

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.	)	
	_____	)	

Wednesday, February 7, 2018  
Courtroom 1A  
Baltimore, Maryland

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

VOLUME IX - EXCERPT  
GOVERNMENT'S CLOSING ARGUMENT

For the Plaintiff:

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Reported by:

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1 For the Defendant Daniel Hersl:

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

4 For the Defendant Marcus Taylor:

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

7 Also Present:

8 Special Agent Erika Jensen, FBI

9 TFO John Sieracki

10 Matthew Kerrigan, Government's Trial Technician

11 Crystal Panas, Defense Paralegal

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P R O C E E D I N G S

(2:12 p.m.)

(Excerpted as follows:

**THE COURT:** So with that, we'll turn to the Government for its argument.

I should advise you in advance, I guess, that you're going to hear from the Government twice. They have the opportunity for rebuttal after defense counsel speak, if they choose to do that and, the reason is, of course, that the Government has the burden of proof in this case.

But we'll start with Mr. Hines.

**MR. HINES:** Mr. Zweizig, can you hear me?

Good afternoon. I'd like to begin by speaking about the thirty-second and final witness who was called in the Government's case.

At the age of 26, Officer James Kostoplis was entrusted with two tools: A gun and a badge.

Officer Kostoplis took an oath to serve and protect. He joined the Baltimore Police Department and he was entrusted to use those tools for good. He was assigned to the Gun Trace Task Force, one of the most elite units in the Baltimore Police Department.

At the age of 26, James Kostoplis was approached by Sergeant Wayne Jenkins and 17-year veteran Daniel Hersl. Those two men took James Kostoplis for a ride. They drove him to an

1 alley, they asked him to leave his phone in the vehicle, and  
2 Jenkins and Hersl, side by side, walked to the end of that  
3 vehicle and looked at James Kostoplis, and Jenkins asked: What  
4 would you do if we were following a high-level drug dealer?  
5 Would you take money?

6 James Kostoplis, he had a choice at that moment. He  
7 could choose to use his tools for good or he could choose to  
8 use his tools for evil.

9 And in that moment, James Kostoplis told those two  
10 men, 17-year veteran Daniel Hersl and Wayne Jenkins, exactly  
11 what he thought about their idea. He said, No, that's a  
12 terrible fucking idea. You can't have a badge on your chest  
13 and do that. That's what separates us from criminals.

14 At some point during the career of these two men  
15 (indicating), Daniel Hersl, Marcus Taylor, they were given that  
16 exact same opportunity to make that choice. When that  
17 occurred, it occurred some time prior to 2014.

18 And if 26-year-old James Kostoplis could stand up to  
19 Wayne Jenkins and 17-year veteran Daniel Hersl, then these two  
20 men certainly could have made that same choice, but they did  
21 not. They chose differently, and that's why we're here today.

22 No man is above the law and no man is beneath the law.  
23 Not once in the judge's instructions did you hear the concepts  
24 of "above the law" or "beneath the law."

25 Yet throughout this trial, throughout the questioning

1 by the defense and their arguments, they've suggested to you  
2 that a different standard should apply to them. They've asked  
3 witness after witness after witness about their past. They've  
4 suggested that people that come from certain backgrounds have  
5 certain criminal histories, have engaged in conduct in the  
6 past, deserve to have their property taken from them.

7 By that same token, these two men have suggested that  
8 they were entitled to that property; that they were above the  
9 law; that because they were detectives on an elite unit, they  
10 should be given a free pass because they were getting guns off  
11 the street.

12 But that's not the standard that was articulated by  
13 Judge Blake earlier today. The standard that you must follow  
14 is the law that she articulated, and that law says there's  
15 equal justice for all.

16 Good afternoon, ladies and gentlemen. I want to,  
17 first, on behalf of myself, Mr. Wise, Special Agent Jensen,  
18 Sergeant Sieracki, Mr. Kerrigan, we want to thank you for your  
19 attention, your jury service throughout this trial,  
20 several-week trial, your notes, your questions throughout the  
21 trial. This is important, and we appreciate your service.

22 The first thing I'd like to do today is start with the  
23 counts that you've heard about and discuss the charges and how  
24 the relevant facts relate to those charges.

25 I'm going to begin with Count 2, the racketeering

1 count, because this involves each of the racketeering acts that  
2 you've heard about in this trial.

3 When you receive the verdict sheet, when you go back,  
4 you will elect a foreperson. When you elect that foreperson,  
5 you can decide however you want to go about the verdict sheet,  
6 but we're going to start with Count 2 here today.

7 The evidence in the case shows -- which we'll go  
8 through -- that both Daniel Hersl and Marcus Taylor are guilty  
9 of racketeering.

10 There are five elements of racketeering. Four of the  
11 elements are not in dispute. The Government bears the burden  
12 of proving each of these elements beyond a reasonable doubt,  
13 but we can tick off four of them rather quickly.

14 First, that an enterprise existed as alleged in the  
15 indictment. Judge Blake has instructed you that the enterprise  
16 in this case is the Baltimore Police Department and it is a  
17 legal entity. That meets the definition of an enterprise.

18 Second, that the enterprise affected interstate or  
19 foreign commerce. Director of Fiscal Services Elaine Harder  
20 came and testified that the Baltimore Police Department,  
21 through the city of Baltimore, purchases items that are made  
22 outside the state of Maryland. Those items include cars,  
23 bullets, uniforms. They're shipped into the state of Maryland,  
24 and that satisfies that element.

25 Third, that the defendants were associated with or

1 employed by the enterprise. You heard from Lieutenant Friel  
2 that Detective Hersl began with the Baltimore Police Department  
3 in 1999 through 2017. He was an employee.

4 Detective Taylor was an employee through 2009, from  
5 2009 through 2017. This element is met.

6 I'm going to skip the fourth element for a moment  
7 'cause we're going to come back to that.

8 The fifth element you must decide is whether the  
9 defendant conducted or participated in the conduct of the  
10 enterprise through the pattern of racketeering activity.

11 The evidence must show that the defendant played some  
12 part of the operation of the enterprise.

13 The judge has instructed you, that does not mean that  
14 Detective Hersl or Detective Taylor had to be the leaders of  
15 the Baltimore Police Department.

16 What the instructions show is that an enterprise is  
17 operated not only by those in upper management, but also by  
18 those lower down in the enterprise who act under the  
19 supervision of upper management.

20 The evidence shows the defendants were able to commit  
21 their crimes by virtue of their positions as detectives on this  
22 elite unit, and this element is met.

23 So I'm going to return to Count -- fourth element of  
24 Count 2, the Government must prove that the acts of  
25 racketeering are related to each other and that they pose a

1 threat of continued activity.

2 For that fourth element, you have heard evidence in  
3 this case about robberies and extortions involving multiple  
4 citizens.

5 For Defendant Hersl, you've heard about Griffin, Tate,  
6 Santiful, the Hamiltons, Armstrong, as well as time and  
7 attendance fraud over the course of four pay periods.

8 For Taylor, you've heard about Shawn Whiting,  
9 Raytawn Benjamin, Stevensons, Sergio Summerville, and time and  
10 attendance fraud over the course of three pay periods.

11 Not a single charged episode in Racketeering Act 2  
12 relies upon only the word of the person who had their money  
13 taken. Not a single one.

14 In his opening, Mr. Wise told you that you would get  
15 an inside look in the Baltimore Police Department. That inside  
16 look was provided to you by the co-defendants in this case that  
17 these men chose to commit their crimes with.

18 So in the episodes you've heard from not only the  
19 victims, but co-defendants. You've received in evidence  
20 additional information, including bank records, photographs of  
21 cash that citizens had before their money was taken from them.  
22 You've seen wiretap calls, mic recordings from the car.  
23 Evidence that corroborates the citizens who came in here and  
24 told you what happened to them.

25 And you are the detectives when you go back into that



1 jury room, and you will see how that evidence stitches together  
2 and shows that these defendants committed these acts.

3 Now, the racketeering acts are robberies, extortions.  
4 And there's two types of extortions. There's extortions with  
5 force and extortions under color or pretense of office.

6 So I'm going to start with robbery. The judge has  
7 instructed you on the elements. A robbery is the taking and  
8 carrying away of property from someone else, or someone else's  
9 presence and control, by force or threat of force, with the  
10 intent to deprive the victim of the property.

11 Throughout this trial we asked every single citizen  
12 who took that stand whether they were restrained, whether they  
13 were arrested.

14 And you heard testimony not only from these citizens,  
15 but from the officers who engaged in some of these crimes as  
16 well. Every episode had force applied. Force is as simple as  
17 handcuffs restraining a victim (indicating).

18 Not only did those episodes have force, but there was  
19 the threat of force in every single episode as well.

20 Rightfully so, individuals testified in this case that  
21 when the police came to their house with vests, guns, that they  
22 submitted, they gave up, and that's the element of the threat  
23 of force that they established. They told you what they  
24 believed would happen to them if they resisted.

25 You'll be asked to make a distinction between robbery

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 and extortion. We submit to you that the evidence shows in  
2 every single racketeering act except for one, every single one  
3 of those racketeering acts is a robbery except for  
4 Jimmie Griffin. The key distinction is whether or not there  
5 was consent.

6 An extortion is when an officer -- officer or employee  
7 of the state may not wrongfully obtain or attempt to obtain  
8 money, property, or anything of value from a person with the  
9 person's consent, if the consent is obtained by wrongful use or  
10 actual or threatened force of violence.

11 Jimmie Griffin testified that he consented. That's  
12 why we asked the question over and over to every single  
13 witness. Every single other witness in this case testified  
14 that they did not consent to having their property taken.

15 And third, you will be asked to also consider whether  
16 there's an extortion under color or pretense of office. An  
17 officer or employee of the state may not wrongfully obtain or  
18 attempt to obtain money, property, or anything of value from a  
19 person with the person's consent, if the consent is obtained  
20 under color or pretense of office.

21 So when you go to your verdict sheet, Option 1, if you  
22 find the Government has met its burden beyond a reasonable  
23 doubt, is whether there was a robbery. The conspiracy to  
24 commit robbery or a robbery. And I'll show you the verdict  
25 sheet in just a moment.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1           If you find that there was consent, and only if you  
2 find there was consent, then you should move on to the  
3 extortion questions and consider whether the Government has met  
4 its burden of establishing that there was an extortion.

5           If you do go to the extortion, you'll be asked to  
6 decide between one or both types of extortion.

7           Conspiracy to commit robbery is that -- the Government  
8 must prove first that the defendants agreed with at least one  
9 other person to commit the crime of robbery and that the  
10 defendants entered into the agreement with the intent that the  
11 crime of robbery be committed.

12           Conspiracy is a simple concept. It's a tacit  
13 agreement. It's an understanding to commit an unlawful  
14 objective.

15           The judge has instructed you that that agreement need  
16 not be formal. It need not be signed in writing. It can be as  
17 simple as a statement between two co-defendants, or, as the  
18 judge has instructed you, actions often speak louder than  
19 words.

20           You will also be asked to consider, if you find that  
21 there's an extortion instead of a robbery, whether there was a  
22 conspiracy to commit extortion.

23           First, we're going to go through chronological order  
24 the racketeering acts, and we're going to talk first about the  
25 robbery and extortion of Shawn Whiting.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 Mr. Whiting was asleep in his home. He was in his  
2 boxers. The police came to his house. He heard his daughter  
3 cry. He testified in this case.

4 And Ward, Detective Ward, Co-Defendant Ward testified  
5 to give you that inside look as to what exactly happened in  
6 this episode.

7 Mr. Whiting testified that he had \$23,970 in his home  
8 prior to the search. He had a photo from his phone dated one  
9 week prior to the search which showed \$16,000 of that. That  
10 was the drug money. He testified that the remainder of the  
11 money was earned from his job as a painter.

12 He had 4 and a half kilograms of drugs in his house.  
13 And when he -- he said when he received his paperwork, only  
14 3 kilograms of drugs were reported and \$7,650.

15 Force was applied when the officers -- and Mr. Whiting  
16 testified to this -- the officers, including Mr. Taylor, went  
17 up into his bedroom; they restrained him when he got out of  
18 bed; they took and deprived him of his money.

19 Ward testified that he and Taylor looked at each other  
20 and Taylor said, "Look out for me." That's what he said to  
21 Ward, which Ward knew (snaps fingers) at that moment meant that  
22 Taylor wanted to take that money. And Ward agreed. Ward took  
23 that money. He took \$3,000 and then gave \$1500 back to  
24 Detective Taylor.

25 But even before that happened, the evidence shows that

1 additional money and drugs were taken. Detective Taylor was  
2 with the evidence at the Baltimore Police Department. The  
3 money appeared to be lighter from the amount of money that was  
4 at the house to the amount of money that was ultimately  
5 submitted (indicating).

6 You heard from Detective Leimbach of the  
7 Baltimore County Police Department. He's a DEA Task Force  
8 Officer. He observed the money at the house, and he testified  
9 that he observed that it was lighter when he finally got the  
10 submission from the officers.

11 So when you go to your verdict sheet, you'll be asked  
12 for Racketeering Act 2, whether Defendant Taylor committed A or  
13 B or both.

14 A is an unlawful conspiracy to commit robbery.

15 And B is robbery, substantive robbery.

16 The evidence in this case shows that Defendant Taylor  
17 committed both of those crimes. He agreed with Ward to take  
18 that money. He instructed Ward, "Look out for me." They came  
19 to an agreement.

20 And the substantive crime of robbery also was  
21 committed when Taylor was in that room and took that money.

22 Turning to Count 3, the extortion of Jimmie Griffin,  
23 the only person to consent to the taking of his money.

24 Detective Hersl arrested Jimmie Griffin in the back of  
25 Evesham Avenue. At that time Jimmie Griffin had \$6,000 on his

1 person.

2 You heard from Samara Irby in this case. Samara Irby  
3 is an HIV counselor. She's never been arrested in her life.  
4 Never committed a crime in her life. She testified that she  
5 gave Jimmie Griffin, immediately prior to that arrest, \$6,500.  
6 And Jimmie Griffin took the stand and he testified that he  
7 received from her \$6,000.

8 You'll recall the judge's instructions, that sometimes  
9 there's minor differences between the recollection of witnesses  
10 for an event that occurred in 2014.

11 The fact that both those witnesses didn't get up there  
12 and say that they -- it was \$6,500 shows that they weren't  
13 colluding about that recollection.

14 Jimmie Griffin also had \$5,000 in a safe at his home  
15 and \$1,000 in his dresser. The bank records for his cousin  
16 show that his cousin received a significant sum of money  
17 deposited to his bank account, \$266,000. And in the days  
18 leading up to that, after he received that wire, he withdrew  
19 almost \$12,000 from that bank account.

20 Mr. Griffin testified that his cousin, Mr. --  
21 Mr. Creighton, was also dealing drugs, gaining significant cash  
22 revenue from that as well.

23 When Mr. Hersl arrested him, he took the money from  
24 Mr. Griffin's person and stuck it in his pocket. That's what  
25 the evidence shows in this case.

1           Hersl said, as he did that, "This guy is making more  
2 money than me."

3           For a robbery, as the judge has instructed you, the  
4 Government must prove that the defendant took property from  
5 another person's presence and control, that the defendant  
6 knowingly took the property by force or threat of force, and  
7 that the defendant intended to deprive the victim of the  
8 property.

9           Intent is required under the extortion element prong  
10 as well.

11           Intent is satisfied in every single one of these  
12 episodes when Defendant Hersl, at the time of the taking, took  
13 the money from the citizen and stuck it in his pocket instead  
14 of an evidence bag. Not in one of these instances did Hersl  
15 put the money in an evidence bag (indicating).

16           Mr. Purpura, in his opening, argued, argued that  
17 Mr. Hersl didn't have the intent to take the money.

18           But what's relevant under the law is Hersl's intent at  
19 the time of the taking, not prior to the arrest.

20           In other words, Mr. Hersl, in every one of these  
21 episodes, could have had a hundred percent intent going into  
22 the episode to commit a lawful arrest. He could have gone into  
23 that episode and said, Mr. Griffin is a drug dealer, I'm going  
24 to arrest him. He could have applied force; and at that moment  
25 that he applied force, he may not have been thinking about

1 taking the money.

2 But the intent matters at the time of the taking, when  
3 he actually takes the money. The force can precede the taking.

4 And in every single case, what Defendant Hersl did is  
5 he took the money and put it in his own pocket, and the intent  
6 element is satisfied.

7 So for Racketeering Act 3, Jimmie Griffin did testify  
8 that he consented. And the Government has proven beyond a  
9 reasonable doubt that Mr. Griffin committed extortion -- or was  
10 the victim of extortion by Mr. Hersl and that the extortion  
11 involved the wrongful use and threatened force of violence and  
12 extortion under color and pretense of office.

13 Turning to Racketeering Act 4, the robbery/extortion  
14 of Herbert Tate.

15 This is the robbery that occurred on Robb Street.  
16 Mr. Tate, an HVAC engineer for 21 years, was walking down that  
17 street.

18 Mr. Tate testified that he didn't contact the FBI. He  
19 didn't make a complaint. The FBI found him.

20 Mr. Tate testified that he had made a jail call to his  
21 fiancée. The police took his money. He had received \$1,163 in  
22 a paycheck.

23 He testified that he paid daycare bills for his  
24 children and some other expenses and he had \$530 on his person  
25 when he was arrested.



1 Tate testified that Officer Fassl detained him. He  
2 said Fassl was, quote, cool and treated him with respect.

3 But he did not know why he was being detained. And he  
4 saw Mr. Hersl walk to the end of the alley, near that retaining  
5 wall, down an alley, he was there for seven to ten minutes, and  
6 then came back with something.

7 When Mr. Tate asked what Mr. Hersl had, Mr. Hersl  
8 said, "I don't have to show you a fucking thing. I just have  
9 to prove it in court."

10 Mr. Tate's case was dismissed. And, as you can see  
11 from the photograph here, Mr. Hersl had no vantage point to see  
12 Mr. Tate walk down that street. Mr. Tate said that his  
13 evidence paperwork said that Mr. Hersl accused him of placing a  
14 bag on a retaining wall. That's impossible from the photograph  
15 here.

16 Mr. Hersl took the money and reported only \$216.  
17 Sergeant Swinton testified that only \$216 was turned in. As  
18 you can see, he's the signing officer on the submission slip.  
19 He did not report the rest of that money.

20 The defense in this case has asked Mr. Tate over and  
21 over and over again about dollar bills. They've asked him  
22 ones, fives, tens, twenties. Those suggest drug distribution.  
23 And what Mr. Tate says is, "Everyone has dollar bills, sir."

24 And then at the same time, the defense asked other  
25 witnesses if large amounts of money, hundreds of dollars of

1 bills, that suggests drug distribution.

2 The defense will have you believe that anybody who  
3 carries cash is a drug dealer, and that's not the case here.

4 When Mr. Purpura, when the defense for Mr. Hersl was  
5 finished, defense counsel for Mr. Taylor got up and asked  
6 Mr. Tate a series of questions.

7 Mr. Taylor wasn't even implicated in this episode, but  
8 you'll recall some of the questions. Robb Street is not a  
9 great neighborhood and Mr. Tate said that's what you label it  
10 as, but it's a great neighborhood to me.

11 These are the questions that are designed to get you  
12 to believe that these citizens are beneath the law; that  
13 because of where they come from, because of who they are, they  
14 don't deserve a fighting chance, but that is not the law in  
15 this case.

16 Mr. Tate left Baltimore City, he's moved away, and he  
17 lost his job after this arrest.

18 Mr. Tate testified that he did not consent and that he  
19 was fearful of what would happen if he tried to walk away from  
20 Hersl.

21 At the time of Tate's arrest, in front of Tate, Hersl  
22 told Fassl, "Keep the money." The evidence control submission  
23 shows that Hersl got the money. Hersl took the money before  
24 turning it into evidence.

25 The next racketeering act is Racketeering Act 5

1 involving Antonio Santiful. Mr. Santiful also was contacted by  
2 the FBI. He was paid in cash under the table when he worked  
3 night shifts cleaning commercial buildings. He came in in his  
4 construction uniform.

5 On November 28th, he testified, in 2015, he was  
6 visiting a friend on Aiken Street when Hersl arrested him. He  
7 had been playing video games on the front porch with a group of  
8 friends when Hersl ran up to him.

9 Santiful testified that Hersl took \$700 off his  
10 person.

11 Theresa Anderson, with Baltimore Police Department,  
12 testified that only \$218 was turned in. That leaves a  
13 difference of \$482.

14 Mr. Santiful's testimony is corroborated by the  
15 jail call, the jail call he made the night of his arrest at a  
16 moment in time when he did not believe anyone would ever listen  
17 to it.

18 He said in that call, "I just had like \$700 in my  
19 pocket, yo. Look, the police took all the money I had."

20 Mr. Santiful took the stand in this case and testified  
21 about that money.

22 When the defense crossed him, they asked him about a  
23 2006 gun conviction that he had, and Mr. Santiful told the  
24 defense that he did not commit that conviction and that the  
25 arresting officer in that case was Wayne Jenkins. They relied

1 on that case to try and establish that Mr. Santiful was a  
2 criminal and therefore was beneath the law and he deserved it.

3 But what's interesting is that at other times, you'll  
4 hear Mr. Purpura say that Wayne Jenkins is a liar; you can't  
5 trust a word he says. Yet they relied on his conviction in  
6 this case.

7 Turning to Racketeering Act 5, the verdict sheet,  
8 force was applied to Mr. Santiful. He was under the threat of  
9 force. He testified about that. A robbery was proven, and you  
10 should find that a robbery was proven on the verdict sheet.

11 Racketeering Act 6 is the robbery/extortion of  
12 Raytawn Benjamin.

13 Detective Ward testified on the stand about this. He  
14 testified that Jenkins, Taylor, and Ward used a technique  
15 called a door pop where they would drive up to citizens who  
16 were standing in the road and run at them.

17 And when they ran at them on this occasion,  
18 Mr. Benjamin started running. They stopped him. They chased  
19 Mr. Benjamin first. They stopped him. They arrested him.  
20 They used force. They put him in handcuffs.

21 Taylor searched him and took the money off of him.  
22 Ward testified that Taylor took the cash, and instead of  
23 submitting it into an evidence bag, he gave some of that cash  
24 to Ward and kept the rest.

25 The elements of robbery are met and the elements of

1 conspiracy to commit robbery are met because there was an  
2 agreement between Ward and Taylor to take that money. They had  
3 an understanding and they had robbed citizens before, including  
4 Shawn Whiting.

5 The next racketeering act, you've heard a lot of  
6 testimony about this case. This is the case involving the  
7 Stevensons, Oreese Stevenson and Keona Holloway.

8 March 22nd, 2016, Mr. Stevenson was sitting in a  
9 vehicle when Wayne Jenkins, Taylor, Hendrix, Ward drove up the  
10 wrong way on a one-way street, jumped out, looked in the  
11 vehicle, took Oreese Stevenson. Jenkins took him into a van.

12 Jenkins talked to Oreese Stevenson, interrogated him,  
13 and then Jenkins came out and he said, "This is a big one," and  
14 right then and there Ward and Hendrix, who testified, said they  
15 knew the game was on, that they were going to get money. They  
16 were going to be able to rob this guy. Taylor was there as  
17 well. Ward and Hendrix said that his reaction was "reaction of  
18 excitement."

19 And at that moment these officers decided to do  
20 everything but a legitimate law enforcement investigation.  
21 They took their police vests off. They went to Mr. Stevenson's  
22 house on Baker Street. They pretended to be Mr. Stevenson's  
23 relatives to do a sneak-and-peek into the house to see if there  
24 was any money to steal. Taylor went into the house. Hendrix  
25 went into the house. Ward went into the house. They didn't

1 find anything.

2           Meanwhile, Donald Stepp testified that Wayne Jenkins  
3 called him to go to the Stevensons' house on Heathfield Avenue.  
4 Wayne Jenkins, a bail bondsman, shows up there. He's about to  
5 go into their house when the police officers arrive, Taylor,  
6 Ward, Hendrix, and Jenkins.

7           They create a ruse to establish that someone was  
8 running from the house. But Mr. Stepp's testimony on this  
9 point is key, the kid that he had seen had already left before  
10 that, and the kid was not trying to actually get into that  
11 house. He was actually -- or, sorry, he was not trying to  
12 leave that house. He was trying to get into that house.

13           Once the officers arrived, they don't have a  
14 search warrant. They roll into the house, do a sneak-and-peek,  
15 find items in the basement.

16           Wayne Jenkins, according to the testimony of  
17 Mr. Stepp, takes two bags of cash up and out of the house. He  
18 takes 2 kilograms of cocaine, goes to Donald Stepp, who's  
19 sitting outside, gives Donald Stepp two of the kilos of  
20 cocaine. Not a legitimate law enforcement operation.

21           Taylor and Ward end up at the house. Hendrix and  
22 Jenkins end up writing a search warrant. The purpose of it was  
23 to provide cover. It contained falsities, according to  
24 Mr. Hendrix and Mr. Ward.

25           And they -- while Ward and Taylor were at the house,

1 they had Ms. Holloway and the mother-in-law sitting on that  
2 couch. They were not free to leave. Ms. Holloway testified to  
3 that.

4 Mr. Stevenson testified that force had been applied to  
5 him before. And both of them testified as to exactly what they  
6 thought the police would do to them if they resisted. In both  
7 instances there was force and the threat of force.

8 Once Jenkins and Hendrix returned with the  
9 search warrant, they busted open the safe, Jenkins took out the  
10 money, threw \$100,000 back in the safe, took the money out,  
11 came back down.

12 And Taylor, Taylor created that fake re-enactment  
13 video that you saw. The purpose of that video was to try and  
14 convince -- try and convince a jury, someday, at a later date,  
15 that this was actually a legitimate operation. They  
16 contemplated at that moment that someday they might have to  
17 answer to this crime.

18 Mr. Stepp had a photograph which corroborates he was  
19 there.

20 Gondo and Rayam were intercepted on the mic discussing  
21 this episode. Jenkins had told them that everybody got 20 g's,  
22 \$20,000.

23 You heard from Ward and Hendrix that after this --  
24 after they had cracked the safe, they made it to Taylor's  
25 house. Taylor didn't have anyone living with him. It was the

1 perfect spot to split up the money. They went to Taylor's  
2 house. Jenkins brought \$80,000 of the cash inside. The rest  
3 of it, the evidence shows, Jenkins left in his vehicle.

4 With that \$80,000, Jenkins doled out \$20,000 to each  
5 of the defendants.

6 Mr. Taylor, a short time after that, got a brand-new  
7 deck on the back of his home. Mr. Hendrix told you that that  
8 wasn't there beforehand. Mr. Hendrix told you that  
9 Wayne Jenkins told Taylor who to use to get that deck.

10 For Racketeering Act 8, the evidence shows that Taylor  
11 agreed with Jenkins, Hendrix, and Ward to commit a robbery.  
12 That agreement was out of the gate when Wayne Jenkins said,  
13 "This is a big one."

14 The evidence shows that these four men committed the  
15 robbery and are also guilty of a substantive offense.

16 The defendants used force to restrain the Stevensons  
17 and the defendants took the property by threat of force with  
18 Ms. Holloway, who testified that she did not consent. She  
19 remained at that property, just outside, while they were in the  
20 house stealing the money.

21 For this count, for this act, you were also asked to  
22 consider, under Count 3, whether this constituted a federal  
23 Hobbs Act robbery and extortion.

24 Judge Blake has instructed you that a federal robbery,  
25 a Hobbs Act robbery, is the unlawful taking or obtaining of



1 personal property of another against his will by threatening or  
2 actually using force, violence, or fear of injury, immediately  
3 or in the future, to the person or the property. Again here,  
4 there is no consent. Ward, Hendrix, Stevenson, and Holloway  
5 all testified to that.

6 For Count 4, you are asked to find whether a  
7 possession of a firearm in furtherance of a crime of violence  
8 was committed. That does not mean the defendant must have  
9 brandished it. It does not require that he even took it out of  
10 his gun holster. It merely means that a firearm helped  
11 forward, advance, or promote the commission of the crime.

12 The evidence and testimony from Ward, Hendrix,  
13 Stevenson, and Holloway is all clear. They all testified  
14 Taylor had a gun. All officers had a gun. Not only did Taylor  
15 have a gun, Ward, Hendrix, and Jenkins all were armed as well.

16 The judge has instructed you that Hobbs Act robbery  
17 and Hobbs Act extortion in Count 3 are a crime of violence, so  
18 that if you find that the defendant did possess that firearm in  
19 furtherance of that crime, then you must also find him guilty  
20 of Count 4.

21 This is how it would look on the verdict sheet,  
22 Count 3 and Count 4. For Count 3 you'll be asked to determine  
23 whether it's Hobbs Act robbery or Hobbs Act extortion. Again,  
24 no consent here. It's a Hobbs Act robbery.

25 Count 4, you'll be asked to find him guilty as well.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1           In his opening statement Mr. Purpura said this was an  
2 honest investigation. Ask yourself if that's what the evidence  
3 actually showed in this case, that it was an honest  
4 investigation.

5           Rayam testified that his affidavit for the house was  
6 filled with lies. He lied about surveillance. He had an  
7 illegal tracker on the vehicle. He lied about a  
8 controlled purchase.

9           One of the surveillances that they did do, Rayam  
10 testified that Wayne Jenkins, during that surveillance, said he  
11 wish he had a mask so he could rob the guy. This was all  
12 leading up to the episode involving the Hamiltons.

13           Starting with the traffic stop just after the  
14 Home Depot, immediately Mr. Hamilton was robbed. Rayam took  
15 the money off of Mr. Hamilton, as he put him in handcuffs.  
16 Mrs. Hamilton was there as well. They were both under the  
17 threat of force. These were armed police officers.

18           Hersl was standing there as Rayam stuck the money,  
19 \$3,000, in his vest.

20           They then took these two citizens in handcuffs to the  
21 barn, an off-site facility, where they interrogated them.  
22 Rayam and Gondo testified in this case. Rayam told you that  
23 he, Jenkins, and Hersl interrogated Mr. Hamilton.

24           Mr. Hamilton said, "I don't have any guns. I don't  
25 have any drugs at my house. But I have cash." And he was

1 right, he had cash at his house.

2 At this moment, Rayam, Gondo, Jenkins, Hersl had  
3 agreed that they would go there and rob him.

4 Leading up to this event, Hersl's intent is  
5 crystal-clear. Three weeks prior to this, he had already  
6 proposed to Rayam stealing money from a house at a  
7 search warrant in the Southwest District. He and Rayam had a  
8 discussion on the front porch; Rayam testified about that. And  
9 he said, "If you find any money, let's split it up." They  
10 agreed. Rayam testified that that was an agreement, they  
11 agreed at that time.

12 Further evidence of this agreement is while they're at  
13 the barn, who is sent up to Westminster? Not the guy you heard  
14 about, John Clewell, the guy who didn't take the money.  
15 Jenkins, Hersl, Rayam, Gondo, they go up to Westminster. They  
16 send the one guy who doesn't steal money out to another  
17 location. That is further evidence of their agreement to  
18 commit a robbery.

19 They brought the Hamiltons with them. Mr. Hamilton  
20 was in handcuffs. They went into the house, searched the  
21 Hamiltons' home before Westminster, Carroll County, even  
22 arrived. Ask yourself why they would call another jurisdiction  
23 if they were going to go in and do a sneak-and-peek and look  
24 for money before they even arrived.

25 Hersl at first stayed outside with Mr. Hamilton.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 Gondo, Rayam, Jenkins went inside the house. Hersl then came  
2 inside with Mr. Hamilton. Gondo and Rayam testified that  
3 Hersl, Gondo, and Rayam go upstairs to the Hamiltons' bedroom.

4 Hersl, Gondo, and Rayam find the money, the \$20,000,  
5 and the \$50,000, which is in the heat-sealed bundle. Gondo  
6 takes the cash, the \$20,000 cash, counts it right in front of  
7 Hersl. Why would you count this if Carroll County was coming  
8 to seize the evidence?

9 He then goes downstairs, Gondo and Rayam both go  
10 downstairs, leaving Hersl with the \$20,000 in cash. As he goes  
11 downstairs, Jenkins says (snaps fingers), "Take the money."

12 They go back upstairs, get what money is left; the  
13 evidence shows it was \$17,000. Hersl was in that room with the  
14 \$20,000. He took 3,000 of it.

15 They then take the money downstairs. Rayam has the  
16 money. Mr. Hamilton is ultimately interrogated by all four  
17 men. Hersl's standing there next to Jenkins, Gondo, Rayam.  
18 Jenkins asks, "Do you have any big-time drug dealers that can  
19 be robbed? Who would you rob?" Words to that effect. Hersl's  
20 standing right there.

21 Gondo then testified that at some point Rayam comes  
22 walking out of the house as they're about to leave. He's  
23 sitting in the vehicle with Hersl. They both see Rayam with  
24 the money. He brings the money into the vehicle. Mr. Hersl's  
25 intent is not in dispute. It's crystal-clear what his intent

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 was in this case.

2 And when you evaluate Mr. Hersl's intent, remember  
3 this: The evidence that you must consider is the evidence you  
4 heard from the witnesses who testified in this case.

5 Arguments of counsel -- myself, Mr. Purpura -- we  
6 can't claim to know what Mr. Hersl's intent was; but the  
7 evidence is crystal-clear from what you heard that he intended  
8 to take that money.

9 In opening, Mr. Purpura stood up and he said  
10 Daniel Hersl was an embarrassment to the Baltimore City Police  
11 Department. He embarrassed Baltimore City. And the evidence  
12 shows that this man took money over and over and over and over  
13 and over again.

14 Ask yourself, then, why did the defense cross  
15 Mr. Hamilton and ask him question after question after question  
16 about whether he was a drug dealer? Does that matter?

17 Was Mr. Hersl entitled to rob this man because he was  
18 a drug dealer? It's to get you to think that Mr. Hamilton is  
19 beneath the law and does not deserve equal protection as  
20 everybody else.

21 Mr. Hamilton sat there for two hours answering  
22 questions over and over and over again about his finances, what  
23 he did. He had two prior federal convictions.

24 When he got out, he was a scrapper. He was trying.  
25 He was using the Manheim Auto Auction to buy cars, flip them,

1 sell them.

2 He has a stack of records -- they're in evidence, if  
3 you want to see them back in the jury room -- that show that he  
4 was engaged in cash sales. He was working, and he told you  
5 that from that stand.

6 After two hours of questioning, if that man was really  
7 a drug dealer, don't you think it would have been much easier  
8 for him to admit to that in this case than being subjected to  
9 the questioning?

10 And then this further underscores why the defense  
11 theory in this case is that these men are beneath the law.  
12 Mr. Taylor then asked Mr. Hamilton a series of questions.  
13 Mr. Taylor wasn't even present in Westminster when this  
14 occurred.

15 Over and over and over again they asked this man, Your  
16 background, how can you afford a house in Carroll County? And  
17 he testified that he put down \$17,000, he bought the house out  
18 of foreclosure, and he had a mortgage, and that's what he  
19 testified to on the stand.

20 You can decide whether he was a drug dealer or not.  
21 But I submit to you, it's irrelevant to the core issues in this  
22 case.

23 In Racketeering Act 10, this is the verdict sheet.  
24 The evidence shows that Daniel Hersl, Wayne Jenkins,  
25 Momodu Gondo, Jemell Rayam conspired to rob this man.

1           Furthermore, Daniel Hersl robbed this man specifically  
2 when he took the \$3,000 out of that upstairs bedroom. That's  
3 corroborated by the wiretap call between Gondo and Rayam, and  
4 you heard that evidence in this case.

5           You'll also be asked to consider Count 5, federal  
6 Hobbs Act robbery and extortion. Mr. Hamilton testified he did  
7 not consent. Rayam testified he did not consent. And Gondo  
8 testified that Hamilton did not consent. Therefore, based on  
9 the judge's instructions, you should find Count 5 guilty.

10           And in Count 6, the judge has instructed you that if  
11 you find the defendant guilty of Count 5 that that constitutes  
12 a crime of violence, and the first element is met.

13           The evidence clearly shows that Mr. Hersl possessed a  
14 firearm in furtherance of the crime. The firearm helped  
15 forward, advance, or promote the commission of the crime.

16           Mr. Hamilton testified what he thought was going to  
17 happen to him during this event. All four officers were armed.  
18 Indeed, the evidence shows that that firearm helped facilitate  
19 that crime.

20           August 8th, 2016, Mr. Armstrong was leaving the  
21 storage facility. Wayne Jenkins and everyone else stopped --  
22 stopped him, tried to stop him. He took off. He threw cocaine  
23 out the window. He testified to that on the stand and he  
24 testified that he had 2 kilograms of cocaine, approximately,  
25 back in his storage facility.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 He testified that there was a jail call in which he  
2 was recorded, and the FBI approached him.

3 The amount reported in this case, according to  
4 Mr. Armstrong and according to the evidence that you have, is  
5 2 grams of cocaine. 2 grams compared to 2 kilograms of  
6 cocaine. And only \$2,833. Rayam testified that Hersl took the  
7 money out of that man's glove box, \$8,000.

8 Mr. Rayam testified that Mr. Hersl did not put it into  
9 an evidence bag (indicating). His intent was clear from that  
10 moment when he's brought Rayam to 7-Eleven and  
11 Archbishop Curley and they split up the money right then and  
12 there.

13 But beyond that, the evidence shows that Mr. Hersl  
14 also benefited from Wayne Jenkins' friend Donald Stepp.  
15 Jenkins contacted this man, who's not a police officer, to come  
16 in and rob the storage facility. Donald Stepp testified that  
17 Wayne Jenkins told him that it was Danny's score,  
18 Daniel Hersl's score.

19 When Stepp then later took those two -- that cocaine,  
20 approximately 3 quarters of a kilogram of cocaine, he then sold  
21 it.

22 He sold those drugs, returned a portion of the  
23 proceeds to Jenkins. Jenkins told Donald Stepp that he had to  
24 return it to Daniel Hersl because it was Daniel Hersl's score.

25 And he further said that Daniel Hersl was upset



1 because Donald Stepp missed 4 ounces of cocaine, 4 ounces that  
2 he could have sold.

3 Daniel Hersl will attempt to distance himself as much  
4 as possible from Donald Stepp. This man is an embarrassment to  
5 the police department. He wasn't even a police officer and  
6 he's seen here in a police vest inside that office.

7 He gave illegal trackers, personal tracker, to  
8 Daniel Hersl when Wayne Jenkins and Daniel Hersl drove up next  
9 to him and threw one in his vehicle, and that was for what  
10 Donald Stepp testified to was another target.

11 So in Racketeering Act 11, you're asked to consider  
12 whether there was a conspiracy to commit a robbery. There was  
13 certainly an agreement. Him and Rayam had already committed  
14 the Hamilton robbery. They'd attempted to commit a robbery in  
15 the Southwest District.

16 Hersl and Rayam split up the money. At a minimum,  
17 that constitutes the deprivation of property.

18 In addition to that, there's also evidence of cocaine  
19 that went missing as well. That is proved as well as the  
20 substantive act.

21 Racketeering Act 12, Sergio Summerville. This episode  
22 began when Jenkins and Hersl went into the -- Mr. Thompson's  
23 maintenance shed, asked him to see the cameras, and Jenkins and  
24 Hersl said to him, standing side by side, "You look like  
25 someone that needs to get robbed." Robbed. Notice he said

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 "robbed" and didn't say, "You look like someone that needs to  
2 be the victim of a theft." That's different.

3 The evidence shows that Rayam and Taylor went back  
4 into Mr. Summerville's unit. He had cash back in the unit.  
5 Mr. Summerville testified that his money was taken. Mr. Rayam  
6 testified that he took the money, gave it to Mr. Taylor. You  
7 saw video showing that these men were there. The men were  
8 armed.

9 Mr. Rayam is also picked up on the microphone  
10 recording admitting that he had to give Taylor some of the  
11 money after he taxed Mr. Summerville a little bit. This was a  
12 term that was frequently used by the members of this  
13 enterprise.

14 And at the end of this, Mr. Summerville testified that  
15 Daniel Hersl gave him an elbow, used physical force during this  
16 episode.

17 For Racketeering Act 12, you should find that there  
18 was a conspiracy. It's been proved. Rayam and Taylor had an  
19 agreement to take that money in that man's unit; they split it  
20 up. They committed a robbery as well. Force was applied.  
21 Mr. Summerville was restrained. And he did not consent. He  
22 testified he did not consent.

23 I'm going to cover some of the overtime fraud. I know  
24 you've heard a lot of testimony about that in this case, so  
25 I'll be relatively brief.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 The judge has instructed you on the elements.

2 As far as the interstate wire, you heard from  
3 Mr. Matz. He flew into Baltimore all the way from Atlanta,  
4 Georgia. Testified that ADP's data center is in Sioux Falls,  
5 South Dakota. That element is met.

6 So now you're asked to consider whether there was a  
7 scheme to defraud or to obtain money by materially false  
8 pretenses, representations, or promise.

9 The evidence shows that these men were not working  
10 hard to rid the city of guns. They were hardly working.

11 When you look at the receipts that  
12 Special Agent Jensen testified about from September and  
13 October -- and you'll remember Mr. Wise filling out a calendar  
14 on the doc cam -- Daniel Hersl hardly ever worked, but he got  
15 paid for it over and over and over and over again.

16 In 2015 alone, Daniel Hersl's overtime was more than  
17 his salary. Hersl and Taylor both made six-figure salaries.  
18 The evidence in this case, you heard from the co-defendants,  
19 Ward, Hendrix, Gondo, Rayam, they did not work nearly the  
20 amount of hours that these men said they worked.

21 You saw how these guys were willing to do whatever it  
22 took to lie, cheat, or steal over and over again.

23 And up until we played this recording in court, you  
24 heard repeatedly from Mr. Purpura, through his questioning,  
25 through his opening statement arguing that Daniel Hersl was

1 doing everything he could to rid the streets of Baltimore of  
2 guns and do his job.

3 Ask yourself if that's what this recording showed.  
4 When Taylor said, "That dude unconscious. He ain't sayin'  
5 shit," this is after a high-speed wreck that occurred right  
6 after the cops chased them.

7 Daniel Hersl, he's the one that says, "We should  
8 fraudulently stop the slips at 10:30 before that happened."

9 Daniel Hersl then said, "Hey, I was in this car just  
10 drivin' home," and you heard that laugh.

11 "Hey, you know, listen, when he got in the accident,  
12 they're not going to look at that. He was two blocks away. I  
13 know, all right." Ask yourself if that is the good cop that  
14 Mr. Purpura held him out to be in the opening.

15 So in the time and attendance racketeering acts that  
16 you are to consider, I will go through these rather quickly.

17 14, 15, 17, 18, 20, 21, and 22, involving Hersl and  
18 Taylor, you would think, after hearing the testimony and the  
19 cross-examination that we have a stack of cases involving  
20 G days or slash days that we're asking you to consider. That  
21 seemed to be a focal point of the defense in this case.

22 Some other members of the law -- of the Baltimore  
23 Police Department evidently said, yeah, we'll give out a G day  
24 here and there, a slash day. Lieutenant Friel said that was  
25 not an authorized practice.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 But that's not what's charged in this case. There's  
2 not a single G day or slash day that's charged that you're  
3 being asked to consider.

4 We have a stack of the overtime slips, and we'll make  
5 them available to defense counsel in their closings. There's  
6 not a single G day. A G day is a day off the following day or  
7 days later for a gun arrest, and the supervisor gave that even  
8 though it wasn't authorized.

9 What's charged in this case is blatant overtime fraud;  
10 Mr. Hersl, Mr. Taylor taking credit for gun arrests that they  
11 did not even participate in and also extending their overtime  
12 slips hours later into the evening and saying that they came in  
13 to work at 8:00 a.m., when, in fact, they did not.

14 For each of the racketeering acts, you'll be asked to  
15 find whether they're proved or not proved.

16 I'll give you a couple of examples.

17 For Racketeering Act 14, this was the raid on  
18 East Chase Street involving Milton Miller. Ward and Gondo  
19 testified they were present for the raid. They both testified  
20 Hersl was not.

21 Special Agent Jensen testified that police reports  
22 were reviewed. Hersl was not there. Hersl put in an overtime  
23 slip claiming to have been there. And there was a wire to ADP  
24 for this time and attendance period.

25 Here is Mr. Hersl's overtime slip. That's PP-1A.

1 This act is proved.

2 July 14th, there was an arrest at Grindon Avenue.  
3 Jenkins, Ward, Hendrix, Taylor made the arrest. The incident  
4 report does not list Hersl. Ward testified that Hersl was not  
5 there.

6 Again, this is Hersl taking credit for someone else's  
7 gun arrest, time that he did not even work that day.

8 Special Agent Jensen testified about the corroborative  
9 evidence, the cell site records, other information about this  
10 episode.

11 Turning to Racketeering Act 15, that's the  
12 Grindon Avenue time slip.

13 Racketeering Act 17, Taylor was also not present for  
14 this time period. Ward testified to that as well. So did  
15 Hendrix. Neither of them worked for that arrest.

16 But if you look at Taylor's slip, he put in the exact  
17 same time as what Ward, Gondo, and Hendrix claimed.

18 Now, Taylor was there initially for part of the time,  
19 but Ward testified that they ended early and that the rest of  
20 this time was fraudulent that they put on their time and  
21 attendance slips.

22 Next, Racketeering Acts 18 and 20, Rayam testified,  
23 "Just y'all 2." Taylor's cell phone is in New York City.  
24 Hersl was not there. Gondo testified to that. That element's  
25 proved.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 Racketeering Acts 21 and 22, you have the evidence for  
2 all the racketeering acts. And to be clear, there's multiple  
3 overtime slips within each act for you to consider, and you've  
4 heard testimony about all those. I'm just highlighting a  
5 couple right now.

6 For 21 and 22, Taylor was in the Dominican Republic.  
7 He got paid for all -- for those -- for some of those days  
8 while he was in the Dominican Republic.

9 Hersl claimed to have worked 8:00 to 4:00, and he did  
10 not.

11 Each of these acts are proved. And when you return --  
12 we're still in Count 2. When you go back, remember, Elements  
13 1, 2, 3, and 5, we went through those right out of the gate.  
14 We're back now on Element 4. And if you find -- the  
15 United States has the burden of establishing that each  
16 defendant committed two of these acts.

17 So, for example, if Defendant Hersl, if you found that  
18 he committed two overtime and time and attendance fraud acts,  
19 then he should be found guilty of Count 2. Same with  
20 Defendant Taylor. But the evidence shows that they committed  
21 each and every one of these robberies, extortions, and overtime  
22 fraud acts.

23 So on the verdict sheet you'll be asked to render a  
24 verdict of guilty based on the evidence you've heard in this  
25 case.

1           Turning to the racketeering conspiracy, I won't go  
2 over this as lengthy as I did for Count 2, because it involves  
3 many of the same racketeering acts that we already discussed  
4 here today.

5           The first element was that there was an agreement  
6 among two or more persons to participate in an enterprise that  
7 would affect interstate commerce.

8           Again, a conspiracy is an agreement that could be  
9 entered into informally. It's not a written agreement.

10          The judge has instructed you that it can be an  
11 explicit or implicit understanding. And through the testimony  
12 of Rayam, Gondo, Ward, and Hendrix, they've all established  
13 that these two men had that agreement in this case.

14          The other elements as well, the defendant knowingly  
15 and willfully became a member of that agreement and that the  
16 defendant or another member of the conspiracy -- that's key,  
17 the defendant or another member of the conspiracy -- agreed to  
18 commit at least two racketeering acts.

19          Here on this page you'll have an opportunity to find  
20 guilty or not guilty and then go through each of the acts.

21          It can be an act committed by a co-conspirator. For  
22 example, if you find Ward admitted to Raytawn Benjamin, that  
23 can be evidence of the conspiracy against Taylor and Hersl as  
24 well.

25          Now, in every case, just remember, money, when it's



1 put aside, was put aside always for the co-conspirators in the  
2 case; that's what the evidence shows.

3 John Clewell, he never got a share of the money.

4 James Kostoplis never got a share of the money.

5 And not in every example, but there were times when  
6 some members of this conspiracy would steal. There were other  
7 times when other members would steal. And you'll see in a  
8 moment that it's a web, and it all flows through Wayne Jenkins.

9 Daniel Hersl's pattern of racketeering and conspiracy  
10 existed and predated Wayne Jenkins.

11 You heard a lot about Wayne Jenkins in this trial.  
12 The defense and the Government, I think, can agree that he's  
13 committed some very serious crimes.

14 But the evidence shows that Daniel Hersl engaged in a  
15 pattern of racketeering even before he merged with  
16 Wayne Jenkins' unit.

17 The extortion of Jimmie Griffin, the robbery of  
18 Herbert Tate, the robbery of Antonio Santiful, those occurred  
19 before Wayne Jenkins and Daniel Hersl joined up.

20 And right after he joined up, that's when you had the  
21 attempted robbery in the Southwest District that Rayam  
22 testified about; the Hamiltons, the overtime fraud,  
23 Dennis Armstrong, the Kostoplis proposal that the last witness  
24 testified about in this case; and the Twisted Tea robbery  
25 proposal. I want to go over that briefly.

~~GOVERNMENT'S CLOSING ARGUMENT~~

1 In questioning Mr. Kostoplis, you'll remember  
2 Mr. Purpura asked if Daniel Hersl got transferred out of the  
3 unit at the same time, right after this event.

4 But remember, Daniel Hersl came back to hear  
5 Wayne Jenkins on his proposal to rob Oreese Stevenson. Ward  
6 testified about this in the first week of this trial.

7 Daniel Hersl was part of the team. He and Jenkins met  
8 up with Taylor and Ward. Ward testified that they were  
9 summoned to a parking complex. Hersl and Jenkins were drinking  
10 alcohol, Twisted Teas. This was at the time that Hersl was in  
11 Shootings, had just been assigned out of the unit.

12 Jenkins proposed going back and hitting  
13 Oreese Stevenson's house. Ward thought this meant a  
14 search warrant first, but then Jenkins explained he wanted to  
15 kick the door and steal money from the home.

16 Hersl and Taylor were present for this proposal. Ward  
17 is the only one who said no.

18 The evidence shows that Hersl remained part of the  
19 team even after he left Citywide -- left for Citywide Shootings  
20 in the spring of 2017.

21 Marcus Taylor, his pattern of racketeering also  
22 predates the conspiracy. He robbed Shawn Whiting. You heard  
23 about the robbery at Edmondson and Fremont, the false affidavit  
24 and charges against Pedro Jones.

25 And then once he joined Jenkins' unit, you heard about

1 the robbery at Belvedere Towers where Ward told you that he and  
2 Jenkins and Taylor went and stole the marijuana. Jenkins, we  
3 later learned, gave that to Donald Stepp, the same bag that  
4 Ward had seen, Donald Stepp identified that bag on the stand  
5 that was brought to his house with the marijuana. And both  
6 Taylor and Ward got \$5,000 of cash from that episode. This is  
7 further evidence of the pattern of racketeering and the  
8 conspiracy.

9           You also heard about an attempted robbery in  
10 Washington, D.C., in PG County. Taylor told Ward, Hendrix,  
11 Gondo about the time that Taylor and Jenkins traveled down to  
12 the D.C. area to rob someone.

13           Taylor agreed. Jenkins told Taylor to get out and hit  
14 the guy and take the money. Taylor became nervous because he  
15 was worried about hitting the guy -- not because he was worried  
16 about hitting the guy, but because another vehicle appeared  
17 nearby.

18           Lo and behold, that was Special Agent Todd Edwards,  
19 who was conducting a legitimate investigation, thwarted their  
20 robbery. But this is further evidence that Taylor was part of  
21 the Wayne Jenkins team.

22           So in short, this is another slide that shows that  
23 each of these sets of individuals all committed crimes before  
24 they merged into the unit with Wayne Jenkins.

25           Once they were together, each of these lines

1 represents criminal activity agreed to or conducted by and  
2 amongst them.

3           You can see that Daniel Hersl committed crimes or  
4 agreed to commit crimes with every other person in this unit,  
5 specifically Rayam, Gondo, Jenkins, Taylor, Ward. Ward was  
6 there even for the Twisted Tea proposal. He did not commit a  
7 crime with Evodio Hendrix separate and apart from being  
8 involved in the same racketeering conspiracy.

9           And you can see how not all members of the unit made  
10 out with money in every single case.

11           The robbery of Oreesse Stevenson involved four members.

12           The robbery of Belvedere Towers involved Taylor and  
13 two others.

14           The robbery of Sergio Summerville involved Taylor and  
15 Rayam.

16           The robbery of the Hamiltons involved Jenkins, Gondo,  
17 Hersl, Rayam.

18           The robbery of Dennis Armstrong involved Jenkins,  
19 Hersl, and Rayam.

20           And this is the Twisted Tea proposal.

21           As we got near the end of this case, this trial, the  
22 defense, a strategy appeared to be to let it burn. They were  
23 attacking other officers in the department. They were  
24 eliciting testimony about other officers who committed crimes  
25 in the Baltimore Police Department.

1 Special Agent Jensen took the stand, and she told you  
2 the FBI's work is ongoing. It's still going on.

3 But the strategy to say that others in the department  
4 are engaged in crimes and criminal activity somehow condones  
5 what these two men did is not the law. These two men are not  
6 above the law, just like any other officer in the department  
7 who commits a crime is not above the law.

8 And on that slide Mr. Purpura asked Mr. Rayam, "Why  
9 should this jury believe you today?" That was the question he  
10 asked.

11 And Rayam told you, he looked -- there was that  
12 moment, he looked at the jury and he told you exactly why he  
13 was there, and he said, "I'm not blaming Wayne for being the  
14 supervisor. I blame myself, because at the end of the day, we  
15 all had that badge, the Baltimore City Police Department. So  
16 whether you were a sergeant, a lieutenant, a captain, we still  
17 had that badge. I broke it, and I'm saying what I did was  
18 wrong."

19 Rayam admitted to his mistakes.

20 Gondo, Ward, Hendrix, they all came in here. And the  
21 reason that they were called as witnesses was so that you could  
22 get that inside look in the Baltimore Police Department. This  
23 wasn't just a case where witnesses were called who had their  
24 money taken from them. Every single case was corroborated by  
25 either witnesses, documents, or other evidence that you saw and

1 heard.

2 In this case the defense elicited testimony about what  
3 the defense termed profiling, and they said it's just a tactic.

4 There was some talk about door pops, targeting  
5 dope boy cars, fabricating tint violations,  
6 seat belt violations, targeting citizens over 18 years who --  
7 18 years old who carried a backpack. Carrying around BB guns  
8 to plant on people.

9 In opening the United States told you this isn't a  
10 case about aggressive policing. This is a case about greed,  
11 and that's what this case remains.

12 But to the extent the defense has brought out this  
13 testimony, you can see that profiling was another tactic, but  
14 it was a tactic used to rob the citizens that you heard from in  
15 this case. It was a tactic employed by this conspiracy, these  
16 co-conspirators, these two defendants to rob and victimize the  
17 people of this city.

18 So in sum, I want to thank you for your attention.  
19 I'm going to sit down in a minute. Defense counsel will have a  
20 chance to speak with you. Mr. Wise will have a chance to speak  
21 with you in rebuttal.

22 What the defendants have done tarnished their badges.

23 And you saw officer after officer come in here in this  
24 case -- officers on this screen -- seizing evidence, submitting  
25 evidence, faithfully following their oath, their badge.

1           Being a law enforcement officer meant something to  
2 these people. It didn't mean that to the defendants.

3           This case isn't a case against all police. It's a  
4 case against a group of criminals that happened to hide behind  
5 a badge.

6           The victims of the defendants' crimes in this case  
7 thought no one would ever listen to them. They thought, "It's  
8 my word against theirs." That's what Mr. Whiting said. "Why  
9 would anybody ever listen to me?" Mr. Whiting was a drug  
10 dealer. He didn't believe you would listen, but you did.

11           Over two weeks these witnesses came in here, one by  
12 one, they took an oath to tell the truth, and they spoke to  
13 you.

14           And in a little bit you will have a chance to speak as  
15 well. That's what a verdict means, to speak the truth.

16           And the truth you should speak is the only inescapable  
17 truth in this case: No man is above the law. No man is  
18 beneath the law.

19           The defendants did wrong, they committed crimes, and  
20 as a result, the United States asks that you return the only  
21 verdict supported by the evidence, and that's guilty as to all  
22 counts and both defendants.

23           **THE COURT:** Thank you, Mr. Hines.

24           Can I see counsel at the bench for just a minute.

25           (Bench conference on the record:

1           **THE COURT:** The jury has indicated to Ms. Moyé that  
2 they can stay until 5:30 or 5:45 today. It may work. I don't  
3 know.

4           Are you ready to go ahead with yours, Mr. Purpura?

5           **MR. PURPURA:** I am.

6           **THE COURT:** All right.

7           **MR. PURPURA:** Actually, I need a few minutes to get  
8 the laptop up. I need about five minutes. I'm sorry. I do  
9 need a little break.

10          **THE COURT:** Okay. All right.

11          **MR. PURPURA:** I'm ready, but I need a break.

12          **THE COURT:** Okay. We'll take a short break.

13          On the verdict sheet -- we don't need it right now --  
14 but did you ever do one that corrected the misspelling?

15          **MR. WISE:** I did. I didn't know Ms. Childs wasn't in.  
16 I e-mailed it to her last evening when I got back to my office.  
17 I actually got a paper copy at lunch. I couldn't get an  
18 electronic copy. So I have one for Your Honor and I can  
19 e-mail --

20          **THE COURT:** If you give me the paper copy, then I can  
21 make copies.

22          **MR. WISE:** Okay. I do have that.

23          **THE COURT:** Okay. Great.)

24          (Bench conference concluded.)

25          **THE COURT:** All right. Ladies and gentlemen, we're



1 going to take a short break before we hear from defense.

2 (Jury left the courtroom at 3:20 p.m.)

3 (Recess taken.)

4 (End of excerpt.)

5 (3:20 p.m.)

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

9  
10 \_\_\_\_\_  
11 /s/

12 Douglas J. Zweizig, RDR, CRR  
13 Registered Diplomate Reporter  
14 Certified Realtime Reporter  
15 Federal Official Court Reporter  
16 DATE: May 28, 2018  
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***Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter***

<p>\$</p> <p>\$1,000 [1] 14/15</p> <p>\$1,163 [1] 16/21</p> <p>\$100,000 [1] 23/10</p> <p>\$12,000 [1] 14/19</p> <p>\$1500 [1] 12/23</p> <p>\$16,000 [1] 12/9</p> <p>\$17,000 [2] 28/13 30/17</p> <p>\$2,833 [1] 32/6</p> <p>\$20,000 [6] 23/22 24/4 28/4 28/6 28/10 28/14</p> <p>\$216 [2] 17/16 17/17</p> <p>\$218 [1] 19/12</p> <p>\$23,970 [1] 12/7</p> <p>\$266,000 [1] 14/17</p> <p>\$3,000 [3] 12/23 26/19 31/2</p> <p>\$482 [1] 19/13</p> <p>\$5,000 [2] 14/14 43/6</p> <p>\$50,000 [1] 28/5</p> <p>\$530 [1] 16/24</p> <p>\$6,000 [2] 13/25 14/7</p> <p>\$6,500 [2] 14/5 14/12</p> <p>\$7,650 [1] 12/14</p> <p>\$700 [2] 19/9 19/18</p> <p>\$8,000 [1] 32/7</p> <p>\$80,000 [2] 24/2 24/4</p>	<p>3</p> <p>3 kilograms [1] 12/14</p> <p>3,000 [1] 28/14</p> <p>3:20 p.m [2] 49/2 49/5</p> <p>4</p> <p>4 ounces [2] 33/1 33/1</p> <p>4:00 [1] 39/9</p> <p>4th [1] 1/24</p> <p>5</p> <p>5:30 [1] 48/2</p> <p>5:45 [1] 48/2</p> <p>7</p> <p>7-Eleven [1] 32/10</p> <p>8</p> <p>8:00 [1] 39/9</p> <p>8:00 a.m [1] 37/13</p> <p>8th [1] 31/20</p> <p>A</p> <p>a.m [1] 37/13</p> <p>able [2] 7/20 21/16</p> <p>about [47] 3/13 4/11 5/3 5/23 6/2 6/5 8/3 8/5 8/8 11/24 14/13 15/25 17/21 19/21 19/22 20/9 20/13 21/6 22/4 26/6 26/7 27/8 27/14 28/22 29/16 29/22 34/24 35/12 38/8 38/9 39/4 41/11 41/22 41/24 42/6 42/23 42/25 43/9 43/11 43/15 43/16 44/24 46/2 46/4 46/10 46/10 48/8</p> <p>above [7] 4/22 4/24 5/8 45/6 45/7 47/17 49/8</p> <p>above-entitled [1] 49/8</p> <p>accident [1] 36/11</p> <p>according [4] 22/16 22/23 32/3 32/4</p> <p>account [2] 14/17 14/19</p> <p>accused [1] 17/13</p> <p>act [32] 7/18 8/11 10/2 13/12 16/7 16/13 18/25 18/25 20/7 20/11 21/5 24/10 24/21 24/23 24/25 25/16 25/17 25/23 25/23 25/24 30/23 31/6 33/11 33/20 33/21 34/17 37/17 38/1 38/11 38/13 39/3 40/21</p> <p>actions [1] 11/18</p> <p>activity [4] 7/10 8/1 44/1 45/4</p> <p>acts [18] 6/1 7/24 9/2 9/3 10/3 11/24 36/15 37/14 38/22 39/1 39/2 39/11 39/16 39/18 39/22 40/3 40/18 40/20</p> <p>actual [1] 10/10</p> <p>actually [8] 16/3 22/10 22/11 23/15 25/2 26/3 48/7 48/17</p> <p>addition [1] 33/18</p> <p>additional [2] 8/20 13/1</p> <p>admit [1] 30/8</p> <p>admitted [2] 40/22 45/19</p> <p>admitting [1] 34/10</p> <p>ADP [1] 37/23</p> <p>ADP's [1] 35/4</p> <p>advance [3] 3/6 25/11 31/15</p> <p>advise [1] 3/6</p> <p>affect [1] 40/7</p> <p>affected [1] 6/18</p> <p>affidavit [2] 26/5 42/23</p> <p>afford [1] 30/16</p>	<p>after [20] 3/8 5/3 5/3 14/18 18/17 23/23 23/24 24/6 26/13 29/15 29/15 30/6 34/11 36/5 36/6 36/18 41/20 42/3 42/19 46/23</p> <p>afternoon [2] 3/13 5/16</p> <p>again [10] 17/21 25/3 25/23 29/13 29/22 30/15 35/15 35/22 38/6 40/8</p> <p>against [6] 25/1 40/23 42/24 47/3 47/4 47/8</p> <p>age [2] 3/16 3/23</p> <p>Agent [7] 2/8 5/17 35/12 37/21 38/8 43/18 45/1</p> <p>aggressive [1] 46/10</p> <p>agree [1] 41/12</p> <p>agreed [11] 11/8 12/22 13/17 24/11 27/3 27/10 27/11 40/17 43/13 44/1 44/4</p> <p>agreement [16] 11/10 11/13 11/15 13/19 21/2 24/12 27/10 27/12 27/17 33/13 34/19 40/5 40/8 40/9 40/13 40/15</p> <p>ahead [1] 48/4</p> <p>Aiken [1] 19/6</p> <p>Aiken Street [1] 19/6</p> <p>ain't [1] 36/4</p> <p>alcohol [1] 42/10</p> <p>all [26] 5/15 19/19 25/5 25/13 25/13 25/14 25/15 26/11 28/16 31/17 35/3 36/13 39/2 39/4 39/7 40/12 41/8 43/23 44/9 45/15 45/20 47/3 47/21 48/6 48/10 48/25</p> <p>alleged [1] 6/14</p> <p>alley [3] 4/1 17/4 17/5</p> <p>almost [1] 14/19</p> <p>alone [1] 35/16</p> <p>already [4] 22/9 27/5 33/13 40/3</p> <p>also [19] 2/7 7/17 10/15 11/20 13/20 14/14 14/21 19/1 24/15 24/21 25/19 31/5 32/14 33/18 34/9 37/11 38/13 42/21 43/9</p> <p>always [1] 41/1</p> <p>am [1] 48/5</p> <p>AMERICA [1] 1/3</p> <p>among [1] 40/6</p> <p>amongst [1] 44/2</p> <p>amount [4] 13/3 13/4 32/3 35/20</p> <p>amounts [1] 17/25</p> <p>Anderson [1] 19/11</p> <p>another [10] 15/5 25/1 27/16 27/22 33/10 40/16 40/17 43/16 43/22 46/13</p> <p>answer [1] 23/17</p> <p>answering [1] 29/21</p> <p>Antonio [2] 19/1 41/18</p> <p>Antonio Santiful [2] 19/1 41/18</p> <p>any [6] 21/24 26/24 26/25 27/9 28/18 45/6</p> <p>anybody [2] 18/2 47/9</p> <p>anyone [2] 19/16 23/25</p> <p>anything [3] 10/8 10/18 22/1</p> <p>apart [1] 44/7</p> <p>appeared [3] 13/3 43/16 44/22</p> <p>applied [7] 9/16 12/15 15/24 15/25 20/8 23/4 34/20</p> <p>apply [1] 5/2</p> <p>appreciate [1] 5/21</p> <p>approached [2] 3/23 32/2</p> <p>approximately [2] 31/24 32/20</p>
<p>'</p> <p>'cause [1] 7/7</p> <p>/</p> <p>/s [1] 49/9</p>		
<p>1</p> <p>10 [1] 30/23</p> <p>101 [1] 1/24</p> <p>106 [1] 1/4</p> <p>10:30 [1] 36/8</p> <p>11 [1] 33/11</p> <p>12 [2] 33/21 34/17</p> <p>14 [2] 36/17 37/17</p> <p>14th [1] 38/2</p> <p>15 [2] 36/17 38/11</p> <p>17 [2] 36/17 38/13</p> <p>17-year [3] 3/24 4/10 4/19</p> <p>18 [4] 36/17 38/22 46/6 46/7</p> <p>1999 [1] 7/3</p> <p>1A [2] 1/9 37/25</p>		
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