

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 - EXCERPT

TESTIMONY OF MOMODU GONDO

For the Plaintiff:

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2 William B. Purpura, Jr., Esquire
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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

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(Excerpted as follows:

(10:08 a.m.)

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.

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

2 A. Working.

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

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

5 Q. And what did you steal from them?

6 A. Money.

7 Q. Did you also steal personal property?

8 A. Yes.

9 Q. Did you also steal drugs?

10 A. Yes.

11 Q. And what did you do with the drugs that you stole from
12 people?

13 A. Sold 'em.

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

15 A. Kept it.

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

18 A. Yes.

19 Q. And what did you do with that?

20 A. Gave it to a friend.

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

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

25 Q. Now, you testified that you robbed people. When did you

1 start robbing people?

2 **A.** This started when I got into a specialized unit.

3 **Q.** And approximately what year was that?

4 **A.** I would say about '08, '09.

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

6 **A.** No.

7 **Q.** Who did you do it with?

8 **A.** People in my squad.

9 **Q.** And did that continue up through the time you were
10 arrested in this case?

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

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

13 **A.** I would say probably 2010.

14 **Q.** And when you joined the Gun Trace Task Force, did you rob
15 people?

16 **A.** Yes.

17 **Q.** And who did you rob people with on the
18 Gun Trace Task Force?

19 **A.** People on my squad.

20 **Q.** And who are they?

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

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

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

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

3 A. Yes.

4 Q. Including Defendants Hersl and Taylor?

5 A. Yes.

6 Q. Did you physically restrain people with handcuffs when
7 they were being robbed?

8 A. Yes.

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

10 A. Yes.

11 Q. Including Defendants Hersl and Taylor?

12 A. That's correct.

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

15 A. Yes.

16 Q. And I think you've -- you've said this, but why did you do
17 that?

18 A. Basically, to cover up our tracks. When we wrote incident
19 reports, if money was taken, if a person had \$10,000, we may
20 write we only have \$5,000. Take the 5,000 and submit the other
21 five. Or sometimes just take everything.

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

24 A. Yes.

25 Q. And what were you charged with?

~~CONDO DIRECT~~

1 **A.** Conspiracy to distribute a hundred grams or more of
2 heroin.

3 **Q.** And what did you plead in that case?

4 **A.** Guilty.

5 **Q.** And why did you plead guilty?

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

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

8 **A.** Conspiring to assist members of the Shropshire
9 organization distribute heroin through Baltimore City.

10 **Q.** And how did you do that? How did you help them in the
11 Shropshire drug case?

12 **A.** By giving them information about police officers'
13 whereabouts when they were committing they own crimes of
14 selling drugs in the Northeast area.

15 **Q.** And did you have a personal relationship with members of
16 the Shropshire drug organization?

17 **A.** Yes.

18 **Q.** And who were those people?

19 **A.** Antonio Shropshire and Glen Wells.

20 **Q.** How did you come to know, first, Glen Wells and then
21 Antonio Shropshire?

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

24 And Antonio Shropshire, I've known him through Wells for
25 about five years. We got real close from 2010 until about

1 now -- I mean 2012 until about now.

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

5 **A.** Yes.

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

7 **A.** Basically, my childhood friend came, propositioned me
8 about an individual having \$100,000 in his home, in an
9 apartment.

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

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

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

18 **A.** I was serving as a lookout adjacent from the apartment
19 building.

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

21 **A.** Yes.

22 **Q.** And what happened after they came out?

23 **A.** Once they came out, we met at my home, condo in
24 Owings Mills, and we split some money. It was heroin and it
25 was some jewelry, watches and necklaces.

~~GONDO DIRECT~~

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

2 A. Yes. It was a Glock.

3 Q. And where did the gun go?

4 A. To Glen Wells.

5 Q. And what happened with the money and the drugs and the
6 jewelry?

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

8 Q. Split up among who?

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

11 Q. And just briefly, who was Twan?

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

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

16 A. Yes. He provided Kyle with information.

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

18 A. Yes.

19 Q. And describe to the members of the jury the circumstances
20 of that shooting.

21 A. This happened 12/5/06. I was working in Northwest --
22 Northwest District in patrol at the time. I was working
23 overtime, worked a double, went home, drove home after work,
24 stopped at a carryout, Stoko's on York Road, grabbed a
25 cheesesteak, paid for it, drove home, sat outside my parents'

1 house, which was on The Alameda in the Northeast of Baltimore.

2 As I sat in the car, I saw two individuals walk directly
3 towards my car. I hung up the phone with my girlfriend at the
4 time, stepped out of the vehicle. Once I stepped out of the
5 vehicle, I faced them head on.

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

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

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

16 **A.** Not at all.

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

18 **A.** From -- I was raised in Baltimore. The information I got
19 from just people in the neighborhood was that this person was
20 committing robberies in the area of Moravia, and he just came
21 to the northeast side of town where we lived at to rob people.

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

~~CONFIDENTIAL~~

1 **A.** Yes.

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

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

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

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

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

16 **A.** Yes.

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

19 **A.** Be 100 percent truthful. Also, any knowledge of anything
20 that I have done in the past or any knowledge of any type of
21 corruption, whether it be partners, supervisors, or anybody I
22 work with, give the information to the Government.

23 **Q.** And you testified you have to be truthful. What happens
24 to your plea agreement if you're not truthful?

25 **A.** If I'm not truthful, the Government can basically offer at

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1 sentencing any recommendation that they -- that they -- that
2 they -- that they deem fit.

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

5 A. Leniency.

6 Q. And what -- how would -- what form would that leniency
7 take?

8 A. As far as?

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

10 A. The Government.

11 Q. And have you been sentenced?

12 A. No.

13 Q. And who will sentence you?

14 A. The Government.

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

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

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

18 A. Not at all.

19 Q. And even if the United States were to recommend a lower
20 sentence, does Judge Blake have to follow the Government's
21 recommendation?

22 A. Not at all.

23 Q. Have any promises been made to you as to what your
24 sentence actually will be?

25 A. None whatsoever.

~~CONFIDENTIAL~~

1 Q. What is the maximum penalty you face, first, in the
2 racketeering case? What --

3 A. 20 years.

4 Q. 20 years?

5 A. Yes.

6 Q. And what is the maximum penalty for the drug charges you
7 pled guilty to?

8 A. 40 years.

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

11 A. Yes, correct.

12 Q. And are you in jail right now?

13 A. Yes.

14 Q. Why?

15 A. 'Cause I'm guilty.

16 Q. And who prosecuted you in these cases?

17 A. The Government.

18 Q. Now, you testified that you grew up in Baltimore City.
19 How far did you go in school?

20 A. I did some college.

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

22 A. 11/29/05.

23 Q. And where were you first assigned?

24 A. Northwest District patrol.

25 Q. And when did you become a detective?

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

2 **Q.** When you testified you first joined a specialized unit?

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

4 **Q.** And is that when the robberies began?

5 **A.** That's correct.

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

8 **A.** Yes.

9 **Q.** At some point after that, did Defendant Hersl join the
10 Gun Trace Task Force?

11 **A.** Yes.

12 **Q.** And at some point after that, did Defendant Taylor join
13 the Gun Trace Task Force?

14 **A.** Yes.

15 **Q.** You testified that your first sergeant or one of your
16 early sergeants was Sergeant Allers; right?

17 **A.** Yes.

18 **Q.** Who became the sergeant after Sergeant Allers?

19 **A.** Wayne Jenkins.

20 **Q.** And what, if anything, did Wayne Jenkins tell you about
21 Defendant Hersl when he became the sergeant in charge of the
22 Gun Trace Task Force?

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

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

1 mean?

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

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

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

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

16 **A.** Yes.

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

19 **A.** That's correct.

20 **Q.** Now, I first want to ask you about an incident that
21 happened on July 8th of 2016; okay?

22 **A.** Okay.

23 **Q.** Is this one of the robberies you admitted to committing in
24 your plea agreement?

25 **A.** Yes.

~~CONFIDENTIAL~~

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

3 A. Yes.

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

5 A. You mean at what time or --

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

8 A. This was in the Owings Mills area.

9 Q. And who was with you?

10 A. Myself, Rayam, John Clewell, Daniel Hersl -- and
11 Dan Hersl.

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

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

15 Q. And were they arrested?

16 A. No.

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

18 A. They were placed in handcuffs.

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

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

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

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

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

25 A. No.

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

3 A. No.

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

7 A. Yes.

8 Q. And what did you see?

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

13 That's basically it.

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

19 Q. When you said "we," I wanted to first follow up and ask
20 you, who's "we" when you were doing these surveillance --
21 surveillances, the two of them?

22 A. Myself, Rayam, Hersl, and Wayne Jenkins.

23 Q. Now, when you said Wayne saw something, I guess, on the
24 second occasion --

25 A. Yes.

~~CONFIDENTIAL~~

1 Q. -- what did Jenkins tell you he saw?

2 A. He basically told me he saw a black Honda with New York
3 plates pull right beside the individual -- individual we were
4 targeting. A bag was exchanged. The black Honda then sped
5 off.

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

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

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

10 A. Money.

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

13 A. Yes.

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

15 A. Yes, he lied.

16 Q. Do you know where Rayam got the information he put in his
17 search warrant?

18 A. As far as?

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

20 A. My years knowing Rayam, anything involving money, you
21 know, he's just going to, you know, just write anything to get
22 inside the house.

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

25 A. From my recollection -- recollection, Rayam told me that

1 his informant advised him that the target was a big-time drug
2 dealer. Anytime you dealing with big-time drug dealers, you
3 either going to have large amount of drugs or large amount of
4 money.

5 **Q.** And what were your intentions with -- what were you going
6 to do with drugs if you found them? And what were you going to
7 do with money if you found them?

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

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

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

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

19 **A.** Yes.

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

21 **A.** Yes.

22 **Q.** Was Hersl armed?

23 **A.** Yes.

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

1 A. Yes.

2 Q. Were they free to go if they wanted to leave at that
3 point?

4 A. Not at all.

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

7 A. Rayam.

8 Q. Did Rayam take anything from him?

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

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

11 A. Placed it in his pocket.

12 Q. Did he turn it in?

13 A. No.

14 Q. Were any drugs found on Ronald Hamilton?

15 A. No.

16 Q. What about Nancy Hamilton?

17 A. No.

18 Q. What about in their car?

19 A. No.

20 Q. Once they were detained and in handcuffs, what happened to
21 them?

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

25 Q. And I'm going to play for you a call. This is -- the

1 audio is FBI-8, and the transcript is FBI-9 on Page 9. It will
2 just take a second to bring that up.

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

7 **A.** Okay.

8 (Audio was played but not reported.)

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

10 **BY MR. WISE:**

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

12 **A.** Yes.

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

14 **A.** Wayne Jenkins.

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

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

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

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

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

25 **A.** No.

1 Q. And when -- when Jenkins says, "Then introduce me as the
2 U.S. Attorney" -- I think this is probably obvious, but was
3 Wayne Jenkins the U.S. Attorney?

4 A. No.

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

6 A. Yes.

7 Q. All right. Now, what happened once you got there? Take
8 us through what happened once you got to the barn with the
9 Hamiltons.

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

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

14 A. Myself, Rayam, Hersl.

15 Q. And who was inside when you got there?

16 A. Shortly -- it was other squads and other individuals in
17 the barn as well.

18 Q. Was Jenkins there?

19 A. He came, yes. He ended up pulling up.

20 Q. All right. And then once you and Rayam and Hersl
21 brought -- you said "the male." Is that Mr. Hamilton?

22 A. Yes.

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

24 A. We began to debrief him.

25 Q. Who debriefed Ronald Hamilton?

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

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

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

7 **Q.** And what were the questions that were asked of
8 Mr. Hamilton?

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

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

15 **A.** Basically, we were interested in -- into getting a bigger
16 target.

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

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

20 **Q.** Well, if he had set up a bigger target, what would you
21 have done?

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

24 **Q.** All right. Now, you said he told you -- well, you said he
25 was asked if he had drugs and if he had money and if he could

1 set someone up. Let's go through each of those.

2 What did he tell you about whether he had any drugs at his
3 house?

4 **A.** No, no drugs.

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

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

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

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

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

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

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

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

19 **Q.** And then once he -- once Mr. Hamilton said he didn't have
20 any drugs at his house but he did have money, what did -- what
21 happened next?

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

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

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

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

4 **A.** Yes.

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

6 **A.** No.

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

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

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

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

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

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

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

19 **A.** It was a dud house. It wasn't going to have anything in
20 it. If -- if we believed there was going to be drugs or gun or
21 anything in it, one of us would have split off and went to that
22 house.

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

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

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

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

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

9 **A.** Yes.

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

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

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

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

21 **Q.** And if money is taken, who keeps it or where does it go?

22 **A.** As far as?

23 **Q.** Is it shared?

24 **A.** Yes.

25 **Q.** Among the people that are going to the house or the

1 search?

2 **A.** Yes.

3 **Q.** And you said there's a group conversation. Was there a
4 group conversation here?

5 **A.** As far as -- what do you mean?

6 **Q.** Before you went to the Hamiltons' house.

7 **A.** No, it wasn't a group conversation when we went -- before
8 we went to the Hamiltons' house.

9 **Q.** Was there a group conversation at some point later?

10 **A.** Yes.

11 **Q.** And when did that happen?

12 **A.** Once we left the location of Mr. Hamilton's house, we went
13 to a local bar in the area. And Wayne Jenkins made a comment
14 of basically saying that, you know, we can do this -- we can do
15 this -- we can do this three times a year, but don't be greedy,
16 referring to money, taking money.

17 **Q.** And I'm going to -- I want to walk through what happened
18 at the house. But when you said Jenkins afterwards said, "We
19 can do this three times a year," what had just happened?

20 **A.** Money had been taken.

21 **Q.** From where?

22 **A.** Westminster.

23 **Q.** The Hamiltons' house?

24 **A.** Yes.

25 **Q.** All right. And I want you to sort of walk us through what

1 happened at their house before -- before the conversation you
2 just described.

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

6 **A.** Westminster, Maryland.

7 **Q.** Were they brought back to their house?

8 **A.** Yes.

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

10 **A.** We did.

11 **Q.** And who's "we"?

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

13 **Q.** And who drove the Hamiltons back to the house, if you
14 remember?

15 **A.** We -- yeah. I can't remember. We all drove. We -- I
16 can't remember if I had Mr. Hamilton and his wife in the car,
17 but we all drove 'em.

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

19 **A.** One.

20 **Q.** And what other vehicles were taken back to the Westminster
21 house?

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

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

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

1 Q. Who's "we"?

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

3 Q. Okay.

4 A. Entered the location, secured the location. At that point
5 we did a sneak-and-peek.

6 Q. What's a sneak-and-peek?

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

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

14 Q. Now, in this case you were in Westminster. What county is
15 that in, if you remember?

16 A. Yeah. I can't remember what --

17 Q. Is it Carroll County?

18 A. Carroll County, yes.

19 Q. So were you -- when you did this sneak-and-peek the way
20 you described how those were done -- well, let me ask you this:
21 Before Westminster, had you done sneak-and-peeks like that with
22 Defendant Hersl?

23 A. I probably would have to say yes.

24 MR. PURPURA: Objection. There's no basis. It's a
25 guess.

THE COURT: Sustained.

BY MR. WISE:

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

A. I believe that was MSP.

Q. Is that Maryland State Police?

A. Yes.

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

A. Yes.

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

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

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

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

Q. Who saw the money?

A. I saw the money first.

Q. And where was the money?

A. In the bedroom.

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

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

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

4 A. Oh, yeah. Absolutely.

5 Q. Who?

6 A. Wayne and Hersl.

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

8 A. There was a big block of 50,000 Ziploc'ed and it was
9 20,000 loose hundreds under a -- like a towel in the closet.

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

11 A. 'Cause I counted it.

12 Q. And when did you count it?

13 A. Once I saw it.

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

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

16 Q. Where was Hersl?

17 A. I believe Hersl, we -- my -- I stepped in the other room.
18 It was a fairly big house. I believe Hersl was still in the
19 bedroom.

20 Q. Okay. Before you took the money to count it, did Hersl
21 see the loose money?

22 A. Yes.

23 Q. Did you see him see it?

24 A. Yes.

25 Q. And you said the other package -- which turned out to be

1 50,000 -- was actually sort of closed up?

2 A. Yes; heat-sealed.

3 Q. All right. And when you -- after you counted the money,
4 where did you go?

5 A. Once I counted the money, I put it back.

6 Q. Where did you put it back?

7 A. Right where it was.

8 Q. In the bedroom?

9 A. Yes; the closet.

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

11 A. Hersl was still in the bedroom.

12 Q. All right.

13 A. Rayam was still in the bedroom. I went downstairs.

14 Q. And you went downstairs?

15 A. Yes.

16 Q. And then who came downstairs next?

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

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

21 A. Yes.

22 Q. And what were they told about what went on, what you all
23 did before they got there?

24 A. As far as?

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

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

2 **Q.** Why not?

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

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

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

12 **A.** Yes.

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

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

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

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

21 **Q.** That's what Jenkins asked Hamilton?

22 **A.** Yeah.

23 **Q.** "Who would you rob?"

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

1 Q. And who was present when Jenkins asked Mr. Hamilton that
2 question?

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

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

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

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

9 A. Yes.

10 Q. And were you all still there?

11 A. Yes.

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

14 A. Yes.

15 Q. And before we sort of leave the scene, what had you
16 learned had happened to the 20,000 or what had started out as
17 20,000 upstairs in the bedroom?

18 A. It was taken.

19 Q. By who?

20 A. Rayam.

21 Q. How did you learn that?

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

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

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

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

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

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

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

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

14 A. No.

15 Q. Any drugs?

16 A. No.

17 Q. Any guns?

18 A. No.

19 Q. Any evidence of anything?

20 A. No.

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

23 A. Yes.

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

1 A. Brings it to the car?

2 Q. Yeah.

3 A. Myself, Wayne, and Hersl.

4 Q. And then were the Hamiltons arrested or charged for
5 anything?

6 A. No.

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

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

11 Q. You saw Mr. Hamilton look distraught?

12 A. Yes; as if he looked, went upstairs -- 'cause once the MSP
13 showed him the 50,000, so, of course, he knew he had another
14 20,000.

15 Q. Right.

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

19 And then I basically told Rayam, and then Rayam was just
20 basically like, "G, what you want me to do? It's already too
21 late."

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

23 A. Yeah, yeah.

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

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

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

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

8 Q. And who went into the pub?

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

10 Q. And is this where the conversation you described earlier
11 happened?

12 A. Yes.

13 Q. And describe what that conversation was.

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

16 Q. Who's saying this?

17 A. This is Wayne saying this.

18 Q. All right.

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

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

22 A. When he -- that's talking about money, I mean, taking
23 money.

24 Q. Stealing money?

25 A. Stealing money, yes.

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

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

3 Q. And was this a big hit?

4 A. 20,000?

5 Q. Yeah.

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

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

8 A. No.

9 Q. What would be a big hit?

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

11 Q. All right.

12 A. Yeah.

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

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

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

16 A. Yes.

17 Q. And then who went to headquarters?

18 A. I believe we all did.

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

20 A. We -- myself, I got into my own -- I mean, we got into our
21 own personal cars, well, BPD vehicles. I met with Rayam
22 downtown.

23 Q. And what happened to Jenkins and Hersl? Where were they
24 going?

25 A. They headed to a bar in Canton where we all were going to

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1 meet.

2 Q. What was the bar?

3 A. What was the name of that?

4 Q. If you remember.

5 A. Looney's.

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

8 A. Uh-huh.

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

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

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

14 A. Yes; afterwards.

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

16 A. Rayam -- well, yeah, myself, Hersl, Rayam, and Wayne, we
17 all met up.

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

20 A. Yes.

21 Q. And what did you talk about?

22 A. Meetin' up.

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

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1 money?

2 **A.** Well, we were -- when I was driving to meet up with Rayam,
3 Rayam was telling me -- he called me and said that the money
4 was short.

5 **Q.** I'm sorry. I think I mixed it up.

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

7 **A.** It was in Rayam's car.

8 **Q.** And he told you it was short?

9 **A.** Yes.

10 **Q.** By how much?

11 **A.** I believe he said a thousand dollars.

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

13 **A.** He had took over, I think, like 3400 for -- from
14 Mr. Washington.

15 **Q.** Mr. Hamilton, you mean?

16 **A.** Mr. Hamilton, I mean.

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

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

19 **BY MR. WISE:**

20 **Q.** This is in FBI-9 -- I'm going to play a call for you,
21 Mr. Gondo. FBI-9, Page 11, is the transcript. This is -- the
22 audio is FBI-8, Session 804.

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

25 **THE COURT:** All right.

1 (Audio was played but not reported.)

2 **MR. WISE:** And if we could have the transcript up on
3 the screen.

4 **BY MR. WISE:**

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

6 **A.** Myself and Rayam.

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

8 **A.** Yes.

9 **Q.** 10:36 exactly.

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

12 **A.** That's correct.

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

15 **A.** Right.

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

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

19 **Q.** All right. And when he says -- and when you say, "No,
20 negative, I would never -- come on, man. I would never like to
21 ya," what do you -- what do you mean?

22 **A.** I'm basically saying that at Westminster, when I counted
23 that 20,000, it was 20,000. Basically, I'm not going to
24 miscount the money. That wasn't my first time countin' money,
25 and I consider myself good at countin' money. So when he said

1 the money was short, I was just reassuring Rayam that, you
2 know, I know a hundred percent it was 20,000.

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

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

7 Q. I see.

8 A. Yeah.

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

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

12 Q. Yeah. How much was there?

13 A. It was short a couple thousand.

14 Q. Okay. And then what did you do with the money after Rayam
15 gave it to you?

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

19 Q. Why did -- why did you give Jenkins his cut and Hersl's
20 cut?

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

23 Q. Okay.

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

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

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

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

9 **BY MR. WISE:**

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

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

13 (Audio was played but not reported.)

14 **MR. WISE:** And then if we could go to the next
15 segment.

16 (Audio was played but not reported.)

17 **BY MR. WISE:**

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

19 **A.** I was talking to a female that I was talkin' to at the
20 time.

21 **Q.** And this call occurred just, I think, a minute before the
22 one I played a moment ago.

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

25 **A.** Referring to Rayam.

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

2 A. Yes.

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

5 A. Yeah. They were basically outside waiting.

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

8 A. Split the money.

9 Q. With who?

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

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

14 A. Yes.

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

17 A. Yes.

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

19 A. Yes.

20 Q. Why -- did you give any -- did you give Jenkins any money
21 for Clewell?

22 A. No.

23 Q. Why not?

24 A. Clewell wasn't a part of it. Clewell was basically an
25 analytical guy in the squad. To me he wasn't a street cop. He

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1 wasn't going to get his hands dirty. He never was involved
2 with any money being taken when we were doing search warrants
3 or anything. He was just kept out of that, that loop in the
4 squad.

5 Q. Okay.

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

7 BY MR. WISE:

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

10 Where did everybody go after Looney's?

11 A. After Looney's, I went -- myself and Rayam, we went to
12 Casino Live! And Hersl and Wayne went to the Horseshoe
13 downtown.

14 Q. The casino here in the city?

15 A. Yes.

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

19 A. Yes.

20 MR. WISE: All right. And if I could have -- this is
21 going to be, again, from FBI-8. And this is in the transcript
22 package, FBI-9, Page 19.

23 (Audio was played but not reported.)

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

25 BY MR. WISE:

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

2 A. Yes.

3 Q. And who called you?

4 A. Wayne Jenkins.

5 Q. All right. And when he says, "I'm -- I'm going to be
6 hitting a condo on Boston Street," where in -- where's
7 Boston Street?

8 A. It's downtown Baltimore, Canton area.

9 Q. Is that sort of a -- what kind of condos are on
10 Boston Street?

11 A. Like -- I would say like the waterfront condos.

12 Q. So expensive condos?

13 A. Yeah, I would say that.

14 Q. And when he says, "The guy's got a G wagon, 2016," what's
15 a G wagon?

16 A. A G wagon is a Mercedes-Benz truck that is about
17 150,000-plus in price.

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

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

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

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

25 Q. All right. And what -- what, in your experience, goes

1 along with drugs?

2 **A.** Money.

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

5 **A.** That's Daniel Hersl.

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

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

9 **BY MR. WISE:**

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

12 **A.** Basically, it was just going to be myself, Dan, and Wayne.
13 He didn't want the other guys involved in this particular
14 incident.

15 **Q.** And why did you understand that he didn't want the other
16 guys involved?

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

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

25 **Q.** So what was your intention at this time if there had been

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1 money and drugs in that house, in that condo?

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

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

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

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

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

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

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

20 **Q.** And keep it?

21 **A.** And keep it, yes.

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

24 **A.** Yes.

25 **Q.** And who went to it?

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

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

3 **A.** Yes.

4 **Q.** And where did you meet?

5 **A.** I met Wayne at headquarters.

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

8 **A.** Yes.

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

11 **A.** Yeah. Prior to getting the warrant signed, I believe we
12 were driving -- well, we pulled over before we got the warrant
13 signed. Wayne pulled over, stepped out of the car, common
14 practice. He thought that the vehicle may be bugged, listening
15 by the FBI.

16 **Q.** Did you ultimately learn that one of the vehicles was
17 bugged?

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

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

22 I just sat there -- I mean, I stood there being quiet.
23 Hersl then said basically, Yeah, I can -- I can use the money.
24 I'm -- I'm in the process of getting a house, buying a house,
25 so . . .

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

4 A. If not all or some of it was going to be taken from that
5 residence.

6 Q. And kept by the three of you?

7 A. Yes.

8 Q. Now, you said you and Jenkins and Hersl actually went to
9 Unit 201 on Boston Street?

10 A. Yes.

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

12 A. Heroin.

13 Q. Heroin?

14 A. Yes.

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

16 A. No.

17 Q. What happened to the heroin?

18 A. I believe it was submitted.

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

21 A. A bag.

22 Q. What kind of bag?

23 A. A purse.

24 Q. What kind of purse?

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

1 Q. A \$5,000 Chanel purse?

2 A. Yes.

3 Q. Who took it?

4 A. Hersl.

5 Q. And what did he do with it?

6 A. Gave it to me.

7 Q. Why did he give it to you?

8 A. Gave it to me, and I gave it to a female I was talking to
9 at the time.

10 Q. At the time did you -- did you -- well, why did he give --
11 why did he take the \$5,000 -- why did Hersl take a \$5,000 purse
12 but then give it to you?

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

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

17 Q. All right.

18 A. Yeah.

19 Q. And when you were arrested in this case, where were you
20 housed at first?

21 A. I was housed at Howard County.

22 Q. And who was housed there with you?

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

25 Q. Did Hersl bring up this incident where he took the \$5,000

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1 purse at Boston Street with you?

2 **A.** Yes.

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

4 **A.** He basically told me to tell the Government that we put
5 the heroin in the bag; that was the purpose of us taking the
6 bag.

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

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

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

11 All right. I next want to ask you about -- I want to move
12 forward in time. We started July 8th. We just covered
13 July 25th. I now want to ask you about August the 8th of 2016;
14 okay?

15 **A.** Okay.

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

18 **A.** Yes.

19 **Q.** -- facility?

20 And who did you go with?

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

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

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

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1 Q. Do you remember how you got there or who you were driving
2 with?

3 A. I was in the car with Rayam.

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

5 A. Yes.

6 Q. Who told you to go to this storage unit?

7 A. We were targeting vehicles, conducting enforcement in the
8 area, so we ended up there.

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

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

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

19 A. Yes.

20 Q. And then what happened?

21 A. I believe we stopped their vehicle. We stopped that
22 vehicle.

23 Q. All right. And then was the -- where was the vehicle?
24 Was it taken back to the storage unit?

25 A. Yes.

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1 Q. And I just want to be clear. This is -- this is a storage
2 on Sinclair Lane.

3 A. Yes.

4 Q. Okay. And once the individual was brought back to the
5 storage unit, what happened?

6 A. Once he was brought back -- well, it was also, I
7 thought -- I was getting mixed up with the storage unit. It
8 was also -- John was there as well.

9 Q. John Clewell?

10 A. Yeah, John Clewell.

11 Q. Okay.

12 A. Yeah. So it was basically -- on Sinclair Lane, it was
13 myself, John, Rayam, Hersl, and Wayne.

14 Q. Okay.

15 A. Yeah.

16 Q. So not Taylor?

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

18 Q. Okay. Was there another storage unit --

19 A. Yes.

20 Q. -- incident that involved Taylor?

21 A. Yes.

22 Q. Got it.

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

1 A. Just to backtrack a little bit --

2 Q. Sure.

3 A. -- those guys was chasing a vehicle. When they were
4 chasing the vehicle, that individual was throwing the drugs
5 outside of the vehicle.

6 Q. Okay.

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

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

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

11 Q. I see.

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

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

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

20 Q. And when you went back with him to headquarters so that he
21 could write the search warrant, did you stay with him the whole
22 time while he was writing?

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

25 Q. And then once you got something to eat for the rest of the

1 guys, where did you go?

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

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

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

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

9 **A.** Yes.

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

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

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

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

15 **Q.** What was?

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

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

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

20 **Q.** What, if anything, did Rayam tell you happened at the
21 location while you were away?

22 **A.** As far as?

23 **Q.** Was money taken?

24 **A.** Yes.

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

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

2 Q. Okay.

3 A. -- in which he was fleeing in prior to -- prior to us
4 leaving to get the warrant, myself and John.

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

6 A. Himself and Hersl.

7 Q. And what did they do with it?

8 A. They split it.

9 Q. Did he say where they split it?

10 A. 7-Eleven.

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

12 A. No.

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

14 A. It was up in the 700. All I heard was 700.

15 Q. 700?

16 A. Yeah.

17 Q. Now, you testified that you were all -- you were all
18 together -- Hersl, you, Rayam, Jenkins, Ward, Hendrix, and
19 Taylor were all together at Howard County Detention Center when
20 you were arrested; right?

21 A. Yes.

22 Q. Did Hersl bring up this storage unit incident when you
23 were at Howard County?

24 A. Yes.

25 Q. And what did he say about it?

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

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

7 **Q.** Okay.

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

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

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

13 (Recess taken.)

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

15 Are we ready to bring the jury back in?

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

17 **THE COURT:** Okay.

18 (Pause.)

19 **THE COURT:** Are we waiting for Mr. Gondo?
20 (Witness entered the courtroom.)

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

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

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

24 **THE WITNESS:** Okay. Thank you.

25 **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?

A. Wayne Jenkins.

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

A. Yes.

Q. And then when he said [reading]: What the F you doing in

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1 pockets? It's an f'ing waste of time, man.

2 What did you understand Rayam to be talking about?

3 **A.** Basically, it's -- the slang for it is pocket surfing.

4 You know, hopping out on individuals, taking money from their
5 person on the street.

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

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

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

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

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

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

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

18 **A.** Yes.

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

21 **A.** Yes.

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

25 **A.** A couple reasons: One clear reason is that when -- say,

1 for instance, if a person has a kilo of cocaine and \$10,000,
2 submit 5,000 and split the rest just to alleviate, you know,
3 that person making a complaint, 'cause more than likely, a drug
4 dealer is not going to complain about their money being taken.

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

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

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

13 **A.** Absolutely.

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

16 **A.** Yes.

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

20 **A.** We needed that law enforcement to be there because we had
21 no jurisdiction in that county. So their sole purpose was just
22 for us to be -- lawfully be there at that dwelling and conduct
23 a search for us. But prior to that -- prior to them coming, we
24 already did our own search and scan of the residence.

25 **Q.** Right. So then when -- in the middle there when Rayam

1 tells you, "He was like, Yeah. And then I was like, Well,
2 what's up with the other dudes, your boys?" who's that a
3 reference to?

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

6 **Q.** Okay. And then when Rayam said, "Then he brought up the
7 one where he, um, when they went outside and after eatin',
8 everybody put up \$20 -- you know what I'm talking about?
9 Everybody was -- he talked about the time where everybody had
10 20 g's," what did you understand Rayam to be talking about?

11 **A.** It was a incident where that -- those members in that
12 squad --

13 **Q.** Who?

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

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

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

18 **Q.** Directly?

19 **A.** Directly from Wayne.

20 **Q.** All right. All right. I think that's it for that
21 recording.

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

23 You testified that you also pled guilty in this case to
24 overtime fraud. I want to ask you some questions -- or time
25 and attendance fraud, I guess, or overtime fraud. I want to

1 ask you some questions about that; okay?

2 **A.** Okay.

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

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

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

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

15 **A.** Yes.

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

19 **A.** As far as?

20 **Q.** Well, how did you all know what to put on your slips to
21 make it look like you had all done the arrest together?

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

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

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

25 **Q.** And I'm going to ask you some follow-ups to that. But

1 just to orient us, in the summer of 2016, what was your typical
2 shift?

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

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

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

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

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

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

12 **A.** Yes.

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

15 **A.** Yes.

16 **Q.** Including Defendant Hersl?

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

20 **Q.** And then when did you over -- when could you start getting
21 pay for overtime? What --

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

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

25 **A.** Yes.

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1 Q. And so when you did put in for overtime -- putting aside
2 for a second whether you even worked the assigned shift, when
3 you put in for overtime, was that accurate?

4 A. No.

5 Q. And in what ways was it not accurate?

6 A. Because we didn't work the 8:00 to 4:00 shift prior to
7 even gettin' the overtime.

8 Q. I see.

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

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

15 A. Yeah, absolutely.

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

17 A. Absolutely.

18 Q. And Defendant Taylor?

19 A. Yes.

20 Q. And then the time you actually claimed to have worked on
21 overtime, was that accurate?

22 A. It's hit or miss. Sometimes we did. If we got guns, a
23 lot of guns during that night, you know, if we had a long
24 night, we did. In some incidents, we can get a gun in a matter
25 of ten minutes. And then we may be done for the night and get

1 paid for four, six, eight hours' overtime.

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

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

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

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

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

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

19 **A.** Yes.

20 **Q.** How would -- how would slips get submitted if you weren't
21 even there?

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

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

25 **A.** Yes; the person -- the one person I did was Rayam. I knew

1 his signature, I would sign for Rayam. If I did fill out a
2 slip for another person, just fill it in; then another member
3 who may know they signature will do their personal signature.

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

7 **A.** Yes.

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

9 **A.** Yes.

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

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

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

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

17 **BY MR. WISE:**

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

19 (Audio was played but not reported.)

20 **BY MR. WISE:**

21 **Q.** All right. If we can go back to the first page,

22 Mr. Gondo, is that your voice?

23 **A.** Yes.

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

25 **A.** Maurice Ward.

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

2 What had just happened in the squad?

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

5 Q. Okay.

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

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

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

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

15 A. He's speaking about Wayne Jenkins.

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

19 A. 8:00 to 4:00.

20 Q. 8:00 to 4:00?

21 A. 8:00 to 4:00.

22 Q. So when he says "10:00 or 11 o'clock," he's talking about
23 10:00 or 11 o'clock in the morning?

24 A. Yes.

25 Q. And then if we go to the next page, when he says

1 [reading]: And -- or he'll try to make you see if you want
2 to -- want to make overtime every day. We seen O'Ree last
3 night, said the overtime budget just opened back up. Work as
4 much as you want."

5 My question is: Is he talking about actually working all
6 the overtime you claim or working some overtime and then
7 claiming more?

8 **A.** Your last statement.

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

10 **A.** Then claiming more.

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

13 **A.** Yes.

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

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

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

19 Did you participate in a raid on a house on June 24th,
20 2016?

21 **A.** Yes.

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

23 **A.** Yes.

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

25 **A.** East Chase Street, the daytime.

1 Q. Was it early in the morning?

2 A. Yes.

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

5 And if you could enlarge that top portion.

6 BY MR. WISE:

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

8 A. 6 -- 6/24/16.

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

10 A. Yes.

11 Q. And is that your name on it?

12 A. Yes.

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

15 A. Six hours nine minutes.

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

17 A. 10:00 to 6:00.

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

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

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

22 A. Yes, that's correct.

23 Q. And then you claimed a regular shift, I guess, that
24 started at 10:00 a.m. to 6:00 p.m.?

25 A. 6:00 p.m.

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1 Q. All right. And was this the -- was this the early morning
2 raid at the house at 1927 East Chase Street?

3 A. Yes.

4 Q. And was the -- do you remember the name of the person that
5 was the target of that raid, whose house it was?

6 A. No, I don't remember.

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

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

9 Q. Okay. But you remember the raid?

10 A. Oh, absolutely.

11 Q. Was Defendant Hersl there at all?

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

13 Q. Do you remember who was there?

14 A. It was myself, Taylor -- I mean, not Taylor. Myself,
15 Ward, and Hendrix and Rayam and Wayne.

16 Q. And for overtime work performed, it has "SS warrant." Is
17 that search-and-seizure warrant?

18 A. Yes.

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

20 A. Yes.

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

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

25 MR. WISE: Okay. Can I just have a moment,

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1 Your Honor.

2 **BY MR. WISE:**

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

7 (Audio was played but not reported.)

8 **BY MR. WISE:**

9 **Q.** Is that your voice, Mr. Gondo?

10 **A.** Yes.

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

12 **A.** Wayne Jenkins.

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

15 **A.** Yes.

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

18 **A.** Yes.

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

21 **A.** Yes.

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

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

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

1 What was the joint?

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

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

12 **A.** Yes.

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

16 **A.** Yes.

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

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

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

22 **A.** Yes.

23 **Q.** And when he says "some street rippin'," what's
24 "street rippin'?"

25 **A.** Getting guns off the street.

1 Q. And how did -- on a typical night, how did you all do
2 that?

3 A. Once -- once those guys came to the squad -- myself and
4 Rayam, we always stayed in my car. But once Wayne, Taylor,
5 Ward, and Hendrix came, it was a different dynamic that they
6 were doing. It was basically door popping; whereas, though,
7 they would -- if it was -- say, if it three individuals on the
8 street, pull up real fast, scream out the window, pop the door,
9 close it, to see if individuals going to run and see if they
10 show characteristics of a person -- whereas, though, myself and
11 Rayam, we'll sit back. So whatever they couldn't see, we would
12 see. You know, if a person -- if they missed a person walking
13 away, ripping their self, we would -- we would target that
14 person to try to get the gun off of 'em.

15 Q. Now, did you ultimately meet up with Jenkins and Taylor
16 and Ward and Hendrix later that evening to do some
17 street ripping?

18 A. Yes.

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

20 A. I can't recall.

21 MR. WISE: And if I could see Government
22 Exhibit PP-2C.

23 If you could enlarge that.

24 BY MR. WISE:

25 Q. What's this, Mr. Gondo?

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

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

4 **A.** Yes.

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

7 **A.** Yes.

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

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

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

13 **A.** Yes.

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

15 **A.** 14 hours.

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

17 **A.** No.

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

19 **A.** No.

20 **MR. WISE:** Now, if we could move forward in time to
21 July the 1st, I'm going to play an audio from FBI-8. This is
22 Session 226. The transcript is FBI-9, Page 30.

23 (Audio was played but not reported.)

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

25 If you could enlarge that part that you just had, the

1 top third.

2 Thanks, Mr. Kerrigan.

3 **BY MR. WISE:**

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

5 **A.** Jemell Rayam.

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

8 **A.** Our paychecks.

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

10 **A.** Overtime.

11 **Q.** -- overtime?

12 **A.** Yes.

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

14 **A.** Some and some not.

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

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

17 **Q.** And so when he says -- or when you say, "Just imagine
18 these Ns been doing this shit, yo," and then Rayam says, "Them
19 Ns been for a whole year getting, I mean, so they've been
20 getting at least eight to ten thousand a month," who are you
21 talking about?

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

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

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

1 Q. And were these -- were these numbers -- was the whole
2 squad getting these big numbers now at this point, now that
3 Jenkins is in charge?

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

8 Q. For time everybody was working?

9 A. No. Some incidents we were, but more than -- most of 'em
10 we weren't working, and we were getting paid that amount of
11 money. He dictated how much we would put on our overtime
12 slips.

13 Q. Who's "he"?

14 A. Wayne Jenkins.

15 Q. And that would include Defendant Hersl was getting paid
16 like that?

17 A. Yes.

18 Q. And Defendant Taylor?

19 A. Yes.

20 Q. Now, that was July 1st. We're now going to go to
21 July 14th. This is from FBI-8, Session 1162. The transcript
22 is FBI-9, Page 12. This is July 14th.

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

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

~~GONDO DIRECT~~

1 **BY MR. WISE:**

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

3 **A.** Jemell Rayam.

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

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

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

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

10 **BY MR. WISE:**

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

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

15 **Q.** Who were they?

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

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

18 **A.** Yes.

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

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

21 **Q.** With Ward, Hendrix, and Taylor?

22 **A.** Yes.

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

25 **A.** 4 o'clock, yep.

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

4 **BY MR. WISE:**

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

7 **A.** Daniel Hersl.

8 **Q.** And was Daniel Hersl there?

9 **A.** No.

10 **Q.** And you say, "Dan's probably at the bar"? Is that what
11 you said?

12 **A.** Yes.

13 **Q.** Did you participate in this arrest?

14 **A.** No.

15 **Q.** Did Mr. Hersl?

16 **A.** No.

17 **MR. WISE:** All right. And if I could have Government
18 Exhibit PP-4D.

19 If you could enlarge that, Mr. Kerrigan.

20 **BY MR. WISE:**

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

22 **A.** Yes.

23 **Q.** For you?

24 **A.** Yes.

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

1 **A.** The 3:00 to 11:00 shift.

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

3 **A.** Four hours.

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

5 **A.** 3:00 in the morning.

6 **Q.** -- 3:00 in the morning.

7 And did you work those hours?

8 **A.** No.

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

12 **A.** Yes.

13 **Q.** I'm sorry. Did I misspeak?

14 Oh, I think I got ahead of myself.

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

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

18 Do you see that on the screen now?

19 **A.** Yes.

20 **MR. WISE:** All right. Wait a minute.

21 Actually, it's the bottom part of that page,

22 Mr. Kerrigan.

23 Yeah, there it is. Okay.

24 **BY MR. WISE:**

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

~~CONDO DIRECT~~

1 A. Yes.

2 Q. And is that the date on this slip?

3 A. Yes.

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

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

7 A. Yes.

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

9 A. 8:00 to 4:00.

10 Q. And then how much overtime?

11 A. Eight hours.

12 Q. And for the reason, the overtime work performed explained,
13 what's listed?

14 A. [Reading]: OS crime suppression, Northeast District, four
15 by four.

16 Q. And then what address?

17 A. The location is 4600 Grindon Avenue.

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

20 A. Yes.

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

22 A. No.

23 Q. And Hersl didn't participate?

24 A. No. Or Rayam.

25 Q. Or Rayam. Okay.

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

4 (Audio was played but not reported.)

5 **MR. WISE:** And if we could go back to the first page,
6 Mr. Kerrigan.

7 **BY MR. WISE:**

8 **Q.** Is that your voice, Mr. Gondo?

9 **A.** Yes.

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

11 **A.** Jemell Rayam.

12 **Q.** And when Rayam says, He gonna call you. He basically
13 saying it was you, him, and what-his-name. He said you and
14 Gondo. He said me and Gondo, who's Rayam talking about?

15 **A.** Oh, Wayne Jenkins.

16 **Q.** So who was going to go out that night, I guess,
17 street ripping?

18 **A.** It was supposed to be myself, Wayne Jenkins, and Rayam.

19 **Q.** Okay. And what does Rayam tell you that he -- well, what
20 does Rayam tell you?

21 **A.** Basically, he was going to be tied up.

22 **Q.** Okay. So it was just going to be the two of you?

23 **A.** Myself and Wayne; that's correct.

24 **Q.** Only members of the squad working that night?

25 **A.** Yep, that's correct.

1 **MR. WISE:** And if we go forward to Session 1747, which
2 is Page 17, that last call was at, like, 4:48. This call is
3 now at 5:35.

4 If you could -- if you could actually play the second
5 portion where it picks up for the second half of the page.

6 (Audio was played but not reported.)

7 **BY MR. WISE:**

8 **Q.** So when Rayam says, "I thought it was like four people
9 tonight" and then you said, "Everybody had plans," who were you
10 talking about?

11 **A.** Other members in the squad.

12 **Q.** Okay. In fact, did you and Jenkins go out that night?

13 **A.** Yes, we did.

14 **Q.** Were you the only two that went out?

15 **A.** Yes.

16 **Q.** So Hersl (indicating) didn't go out?

17 **A.** No.

18 **Q.** Taylor (indicating) didn't go out?

19 **A.** No.

20 **MR. WISE:** And now if I could have Government
21 Exhibit PP-4D.

22 **BY MR. WISE:**

23 **Q.** Is this your overtime slip for that day and into the
24 night?

25 **A.** Yes.

~~CONDO DIRECT~~

1 Q. 7/23/2016; is that right?

2 A. Yes.

3 Q. And what was the assigned shift you claimed?

4 A. 3:00 to 11:00.

5 Q. And what was the amount of overtime?

6 A. Four hours.

7 Q. And did you work that assigned shift?

8 A. No. Came in way later than that.

9 Q. Did you work that much overtime, if you remember?

10 A. Once I got there, yeah, pretty much I was there until like
11 3:00 in the morning.

12 **MR. WISE:** Okay. All right. Now moving forward in
13 time to July 29th. From FBI-8, this is Session 1916. And from
14 the transcript, this is FBI-9, Page 24.

15 (Audio was played but not reported.)

16 **MR. WISE:** You can stop it there, Mr. Kerrigan. If
17 you could go back to the first page.

18 **BY MR. WISE:**

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

20 A. Yes.

21 Q. And who are you talking to?

22 A. Jemell Rayam.

23 Q. Now, the time on this call is 9:38 p.m.; right?

24 A. Yes.

25 Q. On July 29th?

~~CONFIDENTIAL~~

1 A. Yes.

2 Q. And when you say, "Hey, he just got here at 9:40," who are
3 you talking to that just got there at 9:40?

4 A. Taylor.

5 Q. And where had he -- where was he coming from before that?

6 A. To be honest, I have no idea.

7 Q. Later on -- well, I guess later in that paragraph, you
8 say, "This N was in PA." Is that Pennsylvania?

9 A. Yeah. That's what he was saying, but it's no telling
10 where Taylor actually was.

11 Q. I see.

12 A. He was telling us that he was in PA.

13 Q. Okay. And this is, again, at 9:38, 9:40 at night; right?

14 A. Yes.

15 Q. Had you worked -- had you or the squad worked anytime
16 before this that day?

17 A. No.

18 Q. So this was when the -- I guess the start of the shift
19 was --

20 A. Yeah. That's when we started doing overtime.

21 Q. And this was on overtime, you said?

22 A. Yeah, this was on overtime.

23 Q. And you said -- you talk about Jenkins being there; right?

24 A. Yes.

25 Q. And you're there; right?

~~GONDO DIRECT~~

1 A. Yes.

2 Q. Rayam's on the phone. He's not there; right?

3 A. No.

4 Q. You said Hendrix is there; right?

5 A. Yes.

6 Q. Was Hersl there?

7 A. No.

8 MR. WISE: Okay. And if I could have Government
9 Exhibit PP-5E. I'll put it up on the document camera, if I
10 could just have a second.

11 THE COURT: Sure.

12 BY MR. WISE:

13 Q. This is Government Exhibit PP-5E, Mr. Gondo. What's this?

14 A. Overtime slip; City overtime slip.

15 Q. For which day?

16 A. 7/29/16.

17 Q. So the day we were just listening to the call from?

18 A. That's correct.

19 Q. And this has got your name on it; right?

20 A. Yes.

21 Q. And when did -- what's the assigned shift you claimed to
22 have worked?

23 A. 3:00 to 11:00.

24 Q. And then how much overtime?

25 A. Eight hours fifteen minutes.

~~GONDO DIRECT~~

1 Q. And you said everybody was getting together around
2 9 o'clock that night; right?

3 A. Yes.

4 Q. So you didn't work your assigned shift from 3:00 until
5 about 9:00; right?

6 A. That's correct.

7 Q. And then in terms of the overtime that was claimed to 7:30
8 the next morning, did you work all that?

9 A. No.

10 MR. WISE: All right. Okay. I have the -- I think
11 this is the last call I'm going to play. Moving forward from
12 July 29th to August the 8th, this is from FBI-8, Session 2367.
13 And in the transcript it's FBI-9, Page 28.

14 (Audio was played but not reported.)

15 BY MR. WISE:

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

17 A. Yes.

18 Q. And who are you talking to?

19 A. Jemell Rayam.

20 Q. And when you say, "He was out late last night. That's why
21 he pushed it back till 2:00," who are you talking about?

22 A. Wayne Jenkins.

23 Q. And this call is at 11:00 a.m -- or 11:50 a.m., so almost
24 noon; right?

25 A. That's correct.

~~CONDO DIRECT~~

1 Q. And what did Wayne Jenkins push back till 2:00?

2 A. Telling us when to come into work.

3 Q. The whole squad?

4 A. The whole squad, come in at 2 o'clock.

5 Q. Including Hersl and Taylor?

6 A. That's correct.

7 MR. WISE: And if I could have Government
8 Exhibit PP-6C. If you could enlarge that, Mr. Kerrigan.

9 BY MR. WISE:

10 Q. What's this, Mr. Gondo?

11 A. City overtime slip.

12 Q. For what day?

13 A. 8/8/16.

14 Q. So the same day as that call?

15 A. Yes.

16 Q. And is that your name on it?

17 A. Yes.

18 Q. And what was the assigned shift you claimed to have
19 worked?

20 A. 8:00 to 4:00.

21 Q. And how much overtime?

22 A. 12 hours 45 minutes.

23 Q. All right. So this call was at almost noon, and you said
24 Jenkins had pushed the start time back till 2:00. So did you
25 start working at 8:00 a.m.?

~~GONDO DIRECT~~

1 **A.** No.

2 **Q.** Did any members of the squad, to your knowledge, start
3 working at 8:00 a.m.?

4 **A.** Not at all.

5 **Q.** And this is the same day as that storage unit that you've
6 talked about on Shannon Drive; right?

7 **A.** Okay. Yes.

8 **Q.** And then that overtime claimed, did you work that much
9 overtime?

10 **A.** As far as from once we started after 4:00?

11 **Q.** Yeah.

12 **A.** Probably, yeah.

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

14 **THE COURT:** All right.

15 (Counsel conferred.)

16 **BY MR. WISE:**

17 **Q.** Mr. Gondo, at any point before March the 1st, did you
18 learn that you or other members of the GTTF were under
19 investigation?

20 **A.** Yes, absolutely.

21 **Q.** And who did you learn it from?

22 **A.** I heard it from Rayam. He told me that Sergeant Allers
23 had informed him that the FBI was investigating me, myself.

24 **Q.** Did you hear it from anyone else?

25 **A.** I heard it from Ward. He gave me a phone call. I heard

~~GONDO~~ - ~~CROSS~~

1 about it that Sergeant Ryan Guinn at the time had told Wayne
2 and then in fact Wayne ended up telling me.

3 Q. Did you hear about it from anyone else?

4 A. I actually heard it from -- I heard it from Hersl as well.

5 Q. And what did Hersl tell you?

6 A. He was just, like, "Yo, G, I heard that you was on a
7 wiretap."

8 Q. And what's a wiretap?

9 A. Wiretap is a tool used by law enforcement to listen to
10 conversations from a person that they're investigating or
11 targeting for criminal purposes.

12 Q. So including most of the calls we just heard?

13 A. That's correct.

14 MR. WISE: Nothing further, Your Honor.

15 THE COURT: All right. Mr. Nieto, would you like to
16 start.

17 CROSS-EXAMINATION

18 BY MR. NIETO:

19 Q. All right. Mr. Gondo, who's GMoney?

20 A. Who is GMoney? I mean, I've been called that before.

21 Q. Right. That's you; right?

22 A. Yes.

23 Q. Okay. And that's your nickname; correct?

24 A. I wouldn't say it's a nickname. That was an e-mail that I
25 had years ago as a teenager.

~~CONDO~~ ~~CROSS~~

1 Q. Okay. Well, when you were indicted, was it used as an
2 alias --

3 A. Yes.

4 Q. -- for you in the indictment?

5 A. Yes.

6 Q. Right.

7 It had your name and then it had "a/k/a GMoney." It had
8 "Mike" as another name for you; correct?

9 A. Yes, that's correct.

10 Q. Okay. So while you were working as a police officer, it
11 seems like you almost were living two lives; right?

12 A. As far as?

13 Q. I'm sorry?

14 A. As far as?

15 Q. As far as being a drug dealer and then actually being an
16 officer; right?

17 A. You're saying I'm being a drug dealer as far as what part?
18 That's just a --

19 Q. As far as what part?

20 A. -- a broad statement. You just said I was a drug dealer.

21 Q. You admit you're a drug dealer; right?

22 A. I never admit I was a drug dealer. I admit that I've
23 taken money and I've taken drugs --

24 Q. Did you --

25 A. -- from individuals in the city.

~~SONDO~~ ~~GROSS~~

1 Q. Did you sell drugs?

2 A. Yes, I've sold.

3 Q. Okay. So drug dealers, do they sell drugs?

4 A. Yes.

5 Q. Okay. So insofar as there is that similarity, you are, in
6 fact, a drug dealer, then; right?

7 A. Your personal opinion.

8 Q. No, sir. My apologies. I'm not trying to get into
9 personal opinions.

10 You pled to being part of a conspiracy to --

11 A. Yes.

12 Q. -- distribute drugs?

13 A. Yes. And that's exactly what it is, a conspiracy.

14 Q. Okay. And so you had conspired with Mr. Shropshire;
15 right? That's --

16 A. Yes.

17 Q. -- Brill?

18 And he was a drug dealer?

19 A. That's correct.

20 Q. Okay. And you helped him, right, avoid law enforcement?

21 A. That's correct.

22 Q. Right. He had, I guess, found a tracker on the bottom of
23 his phone -- or his car, and you advised him how to remove it;
24 correct?

25 A. I didn't advise him how to remove him. I told him just to

~~CONDO~~ ~~CROSS~~

1 get rid of it.

2 Q. Oh, I'm sorry. So you just told him to get rid of it?

3 A. Yeah.

4 Q. And Omari Thomas, that was Lil Brill; right?

5 A. I had no dealings with Lil Brill.

6 Q. You had no dealing with Lil Brill?

7 A. No.

8 Q. How about Twan?

9 A. Besides that home invasion, I had no dealings with him.

10 He just gave the information to Wells, had no contacts, never
11 talked to him on the phone or Lil Brill on the phone.

12 Q. Okay. So Wells, right, Lou or Kyle, Glen, whatever name
13 he prefers to go by, he's a drug dealer; correct?

14 A. That's correct.

15 Q. And you guys were friends?

16 A. Yeah, childhood friend.

17 Q. Right. Childhood friends and adult friends as well;
18 right?

19 A. That's correct.

20 Q. And you were working together with him to help him as he
21 sold drugs; right?

22 A. As far as?

23 Q. I don't know. Why don't you tell me. As far as how did
24 you help him, sir?

25 A. I mean, during the -- during when they were being -- I

~~SONDO~~ ~~GROSS~~

1 felt as though they were being targeted by individuals, Wayne
2 and the squad. I gave them information, which I wasn't
3 supposed to. I broke the law. Even though he was a friend of
4 mine, I shouldn't have told Brill to get -- remove a tracker.
5 Even though I believe Wayne was targeting my friend to rob him,
6 I still shouldn't have told Kyle that information because I was
7 in law enforcement. That's where I broke the law.

8 **Q.** Right. I mean, you provided him information so he could
9 avoid law enforcement; right?

10 **A.** With the situation with people --

11 **Q.** With Wells?

12 **A.** -- with Sergeant Jenkins, absolutely, yes.

13 **Q.** Right. 'Cause Sergeant Jenkins had actually arrested him,
14 and he had drugs on him; correct? Do you remember that?

15 **A.** He arrested him for a gun and some drugs, yes, sir.

16 That's correct.

17 **Q.** Okay. So Wells was running around with drugs and guns on
18 his person during the time of your friendship; right?

19 **A.** Yes.

20 **Q.** And during the time that you were helping him?

21 **A.** Yes.

22 **Q.** And during the time of that conspiracy, the one for which
23 you pled guilty?

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

25 **Q.** Okay. Now, you had told federal agents that nothing

~~SONDO~~ ~~GROSS~~

1 inappropriate or criminal really happened until Rayam joined
2 the squad. Do you remember telling them that?

3 **A.** You have to remember my -- reflect [sic] my memory a
4 little bit.

5 **Q.** Do you remember telling federal agents that nothing
6 inappropriate or criminal really happened until Rayam joined
7 the squad?

8 **A.** Yeah, I believe I said that.

9 **Q.** And you also told them that after he arrived, everything
10 went downhill?

11 **A.** To the Gun Unit, yes; that's correct.

12 **Q.** Right.

13 Now, you started working as a police officer in 2005;
14 right?

15 **A.** Yeah. 11/29/05.

16 **Q.** Okay. And then you were shot in 2006?

17 **A.** Yeah, 12/5/06.

18 **Q.** And that was drug-related; right?

19 **A.** Absolutely not.

20 **Q.** Absolutely not? That had nothing to do with drugs?

21 **A.** 100 percent not.

22 **Q.** A hundred percent?

23 **A.** On my father's grave, 100 percent not.

24 **Q.** Okay. So if somebody said that that shooting was, in
25 fact, drug-related, they'd be mistaken; right?

~~SONDO~~ ~~CROSS~~

1 **A.** They're entitled to they opinion. The Government can
2 investigate it. BPD can investigate it. If they come up with
3 anything different, so be it. But my shooting was no way, no
4 how drug-related.

5 **Q.** I mean, you're a hundred percent certain that it had
6 nothing to do with drugs; right? So their investigation
7 wouldn't reveal anything?

8 **A.** I have no idea. They're entitled to their investigation.

9 **Q.** Right. I understand they're entitled to an investigation,
10 sir.

11 But at -- I'm just trying to parse out your answer. I
12 mean, you just said you're a hundred percent certain --

13 **A.** Right.

14 **Q.** -- based on your father's -- I forgot, on your father, his
15 name, that this was not drug-related?

16 **A.** Yes.

17 **Q.** But now it seems like you're saying, Well, if they
18 investigate it and they find something different --

19 **A.** What I'm saying is I welcome anybody to investigate it.
20 That's what I'm saying.

21 **Q.** Oh, okay. Okay. So, once again, as I suggested, then, if
22 somebody were to say that that shooting were drug-related,
23 they'd be wrong; right?

24 **A.** That's their own personal opinion. I'm just telling you
25 my half, the truth.

~~SONDO~~ ~~GROSS~~

1 Q. Well, the truth is the truth; right?

2 A. Right.

3 Q. So it's not drug-related; correct?

4 A. Right.

5 Q. So they'd be wrong if they said it were?

6 A. That's totally up to them. I have nothing to do with
7 any -- what anybody, she said/he said. I'm just telling you
8 what I know.

9 Q. So based on what you know, then, that person would be
10 wrong?

11 A. Yeah; can't speak for anybody else.

12 **THE COURT:** Sustained.

13 **MR. WISE:** Objection.

14 **BY MR. NIETO:**

15 Q. Okay. So, now, you started speaking with agents after you
16 had been given immunity; is that correct?

17 A. Yes.

18 Q. And you started talking about how you started taking money
19 about ten years ago when you were on VCID?

20 A. That's correct.

21 Q. Okay. And it was you, Detective Suiter, Ward, Ivery, and
22 Tariq Edwards --

23 A. That's correct.

24 Q. -- right?

25 And so the five or six of you, you'd take money and split

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1 it out amongst yourselves; right?

2 **A.** That's correct.

3 **Q.** And then you moved on to the Northwest District. And
4 that's when you worked with Rayam, Giordano, Michael Woodland,
5 and another officer.

6 Do you remember that?

7 **A.** Yes.

8 **Q.** Okay. And in that group they, too, would split up money
9 that would be recovered?

10 **A.** It was a few incidents, yes.

11 **Q.** Right. So once again -- so in that group, they would
12 split up money as well; correct?

13 **A.** They did. That's correct.

14 **Q.** Okay. And Officer Woodland is now with Baltimore County;
15 correct?

16 **A.** That's correct.

17 **Q.** And you had also told the federal agents that Rayam and
18 Michael Sylvester were doing fake search warrants and stealing
19 from people; correct?

20 **A.** That's correct.

21 **Q.** Okay. And so Mr. Sylvester now works over at the circuit
22 courthouse; correct?

23 **A.** I don't know where he works at.

24 **Q.** You haven't seen him?

25 **A.** No. That's not my -- that's not a friend of mine.

1 Q. Okay. You didn't, of course, provide any of this
2 information to the feds until you had been arrested and charged
3 in this case; is that correct?

4 A. That's correct.

5 Q. Okay. Now, you worked with Rayam separate from the
6 Gun Trace Task Force; right?

7 A. When I was in VCID, he was working with Jason Giordano. I
8 was working with Tariq. We were on the same squad, but he was
9 doing his own thing with Jason.

10 Q. And that's not fair. When I say "work," I'm not actually
11 talking about the police work. I'm talking about home
12 burglaries; right? You were working with him separate from the
13 task force in that capacity; right?

14 A. Yes; on one incident, yes.

15 Q. Right. That was you, Rayam, Wells, and Finnegan; is that
16 correct?

17 A. Yes.

18 Q. And in that particular instance, right -- I mean, during
19 the home invasion, I think it was Rayam had pointed a gun at a
20 woman's face; right?

21 A. You would have to ask Rayam that.

22 Q. You didn't have any idea or knowledge about that?

23 A. I wasn't --

24 Q. That wasn't part of your plea agreement either, about the
25 gun being brandished in the burglary or --

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1 **MR. WISE:** Your Honor, I think they're mixing up
2 burglaries.

3 **THE COURT:** So let's rephrase the question, then.

4 **MR. NIETO:** Okay.

5 **BY MR. NIETO:**

6 **Q.** So you and Rayam had stolen money -- or stolen drugs for
7 resale; correct?

8 **A.** That's correct.

9 **Q.** Okay. And that you two were both part of that home
10 burglary; right?

11 **A.** Yes.

12 **Q.** Okay. And that wasn't Gun Trace Task Force, that was you
13 guys just breaking the law on your own?

14 **A.** Yes.

15 **Q.** Now, you didn't, of course, notify the other officers on
16 the task force about what you were doing, did you?

17 **A.** No.

18 **Q.** Right. And you didn't want to get in trouble or lose your
19 job; is that fair to say?

20 **A.** Absolutely right.

21 **Q.** You didn't have that kind of relationship with those guys.
22 Your relationship with Rayam was a little bit different?

23 **A.** What do you mean?

24 **Q.** What do I mean? I mean you sold drugs and burglarized a
25 home with Rayam. Did you do that with other people in the task

1 force?

2 **A.** You just -- you said something about relationships with
3 those guys. That was your last statement.

4 **Q.** Okay.

5 **A.** That's why I asked you, What do you mean by that, my
6 relationship with those guys?

7 **Q.** So your relationship with the guys on the task force was a
8 little bit different than your relationship with Rayam?

9 **A.** Yes.

10 **Q.** Okay.

11 **A.** I was close to Rayam. I was close to Ward. I mean, the
12 other guys were co-workers.

13 **Q.** So you were obviously dishonest with the other people in
14 your task force about what you were really doing?

15 **A.** Dishonest, I mean, what do you mean by that? I didn't
16 tell them? No, I didn't tell 'em I did something off duty.
17 No, I didn't tell 'em that.

18 **Q.** Right. You didn't tell 'em, for example, that you sold a
19 gun to a drug dealer, did you?

20 **A.** I didn't -- I never sold a gun to a drug dealer.

21 **Q.** You didn't sell a gun to anybody?

22 **A.** No.

23 **Q.** Did you gift a gun to someone?

24 **A.** Did I gift a gun?

25 **Q.** Yeah. Did you give one to them without receiving --

1 **THE COURT:** Wait. Wait. Wait. One at a time.

2 **THE WITNESS:** When we did the home invasion, I
3 testified that I gave that gun during that home invasion to
4 Wells. Wells did whatever he did with that gun. I've never
5 sold a gun to anybody. I never gifted a gun or --

6 **BY MR. NIETO:**

7 **Q.** Did you get the gun back?

8 **A.** No, absolutely not.

9 **Q.** Okay. So you gave Wells a gun --

10 **A.** Yes.

11 **Q.** -- and did not receive that gun back --

12 **A.** Yes.

13 **Q.** -- right?

14 **A.** Yes.

15 **Q.** So that means Wells has that gun.

16 **A.** He had the gun, yes. He had the gun.

17 **Q.** Okay. Okay. So you gave him the gun?

18 **A.** Yes.

19 **Q.** All right. So despite working for the
20 Gun Trace Task Force, whose obligation and duty were to get
21 guns off the street, you actually put another gun back on the
22 street; isn't that right?

23 **A.** The Gun Trace Task Force has nothing to do with what I did
24 outside of work. That was something that I -- that I did that
25 I shouldn't have done. You know what I mean? I regret it.

1 You know, that was personal greed. You know, we went in
2 that house for the money. All the rest happened. It just
3 transpired. That's it.

4 BPD or members of the Gun Unit had nothing to do with what
5 me and Rayam did --

6 Q. Well, did you try to --

7 A. -- outside of work.

8 Q. -- get the gun back?

9 A. No.

10 Q. And you knew that Wells was a drug dealer?

11 A. He was my childhood friend. I knew everything about him.

12 Q. Right. And he was your adult friend, too; right?

13 A. That was my best -- I knew everything about Wells. I'm
14 not going to say I didn't know anything.

15 Q. All right. So as his best friend, you didn't ask for that
16 gun back, then, did you?

17 A. We went in the house for greed. I did a lot of things
18 that I'm not happy about. I wasn't thinking clearly. I gave
19 him the gun.

20 Q. All right. Well, so you weren't thinking clearly in that
21 moment.

22 A. That's correct.

23 Q. Okay. So after that moment, like maybe a week or two
24 weeks later --

25 A. It's too late now. It's too late now.

1 **MR. WISE:** Your Honor, asked and answered.

2 **THE COURT:** Sustained.

3 **BY MR. NIETO:**

4 **Q.** It's too late?

5 **A.** I committed a crime.

6 **Q.** Correct.

7 **A.** What am I, going to go back and say, "Hey, man, let me get
8 the gun," and that's going to make the crime any better? The
9 crime has already been committed.

10 **Q.** Right. But now there's a gun in the hands of a drug
11 dealer out on the streets.

12 **A.** You're absolutely correct. And like I said, I feel
13 sorry -- I feel bad about that. But it's already done. What's
14 done is done. I can't go back and say, "Hey, man, let me get
15 the gun, or let's go put the stuff back in the house." It's
16 over with.

17 **Q.** All right. So in addition -- so being dishonest with
18 other people in the task force --

19 **A.** That had nothing to do with people on the task force. I
20 and Rayam took it upon ourself and my friend Wells to do that
21 on our own out of greed. That's it.

22 **Q.** I see.

23 **A.** It had nothing to do with members of the task force at
24 all.

25 **Q.** Okay. Now Jenkins, he wasn't somebody that you could

1 trust, could you?

2 **A.** No.

3 **Q.** Right. You wouldn't know when he told you something if it
4 was the truth or not?

5 **A.** It all depends on what -- what statement he was saying.

6 **Q.** Okay. Could you say a hundred percent of the time
7 everything Wayne Jenkins said to you was the truth?

8 **A.** It -- I mean, that's a vague question. It depends on what
9 he's saying to me directly; then I would have to decipher it.

10 **Q.** I'm asking you a very simple question --

11 **A.** And I'm answering it.

12 **Q.** Is Jane Wenkins [sic] -- was Wayne Jenkins a hundred
13 percent honest with you?

14 **A.** No, he wasn't 100 percent honest with me.

15 **Q.** All right. So -- so you had actually told federal agents
16 that, for example, that Jenkins would go rogue --

17 **A.** Yes.

18 **Q.** -- right?

19 And that he does like rogue stuff on his own?

20 **A.** That's correct.

21 **Q.** Okay. So he did stuff that you didn't even know about; is
22 that fair to say?

23 **A.** That's correct.

24 **Q.** In fact, I think there was one instance where he even ran
25 over Detective Taylor's foot. Did you hear about that?

1 **A.** He ran over Detective Taylor's foot?

2 **Q.** With the car.

3 **A.** No. That time when we -- there was an individual running
4 with a gun. Taylor got out the car, flipped and fumbled,
5 didn't even run over his foot. I don't -- he just sprained his
6 ankle or something like that. The car never ran over Taylor's
7 foot.

8 **Q.** So Jenkins didn't run over his foot?

9 **A.** No.

10 **Q.** Okay. Now, as a police officer -- police officers are
11 allowed to work secondary employment; is that true?

12 **A.** That's correct.

13 **Q.** All right. So, for example, you worked at MICA here in
14 Baltimore as -- doing security when you weren't working as a
15 police officer?

16 **A.** That's correct.

17 **Q.** And that's not against the rules to do that?

18 **A.** No.

19 **Q.** And other officers are allowed to do that?

20 **A.** Yes.

21 **Q.** Okay. Now, although the Government didn't ask you about
22 this, but you had spoken with them about a story that you heard
23 that Jenkins, Taylor, and Hendrix had followed somebody from
24 Baltimore to D.C.

25 Do you remember that?

1 **A.** I didn't say -- I said Jenkins and Taylor had followed
2 somebody. I didn't implement [sic] anyone else.

3 **Q.** So you didn't say anything about Hendrix being involved in
4 that at all?

5 **A.** No.

6 **Q.** And that Jenkins had suggested hitting somebody with a
7 crowbar?

8 **A.** That's correct.

9 **Q.** That's what you said. All right.

10 And that a federal agent had approached the car, knocked
11 on the window, and had referred to Jenkins by his first name,
12 that being Wayne?

13 **A.** Yes.

14 **Q.** Okay. And the guys that were -- I guess the guy that they
15 were targeting or looking at, he was a confidential source. So
16 he was working with the other federal agency. That's the story
17 that you heard?

18 **A.** Yeah, that's correct.

19 **Q.** So that's correct. But you never said you heard a story
20 about Jenkins, Taylor, and Hendrix following the guy from
21 Baltimore to D.C.?

22 **A.** No.

23 **Q.** Now, you were informed about Ronald Hamilton having a dope
24 strip in the Southwest District.

25 Do you remember talking to the agents about that?

~~GONDO~~ ~~CROSS~~

1 **A.** Yes.

2 **Q.** Okay. And a dope strip, you mean just a heroin dealer?

3 **A.** Yes.

4 **Q.** All right. And you had also told the agents that you,
5 Rayam, and Jenkins followed him and saw drug deals on
6 Liberty Road.

7 Do you remember telling them that?

8 **A.** Yes.

9 **Q.** Okay. So you saw Mr. Hamilton sell drugs?

10 **A.** Like I testified, like an hour ago, Wayne observed, made
11 the observations of the transaction. He made the comment about
12 robbing him. He gave us the information.

13 **Q.** But you were with him; right?

14 **A.** No, I wasn't with him. We were all in separate cars.
15 Cars. Wayne saw that with his own eyes. Only Wayne. Nobody
16 else saw it.

17 **Q.** So Wayne -- all right. So Wayne then told you that
18 Mr. Hamilton was selling drugs?

19 **A.** He related to myself and Rayam.

20 **Q.** Okay. Now, this we had talked about a little bit. You
21 were indicted and charged in two separate criminal cases;
22 right? The one for the drug dealing with Shropshire and the
23 other one for the racketeering as a police officer; is that
24 correct?

25 **A.** That's correct.

1 Q. Okay. Now, in the drug case, right, there was an overdose
2 involved in that matter; right?

3 A. I don't have anything to do with the drug overdose with
4 that case. Like I said --

5 Q. You don't have anything to do with the drug overdose?

6 A. No; because what I did was tell Antonio Shropshire to
7 remove a tracker. And then while Wayne was targeting Wells,
8 even though Wells was doing illegal drug transactions in the
9 Northeast, I had no right to tell Wayne what was going on -- I
10 mean tell Wells what was going on, 'cause Wells was breaking
11 the law. Even though I may have my own opinion on Wayne, I had
12 no right to do that.

13 That's all my knowledge as far as with that drug --

14 Q. All right. So you admitted as part of the
15 drug-trafficking case that you, Mr. Shropshire, and
16 Mr. Campbell sold or intended to sell drugs; is that true?

17 A. As a conspiracy charge, yes; that's true.

18 Q. Specifically on August 20th, 2016, you possessed with the
19 intent to distribute heroin, specifically 27 gelcaps.

20 Do you remember admitting to that?

21 A. The drugs were in my vehicle. Other individuals used my
22 vehicle. I didn't sell 27 grams of heroin. Other people made
23 arrests using my vehicle 'cause I had lights in the car.

24 Q. Okay.

25 A. The drugs were found on the floor of my car.

~~CONDO~~ ~~CROSS~~

1 Q. I see. So you did not admit, then, to possessing those
2 drugs with the intent to distribute them?

3 A. Absolutely told the Government the same thing I'm telling
4 you right now in court.

5 Q. And did they believe you?

6 MR. WISE: Objection, Your Honor.

7 THE COURT: Sustained.

8 BY MR. NIETO:

9 Q. Was it factored into your plea agreement?

10 A. I have no idea.

11 Q. Well, did you talk with your attorney about it being
12 listed as a specific instance in your case?

13 MR. WISE: Your Honor, can we approach?

14 THE COURT: Sure.

15 (Bench conference on the record:

16 MR. WISE: Mr. Nieto's reading from the indictment.
17 He's not reading from his factual statement. So when he says
18 it's specifically being listed in your case, I mean, he
19 admitted to a whole --

20 THE COURT: Is it in the statement of facts?

21 MR. WISE: Not what he just went over.

22 MR. NIETO: I'm reading the overt acts in the
23 indictment. I thought it said in -- no, no, no, but I'm not --
24 I'm not trying to be fast and loose here, but he said that he
25 admits to the facts in the indictment.

1 **MR. WISE:** No, he didn't.

2 **MR. NIETO:** That's what I -- I understand what the
3 plea agreement had said.

4 **MR. WISE:** No. The plea agreement lists paragraphs.
5 There's several paragraphs of facts that he admitted to related
6 to the drug case. But the indictment is much longer, and it
7 covers overt acts committed by a variety of other members of
8 the conspiracy.

9 **MR. NIETO:** One of the overt acts was his possession
10 with intent to distribute those 27 gelcaps on that particular
11 day.

12 **MR. WISE:** It's not in his factual statement.

13 **MR. NIETO:** So that's not true, then?

14 **THE COURT:** It's not something you can cross-examine
15 him about. I mean, he can admit to it. I mean --

16 **MR. WISE:** He also didn't admit to anything having to
17 do with the overdose. The overdose was charged in the case,
18 but it was six years before he was involved.

19 **MR. NIETO:** It's at that last -- I think that's what
20 it was, Your Honor --

21 **THE COURT:** He became a member of the conspiracy
22 described in the indictment.

23 **MR. NIETO:** Described in the indictment.

24 **MR. WISE:** It doesn't shoehorn him into --

25 **MR. NIETO:** I guess when I saw that, when it talked

1 about having to do with part of that and those are the overt
2 acts that are listed, although it's not contained within the
3 ten pages of facts, I thought that was still covered.

4 **THE COURT:** Okay.

5 **MR. NIETO:** I will move on.

6 **THE COURT:** That having been clarified --

7 **MR. PURPURA:** I think the objection was the Government
8 is trying to preclude him about asking about the drugs found in
9 his car.

10 **MR. WISE:** You can ask him about that. He just said
11 he wasn't selling them. He said other people used the car.

12 **THE COURT:** And the question from Mr. Nieto, at least
13 as I heard it, sounded as though he had admitted as part of his
14 plea deal that, in fact, he possessed them with the intent to
15 distribute. And I think that's what the Government's objection
16 was.

17 **MR. PURPURA:** Probably over-led him on it.

18 **MR. NIETO:** I will move on.

19 **THE COURT:** Rephrase that. And when you finish with
20 that, we can take the break.

21 **MR. NIETO:** Yes, Your Honor.

22 **THE COURT:** Thank you.)

23 (Bench conference concluded.)

24 **BY MR. NIETO:**

25 **Q.** So, Mr. Gondo, were there 27 gelcaps of heroin located in

1 your car on August 20th, 2016?

2 **A.** That's correct.

3 **Q.** But those were not yours?

4 **A.** Like I said, individuals used the vehicle just as much as
5 I did. People make arrests. Somebody could have dropped it
6 there, didn't submit it.

7 **Q.** Sir, I'm sorry. It's just a "yes" or "no": Were the
8 drugs yours or not?

9 **A.** No.

10 **Q.** Okay. Who else had access to your vehicle?

11 **A.** Everybody in the squad had access to my vehicle. We all
12 had -- we can all use each other's cars. My vehicle may -- had
13 tinted windows and lights. If a person wanted to use my
14 vehicle 'cause they wanted to do covert or wanted to conduct a
15 car stop, they used my vehicle. That's just it.

16 We flip-flopped through vehicles. This wasn't a car,
17 just, oh, this is Detective -- well, Former Detective Gondo's
18 car. Anybody can use the vehicle.

19 **Q.** Right. So is that your personal vehicle, or is it a
20 police vehicle?

21 **A.** Departmental.

22 **Q.** The 27 gelcaps of heroin.

23 **A.** You said was that my vehicle?

24 **Q.** Yeah. Your personal vehicle?

25 **A.** That was a work car.

~~GONDO~~ ~~CROSS~~

1 Q. That was your work car. Okay.

2 THE COURT: Is this a good time to break, Mr. Nieto?

3 MR. NIETO: We can, Your Honor.

4 THE COURT: All right. We're going to take the lunch
5 recess and then continue at 2 o'clock.

6 (Jury left the courtroom at 12:55 p.m.)

7 (Luncheon recess taken.)

8 THE COURT: Be seated, please.

9 Are we ready for the jury?

10 MR. WISE: Yes, Your Honor.

11 THE COURT: Okay.

12 (Jury entered the courtroom at 2:05 p.m.)

13 THE COURT: You can all be seated. We're just waiting
14 for one more.

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

16 THE WITNESS: Yes, ma'am.

17 THE COURT: All right, Mr. Nieto.

18 MR. NIETO: Thank you, Your Honor.

19 BY MR. NIETO:

20 Q. So, Mr. Gondo, with regards to your plea agreement, you
21 had admitted to at least eight robberies; right?

22 A. That's correct.

23 Q. And you had not been charged with the use of the handgun
24 in furtherance of any of those robberies, were you?

25 A. My departmental weapon?

~~GONDO~~ ~~CROSS~~

1 Q. Any weapon.

2 A. No, I haven't.

3 Q. Right. And, of course, there was, in fact, the one
4 home invasion, right, in which I believe it was Mr. Rayam
5 pointed a gun (indicating) right at the woman inside the house;
6 right?

7 A. That's correct.

8 Q. But you weren't charged with any of that in terms of the
9 gun use?

10 A. No.

11 Q. Okay. So the Government had asked you earlier about what
12 your maximum penalties were.

13 Do you remember that?

14 A. That's correct.

15 Q. They said your maximum penalties in aggregate were about
16 60 years?

17 A. Yeah. 20 years for the racketeering, 40 years for the
18 drug conspiracy.

19 Q. But you don't actually expect to get 60 years, do you?

20 A. I don't know what to expect.

21 Q. Well, do you expect to get 60 years?

22 A. If I can be charged up to the maximum, yeah, it's a
23 possibility, absolutely.

24 Q. It's always a possibility that you would get the maximum
25 penalty allowed by law, but surely you've discussed the

1 guidelines with your attorney, haven't you?

2 **A.** Never talked about guidelines with Mr. Brown.

3 **Q.** Never talked about the guidelines?

4 **A.** Just like I testified in the other testimony in
5 Shropshire, never, never talked to Mr. Brown about guidelines.

6 **Q.** Have you done any of your own research, then, on the
7 potential guidelines you're facing?

8 **A.** Of course.

9 **Q.** Okay. In your plea agreement I mean it sort of details it
10 out where they think your criminal -- I'm sorry, where your
11 offense level may be; right?

12 **A.** It stated what my offense level is --

13 **Q.** Correct.

14 **A.** -- for each charge.

15 **Q.** Correct. Right. And you don't have a criminal history,
16 do you?

17 **A.** No.

18 **Q.** No prior convictions?

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

20 **Q.** All right. So have you looked at the guidelines to get a
21 sense as to what type of sentence you might be facing more
22 realistically?

23 **A.** As far as me seeing where I fall on the grid? Yeah,
24 absolutely.

25 **Q.** Okay. So you have looked at the grid, then?

1 **A.** Yes.

2 **Q.** Okay. That wasn't through your attorney; that was just on
3 your own?

4 **A.** Yeah. When I was locked up, I took it upon myself.

5 **Q.** Okay. So looking at the grid, having taken it upon
6 yourself, you realized that the recommended sentences are not
7 60 years, are they?

8 **A.** Yeah, that's -- that's the maximum, of course. That's not
9 the recommended sentence that I receive in my plea agreement.

10 **Q.** Right. Exactly. Exactly.

11 And obviously by cooperating and testifying, you're going
12 to be getting a reduced sentence; right?

13 **A.** I have to fulfill every term of my plea agreement. The
14 Government -- they don't have to make the motion, you know. I
15 can cooperate, go the whole 9 yards; and the Government can
16 still say -- you know, offer what they going to offer, offer
17 what they want to offer. I have no idea what I'm going to get
18 or what the Government is going to do.

19 **Q.** So is it your understanding, then, that you will not
20 receive credit for testifying?

21 **A.** I'm here to fulfill my agreement. Once I go to
22 sentencing, I will find out what's what.

23 **Q.** Okay. So, again, is it your understanding or is it not
24 your understanding that you're going to get credit for
25 testifying?

~~CONDO~~ ~~CROSS~~

1 **MR. WISE:** Your Honor, I think he just answered that.

2 **MR. NIETO:** He didn't, Your Honor.

3 **THE COURT:** Well, one more time.

4 **THE WITNESS:** Per my plea agreement, they offered me a
5 deal as far as testifying. When I go to sentencing -- I'll
6 find out if the Government will make that recommendation at
7 sentencing. When I pled guilty, they made that recommendation
8 to the Court.

9 **BY MR. NIETO:**

10 **Q.** Okay. So it's still very important for you, then, that
11 the Government is happy with the work that you're doing; right?

12 **A.** I don't know if it's happy. I'm just here to speak the
13 truth.

14 **Q.** Okay.

15 **A.** That's it. I'm not here to make the Government happy.

16 **Q.** You had testified in the trial against Mr. Wells; right?

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

18 **Q.** Your lifelong friend?

19 **A.** That's correct.

20 **Q.** You testified against him --

21 **A.** That's correct.

22 **Q.** -- correct?

23 So you've testified in one federal trial, and now you're
24 testifying in this one; right?

25 **A.** That's correct.

~~CONDO~~ ~~CROSS~~

1 **Q.** Okay. And, of course, the determination as to whether
2 you're being truthful and determination as to whether you're in
3 compliance with what the Government has proposed, that
4 determination is made by them; right?

5 **A.** That's correct.

6 **MR. WISE:** That's a compound question. I think the
7 first part was about truthfulness, and the second part was
8 about something else.

9 **THE COURT:** It's been answered. It's all right.

10 Next question.

11 **BY MR. NIETO:**

12 **Q.** Okay. All right. So let's talk a little bit, then, about
13 what it was that you admitted to having done.

14 So as we had already talked about, you had acted as a
15 lookout for Rayam and another person when they robbed a house
16 with ski guns -- I'm sorry, ski masks and a gun; right?

17 **A.** It wasn't ski masks. Rayam had a hat with a bandana.
18 Kyle had a hoodie on with a bandana. No ski mask.

19 **Q.** No ski masks?

20 **A.** Rayam had his departmental weapon when he went inside the
21 residence.

22 **Q.** Okay. But they had items over their head to --

23 **A.** I'm just telling you it wasn't a ski mask. You said "ski
24 mask." It wasn't a ski mask.

25 **Q.** And you had sold a handgun and drugs to repay a drug debt;

1 is that true?

2 **A.** Absolutely not.

3 **Q.** That's not true?

4 **A.** No.

5 **Q.** All right. You and Rayam had coached each other on what
6 to tell Internal Affairs to cover up some of your criminal
7 behavior?

8 **A.** Yes. When we had to go to Internal Affairs, I discussed
9 it with Rayam. It was common practice in the police
10 department.

11 **Q.** So that's a yes?

12 **A.** That's a yes, absolutely.

13 **Q.** All right. And you had at other times turned off your
14 body camera to hide illegal activities; right?

15 **A.** Yeah. One incident when Wayne, when they came to the
16 squad, they were doing a lot of things that I didn't approve
17 of. And if he was arguing with another person, yeah, I got in
18 the car -- Rayam said I turned it off -- 'cause I didn't want
19 no parts of that. That was a whole different -- Wayne brought
20 a whole different dynamic to the Gun Unit that -- some things I
21 wasn't fond of. So, yeah, absolutely, I turned my camera off.

22 **Q.** So Wayne Jenkins brought some things to the Gun Unit that
23 you were not fond of?

24 **A.** Yes.

25 **Q.** Okay. Did he bring the bandanas and the home invasions

1 and the burglaries, or was that something that you and Rayam
2 did on your own?

3 **A.** Like I testified before, we did the home invasion.

4 **Q.** Right.

5 **A.** Wayne had a slew of other things that he was doing that I
6 had knowledge of.

7 **Q.** All right. And when you knew about that stuff, did you
8 notify the authorities or whomever about it when it was
9 happening?

10 **A.** Working in law enforcement, if I would have notified
11 anybody, Wayne knew so many people up in command, I'd have been
12 blackballed. So, no, I didn't.

13 **Q.** Okay. So you decided until you were charged to then talk
14 about it?

15 **A.** At this point I'm not a detective. I'm not BPD. I'm
16 not -- I'm myself. So as I stand here as a man, I'm going to
17 face everything head on. That's it. I don't have to cover up
18 for anybody. All I have to do is speak my truth, and that's
19 it. So that's what I'm doing.

20 **Q.** Now -- so people were saying when you were a police
21 officer, you were the biggest drug dealer in the department.
22 Did you hear that?

23 **A.** Yeah; 'cause people talk. I was a young black male with
24 no kids. My parents had money. When I got shot, I was
25 rewarded a large settlement. I was buying what I wanted, so

~~GONDO~~ ~~CROSS~~

1 people had their own opinion.

2 **Q.** So it had nothing to do with you actually being the
3 biggest drug dealer in the department?

4 **A.** No, absolutely not.

5 **Q.** No. Okay. Now, with regards to -- you had been notified
6 about the investigation, the federal investigation into you and
7 Rayam; right?

8 **A.** Yes. When I was notified, it was solely about me: Like,
9 Gondo, you're under investigation.

10 **Q.** Right. Exactly. Because the investigation started off
11 with you and Rayam initially, and then it trickled --

12 **A.** I don't know anything about how it started. You have to
13 ask the Government.

14 All I know is I got the information that the Government
15 was looking at me. I don't know who they started with or
16 what --

17 **Q.** And you -- you had gotten that information from a
18 Detective Diggers, who told you about --

19 **A.** Who?

20 **Q.** Am I pronouncing that correctly, Diggers, D-I-G-G-E --

21 **A.** Oh, it's Biggers, B-I-G-G-E-R-S.

22 **Q.** All right. Detective Biggers had notified you about that;
23 right?

24 **A.** Yes.

25 **Q.** And Sergeant Cicchetti -- am I pronouncing that correctly?

~~GONDO~~ ~~CROSS~~

1 **A.** He didn't notify me. He notified Allers, who -- Allers,
2 in turn, notified Rayam. Then Rayam notified me.

3 **Q.** Okay. So he notified someone who notified someone who
4 notified to you; right?

5 **A.** He notified Sergeant Allers. Sergeant Allers notified
6 Rayam. And Rayam notified me.

7 **Q.** Now, when you were at the Howard County Detention Center,
8 right, you interacted with some of the other officers that had
9 been arrested; right?

10 **A.** That's correct.

11 **Q.** You had talked with Rayam --

12 **A.** That's correct.

13 **Q.** -- about what was going on; right?

14 And even he had actually warned you, before you came to
15 meet with the feds, that they might ask you about a murder. Do
16 you remember talking about that?

17 **A.** Yes.

18 **Q.** Okay. And I don't know. I mean, was -- did he explain
19 why they might ask about the murder? Was it your understanding
20 that he had told them about a murder?

21 **A.** I don't know what Rayam was going to tell the Government
22 at that point. You know, all bets are off. We're not -- we're
23 all individuals when we're locked up. Rayam was talking how he
24 wanted to talk.

25 **Q.** Right.

~~GONDO~~ ~~CROSS~~

1 **A.** Other people were talking how they wanted to talk.

2 **Q.** I understand that to some extent, but he --

3 **THE COURT:** Mr. Nieto, when you start talking and he's
4 still talking, it gets difficult.

5 **BY MR. NIETO:**

6 **Q.** But he was giving you the heads-up as to the particular
7 line --

8 **A.** He wasn't giving me a heads-up, because I had no knowledge
9 of a murder. So it's not a heads-up. I didn't know anything
10 about a murder.

11 **Q.** Did he -- did Rayam tell you, when you were at
12 Howard County Detention Center, that the Government might ask
13 you about a murder? Yes or no?

14 **A.** I said yes.

15 **Q.** Yes. Okay.

16 Did they ask you about a murder?

17 **A.** Yes.

18 **Q.** All right. But you didn't know anything about it?

19 **A.** No, I didn't know anything.

20 **Q.** Was that the murder of T or was that someone else?

21 **A.** The murder of who?

22 **Q.** T.

23 **A.** T was an informant that got killed. I had no
24 recollection -- I didn't know about his murder when he got
25 killed.

1 Q. Right. But you were interviewed by Homicide at the time
2 that happened; right?

3 A. About T's murder? No, I wasn't never interviewed by
4 Homicide about T's murder.

5 Q. You were never interviewed by Homicide after T was
6 murdered?

7 A. No.

8 Q. Okay.

9 A. Absolutely not.

10 Q. But you knew that Rayam had murdered someone; right?

11 A. He shot a person on the street, yeah. That's correct.

12 Q. Right. Right. So the Rayam-involved shooting, right, you
13 had learned about that through Detective Edwards and through
14 Rayam himself; right?

15 A. That's correct.

16 Q. All right. And it had occurred over on Spalding Avenue;
17 it was a traffic stop?

18 A. That's correct.

19 Q. And the driver had taken off, and Rayam just shot him at
20 point-blank range; correct?

21 A. Yeah, that's correct.

22 Q. All right. And do you remember what Rayam told you was
23 his rationale for shooting the guy?

24 A. He just shot him. He had a bulge in his -- in his -- in
25 his waist, and he just shot him --

~~GONDO~~ ~~CROSS~~

1 Q. Did you tell --

2 THE COURT: Mr. Nieto, just let him finish.

3 MR. NIETO: I'm sorry.

4 BY MR. NIETO:

5 Q. Are you finished?

6 A. Yeah, I'm finished.

7 Q. Didn't you tell federal agents that Rayam told you, "Fuck
8 it, I don't -- I just didn't want to chase him"?

9 A. Absolutely.

10 Q. Right. And that Rayam also told you that Baltimore Police
11 Department Colonel Dean Palmere had arrived at the scene and
12 coached Rayam on how he should sort of explain the shooting;
13 right?

14 A. He coached everybody who was at the scene, Tariq, Jason.
15 He coached the individual. People in command coached, yeah.

16 MR. NIETO: My apologies, Your Honor. My apologies.

17 BY MR. NIETO:

18 Q. So when you say "the other people that are there," there
19 was Detective Jason Giordano?

20 A. Yes.

21 Q. Right. And he was coached on what to say?

22 A. Yeah. This is what I'm hearing, yes.

23 Q. All right. Now, I think the explanation was -- that they
24 gave was that Detective Giordano was about to get hit by the
25 car, and that was the basis for the shooting; is that right?

1 **A.** Yes.

2 **Q.** All right. But that's not what Giordano had told you. He
3 was actually nowhere near the car when Rayam shot him --

4 **A.** I don't think I spoke to Jay personally about it. I can't
5 respect -- remember the exact words he said. But from the
6 information I gathered talking to the individuals that was
7 involved, that, you know, they kind of just articulated the
8 incident which --

9 **Q.** And when was that shooting?

10 **A.** I can't remember. I was in VCID in Northwest.

11 **Q.** Were you working with Jenkins at that time or no?

12 **A.** No. I was off. I was actually partners with Tariq.

13 **Q.** All right. So without being under the cruel thumb of
14 Wayne Jenkins, you still didn't tell anybody about what you had
15 learned about that shooting, did you?

16 **A.** Because that is hearsay. I wasn't at the scene. I'm just
17 letting the Government know basically this is what I heard.

18 This is what happened. That's it. I wasn't at the scene.
19 This is what people are telling me. This is what Rayam told
20 me.

21 That's basically what I told the Government.

22 **Q.** Well, so Rayam told you that he just shot the guy because
23 he didn't want to chase him. And you didn't feel --

24 **A.** In so many words.

25 **Q.** You didn't feel that was important to tell a supervisor?

1 **A.** When you have command -- if you're in my shoes as a young
2 detective coming on the street and you have command doing that,
3 if that's what's happened, what am I going to say? What is
4 going to happen to me? You have to think like that, you know.

5 **Q.** Well, I mean, you had brought it up to Rayam numerous
6 times; right? And I think you had even said to him, "You know
7 you murdered that guy."

8 And he responded, "Yeah, I did"; right?

9 **A.** I brought it up to him?

10 **Q.** Yeah. You had actually discussed the shooting with Rayam
11 numerous times and even said to him, "You know you murdered
12 that dude"?

13 **A.** I can't remember the exact words through conversation.
14 But working with Rayam for several years, I inquired about the
15 situation. Rayam spoke about it. You're speaking about it. I
16 mean, that's just basically --

17 **Q.** Do you remember telling federal agents about it, obviously
18 after you'd been arrested in this case?

19 **A.** Yes. I told them about the whole incident, everything
20 you're speaking about.

21 **Q.** Okay. Now, you had -- we had talked a little bit about T;
22 right? And so T was an informant that was working for you and
23 that you and Rayam had robbed a guy named Bones based on
24 information T had given you; correct?

25 **A.** Bones, yes, correct.

1 Q. Right. And then T was eventually killed --

2 A. Yes.

3 Q. -- presumably because of that.

4 But you were --

5 A. Hold on. Hold on. You said he was what?

6 Q. He was --

7 A. He was killed? I don't know if he was killed in reference
8 to the Bones situation, 'cause, in fact, Bones was cooperating
9 with Homicide. That's when I talked to Homicide, because they
10 was using Bones for a whole 'nother case, and he was a
11 cooperating witness.

12 Q. So you did talk to Homicide?

13 A. You asked me did I talk to Homicide in reference to T's
14 murder. I said, "No."

15 I'm telling you I talked to them in reference to Bones
16 cooperating with them, because we had seized pounds of
17 marijuana from Bones, and money was taken from Bones.

18 Q. Right. So did you tell homicide that you and Rayam had
19 robbed --

20 A. No.

21 Q. -- him of drugs and cash?

22 A. We didn't take the drugs. The money was taken.

23 Q. Just money?

24 A. Yes.

25 Q. Okay. Did you tell that to the Homicide detectives?

~~CONDO~~ ~~CROSS~~

1 **A.** No.

2 **Q.** All right. Do you think that would be relevant for their
3 investigation into T's shooting?

4 **A.** They weren't even --

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

6 **THE WITNESS:** -- investigating T's shooting at the
7 time.

8 **MR. NIETO:** I'll withdraw it.

9 **BY MR. NIETO:**

10 **Q.** All right. You had testified on direct a little bit
11 about, although you didn't use his name, Dominick Griffin.

12 Do you remember that?

13 **A.** That's correct.

14 **Q.** All right. Now, you had told the federal government that
15 it was around 2000 or 2003. Do you remember when you had the
16 conversation with him about him killing someone?

17 **A.** It wasn't -- the conversation was on the way there. Then
18 after that.

19 **Q.** I know. Sir, just the year, do you remember the year when
20 that happened?

21 **A.** I can't even remember the exact year.

22 **Q.** Okay. But you were in the car in the early 2000s with
23 drug dealers and with Dominick Griffin during which he
24 threatened to kill someone.

25 **A.** That's correct.

1 Q. All right. And he ended up killing that person.

2 A. That's what I presume.

3 Q. Right?

4 And he had actually bragged about killing that person in
5 front of his daughter.

6 Do you remember telling the feds about that?

7 A. That he bragged in front of his daughter?

8 Q. Bragged about killing that guy in front of his daughter.

9 A. I don't even think Nick had a child at that time.

10 Q. Do you remember saying that to the federal agents?

11 A. I can't -- I can't remember.

12 MR. WISE: Your Honor, can we approach.

13 THE COURT: Yes.

14 (Bench conference on the record:

15 MR. WISE: What he said was that Dominick Griffin
16 bragged he killed this man in front of that man's daughter, not
17 Dominick Griffin's daughter.

18 MR. NIETO: Okay. Then I'm sorry. The 302 is poorly
19 worded. Okay.

20 MR. WISE: That's what it said.

21 THE COURT: Do we have a lot more of this, Mr. Nieto?

22 MR. NIETO: Amazingly, no.

23 THE COURT: Good.

24 MR. PURPURA: Judge, I'm not going to be repetitive.

25 THE COURT: Good.

1 **MR. PURPURA:** Mr. Nieto is really going for the
2 credibility at this point, and I am not going to go through the
3 same things again. So . . .

4 **THE COURT:** Okay.

5 **MR. PURPURA:** Thank you.

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

7 (Bench conference concluded.)

8 **BY MR. NIETO:**

9 **Q.** Okay. All right. But you hadn't told anybody about that
10 shooting, did you?

11 **A.** I was a teenager. This is well before the police
12 department. I was young and dumb. I just -- once I sat down
13 with the Government, anything I've ever done in my life, I
14 confessed to it. Any situation I feel that it wasn't right, I
15 told the Government.

16 **Q.** Right. And you were -- it was between the ages of 18 and
17 21 when you had this conversation; right?

18 **A.** When I had this conversation with who?

19 **Q.** With Mr. Griffin.

20 **A.** I can't remember the exact age.

21 **Q.** Well, you were born in 1982; right?

22 **A.** Yes.

23 **Q.** You told the agents that this happened sometime between
24 2000 and 2003?

25 **A.** Yes.

1 Q. Do you remember doing that?

2 So you would have been roughly 18 to 21 at the time when
3 you had the conversation?

4 A. That's a guesstimation. I mean, I'm giving a raw number.
5 I don't know the exact -- I was a teenager. That's all -- this
6 is well before I joined the police department.

7 Q. Okay. So in sum -- in sum, right, you have stolen money
8 as a drug dealer and as a police officer; right?

9 A. When I took money, I was a police officer. You're saying
10 I done -- I stole drug -- money as a drug dealer and a police
11 officer. When I took money, when I took drugs, I was a police
12 officer. I broke the law. I was here to enforce the law. I
13 didn't. That's it.

14 Q. So the "burglarization" of that home in which money was
15 recovered, you were working as an officer at that time?

16 A. Which home?

17 Q. Do you remember which home?

18 A. I'm asking --

19 Q. The one with Rayam.

20 A. Say it again.

21 Q. The one with Rayam.

22 A. Which one with Rayam? I did multiple things with Rayam.
23 Which incident are you referring to?

24 Q. When you weren't acting as a police officer but you were
25 going with drug dealers.

1 **A.** Yeah, Marnat Road.

2 **Q.** Right. Did you steal money at that location?

3 **A.** Yes.

4 **Q.** Okay. You were not a police officer when you did that at
5 that time.

6 **A.** Yes, I was.

7 **Q.** You weren't wearing a uniform; right?

8 **A.** I still was a police officer. It doesn't matter if I
9 wasn't -- I still was a Baltimore -- I still represented that
10 organization. I still did wrong. I was police when I went
11 into that house -- I mean when I -- when I did that burglary
12 with Rayam and Kyle.

13 **Q.** And Kyle; right? And Kyle wasn't a police officer; he was
14 a drug dealer?

15 **A.** Yeah. He was my friend. Yeah, he was a drug dealer,
16 absolutely.

17 **Q.** Okay. And so you stole property from people as well as
18 stealing money and drugs?

19 **A.** Yes. I testified to that.

20 **Q.** And you swore out false affidavits to get search warrants?

21 **A.** I never swore out a false affidavit to get a
22 search warrant. Never in my career.

23 **Q.** So the basis for the search warrants that you swore out
24 were, in fact, accurate?

25 **A.** 100 percent.

~~GONDO~~ ~~CROSS~~

1 Q. You prepared false reports?

2 A. Yes; to hide the fact that money was taken during certain
3 incidents, yes, I did.

4 Q. Okay. So that's a "yes"; right?

5 THE COURT: That's what he said.

6 BY MR. NIETO:

7 Q. Okay. Okay. And you swore that those reports were true;
8 but they were, in fact, false?

9 A. Yes.

10 Q. All right. And so you prepared -- prepared false charging
11 documents; correct?

12 A. As far as?

13 Q. Did you prepare false charging documents?

14 A. When you say "false charging documents," when I charged
15 somebody, I'm charging them with a drug charge or a gun charge.
16 I'm not charging them with money. Now, if you're asking me did
17 I not put in those drug charges or gun charges the amount of
18 money or the accurate amount of money, I can testify to that
19 and say yes.

20 But as far as charging people, I charged people with the
21 drugs that they had. I charged people with the guns that they
22 had. That's a charging document.

23 Q. Had you lied when you testified in the State or
24 Federal Court?

25 A. As far as?

~~GONDO~~ ~~CROSS~~

1 Q. As far as what, sir? Did you lie when you testified?
2 Have you lied when you testified?

3 A. I have testified numerous times. And it's times that I
4 didn't lie. It's times that money wasn't taken. It's times
5 when nothin' was taken. You're -- you're asking me just an
6 open question.

7 Q. I'm asking you if you have lied under oath before.

8 A. In reference to money being taken, yes. If that situation
9 went to court, yes.

10 Q. In reference to anything.

11 A. Yes, as far as with money being taken, absolutely.

12 Q. All right.

13 MR. NIETO: Nothing further, Your Honor.

14 THE COURT: All right. Thank you.

15 Mr. Purpura.

16 MR. PURPURA: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. PURPURA:

19 Q. Good afternoon, Mr. Gondo.

20 A. How you doing?

21 Q. I'm good. Thank you.

22 We've never met before, have we?

23 A. No.

24 MR. PURPURA: Let me turn this on.

25 THE CLERK: Thank you.

~~CONDO~~ ~~CROSS~~

1 **BY MR. PURPURA:**

2 **Q.** I'm going to ask you a couple quick questions about when
3 Sergeant Jenkins came to the squad.

4 Now, before Sergeant Jenkins came to the squad, that's
5 June -- I guess January, February, March, April, May, June,
6 Sergeant Allers in 2016, he's the sergeant for a period of
7 time; is that correct?

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

9 **Q.** And then Sergeant Allers left. Do you remember ballpark
10 what month Sergeant Allers left in 2016?

11 **A.** I would say probably May.

12 **Q.** Okay.

13 **A.** May. I'm not sure.

14 **Q.** And then for a short period of time, there's no sergeant.
15 And then Sergeant Jenkins comes in; correct?

16 **A.** That's correct.

17 **Q.** And did you have any experience with Sergeant Jenkins
18 before GTTF?

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

20 **Q.** So how -- when were you teamed up with Jenkins in the
21 past?

22 **A.** When I was working in Gun Trace, prior to that. That was
23 in --

24 **Q.** Years --

25 **A.** Say it again.

1 Q. Just give me the year, if you can, ballpark.

2 A. 2010, I would say, 2011.

3 Q. All right. And in 2010 and 2011 when you worked with
4 Sergeant Jenkins, was he a sergeant at that time?

5 A. No.

6 Q. And was there anything that he was doing in front of you
7 which would indicate that he wasn't on the up-and-up?

8 A. Yes.

9 Q. So he was doing things at that point as well?

10 A. Yes.

11 Q. All right. And then he comes to the GTTF. And before he
12 comes to the GTTF, let me ask you a few questions about
13 overtime.

14 What was Sergeant Allers doing about overtime?

15 A. In what aspect?

16 Q. If you got a gun, would you get overtime?

17 A. Yes.

18 Q. Would Sergeant Allers let you come in anytime you wanted
19 to?

20 A. Yeah. We came in -- it was 8:00 to 4:00, but we came
21 in -- I normally came in with Allers probably around like
22 10 o'clock, 10:00, 11:00.

23 Q. 10 o'clock, so maybe two hours later in the morning; fair
24 to say?

25 A. Yes, that's fair.

1 Q. And even before that, go back to 2008. Go back to even
2 before that when you first started. What was overtime back in
3 2008? What was going on with that?

4 A. As far as?

5 Q. As far as getting overtime for stuff you weren't doing.

6 A. As far as getting guns, it was that same pattern: You get
7 a gun, four, six to eight hours.

8 Q. And that's basically what we've termed here apparently a
9 slash day. You've heard that before; correct?

10 A. Slash day to me is when you -- you get guns the day prior,
11 and then the next day you get off. That's a slash day to me.

12 Q. And when you get that day off, the next day off, is
13 that -- I mean, is that authorized by the commissioner, if you
14 know.

15 A. No.

16 Q. Okay. But was it common practice or not common practice
17 in the Baltimore City Police Department as long as you've been
18 there to get a slash day?

19 A. It was common practice.

20 Q. And what's the purpose of a slash day? I guess it's a
21 silly question. You get a gun. You get a large amount of
22 drugs. The City's happy or the police department's happy with
23 you; right?

24 A. Yeah. It's basically a reward.

25 Q. All right. So it's an unofficial reward; correct?

~~GONDO~~ ~~CROSS~~

1 A. Yes.

2 Q. And that was prevalent since you started working on the
3 streets?

4 A. Yes. Once I got in the drug -- in the drugs units, yes,
5 that's correct.

6 Q. And I guess I'm glad you mentioned that, 'cause that
7 normally goes to the kind of more specialized units; correct?

8 A. Yes.

9 Q. SES unit, drug units, GTTF units, things like that;
10 correct?

11 A. Yes.

12 Q. Because they're actually the units that are doing the more
13 proactive law enforcement; correct?

14 A. Yes.

15 Q. And that's what you were doing?

16 A. Yes.

17 Q. And you were good at it?

18 A. Yes.

19 Q. And you were getting guns off the street?

20 A. Yes.

21 Q. You were getting narcotics off the street?

22 A. Yes.

23 Q. When -- now, the dynamic in January of 2016 right through
24 Sergeant Allers at GTTF, there was -- John Clewell was on GTTF
25 at that time?

~~GONDO~~ ~~CROSS~~

1 A. That's correct.

2 Q. Dan Hersl (indicating) was on at that time?

3 A. That's correct.

4 Q. He -- Dan Hersl joined roughly January 2016; sound about
5 right to you?

6 A. Yeah, that sounds about right.

7 Q. Okay. Clewell was on before Hersl?

8 A. In the unit?

9 Q. Yes.

10 A. Yes.

11 Q. And eventually an officer by the name of Kostopolis came
12 on as well; correct, K-Stop?

13 A. Yes.

14 Q. I think a shorter officer?

15 A. Yes.

16 Q. And he -- when K-Stop came on or Kostopolis came on, you
17 were still on the unit; correct?

18 A. Yes.

19 Q. And was overtime still being given out by Sergeant Jenkins
20 at that time?

21 A. Yes.

22 Q. And was everybody in the unit getting that overtime?

23 A. Yes.

24 Q. Including John Clewell?

25 A. Yes.

1 Q. Including Kostopolis?

2 A. Yes.

3 Q. And that's overtime for work that, at least based on your
4 testimony, that they were not putting in. But it was work for
5 guns being seized off the street or narcotics being seized
6 offer the street; correct?

7 A. Yes, that's correct.

8 Q. Now, Government played a conversation. I'm not going to
9 play it. I'm just going to use the transcript. This is
10 Government Exhibit FBI-9, which is the transcript of the
11 June 14th, 2016 conversation between yourself and Mr. Ward.
12 I'm just going to just once -- two sections from that.

13 **THE COURT:** I'm sorry. This is page --

14 **MR. PURPURA:** It's June 14th, 2016. It's the
15 transcript. It's labeled FBI-9.

16 **THE COURT:** Page 1?

17 **MR. PURPURA:** Page 1. Excuse me. I apologize.

18 **THE COURT:** Thank you.

19 **BY MR. PURPURA:**

20 Q. Apparently Mr. Ward says something to you like [reading]:
21 He don't like to come in on time, yo. He'll come in late every
22 day, yo. So we usually don't come in to work until 10 o'clock,
23 yo.

24 Do you remember that?

25 A. Yes.

1 Q. And you were asked about that by Mr. Wise; correct?

2 A. That's correct.

3 Q. And basically, this is Jenkins -- he's talking about
4 Jenkins coming in right now brand new into GTTF; correct?

5 A. Yes.

6 Q. And right now there's a new dynamic in GTTF because
7 there's Jenkins and there's Ward and there's Hendrix and there
8 is Taylor that comes in at this point; correct?

9 A. That's correct.

10 Q. And they all came in with Jenkins because they knew
11 Jenkins before; correct?

12 A. They were working with Jenkins before, yes.

13 Q. And so this new dynamic, the new sheriff in town or the
14 new boss is basically Jenkins; correct?

15 A. That's correct.

16 Q. And Jenkins is the one who now is telling you all, like
17 Allers did in the past, when to come in, when not to come in;
18 right?

19 A. That's correct.

20 Q. And like you said, you know, who am I? I'm a detective.
21 What am I going to say; correct?

22 A. That's correct.

23 Q. And the bottom line is, especially with Jenkins, he was
24 kind of like -- they felt like he was untouchable in the
25 system, didn't they?

1 **A.** I wouldn't -- I wouldn't say that. I would say that Wayne
2 was connected with people higher up and people protecting him
3 his whole career, so he had some pull.

4 **Q.** Yeah. And so that would be a guy that you, as a
5 detective, would not want to buck heads with. If Wayne said do
6 it, basically it was done; correct?

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

8 **Q.** Then you say up here -- and I don't think the Government
9 directed you to this, but -- and you say [reading]: Yeah,
10 boy -- yeah, boy, yo, old boy, boy, he definitely know how to
11 lie to a N, huh?

12 Who are you talking about who knows how to lie? Jenkins?

13 **A.** Yes.

14 **Q.** And what did you mean that Jenkins knew how to lie?

15 **A.** I mean, I had past issues with Wayne of him lying and
16 spreading rumors about me, so . . .

17 **Q.** Things that were not true; correct?

18 **A.** Yes.

19 **Q.** And that's what Wayne would do; correct?

20 **A.** That's correct.

21 **Q.** And that's why you called him a liar; correct?

22 **A.** Yes.

23 **Q.** Because he is a liar; right?

24 **A.** Yes.

25 **Q.** And just one or two more questions on overtime.

1 I'm now going to just direct your attention to another
2 transcript which was played. It's July 29th, 2016, FBI-9,
3 Page 2.

4 **THE COURT:** I think it's not Page 2.

5 **MR. PURPURA:** Judge, Page 25.

6 **THE COURT:** Thank you.

7 **MR. PURPURA:** Apologize.

8 **BY MR. PURPURA:**

9 **Q.** This is you talking. We've heard this. It says
10 [reading]: I don't think that would work, though, Rayam,
11 'cause you don't have nothin' to do. You know what I'm saying?
12 Like, yo, you -- yo, we comin' in. Me and Hendrix was talkin'
13 like you, you know. I'ma go get a haircut. I'ma work out.
14 I'm on standby to go to work.

15 Let me stop right there. You can take a look at the rest
16 of it.

17 And as you're looking, you go on to say [reading]: You
18 feel me? I know that I got to be at work by 9:00. I got to be
19 on standby for this man. So I'ma be around.

20 Right?

21 **A.** Yes.

22 **Q.** So even if you're not coming in at exactly 8 o'clock or
23 9 o'clock or whenever your shift starts -- 'cause your shift
24 could be from 3:00 to 11:00 as well; correct?

25 **A.** That's correct.

~~CONDO~~ ~~CROSS~~

1 Q. If you're not coming in, you know that you're going to be
2 on standby, because Jenkins, as he often does, is going to call
3 you or Allers could call you and say, "We've got to hit
4 something fast"; correct?

5 A. Yes, that has happened.

6 Q. Yeah. And that's -- even though you're not actually
7 there, you're making yourself ready and available to be there
8 when needed; correct?

9 A. Correct.

10 Q. And that's been done a lot throughout the Baltimore City
11 Police Department; correct?

12 A. Yeah. During my -- during my tenure in operations, yeah.

13 Q. But what you don't do is what you don't want to be is out
14 of town. You want to be there and ready if needed; right?

15 A. Yes.

16 Q. Thank you.

17 And that's what you did?

18 A. As far as?

19 Q. You tried to be there and ready --

20 A. Yes.

21 Q. -- even if you weren't right at work; correct?

22 A. Yes.

23 Q. Okay. I'm going to move to July 25th, 2015, the
24 Boston Street condo.

25 Now, you -- you were arrested on March 1st, 2017; right?

1 **A.** Yes.

2 **Q.** You started cooperating with the Government literally --
3 well, on March 24th, 2017, that's the first time you sat down
4 with your attorney, Mr. Brown -- he didn't come today, did he?

5 Do you see him here?

6 **A.** (No response.)

7 **Q.** No. That's all right.

8 It's the first time when you and your attorney sat down
9 with the Government. March 24th sound right?

10 **A.** Yeah, that sound about right.

11 **Q.** Okay. And at that time there was -- and you've been to
12 proffers before as a police officer; right?

13 **A.** I've been to proffers as far -- I proffered people as far
14 as gettin' guns. But at this level, how the Government
15 operates is totally different.

16 **Q.** Okay.

17 **A.** Two different dynamics.

18 **Q.** Okay. Mr. Wise, Mr. Hines, Agent Jensen, TFO Sieracki,
19 they were present; correct? These four people (indicating)?

20 **A.** When I first met with the Government?

21 **Q.** Yes. One, two, three, four (indicating).

22 Do you remember?

23 **A.** When I first met with the Government, it was Mr. Wise and
24 the agent the first day I met with 'em.

25 **Q.** Okay. Let me just see if this -- are you sure -- do you

1 need your memory to be refreshed, or are you sure you remember
2 that?

3 **A.** When I was in the room, Mr. Brown was to the right,
4 Mr. Wise was in front of me, the agent, he sat right there. It
5 was two of 'em. TFO -- it was a TFO as well doing notes, yeah.

6 **Q.** So this group I'm pointing to right here, Sieracki, the
7 gentleman in the back, right here (indicating)?

8 **A.** He was there, but there was another person as well.

9 **Q.** So at least this amount of people and one more person was
10 present.

11 And during that time when you're there, this first
12 debriefing or this first proffer session, it lasted a fairly
13 lengthy period of time, correct, a couple hours?

14 **A.** Yes, I was there, yeah, a couple hours.

15 **Q.** And the bottom line is: You were coming in and you were
16 going to give and you were trying to be as honest as possible;
17 fair to say?

18 **A.** Yeah, I was honest. I was honest.

19 **Q.** Absolutely. And you wanted to give as much information as
20 you could; correct?

21 **A.** With me, how Brown put it to me was just -- I faced
22 everything head on.

23 **Q.** Head on?

24 **A.** Head on, face it.

25 **Q.** Give it up. If you got it, give it up; right?

1 **A.** It wasn't if you got it, give it up. It was just more so,
2 you know, the Government -- you know, they're very thorough.
3 Just -- if -- if you did wrong, just tell the Government, and
4 that's what I did.

5 **Q.** And that's -- and that's what you wanted to do; correct?

6 **A.** Yes.

7 **Q.** And you told 'em about yourself, which you did; correct?

8 **A.** Yes.

9 **Q.** A lot of stuff they didn't even know about; right?

10 **A.** I'm not too sure if they did or they didn't.

11 **Q.** Okay. And then they asked you specifically about other
12 people; correct?

13 **A.** That wasn't during the first meeting. During the first
14 meeting, it was more so me talking than --

15 **Q.** Well, in the first meeting you told them about
16 Boston Street.

17 Do you remember that?

18 **A.** Yes.

19 **Q.** Okay. And when you told them about Boston Street -- this
20 is Boston Street -- this is the condo which you testified about
21 here today on July 25th, 2015. You told them that Jenkins was
22 there with an unidentified white male who drove a black
23 Avalanche and would make keys and get listening devices for
24 Jenkins.

25 Do you remember that?

1 **A.** I said that when we pulled to the scene on Boston Street
2 to execute the warrant, it was a male in an Avalanche.

3 Then also I said that he would make keys, and I've heard
4 Wayne listen to audio from listening devices that he had placed
5 in vehicles.

6 **Q.** Okay. Very good.

7 And when you testified here today, what you told this
8 jury -- again, under oath -- was that before you got to
9 Boston Street, that apparently there was a conversation between
10 yourself, Wayne Jenkins, and at that time Detective Hersl;
11 correct?

12 **A.** Yes, correct.

13 **Q.** And the contents of that conversation was important
14 because at that point you were supposedly or, according to you,
15 you were discussing that you're going to go to this condo on
16 Boston Street to steal money; right?

17 **A.** Yes.

18 **Q.** And you also volunteered to the jury today that Hersl
19 needed the money 'cause he was buying a house; correct?

20 **A.** I didn't say he needed the money. He made the comment
21 about the money.

22 I could use the money for my home that he just bought or
23 was working on.

24 **Q.** Okay. And obviously back on March 24th, 2017, that
25 information would have been fresher in your mind; right?

1 **A.** Yes.

2 **Q.** Okay. Well, why didn't you tell the Government that back
3 on March 24th, 2017? Why did you leave that out when you spoke
4 to 'em?

5 **A.** When -- just speaking with me personally as an individual,
6 when you're talking to the Government or telling things, it's
7 so many things going through my mind in my head. And it's
8 times where I've talked to 'em and say, "Oh, let me think about
9 it," you know what I mean, to refresh my memory. I mean,
10 that -- I'm a human. It's certain things that don't pop up
11 initially but may pop up afterwards.

12 **Q.** Well, you told them about the Chanel bag back on
13 March 24th, 2017. You told them about that, a Chanel bag.

14 Do you remember that?

15 **A.** Yes.

16 **Q.** Okay. Well, isn't it really important -- even more
17 important than a Chanel bag -- that you have a meeting with
18 yourself and Jenkins to -- and Hersl to discuss what's going to
19 happen? Isn't that a really important fact as a police
20 officer?

21 **A.** I wouldn't say it's -- I'm not a police officer anymore,
22 so speaking to them as individual, first time speaking to the
23 Government, you got to think I'm nervous. You know, this is
24 the first time I'm being charged with anything. I'm under
25 arrest. So I just told them all the information I knew. And

1 if it was any follow-up information, I -- I told the
2 Government.

3 **Q.** Well, fair enough.

4 You did, again, meet with them six days later, on
5 March 30th. You met with them again on June 14th. You met
6 with them again on September 26th. And you met with them
7 finally on October 12th of 2017.

8 And not once in those -- one, two, three -- four meetings
9 after the first meeting did you add anything about this
10 supposed meeting with Jenkins, Hersl, and yourself to discuss
11 this theft/robbery, did you?

12 **A.** No.

13 **Q.** Now, what you did tell 'em was about this Chanel bag,
14 purse. You can't call a Chanel bag a bag. It's got to be a
15 purse, I guess. It's expensive; right?

16 **A.** That's correct.

17 **MR. PURPURA:** I -- I don't know, Judge. I really
18 don't know.

19 **BY MR. PURPURA:**

20 **Q.** All right. And you -- this is in -- Government gave me
21 the date -- this is July -- July 25th, 2015 --

22 **MR. WISE:** Your Honor, it's actually -- he keeps
23 saying '15. It's actually 2016.

24 **MR. PURPURA:** 2016. I apologize. I do.

25 **BY MR. PURPURA:**

1 Q. I'm not trying to trick you. It's just me.

2 And at that time did you and -- were you and Dan Hersl,
3 did you go out on double dates or anything? Not like
4 together -- I do mean together, but did you -- did you date --
5 did you have girlfriends that you went out together with?

6 A. No.

7 Q. All right. Did you socialize much with Dan Hersl before
8 that time?

9 A. No; only at work.

10 Q. Okay. And did -- Dan Hersl knew you had a girlfriend?

11 A. Yeah, he knew I had a girlfriend. I was talking to
12 multiple girls, women. He knew that.

13 Q. And just one second here.

14 This -- and at this point in July of 2016, you've already
15 admitted you've taken money and other things; correct?

16 A. That's correct.

17 Q. All right. And, I mean, if you wanted the Chanel bag --
18 you know, was anybody watching to see -- wouldn't you just take
19 it yourself and just walk out with it?

20 A. Why didn't I what?

21 Q. Just take the Chanel bag yourself and walk out with it.

22 A. Why didn't I do it?

23 Q. Yeah.

24 A. I mean, when you're in a squad, it's certain things that I
25 just didn't do. And that was just one of 'em.

1 Q. Did you tell Dan Hersl that your girlfriend wanted a
2 Chanel bag and you should take it for me?

3 A. I don't remember the exact words I told Dan. Just like I
4 told the Government, it was nice things in the home. Dan took
5 the bag for me, put it in his pants, walked out.

6 Q. That's what I'm trying to figure out. Why did Dan take
7 the bag for you? That's the question. Did you ask him to take
8 the bag?

9 A. I didn't ask Dan to take the bag. We had conversations
10 about the items that were in the house. That wasn't the only
11 nice item in the house.

12 Q. Did Dan take another bag and put it in his other pants,
13 one for him, one for you?

14 A. There were other items in the house. I don't know what
15 Dan -- all I can testify to is the bag. I don't know if Dan
16 took a watch or anything else. I don't know.

17 Q. What you told the Government is you didn't see Dan Hersl
18 take anything else, including money, from that house; correct?
19 That's what you told them?

20 A. That's correct.

21 Q. Now, which girlfriend got that Chanel bag?

22 A. The girl I was datin'.

23 Q. And the Government knew about that; correct?

24 A. Once I told 'em, yes.

25 Q. And so the Government could verify that there was a bag, a

1 Chanel bag, an expensive Chanel bag, missing because now you've
2 told who the girlfriend was who you gave it to; correct? If
3 they wanted to, they could just --

4 **A.** That's correct.

5 **Q.** Right. And I would assume that she'd be truthful and
6 she'd say that you gave her the Chanel bag; right?

7 **A.** Yes.

8 **Q.** So that would be a connection between you and this theft,
9 her; right? She'd say you took it.

10 **A.** I don't know what she would say.

11 **Q.** When you came to the GTTF in 2010, Rayam was there for a
12 short period of time, real short; right?

13 **A.** Yeah. He was dealing with something that's with a --
14 battling some Internal Affairs investigation.

15 **Q.** And then he was out, and he was suspended for about two
16 years?

17 **A.** Yeah.

18 **Q.** And as you indicated, I think, on cross before, that when
19 Rayam came back, everything in 2012 seemed to go downhill from
20 there; fair to say?

21 **A.** Yes.

22 **Q.** And as you already testified to -- or strike that.

23 In 2015, after the Freddie Gray riots, you were in the
24 GTTF squad with Rayam; correct?

25 **A.** Yes.

1 Q. And you were fairly active during that period of time; is
2 that correct?

3 A. As far as?

4 Q. Getting guns off the street, making busts, things like
5 that.

6 A. Yeah. My whole career I've been getting guns off the
7 street.

8 Q. And is it fair to say that a lot of police officers slowed
9 down in their policing activity after the Freddie Gray riots?

10 A. After the riots, as far as morale and everything, yes.
11 People were tired. Yes. It was a lot -- it was a lot going
12 on.

13 Q. But you continued and that's what you were doing, and you
14 were working hard and you were getting guns off the street;
15 correct?

16 A. Yeah. Like I said, my whole career I was a gun-getter.

17 Q. And as you testified, that all the gun arrests you made --
18 this is the truth -- were all straight up; right?

19 A. Yeah. When I made a gun arrest, it was a gun arrest.

20 Q. You didn't take a gun; you didn't plant it on someone, did
21 you?

22 A. Oh, absolutely not.

23 Q. Never did that? That's a fact?

24 A. Never did that.

25 Q. Okay. Fair enough.

1 And all the drug arrests you made were straight up as
2 well; correct?

3 **A.** Yeah; I never put drugs on anybody, never did anything
4 like that.

5 **Q.** If they had the drugs, there were drugs there?

6 **A.** Yeah. They had --

7 **Q.** Is it fair to say that sometimes if there's a small amount
8 of drugs and you're after a gun and you pull someone over,
9 sometimes it's not worth the problem to arrest the guy for a
10 small amount of drugs; you may just throw it out?

11 **A.** It all depends on that particular officer.

12 **Q.** I'm asking about you. Would you do that?

13 **A.** I would normally submit it. Me and Rayam, when we were
14 working, we had a common practice of submitting.

15 **Q.** All right. Fair enough.

16 And as you indicated before, as far as search warrants or
17 anything else or statement of probable cause, the only lies
18 which came from you or -- yeah, lies which came from you would
19 be if there was money taken, the amount of money, things like
20 that; correct?

21 **A.** That's correct.

22 **Q.** Now, there's a -- I'm going to direct your attention now
23 quickly, if I can, to early 2016. There is a search warrant
24 executed in the Southwest District. And you're there.

25 John Clewell's there. Hersl's there. Rayam's there. And

1 Allers is there.

2 And this is the one where Rayam sees some guy upstairs,
3 and there's a large amount of money. And then you all kind of
4 push Hersl and Clewell downstairs so you could take the money.

5 Do you remember that?

6 **A.** I don't believe John was there. Allers was directing
7 people around at -- at that time during that search warrant,
8 Sergeant Allers.

9 **Q.** And the bottom line is on that particular -- and that
10 particular case, Allers and Hersl took a gun. They found a gun
11 in the house.

12 Do you remember that?

13 **A.** That particular case, that was in Northwest -- I mean
14 West --

15 **Q.** That's Southwest.

16 **A.** Southwest.

17 And the guy was counting money upstairs?

18 **Q.** Right.

19 **A.** The gun was found in the vehicle outside.

20 **Q.** Okay. Fair enough.

21 And there was money taken from that house; correct?

22 **A.** That's correct.

23 **Q.** And the money was split at that time between yourself,
24 Rayam, and Allers; correct?

25 **A.** That's correct.

1 Q. And Hersl was not given any money at that time; correct?

2 A. That's right.

3 Q. And Hersl didn't see the split at that time; correct?

4 A. That's correct.

5 Q. And that was the dynamic at that point that you, Allers,
6 and Rayam worked together; correct?

7 A. Yes.

8 Q. There is another search warrant sometime in May or June of
9 2016 while Allers is still the sergeant there, this is
10 McKean Street on Southwest where there's a gun and about 8 to
11 10 thousand found there. Hersl's there. And Allers tells you
12 all not to talk about the money in the car. Money's split up
13 again. Money goes to you, Rayam, and Allers. And none to
14 Hersl.

15 A. You said on McKean Street?

16 Q. McKean Street, June -- May or June of 2016. And I -- you
17 told the Government about that. Let me see if I can find --

18 A. I don't think -- Dan wasn't working. That was a house in
19 Baltimore County. That was a house where the individual had, I
20 believe, three guns and 400,000. I don't even know if -- I
21 don't even know if Dan was in the squad at that point, if I can
22 remember.

23 Q. Just one second. Let me see if I can find that for you.

24 Well, I just -- I've got it right here. Ah,
25 McKean Street. Let me see if this refreshes your recollection.

1 I'm going to show you what has been marked as Defense
2 Exhibit No. 33.

3 **THE COURT:** Is that for identification?

4 **MR. PURPURA:** Identification only.

5 **BY MR. PURPURA:**

6 **Q.** June 14th debriefing, Page 4. I just put it right at
7 Page 4 for you. Just read that to yourself. Just take a
8 second (handing).

9 **A.** Yeah. This is a situation that I was talking about prior
10 to you saying it again.

11 **Q.** Okay. And this is a situation again where there was
12 yourself, Hersl, and Rayam; correct?

13 **A.** Yeah. This is the same incident that you were talking
14 about prior to it. It's the same exact incident.

15 **Q.** That's on McKean Street, the one I'm talking about right
16 now; right?

17 **A.** Yeah.

18 **Q.** And at that time there was money being split, and Hersl
19 did not get the money; correct?

20 **A.** Yes.

21 **Q.** All right. And, again, that was part of the dynamic at
22 that time, at least through the spring when Allers was there,
23 that, as a matter of fact, that you were told that Hersl does
24 not get money; right?

25 **A.** No, I never was told that.

1 Q. You were there -- were you there when Gondo was told by
2 Allers --

3 A. I'm Gondo.

4 Q. I'm sorry.

5 Rayam was told by Allers, "Don't give him money," meaning
6 to Hersl?

7 A. When we did search warrants, it -- it all depends.

8 Rayam -- I mean Hersl can do something with Allers and me and
9 Rayam not even know about it, you know. Only person in our
10 squad that really didn't know what was going on, that didn't
11 indulge in anything, was John.

12 Q. Let me ask you this question: Do you remember on
13 May 27th, 2016, there was an intercept and it's a call 'cause
14 there was a Title III. There was a wiretap on your phone. And
15 there was a call where you and Rayam were speaking about
16 Danny Boy going to IID. That's on May 27th, 2016.

17 Do you remember that?

18 A. Dan going to Internal Affairs?

19 Q. "Danny Boy just got called down to IID."

20 A. What was the date?

21 Q. That's May 27th, 2016. And then you and Rayam go on to
22 say, "That shit was funny, yo. Hot as a motherfucker. He may
23 be an informant," talking about Hersl.

24 Do you remember that?

25 A. I can't really remember that offhand.

1 **Q.** Let me show you what has been marked as Defense
2 Exhibit No. 34. Just read that to yourself (handing).

3 **MR. WISE:** This is for ID only?

4 **MR. PURPURA:** Excuse me?

5 **MR. WISE:** For ID only?

6 **MR. PURPURA:** Yes. Everything's ID.

7 **THE WITNESS:** Uh-huh.

8 **BY MR. PURPURA:**

9 **Q.** Refresh your recollection?

10 **A.** Yes.

11 **Q.** Okay. And so at least as of May 27th, 2016, there was a
12 conversation between yourself and Rayam where you thought that
13 "Danny Boy may be an informant, yo"; correct?

14 **A.** When we said that, we probably was joking. Danny was
15 banned from the whole Eastern District when he came to our
16 squad with complaints, so there's no way that I thought Dan was
17 a informant. We probably just said that jokingly.

18 **THE COURT:** All right. Let's --

19 **BY MR. PURPURA:**

20 **Q.** You didn't -- you said at this point IID, and you thought
21 that Dan was an informant 'cause he's being called in again.
22 He may have to talk and roll over on you; correct?

23 **A.** It could have been anybody in -- first of all, anything
24 internally, I was never worried about that against me. So as
25 far as Dan going there, he was new to the squad. Anybody in

1 operations, if you get a new person in the squad, you don't
2 know that person, your mind's going to race. That's just it.

3 Did I think Dan was an informant? No. Dan had a
4 history --

5 **Q.** Fair enough.

6 **THE COURT:** All right.

7 **BY MR. PURPURA:**

8 **Q.** Your mind's going to race, and you want to be cautious;
9 right?

10 **A.** I mean, we said it jokingly. Dan came to the --

11 **THE COURT:** Mr. Purpura, hold on. Can you come up to
12 the bench, please.

13 **MR. PURPURA:** Are you asking to come to the bench?

14 **THE COURT:** I'm just asking you to come up to the
15 bench for a moment.

16 (Bench conference on the record:

17 **THE COURT:** I'm just thinking that we tried hard to
18 keep out --

19 **MR. PURPURA:** I know. I can't stop him from saying
20 that. I don't want it to come out.

21 **THE COURT:** I know. No. I know that. But do you
22 want him to say it again? I just thought maybe you'd made your
23 point. I do recall it being in evidence, you know, and he said
24 it was a joke and he -- that's sort of where we are. But it's
25 up to you.

1 **MR. WISE:** I just -- I wanted to be clear that when
2 they raise what the witness's state of mind is and then they
3 try to cut off what informs -- I mean, they keep -- he was
4 notorious for having been banned.

5 **THE COURT:** I gather.

6 **MR. WISE:** Everybody knows about it.

7 **THE COURT:** I gather.

8 **MR. WISE:** Every witness brings it up.

9 **MR. PURPURA:** I guess to be clear on this, it's not
10 because of taking money or doing anything else. It's being a
11 hard-nosed police officer in that area. There's a lot of
12 complaints against him. That's my understanding, at least. If
13 I'm wrong . . .

14 But I agree with you. I agree.

15 And just one point -- I see the jurors kind of fanning
16 themselves, and it's pretty hot in here. So I . . .

17 **MR. WISE:** I hadn't noticed.

18 **THE COURT:** I hadn't noticed. Probably can't do
19 anything about it, but I'll ask Ms. Moyé if she thinks that
20 there's somebody that could do something about the temperature.
21 Maybe we can try to make it cooler for them.

22 **MR. PURPURA:** All right. I'll move on.

23 **MR. WISE:** Usually you have more energy.)

24 (Bench conference concluded.)

25 **BY MR. PURPURA:**

1 Q. You mentioned, I believe, that anything internally that
2 you were not worried about. Were you worried about being
3 investigated by Internal Affairs?

4 A. No.

5 Q. You know you -- you're ripping and roaring for a period of
6 time; right?

7 A. Yeah, I understand that.

8 Q. Did you have someone in Internal Affairs that would help
9 you out?

10 A. No, I didn't have anybody in Internal Affairs helping me
11 out. It was just part of the culture. I didn't -- I wasn't
12 out there getting complaints. I wasn't out there putting my
13 hands on people. That's what I mean by I wasn't worried about
14 Internal Affairs.

15 Q. Now, let me ask you -- let me go to July 8th, 2016, the
16 Hamiltons.

17 You were asked some of these questions before. And let me
18 be clear: There was some pre-detention, pre-raid surveillance
19 on Mr. Hamilton; correct?

20 A. As far as?

21 Q. Well, you tell me. What did you do again? What did you
22 do? Did you go out on the streets? Did you -- there was a
23 subject called Ronald Hamilton; correct?

24 A. Correct.

25 Q. Whose investigation was it?

~~GONDO~~ ~~CROSS~~

1 **A.** That was Rayam's.

2 **Q.** Okay. It was Rayam's investigation. So Rayam is the
3 person who writes the affidavit for the search warrant;
4 correct?

5 **A.** That's correct.

6 **Q.** You did not read the affidavit for the search warrant, did
7 you?

8 **A.** No.

9 **Q.** You assumed that the information in the affidavit for the
10 search warrant for Carroll County was a good warrant; correct?

11 **A.** No. Like I testified, I've known Rayam for several years.
12 I know that anything involving money, Rayam would articulate
13 or not be accurate just -- just to get in the house, so that
14 was always in the back of my head.

15 **Q.** Did you review the search warrant with him?

16 **A.** No.

17 **Q.** Did you look at the search warrant?

18 **A.** No.

19 **Q.** So aside from that, you know the District Court judge
20 signed a search warrant?

21 **A.** Yes.

22 **Q.** And a District Court judge would sign the search warrant
23 because it's an out-of-Baltimore-City search and the
24 District Court judges sign those; correct?

25 **A.** Yes.

~~GONDO~~ ~~CROSS~~

1 Q. So you knew that happened; right? Right?

2 A. Yes.

3 Q. And that's proper police procedure; correct?

4 A. Yes.

5 Q. You already indicated that the information that Rayam had
6 came from an informant; correct?

7 A. Yes.

8 Q. And that informant was someone who was literally the
9 cousin of Mr. Hamilton.

10 Did you know that?

11 A. No, I didn't know that.

12 Q. Okay. And that the information was that the person had a
13 dope strip. And a dope strip is someone who sells heroin;
14 correct?

15 A. Yes.

16 Q. And you all did some -- some investigation. Did you go to
17 his residence in Owings Mills?

18 A. Yes.

19 Q. Did you go out to Westminster to look at the house?

20 A. Yes.

21 Q. That's part of an investigation; correct?

22 A. Yes.

23 Q. And who went with you when you did that?

24 A. It was myself and Rayam.

25 Q. And then there's a time when Jenkins, you, and Rayam were

1 out on surveillance as well; correct?

2 **A.** That's correct.

3 **Q.** And at that point Jenkins indicated to you that he saw
4 what he thought was a drug transaction involving Mr. Hamilton;
5 correct?

6 **A.** Yes.

7 **Q.** He didn't say, It's a lie; I'm making this up. He said
8 that he saw what he thought was a drug transaction; correct?

9 **A.** Yes.

10 **Q.** And who was there at that time?

11 **A.** I believe it was myself, Wayne, and Rayam.

12 **Q.** Okay. And was there any other surveillance that you did
13 that you could tell the jury about on the Hamiltons?

14 **A.** Me offhand, no.

15 **Q.** Did you go to Fairmount Street where the other houses
16 were?

17 **A.** Fairmount? We frequent that area anyway 'cause that was a
18 high-gun area, so yeah.

19 **Q.** Okay. Did you know that John Clewell did surveillance,
20 pre-raid surveillance on Fairmount Street?

21 **A.** I can't -- he probably did. I can't remember that.

22 **Q.** Okay. Now -- one second.

23 Now, what -- did you know there was a GPS on
24 Mr. Hamilton's vehicle?

25 **A.** Yes.

1 Q. And did you know if that was a legal GPS? In other words,
2 was there a probable cause warrant for that GPS, did you know?

3 A. No, it wasn't.

4 Q. You didn't know one way or the other?

5 A. It wasn't.

6 Q. You knew that it was not; correct?

7 A. Yeah. It was not.

8 Q. And that's one way -- and who was -- who was tracking that
9 GPS at that time?

10 A. Rayam; I had access to that, myself and Rayam.

11 Q. And you and Rayam went in a vehicle; correct?

12 A. Yes.

13 Q. And this is on July 8th of 2016.

14 And you have -- it's a live feed onto your cell phone; is
15 that what you had?

16 A. That's correct.

17 Q. And so you knew exactly where Mr. Hamilton was. He was at
18 a Home Depot; correct?

19 A. That's correct.

20 Q. And then John Clewell was called in; correct?

21 A. That's correct.

22 Q. And John Clewell, his passenger was Danny Hersl at that
23 time, or working with him was Dan Hersl; correct?

24 A. That's correct.

25 Q. And they were called in as backup as part of the

1 surveillance and/or arrest team; is that correct?

2 **A.** I don't think they -- we were all in it together. It
3 wasn't -- as far as backup, we all knew about this
4 investigation --

5 **Q.** Well, let me stop you there.

6 **A.** Okay.

7 **Q.** You all were in on the -- was there a meeting before this
8 time -- I'm talking about right now, before you are in the
9 parking lot of Home Depot, when you met with Jenkins, Hersl,
10 Rayam --

11 **A.** I didn't meet with -- I didn't meet with Wayne in the
12 parking lot. Take his name out.

13 **Q.** Was there a meeting at all where this investigation was
14 discussed?

15 **A.** Yeah. Prior to us -- but, yeah, we all discussed that as
16 a squad, yeah, absolutely.

17 **Q.** Good. At that point you're discussing what's going on.
18 This is a major drug dealer who has a gun. That's the
19 information you have; correct?

20 **A.** Yeah. He was selling dope, and he possibly had a gun.

21 **Q.** All right. Now, who ordered the vehicle to be stopped?

22 **A.** I can't really say who ordered. We had jurisdiction in
23 the county, the paperwork for that, so it was the call that we
24 made.

25 **Q.** By that you mean that under the Maryland State Police, you

1 can apply for statewide jurisdiction to make arrests out of
2 state when you're doing larger investigations; correct?

3 **A.** Yeah; to detain the individual. Yes, that's correct.

4 **Q.** Okay. And so you had authority to do that; correct?

5 **A.** Yes.

6 **Q.** Okay. And, again, it's not your investigation. It's
7 Rayam's investigation; right?

8 **A.** Yes.

9 **Q.** So is Rayam, then -- he's the one that pulls the trigger
10 and says, "Let's stop him"; right?

11 **A.** Yes.

12 **Q.** Okay. So Rayam says, "Stop him." And then it's Jenkins,
13 I believe -- correct me if I'm wrong -- who says, "Bring him
14 back to the barn"; right?

15 **A.** That's correct.

16 **Q.** And at that point you think you've got a right to do that
17 as part of the investigation; correct?

18 **A.** Yes.

19 **Q.** And did you see -- did you see your partner Rayam take the
20 money out at that point?

21 **A.** Yes.

22 **Q.** From -- from Ronald Hamilton?

23 **A.** Yes.

24 **Q.** And later on he actually gave you some of that money,
25 didn't he?

1 **A.** Yes, he did.

2 **Q.** Just you?

3 **A.** Yes.

4 **Q.** You go back -- you go back to the barn. And that's when
5 Mrs. Hamilton's kept outside and then Jenkins comes in and
6 pretends he's either a task force officer or a U.S. Attorney or
7 somebody else. And you all start questioning him, or he starts
8 questioning in particular Ronald Hamilton; right?

9 **A.** Yes.

10 **Q.** And you knew Ronald Hamilton at that point had two prior
11 federal convictions for drug trafficking.

12 Did you know that?

13 **A.** I knew that he got locked up in the federal system and he
14 had cooperated, yes.

15 **Q.** Now, and you were trying to do a couple things. You said
16 you wanted to see if there was money there. You wanted to see
17 if there was drugs in the house. You wanted to see if there
18 was guns in the house. And you wanted to flip him; right?

19 **A.** That's correct.

20 **Q.** And by "flip him," he even made a phone call -- he tried
21 to cooperate to the extent that he tried to make a phone call;
22 correct?

23 **A.** That's correct.

24 **Q.** And that didn't work; right?

25 **A.** It didn't work.

1 Q. But he seemed to want to cooperate, at least to help
2 himself out of what he thought at that time was a bad
3 situation; fair to say?

4 A. That's fair to say.

5 Q. And that's what you would do in an investigation. Those
6 are steps which you would do in an investigation; correct?

7 A. Yes.

8 Q. And when someone who's a target of an investigation says,
9 I don't have drugs. I don't have money -- right, start there.

10 I don't have drugs, and I don't have a gun in my house or
11 a kilo press in my house or anything else in my house, do you
12 take their word for it and just take the warrant and throw it
13 away and walk away from the investigation?

14 A. No.

15 Q. Because, believe it or not, even sometimes criminals lie;
16 right?

17 A. That's correct.

18 Q. So you got the warrant. And you have a District Court
19 judge here in Baltimore City who has statewide jurisdiction,
20 signs the warrant. You take Mr. and Mrs. Hamilton out to the
21 house to execute the warrant; correct?

22 A. That's correct.

23 Q. And you even allow -- I believe you allow the Hamiltons to
24 call in advance so they can let their older daughter take the
25 kids out of the house?

1 **A.** Yeah, I believe we made that phone call.

2 **Q.** Okay. Because you didn't want to bring Mr. Hamilton in
3 with handcuffs in front of his family; correct?

4 **A.** Yes.

5 **Q.** All right. Now, according to your testimony, you found
6 the heat-sealed -- you did this peek-and-sneak, sneak-and-peek?

7 **A.** Yes.

8 **Q.** So at this point you have a warrant, but you need the
9 locals, either Carroll County or Maryland State Police, to come
10 in, correct, before you really execute the warrant; right?

11 **A.** Yes.

12 **Q.** But you do a sneak-and-peek to see if there's anything in
13 the house; right?

14 **A.** Yes.

15 **Q.** And according to your testimony to this jury, who goes in
16 the house?

17 **A.** All the members in the squad that were working.

18 **Q.** Wait. Slow down. Think about it.

19 What happens to Mr. Hamilton? Who stands by Mr. Hamilton
20 by the car when Mr. Hamilton's sitting in that car the entire
21 time?

22 **A.** As far as?

23 **Q.** When you go in the house, you're not going to let him just
24 walk away.

25 **A.** Yeah. I can't remember who stayed by the car, whether --

1 I just remember --

2 Q. If Mr. Hamilton said it was Mr. Hersl, would that be
3 right?

4 A. I'm not too sure. I can't speak on that.

5 Q. And then, according to you, then, you realized there was
6 money in the house. And the bottom line was, truthfully, that
7 you were not going to take the money; right?

8 A. Yes.

9 Q. Yes; you were not going to take the money?

10 A. Yeah; I wasn't going to take the money.

11 Q. And there's multiple layers for that.

12 Number one, there was no drugs found; right?

13 A. That's correct.

14 Q. And, number two, there was -- it's not in your
15 jurisdiction. It's Carroll County; correct? It's not
16 Baltimore City?

17 A. That really didn't matter if it -- if it was in another
18 county, because it happened before. But --

19 Q. Bottom line was that you did not -- you were not going to
20 take the money; correct?

21 A. No. Unh-unh.

22 Q. And Danny Hersl didn't say, "Take the money," did he?

23 A. He didn't say that to me, no.

24 Q. What happened was Rayam took the money; right?

25 A. That's correct.

1 Q. And then Rayam took the money and he put it under the seat
2 of the car; correct?

3 A. Yes.

4 Q. And eventually, even when the money was split up, you gave
5 to Jenkins Jenkins' portion and what you thought would be money
6 for Hersl (indicating); correct?

7 A. Yes.

8 Q. Because even then you didn't -- you didn't want to give --
9 you didn't want to do it in front of Dan Hersl at that point,
10 even then; correct?

11 A. No. I just never had no dealings with --

12 Q. Right.

13 A. -- with Dan. So I just -- Wayne was the supervisor.
14 That's who I -- that's who I gave the money to for him to give
15 it to Dan.

16 Q. Now, do you know if Dan Hersl just came back from vacation
17 two days before the Westminster incident?

18 A. Yeah; I'm not too sure about that.

19 Q. You don't remember that?

20 A. No.

21 Q. And during the entire time that Mr. Hamilton and his wife
22 were in the living room, except for the brief period of time
23 Mr. Hamilton went downstairs to the basement, do you know if
24 Dan Hersl (indicating) was with him during that entire period
25 of time?

1 **A.** Downstairs, no. He -- Dan walked around. Everybody
2 walked all through that house.

3 **THE COURT:** Mr. Purpura, are you finished with that
4 incident?

5 **MR. PURPURA:** Yes.

6 **THE COURT:** All right. Let's take a short break.

7 (Jury left the courtroom at 3:12 p.m.)

8 (Recess taken.)

9 **THE COURT:** You can all be seated.

10 (Jury entered the courtroom at 3:24 p.m.)

11 **THE COURT:** Okay. You can be seated.

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

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

14 **THE COURT:** Mr. Purpura.

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

16 **BY MR. PURPURA:**

17 **Q.** Mr. Gondo, not much more.

18 Just -- the relationship that you had with Wayne Jenkins
19 when he became the sergeant, was it good? bad? indifferent?
20 How was it when he came on? Did you have a problem with him?

21 **A.** When he first came to the squad, yes.

22 **Q.** Yes. And did Jenkins tell you that Danny Hersl went to
23 Sergeant Allers and complained and thought that perhaps that
24 you and Rayam were not on the up-and-up?

25 **A.** Did Wayne tell me that Hersl told me that?

~~GONDO~~ ~~CROSS~~

1 Q. Yeah.

2 A. No.

3 Q. Did Sergeant Allers tell you that?

4 A. No.

5 Q. Did there come a time when Sergeant Allers tipped you off
6 that there was -- that Hersl complained that he didn't know if
7 you guys -- meaning you and Rayam -- were up-and-up?

8 A. No, absolutely not.

9 Q. All right. And did there come a time when you were at
10 Howard County Detention Center when Rayam basically said to you
11 and a few others that he has trouble telling the truth, that
12 it's been a constant through his whole life?

13 A. I can't remember that in detail. Rayam, he talks a lot,
14 so I can't really pinpoint that. I don't remember hearing
15 that.

16 Q. Was -- would you consider Rayam to be -- strike that.
17 You don't remember that conversation, then?

18 A. No.

19 Q. Nothing that Rayam indicated to you all -- "you all"
20 meaning whoever is under the, at that point the rest of the
21 police officers who were present -- that he had trouble with
22 the truth generally through his whole life?

23 A. While we were at Howard County?

24 Q. Yes.

25 A. No, I don't remember that.

1 Q. At any time did Rayam tell you that?

2 A. No. I just -- I know Rayam all my career, so I just know
3 his practices, but he didn't tell me that at Howard County.

4 Q. Thank you.

5 Now, let me just take you real quick now, the final
6 episode, August 8th, 2016, Shannon Drive storage facility.
7 There was a high-speed -- not a high-speed chase. There was a
8 chase in the city from the storage facility; is that correct?

9 A. Yes.

10 Q. You actually were with Rayam at that time; right?

11 A. That's correct.

12 Q. And in the lead car at that point would have been
13 Sergeant Jenkins and John Clewell and then Danny Hersl; is that
14 right?

15 A. It was no lead car at that point. They were just -- we
16 were meetin' up with them.

17 Q. Okay.

18 A. They were already engaged --

19 Q. They were the arrest car. They were the car that was
20 engaged in stopping; correct?

21 A. They were the only car.

22 Q. Okay.

23 A. You know, we weren't -- we met them at the storage unit.

24 Q. Fair enough. So you did not partake in the chase where
25 cocaine's being thrown out, nothing like that; correct?

~~GONDO~~ ~~CROSS~~

1 A. No.

2 Q. And you yourself did not search the Armstrong vehicle
3 either, did you --

4 A. No.

5 Q. -- or van?

6 No?

7 A. No.

8 Q. Correct.

9 And so really, the only thing that you know is that
10 afterwards, Rayam told you that Danny Hersl took some money and
11 that he and Hersl -- Rayam and Hersl split some money up;
12 correct?

13 A. That along with when Hersl went to court and he came back
14 and he said it, that the federal government had it on the -- on
15 the monitor that was in the vehicle.

16 Q. Okay. But -- hold on to that for a second.

17 Just specifically what Rayam told you after the incident,
18 after the incident --

19 A. Yes.

20 Q. -- was that there was a sum of money, around \$700, to the
21 best of your recollection --

22 A. Yes.

23 Q. -- which was taken and split; correct?

24 A. Yes.

25 Q. And you did not receive any of that money; correct?

~~GONDO~~ ~~CROSS~~

1 A. No.

2 Q. And this money was taken after Dennis Armstrong was
3 arrested for the cocaine possession and distribution and
4 whatever else he had; correct?

5 A. Yes.

6 Q. Now, just the -- and I know you've gone through this
7 before, but briefly --

8 **MR. PURPURA:** I mean briefly, Your Honor.

9 **BY MR. PURPURA:**

10 Q. -- the Marnat home invasion. The Marnat home invasion,
11 okay? Now, what you did -- and we heard already from Rayam --
12 is you all put a GPS on Mr. Anderson's vehicle; right?

13 A. That's correct.

14 Q. And you did that because you didn't want anyone to be home
15 when you went in the house; right?

16 A. That's correct.

17 Q. Okay. What you wanted was -- and you're a police officer.
18 What you wanted was a burglary: No one home, break into the
19 house, steal money, steal drugs, do whatever, and get out of
20 Dodge? Right?

21 A. That's correct.

22 Q. And you took -- to do that, to commit -- to do that, to
23 try to be -- to do a burglary rather than armed robbery, you
24 went to the extent that you put a GPS on the vehicle; and
25 finally when that vehicle was far enough away, 'cause you had

1 your cell phones out, when that vehicle was far enough away, at
2 that point then you said, okay, it's safe to hit the house;
3 right?

4 **A.** That's correct.

5 **Q.** And do you know that even at that point, that Rayam, when
6 he went up to the house, he really (knocking) knocked on the
7 door to make sure no one was home? Did you know that?

8 **A.** I don't know the exact way he went about it as far as
9 banging or knocking.

10 **Q.** Yeah. But he wanted -- you were hoping that no one was
11 home; correct?

12 **A.** Yes.

13 **Q.** Like the sneak-and-peek, you wanted to get in and out, get
14 the money, and be gone; correct?

15 **A.** That's correct.

16 **Q.** But what started as a burglary turned into an armed
17 robbery, as you heard from Rayam; correct?

18 **A.** Yes.

19 **Q.** 'Cause he told you what happened. He had the gun, pointed
20 the gun. She was scared. And he took the money, drugs,
21 everything else; right?

22 **A.** That's correct.

23 **Q.** This is really the last series right here.

24 Mr. Nieto asked you about your plea agreement. And in
25 your plea agreement there actually is an enhancement of a

~~CONDO REDIRECT~~

1 certain amount of levels for the gun; correct?

2 **A.** That's correct.

3 **Q.** But when he did ask you, you did not -- you were not
4 charged with a separate count of use of a handgun in the
5 commission of a crime of violence. You did not have to plead
6 guilty to that separate -- that separate count, did you?

7 **A.** No. I just had the guideline enhancement of the robbery.

8 **Q.** That's it. All right. Great. Thank you.

9 And -- I do have one last question.

10 Did you tell -- did you tell Rayam -- you and Rayam were
11 somewhat tight from 2010 on?

12 **A.** I would say a little later than that before we got close.

13 **Q.** Okay. But did you tell Rayam that you -- and I'm going
14 to, in quotes, laid someone out?

15 **A.** Come on, man. Let's be real. No, absolutely not.

16 **Q.** What would that mean to you, "laid someone out"?

17 **A.** That's basically saying that I killed somebody.

18 **Q.** And if -- and if Rayam said that, that would be a lie;
19 right? 'Cause you didn't say that; correct?

20 **A.** I didn't say that, a hundred percent, yeah.

21 **MR. PURPURA:** Thank you. I have no further questions.

22 Thank you very much, sir, for your time.

23 **THE COURT:** Mr. Wise, any redirect?

24 **MR. WISE:** Just briefly, Your Honor.

25

REDIRECT EXAMINATION

BY MR. WISE:

Q. Just briefly, Mr. Gondo, I want to ask you some follow-ups to some questions that either Mr. Nieto or Mr. Purpura asked you; okay?

A. No problem.

Q. And I think they've both been over this. But Mr. Nieto asked you about this -- that you had been -- I think the phrase was -- informed about Ronald -- about Ronald Hamilton having a dope strip.

Do you remember being asked about that?

A. Yes.

Q. So that was -- that was information that -- it wasn't something you were --

MR. PURPURA: Objection, Your Honor. It's just the form of the question at this point. It's still redirect, but it's leading. It is.

THE COURT: It is, but it's something that we have heard about --

MR. PURPURA: We have.

THE COURT: -- multiple times now.

MR. PURPURA: Then asked and answered.

THE COURT: Overruled.

MR. PURPURA: Asked and answered.

THE COURT: Overruled.

~~CONFIDENTIAL~~

1 **BY MR. WISE:**

2 **Q.** So did you see any drug transactions involving
3 Ronald Hamilton on a dope strip or anything like that?

4 **A.** No.

5 **Q.** That's just information that was relayed to you by someone
6 else?

7 **A.** Yes.

8 **Q.** Do you know if it's accurate or not?

9 **A.** I believe it wasn't accurate.

10 **Q.** You believe it wasn't accurate?

11 **A.** Yeah; that he was -- on the dope strip, I never seen it.
12 When I was working with Rayam, every time we came through that
13 area, I never seen him do anything.

14 **Q.** Okay.

15 **A.** You know, just -- that was just the word from his
16 informant, and that's what he told me.

17 **Q.** And informants get paid for information like that; right?

18 **A.** That's correct.

19 **Q.** So they have an incentive to tell you stuff to get paid;
20 right?

21 **A.** That's correct.

22 **Q.** And then you said that -- you testified that Jenkins
23 observed -- or he told you that he saw drug transactions with
24 Hamilton, but that's what Jenkins told you; right?

25 **A.** Yes, that's what he told me.

~~CONDO REDIRECT~~

1 Q. So you were asked a series of questions about whether
2 Jenkins was a liar, but then you were also asked questions
3 about whether he was truthful, I guess, at a --

4 MR. PURPURA: Objection, Judge. I'm not sure it's a
5 question.

6 THE COURT: Sustained.

7 MR. PURPURA: It's a statement.

8 THE COURT: All right. All right. All right. I got
9 you the first time.

10 Sustained.

11 BY MR. WISE:

12 Q. So this -- your testimony was Jenkins told you that's what
13 he saw; right?

14 A. Yeah, he told me.

15 Q. You didn't see it yourself?

16 MR. PURPURA: Objection; asked and answered --

17 THE COURT: Overruled.

18 MR. PURPURA: -- multiple times.

19 THE COURT: Overruled.

20 BY MR. WISE:

21 Q. You didn't see it yourself?

22 A. No, I didn't.

23 Q. All right. Now, you were asked questions about the
24 Marnat Road home invasion; right?

25 A. That's correct.

1 Q. And Mr. Purpura asked you whether -- about how this GPS
2 tracker was used to try to make sure that no one was home;
3 right?

4 A. Yes.

5 Q. Now, the Hamiltons, they were home the whole time; right?

6 A. As far as?

7 Q. The whole time you and Jenkins and Hersl and Rayam were in
8 their house, they were in there too; right?

9 A. Oh, yeah, present, they were in the dwelling.

10 Q. Locked up in the living room; right?

11 A. Yeah. They were detained, in handcuffs.

12 Q. While the money was being taken?

13 A. Yes, during that time. I don't know the exact moment when
14 Rayam took it, you know, but they were in the house when the
15 money was taken.

16 Q. Right. Not somewhere else?

17 A. No.

18 Q. Mr. -- I don't remember if it was Mr. Purpura or
19 Mr. Nieto. I think Mr. Purpura asked you about the Chanel bag
20 that was taken.

21 A. Yes.

22 Q. And he asked you whether -- question to the effect of
23 whether the woman that the bag was given to could link you to
24 it, something like that.

25 A. Yes.

1 Q. I don't remember the exact question.

2 You, in fact, provided information about who that woman
3 was to the FBI; right?

4 A. Yes.

5 Q. And they went and seized the bag; right?

6 A. Yes.

7 Q. You were asked some questions about giving Hersl's share
8 of the Hamilton money to Jenkins. Do you recall being asked
9 those questions?

10 A. Yes.

11 Q. Why didn't you give Jenkins a share of the Hamiltons'
12 money for Clewell?

13 A. Oh, John, like I said, he was straight and narrow. He
14 wasn't -- you know, you have individuals that are -- things do
15 happen when you in these specialized units that people do get
16 their hands dirty. John wasn't one of those people.

17 He was an analytical person. He wasn't like a street cop
18 that was out there getting guns or wanted to get his hands
19 dirty.

20 So John never -- never got involved with that. And even
21 more so, when he came to the squad with Allers, Allers told us
22 that, that, you know, he was straight; you know, if anything
23 happens, you know, don't get him involved. That's not what
24 he's about.

25 Q. But you did give Jenkins a share for Hersl of the

1 Hamiltons' money; right?

2 **A.** That's correct.

3 **Q.** And why did you do that?

4 **A.** Because I've heard from Wayne -- you know, you hear things
5 in the police department. And, you know, it wouldn't have
6 been --

7 **Q.** What specifically on that day, why -- what was in your
8 head that you gave --

9 **MR. PURPURA:** Objection. Can we --

10 **THE COURT:** You can approach the bench.

11 (Bench conference on the record:

12 **THE COURT:** So do you know what he's going to say?

13 **MR. WISE:** He's going to say because they all went in
14 the house with the understanding that if any of them found
15 money, they would take it and share it; essentially that there
16 was an agreement among them; that they did not have such an
17 agreement with Clewell, which is why Clewell didn't get a cut.

18 **THE COURT:** Okay.

19 **MR. PURPURA:** To the extent that this really has been
20 gone through on direct examination, he testified to that
21 already that -- and there was actually -- there was no
22 specifics. But what he said on direct examination was that he
23 didn't know what he was going to do, it just depended on the
24 circumstances when he showed up.

25 My fear -- and with this open -- with this question

1 right now posed, it's going to say because of all the
2 complaints against him, he heard about all these things, that's
3 going to come out. I mean, again, that's going to come out.

4 **MR. WISE:** He's not going to bring up complaints.
5 That's not -- I mean, he's talked about this in the proffers.
6 It's never come up in regards to complaints. It's that Hersl
7 was somebody like Rayam, like Jenkins, that when the
8 opportunity presented itself, you could steal money. They
9 would steal money, and then you would share.

10 **THE COURT:** Okay. Do you want, before he gives the
11 answer, shall we ask Mr. Wise to tell him just to make sure
12 that he's not going to say anything about the complaints?

13 **MR. WISE:** About Internal Affairs complaints?

14 **THE COURT:** About Internal Affairs complaints. Just
15 if you would just instruct him not what it is that he should
16 answer, obviously, but just that in his answer, he should not
17 reference prior Internal Affairs complaints.

18 **MR. PURPURA:** Okay. Thank you.

19 **THE COURT:** Okay. So we can just leave the noise on,
20 I think, Ms. Moyé; right? And correct me if I'm wrong, but
21 Mr. Wise can now speak with the witness without it being
22 overheard, with the noise on. So just go whisper to him.
23 Yeah.

24 (Mr. Wise conferred with the witness.)

25 **MR. PURPURA:** Do you want us to stay up here?

~~GONDO REDIRECT~~

1 **THE COURT:** No.)

2 (Bench conference concluded.)

3 **THE COURT:** Counsel, do you want to come back up to
4 the bench.

5 (Bench conference on the record:

6 **THE COURT:** Note from the jury, question for Gondo:
7 Outside of the Hamiltons' home, was Mr. Hersl in the car when
8 Rayam brought the loose \$20,000, 20K, to the car? And did you
9 see him acknowledge the act?

10 **MR. WISE:** Okay. I can ask it -- try to ask a version
11 of this.)

12 (Bench conference concluded.)

13 **BY MR. WISE:**

14 **Q.** So, Mr. Gondo, just a couple more questions.

15 I had asked you why you didn't give Jenkins a share for
16 Clewell, and you -- I think you had answered that -- answered
17 that.

18 My next question was: Why did you give Jenkins a share
19 for Hersl? And I think you were about to answer that.

20 Could you answer that, please.

21 **A.** Yes. 'Cause basically we all had the understanding that
22 if it was money involved, it will be split up, even to the fact
23 that after the money was seized when we were at the restaurant,
24 Wayne made that comment about, you know, only need three --
25 only do three a year. You know, don't be greedy. That's a

1 pact right there from that point -- from that point.

2 I may have not did anything with Dan at that moment just
3 yet, but -- me and him one on one. But once he made that pact,
4 I understood that since the money was taken, I had to split it.
5 We had to split it all together with the four of us.

6 **Q.** Okay. And you testified that Rayam came out of the
7 Hamiltons' house with the loose 20,000 or what started out as
8 20,000; right?

9 **A.** Yes.

10 **Q.** Was Mr. Hersl in the car when Rayam brought that money to
11 the car with you, or was he in the car with you when Rayam
12 brought that?

13 **A.** Yes. Yes.

14 **Q.** And did you see him -- did you happen to see him as Rayam
15 brought the money to the car? I mean Hersl. Did you see him,
16 what he was looking at or what he was doing?

17 **A.** Dan saw it. Everybody saw it. I mean, we're all
18 detectives. You know, we watch each other. I mean, that's
19 just common practice. I mean, it would behoove me if he didn't
20 see, you know, him coming out with the bag, the money in the
21 bag, and placing it under the seat.

22 **MR. WISE:** Okay. Nothing further, Your Honor.

23 **THE COURT:** Okay. Anything, Mr. Nieto, Mr. Purpura?

24 **MR. PURPURA:** Just a couple of quick questions, if I
25 may.

REDCROSS-EXAMINATION

BY MR. PURPURA:

Q. Just on the Hamiltons, you testified when I asked you questions, it was when you got to the Hamiltons', you were there for an execution of the search warrant; and when you saw the money, the \$20,000 in loose money, that you were not going to take the money at that time; correct?

A. Yes. I counted the money, put it right back.

Q. And you put it back --

A. Yes.

Q. -- and you left it right there?

A. Yes.

Q. And at that point Rayam took the money; right?

A. Yes.

Q. Did you see Rayam take the money at that point?

A. No.

Q. Okay. Where did you -- when did you see Rayam take the money?

A. I saw Rayam with the money when we were outside, when he came out with the money.

Q. Okay. What did -- where were you when you saw Rayam with the money?

A. Outside.

Q. Outside where?

A. The dwelling.

1 Q. Okay. And at that point where was Mr. and Mrs. Hamilton?

2 A. They were inside the dwelling. Mr. Hamilton, he came --
3 once Rayam came out with it, I guess he ran upstairs and he
4 came back.

5 Q. Got you.

6 So this is at the very, very end --

7 A. Yes.

8 Q. -- after Westminster's gone; correct? Westminster, the
9 police, Maryland State Police came; correct?

10 A. Yes.

11 Q. Westminster police, local police were there; correct?

12 A. Yes.

13 Q. After they left, you all were still there; correct?

14 A. Yes.

15 Q. And at that point the Hamiltons are not under -- going to
16 be under arrest at that point; correct?

17 A. That's correct.

18 Q. 'Cause nothing's found in the house other than the \$50,000
19 in the heat-sealed envelope; correct?

20 A. Yes.

21 Q. And MSP found the \$50,000; correct?

22 A. Yes.

23 Q. And at that point, according to you, that's when Rayam
24 walks out of the house. So he's there at that -- in the house
25 by himself at that point. Everyone else is outside; right?

~~CONDO~~ ~~RECORD~~

1 **A.** Yes.

2 **Q.** You weren't going to take the money; correct? You put it
3 back; right?

4 **A.** Yeah. I wasn't going to take the money.

5 **Q.** All right. Danny Hersl is downstairs with you. He's
6 outside with you, correct, at that point; right?

7 **A.** Yes. Yes.

8 **Q.** And at that point, after everything's completed, then
9 Rayam comes out of the house; right?

10 **A.** Yes.

11 **Q.** And at that point he has what appears to be a bag;
12 correct?

13 **A.** Yes.

14 **Q.** And he shoves that bag under the seat; correct?

15 **A.** That's correct.

16 **Q.** And that's when you drive away and you go to the
17 restaurant; right?

18 **A.** Yes.

19 **MR. PURPURA:** Thank you. Nothing further. Thank you,
20 sir.

21 **THE COURT:** Anything else?

22 **MR. WISE:** Not from the United States, Your Honor, no.
23 Thank you.

24 **THE COURT:** All right. Thank you. The witness is
25 excused.

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