
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN DOYLE BURTON, PETITIONER,
vs.
UNITED STATES, RESPONDENT.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APPENDIX
[Volume 2 of 3]

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A P P E N D I X 5

(continued)

1 **(ELIAS ESTRADA, GOVERNMENT WITNESS, TESTIFIED AS FOLLOWS:)**

2 **DEPUTY CLERK:** PLEASE RAISE YOUR RIGHT HAND.

3 YOU DO SOLEMNLY SWEAR THAT THE EVIDENCE YOU SHALL
4 GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL BE THE TRUTH, THE
5 WHOLE TRUTH AND NOTHING BUT THE TRUTH?

6 **THE WITNESS:** I DO.

7 **DEPUTY CLERK:** PLEASE HAVE A SEAT.

8 **THE WITNESS:** THANK YOU.

9 **DEPUTY CLERK:** SIR, CAN YOU PLEASE STATE YOUR NAME
10 FOR THE RECORD AND SPELL YOUR FIRST AND LAST NAME?

11 **THE WITNESS:** SURE. ELIAS ESTRADA. THE FIRST NAME
12 IS SPELLED E-L-I-A-S. THE LAST NAME IS SPELLED E-S-T-R-A-D-A.

13 **THE COURT:** THANK YOU, SIR.

14 GO AHEAD, MR. HADEN.

15 **DIRECT EXAMINATION**

16 **BY MR. HADEN:**

17 **Q.** GOOD MORNING, AGENT ESTRADA.

18 **A.** GOOD MORNING.

19 **Q.** CAN YOU PLEASE TELL THE COURT HOW YOU ARE EMPLOYED?

20 **A.** I AM EMPLOYED WITH THE CITY OF SAN DIEGO AS A SERGEANT.

21 **Q.** AND HOW LONG HAVE YOU BEEN WITH THE SAN DIEGO POLICE
22 DEPARTMENT?

23 **A.** APPROXIMATELY 15 YEARS NOW.

24 **Q.** AND CAN YOU VERY BRIEFLY DESCRIBE FOR THE COURT THE
25 DIFFERENT ASSIGNMENTS YOU'VE HAD DURING THAT 15 YEARS?

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1 **A.** CERTAINLY. I WAS A PATROL OFFICER AT SOUTHEASTERN
2 DIVISION. SHORTLY AFTER THAT, I WAS AN OFFICER IN THE CRIME
3 SUPPRESSION TEAM -- SOUTHEASTERN DIVISION'S CRIME SUPPRESSION
4 TEAM FOR TWO YEARS.

5 AFTER THAT, I WENT OVER TO SOUTHEASTERN DIVISION'S
6 JUVENILE SERVICES TEAM, WHICH IS SCHOOL RESOURCE OFFICER. I
7 WAS ASSIGNED TO ABOUT TEN SCHOOLS. I DID THAT FOR A FEW
8 MONTHS, MAYBE THREE OR FOUR MONTHS.

9 AND THEN I WAS ASKED TO TAKE A INVESTIGATIVE POSITION
10 AS A JUVENILE DETECTIVE. I DID THAT FOR ABOUT A YEAR. AND
11 THEN I MOVED OVER TO THE ADULT SIDE OF INVESTIGATIVE WORK,
12 STILL WITHIN SOUTHEASTERN DIVISION.

13 I THEN MOVED TO THE FAMILY JUSTICE CENTER AS A
14 DOMESTIC VIOLENCE DETECTIVE FOR APPROXIMATELY A YEAR AND EIGHT
15 MONTHS, AND WAS PROMOTED TO SERGEANT A LITTLE BIT OVER TWO
16 YEARS AGO -- ABOUT 26 MONTHS NOW, AND HAVE SINCE COME BACK.

17 WHEN I CAME BACK TO SOUTHEASTERN DIVISION, I WAS A
18 PATROL SERGEANT FOR, I WOULD SAY, A LITTLE UNDER A YEAR, MAYBE
19 EIGHT MONTHS. AND THEN I WAS SELECTED TO BE THE SUPERVISING
20 SERGEANT OF THE CRIME SUPPRESSION TEAM.

21 AND SINCE DECEMBER OF LAST YEAR, I WAS PROMOTED TO AN
22 INVESTIGATIVE SERGEANT POSITION OR DETECTIVE SERGEANT WITH THE
23 JUVENILE SERVICES TEAM.

24 **Q.** IN NOVEMBER OF 2014, WERE YOU THE SUPERVISING SERGEANT OF
25 THE CRIME SUPPRESSION TEAM?

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1 **A.** YES, I WAS.

2 **Q.** CAN YOU EXPLAIN WHAT THE CRIME SUPPRESSION TEAM IS TO THE
3 COURT, PLEASE?

4 **A.** CERTAINLY. THE CRIME SUPPRESSION TEAM IS A PROACTIVE OR
5 SPECIALIZED TEAM WITHIN THE SOUTHEASTERN DIVISION, WHO FOCUS ON
6 REDUCING CRIME THROUGH SEVERAL STRATEGIES. IT COULD BE
7 SATURATION PATROL. IT COULD BE --

8 **Q.** LET ME STOP YOU THERE. WHAT IS SATURATION PATROL?

9 **A.** SATURATION PATROL IS JUST A POLICING STRATEGY WHERE THE
10 GROUP OF OFFICERS THAT ARE WORKING THAT PARTICULAR TEAM JUST
11 BASICALLY SATURATE A PARTICULAR NEIGHBORHOOD WITHIN THE
12 SOUTHEASTERN DIVISION.

13 **Q.** AND WHAT IS THE INTENT OF SATURATING A SPECIFIC
14 NEIGHBORHOOD?

15 **A.** VISIBILITY, AMONGST ONE OF THE REASONS. SECONDLY, IT'S
16 JUST TO FIND THE CRIMINAL ELEMENT THAT IS OUT THERE IN THAT
17 PARTICULAR NEIGHBORHOOD.

18 **Q.** AND DO YOU RECALL WHAT SHIFTS THE CRIME SUPPRESSION TEAM
19 WAS WORKING ON NOVEMBER 7TH?

20 **A.** YES. IT WAS WHAT WE CALLED A C-SQUAD HOURS, WHICH WOULD
21 BE 5:00 P.M. TO 3:00 A.M.

22 **Q.** CAN YOU BRIEFLY DESCRIBE FOR THE COURT WHAT HAPPENS WHEN
23 THE CST IS GOING TO WORK A SHIFT? HOW DO YOU PREP AND HOW MANY
24 OFFICERS ARE INVOLVED IN THAT SHIFT?

25 **A.** TYPICALLY -- AT THE TIME I WAS ASSIGNED, SEVEN OFFICERS.

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1 BUT TYPICALLY, THE SHIFT BEGINS WITH A BRIEFING, WHERE WE
2 DISCUSS INCIDENTS THAT OCCURRED THE DAY BEFORE OR THE DAY OF.
3 THINGS THAT OCCURRED PRIOR TO SHIFT.

4 SHORTLY AFTER THAT, WE DISCUSS WHAT WE WILL BE DOING
5 FOR THE DAY. SOME OF THE OFFICERS, IMMEDIATELY AFTER THE
6 BRIEFING, DO COMPUTER RESEARCH, WHERE THEY FIND WHERE THERE IS
7 PROBATIONERS OR PAROLEES WITHIN THE AREA, WHERE WE WANT TO
8 CONDUCT SEARCHES.

9 OFTENTIMES, WE WOULD RECEIVE PHONE CALLS FROM
10 PROBATION OFFICERS LOOKING FOR PROBATIONERS IN VIOLATION OF
11 THEIR PROBATION; SAME WITH PATROL AGENTS. AND THERE IS A LOT
12 OF THINGS GOING ON BEFORE WE ACTUALLY HIT THE FIELD.

13 **Q.** SERGEANT, BASED ON WHAT YOU DESCRIBED, IS IT FAIR TO SAY
14 THAT YOU ARE NOT DISPATCHED TO REGULAR RADIO CALLS?

15 **A.** THAT'S CORRECT.

16 **Q.** WHEN THE CRIME SUPPRESSION TEAM GOES TO CONDUCT A
17 SATURATION OPERATION, APPROXIMATELY HOW MANY OFFICERS, FOR
18 EXAMPLE ON NOVEMBER 7TH, ARE PRESENT, AND HOW MANY MARKED
19 PATROL UNITS ARE PRESENT?

20 **A.** THERE WERE -- ALL SEVEN OFFICERS WERE WORKING ON THAT
21 PARTICULAR NIGHT.

22 **Q.** HOW IS THAT DIVIDED?

23 **A.** I'M SORRY?

24 **Q.** ARE YOU BY YOURSELF?

25 **A.** YES, I AM.

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1 Q. IS EVERYBODY ELSE WORKING WITH A PARTNER?

2 A. YES. YOU HAVE AN ODD NUMBER SO THERE WOULD BE ONE MAN
3 WORKING BY THEMSELVES.

4 Q. SO IF EVERYONE HAD A PARTNER, WOULD THAT BE FOUR PATROL
5 CARS FOR SEVEN OFFICERS?

6 A. CORRECT. AND MY PATROL CAR.

7 Q. AND HOW DOES THE CST COMMUNICATE?

8 A. THROUGH AN OPERATIONAL FREQUENCY, INVESTIGATIVE TAC-3,
9 SPECIFICALLY.

10 Q. AND ARE REGULAR DISPATCH CALLS ALSO HEARD ON TAC-3?

11 A. NO.

12 Q. WHAT IS TAC-3 FOR WHEN THE CST IS DEPLOYED?

13 A. IT IS AN OPERATIONAL FREQUENCY. IT'S A FREE-TALK
14 FREQUENCY, FOR LACK OF A BETTER TERM, WHERE OFFICERS CAN
15 COMMUNICATE DIRECTLY WITH ONE ANOTHER OR MYSELF.

16 Q. SERGEANT ESTRADA, PRIOR TO NOVEMBER 7TH -- THE SHIFT ON
17 NOVEMBER 7TH, HAD YOU EVER HAD ANY PERSONAL CONTACT WITH AN
18 INDIVIDUAL NAMED STEVEN DOYLE BURTON?

19 A. NO.

20 Q. WERE YOU AWARE OF WHO HE WAS?

21 A. NO.

22 Q. SERGEANT ESTRADA, I'M GOING TO PLAY SOME PORTIONS OF WHAT
23 HAS BEEN PREVIOUSLY ADMITTED AS GOVERNMENT'S EXHIBIT 10. I
24 WOULD LIKE YOU TO LISTEN TO THOSE FOR ME, IF YOU COULD.

25 FOR THE RECORD, I AM PLAYING FROM THE SAME AUDIO FILE

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1 THAT HAS BEEN PREVIOUSLY PLAYED THIS MORNING: PD15-0388. AND
2 I'M GOING TO START THE RECORDING AT APPROXIMATELY 12 MINUTES
3 AND 20 SECONDS.

4 (PLAYING DISPATCH CALL)

5 SERGEANT ESTRADA, PLEASE CORRECT ME IF I'M WRONG, BUT
6 FROM 12:27 TO APPROXIMATELY 12:50, DID WE HEAR AN OFFICER SAY,
7 AND I'M PARAPHRASING, HEY, SARGE, ARE YOU ON THE AIR?

8 **A.** YES.

9 **Q.** DID WE THEN HEAR YOUR VOICE AFFIRMATIVELY RESPOND THAT YOU
10 WERE ON THE AIR?

11 **A.** YES.

12 **Q.** AND DID WE HEAR AN OFFICER ASK YOU "ARE YOU CLEAR TO MAKE
13 IT TO OUR STOP; WE'RE POSSIBLY GOING TO DO A FOURTH WAIVER AT
14 THIS GUY'S HOUSE"? IS THAT WHAT WE HEARD?

15 **A.** YES.

16 **Q.** DO YOU RECOGNIZE THAT OFFICER'S VOICE?

17 **A.** YES.

18 **Q.** WHO WAS IT?

19 **A.** OFFICER BLAKE WILLIAMS.

20 **Q.** AND IF THIS DISPATCH STARTED AT THE TIME THAT THE TRAFFIC
21 STOP WAS INITIATED, IT WAS APPROXIMATELY 12 MINUTES AND 22
22 SECONDS AFTER THAT?

23 **A.** YES.

24 **Q.** WHAT DOES IT MEAN WHEN OFFICER WILLIAMS ASKS YOU IF YOU'RE
25 CLEAR?

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1 **A.** IT MEANS IF I'M AVAILABLE TO MAKE IT TO THEIR LOCATION OR
2 IF I'M NOT TIED UP ON ANYTHING.

3 **Q.** WHEN YOU SAY THAT YOU ARE CLEAR, THAT MEANS THAT YOU ARE
4 WILLING TO ASSIST?

5 **A.** YES.

6 **Q.** AND WHAT DOES IT MEAN TO YOU, IN YOUR BACKGROUND,
7 TRAINING, AND EXPERIENCE, WHEN ONE OF THE MEMBERS OF THE CRIME
8 SUPPRESSION TEAM SAYS THAT WE'RE POSSIBLY GOING TO DO A
9 FOURTH WAIVER AT THIS GUY'S HOUSE?

10 **A.** IT MEANS THE INDIVIDUAL HAS A FOURTH AMENDMENT WAIVER,
11 WHERE WE'RE GOING TO GO SEARCH WHERE HE STAYS AND WHATEVER
12 OTHER PROPERTY BELONGS TO HIM.

13 **Q.** SERGEANT ESTRADA, I'M GOING TO FAST-FORWARD NOW TO 46
14 MINUTES -- SAME FILE -- 46 MINUTES AND 9 SECONDS. AND I WANT
15 YOU TO LISTEN TO A TRANSMISSION THAT WILL HAPPEN AT
16 APPROXIMATELY 46:19, AND THEN ONE THAT WILL HAPPEN AT 47:02.
17 (PLAYING DISPATCH CALL)

18 SERGEANT ESTRADA, CORRECT ME IF I'M WRONG, BUT I
19 THINK WE JUST HEARD "HEY, RICKY, WE'RE IN THE HOUSE."

20 **A.** YES.

21 **Q.** DID YOU RECOGNIZE THAT VOICE?

22 **A.** YES.

23 **Q.** WHO WAS IT?

24 **A.** MYSELF.

25 **Q.** AND I'M GOING TO ACTUALLY FAST-FORWARD NOW TO 47 -- LET'S

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1 DO 46:59.

2 (PLAYING DISPATCH CALL)

3 CORRECT ME IF I'M WRONG, SERGEANT, BUT I THINK WE
4 HEARD SOMETHING ABOUT "WE'RE CODE 4 INSIDE."

5 **A.** THAT'S CORRECT.

6 **Q.** WHAT DOES THAT MEAN?

7 **A.** IT MEANS NO FURTHER ASSISTANCE IS NEEDED INSIDE, OR WE'RE
8 GOOD.

9 **Q.** SERGEANT ESTRADA, WE ARE LOOKING NOW AT GOVERNMENT
10 EXHIBIT 7. IF A TRAFFIC STOP WITH OFFICER WILLIAMS FIRST TOOK
11 PLACE AT 12 MINUTES AND 30 SECONDS, AND THE HOUSE WHERE THE
12 FOURTH WAIVER WAS DONE HERE, DO YOU RECALL WHY THERE WAS A
13 PASSAGE OF APPROXIMATELY 20 TO 30 MINUTES BETWEEN THE DECISION
14 TO DO THE FOURTH WAIVER AND THE EXECUTION OF THE FOURTH WAIVER?

15 **A.** IT COULD BE I'M WAITING FOR ADDITIONAL OFFICERS TO GET TO
16 THE SCENE. WE ALSO BRIEF WHAT IT IS THAT WE'RE GOING TO DO,
17 PRIOR TO EXECUTING THE FOURTH AMENDMENT WAIVER SEARCH, WHERE
18 INDIVIDUAL ASSIGNMENTS ARE GIVEN TO OFFICERS.

19 **Q.** WHAT TYPE OF ASSIGNMENTS ARE GIVEN TO THE OFFICERS?

20 **A.** THERE ARE ASSIGNMENTS SUCH AS PERIMETER. WE WILL USUALLY
21 HAVE AN OFFICER TO STAND ON THE PERIMETER. THEY ARE BASICALLY
22 CONTINGENCY OFFICERS -- THE OFFICER THAT IS GOING TO KNOCK ON
23 THE DOOR, THE OFFICER THAT IS NEXT IN LINE, HOW WE'RE GOING TO
24 MOVE INSIDE THE HOUSE ONCE WE MAKE IT INTO THE HOUSE, FOR
25 SAFETY PURPOSES.

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1 Q. AND ARE THERE COMMUNICATIONS MADE WITH OTHER LAW
2 ENFORCEMENT AGENCIES PRIOR TO A FOURTH WAIVER SEARCH?

3 A. TYPICALLY, WE NOTIFY THE LAW ENFORCEMENT COORDINATION
4 CENTER, JUST TO ENSURE THAT THERE IS NO OTHER PENDING
5 INVESTIGATION, OR THAT WE'RE --

6 Q. SERGEANT ESTRADA, WHAT DO YOU MEAN BY PENDING
7 INVESTIGATION? WHY WOULD THAT BE SIGNIFICANT TO YOU WHEN
8 YOU'RE MAKING A DECISION ABOUT A FOURTH WAIVER SEARCH?

9 A. BECAUSE IF THERE IS ANOTHER PENDING INVESTIGATION, WE
10 DON'T WANT TO JEOPARDIZE WHATEVER OTHER INVESTIGATION IS GOING
11 ON. SO IF THERE WOULD BE, THERE WOULD BE A CONFLICT OF
12 INTEREST AND WE WOULD NOT HAVE EXECUTED A SEARCH.

13 Q. FOR EXAMPLE, IF SOMEONE HAD AN ACTIVE WIRETAP RELATED TO
14 THAT RESIDENCE, YOU WOULDN'T WANT TO EXECUTE A FOURTH WAIVER
15 SEARCH AND INJECT YOURSELF INTO THAT INVESTIGATION?

16 A. THAT'S CORRECT.

17 Q. SO ONE OF THE THINGS YOU DO PRIOR TO A FOURTH WAIVER
18 SEARCH IS DO THAT RECORDS CHECK?

19 A. YES.

20 Q. AND WERE YOU THE SENIOR OFFICER PRESENT?

21 A. YES, I WAS.

22 Q. AND WAS THE RECORDS CHECK COMPLETED?

23 A. YES, IT WAS.

24 Q. AND WAS THE DECISION MADE TO DO THAT ACTUAL FOURTH WAIVER
25 SEARCH?

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1 **A.** THE DECISION WAS MADE TO ACTUALLY EXECUTE THE
2 FOURTH WAIVER SEARCH.

3 **Q.** SERGEANT ESTRADA, I WANT TO JUMP FORWARD IN TIME NOW AND I
4 WANT TO PLAY A CLIP THAT THE COURT HAS PREVIOUSLY HEARD AND,
5 UNFORTUNATELY, WILL HEAR FOR THE THIRD TIME. BUT I AM GOING TO
6 START THE CLIP AT APPROXIMATELY 1:17:35. AND I'M GOING TO ASK
7 THE DEFENSE TO HAND ME WHAT IS MARKED FOR IDENTIFICATION AS
8 DEFENSE EXHIBIT F.

9 AGENT ESTRADA, CAN YOU SEE THAT ON THE OVERHEARD?

10 **A.** YES, I CAN.

11 **Q.** THIS IS A TRANSCRIPT THAT MAY BE NOT EXACTLY ACCURATE, BUT
12 IT'S PRETTY GOOD AND WE'RE USING IT TO ASSIST US. IF YOU COULD
13 FOLLOW ALONG, I WOULD APPRECIATE IT AS I PLAY THIS.

14 (PLAYING DISPATCH CALL)

15 SERGEANT, WE HEARD SOMEONE SAY "HEY, WHAT WAS THE
16 INITIAL STOP FOR?" DO YOU RECOGNIZE THAT VOICE?

17 **A.** YES. THAT'S ME.

18 (PLAYING DISPATCH CALL)

19 **Q.** SERGEANT, WAS THAT YOUR VOICE CLARIFYING THE QUESTION: WAS
20 HE DRIVING ON SKYLINE AND DIDN'T USE A TURN SIGNAL, ETC.?

21 **A.** YES.

22 (PLAYING DISPATCH CALL)

23 **Q.** SERGEANT ESTRADA, WE JUST HEARD A VOICE SAY "WHERE WAS IT
24 AT? I KNEW THERE WAS ONE IN THERE." WHOSE VOICE WAS THAT?

25 **A.** THAT'S MINE.

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1 Q. DO YOU REMEMBER WHY YOU MADE THAT COMMENT?

2 A. YES, I DO.

3 Q. WHY?

4 A. GIVEN MY TRAINING AND EXPERIENCE, THE AMOUNT OF ILLEGAL
5 CONTRABAND THAT WAS FOUND IN CONJUNCTION WITH THE MONEY, I HAVE
6 FOUND THAT NORMALLY THERE ARE FIREARMS ALSO LOCATED, AS WELL.

7 Q. LET ME BACK UP, SERGEANT ESTRADA. WERE YOU INSIDE THE
8 HOUSE FOR THE SEARCH?

9 A. YES, I WAS.

10 Q. DID YOU SEE THE ROCK COCAINE GET DISCOVERED?

11 A. I DID NOT SEE IT DISCOVERED. I WAS NOTIFIED THAT IT WAS
12 DISCOVERED AND SAW IT AFTERWARDS.

13 Q. WERE YOU ALSO MADE AWARE THAT THERE WAS A LARGE AMOUNT OF
14 CASH FOUND?

15 A. YES, I WAS.

16 Q. SO IS IT YOUR TESTIMONY THAT BASED ON THE ROCK COCAINE AND
17 THE LARGE AMOUNT OF CASH, YOU EXPECTED A FIREARM TO BE THERE?

18 A. BASED ON MY TRAINING AND EXPERIENCE, YES.

19 Q. IT'S NOT YOUR TESTIMONY THAT YOU HAD SOME SORT OF PREVIOUS
20 INTELLIGENCE THAT INFORMED YOU THAT THERE WAS A GUN INSIDE THAT
21 HOUSE?

22 A. NO.

23 Q. IT WAS BASED ON WHAT YOU HAD SEEN DURING THE FOURTH WAIVER
24 SEARCH AND WHAT YOU HAD BEEN INFORMED OF?

25 A. YES.

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1 Q. I'M REPLAYING NOW HALFWAY THROUGH THE CLIP, STARTING AT
2 APPROXIMATELY 1 MINUTE AND 19 SECONDS.

3 (PLAYING DISPATCH CALL)

4 SERGEANT ESTRADA, WE HEARD A VOICE SAY "HEY, SARGE,
5 DOES THAT MEAN ME AND ROY WIN SOMETHING?" DO YOU RECOGNIZE
6 THAT VOICE?

7 A. I DO.

8 Q. WHOSE VOICE IS THAT?

9 A. IT WAS ME.

10 Q. THE QUESTION "HEY, SERGEANT, DOES THAT MEAN ME AND ROY" --

11 A. I'M SORRY. THAT WAS OFFICER BLAKE WILLIAMS.

12 Q. WHO RESPONDED?

13 A. I DID.

14 Q. AND IS IT YOU WHO SAID "HEY, I'M A MAN OF MY WORD. BEST
15 BUY OR YOU NAME IT"?

16 A. YES.

17 Q. WHAT ARE YOU REFERRING TO?

18 A. I DEVELOPED A TANGIBLE REWARD SYSTEM WITH THE TEAM BECAUSE
19 WE HAD BEEN PLAGUED WITH A SURGE OF VIOLENCE -- WITH GUN
20 VIOLENCE, IN PARTICULAR, WITHIN SOUTHEASTERN DIVISION. AND SO
21 I CHALLENGED THE TEAM. YOU KNOW, FOR THE FIRST TEAM THAT
22 GOT -- THE FIRST TEAM THAT GOT THE FIRST GUN OF THE MONTH I
23 WOULD BUY THEM A \$25 -- OR, I'M SORRY -- \$50 BEST BUY GIFT
24 CARD.

25 Q. AND THAT WAS A REWARD SYSTEM THAT YOU INITIATED?

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1 **A.** YES.

2 **Q.** IT WASN'T AN OFFICIAL POLICY OF THE SAN DIEGO POLICE
3 DEPARTMENT?

4 **A.** NO, ABSOLUTELY NOT. IT WAS JUST MYSELF.

5 **Q.** ARE YOU AWARE OF ANY OTHER TEAMS THAT HAVE INFORMAL REWARD
6 SYSTEMS LIKE THAT?

7 **A.** ACTUALLY, A LOT OF OTHER SERGEANTS USE REWARD SYSTEMS, BUT
8 I DON'T THINK IT'S AS PRICEY AS A BEST BUY GIFT CARD.

9 **Q.** AND THE MEMBERS OF THE CST WERE AWARE OF THIS PRIOR TO
10 THIS SHIFT?

11 **A.** YES.

12 **Q.** HAVE YOU EVER ENCOURAGED YOUR OFFICERS TO FABRICATE
13 PROBABLE CAUSE IN ORDER TO WIN A GIFT CARD?

14 **A.** NO.

15 **Q.** LET ME START THE CLIP AGAIN AT 1:19:27.
16 (PLAYING DISPATCH CALL)

17 SERGEANT ESTRADA, WE HEARD SOMEONE SAY "I'M GOOD.
18 GREAT JOB, GUYS." IS THAT LAST CLIP YOUR VOICE?

19 **A.** YES, IT IS.

20 **Q.** AND BY "GREAT JOB, GUYS," WHAT WERE YOU CONGRATULATING
21 THEM FOR?

22 **A.** FOR GETTING A GUN OFF THE STREETS.

23 **MR. HADEN:** NOTHING FURTHER FOR SERGEANT ESTRADA AT
24 THIS TIME, YOUR HONOR.

25 **THE COURT:** OKAY. THANK YOU.

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1 MR. COTSIRILOS.

2 CROSS-EXAMINATION

3 BY MR. COTSIRILOS:

4 Q. GOOD MORNING, SERGEANT.

5 A. GOOD MORNING.

6 Q. SIR, YOU INITIATED THE TANGIBLE REWARD SYSTEM. THAT'S THE
7 TITLE YOU GAVE IT, TANGIBLE REWARD SYSTEM?

8 A. THAT'S WHAT IT IS. IT'S SOMETHING THAT THEY CAN HAVE AS A
9 REWARD.

10 Q. NO. IT WAS A CATCHY TITLE. I JUST WANTED TO GO OVER
11 THAT.

12 A. IT WASN'T SPECIFIC TO THAT. THAT IS WHAT I CALLED IT.

13 Q. SIR, AT THE POINT IN TIME THAT YOU ARE ASKING THESE
14 QUESTIONS OF BOTH OFFICER MEDINA AND OFFICER WILLIAMS, THIS WAS
15 ON THE EVENING OF NOVEMBER 7, 2014; IS THAT CORRECT?

16 A. YES, SIR.

17 Q. AND YOU'RE SPECIFICALLY ASKING THE TWO OFFICERS WHY THEY
18 STOPPED MR. BURTON; IS THAT CORRECT?

19 A. YES.

20 Q. AND THEY ARE EXPLAINING TO YOU IN THEIR OWN WORDS WHY THEY
21 STOPPED THEM; IS THAT TRUE?

22 A. YES, SIR.

23 Q. AND SUBSEQUENT TO THEIR EXPLANATION WAS YOUR BEING
24 INFORMED THERE WAS GUNS FOUND, DRUGS FOUND, AND A LARGE AMOUNT
25 OF MONEY FOUND INSIDE THAT RESIDENCE?

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1 **A.** YES.

2 **Q.** AND IT'S OF SUCH SIGNIFICANCE THAT YOU ARE GOING TO
3 ACTUALLY INITIATE BENEFITS IN ACCORDANCE WITH THE TANGIBLE
4 REWARD SYSTEM; IS THAT CORRECT?

5 **A.** YES.

6 **Q.** IT WAS A BIG ARREST? IT WAS A BIG DEAL?

7 **A.** YES, VERY WORTHWHILE.

8 **Q.** BECAUSE GUNS WERE FOUND AND A VERY LARGE AMOUNT OF MONEY?

9 **A.** YES.

10 **Q.** AND IT WAS AFTER THAT THAT FORMAL REPORTS WERE PREPARED
11 AND SUBMITTED, THAT THEN ARE SUBMITTED TO THE DISTRICT
12 ATTORNEY'S OFFICE TO DECIDE WHETHER FILING IS APPROPRIATE IN
13 THE CASE; IS THAT CORRECT?

14 **A.** THAT IS CORRECT.

15 **Q.** AND YOU UNDERSTOOD MR. BURTON -- THE FOURTH AMENDMENT
16 WAIVER THAT MR. BURTON WAS SUBJECT TO, IN THIS CASE, TO BE
17 PERTINENT TO A 245, AN ASSAULT WITH A DEADLY WEAPON CONVICTION
18 HE HAD; IS THAT CORRECT?

19 **A.** I DIDN'T KNOW IT SPECIFICALLY. ALL I KNEW IS THAT HE HAD
20 A FOURTH AMENDMENT WAIVER.

21 **Q.** WERE YOU INFORMED THAT IT WAS IN CONNECTION WITH ASSAULT
22 WITH A DEADLY WEAPON, IN THE COURSE OF EITHER THE
23 COMMUNICATIONS OR WHEN YOU REVIEWED THE RECORDS LATER?

24 **A.** YES, SIR. WHEN I REVIEWED THE REPORTS.

25 **Q.** WHEN YOU--ALL RECEIVE INFORMATION THAT THERE IS A FOURTH

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1 WAIVER IN THE CASE, YOU RECEIVE THAT OVER THE COMPUTERS IN YOUR
2 VEHICLES; IS THAT CORRECT?

3 **A.** YES, SIR.

4 **Q.** AND YOU'RE RELYING ON THAT INFORMATION TO BE ACCURATE AND
5 CORRECT; IS THAT TRUE?

6 **A.** YES.

7 **Q.** AND WHO ARE YOU RELYING ON TO COMMUNICATE THAT INFORMATION
8 ACCURATELY? WHO IS IT THAT TRANSMITS THAT INFORMATION TO YOU?

9 **A.** USUALLY THE BRIEFING OFFICER. THE OFFICER I GET A
10 BRIEFING FROM.

11 **Q.** THE BRIEFING OFFICER?

12 **A.** OR THE ARRESTING OFFICER.

13 **Q.** OKAY. BUT WHEN SOMEONE, FOR EXAMPLE, STOPS AN INDIVIDUAL
14 ON THE STREET, AS OFFICERS WILLIAMS AND MEDINA DID, AND THEY GO
15 TO THEIR COMPUTER AND GET INFORMATION ABOUT HIS ARREST RECORD
16 AND BACKGROUND, WHO IS COMMUNICATING THAT INFORMATION TO THEM?

17 **A.** IT'S -- THEY CAN DO IT THROUGH AN INQUIRY DISPATCHER OR
18 THEY CAN DO IT THEMSELVES ON THE MOBILE COMPUTER.

19 **Q.** OKAY. AND WHAT DO THEY DRAW UPON ON THE MOBILE COMPUTER
20 AS THE SOURCE OF INFORMATION?

21 **A.** THAT MR. BURTON HAD A VALID FOURTH AMENDMENT WAIVER.

22 **Q.** NO. WHAT IS THE SOURCE OF THAT INFORMATION?

23 **A.** I'M NOT SURE I UNDERSTAND YOUR QUESTION, SIR.

24 **Q.** WHERE DO THEY GET THAT INFORMATION?

25 **A.** WHAT DATABASE?

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1 Q. YES. WHAT DATABASE?

2 A. SD LAW.

3 Q. WHO CREATES SD LAW?

4 A. I DON'T HAVE AN ANSWER FOR THAT. MAYBE THE SHERIFF'S
5 DEPARTMENT, BUT I'M GUESSING.

6 Q. AND YOU ARE RELYING ON THAT INFORMATION BEING ACCURATE
7 WHEN YOU THEN GO INTO A CITIZEN'S HOME OR ACT BASED UPON THAT
8 INFORMATION?

9 A. YES, SIR. IN GOOD FAITH.

10 Q. NOW, IN YOUR EXPERIENCE AND TRAINING, IF YOU RECEIVED
11 INFORMATION THROUGH THE COMPUTER, THE SD LAW, THAT DID NOT MAKE
12 SENSE TO YOU BASED ON YOUR TRAINING AND EXPERIENCE, WOULD YOU
13 STILL ACT UPON THAT INFORMATION?

14 A. IF THE COMPUTER SYSTEM SHOWED A FOURTH AMENDMENT WAIVER,
15 YES, I WOULD ACT UPON IT.

16 Q. IF THE COMPUTER SHOWED A FOURTH AMENDMENT WAIVER FOR
17 JAYWALKING, BASED ON A CONVICTION FOR JAYWALKING IN AN
18 INDIVIDUAL'S BACKGROUND, WOULD YOU ACT ON THAT INFORMATION?

19 A. ARE YOU ASKING ME --

20 Q. A HYPOTHETICAL BASED ON YOUR EXPERIENCE AND EXPERTISE.

21 A. PROBABLY NOT FOR JAYWALKING, NO.

22 Q. WOULD YOU INQUIRE FURTHER AS TO WHAT THE BASIS OF THAT
23 INFORMATION WAS OR THE SOURCE OF THAT INFORMATION WAS?

24 A. PROBABLY.

25 Q. THANK YOU.

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1 **MR. COTSIRILOS:** I HAVE NOTHING FURTHER.

2 **THE COURT:** ANYTHING ELSE, MR. HADEN?

3 **REDIRECT EXAMINATION**

4 **BY MR. HADEN:**

5 **Q.** SERGEANT ESTRADA, WHEN YOU LOOK AT SOMEBODY IN SD LAW,
6 DOES IT LIST ALL OF THE CODE SECTIONS THAT SOMEONE HAS BEEN
7 CONVICTED OF IN RELATION TO A SINGLE INCIDENT?

8 **A.** NOT ALL THE TIME.

9 **Q.** BUT IT MAY LIST MORE THAN ONE CONVICTION?

10 **A.** YES.

11 **Q.** AND IF YOU WERE LOOKING AT A COMPUTER SCREEN THAT HAD
12 PENAL CODE 245 AND ALSO THE PENAL CODE FOR WET RECKLESS, IN
13 YOUR BACKGROUND AND TRAINING AND EXPERIENCE, WHAT WOULD SEEM
14 LIKE THE MORE SIGNIFICANT CHARGE?

15 **A.** THE MOST SIGNIFICANT CHARGE WOULD BE THE AGGRAVATED
16 ASSAULT.

17 **Q.** SERGEANT ESTRADA, WHEN YOU ASK OFFICERS OVER THE RADIO,
18 BEFORE THEY HAVE WRITTEN A REPORT, WHAT WAS THE PROBABLE CAUSE
19 FOR THE INITIAL TRAFFIC STOP, DO YOU EXPECT THEM TO TELL YOU
20 AND ENUMERATE EVERY POSSIBLE THING THAT THEY SAW?

21 **A.** NO.

22 **Q.** SERGEANT ESTRADA, DURING THE TIME THAT YOU WERE A
23 SUPERVISOR ON THE CRIME SUPPRESSION TEAM, HOW MANY TIMES DID
24 YOU FIND APPROXIMATELY \$35,000 IN CASH, ROCK COCAINE, ROCK
25 COCAINE BEING MANUFACTURED IN THE FRONT YARD, MULTIPLE

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1 FIREARMS, AND VARIOUS AMMUNITION?

2 **A.** ONCE. THIS TIME.

3 **Q.** NO OTHER TIME?

4 **A.** NO OTHER TIME.

5 **Q.** WOULD YOU CONSIDER THIS A PRETTY SIGNIFICANT EVENT FOR THE
6 CST?

7 **A.** YES.

8 **MR. HADEN:** NO FURTHER QUESTIONS, YOUR HONOR.

9 **THE COURT:** MR. COTSIRILOS?

10 **MR. COTSIRILOS:** JUST BRIEFLY. IF I MAY ASK FROM
11 HERE?

12 **THE COURT:** OKAY.

13 **RECROSS-EXAMINATION**

14 **BY MR. COTSIRILOS:**

15 **Q.** SERGEANT, YOU INDICATED YOU HAD NOT HAD PERSONAL CONTACT
16 WITH MR. BURTON PRIOR TO NOVEMBER 7TH OF 2014; IS THAT CORRECT?

17 **A.** YES, SIR.

18 **Q.** HAD YOU RECEIVED ANY BRIEFINGS OR INFORMATION ABOUT HIM
19 FROM YOUR TEAM MEMBERS?

20 **A.** I DON'T SPECIFICALLY RECALL IF THERE WAS ANY SPECIFIC
21 CONVERSATION ABOUT HAVING CONTACT WITH HIM BEFORE, FROM ANY OF
22 MY TEAM MEMBERS.

23 **Q.** IN THE COURSE OF THE TEAM'S DAILY FUNCTIONING, ARE THERE
24 BRIEFINGS FROM TEAM MEMBERS ABOUT INDIVIDUALS IN THE COMMUNITY?

25 **A.** YES.

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1 Q. AND INDIVIDUALS WHO HAVE BEEN DOCUMENTED TO BE GANG
2 MEMBERS?

3 A. YES, AT TIMES.

4 Q. PARDON ME?

5 A. YES, AT TIMES.

6 Q. AND INDIVIDUALS WHOM MEMBERS OF THE TEAM HAVE HAD CONTACT
7 WITH AND MADE ARRESTS OF, SO THAT THE REST OF THE TEAM MEMBERS
8 ARE AWARE OF THOSE INDIVIDUALS IN THE COMMUNITY?

9 A. YES, AT TIMES.

10 Q. SO THAT IS A COMMON PRACTICE WITHIN THE CRIME SUPPRESSION
11 TEAM?

12 A. YES.

13 Q. YOU SHARE INFORMATION ABOUT INDIVIDUALS IN THE COMMUNITY?

14 A. YES.

15 Q. IS THERE A PRACTICE, WHEN AN INDIVIDUAL IS STOPPED THAT
16 ONE TEAM MEMBER KNOWS ANOTHER TEAM MEMBER HAS HAD CONTACT WITH,
17 FOR THAT TEAM MEMBER TO BE NOTIFIED THAT THE INDIVIDUAL THAT
18 THE PERSON HAS HAD PRIOR CONTACT WITH HAS NOW BEEN STOPPED?

19 A. I'M SORRY. WHAT WAS THE FIRST PART OF YOUR QUESTION?

20 Q. IS IT A COMMON PRACTICE WITHIN THE TEAM TO NOTIFY A TEAM
21 MEMBER WHO HAS HAD PRIOR CONTACT WITH THE DETAINEE, THAT THAT
22 PERSON WAS AGAIN BEING STOPPED?

23 A. IT HAPPENS. I'M NOT SURE IF IT'S COMMON PRACTICE, BUT IT
24 HAPPENS, JUST AS SIMPLE INFORMATION FOR OTHER TEAM MEMBERS TO
25 GAUGE WHAT THEIR EXPERIENCE WAS IN TERMS OF THE CONTACT, IF

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1 ANYTHING WAS FOUND IN THAT PARTICULAR CONTACT, OR IF THE
2 INDIVIDUAL IS CONTACTED WITH SOMEBODY ELSE.

3 **Q.** SO THEY CAN SHARE INFORMATION ABOUT THAT PERSON BACK AND
4 FORTH?

5 **A.** YEAH.

6 **Q.** THANK YOU.

7 **THE COURT:** ANYTHING ELSE, MR. HADEN?

8 **MR. HADEN:** ONE FINAL QUESTION, YOUR HONOR.

9 **FURTHER REDIRECT EXAMINATION**

10 **BY MR. HADEN:**

11 **Q.** SERGEANT, JUST BUILDING OFF OF THAT. IS THAT DONE BECAUSE
12 THE PREVIOUS OFFICER MIGHT HAVE VERY SPECIFIC INFORMATION ABOUT
13 THE WAY THAT PERSON CONDUCTS THEIR CRIMINAL ACTIVITY?

14 **A.** ABSOLUTELY.

15 **Q.** FOR EXAMPLE, IF SOMEONE PREFERS TO HIDE THEIR NARCOTICS
16 CONTRABAND INSIDE THEIR PERSON TO AVOID DETECTION, THAT MIGHT
17 BE OF INTEREST?

18 **A.** YES, VERY RELEVANT.

19 **MR. HADEN:** NO FURTHER QUESTIONS, YOUR HONOR.

20 **THE COURT:** YOU MAY STEP DOWN, SIR, AND THANK YOU.

21 **THE WITNESS:** THANK YOU, YOUR HONOR.

22 AND YOUR NEXT WITNESS, MR. HADEN?

23 **MR. HADEN:** YOUR HONOR, COULD I JUST INQUIRE FOR
24 SCHEDULING PURPOSES, WHAT THE COURT PLANS TO DO WITH THE LUNCH
25 HOUR?

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1 **THE COURT:** I THOUGHT THE WAY WE WERE GOING WITH TWO
2 WITNESSES TO GO IS WE'D GO UP 'TIL NOON, TAKE A BREAK FOR LUNCH
3 AND COME BACK AND FINISH, UNLESS YOU GUYS HAVE DIFFERENT PLANS.

4 **MR. HADEN:** THAT SOUNDS GOOD. I CAN'T ACCOUNT FOR
5 MR. COTSIRILOS' CROSS-EXAMINATION, BUT OFFICER WILLIAMS HAS TO
6 BE ON SHIFT TONIGHT IN MURRIETA. HE IS NO LONGER WITH THE SAN
7 DIEGO POLICE DEPARTMENT. HE WORKS FOR THE MURRIETA POLICE
8 DEPARTMENT. DEPENDING ON WHERE WE ARE, IF WE CAN JUST BE
9 CONSCIOUS OF THE DISTANCE THAT HE NEEDS TO TRAVEL THIS
10 AFTERNOON, MAYBE WE CAN COMPLETE HIM BY GOING SLIGHTLY OVER THE
11 LUNCH HOUR.

12 **THE COURT:** IF WE NEED TO RUN TO 12:30 TO GET HIM
13 DONE, WE CAN DO THAT.

14 **MR. HADEN:** THANK YOU SO MUCH. I APPRECIATE THAT.
15 AND, OBVIOUSLY, IF WE DON'T FEEL LIKE WE'RE CLOSE, WE CAN
16 BREAK.

17 **THE COURT:** LET ME ASK THE COURT FOLKS.
18 IS THAT OKAY WITH YOU GUYS IF WE RUN A LITTLE OVER
19 NOON? I AM GETTING TWO NODS OF THE HEAD, SO GO AHEAD.

20 **MR. HADEN:** THANK YOU, YOUR HONOR. AT THIS TIME THE
21 UNITED STATES CALLS MURRIETA POLICE DEPARTMENT OFFICER BLAKE
22 WILLIAMS. I JUST INFORMED THE OTHER OFFICERS THAT THEY COULD
23 GO TO LUNCH.

24 **THE COURT:** OKAY. THAT IS FINE.

25 **DEPUTY CLERK:** COME ON FORWARD, SIR. PLEASE RAISE

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1 YOUR RIGHT HAND.

2 YOU DO SOLEMNLY SWEAR THAT THE EVIDENCE YOU SHALL
3 GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL BE THE TRUTH, THE
4 WHOLE TRUTH AND NOTHING BUT THE TRUTH?

5 **THE WITNESS:** I DO.

6 **DEPUTY CLERK:** PLEASE HAVE A SEAT. SIR, CAN YOU
7 PLEASE STATE YOUR NAME FOR THE RECORD AND SPELL YOUR FIRST AND
8 LAST NAME?

9 **THE WITNESS:** MY NAME IS BLAKE WILLIAMS, B-L-A-K-E,
10 W-I-L-L-I-A-M-S.

11 **THE COURT:** THANK YOU, SIR. AND GO AHEAD, THEN.

12 **MR. HADEN:** THANK YOU, YOUR HONOR.

13 **DIRECT EXAMINATION**

14 **BY MR. HADEN:**

15 **Q.** GOOD MORNING, OFFICER WILLIAMS.

16 **A.** GOOD MORNING.

17 **Q.** BEFORE I START, I WANT TO TELL YOU THAT THERE IS A BINDER
18 OF EXHIBITS SITTING ON THE TABLE IN FRONT OF YOU.

19 **A.** YES, SIR.

20 **Q.** YOUR REPORT HAS BEEN PREVIOUSLY ADMITTED AS GOVERNMENT'S
21 EXHIBIT 1. IF AT ANY TIME WE ARE TALKING AND YOU WANT TO USE
22 IT TO REFRESH YOUR RECOLLECTION, JUST LET ME KNOW.

23 **A.** YES, SIR.

24 **Q.** COULD YOU PLEASE TELL THE COURT WHAT YOU DO FOR A LIVING
25 NOW?

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1 **A.** I'M CURRENTLY ASSIGNED TO THE MURRIETA POLICE DEPARTMENT,
2 WORKING AS A POLICE OFFICER. I WAS ASSIGNED TO THE SAN DIEGO
3 POLICE DEPARTMENT. IN TOTAL, I HAVE APPROXIMATELY EIGHT YEARS
4 AS A LAW ENFORCEMENT OFFICER.

5 **Q.** HOW LONG AGO DID YOU TRANSFER FROM SAN DIEGO TO MURRIETA?

6 **A.** APPROXIMATELY FOUR MONTHS AGO.

7 **Q.** AND IN NOVEMBER OF 2014, WHERE WERE YOU ASSIGNED?

8 **A.** I WAS ASSIGNED TO SOUTHEASTERN DIVISION, WORKING AS A
9 MEMBER OF THE CRIME SUPPRESSION TEAM.

10 **Q.** AND CAN YOU, VERY, VERY BRIEFLY, TELL THE COURT WHAT
11 ASSIGNMENT YOU HAD DURING YOUR TIME WITH SDPD THAT LED UP TO
12 YOUR ASSIGNMENT WITH THE CRIME SUPPRESSION TEAM?

13 **A.** I WORKED PATROL FOR A BRIEF TIME IN EASTERN DIVISION. I
14 THEN WAS TRANSFERRED OVER TO SOUTHEASTERN DIVISION WHERE I
15 WORKED FOR A FEW YEARS. AND THEN I WORKED ON THE SOUTHEASTERN
16 CRIME SUPPRESSION TEAM FOR APPROXIMATELY THREE YEARS.

17 **Q.** AND WERE YOU WORKING ON THE 1700-TO-03 SHIFT WITH THE
18 CRIME SUPPRESSION TEAM ON NOVEMBER 7TH?

19 **A.** YES, I WAS.

20 **Q.** WHO WAS YOUR PARTNER THAT NIGHT?

21 **A.** OFFICER ROY MEDINA.

22 **Q.** WHAT WERE YOU WEARING?

23 **A.** REGULAR POLICE UNIFORM. A SAN DIEGO POLICE DEPARTMENT
24 UNIFORM, IN A MARKED PATROL VEHICLE.

25 **Q.** WERE YOU DRIVING?

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1 **A.** NO, I WAS NOT.

2 **Q.** WHERE WERE YOU SITTING?

3 **A.** IN THE FRONT PASSENGER SEAT.

4 **Q.** AND AT APPROXIMATELY 1918, 7:18 P.M., WHERE WERE YOU?

5 **A.** IN THE AREA OF MEADOWBROOK AND SKYLINE DRIVE.

6 **Q.** OFFICER WILLIAMS, I'M SHOWING YOU NOW WHAT IS PREVIOUSLY
7 ADMITTED AS GOVERNMENT EXHIBIT 7. IT'S IN THE BINDER IN FRONT
8 OF YOU, BUT WE ARE LOOKING AT A COPY THAT IS ON THE OVERHEAD
9 DISPLAY. DO YOU SEE THAT?

10 **A.** YES, I DO.

11 **Q.** DO YOU RECOGNIZE THAT INTERSECTION?

12 **A.** YES, I DO.

13 **Q.** WHERE IS IT?

14 **A.** THAT IS THE INTERSECTION OF SKYLINE AND MEADOWBROOK.

15 **Q.** AND AT APPROXIMATELY 7:15 P.M. THAT EVENING, WHAT, IF
16 ANYTHING, DID YOU SEE?

17 **A.** WE WERE STOPPED AT THE RED BALL, FACING EASTBOUND ON
18 SKYLINE DRIVE. I OBSERVED A VEHICLE -- I BELIEVE IT WAS A
19 WHITE CAMARO -- TRAVELING WESTBOUND ON SKYLINE DRIVE. AT THAT
20 POINT I HEARD AND FELT THE LOUD BASS OF MUSIC COMING FROM THE
21 VEHICLE -- FROM ACROSS THE INTERSECTION.

22 **Q.** LET ME PAUSE THERE, OFFICER WILLIAMS. JUST TO CLARIFY FOR
23 THE RECORD, YOU AND OFFICER MEDINA WERE IN THE MARKED PATROL
24 UNIT STOPPED AT THIS INTERSECTION ON THE LEFT-HAND SIDE OF
25 GOVERNMENT'S EXHIBIT 7?

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1 **A.** YES, SIR.

2 **Q.** AND YOUR TESTIMONY WAS THAT YOU HEARD AND FELT. WHAT DO
3 YOU MEAN BY FELT?

4 **A.** YOU COULD KIND OF FEEL THE BASS, THE PERCUSSION OF THE
5 BASS, THE RATTLING FROM THE CAR.

6 **Q.** AND DID YOU MAKE ANY VISUAL EFFORTS TO DETERMINE WHERE
7 THAT WAS COMING FROM?

8 **A.** YES. I BELIEVE AT THAT TIME IT WAS -- THERE WEREN'T A LOT
9 OF CARS ON THE STREET, IF ANY. I DON'T RECALL EXACTLY, BUT I
10 DO REMEMBER IT WAS PRETTY DESOLATE IN THE ROADWAYS. AND
11 THEN -- AT WHICH TIME I OBSERVED THE VEHICLE APPROACH THE
12 INTERSECTION THERE, AND THEN IT PROCEEDED TO MAKE A U-TURN.

13 **Q.** AND THAT VEHICLE THAT YOU SAW APPROACH, WAS IT TRAVELING
14 EASTBOUND OR WESTBOUND?

15 **A.** IT WAS TRAVELING WESTBOUND.

16 **Q.** AND IS IT FAIR TO SAY THAT IT WAS ON THE OPPOSITE SIDE OF
17 SKYLINE DRIVE?

18 **A.** YES.

19 **Q.** AND APPROXIMATELY WHERE WAS IT WHEN YOU FIRST SAW IT?

20 **A.** I BELIEVE ONCE -- PROBABLY RIGHT WHERE THE TURN POCKET IS,
21 SO --

22 **Q.** BY THE "TURN POCKET," YOU MEAN WHERE SKYLINE DRIVE BEGINS
23 TO HAVE A THIRD LANE FOR PEOPLE TO TURN LEFT?

24 **A.** YES, SIR.

25 **Q.** SO APPROXIMATELY IN THIS AREA?

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1 **A.** YES, SIR.

2 **Q.** AND YOU SAID YOU RECOGNIZED IT AS A CAMARO?

3 **A.** YES, SIR.

4 **Q.** AND WHAT COLOR WAS IT?

5 **A.** WHITE.

6 **Q.** WHAT DID YOU SEE THE VEHICLE DO AT THAT POINT?

7 **A.** IT APPROACHED THE INTERSECTION AND MADE A U-TURN,
8 TRAVELING BACK EASTBOUND ON SKYLINE DRIVE.

9 **Q.** WAS IT A LEGAL U-TURN OR AN ILLEGAL U-TURN?

10 **A.** IT WAS LEGAL.

11 **Q.** AND WHAT, IF ANYTHING, DID YOU AND OFFICER MEDINA DO IN
12 RESPONSE TO WHAT YOU HAD SEEN?

13 **A.** AT THAT TIME WE CONTINUED THROUGH THE INTERSECTION, KIND
14 OF ACCELERATED IN PREPARATION TO MAKE A TRAFFIC STOP ON THE
15 VEHICLE. SO WE ACCELERATED, GOT UP BEHIND THE VEHICLE PRETTY
16 QUICKLY, AT WHICH TIME THE VEHICLE QUICKLY MADE A RIGHT-HAND
17 TURN AND STOPPED ABRUPTLY ON THE EAST CURB LINE.

18 **Q.** LET ME BACK YOU UP, OFFICER WILLIAMS. WHY DO YOU
19 ACCELERATE AND GET UP BEHIND A VEHICLE QUICKLY IF YOU ARE GOING
20 TO INITIATE A TRAFFIC STOP? WHAT IS THE PURPOSE OF THAT?

21 **A.** BECAUSE WE OFTENTIMES -- OR WHENEVER READILY AVAILABLE WE
22 LIKE TO RUN LICENSE PLATES TO MAKE SURE THAT THE VEHICLE THAT
23 WE ARE STOPPING IS NOT A STOLEN VEHICLE OR POSSIBLY A HIT,
24 SAYING IT'S A WANTED PERSON THAT MAY BE DRIVING THE VEHICLE.
25 FOR OFFICER SAFETY REASONS.

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1 Q. SO YOU HAVE TO GET PHYSICALLY CLOSE TO SEE THE LICENSE
2 PLATE?

3 A. YES, SIR.

4 Q. AND AT 7:18 THAT NIGHT WAS IT LIGHT OUT OR WAS IT DARK?

5 A. DARK, SIR.

6 Q. AND YOU TESTIFIED JUST A MINUTE AGO, BEFORE I CUT YOU OFF,
7 THAT AT THAT POINT, AS YOU ACCELERATED TOWARD THE BACK OF THE
8 WHITE CAMERO, THAT THE CAR MADE A HARD TURN?

9 A. YES, SIR.

10 Q. PLEASE EXPLAIN WHAT YOU MEAN BY THAT.

11 A. AS WE GOT UP BEHIND IT, INSTEAD OF PUTTING ITS BLINKER ON
12 AND SLOWLY MOVING TO THE CORNER, AS WE WERE ABOUT TO GET BEHIND
13 IT, IT JUST QUICKLY HIT -- OR TURNED TO THE CURB, AT WHICH TIME
14 WE HAD TO KIND OF SLOW DOWN IN ORDER TO STOP BEHIND THE VEHICLE
15 TO MOVE TO MAKE THE TRAFFIC STOP.

16 Q. HAD YOU OR OFFICER MEDINA AT THAT POINT INITIATED YOUR
17 OVERHEAD LIGHTS?

18 A. YES, SIR.

19 Q. WHEN THE VEHICLE FIRST STARTED ITS TURN?

20 A. YES, SIR.

21 Q. AND AFTER YOU INITIATED YOUR LIGHTS AND IT BEGAN TO TURN,
22 AT WHAT POINT, IF ANY, DID IT TURN ON ITS TURN SIGNAL?

23 A. I BELIEVE ONCE IT WAS ALREADY PRETTY MUCH TO THE CURB. I
24 DON'T REMEMBER EXACTLY WHEN, BUT IT WAS ONCE THE TURN WAS
25 ALREADY INITIATED.

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1 Q. AT THIS POINT DID YOU GET OUT OF YOUR VEHICLE?

2 A. YES, I DID.

3 Q. DID YOU PROVIDE COVER FOR OFFICER MEDINA WHILE HE
4 CONTACTED THE DRIVER?

5 A. YES, SIR.

6 Q. ARE YOU THE INDIVIDUAL THAT RAN THE RECORDS CHECKS ON THE
7 DRIVER?

8 A. YES, I DID.

9 Q. AND WHAT DO YOU THINK I MEAN WHEN I SAY "RECORDS CHECKS"?

10 A. WE RUN THE PERSON'S NAME THROUGH OUR DATABASE, WHICH IN
11 OUR -- WHAT WE COULD DO HERE IS LOCALLY AND FEDERALLY SEE ANY
12 TYPE OF PRIOR CONVICTIONS, PROBATION STATUS, PAROLE STATUS, AND
13 FOURTH WAIVER STATUS.

14 Q. WHAT WAS THE NAME OF THE DRIVER OF THE VEHICLE?

15 A. STEVEN BURTON.

16 Q. AND DO YOU SEE MR. BURTON IN THE COURTROOM TODAY? AND IF
17 SO, COULD YOU IDENTIFY WHERE HE IS SITTING AND WHAT HE IS
18 WEARING?

19 A. HE IS SEATED TO MY LEFT, WEARING A TAN BUTTON-UP SHIRT.

20 MR. HADEN: YOUR HONOR, MAY THE RECORD REFLECT
21 OFFICER WILLIAMS HAS IDENTIFIED THE DEFENDANT?

22 THE COURT: IT WILL REFLECT THAT.

23 Q. (BY MR. HADEN): OFFICER WILLIAMS, WHAT DATABASES DO YOU
24 UTILIZE TO CONDUCT YOUR RECORDS CHECK?

25 A. COMPUTER SYSTEMS, SD LAW.

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1 Q. WHAT, IF ANYTHING, DOES SD LAW TELL YOU THAT WOULD BE OF
2 SIGNIFICANCE TO YOU IN THIS CASE?

3 A. FOURTH WAIVER STATUS, IF THE INDIVIDUAL IS ON PROBATION
4 AND IF IT HAS A FOURTH WAIVER STATUS.

5 Q. WHAT DID THE RECORDS CHECK TELL YOU ABOUT MR. BURTON?

6 A. THAT HE WAS ON PROBATION AND HAD A VALID FOURTH WAIVER
7 STATUS UNTIL SOMETIME IN 2016, I BELIEVE.

8 Q. AND DOES THE FOURTH WAIVER INFORMATION TELL YOU WHAT CASE
9 OR WHAT CHARGE WAS THE ORIGINAL CHARGE FOR THE PROBATION AND
10 THE FOURTH WAIVER?

11 A. YES, IT DOES.

12 Q. AND WHAT DO YOU RECALL BEING THE MOST SIGNIFICANT CHARGE
13 DURING YOUR RECORDS CHECK?

14 A. 245 PC, WHICH IS ASSAULT WITH A DEADLY WEAPON.

15 Q. HAVE YOU BEEN SUBSEQUENTLY INFORMED THAT THAT MAY NOT HAVE
16 BEEN TECHNICALLY ACCURATE?

17 A. YES.

18 Q. BUT YOU WROTE DOWN PC 245?

19 A. YES, SIR.

20 Q. AND YOU PUT THAT IN YOUR REPORT?

21 A. YES, SIR.

22 Q. IF YOU SAW AN SD LAW COMPUTER SCREEN THAT HAD PC 245 AND
23 IT ALSO HAD VEHICLE CODE 23103 -- DO YOU KNOW WHAT THAT IS?

24 A. YES, SIR. IT'S RECKLESS DRIVING.

25 Q. IF YOU HAD A COMPUTER SCREEN THAT SHOWED YOU PC 245 AND

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1 VEHICLE CODE 23103, WHAT IS THE MOST SIGNIFICANT CHARGE IN THAT
2 LISTING, TO YOU?

3 **A.** THE 245.

4 **Q.** OFFICER WILLIAMS, I'M GOING TO PLAY SOME CLIPS FOR YOU
5 NOW, ON WHAT HAS BEEN PREVIOUSLY ADMITTED AS GOVERNMENT'S
6 EXHIBIT 10. IT'S THE SAME AUDIO CLIP THAT WE HAVE BEEN
7 PREVIOUSLY LISTENING TO THIS MORNING. I'M GOING TO START AT 2
8 MINUTES AND 44 SECONDS. IF YOU COULD LISTEN TO THE CLIP, AND
9 THEN I'M GOING TO ASK YOU SOME QUESTIONS ABOUT IT AFTER.

10 **A.** YES, SIR.

11 (PLAYING DISPATCH CALL)

12 **Q.** OFFICER WILLIAMS, WE HEARD A VOICE THAT SAID "HEY, ROY,
13 ARE YOU ON THE AIR?" DO YOU RECOGNIZE THAT VOICE?

14 **A.** YES, SIR.

15 **Q.** WHOSE VOICE IS THAT?

16 **A.** THAT WOULD BE MINE.

17 **Q.** WHO ARE YOU REFERRING TO WHEN YOU SAY "ROY"?

18 **A.** MY PARTNER.

19 **Q.** OFFICER MEDINA?

20 **A.** YES, SIR.

21 **Q.** I AM GOING TO START IT AGAIN AT 2 MINUTES AND 45.

22 (PLAYING DISPATCH CALL)

23 OFFICER WILLIAMS, I BELIEVE WE HEARD YOU SAY "HE IS
24 GOING TO HAVE A FOURTH." WHAT DID YOU MEAN BY THAT?

25 **A.** THAT HE HAS A VALID FOURTH AMENDMENT WAIVER.

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1 Q. WHAT IS A FOURTH AMENDMENT WAIVER?

2 A. IT MEANS THAT WE ARE ALLOWED TO SEARCH HIM UPON CONTACT.

3 Q. JUST HIM?

4 A. YES, SIR. AND HIS VEHICLE AND HIS RESIDENCE. ANYTHING
5 THAT IS ASSOCIATED WITH HIM.

6 Q. AND YOU USED THE PHRASE "HE HAS A BUNCH OF PRIORS." WHAT
7 DID YOU MEAN BY THAT?

8 A. I DON'T RECALL EXACTLY HOW MANY, BUT IT WOULD HAVE BEEN
9 MORE THAN ONE PRIOR FOR NARCOTIC-RELATED OFFENSES.

10 Q. AND WE HEARD YOU USE THE PHRASE "50 AND 52, STUFF LIKE
11 THAT." WHAT DID YOU MEAN BY THAT?

12 A. 11350 IS A COMMON CHARGE, AND IN THAT AREA WHERE WE WERE
13 PATROLLING THAT NIGHT IT WOULD BE FOR COCAINE.

14 Q. WHAT IS 11352?

15 A. IT WOULD BE TRANSPORTATION AND SALES.

16 Q. AND ARE THOSE THE STATUTES THAT YOU WERE REFERRING TO --
17 THE PENAL CODE SECTION THAT YOU WERE REFERRING TO -- OR THE
18 HEALTH AND SAFETY CODE SECTIONS THAT YOU WERE REFERRING TO WHEN
19 YOU WERE SAYING 50 AND 52?

20 A. YES, SIR.

21 Q. WHEN YOU SAID HE HAD A SUSPENDED DL, WHAT DID YOU MEAN?

22 A. SUSPENDED DRIVER'S LICENSE.

23 Q. OFFICER WILLIAMS, HAD YOU HAD PREVIOUS CONTACT WITH
24 MR. BURTON BEFORE NOVEMBER 7TH?

25 A. YES, SIR.

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1 Q. WHAT CONTACT HAD YOU HAD WITH HIM?

2 A. I BELIEVE ONE TIME I DID MAKE A TRAFFIC STOP ON HIM FOR
3 EITHER SPEEDING OR RUNNING A STOP SIGN OR SOMETHING LIKE THAT
4 IN THAT AREA, IN THE SKYLINE AREA, WHERE I BELIEVE I DID ISSUE
5 HIM A CITATION. AND I BELIEVE I WAS BY MYSELF THAT TIME. AND
6 I BELIEVE ME AND OFFICER MEDINA HAD MADE CONTACT WITH HIM WITH
7 A FEMALE IN HIS CAR, AT WHICH TIME I DON'T BELIEVE HE WAS
8 CITED.

9 Q. IS IT FAIR TO SAY THAT ONCE YOU MADE CONTACT WITH
10 MR. BURTON YOU REMEMBERED THOSE PREVIOUS EVENTS?

11 A. YES.

12 Q. AND DID YOU REMEMBER MR. BURTON TO BE A DOCUMENTED GANG
13 MEMBER?

14 A. YES.

15 Q. AND DID YOU REMEMBER MR. BURTON TO BE A CONVICTED
16 NARCOTICS DEALER?

17 A. YES.

18 Q. AND HAD YOU HAD DISCUSSIONS WITH OTHER MEMBERS OF THE CST
19 ABOUT MR. BURTON PRIOR TO NOVEMBER 7TH?

20 A. YES.

21 Q. AND I AM GOING TO PLAY A CLIP FOR YOU NOW. I AM GOING TO
22 START AT APPROXIMATELY 3:06 OF THE SAME AUDIO CLIP.

23 (PLAYING DISPATCH CALL)

24 OFFICER WILLIAMS, WAS THAT YOUR VOICE THAT WE HEARD
25 FIRST?

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1 **A.** YES, SIR.

2 **Q.** WHEN YOU SAY "HEY, BOBBY," WHO WERE YOU REFERRING TO?

3 **A.** OFFICER SCHMIDT.

4 **Q.** AND WHEN YOU SAID "WE'VE GOT MR. STEVEN DOYLE BURTON
5 STOPPED OFF SKYLINE, IN FRONT OF HIS HOUSE," HOW DID YOU KNOW
6 WHERE HIS HOUSE WAS?

7 **A.** BASED ON HIS I.D. REGISTRATION AND JUST MY PRIOR
8 KNOWLEDGE.

9 **Q.** DO YOU HAVE A SPECIFIC OR INDEPENDENT RECOLLECTION OF
10 TALKING TO OFFICER SCHMIDT ABOUT BURTON PRIOR TO THIS EVENT?

11 **A.** I DON'T REMEMBER EXACTLY WHAT. BUT IN -- WHAT WE DO IS WE
12 DO A LOT OF PROACTIVE WORK. SO A LOT OF THE DOCUMENTED GANG
13 MEMBERS, YOU KNOW, PEOPLE WHO HAVE BEEN ARRESTED BEFORE AND WHO
14 ARE KIND OF IN THE GAME, PER SE, WE TALK ABOUT. THAT IS WHAT
15 WE DO AND THAT IS WHAT WE TARGET ON THE CRIME SUPPRESSION TEAM.

16 **Q.** WHEN YOU INITIATED THE TRAFFIC STOP, DID YOU DO SO BECAUSE
17 YOU KNEW IT WAS MR. BURTON, INITIALLY?

18 **A.** NO. I BELIEVE THE FIRST TIME I STOPPED HIM, I BELIEVE HE
19 USED TO HAVE A MAROON CAMARO. ONE OF THE TIMES I STOPPED HIM.
20 SO I DID NOT KNOW EXACTLY IT WAS HIM.

21 **Q.** OFFICER WILLIAMS, ONCE YOU KNEW THAT MR. BURTON HAD A
22 FOURTH AMENDMENT WAIVER, DID YOU MAKE A DECISION TO SEARCH HIM?

23 **A.** YES.

24 **Q.** DID YOU SEARCH HIM?

25 **A.** YES, I DID.

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1 Q. PLEASE TELL THE COURT HOW THAT HAPPENED.

2 A. I ASKED HIM TO EXIT THE VEHICLE AND INFORMED HIM HIS
3 LICENSE WAS SUSPENDED AND THAT HE HAD A FOURTH WAIVER, AND HE
4 WAS COOPERATIVE. HE GOT OUT. I PLACED HIM IN HANDCUFFS AT
5 THAT TIME BECAUSE THAT'S THE WAY I DO IT FOR OFFICER SAFETY.
6 SO IF I, WHILE SEARCHING HIM OR THE VEHICLE, END UP FINDING
7 SOMETHING THAT HE IS GOING TO BE ARRESTED FOR, IT DOESN'T TURN
8 INTO A FIGHT.

9 SO WHILE THINGS ARE CALM, I LIKE TO PLACE THEM IN
10 HANDCUFFS AND DETAIN THEM UNTIL MY INVESTIGATION IS COMPLETE.
11 AT WHICH TIME I SEARCHED HIM. I BELIEVE I LOCATED A PHONE AND
12 SOME MONEY.

13 Q. OFFICER WILLIAMS, WOULD IT HELP YOU REFRESH YOUR
14 RECOLLECTION TO LOOK AT YOUR REPORT AS TO EXACTLY WHAT YOU
15 FOUND ON HIS PERSON?

16 A. YES.

17 Q. COULD YOU GO AHEAD AND LOOK AT GOVERNMENT'S EXHIBIT 1?
18 EITHER IN THE BINDER OR THE COPY THAT YOU HAVE IN FRONT OF YOU
19 IS FINE. I ASK YOU TO READ THE PARAGRAPH AT THE BOTTOM OF THE
20 PAGE THAT IS MARKED 39.

21 (PAUSE)

22 HAS REVIEWING THAT PARAGRAPH HELPED REFRESH YOUR
23 RECOLLECTION?

24 A. YES.

25 (EXHIBIT NO. 1 MARKED FOR IDENTIFICATION)

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1 Q. (BY MR. HADEN): WHAT EXACTLY DID YOU FIND ON MR. BURTON?

2 A. A PLASTIC BAG CONTAINING MARIJUANA, \$202, AND A WHITE
3 CRICKET CELL PHONE.

4 Q. DID YOU SEARCH MR. BURTON'S VEHICLE?

5 A. YES, I DID.

6 Q. DID YOU FIND ANYTHING OF SIGNIFICANCE?

7 A. MAY I REFER TO MY REPORT?

8 Q. SURE.

9 A. (PAUSE)

10 Q. THAT SAME PARAGRAPH.

11 A. NOTHING WAS FOUND.

12 Q. DID LOOKING AT YOUR REPORT HELP YOU REFRESH YOUR
13 RECOLLECTION?

14 A. YES, IT DID.

15 Q. WAS ANYTHING OF SIGNIFICANCE FOUND IN MR. BURTON'S
16 VEHICLE?

17 A. NO, SIR.

18 Q. I'M GOING TO PLAY ANOTHER PORTION OF THE CLIP FOR YOU,
19 OFFICER WILLIAMS. I'M GOING TO FAST-FORWARD NOW TO 12 MINUTES
20 AND 27 SECONDS. I WOULD ASK YOU TO LISTEN TO THIS CLIP, AND
21 THEN I WILL ASK YOU QUESTIONS SIMILAR TO WHAT WE HAVE BEEN
22 DOING. I AM GOING TO START AT 12:20.

23 (PLAYING DISPATCH CALL)

24 OFFICER WILLIAMS, I BELIEVE WE JUST HEARD A VOICE SAY
25 "HEY, SARGE, ARE YOU ON THE AIR"? WHOSE VOICE WAS THAT?

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1 **A.** I BELIEVE THAT WAS MINE.

2 **Q.** IF YOU ARE NOT TOTALLY SURE --

3 **A.** I'M NOT 100 PERCENT SURE. IT WAS PRETTY QUICK.

4 **Q.** DID WE HEAR SOMEONE SAY "HEY, SARGE, ARE YOU ON THE AIR"?

5 **A.** YES, SIR.

6 **Q.** I AM GOING TO KEEP PLAYING IT.

7 (PLAYING DISPATCH CALL)

8 DID YOU HEAR THE VOICE SAY "ARE YOU CLEAR TO MAKE IT
9 TO OUR STOP, POSSIBLY TO DO A FOURTH WAIVER AT THIS GUY'S
10 HOUSE"?

11 **A.** YES, SIR.

12 **Q.** DO YOU RECOGNIZE THAT VOICE?

13 **A.** I THINK THAT WAS OFFICER MEDINA. I'M NOT 100 PERCENT
14 SURE.

15 **Q.** WHY WOULD AN OFFICER ON THE CST CONTACT THE SERGEANT AND
16 ASK IF THEY'RE CLEAR?

17 **A.** JUST TO MAKE SURE HE IS NOT ON A PHONE CALL OR BUSY, SO HE
18 COULD ANSWER A QUESTION FOR US.

19 **Q.** WOULD TWO OFFICERS EVER EXECUTE A FOURTH WAIVER SEARCH BY
20 THEMSELVES?

21 **A.** NO. WE NEED A SUPERVISOR.

22 **Q.** AND DO YOU NEED ADDITIONAL HELP?

23 **A.** YES.

24 **Q.** WHEN YOU DO A FOURTH WAIVER SEARCH, ARE PEOPLE GIVEN
25 SPECIFIC ASSIGNMENTS?

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1 **A.** YES.

2 **Q.** IS THAT REFERRED TO SOMETIMES AS AN OPERATIONAL PLAN?

3 **A.** WE CREATE AN OPERATIONAL PLAN TO ASSIGN DUTIES, YES, SIR.

4 **Q.** AND DOES THE OPERATIONAL PLAN INCLUDE CONTACTING OTHER LAW
5 ENFORCEMENT TO MAKE SURE THERE IS NO CONFLICT WITH THAT
6 SPECIFIC RESIDENCE?

7 **A.** YES.

8 **Q.** DID YOU MAKE EFFORTS TO DO THAT IN THIS CASE?

9 **A.** YES, I DID.

10 **Q.** HAVE YOU DONE THAT PREVIOUSLY? HAVE YOU EVER DONE A
11 FOURTH AMENDMENT WAIVER, A RESIDENTIAL SEARCH, BEFORE
12 NOVEMBER 7TH?

13 **A.** YES, I HAVE.

14 **Q.** AND IN YOUR BACKGROUND AND TRAINING AND EXPERIENCE, FROM
15 THE DECISION TO DO A FOURTH AMENDMENT WAIVER SEARCH AT
16 SOMEONE'S RESIDENCE TO ACTUALLY KNOCKING ON THE FRONT DOOR, IF
17 THAT TOOK APPROXIMATELY THIRTY MINUTES OR FORTY MINUTES, WOULD
18 THAT BE A LONG PERIOD OF TIME, OR AN AVERAGE PERIOD OF TIME, OR
19 A SHORT PERIOD OF TIME?

20 **A.** JUST A REGULAR FOURTH AMENDMENT, I WOULD SAY IT'S AN
21 AVERAGE -- AVERAGE AMOUNT OF TIME TO GET EVERYTHING IN LINE,
22 GETTING OFFICERS TO THE SCENE, CLEARING THE ADDRESS THROUGH THE
23 PROPER PLACES THAT WE HAVE TO CLEAR ADDRESSES THROUGH, AND THE
24 NAMES OF THE SUBJECTS.

25 **Q.** IN THIS CASE IT WAS HELPFUL THAT HE LIVED TWO DOORS DOWN?

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1 **A.** YES, SIR.

2 **Q.** PROBABLY MADE IT A LITTLE QUICKER?

3 **A.** YES, SIR.

4 **Q.** OFFICER WILLIAMS, IN PREPARATION FOR TODAY'S TESTIMONY,
5 DID YOU HEAR A PORTION OF THAT SAME AUDIO CLIP WHERE YOU ASKED
6 IF YOU WERE GOING TO WIN THE BEST BUY GIFT CARD?

7 **A.** YES.

8 **Q.** FOR LACK OF A BETTER TERM?

9 **A.** YES, SIR.

10 **Q.** I WANT TO ASK YOU ABOUT THAT.

11 **A.** YES, SIR.

12 **Q.** WHAT HAVE YOU BEEN TOLD IN ADVANCE OF THIS SHIFT IN
13 RELATION TO A BEST BUY GIFT CARD?

14 **A.** I BELIEVE IT WAS SERGEANT ESTRADA. HE JUST RECENTLY GOT
15 INTO OUR TEAM AS THE SERGEANT. AND SINCE HE HAD BEEN ON OUR
16 TEAM, WE HADN'T MADE ANY PROACTIVE STOPS WHERE WE RECOVERED ANY
17 GUNS. AND HE SAID TO -- PRETTY MUCH JUST OFFERED AND SAID HEY,
18 THE FIRST UNIT TO GET A GUN WILL GET A BEST BUY GIFT CARD, OR
19 GIFT CARD SOMEWHERE.

20 **Q.** HAVE YOU EVER HAD A SERGEANT DO SOMETHING LIKE THAT
21 BEFORE?

22 **A.** YES, I HAVE.

23 **Q.** AND HAS THE SERGEANT, IN THAT CASE OR THIS ONE, EVER TOLD
24 YOU TO FABRICATE PROBABLE CAUSE TO HELP WIN A GIFT CARD?

25 **A.** NO.

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1 Q. WOULD YOU HAVE FABRICATED PROBABLE CAUSE TO WIN A GIFT
2 CARD?

3 A. NO.

4 MR. HADEN: JUST ONE SECOND, YOUR HONOR.

5 THE COURT: SURE.

6 Q. (BY MR. HADEN): OFFICER WILLIAMS --

7 A. YES, SIR.

8 Q. HOW LONG WERE YOU ON THE CST?

9 A. I BELIEVE I HAVE WORKED ON THE CRIME SUPPRESSION TEAM FOR
10 PROBABLY A TOTAL OF THREE YEARS OR SO.

11 Q. DURING YOUR THREE YEARS ON THE CRIME SUPPRESSION TEAM, HOW
12 MANY TIMES WERE YOU INVOLVED IN A FOURTH AMENDMENT WAIVER
13 SEARCH THAT RESULTED FROM A TRAFFIC STOP, IN WHICH YOU FOUND
14 ROCK COCAINE, ROCK COCAINE BEING MANUFACTURED IN THE FRONT
15 YARD, APPROXIMATELY \$35,000 CASH, MULTIPLE FIREARMS AND
16 DIFFERENT VARIOUS ROUNDS OF AMMUNITION THAT FIT THOSE WEAPONS
17 AND OTHERS?

18 A. WITH THAT AMOUNT OF MONEY, I'D PROBABLY SAY THIS IS ONE OF
19 THE ONLY ONES.

20 Q. AND WITH THAT AMOUNT OF MONEY, WAS THAT AMOUNT OF MONEY
21 SIGNIFICANT?

22 A. YES, IT WAS, TO ME.

23 Q. AFTER YOU ARRESTED MR. BURTON AND TOOK HIM TO
24 HEADQUARTERS, DID YOU AND OFFICER MEDINA MAKE EFFORTS TO
25 MEASURE THINGS AT THE TRAFFIC STOP?

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1 **A.** YES.

2 **Q.** DO YOU DO THAT FOR YOUR TYPICAL CASE?

3 **A.** NO, I DO NOT.

4 **Q.** WHY DID YOU DO THAT IN THIS CASE?

5 **A.** DUE TO THE SIGNIFICANCE AND THE LARGE AMOUNT OF NARCOTICS,
6 LARGE AMOUNT OF MONEY, AND ALSO THE FIREARMS THAT WERE
7 RECOVERED.

8 **Q.** ALTHOUGH IT DOESN'T SEEM TO BE RELEVANT TODAY, THE WOMAN
9 WHO LET YOU INTO THE HOUSE AT 7955 SKYLINE DRIVE, THAT WAS
10 MR. BURTON'S GRANDMOTHER?

11 **A.** YES, SIR.

12 **Q.** AND SHE WAS POLITE AND FRIENDLY?

13 **A.** YES, SIR.

14 **Q.** AND COMPLIED WITH ALL THE OFFICERS' REQUESTS?

15 **A.** YES, SIR.

16 **MR. HADEN:** NO FURTHER QUESTIONS FOR OFFICER WILLIAMS
17 AT THIS TIME, YOUR HONOR.

18 **THE COURT:** OKAY. THANK YOU.

19 MR. COTSIRILOS.

20 **MR. COTSIRILOS:** THANK YOU, YOUR HONOR.

21 **CROSS-EXAMINATION**

22 **BY MR. COTSIRILOS:**

23 **Q.** GOOD MORNING, OFFICER.

24 **A.** GOOD MORNING, SIR.

25 **Q.** SIR, YOU STOPPED MR. BURTON AT ABOUT 7:18 THAT EVENING ON

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1 NOVEMBER 7, 2014; IS THAT CORRECT?

2 **A.** I BELIEVE SO. I BELIEVE MY REPORT SAYS SOME TIME AROUND
3 7:25-ISH.

4 **Q.** AND IF I OFFERED TO YOU THAT THE DISPATCH TAPE WE HAVE
5 BEGINS AT 7:18, WHERE I BELIEVE YOU AND OFFICER MEDINA INDICATE
6 YOU WERE GOING TO GO BE WITH THE CAR, WOULD THAT REFRESH YOUR
7 MEMORY THAT IT MIGHT HAVE BEEN A LITTLE EARLIER THAN 7:25?

8 **A.** YES, SIR.

9 **Q.** AND YOU LISTED THE ACTUAL TIME OF THE ARREST FOR
10 MR. BURTON, IN YOUR REPORT, AS 2010 OR 8:10 THAT EVENING; IS
11 THAT CORRECT?

12 **A.** YES, SIR.

13 **Q.** AND WHY DID YOU LIST THAT TIME AS THE ACTUAL ARREST?

14 **A.** I BELIEVE THAT IS THE TIME THAT WE HAD RECOVERED THE
15 SUBSTANCE FROM INSIDE THE HOUSE -- OR THE CONTRABAND FROM
16 INSIDE THE HOUSE.

17 **Q.** YOU HAD ACTUALLY ENTERED THE HOUSE AND RECOVERED THE DRUGS
18 AT THIS POINT?

19 **A.** I BELIEVE SO.

20 **Q.** OKAY. AND YOU PREPARE YOUR REPORT -- STRIKE THAT.

21 DID YOU PREPARE A REPORT AFTER OR BEFORE YOU AND
22 OFFICER MEDINA WENT BACK TO THE SCENE TO MAKE YOUR
23 MEASUREMENTS?

24 **A.** I DON'T RECALL.

25 **Q.** DO YOU RECALL WHAT TIME YOU PREPARED YOUR REPORT?

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1 **A.** IT MIGHT SAY ON MY REPORT. CAN I REFER TO MY REPORT?

2 **Q.** PLEASE, TO REFRESH YOUR MEMORY.

3 (PAUSE)

4 **A.** MY MEMORY IS REFRESHED.

5 **Q.** AND WHAT TIME DID YOU PREPARE YOUR REPORT?

6 **A.** ALMOST MIDNIGHT.

7 **Q.** AT ABOUT 11:56 THAT EVENING?

8 **A.** YES.

9 **Q.** ON NOVEMBER 7TH?

10 **A.** YES, SIR.

11 **Q.** AND WHERE DID YOU PREPARED YOUR REPORT? PHYSICALLY, WHERE
12 WERE YOU?

13 **A.** I DON'T RECALL.

14 **Q.** DO YOU HAVE A HABIT AND CUSTOM AS TO WHERE YOU GO TO
15 PREPARE YOUR REPORT?

16 **A.** WE HAVE COMPUTERS THAT ARE IN AND OUT OF OUR CARS. SO I
17 COULD HAVE BEEN TYPING IT WHILE WE WERE DRIVING, WHILE WE WERE
18 AT HEADQUARTERS. I MEAN, I DON'T RECALL EXACTLY WHERE.

19 **Q.** COULD YOU EVEN HAVE BEEN TYPING IT WHILE YOU WERE AT THE
20 SCENE, STILL SEARCHING THE RESIDENCE AT 7955 SKYLINE DRIVE?

21 **A.** NO, I DID NOT TYPE IT WHILE I WAS AT THE SCENE.

22 **Q.** DO YOU RECALL THAT YOU WERE STILL AT THE SCENE AT 7955
23 SKYLINE DRIVE THE FOLLOWING MORNING, NOVEMBER 8TH, AT
24 1:34 A.M.?

25 **A.** STILL AT THE SCENE?

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1 Q. YES.

2 A. I DON'T RECALL.

3 Q. YOU DON'T. OKAY. WOULD IT REFRESH YOUR MEMORY TO HEAR A
4 TRANSCRIPT -- OR MAYBE I CAN JUST REPRESENT THAT THERE IS A
5 TRANSCRIPT FROM NOVEMBER -- A DISPATCH FROM NOVEMBER 8TH AT
6 1:34 A.M. I BELIEVE IT WAS FROM SERGEANT ESTRADA, SAYING "ROY,
7 BLAKE, YOU GUYS STILL THERE? WHEN CAN YOU" -- I'M NOT SURE
8 WHAT THE NEXT WORD IS -- "YOU ALREADY HAVE ALL THE INFO ON THIS
9 GUY."

10 IN OTHER WORDS, SERGEANT ESTRADA IS INQUIRING ABOUT
11 THE STATUS OF THE SEARCH OF THE RESIDENCE.

12 MR. HADEN: CAN WE HAVE JUST A MINUTE, YOUR HONOR?

13 THE COURT: YES.

14 (COUNSEL CONFERRING)

15 MR. HADEN: CAN WE HAVE ONE MOMENT, YOUR HONOR?

16 THE COURT: SURE.

17 (PAUSE)

18 YOUR HONOR, MR. COTSIRILOS AND I ARE JUST TRYING TO
19 CLARIFY WHICH -- THERE IS A DIFFERENCE IN THE FILES.

20 MR. COTSIRILOS: THERE WERE TWO SEPARATE CDS AND WE
21 WERE TRYING TO LOCATE THE SPECIFIC ENTRY.

22 THE COURT: GO AHEAD.

23 Q. (BY MR. COTSIRILOS): WE ARE GOING TO PLAY THAT ENTRY TO
24 SEE IF IT REFRESHES YOUR RECOLLECTION.

25 A. YES, SIR.

1 (PLAYING DISPATCH CALL)

2 Q. SO I BELIEVE THAT BEGINS -- I BELIEVE IT'S SERGEANT
3 ESTRADA ASKING "ROY, BLAKE, YOU GUYS STILL THERE?"

4 AND THEN I'M NOT SURE WHICH OF THE TWO OF YOU RESPOND
5 TO HIM. DOES THAT REFRESH YOUR MEMORY THAT YOU WERE STILL AT
6 THE SCENE ON NOVEMBER 8TH AT 1:34 A.M.?

7 A. IT DOES NOT. I MEAN, I WAS AT THE SCENE. HE IS
8 QUESTIONING ARE WE STILL THERE ON THE AIR. AT THAT TIME WE
9 COULD HAVE BEEN PROCESSING HIM. BUT AT 1:00 A.M. IN THE
10 MORNING WE ARE LONG CLEARED.

11 Q. SO HE WAS ASKING WHETHER YOU WERE STILL ON THE AIR; IN
12 OTHER WORDS, ABLE TO COMMUNICATE WITH HIM?

13 A. CORRECT.

14 Q. AND PRIOR TO THAT TIME YOU HAD ALREADY PREPARED YOUR
15 REPORT IN THIS CASE? IS THAT YOUR BEST UNDERSTANDING?

16 A. UM, AGAIN, I KNOW MY REPORT SAYS 23:56. I DON'T KNOW IF
17 THAT TIME STAMPS WHEN I ORIGINATE THE REPORT, LIKE WHEN I START
18 TYPING IT. BUT WE DON'T TURN OUR REPORTS IN UNTIL THE END OF
19 SHIFT. SO I COULD HAVE STARTED. THAT COULD POSSIBLY BE THE
20 TIME I STARTED AT. I DON'T RECALL.

21 Q. BUT, APPARENTLY, YOU ALREADY STARTED YOUR REPORT PRIOR TO
22 THAT COMMUNICATION WHICH WE JUST LISTENED TO, ACCORDING TO YOUR
23 REPORT?

24 A. YES.

25 Q. NOW, SIR, I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY

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1 MARKED AS GOVERNMENT EXHIBIT D. DO YOU RECOGNIZE THIS HOME AS
2 BEING THE HOME THAT YOU SEARCHED THAT EVENING ON NOVEMBER 7,
3 2014, MR. BURTON'S HOME?

4 MR. HADEN: EXHIBIT 9.

5 MR. COTSIRILOS: WHAT DID I SAY?

6 MR. HADEN: D, AS IN DOG.

7 MR. COTSIRILOS: EXHIBIT 9. I'M SORRY, YOUR HONOR.

8 THE COURT: 9. NO PROBLEM.

9 Q. (BY MR. COTSIRILOS): DO YOU RECOGNIZE THAT, SIR?

10 A. YES, SIR.

11 Q. AND THIS IS THE HOME THAT YOU SEARCHED, THE ONE THAT
12 MR. BURTON'S GRANDMOTHER LIVED IN AND HE WAS RESIDING IN ON
13 NOVEMBER 7TH?

14 A. YES, SIR.

15 Q. AND DO YOU RECOGNIZE THERE TO BE A FIRE HYDRANT IN FRONT
16 OF THAT HOME?

17 A. YES, SIR.

18 Q. SO PARKING WOULD BE ILLEGAL IN FRONT OF THAT FIRE HYDRANT;
19 IS THAT CORRECT?

20 A. IN FRONT OF THAT FIRE HYDRANT, YES, SIR.

21 Q. NOW, YOU INDICATED THAT YOUR ATTENTION WAS FIRST DRAWN TO
22 MR. BURTON ON NOVEMBER 7, 2014 BY THE SOUND OF THE MUSIC COMING
23 FROM HIS RADIO AND THE BASS FROM HIS RADIO; IS THAT CORRECT?

24 A. YES, SIR.

25 Q. AND HE MADE THEN A LEGAL U-TURN ONTO SKYLINE, DRIVING

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1 EASTWARD. AND AT THAT POINT IN TIME DID YOU RECOGNIZE
2 MR. BURTON OR RECOGNIZE THE WHITE CAMARO AS BEING MR. BURTON'S
3 CAR?

4 **A.** NO.

5 **Q.** BUT YOU HAD HAD PRIOR CONTACTS WITH MR. BURTON, THAT YOU
6 HAVE TOLD US ABOUT?

7 **A.** YES.

8 **Q.** OKAY. AND OFFICER MEDINA ACCELERATED WHEN THE STOPLIGHT
9 CHANGED, TO EFFECTUATE -- TO CATCH UP TO MR. BURTON; IS THAT
10 CORRECT?

11 **A.** CORRECT.

12 **Q.** AND COULD YOU TELL WHETHER MR. BURTON SEEMED TO NOTICE YOU
13 AT THE POINT IN TIME THAT YOU-ALL WERE AT THE STOPLIGHT ON
14 SKYLINE AND MEADOWBROOK? DID HE MAKE ANY INDICATION THAT HE
15 NOTICED THAT YOU AND OFFICER MEDINA WERE THERE?

16 **A.** I COULD NOT TELL YOU IF HE SAW US OR NOT. I BELIEVE WE
17 WERE THE ONLY VEHICLES AT THAT INTERSECTION AND HE WENT THROUGH
18 IT. SO I BELIEVE HE SAW US, BUT I DO NOT KNOW.

19 **Q.** YOU DIDN'T FORM A SPECIFIC OPINION ABOUT THAT?

20 **A.** NO.

21 **Q.** AND THEN HE PULLED OVER TO THE CURB -- SIGNED AND
22 QUICKLY PULLED OVER TO THE CURB AT THE WEST SIDE OF SKYLINE
23 DRIVE; IS THAT CORRECT?

24 **A.** CORRECT.

25 **Q.** AND HE STOPPED IN A LEGAL --

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1 **A.** THE EAST SIDE. EAST SIDE OF SKYLINE DRIVE.

2 **Q.** IS THAT THE EAST SIDE, WHERE HE PULLED OVER, OR THE WEST
3 SIDE?

4 **A.** NO. SORRY. THAT WOULD BE THE SOUTH CURB LINE.

5 **Q.** SOUTH CURB.

6 **A.** SOUTH CURB LINE.

7 **Q.** AND HE PULLED OVER INTO A LEGAL PARKING SPACE; IS THAT
8 CORRECT?

9 **A.** ARE YOU SAYING ILLEGAL OR A LEGAL?

10 **Q.** LEGAL, L-E-G?

11 **A.** LEGAL PARKING SPOT, YES.

12 **Q.** AND THAT WAS ONE HOUSE AWAY FROM WHERE HE WAS RESIDING; IS
13 THAT CORRECT?

14 **A.** CORRECT.

15 **Q.** AND DID YOU RECOGNIZE MR. BURTON WHEN YOU APPROACHED THE
16 CAR BEFORE YOU DID THE RECORDS CHECK ON HIM?

17 **A.** YES.

18 **Q.** SO YOU KNEW IT WAS A PERSON YOU HAD STOPPED PREVIOUSLY?

19 **A.** YES.

20 **Q.** AND FROM YOUR PREVIOUS CONTACTS WITH MR. BURTON, DID YOU
21 KNOW THAT HE LIVED THERE ON SKYLINE DRIVE?

22 **A.** YES.

23 **Q.** SO YOU KNEW HE WAS PULLING OVER NEAR HIS HOME?

24 **A.** CORRECT.

25 **Q.** AND HE WAS IN A LEGAL PARKING SPACE NEAR HIS HOME?

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1 **A.** CORRECT.

2 **Q.** AND IT'S ILLEGAL TO PARK IN FRONT OF THE FIRE HYDRANT
3 DIRECTLY IN FRONT OF HIS HOME?

4 **A.** IT'S ILLEGAL TO PARK IN FRONT OF ANY FIRE HYDRANT, SIR.

5 **Q.** SO IT WOULD HAVE BEEN ILLEGAL TO PARK IN FRONT OF THAT
6 FIRE HYDRANT IN FRONT OF HIS HOME?

7 **A.** YES, SIR.

8 **Q.** NOW, WE HAVE LISTENED TO A LOT OF DISPATCH TAPES SO I'M
9 GOING TO NOT REPLAY TO REFRESH YOUR MEMORY. SO PLEASE LET ME
10 KNOW IF YOU DON'T KNOW WHAT I'M REFERRING TO.

11 WHEN YOU STOPPED MR. BURTON, I'M NOT SURE WHETHER
12 IT'S YOU OR OFFICER MEDINA THAT INDICATE "HEY, WE'LL BE OUT
13 WITH THE CAR, SKYLINE AND MEADOWBROOK."

14 DO YOU RECALL THAT INITIAL ENTRY IN THE DISPATCH
15 TAPE?

16 **A.** I DON'T RECALL THAT EXACT. I DON'T RECALL THAT EXACT, BUT
17 THAT IS NORMALLY HOW WE PUT OUT TRAFFIC STOPS ON A -- BECAUSE
18 WE DON'T HAVE A DISPATCHER. SO JUST TO NOTIFY THE GUYS ON OUR
19 TEAM WHO ARE IN THE IMMEDIATE AREA, WE SAY HEY, WE'LL BE OUT
20 WITH THE CAR ON SKYLINE AND MEADOWBROOK.

21 **Q.** AND HAD YOU PUT OUT ANY PRIOR DISPATCHES ABOUT
22 MR. BURTON'S VEHICLE, PRIOR TO THAT DISPATCH ON NOVEMBER 7TH?

23 **A.** I DON'T BELIEVE SO.

24 **Q.** OKAY. AND HOW DID YOU KNOW WHETHER YOUR PARTNERS ON THE
25 TEAM WOULD KNOW WHICH CAR YOU WERE REFERRING TO?

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1 **A.** BECAUSE WHEN THEY CAME TO COVER US, IT PROBABLY WOULD BE
2 THE CAR THAT WAS IN FRONT OF OUR PATROL VEHICLE.

3 **Q.** ALL RIGHT. AND IMMEDIATELY AFTER -- OR TWO MINUTES AFTER
4 THAT COMMUNICATION, YOU HAVE COMPLETED YOUR RECORDS CHECK ABOUT
5 MR. BURTON AND THEN YOU CONTACT OFFICER ROBERT SCHMIDT AND SAY,
6 "HEY, BOBBY, WE HAVE MR. STEVEN BURTON STOPPED OVER HERE OFF OF
7 SKYLINE, RIGHT IN FRONT OF HIS HOUSE:" IS THAT CORRECT?

8 **A.** YES.

9 **Q.** AND WHY DID YOU CONTACT BOBBY, OFFICER ROBERT SCHMIDT?

10 **A.** BOBBY IS AN EXTREMELY GOOD OFFICER. HE KNOWS A LOT. HE
11 IS A VERY PROACTIVE COP AND HAS KNOWLEDGE OF MR. BURTON. SO I
12 WAS JUST ADVISING HIM AND LETTING HIM KNOW WHO WE HAD STOPPED.

13 **Q.** YOU KNEW THAT HE HAD CONTACT BEFORE WITH MR. BURTON?

14 **A.** I DON'T KNOW IF THEY HAD ACTUALLY MADE CONTACT. IF HE HAS
15 MADE CONTACT OR JUST KNEW OF HIM FROM PREVIOUS INCIDENTS. I DO
16 NOT KNOW.

17 **Q.** OKAY. AND YOUR PURPOSE IN CONTACTING HIM WAS THAT YOU
18 KNEW HE WAS INTERESTED OR HAD PRIOR INFORMATION ABOUT
19 MR. BURTON?

20 **A.** NO. JUST LETTING HIM KNOW WHO WE HAD STOPPED, THAT IT WAS
21 MR. BURTON.

22 **Q.** WHY DID YOU CONTACT OFFICER SCHMIDT RATHER THAN ANOTHER
23 OFFICER ON YOUR TEAM?

24 **A.** I COULDN'T GIVE YOU AN EXACT ANSWER FOR THAT.

25 **Q.** AND OFFICER SCHMIDT INDICATES THAT HE'LL COME OVER AND

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1 COVER YOU IN CASE THE FAMILY COMES OUT; IS THAT CORRECT?

2 **A.** CORRECT.

3 **Q.** AND DID YOU KNOW MR. BURTON'S FAMILY LIVED AT THAT
4 LOCATION, PRIOR TO THAT COMMUNICATION?

5 **A.** I BELIEVED SOME OF HIS FAMILY POSSIBLY LIVED THERE, DUE TO
6 IT BEING HIS ADDRESS.

7 **Q.** DID YOU UNDERSTAND WHAT OFFICER SCHMIDT WAS REFERRING TO
8 WHEN HE INDICATED JUST IN CASE HIS FAMILY COMES OUT? WAS THERE
9 A SPECIFIC INCIDENT THAT YOU UNDERSTOOD HIM REFERRING TO?

10 **A.** I DON'T RECALL A SPECIFIC INCIDENT WITH MR. BURTON'S
11 FAMILY, BUT IT IS AN INSTANCE THAT HAPPENS A LOT IN THE
12 SOUTHEASTERN AREA. WE MAKE TRAFFIC STOPS WHERE INDIVIDUALS OR
13 SUBJECTS WILL PARK IN FRONT OF A HOUSE WHERE THEY RESIDE AT,
14 AND IT ENDS UP BECOMING A DISTURBANCE FOR US, WHERE PEOPLE COME
15 OUT AND WILL BECOME -- CREATE A DISTURBANCE WITH US.

16 **Q.** DID YOU KNOW OFFICER SCHMIDT TO HAVE A PARTICULAR INTEREST
17 IN MR. BURTON?

18 **A.** NO.

19 **Q.** NOW, YOU INDICATED THAT YOU HAD THREE PRIOR CONTACTS, I
20 BELIEVE, WITH MR. BURTON PRIOR TO NOVEMBER 7, 2014. THEY WERE
21 A CONTACT FOR SPEEDING OR RUNNING A RED LIGHT, A STOPLIGHT,
22 ANOTHER CONTACT WITH OFFICER MEDINA WHEN A FEMALE WAS ALSO IN
23 MR. BURTON'S CAR, AND I BELIEVE YOU INDICATED THAT YOU HAD
24 INFORMATION THAT HE WAS A GANG MEMBER BEFORE NOVEMBER 7, 2014;
25 IS THAT CORRECT?

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1 **A.** WELL, THAT'S JUST INFORMATION I KNEW FROM PRIOR CONTACTS.
2 AND BEING -- YOU KNOW, WORKING THE SOUTHEASTERN AREA FOR SEVEN
3 YEARS, YOU GET TO KIND OF KNOW PEOPLE AND KNOW THE NAMES OF
4 PEOPLE WHO LIVE IN THE AREA.

5 **Q.** YOU DID NOT PLACE ANY OF THAT INFORMATION INTO YOUR REPORT
6 EXPLAINING YOUR DETENTION OF MR. BURTON; IS THAT TRUE?

7 **A.** NO.

8 **Q.** MEANING THAT YOU DID NOT PUT THAT INFORMATION IN THERE?

9 **A.** I DID NOT PUT THAT IN THERE, NO.

10 **Q.** AND WAS A REQUEST MADE OF YOU TO TURN OVER IN DISCOVERY IN
11 THIS CASE ALL PRIOR CONTACTS OF THE SAN DIEGO POLICE DEPARTMENT
12 WITH MR. BURTON IN PREPARATION FOR LITIGATION IN THIS CASE?

13 **A.** CAN YOU REPEAT THAT?

14 **Q.** SURE. WAS A COMMUNICATION MADE TO YOU REQUESTING THAT ALL
15 PRIOR CONTACTS WITH MR. BURTON BE TURNED OVER TO THE U.S.
16 ATTORNEY'S OFFICE IN THIS CASE IN THE COURSE OF DISCOVERY?

17 **A.** I WAS ASKED, I BELIEVE, YESTERDAY IF I HAD EVER MADE PRIOR
18 CONTACT WITH HIM.

19 **Q.** PRIOR TO THAT WERE YOU REQUESTED TO PROVIDE ANY PRIOR
20 CONTACTS YOU HAD WITH MR. BURTON TO THE U.S. ATTORNEY IN THIS
21 CASE?

22 **A.** NO.

23 **Q.** NOW, SIR, WHEN MR. BURTON MADE HIS U-TURN ONTO SKYLINE
24 DRIVE HEADING EAST, YOU INDICATED IN YOUR TESTIMONY AND IN YOUR
25 REPORT THAT WAS A LEGAL U-TURN; IS THAT CORRECT?

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1 **A.** LEGAL.

2 **Q.** YES, LEGAL.

3 **A.** YES, SIR.

4 **Q.** WHEN HE SIGNED TO THEN PULL OVER TO THE SOUTH CURB ON
5 SKYLINE DRIVE, IN YOUR COMMON EXPERIENCE DID YOU FORM AN
6 OPINION WHETHER HE COULD HAVE SIGNED ANY EARLIER THAN HE DID,
7 TO PULL OVER TO THE SOUTH CURB ON SKYLINE DRIVE AFTER THE LEGAL
8 U-TURN? DO YOU UNDERSTAND MY QUESTION?

9 **A.** YES. AND I FORMULATED AN OPINION THAT BASED ON THE
10 DISTANCE HE COULD HAVE SIGNED SOONER AND NOT MADE SUCH AN
11 ABRUPT STOP. HE COULD HAVE SLOWED SLIGHTLY AS HE YIELDED TO
12 THE CURB LINE. AS WE GOT CLOSE TO HIM, IT WAS ABRUPT. HE
13 BEGAN THE TURN PROBABLY AROUND THE SAME TIME AS THAT TURN
14 SIGNAL WENT ON AND HE TURNED TO THAT CURB LINE ABRUPTLY.

15 **Q.** AND WHERE HE CAME TO REST WAS AT THE POINT AT 7931 WHERE
16 HE WAS STOPPED; IS THAT CORRECT?

17 **A.** YES, SIR.

18 **MR. COTSIRILOS:** MAY I HAVE ONE MOMENT, YOUR HONOR?

19 **THE COURT:** SURE.

20 (PAUSE)

21 **MR. COTSIRILOS:** THANK YOU. NOTHING FURTHER.

22 **THE COURT:** MR. HADEN, ANYTHING ELSE?

23 **MR. HADEN:** VERY BRIEFLY, YOUR HONOR.

24

25

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REDIRECT EXAMINATION

BY MR. HADEN:

Q. OFFICER WILLIAMS, YOU LEFT SDPD AND YOU ARE NOW WITH THE MURRIETA POLICE?

A. YES.

Q. AND THE FIRST TIME YOU WERE CONTACTED ABOUT THIS HEARING WAS ON SATURDAY; IS THAT CORRECT?

A. YES, SIR.

Q. YOU RECEIVED A CELL PHONE CALL FROM ME?

A. YES, SIR.

Q. INFORMING YOU THAT THE SCHEDULING HAD CHANGED AND I WAS GLAD TO HAVE FINALLY FOUND YOU?

A. YES, SIR.

Q. AND YOU DROVE DOWN FROM MURRIETA YESTERDAY, ALONG WITH OTHER OFFICERS, TO BRIEFLY TALK ABOUT TODAY'S HEARING?

A. YES, SIR.

Q. AND BEFORE SATURDAY HAD YOU BEEN CONTACTED ABOUT THIS CASE?

A. NO.

Q. SINCE THE TIME OF ARREST?

A. NO.

Q. AND IN REGARDS TO DISCOVERY, IS IT YOUR GENERAL UNDERSTANDING THAT THAT IS HANDLED BY THE DETECTIVE THAT IS PROBABLY ASSIGNED TO THE CASE?

A. YES, SIR.

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1 **Q.** HAVE YOU BEEN, TO THE BEST OF YOUR KNOWLEDGE, TRUTHFUL
2 ABOUT YOUR PRIOR INTERACTIONS WITH MR. BURTON?

3 **A.** YES, SIR.

4 **MR. HADEN:** THANK YOU, YOUR HONOR. NOTHING FURTHER.

5 **THE COURT:** ANYTHING ELSE, MR. COTSIRILOS?

6 **MR. COTSIRILOS:** NO, YOUR HONOR.

7 **THE COURT:** IT'S ESSENTIALLY 12:11. SHALL WE TAKE A
8 BREAK AND RETURN AFTER THE LUNCH HOUR TO CONTINUE WITH EVIDENCE
9 AND SO FORTH?

10 **MR. COTSIRILOS:** THAT'S FINE.

11 **MR. HADEN:** THANK YOU, YOUR HONOR. THAT'S FINE.

12 **THE COURT:** WHY DON'T WE COME BACK AT 1:15 AND RESUME
13 AT THAT POINT. SO WE'LL STAND IN RECESS UNTIL THEN, AND SEE
14 YOU AFTER LUNCH.

15 **MR. HADEN:** THANK YOU, YOUR HONOR.

16 **MR. COTSIRILOS:** THANK YOU.

17 (LUNCHEON RECESS AT 12:11 P.M.)

18

19

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SAN DIEGO, CALIFORNIA; WEDNESDAY, JANUARY 20, 2016; 1:18 P.M.

THE COURT: WE ARE BACK ON THE RECORD WITH COUNSEL AND THE PARTIES. LET'S TURN TO OUR NEXT WITNESS, THEN, MR. HADEN.

MR. HADEN: YES, YOUR HONOR. JUST ONE PRELIMINARY ISSUE. THE UNITED STATES FORGOT TO ASK OFFICER WILLIAMS ABOUT HIS REPORT AND IF IT WAS FAIR AND ACCURATE. I THINK HE REFERRED TO IT A FEW TIMES. JUST TO BE CONSISTENT, BECAUSE WE HAVE PREVIOUSLY PROVIDED IT TO THE COURT AS A SUPPORTING EXHIBIT, IT'S OBVIOUSLY HEARSAY AND ISN'T SUPPOSED TO BE USED IN THE SAME WAY AS OFFICER TESTIMONY, BUT WE WOULD OFFER IT AS GOVERNMENT EXHIBIT 1, AND I DON'T BELIEVE THERE IS AN OBJECTION.

MR. COTSIRILOS: NOT FOR THE PURPOSES OF THIS MOTION, YOUR HONOR.

THE COURT: SO IT WILL BE RECEIVED FOR THIS MOTION. ANYTHING ELSE?

MR. HADEN: NO, YOUR HONOR.

(EXHIBIT NO. 1 RECEIVED INTO EVIDENCE)

THE COURT: THEN WHO DO WE HAVE NEXT?

MR. HADEN: SAN DIEGO POLICE DEPARTMENT OFFICER ROBERT SCHMIDT.

THE COURT: LET'S BRING MR. SCHMIDT FORWARD.

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1 (ROBERT SCHMIDT, GOVERNMENT WITNESS, TESTIFIED AS FOLLOWS:)

2 DEPUTY CLERK: PLEASE RAISE YOUR RIGHT HAND.

3 YOU DO SOLEMNLY SWEAR THAT THE EVIDENCE YOU SHALL
4 GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL BE THE TRUTH, THE
5 WHOLE TRUTH AND NOTHING BUT THE TRUTH?

6 THE WITNESS: YES, I DO.

7 DEPUTY CLERK: PLEASE HAVE A SEAT. SIR, CAN YOU
8 PLEASE STATE YOUR NAME FOR THE RECORD AND SPELL YOUR FIRST AND
9 LAST NAMES?

10 THE WITNESS: IT'S ROBERT SCHMIDT, R-O-B-E-R-T,
11 S-C-H-M-I-D-T.

12 THE COURT: THANK YOU, SIR.

13 GO AHEAD, MR. HADEN.

14 DIRECT EXAMINATION

15 BY MR. HADEN:

16 Q. GOOD AFTERNOON, OFFICER SCHMIDT.

17 A. GOOD AFTERNOON.

18 Q. IT'S ACTUALLY DETECTIVE SCHMIDT NOW?

19 A. NO. IT'S OFFICER SCHMIDT.

20 Q. WE'LL TALK ABOUT THAT.

21 OFFICER SCHMIDT, PLEASE TELL THE COURT WHAT YOU DO
22 FOR A LIVING.

23 A. I'M A POLICE OFFICER WITH THE SAN DIEGO POLICE DEPARTMENT.

24 Q. HOW LONG HAVE YOU BEEN WITH SDPD?

25 A. SIX YEARS.

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1 Q. CAN YOU VERY BRIEFLY DESCRIBE FOR THE COURT THE VARIOUS
2 ASSIGNMENTS YOU'VE HAD DURING YOUR TIME WITH SDPD?

3 A. I SPENT ABOUT THE FIRST FOUR YEARS IN PATROL IN THE
4 SOUTHEASTERN PART OF SAN DIEGO. AND FROM THERE I WAS ASSIGNED
5 TO THE CRIME SUPPRESSION TEAM, WHICH IS STILL IN THAT DIVISION.
6 IT'S A SPECIALIZED ASSIGNMENT. AFTER THAT I DID -- WELL, I'M
7 CURRENTLY DOING ABOUT FOUR MONTHS IN ACTING INVESTIGATIONS.

8 Q. SO MOST OF THE SIX YEARS THAT YOU HAVE BEEN WITH THE SAN
9 DIEGO POLICE DEPARTMENT YOU WERE IN THE SOUTHEASTERN DIVISION;
10 IS THAT CORRECT?

11 A. I WOULD SAY FIVE AND A HALF YEARS.

12 Q. AND WHERE WERE YOU ASSIGNED ON NOVEMBER 7TH OF 2014?

13 A. THE CRIME SUPPRESSION TEAM.

14 Q. AND WERE YOU WORKING A SHIFT FROM 1700 TO 03 ON THAT DAY?

15 A. YES, SIR.

16 Q. AND YOU WERE A MEMBER OF THE CRIME SUPPRESSION TEAM, ALONG
17 WITH OFFICERS WILLIAMS, MEDINA, BERG, BARTON, AND SERGEANT
18 ESTRADA THAT NIGHT?

19 A. YES, SIR.

20 Q. AND AT APPROXIMATELY 7:25 P.M., APPROXIMATELY WHERE WERE
21 YOU?

22 A. I BELIEVE THAT WE WERE WORKING THE SKYLINE NEIGHBORHOOD OF
23 SOUTHEAST.

24 Q. AND WHAT WAS THE PURPOSE OF YOUR PATROL THAT NIGHT?

25 A. WE USUALLY SATURATE EACH NEIGHBORHOOD OF THE SOUTHEAST,

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1 THE ENTIRE TEAM. SO WE WERE ESSENTIALLY IN THAT NEIGHBORHOOD
2 JUST TRYING TO ENFORCE PROACTIVE POLICING THROUGH TRAFFIC
3 VIOLATIONS, MOVING VIOLATIONS, PEDESTRIAN VIOLATIONS.

4 Q. WHAT DO YOU MEAN WHEN YOU SAY "SATURATE"?

5 A. WE WOULD ALL BE IN ONE NEIGHBORHOOD AT ONE GIVEN TIME.

6 Q. WOULD IT BE FAIR TO SAY AN INCREASED POLICE PRESENCE?

7 A. YES.

8 Q. AND HOW MANY MARKED PATROL UNITS WERE PART OF THE CST THAT
9 NIGHT?

10 A. IF I REMEMBER CORRECTLY, THERE WAS FOUR OR FIVE CARS.

11 Q. AND PRIOR TO NOVEMBER 7TH, 2014, HAD YOU EVER HAD AN
12 OPPORTUNITY TO INTERACT WITH AN INDIVIDUAL KNOWN AS STEVEN
13 DOYLE BURTON?

14 A. YES, SIR.

15 Q. DO YOU SEE MR. BURTON IN THE COURTROOM TODAY AND CAN YOU
16 TELL THE COURT WHERE HE IS SITTING AND WHAT HE IS WEARING?

17 A. HE IS THE GENTLEMAN TO MY LEFT, WITH THE KHAKI SUIT ON.

18 MR. HADEN: MAY THE RECORD REFLECT THAT OFFICER
19 SCHMIDT HAS IDENTIFIED THE DEFENDANT?

20 THE COURT: IT WILL.

21 Q. (BY MR. HADEN): OFFICER SCHMIDT, HAVE YOU EVER HAD
22 PERSONAL INTERACTIONS WITH MR. BURTON PRIOR TO NOVEMBER 7TH?

23 A. I HAVE.

24 Q. WHEN WAS THAT?

25 A. I DON'T REMEMBER THE EXACT DATE, BUT MY PARTNER AND I --

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1 Q. WHO WAS YOUR PARTNER AT THAT TIME?

2 A. OFFICER RODRIGUEZ.

3 Q. OKAY.

4 A. I BELIEVE WE WERE ON FIRST WATCH, WHICH IS A SHIFT BETWEEN
5 6:00 AND 4:00 P.M. IN THE AFTERNOON. WE STOPPED MR. BURTON AT
6 THE SKYLINE REC CENTER.

7 Q. WHERE IS THE SKYLINE REC CENTER?

8 A. IF I HAD TO GIVE YOU A GUESS, I WOULD SAY 8100 OR 8200
9 SKYLINE.

10 Q. AND YOU TESTIFIED JUST A MINUTE AGO YOU WEREN'T EXACTLY
11 SURE. IF I SHOWED YOU SOMETHING THAT WAS WRITTEN BY OFFICER
12 RODRIGUEZ POTENTIALLY RELATED TO THAT DAY, WOULD IT POTENTIALLY
13 HELP YOU REFRESH YOUR RECOLLECTION?

14 A. YES.

15 MR. HADEN: YOUR HONOR, MAY I APPROACH?

16 THE COURT: YOU MAY.

17 MR. HADEN: YOUR HONOR, I'M APPROACHING NOW WITH WHAT
18 IS MARKED FOR IDENTIFICATION AS GOVERNMENT'S EXHIBIT 11. FOR
19 THE RECORD, IT'S PAGE 117 FROM THE DISCOVERY PREVIOUSLY
20 PROVIDED.

21 (EXHIBIT NO. 11 MARKED FOR IDENTIFICATION)

22 THE COURT: ALL RIGHT.

23 Q. (BY MR. HADEN): OFFICER SCHMIDT, CAN YOU LOOK AT THAT?

24 A. YES.

25 Q. AND DO YOU RECOGNIZE THAT?

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1 **A.** I DO.

2 **Q.** WHAT IS IT?

3 **A.** THIS IS THE FIELD INTERVIEW THAT OFFICER RODRIGUEZ
4 COMPLETED WHEN HE AND I STOPPED MR. BURTON AT THE SKYLINE REC
5 CENTER.

6 **Q.** AND APPROXIMATELY WHEN WAS IT WRITTEN?

7 **A.** IT'S DATED MARCH 10TH OF 2014.

8 **Q.** WHAT HAPPENED ON MARCH 10TH OF 2014 BETWEEN YOU AND
9 MR. BURTON?

10 **A.** I THINK WE WERE JUST ON A ROUTINE PATROL IN THAT AREA. WE
11 NOTICED A GENTLEMAN IN THE PARK, IN THE REC CENTER. HE WAS BY
12 HIMSELF. WE WEREN'T SURE WHAT HE WAS DOING IN THERE SO WE
13 DECIDED TO ENTER THE PARK AND TALK TO HIM.

14 **Q.** AND WHAT HAPPENED WHEN YOU APPROACHED HIM?

15 **A.** WE ASKED HIM FOR HIS I.D. HE IMMEDIATELY GAVE HIS I.D. I
16 ASKED HIM IF HE WAS ON PROBATION OR PAROLE. HE SAID YES, HE
17 WAS ON PROBATION. HE HANDED ME HIS I.D., AND THEN HE TOOK OFF,
18 RUNNING FROM US.

19 **Q.** AFTER MR. BURTON HANDED YOU HIS I.D., HE TOOK OFF RUNNING?

20 **A.** THAT'S CORRECT.

21 **Q.** WHAT HAPPENED NEXT?

22 **A.** MY PARTNER AND I KIND OF LOOKED AT EACH OTHER BECAUSE THAT
23 WAS UNUSUAL FOR BOTH OF US. WE TOOK OUT -- OR WE TOOK OFF
24 RUNNING, PURSUING AFTER HIM ON FOOT. I'D SAY HE GOT MAYBE
25 100 YARDS AWAY FROM US. HE WENT UP AN EMBANKMENT, TRIPPED,

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1 FELL, AND WE WALKED UP ON HIM AND PLACED HIM IN HANDCUFFS,
2 USHERED HIM BACK TO HIS FEET, AND BROUGHT HIM BACK TO WHERE WE
3 ORIGINALLY CONTACTED HIM AT.

4 Q. BASED ON HIS FLIGHT, WHAT DID YOU DO?

5 A. WE SEARCHED HIM -- OR WE CONFIRMED HIS PROBATION STATUS
6 AND HIS FOURTH WAIVER, AND THEN WE SEARCHED HIM.

7 Q. DID YOU FIND ANY CONTRABAND ON HIS PERSON?

8 A. NO, WE DID NOT.

9 Q. DID YOU GIVE HIM A CITATION?

10 A. NO, WE DID NOT.

11 Q. DID YOU RELEASE HIM AT THE SCENE?

12 A. YES, WE DID.

13 Q. IS IT LIKELY THAT IS WHEN OFFICER RODRIGUEZ WROTE THAT
14 FIELD INTERVIEW REPORT?

15 A. YES.

16 Q. HAS ANYONE, IN YOUR SIX YEARS OF EXPERIENCE, EVER HANDED
17 YOU THEIR I.D. AND THEN RUN?

18 A. NO. THAT WAS THE FIRST TIME I'VE EVER SEEN THAT.

19 Q. DID YOU RELAY THAT INFORMATION TO ANY OF THE DETECTIVES IN
20 THE NARCOTICS UNIT?

21 A. I DID.

22 Q. WHO?

23 A. I ASKED DETECTIVE SCOTT JAMES IF THAT WAS SOMETHING HE WAS
24 AWARE OF, OF PEOPLE MAYBE LOITERING IN THE REC CENTER FOR ANY
25 KIND OF CRIME ACTIVITY. AND HE WASN'T AWARE OF IT AT THE TIME,

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1 BUT HE SAID THAT HE RAN MR. BURTON'S CRIMINAL HISTORY AND LET
2 ME KNOW THAT HE HAD BEEN INVOLVED IN DRUG SALES BEFORE.

3 Q. AND DID DETECTIVE JAMES GIVE YOU HIS THEORY OR SPECULATION
4 ABOUT WHY BURTON HAD POTENTIALLY RUN FROM YOU AND WHY YOU
5 DIDN'T FIND ANYTHING DURING YOUR SEARCH?

6 A. HE THOUGHT THAT IT MIGHT BE POSSIBLE THAT HE WAS CARRYING
7 NARCOTICS ON HIS PERSON, CONCEALED WHERE I COULDN'T FIND THEM,
8 YOU KNOW, IN A CURSORY SEARCH, LIKE POCKETS OR MAYBE IN A BODY
9 CAVITY.

10 Q. IN A BODY CAVITY?

11 A. YES.

12 Q. ARE THERE COLLOQUIAL TERMS OR TERMS THAT THE OFFICERS USE
13 TO DESCRIBE WHEN SOMEBODY PUTS SOMETHING IN A BODY CAVITY?

14 A. YES.

15 Q. LIKE WHAT?

16 A. BOOTY ROCK.

17 Q. WHAT WOULD BOOTY ROCK BE?

18 A. THAT WOULD BE CRACK COCAINE CONCEALED IN THE BODY CAVITY
19 OF THE BUTT, FOR LACK OF A BETTER TERM, YEAH.

20 Q. HAVE YOU EVER HEARD THE TEAM KEISTER?

21 A. YES.

22 Q. WHAT DOES KEISTERING MEAN?

23 A. KEISTERING IS CONCEALING DRUGS OR NARCOTICS INSIDE THE
24 BODY CAVITY THROUGH THE ANUS.

25 Q. BASED ON YOUR ODD INTERACTION WITH MR. BURTON AND YOUR

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1 TALK WITH DETECTIVE JAMES, DID YOU THINK IT WAS POSSIBLE THAT
2 MR. BURTON HAD BEEN CARRYING NARCOTICS THAT YOU HAD SIMPLY NOT
3 FOUND?

4 **A.** YES.

5 **Q.** DID YOU HAVE ANY OTHER PERSONAL INTERACTIONS WITH
6 MR. BURTON?

7 **A.** NO.

8 **Q.** WERE YOU AWARE OF ANY OTHER LAW ENFORCEMENT CONTACTS WITH
9 MR. BURTON?

10 **A.** NO, NOT AT THAT TIME.

11 **Q.** GOING FORWARD AND PRIOR TO NOVEMBER 7TH, WERE YOU AWARE OF
12 ANY OTHER LAW ENFORCEMENT INTERACTIONS WITH MR. BURTON?

13 **A.** YES.

14 **Q.** WHAT WAS THAT?

15 **A.** I WAS AWARE THAT THE NARCOTICS TEAM -- I DON'T REMEMBER
16 SPECIFICALLY WHAT TEAM. BUT DETECTIVE JAMES WAS ON THAT
17 PARTICULAR TEAM THAT SERVED A NARCOTICS SEARCH WARRANT AT THE
18 RESIDENCE OF MR. BURTON.

19 **Q.** AND WHAT, IF ANYTHING, WERE YOU TOLD ABOUT THAT SEARCH
20 WARRANT?

21 **A.** I WAS TOLD THAT HE WAS THE SUBJECT OF THAT SEARCH WARRANT.
22 AND DURING THAT SEARCH WARRANT THEY DID, IN FACT, FIND
23 NARCOTICS KEISTERED ON MR. BURTON.

24 **Q.** AND BY KEISTERED, YOU MEAN INSERTED IN HIS ANAL CAVITY?

25 **A.** YES.

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1 Q. AND THOSE ARE THE TWO THINGS THAT YOU KNEW ABOUT
2 MR. BURTON PRIOR TO NOVEMBER 7TH?

3 A. THAT'S CORRECT.

4 Q. DID YOU KNOW ANYTHING ELSE? HAVE YOU HAD ANY OTHER
5 PERSONAL INTERACTIONS WITH HIM?

6 A. NO.

7 Q. WHO WAS YOUR PARTNER ON THE EVENING OF NOVEMBER 7TH?

8 A. OFFICER RICHARD SLATE.

9 Q. DO YOU RECALL RESPONDING TO A TRAFFIC STOP THAT HAD BEEN
10 CONDUCTED BY OFFICERS MEDINA AND WILLIAMS?

11 A. YES.

12 Q. OFFICER SCHMIDT, WE HAVE BEEN LISTENING TO PORTIONS OF A
13 DISPATCH RECORDING THAT HAD BEEN PREVIOUSLY ADMITTED AS
14 GOVERNMENT'S EXHIBIT 10. I'M GOING TO PLAY JUST A FEW QUICK
15 PORTIONS OF THAT FOR YOU. I WOULD LIKE YOU TO LISTEN CLOSELY
16 AND THEN BE ABLE TO ANSWER QUESTIONS THAT I ASK YOU ABOUT THAT
17 AFTER. DOES THAT MAKE SENSE?

18 A. YES, SIR.

19 MR. HADEN: FOR THE RECORD, I AM GOING TO START AT
20 APPROXIMATELY 3 MINUTES AND 10 SECONDS INTO THE SAME AUDIO FILE
21 THAT HAS BEEN PREVIOUSLY PLAYED THIS MORNING, PD15-0388. AND
22 I'M GOING TO START AT APPROXIMATELY 2:52.

23 (PLAYING DISPATCH CALL)

24 Q. (BY MR. HADEN): OFFICER SCHMIDT, DO YOU RECOGNIZE THAT
25 VOICE?

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1 **A.** YES.

2 **Q.** WHOSE VOICE IS THAT?

3 **A.** OFFICER WILLIAMS.

4 **Q.** AND WHEN HE SAYS THAT HE HAS A BUNCH OF PRIORS, WHAT DO
5 YOU THINK HE IS MEANING BY THAT?

6 **A.** HE MEANS PREVIOUS CRIMINAL HISTORY.

7 **Q.** I'M GOING TO START THE AUDIO RECORDING AGAIN AT 3:06.
8 (PLAYING DISPATCH CALL)

9 OFFICER SCHMIDT, THE FIRST VOICE WE HEARD SAID "HEY,
10 BOBBY," AND THEN INDICATED THEY HAD STEVEN BURTON STOPPED.
11 WHOSE VOICE WAS THAT?

12 **A.** THAT WOULD BE ME, RESPONDING TO OFFICER WILLIAMS.

13 **Q.** WELL, WHO SAID "HEY, BOBBY"?

14 **A.** OH, I'M SORRY. THAT WAS OFFICER WILLIAMS.

15 **Q.** AND THEN WE HEAR SOMEONE SAY "WE'LL COME OVER AND COVER IN
16 CASE THE FAMILY COMES OUT." WHOSE VOICE WAS THAT?

17 **A.** THAT WAS ME.

18 **Q.** DID YOU KNOW, PRIOR TO NOVEMBER 7TH, WHERE MR. BURTON
19 LIVED?

20 **A.** YES. I HAD AN IDEA, YES.

21 **Q.** TO THE BEST OF YOUR KNOWLEDGE, WHY WOULD OFFICER WILLIAMS
22 CALL YOU, AS OPPOSED TO ANYONE ELSE ON THE CST, TO TELL YOU
23 ABOUT MR. BURTON?

24 **A.** I THINK HE WAS JUST -- HE KNEW I WAS AWARE OF WHO
25 MR. BURTON WAS AND HIS CRIMINAL HISTORY. HE FIGURED I WOULD BE

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1 THE MOST APPROPRIATE OFFICER TO COME THERE AND COVER AND RELATE
2 TO HIS INVESTIGATION OF WHAT HE WAS DOING.

3 Q. AND YOU RESPONDED TO THE 7900 BLOCK OF SKYLINE DRIVE?

4 A. YES, SIR.

5 Q. WOULD IT BE FAIR TO SAY THAT YOUR RESPONSIBILITIES -- AND
6 I'M SHOWING YOU NOW WHAT HAS BEEN MARKED AND ADMITTED AS
7 GOVERNMENT EXHIBIT 7. WOULD IT BE FAIR TO SAY THAT YOUR
8 PRIMARY RESPONSIBILITY WAS THAT YOU STOOD NEXT TO THE PATROL
9 CAR WHILE MR. BURTON WAS SITTING INSIDE OF IT?

10 A. YES, SIR.

11 Q. DID YOU EVER HAVE ANY PERSONAL INTERACTIONS WITH
12 MR. BURTON WHILE HE WAS SITTING THERE? DID YOU TALK TO HIM?

13 A. BRIEFLY.

14 Q. WHAT DID YOU SAY?

15 A. I ASKED HIM WHAT HAD HAPPENED, IF HIS CASE WAS ALREADY
16 ADJUDICATED FROM --

17 Q. LET ME BACK UP. YOU ASKED HIM WHAT HAD HAPPENED. WERE
18 YOU REFERRING TO THE TRAFFIC STOP OR THE PRIOR SEARCH WARRANT?

19 A. THE PRIOR SEARCH WARRANT.

20 Q. SO YOU ASKED HIM WHAT HAPPENED WITH THE PRIOR SEARCH
21 WARRANT?

22 A. YES.

23 Q. WHAT DID HE SAY?

24 A. HE PRETTY MUCH ACTED LIKE I DIDN'T KNOW WHAT I WAS TALKING
25 ABOUT -- OR HE DIDN'T KNOW WHAT I WAS TALKING ABOUT. HE MADE

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1 NO REFERENCE TO THE SEARCH WARRANT AT ALL.

2 Q. WAS THAT SIGNIFICANT TO YOU?

3 A. YES.

4 Q. WHY?

5 A. USUALLY, MY CONTACT WITH PEOPLE IN THE COMMUNITY, IF I ASK
6 A QUESTION LIKE THAT, THEY WILL EITHER SAY, YOU KNOW, I'M STILL
7 FIGHTING THE CASE, OR THIS IS WHAT HAPPENED. HE JUST CHOSE NOT
8 TO TALK TO ME AT ALL AND KIND OF COMPLETELY SHUT DOWN.

9 Q. AND THAT'S NOT AGAINST THE LAW, BUT IT WAS DIFFERENT THAN
10 YOUR EXPERIENCES?

11 A. YES.

12 Q. IT WAS UNIQUE?

13 A. YES.

14 Q. HE DOESN'T HAVE TO RESPOND TO YOUR QUESTIONS?

15 A. ABSOLUTELY NOT.

16 Q. OFFICER SCHMIDT, I'M GOING TO FAST-FORWARD TO A POINT IN
17 TIME THAT WE HAVE NOT EXPLORED TODAY, TO THREE HOURS AND ONE
18 MINUTE INTO THIS DISPATCH RECORDING. SPECIFICALLY, THREE HOURS
19 AND ONE MINUTE AND FIFTY SECONDS. I WOULD LIKE YOU TO LISTEN
20 TO THIS, OFFICER SCHMIDT.

21 (PLAYING DISPATCH CALL)

22 OFFICER SCHMIDT, DO YOU RECOGNIZE THOSE VOICES?

23 A. I -- I HONESTLY COULDN'T, YEAH.

24 Q. I'M GOING TO TURN IT UP A LITTLE BIT FOR YOU AND SEE IF WE
25 CAN'T HEAR IT.

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1 **A.** I AM FIGHTING A COLD HERE. MY SINUSES MIGHT BE PLUGGED.

2 **THE COURT:** I COULDN'T HEAR IT, EITHER.

3 **MR. HADEN:** AND UNLESS MR. COTSIRILOS OBJECTS, I
4 GUESS I WOULD ENCOURAGE EVERYBODY TO LISTEN TO SOMETHING ABOUT
5 DO YOU HAVE ORDERS FOR EVERYBODY, AND NO, WE'RE GOOD.

6 **Q.** **(BY MR. HADEN):** OFFICER SCHMIDT, IN ADVANCE OF THIS
7 QUESTION, DO YOU KNOW WHAT CODE 7 MEANS?

8 **A.** YES.

9 **Q.** WHAT IS CODE 7?

10 **A.** THAT'S OUR CODE OR LINGO FOR HAVING LUNCH.

11 **Q.** WE'RE GOING TO LUNCH?

12 **A.** YES.

13 **Q.** I'M GOING TO START THE CLIP AGAIN AT 3:01:50.

14 (PLAYING DISPATCH CALL)

15 OFFICER SCHMIDT, I THINK I HEARD "BOBBY, RICKY, DO
16 YOU HAVE ORDERS FOR EVERYBODY?" AND THEN HIS RESPONSE THAT
17 SAYS "NO, WE'RE GOOD, CHRIS. WE GOT IT." DID YOU HEAR THAT?

18 **A.** YES.

19 **Q.** WHAT WOULD THAT HAVE BEEN IN REFERENCE TO?

20 **A.** THAT WAS ORDERS FOR LUNCH. I WAS GOING TO PROBABLY TAKE
21 EVERYBODY'S ORDERS.

22 **Q.** WOULD YOU GUYS EAT LUNCH AT THE SCENE OF A FOURTH WAIVER?

23 **A.** NO.

24 **Q.** SO IF THIS WAS THREE HOURS AFTER THE TRAFFIC STOP AND THE
25 TRAFFIC STOP WAS AT 7:18, THE LUNCH ORDERS WERE AROUND

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1 10:18 P.M.?

2 **A.** YES.

3 **Q.** DOES THAT MATH MAKE SENSE?

4 **A.** YES.

5 **Q.** OFFICER SCHMIDT, DO YOU RECALL A MAROON VEHICLE THAT BEGAN
6 CIRCLING THE AREA WHILE YOU WERE STANDING OUT FRONT?

7 **A.** YES.

8 **Q.** WAS THAT SOMETHING THAT YOU DISCUSSED ON THE RADIO?

9 **A.** YES.

10 **Q.** WHY WAS THAT SIGNIFICANT TO YOU?

11 **A.** IT SEEMED THE VEHICLE -- I WANT TO SAY -- TWO OR THREE
12 TIMES WAS CIRCLING THE BLOCK WITHIN A SHORT PERIOD OF TIME. I
13 DIDN'T KNOW IF THEY WERE RELATED TO THE HOUSE OR KNEW
14 MR. BURTON. I JUST THOUGHT IT WAS WEIRD THAT THEY KEPT DRIVING
15 BY.

16 **Q.** AND WAS THAT INFORMATION SHARED OVER THE TACTICAL
17 FREQUENCY?

18 **A.** I BELIEVE SO. I BELIEVE I SAID SOMETHING. I WANTED TO
19 MAKE SURE I WASN'T THE ONLY ONE SEEING IT.

20 **Q.** I'M GOING TO PLAY THE LAST CLIP FOR THIS WITNESS ON
21 DIRECT. IT'S GOING TO START AT 1:02:19.

22 (PLAYING DISPATCH CALL)

23 OFFICER SCHMIDT, DO YOU RECOGNIZE THAT VOICE?

24 **A.** YES.

25 **Q.** WHO'S THAT?

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1 **A.** THAT SOUNDED LIKE SERGEANT ESTRADA.

2 **Q.** WELL, DO YOU RECOGNIZE IT?

3 **A.** THAT'S WHO IS SOUNDS LIKE TO ME. IT'S TOUGH TO HEAR.

4 **Q.** BUT YOU'RE BOBBY?

5 **A.** YES.

6 **Q.** SO IF SOMEBODY ON THIS TACTICAL FREQUENCY IS REFERRING TO
7 BOBBY, THAT'S YOU?

8 **A.** YES.

9 **Q.** AND THAT WAS A REQUEST ABOUT THE MAROON VEHICLE?

10 **A.** YES.

11 **Q.** 'CAUSE WHILE YOU WERE STANDING THERE AND TALKING TO
12 MR. BURTON, YOU SAW THIS MAROON VEHICLE CIRCLING; IS THAT YOUR
13 TESTIMONY?

14 **A.** YES.

15 **MR. HADEN:** NO FURTHER QUESTIONS AT THIS TIME, YOUR
16 HONOR.

17 **THE COURT:** MR. COTSIRILOS.

18 **MR. COTSIRILOS:** THANK YOU.

19 **CROSS-EXAMINATION**

20 **BY MR. COTSIRILOS:**

21 **Q.** GOOD AFTERNOON, OFFICER.

22 **A.** GOOD AFTERNOON.

23 **Q.** SIR, ON NOVEMBER 7TH, THIS EVENING THAT WE'RE DISCUSSING,
24 THE ENTIRE EASTERN DIVISION CRIME SUPPRESSION UNIT RESPONDED TO
25 THE SCENE AT 7955 SKYLINE DRIVE; IS THAT CORRECT?

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1 **A.** YES, SIR.

2 **Q.** AND THIS WAS A LARGE ARREST, IN YOUR EXPERIENCE -- THE
3 AMOUNT OF DRUGS AND THE GUNS AND THE AMOUNT OF MONEY?

4 **A.** YES, SIR.

5 **Q.** OKAY. SIR, YOU HAD TOLD US ABOUT YOUR PRIOR CONTACT WITH
6 MR. BURTON. YOU COMMUNICATED THAT CONTACT, YOU TOLD US, TO
7 YOUR FELLOW OFFICERS ON THE CRIME SUPPRESSION TEAM; IS THAT
8 CORRECT?

9 **A.** YES.

10 **Q.** YOU ARE ALSO AWARE THAT HE HAD BEEN ARRESTED ON
11 APRIL 25TH OF 2014? I BELIEVE WHAT YOU INDICATED WAS A SEARCH
12 WARRANT SEARCH OF HIS HOME. COULD THAT HAVE BEEN A
13 FOURTH WAIVER SEARCH OF HIS PERSON OUTSIDE HIS HOME?

14 **A.** I REMEMBER NARCOTICS BEING INVOLVED. YEAH, IT COULD HAVE
15 BEEN A FOURTH WAIVER SEARCH WARRANT OR A WARRANT. I DON'T
16 REMEMBER WHICH ONE.

17 **Q.** DID YOU REVIEW REPORTS RELATING TO THAT INCIDENT YOURSELF?

18 **A.** I DID NOT.

19 **Q.** HOW DID YOU LEARN ABOUT THAT INCIDENT?

20 **A.** THROUGH WORD-OF-MOUTH OF OTHER OFFICERS THAT WERE PRESENT
21 DURING THAT SEARCH.

22 **Q.** OKAY. AND DID YOU COMMUNICATE TO YOUR FELLOW OFFICERS
23 THAT YOU WANTED TO BE NOTIFIED IF MR. BURTON SHOULD BE STOPPED
24 IN THE FUTURE?

25 **A.** NO, I DON'T REMEMBER THAT AT ALL.

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1 Q. OKAY. I'M GOING TO TRY TO AVOID REPLAYING ALL THE
2 DISPATCH TAPES THAT WE HAVE BEEN THROUGH THIS MORNING AND THIS
3 AFTERNOON, BUT YOU ARE CONTACTED VERY EARLY ON IN THE COURSE OF
4 THIS INVESTIGATION, ACCORDING TO THE DISPATCH TAPES WE HAVE
5 BEEN PROVIDED IN DISCOVERY. OKAY.

6 THE INITIAL COMMUNICATION THAT WE'VE RECEIVED IS
7 OFFICER MEDINA AND OFFICER WILLIAMS SAYING "HEY, WE'LL BE OUT
8 WITH THE CAR ON SKYLINE AND MEADOWBROOK." THAT IS HOW THE
9 DISPATCH BEGINS.

10 DO YOU RECALL HEARING THAT DISPATCH ON NOVEMBER 7TH?

11 A. YES, SIR.

12 Q. DID YOU KNOW WHAT CAR THEY WERE REFERRING TO?

13 A. NO.

14 Q. DID YOU KNOW THAT MR. BURTON WAS INVOLVED AT THAT POINT IN
15 TIME?

16 A. I DON'T BELIEVE I KNEW UNTIL THEY SAID HIS NAME.

17 Q. HAD YOU EVER RECEIVED ANY DISPATCHES FROM EITHER MEDINA OR
18 WILLIAMS PRIOR TO THAT DISPATCH?

19 A. NO.

20 Q. AND THEN ABOUT TWO MINUTES AND FORTY SECONDS LATER A
21 RECORDS SEARCH HAS BEEN COMPLETED REGARDING MR. BURTON'S
22 BACKGROUND, AND THAT IS REPORTED BY OFFICER WILLIAMS -- I
23 BELIEVE THAT WAS JUST PLAYED FOR YOU -- REGARDING MR. BURTON'S
24 PRIORS.

25 AND THEN IMMEDIATELY AFTER THAT OFFICER WILLIAMS GOES

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1 "HEY, BOBBY, WE HAVE MR. STEVEN BURTON STOPPED OVER HERE ON
2 SKYLINE, RIGHT IN FRONT OF HIS HOUSE." I THINK THAT WAS JUST
3 PLAYED FOR YOU, ALSO.

4 NOW, HAD YOU COMMUNICATED WITH OFFICER WILLIAMS ABOUT
5 THE INFORMATION YOU'VE RELAYED TO US TODAY HERE IN COURT
6 RECORDING MR. BURTON'S BACKGROUND?

7 **A.** I CAN'T REMEMBER IF I RELAYED THAT TO OFFICER WILLIAMS OR
8 NOT.

9 **Q.** AND DID YOU COMMUNICATE TO OFFICER WILLIAMS, BEFORE
10 NOVEMBER 7TH, 2014, THAT YOU BELIEVED -- OR YOU HAD A REASON TO
11 BELIEVE THAT MR. BURTON MAY, FOR LACK OF A BETTER TERM, KIESTER
12 DRUGS ON HIM OR KEEP DRUGS HIDDEN IN CAVITIES IN HIS BODY?

13 **A.** I DON'T REMEMBER EVER LETTING OFFICER WILLIAMS KNOW THAT,
14 NO.

15 **Q.** AND DID YOU ASK THAT YOUR FELLOW OFFICERS INVOLVE YOU IN
16 ANY FUTURE SEARCHES RELATING TO MR. BURTON?

17 **A.** I KNOW FOR A FACT THAT THAT IS NOT TRUE, NO. I NEVER
18 ASKED TO BE NOTIFIED IF MR. BURTON WAS EVER STOPPED OR
19 SEARCHED.

20 **Q.** SO DO YOU KNOW WHY YOU WERE CONTACTED BY OFFICER WILLIAMS?

21 **A.** JUST FAMILIARITY WITH MR. BURTON. THAT WAS ALL.

22 **Q.** HE JUST KNEW YOU KNEW MR. BURTON?

23 **A.** RIGHT.

24 **Q.** AND YOU RESPOND "WE'LL COME OVER AND COVER YOU JUST IN
25 CASE THE FAMILY COMES OUT"?

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1 **A.** THAT'S CORRECT.

2 **Q.** AND DID YOU HAVE ANY PRIOR EXPERIENCE REGARDING
3 MR. BURTON'S FAMILY?

4 **A.** NO. I HAD JUST SEEN A LOT OF PEOPLE HANGING OUT THERE.
5 IN PAST TIMES DRIVING BY, I HAD SEEN A LOT OF PEOPLE HANGING
6 OUT THERE. AND IN THAT NEIGHBORHOOD IT'S NOT UNCOMMON FOR US
7 TO MAKE STOPS AND THE FAMILY COMES OUT TO SEE WHAT'S GOING ON.

8 **Q.** DID YOU KNOW HE HAD A SISTER?

9 **A.** I DID NOT.

10 **Q.** DID YOU KNOW THAT HIS GRANDMOTHER LIVED AT THAT RESIDENCE,
11 AT 7955 SKYLINE DRIVE?

12 **A.** NO.

13 **Q.** YOU DID NOT KNOW WHO HIS FAMILY WAS?

14 **A.** NO, SIR.

15 **Q.** OKAY. AND ACCORDING TO THE DISPATCH TAPES WE HAVE BEEN
16 PROVIDED -- I THINK THIS APPEARS JUST BEFORE THE CLIP THAT
17 MR. HADEN PLAYED FOR YOU -- SOMEONE COMMUNICATES TO YOU "HEY,
18 BOBBY, WE'RE GOING TO BE GOOD TO GO IN HERE. WOULD YOU READ ME
19 THAT PLATE," REFERRING TO THE LICENSE PLATE NUMBER ON
20 MR. BURTON'S CAR.

21 DO YOU KNOW WHY YOU WERE CONTACTED IMMEDIATELY AFTER
22 THE HOME WAS ENTERED?

23 **A.** I DON'T THINK I WAS CONTACTED IMMEDIATELY AFTER. I THINK
24 THEY HAD BEEN IN THERE FOR QUITE SOME TIME, AND THEN THEY
25 CONTACTED ME OVER THE RADIO.

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1 ARE YOU REFERRING TO OFFICER WILLIAMS CONTACTING ME?

2 Q. YES. UPON ENTERING THE HOME, WHY HE CONTACTED YOU AND
3 SAID THEY'D BE GOOD TO GO IN THE HOUSE. RATHER THAN SERGEANT
4 ESTRADA OR SOME SUPERVISOR, WHY DID THEY CONTACT YOU?

5 A. PROBABLY BECAUSE I WAS THE ONE REMAINING OUTSIDE. IT'S
6 KIND OF THEIR WAY OF SAYING HEY, WE'RE GOING TO GET TO GO IN
7 AND SEARCH AND YOU HAVE TO STAY WITH THE BODY AND MONITOR.

8 Q. OH, YOU WERE AT THE SCENE --

9 A. I THINK THEY WERE KIND OF RUBBING IT IN MY FACE. I KIND
10 OF GOT THE SHORT END OF THE STRAW, AND I HAD TO SIT OUTSIDE, IF
11 I REMEMBER CORRECTLY.

12 Q. AND THEN I THINK THIS WAS JUST PLAYED FOR YOU. SOMEONE
13 COMMUNICATES TO YOU, ALMOST IMMEDIATELY AFTER THAT, "HEY,
14 SOMEBODY INSIDE LET BLAKE KNOW" -- THIS IS YOU, I BELIEVE,
15 COMMUNICATING. "HEY, SOMEBODY INSIDE LET BLAKE KNOW THAT
16 MAROON IMPALA IS HIS SISTER CIRCLING THE BLOCK."

17 DO YOU KNOW WHO COMMUNICATES THAT INFORMATION?

18 A. NO.

19 Q. WOULD YOU BE ABLE TO RECOGNIZE THAT VOICE ON THE TEAM TO
20 IDENTIFY FOR US WHO PROVIDED THAT INFORMATION?

21 A. I COULD TRY, YES.

22 MR. HADEN: FOR THE RECORD, WE ARE GOING TO START
23 PLAYING THE SAME CLIP AT 58 MINUTES AND 45 SECONDS. I BELIEVE
24 THE COMMENT BEING REFERRED TO BY DEFENSE COUNSEL IS ABOUT FOUR
25 SECONDS IN.

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1 **THE COURT:** OKAY.

2 (PLAYING DISPATCH CALL)

3 **Q. (BY MR. COTSIRILOS):** DO YOU RECOGNIZE THAT VOICE, SIR?

4 **A.**YES, THAT SOUNDS LIKE ME.

5 **Q.**THAT IS YOU?

6 **A.**YES.

7 **MR. HADEN:** JUST FOR THE RECORD, BECAUSE WE DON'T
8 HAVE A TRANSCRIPT OF THIS PORTION, I DIDN'T HEAR ANYTHING ABOUT
9 THE SISTER DURING THAT BUT, OF COURSE, THE COURT'S MEMORY
10 CONTROLS.

11 **MR. COTSIRILOS:** I THINK WE ARE TALKING ABOUT -- MAY
12 I HAVE ONE MOMENT, YOUR HONOR?

13 (PAUSE/DISCUSSION BETWEEN COUNSEL)

14 **Q. (BY MR. COTSIRILOS):** OKAY. AGAIN, REFERRING TO THE
15 DISPATCH TAPES REGARDING THE CAR THAT'S CIRCLING THE BLOCK.

16 (PLAYING DISPATCH CALL)

17 DO YOU RECOGNIZE THAT VOICE, SIR?

18 **A.**I BELIEVE THAT WAS OFFICER WILLIAMS.

19 **Q.**OFFICER WILLIAMS. OKAY.

20 AGAIN, DO YOU KNOW IF OFFICER WILLIAMS HAD CONTACT
21 WITH MR. BURTON'S SISTER PRIOR TO NOVEMBER 7TH, 2014?

22 **A.**I DON'T KNOW THAT, NO.

23 **Q.**DO YOU KNOW HOW HE WOULD RECOGNIZE WHO MR. BURTON'S SISTER
24 IS?

25 **A.**MY ONLY GUESS WOULD BE THAT HE ASKED, MAYBE, SOMEBODY

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1 INSIDE.

2 **Q.** YOU HAVE NO PERSONAL INFORMATION AS TO HOW HE KNEW WHO THE
3 SISTER WAS?

4 **A.** NO, SIR.

5 **Q.** WOULD YOU HAVE RECOGNIZED MR. BURTON'S SISTER BY SIGHT
6 PRIOR TO NOVEMBER 7TH, 2014?

7 **A.** NO, SIR.

8 **Q.** THANK YOU.

9 **MR. COTSIRILOS:** I HAVE NO FURTHER QUESTIONS AT THIS
10 TIME.

11 **THE COURT:** MR. HADEN.

12 **MR. HADEN:** NOTHING FURTHER, YOUR HONOR.

13 **THE COURT:** YOU MAY STEP DOWN, SIR, AND THANK YOU.
14 AND ANOTHER WITNESS AT THIS POINT?

15 **MR. HADEN:** YES, YOUR HONOR. WELL, CAN I JUST HAVE
16 ONE MOMENT TO TALK TO MR. COTSIRILOS?

17 **THE COURT:** SURE.

18 (PAUSE)

19 **MR. HADEN:** AT THIS TIME THE UNITED STATES WILL CALL
20 SAN DIEGO POLICE DEPARTMENT OFFICER RICHARD BARTON.

21 **THE COURT:** OKAY. BESIDES HIM, WHO ELSE DO YOU HAVE?

22 **MR. HADEN:** THESE LAST TWO WITNESSES ARE AT THE
23 REQUEST OF THE DEFENSE. I BELIEVE IT'S GOING TO BE FAIRLY
24 QUICK, BUT I THINK IT'S GOING TO BE MR. BARTON. AND WE WILL
25 PROBABLY NOT CALL, BUT HAVE AVAILABLE, OFFICER BERG, IN CASE

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1 SOMETHING HAPPENS DURING OFFICER BARTON'S TESTIMONY THAT WE
2 THINK WE NEED HELP WITH.

3 **THE COURT:** YOU MIGHT WANT TO ALERT YOUR
4 INVESTIGATOR.

5 **MR. COTSIRILOS:** MAY I CHECK? I BELIEVE HE IS HERE.
6 HE SHOULD BE HERE. CAN I JUST CHECK OUTSIDE?

7 **THE COURT:** TAKE A MOMENT TO CHECK. IN THE MEANTIME,
8 WE'LL SWEAR OFFICER BARTON AND GET HIM READY.

9 **(RICHARD BARTON, GOVERNMENT WITNESS, TESTIFIED AS FOLLOWS:)**

10 **DEPUTY CLERK:** PLEASE RAISE YOUR RIGHT HAND.

11 YOU DO SOLEMNLY SWEAR THAT THE EVIDENCE YOU SHALL
12 GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL BE THE TRUTH, THE
13 WHOLE TRUTH AND NOTHING BUT THE TRUTH?

14 **THE WITNESS:** YES, I DO.

15 **DEPUTY CLERK:** PLEASE HAVE A SEAT.

16 SIR, CAN YOU PLEASE STATE YOUR NAME FOR THE RECORD
17 AND SPELL YOUR FIRST AND LAST NAMES?

18 **THE WITNESS:** RICHARD BARTON, R-I-C-H-A-R-D,
19 B-A-R-T-O-N.

20 **THE COURT:** THANK YOU, SIR.

21 GO AHEAD, MR. HADEN.

22 **DIRECT EXAMINATION**

23 **BY MR. HADEN:**

24 **Q.** GOOD AFTERNOON, OFFICER BARTON.

25 **A.** GOOD AFTERNOON.

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1 Q. CAN YOU PLEASE TELL THE COURT WHAT YOU DO FOR A LIVING?

2 A. I AM EMPLOYED BY THE CITY OF SAN DIEGO AS A POLICE
3 OFFICER.

4 Q. AND HOW LONG HAVE YOU BEEN A POLICE OFFICER FOR SDPD?

5 A. EIGHT YEARS NOW.

6 Q. CAN YOU BRIEFLY DESCRIBE THE VARIOUS ASSIGNMENTS YOU'VE
7 HAD WITH SDPD?

8 A. I WAS A PATROL OFFICER FOR ABOUT SIX YEARS, WORKED THE
9 CRIME SUPPRESSION TEAM FOR ABOUT A YEAR. I'M CURRENTLY
10 ASSIGNED TO SOUTHEASTERN INVESTIGATIONS.

11 Q. AND WERE YOU ON DUTY ON NOVEMBER 7TH OF 2014?

12 A. YES.

13 Q. AND WERE YOU WORKING WITH A PARTNER THAT NIGHT?

14 A. I'M SORRY?

15 Q. WERE YOU WORKING WITH A PARTNER?

16 A. YES.

17 Q. WHO WAS YOUR PARTNER?

18 A. OFFICER CHRISTINA BERG.

19 Q. HOW WERE YOU DRESSED?

20 A. I WAS DRESSED IN FULL POLICE UNIFORM.

21 Q. AND WHAT WERE YOU DRIVING?

22 A. A MARKED POLICE VEHICLE.

23 Q. AND YOU WERE WORKING IN CONJUNCTION WITH SERGEANT ESTRADA,
24 OFFICERS WILLIAMS, BLAKE, CUMMINGS, AND OTHERS THAT NIGHT?

25 A. YES.

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1 Q. AS PART OF THE CRIME SUPPRESSION TEAM?

2 A. YES.

3 Q. AND YOU RESPONDED TO A TRAFFIC STOP AT 7955 SKYLINE DRIVE,
4 OR APPROXIMATELY IN THAT LOCATION?

5 A. YES.

6 Q. AND YOU ASSISTED WITH A FOURTH WAIVER SEARCH OF A
7 RESIDENCE?

8 A. YES.

9 Q. AND YOU WERE INSIDE THE HOUSE AND YOU HELPED WITH THE
10 SEARCH AND FOUND MEN'S CLOTHING AND ULTIMATELY FOUND CRACK
11 COCAINE, A LARGE AMOUNT OF CASH, AND FIREARMS; IS THAT CORRECT?

12 A. YES.

13 Q. AND YOU WERE WEARING YOUR BODY-WORN CAMERA THAT NIGHT?

14 A. YES.

15 Q. AND WHEN YOU WERE GOING TO COUNT THE MONEY, YOU ACTIVATED
16 THE CAMERA; IS THAT CORRECT?

17 A. I BELIEVE SO, YES.

18 Q. AND AFTER YOU ACTIVATE THE CAMERA IN A SITUATION LIKE
19 THIS, IS THAT VIDEO DOWNLOADED?

20 A. YES.

21 Q. AND MADE PART OF THE RECORD IN THE CASE?

22 A. YES.

23 Q. OFFICER BARTON, PRIOR TO NOVEMBER 7TH OF 2014, DID YOU
24 HAVE ANY KNOWLEDGE OF AN INDIVIDUAL NAMED STEVEN DOYLE BURTON?

25 A. NO.

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1 Q. AND WHEN YOU STARTED YOUR SHIFT THAT NIGHT, DID YOU
2 RECEIVE ANY INFORMATION THAT YOU WERE GOING TO ATTEMPT TO
3 TARGET STEVEN DOYLE BURTON?

4 A. NO.

5 Q. IS IT TYPICAL FOR YOU TO ASSIST OTHER OFFICERS ON THE
6 CRIME SUPPRESSION TEAM WITH TRAFFIC STOPS?

7 A. YES.

8 Q. IS THAT ESPECIALLY TRUE IF THEY INDICATE THAT THEY ARE
9 GOING TO DO A RESIDENTIAL SEARCH WARRANT -- OR RESIDENTIAL
10 FOURTH WAIVER SEARCH?

11 A. YES.

12 Q. WHAT WAS YOUR ROLE IN REGARDS TO THE FOURTH WAIVER SEARCH
13 OF THE RESIDENCE?

14 A. TO LOCATE SOME CONTRABAND OR WEAPONS.

15 Q. TO SEARCH?

16 A. CORRECT.

17 Q. SO YOU WEREN'T THE GUY WHO HAD TO SIT OUT AT THE POLICE
18 CAR AND WATCH MR. BURTON?

19 A. NO.

20 Q. AND HOW LONG WERE YOU ON THE CST?

21 A. ABOUT A YEAR.

22 Q. AND DURING YOUR YEAR ON THE CST, HOW MANY TIMES DID THE
23 CST HAVE A TRAFFIC STOP TURN INTO A FOURTH WAIVER SEARCH WHERE
24 THEY RECOVERED ROCK COCAINE, ROCK COCAINE THAT WAS BEING
25 MANUFACTURED IN THE FRONT YARD, APPROXIMATELY \$35,000 CASH,

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1 MULTIPLE FIREARMS, AND VARIOUS FORMS OF AMMUNITION?

2 **A.** THAT WAS THE ONLY TIME.

3 **Q.** WAS THAT A SIGNIFICANT EVENT?

4 **A.** YES.

5 **MR. HADEN:** NO FURTHER QUESTIONS, YOUR HONOR.

6 **THE COURT:** OKAY. MR. COTSIRILOS.

7 **MR. COTSIRILOS:** THANK YOU.

8 **CROSS-EXAMINATION**

9 **BY MR. COTSIRILOS:**

10 **Q.** GOOD AFTERNOON, OFFICER.

11 **A.** GOOD AFTERNOON.

12 **Q.** SIR, YOU TOLD US THAT YOU HAD YOUR BODY CAMERA WITH YOU
13 THAT EVENING; IS THAT CORRECT?

14 **A.** YES.

15 **Q.** AND THAT YOU ACTIVATED YOUR BODY CAMERA ONCE THE HOME WAS
16 ENTERED AND THE SEARCH BEGAN, I THINK, OF A GARAGE AREA OF THAT
17 HOME; IS THAT CORRECT?

18 **A.** IT WAS PROBABLY MAYBE MIDWAY THROUGH.

19 **Q.** MIDWAY THROUGH THAT SEARCH.

20 **A.** CORRECT.

21 **Q.** AND YOU DID NOT ACTIVATE YOUR CAMERA WHEN YOU FIRST
22 ARRIVED AT THE SCENE?

23 **A.** NO.

24 **Q.** OKAY. AND YOU ARRIVED AT THE SCENE VERY QUICKLY,
25 ACCORDING TO MY UNDERSTANDING. IN OTHER WORDS, I THINK YOU AND

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1 OFFICER BERG WERE THE FIRST TWO OFFICERS AT THE SCENE?

2 **A.** NO. WE WERE -- I THINK WE WERE 10, 15 MINUTES AFTER. WE
3 SHOWED UP AFTERWARDS, AFTER THEY ALREADY MADE THE STOP.

4 **Q.** DID YOU PREPARE A REPORT IN THIS MATTER?

5 **A.** YES, I DID.

6 **Q.** AND DID YOU NOTE THE TIME THAT YOU ARRIVED AT THE SCENE IN
7 THE REPORT?

8 **A.** I WOULD HAVE TO LOOK AT THE REPORT.

9 **Q.** WOULD IT REFRESH YOUR MEMORY TO LOOK AT THE REPORT AND SEE
10 WHAT TIME YOU ARRIVED AT THE SCENE?

11 **A.** YES. IT SAYS ABOUT 1930 HOURS.

12 **Q.** AND ASSUMING THAT THE DETENTION IN THIS CASE -- THE STOP
13 OF MR. BURTON WAS AT 1918?

14 **A.** I BELIEVE SO.

15 **Q.** OKAY. SO WERE YOU THERE WITHIN 10 MINUTES OR 12 MINUTES?

16 **A.** YES.

17 **Q.** OKAY. AND DO YOU KNOW OF ANY OTHER OFFICERS THAT ARRIVED
18 PRIOR TO YOU? DID YOU SEE ANY OTHER OFFICERS AT THE SCENE WHEN
19 YOU ARRIVED, OTHER THAN WILLIAMS AND MEDINA?

20 **A.** I BELIEVE OFFICER SCHMIDT AND OFFICER SLATER WERE THERE,
21 AS WELL, BEFORE US. I'M NOT 100 PERCENT SURE, BUT I THOUGHT
22 THEY WERE THERE.

23 **Q.** OKAY. DO YOU RECALL WHAT THEY WERE DOING AT THE SCENE AT
24 THAT POINT IN TIME?

25 **A.** NO. WHEN I -- WHEN WE WENT -- OR ARRIVED, MR. BURTON WAS

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1 ALREADY IN THE BACK SEAT AND THEY ALREADY HAD PAPERWORK TO --
2 LIKE AN OPS PLAN -- OPERATION PLAN TO TARGET HIS ADDRESS, HIS
3 RESIDENCE.

4 Q. NOW, DID YOU SEE ANY OTHER OFFICERS WITH BODY CAMERAS WHEN
5 YOU ARRIVED AT THE SCENE AT 7:30 THAT NIGHT?

6 A. I BELIEVE ALL OF US SHOULD HAVE HAD BODY-WORN CAMERAS.

7 Q. IS THAT PURSUANT TO DEPARTMENT POLICY AS OF JULY 8, 2014?

8 A. YES.

9 Q. OKAY. DID YOU SEE ANYONE WITH THEIR BODY CAMERA ACTIVATED
10 AT THE TIME YOU ARRIVED AT THE SCENE?

11 A. NO.

12 Q. ARE YOU AWARE OF ANY OTHER BODY CAMERAS BEING ACTIVATED,
13 OTHER THAN YOURS, THAT EVENING?

14 A. I THINK OFFICER BERG HAD HER BODY-WORN CAMERA ACTIVATED,
15 AS WELL.

16 Q. YOUR PARTNER?

17 A. YES.

18 Q. SO YOU AND YOUR PARTNER WERE THE ONLY TWO INDIVIDUALS THAT
19 YOU KNEW OF THAT RECORDED ON CAMERAS WHAT OCCURRED?

20 A. CORRECT. THAT'S WHAT I RECALL.

21 Q. IS IT CORRECT THAT PART OF THE POLICY INITIATED ON JULY 8,
22 2014 WAS THAT TRAFFIC STOPS, DETENTIONS, AND ARRESTS WERE
23 ENCOURAGED TO BE RECORDED ON BODY CAMERAS?

24 A. WELL, IT WAS -- IT WAS STILL KIND OF A NEW POLICY SO IT
25 WAS KIND OF A -- WE HAD KIND OF A LEARNING CURVE, SO IT WAS

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1 KIND OF A GRAY AREA FOR US, BUT, YES.

2 Q. YOU WERE ON THE UPWARD SWING OF THAT LEARNING CURVE AT
3 THAT POINT?

4 A. YES.

5 Q. THANK YOU.

6 MR. COTSIRILOS: I HAVE NOTHING FURTHER, YOUR HONOR.

7 THE COURT: ANYTHING ELSE?

8 MR. HADEN: YES, YOUR HONOR.

9 REDIRECT EXAMINATION

10 BY MR. HADEN:

11 Q. OFFICER BARTON, YOU INDICATED THAT THE BODY CAMERAS WERE
12 NEW. DID EVERYONE RECEIVE THEM ON THE SAME DAY?

13 A. NO.

14 Q. EVERYONE RECEIVED THEM IN SUCCESSION, AS THEY BECAME
15 AVAILABLE; IS THAT CORRECT?

16 A. THAT'S CORRECT.

17 Q. AND THE POLICY -- IS IT FAIR TO SAY THAT THAT POLICY HAS
18 BEEN EVOLVING SINCE THE ISSUANCE OF THE CAMERAS?

19 A. CORRECT.

20 Q. AND IS IT ALSO TRUE THAT SPECIALIZED UNITS HAVE DISCRETION
21 IN WHEN TO USE THE CAMERAS AND WHEN NOT TO?

22 A. AT THE TIME THE EVENT HAPPENED, YES.

23 Q. AND NOW IT'S MORE RESTRICTIVE?

24 A. CORRECT.

25 MR. HADEN: NO FURTHER QUESTIONS, YOUR HONOR.

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1 **MR. COTSIRILOS:** JUST BRIEFLY.

2 **RECROSS-EXAMINATION**

3 **BY MR. COTSIRILOS:**

4 **Q.** OFFICER, YOU INDICATED THAT YOU DON'T RECALL ANY PRIOR
5 CONTACTS BETWEEN YOURSELF AND MR. BURTON; IS THAT CORRECT?

6 **A.** CORRECT.

7 **Q.** DO YOU RECALL STOPPING HIM FOR A TRAFFIC VIOLATION ON EL
8 CAJON BOULEVARD IN MAY OF 2014?

9 **A.** NO.

10 **Q.** OKAY. DO YOU RECALL RECEIVING ANY INFORMATION FROM
11 OFFICER ESTRADA -- I'M SORRY -- OFFICER SCHMIDT ABOUT
12 MR. BURTON, PRIOR TO NOVEMBER 7, 2014?

13 **A.** NO.

14 **Q.** YOU DIDN'T RECEIVE ANY BRIEFINGS FROM YOUR FELLOW OFFICERS
15 ABOUT HIS BACKGROUND OR PRIOR CRIMINAL CONDUCT?

16 **A.** ARE YOU TALKING BEFORE THE STOP?

17 **Q.** BEFORE THE STOP.

18 **A.** BEFORE THE STOP, NO. I HAD NO IDEA WHO HE WAS.

19 **Q.** OKAY. IS IT CORRECT THAT YOU LEARNED THAT MR. BURTON WAS
20 ON PROBATION FOR A 245 WITH A VALID FOURTH AMENDMENT SEARCH
21 WAIVER?

22 **A.** I WAS ADVISED BY OFFICER WILLIAMS. THAT'S WHAT HE TOLD
23 ME, SO --

24 **Q.** THAT WAS YOUR UNDERSTANDING PER OFFICER WILLIAMS?

25 **A.** CORRECT.

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1 **Q.** AND DID YOU KNOW WHERE OFFICER WILLIAMS OBTAINED THAT
2 INFORMATION?

3 **A.** I'M ASSUMING THAT HE LOOKED IT UP THROUGH OUR DATABASE.

4 **THE COURT:** BUT YOU DON'T KNOW FOR SURE?

5 **THE WITNESS:** I DO NOT KNOW FOR SURE. I DID NOT
6 CHECK ON IT.

7 **MR. COTSIRILOS:** THANK YOU.

8 I HAVE NOTHING FURTHER, YOUR HONOR.

9 **THE COURT:** ANYTHING ELSE?

10 **MR. HADEN:** NO, YOUR HONOR.

11 **THE COURT:** YOU MAY STEP DOWN, SIR. THANK YOU.

12 AND YOU WANT TO CALL YOUR NEXT WITNESS OR DO YOU WANT
13 TO BRING OFFICER BERG FORWARD?

14 **MR. COTSIRILOS:** I'M FINE, YOUR HONOR. UNLESS
15 MR. HADEN HAS ADDITIONAL WITNESSES, I WAS GOING TO CALL ONE
16 WITNESS.

17 **MR. HADEN:** I WOULD JUST MAKE IT CLEAR FOR THE
18 RECORD, BECAUSE I THINK THAT MR. COTSIRILOS AND I HAVE
19 INQUIRED, THAT THE COURT MAY BELIEVE -- AND I THINK
20 MR. COTSIRILOS WOULD JOIN ME IN JUST THE STIPULATION THAT BODY
21 CAMERA VIDEOS HAVE BEEN DISCOVERED TO THE DEFENSE ONLY FROM
22 OFFICERS BARTON AND BERG, THAT WERE TAKEN, BASICALLY, DURING
23 THE SEARCH, SPECIFICALLY RELATED TO THEM COUNTING THE MONEY.

24 SO WE WOULD STIPULATE TO THAT, IF THAT IS HELPFUL FOR
25 THE RECORD FOR EITHER PARTY.

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1 **THE COURT:** OKAY.

2 **MR. COTSIRILOS:** THAT'S ACCURATE, JUDGE.

3 **THE COURT:** SO THAT WILL BE ACCEPTED BY THE COURT AS
4 A STIPULATION BY THE PARTIES. SO OFFICER BERG IS NO LONGER
5 NECESSARY AT THIS POINT. AND THAT WOULD COMPLETE THE WITNESSES
6 THE GOVERNMENT INTENDS TO CALL.

7 WE CAN TURN TO THE DEFENSE WITNESSES.

8 **MR. COTSIRILOS:** THANK YOU. I WILL CALL ONE WITNESS,
9 APOLINAR ECHEVERRIA.

10 **MR. HADEN:** YOU HONOR, CAN I JUST GO IN THE HALLWAY
11 AND TELL THE OFFICERS THEY ARE EXCUSED?

12 **THE COURT:** YES, YOU CAN.

13 AND YOU CAN GO GET HIM.

14 (PAUSE)

15 **MR. COTSIRILOS:** THANK YOU, YOUR HONOR. WE WILL CALL
16 APOLINAR ECHEVERRIA.

17 **THE COURT:** VERY WELL.

18 **(APOLINAR ECHEVERRIA, GOVERNMENT WITNESS, TESTIFIED AS**
19 **FOLLOWS:)**

20 **DEPUTY CLERK:** YOU DO SOLEMNLY SWEAR THAT THE
21 EVIDENCE YOU SHALL GIVE IN THE CAUSE NOW BEFORE THE COURT SHALL
22 BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

23 **THE WITNESS:** I DO.

24 **DEPUTY CLERK:** PLEASE HAVE A SEAT. SIR, CAN YOU
25 PLEASE STATE YOUR NAME FOR THE RECORD AND SPELL YOUR FIRST AND

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1 LAST NAMES?

2 **THE WITNESS:** YES. IT'S APOLINAR ECHEVERRIA. FIRST
3 NAME IS A-P-O-L-I-N-A-R. THE LAST NAME E-C-H-E-V-E-R-R-I-A.

4 **THE COURT:** THANK YOU, SIR.

5 GO AHEAD, MR. COTSIRILOS.

6 **DIRECT EXAMINATION**

7 **BY MR. COTSIRILOS:**

8 **Q.** MR. ECHEVERRIA, CAN YOU TELL US A LITTLE BIT ABOUT YOUR
9 PROFESSIONAL BACKGROUND?

10 **A.** I AM A RETIRED LAW ENFORCEMENT OFFICER HERE IN SAN DIEGO.
11 APPROXIMATELY 17 YEARS WITH THE SHERIFF'S OFFICE, THREE WITH
12 THE DISTRICT ATTORNEY'S OFFICE GANG PROSECUTION UNIT. I HAVE
13 BEEN RETIRED SINCE 2000 AND WORKING AS A PRIVATE INVESTIGATOR
14 HERE IN SAN DIEGO AND IN WASHINGTON STATE.

15 **Q.** HOW LONG HAVE YOU BEEN WORKING AS A PRIVATE INVESTIGATOR?

16 **A.** ABOUT 15 YEARS NOW.

17 **Q.** NOW, SIR, IN THE COURSE OF YOUR WORK WERE YOU RETAINED BY
18 ME TO ASSIST ME IN THE CASE OF STEVEN BURTON?

19 **A.** YES, I WAS.

20 **Q.** AND PURSUANT TO MY REQUEST, DID WE GO TO THE SCENE -- I
21 BELIEVE IT'S REFLECTED IN DEFENSE EXHIBIT 8 FOR
22 IDENTIFICATION -- AT THE CORNER OF MEADOWBROOK AND SKYLINE
23 DRIVE?

24 **A.** YES, WE DID.

25 **Q.** OKAY. AND DID YOU GO THERE WITH ME ON TWO SEPARATE

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1 OCCASIONS?

2 **A.** YES, I DID.

3 **Q.** ALL RIGHT. NOW, ON THE SECOND OCCASION THAT WE WENT TO
4 THAT SCENE, DID YOU, AT MY REQUEST -- STRIKE THAT.

5 DO YOU RECOGNIZE THIS PHOTOGRAPH AS AN ACCURATE
6 DEPICTION OF THE SCENE OF SKYLINE AND MEADOWBROOK DRIVE?

7 **A.** YES, I DO.

8 **Q.** DID YOU TAKE THAT PHOTOGRAPH?

9 **A.** YES, I DID.

10 **Q.** AND IS THAT FACING EASTWARD -- AN EASTWARD VIEW ON SKYLINE
11 DRIVE?

12 **A.** YES, IT IS.

13 **Q.** AND DID YOU, AT MY REQUEST, ENTER YOUR VEHICLE AND MAKE
14 WHAT I HOPE WAS A LEGAL U-TURN AT THE CORNER OF SKYLINE DRIVE
15 AND MEADOWBROOK?

16 **A.** YES, I DID.

17 **Q.** OKAY. AND WHAT TYPE OF VEHICLE WERE YOU DRIVING?

18 **A.** I HAVE A 2010 JEEP WRANGLER UNLIMITED.

19 **Q.** SO YOU WERE NOT DRIVING A 1994 WHITE CAMERO?

20 **A.** NO, I WAS NOT.

21 **Q.** IN THE VEHICLE YOU WERE DRIVING WHEN YOU MADE THE U-TURN,
22 DID YOU ATTEMPT TO TURN ON YOUR RIGHT-HAND SIGNAL AT THE
23 EARLIEST OPPORTUNITY YOU COULD AFTER YOU HAD MADE THE U-TURN?

24 **A.** YES, I DID.

25 **Q.** AND TELL US ABOUT THAT. HOW DID YOU GO ABOUT THAT?

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1 **A.** MOST AMERICAN VEHICLES HAVE AN AUTOMATIC CANCELLATION ON
2 THE TURN SIGNAL. SO FROM THAT PREVIOUS IMAGE, YOU COULD SEE
3 WHERE THE LEFT-TURN LANE IS. WHERE THAT WHITE CAR IS,
4 APPROXIMATELY. YOU START FROM THERE, COMPLETE THE U-TURN.
5 THAT IS FACING WESTBOUND. YOU MAKE THE U-TURN AND THEN TURNING
6 EASTBOUND YOU END UP IN THE RIGHT-TURN LANE.

7 SKYLINE IS A TWO-LANE GOING EASTBOUND FROM THERE.
8 THE RIGHT-HAND LANE IS A RIGHT-TURN LANE BECAUSE A LITTLE BIT
9 FURTHER UP THERE IS A SCHOOL AND YOU HAVE TO MAKE A RIGHT TURN.

10 BUT IN MAKING THAT U-TURN, THE AUTOMATIC CANCELLATION
11 ON THAT LEFT SIGNAL DOESN'T OCCUR UNTIL THE WHEEL STRAIGHTENS
12 OUT ONCE YOU'RE HEADING EASTBOUND. AND AT THAT POINT YOU CAN
13 THEN FLICK IT BACK.

14 **Q.** SO IF I UNDERSTAND WHAT YOU'RE TESTIFYING TO CORRECTLY,
15 ONCE YOU MAKE THE U-TURN AND YOU ARE TURNING LEFT --

16 **A.** YES.

17 **Q.** -- YOU HAVE TO STRAIGHTEN THE VEHICLE OUT COMPLETELY
18 BEFORE YOU CAN THEN ACTIVATE YOUR RIGHT-HAND SIGNAL?

19 **A.** IF YOU'RE USING THE AUTOMATIC CANCELLATION TURN SIGNAL
20 THAT IS BUILT INTO THE CAR, YES.

21 **Q.** AND ONCE THE VEHICLE STRAIGHTENED OUT AND THE LEFT-HAND
22 SIGNAL CANCELED AUTOMATICALLY, DID YOU THEN TURN ON THE
23 RIGHT-HAND SIGNAL TO ATTEMPT TO PULL TO THE RIGHT SIDE OF THE
24 ROAD?

25 **A.** YES, I DID.

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1 Q. AND DID YOU THEN PULL TO THE RIGHT SIDE OF THE ROAD?

2 A. YES, YES, I DID.

3 THE COURT: LET HIM FINISH HIS QUESTION BEFORE YOU
4 ANSWER.

5 THE WITNESS: YES.

6 Q. (BY MR. COTSIRILOS): AND DO YOU RECALL WHERE YOU ENDED
7 UP -- WHERE WERE YOU ABLE TO PULL YOUR VEHICLE ONCE YOU TURNED
8 ON YOUR RIGHT-HAND SIGNAL?

9 A. THE CURB IMMEDIATELY WHERE THAT SPEED LIMIT SIGN -- OR
10 RECOMMENDED SPEED LIMIT SIGN THAT SAYS 25 MILES AN HOUR, THAT
11 IS A RED CURB. SO THE FIRST AVAILABLE LEGAL PARKING AREA IS
12 WHERE THE SIDEWALK THERE IS MARKED AS 7931. THAT IS A LEGAL
13 PARKING AREA THAT YOU CAN PULL INTO THERE.

14 Q. IS THAT THE FIRST LEGAL LOCATION YOU CAN PULL INTO ON THE
15 SOUTH SIDE OF THE SKYLINE DRIVE ONCE YOU ACTIVATE YOUR
16 RIGHT-HAND SIGNAL?

17 A. YES, IT IS.

18 Q. DO YOU RECALL HOW MANY FEET YOU WERE ABLE TO TRAVEL -- YOU
19 TRAVELED AFTER YOU ACTIVATED YOUR RIGHT-HAND SIGNAL, TO GET TO
20 THAT CURB?

21 A. IT'S JUST THE DISTANCE OF THE RED CURB. THE LEFT TURN
22 CANCELS ABEAM THE DRIVEWAY TO THE MARKET. IF YOU HAVE A
23 PICTURE OR PHOTO OF THE RED CURB LANE, YOU SEE THERE IS A
24 DRIVEWAY TO THE MARKET. WHEN YOU COME ABEAM THAT DRIVEWAY
25 ENTRANCE, THE SIGNAL CANCELS AND THEN ALLOWS YOU TO PUT THE

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1 RIGHT-TURN SIGNAL ON.

2 Q. OKAY. THANK YOU.

3 MR. COTSIRILOS: I HAVE NOTHING FURTHER, YOUR HONOR.

4 THE COURT: MR. HADEN.

5 MR. HADEN: YES, YOUR HONOR.

6 CROSS-EXAMINATION

7 BY MR. HADEN:

8 Q. I'M SORRY. I DIDN'T HEAR YOUR FINAL RANK WITH THE SDPD.

9 A. I WAS WITH THE SHERIFF'S OFFICE.

10 Q. SORRY. I WANT TO REFER TO YOU CORRECTLY, SIR.

11 A. DEPUTY WITH THE SHERIFF AND THEN DETECTIVE.

12 Q. WOULD YOU PREFER DEPUTY OR DETECTIVE?

13 A. DETECTIVE. WELL, I'M RETIRED NOW, SO --

14 Q. WELL, LET'S GIVE HONOR AND RESPECT. I APPRECIATE YOUR
15 SERVICE.

16 A. THANK YOU.

17 Q. SO, DETECTIVE, YOU'RE FAMILIAR WITH THIS AREA?

18 A. YES, I AM.

19 Q. YOU MENTIONED THAT THERE WAS A SCHOOL UP THE STREET. IS
20 THE SCHOOL APPROXIMATELY WHERE I'M POINTING TO --

21 A. YES, SIR.

22 Q. -- BY MY PEN HERE, ON WHAT HAS BEEN PREVIOUSLY ADMITTED AS
23 GOVERNMENT EXHIBIT 6?

24 A. YES, IT IS.

25 Q. SO IF SOMEONE HAD FIREARMS AND WAS DEALING CRACK COCAINE

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1 IN THIS LOCATION, THEY WOULD BE DOING THAT ABOUT NINE HOUSES
2 DOWN FROM A SCHOOL WHERE LITTLE KIDS ARE PRESENT?

3 **A.** YES.

4 **Q.** AND YOU WERE JUST TALKING ABOUT A STORE. THIS IS -- I'M
5 SHOWING YOU NOW WHAT HAS BEEN ADMITTED AS GOVERNMENT EXHIBIT 7.
6 THIS IS A STORE, CORRECT, WHERE MY FINGER IS POINTING?

7 **A.** YES, IT IS.

8 **Q.** AND THEN THE FIRST RESIDENCE IS HERE?

9 **A.** CORRECT.

10 **Q.** AND SO YOU WERE REFERRING TO IT BEING ABEAM OF THE STORE;
11 IS THAT CORRECT?

12 **A.** THAT IS CORRECT.

13 **Q.** SO YOU TESTIFIED THAT THE AREA PAST THE RED CURB WAS THE
14 FIRST PLACE YOU COULD PARK, CORRECT?

15 **A.** ON THE SKYLINE, YES.

16 **Q.** BUT IT WASN'T THE LAST?

17 **A.** NO.

18 **Q.** YOU COULD PARK HERE?

19 **A.** YES.

20 **Q.** YOU COULD PARK -- THIS IS GOVERNMENT EXHIBIT 9. IN FRONT
21 OF THIS HOUSE THERE IS A FIRE HYDRANT, BUT THERE APPEARS TO BE
22 A CAR HERE. YOU COULD PARK PAST THE FIRE HYDRANT, CORRECT?

23 **A.** CORRECT.

24 **Q.** GOING BACK TO GOVERNMENT EXHIBIT 7, YOU COULD PARK ON THIS
25 PART OF THE CURB, UP HERE, UP HERE, ON THE OTHER SIDE OF THE

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1 STREET -- THOSE ARE ALL AVAILABLE PARKING SPOTS, POTENTIALLY,
2 CORRECT?

3 **A.** YES, THEY ARE.

4 **Q.** AND YOU REFERRED TO THE AUTOMATIC CANCELLATION OF YOUR
5 TURN SIGNAL ON YOUR JEEP?

6 **A.** YES.

7 **Q.** IS YOUR JEEP TWO-DOOR OR FOUR-DOOR?

8 **A.** FOUR-DOOR.

9 **Q.** HAVE YOU DONE ANY MODIFICATIONS TO IT AFTER YOU PURCHASED
10 IT?

11 **A.** NO.

12 **Q.** BECAUSE WHEN IT COMES UNLIMITED, IT COMES PRETTY LOADED?

13 **A.** DEPENDING ON THE MODEL, YES.

14 **Q.** BUT IT'S A FOUR-DOOR?

15 **A.** YES.

16 **Q.** AND YOU HEARD OF THE AUTOMATIC CANCELLATION. AND AS WE
17 ALL KNOW IN OUR TRAINING AND LIFETIME EXPERIENCES, WHEN YOU
18 PUSH THE LEFT-HAND TURN SIGNAL IT TURNS OFF AUTOMATICALLY,
19 DEPENDING ON WHAT'S HAPPENING WITH THE STEERING WHEEL?

20 **A.** THAT IS CORRECT.

21 **Q.** BUT IF YOU PHYSICALLY HOLD THAT TURN SIGNAL UP OR DOWN, IT
22 WILL STILL FUNCTION DESPITE WHAT IS HAPPENING WITH THE STEERING
23 WHEEL?

24 **A.** THAT IS CORRECT.

25 **Q.** THAT IS WHY IT'S CALLED AUTOMATIC CANCELLATION AS OPPOSED

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1 TO MANUAL OVERRIDE?

2 **A.** YES.

3 **Q.** YOU COULD MANUALLY OVERRIDE A TURN SIGNAL?

4 **A.** YES, YOU CAN.

5 **Q.** AND IN YOUR EXPERIENCE AS A SHERIFF'S DEPUTY, IS BLAMING
6 AUTOMATIC CANCELLATION A VALID EXCUSE FOR A VEHICLE CODE
7 VIOLATION?

8 **A.** NO, IT ISN'T.

9 **MR. HADEN:** NO FURTHER QUESTIONS, YOUR HONOR.

10 **THE COURT:** MR. COTSIRILOS?

11 **REDIRECT EXAMINATION**

12 **BY MR. COTSIRILOS:**

13 **Q.** MR. ECHEVERRIA, AFTER YOU STRAIGHTENED OUT YOUR VEHICLE,
14 HOW QUICKLY DID YOU PUT ON THE RIGHT-HAND SIGNAL?

15 **A.** IMMEDIATELY.

16 **Q.** OKAY. AND THEN YOU PULLED TO THE RIGHT CURB AFTER YOU PUT
17 ON THE SIGNAL?

18 **A.** YES.

19 **Q.** AND ENDED UP AT THE LOCATION YOU DESCRIBED, 7931?

20 **A.** YES, I DID.

21 **Q.** OKAY.

22 **MR. COTSIRILOS:** THANK YOU, YOUR HONOR. NOTHING
23 FURTHER.

24 **THE COURT:** ANYTHING ELSE?

25 **MR. HADEN:** NOTHING FURTHER, YOUR HONOR.

JANUARY 20, 2016

A P P E N D I X 6

Government's Exhibit 1

SDPD Officer Williams Report



INCIDENT NUMBER 14110012667		SAN DIEGO REGIONAL ARREST/JUVENILE CONTACT REPORT				PAGE 1 OF 7		CASE NUMBER		
REPORT TYPE Arrest Report		WARRANT None		AGENCY SDPD		ARJIS ASSISTED N		IN CUSTODY Y		
ARREST DATE / TIME 11/07/2014 20:10		BEAT 434		DISTRICT		RELATED REPORTS (TYPE/NUMBER)		CITATION NUMBER		
PRIMARY CHARGE HS 11379.6(A) - MANUFACTURE/ETC CONTROLLED SUBSTANCE								DISPOSITION		
ADDITIONAL CHARGE(S) HS 11351.5 - POSS/ETC BASE/ROCK COCAINE F/SALE; PC 12021.1(A) - ILLEGAL POSSESSION/ETC OF FIREARM; PC 12021(D):F - CONVICTED PERSON POSSESS/ETC FIREARM; PROBATION RESTRICTION: PC								DOMESTIC VIOLENCE N		
PERSON ARRESTED NAME (LAST, FIRST MIDDLE) Burton, Steven Doyle										
OTHER NAMES (LAST, FIRST MIDDLE / TYPE)										
ADDRESS, CITY STATE ZIP (Home) 7955 SKYLINE DR San Diego, Ca 92114								PHONE		
RACE B	SEX M	AGE 34	DATE OF BIRTH 10/05/1980	PLACE OF BIRTH San Diego, CA	HEIGHT 6'02"	WEIGHT 190	BUILD NOR	HAIR BLK	EYE BRO	
EMPLOYER / SCHOOL					OCCUPATION / RANK / GRADE None			MILITARY N		
ADDRESS, CITY STATE ZIP (EMPLOYER / SCHOOL)								PHONE		
EMERGENCY CONTACT / NEXT OF KIN (LAST, FIRST MIDDLE)										
EMERGENCY CONTACT / NEXT OF KIN'S ADDRESS, CITY STATE ZIP								EMERGENCY CONTACT PHONE		
LOCATION OF ARREST, CITY STATE ZIP 7900 SKYLINE DR San Diego, Ca 92114										
LOCATION OF OFFENSE, CITY STATE ZIP 7900 SKYLINE DR San Diego, Ca 92114								OFFENSE DATE / TIME 11/07/2014 19:25		
CITIZEN ARREST N	ARRESTING OFFICER WILLIAMS		ID# 6623	ADMONISHED BY	ID#	IS SUBJECT A SUSPECTED USER OF NARCOTICS/DRUGS Y		INTERPRETER? / LANGUAGE No		
DID YOU UNDERSTAND EACH OF THESE RIGHTS THAT I HAVE EXPLAINED TO YOU?								SUSPECT'S RELATION TO VICTIM(S) None		
HAVING IN MIND AND UNDERSTANDING YOUR RIGHTS AS I HAVE TOLD YOU, ARE YOU WILLING TO TALK WITH US?								STATEMENT N		
HAIR LGTH/TYPE 5. Short 3. Thick		HAIR STYLE 1. Afro/Natural		FACIAL HAIR 4. Goatee		COMPLEXION 2. Dark		SPEECH 5. Quiet		
VOICE 5. Medium		IDENTIFICATION NUMBERS DL: D1820666/CA SS: 546-65-2424								
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)								UNDOCUMENTED PERSON N		
SUSPECT CLOTHING gray sweatshirt, gray shirt, and gray sweats										
ARRESTEE VEHICLE	YEAR 1994	MAKE CHEVROLET	MODEL CAMARO	COLOR / COLOR WHITE	BODY TYPE CONVERTIBLE		LICENSE NO. 7A15570	LIC STATE CA		
ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, ETC.)						VIN 2G1FP32P0R2191683				
REGISTERED OWNER (LAST, FIRST MIDDLE) Burton, Steven Doyle						DISPOSITION OF VEHICLE Impounded				
REGISTERED OWNER'S ADDRESS, CITY STATE 7955 SKYLINE DR San Diego, Ca 92114						IMPOUND? / TOWING COMPANY No				
SEE ATTACHED FORMS FOR ANY EVIDENCE, NARRATIVE, OR OTHER SUPPLEMENTAL INFORMATION.										
REPORTING OFFICER WILLIAMS		ID# 6623	DIVISION CST		APPROVED BY		ID#	DATE AND TIME OF REPORT 11/07/2014 23:56		
BOOKING APPROVED		ID#								

INCIDENT NUMBER 14110012667		ADDITIONAL VICTIM/WITNESS LISTED N		ADDITIONAL COMPANIONS LISTED N		PAGE 2 OF 7		CASE NUMBER		
COMPANION	COMPANION'S NAME (LAST, FIRST MIDDLE)									
	ADDRESS, CITY STATE ZIP							PHONE		
	RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	ARRESTED		
COMPANION	COMPANION'S NAME (LAST, FIRST MIDDLE)									
	ADDRESS, CITY STATE ZIP							PHONE		
	RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	ARRESTED		
VICTIM / WITNESS	W-TYPE	VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION)								
	RESIDENCE ADDRESS, CITY STATE ZIP							RESIDENCE PHONE		
	RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER	INTERPRETER?/LANGUAGE	RELATION TO: VICTIM SUSPECT	
	STATUS	EMPLOYER / SCHOOL			OCCUPATION / RANK / GRADE			DAYS OFF	WORK HOURS	
	BUSINESS ADDRESS, CITY STATE ZIP							BUSINESS PHONE	V/W ASSIST	
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO, IF APPLICABLE)									
PARENT/GUARDIAN	NAME (LAST, FIRST MIDDLE)							PHONE		
	LIVES WITH	ADDRESS, CITY STATE ZIP							PHONE	
	NAME (LAST, FIRST MIDDLE)							PHONE		
	LIVES WITH	ADDRESS, CITY STATE ZIP							PHONE	
	SCHOOL	GRADE		NOTIFYING OFFICER			ID#	RELEASE DATE		
JUVENILE	ATTITUDE OF PARENTS / GUARDIAN				NOTIFICATION DATE		DETECTIVE DISPOSITION			
	ATTITUDE OF JUVENILE				HOW NOTIFIED		FIELD DISPOSITION			
CITIZEN ARREST	I HAVE ARRESTED:									
	I KNOW THAT PURSUANT TO SECTION 849 OF THE PENAL CODE OF THE STATE OF CALIFORNIA, IT IS NECESSARY FOR ME TO SIGN A COMPLAINT STATING THE CHARGE AGAINST THE PRISONER, WHICH COMPLAINT MUST BE MADE BEFORE A MAGISTRATE, AND I AGREE TO SIGN SAID COMPLAINT AND APPEAR IN SAID MATTER WITHOUT DELAY.									
	DATE: (COMPUTER GENERATED FORM, SIGNATURE NOT OBTAINED) - DISCLAIMER READ TO THE CITIZEN?									
	ARRESTING CITIZEN NAME (LAST, FIRST MIDDLE)					RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER
	ADDRESS, CITY STATE ZIP							PHONE		
ADULT MISD ONLY	ADDRESS, CITY STATE ZIP							PHONE		
	REASONS FOR NOT RELEASING THE SUBJECT WITH A WRITTEN NOTICE TO APPEAR									
REPORTING OFFICER WILLIAMS		ID# 6623	DIVISION CST		APPROVED BY		ID#	DATE AND TIME OF REPORT 11/07/2014 23:56		

Continued From: Arrest Report		San Diego Regional Officer's Report Narrative		Incident Number: 14110012667	
Page 3 of 7				Case Number:	
Code Section And Description (one incident only) 11379.6(A) MANUFACTURE/ETC CONTROLLED SUBSTANCE					Time
Location Of Incident (Or Address): 7900 SKYLINE DR San Diego, Ca 92114			City		District Beat: 434
Person(s) Involved: Victim:					
Suspect (If Named):					
Property Tag No.(s):					

SYNOPSIS:

On 11/07/2014, Steven Burton was arrested for manufacturing a controlled substance (11379.6(a) HS), possession of a controlled substance for sale (11351.5 HS), felon in possession of a firearm (29900(a)(1) PC), probationer in possession of a controlled substance (29815(a) HS), and felon in possession of ammunition (30305(a)(1) PC). Burton was transported and booked into San Diego County Jail.

ORIGIN:

On 11/07/2014, at approximately 1925 hours, Officer Medina #6545 and I were working as members of the Southeastern Division's Crime Suppression Team. We were on patrol in full uniform driving a marked patrol vehicle in the area of 7800 Skyline Drive. We were stopped at a red light facing eastbound at the intersection of Skyline Drive and Meadowbrook Drive. At this time, I observed a white Chevrolet Camaro (A-7AIS570) traveling westbound on 7900 Skyline Drive. As the vehicle approached the above listed intersection, and was approximately 240 feet away from our patrol car, I could hear loud music and vibration from excessive bass coming from the vehicle (violation 27007 CVC). The vehicle made a u-turn at the intersection and began traveling eastbound on Skyline Drive. Officer Medina and I got behind the vehicle and the vehicle made an abrupt right turn towards the south curb line. The vehicle did not activate a turn signal until it had already begun turning towards the south curb line (violation 22108 CVC). Officer Medina had to quickly brake to avoid a possible collision with the vehicle. Based on the noise violation and the vehicle's abrupt turn without properly signaling, Officer Medina activated our emergency lights and siren to conduct a traffic stop on the vehicle at 7900 Skyline Drive.

INVESTIGATION:

I contacted the driver and sole occupant from the passenger side of the vehicle and identified him as Steven Burton via a California Identification card (D1820666). I returned to our patrol car and conducted a records check on Burton while Officer Medina continued speaking with him up at the vehicle. The records check of Burton revealed he had a suspended license and an active 4th amendment waiver until 11/11/2016 for assault with a deadly weapon (245(a)(1) PC).

I contacted Burton and asked him to exit the vehicle. Burton exited the vehicle and I placed handcuffs on him per department policy to detain him. I searched Burton's person and recovered a plastic bag containing marijuana, two hundred and two dollars (10-\$20 and 2-\$1), and a white Cricket cell phone from his right sweats pocket. I sat Burton in the backseat of our patrol vehicle while Officer Medina and I conducted a search of the vehicle. Nothing illegal was recovered from Burton's vehicle.

Reporting Officer WILLIAMS	I.D.# 6623	Division: CST	Approved By	Date of Report: 11/07/2014	Time: 23:56
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COPY - 11/08/2014

A214

: 00039

Continued From: Case 3:15-cr-02443-AJB Document 33-1 Filed 12/22/15 Page 5 of 8 Arrest Report		San Diego Regional Officer's Report Narrative		Incident Number: 14110012667	
Page 4 of 7				Case Number:	
Code Section And Description (one incident only) 11379.6(A) MANUFACTURE/ETC CONTROLLED SUBSTANCE				Time	
Location Of Incident (Or Address): 7900 SKYLINE DR San Diego, Ca 92114			City		District Beat: 434
Person(s) Involved: Victim:					
Suspect (If Named):					
Property Tag No.(s):					

Officer Slade #6763, Officer Schmidt #6761, Officer Berg #6594, Officer Barton #6413, and Sgt. Estrada #5771 arrived at the scene and assisted us.

Burton stated he lived at 7955 Skyline Drive with his grandmother, Marcia Acey. Burton's ID card and vehicle registration also had his address listed as 7955 Skyline Drive.

Officer Medina and I completed an operation plan to conduct a 4th Amendment waiver search of Burton's residence. Officer Schmidt remained at our patrol vehicle with Burton while the rest of us conducted the search of Burton's residence.

We contacted Acey at the front door and she confirmed Burton lived at the residence. Acey stated Burton slept on the floor in the southwest bedroom. Acey also informed us Burton kept his clothing and other personal items in the garage.

Officer Barton searched the garage and located a black and red zip-up hooded sweatshirt. Officer Barton recovered a plastic bag containing several pieces of a white rock-like substance and six thousand two hundred dollars (62-\$100) from the sweatshirt pockets. Based on my training and experience, I recognized the white rock-like substance to be cocaine base. Refer to Officer Barton's Arjis-9 for details.

Officer Cummings #6638 arrived at the scene and assisted with the search of the garage. Officer Cummings located a black Jansport backpack in the rafters. The backpack's zipper was locked with a small gold lock. I was able to unlock the lock with a key which was on Burton's key ring. The backpack contained a black Master Lock box which was locked. I was able to unlock the Master Lock box with another key which was on Burton's key ring. The Master Lock box contained twenty nine thousand five hundred dollars. The money was in three separate stacks which were wrapped in rubber bands (100-\$100, 100-\$100, 95-\$100). The backpack also contained two firearms and other contraband. Officer Cummings informed me one of the firearms was reported stolen. The backpack also contained .45 caliber ammunition, .40 caliber ammunition, a .762 bullet, and 410 shotgun shells. Refer to Officer Cummings' Arjis-9 for details.

Officer Schmidt later assisted with the search and located two clear plastic bags and a black plastic bag in the planter box on the west side of the driveway. Officer Schmidt advised me and I recovered the items. One of the plastic bags contained several chunks of an off-white substance. The substance was soft and appeared to be moist. Based on my training and experience, I recognized the substance to be recently produced cocaine base. Normally, when cocaine base has been exposed to heat or enough time exposure to air, it hardens. The texture becomes hard and rigid, much like the narcotics Officer Barton found inside the garage. This led me to believe the manufacturing and/or transformation of powder cocaine to cocaine base (rock cocaine) had recently taken place. The other clear plastic bag contained

Reporting Officer WILLIAMS	I.D.# 6623	Division: CST	Approved By	Date of Report: 11/07/2014	Time: 23:56
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COPY - 11/08/2014

A215

: 00040

Continued From: Arrest Report		Case 3:15-cr-02443-AJB Document 33-1 Filed 12/22/15 Page 6 of 8		Incident Number: 14110012667	
San Diego Regional Officer's Report Narrative				Case Number:	
Page of 7					
Code Section And Description (one incident only) 11379.6(A) MANUFACTURE/ETC CONTROLLED SUBSTANCE				Time	
Location Of Incident (Or Address): 7900 SKYLINE DR San Diego, Ca 92114			City		District Beat: 434
Person(s) Involved: Victim:					
Suspect (If Named):					
Property Tag No.(s):					

two bindles containing a white powder-like substance and five bindles of white rock-like substances. Based on my training and experience, I recognized the two bindles containing the white powder-like substance to be cocaine and the five bindles of the white rock-like substance to be cocaine base. The black plastic bag contained a silver digital scale which was operable, a gold credit card, a glass baby food jar, a glass E&J liquor bottle, a razor blade, a butter knife, a spoon, and pieces of plastic. All the objects inside of the bag had a white residue on them. The E&J bottle was partially filled with an unknown clear liquid. The left side and bottom of the bottle were coated in an off-white substance. There were also large sheets of the same off white substance floating in the liquid itself. Based on my training and experience, I believe the E&J bottle was used as an instrument essential to transforming powder cocaine to cocaine base. Refer to Officer Schmidt's Arjis-9 for details.

Officer Barton and I took photographs of the scene and all evidence recovered. I secured all evidence in the trunk of my patrol vehicle.

Burton was arrested for manufacturing a controlled substance (11379.6(a) HS), possession of a controlled substance for sale (11351.5 HS), felon in possession of a firearm (29900(a)(1) PC), probationer in possession of a controlled substance (29815(a) HS), and felon in possession of ammunition (30305(a)(1) PC).

Burton's vehicle was placed on a 30 day impound with storage authority 14602.6(a) CVC. Refer to the impound report completed by Officer Slade.

Narcotics Detective Miles #5473 and Narcotics Detective Skinner #5019 arrived at the scene and assisted with the investigation. Narcotic Task Force Detective Hawksley #3770 arrived at the scene and took custody of the thirty five thousand nine hundred and two dollars recovered from Burton.

Officer Medina and I transported Burton to Headquarters for further processing. Gang Detective Sidhu #5513 assisted us at Headquarters with fingerprinting and collecting a DNA mouth swab sample from Burton. Based on the amount of narcotics, I conducted a visual cavity search of Burton at Headquarters in room 138 in the presence of Sgt. Estrada and Detective Miles. I did not see any narcotics.

Officer Berg and Officer Slade impounded all evidence at Headquarters.

Refer to Det. Miles' investigative follow-up for details.

Burton was transported and booked into San Diego County Jail.

Reporting Officer WILLIAMS	I.D.# 6623	Division: CST	Approved By	Date of Report: 11/07/2014	Time: 23:56
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COPY - 11/08/2014

A216

: 00041

Continued From: Case 315-cr-02443-AJB Document 33-1 Filed 12/22/15 Page 7 of 8 Arrest Report	San Diego Regional Officer's Report Narrative		Incident Number: 14110012667	
Page 6 of 7			Case Number:	
Code Section And Description (one incident only) 11379.6(A) MANUFACTURE/ETC CONTROLLED SUBSTANCE			Time	
Location Of Incident (Or Address): 7900 SKYLINE DR San Diego, Ca 92114			City	District Beat: 434
Person(s) Involved: Victim:				
Suspect (If Named):				
Property Tag No.(s):				

TRAINING AND EXPERIENCE:

I have been employed with SDPD for approximately 6 ½ years. I have received 16 hours of formal narcotic training and 4 hours of 11550(a) HS training. I have learned the characteristics of narcotics and how they are used, sold, bought, concealed, and manufactured. I have also learned the symptomology of people under the influence of narcotics. I have made in excess of 500 narcotic related arrests.

BACKGROUND:

None

STATEMENTS:

None

EVIDENCE:

Officer Berg and Officer Slade impounded all evidence at Headquarters. Refer to property report for details on impounded evidence.

INJURIES:

None

PROPERTY DAMAGE:

None

FOLLOW-UP:

As needed

RELATED REPORTS:

Arjis-9's written by Officer Medina, Officer Cummings, Officer Schmidt, and Officer Barton

Reporting Officer WILLIAMS	I.D.# 6623	Division: CST	Approved By	Date of Report: 11/07/2014	Time: 23:56
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COPY - 11/08/2014

A217

: 00042

Continued From: Case 3:15-cr-02443-AJB Document 33-1 Filed 12/22/15 Page 8 of 8 Arrest Report		San Diego Regional Officer's Report Narrative		Incident Number: 14110012667	
Page 7 of 7				Case Number:	
Section And Description (one incident only) 379.6(A) MANUFACTURE/ETC CONTROLLED SUBSTANCE				Time	
Location Of Incident (Or Address): 7900 SKYLINE DR San Diego, Ca 92114			City		Beat: 434
Person(s) Involved: Victim:					
Suspect (If Named):					
Property Tag No.(s):					

Investigative follow-up written by Det. Miles

Approved By: Sgt. Elias Estrada #5771

Reporting Officer WILLIAMS	I.D.# 6623	Division: CST	Approved By	Date of Report: 11/07/2014	Time: 23:56
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COPY - 11/08/2014

A218

: 00043

Government's Exhibit 2

SDPD Officer Medina's Report



Continued From: Arrest Report	Case 3:15-cr-02443-AJB Document 33-2 Filed 12/22/15 Page 2 of 2	San Diego Regional Officer's Report Narrative		Incident Number: 14110012667
Page 2			Case Number: 00000000	
Section And Description (one incident only) 11379.6(A) - MANUFACTURE/ETC CONTROLLED SUBSTANCE			Date: 11/7/2014	Day of Week: Fri Time: 19:25
Location Of Incident (Or Address): 7955 SKYLINE DR San Diego, Ca 92114			City	District Beat: 436
Person(s) Involved: Victim:				
Suspect (If Named): BURTON, STEVEN DOYLE				
Property Tag No.(s):				

OFFICER'S STATEMENT:

On 11/07/14, at approximately 1925 hours, Officer B. Williams #6623 and I were working as members of the Southeastern Crime Suppression Team. We were wearing full police uniforms and driving a marked black and white police car. We were on patrol in the Skyline Hills neighborhood when we pulled up to the intersection of Skyline Drive and Meadowbrook Drive. Our patrol car was facing east bound on Skyline Dr from the intersection. Our car was the first car in the number two lane with no other cars in front of us. As we waited for the green light, I saw a white vehicle driving west bound on Skyline Dr approaching the same intersection across from us. As it approached the intersection, I could hear that the white vehicle had a very loud stereo system and could be heard from a distance of approximately 200 ft. from where our patrol car was stopped in violation of 27007 CVC. The white car then made a legal U-Turn in front of us and drove east bound on Skyline Dr from the intersection.

The white car (CA-7AIS570 white Camaro) completed the turn, the light for eastbound traffic onto Skyline Drive turned green. I proceeded to cross the intersection and drove up behind the Camaro. As I drove up behind the Camaro, it made an abrupt movement to the right along the south curb line of 7900 Skyline Drive. I noticed that the Camaro used its turn signal as it was already moving to the right along the curb. Due to the signal being activated so suddenly and not from a distance of at least 100 ft, I had to apply my breaks to avoid getting too close to the rear of the Camaro and possibly colliding with it. The driver (Burton) was in violation of 22108 CVC.

I activated my overhead lights and siren to initiate the traffic stop. Burton stopped the Camaro in front of 7931 Skyline Drive. Burton's listed address is two houses to the east of the stop at 7955 Skyline Drive. Officer Williams and I walked up to the Camaro and contacted Burton. Burton was advised of the reasons of the traffic stop by Officer Williams and me. For further details on the events that led to the arrest of Burton, see Officer Williams' related arrest report.

Once Burton was arrested and booked into county jail, I returned to the intersection where the initial traffic violations were observed by Officer Williams and me. I took a commonly used measuring tool used by San Diego Police Officers (Roll 'a' Tape) to measure a more accurate approximation of the traffic violations committed by Burton. I measured from the location of where my patrol car was stationary at the intersection to where Officer Williams and I first heard the loud stereo violation on Burton's car. The measurement was approximately 240 ft. I measured the distance from the intersection to the location where Burton's car came to a stop when I performed the traffic stop. It was approximately 164 ft. I then measured the approximate distance between the time I saw Burton's right turn signal turn on and came to a complete stop along the curb. It was approximately 36 ft.

Reporting Officer MEDINA	I.D.# 6545	Division: CST	Approved By	Date of Report: 11/08/2014	Time: 18:00
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COPY - 11/08/2014

A220

: 00044

Continued From: Arrest Report	Case 3:15-cr-02443-AJB Document 33-2 Filed 12/22/15 Page 2 of 3		Incident Number: 14110012667	
San Diego Regional Officer's Report Narrative				
Page of 2			Case Number: 00000000	
Section And Description (one incident only) HS 11379.6(A) - MANUFACTURE/ETC CONTROLLED SUBSTANCE			Date: 11/7/2014	Day of Week: Fri
Location Of Incident (Or Address): 7955 SKYLINE DR San Diego, Ca 92114			City	District Beat: 436
Person(s) Involved: Victim:				
Suspect (If Named): BURTON, STEVEN DOYLE				
Property Tag No.(s):				

Approved by: Sgt. Elias Estrada #5771

Reporting Officer MEDINA	I.D.# 6545	Division: CST	Approved By	Date of Report: 11/08/2014	Time: 18:00
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COPY - 11/08/2014

A221

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

☐ Central Division ☒ East County Division ☐ North County Division ☐ South County Division Waivers: ☐ Time ☐ 4th
 PEOPLE vs. Burton, Steven STATUS: BB \$30,000 ☐ BB ☐ CB (Y/N)
 CASE: 07-1-1245(A)(1)-1764 PROS. # DOB: 10.5.86 BKG # CTS: days hrs.
 DATE: 11.18.13 AT DEPT. # 11 INTERP: ☐ Spanish ☐ Sworn ☐ Oath on File
 JUDGE/COMM/TEMP JUDGE: John M. Thompson, Judge ☐ STIP. FILED REPORTER:
 CLERK: P. Corbin-Way, Clerk CSR # / COUNTER #: Nina L. Burns, CSR 9706

CHARGE(S): 07-1-1245(A)(1)-1764
07-1-1245(A)(1) per VC 23103.5
 FUTURE DATES: ☐ CONFIRMED ☐ VACATED

Attorney for the People (DDA/JCA/DAS) Attorney for Defendant (PD/APD/OAC/Retained/Counseling) Supervised Cert. Legal Intern
 DEFENDANT: ☒ PRESENT ☐ VIA AUDIO VIDEO ☐ SELF REPRESENTED ☐ NOT PRESENT ☐ NOT PRODUCED ☐ FAILED TO APPEAR

☒ Defendant waives arraignment for judgment. ☒ Imposition ☐ Execution of sentence suspended for 2 year(s) on Ct. 4 and year(s) on Ct.
 PROBATION IS ☒ GRANTED ☐ Summary ☐ Formal on the following conditions: ☒ DENIED. Defendant sentenced as follows:

☐ Violate no laws ☐ Minor traffic violations are excepted ☐ No same or similar violations ☐ Comply with further conditions attached.
 CUSTODY ☒ Commit to Sheriff for 1 (days) hours ☐ days suspended. ☐ Serve FORTHWITH
☐ Additional ☐ days custody stayed pending ☐ successful completion of probation ☐ review hearing ☐

☐ Report on at to: Detention Facility: ☐ Central ☐ Las Colinas ☐ Vista ☐ Work Furlough
☐ NO Early release (PC4018.6 or PC4024.1) ☐ NO Work Release ☐ NO County Parole ☐ NO ESP/Home Detention
☐ days CUSTODY SATISFIED BY ☐ days PSP ☐ days in residential rehabilitation program.
☐ days CUSTODY IN LIEU OF ☐ \$ fine at \$ per day ☐ days PSP
☐ Consecutive to ☐ concurrent with ☐ above commit ☐ Consecutive weekends.

PAY ☐ Attorney Fees: \$ ☐ Indigent as to Attorney Fees Fine below includes PA per PC1465.7(a).
 Fine (Cl. 4) \$ 1120 Crim. Just. Admin Fee (GC29550.1) \$ Assessment Unit Fee (VC23649) \$ 20 TOTAL 1150
 Admin. Screen Fee (PC1463.07) \$ Court Oper. Assess. (PC1465.8) \$ AR/Installment Fee* (PC1205(d)) \$
 Restitution Fine (PC1202.4(b)) \$ Crim. Conv. Assess. (GC70373) \$ [Suspended Amount] \$
 Probation Revocation Restitution Fine imposed & suspended (PC1202.44) \$ 140 [Credit for days served] \$

*The court finds the defendant has the ability to repay the County of San Diego for costs of court appointed attorney fees. * This order is not a condition of probation.
 RESTITUTION ☐ Pay restitution to the victim of \$ plus 10% annual interest on unsatisfied amount. ☐ to be determined ☐ by Probation. ☐ payments through ☐ Court Collections ☐ Revenue & Recovery ☐ at \$ per month beginning ☐ directly to the victim and show proof to the court ☐ by at Review Hearing.
☐ See stipulated restitution order. ☐ Court retains jurisdiction re: restitution. ☐ Submit to civil process. ☐ Return to court upon reasonable notice by prosecutor.

PUBLIC SERVICE PROGRAM (PSP) Enroll within 60 days.
☐ Enroll by days as condition of probation.
 days in lieu of ☐ fines/fees \$ ☐ days custody
 days credit for time served/completed
 TOTAL days to be completed
☐ One day per week ☐ Weekends only ☐ Out of county work authorized.
☐ Consecutive to / concurrent with ☐ Submit proof to the court by ☐ days custody for each day/8 hours missed.

ALCOHOL/DRUGS ☒ Standard Alcohol Conditions (VC23600): (1) Not drive with a measurable amount of alcohol/drugs in blood; (2) Submit to any test at the request of a peace officer for detection of alcohol/drugs in blood; (3) Violate no laws regarding driving a motor vehicle while under the influence or in the possession of alcohol, drugs, or both; (4) Not drive without a valid license and liability insurance. ☐ Abstain from alcohol. ☐ Not be in places where you know or a law enforcement officer informs you that alcohol is the main item for sale, except in the course of employment. ☐ Not knowingly use or possess any controlled substance without a valid prescription.

FOURTH AMENDMENT WAIVER: Submit person, vehicle, place of residence, property, personal effects to search at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer (to expire).

ENROLL IN & COMPLETE ☒ First Conviction Program ☐ 3 / 6 / 9 / 12 month ☐ Education component only ☐ Multiple Conviction Program
☐ Out of county auth. ☐ Boating DUI - HN655(b) & (c) Coast Guard Safe Boating School w/DUI component. ☐ 8 hr. Traffic Violators School
☐ Attend self-help meetings per week month for days / months and show proof to the court ☐ Assessment Unit by
☐ and every 30 days thereafter. ☐ STAR ☐ Residential ☐ Non-Residential treatment program for days / months. ☐ as directed by Assessor.
 PROOF OF ☐ ENROLLMENT ☐ PROGRESS ☐ COMPLETION ☐ by to the court ☐ at REVIEW HEARING(S) ☐ Assessment Unit ☐ AND every 30 / 60 / days THEREAFTER.
 MADD ☐ Completion proof to the court by 2.13.14 ☐ Concurrent with ☐ by to the court ☐ at REVIEW HEARING(S) ☐ Assessment Unit ☐ AND every 30 / 60 / days THEREAFTER.

DRIVER LICENSE/VEHICLE ☐ Not drive without a valid driver license and liability insurance ☐ VC14607.6 ☐ VC23593 advisal given.
☐ License is suspended by law and defendant may not drive until right to drive is reinstated by the Dept. of Motor Vehicles and defendant has liability insurance as is required by law. ☐ Right to drive is suspended 6 months ☐ 1 year pursuant to ☐ VC13202.5 - (under 21)
☐ Surrender license to the court ☐ by Defendant petitions for a restricted license. ☐ Critical need found. Petition granted. ☐ Petition denied.
☐ License restricted for days ☐ mos. Driving permitted to/from ☐ work ☐ school ☐ court ordered activities ☐ in course of employment.
☐ Restriction ☐ Suspension ☐ concurrent ☐ consecutive to any DMV suspension/action ☐ effective: .
☐ Designated as habitual traffic offender for 3 years (VC23546(b))
☐ Ignition Interlock Device ordered for yrs. ☐ Not own or operate vehicle without working certified IID. ☐ Defendant declares under penalty of perjury that he/she does not own or operate any vehicle which would require the installation of IID pursuant to VC23575. ☐ IID not ordered in the interest of justice.

MISC. ☐ All property impounded, seized, or held in custody in this case to be disposed of per possessing agency's policy.
☐ People will not oppose defense motion to withdraw plea & enter a guilty/no contest plea to as ☐ Inf. ☐ Misd. after mo. successful probation.
☐ Obtain written consent of this court before leaving San Diego County or moving to another state.

REFERRALS Report ☐ forthwith by 12.12.13 within 72 hours of ☐ release ☐ return to U.S. to: ☐ Probation Dept. re:
☒ Court Collections ☐ Revenue & Recovery ☒ Assessment Unit (BAC:) and comply with additional conditions of probation imposed.
☐ All ☐ programs ☐ fines & fees are stayed. Within 72 hours of returning to the United States, report to the court for assignment/payment arrangement.

☐ DEFENDANT IS ORDERED TO APPEAR ON AT IN DEPT / ROOM
 FOR: ☐ Sentencing ☐ Restitution ☐ Execution of Custody ☐ ☐ enrollment ☐ progress ☐ completion. ☐ probation conditions notice
☐ Review regarding ☐ for revocation with this matter ☐ Public Defenders Office
☐ Set ☐ with case(s):

CUSTODY STATUS Defendant ☐ REMAINED to custody of Sheriff ☐ without bail ☐ with bail set at / increased to / reduced to \$
☒ REMAINS AT LIBERTY ☐ RELEASED: ☐ on bail previously posted ☐ on probation ☐ after booking ☐ credit for time served ☐ OR/SOR
☐ same terms & conditions ☐ to an authorized representative of: on at
☐ Previously ordered: ☐ 4th WAIVER ☐ continues ☐ deleted.

WARRANT ☐ Bench WARRANT ordered ☐ Bail set at \$ ☐ No Bail ☐ ISSUED ON:
☐ Mandatory appearance ☐ Night service authorized ☐ Cash bail may be forfeited. ☐ HOLD issuance of warrant to DATE SET ABOVE.
☐ Warrant previously ordered/issued ☐ remains outstanding ☐ rescinded ☐ RECALLED ON:
 BAIL ☒ generated ☐ forfeited ☐ Fine from bail, refund balance. ☐ Declaration of non-collusion/reassumption of liability filed.
☐ Bail forfeiture set aside, bond ☐ reinstated ☐ exonerated ☐ upon payment of court cost \$ within 30 days ☐ cost waived
☐ Bond # Bond \$ Bond Company

Distribution by: on to: Jail Atty. Pros. Prob. R&R Interp. Coord. Acct. Assessment Other: Deputy
 SOSC CRM-147 (Rev. 3/11) MISC/MEANOR - DUI/TRAFFIC JUDGMENT MINUTES





CLERK'S CERTIFICATE

The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the ☒ Original ☐ copy on file in this office.

Clerk of the Superior Court

12-3-15
Date

[Signature]
Deputy

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO
DEPARTMENT E-11 BEFORE HON. JOHN M. THOMPSON, JUDGE

THE PEOPLE,)	
)	
PLAINTIFF,)	CASE NO. SCE331373
)	
VS.)	
)	SENTENCING
STEVEN DOYLE BURTON)	
)	
DEFENDANT.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
NOVEMBER 12, 2013
EL CAJON, CALIFORNIA

APPEARANCES:

FOR THE PEOPLE:	BONNIE DUMANIS, DISTRICT ATTORNEY BY: GENARO RAMIREZ, DEPUTY DISTRICT ATTORNEY
FOR THE DEFENDANT:	MICHAEL KERN, RETAINED COUNSEL

NINA L. BURNS, CSR NO. 9708
OFFICIAL COURT REPORTER
SAN DIEGO SUPERIOR COURT



1 NOVEMBER 12, 2013, EL CAJON, CALIFORNIA

2 D-11, JUDGE THOMPSON

3 P-R-O-C-E-E-D-I-N-G-S

4 THE BAILIFF: ITEM 102, BURTON.

5 MR. KERN: GOOD MORNING, YOUR HONOR. MICHAEL KERN
6 APPEARING 977 ON HIS BEHALF FOR A CHANGE OF PLEA.

7 MR. RAMIREZ: GENARO RAMIREZ FOR THE PEOPLE.

8 THE COURT: OFF THE RECORD.

9 (DISCUSSION OFF THE RECORD.)

10 THE COURT: TO A VIOLATION OF PENAL CODE SECTION
11 245(A)(1), A MISDEMEANOR, PURSUANT TO 17(B); AMENDED COUNT
12 4, A 23103.5 WET AND RECKLESS, HOW DOES YOUR CLIENT WANT TO
13 PLEAD, GUILTY OR NOT GUILTY?

14 MR. KERN: GUILTY.

15 THE COURT: IMPOSITION OF SENTENCE IS SUSPENDED FOR --
16 ON COUNT 4 FOR A PERIOD OF THREE YEARS ON CONDITION THAT THE
17 DEFENDANT PAY A FINE IN THE AMOUNT OF \$1,120. THE P.R.R.F.
18 OF 120 IS SUSPENDED. HE MUST COMPLY WITH THE STANDARD
19 ALCOHOL CONDITIONS; COMPLETE THE FIRST CONVICTION PROGRAM.

20 WHAT WAS THE B.A., OR DO WE KNOW?

21 MR. KERN: IT WAS A REFUSAL, YOUR HONOR.

22 THE COURT: HE HAS TO COMPLETE THE 12-HOUR COURSE, THE
23 MADD COURSE. HE IS NOT TO DRIVE WITHOUT A VALID CALIFORNIA
24 DRIVER'S LICENSE OR PUBLIC LIABILITY INSURANCE. HE WILL BE
25 REFERRED TO THE SAAU.

26 COUNSEL, YOU HAVE ADVISED HIM WITH REGARD TO
27 PRIORABILITY?

28 MR. KERN: THAT'S CORRECT.

1 THE COURT: AND THE RECORD WILL SO REFLECT. DOES HE
2 HAVE ANY CREDITS IN THIS CASE?

3 THE CLERK: I DON'T KNOW. I DIDN'T KNOW IT WAS --

4 THE COURT: LET'S DO THIS, PEG. WHAT I WOULD LIKE TO
5 DO -- THAT'S AS TO COUNT 4. COUNT 1 WILL BE A DENIAL OF
6 PROBATION AND C.T.S., WHATEVER CREDITS HE HAS. THE
7 DEFENDANT WILL SUBMIT TO A FOURTH WAIVER. HE WILL SUBMIT
8 HIS PERSON, PLACE OF RESIDENCE, VEHICLE TO SEARCH AT ANY
9 TIME WITH OR WITHOUT WARRANT, WITH OR WITHOUT PROBABLE CAUSE
10 WHEN REQUESTED BY ANY LAW ENFORCEMENT OFFICER.

11 THE CLERK: ONE DAY, YOUR HONOR.

12 THE COURT: OKAY. DENY PROBATION ON COUNT 1; GIVE HIM
13 TWO DAYS -- OR ONE DAY, CREDIT FOR ONE DAY SERVED.

14 THE CLERK: HE HAD TWO A.A. MEETINGS PER WEEK DUE.

15 THE COURT: DO WE KNOW WHAT THE STATUS IS OF THE A.A.
16 MEETINGS, MR. KERN?

17 MR. KERN: HE SUBMITTED THEM LAST WEEK WHEN HE CAME
18 TO THE READINESS.

19 THE COURT: AND YOU HAD A CHANCE TO REVIEW THEM?

20 MR. KERN: I DID.

21 THE COURT: THAT WILL BE DEEMED SATISFIED.

22 ANYTHING FURTHER?

23 MR. KERN: THAT'S ALL WE HAVE, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 MR. KERN: THANK YOU.

26 * * *

27

28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) SS:

4 PEOPLE V. STEVEN DOYLE BURTON

5 CASE NO. SCE331373

6 NOVEMBER 12, 2013

8 I, NINA L. BURNS, CSR NO. 9708, DO HEREBY CERTIFY:

10 THAT I AM A CERTIFIED SHORTHAND REPORTER OF THE STATE
11 OF CALIFORNIA AND AN OFFICIAL REPORTER OF THE SAN DIEGO
12 SUPERIOR COURT, IN AND FOR THE STATE OF CALIFORNIA;

14 THAT I REPORTED IN SHORTHAND THE ORAL PROCEEDINGS IN
15 THE ABOVE-TITLED CAUSE ON THE DATE INDICATED ABOVE; AND

17 THAT THE FOREGOING REPORTER'S TRANSCRIPT OF
18 PROCEEDINGS, CONSISTING OF PAGES NUMBERED 1 THROUGH 2, IS A
19 TRUE AND CORRECT TRANSCRIPT OF THE ORAL PROCEEDINGS HAD ON
20 SAID DATE.

22 DATED THIS 13TH DAY OF JANUARY, 2016, AT EL CAJON,
23 CALIFORNIA.

24
25 
26

27
28 NINA L. BURNS, CSR NO. 9708
OFFICIAL COURT REPORTER
SAN DIEGO SUPERIOR COURT

1 LAURA E DUFFY
United States Attorney
2 ANDREW R. HADEN
Assistant U.S. Attorney
3 California Bar No.: 258436
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101
5 Tel: (619) 546-6961
Email: andrew.haden@usdoj.gov

6 Attorneys for the United States

7
8 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11
12 v.

13 STEVEN DOYLE BURTON,

14 Defendant

Case No.: 16-CR-746-AJB

**UNITED STATES' MOTIONS IN LIMINE
TO:**

- 15 (1) RECONSIDER ITS RULING ON THE
16 SUPPRESSION MOTION IN LIGHT OF
17 NEW NINTH CIRCUIT PRECEDENT;
18 (2) ADMIT EXPERT TESTIMONY BY THE
19 UNITED STATES;
20 (3) ALLOW TESTIMONY ACCOMPANIED BY
21 SPECIAL JURY INSTRUCTION;
22 (4) ADMIT 404(B) EVIDENCE;
23 (5) ADMIT 609 EVIDENCE;
24 (6) ALLOW AMMUNITION/FIREARMS TO
25 BE PRESENT IN THE COURTROOM;
26 (7) PRECLUDE EXPERT TESTIMONY BY
27 THE DEFENSE;
28 (8) RENEW ITS MOTION FOR RECIPROCAL
DISCOVERY.

TOGETHER WITH STATEMENT OF FACTS,
MEMORANDUM OF POINTS AND
AUTHORITIES

23 COMES NOW the plaintiff, the UNITED STATES OF AMERICA, by and
24 through its counsel, LAURA E. DUFFY, United States Attorney, and
25 Andrew R. Haden, Assistant United States Attorney, and hereby files
26 its Motions in Limine. These Motions are based upon the files and
27 records of the case together with the attached statement of facts
28 and memorandum of points and authorities.

Government Exhibit 2
Reports of Defendant's 2014 Arrest

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

STEVEN DOYLE BURTON,
dob 10/05/80, Booking No. 14728237A;

Defendant

CT No. CD255802

DA No. ADR332

COMPLAINT-FELONY

INFORMATION

Date: _____

COPY

PC296 DNA TEST STATUS SUMMARY

Defendant

BURTON, STEVEN DOYLE

DNA Testing Requirements

DNA sample has been previously provided

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	HS11351.5 BURTON, STEVEN DOYLE	Felony	3-4-5	HS11370.2(a) HS11370.2(a) PC1203.07(a)(11)	+3 Yrs +3 Yrs No Probation

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - POSSESSION/PURCHASE OF COCAINE BASE FOR SALE

On or about April 25, 2014, STEVEN DOYLE BURTON did unlawfully possess for sale and purchase for purposes of sale cocaine base, in violation of HEALTH AND SAFETY CODE SECTION 11351.5.

And it is further alleged that prior to the commission of the above described offense, the defendant, STEVEN DOYLE BURTON, was convicted of the crime of violation of Health and Safety Code section 11352, within the meaning of HEALTH AND SAFETY CODE SECTION 11370.2(a).

And it is further alleged that prior to the commission of the above described offense, the defendant, STEVEN DOYLE BURTON, was convicted of the crime of violation of Health and Safety Code section 11351.5, within the meaning of HEALTH AND SAFETY CODE SECTION 11370.2(a).

And it is further alleged that prior to the commission of the above described offense, the defendant, STEVEN DOYLE BURTON, was convicted of a violation of HS11351.5, within the meaning of PENAL CODE SECTION 1203.07(a)(11).

PRIORS

STEVEN DOYLE BURTON:

PROBATION DENIAL PRIORS

And it is further alleged that said defendant, STEVEN DOYLE BURTON, was previously convicted twice or more in this state of a felony, and in any other place of a public offense which if committed in this state would be punished as a felony, within the meaning of PENAL CODE SECTION 1203(e)(4).

<u>Charge</u>	<u>Date of Conviction</u>	<u>Court Number</u>	<u>Court</u>	<u>County</u>	<u>State</u>
PC459	12/01/1998	SF132178	Superior Court	San Diego	CA
HS11350(a)	03/17/1999	SCD143342	Superior Court	San Diego	CA
HS11352(a)	11/05/1999	SCD148682	Superior Court	San Diego	CA
HS11351.5	04/15/2005	SCD188760	Superior Court	San Diego	CA

PRIORS (cont'd)**STEVEN DOYLE BURTON:****FIRST PRISON PRIOR**

And it is further alleged that said defendant, STEVEN DOYLE BURTON served a separate prison term for such offense(s), which under California law is punishable by imprisonment in state prison whether in California or elsewhere, and that he has not remained free of prison custody and free of the commission of an offense resulting in a felony(ies) conviction for five years subsequent to his release from prison for the felony(ies) below, within the meaning of PENAL CODE SECTION 667.5(b) AND 668.

Charge	Date of Conviction	Court Number	Court	County	State
HS11351.5	04/15/2005	SCD188760	Superior Court	San Diego	CA

SECOND PRISON PRIOR

And it is further alleged that said defendant, STEVEN DOYLE BURTON served a separate prison term for such offense(s), which under California law is punishable by imprisonment in state prison whether in California or elsewhere, and that he has not remained free of prison custody and free of the commission of an offense resulting in a felony(ies) conviction for five years subsequent to his release from prison for the felony(ies) below, within the meaning of PENAL CODE SECTION 667.5(b) AND 668.

Charge	Date of Conviction	Court Number	Court	County	State
PC459	12/01/1998	SF132178	Superior Court	San Diego	CA
HS11350(a)	03/17/1999	SCD143342	Superior Court	San Diego	CA
HS11352(a)	11/05/1999	SCD148682	Superior Court	San Diego	CA

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

NOTICE: Any defendant named on this complaint who is on Mandatory Supervision in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's Mandatory Supervision pursuant to Penal Code Sections 1170(h)(5)(B) and 1203.2, on any and all such grants, utilizing the same evidence, at the preliminary hearing. Defense to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

MANDATORY STATE PRISON INCARCERATION: An executed sentence for a felony shall be served by defendant STEVEN DOYLE BURTON in state prison pursuant to PENAL CODE SECTIONS 1170(f) and (h)(3).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD255802, CONSISTS OF 1 COUNT.

Executed at City of San Diego, County of San Diego, State of California, on May 5, 2014.

COMPLAINANT

INFORMATION

BONNIE M. DUMANIS
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney

**SAN DIEGO POLICE DEPARTMENT
NARCOTICS UNIT
INVESTIGATOR'S REPORT**

DATE: 04-25-2014
TIME: 1430 Hours
LOCATION: 7955 Skyline Drive San Diego, Ca.
SUBJECT: IH #14040045348

CHARGES: 11351.5 HS – Possession of Cocaine Base for Sale
11350(a) HS- Possession of a Controlled Substance
148(a)(1) PC – Resisting Arrest

SUSPECT: Name: Steven Burton
Address: 7955 Skyline Drive
San Diego, Ca.
Race/Sex: Black/Male
DOB: 10-05-1980
DL #: D1820666
SSN : 546-65-2424
CII #: 12399677
FBI#: 670914KB6

DISPOSITION: Suspect was arrested and booked into county jail.

WITNESS: Detective S. James #5663
S.D.P.D. Narcotics Street Team One
(619) [REDACTED]

EVIDENCE:

- 1) Plastic bindle containing 15.81 grams of cocaine base found on Burton's person by Sergeant Tallman #4263.
- 2) Cell phone found on Burton's person by Detective James #5663.
- 3) Ipod found on Burton's person by Detective James #5663.

Investigator's Report
 Subject: Steven Burton
 Page 2 of 4

INVESTIGATION:

I had received information a Black male named Steven Burton was selling cocaine base from a house at 7955 Skyline Drive. I conducted a background check on Burton, obtained a picture and learned Burton was on probation for an assault with a deadly weapon conviction and he had search conditions good through 11-11-2016. I learned Burton had a Chevrolet Camaro registered to him with license plate #7AIS570.

I conducted surveillance on Burton at the address. I saw Burton meet a person and conduct a hand to hand transaction. Based on my training and experience (listed below), I believed the hand to hand deal to be a narcotics transaction. The surveillance was discontinued pending further investigation.

On 04-25-2014 at approximately 1315 hours, I conducted another surveillance of the address. I saw Burton walking west on Skyline Drive towards his residence. Before reaching his address, I saw Burton waving both his arms in the air. A blue Dodge sedan pulled to the curb on the north side of 7900 Skyline Drive. Burton ran to the passenger side window and engaged the occupants. It appeared to me Burton might be conducting another narcotics transaction.

After a couple of minutes, the vehicle pulled away and drove off. Burton walked west on the north sidewalk. I advised the marked patrol unit of Burton's location. I had already briefed Officer Cameron #6864 and Officer Short #6884 about Burton, showed them a picture and explained we were going to do a probation search. I had Officer Short and Officer Cameron come in and detain Burton.

After Burton was detained, I contacted him and explained to him we were there to conduct a probation search. Burton refused to speak to me. I searched Burton per his probation conditions. I found keys to a vehicle, \$40 in \$20 bills, a cell phone and an Ipad. As I had Burton sit in the vehicle, I saw him trying to put his hand down the back of his shorts. Based on my training and experience, I know people who sell drugs often conceal the contraband in their buttocks. I informed Officer Cameron and Officer Short of Burton's action and asked that one of them keep an eye on Burton.

I took the keys and they unlocked Burton's Camaro parked just west of 7955 Skyline Drive. With the assistance of Detective Hatch #4454 and Sergeant Tallman #4263, I searched the vehicle per Burton's probation conditions. In the center console, I found two wads of money. The wads were all twenty dollar bill denominations. Each wad had \$1000 and totaled \$2000. No other contraband was found in the vehicle.

I contacted the Grandmother, Marcia Acey and the Grandfather, Milton Acey at 7955 Skyline Drive. Marcia Acey told me Burton did not live there but did come by during the

Reporting Investigator: S. James ID#5663 Section: Narcotics Team 1

Approved By: Sgt M. Tallman #4263 Date of Report: 04-30-2014 Time: 0715 Hrs
 A235 155

Investigator's Report
 Subject: Steven Burton
 Page 3 of 4

day. I asked if he kept belongings at the house and Marcia Acey said he did not. I asked if he had a job and Marcia Acey said he did not.

Sergeant Tallman had Burton step out of the patrol car and he took Burton inside the garage. For more information on Sergeant Tallman's interaction with Burton, see his report. Sergeant Tallman called me over to the garage and said he knew Burton had concealed contraband in his buttocks. Burton started to struggle with Sergeant Tallman and the other Officers. They were trying to spread Burton's legs but he was refusing. I grabbed Burton's right ankle and pulled his leg to the right but Burton was able to bring his left leg with his right leg trying to keep them together.

At this point, Burton's Mother and Sister arrived and were standing in the driveway and they started yelling for us to leave Burton alone. I went out to the driveway and told them to stay where they were and let the other Officers do what they needed to do. More units were requested to come to the location.

After a couple of minutes, Sergeant Tallman walked out of the garage and handed me a plastic bindle containing several small white rocks. Based on my training and experience, I believed the rocks to be a controlled substance and consistent with cocaine base.

Burton was transported to headquarters. Burton's car keys were left with his family. I contacted Detective Hawksley #3770 with the Narcotics Task Force Asset Seizure Unit regarding the money recovered from Burton. I met Detective Hawksley at headquarters and briefed him. Detective Hawksley took custody of the \$2040 and gave a receipt to Burton and I.

I read Burton his Miranda Rights per the PD-145 and Burton invoked his rights. Burton was transported to jail and booked for the listed charges. The cocaine base, cell phone and Ipod were impounded at the headquarters property room.

On 04-29-2014, I received a report from the San Diego Police Crime Laboratory. The report stated the substance impounded was 15.81 grams of cocaine base.

TRAINING AND EXPERIENCE

16 hours of Narcotics training at the academy
 24 hours of Drug Abuse Recognition (DAR) training
 8 hours of "Mini DAR" training
 6 hours of "Rave and Club Drugs" training
 4 hours of Clandestine Labs Manufacturing Techniques training
 4 hours of "Red Flags" training (pertains to narcotics investigations)
 4 hours of "Street Development" training (pertains to manufacturing, preparation, identification, paraphernalia and under the influence of street narcotics)
 2 hours of People Under the Influence training

Reporting Investigator: **S. James** ID#5663 Section: **Narcotics Team 1**

Approved By: **Sgt M. Tallman #4263** Date of Report: **04-30-2014** Time: **0715 Hrs**
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Investigator's Report
Subject: Steven Burton
Page 4 of 4

2 hours of Narcotics Enforcement for Patrol training
8 hours of Tactical Aspects of Narcotics Investigations training
4 hours of "Gangs and Drugs" training
4 hours of Clandestine Labs Manufacturing Techniques: The Mexican Connection training
4 hours of Prison Gangs, Street Gangs and Drugs training
4 hours of Narco Traffickers and the Spiritual World training
4 hours of Emerging Drug Trends/Drug Abuse
80 hours of Basic Narcotics Investigator class

I have been involved in over 500 arrests for narcotics related offenses. I have conducted and have been involved in undercover narcotic purchases. I am a court-recognized expert in the area of narcotics.

CONCLUSION:

Based on the listed information, I request Burton be charged with possession of a controlled substance for sale, possession of a controlled substance and resisting arrest. I am forwarding this case to the District Attorney's Office for review.

Reporting Investigator: S. James ID#5663 Section: Narcotics Team 1

Approved By: Sgt M. Tallman #4263 Date of Report: 04-30-2014 Time: 0715 Hrs
A237 157

SAN DIEGO POLICE DEPARTMENT

INVESTIGATOR'S REPORT

DATE: April 25, 2014

TIME: 1430 Hours

LOCATION: 7955 Skyline Ave. San Diego, Ca.

SUBJECT: Arrest of Steven Burton Incident # 14040045348

Detective Statement:

I am a Detective Sergeant with the San Diego Police Department currently assigned to the Narcotics Section. I am the supervisor of Team 1. Detectives S. James, 5663 and R. Hatch, 4454, are also assigned to Team 1.

On April 25th, at about 1430 hours, I was assisting Detective James with a probation search of Steven Burton 10-5-1980. Burton was on probation for an assault with a deadly weapon case with active 4th waiver search terms.

Based on Burton's probation status and observations made by Detective James indicating Burton was possibly involved in a hand-to-hand narcotic transaction and had possibly concealed contraband in his rear waist band, Burton was detained and placed into the back seat of a patrol vehicle. The Southeastern Officers who detained Burton were Officers Short, 6884 and Cameron, 6864. For complete details of Detective James' observations see his report.

With the intent to conduct a thorough search of Burton's person I had Officer Cameron escort him from the police vehicle to the open garage attached to 7955 Skyline. The address is where Burton's parents currently reside. After facing him toward and against a pickup in the garage I checked the waistband and pockets of the shorts he was wearing. Nothing was found. Based on Detective James' suspicion that Burton possibly concealed contraband inside his rear waistband, I bladed my gloved right hand and vertically moved it on the outside of his clothing from the top of the crease of his buttocks toward the floor. As I did this I felt a hard golf ball sized object that was not part of his body. Based on what I felt, I believed it was some type of package that contained numerous pieces of rock cocaine. Immediately after I felt the suspected contraband, I verbally informed Burton he was under arrest for possession of a controlled substance. Simultaneously, Burton made an obvious effort to forcefully squeeze his buttocks together so the item could not be recovered. He ignored several verbal requests to release the tension so the item could not be recovered and physically resisted by maintaining the tension and forcefully trying to squeeze his legs together.

REPORTING DETECTIVE M. Tallman **I.D.** 4263 **DIVISION** NST

APPROVED BY Sgt. Tallman **DATE** 04/30/14 **TIME** 1300 hours

Arrest of Steven Burton

Page 2 of 5

Based on my concern Burton was attempting to destroy or possibly further conceal the evidence in his rectum, I directed Det. Hatch to take control of Burton's upper body and lay him face down on the garage floor, while Det. James and Officer Cameron maintained control of his legs. Once on the floor Det. James and Officer Cameron forced Burton's legs apart while Det. Hatch prevented his upper body from moving. At this point I pulled down Burton's shorts and exposed his buttocks to a point where I could see a clear plastic bag that contained a significant quantity of suspected rock cocaine. By sliding my gloved right hand between his buttock cheeks, I was able to push the contraband on to the garage floor. Once recovered, I gave the evidence to Det. James Burton was then placed back into the police vehicle and transported by patrol for further processing.

REPORTING DETECTIVE M. Tallman **I.D.** 4263 **DIVISION** NST-1

APPROVED BY Sgt. M. Tallman **DATE** 04-30-14 **TIME** 1300 hours

SAN DIEGO POLICE DEPARTMENT

INVESTIGATOR'S REPORT

DATE: April 25, 2014

TIME: 1430 Hours

LOCATION: 7955 Skyline Ave. San Diego, Ca.

SUBJECT: Arrest of Steven Burton Incident # 14040045348

Detective Statement:

On April 25, 2014, at about 1345 Hours I responded 7900 Skyline Avenue to assist Detective James #5663 and Sgt Tallman #4263 with a search of Steven Burton. Burton is on probation with a 4th waiver. Upon my arrival I saw Burton sitting in the backseat of a marked unit. I assisted in searching Burton's vehicle a Camaro parked on 7900 Skyline on the south side of the street. Upon searching the car I went to 7955 Skyline Drive and spoke to Burton's grandparents. They told me he did not live there but was there often during the day visiting. I found some clothes, a sweat jacket and sweat pants lying on the couch. His grandmother told me they were Steven's (Burton). I checked the pockets and found a California I.D for Steven Burton. I then heard a commotion outside. I stepped out the front door and saw Sergeant Tallman and Officer Cameron #6864 struggling with Burton attempting to hold him against a car parked in the garage. I saw Burton was handcuffed with his fists clenched and body rigid. Sergeant Tallman told me he felt what he believed to be narcotics between Butler's butt cheeks. Sergeant Tallman told me to come around to his left side to help take Burton to the ground so we could gain control of him and remove the object. I went back inside the house and came out in the garage on the other side of Sgt. Tallman and Burton. Sgt Tallman gave Burton several verbal commands to relax his butt cheeks and go to the ground. Burton refused and I grabbed his left hand and applied pressure flexing downward on the top of the hand for pain compliance. I gave him several verbal complaints to relax and go to the ground. Burton continued to resist and I continued to apply pressure. Burton finally complied and went to the ground. Once Burton was on the ground Sgt. Tallman removed a plastic bag containing several pieces of cocaine base. We assisted Burton to his feet and put him in the police car. Burton was transported to Headquarters and booked into jail. See Detective James' investigators report for details.

REPORTING DETECTIVE Roger Hatch **I.D.** 4454 **DIVISION** NST

APPROVED BY Sgt. M. Tallman, 4263 **DATE** 04/29/14 **TIME** 0800 hours

Incident No. 14040045348

SAN DIEGO REGIONAL

ARREST / JUVENILE CONTACT REPORT

R E P O R T	ARREST REPORT		AGENCY NUMBER 14040045348			
	WARRANT None		AGENCY SDPD		ADJUS ASSISTED ? <input checked="" type="checkbox"/> Y	PAGE 1 OF 3
	ARREST DATE 04/25/2014	TIME 14:30	BEAT/DISTRICT 436	RELATED REPORTS (TYPE, NUMBER)		CITATION NUMBER
A R R E S T E E - C R I M E	CHARGE(S) 11351.5 / HS / POSS/ETC BASE/ROCK COCAINE F/S					ADD'L CHGS. <input checked="" type="checkbox"/> Y
	PERSON ARRESTED (L, F, M) Burton, Steven Doyle					
	NICKNAME		D.O.B. 10/05/1980	P.O.B. San Diego, ca		
	RACE B	SEX M	AGE 33	HEIGHT 6'02"	WEIGHT 190	BUILD THI
	HAIR BLK		EYES BRO			
	ALIAS/MAIDEN NAME (L, F, M)					
	ARRESTEE'S ADDRESS 7955 SKYLINE DR		CITY San Diego		STATE ZIP Ca 92114	
	EMPLOYER/SCHOOL	MILITARY <input checked="" type="checkbox"/> N	OCCUPATION/RANK None	HOME PHONE	BUSINESS PHONE	
	BUSINESS OR MILITARY ADDRESS		CITY		STATE ZIP	
	EMERGENCY CONTACT/NEXT OF KIN (L, F, M)					
EMERGENCY ADDRESS						
CITY						
STATE ZIP						
HOME PHONE		IS SUBJECT A SUSPECTED USER OF NARCOTICS/DRUG ? <input checked="" type="checkbox"/> Y		INTERPRETER REQUIRED ? <input checked="" type="checkbox"/> N		
LANGUAGE		SUSPECT'S RELATION TO VICTIM(S)				
LOCATION OF ARREST 7955 SKYLINE DR		CITY San Diego				
LOCATION OF OFFENSE 7955 SKYLINE DR		CITY San Diego				
OFFENSE DATE 04/25/2014	OFFENSE TIME 14:00	CITIZEN ARREST ? <input checked="" type="checkbox"/> N	ARRESTING OFFICER JAMES, SCOTT		I.D. 5663	
ADMONISHED BY JAMES, SCOTT		I.D. 5663				
DID YOU UNDERSTAND EACH OF THESE RIGHTS THAT I HAVE EXPLAINED TO YOU ? yes						
HAVING IN MIND AND UNDERSTANDING YOUR RIGHTS AS I HAVE TOLD YOU, ARE YOU WILLING TO TALK WITH US ? yes						
STATEMENT <input type="checkbox"/>						
A R R E S T E E D E S C R I P T I O N	HAIR LENGTH/TYPE 5. Short 3. Thick		HAIR STYLE 11. Other 1. Afro/Nat		FACIAL HAIR 2. Full Beard	
	COMPLEXION 2. Dark		SPEECH 4. Offensive		VOICE 3. Loud	
	IDENTIFICATION NUMBERS					
	DRIVER'S LICENSE NO. D1820666		STATE CA			
	SOCIAL SECURITY NO. 546-65-2424					
	FBI NO.					
	CII NO.					
	OTHER I.D.		TYPE			
	FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, ETC.)					
	CLOTHING DESCRIPTION white t shirt, white basketball shorts, gray athletic shoes					
SUSPECT VEHICLE	YEAR 1994	MAKE CHEVROLET	MODEL CAMARO	COLOR / COLOR WHITE / WHITE	BODY TYPE SEDAN (NUMBE	
LICENSE NO. 7A1S570		STATE CA				
ADDITIONAL VEHICLE IDENTIFIERS (ORHOML, DAMAGE, ETC.)		VIN NUMBER		DISPOSITION OF VEHICLE left at scene		
REGISTERED OWNER (L, F, M) Burton, Steven Doyle						
REGISTERED OWNER'S ADDRESS 7955 SKYLINE DR		CITY San Diego		STATE ZIP Ca 92114		
E V.	PROPERTY TAG NOS.		DISPOSITION OF EVIDENCE			
	REPORTING OFFICER SHORT III		I.D. 6884		DIVISION SE1	REPORT DATE 04/25/2014
TIME 14:39						

ARJIS-4 (REV. 7-95 Electronic)

C O M P A N I O N S	COMPANION'S NAME (L, F, M)										
	ADDRESS					CITY		STATE		ZIP	
	PHONE		RACE	SEX	D.O.B.		ARRESTED <input type="checkbox"/>		ADDITIONAL COMPANIONS LISTED <input type="checkbox"/>		
V I C T I M / W I T N E S S	VICTIM/WITNESS NAME (L, F, M)										
	RESIDENT ADDRESS					CITY		STATE		ZIP	
	BUSINESS ADDRESS					CITY		STATE		ZIP	
	HOME PHONE		BUSINESS PHONE			RACE	SEX	D.O.B.		ADD'L VIC/WIT. LISTED <input type="checkbox"/>	
J U V E N I L E O N L Y	FATHER/STEPFATHER'S NAME (L, F, M)										
	FATHER/STEPFATHER'S ADDRESS								HOME PHONE		
	CITY				STATE		ZIP		BUSINESS PHONE		
	MOTHER/STEPMOTHER'S NAME (L, F, M)										
	MOTHER/STEPMOTHER'S ADDRESS								HOME PHONE		
	CITY				STATE		ZIP		BUSINESS PHONE		
	SCHOOL				GRADE		LIVES WITH				
	PARENTS NOTIFIED BY: WHOM AND HOW						DATE		TIME	RELEASE DATE	RELEASE TIME
	FIELD DISP.										
	ATTITUDE OF JUVENILE					ATTITUDE OF PARENTS' GUARDIAN					
C I T I Z E N A R R E S T	I have arrested: <u>Burton, Steven Doyle</u>										
	I know that pursuant to Section 849 of the Penal Code of the State of California, it is necessary for me to sign a complaint stating the charge against the prisoner, which complaint must be made before a magistrate, and I agree to sign said complaint and appear in said matter without delay.										
	Date: <u>04/25/2014</u> Computer generated form. Signature is not obtained; disclaimer read to the citizen.										
A D U L T M I S D O N L Y	ARRESTING CITIZEN (L, F, M) PRINT										
	RESIDENT ADDRESS					CITY		STATE		ZIP	
	BUSINESS ADDRESS					CITY		STATE		ZIP	
	HOME PHONE		BUSINESS PHONE			RACE	SEX	D.O.B.			
Check each reason for not releasing the subject with a written notice to appear. (ADULTS ONLY)											

Continued From: ARR/JUV. CON.		San Diego Regional Officer's Report Narrative		Incident Number 14040045348	
Page 3 of 3				Case Number	
Code Section And Description (one incident only) 11351.5 / HS / POSS/ETC BASE/ROCK COCAINE F/S			Date 04/25/2014	Day of Week FRI	Time 14:30
Location Of Incident (Or Address) 7955 SKYLINE DR			City	District	Beat
Person(s) Involved: Victim					
Suspect (If Named) Burton, Steven Doyle					
Property Tag No.(s)					

Officer's Statement:

On 04/25/14 at approximately 1330 hours, Officer W. Short #6864 and I assisted Det. Scott James #5663 conduct a 4th waiver compliance check on Steven Burton (10/05/1980). Officer Short and I know Burton to be on summary probation and have an active 4th waiver status.

Officer Short and I observed Burton on the north curb line of 7900 Skyline Drive walking westbound. Officer Short and I contacted him in order to conduct a 4th waiver compliance check. Based on Burton's probation status and prior criminal history, I placed Burton into handcuffs in order to conduct a compliance check. Burton lives across the street from where Officer Short contacted Burton, 7955 Skyline Drive. See Det. James' related report for details.

At approximately 1415 hours, Sgt. Tallman conducted a search of Burton's person. See Sgt. Tallman's report for details.

I assisted Sgt. Tallman in retrieving a substance from Burton. Sgt. Tallman and I placed Burton on his stomach on the ground and I assisted moving and controlling Burton's legs. I held Burton's left leg with my left hand and Burton's right leg with my right hand. See Sgt. Tallman's and Det. Scott's reports for details.

Burton was placed under arrest for possession of a controlled substance. See Det. James' related report for details.

Officer Short and I transported Burton to Headquarters for processing and Burton was later transported and booked into Central Jail.

Approved By: Sgt. J. Chiles #4868

Reporting Officer SHORT III	ID # 6884	Division SE1	Approved By	Date of Report 04/25/2014	Time 14:39
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Continued N

SAN DIEGO POLICE DEPARTMENT Property Report

Incident Number: **14040045348**

Case Number:

Suspect: **BURTON, Steven D** DOB: **10/05/1980**

BarCode	Item #	Item Type	Description
 10357114	1	DRUGS - See Drug Type for Further	ROCK LIKE MATERIAL - Several white rocks wrapped in a plastic bindle Recovered By: TALLMAN, MARK 4263 Date Recovered: 04/25/2014 Recovery Address / Location: 7955 Skyline Dr Transported By: JAMES, SCOTT 5663 on 4/25/14 1430 Impounded By: SCOTT JAMES 4/25/14 15:23
 10357124	2	CELL PHONE	Huawei Cracked screen Recovered By: JAMES, SCOTT 5663 Date Recovered: 04/25/2014 Recovery Address / Location: 7955 Skyline Dr same Transported By: JAMES, SCOTT 5663 on 4/25/14 1430 Impounded By: ROGER HATCH 4/25/14 16:02
 10357128	3	OTHER - See Additional Description for Further	I pod 16gb I pod touch Recovered By: JAMES, SCOTT 5663 Date Recovered: 04/25/2014 Recovery Address / Location: 7955 Skyline Dr Transported By: JAMES, SCOTT 5663 on 4/25/14 1430 Impounded By: ROGER HATCH 4/25/14 16:04

NARCOTICS VAULT

***This is an UNOFFICIAL REPORT ONLY.
Only listed items were examined.**

CASE INFORMATION

TAG:
INCIDENT: 14040045348
INCIDENT DATE: 4/25/2014
INCIDENT TYPE:

NARCOTICS ANALYSIS RESULTS INFORMATION

ANALYST	ANALYSIS DATE	ANALYSIS TYPE	BARCODE	QTY	PACKAGING	AMT	UNIT	RESULTS	SUSPECT
Julie Flanagan 8532	4/28/2014	PRELIMINARY	10357114	1	PLASTIC BAGGIE	15.81	GRAMS	COCAINE BASE	BURTON, STEVEN D

A245

No Data Found for Alcohol.

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NOTICE TO ATTORNEY AND/OR DEFENDANT ACTING AS OWN ATTORNEY

Police Officer Personnel Files: The San Diego County District Attorney's Office does not inspect police officer personnel files. Any defense request for disclosure of information contained within police officer personnel files must be made through the Pitchess process pursuant to Evidence Code 1043 et. seq.

Witness Information: The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code Section 1054.2, which reads as follows:

1054.2. (a) (1) Except as provided in paragraph (2), no attorney may disclose or permit to be disclosed to a defendant, members of the defendant's family, or anyone else, the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1, unless specifically permitted to do so by the court after a hearing and a showing of good cause.

(2) Notwithstanding paragraph (1), an attorney may disclose or permit to be disclosed the address or telephone number of a victim or witness to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case if that disclosure is required for that preparation. Persons provided this information by an attorney shall be informed by the attorney that further dissemination of the information, except as provided by this section, is prohibited.

(3) Willful violation of this subdivision by an attorney, persons employed by the attorney, or persons appointed by the court is a misdemeanor.

(b) If the defendant is acting as his or her own attorney, the court shall endeavor to protect the address and telephone number of a victim or witness by providing for contact only through a private investigator licensed by the Department of Consumer Affairs and appointed by the court or by imposing other reasonable restrictions, absent a showing of good cause as determined by the court.

Confidentiality Notice: The accompanying materials are being provided to you at your request and in accordance with the statutory and constitutional disclosure obligations imposed on the San Diego County District Attorney's Office. The medical information contained in these materials is privileged and confidential and/or protected health information (PHI) and is subject to privacy protection under the law, including the Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA). The materials provided are intended to be used exclusively in your professional representation of the person charged in the matter above-identified.

This transmission is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are notified that any use, dissemination, distribution, printing or copying of the materials is strictly prohibited and may subject you to criminal or civil penalties. If you have received these materials in error, please contact our Office's eDiscovery Service desk at (619) 615-6985 / eDiscoveryServiceDesk@sdca.org. You should also delete any such materials from any computer.

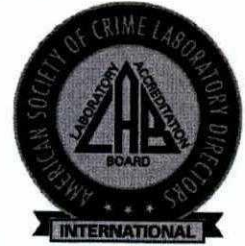
THIS NOTICE APPLIES TO YOU AND YOUR AGENTS. IT APPLIES TO ALL DISCOVERY OF WHATEVER NATURE, WHETHER ORIGINAL DISCOVERY OR ADDITIONAL DISCOVERY WHICH MAY BE ACQUIRED IN RELATION TO THIS CASE.

(12/20/13)



**SAN DIEGO POLICE DEPARTMENT
Forensic Science Section**

PRELIMINARY Narcotics Analysis Report



SUSPECT: BURTON, STEVEN D
INCIDENT #: 14040045348
INCIDENT TYPE: NARCOTICS
INCIDENT DATE: 4/25/2014
OFFICER: TALLMAN, MARK
CRIMINALIST: JULIE FLANAGAN 8532

ITEMS EXAMINED:

10357114: 1 plastic baggie containing rock-like material.

EXAMINATION RESULTS:

Item 10357114 was examined and found to have a net weight of 15.81 grams. Item 10357114 contains cocaine base. This evidence was analyzed using a combination of color and crystal tests.

ADDITIONAL INFORMATION:

None.

DISPOSITION OF EVIDENCE:

All evidence was returned to the Narcotics Vault.

JULIE FLANAGAN 8532
Criminalist
Forensic Chemistry Section
4/28/2014

Technical Review: Vm **Date:** 4-29-14 **Administrative Review:** Jte **Date:** 4-30-14

The balance uncertainty of measurement is +/-0.01 grams at a 99.7% confidence level.
All weights and measurements were established at the time of the preliminary examination.

JEREMY WARREN
Warren & Burstein
State Bar No. 177900
501 West Broadway, Suite 240
(619) 234-4433
jw@wabulaw.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.: 16cr746-AJB
)	
Plaintiff,)	Defendant's supplemental document in
)	support of suppression motion
v.)	
)	
STEVEN BURTON,)	
)	
Defendant.)	
)	
)	

Pending before the Court is Mr. Burton's motion to suppress evidence (docket no. 14). In it, he argues that he did not knowingly waive his Fourth Amendment right to be free from unreasonable searches. Undersigned counsel just received a copy of correspondence Mr. Burton's attorney, who handled the plea and sentencing without Mr. Burton's presence, provided to Mr. Burton after the hearing.

The correspondence, which is attached, is dated November 13, 2013 (the date of the hearing). The letter provides Mr. Burton with "the conditions of your probation," and lists five items: three years summary probation, a \$1,120 fine, DMV classes,

1 MADD classes, and a stay-away order.

2 This correspondence supports Mr. Burton's argument that he was not informed
3 that he would be subjected to any Fourth Amendment waiver, much less voluntarily
4 accept it as a condition of probation. He asks the Court to consider it along with his
5 motion.
6

7 Respectfully submitted,
8

9 Dated: July 18, 2016

/s/ Jeremy Warren

Jeremy Warren

WARREN & BURSTEIN

10 Attorney for Mr. Burton
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November 13, 2013

Steven Burton
7955 Skyline Drive
San Diego, CA 92114

Re: Case No: CE331373

Mr. Burton:

Please find the conditions of your probation:

- Three years summary probation;
- pay a fine of \$1,120.00;
- complete classes ordered by the DMV;
- complete the MADD class; and
- stay away from Miguel Camarena

Please go to Court Collections and the Substance Abuse Assessment Unit (SAUU) before December 6, 2013. They are located on the first floor of the El Cajon courthouse.

You can set up a payment plan for the fine and schedule a time to complete the MADD class. I was able to get the court to not impose the fine on the assault case, which saved you about \$600.00. I will mail out the forms for the downtown case that we may resolve in early December.

Please contact my office if you have any questions.

Sincerely,

Michael D. Kern

Proof of Service

I certify that on July 18, 2016, I served the above document on all parties via electronic filing.

Dated: July 18, 2016

/s/ Jeremy Warren
Jeremy Warren
Attorney at Law

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN DOYLE BURTON, PETITIONER,

vs.

UNITED STATES, RESPONDENT.

CERTIFICATE OF SERVICE

I, Carlton F. Gunn, hereby certify that on this 25th day of September, 2018, a copy of the Petitioner's Joint Appendix, Volume 2 of 3, was mailed postage prepaid, to the Solicitor General of the United States, Department of Justice, Room 5614, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001, counsel for the Respondent.

Respectfully submitted,

September 25, 2018

s/ Carlton F. Gunn
CARLTON F. GUNN
Attorney at Law