. All right. So this call was at almost noon, and you said
4 Jenkins had pushed the start time back till 2:00. So did you
5 start working at 8:00 a.m.?

6 A. No.

7 Q. Did any members of the squad, to your knowledge, start
8 working at 8:00 a.m.?

9 A. Not at all.

10 Q. And this is the same day as that storage unit that you've
11 talked about on Shannon Drive; right?

12 A. Okay. Yes.

13 Q. And then that overtime claimed, did you work that much
14 overtime?

15 A. As far as from once we started after 4:00?

16 Q. Yeah.

17 A. Probably, yeah.

18 MR. WISE: If I could have a moment, Your Honor.

19 THE COURT: All right.

20 (Counsel conferred.)

21 BY MR. WISE:

22 Q. Mr. Gondo, at any point before March the 1st, did you
23 learn that you or other members of the GTTF were under
24 investigation?

25 A. Yes, absolutely.

~~GONDO~~ ~~CROSS~~

1 Q. And who did you learn it from?

2 A. I heard it from Rayam. He told me that Sergeant Allers
3 had informed him that the FBI was investigating me, myself.

4 Q. Did you hear it from anyone else?

5 A. I heard it from Ward. He gave me a phone call. I heard
6 about it that Sergeant Ryan Guinn at the time had told Wayne
7 and then in fact Wayne ended up telling me.

8 Q. Did you hear about it from anyone else?

9 A. I actually heard it from -- I heard it from Hersl as well.

10 Q. And what did Hersl tell you?

11 A. He was just, like, "Yo, G, I heard that you was on a
12 wiretap."

13 Q. And what's a wiretap?

14 A. Wiretap is a tool used by law enforcement to listen to
15 conversations from a person that they're investigating or
16 targeting for criminal purposes.

17 Q. So including most of the calls we just heard?

18 A. That's correct.

19 MR. WISE: Nothing further, Your Honor.

20 THE COURT: All right. Mr. Nieto, would you like to
21 start.

22 CROSS-EXAMINATION

23 BY MR. NIETO:

24 Q. All right. Mr. Gondo, who's GMoney?

25 A. Who is GMoney? I mean, I've been called that before.

~~CONDO~~ ~~CROSS~~

1 Q. Right. That's you; right?

2 A. Yes.

3 Q. Okay. And that's your nickname; correct?

4 A. I wouldn't say it's a nickname. That was an e-mail that I
5 had years ago as a teenager.

6 Q. Okay. Well, when you were indicted, was it used as an
7 alias --

8 A. Yes.

9 Q. -- for you in the indictment?

10 A. Yes.

11 Q. Right.

12 It had your name and then it had "a/k/a GMoney." It had
13 "Mike" as another name for you; correct?

14 A. Yes, that's correct.

15 Q. Okay. So while you were working as a police officer, it
16 seems like you almost were living two lives; right?

17 A. As far as?

18 Q. I'm sorry?

19 A. As far as?

20 Q. As far as being a drug dealer and then actually being an
21 officer; right?

22 A. You're saying I'm being a drug dealer as far as what part?
23 That's just a --

24 Q. As far as what part?

25 A. -- a broad statement. You just said I was a drug dealer.

~~CONDO~~ ~~CROSS~~

1 Q. You admit you're a drug dealer; right?

2 A. I never admit I was a drug dealer. I admit that I've
3 taken money and I've taken drugs --

4 Q. Did you --

5 A. -- from individuals in the city.

6 Q. Did you sell drugs?

7 A. Yes, I've sold.

8 Q. Okay. So drug dealers, do they sell drugs?

9 A. Yes.

10 Q. Okay. So insofar as there is that similarity, you are, in
11 fact, a drug dealer, then; right?

12 A. Your personal opinion.

13 Q. No, sir. My apologies. I'm not trying to get into
14 personal opinions.

15 You pled to being part of a conspiracy to --

16 A. Yes.

17 Q. -- distribute drugs?

18 A. Yes. And that's exactly what it is, a conspiracy.

19 Q. Okay. And so you had conspired with Mr. Shropshire;
20 right? That's --

21 A. Yes.

22 Q. -- Brill?

23 And he was a drug dealer?

24 A. That's correct.

25 Q. Okay. And you helped him, right, avoid law enforcement?

~~CONDO~~ ~~CROSS~~

1 **A.** That's correct.

2 **Q.** Right. He had, I guess, found a tracker on the bottom of
3 his phone -- or his car, and you advised him how to remove it;
4 correct?

5 **A.** I didn't advise him how to remove him. I told him just to
6 get rid of it.

7 **Q.** Oh, I'm sorry. So you just told him to get rid of it?

8 **A.** Yeah.

9 **Q.** And Omari Thomas, that was Lil Brill; right?

10 **A.** I had no dealings with Lil Brill.

11 **Q.** You had no dealing with Lil Brill?

12 **A.** No.

13 **Q.** How about Twan?

14 **A.** Besides that home invasion, I had no dealings with him.
15 He just gave the information to Wells, had no contacts, never
16 talked to him on the phone or Lil Brill on the phone.

17 **Q.** Okay. So Wells, right, Lou or Kyle, Glen, whatever name
18 he prefers to go by, he's a drug dealer; correct?

19 **A.** That's correct.

20 **Q.** And you guys were friends?

21 **A.** Yeah, childhood friend.

22 **Q.** Right. Childhood friends and adult friends as well;
23 right?

24 **A.** That's correct.

25 **Q.** And you were working together with him to help him as he

1 sold drugs; right?

2 **A.** As far as?

3 **Q.** I don't know. Why don't you tell me. As far as how did
4 you help him, sir?

5 **A.** I mean, during the -- during when they were being -- I
6 felt as though they were being targeted by individuals, Wayne
7 and the squad. I gave them information, which I wasn't
8 supposed to. I broke the law. Even though he was a friend of
9 mine, I shouldn't have told Brill to get -- remove a tracker.
10 Even though I believe Wayne was targeting my friend to rob him,
11 I still shouldn't have told Kyle that information because I was
12 in law enforcement. That's where I broke the law.

13 **Q.** Right. I mean, you provided him information so he could
14 avoid law enforcement; right?

15 **A.** With the situation with people --

16 **Q.** With Wells?

17 **A.** -- with Sergeant Jenkins, absolutely, yes.

18 **Q.** Right. 'Cause Sergeant Jenkins had actually arrested him,
19 and he had drugs on him; correct? Do you remember that?

20 **A.** He arrested him for a gun and some drugs, yes, sir.
21 That's correct.

22 **Q.** Okay. So Wells was running around with drugs and guns on
23 his person during the time of your friendship; right?

24 **A.** Yes.

25 **Q.** And during the time that you were helping him?

~~ONDO~~ ~~CROSS~~

1 A. Yes.

2 Q. And during the time of that conspiracy, the one for which
3 you pled guilty?

4 A. Yes, that's correct.

5 Q. Okay. Now, you had told federal agents that nothing
6 inappropriate or criminal really happened until Rayam joined
7 the squad. Do you remember telling them that?

8 A. You have to remember my -- reflect [sic] my memory a
9 little bit.

10 Q. Do you remember telling federal agents that nothing
11 inappropriate or criminal really happened until Rayam joined
12 the squad?

13 A. Yeah, I believe I said that.

14 Q. And you also told them that after he arrived, everything
15 went downhill?

16 A. To the Gun Unit, yes; that's correct.

17 Q. Right.

18 Now, you started working as a police officer in 2005;
19 right?

20 A. Yeah. 11/29/05.

21 Q. Okay. And then you were shot in 2006?

22 A. Yeah, 12/5/06.

23 Q. And that was drug-related; right?

24 A. Absolutely not.

25 Q. Absolutely not? That had nothing to do with drugs?

~~CONFIDENTIAL~~

1 A. 100 percent not.

2 Q. A hundred percent?

3 A. On my father's grave, 100 percent not.

4 Q. Okay. So if somebody said that that shooting was, in
5 fact, drug-related, they'd be mistaken; right?

6 A. They're entitled to they opinion. The Government can
7 investigate it. BPD can investigate it. If they come up with
8 anything different, so be it. But my shooting was no way, no
9 how drug-related.

10 Q. I mean, you're a hundred percent certain that it had
11 nothing to do with drugs; right? So their investigation
12 wouldn't reveal anything?

13 A. I have no idea. They're entitled to their investigation.

14 Q. Right. I understand they're entitled to an investigation,
15 sir.

16 But at -- I'm just trying to parse out your answer. I
17 mean, you just said you're a hundred percent certain --

18 A. Right.

19 Q. -- based on your father's -- I forgot, on your father, his
20 name, that this was not drug-related?

21 A. Yes.

22 Q. But now it seems like you're saying, Well, if they
23 investigate it and they find something different --

24 A. What I'm saying is I welcome anybody to investigate it.
25 That's what I'm saying.

~~CONDO~~ ~~CROSS~~

1 Q. Oh, okay. Okay. So, once again, as I suggested, then, if
2 somebody were to say that that shooting were drug-related,
3 they'd be wrong; right?

4 A. That's their own personal opinion. I'm just telling you
5 my half, the truth.

6 Q. Well, the truth is the truth; right?

7 A. Right.

8 Q. So it's not drug-related; correct?

9 A. Right.

10 Q. So they'd be wrong if they said it were?

11 A. That's totally up to them. I have nothing to do with
12 any -- what anybody, she said/he said. I'm just telling you
13 what I know.

14 Q. So based on what you know, then, that person would be
15 wrong?

16 A. Yeah; can't speak for anybody else.

17 **THE COURT:** Sustained.

18 **MR. WISE:** Objection.

19 **BY MR. NIETO:**

20 Q. Okay. So, now, you started speaking with agents after you
21 had been given immunity; is that correct?

22 A. Yes.

23 Q. And you started talking about how you started taking money
24 about ten years ago when you were on VCID?

25 A. That's correct.

~~ONDO~~ ~~CROSS~~

1 Q. Okay. And it was you, Detective Suiter, Ward, Ivery, and
2 Tariq Edwards --

3 A. That's correct.

4 Q. -- right?

5 And so the five or six of you, you'd take money and split
6 it out amongst yourselves; right?

7 A. That's correct.

8 Q. And then you moved on to the Northwest District. And
9 that's when you worked with Rayam, Giordano, Michael Woodland,
10 and another officer.

11 Do you remember that?

12 A. Yes.

13 Q. Okay. And in that group they, too, would split up money
14 that would be recovered?

15 A. It was a few incidents, yes.

16 Q. Right. So once again -- so in that group, they would
17 split up money as well; correct?

18 A. They did. That's correct.

19 Q. Okay. And Officer Woodland is now with Baltimore County;
20 correct?

21 A. That's correct.

22 Q. And you had also told the federal agents that Rayam and
23 Michael Sylvester were doing fake search warrants and stealing
24 from people; correct?

25 A. That's correct.

~~GONDO~~ ~~CROSS~~

1 Q. Okay. And so Mr. Sylvester now works over at the circuit
2 courthouse; correct?

3 A. I don't know where he works at.

4 Q. You haven't seen him?

5 A. No. That's not my -- that's not a friend of mine.

6 Q. Okay. You didn't, of course, provide any of this
7 information to the feds until you had been arrested and charged
8 in this case; is that correct?

9 A. That's correct.

10 Q. Okay. Now, you worked with Rayam separate from the
11 Gun Trace Task Force; right?

12 A. When I was in VCID, he was working with Jason Giordano. I
13 was working with Tariq. We were on the same squad, but he was
14 doing his own thing with Jason.

15 Q. And that's not fair. When I say "work," I'm not actually
16 talking about the police work. I'm talking about home
17 burglaries; right? You were working with him separate from the
18 task force in that capacity; right?

19 A. Yes; on one incident, yes.

20 Q. Right. That was you, Rayam, Wells, and Finnegan; is that
21 correct?

22 A. Yes.

23 Q. And in that particular instance, right -- I mean, during
24 the home invasion, I think it was Rayam had pointed a gun at a
25 woman's face; right?

~~CONDO~~ ~~CROSS~~

1 **A.** You would have to ask Rayam that.

2 **Q.** You didn't have any idea or knowledge about that?

3 **A.** I wasn't --

4 **Q.** That wasn't part of your plea agreement either, about the
5 gun being brandished in the burglary or --

6 **MR. WISE:** Your Honor, I think they're mixing up
7 burglaries.

8 **THE COURT:** So let's rephrase the question, then.

9 **MR. NIETO:** Okay.

10 **BY MR. NIETO:**

11 **Q.** So you and Rayam had stolen money -- or stolen drugs for
12 resale; correct?

13 **A.** That's correct.

14 **Q.** Okay. And that you two were both part of that home
15 burglary; right?

16 **A.** Yes.

17 **Q.** Okay. And that wasn't Gun Trace Task Force, that was you
18 guys just breaking the law on your own?

19 **A.** Yes.

20 **Q.** Now, you didn't, of course, notify the other officers on
21 the task force about what you were doing, did you?

22 **A.** No.

23 **Q.** Right. And you didn't want to get in trouble or lose your
24 job; is that fair to say?

25 **A.** Absolutely right.

1 Q. You didn't have that kind of relationship with those guys.
2 Your relationship with Rayam was a little bit different?

3 A. What do you mean?

4 Q. What do I mean? I mean you sold drugs and burglarized a
5 home with Rayam. Did you do that with other people in the task
6 force?

7 A. You just -- you said something about relationships with
8 those guys. That was your last statement.

9 Q. Okay.

10 A. That's why I asked you, What do you mean by that, my
11 relationship with those guys?

12 Q. So your relationship with the guys on the task force was a
13 little bit different than your relationship with Rayam?

14 A. Yes.

15 Q. Okay.

16 A. I was close to Rayam. I was close to Ward. I mean, the
17 other guys were co-workers.

18 Q. So you were obviously dishonest with the other people in
19 your task force about what you were really doing?

20 A. Dishonest, I mean, what do you mean by that? I didn't
21 tell them? No, I didn't tell 'em I did something off duty.
22 No, I didn't tell 'em that.

23 Q. Right. You didn't tell 'em, for example, that you sold a
24 gun to a drug dealer, did you?

25 A. I didn't -- I never sold a gun to a drug dealer.

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1 Q. You didn't sell a gun to anybody?

2 A. No.

3 Q. Did you gift a gun to someone?

4 A. Did I gift a gun?

5 Q. Yeah. Did you give one to them without receiving --

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

7 **THE WITNESS:** When we did the home invasion, I
8 testified that I gave that gun during that home invasion to
9 Wells. Wells did whatever he did with that gun. I've never
10 sold a gun to anybody. I never gifted a gun or --

11 **BY MR. NIETO:**

12 Q. Did you get the gun back?

13 A. No, absolutely not.

14 Q. Okay. So you gave Wells a gun --

15 A. Yes.

16 Q. -- and did not receive that gun back --

17 A. Yes.

18 Q. -- right?

19 A. Yes.

20 Q. So that means Wells has that gun.

21 A. He had the gun, yes. He had the gun.

22 Q. Okay. Okay. So you gave him the gun?

23 A. Yes.

24 Q. All right. So despite working for the

25 Gun Trace Task Force, whose obligation and duty were to get

1 guns off the street, you actually put another gun back on the
2 street; isn't that right?

3 **A.** The Gun Trace Task Force has nothing to do with what I did
4 outside of work. That was something that I -- that I did that
5 I shouldn't have done. You know what I mean? I regret it.

6 You know, that was personal greed. You know, we went in
7 that house for the money. All the rest happened. It just
8 transpired. That's it.

9 BPD or members of the Gun Unit had nothing to do with what
10 me and Rayam did --

11 **Q.** Well, did you try to --

12 **A.** -- outside of work.

13 **Q.** -- get the gun back?

14 **A.** No.

15 **Q.** And you knew that Wells was a drug dealer?

16 **A.** He was my childhood friend. I knew everything about him.

17 **Q.** Right. And he was your adult friend, too; right?

18 **A.** That was my best -- I knew everything about Wells. I'm
19 not going to say I didn't know anything.

20 **Q.** All right. So as his best friend, you didn't ask for that
21 gun back, then, did you?

22 **A.** We went in the house for greed. I did a lot of things
23 that I'm not happy about. I wasn't thinking clearly. I gave
24 him the gun.

25 **Q.** All right. Well, so you weren't thinking clearly in that

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1 moment.

2 **A.** That's correct.

3 **Q.** Okay. So after that moment, like maybe a week or two
4 weeks later --

5 **A.** It's too late now. It's too late now.

6 **MR. WISE:** Your Honor, asked and answered.

7 **THE COURT:** Sustained.

8 **BY MR. NIETO:**

9 **Q.** It's too late?

10 **A.** I committed a crime.

11 **Q.** Correct.

12 **A.** What am I, going to go back and say, "Hey, man, let me get
13 the gun," and that's going to make the crime any better? The
14 crime has already been committed.

15 **Q.** Right. But now there's a gun in the hands of a drug
16 dealer out on the streets.

17 **A.** You're absolutely correct. And like I said, I feel
18 sorry -- I feel bad about that. But it's already done. What's
19 done is done. I can't go back and say, "Hey, man, let me get
20 the gun, or let's go put the stuff back in the house." It's
21 over with.

22 **Q.** All right. So in addition -- so being dishonest with
23 other people in the task force --

24 **A.** That had nothing to do with people on the task force. I
25 and Rayam took it upon ourself and my friend Wells to do that

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1 on our own out of greed. That's it.

2 Q. I see.

3 A. It had nothing to do with members of the task force at
4 all.

5 Q. Okay. Now Jenkins, he wasn't somebody that you could
6 trust, could you?

7 A. No.

8 Q. Right. You wouldn't know when he told you something if it
9 was the truth or not?

10 A. It all depends on what -- what statement he was saying.

11 Q. Okay. Could you say a hundred percent of the time
12 everything Wayne Jenkins said to you was the truth?

13 A. It -- I mean, that's a vague question. It depends on what
14 he's saying to me directly; then I would have to decipher it.

15 Q. I'm asking you a very simple question --

16 A. And I'm answering it.

17 Q. Is Jane Wenkins [sic] -- was Wayne Jenkins a hundred
18 percent honest with you?

19 A. No, he wasn't 100 percent honest with me.

20 Q. All right. So -- so you had actually told federal agents
21 that, for example, that Jenkins would go rogue --

22 A. Yes.

23 Q. -- right?

24 And that he does like rogue stuff on his own?

25 A. That's correct.

1 Q. Okay. So he did stuff that you didn't even know about; is
2 that fair to say?

3 A. That's correct.

4 Q. In fact, I think there was one instance where he even ran
5 over Detective Taylor's foot. Did you hear about that?

6 A. He ran over Detective Taylor's foot?

7 Q. With the car.

8 A. No. That time when we -- there was an individual running
9 with a gun. Taylor got out the car, flipped and fumbled,
10 didn't even run over his foot. I don't -- he just sprained his
11 ankle or something like that. The car never ran over Taylor's
12 foot.

13 Q. So Jenkins didn't run over his foot?

14 A. No.

15 Q. Okay. Now, as a police officer -- police officers are
16 allowed to work secondary employment; is that true?

17 A. That's correct.

18 Q. All right. So, for example, you worked at MICA here in
19 Baltimore as -- doing security when you weren't working as a
20 police officer?

21 A. That's correct.

22 Q. And that's not against the rules to do that?

23 A. No.

24 Q. And other officers are allowed to do that?

25 A. Yes.

1 Q. Okay. Now, although the Government didn't ask you about
2 this, but you had spoken with them about a story that you heard
3 that Jenkins, Taylor, and Hendrix had followed somebody from
4 Baltimore to D.C.

5 Do you remember that?

6 A. I didn't say -- I said Jenkins and Taylor had followed
7 somebody. I didn't implement [sic] anyone else.

8 Q. So you didn't say anything about Hendrix being involved in
9 that at all?

10 A. No.

11 Q. And that Jenkins had suggested hitting somebody with a
12 crowbar?

13 A. That's correct.

14 Q. That's what you said. All right.

15 And that a federal agent had approached the car, knocked
16 on the window, and had referred to Jenkins by his first name,
17 that being Wayne?

18 A. Yes.

19 Q. Okay. And the guys that were -- I guess the guy that they
20 were targeting or looking at, he was a confidential source. So
21 he was working with the other federal agency. That's the story
22 that you heard?

23 A. Yeah, that's correct.

24 Q. So that's correct. But you never said you heard a story
25 about Jenkins, Taylor, and Hendrix following the guy from

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1 Baltimore to D.C.?

2 **A.** No.

3 **Q.** Now, you were informed about Ronald Hamilton having a dope
4 strip in the Southwest District.

5 Do you remember talking to the agents about that?

6 **A.** Yes.

7 **Q.** Okay. And a dope strip, you mean just a heroin dealer?

8 **A.** Yes.

9 **Q.** All right. And you had also told the agents that you,
10 Rayam, and Jenkins followed him and saw drug deals on
11 Liberty Road.

12 Do you remember telling them that?

13 **A.** Yes.

14 **Q.** Okay. So you saw Mr. Hamilton sell drugs?

15 **A.** Like I testified, like an hour ago, Wayne observed, made
16 the observations of the transaction. He made the comment about
17 robbing him. He gave us the information.

18 **Q.** But you were with him; right?

19 **A.** No, I wasn't with him. We were all in separate cars.
20 Cars. Wayne saw that with his own eyes. Only Wayne. Nobody
21 else saw it.

22 **Q.** So Wayne -- all right. So Wayne then told you that
23 Mr. Hamilton was selling drugs?

24 **A.** He related to myself and Rayam.

25 **Q.** Okay. Now, this we had talked about a little bit. You

1 were indicted and charged in two separate criminal cases;
2 right? The one for the drug dealing with Shropshire and the
3 other one for the racketeering as a police officer; is that
4 correct?

5 **A.** That's correct.

6 **Q.** Okay. Now, in the drug case, right, there was an overdose
7 involved in that matter; right?

8 **A.** I don't have anything to do with the drug overdose with
9 that case. Like I said --

10 **Q.** You don't have anything to do with the drug overdose?

11 **A.** No; because what I did was tell Antonio Shropshire to
12 remove a tracker. And then while Wayne was targeting Wells,
13 even though Wells was doing illegal drug transactions in the
14 Northeast, I had no right to tell Wayne what was going on -- I
15 mean tell Wells what was going on, 'cause Wells was breaking
16 the law. Even though I may have my own opinion on Wayne, I had
17 no right to do that.

18 That's all my knowledge as far as with that drug --

19 **Q.** All right. So you admitted as part of the
20 drug-trafficking case that you, Mr. Shropshire, and
21 Mr. Campbell sold or intended to sell drugs; is that true?

22 **A.** As a conspiracy charge, yes; that's true.

23 **Q.** Specifically on August 20th, 2016, you possessed with the
24 intent to distribute heroin, specifically 27 gelcaps.

25 Do you remember admitting to that?

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1 **A.** The drugs were in my vehicle. Other individuals used my
2 vehicle. I didn't sell 27 grams of heroin. Other people made
3 arrests using my vehicle 'cause I had lights in the car.

4 **Q.** Okay.

5 **A.** The drugs were found on the floor of my car.

6 **Q.** I see. So you did not admit, then, to possessing those
7 drugs with the intent to distribute them?

8 **A.** Absolutely told the Government the same thing I'm telling
9 you right now in court.

10 **Q.** And did they believe you?

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

12 **THE COURT:** Sustained.

13 **BY MR. NIETO:**

14 **Q.** Was it factored into your plea agreement?

15 **A.** I have no idea.

16 **Q.** Well, did you talk with your attorney about it being
17 listed as a specific instance in your case?

18 **MR. WISE:** Your Honor, can we approach?

19 **THE COURT:** Sure.

20 (Bench conference on the record:

21 **MR. WISE:** Mr. Nieto's reading from the indictment.
22 He's not reading from his factual statement. So when he says
23 it's specifically being listed in your case, I mean, he
24 admitted to a whole --

25 **THE COURT:** Is it in the statement of facts?

1 **MR. WISE:** Not what he just went over.

2 **MR. NIETO:** I'm reading the overt acts in the
3 indictment. I thought it said in -- no, no, no, but I'm not --
4 I'm not trying to be fast and loose here, but he said that he
5 admits to the facts in the indictment.

6 **MR. WISE:** No, he didn't.

7 **MR. NIETO:** That's what I -- I understand what the
8 plea agreement had said.

9 **MR. WISE:** No. The plea agreement lists paragraphs.
10 There's several paragraphs of facts that he admitted to related
11 to the drug case. But the indictment is much longer, and it
12 covers overt acts committed by a variety of other members of
13 the conspiracy.

14 **MR. NIETO:** One of the overt acts was his possession
15 with intent to distribute those 27 gelcaps on that particular
16 day.

17 **MR. WISE:** It's not in his factual statement.

18 **MR. NIETO:** So that's not true, then?

19 **THE COURT:** It's not something you can cross-examine
20 him about. I mean, he can admit to it. I mean --

21 **MR. WISE:** He also didn't admit to anything having to
22 do with the overdose. The overdose was charged in the case,
23 but it was six years before he was involved.

24 **MR. NIETO:** It's at that last -- I think that's what
25 it was, Your Honor --

1 **THE COURT:** He became a member of the conspiracy
2 described in the indictment.

3 **MR. NIETO:** Described in the indictment.

4 **MR. WISE:** It doesn't shoehorn him into --

5 **MR. NIETO:** I guess when I saw that, when it talked
6 about having to do with part of that and those are the overt
7 acts that are listed, although it's not contained within the
8 ten pages of facts, I thought that was still covered.

9 **THE COURT:** Okay.

10 **MR. NIETO:** I will move on.

11 **THE COURT:** That having been clarified --

12 **MR. PURPURA:** I think the objection was the Government
13 is trying to preclude him about asking about the drugs found in
14 his car.

15 **MR. WISE:** You can ask him about that. He just said
16 he wasn't selling them. He said other people used the car.

17 **THE COURT:** And the question from Mr. Nieto, at least
18 as I heard it, sounded as though he had admitted as part of his
19 plea deal that, in fact, he possessed them with the intent to
20 distribute. And I think that's what the Government's objection
21 was.

22 **MR. PURPURA:** Probably over-led him on it.

23 **MR. NIETO:** I will move on.

24 **THE COURT:** Rephrase that. And when you finish with
25 that, we can take the break.

~~GONDO~~ ~~CROSS~~

1 **MR. NIETO:** Yes, Your Honor.

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

3 (Bench conference concluded.)

4 **BY MR. NIETO:**

5 **Q.** So, Mr. Gondo, were there 27 gelcaps of heroin located in
6 your car on August 20th, 2016?

7 **A.** That's correct.

8 **Q.** But those were not yours?

9 **A.** Like I said, individuals used the vehicle just as much as
10 I did. People make arrests. Somebody could have dropped it
11 there, didn't submit it.

12 **Q.** Sir, I'm sorry. It's just a "yes" or "no": Were the
13 drugs yours or not?

14 **A.** No.

15 **Q.** Okay. Who else had access to your vehicle?

16 **A.** Everybody in the squad had access to my vehicle. We all
17 had -- we can all use each other's cars. My vehicle may -- had
18 tinted windows and lights. If a person wanted to use my
19 vehicle 'cause they wanted to do covert or wanted to conduct a
20 car stop, they used my vehicle. That's just it.

21 We flip-flopped through vehicles. This wasn't a car,
22 just, oh, this is Detective -- well, Former Detective Gondo's
23 car. Anybody can use the vehicle.

24 **Q.** Right. So is that your personal vehicle, or is it a
25 police vehicle?

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1 **A.** Departmental.

2 **Q.** The 27 gelcaps of heroin.

3 **A.** You said was that my vehicle?

4 **Q.** Yeah. Your personal vehicle?

5 **A.** That was a work car.

6 **Q.** That was your work car. Okay.

7 **THE COURT:** Is this a good time to break, Mr. Nieto?

8 **MR. NIETO:** We can, Your Honor.

9 **THE COURT:** All right. We're going to take the lunch
10 recess and then continue at 2 o'clock.

11 (Jury left the courtroom at 12:55 p.m.)

12 (Luncheon recess taken.)

13 **THE COURT:** Be seated, please.

14 Are we ready for the jury?

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

16 **THE COURT:** Okay.

17 (Jury entered the courtroom at 2:05 p.m.)

18 **THE COURT:** You can all be seated. We're just waiting
19 for one more.

20 **THE CLERK:** Mr. Gondo, you're still under oath.

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

22 **THE COURT:** All right, Mr. Nieto.

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

24 **BY MR. NIETO:**

25 **Q.** So, Mr. Gondo, with regards to your plea agreement, you

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1 had admitted to at least eight robberies; right?

2 **A.** That's correct.

3 **Q.** And you had not been charged with the use of the handgun
4 in furtherance of any of those robberies, were you?

5 **A.** My departmental weapon?

6 **Q.** Any weapon.

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

8 **Q.** Right. And, of course, there was, in fact, the one
9 home invasion, right, in which I believe it was Mr. Rayam
10 pointed a gun (indicating) right at the woman inside the house;
11 right?

12 **A.** That's correct.

13 **Q.** But you weren't charged with any of that in terms of the
14 gun use?

15 **A.** No.

16 **Q.** Okay. So the Government had asked you earlier about what
17 your maximum penalties were.

18 Do you remember that?

19 **A.** That's correct.

20 **Q.** They said your maximum penalties in aggregate were about
21 60 years?

22 **A.** Yeah. 20 years for the racketeering, 40 years for the
23 drug conspiracy.

24 **Q.** But you don't actually expect to get 60 years, do you?

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

1 Q. Well, do you expect to get 60 years?

2 A. If I can be charged up to the maximum, yeah, it's a
3 possibility, absolutely.

4 Q. It's always a possibility that you would get the maximum
5 penalty allowed by law, but surely you've discussed the
6 guidelines with your attorney, haven't you?

7 A. Never talked about guidelines with Mr. Brown.

8 Q. Never talked about the guidelines?

9 A. Just like I testified in the other testimony in
10 Shropshire, never, never talked to Mr. Brown about guidelines.

11 Q. Have you done any of your own research, then, on the
12 potential guidelines you're facing?

13 A. Of course.

14 Q. Okay. In your plea agreement I mean it sort of details it
15 out where they think your criminal -- I'm sorry, where your
16 offense level may be; right?

17 A. It stated what my offense level is --

18 Q. Correct.

19 A. -- for each charge.

20 Q. Correct. Right. And you don't have a criminal history,
21 do you?

22 A. No.

23 Q. No prior convictions?

24 A. No, I don't.

25 Q. All right. So have you looked at the guidelines to get a

1 sense as to what type of sentence you might be facing more
2 realistically?

3 **A.** As far as me seeing where I fall on the grid? Yeah,
4 absolutely.

5 **Q.** Okay. So you have looked at the grid, then?

6 **A.** Yes.

7 **Q.** Okay. That wasn't through your attorney; that was just on
8 your own?

9 **A.** Yeah. When I was locked up, I took it upon myself.

10 **Q.** Okay. So looking at the grid, having taken it upon
11 yourself, you realized that the recommended sentences are not
12 60 years, are they?

13 **A.** Yeah, that's -- that's the maximum, of course. That's not
14 the recommended sentence that I receive in my plea agreement.

15 **Q.** Right. Exactly. Exactly.

16 And obviously by cooperating and testifying, you're going
17 to be getting a reduced sentence; right?

18 **A.** I have to fulfill every term of my plea agreement. The
19 Government -- they don't have to make the motion, you know. I
20 can cooperate, go the whole 9 yards; and the Government can
21 still say -- you know, offer what they going to offer, offer
22 what they want to offer. I have no idea what I'm going to get
23 or what the Government is going to do.

24 **Q.** So is it your understanding, then, that you will not
25 receive credit for testifying?

1 **A.** I'm here to fulfill my agreement. Once I go to
2 sentencing, I will find out what's what.

3 **Q.** Okay. So, again, is it your understanding or is it not
4 your understanding that you're going to get credit for
5 testifying?

6 **MR. WISE:** Your Honor, I think he just answered that.

7 **MR. NIETO:** He didn't, Your Honor.

8 **THE COURT:** Well, one more time.

9 **THE WITNESS:** Per my plea agreement, they offered me a
10 deal as far as testifying. When I go to sentencing -- I'll
11 find out if the Government will make that recommendation at
12 sentencing. When I pled guilty, they made that recommendation
13 to the Court.

14 **BY MR. NIETO:**

15 **Q.** Okay. So it's still very important for you, then, that
16 the Government is happy with the work that you're doing; right?

17 **A.** I don't know if it's happy. I'm just here to speak the
18 truth.

19 **Q.** Okay.

20 **A.** That's it. I'm not here to make the Government happy.

21 **Q.** You had testified in the trial against Mr. Wells; right?

22 **A.** That's correct.

23 **Q.** Your lifelong friend?

24 **A.** That's correct.

25 **Q.** You testified against him --

1 **A.** That's correct.

2 **Q.** -- correct?

3 So you've testified in one federal trial, and now you're
4 testifying in this one; right?

5 **A.** That's correct.

6 **Q.** Okay. And, of course, the determination as to whether
7 you're being truthful and determination as to whether you're in
8 compliance with what the Government has proposed, that
9 determination is made by them; right?

10 **A.** That's correct.

11 **MR. WISE:** That's a compound question. I think the
12 first part was about truthfulness, and the second part was
13 about something else.

14 **THE COURT:** It's been answered. It's all right.

15 Next question.

16 **BY MR. NIETO:**

17 **Q.** Okay. All right. So let's talk a little bit, then, about
18 what it was that you admitted to having done.

19 So as we had already talked about, you had acted as a
20 lookout for Rayam and another person when they robbed a house
21 with ski guns -- I'm sorry, ski masks and a gun; right?

22 **A.** It wasn't ski masks. Rayam had a hat with a bandana.
23 Kyle had a hoodie on with a bandana. No ski mask.

24 **Q.** No ski masks?

25 **A.** Rayam had his departmental weapon when he went inside the

1 residence.

2 **Q.** Okay. But they had items over their head to --

3 **A.** I'm just telling you it wasn't a ski mask. You said "ski
4 mask." It wasn't a ski mask.

5 **Q.** And you had sold a handgun and drugs to repay a drug debt;
6 is that true?

7 **A.** Absolutely not.

8 **Q.** That's not true?

9 **A.** No.

10 **Q.** All right. You and Rayam had coached each other on what
11 to tell Internal Affairs to cover up some of your criminal
12 behavior?

13 **A.** Yes. When we had to go to Internal Affairs, I discussed
14 it with Rayam. It was common practice in the police
15 department.

16 **Q.** So that's a yes?

17 **A.** That's a yes, absolutely.

18 **Q.** All right. And you had at other times turned off your
19 body camera to hide illegal activities; right?

20 **A.** Yeah. One incident when Wayne, when they came to the
21 squad, they were doing a lot of things that I didn't approve
22 of. And if he was arguing with another person, yeah, I got in
23 the car -- Rayam said I turned it off -- 'cause I didn't want
24 no parts of that. That was a whole different -- Wayne brought
25 a whole different dynamic to the Gun Unit that -- some things I

1 wasn't fond of. So, yeah, absolutely, I turned my camera off.

2 **Q.** So Wayne Jenkins brought some things to the Gun Unit that
3 you were not fond of?

4 **A.** Yes.

5 **Q.** Okay. Did he bring the bandanas and the home invasions
6 and the burglaries, or was that something that you and Rayam
7 did on your own?

8 **A.** Like I testified before, we did the home invasion.

9 **Q.** Right.

10 **A.** Wayne had a slew of other things that he was doing that I
11 had knowledge of.

12 **Q.** All right. And when you knew about that stuff, did you
13 notify the authorities or whomever about it when it was
14 happening?

15 **A.** Working in law enforcement, if I would have notified
16 anybody, Wayne knew so many people up in command, I'd have been
17 blackballed. So, no, I didn't.

18 **Q.** Okay. So you decided until you were charged to then talk
19 about it?

20 **A.** At this point I'm not a detective. I'm not BPD. I'm
21 not -- I'm myself. So as I stand here as a man, I'm going to
22 face everything head on. That's it. I don't have to cover up
23 for anybody. All I have to do is speak my truth, and that's
24 it. So that's what I'm doing.

25 **Q.** Now -- so people were saying when you were a police

1 officer, you were the biggest drug dealer in the department.

2 Did you hear that?

3 **A.** Yeah; 'cause people talk. I was a young black male with
4 no kids. My parents had money. When I got shot, I was
5 rewarded a large settlement. I was buying what I wanted, so
6 people had their own opinion.

7 **Q.** So it had nothing to do with you actually being the
8 biggest drug dealer in the department?

9 **A.** No, absolutely not.

10 **Q.** No. Okay. Now, with regards to -- you had been notified
11 about the investigation, the federal investigation into you and
12 Rayam; right?

13 **A.** Yes. When I was notified, it was solely about me: Like,
14 Gondo, you're under investigation.

15 **Q.** Right. Exactly. Because the investigation started off
16 with you and Rayam initially, and then it trickled --

17 **A.** I don't know anything about how it started. You have to
18 ask the Government.

19 All I know is I got the information that the Government
20 was looking at me. I don't know who they started with or
21 what --

22 **Q.** And you -- you had gotten that information from a
23 Detective Diggers, who told you about --

24 **A.** Who?

25 **Q.** Am I pronouncing that correctly, Diggers, D-I-G-G-E --

1 **A.** Oh, it's Biggers, B-I-G-G-E-R-S.

2 **Q.** All right. Detective Biggers had notified you about that;
3 right?

4 **A.** Yes.

5 **Q.** And Sergeant Cicchetti -- am I pronouncing that correctly?

6 **A.** He didn't notify me. He notified Allers, who -- Allers,
7 in turn, notified Rayam. Then Rayam notified me.

8 **Q.** Okay. So he notified someone who notified someone who
9 notified to you; right?

10 **A.** He notified Sergeant Allers. Sergeant Allers notified
11 Rayam. And Rayam notified me.

12 **Q.** Now, when you were at the Howard County Detention Center,
13 right, you interacted with some of the other officers that had
14 been arrested; right?

15 **A.** That's correct.

16 **Q.** You had talked with Rayam --

17 **A.** That's correct.

18 **Q.** -- about what was going on; right?

19 And even he had actually warned you, before you came to
20 meet with the feds, that they might ask you about a murder. Do
21 you remember talking about that?

22 **A.** Yes.

23 **Q.** Okay. And I don't know. I mean, was -- did he explain
24 why they might ask about the murder? Was it your understanding
25 that he had told them about a murder?

1 **A.** I don't know what Rayam was going to tell the Government
2 at that point. You know, all bets are off. We're not -- we're
3 all individuals when we're locked up. Rayam was talking how he
4 wanted to talk.

5 **Q.** Right.

6 **A.** Other people were talking how they wanted to talk.

7 **Q.** I understand that to some extent, but he --

8 **THE COURT:** Mr. Nieto, when you start talking and he's
9 still talking, it gets difficult.

10 **BY MR. NIETO:**

11 **Q.** But he was giving you the heads-up as to the particular
12 line --

13 **A.** He wasn't giving me a heads-up, because I had no knowledge
14 of a murder. So it's not a heads-up. I didn't know anything
15 about a murder.

16 **Q.** Did he -- did Rayam tell you, when you were at
17 Howard County Detention Center, that the Government might ask
18 you about a murder? Yes or no?

19 **A.** I said yes.

20 **Q.** Yes. Okay.

21 Did they ask you about a murder?

22 **A.** Yes.

23 **Q.** All right. But you didn't know anything about it?

24 **A.** No, I didn't know anything.

25 **Q.** Was that the murder of T or was that someone else?

~~GONDO~~ ~~CROSS~~

1 **A.** The murder of who?

2 **Q.** T.

3 **A.** T was an informant that got killed. I had no
4 recollection -- I didn't know about his murder when he got
5 killed.

6 **Q.** Right. But you were interviewed by Homicide at the time
7 that happened; right?

8 **A.** About T's murder? No, I wasn't never interviewed by
9 Homicide about T's murder.

10 **Q.** You were never interviewed by Homicide after T was
11 murdered?

12 **A.** No.

13 **Q.** Okay.

14 **A.** Absolutely not.

15 **Q.** But you knew that Rayam had murdered someone; right?

16 **A.** He shot a person on the street, yeah. That's correct.

17 **Q.** Right. Right. So the Rayam-involved shooting, right, you
18 had learned about that through Detective Edwards and through
19 Rayam himself; right?

20 **A.** That's correct.

21 **Q.** All right. And it had occurred over on Spalding Avenue;
22 it was a traffic stop?

23 **A.** That's correct.

24 **Q.** And the driver had taken off, and Rayam just shot him at
25 point-blank range; correct?

~~CONDO~~ ~~CROSS~~

1 **A.** Yeah, that's correct.

2 **Q.** All right. And do you remember what Rayam told you was
3 his rationale for shooting the guy?

4 **A.** He just shot him. He had a bulge in his -- in his -- in
5 his waist, and he just shot him --

6 **Q.** Did you tell --

7 **THE COURT:** Mr. Nieto, just let him finish.

8 **MR. NIETO:** I'm sorry.

9 **BY MR. NIETO:**

10 **Q.** Are you finished?

11 **A.** Yeah, I'm finished.

12 **Q.** Didn't you tell federal agents that Rayam told you, "Fuck
13 it, I don't -- I just didn't want to chase him"?

14 **A.** Absolutely.

15 **Q.** Right. And that Rayam also told you that Baltimore Police
16 Department Colonel Dean Palmere had arrived at the scene and
17 coached Rayam on how he should sort of explain the shooting;
18 right?

19 **A.** He coached everybody who was at the scene, Tariq, Jason.
20 He coached the individual. People in command coached, yeah.

21 **MR. NIETO:** My apologies, Your Honor. My apologies.

22 **BY MR. NIETO:**

23 **Q.** So when you say "the other people that are there," there
24 was Detective Jason Giordano?

25 **A.** Yes.

1 Q. Right. And he was coached on what to say?

2 A. Yeah. This is what I'm hearing, yes.

3 Q. All right. Now, I think the explanation was -- that they
4 gave was that Detective Giordano was about to get hit by the
5 car, and that was the basis for the shooting; is that right?

6 A. Yes.

7 Q. All right. But that's not what Giordano had told you. He
8 was actually nowhere near the car when Rayam shot him --

9 A. I don't think I spoke to Jay personally about it. I can't
10 respect -- remember the exact words he said. But from the
11 information I gathered talking to the individuals that was
12 involved, that, you know, they kind of just articulated the
13 incident which --

14 Q. And when was that shooting?

15 A. I can't remember. I was in VCID in Northwest.

16 Q. Were you working with Jenkins at that time or no?

17 A. No. I was off. I was actually partners with Tariq.

18 Q. All right. So without being under the cruel thumb of
19 Wayne Jenkins, you still didn't tell anybody about what you had
20 learned about that shooting, did you?

21 A. Because that is hearsay. I wasn't at the scene. I'm just
22 letting the Government know basically this is what I heard.

23 This is what happened. That's it. I wasn't at the scene.
24 This is what people are telling me. This is what Rayam told
25 me.

1 That's basically what I told the Government.

2 **Q.** Well, so Rayam told you that he just shot the guy because
3 he didn't want to chase him. And you didn't feel --

4 **A.** In so many words.

5 **Q.** You didn't feel that was important to tell a supervisor?

6 **A.** When you have command -- if you're in my shoes as a young
7 detective coming on the street and you have command doing that,
8 if that's what's happened, what am I going to say? What is
9 going to happen to me? You have to think like that, you know.

10 **Q.** Well, I mean, you had brought it up to Rayam numerous
11 times; right? And I think you had even said to him, "You know
12 you murdered that guy."

13 And he responded, "Yeah, I did"; right?

14 **A.** I brought it up to him?

15 **Q.** Yeah. You had actually discussed the shooting with Rayam
16 numerous times and even said to him, "You know you murdered
17 that dude"?

18 **A.** I can't remember the exact words through conversation.
19 But working with Rayam for several years, I inquired about the
20 situation. Rayam spoke about it. You're speaking about it. I
21 mean, that's just basically --

22 **Q.** Do you remember telling federal agents about it, obviously
23 after you'd been arrested in this case?

24 **A.** Yes. I told them about the whole incident, everything
25 you're speaking about.

1 Q. Okay. Now, you had -- we had talked a little bit about T;
2 right? And so T was an informant that was working for you and
3 that you and Rayam had robbed a guy named Bones based on
4 information T had given you; correct?

5 A. Bones, yes, correct.

6 Q. Right. And then T was eventually killed --

7 A. Yes.

8 Q. -- presumably because of that.

9 But you were --

10 A. Hold on. Hold on. You said he was what?

11 Q. He was --

12 A. He was killed? I don't know if he was killed in reference
13 to the Bones situation, 'cause, in fact, Bones was cooperating
14 with Homicide. That's when I talked to Homicide, because they
15 was using Bones for a whole 'nother case, and he was a
16 cooperating witness.

17 Q. So you did talk to Homicide?

18 A. You asked me did I talk to Homicide in reference to T's
19 murder. I said, "No."

20 I'm telling you I talked to them in reference to Bones
21 cooperating with them, because we had seized pounds of
22 marijuana from Bones, and money was taken from Bones.

23 Q. Right. So did you tell homicide that you and Rayam had
24 robbed --

25 A. No.

~~GONDO~~ ~~CROSS~~

1 Q. -- him of drugs and cash?

2 A. We didn't take the drugs. The money was taken.

3 Q. Just money?

4 A. Yes.

5 Q. Okay. Did you tell that to the Homicide detectives?

6 A. No.

7 Q. All right. Do you think that would be relevant for their
8 investigation into T's shooting?

9 A. They weren't even --

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

11 **THE WITNESS:** -- investigating T's shooting at the
12 time.

13 **MR. NIETO:** I'll withdraw it.

14 **BY MR. NIETO:**

15 Q. All right. You had testified on direct a little bit
16 about, although you didn't use his name, Dominick Griffin.

17 Do you remember that?

18 A. That's correct.

19 Q. All right. Now, you had told the federal government that
20 it was around 2000 or 2003. Do you remember when you had the
21 conversation with him about him killing someone?

22 A. It wasn't -- the conversation was on the way there. Then
23 after that.

24 Q. I know. Sir, just the year, do you remember the year when
25 that happened?

1 **A.** I can't even remember the exact year.

2 **Q.** Okay. But you were in the car in the early 2000s with
3 drug dealers and with Dominick Griffin during which he
4 threatened to kill someone.

5 **A.** That's correct.

6 **Q.** All right. And he ended up killing that person.

7 **A.** That's what I presume.

8 **Q.** Right?

9 And he had actually bragged about killing that person in
10 front of his daughter.

11 Do you remember telling the feds about that?

12 **A.** That he bragged in front of his daughter?

13 **Q.** Bragged about killing that guy in front of his daughter.

14 **A.** I don't even think Nick had a child at that time.

15 **Q.** Do you remember saying that to the federal agents?

16 **A.** I can't -- I can't remember.

17 **MR. WISE:** Your Honor, can we approach.

18 **THE COURT:** Yes.

19 (Bench conference on the record:

20 **MR. WISE:** What he said was that Dominick Griffin
21 bragged he killed this man in front of that man's daughter, not
22 Dominick Griffin's daughter.

23 **MR. NIETO:** Okay. Then I'm sorry. The 302 is poorly
24 worded. Okay.

25 **MR. WISE:** That's what it said.

1 **THE COURT:** Do we have a lot more of this, Mr. Nieto?

2 **MR. NIETO:** Amazingly, no.

3 **THE COURT:** Good.

4 **MR. PURPURA:** Judge, I'm not going to be repetitive.

5 **THE COURT:** Good.

6 **MR. PURPURA:** Mr. Nieto is really going for the
7 credibility at this point, and I am not going to go through the
8 same things again. So . . .

9 **THE COURT:** Okay.

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

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

12 (Bench conference concluded.)

13 **BY MR. NIETO:**

14 **Q.** Okay. All right. But you hadn't told anybody about that
15 shooting, did you?

16 **A.** I was a teenager. This is well before the police
17 department. I was young and dumb. I just -- once I sat down
18 with the Government, anything I've ever done in my life, I
19 confessed to it. Any situation I feel that it wasn't right, I
20 told the Government.

21 **Q.** Right. And you were -- it was between the ages of 18 and
22 21 when you had this conversation; right?

23 **A.** When I had this conversation with who?

24 **Q.** With Mr. Griffin.

25 **A.** I can't remember the exact age.

~~GONDO~~ ~~CROSS~~

1 Q. Well, you were born in 1982; right?

2 A. Yes.

3 Q. You told the agents that this happened sometime between
4 2000 and 2003?

5 A. Yes.

6 Q. Do you remember doing that?

7 So you would have been roughly 18 to 21 at the time when
8 you had the conversation?

9 A. That's a guesstimation. I mean, I'm giving a raw number.
10 I don't know the exact -- I was a teenager. That's all -- this
11 is well before I joined the police department.

12 Q. Okay. So in sum -- in sum, right, you have stolen money
13 as a drug dealer and as a police officer; right?

14 A. When I took money, I was a police officer. You're saying
15 I done -- I stole drug -- money as a drug dealer and a police
16 officer. When I took money, when I took drugs, I was a police
17 officer. I broke the law. I was here to enforce the law. I
18 didn't. That's it.

19 Q. So the "burglarization" of that home in which money was
20 recovered, you were working as an officer at that time?

21 A. Which home?

22 Q. Do you remember which home?

23 A. I'm asking --

24 Q. The one with Rayam.

25 A. Say it again.

1 Q. The one with Rayam.

2 A. Which one with Rayam? I did multiple things with Rayam.
3 Which incident are you referring to?

4 Q. When you weren't acting as a police officer but you were
5 going with drug dealers.

6 A. Yeah, Marnat Road.

7 Q. Right. Did you steal money at that location?

8 A. Yes.

9 Q. Okay. You were not a police officer when you did that at
10 that time.

11 A. Yes, I was.

12 Q. You weren't wearing a uniform; right?

13 A. I still was a police officer. It doesn't matter if I
14 wasn't -- I still was a Baltimore -- I still represented that
15 organization. I still did wrong. I was police when I went
16 into that house -- I mean when I -- when I did that burglary
17 with Rayam and Kyle.

18 Q. And Kyle; right? And Kyle wasn't a police officer; he was
19 a drug dealer?

20 A. Yeah. He was my friend. Yeah, he was a drug dealer,
21 absolutely.

22 Q. Okay. And so you stole property from people as well as
23 stealing money and drugs?

24 A. Yes. I testified to that.

25 Q. And you swore out false affidavits to get search warrants?

1 **A.** I never swore out a false affidavit to get a
2 search warrant. Never in my career.

3 **Q.** So the basis for the search warrants that you swore out
4 were, in fact, accurate?

5 **A.** 100 percent.

6 **Q.** You prepared false reports?

7 **A.** Yes; to hide the fact that money was taken during certain
8 incidents, yes, I did.

9 **Q.** Okay. So that's a "yes"; right?

10 **THE COURT:** That's what he said.

11 **BY MR. NIETO:**

12 **Q.** Okay. Okay. And you swore that those reports were true;
13 but they were, in fact, false?

14 **A.** Yes.

15 **Q.** All right. And so you prepared -- prepared false charging
16 documents; correct?

17 **A.** As far as?

18 **Q.** Did you prepare false charging documents?

19 **A.** When you say "false charging documents," when I charged
20 somebody, I'm charging them with a drug charge or a gun charge.
21 I'm not charging them with money. Now, if you're asking me did
22 I not put in those drug charges or gun charges the amount of
23 money or the accurate amount of money, I can testify to that
24 and say yes.

25 But as far as charging people, I charged people with the

~~GONDO~~ ~~CROSS~~

1 drugs that they had. I charged people with the guns that they
2 had. That's a charging document.

3 **Q.** Had you lied when you testified in the State or
4 Federal Court?

5 **A.** As far as?

6 **Q.** As far as what, sir? Did you lie when you testified?
7 Have you lied when you testified?

8 **A.** I have testified numerous times. And it's times that I
9 didn't lie. It's times that money wasn't taken. It's times
10 when nothin' was taken. You're -- you're asking me just an
11 open question.

12 **Q.** I'm asking you if you have lied under oath before.

13 **A.** In reference to money being taken, yes. If that situation
14 went to court, yes.

15 **Q.** In reference to anything.

16 **A.** Yes, as far as with money being taken, absolutely.

17 **Q.** All right.

18 **MR. NIETO:** Nothing further, Your Honor.

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

20 Mr. Purpura.

21 **MR. PURPURA:** Thank you, Your Honor.

22 CROSS-EXAMINATION

23 **BY MR. PURPURA:**

24 **Q.** Good afternoon, Mr. Gondo.

25 **A.** How you doing?

~~CONDO~~ ~~CROSS~~

1 Q. I'm good. Thank you.

2 We've never met before, have we?

3 A. No.

4 MR. PURPURA: Let me turn this on.

5 THE CLERK: Thank you.

6 BY MR. PURPURA:

7 Q. I'm going to ask you a couple quick questions about when
8 Sergeant Jenkins came to the squad.

9 Now, before Sergeant Jenkins came to the squad, that's
10 June -- I guess January, February, March, April, May, June,
11 Sergeant Allers in 2016, he's the sergeant for a period of
12 time; is that correct?

13 A. Yes, that's correct.

14 Q. And then Sergeant Allers left. Do you remember ballpark
15 what month Sergeant Allers left in 2016?

16 A. I would say probably May.

17 Q. Okay.

18 A. May. I'm not sure.

19 Q. And then for a short period of time, there's no sergeant.
20 And then Sergeant Jenkins comes in; correct?

21 A. That's correct.

22 Q. And did you have any experience with Sergeant Jenkins
23 before GTTF?

24 A. Yes, that's correct.

25 Q. So how -- when were you teamed up with Jenkins in the

1 past?

2 **A.** When I was working in Gun Trace, prior to that. That was
3 in --

4 **Q.** Years --

5 **A.** Say it again.

6 **Q.** Just give me the year, if you can, ballpark.

7 **A.** 2010, I would say, 2011.

8 **Q.** All right. And in 2010 and 2011 when you worked with
9 Sergeant Jenkins, was he a sergeant at that time?

10 **A.** No.

11 **Q.** And was there anything that he was doing in front of you
12 which would indicate that he wasn't on the up-and-up?

13 **A.** Yes.

14 **Q.** So he was doing things at that point as well?

15 **A.** Yes.

16 **Q.** All right. And then he comes to the GTTF. And before he
17 comes to the GTTF, let me ask you a few questions about
18 overtime.

19 What was Sergeant Allers doing about overtime?

20 **A.** In what aspect?

21 **Q.** If you got a gun, would you get overtime?

22 **A.** Yes.

23 **Q.** Would Sergeant Allers let you come in anytime you wanted
24 to?

25 **A.** Yeah. We came in -- it was 8:00 to 4:00, but we came

1 in -- I normally came in with Allers probably around like
2 10 o'clock, 10:00, 11:00.

3 **Q.** 10 o'clock, so maybe two hours later in the morning; fair
4 to say?

5 **A.** Yes, that's fair.

6 **Q.** And even before that, go back to 2008. Go back to even
7 before that when you first started. What was overtime back in
8 2008? What was going on with that?

9 **A.** As far as?

10 **Q.** As far as getting overtime for stuff you weren't doing.

11 **A.** As far as getting guns, it was that same pattern: You get
12 a gun, four, six to eight hours.

13 **Q.** And that's basically what we've termed here apparently a
14 slash day. You've heard that before; correct?

15 **A.** Slash day to me is when you -- you get guns the day prior,
16 and then the next day you get off. That's a slash day to me.

17 **Q.** And when you get that day off, the next day off, is
18 that -- I mean, is that authorized by the commissioner, if you
19 know.

20 **A.** No.

21 **Q.** Okay. But was it common practice or not common practice
22 in the Baltimore City Police Department as long as you've been
23 there to get a slash day?

24 **A.** It was common practice.

25 **Q.** And what's the purpose of a slash day? I guess it's a

1 silly question. You get a gun. You get a large amount of
2 drugs. The City's happy or the police department's happy with
3 you; right?

4 **A.** Yeah. It's basically a reward.

5 **Q.** All right. So it's an unofficial reward; correct?

6 **A.** Yes.

7 **Q.** And that was prevalent since you started working on the
8 streets?

9 **A.** Yes. Once I got in the drug -- in the drugs units, yes,
10 that's correct.

11 **Q.** And I guess I'm glad you mentioned that, 'cause that
12 normally goes to the kind of more specialized units; correct?

13 **A.** Yes.

14 **Q.** SES unit, drug units, GTTF units, things like that;
15 correct?

16 **A.** Yes.

17 **Q.** Because they're actually the units that are doing the more
18 proactive law enforcement; correct?

19 **A.** Yes.

20 **Q.** And that's what you were doing?

21 **A.** Yes.

22 **Q.** And you were good at it?

23 **A.** Yes.

24 **Q.** And you were getting guns off the street?

25 **A.** Yes.

~~CONFIDENTIAL~~ ~~CROSS~~

1 Q. You were getting narcotics off the street?

2 A. Yes.

3 Q. When -- now, the dynamic in January of 2016 right through
4 Sergeant Allers at GTTF, there was -- John Clewell was on GTTF
5 at that time?

6 A. That's correct.

7 Q. Dan Hersl (indicating) was on at that time?

8 A. That's correct.

9 Q. He -- Dan Hersl joined roughly January 2016; sound about
10 right to you?

11 A. Yeah, that sounds about right.

12 Q. Okay. Clewell was on before Hersl?

13 A. In the unit?

14 Q. Yes.

15 A. Yes.

16 Q. And eventually an officer by the name of Kostopolis came
17 on as well; correct, K-Stop?

18 A. Yes.

19 Q. I think a shorter officer?

20 A. Yes.

21 Q. And he -- when K-Stop came on or Kostopolis came on, you
22 were still on the unit; correct?

23 A. Yes.

24 Q. And was overtime still being given out by Sergeant Jenkins
25 at that time?

1 **A.** Yes.

2 **Q.** And was everybody in the unit getting that overtime?

3 **A.** Yes.

4 **Q.** Including John Clewell?

5 **A.** Yes.

6 **Q.** Including Kostopolis?

7 **A.** Yes.

8 **Q.** And that's overtime for work that, at least based on your
9 testimony, that they were not putting in. But it was work for
10 guns being seized off the street or narcotics being seized
11 offer the street; correct?

12 **A.** Yes, that's correct.

13 **Q.** Now, Government played a conversation. I'm not going to
14 play it. I'm just going to use the transcript. This is
15 Government Exhibit FBI-9, which is the transcript of the
16 June 14th, 2016 conversation between yourself and Mr. Ward.
17 I'm just going to just once -- two sections from that.

18 **THE COURT:** I'm sorry. This is page --

19 **MR. PURPURA:** It's June 14th, 2016. It's the
20 transcript. It's labeled FBI-9.

21 **THE COURT:** Page 1?

22 **MR. PURPURA:** Page 1. Excuse me. I apologize.

23 **THE COURT:** Thank you.

24 **BY MR. PURPURA:**

25 **Q.** Apparently Mr. Ward says something to you like [reading]:

1 He don't like to come in on time, yo. He'll come in late every
2 day, yo. So we usually don't come in to work until 10 o'clock,
3 yo.

4 Do you remember that?

5 **A.** Yes.

6 **Q.** And you were asked about that by Mr. Wise; correct?

7 **A.** That's correct.

8 **Q.** And basically, this is Jenkins -- he's talking about
9 Jenkins coming in right now brand new into GTTF; correct?

10 **A.** Yes.

11 **Q.** And right now there's a new dynamic in GTTF because
12 there's Jenkins and there's Ward and there's Hendrix and there
13 is Taylor that comes in at this point; correct?

14 **A.** That's correct.

15 **Q.** And they all came in with Jenkins because they knew
16 Jenkins before; correct?

17 **A.** They were working with Jenkins before, yes.

18 **Q.** And so this new dynamic, the new sheriff in town or the
19 new boss is basically Jenkins; correct?

20 **A.** That's correct.

21 **Q.** And Jenkins is the one who now is telling you all, like
22 Allers did in the past, when to come in, when not to come in;
23 right?

24 **A.** That's correct.

25 **Q.** And like you said, you know, who am I? I'm a detective.

1 What am I going to say; correct?

2 **A.** That's correct.

3 **Q.** And the bottom line is, especially with Jenkins, he was
4 kind of like -- they felt like he was untouchable in the
5 system, didn't they?

6 **A.** I wouldn't -- I wouldn't say that. I would say that Wayne
7 was connected with people higher up and people protecting him
8 his whole career, so he had some pull.

9 **Q.** Yeah. And so that would be a guy that you, as a
10 detective, would not want to buck heads with. If Wayne said do
11 it, basically it was done; correct?

12 **A.** Yeah, I would say that.

13 **Q.** Then you say up here -- and I don't think the Government
14 directed you to this, but -- and you say [reading]: Yeah,
15 boy -- yeah, boy, yo, old boy, boy, he definitely know how to
16 lie to a N, huh?

17 Who are you talking about who knows how to lie? Jenkins?

18 **A.** Yes.

19 **Q.** And what did you mean that Jenkins knew how to lie?

20 **A.** I mean, I had past issues with Wayne of him lying and
21 spreading rumors about me, so . . .

22 **Q.** Things that were not true; correct?

23 **A.** Yes.

24 **Q.** And that's what Wayne would do; correct?

25 **A.** That's correct.

1 Q. And that's why you called him a liar; correct?

2 A. Yes.

3 Q. Because he is a liar; right?

4 A. Yes.

5 Q. And just one or two more questions on overtime.

6 I'm now going to just direct your attention to another
7 transcript which was played. It's July 29th, 2016, FBI-9,
8 Page 2.

9 **THE COURT:** I think it's not Page 2.

10 **MR. PURPURA:** Judge, Page 25.

11 **THE COURT:** Thank you.

12 **MR. PURPURA:** Apologize.

13 **BY MR. PURPURA:**

14 Q. This is you talking. We've heard this. It says
15 [reading]: I don't think that would work, though, Rayam,
16 'cause you don't have nothin' to do. You know what I'm saying?
17 Like, yo, you -- yo, we comin' in. Me and Hendrix was talkin'
18 like you, you know. I'ma go get a haircut. I'ma work out.
19 I'm on standby to go to work.

20 Let me stop right there. You can take a look at the rest
21 of it.

22 And as you're looking, you go on to say [reading]: You
23 feel me? I know that I got to be at work by 9:00. I got to be
24 on standby for this man. So I'ma be around.

25 Right?

~~CONDO~~ ~~CROSS~~

1 A. Yes.

2 Q. So even if you're not coming in at exactly 8 o'clock or
3 9 o'clock or whenever your shift starts -- 'cause your shift
4 could be from 3:00 to 11:00 as well; correct?

5 A. That's correct.

6 Q. If you're not coming in, you know that you're going to be
7 on standby, because Jenkins, as he often does, is going to call
8 you or Allers could call you and say, "We've got to hit
9 something fast"; correct?

10 A. Yes, that has happened.

11 Q. Yeah. And that's -- even though you're not actually
12 there, you're making yourself ready and available to be there
13 when needed; correct?

14 A. Correct.

15 Q. And that's been done a lot throughout the Baltimore City
16 Police Department; correct?

17 A. Yeah. During my -- during my tenure in operations, yeah.

18 Q. But what you don't do is what you don't want to be is out
19 of town. You want to be there and ready if needed; right?

20 A. Yes.

21 Q. Thank you.

22 And that's what you did?

23 A. As far as?

24 Q. You tried to be there and ready --

25 A. Yes.

~~COND~~ ~~CROSS~~

1 Q. -- even if you weren't right at work; correct?

2 A. Yes.

3 Q. Okay. I'm going to move to July 25th, 2015, the
4 Boston Street condo.

5 Now, you -- you were arrested on March 1st, 2017; right?

6 A. Yes.

7 Q. You started cooperating with the Government literally --
8 well, on March 24th, 2017, that's the first time you sat down
9 with your attorney, Mr. Brown -- he didn't come today, did he?

10 Do you see him here?

11 A. (No response.)

12 Q. No. That's all right.

13 It's the first time when you and your attorney sat down
14 with the Government. March 24th sound right?

15 A. Yeah, that sound about right.

16 Q. Okay. And at that time there was -- and you've been to
17 proffers before as a police officer; right?

18 A. I've been to proffers as far -- I proffered people as far
19 as gettin' guns. But at this level, how the Government
20 operates is totally different.

21 Q. Okay.

22 A. Two different dynamics.

23 Q. Okay. Mr. Wise, Mr. Hines, Agent Jensen, TFO Sieracki,
24 they were present; correct? These four people (indicating)?

25 A. When I first met with the Government?

1 Q. Yes. One, two, three, four (indicating).

2 Do you remember?

3 A. When I first met with the Government, it was Mr. Wise and
4 the agent the first day I met with 'em.

5 Q. Okay. Let me just see if this -- are you sure -- do you
6 need your memory to be refreshed, or are you sure you remember
7 that?

8 A. When I was in the room, Mr. Brown was to the right,
9 Mr. Wise was in front of me, the agent, he sat right there. It
10 was two of 'em. TFO -- it was a TFO as well doing notes, yeah.

11 Q. So this group I'm pointing to right here, Sieracki, the
12 gentleman in the back, right here (indicating)?

13 A. He was there, but there was another person as well.

14 Q. So at least this amount of people and one more person was
15 present.

16 And during that time when you're there, this first
17 debriefing or this first proffer session, it lasted a fairly
18 lengthy period of time, correct, a couple hours?

19 A. Yes, I was there, yeah, a couple hours.

20 Q. And the bottom line is: You were coming in and you were
21 going to give and you were trying to be as honest as possible;
22 fair to say?

23 A. Yeah, I was honest. I was honest.

24 Q. Absolutely. And you wanted to give as much information as
25 you could; correct?

~~CONDO~~ ~~CROSS~~

1 **A.** With me, how Brown put it to me was just -- I faced
2 everything head on.

3 **Q.** Head on?

4 **A.** Head on, face it.

5 **Q.** Give it up. If you got it, give it up; right?

6 **A.** It wasn't if you got it, give it up. It was just more so,
7 you know, the Government -- you know, they're very thorough.
8 Just -- if -- if you did wrong, just tell the Government, and
9 that's what I did.

10 **Q.** And that's -- and that's what you wanted to do; correct?

11 **A.** Yes.

12 **Q.** And you told 'em about yourself, which you did; correct?

13 **A.** Yes.

14 **Q.** A lot of stuff they didn't even know about; right?

15 **A.** I'm not too sure if they did or they didn't.

16 **Q.** Okay. And then they asked you specifically about other
17 people; correct?

18 **A.** That wasn't during the first meeting. During the first
19 meeting, it was more so me talking than --

20 **Q.** Well, in the first meeting you told them about
21 Boston Street.

22 Do you remember that?

23 **A.** Yes.

24 **Q.** Okay. And when you told them about Boston Street -- this
25 is Boston Street -- this is the condo which you testified about

1 here today on July 25th, 2015. You told them that Jenkins was
2 there with an unidentified white male who drove a black
3 Avalanche and would make keys and get listening devices for
4 Jenkins.

5 Do you remember that?

6 **A.** I said that when we pulled to the scene on Boston Street
7 to execute the warrant, it was a male in an Avalanche.

8 Then also I said that he would make keys, and I've heard
9 Wayne listen to audio from listening devices that he had placed
10 in vehicles.

11 **Q.** Okay. Very good.

12 And when you testified here today, what you told this
13 jury -- again, under oath -- was that before you got to
14 Boston Street, that apparently there was a conversation between
15 yourself, Wayne Jenkins, and at that time Detective Hersl;
16 correct?

17 **A.** Yes, correct.

18 **Q.** And the contents of that conversation was important
19 because at that point you were supposedly or, according to you,
20 you were discussing that you're going to go to this condo on
21 Boston Street to steal money; right?

22 **A.** Yes.

23 **Q.** And you also volunteered to the jury today that Hersl
24 needed the money 'cause he was buying a house; correct?

25 **A.** I didn't say he needed the money. He made the comment

1 about the money.

2 I could use the money for my home that he just bought or
3 was working on.

4 **Q.** Okay. And obviously back on March 24th, 2017, that
5 information would have been fresher in your mind; right?

6 **A.** Yes.

7 **Q.** Okay. Well, why didn't you tell the Government that back
8 on March 24th, 2017? Why did you leave that out when you spoke
9 to 'em?

10 **A.** When -- just speaking with me personally as an individual,
11 when you're talking to the Government or telling things, it's
12 so many things going through my mind in my head. And it's
13 times where I've talked to 'em and say, "Oh, let me think about
14 it," you know what I mean, to refresh my memory. I mean,
15 that -- I'm a human. It's certain things that don't pop up
16 initially but may pop up afterwards.

17 **Q.** Well, you told them about the Chanel bag back on
18 March 24th, 2017. You told them about that, a Chanel bag.

19 Do you remember that?

20 **A.** Yes.

21 **Q.** Okay. Well, isn't it really important -- even more
22 important than a Chanel bag -- that you have a meeting with
23 yourself and Jenkins to -- and Hersl to discuss what's going to
24 happen? Isn't that a really important fact as a police
25 officer?

1 **A.** I wouldn't say it's -- I'm not a police officer anymore,
2 so speaking to them as individual, first time speaking to the
3 Government, you got to think I'm nervous. You know, this is
4 the first time I'm being charged with anything. I'm under
5 arrest. So I just told them all the information I knew. And
6 if it was any follow-up information, I -- I told the
7 Government.

8 **Q.** Well, fair enough.

9 You did, again, meet with them six days later, on
10 March 30th. You met with them again on June 14th. You met
11 with them again on September 26th. And you met with them
12 finally on October 12th of 2017.

13 And not once in those -- one, two, three -- four meetings
14 after the first meeting did you add anything about this
15 supposed meeting with Jenkins, Hersl, and yourself to discuss
16 this theft/robbery, did you?

17 **A.** No.

18 **Q.** Now, what you did tell 'em was about this Chanel bag,
19 purse. You can't call a Chanel bag a bag. It's got to be a
20 purse, I guess. It's expensive; right?

21 **A.** That's correct.

22 **MR. PURPURA:** I -- I don't know, Judge. I really
23 don't know.

24 **BY MR. PURPURA:**

25 **Q.** All right. And you -- this is in -- Government gave me

1 the date -- this is July -- July 25th, 2015 --

2 **MR. WISE:** Your Honor, it's actually -- he keeps
3 saying '15. It's actually 2016.

4 **MR. PURPURA:** 2016. I apologize. I do.

5 **BY MR. PURPURA:**

6 **Q.** I'm not trying to trick you. It's just me.

7 And at that time did you and -- were you and Dan Hersl,
8 did you go out on double dates or anything? Not like
9 together -- I do mean together, but did you -- did you date --
10 did you have girlfriends that you went out together with?

11 **A.** No.

12 **Q.** All right. Did you socialize much with Dan Hersl before
13 that time?

14 **A.** No; only at work.

15 **Q.** Okay. And did -- Dan Hersl knew you had a girlfriend?

16 **A.** Yeah, he knew I had a girlfriend. I was talking to
17 multiple girls, women. He knew that.

18 **Q.** And just one second here.

19 This -- and at this point in July of 2016, you've already
20 admitted you've taken money and other things; correct?

21 **A.** That's correct.

22 **Q.** All right. And, I mean, if you wanted the Chanel bag --
23 you know, was anybody watching to see -- wouldn't you just take
24 it yourself and just walk out with it?

25 **A.** Why didn't I what?

1 Q. Just take the Chanel bag yourself and walk out with it.

2 A. Why didn't I do it?

3 Q. Yeah.

4 A. I mean, when you're in a squad, it's certain things that I
5 just didn't do. And that was just one of 'em.

6 Q. Did you tell Dan Hersl that your girlfriend wanted a
7 Chanel bag and you should take it for me?

8 A. I don't remember the exact words I told Dan. Just like I
9 told the Government, it was nice things in the home. Dan took
10 the bag for me, put it in his pants, walked out.

11 Q. That's what I'm trying to figure out. Why did Dan take
12 the bag for you? That's the question. Did you ask him to take
13 the bag?

14 A. I didn't ask Dan to take the bag. We had conversations
15 about the items that were in the house. That wasn't the only
16 nice item in the house.

17 Q. Did Dan take another bag and put it in his other pants,
18 one for him, one for you?

19 A. There were other items in the house. I don't know what
20 Dan -- all I can testify to is the bag. I don't know if Dan
21 took a watch or anything else. I don't know.

22 Q. What you told the Government is you didn't see Dan Hersl
23 take anything else, including money, from that house; correct?
24 That's what you told them?

25 A. That's correct.

1 Q. Now, which girlfriend got that Chanel bag?

2 A. The girl I was datin'.

3 Q. And the Government knew about that; correct?

4 A. Once I told 'em, yes.

5 Q. And so the Government could verify that there was a bag, a
6 Chanel bag, an expensive Chanel bag, missing because now you've
7 told who the girlfriend was who you gave it to; correct? If
8 they wanted to, they could just --

9 A. That's correct.

10 Q. Right. And I would assume that she'd be truthful and
11 she'd say that you gave her the Chanel bag; right?

12 A. Yes.

13 Q. So that would be a connection between you and this theft,
14 her; right? She'd say you took it.

15 A. I don't know what she would say.

16 Q. When you came to the GTTF in 2010, Rayam was there for a
17 short period of time, real short; right?

18 A. Yeah. He was dealing with something that's with a --
19 battling some Internal Affairs investigation.

20 Q. And then he was out, and he was suspended for about two
21 years?

22 A. Yeah.

23 Q. And as you indicated, I think, on cross before, that when
24 Rayam came back, everything in 2012 seemed to go downhill from
25 there; fair to say?

1 **A.** Yes.

2 **Q.** And as you already testified to -- or strike that.

3 In 2015, after the Freddie Gray riots, you were in the
4 GTTF squad with Rayam; correct?

5 **A.** Yes.

6 **Q.** And you were fairly active during that period of time; is
7 that correct?

8 **A.** As far as?

9 **Q.** Getting guns off the street, making busts, things like
10 that.

11 **A.** Yeah. My whole career I've been getting guns off the
12 street.

13 **Q.** And is it fair to say that a lot of police officers slowed
14 down in their policing activity after the Freddie Gray riots?

15 **A.** After the riots, as far as morale and everything, yes.
16 People were tired. Yes. It was a lot -- it was a lot going
17 on.

18 **Q.** But you continued and that's what you were doing, and you
19 were working hard and you were getting guns off the street;
20 correct?

21 **A.** Yeah. Like I said, my whole career I was a gun-getter.

22 **Q.** And as you testified, that all the gun arrests you made --
23 this is the truth -- were all straight up; right?

24 **A.** Yeah. When I made a gun arrest, it was a gun arrest.

25 **Q.** You didn't take a gun; you didn't plant it on someone, did

1 you?

2 **A.** Oh, absolutely not.

3 **Q.** Never did that? That's a fact?

4 **A.** Never did that.

5 **Q.** Okay. Fair enough.

6 And all the drug arrests you made were straight up as
7 well; correct?

8 **A.** Yeah; I never put drugs on anybody, never did anything
9 like that.

10 **Q.** If they had the drugs, there were drugs there?

11 **A.** Yeah. They had --

12 **Q.** Is it fair to say that sometimes if there's a small amount
13 of drugs and you're after a gun and you pull someone over,
14 sometimes it's not worth the problem to arrest the guy for a
15 small amount of drugs; you may just throw it out?

16 **A.** It all depends on that particular officer.

17 **Q.** I'm asking about you. Would you do that?

18 **A.** I would normally submit it. Me and Rayam, when we were
19 working, we had a common practice of submitting.

20 **Q.** All right. Fair enough.

21 And as you indicated before, as far as search warrants or
22 anything else or statement of probable cause, the only lies
23 which came from you or -- yeah, lies which came from you would
24 be if there was money taken, the amount of money, things like
25 that; correct?

1 **A.** That's correct.

2 **Q.** Now, there's a -- I'm going to direct your attention now
3 quickly, if I can, to early 2016. There is a search warrant
4 executed in the Southwest District. And you're there.
5 John Clewell's there. Hersl's there. Rayam's there. And
6 Allers is there.

7 And this is the one where Rayam sees some guy upstairs,
8 and there's a large amount of money. And then you all kind of
9 push Hersl and Clewell downstairs so you could take the money.

10 Do you remember that?

11 **A.** I don't believe John was there. Allers was directing
12 people around at -- at that time during that search warrant,
13 Sergeant Allers.

14 **Q.** And the bottom line is on that particular -- and that
15 particular case, Allers and Hersl took a gun. They found a gun
16 in the house.

17 Do you remember that?

18 **A.** That particular case, that was in Northwest -- I mean
19 West --

20 **Q.** That's Southwest.

21 **A.** Southwest.

22 And the guy was counting money upstairs?

23 **Q.** Right.

24 **A.** The gun was found in the vehicle outside.

25 **Q.** Okay. Fair enough.

1 And there was money taken from that house; correct?

2 **A.** That's correct.

3 **Q.** And the money was split at that time between yourself,
4 Rayam, and Allers; correct?

5 **A.** That's correct.

6 **Q.** And Hersl was not given any money at that time; correct?

7 **A.** That's right.

8 **Q.** And Hersl didn't see the split at that time; correct?

9 **A.** That's correct.

10 **Q.** And that was the dynamic at that point that you, Allers,
11 and Rayam worked together; correct?

12 **A.** Yes.

13 **Q.** There is another search warrant sometime in May or June of
14 2016 while Allers is still the sergeant there, this is
15 McKean Street on Southwest where there's a gun and about 8 to
16 10 thousand found there. Hersl's there. And Allers tells you
17 all not to talk about the money in the car. Money's split up
18 again. Money goes to you, Rayam, and Allers. And none to
19 Hersl.

20 **A.** You said on McKean Street?

21 **Q.** McKean Street, June -- May or June of 2016. And I -- you
22 told the Government about that. Let me see if I can find --

23 **A.** I don't think -- Dan wasn't working. That was a house in
24 Baltimore County. That was a house where the individual had, I
25 believe, three guns and 400,000. I don't even know if -- I

1 don't even know if Dan was in the squad at that point, if I can
2 remember.

3 **Q.** Just one second. Let me see if I can find that for you.

4 Well, I just -- I've got it right here. Ah,
5 McKean Street. Let me see if this refreshes your recollection.
6 I'm going to show you what has been marked as Defense
7 Exhibit No. 33.

8 **THE COURT:** Is that for identification?

9 **MR. PURPURA:** Identification only.

10 **BY MR. PURPURA:**

11 **Q.** June 14th debriefing, Page 4. I just put it right at
12 Page 4 for you. Just read that to yourself. Just take a
13 second (handing).

14 **A.** Yeah. This is a situation that I was talking about prior
15 to you saying it again.

16 **Q.** Okay. And this is a situation again where there was
17 yourself, Hersl, and Rayam; correct?

18 **A.** Yeah. This is the same incident that you were talking
19 about prior to it. It's the same exact incident.

20 **Q.** That's on McKean Street, the one I'm talking about right
21 now; right?

22 **A.** Yeah.

23 **Q.** And at that time there was money being split, and Hersl
24 did not get the money; correct?

25 **A.** Yes.

~~GONDO~~ ~~CROSS~~

1 Q. All right. And, again, that was part of the dynamic at
2 that time, at least through the spring when Allers was there,
3 that, as a matter of fact, that you were told that Hersl does
4 not get money; right?

5 A. No, I never was told that.

6 Q. You were there -- were you there when Gondo was told by
7 Allers --

8 A. I'm Gondo.

9 Q. I'm sorry.

10 Rayam was told by Allers, "Don't give him money," meaning
11 to Hersl?

12 A. When we did search warrants, it -- it all depends.
13 Rayam -- I mean Hersl can do something with Allers and me and
14 Rayam not even know about it, you know. Only person in our
15 squad that really didn't know what was going on, that didn't
16 indulge in anything, was John.

17 Q. Let me ask you this question: Do you remember on
18 May 27th, 2016, there was an intercept and it's a call 'cause
19 there was a Title III. There was a wiretap on your phone. And
20 there was a call where you and Rayam were speaking about
21 Danny Boy going to IID. That's on May 27th, 2016.

22 Do you remember that?

23 A. Dan going to Internal Affairs?

24 Q. "Danny Boy just got called down to IID."

25 A. What was the date?

~~CONFIDENTIAL~~

1 Q. That's May 27th, 2016. And then you and Rayam go on to
2 say, "That shit was funny, yo. Hot as a motherfucker. He may
3 be an informant," talking about Hersl.

4 Do you remember that?

5 A. I can't really remember that offhand.

6 Q. Let me show you what has been marked as Defense
7 Exhibit No. 34. Just read that to yourself (handing).

8 MR. WISE: This is for ID only?

9 MR. PURPURA: Excuse me?

10 MR. WISE: For ID only?

11 MR. PURPURA: Yes. Everything's ID.

12 THE WITNESS: Uh-huh.

13 BY MR. PURPURA:

14 Q. Refresh your recollection?

15 A. Yes.

16 Q. Okay. And so at least as of May 27th, 2016, there was a
17 conversation between yourself and Rayam where you thought that
18 "Danny Boy may be an informant, yo"; correct?

19 A. When we said that, we probably was joking. Danny was
20 banned from the whole Eastern District when he came to our
21 squad with complaints, so there's no way that I thought Dan was
22 a informant. We probably just said that jokingly.

23 THE COURT: All right. Let's --

24 BY MR. PURPURA:

25 Q. You didn't -- you said at this point IID, and you thought

~~CONDO~~ ~~CROSS~~

1 that Dan was an informant 'cause he's being called in again.
2 He may have to talk and roll over on you; correct?

3 **A.** It could have been anybody in -- first of all, anything
4 internally, I was never worried about that against me. So as
5 far as Dan going there, he was new to the squad. Anybody in
6 operations, if you get a new person in the squad, you don't
7 know that person, your mind's going to race. That's just it.

8 Did I think Dan was an informant? No. Dan had a
9 history --

10 **Q.** Fair enough.

11 **THE COURT:** All right.

12 **BY MR. PURPURA:**

13 **Q.** Your mind's going to race, and you want to be cautious;
14 right?

15 **A.** I mean, we said it jokingly. Dan came to the --

16 **THE COURT:** Mr. Purpura, hold on. Can you come up to
17 the bench, please.

18 **MR. PURPURA:** Are you asking to come to the bench?

19 **THE COURT:** I'm just asking you to come up to the
20 bench for a moment.

21 (Bench conference on the record:

22 **THE COURT:** I'm just thinking that we tried hard to
23 keep out --

24 **MR. PURPURA:** I know. I can't stop him from saying
25 that. I don't want it to come out.

1 **THE COURT:** I know. No. I know that. But do you
2 want him to say it again? I just thought maybe you'd made your
3 point. I do recall it being in evidence, you know, and he said
4 it was a joke and he -- that's sort of where we are. But it's
5 up to you.

6 **MR. WISE:** I just -- I wanted to be clear that when
7 they raise what the witness's state of mind is and then they
8 try to cut off what informs -- I mean, they keep -- he was
9 notorious for having been banned.

10 **THE COURT:** I gather.

11 **MR. WISE:** Everybody knows about it.

12 **THE COURT:** I gather.

13 **MR. WISE:** Every witness brings it up.

14 **MR. PURPURA:** I guess to be clear on this, it's not
15 because of taking money or doing anything else. It's being a
16 hard-nosed police officer in that area. There's a lot of
17 complaints against him. That's my understanding, at least. If
18 I'm wrong . . .

19 But I agree with you. I agree.

20 And just one point -- I see the jurors kind of fanning
21 themselves, and it's pretty hot in here. So I . . .

22 **MR. WISE:** I hadn't noticed.

23 **THE COURT:** I hadn't noticed. Probably can't do
24 anything about it, but I'll ask Ms. Moyé if she thinks that
25 there's somebody that could do something about the temperature.

1 Maybe we can try to make it cooler for them.

2 **MR. PURPURA:** All right. I'll move on.

3 **MR. WISE:** Usually you have more energy.)

4 (Bench conference concluded.)

5 **BY MR. PURPURA:**

6 **Q.** You mentioned, I believe, that anything internally that
7 you were not worried about. Were you worried about being
8 investigated by Internal Affairs?

9 **A.** No.

10 **Q.** You know you -- you're ripping and roaring for a period of
11 time; right?

12 **A.** Yeah, I understand that.

13 **Q.** Did you have someone in Internal Affairs that would help
14 you out?

15 **A.** No, I didn't have anybody in Internal Affairs helping me
16 out. It was just part of the culture. I didn't -- I wasn't
17 out there getting complaints. I wasn't out there putting my
18 hands on people. That's what I mean by I wasn't worried about
19 Internal Affairs.

20 **Q.** Now, let me ask you -- let me go to July 8th, 2016, the
21 Hamiltons.

22 You were asked some of these questions before. And let me
23 be clear: There was some pre-detention, pre-raid surveillance
24 on Mr. Hamilton; correct?

25 **A.** As far as?

~~GONDO~~ ~~CROSS~~

1 Q. Well, you tell me. What did you do again? What did you
2 do? Did you go out on the streets? Did you -- there was a
3 subject called Ronald Hamilton; correct?

4 A. Correct.

5 Q. Whose investigation was it?

6 A. That was Rayam's.

7 Q. Okay. It was Rayam's investigation. So Rayam is the
8 person who writes the affidavit for the search warrant;
9 correct?

10 A. That's correct.

11 Q. You did not read the affidavit for the search warrant, did
12 you?

13 A. No.

14 Q. You assumed that the information in the affidavit for the
15 search warrant for Carroll County was a good warrant; correct?

16 A. No. Like I testified, I've known Rayam for several years.
17 I know that anything involving money, Rayam would articulate
18 or not be accurate just -- just to get in the house, so that
19 was always in the back of my head.

20 Q. Did you review the search warrant with him?

21 A. No.

22 Q. Did you look at the search warrant?

23 A. No.

24 Q. So aside from that, you know the District Court judge
25 signed a search warrant?

~~ONDO~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** And a District Court judge would sign the search warrant
3 because it's an out-of-Baltimore-City search and the
4 District Court judges sign those; correct?

5 **A.** Yes.

6 **Q.** So you knew that happened; right? Right?

7 **A.** Yes.

8 **Q.** And that's proper police procedure; correct?

9 **A.** Yes.

10 **Q.** You already indicated that the information that Rayam had
11 came from an informant; correct?

12 **A.** Yes.

13 **Q.** And that informant was someone who was literally the
14 cousin of Mr. Hamilton.

15 Did you know that?

16 **A.** No, I didn't know that.

17 **Q.** Okay. And that the information was that the person had a
18 dope strip. And a dope strip is someone who sells heroin;
19 correct?

20 **A.** Yes.

21 **Q.** And you all did some -- some investigation. Did you go to
22 his residence in Owings Mills?

23 **A.** Yes.

24 **Q.** Did you go out to Westminster to look at the house?

25 **A.** Yes.

~~CONFIDENTIAL~~ ~~CROSS~~

1 Q. That's part of an investigation; correct?

2 A. Yes.

3 Q. And who went with you when you did that?

4 A. It was myself and Rayam.

5 Q. And then there's a time when Jenkins, you, and Rayam were
6 out on surveillance as well; correct?

7 A. That's correct.

8 Q. And at that point Jenkins indicated to you that he saw
9 what he thought was a drug transaction involving Mr. Hamilton;
10 correct?

11 A. Yes.

12 Q. He didn't say, It's a lie; I'm making this up. He said
13 that he saw what he thought was a drug transaction; correct?

14 A. Yes.

15 Q. And who was there at that time?

16 A. I believe it was myself, Wayne, and Rayam.

17 Q. Okay. And was there any other surveillance that you did
18 that you could tell the jury about on the Hamiltons?

19 A. Me offhand, no.

20 Q. Did you go to Fairmount Street where the other houses
21 were?

22 A. Fairmount? We frequent that area anyway 'cause that was a
23 high-gun area, so yeah.

24 Q. Okay. Did you know that John Clewell did surveillance,
25 pre-raid surveillance on Fairmount Street?

1 **A.** I can't -- he probably did. I can't remember that.

2 **Q.** Okay. Now -- one second.

3 Now, what -- did you know there was a GPS on
4 Mr. Hamilton's vehicle?

5 **A.** Yes.

6 **Q.** And did you know if that was a legal GPS? In other words,
7 was there a probable cause warrant for that GPS, did you know?

8 **A.** No, it wasn't.

9 **Q.** You didn't know one way or the other?

10 **A.** It wasn't.

11 **Q.** You knew that it was not; correct?

12 **A.** Yeah. It was not.

13 **Q.** And that's one way -- and who was -- who was tracking that
14 GPS at that time?

15 **A.** Rayam; I had access to that, myself and Rayam.

16 **Q.** And you and Rayam went in a vehicle; correct?

17 **A.** Yes.

18 **Q.** And this is on July 8th of 2016.

19 And you have -- it's a live feed onto your cell phone; is
20 that what you had?

21 **A.** That's correct.

22 **Q.** And so you knew exactly where Mr. Hamilton was. He was at
23 a Home Depot; correct?

24 **A.** That's correct.

25 **Q.** And then John Clewell was called in; correct?

1 **A.** That's correct.

2 **Q.** And John Clewell, his passenger was Danny Hersl at that
3 time, or working with him was Dan Hersl; correct?

4 **A.** That's correct.

5 **Q.** And they were called in as backup as part of the
6 surveillance and/or arrest team; is that correct?

7 **A.** I don't think they -- we were all in it together. It
8 wasn't -- as far as backup, we all knew about this
9 investigation --

10 **Q.** Well, let me stop you there.

11 **A.** Okay.

12 **Q.** You all were in on the -- was there a meeting before this
13 time -- I'm talking about right now, before you are in the
14 parking lot of Home Depot, when you met with Jenkins, Hersl,
15 Rayam --

16 **A.** I didn't meet with -- I didn't meet with Wayne in the
17 parking lot. Take his name out.

18 **Q.** Was there a meeting at all where this investigation was
19 discussed?

20 **A.** Yeah. Prior to us -- but, yeah, we all discussed that as
21 a squad, yeah, absolutely.

22 **Q.** Good. At that point you're discussing what's going on.
23 This is a major drug dealer who has a gun. That's the
24 information you have; correct?

25 **A.** Yeah. He was selling dope, and he possibly had a gun.

1 Q. All right. Now, who ordered the vehicle to be stopped?

2 A. I can't really say who ordered. We had jurisdiction in
3 the county, the paperwork for that, so it was the call that we
4 made.

5 Q. By that you mean that under the Maryland State Police, you
6 can apply for statewide jurisdiction to make arrests out of
7 state when you're doing larger investigations; correct?

8 A. Yeah; to detain the individual. Yes, that's correct.

9 Q. Okay. And so you had authority to do that; correct?

10 A. Yes.

11 Q. Okay. And, again, it's not your investigation. It's
12 Rayam's investigation; right?

13 A. Yes.

14 Q. So is Rayam, then -- he's the one that pulls the trigger
15 and says, "Let's stop him"; right?

16 A. Yes.

17 Q. Okay. So Rayam says, "Stop him." And then it's Jenkins,
18 I believe -- correct me if I'm wrong -- who says, "Bring him
19 back to the barn"; right?

20 A. That's correct.

21 Q. And at that point you think you've got a right to do that
22 as part of the investigation; correct?

23 A. Yes.

24 Q. And did you see -- did you see your partner Rayam take the
25 money out at that point?

1 A. Yes.

2 Q. From -- from Ronald Hamilton?

3 A. Yes.

4 Q. And later on he actually gave you some of that money,
5 didn't he?

6 A. Yes, he did.

7 Q. Just you?

8 A. Yes.

9 Q. You go back -- you go back to the barn. And that's when
10 Mrs. Hamilton's kept outside and then Jenkins comes in and
11 pretends he's either a task force officer or a U.S. Attorney or
12 somebody else. And you all start questioning him, or he starts
13 questioning in particular Ronald Hamilton; right?

14 A. Yes.

15 Q. And you knew Ronald Hamilton at that point had two prior
16 federal convictions for drug trafficking.

17 Did you know that?

18 A. I knew that he got locked up in the federal system and he
19 had cooperated, yes.

20 Q. Now, and you were trying to do a couple things. You said
21 you wanted to see if there was money there. You wanted to see
22 if there was drugs in the house. You wanted to see if there
23 was guns in the house. And you wanted to flip him; right?

24 A. That's correct.

25 Q. And by "flip him," he even made a phone call -- he tried

1 to cooperate to the extent that he tried to make a phone call;
2 correct?

3 **A.** That's correct.

4 **Q.** And that didn't work; right?

5 **A.** It didn't work.

6 **Q.** But he seemed to want to cooperate, at least to help
7 himself out of what he thought at that time was a bad
8 situation; fair to say?

9 **A.** That's fair to say.

10 **Q.** And that's what you would do in an investigation. Those
11 are steps which you would do in an investigation; correct?

12 **A.** Yes.

13 **Q.** And when someone who's a target of an investigation says,
14 I don't have drugs. I don't have money -- right, start there.

15 I don't have drugs, and I don't have a gun in my house or
16 a kilo press in my house or anything else in my house, do you
17 take their word for it and just take the warrant and throw it
18 away and walk away from the investigation?

19 **A.** No.

20 **Q.** Because, believe it or not, even sometimes criminals lie;
21 right?

22 **A.** That's correct.

23 **Q.** So you got the warrant. And you have a District Court
24 judge here in Baltimore City who has statewide jurisdiction,
25 signs the warrant. You take Mr. and Mrs. Hamilton out to the

1 house to execute the warrant; correct?

2 **A.** That's correct.

3 **Q.** And you even allow -- I believe you allow the Hamiltons to
4 call in advance so they can let their older daughter take the
5 kids out of the house?

6 **A.** Yeah, I believe we made that phone call.

7 **Q.** Okay. Because you didn't want to bring Mr. Hamilton in
8 with handcuffs in front of his family; correct?

9 **A.** Yes.

10 **Q.** All right. Now, according to your testimony, you found
11 the heat-sealed -- you did this peek-and-sneak, sneak-and-peek?

12 **A.** Yes.

13 **Q.** So at this point you have a warrant, but you need the
14 locals, either Carroll County or Maryland State Police, to come
15 in, correct, before you really execute the warrant; right?

16 **A.** Yes.

17 **Q.** But you do a sneak-and-peek to see if there's anything in
18 the house; right?

19 **A.** Yes.

20 **Q.** And according to your testimony to this jury, who goes in
21 the house?

22 **A.** All the members in the squad that were working.

23 **Q.** Wait. Slow down. Think about it.

24 What happens to Mr. Hamilton? Who stands by Mr. Hamilton
25 by the car when Mr. Hamilton's sitting in that car the entire

1 time?

2 **A.** As far as?

3 **Q.** When you go in the house, you're not going to let him just
4 walk away.

5 **A.** Yeah. I can't remember who stayed by the car, whether --
6 I just remember --

7 **Q.** If Mr. Hamilton said it was Mr. Hersl, would that be
8 right?

9 **A.** I'm not too sure. I can't speak on that.

10 **Q.** And then, according to you, then, you realized there was
11 money in the house. And the bottom line was, truthfully, that
12 you were not going to take the money; right?

13 **A.** Yes.

14 **Q.** Yes; you were not going to take the money?

15 **A.** Yeah; I wasn't going to take the money.

16 **Q.** And there's multiple layers for that.

17 Number one, there was no drugs found; right?

18 **A.** That's correct.

19 **Q.** And, number two, there was -- it's not in your
20 jurisdiction. It's Carroll County; correct? It's not
21 Baltimore City?

22 **A.** That really didn't matter if it -- if it was in another
23 county, because it happened before. But --

24 **Q.** Bottom line was that you did not -- you were not going to
25 take the money; correct?

~~CONDO~~ ~~CROSS~~

1 A. No. Unh-unh.

2 Q. And Danny Hersl didn't say, "Take the money," did he?

3 A. He didn't say that to me, no.

4 Q. What happened was Rayam took the money; right?

5 A. That's correct.

6 Q. And then Rayam took the money and he put it under the seat
7 of the car; correct?

8 A. Yes.

9 Q. And eventually, even when the money was split up, you gave
10 to Jenkins Jenkins' portion and what you thought would be money
11 for Hersl (indicating); correct?

12 A. Yes.

13 Q. Because even then you didn't -- you didn't want to give --
14 you didn't want to do it in front of Dan Hersl at that point,
15 even then; correct?

16 A. No. I just never had no dealings with --

17 Q. Right.

18 A. -- with Dan. So I just -- Wayne was the supervisor.
19 That's who I -- that's who I gave the money to for him to give
20 it to Dan.

21 Q. Now, do you know if Dan Hersl just came back from vacation
22 two days before the Westminster incident?

23 A. Yeah; I'm not too sure about that.

24 Q. You don't remember that?

25 A. No.

~~GONDO~~ ~~CROSS~~

1 **Q.** And during the entire time that Mr. Hamilton and his wife
2 were in the living room, except for the brief period of time
3 Mr. Hamilton went downstairs to the basement, do you know if
4 Dan Hersl (indicating) was with him during that entire period
5 of time?

6 **A.** Downstairs, no. He -- Dan walked around. Everybody
7 walked all through that house.

8 **THE COURT:** Mr. Purpura, are you finished with that
9 incident?

10 **MR. PURPURA:** Yes.

11 **THE COURT:** All right. Let's take a short break.

12 (Jury left the courtroom at 3:12 p.m.)

13 (Recess taken.)

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

15 (Jury entered the courtroom at 3:24 p.m.)

16 **THE COURT:** Okay. You can be seated.

17 **THE CLERK:** Mr. Gondo, you're still under oath.

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

19 **THE COURT:** Mr. Purpura.

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

21 **BY MR. PURPURA:**

22 **Q.** Mr. Gondo, not much more.

23 Just -- the relationship that you had with Wayne Jenkins
24 when he became the sergeant, was it good? bad? indifferent?

25 How was it when he came on? Did you have a problem with him?

1 **A.** When he first came to the squad, yes.

2 **Q.** Yes. And did Jenkins tell you that Danny Hersl went to
3 Sergeant Allers and complained and thought that perhaps that
4 you and Rayam were not on the up-and-up?

5 **A.** Did Wayne tell me that Hersl told me that?

6 **Q.** Yeah.

7 **A.** No.

8 **Q.** Did Sergeant Allers tell you that?

9 **A.** No.

10 **Q.** Did there come a time when Sergeant Allers tipped you off
11 that there was -- that Hersl complained that he didn't know if
12 you guys -- meaning you and Rayam -- were up-and-up?

13 **A.** No, absolutely not.

14 **Q.** All right. And did there come a time when you were at
15 Howard County Detention Center when Rayam basically said to you
16 and a few others that he has trouble telling the truth, that
17 it's been a constant through his whole life?

18 **A.** I can't remember that in detail. Rayam, he talks a lot,
19 so I can't really pinpoint that. I don't remember hearing
20 that.

21 **Q.** Was -- would you consider Rayam to be -- strike that.

22 You don't remember that conversation, then?

23 **A.** No.

24 **Q.** Nothing that Rayam indicated to you all -- "you all"
25 meaning whoever is under the, at that point the rest of the

1 police officers who were present -- that he had trouble with
2 the truth generally through his whole life?

3 **A.** While we were at Howard County?

4 **Q.** Yes.

5 **A.** No, I don't remember that.

6 **Q.** At any time did Rayam tell you that?

7 **A.** No. I just -- I know Rayam all my career, so I just know
8 his practices, but he didn't tell me that at Howard County.

9 **Q.** Thank you.

10 Now, let me just take you real quick now, the final
11 episode, August 8th, 2016, Shannon Drive storage facility.
12 There was a high-speed -- not a high-speed chase. There was a
13 chase in the city from the storage facility; is that correct?

14 **A.** Yes.

15 **Q.** You actually were with Rayam at that time; right?

16 **A.** That's correct.

17 **Q.** And in the lead car at that point would have been
18 Sergeant Jenkins and John Clewell and then Danny Hersl; is that
19 right?

20 **A.** It was no lead car at that point. They were just -- we
21 were meetin' up with them.

22 **Q.** Okay.

23 **A.** They were already engaged --

24 **Q.** They were the arrest car. They were the car that was
25 engaged in stopping; correct?

~~CONDO~~ ~~CROSS~~

1 A. They were the only car.

2 Q. Okay.

3 A. You know, we weren't -- we met them at the storage unit.

4 Q. Fair enough. So you did not partake in the chase where
5 cocaine's being thrown out, nothing like that; correct?

6 A. No.

7 Q. And you yourself did not search the Armstrong vehicle
8 either, did you --

9 A. No.

10 Q. -- or van?

11 No?

12 A. No.

13 Q. Correct.

14 And so really, the only thing that you know is that
15 afterwards, Rayam told you that Danny Hersl took some money and
16 that he and Hersl -- Rayam and Hersl split some money up;
17 correct?

18 A. That along with when Hersl went to court and he came back
19 and he said it, that the federal government had it on the -- on
20 the monitor that was in the vehicle.

21 Q. Okay. But -- hold on to that for a second.

22 Just specifically what Rayam told you after the incident,
23 after the incident --

24 A. Yes.

25 Q. -- was that there was a sum of money, around \$700, to the

~~GONDO~~ ~~CROSS~~

1 best of your recollection --

2 **A.** Yes.

3 **Q.** -- which was taken and split; correct?

4 **A.** Yes.

5 **Q.** And you did not receive any of that money; correct?

6 **A.** No.

7 **Q.** And this money was taken after Dennis Armstrong was
8 arrested for the cocaine possession and distribution and
9 whatever else he had; correct?

10 **A.** Yes.

11 **Q.** Now, just the -- and I know you've gone through this
12 before, but briefly --

13 **MR. PURPURA:** I mean briefly, Your Honor.

14 **BY MR. PURPURA:**

15 **Q.** -- the Marnat home invasion. The Marnat home invasion,
16 okay? Now, what you did -- and we heard already from Rayam --
17 is you all put a GPS on Mr. Anderson's vehicle; right?

18 **A.** That's correct.

19 **Q.** And you did that because you didn't want anyone to be home
20 when you went in the house; right?

21 **A.** That's correct.

22 **Q.** Okay. What you wanted was -- and you're a police officer.
23 What you wanted was a burglary: No one home, break into the
24 house, steal money, steal drugs, do whatever, and get out of
25 Dodge? Right?

1 **A.** That's correct.

2 **Q.** And you took -- to do that, to commit -- to do that, to
3 try to be -- to do a burglary rather than armed robbery, you
4 went to the extent that you put a GPS on the vehicle; and
5 finally when that vehicle was far enough away, 'cause you had
6 your cell phones out, when that vehicle was far enough away, at
7 that point then you said, okay, it's safe to hit the house;
8 right?

9 **A.** That's correct.

10 **Q.** And do you know that even at that point, that Rayam, when
11 he went up to the house, he really (knocking) knocked on the
12 door to make sure no one was home? Did you know that?

13 **A.** I don't know the exact way he went about it as far as
14 banging or knocking.

15 **Q.** Yeah. But he wanted -- you were hoping that no one was
16 home; correct?

17 **A.** Yes.

18 **Q.** Like the sneak-and-peek, you wanted to get in and out, get
19 the money, and be gone; correct?

20 **A.** That's correct.

21 **Q.** But what started as a burglary turned into an armed
22 robbery, as you heard from Rayam; correct?

23 **A.** Yes.

24 **Q.** 'Cause he told you what happened. He had the gun, pointed
25 the gun. She was scared. And he took the money, drugs,

1 everything else; right?

2 **A.** That's correct.

3 **Q.** This is really the last series right here.

4 Mr. Nieto asked you about your plea agreement. And in
5 your plea agreement there actually is an enhancement of a
6 certain amount of levels for the gun; correct?

7 **A.** That's correct.

8 **Q.** But when he did ask you, you did not -- you were not
9 charged with a separate count of use of a handgun in the
10 commission of a crime of violence. You did not have to plead
11 guilty to that separate -- that separate count, did you?

12 **A.** No. I just had the guideline enhancement of the robbery.

13 **Q.** That's it. All right. Great. Thank you.

14 And -- I do have one last question.

15 Did you tell -- did you tell Rayam -- you and Rayam were
16 somewhat tight from 2010 on?

17 **A.** I would say a little later than that before we got close.

18 **Q.** Okay. But did you tell Rayam that you -- and I'm going
19 to, in quotes, laid someone out?

20 **A.** Come on, man. Let's be real. No, absolutely not.

21 **Q.** What would that mean to you, "laid someone out"?

22 **A.** That's basically saying that I killed somebody.

23 **Q.** And if -- and if Rayam said that, that would be a lie;
24 right? 'Cause you didn't say that; correct?

25 **A.** I didn't say that, a hundred percent, yeah.

~~CONDO REDIRECT~~

1 **MR. PURPURA:** Then asked and answered.

2 **THE COURT:** Overruled.

3 **MR. PURPURA:** Asked and answered.

4 **THE COURT:** Overruled.

5 **BY MR. WISE:**

6 **Q.** So did you see any drug transactions involving
7 Ronald Hamilton on a dope strip or anything like that?

8 **A.** No.

9 **Q.** That's just information that was relayed to you by someone
10 else?

11 **A.** Yes.

12 **Q.** Do you know if it's accurate or not?

13 **A.** I believe it wasn't accurate.

14 **Q.** You believe it wasn't accurate?

15 **A.** Yeah; that he was -- on the dope strip, I never seen it.
16 When I was working with Rayam, every time we came through that
17 area, I never seen him do anything.

18 **Q.** Okay.

19 **A.** You know, just -- that was just the word from his
20 informant, and that's what he told me.

21 **Q.** And informants get paid for information like that; right?

22 **A.** That's correct.

23 **Q.** So they have an incentive to tell you stuff to get paid;
24 right?

25 **A.** That's correct.

~~CONDO REDIRECT~~

1 Q. And then you said that -- you testified that Jenkins
2 observed -- or he told you that he saw drug transactions with
3 Hamilton, but that's what Jenkins told you; right?

4 A. Yes, that's what he told me.

5 Q. So you were asked a series of questions about whether
6 Jenkins was a liar, but then you were also asked questions
7 about whether he was truthful, I guess, at a --

8 MR. PURPURA: Objection, Judge. I'm not sure it's a
9 question.

10 THE COURT: Sustained.

11 MR. PURPURA: It's a statement.

12 THE COURT: All right. All right. All right. I got
13 you the first time.

14 Sustained.

15 BY MR. WISE:

16 Q. So this -- your testimony was Jenkins told you that's what
17 he saw; right?

18 A. Yeah, he told me.

19 Q. You didn't see it yourself?

20 MR. PURPURA: Objection; asked and answered --

21 THE COURT: Overruled.

22 MR. PURPURA: -- multiple times.

23 THE COURT: Overruled.

24 BY MR. WISE:

25 Q. You didn't see it yourself?

~~CONFIDENTIAL~~

1 A. No, I didn't.

2 Q. All right. Now, you were asked questions about the
3 Marnat Road home invasion; right?

4 A. That's correct.

5 Q. And Mr. Purpura asked you whether -- about how this GPS
6 tracker was used to try to make sure that no one was home;
7 right?

8 A. Yes.

9 Q. Now, the Hamiltons, they were home the whole time; right?

10 A. As far as?

11 Q. The whole time you and Jenkins and Hersl and Rayam were in
12 their house, they were in there too; right?

13 A. Oh, yeah, present, they were in the dwelling.

14 Q. Locked up in the living room; right?

15 A. Yeah. They were detained, in handcuffs.

16 Q. While the money was being taken?

17 A. Yes, during that time. I don't know the exact moment when
18 Rayam took it, you know, but they were in the house when the
19 money was taken.

20 Q. Right. Not somewhere else?

21 A. No.

22 Q. Mr. -- I don't remember if it was Mr. Purpura or
23 Mr. Nieto. I think Mr. Purpura asked you about the Chanel bag
24 that was taken.

25 A. Yes.

1 Q. And he asked you whether -- question to the effect of
2 whether the woman that the bag was given to could link you to
3 it, something like that.

4 A. Yes.

5 Q. I don't remember the exact question.

6 You, in fact, provided information about who that woman
7 was to the FBI; right?

8 A. Yes.

9 Q. And they went and seized the bag; right?

10 A. Yes.

11 Q. You were asked some questions about giving Hersl's share
12 of the Hamilton money to Jenkins. Do you recall being asked
13 those questions?

14 A. Yes.

15 Q. Why didn't you give Jenkins a share of the Hamiltons'
16 money for Clewell?

17 A. Oh, John, like I said, he was straight and narrow. He
18 wasn't -- you know, you have individuals that are -- things do
19 happen when you in these specialized units that people do get
20 their hands dirty. John wasn't one of those people.

21 He was an analytical person. He wasn't like a street cop
22 that was out there getting guns or wanted to get his hands
23 dirty.

24 So John never -- never got involved with that. And even
25 more so, when he came to the squad with Allers, Allers told us

1 that, that, you know, he was straight; you know, if anything
2 happens, you know, don't get him involved. That's not what
3 he's about.

4 **Q.** But you did give Jenkins a share for Hersl of the
5 Hamiltons' money; right?

6 **A.** That's correct.

7 **Q.** And why did you do that?

8 **A.** Because I've heard from Wayne -- you know, you hear things
9 in the police department. And, you know, it wouldn't have
10 been --

11 **Q.** What specifically on that day, why -- what was in your
12 head that you gave --

13 **MR. PURPURA:** Objection. Can we --

14 **THE COURT:** You can approach the bench.

15 (Bench conference on the record:

16 **THE COURT:** So do you know what he's going to say?

17 **MR. WISE:** He's going to say because they all went in
18 the house with the understanding that if any of them found
19 money, they would take it and share it; essentially that there
20 was an agreement among them; that they did not have such an
21 agreement with Clewell, which is why Clewell didn't get a cut.

22 **THE COURT:** Okay.

23 **MR. PURPURA:** To the extent that this really has been
24 gone through on direct examination, he testified to that
25 already that -- and there was actually -- there was no

1 specifics. But what he said on direct examination was that he
2 didn't know what he was going to do, it just depended on the
3 circumstances when he showed up.

4 My fear -- and with this open -- with this question
5 right now posed, it's going to say because of all the
6 complaints against him, he heard about all these things, that's
7 going to come out. I mean, again, that's going to come out.

8 **MR. WISE:** He's not going to bring up complaints.
9 That's not -- I mean, he's talked about this in the proffers.
10 It's never come up in regards to complaints. It's that Hersl
11 was somebody like Rayam, like Jenkins, that when the
12 opportunity presented itself, you could steal money. They
13 would steal money, and then you would share.

14 **THE COURT:** Okay. Do you want, before he gives the
15 answer, shall we ask Mr. Wise to tell him just to make sure
16 that he's not going to say anything about the complaints?

17 **MR. WISE:** About Internal Affairs complaints?

18 **THE COURT:** About Internal Affairs complaints. Just
19 if you would just instruct him not what it is that he should
20 answer, obviously, but just that in his answer, he should not
21 reference prior Internal Affairs complaints.

22 **MR. PURPURA:** Okay. Thank you.

23 **THE COURT:** Okay. So we can just leave the noise on,
24 I think, Ms. Moyé; right? And correct me if I'm wrong, but
25 Mr. Wise can now speak with the witness without it being

1 overheard, with the noise on. So just go whisper to him.

2 Yeah.

3 (Mr. Wise conferred with the witness.)

4 **MR. PURPURA:** Do you want us to stay up here?

5 **THE COURT:** No.)

6 (Bench conference concluded.)

7 **THE COURT:** Counsel, do you want to come back up to
8 the bench.

9 (Bench conference on the record:

10 **THE COURT:** Note from the jury, question for Gondo:
11 Outside of the Hamiltons' home, was Mr. Hersl in the car when
12 Rayam brought the loose \$20,000, 20K, to the car? And did you
13 see him acknowledge the act?

14 **MR. WISE:** Okay. I can ask it -- try to ask a version
15 of this.)

16 (Bench conference concluded.)

17 **BY MR. WISE:**

18 **Q.** So, Mr. Gondo, just a couple more questions.

19 I had asked you why you didn't give Jenkins a share for
20 Clewell, and you -- I think you had answered that -- answered
21 that.

22 My next question was: Why did you give Jenkins a share
23 for Hersl? And I think you were about to answer that.

24 Could you answer that, please.

25 **A.** Yes. 'Cause basically we all had the understanding that

1 if it was money involved, it will be split up, even to the fact
2 that after the money was seized when we were at the restaurant,
3 Wayne made that comment about, you know, only need three --
4 only do three a year. You know, don't be greedy. That's a
5 pact right there from that point -- from that point.

6 I may have not did anything with Dan at that moment just
7 yet, but -- me and him one on one. But once he made that pact,
8 I understood that since the money was taken, I had to split it.
9 We had to split it all together with the four of us.

10 **Q.** Okay. And you testified that Rayam came out of the
11 Hamiltons' house with the loose 20,000 or what started out as
12 20,000; right?

13 **A.** Yes.

14 **Q.** Was Mr. Hersl in the car when Rayam brought that money to
15 the car with you, or was he in the car with you when Rayam
16 brought that?

17 **A.** Yes. Yes.

18 **Q.** And did you see him -- did you happen to see him as Rayam
19 brought the money to the car? I mean Hersl. Did you see him,
20 what he was looking at or what he was doing?

21 **A.** Dan saw it. Everybody saw it. I mean, we're all
22 detectives. You know, we watch each other. I mean, that's
23 just common practice. I mean, it would behoove me if he didn't
24 see, you know, him coming out with the bag, the money in the
25 bag, and placing it under the seat.

~~CONDO~~ ~~RE CROSS~~

1 the money?

2 **A.** Outside.

3 **Q.** Outside where?

4 **A.** The dwelling.

5 **Q.** Okay. And at that point where was Mr. and Mrs. Hamilton?

6 **A.** They were inside the dwelling. Mr. Hamilton, he came --
7 once Rayam came out with it, I guess he ran upstairs and he
8 came back.

9 **Q.** Got you.

10 So this is at the very, very end --

11 **A.** Yes.

12 **Q.** -- after Westminster's gone; correct? Westminster, the
13 police, Maryland State Police came; correct?

14 **A.** Yes.

15 **Q.** Westminster police, local police were there; correct?

16 **A.** Yes.

17 **Q.** After they left, you all were still there; correct?

18 **A.** Yes.

19 **Q.** And at that point the Hamiltons are not under -- going to
20 be under arrest at that point; correct?

21 **A.** That's correct.

22 **Q.** 'Cause nothing's found in the house other than the \$50,000
23 in the heat-sealed envelope; correct?

24 **A.** Yes.

25 **Q.** And MSP found the \$50,000; correct?

~~CONDO~~ ~~RE CROSS~~

1 **A.** Yes.

2 **Q.** And at that point, according to you, that's when Rayam
3 walks out of the house. So he's there at that -- in the house
4 by himself at that point. Everyone else is outside; right?

5 **A.** Yes.

6 **Q.** You weren't going to take the money; correct? You put it
7 back; right?

8 **A.** Yeah. I wasn't going to take the money.

9 **Q.** All right. Danny Hersl is downstairs with you. He's
10 outside with you, correct, at that point; right?

11 **A.** Yes. Yes.

12 **Q.** And at that point, after everything's completed, then
13 Rayam comes out of the house; right?

14 **A.** Yes.

15 **Q.** And at that point he has what appears to be a bag;
16 correct?

17 **A.** Yes.

18 **Q.** And he shoves that bag under the seat; correct?

19 **A.** That's correct.

20 **Q.** And that's when you drive away and you go to the
21 restaurant; right?

22 **A.** Yes.

23 **MR. PURPURA:** Thank you. Nothing further. Thank you,
24 sir.

25 **THE COURT:** Anything else?

1 **A.** I'm currently assigned to the Baltimore field office.

2 **Q.** What are your duties and responsibilities as a special --
3 as a Special Agent with the FBI?

4 **A.** I'm responsible for criminal investigations in my career;
5 so crimes like drug and gang, violent crime, public corruption.

6 **Q.** And are you the lead FBI case agent on this investigation?

7 **A.** I am.

8 **Q.** When did you first become involved in this investigation?

9 **A.** Late, very end of 2015.

10 **Q.** Is it ongoing?

11 **A.** It's ongoing.

12 **Q.** When were charges first brought by the grand jury against
13 members of the Gun Trace Task Force?

14 **A.** The end of February 2017.

15 **Q.** And who was charged in that first indictment?

16 **A.** The first indictment included charges against
17 Wayne Jenkins, Momodu Gondo, Jemell Rayam, Daniel Hersl,
18 Marcus Taylor, Maurice Ward, Evodio Hendrix.

19 **Q.** Is Wayne Jenkins cooperating with the investigation?

20 **A.** No.

21 **Q.** Now, the jury has heard from a number of victims that
22 testified they didn't contact the FBI but, rather, the FBI
23 contacted them.

24 How did law enforcement find those individuals?

25 **A.** We found them through a variety of ways. One of the

1 primary ways was through a search of police reports that the
2 members of the GTTF submitted.

3 We would listen to jail calls that were made at the time
4 of their or directly after the time of their arrest. And we
5 would listen for things like money being taken or property
6 being taken.

7 **Q.** And then if you heard on the jail call someone saying
8 money had been taken, what did you do next?

9 **MR. PURPURA:** You know, I'm -- strike that. Strike
10 it. Strike it. Strike it.

11 **THE COURT:** Go ahead.

12 **THE WITNESS:** I think we would do a little bit of
13 research, of course. And ultimately, we would try to find them
14 to contact them to interview them.

15 **BY MR. WISE:**

16 **Q.** And is that how a number of the witnesses that testified
17 became part of the investigation?

18 **A.** Yes.

19 **Q.** Now, Special Agent Jensen, my questions this afternoon are
20 going to focus on time and attendance and overtime. Is that
21 something that you investigated in this case?

22 **A.** It is.

23 **Q.** Now, I want to start with -- and I have something that may
24 help orient us.

25 (Counsel conferred.)

1 **BY MR. WISE:**

2 **Q.** Special Agent Jensen, I'm going to put up on the document
3 camera a chart to orient us that I may come back to.

4 Are these the time and attendance racketeering acts that
5 were charged by the grand jury against these two defendants?

6 **A.** Yes.

7 **Q.** So I'm first going to ask you about the pay period from
8 June 23rd, 2016, to July 6th, 2016; okay?

9 **A.** Yes.

10 **Q.** And the jury's heard testimony already that the BPD was on
11 a 14-day pay period; correct?

12 **A.** Yes.

13 **Q.** So we're going to start with this pay period (indicating).
14 And the jury has also heard testimony that the BPD used a
15 payroll company called ADP; correct?

16 **A.** That's correct.

17 **Q.** And that the time and attendance system that BPD used
18 actually sat on a mainframe in South Dakota; right?

19 **A.** Yes.

20 **Q.** Okay. And so I'm going to ask you some questions about
21 specific days in each of these pay periods; all right?

22 **A.** Okay.

23 **Q.** Now, first one I want to ask you about is June 24th, 2016.
24 So that's within that pay -- that first pay period of
25 June 23rd, 2016, to July 6th of 2016.

1 **MR. WISE:** And I'm going to switch to the computer so
2 that Mr. Kerrigan can put up Government Exhibit PP-1A.

3 And if you could enlarge the bottom slip there,
4 Mr. Kerrigan.

5 **BY MR. WISE:**

6 **Q.** What is PP-1A?

7 **A.** So this is an overtime slip for June 24th, 2016, for
8 Daniel Hersl.

9 **Q.** And what does it say above the signature line? Can you
10 read the affirmation above the signature line?

11 **A.** Sure. [Reading]: We certify that the overtime hours
12 reported herein are authorized, were in fact worked, and are
13 correct.

14 **Q.** And what were the overtime hours -- we'll start with
15 that -- that were claimed on this day, on June 24th, by
16 Defendant Hersl?

17 **A.** The hours worked for overtime begun, it's 3:39 a.m. and
18 went until 9:39 a.m.

19 **Q.** And what's the reason that was given for this overtime in
20 the section that says: "Overtime Work Performed. Explain"?

21 **A.** It says [reading]: Early morning raid,
22 1927 East Chase Street.

23 And then there is a CC number to the far left that begins
24 with a 3, dash.

25 **Q.** And is this the early morning raid that the jury just

1 heard Former Detective Gondo testify about?

2 **A.** Yes.

3 **Q.** And whose home was this at?

4 **A.** This was a man named Milton Miller.

5 **Q.** And did you or other members of law enforcement interview
6 Milton Miller?

7 **A.** We did.

8 **Q.** And was his house, in fact, raided that morning?

9 **A.** It was.

10 **Q.** Have you reviewed the Baltimore Police Department raid
11 package prepared for this raid?

12 **A.** The raid package that was prepared during the raid, I
13 have.

14 **Q.** And did -- according to that raid package, did
15 Defendant Hersl participate in any way?

16 **A.** He was not listed as a participating officer.

17 **MR. WISE:** Now, if we could go to the --

18 **BY MR. WISE:**

19 **Q.** And what was the -- I'm sorry. Just last question before
20 we go to the next page.

21 What was the, I -- guess, just to fill out the picture,
22 what was then the assigned shift claimed, I guess, after the
23 overtime ended in the early morning hours?

24 **A.** 10:00 to 6:00, 10:00 a.m. to 6:00 p.m.

25 **MR. WISE:** And if we could have the next page,

1 Mr. Kerrigan.

2 If you could go down to the ADP eTIME[®] system
3 printout.

4 **BY MR. WISE:**

5 **Q.** It's a little blurry. I can give you a paper copy if that
6 would be better.

7 But you tell me: Can you see for 6/24 --

8 **MR. WISE:** Why don't we do this, Mr. Kerrigan. Why
9 don't you just enlarge the left-hand side, so just that part
10 (indicating). That might be clearer.

11 All right. That looks a little clearer.

12 **BY MR. WISE:**

13 **Q.** So, first of all, what is this -- what's this a printout
14 of?

15 **A.** So this is an ADP time system. It's the printout of this
16 period between June 23rd and July 6th.

17 **Q.** So this is, as the jury heard testimony, where the
18 timecards get, I guess, loaded into this system?

19 **A.** Yes.

20 **Q.** This is a printout from that -- from that system?

21 **A.** Yes.

22 **Q.** And this particular printout is for whom?

23 **A.** Daniel Hersl.

24 **Q.** And so on June 24th -- I guess if we look on this line --
25 what was he given credit for in terms of overtime?

1 **A.** The shift that began 3:39 a.m. and ended at 9:38 a.m.

2 **MR. WISE:** And if you can back out of that,
3 Mr. Kerrigan, and then enlarge just down at the bottom.

4 **BY MR. WISE:**

5 **Q.** When was the wire sent approving this timecard? I guess
6 here (indicating).

7 **A.** July 6th, 2016.

8 **MR. WISE:** And can you do a side-by-side,
9 Mr. Kerrigan, with PP-1A and PP-1B.

10 And let's bring up -- if you can enlarge the top right.
11 The Gondo slip on the top right, can you enlarge that?

12 **BY MR. WISE:**

13 **Q.** And what does the CC number end in?

14 **A.** This one ends in 0902.

15 **Q.** All right. And it's the same day we saw, June 24th;
16 right?

17 **A.** Yes.

18 **Q.** Same hours as the Hersl slip?

19 **A.** Yes. It's off by a few minutes at the beginning; but,
20 yes, otherwise.

21 **Q.** And so keeping in mind that it ends in 0902 --

22 **MR. WISE:** Can you enlarge the Hersl slip we saw,
23 which is 1 -- PP-1A.

24 **BY MR. WISE:**

25 **Q.** What's the CC number?

1 **A.** It ends in 0902.

2 **Q.** So same as the Gondo one?

3 **A.** Yes.

4 **Q.** Now, I want to ask you about another day in that first pay
5 period, June 23rd, 2016, to July 6th. This is June 29th.

6 **MR. WISE:** And if I could have FBI-9, Page 5, just the
7 transcript. I'm not going to play the call again.

8 But this is one of the calls that Detective Gondo just
9 testified about.

10 And if you could enlarge the top third of that,
11 Mr. Kerrigan.

12 **BY MR. WISE:**

13 **Q.** This is the call where Jenkins told Gondo [reading]:
14 Hendrix and Ward's comin' in at 1:00, and then me and Taylor
15 gonna start -- going to go to the joint.

16 And this call is at about five minutes before 1:00; right?

17 **A.** Yes. 12:55 p.m.

18 **MR. WISE:** If we could go down a little bit, and if
19 you could do the bottom third.

20 **BY MR. WISE:**

21 **Q.** Jenkins then says [reading]: Today it's gonna be take it
22 easy until around 5:00 or 6 o'clock, and we'll roll together
23 and get into some street rippin'.

24 Right? Is that what he said?

25 **A.** Yes.

1 **MR. WISE:** Could I have Government Exhibit PP-2A.

2 And if you could enlarge that, Mr. Kerrigan.

3 **BY MR. WISE:**

4 **Q.** What's PP-2A?

5 **A.** This is another overtime slip.

6 **Q.** And what's the date listed on it?

7 **A.** It's listed as 6/30/2016.

8 **Q.** And what's written through 6/30 and then written overtop
9 of it?

10 **A.** A slash and then a number 29.

11 **Q.** Okay. And who's this slip for?

12 **A.** This is for Marcus Taylor.

13 **Q.** And what was the assigned shift he claimed to work on that
14 day?

15 **A.** Toward the bottom right, it says [reading]: Other shift,
16 8:00 to 4:00.

17 **Q.** And then how much overtime?

18 **A.** 14 hours, beginning at 4:15 p.m. and running until 6:15 on
19 the morning of the 30th.

20 **MR. WISE:** And if we could go to the next page, to the
21 ADP printout.

22 And if you could enlarge the left-hand first half
23 again.

24 **BY MR. WISE:**

25 **Q.** So on June 29th, what -- what was the regular shift that

1 Detective Taylor got credit for?

2 **A.** It's essentially an 8:00 to 4:00. They would key it in as
3 7:39 to 4:15.

4 **Q.** And did you also obtain records from the cell phone
5 carrier that provided service to Detective Taylor's cell phone?

6 **A.** Yes.

7 **Q.** And did that information include location information for
8 the cell phone?

9 **A.** Yes.

10 **Q.** And what do the phone records show was the location of
11 Detective Taylor's cell phone that morning on the 29th?

12 **A.** The cell sites -- the cell site location for Mr. Taylor's
13 cell phone were all south of Baltimore until nearly 2 o'clock
14 that afternoon.

15 **Q.** All right. Now we're going to move forward in time to the
16 next pay period.

17 So we were talking about the pay period that was June 23rd
18 to July 6th.

19 Now we're going to talk about July 7th to July 20th, the
20 next 14 days; okay?

21 **A.** Okay.

22 **Q.** And the first pay period is also referenced as
23 Racketeering Act 1 as to Defendant Hersl; right?

24 **A.** Yes.

25 **Q.** And now in the next pay period, Racketeering Act 15 is as

1 to Hersl and 17 is as to Taylor; correct?

2 **A.** That's correct.

3 **MR. WISE:** All right. Now, if I could have FBI-9,
4 Page 12.

5 **BY MR. WISE:**

6 **Q.** This was a recording that was played with Mr. Gondo.

7 **MR. WISE:** And if you could enlarge the top third of
8 that, Mr. Kerrigan.

9 **BY MR. WISE:**

10 **Q.** This was the call where he testified that there was a gun
11 arrest at 4 o'clock, and it was -- do you recall who he said
12 did the gun arrest?

13 **A.** That was Taylor, Ward, and Hendrix.

14 **Q.** Okay. And have you reviewed the incident report for that
15 particular arrest?

16 **A.** Yes. It was an arrest in the 4600 block of Grindon.

17 **Q.** And according to that report, did Defendant Hersl
18 participate in that arrest?

19 **A.** No. The only people listed were Ward, Taylor, and
20 Hendrix.

21 **MR. WISE:** And if I could have Government
22 Exhibit PP-3A.

23 If you could enlarge that, Mr. Kerrigan.

24 **BY MR. WISE:**

25 **Q.** What's Government Exhibit PP-3A?

1 **A.** This is an overtime slip for Daniel Hersl for 7/14/16.

2 **Q.** And that's the same day as that call we just looked at?

3 **A.** Yes.

4 **Q.** And what does he -- what hours does he claim to have
5 worked?

6 **A.** The regular shift of 8:00 to 4:00 and then overtime, 4:15
7 to just past midnight, 12:15 a.m.

8 **Q.** So eight hours of overtime?

9 **A.** Eight hours.

10 **Q.** And what's the reason he gave for in the "Overtime Work
11 Performed. Explain" line?

12 **A.** It says HGV, a handgun violation. There's a CC number
13 that starts 4, dash. 4600 Grindon Ave, OIS crime suppression.

14 **Q.** And is that the gun arrest that Gondo testified was just
15 involving Hendrix and Ward and Taylor?

16 **A.** Yes.

17 **MR. WISE:** All right. And if we go to Page 2 of that
18 exhibit. And if you could enlarge the -- if we look at --
19 actually, if you give us a little bit further over, maybe the
20 next column or two.

21 **BY MR. WISE:**

22 **Q.** What's this?

23 **A.** This is a timecard, the eTIME[®] from ADP.

24 **Q.** For who?

25 **A.** This is Hersl.

1 **MR. WISE:** All right. Actually, I think,
2 Mr. Kerrigan, I think we need it one more column over, if you
3 could. There you go.

4 **BY MR. WISE:**

5 **Q.** And so what did -- in the eTIME[®] system, what was Hersl
6 given credit for on July 14th?

7 **A.** As you can see in the first in/out columns are 7:39 to
8 4:15 marked in yellow highlighter.

9 And then the next in/out column is the 4:16 to 12:15 a.m.
10 overtime shift.

11 **Q.** And then when was the wire that approved this timecard
12 down at the bottom?

13 **MR. WISE:** You can just do the far left just so it's
14 easier to read.

15 **THE WITNESS:** July 20th, 2016.

16 **MR. WISE:** And if I could have PP-3B. And if you
17 could enlarge that.

18 **BY MR. WISE:**

19 **Q.** What's this?

20 **A.** This is Detective Marcus Taylor's overtime slip for the
21 same day, July 14th, showing -- the only thing that's actually
22 filled out is the over -- the hours worked, the overtime hours
23 at 4:15 to 12:15 a.m.

24 **Q.** Is that the same overtime hours as were claimed on the
25 Hersl slip?

1 A. Yes.

2 Q. That's eight hours total?

3 A. Yes.

4 Q. And I know the assigned shift isn't checked; right?

5 A. That's correct.

6 Q. But if we look at the ADP time eTIME[®] system on the next
7 page --

8 MR. WISE: And if you could enlarge -- yeah, thank
9 you.

10 BY MR. WISE:

11 Q. What did he get -- what did Taylor get credit for in the
12 ADP eTIME[®] system on July 14th?

13 A. As you can see, the same two entries, the in/out on the
14 14th in yellow at 7:39 to 4:15.

15 The next two columns in and out, again, is 4:16 p.m. to
16 12:15 a.m.

17 Q. And when was the wire that approved this timecard?

18 A. This was also July 20th, 2016.

19 Q. Okay. And Detective Ward testified that he had
20 participated, actually, in the arrest; right?

21 A. Yes.

22 Q. And he testified that they had not worked that whole
23 period that day; correct?

24 A. Yes.

25 Q. And if we look at Detective Ward's overtime slip, I

1 believe that's 3 -- PP-3C or 3F.

2 **MR. WISE:** Can you bring that up, Mr. Kerrigan, PP-3F.
3 Yeah.

4 **BY MR. WISE:**

5 **Q.** What's the time that Detective Ward had put on his
6 overtime slip?

7 **A.** He listed his assigned shift 8:00 to 4:00; overtime hours
8 worked, 4:15 to 12:15 a.m.

9 **Q.** So same as what was claimed by Taylor?

10 **A.** Yes.

11 **Q.** All right. Now I want to go to the next pay period. This
12 will be now the pay period from June 21st to August the 3rd.
13 And, again, this is referencing Racketeering Act 18 as to Hersl
14 and 20 as to Taylor.

15 **MR. PURPURA:** July. July.

16 **MR. WISE:** I'm sorry. July. I apologize.

17 **BY MR. WISE:**

18 **Q.** July 21st to August 3rd is the pay period; is that
19 correct, Special Agent Jensen?

20 **A.** That's correct.

21 **Q.** And the racketeering acts are 18 as to Hersl and 20 as to
22 Taylor; right?

23 **A.** Yes.

24 **MR. WISE:** Okay. Now, if I could have FBI-9, Page 14.

25 And if you could just enlarge -- yeah, that's about

1 right, Mr. Kerrigan. If you can enlarge that upper third of
2 the page.

3 **BY MR. WISE:**

4 **Q.** This is the call the jury heard where Gondo and Rayam were
5 discussing that Jenkins said that only he and Gondo were going
6 to work that night; right?

7 **A.** That's correct.

8 **Q.** I think the phrase is he said, "Just y'all, too,"
9 something like that --

10 **A.** Yes.

11 **Q.** -- correct?

12 **MR. WISE:** Could I have Government Exhibit PP-4D.

13 And if you could enlarge that, please, Mr. Kerrigan.

14 **BY MR. WISE:**

15 **Q.** What's this?

16 **A.** This is Gondo's overtime slip for July 23rd, 2016.

17 **Q.** And what work -- what hours did he claim to work?

18 **A.** His assigned shift is 3:00 to 11:00 and then he put in
19 overtime from 11:15 p.m. until 3:15 the following morning.

20 **MR. WISE:** And if I could have Government
21 Exhibit PP-4A.

22 **BY MR. WISE:**

23 **Q.** What's this?

24 **A.** This is an overtime slip for Daniel Hersl.

25 **Q.** It's for the same day?

1 **A.** Same day. Assigned shifts are the same, 3:00 to 11:00.
2 Overtime hours, 23:15 to 03:15, or 3:15 in the morning.

3 **Q.** So he claimed the exact same time as Gondo?

4 **A.** Yes.

5 **Q.** All right. Even though Gondo testified it was only him
6 and Jenkins working?

7 **A.** Yes.

8 **MR. WISE:** And if I could have the next page from the
9 eTIME® system.

10 **BY MR. WISE:**

11 **Q.** This is for Hersl, right, the eTIME® printout for Hersl?

12 **A.** Yes.

13 **Q.** And what did he -- what was he -- bless you.

14 What was he given credit for on July 23rd for working? I
15 made a mess of it.

16 **A.** Do you want me to do it?

17 **Q.** Yeah. Why don't you do it. My fingers are too fat.

18 **A.** So the in and out is that first shift. So it's keyed in
19 as 2:39 to 11:15 a.m., so basically the 3:00 to 11:00. And
20 then the overtime shift starts here at 11:16 p.m. and runs to
21 3:15 a.m.

22 **Q.** Okay. And when was the date -- when was the wire that
23 approved this timecard?

24 **A.** August 3rd, 2016.

25 **MR. WISE:** And if I could have Government

1 Exhibit PP-4B. And if you could enlarge that.

2 **BY MR. WISE:**

3 **Q.** What's this?

4 **A.** This is Marcus Taylor's overtime slip that same night,
5 7/23/16, showing a 3:00 to 11:00 again; same overtime hours,
6 23:15 to 3:15 the following morning.

7 **MR. WISE:** All right. And if we could see the next
8 page.

9 **BY MR. WISE:**

10 **Q.** Again, same as Gondo's?

11 **A.** Yes.

12 **Q.** All right. And if we could see the next page, what was
13 Taylor given credit for on July 23rd in terms of both regular
14 shift and overtime?

15 **A.** Same thing. So see the first in and out is 2:39 to 11:15.
16 And then the overtime shift at 11:16 to 3:15 a.m.

17 **Q.** And when was that wire -- when was that timecard approved?

18 **A.** That was also August 3rd, 2016.

19 **Q.** And did you review -- you've testified that you obtained
20 cell phone records for -- from Taylor's cell phone carrier;
21 right?

22 **A.** Yes.

23 **Q.** Including location information?

24 **A.** Yes.

25 **Q.** And where was Taylor's cell phone, at least, on July 23rd

1 of 2016?

2 **A.** Very late that evening he was -- his cell sites were in
3 New York City, midtown, sort of Midtown Manhattan.

4 **Q.** Now, I want to ask you about another day in this same pay
5 period, July 21st to August the 3rd. I want to ask you about
6 July 29th; okay?

7 **A.** Okay.

8 **MR. WISE:** If I could have Government Exhibit FBI-9,
9 Page 24, the transcript from the recording we heard.

10 And if you can enlarge that.

11 Thank you, Mr. Kerrigan.

12 **BY MR. WISE:**

13 **Q.** This is the call the jury heard where Gondo tells Rayam
14 that Taylor arrived at about 9:40 p.m., in the evening?

15 **A.** Yes.

16 **Q.** And in the call Gondo says that Taylor said he had -- he
17 was in Pennsylvania prior to that; right?

18 **A.** Yes.

19 **Q.** Did you obtain location information for Taylor's phone
20 from that evening?

21 **A.** Yes.

22 **Q.** And what does it show?

23 **A.** His phone was in Pennsylvania that afternoon, into the
24 evening.

25 And then as he made calls and registered with different

1 cell towers, his phone moved south along 83, into Baltimore,
2 arriving, I think, shortly before that phone call.

3 **MR. WISE:** And if we could have -- if I could have
4 Government Exhibit PP-5B.

5 If you could enlarge that.

6 **BY MR. WISE:**

7 **Q.** And what's this, Special Agent Jensen?

8 **A.** This is Marcus Taylor's overtime slip for July 29th, 2016,
9 showing a 3:00 to 11:00 assigned shift and then overtime hours
10 of 11:15 to 7:30 the following morning.

11 **Q.** And, again, where did you say, according to his -- well,
12 where was his cell phone until around 9:40 that night?

13 **A.** I mean, just after 9:00, he started getting to the city
14 limits, but he'd been in Pennsylvania that afternoon into the
15 early evening.

16 **Q.** And if we go to the second page, the eTIME® printout, this
17 is the eTIME® printout for Defendant Taylor; correct?

18 **A.** Yes.

19 **Q.** And if we look at July 29th, what was he given credit for
20 in terms of time?

21 **A.** So this one shows -- it's keyed in a little bit
22 differently. It just shows this shift here at 11:39. I got
23 the right -- no, I don't have the right line, actually.

24 Yeah, I think that's right, until 8:15. And then it shows
25 an overtime eight hours and fifteen minutes without giving

1 hours in and out.

2 **Q.** Okay. So the regular shift he was given credit for, as
3 was indicated on the slip was 11:00 -- about 11:00 to 3:00; is
4 that right? Or I'm sorry.

5 **A.** Actually, I think it says 11:39 a.m. to 8:15 p.m.

6 **Q.** 8:15.

7 And if -- can you tell what -- when the timecard was
8 approved, when was the wire approving the timecard?

9 **A.** Also August 3rd, 2016.

10 **MR. WISE:** And if I could have Government
11 Exhibit PP-5A.

12 If you can enlarge that.

13 **BY MR. WISE:**

14 **Q.** What's this?

15 **A.** This is Daniel Hersl's overtime slip for July 29th, 2016.

16 **Q.** And what were the hours claimed on this shift?

17 **A.** Showing assigned shift 3:00 to 11:00 and overtime hours of
18 11:15 p.m. to 7 -- I can't see the last digit, but it's likely
19 7:30 the next morning.

20 **MR. WISE:** And if I could see the second page of that.
21 And if you can enlarge --

22 **BY MR. WISE:**

23 **Q.** Is this the eTIME® printout for Defendant Hersl?

24 **A.** Yes.

25 **Q.** And what did he get credit for on the 29th?

1 **A.** So this shows in yellow the in/out, which is the 3:00 to
2 11:00, 2:39 to 11:15 p.m. And then the overtime shift, 11:16
3 to 7:30 a.m.

4 **Q.** And when was this wire approved?

5 **A.** August 3rd, 2016.

6 **Q.** I'm now going to ask you about the last pay period charged
7 in the indictment. This is the pay period from August the 4th
8 to August the 17th.

9 So that's Racketeering Act 21 as to Hersl and 22 as to
10 Taylor; okay?

11 **A.** That's correct.

12 **Q.** Now, I want to ask you --

13 **MR. WISE:** If you could put up on the screen FBI-9,
14 Page 28, Mr. Kerrigan.

15 And if you can enlarge the top third of that.

16 **BY MR. WISE:**

17 **Q.** This is the call where -- and we just heard this with
18 Mr. Gondo where Gondo tells Rayam that because Jenkins had been
19 out drinking late, he had pushed back the start of the day till
20 2:00 p.m.; correct?

21 **A.** That's correct.

22 **MR. WISE:** And if I could have Government
23 Exhibit PP-6A.

24 **BY MR. WISE:**

25 **Q.** What's that, Special Agent Jensen?

1 **A.** It's Daniel Hersl's overtime slip for August 8th, 2016.

2 **Q.** And when does he claim to have worked?

3 **A.** The shift hours are 8:00 a.m. to 4:00 p.m. And the
4 overtime is 12 hours and 45 minutes, from 4:15 p.m. to 5:00 the
5 next morning.

6 **MR. WISE:** And if we could see the second page of
7 that, Mr. Kerrigan. If you could enlarge the printout.

8 **BY MR. WISE:**

9 **Q.** This is the ADP eTIME® printout for Mr. Hersl; right?

10 **A.** Yes.

11 **Q.** Can you see August 8th?

12 **A.** Yes.

13 **Q.** And how much time was he given credit for on August the
14 8th?

15 **A.** This is the same thing, the in and out columns. The first
16 ones are 7:39 to 4:15 p.m. 4:16 p.m., in time for overtime;
17 out at, this says 5:00 a.m. the next morning.

18 **Q.** Okay. Now, for this same day, did you obtain information
19 from United Airlines for Detective Taylor?

20 **A.** Yes.

21 **MR. WISE:** And, Mr. Kerrigan, do we have that?

22 If you could bring up that exhibit.

23 **MS. WICKS:** Your Honor, may we approach?

24 **THE COURT:** All right.

25 (Bench conference on the record:

1 **MS. WICKS:** I thought he -- I was confused because he
2 was asking him questions about United, and then he pulled up
3 records that were not from United.

4 **MR. WISE:** I think that's just because Mr. Kerrigan
5 pulled up the wrong --

6 **MS. WICKS:** Okay. So -- but I'm saying that's what
7 was up on the screen.

8 **MR. WISE:** I was trying to get him to bring up the
9 right one.

10 **MS. WICKS:** Okay.

11 **THE COURT:** Okay. Great.

12 **MR. HINES:** We have a note, Ms. Wicks.

13 **THE COURT:** There is a Detective Hersl slip that's
14 June, which is supposed to be 2016 that shows it's 2015?
15 That's what the question is about.

16 It says [reading]: Hersl '15. Was Gondo '16 slip
17 different?

18 **MR. WISE:** I'll bring it -- the signature line has the
19 right date.

20 **MS. WICKS:** His slip has both dates on it.

21 **MR. WISE:** Yeah.

22 **THE COURT:** I'm sorry. What?

23 **MS. WICKS:** His slip has two different dates on it.

24 **MR. WISE:** The signature line. ADP shows it from '16,
25 so I can do that.)

1 (Bench conference concluded.)

2 **BY MR. WISE:**

3 **Q.** Before I ask you about United Airlines, I just want to go
4 back for a moment to June -- I believe it's June 24th. Let me
5 just get there in my notes.

6 **MR. WISE:** Could I have PP-1A, Mr. Kerrigan.

7 **BY MR. WISE:**

8 **Q.** Now, Special Agent Jensen, the date worked up in this
9 left-hand corner has 6/24/15; right?

10 **A.** Correct.

11 **Q.** But the signature date is actually 2016; right?

12 **A.** Correct.

13 **Q.** And when you compare this to the ADP eTIME[®] records, when
14 was he given credit for this -- these hours on June 24th, what
15 year?

16 **A.** 2016.

17 **Q.** All right. So that's -- if you could circle the time on
18 the eTIME[®] system, if you can see it. Right. 3:39.

19 And the Miller raid was, in fact, on June 24th of 2016;
20 right?

21 **A.** Right. That CC number doesn't exist for 2015. It's a
22 2016 arrest -- or incident report.

23 **Q.** I see. So that the CC -- and, right, and the timecard is
24 actually for June 23rd, 2016, to July 6th of 2016; right?

25 **A.** Correct.

1 Q. Okay. Now, I started to ask you about United Airlines'
2 records. Did you obtain United Airlines' records that show air
3 travel by Defendant Taylor?

4 A. Yes.

5 Q. And when did he take -- when does this show him traveling
6 and to where?

7 A. He went to the Dominican Republic in early August and
8 returned on August 9th.

9 Q. All right. And just to kind of orient us, we were --
10 before I asked you about the date discrepancy on June 24th, I
11 had been actually asking you about August the 8th; right?

12 A. Correct.

13 Q. And you had just testified about Defendant Hersl's
14 overtime slip for August 8th; right?

15 A. Yes. Correct.

16 Q. And so according to FBI-28, Defendant Taylor was in the
17 Dominican Republic on August the 8th; right?

18 A. Yes.

19 Q. And I don't know if you can tell us, I guess, where the --
20 well, whose name appears, I guess, here (indicating)?

21 A. So that's Marcus Roosevelt Taylor.

22 Q. And then what's the date of the travel here?

23 A. August 5th departure from Dulles, IAD Dulles, through
24 Newark to the Dominican Republic and then back on the 9th. And
25 that 9th return to is to DCA, so Washington National.

~~JENSEN DIRECT~~

1 **MR. WISE:** And if I could have --

2 **MS. WICKS:** Your Honor, can I just consult with
3 Government counsel briefly?

4 (Counsel conferred.)

5 **MR. WISE:** And if I could see Page 2 of PP-6B.

6 **MS. WICKS:** Your Honor, may we approach?

7 **THE COURT:** Okay.

8 (Bench conference on the record:

9 **MS. WICKS:** We don't have anything in our list or in
10 our book after FBI-23.

11 **THE COURT:** FBI-what?

12 **MS. WICKS:** 23.

13 **MR. WISE:** 28, I said, was added. We put it -- it was
14 produced in discovery, but it was added as an exhibit.

15 **THE COURT:** Okay. When was it added?

16 **MR. WISE:** This morning.

17 **THE COURT:** Did you tell them this morning?

18 **MR. WISE:** I thought I did.

19 **MS. WICKS:** No.

20 **THE COURT:** Well --

21 **MS. WICKS:** I'm not saying it wasn't in discovery.
22 I'm saying it wasn't in the exhibit list. It's not in the
23 exhibit books.

24 So he's sitting here talking about, in court,
25 something that he hasn't given us notice that he's going to

1 talk about today.

2 **MR. WISE:** I have given you notice. It's just we
3 didn't include it --

4 **THE COURT:** I'm --

5 **MS. WICKS:** There's a reason for having an exhibit
6 list and an exhibit book. It's going out the window --

7 **MR. WISE:** The other thing that's on the exhibit list
8 which I can use is his bank records show him using his ATM card
9 in the Dominican Republic, so I can do those next.

10 **THE COURT:** And is that in the exhibit book?

11 **MR. WISE:** Yes.

12 **THE COURT:** Okay. Well, obviously, it's --

13 **MS. WICKS:** I understand -- I'm sitting here in court,
14 and I don't have a copy.

15 **THE COURT:** So you still don't have a copy?

16 **MR. WISE:** I thought we had given you a copy. I
17 apologize. I thought we had given you a copy.

18 **MS. WICKS:** No.

19 **MR. WISE:** We have been adding exhibits as we go. I
20 didn't realize that wasn't given.

21 **MS. WICKS:** I don't think we're going to get to my
22 cross today, but it would be helpful to have copies of exhibits
23 even during direct.

24 **MR. WISE:** But I will point out that we have been
25 given exhibits by them as they walk up to the podium over and

1 over and over again without anything in advance: photographs,
2 records, all kinds of stuff.

3 **MS. WICKS:** Your Honor, there were three -- there were
4 five photographs that we used an hour after we downloaded them
5 from the Internet. So in the middle of the -- I don't think
6 he's talking about me.

7 **THE COURT:** Obviously, it is better to give them all
8 in advance. I understand that this document was provided in
9 discovery.

10 **MS. WICKS:** Yes.

11 **THE COURT:** Should have been. However, Mr. Wise
12 thought he did, but he didn't. And he should have. Told you
13 about it. You're asking about it right now. The banking
14 records you did have.

15 **MS. WICKS:** They're in the book.

16 **THE COURT:** I suppose if you want to make -- if you
17 want to say that the plane record is for identification only
18 until you've had a chance to look at it --

19 **MS. WICKS:** Yes.

20 **THE COURT:** -- you can do that. And if you've got a
21 copy, let's give her a copy now.

22 **MS. WICKS:** Thank you.

23 **THE COURT:** Okay.)

24 (Bench conference concluded.)

25 **MR. WISE:** Mr. Kerrigan, if I could have Exhibit PP-6,

1 I'll give you the letter.

2 Here we go, 6B, if I could have PP-6B.

3 **BY MR. WISE:**

4 **Q.** Special Agent Jensen, did you also obtain bank records
5 from Mr. Taylor from this period of August 5th to the 9th?

6 **A.** We did.

7 **Q.** And what do his bank records show? Where was his ATM
8 debit card being used?

9 **MR. WISE:** If you could enlarge that, Mr. Kerrigan,
10 the highlighted portion. Just the highlighted portion would be
11 fine. Thanks.

12 **BY MR. WISE:**

13 **Q.** Where are those -- where are those transactions?

14 **A.** Some of these are -- so if you look on the 8/10 on the
15 bottom here, this is Puerto Plata in the Dominican Republic, a
16 rental car.

17 This is probably another city in the Dominican Republic.

18 **Q.** And do these have sort of posting dates or the dates when
19 the transaction actually occurred?

20 **A.** Right. The column on the left is the date posted, so it's
21 likely a couple days after the transaction date.

22 **MR. WISE:** Okay. If we could see the next page in
23 PP-6B.

24 **BY MR. WISE:**

25 **Q.** Is this the ADP eTIME® record for Defendant Taylor for

1 this period, this pay period?

2 **A.** Yes.

3 **Q.** And what does it show he was given credit for on August
4 the 8th of 2016?

5 **A.** A regular shift, actually, as well as Friday, the 5th, and
6 the Monday, the -- it's Monday, the 8th; Tuesday, the 9th.

7 **Q.** All days when he was in the Dominican Republic?

8 **A.** Yes.

9 **Q.** And what was the date this wire was approved?

10 **A.** August 17th, 2016.

11 **MR. WISE:** If I could just have a moment, Your Honor.

12 **THE COURT:** Sure.

13 **BY MR. WISE:**

14 **Q.** We've already covered the exhibits we have for each pay
15 period. Did I -- I apologize, Special Agent Jensen. Did I
16 show you the overtime report for Defendant Hersl on this -- for
17 August the 8th as well?

18 **A.** I think we did that before we moved into this.

19 **Q.** Okay. Before we moved to Taylor. Okay.

20 Now, the jury heard testimony from Former Detective Rayam
21 that Defendant Hersl took about a --

22 **MR. PURPURA:** Judge, I'm not sure that's the
23 appropriate question as to paraphrase what someone has heard,
24 even though I did it.

25 **THE COURT:** It certainly has been done before, but if

1 you'd like to rephrase it, Mr. Wise.

2 **MR. WISE:** Sure.

3 **BY MR. WISE:**

4 **Q.** Did the top -- it's just as a transition to sort of get us
5 to the next topic.

6 The topic of whether Defendant Hersl took a month off to
7 work on his house came up in the course of trial; right?

8 **A.** It has.

9 **Q.** And when did Hersl close on his home?

10 **A.** July 20th was the settlement date.

11 **Q.** And where is that home?

12 **A.** In Joppa.

13 **Q.** Where is Joppa, Maryland?

14 **A.** It's northeast of Baltimore. If you were to go up 95.

15 **Q.** About how far --

16 **THE COURT:** What year are we talking about?

17 **THE WITNESS:** I'm sorry. 2016.

18 **THE COURT:** Thank you.

19 **BY MR. WISE:**

20 **Q.** I'm sorry. July 2016, you said, is the closing?

21 **A.** July 20th, 2016.

22 **Q.** And about how far north of Baltimore City or the Baltimore
23 city line is Joppa, Maryland?

24 **A.** Under 20 miles from the city line, maybe 15 to 17,
25 depending on the route.

1 **Q.** Now, did you look at Defendant Hersl's timecards for
2 August, so just about -- just after he closed on the house
3 through the -- August 2016 through the end of 2016?

4 **A.** Yes.

5 **MR. WISE:** And if I could have that exhibit.

6 (Counsel conferred.)

7 **BY MR. WISE:**

8 **Q.** So if we could look at FBI-27, is this the timecard
9 printout for Hersl from ADP?

10 **A.** Yes. It's several pages long 'cause it covers the period
11 from 8/1/2016 to 12/31/2016.

12 **Q.** All right. And the -- if you could describe just
13 generally, is -- what's being shown in terms of overtime, let's
14 say, in August and into September?

15 **A.** You can see the variance in the shift hours and the
16 overtime hours with, you know, extra columns of in and out
17 times. There's an overtime listed here, overtime here.

18 If you flip through to the next page, you see a contrast
19 with his hours worked.

20 **MR. WISE:** Okay. And if you could enlarge this part
21 of the record here (indicating).

22 **BY MR. WISE:**

23 **Q.** So from mid -- from mid September, from September the
24 13th --

25 **MR. WISE:** If you could go up just a little bit.

1 **BY MR. WISE:**

2 **Q.** -- through August -- I mean through October the 14th, is
3 there any overtime showing up?

4 **A.** That basically just shows several weeks of straight time.

5 **Q.** Did you compare his timecard to the rest of the GTTF for
6 this one-month period from mid September to mid-October?

7 **A.** Yes.

8 **Q.** And what did you see in terms of overtime by the other
9 members of the GTTF?

10 **A.** So the rest of the members of the GTTF's overtime cards
11 looked -- or ADP entries looked like I was familiar with, with
12 days of overtime two, three, sometimes four times a week. None
13 of them looked like this.

14 **Q.** Now -- and did he start claiming overtime again after
15 October the 14th?

16 **A.** Yeah. If you flip to the next page, you'd see it picked
17 back up again.

18 **Q.** All right.

19 **A.** So you can see, you know, his overtime is listed here.
20 It's being entered a little differently without the in and out
21 columns.

22 **MR. WISE:** And if we could go back to the previous
23 page.

24 **BY MR. WISE:**

25 **Q.** In that four-week period from September the 13th to

1 October the 14th, does it show any vacation days being taken?

2 **A.** No.

3 **Q.** And did you see vacation days elsewhere in the timecard
4 for this period, from August to December of 2016?

5 **A.** Yeah. I think there's a day or two near Christmas. So
6 you will see a vacation entry, and I've seen them before.

7 **Q.** What about -- do you know anything about something called
8 VMI -- V-something medical incentive?

9 **A.** I have some familiarity. Very basic.

10 **Q.** All right. Do you know what the notation is for a VMI?

11 **A.** I don't know; but my understanding is it would be apparent
12 that there was a day off. It wouldn't just be a straight time.

13 **Q.** All right. So focusing on this one-month period --

14 **MR. WISE:** If you could enlarge that again,
15 Mr. Kerrigan.

16 **BY MR. WISE:**

17 **Q.** -- do you -- did you -- you testified that you looked --
18 that you obtained Defendant Taylor's cell phone records; right?

19 **A.** Yes.

20 **Q.** Did you also obtain Defendant Hersl's?

21 **A.** Yes.

22 **Q.** And did that include location data for his phone?

23 **A.** Yes.

24 **Q.** All right. Now, I want to -- I think I'm going to do this
25 with a demonstrative. I'm just going to put a --

1 (Counsel conferred.)

2 **BY MR. WISE:**

3 **Q.** I'm going to put a calendar up on the screen.

4 So this is September of 2016. We were just looking at the
5 timecard from September the 13th through October the 14th;
6 right?

7 **A.** That's correct.

8 **Q.** So I want to ask you some questions about what shift
9 Defendant Hersl claimed to work and then where he was --

10 **A.** Right.

11 **Q.** -- okay, where his cell phone was.

12 So, first, when we looked at the timecard, the week of
13 the -- well, starting on the 13th, what did he claim -- what
14 shift did he claim to be working?

15 **A.** So an 8:00 to 4:00. I think that was actually the only
16 day there was an overtime entry in ADP. It was a four- or
17 five-hour entry.

18 **Q.** On the 13th?

19 **A.** I think so.

20 **Q.** But for this, we'll start this way: 8:00 to 4:00 for the
21 13th, 14th, 15th, and 16th?

22 **A.** Correct.

23 **Q.** And based on the location of his phone -- and we'll go day
24 by day -- where was his phone on September the 13th?

25 **A.** So he had cell site activity in the -- and I'm just going

1 to list off the hours. It's 8 o'clock, 9 o'clock, 10:00,
2 12 o'clock; 1:00 in the afternoon; 2:00, 3:00, 4:00, and 5:00
3 in the afternoon were all generally in the area of his home, so
4 Bel Air or Joppa or Abingdon, up in that general area.

5 **Q.** Were there any cell tower hits in the city of Baltimore on
6 September the 13th?

7 **A.** No.

8 **Q.** Next day, September 14th, what was his cell activity on
9 September the 14th?

10 **A.** So there were only four cell sites, but they were in the
11 9 o'clock hour, the 10 o'clock hour, one nearly 1:30 in the
12 afternoon, and then 5 o'clock in the afternoon. And those were
13 all near his residence up in Joppa.

14 **Q.** Any cell tower hits in Baltimore City?

15 **A.** No.

16 **Q.** September 15th?

17 **A.** On the cell sites -- and I'll again list the hours off.
18 There was cell site activity 10 o'clock, 11:00 and 12:00, and
19 then 1:00, 3:00, and 4:00 in the afternoon.

20 **Q.** Where were they?

21 **A.** All generally in the Abingdon, Bel Air, or Joppa area.

22 **Q.** And any in Baltimore City?

23 **A.** No, not in the 8:00 to 4:00 shift.

24 **Q.** And September the 16th, the last day in that week, what
25 was the cell activity on September the 16th?

1 **A.** This one -- and this was -- yeah, first cell site was
2 around 11 o'clock. It was near his home. Later in the hour,
3 he was -- there were cell sites down in the Dundalk area.

4 **Q.** Where is Dundalk?

5 **A.** It's getting close to the line in Baltimore, so nearly the
6 city line, I guess.

7 **Q.** Is it in Baltimore County?

8 **A.** I think it is, yes.

9 **Q.** And then what?

10 **A.** No activity on the phone until after 3:30, at least
11 cell site activity. And at that time it was back near his
12 residence.

13 And then the remaining cell sites that evening were
14 around -- the general area around his house.

15 **Q.** So any cell hits in the city of Baltimore?

16 **A.** No. I think the closest was the Dundalk hits.

17 **Q.** All right. So for this first week, no cell hits in
18 Baltimore?

19 **A.** Yes.

20 **Q.** All right. Now, moving to the 19th, what shift did
21 Defendant Hersl claim to work from the 19th through the 23rd in
22 the -- on the timecard?

23 **A.** That week was 8:00 to 4:00.

24 **Q.** All right. And where was his phone on the 19th?

25 **A.** There was a cell site in the morning near 9 o'clock in the

1 morning generally near his house in Joppa. And then there
2 wasn't another cell site until 6:15 that evening, but it was
3 also at home.

4 **Q.** Any cell hits in Baltimore City?

5 **A.** No.

6 **Q.** What about September 20th?

7 **A.** There were only three cell sites in the daytime hours
8 during his shift, 10 -- about 10:30 in the morning and then
9 2:00, just after -- around or after 2:00 p.m. in the afternoon.
10 And they were all near his residence.

11 **Q.** Any cell hits in Baltimore City?

12 **A.** No.

13 **Q.** What about September 21st?

14 **A.** There was activity at 8 o'clock, 9 o'clock, 10:00, and
15 11 o'clock in the morning and then 1 o'clock in the afternoon.
16 And those cell sites were all in the Bel Air/Joppa area.

17 **Q.** Any cell hits in Baltimore City?

18 **A.** No.

19 **Q.** September 22nd?

20 **A.** There are only three cell sites that day: 10:30 in the
21 morning about, approximately, and then 3:30, approximately, and
22 nearly 6 o'clock at night.

23 **Q.** Where were they?

24 **A.** All generally near his residence.

25 **Q.** Anything in Baltimore City?

1 **A.** No.

2 **Q.** And then last day in that week, September 23rd?

3 **A.** There were cell sites for his phone nearly every hour:
4 8:00, 9:00, 10:00, 11:00, 12:00, 1:00, 2:00, and 4 o'clock
5 hours. All generally in the area of -- Bel Air area near his
6 residence, Joppa.

7 **Q.** Any in Baltimore City?

8 **A.** No.

9 **Q.** All right. So for this second week, no cell hits in
10 Baltimore; is that accurate?

11 **A.** Yes, although my primary focus was 8:00 to 4:00.

12 **Q.** Got it.

13 So within the assigned shift he claimed, no cell hits in
14 the city?

15 **A.** Correct.

16 **Q.** Now, moving to the next week, starting on the 26th, what
17 did he claim to work from the 26th in terms of his regular
18 shift through the 30th?

19 **A.** It was the same, 8:00 to 4:00.

20 **Q.** All right. And if you could walk us through each of those
21 days?

22 **A.** Sure. The Monday the cell site activity was in the 8:00,
23 9:00, 10:00, 11:00, 12:00, and 2:00 and 3 o'clock hours, all
24 Bel Air/Joppa/Abingdon general area around his residence.

25 **Q.** Anything in Baltimore City?

1 A. No.

2 Q. All right. Next day, the 27th?

3 A. 12 o'clock was the first cell activity, 1:00, 3:00, and
4 4 o'clock hours, again, all generally near his residence.

5 Q. And the next day?

6 A. The 28th, cell sites for his telephone were 10:00 and
7 11:00 in the morning, those hours, 1:00, 2:00, 3:00, 4:00, and
8 5 o'clock hours, generally around his residence.

9 Q. Anything in Baltimore City?

10 A. No.

11 Q. All right. What about the next day?

12 A. 8:00 in the morning, 11:00 in the morning, 12:00, 1:00,
13 2:00, 3:00, and 4 o'clock hours, all generally
14 Bel Air/Joppa/Abingdon.

15 Q. Any in Baltimore City?

16 A. No.

17 Q. All right. And now on the 30th, what did you see on the
18 30th?

19 A. The cell site activity around 9 o'clock was just south of
20 Baltimore, sort of toward -- getting toward and then toward
21 Glen Burnie.

22 And then by 11 o'clock, he was -- there was a
23 cell activity for his phone near Bel Air/Edgewood area.

24 12 o'clock, there was a cell site near his home.

25 And then 1 o'clock he was back down -- the cell site was

1 back down on east side of Baltimore for his phone.

2 And 2:00, 3:00, and 4 o'clock hours, the cell activity was
3 near his home.

4 **Q.** So did you say on the 30th, it was -- the phone actually
5 was in the -- on the east side of Baltimore?

6 **A.** Yeah. I would say in the morning there was a cell hit
7 somewhere just on the south edge of Baltimore, but then it
8 dropped into Glen Burnie a little bit further south. And then
9 around 1 o'clock, there was cell activity on the east side of
10 Baltimore.

11 **Q.** Okay. So no cell hits the 26th, 27th, 28th, or 29th; but
12 for the first time in this period on the 30th, you saw some
13 activity on the south side in the morning; is that right?

14 **A.** Correct.

15 **Q.** And then you said 11:00 a.m. near Edgewood?

16 **A.** Right. And he was -- by 12 o'clock, it was -- there was a
17 cell activity near his home. And then 1 o'clock it was back
18 down south again, cell activity on the east side of Baltimore.

19 **Q.** All right. So on the south of the city and on the east
20 side were the trip home in between?

21 **A.** Yes.

22 **Q.** All right. Now, if we go into October -- almost done.
23 The next week is October 3rd through the 7th. What did he
24 claim to work that week?

25 **A.** Another 8:00 to 4:00 that week.

1 Q. And where was the location of his cell phone in that
2 period, starting with the 3rd?

3 A. Monday, the 3rd, we had -- there were just three
4 cell sites or cell sites in the 8 o'clock hour in the morning,
5 2:00 p.m., and then 5 o'clock hours, all Bel Air/Joppa.

6 Q. All right. So nothing in Baltimore on the 3rd?

7 A. No.

8 Q. What about the 4th?

9 A. 8 o'clock, cell sites near his residence in Joppa. And
10 then 9:00, 11:00, and 12 o'clock in the morning, cell sites on
11 the -- generally on the east side of Baltimore.

12 Q. Okay. And then what about after that?

13 A. 1:00, 2:00, 3:00, 4:00, 5 o'clock in the afternoon. So
14 within those hours, cell site activity near his residence
15 again.

16 Q. So on the 3rd, no cell hits in Baltimore, but you said on
17 the 4th --

18 MR. WISE: I think my battery may have died.

19 THE CLERK: Okay. Use the microphone for the time
20 being, please.

21 BY MR. WISE:

22 Q. On the 4th you said in the morning it was on the east
23 side?

24 A. Yes. 9:00, 11:00, and 12 o'clock hours, generally in that
25 morning -- those morning hours he had cell activity. His phone

1 had cell activity on the east side of Baltimore, generally.

2 Q. But then you said back in the area of his home in the
3 afternoon?

4 A. 1 o'clock -- 1 o'clock through 5 o'clock hours, there was
5 cell activity in each of those hours near -- generally near his
6 residence, in that general area.

7 Q. And then what happened the next day?

8 A. On the 5th, the cell activity began around noon. And then
9 1:00, 2:00, and 4 o'clock in the afternoon, there was cell site
10 activity; and they were all -- all those cell sites were
11 registering near his residence.

12 Q. What about the 6th? What about the 6th?

13 A. 8:00, 9:00, and 11:00 in the morning, within those hours.
14 And then 12:00, 1:00, 3:00, 4:00, and 5:00, so throughout most
15 of the afternoon, cell activity where he was registering near
16 his residence or in Bel Air.

17 Q. Any involving --

18 **THE CLERK:** Excuse me, Mr. Wise (handing).

19 **BY MR. WISE:**

20 Q. Any in Baltimore City?

21 A. No.

22 Q. And if I didn't ask you this on the 5th, had there been
23 any -- I know you listed what the activity was. Was there any
24 in the city on the 5th?

25 A. No.

1 Q. All right. What about the 7th? I guess now we're up to
2 the end of the week, the 7th?

3 A. 8 o'clock in the -- in the 8 o'clock hour, there was
4 cell activity near his home or Bel Air and Abingdon and then
5 11:00 a.m., 2:00 p.m., and 4:00 p.m.

6 Q. Where was that?

7 A. Same.

8 Q. Near his home?

9 A. Yes.

10 Q. Any in the city?

11 A. No.

12 Q. All right. So for the rest of that week from the 5th
13 through the 7th, no cell hits in Baltimore?

14 A. Yes.

15 Q. And then the last week --

16 A. Again, it was daytime hours primarily.

17 Q. Right. On the assigned shift; right.

18 And now for the last week, the 10th to the 14th, what was
19 the assigned shift he claimed to work?

20 A. 8:00 to 4:00.

21 Q. All right. What was the location of his phone on the
22 10th?

23 A. 8 o'clock hour, the cell activity generally in the
24 Bel Air/Joppa/Abingdon area. And then the next cell activity
25 was at 12:00, in the 12 o'clock hour. 1:00, 2:00, 3:00, 4:00,

1 and 5 o'clock hours and all generally Bel Air, Joppa, or
2 Abingdon.

3 **Q.** Any in Baltimore City?

4 **A.** No.

5 **Q.** What about the 11th?

6 **A.** At 7:00 a.m., in that 7 o'clock hour in the morning, there
7 was cell activity in the east side of Baltimore.

8 **Q.** All right. And then what about after that?

9 **A.** And then 8 o'clock hour, 10:00 a.m., 11:00 a.m., 12:00 and
10 1:00 p.m., the cell activity was registering near his residence
11 or in the Bel Air/Abingdon area.

12 **Q.** Okay. What about the 12th?

13 **A.** One more entry there. Sorry.

14 The 5:00 to 6:00 p.m. hours -- it went that far into the
15 evening -- the cell activity was registering at towers in
16 Towson, Maryland.

17 **Q.** Okay. What about the next day, the 12th?

18 **A.** 10:00, 11 o'clock hours was the first cell activity, and
19 that was near his residence.

20 2 o'clock hour, cell activity was in the White Marsh area.

21 3 o'clock, activity near -- near his home in Joppa.

22 5 o'clock hour, there was cell activity near Middle River
23 in Baltimore County.

24 And then close to 6 o'clock hour, cell activity in
25 Rosedale, which is right on the line of Baltimore.

1 7 o'clock, cell activity back in Joppa near his house.

2 **Q.** So any -- any in Baltimore City during his 8:00 to 4:00
3 shift?

4 **A.** Rosedale is very close. It's right on the line, so that
5 would be that --

6 **Q.** What time did you say that was?

7 **A.** 6 o'clock.

8 **Q.** All right. So 6:00 p.m., Rosedale, but that was the first
9 hit that day --

10 **A.** Yes.

11 **Q.** -- in the city?

12 What about the 13th?

13 **A.** The first cell activity was 10:00 a.m. in Edgewood,
14 generally. 11:00 down in Rosedale, so close, right on the city
15 line.

16 And there was cell activity in the 12 o'clock hour just
17 south of Baltimore but right on the line.

18 But then at 1 o'clock, there was cell activity in that
19 1 o'clock hour in White Marsh.

20 **Q.** Okay. And that's north of the city?

21 **A.** Just north, right.

22 And 3 o'clock hour, there was cell activity near his
23 residence in the Joppa area.

24 **Q.** All right. So in the a.m., it was near the city, you
25 said?

1 **A.** On the 13th, 11:00 a.m., yeah, Rosedale again. And
2 12 o'clock, on the south side of Baltimore, in the very
3 southern edge.

4 **Q.** Got it.

5 And then how about the 14th?

6 **A.** The cell activity was limited to just the 9 o'clock hour
7 in the morning, 11 o'clock hour, and the 3 o'clock hour, in the
8 afternoon.

9 **Q.** And where --

10 **A.** Generally near -- I take that back. Generally near home,
11 Bel Air/Joppa. There was cell activity around 10:00 a.m., in
12 that hour in Baltimore. And then by 11:00 a.m., it was back
13 near Abingdon.

14 **Q.** Okay. And you said on the 10th there had been no
15 cell hits. I just want to finish filling this in.

16 So in this four-week period, nothing the 13th through the
17 16th in Baltimore; right?

18 **A.** Right, during shift hours.

19 **Q.** Right. Nothing the 19th through the 23rd; right?

20 **A.** Yes.

21 **Q.** First time we see anything highlighted was on the 30th,
22 sort of on the south side. And then on the east side; is that
23 right?

24 **A.** Yes, that's correct.

25 **Q.** And then in October nothing on the 3rd; some morning hits

1 on the east side on the 4th; nothing the 5th through the 7th;
2 right?

3 **A.** Correct.

4 **Q.** Nothing on the 10th; right?

5 **A.** Correct.

6 **Q.** An early morning hit in East Baltimore on the 11th?

7 **A.** Yes.

8 **Q.** But then hits near his home for the rest of the day?

9 **A.** Yes.

10 **Q.** On the 12th, after the shift around 6:00 p.m., a hit near
11 the city line and Rosedale?

12 **A.** Yes.

13 **Q.** On the 13th, some hits near the city. And at noon on the
14 south side; is that right?

15 **A.** Yeah, 11:00, noon, yes.

16 **Q.** But then back at the residence location in the afternoon?

17 **A.** 1 o'clock hour, White Marsh.

18 **Q.** White Marsh.

19 **A.** And then 3 o'clock, near home.

20 **Q.** And then on the 14th, 10:00 a.m., you said, in the -- in
21 Baltimore?

22 **A.** Yes.

23 **Q.** And those are the only -- the days that are highlighted
24 are the only days in this whole period where you saw those
25 hits; right?

~~JENSEN DIRECT~~

1 A. Yes.

2 Q. Okay. Now, did you also obtain receipts from Lowe's and
3 Home Depot for this period?

4 A. Yes.

5 MR. WISE: And exhibit number on that, Mr. Kerrigan?

6 BY MR. WISE:

7 Q. FBI-26. And if you could explain what FBI-26 is,
8 Special Agent Jensen.

9 A. So I went through the receipts and wrote down the receipt
10 date and time.

11 Q. And where are these receipts from?

12 A. They were seized during a search warrant executed at
13 Mr. Hersl's residence on March 1st, 2017.

14 Q. Okay. And you started to say you went through those, and
15 what did you find?

16 A. All right. Focusing primarily on that one-month or
17 five-week period, I went through the receipts and noted the
18 date and time of the receipt, also noting what the scheduled
19 work shift was. That's just coming from the ADP entry that we
20 looked at.

21 And then the merchant the receipt was from and the
22 location of the merchant, so the address that was on the
23 receipt.

24 Q. So give us a couple of examples, just to sort of talk us
25 through it.

1 **A.** Sure. So I guess I'll give you this one as an example.
2 On the 15th, September 15th, there are actually multiple
3 receipts that day. They were dated 1:29 p.m.; 8:52 a.m., which
4 was actually a return of merchandise; and then a 9:28 a.m.
5 receipt. They were all from Lowe's in Abingdon.

6 **Q.** And you said Abingdon is north of the city?

7 **A.** Correct. It's just -- I think if you travel down 24 from
8 Bel Air, you can hit -- so between like Bel Air and Abingdon is
9 about six miles. Actually, it's about six miles between the
10 Home Depot and the Lowe's along 24.

11 So the residence in Joppa is just a little closer to the
12 Bel Air location than the Abingdon.

13 **MR. WISE:** Can you show us the second page of this,
14 Mr. Kerrigan.

15 If you can flip it.

16 Can't flip it? Okay. Sorry.

17 **BY MR. WISE:**

18 **Q.** I'm not going to take you through each of these entries,
19 Special Agent Jensen, but we just saw the first page. Here's
20 the second page.

21 Are all these entries for receipts at either Lowe's or
22 Home Depot -- maybe one at Macy's -- during the shift that
23 Defendant Hersl claimed to be working?

24 **A.** Yes. One or two of the receipts may be later than
25 4 o'clock, but we have included them.

1 Q. Okay. I'm trying to see if I see those.

2 A. Perhaps the second page.

3 Q. Doesn't look like you included --

4 A. Maybe I'm mistaken. Maybe not.

5 Q. And what were these receipts for, just generally?

6 A. I'm not great at reading Home Depot receipts, but it
7 looked like construction equipment. So I saw things like sand
8 and fiberboard or something like as if you were going to do a
9 bathroom over in your house.

10 It looked -- some of the receipts were expense -- you
11 know, three, four, five hundred dollars. So it looked like it
12 might have been a tool that was purchased.

13 Q. Okay. And did you also look at the cell phone data that
14 you testified about to see if Defendant Hersl's cell phone was
15 at these locations at or around the time listed on the
16 receipts?

17 A. I did.

18 Q. And what did you find?

19 A. Yeah, there were several -- I could list them off, but
20 there were several days when the -- there was a call that
21 registered with a cell tower in the vicinity, you know, where
22 the cell tower's right on top of or very, very close to either
23 that Lowe's or that Home Depot within a, you know, maybe
24 30 minutes to 40 minutes from when the register receipt was
25 listed. I looked for that.

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

2 Thank you, Special Agent Jensen.

3 **THE COURT:** All right. Can I see counsel briefly at
4 the bench.

5 (Bench conference on the record:

6 **THE COURT:** I'm assuming everyone would like to do
7 cross tomorrow.

8 **MS. WICKS:** That would be my preference. There's
9 still one more exhibit I don't have.

10 **THE COURT:** Okay. All right. I will send the jury
11 out, and then we can talk about what else might be happening
12 tomorrow.

13 **MR. WISE:** Okay.)

14 (Bench conference concluded.)

15 **THE COURT:** All right. Ladies and gentlemen, this
16 would appear to be a good opportunity to recess for today.
17 You'll be hearing some more testimony tomorrow, so we'll please
18 ask you to be back here at 10 o'clock tomorrow morning and we
19 will continue.

20 And thank you very much.

21 (Jury excused at 4:55 p.m.)

22 **THE COURT:** You can step down.

23 You can be seated.

24 I'll just inquire of the Government: After
25 Special Agent Jensen, where do we go next?

1 **MR. WISE:** We have one remaining witness, Your Honor,
2 James Kostoplis.

3 **THE COURT:** Okay.

4 **MR. WISE:** And he'll be a very -- it'll be a -- he's a
5 brief witness. So we should be -- we should conclude our
6 presentation of evidence not long after we start the 10 o'clock
7 hour.

8 **THE COURT:** All right. Mr. Purpura, will you be
9 calling witnesses tomorrow?

10 **MR. PURPURA:** We will, Your Honor. We have at least
11 two Baltimore City Police detectives which will be here by noon
12 and 1 o'clock tomorrow. The Court directed me to have
13 witnesses at that time.

14 **THE COURT:** Will be here by noon. Okay.

15 **MR. WISE:** Could we ask them to come early -- could we
16 ask them to come earlier so that --

17 **MR. PURPURA:** This has not been easy for me to
18 communicate with them, but I'll do my best to get them here at
19 11:00. How's that sound? Or even 10:00.

20 **THE COURT:** If you can. 11:00 would be better. I
21 appreciate the difficulties.

22 And, Ms. Wicks, Mr. Nieto?

23 **MS. WICKS:** We have one or two possible witnesses.

24 **THE COURT:** Who will be available tomorrow afternoon?

25 **MS. WICKS:** Yes.

1 **MR. WISE:** Could we know who the possible -- at least
2 the possible witnesses are?

3 **MS. WICKS:** It's something that's still being
4 investigated. When we make that decision, we'll let them know.

5 **THE COURT:** Can you get them an e-mail tonight so
6 they'll know before --

7 **MS. WICKS:** If we have the answer tonight, yes.

8 **THE COURT:** -- tomorrow?

9 And has Mr. Purpura provided --

10 **MR. PURPURA:** I've given the Government --

11 **THE COURT:** They know.

12 **MR. PURPURA:** -- names, phone numbers, and
13 information.

14 **MR. WISE:** So which of the -- you can tell us later.
15 Which of the names of the two? Sounds like we're down to two.

16 **THE COURT:** Okay. Perhaps Mr. Purpura can let you
17 know that.

18 **MR. PURPURA:** Me? I've given you mine.

19 **MR. WISE:** Well, we'll talk after.

20 **THE COURT:** Just talk. Okay. Just talk.

21 That may not fill up the entire day tomorrow, is what
22 it sounds like.

23 So do we know yet if your clients have made an
24 election about testifying?

25 Mr. Purpura?

1 **MR. PURPURA:** I don't know still at this moment. I'm
2 sorry. I can tell you tomorrow morning, but I can't tell you
3 tonight.

4 **THE COURT:** Okay. Ms. Wicks?

5 **MS. WICKS:** We don't have a final answer either,
6 Your Honor.

7 **THE COURT:** All right. Then we'll do that tomorrow
8 morning.

9 Anything else anybody wants to anticipate for
10 tomorrow?

11 **MR. WISE:** Your Honor, if the defendants elect not to
12 testify and we don't take up the full day, would Your Honor
13 expect closings tomorrow or would that roll into Wednesday?
14 Just for planning purposes.

15 **THE COURT:** I think we would probably want everybody
16 to roll -- everybody would want to roll into Wednesday. Also,
17 we will need to talk about jury instructions, because I
18 instruct before closings.

19 So I expect we'll have -- if the choice is not to
20 testify, we'll still have -- we'll need to talk about the jury
21 instructions.

22 I have a draft this morning, I got some additional
23 instructions from you all, which I was actually going to go
24 through and see about incorporating them tonight so I would
25 have another draft of the jury instructions first thing in the

1 morning.

2 **MR. WISE:** And I owe Ms. Childs a Word version, which
3 I'll send her as soon as we come back so she has it.

4 **THE COURT:** Okay. Yes, that would be helpful.

5 Do defense counsel at this point, do you have -- I
6 know we haven't had a chance to talk about what you agree or
7 don't agree with, but do you have any additional different
8 instructions, jury instructions, that you want me to consider?

9 **MR. PURPURA:** I do. I was going to give it written
10 tomorrow.

11 **THE COURT:** Well, written would be better.

12 **MR. PURPURA:** I will definitely give you the written
13 instructions tomorrow, yes.

14 **THE COURT:** Okay. Do you know?

15 **MS. WICKS:** No, Your Honor, we don't.

16 **THE COURT:** You do not have anything different?

17 **MS. WICKS:** No.

18 **THE COURT:** All right. Yes, as soon as you have
19 something in writing for me to look at, Mr. Purpura, that will
20 be great.

21 Anything else?

22 **MR. WISE:** I don't believe so, not from the
23 United States, Your Honor. Thank you.

24 **THE COURT:** Okay. I suppose I should ask, in addition
25 to letting the Government know whatever as soon as you can

1 about witnesses, do you have exhibits that you're planning to
2 offer? And if so, have they been provided?

3 **MR. PURPURA:** I'm sorry. I missed that.

4 **THE COURT:** Do you have exhibits in addition to the
5 witnesses? I'm sorry. Do you have exhibits that you would
6 be --

7 **MR. PURPURA:** No, nothing new, no.

8 **THE COURT:** Nothing that hasn't been turned over to
9 the Government already.

10 **MR. PURPURA:** Yeah. There are no exhibits with these
11 witnesses.

12 **THE COURT:** Okay. Great. That's what I was asking.
13 Perhaps not clearly enough.

14 Ms. Wicks?

15 **MS. WICKS:** We don't have any exhibits from these
16 potential witnesses that we may not call.

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

18 **MR. WISE:** We also sent a revised verdict form,
19 Your Honor, with the additional instructions --

20 **THE COURT:** Yes, you did.

21 **MR. WISE:** -- also sent.

22 **THE COURT:** You did.

23 So depending on what happens, we may spend tomorrow
24 afternoon going through instructions and verdict sheets and so
25 forth, depending on the decisions that are made about

1 witnesses.

2 All right. Thank you, all.

3 (Court adjourned at 5:01 p.m.)

4 INDEX

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9
10 I, Douglas J. Zweizig, RDR, CRR, do hereby certify that
11 the foregoing is a correct transcript from the stenographic
12 record of proceedings in the above-entitled matter.

13 _____
/s/

14 Douglas J. Zweizig, RDR, CRR
15 Registered Diplomat Reporter
16 Certified Realtime Reporter
17 Federal Official Court Reporter
18 DATE: August 16, 2018
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