

## 1                   UNITED STATES DISTRICT COURT

## 2                   EASTERN DISTRICT OF PENNSYLVANIA

3                   - - -

4                   UNITED STATES OF AMERICA           :   CRIMINAL DOCKET FOR CASE  
5   :   NO. 16-258  
6                   -VS-                                   :  
7                   TYREE MANSELL                        :  
8                   - - -

9                   PHILADELPHIA, PA

10                   DECEMBER 1, 2017

11                   BEFORE HONORABLE CHIEF JUDGE PETRESE B. TUCKER

12                   SENTENCING

13                   APPEARANCES:

14                   FOR THE GOVERNMENT:   U.S. ATTORNEY'S OFFICE  
15    BY: YVONNE O. OSIRIM, AUSA  
16    AND SETH M. SCHLESSINGER, AUSA  
17    615 CHESTNUT STREET, SUITE 1250  
18    PHILADELPHIA, PA 19106

19                   FOR THE DEFENDANT:   ECKERT SEAMANS CHERIN & MELLOTT LLC  
20    BY: KEVIN HARDEN, JR., ESQUIRE  
21    50 SOUTH 16TH STREET, 22ND FLOOR  
22    PHILADELPHIA, PA 19102

23                   LYNN MCCLOSKEY, RPR  
24                   OFFICIAL COURT REPORTER  
25                   1234 US COURTHOUSE  
26                   601 MARKET STREET  
27                   PHILADELPHIA, PA 19106  
28                   (856) 649-4774

1 THE COURT: GOOD MORNING.

2 ALL COUNSEL: GOOD MORNING, YOUR HONOR.

3 THE COURT: YOU MAY BE SEATED.

4 THIS MATTER IS HERE FOR SENTENCING. ARE

5 WE READY TO PROCEED?

6 MS. OSIRIM: WE ARE, YOUR HONOR.

7 MR. HARDEN: YES, YOUR HONOR.

8 THE COURT: MR. HARDEN, YOU HAVE FILED ON

9 BEHALF OF YOUR CLIENT A SENTENCING MEMO. AND IN THAT

10 MEMO YOU HAVE OBJECTIONS TO THE GUIDELINE CALCULATIONS?

11 MR. HARDEN: YES, YOUR HONOR.

12 THE COURT: I WILL HEAR YOU ON THOSE

13 OBJECTIONS.

14 MR. HARDEN: THANK YOU, YOUR HONOR.

15 COURT'S INDULGENCE.

16 YOUR HONOR, WITH REGARD TO THE GUIDELINE

17 CALCULATIONS PROFFERED BY THE PROBATION DEPARTMENT AND

18 ADOPTED BY THE UNITED STATES ATTORNEY'S OFFICE, MYSELF,

19 ON BEHALF OF MR. MANSELL, WOULD LIKE TO LODGE SEVERAL

20 OBJECTIONS TO THE GUIDELINE CALCULATION.

21 FIRST, WE WOULD LIKE TO LODGE AN

22 OBJECTION WITH REGARD TO THE OBSTRUCTION OF JUSTICE

23 ADJUSTMENT. WITH REGARD TO ALL FIVE OF THE COUNTS OF

24 THE -- EXCUSE ME, ALL FIVE GROUPINGS OF THE -- ALL FIVE

25 GROUPS RELATED TO THE INDIVIDUAL COUNTS THAT MR. MANSELL

1       WAS FOUND GUILTY OF, ON EACH OF THOSE CASES THERE HAS  
2       BEEN A TWO-LEVEL ADJUSTMENT WITH REGARD TO OBSTRUCTION  
3       OF JUSTICE. I DO NOT BELIEVE THAT THE GOVERNMENT HAS  
4       MADE OUT BY A PREPONDERANCE OF THE EVIDENCE THAT MR.  
5       MANSELL OBSTRUCTED JUSTICE AT ALL. THERE WAS NO  
6       EVIDENCE PROFFERED AT TRIAL WITH REGARD TO OBSTRUCTION  
7       OF JUSTICE BY MR. MANSELL. THEY HAD INDIRECT EVIDENCE  
8       THAT AN INDIVIDUAL INSIDE OF THE PRISON FACILITY  
9       APPROACHED AN INDIVIDUAL AND SAID SOMETHING ABOUT MR.  
10      MANSELL'S CRIMINAL CASE AND MATTERS. THERE WAS  
11      ADDITIONAL EVIDENCE THAT MR. MANSELL MADE COMMENTS  
12      THROUGH THE TOILET SYSTEM AT THE PRISON TO A  
13      CO-DEFENDANT. I AM NOT SURE IF THAT EVIDENCE WAS  
14      PROFFERED AT TRIAL, BUT NEVERTHELESS, THAT INFORMATION  
15      DOES NOT AMOUNT TO AN OBSTRUCTION OF JUSTICE THAT WOULD  
16      REQUIRE AN ADJUSTMENT ON ALL FIVE GROUPS.

17                    MY NEXT OBJECTION IS WITH REGARD TO THE  
18                    USE OF A FIREARM ADJUSTMENT. THE JURY HEARD EVIDENCE OF  
19                    FIVE INDIVIDUALS -- EXCUSE ME, FIVE HOME INVASION  
20                    GUNPOINT ROBBERIES. AT THE CONCLUSION OF TRIAL, THEY  
21                    FOUND MR. MANSELL NOT GUILTY OF THREE FIREARM CHARGES,  
22                    ALL OF WHICH WOULD HAVE INCLUDED AIDING, ABETTING,  
23                    POSSESSING OR ANY POSSIBLE WAY FOR MR. MANSELL TO HAVE  
24                    POSSESSED A FIREARM DURING THESE HOME INVASION GUNPOINT  
25                    ROBBERIES. THE GOVERNMENT DID NOT CARRY THEIR BURDEN,

1 NOT EVEN AT THE LEVEL OF PREPONDERANCE OF EVIDENCE, WITH  
2 REGARD TO MR. MANSELL'S POSSESSING A FIREARM DURING  
3 THOSE THREE ROBBERIES.

4 FINALLY, ON THE LAST ROBBERY, BECAUSE MR.  
5 MANSELL WAS CONVICTED OF THE 924(C), THERE IS NO  
6 ADJUSTMENT BECAUSE IT'S ENCAPSULATED BY THE 924(C)  
7 CONVICTION.

8 NEXT, YOUR HONOR, WE OBJECT TO THE ROLE  
9 IN THE OFFENSE ADJUSTMENT. MR. MANSELL WAS ATTRIBUTED  
10 AN ADJUSTMENT OF TWO LEVELS WITH REGARD TO HIS ROLE IN  
11 THE OFFENSES. I DO NOT BELIEVE THAT THERE WAS EVIDENCE  
12 SUFFICIENT TO MEET THE GOVERNMENT'S STANDARD WITH REGARD  
13 TO MR. MANSELL BEING THE MASTERMIND BEHIND THESE  
14 ROBBERIES. THERE WERE SEVERAL INSTANCES, INCLUDING  
15 DURING MY CROSS EXAMINATION OF MR. STERLING WALLACE,  
16 WHERE HE ACKNOWLEDGED THAT HE HAD ADMITTED -- EXCUSE ME,  
17 ACKNOWLEDGED THAT HE HAD PARTICIPATED AND PLANNED IN  
18 OTHER GUNPOINT ROBBERIES. DURING HIS TESTIMONY, HE  
19 ACKNOWLEDGED THAT HE WAS THE ONE WHO HAD INVITED OTHERS  
20 TO GUNPOINT ROBBERIES THAT THE, QUOTE, CONSPIRACY GROUP  
21 PARTICIPATED IN. WHEN IT COMES TO TIMING, ORGANIZATION,  
22 PLACE, SELECTION OF THE TARGETS, ALL OF THE INDIVIDUALS  
23 INVOLVED IN THIS CONSPIRACY SHARED RESPONSIBILITY. AND  
24 I CITE IN MY SENTENCING MEMORANDUM CASE LAW WITH REGARD  
25 TO MR. MANSELL'S ROLE AND WHETHER OR NOT HIS ROLE WAS

1       SHARED OR WHETHER OR NOT HE ACTUALLY EXERCISED DOMINION,  
2       CONTROL AND POWER OVER OTHER INDIVIDUALS INSIDE THE  
3       CONSPIRACY.

4                   YOUR HONOR, I HAVE A BRIEF OBJECTION WITH  
5       REGARD TO THE INCLUSION OF RELEVANT CONDUCT. THE  
6       GOVERNMENT PROFFERED EVIDENCE WITH REGARD TO AN  
7       UNCHARGED HOME INVASION GUNPOINT ROBBERY WHERE A GUN WAS  
8       POSSESSED. I WOULD LODGE A TYPICAL -- A GENERAL  
9       OBJECTION UNDER THE FIFTH AND SIXTH AMENDMENT,  
10      SPECIFICALLY CITING THE LIENS AND IN CASES THAT LEAD UP  
11      TO A LIEN THAT SAID THAT ANY FACT FINDING BY A JUDGE  
12      THAT WAS NOT NECESSARILY FOUND TO BE TRUE BY THE JURY,  
13      THAT AFFECTS THE OUTCOME OF MY CLIENT'S SENTENCE TO THE  
14      VIOLATION OF THE UNITED STATES CONSTITUTION. I WOULD  
15      ADOPT THE ARGUMENTS THAT I MADE IN MY SENTENCING  
16      MEMORANDUM WITH REGARD TO THE RELEVANT CONDUCT.

17                  YOUR HONOR, THERE IS ONE OBJECTION THAT I  
18      HAVE WITH REGARD TO GROUPING -- A GROUP ONE ROBBERY WITH  
19      REGARD TO THE ABDUCTION ADJUSTMENT. IN MY MEMORANDUM, I  
20      DID NOT SAY THAT THE ABDUCTION ADJUSTMENT SHOULD BE  
21      MODIFIED WITH REGARD TO GROUP ONE. GROUP ONE WAS THE  
22      ROBBERY INVOLVING AN INDIVIDUAL WHO WAS HELD DOWN, AND  
23      THE JURY CONVICTED MR. MANSELL OF AN ELDERLY GENTLEMAN  
24      WHO WAS THEN HELD IN HIS KITCHEN. THERE WAS NO  
25      TESTIMONY WITH REGARD TO THE LOCATION OF THE KITCHEN,

1       VIS-A-VIS THE FRONT DOOR. THEREFORE, THE GOVERNMENT HAS  
2       NOT PROFFERED EVIDENCE THAT THE INDIVIDUALS ACTUALLY  
3       TRANSPORTED ANYWHERE. THERE IS CASE LAW THAT SAYS THAT  
4       THERE ARE THREE LEVELS WITH REGARD TO AN ABDUCTION  
5       ADJUSTMENT. FIRST, THAT THERE WAS A THREAT OF PHYSICAL  
6       VIOLENCE; SECOND, THAT THERE WAS MOVEMENT BY THE  
7       INDIVIDUAL TO TAKE THAT PERSON TO ANOTHER PLACE; AND  
8       NUMBER THREE, THAT THAT WAS DONE TO FACILITATE OR ASSIST  
9       IN THE COMMISSION OF THE CRIME. AND WHILE WE  
10      ACKNOWLEDGE THAT THE GOVERNMENT HAS MET ITS BURDEN WITH  
11      REGARD TO THE PHYSICAL VIOLENCE AND THE ASSISTING IN THE  
12      FACILITATION OF THE CRIME, THERE HAS BEEN NO EVIDENCE  
13      THAT THE KITCHEN WASN'T WHERE THE DOOR WAS WHEN THE --  
14      THAT THE KITCHEN WAS FARTHER OFF FROM THE DOOR, AS IF  
15      THEY HAD TO MOVE HIM THROUGH THE LIVING ROOM OR MOVE HIM  
16      THROUGH THE DINING ROOM. IF THERE WAS A DE MINIMIS  
17      AMOUNT OF MOVEMENT, THEN I WOULD ARGUE THAT THAT IS A  
18      PHYSICAL RESTRAINT AND NOT AN ABDUCTION, THEREFORE  
19      LEADING TO GROUP ONE BEING REDUCED BY ANOTHER TWO.

20                   YOUR HONOR, THOSE ARE MY GENERAL  
21      OBJECTIONS. I WOULD JUST NOTE THAT I DID NOT LODGE AN  
22      INITIAL OBJECTION TO THE PRESENTENCE REPORT WITH THE  
23      PROBATION OFFICER, BUT THE -- MANY OF MY OBJECTIONS ARE  
24      THE RESULT OF ADDITIONS THAT OCCURRED IN THE  
25      NOVEMBER 21ST REPORT, MANY OF -- WHICH ARE OUTLINED IN

1 THE PROBATION OFFICER'S ADDENDUM TO THE REPORT. AND  
2 THOSE ARE MY OBJECTIONS, YOUR HONOR.

3 THE COURT: OKAY. I WILL HEAR FROM THE  
4 GOVERNMENT.

5 MS. OSIRIM: HI, YOUR HONOR.

6 WE RECEIVED MR. HARDEN'S OBJECTIONS IN  
7 THE FORM OF A SENTENCING MEMORANDUM YESTERDAY AT  
8 4 O'CLOCK IN THE AFTERNOON. THOUGH I AM SURE THIS COURT  
9 AND MR. HARDEN ARE AWARE THAT OBJECTIONS TO THE  
10 PRESENTENCE INVESTIGATION REPORT ARE TO BE LODGED  
11 14 DAYS AFTER RECEIVING THE DRAFT PURSUANT TO FEDERAL  
12 RULE OF CRIMINAL PROCEDURE 32(F)(1). WE HAD AN  
13 OPPORTUNITY TO REVIEW SOME OF THOSE OBJECTIONS AND TO  
14 RESPOND ACCORDINGLY. BUT WE DO BELIEVE WE MAY NEED TO  
15 PRESENT SOME EVIDENCE, IF THE COURT WOULD LIKE TO HEAR  
16 IT, TO ENSURE THAT WE HAVE ESTABLISHED EACH OF THESE  
17 ENHANCEMENTS BY A PREPONDERANCE OF THE EVIDENCE.

18 THE FIRST OF MR. HARDEN'S OBJECTIONS,  
19 WHICH HE JUST ARTICULATED TO THE COURT, RELATES TO THE  
20 OBSTRUCTION ENHANCEMENT. THIS COURT WILL REMEMBER THAT  
21 THE GOVERNMENT FILED A MOTION TO ADMIT THREAT EVIDENCE,  
22 WHICH I BELIEVE WAS GRANTED. WE DID NOT, IN FACT, HAVE  
23 TO PROCEED ON THAT POINT AT THE TIME OF TRIAL BECAUSE WE  
24 HAD AMPLE EVIDENCE ON THE RECORD TO DISCUSS THE ACTUAL  
25 ROBBERIES AND THE USE OF THE FIREARMS IN THOSE

1 ROBBERIES. BUT IF THE COURT WOULD LIKE, WE ARE PREPARED  
2 TO PRESENT TESTIMONY OF SPECIAL AGENT JOSEPH MILLIGAN ON  
3 THREATS THAT WERE LODGED IN CONNECTION WITH THIS CASE  
4 NOW, SO THAT THE COURT MAY HEAR SOME OF THAT EVIDENCE IN  
5 MORE DETAIL THAN WAS ARTICULATED IN THE GOVERNMENT'S  
6 MOTION, IF IT WOULD LIKE.

7 THE COURT: WILL THERE BE ANY OTHER  
8 TESTIMONY OFFERED BY THE GOVERNMENT OF THAT WITNESS SO  
9 THAT I CAN PUT THEM ON?

10 MS. OSIRIM: FOR THIS WITNESS, I DON'T  
11 BELIEVE SO.

12 THE COURT: ALL RIGHT, I WILL HEAR FROM  
13 THE WITNESS.

14 MS. OSIRIM: THANK YOU VERY MUCH.

15 THE DEPUTY CLERK: GOOD MORNING. CAN YOU  
16 RAISE YOUR RIGHT HAND AND STATE YOUR NAME AND SPELL IT  
17 FOR THE RECORD?

18 THE WITNESS: JOSEPH A. MILLIGAN,  
19 M-I-L-L-I-G-A-N.

20 (WITNESS SWORN.)

21 DIRECT EXAMINATION

22 BY MS. OSIRIM:

23 Q. GOOD MORNING, SPECIAL AGENT MILLIGAN. COULD YOU  
24 STATE YOUR NAME FOR THE RECORD?

25 A. JOSEPH A. MILLIGAN, JR., WITH THE FBI.

1 Q. AGENT MILLIGAN, HOW LONG HAVE YOU BEEN AN  
2 OFFICER WITH THE FBI?

3 A. I HAVE BEEN WITH THE FBI FOR 18 YEARS.

4 Q. AND DURING THE COURSE OF THAT PERIOD, HAVE YOU  
5 PARTICIPATED IN THE INVESTIGATION OF VIOLENT CRIME  
6 CASES?

7 A. I HAVE.

8 Q. ARE YOU THE CASE AGENT RESPONSIBLE FOR THE  
9 UNITED STATES VERSUS TYREE MANSELL?

10 A. I AM ONE OF TWO -- ACTUALLY, ONE OF THREE CASE  
11 AGENTS ON THIS.

12 Q. AND DURING THE COURSE OF YOUR WORK IN THIS  
13 INVESTIGATION, DID YOU HAVE AN OPPORTUNITY TO REVIEW  
14 DOCUMENTATION PREPARED BY VARIOUS POLICE DEPARTMENTS AND  
15 OTHER AGENCIES, COURT RECORDS, VICTIM STATEMENTS AND  
16 WITNESS STATEMENTS?

17 A. I HAVE.

18 Q. HAVE YOU ALSO, DURING THE COURSE OF THIS  
19 INVESTIGATION, SPOKEN WITH WITNESSES WHO WERE EITHER  
20 VICTIMS OF THE CRIME OR OTHERWISE WITNESSES TO ELEMENTS  
21 OF THE DEFENDANT'S CONDUCT?

22 A. YES.

23 Q. DURING THE COURSE OF YOUR DISCUSSIONS WITH  
24 INDIVIDUALS IN CONNECTION WITH THIS INVESTIGATION, CAN  
25 YOU TELL US WHAT, IF ANY, INFORMATION YOU LEARNED ABOUT

1       THREATS THAT WERE MADE DIRECTLY OR INDIRECTLY TO  
2       INDIVIDUALS IN THIS CASE, OR OTHER STATEMENTS THAT MAY  
3       HAVE BEEN MADE DIRECTLY OR INDIRECTLY TO POTENTIAL  
4       WITNESSES IN THIS CASE TO OBSTRUCT OR OTHERWISE  
5       INFLUENCE THEIR TESTIMONY?

6       A.        SURE.

7                   YOUR HONOR, DURING THE COURSE OF THIS  
8       INVESTIGATION, WE INTERVIEWED SEVERAL CO-DEFENDANTS AND  
9       WITNESSES RELATED TO THESE CRIMES. AND DURING THE  
10      COURSE OF TALKING TO TWO, IN PARTICULAR, CO-DEFENDANTS,  
11      JAMAIN WALLACE AND STERLING WALLACE, AND THIS HAPPENED  
12      MORE THAN ONCE. IT WAS PRESENTED TO US THAT THEY WERE  
13      APPROACHED IN THE FEDERAL DETENTION CENTER, WHERE,  
14      THROUGH VARIOUS OTHER INMATES, THEY WERE TOLD EITHER TO  
15      GET IN TOUCH WITH THE DEFENDANT HERE IN COURT, TYREE  
16      MANSELL, THROUGH THE BOWL SYSTEM, WHERE THEY WOULD TALK  
17      THROUGH THE PIPES OF THE TOILET SYSTEM OVER THERE. OR  
18      THEY WERE ACTUALLY APPROACHED BY OTHER INMATES WHO WOULD  
19      QUESTION BOTH JAMAIN WALLACE AND STERLING WALLACE ABOUT  
20      COOPERATION IN THIS PARTICULAR INVESTIGATION.

21                   A COUPLE OF EXAMPLES SUCH AS, I BELIEVE,  
22      JAMAIN WALLACE WAS ASKED BY STERLING WALLACE ON THE BOWL  
23      SYSTEM -- YOU KNOW, HE EXPRESSED CONCERN ABOUT ABDULLAH  
24      HARTAGE, WHICH IS MR. MANSELL'S NEPHEW, AND HIS BROTHER  
25      STERLING COOPERATING. ALSO STERLING, STERLING WALLACE,

1 WAS ALSO INSTRUCTED TO CONTACT MR. MANSELL THROUGH THE  
2 BOWL SYSTEM. AND THE THREATS THERE WERE MORE OVERT.  
3 ONE BEING, HEY, LISTEN, YOU DON'T SAY ANYTHING. AND I  
4 AM PARAPHRASING, BUT IF HE DID TESTIFY, HE IS GOING TO  
5 GET HURT.

6 HE WAS ALSO -- STERLING WALLACE WAS ALSO  
7 APPROACHED BY, I BELIEVE, MR. MANSELL'S SISTER'S  
8 HUSBAND. I AM NOT DEFINITE WHETHER OR NOT IT WAS TRULY  
9 HER HUSBAND, BUT A DEFENDANT NAMED POO, HE GOES BY THE  
10 NICKNAME POO. I BELIEVE HIS NAME IS CARLTON JOHNSON.  
11 AND MR. WALLACE WAS APPROACHED BY HIM IN PRISON AND I  
12 GUESS KIND OF THREATENED -- I NOTED MR. JOHNSON  
13 SUPPOSEDLY SAID TO STERLING WALLACE, TAMAKA AND/OR SKY  
14 ASKED, YOU KNOW, WHAT KIND OF LIFE WOULD MR. WALLACE  
15 HAVE ONCE HE GETS BACK ON THE STREET IF HE IS GOING TO  
16 GO IN THERE AND TALK ABOUT THE CASE.

17 SO THERE WAS A LOT OF THAT TYPE OF TALK.  
18 I KNOW THERE WAS ALSO A THREAT FROM ANOTHER INMATE, I  
19 BELIEVE HIS NAME WAS BRIAN HAIR, THAT -- AND I DON'T  
20 KNOW THE EXACT WORDS, BUT THERE WAS A PHYSICAL THREAT  
21 MADE TO STERLING WALLACE THAT IF HE WOULD TESTIFY IN  
22 THIS UPCOMING CASE. SO THERE WAS A FEW OTHER EPISODES  
23 SUCH AS THAT, BUT THERE WAS DEFINITELY CONTACT BETWEEN  
24 THE WALLACE BROTHERS AND PEOPLE ON BEHALF OF MR.  
25 MANSELL, AND MR. MANSELL HIMSELF MAKING THREATS.

1 Q. YOU MENTIONED CONVERSATIONS THAT TOOK PLACE  
2 THROUGH THE BOWL. ARE YOU REFERRING TO THE TOILET BOWL  
3 SYSTEM AT THE FDC?

4 A. YES.

5 Q. WERE THOSE CONVERSATIONS TAKING PLACE THROUGH  
6 THE BOWL BECAUSE THERE WAS A SEPARATION ORDER BETWEEN  
7 THE CO-DEFENDANTS IN THIS CASE?

8 A. YES.

9 Q. SO THEY WOULD NOT HAVE BEEN ABLE, NECESSARILY,  
10 TO DIRECTLY SPEAK TO ONE ANOTHER, BUT THEY COULD  
11 COMMUNICATE THROUGH THE TOILET BOWL SYSTEM, IS THAT  
12 RIGHT?

13 A. THAT'S CORRECT.

14 Q. WHAT, IF ANY, INFORMATION DO YOU HAVE OF SOME OF  
15 THESE THREATS THAT WERE COMING FROM OTHER INMATES IN THE  
16 FDC WERE ACTUALLY DIRECTED BY THE DEFENDANT, MR.  
17 MANSELL?

18 A. THEY WERE -- THEY -- I GUESS I DON'T KNOW IF  
19 THERE IS ANY LANGUAGE IN ANY OF THE INTERVIEWS STATING  
20 THAT THEY WERE DIRECTED, BUT OBVIOUSLY THEY WERE THERE  
21 TO TALK TO THE WALLACES ABOUT A PARTICULAR THING, YOU  
22 KNOW, WITH THIS CASE, SO, YOU KNOW.

23 Q. DURING THE COURSE OF YOUR CONVERSATIONS WITH  
24 OTHER WITNESSES IN THIS CASE, SWAZETTE MANSELL, FOR  
25 EXAMPLE, DID YOU RECEIVE ANY INFORMATION SUGGESTING OR

1 INDICATING THAT TYREE HAD DISCOURAGED THEIR  
2 PARTICIPATION IN THIS CASE?

3 A. YES. THROUGH TALKING TO MS. MANSELL, YOU KNOW,  
4 THERE WAS CONVERSATIONS THAT MS. MANSELL HAD WITH HER  
5 BROTHER, IN PARTICULAR ABOUT HER SON IN COOPERATING AND  
6 OBVIOUSLY DID NOT WANT THAT TO HAPPEN.

7 Q. OKAY.

8 A. THERE WAS ANOTHER WITNESS THAT I COULD TALK  
9 ABOUT, TOO.

10 Q. YES, COULD YOU?

11 A. ONE OF THE WITNESSES ACTUALLY TESTIFIED IN THIS  
12 CASE, MR. EDWARD SCOTT, WHO GOES BY THE NICKNAME HASEEM,  
13 TESTIFIED AGAINST -- OR TESTIFIED IN THIS CASE. WE  
14 ACTUALLY INTERVIEWED HIM AT THE TIME HE WAS IN  
15 MONTGOMERY COUNTY PRISON. AND AT THAT TIME, MR. SCOTT  
16 RELAYED TO US THAT, YOU KNOW, HE HAD A FORMER  
17 GIRLFRIEND, AND I AM BLANKING ON THE NAME, I BELIEVE HER  
18 FIRST NAME WAS CHANNEL. BUT HE SAID THAT HE WAS TOLD BY  
19 CHANNEL THAT MR. MANSELL ACTUALLY REACHED OUT TO HER ON  
20 HER PHONE AND ASKED A LOT OF QUESTIONS ABOUT -- IN  
21 GENERAL, BUT THEN SAID, HEY, I AM HEARING THERE IS  
22 SOMEBODY IN MONTGOMERY COUNTY PRISON THAT IS COOPERATING  
23 IN THIS MATTER AND HAD RELAYED THAT TO MR. SCOTT. MR.  
24 SCOTT ALSO CALLED ME ON ONE FRIDAY AFTERNOON IN A PANIC  
25 AND SAID THAT HE HAD BEEN RELEASED FROM MONTGOMERY

1 COUNTY PRISON. HE WAS APPROACHED ON THE STREET BY AN  
2 UNKNOWN MALE HE DID NOT KNOW, WHO STARTED QUESTIONING  
3 HIM ABOUT COOPERATING AGAINST SMASH.

4 Q. SMASH BEING TYREE MANSELL?

5 A. SMASH BEING TYREE MANSELL. AND MR. SCOTT WAS IN  
6 A PANIC AND WAS VERY UPSET AND THOUGHT MAYBE -- YOU  
7 KNOW, HE HAD ENTERTAINED MAYBE MOVING OR LEAVING THE  
8 AREA BECAUSE HE WAS SO UPSET BY THIS ENCOUNTER.

9 Q. DID YOU EVENTUALLY COME TO LEARN THAT THERE MAY  
10 HAVE BEEN SOME CONVERSATIONS, EVEN DURING THE COURSE OF  
11 THIS TRIAL, BETWEEN THE DEFENDANT AND WITNESSES WHO WERE  
12 CALLED TO TESTIFY?

13 A. I DID COME TO LEARN ABOUT OTHER -- ESPECIALLY  
14 DURING THE COURSE OF THE TRIAL, WHERE BACK IN THE  
15 HOLDING CELL AREA THERE WAS A CONVERSATION BETWEEN MR.  
16 MANSELL AND HIS NEPHEW. I BELIEVE, ROUGHLY, THE THING  
17 IS LIKE, HEY, I UNDERSTAND YOU HAVE TO KIND OF TAKE CARE  
18 OF YOURSELF AND I KNOW THAT YOU ARE DOING IT. AND THEN  
19 THERE WAS ALSO ANOTHER CONVERSATION THAT I AM LESS  
20 FAMILIAR WITH THAT SUPPOSEDLY TOOK PLACE BETWEEN MR.  
21 MANSELL AND MR. SCOTT THAT WASN'T AS UNDERSTANDING.

22 MS. OSIRIM: THANK YOU VERY MUCH. NO  
23 FURTHER QUESTIONS.

24 THE COURT: CROSS-EXAMINE.

25 MR. HARDEN: THANK YOU, YOUR HONOR.

1 **CROSS-EXAMINATION**

2 BY MR. HARDEN:

3 Q. AGENT MILLIGAN, DID YOU DO ANY INVESTIGATION TO  
4 CONFIRM ANY OF THE STATEMENTS THAT WERE MADE BY STERLING  
5 WALLACE REGARDING OBSTRUCTION OF JUSTICE IN THIS CASE?

6 A. OTHER THAN TALKING TO HIM ABOUT THAT?

7 Q. YES.

88 A. NO, I THINK WE JUST DOCUMENTED IT.

9 Q. DID YOU DO ANY INVESTIGATION WITH REGARD TO ANY  
10 STATEMENTS JAMAIN WALLACE MAY HAVE MADE ABOUT MR.  
11 MANSELL?

12 A. NO. OTHER THAN JUST DOCUMENTING OUR INTERVIEW,  
13 NO.

14 Q. YOU SAID THERE WERE THREE CASE AGENTS ON THIS  
15 CASE. CORRECT?

16 A. DETECTIVE BARRY WILLIAMS, I CONSIDER, ALTHOUGH  
17 HE IS NOT AN AGENT, WAS VERY INSTRUMENTAL IN THIS  
18 INVESTIGATION, FROM THE MARPLE TOWNSHIP POLICE  
19 DEPARTMENT.

20 Q. DO YOU RECALL ABOUT THE TIME FRAME THAT THESE  
21 STATEMENTS BY MR. MANSELL WERE MADE OVER THE BOWL TO  
22 JAMAIN AND/OR STERLING WALLACE?

23 A. SO YOUR QUESTION IS THE DATES?

24 Q. NOT THE SPECIFIC DATES, BUT I WILL FRAME IT THIS  
25 WAY: WAS HE PRE-SUPERSEDING INDICTMENT OR

1 POST-SUPERSEDING INDICTMENT?

2 A. I AM NOT SURE, BUT THEY DID TAKE PLACE OVER A  
3 LARGE PERIOD OF TIME. I WOULD SAY MORE THAN A YEAR THAT  
4 SOME OF THESE INCIDENTS TOOK PLACE.

5 Q. ALL RIGHT. DID YOU EVER MAKE ANY ATTEMPTS TO  
6 INTERVIEW ANY OF THE INDIVIDUALS THAT YOU SAY SPOKE ON  
7 BEHALF OF MR. MANSELL?

8 A. NOT ANY OF THE INMATES, AND WE DIDN'T SPEAK TO  
9 TAMIKA MANSELL.

10 Q. IN YOUR EXPERIENCE AS AN FBI AGENT, HAVE YOU  
11 EVER CHARGED ANYONE WITH INTIMIDATING A WITNESS?

12 A. NO.

13 Q. ALL RIGHT. ARE YOU AWARE OF INDIVIDUALS IN YOUR  
14 OFFICE CHARGING PEOPLE WITH INTIMIDATING WITNESSES WITH  
15 REGARD TO THINGS THAT OCCUR IN THE FDC?

16 A. YES.

17 Q. AND YOU GUYS CAN TAP -- YOU HAVE ACTUALLY  
18 MONITORED THE TOILET BOWLS -- NOT YOU SPECIFICALLY, BUT  
19 PEOPLE FROM YOUR OFFICE HAVE MONITORED THE TOILET BOWLS  
20 IN THE FDC SYSTEM, HAVEN'T THEY?

21 A. THEY HAVE.

22 Q. DID YOU EVEN DO ANY RESEARCH TO DETERMINE  
23 WHETHER OR NOT THIS INDIVIDUAL, CARLTON JOHNSON, WAS  
24 ACTUALLY RELATED TO MR. MANSELL?

25 A. I DID. I DID NOT GO -- I DIDN'T DELVE VERY

1 DEEPLY INTO IT, BUT THROUGH A PORTION OF MY  
2 INVESTIGATION, I KIND OF UNDERSTOOD THE DYNAMICS OF THE  
3 FAMILY.

4 Q. UNDERSTOOD. BUT WAS THERE A MARRIAGE LICENSE  
5 EVER RECORDED? DID YOU EVER GO AND FIND OUT IF HE WAS  
6 ACTUALLY RELATED BY BLOOD TO MR. MANSELL?

7 A. I DID NOT.

8 Q. YOU JUST CONFIRMED THAT THEY HAD A PRIOR HISTORY  
9 TOGETHER, RIGHT?

10 A. THERE WAS A RELATIONSHIP, CORRECT.

11 Q. AND IT'S OUT THERE NOW, YOU ARE FAMILIAR WITH  
12 THE FACT THAT MR. MANSELL HAS SPENT TIME IN FEDERAL  
13 PRISON BEFORE, RIGHT?

14 A. YES.

15 Q. AND YOU KNOW THAT HE IS FAMILIAR WITH MANY  
16 INDIVIDUALS WHO ARE IN THE FEDERAL DETENTION SYSTEM,  
17 CORRECT?

18 A. MANY INDIVIDUALS? I AM SURE HE IS FAMILIAR WITH  
19 A LEAST THE ONES THAT SPOKE ON HIS BEHALF AND THEN  
20 TALKED TO THE WALLACE BROTHERS, YES.

21 Q. IN YOUR EXPERIENCE, IF THERE IS A SUPERSEDING  
22 INDICTMENT FILED, AND CO-DEFENDANTS IN THAT SUPERSEDING  
23 INDICTMENT ARE NOT NAMED, SO FOR EXAMPLE, IN THIS CASE,  
24 MR. MANSELL IS INDICTED INITIALLY WITH HIS CO-DEFENDANT,  
25 AND THEN AFTER THE SUPERSEDING INDICTMENT, HE WAS

1 INDICTED INDIVIDUALLY WHILE HIS CO-DEFENDANTS, WHO ALSO  
2 PARTICIPATED IN THOSE CRIMES, WERE NOT INDICTED. HAVE  
3 YOU SEEN THAT HAPPEN BEFORE?

4 MS. OSIRIM: OBJECTION, RELEVANCE.

5 THE COURT: OVERRULED.

6 THE WITNESS: I HAVE NOT SEEN THAT  
7 PERSONALLY DONE BEFORE.

8 BY MR. HARDEN:

9 Q. SO YOU ARE SAYING THAT YOU HAVE NEVER SEEN AN  
10 INDIVIDUAL, FOR EXAMPLE, COOPERATE AND THEREFORE NOT BE  
11 CHARGED WITH CRIMES --

12 A. I'M SORRY, I MISUNDERSTOOD.

13 Q. -- THEY WERE COOPERATING ABOUT?

14 A. I MISUNDERSTOOD.

15 Q. THAT'S A TELLTALE SIGN THAT THAT INDIVIDUAL IS  
16 COOPERATING, RIGHT?

17 A. YES.

18 Q. SO MR. MANSELL COULD LITERALLY DESCRIBE THE  
19 CIRCUMSTANCES OF HIS CASE TO AN INDIVIDUAL AND THEY  
20 WOULD UNDERSTAND THAT THERE IS A POSSIBILITY THAT HIS  
21 CO-DEFENDANTS ARE COOPERATING, RIGHT?

22 A. SURE.

23 Q. WHAT IS THE GENERAL ATTITUDE ABOUT INDIVIDUALS  
24 WHO COOPERATE IN THE FDC, BASED ON YOUR EXPERIENCE?

25 A. I'M SURE IT'S FROWNED UPON, ESPECIALLY IF YOU

1        ARE AN INMATE IN THE FDC.

2        Q.        HAVE YOU EVER FIELDDED COMPLAINTS OF INDIVIDUALS  
3        BEING INTIMIDATED JUST BECAUSE THEY ARE COOPERATORS  
4        WITHOUT ANY CONNECTION TO AN INDIVIDUAL, AN INDIVIDUAL  
5        SPURRING -- LIKE AN INDIVIDUAL CREATING -- ASKING FOR  
6        THE INTIMIDATION TO HAPPEN?

7        A.        I AM NOT SURE I AM FOLLOWING YOUR QUESTION.

8        Q.        SO I WILL ASK YOU THIS: HAVE YOU EVER  
9        EXPERIENCED AN INDIVIDUAL WHO MOVED TO PROTECTIVE  
10       CUSTODY JUST BASED ON THE FACT THAT THEY ARE COOPERATING  
11       WITH THE GOVERNMENT?

12       A.        YES.

13       Q.        WITHOUT ANY INDICIA OF ANYONE ACTUALLY  
14       THREATENING THAT PERSON, IT'S JUST KNOWLEDGE THAT THAT  
15       PERSON MAY BE IN DANGER?

16       A.        YES.

17       Q.        YOU HAVE SEEN THAT BEFORE, RIGHT?

18       A.        YES.

19       Q.        AND BASED ON YOUR INVESTIGATION, IS THERE ANY  
20       DIRECT OR EVEN -- I WOULD SAY, IS THERE ANY DIRECT  
21       EVIDENCE, NOT CIRCUMSTANTIAL -- DO YOU UNDERSTAND THE  
22       DIFFERENCE BETWEEN THE TWO?

23       A.        MM-HMM.

24       Q.        SO FOR EXAMPLE, IT'S CIRCUMSTANTIAL THAT YOU  
25       SAY, WELL, CARLTON JOHNSON IS SOMEHOW RELATED TO TYREE

1           MANSELL, THEREFORE, WHEN HE SPEAKS TO A WITNESS,  
2           CIRCUMSTANTILLY IT MAY BE RELATED TO MR. MANSELL,  
3           RIGHT?

4                   LET ME ASK IT THIS WAY: DO YOU HAVE ANY  
5           EVIDENCE THAT TYREE MANSELL EVER HAD A CONVERSATION WITH  
6           CARLTON JOHNSON?

7           A.        NO.

8           Q.        DO YOU HAVE EVIDENCE THAT TYREE MANSELL EVER  
9           INSTRUCTED ANYONE EVER TO INTIMIDATE SOMEONE IN THIS  
10           CASE?

11           A.        OTHER THAN HIMSELF?

12           Q.        OTHER THAN THAT.

13           A.        OTHER THAN PEOPLE TELLING ME THAT, NO.

14           Q.        AND WITH REGARD TO THE STATEMENTS HE MADE, YOU  
15           PARAPHRASED AND SAID SOMEONE WAS GOING TO GET HURT,  
16           RIGHT, THAT WAS ONE OF THE THINGS YOU SAID, RIGHT?

17           A.        YES.

18           Q.        WAS THERE A THREAT MADE THAT SAID YOU WERE GOING  
19           TO GET HURT, DID HE SAY THAT?

20           A.        IT WAS BEING SAID DIRECTLY BY WHAT MR. WALLACE  
21           SAID AS BEING SAID DIRECTLY TO HIM, AND THE THREAT WAS  
22           DIRECT, AS FAR AS I RECALL, WHAT WAS TOLD TO ME DURING  
23           THE COURSE OF THE INTERVIEW.

24           Q.        AND HE ALSO MADE A STATEMENT, LEAVE MY WIFE OUT  
25           OF THIS, RIGHT, DO YOU REMEMBER THAT?

1 A. I DO REMEMBER THAT.

2 Q. AND THERE WAS ALSO AN ALLEGATION THAT -- YOU  
3 SAID SOMETHING ABOUT HIM MAKING STATEMENTS TO SWAZETTE.  
4 WHEN DID THAT HAPPEN?

5 A. THAT WHO MADE STATEMENTS?

6 Q. MR. MANSELL MADE STATEMENTS TO SWAZETTE MANSELL;  
7 HIS SISTER, WHEN DID THAT HAPPEN?

8 A. DURING THE COURSE OF TELEPHONE CALLS THAT SHE  
9 WOULD HAVE WITH HIM, THAT TYREE WOULD CALL SWAZETTE.

10 Q. AND WHEN WAS THAT REPORTED?

11 A. I AM NOT SURE. I DON'T HAVE ANY OF THE REPORTS  
12 IN FRONT OF ME, BUT I REMEMBER HAVING CONVERSATIONS WITH  
13 SWAZETTE ABOUT THAT.

14 Q. WAS THAT DOCUMENTED ANYWHERE?

15 A. I AM NOT SURE IF IT WAS DOCUMENTED.

16 Q. ALL RIGHT. IF I TOLD -- COULD YOU BE MISTAKEN  
17 ABOUT HER SAYING THAT HE MADE THREATS CONCERNING  
18 ABDULLAH HARTAGE?

19 A. I DON'T KNOW IF I SAID "THREATS." I SAID THAT  
20 THEY HAD CONVERSATIONS, AND ESPECIALLY WHEN IT CAME TO  
21 HER SON, THAT HE SHOULD NOT BE TESTIFYING.

22 Q. AND CORRECT ME IF I'M WRONG, THE TESTIMONY AT  
23 TRIAL AND THE EVIDENCE THAT YOU REVIEWED REVEALED THAT  
24 MR. MANSELL MADE A PAYMENT TO MS. SWAZETTE MANSELL TO  
25 HIRE A LAWYER FOR HER SON, RIGHT?

1 A. THAT'S CORRECT.

2 Q. WHEN SHE FIRST SPOKE TO INVESTIGATORS IN THIS  
3 CASE, SHE SAID SHE HAD NOT SPOKEN TO HER BROTHER,  
4 CORRECT; DO YOU RECALL THAT?

5 A. NO, I DON'T RECALL THAT.

6 Q. ALL RIGHT. WITH REGARD TO EDWARD KASEEM SCOTT,  
7 YOU SAID THAT WHEN HE WAS INTERVIEWED IN MONTGOMERY  
8 COUNTY, A FORMER GIRLFRIEND HAD TOLD HIM THAT PEOPLE  
9 WERE ASKING QUESTIONS ABOUT HIS LEVEL OF COOPERATION;  
10 THAT'S WHAT YOU TESTIFIED TO, RIGHT?

11 A. NO, WHAT I TESTIFIED TO WAS THAT -- AND THIS IS  
12 PROTRACTED OUT A LITTLE BIT, BUT HE HAD TALKED TO, I  
13 GUESS, HIS FORMER GIRLFRIEND, WHO SAID THAT SHE GOT A  
14 PHONE CALL DIRECTLY FROM TYREE --

15 Q. TYREE?

16 A. TYREE.

17 Q. AND WAS THERE A THREAT RELATED?

18 A. THERE WASN'T A THREAT, BUT THE --

19 Q. BUT WHAT?

20 A. -- THE -- IT WAS -- AS FAR AS MR. SCOTT FELT,  
21 THE GIRL WAS VERY UPSET THAT TYREE WOULD, ONE, BE  
22 CALLING HER OUT OF THE BLUE AND THEN SAYING SOMETHING,  
23 YOU KNOW, TO THE POINT THAT, HEY, I AM HEARING SOMEBODY  
24 IN MONTGOMERY COUNTY PRISON THAT IS COOPERATING. AND  
25 SHE WAS CERTAINLY FEARFUL WHEN THAT WAS SAID TO HER.

1 Q. DID YOU HAVE ANY -- BASED ON YOUR INVESTIGATION  
2 AND YOUR KNOWLEDGE OF THIS CONVERSATION, AT ANY TIME DID  
3 TYREE SAY THAT SOMEBODY SHOULD NOT COOPERATE?

4 A. IN THAT --

5 Q. IN THAT SPIRIT OF THAT CONVERSATION?

6 A. -- CONTEXT, NO.

7 Q. YOU HAVE NO INFORMATION ABOUT THAT?

8 A. NOT WITH THAT PARTICULAR INCIDENT, NO.

9 Q. ALL RIGHT. BUT YOU MENTIONED IT JUST TO SAY  
10 THAT TYREE MADE A PHONE CALL AND SAID THAT HE HEARD  
11 SOMETHING. IS THAT OBSTRUCTION OF JUSTICE, IN YOUR  
12 OPINION?

13 A. YEAH, YES. YEAH. THAT'S REACHING OUT TO  
14 SOMEBODY. WHY WOULD YOU DO THAT, AND HE DOES NOT REALLY  
15 KNOW THIS GIRL, AND CALL UP AND START ASKING QUESTIONS  
16 AND THEN MAKE A STATEMENT LIKE THAT, OF COURSE.

17 Q. YOU HEARD SOMEONE WAS COOPERATING IN MONTGOMERY  
18 COUNTY, GOT IT. AND THEN YOU SAID SCOTT CALLED IN A  
19 PANIC AND SAID THAT AN UNKNOWN MALE APPROACHED HIM TO  
20 SAY THAT HE WAS COOPERATING AGAINST MR. MANSELL?

21 A. ASKED WHETHER HE WAS.

22 Q. ASKED WHETHER HE WAS COOPERATING AGAINST MR.  
23 MANSELL?

24 A. AGAINST SMASH.

25 Q. AGAINST SMASH. AND NO THREAT, RIGHT?

1 A. THERE WAS NO THREAT AS FAR AS HIM SAYING TO HIM,  
2 HEY, YOU ARE GOING TO GET HURT, NO, BUT THE FACT THAT HE  
3 WAS BEING ASKED ABOUT THIS THING, DID NOT KNOW THE  
4 PERSON AT ALL, HE DEFINITELY TOOK THAT AS A THREAT.

5 Q. WHEN YOU SAY HE TOOK IT AS A THREAT, DID HE USE  
6 THE WORDS, I FELT THREATENED? DID YOU DOCUMENT THAT?

7 A. HE SURE DID. HE WAS SCARED TO DEATH WHEN HE  
8 TALKED TO ME.

9 Q. DID HE SAY THOSE WORDS? YOU SAID THAT --

10 A. I TOOK DOWN A STATEMENT OF WHERE HE EXPLAINED TO  
11 ME WHAT HAPPENED.

12 Q. ALL RIGHT. AND YOU SAID BASED --

13 A. AND I FELT IT IMPORTANT ENOUGH TO DOCUMENT WHAT  
14 HE TOLD ME.

15 Q. ALL RIGHT. AND YOU SAID THAT HE FELT SCARED?

16 A. HE WAS, HE WAS SCARED.

17 Q. OKAY. BASED ON YOUR OBSERVATIONS?

18 A. BASED ON HIS TONE, BASED ON WHETHER OR NOT HE  
19 SHOULD LEAVE THE AREA, WHAT CAN WE DO TO PROTECT HIM.

20 Q. UNDERSTOOD. AND DID HE GIVE YOU ANY INFORMATION  
21 WITH REGARD TO WHO SENT THAT PERSON?

22 A. NO.

23 Q. DID YOU DO ANY INVESTIGATION TO FIND OUT WHO WAS  
24 THAT PERSON?

25 A. NO. OTHER THAN, YOU KNOW, A VERY NONDESCRIPT,

1       YOU KNOW, IDENTITY OF THE PERSON, HOW WOULD I HAVE FOUND  
2       OUT WHO THAT PERSON WAS? HE DIDN'T KNOW THE PERSON.

3       Q.        AND THEN YOU BRING UP A CONVERSATION WHERE MR.  
4       MANSELL TELLS HIS NEPHEW IN THE HOLDING CELL, I  
5       UNDERSTAND YOU HAVE TO DO WHAT YOU HAVE TO DO TO TAKE  
6       CARE OF YOURSELF, OR SOMETHING LIKE THAT?

7       A.        AND I WAS TAKING LIBERTIES AS TO WHAT THAT  
8       CONVERSATION WAS, BUT THAT WAS SUPPOSEDLY THE GIST OF  
9       THE CONVERSATION.

10      Q.        SO THIS CONVERSATION WAS MENTIONED WITH THE  
11       INTENT -- WHAT WAS YOUR INTENT IN MENTIONING THAT  
12       CONVERSATION, BECAUSE IT WAS ASKED ABOUT?

13      A.        WELL, THE FACT THAT MR. MANSELL HAS REACHED OUT  
14       TO MANY, MANY PEOPLE ALONG THE COURSE OF THIS  
15       INVESTIGATION.

16      Q.        IS HE NOT ALLOWED TO --

17                MR. HARDEN: I WILL NOT EVEN ASK THAT  
18       QUESTION, YOUR HONOR. THANK YOU, AGENT.

19                THE COURT: ANY REDIRECT?

20                MS. OSIRIM: YES, YOUR HONOR.

21                REDIRECT

22       BY MS. OSIRIM:

23      Q.        SPECIAL AGENT MILLIGAN, YOU, ALONG WITH SPECIAL  
24       AGENT LOCKHART, PREPARED A NUMBER OF FBI 302'S IN THIS  
25       CASE, CORRECT?

1 A. THAT'S CORRECT.

2 Q. AND THOSE ARE REPORTS DOCUMENTING CONVERSATIONS  
3 THAT YOU HAD WITH WITNESSES AND OTHER INDIVIDUALS WHO  
4 WERE PART OF THE INVESTIGATION OF THIS CASE, IS THAT  
5 RIGHT?

6 A. THAT'S CORRECT.

7 Q. DURING ONE OF THOSE FBI 302'S, ON FEBRUARY 11,  
8 2016, YOU MET WITH STERLING WALLACE, DO YOU RECALL THAT  
9 MEETING?

10 A. YEAH, THERE WAS A FEW OF THEM, BUT YES.

11 Q. YES. DURING THIS MEETING, YOU PREPARED -- YOU  
12 AND SPECIAL AGENT LOCKHART PREPARED AN FBI 302 IN WHICH  
13 WALLACE DISCUSSED HAVING SPOKEN WITH TYREE MANSELL  
14 THROUGH THE BOWL, AND THAT DURING THAT CONVERSATION,  
15 MANSELL CONFIRMED THAT HE WAS SPEAKING TO WALLACE FIRST  
16 TO MAKE SURE, AND THEN STATED, I DON'T CARE WHAT YOU DO,  
17 YOU BETTER NOT TELL THEM NOTHING, YOU BETTER NOT GET MY  
18 WIFE INVOLVED. DO YOU REMEMBER THAT?

19 A. I DO.

20 Q. DO YOU REMEMBER RECORDING THAT WALLACE RELAYED  
21 THAT MANSELL HAD SAID SPECIFICALLY TO HIM, YOU BETTER  
22 NOT TELL THEM NOTHING OR YOU WILL GET HURT?

23 A. YES.

24 Q. YOU PREPARED ADDITIONAL FBI 302'S IN CONNECTION  
25 WITH THIS CASE, IS THAT CORRECT?

1 A. THAT'S CORRECT.

2 Q. AND IN AN ADDITIONAL CONVERSATION THAT YOU HAD  
3 WITH STERLING WALLACE, WHO TESTIFIED IN THIS CASE, HE  
4 REPORTED TO YOU THAT HE, IN ADDITION TO SPEAKING WITH  
5 TYREE MANSELL ON THE BOWL, MR. MANSELL ASKED WALLACE,  
6 WHAT IS GOING ON WITH YOU, AND ASKED ABOUT -- AND TOLD  
7 HIM TO KEEP HIS MOUTH SHUT; DO YOU REMEMBER THAT?

8 A. YES.

9 Q. AND THAT HE ALSO REPORTED IN AN ADDITIONAL  
10 PROFFER SESSION WITH THE GOVERNMENT HAVING BEEN -- AND  
11 THESE ARE THE WORDS THAT WERE USED, THREATEN BY MANSELL  
12 THROUGH OTHER PRISONERS AT THE FDC, IS THAT CORRECT?

13 A. THAT'S CORRECT.

14 Q. AND ONE OF THOSE YOU DISCUSSED EARLIER COMING  
15 FROM BRIAN HAIR, WHO WAS HOUSED IN AN AREA WHERE HE HAD  
16 ACCESS TO STERLING WALLACE, IS THAT CORRECT?

17 A. THAT'S CORRECT.

18 Q. AND HE SAID THAT HE WOULD PUT HIS HANDS ON  
19 STERLING IF HE WAS GOING TO TESTIFY AGAINST SMASH, IS  
20 THAT CORRECT?

21 A. YES.

22 Q. AND ANOTHER ONE OF THOSE PERSONS WAS POO, WHO  
23 YOU JUST MENTIONED, WHO SAID THAT HE WAS CHERYL  
24 MANSELL'S HUSBAND AND THAT HE SAID THAT SKY SAID  
25 SPECIFICALLY, WHAT TYPE OF LIFE, JJ, DO YOU THINK YOU

1       ARE GOING TO HAVE WHEN YOU GET OUT IF YOU TESTIFY, IS  
2       THAT CORRECT?

3       A.       YES.

4               MS. OSIRIM: YOUR HONOR, I HAVE  
5       ADDITIONAL EVIDENCE TO PRESENT, BUT NOT THROUGH SPECIAL  
6       AGENT MILLIGAN.

7               THE COURT: OKAY. ANY OTHER QUESTIONS OF  
8       SPECIAL AGENT MILLIGAN?

9               MR. HARDEN: NOT AT THIS TIME, YOUR  
10      HONOR, THANK YOU.

11               THE COURT: OKAY, THANK YOU.

12               OKAY.

13               MS. OSIRIM: YOUR HONOR, DURING THE TRIAL  
14      IN THIS CASE, WE HEARD DIRECT TESTIMONY FROM THE  
15      DEFENDANT'S SISTER, SWAZETTE MANSELL, WHO IS ALSO THE  
16      MOTHER OF THE 17-YEAR-OLD DRIVER, ABDULLAH HARTAGE. AND  
17      DURING HER TESTIMONY, SHE EXPLICITLY STATED ON, I  
18      BELIEVE THIS WAS JULY 13TH, TRANSCRIPT PAGE 80, LINES 13  
19      THROUGH 21, THAT SHE HAD COMMUNICATED WITH HER BROTHER,  
20      THAT HE HAD TOLD HER HE DIDN'T WANT HER TALKING TO THE  
21      COPS, THAT HE HAD SAID TO HER HE WOULD TRY TO HELP HER  
22      SON OUT INSTEAD, AND HE SAID, JUST DON'T COMMUNICATE  
23      WITH THE COPS, DON'T PUT MY NAME IN IT.

24               HER TESTIMONY CLEARLY SHOWED THE  
25      DEFENDANT'S EFFORTS TO TRY TO INFLUENCE WHAT SHE AND/OR

1       HER SON WOULD SAY AT ANY FUTURE TRIAL AGAINST THE  
2       DEFENDANT.  AND THESE CONSTITUTE ATTEMPTS TO SUBORN  
3       PERJURY.  SHE WAS ONE OF THE WITNESSES, AND TO THREATEN  
4       SUBMITTING OR OTHERWISE UNLAWFULLY INFLUENCING THEIR  
5       TESTIMONY AT THE TIME OF TRIAL.

6                   THE COURT:  OKAY.

7                   MS. OSIRIM:  I THINK THAT THE EVIDENCE  
8       PROFFERED BY MR. MILLIGAN ABOUT THE VARIOUS  
9       CONVERSATIONS THAT MANSELL HIMSELF HAD DIRECTLY WITH JJ  
10      AND STERLING WALLACE WHILE INCARCERATED AT THE FDC  
11      DURING THE TIME THE SEPARATION ORDERS WERE IN PLACE, AS  
12      WELL AS THE INFORMATION THE AGENT PROFFERED ABOUT  
13      CONVERSATIONS THAT THIRD PARTIES HAD WITH WITNESSES IN  
14      THIS CASE, BOTH STERLING, JAMAIN, AS WELL AS EDWARD  
15      SCOTT, INDICATES TO THE COURT THE LEVEL OF OBSTRUCTION  
16      IN WHICH THE DEFENDANT PARTICIPATED IN TRYING TO  
17      INFLUENCE THE TESTIMONY OF THOSE WHO HAD KNOWLEDGE OF  
18      HIS OFFENSES IN THIS CASE.

19                   THE COURT:  OKAY.  DOES THE DEFENSE HAVE  
20      ANYTHING TO ADD?

21                   MR. HARDEN:  YOUR HONOR, I WOULD JUST  
22      FIRST REMIND THE COURT THAT THERE HAS BEEN NO DIRECT  
23      TESTIMONY WITH REGARD TO ANY INTIMIDATION AND THREATS,  
24      EXCEPT FOR THE SWAZETTE STATEMENT.  MR. MANSELL -- I  
25      UNDERSTAND THAT THIS IS A SENTENCING SO THE

1       CONFRONTATION CLAUSE ISSUE, BUT I WOULD SAY THAT HAVING  
2       AN AGENT GET UP AND TALK ABOUT THREATS THAT WERE MADE TO  
3       ANOTHER INDIVIDUAL THAT CONSTITUTES HEARSAY, I KNOW  
4       HEARSAY IS ADMISSIBLE AT SENTENCING, BUT I WOULD AT  
5       LEAST LODGE THAT OBJECTION.

6                   AND FINALLY, TO SAY THAT -- I MEAN, YOU  
7       HEARD IT FROM AGENT MILLIGAN, THERE ARE -- MANY OF THESE  
8       CONVERSATIONS ARE NOT OBSTRUCTION OF JUSTICE. I CAN  
9       UNDERSTAND A DIRECT THREAT BEING CATEGORIZED AS  
10      OBSTRUCTION OF JUSTICE, BUT AN INDIVIDUAL IS ALLOWED TO  
11      INQUIRE ABOUT THE STATUS OF THEIR CASE. AN INDIVIDUAL  
12      SAYING, YOU KNOW, HEY, I HEARD YOU'RE A WITNESS AGAINST  
13      SUCH-AND-SUCH IN A MURDER CASE. WELL, THAT'S A VERY  
14      SCARY SITUATION, BUT GUESS WHAT, IT'S FACTUAL. I MEAN,  
15      BASED ON THIS CONVERSATION, THE PROSECUTOR CALLING  
16      SOMEBODY AND ASKING THEM TO COME IN AND TESTIFY IS  
17      SOMETHING THAT COULD TERRIFY SOMEONE, AND THAT'S JUST  
18      NOT OBSTRUCTION, REGARDLESS OF THE FACT THAT MR. MANSELL  
19      IS THE DEFENDANT. AGAIN, I FEEL LIKE THE GOVERNMENT,  
20      NUMBER ONE, IS TRYING TO TAKE THE FACT THAT MR. MANSELL  
21      IS INCARCERATED WITH INDIVIDUALS WHO ARE COOPERATING  
22      AGAINST HIM, AND THE FACT THAT INDIVIDUALS INSIDE THE  
23      FEDERAL DETENTION CENTER, ONCE YOU ARE -- THERE IS AN  
24      ENTIRE CULTURE, THIS ANTI-SNITCHING CULTURE, THAT THEY  
25      ARE NOW SAYING THAT JUST BECAUSE MR. MANSELL KNOWS

1 PEOPLE WHO MAY HAVE HEARD ABOUT THE STATUS OF HIS CASE,  
2 THEREFORE, HE IS ENTITLED TO A TWO-LEVEL ADJUSTMENT UP.

3 WITH REGARDS TO DIRECT THREATS, THE  
4 DIRECT THREATS, EVERYTHING THAT -- I BELIEVE ALL THE  
5 DIRECT EVIDENCE WITH REGARD TO DIRECT THREATS HAVE BEEN  
6 PRE-SUPERSEDED INDICTMENT. THEREFORE, I WOULD ASK THAT  
7 THE COURT LIMIT -- IF YOU ARE TALKING ABOUT DIRECT  
8 THREATS, LIMIT THE OBSTRUCTION OF JUSTICE WITH REGARD TO  
9 THE INVESTIGATION THAT MR. MANSELL KNEW WAS ONGOING AT  
10 THE TIME. THAT WAS AN INVESTIGATION INTO THE ROBBERY  
11 THAT IS ATTRIBUTED TO GROUP NUMBER FIVE. WITH REGARD TO  
12 GROUP ONE THROUGH FOUR, MR. MANSELL HAD NO IDEA THAT  
13 THERE WERE ADDITIONAL -- THAT THERE WAS AN ADDITIONAL  
14 INVESTIGATION GOING ON INTO ADDITIONAL ROBBERIES. AND I  
15 BELIEVE THAT THE STANDARD -- AND I AM JUST CARRYING WHAT  
16 I HAVE IN MY SENTENCING MEMORANDUM. THERE IS PRECEDENT  
17 WITH REGARD TO AN INDIVIDUAL NOT BEING HELD ACCOUNTABLE  
18 FOR OBSTRUCTION OF JUSTICE WITH REGARD TO  
19 INVESTIGATIONS. I BELIEVE THE GOVERNMENT WILL PROBABLY  
20 ARGUE THAT THIS WAS AN ONGOING INVESTIGATION ONCE THE  
21 ARREST OCCURS, THEREFORE, HE SHOULD HAVE KNOWN THERE WAS  
22 AN INVESTIGATION. MY ARGUMENT IS THAT -- THE FACT THAT  
23 HE WAS ARRESTED ON ONE INDICTMENT WHEN THESE DIRECT  
24 THREATS WERE ALLEGEDLY MADE BY MR. MANSELL, AND THE FACT  
25 THAT IF YOU LOOK AT ALL THE GOVERNMENT'S EVIDENCE, THERE

1 WAS NEVER -- AFTER THE SUPERSEDING INDICTMENT, THERE IS  
2 NO ALLEGATION OF A DIRECT THREAT BY MR. MANSELL AGAINST  
3 ANYONE.

4 MS. OSIRIM: YOUR HONOR, MAY I RESPOND  
5 BRIEFLY?

6 THE COURT: YES.

7 MS. OSIRIM: I UNDERSTAND THAT THE  
8 DEFENSE THINKS IT'S APPROPRIATE TO COMPLAIN ABOUT HAVING  
9 USED SPECIAL AGENT MILLIGAN TO PROFFER INFORMATION THAT  
10 OTHERWISE COULD HAVE BEEN TESTIFIED TO DIRECTLY BY  
11 WITNESSES. WE ARE DOING THIS IN ORDER TO PROCEED WITH  
12 THIS HEARING TODAY BECAUSE WE HAVE SEVERAL VICTIMS  
13 PRESENT AND DID NOT WANT TO RESCHEDULE, BUT WE RECEIVED  
14 A NOTICE OF THESE OBJECTIONS YESTERDAY AT 4 P.M. SO WE  
15 ARE DOING THE BEST THAT WE CAN TO RESPOND TO THEM NOW.

16 MR. HARDEN'S CONTENTION THAT TYREE  
17 MANSELL HAD NO IDEA THAT THE GOVERNMENT WAS  
18 INVESTIGATING THE SPREE OF ROBBERIES IN WHICH HE  
19 INITIATED IS COMPLETELY FALSE AND REALLY DUBIOUS AS A  
20 CLAIM. HE WAS THREATENING EDWARD SCOTT, WHOSE  
21 INVOLVEMENT WAS NOT THE JUNE 15TH ROBBERY THAT HE WAS  
22 ARRESTED ON, BUT IN DRIVING TO AND IDENTIFYING A HOME IN  
23 THE APRIL 20TH ROBBERY, WHICH WAS NOT INITIALLY CHARGED  
24 IN THIS CASE UNTIL THE SUPERSEDING INDICTMENT.

25 THE DEFENDANT WAS REACHING OUT TO HIS

1 CO-DEFENDANTS, REACHING OUT TO EDWARD SCOTT, REACHING  
2 OUT TO SWAZETTE MANSELL, AND INDIRECTLY ABDULLAH  
3 HARTAGE, IN AN EFFORT TO CONTAIN THE INFORMATION THAT  
4 THEY WOULD PROVIDE BECAUSE HE KNEW HIS EXPOSURE ON A  
5 SERIES OF ROBBERIES, NOT SIMPLY ONE ROBBERY. AND THAT  
6 IS WHY WE BELIEVE THIS TWO-LEVEL ENHANCEMENT IS  
7 APPROPRIATE ON EACH OF THE GROUPS IN WHICH IT HAS BEEN  
8 INCLUDED BY THE PROBATION OFFICER.

9 THE COURT: OKAY. I WILL HEAR THE  
10 GOVERNMENT IN RESPONSE TO THE FIREARM ADJUSTMENT.

11 MS. OSIRIM: CERTAINLY, YOUR HONOR.

12 IF I UNDERSTAND IT CORRECTLY, THE DEFENSE  
13 IS OBJECTING TO THE PROBATION OFFICER FINDING THAT THE  
14 SIX-LEVEL ENHANCEMENT FOR OTHERWISE USING A FIREARM  
15 DURING THE COMMISSION OF THESE ROBBERIES BECAUSE THE  
16 DEFENDANT WAS ACQUITTED OF THREE OF THESE FOUR CHARGED  
17 OFFENSES. AS THE COURT IS AWARE, THE THIRD CIRCUIT AND  
18 THE SUPREME COURT BOTH PERMIT THE DISTRICT COURT TO  
19 CONSIDER CONDUCT UNDERLYING ACQUITTED CONDUCT AT THE  
20 TIME OF SENTENCING FOR PURPOSES OF ENHANCEMENT AND FOR  
21 PURPOSES OF UPWARD DEPARTURES.

22 IN THIS CASE, THE COURT HAS AMPLE  
23 EVIDENCE IN WHICH TO CONCLUDE THAT A FIREARM WAS USED  
24 DURING THE COMMISSION OF THOSE OFFENSES. NOT ONLY DID A  
25 COOPERATOR, STERLING WALLACE, TESTIFY IN THIS CASE ABOUT

1 THE USE OF FIREARMS DURING THE COMMISSION OF THE  
2 APRIL 20TH, THE MAY 7TH, THE MAY 19TH AND THE JUNE 15TH  
3 ROBBERY, HE TESTIFIED ABOUT THE THEFT OF AN ACTUAL  
4 FIREARM FROM THE HOME ON F STREET IN AN UNCHARGED  
5 ROBBERY, WHICH WAS THEN USED TO THREATEN THE VICTIMS IN  
6 THE FINAL HOME INVASION ON JUNE 15TH.

7 ADDITIONALLY, THIS COURT HAS HEARD  
8 TESTIMONY FROM EACH OF THE VICTIMS IN THIS CASE, WHO  
9 TALKED ABOUT HOW TERRIFIED THEY WERE WHEN THEY WERE  
10 CONFRONTED AT GUNPOINT WITH THESE ROBBERS, AND WHO WERE  
11 LED TO DIFFERENT PARTS OF THEIR HOMES TO OPEN SAFES, ET  
12 CETERA, BY A POINTED SHOTGUN.

13 IF THE COURT WOULD LIKE, I CAN POINT YOU  
14 TO SPECIFIC AREAS IN THE TRANSCRIPTS WHERE EACH OF THESE  
15 WITNESSES HAS TESTIFIED ABOUT THESE GUNS IN THIS CASE.

16 THE COURT: PLEASE DO.

17 MS. OSIRIM: OKAY. BING ZHENG TESTIFIED  
18 ON JULY 12, 2017, THE TRIAL TRANSCRIPT PAGE 141, THAT --  
19 BY THE TIME THAT SHE REALIZED SOMEONE WAS IN HER HOME,  
20 THERE WAS SOMEONE ALREADY HOLDING THE GUN AT HER.

21 ON PAGE 142, SHE IS ASKED ABOUT WHERE SHE  
22 WAS STANDING WHEN SHE WAS SHOWN A PHOTOGRAPH AT THE TIME  
23 THAT SHE SAW THE GUN, AND SHE EXPLAINED THAT SHE WAS  
24 STANDING IN HER LIVING ROOM.

25 AT PAGE 143, LINE 8, SHE SAYS, AT THE

1 TIME HE WAS HOLDING THE GUN AT ME, HE ASKED ME TO GO  
2 OVER AND PICK UP MY CHILD AND HAVE BOTH OF US SIT ON THE  
3 SOFA AND NOT MOVE. IF THE COURT REMEMBERS, MS. ZHENG  
4 WAS ALONE AT THE TIME IN HER HOME WITH HER ONE-YEAR-OLD  
5 INFANT.

6 THERE IS FURTHER TESTIMONY ON PAGE 165,  
7 TESTIMONY FROM MR. LIU, WHO STATED, WE DIDN'T HEAR MUCH  
8 NOISE. I FLIPPED OPEN THE BLANKET BRIEFLY -- I BELIEVE  
9 THIS IS MS. WANG. I SAW A YOUNG PERSON ABOUT THE AGE OF  
10 15 OR 16 HOLDING A GUN AT US. THAT'S ON PAGE 165, AND  
11 THAT WAS TESTIMONY BY LIXIA WANG.

12 THE TESTIMONY THAT STERLING WALLACE  
13 PROVIDED ABOUT THE ROBBERY WHICH OCCURRED ON COMICE  
14 COURT ON APRIL 20TH. THE DATE OF THE TESTIMONY IS  
15 JULY 13, 2017. THIS DETAIL BEGINS ON PAGE 123. AND HE  
16 SAYS THAT HE PULLED OUT A GUN, WHICH WAS VISIBLE TO THE  
17 OLDER MAN WHO OPENED THE DOOR. AND THAT WHAT -- HE IS  
18 ASKED, AFTER TYREE MANSELL PULLED OUT THE GUN, WHAT DID  
19 HE DO? AND STERLING WALLACE SAID, HE PASSED IT TO ME.  
20 STERLING WALLACE IS ASKED, DID HE TELL YOU TO DO  
21 ANYTHING? AND STERLING WALLACE SAYS, HE TOLD ME TO  
22 CHECK THE HOUSE TO SEE IF ANYBODY WAS HOME.

23 AT THE NEXT PAGE, ON PAGE 125, HE IS  
24 ASKED WHETHER OR NOT HE WAS STILL HOLDING THE GUN WHILE  
25 HE WAS STANDING THERE WITH THE OLDER GENTLEMAN, WHO THEY

1 HAD DRAGGED TO THE KITCHEN AND PUSHED TO THE FLOOR. AND  
2 HE SAID, YES, HE WAS POINTING THE GUN AT HIS -- THAT HE  
3 WAS POINTING THE GUN AT HIM. HE SAID, I WASN'T AT THAT  
4 POINT, I HAD IT DOWN AT MY SIDE.

5 FINALLY, WE HEARD TESTIMONY BOTH FROM  
6 BRIAN SEAM AND FROM HIS MOTHER, MS. SEAM, ABOUT THE  
7 JUNE 15TH ROBBERY IN THEIR HOME --

8 MR. HARDEN: I AM NOT CHALLENGING THAT.

9 MS. OSIRIM: -- ON PAGE -- THEY GAVE  
10 TESTIMONY ON TRIAL DAY 4, JULY 13TH. BRIAN SEAM IS  
11 ASKED ABOUT HIS EXPERIENCE, AND HE SAYS, BEFORE I COULD  
12 ANSWER, ONE GUY TOOK OUT HIS GUN, BARGED IN, TURNED ME  
13 AROUND, PUSHED ME ON THE STAIRS AND STARTED HITTING ME  
14 WITH HIS GUN ON MY HEAD. HE HIT ME IN THE FACE ONE TIME  
15 NEXT TO MY EYE. THAT'S AT PAGE 11 OF THAT TRIAL  
16 TRANSCRIPT.

17 LADINE SEAM TESTIFIED ALSO THAT DAY AT  
18 PAGES 31 AND 32, SAYING, YES, MY SON WAS HIT BY THE GUN  
19 UNDER HIS RIGHT EYE. AND THEN THEY HIT HIM IN THE EYE  
20 AND THEN THERE'S ANOTHER GUN HIT ON TOP OF HIS HEAD.  
21 AND SHE TESTIFIED AND TALKED ABOUT PHOTOGRAPHS THAT WERE  
22 TAKEN OF HER SON AFTER THE INJURY THAT WAS CAUSED BY THE  
23 USE OF A FIREARM IN THAT CASE, AND TALKED ABOUT BEING  
24 FORCED INTO A ROOM TO OPEN A SAFE AT THAT POINT AS WELL  
25 DURING THIS TRIAL.

1 SO THERE IS EVIDENCE IN THIS CASE AT  
2 TRIAL OF THE USE OF FIREARMS IN ALL FOUR OF THE  
3 ROBBERIES WHICH WERE CHARGED AND WHICH WERE THE CONDUCT  
4 OF CONVICTION IN THIS CASE. WE BELIEVE THAT THE COURT  
5 SHOULD CREDIT THAT EVIDENCE, AND THAT IT PROVES BY A  
6 PREPONDERANCE THAT THE DEFENDANT USED OR AIDED AND  
7 ABETTED THE USE OF FIREARMS IN EACH OF THE COMMISSIONS  
8 OF THESE OFFENSES AND THAT THE USE OF FIREARMS WAS  
9 REASONABLY FORESEEABLE TO HIM DURING THE COMMISSION OF  
10 THESE OFFENSES.

11 FOR THAT REASON, THE SIX-LEVEL  
12 ENHANCEMENT IS APPROPRIATE, YOUR HONOR.

13 THE COURT: OKAY. DOES DEFENSE COUNSEL  
14 HAVE ANYTHING ELSE TO ADD?

15 MR. HARDEN: YES, YOUR HONOR. WITH  
16 REGARD TO GROUP FIVE ROBBERY, THAT'S BRIAN SEAM AND  
17 LADINE SEAM, I BELIEVE, WE DO NOT CHALLENGE THE SIX  
18 LEVEL -- THERE IS NO ADJUSTMENT ON THAT CASE BECAUSE  
19 THAT WAS THE CASE WHERE HE WAS CONVICTED OF 924(C). SO  
20 WE ARE NOT CHALLENGING THE USE OR USAGE OF FIREARMS ON  
21 THAT CASE FOR PURPOSES OF SENTENCING.

22 WITH REGARD TO THE REMAINDER OF THE  
23 CASES, THERE ARE ELEMENTS THAT YOU HAVE TO ESTABLISH TO  
24 SHOW THAT A FIREARM WAS INDEED A FIREARM. IN ONE CASE,  
25 AND I BELIEVE THE TESTIMONY WAS THAT A PERSON CAME IN

1       WITH A GUN AND A SCREWDRIVER. AND IF YOU RECALL, YOUR  
2       HONOR, AT THE FINAL ROBBERY, THE ROBBERY WHERE MR.  
3       MANSELL WAS ALLEGED TO -- WAS CONVICTED OF RUNNING FROM  
4       THE CAR, ONE OF THE GUNS THAT WAS STOLEN IN ONE OF THE  
5       PREVIOUS ROBBERIES, WHICH WE DO NOT CONTEST, WAS USED AT  
6       THAT ROBBERY. AND MY ARGUMENT, WHICH IS WITH A  
7       PREPONDERANCE OF EVIDENCE -- A PREPONDERANCE OF  
8       EVIDENCE, THEY STILL HAVE TO PROVE THAT IT'S MORE LIKELY  
9       THAN NOT THAT THESE INDIVIDUALS WERE ARMED WITH  
10       FIREARMS. AND THERE ARE PEOPLE GETTING ROBBED ALL OVER  
11       THE WORLD -- I MEAN, EXCUSE ME, ALL OVER THE UNITED  
12       STATES ALL THE TIME WITH THINGS THAT LOOK LIKE GUNS THAT  
13       ARE NOT GUNS. AND THAT'S WHY WE ARE ARGUING THAT  
14       DANGEROUS WEAPONS WERE POSSESSED.

15                   WITH REGARD TO STERLING WALLACE, STERLING  
16       WALLACE'S TESTIMONY WAS COMPLETELY REJECTED BY THE JURY.  
17       THE JURY FOUND -- THERE WAS NO OTHER WAY FOR THEM TO  
18       FIND MR. MANSELL NOT GUILTY OF AIDING AND ABETTING OR  
19       HAVING ANYTHING TO DO WITH A GUN IN THOSE THREE  
20       ROBBERIES UNLESS THEY COMPLETELY REJECTED HIS TESTIMONY.  
21       I THINK THAT YOU SHOULD CREDIT THE JURY THERE. THE JURY  
22       FOUND THAT MR. WALLACE'S TESTIMONY WAS INCONSISTENT.

23                   IF YOU RECALL, MR. WALLACE TESTIFIED THAT  
24       HE BROUGHT THE FIRST GUN TO THE FIRST ROBBERY. AND I  
25       ASKED HIM WHERE HE GOT THE GUN FROM? AND HE SAID, A

1 CRACKHEAD. AND I SAID, DO YOU KNOW THE CRACKHEAD'S  
2 NAME? HE SAID, NO, I DON'T KNOW. THEN I SAID, WHAT  
3 HAPPENED TO THAT GUN? HE SAID, I DON'T KNOW, MY LITTLE  
4 BROTHER OR SOMETHING -- SOMETHING HAPPENED TO IT. BUT  
5 EVEN THEN, HE WAS TESTIFYING ABOUT THAT GUN THAT WAS  
6 USED IN -- ALLEGEDLY USED IN THE FIRST ROBBERY NOT BEING  
7 AVAILABLE FOR THE SECOND AND THIRD ROBBERIES. SO WE  
8 DON'T HAVE ANY TESTIMONY ABOUT THE TEXTURE OF THE  
9 FIREARM.

10 YOUR HONOR, YOU WERE A PROSECUTOR, YOU  
11 MIGHT ASK A PERSON, DID THEY TOUCH YOU WITH THE FIREARM?  
12 WHAT COLOR WAS IT? WAS IT COLD? WAS IT HOT? DID IT  
13 HAVE A BARREL OR DID IT HAVE A -- OR WAS IT AN  
14 AUTOMATIC? THERE WAS NO TESTIMONY FROM THE VICTIMS  
15 ABOUT THAT. THE ONLY TESTIMONY THEY HAD CONCERNING  
16 THOSE THINGS WERE FROM STERLING WALLACE, WHO WAS  
17 COMPLETELY REJECTED BY THE JURY BECAUSE HE WAS  
18 INCREDIBLE, HE HAD 100 PERCENT REASON TO PUT A FIREARM  
19 IN MR. MANSELL'S HANDS. HE DIDN'T PUT A FIREARM -- HE  
20 PUT A FIREARM IN HIS HANDS MAYBE ONCE OR TWICE, BUT HIS  
21 ENTIRE TESTIMONY WAS TO SAVE HIS BEHIND FROM THE STAND.  
22 SO I THINK THAT AT LEAST IN THIS CIRCUMSTANCE, WITH  
23 REGARDS TO GROUPS ONE, TWO AND THREE AND FOUR, THERE HAS  
24 BEEN NO CREDIBLE TESTIMONY WITH REGARD TO MR. MANSELL  
25 POSSESSING AN ACTUAL FIREARM.

1 THE COURT: OKAY.

2 MS. OSIRIM: YOUR HONOR, THE DEFENSE IS  
3 ARGUING ESSENTIALLY THAT BECAUSE THE JURY ACQUITTED MR.  
4 MANSELL OF THESE THREE FIREARMS CHARGES AT THE CORE THAT  
5 SOMEHOW THERE IS NO EVIDENCE TO SUGGEST THAT FIREARMS  
6 WERE ACTUALLY USED DURING THE COMMISSION OF THESE  
7 OFFENSES. WE DO NOT KNOW WHAT WAS IN THE JURY'S MIND AT  
8 THE TIME THAT THEY REACHED THE DECISION THAT THEY DID IN  
9 THIS CASE, BUT THE GOVERNMENT IS URGING THE COURT TO  
10 CONSIDER THIS WITH RESPECT TO THE FACT THAT HE WAS  
11 ACQUITTED OF THESE CASES. HAD HE NOT BEEN ACQUITTED ON  
12 THESE CHARGES, WE WOULD BE ASKING THE COURT --

13 MR. HARDEN: OBJECTION, IRRELEVANT.

14 MS. OSIRIM: -- TO ACTUALLY --

15 THE COURT: OVERRULED.

16 MS. OSIRIM: TO ACTUALLY SENTENCE THE  
17 DEFENDANT TO THE MANDATORY MINIMUM IN CONNECTION WITH  
18 EACH OF THOSE GUN OFFENSES. WE ARE, WITH RESPECT,  
19 ASKING THAT THE ENHANCEMENT BE APPLIED BECAUSE THERE WAS  
20 AMPLE EVIDENCE THAT WAS PROFFERED BOTH BY THE VICTIMS OF  
21 THESE CASES AND THE COOPERATOR IN THIS CASE THAT REAL  
22 GUNS WERE TAKEN TO EACH OF THESE HOMES, THAT REAL GUNS  
23 WERE USED TO CORRAL THE VICTIMS, TO THREATEN THE VICTIMS  
24 AND TO SCARE THEM IN ORDER TO EXTRACT MONEY AND OTHER  
25 VALUABLES FROM THEIR HOMES. AND FOR THAT REASON, THE

1 SIX-LEVEL ENHANCEMENT IS APPLICABLE HERE.

2 THE COURT: DOES THE GOVERNMENT HAVE ANY  
3 COMMENT ON THE RELEVANT CONDUCT OBJECTION AS WELL AS THE  
4 OBSTRUCTION OBJECTION?

5 MS. OSIRIM: YES, I BELIEVE THE RELEVANT  
6 CONDUCT OBJECTION WAS THAT THE DEFENDANT WAS GIVEN AN  
7 ADDITIONAL POINT BASED ON THE F STREET HOME INVASION  
8 ROBBERY. THE GOVERNMENT HAS CHARGED A CONSPIRACY IN  
9 THIS CASE. THE F STREET ROBBERY IS WITHIN THE DATES AND  
10 TIMELINE OF THAT ROBBERY CONSPIRACY.

11 ADDITIONALLY, WE HEARD TESTIMONY FROM  
12 STERLING WALLACE THAT BOTH HE AND THE DEFENDANT  
13 RECOVERED FROM F STREET A FIREARM THAT THEY USED IN THE  
14 COMMISSION OF THE JUNE 15TH ROBBERY IN BROOMALL, AND  
15 THAT WAS ALSO PART OF THIS HOBBS ACT CONSPIRACY. UNDER  
16 1B1.3, THIS CONDUCT IS PERMISSIBLE FOR CONSIDERATION AT  
17 THE TIME OF SENTENCING AND IS APPROPRIATE TO ESTABLISH A  
18 BASIS FOR -- AN ENHANCEMENT BASED ON THAT ADDITIONAL  
19 CONDUCT.

20 I BELIEVE THE DEFENDANT ALSO LODGED AN  
21 OBJECTION THROUGH THE SENTENCING MEMORANDUM TO THE  
22 TWO-LEVEL ADJUSTMENT FOR LEADER OR ORGANIZER. THE  
23 GOVERNMENT OBVIOUSLY FEELS THAT THAT ENHANCEMENT IS  
24 APPROPRIATE IN THIS CASE. WE HEARD TESTIMONY FROM  
25 ABDULLAH HARTAGE, FROM EDWARD SCOTT AND FROM STERLING

1           WALLACE THAT THE DEFENDANT REACHED OUT TO THEM WHEN  
2           ORGANIZING AND ATTEMPTING TO IDENTIFY THESE LOCATIONS  
3           WHERE ROBBERIES WERE ULTIMATELY COMMITTED.  WE SAW THAT  
4           ABDULLAH HARTAGE, WHO WAS ONLY 17 AT THE TIME THAT HIS  
5           UNCLE GOT HIM INVOLVED IN THESE ROBBERIES, WAS TOLD TO  
6           DRIVE TO VARIOUS LOCATIONS.  THOSE LOCATIONS WERE THEN  
7           RECORDED IN HIS PHONE OR MR. WALLACE AND MR. MANSELL'S  
8           PHONE AND THEY WOULD RETURN TO THEM.

9                           WE HEARD TESTIMONY FROM EDWARD SCOTT THAT  
10                           MR. MANSELL REACHED OUT TO HIM AND CALLED HIM AND ASKED  
11                           HIM TO DRIVE TO THE FIRST OF THE ROBBERY LOCATIONS IN  
12                           THIS CASE THE FRIDAY BEFORE THAT ROBBERY TOOK PLACE.  HE  
13                           WAS DIRECTED AT MR. MANSELL'S BEHEST.  AND STERLING  
14                           WALLACE ALSO TESTIFIED THAT HE AND ABDULLAH FOLLOWED  
15                           BEHIND THEM IN A CAR AS THEY TOO WERE DIRECTED TO FOLLOW  
16                           AND TO RECORD THE LOCATION OF THAT HOME.  IT WAS OBVIOUS  
17                           EVEN FROM THE DEMEANOR OF MR. SCOTT AND MR. HARTAGE THAT  
18                           THEY WERE ORGANIZING OR OTHERWISE LEADING THESE  
19                           ROBBERIES, THAT THEY WERE PARTICIPANTS, CERTAINLY, BUT  
20                           THAT THEY DID SO BASED ON THEIR RELATIONSHIP WITH THE  
21                           DEFENDANT, TYREE MANSELL.

22                           I BELIEVE MR. HARDEN ARGUES IN HIS MOTION  
23                           THAT STERLING WALLACE SPECIFICALLY RECRUITED HIS BROTHER  
24                           JAMAIN TO PARTICIPATE IN THE LAST OF THESE ROBBERIES.  I  
25                           THINK THAT IS ALSO AN ACCURATE STATEMENT.  JAMAIN

1       WALLACE WAS, IN FACT, STRANDED AND NEEDED A RIDE ON THE  
2       DAY OF THE JUNE 15TH ROBBERY AND CALLED HIS BROTHER TO  
3       SIMPLY PICK HIM UP. WHEN HE WAS PICKED UP, HE WAS TOLD  
4       THAT BECAUSE TYREE MANSELL HAD DECIDED THAT THEY WERE  
5       GOING TO COMMIT THE JUNE 15TH ROBBERY THAT DAY, THAT HE  
6       WAS IN THE CAR AND HE WAS THEREFORE GOING TO BE A PART  
7       OF IT AND PARTICIPATED ON THAT REASON. BUT HE HAD NO  
8       INVOLVEMENT IN ORGANIZING AND IDENTIFYING AND DIRECTING  
9       THAT PARTICULAR ROBBERY TO TAKE PLACE.

10           I THINK MR. HARDEN ALSO POSED AN  
11       OBJECTION TO -- HERE, ORALLY IN COURT BUT NOT STATED IN  
12       THE SENTENCING MEMORANDUM TO THE ABDUCTION ENHANCEMENT  
13       THAT IS APPLIED IN CONNECTION WITH THE FIRST OF THESE  
14       ROBBERIES ON THE COMICE COURT PROPERTY IN TELFORD,  
15       PENNSYLVANIA. THE GOVERNMENT AT TRIAL SPOKE WITH THE  
16       VICTIM OF THAT ROBBERY, HYUN SOO CHO, ABOUT WHAT  
17       TRANSPired THAT DAY. AND HE TALKED TO US ABOUT HAVING  
18       ANSWERED THE DOOR AND THEN BEING TAKEN TO HIS KITCHEN,  
19       WHICH WAS DOWN THE HALLWAY, PAST THE STAIRCASE, WHERE HE  
20       WAS BEATEN ON THE GROUND AND TIED UP BEFORE HE COULD GET  
21       OUT.

22           STERLING WALLACE ALSO TESTIFIED ABOUT  
23       THAT CASE. WHEN WE SPOKE WITH THE VICTIM, WE SHOWED  
24       PHOTOGRAPHS TO HIM AND TO THE JURY WHICH SHOWED THE  
25       LOCATION OF THE DOOR, THE STAIRWAY AND THEN SHOWED THE

1 KITCHEN AS A SEPARATE ROOM BEHIND THAT AREA, WHICH HE  
2 DISCUSSED WITH THE JURY, WHERE HE WAS FINALLY TAKEN AND  
3 TIED UP. STERLING WALLACE ALSO OFFERED TESTIMONY ON  
4 EXACTLY WHAT THEY DID AT THAT HOUSE. HE SAID THAT -- HE  
5 WAS ASKED, DID YOU AND TYREE -- WHAT DID YOU DO WITH THE  
6 OLDER MAN, IF ANYTHING? HE SAID, TYREE JUST HELD THE  
7 MAN AT KNIFEPPOINT, BUT I WENT TO GO CHECK UPSTAIRS TO  
8 SEE IF ANYONE WAS HOME. HE WAS ASKED, WAS THAT RIGHT AT  
9 THE THRESHOLD OF THE DOOR OR FARTHER INTO THE HOUSE? HE  
10 SAID, THAT WAS FARTHER INTO THE HOUSE. HE WAS ASKED,  
11 WHAT PART OF THE HOUSE THEY HELD THIS ELDER GENTLEMAN ON  
12 THE GROUND? AND HE SAID, IN THE KITCHEN. HE WAS ASKED,  
13 DID HE GET FROM THE THRESHOLD OF THE DOOR AREA TO THE  
14 KITCHEN? AND HE SAID, YES, THEY PUSHED HIM BACK ALL THE  
15 WAY TO THE KITCHEN, WHICH I THINK IS CLEAR TESTIMONY  
16 THAT THEY MOVED HIM FROM THE PLACE WHERE HE WAS WHEN HE  
17 FIRST ANSWERED THE DOOR TO THE PLACE WHERE HE WAS  
18 ULTIMATELY BOUND AT THE WRISTS AND AT THE ANKLES BY THE  
19 DEFENDANT AND HIS CO-CONSPIRATOR IN THIS CASE. I THINK  
20 THAT ADEQUATELY SATISFIES THE ABDUCTION ENHANCEMENT ON  
21 THAT ROBBERY.

22 THE COURT: OKAY. MR. HARDEN.

23 MR. HARDEN: YOUR HONOR, I ONLY HAVE  
24 FURTHER ARGUMENT -- I HAVE ALREADY SAID WITH REGARD TO  
25 RELEVANT CONDUCT AND THE ORAL OBJECTION I MADE WITH

1 REGARD TO THE ABDUCTION.

2 BUT WITH REGARD TO THE LEADERSHIP ROLE, I  
3 UNDERSTAND THE GOVERNMENT'S ARGUMENT WITH REGARD TO --  
4 THERE ARE INSTANCES WHERE MR. MANSELL EXERCISED A  
5 LEADERSHIP ROLE, BUT THE INQUIRY BASED UPON WHAT THE  
6 THIRD CIRCUIT HAS SAID IN THE CASE THAT I CITE IN MY  
7 MEMORANDUM IS WHETHER OR NOT HE WAS A SOLE LEADER AND  
8 ORGANIZER OF THIS ENTITY. IF THERE ARE SHARED  
9 ORGANIZATIONAL RESPONSIBILITIES -- THE CASE I CITE  
10 SPECIFICALLY IS TWO INDIVIDUALS WHO HAVE SHARED  
11 RESPONSIBILITY, 50/50. THERE'S INDICATION THAT BOTH OF  
12 THEM CAN INITIATE OR START THIS, I GUESS YOU COULD SAY,  
13 TRAIN ROLLING WITH REGARD TO THE CONSPIRACY THAT'S  
14 GOING. AND THROUGHOUT THIS CASE, THROUGHOUT THIS  
15 EVIDENCE, THROUGHOUT THE TEXT MESSAGES THAT THE  
16 GOVERNMENT PROFFERED DURING TRIAL, ABDULLAH HARTAGE  
17 WOULD SEND TEXT MESSAGES TO OTHER PEOPLE IN THE  
18 CONSPIRACY THAT SAID THINGS LIKE, I AM SITTING OUTSIDE  
19 THIS HOUSE RIGHT NOW. I THINK WE SHOULD HIT IT. THESE  
20 ARE THINGS THAT ARE INDIVIDUALLY STARTED BY ABDULLAH  
21 HARTAGE. YOU HAVE STERLING WALLACE, WHO HAS TEXT  
22 MESSAGES THAT HE ACKNOWLEDGED WITH REGARD TO PERFORMING  
23 OTHER ROBBERIES THAT HE WAS INITIATING THAT WERE WITHIN  
24 THE CONSPIRACY. SO IT'S NOT THAT -- THE GOVERNMENT IS  
25 SAYING THAT MR. MANSELL THEREFORE SHOULD HAVE A

1 LEADERSHIP ADJUSTMENT BECAUSE HE EXERCISED LEADERSHIP  
2 POTENTIAL DURING THIS CONSPIRACY, AND THAT'S NOT WHAT  
3 THE CASE LAW SAYS. THE CASE LAW SAYS THAT AN INDIVIDUAL  
4 HAS TO BE THE LEADER, IT HAS TO BE THE PERSON WHERE  
5 THERE IS -- FOR EXAMPLE, IN A DRUG CONSPIRACY WHERE  
6 THERE IS A GENERAL, LIEUTENANT, ET CETERA. THIS IS NOT  
7 THAT SORT OF CASE. THIS IS A CASE WHERE A BAND OF  
8 INDIVIDUALS, SOMETIMES TOGETHER, SOMETIMES NOT TOGETHER,  
9 SOMETIMES INDIVIDUALS SLEEP INSIDE THE CAR. I BELIEVE  
10 THERE WAS TESTIMONY -- LET ME RETRACT THAT. I BELIEVE  
11 THEY SAID THAT MR. -- NEVER MIND. BUT WITH REGARD TO  
12 HIS TESTIMONY ABOUT INDIVIDUALS TAKING ACTIONS AND DOING  
13 THINGS THAT MR. MANSELL HAD NO LEADERSHIP ROLE IN, THEY  
14 WERE IDEAS FROM OTHER PEOPLE INSIDE THE CASE.

15 MS. OSIRIM: YOUR HONOR, IF WE LOOK TO  
16 SECTION 3B1.1 IN THE GUIDELINES, THE ENHANCEMENT IS  
17 APPLICABLE IF THE DEFENDANT WAS AN ORGANIZER OR LEADER  
18 OR MANAGER OR SUPERVISOR, AND THE NOTES THERE SAY THAT  
19 OF COURSE THERE CAN BE MORE THAN ONE PERSON WHO  
20 QUALIFIES AS A LEADER OR AN ORGANIZER OF A CRIMINAL  
21 ASSOCIATION OR CONSPIRACY.

22 IN THIS CASE, WE ALLEGE THAT MR. MANSELL  
23 WAS, IN FACT, THE LEADER OR ORGANIZER, BUT TO THE EXTENT  
24 TO WHICH HE RECEIVED A TEXT MESSAGE FROM ABDULLAH  
25 HARTAGE OR A NOTE FROM SOMEONE ELSE ABOUT AN APPROPRIATE

1 TIME TO HIT A HOUSE THAT MR. MANSELL HAD IDENTIFIED AS  
2 THE LOCATION OF A FUTURE ROBBERY IS, I THINK, UTTERLY  
3 BESIDE THE POINT HERE. THE ENHANCEMENT IS APPLICABLE  
4 BECAUSE THE EVIDENCE PRESENTED AT TRIAL AND THE EVIDENCE  
5 IN THIS CASE SHOWS THAT TYREE MANSELL IS THE INDIVIDUAL  
6 WHO ACTUALLY DECIDED WHO WAS GOING TO PARTICIPATE IN  
7 THESE ROBBERIES, WHO DECIDED ON THE LOCATIONS OF THESE  
8 ROBBERIES AND WHO INITIATED THE TIME IN WHICH THESE  
9 ROBBERIES TOOK PLACE.

10 MR. HARDEN: IF I MAY, YOUR HONOR?

11 THE COURT: YES.

12 MR. HARDEN: UNITED STATES VERSUS  
13 COUTURE, THE THIRD CIRCUIT SAID, WHERE MULTIPLE  
14 PARTICIPANTS WERE EQUALLY CULPABLE AND THEY DID NOT  
15 ORGANIZE, LEAD, MANAGE OR SUPERVISE A THIRD PARTICIPANT,  
16 SECTION 3B1.1 DOES NOT APPLY.

17 MS. OSIRIM: I WOULD ASK THE COURT TO  
18 REVIEW THAT WITH SOME CAUTION WHEN THINKING ABOUT  
19 WHETHER A 17-YEAR-OLD NEPHEW OF THE DEFENDANT WAS  
20 EQUALLY CULPABLE IN THE COMMISSION OF THE ARMED HOME  
21 INVASION ROBBERY WHICH HE HAD NO BACKGROUND OR CRIMINAL  
22 HISTORY IN.

23 THE COURT: UNLIKE THE DEFENDANT.

24 MS. OSIRIM: UNLIKE THE DEFENDANT.

25 THE COURT: THE COURT FINDS THAT THE

1       CALCULATION OF THE GUIDELINES WAS APPROPRIATE IN THIS  
2       CASE, AND I OVERRULE THE OBJECTIONS OF THE DEFENSE.

**3** **ARE WE READY TO PROCEED TO SENTENCING?**

4 MR. HARDEN: YES, YOUR HONOR.

5 THE COURT: I WILL HEAR YOU ON BEHALF OF  
6 YOUR CLIENT.

7 MR. HARDEN: COURT'S INDULGENCE.

8 YOUR HONOR, APPEARING BEFORE YOU TODAY IS  
9 TYREE MANSELL, CONVICTED OF FIVE HOME INVASION  
10 GUNPOINT ROBBERIES OF INDIVIDUALS -- I'M SORRY, FOUR  
11 HOME INVASION GUNPOINT ROBBERIES, THE POSSESSION OF A  
12 FIREARM DURING ONE OF THOSE ROBBERIES IN FURTHERANCE OF  
13 COMMISSION OF THAT ROBBERY AND CONSPIRACY.

14 THERE IS NOT MUCH THAT ANYONE IS GOING TO  
15 SAY POSITIVE ABOUT MR. MANSELL TODAY BECAUSE WE  
16 UNDERSTAND -- OR MAYBE WE DON'T UNDERSTAND, BUT MANY  
17 TIMES IN THE CRIMINAL JUSTICE SYSTEM WE SEE SENTENCES  
18 THAT HAVE ALREADY BEEN WRITTEN AND THEY ARE JUST WAITING  
19 FOR A PERIOD. MR. MANSELL GREW UP HOW MANY INDIVIDUALS  
20 IN THE CRIMINAL JUSTICE SYSTEM GREW UP. HE WAS AWARDED  
21 DHS FROM THE DAY THAT -- FROM A VERY EARLY AGE IN HIS  
22 CHILDHOOD. HE NEVER HAD A FAMILIAL RELATIONSHIP WITH  
23 ANY OF THE INDIVIDUALS IN HIS FAMILY PRIOR TO -- I DON'T  
24 THINK HE HAS EVER HAD ANY FAMILIAL RELATIONSHIPS WITH  
25 ANYONE WHO IS A DIRECT BLOOD RELATIVE. THE PRESENTENCE

1       INVESTIGATION IDENTIFIES THAT, I BELIEVE, AT THE AGE OF  
2       10, MR. MANSELL WAS COMMITTED TO DHS AND THEN LIVED  
3       THROUGHOUT PENNSYLVANIA IN DIFFERENT PLACES, AND HE  
4       WOULD FREQUENTLY RUN AWAY TO GET BACK TO THE STREETS OF  
5       PHILADELPHIA, BECAUSE THAT WAS THE ONLY THING THAT HE  
6       COULD CALL HOME.

7                   I AM MAKING THESE ARGUMENTS WITH REGARD  
8       TO THE 3553(A) STANDARDS BECAUSE, YOU KNOW, IF THE COURT  
9       IS GOING TO FIND ANY REASON TO MITIGATE MR. MANSELL'S  
10      SENTENCE, IT'S NOT GOING TO BE BECAUSE OF -- THERE IS  
11      SOME YELLOW BRICK ROAD OR SOMETHING IN THE FACTS OF  
12      THESE CASES. THE FACTS OF THESE CASES ARE HORRENDOUS.  
13      WE ACKNOWLEDGE THAT. MR. MANSELL ACKNOWLEDGES THAT. HE  
14      WENT TO TRIAL BECAUSE HE KNEW WHAT THE OUTCOME WOULD BE  
15      IF HE DID NOT, WHETHER HE PLED GUILTY OR WHETHER HE WENT  
16      TO TRIAL.

17                   MR. MANSELL HAS TROUBLE WITH BASIC  
18      THINGS, LIKE REMORSE, ATTACHMENT, UNDERSTANDING THE  
19      CONSEQUENCES OF HIS ACTIONS. AND THOSE THINGS ARE  
20      DOCUMENTED. THEY WERE DOCUMENTED IN HIS PROBATION  
21      SUMMARY WHEN HE WAS CONVICTED OF COMMITTING SIMILAR  
22      CRIMES -- THE EXACT SAME CRIMES APPROXIMATELY SEVEN OR  
23      EIGHT YEARS AGO.

24                   MR. MANSELL IS HERE AT THE MERCY OF THE  
25      COURT. HE UNDERSTANDS WHAT THE OUTCOME OF THIS CASE

1 WILL LIKELY BE. I, AGAIN, CITE THE FAMILIAL HISTORY  
2 WITH REGARD TO MR. MANSELL. I CITE THE PRESENTENCE  
3 INVESTIGATION WITH REGARD TO A LACK OF MENTAL HEALTH  
4 TREATMENT THAT MR. MANSELL HAS UNDERGONE. I UNDERSTAND  
5 THAT AT THE -- YOU WILL HEAR IT FROM MR. MANSELL. MR.  
6 MANSELL HAS SAID THAT HE HAS HEARD VOICES FOR A  
7 SIGNIFICANT AMOUNT OF TIME AND THEY HAVE NEVER TOLD HIM  
8 TO DO ANYTHING NEGATIVE. WE DON'T KNOW WHAT IT IS THAT  
9 MOTIVATES MR. MANSELL TO COMMIT THESE SORT OF CRIMES.

10 AGAIN, I BEGAN MY SENTENCING MEMORANDUM  
11 BY ASKING THE COURT TO TAKE INTO CONSIDERATION MR.  
12 MANSELL'S LIFE EXPECTANCY. NO ONE WAS KILLED DURING ANY  
13 OF THESE CRIMES. AND I UNDERSTAND THAT THE COURT WILL  
14 LIKELY SENTENCE MR. MANSELL TO A SENTENCE THAT WILL PUT  
15 HIM IN PRISON EITHER UNTIL HE IS VERY OLD OR UNTIL HE  
16 LEAVES THE PRISON IN A PINE BOX. I WOULD ASK THE COURT  
17 TO CONSIDER THE FACT THAT NO ONE WAS KILLED DURING THESE  
18 INCIDENTS, AND THAT MAYBE IN HIS ELDERLY YEARS MR.  
19 MANSELL MAYBE WOULD BE ABLE TO MAKE SOME TYPE OF  
20 RECOMPENSE TO SOCIETY, THE RECOMPENSE THAT SOCIETY HAS  
21 NEVER MADE TO HIM.

22 HE UNDERSTANDS THAT HE HAS HAD MULTIPLE  
23 CHANCES. HE HAS HAD A CHANCE WITH THE PAROLE SYSTEM IN  
24 PENNSYLVANIA; HE UNDERSTANDS THAT HE HAD A CHANCE WITH  
25 THE UNITED STATES PROBATION AND PAROLE SYSTEM HERE WITH

1 THE FEDERAL COURT.

2 SO AT THIS POINT, YOUR HONOR, JUST CITING  
3 AGAIN -- JUST REFERENCING, I BELIEVE IT'S 3553 FACTORS,  
4 I WOULD ASK THE COURT TO HAVE SOME SORT OF LENIENCY ON  
5 MY CLIENT. THANK YOU.

6 THE COURT: OKAY, I WILL HEAR FROM THE  
7 GOVERNMENT.

8 MS. OSIRIM: THANK YOU, YOUR HONOR.

9 I WOULD LIKE TO NOTE FOR THE RECORD THAT  
10 THERE ARE -- MANY OF THE VICTIMS OF THE CRIMES THAT TOOK  
11 PLACE ARE HERE AND PRESENT IN COURT TODAY. IN ADDITION  
12 TO LIXIA WANG AND MR. LIU, LADINE AND SUNLY SEAM, WE  
13 ALSO HAVE A REPRESENTATIVE GENTLEMAN, THE ASIAN PACIFIC  
14 AMERICAN BAR ASSOCIATION, AS WELL AS SEVERAL  
15 REPRESENTATIVES LED BY MALIA LIAO OF THE GREATER  
16 PHILADELPHIA CHINESE RESTAURANT ASSOCIATION. THESE  
17 VICTIMS AND BOTH OF THESE ASSOCIATIONS HAVE ACTUALLY  
18 SUBMITTED VICTIM IMPACT STATEMENTS TO THE COURT, AND  
19 THEY HAVE ASKED THAT I READ THESE STATEMENTS TO THE  
20 COURT. IF THE COURT PERMITS, I AM HAPPY TO READ SOME OF  
21 THESE STATEMENTS NOW.

22 THE COURT: PLEASE.

23 MS. OSIRIM: MAY I APPROACH THE PODIUM,  
24 YOUR HONOR?

25 THE COURT: YES.

1 MS. OSIRIM: HYUN SOO CHO, WHO WAS A  
2 VICTIM OF THE APRIL 20, 2015 ROBBERY AT COMICE COURT IN  
3 TELFORD, PENNSYLVANIA, SUBMITTED A STATEMENT TO THE  
4 COURT THAT HE WOULD LIKE FOR ME TO READ.

5 MR. CHO STARTS, IN 2007, I CLOSED DOWN MY  
6 BUSINESS IN KOREA UPON MY WIFE'S CITIZENSHIP PETITION  
7 AND WE CAME TO AMERICA, WHERE OUR OLDEST SON LIVES. I  
8 WAS UNFAMILIAR WITH AND AWKWARD IN THE NEW ENVIRONMENT.  
9 ONE DAY I WAS WASHING AND MOVING THE GARBAGE CANS IN  
10 FRONT OF THE GARBAGE AFTER MY SON AND HIS WIFE WENT TO  
11 WORK, AND I FELL. I INJURED MY SPINE, WHICH CAUSED  
12 TOTAL PARALYSIS OF MY BODY, BUT I HAD REGAINED THE  
13 ABILITY TO WALK SOMEWHAT AFTER SURGERY AND PHYSICAL  
14 THERAPY.

15 THE TOWN WE LIVED IN WAS PEACEFUL AND IT  
16 WAS LAID BACK. BECAUSE I DIDN'T KNOW HOW TO DRIVE, I  
17 SPENT MY DAYS THINKING ABOUT MY PAST LIFE OR MY WIFE,  
18 WHO PASSED AWAY ABRUPTLY IN 2011, SAYING HELLO AND  
19 SPEAKING WITH MY NEIGHBORS WALKING BY THROUGH THE OPEN  
20 GARAGE DOOR OR ENJOYING THE PLEASANT BREEZE.

21 ONE DAY, DESPITE THE MISTY WEATHER, I  
22 FINISHED SIMPLE EXERCISES AND WAS GOING TO WATCH  
23 TELEVISION WHEN I HEARD THE DOORBELL RING. I WALKED TO  
24 THE FRONT DOOR WITHOUT ANY SUSPICION. WHEN I PEEKED  
25 THROUGH THE SMALL WINDOW, SOMEONE SAID HELLO, AND I

1       THOUGHT IT WAS THE UPS MAN OR ANOTHER FROM A CHARITY  
2       ORGANIZATION ASKING FOR A DONATION. IT WAS THAT MOMENT  
3       WHEN I OPENED THE DOOR WHEN MY TERRIBLY HORRENDOUS  
4       EXPERIENCE STARTED. MEN WITH A GUN AND A KNIFE PUSHED  
5       THEMSELVES IN. THEY HELD ME, THEY PUSHED ME TO THE BACK  
6       AND DOWN ONTO MY KNEES ON THE KITCHEN FLOOR. THEY TIED  
7       MY HANDS AND KNEES WITH A SKIPPING ROPE THEY FOUND IN  
8       THE GARAGE AND A CELL PHONE CHARGER. ONE MAN KEPT WATCH  
9       ON ME SO I WOULDN'T MOVE WHILE THE OTHER WENT UPSTAIRS  
10      AND STARTED LOOKING AROUND.

11                   AFTER SOME TIME PASSED, THE GUY UPSTAIRS  
12      FOUND THE \$2,000 I HAD BEEN SAVING IN THE INNER POCKET  
13      OF MY WINTER CLOTHING IN THE HOPE OF RETURNING TO KOREA  
14      TO VISIT.

15                   I AM A VETERAN. I FOUGHT IN THE KOREAN  
16      WAR. I MOVED MY HANDS VIGOROUSLY TO GET MY HANDS  
17      UNTIED, AND WHEN I FELT THE LITTLE SPACE, I WAS ABLE TO  
18      WIGGLE MY HANDS OUT. I FELT EXTREME PAINS IN MY LEGS  
19      THAT HAD BEEN GIVING ME PROBLEMS ALREADY AS I WAS  
20      KNEELING DOWN WITH MY KNEES TIED UP FOR TWO HOURS. I  
21      DRAGGED MYSELF TO THE BACK DOOR, SUPPORTING MYSELF WITH  
22      BOTH HANDS, AND ROLLED OUT OF THE DECK AND FELL TO THE  
23      BACKYARD TO THE NEXT-DOOR NEIGHBOR'S HOUSE TO GET HELP,  
24      BUT NO ONE ANSWERED. I CONTINUED AND DRAGGED MYSELF TO  
25      ANOTHER NEIGHBOR'S HOUSE. I KNOCKED ON THEIR DOOR AND I

1 SCREAMED, "POLICE. POLICE." I FELL UNCONSCIOUS FOR A  
2 MOMENT.

3 THE POLICE AND MY OLDEST SON CAME A  
4 LITTLE LATER. WE FOUND THAT MY \$2,000 AND MY SON'S  
5 MONEY AND MY DAUGHTER-IN-LAW'S JEWELRY HAD ALL BEEN  
6 TAKEN. THE POLICE CALLED FOR AN AMBULANCE, BUT I DIDN'T  
7 GO TO THE HOSPITAL. I WAS NOT BLEEDING AT THE TIME. I  
8 HAD REGAINED MY CONSCIOUSNESS, AND I WAS CONCERNED ABOUT  
9 THE BILLS A TRIP TO THE HOSPITAL MIGHT COST.

10 AS SOON AS I REALIZED IT WAS ALL OVER, I  
11 FELT PAIN. I NEEDED A CANE EVERYWHERE I WENT, EVEN  
12 THOUGH I HAD NOT NEEDED ONE BEFORE. THE MEN'S FACES  
13 HAUNTED ME SO I WAS AFRAID OF BEING ALONE OR HOME. I  
14 WAS AFRAID OF CLOSING MY EYES TO GO TO SLEEP. THEIR  
15 THREATENING EYES AND SMILING FACES THAT THEY SHOWED ME  
16 WHEN THEY FIRST KNOCKED ON THE DOOR HAUNTED ME. MY  
17 GRANDDAUGHTER, WHO WAS IN MIDDLE SCHOOL AT THE TIME,  
18 ALSO FEARED BEING HOME ALONE. MY LEGS HAVE BECOME SO  
19 SWOLLEN AT NIGHT THAT I HAVE BEEN UNABLE TO WALK AND I  
20 AM SO SCARED THAT I DO NOT WANT TO GO OUT FOR A WALK. I  
21 DREAM ONLY OF VISITING KOREA, BUT THIS DREAM WAS TAKEN  
22 AWAY WHEN THE MONEY THAT I HAD SAVED WAS TAKEN FROM ME.  
23 EVERYTHING LOOKED SO PEACEFUL BEFORE, BUT NOW I FEEL  
24 STRANGE, AND I AM SCARED OF MEETING PEOPLE.

25 MR. CHO FINALLY ASKS THAT THE COURT

1 EXERCISE A FAIR AND STERN JUDGMENT UPON THE INDIVIDUALS  
2 RESPONSIBLE SO THAT OTHER CITIZENS DO NOT HAVE TO  
3 EXPERIENCE THEIR LIVES CRASHING DOWN.

4 BING JING ZHENG AND HER MOTHER, WHO WERE  
5 THE VICTIMS OF THE MAY 7TH ROBBERY ON ASHTON ROAD IN  
6 UPPER DARBY, SUBMITTED STATEMENTS. MS. ZHENG WRITES, ON  
7 MAY 8, 2015, A LITTLE AFTER 2 P.M., MY ONE-YEAR-OLD SON  
8 AND I WERE ROBBED AT GUNPOINT IN OUR HOME ON ASHTON  
9 ROAD. THIS INCIDENT HAS CAUSED GREAT DAMAGE TO ME  
10 MENTALLY. ALTHOUGH MY MOM HIRED SOMEONE TO INSTALL  
11 CAMERAS AND SECURITY ALARMS IMMEDIATELY AFTER THE  
12 ROBBERY, I HAVE BEEN LIVING IN CONSTANT FEAR EVERY DAY.  
13 I WOULD LISTEN CAREFULLY TO SEE IF THERE WAS ANY MOMENT  
14 IN THE BASEMENT -- ANY MOVEMENT, RATHER, IN THE BASEMENT  
15 OR LIVING ROOM, THE ENTRANCE OR ON THE SECOND FLOOR,  
16 FEELING LIKE THERE MAY BE ROBBERS IN OUR HOUSE AGAIN.  
17 FOR A LONG PERIOD OF TIME AFTER THE INCIDENT, I WAS  
18 AFRAID TO LEAVE THE HOUSE AND TERRIFIED OF SEEING  
19 STRANGERS. IT MADE ME EXTREMELY INSECURE AND I AM  
20 AFRAID TO GO TO WORK. I TRIED TO GO TO WORK, BUT I GAVE  
21 UP EVENTUALLY BECAUSE I WAS FEARFUL OF THOSE AROUND ME.  
22 THIS TERRIFIED ME AND MADE ME ANXIOUS, AND I WAS NOT  
23 ABLE TO CONTINUE TO WORK NORMALLY. ALTHOUGH I HAVE BEEN  
24 ABLE TO OVERCOME MY FEAR WITH HELP FROM MY FAMILY, I AM  
25 FOREVER SCARRED BY THIS EMOTIONAL TRAUMA.

1 HER MOTHER, SUHUI ZHANG, ALSO SUBMITTED A  
2 STATEMENT. I AM THE VICTIM AND OWNER OF THE PROPERTY ON  
3 ASHTON ROAD WHERE THERE WAS A GUNPOINT ROBBERY THAT TOOK  
4 PLACE. I HAVE BEEN LIVING IN FEAR EVERY SINGLE DAY. ON  
5 THE DAY THE INCIDENT HAPPENED, ONLY MY OLDEST DAUGHTER  
6 AND HER ONE-YEAR-OLD SON WERE HOME AT THE TIME. I BROKE  
7 DOWN WHEN I HEARD THAT THERE WAS A GUNPOINT ROBBERY AT  
8 HOME, BECAUSE I WAS SO WORRIED ABOUT THE SAFETY OF MY  
9 CHILDREN. SINCE THEN, THE INERASABLE SHADOW HAS BEEN  
10 LEFT IN ME AND MY FAMILY. ALTHOUGH WE INSTALLED CAMERAS  
11 AND ALARMS, IT STILL DOES NOT HELP ME SLEEP AT NIGHT. I  
12 GET UP AND CHECK WHENEVER I HEAR ANY MOTION. I HAVE  
13 BEEN SUFFERING FROM INSOMNIA SINCE THE TIME OF THIS  
14 ROBBERY. I CONSTANTLY WORRY THAT BAD THINGS MIGHT  
15 HAPPEN AGAIN IN THE HOME WHILE I AM WORKING DURING THE  
16 DAY. LIVING IN THE SHADOW OF CONSTANT FEAR HAS CAUSED  
17 US GREAT HARM. A PORTION OF THE MONEY THAT WAS TAKEN  
18 WAS ACTUALLY MONEY THAT BELONGED TO MY RELATIVES, AND I  
19 HAVE STILL NOT BEEN ABLE TO REPAY THEM IN FULL. THE  
20 ROBBERS ALSO CLEARED OUT JEWELRY, MANY OF MY FAVORITE  
21 THINGS WHICH WERE LEFT BEHIND IN THAT HOME. IT ACHES MY  
22 HEART EVERY DAY.

23 LIXIA WANG, WHO IS PRESENT IN THE COURT  
24 TODAY SUBMITTED AN IMPACT STATEMENT WHICH READS: I WAS  
25 ROBBED AT MY HOME BY CRIMINALS WITH GUNS AT NOON ON MAY

1       19, 2015. LONG AFTER THE INCIDENT, I HAVE BEEN AFRAID  
2       OF BEING HOME ALONE AND AFRAID TO GO OUT BY MYSELF.  
3       WHEN IT'S NOONTIME, I SUFFER FROM HEADACHES, FEVER AND  
4       FROM CHEST PAINS. I AM NOT ABLE TO SLEEP AT ALL AT  
5       NIGHT IF THERE IS ANY NOISE OUTSIDE. MY HEALTH HAS BEEN  
6       GREATLY IMPACTED. FOR AN HOUR, I WAS HELD IN A ROOM  
7       WITH AN EXTREMELY DANGEROUS MAN WHO HELD A GUN TO ME. I  
8       FEEL EXTREME DANGER AND FEAR EVERY MOMENT AND EVERY  
9       SECOND, WHICH HAS SERIOUSLY DISTURBED MY NORMAL LIFE. I  
10      OFTEN SUFFER HALLUCINATIONS. I AM FEARFUL OF SHADOWS  
11      BEHIND ME, AND I AM AFRAID OF NOISES THAT I HEAR IN MY  
12      EAR. MY FRIEND, WHO CAME TO VISIT FROM NEW YORK, WAS SO  
13      SCARED, AND SHE STARTED HAVING MENTAL PROBLEMS. SHE HAS  
14      NOW RETURNED TO CHINA.

15                   THE FRIEND THAT MS. WANG REFERS TO IS THE  
16                   OTHER INDIVIDUAL WHO WAS IN THE HOME AT THE TIME OF THE  
17                   ROBBERY, WHO WAS LED FROM AN UPSTAIRS BEDROOM DOWN TO  
18                   THE BASEMENT, WHERE LIXIA WANG WAS.

19                   ALTHOUGH I AM STILL VERY SCARED, IT HAS  
20                   BROUGHT MANY INCONVENIENCES TO MY LIFE, BUT MY HEART IS  
21                   FULL OF APPRECIATION. I TRY TO BE BRAVE. I TRIED TO BE  
22                   BRAVE ENOUGH TO TESTIFY. I BELIEVE THAT JUSTICE WILL  
23                   PREVAIL. AND I AM FULL OF APPRECIATION BECAUSE OF THE  
24                   MANY DECENT AND KIND PEOPLE WHO HAVE TRUSTED ME AND  
25                   BROUGHT ME WARMTH.

1 FINALLY, MS. LADINE SEAM, WHO IS HERE IN  
2 COURT TODAY, SUBMITTED AN IMPACT STATEMENT WHICH READS  
3 AS FOLLOWS: JUNE 15TH OF 2015 WAS THE WORST DAY OF MY  
4 LIFE. WHAT HAPPENED TO ME AND MY SON ON THAT DAY  
5 CHANGED OUR LIVES FOREVER. THE DEFENDANT AND HIS  
6 CONSPIRATORS INVADED MY HOME, BEAT MY SON WITH A GUN,  
7 TIED US UP, STOLE MONEY AND IRREPLACEABLE JEWELRY. WE  
8 LOST THE FEELING OF SAFETY IN OUR HOME, AND WE HAVE NOT  
9 RECOVERED FROM THIS TRAUMATIC LOSS. SINCE THE DAY OF  
10 THE INCIDENT, WE HAVE LOST OUR ABILITY TO FEEL SAFE AT  
11 HOME AND IN QUIET PLACES. I AM VERY NERVOUS WHEN I AM  
12 IN QUIET PLACES. I LOOK OVER MY SHOULDER TO SEE WHO MAY  
13 BE BEHIND ME, AND I AM SKEPTICAL OF EVERYONE AND  
14 EVERYTHING NOW. MY OWN HOME IS WHERE I FEEL THE MOST  
15 VULNERABLE. I CANNOT SIT ALONE AND RELAX IN MY BACKYARD  
16 ANYMORE. I CANNOT RELAX WHILE TAKING A SHOWER; IT'S  
17 DIFFICULT FOR ME SOMETIMES. I COME OUT MID-SHOWER  
18 BECAUSE I HEAR A BREAK IN THE NOISE, AND I LOOK AROUND  
19 THE HOUSE TO MAKE SURE THERE IS NO ONE THERE. EVERY DAY  
20 I STILL REMEMBER THE TERROR OF HEARING MY SON SCREAM AND  
21 SEEING ALL THE BLOOD ALL OVER THE STAIRS AND THE  
22 HALLWAY. AT THE MOMENT, I THOUGHT HE WAS GOING TO DIE.  
23 THE DAY BEFORE THE INCIDENT, I HAD JUST BURIED MY  
24 GRANDMOTHER. THE DEFENDANT STOLE ALL OF THE JEWELRY  
25 WHICH SHE HAD MADE ME PROMISE NEVER TO SELL. SHE WANTED

1 ME TO CHERISH IT AND PASS DOWN TO MY SON AND HIS  
2 CHILDREN. I CAN NO LONGER DO THAT BECAUSE IT WAS STOLEN  
3 BY THE DEFENDANT. I CANNOT REPLACE THAT JEWELRY, AND IT  
4 WAS SO SENTIMENTAL TO ME. AS I HAVE SAID BEFORE,  
5 JUNE 15TH WAS THE WORST DAY OF MY LIFE. MY SON AND I  
6 HAVE NEVER FORGOTTEN HOW SCARED AND HORRIFIED WE FELT,  
7 AND WE STILL FEEL. WE WILL NEVER BE BACK TO NORMAL. I  
8 AM ASKING YOUR HONOR TO SENTENCE THE CRIMINALS TO THE  
9 LONGEST SENTENCE POSSIBLE. HE DOES NOT DESERVE TO BE  
10 OUT ON THE STREET WITH REGULAR PEOPLE BECAUSE HE IS SO  
11 VERY DANGEROUS. I TRULY BELIEVE THAT HE WILL COMMIT  
12 FURTHER CRIMES AND TERRORIZE MORE FAMILIES AGAIN IF HE  
13 IS OUT. I AM NOT THE ONLY VICTIM.

14 IN ADDITION TO THE VICTIMS IN THIS CASE,  
15 AS I MENTIONED, THE ASIAN PACIFIC AMERICAN BAR  
16 ASSOCIATION SUBMITTED A VICTIM IMPACT STATEMENT IN WHICH  
17 THEY TALK SPECIFICALLY ABOUT THE NATURE OF CRIMES  
18 TARGETING THE ASIAN AMERICAN COMMUNITY, PARTICULARLY  
19 ASIAN AMERICAN BUSINESS OWNERS. THEY EXPLAIN THE  
20 HISTORY OF IMMIGRATION TO THIS COUNTRY, THE EXCLUSION AS  
21 NONCITIZENS, THE RACIAL BARRIERS AND THE LANGUAGE  
22 BARRIERS WHICH HAVE OFTEN LED TO ASIAN AMERICANS OPENING  
23 SMALL BUSINESSES WHEN THEY WERE NOT ABLE TO FIND  
24 EMPLOYMENT ELSEWHERE, AND THE EXTENT TO WHICH THE  
25 COMMUNITY IS IMPACTED BY THESE CRIMES. THEY HAVE

1 TERRORIZED NOT JUST THE INDIVIDUAL VICTIMS WHO WERE IN  
2 THEIR HOMES, BUT MEMBERS OF THE COMMUNITY WHO SEE  
3 THEMSELVES AS POTENTIAL VICTIMS TIME AND TIME AGAIN OF  
4 THIS VERY KIND OF HOME INVASION.

5 WE HEARD TESTIMONY DURING COURT FROM  
6 STERLING WALLACE THAT THE DEFENDANT, TYREE MANSELL,  
7 SPECIFICALLY TARGETED ASIAN BUSINESS OWNERS BECAUSE OF A  
8 BELIEF THAT THEY KEPT CASH AND PROCEEDS IN THEIR HOME  
9 THAT THEY MAKE EASY TARGETS, AND BECAUSE HE BELIEVED  
10 THEY WERE UNLIKELY TO NOTIFY AUTHORITIES. THIS IS  
11 SOMETHING THAT HAS IMPACTED THE ASIAN AMERICAN COMMUNITY  
12 AT LARGE AND, MANY MEMBERS OF THE BAR ASSOCIATION, AND  
13 IN PARTICULAR OF THE GREATER PHILADELPHIA CHINESE  
14 RESTAURANT ASSOCIATION ARE HERE IN COURT TODAY FOR THAT  
15 REASON.

16 THE GREATER PHILADELPHIA CHINESE  
17 RESTAURANT ASSOCIATION HAS ALSO SUBMITTED AN IMPACT  
18 STATEMENT, IN WHICH THEY SAY THAT IN 2016, THERE WAS A  
19 SPREE OF GUNPOINT HOME INVASION ROBBERIES THAT TARGETED  
20 ASIAN AMERICAN BUSINESS OWNERS THROUGHOUT THE CITY. IN  
21 SEVERAL OF THOSE CASES, THERE WERE CHILDREN AT HOME WHO  
22 WERE VICTIMS OF THOSE ROBBERIES, THAT GUNS WERE POINTED  
23 DIRECTLY AT THOSE CHILDREN, AND THAT THIS COMMUNITY HAS  
24 BEEN DEEPLY TRAUMATIZED THROUGH THE PROLIFERATION OF  
25 THESE TYPES OF CRIMES. THEY WRITE THAT ASIAN AMERICANS

1 ARE EASY TARGETS BECAUSE CRIMINALS BELIEVE THAT THEY  
2 KEEP CASH AT HOME. THEY DO NOT SPEAK ENGLISH AND OFTEN  
3 DO NOT REPORT THESE CRIMES. AND FOR THIS REASON, THEY  
4 ASK THE COURT TO GIVE THE DEFENDANT THE HIGHEST SENTENCE  
5 TO ENSURE THE SAFETY OF THEIR COMMUNITY AND OF OTHER  
6 IMMIGRANTS IN THE GREATER PHILADELPHIA AREA.

22 MR. MANSELL NOT ONLY HAS MADE KIND OF A  
23 CAREER OF THESE KIND OF HOME INVASION ROBBERIES, BASED  
24 ON HIS PRIOR CRIMINAL HISTORY AND THE FOUR ROBBERIES HE  
25 COMMITTED HERE, BUT IN THIS CASE, HE UTILIZED HIS

1 17-YEAR-OLD NEPHEW, WHO HE GOT INVOLVED AS THE DRIVER IN  
2 THIS CASE. HE ENGAGED HIM IN VIOLENT FELONIES, AT LEAST  
3 FOUR OF THEM. AND HIS NEPHEW THEN WAS SENTENCED IN THE  
4 STATE FOR NOW FELONY CONVICTIONS. SOMEONE WHO IS A  
5 YOUNG MAN WHO IS QUITE IMPRESSIONABLE, WHOSE MOTHER HAS  
6 WORKED FOR A LONG TIME AT CHOP AND WHO WAS HOPING THAT  
7 HER SON WOULD BE ABLE TO GET A GREAT JOB AFTER  
8 GRADUATION, WHICH SHE FEARS IS NO LONGER POSSIBLE GIVEN  
9 HIS NEW CRIMINAL HISTORY.

10 AS WE HAVE DISCUSSED IN FRONT OF THE  
11 COURT, THE NATURE OF THESE CRIMES WAS INCREDIBLY SCARY,  
12 INCREDIBLY VIOLENT AND VERY TRAUMATIC FOR THE VICTIMS.  
13 IN ADDITION TO THE COMMISSION OF THESE ROBBERIES, THE  
14 DEFENDANT FLED FROM THE LAST OF THESE, LEAVING HIS YOUNG  
15 NEPHEW TO TAKE THE FALL, AS WELL AS THE OTHER  
16 ACCOMPLICES IN THIS CASE. HE DID NOT TURN HIMSELF IN,  
17 BUT, IN FACT, WAS CAPTURED AFTER A SERIES OF CALLS AND  
18 WITNESSES CAME FORWARD IDENTIFYING HIS LOCATION. AND HE  
19 THREATENED THOSE WHO WOULD TESTIFY AGAINST HIM IN THIS  
20 CASE AGAINST TESTIFYING. FOR THAT REASON, I THINK THE  
21 NATURE AND SERIOUSNESS OF THE OFFENSE IS WELL  
22 ESTABLISHED UNDER THE 3553(E) FACTORS.

23 WHEN WE LOOK AT THE DEFENDANT'S CRIMINAL  
24 HISTORY, WE SEE SOMEONE WHOSE RECIDIVISM HAS, INDEED --  
25 HAS NOT BEEN STEMMED BY ANY OF THE PRIOR SENTENCES OR

1 JUVENILE ADJUDICATIONS HE'S RECEIVED. HE IS SOMEONE WHO  
2 WITHIN A FEW MONTHS AFTER HIS RELEASE FROM THE FIRST  
3 HOME INVASION, WHICH HE WAS CONVICTED IN 1998, WENT OUT  
4 AND COMMITTED ANOTHER VIOLENT HOME INVASION ROBBERY.  
5 AND WITHIN 24 DAYS OF BEING RELEASED FROM JUDGE SAVAGE'S  
6 60-MONTH SENTENCE, WENT OUT AND BEGAN THIS SPREE OF  
7 ROBBERIES.

8 THE SENTENCES THAT HE HAS FACED IN THE  
9 PAST HAVE NOT DONE ENOUGH TO DETER HIM FROM COMMITTING  
10 THIS CONDUCT, AND FOR THAT REASON WE THINK A STRONG  
11 SENTENCE IS VERY IMPORTANT. HE HAS SHOWN THAT  
12 IMMEDIATELY UPON HIS RELEASE, HE RESUMES THIS PARTICULAR  
13 KIND OF CRIME. AND SO INCAPACITATING THE DEFENDANT  
14 THROUGH INCARCERATION SEEMS TO BE ONE OF THE ONLY WAYS  
15 TO ACTUALLY KEEP THE PUBLIC SAFE FROM ADDITIONAL  
16 ROBBERIES THAT THE DEFENDANT MIGHT WISH TO PARTICIPATE  
17 IN.

18 NOT ONLY IS INDIVIDUAL DETERRENCE AN  
19 IMPORTANT FACTOR IN THIS CASE, BUT SENDING A MESSAGE TO  
20 OTHERS WHO MIGHT LOOK TO THE SENTENCE THAT THE COURT  
21 GIVES AS GUIDANCE AS TO WHAT THEY MAY PERMISSIBLY DO AND  
22 THE TIME THAT THEY MAY FACE IS ALSO IMPORTANT TO  
23 CONSIDER. THESE WERE INCREDIBLY DANGEROUS, SERIOUS  
24 CRIMES IN WHICH VICTIMS WERE HELD AT GUNPOINT, BEATEN IN  
25 THEIR HOMES, BEATEN WITH FIREARMS AND BOUND BY THEIR

1 WRISTS AND ANKLES IN EACH OF THESE INSTANCES TO PRECLUDE  
2 THEIR ESCAPE AND TO FACILITATE THE DEFENDANT AND HIS OWN  
3 GETTING AWAY. FOR THESE REASONS WE THINK THAT A  
4 SENTENCE WITHIN THE STATUTORY GUIDELINES RANGE OF  
5 444 MONTHS TO LIFE IS APPROPRIATE HERE, AND THAT THE  
6 DEFENDANT HAS NOT SUBMITTED ANY APPROPRIATE  
7 JUSTIFICATION FOR A DOWNWARD VARIANCE IN THIS CASE, YOUR  
8 HONOR. THANK YOU.

11 MR. HARDEN: YOUR HONOR, MY CLIENT WISHES  
12 NOT TO ALLOCUTE.

13 THE COURT: CAN I HAVE HIM PUT THAT ON  
14 THE RECORD?

15 THE DEFENDANT: I WISH NOT TO SPEAK.

16 THE COURT: OKAY. THANK YOU, MR. MANSELL.

17 THIS COURT IN FORMULATING A SENTENCE

18 HAS A NUMBER OF FACTORS TO CONSIDER. ONE IS THE

DEFENDANT WHO APPEARS BEFORE ME AS MR. HADDEN

THESE ARE NOT TOO MUCH POSITIVE THINGS THAT CAN BE SAID.

1 EXCUSE. THERE ARE MANY PERSONS WHO HAVE HAD LIMITED OR  
2 NO FAMILY AND HAVE STILL BEEN ABLE TO OVERCOME THOSE  
3 FACTORS.

4 THIS DEFENDANT IS A VIOLENT RECIDIVIST.  
5 HE HAS AN EXTENSIVE CRIMINAL HISTORY AND, AS NOTED BY  
6 THE GOVERNMENT, IT WAS A MATTER OF WEEKS BEFORE HE WAS  
7 RELEASED FROM FEDERAL PRISON WHEN HE ENGAGED IN THIS  
8 TYPE OF ACTIVITY. WHILE SOME PERSONS GO OUT TO WORK  
9 EVERY DAY, AND THAT'S THEIR CAREER, THAT'S THEIR JOB, IT  
10 APPEARS THAT MR. MANSELL'S JOB, OR AT LEAST HE THOUGHT  
11 IT WAS HIS JOB, OR CLEARLY HIS CAREER, AS A VIOLENT  
12 RECIDIVIST. IT IS IMPORTANT THAT HE BE DETERRED AND  
13 THAT OTHERS WHO THINK ABOUT ENGAGING IN THIS TYPE OF  
14 ACTIVITY BE DETERRED.

15 IT IS NECESSARY FOR THE PROTECTION OF THE  
16 COMMUNITY, THE ASIAN AMERICAN COMMUNITY SPECIFICALLY,  
17 AND THE COMMUNITY IN GENERAL THAT HE BE SENTENCED TO A  
18 SUBSTANTIAL PERIOD OF TIME IN CUSTODY.

19 THE DEFENDANT HAS NO RESPECT FOR THE LAW.  
20 HE HAS NO RESPECT FOR THE FAMILY THAT HAD CONTACT WITH  
21 HIM IN THAT HE WOULD INFLUENCE HIS 17-YEAR-OLD NEPHEW TO  
22 PARTICIPATE IN THIS KIND OF ACTIVITY. THE VICTIMS  
23 CLEARLY NO LONGER FEEL SAFE IN THEIR HOMES AND IN THEIR  
24 EVERYDAY ACTIVITIES. THEY HAVE BEEN UNABLE TO ENJOY THE  
25 BENEFITS OF THEIR HARD WORK AND TO ENJOY THE AMERICAN

1 DREAM WHICH HAS BEEN PROMISED TO THEM WHEN THEY CAME  
2 HERE, SOME AS CITIZENS AND SOME AS WORKERS.

3 AGAIN, FOR THE PROTECTION OF THE  
4 COMMUNITY AS A WHOLE AND RESPECT FOR THE LAW, THIS COURT  
5 WILL IMPOSE THE FOLLOWING SENTENCE: FOR COUNTS 1 AND  
6 COUNTS 2, 4, 6 AND 8, THE COURT IMPOSES A SENTENCE OF  
7 360 MONTHS CONCURRENT ON EACH COUNT, AND ON COUNT 9,  
8 84 MONTHS CONSECUTIVE FOR A TOTAL OF 444 MONTHS IN  
9 PRISON. THE COURT IMPOSES FIVE YEARS SUPERVISED  
10 RELEASE. I DO NOT RECOMMEND A FINE. I IMPOSE A SPECIAL  
11 ASSESSMENT. AND THE RESTITUTION THAT HAS BEEN PASSED TO  
12 THE COURT IS A TOTAL AMOUNT RESTITUTION OF \$139,250.  
13 THAT INCLUDES CASH IN THE AMOUNT OF \$50,900 AND JEWELRY  
14 IN THE AMOUNT OF \$88,350.

15 I AM NOT SURE ON WHICH COUNTS THE  
16 DEFENDANT IS JOINTLY AND SEVERALLY LIABLE.

17 MS. OSIRIM: SO ON EACH OF THESE COUNTS,  
18 THE DEFENDANT IS JOINTLY AND SEVERALLY LIABLE WITH  
19 STERLING WALLACE, AND ONLY ON COUNTS 6 AND 8 IS HE ALSO  
20 JOINTLY AND SEVERALLY LIABLE WITH JAMAIN WALLACE --  
21 SORRY, ON COUNTS 8 AND 9.

22 THE COURT: 8 AND 9?

23 MS. OSIRIM: 8 AND 9 IS JOINT AND SEVERAL  
24 LIABILITY WITH JAMAIN WALLACE, STERLING WALLACE AND  
25 TYREE MANSELL. ON COUNTS 1, 2, 4 AND 6, HE IS JOINTLY

1 AND SEVERALLY LIABLE WITH STERLING WALLACE ONLY.

2 THE COURT: OKAY. MR. HARDEN, CAN YOU  
3 ADVISE YOUR CLIENT OF HIS RIGHTS TO APPEAL?

4 MS. OSIRIM: YOUR HONOR, IF WE MAY, I  
5 THINK MR. PISAKI AND I WOULD LIKE TO APPROACH JUST TO  
6 DISCUSS ONE MATTER WITH THE SENTENCE.

7 THE COURT: YES.

8 (SIDEBAR OCCURRED.)

9 MS. OSIRIM: UNDER SECTION 1951, THE  
10 STATUTORY MAXIMUM SENTENCE FOR EACH INDIVIDUAL COUNT OF  
11 ROBBERY CANNOT EXCEED 20 YEARS, 240 MONTHS. SO THE  
12 SENTENCE AS CONSTRUED IS TECHNICALLY A NON-PERMISSIBLE  
13 SENTENCE. IT WOULD NEED TO BE THAT THE COUNTS FOR EACH  
14 OF THESE ROBBERIES ARE RUNNING SOMEWHAT CONSECUTIVELY TO  
15 360 MONTHS.

16 THE COURT: NO MORE.

17 MS. OSIRIM: RIGHT, NO MORE, NOT THAT  
18 THEY ARE RUNNING CONCURRENT WITH ONE ANOTHER.

19 MR. HARDEN: SHOULD WE COME UP WITH --

20 MS. OSIRIM: SO 72 MONTHS' SENTENCE ON  
21 EACH OF THE ROBBERIES WOULD ADD UP TO A 360-MONTH  
22 SENTENCE FOR ALL OF THE ROBBERIES TO RUN CONSECUTIVE.

23 AND YES, THE GOVERNMENT DID SUBMIT A  
24 MOTION FOR FORFEITURE, WHICH WE WILL ASK THE COURT TO  
25 IMPOSE AS WE TAKE OUR SEAT.

1 THE COURT: YES, IT WILL BE ORDERED  
2 TODAY, THE FIRST DAY OF DECEMBER.

3 (SIDEBAR CONCLUDED.)

4 THE COURT: OKAY. MR. HARDEN, CAN YOU  
5 ADVISE YOUR CLIENT OF HIS RIGHTS TO APPEAL?

6 MR. HARDEN: MR. MANSELL, YOU HAVE JUST  
7 BEEN SENTENCED BY THE HONORABLE PETRESE B. TUCKER.

ARE YOU GOING TO MODIFY --

THE COURT: THE SENTENCE IS STILL

10 444 MONTHS. IT IS, HOWEVER, BROKEN DOWN PER COUNT,  
11 72 MONTHS FOR COUNTS 1, 2, 4, 6 AND 8, AND ON COUNT 7 IS  
12 STILL 84 MONTHS, ALL TO RUN CONSECUTIVE. SO THE TOTAL  
13 IS STILL 444 MONTHS.

14 MR. HARDEN: MR. MANSELL, WHAT HAPPENED

15 AT SIDEBAR IS THAT THE SENTENCE WAS MODIFIED SO THAT YOU

16 HAVE BEEN SENTENCED TO THE STATUTORY MAXIMUM OF

17 20 YEARS, YOU HAVE BEEN SENTENCED CONSECUTIVE TO

18 72 MONTHS ON COUNTS 1, 2, 4, 6 AND 8. CONSECUTIVE MEANS

19 THEY ARE GOING TO RUN IN SUCCESSION TO EACH OTHER, WHICH

20 IS ONE AFTER THE OTHER, NOT TOGETHER AT THE SAME TIME.

21 AND THEN YOU WERE SENTENCED TO A CONSECUTIVE TERM OF

22 84 MONTHS ON THE COUNT OF 924(C), WHICH IS MANDATORY.

23 YOU HAVE 14 DAYS TO FILE A NOTICE OF  
24 APPEAL.

25 YOUR HONOR, I AM NO LONGER ON THE CJA

1 PANEL. I WILL FILE THE NOTICE OF APPEAL FOR MR.  
2  
3 MANSELL. I WOULD REQUEST A REPLACEMENT COUNSEL FROM THE  
4 CJA PANEL BE GIVEN TO MR. MANSELL WITH REGARD TO THAT.  
5 WE HAVE DISCUSSED THIS; I WAS PROVIDED TO YOU THROUGH  
6 THE CRIMINAL JUSTICE ACT. I WILL FILE A NOTICE OF  
7 APPEAL WITHIN 14 DAYS AND THEN THE COURT WILL PROVIDE IT  
TO THE ATTORNEY.

8 MR. MANSELL HAS REQUESTED THAT THE

9 DISCOVERY AND TRANSCRIPT BE ALLOWED TO BE GIVEN TO HIM.

10 THE COURT: YES.

11 MS. OSIRIM: AND LASTLY, YOUR HONOR, THE  
12 GOVERNMENT DID FILE A MOTION FOR JUDGMENT AND A  
13 PRELIMINARY ORDER OF FORFEITURE, WHICH WE ASK THE COURT  
14 TO GRANT AT THIS TIME.

15 THE COURT: THE COURT WILL GRANT THE  
16 MOTION AND WILL SIGN OFF ON TODAY'S DATE.

17 **OKAY.**

18 (COURT ADJOURNED.)

19

20

21 I N D E X

22

23	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
24	JOSEPH MILLIGAN	8	15	25	-

25

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2                   **I CERTIFY THAT THE FOREGOING IS A CORRECT**  
3                   **TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE**  
4                   **ABOVE-ENTITLED MATTER.**

5

6

7

8                   **DATE**                                   **OFFICIAL COURT REPORTER**  
9   **LYNN MCCLOSKEY, RPR**

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<b>\$</b>	<b>2016</b> [2] - 26:8, 60:18 <b>2017</b> [3] - 1:10, 34:18, 35:15 <b>20TH</b> [3] - 32:23, 34:2, 35:14 <b>21</b> [1] - 28:19 <b>21ST</b> [1] - 6:25 <b>22ND</b> [1] - 1:19 <b>24</b> [1] - 63:5 <b>240</b> [1] - 67:11 <b>25</b> [1] - 69:24	<b>8</b> <b>8</b> [10] - 34:25, 55:7, 66:6, 66:19, 66:21, 66:22, 66:23, 68:11, 68:18, 69:24 <b>80</b> [1] - 28:18 <b>84</b> [3] - 66:8, 68:12, 68:22 <b>856</b> [1] - 1:25	<b>8</b> - 70:4 <b>ABRUPTLY</b> [1] - 52:18 <b>ACCESS</b> [1] - 27:16 <b>ACCOMPlices</b> [1] - 62:16 <b>ACCORDINGLY</b> [1] - 7:14 <b>ACCOUNTABLE</b> [1] - 31:17 <b>ACCURATE</b> [1] - 42:25 <b>ACHES</b> [1] - 56:21 <b>ACKNOWLEDGE</b> [2] - 6:10, 49:13 <b>ACKNOWLEDGED</b> [4] - 66:22, 66:23 <b>924(C)</b> [3] - 4:5, 4:6, 68:22 <b>924(C)</b> [1] - 37:19	
<b>1</b>	<b>3</b>	<b>9</b>	<b>A</b>	
<b>1</b> [5] - 1:10, 66:5, 66:25, 68:11, 68:18 <b>10</b> [1] - 49:2 <b>100</b> [1] - 39:18 <b>11</b> [2] - 26:7, 36:15 <b>12</b> [1] - 34:18 <b>123</b> [1] - 35:15 <b>1234</b> [1] - 1:23 <b>125</b> [1] - 35:23 <b>1250</b> [1] - 1:15 <b>13</b> [2] - 28:18, 35:15 <b>13TH</b> [2] - 28:18, 36:10 <b>14</b> [3] - 7:11, 68:23, 69:6 <b>141</b> [1] - 34:18 <b>142</b> [1] - 34:21 <b>143</b> [1] - 34:25 <b>15</b> [2] - 35:10, 69:24 <b>15TH</b> [9] - 32:21, 34:2, 34:6, 36:7, 41:14, 43:2, 43:5, 58:3, 59:5 <b>16</b> [1] - 35:10 <b>16-258</b> [1] - 1:4 <b>165</b> [2] - 35:6, 35:10 <b>16TH</b> [1] - 1:19 <b>17</b> [1] - 42:4 <b>17-YEAR-OLD</b> [4] - 28:16, 47:19, 62:1, 65:21 <b>18</b> [1] - 9:3 <b>19</b> [1] - 57:1 <b>19102</b> [1] - 1:19 <b>19106</b> [2] - 1:16, 1:24 <b>1951</b> [1] - 67:9 <b>1998</b> [1] - 63:3 <b>19TH</b> [1] - 34:2 <b>1B1.3</b> [1] - 41:16	<b>3</b> <b>302</b> [1] - 26:12 <b>302'S</b> [3] - 25:24, 26:7, 26:24 <b>31</b> [1] - 36:18 <b>32</b> [1] - 36:18 <b>32(F)1</b> [1] - 7:12 <b>3553</b> [1] - 51:3 <b>3553(A)</b> [1] - 49:8 <b>3553(E)</b> [1] - 62:22 <b>360</b> [2] - 66:7, 67:15 <b>360-MONTH</b> [1] - 67:21 <b>3B1.1</b> [2] - 46:16, 47:16	<b>9</b> <b>9</b> [4] - 66:7, 66:21, 66:22, 66:23 <b>924(C)</b> [3] - 4:5, 4:6, 68:22 <b>924(C)</b> [1] - 37:19		
<b>4</b>	<b>4</b>	<b>A</b>	<b>ABDUCTION</b> [7] - 5:19, 5:20, 6:4, 6:18, 43:12, 44:20, 45:1 <b>ABDULLAH</b> [10] - 10:23, 21:18, 28:16, 33:2, 41:25, 42:4, 42:14, 45:16, 45:20, 46:24 <b>ABETTED</b> [1] - 37:7 <b>ABETTING</b> [2] - 3:22, 38:18 <b>ABILITY</b> [2] - 52:13, 58:10 <b>ABLE</b> [10] - 12:9, 50:19, 53:17, 55:23, 55:24, 56:19, 57:4, 59:23, 62:7, 65:2 <b>ABOUT</b> [58] - 3:9, 9:25, 10:19, 10:23, 11:16, 12:21, 13:5, 13:9, 13:20, 14:3, 14:13, 15:6, 15:10, 15:20, 18:13, 18:23, 21:3, 21:13, 21:17, 22:9, 23:7, 24:3, 25:12, 27:6, 29:8, 29:12, 30:2, 30:11, 31:1, 31:7, 32:8, 33:25, 34:3, 34:9, 34:15, 34:21, 35:9, 35:13, 36:6, 36:11, 36:21, 36:23, 39:5, 39:8, 39:15, 43:16, 43:17, 43:22, 46:12, 46:25, 47:18, 48:15, 52:17, 54:8, 56:8, 59:17, 64:21, 65:13 <b>ABOVE</b> [1] - 70:4 <b>ABOVE-ENTITLED</b> [1]	<b>ACT</b> [2] - 41:15, 69:5 <b>ACTIONS</b> [2] - 46:12, 49:19 <b>ACTIVITIES</b> [1] - 65:24 <b>ACTIVITY</b> [3] - 65:8, 65:14, 65:22 <b>ACTUAL</b> [3] - 7:24, 34:3, 39:25 <b>ACTUALLY</b> [19] - 5:1, 6:2, 9:10, 10:18, 12:16, 13:11, 13:14, 13:19, 16:17, 16:24, 17:6, 19:13, 40:6, 40:14, 40:16, 47:6, 51:17, 56:18, 63:15 <b>ADD</b> [3] - 29:20, 37:14, 67:21 <b>ADDENDUM</b> [1] - 7:1 <b>ADDITION</b> [4] - 27:4, 51:11, 59:14, 62:13 <b>ADDITIONAL</b> [11] - 3:11, 26:24, 27:2, 27:9, 28:5, 31:13, 31:14, 41:7, 41:18, 63:15 <b>ADDITIONALLY</b> [2] - 34:7, 41:11 <b>ADDITIONS</b> [1] - 6:24 <b>ADDRESS</b> [1] - 64:10 <b>ADEQUATELY</b> [1] - 44:20 <b>ADJOURNED</b> [1] - 69:18 <b>ADJUDICATIONS</b> [2] - 61:13, 63:1 <b>ADJUSTMENT</b> [15] - 2:23, 3:2, 3:16, 3:18,
<b>2</b>	<b>5</b>	<b>6</b>	<b>7</b>	
<b>2</b> [5] - 55:7, 66:6, 66:25, 68:11, 68:18 <b>20</b> [3] - 52:2, 67:11, 68:17 <b>2007</b> [1] - 52:5 <b>2011</b> [1] - 52:18 <b>2015</b> [4] - 52:2, 55:7, 57:1, 58:3	<b>50</b> [1] - 1:19 <b>50/50</b> [1] - 45:11	<b>6</b> <b>6</b> [5] - 66:6, 66:19, 66:25, 68:11, 68:18 <b>60-MONTH</b> [2] - 61:19, 63:6 <b>601</b> [1] - 1:24 <b>615</b> [1] - 1:15 <b>649-4774</b> [1] - 1:25	<b>7</b> <b>7</b> [1] - 68:11 <b>72</b> [3] - 67:20, 68:11, 68:18 <b>7TH</b> [2] - 34:2, 55:5	

54:10, 57:4, 58:21, 58:24, 67:22, 68:12  
**ALLEGATION** [2] - 21:2, 32:2  
**ALLEGE** [1] - 46:22  
**ALLEGED** [1] - 38:3  
**ALLEGEDLY** [2] - 31:24, 39:6  
**ALLOCUTE** [1] - 64:12  
**ALLOWED** [3] - 25:16, 30:10, 69:9  
**ALONE** [5] - 35:4, 54:13, 54:18, 57:2, 58:15  
**ALONG** [2] - 25:14, 25:23  
**ALREADY** [4] - 34:20, 44:24, 48:18, 53:19  
**ALSO** [28] - 9:18, 10:25, 11:1, 11:6, 11:18, 13:24, 14:19, 18:1, 20:24, 21:2, 27:9, 28:15, 36:17, 41:15, 41:20, 42:14, 42:25, 43:10, 43:22, 44:3, 51:13, 54:18, 56:1, 56:20, 60:17, 63:22, 66:19  
**ALTHOUGH** [5] - 15:16, 55:10, 55:23, 56:10, 57:19  
**AM** [39] - 3:13, 7:8, 9:10, 11:4, 11:8, 13:17, 13:21, 14:19, 16:2, 17:18, 19:7, 21:11, 21:15, 22:23, 31:15, 36:8, 45:18, 49:7, 51:20, 53:15, 54:20, 54:24, 55:19, 55:24, 56:2, 56:15, 57:4, 57:10, 57:11, 57:19, 57:23, 58:11, 58:13, 59:8, 59:13, 66:15, 68:25  
**AMBULANCE** [1] - 54:6  
**AMENDMENT** [1] - 5:9  
**AMERICA** [2] - 1:4, 52:7  
**AMERICAN** [8] - 51:14, 59:15, 59:18, 59:19, 60:11, 60:20, 65:16, 65:25  
**AMERICANS** [2] - 59:22, 60:25  
**AMOUNT** [6] - 3:15, 6:17, 50:7, 66:13, 66:14  
**AMPLE** [3] - 7:24, 33:22, 40:20  
**AN** [63] - 2:21, 3:8, 3:9, 3:15, 3:16, 4:10, 5:6, 5:22, 5:23, 6:4, 6:18, 6:21, 7:12, 9:1, 9:13, 14:1, 15:17, 16:10, 18:9, 18:19, 19:1, 19:4, 19:5, 19:9, 21:2, 23:19, 26:12, 27:2, 27:9, 27:15, 30:2, 30:10, 30:11, 30:23, 31:10, 31:13, 31:17, 31:20, 31:22, 33:3, 34:3, 34:4, 39:13, 39:25, 41:6, 41:18, 41:20, 42:25, 43:10, 46:3, 46:17, 46:20, 46:25, 54:6, 56:24, 57:6, 57:7, 57:17, 58:2, 60:17, 63:18, 65:5  
**AND** [368] - 1:15, 2:9, 2:17, 3:9, 3:10, 4:17, 4:23, 4:25, 5:2, 5:9, 5:10, 5:22, 6:7, 6:9, 6:11, 6:18, 7:1, 7:9, 7:13, 7:25, 8:16, 9:4, 9:12, 9:14, 9:15, 10:8, 10:9, 10:11, 10:19, 10:24, 11:2, 11:3, 11:11, 11:16, 11:19, 11:24, 11:25, 13:5, 13:15, 13:17, 13:20, 13:23, 13:25, 14:5, 14:6, 14:11, 14:16, 14:18, 14:21, 16:8, 16:17, 17:5, 17:11, 17:15, 17:19, 17:22, 17:25, 18:10, 18:19, 19:19, 20:14, 20:15, 20:21, 20:24, 21:2, 21:10, 21:20, 21:22, 21:23, 22:11, 22:17, 22:22, 22:24, 23:2, 23:10, 23:14, 23:15, 23:16, 23:18, 23:19, 23:25, 24:12, 24:13, 24:15, 24:20, 25:3, 25:7, 26:2, 26:3, 26:12, 26:14, 26:16, 27:2, 27:6, 27:9, 27:10, 27:14, 27:18, 27:22, 27:24, 28:16, 28:22, 29:2, 29:3, 29:10, 29:23, 30:2, 30:6, 30:13, 30:16, 30:17, 30:22, 31:14, 31:15, 31:24, 32:13, 32:19, 32:22, 33:2, 33:5, 33:17, 33:20, 34:2, 34:10, 34:23, 35:2, 35:3, 35:10, 35:15, 35:17, 35:19, 35:21, 36:1, 36:6, 36:11, 36:13, 36:18, 36:19, 36:20, 36:21, 36:23, 37:3, 37:5, 37:6, 37:8, 37:16, 37:25, 38:1, 38:6, 38:10, 38:13, 38:18, 38:24, 38:25, 39:1, 39:7, 39:23, 40:21, 40:24, 40:25, 41:9, 41:12, 41:14, 41:17, 41:25, 42:2, 42:7, 42:8, 42:10, 42:13, 42:14, 42:16, 42:17, 43:1, 43:2, 43:6, 43:7, 43:8, 43:17, 43:18, 43:20, 43:24, 43:25, 44:2, 44:5, 44:12, 44:14, 44:18, 44:19, 44:25, 45:7, 45:14, 46:2, 46:12, 46:18, 47:4, 47:8, 47:14, 48:2, 48:13, 48:18, 49:2, 49:3, 49:19, 50:7, 50:13, 50:18, 50:25, 51:11, 51:12, 51:17, 51:18, 52:7, 52:8, 52:9, 52:10, 52:11, 52:13, 52:15, 52:18, 52:22, 52:25, 53:4, 53:6, 53:7, 53:8, 53:10, 53:17, 53:22, 53:24, 53:25, 54:3, 54:4, 54:5, 54:8, 54:15, 54:19, 54:24, 55:1, 55:4, 55:8, 55:11, 55:18, 55:19, 55:22, 56:2, 56:6, 56:10, 56:11, 56:12, 56:18, 57:2, 57:3, 57:8, 57:11, 57:13, 57:23, 57:24, 58:4, 58:5, 58:7, 58:8, 58:11, 58:13, 58:15, 58:18, 58:20, 58:21, 59:1, 59:3, 59:5, 59:6, 59:7, 59:12, 59:21, 59:24, 60:3, 60:8, 60:9, 60:12, 60:23, 61:2, 61:3, 61:5, 61:14, 61:16, 61:24, 62:3, 62:6, 62:12, 62:17, 62:18, 62:21, 63:4, 63:5, 63:6, 63:10, 63:13, 63:21, 63:25, 64:1, 64:2, 64:5, 64:21, 64:24, 64:25, 65:2, 65:5, 65:9, 65:12, 65:17, 65:23, 65:25, 66:2, 66:4, 66:5, 66:6, 66:7, 66:11, 66:13, 66:16, 66:18, 66:19, 66:20, 66:21, 66:22, 66:23, 66:24, 66:25, 67:1, 67:5, 67:23, 68:11, 68:18, 68:21, 69:6, 69:9, 69:11, 69:12, 69:16, 69:19, 69:22, 69:25, 69:28, 69:29, 69:31, 69:32, 69:34, 69:35, 69:36, 69:37, 69:38, 69:39, 69:40, 69:41, 69:42, 69:43, 69:44, 69:45, 69:46, 69:47, 69:48, 69:49, 69:50, 69:51, 69:52, 69:53, 69:54, 69:55, 69:56, 69:57, 69:58, 69:59, 69:60, 69:61, 69:62, 69:63, 69:64, 69:65, 69:66, 69:67, 69:68, 69:69, 69:70, 69:71, 69:72, 69:73, 69:74, 69:75, 69:76, 69:77, 69:78, 69:79, 69:80, 69:81, 69:82, 69:83, 69:84, 69:85, 69:86, 69:87, 69:88, 69:89, 69:90, 69:91, 69:92, 69:93, 69:94, 69:95, 69:96, 69:97, 69:98, 69:99, 69:100, 69:101, 69:102, 69:103, 69:104, 69:105, 69:106, 69:107, 69:108, 69:109, 69:110, 69:111, 69:112, 69:113, 69:114, 69:115, 69:116, 69:117, 69:118, 69:119, 69:120, 69:121, 69:122, 69:123, 69:124, 69:125, 69:126, 69:127, 69:128, 69:129, 69:130, 69:131, 69:132, 69:133, 69:134, 69:135, 69:136, 69:137, 69:138, 69:139, 69:140, 69:141, 69:142, 69:143, 69:144, 69:145, 69:146, 69:147, 69:148, 69:149, 69:150, 69:151, 69:152, 69:153, 69:154, 69:155, 69:156, 69:157, 69:158, 69:159, 69:160, 69:161, 69:162, 69:163, 69:164, 69:165, 69:166, 69:167, 69:168, 69:169, 69:170, 69:171, 69:172, 69:173, 69:174, 69:175, 69:176, 69:177, 69:178, 69:179, 69:180, 69:181, 69:182, 69:183, 69:184, 69:185, 69:186, 69:187, 69:188, 69:189, 69:190, 69:191, 69:192, 69:193, 69:194, 69:195, 69:196, 69:197, 69:198, 69:199, 69:200, 69:201, 69:202, 69:203, 69:204, 69:205, 69:206, 69:207, 69:208, 69:209, 69:210, 69:211, 69:212, 69:213, 69:214, 69:215, 69:216, 69:217, 69:218, 69:219, 69:220, 69:221, 69:222, 69:223, 69:224, 69:225, 69:226, 69:227, 69:228, 69:229, 69:230, 69:231, 69:232, 69:233, 69:234, 69:235, 69:236, 69:237, 69:238, 69:239, 69:240, 69:241, 69:242, 69:243, 69:244, 69:245, 69:246, 69:247, 69:248, 69:249, 69:250, 69:251, 69:252, 69:253, 69:254, 69:255, 69:256, 69:257, 69:258, 69:259, 69:260, 69:261, 69:262, 69:263, 69:264, 69:265, 69:266, 69:267, 69:268, 69:269, 69:270, 69:271, 69:272, 69:273, 69:274, 69:275, 69:276, 69:277, 69:278, 69:279, 69:280, 69:281, 69:282, 69:283, 69:284, 69:285, 69:286, 69:287, 69:288, 69:289, 69:290, 69:291, 69:292, 69:293, 69:294, 69:295, 69:296, 69:297, 69:298, 69:299, 69:300, 69:301, 69:302, 69:303, 69:304, 69:305, 69:306, 69:307, 69:308, 69:309, 69:310, 69:311, 69:312, 69:313, 69:314, 69:315, 69:316, 69:317, 69:318, 69:319, 69:320, 69:321, 69:322, 69:323, 69:324, 69:325, 69:326, 69:327, 69:328, 69:329, 69:330, 69:331, 69:332, 69:333, 69:334, 69:335, 69:336, 69:337, 69:338, 69:339, 69:340, 69:341, 69:342, 69:343, 69:344, 69:345, 69:346, 69:347, 69:348, 69:349, 69:350, 69:351, 69:352, 69:353, 69:354, 69:355, 69:356, 69:357, 69:358, 69:359, 69:360, 69:361, 69:362, 69:363, 69:364, 69:365, 69:366, 69:367, 69:368, 69:369, 69:370, 69:371, 69:372, 69:373, 69:374, 69:375, 69:376, 69:377, 69:378, 69:379, 69:380, 69:381, 69:382, 69:383, 69:384, 69:385, 69:386, 69:387, 69:388, 69:389, 69:390, 69:391, 69:392, 69:393, 69:394, 69:395, 69:396, 69:397, 69:398, 69:399, 69:400, 69:401, 69:402, 69:403, 69:404, 69:405, 69:406, 69:407, 69:408, 69:409, 69:410, 69:411, 69:412, 69:413, 69:414, 69:415, 69:416, 69:417, 69:418, 69:419, 69:420, 69:421, 69:422, 69:423, 69:424, 69:425, 69:426, 69:427, 69:428, 69:429, 69:430, 69:431, 69:432, 69:433, 69:434, 69:435, 69:436, 69:437, 69:438, 69:439, 69:440, 69:441, 69:442, 69:443, 69:444, 69:445, 69:446, 69:447, 69:448, 69:449, 69:450, 69:451, 69:452, 69:453, 69:454, 69:455, 69:456, 69:457, 69:458, 69:459, 69:460, 69:461, 69:462, 69:463, 69:464, 69:465, 69:466, 69:467, 69:468, 69:469, 69:470, 69:471, 69:472, 69:473, 69:474, 69:475, 69:476, 69:477, 69:478, 69:479, 69:480, 69:481, 69:482, 69:483, 69:484, 69:485, 69:486, 69:487, 69:488, 69:489, 69:490, 69:491, 69:492, 69:493, 69:494, 69:495, 69:496, 69:497, 69:498, 69:499, 69:500, 69:501, 69:502, 69:503, 69:504, 69:505, 69:506, 69:507, 69:508, 69:509, 69:510, 69:511, 69:512, 69:513, 69:514, 69:515, 69:516, 69:517, 69:518, 69:519, 69:520, 69:521, 69:522, 69:523, 69:524, 69:525, 69:526, 69:527, 69:528, 69:529, 69:530, 69:531, 69:532, 69:533, 69:534, 69:535, 69:536, 69:537, 69:538, 69:539, 69:540, 69:541, 69:542, 69:543, 69:544, 69:545, 69:546, 69:547, 69:548, 69:549, 69:550, 69:551, 69:552, 69:553, 69:554, 69:555, 69:556, 69:557, 69:558, 69:559, 69:560, 69:561, 69:562, 69:563, 69:564, 69:565, 69:566, 69:567, 69:568, 69:569, 69:570, 69:571, 69:572, 69:573, 69:574, 69:575, 69:576, 69:577, 69:578, 69:579, 69:580, 69:581, 69:582, 69:583, 69:584, 69:585, 69:586, 69:587, 69:588, 69:589, 69:590, 69:591, 69:592, 69:593, 69:594, 69:595, 69:596, 69:597, 69:598, 69:599, 69:600, 69:601, 69:602, 69:603, 69:604, 69:605, 69:606, 69:607, 69:608, 69:609, 69:610, 69:611, 69:612, 69:613, 69:614, 69:615, 69:616, 69:617, 69:618, 69:619, 69:620, 69:621, 69:622, 69:623, 69:624, 69:625, 69:626, 69:627, 69:628, 69:629, 69:630, 69:631, 69:632, 69:633, 69:634, 69:635, 69:636, 69:637, 69:638, 69:639, 69:640, 69:641, 69:642, 69:643, 69:644, 69:645, 69:646, 69:647, 69:648, 69:649, 69:650, 69:651, 69:652, 69:653, 69:654, 69:655, 69:656, 69:657, 69:658, 69:659, 69:660, 69:661, 69:662, 69:663, 69:664, 69:665, 69:666, 69:667, 69:668, 69:669, 69:670, 69:671, 69:672, 69:673, 69:674, 69:675, 69:676, 69:677, 69:678, 69:679, 69:680, 69:681, 69:682, 69:683, 69:684, 69:685, 69:686, 69:687, 69:688, 69:689, 69:690, 69:691, 69:692, 69:693, 69:694, 69:695, 69:696, 69:697, 69:698, 69:699, 69:700, 69:701, 69:702, 69:703, 69:704, 69:705, 69:706, 69:707, 69:708, 69:709, 69:710, 69:711, 69:712, 69:713, 69:714, 69:715, 69:716, 69:717, 69:718, 69:719, 69:720, 69:721, 69:722, 69:723, 69:724, 69:725, 69:726, 69:727, 69:728, 69:729, 69:730, 69:731, 69:732, 69:733, 69:734, 69:735, 69:736, 69:737, 69:738, 69:739, 69:740, 69:741, 69:742, 69:743, 69:744, 69:745, 69:746, 69:747, 69:748, 69:749, 69:750, 69:751, 69:752, 69:753, 69:754, 69:755, 69:756, 69:757, 69:758, 69:759, 69:760, 69:761, 69:762, 69:763, 69:764, 69:765, 69:766, 69:767, 69:768, 69:769, 69:770, 69:771, 69:772, 69:773, 69:774, 69:775, 69:776, 69:777, 69:778, 69:779, 69:780, 69:781, 69:782, 69:783, 69:784, 69:785, 69:786, 69:787, 69:788, 69:789, 69:790, 69:791, 69:792, 69:793, 69:794, 69:795, 69:796, 69:797, 69:798, 69:799, 69:800, 69:801, 69:802, 69:803, 69:804, 69:805, 69:806, 69:807, 69:808, 69:809, 69:810, 69:811, 69:812, 69:813, 69:814, 69:815, 69:816, 69:817, 69:818, 69:819, 69:820, 69:821, 69:822, 69:823, 69:824, 69:825, 69:826, 69:827, 69:828, 69:829, 69:830, 69:831, 69:832, 69:833, 69:834, 69:835, 69:836, 69:837, 69:838, 69:839, 69:840, 69:841, 69:842, 69:843, 69:844, 69:845, 69:846, 69:847, 69:848, 69:849, 69:850, 69:851, 69:852, 69:853, 69:854, 69:855, 69:856, 69:857, 69:858, 69:859, 69:860, 69:861, 69:862, 69:863, 69:864, 69:865, 69:866, 69:867, 69:868, 69:869, 69:870, 69:871, 69:872, 69:873, 69:874, 69:875, 69:876, 69:877, 69:878, 69:879, 69:880, 69:881, 69:882, 69:883, 69:884, 69:885, 69:886, 69:887, 69:888, 69:889, 69:890, 69:891, 69:892, 69:893, 69:894, 69:895, 69:896, 69:897, 69:898, 69:899, 69:900, 69:901, 69:902, 69:903, 69:904, 69:905, 69:906, 69:907, 69:908, 69:909, 69:910, 69:911, 69:912, 69:913, 69:914, 69:915, 69:916, 69:917, 69:918, 69:919, 69:920, 69:921, 69:922, 69:923, 69:924, 69:925, 69:926, 69:927, 69:928, 69:929, 69:930, 69:931, 69:932, 69:933, 69:934, 69:935, 69:936, 69:937, 69:938, 69:939, 69:940, 69:941, 69:942, 69:943, 69:944, 69:945, 69:946, 69:947, 69:948, 69:949, 69:950, 69:951, 69:952, 69:953, 69:954, 69:955, 69:956, 69:957, 69:958, 69:959, 69:960, 69:961, 69:962, 69:963, 69:964, 69:965, 69:966, 69:967, 69:968, 69:969, 69:970, 69:971, 69:972, 69:973, 69:974, 69:975, 69:976, 69:977, 69:978, 69:979, 69:980, 69:981, 69:982, 69:983, 69:984, 69:985, 69:986, 69:987, 69:988, 69:989, 69:990, 69:991, 69:992, 6

31:23, 32:22  
**ARTICULATED** [3] -  
7:19, 8:5, 61:8  
**AS** [53] - 6:14, 10:21,  
11:23, 14:21, 16:10,  
20:21, 20:22, 22:20,  
24:1, 24:4, 24:5,  
25:7, 29:11, 29:12,  
29:14, 30:9, 32:19,  
33:17, 36:24, 41:3,  
42:15, 44:1, 46:20,  
47:1, 51:14, 53:19,  
54:10, 58:3, 59:4,  
59:15, 59:20, 60:3,  
62:1, 62:10, 62:15,  
63:21, 64:19, 65:5,  
65:11, 66:2, 66:4,  
67:12, 67:25  
**ASHTON** [3] - 55:5,  
55:8, 56:3  
**ASIAN** [10] - 51:13,  
59:15, 59:18, 59:19,  
59:22, 60:7, 60:11,  
60:20, 60:25, 65:16  
**ASK** [11] - 19:8, 20:4,  
25:17, 31:6, 39:11,  
47:17, 50:16, 51:4,  
61:4, 67:24, 69:13  
**ASKED** [22] - 10:22,  
11:14, 13:20, 23:21,  
23:22, 24:3, 25:12,  
27:5, 27:6, 34:21,  
35:1, 35:18, 35:20,  
35:24, 36:11, 38:25,  
42:10, 44:5, 44:8,  
44:10, 44:12, 51:19  
**ASKING** [9] - 19:5,  
22:9, 23:15, 30:16,  
40:12, 40:19, 50:11,  
53:2, 59:8  
**ASKS** [1] - 54:25  
**ASSESSMENT** [1] -  
66:11  
**ASSIST** [1] - 6:8  
**ASSISTING** [1] - 6:11  
**ASSOCIATION** [7] -  
46:21, 51:14, 51:16,  
59:16, 60:12, 60:14,  
60:17  
**ASSOCIATIONS** [1] -  
51:17  
**AT** [89] - 3:5, 3:6, 3:12,  
3:14, 3:20, 4:1, 7:7,  
7:23, 12:3, 13:14,  
13:15, 21:22, 23:2,  
24:4, 27:12, 28:9,  
29:1, 29:5, 29:10,  
30:4, 31:9, 31:25,  
32:14, 33:19, 34:10,  
34:20, 34:22, 34:25,  
35:1, 35:4, 35:10,  
35:23, 36:2, 36:3,  
36:4, 36:15, 36:17,  
36:24, 37:1, 38:2,  
38:5, 39:22, 40:4,  
40:7, 41:16, 42:4,  
42:13, 43:15, 44:4,  
44:7, 44:8, 44:18,  
47:4, 49:1, 49:24,  
50:5, 51:2, 52:2,  
54:7, 54:17, 54:19,  
55:8, 56:6, 56:7,  
56:11, 56:25, 57:4,  
57:16, 58:10, 58:22,  
60:12, 60:21, 60:23,  
61:2, 61:16, 62:2,  
62:6, 62:23, 63:24,  
65:10, 68:15, 68:20,  
69:14  
**ATTACHMENT** [1] -  
49:18  
**ATTEMPTING** [1] -  
42:2  
**ATTEMPTS** [2] - 16:5,  
29:2  
**ATTITUDE** [1] - 18:23  
**ATTORNEY** [1] - 69:7  
**ATTORNEY'S** [2] -  
1:14, 2:18  
**ATTRIBUTED** [2] -  
4:9, 31:11  
**AUSA** [2] - 1:14, 1:15  
**AUTHORITIES** [1] -  
60:10  
**AUTOMATIC** [1] -  
39:14  
**AVAILABLE** [1] - 39:7  
**AWARDED** [1] - 48:20  
**AWARE** [3] - 7:9,  
16:13, 33:17  
**AWAY** [4] - 49:4,  
52:18, 54:22, 64:3  
**AWKWARD** [1] - 52:8

---

**B**

---

**BACK** [8] - 11:15,  
14:14, 44:14, 49:4,  
52:16, 53:5, 53:21,  
59:7  
**BACKGROUND** [1] -  
47:21  
**BACKYARD** [2] -  
53:23, 58:15  
**BAD** [1] - 56:14  
**BAND** [1] - 46:7  
**BAR** [3] - 51:14,  
59:15, 60:12  
**BARGED** [1] - 36:12  
**BARREL** [1] - 39:13  
**BARRIERS** [2] -  
59:21, 59:22  
**BARRY** [1] - 15:16  
**BASED** [14] - 18:24,  
19:10, 19:19, 23:1,  
24:12, 24:17, 24:18,  
30:15, 41:7, 41:18,  
42:20, 45:5, 61:23  
**BASEMENT** [3] -  
55:14, 57:18  
**BASIC** [1] - 49:17  
**BASIS** [1] - 41:18  
**BE** [38] - 2:3, 5:12,  
5:20, 7:10, 8:7,  
18:10, 19:15, 20:2,  
21:16, 21:21, 22:21,  
40:12, 40:19, 43:6,  
46:4, 46:19, 49:10,  
49:14, 50:1, 50:19,  
55:16, 57:21, 58:13,  
59:7, 59:9, 62:7,  
63:14, 64:20, 65:12,  
65:14, 65:17, 67:13,  
68:1, 69:3, 69:9  
**BEAT** [1] - 58:6  
**BEATEN** [3] - 43:20,  
63:24, 63:25  
**BECAUSE** [33] - 4:4,  
4:6, 7:23, 12:6, 14:8,  
19:3, 25:12, 30:25,  
32:12, 33:4, 33:15,  
37:18, 39:17, 40:3,  
40:19, 43:4, 46:1,  
47:4, 48:15, 49:5,  
49:8, 49:10, 49:14,  
52:16, 55:21, 56:8,  
57:23, 58:18, 59:2,  
59:10, 60:7, 60:9,  
61:1  
**BECOME** [1] - 54:18  
**BEDROOM** [1] - 57:17  
**BEEN** [40] - 3:2, 6:12,  
9:1, 9:3, 10:3, 12:9,  
13:25, 14:10, 27:10,  
29:22, 31:5, 32:10,  
33:7, 39:24, 40:11,  
48:18, 53:12, 53:19,  
54:5, 54:19, 55:12,  
55:23, 56:4, 56:9,  
56:13, 56:19, 57:1,  
57:5, 60:24, 62:25,  
64:22, 64:24, 64:25,  
65:2, 65:24, 66:1,  
66:11, 68:7, 68:16,  
68:17  
**BEFORE** [16] - 1:11,  
17:13, 18:3, 18:7,  
19:17, 36:11, 42:12,  
43:20, 48:8, 54:12,  
54:23, 58:23, 59:4,  
61:16, 64:19, 65:6  
**BEGAN** [2] - 50:10,  
63:6  
**BEGINS** [1] - 35:15  
**BEHALF** [6] - 2:9,  
2:19, 11:24, 16:7,  
17:19, 48:5  
**BEHEST** [1] - 42:13  
**BEHIND** [7] - 4:13,  
39:21, 42:15, 44:1,  
56:21, 57:11, 58:13  
**BEING** [20] - 4:13,  
6:19, 11:3, 14:4,  
14:5, 19:3, 20:20,  
20:21, 24:3, 30:9,  
31:17, 36:23, 39:6,  
43:18, 54:13, 54:18,  
57:2, 61:18, 63:5,  
64:22  
**BELIEF** [1] - 60:8  
**BELIEVE** [31] - 3:3,  
4:11, 7:14, 7:22,  
8:11, 10:21, 11:7,  
11:10, 11:19, 13:17,  
14:16, 28:18, 31:4,  
31:15, 31:19, 33:6,  
35:8, 37:4, 37:17,  
37:25, 41:5, 41:20,  
42:22, 46:9, 46:10,  
49:1, 51:3, 57:22,  
59:11, 61:1, 61:9  
**BELIEVED** [1] - 60:9  
**BELONGED** [1] -  
56:18  
**BENEFITS** [1] - 65:25  
**BESIDE** [1] - 47:3  
**BEST** [1] - 32:15  
**BETTER** [3] - 26:17,  
26:21  
**BETWEEN** [6] - 11:23,  
12:6, 14:11, 14:15,  
14:20, 19:22  
**BILLS** [1] - 54:9  
**BING** [2] - 34:17, 55:4  
**BIT** [1] - 22:12  
**BLANKET** [1] - 35:8  
**BLANKING** [1] - 13:17  
**BLEEDING** [1] - 54:7  
**BLOOD** [3] - 17:6,  
48:25, 58:21  
**BLUE** [1] - 22:22  
**BODY** [1] - 52:12  
**BOTH** [10] - 10:19,  
29:14, 33:18, 35:2,  
36:5, 40:20, 41:12,  
45:11, 51:17, 53:22  
**BOUNDED** [2] - 44:18,  
63:25  
**BOWL** [10] - 10:16,  
10:22, 11:2, 12:2  
12:6, 12:11, 15:21,  
26:14, 27:5  
**BOWLS** [2] - 16:18,  
16:19  
**BOX** [1] - 50:16  
**BRAVE** [2] - 57:21,  
57:22  
**BREAK** [1] - 58:18  
**BREEZE** [1] - 52:20  
**BRIAN** [5] - 11:19,  
27:15, 36:6, 36:10,  
37:16  
**BRICK** [1] - 49:11  
**BRIEF** [1] - 5:4  
**BRIEFLY** [2] - 32:5,  
35:8  
**BRING** [1] - 25:3  
**BROKE** [1] - 56:6  
**BROKEN** [1] - 68:10  
**BROOMALL** [1] -  
41:14  
**BROTHER** [7] - 10:24,  
13:5, 22:3, 28:19,  
39:4, 42:23, 43:2  
**BROTHERS** [2] -  
11:24, 17:20  
**BROUGHT** [3] - 38:24,  
57:20, 57:25  
**BURDEN** [2] - 3:25,  
6:10  
**BURIED** [1] - 58:23  
**BUSINESS** [4] - 52:6,  
59:19, 60:7, 60:20  
**BUSINESSES** [1] -  
59:23  
**BUT** [58] - 3:14, 6:23,  
7:14, 8:1, 11:4, 11:9,  
11:20, 11:23, 12:10,  
12:20, 13:18, 13:21,  
15:24, 16:2, 16:18,  
17:1, 17:4, 21:12,  
22:12, 22:18, 22:19,  
23:9, 24:2, 25:8,  
26:10, 28:5, 30:1,  
30:4, 30:10, 30:14,  
32:13, 32:22, 39:4,  
39:20, 40:9, 42:19,  
43:7, 43:11, 44:7,  
45:2, 45:5, 46:11,  
46:23, 48:16, 52:12,  
53:24, 54:6, 54:21,  
54:23, 55:20, 57:20,  
60:2, 61:13, 61:18,  
61:25, 62:17, 63:19,  
64:25  
**BY** [62] - 1:14, 1:18,  
2:17, 2:18, 3:4, 3:7,  
4:6, 5:11, 5:12, 6:6,  
6:19, 7:17, 8:8, 8:22,  
9:14, 10:18, 10:22

11:7, 11:9, 11:11, 12:16, 13:12, 13:18, 14:1, 14:8, 15:2, 15:4, 15:21, 17:6, 18:8, 20:20, 25:22, 27:11, 29:8, 31:24, 32:2, 32:10, 33:8, 34:12, 34:19, 35:11, 36:18, 36:22, 37:5, 38:16, 39:17, 40:20, 44:18, 45:20, 50:11, 51:15, 52:19, 55:25, 56:25, 57:2, 59:3, 59:25, 62:25, 63:25, 64:22, 65:5, 68:7	<b>CASE</b> [74] - 1:4, 3:10, 4:24, 6:3, 8:3, 9:8, 9:10, 10:2, 10:4, 11:16, 11:22, 12:7, 12:22, 12:24, 13:2, 13:12, 13:13, 15:5, 15:14, 15:15, 17:23, 18:19, 20:10, 22:3, 25:25, 26:4, 26:25, 27:3, 28:14, 29:14, 29:18, 30:11, 30:13, 31:1, 32:24, 33:22, 33:25, 34:8, 34:15, 36:23, 37:1, 37:4, 37:18, 37:19, 37:21, 37:24, 40:9, 40:21, 41:9, 41:24, 42:12, 43:23, 44:19, 45:6, 45:9, 45:14, 46:3, 46:7, 46:14, 46:22, 47:5, 48:2, 49:25, 59:14, 61:10, 61:19, 61:25, 62:2, 62:16, 62:20, 63:19, 64:7	<b>CHARITY</b> [1] - 53:1 <b>CHECK</b> [3] - 35:22, 44:7, 56:12 <b>CHERIN</b> [1] - 1:18 <b>CHERISH</b> [1] - 59:1 <b>CHERYL</b> [1] - 27:23 <b>CHEST</b> [1] - 57:4 <b>CHESTNUT</b> [1] - 1:15 <b>CHIEF</b> [1] - 1:11 <b>CHILD</b> [1] - 35:2 <b>CHILDHOOD</b> [1] - 48:22 <b>CHILDREN</b> [4] - 56:9, 59:2, 60:21, 60:23 <b>CHINA</b> [1] - 57:14 <b>CHINESE</b> [3] - 51:16, 60:13, 60:16 <b>CHO</b> [4] - 43:16, 52:1, 52:5, 54:25 <b>CHOP</b> [1] - 62:6 <b>CIRCUIT</b> [3] - 33:17, 45:6, 47:13 <b>CIRCUMSTANCE</b> [1] - 39:22 <b>CIRCUMSTANCES</b> [1] - 18:19 <b>CIRCUMSTANTIAL</b> [2] - 19:21, 19:24 <b>CIRCUMSTANTIAL</b> [2] - 19:2 <b>CITE</b> [5] - 4:24, 45:6, 45:9, 50:1, 50:2 <b>CITING</b> [2] - 5:10, 51:2 <b>CITIZENS</b> [2] - 55:2, 66:2 <b>CITIZENSHIP</b> [1] - 52:6 <b>CITY</b> [1] - 60:20 <b>CJA</b> [2] - 68:25, 69:3 <b>CLAIM</b> [1] - 32:20 <b>CLAUSE</b> [1] - 30:1 <b>CLEAR</b> [1] - 44:15 <b>CLEARED</b> [1] - 56:20 <b>CLEARLY</b> [3] - 28:24, 65:11, 65:23 <b>CLERK</b> [1] - 8:15 <b>CLIENT</b> [7] - 2:9, 48:6, 51:5, 64:10, 64:11, 67:3, 68:5 <b>CLIENT'S</b> [1] - 5:13 <b>CLOSED</b> [1] - 52:5 <b>CLOSING</b> [1] - 54:14 <b>CLOTHING</b> [1] - 53:13 <b>CO</b> [10] - 3:13, 10:8, 10:10, 12:7, 17:22, 17:24, 18:1, 18:21, 33:1, 44:19 <b>CO-CONSPIRATOR</b> [1] - 44:19	<b>CO-DEFENDANT</b> [2] - 3:13, 17:24 <b>CO-DEFENDANTS</b> [7] - 10:8, 10:10, 12:7, 17:22, 18:1, 18:21, 33:1 <b>COLD</b> [1] - 39:12 <b>COLOR</b> [1] - 39:12 <b>COME</b> [5] - 14:9, 14:13, 30:16, 58:17, 67:19 <b>COMES</b> [1] - 4:21 <b>COMICE</b> [3] - 35:13, 43:14, 52:2 <b>COMING</b> [2] - 12:15, 27:14 <b>COMMENT</b> [1] - 41:3 <b>COMMENTS</b> [1] - 3:11 <b>COMMISSION</b> [10] - 6:9, 33:15, 33:24, 34:1, 37:9, 40:6, 41:14, 47:20, 48:13, 62:13 <b>COMMISSIONS</b> [1] - 37:7 <b>COMMIT</b> [3] - 43:5, 50:9, 59:11 <b>COMMITTED</b> [5] - 42:3, 49:2, 61:19, 61:25, 63:4 <b>COMMITTING</b> [2] - 49:21, 63:9 <b>COMMUNICATE</b> [2] - 12:11, 28:22 <b>COMMUNICATED</b> [1] - 28:19 <b>COMMUNITY</b> [10] - 59:18, 59:25, 60:2, 60:11, 60:23, 61:5, 65:16, 65:17, 66:4 <b>COMPLAIN</b> [1] - 32:8 <b>COMPLAINTS</b> [1] - 19:2 <b>COMPLETELY</b> [4] - 32:19, 38:16, 38:20, 39:17 <b>CONCERN</b> [1] - 10:23 <b>CONCERNED</b> [1] - 54:8 <b>CONCERNING</b> [2] - 21:17, 39:15 <b>CONCLUDE</b> [1] - 33:23 <b>CONCLUDED</b> [1] - 68:3 <b>CONCLUSION</b> [1] - 3:20 <b>CONCURRENT</b> [2] - 66:7, 67:18 <b>CONDUCT</b> [12] - 5:5, 5:16, 9:21, 33:19, 37:3, 41:3, 41:6, 41:16, 41:19, 44:25, 63:10 <b>CONFIRM</b> [1] - 15:4 <b>CONFIRMED</b> [2] - 17:8, 26:15 <b>CONFRONTATION</b> [1] - 30:1 <b>CONFRONTED</b> [1] - 34:10 <b>CONNECTION</b> [6] - 8:3, 9:24, 19:4, 26:24, 40:17, 43:13 <b>CONSCIOUSNESS</b> [1] - 54:8 <b>CONSECUTIVE</b> [6] - 66:8, 67:22, 68:12, 68:17, 68:18, 68:21 <b>CONSECUTIVELY</b> [1] - 67:14 <b>CONSEQUENCES</b> [1] - 49:19 <b>CONSIDER</b> [6] - 15:16, 33:19, 40:10, 50:17, 63:23, 64:18 <b>CONSIDERATION</b> [2] - 41:16, 50:11 <b>CONSPIRACY</b> [13] - 4:20, 4:23, 5:3, 41:8, 41:10, 41:15, 45:13, 45:18, 45:24, 46:2, 46:5, 46:21, 48:13 <b>CONSPIRATOR</b> [1] - 44:19 <b>CONSPIRATORS</b> [1] - 58:6 <b>CONSTANT</b> [2] - 55:12, 56:16 <b>CONSTANTLY</b> [1] - 56:14 <b>CONSTITUTE</b> [1] - 29:2 <b>CONSTITUTES</b> [1] - 30:3 <b>CONSTITUTION</b> [1] - 5:14 <b>CONSTRUED</b> [1] - 67:12 <b>CONTACT</b> [3] - 11:1, 11:23, 65:20 <b>CONTAIN</b> [1] - 33:3 <b>CONTENTION</b> [1] - 32:16 <b>CONTEST</b> [1] - 38:5 <b>CONTEXT</b> [1] - 23:6 <b>CONTINUE</b> [1] - 55:23 <b>CONTINUED</b> [1] - 53:24 <b>CONTROL</b> [1] - 5:2
<b>C</b>			
<b>CALCULATION</b> [2] - 2:20, 48:1 <b>CALCULATIONS</b> [2] - 2:10, 2:17 <b>CALL</b> [5] - 21:9, 22:14, 23:10, 23:15, 49:6 <b>CALLED</b> [6] - 13:24, 14:12, 23:18, 42:10, 43:2, 54:6 <b>CALLING</b> [2] - 22:22, 30:15 <b>CALLS</b> [2] - 21:8, 62:17 <b>CAME</b> [7] - 21:20, 37:25, 52:7, 54:3, 57:12, 62:18, 66:1 <b>CAMERAS</b> [2] - 55:11, 56:10 <b>CAN</b> [15] - 8:9, 8:15, 9:24, 16:17, 24:19, 30:8, 32:15, 34:13, 45:12, 46:19, 59:2, 64:13, 64:20, 67:2, 68:4 <b>CANE</b> [1] - 54:11 <b>CANNOT</b> [4] - 58:15, 58:16, 59:3, 67:11 <b>CANS</b> [1] - 52:9 <b>CAPTURED</b> [1] - 62:17 <b>CAR</b> [4] - 38:4, 42:15, 43:6, 46:9 <b>CARE</b> [4] - 14:17, 25:6, 26:16, 64:23 <b>CAREER</b> [3] - 61:23, 65:9, 65:11 <b>CAREFULLY</b> [1] - 55:13 <b>CARLTON</b> [4] - 11:10, 16:23, 19:25, 20:6 <b>CARRY</b> [1] - 3:25 <b>CARRYING</b> [1] - 31:15			

<b>CONVERSATION</b> [13] -	66:15, 66:17, 66:19, 66:21, 66:25, 67:13, 68:11, 68:18	<b>CRIME</b> [5] - 6:9, 6:12, 9:5, 9:20, 63:13	<b>DECENT</b> [1] - 57:24	63:18
14:15, 14:19, 20:5, 23:2, 23:5, 25:3, 25:8, 25:9, 25:10, 25:12, 26:14, 27:2, 30:15	<b>COUNTY</b> [6] - 13:15, 13:22, 14:1, 22:8, 22:24, 23:18	<b>CRIMES</b> [16] - 10:9, 18:2, 18:11, 49:22, 50:9, 50:13, 51:10, 59:12, 59:17, 59:25, 60:25, 61:3, 61:21, 62:11, 63:24	<b>DECIDED</b> [3] - 43:4, 47:6, 47:7	<b>DHS</b> [2] - 48:21, 49:2
<b>CONVERSATIONS</b> [11] - 12:1, 12:5, 12:23, 13:4, 14:10, 21:12, 21:20, 26:2, 29:9, 29:13, 30:8	<b>COUPLE</b> [1] - 10:21	<b>CRIMINAL</b> [13] - 1:4, 3:10, 7:12, 46:20, 47:21, 48:17, 48:20, 61:12, 61:24, 62:9, 62:23, 65:5, 69:5	<b>DECISION</b> [1] - 40:8	<b>DID</b> [50] - 3:25, 5:20, 6:21, 7:22, 9:13, 11:4, 12:25, 13:6, 14:2, 14:9, 14:13, 15:3, 15:9, 16:2, 16:5, 16:22, 16:25, 17:5, 17:7, 20:19, 21:4, 21:7, 23:1, 23:2, 24:3, 24:5, 24:6, 24:7, 24:9, 24:20, 24:23, 32:13, 33:24, 35:18, 35:20, 39:11, 39:12, 39:13, 40:8, 42:20, 44:4, 44:5, 44:13, 47:14, 49:15, 62:16, 67:23, 69:12
<b>CONVICTED</b> [7] - 4:5, 5:23, 37:19, 38:3, 48:9, 49:21, 63:3	<b>COURT</b> [103] - 1:1, 1:23, 2:1, 2:3, 2:8, 2:12, 7:3, 7:8, 7:15, 7:19, 7:20, 8:1, 8:4, 8:7, 8:12, 9:15, 10:15, 14:24, 18:5, 25:19, 28:7, 28:11, 29:6, 29:15, 29:19, 29:22, 31:7, 32:6, 33:9, 33:17, 33:18, 33:22, 34:7, 34:13, 34:16, 35:3, 35:14, 37:4, 37:13, 40:1, 40:9, 40:12, 40:15, 41:2, 43:11, 43:14, 44:22, 47:11, 47:17, 47:23, 47:25, 48:5, 49:8, 49:25, 50:11, 50:13, 50:16, 51:1, 51:4, 51:6, 51:11, 51:18, 51:20, 51:22, 51:25, 52:2, 52:4, 54:25, 56:23, 58:2, 60:5, 60:14, 61:4, 61:15, 62:11, 63:20, 64:9, 64:10, 64:13, 64:16, 64:17, 66:4, 66:6, 66:9, 66:12, 66:22, 67:2, 67:7, 67:16, 67:24, 68:1, 68:4, 68:9, 69:6, 69:10, 69:13, 69:15, 69:18, 70:8	<b>CRIMINALS</b> [3] - 56:25, 59:8, 61:1	<b>DEFENDANT</b> [41] - 1:18, 3:13, 10:15, 11:9, 12:16, 14:11, 17:24, 29:2, 29:16, 30:19, 32:25, 33:16, 37:6, 40:17, 41:6, 41:12, 41:20, 42:1, 42:21, 44:19, 46:17, 47:19, 47:23, 47:24, 58:5, 58:24, 59:3, 60:6, 61:4, 61:15, 62:14, 63:13, 63:16, 64:2, 64:6, 64:15, 64:19, 65:4, 65:19, 66:16, 66:18	<b>DIDN'T</b> [8] - 16:8, 16:25, 25:2, 28:20, 35:7, 39:19, 52:16, 54:6
<b>CONVICTION</b> [2] - 4:7, 37:4	<b>COURT'S</b> [2] - 2:15, 48:7	<b>CROSS</b> [4] - 4:15, 14:24, 15:1, 69:23	<b>CROSS-EXAMINE</b> [1] - 15:1	<b>DIE</b> [1] - 58:22
<b>CONVICTIONS</b> [2] - 6:14, 62:4	<b>COURTHOUSE</b> [1] - 1:23	<b>CROSS-</b>	<b>CROSS-EXAMINATION</b> [1] - 15:1	<b>DIFFERENCE</b> [1] - 19:22
<b>COOPERATE</b> [3] - 18:10, 18:24, 23:3	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINATION</b> [1] - 15:1	<b>CUSTODY</b> [2] - 19:10, 65:18	<b>DIFFERENT</b> [2] - 34:11, 49:3
<b>COOPERATING</b> [13] - 10:25, 13:5, 13:22, 14:3, 18:13, 18:16, 18:21, 19:10, 22:24, 23:17, 23:20, 23:22, 30:21	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINER</b> [1] - 15:1	<b>DEFENDANT'S</b> [4] - 9:21, 28:15, 28:25, 62:23	<b>DIFFICULT</b> [1] - 58:17
<b>COOPERATION</b> [2] - 10:20, 22:9	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEFENDANTS</b> [7] - 10:8, 10:10, 12:7, 17:22, 18:1, 18:21, 33:1	<b>DINING</b> [1] - 6:16
<b>COOPERATOR</b> [2] - 33:25, 40:21	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEFENSE</b> [6] - 29:19, 32:8, 33:12, 37:13, 40:2, 48:2	<b>DIRECT</b> [16] - 8:21, 19:20, 20:22, 28:14, 29:22, 30:9, 31:3, 31:4, 31:5, 31:7, 31:23, 32:2, 48:25, 69:23
<b>COOPERATORS</b> [1] - 19:3	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEFINITE</b> [1] - 11:8	<b>DIRECTED</b> [4] - 12:16, 12:20, 42:13, 42:15
<b>COPS</b> [2] - 28:21, 28:23	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEFINITELY</b> [2] - 11:23, 24:4	<b>DIRECTING</b> [1] - 43:8
<b>CORE</b> [1] - 40:4	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DELVE</b> [1] - 16:25	<b>DIRECTLY</b> [9] - 10:1, 10:3, 12:10, 20:20, 20:21, 22:14, 29:9, 32:10, 60:23
<b>CORRAL</b> [1] - 40:23	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEMEANOR</b> [1] - 42:17	<b>DISCOURAGED</b> [1] - 13:1
<b>CORRECT</b> [19] - 12:13, 15:15, 17:10, 17:17, 21:22, 22:1, 22:4, 25:25, 26:1, 26:6, 26:25, 27:1, 27:12, 27:13, 27:16, 27:17, 27:20, 28:2, 70:2	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEPARTMENT</b> [2] - 2:17, 15:19	<b>DISCOVERY</b> [1] - 69:9
<b>CORRECTLY</b> [1] - 33:12	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEPARTMENTS</b> [1] - 9:14	<b>DISCUSS</b> [2] - 7:24, 67:6
<b>COST</b> [1] - 54:9	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DEPARTURES</b> [1] - 33:21	<b>DISCUSSED</b> [5] - 26:13, 27:14, 44:2, 62:10, 69:4
<b>COULD</b> [12] - 8:23, 12:10, 13:8, 13:10, 18:18, 21:16, 30:17, 32:10, 36:11, 43:20, 45:12, 49:6	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DETENTION</b> [3] - 10:13, 17:16, 30:23	<b>DISCUSSIONS</b> [1] - 9:23
<b>COUNSEL</b> [3] - 2:2, 37:13, 69:2	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DETER</b> [1] - 63:9	<b>DISTRICT</b> [3] - 1:1, 1:2, 33:18
<b>COUNT</b> [6] - 66:7, 67:10, 68:10, 68:11, 68:22	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DETERMINE</b> [1] - 16:22	<b>DISTURBED</b> [1] - 57:9
<b>COUNTRY</b> [1] - 59:20	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DETERRED</b> [2] - 65:12, 65:14	<b>DO</b> [43] - 3:3, 4:11, 7:14, 12:14, 15:3, 15:9, 15:20, 16:22, 19:21, 20:4, 20:8,
<b>COUNTS</b> [12] - 2:23, 2:25, 66:5, 66:6,	<b>COURTSHIP</b> [1] - 4:7, 37:4	<b>EXAMINERS</b> [1] - 15:1	<b>DETERRENCE</b> [1] -	

20:25, 21:1, 22:4, 23:14, 24:19, 24:23, 25:5, 26:8, 26:16, 26:18, 26:19, 26:20, 27:7, 27:25, 34:16, 35:19, 35:20, 37:17, 38:5, 38:19, 39:1, 40:7, 44:5, 50:8, 54:20, 55:2, 59:2, 61:2, 61:3, 63:21, 66:10	62:1 <b>DRIVING</b> [1] - 32:22 <b>DRUG</b> [1] - 46:5 <b>DUBIOUS</b> [1] - 32:19 <b>DURING</b> [34] - 3:24, 4:2, 4:15, 4:18, 9:4, 9:12, 9:18, 9:23, 10:7, 10:9, 12:23, 14:10, 14:14, 20:22, 21:8, 26:7, 26:11, 26:14, 28:13, 28:17, 29:11, 33:15, 33:24, 34:1, 36:25, 37:9, 40:6, 45:16, 46:2, 48:12, 50:12, 50:17, 56:15, 60:5	65:7 <b>ENGAGING</b> [1] - 65:13 <b>ENGLISH</b> [1] - 61:2 <b>ENHANCEMENT</b> [13] - 7:20, 33:6, 33:14, 33:20, 37:12, 40:19, 41:1, 41:18, 41:23, 43:12, 44:20, 46:16, 47:3 <b>ENHANCEMENTS</b> [1] - 7:17 <b>ENJOY</b> [2] - 65:24, 65:25 <b>ENJOYING</b> [1] - 52:20 <b>ENOUGH</b> [3] - 24:13, 57:22, 63:9	<b>EVERYTHING</b> [3] - 31:4, 54:23, 58:14 <b>EVERYWHERE</b> [1] - 54:11 <b>EVIDENCE</b> [34] - 3:4, 3:6, 3:7, 3:11, 3:13, 3:18, 4:1, 4:11, 5:6, 6:2, 6:12, 7:15, 7:17, 7:21, 7:24, 8:4, 19:21, 20:5, 20:8, 21:23, 28:5, 29:7, 31:5, 31:25, 33:23, 37:1, 37:5, 38:7, 38:8, 40:5, 40:20, 45:15, 47:4	55:19, 57:7 <b>EYE</b> [3] - 36:15, 36:19 <b>EYES</b> [2] - 54:14, 54:15
<b>DOCKET</b> [1] - 1:4 <b>DOCUMENT</b> [2] - 24:6, 24:13 <b>DOCUMENTATION</b> [1] - 9:14 <b>DOCUMENTED</b> [5] - 15:8, 21:14, 21:15, 49:20	<b>DYNAMICS</b> [1] - 17:2	<b>ENSURE</b> [2] - 7:16, 61:5 <b>ENTERTAINED</b> [1] - 14:7 <b>ENTIRE</b> [2] - 30:24, 39:21 <b>ENTITLED</b> [2] - 31:2, 70:4 <b>ENTITY</b> [1] - 45:8 <b>ENTRANCE</b> [1] - 55:15 <b>ENVIRONMENT</b> [1] - 52:8 <b>EPISODES</b> [1] - 11:22 <b>EQUALLY</b> [2] - 47:14, 47:20 <b>ESCAPE</b> [1] - 64:2 <b>ESPECIALLY</b> [3] - 14:13, 18:25, 21:20 <b>ESQUIRE</b> [1] - 1:18 <b>ESSENTIALLY</b> [1] - 40:3 <b>ESTABLISH</b> [2] - 37:23, 41:17 <b>ESTABLISHED</b> [2] - 7:16, 62:22 <b>ET</b> [2] - 34:11, 46:6 <b>EVEN</b> [8] - 4:1, 14:10, 16:22, 19:20, 25:17, 39:5, 42:17, 54:11 <b>EVENTUALLY</b> [2] - 14:9, 55:21 <b>EVER</b> [10] - 16:5, 16:11, 17:5, 19:2, 19:8, 20:5, 20:8, 20:9, 48:24 <b>EVERY</b> [7] - 55:12, 56:4, 56:22, 57:8, 58:19, 65:9 <b>EVERYDAY</b> [1] - 65:24 <b>EVERYONE</b> [1] - 58:13	<b>EXACT</b> [2] - 11:20, 49:22 <b>EXACTLY</b> [1] - 44:4 <b>EXAMINATION</b> [3] - 4:15, 8:21, 15:1 <b>EXAMINE</b> [1] - 14:24 <b>EXAMPLE</b> [5] - 12:25, 17:23, 18:10, 19:24, 46:5 <b>EXAMPLES</b> [1] - 10:21 <b>EXCEED</b> [1] - 67:11 <b>EXCEPT</b> [1] - 29:24 <b>EXCLUSION</b> [1] - 59:20 <b>EXCUSE</b> [5] - 2:24, 3:19, 4:16, 38:11, 65:1 <b>EXERCISE</b> [1] - 55:1 <b>EXERCISED</b> [3] - 5:1, 45:4, 46:1 <b>EXERCISES</b> [1] - 52:22 <b>EXPECTANCY</b> [1] - 50:12 <b>EXPERIENCE</b> [6] - 16:10, 17:21, 18:24, 36:11, 53:4, 55:3 <b>EXPERIENCED</b> [1] - 19:9 <b>EXPLAIN</b> [1] - 59:19 <b>EXPLAINED</b> [2] - 24:10, 34:23 <b>EXPLICITLY</b> [1] - 28:17 <b>EXPOSURE</b> [1] - 33:4 <b>EXPRESSED</b> [1] - 10:23 <b>EXTENSIVE</b> [1] - 65:5 <b>EXTENT</b> [2] - 46:23, 59:24 <b>EXTRACT</b> [1] - 40:24 <b>EXTREME</b> [2] - 53:18, 57:8 <b>EXTREMELY</b> [2] -	<b>FACE</b> [2] - 36:14, 63:22 <b>FACED</b> [1] - 63:8 <b>FACES</b> [2] - 54:12, 54:15 <b>FACILITATE</b> [2] - 6:8, 64:2 <b>FACILITATION</b> [1] - 6:12 <b>FACILITY</b> [1] - 3:8 <b>FACT</b> [16] - 5:11, 7:22, 17:12, 19:10, 24:2, 25:13, 30:18, 30:20, 30:22, 31:22, 31:24, 40:10, 43:1, 46:23, 50:17, 62:17 <b>FACTOR</b> [1] - 63:19 <b>FACTORS</b> [4] - 51:3, 62:22, 64:18, 65:3 <b>FACTS</b> [2] - 49:11, 49:12 <b>FACTUAL</b> [1] - 30:14 <b>FAIR</b> [1] - 55:1 <b>FALL</b> [1] - 62:15 <b>FALSE</b> [1] - 32:19 <b>FAMILIAL</b> [3] - 48:22, 48:24, 50:1 <b>FAMILIAR</b> [4] - 14:20, 17:11, 17:15, 17:18 <b>FAMILIES</b> [1] - 59:12 <b>FAMILY</b> [6] - 17:3, 48:23, 55:24, 56:10, 65:2, 65:20 <b>FAR</b> [3] - 20:22, 22:20, 24:1 <b>FARTHER</b> [3] - 6:14, 44:9, 44:10 <b>FAVORITE</b> [1] - 56:20 <b>FBI</b> [8] - 8:25, 9:2, 9:3, 16:10, 25:24, 26:7, 26:12, 26:24 <b>FDC</b> [8] - 12:3, 12:16, 16:15, 16:20, 18:24, 19:1, 27:12, 29:10 <b>FEAR</b> [5] - 55:12, 55:24, 56:4, 56:16, 57:8 <b>FEARED</b> [1] - 54:18 <b>FEARFUL</b> [3] - 22:25, 55:21, 57:10 <b>FEARS</b> [1] - 62:8 <b>FEBRUARY</b> [1] - 26:7 <b>FEDERAL</b> [9] - 7:11
<b>DOOR</b> [16] - 6:1, 6:13, 6:14, 35:17, 43:18, 43:25, 44:9, 44:13, 44:17, 52:20, 52:24, 53:3, 53:21, 53:23, 53:25, 54:16	<b>EACH</b> [15] - 3:1, 7:16, 33:7, 34:8, 34:14, 37:7, 40:18, 40:22, 64:1, 66:7, 66:17, 67:10, 67:13, 67:21, 68:19 <b>EAR</b> [1] - 57:12 <b>EARLIER</b> [1] - 27:14 <b>EARLY</b> [1] - 48:21 <b>EASTERN</b> [1] - 1:2 <b>EASY</b> [2] - 60:9, 61:1 <b>ECKERT</b> [1] - 1:18 <b>EDWARD</b> [7] - 13:12, 22:6, 29:14, 32:20, 33:1, 41:25, 42:9 <b>EFFECTIVELY</b> [1] - 61:9 <b>EFFORT</b> [1] - 33:3 <b>EFFORTS</b> [1] - 28:25 <b>EIGHT</b> [1] - 49:23 <b>EITHER</b> [3] - 9:19, 10:14, 50:15 <b>ELDER</b> [1] - 44:11 <b>ELDERLY</b> [2] - 5:23, 50:18 <b>ELEMENTS</b> [2] - 9:20, 37:23 <b>ELSE</b> [2] - 37:14, 46:25 <b>ELSEWHERE</b> [1] - 59:24 <b>EMOTIONAL</b> [1] - 55:25 <b>EMPLOYMENT</b> [1] - 59:24 <b>ENCAPSULATED</b> [1] - 4:6 <b>ENCOUNTER</b> [1] - 14:8 <b>ENGAGED</b> [2] - 62:2,	<b>ESTABLISH</b> [2] - 37:23, 41:17 <b>ESTABLISHED</b> [2] - 7:16, 62:22 <b>ET</b> [2] - 34:11, 46:6 <b>EVEN</b> [8] - 4:1, 14:10, 16:22, 19:20, 25:17, 39:5, 42:17, 54:11 <b>EVENTUALLY</b> [2] - 14:9, 55:21 <b>EVER</b> [10] - 16:5, 16:11, 17:5, 19:2, 19:8, 20:5, 20:8, 20:9, 48:24 <b>EVERY</b> [7] - 55:12, 56:4, 56:22, 57:8, 58:19, 65:9 <b>EVERYDAY</b> [1] - 65:24 <b>EVERYONE</b> [1] - 58:13	<b>EXPECTANCY</b> [1] - 50:12 <b>EXPERIENCE</b> [6] - 16:10, 17:21, 18:24, 36:11, 53:4, 55:3 <b>EXPERIENCED</b> [1] - 19:9 <b>EXPLAIN</b> [1] - 59:19 <b>EXPLAINED</b> [2] - 24:10, 34:23 <b>EXPLICITLY</b> [1] - 28:17 <b>EXPOSURE</b> [1] - 33:4 <b>EXPRESSED</b> [1] - 10:23 <b>EXTENSIVE</b> [1] - 65:5 <b>EXTENT</b> [2] - 46:23, 59:24 <b>EXTRACT</b> [1] - 40:24 <b>EXTREME</b> [2] - 53:18, 57:8 <b>EXTREMELY</b> [2] -	

10:13, 17:12, 17:16, 30:23, 51:1, 61:15, 64:25, 65:7	<b>FEEL</b> [7] - 30:19, 54:23, 57:8, 58:10, 58:14, 59:7, 65:23	<b>FEELING</b> [2] - 55:16, 58:8	<b>FEELS</b> [1] - 41:23	<b>FELL</b> [3] - 52:11, 53:22, 54:1	<b>FELONIES</b> [1] - 62:2	<b>FELONY</b> [2] - 61:13, 62:4	<b>FELT</b> [8] - 22:20, 24:6, 24:13, 24:15, 53:17, 53:18, 54:11, 59:6	<b>FEVER</b> [1] - 57:3	<b>FEW</b> [3] - 11:22, 26:10, 63:2	<b>FIELDED</b> [1] - 19:2	<b>FIFTH</b> [1] - 5:9	<b>FILE</b> [4] - 68:23, 69:1, 69:5, 69:12	<b>FILED</b> [3] - 2:8, 7:21, 17:22	<b>FINAL</b> [2] - 34:6, 38:2	<b>FINALLY</b> [6] - 4:4, 30:6, 36:5, 44:2, 54:25, 58:1	<b>FIND</b> [5] - 17:5, 24:23, 38:18, 49:9, 59:23	<b>FINDING</b> [2] - 5:11, 33:13	<b>FINDS</b> [1] - 47:25	<b>FINE</b> [1] - 66:10	<b>FINISHED</b> [1] - 52:22	<b>FIREARM</b> [19] - 3:18, 3:21, 3:24, 4:2, 33:10, 33:14, 33:23, 34:4, 36:23, 37:24, 39:9, 39:11, 39:18, 39:19, 39:20, 39:25, 41:13, 48:12	<b>FIREARMS</b> [10] - 7:25, 34:1, 37:2, 37:7, 37:8, 37:20, 38:10, 40:4, 40:5, 63:25	<b>FIRST</b> [17] - 2:21, 6:5, 7:18, 13:18, 22:2, 26:15, 29:22, 38:24, 39:6, 42:11, 43:13, 44:17, 54:16, 61:20, 63:2, 68:2	<b>FIVE</b> [10] - 2:23, 2:24, 3:16, 3:19, 31:11, 37:16, 48:9, 66:9	<b>FLED</b> [1] - 62:14	<b>FLIPPED</b> [1] - 35:8	<b>FLOOR</b> [4] - 1:19,	<b>FRAME</b> [2] - 15:20, 15:24	<b>FREQUENTLY</b> [1] - 49:4	<b>FRIDAY</b> [2] - 13:24, 42:12	<b>FRIEND</b> [2] - 57:12, 57:15	<b>FROM</b> [59] - 6:14, 7:3, 8:12, 11:18, 12:15, 13:25, 15:18, 16:19, 22:14, 27:15, 28:14, 30:7, 34:4, 34:8, 35:7, 36:5, 36:6, 38:3, 38:25, 39:14, 39:16, 39:21, 40:25, 41:11, 41:13, 41:24, 41:25, 42:9, 42:17, 44:13, 44:16, 46:14, 46:24, 46:25, 48:21, 50:5, 51:6, 53:1, 54:22, 55:24, 56:13, 57:3, 57:4, 57:12, 57:17, 58:9, 60:5, 61:11, 62:14, 63:2, 63:5, 63:9, 63:15, 64:9, 65:7, 69:2, 70:3	<b>FRONT</b> [5] - 6:1, 21:12, 52:10, 52:24, 62:10	<b>FROWNED</b> [1] - 18:25	<b>FULL</b> [3] - 56:19, 57:21, 57:23	<b>FURTHER</b> [4] - 14:23, 35:6, 44:24, 59:12	<b>FURTHERANCE</b> [1] - 48:12	<b>FUTURE</b> [2] - 29:1, 47:2	<b>GARAGE</b> [2] - 52:20, 53:8	<b>GARBAGE</b> [2] - 52:9, 52:10	<b>GAVE</b> [2] - 36:9, 55:20	<b>GENERAL</b> [6] - 5:8, 6:20, 13:21, 18:23, 46:6, 65:17	<b>GENTLEMAN</b> [4] - 5:23, 35:25, 44:11, 51:13	<b>GET</b> [16] - 10:15, 11:5, 20:15, 20:19, 24:2, 26:17, 26:22, 28:1, 30:2, 43:20, 44:13, 49:4, 53:16, 53:23, 56:12, 62:7	<b>GETS</b> [1] - 11:15	<b>GETTING</b> [2] - 38:10, 64:3	<b>GIRL</b> [2] - 22:21, 23:15	<b>GIRLFRIEND</b> [3] -	<b>GIST</b> [1] - 25:8	<b>GIVE</b> [2] - 24:20, 61:4	<b>GIVEN</b> [5] - 41:6, 61:19, 62:8, 69:3, 69:9	<b>GIVES</b> [1] - 63:21	<b>GIVING</b> [1] - 53:19	<b>GO</b> [12] - 11:16, 16:25, 17:5, 35:1, 44:7, 54:7, 54:14, 54:20, 55:20, 57:2, 65:8	<b>GOES</b> [2] - 11:9, 13:12	<b>GOING</b> [20] - 11:4, 11:15, 20:15, 20:18, 24:2, 27:6, 27:19, 28:1, 31:14, 43:5, 43:6, 45:14, 47:6, 48:14, 49:9, 49:10, 52:22, 58:22, 68:8, 68:19	<b>GOOD</b> [4] - 2:1, 2:2, 8:15, 8:23	<b>GOT</b> [5] - 22:13, 23:18, 38:25, 42:5, 62:1	<b>GOVERNMENT</b> [26] - 1:14, 3:3, 3:25, 5:6, 6:1, 6:10, 7:4, 7:21, 8:8, 19:11, 27:10, 30:19, 31:19, 32:17, 33:10, 40:9, 41:2, 41:8, 41:23, 43:15, 45:16, 45:24, 51:7, 65:6, 67:23, 69:12	<b>GOVERNMENT'S</b> [5] - 4:12, 8:5, 31:25, 45:3, 61:8	<b>GRADUATION</b> [1] - 62:8	<b>GRANDDAUGHTER</b> [1] - 54:17	<b>GRANDMOTHER</b> [1] - 58:24	<b>GRANT</b> [2] - 69:14, 69:15	<b>GRANTED</b> [1] - 7:22	<b>GREAT</b> [3] - 55:9, 56:17, 62:7	<b>GREATER</b> [4] - 51:15, 60:13, 60:16, 61:6	<b>GREATLY</b> [1] - 57:6	<b>GREW</b> [2] - 48:19, 48:20	<b>GROUND</b> [2] - 43:20, 44:12	<b>GROUP</b> [8] - 4:20, 5:18, 5:21, 6:19, 31:11, 31:12, 37:16	<b>GROUPING</b> [1] - 5:18	<b>GROUPINGS</b> [1] - 2:24	<b>GROUPS</b> [4] - 2:25, 3:16, 33:7, 39:23	<b>GUESS</b> [5] - 11:12, 12:18, 22:13, 30:14, 45:12	<b>GUIDANCE</b> [1] - 63:21	<b>GUIDELINE</b> [4] - 2:10, 2:16, 2:20, 61:9	<b>GUIDELINES</b> [3] - 46:16, 48:1, 64:4	<b>GUILTY</b> [5] - 3:1, 3:21, 38:18, 49:15, 61:16	<b>GUN</b> [24] - 5:7, 34:20, 34:23, 35:1, 35:10, 35:16, 35:18, 35:24, 36:2, 36:3, 36:12, 36:14, 36:18, 36:20, 38:1, 38:19, 38:24, 38:25, 39:3, 39:5, 40:18, 53:4, 57:7, 58:6	<b>GUNPOINT</b> [13] - 3:20, 3:24, 4:18, 4:20, 5:7, 34:10, 48:10, 48:11, 55:8, 56:3, 56:7, 60:19, 63:24	<b>GUNS</b> [8] - 34:15, 38:4, 38:12, 38:13, 40:22, 56:25, 60:22	<b>GUY</b> [2] - 36:12, 53:11	<b>GUYS</b> [1] - 16:17
<hr/>															<b>H</b>	<hr/>																																																																				
<b>HAD</b> [58] - 3:7, 4:16, 4:17, 4:19, 6:15, 7:12, 7:24, 13:1, 13:4, 13:16, 13:23, 13:25, 14:7, 17:8, 20:5, 21:20, 22:3, 22:8, 22:12, 26:3, 26:21, 27:2, 27:15, 28:19, 28:20, 28:21, 29:9, 29:13, 29:17, 31:12, 32:17, 36:1, 36:4, 39:15, 39:18, 40:11, 43:4, 43:7, 46:13, 47:1, 47:21, 48:22, 48:24, 50:22, 50:23, 50:24, 52:12, 53:12, 53:19, 54:5, 54:8, 54:12, 54:22, 58:23, 58:25, 64:21, 65:1, 65:20																																																																																				
<b>HAIR</b> [2] - 11:19, 27:15	<hr/>																																																																																			
<b>HALLUCINATIONS</b> [1] - 57:10	<hr/>																																																																																			

**HALLWAY** [2] - 43:19, 58:22  
**HAND** [1] - 8:16  
**HANDS** [8] - 27:18, 39:19, 39:20, 53:7, 53:16, 53:18, 53:22  
**HAPPEN** [6] - 13:6, 18:3, 19:6, 21:4, 21:7, 56:15  
**HAPPENED** [7] - 10:11, 24:11, 39:3, 39:4, 56:5, 58:4, 68:14  
**HAPPY** [1] - 51:20  
**HARD** [1] - 65:25  
**HARDEN** [31] - 1:18, 2:7, 2:8, 2:11, 2:14, 7:9, 14:25, 15:2, 18:8, 25:17, 28:9, 29:21, 36:8, 37:15, 40:13, 42:22, 43:10, 44:22, 44:23, 47:10, 47:12, 48:4, 48:7, 64:9, 64:11, 64:19, 67:2, 67:19, 68:4, 68:6, 68:14  
**HARDEN'S** [3] - 7:6, 7:18, 32:16  
**HARM** [1] - 56:17  
**HARTAGE** [10] - 10:24, 21:18, 28:16, 33:3, 41:25, 42:4, 42:17, 45:16, 45:21, 46:25  
**HAS** [55] - 3:1, 3:3, 6:1, 6:10, 6:12, 17:12, 25:13, 29:22, 33:7, 33:22, 34:7, 34:15, 39:23, 41:8, 45:6, 45:21, 46:4, 48:24, 49:17, 50:4, 50:6, 50:20, 50:22, 50:23, 55:9, 56:9, 56:16, 57:5, 57:9, 57:13, 57:19, 60:11, 60:17, 60:23, 61:22, 62:5, 62:24, 62:25, 63:8, 63:11, 64:6, 64:18, 64:21, 64:22, 64:23, 64:24, 64:25, 65:5, 65:19, 65:20, 66:1, 66:11, 69:8  
**HASEEM** [1] - 13:12  
**HAUNTED** [2] - 54:13, 54:16  
**HAVE** [98] - 2:8, 2:10, 3:22, 3:23, 5:4, 5:18, 7:16, 7:22, 9:1, 9:3, 9:4, 9:7, 9:13, 9:17, 9:18, 10:3, 11:15, 12:9, 12:14, 14:10, 14:17, 15:10, 16:10, 16:17, 16:19, 16:21, 18:2, 18:6, 18:9, 19:2, 19:8, 19:17, 20:4, 20:8, 21:9, 21:11, 23:1, 23:7, 25:1, 25:5, 28:1, 28:4, 29:19, 31:1, 31:5, 31:16, 31:21, 32:10, 32:12, 35:2, 37:14, 37:23, 38:8, 39:8, 39:13, 41:2, 44:23, 44:24, 45:10, 45:21, 45:25, 48:18, 50:7, 51:4, 51:13, 51:17, 51:19, 54:18, 54:19, 55:2, 55:12, 55:23, 56:4, 56:12, 56:19, 57:1, 57:24, 58:8, 58:10, 59:4, 59:6, 59:22, 59:25, 61:11, 61:20, 62:10, 63:9, 64:13, 65:1, 65:2, 65:24, 68:6, 68:16, 68:17, 68:23, 69:4  
**HAVEN'T** [1] - 16:20  
**HAVING** [8] - 21:12, 26:13, 27:10, 30:1, 32:8, 38:19, 43:17, 57:13  
**HE** [202] - 4:16, 4:17, 4:18, 4:19, 5:1, 7:19, 10:23, 11:4, 11:6, 11:9, 11:15, 11:21, 13:14, 13:16, 13:18, 13:25, 14:1, 14:2, 14:7, 14:8, 15:17, 15:25, 17:5, 17:15, 17:18, 17:25, 20:1, 20:14, 20:19, 20:24, 21:17, 21:21, 22:7, 22:12, 23:10, 23:14, 23:20, 23:21, 23:22, 24:2, 24:4, 24:5, 24:7, 24:9, 24:10, 24:14, 24:15, 24:16, 24:18, 24:20, 25:2, 25:16, 26:15, 27:3, 27:4, 27:9, 27:15, 27:18, 27:19, 27:23, 27:24, 28:20, 28:21, 28:22, 31:2, 31:21, 31:23, 32:18, 32:20, 32:21, 33:4, 34:3, 35:1, 35:15, 35:16, 35:17, 35:19, 35:20, 35:21, 35:23, 35:24, 35:25, 36:2, 36:3, 36:11, 36:14, 37:19, 38:24, 38:25, 39:2, 39:3, 39:5, 39:17, 39:18, 39:19, 40:10, 40:11, 41:12, 42:12, 42:14, 43:3, 43:5, 43:6, 43:7, 43:17, 43:19, 43:20, 44:1, 44:2, 44:4, 44:6, 44:8, 44:9, 44:10, 44:12, 44:13, 44:14, 44:16, 44:17, 45:7, 45:22, 45:23, 46:1, 46:24, 47:21, 48:20, 48:22, 48:24, 49:3, 49:5, 49:13, 49:14, 49:15, 49:21, 49:25, 50:6, 50:15, 50:22, 50:23, 50:24, 52:4, 58:22, 59:9, 59:10, 59:11, 59:12, 60:9, 61:17, 61:19, 61:24, 61:25, 62:1, 62:2, 62:16, 62:18, 63:1, 63:3, 63:8, 63:11, 63:12, 64:10, 64:21, 64:22, 64:23, 64:24, 64:25, 65:5, 65:6, 65:7, 65:10, 65:12, 65:17, 65:20, 65:21, 66:19, 66:25  
**HE'S** [1] - 63:1  
**HEAD** [2] - 36:14, 36:20  
**HEADACHES** [1] - 57:3  
**HEALTH** [2] - 50:3, 57:5  
**HEAR** [14] - 2:12, 7:3, 7:15, 8:4, 8:12, 33:9, 35:7, 48:5, 50:5, 51:6, 56:12, 57:11, 58:18, 64:9  
**HEARD** [16] - 3:18, 23:10, 23:17, 28:14, 30:7, 30:12, 31:1, 34:7, 36:5, 41:11, 41:24, 42:9, 50:6, 52:23, 56:7, 60:5  
**HEARING** [4] - 13:21, 22:23, 32:12, 58:20  
**HEARSAY** [2] - 30:3, 30:4  
**HEART** [2] - 56:22, 57:20  
**HELD** [9] - 5:22, 5:24, 31:17, 44:6, 44:11, 53:5, 57:6, 57:7, 63:24  
**HELLO** [2] - 52:18, 52:25  
**HELP** [4] - 28:21, 53:23, 55:24, 56:11  
**HER** [30] - 11:9, 13:4, 13:5, 13:17, 13:19, 13:20, 21:17, 21:21, 21:25, 22:3, 22:22, 22:25, 28:17, 28:19, 28:20, 28:21, 28:24, 29:1, 34:19, 34:20, 34:24, 35:4, 36:22, 55:4, 56:1, 56:6, 62:7  
**HERE** [13] - 2:4, 10:15, 41:1, 43:11, 47:3, 49:24, 50:25, 51:11, 58:1, 60:14, 61:25, 64:5, 66:2  
**HEY** [6] - 11:3, 13:21, 14:17, 22:23, 24:2, 30:12  
**HI** [1] - 7:5  
**HIGHEST** [1] - 61:4  
**HIM** [38] - 6:15, 11:11, 13:14, 14:3, 15:6, 20:21, 21:3, 21:9, 22:8, 23:19, 24:1, 24:19, 26:21, 27:7, 30:22, 36:3, 36:19, 37:9, 38:25, 42:5, 42:10, 42:11, 43:3, 43:24, 44:14, 44:16, 50:7, 50:15, 50:21, 62:2, 62:19, 63:9, 64:13, 65:21, 69:9  
**HIMSELF** [4] - 11:25, 20:11, 29:9, 62:16  
**HIRE** [1] - 21:25  
**Hired** [1] - 55:10  
**HIS** [68] - 4:10, 4:18, 4:25, 5:24, 10:24, 11:10, 11:19, 14:16, 17:19, 17:24, 18:1, 18:19, 18:20, 21:7, 22:9, 22:13, 24:18, 25:4, 27:7, 27:18, 29:18, 31:1, 32:25, 33:4, 36:2, 36:6, 36:11, 36:12, 36:14, 36:19, 36:20, 38:20, 39:20, 39:21, 42:4, 42:7, 42:22, 42:23, 43:2, 43:18, 44:19, 46:12, 48:21, 48:23, 49:19, 49:20, 50:18, 52:10, 58:5, 59:1, 61:12, 61:24, 61:25, 62:3, 62:9, 62:14, 62:18, 63:2, 63:12, 64:2, 64:21, 64:23, 65:11, 65:21, 67:3  
**HONORABLE** [3] - 1:11, 61:16, 68:7  
**HOPE** [1] - 53:13  
**HOPING** [1] - 62:6  
**HORRENDOUS** [2] - 49:12, 53:3  
**HORRIFIED** [1] - 59:6  
**HOSPITAL** [2] - 54:7, 54:9  
**HOT** [1] - 39:12  
**Hour** [1] - 57:6  
**HOURS** [1] - 53:20  
**HOUSE** [12] - 35:22, 44:4, 44:9, 44:10, 44:11, 45:19, 47:1

53:23, 53:25, 55:16, 55:18, 58:19	[1] - 62:5	52:2, 52:5, 52:6, 52:8, 52:9, 52:15, 52:18, 53:5, 53:7, 53:12, 53:13, 53:15, 53:18, 54:5, 54:17, 55:5, 55:8, 55:12, 55:14, 55:16, 56:4, 56:10, 56:15, 56:16, 56:19, 56:21, 56:23, 57:6, 57:11, 57:16, 58:1, 58:8, 58:11, 58:12, 58:15, 58:18, 59:14, 59:16, 60:1, 60:8, 60:13, 60:14, 60:18, 60:20, 61:6, 61:8, 61:10, 61:14, 61:19, 61:20, 61:25, 62:1, 62:2, 62:3, 62:10, 62:13, 62:16, 62:17, 62:19, 63:3, 63:8, 63:17, 63:19, 63:24, 64:1, 64:7, 64:17, 64:22, 64:23, 64:24, 64:25, 65:7, 65:13, 65:17, 65:18, 65:21, 65:22, 65:23, 66:8, 66:13, 66:14, 68:19, 70:3	18:1, 18:2	<b>INSOMNIA</b> [1] - 56:13
<b>HOUSED</b> [1] - 27:15	<b>IMPRISONMENT</b> [1] - 61:10	52:8, 52:9, 52:15, 52:18, 53:5, 53:7, 53:12, 53:13, 53:15, 53:18, 54:5, 54:17, 55:5, 55:8, 55:12, 55:14, 55:16, 56:4, 56:10, 56:15, 56:16, 56:19, 56:21, 56:23, 57:6, 57:11, 57:16, 58:1, 58:8, 58:11, 58:12, 58:15, 58:18, 59:14, 59:16, 60:1, 60:8, 60:13, 60:14, 60:18, 60:20, 61:6, 61:8, 61:10, 61:14, 61:19, 61:20, 61:25, 62:1, 62:2, 62:3, 62:10, 62:13, 62:16, 62:17, 62:19, 63:3, 63:8, 63:17, 63:19, 63:24, 64:1, 64:7, 64:17, 64:22, 64:23, 64:24, 64:25, 65:7, 65:13, 65:17, 65:18, 65:21, 65:22, 65:23, 66:8, 66:13, 66:14, 68:19, 70:3	15:25, 16:1, 17:22, 17:23, 17:25, 31:6, 31:23, 32:1, 32:24	<b>INSTALL</b> [1] - 55:10
<b>HOW</b> [6] - 9:1, 25:1, 34:9, 48:19, 52:16, 59:6		<b>INDIRECT</b> [1] - 3:7		<b>INSTALLED</b> [1] - 56:10
<b>HOWEVER</b> [1] - 68:10	5:15, 5:19, 5:24, 6:9, 6:11, 6:24, 6:25, 7:6, 7:8, 7:22, 7:25, 8:3, 8:4, 8:5, 9:5, 9:12, 9:24, 10:2, 10:4, 10:10, 10:13, 10:15, 10:20, 11:11, 11:16, 11:21, 12:7, 12:15, 12:19, 12:24, 13:2, 13:5, 13:11, 13:13, 13:14, 13:20, 13:22, 13:23, 13:24, 14:5, 14:14, 15:5, 15:17, 16:10, 16:13, 16:15, 16:20, 17:12, 17:16, 17:21, 17:22, 17:23, 18:2, 18:24, 19:1, 19:15, 20:9, 21:12, 22:2, 22:7, 22:24, 23:4, 23:5, 23:11, 23:17, 23:18, 25:4, 25:11, 25:24, 26:12, 26:24, 27:2, 27:3, 27:4, 27:9, 27:15, 28:14, 28:23, 29:11, 29:13, 29:16, 29:18, 30:13, 30:16, 31:16, 32:11, 32:18, 32:22, 32:24, 33:3, 33:7, 33:10, 33:22, 33:23, 33:25, 34:4, 34:5, 34:8, 34:14, 34:15, 34:19, 34:24, 35:4, 36:7, 36:12, 36:14, 36:19, 36:23, 37:1, 37:2, 37:4, 37:7, 37:24, 37:25, 38:4, 38:19, 39:6, 39:19, 39:20, 39:22, 40:7, 40:8, 40:17, 40:21, 40:24, 41:8, 41:13, 41:14, 41:24, 42:5, 42:7, 42:11, 42:15, 42:22, 42:24, 43:1, 43:6, 43:8, 43:11, 43:13, 43:14, 44:12, 44:19, 45:6, 45:17, 46:5, 46:13, 46:16, 46:22, 46:23, 47:5, 47:6, 47:8, 47:20, 47:22, 48:1, 48:12, 48:17, 48:20, 48:21, 48:23, 49:3, 49:11, 49:20, 50:15, 50:16, 50:18, 50:23, 51:11,	<b>INDIRECTLY</b> [2] - 18:1, 45:20		<b>INSTANT</b> [1] - 61:21
<b>HUSBAND</b> [3] - 11:8, 11:9, 27:24		<b>INDIVIDUAL</b> [23] - 2:25, 3:8, 3:9, 5:22, 6:7, 16:23, 18:10, 18:15, 18:19, 19:4, 19:5, 19:9, 30:3, 30:10, 30:11, 31:17, 46:3, 47:5, 57:16, 60:1, 63:18, 67:10		<b>INSTEAD</b> [1] - 28:22
<b>HYUN</b> [2] - 43:16, 52:1		<b>INDIVIDUALLY</b> [2] - 18:1, 45:20		<b>INSTRUCTED</b> [2] - 11:1, 20:9
<b>I</b>		<b>INDIVIDUALS</b> [25] - 3:19, 4:22, 5:2, 6:2, 9:24, 10:2, 16:6, 16:13, 17:16, 17:18, 18:23, 19:2, 26:3, 30:21, 30:22, 38:9, 45:10, 46:8, 46:9, 46:12, 48:10, 48:19, 48:23, 55:1, 61:17		<b>INSTRUMENTAL</b> [1] - 15:17
<b>I'M</b> [4] - 18:12, 18:25, 21:22, 48:10		<b>INDULGENCE</b> [2] - 2:15, 48:7		<b>INTENT</b> [2] - 25:11
<b>IDEA</b> [2] - 31:12, 32:17		<b>INERASABLE</b> [1] - 56:9		<b>INTERVIEW</b> [3] - 15:12, 16:6, 20:23
<b>IDEAS</b> [1] - 46:14		<b>INFANT</b> [1] - 35:5		<b>INTERVIEWED</b> [3] - 10:8, 13:14, 22:7
<b>IDENTIFIED</b> [1] - 47:1		<b>INFLUENCE</b> [4] - 10:5, 28:25, 29:17, 65:21		<b>INTERVIEWS</b> [1] - 12:19
<b>IDENTIFIES</b> [1] - 49:1		<b>INFLUENCING</b> [1] - 29:4		<b>INTIMIDATE</b> [1] - 20:9
<b>IDENTIFY</b> [1] - 42:2		<b>INFORMATION</b> [9] - 3:14, 9:25, 12:14, 12:25, 23:7, 24:20, 29:12, 32:9, 33:3		<b>INTIMIDATED</b> [1] - 19:3
<b>IDENTIFYING</b> [3] - 32:22, 43:8, 62:18		<b>INITIAL</b> [1] - 6:22		<b>INTIMIDATING</b> [2] - 16:11, 16:14
<b>IDENTITY</b> [1] - 25:1		<b>INITIALLY</b> [2] - 17:24, 32:23		<b>INTIMIDATION</b> [2] - 19:6, 29:23
<b>IF</b> [43] - 3:13, 6:14, 6:16, 7:15, 8:1, 8:6, 9:25, 11:4, 11:15, 11:21, 12:14, 12:18, 17:5, 17:21, 18:25, 21:15, 21:16, 21:19, 21:22, 27:19, 28:1, 31:7, 31:25, 33:12, 34:13, 35:3, 35:22, 38:1, 38:23, 44:6, 44:8, 45:8, 46:15, 46:17, 47:10, 49:8, 49:15, 51:20, 55:13, 57:5, 59:12, 64:10, 67:4		<b>INITIATE</b> [1] - 45:12		<b>INTO</b> [7] - 17:1, 31:10, 31:14, 36:24, 44:9, 44:10, 50:11
<b>IMMEDIATELY</b> [2] - 55:11, 63:12		<b>INITIATED</b> [2] - 32:19, 47:8		<b>INVADED</b> [1] - 58:6
<b>IMMIGRANTS</b> [1] - 6:1:6		<b>INITIATING</b> [1] - 45:23		<b>INVASION</b> [14] - 3:19, 3:24, 5:7, 34:6, 41:7, 47:21, 48:9, 48:11, 60:4, 60:19, 61:13, 61:23, 63:3, 63:4
<b>IMMIGRATION</b> [1] - 59:20		<b>INJURED</b> [1] - 52:11		<b>INVESTIGATING</b> [1] - 32:18
<b>IMPACT</b> [5] - 51:18, 56:24, 58:2, 59:16, 60:17		<b>INJURY</b> [1] - 36:22		<b>INVESTIGATION</b> [23] - 7:10, 9:5, 9:13, 9:19, 9:24, 10:8, 10:20, 15:3, 15:9, 15:18, 17:2, 19:19, 23:1, 24:23, 25:15, 26:4, 31:9, 31:10, 31:14, 31:20, 31:22, 49:1, 50:3
<b>IMPACTED</b> [3] - 57:6, 59:25, 60:11		<b>INMATE</b> [2] - 11:18, 19:1		<b>INVESTIGATIONS</b> [1] - - 31:19
<b>IMPORTANT</b> [5] - 24:13, 63:11, 63:19, 63:22, 65:12		<b>INMATES</b> [4] - 10:14, 10:18, 12:15, 16:8		<b>INVESTIGATORS</b> [1] - 22:2
<b>IMPOSE</b> [3] - 66:5, 66:10, 67:25		<b>INNER</b> [1] - 53:12		<b>INVITED</b> [1] - 4:19
<b>IMPOSES</b> [2] - 66:6, 66:9		<b>INQUIRE</b> [1] - 30:11		<b>INVOLVED</b> [4] - 4:23, 26:18, 42:5, 62:1
<b>IMPRESSIONABLE</b>		<b>INQUIRY</b> [1] - 45:5		<b>INVOLVEMENT</b> [2] - 32:21, 43:8

**I** [143] - 2:4, 3:17, 4:5, 5:17, 6:3, 6:17, 10:24, 11:4, 11:10, 11:15, 12:11, 12:19, 13:21, 13:22, 14:17, 15:17, 15:23, 17:15, 17:18, 17:21, 17:24, 18:15, 18:20, 18:23, 19:19, 19:20, 19:25, 22:11, 22:24, 23:11, 25:16, 26:4, 26:25, 27:6, 27:12, 27:16, 27:19, 28:1, 28:15, 29:25, 30:4, 30:10, 30:16, 30:19, 30:20, 30:21, 30:23, 31:2, 31:11, 31:16, 31:22, 32:1, 32:19, 33:6, 33:13, 33:17, 34:21, 35:6, 35:9, 35:14, 35:17, 35:20, 35:23, 36:10, 37:1, 37:12, 37:18, 38:6, 40:2, 40:5, 40:9, 41:1, 41:9, 41:16, 41:17, 41:23, 42:25, 43:13, 44:15, 45:7, 45:10, 45:24, 46:5, 46:6, 46:7, 46:16, 47:2, 47:3, 47:5, 48:8, 48:14, 48:25, 49:9, 49:10, 49:24, 50:8, 50:15, 56:23, 57:5, 57:15, 57:20, 58:1, 58:14, 58:19, 59:10, 59:13, 59:25, 60:10, 61:10, 61:11, 62:4, 62:5, 62:8, 62:21, 63:1, 63:11, 63:18, 63:22, 64:5, 64:18, 64:20, 64:25, 65:4, 65:12, 65:15, 66:12, 66:16, 66:18, 66:19, 66:23, 66:25, 67:12, 68:9, 68:10, 68:11, 68:13, 68:15, 68:20, 68:22, 70:2

**ISSUE** [1] - 30:1

**IT** [61] - 4:21, 7:16, 8:6, 8:16, 10:12, 11:8, 14:18, 15:8, 15:24, 17:1, 20:2, 20:4, 20:20, 21:15, 21:20, 22:20, 23:9, 23:18, 24:5, 24:13, 25:12, 28:23, 30:7, 33:7, 33:12, 35:19, 36:4, 37:5, 39:4, 39:12, 39:13, 42:16, 43:7, 45:19, 46:4, 50:5, 50:8, 52:15, 53:1, 53:2, 54:10, 55:19, 56:11, 56:21, 57:19, 59:1, 59:2, 59:3, 65:6, 65:9, 65:11, 65:12, 65:15, 67:13, 68:1, 68:10, 69:6

**ITS** [13] - 4:6, 17:11, 18:25, 19:14, 19:24, 30:14, 32:8, 38:8, 45:24, 49:10, 51:3, 57:3, 58:16

**ITS** [1] - 6:10

**J**

**JAMAIN** [10] - 10:11, 10:19, 10:22, 15:10, 15:22, 29:14, 42:24, 42:25, 66:20, 66:24

**JEWELRY** [6] - 54:5, 56:20, 58:7, 58:24, 59:3, 66:13

**JING** [1] - 55:4

**JJ** [2] - 27:25, 29:9

**JOB** [4] - 62:7, 65:9, 65:10, 65:11

**JOHNSON** [5] - 11:10, 11:12, 16:23, 19:25, 20:6

**JOINT** [1] - 66:23

**JOINTLY** [4] - 66:16, 66:18, 66:20, 66:25

**JOSEPH** [4] - 8:2, 8:18, 8:25, 69:24

**JR** [2] - 1:18, 8:25

**JUDGE** [3] - 1:11, 5:11, 63:5

**JUDGMENT** [2] - 55:1, 69:12

**JULY** [4] - 28:18, 34:18, 35:15, 36:10

**JUNE** [9] - 32:21, 34:2, 34:6, 36:7, 41:14, 43:2, 43:5, 58:3, 59:5

**JURY** [11] - 3:18, 5:12, 5:23, 38:16, 38:17, 38:21, 39:17, 40:3, 43:24, 44:2

**JURY'S** [1] - 40:7

**JUST** [23] - 6:21, 7:19, 15:8, 15:12, 17:8, 19:3, 19:10, 19:14, 23:9, 27:23, 28:22, 29:21, 30:17, 30:25, 31:15, 44:6, 48:18, 51:2, 51:3, 58:23, 60:1, 67:5, 68:6

**JUSTICE** [15] - 2:22, 5:3, 3:5, 3:7, 3:15, 15:5, 23:11, 30:8, 30:10, 31:8, 31:18, 48:17, 48:20, 57:22, 69:5

**JUSTIFICATION** [1] - 64:7

**JUVENILE** [3] - 61:12, 63:1, 64:24

**K**

**KASEEM** [1] - 22:6

**KEEP** [3] - 27:7, 61:2, 63:15

**KEPT** [2] - 53:8, 60:8

**KEVIN** [1] - 1:18

**KILLED** [2] - 50:12, 50:17

**KIND** [10] - 11:12, 11:14, 14:17, 17:2, 57:24, 60:4, 61:22, 61:23, 63:13, 65:22

**KITCHEN** [11] - 5:24, 5:25, 6:13, 6:14, 36:1, 43:18, 44:1, 44:12, 44:14, 44:15, 53:6

**KNEELING** [1] - 53:20

**KNEES** [3] - 53:6, 53:7, 53:20

**KNEW** [3] - 31:9, 33:4, 49:14

**KNIFE** [1] - 53:4

**KNIFEPPOINT** [1] - 44:7

**KNOCKED** [2] - 53:25, 54:16

**KNOW** [29] - 10:23, 11:14, 11:18, 11:20, 12:18, 12:22, 13:3, 13:16, 14:2, 14:7, 14:18, 17:15, 21:19, 22:23, 23:15, 24:3, 24:25, 25:1, 25:2, 30:3, 30:12, 39:1, 39:2, 39:3, 40:7, 49:8, 50:8, 52:16

**KNOWLEDGE** [3] - 19:14, 23:2, 29:17

**KNOWN** [1] - 31:21

**KNOWS** [1] - 30:25

**KOREA** [3] - 52:6, 53:13, 54:21

**KOREAN** [1] - 53:15

**L**

**LACK** [1] - 50:3

**LADINE** [4] - 36:17, 37:17, 51:12, 58:1

**LAID** [1] - 52:16

**LANGUAGE** [2] - 12:19, 59:21

**LARGE** [2] - 16:3, 60:12

**LAST** [3] - 4:4, 42:24, 62:14

**LASTLY** [1] - 69:11

**LATER** [1] - 54:4

**LAW** [6] - 4:24, 6:3, 46:3, 65:19, 66:4

**LAW'S** [1] - 54:5

**LAWYER** [1] - 21:25

**LEAD** [2] - 5:10, 47:15

**LEADER** [6] - 41:22, 45:7, 46:4, 46:17, 46:20, 46:23

**LEADERSHIP** [5] - 45:2, 45:5, 46:1, 46:13

**LEADING** [2] - 6:19, 42:18

**LEARN** [2] - 14:9, 14:13

**LEARNED** [1] - 9:25

**LEAST** [5] - 17:19, 30:5, 39:22, 62:2, 65:10

**LEAVE** [3] - 20:24, 24:19, 55:18

**LEAVES** [1] - 50:16

**LEAVING** [2] - 14:7, 62:14

**LED** [4] - 34:11, 51:15, 57:17, 59:22

**LEFT** [2] - 56:10, 56:21

**LEGS** [2] - 53:18, 54:18

**LENIENCY** [1] - 51:4

**LESS** [1] - 14:19

**LET** [2] - 20:4, 46:10

**LEVEL** [11] - 3:2, 4:1, 22:9, 29:15, 31:2, 33:6, 33:14, 37:11, 37:18, 41:1, 41:22

**LEVELS** [2] - 4:10, 6:4

**LIABILITY** [1] - 66:24

**LIABLE** [4] - 66:16, 66:18, 66:20, 67:1

**LIAO** [1] - 51:15

**LIBERTIES** [1] - 25:7

**LICENSE** [1] - 17:4

**LIEN** [1] - 5:11

**LIENS** [1] - 5:10

**LIEUTENANT** [1] - 46:6

**LIFE** [13] - 11:14, 27:25, 50:12, 52:17, 57:9, 57:20, 58:4, 59:5, 61:10, 64:5, 64:21, 64:22, 64:23

**LIKE** [18] - 2:19, 2:21, 7:15, 8:1, 8:6, 14:17, 19:5, 23:16, 25:6, 30:19, 34:13, 38:12, 45:18, 49:18, 51:9, 52:4, 55:16, 67:5

**LIKELY** [3] - 38:8, 50:1, 50:14

**LIMIT** [2] - 31:7, 31:8

**LIMITED** [1] - 65:1

**LINE** [1] - 34:25

**LINES** [1] - 28:18

**LISTEN** [2] - 11:3, 55:13

**LITERALLY** [1] - 18:18

**LITTLE** [5] - 22:12, 39:3, 53:17, 54:4, 55:7

**LIU** [2] - 35:7, 51:12

**LIVED** [2] - 49:2, 52:15

**LIVES** [3] - 52:7, 55:3, 58:5

**LIVING** [6] - 6:15, 34:24, 55:12, 55:15, 56:4, 56:16

**LIXIA** [4] - 35:11, 51:12, 56:23, 57:18

**LLC** [1] - 1:18

**LOCATION** [5] - 5:25, 42:16, 43:25, 47:2, 62:18

**LOCATIONS** [5] - 42:2, 42:6, 42:11, 47:7

**LOCKHART** [2] - 25:24, 26:12

**LODGE** [5] - 2:19, 2:21, 5:8, 6:21, 30:5

**LODGED** [3] - 7:10, 8:3, 41:20

**LONG** [4] - 9:1, 55:17, 57:1, 62:6

**LONGER** [4] - 59:2, 62:8, 65:23, 68:25

**LONGEST** [1] - 59:9

**LOOK** [7] - 31:25, 38:12, 46:15, 58:12, 58:18, 62:23, 63:20

**LOOKED** [1] - 54:23

**LOOKING** [1] - 53:10

**LOSS** [1] - 58:9

**LOST** [2] - 58:8, 58:10

**LOT** [2] - 11:17, 13:20

**LYNN** [2] - 1:22, 70:9

**M**

<b>M-I-L-L-I-G-A-N</b> [1] -	<b>MANSELL'S</b> [12] -	<b>MEMO</b> [2] -	<b>MONTHS'</b> [1] -	<b>47:12, 48:4, 48:7,</b>
8:19	3:10, 4:2, 4:25,	2:9, 2:10	67:20	48:15, 48:19, 49:2,
<b>MADE</b> [26] -	10:24, 11:7, 27:24,	<b>MEMORANDUM</b> [10] -	49:9, 49:13, 49:17,	49:9, 49:13, 49:17,
3:4, 3:11, 5:15, 10:1, 10:3,	39:19, 42:7, 42:13,	4:24, 5:16, 5:19, 7:7,	49:24, 50:2, 50:4,	49:24, 50:2, 50:4,
11:21, 15:4, 15:10,	49:9, 50:12, 65:10	31:16, 41:21, 43:12,	50:5, 50:9, 50:11,	50:5, 50:9, 50:11,
15:21, 20:14, 20:18,	<b>MANY</b> [15] -	45:7, 50:10, 61:8	50:14, 50:18, 51:12,	50:14, 50:18, 51:12,
20:24, 21:5, 21:6,	6:23,	<b>MEN</b> [1] -	52:5, 54:25, 61:11,	52:5, 54:25, 61:11,
21:17, 21:24, 23:10,	6:25, 17:15, 17:18,	53:4	61:22, 64:9, 64:11,	61:22, 64:9, 64:11,
30:2, 31:24, 44:25,	25:14, 30:7, 48:16,	<b>MEN'S</b> [1] -	64:16, 64:19, 64:21,	64:16, 64:19, 64:21,
50:21, 55:19, 55:22,	48:19, 51:10, 56:20,	54:12	65:10, 67:2, 67:5,	65:10, 67:2, 67:5,
58:25, 61:17, 61:22	57:20, 57:24, 60:12,	<b>MENTAL</b> [2] -	67:19, 68:4, 68:6,	67:19, 68:4, 68:6,
<b>MAKE</b> [6] -	65:1	50:3,	68:14, 69:1, 69:3,	68:14, 69:1, 69:3,
16:5, 23:16, 26:16, 50:19,	<b>MARKET</b> [1] -	57:13	69:8	69:8
58:19, 60:9	1:24	<b>MENTALLY</b> [1] -	<b>MS</b> [43] -	2:6, 7:5,
<b>MAKING</b> [3] -	<b>MARPLE</b> [1] -	55:10	8:10, 8:14, 8:22,	8:10, 8:14, 8:22,
11:25, 21:3, 49:7	15:18	<b>MENTIONED</b> [5] -	13:3, 13:4, 14:22,	13:3, 13:4, 14:22,
<b>MALE</b> [2] -	<b>MARRIAGE</b> [1] -	12:1, 23:9, 25:10,	18:4, 21:24, 25:20,	18:4, 21:24, 25:20,
14:2, 23:19	17:4	27:23, 59:15	25:22, 28:4, 28:13,	25:22, 28:4, 28:13,
<b>MALIA</b> [1] -	<b>MASTERMIND</b> [1] -	<b>MENTIONING</b> [1] -	29:7, 32:4, 32:7,	29:7, 32:4, 32:7,
51:15	4:13	25:11	<b>MOTION</b> [7] -	33:11, 34:17, 35:3,
<b>MAN</b> [7] -	<b>MATTER</b> [5] -	<b>MERCY</b> [1] -	7:21,	35:9, 36:6, 36:9,
35:17, 44:6,	2:4, 13:23, 65:6, 67:6,	49:24	8:6, 42:22, 56:12,	40:2, 40:14, 40:16,
44:7, 53:1, 53:8,	70:4	<b>MESSAGE</b> [2] -	67:24, 69:12, 69:16	41:5, 46:15, 47:17,
57:7, 62:5	<b>MAY</b> [22] -	46:24,	<b>MOTIVATES</b> [1] -	47:24, 51:8, 51:23,
<b>MANAGE</b> [1] -	2:3, 7:14,	63:19	50:9	52:1, 55:6, 57:15,
47:15	8:4, 10:2, 14:9,	<b>MESSAGES</b> [3] -	58:1	58:1, 66:17, 66:23,
<b>MANAGER</b> [1] -	15:10, 19:15, 20:2,	45:15, 45:17, 45:22	67:4, 67:9, 67:17,	67:4, 67:9, 67:17,
46:18	31:1, 32:4, 34:2,	<b>MET</b> [2] -	67:20, 69:11	67:20, 69:11
<b>MANDATORY</b> [2] -	47:10, 51:23, 55:5,	6:10, 26:8	<b>MUCH</b> [5] -	8:14,
40:17, 68:22	55:7, 55:16, 56:25,	<b>MID</b> [1] -	14:22, 35:7, 48:14,	14:22, 35:7, 48:14,
<b>MANSELL</b> [104] -	58:12, 63:21, 63:22,	58:17	64:20	64:20
1:6, 2:19, 2:25, 3:5, 3:7,	67:4	<b>MIDDLE</b> [1] -	<b>MULTIPLE</b> [2] -	47:13,
3:11, 3:21, 3:23, 4:5,	<b>MAYBE</b> [6] -	54:17	50:22	50:22
4:9, 4:13, 5:23, 9:9,	14:6, 14:7, 39:20,	<b>MIGHT</b> [5] -	<b>MURDER</b> [1] -	30:13
10:16, 11:1, 11:25,	48:16, 50:19	39:11,	<b>MY</b> [81] -	3:17, 4:15,
12:17, 12:24, 13:3,	<b>MCCLOSKEY</b> [2] -	54:9, 56:14, 63:16,	4:24, 5:13, 5:15,	4:24, 5:13, 5:15,
13:4, 13:19, 14:4,	1:22, 70:9	63:20	5:19, 6:20, 6:23, 7:2,	5:19, 6:20, 6:23, 7:2,
14:5, 14:16, 14:21,	<b>ME</b> [49] -	<b>MILLIGAN</b> [13] -	17:1, 20:24, 26:17,	17:1, 20:24, 26:17,
15:11, 15:21, 16:7,	2:24, 3:19,	8:2, 8:18, 8:23, 8:25,	28:23, 31:16, 31:22,	28:23, 31:16, 31:22,
16:9, 16:24, 17:6,	4:16, 13:24, 20:4,	9:1, 15:3, 25:23,	35:2, 36:4, 36:14,	35:2, 36:4, 36:14,
17:12, 17:24, 18:18,	20:13, 20:22, 21:12,	28:6, 32:8, 39:8,	36:15, 36:18, 38:6,	36:15, 36:18, 38:6,
20:1, 20:2, 20:5,	21:22, 24:8, 24:11,	30:7, 32:9, 69:24	39:3, 45:6, 50:10,	39:3, 45:6, 50:10,
20:8, 21:6, 21:24,	24:14, 35:1, 35:19,	<b>MIND</b> [2] -	51:5, 52:5, 52:6,	51:5, 52:5, 52:6,
23:20, 23:23, 25:4,	35:21, 36:12, 36:13,	40:7, 46:11	52:10, 52:11, 52:12,	52:10, 52:11, 52:12,
25:13, 26:13, 26:15,	36:14, 38:11, 46:10,	<b>MINIMIS</b> [1] -	52:17, 52:19, 53:3,	52:17, 52:19, 53:3,
26:21, 27:5, 27:11,	52:4, 53:5, 53:9,	6:16	53:6, 53:7, 53:13,	53:6, 53:7, 53:13,
28:15, 29:9, 29:24,	53:19, 54:13, 54:15,	<b>MINIMUM</b> [1] -	53:16, 53:18, 53:20,	53:16, 53:18, 53:20,
30:18, 30:20, 30:25,	54:16, 54:22, 55:9,	40:17	54:3, 54:4, 54:5,	54:3, 54:4, 54:5,
31:9, 31:12, 31:24,	55:19, 55:21, 55:22,	<b>MISTAKEN</b> [1] -	54:8, 54:14, 54:16,	54:8, 54:14, 54:16,
32:2, 32:17, 33:2,	56:10, 56:11, 57:7,	21:16	54:18, 55:7, 55:10,	54:18, 55:7, 55:10,
35:18, 38:3, 38:18,	57:11, 57:24, 57:25,	<b>MISTY</b> [1] -	55:24, 56:5, 56:8,	55:24, 56:5, 56:8,
39:24, 40:4, 42:10,	58:4, 58:13, 58:17,	52:21	56:10, 56:18, 56:20,	56:10, 56:18, 56:20,
42:21, 43:4, 45:4,	58:25, 59:1, 59:4,	<b>MITIGATE</b> [1] -	56:21, 56:25, 57:5,	56:21, 56:25, 57:5,
45:25, 46:13, 46:22,	64:19	49:9	57:9, 57:11, 57:12,	57:9, 57:11, 57:12,
47:1, 47:5, 48:9,	<b>MEAN</b> [3] -	<b>MM</b> [1] -	57:20, 58:3, 58:4,	57:20, 58:3, 58:4,
48:15, 48:19, 49:2,	30:6, 30:14, 38:11	19:23	58:6, 58:12, 58:14,	58:6, 58:12, 58:14,
49:13, 49:17, 49:24,	<b>MEANS</b> [1] -	<b>MM-HMM</b> [1] -	58:15, 58:20, 58:23,	58:15, 58:20, 58:23,
50:2, 50:4, 50:5,	68:18	19:23	59:1, 59:5, 64:11	59:1, 59:5, 64:11
50:6, 50:9, 50:14,	<b>MEET</b> [1] -	<b>MODIFIED</b> [2] -	<b>MYSELF</b> [5] -	2:18,
50:19, 60:6, 61:11,	4:12	5:21, 6:15, 21:24,	53:21, 53:24, 57:2	53:21, 53:24, 57:2
61:22, 64:16, 64:21,	<b>MEETING</b> [3] -	22:10, 23:20, 23:22,		
66:25, 68:6, 68:14,	26:9, 54:24	25:3, 25:13, 25:17,		
69:2, 69:3, 69:8	<b>MELLOTT</b> [1] -	27:5, 28:9, 29:8,		
	1:18	29:21, 29:24, 30:18,		
	<b>MEMBERS</b> [2] -	30:20, 30:25, 31:9,		
	60:2, 60:12	31:12, 31:24, 32:2,		
		32:16, 35:7, 36:8,		
		37:15, 38:2, 38:18,		
		38:22, 38:23, 39:19,		
		39:24, 40:3, 40:13,		
		42:7, 42:10, 42:13,		
		42:17, 42:22, 43:10,		
		44:22, 44:23, 45:4,		
		45:25, 46:11, 46:13,		
		46:22, 47:1, 47:10,		
		63:2, 64:5, 66:7,		

<b>N</b>	<b>O</b>
<b>NAME</b> [8] - 8:16, 8:24, 11:10, 11:19, 13:17, 13:18, 28:23, 39:2	58:18
<b>NAMED</b> [2] - 11:9, 17:23	<b>NOISES</b> [1] - 57:11
<b>NATURE</b> [3] - 59:17, 62:11, 62:21	<b>NON</b> [1] - 67:12
<b>NECESSARILY</b> [2] - 5:12, 12:9	<b>NON-PERMISSIBLE</b> [1] - 67:12
<b>NECESSARY</b> [1] - 65:15	<b>NONCITIZENS</b> [1] - 59:21
<b>NEED</b> [2] - 7:14, 67:13	<b>NONDESCRIPT</b> [1] - 24:25
<b>NEEDED</b> [3] - 43:1, 54:11, 54:12	<b>NOON</b> [1] - 56:25
<b>NEGATIVE</b> [1] - 50:8	<b>NOONTIME</b> [1] - 57:3
<b>NEIGHBOR'S</b> [2] - 53:23, 53:25	<b>NORMAL</b> [2] - 57:9, 59:7
<b>NEIGHBORS</b> [1] - 52:19	<b>NORMALLY</b> [1] - 55:23
<b>NEPHEW</b> [8] - 10:24, 14:16, 25:4, 47:19, 62:1, 62:3, 62:15, 65:21	<b>NOT</b> [110] - 3:3, 3:13, 3:15, 3:21, 3:25, 4:1, 4:11, 4:25, 5:1, 5:12, 5:20, 6:2, 6:18, 6:21, 7:22, 11:8, 12:9, 13:6, 14:2, 15:17, 15:24, 16:2, 16:8, 16:18, 16:23, 16:25, 17:7, 17:23, 18:2, 18:6, 18:10, 19:7, 19:21, 21:11, 21:15, 21:21, 22:3, 23:3, 23:8, 23:14, 24:3, 24:18, 25:16, 25:17, 26:17, 26:22, 28:5, 28:9, 30:8, 30:18, 31:17, 32:13, 32:21, 32:23, 33:5, 33:24, 35:3, 35:24, 36:8, 37:17, 37:20, 38:5, 38:9, 38:13, 38:18, 39:6, 40:7, 40:11, 43:11, 45:7, 45:24, 46:2, 46:6, 46:8, 47:14, 47:16, 48:14, 49:10, 49:15, 54:7, 54:12, 54:20, 55:2, 55:22, 56:11, 56:19, 57:4, 58:8, 59:9, 59:13, 59:23, 60:1, 61:2, 61:3, 61:12, 61:22, 62:16, 62:25, 63:9, 63:18, 64:6, 64:12, 64:15, 64:20, 66:10, 66:15, 67:17, 68:20
<b>NEW</b> [3] - 52:8, 57:12, 62:9	<b>NOTE</b> [3] - 6:21, 46:25, 51:9
<b>NEXT</b> [5] - 3:17, 4:8, 35:23, 36:15, 53:23	<b>NOTED</b> [2] - 11:12, 65:5
<b>NEXT-DOOR</b> [1] - 53:23	<b>NOTES</b> [1] - 46:18
<b>NICKNAME</b> [2] - 11:10, 13:12	<b>NOTHING</b> [2] - 26:17, 26:22
<b>NIGHT</b> [3] - 54:19, 56:11, 57:5	<b>NOTICE</b> [4] - 32:14, 68:23, 69:1, 69:5
<b>NO</b> [49] - 1:4, 3:5, 4:5, 5:24, 6:12, 14:22, 15:8, 15:12, 15:13, 16:12, 20:7, 20:13, 22:5, 22:11, 23:6, 23:7, 23:8, 23:25, 24:1, 24:2, 24:22, 24:25, 29:22, 31:12, 32:2, 32:17, 37:18, 38:17, 39:2, 39:14, 39:24, 40:5, 43:7, 46:13, 47:21, 50:12, 50:17, 53:24, 58:19, 59:2, 62:8, 64:25, 65:2, 65:19, 65:20, 65:23, 67:16, 67:17, 68:25	<b>NOTIFY</b> [1] - 60:10
<b>NOISE</b> [3] - 35:8, 57:5	<b>NOVEMBER</b> [1] - 6:25
	<b>NOW</b> [10] - 8:4, 17:11, 30:25, 32:15, 45:19, 51:21, 54:23, 57:14, 58:14, 62:4
	<b>NUMBER</b> [5] - 6:8, 25:24, 30:20, 31:11, 64:18
	<b>O'CLOCK</b> [1] - 7:8
	<b>OBJECT</b> [1] - 4:8
	<b>OBJECTING</b> [1] - 33:13
	<b>OBJECTION</b> [15] - 2:22, 3:17, 5:4, 5:9, 5:17, 6:22, 18:4, 30:5, 40:13, 41:3, 41:4, 41:6, 41:21, 43:11, 44:25
	<b>OBJECTIONS</b> [12] - 2:10, 2:13, 2:20, 6:21, 6:23, 7:2, 7:6, 7:9, 7:13, 7:18, 32:14, 48:2
	<b>OBSERVATIONS</b> [1] - 24:17
	<b>OBSTRUCT</b> [1] - 10:4
	<b>OBSTRUCTED</b> [1] - 3:5
	<b>OBSTRUCTION</b> [14] - 2:22, 3:2, 3:6, 3:15, 7:20, 15:5, 23:11, 29:15, 30:8, 30:10, 30:18, 31:8, 31:18, 41:4
	<b>OBVIOUS</b> [1] - 42:16
	<b>OBVIOUSLY</b> [3] - 12:20, 13:6, 41:23
	<b>OCCUR</b> [1] - 16:15
	<b>OCCURRED</b> [3] - 6:24, 35:13, 67:8
	<b>OCCURS</b> [1] - 31:21
	<b>OF</b> [341] - 1:2, 1:4, 2:9, 2:19, 2:22, 2:23, 2:24, 3:1, 3:3, 3:4, 3:7, 3:8, 3:15, 3:18, 3:20, 3:21, 3:22, 4:1, 4:5, 4:10, 4:15, 4:22, 5:5, 5:13, 5:14, 5:23, 5:25, 6:5, 6:9, 6:12, 6:17, 6:23, 6:24, 6:25, 7:7, 7:12, 7:13, 7:16, 7:17, 7:18, 7:23, 7:25, 8:2, 8:4, 8:8, 9:4, 9:5, 9:10, 9:12, 9:18, 9:20, 9:21, 9:23, 10:7,
	<b>NOTIFY</b> [1] - 10:10, 10:17, 10:21, 11:12, 11:14, 11:17, 11:24, 12:14, 12:19, 12:23, 13:11, 13:20, 14:10, 14:14, 14:17, 14:18, 15:4, 15:5, 16:3, 16:4, 16:6, 16:7, 16:8, 16:13, 17:1, 17:2, 18:19, 19:2, 19:13, 20:16, 20:23, 20:25, 21:8, 21:11, 21:12, 22:9, 22:22, 23:2, 23:5, 23:11, 23:16, 24:10, 25:1, 25:6, 25:8, 25:14, 25:24, 26:4, 26:7, 26:10, 27:14, 27:22, 27:25, 28:7, 28:16, 29:3, 29:5, 29:15, 29:17, 30:7, 30:8, 30:10, 30:11, 30:18, 31:1, 31:8, 31:18, 32:2, 32:14, 32:18, 33:5, 33:7, 33:15, 33:16, 33:20, 33:21, 33:24, 34:1, 34:3, 34:8, 34:11, 34:14, 35:2, 35:9, 35:14, 36:15, 36:20, 36:22, 36:23, 37:2, 37:4, 37:7, 37:8, 37:9, 37:19, 37:20, 37:21, 37:22, 38:3, 38:4, 38:7, 38:18, 39:8, 40:4, 40:6, 40:11, 40:18, 40:20, 40:22, 41:10, 41:14, 41:15, 41:17, 42:11, 42:16, 42:17, 42:24, 43:2, 43:7, 43:13, 43:16, 43:25, 44:9, 44:11, 44:13, 45:8, 45:11, 46:7, 46:19, 46:20, 47:2, 47:7, 47:19, 47:20, 48:1, 48:2, 48:5, 48:9, 48:10, 48:11, 48:12, 48:13, 48:23, 49:1, 49:4, 49:10, 49:11, 49:12, 49:19, 49:21, 49:24, 49:25, 50:3, 50:7, 50:9, 50:13, 50:19, 51:4, 51:10, 51:15, 51:17, 51:20, 52:2, 52:10, 52:12, 53:13, 53:22, 54:13, 54:14, 54:21, 54:24, 55:5, 55:17, 55:18, 55:21, 56:2, 56:8, 56:13, 56:16, 56:17, 56:20, 57:2, 57:10,
	<b>OLD</b> [4] - 35:4, 50:15, 55:7, 56:6
	<b>OLDER</b> [3] - 35:17, 35:25, 44:6
	<b>OLDEST</b> [3] - 52:7, 54:3, 56:5
	<b>ON</b> [101] - 2:8, 2:12, 2:19, 3:1, 3:16, 4:4, 7:23, 7:24, 8:2, 8:9, 9:11, 10:22, 11:15,

11:24, 13:17, 13:19, 13:24, 14:1, 15:14, 16:6, 17:19, 18:24, 19:10, 19:19, 23:1, 24:17, 24:18, 26:7, 27:5, 27:6, 27:18, 28:17, 30:15, 31:14, 31:23, 32:22, 33:4, 33:7, 34:4, 34:6, 34:18, 34:21, 35:2, 35:6, 35:10, 35:13, 35:14, 35:15, 35:23, 36:9, 36:10, 36:13, 36:14, 36:20, 37:18, 37:20, 40:11, 41:3, 41:7, 41:18, 42:20, 43:1, 43:7, 43:14, 43:20, 44:3, 44:11, 44:20, 47:7, 48:5, 51:4, 53:6, 53:9, 53:25, 54:16, 55:5, 55:6, 55:8, 55:15, 56:2, 56:4, 56:25, 58:4, 59:10, 61:18, 61:24, 64:13, 66:7, 66:15, 66:17, 66:19, 66:21, 66:25, 67:20, 68:11, 68:18, 68:22, 68:25, 69:16

**ONCE** [5] - 10:12, 11:15, 30:23, 31:20, 39:20

**ONE** [48] - 4:19, 5:17, 5:18, 5:21, 6:19, 9:10, 11:3, 12:10, 13:11, 13:24, 20:16, 22:21, 26:7, 27:14, 27:22, 29:3, 30:20, 31:12, 31:23, 33:5, 35:4, 36:12, 36:14, 37:24, 38:4, 39:23, 46:19, 48:12, 50:12, 50:17, 52:9, 52:21, 53:8, 53:24, 54:12, 55:7, 56:6, 58:19, 61:14, 63:14, 64:18, 67:6, 67:18, 68:20

**ONE-YEAR-OLD** [3] - 35:4, 55:7, 56:6

**ONES** [1] - 17:19

**ONGOING** [2] - 31:9, 31:20

**ONLY** [14] - 33:24, 39:15, 42:4, 44:23, 49:5, 54:21, 56:5, 59:13, 61:12, 61:22, 63:14, 63:18, 66:19, 67:1

**ONTO** [1] - 53:6

**OPEN** [4] - 34:11, 35:8, 36:24, 52:19

**OPENED** [2] - 35:17, 53:3

**OPENING** [1] - 59:22

**OPINION** [1] - 23:12

**OPPORTUNITY** [2] - 7:13, 9:13

**OR** [63] - 3:23, 4:25, 5:1, 6:8, 6:15, 9:20, 10:1, 10:2, 10:3, 10:4, 10:17, 11:8, 12:25, 13:13, 14:7, 15:25, 16:23, 19:20, 24:18, 25:6, 26:22, 29:4, 35:10, 35:24, 37:6, 37:20, 38:18, 39:4, 39:13, 39:20, 41:22, 42:7, 42:18, 44:9, 45:7, 45:12, 46:17, 46:18, 46:20, 46:21, 46:23, 46:25, 47:15, 47:21, 48:16, 49:11, 49:15, 49:22, 50:15, 52:17, 52:20, 53:1, 54:13, 55:15, 61:10, 62:25, 65:1, 65:10, 65:11

**ORAL** [1] - 44:25

**ORALLY** [1] - 43:11

**ORDER** [4] - 12:6, 32:11, 40:24, 69:13

**ORDERED** [1] - 68:1

**ORDERS** [1] - 29:11

**ORGANIZATION** [2] - 4:21, 53:2

**ORGANIZATIONAL** [1] - 45:9

**ORGANIZE** [1] - 47:15

**ORGANIZER** [5] - 41:22, 45:8, 46:17, 46:20, 46:23

**ORGANIZING** [3] - 42:2, 42:18, 43:8

**OSIRIM** [35] - 1:14, 2:6, 7:5, 8:10, 8:14, 8:22, 14:22, 18:4, 25:20, 25:22, 28:4, 28:13, 29:7, 32:4, 32:7, 33:11, 34:17, 36:9, 40:2, 40:14, 40:16, 41:5, 46:15, 47:17, 47:24, 51:8, 51:23, 52:1, 66:17, 66:23, 67:4, 67:9, 67:17, 67:20, 69:11

**OTHER** [32] - 4:18, 5:2, 8:7, 9:15, 10:2, 10:14, 10:18, 11:22, 12:15, 12:24, 14:13, 15:6, 15:12, 20:11, 20:12, 20:13, 24:25, 26:3, 27:12, 28:7, 38:17, 40:24, 45:17, 45:23, 46:14, 53:9, 55:2, 57:16, 61:5, 62:15, 68:19, 68:20

**OTHERS** [3] - 4:19, 63:20, 65:13

**OTHERWISE** [6] - 9:20, 10:4, 29:4, 32:10, 33:14, 42:18

**OUR** [8] - 15:12, 52:7, 55:8, 55:16, 58:5, 58:8, 58:10, 67:25

**OUT** [33] - 3:4, 13:19, 17:5, 17:11, 20:24, 22:12, 22:22, 23:13, 24:23, 25:2, 25:13, 28:1, 28:22, 32:25, 33:1, 33:2, 35:16, 35:18, 36:12, 42:1, 42:10, 43:21, 53:18, 53:22, 54:20, 56:20, 57:2, 58:17, 59:10, 59:13, 63:3, 63:6, 65:8

**OUTCOME** [3] - 5:13, 49:14, 49:25

**OUTLINED** [1] - 6:25

**OUTSIDE** [2] - 45:18, 57:5

**OVER** [10] - 5:2, 10:17, 15:21, 16:2, 35:2, 38:10, 38:11, 54:10, 58:12, 58:21

**OVERCOME** [2] - 55:24, 65:2

**OVERRULE** [1] - 48:2

**OVERRULED** [2] - 18:5, 40:15

**OVERT** [1] - 11:2

**OWN** [2] - 58:14, 64:2

**OWNER** [1] - 56:2

**OWNERS** [3] - 59:19, 60:7, 60:20

---

**P**

---

**P.M** [2] - 32:14, 55:7

**PA** [4] - 1:8, 1:16, 1:19, 1:24

**PACIFIC** [2] - 51:13, 59:15

**PAGE** [11] - 28:18, 34:18, 34:21, 34:25, 35:6, 35:10, 35:15, 35:23, 36:9, 36:15

**PAGES** [1] - 36:18

**PAIN** [1] - 54:11

**PAINS** [2] - 53:18, 57:4

**PANEL** [2] - 69:1, 69:3

**PANIC** [3] - 13:24, 14:6, 23:19

**PARALYSIS** [1] - 52:12

**PARAPHRASED** [1] - 20:15

**PARAPHRASING** [1] - 11:4

**PAROLE** [2] - 50:23, 50:25

**PART** [4] - 26:4, 41:15, 43:6, 44:11

**PARTICIPANT** [1] - 47:15

**PARTICIPANTS** [2] - 42:19, 47:14

**PARTICIPATE** [4] - 42:24, 47:6, 63:16, 65:22

**PARTICIPATED** [6] - 4:17, 4:21, 9:5, 18:2, 29:16, 43:7

**PARTICIPATION** [1] - 13:2

**PARTICULAR** [8] - 10:10, 10:20, 12:21, 13:5, 23:8, 43:9, 60:13, 63:12

**PARTICULARLY** [1] - 59:18

**PARTIES** [1] - 29:13

**PARTS** [1] - 34:11

**PASS** [1] - 59:1

**PASSED** [4] - 35:19, 52:18, 53:11, 66:11

**PAST** [3] - 43:19, 52:17, 63:9

**PAYMENT** [1] - 21:24

**PEACEFUL** [2] - 52:15, 54:23

**PEEKED** [1] - 52:24

**PENNSYLVANIA** [5] - 1:2, 43:15, 49:3, 50:24, 52:3

**PEOPLE** [13] - 11:24, 16:14, 16:19, 20:13, 22:8, 25:14, 31:1, 38:10, 45:17, 46:14, 54:24, 57:24, 59:10

**PER** [1] - 68:10

**PERCENT** [1] - 39:18

**PERFORMING** [1] - 45:22

**PERIOD** [5] - 9:4, 16:3, 48:19, 55:17, 65:18

**PERJURY** [1] - 29:3

**PERMISSIBLE** [2] - 41:16, 67:12

**PERMISSIBLY** [1] - 63:21

**PERMIT** [1] - 33:18

**PERMITS** [1] - 51:20

**PERSON** [14] - 6:7, 19:14, 19:15, 24:4, 24:21, 24:24, 25:1, 25:2, 35:9, 37:25, 39:11, 46:4, 46:19

**PERSONALLY** [1] - 18:7

**PERSONS** [3] - 27:22, 65:1, 65:8

**PETITION** [1] - 52:6

**PETRESE** [2] - 1:11, 68:7

**PHILADELPHIA** [9] - 1:8, 1:16, 1:19, 1:24, 49:5, 51:16, 60:13, 60:16, 61:6

**PHONE** [6] - 13:20, 22:14, 23:10, 42:7, 42:8, 53:8

**PHOTOGRAPH** [1] - 34:22

**PHOTOGRAPHS** [2] - 36:21, 43:24

**PHYSICAL** [5] - 6:5, 6:11, 6:18, 11:20, 52:13

**PICK** [2] - 35:2, 43:3

**PICKED** [1] - 43:3

**PINE** [1] - 50:16

**PIPES** [1] - 10:17

**PISAKI** [1] - 67:5

**PLACE** [15] - 4:22, 6:7, 12:1, 12:5, 14:20, 16:2, 16:4, 29:11, 42:12, 43:9, 44:16, 44:17, 47:9, 51:11, 56:4

**PLACED** [1] - 64:24

**PLACEMENTS** [1] - 64:24

**PLACES** [3] - 49:3, 58:11, 58:12

**PLANNED** [1] - 4:17

**PLEASANT** [1] - 52:20

**PLEASE** [2] - 34:16, 51:22

**PLED** [2] - 49:15, 61:15

**POCKET** [1] - 53:12

**PODIUM** [1] - 51:23

**POINT** [8] - 7:23, 22:23, 34:13, 36:4, 36:24, 41:7, 47:3, 51:2

**POINTED** [2] - 34:12,

60:22	64:24, 64:25, 65:7,	<b>Q</b>	<b>RECOMPENSE</b> [2] -	58:16
<b>POINTING</b> [2] - 36:2,	66:9		50:20	<b>RELAYED</b> [3] - 13:16,
36:3			<b>RECORD</b> [7] - 7:24,	13:23, 26:20
<b>POLICE</b> [6] - 9:14,	27:12		8:17, 8:24, 42:16,	<b>RELEASE</b> [3] - 63:2,
15:18, 54:1, 54:3,	<b>PROBABLY</b> [1] -		51:9, 64:14, 70:3	63:12, 66:10
54:6	31:19		<b>RECORDED</b> [2] -	<b>RELEASED</b> [4] -
<b>POO</b> [3] - 11:9, 11:10,	<b>PROBATION</b> [7] -		17:5, 42:7	13:25, 61:18, 63:5,
27:22	2:17, 6:23, 7:1, 33:8,		<b>RECORDING</b> [1] -	65:7
<b>PORTION</b> [2] - 17:1,	33:13, 49:20, 50:25		26:20	<b>RELEVANCE</b> [1] -
56:17	<b>PROBLEMS</b> [2] -		<b>RECORDS</b> [1] - 9:15	18:4
<b>POSED</b> [1] - 43:10	53:19, 57:13		<b>RECOVERED</b> [2] -	<b>RELEVANT</b> [5] - 5:5,
<b>POSITIVE</b> [2] - 48:15,	<b>PROCEDURE</b> [1] -		41:13, 58:9	5:16, 41:3, 41:5,
64:20	7:12		<b>RECROSS</b> [1] - 69:23	44:25
<b>POSSESSED</b> [3] -	<b>PROCEED</b> [4] - 2:5,		<b>RECRUITED</b> [1] -	<b>REMAINDER</b> [1] -
3:24, 5:8, 38:14	7:23, 32:11, 48:3		42:23	37:22
<b>POSSESSING</b> [3] -	<b>PROCEEDINGS</b> [1] -		<b>REDIRECT</b> [3] - 25:19,	<b>REMEMBER</b> [8] -
3:23, 4:2, 39:25	70:3		25:21, 69:23	7:20, 20:25, 21:1,
<b>POSSESSION</b> [1] -	<b>PROCEEDS</b> [1] - 60:8		<b>REDUCED</b> [1] - 6:19	21:12, 26:18, 26:20,
48:11	<b>PROFFER</b> [2] - 27:10,		<b>REFERENCING</b> [1] -	27:7, 58:20
<b>POSSIBILITY</b> [1] -	32:9		51:3	<b>REMEMBERS</b> [1] -
18:20	<b>PROFFERED</b> [9] -		<b>REFERRING</b> [1] - 12:2	35:3
<b>POSSIBLE</b> [3] - 3:23,	2:17, 3:6, 3:14, 5:6,		<b>REFERS</b> [1] - 57:15	<b>REMIND</b> [1] - 29:22
59:9, 62:8	6:2, 29:8, 29:12,		<b>REGAINED</b> [2] -	<b>REMORSE</b> [1] - 49:18
<b>POST</b> [1] - 16:1	40:20, 45:16		52:12, 54:8	<b>REPAY</b> [1] - 56:19
<b>POST-</b>	<b>PROLIFERATION</b> [1] -		<b>REGARD</b> [45] - 2:16,	<b>REPLACE</b> [1] - 59:3
<b>SUPERSEDING</b> [1] -	60:24		2:22, 2:23, 3:2, 3:6,	<b>REPLACEMENT</b> [1] -
16:1	<b>PROMISE</b> [1] - 58:25		3:17, 4:2, 4:10, 4:12,	69:2
<b>POTENTIAL</b> [3] - 10:3,	<b>PROMISED</b> [1] - 66:1		4:24, 5:5, 5:6, 5:16,	<b>REPORT</b> [5] - 6:22,
46:2, 60:3	<b>PROPERTY</b> [2] -		5:18, 5:19, 5:21,	6:25, 7:1, 7:10, 61:3
<b>POWER</b> [1] - 5:2	43:14, 56:2		5:25, 6:4, 6:11, 15:9,	
<b>PRE</b> [2] - 15:25, 31:6	<b>PROSECUTOR</b> [2] -		16:15, 20:14, 22:6,	<b>REPORTED</b> [3] -
<b>PRE-SUPERSEDING</b>	30:15, 39:10		24:21, 29:23, 31:5,	21:10, 27:4, 27:9
[2] - 15:25, 31:6	<b>PROTECT</b> [1] - 24:19		31:8, 31:11, 31:17,	<b>REPORTER</b> [2] - 1:23,
<b>PRECEDENT</b> [1] -	<b>PROTECTION</b> [2] -		31:18, 37:16, 37:22,	70:8
31:16	65:15, 66:3		38:15, 39:24, 44:24,	<b>REPORTS</b> [2] - 21:11,
<b>PRECLUDE</b> [1] - 64:1	<b>PROTECTIVE</b> [1] -		45:1, 45:2, 45:3,	26:2
<b>PRELIMINARY</b> [1] -	19:9		45:13, 45:22, 46:11,	<b>REPRESENTATIVE</b>
69:13	<b>PROTRACTED</b> [1] -		49:7, 50:2, 50:3,	[1] - 51:13
<b>PREPARED</b> [6] - 8:1,	22:12		69:3	<b>REPRESENTATIVES</b>
9:14, 25:24, 26:11,	<b>PROVE</b> [1] - 38:8		<b>REGARDING</b> [1] -	[1] - 51:15
26:12, 26:24	<b>PROVES</b> [1] - 37:5		15:5	<b>REQUEST</b> [1] - 69:2
<b>PREPONDERANCE</b>	<b>PROVIDE</b> [2] - 33:4,		<b>REGARDLESS</b> [1] -	<b>REQUESTED</b> [1] -
[6] - 3:4, 4:1, 7:17,	69:6		30:18	69:8
37:6, 38:7	<b>PROVIDED</b> [2] -		<b>REGARDS</b> [2] - 31:3,	<b>REQUIRE</b> [1] - 3:16
<b>PRESENT</b> [6] - 7:15,	35:13, 69:4		39:23	<b>RESCHEDULE</b> [1] -
8:2, 28:5, 32:13,	<b>PUBLIC</b> [1] - 63:15		<b>REGULAR</b> [1] - 59:10	32:13
51:11, 56:23	<b>PULLED</b> [2] - 35:16,		<b>REJECTED</b> [3] -	<b>RESEARCH</b> [1] -
<b>PRESENTED</b> [2] -	35:18		38:16, 38:20, 39:17	16:22
10:12, 47:4	<b>PURPOSES</b> [3] -		<b>RELATED</b> [7] - 2:25,	<b>RESPECT</b> [5] - 40:10,
<b>PRESENTENCE</b> [4] -	33:20, 33:21, 37:21		10:9, 16:24, 17:6,	40:18, 65:19, 65:20,
6:22, 7:10, 48:25,	<b>PURSUANT</b> [1] - 7:11		19:25, 20:2, 22:17	66:4
50:2	<b>PUSHED</b> [5] - 36:1,		<b>RELATES</b> [1] - 7:19	<b>RESPOND</b> [3] - 7:14,
<b>PREVAIL</b> [1] - 57:23	36:13, 44:14, 53:4,		<b>RELATIONSHIP</b> [3] -	32:4, 32:15
<b>PREVIOUS</b> [1] - 38:5	53:5		17:10, 42:20, 48:22	<b>RESPONSE</b> [1] -
<b>PRIOR</b> [4] - 17:8,	<b>PUT</b> [8] - 8:9, 27:18,		<b>RELATIONSHIPS</b> [1] -	33:10
48:23, 61:24, 62:25	28:23, 39:18, 39:19,		48:24	<b>RESPONSIBILITIES</b>
<b>PRISON</b> [14] - 3:8,	39:20, 50:14, 64:13		<b>RELATIVE</b> [1] - 48:25	[1] - 45:9
3:12, 11:11, 13:15,			<b>RELATIVES</b> [1] -	<b>RESPONSIBILITY</b> [2]
13:22, 14:1, 17:13,			56:18	- 4:23, 45:11
22:24, 50:15, 50:16,			<b>RELAX</b> [2] - 58:15,	<b>RESPONSIBLE</b> [2] -
				9:8, 55:2

<b>RESTAURANT</b> [3] -	43:9, 43:16, 44:21,	23:9, 23:20, 24:5,	61:4, 61:9, 61:19,	54:15
51:16, 60:14, 60:17	47:2, 47:21, 48:13,	24:9, 29:1, 30:1,	63:6, 63:11, 63:20,	<b>SHOWER</b> [2] - 58:16,
<b>RESTITUTION</b> [2] -	52:2, 55:5, 55:12,	30:6, 45:12, 46:18,	64:4, 64:17, 66:5,	58:17
66:11, 66:12	56:3, 56:7, 56:14,	48:15, 60:18	66:6, 67:6, 67:10,	<b>SHOWN</b> [2] - 34:22,
<b>RESTRAINT</b> [1] - 6:18	57:17, 63:4, 67:11	<b>SAYING</b> [9] - 18:9,	67:12, 67:13, 67:20,	63:11
<b>RESULT</b> [1] - 6:24	<b>ROLE</b> [7] - 4:8, 4:10,	21:17, 22:22, 24:1,	67:22, 68:9, 68:15	<b>SHOWS</b> [1] - 47:5
<b>RESUMES</b> [1] - 63:12	4:25, 45:2, 45:5,	30:12, 30:25, 36:18,	<b>SENTENCED</b> [6] -	<b>SHUT</b> [1] - 27:7
<b>RETRACT</b> [1] - 46:10	46:13	45:25, 52:18	62:3, 65:17, 68:7,	<b>SIDE</b> [1] - 36:4
<b>RETURN</b> [1] - 42:8	<b>ROLLED</b> [1] - 53:22	<b>SAYS</b> [8] - 6:3, 34:25,	68:16, 68:17, 68:21	<b>SIDEBAR</b> [3] - 67:8,
<b>RETURNED</b> [1] -	<b>ROLLING</b> [1] - 45:13	35:16, 35:21, 36:11,	68:3, 68:15	68:3, 68:15
57:14	<b>ROOM</b> [7] - 6:15, 6:16,	46:3, 64:19	<b>SIGN</b> [2] - 18:15,	<b>SIGNIFICANT</b> [1] -
<b>RETURNING</b> [1] -	34:24, 36:24, 44:1,	<b>SCARE</b> [1] - 40:24	69:16	50:7
53:13	55:15, 57:6	<b>SCARED</b> [8] - 24:7,	<b>SIMILAR</b> [1] - 49:21	<b>SIMILAR</b> [1] - 49:21
<b>REVEALED</b> [1] - 21:23	<b>ROPE</b> [1] - 53:7	24:15, 24:16, 54:20,	<b>SIMPLE</b> [1] - 52:22	<b>SIMPLY</b> [2] - 33:5,
<b>REVIEW</b> [3] - 7:13,	<b>ROUGHLY</b> [1] - 14:16	54:24, 57:13, 57:19,	43:12, 48:3, 50:10,	43:3
9:13, 47:18	<b>RPR</b> [2] - 1:22, 70:9	59:6	61:8	<b>SINCE</b> [3] - 56:9,
<b>REVIEWED</b> [1] - 21:23	<b>RULE</b> [1] - 7:12	<b>SCARRED</b> [1] - 55:25	56:13, 58:9	56:13, 58:9
<b>RIDE</b> [1] - 43:1	<b>RUN</b> [4] - 49:4, 67:22,	<b>SCARY</b> [2] - 30:14,	<b>SINGLE</b> [1] - 56:4	<b>SISTER</b> [2] - 21:7,
<b>RIGHT</b> [27] - 8:12,	68:12, 68:19	62:11	28:15	28:15
8:16, 12:12, 16:5,	<b>RUNNING</b> [3] - 38:3,	<b>SCHLESSINGER</b> [1] -	<b>SISTER'S</b> [1] - 11:7	<b>SISTER'S</b> [1] - 11:7
16:13, 17:9, 17:13,	67:14, 67:18	1:15	<b>SIT</b> [2] - 35:2, 58:15	<b>SIT</b> [2] - 35:2, 58:15
18:16, 18:21, 19:17,		<b>SCHOOL</b> [1] - 54:17	<b>SITTING</b> [1] - 45:18	<b>SITTING</b> [1] - 45:18
20:3, 20:16, 20:25,		<b>SCOTT</b> [15] - 13:12,	<b>SITUATION</b> [1] - 30:14	<b>SITUATION</b> [1] - 30:14
21:16, 21:25, 22:6,		13:15, 13:23, 13:24,	<b>SIX</b> [4] - 33:14, 37:11,	<b>SIX</b> [4] - 33:14, 37:11,
22:10, 23:9, 23:25,		14:5, 14:21, 22:6,	37:17, 41:1	37:17, 41:1
24:12, 24:15, 26:5,		22:20, 23:18, 29:15,		
36:19, 44:8, 45:19,		32:20, 33:1, 41:25,		
67:17		42:9, 42:17		
<b>RIGHTS</b> [2] - 67:3,		<b>SCREAM</b> [1] - 58:20		
68:5		<b>SCREAMED</b> [1] - 54:1		
<b>RING</b> [1] - 52:23		<b>SCREWDRIVER</b> [1] -		
<b>ROAD</b> [4] - 49:11,		38:1		
55:5, 55:9, 56:3		<b>SEAM</b> [8] - 36:6,		
<b>ROBBED</b> [3] - 38:10,		36:10, 36:17, 37:16,		
55:8, 56:25		37:17, 51:12, 58:1		
<b>ROBBERIES</b> [39] -		<b>SEAMANS</b> [1] - 1:18		
3:20, 3:25, 4:3, 4:14,		<b>SEAT</b> [1] - 67:25		
4:18, 4:20, 7:25, 8:1,		<b>SEATED</b> [1] - 2:3		
31:14, 32:18, 33:5,		<b>SECOND</b> [4] - 6:6,		
33:15, 37:3, 38:5,		<b>SECTION</b> [3] - 46:16,		
38:20, 39:7, 42:3,		47:16, 67:9		
42:5, 42:19, 42:24,		<b>SECURITY</b> [1] - 55:11		
43:14, 45:23, 47:7,		<b>SEE</b> [7] - 35:22, 44:8,		
47:8, 47:9, 48:10,		48:17, 55:13, 58:12,		
48:11, 48:12, 60:19,		60:2, 62:24		
60:22, 61:20, 61:23,		<b>SEEING</b> [2] - 55:18,		
61:24, 62:13, 63:7,		58:21		
63:16, 67:14, 67:21,		<b>SEEMS</b> [1] - 63:14		
67:22		<b>SEEN</b> [6] - 18:3, 18:6,		
<b>ROBBERS</b> [3] - 34:10,		18:9, 19:17, 61:11,		
55:16, 56:20		61:20		
<b>ROBBERY</b> [41] - 4:4,		<b>SELECTION</b> [1] - 4:22		
5:7, 5:18, 5:22,		<b>SELL</b> [1] - 58:25		
31:10, 32:21, 32:23,		<b>SEND</b> [1] - 45:17		
33:5, 34:3, 34:5,		<b>SENDING</b> [1] - 63:19		
35:13, 36:7, 37:16,		<b>SENT</b> [1] - 24:21		
38:2, 38:6, 38:24,	42:3	<b>SENTENCE</b> [25] -		
39:6, 41:8, 41:9,	<b>SAY</b> [19] - 5:20, 11:3,	5:13, 40:16, 49:10,		
41:10, 41:14, 42:11,	16:3, 16:6, 19:20,	50:14, 59:8, 59:9,		
42:12, 43:2, 43:5,	19:25, 20:19, 23:3,			

<b>SOCIETY</b> [2] - 50:20	52:17, 64:23	33:25, 35:12, 35:19,	<b>SUPERVISE</b> [1] -	60:9, 61:1
<b>SOFA</b> [1] - 35:3	<b>SPINE</b> [1] - 52:11	35:20, 35:21, 38:15,	47:15	<b>TECHNICALLY</b> [1] -
<b>SOLE</b> [1] - 45:7	<b>SPIRIT</b> [1] - 23:5	39:16, 41:12, 41:25,	66:9	67:12
<b>SOME</b> [15] - 7:13, 7:15, 8:4, 12:14, 14:10, 16:4, 47:18, 49:11, 50:19, 51:4, 51:20, 53:11, 65:8, 66:2	<b>SPOKE</b> [5] - 16:6, 17:19, 22:2, 43:15, 43:23	42:13, 42:23, 43:22, 44:3, 45:21, 60:6, 66:19, 66:24, 67:1	<b>SUPERVISOR</b> [1] -	<b>TELEPHONE</b> [1] -
<b>SOMEBODY</b> [5] - 13:22, 22:23, 23:3, 23:14, 30:16	<b>SPOKEN</b> [3] - 9:19, 22:3, 26:13	<b>STERN</b> [1] - 55:1	46:18	<b>TELEVISION</b> [1] -
<b>SOMEHOW</b> [2] - 19:25, 40:5	<b>SPREE</b> [3] - 32:18, 60:19, 63:6	<b>STILL</b> [1] - 35:24, 38:8, 56:11, 56:19, 57:19, 58:20, 59:7, 65:2, 68:9, 68:12, 68:13	53:21	52:23
<b>SOMEONE</b> [12] - 20:9, 20:15, 23:17, 30:17, 34:19, 34:20, 46:25, 52:25, 55:10, 62:4, 62:24, 63:1	<b>SPURRING</b> [1] - 19:5	<b>STOLE</b> [2] - 58:7, 58:24	<b>SUPPOSEDLY</b> [3] - 11:13, 14:20, 25:8	<b>TELFORD</b> [2] - 43:14, 52:3
<b>SOMETIMES</b> [4] - 46:8, 46:9, 58:17	<b>STAIRCASE</b> [1] -	<b>STOLEN</b> [2] - 38:4, 59:2	<b>SUPREME</b> [1] - 33:18	<b>TELL</b> [4] - 9:25, 26:17, 26:22, 35:20
<b>SOMEWHAT</b> [2] - 52:13, 67:14	<b>STAIRWAY</b> [1] - 43:25	<b>STRANDED</b> [1] - 43:1	<b>SURE</b> [14] - 3:13, 7:8, 10:6, 16:2, 17:18, 18:22, 18:25, 19:7, 21:11, 21:15, 24:7, 26:16, 58:19, 66:15	<b>TELLING</b> [1] - 20:13
<b>SON</b> [18] - 13:5, 21:21, 21:25, 28:22, 29:1, 36:18, 36:22, 52:7, 52:10, 54:3, 55:7, 56:6, 58:4, 58:6, 58:20, 59:1, 59:5, 62:7	<b>STAND</b> [1] - 39:21	<b>STRANGE</b> [1] - 54:24	<b>SURGERY</b> [1] - 52:13	<b>TELLS</b> [1] - 25:4
<b>SON'S</b> [1] - 54:4	<b>STANDARD</b> [2] - 4:12, 31:15	<b>STRANGERS</b> [1] - 55:19	<b>SUSPICION</b> [1] - 52:24	<b>TELLTALE</b> [1] - 18:15
<b>SOO</b> [2] - 43:16, 52:1	<b>STANDARDS</b> [1] - 49:8	<b>STREET</b> [10] - 1:15, 1:19, 1:24, 11:15, 14:1, 34:4, 41:7, 41:9, 41:13, 59:10	<b>SWAZETTE</b> [9] - 12:24, 21:3, 21:6, 21:9, 21:13, 21:24, 28:15, 29:24, 33:2	<b>TERM</b> [1] - 68:21
<b>SOON</b> [1] - 54:10	<b>START</b> [2] - 23:15, 45:12	<b>STREETS</b> [1] - 49:4	<b>SWOLLEN</b> [1] - 54:19	<b>TERRIBLY</b> [1] - 53:3
<b>SORRY</b> [3] - 18:12, 48:10, 66:21	<b>STARTED</b> [6] - 14:2, 36:13, 45:20, 53:4, 53:10, 57:13	<b>STRONG</b> [1] - 63:10	<b>SWORN</b> [1] - 8:20	<b>TERRIFIED</b> [3] - 34:9, 55:18, 55:22
<b>SORT</b> [3] - 46:7, 50:9, 51:4	<b>STARTS</b> [1] - 52:5	<b>SUBMIT</b> [1] - 67:23	<b>SYSTEM</b> [13] - 3:12, 10:16, 10:17, 10:23, 11:2, 12:3, 12:11, 16:20, 17:16, 48:17, 48:20, 50:23, 50:25	<b>TERRIFY</b> [1] - 30:17
<b>SOUTH</b> [1] - 1:19	<b>STATE</b> [6] - 8:16, 8:24, 61:14, 62:4, 64:23, 64:25	<b>SUBMITTED</b> [9] - 51:18, 52:3, 55:6, 56:1, 56:24, 58:2, 59:16, 60:17, 64:6	<b>TESTED</b> [15] - 13:11, 13:13, 22:10, 22:11, 27:3, 32:10, 34:3, 34:15, 34:17, 36:17, 36:21, 38:23, 42:14, 43:22	<b>TERROR</b> [1] - 58:20
<b>SPACE</b> [1] - 53:17	<b>STATED</b> [4] - 26:16, 28:17, 35:7, 43:11	<b>SUBMITTING</b> [1] - 29:4	<b>TESTIFIED</b> [15] - 11:11, 13:13, 22:10, 22:11, 27:3, 32:10, 34:3, 34:15, 34:17, 36:17, 36:21, 38:23, 42:14, 43:22	<b>TERRORIZE</b> [1] - 59:12
<b>SPEAK</b> [4] - 12:10, 16:8, 61:2, 64:15	<b>STATEMENT</b> [11] - 20:24, 23:16, 24:10, 29:24, 42:25, 52:3, 56:2, 56:24, 58:2, 59:16, 60:18	<b>SUBSTANTIAL</b> [1] - 65:18	<b>TESTIFY</b> [9] - 6:7, 14:17, 16:2, 25:5, 30:20, 43:9, 50:11, 62:15, 67:25	<b>TERRORIZED</b> [1] - 60:1
<b>SPEAKING</b> [3] - 26:15, 27:4, 52:19	<b>STATEMENTS</b> [14] - 9:15, 9:16, 10:2, 15:4, 15:10, 15:21, 20:14, 21:3, 21:5, 21:6, 51:18, 51:19, 51:21, 55:6	<b>SUBSTANTIALLY</b> [1] - 61:7	<b>TAKE</b> [9] - 6:7, 14:17, 16:2, 25:5, 30:20, 43:9, 50:11, 62:15, 67:25	<b>TESTIFYING</b> [3] - 21:21, 39:5, 62:20
<b>SPEAKS</b> [1] - 20:1	<b>STATES</b> [8] - 1:1, 1:4, 2:18, 5:14, 9:9, 38:12, 47:12, 50:25	<b>SUCCESSION</b> [1] - 68:19	<b>TAKEN</b> [8] - 36:22, 40:22, 43:18, 44:2, 54:6, 54:21, 54:22, 56:17	<b>TESTIMONY</b> [37] - 4:18, 5:25, 8:2, 8:8, 10:5, 21:22, 28:14, 28:17, 28:24, 29:5, 29:17, 29:23, 34:8, 35:6, 35:7, 35:11, 35:12, 35:14, 36:5, 36:10, 37:25, 38:16, 38:20, 38:22, 39:8, 39:14, 39:15, 39:21, 39:24, 41:11, 41:24, 42:9, 44:3, 44:15, 46:10, 46:12, 60:5
<b>SPECIAL</b> [9] - 8:2, 8:23, 25:23, 26:12, 28:5, 28:8, 32:9, 66:10	<b>STATING</b> [1] - 12:19	<b>SUCH</b> [4] - 10:21, 11:23, 30:13	<b>TAKING</b> [4] - 12:5, 25:7, 46:12, 58:16	<b>TEXT</b> [4] - 45:15, 45:17, 45:21, 46:24
<b>SPECIFIC</b> [2] - 15:24, 34:14	<b>STATUS</b> [2] - 30:11, 31:1	<b>SUCH-AND-SUCH</b> [1] - 30:13	<b>TALK</b> [7] - 10:16, 11:16, 11:17, 12:21, 13:8, 30:2, 59:17	<b>TEXTURE</b> [1] - 39:8
<b>SPECIFICALLY</b> [9] - 5:10, 16:18, 26:21, 27:25, 42:23, 45:10, 59:17, 60:7, 65:16	<b>STATUTORY</b> [3] - 64:4, 67:10, 68:16	<b>SUFFER</b> [2] - 57:3, 57:10	<b>TALKED</b> [7] - 17:20, 22:12, 24:8, 34:9, 36:21, 36:23, 43:17	<b>THAN</b> [11] - 8:5, 10:12, 15:6, 15:12, 16:3, 20:11, 20:12, 20:13, 24:25, 38:9, 46:19
<b>SPELL</b> [1] - 8:16	<b>STEMMED</b> [1] - 62:25	<b>SUFFERING</b> [1] - 56:13	<b>TALKING</b> [5] - 10:10, 13:3, 15:6, 28:20, 31:7	<b>THANK</b> [11] - 2:14, 8:14, 14:22, 14:25, 25:18, 28:10, 28:11, 51:5, 51:8, 64:8,
<b>SPENT</b> [3] - 17:12,	<b>STERLING</b> [37] - 4:15, 10:11, 10:19, 10:22, 10:25, 11:6, 11:13, 11:21, 15:4, 15:22, 26:8, 27:3, 27:16, 27:19, 29:10, 29:14,	<b>SUFFICIENT</b> [1] - 4:12	<b>TAMIIKA</b> [2] - 11:13, 16:9	
		<b>SUGGEST</b> [1] - 40:5	<b>TAP</b> [1] - 16:17	
		<b>SUGGESTING</b> [1] - 12:25	<b>TARGETED</b> [2] - 60:7, 60:19	
		<b>SUHUI</b> [1] - 56:1	<b>TARGETING</b> [1] - 59:18	
		<b>SUITE</b> [1] - 1:15	<b>TARGETS</b> [3] - 4:22,	
		<b>SUMMARY</b> [1] - 49:21		
		<b>SUNLY</b> [1] - 51:12		
		<b>SUPERSEDING</b> [8] - 15:25, 16:1, 17:21, 17:22, 17:25, 31:6, 32:1, 32:24		

64:16	31:4, 31:6, 31:9,	61:19, 62:6, 62:20,	17:12, 17:16, 17:19,	39:11, 39:14, 39:15,
<b>THAT</b> [425] - 2:9, 2:25, 3:3, 3:4, 3:8, 3:11, 3:13, 3:14, 3:15, 4:11, 4:16, 4:17, 4:19, 4:20, 5:10, 5:11, 5:12, 5:13, 5:15, 5:17, 5:20, 6:2, 6:3, 6:5, 6:6, 6:7, 6:8, 6:10, 6:13, 6:14, 6:17, 6:21, 6:24, 7:9, 7:16, 7:20, 7:23, 8:3, 8:4, 8:8, 8:9, 9:4, 10:1, 10:2, 10:12, 11:17, 11:19, 11:21, 11:23, 12:1, 12:11, 12:15, 12:20, 13:1, 13:4, 13:6, 13:8, 13:15, 13:16, 13:18, 13:19, 13:22, 13:23, 13:25, 14:9, 14:18, 14:19, 14:20, 14:21, 15:4, 15:6, 15:20, 16:3, 16:6, 16:15, 17:8, 17:12, 17:15, 17:19, 17:22, 18:3, 18:6, 18:9, 18:15, 18:20, 19:10, 19:14, 19:17, 19:24, 20:5, 20:8, 20:12, 20:13, 20:16, 20:18, 20:19, 20:25, 21:1, 21:2, 21:4, 21:5, 21:7, 21:8, 21:9, 21:10, 21:13, 21:14, 21:17, 21:19, 21:21, 21:23, 22:4, 22:5, 22:7, 22:8, 22:11, 22:13, 22:21, 22:23, 22:24, 22:25, 23:3, 23:4, 23:5, 23:7, 23:8, 23:10, 23:11, 23:14, 23:16, 23:19, 23:20, 24:2, 24:4, 24:6, 24:9, 24:15, 24:21, 24:24, 25:2, 25:6, 25:7, 25:8, 25:11, 25:13, 25:17, 26:3, 26:4, 26:8, 26:14, 26:15, 26:18, 26:20, 26:21, 26:25, 27:2, 27:4, 27:7, 27:9, 27:11, 27:12, 27:16, 27:18, 27:20, 27:23, 27:24, 28:2, 28:19, 28:20, 28:21, 29:7, 29:9, 29:13, 29:22, 29:25, 30:1, 30:2, 30:3, 30:5, 30:6, 30:17, 30:18, 30:20, 30:22, 30:24, 30:25,	31:10, 31:11, 31:12, 31:13, 31:15, 31:20, 31:22, 31:25, 32:7, 32:9, 32:15, 32:16, 32:17, 32:21, 33:3, 33:5, 33:13, 33:23, 34:18, 34:19, 34:23, 35:11, 35:12, 35:16, 35:17, 36:2, 36:3, 36:8, 36:15, 36:17, 36:21, 36:22, 36:23, 36:24, 37:4, 37:5, 37:6, 37:8, 37:11, 37:18, 37:19, 37:21, 37:23, 37:24, 37:25, 38:4, 38:6, 38:8, 38:9, 38:12, 38:13, 38:21, 38:22, 38:23, 39:3, 39:5, 39:15, 39:22, 40:3, 40:4, 40:5, 40:8, 40:10, 40:19, 40:20, 40:21, 40:22, 40:25, 41:6, 41:10, 41:12, 41:13, 41:15, 41:18, 41:23, 42:1, 42:3, 42:4, 42:9, 42:12, 42:14, 42:16, 42:17, 42:19, 42:20, 42:23, 42:25, 43:4, 43:5, 43:7, 43:9, 43:13, 43:16, 43:17, 43:23, 44:1, 44:4, 44:8, 44:10, 44:16, 44:20, 44:21, 45:6, 45:11, 45:15, 45:18, 45:20, 45:22, 45:23, 45:24, 45:25, 46:3, 46:7, 46:10, 46:11, 46:13, 46:18, 46:22, 47:1, 47:5, 47:18, 47:25, 48:13, 48:14, 48:18, 48:21, 49:1, 49:5, 49:13, 50:4, 50:5, 50:6, 50:8, 50:13, 50:14, 50:17, 50:18, 50:20, 50:22, 50:24, 51:9, 51:10, 51:19, 52:4, 53:2, 53:19, 54:4, 54:15, 54:19, 54:20, 54:22, 54:25, 55:2, 56:3, 56:7, 56:14, 56:17, 56:18, 56:21, 57:11, 57:15, 57:22, 58:4, 59:2, 59:3, 59:11, 60:6, 60:8, 60:9, 60:11, 60:14, 60:18, 60:19, 60:22, 60:23, 60:25, 61:1, 61:9, 61:16, 61:17,	63:8, 63:10, 63:11, 63:16, 63:20, 63:22, 64:3, 64:5, 64:13, 64:20, 64:25, 65:10, 65:12, 65:13, 65:17, 65:20, 65:21, 66:11, 66:13, 67:13, 67:17, 68:15, 69:3, 69:8, 70:2, <b>THAT'S</b> [20] - 12:13, 18:15, 22:1, 22:10, 23:13, 26:1, 26:6, 27:1, 27:13, 27:17, 30:13, 30:17, 35:10, 36:15, 37:16, 38:13, 45:13, 46:2, 65:9, <b>THE</b> [805] - 1:14, 1:18, 2:1, 2:3, 2:8, 2:10, 2:12, 2:16, 2:17, 2:18, 2:20, 2:22, 2:23, 2:24, 2:25, 3:3, 3:4, 3:8, 3:12, 3:17, 3:18, 3:20, 3:25, 4:1, 4:4, 4:5, 4:6, 4:8, 4:9, 4:11, 4:12, 4:13, 4:19, 4:20, 4:22, 5:2, 5:5, 5:9, 5:10, 5:12, 5:13, 5:14, 5:15, 5:16, 5:19, 5:20, 5:21, 5:23, 5:25, 6:1, 6:2, 6:6, 6:9, 6:10, 6:11, 6:12, 6:13, 6:14, 6:15, 6:16, 6:22, 6:23, 6:24, 7:1, 7:3, 7:7, 7:8, 7:9, 7:11, 7:15, 7:17, 7:18, 7:19, 7:21, 7:23, 7:24, 7:25, 8:1, 8:4, 8:5, 8:7, 8:8, 8:12, 8:13, 8:15, 8:17, 8:18, 8:24, 8:25, 9:2, 9:3, 9:4, 9:5, 9:8, 9:12, 9:18, 9:20, 9:21, 9:23, 10:7, 10:9, 10:13, 10:15, 10:16, 10:17, 10:22, 11:1, 11:2, 11:9, 11:15, 11:16, 11:20, 11:24, 12:2, 12:3, 12:6, 12:7, 12:11, 12:15, 12:16, 12:19, 12:21, 12:23, 13:11, 13:12, 13:14, 13:17, 14:1, 14:7, 14:10, 14:11, 14:14, 14:16, 14:24, 15:4, 15:18, 15:20, 15:21, 15:23, 15:24, 16:6, 16:8, 16:15, 16:18, 16:19, 16:20, 17:2,	17:20, 17:25, 18:5, 18:6, 18:18, 18:23, 18:24, 19:1, 19:6, 19:10, 19:11, 19:21, 19:22, 20:14, 20:16, 20:21, 20:23, 21:8, 21:11, 21:22, 21:23, 22:18, 22:20, 22:21, 22:22, 22:23, 24:2, 24:3, 24:6, 24:19, 25:1, 25:2, 25:4, 25:8, 25:9, 25:10, 25:13, 25:14, 25:19, 26:4, 26:14, 27:5, 27:10, 27:11, 27:12, 28:7, 28:11, 28:13, 28:14, 28:15, 28:16, 28:20, 28:23, 28:24, 29:1, 29:3, 29:5, 29:6, 29:7, 29:8, 29:10, 29:11, 29:12, 29:15, 29:22, 29:24, 29:25, 30:11, 30:15, 30:18, 30:19, 30:20, 30:22, 31:1, 31:3, 31:4, 31:7, 31:8, 31:9, 31:10, 31:15, 31:19, 31:20, 31:22, 31:24, 31:25, 32:1, 32:6, 32:7, 32:15, 32:17, 32:18, 32:21, 32:23, 32:24, 32:25, 33:3, 33:7, 33:8, 33:9, 33:10, 33:12, 33:13, 33:15, 33:17, 33:18, 33:19, 33:22, 33:24, 34:1, 34:2, 34:3, 34:4, 34:5, 34:6, 34:8, 34:13, 34:14, 34:16, 34:18, 34:19, 34:20, 34:22, 34:23, 34:25, 35:1, 35:2, 35:3, 35:4, 35:8, 35:9, 35:12, 35:13, 35:14, 35:16, 35:17, 35:18, 35:22, 35:23, 35:24, 35:25, 36:1, 36:2, 36:3, 36:6, 36:13, 36:14, 36:18, 36:19, 36:22, 37:2, 37:3, 37:4, 37:6, 37:7, 37:8, 37:9, 37:11, 37:13, 37:17, 37:19, 37:20, 37:22, 37:25, 38:2, 38:4, 38:11, 38:12, 38:16, 38:17, 38:21, 38:24, 38:25, 39:1, 39:6, 39:7, 39:8,	39:17, 39:21, 40:1, 40:2, 40:3, 40:4, 40:6, 40:7, 40:8, 40:9, 40:10, 40:12, 40:15, 40:16, 40:17, 40:19, 40:20, 40:21, 40:23, 40:25, 41:2, 41:3, 41:5, 41:6, 41:7, 41:8, 41:9, 41:12, 41:13, 41:14, 41:17, 41:20, 41:21, 41:22, 42:1, 42:4, 42:11, 42:12, 42:16, 42:17, 42:20, 42:24, 43:1, 43:2, 43:5, 43:6, 43:12, 43:13, 43:14, 43:15, 43:18, 43:19, 43:20, 43:23, 43:24, 43:25, 44:2, 44:5, 44:6, 44:9, 44:10, 44:11, 44:12, 44:13, 44:14, 44:15, 44:16, 44:17, 44:18, 44:20, 44:22, 44:25, 45:1, 45:2, 45:3, 45:5, 45:6, 45:9, 45:13, 45:15, 45:17, 45:24, 46:3, 46:4, 46:9, 46:14, 46:16, 46:17, 46:18, 46:23, 47:2, 47:3, 47:4, 47:5, 47:7, 47:8, 47:11, 47:13, 47:17, 47:19, 47:20, 47:23, 47:24, 47:25, 48:1, 48:2, 48:5, 48:11, 48:17, 48:20, 48:21, 48:23, 48:25, 49:1, 49:4, 49:5, 49:8, 49:11, 49:12, 49:14, 49:18, 49:22, 49:24, 49:25, 50:1, 50:2, 50:5, 50:11, 50:13, 50:16, 50:17, 50:20, 50:23, 50:25, 51:1, 51:4, 51:6, 51:9, 51:10, 51:13, 51:15, 51:18, 51:19, 51:20, 51:22, 51:23, 51:25, 52:2, 52:3, 52:8, 52:9, 52:10, 52:12, 52:15, 52:19, 52:20, 52:21, 52:23, 52:24, 52:25, 53:1, 53:3, 53:8, 53:5, 53:6, 53:8, 53:9, 53:11, 53:12, 53:13, 53:15, 53:17, 53:21, 53:22, 53:23, 54:3, 54:6, 54:7, 54:9, 54:12, 54:16,

54:17, 54:22, 54:25,  
55:1, 55:5, 55:11,  
55:14, 55:15, 55:17,  
55:18, 56:2, 56:5,  
56:6, 56:8, 56:9,  
56:13, 56:15, 56:16,  
56:17, 56:19, 56:23,  
57:1, 57:15, 57:16,  
57:18, 57:23, 58:3,  
58:5, 58:8, 58:9,  
58:10, 58:14, 58:18,  
58:19, 58:20, 58:21,  
58:22, 58:23, 58:24,  
59:3, 59:5, 59:8,  
59:10, 59:13, 59:14,  
59:15, 59:17, 59:18,  
59:19, 59:20, 59:21,  
59:24, 60:1, 60:2,  
60:6, 60:11, 60:12,  
60:13, 60:16, 60:20,  
60:24, 61:4, 61:5,  
61:6, 61:7, 61:8,  
61:14, 61:15, 61:16,  
61:17, 61:20, 61:24,  
62:1, 62:3, 62:10,  
62:11, 62:12, 62:13,  
62:14, 62:15, 62:20,  
62:21, 62:22, 62:23,  
62:25, 63:2, 63:8,  
63:13, 63:14, 63:15,  
63:16, 63:20, 63:22,  
64:2, 64:4, 64:5,  
64:9, 64:10, 64:13,  
64:14, 64:15, 64:16,  
64:18, 64:22, 64:23,  
65:6, 65:15, 65:16,  
65:17, 65:19, 65:20,  
65:22, 65:24, 65:25,  
66:3, 66:4, 66:5,  
66:6, 66:9, 66:11,  
66:12, 66:13, 66:14,  
66:15, 66:18, 66:22,  
67:2, 67:6, 67:7,  
67:9, 67:11, 67:13,  
67:16, 67:21, 67:22,  
67:23, 67:24, 68:1,  
68:2, 68:4, 68:7,  
68:9, 68:12, 68:15,  
68:16, 68:20, 68:22,  
68:25, 69:1, 69:2,  
69:5, 69:6, 69:7,  
69:8, 69:10, 69:11,  
69:13, 69:15, 70:2,  
70:3  
**THEFT** [1] - 34:3  
**THEIR** [23] - 3:25,  
10:5, 13:1, 29:4,  
30:11, 34:11, 36:7,  
40:25, 42:20, 53:25,  
54:14, 55:3, 60:2,  
60:8, 61:5, 63:25,  
64:2, 65:9, 65:23,  
65:25  
**THEM** [15] - 8:9,  
26:10, 26:17, 26:22,  
30:16, 32:15, 38:17,  
40:24, 42:1, 42:8,  
42:15, 45:12, 56:19,  
62:3, 66:1  
**THEMSELVES** [2] -  
53:5, 60:3  
**THEN** [24] - 5:24, 6:17,  
13:21, 14:18, 17:19,  
17:25, 22:22, 23:16,  
23:18, 25:3, 26:16,  
34:5, 36:19, 36:20,  
39:2, 39:5, 42:6,  
43:18, 43:25, 49:2,  
56:9, 62:3, 68:21,  
69:6  
**THERAPY** [1] - 52:14  
**THERE** [89] - 3:1, 3:5,  
3:10, 4:5, 4:11, 4:14,  
5:17, 5:24, 6:3, 6:4,  
6:5, 6:6, 6:12, 6:16,  
8:7, 10:17, 11:2,  
11:16, 11:17, 11:18,  
11:20, 11:22, 11:23,  
12:6, 12:19, 12:20,  
13:4, 13:8, 13:21,  
14:9, 14:15, 14:19,  
15:14, 17:4, 17:10,  
17:11, 17:21, 18:20,  
19:19, 19:20, 20:18,  
21:2, 22:17, 22:18,  
24:1, 26:10, 29:22,  
30:7, 30:23, 31:13,  
31:16, 31:21, 31:25,  
32:1, 34:20, 35:6,  
35:25, 37:1, 37:18,  
37:23, 38:10, 38:17,  
38:21, 39:14, 39:23,  
40:5, 40:19, 45:4,  
45:8, 46:5, 46:6,  
46:10, 46:18, 46:19,  
48:14, 49:10, 51:10,  
55:13, 55:16, 56:3,  
56:7, 57:5, 58:19,  
60:18, 60:21, 64:20,  
65:1  
**THERE'S** [2] - 36:20,  
45:11  
**THEREFORE** [9] - 6:1,  
6:18, 18:10, 20:1,  
31:2, 31:6, 31:21,  
43:6, 45:25  
**THESE** [58] - 3:24,  
4:13, 7:16, 10:9,  
12:15, 15:20, 16:4,  
27:11, 29:2, 30:7,  
31:23, 32:14, 33:15,  
33:16, 34:10, 34:14,  
34:15, 37:8, 37:10,  
38:9, 40:4, 40:6,  
40:11, 40:12, 40:21,  
40:22, 42:2, 42:5,  
42:18, 42:24, 43:13,  
45:19, 47:7, 47:8,  
49:7, 49:12, 50:9,  
50:13, 50:17, 51:16,  
51:17, 51:19, 51:21,  
59:25, 60:25, 61:3,  
61:20, 61:23, 62:11,  
62:13, 62:14, 63:23,  
64:1, 64:3, 66:17,  
67:14  
**THEY** [77] - 3:7, 3:20,  
6:15, 10:12, 10:14,  
10:16, 10:18, 12:9,  
12:10, 12:18, 12:20,  
16:2, 16:20, 16:21,  
17:8, 18:13, 18:19,  
19:3, 19:10, 21:20,  
30:24, 33:4, 34:9,  
35:25, 36:9, 36:19,  
38:8, 38:20, 39:11,  
39:15, 40:8, 41:13,  
42:8, 42:15, 42:18,  
42:19, 42:20, 43:4,  
44:4, 44:11, 44:14,  
44:16, 46:11, 46:13,  
47:14, 48:18, 49:20,  
50:7, 51:19, 53:5,  
53:6, 53:7, 54:15,  
54:16, 59:17, 59:19,  
59:23, 59:25, 60:8,  
60:9, 60:10, 60:18,  
60:25, 61:1, 61:2,  
61:3, 63:21, 63:22,  
65:24, 66:1, 67:18,  
68:19  
**THING** [4] - 12:21,  
14:16, 24:3, 49:5  
**THINGS** [12] - 16:15,  
20:16, 38:12, 39:16,  
45:18, 45:20, 46:13,  
49:18, 49:19, 56:14,  
56:21, 64:20  
**THINK** [17] - 15:8,  
27:25, 29:7, 38:21,  
39:22, 42:25, 43:10,  
44:15, 44:19, 45:19,  
47:2, 48:24, 62:20,  
63:10, 64:3, 65:13,  
67:5  
**THINKING** [2] - 47:18,  
52:17  
**THINKS** [1] - 32:8  
**THIRD** [6] - 29:13,  
33:17, 39:7, 45:6,  
47:13, 47:15  
**THIS** [124] - 2:4, 4:23,  
7:8, 7:20, 8:3, 8:10,  
9:11, 9:12, 9:18,  
9:24, 10:2, 10:4,  
10:7, 10:11, 10:20,  
11:22, 12:7, 12:22,  
12:24, 13:2, 13:11,  
13:13, 13:23, 14:8,  
14:11, 15:5, 15:14,  
15:17, 15:24, 16:23,  
17:23, 19:8, 20:4,  
20:9, 20:25, 22:2,  
22:11, 23:2, 23:15,  
24:3, 25:10, 25:14,  
25:24, 26:4, 26:11,  
26:25, 27:3, 28:9,  
28:14, 28:18, 29:14,  
29:18, 29:25, 30:15,  
30:24, 31:20, 32:11,  
32:12, 32:24, 33:6,  
33:22, 33:25, 34:7,  
34:8, 34:15, 35:9,  
35:15, 36:25, 37:1,  
37:4, 39:22, 40:9,  
40:10, 40:21, 41:9,  
41:15, 41:16, 41:24,  
42:12, 44:11, 44:19,  
45:8, 45:12, 45:14,  
45:19, 46:2, 46:6,  
46:7, 46:22, 47:5,  
48:1, 49:25, 51:2,  
54:21, 55:9, 55:22,  
55:25, 56:13, 58:9,  
59:14, 59:20, 60:4,  
60:10, 60:23, 61:3,  
61:10, 61:25, 62:2,  
62:16, 62:19, 63:6,  
63:10, 63:12, 63:19,  
64:7, 64:17, 65:4,  
65:7, 65:13, 65:22,  
66:4, 69:4, 69:14  
**THOSE** [28] - 2:12,  
3:1, 4:3, 6:20, 7:2,  
7:13, 7:25, 12:5,  
18:2, 24:9, 26:2,  
26:7, 27:14, 27:22,  
29:17, 33:24, 38:19,  
39:16, 40:18, 42:6,  
48:12, 49:19, 55:21,  
60:21, 60:22, 60:23,  
62:19, 65:2  
**THOUGH** [2] - 7:8,  
54:12  
**THOUGHT** [4] - 14:6,  
53:1, 58:22, 65:10  
**THREAT** [14] - 6:5,  
7:21, 11:18, 11:20,  
20:18, 20:21, 22:17,  
22:18, 23:25, 24:1,  
24:4, 24:5, 30:9,  
32:2  
**THREATEN** [4] -  
27:11, 29:3, 34:5,  
40:23  
**THREATENED** [3] -  
11:12, 24:6, 62:19  
**THREATENING** [3] -  
19:14, 32:20, 54:15  
**THREATS** [14] - 8:3,  
10:1, 11:2, 11:25,  
12:15, 21:17, 21:19,  
29:23, 30:2, 31:3,  
31:4, 31:5, 31:8,  
31:24  
**THREE** [11] - 3:21,  
4:3, 6:4, 6:8, 9:10,  
15:14, 33:16, 38:19,  
39:23, 40:4, 61:18  
**THRESHOLD** [2] -  
44:9, 44:13  
**THROUGH** [23] - 3:12,  
6:15, 6:16, 10:14,  
10:16, 10:17, 11:1,  
12:2, 12:5, 12:11,  
13:3, 17:1, 26:14,  
27:12, 28:5, 28:19,  
31:12, 41:21, 52:19,  
52:25, 60:24, 63:14,  
69:4  
**THROUGHOUT** [5] -  
45:14, 45:15, 49:3,  
60:20  
**TIED** [5] - 43:20, 44:3,  
53:6, 53:20, 58:7  
**TIME** [39] - 7:23,  
13:14, 13:15, 15:20,  
16:3, 17:12, 23:2,  
28:9, 29:5, 29:11,  
31:10, 33:20, 34:19,  
34:22, 35:1, 35:4,  
36:14, 38:12, 40:8,  
41:17, 42:4, 47:1,  
47:8, 50:7, 53:11,  
54:7, 54:17, 55:17,  
56:6, 56:13, 57:16,  
60:3, 61:17, 62:6,  
63:22, 65:18, 68:20,  
69:14  
**TIMELINE** [1] - 41:10  
**TIMES** [1] - 48:17  
**TIMING** [1] - 4:21  
**TIMOTHY** [1] - 61:16  
**TO** [426] - 2:5, 2:10,  
2:16, 2:19, 2:20,  
2:21, 2:22, 2:23,  
2:25, 3:2, 3:6, 3:12,  
3:15, 3:17, 3:23, 4:2,  
4:8, 4:10, 4:12, 4:13,  
4:20, 4:21, 4:25, 5:5,  
5:6, 5:11, 5:12, 5:13,

5:16, 5:18, 5:19,	41:21, 42:1, 42:2,	68:2	57:21
5:21, 5:25, 6:4, 6:7,	42:5, 42:6, 42:8,	<b>TODAY'S</b> [1] - 69:16	<b>TRYING</b> [2] - 29:16,
6:8, 6:11, 6:15, 6:19,	42:10, 42:11, 42:15,	<b>TOGETHER</b> [4] - 17:9,	30:20
6:22, 7:1, 7:9, 7:10,	42:16, 42:24, 43:2,	<b>TOILET</b> [6] - 3:12,	<b>TUCKER</b> [2] - 1:11,
7:11, 7:13, 7:14,	43:5, 43:6, 43:9,	10:17, 12:2, 12:11,	68:7
7:15, 7:16, 7:19,	43:11, 43:12, 43:17,	16:18, 16:19	<b>TURN</b> [1] - 62:16
7:21, 7:23, 7:24, 8:2,	43:18, 43:24, 44:7,	<b>TOLD</b> [12] - 10:14,	<b>TURNED</b> [1] - 36:12
9:13, 9:20, 10:1,	44:13, 44:15, 44:17,	13:18, 20:22, 21:16,	<b>TWICE</b> [1] - 39:20
10:3, 10:4, 10:9,	44:24, 45:1, 45:2,	22:8, 24:14, 27:6,	<b>TWO</b> [13] - 3:2, 4:10,
10:10, 10:12, 10:14,	45:3, 45:13, 45:17,	28:20, 35:21, 42:5,	6:19, 9:10, 10:10,
11:1, 11:4, 11:13,	45:22, 46:4, 46:11,	43:3, 50:7	19:22, 31:2, 33:6,
11:15, 11:21, 12:2,	46:15, 46:23, 46:24,	<b>TONE</b> [1] - 24:18	39:23, 41:22, 45:10,
12:10, 12:21, 13:3,	47:1, 47:6, 47:17,	<b>TOO</b> [3] - 13:9, 42:15,	53:20, 61:13
13:6, 13:16, 13:19,	48:3, 48:14, 48:23,	64:20	<b>TWO-LEVEL</b> [4] - 3:2,
13:23, 14:9, 14:12,	49:2, 49:4, 49:8,	<b>TOOK</b> [11] - 12:1,	31:2, 33:6, 41:22
14:13, 14:17, 15:3,	49:9, 49:10, 49:14,	14:20, 16:4, 24:4,	<b>TYPE</b> [5] - 11:17,
15:6, 15:9, 15:21,	49:16, 50:2, 50:3,	24:5, 24:10, 36:12,	27:25, 50:19, 65:8,
16:5, 16:8, 16:15,	50:8, 50:9, 50:11,	42:12, 47:9, 51:10,	65:13
16:22, 16:24, 17:6,	50:14, 50:17, 50:19,	56:3	<b>TYPES</b> [1] - 60:25
17:20, 18:19, 19:4,	50:20, 50:21, 51:4,	<b>TOP</b> [1] - 36:20	<b>TYPICAL</b> [1] - 5:8
19:6, 19:9, 19:25,	51:9, 51:12, 51:18,	<b>TOTAL</b> [4] - 52:12,	<b>TYREE</b> [28] - 1:6, 9:9,
20:1, 20:2, 20:9,	51:19, 51:20, 52:3,	66:8, 66:12, 68:12	10:15, 13:1, 14:4,
20:14, 20:15, 20:19,	52:4, 52:7, 52:10,	<b>TOUCH</b> [2] - 10:15,	14:5, 19:25, 20:5,
20:21, 20:22, 21:3,	52:13, 52:16, 52:22,	39:11	20:8, 21:9, 22:14,
21:6, 21:20, 21:24,	52:23, 53:5, 53:13,	<b>TOWN</b> [1] - 52:15	22:15, 22:16, 22:21,
22:2, 22:3, 22:6,	53:14, 53:16, 53:17,	<b>TOWNSHIP</b> [1] - 15:18	23:3, 23:10, 26:13,
22:10, 22:11, 22:12,	53:21, 53:22, 53:23,	<b>TRAIN</b> [1] - 45:13	27:5, 32:16, 35:18,
22:23, 22:25, 23:9,	53:24, 54:7, 54:9,	<b>TRANSCRIPT</b> [5] -	42:21, 43:4, 44:5,
23:13, 23:19, 24:1,	54:14, 54:19, 54:20,	28:18, 34:18, 36:16,	44:6, 47:5, 48:9,
24:2, 24:7, 24:8,	55:2, 55:9, 55:10,	69:9, 70:3	60:6, 66:25
24:10, 24:13, 24:19,	55:13, 55:18, 55:20,	<b>TRANSCRIPTS</b> [1] -	<b>U</b>
24:21, 24:23, 25:5,	55:23, 55:24, 56:18,	34:14	<b>U.S</b> [1] - 1:14
25:7, 25:14, 25:16,	56:19, 57:2, 57:4,	<b>TRANSPired</b> [1] -	<b>ULTIMATELY</b> [2] -
26:15, 26:16, 26:21,	57:7, 57:12, 57:14,	43:17	42:3, 44:18
27:4, 27:7, 27:16,	57:15, 57:17, 57:20,	<b>TRANSPORTED</b> [1] -	<b>UNABLE</b> [2] - 54:19,
27:19, 28:1, 28:5,	57:21, 57:22, 58:4,	6:3	65:24
28:20, 28:21, 28:25,	58:10, 58:12, 58:19,	<b>TRAUMA</b> [1] - 55:25	<b>UNCHARGED</b> [2] -
29:2, 29:3, 29:15,	58:22, 58:25, 59:1,	<b>TRAUMATIC</b> [2] -	5:7, 34:4
29:16, 29:20, 29:23,	59:4, 59:7, 59:8,	<b>TRAUMATIZED</b> [1] -	<b>UNCLE</b> [1] - 42:5
30:2, 30:6, 30:10,	59:9, 59:14, 59:20,	60:24	<b>UNCONSCIOUS</b> [1] -
30:16, 30:20, 31:2,	59:22, 59:23, 59:24,	<b>TREATMENT</b> [1] -	54:1
31:3, 31:5, 31:8,	60:10, 61:4, 61:5,	50:4	<b>USAGE</b> [1] - 37:20
31:11, 31:17, 31:18,	61:17, 62:7, 62:13,	<b>TRIAL</b> [20] - 3:6, 3:14,	<b>USE</b> [9] - 3:18, 7:25,
32:8, 32:9, 32:10,	62:15, 63:9, 63:14,	3:20, 7:23, 14:11,	24:5, 34:1, 36:23,
32:11, 32:13, 32:15,	63:15, 63:16, 63:19,	14:14, 21:23, 28:13,	37:2, 37:7, 37:8,
32:22, 32:25, 33:1,	63:20, 63:21, 63:22,	29:1, 29:5, 34:18,	37:20
33:2, 33:3, 33:10,	64:1, 64:2, 64:5,	36:10, 36:15, 36:25,	<b>USED</b> [11] - 27:11,
33:13, 33:18, 33:23,	64:10, 64:12, 64:15,	37:2, 43:15, 45:16,	32:9, 33:23, 34:5:
34:5, 34:11, 34:14,	64:18, 65:2, 65:8,	47:4, 49:14, 49:16	37:6, 38:5, 39:6,
35:1, 35:16, 35:19,	65:17, 65:21, 65:24,	<b>TRIED</b> [2] - 55:20,	40:6, 40:23, 41:13
35:20, 35:21, 35:22,	65:25, 66:1, 66:11,	57:21	<b>USING</b> [1] - 33:14
36:1, 36:15, 36:24,	67:3, 67:5, 67:13,	<b>TRIP</b> [1] - 54:9	<b>UTILIZED</b> [1] - 61:25
37:9, 37:14, 37:16,	67:14, 67:21, 67:22,	<b>TROUBLE</b> [1] - 49:17	<b>UTTERLY</b> [1] - 47:2
37:22, 37:23, 38:3,	67:24, 68:5, 68:8,	<b>TRUE</b> [1] - 5:12	<b>V</b>
38:8, 38:15, 38:17,	68:12, 68:16, 68:17,	<b>TRULY</b> [2] - 11:8,	<b>VALUABLES</b> [1] -
38:19, 38:24, 39:3,	68:19, 68:21, 68:23,	59:11	40:25
39:4, 39:18, 39:21,	69:3, 69:4, 69:7,	<b>TRUSTED</b> [1] - 57:24	<b>VARIANCE</b> [1] - 64:7
39:23, 39:24, 40:5,	69:9, 69:14	<b>TRY</b> [3] - 28:21, 28:25,	
40:9, 40:10, 40:14,			
40:16, 40:17, 40:22,			
40:23, 40:24, 41:17,			

<b>VARIOUS</b> [4] - 9:14, 10:14, 29:8, 42:6	35:12, 35:19, 35:20, 35:21, 38:15, 38:23,	38:3, 38:4, 38:5, 38:16, 38:17, 38:22,	59:7, 60:5, 61:9, 61:11, 61:20, 62:10,	44:16, 47:18, 49:21, 52:23, 52:24, 53:3,
<b>VERSUS</b> [2] - 9:9, 47:12	39:16, 41:12, 42:1, 42:7, 42:14, 42:23,	39:5, 39:12, 39:13, 39:14, 39:16, 39:17,	62:23, 62:24, 63:10, 64:3, 67:4, 67:19,	53:17, 54:16, 54:22, 56:7, 57:3, 58:11,
<b>VERY</b> [17] - 8:14, 14:6, 14:22, 15:17, 16:25, 22:21, 24:25, 30:13, 48:21, 50:15, 57:19, 58:11, 59:11, 60:4, 62:12, 63:11, 64:21	43:1, 43:22, 44:3, 45:21, 60:6, 66:19, 66:20, 66:24, 67:1	39:21, 40:7, 40:10, 40:19, 40:20, 41:6, 41:15, 42:4, 42:5,	67:24, 67:25, 69:4, 69:13	59:23, 62:23, 65:7, 66:1
<b>VETERAN</b> [1] - 53:15	<b>WALLACE'S</b> [2] -	42:13, 42:16, 43:1, 43:3, 43:6, 43:19,	<b>WEAPONS</b> [1] - 38:14	<b>WHENEVER</b> [1] -
<b>VICTIM</b> [8] - 9:15, 43:16, 43:23, 51:18, 52:2, 56:2, 59:13, 59:16	38:16, 38:22	43:20, 44:2, 44:5, 44:8, 44:10, 44:12, 44:16, 44:17, 45:7,	<b>WEATHER</b> [1] - 52:21	56:12
<b>VICTIMIZED</b> [1] - 61:18	<b>WALLACES</b> [1] -	45:23, 46:10, 46:17, 46:23, 47:6, 47:19, 48:1, 48:20, 49:2,	<b>WEEKS</b> [2] - 61:18, 65:6	<b>WHERE</b> [29] - 4:16, 5:7, 6:13, 10:13,
<b>VICTIMS</b> [18] - 9:20, 32:12, 34:5, 34:8, 39:14, 40:20, 40:23, 51:10, 51:17, 55:5, 59:14, 60:1, 60:3, 60:22, 62:12, 63:24, 65:22	12:21	49:5, 49:21, 50:12, 50:17, 52:1, 52:8, 52:9, 52:15, 52:16, 52:22, 53:1, 53:2,	<b>WELL</b> [10] - 19:25, 25:13, 29:12, 29:14, 30:13, 36:24, 41:3, 51:14, 62:15, 62:21	10:16, 14:14, 24:10, 25:3, 27:15, 34:14, 34:21, 37:19, 38:2,
<b>VIGOROUSLY</b> [1] - 53:16	<b>WANT</b> [4] - 13:6, 28:20, 32:13, 54:20	53:17, 53:19, 54:7, 54:8, 54:10, 54:13, 54:14, 54:17, 54:21, 54:22, 55:13, 55:17,	<b>WENT</b> [8] - 44:7, 49:14, 49:15, 52:10, 53:9, 54:11, 63:3, 63:6	38:25, 42:3, 43:19, 44:2, 44:16, 44:17, 45:4, 46:4, 46:5,
<b>VIOLATION</b> [1] - 5:14	<b>WANTED</b> [1] - 58:25	55:21, 55:22, 56:3, 56:7, 56:8, 56:17, 56:18, 56:24, 57:6, 57:12, 57:16, 57:17,	<b>WERE</b> [64] - 4:14, 8:3, 9:19, 10:1, 10:12, 10:14, 10:18, 11:2, 12:5, 12:15, 12:16, 12:18, 12:20, 14:11,	46:7, 47:13, 52:7, 56:3, 57:18, 58:14, 61:15
<b>VIOLENCE</b> [2] - 6:6, 6:11	<b>WAR</b> [1] - 53:16	59:2, 59:4, 59:5, 60:18, 61:19, 62:3, 62:6, 62:11, 62:17, 63:3, 65:6, 65:11, 68:15, 69:4	<b>WERE</b> [64] - 4:14, 8:3, 9:19, 10:1, 10:12, 10:14, 10:18, 11:2, 12:5, 12:15, 12:16, 12:18, 12:20, 14:11,	<b>WHETHER</b> [12] - 4:25, 5:1, 11:8, 16:23, 23:21, 23:22, 24:18, 35:24, 45:7, 47:19, 49:15
<b>VIOLENT</b> [8] - 9:5, 61:11, 61:13, 62:2, 62:12, 63:4, 65:4, 65:11	<b>WARMTH</b> [1] - 57:25	60:18, 61:19, 62:3, 62:6, 62:11, 62:17, 63:3, 65:6, 65:11, 68:15, 69:4	<b>WERE</b> [64] - 4:14, 8:3, 9:19, 10:1, 10:12, 10:14, 10:18, 11:2, 12:5, 12:15, 12:16, 12:18, 12:20, 14:11,	<b>WHICH</b> [45] - 3:22, 6:25, 7:19, 7:22, 10:24, 26:12, 29:16, 32:18, 32:23, 33:7, 33:23, 34:5, 35:13, 35:16, 37:3, 38:5, 38:6, 43:19, 43:24, 44:1, 44:15, 46:24, 47:8, 47:21, 52:11, 56:21, 56:24, 57:9, 58:2, 58:25, 59:16, 59:22, 59:24, 60:18, 61:20, 62:8, 63:3, 63:24, 66:1, 66:15, 67:24, 68:19, 68:22, 69:13
<b>VIS</b> [2] - 6:1	<b>WAS</b> [243] - 3:1, 3:5, 3:10, 3:13, 4:5, 4:9, 4:11, 4:19, 4:25, 5:7, 5:12, 5:21, 5:22, 5:24, 6:5, 6:6, 6:8, 6:13, 6:14, 6:16, 7:22, 8:5, 10:12,	60:18, 61:19, 62:3, 62:6, 62:11, 62:17, 63:3, 65:6, 65:11, 68:15, 69:4	<b>WASHING</b> [1] - 52:9	<b>WHILE</b> [8] - 6:9, 18:1, 29:10, 35:24, 53:9, 56:15, 58:16, 65:8
<b>VIS-A-VIS</b> [1] - 6:1	<b>WASN'T</b> [4] - 6:13, 14:21, 22:18, 36:3	60:18, 61:19, 62:3, 62:6, 62:11, 62:17, 63:3, 65:6, 65:11, 68:15, 69:4	<b>WATCH</b> [2] - 52:22, 53:8	<b>WHO</b> [66] - 4:19, 5:22, 5:24, 9:19, 10:18, 13:12, 14:2, 14:11, 17:16, 18:1, 18:24, 19:9, 21:5, 22:13, 24:21, 24:23, 25:2, 26:3, 27:3, 27:15, 27:22, 27:23, 28:15, 29:17, 30:21, 31:1, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,
<b>VISIBLE</b> [1] - 35:16	<b>WAY</b> [5] - 3:23, 15:25, 20:4, 38:17, 44:15	60:18, 61:19, 62:3, 62:6, 62:11, 62:17, 63:3, 65:6, 65:11, 68:15, 69:4	<b>WAY</b> [5] - 3:23, 15:25, 20:4, 38:17, 44:15	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 44:11, 45:5, 46:2, 49:14, 49:25, 50:8, 58:4, 63:21, 68:14
<b>VISIT</b> [2] - 53:14, 57:12	<b>WAYS</b> [1] - 63:14	63:13, 15:8, 16:8, 24:19, 28:14, 32:11, 32:12, 32:13, 32:14, 32:15, 33:6, 35:7, 36:5, 37:4, 37:17, 37:20, 38:5, 38:13, 39:7, 40:7, 40:12, 40:18, 41:11, 41:24, 42:3, 42:9, 43:23, 45:19, 46:15, 46:22,	<b>WE</b> [77] - 2:5, 2:6, 2:21, 4:8, 6:9, 7:6, 7:12, 7:14, 7:16, 7:22, 7:23, 8:1, 10:8, 13:13, 15:8, 16:8, 24:19, 28:14, 32:11, 32:12, 32:13, 32:14, 32:15, 33:6, 35:7, 36:5, 37:4, 37:17, 37:20, 38:5, 38:13, 39:7, 40:7, 40:12, 40:18, 41:11, 41:24, 42:3, 42:9, 43:23, 45:19, 46:15, 46:22,	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,
<b>VISITING</b> [1] - 54:21	<b>WE</b> [77] - 2:5, 2:6, 2:21, 4:8, 6:9, 7:6, 7:12, 7:14, 7:16, 7:22, 7:23, 8:1, 10:8, 13:13, 15:8, 16:8, 24:19, 28:14, 32:11, 32:12, 32:13, 32:14, 32:15, 33:6, 35:7, 36:5, 37:4, 37:17, 37:20, 38:5, 38:13, 39:7, 40:7, 40:12, 40:18, 41:11, 41:24, 42:3, 42:9, 43:23, 45:19, 46:15, 46:22,	24:13, 24:19, 25:5, 25:7, 25:11, 26:16, 27:6, 27:25, 28:25, 30:14, 31:15, 35:17, 35:18, 39:2, 39:12, 40:7, 43:16, 44:4, 44:5, 44:11, 45:5, 46:2, 49:14, 49:25, 50:8, 58:4, 63:21, 68:14	<b>WHAT</b> [38] - 9:25, 11:14, 12:14, 18:23, 20:20, 20:22, 22:10, 22:11, 22:19, 24:11, 24:13, 24:19, 25:5, 25:7, 25:11, 26:16, 27:6, 27:25, 28:25, 30:14, 31:15, 35:17, 35:18, 39:2, 39:12, 40:7, 43:16, 44:4, 44:5, 44:11, 45:5, 46:2, 49:14, 49:25, 50:8, 58:4, 63:21, 68:14	<b>WHILE</b> [8] - 6:9, 18:1, 29:10, 35:24, 53:9, 56:15, 58:16, 65:8
<b>VOICES</b> [1] - 50:6	<b>WAYS</b> [1] - 63:14	24:13, 24:19, 25:5, 25:7, 25:11, 26:16, 27:6, 27:25, 28:25, 30:14, 31:15, 35:17, 35:18, 39:2, 39:12, 40:7, 43:16, 44:4, 44:5, 44:11, 45:5, 46:2, 49:14, 49:25, 50:8, 58:4, 63:21, 68:14	<b>WE</b> [77] - 2:5, 2:6, 2:21, 4:8, 6:9, 7:6, 7:12, 7:14, 7:16, 7:22, 7:23, 8:1, 10:8, 13:13, 15:8, 16:8, 24:19, 28:14, 32:11, 32:12, 32:13, 32:14, 32:15, 33:6, 35:7, 36:5, 37:4, 37:17, 37:20, 38:5, 38:13, 39:7, 40:7, 40:12, 40:18, 41:11, 41:24, 42:3, 42:9, 43:23, 45:19, 46:15, 46:22,	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,
<b>VS</b> [1] - 1:5	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,	24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,
<b>VULNERABLE</b> [1] - 58:15	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,	24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,	<b>WHEN</b> [36] - 4:21, 6:13, 20:1, 21:4, 21:7, 21:10, 21:20, 22:2, 22:7, 22:25, 24:5, 24:7, 28:1, 31:23, 34:9, 34:22, 34:8, 34:10, 35:7, 35:17, 35:25, 39:16, 42:4, 45:10, 45:21, 46:19, 47:6, 47:7, 47:8, 48:25, 52:1, 52:18, 54:17, 55:4, 56:23, 57:7, 57:12, 57:16, 57:17, 57:24,
<hr/>				
<b>W</b>				
<b>WAITING</b> [1] - 48:18	<b>WALK</b> [3] - 52:13, 54:19, 54:20	<b>WALKED</b> [1] - 52:23	<b>WALKING</b> [1] - 52:19	<b>WALKING</b> [1] - 52:19
<b>WALK</b> [3] - 52:13, 54:19, 54:20	<b>WALKING</b> [1] - 52:19	<b>WALKED</b> [1] - 52:23	<b>WALKED</b> [1] - 52:23	<b>WALKED</b> [1] - 52:23
<b>WALKED</b> [1] - 52:23	<b>WALKING</b> [1] - 52:19	<b>WALKED</b> [1] - 52:23	<b>WALKED</b> [1] - 52:23	<b>WALKED</b> [1] - 52:23
<b>WALKING</b> [1] - 52:19	<b>WALLACE</b> [50] - 4:15, 10:11, 10:19, 10:22, 10:25, 11:6, 11:11, 11:13, 11:14, 11:21, 11:24, 15:5, 15:10, 15:22, 17:20, 20:20, 26:8, 26:13, 26:15, 26:20, 27:3, 27:5, 27:16, 29:10, 33:25,	<b>WALLACE</b> [50] - 4:15, 10:11, 10:19, 10:22, 10:25, 11:6, 11:11, 11:13, 11:14, 11:21, 11:24, 15:5, 15:10, 15:22, 17:20, 20:20, 26:8, 26:13, 26:15, 26:20, 27:3, 27:5, 27:16, 29:10, 33:25,	<b>WALLACE</b> [50] - 4:15, 10:11, 10:19, 10:22, 10:25, 11:6, 11:11, 11:13, 11:14, 11:21, 11:24, 15:5, 15:10, 15:22, 17:20, 20:20, 26:8, 26:13, 26:15, 26:20, 27:3, 27:5, 27:16, 29:10, 33:25,	<b>WALLACE</b> [50] - 4:15, 10:11, 10:19, 10:22, 10:25, 11:6, 11:11, 11:13, 11:14, 11:21, 11:24, 15:5, 15:10, 15:22, 17:20, 20:20, 26:8, 26:13, 26:15, 26:20, 27:3, 27:5, 27:16, 29:10, 33:25,
<b>WALLACE</b> [50] - 4:15, 10:11, 10:19, 10:22, 10:25, 11:6, 11:11, 11:13, 11:14, 11:21, 11:24, 15:5, 15:10, 15:22, 17:20, 20:20, 26:8, 26:13, 26:15, 26:20, 27:3, 27:5, 27:16, 29:10, 33:25,	<b>WALLACE'S</b> [2] -	<b>WALLACE'S</b> [2] -	<b>WALLACE'S</b> [2] -	<b>WALLACE'S</b> [2] -
<b>WALLACE'S</b> [2] -	38:16, 38:22	42:13, 42:16, 43:1, 43:3, 43:6, 43:19,	42:13, 42:16, 43:1, 43:3, 43:6, 43:19,	42:13, 42:16, 43:1, 43:3, 43:6, 43:19,

58:1, 58:12, 60:1,  
60:2, 60:21, 62:1,  
62:4, 62:5, 62:6,  
62:19, 63:1, 63:20,  
64:19, 65:1, 65:13

**WHOLE** [1] - 66:4

**WHOSE** [3] - 32:20,  
62:5, 62:24

**WHY** [3] - 23:14, 33:6,  
38:13

**WIFE** [4] - 20:24,  
26:18, 52:10, 52:17

**WIFE'S** [1] - 52:6

**WIGGLE** [1] - 53:18

**WILL** [29] - 2:12, 7:3,  
7:20, 8:7, 8:12,  
15:24, 19:8, 25:17,  
26:22, 31:19, 33:9,  
48:5, 50:1, 50:5,  
50:13, 50:14, 51:6,  
57:22, 59:7, 59:11,  
64:9, 66:5, 67:24,  
68:1, 69:1, 69:5,  
69:6, 69:15, 69:16

**WILLIAMS** [1] - 15:16

**WINDOW** [1] - 52:25

**WINTER** [1] - 53:13

**WISH** [2] - 63:16,  
64:15

**WISHES** [2] - 64:10,  
64:11

**WITH** [134] - 2:16,  
2:22, 2:23, 3:2, 3:6,  
3:17, 4:1, 4:10, 4:12,  
4:24, 5:4, 5:6, 5:16,  
5:18, 5:21, 5:25, 6:4,  
6:10, 6:22, 8:3, 8:25,  
9:2, 9:3, 9:19, 9:23,  
9:24, 10:15, 12:22,  
12:23, 13:4, 14:20,  
15:9, 16:11, 16:14,  
17:11, 17:15, 17:18,  
17:24, 18:11, 19:11,  
20:5, 20:14, 21:9,  
21:12, 22:6, 23:8,  
24:21, 25:10, 25:23,  
26:3, 26:8, 26:13,  
26:25, 27:3, 27:4,  
27:6, 27:10, 28:19,  
28:23, 29:9, 29:13,  
29:23, 30:21, 31:3,  
31:5, 31:8, 31:11,  
31:17, 31:18, 32:11,  
34:10, 35:4, 35:25,  
36:14, 37:15, 37:22,  
38:1, 38:6, 38:9,  
38:12, 38:15, 38:19,  
39:11, 39:22, 39:24,  
40:10, 40:17, 40:18,  
42:20, 43:13, 43:15,

43:23, 44:2, 44:5,  
44:24, 44:25, 45:2,  
45:3, 45:13, 45:22,  
46:11, 47:18, 48:22,  
48:24, 49:7, 49:17,  
50:2, 50:3, 50:23,  
50:24, 50:25, 52:8,  
52:19, 53:4, 53:7,  
53:20, 53:21, 55:24,  
56:25, 57:7, 58:6,  
59:10, 63:25, 65:20,  
66:18, 66:20, 66:24,  
67:1, 67:6, 67:18,  
67:19, 69:3

**WITHIN** [6] - 41:9,  
45:23, 63:2, 63:5,  
64:4, 69:6

**WITHOUT** [3] - 19:4,  
19:13, 52:24

**WITNESS** [12] - 8:8,  
8:10, 8:13, 8:18,  
8:20, 9:16, 13:8,  
16:11, 18:6, 20:1,  
30:12, 69:23

**WITNESSES** [14] -  
9:19, 9:20, 10:4,  
10:9, 12:24, 13:11,  
14:11, 16:14, 26:3,  
29:3, 29:13, 32:11,  
34:15, 62:18

**WORDS** [4] - 11:20,  
24:6, 24:9, 27:11

**WORK** [7] - 9:12,  
52:11, 55:20, 55:23,  
65:8, 65:25

**WORKED** [1] - 62:6

**WORKERS** [1] - 66:2

**WORKING** [1] - 56:15

**WORLD** [1] - 38:11

**WORRIED** [1] - 56:8

**WORRY** [1] - 56:14

**WORST** [2] - 58:3,  
59:5

**WOULD** [52] - 2:19,  
2:21, 3:15, 3:22, 5:8,  
5:14, 6:17, 6:21,  
7:15, 8:1, 8:6, 10:16,  
10:18, 11:14, 11:21,  
12:9, 16:3, 18:20,  
19:20, 21:9, 22:21,  
23:14, 25:1, 27:18,  
28:21, 29:1, 29:21,  
30:1, 30:4, 31:6,  
33:4, 34:13, 40:12,  
42:8, 45:17, 47:17,  
49:4, 49:14, 50:16,  
50:19, 51:4, 51:9,  
52:4, 55:13, 62:7,  
62:19, 65:21, 67:5,  
67:13, 67:21, 69:2

**WOULDN'T** [1] - 53:9

**WRISTS** [2] - 44:18,  
64:1

**WRITE** [1] - 60:25

**WRITES** [1] - 55:6

**WRITTEN** [1] - 48:18

**WRONG** [1] - 21:22

---

**Y**

---

**YEAH** [3] - 23:13,  
26:10

**YEAR** [4] - 16:3, 35:4,  
55:7, 56:6

**YEARS** [6] - 9:3,  
49:23, 50:18, 66:9,  
67:11, 68:17

**YELLOW** [1] - 49:11

**YES** [37] - 2:7, 2:11,  
9:22, 12:4, 12:8,  
13:3, 13:10, 15:7,  
16:16, 17:14, 17:20,  
18:17, 19:12, 19:16,  
19:18, 20:17, 23:13,  
25:20, 26:10, 26:11,  
26:23, 27:8, 27:21,  
28:3, 32:6, 36:2,  
36:18, 37:15, 41:5,  
44:14, 47:11, 48:4,  
51:25, 67:7, 67:23,  
68:1, 69:10

**YESTERDAY** [2] - 7:7,  
32:14

**YORK** [1] - 57:12

**YOU** [154] - 2:3, 2:8,  
2:10, 2:12, 2:14,  
8:14, 8:15, 8:23, 9:1,  
9:4, 9:8, 9:13, 9:18,  
9:25, 10:23, 11:3,  
11:14, 12:1, 12:2,  
12:14, 12:21, 12:22,  
12:25, 13:3, 13:10,  
13:16, 14:6, 14:9,  
14:17, 14:18, 14:22,  
14:25, 15:3, 15:9,  
15:14, 15:20, 16:5,  
16:6, 16:10, 16:13,  
16:17, 16:18, 16:22,  
17:5, 17:8, 17:11,  
17:15, 18:3, 18:9,  
18:25, 19:2, 19:8,  
19:17, 19:21, 19:24,  
20:4, 20:8, 20:14,  
20:16, 20:18, 20:25,  
21:2, 21:16, 21:23,  
22:4, 22:7, 22:10,  
22:23, 23:1, 23:7,  
23:9, 23:14, 23:17,  
23:18, 24:2, 24:5,  
24:6, 24:9, 24:12,

**YOU'RE** [1] - 30:12

**YOUNG** [3] - 35:9,  
62:5, 62:14

**YOUR** [67] - 2:2, 2:6,  
2:7, 2:9, 2:11, 2:14,  
2:16, 4:8, 5:4, 5:17,  
6:20, 7:2, 7:5, 8:16,  
8:24, 9:12, 9:23,  
10:7, 12:23, 14:25,  
15:23, 16:10, 16:13,  
16:19, 17:21, 18:24,  
19:7, 19:19, 23:1,  
23:2, 23:11, 24:17,  
25:11, 25:18, 25:20,  
28:4, 28:9, 28:13,  
29:21, 32:4, 33:11,  
37:12, 37:15, 38:1,  
39:10, 40:2, 44:23,  
46:15, 47:10, 48:4,  
48:6, 48:8, 51:2,  
51:8, 51:24, 59:8,  
61:7, 61:15, 64:7,  
64:10, 64:11, 67:3,  
67:4, 68:5, 68:25,  
69:11

**YOURSELF** [2] -  
14:18, 25:6

**YVONNE** [1] - 1:14

---

**Z**

---

**ZHANG** [1] - 56:1

**ZHENG** [4] - 34:17,  
35:3, 55:4, 55:6