

No.

IN THE
SUPREME COURT OF THE UNITED STATES

JUAN JARMON,
Petitioner,

v.

UNITES STATES OF AMERICA,
Respondent.

On Writ of Certiorari
to the Court of Appeals for the Third Circuit

BRIEF FOR PETITIONER

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : Case No. 17-CR-00072-PD-1
Plaintiff, :
 :
vs. : Philadelphia, Pennsylvania
 : March 6, 2019
JUAN JARMON, : 10:11 a.m.
 :
Defendant. :
 :
. :
. :

TRANSCRIPT OF JURY TRIAL - DAY 2
BEFORE THE HONORABLE PAUL S. DIAMOND
UNITED STATES DISTRICT JUDGE

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Sarah Cardone
(By Mr. Maiatico) 33

None

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1 MARCH 6, 2019

10:11 A.M.

2 THE CLERK: All rise. Court is in session. The
3 Honorable Paul S. Diamond presiding.

4 THE COURT: Please be seated, everybody. Good morning.

5 GROUP RESPONSE: Good morning.

6 THE COURT: I asked my clerk to give you a copy of my
7 order in the Stinson regarding what Agent Cardone who was also
8 the first witness in Stinson may and may not testify to regarding
9 lay opinion of otherwise understandable language.

10 This was made a lot easier by the fact that counsel had
11 agreed before she took the stand as to the definitions of certain
12 terms.

13 The only two of which that stick in my mind are that PD
14 is crack cocaine and grinding is selling crack cocaine.

15 Now there may have been others, in fact, I think there
16 were others. I just as I sit here, I can't remember what they
17 are. But those were the two biggies.

18 Is there any such agreement between counsel in this
19 trial?

20 MS. COGGINS: We haven't discussed that, Your Honor.

21 THE COURT: Other than PD and grind, you may want to
22 speak with Agent Cardone, and perhaps the three lawyers and the
23 agent could talk. And if an agreement is not possible, that's
24 fine. The agent can testify to what is otherwise unclear based
25 on her personal knowledge and as long as she lays a foundation.

1 And she did that with regard to some other terms in the
2 Stinson trial.

3 And I say, there really aren't very many and by the end
4 of the trial simply from the context of the words, it became I
5 think clear to the jury, certainly to me, what certain words
6 meant except for the word, John, which as far as I can tell means
7 absolutely everything and nothing all at the same time.

8 So why don't I take a recess? Why don't we take a
9 recess? I'm sorry. And the parties can report to me whether
10 they can come to any agreement.

11 THE BAILIFF: All rise.

12 (Recess at 10:14 a.m., recommencing at 10:24 a.m.)

13 THE CLERK: Court's in session.

14 THE COURT: Please be seated. My clerk has reviewed
15 his notes and the parties in the Stinson trial agreed to the
16 following terms and definitions so that Agent Cardone was simply
17 allowed to say what they meant. PD is crack, Grinds is to sell
18 crack, a bean is a hundred dollars, to trap is to sell, a yak, Y-
19 A-K, is a bundle of crack and a stack is a thousand dollars.
20 Those are the ones that -- I believe those are the terms that
21 were agreed to.

22 Mr. Maiatico?

23 MR. MAIATICO: Yes, Your Honor. In this case, the
24 Government spoke to the Defendant, Defense counsel, and those are
25 the same terms that we will agree with regards to Agent Cardone's

1 testimony, there's an agreement by the parties that she be able
2 to testify to each of those terms based on her lay opinion.

3 THE COURT: I see Mr. Davison just walked in. If we if
4 I misremembered, I'm sure he'll correct -- All right. So, we're
5 agreed, are we not, Ms. Coggins that Agent Davison can simply say
6 when the parties use the term PD, I know from my investigation
7 that meant crack?

8 MS. COGGINS: Yes, Your Honor.

9 THE COURT: And so forth with respect to these other
10 terms?

11 MS. COGGINS: That's correct.

12 THE COURT: Okay. Thank you. Is there anything else
13 we need to address before the jury comes out?

14 MR. MAIATICO: Very briefly, Your Honor, with regards
15 to these terms. This is with regard to Agent Cardone's
16 testimony. I reminded both Defense counsel, I'd remind the
17 Court, if there are other terms that we expect to have either
18 witnesses from inside the conspiracy talk about, witnesses who
19 were participants in conversations themselves and also a drug
20 expert --

21 THE COURT: Well we're not up to -- I assume it's Agent
22 Updegraff again?

23 MR. MAIATICO: Correct.

24 THE COURT: And I assume he's going to testify at the
25 end as he did in the last trial?

1 MR. MAIATICO: That's correct, Your Honor.

2 THE COURT: All right. So, we're a few days from him.
3 The order I gave you, which for the record is Document Number 508
4 in the 17-71 matter, it's my order of January 23rd, 2019, set out
5 the parameters which I think I already described to you.

6 Anybody who pled guilty to a conspiracy and then
7 cooperates and is testifying, can testify to the meaning of terms
8 used in furtherance of the conspiracy he or she pled guilty to
9 whether or not he or she is a participant in the actual call.

10 As for the expert testimony, we'll deal with that
11 later.

12 MR. MAIATICO: Yes, Your Honor.

13 THE COURT: Are we free to bring the jury in now?

14 MS. COGGINS: Your Honor, just one follow-up question
15 with that. So, the witness must have pled guilty to this
16 indictment, this conspiracy; is that correct?

17 THE COURT: Yes.

18 MR. MAIATICO: Your Honor, if I can clarify that to
19 this conspiracy. We do expect a witness who pleaded guilty to
20 this conspiracy as part of the information and not this
21 indictment.

22 THE COURT: As long as it's the conspiracy. If the
23 Defendant waived his or her right to indictment, but pled guilty
24 to participating in the same conspiracy, then he or she may
25 interpret terms used in furtherance of the conspiracy to which he

1 or she pled guilty.

2 MS. COGGINS: Very well, Your Honor.

3 THE COURT: Okay. I believe that's clearly addressed
4 by the Second Circuit in 2008, the Leonadi (phonetic) case which
5 I've cited in my order. Anything else?

6 MR. MAIATICO: Your Honor, very briefly. There are
7 several other stipulations or agreements.

8 THE COURT: You keep saying very briefly.

9 MR. MAIATICO: Well, I don't want to take up too much
10 time here.

11 THE COURT: Yes.

12 MR. MAIATICO: I want to make sure we address them. We
13 had a discussion with Defense counsel about an individual that
14 goes by the nickname E-Black or Edward Stinson.

15 THE COURT: Yes.

16 MR. MAIATICO: His name will come up in this trial and
17 during periods of time of this conspiracy he was in prison. We
18 do not plan to address the fact that Edward Stinson was in
19 prison, but similar to the last trial, we will, with agreement of
20 the parties, address with both the first witness and with other
21 witnesses that Stinson was away from the Blumberg Housing
22 Projects in late 2012 and for extended periods of time throughout
23 2013 and 2014.

24 THE COURT: Was unavailable was what was used in the
25 previous trial and although given that Mr. Stinson is not on

1 trial here, I'm not sure that these euphemisms are necessary, but
2 if the Government wishes to act in an abundance of caution,
3 that's okay with me. So, the parties agree to that; is that
4 right? And stipulate to it and I will before any stipulation is
5 read to the jury, I will tell the jury what the stipulation is,
6 is that right, Ms. Coggins?

7 MS. COGGINS: May I have just a moment, Your Honor?

8 THE COURT: Yes.

9 (Counsel confer)

10 MS. COGGINS: Thank you, Your Honor.

11 MR. MAIATICO: Your Honor, in addition there's an
12 agreement amongst the parties to redact social media posts,
13 Government Exhibits 502 and 504, to remove the text, "Fuck me,
14 you know I got it." There is also stipulation to the
15 admissibility of these social media records.

16 It's also a stipulation to admissibility of evidence
17 relating to the drug distribution within 1000 feet of public
18 housing, those charges. There's a specific stipulation that
19 we've signed.

20 And lastly, Your Honor, there were materials that were
21 made available within the last few days and this morning. We
22 made available to the Defense, mental health records with regards
23 to a co-defendant and witness in this case. We also provided
24 duplicate audio recordings of controlled drug buys for which the
25 Defendant already audio and video recordings. Those were made

1 available this morning.

2 And Your Honor, with regards to Agent Cardone's
3 testimony, I spoke to Defense counsel, and we agreed that we're
4 going to reserve the right to recall her and present testimony of
5 controlled drug buys that she would testify about later in the
6 week and not as part of the first testimony.

7 THE COURT: Okay. Before the first stipulation is
8 announced to the jury and lawyers seem to do it differently, some
9 read the stipulation to the jury. The United States by and
10 through William McSwain and assistant, you know, so on and so
11 forth. And Ms. Coggins, I like to read to the jury what a
12 definition of a stipulation which I think I've given to you on
13 page 27 of the preliminary instructions, stipulated facts.

14 Just so the jury knows what a stipulation is. It may
15 be very familiar to lawyers, but not so much so to lay people.
16 And before you play any transcripts, the next page has a
17 cautionary instruction about transcripts.

18 MR. MAIATICO: Yes, Your Honor. Understood. And I'll
19 let the Court know that we would plan to read in the one
20 stipulation before Agent Cardone testifies. So, it's the first
21 thing --

22 THE COURT: So that's the first thing you're going to
23 do after the opening statements to the jury?

24 MR. MAIATICO: Yes, Your Honor.

25 THE COURT: Okay. And I will then say to you, Ms.

1 Coggins, so stipulated and presumably you will say, yes.

2 MS. COGGINS: Yes, Your Honor.

3 THE COURT: Okay. There was something else I wanted to
4 raise with you, and it's gone clear out of my mind, so hopefully
5 it'll come back before we need to address it.

6 Are you going to play audio recordings? I assume
7 you're going to play them for Agent Cardone.

8 MR. MAIATICO: Yes, Your Honor.

9 THE COURT: Okay. Then I will give that instruction as
10 well. Now I remember. Ms. Coggins, if you have a cautionary
11 instruction you wish for me to give regarding what I've called
12 intrinsic parts of the crime, what you call other bad acts,
13 please give me a proposed instruction at your earliest
14 convenience, and I'll review it and in all likelihood just read
15 it to the jury.

16 MS. COGGINS: Thank, Your Honor.

17 THE COURT: If you could secure the Government's
18 agreement on the instruction, that would also be helpful.

19 MS. COGGINS: Yes, Your Honor.

20 THE COURT: Can we bring the jury in?

21 MR. MAIATICO: Yes, Your Honor.

22 MS. COGGINS: Yes, Your Honor.

23 THE COURT: All right. Ms. Wittje. Who is going to
24 give the Government's opening statement?

25 MR. MAIATICO: I will be, Your Honor.

1 THE COURT: Okay.

2 (Jury in at 10:36 a.m.)

3 THE BAILIFF: Please stand for the jury.

4 THE COURT: Good morning, everybody. Please be seated.
5 I apologize for keeping you waiting. At the beginning of the
6 trial, there are all kinds of legal matters that have to be
7 addressed. Why don't we swear the jury?

8 (The Jury Is Sworn)

9 THE COURT: Please be seated. Members of the jury,
10 allow me formally to welcome you now as official sworn members of
11 the jury in this case. Before we begin I have a few brief
12 preliminary instructions for you, it won't take more than a few
13 minutes.

14 The Defendant Juan Jarmon is charged with conspiring
15 from 2012 to 2014 to distribute 280 grams or more of cocaine base
16 or crack in and around the Philadelphia Housing Authorities
17 Norman Blumberg apartment complex.

18 He's charged with one count of use of a communication
19 facility in furtherance of a drug felony, six counts of
20 distribution of cocaine based, five counts of distribution of
21 cocaine base within a thousand feet of public housing, one count
22 of distribution of cocaine base and aiding and abetting, one
23 count of distribution of cocaine base within a thousand feet of
24 public housing and aiding and abetting, five counts of possession
25 of cocaine base with intent to distribute and five counts of

1 possession of cocaine base within a thousand feet of public --
2 within 100 feet of public housing with intent to distribute.

3 Some of you have been selected to serve as alternate
4 jurors in this case, and it's the two of you at the very end.
5 And if any of the first 12 jurors cannot continue to serve, they
6 would be replaced by an alternate juror. So, the alternate juror
7 should therefore pay close attention to the trial along with the
8 other jurors because you never know when you might be called
9 upon.

10 The Government has charged the Defendant in this case
11 with violating federal law. The charges against the Defendant
12 are contained in a document called an indictment. An indictment
13 is simply a description of the Government's charges and is not
14 evidence of anything.

15 The Defendant has pled not guilty. A Defendant who
16 pleads not guilty is presumed innocent and may not be found
17 guilty by you unless all 12 of you unanimously find at the end of
18 the case that the Government has proven the Defendant guilty
19 beyond a reasonable doubt.

20 The burden of proof rests on the Government and not on
21 the Defense. It will be your duty as jurors and yours alone to
22 determine what the true facts are from the evidence presented
23 during the trial. You will then apply the facts as you and you
24 alone find them to the law as I and I alone give it to you in my
25 charge during the trial, now at the beginning of the trial, and

1 at the end of trial.

2 I'll tell you some general things about the procedure
3 that will follow. First, the Government's attorney will make the
4 Government's opening statement outlining their case. Immediately
5 after that, the Defense attorney will make an opening statement
6 outlining the defense.

7 Next, the Government will introduce its evidence and
8 when the Government has finished the Defendant may present his
9 evidence although the Defendant is under no obligation to present
10 evidence.

11 Sometimes, after that, evidence in rebuttal is
12 introduced. Evidence usually takes the form of witnesses
13 testifying on the stand, and the stand is right here in front of
14 you. And after a witness testifies, the witness may be cross-
15 examined by opposing counsel.

16 Sometimes I may even ask questions of a witness.
17 Nothing I do or say should be taken by you as indicating that I
18 have any feelings about this case because I can assure you I do
19 not. Even if I had an opinion, it would be totally unimportant
20 because I will not decide this case, you will.

21 Remember that it is the answers to questions that
22 provide evidence, not the questions themselves and you should not
23 speculate that a fact may be true merely because a lawyer asks a
24 question in a way that suggests a fact is true.

25 Evidence can also take the form of exhibits. At the

1 end of all the evidence, the Government and the Defendant may
2 make their closing arguments. In these arguments they will tell
3 you what they think the evidence shows. And while these
4 arguments should be given due consideration by you, they are not
5 evidence.

6 Only the evidence which has been admitted during the
7 trial can be considered by you in determining what the facts are.

8 As you probably know, the admission of evidence in
9 court is governed by rules of law. During the trial, the
10 Government or the Defendant may deem it necessary to make an
11 objection. And when they do, it becomes my duty to rule on those
12 objections and to decide whether certain evidence can be admitted
13 for your consideration.

14 You must not concern yourself with the objections or
15 the reason I ruled on them the way I did, but you should listen
16 to my ruling. You must not consider any testimony or exhibits to
17 which I have sustained an objection or which I have ordered
18 stricken from the record.

19 On the other hand, if I overrule an objection or deny a
20 motion to strike, then you may consider the testimony or exhibit
21 in question. If I tell you that evidence may be received only
22 for a limited purpose, you must obey that instruction.

23 Do not concern yourselves if counsel and I meet at
24 sidebar which will be over there where we did the follow-up
25 questioning, and whisper or ask you to leave the room for we are

1 only discussing legal matters that are not for your
2 consideration.

3 As I said earlier, nothing I do or say including asking
4 questions or ruling on objections should be taken by you as
5 indicating that I have any feelings about this case because I can
6 assure you I do not.

7 Moreover, even if I had an opinion, it would be totally
8 unimportant because I will not decide this case, you will.

9 You are the judges of the facts. That is, what
10 actually happened or took place, and excuse my voice. In honor
11 of this trial I'm beginning to get a cold. I'll try to speak up.

12 An important part of your job will consist of making
13 judgments about the testimony of each witness who testified in
14 this case. You should decide whether you believe what each
15 witness had to say and how important that testimony was.

16 In making that decision, I suggest you ask yourselves a
17 few questions. Did the witness impress you as being honest? Did
18 the witness have any particular reason not to tell the truth?
19 Did the witness have a personal interest in the outcome of the
20 case? Did the witness seem to have a good memory? Did the
21 witness have the opportunity and ability to observe accurately
22 the things the witness testified about? And did the witness
23 appear to understand the questions and answer them directly or
24 was the witness evasive or hesitant?

25 Did the witness' testimony differ from the testimony of

1 other witnesses, and if so, was the difference a major or minor
2 one? What was the witness's demeanor on the witness stand?

3 These are a few of the common sense considerations that
4 will help you determine the accuracy of what each witness said.
5 In making up your mind and reaching a verdict, do not make any
6 decisions simply because there were more witnesses testifying on
7 one side than on the other. Do not reach a conclusion on a
8 particular point just because there are more witnesses testifying
9 for one side on that point.

10 Your job is to think about all the testimony of each
11 witness you hear and decide how much you believe of what each
12 witness had to say. Raise your hand if you can't hear or if you
13 can't see something and let me know. We don't allow the jurors
14 to ask questions or to take notes. That's the job of the
15 lawyers. We will now hear the Government's opening statement.

16 MR. MAIATICO: Thank you, Your Honor.

17 OPENING STATEMENT BY THE GOVERNMENT

18 MR. MAIATICO: Good morning, ladies and gentlemen.
19 This is a case about drugs, money and power. The Defendant, Juan
20 Jarmon, otherwise known as Juan or Yizzo. He was a drug dealer,
21 a powerful drug dealer who operated in the Norman Blumberg
22 Housing Projects. He even worked together with others to make
23 money selling crack cocaine.

24 At the Blumberg Housing Projects, here's an aerial view
25 of them. They were located right here in Philadelphia and about

1 three years ago they were demolished. But before them, Blumberg
2 was home to thousands of residents and their families.

3 As you can see from this photo, Blumberg encompassed
4 several city blocks. There were two high rise buildings. One of
5 them called the Hemberger building, we're going to talk about in
6 one second.

7 The Hemberger building was 18 floors. There were also
8 several low rise buildings. There was a senior living facility
9 within the Blumberg complex, and there were playgrounds where
10 kids play.

11 Now to the many law abiding people of this area, they
12 looked at these buildings, and they saw a place to raise your
13 kids, raise a family.

14 The Defendant, Juan Jarmon, he looked at these
15 buildings, and he saw a way to make money off of them. Juan
16 Jarmon took advantage of and terrorized the people in these
17 buildings including the residents who live there, other drug
18 dealers and even members of his own drug trafficking group. All
19 in order to make money selling crack cocaine.

20 And boy, did he work hard to sell crack. You're going
21 to hear that Juan Jarmon set up a group to sell crack cocaine in
22 and around the Hemberger building. This is one of the high rise
23 buildings we saw in that previous aerial view.

24 Juan Jarmon employed a network of drug sellers, drug
25 dealers, lookouts, and stash houses. And Jarmon and this group

1 sold crack cocaine in and around the Hemberger building, in the
2 18th floor of the Hemberger building in shifts, 24/7, day after
3 day, week after week.

4 Now I mentioned shift sellers. Well, the shift
5 sellers, those are the people that would supply the crack cocaine
6 by the Defendant, Juan Jarmon. They work for him.

7 And they sold crack cocaine to drug users and drug
8 addicts who came into Blumberg and came up to the 18th floor of
9 the Hemberger building.

10 I talked about lookouts. Lookouts were just that.
11 Lookouts were people that stood outside of the Hemberger
12 building, and they would look out for police presence. They were
13 the ones that protected the building. They would let the shift
14 sellers know when police were in the area, and they would
15 sometimes direct drug users and the drug addicts up to the 18th
16 floor of Hemberger.

17 And then Juan Jarmon himself, he was the leader of this
18 group. There he is sitting in his place of business, a hallway
19 of a high rise. And he did whatever was necessary to keep his
20 business going.

21 You're going to hear evidence that Juan Jarmon bought
22 in bulk, crack cocaine. You're going to hear that he cooked
23 cocaine into crack cocaine. You're going to hear these sold bulk
24 crack cocaine to other drug dealers. You're going to hear a
25 supplied his shift sellers with bundles of yaks of crack cocaine.

1 And you're going to hear that he helped the shift sellers sell
2 the crack, small bags of crack, to drug users and drug addicts.

3 This is a cash business and the Defendant was all about
4 the money. Juan Jarmon, he worked hard to sell crack cocaine and
5 make money in the Blumberg Housing Projects. And he operated
6 this drug trafficking business with an iron fist.

7 If you were a shift seller, if you were a lookout and
8 you were late for your shift or you missed your shift, well he
9 berated you and he fired you.

10 If you were a shift seller and your money wasn't right,
11 you didn't give him the money that he believed was owed to him,
12 well he might take your head and crack it against the table and
13 bloody you up.

14 If you were a resident of one of these high rise
15 buildings and you went to the police, told the police all about
16 Juan Jarmon and his drug trafficking group, well he would
17 approach you, and he'd flat out punch you in the face.

18 You're going to hear that evidence, ladies and
19 gentlemen. In this case during the course of this trial, you'll
20 hear from about eight witnesses. You'll hear from special agents
21 from the Federal Bureau of Investigation. Special agents from
22 the Drug Enforcement Administration, civilians, drug experts and
23 people from inside Juan Jarmon's drug trafficking group.

24 They will all tell you what they know about the
25 Defendant's crimes, and they will take you inside the world of

1 selling crack for money in the housing projects.

2 Now in this case Federal agents used a number of
3 different investigative techniques to uncover Juan Jarmon's
4 crimes. The agents are going to present evidence where you will
5 have the opportunity to hear the Defendant's own voice on
6 telephone calls that were intercepted and recorded by law
7 enforcement. These are the calls that Juan Jarmon made. These
8 are the conversations that he had when he thought no one was
9 listening. But law enforcement was and you're going to have the
10 opportunity to hear those calls.

11 In fact, you will hear call after call, about 55 calls
12 in total that were recorded in which Juan Jarmon talks about his
13 drug trafficking business.

14 You're going to hear a call from late 2012, for
15 example, where Jarmon is talking to another drug dealer and he's
16 talking about setting up shop on the 18th floor of the Hemberger
17 building to sell crack in order to make money off the building.

18 That you're also going to hear telephone calls where
19 Jarmon works hard sell crack cocaine to the building. And some
20 of these conversations they're going to include drugs slang or
21 slang words. And you're going to hear from people inside the
22 conspiracy of the drug dealers as well as special agents with
23 knowledge of this slang, and they're going to describe what some
24 of these words mean.

25 You're going to hear about yaks or bundles. A bundle

1 is a large bag of crack cocaine that contains smaller bags of
2 crack cocaine. Those smaller bags, those are the bags that are
3 sold to the drug users and drug addicts in the buildings.

4 These yaks, these bundles, they were supplied to the
5 shift sellers by Juan Jarmon.

6 You're going to hear different terms for money. Dough,
7 bean, stack. You're going to hear, dub. That means \$20. A
8 bean, \$100. A stack, \$1,000. \$1,000. A shift seller might make
9 \$1,000 selling crack cocaine in just one shift.

10 Grind it, trap it, you're going to hear that means to
11 grind and to trap. It means to sell crack.

12 You're going to hear the terms PD and hard, PD and
13 hard, that's crack cocaine. Hard, because crack cocaine are
14 these small white chunky substance that's hard.

15 Smokers. Smokers are the people that are smoking the
16 crack. So, when Juan Jarmon and other people his group refer to
17 smokers, those are the drug addicts, those are the drug users
18 that they're selling to.

19 Tax. You're going to hear Juan Jarmon's own voice
20 talking about taxing his workers. He's taxing the workers
21 because they're not following his rules. You're going to hear
22 that word tax meaning he's taking money out of his worker's
23 pockets because they're not following his rules.

24 Rat or to rat. That means to report crimes to the
25 police. Number one rule of Juan Jarmon's drug trafficking group,

1 is don't talk about his drug trafficking group. Don't rat.
2 Don't snitch.

3 The law. So, looking out for the law, that means
4 looking out for police. And why are people looking out for the
5 police? Why are people in Juan Jarmon's group looking out for
6 the police? Because selling crack is illegal, they don't want to
7 get arrested.

8 Now you're also going to hear some words that are not
9 slang at all. You're going to hear Juan Jarmon on telephone
10 calls saying he's there trying to "make money" for him and his
11 workers. You'll hear him say that he's not going to pay his
12 workers and lookouts for doing nothing. And you'll hear him say
13 that if a female is going to rat on him, to go to the police and
14 tell the police about his group's drug dealing, well, let me be
15 clear, these are Juan Jarmon's own words that you're going to
16 hear, if she rats, he will, "Get six people to beat her the fuck
17 up. She's getting her ass whooped tonight."

18 But that's not all the evidence that you're going to
19 hear. You'll see and hear other audio and video recordings of
20 Juan Jarmon during undercover police stings in what we call
21 controlled drug buys.

22 So, a controlled drug buy, all that means is that law
23 enforcement is controlling or monitoring that drug buy. A person
24 who poses as a drug dealer, law enforcement takes that person and
25 puts an audio/video recording device somewhere on their body,

1 hides it.

2 That person is sent into the housing projects and
3 you'll see evidence that there's controlled drug buys where crack
4 cocaine is purchased from Juan Jarmon and it was caught on tape.

5 You're going to see photo, after photo, after photo of
6 the Defendant Juan Jarmon during these undercover police stings,
7 going in these controlled drug buys in when he sold a total of
8 over 80 grams of crack cocaine just during these controlled drug
9 buys.

10 So why are we here? Well, it's against federal law to
11 sell crack. Crack is a controlled substance, it's banned by the
12 DEA because there's potential for abuse and addiction. And Juan
13 Jarmon has been charged with, as the Judge told you, conspiracy
14 to distribute 280 grams or more of crack cocaine over a period
15 from 2012 and 2014.

16 The conspiracy in this case is simply an agreement.
17 It's an agreement to sell crack cocaine and to distribute crack
18 cocaine in the Blumberg Housing Projects.

19 And you'll hear evidence about Juan Jarmon's conspiracy
20 and how he worked together with others to make money selling
21 crack.

22 Juan Jarmon, he was the leader of this group. And
23 you're going to hear some other names. An individual by the
24 nickname E-Black and an individual by the nickname, Boo. There's
25 the names on either side of Juan Jarmon.

1 Those were other drug dealers that helped supply crack
2 cocaine to Juan Jarmon's group and helped manage the group.

3 Below Juan Jarmon are the shift sellers and we talked
4 about them. Juan Jarmon hired, fired and managed the shift
5 sellers that he supplied with these large bundles of crack
6 cocaine.

7 Below the shift sellers, the lookouts and we talked
8 about those lookouts and what they do. Juan Jarmon hired, fired
9 and managed those lookouts who looked out for police so that Juan
10 Jarmon and people in his group didn't get arrested.

11 All of these people worked together to make money
12 selling crack cocaine. And you'll hear evidence of this
13 conspiracy.

14 Now the Defendant has also been charged with what we
15 call substantive drug counts and the Court went over these,
16 relating to specific dates when Juan Jarmon possessed or sold
17 drugs and when he discussed drug trafficking on the telephone
18 calls.

19 And finally, the Defendant has been charged with
20 selling drugs inside what we call a drug free public housing zone
21 which makes it a crime to sell drugs within 1000 feet of property
22 designated as low income public housing, such as the Northern
23 Blumberg Housing Projects.

24 Now you'll hear from the Judge that the Government must
25 prove its case beyond reasonable doubt. And that doesn't mean

1 beyond any doubt. The reasonable doubt is a fair doubt that's
2 guided by reason, by logic, by common sense.

3 The Government accepts, and we embrace that burden.
4 And we're going to show you even additional evidence that further
5 corroborates the fact that Juan Jarmon was working together with
6 others to sell crack cocaine.

7 You'll hear from several people in and around the
8 conspiracy and they'll tell you about this group from the inside.
9 These are the people who spent weeks and months alongside Juan
10 Jarmon helping him sell crack cocaine.

11 You'll hear from an individual named Rasheen Chandler.
12 He was a shift seller that worked for Juan Jarmon. You're going
13 to hear from an individual named, Dotty Good. She was a shift
14 seller who worked for Juan Jarmon.

15 Those witnesses, they will tell you how they and Juan
16 Jarmon sold bundle, after bundle, after bundle of crack cocaine,
17 every day, 24/7 every week for months and months.

18 And these shift sellers, they'll tell you how Juan
19 Jarmon exercised his control over them, over his drugs, and over
20 this group.

21 Now these shift sellers, these witnesses, they're not
22 saints themselves. Now you're going to hear that they helped
23 Juan Jarmon commit these crimes and that they committed other
24 crimes too.

25 But those are the people that Juan Jarmon chose to

1 surround himself with. He chose people that were willing to sell
2 crack.

3 Juan Jarmon and his group, people in his group, they're
4 not choir boys. They're crack dealers. And so other crack
5 dealers are the eyewitnesses to the crimes.

6 So, ladies and gentlemen, over the next few days,
7 you're going to hear all of this evidence that shows that Juan
8 Jarmon worked together with others, he conspired and agreed with
9 others to make money selling crack cocaine in the Blumberg
10 Housing Projects.

11 You're going to hear those telephone calls, you're
12 going to see those undercover police stings, you're going to see
13 physical evidence, and you're going to listen to these witnesses.
14 And once you do, we'll be asking you to use your logic, your
15 common sense and to return the only verdict that's consistent
16 with this evidence, and that's a verdict of guilty on all counts.
17 I want to thank you for your time. Thank you for your service.

18 THE COURT: Thank you. Ms. Coggins.

19 OPENING STATEMENT BY THE DEFENSE

20 MS. COGGINS: My goodness. That was a long speech. You
21 know what, that's all it was is a speech because nothing that Mr.
22 Maiatico just said is evidence in this case. None of it.

23 Instead, what he just did was he just gave you a
24 picture of what he wants you to find in this case. I'll give you
25 an example. Say that you're going to go on vacation, right? And

1 you rent a house down at the Jersey Shore for a week.

2 You wake up the first morning, and you're all excited,
3 right? You put on your bathing suit, you grab your beach towel,
4 run to the door, open it, pouring rain, right? What happens.

5 So now you got to find something to do. So, you look
6 around this house, and you look at the cabinets, and you open up
7 drawers, and there on a shelf, you see a box. So, reach up and
8 you take the box down. It's heavy. It's incredibly heavy, this
9 box.

10 You look at it, it's old, right? There's dust on the
11 top. So, you blow all your dust off and there underneath it is a
12 picture, right? It's a Robert Kinkade waterfall, or a deer in
13 the woods, or a clown in the circus, who knows? But you realize
14 it's a puzzle because that picture there on top of that box is
15 what the puzzle maker wants you to find when you take off the
16 lid.

17 That's exactly what Mr. Maiatico just did. He painted
18 a picture for you of what he wants you to find in that box. So,
19 you take off that lid and spread the pieces all over the table.
20 Two, three hours later, you can't do it. It's impossible. Why?
21 Because there's pieces missing from that puzzle. The pieces that
22 are there, they don't fit. And strangely enough there's pieces
23 of other puzzles that have been shoved in this box. Other whole
24 portions of puzzles have been stuck in the box.

25 That's what you're going to see in this case. Now I'm

1 going to ask you to do three things. The first thing I'm going
2 to ask you to do is keep an open mind.

3 Now the Government in this case, the all-powerful
4 Government, they have unlimited resources, unlimited money and
5 they throw it all at my client, Juan Jarmon. But just because
6 the Government says it's true, it doesn't mean it's true. Just
7 because they have these unlimited resources to use to throw in
8 front of you, it doesn't mean it's true.

9 Now I lost count the number of agents involved in this
10 case. I think I stopped at around 15. But you're going to see
11 that they have FBI, they have DEA, they have the Philadelphia
12 Police Department, they have laboratories, they have helicopters,
13 pole cameras. Secret squirrel little cameras that they can put
14 in smoke detectors.

15 They have undercover workers for them, confidential
16 sources. My favorite, cooperating witness. All of these
17 resources at their fingertips. Just because they say and they
18 present this evidence to you, doesn't mean it's true.

19 Now second what I want to ask you to do is pay
20 attention. It's going to be very difficult. You're going to go
21 to lunch, right? It's Philadelphia. Got to get your cheese
22 steak, got to get your french fries. You come back here, you sit
23 in your comfy chairs, it's nice and warm. But you come back and,
24 you know, I'm actually just getting tired even thinking about
25 that.

1 But you've heard the expression the devil is in the
2 detail, right? That's never more true than in a criminal trial.
3 The devil is the detail. Pay attention to the details.

4 You're going to hear phone calls ad nauseum. And these
5 phone calls are almost impossible to understand, but the ever
6 helpful Government, they're going to give you a transcript. And
7 who is it made by? A Government agent.

8 Now that transcript is not evidence, and the Judge will
9 tell you that. That transcript is what the Government wants you
10 to hear on that tape, but that doesn't matter because it's what
11 you hear on the tape that matters.

12 Now in addition to that you're going to see witnesses.
13 Pay attention to these witnesses. And not just to what they say,
14 pay attention to what they look like on the witness stand. Do
15 they seem shifty, do they seem dishonest to you? And also, keep
16 in mind what is the motivation for these cooperating co-
17 defendants?

18 Imagine, what makes them sit up there and not just
19 testify, ladies and gentlemen, there's a distinction, but to
20 testify against my client.

21 Now think about it. You're going to hear that these
22 people are facing life. 20 year mandatory minimums potentially.
23 Pay attention to that because the fate, their fate rests in Mr.
24 Maiatico's hands.

25 Listen to deals that were made in return for these

1 cooperating co-defendants not just to testify, to testify against
2 my client. Also, they're criminals. Listen to what they've done
3 in their past, to their priors. They're criminals. Pay
4 attention to that and keep that in the back of your mind.

5 In addition to that, pay attention to how many times
6 these people have been prepped by the agents in this case. How
7 many times have they sat down and met with the agents to make
8 sure they come in and testify the right way? And also, pay
9 attention to how their statements change over the years. How the
10 inconsistencies in those statements all come up to the very end,
11 to when they testify in front of you here today.

12 Pay attention to the way that Mr. Maiatico asks his
13 question of these witnesses. Does Mr. Maiatico say to them
14 simply what happened on this date at this time, or does Mr.
15 Maiatico drag them by the nose to give the answer that he wants?

16 Does Mr. Maiatico ask his questions with the answer
17 already in it? Pay attention, also, ladies and gentlemen,
18 there's a lot of stuff that you're going to hear.

19 Pay attention to the dates and the times and the names
20 and nicknames and the roles of the different people and who they
21 work for, when they worked for them and what they do for each
22 person, who likes who, who robs who, who wants to kill who.

23 As you're going to see there's a lot of different
24 things all going on all the same time.

25 Now the third thing I'm going to ask you to do is use

1 your common sense. You were asked to leave any preconceived
2 notions that you may have had outside the door before you came in
3 here. You were never asked to abandon your common sense.

4 Now at the close all the evidence and the testimony I'm
5 going to come back to you in what's called a closing statement.
6 And at that time based upon all the missing pieces and the pieces
7 that don't fit and all of these multiple different puzzles that
8 are all going on at the same time, I'm going to ask that you find
9 my client not guilty of conspiracy to possession with intent to
10 deliver. Thank you, very much.

11 THE COURT: Thank you. Mr. Maiatico.

12 MR. MAIATICO: Yes, Your Honor. At this time, we would
13 like to read a stipulation into the record and begin the
14 presentation of the Government's evidence.

15 THE COURT: Very well. Ladies and gentlemen, you're
16 about to hear stimulations of facts that have been offered and
17 received in evidence. A stipulation of fact constitutes an
18 agreement between the parties through their lawyers that these
19 facts may be accepted as undisputed.

20 These facts require no further proof and no
21 contradictory evidence will be permitted. These facts constitute
22 evidence that you will consider with all the other evidence in
23 the case and you may accept or reject all or any part of such
24 evidence.

25 Mr. Maiatico. Ms. Osirim, sorry.

1 MS. OSIRIM: That's all right, Your Honor. Good
2 morning. It is stipulated by and between the United States by
3 its attorneys William and McSwain, United States Attorney in and
4 for the Eastern District of Pennsylvania, Jerome Maiatico and
5 Yvonne Osirim, assistant United States Attorneys for the
6 District, and the Defendant Juan Jarmon and his counsel that the
7 following facts are true and correct and may be entered into the
8 record of the trial of this case without further proof.

9 That is that the entirety of the 2300 block of Redner
10 Way in Philadelphia, Pennsylvania and 2400 West Oxford Street in
11 Philadelphia, Pennsylvania are within 1000 feet of the real
12 property comprising the Norman Blumberg apartment complex. A
13 housing facility owned by the Philadelphia Housing Authority
14 located at 2311 West Jefferson Street in Philadelphia,
15 Pennsylvania.

16 If a representative from the Philadelphia Housing
17 Authority was called to testify, he or she would testify that
18 Blumberg was a housing facility owned by Public Housing Authority
19 and that the facility was operating throughout 2013 including on
20 May 3rd of 2013, May 17th of 2013, June 11th of 2013, August 2nd
21 of 2013, August 14th of 2013 and September 5th of 2013.

22 This stipulation shall be received as an exhibit at
23 trial and is stipulated and agreed to by both parties.

24 THE COURT: Ms. Coggins, so stipulated?

25 MS. COGGINS: That is correct, Your Honor.

1 THE COURT: Very well.

2 MS. OSIRIM: Thank you.

3 THE COURT: Thank you, Ms. Osirim. Could the
4 Government please call its first witness?

5 MR. MAIATICO: Your Honor, the Government calls Special
6 Agent Sarah Cardone from the Federal Bureau of Investigation.

7 THE COURT: Very well.

8 THE CLERK: Would you please raise your right hand?

9 SARAH CARDONE, GOVERNMENT'S WITNESS, SWORN

10 THE CLERK: Please state your name for the record.

11 THE WITNESS: My name is Sarah Cardone and my last name
12 is spelled, CARDONE.

13 DIRECT EXAMINATION

14 BY MR. MAIATICO:

15 Q Good morning, Agent Cardone.

16 A Good morning.

17 Q Agent Cardone, how are you currently employed?

18 A I am employed as a special agent by the Federal Bureau of
19 Investigation.

20 Q And in what capacity are employed with the FBI?

21 A As a special agent.

22 Q And that's in the City of Philadelphia?

23 A Yes.

24 Q How long have you been the FBI here in Philadelphia?

25 A In Philadelphia I've been here for approximately six years.

1 Q And prior to that where were you trained?

2 A I was trained at the FBI Academy in Quantico, Virginia.

3 Q And can you discuss what your duties are as a special agent
4 with the Federal Bureau of Investigation?

5 A My duties as a special agent are to investigate violations
6 of United States Code which could also be considered violations
7 of federal law.

8 Q Okay. And to what unit are you currently assigned?

9 A I'm currently assigned to an organized crime unit.

10 Q Okay. Before that, to what unit were you assigned?

11 A Previously I was assigned to a narcotics squad.

12 Q Okay. And during the time of this investigation back in
13 2013, 2014, what squad were you assigned to?

14 A I was assigned to the narcotics squad.

15 Q And can you describe some of the types of cases that you
16 investigated as a member of the narcotics squad?

17 A As a member of the narcotics squad we would investigate any
18 crimes that would involve drug narcotics trafficking, possession
19 and distribution.

20 Q And what types of drugs or controlled substances would you
21 investigate?

22 A We investigated such controlled substances as crack cocaine,
23 heroin, methamphetamines and prescription pills.

24 Q During your time with the FBI over these last six years,
25 about how many investigations have you participated in through

1 your work?

2 A I've participated in at least 100 investigations.

3 Q And just specifically for drug trafficking investigations,
4 about how many have you been involved in?

5 A I've been involved in approximately 50 different types of
6 drug investigations.

7 Q And you mentioned that you did your training at FBI
8 Quantico?

9 A Yes.

10 Q What type of training did you receive there?

11 A At the FBI Academy in Quantico, Virginia I received
12 training, some legal training, I received firearms training,
13 received interview training, defensive tactics training and
14 intelligence training, other types of training related to using
15 the various databases that the FBI has.

16 Q And did you receive any training that related to -- that was
17 helpful in drug trafficking investigations?

18 A Yes.

19 Q And including such as?

20 A Such as interviewing witnesses, also handling sources,
21 writing reports.

22 Q Okay. And during your tenure at the FBI, have you received
23 ongoing training?

24 A Yes.

25 Q Can you describe what type of ongoing training you received?

1 A I received ongoing training in interviewing and handling
2 confidential sources. I've received training in evidence
3 collection and processing.

4 Q So turning now to this case, the reason we're here today.
5 Are you one of the lead agents in the investigation of the
6 Defendant, Juan Jarmon in drug trafficking in the Blumberg
7 Housing complex?

8 A Yes.

9 Q And for how long have you been involved in that
10 investigation?

11 A I have been involved in an investigation for almost six
12 years. So, the entirety of the time that I have been assigned to
13 the Philadelphia division.

14 Q Okay. And have you worked with other law enforcement
15 agencies in investigating and prosecuting this case?

16 A Yes.

17 Q What other agencies were involved?

18 A The other agencies who were involved include the Drug
19 Enforcement Administration, the Philadelphia Police Department
20 and the Philadelphia Housing Authority Police Department.

21 Q Okay. And I just want to talk about some of the acronyms.
22 We may hear some of these terms again. So Federal Bureau of
23 Investigation, is that the FBI?

24 A Yes.

25 Q Drug Enforcement Administration, DEA?

1 A Yes.

2 Q Public Housing Authority, PHA?

3 A Yes.

4 Q Or Housing?

5 A Yes.

6 Q Okay. So, let's talk about the Norman Blumberg Public
7 Housing Projects. Where was it located?

8 A It was located in North Philadelphia.

9 Q Okay. And about how many city blocks did it encompass?

10 A It was several. The boundaries of the Public Housing were
11 on the east and west side where North 22nd Street and North 24th
12 Street and north and south boundaries were Oxford Street and
13 Jefferson Street.

14 Q Okay. Can you describe what the Norman Blumberg apartment
15 complex looked like, the buildings within those boundaries?

16 A The Norman Blumberg apartment complex was comprised of two
17 twin 18-story high towers, as I said, each contained 18 floors.
18 There were additional smaller buildings that surround them. They
19 were townhouse style buildings that would also be referred to as
20 low rise buildings.

21 And there was a separate unit which was a separate
22 tower which was not as tall as the two primary towers, and that
23 tower was the senior building that housed individuals of a
24 certain age.

25 Q And could anybody live there inside of the Blumberg complex?

1 A No.

2 Q Who specifically could live there?

3 A Specifically the housing was designed for low income
4 individuals who did not make more than a certain threshold of
5 income.

6 Q And who manage that process, who managed the Blumberg
7 complex?

8 A The Philadelphia Housing Authority did.

9 Q And during that period of time in this case, 2012 to 2014,
10 was Blumberg home to adults, children, families?

11 A Yes.

12 Q And about how many people lived there during that period?

13 A Over 1000 people lived there during that period.

14 Q Okay. Have you personally been to the Norman Blumberg
15 Housing Projects?

16 A Yes.

17 Q And how many times have you been there approximately?

18 A I have been either to the facility or have driven past the
19 facility at least 100 times.

20 Q And have you conducted surveillance of the buildings within
21 Blumberg?

22 A Yes.

23 Q Have you viewed photographs and videos of that area?

24 A Yes.

25 Q And have you previously viewed, turning to some exhibits

1 which are in the book before you, have you previously viewed the
2 photos that have been marked Government Exhibits 101 through 108?

3 (Government's Exhibit 101 to 109 marked for identification)

4 A Yes.

5 Q I'm sorry. 101 through 109.

6 A Yes.

7 Q And after viewing those, do they accurately depict the
8 Blumberg buildings in the areas within Blumberg?

9 A Yes.

10 MR. MAIATICO: Your Honor, we would ask that those nine
11 exhibits, Exhibits 101 through 109 be admitted and published to
12 the jury.

13 THE COURT: Ms. Coggins?

14 MS. COGGINS: I have no objection, Your Honor.

15 THE COURT: All right. They'll be admitted and the
16 jury may see them.

17 (Government's Exhibit 101 through 109 received)

18 BY MR. MAIATICO:

19 Q I'm showing you, Agent Cardone, what's been marked the first
20 one, Government Exhibit 101.

21 MR. MAIATICO: And can you publish to the jury?

22 BY MR. MAIATICO:

23 Q Can you describe what this is?

24 A Yes. This is an aerial photograph of what was the Norman
25 Blumberg apartment complex.

1 Q Okay. And you described that there were two high rise
2 buildings?

3 A Yes.

4 Q What were the names of those high rise buildings?

5 A The two high rise buildings were -- one's address was 1515
6 Hemberger Way, and that was often referred to as the Hemberger
7 building. The other was 1516 Judson Way, and that was often
8 referred to as the Judson building.

9 Q Okay. And between the Hemberger building and the Judson
10 building, was there a courtyard? What were the other things that
11 were between those buildings?

12 A There was a courtyard that sat in between the buildings.
13 There was a playground that was located in front of the Hemberger
14 building. There was a playground that was located behind the
15 Judson building in between the Judson building and the Senior
16 building.

17 Q Okay. I'm going to show you what's been marked Government
18 Exhibit 102. And can you describe what that is?

19 A This is a sign; Government's Exhibit 102 is a sign that was
20 in the courtyard portion of the Norman Blumberg apartment
21 complex.

22 Q And what does it read?

23 A It reads, "Norman Blumberg Apartments Philadelphia Housing
24 Authority building beyond expectations." The bottom says,
25 "Accredited management organization"

1 Q Okay. Turning to Government Exhibit 103. What building is
2 this?

3 A This is a photograph depicting the Hemberger building.

4 Q Okay. And how many floors is the Hemberger building?

5 A 18.

6 Q And what is at the top floor?

7 A It's the 18th floor.

8 Q Okay. So, moving to Government's Exhibit 104. Is this a
9 playground outside of the Hemberger building?

10 A Yes.

11 Q And what do we see in the background there? Is there a
12 booth or an area that has a green roof?

13 A Yes. The structure with the green roof is a security booth
14 that sat outside in front of the Hemberger building.

15 Q Okay. I'm going to move to Government Exhibit 105. And to
16 the left of that photograph, is that the security booth that
17 you're talking about?

18 A Yes.

19 Q Okay. And who sits inside that booth?

20 A At one point in time there was a contracted security company
21 that sat inside the booth, and at another time there were police
22 officers from the Philadelphia Housing Authority's Police
23 Department.

24 Q And that transition from security to Public Housing Police,
25 when did that occur approximately?

1 A It occurred sometime over the course of this investigation.
2 I believe sometime in the fall of 2013.

3 Q Was that security booth, was that always staffed?

4 A I don't believe it was always staffed.

5 Q Sometimes there were police in there, sometimes not?

6 A Yes.

7 Q Okay. Turning to 106. And can you describe what we're
8 looking at here?

9 A We're looking at a portion of the 18th floor of the
10 Hemberger building as depicted by the number 18 on the wall.

11 Q Okay. And turning to 107. Can you describe what we're
12 looking at here?

13 A In Exhibit 107, this is a photograph of the hallway, a
14 portion of the hallway on the 18th floor of the Hemberger
15 building.

16 Q Okay. And have you looked at these photos before?

17 A Yes.

18 Q When you zoomed in on this photo, is that apartment 1805, do
19 you see on the left?

20 A Yes.

21 Q Okay. And during the course of your investigation, did you
22 identify an individual who lived in Apartment 1805?

23 A Yes.

24 Q Who was that?

25 A The individual who resided an Apartment 1805 was Raheem

1 Chandler.

2 Q Did you also identify an individual that lived in the
3 apartment at 1804?

4 A Yes.

5 Q Across the way? And who was the person that lived there?

6 A Norma Mercado lived in Apartment 1804 in the Hemberger
7 building.

8 Q And I'm turning to Government Exhibit 108. What are we
9 looking at here?

10 A Government's Exhibit 108 is a photograph that depicts one of
11 the stairwells on the 18th floor in the Hemberger building.

12 Q Okay. We're going to head back outside of the Hemberger
13 building outside the Blumberg complex, Government Exhibit 109.
14 And can you describe what area we're looking at here?

15 A This is the intersection of 24th Street and Oxford Street or
16 the 2400 block of Oxford Street.

17 Q Okay. And on the right side it appears to be something
18 labeled, a Mini Market?

19 A Yes.

20 Q Is that correct? And on the left side of that photograph,
21 what do we see?

22 A On the left hand side is a portion of the Norman Blumberg
23 Apartments and this would be some of the low rise dwellings.

24 Q Now all these buildings we just looked at, Agent Cardone,
25 are they still there?

1 A All of them are not still there.

2 Q Okay. And why not?

3 A The two towers, Hemberger and Judson were imploded in March
4 of 2016 after all the residents had been evacuated.

5 Q Okay. And where did the residents and the families, where
6 did they go?

7 A They went to various locations. They were either
8 transferred to other public housing areas or into what's
9 considered scattered sites which would be individual houses that
10 were located within traditional residential areas of the city.

11 Q So I want to turn to how your investigations to Juan Jarmon
12 and drug trafficking began. When did you initially --

13 THE COURT: Before you do that, the jury's been sitting
14 for an hour. Why don't we take a short break?

15 MR. MAIATICO: Yes, Your Honor.

16 THE CLERK: All rise.

17 THE COURT: Go ahead. You can go.

18 (Jury out at 11:27 a.m.)

19 THE COURT: Okay. Please be seated. I misspoke in
20 reading -- Please be seated. I misspoke in reading the charges.
21 I said within a hundred feet of public housing, I meant a
22 thousand. I don't think it's worth correcting. I'm going to
23 send the indictment as redacted by the parties out with the jury,
24 and I won't say a hundred feet again. Although in light of the
25 stipulation I don't think it matters, unless counsel have some

1 reason for concern.

2 MS. COGGINS: No, Your Honor.

3 MR. MAIATICO: No, Your Honor.

4 THE COURT: Okay.

5 (Recess at 11:28 a.m., recommencing at 11:48 a.m.)

6 THE CLERK: Court's in session.

7 THE COURT: Please be seated. Can we bring the jury
8 back in?

9 MR. MAIATICO: Yes, Your Honor.

10 MS. COGGINS: Yes, Your Honor.

11 THE COURT: Okay. Agent Cardone, you're still under
12 oath.

13 THE CLERK: Please stand for the jury.

14 (Jury in at 11:50 a.m.)

15 THE COURT: Welcome back, please be seated. Mr.
16 Maiatico.

17 MR. MAIATICO: Thank you, Your Honor.

18 BY MR. MAIATICO:

19 Q Picking up where we left off, Agent Cardone, when did you
20 initially become involved in the investigation into Juan Jarmon
21 and his drug trafficking?

22 A In April of 2013.

23 Q And were you one of the lead case agents?

24 A Yes.

25 Q And in this case, in this investigation, were the FBI and

1 the DEA asked to assist local law enforcement?

2 A Yes.

3 Q Now during the course of the investigation, did you and the
4 other agents that were involved in this case, use different
5 investigative techniques or tools?

6 A Yes.

7 Q And can you describe some of those investigative techniques
8 or tools that you used?

9 A We used interviewing techniques which we use investigative
10 techniques of speaking with cooperating witnesses. We listen to
11 recorded phone calls, consensually recorded phone calls as well
12 as there was a Title III wiretap to intercept. We also conducted
13 surveillance and --

14 Q Were there also controlled drug buys --

15 A Yes.

16 Q -- that were done in this case, Agent Cardone?

17 A Yes.

18 Q Okay. Now you talked about a few of those techniques. I
19 want to go through some of those. And you said Title III wire
20 intercept. So, I'm going to ask you some questions about what
21 that means. What is a Title III wiretap?

22 A A Title III wiretap is a court approved intercept of
23 someone's phone. So essentially a court is approving law
24 enforcement to listen to phone calls.

25 Q Okay. And you used this as an investigative tool during

1 this investigation?

2 A Yes.

3 Q And how so?

4 A They were used to obtain evidence of crimes that were
5 occurring. Law enforcement was listening, specifically listening
6 for the individuals to discuss crimes that they were committing.

7 Q Okay. And did you receive permission to listen to these
8 calls?

9 A Yes.

10 Q And from whom did you receive permission?

11 A The Court.

12 Q How long is an order permitting a wiretap?

13 A The length of the order is for 30 days.

14 Q And when 30 days is up, what are your options in terms of
15 continuing to listen to those calls?

16 A In order to continue to listen to the calls you would need
17 to receive a renewal and approved from the court.

18 Q Okay. And is it a judge that permits the extension of the
19 wiretap?

20 A Yes.

21 Q Now when a wiretap is up and running, do you inform the
22 individuals that you're listening to that they're being recorded?

23 A No.

24 Q Okay. And why not?

25 A The court does not permit you to notify the individuals that

1 they are being listened to.

2 Q It's under seal at that time?

3 A Yes.

4 Q And once a wiretap is then approved, can you describe the
5 process? What happens next once you have an approved wiretap?

6 A Once the wiretap is approved, the order from the court is
7 sent by the agency who will be conducting the wiretap. In this
8 particular case, the Drug Enforcement Administration was the one
9 who will would say housed the wiretap. Either the FBI or the DEA
10 could have done it.

11 So, they sent the order to the phone company and with
12 the DEA technical agents and the phone company. The phone
13 company essentially allows the DEA and/or law enforcement to
14 listen to the particular phone calls from that particular number.

15 Q Okay. Does the phone company help identify each of the
16 phone calls and phone numbers to be intercepted?

17 A Yes. The phone numbers of the incoming calls, the other
18 party essentially. Their telephone numbers will be recorded as
19 well and provided to law enforcement.

20 Q Okay. So, in addition to the actual calls, there's other
21 data that's sent from the phone company; is that correct?

22 A Yes.

23 Q So you mentioned the audio, you mentioned the telephone
24 numbers. What other data is part of the information that's sent?

25 A Both the time and date that the call was made either to or

1 from the particular target telephone.

2 Q Okay. And during the course of the wiretap, are you
3 receiving information in real time?

4 A Yes.

5 Q Okay. And where do federal agents or how do you go about
6 listening to these calls?

7 A Typically these calls are listened to in what is referred to
8 as a wire room. As I said for this case, the DEA used the DEA's
9 wire room for this case. So, both law enforcement officers from
10 the DEA and the FBI would go to the wire room which has a series
11 of stations. They have a computer monitor and a headset,
12 speakers that you could use to listen to any incoming or outgoing
13 calls to that particular telephone number that was being
14 intercepted.

15 Q As you're listening to these intercepted calls in real time,
16 about how many people are in the wire room?

17 A It depends on how active the wire is. At least one person
18 needs to be what's considered live monitoring or listening to the
19 call when it comes in, otherwise you cannot be monitoring the
20 line.

21 So, if there's no law enforcement personnel present,
22 the calls cannot be recorded or listened to. You can't just play
23 it when no one is present in the room.

24 Q Okay. Can you describe then what happens when a live
25 outgoing or incoming call comes in?

1 A When a call comes in or goes out from the target telephone
2 number, a sound will come on the line, and then the phone call
3 will begin. At that point in time any live calls that are being
4 listened to are also being recorded. And the agent or the task
5 force officer who is also a law enforcement officer, would listen
6 to the calls and if there is evidence that a crime is being
7 committed, then they will continue to listen to that call and
8 that call will continue to be recording.

9 If that call is of a different nature and doesn't
10 involve crimes being committed, then they will push, not monitor,
11 and they will not be listening to the call, and it would not be
12 being recorded.

13 If that call is of a privileged nature, if the
14 individual is speaking to a doctor or an attorney, that call
15 would not be monitored and not be recorded either.

16 Q Okay. And in this particular case, Agent Cardone, did a
17 judge permit the interception of phone calls to and from a
18 cellphone with a telephone number 215-327-4080?

19 A Yes.

20 Q And based on your investigation which included as you said
21 your review of the wire calls, telephone calls, controlled drug
22 buys in this case, did you identify the user of that telephone
23 number?

24 A Yes.

25 Q Who was that?

1 A The user of that telephone number was Juan Jarmon.

2 Q Okay. Was the wiretap approved for the periods from August
3 30th, 2013 to November 13th, 2013?

4 A Yes.

5 Q Okay. And also, in this case did the judge permit an
6 interception of phone calls to and from a cellphone with the
7 telephone number 267-368-2972?

8 A Yes.

9 Q And again, based on your investigation which would include
10 the controlled drug buys, your review of the wire calls,
11 interviews in this case, were you able to identify the user of
12 that phone number?

13 A Yes.

14 Q Who was that?

15 A The user of that phone number was Damon Edwards.

16 Q Did Damon Edwards have a nickname?

17 A Yes.

18 Q What was that?

19 A He went by Booboo or Boo.

20 Q Okay. And this particular wiretap on Boo or Damon Edwards'
21 phone number, was that from the periods December 10th, 2013 to
22 March 12th, 2014?

23 A Yes.

24 Q Before listening to any calls, I want to talk about some of
25 the other investigative tools that you've used in this case. I

1 want to move onto, you mentioned the controlled drug buys.

2 Controlled drug buys, what type of individual, who do you use to
3 conduct these controlled drug buys?

4 A For this particular case we used cooperating witnesses or
5 confidential sources were used in this case.

6 Q Okay. So confidential source, can you describe what a
7 confidential source is to the jury?

8 A A confidential source is a source whose identity is not --
9 is known to law enforcement, but it's not known to the individual
10 from whom we're purchasing narcotics from. So, they are not
11 aware that this person is operating on behalf of the government.

12 Q And have you received training on handling confidential
13 sources during the course of your time as an FBI agent?

14 A Yes.

15 Q Okay. And what type of training have you received on that?

16 A I received training in meeting with confidential sources,
17 how to meet with them in order to ensure their safety and law
18 enforcement safety.

19 Q Let me ask you about that, you mentioned for their safety.
20 Are there safety concerns when dealing with confidential sources?

21 A Yes.

22 Q And how so?

23 A Sometimes the work or what's requested of confidential
24 sources that law enforcement is asking them to do can be
25 considered dangerous. They are purchasing drugs from individuals

1 who might be known to be violent.

2 Q Okay. And when using confidential sources in these drug
3 trafficking investigations, do you use individuals who are drug
4 dealers or drug users themselves?

5 A Yes.

6 Q And why do you do that?

7 A A confidential source, one of the criteria of being a
8 confidential source is you have to have access to the person or
9 to the information. So often these types of individuals would
10 have access or be able to purchase narcotics from a particular
11 individual that law enforcement is interested in purchasing drugs
12 from.

13 Q Okay. So, do you use just anybody as a confidential source?

14 A No.

15 Q Do you put them through some sort of background check?

16 A Yes. A criminal history check is conducted on any potential
17 confidential source.

18 Q Okay. And what makes someone other than access to a drug
19 dealer or drugs, what makes them a good confidential source?

20 A They have to be willing to be a confidential source, and
21 they have to be willing to provide truthful information to law
22 enforcement.

23 Q You ever force someone to be a confidential source?

24 A No.

25 Q And what type of ongoing supervision do you provide when

1 you're dealing with confidential sources?

2 A When dealing with confidential services, the agent, law
3 enforcement will periodically meet with the confidential source.
4 They'll also periodically conduct criminal background checks on
5 the confidential source. And the confidential source also
6 receives various advisements from law enforcement such as that
7 they are doing this willingly, they are not an employee of the
8 United States Government.

9 They are not to inflict any harm against any individual
10 unless it's in self-defense. They are not to take any action on
11 their own outside of what the law enforcement officer is
12 instructing them to do as a confidential source.

13 Q Is it fair to say it's a tightly controlled process?

14 A Yes.

15 Q Okay. Now are the sources ever paid?

16 A Yes.

17 Q And why would they be paid?

18 A The source is compensated for expenses associated with what
19 law enforcement is asking them to do. So, for instance, if law
20 enforcement's asking a confidential source to make a telephone
21 call to a particular individual, they might be compensated for
22 the portion of their telephone bill. Also, they could be
23 compensated similarly to if you go to work, you get compensated
24 for the work you do. They are compensated -- they can be
25 compensated for their time spent working as a confidential

1 source.

2 Q Okay. And in this case did the FBI and the DEA use
3 confidential sources?

4 A Yes.

5 Q Now you talked about the confidential sources being used for
6 controlled drug buys, and I want to talk about the controlled
7 drug buys. What is it? What is a controlled drug by or an
8 undercover police sting?

9 A A controlled drug by is when the government has, or law
10 enforcement has a sense of control of the particular buy. And
11 what I mean by that is the confidential source is briefed on --
12 given a set of instructions on what law enforcement would like
13 the confidential source should do.

14 They are searched for contraband, so they're searched for
15 drugs or money before they would go to make a purchase of
16 narcotics. They would be given a set of money by law enforcement
17 along with the instructions. And then they would be provided
18 with either an audio or an audio video recording device in order
19 to capture the purchase of narcotics on audio and/or video.

20 Q Okay. Then after the purchase, what would happen?

21 A The confidential source would again meet with law
22 enforcement, and they would provide any drugs or any remaining
23 money to law enforcement, and they would also again be searched
24 to make sure they didn't have any drugs or money on their person,
25 and then they would be debriefed. So, they would talk to law

1 enforcement about what occurred during the purchase.

2 Q Okay. And Agent Cardone, have you received training in this
3 area?

4 A Yes.

5 Q And have you personally been involved in controlled drug
6 buys with confidential sources?

7 A Yes.

8 Q And are there any dangers involved in these controlled drug
9 buys?

10 A Yes.

11 Q Can you describe those?

12 A As I previously mentioned, it could be dangerous for the
13 source depending on from whom they're buying drugs. If this
14 person is a violent individual, if they have to meet them in an
15 area where there might be other violent individuals. It's also a
16 concern for the source to make sure that their identity as a
17 source isn't revealed to the particular individual from whom
18 they're purchasing drugs.

19 Q You talked about the audio video recording equipment. Is
20 that equipment that's hidden on the confidential sources' body?

21 A Yes.

22 Q And does that equipment always work?

23 A No.

24 Q Can you describe simulations where it doesn't work or why it
25 wouldn't work?

1 A The audio video recording equipment is an electronic device.
2 As you're probably familiar with, sometimes electronic devices
3 fail. Sometimes the phone doesn't work. Sometimes, you know, an
4 appliance in our home doesn't operate properly. To combat this,
5 often times we would give the confidential source more than one
6 recording device in case one of the devices failed.

7 Q Okay. And these audio video recording devices that we're
8 talking about, are they big or they small?

9 A Typically small.

10 Q And why are they small? What's the reason that they're so
11 small?

12 A They're small because they are intended to be concealed and
13 for the target or the person from whom the confidential source is
14 purchasing drugs, for them not to be able to tell that the
15 confidential source is recording that interaction.

16 Q Okay. And these little cameras, do they always capture
17 everything that's going on in and around these controlled drug
18 buys?

19 A No.

20 Q Okay. And can you describe the audio video quality
21 typically of these little cameras, these little recording devices
22 that are hidden?

23 A The audio and video quality varies based on where the device
24 is placed on the confidential source and how the confidential
25 source is, I guess, which part of their body it's on and how that

1 particular part of their body is facing the target individual.

2 Also, any kind of background noise could be picked up.

3 So, if the person is walking outside and it's windy outside, that
4 could impact the resulting quality of the audio on the recording.

5 Q Okay. And in this case, did the FBI and DEA make controlled
6 drug buys from Juan Jarmon and other in his group?

7 A Yes.

8 Q And moving on now you mentioned consensually recorded calls
9 is another investigative tool that you've used in this
10 investigation. So, do you have occasion to review a number of
11 consensually recorded telephone calls?

12 A Yes.

13 Q And about how many of those consensually recorded telephone
14 calls did you review?

15 A I reviewed over a thousand consensually recorded telephone
16 calls.

17 Q Now are those calls when the parties have notice that the
18 call may be recorded?

19 A Yes.

20 Q Now in drug trafficking investigations, have you learned how
21 drug dealers communicate with one another?

22 A Yes.

23 Q Typically how do they communicate?

24 A They typically communicate by cellphone or in person.

25 Q Okay. Just like anybody else?

1 A Yes.

2 Q And when they use a telephone in your experience, how do
3 they communicate?

4 A Oftentimes they communicate using slang or coded language in
5 the event that someone such as law enforcement is listening to
6 their conversations. They would like to seal the actual content
7 of the conversation.

8 Q Okay. So, based on your training and experience in the
9 dozens of drug trafficking investigations that you've done, are
10 drug dealers paranoid about enforcement listening?

11 A They are concerned, yes.

12 Q Now based on your training and experience in these drug
13 trafficking investigations, do drug dealers often use
14 countersurveillance techniques?

15 A Yes.

16 Q And when I say countersurveillance techniques, what does
17 that mean?

18 A A countersurveillance technique is a technique that someone
19 would use to try to evade surveillance from law enforcement. For
20 example, if I thought I was being followed by someone, maybe I'm
21 going to drive around the block a couple of times to see if any
22 particular car follows me around the block twice.

23 Q Okay. And why would drug dealers be performing
24 countersurveillance or being concerned about this?

25 A They would be concerned if law enforcement might be

1 following them or monitoring their movement.

2 Q So next I want to show you, Agent Cardone, some of the
3 photos of people that you identified in this investigation.
4 Before coming here today, I'm referring to some of the Government
5 exhibit numbers. Did you review photographs that were marked
6 Government Exhibit 1 through 11?

7 (Government's Exhibit 1 to 11 marked for identification)

8 A Yes.

9 Q And based on your investigation and include your review of
10 the wire calls, telephone calls, the controlled drug buys in this
11 case, were you able to identify each of the people by their name
12 and by their nickname on that list?

13 A Yes.

14 Q Okay.

15 MR. MAIATICO: Your Honor, at this point we ask that --
16 there's actually 12 exhibits. Exhibits numbered 1 through 12
17 including 2A, that they be admitted.

18 (Government's Exhibit 12 marked for identification)

19 THE COURT: Ms. Coggins?

20 MS. COGGINS: No objection, Your Honor.

21 THE COURT: Very well, they'll be admitted.

22 (Government's Exhibit 1 through 12 received)

23 MR. MAIATICO: All right.

24 BY MR. MAIATICO:

25 Q And Agent Cardone, I'm going to ask that Government Exhibit

1 Number one be published to the jury. So, Agent Cardone, is the
2 photograph that's up there, Government Exhibit 1, do you
3 recognize that individual?

4 A Yes.

5 Q And who is that?

6 A That is Juan Jarmon.

7 Q And were there any nicknames during the course of your
8 investigation you determined that Juan Jarmon used?

9 A He used the nickname, Yizzo.

10 Q Okay. And was he also known as Waterboy Yizzo?

11 A Yes.

12 Q And do you see Juan Jarmon in court today?

13 A Yes.

14 Q And can you point him out please?

15 A Yes. He is the individual, he's the male individual sitting
16 at Defense table wearing a white shirt and tie.

17 MR. MAIATICO: And for the record, Your Honor, Agent
18 Cardone's identified the Defendant, Juan Jarmon.

19 THE COURT: Yes.

20 BY MR. MAIATICO:

21 Q Moving onto Government Exhibit Number 2. Do you recognize
22 this individual?

23 A Yes.

24 Q And based on your investigation, who do you identify that
25 as?

1 A This individual is Damon Edwards.

2 Q And what nickname did he go by?

3 A He went by Booboo or Boo.

4 Q I'm going to ask that you take a look at Government Exhibit
5 2A. What is that a photograph of?

6 A That is a photograph of a tattoo located on Damon Edwards'
7 arm.

8 Q And what does it say?

9 A It says, "Boo."

10 Q Government Exhibit Number 3, please. Who did you identify
11 this photograph as?

12 A Edward Stinson.

13 Q Okay. And what nickname did Edward Stinson go by?

14 A E-Black.

15 Q Government Exhibit Number 4. Did you identify this
16 individual during the course of your investigation?

17 A Yes.

18 Q And who is that?

19 A Rasheen Chandler.

20 Q And what was the nickname that Rasheen Chandler went by?

21 A Sheen.

22 Q Turning to Government Exhibit Number 5. Did you identify
23 this individual during the course of your investigation?

24 A Yes.

25 Q And who is this?

1 A Dottie Good.

2 Q And what nicknames did she go by?

3 A Dot or Dreds.

4 Q Turn to Government Exhibit Number 6. Did you identify this

5 individual?

6 A Yes.,

7 Q And who is that?

8 A Raheen Butler.

9 Q And what nicknames does Raheen Butler go by?

10 A Riddles or Ra-Ra.

11 Q Government Exhibit Number 7, do you recognize this

12 individual?

13 A Yes.

14 Q And who did you identify that as?

15 A Michael Ferrell.

16 Q Did he go by Michael?

17 A He went by Mike.

18 Q Government Exhibit Number 8. Who'd you identify this person

19 as?

20 A Taft Harris.

21 Q And what did he go by? What were his nicknames?

22 A Taf or Taz.

23 Q Government Exhibit Number 9. Did you identify this

24 individual in the course of your investigation?

25 A Yes.

1 Q And who is this?

2 A Stephen Dawkins.

3 Q And what was his nickname?

4 A Diamond.

5 Q Government Exhibit Number 10, did you identify this

6 individual?

7 A Yes.

8 Q And who is that?

9 A Derek Fernandez.

10 Q And what was his nickname?

11 A Rez.

12 Q And in the last photograph in the series, Government Exhibit

13 Number 11, who'd you identify this person as?

14 A Anthony Staggers.

15 Q And what was his nickname?

16 A Ant.

17 Q Now I'm going to show you some additional photographs, Agent

18 Cardone. Before I do I want to talk about how you attained these

19 additional photographs. Did you obtain information from an

20 Instagram account that you believe was associated with the

21 Defendant, Juan Jarmon?

22 A Yes.

23 Q And how did you go about doing that?

24 A I wrote an affidavit establishing the probable cause or

25 reason to believe that there would be evidence of particular

1 crimes contained on Juan Jarmon's Instagram account.

2 MS. COGGINS: I'm sorry, Your Honor, I'm having a
3 difficult time hearing.

4 THE COURT: Perhaps you could move the mic a little
5 closer or you could sit forward a little. Why don't you start
6 your answer again?

7 MS. COGGINS: Thank, Your Honor.

8 BY MR. MAIATICO:

9 Q So Agent Cardone, I had asked how you obtained those
10 records?

11 A Yes. And I was explaining that I had obtained them through
12 a court order.

13 Q Okay. And these Instagram records, did Instagram provide
14 those records to you?

15 A Yes.

16 Q The Instagram account that you got the records from, what
17 was the account username that was being used?

18 A The account username was Yizzo_23. So Yizzo_23.

19 Q And based in your investigation, did you identify someone in
20 this case that goes by that nickname, Yizzo?

21 A Yes.

22 Q And who was that?

23 A Juan Jarmon.

24 Q And I'm going to ask you on what street cuts through the
25 center of the Blumberg Housing Projects?

1 A 23rd Street cuts through the middle of the Blumberg Housing
2 Project.

3 Q Okay. So Yizzo_23, you got the Instagram records from that
4 account.

5 A Yes.

6 Q Based on your investigation to include your review of the
7 wire calls, the telephone calls a controlled drug buys in this
8 case, were you able to identify certain photographs and the
9 people in those photographs that came from Yizzo_23's Instagram
10 account?

11 A Yes.

12 Q And before coming here today, did you review photographs
13 that were marked Government Exhibits 501 to 504? And there's an
14 exhibit list in front of you and book, if you could turn to those
15 please.

16 (Government's Exhibit 501 to 504 marked for identification)

17 A Yes.

18 MR. MAIATICO: And, Your Honor, before admitting each
19 of these photographs, the parties do have a stipulation.

20 THE COURT: Very well. The previous instruction I gave
21 you about stipulations controls here. I'll repeat it again at
22 the end of the case, but, if you don't remember, raise your hand,
23 and I'll give it again. Okay. No one raised their hands. Go
24 ahead.

25 MR. MAIATICO: And, Your Honor, I'll read that into the

1 record, and I'll be marking that Government Exhibit 505.

2 (Government's Exhibit 505 marked for identification)

3 THE COURT: Okay.

4 MR. MAIATICO: It's a stipulation regarding business
5 records from a social media provider. It is hereby stipulated by
6 between the United States in for the Eastern District of
7 Pennsylvania and Jarome Maiatico and Yvonne Osirim, Assistant
8 United States Attorney, Defendant Juan Jarmon and his attorney,
9 that the following facts are true and correct and may be entered
10 into the record of this trial of this case without further proof.

11 The government obtained records via Instagram for
12 various accounts as part of its investigation in this case.
13 These records include contact, personal identifying information,
14 profile information, activity logs, photographs, videos, lists,
15 messages and communications.

16 These records are true and correct copies and
17 admissible at trial as business records. The information
18 contained in these records was made out or near the time by and
19 from information transmitted by someone with knowledge. The
20 record was kept in the course of regularly conducted activity of
21 the social media provided. The record was kept as a regular
22 practice by the social media provider and records custodian from
23 Instagram could testify to each of these conditions. Neither the
24 sources nor the method or circumstances of preparation of these
25 records indicate a lack of trustworthiness.

1 This stipulation and Government Exhibits 501 through
2 504 shall be received as exhibits at trial stipulated and agreed
3 to and signed by all the parties.

4 THE COURT: So, stipulated?

5 MS. COGGINS: Yes, Your Honor.

6 THE COURT: Very well.

7 BY MR. MAIATICO:

8 Q So Agent Cardone --

9 MR. MAIATICO: Your Honor, I ask that Government
10 Exhibits 501 through 504 be admitted and I would ask that they be
11 published to the jury with that stipulation.

12 MS. COGGINS: No objection, Your Honor.

13 THE COURT: Very well. They will be admitted, and the jury
14 may see them.

15 (Government's Exhibit 501 to 504 received)

16 BY MR. MAIATICO:

17 Q I'll start with Government Exhibit 501. I'd ask you Agent
18 Cardon, is this a photograph from Yizzo_23's Instagram account
19 from September 4th, 2013?

20 A Yes.

21 Q And who do you see in that photograph?

22 A Juan Jarmon is depicted in this photograph.

23 Q Okay. And where does he appear to be located?

24 A He appears to be located within the Norman Blumberg
25 apartment complex.

1 Q And what makes you say that?

2 A It's consistent with what I've seen in the housing complex
3 and what in the background appears to be behind the Norman
4 Blumberg apartment complex.

5 Q Turning to Government Exhibit 502. Is this a photo from
6 Yizzo_23's Instagram account September 9th, 2013?

7 A Yes.

8 Q And who is that in that photograph?

9 A Juan Jarmon is in this photograph.

10 Q Where does he appear to be located?

11 A He appears to be located in a hallway inside one of the
12 towers in the Norman Blumberg apartment complex.

13 Q Turning to Government Exhibit 503. Is this a photo from
14 Yizzo_23's Instagram account September 24th, 2013?

15 A Yes.

16 Q And can you identify the people in this photo?

17 A The individual in the left hand side of this photo is Damon
18 Edwards, and the individual on the right hand side is Juan
19 Jarmon.

20 Q And then turning to Government Exhibit 504. Is this a photo
21 from Yizzo_23's Instagram account on October 1st, 2013?

22 A Yes.

23 Q And can you identify the people in this photo?

24 A The individual in the left of this photo is Raheen Butler,
25 and the individual on the right is Juan Jarmon.

1 Q And the individual on the left, Raheen Butler, based on your
2 investigation, what nickname did he go by?

3 A He went by Riddles or Ra-Ra.

4 Q Agent Cardone, after looking at all those photographs, will
5 the jury hear some of these individual's names, some of those
6 individuals voices on telephone calls obtained by law enforcement
7 in this investigation?

8 A Yes.

9 Q Okay. I want to talk about some of those telephone calls.
10 You mentioned the Title III calls, you mentioned the consensually
11 recorded calls. Are all these calls recorded and saved by law
12 enforcement?

13 A Yes.

14 Q Okay. And did the equipment used to record the calls, did
15 it operate properly?

16 A Yes.

17 Q And were the recordings preserved?

18 A Yes.

19 Q And did you and other law enforcement officers help prepare
20 transcripts of these recorded calls?

21 A Yes.

22 Q Did you review those?

23 A Yes.

24 Q And do the corresponding transcripts accurately represent
25 the time, the date, and the conversations on those telephone

1 calls?

2 A Yes.

3 Q And did the transcripts properly identify the voices
4 speaking?

5 A Yes.

6 Q Okay. Now I want to talk to you just briefly about how you
7 identified the voices. How were you able to identify the
8 different voices in this case?

9 A The voices identified in this case were identified by a
10 variety of methods. Some of the phone calls, the parties would
11 self-identify by their true name or a nickname. Others we
12 received from maybe the phone number was provided during a
13 controlled drug buy, the telephone number was provided to the
14 source. In certain instances, the telephone user would be the
15 listed user on the listed subscriber of the telephone. And other
16 instances we might have received information from a cooperating
17 witness.

18 Q Okay. And did you listen to Juan Jarmon's voice and other
19 voices of people that called him on these wire intercept calls
20 for several months?

21 A Yes.

22 Q Approximately how many calls do you believe that you
23 listened to that included Juan Jarmon's voice?

24 A I would estimate hundreds of calls that included Juan
25 Jarmon's voice.

1 Q And you mentioned that some of the speakers self-identified.
2 Did Juan Jarmon identify himself in some of these calls?

3 A Yes.

4 Q Okay. I want to talk about another way that you're familiar
5 with Juan Jarmon's voice. Did you interview Juan Jarmon during
6 the course of the investigation in this case?

7 A Yes.

8 Q And was that interview conducted on February 21st, 2017?

9 A Yes.

10 Q During that interview, did you play one of the wire calls
11 that was intercepted on his phone?

12 A Yes.

13 Q Did he appear to listen to that entire call?

14 A Yes.

15 Q And after listening to that call, what if anything did Juan
16 Jarmon say?

17 A Juan Jarmon affirmed that that was his voice that he heard
18 on the telephone call.

19 Q He recognized his voice on the call?

20 A Uh-huh.

21 Q And Agent Cardone, before coming here today, did you have
22 the opportunity to review the audio recordings that are marked
23 Government Exhibits 201 to 245A, as well as Government Exhibits
24 306G to 312A? I'll have you -- if you want to look at the
25 Government exhibit list as well as the book in front of you.

1 (Government's Exhibit 201 to 245A marked for identification)
2 (Government's Exhibit 306G to 312A marked for
3 identification)

4 A Yes.

5 Q Okay. And did you review not only the audio recordings, but
6 the accompanying transcripts?

7 A Yes.

8 Q And are those 58 of the phone calls that law enforcement
9 obtained during the course of this investigation?

10 A Yes.

11 MR. MAIATICO: Your Honor, at this time we would ask
12 that Government Exhibits 201 to 245A and 306G to 312A be admitted
13 and that we begin playing some of those calls to the jury.

14 THE COURT: Ms. Coggins?

15 MS. COGGINS: I'm sorry. It was 201 to 245A and then
16 301 to what?

17 MR. MAIATICO: 306G to 312A.

18 MS. COGGINS: Your Honor, may we approach very briefly?
19 (Sidebar begins at 12:26 p.m.)

20 THE COURT: Yes?

21 MS. COGGINS: I'd just request, Your Honor, an
22 instruction with regard to the transcripts.

23 THE COURT: I was just about to give it.

24 MS. COGGINS: All right. Thank you.

25 (Sidebar ends at 12:26 p.m.)

1 THE COURT: Any objection?

2 MS. COGGINS: No, Your Honor.

3 (Government's Exhibit 201 to 245A received)

4 (Government's Exhibit 306G to 312A received)

5 THE COURT: Okay. Ladies and gentlemen, you're about
6 to hear audio recordings that were received in evidence. You
7 just heard them being received in evidence. And you will be
8 given written transcripts of the recordings.

9 Keep in mind that the recordings are, excuse me. Keep
10 in mind that the transcripts are not evidence. They are being
11 given to you only as a guide to help you follow what is being
12 said. The recordings themselves are the evidence.

13 If you notice any differences between what you hear in
14 the recordings and what you read in the transcripts, you must
15 rely on what you hear, not on what you read. And if you cannot
16 hear or understand certain parts of the recordings, you must
17 ignore the transcripts as far as those parts are concerned.

18 The transcripts name the speakers, but remember, you
19 must decide who is actually speaking in the recording. The names
20 on the transcripts are used simply for your convenience.

21 Mr. Maiatico.

22 BY MR. MAIATICO:

23 Q Agent Cardone, you said that you have reviewed these audio
24 recordings and transcript before coming here today?

25 A Yes.

1 Q Just so we can let the jury know, are they going to listen
2 to audio recordings of the calls, and will there be a rolling
3 transcript that accompanies that call?

4 A Yes.

5 Q Okay. Before getting to the first call, I want to ask you
6 about an individual that you previously identified by the name of
7 E-Black or Edward Stinson. Was Edward Stinson away from the
8 Blumberg Housing Projects during the time of this first call
9 we're going to hear and for extended periods of time throughout
10 2012, 2013 and 2014?

11 A Yes.

12 Q Okay. Turning to Government Exhibit 201. In front of you,
13 Agent Cardone, Government Exhibit 201A. Did law enforcement
14 obtain a recorded call from October 3rd, 2012 at 8:48 p.m. that
15 was relevant to this investigation?

16 A Yes.

17 Q And was this a consensually recorded call?

18 A Yes.

19 Q Who were the participants that you identified on this call?

20 A The participants were identified as Jamila Bellamy, Edward
21 Stinson and Juan Jarmon.

22 Q Okay. And in the rolling transcript that we're going to see
23 accompanying this audio of the telephone call, Jamila Bellamy,
24 what is she represented as or what initials are used?

25 A JB.

1 Q And for Edward Stinson or E-Black, what are the initials
2 that you're going to see on that transcript?

3 A ES.

4 Q And for Juan Jarmon or Yizzo, what are the initials you're
5 going to see on that transcript?

6 A JJ.

7 Q Very briefly I want to just talk about some of the other
8 abbreviations you might see on those transcripts when you were
9 reviewing these and approving these transcripts, what does UI
10 stand for?

11 A UI stands for unintelligible.

12 Q Sometimes you might see OV, what does that mean?

13 A OV means there was an overlapping voice, or two people were
14 talking over each other.

15 Q Okay. And at times when either the language is
16 unintelligible or there's an overlapping voice, does that happen
17 frequently?

18 A Yes.

19 Q And for some of these 58 calls we're going to listen to, are
20 we hearing the entire call or are we just hearing some of the
21 relevant portions?

22 A We are only hearing some of the relevant portions of the
23 call.

24 Q Okay. And in some calls we are going to hear the entire
25 call; is that correct?

1 A Yes.

2 Q Okay. So, turning to then the October 3rd, 2012 call.

3 (Audio played at 12:30 p.m., ending at 12:35 p.m.)

4 BY MR. MAIATICO:

5 Q All right. Agent Cardone, I'm going to ask you to turn to

6 the transcript that was prepared which is marked as Exhibit 201A.

7 MR. MAIATICO: If I could have that pulled up as well.

8 BY MR. MAIATICO:

9 Q I'm going to ask you some questions about this approximately

10 five minute call. If you turn to the transcript one page 5 and

11 the second line starts, "J.J., yeah." There's a sentence there

12 it says, "But I said, I said if E-Black tell me to give you some

13 PD, I'll give you some PD and you can just," did you identify the

14 voice of the person that said that?

15 A Yes.

16 Q And who was that?

17 A That individual was Juan Jarmon.

18 Q Okay. And I'm going to talk to you a little bit about that

19 term PD and also some other terms as well that you hear

20 throughout this call and you're going to hear throughout some

21 other calls.

22 Agent Cardone, during the course of this investigation,

23 how many of these types of calls did you listen to, both

24 consensually recorded calls or wiretap calls?

25 A Thousands.

1 Q Okay. And during these calls did you hear the term used,
2 PD?

3 A Yes.

4 Q Okay. And did you conduct dozens of controlled buys in
5 Blumberg --

6 A Yes.

7 Q -- that we talked about? And did you conduct witness
8 interviews with people within Juan Jarmon's group?

9 A Yes.

10 Q And during the course of those interviews did you learn
11 during the course of listening to those wire calls, did you learn
12 the meaning of the word, PD?

13 A Yes.

14 Q So based on your exhaustive personal knowledge then of this
15 investigation and the use of this term, I'm going to go over some
16 other terms as well, what does PD mean in your opinion?

17 A PD is another term for crack cocaine.

18 Q Okay. And in your opinion I'm also going to ask you --
19 you're going to hear the term grinding. What does grinding mean?

20 A Grinding means to make money or specifically to make money
21 selling crack cocaine.

22 Q Now in this particular call I believe that you heard the
23 term bean. What does the term bean mean?

24 A Bean means a hundred dollars.

25 Q You talked about the term grinding. What about the term

1 trapping? In your opinion, what do you believe that term means
2 based on your knowledge, personal knowledge of these terms?

3 A Tapping means to sell crack cocaine.

4 Q And the term yak, what do you understand that to mean?
5 What's your opinion on that word?

6 A A yak is another term to reference a bundle of crack
7 cocaine. And a bundle of crack cocaine would be a package, like
8 a small baggie that might contain other tiny baggies that would
9 be or other tiny packages that would contain a user amount of
10 crack cocaine. So, when a customer would be coming to buy, the
11 bundle would be multiple of those.

12 Q And finally the term stack. What do you understand the word
13 stack to mean based on your opinion?

14 A A stack is a term used to reference a thousand dollars.

15 Q Okay.

16 THE COURT: Ladies and gentlemen, just so it's clear,
17 you're free to accept the agent's opinion, and we'll have other
18 opinion testimony before the trial is over. You're free as you
19 are with all the evidence to accept all part or none of the
20 evidence including the agent's opinion.

21 It's your determination in the end as to what these
22 words mean, if anything that controls. The agent's opinion is
23 another piece of evidence for you to consider in making your
24 decision as to what those words actually mean.

25 BY MR. MAIATICO:

1 Q And moving on, on this particular transcript on page 5 about
2 five lines down where ES begins, "Yizzo, the whole thing is."
3 So, "Yizzo, the whole thing is, you can get this shit rolling.
4 You can make all the money off the building right now like real
5 shit like at late, you don't get nobody for the late night
6 nothing, do you?"

7 Agent Cardone, did you identify the voice of the person
8 who said that?

9 A Yes.

10 Q And who was that?

11 A That was Edward Stinson.

12 Q Otherwise known as E-Black?

13 A Yes.

14 Q Who was E-Black talking to?

15 A E-Black or Edward Stinson was talking to Juan Jarmon.

16 Q Okay. And on the next line what did Juan Jarmon respond to
17 that?

18 A Juan Jarmon said, "He had three people back there already
19 and that --"

20 Q If you could start with, "This shit poppin'." What else did
21 Juan Jarmon say?

22 A Juan Jarmon said, "But if you want me to go right there and
23 start something in there for you, so when you come home you can
24 be all the more point man making that shit, something
25 unintelligible, then let me know."

1 Q Okay. Moving on down that page about three quarters of the
2 way down where JJ begins, "So what." He says, "So what? Where
3 da go, on the 18th?" Do you recognize the voice of the
4 individual who said that?

5 A Yes.

6 Q And can you tell us how many floors are on the inside of the
7 Hemberger building?

8 A There are 18 floors on the inside of the Hemberger building.

9 Q And moving down to the last line on page 5 where Jarmon
10 says, "Yeah, so, we so like, is the house up there we holler at
11 somebody about or something?" What does -- who is he talking to
12 when he asked that question?

13 A Juan Jarmon was talking to Edward Stinson.

14 Q And then moving onto page 6 at the top, what does Edward
15 Stinson reply?

16 A Edward Stinson replies, "Yeah, Norma. Norma house. She
17 only want a bean and shit like, and her rent fucked up right now
18 too."

19 Q So in the course of your investigation, Agent Cardone, did
20 you identify a woman named Norma who lived in one of the high
21 rise buildings?

22 A Yes.

23 Q And we talked about her before. Who is that individual?

24 A Norma Mercado.

25 Q And where does she live?

1 A She lived in Apartment 1804 in the Hemberger building.

2 Q I'd like to move onto the next phone call, the next exhibit.

3 We're going to jump ahead to Government Exhibit 243. Are you

4 there on 243, Agent Cardone?

5 A Yes.

6 Q Okay. And did law enforcement intercept a call from August

7 31st, 2013 at approximately 4:36 p.m.?

8 A I believe that --

9 Q I'm sorry. 2:36 p.m. The military time threw me off.

10 A Yes.

11 Q And who are the participants of that call?

12 A The participants in this call were Juan Jarmon and Rasheen

13 Chandler.

14 Q And approximately how long is this call that we're about to

15 listen to?

16 A It is approximately 2 minutes in length.

17 MR. MAIATICO: Play Exhibit 243.

18 (Audio played at 12:43 p.m., ending at 12:45 p.m.)

19 BY MR. MAIATICO:

20 Q All right. Before we turn to the transcript, Agent Cardone,

21 throughout this call was there an individual that was discussed,

22 Riddles?

23 A Yes.

24 Q Okay. And I'd like to pull up Government Exhibit 504. And

25 can you identify the people in that photograph?

1 A The people in this photograph on the left hand side are
2 Raheen Butler who is also known as Riddles and Juan Jarmon on the
3 -- Raheen Butler on the left hand side and Juan Jarmon on the
4 right hand side.

5 Q Okay. Riddles and Yizzo?

6 A Correct.

7 Q Okay. Going back to the transcript then for that call 243A.
8 On page two about halfway down starting RC, "He must have. He
9 had to." So RC, "He must have. He had to do a nickel because he
10 got the other 250 unless he passed it off to Mike. I'm about to
11 ask Mike. Matter of fact, he had to. He had to pass it off to
12 Mike."

13 Did you recognize the person who was saying that?

14 A Yes.

15 Q And whose voice was that?

16 A That is the voice of Rasheen Chandler.

17 Q And have you identified during the course of your
18 investigation an individual named Mike?

19 A Yes.

20 Q And who is that?

21 A Michael Ferrell.

22 Q During this conversation, who is Rasheen Chandler speaking
23 to, who's he talking to?

24 A Rasheen Chandler was speaking to Juan Jarmon.

25 Q Okay. And in response to what Rasheen said about passing it

1 off to Mike, what does Juan Jarmon respond?

2 A Juan Jarmon replies, "Yeah man. Last night, man, they fuck
3 that money up last night, man."

4 Q Now moving down to the last -- page 2 of the last line. It
5 goes on to page 3. Somebody says, "He had to find a lookout,
6 then when I came up, you know, he was all proud and shit, man.
7 All them motherfucking smokers out there. I don't know. I don't
8 why Riddles tell me like I mean he want -- he wants the John, but
9 he don't want to grind. I don't know."

10 Did you recognize the voice of the individual who made that
11 statement?

12 A Yes.

13 Q And who was that?

14 A That was Juan Jarmon.

15 Q And based on your personal knowledge of these terms, what is
16 your opinion as to what grind means?

17 A My opinion is that grind means to sell crack cocaine.

18 Q I'm moving onto Government Exhibit 202. Agent Cardone, did
19 law enforcement intercept a call from August 31st, 2013 at 6:05
20 p.m.?

21 A Yes.

22 Q And this is a few hours after the previous call we just
23 listened to?

24 A Yes.

25 Q And who are the participants on this call?

1 A Juan Jarmon and Rasheen Chandler.

2 Q Okay. And is this call approximately five minutes?

3 A Yes.

4 MR. MAIATICO: I'd ask that Government Exhibit 202 be
5 played.

6 (Audio played at 12:49 p.m., ending at 12:54 p.m.)

7 THE COURT: Mr. Maiatico, before you have the agent
8 review the transcript, perhaps this would be a good time to break
9 for lunch.

10 MR. MAIATICO: Yes, Your Honor.

11 THE COURT: Okay. I get that often before I say
12 anything. Music play. Ladies and gentlemen, keep an open mind
13 and do not form any opinions or discuss this case or anything
14 concerning it among yourselves or with others and do not permit
15 them to discuss the case in your presence.

16 You'll be able to discuss the case after all the
17 evidence has been presented, you've heard the final arguments of
18 counsel, you've heard me give you my final instructions and
19 you've retired the jury room for deliberations to reach a
20 verdict.

21 Don't do any research or investigation on your own and
22 did not read, listen to or view any news stories or internet
23 information about the case, don't remove any exhibits from the
24 courtroom, don't try to investigate the scenes that you're
25 hearing about, the actual places. Don't text or Tweet or

1 Instagram or email or social network or write in any way about
2 the case.

3 And if any of these things I mentioned should occur,
4 please let Ms. Wittje know immediately. In addition, don't talk
5 to the counsel or the parties or the witnesses or me on any
6 subject other than to say hello. That's why we've given you your
7 juror identification buttons.

8 As always, I thank you for your patience. I thank you
9 for your attention. I'll see you back here so we can begin at
10 2:00.

11 THE BAILIFF: All rise.

12 (Jury out at 12:56 p.m.)

13 THE COURT: Please be seated. Anything anybody wants
14 to put on the record?

15 MS. COGGINS: No, Your Honor.

16 MR. MAIATICO: Nothing from the Government, Your Honor.

17 THE COURT: How much longer just for an estimate do you
18 think you'll have with this witness? If the first trial is any
19 indication, it's probably be another hour or two at least.

20 MR. MAIATICO: I think at least another hour or two.
21 We have approximately 53 more phone calls about two minutes each.

22 THE COURT: All right. Well, you may or may not get to
23 cross-examine today, Ms. Coggins, and I think you can let your
24 other witnesses go for the day. And my thanks to counsel to our
25 Marshals.

1 MR. MAIATICO: Thank you, Judge.

2 (Recess at 12:57 p.m., recommencing at 2:10 p.m.)

3 THE COURT: One of the jurors told Ms. Wittje that
4 she's having trouble understanding what's on the tapes, and I
5 think that that's -- I've instructed them what to do. I don't
6 think there's really anything we can do with that. I did want to
7 make you aware of it.

8 Okay. Let's bring the jury in.

9 MS. COGGINS: Your Honor, I'm sorry. There's just one
10 matter if we could discuss that before the jury comes in.

11 THE COURT: Yes.

12 MS. COGGINS: Mr. Maiatico is going to bring up --
13 where is it now, 205B, one of his exhibits in the case and it was
14 actually thrown in the middle of this, I didn't see it. But it's
15 something that I would object to on the basis of relevance.

16 THE COURT: Let me see if I can -- 205?

17 MS. COGGINS: 205B.

18 THE COURT: 205B. A New York Times article?

19 MS. COGGINS: Yes, Your Honor.

20 MR. MAIATICO: And, Your Honor, if I may, I can proffer
21 the testimony of Agent Cardone. So, there's a transcript where
22 the Defendant mentions about not using phones anymore because of,
23 "The shit in the papers." I propose to ask Agent Cardone in and
24 around that time was there a headline or was there information in
25 the papers that related to the use of phones by drug dealers.

1 It was contemporaneously recorded, that fact, in the
2 summary of that particular call when she put that together or law
3 enforcement put it together in the wire room.

4 I propose to ask that question, this is just
5 supporting --

6 THE COURT: You're going to show them this article?

7 MR. MAIATICO: Well, what I can do, Your Honor, is it's
8 a self-authenticating newspaper article, but I could just
9 reference the headline and not admit the Government exhibit.

10 The front page news article in the New York Times that
11 was picked up nationally and Agent Cardone is aware of the fact
12 that --

13 THE COURT: Ms. Coggins, would you object to if the
14 jury doesn't see this? That Mr. Maiatico simply says to the
15 agent, was there in fact a prominent newspaper story at the time
16 upon this subject?

17 MS. COGGINS: Your Honor, first of all, the phone call
18 is the day after. And what it says in the phone call is, "Did
19 you see that in the paper this morning?"

20 So, the newspaper article that they're attempting to
21 put in was from the day before, it wasn't from that morning. And
22 to my knowledge, my client is not a subscriber of the New York
23 Times.

24 THE COURT: No, but it could have easily been picked,
25 although you haven't done the research, and if he just says

1 around that time was there an article about -- I honestly don't
2 think it matters one way or the other, so I'm just going to keep
3 it out. You can certainly play the tape, but you're not going to
4 show the article or make any reference to it.

5 MR. MAIATICO: Not ask the question?

6 THE COURT: No. Don't ask the question.

7 MS. COGGINS: Thank, Your Honor.

8 MR. MAIATICO: Understood, Your Honor.

9 THE COURT: Bring the jury in. Agent, you're still
10 under oath.

11 THE WITNESS: Yes, sir.

12 THE BAILIFF: Please stand for the jury.

13 (Jury in at 2:14 p.m.)

14 THE COURT: Welcome back, please be seated. Mr.
15 Maiatico.

16 BY MR. MAIATICO:

17 Q Agent Cardone, where we left off before the lunch break was
18 with Government Exhibit 202. We had just listened to an audio
19 recording.

20 I'm going to ask you to turn to Government Exhibit 202A
21 which is the transcript of that recording. And Agent Cardone, on
22 page 2 about a third of the way down there's a statement made by
23 RC that begins with, "Cuz, I didn't know." It says, "Cuz, I
24 didn't know what you want me to do. You, shit. You -- I depend
25 on you, so I'm like what's up?" Who made that statement?

1 A Rasheen Chandler made that statement.

2 Q And who was he talking to when he said that?

3 A He was speaking to Juan Jarmon.

4 Q Turning to page 3 about a quarter of the way down there's a
5 statement by JJ that begins, "That shit fucked us up." So, "That
6 shit fucked us up because if I knew that, I wouldn't even did the
7 shit I did. I went out. I would be up there. I don't give a
8 fuck. Fuck about going out. I want to make money, dawg." Did
9 you recognize the person on that call who made that statement?

10 A Yes.

11 Q And whose voice was that?

12 A Juan Jarmon's voice.

13 Q And finally, turning to page 4 just over halfway down. It
14 begins, JJ, "That shit's wrong, man." And again, the words on
15 the call, "That shit's wrong, man, because it's like what the
16 fuck, I didn't have to. I didn't have to cut it, unintelligible.
17 I could have gave the B-word something and made her still grind."
18 Did you recognize the person who made that statement on the
19 audio call?

20 A Yes.

21 Q And who was that?

22 A That was Juan Jarmon.

23 Q Agent Cardon, turning to the next Government Exhibit, that's
24 the audio call 203. Now did law enforcement intercept a call on
25 September 1st, 2013 at approximately 7:56 p.m.?

1 A Yes.

2 Q And was this a call that was relevant to the investigation?

3 A Yes.

4 Q And who are the participants of that call?

5 A The participants were Juan Jarmon and Rasheen Chandler.

6 Q Okay. And approximately how long was this call?

7 A It is approximately 37 seconds long.

8 MR. MAIATICO: I would ask that Government Exhibit 203

9 the audio call be played.

10 (Audio played at 2:18 p.m., ending at 2:18 p.m.)

11 BY MR. MAIATICO:

12 Q Agent Cardone, there's a reference there to an individual

13 named Ant. I'd like to pull up Government Exhibit Number 11.

14 And do you recognize the person in that photograph?

15 A Yes.

16 Q And did you previously identify as Anthony Staggers?

17 A Yes.

18 Q And what's that person's nickname?

19 A His nickname is Ant.

20 Q I'm going to turn to Government Exhibit 204 of the audio

21 call. Did law enforcement intercept a call on September 2nd,

22 2013 at approximately 3:58 p.m.?

23 A Yes.

24 Q And what was the approximate duration of that call?

25 A The approximate length was 4 minutes and 20 seconds.

1 Q And did you identify the voices on that call, the
2 participants?

3 A Yes.

4 Q And who are they?

5 A Juan Jarmon and Rasheen Chandler.

6 MR. MAIATICO: I would ask that Government Exhibit 204
7 be played.

8 (Audio played at 2:19 p.m., ending at 2:24 p.m.)

9 BY MR. MAIATICO:

10 Q Agent Cardone, turning to Government Exhibit 204A in the
11 transcript on page 2, about halfway down where Juan Jarmon, JJ,
12 starts, "This is my." Statement, "This is my, fucking, this is
13 my little -- this is like my cousin dawg, I don't put like just
14 like I wouldn't want you to grind with no lookout dawg, like."

15 Agent Cardone, did you recognize the voice of the individual
16 who made that statement?

17 A Yes.

18 Q And based on your personal knowledge of this investigation,
19 what do you believe the word grind means?

20 A I believe the word grind means to sell crack cocaine.

21 Q Moving on a couple lines down where Juan Jarmon starts,
22 "Like, I don't want nobody." "Like, I don't want nobody to not
23 on our clock, dawg, like not on our time. Like, that's our
24 unintelligible, like it's different. We different from other
25 motherfuckers, man. We need somebody to be out there all the

1 time."

2 Who's making that statement in that audio recording, Agent

3 Cardone?

4 A Juan Jarmon is making that statement.

5 Q And who is he talking to?

6 A He is talking to Rasheen Chandler.

7 Q And moving onto page 4 at the bottom. The last line starts

8 with, JJ, "Yeah." "Yeah, I said you're going to have to wait,

9 just give me a couple. I said I'm going to give you another

10 chance, but you gotta wait. Well, how the fuck that shit come

11 back 230, 227, I'm confused."

12 Who's making that statement, Agent Cardone?

13 A Juan Jarmon is making that statement.

14 Q And is he speaking to the unidentified male?

15 A Yes.

16 Q Moving onto the next call, Government Exhibit 205. Agent

17 Cardone, on September 3rd, 2013 at approximately 6:52 p.m. did

18 law enforcement intercept an audio call that was relevant to this

19 investigation?

20 A Yes.

21 Q And who were the participants of that call?

22 A Juan Jarmon and Raheen Butler.

23 Q And again, what was Raheen Butler's nickname?

24 A Riddles or Ra-Ra.

25 Q And what's the duration of this call?

1 A It is approximately 1 minute and 28 seconds.

2 MR. MAIATICO: Okay. If you could play Government
3 Exhibit 205, please.

4 (Audio played at 3:26 p.m., ending at 3:28 p.m.)

5 BY MR. MAIATICO:

6 Q All right. Moving onto audio call 206. Agent Cardone, did
7 law enforcement intercept a call on September 6th, 2013 at
8 approximately 2:11 p.m.?

9 A Yes, but it was at approximately 1:11 p.m.

10 Q I'm sorry. The military time got me again. At
11 approximately 1:11 p.m. What was the duration of that call?

12 A It was approximately 48 seconds.

13 Q And who were the participants of that call?

14 A The participants were Juan Jarmon and Mike Ferrell.

15 Q And you had previously identified a photo, Government
16 Exhibit Number 7, if we can pull that up. And who is that?

17 A That is Mike Ferrell.

18 MR. MAIATICO: If you could begin to play Government
19 Exhibit 206, please?

20 (Audio played at 2:29 p.m., ending at 2:30 p.m.)

21 BY MR. MAIATICO:

22 Q And moving onto 206A, the transcript of that audio call on
23 page 2. Juan Jarmon says, "When he came up this morning, was
24 they in the booth?" Go to that call, who was Juan Jarmon talking
25 to, Agent Cardone?

1 A He was talking to Mike Ferrell.

2 Q And what did Mike Ferrell respond when asked, were they in
3 the booth?

4 A He responded, "Who? The cops?"

5 Q Does Juan Jarmon respond to that?

6 A Yes. He says, "Yeah."

7 Q And then Mike Ferrell responds what?

8 A "Yeah, they was in there."

9 Q Now we talked before about a security booth. Is there a
10 security booth at the floor of the Hemberger building?

11 A There is a security booth outside of the Hemberger building.

12 Q Okay. Is that right in front of the front of the building?

13 A Yes.

14 Q And who is it that sits inside of those booths?

15 A It was either the Housing Authority Police or a contracted
16 security company.

17 Q Moving onto Government Exhibit 207. And did law enforcement
18 intercept a call that was relevant to this investigation on
19 September 7th, 2013 at 11:26 a.m.?

20 A Yes.

21 Q And who were the participants that you identify in this
22 call?

23 A The participants were identified as Juan Jarmon and Dwayne
24 Fountain.

25 Q And approximately how long is this audio call?

1 A It is approximately 2 minutes and 29 seconds.

2 MR. MAIATICO: If we could play 207, please.

3 (Audio played at 2:31 p.m., ending at 2:34 p.m.)

4 BY MR. MAIATICO:

5 Q Agent Cardone, in the course of your investigation, did you
6 identify that phone number that was just referenced?

7 A Yes.

8 Q And whose phone number was that?

9 A That was a phone number used by Damon Edwards.

10 Q Is that Damon Edwards otherwise known as Boo?

11 A Yes.

12 Q And earlier on in that call if you can go to the transcripts
13 on page 207A on page 2, just over halfway down where Juan Jarmon
14 begins, "They took the security guard out." "So, they took the
15 security guard out, you know what I mean, and put housing people
16 in that John. Some stupid shit." Who is it that made that
17 statement?

18 A Juan Jarmon made that statement.

19 Q And in late summer 2013 or somewhere around 2013 were there
20 in fact changes in the staffing in the security booth?

21 A Yes.

22 Q And as you talked about before, what were those changes?

23 A They changed from having a contracted security firm conduct
24 the security in the security booth to the Philadelphia Housing
25 Authority Police Department conduct the security.

1 Q And that statement that they put housing people in that
2 John, who was Juan Jarmon speaking to in that call?

3 A He was speaking to Dwayne Fountain.

4 Q And Dwayne Fountain responds, "Oh shit, I know that probably
5 slows shit up." How does Juan Jarmon respond to that?

6 A Juan Jarmon says, "But nah, you know, I don't really want
7 unintelligible, then that shit costs me more. That's all it is."

8 Q Moving onto Government Exhibit 208. On September 7, 2013 at
9 approximately 5:35 p.m., did law enforcement intercept a call in
10 the relevance of its investigation?

11 A Yes.

12 Q And who were the participants that were on that call?

13 A Juan Jarmon and Rasheen Chandler.

14 Q And approximately how long is this call?

15 A It is approximately 32 seconds long.

16 MR. MAIATICO: If you could play Government Exhibit
17 208.

18 (Audio played at 2:36 p.m., ending at 2:37 p.m.)

19 BY MR. MAIATICO:

20 Q Turning to Government Exhibit 208A, the transcript of that
21 audio call. And right at the top where Juan Jarmon begins, "Look
22 out," on page 2. There's a statement, "Look out, the porch real
23 fast so I can show you my old head, he coming to get five for a
24 dub. Told him, yeah. My old head." Who is that that's making
25 that statement?

1 A Juan Jarmon.

2 Q And who is Juan Jarmon speaking to?

3 A Juan Jarmon was speaking to Rasheen Chandler.

4 Q And that phrase five for a dub. Based on your personal
5 knowledge of the language that's used by this group, what do you
6 believe dub means?

7 A In my opinion dub means \$20.

8 Q So five for \$20?

9 A Yes.

10 Q So moving onto Government Exhibit 209. Was there a
11 telephone call that was intercepted by law enforcement on
12 September 7th, 2013 at approximately 7:15 p.m.?

13 A Yes.

14 Q And who were the participants of that call?

15 A Juan Jarmon and Rasheen Chandler.

16 Q Is this a relatively short call?

17 A Yes.

18 Q How long?

19 A Approximately 18 seconds.

20 MR. MAIATICO: If you could please 209, please.

21 (Audio played at 2:38 p.m., ending at 2:38 p.m.)

22 BY MR. MAIATICO:

23 Q Moving onto Government Exhibit 210. Was there an audio call
24 that was intercepted on September 8th, 2013 at approximately 4:32
25 p.m.?

1 A Yes.

2 Q And who were the participants of that call?

3 A Juan Jarmon and Rasheen Chandler.

4 Q And approximately how long is this call?

5 A 3 minutes and 44 seconds.

6 MR. MAIATICO: If you could play 210.

7 (Audio played at 2:39 p.m., ending at 2:42 p.m.)

8 BY MR. MAIATICO:

9 Q Turn to the transcript, Government Exhibit 210A, Agent
10 Cardone. On page 2, three quarters of the way down, Juan Jarmon
11 beginning, "Yeah, man." He mentions, "Yeah, man. Probably when
12 you walked in Sharita house." During the course of this
13 investigation, Agent Cardone, did you identify an individual
14 named Sharita in the Hemberger building?

15 A Yes.

16 Q And who was that?

17 A That was Sharita Bailey.

18 Q And what floor did Sharita Bailey live?

19 A She lived on the 18th floor.

20 Q Turning to page 3 and just over halfway down where JJ, Juan
21 Jarmon begins, "Yeah, he came straight back." "Yeah, he came
22 straight back out here bitching, man. I'm sitting right here.
23 I'm looking at towards the shit, you know, Ant right here and
24 shit. All right, man, hold up. When he tell me, yo, he just got
25 burnt. I'm like, man, fuck it. I'm about to go up there. I'm

1 thinking it's Meer Meer (phonetic) or somebody. I'm about
2 -- I'm just going to beat the shit out of them."

3 Who is it that made that statement, Agent Cardone?

4 A Juan Jarmon.

5 Q And who was he speaking to?

6 A He was speaking to Rasheen Chandler.

7 Q And how did Rasheen Chandler respond?

8 A Rasheen Chandler said, "Right. Right. I got you like that,
9 bro."

10 Q And then what did Juan Jarmon say in response to that?

11 A Juan Jarmon said, "That shit like, that shit like, you know
12 what I mean, like motherfucker coming up, can't make money,
13 coming on the floor then, that's disrespectful man. Right there
14 on the elevator, shit like that and he doing it on the floor.

15 Like come on, dawg. Shit drawn. Because he like, man, he like
16 -- I'm the one who come to you. If you -- I fuck with you from
17 back in the day, this, that and the third. That's just drawn."

18 Q And moving onto page 4, the third line Juan Jarmon begins,
19 "I just seen Ant." So, "I just seen Ant. I'm about to call him
20 ask him why he didn't call you." Who made that statement?

21 A Juan Jarmon.

22 Q And Ant, did you identify an individual who went by the name
23 Ant during the course of this investigation?

24 A Yes.

25 Q Who was that?

1 A Anthony Staggers.

2 Q And two lines down referring to Ant, Juan Jarmon says, "Yeah
3 man, well he got to start -- his check gotta start getting fucked
4 up if he going to keep playing, man. I ain't trying to hear that
5 shit."

6 Did you recognize the voice of the individual who said that?

7 A Yes.

8 Q And who was that?

9 A Juan Jarmon.

10 Q And then finally at the end of page 4, Juan Jarmon says,
11 "I'm going to call this N-word, man. Yo, they both in the other
12 booth. Our booth clear."

13 Now we talked about there being a security booth outside in
14 the Hemberger building. Is there another security booth in
15 Blumberg?

16 A Yes.

17 Q And where's that located?

18 A The other security booth was located in front of the Judson
19 building.

20 Q And is that across the courtyard from the Hemberger
21 building?

22 A Yes.

23 Q And is that often staffed by the security or police as well?

24 A Yes.

25 Q Turning to Government Exhibit 211 and the audio call. Was

1 there a telephone call that law enforcement intercepted on
2 September 9th, 2013 at approximately 9:56 p.m.?

3 A Yes.

4 Q And who were the participants in this call?

5 A The participants were Juan Jarmon and Rasheen Chandler.

6 Q And approximately how long was this intercepted call?

7 A The call was approximately 1 minute and 52 seconds in
8 length.

9 MR. MAIATICO: If we can play Government Exhibit 211,
10 please.

11 (Audio played at 2:46 p.m., ending at 2:48 p.m.)

12 BY MR. MAIATICO:

13 Q Agent Cardone, turning to the transcript on Government
14 Exhibit 211A for this call on page 2, the second line that
15 begins, "Yeah, uh, this B-word going to tell the motherfuckers we
16 sell drugs on the floor." Did you identify the voice of the
17 person who said that?

18 A Yes.

19 Q And who was that?

20 A Juan Jarmon.

21 Q A few lines down and there's a statement, "I'm going to
22 bring her up there. I'm going to make her beat Norma the fuck
23 up." Who was it that made that statement?

24 A Juan Jarmon.

25 Q And again, have you identified an individual named Norma

1 during the course of this investigation?

2 A Yes.

3 Q And what was her full name?

4 A Her name is Norma Mercado.

5 Q And where did she live?

6 A She lived on the 18th floor in Apartment 1804 in the

7 Hemberger building.

8 Q Moving down a few more lines where Juan Jarmon starts, "Oh,

9 that's what -- Jay said that." And there's a statement, "And she

10 was like, yeah, I'm rattin', I'm rattin', I'm rattin' and some

11 goofy shit." Who is it that made that statement?

12 A Juan Jarmon.

13 Q Who was he speaking to at the time?

14 A He was speaking to Rasheen Chandler.

15 Q And how did Rasheen Chandler respond?

16 A He responded, "Hmm, the old one I seen, I seen because when

17 I looked up at the porch, I see you came from the booth. When I

18 seen her coming from the booth, I'm like, I was just looked at

19 her and shit."

20 Q When I seen her coming from the booth. What type of booth

21 is outside Hemberger?

22 A The security booth.

23 Q And who sits inside of them?

24 A Either contracted security group or the Philadelphia Housing

25 Authority Police.

1 Q And finally on page 3 if we could highlight the rest of that
2 section. There's a statement there, "I'm going to get six people
3 to beat her the fuck up tonight. She getting her ass whooped
4 tonight. I ain't playing." Did you recognize the voice of the
5 person who made that statement?

6 A Yes.

7 Q And who was that?

8 A Juan Jarmon.

9 Q And after that there's a statement, "This is on the 18th
10 floor." Who said that?

11 A Juan Jarmon.

12 Q Moving onto Government Exhibit 212. Did law enforcement
13 intercept a call on September 10th, 2013 at approximately 12:44?

14 A Yes.

15 Q A.M.?

16 A Yes.

17 Q Who were the participants of that call?

18 A The participants were Juan Jarmon and Damon Edwards.

19 Q And approximately how long is this call?

20 A It is approximately 46 seconds.

21 MR. MAIATICO: If we could play Government Exhibit 212,
22 please.

23 (Audio played at 2:51 p.m., ending at 2:52 p.m.)

24 BY MR. MAIATICO:

25 Q Agent Cardone, did you again, identify the individuals that

1 were participants on that call?

2 A Yes.

3 Q And who were they?

4 A They were Juan Jarmon and Damon Edwards.

5 Q And if I could show you Government Exhibit 503. Is this a

6 photograph that was posted to Yizzo_23, the Instagram account on

7 September 24th, 2013?

8 A Yes.

9 Q Just about two weeks after that call?

10 A Yes.

11 Q And who are the individuals that are in that photograph?

12 A The individual on the left is Damon Edwards, and the

13 individual on the right is Juan Jarmon.

14 Q The same participants of that call?

15 A Yes.

16 Q Moving onto Government Exhibit 213. Was there an audio

17 recording that was intercepted by law enforcement on September

18 12th, 2013 at approximately 1:09?

19 A Yes.

20 Q A.M.?

21 A Yes.

22 Q And who were the participants in that call that you

23 identified?

24 A They were Juan Jarmon and a Crystal Calonne (phonetic) --

25 Q And --

1 A -- and another individual only identified as Auntie.

2 Q All right. And was this approximately a 14 minute call?

3 A Yes.

4 Q And has this been redacted so that just about one minute of
5 a pertinent part of that call?

6 A I believe so, yes.

7 MR. MAIATICO: If we could play Government Exhibit 213,
8 please.

9 (Audio played at 2:54 p.m., ending at 2:55 p.m.)

10 BY MR. MAIATICO:

11 Q And turn to the transcript for 213, 213A. On page two of
12 the transcript right at the beginning of the pertinent portion of
13 this call, who is it that says, "That's my name, Waterboy Yizzo?"

14 A Juan Jarmon.

15 Q That's Juan Jarmon's voice that says that?

16 A Yes.

17 Q And about three quarters of the way down the page there's a
18 statement beginning JJ, "18th floor in this building." "18th
19 floor in this building. I said 18th floor in this building right
20 here. We got something up there poppin' on the 18th floor in
21 this building."

22 Whose voice is that that you hear in that call?

23 A Juan Jarmon.

24 Q And who was he talking to?

25 A He was talking to a person identified as auntie in the

1 background.

2 Q Moving onto Government Exhibit 214. Was there an audio call
3 that was intercepted by law enforcement on September 12th, 2013
4 at approximately 5:52 p.m.?

5 A Yes.

6 Q And who were the participants in that call?

7 A The participants were Mike Ferrell and Juan Jarmon.

8 Q And is this call approximately 34 seconds long?

9 A Yes.

10 MR. MAIATICO: If you could play Government Exhibit
11 214.

12 (Audio played at 2:57 p.m., ending at 2:57 p.m.)

13 BY MR. MAIATICO:

14 Q Agent Cardone, I'm showing you Government Exhibit Number 7,
15 it's a photograph. Who is that?

16 A Mike Ferrell.

17 Q Is that the voice that you identified in that call that we
18 just heard?

19 A Yes.

20 Q And if I can show you Government Exhibit 504. And again,
21 who are the individuals that you identify in that photograph?

22 A On the left hand side is Raheen Butler, also known as
23 Riddles or Ra-Ra and on the right hand side is Juan Jarmon.

24 Q Okay. And in that call Mike Ferrell you identified said, "I
25 finished Ra Ra's joint off." Is this a photograph of Ra-Ra and

1 Juan?

2 A Yes.

3 Q Returning to Government Exhibit 215. On September 12th,
4 2013 approximately 6:34 p.m. did law enforcement intercept a phone
5 call that was relevant to this investigation?

6 A Yes.

7 Q And who are the participants that you were able to identify
8 in this call?

9 A The participants were Juan Jarmon, and there was an
10 unidentified female.

11 Q And approximately how long originally was this call?

12 A 13 minutes.

13 Q And has it been redacted to just play a short portion of it?

14 A Yes.

15 MR. MAIATICO: If you could play Government Exhibit
16 215.

17 (Audio played at 2:59 p.m., ending at 2:59 p.m.)

18 BY MR. MAIATICO:

19 Q Agent Cardone, turning to Government Exhibit 215A the
20 transcript of this call and on page 2 about halfway down
21 beginning, JJ, "He's scared as shit." There's a statement, "You
22 know I punched Norma." Who was it that made that statement?

23 A Juan Jarmon.

24 Q And you previously identified someone named Norma?

25 A Yes.

1 Q And what was her full name?

2 A Norma Mercado.

3 Q And where did she live?

4 A On the 18th floor in the Hemberger building.

5 Q And was this call that we just heard, how many days was this

6 call after the one where Juan Jarmon says he's going to get

7 Norma, "Beat the fuck up?"

8 A It wasn't long. I don't remember the exact date of the last

9 -- the call that reference that.

10 Q Did we listen to a call on September 9th, 2013 that

11 referenced Norma being beat the fuck up?

12 A Yes.

13 Q Okay. And was this call on September 12th, three days

14 later?

15 A Yes.

16 Q Moving onto Government Exhibit 216. Did law enforcement

17 intercept a call on September 13th, 2013 at approximately 8:49

18 a.m.?

19 A I believe it was at 12:08 a.m.?

20 Q 12:08 a.m.

21 A Yes.

22 Q Who were the participants in this call?

23 A Juan Jarmon and Rasheen Chandler.

24 Q And approximately how long is this call?

25 A 2 minutes and 11 seconds.

1 MR. MAIATICO: Can we play Government Exhibit 216,
2 please?

3 (Audio played at 3:01 p.m., ending at 3:03 p.m.)

4 BY MR. MAIATICO:

5 Q Turn to Government Exhibit 216A, the transcript for this
6 phone call. If you could look at page 2 about halfway down where
7 Juan Jarmon begins, "Tell him. Tell him." "Tell him. Tell him.
8 Just me like, man, Riddles, I be tired. As a matter of fact, I'm
9 going to tell him when he comes up too. I'm going to tell him
10 again though, man. But I'm just saying, he got to be here on
11 time, dawg. This shits wrong."

12 Agent Cardone, who is it that makes that statement?

13 A Juan Jarmon.

14 Q And who is he talking to?

15 A Rasheen Chandler.

16 Q And how does Juan Jarmon respond to Rasheen Chandler after
17 that?

18 A He says, "Then the look, then the lookout right here, he
19 talking about he about to come right back. He about to do
20 something, like come on man, I got to look out and everything
21 dawg. Like, come on man, I'm going to tell him myself, man."

22 Q Moving onto page 3 discussing halfway down where Juan Jarmon
23 begins, "Yeah, but damn. Come on dawg, you ain't got that
24 certain you ain't got a lookout and not stay no extra time dawg
25 because they not gettin' paid for it dawg. This shit fucked me

1 up. Damn. Boo Boo out here with me, but when Boo come on and
2 Boo come back, we going to come up there. We going to talk to
3 him together, like me and Boo man, fuck that and you're right
4 there too." Who made that statement?

5 A Juan Jarmon.

6 Q And you identified an individual named Boo in this
7 investigation we talked about before?

8 A Yes.

9 Q And who is that?

10 A Damon Edwards.

11 Q And if we could pull up a photograph of Government Exhibit
12 503. Is that Boo and Juan Jarmon?

13 A Yes.

14 Q Turning to Government Exhibit 217, an audio call from
15 September 13th, 2013 at approximately 8:56 p.m. Did law
16 enforcement intercept a call at that time?

17 A Yes.

18 Q And who are the participants on that call that you
19 identified?

20 A They're Juan Jarmon and Taft Harris.

21 Q And approximately how long is the phone call?

22 A Approximately a minute.

23 MR. MAIATICO: If we could play that audio, 217 please.

24 (Audio played at 3:06 p.m., ending at 3:07 p.m.)

25 BY MR. MAIATICO:

1 Q Turning to Government Exhibit 217A, the transcript for that
2 phone call. If you can look at page 2 and the third line down,
3 there's a statement, "Once I've been trying to look for you man
4 so you can do this late night, man."

5 Agent Cardone, do you identify the individual that made that
6 statement?

7 A Yes.

8 Q And whose voice was that?

9 A Juan Jarmon's voice.

10 Q And who was he speaking to?

11 A He was speaking to Taft Harris.

12 Q And further down about halfway down the page where Juan
13 Jarmon starts, "Yeah." "Yeah, I see you. Yeah, I see you call
14 me earlier, I see though like, nine, nine and ten is, I going to
15 need you to start price selling that shit by Sunday or
16 something." Who is it that made that statement, Agent Cardone?

17 A Juan Jarmon.

18 Q And who is he speaking to?

19 A Taft Harris.

20 Q And if we could look at Government Exhibit 8. Is that a
21 photograph of Taft Harris, Agent Cardone?

22 A Yes.

23 Q Turning to the audio call on Government Exhibit 218. On
24 September 16th, 2013 at approximately 8:59 p.m., Agent Cardone,
25 did law enforcement intercept a phone call?

1 A Yes.

2 Q And who were the participants of that phone call?

3 A Juan Jarmon and Rasheen Chandler.

4 Q And approximately how long is the duration of that call?

5 A 4 minutes and 44 seconds.

6 MR. MAIATICO: If you could play Government Exhibit 218
7 please.

8 (Audio played at 3:09 p.m., ending at 3:13 p.m.)

9 BY MR. MAIATICO:

10 Q All right. Agent Cardone, if you could turn to Government
11 Exhibit 218A, the transcript for that phone call. I'd like to
12 identify certain portions, I'd then ask you to identify the
13 voices that you heard. Page 3 of the transcript about just over
14 three quarters of the way down where Juan Jarmon starts, "No, he
15 can get replaced." The statement, "No. He can get replaced.
16 Other motherfuckers need couple dollars." Did you identify the
17 voice of the person who made that statement?

18 A Yes.

19 Q And who was that?

20 A Juan Jarmon.

21 Q And turning the page 4 a couple lines down. JJ, "It ain't
22 like," on the second line. JJ. "It ain't like we going to find
23 somebody. What. All of N-words, keep trying to lookout every
24 day." Could you identify the individual who made that statement?

25 A Yes.

1 Q And whose voice was that?

2 A Juan Jarmon's voice.

3 Q Turning to page five and just over halfway down. Juan

4 Jarmon says, JJ, "Riddles shift, man. Riddles shift, man."

5 Agent Cardone, did you identify the voice that made that

6 statement?

7 A Yes.

8 Q And who was that?

9 A Juan Jarmon.

10 Q And have you identified the individual named Riddles --

11 A Yes.

12 Q -- through the course of this investigation? And who was

13 that? What is his name?

14 A Raheen Butler.

15 Q Okay. Turning to page 6 at the top of page 6, the first

16 line. Do you identify the voice in the first line?

17 A Yes.

18 Q And what did Juan Jarmon say?

19 A Juan Jarmon said, "About to be sad. Don't be able to give

20 Sharita (phonetic) nothing because I'm about to take his dumb ass

21 off the force."

22 Q And who is Juan Jarmon speaking to?

23 A Rasheen Chandler.

24 Q And a couple lines down it starts, JJ, "I should have. I

25 should have taxed his ass another \$40 for that nut shake he could

1 have caused me man." Who is it that made that statement?

2 A Juan Jarmon.

3 Q And then a couple of lines down, about five lines down from
4 there, JJ, "I ain't even tax him. Ima tell him that too like,
5 you know, I didn't tax you. I only taxed you for them hours
6 late." Did you identify the individual who made that statement?

7 A Yes.

8 Q And who was that?

9 A Juan Jarmon.

10 Q Turn to Government Exhibit 219.

11 THE COURT: Mr. Maiatico, the jury's been sitting for a
12 little over an hour. Why don't we give the jury its afternoon
13 break?

14 MR. MAIATICO: Yes.

15 THE BAILIFF: All rise.

16 (Jury out at 3:17 p.m.)

17 THE COURT: Please be seated everyone. Mr. Maiatico,
18 you may want to adjust the screen on my left a little so that
19 it's back a little further and without blocking the jury's view
20 of the agent. I'm not sure the jurors at the end can see that
21 screen.

22 MR. MAIATICO: Yes, Your Honor. I will do that. Thank
23 you.

24 (Recess at 3:18 p.m., recommencing at 3:34 p.m.)

25 THE CLERK: Court's in session.

1 THE COURT: Please be seated, everyone. Good
2 afternoon. Can we bring the jury in? Agent Cardone, you're
3 still under oath.

4 THE WITNESS: Yes, sir.

5 THE COURT: You have approximately 40 more of these
6 riveting phone calls? Okay.

7 THE BAILIFF: Please stand for the jury.

8 (Jury in at 3:36 p.m.)

9 THE COURT: Welcome back, please be seated. Mr.
10 Maiatico.

11 MR. MAIATICO: Thank you, Your Honor.

12 BY MR. MAIATICO:

13 Q Agent Cardone, we're going to move onto Government Exhibit
14 219. Did law enforcement intercept a call on September 18th,
15 2013 at approximately 8:16 p.m.?

16 A Yes.

17 Q And who did you identify as the participants of that phone
18 call?

19 A The participants were Juan Jarmon and a female who was only
20 identified as Ms. Pat.

21 Q And approximately how long was that phone call?

22 A 53 seconds.

23 MR. MAIATICO: If we could play Government Exhibit 219,
24 please.

25 (Audio played at 3:37 p.m., ending at 3:38 p.m.)

1 BY MR. MAIATICO:

2 Q All right. Turn to Government Exhibit 219A, the transcript
3 of that phone call. And just about five or six lines down from
4 unidentified female, Ms. Pat says, "And, uhm." "And, uhm, the
5 number is six. Now Juan, tell me please, is a real little and
6 nasty? Because if they is, I don't want them."

7 Agent Cardon, who was Ms. Pat talking to during that
8 call?

9 A She is talking to Juan Jarmon.

10 Q And what did Juan Jarmon respond to Ms. Pat when she said
11 that?

12 A He said, "Uh-uh, uh-uh, Ms. Pat."

13 Q Okay. She says, "Are you going to see me?" What does he
14 respond?

15 A Juan Jarmon responds, "Yeah, yeah, I'm right here. Just
16 come on up. Call me when you get there."

17 Q All right. Turning to Government Exhibit 220, an audio call
18 from September 19th, 2013 at approximately 7:18 p.m. Did law
19 enforcement intercept a call then?

20 A Yes.

21 Q And who did you identify as the participants of this phone
22 call?

23 A Rasheen Chandler and Juan Jarmon.

24 Q And what was the duration of the call?

25 A Approximately 40 seconds.

1 MR. MAIATICO: If we could please Government Exhibit
2 22, please.

3 (Audio played at 3:39 p.m., ending at 3:40 p.m.)

4 BY MR. MAIATICO:

5 Q And turning to Government Exhibit 228 of the transcript of
6 that phone call. About three quarters of the way down, somebody
7 says, "Oh, I got." "Oh, I got a bean left." Agent Cardone, did
8 you identify the voice that said that?

9 A Yes.

10 Q And who was that?

11 A Rasheen Chandler.

12 Q And who was he talking to? Who was he giving that
13 information to?

14 A Juan Jarmon.

15 Q And based on your exhaustive personal knowledge of the
16 language used in this case, what's your opinion on what a bean
17 means?

18 A My opinion as a bean means a hundred dollars.

19 Q Moving onto Government Exhibit 22. Agent Cardone, did law
20 enforcement intercept a phone call September 19th, 2013?

21 A Yes.

22 Q And what time was that phone call?

23 A At approximately 9:12 p.m.

24 Q And who did you identify as the participants on that phone
25 call?

1 A Excuse me. I mean 11:12 p.m.

2 Q All right. And who did you identify as the participants on
3 that call?

4 A Rasheen Chandler and Juan Jarmon.

5 Q And what was the duration of that call?

6 A Approximately 27 seconds.

7 MR. MAIATICO: Okay. If we could play Government
8 Exhibit 221, please.

9 (Audio played at 3:42 p.m., ending at 3:42 p.m.)

10 BY MR. MAIATICO:

11 Q Moving onto Government Exhibit 222. Did law enforcement
12 intercept a call on September 20th, 2013 at approximately 7:02
13 p.m.? I'm sorry, approximately 5:02 p.m.?

14 A Yes.

15 Q And who did you identify as the participants of that call?

16 A Juan Jarmon and Rasheen Chandler.

17 Q And what was the approximate duration of that phone call?

18 A Approximately 2 minutes and 30 seconds.

19 MR. MAIATICO: If we could play Government Exhibit 222,
20 please.

21 (Audio played at 3:43 p.m., ending at 3:45 p.m.)

22 BY MR. MAIATICO:

23 Q Agent Cardone, if you could turn to Government Exhibit 222A,
24 please. And on page 2 about a quarter of the way down where RC
25 says, "I was in the doorway." "I was in the doorway talkin' to

1 Jamie real quick. I want to see Kima (phonetic) going to be my
2 lookout."

3 Now who was it that said that?

4 A Rasheen Chandler.

5 Q And who is he speaking to?

6 A Juan Jarmon.

7 Q Did you identify an individual named Kima, we've heard that
8 name a few times, during the course of your investigation?

9 A Yes.

10 Q Who do you believe that to me?

11 A I believe Kima is Shakima Sweet (phonetic).

12 Q And was she a resident in the Hemberger building?

13 A Yes.

14 Q And turning to page 3 of the transcript, at the top, the
15 second line, RC says, "350, she came right a little bit right
16 after Mike left." Who is a Rasheen Chandler updating there?
17 Who's he speaking to?

18 A Juan Jarmon.

19 Q And then about halfway down the page Juan Jarmon says,
20 "What's it looking like?" "What's it looking like? What's Mike
21 look like today?" Who's asking that question?

22 A Juan Jarmon.

23 Q And who's he speaking to?

24 A Rasheen Chandler.

25 Q And what does Rasheen Chandler respond?

1 A Rasheen Chandler says, "Uh, he did 250."

2 Q Okay. Now moving onto Government Exhibit 223. Is there an
3 audio call on September 21st, 2013?

4 A Yes.

5 Q That was intercepted by law enforcement. And what time is
6 that call?

7 A It was intercepted at approximately 11:56 p.m.

8 Q And who'd you identify as the voices and the participants on
9 that call?

10 A Juan Jarmon and Rasheen Chandler.

11 Q And approximately how long is that phone call?

12 A 47 seconds.

13 MR. MAIATICO: If we can play Government Exhibit 223,
14 please.

15 (Audio played at 3:48 p.m., ending at 3:48 p.m.)

16 BY MR. MAIATICO:

17 Q If we could turn to the transcript, 223A, please, on page 2.
18 Just about halfway down starting, "All right, well, damn." JJ.
19 "All right, well." "All right, well, damn. All right. Well,
20 let us know. Let us know when you get to the last one."

21 Agent Cardone, who is it that made that statement?

22 A Juan Jarmon made that statement.

23 Q And who is he talking to?

24 A Rasheen Chandler.

25 Q And how did Rasheen Chandler respond?

1 A He responded, "When I get low." And what did JJ respond to
2 that?

3 A Juan Jarmon said, "Yeah, call Boo. Don't call me, man.
4 Call Boo."

5 Q And did you identify the individual named Boo in this phone
6 call?

7 A Yes.

8 Q And during the course of your investigation, who did you
9 identify as Boo?

10 A Boo was identified as Damon Edwards.

11 Q Turn to Government Exhibit 224. Is there an audio call, an
12 interception on September 22nd, 2013 at approximately 12:28 a.m.?

13 A Yes.

14 Q And did you identify the participants and the voices on that
15 call?

16 A Yes.

17 Q Who was on that phone call?

18 A Juan Jarmon and Rasheen Chandler.

19 Q and approximately how long was the duration of this call?

20 A 2 minutes and 57 seconds.

21 MR. MAIATICO: If we could play Government Exhibit 224,
22 please.

23 (Audio played at 3:50 p.m., ending at 3:53 p.m.)

24 BY MR. MAIATICO:

25 Q Agent Cardone, turning to the transcript for this call,

1 224A. If we could just turn to page 4 and the top line. They're
2 talking about a bean. "All right, yeah. All right. It's only a
3 bean, but just try to calculate where you think that bean went
4 and just let me know."

5 Who made that statement, Agent Cardone?

6 A Juan Jarmon.

7 Q And who was he speaking to?

8 A Rasheen Chandler.

9 Q And based on your knowledge and the language that's used by
10 this group in this investigation, what do you understand a bean
11 to mean?

12 A I understand a bean to mean a hundred dollars.

13 Q Moving onto Government Exhibit 244. Was there an audio
14 call, telephone call that was intercepted on September 24th, 2013
15 at approximately 7:38 p.m.?

16 A Yes.

17 Q And who did you identify as the participants of this phone
18 call?

19 A Juan Jarmon and Rasheen Chandler.

20 Q And approximately how long was the duration of this phone
21 call?

22 A 49 seconds.

23 MR. MAIATICO: If we could play Government Exhibit 224,
24 please.

25 MS. OSIRIM: I'm sorry, could you repeat the number?

1 MR. MAIATICO: 244.

2 MS. OSIRIM: Okay.

3 (Audio played at 3:54 p.m., ending at 3:54 p.m.)

4 BY MR. MAIATICO:

5 Q All right. Moving onto Government Exhibit 225. Now Agent
6 Cardone, did law enforcement intercept a phone call on September
7 26th, 2013?

8 A Yes.

9 Q And approximately what time did they intercept that phone
10 call?

11 A 9:48 p.m.

12 Q And who did you identify as the participants of that phone
13 call?

14 A Juan Jarmon and Rasheen Chandler.

15 Q And what was the duration?

16 A Approximately 48 seconds.

17 MR. MAIATICO: If we could play Government Exhibit 225.

18 (Audio played at 3:55 p.m., ending at 3:56 p.m.)

19 BY MR. MAIATICO:

20 Q Turning to the transcript for this audio call on Government
21 Exhibit 225A. And the fourth line down there's a statement that
22 begins, "Yeah. Yeah, but." "Yeah, but the B-word didn't even
23 deserve that, dawg. The B-word shut the shit down at 5:00. Man,
24 everybody out here saying that we ran out at 5:00."

25 Agent Cardone, who is it that made that statement, do you

1 identify the voice?

2 A Yes. The statement was made by Juan Jarmon.

3 Q And who was he speaking to?

4 A Rasheen Chandler.

5 Q And a few lines down Rasheen Chandler mentions an individual
6 by the nickname Diamond. He mentions, Diamond. I'm going to
7 show you what's previously been admitted and marked, Government
8 Exhibit 9. Do you recognize that individual?

9 A Yes.

10 Q And who is that?

11 A That individual is Stephen Dawkins, also known as Diamond.

12 Q Okay. And going back to the transcripts on page 2, when
13 Chandler asks at the bottom, "Mmm, did Diamond get back out there
14 yet?" What does Juan Jarmon respond?

15 A Juan Jarmon responds, "I'm out here with Reds. I'm sitting
16 out front on the side with Reds and shit."

17 Q And during the course of your investigation did you identify
18 an individual with the nickname, Reds?

19 A Yes.

20 Q I'm going to show you Government Exhibit 10 which has
21 already been admitted. What's that individual's nickname?

22 A Reds.

23 Q And what's his name?

24 A Derek Fernandez.

25 Q Then moving onto Government Exhibit 226. Was there an audio

1 call that was intercepted by law enforcement on September 27th,
2 2013 at approximately 4:50 p.m.?

3 A Yes.

4 Q And who did you identify as the participants on that call?

5 A Juan Jarmon and Rasheen Chandler.

6 Q And what was the approximate duration of that phone call?

7 A 52 seconds.

8 MR. MAIATICO: If we could play Government Exhibit 226.

9 (Audio played at 3:59 p.m., ending at 4:00 p.m.)

10 BY MR. MAIATICO:

11 Q All right. If we could turn to the transcript for that
12 audio call on 226, Government Exhibit 226A. Just about halfway
13 down on page 2 where Chandler begins, "Yeah, I don't -- yeah, I
14 don't." "Yeah, I don't -- what's up with Diamond? Damn, I need
15 him. It's poppin', he drawn."

16 Agent Cardone, did you identify the voice that made that
17 statement?

18 A Yes.

19 Q And who was that?

20 A That was Rasheen Chandler.

21 Q And who is he speaking to?

22 A Juan Jarmon.

23 Q And what did Juan Jarmon respond?

24 A Juan Jarmon responded, "He ain't, he ain't come out there?
25 He said he called you and checked in."

1 Q All right. Turning to the audio call Government Exhibit
2 227. Did law enforcement intercept a telephone call on September
3 27th, 2013 at approximately 5:23 p.m.?

4 A Yes.

5 Q And did you identify the voices on that phone call?

6 A Yes.

7 Q And who were they?

8 A Juan Jarmon and Rasheen Chandler.

9 Q And what was the approximate duration of this phone call?

10 A 1 minute and 13 seconds.

11 MR. MAIATICO: If we could play Government Exhibit 227,
12 please.

13 (Audio played at 4:01 p.m., ending at 4:02 p.m.)

14 BY MR. MAIATICO:

15 Q Now if we could turn to the transcript for this audio call,
16 Government Exhibit 227A. And on page 2 of that transcript of the
17 call we just heard, about half way down that starts JJ, "I just
18 had this conversation." JJ, "I just had this conversation with
19 like, you know what I mean, with everybody about this shit,
20 ma'am. Like ain't nobody going to trap without no lookouts. So
21 that mean I don't -- I'm not making no money."

22 Agent Cardone, did you identify the voice that made that
23 statement?

24 A Yes.

25 Q Whose voice was it?

1 A Juan Jarmon.

2 Q And based on your knowledge of the language used in this
3 investigation by this group, what do you understand the word trap
4 to mean?

5 A I understand the word trap to mean sell crack cocaine.

6 Q Okay. And who is Juan Jarmon speaking to when he made that
7 statement?

8 A Rasheen Chandler.

9 Q How did Rasheen Chandler respond?

10 A Rasheen Chandler said, "Thank you and you can only press
11 your luck but so long."

12 Q And when Juan Jarmon responded, "But see, I got a start man
13 on this tight time, like and all this shit. This shit going to
14 have to stop. I'm going to have to grind myself because I'm not
15 keep paying people for free, dawg."

16 Did you identify who made that statement?

17 A Yes.

18 Q Who was that?

19 A Juan Jarmon.

20 Q And who was he speaking to?

21 A Rasheen Chandler.

22 Q And how did Rasheen respond?

23 A Rasheen said, "Shit, maybe you. Luckily, might do a better
24 job than, you know what I mean, you always have a consistent
25 lookout, but it's hard, bro."

1 Q And moving onto the next phone call. Government Exhibit
2 228. On September 28th, 2013, did law enforcement intercept a
3 phone call at approximately 12:16 a.m.?

4 A Yes.

5 Q And who were the participants in that phone call?

6 A Juan Jarmon and Rasheen Chandler.

7 Q And what was the duration of that call?

8 A Approximately 52 seconds.

9 MR. MAIATICO: And if we could play 228, please.

10 (Audio played at 4:05 p.m., ending at 4:05 p.m.)

11 BY MR. MAIATICO:

12 Q Agent Cardone, turning to Government Exhibit 228A of the
13 transcript of that phone call. If we could look at page 2 about
14 halfway down where RC starts, "Yeah, um, I'm glad." RC says,
15 "Yeah, um, I'm glad Reds staying out there, so I know the
16 building protected."

17 Agent Cardone, did you identify the voice that made that
18 statement?

19 A Yes.

20 Q And who is he speaking to?

21 A Rasheen Chandler was speaking to Juan Jarmon.

22 Q And how did Juan Jarmon respond?

23 A Juan Jarmon said, "Yeah, I know. Reds out here."

24 Q And moving onto Government Exhibit 229. On October 1st,
25 2013 at approximately 11:06 p.m., did law enforcement intercept a

1 telephone call?

2 A Yes.

3 Q And who were the participants on that phone call?

4 A They were Juan Jarmon and Rasheen Chandler.

5 Q And what was the approximate duration of that call?

6 A 27 seconds.

7 MR. MAIATICO: Okay. If we could play 229, please.

8 (Audio played at 4:07 p.m., ending at 4:07 p.m.)

9 BY MR. MAIATICO:

10 Q All right. If we could turn to the transcript for that

11 audio call, 229A. And on page 2 about the third line there's a

12 statement, "Yeah, housing'. I guess they sittin' in there. Me

13 and Boo sittin' out here, Diamond's still right here, I'm sending

14 people over there now."

15 Who made that statement?

16 A Juan Jarmon.

17 Q And does PHA, do they have a police department branch?

18 A Yes.

19 Q And their own police force?

20 A Yes.

21 Q And based on your knowledge of this investigation, how are

22 they often referred to as?

23 A They're often referred to as housing.

24 Q Or housing police?

25 A Or housing police, yes.

1 Q So moving onto Government Exhibit 230. Agent Cardone, was
2 there a telephone call that was intercepted on October 2nd, 2013
3 at approximately 8:46 p.m.?

4 A Yes.

5 Q And did you identify the participants in that phone call?

6 A Yes.

7 Q Who were they?

8 A They were Juan Jarmon and a male only identified as Reef
9 (phonetic).

10 Q Okay. And what's the approximate duration of that call?

11 A 3 minutes and 16 seconds.

12 MR. MAIATICO: If we could play 230, please.

13 (Audio played at 4:09 p.m., ending at 4:11 p.m.)

14 MR. MAIATICO: Can we stop that phone call right there?

15 BY MR. MAIATICO:

16 Q Agent Cardone, I 'm going to show you the transcript marked
17 Government Exhibit 230A. If I could point you to page 2 at the
18 bottom, the last four lines, starting with JJ, "I ain't doing
19 shit." "I ain't doing shit. I'm about to get in the lab and
20 shit, man."

21 Did you identify the voice that made that statement?

22 A Yes.

23 Q And then two lines down, "Yeah, I'm about to get in the lab,
24 though. Yeah." Did you identify the person that made that
25 statement?

1 A Yes.

2 Q And who was it that made both of those statements?

3 A Juan Jarmon.

4 Q Moving onto Government Exhibit 231. Did law enforcement
5 intercept a telephone call that was relative to this
6 investigation October 5th, 2013?

7 A Yes.

8 Q And was that at approximately 1:42 a.m.?

9 A Yes.

10 Q And did you identify the individuals on that phone call?

11 A Yes.

12 Q Who were they?

13 A Juan Jarmon, an unidentified female and Taft Harris.

14 Q And approximately how long was this phone call?

15 A 34 seconds.

16 MR. MAIATICO: If we can play Government Exhibit 231,
17 please.

18 (Audio played at 4:12 p.m., ending at 4:13 p.m.)

19 BY MR. MAIATICO:

20 Q Agent Cardone, there's an individual there that's identified
21 as Taz. Did you identify that person by name?

22 A Yes.

23 Q Who was that?

24 A That individual is Taft Harris.

25 Q And if I could show you Government Exhibit 8. Who is that

1 individual in that photograph?

2 A That is Taft Harris.

3 Q Moving onto Government Exhibit 232. Did law enforcement
4 intercept a phone call on October 15th, 2013 at approximately
5 11:47 p.m.?

6 A Yes.

7 Q And did you identify the individuals that were intercepted
8 on that call?

9 A Yes.

10 Q What were their names?

11 A Juan Jarmon and Taft Harris.

12 Q Was the duration of this call approximately 3 minutes?

13 A Yes.

14 MR. MAIATICO: If we could play Government Exhibit 232.

15 (Audio played at 4:14 p.m., ending at 4:17 p.m.)

16 BY MR. MAIATICO:

17 Q Turning to the transcript of this telephone call, 232A. If
18 you could look at page 2 at the bottom and about three quarters
19 of the way down starting with JJ, "Listen." JJ, "Listen, this is
20 how you gotta do this shit to make sure them N-words are out
21 there. I'm going to tell you how you do it. Tell them N-words
22 you ain't given them shit until the shifts over, man."

23 Agent Cardone, did you identify who made that statement?

24 A Yes.

25 Q And who was that?

1 A Juan Jarmon.

2 Q And who was he speaking to?

3 A Taft Harris.

4 Q And turning to page 3 of the transcript, just over halfway
5 down starting JJ, "Yeah, but they going to turn that shit back
6 on." "Yeah, but they going to turn that shit back on. That will
7 be good. I'm trying to get this shit to pick up for you all so
8 you can make more money, man. That's all. Once this shit pick
9 back up, that shit would have you doin' what you was doin' on the
10 first like nine to a stack a day and that shit going to pick up.
11 Man, your checks going to pick up heavy as long as you don't miss
12 no days. Your checks still look a little all right."

13 Agent Cardone, did you identify the person that said that?

14 A Yes.

15 Q Who was that?

16 A Juan Jarmon.

17 Q And who was he speaking to?

18 A Taft Harris.

19 Q And how did Taft Harris respond?

20 A Taft Harris said, "Right. I ain't missin' no more days,
21 bottom line."

22 Q Moving onto a telephone call, Government Exhibit 233. Did
23 law enforcement intercept a phone call on October 18th, 2013 at
24 approximately 12:16 a.m.?

25 A Yes.

1 Q And did you identify the participants on that call?

2 A Yes.

3 Q And who were they?

4 A Juan Jarmon and Taft Harris.

5 Q And what was the approximate duration of this call?

6 A 1 minute and 22 seconds.

7 MR. MAIATICO: If we could play 233, please.

8 (Audio played at 4:19 p.m., ending at 4:20 p.m.)

9 BY MR. MAIATICO:

10 Q All right. Turning to Government Exhibit 233A, the
11 transcript of that audio call. If we could start just about over
12 halfway down it starts, JJ, "Just came to meet now, talkin' about
13 it." Agent Cardone, this statement, "Just came to me now, talkin'
14 about it, yeah. Uh, yeah. Reds told us it went up. It's
15 talkin' about -- Reds talkin' about \$25. No, give that N-word a
16 dub and but I'm about to tell you, why the fuck? That's why I
17 was trying to catch you and told you. You them N-words keep
18 trying to say you keep given up 190 and 200 and shit like that.
19 Ima come up there and talk to you, you heard me?"

20 Who was it that said that, Agent Cardone?

21 A Juan Jarmon.

22 Q And who is he talking to?

23 A Taft Harris.

24 Q And what did Taft Harris say in response to that?

25 A Taft Harris said, "Yeah, I hear you."

1 Q And what did Juan Jarmon then direct him to do?

2 A Juan Jarmon said, "This, this look -- this what you do.
3 Like every time before you leave just, you know what I mean, in
4 front of him. Just count it in front of him, all right?"

5 Q Moving to Government Exhibit 234. Did law enforcement
6 intercept a telephone call relevant to this investigation on
7 October 23rd, 2013?

8 A Yes.

9 Q Is that at approximately 12:09 a.m.?

10 A Yes.

11 Q And who did you identify as the individuals on that phone
12 call?

13 A Juan Jarmon, Rasheen Chandler and an individual only
14 identified as Jay.

15 Q And what was the approximate duration of this call?

16 A 2 minutes and 28 seconds.

17 MR. MAIATICO: If you could play Government Exhibit
18 234, please.

19 (Audio played at 4:23 p.m., ending at 4:25 p.m.)

20 BY MR. MAIATICO:

21 Q And turning to the transcript for this telephone call,
22 Government Exhibit 234A, on page 2. Just over halfway down
23 starting with JJ, "Man, you can't pay." "Man, you can't pay that
24 N-word if he ain't doin' nothing. 250 ain't nothin', man. What
25 the fuck. And then the lookout like we only got what, one

1 somethin' out that shit?"

2 Agent Cardone, did you identify the individual who said
3 that?

4 A Yes.

5 Q And whose voice was that?

6 A Juan Jarmon's voice.

7 Q And who was he speaking to?

8 A Rasheen Chandler.

9 Q Moving onto page 3 of the transcript just about a quarter of
10 the way down starting JJ, "You gotta stay up." "You gotta stay
11 up all night, Jay. Ain't no more fallin' asleep or none of that,
12 dawg."

13 Did you identify who said that, Agent Cardone?

14 A Yes.

15 Q Who was that?

16 A Juan Jarmon.

17 Q And who was he speaking to?

18 A He was speaking to Jay.

19 Q Okay. How did Jay respond to that?

20 A Jay said, "I fall asleep at like 7:00 and that's when it was
21 over."

22 Q And then after that, what did Juan Jarmon direct Jay to do?

23 A Juan Jarmon directed Jay to stay up and said that there was
24 more money to be made.

25 Q Moving onto Government Exhibit 235.

1 THE COURT: Mr. Maiatico, it's just about 4:30. So
2 we'll break for today. Ladies and gentlemen, you know to keep an
3 open mind and not to discuss the case among yourselves or with
4 others and not to let them discuss the case in your presence.

5 You know not to Tweet or text or email or write or
6 Instagram or Facebook or social network or anything like that.
7 You know not to do any investigation on your own as to anything
8 involved with this case. You're not to read any news stories, I
9 don't know if there are any. You're not to read any news
10 stories, watch TV, listen to the radio or go on the internet for
11 information about this case.

12 If any of these things, if anyone tries to talk to you
13 about the case or anything like this occurs, you should advise
14 Ms. Wittje immediately.

15 As always, I thank you for your patience, I thank you
16 for your attention. I'll see you tomorrow morning so we can
17 begin at 9:30.

18 THE BAILIFF: All rise.

19 (Jury out at 4:28 p.m.)

20 THE COURT: Okay. Please be seated, everybody. Mr.
21 Maiatico, how many more of these intercepts are you going to
22 have?

23 MR. MAIATICO: It's about 10 more calls with Agent
24 Cardone for her testimony here.

25 THE COURT: And is that the end of her direct

1 testimony?

2 MR. MAIATICO: There are a few other matters that we'll
3 be addressing with her, but that shouldn't take more than another
4 five minutes. And then we also would be reserving the right to
5 recall Agent Cardone for some controlled buys that she'll be
6 introducing.

7 THE COURT: Okay. Then I guess you could be prepared
8 to cross-examine tomorrow morning.

9 MS. COGGINS: Yes, Your Honor.

10 THE COURT: And you should have another witness ready
11 for tomorrow morning. Is there anything anybody would like to
12 put on the record?

13 MS. COGGINS: No, Your Honor.

14 MR. MAIATICO: No, Your Honor.

15 THE COURT: All right. My thanks to all counsel and to
16 our marshals.

17 MR. MAIATICO: Thank you.


18 THE BAILIFF: All rise.

19 (Proceedings adjourned at 4:29 p.m.)
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22
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24
25

CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: March 21, 2019



Jessica B. Cahill, CER/CET-708

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : Case No. 17-CR-00072-PD-1
Plaintiff, :
 :
vs. : Philadelphia, Pennsylvania
 : March 7, 2019
JUAN JARMON, : 10:16 a.m.
 :
Defendant. :
 :
. :
. :

TRANSCRIPT OF JURY TRIAL - DAY 3
BEFORE THE HONORABLE PAUL S. DIAMOND
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

Direct Cross Redirect Recross

Sarah Cardone				
(By Mr. Maiatico)	8			
(By Ms. Coggins)		25		
(By Mr. Maiatico)			57	
(By Ms. Coggins)				60
Rasheen Chandler				
(By Ms. Osirim)	67			
(By Ms. Coggins)		132		
(By Ms. Osirim)			171	
(By Ms. Coggins)				173

Marked Received

Government 601	3	4
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1 MARCH 7, 2019

10:16 AM

2 THE COURT: Good morning.

3 GROUP RESPONSE: Good morning, Your Honor.

4 THE COURT: Anything anybody would like to put on the
5 record?

6 MR. MAIATICO: Yes, Your Honor, if I may. There's an
7 agreement by counsel on a Government exhibit that we tend to
8 introduce through Agent Cardone. If I may, we intend to
9 introduce medical records that relate to Dottie Good, Government
10 Exhibit 601.

11 There's an agreement by counsel that there's no
12 objection to the admission of these records, and there's no
13 objection to the agent reading in portions of those medical
14 records to the jury.

15 (Government's Exhibit 601 marked for identification)

16 THE COURT: So, you're agreeing to the authenticity and
17 the admissibility of the records; is that right?

18 MS. COGGINS: Yes, Your Honor.

19 THE COURT: Okay. Fine. Why don't you ask for them to
20 be -- so can I admit them right now, is that all right?

21 MS. COGGINS: Yes, Your Honor.

22 MR. MAIATICO: Yes.

23 THE COURT: Ms. Coggins?

24 MS. COGGINS: Yes, Your Honor.

25 THE COURT: Okay. Then they're admitted. What exhibit

1 number is it?

2 MR. MAIATICO: It's Government Exhibit 601.

3 THE COURT: You sure?

4 MR. MAIATICO: Yes, I am.

5 MS. COGGINS: Yes.

6 THE COURT: All right. Then 601 is admitted. Anything
7 else?

8 (Government's Exhibit 601 received)

9 MR. MAIATICO: Nothing further from the Government.

10 MS. COGGINS: Yes, Your Honor. Thank you. First of
11 all, Your Honor, there are a number of confidential sources that
12 were turned over to me, and we've reached an agreement -- it's
13 hard for me to keep track of the CS dash numbers.

14 THE COURT: When you say confidential sources, you mean
15 -- I'm not sure what you mean. The sources themselves weren't
16 turned over to you, what was turned over to you?

17 MS. COGGINS: The names.

18 THE COURT: Ah, okay.

19 MS. COGGINS: Yes. And so, I've asked if I can use the
20 names. It's relevant, but I understand Mr. Maiatico is objecting
21 to that.

22 I plan on using the initials, if that's --

23 THE COURT: I don't see why she can't do that, Mr.
24 Maiatico.

25 MR. MAIATICO: We have no objection to the use of the

1 initials, and I would tell the Court that we would intend then to
2 just introduce that at the appropriate time before the controlled
3 buys where the confidential sources are used to say without
4 naming this individual in open court, did J.F. or did some
5 initials --

6 THE COURT: Well, as long as the two of you agree on
7 which number has which initials, I don't see that that's a
8 problem.

9 MR. MAIATICO: Understood.

10 THE COURT: But the names have been provided to the
11 Defense and so that's fine. Anything else?

12 MS. COGGINS: One more matter, Your Honor.

13 THE COURT: Yes?

14 MS. COGGINS: I'm a little bit old school, Your Honor,
15 so I tend to use paper as my exhibits, and I would just ask the
16 Court for a little bit of leeway. I'm not as flashy as the
17 Government.

18 THE COURT: The Government has, I forget what the
19 machine is called, that you put a paper exhibit on the machine,
20 and it flashes up on what used to be a screen that people would
21 show their Kodachrome slides on, what is that called?

22 MR. MAIATICO: ELMO machine. ELMO.

23 THE COURT: Who?

24 MR. MAIATICO: We called it an ELMO.

25 THE COURT: Yes, that's right. An ELMO. Do you think

1 there's one somewhere in your office, Mr. Maiatico, that you
2 could have ferried over here and have a screen setup so that Ms.
3 Coggins -- I assume you prefer to use the ELMO machine than read
4 from an exhibit that the jury doesn't see?

5 MS. COGGINS: Your Honor, actually what I'm going to be
6 doing is using it to cross-examine the witnesses in the case.
7 It's so much easier for me, because it's what I've done my whole
8 career. It's just to walk up with the paper or cross-examine
9 them, isn't it true on this date and this date, and then mark the
10 actual piece of paper.

11 My assistant here from Cornerstone, he has all the
12 exhibits actually in the computer, and he's been marking them --

13 THE COURT: I didn't know that.

14 MS. COGGINS: Yes.

15 THE COURT: I don't have a problem --

16 MS. COGGINS: I'm just a little slow, Judge, that's
17 all.

18 THE COURT: I laugh, but okay. That's fine.

19 MS. COGGINS: Thank you.

20 MR. MAIATICO: No ELMO needed?

21 THE COURT: No ELMO needed --

22 MR. MAIATICO: Okay.

23 THE COURT: -- and if she has something better than an
24 ELMO. And if you cross-examine the witness with a document, the
25 witness may or may not ask to see the document. That's up to the

1 witness.

2 MS. COGGINS: Yes, Your Honor.

3 THE COURT: Okay.

4 MS. COGGINS: One other matter, Your Honor, I can't
5 find my phone, and I didn't turn the ringer off. So, if I could
6 just have a minute to try to find that and shut my phone off.

7 THE COURT: Do you have Ms. Coggins' cellphone number?

8 MS. COGGINS: That's a great idea, Judge.

9 THE COURT: Why don't you call her?

10 MS. COGGINS: Thank you. Found it, Judge.

11 THE COURT: Okay, never mind.

12 MS. COGGINS: Thank you.

13 THE COURT: Anything else?

14 MS. COGGINS: No, Your Honor.

15 THE COURT: Agent Cardone, why don't you resume the
16 stand, you're still under oath, and why don't we bring the jury
17 in?

18 THE BAILIFF: Please stand for the jury.

19 (Jury in at 10:22 a.m.)

20 THE COURT: Welcome back everybody, please be seated.
21 Mr. Maiatico.

22 MR. MAIATICO: Thank you, Your Honor.

23 SARAH CARDONE, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN

24 DIRECT EXAMINATION (CONTINUED)

25 BY MR. MAIATICO:

1 Q Good morning again, Agent Cardone.

2 A Good morning.

3 Q Agent Cardone, we left off yesterday after going through
4 about 40 calls involving Juan Jarmon between the months of August
5 and October 2013; is that correct?

6 A Yes.

7 Q And can I ask you, during what month did the wiretap on Juan
8 Jarmon's phone end?

9 A It ended in November of 2013.

10 Q Okay. One last call from that one intercept that I wanted
11 to go over, if you could turn to Government Exhibit 245. Agent
12 Cardone, did law enforcement intercept a phone call from Juan
13 Jarmon's phone on October 28th, 2013 beginning at 12:11 in the
14 afternoon?

15 A Yes.

16 Q And who did you identify as the participants of that phone
17 call?

18 A The participants were identified as Juan Jarmon, Mike
19 Ferrell and Rasheen Chandler.

20 Q And what was the approximate duration of that phone call?

21 A 4 minutes and 24 seconds.

22 MR. MAIATICO: If we could begin playing Government
23 Exhibit 245, please.

24 (Audio played at 10:24 a.m., ending at 10:28 a.m.)

25 BY MR. MAIATICO:

1 Q And turning to Government Exhibit 245A, the transcript for
2 that phone call. Agent Cardone, if I could direct your attention
3 as to page 2, about halfway down it starts, JJ, "Man, fuck Reds."
4 And there's a statement, "Man, fuck Reds. Tell Reds, man, he out
5 of fucking pocket, man. We going to get someone else instead of
6 Reds like for you, like Reds, not Reds, no Reds doing nut shit.
7 I ain't helpin' this N-word make nothing, and this N-word keep
8 getting a N-word almost booked. You can use him just for right
9 now, but don't, man. We ain't fucking with that N-word no more."

10 Did you identify the voice on that call that made that
11 statement?

12 A Yes.

13 Q And who was that that said that?

14 A Juan Jarmon.

15 Q All right. Who was Juan Jarmon talking to during this phone
16 call at that time?

17 A He was speaking to Mike Ferrell.

18 Q And move onto page 4 of this transcript at the top there's
19 an exchange between JJ and RC where JJ starts, "Yeah. Yeah,
20 well." So, Agent Cardone, there's a statement by JJ, "Yeah, well
21 let's say, uh, uh, uh, hey yo, who be out there for you?" Who
22 said that?

23 A Juan Jarmon.

24 Q And who was he talking to?

25 A Rasheen Chandler.

1 Q And what did Rasheen Chandler respond when Juan Jarmon said,
2 "Who be out there for you?"

3 A Rasheen Chandler said, "Uh, Diamond."

4 Q Okay. And then what did Juan respond?

5 A Juan Jarmon responded, "Did he been coming lately?"

6 Q And then Rasheen responds, "Yeah," what does Juan Jarmon
7 say?

8 A Juan Jarmon said, "I'm trying to figure out a way how we
9 going to cut Reds off, dawg."

10 Q Now have you previously identified, or have you previously
11 identified an individual that goes by the name of Diamond?

12 A Yes.

13 Q And who is that person?

14 A That individual was Stephen Dawkins.

15 Q And did you identify an individual that goes by the name,
16 Reds?

17 A Yes.

18 Q And who is that individual?

19 A That individual was Derek Fernandez.

20 Q And if I could direct you to the bottom of page 4 and it
21 goes onto the top of page 5 where JJ starts, "All right, no."
22 Where JJ says, "All right, no. I'm going to come down there
23 probably like in an hour or something. Tell, tell -- what you
24 calling to use Reds for right now? But we can't fuck with Reds
25 like that. He keep falling asleep, man, and keep somebody

1 apologize. You can't apologize when an N-word go to jail."

2 Did you identify the individual that said that?

3 A Yes.

4 Q And who was that?

5 A Juan Jarmon.

6 Q Who was Juan Jarmon speaking to?

7 A He was speaking to Rasheen Chandler.

8 Q And moving on, I want to go to Government Exhibit 235. And
9 you had previously testified that the wiretap on Juan Jarmon's
10 phone ended in November of 2013. Was there also a wiretap on
11 another phone that followed that?

12 A Yes.

13 Q And whose phone was that on?

14 A The wiretap that followed Juan Jarmon's phone was on Damon
15 Edwards' phone.

16 Q And Damon Edwards, what was his nickname?

17 A His nickname was Boo Boo or Boo.

18 Q And that followed in December of 2013?

19 A Yes.

20 Q And I'd like to start playing some calls from the wiretap of
21 Damon Edwards' phone. Government Exhibit 235, did law
22 enforcement intercept a phone call on December 23rd, 2013 at
23 approximately 11:03 p.m.?

24 A Yes.

25 Q And was that call relevant to this investigation?

1 A Yes.

2 Q Who were the participants that you identified on that phone
3 call?

4 A The participants were Juan Jarmon and Damon Edwards.

5 Q And what was the approximate duration of this phone call?

6 A It was approximately 1 minute and 11 seconds.

7 MR. MAIATICO: And if you could play Government Exhibit
8 235, please.

9 (Audio played at 10:32 a.m., ending at 10:34 a.m.)

10 BY MR. MAIATICO:

11 Q And turning to the transcript for Government Exhibit 235,
12 235A. Agent Cardon, I want to direct your attention to page 2
13 and the fifth line down that starts, JJ, "Oh, oh." So, during
14 this exchange that begins, "Oh, oh, what I was going to say,
15 fucking, uh, uh, no look, look, right. When we get back from
16 that shit from out the ate shit, we going to what? We going to
17 owe them about 2250, right?"

18 Who is it that you identified said that, Agent Cardone?

19 A Juan Jarmon said that.

20 Q And who was he speaking to?

21 A He was speaking to Damon Edwards.

22 Q And how did Damon Edwards respond?

23 A He made an affirmative noise.

24 Q Okay. And after that, what did Juan Jarmon say?

25 A Juan Jarmon said, "We doing to pick the 48 up and we going

1 to let him have the rest."

2 Q Moving onto Government Exhibit 236. Agent Cardone, on
3 December 24th, 2013 at approximately 2:12 p.m., did law
4 enforcement intercept a phone call from Damon Edwards' phone?

5 A Yes.

6 Q And who did you identify as the participants of that phone
7 call?

8 A The participants were Juan Jarmon and Damon Edwards.

9 Q And approximately how long was that phone call?

10 A The phone call was approximately 3 minutes and 38 seconds.

11 MR. MAIATICO: If we could play Government Exhibit 236,
12 please.

13 (Audio played at 10:35 a.m., ending at 10:38 a.m.)

14 BY MR. MAIATICO:

15 Q Agent Cardone, moving to Government Exhibit 236A, the
16 transcript of that phone call. Direct your attention to page 2.
17 So initially this conversation is a reference to E-Black. Did
18 you identify an individual named E-Black during the course of
19 this investigation?

20 A Yes.

21 Q And again, who is E-Black?

22 A E-Black was identified as Edward Stinson.

23 Q Moving down on that page 2, just over halfway down there's
24 an exchange between JJ and DE where JJ starts, "I'm saying, Sheen
25 said he left." On page 2, just over about halfway down. There's

1 a statement, "I'm saying Sheen said he left." Do you identify
2 the voice who said that?

3 A Yes.

4 Q And who said that?

5 A Juan Jarmon.

6 Q And who is he speaking to?

7 A He was speaking to Damon Edwards.

8 Q How did Damon Edwards respond when he said, "Sheen said he
9 left."

10 A Damon Edwards responded, "Yeah, he gave somebody in
11 Sharita's house the, you know, the situation."

12 Q And how did Juan Jarmon respond?

13 A Juan Jarmon said, "Yeah."

14 Q And he was speaking to Damon Edwards?

15 A Yes.

16 Q And when Damon Edwards responded, "And then he left and
17 whoever the boy in Sharita's house gave the shit to Sheen," How
18 did Juan Jarmon respond?

19 A Juan Jarmon said, "Oh, all right. I talked to him at 9:00,
20 but the crazy thing about it, what the fuck he want an N-word to
21 do. Ain't no people walking up no 18 floors."

22 Q Now Agent Cardone, there's a mention of someone named
23 Sharita. Did you identify an individual named Sharita during the
24 course of this investigation?

25 A Yes.

1 Q And what was her name?

2 A Her name is Sharita Bailey.

3 Q And where does Sharita Bailey live? What apartment did she

4 live in or what floor did she live on?

5 A She lived on the 18th floor of the Hemberger building.

6 Q And then there's a reference again to a Sheen. And did you

7 identify an individual that went by the nickname Sheen over the

8 course of this investigation?

9 A Yes.

10 Q And who'd you identify that as?

11 A Rasheen Chandler.

12 Q And where did Rasheen Chandler live?

13 A He lived on the 18th floor in the Hemberger building.

14 Q And finally with regards to this section, Juan Jarmon says,

15 "Ain't no people walking up no 18 floors." How many floors are

16 there in the high rise buildings?

17 A 18.

18 Q Turning to page 3 of the transcript, the last line on page 3

19 starting JJ, "They supposed to come and fix so people be having a

20 way to their apartment. They don't give a fuck. I don't know,

21 all right Shay? Just call me and let me know what you decide. I

22 just want to move that shit."

23 Who is it that said, "I just want to move that shit?"

24 A Juan Jarmon.

25 Q Moving onto Government Exhibit 2:37. Agent Cardone, on

1 December 26th, 2013 at approximately 2:06 p.m., did law
2 enforcement intercept a wire call that was relevant to this
3 investigation?

4 A Yes.

5 Q And who did you identify as the participants in that call?

6 A Juan Jarmon and Damon Edwards.

7 Q And what was the approximate duration of that phone call?

8 A 2 minutes and 44 seconds.

9 MR. MAIATICO: If we could play Government Exhibit 237,
10 please.

11 (Audio played at 10:42 a.m., ending at 10:45 a.m.)

12 BY MR. MAIATICO:

13 Q Turning to Government Exhibit 237A, the transcript for that
14 phone call. Agent Cardone, if I could direct your attention to
15 page 2, just about halfway down where DE begins, "You talk to
16 Sheen?" "You talk to Sheen?" Agent Cardone, did you identify
17 the voice who said that?

18 A Yes.

19 Q Who was that?

20 A It was Damon Edwards.

21 Q And who was Damon Edwards speaking to?

22 A Juan Jarmon.

23 Q And how did Juan Jarmon respond to that?

24 A Juan Jarmon said, "Yeah. Yeah. The young boy did," and
25 then something unintelligible.

1 Q And then moving down on that page to three lines from the
2 bottom where JJ starts, "He's going." "He's going. He said it's
3 going all right. I talked to Taz too."
4 Who was it that said that, Agent Cardone?
5 A Juan Jarmon.
6 Q And we just mentioned the name Sheen. Have you identified
7 an individual named Sheen in this investigation?
8 A Yes.
9 Q And who is that?
10 A Rasheen Chandler.
11 Q And we just mentioned the name, Taz. Have you identified an
12 individual that goes by the nickname, Taz, during the course of
13 this investigation?
14 A Yes.
15 Q And who was that?
16 A Taft Harris.
17 Q And turning to page 4 and the fifth, last line that just
18 starts, JJ, "Young boy." "Young boy did the 750, I guess."
19 Who'd you identify that said that?
20 A Juan Jarmon.
21 Q And who is he speaking to?
22 A Damon Edwards.
23 Q Agent Cardone, moving onto Government Exhibit 338. Did law
24 enforcement intercept a phone call on January 1st, 2014 at
25 approximately 1259 a.m.?

1 A Yes.

2 Q And is this a call that was relative to the investigation?

3 A Yes.

4 Q Who'd you identify as the participants on that phone call?

5 A The participants were Juan Jarmon and Damon Edwards.

6 Q And approximately how long was that phone call?

7 A It was approximately 1 minute and 46 seconds.

8 MR. MAIATICO: If we could play Government Exhibit 238,
9 please.

10 (Audio played at 10:48 a.m., ending at 10:50 a.m.)

11 BY MR. MAIATICO:

12 Q Agent Cardone, looking at Government Exhibit 238A, the
13 transcript for that phone call. Turning to page 2 and directing
14 your attention about halfway down, JJ, "No shit though, B.
15 Somebody." "No shit though, B. Somebody, they said, they said,
16 Taz said he had to walk up the steps because, man, somebody
17 pushed the fucking fire alarm. Shit man, the elevator is like
18 two hours, man."

19 Did you identify the individual who said that?

20 A Yes.

21 Q And who was that?

22 A Juan Jarmon.

23 Q And inside the Hemberger building based on your knowledge of
24 the apartments at Norman Blumberg, if the elevators aren't
25 working, how would somebody go up the steps? How would someone

1 get to a higher floor?

2 A They would walk up the steps.

3 Q Okay. And are there steps that are there?

4 A Yes.

5 Q And where are they located?

6 A They are located at each end of the hallway.

7 Q And there's a reference there to an individual named Taz in

8 that statement. As you said before, you identify someone with

9 the nickname Taz?

10 A Yes.

11 Q And who is that individual?

12 A The individual is Taft Harris.

13 Q Moving onto Government Exhibit 239. Agent Cardone, on

14 January 19th, 2014 did law enforcement intercept a phone call at

15 approximately 1:43 p.m. that was relevant to the investigation?

16 A Yes.

17 Q And who did you identify as the participants of that phone

18 call?

19 A The participants were Juan Jarmon and Damon Edwards.

20 Q And what was the approximate duration of that phone call?

21 A 1 minute and 17 seconds.

22 MR. MAIATICO: If we could play Government Exhibit 239,

23 please.

24 (Audio played at 10:51 a.m., ending at 10:53 a.m.)

25 BY MR. MAIATICO:

1 Q If you could turn to Government Exhibit 239A, the transcript
2 of that audio call and turn to page 2 about halfway down in the
3 exchange between JJ and DE where JJ begins, "I think get the
4 two."

5 So, Agent Cardone, the statement, "I think get the two
6 because it's tight right now, it'd be hard, man. I ain't trying
7 to keep going through this shit."

8 Did you identify who said that?

9 A Yes.

10 Q And whose voice was that?

11 A Juan Jarmon.

12 Q And who was he speaking to?

13 A Damon Edwards.

14 Q And what did Damon Edwards respond?

15 A Damon Edwards responded, "All right. All right. Fuck, man.
16 I only told him the one. All right. Uh."

17 Q Moving onto Government Exhibit 240. Agent Cardone, on
18 January 24th, 2014 at approximately 10:41 a.m., did law
19 enforcement intercept a phone call?

20 A Yes, I believe it was at 10:41 p.m.

21 Q And who did you identify as the participants of that phone
22 call?

23 A Juan Jarmon and Damon Edwards.

24 Q And what was the approximate duration of that phone call?

25 A 47 seconds.

1 MR. MAIATICO: If you could play Government Exhibit
2 240, please.

3 (Audio played at 10:54 a.m., ending at 10:55 a.m.)

4 BY MR. MAIATICO:

5 Q Turning to the transcript for that audio call, Government
6 Exhibit 240A. If you could turn to page 2 and I'll direct your
7 attention about halfway down the page in the exchange between JJ
8 and DE that begins, "No, I was just letting you know about Sheen
9 and them."

10 So, Agent Cardone, that statement, "No, I was just letting
11 you know about Sheen and them." Who said that?

12 A Juan Jarmon.

13 Q And have you identified an individual that goes by the
14 nickname Sheen --

15 A Yes.

16 Q -- through the course of this investigation? And who is
17 Sheen?

18 A Sheen is Rasheen Chandler.

19 Q And who is Juan Jarmon speaking to during that call?

20 A He was speaking to Damon Edwards.

21 Q And how did Damon Edwards respond when he said, "Letting you
22 know about Sheen and them?"

23 A He said, "Yeah. Yeah."

24 Q And what did Juan Jarmon say?

25 A Juan Jarmon responded, "Yeah."

1 Q And then what did Damon Edwards say?

2 A Damon Edwards said, "You want me to come down?"

3 Q And then the answer, "Whenever you want to. I just know we

4 on the last, you know what I'm saying?" Did you identify who

5 said that?

6 A Yes.

7 Q And whose voice was that?

8 A Juan Jarmon.

9 Q Move onto the next exhibit, Government Exhibit 241. On

10 February 18th, 2014, did law enforcement intercept a phone call

11 at approximately 6:52 p.m.?

12 A Yes.

13 Q And did you identify the participants on that phone call?

14 A Yes.

15 Q And who were they?

16 A Damon Edwards and Edward Stinson.

17 Q And what was Edward Stinson's nickname that you identified

18 during this investigation?

19 A E-Black.

20 Q Now on that date, February 18th, 2014, did police arrest

21 Rasheen Chandler and search his apartment?

22 A Yes.

23 MR. MAIATICO: If you could play Government Exhibit

24 241?

25 (Audio played at 10:57 a.m., ending at 10:58 a.m.)

1 BY MR. MAIATICO:

2 Q Agent Cardone, you said that on February 18th an individual
3 named Rasheen Chandler was arrested?

4 A Yes.

5 Q If I could show you Government Exhibit 4 that's already been
6 admitted. And who is that individual?

7 A That is Rasheen Chandler.

8 Q And what was his nickname?

9 A Sheen.

10 Q Agent Cardone, if I could move on from the wire calls, I
11 want to talk to you about other evidence that you obtained during
12 the course of this investigation. Did law enforcement obtain
13 medical records from St. Joseph's hospital and its emergency
14 department?

15 A Yes.

16 Q And these records pertain to an emergency room visit by an
17 individual named Dottie Good on May 31st, 2013?

18 A Yes.

19 MR. MAIATICO: If I can pull up what's already been
20 admitted as Government Exhibit 601.

21 BY MR. MAIATICO:

22 Q And in the book before you, if you can turn to 601, Agent
23 Cardone. Is that about ten pages of medical records?

24 A Yes, it is.

25 Q And are those certified records from St. Joseph's Hospital?

1 A Yes.

2 Q I'm going to ask that you turn your attention to page 3 of
3 these records, at the top. Who is the patient listed as on these
4 medical records?

5 A The patient is listed as Dottie Good.

6 Q If I could turn your attention then to three pages ahead on
7 page 6. And at the bottom where it says under nurse triage, at
8 the very bottom. Could I ask you to read that portion in the
9 nursing triage?

10 A Yes. It says, "C/O headache and pain on her L shoulder.
11 Stated her cousin who is drank, slammed her around and she
12 accidentally hit her head at the edge of table this a.m. around
13 4:00. With superficial laceration corner of left eyebrow.
14 Denies any LOC.

15 Q If we could turn to page 9, three pages ahead. And there's
16 a section I guess on page 8 right before that, laceration repair.
17 On page 9, can you just read the relevant portion of the
18 laceration repair?

19 A "Performed --"

20 MS. COGGINS: Are you looking at page 9 or page 8? I'm
21 sorry.

22 MR. MAIATICO: At page 9 at the top.

23 MS. COGGINS: I'm sorry.

24 BY MR. MAIATICO:

25 Q Agent Cardone.

1 A "Performed simple repair of superficial wounds of face, 1
2 centimeter total length was closed with three sutures of five
3 dash zero prolene."

4 Q And Agent Cardone, at the bottom of Page 9, have these
5 records been signed by a medical doctor or registered nurse?

6 A Yes.

7 MR. MAIATICO: One moment, Your Honor, if I may.

8 THE COURT: Yes.

9 MR. MAIATICO: Your Honor, the Government has no more
10 questions for this witness at this time. Although, by agreement,
11 we reserve the right to recall this witness.

12 THE COURT: Very well. Ms. Coggins.

13 MS. COGGINS: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. COGGINS:

16 Q Agent Cardone, I believe that you said when you first took
17 the stand that this was your very first investigation as a lead
18 agent, is that correct?

19 A This was my first investigation as a lead agent.

20 Q In fact, you were fresh out of the FBI academy, is that
21 correct?

22 A Yes.

23 Q And you got here to Philadelphia for your new job assignment
24 in April of 2013, correct?

25 A Correct.

1 Q And that's when you took over this case?

2 A I began working as a lead case agent, along with other case
3 agents in April of 2013.

4 Q Now, you said that some of your different sources, resources
5 that you use as lead agent, was a pole camera, is that correct?

6 A We did use a pole camera.

7 Q And what is a pole camera?

8 A A pole camera is a covertly installed camera that's
9 typically installed in a public place where people would not have
10 a reasonable expectation of privacy, to record evidence of crimes
11 that might be occurring in that place.

12 Q When you say record, do you mean a still photograph or do
13 you mean video or both?

14 A I mean video, but not audio.

15 Q So it's a video; it's a moving picture, correct?

16 A Typically, yes.

17 Q In addition to the pole cameras, I believe in this case you
18 used secret little cameras, is that right?

19 A Are you referring to recording devices?

20 Q I'm -- yes. Camera.

21 A Like a camera. Yes. We used a body recorder. One that
22 could be put on somebody's body.

23 Q You also used a camera that you placed covertly on, I
24 believe, the 18th floor, is that correct, of the Hemberger
25 Building?

1 A Yes.

2 Q And that was put inside of a fire -- a fire detector?

3 A I believe it was installed. It was -- I believe it was in a
4 smoke detector or an exit sign, yes.

5 Q And also on the eighth floor of the Judson Building, is that
6 correct?

7 A Yes.

8 Q And that little tiny camera, nobody knows that the camera is
9 there; well that's the point, right?

10 A The point was so that nobody other than law enforcement knew
11 that the camera was there, yes.

12 Q And that was installed when?

13 A Which one?

14 Q Start with the 18th floor of Hemberger?

15 A That was installed sometime after the investigation started,
16 and we learned that they were using the 18th floor to sell crack
17 cocaine from.

18 Q I asked you when it was put in, the date?

19 A I don't recall the exact date, but I can get that for you if
20 you need it.

21 Q How about a year?

22 A I believe it was installed in 2013, but it could have been
23 installed in early 2014. I believe it was installed during the
24 wiretap intercept dates.

25 Q So -- well which wiretap intercept date -- my client's

1 telephone?

2 A I believe it was sometime during the period. There were
3 multiple wiretap intercepts encompassing this investigation.

4 Q Okay. My question is, was it during my client's intercept?

5 A I would -- I have that information. I do not recall it
6 specifically at this time.

7 Q Now do you know when -- do you have any idea when the camera
8 was put in, in the fire alarm in the Judson Building?

9 A I believe it was sometime in 2013 or 2014.

10 Q Now because this was your first job as a lead agent, was it
11 also the first time that you had to process confidential sources?

12 A What do you mean by process?

13 Q Well you had to -- I believe you said that there was a
14 process that you went through to see if a confidential source was
15 viable?

16 A To determine if a confidential source was -- was suitable
17 for use as a confidential source, to see if an individual was
18 suitable?

19 Q Correct.

20 A Yes. It was the first time that I worked with confidential
21 sources.

22 Q Now, you said that one of the first requirements that you --
23 of this process that you went through, and I'm assuming you
24 learned this process in your, what was it, 20, how many weeks of
25 FBI school?

1 A The FBI academy that I attended was 21 weeks in length.

2 Q And how many weeks did you spend talking about viability of
3 confidential sources?

4 A I don't know exactly. I don't think -- we did not spend
5 weeks. We did spend -- took a week discussing confidential
6 sources in development and handling. But there was also on the
7 job training once I came to the Philadelphia field office.

8 Q So you sat through maybe one week of how to determine if a
9 confidential source would be reliable, correct?

10 A That was part of the one week training on working with
11 confidential sources.

12 Q So that was only one part of one week?

13 A Well, yes. There's also identifying and working with the
14 source after you identify the source.

15 Q Then you said you got on the job training as soon as you
16 came here, which was in April of 2013, is that correct?

17 A Yes.

18 Q Okay. So, then the very first person that you would have --
19 well let me back up a little bit. You said that, first of all,
20 what you try to determine is that the person is willing to serve
21 as a confidential source, is that correct?

22 A That is one of the first things that you would need to
23 determine. You would also need to determine if they have access
24 to the person or information that you're seeking.

25 Q You don't mean by that, that the person is happy to help,

1 right; that they've raised their hand and say I want to, you
2 know, make the world a better place, correct?

3 A Sources have a variety of different motivating factors. Or
4 excuse me. I should say people have a variety of motivating
5 factors for becoming a confidential source.

6 Q And in this case, none of your confidential informants, the
7 four that you used, were willing or happy to participate unless
8 you paid them, correct?

9 A I would not speak for their exact motivations for working
10 with us.

11 Q Ma'am, did you pay them money?

12 A They were paid money. They were compensated for their time
13 and expenses.

14 Q All four of them were paid money, is that correct?

15 A Yes.

16 Q In fact, they were paid a lot of money, isn't that fair to
17 say?

18 A That depends on your perspective.

19 Q Okay. Well, you testified that in the past, your
20 confidential sources are paid for their, I believe you just said
21 it now, time and expenses incurred, is that correct?

22 A Typically, yes.

23 Q And -- well, when you say typically, in this case?

24 A In this case, yes. I've worked with other sources who have
25 not been paid for their time or expenses.

1 Q Not in this case though, correct?

2 A Not to my knowledge, no.

3 Q Well, your knowledge. You had four, is that right? You had
4 four confidential sources?

5 A I think in the overall investigation, we might have had more
6 than four.

7 Q In this particular case, where you're charging my client
8 with a conspiracy, you used four confidential sources, is that
9 correct?

10 A I remember using four to five sources in the whole entire
11 investigation.

12 Q You don't even -- you're the agent in charge and you don't
13 remember how many confidential sources you used in the case
14 against my client, is that correct?

15 A The entire -- this case is part of a larger investigation,
16 which we used multiple confidential sources to provide
17 information and to purchase control- -- to make controlled
18 purchases of narcotics.

19 Q So you're saying maybe five, is that correct?

20 A I'm saying we used at least -- at least five that I can
21 recall.

22 Q Do you have the numbers for the confidential sources that
23 you used?

24 A I have the numbers. I do not have the numbers up here with
25 me.

1 Q Okay. All right. So, you testified on direct that these
2 people -- the four that are involved in the case, as far as I
3 know, the four that I could give you the numbers if you'd like or
4 I can give you the initials because those are the four that are
5 contained in the documents. Would you like me to give you the
6 initials of the confidential sources that you used in this case?

7 A If you think it's pertinent.

8 Q Well I do. Because I'm trying to determine how many
9 confidential sources you used.

10 MR. MAIATICO: Objection, Your Honor.

11 THE COURT: Wait. Why don't you ask a question, Ms.
12 Coggins.

13 BY MS. COGGINS:

14 Q Did you use a confidential source in this case whose
15 initials are J.F.?

16 A Yes.

17 Q Did you use a confidential source whose initials are VB?

18 A Yes.

19 Q Did you use a confidential source whose initials are DA?

20 A Yes.

21 Q And then you used -- the fourth one is Rasheen Chandler, is
22 that correct?

23 A I mean, yes, he could be considered a confidential source,
24 yes.

25 Q Ma'am, you gave him a confidential source number, did you

1 not?

2 A I believe he was given a DEA source number.

3 Q Confidential source number 147903, who is that?

4 A I do not recall at this time.

5 Q You don't remember the number of the four confidential
6 sources that you used in this, I don't know, two year
7 investigation?

8 A Not at this time. I have access to that information though.

9 MS. COGGINS: Your Honor, if I may ask that she get the
10 notes that she's going to need for her testimony.

11 THE COURT: All right. Why don't we give the jury its
12 morning break.

13 THE BAILIFF: All rise.

14 (Jury out at 11:12 a.m.)

15 THE COURT: Okay. Please be seated everybody. Ms.
16 Coggins, exactly what is it you would like the agent to retrieve?

17 MS. COGGINS: Her -- whatever she needs, Your Honor, to
18 refresh her recollection as to her confidential sources, the
19 names and the numbers.

20 THE COURT: Okay. Anything else? I want to do this
21 only once.

22 MS. COGGINS: I don't know, Your Honor. I can't answer
23 that question, because I don't know what else she's not going to
24 remember.

25 THE COURT: Agent, do you have this on your computer,

1 or do you actually have to retrieve paper copies?

2 THE WITNESS: I would -- I would have to retrieve a
3 paper copy for some of the numbers to which she's referring.

4 THE COURT: Do you have them with you?

5 THE WITNESS: I don't believe I have. If counsel has
6 them.

7 MS. COGGINS: I have them, Your Honor.

8 THE COURT: Yes, Mr. Maiatico.

9 MR. MAIATICO: Your Honor, if I could just -- I'm not
10 sure what the relevance is of the specific number. I think we've
11 identified --

12 THE COURT: I really -- I really think Ms. Coggins is
13 entitled to develop her own cross-examination, and I think she's
14 entitled to do it without telling me and you in advance what
15 she's doing or what she's going to do.

16 On the other hand, it's fair that the agent may need to
17 have her recollection refreshed by looking at documents. If you
18 have those documents and you wish to say to her, agent -- agent,
19 I'm sorry, Ms. Coggins, you're a very experienced lawyer, would
20 it help -- would it refresh your recollection if I showed you X
21 or Y.

22 You certainly can do that. You can have the agent
23 retrieve whatever it is she has. I just don't -- Agent, you're
24 on cross-examination. I don't want you to talk to anybody about
25 your testimony except to retrieve documents that you think may be

1 necessary. And you can talk about that. And why don't you talk
2 to counsel about that and we'll take a break.

3 MS. COGGINS: Thank you, Your Honor.

4 (Recess at 11:15 a.m., recommencing at 11:40 a.m.)

5 THE COURT: First, let me see counsel at sidebar.

6 (Sidebar begins at 11:40 a.m.)

7 THE COURT: Ms. Coggins, the people who are sitting in
8 the gallery behind you, I don't know if they're related to the
9 Defendant or not. They're starting to shake their heads and
10 gesticulate. I don't want to embarrass them so if you could --
11 if they are attached to your client somehow, I'd appreciate it if
12 you speak to them when we go back out of court.

13 (Sidebar ends at 11:40 a.m.)

14 THE COURT: You're still under oath, Agent.

15 THE WITNESS: Understood.

16 THE COURT: I've had my clerk give you the model Third
17 Circuit instruction on other crimes evidence. There are two
18 versions that are more or less the same. One is during trial,
19 one is at the conclusion. My recollection is that there are at
20 least two assaults that the Defendant is alleged to have
21 committed. One on Dottie Good and one on Person Number 9. And
22 this instruction is tailored to that. I believe they will be
23 offered for two different purposes. One to show control and the
24 other to prevent discovery by the police.

25 I could see how strategically you might not want me to

1 remind the jury of these acts at all, Ms. Coggins, and you don't
2 want any instruction given, you might want this instruction
3 given, you might want a version of this given, but I thought I'd
4 start you off by giving you the Third Circuit model instruction
5 on this.

6 The only evidence we've heard so far about other acts
7 that I think are actually part of the crime itself, have been
8 from your client's own mouth. We haven't heard any extrinsic
9 evidence, but I suspect that we will today. Actually, with the
10 hospital records, we have heard extrinsic evidence and we will
11 hear some more.

12 So, whatever your thinking is, I would ask you to share
13 it with me. You don't have to do it now. But I just thought I'd
14 start you off by showing you what the Third Circuit model
15 instruction.

16 MS. COGGINS: Thank you, Your Honor.

17 THE COURT: Okay. Can we bring the jury back in.

18 THE BAILIFF: Yes, Your Honor.

19 (Pause)

20 THE BAILIFF: Please stand for the jury.

21 (Jury in at 11:44 a.m.)

22 THE COURT: Welcome back. Please be seated. Ms.
23 Coggins.

24 MS. COGGINS: Thank you, Your Honor.

25 CROSS-EXAMINATION CONTINUED

1 BY MS. COGGINS:

2 Q Agent Cardone, I'm going to show you two documents that
3 maybe will refresh your recollection.

4 MS. COGGINS: May I approach, Your Honor?

5 THE COURT: You may.

6 BY MS. COGGINS:

7 Q Ma'am, first of all I'm going to show you what I had marked
8 as Defense Exhibit 1. You would agree with me that that is an
9 FBI report, is that correct?

10 A What Defense counsel is referring to is what appears to be
11 an FBI electronic communication dated 12/5 of 2013. It indicates
12 that it was drafted by Scott Bayer.

13 Q And when you say it appears to be, it is, correct?

14 A It is consistent with being FBI electronic communication.

15 Q Ma'am, this is a document that was done by the FBI, is that
16 correct? It's a document that was part of this case, is that
17 correct? It's the actual document, correct?

18 A It appears to be the actual document.

19 Q Is there a doubt in your mind; is there a reason you're
20 saying it appears to be?

21 THE COURT: Let's go to sidebar.

22 (Sidebar begins at 11:46 a.m.)

23 THE COURT: If you're going to cross-examine her with
24 someone else's statement, I'm not going to let you do that.

25 MS. COGGINS: Judge, she can't even say it's an FBI

1 document.

2 THE COURT: No. You've made that clear.

3 MS. COGGINS: Yes.

4 THE COURT: You certainly made it clear, and I'm going
5 to ask you to move on. But if you're going to cross-examine her
6 with Bayer's statement, I'm not going to let you do that.

7 MS. COGGINS: I'm not cross-examining her with the
8 statement, I'm asking her if that is an FBI document.

9 THE COURT: Calm down. Calm down. She's not going to
10 tell you anything more than it appears to be, and I'm sure you'll
11 make use of that in your closing. Okay.

12 MR. MAIATICO: If I may, Your Honor.

13 THE COURT: Yes.

14 MR. MAIATICO: The limited purpose of this is for the
15 refreshing recollection.

16 MS. COGGINS: [Indiscernible]

17 MR. MAIATICO: Limited purpose I think -- it should be,
18 it's not proper for any other purpose than to reflect
19 recollection.

20 THE COURT: Well, I think I've told Ms. Coggins that.
21 Why don't we go on.

22 MS. COGGINS: Yes, Your Honor.

23 (Sidebar ends at 11:47 a.m.)

24 BY MS. COGGINS:

25 Q So, ma'am, C1 says the date of the cameras, the pinhole

1 cameras that were installed in both the Hemberger and the Judson
2 Building, is that correct?

3 A I'm sorry, I don't understand. You said C1.

4 Q D1.

5 A Oh D1, meaning Defense Exhibit 1?

6 Q That is correct.

7 A Defense Exhibit 1 discusses a pole camera that was installed
8 in Hemberger Building.

9 Q What was the date of the pole camera?

10 A It says the date of the pole camera was installed on
11 November 27th of 2013.

12 Q I'm going to show you what I've marked as Defense Exhibit 2.
13 I'd like you to read that and see if that refreshes your
14 recollection with regard to the numbers that were given to your
15 four confidential sources?

16 A What Defense counsel is referring to is a correspondence
17 sent by email from the U. S. Department --

18 THE COURT: Agent, it either refreshes your
19 recollection or it doesn't.

20 A Yes, it does. It does refresh my memory, and it was dated
21 March 1st of 2019.

22 BY MS. COGGINS:

23 Q I'm going to ask you to look again at Defense Exhibit 1.
24 Now, did I ask you whether or not Defense Exhibit 1 gave the date
25 of the pinhole cameras that were installed?

1 A I believe you did ask me for -- if it gave the dates of both
2 cameras, and this gives the date of one camera.

3 Q Which camera?

4 A The camera that was installed in Hemberger.

5 Q The pinhole camera, correct, not the pole camera?

6 A According to this, this is called a pinhole camera. A pole
7 camera can be referred to by a variety of names.

8 Q Can a pole camera be referred to as a pinhole camera?

9 A A pole -- I would use the term interchangeably. I would
10 refer to a pole camera as a camera installed discreetly where
11 someone has no expectation of privacy.

12 Q Ma'am, a pole camera goes on a pole, is that correct?

13 THE COURT: Let me go to sidebar.

14 (Sidebar begins at 11:49 a.m.)

15 THE COURT: I would -- I don't want you standing on top
16 of her, one. Two, this was to refresh her recollection. Now
17 you're -- I'm not sure, other than debating terminology with her,
18 it appears to me you're cross-examining her with someone else's
19 statement. Why don't we go on.

20 (Sidebar ends at 11:50 a.m.)

21 BY MS. COGGINS:

22 Q So ma'am, the pinhole camera was installed on the 18th floor
23 of Hemberger on November 27th of 2013, is that correct?

24 A Yes.

25 Q Now, you talked about -- I think where we left off, you had

1 said that the confidential informants are paid for their time and
2 expenses. Now in this case, the expenses would include telephone
3 calls, I believe you mentioned that, is that correct?

4 A Some of the confidential sources did make telephone calls
5 and were paid for some of their telephone expenses.

6 Q And these would be local Philadelphia calls, is that
7 correct?

8 A Yes. For this case.

9 Q And then you said that you also paid them for meals, is that
10 correct?

11 A If -- if needed, yes.

12 Q Okay. We're not talking Ritz Carlton, right, we're talking
13 just McDonald's, right?

14 A We did not take the sources to the Ritz Carlton.

15 Q And then the other was travel, is that correct?

16 A Yes. The sources would travel as a part of meeting with the
17 target individuals to purchase drugs.

18 Q None of the confidential informants traveled more than 15
19 minutes tops, is that correct?

20 A I don't know exactly where all of the confidential sources
21 lived, as I did not pick up or meet with them at their -- at all
22 of their residences.

23 Q Well you knew where they lived, correct?

24 A I don't know where all of the DEA sources, that were signed
25 up as DEA sources, I do not know where they lived.

1 Q So as lead investigator, are you aware if they were local or
2 if they came from out of state?

3 A I believe they were local.

4 Q Now, do you recall how much money you paid these four
5 confidential sources for their undercover buys?

6 A No. But I have access to that information if need be.

7 Q Well how about over \$25,000.00, does that ring a bell?

8 A No.

9 Q It does not. Was it less than that or more than that?

10 A Do you mean collectively or individually?

11 Q Collectively.

12 A I have not added up the amount that we paid the confidential
13 sources over the course of this investigation.

14 MS. COGGINS: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MS. COGGINS:

17 Q I'd like you to look at C2 and see if that refreshes your
18 recollection.

19 THE COURT: C2?

20 MS. COGGINS: I'm sorry, Your Honor.

21 THE COURT: D2?

22 MS. COGGINS: Old habits. D2.

23 THE COURT: Understood.

24 (Pause)

25 MS. COGGINS: May I approach again, Your Honor?

1 THE COURT: You may.

2 BY MS. COGGINS:

3 Q I'm going to show you what I've marked as D3, ask you to
4 take a look at that and see if that refreshes your recollection.

5 (Pause)

6 THE COURT: Why don't you ask a question, Ms. Coggins?

7 MS. COGGINS: Thank you, Your Honor.

8 BY MS. COGGINS:

9 Q Ma'am, if I were to tell you from those two documents that
10 were given to me that, first of all, Rasheen Chandler, who was
11 one of your confidential sources, was paid \$820.00 for his
12 information, is that correct?

13 A If Rasheen Chandler is referred to as confidential source,
14 number four, then that is correct.

15 Q Also, VB was paid \$1,550.00 for cooperation, is that
16 correct?

17 A Yes.

18 Q DA was paid \$11,400.00, is that correct?

19 A Yes.

20 Q And J.F. was paid \$11,800.00 for his participation, is that
21 correct?

22 A Yes.

23 Q Ma'am, when you total those up, is that over \$25,000.00?

24 THE COURT: It's over 25,000, please go on.

25 BY MS. COGGINS:

1 Q Now, you also said one of the things that you have to do in
2 order to determine if someone is viable, is to do a background
3 check, is that correct?

4 A Yes. A criminal history check would be run.

5 Q And is your goal to find somebody who has a horrible
6 criminal record?

7 A I would say no.

8 Q What are you looking for then?

9 A I mean we are looking for an individual who is willing to
10 act as a confidential source and who has access to the
11 information that the government is looking to obtain.

12 Q Now, ma'am, you answered before that you check their
13 criminal background. I'm not talking about willingness or
14 ability, I'm asking you what do you look for when you testified
15 earlier that you look at their criminal background?

16 A Well we need to know if they are on probation or if they
17 have any active warrants. Because that might impact our ability
18 to use this person as a confidential source.

19 Q Did you do that in this case?

20 A Yes. Criminal history checks were run as part of
21 establishing a confidential source at the FBI.

22 Q And after looking at the background of these people, whether
23 or not they were on probation, you still chose these four, is
24 that correct?

25 A These individuals were chosen to be confidential sources in

1 this case.

2 Q J.F., one of your confidential sources in this case, he gave
3 you the name that was --

4 MS. COGGINS: I'm trying to figure out, Judge, how to
5 do this.

6 BY MS. COGGINS:

7 Q Let me show you a document.

8 MS. COGGINS: I'm going to mark this as Defense Exhibit
9 4. May I approach, Your Honor?

10 THE COURT: You may.

11 MR. MAIATICO: Your Honor, if I may see what is being
12 shown to the witness.

13 MS. COGGINS: Oh, I'm sorry.

14 (Pause)

15 BY MS. COGGINS:

16 Q I show you what I marked as D4 and ask you if you recognize
17 that as a printout for NCIC for the name and then you can see the
18 name?

19 THE COURT: Are you asking her if that's J.F.'s
20 criminal record?

21 MS. COGGINS: If she -- if that -- I'm just giving her
22 an opportunity to look at it first, Your Honor.

23 THE COURT: Okay. I'm not sure the jury knows, NCIC is
24 the National Crime Index Computer.

25 MS. COGGINS: Thank you, Your Honor.

1 BY MS. COGGINS:

2 Q The NCIC, what it does, is it checks people's names in the
3 computer to see if they come up with any kind of a criminal
4 background, is that correct?

5 A Yes. That's what occurs when somebody runs a criminal
6 history check.

7 Q Now, if you would turn that document over, D4, you'll see a
8 name that's listed there, J.F., is that correct, with a
9 particular spelling?

10 A Yes.

11 Q Two ZZs, correct?

12 A There are two ZZs in a portion of the name.

13 Q And what is the result when you run that name? First of
14 all, that was the name that was given to you by J.F., is that
15 correct?

16 A Yes, I believe so. I did not personally establish J.F.
17 initially as a confidential source, so I cannot speak for the
18 name that J.F. provided when he first was signed up as a source.

19 Q Well as part of your job, or part of whoever came before
20 you, their job, was to check the name for an NCIC record, is that
21 correct; the name they gave them?

22 A Yes.

23 Q And the name --

24 THE COURT: Let me see counsel at sidebar.

25 (Sidebar begins at 11:59 a.m.)

1 THE COURT: Mr. Maiatico, did I understand you to say
2 you were going to recall this witness to testify to her
3 interaction with confidential sources?

4 MR. MAIATICO: This and one other DEA witness.

5 THE COURT: So, am I correct, Ms. Coggins, you're
6 trying to dirty up that testimony before she gives it, would that
7 be a fair summary?

8 MS. COGGINS: Your Honor, I was just following through
9 on what she had testified on direct about the process that she
10 goes through. So, I can do it now, I can do it later.

11 THE COURT: No. I -- if you do it now, you can't do it
12 again. So, you decide when you want to do it.

13 MS. COGGINS: Okay.

14 THE COURT: All right.

15 MS. COGGINS: Thank you.

16 (Sidebar ends at 12:00 p.m.)

17 BY MS. COGGINS:

18 Q So ma'am, the backside of D4, the name that was given to
19 your predecessor to run through NCIC, that comes up negative, is
20 that correct? Are you looking at the backside, ma'am?

21 A By the backside, you mean the side without the sticker?

22 Q Correct.

23 A Yes. I'm looking at the backside.

24 Q And the name that was given to the FBI comes back as no
25 record, is that correct?

1 A This record was run in July of last year.

2 Q That wasn't my question. My question was, it doesn't come
3 back as any record, is that correct?

4 A For this particular name that was -- was run, it does not
5 come back as a record for this -- for this portion of the NCIC.

6 Q So when you turn it to the front, D4, with the sticker, when
7 you run a different name -- I'm not going to say the name, but
8 when you run a different name that includes the J.F., plus a
9 different name as a last name, there's a record, is that correct?

10 THE COURT: Did you run -- did you run this check?

11 THE WITNESS: No. And it appears that the same name is
12 on both sides.

13 THE COURT: But you didn't run the check?

14 THE WITNESS: No, I did not.

15 THE COURT: Perhaps you should move on.

16 BY MS. COGGINS:

17 Q Now, after you ascertained the correct name for the --

18 MR. MAIATICO: Objection, Your Honor.

19 THE COURT: Overruled. I'll let her ask the question.

20 BY MS. COGGINS:

21 Q I'm sorry. I'm just going to ask you to look at D4. You
22 say it's the same name as on the back, but it's not, correct?
23 It's a different name that was supplied by J.F., is that correct?

24 THE COURT: Look, she did not run the check. If you
25 can answer, go ahead and answer.

1 A Ma'am, I am seeing the same name, which appears to be the
2 same name on the front and the back of this Exhibit D4.

3 MS. COGGINS: May I approach very briefly, Your Honor?

4 THE COURT: Sure.

5 (Pause)

6 BY MS. COGGINS:

7 Q Ma'am, upon further observation, is there a different last
8 name that was added by J.F.?

9 A Ma'am, I'm still seeing the same name that you circled on
10 the front of the page present on the back of the page.

11 THE COURT: Why don't we move on.

12 BY MS. COGGINS:

13 Q It's not J.F., is it?

14 A Oh, correct. But it's not -- it's J.F. -- it's the same
15 name on the front and the back.

16 THE COURT: Let's move on.

17 MS. COGGINS: Yes, Your Honor.

18 BY MS. COGGINS:

19 Q Now, after -- I'm sure at some point you became familiar
20 with J.F., is that correct, as the lead agent?

21 A Yes.

22 Q At what point did you become familiar with J.F.?

23 A I believe it was in the spring or summer of 2013.

24 MS. COGGINS: May I have a moment, Your Honor?

25 THE COURT: Yes.

1 (Pause)

2 BY MS. COGGINS:

3 Q Now you learned throughout -- you said you had an ongoing
4 obligation or an ongoing method where you would continue to check
5 on your confidential sources, is that correct? To insure that
6 they were reliable, is that fair to say?

7 A They would be checked -- meet with them periodically during
8 the course of the investigation.

9 Q And you would continue to do that, is that correct?

10 A What do you mean continue to do it?

11 Q You would do that throughout the course of this two year
12 investigation. You would have to go back and check on their
13 record to make sure that they hadn't been arrested again for
14 something, that they weren't on probation for something and
15 otherwise just to make sure that these people were going to be
16 reliable, is that correct?

17 A The FBI conducts periodic record checks on the confidential
18 sources that are currently active with the FBI.

19 Q And through your investigation with regard to J.F., you
20 determined that J.F. uses 15 different names, is that fair to
21 say?

22 A I'm actually not sure how many names J.F. has used.

23 Q Wouldn't that be --

24 THE COURT: More than one?

25 THE WITNESS: I believe so. But I don't know for sure.

1 THE COURT: Okay.

2 BY MS. COGGINS:

3 Q Now, you also determined at some point that J.F. -- now when
4 someone has say a rap sheet in a case and they have say 15
5 different AKAs, that means that these 15 different names were
6 used for law enforcement, is that correct?

7 A The name could have been used -- provided to law enforcement
8 or law enforcement could have incorrectly entered their name.

9 Q So if the police entered the name correctly, you've seen it
10 in your past, I'm sure you saw it in your training at the FBI, a
11 person will lie to the police about their identity so that the
12 police don't figure out that they have a long rap sheet, is that
13 fair to say?

14 A I am familiar that people sometimes lie about their identify
15 to the police.

16 Q And you're familiar -- when you just said that sometimes the
17 police spell things wrong, is that correct?

18 A I believe that sometimes clerical errors can be made when
19 entering a person's name.

20 Q In this case, have you seen the different aliases that were
21 used by J.F.?

22 A I cannot recall at this time if I have or have not.

23 MS. COGGINS: May I approach, Your Honor?

24 THE COURT: Yes.

25 BY MS. COGGINS:

1 Q I'm going to show you what I have marked as Defense
2 Exhibit 5.

3 MS. COGGINS: I'm sorry. May I approach, Your Honor?

4 THE COURT: You already asked, and I said you could.

5 MS. COGGINS: Thank you.

6 BY MS. COGGINS:

7 Q I'm going to show you D5 and ask you if that refreshes your
8 recollection as to the rap sheet of Mr. Frazier -- I'm sorry, Mr.
9 J.F.?

10 MR. MAIATICO: Your Honor, may we see you at sidebar,
11 please?

12 THE COURT: Sure.

13 (Sidebar begins at 12:08 p.m.)

14 MR. MAIATICO: I apologize for the interruption. We
15 need to say this right away, that we ask that that name be
16 stricken from the record, redacted.

17 THE COURT: I won't say it in front of the jury, but I
18 understand.

19 MS. COGGINS: Judge, I'm sorry. It's just so hard.

20 THE COURT: It slipped out.

21 MS. COGGINS: Because there's so many different names.

22 THE COURT: I understand. The Defendant already knows
23 his name, right?

24 MR. MAIATICO: He does.

25 MS. COGGINS: Yes.

1 THE COURT: So, the question is, whether or not the
2 public can get the name. There don't appear to be any reporters
3 in the courtroom. I wonder if it would be easier if we just let
4 Ms. Coggins use the name, and the name would be redacted out in
5 any publicly filed document.

6 MR. MAIATICO: I would object to that.

7 MS. COGGINS: It would be so much easier. And I think
8 he already knows what it is.

9 MR. MAIATICO: Well because -- and because you slipped
10 other people know it now. But we had an agreement.

11 THE COURT: Or if your client tells them, which he's
12 free to do.

13 MR. MAIATICO: Sure.

14 MS. COGGINS: See the problem this is difficult is
15 because there wasn't a problem before with the name -- using the
16 name and that's --

17 THE COURT: Is this the only -- is this the only one of
18 the four -- well the Rasheen Chandler you've already identified.
19 So, there are only two left. Are you going to do this with the
20 other two?

21 MS. COGGINS: Uh-huh.

22 THE COURT: You are?

23 MS. COGGINS: Uh-huh.

24 MR. MAIATICO: Your Honor, there's a protective order
25 in this case. There's a reason --

1 THE COURT: Honestly, honestly, I understand, and I
2 understand it's a drug case. Why don't we continue on with the
3 initials?

4 MS. COGGINS: If I may, Judge. Here's one of my
5 points. He's got all these aliases, and she says it's a
6 misspelling on the part of the cops. It's completely different
7 names, and it's hard for me to ask her are these all the names
8 used. So, I'm sort of handcuffed here because of the way she
9 answered the question.

10 THE COURT: I'm not sure what all of this is germane
11 to.

12 MS. COGGINS: It's germane to, is that there's
13 confidential informants in this case that they used that I
14 believe are completely unreliable and part of my defense is that
15 they didn't do what they said they did.

16 THE COURT: But we haven't had any testimony about what
17 these people have testified to.

18 MS. COGGINS: No, but that's coming up.

19 THE COURT: I know.

20 MS. COGGINS: If it makes it easier, Judge, I'll leave
21 that alone for now and if you want, I'll address it at the end of
22 the videos. That's fine.

23 THE COURT: Well what I -- what I probably would prefer
24 is that if you two can work this out -- this cross-examination
25 seems to me to be premature. The substance of what these

1 individuals said hasn't been relayed to the jury yet and you want
2 to show that they're not reliable people, they give lots of phony
3 names with lots of different spellings. And I think she's
4 allowed to do that. If you two can work it out before you recall
5 this agent, that would be good. If you can't, I will have to
6 rule, although I think Ms. Coggins has the better of the
7 argument. So why don't you move on for the present time, but you
8 can certainly develop this, hopefully, with the agreement of the
9 Government once the agent is recalled. Okay.

10 MS. COGGINS: Yes. If I may think for a second. I
11 could stop now if you'd like me to with her, because I only had a
12 different area that, I guess, I could address afterwards too.

13 THE COURT: It's entirely up to you. If it's germane
14 to her direct testimony so far, you're free to pursue it.

15 MS. COGGINS: Mmmm.

16 THE COURT: It's not.

17 MS. OSIRIM: Well, she will be recalled to talk about
18 controlled buys, as well --

19 MS. COGGINS: As long as you don't object to my asking
20 that because it's not going to come up with the videos, but I
21 don't know what else she's going to testify to.

22 MS. OSIRIM: When she's recalled as a witness, she's
23 going to testify to at least two other controlled purchases that
24 were conducted in this case. That will be the subject area of
25 her testimony when she comes back when she comes back.

1 MS. COGGINS: Okay.

2 MS. OSIRIM: And there will be another agent who will
3 testify about controlled buys so both will --

4 THE COURT: If you're concluding your examination now,
5 then you, as far as I'm concerned, and I guess it's going to be
6 my ruling, you can cross-examine her with respect to anything she
7 said just now, during the last two days or whatever she says the
8 next time.

9 MS. COGGINS: Okay. Perfect.

10 THE COURT: So, you can cross-examine her on
11 everything.

12 MS. COGGINS: Okay. Perfect, Judge. Then I'll just
13 reserve that.

14 THE COURT: Okay.

15 (Sidebar ends at 12:12 p.m.)

16 MS. COGGINS: Based upon our discussion, Your Honor,
17 I'm going to, I guess, pick this up at a later time.

18 THE COURT: This witness is going to be recalled later
19 in the trial and Ms. Coggins will resume her cross-examination --
20 she's not done yet, but she'll resume her cross-examination when
21 the witness is done with her direct testimony after she is
22 recalled. Thank you, Ms. Coggins.

23 MS. COGGINS: Thank you, Your Honor.

24 THE COURT: Mr. Maiatico.

25 REDIRECT EXAMINATION

1 BY MR. MAIATICO:

2 Q Agent Cardone, just a few questions for you. You were
3 asked on cross-examination about other individuals that were on
4 this case team, on the investigative team. You talked about --
5 you said it was part of a team. Who else was on your team
6 besides just yourself?

7 A There was another agent from the FBI who was assigned to
8 this case. There was an agent from the DEA who was assigned to
9 this case and periodically, depending on what sort of
10 investigative activity we were conducting at the time, there
11 were multiple other agents from the FBI and the DEA who
12 participated in this case, as well as individuals from the
13 Philadelphia Police Department and the Philadelphia Housing
14 Authority Police Department.

15 Q So in addition to yourself, there were other lead case
16 agents?

17 A Yes. There were two other lead case agents.

18 Q And you mentioned one from the FBI, was that FBI Special
19 Agent Scott Baver?

20 A Yes.

21 Q And can you tell us what his experience is, how many years
22 he was with the FBI?

23 THE COURT: No. Go on.

24 BY MR. MAIATICO:

25 Q You mentioned a DEA special agent, as well, was that

1 another co-case agent on the team?

2 A Yes.

3 Q And who was that?

4 A Patrick Trainor.

5 Q And moving on, you were asked a series of questions about

6 CS numbers. Let me ask you, Agent Cardone, confidential source

7 number or CS number, is that a randomly assigned number?

8 A I mean, I think, it's just whatever the next number in

9 sequence is. I'm not exactly sure how the number is assigned.

10 Q And for these numbers, could they be up to seven digits at

11 least for a DEA confidential source number?

12 A Yes.

13 Q When you're speaking to a confidential source, do you refer

14 to them by their CS number, like hey, CS14-326?

15 A We typically do not tell the confidential source what their

16 source number is.

17 Q Okay. When you talk to other agents, do you use their CS

18 number?

19 A Not typically.

20 Q When you're speaking to prosecutors on the case, do you use

21 their CS number in conversations with prosecutors?

22 A Not typically.

23 Q You were asked some questions finally just about some of

24 the confidential sources and their access to information about

25 drug dealers. Let me ask you this. Do the confidential sources

1 that you usually use, do they usually have a criminal history,
2 do they usually not have a criminal history?

3 A For narcotics investigations, the confidential sources, I
4 would say, more often than not, do have a criminal history.

5 Q And why is it they have a criminal history?

6 A They have purchased or sold narcotics previous to becoming
7 a confidential source.

8 Q And the fact that they sold or purchased drugs previously,
9 does that make them a better or worse confidential source in
10 your experience?

11 A It makes them have access to individuals who buy or sell
12 narcotics.

13 MR. MAIATICO: I have no further questions, Your
14 Honor.

15 THE COURT: Let me see counsel at sidebar.

16 (Sidebar begins at 12:16 p.m.)

17 THE COURT: Do you want to go with your next witness,
18 or do we have to send the jury out?

19 MS. OSIRIM: I'd like to start the next witness, if
20 possible. He's here.

21 THE COURT: Is this Dottie Good?

22 MS. OSIRIM: No. It's Rasheen Chandler.

23 THE COURT: And is he in custody?

24 MS. OSIRIM: He is not in custody.

25 THE COURT: Oh, so he could just --

1 MS. COGGINS: He's just going to walk in from wherever
2 the FBI picked him up.

3 THE COURT: Amazing. Okay. All right. Your shoes
4 need shining. Okay.

5 (Sidebar ends at 12:16 p.m.)

6 THE COURT: All right. Thank you, Agent.

7 MS. COGGINS: Your Honor, may I ask redirect -- or
8 recross.

9 THE COURT: Okay. I apologize. Sorry, Agent. Very
10 briefly.

11 RECROSS EXAMINATION

12 BY MS. COGGINS:

13 Q Agent, you testified in this case that a drug -- a drug
14 dealer, in your opinion, makes a better witness in this case?

15 A I did not say that.

16 Q You said that a person who has a prior record for drugs is
17 a viable candidate for a confidential source?

18 A I said they -- they could be viable because they have
19 access to people who they would sell drugs to or purchase drugs
20 from.

21 Q But you would run into problems if the person continued to
22 deal drugs outside of the purview of the FBI, is that correct?

23 A Yes. Typically, the sources are not permitted to engage in
24 activity that would be considered illegal, if it's not at the
25 direction of law enforcement.

1 Q And that would make them a not viable candidate to be a
2 confidential source, is that correct?

3 A If the confidential source was engaging in illegal activity
4 that was not under the direction of law enforcement, that would
5 make them -- that would cause them to not be as viable.

6 Q And if they were meeting with the target outside of the
7 purview, without the permission of the FBI, that would make them
8 a not viable candidate, is that correct?

9 A It would depend upon the nature of the interaction or the
10 meeting.

11 Q If they were meeting with --

12 THE COURT: You're going well beyond the scope of
13 redirect.

14 MS. COGGINS: Thank you, Your Honor.

15 THE COURT: Ms. Osirim.

16 MS. OSIRIM: Thank you, Your Honor. The Government
17 next calls Mr. Rasheen Chandler.

18 THE COURT: Very well.

19 (Pause)

20 MR. MAIATICO: Your Honor, may we see you at sidebar,
21 please?

22 THE COURT: Certainly.

23 (Sidebar begins at 12:19 p.m.)

24 THE COURT: Go ahead.

25 MR. MAIATICO: So, at this time, he's not out there.

1 He either went to the bathroom or went to lunch at this time.

2 MS. COGGINS: Okay. We're going to call him?

3 MR. MAIATICO: We were going to call him right now but
4 there may be a delay.

5 THE COURT: Should I send the jury out to lunch? I
6 mean I don't want to send them out and bring them back in in 10
7 minutes. Besides that, they all go to the bathroom, and it
8 takes a half hour anyway.

9 MS. OSIRIM: Would you like us to just have Special
10 Agent Cardone step out and just call the agent to find out where
11 they are. If they're right over there it could be 15 minutes,
12 if they're not --

13 THE COURT: Well it's -- Mr. Maiatico

14 MR. MAIATICO: Yes.

15 THE COURT: Why don't you go into the men's room and
16 see if he's in there. If he's not, you can do that.

17 MR. MAIATICO: Okay. That's a court order?

18 THE COURT: Yes. If he's not, then I'll send the jury
19 out to lunch. Then I'll tell the jury it appears the next
20 witness may have gone to lunch, before I ordered lunch to be
21 had.

22 MR. MAIATICO: Okay.

23 THE COURT: You tell us.

24 MR. MAIATICO: Okay. Thank you.

25 (Sidebar ends at 12:20 p.m.)

1 THE COURT: Ladies and gentlemen, since the next
2 witness is either in the men's room, or went out to lunch early,
3 Mr. Maiatico is eminently qualified to see if he is in the men's
4 room. And if he is he will bring him back in. If he is not,
5 then we will all have lunch, and we'll hear from him,
6 presumably, after we've all had lunch.

7 So, you've had to wait longer than this during jury
8 selection, so if you can just wait a minute.

9 (Pause)

10 THE COURT: All right. Ladies and gentlemen, we're
11 going to take lunch. And you know to keep an open mind, not
12 discuss the case among yourselves or with anyone. You're not to
13 let them discuss the case, you're not to investigate the case,
14 you're not to read, listen, to view anything about case. Not to
15 write, or text, or social network, or anything like that about
16 the case.

17 And if any of these things happen tell Ms. Wittje.
18 Nothing is more important, and then they can decide this case
19 fairly on the evidence you hear from that witness stand, and the
20 law as I give it to you.

21 Have a wonderful lunch. I'll see you back here so we
22 can begin at 1:30.

23 THE BAILIFF: All rise.

24 (Jury out at 12:22 p.m.)

25 THE COURT: Okay. Please be seated. Who represents

1 Mr. Chandler, I can't remember?

2 MS. COGGINS: Elizabeth Toplin from the Federal
3 Defender's --

4 THE COURT: From the Defender's office. You may want
5 to give her a call, as well, if you otherwise can't find him.
6 I'll see. Is there anything anybody would like to put on the
7 record?

8 MR. MAIATICO: Nothing from the Government.

9 MS. COGGINS: No, Your Honor.

10 THE COURT: Agent Cardone is in the unusual position
11 of having her testimony half completed, but she's also the
12 assigned case agent. And normally when a witness hasn't been
13 fully cross-examined I don't let her to talk to anybody about
14 her testimony. I don't see how we can do that in this case.
15 What do you suggest, Ms. Coggins?

16 MS. COGGINS: I would suggest, Your Honor, that she
17 not talk to anybody about the case.

18 THE COURT: She's the assigned case agent. How can we
19 tell her not to talk about the case, when she's the case agent?

20 MS. COGGINS: I don't know what, Your Honor, they're
21 going to need her to talk about with regard to the case. I
22 don't know if it involves anything that she testified to on
23 direct, or anything on cross?

24 THE COURT: I think she is the Government -- is the
25 Agent going to revisit any of the testimony she has already

1 offered?

2 MR. MAIATICO: No. She's going to be introducing
3 controlled buys, controlled drug buys. And she talked about
4 that investigative technique and tool, but now she's going to be
5 testifying about specific --

6 THE COURT: As to the particular --

7 MR. MAIATICO: -- audio/video recordings, and
8 circumstances leading up to the controlled buys.

9 THE COURT: If she -- you try to allow -- we'll do
10 this, Ms. Coggins. Because if you try to elicit from her
11 anything she's already testified to, I'm not going to let her
12 testify to it, because in effect you would be -- we would be
13 violating sequestration. If she's going to testify only to new
14 things, then it does seem to me that she's in effect two
15 separate witnesses, and the first witness has already testified.

16 MS. COGGINS: And I have no objection, Your Honor, if
17 she wants to discuss anything that was not brought out on direct
18 or cross-examination.

19 THE COURT: Anything new, she's free to talk about,
20 anything old she's free to talk about. But if she takes the
21 stand and tries -- and the Government tries to elicit from her,
22 what she testified to over the last two days and you object,
23 I'll sustain her objection, and won't let her answer; how's
24 that?

25 MS. COGGINS: Thank you, Your Honor.

1 THE COURT: Okay.

2 (Recess at 12:25 p.m., recommencing at 1:41 p.m.)

3 THE COURT: All right. Please be seated. Have you
4 found your witness?

5 MS. OSIRIM: We have, Your Honor.

6 THE COURT: Why don't we have him get on the witness
7 stand?

8 MS. OSIRIM: Sure.

9 (Pause)

10 THE COURT: He'll swear you in. Have a seat.

11 Okay. Can we bring the jury in?

12 (Jury in at 1:44 p.m.)

13 THE COURT: Please be seated everybody, welcome back.
14 Ms. Osirim?

15 MS. OSIRIM: Thank you, Your Honor.

16 The Government's witness is Rasheen Chandler.

17 THE COURT: Very well, could we please swear the
18 witness.

19 THE BAILIFF: Sure. Please stand, please raise your
20 right hand.

21 RASHEEN CHANDLER, GOVERNMENT'S WITNESS, SWORN

22 THE BAILIFF: Please state your full name and spell
23 your last name for the record.

24 THE WITNESS: Rasheen Chandler, C-H-A-N-D-L-E-R.

25 THE BAILIFF: Thank you.

1 THE COURT: Please be seated, Mr. Chandler.

2 DIRECT EXAMINATION

3 BY MS. OSIRIM:

4 Q Good afternoon, Mr. Chandler.

5 A Hey, good afternoon.

6 Q May I ask you to just sit forward, so that we can hear you
7 through the microphone?

8 A Sure.

9 Q Thank you. Mr. Chandler, could you introduce yourself to
10 the ladies and gentlemen of the jury?

11 A Yes. My name is Rasheen Chandler.

12 Q Mr. Chandler, are you currently employed?

13 A Yes.

14 Q And where are you employed?

15 A Swedesboro, New Jersey.

16 Q Okay. And what is the business by whom you're employed?

17 A Taylor's Farm.

18 Q Taylor's Farm?

19 A Yes.

20 Q How long have you had this job?

21 A Nine months.

22 Q Nine months. And what do you do for Taylor's Farm?

23 A I'm a factory worker.

24 Q Do you operate your own business, in addition to the work
25 that you do for Taylor's farm?

1 A Yes.

2 Q And what is that business?

3 A A cleaning company.

4 Q Okay. How far did you go in school?

5 A Eleventh grade.

6 Q After leaving high school did you earn a GED?

7 A No, not at this time.

8 Q Okay. Are you originally from Philadelphia?

9 A Yes.

10 Q And in what parts of the city have you lived, during the

11 course of our life?

12 A North Philadelphia.

13 Q Entirely in North Philadelphia?

14 A Yes.

15 Q Okay. Looking back to 2013 do you remember where you were

16 living at that time?

17 A Yes.

18 Q And where was that?

19 A Blumberg Projects.

20 Q Where were the Blumberg Projects located?

21 A 23rd and Jefferson.

22 Q And can you describe for the jury what those projects look

23 like?

24 A It was three towers, one single building and two regular

25 buildings.

1 Q When you say that there were three towers, were these
2 towers all the exact same size?

3 A Yes.

4 Q And you said there was a senior building and regular
5 buildings?

6 A Yes.

7 Q Was the senior building as tall as the towers were?

8 A Yes.

9 Q Okay. Were there other properties around the -- around the
10 tall towers, as well?

11 A It was row homes, all around all three buildings.

12 Q I'd like to show what's been already admitted as
13 Government's Exhibit 101. You're going to see something come up
14 on the screen in front of you, Mr. Chandler.

15 A Okay.

16 Q Can you take a look at that?

17 A Yes.

18 Q Do you recognize that photograph?

19 A Yes.

20 Q And what are we seeing here?

21 A Blumberg projects.

22 Q Okay. And of the three towers that you earlier you
23 referred to, the three in this image here, the tallest
24 buildings?

25 A Yes.

1 Q Okay. And can you tell us, these properties around the
2 front that are shorter than the towers, were they part of
3 Blumberg Apartment Complex?

4 A Yes.

5 Q Okay. Living there back in 2013 do you remember where you
6 lived?

7 A Yes. 1804 Hemberger -- Hemberger Way.

8 Q Okay. Do you remember the apartment number you had?

9 A Yes, 1805.

10 Q 1805. At the time that you were living there do you recall
11 whether or not there was security that was located on the
12 property?

13 A Yes.

14 Q And where would security sit, typically?

15 A In a -- booths in front of the building, security booths.

16 MS. OSIRIM: Can I show the witness what's been
17 already admitted as Government's Exhibit 103?

18 BY MS. OSIRIM:

19 Q Do you recognize what you're seeing in this photograph?

20 A Yes.

21 Q And what are we looking at?

22 A Hemberger Way.

23 Q And do you -- are you able to see in this photograph a
24 picture of one the security booths?

25 A Yes.

1 Q And what is that; can you describe it for us?

2 A The green awning.

3 Q Okay. The smaller property?

4 A Small, yeah. Small with green awning.

5 Q Okay. Were there also playgrounds for the children or
6 residents of both Hemberger and the other tall towers in
7 Blumberg?

8 A Yes.

9 Q About how many playgrounds were there on the property?

10 A Two.

11 MS. OSIRIM: Okay. Can I show the witness what's been
12 previously admitted as Government's Exhibit 105.

13 BY MS. OSIRIM:

14 Q Mr. Chandler, do you recognize the images you're seeing in
15 this photograph?

16 A Yes.

17 Q And can you tell us what we're looking at here?

18 A The security booth, the front of Hemberger Way, and a
19 playground.

20 Q Okay. Back in 2013, what if anything, did you do for
21 money?

22 A Clean houses and grind or sell drugs.

23 Q What kind of drugs were selling?

24 A Crack cocaine.

25 Q Who were you selling those drugs for?

1 A Juan and Boo.

2 Q Are either of those people in court here today?

3 A Yes.

4 Q Who's in court here today?

5 A Juan.

6 Q Can you tell us what he's wearing?

7 A A black shirt.

8 Q Okay. Are you pointing -- are you looking at the

9 individual seated at counsel table?

10 A Yes.

11 Q Okay.

12 MS. OSIRIM: Let the record reflect that the witness

13 has identified the Defendant, Juan Jarmon.

14 THE COURT: Yes.

15 BY MS. OSIRIM:

16 Q How did you come to sell crack for Juan Jarmon?

17 A I was asked.

18 Q You were asked?

19 A Yes.

20 Q The first time you were asked did you agree to sell crack

21 for him?

22 A No.

23 Q Okay. Did you agree at some subsequent time?

24 A Yes.

25 Q Did you know why he had asked you?

1 A Previously I had a good track record, or good experience
2 with that, so --

3 Q So you'd sold crack cocaine before?

4 A Yes.

5 Q Who had you sold crack cocaine for, before?

6 A E-Black.

7 Q E-Black?

8 A Yes.

9 Q Do you know E-Black's real name?

10 A No.

11 MS. OSIRIM: Could I show the witness Government's
12 Exhibit 3, which has already been admitted into evidence?

13 BY MS. OSIRIM:

14 Q Do you recognize the individual pictured in this
15 photograph?

16 A Yes.

17 Q And who is that?

18 A E-Black.

19 Q Okay. How long had you sold crack cocaine for E-Black?

20 A Not long. Like a couple of weeks, I would say.

21 Q Okay. At the time that you started to sell crack cocaine
22 for Juan Jarmon, did you agree to work for him for a certain
23 amount of money?

24 A Yes.

25 Q What did he propose to pay you at that time?

1 A Three hundred, 350, weekly.

2 Q I'm sorry?

3 A Three hundred and 350, weekly.

4 Q Weekly?

5 A Yes.

6 Q Did there come a point in time where you were able to

7 negotiate for more money than that?

8 A Yes.

9 Q And why?

10 A Because I was storing it, I was holding it.

11 Q When you say you were "holding it" what are you talking

12 about?

13 MS. COGGINS: Sorry, I'm having a very difficult time

14 hearing the witness.

15 THE COURT: If you could lean forward --

16 THE WITNESS: Oh, I'm sorry.

17 THE COURT: -- just a little so we actually can hear

18 you.

19 THE WITNESS: Oh, sorry.

20 THE COURT: You can move your chair perhaps?

21 THE WITNESS: Oh, sure, okay.

22 THE COURT: Repeat the question.

23 MS. OSIRIM: Certainly.

24 BY MS. OSIRIM:

25 Q You said you were holding it. There was -- I asked you if

1 there came a point in time when you were able to negotiate for a
2 higher salary?

3 A Yes.

4 Q Okay. And why were you able to negotiate for more money?

5 A For storing the crack cocaine in my apartment.

6 Q Okay. On the 18th floor, of Hemberger?

7 A Yes.

8 Q Okay. Prior to you agreeing to store crack cocaine in your
9 apartment, where was the crack cocaine that Juan was asking you
10 to sell, being stored?

11 A In another apartment on the 18th floor.

12 Q Whose apartment was that?

13 A Shareda Bailey (phonetic).

14 Q Did you know that person?

15 A Yes. My neighbor.

16 Q Had you been in that apartment before?

17 A Yes.

18 Q Okay. When you first were to sell crack for him, did you
19 agree to sell crack 24 hours a day, every day of the week?

20 A No.

21 Q Okay. When did you agree to do it?

22 A I had a shift, 4:00 to 8:00.

23 Q When you say "4:00 to 8:00" are you talking about 4:00
24 a.m., or 4:00 p.m.?

25 A 4:00 p.m. to 4:00 -- I mean, 4:00 p.m. to 8:00 a.m.

1 Q Okay. Who supplied you with the crack cocaine that you
2 sold during that shift, from 4:00 p.m. to 8:00 a.m.?

3 A Either Juan or Boo.

4 Q And how much did they typically supply you with, to get you
5 started on that shift?

6 A One or two bundles.

7 Q We haven't talked a lot about this previously with the
8 jury, but can you explain what a "bundle" is?

9 A It's 50 packets of crack cocaine. It's an individual
10 packet -- individually packaged, one or two bundles. So, over a
11 hundred for two, one is a hundred little packets of crack
12 cocaine.

13 Q Do you know -- so you've said that there were approximately
14 50 packets in each bundle; is that correct?

15 A Yes.

16 Q And when you said 250, was the amount of money that that
17 entire bundle of 50 packets was worth?

18 A Yes.

19 Q So if you sold one consumer one packet of crack cocaine,
20 how much would the price of that one packet have been?

21 A Five dollars.

22 Q Okay. What did you refer to a \$5 packet as? Did you call
23 it a specific name?

24 A Like a pound, or --

25 Q I'm just asking, I'm curious.

1 A I'm sorry, repeat the question.

2 Q Did you have a specific term that you would use to refer to
3 a \$5 packet of crack cocaine?

4 A Oh, a file, or rock, or --

5 Q Okay. Did you ever - have you heard the term nickel?

6 A Yes.

7 Q And would that term be used to refer to a \$5 packet of
8 crack cocaine?

9 MS. COGGINS: Objection. Leading.

10 THE COURT: Overruled.

11 THE WITNESS: Yes.

12 BY MS. OSIRIM:

13 Q You said that either Juan or Boo would supply you with
14 approximately two bundles, to get started on your shift; is that
15 correct?

16 A If you were running low at some point in your shift, if
17 you've already worked your way through those two bundles, would
18 someone resupply you, or would you end your shift?

19 A Resupply me.

20 Q And who would resupply you?

21 A Either Juan or Boo.

22 Q Okay. How would they know to do that?

23 A I would make a phone call.

24 Q You would contact one of them?

25 A Yes.

1 Q And you would let them know what you had left?

2 A Yes.

3 Q Okay. During a typical shift, during the average shift,

4 about how many bundles would you sell?

5 A Two.

6 Q Okay. Were there certain times of the month where you

7 would sell more?

8 A Yes.

9 Q And what were the busiest times of the month?

10 A The first of the month.

11 Q Why was the first of the month particularly busy?

12 A SSR checks, welfare checks, military checks, a lot of

13 different checks come around that time.

14 Q Does that mean to you that the customers that were buying

15 crack cocaine from you had more money at the first of the month?

16 A Yes.

17 MS. COGGINS: Objection, leading.

18 THE COURT: Asked and answered.

19 MS. OSIRIM: Okay.

20 BY MS. OSIRIM:

21 Q Approximately how many bundles could you sell then, during

22 those busiest times of the month?

23 A Four.

24 Q And how much money would four bundles be worth?

25 A A thousand dollars.

1 Q Okay. What would be the least amount of crack cocaine you
2 would sell on a given shift?

3 A Two bundles.

4 Q Two bundles. So, you typically didn't sell less than two
5 bundles?

6 A Right, no.

7 Q And about how long in total, how many months did you work
8 for Juan Jarmon, selling crack cocaine?

9 A Eight to nine months.

10 Q Okay. During that time did you take many days off? Were
11 there many days where you did not show up for your shift?

12 A No.

13 Q Okay. Throughout that eight-month period, about how many
14 days would estimate that you probably weren't able to cover your
15 shift.

16 Q Probably five times.

17 A Okay. You mentioned earlier, and we hadn't followed up on
18 this, but you also had a cleaning job at that time; is that
19 right?

20 A Yes.

21 Q You mentioned, earlier, and we hadn't followed up on this,
22 but you also had a cleaning job at that time; is that right?

23 A Yes.

24 Q And was that your own business?

25 A Yes.

1 Q Okay. When did you clean if you working with Juan Jarmon
2 from 4:00 to midnight?

3 A In the morning, mainly.

4 Q And who -- where were you cleaning?

5 A I'm sorry --

6 Q Where were you cleaning? Were you cleaning apartments in
7 the building, or did you have customers outside of the building?

8 A Customers outside. Well, both. Customers outside of the
9 building and apartments in the building.

10 Q Okay. You've talked about working a shift from about 4:00
11 until the afternoon until midnight. Were there other shifts
12 that other people were working during that time?

13 A Yes.

14 Q Okay. And do you remember any of the other people who
15 worked shifts for Juan Jarmon?

16 A Yes.

17 Q Can you name one of these people?

18 A Mike.

19 Q Mike. Do you happen to know Mike's full name?

20 A No.

21 MS. OSIRIM: Okay. Could we show the witness what's
22 been admitted as Government's Exhibit 7?

23 BY MS. OSIRIM:

24 Q Do you recognize the person in this photograph?

25 A Yes.

1 Q And who is this person?

2 A Mike.

3 Q This is the Mike that you're referring to?

4 A Yes.

5 Q And he also took a shift for Juan Jarmon?

6 A Yes.

7 Q And sold crack cocaine during that shift?

8 A Yes.

9 Q What shift did he work?

10 A 8:00 to 4:00, I want to say.

11 Q Okay. 8:00 a.m. to 4:00 p.m.?

12 A Yes.

13 Q So the shift immediately preceding your shift?

14 A Yes.

15 Q Okay. Were there any other people that you remember having

16 worked as shift sellers, while you worked with Juan Jarmon?

17 A Yes, Dottie.

18 Q Dottie?

19 A Yes.

20 Q Do you know Dottie's full name?

21 A No.

22 MS. OSIRIM: Could we show the witness Government's

23 Exhibit 5, please?

24 BY MS. OSIRIM:

25 Q Do you recognize the person depicted in this image?

1 A Yes.

2 Q And who is that?

3 A Dottie.

4 Q Okay. And you said that Dottie also worked as a shift
5 seller for Juan Jarmon?

6 A Yes.

7 Q Do you remember what shift Dottie worked?

8 A 12:00 to 8:00.

9 Q By 12:00 to 8:00 do you mean 12:00 a.m. to 8:00 a.m.?

10 A Yes.

11 Q Okay. Was there anyone else besides Mike and Dottie that
12 worked shifts for Juan Jarmon, during the course of time that
13 you sold crack cocaine for Juan Jarmon?

14 A Yes.

15 Q Who else?

16 A Riddles.

17 Q Riddles. Do you know Riddles' real name?

18 A No.

19 MS. OSIRIM: Could we show the witness what's been
20 previously marked as Government's Exhibit 6?

21 BY MS. OSIRIM:

22 Q Do you recognize the person in this photograph?

23 A Yes.

24 Q And who is this?

25 A Riddles.

1 Q And is Riddles someone who is a shift seller for Juan
2 Jarmon?

3 A Yes.

4 Q During what shift did he sell crack cocaine for Juan?

5 A 12:00 to 8:00.

6 Q 12:00 to 8:00. So also, that overnight shift?

7 A Right.

8 Q Okay. And is there anyone else that you remember who was a
9 shift seller?

10 A Ant, I think.

11 MS. OSIRIM: Okay. Could we show the witness what's
12 been marked as Government's Exhibit 11?

13 BY MS. OSIRIM:

14 Q Do you recognize the person in this photograph?

15 A Yes.

16 Q And who is this?

17 A Ant.

18 Q Do you know Ant's real name?

19 A No.

20 Q Okay. Did Ant work as a shift seller for Juan Jarmon?

21 A Yes.

22 Q Do you remember what shift he worked?

23 A I don't recall.

24 Q Did he work consistent shifts, or did he subbing (phonetic)
25 it out at different times?

1 A Yes.

2 Q Okay. Did Ant also have any other roles? Did he ever work
3 in any other capacity?

4 A He was a look-out, I think once -- a couple of times.

5 Q Okay. Do you also remember any individual by the name
6 of --

7 MS. COGGINS: Objection. Leading.

8 MS. OSIRIM: I'm sorry.

9 THE COURT: Okay. Why don't you start your question
10 again?

11 BY MS. OSIRIM:

12 Q Were there any other individuals who worked for Juan Jarmon
13 as shift sellers, during the period of time in which you worked
14 for Juan Jarmon?

15 A Not at this time, I can't remember.

16 Q You can't remember at the time?

17 A He has a lot.

18 Q Do you believe that there were other people?

19 A Of course.

20 Q Okay.

21 A Fair enough.

22 Q During any given shift, when either you were working --
23 well, when you were working, let's talk about that specifically.
24 How would you meet up with customers?

25 A In the hallway exits.

1 Q In the hallways and exits of where?

2 A Hemberger Way, 18th floor.

3 Q Okay. And how would these customers know to find you in

4 the hallway, or in the exits of the 18th floor?

5 A Either they would call me, or somebody would let me know

6 they're coming up.

7 Q Okay.

8 A Or at least come up, anyway, by their self.

9 Q Okay. So, you said either they call you, someone would let

10 you know, or they happened to already know where to go?

11 A Exactly.

12 Q When you said someone would let you know, who are the

13 people who would let you know?

14 A Various peoples.

15 Q Would those people be involved in this business? Were they

16 lookouts, were they folks who were outside, or were they

17 typically Juan Jarmon, or other people.

18 A He had different people here and there.

19 Q Okay. Once these individuals would meet you on the 18th

20 floor, would you conduct the sales there?

21 A Yes.

22 Q Okay. And usually where were you doing this on the 18th

23 floor? Were you in your apartment, or were you somewhere else?

24 A In an exit way of the 18th floor.

25 Q Okay. Why the exit way?

1 A It was more private, respect to my neighbors, the kids. A
2 lot of stuff. You know, just keep it a little private.

3 Q Okay. You mentioned previously that there were other
4 people who were working during these shifts. You mentioned Ant,
5 for example, was a lookout. Were there other lookouts, in
6 addition to Ant, who were working?

7 A Of course.

8 Q And was the role of a lookout?

9 A To make sure the cops is not coming in the building, either
10 the regular housing cops, or the regular cops, or I'm sorry,
11 agents, anything like that, undercovers, different task force,
12 stuff like that.

13 Q You mentioned undercovers. How would someone know if an
14 undercover was coming in the building?

15 A Unfamiliar face, looked like a cop. Different reasons.
16 Different --

17 Q Okay. And how would these lookouts communicate with you if
18 they were trying to tell you that someone was coming in the
19 building who was a police officer or someone unfamiliar?

20 A They would either call up or text.

21 Q Okay. Where did they usually sit during a shift?

22 A In front of the building.

23 Q And did they -- did their shifts mirror the shifts that the
24 shift sellers were working? Was there a lookout from 4:00 to
25 midnight?

1 A Yes.

2 Q Okay. And there was a lookout from midnight to 8:00 a.m.?

3 A Yes.

4 Q And another lookout from 8:00 a.m. to 4:00 p.m.?

5 A Yes.

6 Q Okay. As you sit here today do you have any recollection
7 as to how reliable the lookouts were?

8 A For the most -- they reliable, for the most part.

9 Q And by that, do you mean that they showed up for work
10 consistently?

11 A Off and on.

12 Q Off and on?

13 A Yeah, like --

14 Q Okay. If a lookout didn't show up for work during his or
15 her shift, what would you do?

16 A Either call somebody in, or get somebody else to do that,
17 you know, look out.

18 Q But you needed a lookout to conduct your shift?

19 A Yes.

20 Q Why is that?

21 A Just to be protected, so law enforcement won't come in the
22 building, you won't get caught, you won't get arrested, or just
23 to make sure the building was protected.

24 Q Okay. Who chose these lookouts? Did you choose them, or
25 did Juan Jarmon choose them?

1 MS. COGGINS: Objection. Leading.

2 THE COURT: Sustained. Who chose the lookouts?

3 THE WITNESS: Various people. Normally Juan Jarmon,
4 whoever's in charge. A couple of times people would just come
5 up ask, can they look out, and stuff like that.

6 BY MS. OSIRIM:

7 Q If somebody came up and asked, could they look out, were
8 they usually assigned immediately?

9 A Yeah. We got to get approval from Juan.

10 Q Okay. How much did you pay to look out during a given
11 shift?

12 A Twenty-five, \$30.

13 Q And did you pay them immediately, once the shift concluded,
14 or did you pay at some other point in time?

15 A Once the shift was over.

16 Q Do you recall, as you sit here today, some of the people
17 who served as lookouts for you?

18 A Yes.

19 Q Can you can name a few of them?

20 A Reds, Pinjap (phonetic), Diamond --

21 Q Okay.

22 A There's a lot of them.

23 MS. OSIRIM: Okay. Could we show the witness what's
24 been previously admitted as Government's Exhibit 9?

25 BY MS. OSIRIM:

1 Q Do you recognize the person in Government's Exhibit 9?

2 A Yes.

3 Q Who is that?

4 A Diamond.

5 Q Do you have any idea what Diamond's real name is?

6 A No.

7 Q Can we show the -- did Diamond serve as a lookout?

8 A Yes.

9 Q And did he sometimes help you during your shift, did he

10 look out for you?

11 A Of course, yes.

12 Q Okay.

13 MS. OSIRIM: Can we show the witness what's been

14 marked as Government's Exhibit 10?

15 BY MS. OSIRIM:

16 Q Do you recognize the person in this photograph?

17 A Yes.

18 Q Who is this?

19 A Reds.

20 Q Do you know Reds' real name?

21 A No.

22 Q And did Reds work as a lookout, while you were a shift

23 seller for Juan Jarmon?

24 A Yes.

25 Q I think you mentioned earlier when we showed you another

1 photograph.

2 MS. OSIRIM: Can we show Government's Exhibit 11?

3 BY MS. OSIRIM:

4 Q This is someone that you already identified as Ant. Did
5 Ant also sometimes work as lookouts?

6 A Yes.

7 MS. COGGINS: Objection, leading.

8 THE COURT: Asked and answered.

9 BY MS. OSIRIM:

10 Q Who were most of your customers?

11 A I'm sorry, what do you mean?

12 Q Who was buying crack cocaine from you?

13 A Various people.

14 Q Were any of these people, people that you knew to be
15 addicts or users of crack cocaine?

16 A Of course.

17 MS. COGGINS: Objection. It's leading.

18 THE COURT: Overruled, that he's already answered it.

19 BY MS. OSIRIM:

20 Q You mentioned that customers typically were directed to go
21 to the 18th floor, or simply knew to come to the 18th floor to
22 buy crack cocaine; is that correct?

23 A Yes.

24 Q Did customers typically get off the elevator, exactly at
25 the 18th floor?

1 A No.

2 MS. COGGINS: Objection, leading.

3 THE COURT: Overruled.

4 BY MS. OSIRIM:

5 Q And why wouldn't they get off the elevator on the 18th
6 floor?

7 A Because if they know if the cops is in the other building,
8 they didn't want to see the light from the elevator shining
9 through, seeing a lot of people getting off at the 18th floor.
10 So, they --

11 Q When you say "they" didn't want, who are you referring?

12 A Law enforcement.

13 Q Okay. So, what would you instruct customers to do, if not
14 to come directly to 18?

15 A Get off at the 17th floor and walk up the exit way.

16 Q And they could meet you after they got up the stairs?

17 A Yes. In the exit way.

18 Q Okay. And customers who didn't do that, customers who
19 ignored that and just came straight to 18, did you ever penalize
20 them in any way for that?

21 A Either they got taxed or sent away.

22 Q And when you say "taxed" what do you mean by that?

23 A Meaning, they got charged a fee for getting off on the
24 wrong floor.

25 Q How often did you end up taxing customers?

1 A Every once and a while, not often.

2 Q Okay. Over the period of time that you were working for

3 Juan Jarmon, did you ever see Juan Jarmon cook crack -- cocaine

4 into crack cocaine?

5 A I'm sorry, could you repeat the question?

6 Q Did you ever see Juan Jarmon cook cocaine, into crack

7 cocaine?

8 A During the time I was hustling for him?

9 A Or -- yes.

10 Q Oh, no.

11 A Around that time.

12 Q Well, I think one time, before I was hustling for him.

13 Q Okay.

14 MS. COGGINS: I'm sorry, I guess -- well, I -- I

15 didn't understand the answer, Your Honor, I apologize.

16 THE COURT: "I think one time before I was hustling

17 for him;" is that what you said?

18 THE WITNESS: Yes.

19 THE COURT: Okay.

20 MS. COGGINS: Thank you, Your Honor.

21 BY MS. OSIRIM:

22 Q Did there come a point in time when you stopped selling

23 crack cocaine for Juan Jarmon?

24 A Yes.

25 Q When was that?

1 A After my arrest in 2014.

2 Q Okay. Did you learn that during the time of your arrest a
3 search warrant was executed at your apartment?

4 A Yes.

5 Q Okay. Do you know whether or not you had drugs in your
6 apartment at the time that the search warrant was executed?

7 A Yes.

8 Q Okay. And do you know what drugs you had at your apartment
9 on that day?

10 A Yes.

11 Q What were those drugs?

12 A Crack cocaine, marijuana.

13 Q Was the marijuana something that you were selling, or
14 something that you were using?

15 A Personal, using.

16 Q Personal?

17 A Yes.

18 Q Do you know approximately how much crack cocaine was in
19 your apartment at that day?

20 A I don't recall.

21 Q Okay.

22 A I know it was a enough -- it was a nice amount.

23 Q Okay. Where did you get that crack cocaine from?

24 A From Juan.

25 Q And do you know where it was in your apartment, at the time

1 that you were arrested?

2 A In the cabinet in my kitchen.

3 Q Okay. Can we show -- do you remember what it was inside
4 of?

5 A Yes. A bakeware set, or --

6 Q Okay.

7 A A cake bowl, or something.

8 MS. OSIRIM: Can we show the witness, Government's
9 Exhibit 409?

10 (Pause)

11 BY MS. OSIRIM:

12 Q Is there an image now the screen in front of you Mr.
13 Chandler?

14 A Yes. Yes.

15 Q Do you recognize what you're seeing on that screen?

16 A Yes.

17 Q And how do you recognize that?

18 A It's my apartment.

19 Q Okay. And what are we seeing here?

20 A A cabinet with the crack cocaine inside of a cake bowl, or
21 something.

22 Q Okay.

23 MS. OSIRIM: I'd like to admit what's been marked as
24 Government's Exhibit Number 409. Do I have permission to
25 publish to the jury, Your Honor?

1 THE COURT: Any objection?

2 MS. COGGINS: No, Your Honor.

3 THE COURT: Very well, it will be admitted, and the
4 jury may see it.

5 (Government's Exhibit 409 received)

6 THE COURT: Get the hang of it now? Everybody but you
7 sees it until it's admitted, ladies and gentlemen.

8 BY MS. OSIRIM:

9 Q And, Mr. Chandler, it was your testimony that this is where
10 you had stored crack cocaine that was given to you on that day?

11 A Yes.

12 MS. OSIRIM: Okay. Could we show the witness, only,
13 Government's Exhibit 409A?

14 BY MS. OSIRIM:

15 Q Mr. Chandler, there should be a new image now on your
16 screen. Do you recognize what you're seeing there?

17 A Yes.

18 Q What are we looking at?

19 A Packets of crack cocaine.

20 Q And how do you recognize those packets?

21 A They happen to be the ones that was in my apartment.

22 Q Do you see anything else in that photograph that would
23 suggest to you that those were the packets that were --

24 A Yes. The floor and the bowl that it came out of.

25 MS. OSIRIM: Okay. Your Honor, I'd like to admit

1 Government's Exhibit 409A. Do I have permission to publish this
2 to a jury?

3 MS. COGGINS: No objection, Your Honor.

4 THE COURT: It will be admitted; the jury may see it.

5 (Government Exhibit 409A received)

6 BY MS. OSIRIM:

7 Q Mr. Chandler, after your arrest in February of 2014, did
8 you resume selling crack cocaine for Juan Jarmon?

9 A No.

10 Q Why not?

11 A It was over, got caught. I didn't want to get in trouble
12 again.

13 Q Did you communicate that to Juan Jarmon?

14 A Yes.

15 Q And did he, or did Boo, or did any other members of the
16 organization ask you about why wanted to stop selling crack
17 cocaine?

18 A I mean, I'm pretty sure they knew. We talked about it
19 before it happened. If something was to happen, of course I'm
20 out, you know, I don't even take one time, you know, but they
21 pretty much knew it was over.

22 Q Okay.

23 A From -- on my end, you know, me not.

24 Q After the time of your arrest, and after you had agreed to
25 stop selling crack cocaine, are you aware of whether Juan Jarmon

1 continued to operate a business on the 18th floor of the
2 Hemberger building?

3 A Yes.

4 Q And how are aware of that?

5 A They was still on the floor, we used to talk, conver-sate
6 (sic) here and there. Just it was busy on the floor.

7 Q When you say it was busy on the floor, what do you mean;
8 what did you see?

9 A A lot of people on the floor, a lot of customers still
10 coming up; that's pretty much it.

11 Q And you said when you used to talk, what kinds of things
12 did you talk about?

13 A Like different things, what was going on with the business,
14 it was going downhill. Money was getting messed up. You know,
15 it was stressful, it was difficult, you know, there was times
16 that he wanted to give up and not do it no more. It was a lot
17 of different things going on.

18 Q And who were you talking about, having had those
19 conversations with?

20 A Either me or Juan, or me and Boo, here and there.

21 Q Okay. After you were arrested in February of 2014, did you
22 begin cooperating with the Government?

23 A Yes.

24 Q Yes. And did you agree at that time to meet with the
25 Government on various occasions, to debrief them, about

1 information that was pertinent to their investigation?

2 A Yes.

3 Q Okay. Were you paid for the information that you provided
4 to the Government?

5 A Yes.

6 Q Do you recall, if at all, around how much you may have been
7 paid?

8 A I would say like 300.

9 Q Okay. Were you also reimbursed for expenses that you
10 incurred, during the period of time in which you were
11 cooperating with the Government?

12 A Yes.

13 Q Okay. And were those expenses typically related to
14 telephone use charges?

15 A Exactly.

16 Q Okay. Mr. Chandler, are you aware of the fact that during
17 the course of your drug dealing with Juan Jarmon the Government
18 had intercepted a series of telephone calls, and recorded
19 conversations that you, Juan Jarmon and other members of the
20 organization participated on?

21 A Yes.

22 Q And have you heard any of those calls before?

23 A Yes.

24 Q I'd like to play some of those for you now --

25 A Okay.

1 Q -- if we can.

2 MS. OSIRIM: I'd like to play what's been previously
3 admitted into evidence as Government's Exhibit Number 243. It's
4 a call from August of 2013, Mr. Chandler.

5 (Audio played at 2:14:01 p.m., ending at 2:14:14 p.m.)

6 BY MS. OSIRIM:

7 Q Mr. Chandler, do you recognizes the voices that you're
8 hearing on this call?

9 A Yes.

10 Q Who is speaking on this call?

11 A Me and Juan.

12 Q Okay.

13 (Audio played at 2:14:51 p.m., ending at 2:14:53 p.m.)

14 BY MS. OSIRIM:

15 Q In the portion that we just heard, what are you guys
16 talking about?

17 A How much money we made last night, that night. How much
18 crack cocaine sells we had, made and did.

19 Q In the place where you guys say, "He had to do a nickel
20 because he had the other 250", what does that mean?

21 A I'm sorry, repeat it.

22 Q We just heard a phrase where you said, "He had to do a
23 nickel, because he got the other 250." What does that mean --

24 A Meaning --

25 Q -- "we had to do a nickel"?

1 A -- we -- he had did 250 -- \$250 -- two 50, \$50 bundles,
2 individually packet bundles, and then give another 250 of 50
3 bundles.

4 Q And then -- so are you talking about a total amount of 500?

5 A Yes.

6 Q Okay.

7 MS. OSIRIM: Go ahead and hit play.

8 (Audio played at 2:15:47 p.m., ending at 2:17:07 p.m.)

9 BY MS. OSIRIM:

10 Q Mr. Chandler, can you just summarize for us in your own
11 words, what the substance of that conversation was about?

12 A It was typically the first of the month, or the other
13 building ran out product, and he was doing high numbers. And I
14 guess somebody didn't show up or went missing and just didn't do
15 the number that we thought they could do, which was a higher
16 number; 500 or more.

17 Q When you say you were getting high numbers, does that mean
18 you were selling a large quantity of crack cocaine?

19 A Yes.

20 Q And when you say that someone didn't do the numbers that
21 you thought they could do, does that mean they weren't selling
22 as much as you thought they could sell that night?

23 A Right.

24 MS. COGGINS: Objection.

25 THE COURT: Overruled.

1 MS. COGGINS: It's leading.

2 MS. OSIRIM: I'd like to play for the witness what's
3 previously been admitted as Government's Exhibit 203.

4 (Audio played at 2:18:08 p.m., ending at 2:18:39 p.m.)

5 BY MS. OSIRIM:

6 Q Mr. Chandler, did you recognize the voices on that call?

7 A Yes.

8 Q And who was speaking on that call?

9 A Me and Juan.

10 Q And what were you guys talking about?

11 A Somebody not coming in.

12 Q Do you know who was not coming?

13 A Ant.

14 MS. OSIRIM: I'd like to play for the witness
15 Government's Exhibit 204.

16 (Audio played at 2:19:10 p.m., ending at 2:20:03 p.m.)

17 BY MS. OSIRIM:

18 Q Mr. Chandler, do you recognize the voices you've heard so
19 far in this call?

20 A Yes.

21 Q Whose voices are you hearing?

22 A Me and Juan.

23 Q And when you are talking, in the last few seconds of what
24 you heard, can you tell us what you guys are talking about?

25 A Somebody not looking out, or somebody not showing up.

1 Q Okay. In this last portion that we just heard, "Like, I
2 don't want nobody to, not on our clock." Are you talking about
3 the availability of lookouts?

4 A Yes.

5 Q Why are they important?

6 A To protect the building.

7 Q And when you say "protect the building" what do you mean?

8 A I mean from law enforcement.

9 Q And do you mean the entire building, all of Hemberger Way,
10 or do you mean something else?

11 A Well, the whole perimeter of the building, the whole
12 building in the area.

13 Q Why is that important to you?

14 A To protect the workers from not getting arrested, you know.

15 MS. OSIRIM: Okay. Can we keep playing? Thank you.

16 (Audio played at 2:21 p.m., ending at 2:24 p.m.)

17 BY MS. OSIRIM:

18 Q Do you have an understanding, Mr. Chandler, of what that
19 conversation was about?

20 A Yes.

21 Q And what, in your view, was that about?

22 A Somebody -- J could have did more numbers than he did.

23 Meaning he could have sold more than what it was supposed to

24 have been. I think it was -- he fell asleep or something like

25 that. It was -- something --

1 Q Okay. Did you have these conversations frequently with
2 Juan Jarmon?

3 A Yes.

4 Q Did you often talk about what other shift sellers were
5 doing?

6 A Meaning what? I'm sorry.

7 Q Did you talk about the amounts that other shift sellers
8 were selling?

9 A Of course. Yes.

10 Q And did you talk about whether lookouts had shown up or not
11 shown up for their shift?

12 A Yes.

13 Q Okay.

14 MS. OSIRIM: I'd like to play for the witness what's
15 been previously admitted as Government's Exhibit 208.

16 (Audio played at 2:25 p.m., ending at 2:25 p.m.)

17 BY MS. OSIRIM:

18 Q Mr. Chandler, did you recognize the voices on that call?

19 A Yes.

20 Q Whose voices did we hear?

21 A Me and Juan.

22 Q And what were you guys talking about on this call?

23 A He called me, said somebody was coming up, give them an
24 extra one. He was getting five for 20.

25 Q Okay. What does five for 20 mean?

1 A Meaning they get a -- a free one. Like a deal.

2 Q Okay. When you say, "a free one," do you mean a packet?

3 A Yes.

4 Q Okay. An individual packet of cocaine?

5 A Instead of getting four, you get five.

6 Q Because it -- how much does each packet cost again?

7 A \$5.

8 Q Okay.

9 MS. OSIRIM: Can we play for the witness what's been

10 previously marked as Government's Exhibit 209? And admitted in

11 this case.

12 (Audio played at 2:26 p.m., ending at 2:26 p.m.)

13 BY MS. OSIRIM:

14 Q Mr. Chandler, did you recognize the voices on that call?

15 A Yes.

16 Q And whose voices did we hear?

17 A Me and Juan.

18 Q What was that call about?

19 A The customer's coming up, and he wanted to -- he was

20 getting -- they was getting a deal also and give him the extra

21 one. Meaning an extra.

22 Q Okay. Did Juan often direct customers to you?

23 A Here and there.

24 Q And when he did so, did you guys often give people deals?

25 MS. COGGINS: Objection. Leading.

1 THE COURT: Overruled.

2 THE WITNESS: When it was approved, yes.

3 BY MS. OSIRIM:

4 Q Okay. Who would have to give approval for that?

5 A Either Juan or Boo.

6 MS. OSIRIM: Could I play for the witness Government's
7 Exhibit 210?

8 (Audio played at 2:27 p.m., paused at 2:29 p.m.)

9 BY MS. OSIRIM:

10 Q Mr. Chandler, did you recognize the voices that you've
11 heard so far on this case?

12 A Yes.

13 Q And whose voices did you hear?

14 A Me and Juan.

15 Q And what were you guys just talking about?

16 A Somebody was coming up, and they got burnt or --

17 Q When you say someone was coming up, what do you mean?

18 A That he was -- they was sending some -- directing somebody
19 up, and he wind up not making it so AC and Floyd must have got
20 robbed or burnt. Something like that or --

21 Q Are you --

22 A -- money stolen.

23 Q Money stolen. Are you using those words, "robbed" and
24 "burnt," interchangeably to mean the same thing?

25 A Right.

1 Q Okay.

2 MS. OSIRIM: You can keep playing.

3 (Audio resumed at 2:29 p.m., paused at 2:30 p.m.)

4 BY MS. OSIRIM:

5 Q During that conversation, when you said that you caught the

6 boy for the eight, what does that mean?

7 A I'm sorry. Repeat that.

8 Q During that conversation, when you said, "I just caught the

9 elevators. Whoever did it had to have been quick. I just

10 caught the boy for the eight. I got him" --

11 A Oh, yes. That was a customer.

12 Q That was a customer. What does that mean, you caught the

13 boy for the eight?

14 A Meaning I caught him -- caught him before he got on the

15 elevator.

16 Q Okay. Does that mean that you were able to sell to him or

17 not to sell to him?

18 A To sell to him.

19 Q And how much did you sell to that person?

20 A Eight.

21 Q And does eight mean little packets?

22 A Yes.

23 Q Okay.

24 MS. OSIRIM: You can keep playing.

25 (Audio resumed at 2:31 p.m., ending at 2:32 p.m.)

1 BY MS. OSIRIM:

2 Q Mr. Chandler, that last reference that was made, "They're
3 both in the other booth. Our booth is clear," do you have any
4 idea of what that means?

5 A Yes. Housing police.

6 Q Housing police. And what does that mean about the housing
7 police?

8 A Meaning they in the other booth on Judson Way and not at
9 Hemberger Way. So, I knew that it was clear to send -- you
10 know, send clients back up to the floor.

11 Q Okay.

12 MS. OSIRIM: Could we play for this witness Government
13 Exhibit 211? Actually, I'm sorry. Could we actually play 216?

14 (Audio played at 2:33 p.m., paused at 2:33 p.m.)

15 BY MS. OSIRIM:

16 Q Mr. Chandler, do you recognize the voices that we've heard
17 thus far on this call?

18 A Yes.

19 Q And whose voices have you recognized?

20 A Me and Juan.

21 Q And what are you talking about right now in this call?

22 A The person didn't show up for their shift.

23 Q Okay. Do you remember who didn't show up for their shift?

24 A Riddles.

25 Q Riddles. And what was the shift that he was supposed to be

1 working, as a lookout or as a shift seller?

2 A Shift seller.

3 Q And why does it matter that he didn't show up for his
4 shift?

5 A Because I have to stay on to do more. Stay -- I had to
6 stay on longer.

7 Q Okay.

8 MS. OSIRIM: Can you keep playing, please?

9 (Audio resumed at 2:34 p.m., ending at 2:35 p.m.)

10 BY MS. OSIRIM:

11 Q Mr. Chandler, in your words, what was the remainder of that
12 call about?

13 A To see if I was going to have a lookout I think.

14 Q Okay. You think or you know? Did -- did you hear it when
15 we were playing it?

16 A Yes.

17 Q Okay. Okay. Anything else?

18 A Can you replay it again, if possible?

19 Q Sure.

20 A Okay. Thanks.

21 (Audio replayed at 2:36 p.m.)

22 THE COURT: Could I see counsel at sidebar?

23 MS. OSIRIM: Certainly, Your Honor.

24 (Audio paused at 2:36 p.m.)

25 (Sidebar begins at 2:36 p.m.)

1 THE COURT: This is a nine minute conversation. You're
2 not seriously suggesting you're going to play the whole thing
3 again? The jury's heard it once. You want them to hear it a
4 third time?

5 MS. OSIRIM: I want the witness to be able to comment
6 on what --

7 THE COURT: I know what --

8 MS. OSIRIM: -- he's heard.

9 THE COURT: -- you want to do. If you want to focus
10 him on a specific part, that's fine. You have --

11 MS. OSIRIM: We can --

12 THE COURT: -- introduced in the neighborhood of 40 of
13 these conversations between these two. Is it your intention to
14 go through all 40 of them?

15 MS. OSIRIM: It's not, Your Honor. I have about 15
16 calls left for this witness.

17 THE COURT: Okay. Why don't you focus on one
18 particular part of the conversation. You said, the last part of
19 this conversation. Why don't you ask your agent to go to that.

20 (Sidebar ends at 2:37 p.m.)

21 (Audio played at 2:37 p.m., ending at 2:37 p.m.)

22 (Counsel confer)

23 BY MS. OSIRIM:

24 Q Mr. Chandler, because we were just talking about just the
25 latter half of the conversation, we're trying to pinpoint that

1 portion of the call to play. Okay?

2 MS. OSIRIM: Let's see.

3 (Audio played at 2:38 p.m., ending at 2:39 p.m.)

4 BY MS. OSIRIM:

5 Q Mr. Chandler, at the end of that call, are you and Juan
6 Jarmon talking about Juan and Boo coming upstairs and talk to
7 someone?

8 A Yes.

9 Q And what are you guys talking about addressing with that
10 person?

11 A shift person didn't show up.

12 Q Okay. And so, talking about them is to remind them about
13 their shift obligations?

14 A Yes.

15 Q Thank you.

16 MS. OSIRIM: Could we play for this witness
17 Government's Exhibit 220, please?

18 (Audio played at 2:39 p.m., ending at 2:40 p.m.)

19 BY MS. OSIRIM:

20 Q Mr. Chandler, did you recognize the voices that you heard
21 on that call?

22 A Yes.

23 Q And who did you recognize those voices as belonging to?

24 A Me and Juan.

25 Q At the point in that call where you mention that you have a

1 bean left, what does that mean?

2 A \$100 left from a -- a bundle.

3 Q Does it mean that you have \$100 in cash or that you have
4 \$100 worth of crack cocaine?

5 A \$100 in cash.

6 Q Okay.

7 MS. OSIRIM: Could we play call 221, please?

8 (Audio played at 2:40 p.m., ending at 2:41 p.m.)

9 BY MS. OSIRIM:

10 Q Mr. Chandler, did you recognize the voices on that call?

11 A Yes.

12 Q And whose voices did you hear?

13 A Me and Juan.

14 Q And what were you talking about?

15 A A client coming up to get two -- she's buying two, but give
16 her a free one.

17 Q Okay. There's a point in that time where Juan Jarmon says,
18 "Cindy, come up there. Give her three for me and make sure them
19 Johns look all right." What does it mean to make sure that they
20 look all right?

21 A To make sure they look nice size, good looking, they look
22 good.

23 Q Are you referring to the individual packets of crack
24 cocaine?

25 A Yes.

1 Q And what size are you talking about; the size of the crack
2 cocaine in the packet?

3 A Yes.

4 Q Okay. Why would you be given instructions, if you know?

5 A To keep customers happy.

6 Q Okay.

7 MS. OSIRIM: Could we play call 222, please?

8 (Audio played at 2:42 p.m., ending at 2:44 p.m.)

9 BY MS. OSIRIM:

10 Q Mr. Chandler, do you recognize the voices on that call?

11 A Yes.

12 Q Whose voices did you recognize?

13 A Me and Juan.

14 Q During that call, there's a reference to Sheen. Who is
15 that?

16 A Me.

17 Q Is that a nickname of yours?

18 A Yes.

19 Q Okay. There's also discussion of an individual by the name
20 of Kima. Do you know someone named Kima?

21 A Yes.

22 Q And do you know her full name?

23 A Kima Sweet.

24 Q Okay. You mentioned that she came on at about 3:50. What
25 does that mean?

1 A She came on to do a shift.

2 Q Okay. Was she covering for someone?

3 A Yes.

4 Q Do you know who she was covering for?

5 A Ant.

6 Q Okay. Okay.

7 MS. COGGINS: I'm sorry. I didn't hear the answer,

8 Your Honor.

9 THE COURT: Ant.

10 MS. COGGINS: Okay.

11 BY MS. OSIRIM:

12 Q A question was posed to you about what Mike looked like

13 today. And you responded 250. What does that mean?

14 A \$250 bone -- bonus -- a \$250 bundle.

15 Q Does that mean that's what Mike had sold --

16 A Yes.

17 Q -- during his shift?

18 A Yes.

19 Q Okay. At the end of that call, you're asked what number

20 you have, and you say, "Like three and a half"?

21 A Yes.

22 Q What does that mean?

23 A Three-and-a-half bundles left.

24 Q Okay. And are those bundles that you intended to shell --

25 sell during the course of your shift?

1 A Well, yes. And other shifts, so --

2 Q And other shifts after that one?

3 A Yes.

4 Q Okay.

5 A Pass -- you know, we normally pass off to the next person.

6 Q Did you normally pass crack cocaine that was left over from

7 your shift off to whomever follow you?

8 A Yes.

9 MS. COGGINS: Objection. Leading.

10 THE COURT: Overruled.

11 BY MS. OSIRIM:

12 Q Was it customarily for shift sellers to interact in that

13 way at the end of each of their shifts?

14 A Yes.

15 Q So if you had something left over and someone else was

16 coming on for the midnight shift, you would give whatever was

17 left over to that person?

18 MS. COGGINS: Objection. Leading.

19 THE WITNESS: Yes.

20 THE COURT: Overruled.

21 BY MS. OSIRIM:

22 Q And would they do the same following their shift if they

23 happened to have any crack cocaine left over?

24 A Yes.

25 Q Okay. So, in your view, did you have an idea of how much

1 people prior to your shift and after your shift were selling in
2 a given day?

3 A Yes.

4 Q Okay.

5 MS. OSIRIM: Could we play this witness what's been
6 previously admitted as call number 223?

7 (Audio played at 2:46 p.m., ending at 2:47 p.m.)

8 BY MS. OSIRIM:

9 Q Mr. Chandler, did you recognize the voices on that call?

10 A Yes.

11 Q And whose voices did you hear?

12 A Me and Juan.

13 Q And what were you talking about?

14 A What was left over.

15 Q What do you mean by "what was left over"?

16 A Like how much I got left.

17 Q And by "how much," are you referring to crack or are you
18 referring to money?

19 A Crack.

20 Q Okay. And were you given an instruction as to what to do
21 when you got low?

22 A Yes.

23 Q And what was that instruction?

24 A Call Boo.

25 Q What did it mean to get low?

1 A When you run out, typically you call somebody to restock
2 you more work, more product.

3 Q I'm not sure if we went over this earlier, but do you know
4 Boo's real name?

5 A No.

6 MS. OSIRIM: Can we show this witness what's been
7 previously admitted as Government's Exhibit 2?

8 BY MS. OSIRIM:

9 Q Do you recognize the person in this photograph?

10 A Yes.

11 Q Who is this?

12 A Boo.

13 Q Okay.

14 MS. OSIRIM: Could we play this witness call number
15 224?

16 (Audio played at 2:48 p.m., ending at 2:51 p.m.)

17 BY MS. OSIRIM:

18 Q Mr. Chandler, did you recognize the voices on that call?

19 A Yes.

20 Q And whose voices did you recognize?

21 A Me and Juan.

22 Q During the course of this conversation, you refer back and
23 forth to a bean. Do you know what a bean is?

24 A Yes.

25 Q What is it?

1 A \$100.

2 Q Okay. Can you tell us in your own words what this call's
3 really about?

4 A Just to see what's left. I think it was -- there was
5 something short. The money I gave was short. We couldn't
6 pinpoint of where \$100 of it went or \$90 of it went. It was
7 supposed to be 1,800.

8 Q Okay.

9 A It was 17 something. We couldn't pinpoint where the \$90
10 went. But I think I found it later, later after that -- that
11 day.

12 Q Okay.

13 A It was stored somewhere in the house, in my house.

14 Q Okay. What did you typically do with the money that you
15 earned after your shift? After --

16 A I'm sorry?

17 Q After you worked a shift and you sold a certain amount of
18 money (sic), what did you typically do with that money that
19 you'd earned?

20 A Oh. Return it to Juan and Boo.

21 Q Okay.

22 MS. OSIRIM: Could we play Government's Exhibit 244?
23 (Audio played at 2:52 p.m., ending at 2:53 p.m.)

24 BY MS. OSIRIM:

25 Q Mr. Chandler, do you recognize the voices that we heard on

1 that call?

2 A Yes.

3 Q And whose voices did you hear?

4 A Me and Juan.

5 Q And during that call, when you said -- you asked whether or

6 not Juan wanted you to call when you were on the last one, what

7 did you mean?

8 A Meaning that when I get to the last bundle, call him --

9 Q Okay.

10 A -- before I run out.

11 Q If you run out?

12 A Before I run out.

13 Q Before you run out?

14 A Yes.

15 Q And why would you do that?

16 A So I won't run out.

17 Q Okay.

18 MS. OSIRIM: Could we play this witness call number

19 225?

20 (Audio played at 2:54 p.m., ending at 2:54 p.m.)

21 BY MS. OSIRIM:

22 Q Mr. Chandler, did you recognize the voices you heard on

23 that call?

24 A Yes.

25 Q Whose voices did you hear?

1 A Me and Juan.

2 Q And what were you talking about?

3 A Why was it so slow or --

4 Q There's a reference to Jamie (phonetic). Who is Jamie?

5 A Jamie normally a lookout or seller.

6 Q Okay. And you're asked whether or not you gave her \$40,
7 and you say you think you gave her 35?

8 A Yes.

9 Q Why would you have given her \$35?

10 A Because she a lookout. She's a lookout for that -- that --

11 Q And was --

12 A -- for them hours.

13 Q For a few hours?

14 A Yes.

15 Q And was that the fee that you gave her for looking out
16 during a shift?

17 A Yes.

18 Q Okay.

19 MS. OSIRIM: Could we play Government's Exhibit Number
20 226?

21 THE COURT: Before we do that, the jury's been sitting
22 for over an hour, why don't we give the jury their afternoon
23 break.

24 THE CLERK: All rise.

25 (Jury out at 2:56 p.m.)

1 THE COURT: All right. Please be seated, everyone.
2 How much longer do you think you'll have with this
3 witness, Ms. Osirim?
4 MS. OSIRIM: I only propose to play about five more
5 calls, and then to ask a series of questions in another area of
6 the case. So probably --
7 THE COURT: I'm sorry?
8 MS. OSIRIM: -- about 35 to 40 minutes.
9 THE COURT: And if you can, Ms. Coggins, how long do
10 you think you'll have him on cross?
11 MS. COGGINS: I would say maybe half an hour.
12 THE COURT: All right. I think you can send your other
13 witnesses home for the day.
14 MS. OSIRIM: Okay.
15 (Recess at 2:56 p.m., recommencing at 3:19 p.m.)
16 THE COURT: Can we bring the jury in? You're still
17 under oath, Mr. Chandler.
18 THE WITNESS: Yes.
19 THE BAILIFF: Please stand for the jury.
20 (Jury in at 3:20 p.m.)
21 THE COURT: Please be seated. Welcome back,
22 everybody. Ms. Osirim.
23 MS. OSIRIM: Thank you, Your Honor.
24 BY MS. OSIRIM:
25 Q Mr. Chandler, I'd like to play for you what has been

1 previously admitted in this trial as Government's Exhibit 226, a
2 call from September 27th of 2013.

3 MS. OSIRIM: Could we play 226, please?

4 (Audio played at 3:21 p.m., ending at 3:21 p.m.)

5 BY MS. OSIRIM:

6 Q Mr. Chandler, do you recognize the voices that you heard on
7 that call?

8 A Yes.

9 Q And whose voices did you hear?

10 A Me and Juan.

11 Q During that call you say that it's, "poppin", what does
12 that mean?

13 A Doing high numbers.

14 Q Doing high numbers?

15 A Yes.

16 Q High numbers of what?

17 A Sales.

18 Q Sales of what?

19 A Crack cocaine.

20 Q Okay. And you're asking about where Diamond is. Why do
21 you need Diamond?

22 A He's normally my lookout for that shit.

23 Q And does a lookout typically call you to let you know that
24 they are where they're supposed to be for their shift?

25 A Yes.

1 Q And where are they typically when they start their shift?

2 A Outside.

3 Q Outside of the front of the Hemberger building?

4 A Yeah. They normally on Judson way off looking Hemberger.

5 Q So they're standing at the opposite building --

6 A Yes.

7 Q -- looking back towards the Hemberger building?

8 A Yeah.

9 Q Okay. And do they sit there in order to have a good

10 vantage point of who's coming and going?

11 A Exactly, yes.

12 Q Okay.

13 MS. OSIRIM: Could we play this witness call number

14 227, please?

15 (Audio played at 3:22 p.m., ending at 3:24 p.m.)

16 BY MS. OSIRIM:

17 Q Mr. Chandler, did you recognize the voices that you heard

18 on that call?

19 A Yes.

20 Q And whose voices did you hear?

21 A Me and Juan.

22 Q During that conversation when Juan says to you, "Ain't

23 nobody going to trap with no lookouts." What did you understand

24 that to mean?

25 A They ain't nobody selling without a lookout, they're doing

1 it unprotected.

2 Q Okay. And selling crack cocaine?

3 A Yes.

4 Q Okay. And you said, "You can only press your luck but so
5 long," what does that mean?

6 A Because we were doing it off and on, running the hallway,
7 making sales, going back in the house.

8 Q And you were doing that without a lookout?

9 A Yes. A couple times we did.

10 Q What was your fear during that time when you were running
11 out back and forth into the hallway to make sales?

12 A I'm sorry, you said what was my fear?

13 Q Yes. What were you worried about?

14 A Police.

15 Q Okay. Juan Jarmon says to you, "I'm going to have to grind
16 myself." What do you understand that to mean?

17 A Meaning fire everybody and do it his self.

18 Q And do it his self means what?

19 A Sell for his self.

20 Q Okay. At the end of that call you guys are talking and you
21 just say, "Come see me." Why do you say that?

22 A Because I didn't want to do too much talking over the
23 phone.

24 Q Why not?

25 A Because I know we was getting recorded.

1 Q Okay.

2 MS. OSIRIM: I'd like to play this witness
3 Government's Exhibit Number 228.

4 (Audio played at 3:25 p.m., ending at 3:26 p.m.)

5 BY MS. OSIRIM:

6 Q Mr. Chandler, did you recognize that voices on that call?

7 A Yes.

8 Q And whose voices did you hear?

9 A Me and Juan.

10 Q During that call you said, "Reds staying out there so I
11 know the building's protected." What did you mean by that?

12 A He's standing out to lookout for the next shift.

13 Q Okay. Earlier you testified that you didn't like to talk
14 on the phone so much because you knew you were being recorded.
15 At the time of these calls in September of 2013, did you know
16 for a fact that these phones were being recorded?

17 A I just had a gut.

18 Q What does that mean?

19 A Meaning I felt something. I felt stuff.

20 Q Okay. Were you typically concerned about talking about the
21 crack cocaine sales on the phone?

22 A Yes.

23 Q Okay.

24 MS. OSIRIM: Could we play this witness Government's
25 Exhibit Number 299?

1 MR. MAIATICO: What was that number again?

2 MS. OSIRIM: I'm sorry. 229.

3 MR. MAIATICO: Thank you.

4 (Audio played at 3:27 p.m., ending at 3:27 p.m.)

5 BY MS. OSIRIM:

6 Q Mr. Chandler, did you recognize the voices that you heard

7 on that call?

8 A Yes.

9 Q Whose voices did you hear?

10 A Me and Juan.

11 Q What were you talking about on that call?

12 A The other building had law in it, so a lot of customers was

13 coming to our building, was redirected to our building because

14 the other building was hot.

15 Q The other building was hot?

16 A Yes.

17 Q When you guys refer to housing, who are you referring to?

18 A Housing police.

19 Q Okay. And are those police officers affiliated with the

20 Philadelphia Housing Authority?

21 A Yes.

22 Q Okay.

23 MS. OSIRIM: Can we play this witness finally what has

24 been admitted in this case as Government's Exhibit 234?

25 (Audio played at 3:28 p.m., ending at 3:30 p.m.)

1 BY MS. OSIRIM:

2 Q Mr. Chandler, in the first half of that call did you

3 recognize the voices that were speaking?

4 A Yes.

5 Q Whose voices were they?

6 A Me and Juan.

7 Q And what were you guys talking about?

8 A What the last person did on his shift.

9 Q During that conversation you both referenced someone named

10 Taz. Who is Taz?

11 A A shift seller.

12 Q A shift seller for Juan Jarmon?

13 A Yes.

14 MS. OSIRIM: Can we show the witness what's been

15 marked as Governments Exhibit 8?

16 BY MS. OSIRIM:

17 Q Do you recognize the person in this photograph?

18 A Yes.

19 Q And who is that?

20 A Taft.

21 Q Taft?

22 A Yes.

23 Q Does he have a nickname?

24 A I don't think so.

25 Q Do you also refer to him as Taz?

1 A I think so.

2 Q Okay. Is this the person that you're talking about when
3 you were talking about a shift seller named Taz?

4 A Yes.

5 Q Okay.

6 A Taz. Taft. One of them --

7 Q Okay.

8 A -- I know we call him.

9 Q During that portion of the call you're being asked how much
10 Jay did that night and you say, "He was like 250."

11 A Correct.

12 Q What does that mean?

13 A He only sold \$250 worth.

14 Q Okay. And Juan Jarmon says to you, "\$250 ain't nothing,
15 man." What does that mean?

16 A That's really a slow night. We normally do higher numbers
17 than that.

18 Q And do you mean that you normally do higher numbers per
19 shift?

20 A Correct.

21 Q Okay.

22 MS. OSIRIM: If it's possible, Special Agent Cardone,
23 can you pick up approximately where we left off on that call?
24 Thank you.

25 (Audio played at 3:32 p.m., ending at 3:32 p.m.)

1 BY MS. OSIRIM:

2 Q Mr. Chandler, did you recognize the two people who were
3 talking on that portion of the same call?

4 A Yes.

5 Q And who were those people?

6 A Jay and Juan.

7 Q And what in your view were they talking about during that
8 call?

9 A Giving Jay another chance to ground again or hustle again.

10 Q And by grind and hustle, what do you mean?

11 A To sell again.

12 Q Okay. To Sell what?

13 A Crack cocaine.

14 Q Okay. We talked previously about a number of shift sellers
15 that worked for Juan Jarmon and you mentioned one of those
16 individuals was Dottie Good; is that correct?

17 A Correct.

18 MS. OSIRIM: Could we pull up Government's Exhibit
19 Number 5 again?

20 BY MS. OSIRIM:

21 Q And this is the person that you previously identified as
22 Dottie Good; is that correct?

23 A Yes.

24 Q You mentioned that she worked one of the shifts for Juan
25 Jarmon. Do you remember now about what shift she worked?

1 A 12:00 to 8:00.

2 Q Okay. And do you know whether or not over the course of
3 the time that Dottie Good was working as a shift seller for Juan
4 Jarmon, were you aware of the two of them ever getting into a
5 fight?

6 MS. COGGINS: Objection, leading.

7 THE COURT: Overruled.

8 THE WITNESS: Yes.

9 BY MS. OSIRIM:

10 Q And how were you aware of that?

11 A I heard it.

12 Q How did you hear it?

13 A I was in my apartment, and they was in the Sharita Bailey
14 apartment. It's like close proximity to mine so I kind of heard
15 it in my kitchen. I was in the kitchen at the time.

16 Q Your apartment was on the 18th floor of Hemberger; is that
17 correct?

18 A Yes.

19 Q And where was Sharita Bailey's apartment?

20 A 18th floor too, but exactly across.

21 Q Okay.

22 A 1807 or something. 8.

23 Q Okay. And what did you hear?

24 A I just heard arguments, Dottie got a little louder, a
25 scuffle, and that was it. I didn't -- that's it. That's all I

1 heard.

2 Q Okay. Did you see Dottie after that time, immediately
3 after that?

4 A I didn't see her for a couple of days after that.

5 Q Okay. You mentioned that during the course of the search
6 warrant in this case, that drugs were in your home at that time;
7 is that correct?

8 A Correct.

9 Q And among those drugs you said was crack cocaine but also
10 marijuana.

11 A Correct.

12 Q You mentioned that the marijuana was for personal use; is
13 that right?

14 A Correct.

15 Q How often did you use marijuana?

16 A Every day.

17 Q Okay. Do you still continue to use marijuana?

18 A No.

19 Q When did you stop?

20 A Almost a year ago.

21 Q Why did you stop?

22 A Because I'm in pretrial services, and Judge Diamond told me
23 I gotta stay clean.

24 Q Okay. Mr. Chandler, were you ultimately arrested and
25 charged federally for selling crack cocaine for Juan Jarmon?

1 A Yes.

2 Q Are you proceeding to trial in that case or have you pled
3 guilty?

4 A I pled guilty.

5 Q Did you have a plea agreement with the Government?

6 A Yes.

7 Q Okay. Under the terms of that plea agreement, did you
8 plead guilty to conspiracy to distribute more than 280 grams of
9 crack cocaine for Juan Jarmon?

10 A Yes.

11 Q Did you also plead guilty to a series of substantive counts
12 of distribution of crack cocaine?

13 A Yes.

14 Q Okay. What do you understand is the maximum possible
15 sentence that you're facing having pled guilty to those crimes?

16 A Life.

17 Q Have you been sentenced already in connection with that
18 case?

19 A No.

20 Q And who if you know will ultimately determine the sentence
21 that you get in that case?

22 A Judge Diamond.

23 Q Okay. Has the Government made any promises to you about
24 the sentence that you may get?

25 A No.

1 Q Have you agreed to cooperate with the Government as part of
2 that agreement?

3 A Yes.

4 Q And what do you think would happen if you testified falsely
5 or lied today?

6 A More in trouble. Agreement would be ripped up.

7 Q Okay. Why'd you sign this plea agreement?

8 A To receive lesser that time and just tell the truth, I
9 guess. That's it.

10 Q As best as you understand it, what does your plea agreement
11 require you to do today?

12 A Tell the truth.

13 Q And is that what you've done today?

14 A Yes.

15 MS. OSIRIM: Your Honor, one moment. Nothing further.
16 Thank you, Your Honor.

17 THE COURT: Ms. Coggins?

18 MS. COGGINS: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. COGGINS:

21 Q Good afternoon.

22 A Good afternoon.

23 Q I don't know whether to call you Rasheen Chandler or a
24 confidential source. Which one are you today?

25 A Rasheen Chandler.

1 Q Okay. Why is it that, because you're not getting paid to
2 be here today?

3 A That's my name.

4 Q Well, you have another moniker that you're called by, by
5 the FBI, correct?

6 A Sheen. Sheen.

7 Q No, confidential source.

8 A Okay.

9 Q Is that correct?

10 A If you say so.

11 Q Well at some point you became a confidential source in this
12 case for the Government agents; isn't that correct?

13 A Of course. Yes.

14 Q And that started April 29th of 2014?

15 A Yes.

16 Q And you know that because that's when you started getting
17 paid for your information, correct?

18 A Incorrect.

19 Q When did you start getting paid for your information?

20 A Months later.

21 Q May 19th?

22 A Months later.

23 Q Did you receive \$60 on May 19th of 2014 for your
24 information?

25 A I think a little bit after that.

1 Q Okay. July 2nd of 2014, did you get paid again by the
2 Government?

3 A Yes.

4 Q August 14th of 2014, now your salary went up, right? Got
5 paid on that day, correct? \$100 dollars?

6 MS. OSIRIM: Objection, Your Honor.

7 THE COURT: Overruled.

8 MS. OSIRIM: Can we --

9 THE COURT: Overruled.

10 THE WITNESS: I don't remember.

11 BY MS. COGGINS:

12 Q Okay.

13 A I just know the \$60 a couple of times -- they paid \$60 was
14 only for phone bill purposes only.

15 Q \$60?

16 A Yes.

17 Q For phone calls that you made in this case?

18 A I'm sorry, phone calls I made in this case?

19 Q Yeah. Or did they buy you a phone?

20 A No. They was paying my cellphone bill to stay in contact
21 with them.

22 Q Oh, okay.

23 A And the public, apparently.

24 Q \$60, how many times did you call them?

25 A I haven't called them, they call me.

1 Q Okay. How many times would you say?

2 A In a month?

3 Q Yeah.

4 A Four, three, depending.

5 Q So it's like 20 bucks a call, right?

6 A If you say so.

7 Q Then you go up to \$100. Did you get a nicer phone August

8 14th, 2014?

9 A No. No.

10 Q Now you started getting paid for your information, correct?

11 A No. I think that was for the phone bill and partial rent,

12 partial rent.

13 Q Oh, the Government was paying your rent?

14 A Partial.

15 Q And that happened again in September 10th of 2014, October

16 14th of 2014, November 14th of 2014, looks like every month you

17 were getting paid by the Government?

18 A Incorrect.

19 Q How is that incorrect?

20 A Because I don't recall them -- I just know it was like at

21 least two or three, four times. That was it, I think.

22 Q So when you testified earlier that you made, I think you

23 said about \$300, that's your recollection that you made \$300

24 from the Government?

25 A No. That was when I was hustling. That's when I was

1 grinding.

2 Q No, no, no. I'm talking about when you first testified,
3 when you first got up there and you were asked how much money
4 you've been paid by the Government, do you recall that?

5 A No, I don't recall.

6 Q You don't recall saying, just maybe an hour, an hour and a
7 half ago that you were paid by the Government in the amount of
8 \$300?

9 A I thought that was for something else. I thought that was
10 my salary for grinding for Juan. I ain't thought that was for
11 any --

12 Q Oh. You confused my client with the Government?

13 A No.

14 Q Okay. How much money would you say you were paid by the
15 Government now on cross-examination?

16 A The couple months, I want to say like three something. I
17 don't remember it being that amount that you have. It was less
18 than that amount.

19 THE COURT: I'm sorry. Three something?

20 THE WITNESS: Like 360.

21 THE COURT: \$360?

22 THE WITNESS: \$360 over the couple months of
23 investigation, during investigation at the time.

24 BY MS. COGGINS:

25 Q If I told you sir that you were paid -- I'm sorry. How

1 many statements do you think you've given; how many times do you
2 think you've met with the Government in order to give
3 information against my client?

4 A I don't recall.

5 Q Would 20 sound correct?

6 A Under 20 probably.

7 Q Okay. Today might be your 21st time?

8 A No.

9 Q Okay. And would I be wrong in saying that every time that
10 you went in for a statement as the confidential informant,
11 almost every single time on the same date you were given
12 money --

13 A No.

14 Q -- by the Government?

15 A Incorrect.

16 Q Didn't happen?

17 A No.

18 Q And you remember that just as well as everything else that
19 you've testified here to today?

20 A I remember it --

21 Q Right?

22 A I remember it fine, yes.

23 Q Now Ms. Osirim in this case asked you a few questions about
24 your plea agreement.

25 A Yes.

1 Q Do you recall that?

2 A Yes.

3 Q And in this case you were charged in your own indictment,
4 right? You weren't listed with anybody else, correct? Just
5 you.

6 A Correct.

7 Q Ironically enough you weren't charged with illegal use of a
8 telephone, were you? That charge isn't in there correct; is
9 that correct?

10 A No. I don't recall.

11 Q Now when you received your plea agreement in this case,
12 what's your understanding of what the Government's obligation is
13 to you?

14 A There's no obligation.

15 Q Okay. What's your obligation?

16 A To tell the truth and to get a lightened sentence. That's
17 it.

18 Q It's your job to point the finger at my client, correct?
19 To come in here and testify against Juan Jarmon.

20 A It's the job to tell the truth. That's my job.

21 Q Okay. And what do you think would happen if you were to
22 come in here and say that my client, you never met him before?

23 A More trouble. I void my agreement that I have with the
24 Government and more trouble. That's it.

25 Q Okay. Well, you're in a lot of trouble, correct?

1 A Of course.

2 Q Yeah. So, you said before that you're looking at
3 possibility of life in federal prison; is that correct?

4 A Correct.

5 Q Now you because of this case that you had in February 18th
6 of 2014 when you had all the drugs in your apartment, you pled
7 guilty to that; is that correct?

8 A Of course.

9 Q So now you have a prior drug offense; is that correct?

10 A Of course.

11 Q Did they talk to you about mandatories involved in this
12 case?

13 A I can't recall.

14 Q You don't recall if they told you about a mandatory minimum
15 federal prison sentence that your facing?

16 A Of course. Yes.

17 Q Okay.

18 A I didn't know which one you was talking about, which case.

19 Q How many do you have?

20 A It's two and only two cases.

21 Q You have two open cases right now?

22 A No. One federal and the one I plead guilty and for
23 Philadelphia.

24 Q Okay. Just this case. I just want to talk to you about
25 this case.

1 A No. Okay.

2 Q We'll get to the other one in a second. So, you're looking
3 at the conspiracy to distribute 280 grams or more of crack
4 cocaine, maximum life imprisonment. And what did they tell you
5 was your mandatory minimum just for this case?

6 A They didn't tell me.

7 Q Well you signed your plea agreement; did you not?

8 A Of course.

9 Q Well, it's in your plea agreement, do you agree with that?

10 A Under 10? Is it under 10?

11 Q No.

12 A I don't --

13 Q Is that what they told you?

14 A There was no agreement. It was --

15 Q You signed a plea agreement.

16 A Okay.

17 Q Correct?

18 A Yes.

19 Q Okay. I mean I don't want to put words in your mouth, but
20 you said that you pled guilty in this case?

21 A Of course.

22 Q Okay. Do you want me to show it to you or do you trust me
23 that you signed a plea agreement?

24 A I read it.

25 Q Okay. So, in that plea agreement sir, what it says is that

1 by pleading guilty you're looking at a maximum of life and a 10
2 year mandatory minimum. You understand what that means?

3 A Yes.

4 Q What does that mean?

5 A Meaning it could go from either life or ten years. Either
6 or I guess, depending what the Judge.

7 Q Ten years is the least amount of time that you would spend
8 in a Federal prison; is that correct?

9 A Of course.

10 Q Unless what?

11 A I cooperate.

12 Q Unless you cooperate with the Government; is that right?

13 A Of course.

14 Q So you understood that part of it?

15 A Of course.

16 Q Who is the person who determines whether or not you're
17 going to get out from under that 10 year mandatory minimum?

18 A Judge Diamond.

19 Q No. Didn't anybody explain to you that in this case, the
20 person who decides that they're not going to pursue the 10 year
21 mandatory minimum, Ms. Osirim, Ms. Maiatico. Do you understand
22 that?

23 A Okay.

24 Q They're the ones that decide --

25 A Yes. I do know that you're telling me that.

1 Q Sir, did you read your document before you signed it?

2 A Yes.

3 Q Okay. And you had an attorney with you, correct?

4 A Of course.

5 Q Okay. So, the terms of this plea agreement, it's Mr.

6 Maiatico, Ms. Osirim who decide whether or not you're going to

7 spend at least, at least 10 years in a federal prison, correct?

8 MS. OSIRIM: Objection.

9 THE COURT: You may want to restate that.

10 BY MS. COGGINS:

11 Q They're the ones --

12 THE COURT: It's not accurate what you said about it.

13 BY MS. COGGINS:

14 Q They're the ones who decide whether or not to pursue the 10

15 year mandatory minimum, correct?

16 THE COURT: Do you understand what she just asked you?

17 THE WITNESS: No.

18 THE COURT: Why don't you rephrase?

19 MS. COGGINS: Yes, Your Honor.

20 BY MS. COGGINS:

21 Q They decide whether or not you're going to do at least 10

22 years in a federal prison --

23 THE COURT: No. There was an objection to that.

24 BY MS. COGGINS:

25 Q -- under a mandatory.

1 THE COURT: That's inaccurate. Under your agreement,
2 does the Government decide whether or not to ask me not to
3 impose the mandatory minimum?

4 THE WITNESS: Yes.

5 BY MS. COGGINS:

6 Q So it's up to the Government to appear in front of the
7 Judge and say, we don't want him to go to jail for 10 years.
8 You understand that part?

9 A Of course. Yes.

10 Q And you've understood that all along, correct?

11 A Yes.

12 Q They can decide to file a motion. In addition to that, you
13 have guidelines in this case; is that correct? Someone talked
14 to you about guidelines?

15 A Yes.

16 Q Okay. So, you understand that based upon your prior record
17 and based upon the offense gravity score of the crime involved
18 in this, you come out with a certain set of guidelines for the
19 Judge to consider when he sentences you; is that correct?

20 A Of course. Yes.

21 Q So even on top of what's called a 3553(e) motion, there's
22 something called a 5K. You're familiar with a 5K, correct?

23 A Of course.

24 Q That allows the Government to come ask the Judge to
25 sentence you even lower than your guideline range, correct?

1 A Correct.

2 Q Potentially you could get probation if the Judge allows
3 that; is that correct?

4 A Correct.

5 Q If they ask for it, correct?

6 A Correct.

7 Q You're not in jail right now, right?

8 A No.

9 Q You're out on the street, right?

10 A Yes.

11 Q You get an open -- I'm sorry. You're on a probation out of
12 Philadelphia, right, for possession with intent to deliver?

13 A No. That was over a year ago.

14 Q Okay. Then you have this case that you have to come into
15 court for that you're facing maybe life, possibly ten years, but
16 you're out on the street because you got bail, correct?

17 A I'm sorry. Bail for this case?

18 Q Yes.

19 A Well, yes. Yeah.

20 Q Okay. And that was because the Government agreed to let
21 you walk around out on the street, correct?

22 A Well --

23 MS. OSIRIM: Objection.

24 THE COURT: Sustained. Government didn't make that
25 decision.

1 BY MS. COGGINS:

2 Q Did the Government petition or agree to go in front of the
3 Judge to allow you to be released on jail?

4 MS. OSIRIM: Objection.

5 THE COURT: Overruled.

6 THE WITNESS: No.

7 BY MS. COGGINS:

8 Q They did not? Did they oppose you being released on pre-
9 trial?

10 A I was on pretrial, still then. I was on house arrest for a
11 year, almost a year. And that was it.

12 Q You're on pre-trial with the agreement of the Government,
13 correct?

14 MS. OSIRIM: Objection.

15 THE COURT: Do you understand that question?

16 THE WITNESS: No, Your Honor.

17 MS. COGGINS: Would you like me to rephrase, Your
18 Honor?

19 THE WITNESS: Thank you.

20 THE COURT: It's your question.

21 BY MS. COGGINS:

22 Q Sir, you went in front of a judge on this case, and there
23 was a discussion with regard to whether or not you should be
24 released out onto the street; is that correct?

25 A I be released to pretrial services I think.

1 Q Yes. You remember that?

2 A Yes. You saying the streets. It was pre-trial services,
3 so it was not the streets.

4 Q You're out on the street.

5 THE COURT: He's not answering the question you're
6 asking because it doesn't appear he understands, so you may want
7 to rephrase.

8 MS. COGGINS: I'll just move on, Your Honor.

9 BY MS. COGGINS:

10 Q No, sir, after -- I'm sorry. On this date, February 18th,
11 2014, that's the first time that you decided to sit down with
12 the police; is that correct? The Government.

13 A Correct.

14 Q On that date, the police came in with a search warrant,
15 knocked on your door and they found inside of your apartment 43
16 pink packets of crack, 23 packets of pot and over \$500 in cash
17 all in your apartment; is that correct?

18 A Correct.

19 Q So when you go to Philadelphia court for that, did they
20 tell you that you were facing three and a half to seven years?

21 A Don't recall. Probably so, maybe.

22 Q You said before that was a hefty amount, is it fair to say?

23 A Yes.

24 Q So you didn't end up getting a single day of jail, did you?

25 A Yes. I was in jail the date of arrest.

1 Q And then you got right out, correct?

2 A No, I got out the next day.

3 Q The next day.

4 A Yeah.

5 Q So you spent overnight in prison for a large amount of

6 crack cocaine?

7 A Yes. And that's my first offense.

8 Q Okay. And after you started cooperating with the police,

9 your disposition on this case was October 20th of 2014, correct?

10 A I'm sorry?

11 Q I'm sorry. The date that you went to court when you got

12 your sentence, do you recall that that was on October 20th of

13 2014?

14 A I'm not sure, but it might have been.

15 Q Somewhere around there?

16 A Yes.

17 Q Okay. And up to that time do you recall how many times you

18 sat down and gave statements to the Government?

19 A Don't remember. Nice amount, but don't remember.

20 Q 12, would that be a good number?

21 A I'm sorry. Restate that again?

22 Q Sure. 12.

23 A No. Restate the question again please.

24 Q Sure.

25 A Thanks.

1 Q You pled guilty on October 20th of 2014 or somewhere to
2 your memory, somewhere around there?

3 A Pled guilty in Philadelphia court, is that --

4 Q That's correct.

5 A Okay.

6 Q Yes. And then between your arrest and the date that you
7 got your sentence, would you disagree with me that it was around
8 nine times that you sat down with the Government both as Rasheen
9 Chandler and as confidential source?

10 A No.

11 Q How many would you say?

12 A Two, three maybe.

13 Q Okay. As a result, sir, instead of three and a half to
14 seven years in a state prison, you got a one year probation,
15 right?

16 A Yes.

17 Q Non-reporting, correct?

18 A Correct.

19 Q So all you had to do for all of these drugs, this felony
20 conviction, was to call somewhere, a probation officer somewhere
21 one time a month; is that correct?

22 A No. Incorrect.

23 Q What's your understanding?

24 A I was on probation for a year. I reported one time and one
25 time only. I met with my probation officer one time and that

1 was it.

2 Q So you don't even have to call once a month?

3 A No.

4 Q You just had to show up in a calendar year one time?

5 A No, I had to stay out of trouble. Of course, I did. And I

6 reported to him I think another time. It was the, I think --

7 Q I'm sorry?

8 A -- then that was it. We met each other, and that was it.

9 Q You just met your probation officer one time?

10 A Yes.

11 Q Okay. Not very difficult, right?

12 A I'm sorry Say that again.

13 Q That was not very difficult, that probation? It's pretty

14 easy.

15 A No. But to make sure I stay out of trouble for one year,

16 you know --

17 Q That was the difficult part?

18 A Not really, but it was easy.

19 Q All right. Now you testified here today, and you see these

20 papers over here on this desk? Would it be -- I'll get back to

21 that in a second.

22 You say that you remember talking to the Government

23 you said how many times total until you've gotten here today?

24 Total.

25 A I need to know the difference between, what you mean,

1 talking to the Government --

2 Q Uh-huh.

3 A -- or were reporting the transaction that was going on in

4 Blumberg. I'm confused a little bit.

5 Q How many times have you met with the Government --

6 A Agents?

7 Q -- an agent from the Government?

8 A The agent?

9 Q Or Mr. Maiatico or Ms. Osirim.

10 A The agents and then was two different situations. The

11 agents was more of course than the two or three times I met with

12 them, that was it.

13 Q You mean when you say, them, you mean the prosecutors in

14 this case?

15 A Yes.

16 Q Okay. And when was the last time that you met with the

17 prosecutors in this case?

18 A A week ago, I want to say.

19 Q And that was to sit down and that was to go over the

20 questions and the answers and everything so that you could come

21 in here and testify today?

22 A No. More so to let me know what day I got to come to

23 court, would I be able to take off work and that was it.

24 Q Did you talk to them about the case?

25 A Not really. I mean, we already knew what was going on. We

1 already discussed it. We didn't have to do too much, you know,
2 discussion about it. We already knew what was going on.

3 Q Because you've already gone over it with them?

4 A Not really. I mean, briefly the first time or second time
5 we met, but that was it. It was --

6 Q When was that?

7 A A while back ago. I'm not really sure what date it was.

8 Q Now you testified here today, first let me talk about
9 Dottie Good.

10 A Of course.

11 Q You said that Dottie Good sold for my client; is that
12 correct?

13 A Correct.

14 Q When was that?

15 A I don't remember when. I just know it was around the time
16 I was hustling for Juan.

17 Q Okay. And the time that you were hustling for him was
18 when?

19 A 2013.

20 Q Can you be more specific?

21 A No. It was a long time ago.

22 Q Well, correct me if I'm wrong, but did you tell the agents
23 that you had started selling for my client in --

24 A 2012?

25 Q No. Let me let me finish the question.

1 A Okay.

2 Q I mean you obviously would know better than I, but when you
3 sat down and spoke with the police, the agents, right after your
4 arrest on February 18th of 2014, do you recall telling them on
5 that date that you had been working for my client for six
6 months?

7 A Six to eight, depending.

8 Q Is that what you told the police, or did you tell them six?

9 A It was various times. I mean, six to eight -- six to eight
10 months, yeah.

11 Q Okay. You recall sitting down with the agents on February
12 18th, 2014 at 8:15 p.m.; is that correct?

13 A I guess.

14 Q Do you recall telling the police on that time, Chandler
15 stated that approximately six months ago he was approached by
16 Juan Jarmon about selling crack cocaine?

17 MS. OSIRIM: Objection.

18 THE COURT: Let me go sidebar.

19 (Sidebar begins at 3:58 p.m.)

20 THE COURT: Unless this witness adopted or signed that
21 statement after reviewing it, you can't cross-examine him with
22 it. You can certainly ask him what he told the agents. You can
23 lead him and say, did you tell the agents X, Y and Z, but you
24 can't read the statement to him and say, is this wrong.

25 MS. COGGINS: Then I'll have to talk with the agents,

1 I guess.

2 THE COURT: No, no, you can do it with him, but you
3 can't -- you're cross-examining him as though this were his
4 statement.

5 MS. COGGINS: Understood, but he's not going to agree
6 with me. So, then what I'm going to have to do is go through
7 the agents.

8 THE COURT: Well, your defense is what your defense is
9 if that's how you choose to pursue it. But you can't -- who
10 recorded that statement?

11 MS. COGGINS: Patrick Trainor.

12 THE COURT: Well, then it's Patrick Trainor's
13 statement.

14 MS. COGGINS: Uh-huh.

15 THE COURT: You can certainly say, did you tell the
16 agents X or Y.

17 MS. COGGINS: Okay.

18 THE COURT: You can certainly say -- or you can even
19 say you told the agents X or Y, didn't you? You just can't read
20 the statement as though it was his statement. I can give you a
21 lot of leeway, probably more than I should under the Third
22 Circuit law.

23 But you -- right now you're cross-examining him as
24 though he signed that statement and he didn't.

25 MS. COGGINS: I understand, Judge. I'm just trying to

1 save time instead of calling the agent up to say, what did he
2 tell you on the statement and going through everything all over
3 again.

4 THE COURT: Well, do the best you can. Let's see how
5 you do.

6 (Sidebar ends at 3:59 p.m.)

7 BY MS. COGGINS:

8 Q Sir, on February 18th of 2014 at approximately 8:15 P.M.,
9 did you tell Agent Patrick J. Trainor that you started working
10 -- that you started working for my client six months prior to
11 sitting down with Agent Trainor?

12 MS. OSIRIM: Objection.

13 THE COURT: Overruled. Do you remember?

14 THE WITNESS: No.

15 BY MS. COGGINS:

16 Q Now you testified here today I believe that you worked for
17 my client for nine months; is that correct?

18 A Eight -- it could have been, well not nine months total,
19 but I thought it was approximately eight months. Eight to nine
20 months possibly around the time during like the last month of
21 the last day to my arrest which was February.

22 Q Now you said that during that time that Dottie Good was
23 selling for my client?

24 A Yes.

25 Q During the time that you worked for my client?

1 A Yes.

2 Q What time period are you testifying that Dottie Good worked
3 while you worked for my client?

4 A While I worked?

5 Q You said that Dottie Good worked at the same time that you
6 did, timeframe, correct?

7 A No. Dottie worked -- I worked 8:00 to 4:00, she worked
8 12:00 to 8:00.

9 Q I'm talking about dates.

10 A Yes.

11 THE COURT: Perhaps if you were -- he took time to
12 mean time of the day and --

13 MS. COGGINS: I understand.

14 THE COURT: -- you meant time what month, what year.
15 So, you maybe want to be a little more specific.

16 MS. COGGINS: Yes, Your Honor.

17 BY MS. COGGINS:

18 Q What month and year did Dottie Good work?

19 A I don't recall what month, what year, but I know she worked
20 after my shift.

21 Q You don't recall the month? Was it 2013?

22 A It all depends on what month you're talking about. I don't
23 know.

24 Q Okay. Say for example, sir, that you worked for my client,
25 I believe you testified, for a period of late summer, until your

1 arrest, fair?

2 A Fair.

3 Q Okay. During that time period you said that Dottie Good

4 worked for my client, correct?

5 A Of course. Yes.

6 Q What months or year are you talking about?

7 A Must be 2013.

8 Q You also said that, was it during that time period that you

9 heard a scuffle between my client and Dottie Good?

10 A What you mean during that time?

11 Q During that time that you just talked about that you

12 referenced from late summer until your arrest, February 18th of

13 2014, is that when you heard the scuffle between my client and

14 Dottie Good?

15 A Correct. Yes.

16 Q Do you have a month for us?

17 A No, I don't remember. It was so long ago.

18 Q 2013?

19 A I don't know.

20 Q You don't know the year?

21 A No, I know the year. I just don't know what month it was.

22 Q What year?

23 A Might have been '13. Summer of '13.

24 Q Summer of 2013 before you started working for my client?

25 A I don't recall.

1 Q Now you said that you heard this scuffle from inside of
2 your apartment?

3 A Yes, I was in the kitchen.

4 Q You remember that, right?

5 A Yep.

6 Q And your apartment is on the 18th floor?

7 A Correct.

8 Q Did this scuffle occur on the 18th floor?

9 A Yes.

10 Q You don't know what the scuffle was about, correct?

11 A No.

12 Q Now you also testified about different amounts that were
13 involved in this case that you're claiming that you sold for my
14 client. You testified as you sit up there that it was -- the
15 least amount that you would sell would be \$500; is that correct?

16 A Yes.

17 Q And that would be two bundles?

18 A Yes.

19 Q Do you recall on February 18th, 2014 at 8:15 p.m. telling
20 Agent Trainor in this case that you sold less than one bundle
21 per day.

22 THE COURT: Let me go to sidebar with counsel.

23 (Sidebar begins at 4:04 p.m.)

24 THE COURT: Maybe we can do it this way because you're
25 obviously -- you obviously want the jury to know there's a

1 written statement there, and you're conveying the impression
2 it's his statement, and it's not. You certainly can say have
3 you ever told anyone, X, Y and Z, or haven't you told the
4 Government X, Y and Z. You can do it that way. But to say, on
5 this date at 8:19 p.m., this is what you said, you're, in fact,
6 cross-examining him with someone else's statement. You're going
7 to get the -- you can get the same result.

8 I just don't want you to -- I don't want to flout the
9 Third Circuit's authority so, please. You can say haven't you
10 told the Government X or Z or Y. You can certainly put it that
11 way if you want to lead him. Or you can say have you told, if
12 you don't want to lead him as much. It's in effect the same
13 question. You're just not conveying the untrue impression that
14 it's his statement.

15 MS. COGGINS: May I use the dates because there are a
16 number of different dates?

17 THE COURT: He's not going to know. But if you want
18 to, sure. Have you ever -- why don't you start by asking him if
19 he's ever and then if he says he doesn't remember, say do you
20 remember maybe and a certain date. Okay.

21 MS. COGGINS: Okay.

22 BY MS. COGGINS:

23 Q Sir, do you remember saying, on a prior occasion, that you
24 sold less than one bundle per day?

25 A I told Pat it varies. It was not in stone that I sold one

1 a day. It was -- it varies from time to time. It's slow, it's
2 fast, different times. I don't know what he took for me to say
3 one. No. Different times it varies.

4 Q Okay. But when you said to the jury before that the least
5 you ever sold was two bundles, you've said different things in
6 the past, is that correct?

7 A It fluctuates. Meaning like sales fluctuate. Fluctuate
8 all the time. So, it's not that I'm not making different
9 changes of the amounts, it was just that sometimes it
10 fluctuates. I don't know what they took of it.

11 Q So then the least amount of crack that you ever sold, you
12 don't even know?

13 A Yes.

14 Q You also said -- I believe you brought up a couple
15 different names of people who sold for allegedly sold for my
16 client. You said that one of them was Ant, is that correct?

17 A Correct.

18 Q Do you recall, in the past, telling government agents that
19 Ant never sold drugs for my client?

20 A There's two different Ants, I don't know which one you're
21 talking about.

22 Q Okay. Which one are you talking about --

23 A I'm talking about --

24 Q -- when you said --

25 A There was an Ant that lived in the building and an Ant that

1 didn't live in the building. The picture they showed in
2 evidence today, that's the Ant that used to work for us -- work
3 with us.

4 Q Okay. Do you recall saying that that Ant was someone who
5 had never sold for my client before?

6 A I don't remember that. I don't recall that.

7 Q Do you also recall, on a prior date when you told
8 government agents that Ant sold for Edward Stinson?

9 A Faragali (phonetic) sometimes.

10 Q Now you also --

11 A There was two different Ants. You're getting mixed up.
12 There's two -- there's two different Ants that came through that
13 building. One lived in the building and one didn't live in the
14 building. So, it was two different Ants.

15 MS. COGGINS: May I have one second, Your Honor?

16 THE COURT: Sure.

17 (Pause)

18 BY MS. COGGINS:

19 Q Now the person that you know as the -- who you're
20 testifying now today, sold for my client, was that Anthony?

21 A We just call him Ant.

22 Q So the one that you're testifying about, that's the person
23 you identified on the screen, is that correct?

24 A Yes.

25 Q And do you recall telling somebody, the Government, prior

1 to this, that that Ant never sold for my client?

2 A I don't recall saying that.

3 Q And which of the Ants sold for Edward Stinson?

4 A The skinny --

5 Q The one you identified?

6 A The one that don't live in the building. I don't know his
7 last name, but he's slimmer. That Ant is thicker. So, it was
8 two different Ants.

9 Q Is there a reason that you never told the Government there
10 were two different Ants?

11 A They didn't ask.

12 MS. OSIRIM: Objection.

13 THE COURT: Overruled.

14 BY MS. COGGINS:

15 Q Never asked?

16 A They never asked.

17 Q Now you also said that Raheen Butler sold for my client?

18 A Who?

19 Q Sheen. Or, I'm sorry, Riddles?

20 A Yes.

21 Q Do you know his name is -- I'm sorry, you're Sheen. Do you
22 know his name is Raheen Butler?

23 A Now I do, yes.

24 Q Well you've known that for a while, correct?

25 A I heard it, but I don't remember.

1 Q Now you said here that he would sell for my client, but
2 prior to July 14th of 2016, would it surprise you to learn that
3 all the time that you talked to the Government, you never
4 mentioned his name before?

5 A They never asked.

6 Q Well they would ask you --

7 A But they knew him -- they probably knew him as a different
8 name. I knew him as Riddles, they knew him as the name you
9 said. So, I don't know. I don't recall that.

10 Q Well they would ask you who sold for my client, correct?

11 A Well Riddles -- Riddles, at that time, was out of the
12 picture. He wasn't at --

13 Q At what time?

14 A Around the time that you're saying that they said that they
15 never asked. They was more asking for anything that was
16 recently, frequently, around the investigation time. They
17 didn't ask about Riddle. They probably knew him under a
18 different name. I don't understand.

19 THE COURT: Mr. Chandler, do you recall ever telling
20 the Government that someone called Riddles sold for Juan Jarmon?
21 Yes or no?

22 THE WITNESS: No.

23 THE COURT: Okay. You don't recall?

24 THE WITNESS: No.

25 THE COURT: Okay.

1 BY MS. COGGINS:

2 Q Also, you've testified here, on your direct examination,
3 that someone named Mike sold for my client, correct?

4 A Yes.

5 Q Is there only one Mike?

6 A That I know of, yes.

7 Q The only that you talk about, right, in all these
8 statements?

9 A Yes.

10 Q Okay. Do you recall talking with a government agent in
11 February of 2014 -- I'm sorry, February --

12 THE COURT: Go ahead.

13 BY MS. COGGINS:

14 Q Do you recall talking to the Government in the past and
15 telling them that Mike Ferrell was not involved in drug
16 trafficking?

17 A I don't recall that.

18 Q You didn't say that?

19 A I mean -- I don't recall that. I don't recall not telling
20 them about Mike. They all was involved. I don't understand
21 that.

22 Q That wasn't my question. Do you recall, specifically,
23 telling them that Mike Ferrell was not involved in drug
24 trafficking?

25 A They knew about Mike. So, I wouldn't say I didn't tell

1 them.

2 Q Sir, if you would just answer my question. Do you recall,
3 specifically stating to the Government, back in January of 2000-
4 -- now I forget.

5 THE COURT: It was actually February.

6 BY MS. COGGINS:

7 Q I'm sorry. February of 2014. We're talking about five
8 years ago. Do you recall telling the Government, specifically,
9 Mike Ferrell is not involved in drug trafficking?

10 A I don't recall telling them that.

11 Q It's possible?

12 A I don't recall telling them that.

13 Q And those were the people that you testified that you can
14 recall sold for my client, is that correct?

15 A Correct.

16 Q Nobody else, correct?

17 A What do you mean nobody else?

18 Q There's nobody else that sold for my client, according to
19 your direct testimony, is that correct?

20 A Correct.

21 Q Now, with regard to these lookouts, you testified to
22 various lookouts. Is it fair to say, sir, that the lookouts
23 were kind of free agents; do you know what I mean by that?

24 A Of course.

25 Q So they would be out there and then they would work for

1 this group or they would work for that group or they would work
2 for two groups --

3 A Of course.

4 Q -- at the same time?

5 A Various at that time.

6 Q They could even work for two different buildings at the
7 same time, correct?

8 A Of course.

9 Q So all they would do is they would sit there, and they
10 would, in some instances, just yell, right, for everybody to
11 know that the police were coming, is that correct?

12 A Incorrect.

13 Q Okay. They would always use telephones --

14 A Yes.

15 Q -- is that correct?

16 A Yes.

17 Q And then they would call whoever it was that they were
18 working for that day, to tell them that -- to watch out?

19 A Yes.

20 Q Now, you testified today that you worked for -- I'm sorry,
21 that Juan Jarmon approached you in the late summer of 2013 and
22 asked you to work for him, do you recall that?

23 A Correct.

24 Q But then you told the jury that you turned him down the
25 first time --

1 A Of course.

2 Q -- correct?

3 A Yes.

4 Q Now you say of course, in the 20 statements that you've
5 given, is there a reason why you never brought that up before?

6 MS. OSIRIM: Objection.

7 THE COURT: Sustained.

8 BY MS. COGGINS:

9 Q Did you ever tell a government agent, prior to your getting
10 up there on the stand, that you refused to work for my client
11 the first time he asked?

12 A I'm sorry. Repeat the question.

13 Q Did you ever tell any government agent, prior to getting on
14 the stand today, that you refused -- you told my client that you
15 would refuse to work for him when he first asked you?

16 A Right. I said I took the second offer not the first.

17 Q But you've never said that before, correct?

18 A They never asked.

19 Q When you talked about the lookouts that you used, you were
20 the one who was responsible to find your own lookouts, isn't
21 that correct?

22 A Incorrect.

23 Q So when you talked to government agents in the past, would
24 you agree with me that on several different occasions, you said
25 that you were the one who would employ the lookouts?

1 A Incorrect.

2 Q So you're saying now that you did not employ the lookouts?

3 A No.

4 Q Sir, did you pay the lookouts?

5 A When I was told to.

6 Q Did you pay the lookouts?

7 A No.

8 Q I'm sorry. You didn't pay the lookouts even when you were
9 told to?

10 A Of course, when I was told to, yes.

11 Q So you paid the lookouts?

12 A When I was told to.

13 Q Now, you testified that there were three lookouts that you
14 used, that you paid to lookout for you, Reds, Paco (phonetic)
15 and Diamond; is that correct?

16 A Correct.

17 Q Do you recall, sir, that in the years 2010 and 2012, that
18 you sold drugs for Edward Stinson?

19 A Correct.

20 Q Now, just the same as we talked about for the lookouts,
21 meaning that there were a whole bunch of lookouts, there were
22 also a whole bunch of sellers, is that correct?

23 A Correct.

24 Q And there were sellers in -- on the 18th floor, there were
25 sellers in buildings, different floors, correct?

1 A Correct.

2 Q You could buy all kinds of stuff during the time that you
3 were working for my client, isn't that correct?

4 A No. You couldn't buy crack cocaine on any floor, you could
5 only buy it on one floor --

6 Q How about --

7 A -- in my building.

8 Q How about the speakeasy, you could --

9 A Of course. Yes.

10 Q You could buy cigarettes, right?

11 A Weed.

12 Q You could buy pot --

13 A Pills.

14 Q -- you could buy PCP?

15 A Yes.

16 Q Everything that you wanted?

17 A And that's it. Uh-huh.

18 Q In both of those buildings, correct?

19 A I'm not sure about the Judson Building. But Hemberger, I
20 knew about that one.

21 Q And there were all kinds of different people involved in
22 all those different transactions, is that correct, selling all
23 those different things?

24 A Of course.

25 Q And they would also use the lookouts, is that correct?

1 A I'm not sure about that.

2 Q Okay. Now, Ant, in the picture that you were shown,
3 Anthony Staggers. I'm not sure if you know his last name --

4 A I don't.

5 Q -- but that was the photo that you identified. He actually
6 sold marijuana in the Blumberg apartments, correct, that's what
7 you told the agents in the past?

8 A Yes.

9 Q So even some of the people that you brought into this were
10 off on their own selling other things?

11 A Only marijuana. Only different -- nothing other than crack
12 cocaine. They couldn't sell crack cocaine in our building.

13 Q Now, you said before, that was interesting, you knew that
14 the phones were being recorded, and how did you know that?

15 A I just had a gut feeling. I wouldn't like to talk over the
16 phone. I told Juan that numerous times. They still didn't
17 listen. Of course, he's my boss so when he called me, I had to
18 answer. But a lot of times I liked him to call me -- I mean not
19 call me, but to come see me, but a lot of times he didn't so.

20 Q Okay. And despite the fact that you felt that the feds
21 were listening to your phone calls, you continued to sell crack
22 cocaine, is that correct?

23 A Of course. I was already in, there was no need for me to
24 get out at that time.

25 Q Well it was illegal, correct?

1 A Of course.

2 Q But you just continued on even though they were listening
3 to everything you were doing?

4 A I was already in. I was already -- whether I'd been in it
5 one week, one day, I still was going to be with them so.

6 Q Now you said that my client, when you were talking to him
7 on the phone, you said in the past, that you only used the terms
8 donuts and cupcakes when referring to crack, do you recall
9 saying that on January 28th?

10 A No.

11 Q Now at the time, sir, you were a crack smoker, is that
12 correct?

13 A No.

14 Q You don't recall stating that in maybe February 28th?

15 A No.

16 Q Do you recall talking to agents, prior to this in February
17 2014, do you recall telling them that only you and another male
18 sold on the 18th floor for the Defendant?

19 A No.

20 Q In addition to that, sir, do you recall telling agents, in
21 the past, that my client, Juan Jarmon, would only use red
22 packets?

23 A No.

24 Q Never said that to the Government?

25 A He mainly stayed with red, but he used different colors.

1 So, it didn't -- it didn't --

2 Q No, I'm saying did you specifically say to the Government
3 that my client only sold in red packets?

4 A No.

5 MS. COGGINS: Thank you, Your Honor.

6 THE COURT: Ms. Osirim.

7 MS. OSIRIM: Just a brief redirect, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. OSIRIM:

10 Q Mr. Chandler, we talked about a variety of people during
11 your direct examination.

12 A Of course.

13 Q When we were talking about lookouts, you mentioned Paco,
14 Diamond, Reds and Ants, is that correct?

15 A Yes.

16 Q And were there other people occasionally who served as
17 lookouts for you and the other shift sellers who worked for Juan
18 Jarmon?

19 A Yes.

20 Q We also talked about the people who you knew to have worked
21 as shift sellers and you mentioned Dottie and Taft, you
22 mentioned Michael and you mentioned --

23 A Riddles.

24 Q -- Riddles.

25 A Correct.

1 Q Were there other people who occasionally came in and
2 supplemented and sold during shift times?

3 A Jay, Jamie, Kima, various people.

4 Q During the course of your time working as a shift seller
5 for Juan Jarmon, if a lookout didn't show up for their shift,
6 what would you do?

7 A Get a replacement or not sell.

8 Q So there were some times when you would be able to find a
9 replacement, but if you couldn't, you just wouldn't sell?

10 A Exactly.

11 Q Okay. And other than that, were the lookout people
12 selected by Juan Jarmon to serve as lookouts?

13 A Yes.

14 MS. COGGINS: Objection. Leading.

15 THE COURT: Asked and answered.

16 BY MS. OSIRIM:

17 Q You mentioned previously in talking on cross-examination
18 with Ms. Coggins, that there were other activities in the
19 Hemberger Building where people could buy other kinds of drugs.
20 If people wanted to buy crack cocaine in the Hemberger Building,
21 where could they buy it?

22 A 18th floor.

23 Q Was that the only place that they could buy crack cocaine
24 at the time you were working for Juan Jarmon?

25 A Yes.

1 MS. OSIRIM: Court's indulgence.

2 THE COURT: Yes.

3 MS. OSIRIM: Nothing further. Thank you, Mr.
4 Chandler.

5 THE WITNESS: Okay.

6 THE COURT: Very briefly.

7 MS. COGGINS: Yes, Your Honor.

8 RECROSS-EXAMINATION

9 BY MS. COGGINS:

10 Q Sir, you have no idea what was going on in the Judson
11 Building, is that correct?

12 A No.

13 Q You testified before you don't know what they sold over
14 there, correct?

15 A Right. Correct.

16 Q And also, Ms. Osirim asked you the question about Taft.
17 You never mentioned Taft in your direct examination, correct?

18 MS. OSIRIM: Objection.

19 THE COURT: Sustained.

20 BY MS. COGGINS:

21 Q Sir, when you listed the people that were selling along
22 with you for my client and I asked you this on cross-
23 examination, you said Raheen Butler, correct? You said Dottie
24 Good, is that correct?

25 A Yes.

1 Q And --

2 THE CLERK: A juror is waving, trying to get your
3 attention, Judge.

4 THE COURT: Do you need a break?

5 JUROR: Judge, can I just take five minutes, please?

6 THE COURT: I'm sorry?

7 JUROR: I'm on pressure pill. I need to use the
8 bathroom. I'm sorry.

9 THE COURT: All right.

10 MS. COGGINS: I have one question, Judge, and that's
11 it.

12 THE COURT: Go ahead.

13 MS. COGGINS: Thank you.

14 BY MS. COGGINS:

15 Q And Ant, is that correct?

16 A Correct.

17 Q Those were the three people that you testified on direct
18 sold for Juan Jarmon?

19 MS. OSIRIM: Objection.

20 THE COURT: Do you recall that?

21 THE WITNESS: I thought it was more. I'm sorry.

22 THE COURT: Okay. That's it. All right. Ladies and
23 gentlemen, I'm going to send you home. You're not to talk about
24 this case or anybody talk about it with you, not to investigate,
25 text, email, look at the internet, look at TV or radio. Thank

1 you all. Go ahead, go.

2 THE BAILIFF: All rise.

3 THE COURT: I'll see you tomorrow so we can begin at
4 9:30.

5 (Jury out at 4:24 p.m.)

6 THE COURT: Please be seated. Thank you, Mr.
7 Chandler. You're free to go.

8 THE WITNESS: Okay.

9 THE COURT: Just so the record is clear as to how much
10 leeway I gave Ms. Coggins. You actually said in the 20 plus
11 statements you've given to the Government you never said X or Y.
12 He didn't give 20 statements to the Government. Those are
13 statements from the agents that recorded them. But that's what
14 I mean by you treated them as though they were his statements.
15 But I believe you got all the questions in anyway. Is there any
16 -- what do we have for tomorrow?

17 MS. OSIRIM: We're going to start with another
18 cooperating witness first thing in the morning, Your Honor.
19 Following that, we will have testimony from DEA Special Agent
20 Patrick Trainor on certain of the controlled buys. We'll have
21 to recall --

22 THE COURT: You certainly can cross-examine Mr.
23 Trainor with any of the 302s that he recorded, as you suggested
24 at sidebar you would do. You're certainly free to do that.

25 MS. COGGINS: Thank you, Your Honor.

1 MS. OSIRIM: We'll recall Ms. Cardone for others of
2 the controlled buys, and we have two chemists coming down from
3 New York tomorrow morning.

4 THE COURT: Two chemists, yes.

5 MS. OSIRIM: Two chemists. We'll have to figure out
6 if we think --

7 THE COURT: If you have to take them -- Ms. Vitale and
8 I can't remember the name of the other.

9 MS. OSIRIM: Yes.

10 THE COURT: If you have to take them out of order, we
11 will take them out of order. Okay. Anything else we need to
12 put on the record?

13 MS. COGGINS: No, Your Honor.

14 THE COURT: All right. My thanks to counsel, as well,
15 Marshal.


16 THE BAILIFF: All rise.

17 (Proceedings adjourned at 4:26 p.m.)
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CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: March 21, 2019



Jessica B. Cahill, CER/CET-708

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : Case No. 17-CR-00072-PD-1
Plaintiff, :
 :
vs. : Philadelphia, Pennsylvania
 : March 8, 2019
JUAN JARMON, : 9:45 a.m.
 :
Defendant. :
 :
. :
. :

TRANSCRIPT OF JURY TRIAL - DAY 4
BEFORE THE HONORABLE PAUL S. DIAMOND
UNITED STATES DISTRICT JUDGE

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1 MARCH 8, 2019

9:45 A.M.

2 THE CLERK: All rise. Court is in session. The
3 Honorable Paul S. Diamond presiding.

4 THE COURT: Please be seated everybody. Good morning.

5 MS. OSIRIM: Good morning, Your Honor.

6 MR. MAIATICO: Good morning, Your Honor.

7 THE COURT: How -- if you can estimate, Ms. Osirim or
8 Mr. Maiatico, how much longer does the Government expect to take
9 in presenting this case?

10 MS. OSIRIM: For today, we would take --

11 THE COURT: No, no, to the end of your case.

12 MS. OSIRIM: I believe that we will finish on Monday.

13 THE COURT: At a particular time on Monday, afternoon,
14 morning?

15 MS. OSIRIM: Presumably in the afternoon.

16 THE COURT: Okay. If you present a defense, Ms.
17 Corrigan (sic phonetic), how long?

18 MS. COGGINS: I'm sorry, Ms. Coggins.

19 THE COURT: I'm sorry. It's early. Ms. Coggins --

20 MS. COGGINS: Yes.

21 THE COURT: -- if you present a defense, how long do
22 you anticipate it would take?

23 MS. COGGINS: It wouldn't go past Monday, Your Honor.

24 THE COURT: Okay. All right. Then I hope to have for
25 you, sometime this afternoon, a first draft of the final

1 instructions. It'll be emailed to you by my clerk. You can
2 discuss it among and between counsel, and if you have proposed
3 changes, you're certainly free to send them to my clerk, and we
4 can discuss it on Monday. I'm assuming the final speeches will
5 wait until Tuesday, and that's only assuming the Government is
6 correct in its estimate, and Ms. Coggins is correct in her
7 estimate.

8 Anything anybody wants to put on the record?

9 MS. COGGINS: Your Honor, in this case, yesterday I was
10 able to read mental health records for one of the Commonwealth
11 witnesses cooperating co-Defendant.

12 THE COURT: Government?

13 MS. COGGINS: I'm sorry, you --

14 THE COURT: you said Commonwealth witness.

15 MS. COGGINS: Sorry, Judge, I keep --

16 THE COURT: Understood.

17 MS. COGGINS: -- the Government's witness.

18 THE COURT: Yeah.

19 MS. COGGINS: I would like to introduce those records
20 and seeing as I was just able to read it yesterday, I obviously
21 would have to get the witness in to authenticate those records,
22 if Your Honor deems that they would be admissible in this case.

23 THE COURT: Is this -- is this Ms. Good?

24 MS. COGGINS: Uh-huh.

25 MR. MAIATICO: It's in reference to Ms. Good, yes --

1 THE COURT: And --

2 MR. MAIATICO: -- Your Honor.

3 THE COURT: -- I just assumed you would cross-examine
4 her with them. Is that a problem?

5 MS. COGGINS: Not for me, Your Honor.

6 MR. MAIATICO: Your Honor, the -- the records at issue
7 here are -- it has been disclosed that she is under psychiatric
8 care. The records at issue are both 30-some-odd pages of 10-
9 year-old Social Security Disability records.

10 THE COURT: So?

11 MR. MAIATICO: -- which we believe have no relevance
12 here. They weren't prepared by --

13 THE COURT: Well, are they -- or do they -- do they say
14 she's physically or mentally disabled?

15 MS. COGGINS: Mentally.

16 MR. MAIATICO: It addresses some of those issues, that
17 whether or not the --

18 THE COURT: Which -- which issue?

19 MR. MAIATICO: That -- of mental health issues.

20 THE COURT: You're certainly free to cross-examine her
21 with those.

22 MS. COGGINS: Thank you, Your Honor.

23 THE COURT: Anything else?

24 MR. MAIATICO: Nothing further, Your Honor.

25 THE COURT: All right.

1 MS. COGGINS: No, Your Honor.

2 THE COURT: Let's bring the jury in. Ms. Corrigan, I
3 said Ms. Corrigan and you said Commonwealth, I can --

4 MS. COGGINS: And C1 and D1, I keep --

5 THE COURT: Perfect.

6 (Pause)

7 THE COURT: Who will examine the next witness?

8 MS. OSIRIM: I will, Your Honor.

9 THE COURT: Okay.

10 (Pause)

11 MS. COGGINS: Is there any way, Judge, that the
12 computer could go down? I can't see the witnesses that are
13 testifying.

14 THE COURT: Nelson, you think you could --

15 MS. COGGINS: Thank you.

16 THE COURT: -- give it a shot.

17 THE CLERK: That's the low end.

18 THE COURT: Is that it?

19 THE CLERK: Yeah. There's no --

20 MS. COGGINS: It doesn't fold?

21 THE CLERK: I could probably --

22 THE COURT: If the witness is looking at the -- you may
23 just have to --

24 MS. COGGINS: That's fine.

25 THE COURT: -- sit elsewhere because it's going to have

1 to come back up, if --

2 MS. COGGINS: Yes, that's fine, Your Honor. Thank you.

3 THE COURT: Okay. What if we moved it around to the
4 other side of the -- so it's not -- could you try that, Nelson,
5 just move it around.

6 MS. OSIRIM: Is the jury able to see the witness with
7 it there?

8 THE COURT: Well, if -- right there, yeah. I think the
9 jury can still see the witness.

10 MR. MAIATICO: Mind if we just --

11 THE COURT: Go ahead. Give it a shot.

12 MR. MAIATICO: -- double-check that, Your Honor?

13 THE COURT: Why don't you sit in the witness box.

14 MR. MAIATICO: It's going to be hard.

15 THE COURT: Yeah, right.

16 (Jury in at 9:51 a.m.)

17 THE COURT: Welcome back. Please be seated.

18 Ms. Osirim.

19 MS. OSIRIM: The Government calls Ms. Dottie Good.

20 (Pause)

21 THE CLERK: Please remain standing and raise your right
22 hand.

23 DOTTIE GOOD, GOVERNMENT'S WITNESS, SWORN

24 THE CLERK: Please state your full name for the record,
25 spelling your last name.

1 THE WITNESS: Dottie Good, G-O-O-D.

2 THE COURT: Okay. Please be seated, Ms. Good.

3 Can the jury see the witness or is the screen blocking?
4 You can see her? Excellent.

5 Ms. Good, if you could leave -- move your chair forward
6 as much as possible and speak as loudly as you can into the
7 microphone.

8 Ms. Osirim.

9 DIRECT EXAMINATION

10 BY MS. OSIRIM:

11 Q Good morning, Ms. Good. How are you this morning?

12 A I'm fine.

13 Q Could you introduce yourself to the ladies and gentlemen of
14 the jury?

15 A My name is Dottie Good.

16 Q Ms. Good, where are you from originally?

17 A Columbus, Ohio.

18 Q And how old were you when you first moved to Philadelphia?

19 A I was around 5 or 6.

20 Q Where did you live at that time?

21 A Back and forth from like shelters.

22 Q And who were you living with when you first moved to
23 Philadelphia?

24 A My mom, my brother, and sister.

25 Q Okay. Have you remained in Philadelphia since moving here

1 during the time that you were 5 or 6?

2 A Yes.

3 Q How far did you go in school?

4 A I completed the 11th grade.

5 Q What high school did you attend?

6 A I attend Dobbins and Olney High School.

7 Q After you left in the 11th grade, did you ever earn a GED
8 after that point?

9 A No.

10 Q Okay. How old are you as you sit here today, Ms. Good?

11 A I'm 32.

12 Q Okay. Ms. Good, is there anyone in this courtroom here
13 today that you recognize this morning?

14 A Yes.

15 Q And who is that?

16 A Juan Jarmon.

17 Q Can you tell us what that individual is wearing?

18 A A black button up with a tie.

19 Q Okay.

20 MS. OSIRIM: Let the record reflect that the witness
21 has identified the Defendant, Juan Jarmon.

22 THE COURT: Yes.

23 BY MS. OSIRIM:

24 Q Ms. Good, how do you know Juan Jarmon?

25 A From the Blumberg projects.

1 MS. OSIRIM: Can we show the witness Government's
2 Exhibit 103. That's to be published to the jury as well.

3 BY MS. OSIRIM:

4 Q Ms. Good, is there an image that appears on the screen in
5 front of you?

6 A Yes.

7 Q And do you recognize what's depicted in that photograph?

8 A Yes, it's the Blumberg building with the security roof.

9 Q And is that part of the Blumberg projects that you just
10 mentioned?

11 A Yes.

12 Q And this is where you know Juan Jarmon from?

13 A Yes.

14 Q When did you first meet Mr. Jarmon?

15 A Oh, I used to sit out in front of the projects on the wall
16 and sell loose cigarettes. I first met him, I think, it's like
17 24th and Oxford, at the Chinese store.

18 Q Around when was that? Was that -- do you know what year
19 that was?

20 A 2013.

21 Q Okay. And you said you used to sit in front of the building
22 and sell loose cigarettes; is that correct?

23 A Yes.

24 Q Why were you sitting out in front of this building? Did you
25 live there?

1 A Yes, I was currently staying there with my girlfriend and
2 her son.

3 Q Okay. And you met Ms. -- you met Juan Jarmon, you said, at
4 a store?

5 A Yes.

6 Q Where was that?

7 A Around the corner from the projects.

8 Q And what, if anything, did you guys discuss when you first
9 met?

10 A Like just basically like if I wanted to make any money, he
11 was trying to open up the Hemberger Building on the 18th floor.

12 THE COURT: I'm sorry, I'm having trouble hearing you.
13 Could you --

14 THE WITNESS: That he was trying to open up the
15 Hemberger Building on the 18th floor and needed workers.

16 BY MS. OSIRIM:

17 Q When you say he asked you if you wanted to make any money,
18 did he tell you what he wanted you to do?

19 A Yes, sell crack.

20 Q Okay. Did you agree to sell crack cocaine for him?

21 A Yes.

22 Q How much, if at all, did he promise to pay you for selling?

23 A It was like 300 because, at that time, he didn't have like
24 no workers, so I was like the only one.

25 Q Okay. And he said he would give you \$300. Was that for the

1 hour, for the night, for the week?

2 A I think that was like for the week.

3 Q For the week?

4 A Uh-huh.

5 Q Were you agreeing to work for him all day every day or for
6 certain periods of the day?

7 A For overnight.

8 Q Overnight. Do you remember what hours you agreed to work?

9 A From 12 to 8.

10 Q From 12 a.m. to 8 a.m.?

11 A Yes.

12 Q Okay. After you started working for him, what was that
13 like? Who supplied you with the crack cocaine to sell?

14 A Juan Jarmon.

15 Q And how much crack cocaine would he give you, do you know?

16 A 250; packs of nickel bags and --

17 Q So he gave you \$250 worth of drugs?

18 A Yes.

19 Q And the -- there were individual packets in that amount?

20 A Yes.

21 Q And when you say nickel bags, what does that mean? How much
22 would you sell that bag for?

23 A \$5.

24 Q Okay. When you worked this overnight shift, where would you
25 conduct drug sells?

1 A On the 18th floor.

2 Q Okay. And were you standing out in the hallway or did you
3 conduct sales in apartments, or in the elevator, or in the
4 stairwell?

5 A No, I was out in the hallway.

6 Q Okay. Was there anyone who worked during the time of your
7 shifts to direct customers, to -- or to contact you if police
8 were approaching?

9 A Yes, lookouts, Paint Job and Diamond usually.

10 Q Okay. And they would -- where would they sit during your
11 shift?

12 A Right in front of the building like on the wall.

13 Q Were they able to see who was coming and going from where
14 they were sitting?

15 A Yes.

16 Q How would they get in contact with you if they needed to
17 tell you about someone coming into the building?

18 A They used like cell phones.

19 Q Okay. So, they would call you?

20 A Yeah.

21 Q If they called you and said police are approaching, what
22 would you do?

23 A I went inside Sharita's house or, you know, just sit down
24 until they would leave, and they would tell me when they'd come
25 back out the building that it's clear.

1 Q You just mentioned someone named Sharita. Do you know her
2 full name by any chance?

3 A Sharita Bailey, I think.

4 Q And where did she live at that time?

5 A On the 18th floor.

6 Q So, you wouldn't leave the building; you would go into an
7 apartment on the 18th floor?

8 A Yes.

9 Q Okay. When lookouts worked with you during a shift and
10 provided this information to you, did they get paid?

11 A Yes.

12 Q And would you pay them directly at the conclusion of your
13 shift?

14 MS. COGGINS: Objection. Leading.

15 THE COURT: Overruled.

16 THE WITNESS: No.

17 BY MS. OSIRIM:

18 Q Who paid them?

19 A Juan.

20 Q During a shift, you said you were supplied with about \$250
21 worth of crack cocaine; is that right?

22 A Yes.

23 Q If you sold the entirety of that amount, would you end your
24 shift, or would you be resupplied with more drugs to sell?

25 A I was resupplied with more drugs to sell.

1 Q How would you get more drugs to sell during that shift?

2 A I would call him, and he would either bring it or send like
3 someone else.

4 Q When you say him, who are you referring to?

5 A Juan.

6 Q Okay. At the end of the shift, if you had not finished
7 selling off all of the drugs that you've been supplied with, who
8 did you give those drugs to?

9 A Either Juan or the next person on the shift.

10 Q Okay. And at the end of a shift, after collecting money in
11 exchange for the drugs that you sold that shift, who would you
12 give that money to?

13 A Juan.

14 Q Okay. Were there certain periods of time here you sold more
15 crack cocaine than others in a given month?

16 A Like around the first of the month, like when checks and
17 stuff like that came out, it usually would be busy.

18 Q Okay. And were there certain times of the month that were a
19 little slower?

20 A Like the middle and the end of the month.

21 Q So on the busiest of times, about how much -- how many
22 bundles would you sell?

23 A Sometimes about like three, maybe four.

24 Q Okay. And in the slower periods, about how much would you
25 sell?

1 A One, one and a half maybe, maybe two.

2 Q Okay. You mentioned that when you first agreed to sell
3 crack cocaine from Juan Jarmon, he said that he would pay you
4 around \$300 for the week; is that right?

5 A Yes.

6 Q After the first week of selling for him, did he pay you
7 \$300?

8 A No.

9 Q What did he pay you?

10 A Probably, like 150 or 200.

11 Q Okay. And what did you do after that? Did you continue to
12 sell?

13 A Yes.

14 MS. COGGINS: Objection. Leading.

15 THE COURT: Overruled.

16 BY MS. OSIRIM:

17 Q During the next few weeks that you worked with him, did he
18 pay you the \$350 for your overnight shift?

19 A No.

20 Q What happened instead?

21 A I either got half or I had to sell the packs to get my
22 money, like I had to make my money by selling.

23 Q What does that mean you had to make your money by selling?

24 A I had to sell a bundle in order to get paid. I didn't get
25 like cash.

1 Q So if he instructed you to sell an additional bundle to get
2 paid, would you get to keep that money that you made during the
3 sale of that bundle?

4 MS. COGGINS: Objection. Leading.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 THE COURT: I'm sorry, I didn't hear the answer.

8 THE WITNESS: Yes.

9 THE COURT: Okay.

10 BY MS. OSIRIM:

11 Q Did there come a point in time where you confronted Juan
12 Jarmon about not having been paid that you were promised?

13 A Yes.

14 Q And what happened during that conversation?

15 A We got into an argument, which led to like a fight, and he
16 dug his hand in my pocket to retrieve the money that was supposed
17 to be mines, and we like was tussling for a while and like the
18 pants pocket of my pants was ripped off, and then like I hit my
19 head on the corner of the table in Sharita house, and I had to go
20 to the hospital.

21 Q I want to back up just a bit just to make sure we all
22 understand. When you say that he -- that you had money in your
23 pocket, he was reaching for your pocket, where did that money
24 come from?

25 A It was supposed to be my pay.

1 Q And why do you believe that was supposed to be your pay?

2 A Because it's been over like a week and a half, two weeks

3 since I got paid.

4 Q And was that money that you had earned from selling drugs

5 that day?

6 A Yes.

7 Q And had you been told by Juan Jarmon that you could keep

8 what you sold that day?

9 MS. COGGINS: Objection. Leading.

10 THE COURT: Overruled.

11 THE WITNESS: He told me that he was going to basically

12 pay me when he got ready to, like he said I'll pay you, you know,

13 I got other things to do.

14 BY MS. OSIRIM:

15 Q So what happened when you finished that shift?

16 A I went to the hospital.

17 Q Immediately after finishing that shift or did you have a

18 conversation with him?

19 MS. COGGINS: Objection. Leading.

20 THE COURT: Overruled.

21 THE WITNESS: Never really had a --

22 THE COURT: Wait, wait, wait. Overruled. Ask the

23 question again please.

24 BY MS. OSIRIM:

25 Q What happened when you finished that shift?

1 A I was told to go to the hospital, and like he was like
2 nervous like thinking I was going to like call the cops, but
3 Sharita and the other one -- other people that was in the house
4 said that I needed to go to the hospital because my eye wouldn't
5 stop bleeding.

6 Q I just want to back up, just to the point where you're
7 selling drugs on that day.

8 A Yes.

9 Q Okay. So, you had said that you had sold drugs and you had
10 earned an amount of money for those drugs; is that right?

11 A Yes.

12 Q As soon as you finished selling drugs, where did you go?

13 A To the hospital. Are you talking about the day that --
14 after it happened?

15 Q No, I'm talking about prior to it happening. Did you have a
16 -- did you have a conversation with Juan Jarmon after you
17 finished that shift?

18 A No.

19 Q You talked about an argument that you had in someone's
20 house. Was that --

21 A Right.

22 Q -- after you finished that shift?

23 A Yes.

24 Q Okay. So, it was after you had sold some drugs that you
25 were supplied with by Juan Jarmon; is that right?

1 A Yes.

2 Q Okay. And when you had that conversation, did you believe
3 that the money in your pocket was your money?

4 A Yes.

5 MS. COGGINS: Objection.

6 BY MS. OSIRIM:

7 Q Did anyone suggest to you that the money in your pocket was
8 not your money?

9 A Juan.

10 Q What did he say?

11 A He said that it was his and like basically give it to him,
12 and he would pay me.

13 Q Okay. And did you give it to him?

14 A No, I was like trying not to because I worked and, you know,
15 it was supposed to be my pay time, and I've been patient, and I
16 was waiting, and I didn't want to give it up, and we got into a
17 little fight.

18 Q When you say you had been patient and you were waiting, what
19 does that mean?

20 A I was supposed to got (sic) paid the last week and I didn't
21 get paid.

22 Q Had there been a period of weeks in which you had not been
23 paid?

24 MS. COGGINS: Objection. Leading.

25 THE COURT: Overruled.

1 THE WITNESS: Missed the two.

2 BY MS. OSIRIM:

3 Q There had been two weeks in which you had not been paid?

4 A Yes.

5 Q And you'd been working the overnight shift every day for

6 those two weeks?

7 A Yes.

8 Q Okay. So, when he said that this money was his and reached

9 for your pocket, what did you do?

10 A I was grabbing onto my pocket while he was pulling onto my

11 pocket, but he did -- like overpowered me and I flung, like he

12 flung me, and I hit my head on the corner of the table in

13 Sharita's house.

14 Q Okay. You said he flung you and you hit your table (sic).

15 Can you describe for us what that was like?

16 A Like scared.

17 Q Did he have his hands on you at that time?

18 A I -- it was just like a push and I flew.

19 Q Into the table? What happened to you after you were pushed

20 into the table?

21 A My eye started bleeding real bad, and he took his money and

22 he left.

23 Q He took the money that was in your pocket?

24 A Yes.

25 Q And he left the apartment?

1 A Yes.

2 Q What did you do next?

3 A I was trying to like wipe the blood, because I was scared to
4 like go to the hospital because, I knew that the cops was going
5 to ask what happened. And then after I kept wiping my eye, it
6 just kept bleeding and bleeding more and more and Sharita and
7 them was like you need to go to the hospital. And I walked to
8 St. Joseph's hospital, that was the closest.

9 Q Were you treated when you got to St. Joseph's hospital?

10 A Yes.

11 Q What, if anything, did the doctors do for you there?

12 A They gave me four to five stitches in my eye.

13 Q Okay. Did you tell the doctors what had happened to you?

14 A No.

15 Q Why not?

16 A Because I was scared. At that time, I'm not from Blumberg,
17 and I heard what they're capable of doing to people that's like
18 outside of Blumberg, so I just was like I had an accident.

19 Q After that night, the next day, did you go back to selling
20 crack cocaine for Juan Jarmon?

21 A No, I was -- like I stayed away for a little bit.

22 Q Okay. Why did you stay away?

23 A Because I was still like kind of scared.

24 Q Okay. Did there come a point in time where you resumed
25 crack cocaine for Juan Jarmon?

1 A Yes.

2 Q Why did you do that?

3 A Because he promised that I -- he'd give me the money that he

4 was supposed to pay, because I didn't get the pay yet.

5 Q Okay. And did he pay you at that time?

6 A Yes.

7 Q How long did you work for him at that time?

8 A Probably, like two, three weeks, maybe.

9 Q Two or three weeks?

10 A Yeah.

11 Q Why did you stop?

12 A Because I just got tired of it.

13 Q What were you tired of?

14 A Like selling drugs and just -- I don't know. I just wanted

15 to take a break. I just wanted to stop.

16 Q After selling for Juan Jarmon, did you ever sell crack

17 cocaine for anybody else later, at another point in time?

18 A Yes.

19 Q Okay. Do you remember around when that was?

20 A Probably 2000 -- like the middle of 2014.

21 Q Okay. And at that point in time, around how long were you

22 selling crack cocaine for?

23 A For about a month.

24 Q Why did you do it again then?

25 A Because at the time, like I needed the money.

1 Q Did you have any other job at that time?

2 A No, I'm on Social Security.

3 Q Okay. Ms. Good, the first time that you started selling

4 crack cocaine for Juan Jarmon, how many weeks did you work or how

5 many months did you work?

6 A When I first started, probably about a month and a half.

7 Q Okay. So about six weeks?

8 A Uh-huh.

9 Q Okay. Do you have any prior criminal convictions, Ms. Good?

10 A Yes, I do.

11 Q And do you know what they're for?

12 A One marijuana and two crack cases, drug cases.

13 Q Have you already been sentenced in connection with those

14 cases?

15 A Yes.

16 Q And have you served the sentences in connection with those

17 cases?

18 A As of 2020, I'll be done with my probation.

19 Q For those state cases?

20 A Yes.

21 Q Okay. Were you also charged federally with conspiring with

22 Juan Jarmon to sell 280 grams or more of crack cocaine?

23 A No.

24 Q You weren't charged federally by the government?

25 A Oh, yes, yes.

1 Q Okay. Were you charged with conspiring to sell 280 grams or
2 more of crack cocaine?

3 A Yes.

4 Q And were you also charged with a series of distribution
5 counts in connection with that case?

6 A Yes.

7 Q Have you -- are you proceeding to trial in that case?

8 A No.

9 Q Have you pled guilty?

10 A Yes.

11 Q And did you plead guilty pursuant to a plea agreement in
12 that case?

13 A Yes.

14 Q Okay. Is that an agreement that you went over with your
15 attorney?

16 A Yes.

17 Q And something you both reviewed and signed?

18 A Yes.

19 Q Do you understand what the possible maximum sentence is that
20 you face in connection with that federal charge?

21 A Yes.

22 Q And do you know what that is?

23 A Ten years.

24 Q Is ten years the mandatory minimum amount of time that you
25 face?

1 A Ten years to life.

2 Q Okay. Ten years to life is what you're facing in connection
3 with that case?

4 A Yes.

5 Q Okay. Who, if you know, will ultimately determine the
6 sentence that you get in that case?

7 A Judge Diamond.

8 Q Okay. And has the Government made any promises to you about
9 what sentence you'll get in that case?

10 A No.

11 Q Have you agreed to cooperate with the Government as part of
12 that plea agreement?

13 A Yes.

14 Q And what is your understanding of what would happen if you
15 testified falsely here today?

16 A You would be arrested for telling a lie.

17 Q Okay. Why did you sign that plea agreement? What did you
18 hope to get from it?

19 A I just -- I wanted to tell the truth and -- I just wanted to
20 tell the truth.

21 Q Were you hoping that you might get some leniency in terms of
22 the sentence that would ultimately be given to you?

23 A Yes.

24 Q Okay. As best as you understand it, what does your plea
25 agreement require you to do?

1 A Tell the truth.

2 Q Is that what you've done here this morning, Ms. Good?

3 A Yes.

4 Q Okay.

5 MS. OSIRIM: Your Honor, the Court's indulgence.

6 BY MS. OSIRIM:

7 Q Are you all right, Ms. Good?

8 A Yes.

9 Q I just wanted to show you one photograph. Is that all

10 right?

11 A Yes.

12 Q Okay.

13 THE COURT: Why don't we --

14 MS. OSIRIM: Your Honor, may I --

15 THE COURT: -- why don't we take a short break?

16 MS. OSIRIM: Okay.

17 THE BAILIFF: All rise.

18 (Jury out at 10:11 a.m.)

19 THE COURT: Okay. Please be seated. You take your

20 time, Ms. Good. And have a glass of water and when you're ready

21 to proceed, we'll wait for you, okay?

22 Okay. Go ahead, you can approach the witness.

23 (Recess at 10:12 a.m., recommencing at 10:27 a.m.)

24 THE COURT: -- under oath. Please bring the jury in.

25 Please be seated, everyone. Bring the jury in.

1 (Pause)

2 THE BAILIFF: Please stand for the jury.

3 (Jury in at 10:28 a.m.)

4 THE COURT: Okay. Please be seated, everybody.

5 Yesterday, one of you needed -- one of you needed a comfort
6 break. If you need one, don't be heroic, just let me know and
7 we'll take a comfort break.

8 Go ahead, Ms. Osirim.

9 MS. OSIRIM: Thank you, Your Honor.

10 BY MS. OSIRIM:

11 Q Ms. Good, I just wanted to ask you about one other thing.
12 During the course of your time selling crack cocaine for Juan
13 Jarmon, did you come to learn that some of the customers to whom
14 you sold were operating undercover on behalf of law enforcement?

15 A No.

16 MS. COGGINS: Objection. Leading.

17 MS. OSIRIM: Okay.

18 THE COURT: Overruled. I'm sorry, I didn't hear your
19 answer.

20 THE WITNESS: No.

21 BY MS. OSIRIM:

22 Q Okay. Ms. Good, I'd like to show you a photograph.

23 MS. OSIRIM: Could we show the witness only
24 Government's Exhibit 402?

25 BY MS. OSIRIM:

1 Q It should appear on the screen in front of you. Is there a
2 photograph in front of you?

3 THE COURT: No, there isn't.

4 (Pause)

5 MS. OSIRIM: Did it work?

6 THE COURT: No.

7 MS. OSIRIM: Okay. That's all right.

8 THE COURT: Is it possible it was disconnected when we
9 moved the screen?

10 MS. OSIRIM: It may have been.

11 THE COURT: Okay.

12 BY MS. OSIRIM:

13 Q Ms. Good, can I show you --

14 THE COURT: Hold on. Let's see -- let's see if it was
15 disconnected.

16 THE CLERK: No.

17 THE COURT: Is it on?

18 THE WITNESS: Yeah.

19 THE COURT: There it is.

20 MS. OSIRIM: Do you see it?

21 THE COURT: Oh, he turned it, and it turned on.

22 MS. OSIRIM: The magic of technology.

23 THE COURT: Just press the button, Nelson, at the
24 bottom there, if you would. It turned blue for a second and --
25 it's -- could you jiggle something? This is as high tech I get.

1 That was it. It's on. Just hold it.

2 THE CLERK: Yeah.

3 THE COURT: All right.

4 BY MS. OSIRIM:

5 Q Is the image on the screen now?

6 A Yes.

7 Q Okay.

8 THE COURT: Yes.

9 BY MS. OSIRIM:

10 Q Ms. Good, do you see what has been pre-marked for purposes

11 of identification as Government's Exhibit 402?

12 A Yes.

13 Q Do you recognize the person in that photograph?

14 A Yes.

15 Q How do you recognize that person?

16 A It's me.

17 Q Okay.

18 MS. OSIRIM: No further questions, Your Honor.

19 THE COURT: Do you want the jury to see?

20 MS. OSIRIM: Oh, yeah. Okay. Yes, please.

21 THE COURT: Do you want to move for its admission

22 first?

23 MS. OSIRIM: Yes, please, Your Honor. The Government

24 moves for admission of Government's Exhibit 402 into evidence.

25 THE COURT: Ms. Coggins?

1 MS. COGGINS: I have no objection, Your Honor.

2 THE COURT: All right. It'll be admitted. The jury
3 may see it.

4 (Government's Exhibit 402 received)

5 THE COURT: Okay. Excellent. Thank you.

6 MS. OSIRIM: The Government has no further questions,
7 Your Honor.

8 THE COURT: All right. Ms. Coggins.

9 MS. COGGINS: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MS. COGGINS:

12 Q Good morning, Ms. Good.

13 A Good morning.

14 Q You doing okay?

15 A Yes.

16 Q I'm just going to ask you a couple questions. Now, first of
17 all, you were asked a couple questions about your guilty plea,
18 right?

19 A Yes.

20 Q And you remember, I think, you were -- you signed your
21 guilty plea sometime in February --

22 A 2018.

23 Q -- of 2018; is that correct?

24 A Yes.

25 Q And then you came in front of the Judge to be sentenced; is

1 that correct?

2 A I haven't been sentenced yet.

3 Q No, no, but you went in front of the Judge --

4 A Oh, yes.

5 Q -- do you remember that?

6 A Yes.

7 Q And you were going to be sentenced and then --

8 A Yeah.

9 Q -- the hearing was continued.

10 A Right.

11 Q Do you remember that?

12 A Yes.

13 Q Do you remember why the hearing was continued?

14 MS. OSIRIM: Objection.

15 THE COURT: If she knows.

16 THE WITNESS: I don't know.

17 BY MS. COGGINS:

18 Q No? Do you remember the time there was concern in the

19 courtroom either from your attorney, or the prosecutor, or from

20 the Judge that you were having some mental health issues? Do you

21 recall that?

22 A Yes.

23 Q And then you were then ordered to go and get an evaluation?

24 A Yes.

25 Q Do you recall that?

1 A Yes.

2 Q Okay. And that was sometime around April 16th of 2018 that
3 you went for a mental health evaluation. Do you remember that?

4 A Correct, yeah.

5 Q You went to Einstein Healthcare?

6 A Right.

7 Q And you had been there for some time; is that fair to say?
8 At Einstein Healthcare.

9 A Yes.

10 Q Receiving both psychotherapy and -- so weekly psychotherapy
11 appointments, correct?

12 A Correct.

13 Q And monthly visits with your psychiatrist for medication?

14 A Correct.

15 Q Okay. And you're aware that -- well, you had previously
16 been diagnosed with several different things; mild learning
17 disability, correct?

18 A Correct.

19 Q Mental retardation. Do you recall that?

20 A No. There's a learning disability, not no retardation.

21 Q I'm sorry?

22 A Learning disability, not retardation. I'm not retarded.

23 Q You remember being evaluated all the way back in 2007 -

24 A Correct.

25 Q -- is that correct?

1 A Uh-huh.

2 Q And that's when you signed up for your SSI, correct?

3 A Correct.

4 Q And as a result of that evaluation, at the time, you had to
5 sit and be interviewed by someone; is that correct?

6 A Correct.

7 Q And do you recall, at the time -- you don't recall them
8 telling you that you suffered from mild mental retardation?

9 A No, depression and sleep insomnia. I've never been
10 diagnosed with retardation.

11 Q Okay. Do you recall, at the time, that they found that
12 there were certain things like you were markedly limited in
13 different things, like being able to carry out very short simple
14 instructions?

15 A I don't remember that. I don't remember.

16 Q Okay. All right. But you agree with me that you've been on
17 SSI since 2007 for mental health reasons?

18 A Correct.

19 Q Now, as part of your plea agreement, I'm going to ask you
20 some questions about your plea agreement, okay? If you don't
21 understand, I'll back up and read it to you again.

22 A Okay.

23 Q Okay. So, in this case, when you pled guilty, you had an
24 attorney with you; is that correct?

25 A Correct.

1 Q And the attorney explained to you that you were facing a
2 potential sentence of life in prison; is that correct?

3 A Correct.

4 Q And that is something that you've discussed with your
5 doctor? I'm not going to get into the details, but that's one of
6 the issues that's creating your mental health issues at this
7 point, correct?

8 A My sleep mental health. It's hard to sleep, yeah.

9 Q You're receiving psychotherapy to help manage your anxiety
10 and nightmares around your pending legal case --

11 A Correct.

12 Q -- is that fair to say?

13 A Yeah.

14 Q And that's because you don't want to go to jail?

15 A No.

16 Q Am I right, you don't -- am I correct in saying you don't
17 want to go to jail?

18 A No, not really, just kind of worried about my safety more.

19 Q Your safety how?

20 A From like testifying.

21 Q Now, you said before, touching on a point, that you were
22 worried about your safety by returning to the Blumberg Building
23 after you went to the hospital. Do you recall that?

24 A Yeah, and the only reason that I actually went back was
25 because my girlfriend and son was there.

1 Q Well, no, you went back for another reason, didn't you?

2 A No.

3 Q How about continuing to sell crack cocaine?

4 A That wasn't right away.

5 Q Well, eventually, right?

6 A Eventually, yes. Yeah.

7 Q It was -- it wasn't really what -- let's see, you went to

8 the hospital, and then you were back selling crack cocaine for

9 someone named Will couple --

10 A Correct.

11 Q -- months later?

12 A A couple months later, correct.

13 Q Okay. So, I guess it's relative what's a short period of

14 time, what's a long period of time.

15 THE COURT: Don't argue with the witness.

16 MS. COGGINS: Yes, Your Honor.

17 BY MS. COGGINS:

18 Q You went back for the purpose of living with your girlfriend

19 and selling crack cocaine?

20 A Yeah.

21 Q Okay. So, your fear really only lasted a couple months, if

22 that, correct?

23 A Correct, because I was told not to worry about it, like

24 they --

25 Q Okay. Now, you also testified that you understood that you

1 were looking at, at least, a ten-year mandatory minimum?

2 A Correct.

3 Q Right? So that's ten years, at least, in a federal prison?

4 A Correct.

5 Q Okay. Unless you agree to cooperate; is that correct?

6 A Yeah. Yeah.

7 Q Okay.

8 A I don't know.

9 Q Well, the Government told you, in your plea agreement, that
10 they were not going to file -- the Government agreed not to file
11 an Information pursuant to Section 851, listing the Defendant's
12 prior felony conviction. So, do you understand what that means?

13 THE COURT: I don't think the jury understands what it
14 means.

15 MS. COGGINS: I'm going to, I'm just waiting for the
16 answer --

17 THE WITNESS: No.

18 MS. COGGINS: -- and then I'm going to explain it.

19 THE WITNESS: I don't understand.

20 BY MS. COGGINS:

21 Q No, okay. So, in 851, a section in the United States Code,
22 have you ever heard of a career offender?

23 MS. OSIRIM: Objection.

24 THE WITNESS: No.

25 THE COURT: Overruled.

1 BY MS. COGGINS:

2 Q A career offender means that if someone has two prior, in
3 this case, drug trafficking convictions --

4 A Uh-huh.

5 Q -- that they could be facing a 20-year mandatory minimum in
6 a case, say, for example, that has 280 grams of crack involved in
7 a possession with intent to deliver conspiracy.

8 A Okay. Yeah, I've never heard of it.

9 MS. OSIRIM: Objection.

10 THE COURT: Overruled. If she knows.

11 THE WITNESS: No, I never heard of it?

12 BY MS. COGGINS:

13 Q Do you know that?

14 A No. I know now that you're saying it, yeah.

15 Q Okay. Well, you do know that that's in your plea agreement,
16 that the Government is not going to do that, correct, that
17 they're not going to file for an 851?

18 A Correct.

19 Q Right, because it's right here in your plea agreement,
20 correct?

21 A Correct.

22 Q And that is -- they're going to agree to do that if you
23 testify?

24 A If I tell the truth, correct.

25 Q If you cooperate with the Government, correct?

1 A Yeah, if I tell the truth, correct.

2 Q You also -- the Defendant agrees that if the Government
3 determines that you have failed to cooperate, that all deals are
4 off. Do you understand that?

5 A Yeah, you keep saying cooperate. I was told that I tell the
6 truth.

7 Q Okay.

8 A And by lying, it would result to me going to jail, so that's
9 why I'm up here now.

10 Q So, you're saying you don't understand the word cooperate?

11 A Yeah, I said I understand that, but I'm -- you know, testify
12 and tell the truth.

13 Q Okay. In addition to that, the Government said that they
14 would -- if you didn't cooperate, they would decline to file, not
15 only to get you out from a mandatory minimum, but they're also
16 going to refuse to help you with your guideline range. Do you
17 understand that?

18 A Yes.

19 Q Okay. So, what that means is, you have a certain guideline
20 range that the Judge is to consider in his sentencing, but if you
21 cooperate with the Government, they can ask the Judge to go below
22 your guideline range. That was explained to you?

23 A Yes.

24 Q A decision as to whether you violated the terms of your
25 cooperation is in the sole discretion of the Government; is that

1 correct?

2 A Yes.

3 Q So essentially, if they decide what the truth is, you have
4 to testify to what they believe the truth is?

5 MS. OSIRIM: Objection.

6 THE COURT: Sustained.

7 BY MS. COGGINS:

8 Q The Government determines whether or not you have
9 cooperated; is that correct?

10 A Correct.

11 Q Now, I want to get to some of the things that you talked
12 about. In this case, Ms. Good, you met with the Government agent
13 several times; is that fair to say?

14 A Yes.

15 Q And, in fact, when was the last time you talked to the
16 Government?

17 A About a few weeks ago.

18 Q Okay. Did you talk about the case?

19 A Yeah, they basically was asking how was I doing.

20 Q Okay. And then talked about the -- your testimony, correct?

21 A Yes.

22 Q So you went over what it was that you were going to say,
23 correct?

24 A No.

25 Q What did you talk about?

1 A They asked me how did I feel about it, you know, to tell the
2 truth and then do my best.

3 Q Now, the statements that you've given, the first statement
4 that you gave, you would agree with me, that you were on
5 probation at the time?

6 MS. OSIRIM: Objection.

7 THE COURT: Sustained.

8 THE WITNESS: Yes.

9 THE COURT: Unless she gave a statement, counsel.

10 BY MS. COGGINS:

11 Q Did you speak with the police -- or I'm sorry, with Agent
12 Scott Bayer of the FBI on January 6th of 2014?

13 A Yes.

14 Q And at that time, you were on probation; is that correct?

15 A Yes.

16 Q For possession with intent to deliver?

17 A Yes.

18 Q So, you were in trouble at that point because they met you
19 at your probation officer's --

20 A Correct.

21 Q -- correct?

22 A Uh-huh.

23 Q So, at that point, you decided that you're going to give a
24 statement implicating --

25 MS. OSIRIM: Objection.

1 THE COURT: Sustained. She didn't give a statement;
2 you don't have a statement.

3 BY MS. COGGINS:

4 Q Did you talk to Agent Baver at your probation office about
5 my client?

6 A No, it wasn't just about him. They were just asking me
7 random questions about random people.

8 Q But you did give them information about my client?

9 A Yes.

10 Q Now, in that statement -- I'm sorry, in your second
11 statement --

12 MS. OSIRIM: Objection.

13 THE COURT: Sustained.

14 BY MS. COGGINS:

15 Q Your second verbal statement that you gave to the agents in
16 this case --

17 MS. OSIRIM: Objection.

18 THE COURT: Ms. Coggins, please. You're not doing it
19 right, and you know it. Please.

20 BY MS. COGGINS:

21 Q Did you speak with federal agents on February 16th of 2017?

22 A Yes.

23 Q When you spoke to the agents on that date, you had just
24 gotten out of jail on your second possession with intent to
25 deliver; is that correct?

1 A Correct.

2 Q Plus you were on probation at the time; is that correct?

3 A Correct.

4 Q Did you have a verbal conversation with federal agents on
5 March 27th of 2017?

6 A Yes.

7 Q At that time, when you spoke with the agents, you had just
8 signed a letter stating your intent to cooperate with the
9 Government; is that correct?

10 A Correct.

11 Q Now, in the verbal statements -- I'm sorry. In the
12 conversations that you had with the agents, in this case, what
13 you told them was that you had started working for my client in
14 what month?

15 A I'm not sure of the exact month, but I know it was 2013,
16 spring, summer, something. I don't know.

17 Q Do you remember saying it was April of 2013?

18 A Like I said, it was spring or summer, so yeah.

19 Q So, that's accurate, correct --

20 A Yes.

21 Q -- April 2013?

22 A Correct.

23 Q In speaking with the agent, do you recall telling them that
24 you were selling on the 15th floor of Hemberger?

25 A Yes, it was like back and forth. He went from one apartment

1 to another apartment.

2 Q Do you recall what apartments on the 15th floor you went
3 back and forth between?

4 A It was the girl who actually lived on the 13, but he had
5 them come into the 15 so it wouldn't make the 18 floor like hot.
6 So -- because like if the guards was watching the elevators, they
7 wouldn't see all the people getting off on the 18th floor, so he
8 said to meet on the 15.

9 Q Okay. And so, you sold from April of 2013 on the 15th
10 floor, but you stopped, you say, after you were assaulted?

11 A At -- the assault happened when we was on the 18th floor.

12 Q Now, do you recall telling -- I'm sorry, do you recall, when
13 you spoke with the agents, that you told them that the assault
14 occurred in an apartment on the 15th floor?

15 A No, I said apartment on the 18th floor, Sharita's house.

16 Q Now, after the assault -- so you stopped that day, whatever
17 the date of the assault was, you stopped selling crack cocaine?

18 A Correct.

19 Q And then do you remember telling the agents that you sold,
20 after that, for one week in August of 2013?

21 A Correct.

22 Q And then after that, you went on to sell for someone named
23 Will?

24 A Correct.

25 Q And that's true, correct?

1 A Yes.

2 Q Now, do you remember telling the agents that the assault
3 occurred in late June of 2013?

4 A Yeah, that sounds about right.

5 Q Well, it's surprising that the medical report is from May
6 2013?

7 A Okay, yeah. I got that confused. It was a while ago.

8 Q Now, do you recall also describing this assault as my client
9 choked you and slapped you?

10 A I never said that. I saw we was wrestling for the money out
11 of my pocket, and I was pushed to where I hit my head on the
12 corner of the table. I never said anything about him choking me
13 or slapping me.

14 Q At what point did you describe this whole pulling money out
15 of your pocket?

16 A I don't understand when you say that.

17 Q You're saying you said this before. Do you recall which
18 time -- when you spoke to the agents, which time you brought up
19 this pulling money from a pocket?

20 A Honestly, no, I do not remember, but I do remember
21 discussing it with them.

22 Q Now, with regard to your drug sales, the drug sales that
23 you've been convicted of, they all happened at the Blumberg
24 Building; is that correct?

25 A Yes.

1 Q And do -- you have a possession with intent to deliver from
2 2013; is that correct? And that was January of that year.

3 A Correct.

4 Q And then after that, you're arrested on December 26th of
5 2014, again, for selling drugs, correct?

6 A Correct.

7 Q Now, at that point, in that case, you sold drugs to someone
8 named Bike Lady; is that correct?

9 A Yes.

10 Q And you know Bike Lady because you've sold to Bike Lady in
11 the past; is that correct?

12 A Correct.

13 Q And, in fact, Bike Lady is one of the confidential sources
14 in this case; is that correct?

15 MS. OSIRIM: Objection.

16 THE COURT: Do you know?

17 THE WITNESS: No, I don't know.

18 THE COURT: Okay.

19 BY MS. COGGINS:

20 Q In that case, Bike Lady was arrested too, right?

21 A Right.

22 Q Now, this sale that took place on that date, had you already
23 sat down and spoken to the agents in this case?

24 THE COURT: I don't understand that question. Could
25 you --

1 MS. COGGINS: Sure.

2 BY MS. COGGINS:

3 Q Prior to your arrest on December 26th of 2014, prior to
4 that, had you already started cooperating with the Government?

5 A Yes.

6 Q Because you had sat down with them on January 6th of 2014,
7 correct?

8 A Yes.

9 Q So you had been cooperating with the Government then for
10 that whole prior year?

11 A Yes.

12 Q Giving them information about sales in the building,
13 correct?

14 A Yes.

15 Q Then in September 30th of 2015, again, you're back at
16 Blumberg and you're arrested for possession with intent to
17 deliver, correct?

18 A Correct.

19 Q And, again, you sat down and spoke to the agents prior to
20 this?

21 THE COURT: Prior to what?

22 MS. COGGINS: Prior to this arrest on September 30th of
23 2015.

24 THE WITNESS: No, I don't believe I met with them in
25 2015.

1 BY MS. COGGINS:

2 Q Well, your plea was in January of 2016 --

3 A Correct.

4 Q -- is that fair to say?

5 A Yeah.

6 Q Okay. So, you would have sat down with them prior to

7 January 27th of 2016?

8 A I don't know. I don't remember.

9 Q Okay. Now, do you recall -- when you sat down and met with

10 the agents, do you recall telling them that your fear was going

11 back to jail, that you didn't want to go back to jail?

12 A Correct.

13 Q Do you recall saying that several times?

14 A Yeah.

15 Q And that the agents actually had offered to relocate you if

16 you were afraid of the Blumberg Building. Do you recall that,

17 and they offered to give you money?

18 A They didn't offer me any money. Relocate, yeah, that sounds

19 familiar, but I didn't hear anything about any money.

20 Q But you said no?

21 A Correct.

22 Q Because you weren't afraid?

23 A No, because I was still worried about my relationship at

24 that time.

25 Q Now, in this case, when you -- do you recall what date you

1 were indicted or arrested on this case?

2 THE COURT: Which, indicted or --

3 MS. COGGINS: The scheduled indictment.

4 THE COURT: -- arrested?

5 THE WITNESS: I believe it was like February of 2017 or
6 '18. I don't know, I'm not too sure of like the exact time, but
7 I know it was in February.

8 BY MS. COGGINS:

9 Q How many days have you spent in jail on this indictment?

10 A Two weeks.

11 Q Two weeks and then you got out?

12 A Yeah.

13 Q And when you -- in your prior conversations with the agents,
14 do you recall saying that it was only Juan Jarmon that you dealt
15 with? Do you recall telling them that?

16 A No.

17 MS. COGGINS: Can I just have a moment, Your Honor?

18 THE COURT: Sure.

19 BY MS. COGGINS:

20 Q Do you recall telling them, the agents, that, to your
21 knowledge, Rasheen Chandler, who you probably know as Sheen, was
22 not involved in distributing crack? Do you recall telling them
23 on January 6th, 2014?

24 A Can you repeat that again?

25 Q Sure. Do you recall having a conversation with agents

1 wherein you said to them, to her knowledge, RC, meaning Rasheen
2 Chandler, not involved in distributing crack? Do you recall
3 telling the agents that?

4 A Not that I know of.

5 Q Well, Rasheen Chandler wasn't involved in drugs with you,
6 correct?

7 A No.

8 Q And when you say no --

9 A No. I mean, like yes, he wasn't. Yeah.

10 Q Oh, now -- and when was that?

11 A In 20 -- I believe it was like '13 or the end of 2013.

12 Q The end --

13 A He was like a later person, like a -- like came aboard later
14 on or something like that.

15 Q Right, not while you were working with my client?

16 A Yes.

17 Q Okay. Well, you said you were working with my client, the
18 dates that you said you were working with my client were?

19 A 2013.

20 Q April of 2013, when you started and you ended on May 31st of
21 2013, correct?

22 MS. OSIRIM: Objection.

23 THE COURT: Overruled.

24 THE WITNESS: Correct.

25 BY MS. COGGINS:

1 Q So, if you started working with Sheen or Rasheen Chandler in
2 December of 2013, that's not a time period when you were working
3 with my client, correct?

4 MS. OSIRIM: Objection.

5 THE COURT: Overruled.

6 THE WITNESS: I just know for a fact that we was
7 working together because he started on the shift to -- because he
8 was -- lived on the 18th floor.

9 BY MS. COGGINS:

10 Q In December of 2013?

11 A I'm guessing, if that what you -- yeah.

12 Q No, I'm asking you. It's important, you know, what your
13 testimony is.

14 A I don't know the exact dates and times. It was a while ago,
15 but I do know for a fact that he worked on a shift along with me.
16 He came on later. When one person dropped off, and then he
17 picked up Rasheen.

18 Q So, in late December of 2013, you were selling for Will?

19 MS. OSIRIM: Objection.

20 THE WITNESS: Again --

21 THE COURT: Overruled.

22 THE WITNESS: -- I just said, he came onboard at that
23 time, and I started with Will in, I believe, 2014. I'm not
24 exactly sure the month or the time or anything like that, but I
25 know the year.

1 BY MS. COGGINS:

2 Q Is it fair to say that during the course of your drug

3 dealing, in Norman Blumberg Apartments, you dealt with a lot of

4 people? Fair to say?

5 A No, just three.

6 Q And who were those three?

7 A It was Juan, Will, and Raheen.

8 Q Raheen, who's that?

9 A I don't know his last name.

10 Q You sold for Raheen?

11 A Yeah, but that was only like for maybe a week.

12 Q When was that?

13 A I'm not sure. Like it wasn't like nothing major.

14 Q And you worked with other sellers; is that fair to say?

15 A Yeah, but not nothing major like from when I first started.

16 Q Well, someone named Demetrius?

17 A No.

18 Q No?

19 A No, he worked a shift, but I never worked with no Demetrius,

20 no.

21 Q No with. I'm not talking about for, I mean with.

22 A Oh, okay. Yeah.

23 Q Right? So, you worked with a lot of different shift-

24 sellers; is that fair to say?

25 A Yeah, I guess so.

1 Q You worked with a lot of different lookouts; is that fair to
2 say?

3 A Mainly like Paint Job or Diamond, sometimes Wanda.

4 Q Wanda is Paint Job's wife?

5 A Correct.

6 Q Okay. And these lookouts, do you recall when you sat down
7 and met with the agents, that you said you didn't know anything
8 about lookouts? Do you remember maybe having a conversation in
9 January that you were not aware of the presence or identity of
10 any lookouts because Mr. --

11 A And what year was this?

12 Q 2014.

13 A Okay. Because probably at that time, I wasn't too aware of
14 them.

15 Q Well, this was a lot closer in time to what you were talking
16 about, wasn't it? Let me rephrase that.

17 A Yeah.

18 Q You were talking about what happened in 2013, correct?

19 A Correct.

20 Q And then you were giving a -- you were speaking with the
21 agents in January of 2014, correct?

22 THE COURT: Do you remember?

23 THE WITNESS: No, I honestly don't.

24 THE COURT: Do you have much more?

25 MS. COGGINS: Yes, Your Honor.

1 THE COURT: Okay.

2 BY MS. COGGINS:

3 Q Would you agree with me, ma'am, that your memory is a lot
4 better when it's closer in time to what happened?

5 A No, I wouldn't say that.

6 Q Your memory gets better with time?

7 A No, it gets better with me remembering or thinking back on
8 it, and then I remember better.

9 Q Okay. So, I'm asking you then to think back on what your
10 conversation was with the agents and do you remember telling
11 them, at that time, that you were not aware of the presence of
12 any lookouts from April to May?

13 THE COURT: Do you remember that? Do you remember
14 that?

15 THE WITNESS: No, but then --

16 THE COURT: Okay. Why don't you move on.

17 BY MS. COGGINS:

18 Q You also, I believe, sold crack cocaine for someone named
19 Will Signor (phonetic)?

20 A Correct.

21 Q Do you remember a time frame on that?

22 A Like middle maybe 2014. I know it was 2014.

23 Q Okay. But as you sit here today, you recall that -- and you
24 testified to this, that you sold to -- for my client from April
25 until May 31st --

1 THE COURT: You know, this is the third or fourth time
2 you're --

3 MS. OSIRIM: Objection.

4 THE COURT: -- asking her. Please move on.

5 BY MS. COGGINS:

6 Q You did not work for my client after that August of 2013
7 date that you came back for one week; is that correct?

8 A Yeah, I had stopped.

9 Q You stopped?

10 A Right.

11 Q Okay. Thank you.

12 MS. COGGINS: I have no other questions.

13 THE COURT: Ms. Osirim?

14 MS. OSIRIM: Can I have one moment, Your Honor?

15 (Pause)

16 MS. OSIRIM: The Government has no further questions
17 for this witness.

18 THE COURT: Let me see counsel at sidebar.

19 You're free to go, Ms. Good.

20 THE WITNESS: Thank you.

21 (Sidebar begins at 10:58 a.m.)

22 THE COURT: Who's your next witness?

23 MS. OSIRIM: We have two chemists from New York, I
24 believe, they're next door.

25 MR. MAIATICO: They are.

1 MS. OSIRIM: I can check, okay.

2 THE COURT: Okay. Very good.

3 (Sidebar ends at 10:58 a.m.)

4 THE COURT: All right. The Government may call its
5 next witness.

6 (Pause)

7 MR. MAIATICO: Your Honor, can we see you at sidebar
8 very briefly?

9 THE COURT: Sure.

10 MR. MAIATICO: Thank you.

11 (Sidebar begins at 10:59 a.m.)

12 THE COURT: Are you going to tell me they're in the
13 men's room?

14 MR. MAIATICO: We were waiting on physical exhibits.
15 We're still -- a few of them we're still waiting on --

16 THE COURT: So, who's your next witness?

17 MR. MAIATICO: -- exhibits we're going to introduce
18 through those witnesses.

19 THE COURT: You don't have them?

20 MR. MAIATICO: We have the witness. The physical
21 exhibits, it looks like, we should be getting them momentarily.
22 Perhaps, this is a good time to just take a brief break.

23 THE COURT: Okay.

24 (Sidebar ends at 10:59 a.m.)

25 THE COURT: The next witnesses are women, so they can't

1 be in the men's room, but we can't find the exhibits that they
2 are going to testify about. That will take a couple of minutes,
3 so why don't we take a short break?

4 THE BAILIFF: All rise.

5 (Jury out at 11:00 a.m.)

6 THE COURT: Okay. Please let me know when we're ready
7 to proceed.

8 MR. MAIATICO: Yes, Your Honor. Thank you.

9 (Recess at 11:00, recommencing at 11:17 a.m.)

10 (Jury in at 11:17 a.m.)

11 THE COURT: Please be seated. Is the Government ready
12 with its next witness and exhibits?

13 MS. OSIRIM: We are, indeed, Your Honor. I just wanted
14 to say based on the fact that these two witnesses are from out of
15 town, we're kind of calling them out of order. We're going to
16 have the chemist go through the reports and the drugs first. And
17 then we're going to have the agents who reside in Philadelphia,
18 talk about the controlled buys in the case.

19 THE COURT: Talk about the?

20 MS. OSIRIM: Controlled purchases of drugs in the case.

21 THE COURT: Okay. Bring the jury in, please. Why
22 don't you have your witness --

23 MS. OSIRIM: Oh, okay.

24 THE COURT: It would be a good idea. Ms. Vitale,
25 welcome back. Why don't you have a seat?

1 MS. VITALE: Thank you.

2 THE COURT: Is there no way we can have a stipulation
3 for this?

4 MR. MAIATICO: The Government has presented a proposed
5 stipulation, Your Honor.

6 THE COURT: Okay. Understood.

7 (Jury in at 11:19 a.m.)

8 THE COURT: Please be seated everyone. Welcome back.
9 Ms. Osirim.

10 MS. OSIRIM: Thank you, Your Honor. The Government
11 next calls Ms. Cindy Vitale.

12 CINDY VITALE, GOVERNMENT'S WITNESS, SWORN

13 THE BAILIFF: Please state your name for the record,
14 spelling your last name.

15 THE WITNESS: Cindy Vitale, V-I-T-A-L-E.

16 THE COURT: Please be seated.

17 DIRECT EXAMINATION

18 BY MS. OSIRIM:

19 Q Good morning, Ms. Vitale, how are you today?

20 A Okay.

21 Q Ms. Vitale, by whom are you employed?

22 A The Drug Enforcement Administration Northeast Laboratory.

23 Q What is your current title?

24 A Senior Forensic Chemist.

25 Q Ms. Vitale, if you can, can you scoot forward and pull the

1 mic close to you? I'm sorry. Just to make sure everyone can
2 hear.

3 A Oh, Senior Forensic Chemist.

4 Q Thank you. Before working with the DEA, by whom were you
5 employed?

6 A The Yonkers Police Department Forensic Laboratory.

7 Q And how long did you work in their forensic laboratory?

8 A Two years.

9 Q How long have you worked as a forensic chemist with the DEA?

10 A Over 19 years.

11 Q Okay. Can you describe generally your duties and
12 responsibilities as a forensic chemist with the DEA?

13 A Primarily I analyze evidence that's submitted to the
14 laboratory from different law enforcement agencies for the
15 presence or absence of controlled substances.

16 Q What kinds of substances are you typically analyzing for?

17 A Cocaine, heroin, fentanyl, methamphetamine.

18 Q Okay, and how often during an average week do you chemically
19 test substances for the presence of illegal narcotics?

20 A At least 20.

21 Q Okay. Do you also conduct tests to identify the weight of
22 controlled substances that are provided to you as exhibits?

23 A Yes.

24 Q And how often during an average week do you conduct those
25 tests?

1 A At least between five and ten. Maybe more.

2 Q What is your highest level of education?

3 A I have a Bachelor of Science in forensic science,
4 criminalistics, from John Jay College of Criminal Justice.

5 Q And did you have to complete any additional training to
6 become a forensic chemist?

7 A Yes.

8 Q What kind of training was that?

9 A I had four weeks forensic chemist -- basic forensic chemist
10 training in Quantico, Virginia, given by the DEA. One week
11 clandestine laboratory training given also by the DEA in
12 Quantico, Virginia. And then I've had miscellaneous courses from
13 different colleges, vendors, and companies that make instruments.
14 And with respect to the instruments that I use and with respects
15 to trends in drugs analysis.

16 Q Since becoming a forensic chemist approximately 19 years
17 ago, have you continued to participate in training in these
18 areas?

19 A Yes.

20 Q Okay, and can you describe what that continuing education
21 was like?

22 A Like I said, there are mostly courses with respect to the
23 latest trends in drug analysis, and given by DEA and other --

24 Q I'd like to show this witness what's been previously marked
25 for purposes of identification as Government's Exhibit 702.

1 MS. COGGINS: May I just have a moment, Your Honor,
2 before that pops up on the screen?

3 THE COURT: It's not popping.

4 MS. OSIRIM: It won't be shown to them.

5 MS. COGGINS: Okay. All right. Thank you.

6 MS. OSIRIM: Ms. Vitale, has an image appeared on your
7 screen?

8 THE WITNESS: Yes.

9 MS. OSIRIM: Okay.

10 THE COURT: It should be on your screen, too.

11 MS. COGGINS: It is, thank you, Your Honor.

12 THE COURT: Okay.

13 MS. OSIRIM: May I proceed?

14 THE COURT: Go ahead.

15 BY MS. OSIRIM:

16 Q I'm showing you what's been pre-marked as Government's
17 Exhibit 702.

18 (Government's Exhibit 702 marked for identification)

19 BY MS. OSIRIM:

20 Q Do you recognize this?

21 A Yes.

22 Q How do you recognize it?

23 A It's my CV.

24 Q Does this CV fairly and accurately describe your educational
25 and professional history?

1 A Yes.

2 MS. OSIRIM: The Government moves to admit Exhibit 702,
3 and requests permission to publish this to the jury.

4 MS. COGGINS: No objection, Your Honor.

5 THE COURT: It will be admitted. The jury may see it.

6 (Government's Exhibit 702 received)

7 BY MS. OSIRIM:

8 Q Ms. Vitale, have you ever been qualified as an expert in the
9 area of chemical analysis, as it pertains to controlled
10 substances?

11 A Yes.

12 Q And if at all, how many times have you been so qualified?

13 A Over 40.

14 Q Over 40. Okay. Have you ever been disqualified as an
15 expert by State or Federal Court?

16 A No.

17 MS. OSIRIM: Okay. At this time, the Government offers
18 Cindy Vitale as an expert in the area of chemical analysis and
19 the identification of controlled substances.

20 MS. COGGINS: I have no objection, Your Honor.

21 THE COURT: Very well, she is so qualified.

22 MS. OSIRIM: Thank you, Your Honor.

23 BY MS. OSIRIM:

24 Q Over the course of your 19 years as a forensic chemist, have
25 you previously tested substances for the presence of crack

1 cocaine?

2 A Well, for the presence of cocaine base.

3 Q Okay. Can you explain what cocaine base is?

4 A Cocaine base is -- we see cocaine in different forms. It
5 could be in the base form, or it could be in the sale form,
6 usually hydrochloride salt. The base form is more pure.

7 Q When you're saying cocaine base, is that the term that you,
8 and others of your colleagues in forensic chemistry, use to refer
9 to what is commonly called crack cocaine?

10 A Yes.

11 Q Okay. Typically, during the course of your work as a
12 forensic chemist, what, if anything, would you receive in
13 connection with a DEA exhibit of a substance, in order to conduct
14 a chemical analysis?

15 A I would receive from my supervisor a DEA7, which is a report
16 of drug property seized or collected. And then I would take that
17 to the vault to transfer custody of the corresponding piece of
18 evidence.

19 Q And can you walk us through the process that you follow when
20 you're presented with evidence that's suspected to contain
21 cocaine base?

22 A First thing I do, I check the seals to make sure they're
23 intact. And then I check the gross weight, which is the weight
24 of the entire evidence envelope, with all its contents. And then
25 I open it and I weigh it. I -- most often I weigh it in the

1 original container, and then I weigh the container empty. And by
2 subtraction is how I get the net weight of the sample. And so,
3 if it's multiple units, I'll perform two tests on either each
4 unit, or a representative sample, a number of the units. And
5 then once I determine they're the same, I crush them and grind it
6 into a powder. And then I perform more tests.

7 Q Do you generate written reports after analyzing this
8 evidence?

9 A Yes.

10 Q And can you tell us whether or not you analyzed
11 approximately 14 pieces of evidence in connection with this
12 investigation?

13 A Yes.

14 Q Okay. Did you generate written reports in connection with
15 those 14 pieces of evidence that were provided to you as DEA
16 Exhibits 22, 25, 29, 30, 32, 36, 41, 43, 46, 48, 50, 51, 58, and
17 59?

18 A That sounds right.

19 Q At this time, the Government moves to admit Ms. Vitale's
20 reports, that are pre-marked for purposes of identification as
21 Government Exhibits 301E, 302F, 303D, 304G, 305F, 313F, 401C,
22 402C, 404C, 405C, 406C, 407C, 408C, and 409C, and ask that these
23 be publishable to the jury.

24 MS. COGGINS: Could I have two hours (sic), Your Honor,
25 to go through and check those reports? If I could just have a

1 minute. There was a whole lot of numbers there. If you could
2 repeat the numbers for me.

3 MS. OSIRIM: I have highlighted, in pink, her report,
4 this way we can just go through them one by one.

5 (Pause)

6 (Counsel reviews document)

7 MS. COGGINS: Thank you, Your Honor.

8 THE COURT: Any objection?

9 MS. COGGINS: I have no objection.

10 THE COURT: Very well. They will be admitted, and the
11 jury may see them.

12 (Government's Exhibit 301E, 302F, 303D, 304G, 305F, 313F,
13 401D, 402C, 405C, 406C, 407C, 408C, and 409C received)

14 BY MS. OSIRIM:

15 Q Thank you. Ms. Vitale, I am showing you now, if I may, DEA
16 Exhibit 29, which has been pre-marked for purposes of
17 identification in this case as Governments Exhibit 301X.

18 (Government's Exhibit 301X marked for identification)

19 MS. OSIRIM: Your Honor, may I approach the witness?

20 THE COURT: You may.

21 MS. OSIRIM: Thank you.

22 Q Ms. Vitale, do you recognize what I just provided to you?

23 A Yes.

24 Q And how do you recognize that?

25 A By my seals, the evidence seals on both the inner packaging

1 and outer envelope, which has my signature, date, case number,
2 exhibit number, and lab number.

3 Q Is that -- does that represent something that you analyzed?

4 A Yes.

5 Q Okay.

6 MS. OSIRIM: The Government moves to admit as evidence
7 in this case Government's Exhibit 301X.

8 MS. COGGINS: May I see it, Your Honor?

9 THE COURT: Sure.

10 (Counsel reviews document)

11 MS. COGGINS: Thank you.

12 THE COURT: Any objection?

13 MS. COGGINS: No, Your Honor.

14 THE COURT: Very well. It will be admitted.

15 (Government's Exhibit 301X received)

16 BY MS. OSIRIM:

17 Q Ms. Vitale, looking in that bag, that appears to be a
18 powdery substance; is that right?

19 A Yes.

20 Q Is that how you would receive the cocaine base at the time
21 that you were provided this material to analyze it?

22 A There's a heat sealed seam here in the bag, on the bottom
23 compartment there are a few little chunks. But I had ground it
24 up, as part of my analysis.

25 Q And is that typically what you do? A method that you use in

1 analyzing controlled substances?

2 A Yes.

3 Q Okay. Is there a date on that piece of evidence?

4 A Yes.

5 Q And what is that date?

6 A The date is -- that somebody else wrote is May 3rd, 2013.

7 Q Okay. Can you tell us generally, how you analyzed this
8 particular substance?

9 A After I weighed it, and if it were multiple units, I take a
10 small portion from each unit, or a representative sample of the
11 units, and I run a GCMS, or gas chromatography mass spectrometry.
12 And then I run another test, which in this case was Fourier
13 transform infrared spectroscopy, or FTIR. And then if I get the
14 same results, I mix them, grind it up, and then I perform more
15 tests.

16 Q Okay. You've described some forensic analysis techniques,
17 that may be difficult for those of us who are not forensic
18 chemists to understand. Could you describe to a lay person what
19 you did?

20 A The GCMS is where the instrument is -- it has a coil, and it
21 heats up. It has a coil column inside. And I put the sample in
22 a little bit of alcohol in a glass vial. It gets injected into
23 the column. And the speed at which it travels through the column
24 and exits is specific to different substances. It has
25 interactions with the inner column wall. And then as it comes

1 out, it goes through a mass spectrometer, where it is hit with a
2 beam of electrons and the molecules fragment in a certain
3 predictable way, depending on the different chemical bonds. And
4 the different fragments of the shattered molecule are clotted.
5 And by looking at that clot, we can compare it to a known
6 substance, and identify what the substance is.

7 Q Thank you. Did you memorialize the conclusions that you
8 made about the substance in that piece of evidence, in a report?

9 A Yes.

10 Q Could we show this witness Government's Exhibit 301E? If
11 you'd like there is also -- if you prefer, there's also a
12 hardcopy in the binder in front of you, but it should appear on
13 your screen. And we can show this to the jury as well. Ms.
14 Vitale, is this the report that you generated after analyzing DEA
15 Exhibit 29?

16 A Yes.

17 Q Okay. And do you believe that your laboratory report is an
18 accurate reflection of your analysis and conclusions with respect
19 to this exhibit?

20 A Yes.

21 Q Does the report itself reflect a date on which you analyzed
22 the exhibit?

23 A Yes.

24 Q And what is that date?

25 A February 7, 2014.

1 Q Referring to your report, what if any, conclusions did you
2 reach after analyzing this substance?

3 A That it contains cocaine base and phenyl tetrahydro
4 imidazothiazole.

5 Q Can you explain to the jury the basis for that conclusion?

6 A That's the result of multiple tests that I did.

7 Q And are those the tests that you just previously described?

8 A Well, what I described was one of the tests. There were
9 others, too, yes.

10 Q Okay. How many units were in this exhibit, if you can tell
11 from this report?

12 A If you zoom out a little bit. That was too much. I left my
13 glasses in the other room. Okay. There were 40 units.

14 Q Okay, and did you test all 40 of those units, when reaching
15 the conclusions that you made in this report?

16 A No, I tested 20 of the 40.

17 Q How do you know that?

18 A Because under sampling on my report, it says cocaine base
19 was confirmed in 20 units tested of 40 units received.

20 Q Now, is this typical? Is there a certain threshold of units
21 which -- in which you make a determination of whether you're
22 testing all, or simply some of what's presented?

23 A Yes, if there's ten or more units, then we refer to a chart
24 that's been made up by some statistician in Washington and go by
25 the sampling plan, so --

1 Q So, did you proceed pursuant to that sampling plan, when
2 testing the 20 or so units of this particular piece of evidence?

3 A Yes.

4 Q Okay. Were you able to reach a conclusion with respect to
5 this evidence, as to its net weight?

6 A Yes.

7 Q And what was that conclusion?

8 A If you could just zoom, yeah. It looks like 2.1 grams.

9 Q Okay. And even though you didn't conduct a chemical
10 analysis with respect to every single one of the 40 units in the
11 sample, would you have weighed each of the samples in the
12 individual packets?

13 A Yes.

14 Q Okay. Ms. Vitale, I'm next going to show you another
15 Government exhibit, and if the Court doesn't mind, the case
16 agent, can she bring these exhibits directly to Ms. Vitale --

17 THE COURT: That's fine.

18 MS. OSIRIM: -- just to --

19 THE COURT: That's fine.

20 MS. OSIRIM: Thank you.

21 BY MS. OSIRIM:

22 Q Could we show the witness DEA Exhibit 30, which has been
23 pre-marked here as Government's Exhibit 302X.

24 (Government's Exhibit 302X marked for identification)

25 MR. MAIATICO: I'll show that to Defense Counsel, Your

1 Honor.

2 (Pause)

3 BY MS. OSIRIM:

4 Q Ms. Vitale, can you let us know if you recognize that
5 particular exhibit?

6 A Yes.

7 Q And how do you recognize that?

8 A Again, by the evidence seals and my signature, date, and
9 case, lab, and exhibit numbers.

10 Q And does that represent a piece of evidence that you
11 examined in connection with this case?

12 A Yes.

13 Q Okay.

14 MS. OSIRIM: Your Honor, the Government moves for
15 admission of Government's Exhibit 302X and permission to share
16 that exhibit with the jury.

17 MS. COGGINS: No objection, Your Honor.

18 THE COURT: It will be admitted.

19 (Government's Exhibit 302X received)

20 BY MS. OSIRIM:

21 Q Thank you. With respect to this exhibit, was there anything
22 that was presented to you, before you began your analysis?

23 A The DEA7.

24 Q And that is a report that details the seizure of that
25 particular evidence?

1 A Yes.

2 Q Okay. After analyzing this substance, did you also generate
3 a laboratory report?

4 A Yes.

5 Q Okay. And do you believe that that report is an accurate
6 reflection of your analysis of the conclusions with respect to
7 this exhibit?

8 A Yes.

9 Q Could we show the witness and the jury Government's Exhibit
10 302G? Would it be fair to say with respect to this particular
11 exhibit, that you used the same tools and processes that you used
12 for the previous exhibit we just discussed in conducting your
13 analysis?

14 A Yes.

15 Q Okay. What were your conclusions as you understand them,
16 based on your report, with respect to Government's Exhibit 302X?

17 A This sample contained cocaine base and phenyl tetrahydro
18 imidazothiazole.

19 Q And if you can say, how many units were examined as a part
20 of this sample?

21 A One.

22 Q Okay. Did you reach any conclusions with respect to the net
23 weight of this particular exhibit?

24 A Yes. It was 4.9 grams.

25 Q Okay. Ms. Vitale, I'd next like to show you what has been

1 marked as DEA Exhibit 32 and pre-marked for purposes of this
2 proceeding as Government's Exhibit 303X.

3 (Government's Exhibit 303X marked for identification)

4 BY MS. OSIRIM:

5 Q And can you tell us, Ms. Vitale, if you recognize that
6 particular exhibit?

7 A Yes.

8 Q Okay, how do you recognize that?

9 A By the seals, by the evidence seals, with my signature,
10 name, date, lab numbers.

11 Q And have you analyzed the evidence contained in that
12 exhibit?

13 A Yes.

14 Q Is it typical for each exhibit that you analyze that you
15 mark the inner and outer packages with your initials and the
16 dates and other markings you've just noted to the jury?

17 A Yes.

18 Q Okay. Did you conduct and prepare a report after completing
19 your analysis in connection with that exhibit?

20 A Yes.

21 Q Could we show the witness and the jury Government's Exhibit
22 303D?

23 MS. OSIRIM: May I approach, Your Honor?

24 THE COURT: You may. It would be easier if we could
25 cure the computer problem.

1 MS. OSIRIM: Sure.

2 THE COURT: Ladies and gentlemen, why don't we just
3 take an early lunch, because I don't know how long it's going to
4 take to fix this. And if you could be back here at 1:00.

5 And you know not to discuss the case among yourselves
6 or with others. Not to let anyone discuss the case in your
7 presence, and not to do any investigations, or texts, or tweet,
8 or email or write about the case in any way. Not let anybody
9 discuss the case in your presence, and of any of these, not to
10 look at the newspapers, or internet, or anything else about the
11 case. If any of these things happen, you should report it to
12 Wittje immediately. We'll take an early lunch. Please be back,
13 so we can begin again at 1:00 p.m.

14 THE BAILIFF: All rise.

15 (Jury out at 11:44 a.m.)

16 THE COURT: Please be seated. What I would ask Counsel
17 to do, is -- the Government to do is, if you haven't already done
18 it, share all these exhibits with --

19 MS. OSIRIM: Yes.

20 THE COURT: -- Ms. Coggins, so that she's not on the
21 spot. And she's not doing anything except her job, but it looks
22 like she's delaying things simply because she's looking at a
23 piece of evidence that hasn't been shown to her before.

24 So, I would ask that you show it to her. And with
25 respect to Ms. Vitale, I gather you're going to have another

1 chemist?

2 MS. OSIRIM: We are.

3 THE COURT: Okay, all of those exhibits, so that she
4 can make her objection or not, without having to examine the
5 evidence for the first time. Okay?

6 MS. COGGINS: Thank you, Your Honor.

7 MR. MAIATICO: Yes, Your Honor.

8 THE COURT: All right. Thank you.

9 MS. OSIRIM: Thank you.

10 (Recess at 11:45 a.m., recommencing at 1:22 p.m.)

11 THE BAILIFF: -- session.

12 THE COURT: Okay, please be seated. My Clerk is about
13 to give each side a draft of the final instructions. They are 92
14 pages long. To an extent I was guided by the instructions given
15 in the Stinson trial. And a lot of those instructions were given
16 at the request of the Defendants. And I think a lot of them
17 apply here, but I'll be guided by counsel.

18 There are instructions you will see that are in the
19 alternative. If the Defendant does or does not testify, does or
20 does not present a defense. There are instructions that say if
21 needed.

22 So, if in your closing, Ms. Coggins, you say where is
23 the fingerprint evidence, where is the DNA evidence, there's an
24 instruction on specific investigative techniques are not
25 required. Absence of witness. Again, if you argue why didn't

1 the Government call X or Y, and the witness is equally available
2 to both sides, there's an instruction on that. I may not have to
3 give either one of those instructions.

4 I sense, although, I'm not certain, that from your
5 opening, and from the questions you've asked so far, that you're
6 going to distinguish between an overarching conspiracy and
7 particular drug deals.

8 MS. COGGINS: Correct, Your Honor.

9 THE COURT: And which was the focus of the Stinson
10 trial, as well. And there are instructions on that. There's no
11 verdict form, which I haven't finished the verdict form yet.
12 There won't be a lot of mystery to it. My practice is at the
13 very end of the instructions, you'll see, there is -- you take
14 this form with you. Before they go out, I will give all 14 of
15 them a copy of the verdict form and we'll simply read the form
16 together.

17 And so, that rather than have printed instructions that
18 I read to them about the verdict form, I'll just say you'll see
19 the caption of the case, Count I, charging whatever it's
20 charging. We, the jury, unanimously find the Defendant, Juan
21 Jarmon guilty or not guilty. I say you check the appropriate
22 space, and so forth.

23 Will there be -- I don't recall, are there going to be
24 interrogatories? There will be, because it will be -- yeah, and
25 there will be instructions on how to deal with the

1 interrogatories. But I will simply tell the jury, rather than
2 read from a form, as we go through -- rather than read from
3 instructions, as we go through the form.

4 This will be emailed to you, as well, so you'll have an
5 electronic version. And I just wanted to get them to you, as
6 early as possible. If we're going to finish up -- if I'm giving
7 the instructions on Tuesday, I'd like you to have these on
8 Friday. And it's my practice to have multiple charging
9 conferences, just to charge off any changes, as the evidence
10 develops.

11 MS. COGGINS: Your Honor, if you'll pardon my
12 ignorance. I'm not sure what you mean by interrogatories.

13 THE COURT: We the jury find the Defendant, unanimously
14 find the Defendant, Juan Jarmon, basically with respect to Count
15 I, charging conspiracy to distribute cocaine base.

16 We, the jury unanimously find the Defendant, Juan
17 Jarmon guilty, not guilty. If they find him not guilty, they go
18 to the next count. If they find him guilty, then they would have
19 to answer, we the jury unanimously found that the following
20 amount was involved.

21 MS. COGGINS: I see.

22 THE COURT: And it says if your answer is not guilty go
23 to the next question -- the next charge. If it's guilty, then
24 you must answer these interrogatories. We the jury unanimously
25 find that, and it will say, unanimously find beyond -- the

1 Government proved beyond a reasonable doubt that 280 grams was
2 involved, or 28 grams was involved. I think that's the only
3 charge that had interrogatories. I may be wrong about that.
4 Does that sound right?

5 MS. OSIRIM: That sounds correct, Your Honor.

6 THE COURT: Okay. And so, that's the interrogatories.

7 MS. COGGINS: Okay, thank you, Judge.

8 THE COURT: And that's -- because that's the only
9 charge that involves an amount.

10 MS. COGGINS: Yes.

11 THE COURT: And I think -- is that Count I?

12 MS. OSIRIM: That's Count I, Your Honor.

13 THE COURT: Okay, so it will be the first thing. And
14 it will say on the form as well as -- and I will read it to them.
15 I will read what's on the form, and emphasize to them, if you
16 find him not guilty, then you just go right to the next count.
17 If you find him guilty, only then, do you have to answer these
18 questions.

19 And the juries tend to get that. I haven't had a
20 problem with interrogatories. And reading the form with them,
21 then when they go to deliberate, we take all but one copy of the
22 form back.

23 In addition, it's my practice to send the indictment
24 out with the jury, as redacted by the parties, because there are
25 going to be things in there, that -- charges that have been

1 dismissed. Parties possibly that have been dismissed, that they
2 shouldn't see. And so, I've always been able -- I've always been
3 lucky enough to have counsel agree on the redactions, hopefully
4 that will continue here.

5 And I'm trying to think if there's anything else that
6 you should be aware of. We'll have occasion to talk about this
7 on Monday, Tuesday, possibly Wednesday. Anything we need to talk
8 about before we bring the jury in?

9 MS. COGGINS: Yes, Your Honor. There is one piece of
10 physical evidence that was not brought, and apparently it's in
11 New York.

12 THE COURT: Yes.

13 MR. MAIATICO: Your Honor, this is evidence that we did
14 not seek to introduce, but the Defense seeks to introduce it, so
15 that's why it was not brought, and it's in a secure evidence
16 locker in New York. This is the first time I'm hearing that the
17 Defense wants that.

18 THE COURT: When -- can we -- well, first of all, I'm
19 assuming that we can overnight it, so that you get it on Monday?

20 MR. MAIATICO: I think we should be able to do that. I
21 also said that we could take a photograph of it, and perhaps have
22 that, even sooner.

23 THE COURT: You want to -- does it have to be
24 introduced through Ms. Vitale?

25 MS. COGGINS: No, Your Honor, it does not. I'd be

1 willing to stipulate to the lab report on that particular --

2 THE COURT: Can we get -- would it be better if you had
3 a picture of it?

4 MS. COGGINS: You mean for Monday or right --

5 THE COURT: If you -- we'll do this however you want.
6 If a picture will do, we can probably take a picture of it and
7 get it to you before you cross examine Ms. Vitale. If you want
8 to actually have the exhibit, you can cross examine her with a
9 photograph, and then on Monday, introduce the exhibit. And I'll
10 explain to the jury, you'll actually get to see the exhibit,
11 ladies and gentlemen. Unfortunately, it was left in New York.
12 We're having it overnighted.

13 MS. COGGINS: That would be perfect, Your Honor.

14 THE COURT: Okay. You're going to have -- please tell
15 the Government. I know they only use post -- the Post Office.
16 They're not going to use the Post Office for this. I don't want
17 to lose the package. They're going to have to use Federal
18 Express. Okay.

19 MR. MAIATICO: Yes, Your Honor.

20 THE COURT: Okay.

21 MR. MAIATICO: I will speak to the DEA about that.

22 THE COURT: Okay. Very good.

23 MS. COGGINS: Thank you.

24 MR. MAIATICO: Your Honor, since that does sound time
25 sensitive, perhaps I should do that now. Before we --

1 THE COURT: Well, I don't know that we need you for
2 this witness. Do we need him for the next witness, Ms. Osirim?

3 MS. OSIRIM: No, I'm handling both chemists.

4 THE COURT: You're excess baggage, Mr. Maiatico. You
5 can leave the courtroom.

6 MR. MAIATICO: Thank you, Your Honor. I'll make that
7 request right now. Thank you, Judge.

8 THE COURT: Very good. Can we get Ms. Vitale back
9 here?

10 MS. COGGINS: And, Your Honor, we had spoken, Ms.
11 Osirim, and I about her having to check with me on each one. I'm
12 not going to have an objection to the admission of the property,
13 but I do reserve the right to question the chain of custody.

14 So, I --

15 THE COURT: You can -- yeah, you can certainly do that.

16 MS. OSIRIM: Sure.

17 MS. COGGINS: So, I don't have a problem admitting the
18 documents that the chemists are going to -- I'm sorry, the
19 packages that the experts are going to testify to.

20 THE COURT: Okay, that's fine.

21 MS. OSIRIM: So, for that -- based on that stipulation,
22 I'll have Sarah bring them directly to the witness as I'm calling
23 out numbers.

24 THE COURT: All right. That's fine.

25 MS. OSIRIM: Just as you wanted.

1 THE COURT: Welcome back, Ms. Vitale.

2 THE WITNESS: Thank you.

3 THE COURT: Please resume the witness stand. You're
4 still under oath. Can we bring the jury back in, please? It's
5 all arranged Mr. Maiatico?

6 MR. MAIATICO: I made the request and the wheels are in
7 motion.

8 THE COURT: I understand.

9 (Jury in at 1:33 p.m.)

10 THE COURT: Welcome back everybody. Please be seated.
11 I apologize for having kept you waiting. We had a number of
12 legal matters to discuss, including the final instructions, the
13 papers which you see here.

14 Ms. Osirim.

15 MS. OSIRIM: Thank you, Your Honor.

16 DIRECT EXAMINATION CONTINUED

17 BY MS. OSIRIM:

18 Q Good afternoon, Ms. Vitale. I believe when we last -- when
19 we last left off, we were discussing Government's Exhibit 303.
20 And 303X was a packet that was provided to you. And we discussed
21 whether or not you'd analyzed that packet; is that correct?

22 A Yes.

23 Q Okay. What's appearing on this screen, consistent with your
24 prior testimony, I believe, is the lab report for that piece of
25 evidence. Is that what it appears to be to you?

1 A Yes.

2 Q And can you tell us, based on this laboratory report, what
3 conclusions, if any you reached, with respect to the evidence
4 contained in Government's Exhibit 303X?

5 A Government's Exhibit 303 X --

6 Q What conclusions you reached -- yes.

7 A Contains cocaine base and phenyl tetrahydro imidazothiazole,
8 or PTHIT.

9 Q Can you tell me what PTHIT is?

10 A PTHIT is what we call that phenyl tetrahydro imidazothiazole
11 for short. It's an adulterant. And it comes in. It's in about
12 three-quarters of the cocaine that comes into the country. I
13 don't know why it's there.

14 Q Okay. Okay. Thank you. Were you also able to reach a
15 conclusion with respect to Government's Exhibit 303X in terms of
16 the net weight of that exhibit?

17 A Yes. It -- the net weight is 8.9 grams.

18 Q Okay. If we could show this witness Government's 304X.
19 Thank you.

20 (Government's Exhibit 304 marked for identification)

21 BY MS. OSIRIM:

22 Q Now, Ms. Vitale, did you -- do you recognize Government's
23 Exhibit 304X?

24 A Yes.

25 Q And how do you recognize that?

1 A By the lab, case and exhibit numbers, and my signature and
2 date on the evidence labels.

3 Q And is what's contained within that package something that
4 you've analyzed?

5 A Yes.

6 Q And having analyzed the substance in that package,
7 consistent with the methods and tools that you discussed earlier
8 in your testimony?

9 A Yes.

10 Q Could we show the witness what's been marked as 304G?

11 THE COURT: Are you moving for that --

12 MS. OSIRIM: Oh, I apologize, Your Honor. The
13 Government requests that Government's Exhibit 304X be admitted.

14 MS. COGGINS: I have no objection, Your Honor.

15 THE COURT: Very well, it will be admitted.

16 (Government's Exhibit 304X received)

17 BY MS. OSIRIM:

18 Q Ms. Vitale, you testified earlier that you made reports
19 consistent with your findings on each of the exhibits that you
20 analyzed in this case; is that correct?

21 A Yes.

22 Q And is this the report that you made on Government's Exhibit
23 304X?

24 A Yes.

25 Q And can you tell us whether or not this report reveals

1 conclusions that you reached as to the substance contained in
2 that exhibit?

3 A Yes.

4 Q And what are those conclusions?

5 A Contains cocaine base.

6 Q Okay. In addition to the drug contained in the substance,
7 were you able to make a determination as to the wet -- excuse me,
8 the net weight of that substance?

9 A Yes, the net weight is 22.7 grams.

10 Q Is this another exhibit, in which more than one unit was
11 supplied to you for testing?

12 A Yes, there were two units.

13 Q And can you give the ladies and gentlemen of the jury an
14 example of what it means to receive an exhibit with multiple
15 units?

16 A When I open the evidence bag, remove the exhibit, it is
17 contained in more than one container. So, there's two separate
18 portions. Now, instead of just assuming it's the same, I do two
19 tests on each. On a sample from each of the containers. And
20 then when I'm assured that it's the same, that's when I grind the
21 whole thing up together and perform the rest of my analysis.

22 Q Thank you. May I approach, Your Honor?

23 THE COURT: Yes.

24 Q One of the first exhibits that we talked about this morning,
25 which was DEA Exhibit 29 and Government's Exhibit 301X, I believe

1 you testified that that contained approximately 40 units; is that
2 correct?

3 A Yes.

4 Q And how were -- how did you identify that there 40 separate
5 units within that exhibit?

6 A I counted them.

7 Q Okay, and what exactly were you counting? Can you explain
8 to the jury what you found inside the evidence bag when you
9 received it?

10 A Well, they're little plastic sleeves or bags that are heat-
11 sealed, and each of them contained off-white rocks -- material.
12 So, I counted each -- how many bags that were present that
13 contained the rocks -- material.

14 Q Thank you.

15 THE COURT: Move the mic a little closer to you,
16 please, Ms. Vitale. Thank you.

17 BY MS. OSIRIM:

18 Q I'd next like to show Ms. Vitale, what's been marked as
19 Government's Exhibit 305F -- or 305X.

20 (Government's Exhibit 305 marked for identification)

21 BY MS. OSIRIM:

22 Q Ms. Vitale, we're now showing you DEA Exhibit 41, which has
23 been pre-marked for this case as 305X. Do you recognize that?

24 A Yes.

25 Q And how do you recognize that?

1 A By my signature, the date, the case, lab and exhibit numbers
2 on the evidence seals.

3 Q And does that represent evidence that you've also examined
4 in connection with this case?

5 A Yes.

6 MS. OSIRIM: The Government moves to admit Government's
7 Exhibit 305X.

8 MS. COGGINS: No objection.

9 THE COURT: It will be admitted.

10 (Government's Exhibit 305 received)

11 BY MS. OSIRIM:

12 Q Consistent with your practices in this case, did you prepare
13 a report after conducting your analysis of the substance inside
14 that exhibit?

15 A Yes.

16 Q Could we show the witness 305F, as in Frank? And does this
17 appear to be a copy of that report?

18 A Yes.

19 Q And can you tell us whether or not any conclusions that you
20 reached about the substance contained in 305X are reflected in
21 this report?

22 A Yes.

23 Q And what, in fact, was the substance that you analyzed?

24 A Cocaine base and PTHIT.

25 Q Okay. And can you tell from your report, whether or not you

1 were able to determine the net weight of this exhibit?

2 A Yes.

3 Q And what was that?

4 A 16.1 grams.

5 Q And for the record, can you let the ladies and gentlemen of
6 the jury know, how many units were contained in this particular
7 exhibit?

8 A One.

9 Q Thank you. Could we next show the witness Government's
10 Exhibit 313X?

11 (Government's Exhibit 313X marked for identification)

12 BY MS. OSIRIM:

13 Q Ms. Vitale, I'm now showing you DEA Exhibit 43.01, which
14 we've marked for purposes of identification, as 313X. Do you
15 recognize what you're being shown now?

16 A Yes.

17 Q And how do you recognize this?

18 A By the evidence labels with my signature, the date, and the
19 case, lab and exhibit numbers.

20 Q And does Government's Exhibit 313X represent a controlled
21 substance that you analyzed in connection with this case?

22 A Yes, there were two -- there were two sub-exhibits in this
23 exhibit. And one of them contained a controlled substance.

24 Q Okay. Is the one that contained a controlled substance
25 marked as DEA Exhibit 43.01?

1 A I'd have to refer to the report.

2 Q Could we show the witness what's been admitted already as
3 313F?

4 A Okay, what was the question again?

5 Q The question is, you said that there were two items in that
6 exhibit. And that one of them contained a controlled substance.
7 And I asked you whether DEA Exhibit 43.01 is the item that
8 contained a controlled substance?

9 A Yes.

10 Q Okay. And can you tell us, based on this lab report, what
11 that controlled substance was?

12 A Cocaine base and --

13 Q I'm sorry, and was there also PTHIT in this as well?

14 A Yes.

15 Q Okay. And were you able to determine how many units of
16 cocaine base were presented to you in this exhibit?

17 A Two units.

18 Q And during the course of your analysis, were you able to
19 determine the net weight of those two units of cocaine base?

20 A 22.1 grams.

21 MS. OSIRIM: The Government moves to admit Government's
22 Exhibit 313X, if I have not already.

23 MS. COGGINS: No objection, Your Honor.

24 THE COURT: It will be admitted.

25 (Government's Exhibit 313X received)

1 BY MS. OSIRIM:

2 Q Thank you. I'd next like to show the witness what has been
3 pre-marked for purposes of identification, as Government's
4 Exhibit 401X, which is DEA Exhibit 22.

5 (Government's Exhibit 401X marked for identification)

6 BY MS. OSIRIM:

7 Q Ms. Vitale, do you recognize what's been shown to you as DEA
8 Exhibit 22 and Government's Exhibit 401X?

9 A Yes.

10 Q And how do you recognize that?

11 A By my signature, date, and the lab number, case and exhibit
12 numbers on the evidence labels.

13 Q And does the evidence appear to you to be something that you
14 have analyzed in connection with this case?

15 A Yes.

16 MS. OSIRIM: I'd like to move for admission of
17 Government's Exhibit 401X.

18 MS. COGGINS: I have no objection, Your Honor.

19 THE COURT: It will be admitted.

20 (Government's Exhibit 401X received)

21 BY MS. OSIRIM:

22 Q Thank you. Consistent with your practices in analyzing the
23 substances in these previous exhibits, did you prepare a report
24 in connection with your analysis?

25 A Yes.

1 Q Could we show the witness what's been admitted in this case
2 as Government's Exhibit 401C?

3 A Based on your analysis, and the information contained in
4 this report, can you tell the ladies and gentlemen what
5 conclusions you reached as to the controlled substance contained
6 in Government's Exhibit 401X?

7 A It contains cocaine base and PTHIT.

8 Q And how many units were part of Government's Exhibit 401X?

9 A Four.

10 Q Did you analyze all four of those units?

11 A Yes.

12 Q And can you tell us what the net weight was, if you were
13 able to determine it?

14 A .022 grams.

15 Q Could we show the witness what has been previously marked as
16 Government's Exhibit 402X and DEA Exhibit 25.

17 (Government's Exhibit 402X marked for identification)

18 BY MS. OSIRIM:

19 Q Ms. Vitale, do you recognize what has been shown to you as
20 DEA Exhibit 25, Government's Exhibit 402X?

21 A Yes.

22 Q How do you recognize that?

23 A By my signature, the date, and the case -- the case number,
24 or lab number, and exhibit numbers on the evidence seals.

25 Q And did you analyze the substances contained in that

1 package?

2 A Yes.

3 MS. OSIRIM: The Government moves to admit Government's
4 Exhibit 402X.

5 MS. COGGINS: No objection.

6 THE COURT: It will be admitted.

7 (Government's Exhibit 402X received)

8 BY MS. OSIRIM:

9 Q Ms. Vitale, did you prepare a report of the conclusions you
10 reached with respect to the findings on that package?

11 A Yes.

12 Q Could we show the witness Government's Exhibit 402C? With
13 reference to your report, Ms. Vitale, can you tell us what, if
14 any, conclusions you reached about the controlled substances
15 contained in this exhibit?

16 A It contains cocaine base.

17 Q And how many units were contained in this particular
18 exhibit?

19 A Ten units.

20 Q And were you able to test all ten of these units?

21 A No, I tested nine of the ten units.

22 Q And what were your conclusions based on those nine of the
23 ten units?

24 A It contains cocaine base.

25 Q And can you tell us whether or not you were able to

1 determine a net weight for those units?

2 A Yes.

3 Q And what was that weight?

4 A 0.61 grams.

5 Q And that weight is a reflection of the weight of all ten
6 units; is that correct?

7 A Yes.

8 Q Thank you. Could we please show the witness what has been
9 marked previously as DEA Exhibit 46, and in this case,
10 Government's Exhibit 404X?

11 (Government's Exhibit 404X marked for identification)

12 BY MS. OSIRIM:

13 Q Ms. Vitale, do you recognize Government's Exhibit 404X?

14 A Yes.

15 Q And how do you recognize that?

16 A By my signature, the date, the lab, case and exhibit numbers
17 on the evidence labels.

18 Q And have you analyzed the substances contained within
19 Government's Exhibit 404X?

20 A Yes.

21 MS. OSIRIM: The Government moves for admission of
22 Government's Exhibit 404X.

23 MS. COGGINS: No objection.

24 THE COURT: It will be admitted.

25 (Government's Exhibit 404X received)

1 BY MS. OSIRIM:

2 Q Ms. Vitale, did you prepare a report of your findings, with
3 respect to Government's Exhibit 404X?

4 A Yes.

5 Q Could we please show the witness Government's Exhibit 404C?

6 A Based on that analysis that you performed on Government's
7 Exhibit 404X, can you tell the ladies and gentlemen of the jury
8 what, if any, conclusions you reached as to the controlled
9 substances contained in that exhibit?

10 A That it contains cocaine base.

11 Q And again, how many units were a part of this particular
12 exhibit?

13 A Ten units.

14 Q And did you test all ten of those units?

15 A I tested nine of the ten.

16 Q Were you able to make a determination as to the net weight
17 of the controlled substance in this package?

18 A Yes.

19 Q And what was that?

20 A It contains cocaine base.

21 Q I'm sorry, what was the net weight that you determined --

22 A Oh, I'm sorry, 0.39 grams.

23 Q Okay. And is the 0.39 grams derived from weighing all ten
24 of the units?

25 A Yes.

1 Q Okay. Could we show this witness what has been previously
2 marked as DEA Exhibit 48, and what has been marked for purposes
3 of this trial as Government's Exhibit 405X?

4 (Government's Exhibit 405X marked for identification)

5 BY MS. OSIRIM:

6 Q Ms. Vitale, do you recognize what you're seeing there in
7 Government's Exhibit 405X?

8 A Yes.

9 Q And how do you recognize that?

10 A By my signature, the date, and the case, lab, and exhibit
11 numbers on the evidence labels.

12 Q Okay, and does the evidence appear to you to be something
13 that you analyzed in connection with this case?

14 A Yes.

15 MS. OSIRIM: The Government moves for admission of
16 Government's Exhibit 405X.

17 MS. COGGINS: No objection.

18 THE COURT: It will be admitted.

19 (Government's Exhibit 405X received)

20 BY MS. OSIRIM:

21 Q Did you prepare a report disclosing your findings of the
22 controlled substance and net weight of Government Exhibit 405X?

23 A Yes.

24 Q Could we please show the witness Government's Exhibit 405C?
25 Ms. Vitale, is this your report that we're looking at?

1 A Yes.

2 Q And with reference to your report can you tell us what, if
3 any conclusions you were able to reach with respect to the
4 controlled substance contained int this particular exhibit?

5 A It contains cocaine base and PTHIT.

6 Q And can you tell us how many units were part of this exhibit
7 when you received it?

8 A Six units.

9 Q And did you analyze all six of those units, in making that
10 determination?

11 A Yes.

12 Q Were you able to determine the net weight of these exhibits?

13 A Yes.

14 Q And what conclusion did you reach with respect to that
15 weight?

16 A It was 0.28 grams.

17 Q Thank you. Could we please show the witness what has been
18 previously identified as DEA Exhibit 50 and Government's Exhibit
19 406X?

20 (Government's Exhibit 406X marked for identification)

21 BY MS. OSIRIM:

22 Q Ms. Vitale, do you recognize what has just been shown to you
23 as Government's Exhibit 406X?

24 A Yes.

25 Q And how do you recognize that?

1 A By my signature, the date, and the lab, case, and exhibit
2 numbers on the evidence labels.

3 Q And is the exhibit something that you've analyzed already in
4 connection with this case?

5 A Yes.

6 MS. OSIRIM: The Government moves for admission of
7 Government's Exhibit 406X.

8 MS. COGGINS: No objection.

9 THE COURT: It will be admitted.

10 (Government's Exhibit 406X received)

11 BY MS. OSIRIM:

12 Q Ms. Vitale, did you prepare a report including your findings
13 and conclusions, with respect to this exhibit?

14 A Yes.

15 Q Could we please show the witness Government's Exhibit 406C.
16 Are we looking at a copy of that report now?

17 A Yes.

18 Q And can you tell us, based on this report, what conclusions
19 you reached as to the controlled substance contained in this
20 exhibit?

21 A It contains cocaine base and PTHIT.

22 Q How many units did this exhibit contain?

23 A Ten units.

24 Q And were you able to test all ten of these units?

25 A I tested nine of the ten units.

1 Q During your testing, were you able to determine the net
2 weight of these units?

3 A Yes.

4 Q And what was that net weight?

5 A 0.39 grams.

6 Q I know that we talked about this briefly in the beginning,
7 but when you are determining the net weight, are you taking --
8 can you tell us how you're doing that, making that determination.

9 A I take, in this case, it was ten units. I take it, and I
10 put it on a balance. And I do my testing of the nine out of the
11 ten that I screen. And then when they are the same, I empty them
12 all, 10 of 10, and grind them up together and put -- perform more
13 tests. And then I take the empty containers, and I put those on
14 the balance. And I subtract the weight of the empty containers
15 from the weight of the full containers.

16 Q And in this case, are the containers that you're referring
17 to typically small bags, or are they hard containers that contain
18 crack cocaine?

19 A Often small bags.

20 Q Okay.

21 MS. OSIRIM: Could we show this witness Government's
22 Exhibit 407X? Ms. Vitale?

23 (Government's Exhibit 407X marked for identification)

24 BY MS. OSIRIM:

25 Q Do you recognize what has been shown to you as DEA Exhibit

1 51 and Government's Exhibit 407X?

2 A Yes.

3 Q And how do you recognize that?

4 A By my signature, the date, and the lab, case and exhibit
5 numbers on the evidence seals.

6 Q Did you examine this evidence and connection with your work
7 in this case?

8 A Yes.

9 MS. OSIRIM: The Government moves for admission of
10 Government's Exhibit 407X.

11 THE COURT: Ms. Coggins?

12 MS. COGGINS: Oh, I'm sorry. No objection.

13 THE COURT: Very well, it will be admitted.

14 (Government's Exhibit 407X received)

15 BY MS. OSIRIM:

16 Q Could we please show the witness Government's Exhibit 407C?
17 Consistent with your prior testimony, Ms. Vitale, is this a copy
18 of the lab report that you had prepared after conducting your
19 analysis on Government's Exhibit 407X, DEA Exhibit 51?

20 A Yes.

21 Q And based on this report, and your recollection of the
22 analysis, can you tell us what, if any, controlled substances
23 were contained in this particular exhibit?

24 A Cocaine base.

25 Q How many units were contained in this particular exhibit?

1 A Ten.

2 Q And were you able to determine a net weight for the units in
3 this exhibit?

4 A Yes, the net weight was 0.40 grams.

5 MS. OSIRIM: Can we please show the witness what has
6 been previously identified as DEA Exhibit 58, and Government's
7 Exhibit 408X?

8 (Government's Exhibit 408X marked for identification)

9 BY MS. OSIRIM:

10 Q Ms. Vitale, do you recognize Government's Exhibit 408X?

11 A Yes.

12 Q And how do you recognize this?

13 A By my signature, the date, and the lab, case and exhibit
14 numbers on the evidence seals.

15 Q Have you analyzed the substances contained in Government's
16 Exhibit 408X?

17 A Yes.

18 MS. OSIRIM: The Government moves for admission of
19 Government's Exhibit 408X.

20 MS. COGGINS: No objection.

21 THE COURT: It will be admitted.

22 (Government's Exhibit 408X received)

23 BY MS. OSIRIM:

24 Q Ms. Vitale, did you prepare a report in conjunction with
25 your analysis of this exhibit?

1 A Yes.

2 Q Could we please show the witness a report which has been
3 admitted at 408C? Based on this report, and any recollection you
4 have of this analysis, can you tell the ladies and gentlemen of
5 the jury, what, if any, controlled substances were contained in
6 Government's Exhibit 408X, DEA Exhibit 58?

7 A Cocaine base.

8 Q Okay. And how many units were contained in this particular
9 exhibit?

10 A Eight units.

11 Q Did you test all eight of these units?

12 A Yes.

13 Q And can you tell us whether or not you were able to
14 determine a net weight of these units?

15 A Yes.

16 Q What was that?

17 A 0.35 grams.

18 Q Can we next show the witness what has already been admitted
19 in this case as Government's Exhibit 409C? Ms. Vitale, is this
20 another report that you prepared in connection with DEA Exhibit
21 number 59 in this case?

22 A Yes.

23 Q And can you tell the ladies and gentlemen how many units you
24 analyzed when preparing this report?

25 A There were 43 units and I analyzed 20 of them, and then made

1 a composite and did further analysis.

2 Q And can you tell the ladies and gentlemen of the jury what
3 conclusions you've reached as to the controlled substances
4 contained in these units?

5 A Contains cocaine base.

6 Q Does it also contain PTHIT?

7 A PTHIT and Lidocaine.

8 Q And were you able to reach a conclusion as to the net weight
9 of these exhibits?

10 A Yes.

11 Q And what was that weight?

12 A 2.0 grams.

13 Q We have reviewed with you this morning and this afternoon
14 approximately 14 reports that you prepared in connection with
15 these exhibits. In your expert opinion, did all 14 of these
16 exhibits that you analyzed in order to prepare those reports
17 contain cocaine base?

18 A Yes.

19 Q Thank you.

20 MS. OSIRIM: Court's indulgence.

21 (Pause)

22 MS. OSIRIM: No further questions of this witness, Your
23 Honor.

24 THE COURT: Thank you. Ms. Coggins.

25 MS. COGGINS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. COGGINS:

Q Good afternoon.

A Good afternoon. I just have a few questions for you. I'm going to pull up what I have marked as D6. It's going to be a lab report from July 12th of 2013. Is that in front of you?

A Yes.

Q Yes. Okay. So, on that exhibit, what is that?

A It's a lab report that I issued.

Q Okay, and that was issued on what date?

A I have to -- if you can scroll to the bottom. February 19th, 2014.

Q Okay, thank you.

MS. COGGINS: May I approach, Your Honor?

THE COURT: You bet.

MS. COGGINS: I'm going to show you, Ms. Vitale, what I've marked as D7.

(Defendant's Exhibit D7 marked for identification)

BY MS. COGGINS:

Q And ask if you recognize D7.

A Yes.

Q And does -- the package that's contained in D7, does that match the lab report that you've identified as D6?

A Yes.

Q In fact, they both have the exhibit number of -- if you

1 don't mind me looking over your shoulder --

2 A No.

3 Q -- that's -- I'm sorry -- that is Number 36; is that

4 correct?

5 A 38.

6 Q I'm sorry. 38.

7 A Yeah. Uh-huh.

8 Q Now, there's a bunch of different things on here that I

9 wanted to ask you about in this exhibit. This yellow tag that's

10 in the top right corner, whose -- who puts that tag on the

11 envelope?

12 A We did at the lab. The evidence technicians put it on.

13 Q And do you put that on the package when you receive this in

14 the lab?

15 A The evidence techs, when they receive it, they put that

16 label on, yes.

17 Q Okay. And then that number -- or that date that this yellow

18 tag is placed on, does that match the date that you have on your

19 reports as date received?

20 A I don't know, because I don't put that date received on my

21 report. It's auto -- auto populated.

22 Q So, when a lab report will read received on a particular

23 date, you don't know if that's accurate?

24 A No, I don't.

25 Q Okay. And you don't know if that matches the yellow tag

1 that's placed on the bag?

2 A I don't know.

3 Q So, you can't really say when the exhibits were received by
4 your laboratory?

5 A No.

6 Q Okay. What you can say, however, is when they were tested.
7 Is that fair to say?

8 A Yes.

9 Q Okay. And does it reflect a date on each of -- on this --
10 particularly this lab report, when the drugs were tested?

11 A Well, on this lab report or any lab report, I could tell
12 when the supervisor signed off on it. But to know when I tested
13 it, I would have to go by the date that's on the physical
14 evidence itself, on the evidence seals.

15 Q Fair enough. So, the date then that's at the bottom of the
16 report, if you see that --

17 A Yes.

18 Q -- that does not mean that that was the date that you tested
19 the drugs?

20 A Not necessarily.

21 Q Okay. Thank you. Do we know then, from the documents that
22 have been admitted, when these drugs were tested?

23 A I know from looking at the physical evidence.

24 Q Okay. And where would that appear on the packages?

25 A On the evidence label, there's an "opened by" and "date

1 opened." The "date opened" is when I opened the exhibit. And
2 the date I seal the exhibit is reflected on the evidence labels.

3 Q Okay. So, this white label that's on the front of each of
4 the packages, that label is already on the bag. Is that --

5 A Yes.

6 Q -- fair to say?

7 A Yes.

8 Q And the top portion of that evidence label is already filled
9 out by someone else?

10 A Yes.

11 Q So when you get it, you -- the lines that you fill in are
12 "date opened," which, in this particular case, has two dates. Is
13 that fair to say?

14 A Yes, because at some point I reopened it.

15 Q Okay. So, one of the dates is January 30th of 2014?

16 A Yes.

17 Q And the second date is February 14th of -- I'm sorry --
18 February 10th of 2014?

19 A Yes.

20 Q And then you would sign "opened by"?

21 A Yes.

22 Q And is that your signature?

23 A Yes.

24 Q Okay. And then below that, you would have gross weight
25 after analysis?

1 A Yes.

2 Q Explain that, please.

3 A That's after I seal everything -- put the evidence back in,
4 seal it up, then I put that whole container on a balance, and
5 that's the weight I get.

6 Q This entire bag?

7 A Yes.

8 Q That I'm holding in my hand?

9 A Yes.

10 Q Okay. And then in this case, correct me if I'm wrong, but
11 it looks like you sealed it once, you opened it back up. You
12 must have put something in it because the weight changed. Is
13 that fair to say?

14 A Yeah. I would expect the second weight to be a little bit
15 heavier because -- well, there's other labels that I put. Yeah.
16 And it looks like I put something in there. I'm just
17 speculating. It's possible I opened it because I didn't put all
18 the packaging in there, and that's why the weight is different.
19 But yes, I did reopen it to put something in it.

20 Q But you don't know what that was?

21 A I don't remember. I'd have to see my notes.

22 Q Okay. Now, when you -- and then, I'm sorry, you put down
23 after the weights -- the gross weight after analysis. When you
24 analyze something in the laboratory, do you put anything in them
25 to test them to increase the weight or decrease the weight from

1 the original weight that you received in the mail?

2 A No.

3 Q So, the weight remains the same from the time that you

4 received it until you test it?

5 A Yes.

6 Q Okay. And then that's the weight that's reflected on your

7 report; is that correct?

8 A Yes. The weight, yeah.

9 Q So, when you have on your report "gross weight," does the

10 gross -- what does that include, the gross weight? Everything

11 that you've received from the DEA?

12 A Well, the gross weight is all the packaging and the

13 contents. The net weight is just the rock like substance or

14 powder, whatever the sample is. So, the net weight is just the

15 sample, and the gross weight is the whole package.

16 Q Now, you're holding this up. Do you mean this entire

17 plastic -- this entire D7 is your gross weight?

18 A What's a D7?

19 Q Defense --

20 A Oh, okay.

21 Q -- Exhibit 7.

22 A Yes. That's right. Yes.

23 Q So, it's this outer envelope, it's everything?

24 A Yes.

25 Q Okay. And does -- and it comes exactly like this, sealed

1 with this white -- or clear plastic bag and this little bag here
2 already inside the envelope?

3 A Yes.

4 Q Okay. Now, you're the one --

5 A Well, no. This -- I'm sorry. This plastic bag, I added.
6 That's -- because the contents were originally -- the sample was
7 originally contained in that plastic bag. And then after I grind
8 it up and analyze -- weigh it, and grind it up, and analyze it, I
9 transfer it into a new plastic bag, which is what it's in now.

10 Q The little bag enclosed inside Defense Exhibit 7?

11 A The bag that contains the sample now is the bag that I
12 added.

13 Q This little bag that you've added --

14 A Yes.

15 Q -- is that part of the gross weight that you have on your
16 report?

17 A Yes.

18 Q Okay. All right. Thank you. I'm sorry.

19 A That's okay.

20 Q I jumped ahead of myself. "Resealed." So, you're the one
21 who reseals these bags?

22 A Yes.

23 Q Okay. Do you know who D. Michael is?

24 A That's the evidence technician.

25 Q Okay. So, you received this package from someone else in --

1 A Yes.

2 Q -- your laboratory?

3 A She's the evidence technician who mans the vault.

4 Q Okay. And this little sticker at the bottom, you put that
5 sticker on?

6 A Yes.

7 Q Okay. And that signifies what?

8 A That I sealed that evidence envelope.

9 Q Okay. Now, with regard to Defense Exhibit 6, that's in
10 front of you on the screen -- so whenever it was that you
11 received this package, you tested it at some point, and you
12 concluded that the exhibit -- I'm sorry -- that the small package
13 contained in the envelope was not drugs; is that correct?

14 A What small package?

15 Q This little clear package. The drugs that you tested --

16 A Okay.

17 Q -- what was the result of your test on those drugs?

18 A On that particular exhibit?

19 Q Yes.

20 A It -- I believe it was -- if you could push -- scroll up on
21 the report, I can see it. Gabapentin.

22 Q And what is Gabapentin?

23 A It's a drug. I can't remember the control status, off the
24 top of my head.

25 Q Is it an antiseizure? It can be used for antiseizures?

1 A Again, I can't remember the use, off the top of my head, but
2 it is something that -- it does have a medicinal use.

3 Q Okay. But it's not crack?

4 A No.

5 MS. COGGINS: Your Honor, I would move for Defense
6 Exhibit 7 and Defense Exhibit 6 at this time.

7 MS. OSIRIM: No objection.

8 THE COURT: Very well. It will be admitted.

9 (Defendant's Exhibits 6 and 7 received)

10 MS. COGGINS: Thank you.

11 Could you pull up D8, please, which is from
12 September 30th, 2013? Okay.

13 BY MS. COGGINS:

14 Q Ms. Vitale, I'm sorry, do you see on the screen a lab
15 report?

16 A Yes.

17 Q And do you recognize that as a lab report that you worked
18 on?

19 A Yes.

20 Q Okay. And that is a lab report that tested exhibit number
21 what from the DEA's number?

22 A 45.

23 Q And I'm going to show you what I have marked as D9.

24 (Defendant's Exhibit D9 marked for identification)

25 BY MS. COGGINS:

1 Q Do you recognize D9?

2 A Yes.

3 THE COURT: Put it on up jury's screen. Is it up
4 there?

5 MS. COGGINS: Oh. No.

6 THE COURT: Why don't we put it up on the jury screen?
7 (Counsel confer)

8 MS. OSIRIM: There's no objection to it being admitted,
9 Your Honor.

10 (Defendant's Exhibit D9 received)

11 THE COURT: Hmm. That doesn't sound good.

12 UNIDENTIFIED SPEAKER: All right. Just turn the
13 audio off.

14 MS. OSIRIM: It's off.

15 UNIDENTIFIED SPEAKER: Do you mind if I --

16 MS. OSIRIM: That happened the last night it --

17 THE COURT: Thank you.

18 MR. MAIATICO: Thanks, Kevin.

19 THE WITNESS: Yes, I recognize it.

20 BY MS. COGGINS:

21 Q Okay. Now, D8, the document that's in front of you --

22 MS. COGGINS: -- I'm sorry, Your Honor. I would move
23 to admit D8 before it's published to the jury, but --

24 THE COURT: This is --

25 MS. COGGINS: -- it's a -- I'll wait.

1 THE COURT: Okay. They can see it. It's admitted.

2 (Defendant's Exhibit 8 received)

3 MS. COGGINS: All right. Thank you.

4 BY MS. COGGINS:

5 Q So, on D8, you received -- I'm sorry. I'm not going to ask
6 you that question. Because you don't know when you received the
7 drugs, correct?

8 A Well, I know when I received it from the evidence vault, but
9 I -- as far as when it comes into the lab, that should be
10 reflected on -- it should be on the evidence label. Not
11 necessarily. That could be when they sealed it. It would be on
12 the DEA 7.

13 Q Okay. Now, when you look at this document, that matches --
14 I believe you've already said -- the package that I've marked as
15 D9, i.e., Exhibit Number 45; is that correct?

16 A Yes.

17 Q And when you tested the substance that was found inside of
18 Exhibit 45, what, if any, determination did you make?

19 A No controlled substances were present.

20 Q Okay.

21 MS. COGGINS: Your Honor, may we just have a very brief
22 sidebar with regard to my --

23 THE COURT: Sure.

24 MS. COGGINS: -- next exhibit?

25 (Sidebar begins at 2:08 p.m.)

1 THE COURT: Yes?

2 MS. COGGINS: It was one we discussed. So --

3 THE COURT: Which one?

4 MS. COGGINS: The one with the photograph. The one

5 that's up on the --

6 THE COURT: Is that the next one or --

7 MS. COGGINS: Yes. You want me to finish everything

8 else and then come back to that?

9 THE COURT: Do we have a photo of it?

10 MR. MAIATICO: Not yet. We may.

11 THE COURT: Oh, well.

12 MR. MAIATICO: Exhibit 28?

13 MS. COGGINS: 28, yes.

14 MR. MAIATICO: You want to use that?

15 MS. OSIRIM: Do you want us to email it to you?

16 THE COURT: Okay. How can we get it to your guy there?

17 MS. OSIRIM: Do you want me to email to him?

18 MS. COGGINS: Yeah. Sure --

19 MS. OSIRIM: And he could put it up?

20 MS. COGGINS: -- can email it to him, um-hum.

21 MR. MAIATICO: I mean, we --

22 MS. COGGINS: What do you want --

23 MR. MAIATICO: -- can -- we can take a break and do it

24 or we can do it right here. That's fine.

25 MS. COGGINS: Can I see it?

1 MR. MAIATICO: Do want to give me his email address?

2 MS. COGGINS: Oh, God, I can't see it.

3 THE COURT: Why don't you have him do it?

4 MR. MAIATICO: He has chain of custody of my phone.

5 MS. COGGINS: Um-hum. I guess, Judge, if we could do
6 some kind of a --

7 THE COURT: I'll explain to them what's going on. I'll
8 say that they're going to see a picture, and we hope to have the
9 actual bag to show them on Monday.

10 MS. COGGINS: Okay.

11 THE COURT: All right?

12 MS. COGGINS: Um-hum.

13 THE COURT: All right. Anything else we need to talk
14 about?

15 MS. COGGINS: No, Your Honor.

16 THE COURT: Okay.

17 (Sidebar ends at 2:10 p.m.)

18 THE COURT: There's one additional exhibit that
19 Ms. Coggins wishes to show you. Unfortunately, it's -- it
20 appears to be in the evidence safe in New York. We have a
21 photograph of it we're going to show you, and she will question
22 Ms. Vitale based on the photograph. And it should be overnighted
23 to us, so we can actually -- so we can show you the bag on Monday
24 even though Ms. -- the bag will trade places Ms. Vitale. She'll
25 be back in New York, and the bag will be here.

1 MS. COGGINS: May I continue, Your Honor?

2 THE COURT: You may.

3 MS. COGGINS: Thank you.

4 BY MS. COGGINS:

5 Q I'm going to pull up now, ma'am -- I'm going to show you --

6 and I believe that there's not going to be an objection to this.

7 It's going to be an exhibit from May 3rd of 2013.

8 MS. COGGINS: Referencing Number 28.

9 May I approach, Your Honor?

10 THE COURT: Yeah.

11 BY MS. COGGINS:

12 Q Ma'am, you see a lab report again in front of you on the

13 computer, correct?

14 A Yes.

15 Q And that's referencing an exhibit number given by the DEA,

16 number 28; is that correct?

17 A Yes.

18 Q And did you test that substance?

19 A Yes.

20 Q Okay. And that lab report -- you authored that lab report.

21 Is that fair to say?

22 A Yes.

23 Q And in that lab report, what is it that you test -- the

24 substance that you tested turned out to be what?

25 A Marijuana.

1 Q Okay. And you have a weight?

2 A Yes.

3 Q And what is that?

4 A 3.7 grams.

5 Q And that was the net weight; is that correct?

6 A Yes.

7 Q Okay. I'm going to show you a photograph and ask you to --

8 if it has come in.

9 UNIDENTIFIED SPEAKER: It -- I haven't received it.

10 THE COURT: Okay. Can you hit a refresh button?

11 UNIDENTIFIED SPEAKER: I've been doing that for --

12 THE COURT: Okay.

13 UNIDENTIFIED SPEAKER: -- five minutes.

14 THE COURT: This is taxing my computer knowledge.

15 MS. COGGINS: Your Honor, I don't want to admit Mr. --

16 THE COURT: Mr. --

17 MS. COGGINS: -- Maiatico's phone.

18 THE COURT: Mr. Maiatico though has it on his phone.

19 MS. COGGINS: Yes.

20 THE COURT: Mr. Maiatico, would you please bring your

21 phone to Ms. Coggins? And she could show it to the jury.

22 MR. MAIATICO: Yes, Your Honor.

23 THE COURT: This is what they've taught us in law

24 school.

25 MS. COGGINS: Thank you.

1 THE COURT: First show it to Ms. Vitale, if you would.

2 MS. COGGINS: Yes, Your Honor.

3 BY MS. COGGINS:

4 Q I'm going to ask you to look at Mr. Maiatico's phone.

5 MS. COGGINS: I guess we'll admit that -- or mark it as

6 Defense Exhibit 10.

7 THE COURT: It will be admitted.

8 (Defendant's Exhibit 10 marked for identification and

9 received)

10 MS. COGGINS: Thank you.

11 THE COURT: And the -- I was going to say hard copy.

12 The actual package will be admitted when it's here on --

13 hopefully on Monday.

14 THE WITNESS: Okay.

15 BY MS. COGGINS:

16 Q Do you recognize that as matching your lab report --

17 A It could.

18 Q -- as far as description goes?

19 A I can't say for certain that it does though --

20 Q Okay.

21 A -- because it --

22 THE COURT: Too small?

23 THE WITNESS: Well, I -- I'm a -- I analyze many drugs

24 over the years, and so I can't correlate that to this report

25 because it's not in an evidence bag with the seals.

1 MS. COGGINS: Understood.

2 THE WITNESS: Yeah.

3 BY MS. COGGINS:

4 Q Let me ask you this: Do there appear to be 19 vials there?

5 A Yes.

6 Q Okay. And your lab report has that you tested on that -- on

7 that date -- according to your lab report, you tested 19 vials;

8 is that correct?

9 A Yes.

10 Q And that they tested positive for marijuana?

11 A Yes.

12 Q Okay. Thank you.

13 THE COURT: Please just show that briefly to the

14 jury --

15 MS. COGGINS: Yes.

16 THE COURT: -- Ms. Coggins.

17 THE COURT: Do you want -- we're doing our best here.

18 UNIDENTIFIED SPEAKER: If I may, Your Honor, I'll

19 display it to the jury.

20 THE COURT: Please do.

21 UNIDENTIFIED SPEAKER: Thank you, sir.

22 THE COURT: Thank you, Mr. (indiscernible).

23 Yes, Ms. Coggins.

24 MS. COGGINS: Thank you, Your Honor.

25 BY MS. COGGINS:

1 Q So, ma'am, we had talked a little bit before about the fact
2 that weights don't change. Is that true even for when they're
3 going through, say, the mail? Shifting or anything like that,
4 does it -- that doesn't change the weight of -- of a package of
5 crack cocaine. Is that fair to say?

6 A Well, if it's sealed properly, it -- it wouldn't change,
7 right.

8 Q If it were sealed inside of a little, tiny packet, is there
9 a reason that it would change in weight for any reason you can
10 think of?

11 A No, not if it were sealed. Right.

12 Q Okay. And that if something sits inside of a safe, say a
13 small packet of properly sealed crack cocaine, if it sits inside
14 of a safe, it's not going to get lighter, get heavier, it's going
15 to stay the same. Is that fair to say?

16 A If it's not properly sealed, it could get a little lighter
17 over time, if it dries up. But if it's properly sealed, it won't
18 change.

19 Q Okay. And with regard to the substances that you tested,
20 the packets that you tested, are you able to say if they were
21 properly sealed or not properly sealed?

22 A No.

23 Q Okay. And why is that?

24 A Well, it's not in front of me.

25 Q No. I'm sorry. The ones that you did test.

1 A Oh, these?

2 Q Yes.

3 A Yes, they are. Yes.

4 Q They were all properly sealed --

5 A Yes.

6 Q -- when they arrived at your laboratory?

7 A Yes.

8 Q Okay. And on your lab reports, when you have something that

9 says "package" and then in parentheses it says "inner," what

10 exactly does that mean?

11 A Well, the packaging -- the inner packaging is what the drugs

12 are contained in or the sample is contained in, and the outer

13 packaging is the outside evidence envelope.

14 Q When you received the packages that you have in front of you

15 in the laboratory, was the -- some of them contain clear plastic

16 bags. Is that fair to say?

17 A Yes.

18 Q And were those separated from the packets of crack or did

19 you receive them with the crack cocaine -- or the packets of

20 crack cocaine inside of the knotted plastic bags?

21 A I would have to look at my notes for that. But I will say

22 this: If the samples were commingled, I would have treated them

23 as one unit, because I can't defend that there's not cross-

24 contamination. So, if I treated it as more than one unit, then -

25 - then they were sealed enough that I felt there was no

1 commingling of the samples.

2 Q Okay. Now, you received I think one of them or maybe two of
3 something -- either a napkin or a pretzel bag. Do you recall
4 seeing any of that?

5 A I don't recall.

6 Q Okay.

7 A It would be in my notes.

8 Q All right. Now, I'm going to ask you to refer to -- if you
9 have an exhibit with the laboratory date -- I'm sorry -- with the
10 DEA date (sic) of 41. Can you find that?

11 THE COURT: You mean the DEA Exhibit Number 41?

12 MS. COGGINS: That's correct.

13 THE COURT: Okay.

14 THE WITNESS: The laboratory --

15 MS. COGGINS: May I approach, Your Honor?

16 THE COURT: You may.

17 MS. OSIRIM: Maureen, that would be Government Exhibit
18 305X.

19 MS. COGGINS: Thank you.

20 BY MS. COGGINS:

21 Q If you would look at it.

22 A Oh, the evidence?

23 Q Yes.

24 A Okay. Sorry.

25 Q That's all right. Now, on 305X, there's a small bag inside

1 of the larger envelope, correct?

2 A Yes.

3 Q And this small bag is what you have put inside of the larger

4 envelope --

5 A Yes.

6 Q -- is that correct? Now, on that, there's handwriting. Do

7 you know who handwrote on that small -- smaller bag?

8 A Yes. Me.

9 Q Okay. And you have down there something that says "TW;" is

10 that correct?

11 A Yes.

12 Q What does that mean?

13 A Tear weight.

14 Q And what does that mean?

15 A That's the weight of the empty bag.

16 Q Of the empty bag that the product was in. Is that fair to

17 say?

18 A No. The empty bag that I'm going to put the leftover

19 product in.

20 Q Okay. So that doesn't factor into your net weight or your

21 gross weight on your corresponding lab report.

22 A No.

23 Q Is that fair to say?

24 A Fair to say, right.

25 THE COURT: Could I see counsel at sidebar?

1 (Sidebar begins at 2:19 p.m.)

2 THE COURT: I really want to give you every latitude,
3 Ms. Coggins. I have absolutely no idea where you're going with
4 this.

5 MS. COGGINS: Well, Your Honor, it's going to
6 addressing the chain of custody and also the weights. I think
7 it's relevant.

8 THE COURT: With her?

9 MS. COGGINS: No. But I have to establish the
10 foundation before I can make an argument.

11 THE COURT: Okay. I -- I don't see it, but okay.

12 MS. COGGINS: Thank you.

13 (Sidebar ends at 2:19 p.m.)

14 BY MS. COGGINS:

15 Q Ma'am, you did not conduct the -- there was another lab
16 person who is going to come in and testify to the other exhibits.
17 Is that fair to say?

18 A Yes.

19 MS. COGGINS: All right. Thank you. I have no other
20 questions.

21 MS. OSIRIM: Nothing further from this witness,
22 Your Honor.

23 THE COURT: Thank you, Ms. Vitale.

24 THE WITNESS: Thank you.

25 THE COURT: Safe travel.

1 THE WITNESS: Thank you.

2 MS. COGGINS: Your Honor, if I did not admit all of my
3 evidence, I would like to do that at this time.

4 THE COURT: They've all been admitted. I'll admit them
5 a second time.

6 MS. COGGINS: Thank you, Judge.

7 THE COURT: Why don't we start on the next -- is she
8 out there?

9 MS. OSIRIM: I believe so.

10 THE COURT: Okay.

11 MS. OSIRIM: The Government next calls Ms. Betty
12 Bleivik.

13 And Your Honor, it's just two items with her. So, it
14 should be --

15 THE COURT: Okay.

16 (Pause)

17 THE CLERK: Stand right here.

18 BETTY BLEIVIK, GOVERNMENT'S WITNESS, SWORN

19 THE CLERK: Please state your full name for the record
20 and spell your last name.

21 THE WITNESS: Betty Bleivik, B-L-E-I-V-I-K.

22 THE CLERK: Thank you.

23 DIRECT EXAMINATION

24 BY MS. OSIRIM:

25 Q Good afternoon, Ms. Bleivik. How are you?

1 A Good afternoon.

2 Q Ms. Bleivik, by whom are you employed?

3 A The Drug Enforcement Administration, Northeast Laboratory.

4 Q And what is your current title?

5 A Senior forensic chemist.

6 Q How long have you worked as a forensic chemical with the

7 DEA?

8 A For 28 years.

9 Q And can you describe generally your duties and

10 responsibilities over the course of these 28 years as a senior

11 forensic chemist?

12 A Yes. I analyze --

13 THE COURT: Before you finish, Ms. Bleivik.

14 Can I see counsel at sidebar?

15 (Sidebar begins at 2:22 p.m.)

16 MS. OSIRIM: I just want to qualify her.

17 THE COURT: Do we have to -- do we have to -- are you

18 -- will you stipulate to her expertise as an expert in chemical

19 analysis?

20 MS. COGGINS: Sure.

21 THE COURT: Okay.

22 MS. OSIRIM: Okay. I'll just skip ahead.

23 (Sidebar ends at 2:22 p.m.)

24 THE COURT: To save a little time, ladies and

25 gentlemen, both the parties stipulate that Ms. Bleivik is

1 qualified to testify as an expert in chemical analysis, just as
2 the previous witness was. And so, I will deem her an expert
3 witness.

4 MS. OSIRIM: Thank you.

5 BY MS. OSIRIM:

6 Q Ms. Bleivik, over the course of your 28 years as a forensic
7 chemist, have you analyzed substances including crack cocaine?

8 A Yes.

9 Q And is there a different term that you use for crack cocaine
10 when preparing a report about it?

11 A Yes. We refer to it as cocaine base.

12 Q And could you briefly just explain to the jury why that is?

13 A That is the correct scientific name. Crack cocaine has no
14 scientific definition.

15 Q Okay. Ms. Bleivik, did you have the opportunity to analyze
16 at least two pieces of evidence in connection with this case?

17 A Yes.

18 Q And if you recall, were those DEA Exhibits 42 and 44?

19 A Yes.

20 MS. OSIRIM: At this time, the Government moves to
21 admit Ms. Bleivik's -- the exhibits that she analyzed,
22 Government's Exhibit 42 and 44.

23 MS. COGGINS: No objection.

24 MS. OSIRIM: Thank you.

25 THE COURT: All right. They'll be admitted.

1 (Government's Exhibits 42 and 44 received)

2 BY MS. OSIRIM:

3 Q Ms. Bleivik, during the course of your chemical analyses of
4 exhibits that are provided to you by the DEA, do you prepare
5 reports reflecting your conclusions about the analysis you
6 performed?

7 A Yes.

8 Q In connection with DEA Exhibits 42 and 44, would you have
9 prepared reports with those?

10 A Yes.

11 MS. OSIRIM: The Government also moves to admit
12 Ms. Bleivik's reports at 306F and 403C.

13 MS. COGGINS: No objection.

14 MS. OSIRIM: Thank you.

15 THE COURT: They will be admitted.

16 (Government's Exhibits 306F and 403C received)

17 MS. OSIRIM: Thank you.

18 Could we show the witness Government's Exhibit 306X,
19 and pull up on the screen 306F?

20 Thank you, sir.

21 May I approach, Your Honor?

22 THE COURT: Yes.

23 MS. OSIRIM: I just want to take these --

24 And could we have on the screen, Ms. Cardone, if you
25 have a chance, 306F?

1 BY MS. OSIRIM:

2 Q Now, Ms. Bleivik, do you recognize what's in your hand
3 currently as Government's Exhibit 306X?

4 A Yes.

5 Q And what is that?

6 A This is evidence I analyzed in the DEA, Northeast
7 Laboratory.

8 Q And how do you know that it's evidence that you analyzed?

9 A I have my seal with my signature across the bottom seal, my
10 initials on the front evidence sticker, and I see my signature
11 and initials on the packaging inside the evidence envelope.

12 Q Thank you. Can you tell us briefly what kind of analysis
13 you did of the contents of that particular bag?

14 A Yes. I used a series of chemical analysis to determine its
15 contents and its purity.

16 Q Okay. And did you make determinations as to its contents
17 and purity?

18 A Yes.

19 Q And can you tell us, based on the report that appears in
20 front of you, what those determinations were?

21 A I found Government Exhibit 306X to contain cocaine base, 77
22 percent -- 77.7 percent cocaine base.

23 Q And what does that 77.7 percent mean?

24 A That 77.7 percent of this substance, this powdery substance,
25 is cocaine base.

1 Q Were you able to determine the net weight of the cocaine
2 base found in that exhibit?

3 A Yes.

4 Q And can you tell us what that net weight was?

5 A The net weight was 6.1 grams.

6 MS. OSIRIM: Could we please show this witness a report
7 she prepared that has been admitted as Government's Exhibit 403C?
8 BY MS. OSIRIM:

9 Q Ms. Bleivik, do you remember whether or not you also
10 analyzed DEA Exhibit Number 44 and prepared a property of that
11 exhibit?

12 A Yes, I did.

13 Q And are we looking at that report now?

14 A Yes.

15 Q And can you tell us what, if any, conclusions you reached
16 about DEA Exhibit 44?

17 A That DEA Exhibit 44 contains cocaine base.

18 Q There's a second substance that's noted there on that
19 report. Can you tell us what that is?

20 A That is Phenyl tetrahydro imidazothiazole.

21 Q And do you know what that substance is?

22 A It's also known as levamisole or tetramisole. I'm really
23 not sure. It's not a controlled substance.

24 Q Is it typically found in connection with cocaine base when
25 you're analyzing it?

1 A In our laboratory, we find it in many cocaine samples. Not
2 just cocaine base, but in many cocaine samples.

3 Q Thank you. Can you tell us, based on your report, what the
4 net weight of this particular sample was?

5 A .15 grams.

6 Q And can you tell us, based on your report, the number of
7 units that were analyzed in connection with that conclusion?

8 A Exhibit 44 contained four units.

9 Q And did you weigh all four of those units when determining
10 the net weight --

11 A Yes.

12 Q -- of that particular exhibit?

13 A Yes, I did.

14 Q Thank you.

15 MS. OSIRIM: The Government has no further questions.

16 MS. COGGINS: I have no questions, Your Honor.

17 THE COURT: Ladies and gentlemen, why don't -- you've
18 been sitting for an hour. Why don't we take our afternoon break.

19 THE CLERK: All rise.

20 THE COURT: Thank you, Ms. Bleivik.

21 (Jury out at 2:28 p.m.)

22 THE COURT: Please be seated, everybody.

23 Is the Government's next witness Agent Trainor.

24 MR. MAIATICO: It is, Your Honor.

25 THE COURT: And it will be your witness?

1 MR. MAIATICO: It will be, Your Honor.

2 THE COURT: Why don't we have him here in the
3 courtroom.

4 MR. MAIATICO: Yes.

5 (Recess at 2:29 p.m., recommencing at 2:50 p.m.)

6 THE COURT: Please be seated. My clerk is going to
7 hand out to you a draft of the verdict form, which you can
8 review. And he'll email it to you as well.

9 The -- in submitting a verdict form, even though all
10 the Government's charging documents, instructions -- proposed
11 instructions, and so forth on the possession counts --
12 substantive possession counts had aiding and abetting, it's not
13 on the verdict form. I don't know if it should be there or not.
14 That's the first thing that occurs to me, but why don't you take
15 a look at it, and we'll discuss it certainly on Monday.

16 Agent Trainor?

17 MR. TRAINOR: Yes.

18 THE COURT: Okay. Can we bring the jury back?

19 MS. COGGINS: Yes, Your Honor.

20 MR. MAIATICO: Yes.

21 THE BAILIFF: Please stand for the jury.

22 (Jury in at 2:51 p.m.)

23 THE COURT: Welcome back. Please be seated.

24 Mr. Maiatico, please call your next witness.

25 MR. MAIATICO: Your Honor, the Government calls Special

1 Agent Patrick Trainor to the stand.

2 THE CLERK: Please raise your right hand.

3 PATRICK TRAINOR, GOVERNMENT'S WITNESS, SWORN

4 THE CLERK: Please state your full name for the record
5 and spell your last name.

6 THE WITNESS: Patrick Trainor, T-R-A-I-N-O-R.

7 THE CLERK: Thank you.

8 THE COURT: Please be seated.

9 DIRECT EXAMINATION

10 BY MR. MAIATICO:

11 Q Good afternoon, Agent Trainor.

12 A Good afternoon.

13 Q Can you tell the jury how you were employed?

14 A I'm employed as a supervisory special agent with the Drug
15 Enforcement Administration here in Philadelphia.

16 Q All right. And how long have you been a supervisory special
17 agent?

18 A Approximately two years.

19 Q And prior to that, what was your role with the DEA?

20 A I was employed as a special agent at the -- at the DEA in
21 this office.

22 Q Okay. And prior to being in this office in Philadelphia,
23 were you still in law enforcement?

24 A Yes, I was.

25 Q And where were you employed?

1 A I was employed with the FBI in New York City.

2 Q Okay. And how many years have you been with the DEA?

3 A 21 years.

4 Q How many years were you with the FBI?

5 A Two years.

6 Q And can you describe briefly what your duties are as a
7 special agent? We'll go to a special agent. I know you have
8 different roles now as a supervisory special agent. But as a
9 special agent, what were your duties?

10 A My duties as a special agent was to investigate violations
11 of the Controlled Substances Act, but primarily we investigated
12 complex cases involving drug trafficking in and around the
13 Philadelphia area.

14 Q And during the course of the investigation in this case, the
15 reason that we're here, what unit or squad were you assigned to?

16 A I was assigned to Enforcement Group 22 at the time.

17 Q Okay. And that enforcement group, what types of cases did
18 they investigate?

19 A Mainly street -- illegal street drugs, such as cocaine,
20 heroin, methamphetamine. Mainly distribution in and around the
21 Philadelphia area.

22 Q And, Agent Trainor, during your time with the DEA and with
23 the FBI, about how many drug trafficking investigations have you
24 participated in?

25 A Hundreds.

1 Q And specifically -- you said there's different types of
2 drugs that you investigated. Let's talk about crack cocaine.
3 Is -- crack cocaine, is that a controlled substance?

4 A Yes, it is.

5 Q Can you describe what it means to be a controlled substance?

6 A A controlled substances are substances that have been
7 identified by the DEA and the Federal Government as being
8 potentially dangerous. And that decision is based -- or that
9 classification is based on their legitimate medical use, if there
10 is any, as well as their potential for abuse and addiction.

11 Q Okay. And crack cocaine, is that scheduled?

12 A Yes, it is.

13 Q What schedule is it?

14 A It's a Schedule I drug, which shows that it -- indicates it
15 has no accepted medical use and a very high possibility of
16 addiction.

17 Q Okay. And turning to this case, are you one of the lead
18 agents on the investigation of the Defendant here, Juan Jarmon,
19 in drug trafficking in the Blumberg housing projects?

20 A Yes, I am.

21 Q For how long have you been involved in this particular
22 investigation?

23 A Approximately five years.

24 Q And when did you start with this investigation?

25 A In or around 2013.

1 Q And during this investigation, were you involved in the
2 Title III wiretaps that were part of this case?

3 A Yes, I was.

4 Q Were you involved in the undercover police stings or the
5 controlled buys?

6 A Yes, I was.

7 Q Were you involved in witness interviews throughout the
8 course of this investigation?

9 A Yes, I was.

10 Q Okay. I want to turn to the undercover police stings or the
11 controlled buys. Did you conduct controlled drug buys from Juan
12 Jarmon during the course of this investigation?

13 A Yes, I did.

14 Q And did you participate in all of the controlled buys?

15 A I did not participate in all of the controlled buys in this
16 investigation, but I did participate in the ones involving Juan
17 Jarmon.

18 Q Okay. Well, I'm going to go through five of the buys where
19 you had participated. May 3rd, 2013, May 8th, 2013, May 17th,
20 2013, June 11th, 2013, and September 5th, 2013. Did you
21 participate in those five controlled buys?

22 A Yes, I did.

23 Q Okay. And very briefly -- we've gone through this before
24 with other witnesses -- but can you describe to the jury what a
25 controlled buy is?

1 A Sure. A controlled buy or a controlled purchase is a
2 purchase that is done under the direction of law enforcement.
3 It's done under a very specific set of guidelines and
4 instructions where we actually provide the funds that are used to
5 purchase these drugs.

6 We provide cooperators who conduct these purchases for us
7 with specific direction. And we also outfit them with several
8 concealed recording device for a couple of reasons. One of which
9 is to corroborate what, in fact, they see, but also for their
10 safety. And we also search these cooperators before and after
11 the buys to make sure that they haven't brought any drugs
12 or money to the transaction that is not from us.

13 Q And, Agent Trainor, I want to talk to you about some of the
14 Government exhibits we're going to see with regards to these
15 controlled buys. For each of those buys, are there relevant
16 recordings, sometimes audio, sometimes audio and video
17 recordings?

18 A Yes, there are.

19 Q And are these coming from those audio/video recording
20 devices that you just described?

21 A Yes. That's correct.

22 Q Are there also some telephone calls that happen between the
23 cooperator or the confidential source and Juan Jarmon?

24 A Yes, there are.

25 Q Now, where there's a video, how good is the quality of this

1 video? Can you describe that?

2 A Well, the video, we use concealed recording devices during
3 these purchases. They're often secreted in clothing or other
4 items. They're very small. So, the recording quality is not
5 always -- it's always perfect.

6 Q Okay. So, for the videos and some of the videos that we're
7 going to see, were there still shots that are taken from those
8 videos?

9 A Yes, there are.

10 Q And in those still shots, are you able to see -- or were you
11 able to identify individuals that participated in that controlled
12 buy?

13 A Yes, I was.

14 Q Once the crack or the drugs have been purchased, are they --
15 are they turned over to law enforcement by the confidential
16 source?

17 A Yes. That's correct.

18 Q And is that what they're directed to do?

19 A Yes. That's correct.

20 Q And can you describe the process once a source turns over
21 the drugs, what you do with those drugs?

22 A Sure. We secure them in an evidence bag, and we transport
23 them back to our office, which is located in the federal building
24 here, where we would field test the drugs, we would weigh the
25 drugs, we would photograph the drugs, and then secure it in

1 a sealed evidence bag, and that's done by two people, and then
2 it's actually secured in a temporary drug evidence locker at our
3 office.

4 Q And when the drugs are turned over from the confidential
5 source, are they marked with a DEA exhibit number?

6 A Yes, they are. Correct.

7 Q And does -- is a property receipt created?

8 A Yes. We generate a form tracking the acquisition as well as
9 the chain of custody for the exhibit.

10 Q So what's the purpose of marking it with that DEA exhibit
11 number and using that property receipt?

12 A Well, we can identify what case it's being processed under,
13 the date it was acquired, who acquired it, who sealed it, who
14 witnessed it. It allows us to track -- again, track the chain of
15 custody for the exhibit.

16 Q And are -- you mentioned an evidence storage locker?

17 A Yes.

18 Q Is that a -- is that a secure -- in a secure location?

19 A Yes, it is.

20 Q And can you describe the process that someone would need to
21 do to get the drugs or these exhibits out -- outside of an
22 evidence storage locker?

23 A Sure. The evidence storage locker operates very similar to
24 a mailbox with a one-way latch, if you will, and we drop it in
25 there. And there's -- there are only I think three agents in our

1 office that have access to that vault.

2 Q Do civilians have access to that?

3 A They do not.

4 Q And what happens if you want to get that evidence out? Is
5 it signed out?

6 A Yes. I have to request that evidence. I have to meet one
7 of those approved drug custodians along with another agent or law
8 enforcement officer, and we have to sign the -- you know, sign it
9 out and sign a receipt saying that we've received it.

10 Q Okay. Now, you also mentioned that you submit these drugs
11 to a DEA laboratory?

12 A Yes. Correct.

13 Q Where is that laboratory?

14 A The -- we submit it to a DEA lab in New York City.

15 Q Okay. And in this particular case, did DEA forensic
16 chemists test those drugs?

17 A Yes, they do.

18 Q Do you know which chemists those were that tested those
19 drugs?

20 A I believe it was Cindy Vitale and Betty Bleivik.

21 Q And --

22 THE COURT: Normally, ladies and gentlemen, we would
23 have had the agent testify first and then the chemists, but the
24 chemists were here from 100 miles away, and so we had them
25 testify out of order. Sorry.

1 MR. MAIATICO: No problem, Your Honor.

2 BY MR. MAIATICO:

3 Q So, each of the exhibits then, each of the drugs that were
4 obtained during these controlled buys that I just mentioned, they
5 were also submitted to the lab for testing?

6 A Yes, they were.

7 Q And what did the lab test for?

8 A The lab tests for controlled substances.

9 Q And do we have photographs of those drugs as well?

10 A Yes, we do.

11 Q Did you and other law enforcement officers help prepare
12 transcripts? We talked about those audio or audio/video
13 recordings. Do you help prepare transcripts during -- of those
14 controlled buys with Juan Jarmon?

15 A Yes, I did.

16 Q And did you review those personally?

17 A Yes, I did.

18 Q And do those corresponding transcripts that go along with
19 the audio recordings and the video recordings, do they accurately
20 represent the conversations?

21 A Yes, they do.

22 Q And do the transcripts properly identify the voices
23 speaking?

24 A Yes, they do.

25 Q And can you describe to the jury how you were able to

1 identify the voices on those recordings?

2 A Sure. Well, we transcribe these by wearing headphones and
3 review it. But I was familiar with the -- with these voices
4 through my investigation and through identifications made by
5 confidential sources that were cooperating with us.

6 Q And specifically with regard to the Defendant, Juan Jarmon,
7 have you heard his voice before?

8 A Yes, I have.

9 Q You said you participated in the Title III wiretap?

10 A Yes, I did.

11 Q Were you one of the people that was actually inside of the
12 wire room?

13 A Yes, I was.

14 Q And approximately how many phone calls did you listen to
15 that included Juan Sharmon -- Juan Jarmon's voice during the
16 course of this investigation?

17 A Several thousand.

18 Q So, before coming here today, Agent Trainor, did you review
19 what's been marked Government Exhibits 301 through 313F, and also
20 401 through 409C?

21 A Yes, I did.

22 Q And are these each of the recordings that we just talked
23 about; the transcripts, the photographs, the still shots,
24 the drugs, and the property receipts for each of those controlled
25 buys?

1 A Yes. That's correct.

2 MR. MAIATICO: Your Honor, at this time, we would ask
3 to move 301 through 313F and 401 through 409C into evidence.
4 I'll note that those lab reports in those series are already
5 admitted.

6 MS. COGGINS: May we see -- sidebar, Your Honor?

7 THE COURT: Sure.

8 (Sidebar begins at 3:03 p.m.)

9 THE COURT: Yes?

10 MS. COGGINS: I have no objection to the exhibits
11 themselves. Of course, with regard to chain of custody, that's
12 out. But I would ask that you again do the cautionary
13 instruction with regard to transcript, because he did testify I
14 think once (indiscernible) --

15 THE COURT: I'll --

16 MS. COGGINS: -- (indiscernible) --

17 THE COURT: I'll be glad to give the transcript
18 instruction again --

19 MS. COGGINS: Thank you.

20 THE COURT: -- before -- you let me know when you're
21 going to play the transcript (sic), and before you do it --

22 MR. MAIATICO: Okay. I'll be doing that shortly.

23 THE COURT: Okay. Very good.

24 (Sidebar ends at 3:04 p.m.)

25 THE COURT: Okay. And you have no objection?

1 MS. COGGINS: I do not, Your Honor.

2 THE COURT: Okay. Again, ladies and gentlemen, you are
3 about to hear audio recordings that were received in evidence,
4 and you will be given written transcripts of the recordings. As
5 I told you before, keep in mind that the transcripts are not
6 evidence. They are being given to you only as a guide to help
7 you follow what is being said.

8 The recordings themselves are the evidence. If you
9 notice any difference between what you hear in the recordings and
10 what you read in the transcripts, you must rely on what you hear,
11 not on what you read. And if you cannot hear or understand
12 certain parts of the recordings, you must ignore the transcripts
13 as far as those parts are concerned.

14 The transcripts name the speakers, but remember you
15 must decide who is actually speaking in the recording. The names
16 on the transcripts are used simply for your convenience.

17 Mr. Maiatico.

18 MR. MAIATICO: Thank you, Your Honor.

19 BY MR. MAIATICO:

20 Q And before getting to the recordings, Agent Trainor I want
21 to talk to you about the confidential sources that was used --
22 the confidential source that was used for each of those
23 controlled buys.

24 Was it the same confidential source for each of those five
25 buys I had mentioned before?

1 A Yes, it was.

2 Q And without revealing the source's name in open court, was
3 it J.F.?

4 A Yes. Correct.

5 Q And can you tell us whether or not this source had a
6 criminal history?

7 A Yes, he did.

8 Q Did it include arrests for drug crimes?

9 A Yes, it -- he did.

10 Q And did the source work with the DEA and FBI during the
11 course of the investigations of both agencies?

12 A Yes, he did.

13 Q And for about how long did J.F. work with the DA -- DEA and
14 FBI on this particular case?

15 A It was over a several-month period.

16 Q Has he also worked with other law enforcement agencies?

17 A Yes, he has.

18 Q And was he a paid source?

19 A He was.

20 Q Why was he paid?

21 A He was paid for his information and services.

22 Q And according to the FBI source file, between 2013 and 2015,
23 was he paid approximately \$11,800?

24 A Yes. That's correct.

25 Q So, I want to turn to the May 3rd, 2013 controlled buy. And

1 you talked about the ways in which law enforcement controls that
2 buy. Did law enforcement then use this confidential source to
3 conduct a controlled buy inside the Blumberg housing projects on
4 that date, on May 3rd, 2013?

5 A Yes. That's correct.

6 Q Was this a controlled buy where you first identified Juan
7 Jarmon, at least in person, for this -- in this investigation?

8 A Yes, it is.

9 Q Prior to the buy, did you and other agents meet with this
10 confidential source?

11 A We did.

12 Q And during that meeting, was the source directed to go into
13 Blumberg and try to purchase drugs?

14 A Yes, he was.

15 Q Can you talk briefly, prior to the buy, what steps you took
16 then to control it?

17 A Sure. We -- again, we search these cooperators before that
18 happens. We provide them with prerecorded buy money, which is
19 essentially cash. We -- again, we search them, we outfit them
20 with several concealed recording devices, and then we actually
21 drive the CI to the vicinity of the location and drop him off.
22 And then we have other law enforcement officers who are
23 conducting surveillance, doing spot surveillance on the CI while
24 he was walking into the apartment complex.

25 Q And for this May 3rd buy, that's something that you did with

1 the source J.F.?

2 A Yes. Correct.

3 Q And he was searched and patted down prior to sending him in?

4 A Yes. That's correct.

5 Q Okay. And at this point in the investigation, was this

6 relatively early in the investigation?

7 A Yes, it was.

8 Q Did you know what types of drugs might be purchased inside

9 of Blumberg?

10 A Yes. There were a number of drugs that were sold in and

11 around the Blumberg apartment complex.

12 Q Okay. Did you know for this particular buy, what was going

13 to be purchased?

14 A Initially there was some conversations about the source

15 purchasing PCP.

16 Q Okay. After providing the source with money, you said he's

17 dropped off in the vicinity. So, for this particular buy, was he

18 dropped off in the vicinity of the Blumberg housing projects?

19 A Yes, he was.

20 Q And so as the source enters the housing projects, are you

21 able to listen at the same time to what's going on?

22 A Yes.

23 Q How is that?

24 A Well, again, we outfit the sources with concealed recording

25 devices. These are devices that can audio record the meet, they

1 can video record it, but we also use a secondary device that not
2 only records it but also transmits it to us. And there's a
3 couple of reasons for that. That allows us to monitor realtime,
4 what's transpiring during this purchase.

5 Q So you're able to hear the voice of the source and some of
6 the people that he's meeting with?

7 A That's correct.

8 Q Now, this transmitter, does it always work?

9 A No. No.

10 Q So sometimes you're able to hear, sometimes you're not?

11 A Yes. And it transmits. So, it -- it's not always -- it's
12 not always perfect, that's correct.

13 Q Okay. So, on this May 3rd buy, have you reviewed the
14 audio/video recording of this buy?

15 A Yes.

16 Q And were you able to identify the people that the source met
17 with during that buy?

18 A Yes, we were.

19 Q Who does he meet with?

20 A He met with Juan Jarmon and another individual by the name
21 of Sean Jarmon.

22 Q And who does he meet with first?

23 A Sean Jarmon.

24 Q You said Sean Jarmon?

25 A Correct.

1 Q Who is -- based on this investigation, did you identify who
2 Sean Jarmon was?

3 A He was Juan Jarmon's brother.

4 Q Okay. Have you seen Sean Jarmon recently?

5 A I have.

6 Q When was the last time you saw him?

7 A I saw him in the courtroom earlier today.

8 Q He was here today?

9 A Correct.

10 Q And do you remember what he was wearing?

11 A He was wearing an orange sweatshirt and blue jeans.

12 Q Like a neon sweatshirt?

13 A Correct.

14 Q Okay. And then you said you also identified Juan Jarmon?

15 A Correct.

16 Q Okay. And is Juan Jarmon -- do you see him here in the
17 courtroom today?

18 A Yes, I do.

19 Q And where is he sitting?

20 A He's sitting at Defense table.

21 Q And can you point out an item of his clothing?

22 A He's wearing a black shirt with a tie.

23 MR. MAIATICO: For the record, Your Honor, the --
24 Agent Trainor's identified the Defendant Juan Jarmon?

25 THE COURT: Yes.

1 BY MR. MAIATICO:

2 Q So finally, before we go to the video, how good is the
3 quality of this particular audio/video recording?

4 A It's of good quality, yes.

5 Q Okay. Do you see faces at all points during this video?

6 A Not at all points, no.

7 Q Okay. Does it jump around in the frame or is it a steady
8 shot the whole time?

9 A No. It's -- again, it's a concealed recording device, and
10 it moves quite a bit.

11 Q Okay. Is that expected or unexpected in these types of
12 recordings?

13 A Oh, that's routine.

14 Q Okay. And, specifically, for this one, are you the one that
15 prepared the transcript for this controlled buy?

16 A I believe so, yes.

17 Q Now, you mentioned before that you listened to -- you listen
18 to the recordings with headphones?

19 A Correct.

20 Q Okay. And do you play it back several times to put together
21 the transcript?

22 A Yes. Correct.

23 Q So the voices then on this particular audio/video recording,
24 who are the voices that you heard?

25 A The voices that you'll hear will be the source, you will

1 hear Sean Jarmon's voice, Juan Jarmon's voice, but you'll also
2 hear the voices of law enforcement at the beginning and at the
3 end of the purchase.

4 Q Okay. And for the purposes of this audio/video recording,
5 when you identified the person as Sean Jarmon, did you write SJ?

6 A Correct. Yes.

7 Q Okay. The person -- when you identify him as the source, do
8 you have CHS?

9 A Correct.

10 Q And what does that -- what does CHS stand for?

11 A CHS is the -- a term that the FBI uses, which stands for
12 confidential human source.

13 Q Okay. So, source, confidential human --

14 A Correct.

15 Q -- source? And finally, Juan Jarmon, is he referred to as
16 JJ --

17 A Correct.

18 Q -- in the transcript? Okay. Let's turn to Government
19 Exhibit 301. Is this the audio recording of the May 3rd, 2013
20 buy? And does it contain the pertinent part of the buys?

21 A Yes, it does.

22 Q And does it have --

23 THE COURT: You said audio, but I'm seeing a picture.

24 MR. MAIATICO: Audio and video.

25 THE COURT: Okay.

1 BY MR. MAIATICO:

2 Q And is it about five minutes long?

3 A Approximately, yes.

4 Q Okay.

5 MR. MAIATICO: I'd ask that we play Government

6 Exhibit 301, please.

7 THE COURT: Okay.

8 (Audio played at 3:12 p.m.)

9 MR. MAIATICO: If we could pause that right there.

10 (Audio paused at 3:14 p.m.)

11 BY MR. MAIATICO:

12 Q Now, so far in this video, were you able to identify the

13 individual who first sat down with the confidential source, and

14 also the same person that came back --

15 A Yes.

16 Q -- and is meeting with the confidential source? Who is that

17 person?

18 A That's Sean Jarmon.

19 Q Okay.

20 MR. MAIATICO: If we can continue that.

21 (Audio resumed at 3:14 p.m.)

22 BY MR. MAIATICO:

23 Q Agent Trainor, based on your viewing of that video, can --

24 MR. MAIATICO: Oh. Sorry.

25 (Audio ended at 3:17 p.m.)

1 BY MR. MAIATICO:

2 Q Agent Trainor, is that your voice both at the beginning of
3 that recording and at the end of the recording activating and
4 then deactivating --

5 A Yes, it is.

6 Q -- the device? Now, based on your viewing of that video,
7 Agent Trainor, can you tell where it is that the source first met
8 Sean Jarmon and then at the end Juan Jarmon?

9 A Yes. That's the courtyard area of the former Norman
10 Blumberg apartment complex.

11 Q Okay. Was it inside of the Blumberg housing projects?

12 A Yes.

13 Q In that side the property lines of the Blumberg housing
14 projects?

15 A Yes. Correct.

16 Q And was a still shot from the latter portion of that video
17 created?

18 A Yes.

19 Q If I can direct your attention to Government Exhibit 301C.

20 MR. MAIATICO: One moment, please.

21 BY MR. MAIATICO:

22 Q 301B. I'm sorry. Is that a still shot that was created
23 from the second part of the video when the source meets Juan
24 Jarmon?

25 A Yes, it is.

1 Q And can you identify the individual in that photograph?

2 A Yes. That's Juan Jarmon.

3 Q Okay. Now, after this -- after these meetings, does the

4 source return to meet with law enforcement?

5 A Yes, he did.

6 Q And does he turn anything over?

7 A Yes. He turned over the drugs he has purchased, and also I

8 retrieved and deactivated the concealed recording devices from

9 the source.

10 Q Now, you said the drugs he had purchased. Was there

11 marijuana purchased and was there crack purchased?

12 A Yes, there were two exhibits purchased that day.

13 Q Okay. And was the sort -- source searched for any other

14 contraband?

15 A Yes, he was.

16 Q What were the results of that?

17 A That was negative.

18 Q Now, the crack that was obtained from the source, was that

19 marked with Government Exhibit -- I'm sorry -- DEA Exhibit, when

20 and you're marking those for chain of custody purposes. Was it

21 marked with DEA Exhibit 29?

22 A Yes. Correct.

23 Q And did the DEA take custody of that crack and submit it for

24 lab testing, as you said they do?

25 A Yes.

1 Q I want to turn to Government Exhibit 301E. And I apologize.
2 Let me -- 301D. D, as in dog. Sorry.

3 And, Agent Trainor, is that the crack that was
4 purchased?

5 A Yes, it was.

6 Q And who was that purchased from?

7 A That purchase was from Juan Jarmon.

8 Q And what's contained inside of those small, black bags that
9 we see there?

10 A A small off white kind of rocky, hard, chunky substance.

11 Q Okay. You said chunky substance?

12 A Correct.

13 Q Is that hard or --

14 A Yes.

15 Q -- soft?

16 A It's hard.

17 Q Okay. Have you -- ever used -- ever heard that term hard
18 before?

19 A Yes. Hard is a term that's commonly used to refer to crack
20 cocaine.

21 Q Now, how do you know that?

22 A I've participated in hundreds of investigations of crack
23 cocaine.

24 Q Okay.

25 MR. MAIATICO: I'd like to turn to the Government

1 Exhibit 301A, which is the transcript of this particular
2 controlled buy.

3 BY MR. MAIATICO:

4 Q I want to direct your attention down to the bottom of the
5 first page, the last line where the CS starts, "What about --
6 what about Ag? Yes, sir. Yes, sir. Some hard." So, who is
7 that -- who is it that you identified said that?

8 A That's the source talking to Juan Jarmon. And he's
9 inquiring about some hard.

10 Q And at that point, is he talking -- is he talking to Sean
11 Jarmon?

12 A Yes. Correct.

13 Q So when he's talking to Sean Jarmon, how does Sean respond?

14 MR. MAIATICO: If you'd turn to the next page of the
15 transcript at the top.

16 BY MR. MAIATICO:

17 Q Does Sean -- how does Sean Jarmon respond when there's a
18 question, "Can I get some hard."

19 A He follows up asking the CS, "How much," referring to -- and
20 the CS tells him a bundle quantity.

21 Q Okay. And does Sean Jarmon then respond, "Like how much?
22 Like a bean worth or something?"

23 A Yes. That's correct.

24 Q And what's your understanding of what the word bean means?

25 A Bean is a term that's commonly used to refer to a hundred

1 dollar quantity.

2 Q Okay.

3 MR. MAIATICO: I want to go further down on that page
4 of that transcript down to where there's an exchange between Sean
5 Jarmon and the source where Sean Jarmon, SJ, starts, "How much
6 you want?"

7 THE WITNESS: Um-hum. Yes. I see it.

8 BY MR. MAIATICO:

9 Q Okay. "How much you want? How much you trying to
10 strength?" Who is it that says that?

11 A That's Sean Jarmon saying that to the --

12 Q And who's --

13 A -- the source.

14 Q -- he talking to?

15 A To the source.

16 Q Okay. And what does the source respond?

17 A "A deuce."

18 Q And when Sean Jarmon says a deuce, what does the source
19 respond?

20 A "Correct. Yes."

21 Q Does he say "yeah"?

22 A He does. Correct.

23 Q All right. Then -- then there's a statement, "All right.
24 I'm gonna grab it for you right now. I'm gonna grab it from my
25 brother." Does Sean Jarmon have an older brother?

1 A Yes, he does.

2 Q And who is that?

3 A Juan Jarmon.

4 Q That's the Defendant?

5 A Correct.

6 Q After he says that, what does the CS respond?

7 A "Some hard." He's confirming.

8 Q Okay. And again, what does hard refer to?

9 A Hard refers to crack cocaine.

10 Q And what does Sean Jarmon say?

11 A He agrees. "Yes."

12 Q At that point in the video, does the source then give Sean

13 Jarmon money?

14 A I can't recall.

15 Q Should we go back and look at it?

16 A Please.

17 Q Okay.

18 MR. MAIATICO: If we could go to the approximate --

19 MS. OSIRIM: I think you have to start it first.

20 (Counsel confer)

21 (Audio played at 3:23 p.m.)

22 MR. MAIATICO: Can you pause it right there?

23 (Audio paused at 3:26 p.m.)

24 BY MR. MAIATICO:

25 Q And Agent Trainor, that was my prior question. After Sean

1 Jarmon says, "All right. I'll grab it for you right now. I'm
2 gonna grab it from my brother." And the source says, "Some
3 hard," Sean says, "Yeah," what do you -- what do you see in the
4 video?

5 A You see the source handing Sean Jarmon money. And a "deuce"
6 is a term commonly referred to as a \$200 in quantity.

7 Q And based on the number of times you saw some 20s being
8 passed over, did it appear that it was about \$200?

9 A Correct.

10 Q Okay. I want to return back to the transcript, 301A. And
11 turning to the third page of that transcript, and just about
12 quarter of the way down, once Juan Jarmon reappears -- and we saw
13 that still photograph that you identified -- starting, "JJ: My
14 little brother." So, JJ, Juan, "My little brother call me right
15 now" -- and then on the phone -- "Yo, that's -- that's why we out
16 here. I'm right here with him." Who is it that you identified?
17 Whose voice was that?

18 A That's Juan Jarmon's voice.

19 Q Okay. And how did the source respond?

20 A He informed Juan to tell him to have his brother call him
21 back when he got back.

22 Q And in response to that, did Juan Jarmon say, "No. I do the
23 work side. So, you can call me if you want"?

24 A Yes. That's correct.

25 Q Agent Trainor, I want to move on to the next controlled buy.

1 It's a May 8th, 2013. So, in the afternoon of May 8th, 2013, did
2 law enforcement use a confidential source again to conduct a
3 controlled drug buy from Juan Jarmon?

4 A Yes. That's correct.

5 Q And prior to that buy, did you and other agents meet with
6 the source?

7 A Yes, we did.

8 Q And during that meeting, was the source directed to try and
9 purchase crack cocaine from Juan Jarmon?

10 A Yes. That's correct.

11 Q Why was he asked to do that? Why was he asked to buy it
12 from the Defendant, Juan Jarmon?

13 A Well, the source had previously purchased crack cocaine from
14 Juan Jarmon.

15 Q And did you believe that he would do it again?

16 A Yes.

17 Q All right. Prior to the buy, what steps did you take to
18 monitor this particular transaction?

19 A It was very similar to as we outlined. We searched the
20 cooperator, we provided him with prerecord buy money, outfitted
21 him with several concealed recording devices, and then again
22 drove him to the vicinity of the location, and surveilled him.

23 Q And in this case, did you provide the source with \$450 of
24 cash?

25 A Yes. Correct.

1 Q How much crack did you believe that \$450 in cash would buy?

2 A Approximately a quarter ounce quantity of crack.

3 Q Okay. Now, when you say a quarter ounce, what is that in

4 grams --

5 A Approximately --

6 Q -- approximately?

7 A -- seven grams.

8 Q Okay. And after providing the source with the money, where

9 was he dropped off?

10 A In the vicinity of the Norman Blumberg apartment complex.

11 Q Okay. I want to turn to Government Exhibit 302. And

12 Agent Trainor, does -- is this the video or audio and video

13 recording that contain the pertinent parts of the buy?

14 A Yes.

15 Q And is this one about eight minutes long?

16 A Approximately.

17 Q And have you viewed it before coming here today?

18 A Yes, I have.

19 Q And in this buy, does it show the source getting into a car

20 with Juan Jarmon?

21 A Yes, it does.

22 Q Okay.

23 MR. MAIATICO: If you could play Government

24 Exhibit 302, please.

25 (Audio played at 3:29 p.m.)

1 MR. MAIATICO: If you can pause that right there for
2 one second.

3 (Audio paused at 3:30 p.m.)

4 BY MR. MAIATICO:

5 Q Now, you heard on the -- that video the source say, "I'm
6 right here in the Blum by the playground." Based on your viewing
7 of that video, where do they appear to be located?

8 A A playground.

9 Q And where was that?

10 A That -- there was a playground located in the center
11 courtyard area between the two high-rise projects in the
12 Blumberg.

13 Q And was that the initial meeting spot for the source and
14 Juan Jarmon?

15 A Correct.

16 Q Okay.

17 MR. MAIATICO: If we can continue it.

18 (Audio resumed at 3:31 p.m.)

19 MR. MAIATICO: Pause that for one second.

20 (Audio paused at 3:35 p.m.)

21 BY MR. MAIATICO:

22 Q Did you identify that scream we heard at the end of that
23 portion of the video?

24 A I did not.

25 Q Okay. Who does that appear to be coming from?

1 A I don't know.

2 Q Okay.

3 MR. MAIATICO: Let's move on, please.

4 (Audio resumed at 3:36 p.m.)

5 MR. MAIATICO: Can you pause that your one second?

6 (Audio paused at 3:37 p.m.)

7 BY MR. MAIATICO:

8 Q Now, at that point of the video, Agent Trainor, does it
9 appear that Juan Jarmon exits the vehicle?

10 A Correct.

11 Q Okay. And does he return to the vehicle shortly after?

12 A Yes, I believe so.

13 Q Okay. And is that this next portion of the call (sic)?

14 A Yes. Correct.

15 Q Or of the video.

16 MR. MAIATICO: If we can continue that, please.

17 (Audio resumed at 3:38 p.m., ending at 3:39 p.m.)

18 BY MR. MAIATICO:

19 Q All right. Agent Trainor, if we could -- if I could direct
20 your attention to the transcripts for this particular controlled
21 buy on 302A. I want to direct your attention to the second page.
22 Right at the top, the first line, where JJ says, "See I -- I
23 got -- I waited for my man to come through with this shit. As
24 soon as he come through with this, I've got to have A1,
25 everything, because I ain't gonna lie to you, like this shit only

1 high because I'm paying sky numbers for some good shit."

2 Did you identify who said that?

3 A Yes. That's Juan Jarmon.

4 Q In this particular buy, you said you had provided the source
5 with \$450 in cash?

6 A Yes. Correct.

7 Q And that was for about how much crack cocaine that was
8 expected?

9 A Approximately a quarter ounce quantity.

10 Q Now, are you familiar with the market for crack cocaine in
11 North Philadelphia --

12 A Yeah.

13 Q -- at this time?

14 A Yes, I am.

15 Q Was -- 450 for a quarter ounce, was that a sky high number?

16 A It's expensive.

17 Q Moving down to -- halfway down of page of the transcript,
18 where it starts, "JJ: I ain't gonna lie to you," I ain't gonna
19 lie to you. You -- you fuck with me with that shit, like I would
20 never sell you no baked-up shit because I don't sell my fiends no
21 baked-up shit. Like they ain't -- I ain't with that. Like these
22 other N words about shit with the fast money, but I ain't."

23 Did you identify who said that, Agent Trainor?

24 A Yes. That was Juan Jarmon.

25 Q And that was Juan Jarmon's voice?

1 A Correct.

2 Q And who was he speaking to?

3 A He was speaking to the source.

4 Q And what -- how did the source respond?

5 A "How you do your customers and all that."

6 Q And then when Juan Jarmon responds, "Yeah, like I -- I be --

7 I be paying -- I be paying -- I be paying crazy money to

8 motherfuckers. That shit be running me, man," how does the

9 source respond?

10 A He asked him how much they charge.

11 Q And then Juan Jarmon says, "I be getting that shit for 67,

12 68, but then I'd be having to stretch this shit 3,000 off of each

13 ounce, and shit like that, just so I can save my money."

14 And did you identify the voice of the person who had that?

15 A Yes. That's Juan Jarmon.

16 MR. MAIATICO: If I can move to the next page of that

17 transcript, right at the 307 mark.

18 BY MR. MAIATICO:

19 Q Who is it that said, "Nah, 'cuz I got to break something

20 down. That's the whole thing, is, I'm come right back. Don't

21 let the law get us though"?

22 Did you identify the voice that said that?

23 A Yes. That's Juan Jarmon.

24 Q Then after Juan Jarmon returns to the vehicle at 3:15 p.m.,

25 and there's a statement, "I'm always gonna have some for you

1 though. You hear me? You ain't never gonna have to worry about
2 that. You ain't never had no complaints about this shit."

3 Who is it that said that, Agent Trainor?

4 A That's Juan Jarmon.

5 Q And who was he speaking to?

6 A Speaking to the source.

7 Q Now, were there still shots from this video created?

8 A Yes, there were.

9 Q If I can direct your attention to 302B, is that a still shot
10 from the video in this buy?

11 A Yes, it is.

12 Q And can you identify that person?

13 A That's Juan Jarmon.

14 Q And 302C?

15 A Yes. Again, that's Juan Jarmon.

16 Q And then finally 302D, did you identify that individual?

17 A Yes. That's Juan Jarmon.

18 Q All three of those are Juan Jarmon?

19 A Yes. That's correct.

20 Q Those are still shots from that controlled buy?

21 A Correct.

22 Q Now, after this buy, does the source return to meet with law
23 enforcement?

24 A Yes, he did.

25 Q And does he turn anything over?

1 A Yes. He turned over the crack cocaine he had purchased from
2 Jarmon.

3 Q And was the source searched for any other contraband?

4 A Yes, he was.

5 Q What was the results of that?

6 A There were no additional contraband found. And we also
7 retrieved and deactivated the concealed recording devices.

8 Q Now, for this May 8th, 2013 controlled buy of crack, was it
9 marked as DEA Exhibit 30?

10 A Correct.

11 Q And did the DEA take custody of the crack and submit it for
12 lab testing?

13 A Yes. That's correct.

14 Q I'm showing you Government Exhibit 302F. And what is that?

15 A Yes. That's a picture of the crack cocaine that was
16 purchased from Juan Jarmon.

17 Q Now, turning to the controlled buy on May 17th, 2013, that
18 afternoon, did law enforcement again use source J.F. to conduct a
19 controlled buy from Juan Jarmon?

20 A Yes. Correct.

21 Q Okay. And prior to that buy, did you and other agents meet
22 with the source?

23 A Yes, we did.

24 Q And during that meeting, was the source directed to try and
25 purchase crack cocaine from Juan Jarmon?

1 A Yes, he was.

2 Q Why was he directed to do that?

3 A He had made, again, prior purchases from Juan Jarmon.

4 Q So he made two prior purchases and now you're going to
5 direct him for a third purchase; is that correct?

6 A Correct.

7 Q Now, prior to this buy, what steps did you take to control
8 it?

9 A Again, very similar to the other instances, we met with
10 J.F., we searched him for contraband, we provided him with
11 prerecorded buy money, we searched him, outfitted him with
12 concealed recording devices, and activated those same devices,
13 and then drove him in the vicinity of the Norman Blumberg
14 apartment complex.

15 Q And you said that you provided him with cash?

16 A Correct.

17 Q And so in those previous buys, there was a purchase for
18 \$200, and then there was a purchase for \$450. For this purchase,
19 did you provide him with \$900 in cash?

20 A Correct.

21 Q And with \$900 in cash, how much crack did you believe that
22 that would buy?

23 A Approximately a half ounce quantity.

24 Q Okay. In a half ounce, how many grams?

25 A 14 grams. There are 28 grams in an ounce.

1 Q All right. Again, is this expensive for North Philadelphia
2 at this time?

3 A Yes. That's a very -- that's a very high price.

4 Q After providing the source with the money, where was he
5 dropped off?

6 A He was dropped off in the vicinity of the Norman Blumberg
7 apartments. And, again, surveilled by law enforcement --

8 Q Okay.

9 A -- sporadically.

10 Q Now, for this particular buy, do we have a video recording
11 or is it audio only?

12 A I believe it's just audio only.

13 Q Okay. And why don't we have video?

14 A We did have a partial video recording, but the device --
15 there was a malfunction with the device, and we weren't able to
16 catch the entire -- the entire recording.

17 Q Is that the reason that you have these backup recordings?

18 A Yes. Correct.

19 Q Okay. And I want to turn to Government Exhibit 303. Is
20 this the audio recording of the pertinent part of this buy on
21 May 17th, 2013?

22 A Yes. Correct.

23 Q And this is something that you had listened to before?

24 A Yes. Correct.

25 Q And is it about a minute long?

1 A Approximately.

2 MR. MAIATICO: If we could play 303, please.

3 (Audio played at 3:46 p.m., ending at 3:47 p.m.)

4 BY MR. MAIATICO:

5 Q If we could turn to Government Exhibit 303A, the transcript

6 for this audio recording of the controlled buy. And if we could

7 go down just about halfway where JJ starts, "I had to throw that

8 shit back."

9 A Yes. I see it.

10 Q "I had to throw that shit back on the scale a couple times.

11 This shit oil." Who is it that said that?

12 A That's Juan Jarmon saying that.

13 Q And two more lines down, "But that shit scaled though.

14 Still the same work." Did you identify the voice of the person

15 who said that?

16 A Yes. That's Juan Jarmon.

17 Q Now, had Juan Jarmon used that word work on the previous

18 buy, on that first buy?

19 A Yes, he did.

20 Q And after purchasing the crack cocaine from Juan Jarmon, the

21 source, after the source did that, did Juan Jarmon in that

22 previous buy say, "No. I do the work side"?

23 A Yes. That's correct.

24 Q And what do you -- what's your understanding of that word

25 "work," to do work?

1 A Work is a term commonly used by people who are engaged in --
2 in drug trafficking. They'll say, you know, I got -- you know, I
3 got work. I got --

4 Q And based on your review of the wire calls, based on your
5 review of the controlled buys here, based on your surveillance of
6 Juan Jarmon, what is his work?

7 A He was engaged in --

8 MS. COGGINS: Objection.

9 THE COURT: Sustained.

10 BY MR. MAIATICO:

11 Q Let's move on. So, after this buy, does the source return
12 to meet with law enforcement?

13 A Yes, he did.

14 Q And does he turn anything over?

15 A Yes. He turned over the crack cocaine that he had
16 purchased.

17 Q Okay. If we could turn to Government Exhibit 303C. What is
18 that?

19 A That's a picture of the crack cocaine that was purchased
20 from Juan Jarmon on May 17th.

21 Q Okay. And was the source searched for any other contraband?

22 A Yes, he was.

23 Q And what were the results of that?

24 A There was no other contraband found.

25 Q And this particular crack, was it marked as DEA Exhibit 32?

1 A Yes. That's correct.

2 Q And did the DEA take custody of that crack and submit it for
3 lab testing?

4 A Yes. That's correct.

5 Q Agent Trainor, let's move on to the June 11th, 2013 buy.
6 So, in the afternoon of June 11th, 2013, did law enforcement
7 again use J.F. to conduct a controlled drug buy from Juan Jarmon?

8 A Yes. That's correct.

9 Q Prior to that buy, did you and other agents meet with the
10 source?

11 A Yes, we did.

12 Q And during that meeting, was the source directed to try and
13 purchase crack cocaine from Juan Jarmon?

14 A Yes, he was.

15 Q Why was he asked that?

16 A Again, based on prior purchases that the -- that J.F. had
17 made from Juan Jarmon.

18 Q And prior to that buy, what steps did you take to control
19 it?

20 A Again, the source was provided with prerecorded buy money,
21 he was searched, he was outfitted with several concealed
22 recording devices, and driven by law enforcement to the vicinity
23 of the apartment complex.

24 Q And for the particular buy, was the source provided with
25 \$1,800 in cash?

1 A Yes. That's correct.

2 Q And how much crack did you believe that \$1,800 in cash would
3 buy?

4 A Approximately a one ounce quantity.

5 Q Okay. And after providing the source with money, where was
6 he dropped off?

7 A The vicinity of the Norman Blumberg apartments.

8 Q If we could turn to Government Exhibit 304. Is this the
9 video recording of the pertinent part of this controlled buy?

10 A Yes.

11 Q And is this about three minutes long?

12 A Approximately.

13 Q Does the transcript -- just for the jury, does the
14 transcript begin when the source enters into the mini market that
15 we see in this buy?

16 A Correct.

17 MR. MAIATICO: Okay. If we could play Government
18 Exhibit 304, please.

19 (Audio played at 3:51 p.m., ending at 3:54 p.m.)

20 BY MR. MAIATICO:

21 Q All right. Agent Trainor, during the beginning of that
22 video, as the source is walking to the mini market, does he say,
23 "I'm going to meet at the coffee store at the corner of 24th and
24 Oxford"?

25 A Yes, he does.

1 Q Is he speaking to anyone at that time?

2 A He's actually speaking to us.

3 Q Okay. So, the -- does the source know that the -- that that

4 transmission is being transmitted back to law enforcement?

5 A Yes. We make the sources aware of that.

6 Q And why is he saying that?

7 A He's letting us know where he's -- where he's headed. And

8 they do that just to -- so we can change our position and

9 surveil --

10 MS. COGGINS: Objection. Speculation.

11 THE COURT: Sustained. Go on.

12 BY MR. MAIATICO:

13 Q Do you ask him to do that, to keep --

14 A Yes.

15 Q -- to keep you aware of his location?

16 A Correct.

17 Q So based on your viewing of that video, can you tell where

18 it is that the source met with Juan Jarmon?

19 A Yes. He met him at a convenience store located on the

20 southwest corner of the 2400 block of West Oxford Street.

21 Q Okay. I'm going to show you Government Exhibit 109. And

22 this has already been admitted. Do you recognize that

23 photograph?

24 A Yes, I do.

25 Q And what is it?

1 A That's the convenience store located on the southwest corner
2 of the 2400 block of West Oxford Street.

3 Q Okay. And that's the Mini Mart where Juan Jarmon and the
4 source met on June 11, 2013?

5 A Yes. That's correct.

6 Q Okay. And up the -- it's on the 2400 block of West Oxford.
7 What is the address?

8 A 2400 West Oxford Street.

9 Q And that's here in Philadelphia?

10 A Correct.

11 Q Now, it's right across the street from what?

12 A That's right across the street from the Blumberg apartment
13 complex.

14 Q So on this photograph, Government Exhibit 109, what do you
15 see in the left-hand side?

16 A On the left, you'll see a three-story -- a series of three-
17 story structures. Those are -- those were known as the low-rises
18 of the Blumberg apartment complex.

19 Q And that's the property of Blumberg right across the street?

20 A Correct.

21 Q And about how far away is that from the Mini Mart?

22 A Approximately 50, 60 feet.

23 Q I want to turn to the transcript of that audio/video
24 recording that we just saw. 304A. And just about over halfway
25 down, "JJ: Yeah, I put it." It's a relatively short

1 interaction, but who says, "Yeah, I put it. It's in there
2 though"?

3 A That's Juan Jarmon.

4 Q Okay. And you identified his voice there on the audio/video
5 recording?

6 A Yes. That's correct.

7 Q Where were still shots from that video created?

8 A Yes, there were.

9 Q And can I direct your attention to Government Exhibit 304B,
10 please? Is that a still shot from the meeting between the source
11 and Juan Jarmon?

12 A Yes, it is.

13 Q And can you identify that person?

14 A That's a photo of Juan Jarmon.

15 Q And that's from the video?

16 A Correct.

17 Q Government Exhibit 304C. Is this another still shot from
18 that video?

19 A Yes, it is.

20 Q And who is that?

21 A That's Juan Jarmon.

22 Q And 304D?

23 A Yes, that's also a still shot of Juan Jarmon.

24 Q Okay. Now, after this buy, does the source return to meet
25 with law enforcement?

1 A Yes, he did.

2 Q And does he turn anything over?

3 A Yes. He had turned over the crack cocaine he purchased from

4 Juan Jarmon. And again, we had retrieved and deactivated the

5 concealed recording devices.

6 Q Okay. And was he searched and patted down?

7 A Yes, he was.

8 Q And what were the results of that?

9 A We'd found no additional contraband.

10 Q And you said he turned over the crack that was purchased

11 from Juan Jarmon?

12 A Correct.

13 Q If I can draw your attention to Government Exhibit 304F.

14 And what was this?

15 A That's a DEA evidence bag containing drug Exhibit 36, which

16 was the purchase made from Juan Jarmon.

17 Q Okay. So, this particular bag, DEA Exhibit 36, that is the

18 crack that was purchased on June 11th, 2018 --

19 A That's correct.

20 Q -- or I'm sorry -- June 11th, 2013?

21 A Correct.

22 Q And did DEA take custody of the crack and submit it for lab

23 testing?

24 A That's correct.

25 Q All right. Agent Trainor, moving on to September 5th, 2013,

1 that controlled buy that you were involved in, in the afternoon
2 of September 5th, 2013, did you again use the source J.F. to
3 conduct a controlled buy from Juan Jarmon?

4 A Yes, we did.

5 Q And prior to that buy, did law enforcement direct the source
6 to try and purchase an ounce of cocaine?

7 A Correct.

8 Q Okay. And did the source make a series of recorded phone
9 calls to Juan Jarmon prior to that buy?

10 A Yes, he did.

11 Q Okay. I want to go through some of those six short calls.
12 And we'll start with Government Exhibit 307. Give me one moment.

13 (Pause)

14 BY MR. MAIATICO:

15 Q So, Agent Trainor, on September 3rd, 2013, did the source
16 make that phone call to Juan Jarmon at approximately 8:46 p.m.?

17 A That's correct.

18 Q Okay. And approximately -- was that approximately a one-
19 minute phone call?

20 A Correct.

21 Q And on the transcript that was prepared for this particular
22 phone call, is the source shown as CS?

23 A Correct.

24 Q Okay. And Juan Jarmon, did you identify his voice on
25 these -- on this phone call?

1 A Correct.

2 Q And is he shown as JJ?

3 A That's correct.

4 MR. MAIATICO: Okay. If we could play Government
5 Exhibit 307, please.

6 (Audio played at 4:00 p.m., ending at 4:02 p.m.)

7 BY MR. MAIATICO:

8 Q And if we could turn to 307A, the transcript of that phone
9 call, on page 2 at the very top where it starts, "CS: I'm gonna
10 need," who is it that says, "I'm gonna need -- I'm gonna need an
11 onion ring, man"? Did you identify who that was?

12 A The source, J.F., said that.

13 Q Okay. And this is a -- this is actually a monitored call,
14 correct?

15 A Correct.

16 Q And prior to that call, you had directed the source, you
17 said, to purchase an ounce of crack cocaine from Juan Jarmon; is
18 that correct?

19 A Yes. That's correct.

20 Q And based on that, what do you understand an onion ring to
21 be?

22 MS. COGGINS: Objection.

23 THE COURT: Sustained.

24 BY MR. MAIATICO:

25 Q But you directed the source to purchase an ounce of crack

1 cocaine?

2 A Yes. That's correct.

3 Q Okay. And after the source said, "I'm gonna need an onion
4 ring, man," how did Juan Jarmon respond?

5 A He responded, "Okay. All right."

6 Q Moving on to the next phone call, Government Exhibit 308, on
7 September 4th, 2013, did the source make a recorded call to Juan
8 Jarmon at approximately 1:30 p.m.?

9 A Yes, he did.

10 Q Okay. And is this call approximately 35 seconds?

11 A Approximately.

12 MR. MAIATICO: Okay. If we could play 308, please.

13 (Audio played at 4:03 p.m., ending at 4:04 p.m.)

14 BY MR. MAIATICO:

15 Q Agent Trainor, did you identify the people on that phone
16 call?

17 A Yes. That was the source, J.F., and Juan Jarmon on that
18 phone call.

19 Q Okay. And moving on to Government Exhibit 309, on September
20 4, 2013, a little bit later, 1:38 p.m., did the source make a
21 recorded phone call?

22 A Yes, he did.

23 Q And was that to Juan Jarmon?

24 A Yes, it was.

25 MR. MAIATICO: If we could play 309.

1 (Audio played at 4:04 p.m., ending at 4:05 p.m.)

2 BY MR. MAIATICO:

3 Q All right. Turning on the transcript for that phone call,
4 309A, on the second page at the bottom, who is it that says,
5 "I'll set some aside for you"? The third line from the bottom.

6 A Yes. That's Juan Jarmon.

7 Q And who's he speaking to?

8 A He's talking to CS; J.F..

9 Q All right. Moving on to Government Exhibit 310. So that
10 same day, September 4th, 2013, a few hours later, 4:26 p.m., does
11 the source make a recorded call to Juan Jarmon?

12 A Yes, he did.

13 Q And is this call approximately 37 seconds long?

14 A Yes, approximately.

15 MR. MAIATICO: If we could play 310, please.

16 (Audio played at 4:05 p.m., ending at 4:06 p.m.)

17 BY MR. MAIATICO:

18 Q And if we could turn to the transcript for that telephone
19 call, 310A, and on page 2, this is about halfway down where JJ
20 starts "All right. Just let -- just let me know." "All right.
21 Just -- just let me -- just let me know. I'm about to make a
22 couple of runs. Just let me know, man." Did you identify,
23 Agent Trainor, who it was that said that?

24 A Yes. That's Juan Jarmon.

25 Q And who was he speaking to?

1 A He was talking to the confidential source. Again, J.F.
2 again.

3 Q Okay. And how did that source respond?

4 A The source responded, "All right."

5 Q And what did Juan Jarmon say in response to that?

6 A "Just keep me in contact because I have shit lined up
7 already."

8 Q All right. And moving on to Government Exhibit 311, again,
9 that same day, September 4th, 2013, a few hours later at
10 7:51 p.m., did the source make a recorded phone call to Juan
11 Jarmon?

12 A Yes, he did.

13 Q And was the duration of that call approximately 51 seconds?

14 A Approximately.

15 MR. MAIATICO: And can we play that phone call, please?

16 (Audio played at 4:07 p.m., ending at 4:08 p.m.)

17 BY MR. MAIATICO:

18 Q And turning to the transcript for that audio call,
19 Government Exhibit 311A, and about halfway down, does the source
20 say to Juan Jarmon, "I'll be like -- I'll be there like 2:00
21 tomorrow"?

22 A Yeah. He says, "I'll be down there."

23 Q Okay. And he says, "2:00 tomorrow"?

24 A Oh. Yes, he did. I'm sorry.

25 Q And that's a call from September 4th, 2013?

1 A Yes. That's correct.

2 Q And so the next day would be September 5th, 2013?

3 A Correct.

4 Q And when the CS says, "All right. Hook me up, Bro. I'll be
5 down there for sure," who is he talking to?

6 A He's talking to the Defendant, Juan Jarmon.

7 Q And how does Juan Jarmon respond?

8 A He responds, "Okay. All right."

9 Q All right. So then on September 5th, 2013, did law
10 enforcement conduct a controlled buy from Juan Jarmon?

11 A Correct. Yes, they did.

12 Q And prior to that buy, what steps did you take to monitor or
13 control it?

14 A Again, as with the others ones, we searched the cooperator,
15 provided him with prerecorded buy money, outfitted him with
16 concealed recording devices, and searched him, and again, drove
17 him in the vicinity of the area.

18 Q Okay. And for this buy, on September 5th, was the source
19 provided with \$2,400 in cash?

20 A Yes, he was.

21 Q And how much crack did you believe that \$2,400 in cash would
22 buy?

23 MS. COGGINS: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: A one ounce quantity.

1 BY MR. MAIATICO:

2 Q And I want to turn to Government Exhibit 313. And had you
3 reviewed this before coming here?

4 A Yes, I have.

5 Q And is this the video recording of the pertinent part of
6 this controlled buy?

7 A Yes, it is.

8 Q Is it just under two minutes?

9 A Approximately.

10 Q And again, does this transcript begin when the source enters
11 into the Mini Market?

12 A Yes. Correct.

13 MR. MAIATICO: Okay. If we could play Government
14 Exhibit 313, please.

15 (Audio played at 4:10 p.m., ending at 4:12 p.m.)

16 BY MR. MAIATICO:

17 Q All right. Agent Trainor, just going back for one moment.
18 At the beginning of that audio/video recording we see, does the
19 source appear to be on the phone?

20 A Yes, he did.

21 Q Okay. And if I could direct your attention to Government
22 Exhibit 312. And is this a recorded phone call that law
23 enforcement made between the source and Juan Jarmon on
24 September 5th, 2013 at approximately 2:42?

25 A Yes, it is.

1 Q And is the duration approximately 22 seconds?

2 A Approximately.

3 MR. MAIATICO: Okay. If we could play Government
4 Exhibit 312, please.

5 (Audio played at 4:12 p.m., ending at 4:13 p.m.)

6 BY MR. MAIATICO:

7 Q All right. And, Agent Trainor, in the audio/video recording
8 that we just watched, could you identify where Jarmon and the
9 source met?

10 A Yes. That's the Mini Market. Again, on the southwest
11 corner of the 2400 block of West Oxford Street.

12 Q And if we could turn to the transcript for the audio/video
13 recording, Government Exhibit 313A, I want to direct your
14 attention, Agent Trainor, to just about a few lines down. It
15 starts, "JJ: This -- this shit a little weak." "This shit a
16 little weak. You heard me?" Did you identify who said that,
17 Agent Trainor?

18 A Yes. That's Juan Jarmon.

19 Q How did the source respond?

20 A The source responded, "Yeah, I hear you."

21 Q And what did Juan Jarmon say?

22 A He said, "This shit is weak. This shit's a little weak,
23 man. You know what I mean?"

24 Q Now, Agent Trainor, based on the lab report that's already
25 been admitted, 313F --

1 MR. MAIATICO: Can we turn to that, please? And if we
2 could highlight the top portion.

3 BY MR. MAIATICO:

4 Q Agent Trainor, are you familiar with these reports?

5 A Yes, I am.

6 Q Have you seen hundreds or maybe even thousands of these over
7 the course of your career?

8 A Yes, I have.

9 Q And do you understand what is on these reports?

10 A Yes, I do.

11 Q And I want to direct your attention to the DEA
12 Exhibit 43.01, that had been analyzed.

13 A Yes.

14 Q And what is substance purity?

15 MS. COGGINS: Objection.

16 THE COURT: Sustained.

17 BY MR. MAIATICO:

18 Q What does it say under "substance purity"?

19 A It says 50.3 percent with a plus or minus of 2.5 percent.

20 Q Based on the hundreds or perhaps thousands of reports that
21 you saw, is that number high or low?

22 MS. COGGINS: Objection.

23 THE COURT: Sustained.

24 BY MR. MAIATICO:

25 Q We're going to go back to the transcript at 313A. And if we

1 could go down to -- just over halfway down that starts, "JJ: All
2 real shit." "JJ: All real shit. Oh, look, it's my old friends.
3 They trying to tell me -- ah, I'm like, man, you are no fucking
4 cop, man. They try to act like you was the law. They was like,
5 'Every time he come around, one of the cops, man' -- like I ain't
6 trying to -- that's my man. That's my man. He ain't like that
7 because I know what he be doing. That's what they say. He -- he
8 ain't no cop, man. They like, no, man, he" --

9 Who is it that makes that statement, Agent Trainor?

10 A That's the Defendant, Juan Jarmon.

11 Q All right. And who is he talking to?

12 A He's talking to the CS. Again, J -- J.F..

13 Q And was this confidential source working for the cops?

14 A Yes, he was.

15 Q If we could go down to the last line of that transcript that
16 starts, "All N words." "Just want the bread because they see me
17 making it. And they know that when you bring me money, you bring
18 me more than 25 or -- you know what I mean? They be like, 'N
19 words, just trying to beat me to the punch, man.' If he wanted
20 you, he wouldn't -- he would have got you. He called me. They
21 want this and they want this and that."

22 Did you identify who said that?

23 A Yes. That's Juan Jarmon.

24 Q And during this buy, did the source bring Jarmon about
25 \$2,500?

1 A Correct.

2 Q How much was it?

3 A I believe it was 2,400.

4 THE COURT: Would this be a good time to break?

5 MR. MAIATICO: Your Honor, I have -- I can finish up
6 this controlled buy, and then I think it would be an appropriate
7 to break.

8 THE COURT: Okay.

9 BY MR. MAIATICO:

10 Q Just a couple more questions, Agent Trainor. Were there
11 still shots from the video that were created?

12 A Yes, there were.

13 Q If I could direct your attention to 313B. Is that a still
14 shot from this video and this buy on September 5th, 2013?

15 A Yes, it is.

16 Q And who is that in that photograph?

17 A That's Juan Jarmon.

18 Q Okay. If I can direct your attention to Government
19 Exhibit 313C. Is that a still shot from that buy?

20 A Yes, that's a still shot as well.

21 Q And who was that a photograph of?

22 A That's Juan Jarmon.

23 Q So after this buy, does the source return to meet with law
24 enforcement?

25 A Yes, he did.

1 Q And does he turn anything over?

2 A Yes. He provided us with the crack cocaine that he had
3 purchased. We searched him again, and again retrieved and
4 deactivated the concealed recording devices.

5 Q And was he searched?

6 A Yes, he was.

7 Q And what were the results of that search?

8 A It was negative.

9 Q Now I'm going to show you Government Exhibit 313E. And what
10 is this a photograph of?

11 A That's a photograph of the crack cocaine that was purchased
12 that day.

13 Q And was the crack marked as DEA Exhibit 43?

14 A Yes. Correct.

15 Q And did the DEA take custody of the crack and submit it for
16 lab testing?

17 A Yes, we did.

18 MR. MAIATICO: Your Honor, this might be a good time to
19 break.

20 THE COURT: Very well.

21 You know not to discuss the case among yourselves or
22 with others, you're not to let them discuss the case with you,
23 you're not to remain in the presence of anyone who discusses the
24 case, you're not to investigate the case, you're not to write,
25 Tweet or text or email about the case, you're not to look at

1 newspapers, listen to the radio, watch TV that discuss the case,
2 you're not to have anything to do with the case until Monday
3 morning at 9:30 when I see you. When you decide this case, it
4 can be based solely on the evidence revealed from that stand and
5 the law as I give it to you.

6 As always, I thank you for your patience and I thank
7 you for your attention. I will see you on Monday morning so that
8 we can begin at 9:30.

9 THE CLERK: All rise.

10 (Jury out at 4:20 p.m.)

11 THE COURT: Okay. Please be seated.

12 Are you -- do you still have additional direct for this
13 witness?

14 MR. MAIATICO: We do, Your Honor.

15 THE COURT: Okay. Thank you, Mr. Trainor.

16 THE WITNESS: Yes, sir.

17 THE COURT: You're free to go. I'll wait until the
18 witness leaves.

19 (Pause)

20 THE COURT: You haven't qualified him as an expert, so
21 I'm not going to let him give expert opinions. It's apparent
22 from the various reports, that 50 percent is low based on the
23 other reports. But just based on the other reports, he can't
24 give other opinions. I know you're going to have an expert
25 witness.

1 In addition to Agent Updegraff, who are your other
2 remaining witnesses?

3 MR. MAIATICO: So, Sarah Cardone for several other
4 controlled buys. And then Agent Updegraff.

5 THE COURT: Okay. How much more do you think you have
6 for Agent Trainor?

7 MR. MAIATICO: Your Honor, we are going to go through
8 approximately ten more controlled buys, but without the video;
9 just the still shots. And I think that will go rather quickly.
10 Maybe another half hour.

11 THE COURT: That's very optimistic. Can you estimate
12 -- and if you can't, I understand. But can you estimate how long
13 you think your cross will be?

14 MS. COGGINS: I don't believe, Judge, any more than
15 30 minutes.

16 THE COURT: Okay. As of today, if you can tell me --
17 if you can't, I understand -- do you expect to present a defense?

18 MS. COGGINS: Your Honor, I'm going to have to meet
19 with my client. I can't answer that right now.

20 THE COURT: All right. That's fine. I was just
21 curious.

22 Okay. I -- how long do you think Agent Cardone's
23 resumed testimony will be?

24 MR. MAIATICO: Agent Cardone I would say would be about
25 a half hour. It's two controlled buys. Similar to the ones that

1 we just saw.

2 THE COURT: Okay. And Agent Updegraff?

3 (Counsel confer)

4 MR. MAIATICO: Hour to an hour and a half, Your Honor.

5 THE COURT: I rather think the evidence is going to go
6 over to Tuesday. I'm not sure of that. But my guess is that --
7 Ms. Coggins, I think it's going to over to Tuesday, the
8 Government's case. But it seems to me, if you're going to
9 present a defense, you should be prepared to do so on Monday
10 afternoon. Although, as I say, I think it will be Tuesday.

11 MS. COGGINS: Yes, Your Honor.

12 THE COURT: Assuming we have closing arguments on
13 Tuesday, who is going to give the Government's opening (sic)
14 argument?

15 MS. OSIRIM: Closing argument. I will, Your Honor.

16 THE COURT: And how long do you anticipate? Estimate.
17 I'm not going to hold you to it. Just -- I'm just trying to
18 plan.

19 MS. OSIRIM: Maybe approximately 20 minutes.

20 THE COURT: A 20-minute closing. Do you have any idea
21 how long your closing's going to be?

22 MS. COGGINS: Less than 20 minutes.

23 THE COURT: Less than 20 minutes.

24 And who's going to give the rebuttal?

25 MS. OSIRIM: I am, Your Honor.

1 THE COURT: And you don't know -- because you haven't
2 heard the Defense closing yet, so you don't know how long that's
3 going to be?

4 MS. OSIRIM: That's correct, Your Honor.

5 THE COURT: It appears to me we will have concluded the
6 evidentiary presentation, except if there's a presentation of the
7 Defense, by Tuesday afternoon. I don't know whether or not I
8 will charge the jury. And this is a 90 -- right now it's 92
9 pages, and counsel may want to add to it, may want to take from
10 it.

11 I don't know. That will take me at least an hour to
12 read. And if it's at the end of the day, it's hard enough for
13 the jury to pay attention to an hour-long instruction.
14 I'm unlikely to give it -- unless counsel has strong feelings,
15 I'm unlikely to give it at the end of the day. I prefer to give
16 it at the beginning of the day, but I'll be guided by counsel.

17 Anything else we need to discuss?

18 MR. MAIATICO: Nothing from the Government, Your Honor.

19 MS. COGGINS: No, Your Honor.

20 THE COURT: Okay. I'm going to ask my law clerk, if
21 you don't already have it, to give you his cell phone number in
22 case you need to reach him or me over the weekend. And you're
23 certainly free to email comments and suggestions on the final
24 charge to each other and to my law clerk. If there's anything I
25 need to address, don't hesitate to ask.

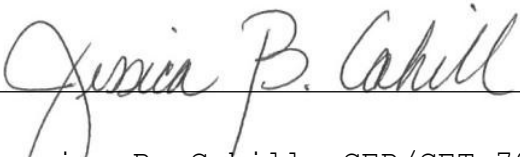
1 Okay. My thanks to counsel for all your hard work.
2 And all your hard work is certainly apparent to me. I hope it's
3 apparent to your clients. And my thanks to our martials.

4 (Proceedings concluded at 4:25 p.m.)
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CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: March 21, 2019



Jessica B. Cahill, CER/CET-708

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : Case No. 17-CR-00072-PD-1
Plaintiff, :
 :
vs. : Philadelphia, Pennsylvania
 : March 11, 2019
JUAN JARMON, : 10:16 a.m.
 :
Defendant. :
 :
. :

TRANSCRIPT OF JURY TRIAL - DAY 5
BEFORE THE HONORABLE PAUL S. DIAMOND
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 MARCH 11, 2019

10:02 A.M.

2 THE CLERK: All rise. Court is in session. The
3 Honorable Paul S. Diamond Presiding.

4 THE COURT: Please be seated everybody. Good morning.

5 MR. MAIATICO: Good morning, Your Honor.

6 THE COURT: One of our jurors was AWOL, but she has
7 shown up. So, we can continue. Does anyone have anything to say
8 about the final instruction or the verdict sheet?

9 MS. COGGINS: Only, Your Honor, if I could have just a
10 little more time to look at it.

11 THE COURT: Of course.

12 MS. COGGINS: I didn't get a chance last night, but I
13 certainly will after court today, if that's all right.

14 THE COURT: Okay.

15 MR. MAIATICO: And Your Honor, this morning the
16 Government sent to the Court, sent it to Mr. Bailey, the six
17 minor edits that we're suggesting. I also cc'd Defense counsel,
18 and she did receive that. She's going to review that at some
19 point today so we can discuss.

20 THE COURT: Okay. Anything else anybody would like to
21 put on the record?

22 MS. COGGINS: Your Honor, my client would like to put
23 something on the record.

24 THE COURT: Okay.

25 MS. COGGINS: It has nothing to do with the testimony

1 or anything else. It's just how the prison system works with
2 regard to his -- the latest disks.

3 THE COURT: Okay.

4 THE DEFENDANT: How you doing today?

5 THE COURT: You don't need to stand.

6 THE DEFENDANT: Mr. Diamond, I just had got my Jencks
7 material yesterday. I never had received it at all from the
8 jail. I just got it yesterday and being as though there is 100
9 and some people in the block, the counselors leave there before
10 4:30 when I get back, so I've never had a chance to look at it.

11 THE COURT: Ms. Coggins, have you had a chance to look
12 at the Jencks material in a timely way?

13 MS. COGGINS: I have, Your Honor. It was given to me
14 -- I believe, the date here is February 27th of 2019, but there
15 was also something additional, and I can't recall what it was
16 that we discussed shortly before the trial started.

17 THE COURT: You've discussed it all with your client?

18 MS. COGGINS: Yes, I have, Your Honor. I've gone over
19 it.

20 THE COURT: Okay. Is there a reason you're raising
21 this now?

22 THE DEFENDANT: Yes, because I'm trying -- I never got
23 to read all of it myself like for to prepare for my defense.

24 THE COURT: Uh-huh.

25 THE DEFENDANT: Like I'm just basically saying like the

1 new stuff like with the statements and stuff or everything that
2 was coming out that I didn't know of.

3 THE COURT: Yes, Ms. Coggins.

4 MS. COGGINS: If I may, Your Honor. I have it here.
5 It's not a lot, quite frankly. It's transcripts of one, two,
6 three, four -- or two buys, an updated wire call, a transcript
7 from a prison call, and then it's three other items. I could go
8 over them now. It's really not that lengthy.

9 THE COURT: All right. Why don't we take a short
10 recess?

11 MS. COGGINS: Thank you.

12 (Recess at 10:04 a.m., recommencing at 10:23 a.m.)

13 (Jury in at 10:23 a.m.)

14 THE COURT: Welcome back. Please be seated.

15 MR. MAIATICO: Thank you, Your Honor.

16 PATRICK TRAINOR, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN

17 DIRECT EXAMINATION CONTINUED

18 BY MR. MAIATICO:

19 Q Good morning, Agent Trainor.

20 A Good morning, Mr. Maiatico.

21 Q Welcome back.

22 A Thank you.

23 Q Agent Trainor, we left off on Friday, after going through
24 five controlled buys between the source and Juan Jarmon; is that
25 correct?

1 A Yes.

2 Q And I want to talk about the last buy and pull up the
3 transcript from the September 5th, 2013 buy. And that's 313A.
4 Now, Agent Trainor, if we can go down to the bottom part of that
5 buy, about three-quarters of the way down, starting JJ. All real
6 shit. Now, Agent Trainor, you had testified that the -- that
7 Juan Jarmon had told the confidential source, "They trying to act
8 like you the law. They was like, every time you around one of
9 the cops." And so, the date of this buy, what was the date of
10 this buy?

11 A I'd have to look.

12 Q And if we could pull back on the transcript.

13 A September 5th, 2013.

14 Q Okay. And again, who was it that made that statement to the
15 confidential source?

16 A That was Mr. Jarmon.

17 Q Okay. So, after that date, and after that statement from
18 Juan Jarmon about the source being a cop. Was that source able
19 to make any additional successful controlled buys from Juan
20 Jarmon after that date?

21 A No, he was not.

22 Q Was there an attempted controlled buy on September 30th,
23 2013, that was conducted by the DEA and FBI?

24 A Yes, there was.

25 Q And what happened during that controlled buy?

1 A We had purchased what we thought was an ounce quantity of
2 crack cocaine that turned out in fact to be a sham, or a fake
3 substance.

4 Q Okay. And after Juan Jarmon accused the source of being a
5 cop and after you received fake crack or fake drugs --

6 MS. COGGINS: Objection. It's a mischaracterization of
7 the evidence.

8 THE COURT: Overruled.

9 BY MR. MAIATICO:

10 Q What decision did you make then at that time?

11 A Well, at that point we decided to terminate making
12 controlled purchases from Mr. Jarmon.

13 Q Okay, and why did you do that?

14 A Well, it becomes a safety issue at that point. If Mr.
15 Jarmon had thought the cooperator was law enforcement or was
16 selling us a sham substance it becomes a safety issue. A lot of
17 things can go wrong during controlled purchases when this
18 happens. For instance, the source could be robbed or stuffed up.
19 So, at that point it was a safety decision not to conduct any
20 more purchases.

21 Q All right. agent Trainor, I want to move on then to some
22 additional controlled buys that were made from the 18th floor of
23 the Hemberger Building. Were you involved in some of those
24 controlled buys?

25 A Yes, I was.

1 Q And I want to present six of them -- or have you present six
2 of them today. But before we do, I want to ask you to identify
3 several individuals by photograph, if I can. And if we could
4 turn to what's been previously admitted as Government Exhibit 4.
5 And Agent Trainor, who is that individual?

6 A That is Mr. Rasheen Chandler.

7 Q And what nickname does he go by?

8 A Sheen.

9 Q Sheen?

10 A Sheen.

11 Q Moving on to Government Exhibit 7. Agent Trainor, is this
12 an individual that you identified during the course of your
13 investigation?

14 A Yes, that's Mr. Michael Ferrell.

15 Q Okay. And does Michael Ferrell -- does he go by Mike or
16 Michael?

17 A Mike.

18 Q And then finally Government Exhibit number 8. Agent
19 Trainor, is this an individual that you identified during the
20 course of your investigation?

21 A Yes, that's Mr. Taft Harris.

22 Q Okay. And you said his first name was?

23 A Taft.

24 Q Okay. And did he go by any nicknames, or by other names
25 besides Taft?

1 A Yes. Taz or T.

2 Q So, these controlled buys from the 18th floor of the
3 Hemberger Building, Agent Trainor, you used a confidential
4 source; is that correct?

5 A Yes, we did.

6 Q And for the buys that we're going to go through today,
7 without revealing her name in open court, was one of the sources
8 that was used a D.A.?

9 A Yes, correct.

10 Q Okay. And was she a paid source?

11 A Yes, she was.

12 Q And why was she paid?

13 A She was paid for her information and services to the -- to
14 the FBI.

15 Q Okay. And so, you said to the FBI. So, according to the
16 FBI source file, and that's between 2013 and 2016, was she paid
17 approximately \$11,400?

18 A That's correct.

19 Q And does this particular source -- does she have several
20 prior arrests for both prostitution and drug crimes?

21 A Yes, she did.

22 Q And I want to move on to talking about those controlled
23 buys, but before I do, for each of these buys we're going to talk
24 about, what were the steps that law enforcement took to monitor
25 and control the buys?

1 A Of course. Much as we discussed on Friday, again, prior to
2 each controlled purchase, we would meet with these cooperators.
3 Again, search them for contraband. We would provide them with
4 prerecorded buy money, or cash to purchase these drugs. We would
5 outfit them with several concealed recording devices, and also
6 drive them to the vicinity of the Blumberg apartments, and
7 surveil them sporadically during these operations.

8 Q And then what would happen when that source returns then
9 after the controlled buy?

10 A A very similar thing would happen. We would retrieve and
11 deactivate the concealed recording devices. The cooperator would
12 give us what drugs that he or she purchased during that
13 transaction. And again, we would search that cooperator again.

14 Q All right. So, I want to move to September 20th, 2013.
15 This is approximately 1:56 p.m., so about 2:00 in the afternoon.
16 Did this confidential source that we had talked about buy four
17 bags of crack from Mike Ferrell?

18 A Yes, that's correct.

19 Q Was that controlled buy, audio and video recorded?

20 A Yes, it was.

21 Q Where did that buy occur?

22 A That purchase occurred on the 18th floor of 1515 Hemberger
23 Way.

24 Q And were still shots of the video created?

25 A Yes, there were.

1 Q And if I could direct your attention to Government Exhibit
2 403. And Agent Trainor, is that a still shot from the video from
3 the controlled buy on September 20th, 2013?

4 A Yes, it is.

5 Q And can you identify that person?

6 A Yes, that's Mike Ferrell.

7 Q And that's the same Mike Ferrell you identified previously
8 in the photograph a few minutes ago?

9 A Yes, that's correct.

10 Q I want to move to Government Exhibit 403A. Is that another
11 still shot from the video in a controlled drug purchase?

12 A Yes, it is.

13 Q And who is that?

14 A That's again Mr. Michael Ferrell.

15 Q Does that appear to be a different frame of the video?

16 A Yes, it is.

17 Q If I could turn to Government Exhibit 403B. Just one
18 moment.

19 THE COURT: I want to see counsel at sidebar.

20 (Sidebar begins at 10:31 a.m.)

21 THE COURT: Ms. Coggins, it appears that the woman with
22 the white collar was filming in the courtroom. I can't be sure.
23 She appeared to be holding up a cell phone. I intend to ask the
24 jury to leave the room, and I'm going to have the Marshal --
25 people aren't supposed to -- except for counsel and so forth --

1 are not supposed to bring cell phones into the courtroom. I just
2 wanted to give you a head's up.

3 MS. COGGINS: Thank you, Your Honor.

4 (Sidebar ends at 10:32 a.m.)

5 THE COURT: Let's take the jury out for a minute.

6 THE BAILIFF: All rise.

7 (Jury out at 10:32 a.m.)

8 THE COURT: Okay. Please be seated. It appears to me
9 that the woman second from my right, wearing the brown jacket and
10 white collar was either looking at her phone or filming, I can't
11 be sure, in the courtroom. And she's not supposed to have a
12 phone in the courtroom. We're going to take a recess so the
13 Marshals can sort this out.

14 THE BAILIFF: All Rise.

15 (Recess at 10:33, recommencing at 10:37 a.m.)

16 THE COURT: All right. Please be seated. The woman
17 was apparently looking at her iWatch and holding it up. And
18 because her phone was confiscated downstairs, her iWatch can't
19 film in the absence of the phone. Let's bring the jury back in.

20 THE BAILIFF: Please stand for the jury.

21 (Jury in at 10:39 a.m.)

22 THE COURT: Welcome back. Please be seated. Mr.
23 Maiatico.

24 BY MR. MAIATICO:

25 Q Agent Trainor, we were talking about September 20th, 2013

1 buy from Mike Ferrell. Was there crack cocaine that was then
2 confiscated from the source?

3 A Yes, there was.

4 Q Okay. And was this crack marked as DEA Exhibit 44?

5 A Yes, that's correct.

6 Q And did the DEA take custody of the crack and submit it for
7 lab testing?

8 A Yes.

9 Q I want to turn your attention to a telephone call,
10 Government Exhibit 222A, the transcript of that call. Actually,
11 let's start with the -- let's start with the recordings of 222.
12 And, Agent Trainor, you had previously testified that you were
13 part of the Title III wiretaps in this case; is that correct?

14 A Yes, I was.

15 Q And you were one -- were you one of the agents that was
16 present in the wireroom?

17 A Yes, I was.

18 Q Okay. So, on September 20, 2013, approximately 5:00 p.m.,
19 so about three hours after that buy, did law enforcement
20 intercept a phone call?

21 A Yes.

22 Q Okay. And were the participants of that phone call Juan
23 Jarmon and Rasheen Chandler?

24 A Yes, that's correct.

25 Q If we could play that call, please?

1 (Audio played at 10:40 a.m., ending at 10:42 a.m.)

2 BY MR. MAIATICO:

3 Q All right, Agent Trainor, moving on to the transcript for
4 that call, 222A. If we can move to page three, just about
5 halfway down. Starting, "JJ, what's it looking like." "JJ,
6 what's it looking like? What Mike -- what Mike look like today?"
7 Did you identify the voice of the individual who said that?

8 A Yes, that's Mr. Jarmon.

9 Q And who was Juan Jarmon speaking to?

10 A Mr. Chandler.

11 Q Okay, and what did Rasheen Chandler respond?

12 A He responded, "He did 250."

13 Q And what did Juan Jarmon respond to that?

14 A "All right, come on."

15 Q All right. I want to turn your attention to a second phone
16 call, before we look at the second controlled buy. And if I
17 could direct your attention, Agent Trainor to recording 234.
18 Agent Trainor, on October 23rd, 2013, at approximately 12:09
19 a.m., did law enforcement intercept a phone call between Juan
20 Jarmon, Rasheen Chandler, and an individual named Jay?

21 A Yes.

22 Q Okay. Is that call -- is that approximately two minutes
23 long?

24 A Approximately.

25 Q If we can play that call, please? It's already been

1 admitted, Government Exhibit 234.

2 (Audio played at 10:44 a.m., ending at 10:46 a.m.)

3 BY MR. MAIATICO:

4 Q Agent Trainor, turning to Government Exhibit 234A, the
5 transcript of that phone call. On page two, just about six or
6 seven lines down, it starts, "JJ, did he do what Taz be doing?"
7 "JJ, did he be -- did he do what Taz be doing?" Agent Trainor,
8 do you recognize the voice of the individual who said that?

9 A Yes, that's Mr. Jarmon.

10 Q Okay, and who was he speaking to?

11 A He was talking to Mr. Chandler.

12 Q Okay. And what did Rasheen Chandler respond?

13 A Mr. Chandler responded, "Not really, he was like \$250."

14 Q And during the course of your investigation, did you
15 identify an individual named Taz?

16 A Yes.

17 Q And who is Taz?

18 A Taz was Mr. Taft Harris.

19 Q Now, after this phone call on October 23rd, 2013 at 12:09
20 a.m., later that day -- you can take that back -- later that day
21 on October 23rd, 2013, at 5:30 p.m., did the confidential source
22 buy ten bags of crack cocaine from Rasheen Chandler?

23 A Yes.

24 MS. COGGINS: Objection. Leading.

25 THE COURT: Overruled.

1 BY MR. MAIATICO:

2 Q Was that buy audio and video recorded?

3 A Yes, it was.

4 Q And where did that buy occur?

5 A That purchase occurred on the 18th floor of 1550 Hemberger

6 Way.

7 Q And are you aware that still shot was created from that

8 video?

9 A Yes.

10 Q And if I could direct your attention to Government Exhibit

11 404. Was that still shot from the video that was created?

12 A Yes.

13 Q And who is that?

14 A That is Mr. Rasheen Chandler.

15 Q Turning to Government Exhibit 404B. And do you recognize

16 that photograph?

17 A Yes, I do.

18 Q And what is that?

19 A That's a picture of the drugs -- the drugs that were

20 purchased from Mr. Chandler.

21 Q And were those drugs marked as DEA Exhibit 46?

22 A Yes, that's correct.

23 Q Did the DEA take custody of the crack and submit it for lab

24 testing?

25 A Yes, we did.

1 Q I'd like to turn to another telephone call that's already
2 been admitted. Government Exhibit 233 -- Government 233. And
3 Agent Trainor, this is a few days before, October 18th, 2013.
4 Did law enforcement intercept a phone call between Juan Jarmon
5 and an individual named Taft Harris?

6 A Yes, that's correct.

7 Q If we could play 233, please.

8 (Audio played at 10:49 a.m., ending at 10:50 a.m.)

9 BY MR. MAIATICO:

10 Q Agent Trainor, turning to the transcript of that audio call,
11 Exhibit 233A. If I could highlight just one section there, about
12 halfway down, it starts "JJ, oh, all -- oh, all, yeah. Oh, all,
13 yeah, but make that shit go back down. Give that N word a dub
14 man. Don't give -- listen if it's Diamond, don't give him 25,
15 give that N word a dub, yo'." Who was it that made that
16 statement?

17 A Mr. Jarmon.

18 Q And who was he speaking to?

19 A He was talking to Mr. Harris.

20 Q So about two weeks later, Agent Trainor, October 31st, 2013,
21 did the confidential source buy six bags of crack from Taft
22 Harris?

23 A Yes, that's correct.

24 Q And was that buy audio and video recorded?

25 A Yes, it was.

1 Q And where did that buy occur?

2 A That purchase also occurred on the 18th floor of 1550
3 Hemberger Way.

4 Q And was a still shot from that video created?

5 A Correct.

6 Q If I could show you Government Exhibit 405. And is that
7 still shot from that audio video recording?

8 A Yes.

9 Q And who is that?

10 A That's Mr. Harris.

11 Q And if you look just to the right of Mr. Harris' head, do
12 you see a number there?

13 A Yes.

14 Q And what does that appear to be 18?

15 A Have you been in the Hemberger Building before?

16 A Yes, numerous times.

17 Q And how are the different floors labeled?

18 A They are labeled as such. That was the floor marker in the
19 stairwell.

20 Q And is that one way that you're able to recognize that's the
21 18th floor of the Hemberger Building?

22 A Correct.

23 Q Turning to Government Exhibit 405B. Agent Trainor, do you
24 recognize that photo?

25 A Yes, I do.

1 Q And what is that?

2 A Those are bags of crack cocaine that were purchased from Mr.
3 Harris.

4 Q And was this crack marked as DEA Exhibit 48?

5 A Yes, correct.

6 Q And did the DEA take custody of that crack and submit it for
7 lab testing?

8 A Yes, that's correct.

9 Q All right. Agent Trainor, we'll move on to another
10 controlled buy on November 8th, 2013. Did a confidential
11 source -- this confidential source that we talked about buy ten
12 bags of crack from Rasheen Chandler on that day?

13 A Yes, that's correct.

14 Q And was that buy audio and video recorded?

15 A Yes, it was.

16 Q And where did that buy occur?

17 A That purchase also occurred on the 18th floor of 1550
18 Hemberger Way.

19 Q And was a still shot from that video created?

20 A Yes.

21 Q And if I could direct your attention to Government Exhibit
22 406. Is that a still shot from the video in the purchase?

23 A Yes, it is.

24 Q Okay, and can you identify that person?

25 A That's Mr. Rasheen Chandler.

1 Q Turning to Government Exhibit 406B. Do you recognize that
2 photo?

3 A Yes, I do.

4 Q And what is that?

5 A That's crack cocaine that was purchased from Mr. Chandler.

6 Q And was this crack marked as DEA Exhibit 50?

7 A Yes, it was.

8 Q And did the DEA take custody of that crack and submit it for
9 lab testing?

10 A Yes, we did.

11 Q Moving on to December 12th, 2013. Did the source buy
12 another ten bags of crack from Rasheen Chandler?

13 A Yes.

14 Q And was that buy audio and video recorded?

15 A Yes, it was.

16 Q And where did that buy occur?

17 A Again, also on the 18th floor of 1550 Hemberger Way.

18 Q And was a still shot created?

19 A Yes.

20 Q From that video? If I can direct your attention to
21 Government Exhibit 407. Is that a still shot from the video --

22 A Yes.

23 Q -- of the purchase? And can you identify that person?

24 A Again, that's Mr. Rasheen Chandler.

25 Q I'm going to turn to Government Exhibit 407B. Do you

1 recognize that photo?

2 A Yes, I do.

3 Q And what is that?

4 A That's the crack cocaine that was also purchased from Mr.
5 Chandler.

6 Q And that's from this buy?

7 A Correct.

8 Q And was this crack marked as DEA Exhibit 51?

9 A Yes, that's correct.

10 Q And did the DEA take custody of that crack and submit it for
11 lab testing?

12 A Yes.

13 Q I'm going to move on to February 18th, 2014. Did the source
14 buy eight bags of crack from Rasheen Chandler on that day?

15 A Yes, that's correct.

16 Q And was that buy audio and video recorded?

17 A Yes, it was.

18 Q And where did that buy occur?

19 A Again, on the 18th floor of 1550 Hemberger Way.

20 Q And was a still shot from that video created?

21 A Yes, it was.

22 Q If I can direct your attention to Government Exhibit 408.
23 Is that a still shot from the video in the purchase?

24 A Yes.

25 Q And can you identify the person that you see leaning over in

1 that picture?

2 A That's Mr. Rasheen Chandler.

3 Q Turning to Government Exhibit 408B. And do you recognize

4 that photo?

5 A Yes, I do.

6 Q And what is that?

7 A That's the crack cocaine that was purchased from Mr.

8 Chandler.

9 Q And was this crack marked as DEA Exhibit 58?

10 A Correct. Yes.

11 Q And did the DEA take custody of that crack and submit it for

12 lab testing?

13 A Yes, we did.

14 Q So, Agent Trainor, later that night, on February 18th, 2014,

15 because that was the controlled buy from February 18th, 2014 --

16 later that night, did you assist law -- local law enforcement

17 with a search of Rasheen Chandler's apartment?

18 A Yes, I did.

19 Q And where was Rasheen Chandler's apartment located?

20 A It was located on the 18th floor of 1550 Hemberger Way.

21 Q Okay, and was it apartment 1805?

22 A Yes, that's correct.

23 Q I'm going to show you Government Exhibit 107, that's

24 previously been admitted. And do you -- have you viewed this

25 photograph before coming here today?

1 A Yes, I have.

2 Q And do you recognize what that's a photograph of?

3 A Yes, that's a photo of the 18th floor of 1550 Hemberger Way.

4 Q Okay, and do you recognize Chandler's apartment there?

5 A Yes, I do. It's to the immediate left of the photograph.

6 Q Okay. And that's the one that you searched that night with

7 local law enforcement?

8 A Yes, that's correct.

9 Q What was found during that search?

10 A During that search crack cocaine as well as marijuana was

11 recovered from the apartment during the search.

12 Q And were you one of the law enforcement officers that was

13 actually doing the search?

14 A Yes, I was present for the search.

15 Q Where was the crack cocaine found?

16 A I believe all of the items were found in the kitchen.

17 Q Okay, I'm going to show you what's already been admitted as

18 Government Exhibit 409. And do you recognize that?

19 A Yes, I do.

20 Q What is that?

21 A That is a colander, I believe, that contained the crack

22 cocaine.

23 Q Okay, so that's --

24 MS. COGGINS: I'm sorry. I didn't hear the answer.

25 THE COURT: The colander.

1 MS. COGGINS: Colander. Thank you.

2 THE COURT: That contained the crack cocaine.

3 BY MR. MAIATICO:

4 Q Is that a photograph from the night of the search?

5 A Yes, correct.

6 Q Okay. And is that where you found the crack cocaine in

7 Rasheen Chandler's apartment?

8 A Yes, that's correct.

9 Q Okay. I'm going to turn to Government Exhibit 410, that's

10 already been admitted. So, Agent Trainor, is this a photograph

11 that was taken the night of the search of Rasheen Chandler's

12 apartment?

13 A Yes.

14 Q And do you recognize that photo?

15 A Yes, I do.

16 Q And what is that a photo of?

17 A That is as bundle of crack cocaine.

18 Q And is that the bundle of crack cocaine that was found in

19 that red bowl?

20 A Yes.

21 Q Agent Trainor, was this crack cocaine marked as DEA Exhibit

22 58?

23 A Yes, it was.

24 Q I'm sorry, DEA Exhibit 59 --

25 A Yes.

1 Q -- the controlled buy was 58. And then the search later
2 that night, DEA Exhibit 59?

3 A Correct.

4 Q And did the DEA take custody of the crack and submit it for
5 lab testing?

6 A That's correct.

7 Q So, Agent Trainor, moving on, I'd like to talk to you about
8 another phone call that you listened to. You previously
9 testified that you participated in the Title III wiretaps in this
10 case. Is that correct?

11 A Yes, I did.

12 Q And you were in fact one of the agents in the wireroom?

13 A Correct.

14 Q And being an agent in the wireroom and one of the case
15 agents on this case, are you listening to these calls either
16 contemporaneously, or at some point later in the day?

17 A Yes, that's correct.

18 Q If I could direct your attention to Government Exhibit
19 that's already been admitted, 211, please. Agent Trainor, on
20 September 9th, 2013, was a phone call intercepted between Juan
21 Jarmon and Rasheen Chandler at approximately 9:56 p.m.?

22 THE COURT: Let me see counsel at sidebar.

23 (Sidebar begins at 11:00 a.m.)

24 THE COURT: This is the fourth or fifth call you've
25 been playing for the second time.

1 MR. MAIATICO: Yes. This will be the last one.

2 THE COURT: Okay.

3 MR. MAIATICO: Thank you, Your Honor.

4 (Sidebar ends at 11:00 a.m.)

5 BY MR. MAIATICO:

6 Q If we could play the audio recording from that call 211,
7 please.

8 (Audio played at 11:00 a.m., ending at 11:02 a.m.)

9 BY MR. MAIATICO:

10 Q Agent Trainor, after hearing this call, did you take any
11 steps to try to identify the individual that was referred to as
12 Norma in this call?

13 A Yes, we did. We identified this individual as Norma
14 Mercado.

15 Q And why did you do that, Agent Trainor? Why did you try to
16 identify the individual named Norma?

17 A Well, we -- in law enforcement, when we intercept calls of
18 this nature, I have a duty and responsibility to follow-up. Take
19 some follow-up action when we hear evidence of a threat or an
20 assault.

21 Q And did you then try to locate her, after identifying her?

22 A Yes, we did.

23 Q And were you successful in locating her?

24 A Yes, we were.

25 Q And can you describe how you did that?

1 A We had attempted to locate her, but eventually she went to
2 report this assault.

3 MS. COGGINS: Objection.

4 THE COURT: Overruled. I'm sorry, I didn't hear what
5 you said. Eventually she --

6 THE WITNESS: She went to the Philadelphia Housing
7 Authority Police Department.

8 BY MR. MAIATICO:

9 Q And if I could stop you right there, Agent Trainor. Once she
10 went to the -- you said the Public Housing Authority --

11 A Correct.

12 Q -- Police Department? What did they do? What did the
13 people from the Public Housing Authority do?

14 A They actually --

15 MS. COGGINS: Objection.

16 THE COURT: Sustained.

17 BY MR. MAIATICO:

18 Q Okay. At any point, without telling us what they said, were
19 you contacted?

20 A Yes, I was.

21 Q Who were you contacted by?

22 A I was contacted by the Philadelphia --

23 MS. COGGINS: Objection.

24 THE COURT: Overruled.

25 BY MR. MAIATICO:

1 Q Okay. And based on that contact, then did you then have a
2 meeting -- or did you meet with Norma Mercado?

3 A Yes, I did.

4 Q Now, without telling us what Norma Mercado said, what did
5 you tell Norma?

6 A I had -- I advised Ms. Mercado that I thought her safety was
7 in jeopardy, and I actually recommended to her that she not
8 return to the 18th floor of Hemberger Way. We actually offered
9 her some assistance with relocation, if she so chose.

10 Q That night did she return to the 18th floor of Hemberger
11 Way?

12 A No.

13 MS. COGGINS: Objection.

14 THE COURT: Overruled.

15 BY MR. MAIATICO:

16 Q Did she return to the 18th floor of Hemberger Way that
17 night?

18 A She did not.

19 Q And you talked about the people in the Public Housing
20 Police, where are those people located?

21 A They usually sit in the -- a guard shack outside or there
22 also used to be a marked police car that would be in the
23 courtyard area as well.

24 Q Is that a booth?

25 A Correct.

1 MR. MAIATICO: One moment, Your Honor. Your Honor, no
2 further questions.

3 THE COURT: Very well. Ms. Coggins?

4 MS. COGGINS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. COGGINS:

7 Q Now, Agent Trainor, how are you?

8 A Good morning, Ms. Coggins.

9 Q First of all, you had spoken a little bit regarding the
10 first CI that you had used, J.F.; is that correct?

11 A Yes.

12 Q And you were asked about -- a little bit about the
13 background of J.F.; is that correct?

14 A Yes, correct.

15 MS. COGGINS: May I approach, Your Honor?

16 THE COURT: You may.

17 MS. COGGINS: Thank you.

18 Q I'm going to show you two exhibits that were marked the
19 other day. One is D4 and one is D5. Do you recognize those as a
20 rap sheet that's run from the Pennsylvania State Police?

21 A Yes, correct, they're reports of criminal history, correct.

22 Q And that one is for J.F.; is that fair to say? If you look
23 on page one of one, on D4, you'll see it's for J.F., but then an
24 additional name, correct?

25 MR. MAIATICO: Objection, Your Honor.

1 THE COURT: Overruled.

2 THE WITNESS: Oh, yes, I see it.

3 BY MS. COGGINS:

4 Q So it's J.F. Grant, correct?

5 A Correct.

6 Q Okay. That's not how you knew J.F.; is that fair to say?

7 A No, I only knew him as J.F., correct.

8 Q And there was some questions about this the other day.

9 Correct me if I'm wrong, but someone has to -- from law
10 enforcement has to request a criminal history from the
11 Pennsylvania State Police is that correct?

12 A Or the FBI, and NCIC report, correct?

13 Q Okay. And then once they compile this report, they send it
14 back to the person who requested it; is that fair to say?

15 A I'm --

16 Q They send it back attention to the law enforcement agent who
17 requested the rap sheet in the first place?

18 A Oh, yes, correct.

19 Q And in that document that's in front of you, D4 -- I'm
20 sorry, if you want to look at the first page of D-5, actually. I
21 apologize. That was requested on what date?

22 A July 13th, 2018.

23 Q And who was that requested by?

24 A Sarah Cardone.

25 Q And that's the agent seated here at the table?

1 A Yes, that's correct.

2 Q So she's the one who requested and received that rap sheet?

3 A Yes, that's correct.

4 Q Okay, thank you. Without going into the various names,
5 because I'm not allowed to say them.

6 MR. MAIATICO: Objection, Your Honor.

7 THE COURT: Overruled.

8 BY MR. MAIATICO:

9 Q In looking through that rap sheet, is it fair to say, sir,
10 that there are at least nine different names used by J.F.?

11 A I see that there are four alias that are highlighted on the
12 State record, yes.

13 Q And you don't have any reason to doubt that if you went
14 through that, you'd find five more?

15 A I only see the four, but --

16 Q Okay, in addition to that, sir, would you agree with me that
17 there are five different dates of birth that have been used by
18 J.F.? I can direct you sir, on the front of page one, and the
19 back of page three.

20 A Yes, I see two dates of birth on the first page. And then
21 on the back of the third page, I see two names that are
22 highlighted here, yes.

23 Q I'm going to ask you now pertaining to what's contained in
24 the document -- let me backup one second. As far as the a/k/a's
25 or the number of different names that are on his rap sheet, they

1 list the names that the person gave to law enforcement, is that
2 correct? For an arrest?

3 A Yes, that's correct.

4 Q Okay. So, I'm going to direct your attention to page 2 of
5 5. Bottom of the page.

6 A Yes, I see it.

7 Q J.F. was arrested for possession with intent to deliver on
8 February 20th of 2001. Under a fake name --

9 MR. MAIATICO: Objection, Your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: Could you give me that --

12 BY MS. COGGINS:

13 Q I'm sorry, page 2 of 5. If you look at the top right, where
14 it says 2 of 5.

15 THE COURT: Why don't you let -- Ms. Coggins, why don't
16 you stand with the Agent and point this out to him, because he's
17 obviously taking a lot of time to find stuff on a five page
18 document? So, why don't you stand over there?

19 MS. COGGINS: Yes, Your Honor.

20 THE WITNESS: I see. I see. Thank you, Your Honor.

21 BY MS. COGGINS:

22 Q Okay. And you see sir, there at the bottom of the page, he
23 was arrested and convicted of possession with the intent to
24 deliver, correct?

25 A I see that he was arrested for a drug charge and that he

1 would -- he pled guilty to that same charge.

2 Q And received one to two years in the state prison, correct?

3 A Yes, that's correct.

4 Q I'm going to direct your attention then to the bottom of

5 page 3 of 5.

6 A Yes.

7 Q He was charged again with possession with intent to deliver

8 on November 6th of 2001, under a completely different name; is

9 that correct?

10 A Yes, I see that.

11 Q You'll agree with me that he was convicted on that charge,

12 sentenced again to one to three years in prison?

13 A I don't see a court disposition on that charge.

14 MS. COGGINS: May I approach, Your Honor?

15 THE WITNESS: Sure.

16 THE COURT: You may. No, she was asking me if she can

17 approach or not.

18 THE WITNESS: I'm sorry, Your Honor.

19 BY MS. COGGINS:

20 Q With regard to the Court disposition, sir, you would agree

21 with me, that he was convicted, in fact of that charge on April

22 13th of 2003, and sentenced to one to three years in state

23 prison?

24 A Correct, yes.

25 Q And then skipping ahead to page 4 of 5.

1 A Yes.

2 Q He was arrested under a fake name for possession of a
3 firearm, just last year; is that correct?

4 A Yes, that's correct.

5 Q And in the documents that you had related to that, he was
6 convicted on that charge just last month, correct?

7 A Yes, he pled guilty to that charge, correct.

8 Q And he's currently on a five year state parole?

9 A Yes, he was sentenced to do five years of probation for
10 that.

11 Q Now, Agent Trainor, I'd like to just go back a little bit.
12 You had described that on each of these undercover buys or
13 controlled buys that you did in this case, that there would be a
14 search; is that correct?

15 A Yes, that's correct.

16 Q And that search you've testified would take place before
17 J.F., in these cases was given any money, or any drugs, or
18 anything, correct?

19 A Yes, that's correct.

20 Q Could you describe what you did for a search?

21 A We would ask the individual to stand up, and we would go
22 through his pockets. We would search all of his clothing. We
23 would do a pat-down of the source to do that.

24 Q How long would these searches typically take?

25 A They could take a minute or two.

1 Q Not less than a minute, though?

2 A Not that I'm aware of.

3 Q And it wouldn't be any kind of a strip search, correct?

4 A No, we wouldn't conduct a search.

5 Q In fact, you didn't even make them take off a sweatshirt, or

6 a jacket, if they were wearing one; is that correct?

7 A We would go through the pockets or do like a pat-down of

8 those clothing items.

9 Q And what was it that you were looking for?

10 A We were looking for any contraband, as well as any cash, or

11 money that wasn't part of the transaction.

12 Q When the person returned and meet, would you search them

13 immediately upon going back to the rendezvous point?

14 A Yes, correct.

15 Q And at that time, what kind of a search would you do?

16 A We would do a similar search again, where we would go

17 through the clothing items, search pockets, and we would do a

18 pat-down.

19 Q And again, you said this search would take anywhere from one

20 to three minutes? Five minutes?

21 A Probably one to two minutes, correct.

22 Q If the confidential informant returned with money, would you

23 mark that down?

24 A If the individual had a substantial amount of cash, yes,

25 that's something we would note.

1 Q What about if a person didn't have any when you searched
2 them the first time, and then after the sale, they came back, and
3 they had money on them, would you consider that -- what's the
4 term that you used, negative result?

5 A Could you just repeat the question?

6 Q Sure. If you gave somebody money to go purchase drugs, they
7 came back, and you searched them, and you found money on them,
8 you would write that down somewhere. Is that fair to say?

9 A If they had money, no, not necessarily.

10 Q So, if they had money that was given to them by agents when
11 they returned, that wouldn't be marked anywhere?

12 A If cash was returned from the purchase, that would be --
13 that would normally be marked, yes.

14 Q Now, on May 3rd -- I'm sorry, again, there are no searches
15 on any video; is that correct?

16 A That's correct.

17 Q So you turn the camera on after you did the search?

18 A Correct.

19 Q And then you turned it off before you did the search?

20 A That's correct.

21 Q Now, on May 3rd, you sent the confidential informant in to
22 buy oil; is that correct?

23 A Yes, that's correct.

24 Q Or wet, I think you might have said?

25 A Correct.

1 Q Okay. Can you tell me based on -- and I'm sorry, you do
2 reports for each of these confidential purchases; is that
3 correct?

4 A Yes, that's correct.

5 Q And there's a DEA6, a DEA7, and a DEA7A; is that correct?

6 A Yes, that's correct.

7 Q And you do that for -- or being the lead agent, are you
8 responsible for reviewing all of those reports?

9 A I had been involved in the preparation of numerous of them.
10 My supervisor would review those reports.

11 Q On May 3rd, do you know how much money the CI was given to
12 go in and purchase drugs?

13 A I'd have to check -- I'd have to check the report.

14 MS. COGGINS: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MS. COGGINS:

17 Q I'm going to show you, Agent Trainor, what is marked as D12.
18 (Defendant's Exhibit D12 marked for identification)

19 BY MS. COGGINS:

20 Q You would agree with me that contains the D6, the D7, and
21 the D7A, for the undercover buy that was done on May 3rd?

22 A Yes, that's correct.

23 Q Okay, and anywhere in there, does it say how much money was
24 given to the CI before he was sent into the complex?

25 A How much money the --

1 Q That's correct.

2 A That was -- that the source was issued at the beginning?

3 Q That's correct.

4 A No, it does not.

5 Q When he returned you searched him, and you said there were

6 negative results, meaning that there were no drugs or money on

7 the confidential source?

8 A No, I see that the --

9 Q I'm sorry.

10 A I'm -- if you could just -- if I saw drugs or if -- I want

11 to make sure I'm understanding your question.

12 Q Drugs or money?

13 A Yes, drugs were -- drugs were actually obtained from the

14 source, correct.

15 Q And how about money?

16 A No, it does not appear that any money was returned.

17 Q All right. I'm going to show you -- I'm going to pull up

18 the transaction from that day, at 13:57. I'm going to try to

19 pull that up. Okay, May 3rd at 13:57. Okay, sir, I'm going to

20 ask you to look at this -- just a few seconds of this video, if

21 you would and then I'm going to ask you with regard to the money.

22 THE COURT: What is it we're looking at?

23 MS. COGGINS: This is May 3rd, Your Honor. The

24 undercover --

25 (Loud disruptive noise in courtroom.)

1 THE COURT: Wonderful. I'm sorry.

2 MS. COGGINS: This is the undercover buy, Your Honor,

3 from May 3rd --

4 THE COURT: Okay.

5 MS. COGGINS: -- of 2013.

6 THE COURT: Have we already seen this?

7 MS. COGGINS: Yes, we have.

8 THE COURT: Okay.

9 MS. COGGINS: Your Honor, I haven't seen this video.

10 This is the first time I'm looking at it.

11 THE COURT: I'm sorry. You produced this?

12 MR. MAIATICO: Yes, Your Honor.

13 THE COURT: All right. Please sit down. Go ahead.

14 BY MS. COGGINS:

15 (Audio played at 11:21 a.m., ending at 11:22 a.m.)

16 Q Thank you. So, you see that some money was counted off from

17 a stack of money; is that fair to say?

18 A Yes, that's correct.

19 Q Do you know where the remainder of that money that the CI

20 had after you handed some of the money over to Juan Jarmon went?

21 A Probably went back to the -- us as the agents, yes.

22 Q Okay, but it's not in any report?

23 A No, it is not recorded in this report, that's correct.

24 Q Now you'd also agree with me, at 6:21 on that video. If

25 you'd play that.

1 (Audio played at 11:22 a.m., ending at 11:23 a.m.)

2 Q At that point, the CI asked Mr. Juan Jarmon to bring him
3 back a bag; is that correct? Because he didn't bring his jacket
4 with him. Do you agree with me?

5 A Yes.

6 Q Okay. And then I'm going to ask you, Mr. -- if you would go
7 to 12:11.

8 (Audio played at 11:23 a.m., ending at 11:24 a.m.)

9 Q You can stop that right there. So, you agree with me that
10 what was handed to the CI on that table is a black plastic bag;
11 is that correct?

12 A Yes.

13 Q Along with the change, correct?

14 A Yes, correct.

15 Q And what you've done throughout several of these buys, or I
16 would say all of the other buys, is you would include that
17 evidence in with whatever evidence it was that you would send
18 away to the laboratory; is that correct?

19 A Yes, that's correct.

20 Q So, in this case, if you'll look at your DEA7. In this case
21 for your DEA7-29, you put down what the evidence was that you
22 collected, as a result of this buy; is that fair to say?

23 A Yes, that's correct.

24 Q And nowhere on your chain of custody form, or your DEA7 form
25 does it say black plastic bag; is that correct?

1 A On Exhibit 29, no, it does not.

2 Q It says clear plastic bag; is that correct?

3 A Yes, that's correct.

4 Q So do you know what happened to whatever the items were that
5 were inside of the black plastic bag?

6 A I believe that was marijuana that was purchased from Juan
7 Jarmon, and that was processed on Exhibit 28.

8 Q Well, in Exhibit 28, it says clear plastic bag.

9 A No, this is 29.

10 Q I'm sorry, 28, I apologize.

11 A I don't have that in front of me.

12 MS. COGGINS: May I have just a moment, Your Honor?

13 THE COURT: Sure.

14 MS. COGGINS: I'm sorry, Your Honor. May I have just
15 five minutes?

16 THE COURT: Fine.

17 MS. COGGINS: I filed it in a different file.

18 THE COURT: Very good. Why don't we give the jury its
19 morning break?

20 THE BAILIFF: All rise.

21 (Jury out at 11:27 a.m.)

22 THE COURT: Okay. Please be seated Agent. I'm
23 ordering you not to discuss your testimony with anyone at all
24 during this break.

25 (Recess at 11:27 a.m., recommencing at 11:58 a.m.)

1 THE BAILIFF: Court's in session.

2 THE COURT: Counsel be seated. Are we ready to
3 proceed?

4 MS. COGGINS: Yes, Your Honor.

5 MR. MAIATICO: Your Honor, if I may. The witness just
6 stepped out for one second to obtain the physical evidence, that
7 Defense counsel had just asked for. If we could have one moment,
8 please.

9 THE COURT: Okay. Is there any point in bringing the
10 jury back in, until he has those boxes?

11 MS. COGGINS: I can do it later, Judge, when they --
12 when they arrive.

13 THE COURT: Well, no, no, let's --

14 MS. COGGINS: Well, they're not here, Judge.

15 THE COURT: The boxes?

16 MS. COGGINS: Correct.

17 MR. MAIATICO: They're here, they appear to be in the
18 mailroom over at the DEA, and they're being transported as we
19 speak.

20 MS. COGGINS: I'm willing to come back to it, Judge.

21 THE COURT: Do you have enough to -- do you have other
22 questions to ask?

23 MS. COGGINS: I do.

24 THE COURT: During the time it will take them to lug
25 the boxes over?

1 MS. COGGINS: Yes, Judge.

2 THE COURT: All right. Why don't we bring the jury
3 back in. You're still under oath Agent Trainor.

4 THE BAILIFF: Please stand for the jury.

5 (Jury in at 12:01 p.m.)

6 THE COURT: Okay. Welcome back everybody. Please be
7 seated. Ms. Coggins.

8 MS. COGGINS: Thank you, Your Honor. May I approach?

9 THE COURT: Yes.

10 BY MS. COGGINS:

11 Q Agent Trainor, I'm going to show you what I have marked as
12 D13 and just ask you to take a look at that.

13 A Okay.

14 (Defendant's Exhibit D13 marked for identification)

15 BY MS. COGGINS:

16 Q Now, sir, that is the DEA7 for what exhibit?

17 A That is for Exhibit 28.

18 Q Okay, and 28 is that the marijuana that you got from this
19 case? Or why don't you read what the explanation is? I'm sorry.
20 Under box 16.

21 A One clear plastic bag containing 19 small clear bottles --
22 clear plastic lids, each containing a ground green weed
23 substance.

24 Q Okay. So, now that you have exhibits for clear plastic
25 bags, do you know where the exhibit is for the black plastic bag,

1 or what was handed to the CI in the video in the plastic bag?

2 A That is the same exhibit.

3 Q Well, this says clear.

4 A Yes, it does, correct.

5 Q Correct? The black bag was not clear; is that correct?

6 A That's correct.

7 Q So, where is the black bag?

8 A I don't -- I don't know.

9 Q And the contents of the black plastic bag, you don't know

10 where those are, either?

11 A No, those are contained in the evidence bag for Exhibit 28.

12 Q In the clear bag?

13 A Correct.

14 Q You'll agree with me that there was no clear plastic bag on

15 the video, correct?

16 A That's correct.

17 Q Now, you have under box 17, 18, and 19, which is titled

18 approximate gross quantity. Can you explain when it says seized,

19 what does that mean?

20 A That's the weight of the bag, as it's mailed to the -- as

21 it's mailed to the laboratory.

22 Q Okay. So, when you see the bag, do you -- I'm not talking

23 about submitted, I'm talking about seized. When you describe

24 seized, is that the weight of the whatever it is that the CI

25 brought back to you?

1 A Correct. That should be the weight of the drug exhibit in
2 chief, correct.

3 Q So, that would be the drugs and whatever is contained
4 inside. Whether it's packets or plastic, not a bag, correct?

5 A Yes, that's correct. Packaging material.

6 Q Submitted then would be what you submit to the lab,
7 including the sealed envelope?

8 A Correct.

9 Q On these exhibits for 28 and 29, the seized weight is
10 exactly the same as the submitted weight; is that correct?

11 A Yes, it is.

12 Q So, obviously, the packaging that you're sending away to the
13 laboratory has to weigh something, correct?

14 A Oh, yes, correct.

15 Q So, how can the seized and the submitted be exactly the same
16 for both exhibits?

17 A It would appear that the officer who prepared the report may
18 not have included the weight of the evidence bag in the weight of
19 the exhibit.

20 Q So, do we know on 17 and 18, for these two exhibits, whether
21 it's the weight of the drugs, or the weight of the bag and the
22 drugs, or the weight of the bags, envelope, and drugs?

23 A I'd have to look. I'd have to check the actual exhibit
24 itself.

25 Q Okay. From this document, you can't say?

1 A Based on my experience, it's probably the weight of the drug
2 exhibit with the packaging.

3 Q All right. Now, I'm going to ask you also. These forms --
4 are these forms that are used throughout the Department of
5 Justice by the DEA?

6 A Yes, that's correct.

7 Q And these are for accurate record keeping; is that correct?

8 A Yes, that's correct.

9 Q They're also used for chain of custody; is that correct?

10 A Yes, that's correct.

11 Q And down in the bottom corner of these exhibits, would you
12 mind pulling up D13, which is the DEA Form 7 for May 30. At the
13 bottom quarter, there's two boxes there. The top box at the
14 bottom quarter is drug evidence custodian receipt report. Is
15 that correct?

16 A Which number are you looking at again?

17 Q I'm sorry. Either 20 -- it's a standard form, correct --

18 A Oh, yes.

19 Q -- so if you want to look at the bottom of Exhibit number
20 28.

21 A Yes.

22 Q The bottom quarter there.

23 A Yes.

24 Q It says drug evidence custodian receipt report, correct?

25 A Oh, yes, correct.

1 Q And then below that it has laboratory evidence receipt
2 report; is that correct?

3 A Correct.

4 Q So, as I understand it then, the custodian, the person who's
5 taking the drugs from the DEA field office in Philadelphia, fills
6 out the first part of that box; is that correct?

7 A No, no that's signed by the staff at Lab New York City when
8 the exhibit is received by them.

9 Q Okay. So, then it says received from, and then name
10 received by; is that correct?

11 A Yes, correct.

12 Q And then for laboratory evidence receipt, received from and
13 received by, correct?

14 A Yes, correct.

15 Q It's not filled in.

16 A No, it is not.

17 Q And it's actually not filled in on any of these forms, is
18 it?

19 A I don't see it on either of these forms, correct?

20 Q On any of these forms. Is that fair to say? On any DEA 7
21 that we've talked about today, correct?

22 A Correct.

23 Q So, as -- if the laboratory receives this and they don't
24 know what date they received it or who they received it from,
25 this form isn't going to help them, correct?

1 A That's correct.

2 Q But the rest of the form is filled out by a DEA agent?

3 A Yes, that's correct.

4 Q You would agree that on the May 3rd video, 2013, there's
5 absolutely no video evidence of my client handing anything to the
6 confidential informant. Is that fair to say?

7 A Yes, that's correct.

8 Q I'm going to direct your attention to May 18th, 2013. We
9 heard a little bit, you went through a transcript, a little
10 portion of a transcript in court. And what was -- could you,
11 Kevin, pull up 301A please. In the transcript that you read, you
12 would agree with me, Agent, if you don't remember this, I'll pull
13 it up for you. But you quoted on this transcript, my client on
14 the last page saying, "This shit oils, right there. That shit
15 oil. You can get that shit all the time."

16 And then the confidential source says, or responds, "I'm
17 going to do what the fuck I'm going to do. Going to do." And
18 then if you see it up there on the screen, it says, "I'll bet
19 you'll like F that. I've got to come back to you. That's oils
20 right there."

21 Do you remember stating that?

22 A Oh, yes.

23 Q From that document. And you had said a few minutes ago that
24 you had sent the CI in to the NBA in order to try to purchase
25 oil, correct?

1 A Yes, that's correct.

2 Q And that's --oil is PCP?

3 A Oil is a term commonly referred to phencyclidine, correct.

4 Q Okay. Now, in addition to what was shown to you with regard
5 to the transcript, on that conversation, you've reviewed that
6 phone call, is that correct?

7 A Oh, yes.

8 Q Okay. And so, you're familiar what's contained -- not only
9 what was shown to the jury, but the remainder of the phone call;
10 is that fair to say?

11 A The recorded, yes.

12 Q Okay. You would agree with me, that at some point during
13 that conversation my client says, "This shit, I be have this shit
14 is some oil. But I ain't trying to get somebody for their bread.
15 You ain't going to pay for some shit oil." Do you recall that
16 part of the conversation?

17 A Yes, I do.

18 MS. COGGINS: May I approach, Your Honor? May I
19 approach?

20 THE COURT: Sure. Sure.

21 MS. COGGINS: Thank you.

22 BY MS. COGGINS:

23 Q I'm going to show you, sir, what I've marked as D14.
24 (Defendant's Exhibit D14 marked for identification)

25 BY MS. COGGINS:

1 Q And just ask you if you recognize that as your DEA7 from the
2 purchase on May 8th?

3 A Yes, I do.

4 Q You would agree with me, sir, that on that document, under
5 the amount seized, on that document, the amount that you reported
6 as seized was 4.4 grams; is that correct?

7 A Yes, that's correct.

8 Q But then submitted was 34.5 grams; is that correct?

9 A Yes, that's correct.

10 Q So, that's obviously different from what we saw in the last
11 case, they don't match.

12 A Correct, yes.

13 Q I'm going to direct your attention now, sir, to May 17th of
14 2013. Now in this case, I believe you testified that you had
15 given the confidential informant \$900 to attempt to buy -- I'm
16 sorry, one other question. On May 8th, there's no video evidence
17 of my client ever handing any -- handing anything to the
18 confidential informant; is that fair to say?

19 A That's correct.

20 Q And there's absolutely no video evidence of the CI giving
21 money to my client; is that correct?

22 A That's correct.

23 Q May 17th, there is no video, correct? Your video
24 malfunctioned on this occasion. Of the second half of the video;
25 is that fair to say?

1 A Yes, that's correct.

2 Q So obviously, there's no video of my client handing anything
3 to the CI, or vice versa?

4 A Yes, that's correct.

5 Q Sir, I'm going to show you what I've marked as Exhibit 15.
6 (Defendant's Exhibit D15 marked for identification)

7 BY MS. COGGINS:

8 Q And ask you if this is your DEA7, for the sale that occurred
9 on May 17th.

10 A Yes, it is.

11 Q Thank you, sir. And it has down there that you weighed --
12 now, when you say that you weigh these items, do you weigh them
13 out at the scene, or do you take them back to your Philadelphia
14 office to weigh them?

15 A No, we take them back to our office where we have calibrated
16 scales.

17 Q Okay, and the seized weight was 12 grams; is that correct?

18 A Yes, that's correct.

19 Q And the submitted?

20 A Is --

21 Q Was 23 --

22 A 23 grams.

23 Q -- correct?

24 A I'm going to move on now to June 11th. Now in this
25 situation, on June 11th, you actually had two different cameras

1 on the confidential informant; is that correct?

2 A Yes, that's correct.

3 Q One of them I think is in a baseball hat or if you don't
4 want to say -- they're on two different parts of the body; is
5 that fair to say?

6 A Yes, that's correct.

7 Q Okay. And the fact that you had two different cameras,
8 there is absolutely no video of my client handing anything to the
9 confidential informant; is that fair to say?

10 A Yes, that's correct.

11 Q And vice versa. There's no evidence of the CI handing any
12 money to my client?

13 A That's correct.

14 Q Now, on this particular occasion, sir, at the conclusion of
15 this -- let me say this. When the CI returns to the rendezvous
16 point, you immediately, as you said was customary, take off the
17 cameras and audio/video, whatever it is; is that correct?

18 A Yes, that's correct.

19 Q And then you seal it in bags; is that correct?

20 A The recording devices?

21 Q Put them in some kind of a plastic bag?

22 A No, we transport them back to our office.

23 Q Okay. Now, on this occasion -- I'm sorry, let me back up a
24 little bit. I'm going to hand you again what I have marked in
25 this case as D16.

1 (Defendant's Exhibit D16 marked for identification)

2 BY MS. COGGINS:

3 Q Again, sir, same question. This is your DEA7 form from the

4 transaction that occurred on June 11; is that correct?

5 A Yes, correct.

6 Q And again, the seized weight and the submitted weight?

7 A Yes, correct.

8 Q Now in certain cases, on certain occasions, I should say,

9 you field test the substance that returns; is that correct?

10 A Yes, that's correct.

11 Q And how does that impact the weight of the substance that

12 you seized?

13 A It could, but it's very minimal. Usually, we take a small

14 specula of the purchased drugs, and we put it -- field test it,

15 which gives us presumptive field test results.

16 Q So, you have to take some of the substance?

17 A Yes, that's correct.

18 Q When you say seized, do you weigh it prior to the field

19 test, or after?

20 A Sometimes both.

21 Q Now I'd like to direct your attention to July 12th. Now on

22 this occasion, sir, you gave \$1,700 to the CI; is that correct?

23 A Correct.

24 Q And he returns after a period of time with a clear plastic

25 knotted bag; is that correct?

1 A That's correct.

2 Q I'm going to show you what I have marked as D17.

3 (Defendant's Exhibit D17 marked for identification)

4 MR. MAIATICO: Your Honor, can we have a sidebar,
5 please?

6 THE COURT: Sure.

7 (Sidebar begins at 12:15 p.m.)

8 MR. MAIATICO: I apologize because I didn't raise an
9 objection. This witness didn't testify about the July 12th buy.
10 I think you were referring to the Agent testified to this. This
11 is a buy that wasn't in evidence yet.

12 MS. COGGINS: Right. So --

13 MR. MAIATICO: Okay.

14 MS. COGGINS: What are you saying?

15 MR. MAIATICO: I believe you mischaracterized his
16 testimony from before. And I just want to be clear that this
17 wasn't -- this was not evidence in a real live buy. This was not
18 one that was presented prior to this.

19 MS. COGGINS: I -- even though it's --

20 MR. MAIATICO: Okay.

21 MS. COGGINS: -- was there a buy on July 12th.

22 MR. MAIATICO: Okay.

23 THE COURT: Okay.

24 (Sidebar ends at 12:16 p.m.)

25 BY MS. COGGINS:

1 Q I'm sorry, sir, you did not testify to this buy prior, but
2 I'm going to ask you about this buy. Is that fair?

3 A Yes.

4 Q All right. So, on July 12th, you sent the CI out with
5 \$1,700, correct?

6 A Yes, that's correct.

7 Q Okay. And the substance that he returns -- that he returns
8 with and hands to you, you've reviewed the transaction, or the
9 tape from July 12th; is that fair to say?

10 A Yes, that's correct.

11 Q You would agree with me that nowhere is there any video of
12 my client involved in any sort of transaction, physical
13 transaction with the CI, is that correct?

14 A Yes, that's correct.

15 Q Either for drugs or for money?

16 A Correct.

17 Q Okay. And when the substance comes back, you weigh the
18 substance, correct? As you normally do. Correct?

19 A Yes, that's correct.

20 Q And that's what's in front of you for D16; fair to say?

21 A 17, yes.

22 Q I'm sorry, 17, yes. And on that date, Agent Cardone told
23 you that she had field-tested the substance; is that correct?

24 A Yes, that's correct.

25 Q And that it -- she told you that it had field-tested

1 positive for cocaine; is that correct?

2 A Yes, that's correct.

3 Q And in that, you weighed 39.7 grams seized and 69.9 grams
4 submitted; is that correct?

5 A Yes, that's correct.

6 Q And in fact, on your D7, I believe you put down that Agent
7 Cardone informed you that it had tested positive for cocaine; is
8 that correct?

9 A Yes, that's correct.

10 Q I'm going to direct your attention to August 2nd. May I
11 approach, Your Honor?

12 THE COURT: Yes.

13 Q Agent, I'm going to show you D18, and ask you if you
14 recognize what D18 is. Is that your DEA7 form for a transaction
15 that occurred on August 2nd, 2013?

16 A Yes, it is.

17 Q Okay. And at that time, you gave the CI in this case \$900
18 for an attempted purchase; is that correct?

19 A \$450 is noted on this document.

20 Q Well, what was actually given to him? Do you recall?

21 A I'd have to -- I'd have to reference the report.

22 Q May I approach, Your Honor?

23 THE COURT: You may.

24 Q I'm going to show you, sir, what I have marked as D19.

25 (Defendant's Exhibit D19 marked for identification)

1 BY MS. COGGINS:

2 Q You can look at that, and just see if that refreshes your
3 recollection.

4 THE COURT: Sure.

5 THE WITNESS: Thank you. Yes, I see.

6 MR. MAIATICO: Your Honor, may we approach? Again, my
7 apologies.

8 (Sidebar begins at 12:19 p.m.)

9 MR. MAIATICO: Again, this is something he hasn't
10 testified about yet. If you're making a representation that he
11 previously testified about it, he has not. We do expect for
12 these buys to come in through Agent Cardone.

13 MS. COGGINS: (Indiscernible) having (indiscernible) if
14 he's answering the questions. I don't -- I mean --

15 THE COURT: Just -- okay. If you could do what you did
16 to the last time, that should clear it up.

17 MS. COGGINS: Okay, sure.

18 (Sidebar ends at 12:20 p.m.)

19 BY MS. COGGINS:

20 Q I'm sorry, Agent Trainor, but I've done it again. This is
21 not one of the buys that you testified to earlier; is that
22 correct?

23 A Yes, that's correct.

24 Q Okay, I'm sorry about that.

25 A That's okay.

1 Q So let me ask you, on the exhibit that you have in front of
2 you for the August 2nd, you can identify the DEA7; is that
3 correct?

4 A Yes, I can.

5 Q And in this case, you also just told the jury that the CI
6 was given \$900; is that correct?

7 A No, I said it was \$450.

8 Q I'm sorry. I had given you some documents to see if that
9 refresh your recollection as to the total amount that the CI was
10 given?

11 A Correct, correct.

12 Q Okay.

13 A There -- in the synopsis of the report \$450 is noted, but
14 paragraph two \$900 is noted.

15 Q I'm sorry \$900? Okay.

16 A Yes.

17 Q All right. So, in this case, then if the CI goes out, he
18 comes back, and he hands you what's contained on DEA7; is that
19 correct?

20 A Correct.

21 Q Okay. And the substance that was returned by the CI, you
22 weighed that, correct?

23 A Correct.

24 Q And that was 37.5 grams seized.

25 A Correct.

1 Q And 37.5 grams submitted.

2 A Correct.

3 Q So we're now back to where the numbers match?

4 A Correct.

5 Q Again, Agent Trainor, two cameras on this purchase ; is that

6 correct?

7 A Yes, correct.

8 Q And neither one of those cameras shows my client hand

9 anything to the CI, and it doesn't show the CI hand anything to

10 my client; is that fair to say?

11 A Yes, that's correct.

12 Q In fact, you would agree with me that my client doesn't even

13 appear in the -- I guess it was you had testified -- I'm sorry,

14 there was testimony regarding a mini-mart; is that correct?

15 A Yes, correct.

16 Q And you would agree with me that my client doesn't even

17 appear inside that mini-mart; is that correct?

18 A Yes, that's correct.

19 Q Agent, I'm going to ask you now to turn to August 14th. May

20 I approach, Your Honor?

21 THE COURT: You may.

22 Q Agent, I'm going to show you what I've marked as DEA20.

23 (Defendant's Exhibit D20 marked for identification)

24 BY MS. COGGINS:

25 Q And although you did not testify to this previously, are you

1 able to identify that that's a DEA7 with regard to August 14th of
2 2013?

3 A Yes, it is.

4 Q Now on this date, you would agree with me that the CI was
5 given \$450; is that correct?

6 A Yes, that's correct.

7 Q CI returns with a Herr's pretzel bag that contains a clear
8 plastic, with an off-white chunky substance; is that reflected in
9 the DEA7?

10 A Yes, it is.

11 Q And you reviewed the video with regard to this sale; is that
12 correct?

13 A Yes, I have.

14 Q Or alleged sale. And you would agree with me that the CI
15 does not conduct any kind of a transaction with my client. Is
16 that fair to say?

17 A He's not observed on the video, correct.

18 Q At all, correct?

19 A Right. Right.

20 Q Again, this item was weighed, 24.5 grams, and again
21 submitted was 24.5 grams, correct?

22 A Yes, that's correct.

23 Q September 5th, 2013.

24 MS. COGGINS: May I approach, Your Honor?

25 THE COURT: You may.

1 BY MS. COGGINS:

2 Q Agent, I'm going to ask you to look at D21 and see if you
3 recognize that.

4 A Thank you.

5 (Defendant's Exhibit D21 marked for identification)

6 THE WITNESS: Yes.

7 BY MS. COGGINS:

8 Q And on that exhibit, I believe you testified prior, I'm sure
9 I'll be corrected if I'm wrong. But you provided the CI with
10 \$2,400; is that correct?

11 A Yes, that's correct.

12 Q And the CI returned with three clear plastic knotted bags;
13 is that correct?

14 A Yes, that's correct.

15 Q And you weighed those. And the seize was 66.1 grams,
16 correct?

17 A Correct.

18 Q Submitted was 96.7; is that correct?

19 A Yes, that's correct.

20 Q Again, my client does not appear to have any physical
21 transaction with the CI in this case; is that correct?

22 A On the video, that's correct, yes.

23 Q Now Agent Trainor, with regard to D.A., CI D.A., I believe
24 you had testified that once -- oh, I'm sorry. Let me back up
25 just a bit. You testified regarding 313A, and that was a

1 transcript of a conversation that is alleged to have occurred
2 between my client and the CI. Do you recall -- can you pull that
3 up, please? 313A. And you had -- while it's being pulled up,
4 you had testified before that when Mr. Maiatico had asked you the
5 question, so the Defendant thought that the CI was a cop. Do you
6 recall that?

7 A Oh, yes.

8 Q And it's your opinion -- or you testified that that was your
9 understanding of the discussion; is that correct?

10 A Yes, that's correct.

11 Q I'm going to ask you to look again at this conversation.
12 I'm going to ask you to scroll down. Stop right there. Okay.
13 Where it says JJCS, and then the second JJ. You see that there?
14 All right -- all real shit.

15 A Oh, yes.

16 Q Okay. You would agree with me in that paragraph there,
17 the -- my client Juan Jarmon is saying that he does not believe
18 that the CI is a cop, correct?

19 A Yes, that's correct.

20 Q So, when you testified earlier that -- that you felt that
21 the -- that my client felt that the CI was a cop, it's the
22 opposite, correct? My client is very forcefully saying

23 THE COURT: Wait, wait, wait. Let him answer the
24 question you asked.

25 THE WITNESS: If you could just repeat your question,

1 Ms. Coggins.

2 BY MS. COGGINS:

3 Q Sure. You had testified on direct that you said that my
4 client felt that the CI was a cop; is that fair to say?

5 A Yes, correct.

6 Q And then you went on to say that it would be dangerous, you
7 know, to send the CI back in for another attempted buy; is that
8 correct?

9 A Yes, that's correct.

10 Q In this conversation, you would agree with me that my client
11 says, "I like man, you are no f'ing cop, man. They tried to act
12 like you was the law. They was like every time he come around,
13 one of the cops, man, like I ain't trying that. That's my man.
14 That's my man. He ain't like that, because I know what he be
15 doing. That's what they say. He ain't no cop, man. They like
16 no man." Is that correct?

17 A Yes, that's correct.

18 Q So, my client is pretty forcefully denying that he believes
19 that the CI is a cop, correct?

20 A Yes, in that transcript, that's correct.

21 MS. COGGINS: May I have a moment, Your Honor?

22 THE COURT: Sure.

23 (Pause)

24 BY MS. COGGINS:

25 Q Now, sir, with regard to who you've previously referred to

1 as R.A., the confidential informant that was used on some of the
2 buys that you talked about. You said that she had a background.
3 Is that fair to say?

4 A That's correct, D.A.

5 Q D.A.?

6 A Yes.

7 Q And she, in fact, has a pretty significant criminal history;
8 is that correct?

9 A Why yes, that's correct.

10 Q In fact, in this case, again, Agent Cardone requested a
11 criminal background check; is that correct? If you recall?

12 A I don't, but I'm sure she did.

13 MS. COGGINS: May I have just a moment, Your Honor?

14 THE COURT: Sure.

15 BY MS. COGGINS:

16 Q Did you have an opportunity, sir, to review that background?

17 A I haven't.

18 Q You have not or have?

19 A No, I have not.

20 MS. COGGINS: I apologize, Judge. I have 15 folders
21 here.

22 THE COURT: That's quite all right.

23 BY MS. COGGINS:

24 Q I'll get to that in a second, Agent. Now, you would agree
25 with me that one alternative to using someone who has a long rap

1 sheet, or someone who's used fake names, or fake dates of birth,
2 is to use an undercover police officer; is that correct?

3 A Yes, that's correct.

4 Q And that's used almost I guess on a daily basis; correct?

5 A No, actually in law enforcement, due to the safety issues
6 associated with the purchase of drugs, we normally use
7 cooperators.

8 Q Okay, but the local police departments, the state police,
9 even the DEA, you do use undercover officers; is that correct?

10 A Oh, yes, of course.

11 Q To make purchases, correct?

12 A Oh, yes, of course, we do.

13 Q And they don't have criminal histories, hopefully, correct?

14 A Hopefully.

15 Q And would you consider them a more reliable source?

16 A Yes, I would.

17 Q In this case, however, the decision was made to use people
18 who have a sordid pass, fair to say?

19 A Yes, that's correct.

20 Q And have lied repeatedly to law enforcement, correct?

21 A That's correct.

22 Q And also believe all of them have criminal histories for
23 possession with intent to deliver.

24 A Yes, that's correct.

25 Q Fair to say? And maybe drug habits, a few of them?

1 A Oh, yes, that's correct.

2 Q Now sir, I'm going to ask you, with regard to the
3 transactions that occurred that you testified to, other than the
4 transactions you allege occurred with my client, the first one
5 you testified to was one that occurred on September 20th of 2013;
6 is that correct?

7 A Yes, correct.

8 Q And you had testified to the jury that the person that you
9 felt made that transaction was Mike Ferrell?

10 A Correct.

11 Q Is that correct? Now on that date, the CI was given \$20; is
12 that correct? If you recall.

13 A I'd have to see the report.

14 MS. COGGINS: May I approach, Your Honor?

15 THE COURT: Yes, you may.

16 BY MS. COGGINS:

17 Q Let me show you what I've marked as D21.

18 A Thank you.

19 Q Do you recognize D21?

20 A Yes, I do.

21 Q All right. And that is the DEA7 for what you previously
22 testified to occurred on September 20th. Is that correct?

23 A Yes, it is.

24 Q And on that document, it says that the CI returned with four
25 red packets; is that correct?

1 A Yes, correct.

2 Q And they contained an off-white chunky substance. Now, it's
3 not my client on the video. My client doesn't appear in the
4 video at all; is that correct?

5 A Yes, that's correct.

6 Q You would agree with me, however, that in the background
7 when the CI first approaches Mr. Ferrell, is there anyone else in
8 the hallway that you recall?

9 A I'd have to look at the video.

10 Q Okay, so not off the top of your head?

11 A Correct.

12 Q All right. So, in this occasion, the drugs that you seized
13 you weighed; is that correct?

14 A Yes, that's correct.

15 Q And you came back with .6 grams seized and 41.8 grams
16 submitted, correct?

17 A Yes, that's correct.

18 Q Okay. Were these field-tested?

19 A Yes, they were.

20 Q And they field-tested positive?

21 A Yes, I field-tested them, and they indicated positive for
22 the presence of cocaine.

23 Q Okay. I'm going to move on then, sir, to October 31st. Now
24 on October 31st, do you recall how much money was given to the
25 CI?

1 A I do not.

2 Q Okay.

3 MS. COGGINS: May I approach, Your Honor?

4 THE COURT: You may.

5 BY MS. COGGINS:

6 Q I'm going to show you what I've marked as D22.

7 (Defendant's Exhibit D22 marked for identification)

8 BY MS. COGGINS:

9 Q Are you familiar with D22?

10 A Yes, I am.

11 Q And that is the DEA7 for what you've testified to occurred
12 on October 31st; is that correct?

13 A Yes, that's correct.

14 Q And in that case, how much money was given to the CI, if you
15 know?

16 A \$30.

17 Q And when the CI returned, they returned what to you?

18 A They returned six pink heat-sealed plastic bags.

19 Q In addition to that, were four yellow packets returned as
20 well?

21 A No, I only see six pink heat-sealed plastic bags.

22 Q Okay. Now in this sale on October 31st, that took place
23 where?

24 A It took place on the 18th floor of 1515 Hemberger Way.

25 Q And do you recall that on that date the CI was sent into one

1 building, and then you recall that she then went over to a second
2 building?

3 A Oh, yes, I do.

4 Q Okay. And so, when she went into the second building, I
5 guess she returned with something in addition to the pink
6 packets. Is that fair to say? From the second building?

7 A I believe so, correct, yes.

8 MS. COGGINS: May I have just a moment, Your Honor, to
9 pull this up?

10 THE COURT: Certainly.

11 MS. COGGINS: Thank you.

12 (Pause)

13 MS. COGGINS: May I approach, Your Honor?

14 THE COURT: Yes.

15 BY MS. COGGINS:

16 Q While that's being pulled up, I'm going to hand you what
17 I've marked as D23.

18 (Defendant's Exhibit D23 marked for identification)

19 BY MS. COGGINS:

20 Q I'll just ask you to review both the DEA6 and 7A. Okay, you
21 would agree with me, sir, that there was a second transaction in
22 the other building; is that correct?

23 A Yes, that's correct.

24 Q And that second purchase in the other building was from
25 someone nicknamed Dreds; is that correct?

1 A Yes, that's correct.

2 Q And in this occasion, the CI returned with six pink bags and
3 I believe it was four yellow bags; is that correct?

4 A Yes, that's correct.

5 Q Now when you said that -- I'm sorry, these were weighed
6 separately. Is that correct? So, there were separate DEA7's for
7 both the pink packets and the yellow packets; is that correct?

8 A Yes, that's correct.

9 Q In this case, just specifically speak to the pink packets,
10 when you weighed those, the amount seized was 30.7 grams, and the
11 amount submitted was 30.7 grams; is that correct?

12 A Yes, that's correct.

13 Q I'm going to jump back a little bit to October 23rd. Do you
14 remember an alleged transaction that occurred on October 23rd?

15 A Yes.

16 Q And I believe you testified to that. On October 23rd, I'll
17 show you what I've marked as --

18 (Defendant's Exhibit D24 marked for identification)

19 BY MS. COGGINS:

20 Q Do you recognize D24?

21 A Yes, I do.

22 Q And that, sir, reflects the DEA7 for what occurred on
23 October 23rd; is that correct?

24 A Yes, that's correct.

25 Q Does that reflect how much the R.A. was given on that

1 occasion?

2 A D.A.?

3 Q Oh, well, R.A., the CI?

4 A Correct, yes.

5 Q I'm sorry, you're right, D.A.

6 A Yeah. Yes, it reflects \$50, correct.

7 Q Okay. And she returned with ten pink packets; is that

8 correct?

9 A Ten pink heat-sealed plastic bags, yes.

10 Q And seized is 33.1, gross 33.1.

11 A Correct.

12 Q And they were purchased from someone you identified as

13 Rasheen Chandler?

14 A Yes, that's correct.

15 Q And on -- I'm sorry, I don't know if I asked you this. On

16 the DEA7, it's Exhibit number 46, is that correct?

17 A Yes, that's correct.

18 Q And that says ten pink heat-sealed bags, correct?

19 A Correct.

20 Q Now, sir, with regard to the DEA6, in this case, do you

21 recall did you fill out the DEA6, or was that Andrew Rare

22 (phonetic); if you recall?

23 A I'd have to -- I don't have it in front of me.

24 MS. COGGINS: May I approach, Your Honor?

25 THE COURT: Yes.

1 MS. COGGINS: Thank you.

2 BY MS. COGGINS:

3 Q I'm going to hand you what I've marked as D25.

4 A Okay.

5 (Defendant's Exhibit D25 marked for identification)

6 BY MS. COGGINS:

7 Q Yes. Yes, for Exhibit 46. I just want you to read that and
8 see if that refreshes your recollection as to whether or not you
9 prepared the DEA6?

10 A I did not. That was prepared by Andrew Rare (phonetic),
11 who's a task force officer in my office.

12 Q Thank you. I'm going to direct your attention to November
13 8th. In this situation, sir, I'm going to hand you what's been
14 marked as D26, and ask you if recognize that as your DEA7?

15 A Yes.

16 (Defendant's Exhibit D26 marked for identification)

17 BY MS. COGGINS:

18 Q And with regard to that, the CI was given \$50, correct?

19 A Yes, that's correct.

20 Q And came back with ten pink packets?

21 A Yes, correct.

22 Q The seize was 3.4 grams, and the submitted was 3.4 grams,
23 correct?

24 A Yes, that's correct.

25 Q And that was purchased from Rasheen Chandler?

1 A Yes, that's correct.

2 Q I'm going to ask you to turn to -- I believe you testified
3 to February 11th; is that correct?

4 A Yes.

5 Q Okay. And, again, sir, on February 11th, the same question.
6 I'd ask you to take a look at --

7 A Yes, thank you.

8 Q -- 27. Do you recognize that as your DEA7?

9 A Yes, correct.

10 Q And that pertains to February 11th?

11 A February 11th, correct.

12 Q On that date the CI was given \$20, correct?

13 A Yes, that's correct.

14 Q In that particular circumstance, sir, the CI returned with
15 what you noted as, on Exhibit 56, four pink tinted plastic Ziploc
16 and heat sealed plastic packets; is that correct?

17 A Yes. That's what noted on the report, correct.

18 Q And that's the first time that a DEA is -- or I'm sorry,
19 DEA7 has reflected a plastic Ziploc and heat sealed packet,
20 correct?

21 A Correct.

22 Q And on that occasion .2 grams was seized, and .2 grams was
23 submitted; is that correct?

24 A That's correct.

25 Q You did not prepare the DEA6, in that case, correct?

1 A I'd have to -- I'd have to see it.

2 MS. COGGINS: May I approach, Your Honor?

3 THE COURT: Yes. Yes.

4 BY MS. COGGINS:

5 Q I'm going to show you what has been marked, I will mark as
6 D28, and see if you recognize that?

7 A All right. Thank you.

8 Q You're welcome.

9 A Yes, I recognize it.

10 Q Okay. And that was on page 2 of 4, of that report, your
11 DEA 6, paragraph 4; do you see that?

12 A Yes, I do.

13 Q Okay. And on there, the second sentence: "The CS met back
14 with TFO Young, Riley, Solomon, who then drove the CS to a
15 predetermined location, at which point the CS provided Special
16 Agent Trainor, with four red tinted packets; is that correct?

17 A Yes, that's correct.

18 Q Now again, this CI was sent from one transaction into a
19 second transaction; is that correct? I'll direct your attention
20 to paragraph 5.

21 A Oh, yes, correct.

22 Q And what's reported in the DEA6, is that the CI went to a
23 different building; is that correct, the Judson building?

24 A Yes, that's correct.

25 Q Onto the 7th Floor, correct?

1 A Yes, that's correct.

2 Q And at that point was handed -- the CS handed reds, \$20 in
3 exchange for four orange packets; is that correct?

4 A Yes, that's correct.

5 Q And the CI, to your knowledge, returned with those four
6 orange packets; is that correct?

7 A Yes, that's correct.

8 Q Is this -- to your knowledge is this the only time that you
9 recall that drugs were packaged -- the packets were packaged in
10 in a Ziploc baggie?

11 A I can't recall. We did about 90 controlled buys in this
12 case.

13 Q Okay. You would agree that another thing that you've
14 testified to prior, that it was it -- you described it as a heat
15 sealed packet in prior occasions; is that correct?

16 A Yes, correct.

17 Q On February 18th, again, this was a transaction that was
18 conducted with, was it Rasheen Chandler? I'm sorry, that was
19 Rasheen Chandler, prior to the search warrant on that day; is
20 that correct?

21 A February 11.

22 Q February 18th?

23 A I have February 11th.

24 Q No, I'm moving on.

25 A Okay.

1 Q I apologize, I'm moving on a week later.

2 A Sure.

3 Q So the next time that you were involved was February 18th;

4 is that correct?

5 A Correct.

6 MS. COGGINS: May I approach, Your Honor?

7 THE COURT: Yeah.

8 BY MS. COGGINS:

9 Q I'm going to show you what I've marked as --

10 A The last one I had was the 11th.

11 Q -- D29.

12 (Defendant's Exhibit D29 marked for identification)

13 BY MS. COGGINS:

14 Q And ask you if you recognize this one?

15 A Yes, thank you. Yes, I recognize it.

16 Q Okay. And this is your form, the DEA7, with regard to the

17 buy that occurred prior to the search warrant; is that correct?

18 A Yes, that's correct.

19 Q And in this occasion you gave the confidential informant

20 \$40, correct?

21 A That's correct.

22 Q Confidential informant returned after meeting with Rasheen

23 Chandler, with eight pink packets; is that correct?

24 A Yes, that's correct.

25 Q Seized was 34.3 grams, submitted was 34.3 grams, correct?

1 A Correct.

2 Q April 18th of 2013, I'm going to show you what I've marked
3 as D30.

4 (Defendant's Exhibit D30 marked for identification)

5 MS. COGGINS: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MS. COGGINS:

8 Q I'm going to ask you, sir, if would recognize -- if you
9 recognize that as DEA7 Form, for the date of April 13th, 2013?

10 A April 18th, 2013.

11 Q I'm sorry, April 18th, you're correct.

12 A Correct.

13 Q And on that occasion, the form that you have in front of you
14 reveals that the confidential informant handed over four blue
15 tinted plastic packets; is that correct?

16 A Yes, that's correct.

17 Q And again, it was weighed 31.4 grams and submitted 31.4
18 grams; is that correct?

19 A That's correct.

20 MS. COGGINS: May I approach?

21 THE COURT: Yes.

22 BY MS. COGGINS:

23 Q I'm showing you D31.

24 (Defendant's Exhibit D31 marked for identification)

25 BY MS. COGGINS:

1 Q And ask you if you recognize this?

2 A Thank you.

3 Q You're welcome.

4 A Yes, I do.

5 Q You're not the author of that report, correct?

6 A No, I'm not.

7 Q But you recognize it as a DEA6, for the transaction that

8 correlates with D30; is that correct?

9 A The purchase, yes. Correct.

10 Q And you reviewed the video of this purchase; is that

11 correct?

12 A Yes, that's correct.

13 Q At some point, okay. And is it Dottie Good that appears on

14 that video?

15 A Yes, that's correct.

16 Q And you would agree with me, sir, that -- well, I'm not

17 going to ask you that question, I'm sorry.

18 On April 25th --

19 THE COURT: Would this be a convenient time to give the

20 jury it's lunch break?

21 MS. COGGINS: This is the last one, Judge.

22 THE COURT: Never mind, go ahead.

23 MS. COGGINS: All right. May I approach?

24 THE COURT: Yes. Yes.

25 BY MS. COGGINS:

1 Q I'm going to show you, sir, what I've marked as D32.

2 (Defendant's Exhibit D32 marked for identification)

3 BY MS. COGGINS:

4 Q Do you recognize that as DEA7, from a sale -- or from an
5 alleged sale that occurred on April 25th of 2013?

6 A Yes, I do.

7 Q The substance weight was 1.9 grams, correct?

8 A Yes, correct.

9 Q And the substance submitted was 1.9 grams; is that correct?

10 A That's correct.

11 MS. COGGINS: Your Honor, I'm done that portion of my
12 cross-examination, if you'd like to break now?

13 THE COURT: Yes. Ladies and gentlemen, you know not to
14 discuss the case, let anyone discuss the case in your presence,
15 not to investigate the case, research the case, text, or Tweet,
16 or email about the case, listen to TV or radio, the internet,
17 about the case, and reserve and keep an open mind until you have
18 retired to the jury room for deliberations, to reach your
19 verdict.

20 Have a wonderful lunch, I'll see you back here so we
21 can begin at 2:00.

22 THE BAILIFF: All rise.

23 (Jury out at 12:53 p.m.)

24 THE COURT: Okay. Please be seated. How much more do
25 you have for this witness, Ms. Coggins?

1 MS. COGGINS: I would say 20 -- 15 minutes, 20 minutes.

2 THE COURT: Okay. And how much redirect do you think

3 you'll have?

4 MR. MAIATICO: About two and a half minutes.

5 THE COURT: Then you should have your next witness

6 ready, who is Agent Cardone?

7 MR. MAIATICO: Your Honor, we plan on calling Special

8 Agent Scott Baver, for two controlled buys. His testimony we

9 expect to last about 15 minutes for direct, and then Agent

10 Cardone.

11 THE COURT: Okay. Agent Trainor, don't discuss your

12 testimony with anyone during the break.

13 THE WITNESS: Yes, sir.

14 THE BAILIFF: All rise.

15 (Recess at 12:54 p.m., recommencing at 2:47 p.m.)

16 THE BAILIFF: This Court is in session.

17 THE COURT: Please be seated. Are we ready to proceed?

18 MS. COGGINS: Yes, Your Honor.

19 MR. MAIATICO: Yes, Your Honor.

20 THE COURT: All right. Let's bring the jury in.

21 You're still under oath, Agent.

22 THE WITNESS: Thank you.

23 THE COURT: That's fine.

24 (Jury in at 2:47 p.m.)

25 THE COURT: Please be seated everyone, welcome back. I

1 apologize for keeping you waiting, ladies and gentlemen. We just
2 had a number of legal matters to sort through, all is well.

3 Ms. Coggins.

4 MS. COGGINS: Thank you. May I approach, Your Honor?

5 THE COURT: You may.

6 BY MS. COGGINS:

7 Q Good afternoon, Agent.

8 A Ms. Coggins.

9 Q I'm going to show you just the top document, what I have
10 marked as D33.

11 (Defendant's Exhibit D33 marked for identification)

12 BY MS. COGGINS:

13 Q That was just one document I had left out previously; that
14 is DEA7. Is that correct, for a sale on September 30th of 2013?

15 A Yes, it is.

16 Q And with regard to that the CI was given \$1300 and returned
17 with a clear plastic bag, with an off-white chunky substance,
18 correct?

19 A Yes, that's correct.

20 Q You would agree with me on that video that my client doesn't
21 appear at all, correct?

22 A Yes, that's correct.

23 Q And that was weighed at 20.4 grams and 50.5 grams?

24 A Yes, correct.

25 Q And that substance turned out to contain no controlled

1 substance; is that correct?

2 A Yes, I believe so.

3 Q Now, I'm going direct your attention to D34, which I also
4 placed in front of you.

5 A Yes.

6 (Defendant's Exhibit D34 marked for identification)

7 BY MS. COGGINS:

8 Q That's a criminal history or a rap sheet for D.A.; is that
9 correct?

10 A Yes, that's correct.

11 Q Or R.A., or -- on that rap sheet, who requested that? Do
12 you see if it says, "attention to"? I took the liberty of
13 putting numbers at the bottom of the pages, so the top of page 2,
14 if you see that?

15 A Yes. Sarah Cardone.

16 Q And that was requested when?

17 A July 13th of 2018.

18 Q Do you know if that was ever requested prior to that date?

19 A I don't know.

20 Q Now, I'm just going to highlight. So, it's -- you'd agree
21 with me that there are many convictions on there, all under fake
22 names for things like prostitution, correct?

23 A I see a number of arrests for under different names,
24 correct?

25 Q Page 5. "Possession with intent to deliver, on July 6 of

1 2007." Is that correct?

2 A Yes. Yes.

3 Q Again, page 6B, you'll see that there was a guilty plea to

4 another possession with intent to deliver, correct?

5 A Yes. I do see that, yes.

6 Q And you'll agree with me that as a result of that conviction

7 D.A. was actually on probation, criminal probation, while she was

8 being used as a confidential source?

9 A Yes, correct. The source received a term of probation for

10 two years.

11 Q Also, just -- October 6 of 2017, R.A. was arrested for PIC,

12 possession of instrument of crime and assault; is that correct?

13 A What was the date again?

14 Q Possession of an instrument of crime and simple assault?

15 A The date, that date?

16 Q Oh, I'm sorry. The date was -- well, guilty plea was last

17 week; arrested on 10/6/17. I'm sorry, that's at page 9 of 10,

18 your page 7.

19 A I see that the D.A. had an assault charge in 2013?

20 THE COURT: Yes.

21 THE WITNESS: Yes. I do see that, correct.

22 BY MS. COGGINS:

23 Q And now I'm just going to ask you to turn to, what I've

24 marked on there as page 10.

25 A Yes.

1 Q Do you see how many dates of birth D.A. has used to law
2 enforcement?

3 A Yes. I see three -- three dates noted on that, correct.

4 Q How about social security numbers?

5 A I only see one listed on page 10.

6 Q How about on page 1 of 14, which is also my page 10. Would
7 you agree with me there's about eight different names there that
8 she's used with law enforcement?

9 A Your page 10, the number noted on the lower right?

10 Q Yes.

11 A Okay. Oh, yes. I see there are -- yes, about eight
12 aliases, correct.

13 Q And then finally on page 9, my page 9, you'd agree with me
14 that when Agent Cardone ran this rap sheet, the information that
15 was given back to her was that D.A. was actually a wanted person,
16 for skipping out on her assault case?

17 A Yes. I see that there's an outstanding -- an outstanding
18 warrant, correct.

19 Q And just very briefly. With regard to the other CI that was
20 used, I believe you testified to two of the -- to two of the
21 purchases that were made in April of 2013. Do you recall
22 testifying to those two purchases?

23 A Oh, yes.

24 Q And it was a different CI that was used for those two
25 purchases; is that correct?

1 A Correct.

2 Q And you learned that subsequent to her working with you, and
3 making that purchase, she was arrested about maybe a year --
4 well, December 26 of 2014, for buying drugs off of Dottie Good,
5 off the book -- yeah, off the books; do you recall that?

6 A This is the --

7 Q Her initials are V.B.?

8 A Oh, yes. Yes, of course.

9 Q You recall that she was arrested along with Dottie Good, for
10 dealing drugs in the, I believe it was the lobby of the Hemberger
11 building?

12 A Yes. Yes. Oh, yeah.

13 Q All right. Now the search that was done that you testified
14 to with regard to Rasheen Chandler. Do you recall February 18th,
15 that you participated in a search of his apartment?

16 A Yes.

17 Q And at that time do you recall -- you said that there were
18 drugs that were inside of, I think you said a kitchen cabinet; is
19 that correct?

20 A I believe so, yes.

21 Q Do you recall how many packets there were, during that
22 search?

23 A No. Not offhand, I'd have to reference the report.

24 Q Do you recall, there were 37 pink packets in the kitchen
25 drawer, six pink packets near the table, 23 vials of marijuana

1 and \$567 in cash; does that --

2 A Yes --

3 Q -- sound right?

4 A -- that sounds correct, yes.

5 Q Now you testified a little bit earlier, also about Norma
6 Mercado. Norma Mercado didn't seek you out, isn't that fair to
7 say?

8 A Yes, that's correct.

9 Q You went actively searching for her after you heard the call
10 on the intercept; is that fair to say?

11 A Yes, that's correct.

12 MS. COGGINS: Could you pull that photograph up,
13 please?

14 BY MS. COGGINS:

15 Q And how many days later was it that you spoke with Norma
16 Mercado, from the date of the phone call?

17 A I believe it may have been three or four days later.

18 Q Is that Norma Mercado?

19 A Yes, it is.

20 Q And that's the picture you took when you spoke to her on --
21 was it September 9th of 2013?

22 A Yes, correct.

23 Q Thank you. I'm going to ask you some questions. You spent
24 some time with Rasheen Chandler; is that fair to say?

25 A Yes, I did.

1 Q And would you agree with me, Agent, that you took 20
2 different -- you had 20 different conversations with Rasheen
3 Chandler that you documented to paper?

4 A That sounds approximately, yes.

5 Q And that spanned a time from the date of his arrest until
6 fairly recently; is that fair to say?

7 A It was -- I spoke to him for probably several months after
8 his -- after his arrest.

9 Q And it continued on, correct, until about 2016?

10 A Probably in and around that time, correct.

11 Q Now during your conversations with Mr. Chandler did you have
12 discussions, or did he tell you that he was homosexual?

13 A Yes, he did.

14 MR. MAIATICO: Objection, Your Honor.

15 THE COURT: Asked and answered.

16 BY MS. COGGINS:

17 Q Now the first time that you spoke with Mr. Chandler was on
18 January 8th -- I'm sorry, February 18th, 2014, which was the date
19 of the search; is that fair to say?

20 A Yes, correct.

21 Q I'm going to ask you, then, to look at what I've put in
22 front of you, I believe I'm up to D --

23 THE CLERK: D35.

24 MS. COGGINS: -- D35.

25 (Defendant's Exhibit D35 marked for identification)

1 BY MS. COGGINS:

2 Q D35. It's the February 18th --

3 A Yes, I'm sorry.

4 Q That's okay. Do you have that in front of you?

5 A Yes, I do.

6 Q Okay. And on that date you sat down and met with Mr.

7 Chandler, correct?

8 A Correct.

9 Q And as a result of the conversation that you had with Mr.

10 Chandler, right there on February 18th, you were taking notes; is

11 that fair to say?

12 A Yes, that's correct.

13 Q And then you take that because you want to make sure that

14 the information that you're taking down is accurate, correct?

15 A Correct.

16 Q And then immediately after you're done your conversation,

17 you then take all of your notes and you put them into your form,

18 which in this case is a DEA Form 6; is that fair to say?

19 A That's correct. DEA6 is a summary of my interview with him,

20 correct.

21 Q And it's accurate, correct?

22 A Yes.

23 Q Now you don't do question and answer; is that correct?

24 A We do not.

25 Q Okay. So, you're familiar that some places well, type a

1 question, and then type the exact answer, correct?

2 A Oh, yes, I'm familiar.

3 Q But, instead, you felt that this form would be more
4 accurate?

5 A Well, this is the DEA6. This is a standard form that DEA
6 would use to document an interview or any type of investigative
7 activity.

8 Q Basically, this is all we have to document that
9 conversation; is that fair to say?

10 A Yes, that's correct.

11 Q And after you do this, do you then submit this to your
12 supervisor for signature?

13 A Yes, I do.

14 Q Now, I'm going to direct your attention, this is the day
15 that he was arrested for his possession with intent to deliver,
16 correct?

17 A Yes, that's correct.

18 Q Now what he says, sir, and I'm going to direct your
19 attention to page 1 of 3, paragraph 2, second sentence. It
20 starts -- he told you, Agent Trainor, "Chandler stated that
21 approximately six months ago he was approached by Juan Jarmon,
22 who referred to only as Juan, about selling crack cocaine."
23 That's what he told you on that date?

24 A Yes.

25 Q And since this statement was taken on February 18th, if you

1 go back six months, that's when he claimed he started selling for
2 my client; is that correct?

3 A Correct.

4 Q On page 2, paragraph 3. I'm sorry -- I'm sorry,
5 paragraph 3, yes.

6 THE COURT: Paragraph 3?

7 MS. COGGINS: Yes.

8 BY MS. COGGINS:

9 Q You stated -- I'm sorry, he stated to you that he began
10 selling for Juan Jarmon, and it was to earn money to pay his
11 rent. Adding that their drug trafficking activities increased to
12 where Jarmon and Edwards supplied Chandler with nine bundles of
13 crack every ten days; is that correct?

14 A Yes, I see it.

15 Q So he's telling you it had increased to the point where it
16 was nine bundles per every ten days?

17 A Correct.

18 Q And he also stated that he made a profit of approximately
19 \$550 every ten days; is that correct?

20 A Yes, that's correct.

21 Q Now on page 23, in paragraph 4, halfway through the
22 paragraph, it's the second full sentence. "Chandler stated that
23 currently, only he and another male sell drugs on the 18th Floor
24 now." Is that correct?

25 A Yes.

1 Q "Adding that a male known to Chandler as Tee (phonetic),
2 sells drugs after midnight," correct?

3 A Yes, correct.

4 Q Now paragraph 5. Rasheen Chandler told you on February 18th
5 that he was responsible for hiring lookouts, to assist him with
6 his drug trafficking activities during his shift; is that
7 correct?

8 A Yes, that's correct.

9 Q He also told you that, in the next sentence, that he would
10 pay lookouts between \$35 and \$40 in cash; is that correct?

11 A Yes, that's correct.

12 Q He also stated to you, "He used males known only to him as
13 Mitch, Larry and Reds;" is that correct?

14 A Yes, that's correct.

15 Q I'm going to ask you, Agent Trainor, now to turn to D36.

16 (Defendant's Exhibit D36 marked for identification)

17 BY MS. COGGINS:

18 Q Do you have that in front of you, sir?

19 A Yes, I do.

20 Q That is a statement that you -- well, that is a summary of a
21 conversation that you had with Mr. Chandler, on February 28th of
22 2014; is that correct?

23 A Yes, that's correct.

24 Q So, we're now a little bit less than two weeks later?

25 A Correct.

1 Q And again, this document is as accurate as you could have
2 made it; is that correct?

3 A That's correct. It's a summary of the interview.

4 Q I'm going to ask you then to turn to page 204. On the top
5 paragraph, the last sentence: "Chandler further stated Sweet was
6 a friend of his and did not assist Chandler with his drug
7 trafficking activities." That's what he told you, correct?

8 A Yes, that's correct.

9 Q And you know Sweet to be Shamika Sweet? I'm sorry, maybe I
10 have that first name wrong?

11 A There was a Shakima Sweet.

12 Q Shakima Sweet, I apologize. That's the Sweet you know in
13 this case, correct?

14 A In this investigation, yes.

15 Q Page 2 of 4, paragraph 4, the last sentence: "Chandler
16 stated that on occasion he would smoke approximately two bags of
17 crack cocaine himself, from these bundles." That's what he told
18 you; is that correct?

19 A Yes, that's correct.

20 Q On page 3 of 4, paragraph 12: Rasheen Chandler identified
21 Mike Ferrell, as Mike, and said, Ferrell, to his knowledge was
22 not involved in drug trafficking; is that correct?

23 A Yes, that's correct.

24 Q Now on July 14th you met with Rasheen Chandler again; is
25 that correct?

1 A On July 14th?

2 Q 2016; do you recall that?

3 A Do I recall that?

4 Q Yes.

5 A Not offhand, no.

6 MS. COGGINS: May I approach, Your Honor?

7 THE COURT: Yes. Yes.

8 BY MS. COGGINS:

9 Q I'm going to ask you --

10 A Thank you.

11 Q Is that --

12 A Yes.

13 Q I'm sorry, is that an accurate depiction of what was told

14 you by Rasheen Chandler on that date?

15 A I -- I'd like to review it. I --

16 Q Sure.

17 A -- this is an FBI report, so --

18 Q You're right, go ahead.

19 A Yeah.

20 THE COURT: I'm sorry, Agent Trainor, did you prepare

21 that report?

22 THE WITNESS: No, sir.

23 THE COURT: Were you present during the questioning of

24 Mr. Chandler, that that report is based on?

25 THE WITNESS: Yes, sir, I was.

1 THE COURT: Okay.

2 THE WITNESS: Yes, sir, it was. Okay.

3 (Witness reviews document)

4 BY MS. COGGINS:

5 Q Are you all set?

6 A I took a cursory look at it, yes.

7 Q I'm just going to ask you a question about -- on page 1,
8 under the title of "Raheen Butler"?

9 A Yes.

10 Q Now, on that occasion what happened was, Agent Bayer dropped
11 a picture of Raheen Butler, in front of Rasheen Chandler; is that
12 correct?

13 A Correct.

14 Q And at that time, upon looking at that picture, Rasheen
15 Chandler at that time told you that Raheen Butler worked for Juan
16 Jarmon for one month, until he was fired; is that fair to say?

17 A I'm just reviewing this.

18 Q Sure.

19 (Witness reviews document)

20 THE WITNESS: Yes. I see the -- I see it.

21 BY MS. COGGINS:

22 Q Yes. And that's what you said; is that correct?

23 A Yes, correct.

24 Q Now, this was the first time that in all of the statements,
25 that Rasheen Chandler had given you, that he mentioned the name

1 Raheen Butler; is that fair to say?

2 A I believe so, yes.

3 Q Now in this case, with regard to Rasheen Chandler, he was
4 paid money by, is it the DEA that paid Rasheen Chandler?

5 A Yes, that's correct.

6 Q And you would agree with me that Rasheen Chandler was paid
7 approximately \$820; is that correct?

8 A Approximately, yes.

9 MS. COGGINS: May I approach, Your Honor?

10 THE COURT: You may.

11 BY MS. COGGINS:

12 Q Agent, I'm going to show you what I've marked as D37.

13 Actually, I may have one -- I'll show it to you in a minute, D37.

14 (Defendant's Exhibit D37 marked for identification)

15 BY MS. COGGINS:

16 Q You recognize that, correct?

17 A Yes, I do.

18 Q And that is a payment schedule with regard to the earnings
19 that Mr. Chandler made for speaking to you; is that correct?

20 A Yes. This is a letter from our office documenting his
21 payment history, correct.

22 Q And it totals \$820?

23 A Yes, that's correct.

24 Q You would agree with me that over the time that you met with
25 him, each time he met with you was he paid another installment

1 with regard to the \$820?

2 A Yes. It looks like he had been paid about \$100.

3 Q Each time he sat down with you, or close to?

4 A Yeah. There was a few \$60 payments, roughly a \$100 payment,
5 yes.

6 Q I'm going to show you what I have marked as D --

7 MS. COGGINS: Kevin, what are we up to?

8 THE CLERK: 38.

9 MS. COGGINS: D38.

10 (Defendant's Exhibit 38 marked for identification)

11 BY MS. COGGINS:

12 Q Do you recognize D38, Agent?

13 A Yes, I do.

14 Q That's a statement that you took from Rasheen Chandler on
15 September 30th, 2014; is that correct?

16 A Yes, that's correct.

17 Q And you would agree with me that paragraph 2, page 1 of 2,
18 Rasheen Chandler told you that Ant, who you previously identified
19 as Anthony Staggers, worked for Rasheen Chandler as a lookout for
20 one month, and now sells small amounts of marijuana around the
21 NBA; is that correct?

22 A Yes, correct.

23 Q I'm going to ask you, I need you to go back to a statement,
24 and that would be January 6th, 2014 -- I'm sorry, February 18th
25 of 2014.

1 A February 18th?

2 Q Yes.

3 A D35?

4 Q Yes. I'm sorry. I'm sorry, Agent, it's February 28th,
5 2014, page 2 of 4, paragraph 4.

6 A That's marked as D36?

7 Q Yes.

8 A Paragraph 4?

9 Q Yes.

10 A Yes.

11 Q You would agree with me, in the beginning part of that
12 paragraph that Rasheen Chandler was talking about how much --
13 well, let me just back up. What he states in paragraph 14, is
14 that there is a correction here that S.A. Trainor inadvertently
15 did not note in the report that Edward and Jarmon charged him
16 \$2500 for this crack cocaine.

17 Now, he then told you during this interview Chandler advised
18 that these bundles were usually 250 bundles, which consisted of
19 55 bags of crack cocaine, worth \$250, correct?

20 A Yes.

21 Q And then immediately after that: "Chandler stated these \$5
22 bags were always red." Is that correct?

23 A Yes, that's correct.

24 Q And he was referring to the bags that were sold for Jarmon;
25 is that correct?

1 A Yes, that's correct.

2 MS. COGGINS: Thank you. I have no other questions,
3 Your Honor.

4 THE COURT: Mr. Maiatico?

5 CROSS-EXAMINATION

6 BY MR. MAIATICO:

7 Q Agent Trainor, the very first time that you interviewed
8 Rasheen Chandler, did he tell you that Juan Jarmon controlled
9 drug trafficking, on the 18th Floor of the Hemberger building?

10 A He did.

11 Q And did Rasheen Chandler ever waiver from that?

12 A No.

13 Q Ms. Coggins was asking about some of the sources in this
14 case, J.F. and D.A., sources of drug crimes and their
15 backgrounds. Agent Trainor, why did law enforcement choose
16 people with drug crimes in their backgrounds, to pose as drug
17 dealers and drug addicts?

18 A What was very unique about the Blumberg apartments, is that
19 it was an extremely difficult organization to penetrate, due to
20 the physical structure of the buildings, and we had heard, in
21 talking with law enforcement, that we would be unsuccessful with
22 conducting controlled purchases, unless we used somebody who was
23 known to these individuals and was actually involved in the
24 purchase of -- involved in the purchase of drugs.

25 Q Did you believe J.F. and D.A. would have access to drug

1 dealers?

2 A Excuse me?

3 Q Did you believe that J.F. and D.A. would have access to drug
4 dealers?

5 A Oh, yes.

6 Q Ms. Coggins asked you early on in her lengthy cross-
7 examination of you, about different weights of drugs. Who -- the
8 scientific determination of drug type and drug quantity, of the
9 seized drugs during these buys, who makes that determination?

10 A Forensic chemists.

11 Q Okay. And in this case was it Cindy Vitale and Betty
12 Bleivik?

13 A Yes, that's correct.

14 Q Now Ms. Coggins also asked you about evidence from these
15 numerous controlled buy recordings. Let me ask you, Agent
16 Trainor, for the buys on May 8th, May 17th, June 11th and
17 September 5th, 2013, who is the source directed to meet with the
18 buy crack?

19 A J.F.

20 Q Okay. And who was J.F. directed to meet with?

21 A Juan Jarmon.

22 Q Okay. I want to pull up some still shots from those buys
23 themselves. 301B, who is that in that photograph?

24 A That's Mr. Jarmon.

25 Q 302B?

1 A Yeah, that's Mr. Jarmon.

2 Q 302C?

3 A Mr. Jarmon.

4 Q 302D?

5 A Mr. Jarmon.

6 Q 304B?

7 A Mr. Jarmon.

8 Q 304C?

9 A Mr. Jarmon.

10 Q 304D?

11 A Again, Mr. Jarmon.

12 Q 313A? 313 -- I'm sorry, 313B?

13 A That's Mr. Jarmon.

14 Q And 313C?

15 A Mr. Jarmon.

16 Q These are still shots from those audio/video recordings,
17 where the source was directed to meeting with Juan Jarmon?

18 A Yes, that's correct.

19 Q And there's Juan Jarmon?

20 A Correct.

21 Q And for the audio on these records, for each of the
22 controlled buys, did you identify the voice of Juan Jarmon?

23 A Correct.

24 MR. MAIATICO: I have no further questions.

25 THE COURT: Thank you, Agent Trainor.

1 Ms. Osirim, Mr. Maiatico, could you call your next
2 witness. Ms. Osirim?

3 MS. OSIRIM: Yes.

4 THE COURT: Whichever.

5 MR. MAIATICO: Your Honor, the Government calls Special
6 Agent Scott Baver from the Federal Bureau of Investigations,
7 today.

8 THE COURT: Very well.

9 THE CLERK: Would you please raise your right hand?

10 SCOTT BAVER, GOVERNMENT'S WITNESS, SWORN

11 THE CLERK: Please state your name for the record?

12 THE WITNESS: Scott Baver, B-A-V-E-R.

13 DIRECT EXAMINATION

14 BY MR. MAIATICO:

15 Q Good afternoon, Agent Baver.

16 A Good afternoon.

17 Q How are you employed?

18 A I'm a Special Agent with the FBI.

19 Q And what city are you assigned?

20 A Philadelphia.

21 Q And how long have been a special agent for the FBI, here in
22 Philadelphia?

23 A Twelve years.

24 Q Prior to that what did you do?

25 A I was an army officer.

1 Q Okay. And what are your duties as a special agent with the
2 FBI?

3 A To investigate allegations of -- violations of federal law.

4 Q To what unit are you currently assigned, Agent Bayer?

5 A I'm currently assigned to an organized crime unit in the
6 FBI.

7 Q And prior to that where were you assigned?

8 A I was on a narcotic squad.

9 Q And during the course of the investigation we're here for
10 today, what squad were you on?

11 A On the narcotic squad.

12 Q And how long were you on the narcotic squad?

13 A Approximately four years.

14 Q Okay. And what types of drugs or controlled substances did
15 you investigate, as part of the narcotic squad?

16 A Primarily crack cocaine.

17 Q And about how many drug trafficking investigations have you
18 participated in for your work with the FBI?

19 A Dozens, probably targeting a hundred or so individual
20 defendants.

21 Q I want to turn to this case. Are you one of the lead agents
22 in this investigation of the Defendant Juan Jarmon, and drug
23 trafficking in the Blumberg Housing projects?

24 A Yes.

25 Q And do you see Juan Jarmon in the courtroom today?

1 A I do.

2 Q Can you point him out?

3 A The individual at the Defense table wearing a black shirt
4 and striped tie.

5 MR. MAIATICO: And, Agent Bayer, for the record, has
6 identified the Defendant?

7 THE COURT: Yes.

8 BY MR. MAIATICO:

9 Q And for how long have you been involved in this particular
10 investigation, Agent Bayer?

11 A Since its inception in January of 2013.

12 Q So were you involved in the Title III wiretaps, that are
13 part of this investigation?

14 A Yes.

15 Q Were you involved in witness interviews throughout the
16 course of this investigation?

17 A Yes.

18 Q And were you involved in undercover police stings, or
19 controlled drug buys that were part of this investigation?

20 A Yes.

21 Q I want to turn to some of the drug buys, specifically.
22 During the course of the investigation were you involved in these
23 controlled drug buys from the 18th Floor of the Hemberger
24 building?

25 A Yes.

1 Q And will you be introducing two of these controlled buys
2 today?

3 A Yes.

4 Q And have you gone over and reviewed those buys in the
5 Government exhibits, before coming in today?

6 A Yes.

7 Q Did law enforcement use a confidential source for the two
8 buys you're going to present?

9 A Yes, we did.

10 Q And who was that confidential source, if you could provide
11 the initials?

12 A V.B.

13 Q Okay. And did she work with the DEA between February 2013
14 and September 2013?

15 A Yes.

16 Q Was she a paid source?

17 A Yes.

18 Q Why was she paid?

19 A To -- for her information that she provided, and the work
20 she provided, as well as to reimburse her for expenses like the
21 use of her telephone to contact the subjects of the
22 investigation.

23 Q Okay. And according to the DEA source file, was she paid
24 approximately \$1,550, during that time?

25 A Yes.

1 Q And was this someone who had some prior drug arrests?

2 A Yes.

3 Q And why did the DEA stop using her, specifically, as a
4 source?

5 A She was purchasing drugs without authorization from the FBI
6 or DEA, and therefore was terminated as a source for the FBI and
7 DEA.

8 Q Okay. Now I want to turn to the April 18th, 2013. On that
9 date did this source buy four bags of crack from Dottie Good, as
10 part of a controlled drug buy?

11 A Yes, she did.

12 Q And was that buy audio and video recorded?

13 A Yes, it was.

14 Q And where did that buy occur?

15 A That buy occurred on the 18th Floor of 1515 Hemberger Way.

16 Q I'm going to direct your attention to 401B, if I may? And
17 do you recognize that photo?

18 A Yes.

19 Q And what is that?

20 A That is DEA Exhibit Number 22, the purchase that the V.B.
21 made from Dottie Good, of crack cocaine.

22 Q And was the crack marked as DEA Exhibit 22?

23 A Yes.

24 Q And did the DEA take custody of the crack and submit it for
25 lab testing?

1 A Yes.

2 Q And turning to April 25th, 2013. Did the source buy ten
3 bags of crack from Dottie Good on that day?

4 A Yes.

5 Q And was that controlled by audio and video recorded?

6 A It was.

7 Q And where did that buy occur?

8 A Also, on the 18th Floor of 1515 Hemberger Way.

9 Q And was a still shot of that video created?

10 A Yes.

11 Q If I can direct your attention to Government Exhibit 402.
12 Is that a still shot from the video in the purchase?

13 A It is.

14 Q And can you identify that person?

15 A Dottie Good.

16 Q Turning to Government Exhibit 42B. Do you recognize that
17 photo?

18 A Yes.

19 Q And what is that?

20 A That is DEA drug, Exhibit Number 25, which was the purchase
21 of crack cocaine from Dottie Good.

22 Q Was that crack marked as -- you said DEA Exhibit 25?

23 A Yes.

24 Q And, DEA, did they take custody of that crack and submit it
25 for lab testing?

1 A Yes.

2 Q And were each of these controlled buys that were done
3 between the source V.B and Dottie Good, were they monitored, and
4 they were controlled?

5 A Yes.

6 Q And can you briefly describe how that was done?

7 A Yes. Prior to the purchase of the drugs the source was met
8 and debriefed. The source was searched for any contraband
9 narcotics that he or she may already have on them, to ensure that
10 that was not falsely attributed to a person, they're searched for
11 money. And then the source would be given a recording device, or
12 multiple recording devices.

13 The devices were activated in the presence of law
14 enforcement. The source was also usually given a transmitter,
15 which would emit audio, live audio, so that we could determine if
16 there was a problem, a safety issue with the informant.

17 And then once the drug buy concluded the source was searched
18 again for any contraband, money or drugs that that person might
19 have had on them, and then the recording devices were stopped,
20 and removed from the source after the conclusion of the buy.

21 MR. MAIATICO: I have no further questions, Your Honor.

22 MS. COGGINS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. COGGINS:

25 Q Agent Bayer, now with regard to the form that you were

1 questioned about, the DEA 6, DEA 7, even though you're FBI you're
2 familiar with those different forms that are used; is that
3 correct?

4 A Yes.

5 Q The DEA 6 that was done in the cases that you were a part
6 of, would you author the DEA 6, or would the DEA specifically
7 offer the DEA 6?

8 A The DEA would author the DEA 6.

9 Q Okay. And then you would you sign off on that, or you would
10 just -- it's their territory?

11 A It was their territory. If I were present for that I would
12 be mentioned in the report, but it would be signed and improved
13 by the DEA.

14 Q So, the DEA basically was the record-keeper for what
15 happened; is that fair to say?

16 A For some of the documentation, some of the buys, yes, and
17 for others it was the FBI.

18 Q In this particular case you were questioned about DEA forms.
19 So, the DEA agent who was filling out the forms was the person
20 who was responsible to keep track of the details of what
21 occurred; is that fair to say?

22 A Yes.

23 Q And to the best of your knowledge that's what was done in
24 this particular circumstance, if a DEA form was used?

25 A Yes.

1 Q I'm going to move to a different topic. So --

2 A Okay.

3 Q -- we're going to switch gears here. You were working in
4 your capacity as an FBI agent on the date of January 6 of 2014;
5 is that correct?

6 A Yes.

7 Q On that date you met with Dottie Good; is that correct?

8 A I can't recall if I met on that date. If you have a report
9 to refresh my recollection, I could confirm that.

10 MS. COGGINS: May I have a moment, Your Honor?

11 THE COURT: Sure.

12 (Pause)

13 MS. COGGINS: May I approach, Your Honor?

14 THE COURT: Yeah. Yeah.

15 THE WITNESS: Thank you.

16 MS. COGGINS: And I confess, I've lost track of what
17 number I'm up to?

18 THE CLERK: 39.

19 MS. COGGINS: D39.

20 (Defendant's Exhibit D39 marked for identification)

21 BY MS. COGGINS:

22 Q I'm just going to ask you to review that --

23 A Okay.

24 Q -- document.

25 (Witness reviews document)

1 THE WITNESS: I recognize the document, yes.

2 BY MS. COGGINS:

3 Q Okay. And you were the agent who signed this document; is

4 that correct?

5 A Correct.

6 Q So, what happens, again? You don't do a question and answer

7 with the FBI?

8 A A written question and answer?

9 Q Yes.

10 A No, we don't, typically no?

11 Q Okay. So instead what you do is, while you're interviewing

12 the person do you take handwritten notes?

13 A Yes.

14 Q And then once you're back to your office you then convert

15 those handwritten notes into a document in this case, it's called

16 an FD302; is that correct?

17 A Yes.

18 Q Yes.

19 A And because this is the only document that exists with

20 regard to what was stated during that meeting, you try to be as

21 specific as possible; is that correct?

22 A Yes.

23 Q And after you write this, you hand it off to a supervisor to

24 make sure that everything was done correctly?

25 A Yes.

1 Q And that was all done in this case, correct?

2 A Yes.

3 Q I'm going to ask you, on page 1 of 4, in the first
4 paragraph. I'm sorry, it would be the third full paragraph. You
5 would agree that Dottie Good told you that in April of 2013 she
6 was approached by Juan; is that correct?

7 A Yes.

8 Q And that he had asked her if she would sell drugs for him;
9 is that correct?

10 A Yes.

11 Q And then you stated, "Good agreed and began shortly
12 thereafter, selling crack cocaine on the 15th Floor of Hemberger
13 Way." Is that correct?

14 A Yes.

15 Q Because that's what Dottie Good told you, correct?

16 A Yes.

17 Q On page 1 of 4, the last paragraph. Dottie Good told you:
18 "On approximately four to five occasions Jarmon provided the
19 bundle directly to Good. On the other occasions individuals who
20 Good did not know or recognize, provided the bundle to her before
21 she began her shift." Is that correct?

22 A Yes.

23 Q On page 2 of 4. First full paragraph, third sentence from
24 the end. I'm sorry the -- yes, the third full sentence from the
25 end: "No one other than Jarmon ever collected the money and/or

1 drugs from her, at the end of the shift." Is that correct?

2 A Yes.

3 Q And then in the first full paragraph, again on page 2, the
4 second sentence: "Good would be" -- I'm sorry, "Dottie Good told
5 you that she would be notified by only Jarmon if she was
6 instructed to cease drug sales because of law enforcement
7 presence near the public housing units." Is that correct?

8 A Yes.

9 Q She also told you: "As a result, she, Dottie Good, was not
10 aware of the presence or identities of any lookouts."

11 A That's correct.

12 Q Am I correct?

13 A Yes.

14 Q Page 2 of 4. Second full paragraph, second to last sentence
15 -- I'm sorry, last sentence. "Dottie Good told you that she
16 never directly relieved another shift worker, nor was she
17 relieved by a shift worker, and was therefore unable to identify
18 anyone else who sold narcotics on behalf of Jarmon." That's what
19 she told you, correct?

20 A Yes. Again, page 2 of 4, in the last full paragraph.

21 Dottie Good, in the middle of -- let me see, third full sentence
22 down: "Sometime," and again, this is what Dottie Good told you.
23 "Sometime in late June of 2013, at approximately 4:00 a.m.,
24 during her shift Good then confronted Jarmon on the 15th floor of
25 Hemberger Way, about not being paid what she had been promised."

1 She told you that, correct?

2 A Yes.

3 Q That was on the 15th floor?

4 A Correct.

5 Q Yes.

6 Q She then told you, Jarmon took her into an apartment on the
7 15th floor, in order to speak with her; that's what Dottie Good
8 told you, correct?

9 A Yes.

10 Q Another sentence down. Good asked who the other workers
11 were, and Jarmon told her that she was, quote: "asking too many
12 questions" and proceeded to choke and slap her; that's what
13 Dottie Good told, you, correct?

14 A Yes.

15 Q "During this altercation Good fell and struck her head,
16 requiring stitches and general attention at St. Joseph's
17 Hospital," correct?

18 A Yes.

19 Q There's nothing in that paragraph about Juan Jarmon trying
20 to reach for her pocket; is that correct?

21 A I see nothing in there that indicates that.

22 Q There's nothing in there to describe my client trying to
23 grab any money from her pocket, correct?

24 A Correct.

25 Q There's nothing in there that says that my client threatened

1 her, not to go the hospital, correct?

2 A Correct.

3 Q There's nothing in there that Dottie Good lied to the police

4 because she was afraid of my client, correct?

5 A Correct.

6 Q Page 3 of 4. Dottie Good told you, she returned to selling

7 drugs for Jarmon for approximately one week in August of 2013; is

8 that correct?

9 A Yes.

10 Q The next sentence down. During this time, selling for

11 Jarmon, he instructed her to go over and sell on the hallway of

12 the 7th floor of Judson Way; is that correct?

13 A Yes.

14 Q So Dottie Good told you that when she went to work for my

15 client for one week in August, it was in the other building on

16 the 7th floor, correct?

17 A Correct.

18 Q She also told you that she left before the end of that week,

19 or at the end of that week; is that correct?

20 A May I review this for just a moment, please?

21 Q Yes.

22 (Witness reviews document)

23 BY MS. COGGINS:

24 Q I'm sorry, let me rephrase my question. I apologize --

25 A Sure.

1 Q -- that was broad. You would agree with me, the sentence,
2 do you see that where it says "during the end of" about half-way
3 through the paragraph?

4 A Yes.

5 Q Dottie Good told you, during the end of this week, selling
6 in 1516 Judson Way, which is the other building, correct?

7 A Yes.

8 Q An unidentified male told her that the male who had
9 previously controlled drugs sales on the 7th floor had been
10 incarcerated, which is why she was able to sell without
11 repercussions; do you recall that --

12 A Yeah.

13 Q -- her telling you that?

14 A Yes.

15 Q She also told you, however "he," I'm assuming meaning the
16 man that had spoken to her on the 7th floor, advised that once
17 the person was released he would be upset that she was selling
18 for someone else, on his floor; is that correct?

19 A Yes.

20 Q She said, therefore, this identified male encouraged her to
21 cease selling, so that she would not be hurt in the future, in a
22 future drug dispute over the territory. Good immediately left
23 her post right in the middle of her shift, returned her drugs and
24 money to Jarmon; is that correct?

25 A Correct.

1 Q Nowhere in that conversation did she say that she just
2 decided that she was tired of selling drugs, correct?

3 A That's correct.

4 Q On page 4 of 4. You showed her a photograph, you put that
5 down in front of her, of Rasheen Chandler; is that correct?

6 A Yes.

7 Q And she told you at that time, to her knowledge, Chandler
8 was not involved in distributing narcotics; is that correct?

9 A Correct.

10 Q You also showed her a photograph of Mike Ferrell; is that
11 correct?

12 A Yes.

13 Q She told you that she recognized as having seen him around
14 the projects. To her knowledge, however, Ferrell was not
15 involved in distributing narcotics; is that correct?

16 A Correct.

17 Q And you also put down that Good repeatedly stated that she
18 did not want to return to jail; is that correct?

19 A Yes.

20 Q You met her in her Adult Probation and Parole Office; is
21 that correct?

22 A For this interview?

23 Q Yes.

24 A Yes. Yes, we did.

25 Q And that was because she was on probation for selling drugs,

1 correct?

2 A Yes.

3 MS. COGGINS: Thank you. I have no other questions.

4 MR. MAIATICO: Very briefly.

5 REDIRECT EXAMINATION

6 BY MR. MAIATICO:

7 Q Agent Baver, for the very first time you met with Dottie
8 Good, did she tell you that she had worked for Juan Jarmon
9 selling crack cocaine?

10 A Yes.

11 Q Does she ever waver from that?

12 A No.

13 Q And where were the two controlled drug buys that you just
14 testified to about, from Dottie Good, where did those occur?

15 A 1515 Hemberger Way.

16 Q And what floor of 1515 Hemberger Way was it on?

17 A Eighteenth.

18 MR. MAIATICO: Okay. No further questions.

19 THE COURT: Thank you, Agent Baver.

20 MR. MAIATICO: Your Honor, the Government calls its
21 next witness, calling back to the stand, Special Agent Sarah
22 Cardone from the Federal Bureau of Investigations.

23 THE COURT: Okay. Why don't we swear the witness?

24 SARAH CARDONE, GOVERNMENT'S WITNESS, SWORN

25

1 THE CLERK: Please state your name for the record.

2 THE WITNESS: My name is Sarah Cardone, and my last
3 name is spelled, C-A-R-D-O-N-E.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. MAIATICO:

6 Q Good afternoon, Agent Cardone.

7 A Good afternoon.

8 Q During your previous testimony you had discussed, in
9 general, undercover police stings, controlled drug buys. Did you
10 conduct controlled drug buys from Juan Jarmon, during the course
11 of this investigation?

12 A Yes.

13 Q And were you present for all of those controlled drug buys?

14 A No.

15 Q Were you personally involved in buys on August 2nd, 2013 and
16 August 14th, 2013?

17 A Yes.

18 Q Okay. I'd like to review those. Did you use the same
19 confidential source for each of those two controlled buys from
20 Juan Jarmon?

21 A Yes.

22 Q And was that source J.F.?

23 A Yes.

24 Q Okay. So, moving then to August 2nd, 2013, did law
25 enforcement use J.F. to conduct a controlled drug buy from Juan

1 Jarmon on that date?

2 A Yes.

3 Q And prior to the buy did you and other agents meet with the
4 source?

5 A Yes.

6 Q And during that meeting was the source directed to purchase
7 crack cocaine from Juan Jarmon?

8 A Yes.

9 Q And why was he directed to do that, why was he asked to do
10 that?

11 A The source had previously purchased crack cocaine from Juan
12 Jarmon, and Juan Jarmon was a target of this investigation.

13 Q And so this was August, and there were previous controlled
14 buys before August; is that correct?

15 A Yes.

16 Q And so prior to the buy what steps do you take to monitor or
17 control the buy?

18 A As I discussed earlier, the steps taken to monitor a
19 controlled buy include meeting with the confidential source. The
20 source would be search for contraband, meaning money, or any
21 drugs, that the source could have beforehand, to ensure that if
22 the source purchases narcotics, that those narcotics were
23 obtained from the individual to -- from whom the source was
24 directed to purchase from, and not on the source prior.

25 The source is also given a set of instructions, directed

1 from who -- from whom to purchase, and then -- and then outfitted
2 with both recording devices, and a transmitting device, and then
3 following the purchase of narcotics the source is again searched
4 for contraband, and then debriefed.

5 Q You mentioned the transmitting device. Is that -- so as the
6 source enters into the buy you're able to listen to that at the
7 same time?

8 A Yes.

9 Q Okay. And how is that, how does that work?

10 A The transmitting device -- there is a transmitting device
11 that the source would carry on their person, and then there is a
12 receiving device that law enforcement would have.

13 And just depending on the distance, it works only at a
14 certain distance that law enforcement is from the source. So,
15 the -- law enforcement would have to move, depending on if the
16 source moves around.

17 Q And so on this particular buy, August 2nd, 2013 was the
18 source provided \$900 in cash?

19 A Yes.

20 MS. COGGINS: Objection. It's leading.

21 THE COURT: Asked and answered.

22 BY MR. MAIATICO:

23 Q How much crack, Agent Cardone, did you believe the \$900 in
24 cash would buy?

25 A Objection.

1 THE COURT: Overruled.

2 MS. COGGINS: She's not qualified as an expert, Your
3 Honor.

4 THE COURT: Overruled.

5 THE WITNESS: But the intention was to purchase
6 approximately a half ounce of crack cocaine, from Juan Jarmon,
7 with the \$900.

8 BY MR. MAIATICO:

9 Q And after providing the source with that money, where was he
10 dropped off?

11 A In the vicinity of Norman Blumberg Apartment Complex.

12 Q Okay. Now, was there -- you said there was an audio/video
13 recording device. Was there an audio/video recording for this
14 particular controlled buy?

15 A Yes.

16 Q And how good is the quality of that video recording?

17 A It varies throughout the recording. The source is wearing
18 it, and the source is walking and moving, so the quality varies.

19 Q Okay. I want to take a look at Government Exhibit 305. And
20 Agent Cardone, at approximately 2:27 p.m. does the source meet
21 with Jarmon?

22 A Yes.

23 Q And we talked about the transcripts that you prepared. Is
24 there a transcript that was prepared for this particular
25 controlled buy as well? And is the source, is that noted as CHS,

1 for "confidential human source"?

2 A Yes.

3 Q And Juan Jarmon, is he identified as JJ?

4 A Yes.

5 Q Okay. If we could play Government Exhibit 305, the audio
6 recording, the audio/video recording, please.

7 (Audio played at 3:42 p.m., ending at 3:42 p.m.)

8 BY MR. MAIATICO:

9 Q I'm asking to pause it right there. I wanted to just ask
10 you a couple of questions. Agent Cardone, do you recognize the
11 voice of the person that the source spoke to there?

12 A Yes.

13 Q And who was that?

14 A Juan Jarmon.

15 Q So based on your viewing of that video can you tell where it
16 is that they were meeting?

17 A They were meeting on the grounds of the Norman Blumberg
18 apartment complex.

19 Q When you say "on the grounds" is it within the Blumberg
20 housing projects?

21 A Yes.

22 Q And during that meeting who was it that told the source to
23 come back at like 3:30?

24 A Juan Jarmon.

25 Q So at around 3:30 p.m., then, was the source directed to

1 place a phone call to Juan Jarmon?

2 A Yes.

3 Q And was that phone call recorded?

4 A Yes.

5 Q Did you listen to that phone call?

6 A Yes.

7 Q And did you recognize Juan Jarmon's voice on that call?

8 A Yes.

9 MR. MAIATICO: I'm going to pull up 305G, please.

10 BY MR. MAIATICO:

11 Q And before we play that again, in the transcript, was there
12 a transcript that was prepared that you reviewed?

13 A Yes.

14 Q And did you identify the voices on that call?

15 A Yes.

16 Q And is the CHS, is it the source and Juan Jarmon?

17 A Yes.

18 Q And was the source identified as CHS?

19 A Yes.

20 Q And Juan Jarmon is identified as JJ?

21 A Yes.

22 MR. MAIATICO: All right. If we could begin playing
23 that 305G, please.

24 (Audio played at 3:44 p.m., ending at 3:44 p.m.)

25 MR. MAIATICO: If we could move to Government Exhibit

1 306H, please.

2 BY MR. MAIATICO:

3 Q Is this the transcript of that audio call?

4 A Yes.

5 Q And if I can highlight just the, right there in the middle
6 of the page, who is it that says: "Uh? I'm waiting -- I'm
7 waiting for it to dry. Give me -- give me -- give me another 20
8 minutes." Did you identify the voice of the person who said
9 that?

10 A Yes.

11 Q And who as that?

12 A Juan Jarmon.

13 Q And so about 20 minutes later, 3:55 p.m., was the source
14 directed to place another phone call to Juan Jarmon?

15 A Yes.

16 Q Was that phone call recorded?

17 A Yes.

18 Q And did you listen to that phone call?

19 A Yes.

20 Q And did you recognize Juan Jarmon's voice on that call?

21 A Yes.

22 MR. MAIATICO: If we could pull up 305I, please. If we
23 could begin playing 305I, the recording of that call.

24 (Audio played at 3:45 p.m., ending at 3:46 p.m.)

25 MR. MAIATICO: If I could turn to Government Exhibit

1 305J, the transcript of that phone call.

2 BY MR. MAIATICO:

3 Q And just about halfway down that first page, it starts:

4 "JJ, I am break, oh, yeah." Agent Cardone, let me ask you, that
5 statement "I ain't break, oh yeah. I ain't break. I ain't even
6 break it off yet." Did you recognize who said that?

7 A Yes.

8 Q And who was that?

9 A Juan Jarmon.

10 Q And who is he speaking to?

11 A The confidential source.

12 Q And then about four lines downs from "I ain't even break it
13 off yet," JJ begins: "But give me -- give me like -- give me
14 like another 15 minutes, 15 minutes. If not, if it ain't dry in
15 15 you can just take that shit with you. I'll put it in there.
16 Plus, I don't want to dry all the way out and then shit ain't
17 right, do you know what I'm saying?"

18 Who is it that said that, Agent Cardone?

19 MS. COGGINS: Objection, Your Honor. It's not what the
20 transcript says.

21 THE COURT: overruled.

22 THE WITNESS: Juan Jarmon.

23 BY MR. MAIATICO:

24 Q An then after that call is the source's audio/video
25 recording device activated for a controlled buy?

1 A Yes.

2 Q And where was he dropped off?

3 A Again, in the vicinity of the Norman Blumberg apartment
4 complex.

5 Q Okay. And at approximately 4:47 p.m. does the source meet
6 back with Jarmon?

7 A Yes.

8 MR. MAIATICO: Okay. If we could play Government
9 Exhibit 305. You can start it any time.

10 (Audio played at 3:48 p.m., ending at 3:48 p.m.)

11 MR. MAIATICO: If we could pause it for one second.

12 BY MR. MAIATICO:

13 Q Agent Cardone, just this beginning part, the first 20
14 seconds or so, is this what we had just watched before?

15 A Yes.

16 Q And it will be the first part of the meeting?

17 A Yes.

18 Q Is that with Juan Jarmon?

19 A Yes.

20 Q And then when it pauses is that at 4:47, where we'll start
21 seeing Juan Jarmon again?

22 A Yes.

23 Q All right.

24 (Audio played at 3:48 p.m., ending at 3:50 p.m.)

25 BY MR. MAIATICO:

1 Q If we could turn to Government Exhibit 305A of the
2 transcript that was prepared for the audio in this call. And
3 Agent Cardone, there was a lot of noise going on in that
4 particular call; do you know what that was from?

5 A It sounded like it was the wind background --

6 Q Okay.

7 A -- because it was outside.

8 Q And is that unusual in hearing that type of interference on
9 one of these audio/video recordings?

10 A No. It all -- it all is weather dependent.

11 Q Okay. And when I turn to this transcript now in 305A, and
12 just down at the bottom of the -- of the page, fourth line from
13 the bottom where it starts, JJ, "Shit was short." Now JJ, "Shit
14 was short." Agent Cardone, did you identify who said that?

15 A Yes.

16 Q And whose voice was that on the audio/video recording?

17 A It was Juan Jarmon's.

18 Q And who was he speaking to?

19 A The confidential source.

20 Q And how did the confidential source respond?

21 A The confidential source said, "That's what I said. When you
22 said that I already know how that go. That shit could say what
23 it say, but that shit dry out, and that shit be."

24 Q And then it sounded as though the source was interrupted,
25 and then what did Juan Jarmon say?

1 A He said, "That shit," something unintelligible, "a whole
2 fucking ounce. I ain't that taking that," unintelligible. "But
3 he coming right back, though, like right back."

4 Q Okay. Now that particular portion of the video, was a still
5 shot from the video created? Were there several stills shots
6 from the video that were created?

7 A Yes.

8 Q Okay. And if I can direct your attention to Government
9 Exhibit 305B. Is that one of the still shots from the video and
10 purchase?

11 A Yes.

12 Q And who is that individual?

13 A That is Juan Jarmon.

14 Q And 305C. And maybe one frame later, is that a still shot
15 from the video?

16 A Yes.

17 Q And who is that?

18 A Juan Jarmon.

19 Q Now during this buy, is there an exchange of drugs for money
20 that's video recorded, that we're able to see?

21 A Not on the video.

22 Q Okay. Not the video we're seeing here?

23 A No.

24 Q And what do you -- what happens after that, on the
25 audio/video recording? What happens in the audio/video recording

1 in this buy? What happens next after this meeting with Juan
2 Jarmon?

3 A Oh, after this --

4 MS. COGGINS: Objection, Your Honor. The video speaks
5 for itself.

6 THE COURT: Overruled.

7 THE WITNESS: I'm not sure exactly when this particular
8 frame was taken, but after this time, at some point, later in the
9 video, Juan Jarmon and the source meet at a store that's located
10 at the 2400 block of Oxford Street.

11 MS. COGGINS: Objection, Your Honor, that's her
12 opinion.

13 THE COURT: overruled.

14 BY MR. MAIATICO:

15 Q Well, let me ask you this. Are there any voices, or faces
16 that are captured on the rest of this recording?

17 A Yes.

18 Q Any of them that you're able to identify, though?

19 A No.

20 Q Okay. And after that does the -- does the source meet with
21 law enforcement?

22 A Yes.

23 Q Okay. And does he turn anything over?

24 A Yes.

25 Q What does he turn over?

1 A The source turns over the recording devices, the crack
2 cocaine and the remaining money that the source did not spend.

3 Q Okay. And did the source purchase less crack than expected?

4 A Yes.

5 Q In other words, and I'll quote the Defendant, "The shit was
6 short"?

7 MS. COGGINS: Objection.

8 THE COURT: Why don't you restate that?

9 BY MR. MAIATICO:

10 Q Was the amount of crack less than expected, Agent Cardone?

11 MS. COGGINS: Asked and answered.

12 THE COURT: Overruled.

13 THE WITNESS: The amount of crack cocaine that the
14 source brought back was less than expected.

15 BY MR. MAIATICO:

16 Q And was the source searched?

17 A Yes.

18 Q And what were the results of that?

19 A They were negative.

20 Q And was the crack marked as DEA Exhibit 41?

21 A Yes.

22 Q And did the DEA take custody of the crack and submit it for
23 lab testing?

24 A Yes.

25 Q I'm going to turn to Government Exhibit 305E. And what is

1 that a photograph of?

2 A That is a photograph of Exhibit 41, the crack cocaine that
3 was purchased on August 2nd of 2013, from Juan Jarmon.

4 Q Okay. I'm going to move on to August 14th, 2013, to the
5 next controlled drug buy. On that date did law enforcement use
6 that same source to conduct a controlled drug buy from Juan
7 Jarmon and Damon Edwards?

8 A Yes.

9 Q And prior to the buy on August 13th, 2013, was the source
10 directed to place a phone call to Juan Jarmon?

11 A Yes.

12 Q Was that phone call recorded?

13 A Yes.

14 Q And did you listen to that phone call and review the
15 transcript?

16 A Yes.

17 Q And do you recognize -- did you recognize Juan Jarmon's
18 voice on the call?

19 A Yes.

20 MR. MAIATICO: If I could pull up Government Exhibit
21 306G, please. If we could play that call.

22 (Audio played at 3:56 p.m., ending at 3:56 p.m.)

23 MR. MAIATICO: If I could turn to the transcript of
24 this audio recording 306H.

25 BY MR. MAIATICO:

1 Q And about half-way down the page, Agent Cardone, who was it
2 that says, "I'm on -- I'm on deck, yeah. I'm on deck heavy"?

3 A Juan Jarmon.

4 Q And did you -- who was he speaking to?

5 A The confidential source.

6 Q And how did the source respond?

7 A The source responded, "All right. That's what I'm talking
8 about. All right. I'll be there tomorrow, bro."

9 Q No, so the next day, then, on August 14, 2013, do you and
10 other agents meet with the source?

11 A Yes.

12 Q And during that meeting was the source provided
13 instructions?

14 A Yes.

15 Q And was he directed to try and purchase crack from Juan
16 Jarmon?

17 A Yes.

18 Q And why was he asked to do that again?

19 A Again, the source had previously purchased crack cocaine
20 from Juan Jarmon.

21 MS. COGGINS: Objection.

22 THE COURT: Overruled.

23 BY MR. MAIATICO:

24 Q Now prior to that buy what steps did you take to monitor, or
25 control the buy?

1 A Similar steps taken again. The source was searched for
2 contraband. The results were negative, the source was provided
3 the money for the buy. The source was given a transmitting
4 device and an audio/video recording device.

5 Q Okay. And how much crack -- or I'm sorry, how much cash did
6 you provide the source with, for that buy?

7 A Four hundred and fifty dollars.

8 Q And how much crack cocaine did you believe that \$450 cash
9 could buy?

10 A We believed that we were intending to buy a quarter ounce of
11 crack cocaine.

12 Q Okay. And just putting that in grams, a quarter ounce to
13 grams, what is that?

14 A A quarter ounce is seven grams of crack cocaine.

15 Q Now after providing the source with the money, was the
16 source directed to place a phone call --

17 A Yes.

18 Q -- to Juan Jarmon? And was that phone call recorded at
19 approximately 1:34 p.m.?

20 A Yes.

21 Q Did you listen to that phone call and review the transcript?

22 A Yes.

23 Q And did you recognize Juan Jarmon's voice on the call?

24 A Yes.

25 MR. MAIATICO: If we could play 306I, please.

1 (Audio played at 3:59 p.m., ending at 3:59 p.m.)

2 BY MR. MAIATICO:

3 Q So, Agent Cardone, when the source asks whether they should
4 meet at Blum, at the playground, how does Jarmon respond?

5 A He responds affirmatively.

6 Q Okay. And after that phone call, about 30 minutes later was
7 the source then dropped off in the vicinity, or the Blum or
8 Blumberg?

9 A Yes.

10 Q Okay. And as the source enters Blumberg, are you watching
11 and listening at the same time?

12 A Yes.

13 Q And have you reviewed a video of this buy?

14 A Yes.

15 Q Now does Juan Jarmon show up, or does someone else?

16 A Someone else showed up to deliver the crack cocaine to the
17 source.

18 Q Who was that?

19 A Damon Edwards.

20 Q And do you recognize Damon Edwards' voice on this buy?

21 A I do now, but not at the particular time of the buy.

22 Q So at the time of the buy, was this the first time that you
23 had seen Damon Edwards?

24 A Yes.

25 Q Okay. And this is the first time he was identified, then,

1 by you or by law enforcement?

2 A Yes.

3 Q Does the recording that we have here include only the
4 relevant portions?

5 A Yes.

6 Q And I'd like to turn to Government Exhibit 306. Does the
7 transcript start about a minute into the video, when Damon
8 Edwards approaches?

9 A Yes.

10 MR. MAIATICO: Okay. I'd like to play Government
11 Exhibit 306, please.

12 (Audio played at 4:01 p.m., ending at 4:03 p.m.)

13 BY MR. MAIATICO:

14 Q All right, Agent Cardone. If you could turn to Government
15 Exhibit 306A, the transcript from that audio/video recording.
16 But before I do, in that video did you identify the individual
17 that the source met with?

18 A Yes.

19 Q And again, who was that?

20 A Damon Edwards.

21 Q And before arranging this controlled buy, how much was it
22 that you expected, based on the amount of money you gave to the
23 source, how much were you expecting the source to buy?

24 MS. COGGINS: Objection.

25 THE COURT: Overruled.

1 THE WITNESS: Law enforcement was expecting the source
2 to buy a quarter ounce or seven grams of crack cocaine.
3 BY MR. MAIATICO:
4 Q Okay. And if we could look at 306A, the first line after
5 Damon Edwards approaches. So, he's speaking to someone on the
6 phone. "Do you hear me? All right, I don't know." Speaking to
7 the source. "You said, seven, right?" Who is it that said that?
8 A Damon Edwards.
9 Q And who was he speaking to?
10 A The confidential source.
11 Q Okay. Now based on your viewing of that video, where is it,
12 Agent Cardone, that they met?
13 A They met on the grounds or in the vicinity of the Norman
14 Blumberg apartment complex.
15 Q Okay. And are they near playgrounds?
16 A Yes.
17 Q And is that one way that you're able to recognize that it's
18 within Blumberg?
19 A Yes.
20 Q And during the call do you hear voices in the background?
21 A Yes.
22 Q And what are the voices you hear yelling in the background?
23 MS. COGGINS: Objection, Your Honor.
24 THE COURT: Overruled.
25 THE WITNESS: There are other people in the area.

1 BY MR. MAIATICO:

2 Q And is this the same place, the source that arranged to meet
3 Jarmon?

4 A Yes.

5 MS. COGGINS: Objection.

6 THE COURT: Overruled.

7 BY MR. MAIATICO:

8 Q Were still shots from the video created?

9 A Yes.

10 Q If I can direct your attention to Government Exhibit 306B.
11 And is that a still shot from the video?

12 A Yes.

13 Q Can you identify that person?

14 A That -- yes.

15 Q Who is that?

16 A That is Damon Edwards.

17 Q And then 306C? And is that a still shot from the video?

18 A Yes.

19 Q And what are we looking at there?

20 A We are looking at a tattoo on Damon Edwards' forearm that
21 says "Boo."

22 Q If I could turn to what appeared to have been admitted as
23 Government Exhibit 503, a photograph from September 24, 2013,
24 from Yizzo_23's account. Can you identify the two people that
25 are in that photo, Agent Cardone?

1 A Yes.

2 Q And who are those people?

3 A The individual on the left is Damon Edwards, and the

4 individual on the right is Juan Jarmon.

5 Q So, Agent Cardone, after the purchase of the crack, does the

6 source return to meet with law enforcement?

7 A Yes.

8 Q And does he turn anything over?

9 A Yes.

10 Q What's he turn over?

11 A The source turns over the recording device, the transmitting

12 device, the crack cocaine, to law enforcement.

13 Q And was the source searched for any other contraband?

14 A Yes.

15 Q And what were the results?

16 A The results were negative.

17 Q Then was that crack marked as DEA Exhibit 42?

18 A Yes.

19 Q And did the DEA take custody of the crack and submit it for

20 lab testing?

21 A Yes.

22 Q I want to turn to Government Exhibit 306E. And was that --

23 was that the crack that was purchased on August 14th, 2013?

24 A Yes.

25 MR. MAIATICO: I have no further questions.

1 THE COURT: Ms. Coggins.

2 MS. COGGINS: Thank you.

3 CROSS-EXAMINATION

4 BY MS. COGGINS:

5 Q Now with regard to the video that you discussed just now --
6 I'm sorry, the one that you alleged took place inside of the
7 mini-mart, I believe April 25th of 2013. You would agree with me
8 that on that video there is no discussion whatsoever with regard
9 to \$900, \$450, 460, no amount of money. Is that correct, on the
10 video?

11 MR. MAIATICO: Your Honor, I object --

12 THE COURT: Overruled.

13 MR. MAIATICO: Just as to the date.

14 BY MS. COGGINS:

15 Q April 25th, 2013?

16 A You're asking about a buy on April 25th?

17 A Yes.

18 THE COURT: Make sure you have the right date, Ms.
19 Coggins.

20 MS. COGGINS: I'm sorry, Judge.

21 THE COURT: Is it maybe August 2nd?

22 BY MS. COGGINS:

23 Q I'm sorry August 2nd. On that date you've alleged that a
24 transaction occurred inside of the mini-mart; is that correct?

25 A Yes. The video shows the source going to the mini-mart.

1 Q Now you would agree with me that there is no conversation
2 whatsoever with regard to price, correct?

3 A Not recorded on the video.

4 Q Okay. And there's nothing on the telephone calls that you
5 played for us, regarding the price; is that correct?

6 A That's correct.

7 Q I'm going to ask you, Agent Cardone, based on my next
8 question to -- first of all, you alleged that the transaction
9 took place in the doorway of the mini-mart; is that correct?

10 A Yes.

11 MS. COGGINS: Let's play August 2nd, 2013.

12 (Parties confer)

13 THE COURT: I'm sorry, is there a question?

14 MS. COGGINS: We're just trying to get by the sound,
15 Judge.

16 THE COURT: Oh, okay.

17 MS. COGGINS: There's no sound.

18 (Audio played at 4:10 p.m., ending at 4:10 p.m.)

19 BY MS. COGGINS:

20 Q Now where in there are you saying that there was a
21 transaction?

22 A When the source came back to us the source told us that the
23 transaction happened in there.

24 Q Okay. You would agree with me that the person that was
25 captured in this videotape is not my client, correct?

1 A The person does not appear to be Juan Jarmon.

2 Q And this was the entirety of what occurred inside of the
3 store; is that correct?

4 A Yes.

5 Q The search that you described, were you present for the
6 search of the CI on this occasion?

7 THE COURT: Is this on August 2nd?

8 MS. COGGINS: Yes, Your Honor.

9 THE WITNESS: I was at that buy. I'm not sure if I
10 witnessed the search or not. Typically, male agents would
11 conduct a search of a male source.

12 BY MS. COGGINS:

13 Q Now in this case you took a statement from Rasheen Chandler;
14 is that correct? If you recall?

15 A At some point I did meet with Rasheen Chandler.

16 Q Do you recall meeting with him on January 28th of 2016?

17 A Not specifically.

18 MS. COGGINS: May I approach, Your Honor?

19 THE COURT: Yes.

20 BY MS. COGGINS:

21 Q I'm going to show you what I've marked as D40 and ask you to
22 take a look at that.

23 (Defendant's Exhibit D40 marked for identification)

24 (Witness reviews document)

25 THE COURT: Is there a question?

1 MS. COGGINS: I was -- did she take a statement on that
2 date, Your Honor.

3 THE COURT: Oh.

4 BY MS. COGGINS:

5 Q Did you take a statement on that date, from Rasheen
6 Chandler?

7 A Yes. On January 26, 2016.

8 Q Now, I believe it's January 28th, correct?

9 A Oh, yes, I'm sorry, January 28th.

10 Q And on that date you sat down with Mr. Chandler, and that
11 was also with Mr. Maiatico, is that correct?

12 A Mr. Maiatico was also present.

13 Q And that was in the United States Attorney's Office, here in
14 Philadelphia, correct?

15 A Yes.

16 Q I'm directing your attention to page 4 of 6, the fifth full
17 paragraph.

18 A I'm sorry, which paragraph?

19 Q Sure, page 4 of 6, fifth full paragraph. Do you recall --
20 I'm sorry, at that time did Rasheen Chandler tell you that he did
21 not observe Edwards and Jarmon package crack cocaine into user
22 level quantities?

23 A Yes.

24 Q Do you also recall from paragraph 8, on the same page, do
25 you recall Mr. Chandler stating that Mr. Jarmon was more careful

1 when referring to narcotics, while talking on the telephone. He
2 believes he used terms such as "donuts" or "cupcakes" to refer to
3 crack cocaine. Do you remember him saying that?

4 A My report does say that he said that on that date.

5 Q And on paragraph 7, did he tell you that Anthony never sold
6 for Jarmon or Edwards?

7 A Yes.

8 (Counsel confer)

9 MR. MAIATICO: Your Honor, can we see you at sidebar?

10 THE COURT: Sure.

11 (Sidebar begins at 4:15 p.m.)

12 THE COURT: Yes?

13 MS. COGGINS: I was going to ask the witness about
14 this, and I believe Mr. Maiatico wanted a sidebar.

15 MR. MAIATICO: I would object, I have not seen this
16 before. Obviously your representative --

17 THE COURT: This is from the other -- this is from the
18 other trial?

19 MS. COGGINS: Correct.

20 MS. OSIRIM: How is it relevant now?

21 MS. COGGINS: Because you are charging with a
22 conspiracy with Edward Stinson. They were charged in with
23 Stinson, in a whole different indictment with a whole bunch of
24 people not related to this conspiracy.

25 THE COURT: There were -- there are -- there are two

1 separate bills of indictment.

2 MS. COGGINS: Uh-huh.

3 THE COURT: Stinson is the only one who's alleged to
4 have participated in them both; and this is the other conspiracy.
5 So insofar as there is an objection I'm going to sustain it.

6 MS. COGGINS: Would you like me to do that? Is that
7 good enough then for the record?

8 THE COURT: Yes.

9 MS. COGGINS: Okay.

10 (Sidebar ends at 4:16 p.m.)

11 MS. COGGINS: I'm sorry, Your Honor. One other
12 question, if we could have a sidebar?

13 THE COURT: Okay.

14 (Sidebar begins at 4:16: p.m.)

15 THE COURT: Yes.

16 MS. COGGINS: I just want to put on the record that I
17 still want to get -- am I permitted in any way?

18 THE COURT: Yes.

19 MS. COGGINS: Am I permitted in any way to question her
20 with regard to her investigation of a separate conspiracy with
21 Edward Stinson?

22 THE COURT: In any way, I don't know how to answer that
23 question.

24 MS. COGGINS: If I'm allowed to ask her. Edward
25 Stinson in charge of a whole different conspiracy, and whether or

1 not he was indicted on that conspiracy?

2 THE COURT: I don't know what that has to do with this?
3 You can ask if he was indicted in this conspiracy, but there were
4 two separate conspiracies to distribute 280 grams or more of
5 crack, and the Government has withdrawn the indictment as to
6 Edward Stinson. This is the only -- everybody else has pled
7 guilty, this is the only Defendant on trial with respect to this
8 conspiracy.

9 MS. COGGINS: My argument, Judge, would be that it
10 spans the same time period, that it involves at least two people
11 that are listed on both conspiracies. And, therefore, he shows
12 that there's an overlapping, and it also shows that people were
13 involved in all kinds of different activities, multiple
14 conspiracies.

15 THE COURT: Yeah. I just think that's awfully
16 confusing, and you're trying to mix up the two conspiracies in a
17 way the evidence doesn't support it, so I'm going to sustain the
18 Government's objection.

19 MS. COGGINS: Okay. Thank you.

20 (Sidebar ends at 4:17 p.m.)

21 MS. COGGINS: Thank you, Your Honor. I have no other
22 questions.

23 THE COURT: Mr. Maiatico?

24 MR. MAIATICO: Nothing further from the Government,
25 Your Honor.

1 THE COURT: All right. Ladies and gentlemen, rather
2 than call the next witness, which I believe is the Government's
3 last witness; is that right?

4 MS. OSIRIM: Yes, Your Honor. I believe so.

5 THE COURT: Okay. I thought I would send you home.
6 Keep an open mind, not to support any opinions or to discuss this
7 case or anything concerning it about among yourselves, or with
8 others, do not permit them to discuss the case in your presence.
9 You may discuss the case when you've retired to deliberate, after
10 you've heard all the evidence, closing arguments of counsel and
11 you've heard my final instructions.

12 Don't investigate, research, read, talk about text,
13 email, listen to the radio, watch TV, look at the internet, if it
14 has anything at all to do with this case, nothing is more
15 important that you keep an open mind and that you remain fair
16 until you go back there to deliberate.

17 Then you can form an opinion and discuss it with the
18 other jurors. As always I thank you for your patience, I thank
19 you for your attention. I'll see you tomorrow so that we can
20 begin hopefully at 9:30.

21 THE BAILIFF: All rise.

22 (Jury out at 4:19 p.m.)

23 THE COURT: Okay. Please be seated everybody. Can you
24 tell us, just for planning purposes, and I won't hold you to it,
25 but can you tell us, Ms. Coggins, is there going to be a defense

1 presented?

2 MS. COGGINS: Your Honor, we were discussing that this
3 morning, something came up. So, prior to that I was prepared to
4 say that I wasn't going to be presenting any witnesses. I just
5 need to speak to with my client again. If I could have maybe 15
6 minutes now?

7 THE COURT: No, no. You can tell us tomorrow morning.

8 MS. COGGINS: Thank you, Your Honor.

9 THE COURT: And this is, right now, this is the
10 Government's last witness; is that correct?

11 MS. OSIRIM: Yes, Your Honor.

12 THE COURT: And I believe, Agent Updegraff, his total
13 testimony I don't think was an hour.

14 MS. OSIRIM: I don't think I expect it to go that long,
15 Your Honor. I have a very discreet number of calls that I plan
16 to play for him. I think right now it's less than ten.

17 THE COURT: That will be an hour, with your cross-
18 examination. If no defense is presented then closings, could, in
19 theory at least, start as early as tomorrow morning. I would ask
20 again, since your closings may turn, in part, on what's in the
21 final instructions, if we could all get together here at 9:15,
22 say, to discuss the final instructions and the verdict sheet, I
23 would be very grateful.

24 Anything else that anyone would like to put on the
25 record?

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MS. COGGINS: No, Your Honor.

MR. MAIATICO: No, Your Honor.

THE COURT: All right. My thanks to all counsel and to
our Marshals.


THE BAILIFF: All rise.

(Proceedings adjourned at 4:21 p.m.)

CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: March 21, 2019



Jessica B. Cahill, CER/CET-708

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF PENNSYLVANIA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JUAN JARMON, ET AL,

7 Defendants.

Case No. 2:17-cr-00072-PD-1

Philadelphia, Pennsylvania

March 12, 2019

9:39 a.m.

8
9 TRANSCRIPT OF JURY TRIAL DAY 6
10 BEFORE THE HONORABLE PAUL S. DIAMOND
11 UNITED STATES DISTRICT COURT JUDGE

12 APPEARANCES:

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25 transcript produced by transcription service.

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1 (Call to order at 9:39 a.m.)

2 MR. MAIATICO: Good morning, Your Honor.

3 MS. OSIRIM: Good morning, Your Honor.

4 THE COURT: Ms. Coggins, as of right now, do you
5 anticipate presenting a defense?

6 MS. COGGINS: No, Your Honor.

7 THE COURT: Do I correctly anticipate that when the
8 Government rests this morning, you're going to make a Rule 29
9 motion for acquittal?

10 MS. COGGINS: Yes, Your Honor.

11 THE COURT: Okay, why don't you do that at sidebar?

12 MS. COGGINS: Yes, Your Honor.

13 THE COURT: I have looked at the corrections that
14 have been offered. I don't have a problem with the corrections
15 as they are. Adding on pages 13 and 14, that the Government
16 and Defense stipulated to the area occupied by the Housing
17 Authority and the social media stipulation, but there have been
18 other stipulations.

19 And I don't know that we want to highlight these two
20 and not mention them all, but the immediate other stipulation I
21 can think of is Ms. Blaivik's expertise. I think there was a
22 stipulation as to other documents as well, although as I sit
23 here, I can't tell you what they are.

24 And I would prefer either to list them all or to list
25 none of them. And I think it would be most helpful to the jury

1 if we listed them all. So I would ask counsel to look at that.

2 And I know that on page 80, you mention a stipulation
3 as to the Housing Authority again. And I don't have a problem
4 with listing that because of the context, listing just that one
5 stipulation there. It makes sense.

6 But we're talking about on pages 13 and 14, all
7 evidence, not just the 1,000 foot zone. I'm going to eliminate
8 facts that have been judicially noticed from page 13.

9 And I will eliminate any documents that I have
10 stricken, because I haven't stricken any, unless something
11 happens in -- this morning.

12 I haven't told the jury to disregard any testimony,
13 so I'm not going to mention that. And that's all I have this
14 morning.

15 Does anyone have anything he or she would like to
16 raise with respect to the final instruction or the verdict
17 sheet?

18 MS. COGGINS: No, Your Honor, thank you.

19 MR. MAIATICO: Your Honor, very briefly, and I think
20 the way that we left it was for the impeachment of a witness,
21 the prior inconsistent statement, there was an outstanding
22 issue. I'm not sure if that was adopted by the Court or a
23 suggestion or?

24 THE COURT: No, I think in light of Ms. Coggins'
25 cross-examination of the agents who recorded the statements,

1 she had shown an inconsistency between what the agents say the
2 witnesses told them and what they told this jury. And so, I'm
3 going to give that instruction.

4 I don't know if I'm going to give specific
5 investigative techniques and I don't know if I'm going to give
6 if a witness is equally available to both sides.

7 And I won't give -- I will adjust the instruction, so
8 I will say that the jury can't consider the Defendant's Fifth
9 Amendment right. He did -- I mean, you have presented
10 evidence, Ms. Coggins, what, 30 to 40 exhibits?

11 MS. COGGINS: I have.

12 THE COURT: So I don't want to say you've presented
13 no evidence and presented no defense, but you haven't. I don't
14 want to confuse the jury.

15 So I'm simply refer to the fact that the Defendant
16 hasn't testified, assuming that's the case by the time I give
17 the charge, and that the jury can't hold it against him. I'm
18 not sure what else I left up in the air, depending on
19 what -- how the trial unfolded.

20 MR. MAIATICO: Your Honor, with regards to the prior
21 inconsistent statement, we had asked or suggested that we use
22 the 3rd Circuit model instruction --

23 THE COURT: Oh.

24 MR. MAIATICO: -- instead of the one that was
25 proposed here.

1 THE COURT: What page is it on?

2 MR. MAIATICO: It's on page 25.

3 THE COURT: Hold on.

4 MR. MAIATICO: And I have a copy of the --

5 THE COURT: No, no, you don't have to persuade me to
6 give the model 3rd Circuit instruction on anything. This is
7 probably our bench book model 3rd Circuit instruction. Let me
8 take a look.

9 Our bench book model instruction, let me take a look
10 at the 3rd Circuit. If you want to give it to me, that's fine,
11 but so we actually have access to it.

12 MR. MAIATICO: There you go. Oh, well, sorry.

13 THE COURT: All right, well, I'll take a look at
14 during the break --

15 MR. MAIATICO: Yes, Your Honor.

16 THE COURT: -- and I will let you know.

17 And have you seen it, Ms. Coggins, the model 3rd
18 Circuit instruction?

19 MS. COGGINS: Yes, I have, Your Honor.

20 THE COURT: Do you have a preference for one over the
21 other?

22 MS. COGGINS: Um --

23 THE COURT: You don't have to commit now if you --

24 MS. COGGINS: Okay, I'll have to compare the two of
25 them, Judge, to see what the difference is.

1 THE COURT: That's what I'm going to do. Okay,
2 anything else?

3 MS. COGGINS: There was one other issue, Your Honor,
4 and that was the exhibit that came from New York arrived
5 yesterday afternoon after Court concluded. And so, I'm just
6 trying to work out the --

7 THE COURT: That was sent by the post office, because
8 that's when we get our mail at the very end of the day here.
9 That's why I said it should be in the post office. Yes, go
10 ahead.

11 MS. COGGINS: Well, we're trying to work out a way to
12 have it admitted. I don't think it's necessary for me to call
13 a witness for my defense.

14 THE COURT: Oh, no, no. I'm sure the Government will
15 stipulate the authenticity. And you can just say to the jury,
16 Ms. Coggins, you recall Judge Diamond said that an exhibit was
17 going to arrive from New York. It arrived last night and
18 it's -- just explain what it is.

19 MS. COGGINS: Okay. And then just one other issue,
20 Your Honor, with regard to the exhibits that I've marked. I'm
21 going to ask to move certain ones of those into evidence and --

22 THE COURT: Why don't you just put them all into
23 evidence?

24 MS. COGGINS: Well, I had asked that with Mr.
25 Maiatico, but he is not in --

1 THE COURT: Why don't you just move them all into
2 evidence? So moved?

3 MS. COGGINS: Yes, Your Honor.

4 THE COURT: They're admitted. Anything else?

5 (Unidentified Defendant's Exhibits admitted into evidence)

6 MS. COGGINS: No, Your Honor.

7 MR. MAIATICO: And Your Honor, I'll just note that
8 for those ones that we objected to, it was DEA 6s that would be
9 used for a limited purpose only, which is to show a prior
10 inconsistent statement and not to be used substantively to
11 prove the -- to prove the statement.

12 THE COURT: I understand the Government's position.
13 Anything else?

14 MR. MAIATICO: Your Honor, the final thing that I
15 want to address was you -- at the Court's suggestion, you had
16 noted that you intended to send an indictment back --

17 THE COURT: Yes.

18 MR. MAIATICO: -- to the jury during their
19 deliberations. We have provided both the Court and to Ms.
20 Coggins a copy of the proposed redacted indictment.

21 THE COURT: Yes.

22 MR. MAIATICO: And what we did is we redacted any
23 allegations that we made in the indictment that were not
24 presented here at trial.

25 THE COURT: Okay, have you had a chance to look at

1 that, Ms. Coggins?

2 MS. COGGINS: No, was that just recently?

3 THE COURT: All right, well --

4 MR. MAIATICO: It was this morning.

5 MS. COGGINS: Oh, I'm sorry, I didn't receive it, I
6 didn't see it.

7 THE COURT: Okay, well, when you take a look at it,
8 you let me know.

9 MS. COGGINS: Thank you, Judge.

10 THE COURT: Okay anything else before we bring the
11 jury out?

12 MR. MAIATICO: No, Your Honor.

13 MS. COGGINS: No, Your Honor.

14 THE COURT: Do you have your next witness? Is he
15 sitting in the back of the courtroom?

16 MS. OSIRIM: He's sitting in the back of the
17 courtroom, Your Honor.

18 THE COURT: Very good. All right.

19 Hello, Agent Updegraff.

20 Let's bring the jury out.

21 (Pause)

22 THE COURT: Okay, if we could hold bringing the jury
23 back in for a minute. Thank you.

24 THE COURT RECORDER: You're welcome, Judge.

25 THE COURT: I simply want to read from the 3rd

1 Circuit's decision in Watson, a 2001 decision on the scope of
2 expert testimony that I -- it's what I issued with respect to
3 Agent Updegraff in the Stinson case. And unless his C.V. has
4 changed in the last two months, what I would anticipate issuing
5 here.

6 But the 3rd Circuit has held that in drug
7 prosecutions, qualified government agents may testify as
8 experts concerning, and this is now quoting,

9 "The meaning of coded drug language, the significance
10 of certain conduct or methods of operation to the
11 drug distribution business, the modus operandi of
12 individuals involved in drug trafficking, the
13 quantity, purity, usual dosage unit, and street value
14 of narcotics and counter surveillance techniques used
15 by drug dealers to avoid the police."

16 I believe the agent testified to more or less all
17 those things in the Stinson trial. And I qualify by -- I
18 qualified him to testify as an expert respecting crack cocaine
19 trafficking organizations and traffickers' use of coded
20 language.

21 Crack cocaine trafficking organizations is very, very
22 broad, and I believe, includes the other aspects of expert
23 testimony discussed in Watson, the other prongs.

24 And again, depending on what the Government asks me
25 to qualify him in, that's the scope of what's allowed. And

1 again, depending on what his testimony is, I thought I should
2 just point out to you my prior ruling as a guide -- as a likely
3 guide to what I'm going to do here.

4 And if you -- you're certainly free to cross-examine
5 him on his expertise. You had wanted a Daubert hearing, which
6 I allowed in the Stinson case and it turned out to be
7 completely unnecessary.

8 There's nothing unusual about -- in federal
9 prosecutions of the Government using an experienced drug agent
10 to testify to the modus operandi of drug organizations, to
11 their use of language, et cetera.

12 Now, can we bring the jury?

13 THE COURT RECORDER: Sure.

14 THE COURT: Thank you.

15 THE COURT RECORDER: You're welcome.

16 (Pause)

17 THE CLERK: Please stand for the jury.

18 THE COURT: Good morning to all of you. I -- please
19 sit down. I greeted one of you bringing what looked like his
20 lunch or breakfast in this morning as he entered the building.

21 Ms. Osirim?

22 MS. OSIRIM: Thank you, Your Honor, the Government
23 next calls supervisory Special Agent Randy Updegraff.

24 THE COURT: Very well.

25 THE COURT RECORDER: Remain standing. Please raise

1 your right hand.

2 RANDY UPDEGRAFF

3 called as a witness for the Plaintiff/Government, having been
4 duly sworn testified as follows:

5 THE COURT RECORDER: Please state your full name and
6 spell your last name for the record?

7 THE WITNESS: Randy Updegraff, U-P-D-E-G-R-A-F-F.

8 THE COURT RECORDER: Thank you.

9 DIRECT EXAMINATION

10 BY MS. OSIRIM:

11 Q Good morning, Agent Updegraff. How are you this
12 morning?

13 A Good morning, counselor. I'm fine, thank you.

14 Q Could you please introduce yourself to the ladies and
15 gentlemen of the jury?

16 A Certainly, I'm a supervisory special agent with Drug
17 Enforcement Administration stationed in Philadelphia,
18 Pennsylvania.

19 Q Special Agent Updegraff, how long have you been a
20 special agent with the DEA?

21 A I've been a DEA agent for 20 years.

22 Q And can you define generally your duties and
23 responsibilities as a special agent with the DEA?

24 A Certainly. We enforce Title 21 under Code of Federal
25 Regulations, which they control the manufacturing, importation,

1 and distribution of controlled substances.

2 Q Can you describe for the jury maybe in some detail
3 what your day-to-day responsibilities look like as a special
4 agent?

5 Q As a special agent, we investigate narcotics
6 trafficking groups, along with other state, federal, and local
7 entities.

8 We branch out not only locally, but we try to pursue
9 violators at the most -- the highest level of narco trafficking
10 into like transnational organizations.

11 Q Over the course of your experience with the DEA,
12 approximately how many narcotics investigations have you
13 participated in?

14 A Multi hundreds.

15 Q And have you participated in narcotics investigations
16 in which you've assisted other agencies outside of the DEA?

17 A Yes, numerous.

18 Q Okay, I'd like to talk a little about some of your
19 investigative work. Have you participated in the investigation
20 of the manufacturing and distribution of illegal drugs to
21 include crack cocaine?

22 A I have.

23 Q And during the course of those investigations, did
24 you have an opportunity to conduct witness interviews of drug
25 users or drug consumers?

1 A Yes, during the course of our investigations, we
2 often interview individuals that are within the organization or
3 peripheral to the organization. That's how we gather our
4 intelligence of the modus operandi of the trafficking
5 organizations.

6 Q So have you also had the opportunity then to conduct
7 interviews of street level dealers inside of
8 trafficking -- inside of a trafficking operation as well as
9 other members of an operation?

10 A Yes.

11 Q Okay, have you spoken with civilian witnesses in
12 connection with these investigations?

13 A Yes, we frequently -- the civilian witnesses are
14 frequently spoke to that are peripheral around the organization
15 or maybe unwitting to the organization such as trunk drivers
16 and people like that.

17 Q As part of your investigative experience, have you
18 participated in Title 3 wiretap investigations of drug
19 trafficking organizations?

20 A I have.

21 Q And on how many Title 3 wiretap investigations have
22 you been involved?

23 A I've been involved in dozens of investigations using
24 the Title 3 intercepts, branching out into over hundreds of
25 phone intercepts into tens of thousands of phone calls.

1 Q And have you also participated in the execution of
2 search warrants in connection with drug trafficking operations?

3 A I have.

4 Q Have you assisted in or personally participated in
5 undercover purchases of illegal drugs?

6 A Yes.

7 Q And can you tell the jury what an undercover purchase
8 of drugs by a law enforcement officer really involves?

9 A I acted in an undercover capacity as a user of
10 narcotics and also as a midlevel distributor of narcotics. So
11 what you do is you have an introduction into a violator or a
12 person distributing drugs, whether you make that introduction
13 yourself or through a confidential source.

14 And then you represent yourself as a distributor or a user
15 of drugs to purchase drugs. I purchased heroin, cocaine, and
16 crack cocaine in the Philadelphia region.

17 Q In addition to the work that you've done in an
18 undercover capacity, have you also directed others in a
19 controlled setting to make purchases of illegal drugs directly
20 from distributors?

21 A Yes, I directed confidential sources and also other
22 undercover agents to affect purchases of narcotics.

23 Q Can you give the jury an idea of what it looks like
24 when you are directing a controlled purchase of narcotics from
25 an individual, who's not a member of law enforcement?

1 A Yes, certainly. First, you establish who the
2 individual you're trying to purchase narcotics from and the
3 confidential source utilizing them.

4 You take a steps to ensure the integrity of the
5 investigation and to ensure the integrity of the purchase by,
6 you know, searching the confidential source, giving them the
7 money that we have marked or recorded the serial numbers, so we
8 know what money that we're utilizing.

9 And then we use video and audio surveillance and physical
10 surveillance to try to keep track of the confidential source
11 while they're making the purchase from the target of the
12 investigation.

13 Post purchase, we all -- we once again try to keep the
14 integrity of the investigation by searching confidential source
15 for other contraband.

16 Q Thank you. Have you made arrests and participated in
17 prosecutions of those engaged in drug trafficking?

18 A I have.

19 Q And can you summarize briefly your experience with
20 respect to investigations involving crack cocaine?

21 A I've, until recently, the last maybe five or seven
22 years, I did a majority of cocaine and crack cocaine cases.
23 I've done dozens, multi dozens of investigations in the crack
24 cocaine distribution organizations.

25 Q At the start of this conversation, Special Agent

1 Updegraff, we talked a little bit about the fact that you are
2 currently a supervisory special agent with the DEA; is that
3 correct?

4 A That's correct.

5 Q And can you explain generally what your duties and
6 responsibilities are in a supervisory capacity to the extent
7 that those differ from the general duties of a special agent?

8 A Now I have nine special agents and investigative
9 assistants and an intelligence analyst that work under me. And
10 what I do is I coordinate the investigations that my agents are
11 running into various trafficking organizations.

12 Q Let's talk a little bit now about your background.
13 What kind of training have you received as a special agent with
14 the DEA?

15 A I initially went to a 17-week DEA special agent
16 course in Quantico, Virginia that outlined constitutional law
17 or drug law, drug identification, confidential source
18 management, firearms training, driver training, all sorts of
19 other peripheral classes during those 17 weeks.

20 Q And have you continued since that time your training?

21 A Yes, in the last 20 years, I've probably been to 19
22 follow-on schools enhancing training, like upgrades and
23 the -- and training in different tracks.

24 Q During your tenure as a special agent and now as a
25 supervisory special agent, have you provided instructions to

1 other law enforcement officer and personnel?

2 MS. COGGINS: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: Yes, I have. I am a field training
5 agent. When agents come out of the academy, you go to a
6 six -- you're assigned to and mentor agent for approximately
7 four months. And also, I take -- train other state and local
8 entities in DEA tactics.

9 Q Special Agent Updegraff, I'd like to you show you on
10 the screen in front of you what's been pre-marked for purposes
11 of identification as Government's Exhibit Number 703. Do you
12 recognize the document that should have just appeared on your
13 screen?

14 A I do.

15 Q And how do you recognize this?

16 A I recognize this document I prepared as my curriculum
17 vitae.

18 MS. OSIRIM: Okay, Your Honor, the Government offers
19 Exhibit 703 in evidence and requests permission to publish to
20 the jury?

21 MS. COGGINS: I have no objection, Your Honor.

22 THE COURT: It'll be admitted. The jury may see it.

23 (Plaintiff's/Government's Exhibit 703 admitted into
24 evidence)

25 MS. OSIRIM: Thank you, Your Honor.

1 BY MS. OSIRIM:

2 Q Does this C.V., this resume that you prepared,
3 accurately reflect your educational and professional history?

4 A Yeah, it does. It's the first page, yes.

5 Q Okay, and are there sets of pages to this document?

6 A There are.

7 MS. OSIRIM: Could you scroll down just? Thank you.

8 BY MS. OSIRIM:

9 Q Special Agent Updegraff, have you ever testified in
10 federal court as a narcotics expert?

11 A I have.

12 Q Approximately how many times have you been qualified
13 as such an expert?

14 A Approximately 30 times.

15 Q And have you ever testified anywhere else outside of
16 federal court?

17 A I testified a handful of times in Pennsylvania state
18 courts as an expert.

19 Q Specifically in the context of crack cocaine
20 trafficking organizations, have you ever testified as an
21 expert?

22 A I have.

23 Q And in fact, when was the last time that you were
24 qualified as an expert in crack cocaine trafficking agents?

25 A I was qualified in January of this year.

1 Q Have you also previously been qualified as an expert
2 in decoding the communications of individuals engaged in crack
3 cocaine trafficking?

4 A I have.

5 Q And have you ever been disqualified as an expert in
6 that field?

7 A I have not.

8 MS. OSIRIM: At this time, Your Honor, the Government
9 offers Special Agent Randy Updegraff as an expert in the field
10 of crack cocaine trafficking organizations and the traffickers'
11 use of coded language.

12 MS. COGGINS: No objection, Your Honor.

13 THE COURT: Okay, he will be deemed so qualified.

14 MS. OSIRIM: Thank you, Your Honor.

15 BY MS. OSIRIM:

16 Q Agent Updegraff, just to provide some background,
17 where does cocaine come from?

18 A Cocaine is a -- it's a substance that's derived from
19 the cocoa plant. It's a shrub that's grown only in three
20 Andean nations: Colombia, Bolivia, and Peru.

21 The manufacturing process takes place when the leaves are
22 stripped from the cocoa plant. They can be stripped from the
23 shrub approximately six times a year.

24 It takes about 600 pounds of the cocoa leaf to produce
25 what they call -- what the incremenial (phonetic) coal --

1 Q That's okay.

2 A -- too big a word.

3 Cocaine once it's produced, is manufactured. It's made
4 into kilogram forms. That's the unit of measure that is
5 distributed to -- from the United States -- into the United
6 States from the Andean nations of Colombia, Bolivia, Peru.

7 What happens is these leaves, once they're stripped, then
8 these 600 pounds of leaves are ripped into little shreds. And
9 through a chemical process, they ultimately make what we know
10 is cocaine hydrochloride or the cocaine powder.

11 This powder is compressed into a 2.2 or 1,000 gram block
12 called a kilogram. Once these -- it's manufactured in a
13 rudimentary labs in the mountains of Colombia, Bolivia, and
14 Peru. And then, it's imported into the United States through
15 various ways.

16 Some gets imported directly by the cartel -- Colombian
17 cartels. Other is moved through Mexico by the Mexican cartels.
18 And it here gets in a variety of ways: shipping containers,
19 over land in trucks, submersible submarines.

20 But the unit of measure, when it's coming from Colombia
21 through Mexico, is a kilogram or the 2.2 pounds. It's
22 off -- then manufactured in these jungle labs and it's about 85
23 percent pure cocaine.

24 The rest, the other 15 to 10 percent, being binder
25 material. But if you think of when cocaine arrives in the

1 United States, it typically comes in a kilogram form. It's
2 about 9 inches by 6 inches by 2 inches, wrapped in tape and
3 other types of package material.

4 Q Once cocaine arrives in the United States by this
5 process that you've just discussed with us, what generally are
6 the wholesale values, the street values that one would pay for
7 a kilogram or smaller quantities that are sold for
8 redistribution purposes?

9 A Well, what happens is the kilogram is like a unit of
10 measure. And it's like the stock market. The prices go up and
11 down depending on the locality.

12 A kilogram of cocaine in Colombia, Bolivia, Peru is about
13 maybe \$2,000. Once it arrives into like Panama, making its way
14 north, the transportation and the risk factor are added, it's
15 about \$6,000. Making its way into Mexico, it's worth around
16 \$15,000.

17 By the time it's ingressed into the United States via
18 whatever method that's utilized by the cartels, it's up to
19 around \$30,000 in the southwest border region.

20 A kilogram of cocaine in -- on the streets of Philadelphia
21 at this time would be approximately 36- to \$38,000. So a
22 kilogram is 1,000 grams or approximately 36 ounces.

23 What happens is once it arrives in the United States and
24 gets through its end user destination area, which we at DEA
25 consider Philadelphia to be a destination area different from

1 like Miami, Houston, and L.A., which would be like trans-
2 shipment points as a cocaine makes its way to the Northeast
3 corridor.

4 The kilogram, like I said, would be around \$36,000. The
5 way the profit margin is made is the individuals that obtain
6 the kilogram of cocaine, it's like 85 percent pure, they break
7 it out of the packaging and they add a dilutant to it, or
8 another insert substance, in order to expend -- expand their
9 profit margin.

10 So the 36 ounces of cocaine would be typically on the
11 street between 800 and \$1,000 an ounce, but the trafficker here
12 in Philadelphia extends their profit margin by taking the 36
13 ounces and adding the inert substance to it, different types of
14 material, Lidocaine, Anastol (phonetic). What they do is they
15 extend their volume of the cocaine.

16 So the 1,000 grams becomes maybe 1,500 or 2,000 grams.
17 Granted, it's a lesser quality of cocaine now, but it's still
18 viable to be used by an individual on the streets of
19 Philadelphia. So that's how the profit margin is made.

20 So the 1,000 grams or the 36 ounces now gets extended to
21 maybe 2,000 grams. So it's -- so now you can double -- you've
22 essentially doubled your profit as a trafficker.

23 Different quantities, the way they're broken down,
24 depending on the level of the organization, they purchase
25 cocaine in maybe kilograms that may be purchased it or 500 gram

1 quantities, which would be half a kilo, or 18 ounces, or
2 approximately \$18,000. And the same process happens. They
3 extend their profits by putting the inert material.

4 Cocaine is typically broken down. At the end user city
5 like Philadelphia, from a kilogram, to 1,000 grams, to 500
6 grams incrementally down to 250 grams or 9 ounces, then down to
7 125 grams or 4 and a half ounces, and then down to the ounce.

8 So that's what we see, depending on the level of the
9 organization and what resources, resources I mean money that
10 they have and resources what I mean distribution network, how
11 much cocaine they can purchase depends on the, like I said, the
12 resources that the organization has.

13 So you see a kilogram of 36,000, a half kilo at 18,000,
14 250 grams around 9- -- maybe 7- to 9,000. As you move lower,
15 the cocaine sometimes gets cheaper due to the fact that each
16 step in the process, individuals are adding a dilutant to it,
17 which makes the cocaine a little cheaper because it's not as
18 pure a quality.

19 The quest for an organization is always to get the cocaine
20 from the kilo that hasn't been diluted or altered. That way,
21 their clientele is -- they have a more active clientele with
22 the higher quality cocaine.

23 Q So we've talked a little bit about quantities of
24 redistribution for cocaine. I'd like to focus a little bit now
25 on crack cocaine.

1 Once inside the United States, how if at all, is crack
2 cocaine derived from the cocaine that's originally entered the
3 U.S.?

4 A Cocaine, when it comes to the U.S., is in a powder
5 form called cocaine HCL or cocaine hydrochloride. That's how
6 it's manufactured in the jungle laboratories in the Andean
7 nations.

8 It is originally cocoa paste and it's a base form of the
9 cocoa paste, which a hydrochloric acid gas is introduced to it
10 to make it into the cocaine HCL or the white powder. That
11 white powder is water soluble, which means it can be utilized
12 by individuals by snorting it.

13 What happens is individuals want to establish or
14 manufacture this powder into crack cocaine. That process is
15 done by taking the cocaine powder, adding a base, sodium
16 bicarbonate or typical baking soda is added to the cocaine
17 along with water and then heat is added.

18 What's -- what this does is extracts the impurities and it
19 also extracts the salt out of it now leaving a hard rock, which
20 is the cocaine base crack.

21 What now you've done is made it nonwater soluble. So that
22 is now a smoke-able form of crack cocaine.

23 Q In your experience, in what quantities is crack
24 cocaine commonly sold when it's sold in bulk for
25 redistribution?

1 A That can vary. It can be sold in ounce quantities,
2 then down to the most rudimentary level of .05 grams, nickel
3 bags.

4 Q And in what quantities is crack cocaine commonly sold
5 on the street at a user quantity?

6 A You'll typically see a user will purchase small bags
7 containing around .1 gram, .05 grams, or maybe .2 grams of
8 different increments. They have different monetary values
9 assigned to them.

10 Q Are there terms commonly used by crack cocaine
11 traffickers for the quantities that you described in these
12 smaller bags?

13 A Yes.

14 Q And what are those terms?

15 A The .05 would be a nickel bag. .1 would be a dime
16 bag. .2 would be \$20 bag or dub.

17 Q And do those names reflect the actual street value
18 for that bag? Does a nickel bag translate to a \$5 price?

19 A It does. The nickel bag would be \$5, the dime bag
20 would be \$10, and a dub or a \$20 bag would be \$20.

21 Q Over the course of investigating crack cocaine
22 trafficking organizations, have you observed the use of coded
23 language to discuss illicit drug trafficking activities?

24 A I have. During the course of the Title intercepts
25 and conversations and my personal experience of purchasing

1 crack cocaine, terminology is frequently used.

2 I don't know that I've ever heard the term of crack
3 cocaine on a Title 3 intercept. Or in my experience of
4 purchasing cocaine, there's coded language utilized.

5 Q I'd like to talk to you a little bit about this
6 investigation here. Are you familiar with the investigation of
7 crack cocaine distribution in and around the Norman Blumberg
8 Apartment Complex between late 2012 and late 2014?

9 A I'm familiar with -- yes.

10 Q Have you reviewed reports, audio recordings, video
11 recordings, and other records prepared in connection with this
12 case?

13 A I have.

14 Q I'd like to talk to you about some of those
15 recordings now if I may.

16 MS. OSIRIM: Could we play for the witness
17 Government's Exhibit 305I?

18 (Audio is played at 10:14 a.m.)

19 MS. OSIRIM: Wait, could you pause, sorry.

20 (Audio ends at 10:14 a.m.)

21 MS. OSIRIM: Sorry, I'd just like to introduce this
22 call, special agent. This is a telephone call between a
23 confidential source and Juan Jarmon preceding a controlled
24 purchase on August 2nd of 2013 at approximately 3:54 p.m.

25 Can we start over?

1 (Audio is played at 10:14 a.m.)

2 (Audio ends at 10:15 a.m.)

3 MS. OSIRIM: If we could now please display the
4 transcript that accompanies this recording? I believe that's
5 Government's Exhibit 305J?

6 BY MS. OSIRIM:

7 Q During this conversation, Special Agent Updegraff,
8 Juan Jarmon states, "Let me call you because I don't want -- I
9 don't want this shit to stick, I don't want it to wind up
10 sticking and then you can't you know what I mean," in the
11 context of this call and in your expert opinion, is "stick"
12 used consistently with the common meaning of the word stick?

13 A No.

14 Q In your expert opinion and in the context of this
15 conversation, can you explain what "stick" is referring to
16 here?

17 MS. COGGINS: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: Yes, in my opinion, the term "stick"
20 means in the cocaine -- crack cocaine manufacturing process,
21 when the cocaine and the sodium bicarbonate or the baking soda
22 are added together, and the process, the manufacturing process
23 starts with the water, as you -- what the individuals will
24 refer to as whipping it up, you have to agitate the substance.

25 And sometimes the substance, ultimately, due to the

1 chemical reaction from the heat and the base extracting
2 impurities, it at one point refer -- gets into like a pasty-
3 type substance before it gets totally hard. And in my opinion,
4 that is the reference there that it was -- the individual
5 didn't want it to be sticky.

6 Q During this same conversation, the confidential
7 source tells Juan Jarmon, "I can probably just let that stuff
8 dry myself." In the context of this call and in your expert
9 opinion, is "dry" used consistently with its common name?

10 A He's referring to --

11 MS. COGGINS: Objection.

12 THE COURT: Overruled. He can say what dry means.

13 THE WITNESS: In my opinion, dry means the
14 cocaine -- the crack cocaine is in the portion of the
15 manufacturing process, where it is becoming hard now past
16 the -- it's gone from the powder form into the gummy form and
17 now into the hard form.

18 BY MS. OSIRIM:

19 Q Further down on that page, Juan Jarmon says,
20 "No, it could be right on the -- it could be -- it
21 could be right on the John but if it dry out, it
22 probably missing 2, 2, 2 or 3 or something like that.
23 I don't want it -- want it to be water on you."

24 In the context of this call and in your expert opinion,
25 does "it could be missing 2 or 3" refer to a price, a quantity,

1 or some other value? "

2 MS. COGGINS: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: In my opinion at this point, the
5 individual is talking about missing 2 or 2, 2 or 3, or
6 something like that would be a quantity, grams of the powder
7 due to the fact that it would be wet.

8 If it didn't dry out totally, once it dries, it
9 hardens and the substance gets lighter, the crack cocaine gets
10 lighter.

11 Q Special Agent Updegraff, I'd like to turn now to
12 what's been previously admitted in this case as Government's
13 Exhibit 302. This is an audio/video recording of a controlled
14 drug purchase on May 8th of 2013.

15 MS. OSIRIM: Could we please play this particular
16 recording?

17 MS. COGGINS: I'm sorry, what's the exhibit number?

18 THE COURT: Wait, wait, what's your --

19 MS. COGGINS: I'm sorry, Exhibit Number?

20 MS. OSIRIM: Here, 302.

21 MS. COGGINS: Thank you.

22 THE COURT: Go ahead.

23 (Audio/video played at 10:19 a.m.)

24 (Audio/video ends at 10:24 a.m.)

25 MS. OSIRIM: Can we show the transcript that

1 accompanies this recording? I believe that's Government
2 Exhibit 302A?

3 BY MS. OSIRIM:

4 Q Special Agent Updegraff, you'll notice that on the
5 second page of this transcript, Juan Jarmon says to the
6 confidential source, "I would never sell you no baked up
7 [expletive] because I don't sell my fiends for baked up
8 [expletive]."

9 In the context of this recording and in your expert
10 opinion, is "baked up" coded language or does it refer to
11 baking in the traditional sense of that word?

12 MS. COGGINS: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: It's coded language.

15 BY MS. OSIRIM:

16 Q And in the context of this recording and in your
17 expert opinion, can you please explain what you understand
18 "baked up" to mean here?

19 A In my opinion in the context of this call or this
20 portion of the call, baked up stuff is referring to -- you'll
21 often hear the term bake being referred to the baking soda, the
22 sodium bicarbonate, which means in my opinion baked up stuff
23 would mean lesser quality of crack cocaine, due to a higher
24 quantity of baking soda being into the crack baking soda
25 mixture.

1 Q And so, that suggests to you that the crack cocaine
2 is less concentrated, it has a lower purity?

3 A Baked up stuff, yes, that would be a lesser quality
4 of crack.

5 Q If we scroll further down on that same page, you'll
6 see that Juan Jarmon says, "I be getting that [expletive] for
7 67, 68."

8 In the context of this recording and in your expert
9 opinion, is 67, 68 coded language, rather than an exact
10 numerical reference to the numbers 67 and 68?

11 A In my opinion, it's coded language for a monetary
12 value of 67- or \$6,800.

13 Q Okay, in that same sentence, Jarmon says, "I be
14 having to stretch the [expletive] 3,000 off of each ounce."

15 In the context of this recording and in your expert
16 opinion, is 3,000 off of an ounce coded language rather than an
17 ordinary numerical reference here?

18 A In my opinion, it's coded language.

19 Q And in the context of this recording and in your
20 expert opinion, can you please tell us what you understand
21 3,000 off of an ounce to mean here?

22 A In my opinion, at this point where the stuff 3,000
23 off each ounce would be the monetary value that the individual
24 was getting back for an ounce of crack cocaine, because they
25 were dividing up the ounce into 600 small packets, at \$5 a

1 packet, would be approximately \$3,000 for the ounce of crack.

2 Q Further down on that same page, Juan Jarmon states,
3 "I usually sell them for a dime."

4 In the context of this recording and in your expert
5 opinion, is "dime" used consistently with its traditional
6 meaning? Do you believe Juan Jarmon is referring to a 10 cent
7 coin?

8 A No, I do not.

9 Q Can you tell us in your expert opinion and in the
10 context of this conversation what you understand "dime" to mean
11 here?

12 A In the context -- in my opinion in the context of
13 this sentence, the -- them for a dime" would mean that be a
14 \$1,000, a "dime" in this particular reference.

15 Q And slightly further down in that same paragraph,
16 Juan Jarmon states, "Because I knew you probably had another
17 strip," when he's speaking to the confidential source.

18 In the context of this recording and in your expert
19 opinion, is "strip" coded language which bears a meaning
20 distinct from its traditional use?

21 A In my opinion, yes, it is coded language.

22 Q And -- I'm sorry. Can you tell us in the context of
23 this call and in your expert opinion what "strip" means here?

24 A In my opinion, the term "strip" here is a area
25 that the individual, the confidential source, is purporting to

1 be selling cocaine, a "strip" being an area of control that an
2 individual would be selling smaller amounts of cocaine on.

3 MS. OSIRIM: Could we next turn to Government's
4 Exhibit 307? This is an audio/video recording of a controlled
5 drug purchase on September 3rd at approximately 8:45.

6 Could I have one moment, please?

7 THE COURT: Yeah.

8 MS. OSIRIM: Could we play that?

9 (Audio/video played at 10:29 a.m.)

10 (Audio/video ends at 10:30 a.m.)

11 MS. OSIRIM: We can stop it there. Could we show the
12 transcript that accompanies this call at Government's Exhibit
13 307A?

14 BY MS. OSIRIM:

15 Q We just heard on that call the controlled purchase on
16 September 3rd, a confidential source state, "I'm going to need
17 an onion ring man" and Juan Jarmon replied, "All right."

18 In the context of this call and in your expert opinion, is
19 "onion ring" used consistently with its traditional meaning
20 here? Are we talking about a sliced, fried piece of onion?

21 A No.

22 Q Can you tell us in your opinion and in the context of
23 this conversation what an "onion ring" refers to?

24 A In my experience, this is consistent with ordering an
25 ounce of cocaine through my experience or an ounce of crack or

1 cocaine. Onion is a street slang for an ounce of cocaine or
2 crack.

3 MS. OSIRIM: I'd like to now move on to calls that
4 were intercepted during the Title 3 wiretaps in this case. If
5 we could play for the witness Government's Exhibits 233,
6 please.

7 (Audio is played at 10:31 a.m.)

8 (Audio ends at 10:32 a.m.)

9 MS. OSIRIM: Can we please show the witness the
10 transcript that accompanies that call at Government's 233A?
11 BY MS. OSIRIM:

12 Q On the second page of that transcript, Agent
13 Updegraff, this is a call between Juan Jarmon and an individual
14 named Taft Harris on October 18th of 2013 at approximately
15 12:16 a.m. There was a line where Juan Jarmon instructs Taft
16 Harris "To give a dub, don't give him 25, give a dub."

17 Now we spoke briefly about the word "dub" earlier in your
18 testimony. In the context of this communication and in your
19 opinion, is a "dub" coded language used to refer to a monetary
20 value?

21 A Yes, in my opinion, the reference here is to \$20.

22 Q Okay.

23 A "Dub" being \$20.

24 MS. OSIRIM: Could be play for this witness
25 Government's Exhibit 232? This is a recorded telephone call

1 between the Defendant Juan Jarmon and Taft Harris from October
2 15th of 2013 at approximately 11:47.

3 (Audio is played at 10:33 a.m.)

4 (Audio ends at 10:36 a.m.)

5 MS. OSIRIM: You can stop it there. Could we show
6 the transcript that accompanies this call at Government's
7 Exhibit 232A?

8 BY MS. OSIRIM:

9 Q On the second page, actually I'm not sure, Agent
10 Updegraff on this call, Defendant Juan Jarmon states, "He was
11 doing on the first like 9 to a stack a day and that stuff going
12 to pick up."

13 In the context of this call and in your expert opinion, is
14 the term "9 to a stack" coded language used to refer to a
15 quantity or a monetary value?

16 A Yes.

17 Q And in the context of this call and in your expert
18 opinion, can you please let us know what "9 to a stack" means
19 as it's used in this statement?

20 A In my opinion, in the context of this call, the
21 individual's referring to 900 to \$1,000 of sales of crack
22 cocaine.

23 MS. OSIRIM: Okay. Can we next play for this
24 witness, Government's Exhibit 243, which is a conversation on
25 August 31st of 2013 between Juan Jarmon and Rasheen Chandler at

1 around 2:36 in the afternoon?

2 (Audio is played at 10:37 a.m.)

3 (Audio ends at 10:39 a.m.)

4 MS. OSIRIM: Could we please show the witness the
5 transcript that accompanies this call at Government's Exhibit
6 243A?

7 BY MS. OSIRIM:

8 Q Agent Updegraff, you'll notice on this transcript,
9 that Rasheen Chandler states he "had to do a nickel because he
10 got the other 250."

11 In your opinion, is the word "nickel" used consistently
12 with this common meaning? Are they referring to a 5 cent coin
13 here?

14 A No.

15 Q In the context of this call and in your expert
16 opinion, can you tell us what you believe the word "nickel" to
17 mean in this phrase?

18 A In my opinion in this -- in the context of this
19 sentence, a "nickel" means \$500 worth of crack cocaine.

20 Q Rasheen Chandler states later in this conversation it
21 was "F-ing popping". In your opinion is the word "popping"
22 used consistently with its common meaning?

23 MS. COGGINS: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: No.

1 BY MS. OSIRIM:

2 Q In the context of this call and in your expert
3 opinion, can you tell us what the word "popping" is used to
4 mean here?

5 A In my opinion, in the context of this call, "popping"
6 would indicate to me that it was a high volume of crack cocaine
7 sales.

8 Q Agent Updegraff, later in this call, Defendant Juan
9 Jarmon says he "wants the John, but he don't to grind." In
10 your opinion, is the word "John" used that -- a word that can
11 be used in a variety of ways and contexts to mean different
12 things?

13 A Yes.

14 Q Okay, and in the context of this call and in your
15 expert opinion, can you tell us what you believe the word
16 "John" refers to as it's used here in this sentence?

17 MS. COGGINS: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: In my opinion and the context of this,
20 "John" would mean money.

21 BY MS. OSIRIM:

22 Q Okay, in that same sentence it says, "He don't want
23 to grind". Did you understand the word "grind" here to have
24 been used consistently with its common meaning?

25 A No.

1 Q Okay, in the context of this sentence in this call
2 and in your expert opinion, can you tell us what "grind" means
3 here?

4 A Yes, in my opinion, the term "grind" here means to
5 sell cocaine, sell crack cocaine. "Grind" is a typical term
6 used on the street by individuals, saying they're going to
7 grind, they're going to sell cocaine, crack cocaine.

8 Q Finally, later in this call, there's a point where
9 Rasheen Chandler says to Juan Jarmon, "I think we did a stack.
10 I did a nickel and Mike did a nickel."

11 In your opinion, is the word "stack" here used
12 consistently with its common meaning as a pile of papers or
13 something like that?

14 A It is not.

15 Q And in the context of this call and in your expert
16 opinion, can you tell the ladies and gentlemen of the jury what
17 you believe "stack" to mean in this conversation?

18 A In my opinion, in the context of this call, a
19 "stack" -- "stack" is a typical street term for \$1,000. I
20 believe that's a reference to \$1,000 worth of crack cocaine.

21 Q In that same sentence, he says, "I did a nickel and
22 Mike did a nickel." Is the word "nickel" here in your opinion
23 being used consistently with how it was used moments ago?

24 A Yes, in my opinion, the term "nickel" in this portion
25 of the transcript both times refers to \$500 worth of crack

1 cocaine.

2 MS. OSIRIM: Okay, I'd like to play for this witness
3 Government's Exhibit 205. It's a conversation on September 3rd
4 of 2013 between Juan Jarmon and Raheen Butler. It takes place
5 just before 7 o'clock in the evening.

6 (Audio is played at 10:43 a.m.)

7 (Audio ends at 10:44 a.m.)

8 MS. OSIRIM: Could we please show the witness the
9 transcript that accompanies that call? I believe that's been
10 previously admitted as Government's Exhibit 205A?

11 BY MS. OSIRIM:

12 Q Agent Updegraff, during this conversation, Juan
13 Jarmon states to Raheen Butler, "I'm throwing a little shouts
14 because these phones getting baggy. You seen that stuff in the
15 papers today." In your opinion, is the word "baggy" used
16 consistently with its common meaning?

17 MS. COGGINS: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: No.

20 BY MS. OSIRIM:

21 Q Okay, and in the context of this call and in your
22 expert opinion, can you tell us what you believe the word
23 "baggy" to mean as it's used in this sentence?

24 A In my opinion in the context of this, "baggy" is a
25 reference to untrustworthy or sketchy, the feeling that there

1 was something untrustworthy about utilizing the phone.

2 Q That word is then used again by Raheen Butler in this
3 call, where he states, "That's what I was telling them like if
4 it ain't nothing baggy, don't call me."

5 In this instance and in your opinion, is the word "baggy"
6 used consistently with how the Defendant Juan Jarmon was using
7 it previously on the call?

8 A Yes, it is.

9 Q Okay, Butler then says, "You got to get another John,
10 just have like a prepay." Now we've talked about the word John
11 earlier and the fact that it is often used to mean a variety of
12 different things. In your opinion and in the context of this
13 call, what does the word John used to refer to?

14 A In my opinion, the reference to John in this call is
15 referring to a telephone or a cellular phone.

16 MS. OSIRIM: Okay, could we play for the witness
17 Government's Exhibit Number 208, which is a September 7th, 2013
18 call between the Defendant Juan Jarmon and Rasheen Chandler?

19 (Audio is played at 10:46 a.m.)

20 (Audio ends at 10:47 a.m.)

21 MS. OSIRIM: Could we please show the witness the
22 transcript that corresponds with this call, Government's
23 Exhibit 208A?

24 BY MS. OSIRIM:

25 Q In this conversation, Agent Updegraff, Juan Jarmon

1 states, "Look out the porch real fast so I can show you my old
2 head. He coming to get 5 for a dub."

3 I believe we talked about this briefly, but in your
4 opinion, is the word "dub" coded language here that bears a
5 specific meaning?

6 A Yes, it is.

7 Q And what in your opinion does the word "dub" mean
8 here?

9 A In my opinion in the context of this, a "dub" relates
10 to \$20.

11 MS. OSIRIM: Could we next show -- play for the
12 witness what's been admitted in evidence as Government's
13 Exhibit 212? This is a telephone call on September 10th of
14 2013 that was recorded between the Defendant Juan Jarmon and
15 Damon Edwards.

16 (Audio is played at 10:48 a.m.)

17 (Audio ends at 10:49 a.m.)

18 MS. OSIRIM: Can we show Special Agent Updegraff the
19 transcript that accompanies this call at Exhibit 212A?

20 BY MS. OSIRIM:

21 Q Agent Updegraff, on the call Defendant Juan Jarmon is
22 stating to Damon Butler (sic), "Yeah, he texted me and stuff,
23 said 49th Street."

24 In your opinion, is "49th Street" coded language that
25 bears a special meaning different than its plain meaning in

1 this conversation?

2 MS. COGGINS: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: Yes.

5 BY MS. OSIRIM:

6 Q And in the context of this call and in your expert
7 opinion, can you tell us what you believe "49th Street" to
8 refer to here?

9 A I believe in this particular context that "49th
10 Street" is a reference to \$4,900.

11 Q After Damon Edwards responds, we hear Juan Jarmon
12 state, "But an 8 would have been better." In your opinion, is
13 "an 8" coded language that there's a special meaning different
14 from its traditional meaning?

15 A Yes.

16 Q And in the context of this call and in your expert
17 opinion, what does "an 8" refer to?

18 A In my opinion, the individual's referring to \$4,800
19 would have been a better price.

20 MS. OSIRIM: Could we play for this witness what's
21 been previously admitted as Government's Exhibit 214? It's a
22 recorded call between the Defendant Juan Jarmon and Mike
23 Ferrell, recorded on September 12th, 2013 just prior to 6 p.m.?

24 (Audio is played at 10:50 a.m.)

25 (Audio ends at 10:51 a.m.)

1 MS. OSIRIM: Could we show the witness the transcript
2 that accompanies this call? I believe that's Exhibit 214A?

3 BY MS. OSIRIM:

4 Q Agent Updegraff, you'll see here that on this call,
5 Mike Ferrell says that, "John did a little all right, I
6 finished Rara's (phonetic) joint off and did a little bit of a
7 bean 60 John."

8 In your opinion and in the context of this statement, is
9 the word "joint" coded language?

10 A Yes.

11 Q In the context of this call and in your expert
12 opinion, can you tell us what you believe the word "joint" to
13 mean here as it's used in this statement?

14 A In my opinion, the word "joint" in this, as
15 it's -- in this phrase is in reference to a quantity of crack
16 cocaine.

17 Q And when Ferrell states "a bean 60 John", is that
18 coded language used to refer to an amount?

19 A Yes.

20 Q In your expert opinion and in the context of this
21 conversation, what does "a bean 60 John" refer to exactly?

22 A In my opinion, a bean would be \$100. And in
23 this -- as it's used here, "a bean 60 John" referring to \$160
24 worth of crack.

25 MS. OSIRIM: Finally, could we play Government's

1 Exhibit 227, which is a recorded conversation between Juan
2 Jarmon and Rasheen Chandler, which took place on September 27th
3 of 2013 at approximately 5:20 p.m.?

4 (Audio is played at 10:52 a.m.)

5 (Audio ends at 10:53 a.m.)

6 MS. OSIRIM: Could we show the witness the transcript
7 that accompanies this call at Government's Exhibit 227A? Thank
8 you.

9 BY MS. OSIRIM:

10 Q Agent Updegraff, on this call, Defendant Juan
11 Jarmon tells Rasheen Chandler, "I just have this
12 conversation with like you know what I mean with
13 everybody about that stuff, man. Like ain't nobody
14 going to trap without no lookouts. So that mean I
15 don't -- I'm not making no money."

16 In the context of this call and in your expert opinion, is
17 the word "trap" used consistently with its common meaning?

18 A It is not.

19 Q And in the context of this call and in your expert
20 opinion, what does the word "trap" mean as it's used in this
21 statement?

22 A In my opinion, "trap" as it's used here is synonymous
23 with "grind". It's referring to selling crack cocaine.
24 Trapping is selling crack cocaine.

25 MS. OSIRIM: The Government has no further questions

1 for this witness.

2 THE COURT: The jury's been sitting for over an hour.
3 So why don't we give the jury its morning break?

4 THE COURT RECORDER: All rise.

5 (Jury out at 10:54 a.m.)

6 (Out of the presence of the jury)

7 THE COURT: Okay, please be seated.

8 Agent Updegraff, I order you not to discuss your
9 testimony with anybody over the break.

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: How much cross-examination do you think
12 you have, how long?

13 MS. COGGINS: Not much, Your Honor.

14 THE COURT: Okay, and do you expect to rest at the
15 end of this agent's testimony?

16 MS. OSIRIM: We do, Your Honor.

17 THE COURT: Okay, I think what I would like to do,
18 and if we could get Ms. Wittje out here to make sure it's
19 doable -- ah, here she is.

20 Can we get -- if we're done -- if all the evidence is
21 presented and the Government's rests and the Defense rests by
22 11:15 and 11:30, can we get lunch in for the jury for say as
23 early as you can get at 11:30, 12:00?

24 THE CLERK: I'll have to place the order prior to 10
25 a.m.

1 THE COURT: Oh, then I will send the jury out for an
2 early lunch. I think that we should probably break, so you can
3 prepare your closing statements.

4 And we can do a final pass on the charge, have the
5 jury come back in an hour, do your statements. We'll take
6 another break and I'll give them the final charge if that's
7 acceptable?

8 MS. COGGINS: Yes, Your Honor.

9 MS. OSIRIM: Yes, Your Honor.

10 THE COURT: Okay then, when we're ready to go, let me
11 know.

12 (Recess at 10:56 a.m., until 11:18 a.m.)

13 THE COURT: Be seated. Anything anybody would like
14 to put on the record?

15 MS. COGGINS: No, Your Honor.

16 MR. MAIATICO: No Your Honor.

17 THE COURT: Okay, if we bring the jury in, please?

18 Agent Updegraff, you're still under oath.

19 THE WITNESS: Yes, Your Honor.

20 (Pause)

21 THE COURT RECORDER: Please stand for the jury.

22 (Jury in at 11:20 a.m.)

23 (In the presence of the jury)

24 THE COURT: Welcome back, please be seated.

25 Ms. Coggins?

1 MS. COGGINS: Thank you, Your Honor.

2 RANDY UPDEGRAFF (CONTINUED)

3 CROSS-EXAMINATION

4 BY MS. OSIRIM:

5 Q Good morning, agent.

6 A Good morning, counselor.

7 Q You were not part of this investigation, is that fair
8 to say?

9 A Yes, that's correct, I was not part of this
10 investigation as it went about.

11 Q You didn't prepare any of the reports in this case;
12 is that correct?

13 A That is correct.

14 Q DEA 677A, none of those reports; is that correct?

15 A That is correct.

16 Q And you didn't prepare an expert report in this case;
17 is that correct?

18 A I did not. I was asked to review the reports, and
19 the transcripts, and the Title 3 calls, and give
20 an -- interpretations of the coded language, yes.

21 Q You would agree with me that there's certain terms
22 that you testified to that have -- could have many different
23 meanings, is that fair to say?

24 A Yeah, if you could be more specific, I could answer
25 them.

1 Q Sure, the term "work". That could mean many
2 different kinds of drugs; is that correct?

3 A Yes, "work", I'm familiar with the term work being
4 used for cocaine, crack cocaine, and heroin.

5 Q You also testified to the fact that "dime", I think
6 you said "dime" in one circumstance and then \$1,000, and then
7 the other, it meant \$10, correct?

8 A Yeah, absolutely. It's contextual to the individual
9 they're talking to. If an individual's speaking to a person
10 that's dealing on the higher quantity, a "dime" could mean
11 \$1,000. If they're talking to a user of crack cocaine, I would
12 expect a "dime" to mean \$10 worth of crack cocaine.

13 Q Is it also fair to say that you have to keep on top
14 of the different kinds of words that are used in your business;
15 is that fair to say?

16 A Yeah, I think so. That's why we interview violators
17 or drug traffickers and drug users constantly to keep up with
18 the trends of the words that are being used. Myself as doing
19 undercover, I have to be familiar with the terms asking for the
20 right term.

21 Q So in other words, terms -- new terms are invented
22 all the time, is that fair to say?

23 A I think, yeah, and new terms can be invented or can
24 be contextual to different groups. Different trafficking
25 groups may use different terminology.

1 You'll find it different from Chester, Pennsylvania to
2 Philadelphia. There could be different terminology used. Even
3 within the city of Philadelphia, different terminology could be
4 used between different organizations.

5 Q And you're familiar with the term "oil"; is that
6 correct?

7 A I am.

8 Q And "oil" can mean different things in different
9 conversations; is that fair to say?

10 A Yes.

11 Q "Oil" in your experience has been used many times
12 with regard to PCP; is that correct?

13 A Yeah, it's been my experience that "oil" can be used
14 for PCP. It can be also used in relation to when crack
15 cocaine's being manufactured.

16 Q And PCP is in -- comes in several different forms; is
17 that correct?

18 A Yes, yes.

19 Q It comes in a powder and it comes in an oil; is that
20 fair to say?

21 A That's correct, a liquid and a powder.

22 Q Okay, and that has to be changed from the powder form
23 into the oil form; is that correct? Or vice versa?

24 A PCP, depending where it's manufactured in the
25 trafficking group, most frequent that I've seen PCP, it's been

1 in a oil or a liquid form.

2 Q And then you can keep that to create a powder form;
3 is that correct?

4 A Yes, you could. You would heat it to extract -- do
5 the extraction process to get a powder.

6 Q You testified -- I'm sorry, let me just follow up.
7 When you were talking about how crack cocaine is made, I
8 believe what you testified to is that you have the powder
9 cocaine, you have the mixture ingredient, put them together
10 with water. And then you heat the substance; is that correct?

11 A Yes.

12 Q And what forms on top is the crack salt -- rocks I
13 guess we could say.

14 A Well --

15 Q Is that fair to say?

16 A -- not exactly, but what happens is when you add the
17 powder cocaine and the baking soda, the sodium bicarbonate, and
18 the water, once you add the heat, whether it's by a stove or in
19 the microwave or whatever form that the "cook" is using to
20 manufacture it, what happens is a terminology that the
21 individuals that make cocaine will use, it's called dropping,
22 when you drop the cocaine.

23 So it drops. What it does is it falls to the bottom of
24 the water and then sometimes they add ice cubes and enhance the
25 process to make it form into the hard rocks.

1 And usually, it doesn't -- it's -- when you're
2 manufacturing the larger quantity of crack cocaine from the
3 powder cocaine, it drops to the bottom. If you're
4 manufacturing smaller, the oils could be on top and if you're
5 using just in small increments.

6 Q Okay, and you said you could do this in a -- on an
7 oven, stove, microwave; is that fair to say?

8 A That's fair to say, yes.

9 Q Could be just done in a normal kitchen?

10 A Yes.

11 Q Is that correct?

12 A Correct.

13 Q You testified also and you said, I believe three
14 times, that the packets were nickel bags or you said .05 grams
15 in a nickel bag; is that correct?

16 A That's a rule of thumb that we use. They can be
17 higher or lower. They can be .046. They can be even smaller,
18 they can be .053.

19 It's not an exact science when you cut up the rocks of
20 crack cocaine and insert it. It's a small, little incremental
21 quantity. So it's typically not weighed out. It's kind of
22 eyeball test and cut and put into the baggies.

23 Q You'd agree with me it could go as low as .03; is
24 that correct, grams in a packet?

25 A Yes, I've seen that, yes.

1 Q Okay, I believe you had also testified, correct me if
2 I'm wrong, but it's obviously not a good idea for someone who
3 has a steady customer to sell them a fake substance; is that
4 fair to say?

5 A That would be my assessment. If you distributed
6 inert substance to a user of crack cocaine, they would not come
7 back to you, because they would not get the physiological
8 effect desired from the cocaine.

9 Q Thank you. I have no other questions.

10 THE COURT: Ms. Osirim, any questions?

11 MS. OSIRIM: Brief questions, Your Honor.

12 THE COURT: Very brief.

13 MS. OSIRIM: Very brief.

14 REDIRECT EXAMINATION

15 BY MS. OSIRIM:

16 Q You were just talking with defense counsel, Ms.
17 Coggins, about kind of the size, the eyeball test used to
18 distribute 0.5 grams of crack cocaine into a bag for
19 redistribution; is that correct?

20 A Yes.

21 Q If you can, when talking about 280 grams of cocaine,
22 of crack cocaine, just the substance, is that something that
23 could fit in the palm of two hands?

24 A In the palm of two hands?

25 Q Yeah.

1 A 280?

2 Q Uh-huh.

3 A Yes, it would be approximately 10 ounces.

4 Q You talked earlier in your direct examination about
5 cocaine coming to the United States and its transport through
6 cartels. Who ultimately do cartels rely on in order to make
7 money in this process?

8 MS. COGGINS: Objection.

9 THE COURT: Sustained.

10 MS. OSIRIM: Nothing further.

11 THE COURT: Thank you, Agent Updegraff.

12 THE WITNESS: Thank you, Your Honor. My pleasure.

13 THE COURT: Mr. Maiatico?

14 PLAINTIFF/GOVERNMENT RESTS

15 MR. MAIATICO: Your Honor, the Government rests its
16 case.

17 THE COURT: Could I see counsel at sidebar?

18 (At sidebar)

19 THE COURT: Ms. Coggins?

20 MS. COGGINS: Yes, Your Honor. I'd like to make a
21 motion for a Rule 29 dismissal of the charges.

22 THE COURT: Motion for judgment of acquittal, I'm
23 going to deny that. I think taken in a light most favorable to
24 the Government, there's more than sufficient evidence for this
25 to go to the jury.

1 I'm likely to issue a written opinion or order more
2 fully explaining the basis of my rulings. When we go back, I
3 will ask you -- I will call your name and I assume you're going
4 to say the defense rests?

5 MS. COGGINS: One other thing with regard to the
6 package that came last night.

7 THE COURT: Oh.

8 MS. COGGINS: I believe there's a stipulation that
9 I'm just going to be able to mark that as my last exhibit.

10 THE COURT: Okay.

11 MS. COGGINS: So I just move that into evidence.

12 THE COURT: And then you'll rest?

13 MS. COGGINS: Yes. I'm going to -- I don't even have
14 to do that on the record, Judge.

15 THE COURT: No, you can do it on the record and then
16 you'll rest.

17 MS. COGGINS: Yes.

18 THE COURT: Okay.

19 (End of discussion at sidebar)

20 THE COURT: Ms. Coggins?

21 MS. COGGINS: Your Honor, I'd like to just mark this
22 exhibit. There's an agreement that witness is not necessary to
23 do this, so I'm going to mark it as A41 and ask that it be
24 admitted?

25 THE COURT: This is the package that I said would get

1 here yesterday. It did, but it got here after the close of
2 court because that's when we get our mail in this building late
3 in the day. So that will be introduced into evidence.

4 MS. COGGINS: Thank you.

5 THE COURT: Accepted into evidence.

6 MS. COGGINS: Thank you.

7 THE COURT: Yes, Ms. Coggins?

8 MS. COGGINS: The Defense rests, Your Honor.

9 THE COURT: Very well.

10 Ladies and gentlemen, the evidentiary presentation is
11 now over. I'm going to ask you to go out for a quick lunch, so
12 that we can begin closing arguments and complete them today.
13 And depending how long they take, complete my final
14 instructions to you today, so you can begin your deliberations.

15 And as always, you're not to form any opinions, not
16 to discuss this case, not to let anyone discuss the case with
17 you, not to investigate, tweet, text, Facebook, social network,
18 listen to the radio, watch TV, or anything like that.

19 I'm going to ask you to have a -- I didn't realize we
20 would finish this early or I would have had actually lunch
21 brought into you, but by the time I realized how early we were
22 going to finish this morning, you'd be waiting.

23 If we don't order before 10 o'clock, you'd be waiting
24 for them to deliver it to you until 2 o'clock. So I thought it
25 would be better if you just went out.

1 And if you got back here around 12:15, so we can
2 begin at 12:30. As always, I thank you for your patience and I
3 thank you for your attention.

4 THE COURT RECORDER: All rise.

5 (Jury out at 11:31 a.m.)

6 (Out of the presence of the jury)

7 THE COURT: Okay, please be seated. Does anyone have
8 anything on the charge or the verdict sheet?

9 MS. COGGINS: I do not, Your Honor.

10 MR. MAIATICO: Nothing further from the Government on
11 that, Your Honor.

12 THE COURT: All right, I would ask that everyone,
13 including the Defendant, be back here at 12:15, so we can go
14 through the charge yet again. I'm assuming you'll have some
15 time over lunch to just read it over. Much of it is
16 boilerplate, explaining what reasonable doubt is and so forth.

17 And did you say, Ms. Osirim, you anticipated your
18 opening would be I can't remember. Did you say 20 minutes?

19 MS. OSIRIM: My closing --

20 THE COURT: Your closing would be 20?

21 MS. OSIRIM: -- my closing? I don't know if it'll
22 run that long, Your Honor.

23 THE COURT: Oh. Ms. Coggins?

24 MS. OSIRIM: It may be at least 20 minutes.

25 MS. COGGINS: Your Honor, I believe I'm going to

1 be -- oh, I'm sorry.

2 MS. OSIRIM: It's okay. It may run as long as 20
3 minutes, but I don't expect it to run particularly long.

4 THE COURT: Okay, Ms. Coggins?

5 MS. COGGINS: Your Honor, I -- between 30 and 40
6 minutes. I'm hoping to closer to 30.

7 THE COURT: Okay. Okay, thank you very much.

8 (Recess at 11:33 a.m., until 12:31 p.m.)

9 THE COURT: Please be seated, everybody. I thought
10 we would go through the charge. The first thing I'm going to
11 do is instruct, as I've written on pages 30 and 31 of the
12 instructions you got at the beginning of this case, which just
13 tells the jury you're about to hear closing arguments of
14 counsel.

15 I have the redacted indictment. Are the parties
16 agreed to these redactions?

17 MS. COGGINS: Your Honor, the only question that I
18 had was that there was names that were taken off the front of
19 the document. Some of the co-defendants were removed from the
20 front.

21 THE COURT: Yes.

22 MR. MAIATICO: Yes, Your Honor. So throughout this
23 indictment, if there was a name that was not mentioned, there's
24 no facts or evidence put on about any overt act or evidence,
25 then that was redacted, so that's consistent throughout the

1 redactions.

2 THE COURT: Would you rather have them on there?

3 MS. COGGINS: No, Your Honor.

4 THE COURT: Okay, so we're okay with the --

5 MS. COGGINS: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. MAIATICO: And Your Honor, one more point if I
8 may on the indictment? Throughout there's references to
9 persons. I don't suggest that at this point we identify who
10 those persons are, but if asked, we would ask that we'd able to
11 identify them if the jury asks?

12 THE COURT: I have no idea what you're saying and
13 we'll see if the jury asks. The jury verdict --

14 MR. MAIATICO: If I may, I'm sorry, Your Honor.
15 There's R.C. mentioned throughout the indictment, the initials
16 R.C. It was done to protect that individual. It's Rasheen
17 Chandler in the indictment.

18 We would ask afternooon that R.C. does -- be -- that
19 the Court does instruct that R.C. is Rasheen Chandler, I mean -
20 -

21 THE COURT: I'm sorry, you're saying if they have a
22 question, that I should instruct them?

23 MR. MAIATICO: Um --

24 THE COURT: Sir, you're wasting my time.

25 MR. MAIATICO: Yes, Your Honor.

1 THE COURT: You're the one who wants to finish this
2 trial today.

3 MR. MAIATICO: Yes, Your Honor.

4 THE COURT: Is there any problem with the jury
5 verdict form?

6 MS. COGGINS: No, Your Honor.

7 THE COURT: Okay, let's go through the final
8 instruction. On page 10, I have taken out where it says at the
9 end of the third, beginning of the 4th line, "or to present any
10 evidence" because you have presented evidence, Ms. Coggins.
11 Otherwise it refers simply to his not testifying.

12 MS. COGGINS: I'm sorry, Your Honor, which line are
13 you on?

14 THE COURT: Page 10.

15 MS. COGGINS: Yeah.

16 THE COURT: The end of the third line, beginning of
17 the 4th? You're reading too much. It's just "or to present
18 any evidence."

19 MS. COGGINS: That's fine, Your Honor.

20 THE COURT: Okay, you're okay with me taking that
21 out? I assumed you would be.

22 MS. COGGINS: Yes.

23 THE COURT: Okay, page 13, end of the first full
24 paragraph, I've taken out "and all facts and events, which may
25 have been judicially noticed." None have been judicially

1 noticed.

2 The parties have given me an instruction on the
3 stipulations, which I will now add to the bottom of page 13,
4 beginning of page 14, where you specified the stipulations.

5 Page 17, 18, 19, I don't know if either of these
6 instructions is going to be necessary. It's going to turn
7 largely on the Defendant's closing argument.

8 I will replace on page 25, the instruction that's
9 there with the model 3rd Circuit instruction unless there's an
10 objection.

11 MS. COGGINS: No, Your Honor.

12 THE COURT: I have left in page 27, an instruction on
13 Defendant's prior bad acts. I gave this to you before. I
14 assume you have no objection to it?

15 MS. COGGINS: I do not.

16 THE COURT: Okay, page 33, evidence was introduced
17 during the trial that witness names were using drugs or abusing
18 alcohol. I don't recall the abusing the alcohol, but I do
19 recall abusing drugs. Unfortunately, I can't remember who was
20 abusing drugs.

21 MR. MAIATICO: Your Honor, there was testimony of
22 Rasheen Chandler, said he used marijuana. We have no objection
23 to that instruction including Rasheen Chandler's name.

24 THE COURT: I'll just say was using drugs since
25 there's also evidence that he used crack cocaine. So it's in

1 the plural, not was using a drug, but was using drugs before
2 you -- I assume that's what you were going to tell me, Ms. --

3 MS. COGGINS: It is, Your Honor.

4 THE COURT: Okay. Page 37, have there been any
5 charts that were summaries?

6 MS. COGGINS: No.

7 MR. MAIATICO: Charts are summaries?

8 MR. MAIATICO: I mean, Your Honor, in our opening, we
9 showed a set of words on a chart or on the --

10 THE COURT: I think that --

11 MR. MAIATICO: No evidence.

12 THE COURT: -- I sort of remember that, but I don't
13 think the instruction on page 37 is necessary.

14 MR. MAIATICO: Agree, Your Honor.

15 MS. COGGINS: No, I'm fine with it, Judge.

16 THE COURT: Deleting it?

17 MS. COGGINS: Yes.

18 THE COURT: Okay.

19 MS. COGGINS: Now of course, Your Honor, that doesn't
20 include closing.

21 THE COURT: Are you going to have a chart or a
22 summary?

23 MS. COGGINS: Yes.

24 THE COURT: All right, then I will reserve judgment
25 on whether or not to delete that instruction.

1 If you look at pages 44 and 45, it summarizes what
2 certain counts -- what is charged in certain counts. Now
3 that's changed over the course of this case.

4 I assume that this is correct. If it's not, I wish
5 someone would tell me. My clerk says it's correct. I believe
6 it's correct.

7 MR. MAIATICO: Your Honor, I've reviewed the previous
8 drafts and gone through each of the counts and I believe that's
9 correct.

10 THE COURT: Okay, page 56, bottom paragraph, it says
11 you will receive jury interrogatories. Actually it's only a
12 single interrogatory. And I don't think this is the place to
13 tell them. So I'm deleting that sentence.

14 I will say the Defendant is only responsible. The
15 rest of it stays. I will explain the interrogatory when we go
16 through the verdict form.

17 Now page 57, 58, 59, 60 is premised on the Defendant
18 has argued that there were really two or more separate
19 conspiracies. I haven't really heard that up till now. Am I
20 going to hear that?

21 MS. COGGINS: Yes, Your Honor.

22 THE COURT: All right, then I'll leave it in place
23 pending your final argument. And the -- page 80, the -- I'm
24 repeating, as I said before because it makes sense, the
25 stipulation regarding a public housing zone.

1 I have elected to explain accomplice liability in its
2 own separate section. There's really, I don't think, any other
3 way to do it without explaining accomplice liability over and
4 over and over in connection with different charges. You can
5 argue it however you want.

6 MS. COGGINS: That's fine, Your Honor.

7 THE COURT: All right then, anybody have anything on
8 the charge?

9 MS. COGGINS: No, sir.

10 MR. MAIATICO: Your Honor, just one clarification on
11 pages 56 and 57, where you talk about the jury interrogatories.
12 Were you going to talk about that on the verdict form?

13 THE COURT: Yes, it's an interrogatory and yes.

14 MR. MAIATICO: Jury, exactly. Yes, and so --

15 THE COURT: I'm not going to say you will receive
16 jury interrogatories. I will simply say -- when I read it, I
17 will read jury interrogatory number 1.

18 I can just as easily cross out number 1 if the
19 parties would prefer or I can leave it. I don't think it
20 matters. There isn't a number 2.

21 MR. MAIATICO: I would suggest the language that's in
22 the -- on 56 and 57. If you're going to reserve for the
23 verdict form, that you say that full language. It's
24 more -- there's more to --

25 THE COURT: I'm sorry, what are you saying?

1 MR. MAIATICO: So the language, Your Honor, that's on
2 page 56 and 57 of the charge that you said you're going to
3 reserve for the jury verdict form, I would ask that that
4 language be stated in full. It provides a little bit more --

5 THE COURT: What line would be stated in full? I'm
6 leaving everything except the first sentence.

7 MR. MAIATICO: Understood. Okay, I misunderstood
8 what you said.

9 THE COURT: Okay.

10 MR. MAIATICO: Thank you.

11 THE COURT: Anything else?

12 MR. MAIATICO: No, Your Honor.

13 THE COURT: All right, with respect to breaks going
14 forward, if the Government takes only 20 minutes, I'm not going
15 to break unless you have a pressing need to, Ms. Coggins. If
16 you really want a break, I'll give you one.

17 MS. COGGINS: I'm fine, Your Honor.

18 THE COURT: If you're going to take 40 minutes or
19 more, then I am likely -- the jury will have been sitting for
20 more than an hour and I am likely to break at the conclusion of
21 your closing and the Government will give its rebuttal.

22 We will then break again so I can -- the charge is
23 likely to change slightly, depending on what's said in closing
24 arguments.

25 So we will take another break for that. And with

1 that, I think we can bring the jury in.

2 (Pause)

3 (Jury in at 12:42 p.m.)

4 (In the presence of the jury)

5 THE COURT: Okay, please be seated, everyone.

6 Members of the jury, you have heard and seen all the evidence
7 in this case. The lawyers now have the opportunity to present
8 their closing arguments.

9 Under the rules, the Government will argue first,
10 then the Defense will present its closing arguments. And
11 finally, the Government will, if it chooses, argue it in
12 response for rebuttal to the Defense arguments.

13 Closing arguments are designed to present to you the
14 party's theories about what the evidence has shown and what
15 conclusions may be drawn from the evidence.

16 Remember, what is said in closing arguments is not
17 evidence. You have already heard and seen all the evidence in
18 this case.

19 After the lawyers present their closing arguments, I
20 will give you my final instructions concerning the law that you
21 must apply to the evidence in reaching your verdict.

22 Although the lawyers may mention points of law in
23 their closing arguments, the law you must follow in reaching
24 your verdict is the law that I will give you in my final
25 instructions that I've given you all through the trial.

1 If there's any difference between what the lawyers
2 say about the law and what I say in any of my instructions, you
3 must follow my instructions.

4 Ms. Osirim?

5 CLOSING ARGUMENT BY THE PLAINTIFF'S ATTORNEY

6 MS. OSIRIM: Thank you, Your Honor.

7 Good afternoon. Between late 2012 and late 2014, the
8 Defendant Juan Jarmon operated a crack distribution business in
9 and around the Hemberger Building of the Norman Blumberg
10 Apartment Complex.

11 Through this business, he made crack cocaine
12 available to users and addicts 24 hours a day, seven days a
13 week.

14 He did this by employing a network of shift sellers,
15 who each rotated through eight hour shifts, selling as much
16 crack cocaine as they could to customers who came to Hemberger
17 to buy it.

18 Juan Jarmon, who purchased bulk quantities of
19 cocaine, supplied these shift sellers with \$250 bundles worth
20 of crack, which these sellers sold off in \$5 nickel bag
21 quantities throughout their shift.

22 Now to support his shift sellers, Juan Jarmon also
23 employed a team of lookouts. These individuals stood watch
24 over the building, they tipped sellers to the presence of
25 police, and at times, they directed customers to shift sellers

1 on the 18th floor to purchase crack.

2 Juan Jarmon recruited workers for his business. He
3 decided what to pay his workers. He decided when to pay his
4 workers, if at all, and he made decisions about docking the pay
5 of sellers and lookouts when they failed to meet his
6 expectations.

7 And he made decisions about choosing to fire or
8 otherwise reprimand workers, who failed to show up consistently
9 for a shift or otherwise proved unproductive in his business.

10 Although a variety of people came into and out of
11 this crack cocaine business, working shifts, dropping shifts,
12 covering shifts for one another when someone wasn't available,
13 the business continued to operate by pushing user level
14 quantities on to drug customers and addicts and by Juan Jarmon
15 selling distribution quantities to other sellers of crack
16 cocaine, a fact evidenced by some of the controlled purchases
17 of ounce and half-ounce quantities of crack that we learned
18 about in this case.

19 During the course of these past seven days, as you've
20 heard, Juan Jarmon ran this business. We heard how he checked
21 in with his workers, how he questioned them about their sales
22 during a given shift, how he tallied money earned from a day,
23 and followed up with his workers when he believed money had
24 gone missing during a shift.

25 You heard Juan Jarmon directing customers to sellers

1 directly on the 18th floor and instructing his sellers to give
2 certain customers deals on the crack cocaine that they were
3 purchasing.

4 You've heard how Juan Jarmon handled what he
5 perceived to be threats to his business. He spoke candidly
6 about planning to hurt Norma Mercado (phonetic), a woman who
7 lived on the 18th floor of the Hemberger Building and who Juan
8 Jarmon believed to have ratted about his business to police.

9 You heard how he assaulted Dottie Good, a shift
10 seller, when she attempted to keep the money that she had
11 earned over the course of a shift after Juan Jarmon had failed
12 to pay her for several weeks in a row.

13 You've heard the Defendant's own words in telephone
14 conversations, which were recorded when he didn't know that
15 anyone was listening.

16 You've seen crack cocaine that was purchased directly
17 from Juan Jarmon and crack cocaine that was purchased directly
18 from the shift sellers under his employ, including from Dottie
19 Good and Mike Ferrell and the crack cocaine that was purchased
20 from Taft Harris and Rasheen Chandler.

21 You've watched video recordings of controlled
22 purchases of crack cocaine from Juan Jarmon and his shift
23 sellers and viewed still screenshots of the participants of
24 those drug transactions taken directly from those video
25 recordings. And you've heard testimony given to you directly

1 by two of those shift sellers, Dottie Good and Rasheen
2 Chandler.

3 Now all of this evidence, that I have summarized,
4 demonstrates the scope and breadth of the crack distribution
5 business that Juan Jarmon operated within a public housing
6 facility.

7 Now for the crimes that the Defendant committed, he
8 has been charged with conspiracy to distribute 280 grams or
9 more of crack cocaine.

10 He's been charged with using a communication
11 facility, that is a telephone, and facilitating a drug felony.

12 He's been charged with seven counts of distribution
13 of crack cocaine and aiding and abetting that distribution, as
14 well as corresponding counts of distributing that crack cocaine
15 within 1,000 feet of a public housing authority's facility.

16 He's also been charged with five separate counts of
17 possession with intent to distribute crack cocaine and aiding
18 and abetting others in his employ, who possess that crack and
19 of possessing that crack within 1,000 feet of a public housing
20 facility.

21 So I want to talk to you a little bit about these
22 charges and about the evidence that you've heard, how they
23 prove each of these charges that the Government has filed.

24 Count 1 charges the Defendant with conspiracy from in
25 or about 2012 through late 2014. And it charges him with

1 conspiring to distribute more than 280 grams of crack cocaine
2 throughout the course of this conspiracy.

3 Now the judge will instruct you on the law in this
4 case, but what I expect that the judge will say is that
5 conspiracy in essence is an agreement between two or more
6 people to commit a crime.

7 Now how do we know that Juan Jarmon conspired to sell
8 crack cocaine? Well, one of the witnesses you've heard from in
9 this case was Dottie Good.

10 And what she told you was that in 2013, in the spring
11 of that year, Juan Jarmon approached her in a store and asked
12 her if she wanted to make some money selling for him.

13 She agreed to do so. She was promised pay of about
14 \$300 or so per week, and she began working the late evening
15 shift from 12 midnight till 8 a.m. in the morning.

16 Dottie Good reported to all of you that over the
17 course of at least six weeks of working for Juan Jarmon, the
18 Defendant failed to pay her on a consistent basis, that she
19 sold crack that was provided by him, that she provided him with
20 any of the money she received after her shift, and that she was
21 directed by him whether or not to pay lookouts who worked for
22 her during the course of her shifts.

23 What she also told you was that she was taken
24 advantage of by the Defendant, that there were a series of
25 weeks that had gone by, which she hadn't been paid for the work

1 that she'd done.

2 And when she was told to go out and sell additional
3 crack in order to make some money for that week, the Defendant
4 took that money from her right off of her person and banged her
5 head into a table.

6 Dottie Good said that she couldn't return to the
7 housing projects, the apartment that she shared at that time
8 with her family, because she was afraid, but that she did
9 eventually out of a desperate need for money go back to
10 resuming crack sales, that she did that again for Juan Jarmon
11 for a period of time and again for other individuals who
12 employed her, because it was something that she's used to
13 doing.

14 You also heard testimony in this case from Rasheen
15 Chandler. He talked to you all about the scope of this
16 organization and his role in it.

17 He told you that Juan Jarmon recruited him as well to
18 participate in this crack business, that he believed that E-
19 Black or Edward Stinson had recommended him, based on the work
20 that he'd done previously selling crack for that person.

21 He told you that Juan Jarmon offered to pay him about
22 \$350 a week, but that he was ultimately able to negotiate more
23 money when he agreed to start storing the crack cocaine that
24 was sold in his apartment.

25 He talked about the fact that he worked a late

1 afternoon, evening shift. He started around 4 o'clock in the
2 evening and he worked till midnight. And during those shifts,
3 he sold on average about two or three bundles each time.

4 He said on a slow day, he might sell only a single
5 bundle, a \$250 quantity of 50 packets of crack cocaine, but
6 that on busy days during the earlier times in the month around
7 the 1st of the month when his customers had received checks, he
8 could sell up to \$1,000 or four separate \$250 bundles in a day.

9 He talked to you about the fact that this was a
10 round-the-clock operation. He passed drugs in and between
11 himself and the other shift sellers that worked for Juan
12 Jarmon.

13 He reported consistently to Juan Jarmon about how
14 much each of those other individuals were selling, how much he
15 was selling, how much crack cocaine he had left in evenings
16 where he was doing well and needed to be resupplied, and that
17 he also worked with the lookouts that were chosen by Juan
18 Jarmon when they showed up for work. Those lookouts would call
19 him if police were heading into the buildings, so that he could
20 retreat to an apartment.

21 During the course of his testimony, he talked about
22 times with certain lookouts or other shift sellers weren't
23 selling (sic) up. They weren't showing up for work as they
24 were directed to by the Defendant. And there were
25 opportunities there for him to find someone else to get

1 coverage, to make sure that he had a lookout during his shift.

2 But he otherwise gave express details about Juan
3 Jarmon's control over this operation. He talked to you about
4 his arrest in February 18th of 2014 and the fact that both
5 crack cocaine and marijuana were seized from his apartment.

6 There were about 43 packets of crack cocaine that
7 we're seized on that day. That was evidenced -- that was
8 examined by forensic chemists in this case and determined to be
9 crack.

10 In addition to the testimony of Rasheen Chandler and
11 Dottie Good, you heard from chemists who talked to you about a
12 significant number of pieces of evidence that were collected,
13 either directly from Juan Jarmon or from the shift sellers in
14 his employ.

15 They examined each of those pieces of evidence and
16 they told you the conclusions that they reached, that each one
17 contained crack cocaine in a particular quantity and a
18 particular number of units.

19 Now if you look outside of Dottie Good, Rasheen
20 Chandler, and the chemist's testimony, you have the words of
21 the Defendant.

22 Throughout the conspiracy, the Defendant was the
23 subject of a Title 3 wiretap interception, which meant that his
24 conversations with other members of his organization with
25 customers of his organization were recorded at a time he didn't

1 realize people were listening.

2 In his own words, he talks to you about the shift
3 sellers that he worked with, Rasheen, Taft, Riddles (phonetic),
4 Mike, Jay (phonetic), and others. He talks about the lookouts
5 and whether or not they were showing up for work. He mentions
6 Aunt (phonetic), Diamond (phonetic), and Reds (phonetic).

7 In fact, he consistently checks up on his workers and
8 how much they sold. In August 31st of 2013 in a call between
9 Juan Jarmon and Rasheen Chandler, he's asking him, hey, did you
10 give Riddles some more last night? He wants to know the
11 quantity of drugs that's being passed off between his shift
12 sellers.

13 He asks how much is sold. Rasheen Chandler tells him
14 that he had to do a nickel. You've heard the testimony of
15 Randy Updegraff as to what that meant in the context of that
16 conversation, that he had to have sold about \$500 or two
17 bundles worth of crack cocaine.

18 Later in that conversation, Government's Exhibit
19 243A, he also talks about the fact that Riddles was supposed to
20 come in following the rest of the shift sellers and selling as
21 high of numbers as the others had sold.

22 Rasheen responds to him that he thinks they sold a
23 stack or about \$1,000 in that particular back-to-back shift
24 because he had done a nickel and Mike Ferrell had done a nickel
25 that night.

1 On September 20th in another phone call between
2 Rasheen Chandler and Juan Jarmon, he's again asking about what
3 his shift sellers were doing, what's it looking like, what
4 Mike -- what did Mike look like today? Rasheen Chandler
5 replies that he did about 250, meaning he sold about one, \$250
6 bundle. Juan Jarmon asked Rasheen Chandler what number you
7 got? And Rasheen explains that he has like 3 and a half left.

8 On October 23rd in another call between Juan Jarmon
9 and Rasheen Chandler, Government's Exhibit 234A, you hear again
10 that the Defendant is checking up on the status of his workers
11 on how many drugs they're moving and how much money they've
12 made.

13 He asks about Jay, another shift seller, and wants to
14 know whether or not he was earning as much as Taz (phonetic)
15 had earned previously. When Rasheen tells him that Jay only
16 made about \$250 that night, Juan Jarmon expresses outrage.

17 He said you can't pay him for doing nothing and \$250
18 worth of crack in a given shift is nothing, because he's used
19 to a continuous operation. He's used to churning out bundle
20 after bundle in each shift to earn as much money as possible.

21 Again, in Government's Exhibit 220A, a September 19th
22 conversation between Juan Jarmon and Rasheen Chandler, Chandler
23 updates him as he's instructed to do on how much he has left
24 and he tells him I got a bean left.

25 You've heard the Defendant's own words talking about

1 docking people's pay or concerns about how much his workers are
2 being paid, another indication that he was involved in and
3 conspiring with other people to carry out this business.

4 In Government's Exhibit 210A, a September 8th call
5 between Juan Jarmon and Rasheen Chandler, he tells Rasheen
6 Chandler that he's just seen Aunt, a lookout. He doesn't know
7 why that lookout hadn't communicated directly with Rasheen.
8 And he also starts to talk about the fact that maybe his check
9 should be docked.

10 On September 26th, 2013 in another conversation
11 between Juan Jarmon and Rasheen Chandler, Government's Exhibit
12 225A, he asks Rasheen whether or not he paid Jamie (phonetic)
13 and how much he gave her. Did he give her \$40?

14 When Rasheen says 35, Juan suggests that Jamie didn't
15 deserve that kind of money, because he's heard from other
16 people that she left that shift early.

17 Now because this was a continuous business, we also
18 hear the Defendant Juan Jarmon directly instructing his workers
19 to alert them when they need to be resupplied or when they're
20 running low.

21 On a call on September 21st of 2013, Government's
22 Exhibit 223A, Juan Jarmon asks Rasheen Chandler how much he has
23 left.

24 When Rasheen explains the quantity remaining to be
25 sold in that shift, Juan Jarmon directs him to let us know when

1 you get to the last one. Yeah, call Boo (phonetic). Don't
2 call me, but call Boo, because it's important that as he's
3 getting low on supply, he can be restocked with drugs so that
4 there's no interruption to this business.

5 Similarly in a call on September 24th of 2013,
6 Government's Exhibit 244A, Juan's asking Rasheen what's going
7 on there and trying to find out how much he has left.

8 Rasheen asks him, do you want me to call you when I'm
9 on the last one and Juan Jarmon says yes. In addition to this
10 issue of resupply, we hear Juan Jarmon himself directing
11 customers directly to the shift sellers on the 18th floor.

12 On September 7th of 2013 in a call, Government's
13 Exhibit 208A, he's asking Rasheen Chandler, who's then parked
14 on the 18th floor to sell drugs, to look outside, to look out
15 of the porch, so he can see that someone's coming upstairs to
16 get 5 for a dub.

17 Now you heard from Special Agent Randy Updegraff and
18 in that context, a dub was \$20. So that customer was coming to
19 get 5 nickel bags for \$20, a discount.

20 On September 7th in a call between Juan Jarmon and
21 Rasheen Chandler, Juan Jarmon directs another customer up to
22 the 18th floor, saying Diane's (phonetic) coming up. She has
23 50, give or her an extra one. So because she's spending a
24 certain amount of money, he's giving her one free packet of
25 crack cocaine.

1 On September 19th in another call between Juan Jarmon
2 and Rasheen Chandler, Government's Exhibit 221A, he's directing
3 yet another customer up to the 18th floor to buy crack.

4 He's telling Rasheen Chandler that Cindy's coming up
5 there and he wants Rasheen to give her three and to make sure
6 that they look all right.

7 Cindy's only coming up with about \$10. He said she
8 got 10, but he's giving her an extra one, another deal for a
9 customer.

10 On October 1st of 2013 in a conversation with -- Juan
11 Jarmon is telling Rasheen Chandler that the police have
12 actually come in to the other building, the Judson Building
13 because there were two tall towers as part of the Norman
14 Blumberg Apartment complex.

15 And as the police are running into this other
16 building, Juan Jarmon is standing downstairs in the courtyard
17 directing those customers up to his enterprise on the 18th
18 floor of Hemberger Way.

19 In Government's Exhibit 224A, he's talking to Rasheen
20 Chandler about money. He's saying he expected that his workers
21 had earned about \$1,800 that night, but in fact, he's only
22 counting 1,720. And he wants to reconcile how a bean or about
23 \$100 went missing from that evening shifts.

24 In addition to these kinds of conversations, we hear
25 Juan Jarmon himself talk directly about lookouts and about

1 their availability.

2 On August 31st, in a call with Rasheen Chandler,
3 Exhibit 202A, he talks specifically about what would have
4 happened if a lookout had stayed, they that would have made
5 more money.

6 He's telling Rasheen that he knows that he probably
7 didn't sell as much as he could have, because it wasn't safe
8 because he didn't have a lookout there.

9 On Government's Exhibit 204A, a September 2nd call,
10 Juan Jarmon is explaining to Rasheen Chandler that the lookouts
11 didn't show up again.

12 He talks about the fact that no one wants to grind
13 out without a lookout. Grind is a word that was also defined
14 for you by Special Agent Randy Updegraff to mean selling crack
15 cocaine.

16 And so, in essence, the Defendant is saying he
17 understands that his workers don't want to sell. They don't
18 want to be in that precarious situation if they don't have a
19 lookout who can tell them if police are entering the building.

20 Again, on September 27th of 2013 in another
21 conversation, Government's Exhibit 227A, Juan Jarmon is stating
22 explicitly nobody's going to track without no lookouts. So
23 that means I'm not making any money.

24 Because this is his business. And it matters that
25 the employees that he's designated to sell and to lookout show

1 up on time and continue to do the work he's directed them to
2 do.

3 Now all of this, the Defendant's words, the testimony
4 you heard from the Government's witnesses, the crack cocaine
5 that you saw that was presented through the two forensic
6 chemists, all of this demonstrates to you that Juan Jarmon was
7 engaged in a conspiracy, that he was coordinating with more
8 than one person to sell crack cocaine.

9 Count 2 that's charged in this indictment is charging
10 the Defendant with having used a telephone in furtherance
11 essentially of a drug trafficking crime.

12 And that count relates to a call that first sets up
13 this drug business. You may remember that one of the first
14 exhibits the Government played for this Court was a telephone
15 conversation that happened on October 3rd of 2012 between E-
16 Black or Edward Stinson and Juan Jarmon.

17 In that call, Edward Stinson, who's not at the
18 Blumberg residence anymore, and is not able to continue the
19 business that he'd operate, is telling Juan Jarmon that it's
20 his turn. He can make all of the money off of the building
21 right now.

22 And he instructs him on how to do that, what
23 apartments he might be able to use on the 18th floor to sell
24 drugs, who he might be able to use for the late-night shift.

25 That is the evidence that demonstrates, ladies and

1 gentlemen, that they were using a telephone in that instance in
2 furtherance of a drug felony to sell and distribute crack
3 cocaine in the Hemberger Building.

4 Now there are a series of distribution charges, which
5 I talked about, at least seven of them, in which the Defendant
6 is charged with having personally distributed a certain
7 quantity of crack cocaine.

8 I'm going to talk about those briefly, so that you
9 understand the array of evidence that you've seen in connection
10 with each one of those counts.

11 Count 7 talks about a 2.1 gram mixture of crack
12 cocaine that was distributed on May 3rd by Juan Jarmon. Now
13 during a conversation leading up to that sale and in
14 furtherance of that sale, the Defendant's brother Sean Jarmon
15 is speaking with the confidential source, who's been directed
16 by law enforcement to go and purchase crack cocaine and drugs.

17 When the confidential source requests hard, Sean
18 Jarmon says I'm going to grab it from my brother. Minutes
19 later, Juan Jarmon is outside talking with the confidential
20 source.

21 He has his phone with him and he's heard saying over
22 the phone call my little brother's calling me right now. Yeah,
23 yeah, that's why we're out here. I'm right here with him. And
24 he's referring to the source he's with, who his brother
25 directed him to sell crack cocaine to.

1 We know that Juan Jarmon was there, not only because
2 we heard his voice in a communication during that sale, but
3 because we saw him on the video of that sale.

4 At the end of that sale, 2.1 grams of crack cocaine
5 are presented to a confidential source, who purchases them and
6 brings them back to the DEA. That evidence was examined by the
7 forensic chemists in this case and determined to be, in fact,
8 crack cocaine.

9 Now for each of these distribution charges, there is
10 an additional charge, which alleges that the distribution
11 incurred in the Blumberg housing project or at least within
12 1,000 feet of that housing facility.

13 And that is because it a crime not only to sell crack
14 cocaine, but especially to sell it in certain protected zones.
15 And the facility that's operated by the Philadelphia Housing
16 Authority and is designated specifically as a public housing
17 facility is one of those zones.

18 In the beginning of this case, I introduced to all of
19 you, through a stipulation, the fact that the parties agreed
20 that the locations of these distributions occurred within a
21 public housing zone or within 1,000 feet of that public housing
22 facility.

23 Those locations were the 2300 block of Redner Way,
24 which is a location kind of inside Blumberg in the courtyard
25 area, as well as the 2400 West Oxford Street location, which is

1 a shop, a store that was right across the street, a little bit
2 over 50 feet away from the Blumberg Housing project.

3 So in addition to the distribution that took place on
4 May 3rd, there is a -- an additional charge that that
5 distribution took place within that protected zone.

6 Count 8 charges that the Defendant distributed, I'm
7 sorry, Count 9 charges that the Defendant distributed about 4.9
8 grams of crack cocaine on May 8th of 2013.

9 Now we saw photographs of the Defendant as he and the
10 confidential source approached a car, where that cocaine sale
11 was made.

12 And we heard from the forensic chemist in this case
13 that the crack that was provided during that transaction was
14 about 4.9 grams of a rock-like substance and it tested positive
15 for crack cocaine.

16 In Count 11, which occurred on May 17th, again, Juan
17 Jarmon is charged with distributing about 8.9 grams of crack
18 cocaine.

19 We saw in that case him talking to the confidential
20 source about the crack, explaining that he had to throw it back
21 on the scale a couple of times to make sure that it was right.

22 That crack cocaine was also submitted to the lab and
23 was tested positive for crack and it came back as weighing
24 about 8.9 grams.

25 Count 13 charges that on June 11th, Juan Jarmon

1 distributed about 22.7 grams of crack cocaine to a confidential
2 source.

3 We saw and heard again in the transcripts, the
4 Defendant communicating with a controlled source and we saw
5 still shots of the Defendant inside the store in which he made
6 that sale. Those 22.7 grams were analyzed by forensic chemists
7 and were proven to be crack cocaine.

8 On Count 15, August 2nd of 2013, the Defendant was
9 charged with a 16.1 gram distribution of crack cocaine. In
10 that case, we again saw photographs of the Defendant taken from
11 the video of the controlled purchase.

12 A series of calls preceded that particular purchase
13 where he's talking with the confidential informant, first
14 asking for another 20 minutes, saying he's waiting for it to
15 dry.

16 Next, saying that he needs about 15 minutes. And
17 finally, telling the confidential informant give me another 15
18 minutes. If it isn't dry, you can take it with you, but if it
19 does dry out, it may be missing 2 or 3.

20 And that's a conversation that we spoke about earlier
21 this morning with Special Agent Updegraff. And he explained
22 the process by which cocaine is transformed into crack, the
23 complications with it sometimes becoming sticky if hasn't been
24 properly mixed during the heating process. And he talked about
25 the fact that when it dries out, it can in fact lose a certain

1 weight about 2 or 3.

2 In this instance, the drugs that were sold were 16.1
3 grams. They were tested and determined to have that weight and
4 to be comprised of crack cocaine.

5 Count 17, an August 14th of 2013 buy, Juan Jarmon is
6 charged with distributing 6.1 grams of crack cocaine. We saw,
7 again, stillshots of this case.

8 It -- a conversation takes place just prior to the
9 sale between Juan Jarmon and the confidential source. The
10 source is asking about the timing. He says he's going to be
11 there in 10 minutes.

12 He asks if Juan Jarmon is ready for him and Juan
13 Jarmon says you -- and he says you're meet me at the same spot
14 on the playground. Juan Jarmon responds affirmatively.

15 After that conversation, we see on the recorded video
16 that the source makes his way down to the Blumberg housing
17 project, but is instead met by Damon Edwards. And Damon in
18 this case provides the drugs that he was instructed to provide
19 by Juan Jarmon.

20 In Count 22, a September 5th, 2013 distribution
21 count, the Defendant is charged with supplying a confidential
22 source about 22.1 grams of crack cocaine.

23 In the conversation preceding that buy and in the
24 conversation during that buy, Juan Jarmon talks to the
25 confidential source about the fact that he's hearing from other

1 people that this source is somehow connected with the cops,
2 that he's saying he doesn't believe it, he doesn't trust him.

3 He proceeds to complete that sale. He provides the
4 confidential source with 22.1 grams.

5 And we know that he does because we see the images of
6 Juan Jarmon taken from still photographs -- can we show 313C,
7 please -- during the course of that transaction.

8 Those 22.1 grams of crack were tested. They were
9 determined to be crack cocaine and to bear that weight.

10 In addition to these distribution charges, finally,
11 there are a series of possession charges. The Defendant is
12 charged with possessing with intent to distribute certain
13 quantities of crack.

14 And he's charged with aiding and abetting those
15 possessions in instances where he is communicating about the
16 drug quantities that his sellers have available, but he is not
17 personally holding those quantities in his hands at the time
18 that they're possessed.

19 Count 24 is a reference to a September 7th, 2013
20 conversation that the Defendant is having in which he's
21 directing a customer to get drugs directly from Rasheen
22 Chandler.

23 Count 25 is a corresponding count, which charges that
24 at the time of that possession on September 7th, those drugs
25 were possessed within 1,000 feet of the real property

1 comprising this housing complex.

2 On Count 26, there's another possession charge from
3 September 7th. And on that date, Juan Jarmon calls Rasheen
4 Chandler and tells him that Diane's coming up. She has 50,
5 give her an extra one.

6 It's another time at which he's acknowledging that
7 one of his shift sellers is currently in possession of drugs
8 and that he intends for them to sell those drugs to a customer
9 he's directing to the 18th floor.

10 In Count 28, Juan Jarmon is also talking to someone
11 named "Auntie" (phonetic) and he's directing her to the hallway
12 on the 18th floor, where she can purchase drugs.

13 On Count 30 on September 18th, Juan Jarmon is talking
14 to other individuals and tells Ms. Pat (phonetic) that he has
15 drugs available for her when she orders six from him.

16 In Count 32, in a conversation on September 19th,
17 Juan Jarmon is talking to Rasheen Chandler about quantities and
18 he confirms with Rasheen that Rasheen has about \$100 worth of
19 crack cocaine left on his person at that time.

20 Now those are the charges that have been brought
21 against the Defendant in this case. In addition to thinking
22 about those specific charges, you're going to be asked by this
23 Court to determine the amount of drug weight that's
24 attributable to Juan Jarmon.

25 Over the course of this conspiracy, you've heard from

1 several witnesses in the case talking about the amounts of
2 crack cocaine that they sold during each shift for Juan Jarmon.

3 And you've seen over 80 grams of crack cocaine that
4 was purchased from Juan Jarmon, as well as his shift sellers,
5 which were introduced through the chemist, who spoke about the
6 crack cocaine in this case.

7 I want to explain to you briefly why the evidence in
8 this case will lead you to conclude that Juan Jarmon is
9 responsible for conspiring to sell more than 280 grams of crack
10 cocaine.

11 During the course of the controlled purchases that
12 were made from Juan Jarmon and from Dottie Good, Taft Harris,
13 Mike Ferrell, and Rasheen Chandler, 87.69 grams of crack
14 cocaine were seized by the DEA and submitted for testing.

15 Now in addition to the actual crack that you've seen
16 in this case and that was recovered directly from the Defendant
17 and his co-conspirators, you also learned that 43 packets were
18 taken from Rasheen Chandler's home on the date of his arrest,
19 February 18th of 2014.

20 Now those 43 packets, according to the forensic
21 chemist in this case, weighed approximately 2 grams, which
22 means that each individual packet weighed about .0465 grams.

23 Rasheen Chandler and Dottie Good testified to you
24 that they sold 250 bundles. They sold bundles that contained
25 50, \$5 packets of crack cocaine, which meant that a bundle in

1 this case comprised about 2.32 grams of crack.

2 Now if they sold one bundle per shift, the amount
3 that both Dottie and Rasheen said would be the smallest amount
4 they would have sold, as both of them testified that they
5 typically sold in excess of that amount. And you heard the
6 Defendant angry with people who only sold \$250 per shift.

7 If Rasheen Chandler sold just one bundle per shift,
8 and if instead of working every day of the month, he worked
9 only 28 days of the month, he would have sold for Juan Jarmon
10 65.11 grams of crack cocaine in one month.

11 If he worked those 28-day months, not a full month
12 over a period of five months, he would have sold 325.55 grams
13 of crack cocaine for Juan Jarmon.

14 Now what Rasheen Chandler testified to was that he,
15 in fact, worked about 8 months for the Defendant. And so if we
16 take a look at what 8, 28-day months equal, he's moved at
17 minimum 520.88 grams of crack cocaine through the Defendant
18 Juan Jarmon. That's one person, one shift, in a 28-day month.

19 The evidence that you have heard over the course of
20 the last seven days demonstrates that Juan Jarmon led a drug
21 trafficking business that made crack cocaine available to users
22 and addicts 24 hours a day, seven days a week.

23 He consistently placed profit over the safety of the
24 residence of a public housing complex as he flooded the 18th
25 floor with crack cocaine.

1 And he distributed crack cocaine outside the
2 apartment complex, just off of the playgrounds where children
3 were playing.

4 He preyed on some of the most vulnerable people, he
5 stiffed his own workers, and he physically assaulted Dottie
6 Good after weeks of refusing to pay her.

7 Ladies and gentlemen, I submit to you that the
8 evidence that you've heard throughout this case, it leads to
9 one conclusion and that's that the Defendant Juan Jarmon is
10 guilty of every count with which he's been charged. Thank you.

11 THE COURT: All right, why don't we give the jury a
12 short break?

13 THE COURT RECORDER: All rise.

14 (Jury out at 1:20 p.m.)

15 (Out of the presence of the jury)

16 THE COURT: Okay, please be seated.

17 I know you said your closing wouldn't be 20 minutes,
18 but it was 35 to 40 minutes. And so, I thought we should take
19 a break because I do want them to pay attention to what you
20 have to say, Ms. Coggins.

21 MS. COGGINS: Thank you, Your Honor.

22 (Recess at 1:21 a.m., until 1:35 p.m.)

23 THE COURT RECORDER: Court's in session.

24 THE COURT: All right, please be seated.

25 In your closing, Ms. Osirim, you showed the jury

1 summary charts of the chart and summary instruction stays in
2 regardless of whether or not you showed them one as well.

3 Ms. Coggins, anything anybody would like to put on
4 the record before we bring out the jury?

5 MS. COGGINS: No, Your Honor.

6 MR. MAIATICO: No, Your Honor.

7 THE COURT: Okay, let's bring out the jury.

8 (Pause)

9 THE COURT RECORDER: Please stand for the jury.

10 (Jury in at 1:36 p.m.)

11 (In the presence of the jury)

12 THE COURT: Welcome back, please be seated.

13 Ms. Coggins?

14 MS. COGGINS: Thank you, Your Honor.

15 CLOSING ARGUMENT BY THE DEFENDANT'S ATTORNEY

16 MS. COGGINS: Good afternoon, ladies and gentlemen.

17 Just because the Government says it, it doesn't mean it's true.
18 I said that to you last week and I'm saying that to you again
19 today.

20 Now I apologize if it appeared that I was
21 disorganized when I was looking for exhibits. I'm sure it did,
22 but when you have the resources of the Government pointed at
23 your client, there's an overwhelming amount of information.

24 There's phone calls, there's papers, there's video
25 tapes, there's photographs. They have all of the resources.

1 They have the personnel. They have people rushing in and out
2 of the courtroom. They have people who work there, there are
3 things for them.

4 Me? It's me and my client and Kevin (phonetic) over
5 here. And that's it. It's the two of us. See, the Government
6 has these unlimited resources, but they still have to prove
7 this case beyond a reasonable doubt.

8 Now the judge is going to just define for you what
9 reasonable doubt means. And if I say something different,
10 obviously, you're going to go to with what the judge tells you,
11 but in a nutshell, reasonable doubt is a pause or a hesitation
12 that a person of a reasonable mind has before they make a
13 decision of importance in their lives.

14 And in this case, ladies and gentlemen, when you look
15 at the evidence that was presented in this case, you're going
16 to have a reasonable doubt as to whether or not my client was
17 involved in a conspiracy, an overall, over everything
18 conspiracy.

19 Now instead, it's just a bunch of little
20 conspiracies. Was this something where everybody was out for
21 themselves, where everybody was working with different people
22 at different times? Day-to-day, you would pick somebody this
23 day, or you pick somebody the next day, and then you'd move on?

24 In this case, in order to show that there was this
25 overall conspiracy in this case, they need to show that there

1 was a common agreement on a goal, on a common goal.

2 In this case, when I want to submit to you that the
3 facts just don't make out that case. The evidence isn't there.
4 In order to prove that there was this overall conspiracy
5 towards a common goal.

6 Now the Government tried to prove this case to you in
7 three different ways. They tried to prove it through phone
8 calls. They tried to prove it through you -- to you through
9 undercover buys, right, videotape. And third, they tried to
10 prove to you with cooperating co-defendants.

11 I'm going to go through each of those. First of all,
12 with regard to the phone calls, my client sells drugs. I'm not
13 here to tell you that my client doesn't, because he does.

14 You heard the telephone calls. You went through the
15 transcripts that were played over and over and over for you.
16 Now in about 10 percent of those phone calls, my client, you
17 can hear him, directed, I think it was three people, to go up.
18 When he calls to go up to the 18th floor, he calls somebody and
19 says I have friends coming up. Sell them 5 or sell them 3.

20 But what do you hear in 90 percent of the other phone
21 calls? What you hear is someone who's trying to drugs, but
22 isn't very good at it.

23 What you hear is that there is no -- and you heard
24 the agents always describe, you know, when they work for
25 organized crime.

1 There is nothing organized about Juan Jarmon.
2 There's nothing organized about what happened on the 18th
3 floor.

4 Instead, what you heard in those phone calls is my
5 client calling complaining, complaining on almost every single
6 phone call that nobody was on the same page, that anybody was
7 working toward towards this common goal. There was no common
8 agreement.

9 You had workers who slept when they were supposed to
10 be working. You heard that there were people who moved to
11 Atlanta.

12 You heard that there were people that lost drugs.
13 You heard that there drugs taken from people. People didn't
14 even show up for work.

15 90 percent of those phone calls show that this was
16 just a small-time deal. No organized crime, no overall, over
17 reaching conspiracy towards a common goal.

18 Now the second tool that they used in this case, as I
19 said, was the undercover buys. So the first witness that they
20 have is Agent Cardone, Agent (indiscernible) seated here, she
21 goes up on the stand.

22 I start to ask her questions. You saw her doing on
23 the stand. She didn't want to answer any of my questions,
24 right? She would go out on a limb on direct.

25 When I ask her simple questions, for example, a pole

1 camera versus a tiny pin camera, I hand her a document, and I
2 say is this a copy of the FBI report that establishes when the
3 secret camera was put in?

4 How long did it take her to say what that report
5 said? It's one page. About 10 minutes. And even when she
6 answered, she says it's a pole camera. It's not a pole camera.
7 The document shows that it's the little secret camera that I
8 asked her about.

9 Now that leads to me to another thing. There was
10 testimony and evidence that there was this little tiny secret
11 camera that was inside of a smoke alarm, smoke detector on the
12 18th floor, and that it was a video that would run 24 hours.

13 If my client ran the 18th floor, this camera was
14 installed on November 27th of 2013, if my client ran to the
15 18th floor with an iron fist, how come there wasn't a single
16 photograph or video from that secret camera that was installed
17 in November of 2013?

18 That's reasonable doubt. Because if he was there, if
19 he was on that floor, if he was talking to people, if he was
20 selling drugs, if he was up there enforcing the law as they
21 claim he was doing, why didn't they present anything from that
22 little tiny pinhole camera? Because it doesn't exist.

23 You heard about pole cameras outside, right? Well,
24 if my client is on the 18th floor, well, he's got to be walking
25 around directing people up, right? Not a single picture as you

1 saw from the pole camera. That's why Agent Cardone didn't want
2 to answer the question, because it's reasonable doubt.

3 What's the second thing that I showed Agent Cardone
4 after that 10 minutes? I showed her a rap sheet, do you
5 remember that?

6 I showed her a rap sheet for the confidential
7 informant that was used in these sales that allegedly took
8 place with my client.

9 When I showed her the rap sheet, (indiscernible)
10 thing, right? Finally, she said she didn't know anything about
11 this rap sheet. She didn't prepare. She couldn't testify from
12 it, so she stepped down.

13 She didn't want you to see what was in that rap
14 sheet. So when Agent Trainor gets up there, I say to Agent
15 Trainor, is this a rap sheet for J.F.? He says yes it is.
16 When was it ordered? July 2018.

17 Well, who requested this rap sheet? Agent Cardone.
18 Who did this rap sheet go back to? Agent Cardone.

19 So why did she testify on the stand that she didn't
20 know any of the information inside that rap sheet? She didn't
21 want you to see it. She doesn't want you to know that J.F. in
22 this case in nine interactions that he's had with the police in
23 his personal life, he lied to the cops.

24 Right, he gave them a fake name, nine different
25 names. Not misspellings, different names, different dates of

1 birth. See, the Government is only showing you what they want
2 you to see and that's a perfect example.

3 And I'll give you another example. July 12th, 2013,
4 Mr. Maiatico in this case and Ms. Osirim put on all kind
5 evidence, right, about these hand to hand that took place with
6 J.F. and my client allegedly. You heard I don't know how many.

7 But you didn't hear about July 12th. I asked the
8 questions about July 12th of the agent who took the stand. And
9 what happened on July 12th from what you heard is that the C.I.
10 was given \$1,700 to go out and try to purchase crack cocaine
11 for my client. He leaves, he comes back, and he's got a
12 package, right?

13 So he hands the package over and Agent Cardone takes
14 it. Agent Cardone does a field test on that packet, right,
15 that comes back.

16 She look at it and, all right, it's positive for
17 cocaine, right? This is great news. She's excited.

18 So she tells Agent Trainor field tests positive for
19 cocaine. Well, it gets sent off to the lab comes back. Guess
20 what? No cocaine, none, zero, not a tiny amount, not at all
21 purity, none.

22 That is reasonable doubt. This is a woman who wants
23 to get my client so badly that she finds on a field test drugs,
24 cocaine in a bag that doesn't contain any cocaine. Just
25 because the Government says it, it doesn't mean it's true.

1 Now these undercover buys start. May 3rd, what
2 happens on May 3rd? Well, they send Jay out into the complex.
3 It's almost like fishing sort of.

4 J.F. goes and he sits down. Within about three
5 minutes, Sean Jarmon comes up. Sean Jarmon sits down with
6 Juan. They have a discussion about pot.

7 So as Sean Jarmon is walking away, and I played the
8 video for you, J.F. yells out bring the bag, I didn't wear my
9 coat, bring a bag, right?

10 Sean Jarmon walks back a couple minutes later
11 carrying a black bag. And I showed it to you on the video.
12 Not a clear plastic bag. It's a black bag. You can't see in
13 it. We don't know what's inside that bag.

14 Well, you saw the stack of drugs, right, that were up
15 here when the lab person testified. Well, guess which plastic
16 bag was left in a safe in New York City? That one. And you
17 know why? Because the plastic bag is gone. The black plastic
18 bag is missing.

19 Here's what came last night. This is allegedly what
20 Sean Jarmon sold to the C.I. There's no black bag in here. So
21 what was in the black plastic bag? What kind of drugs were
22 inside the black plastic bag and where did he go? It's gone.
23 It's been lost. It's not here.

24 I want to talk about reasonable doubt. That's
25 reasonable doubt. Because now, they're trying to say what

1 happened afterwards was my client sold crack. They showed you,
2 of course, they had, right, with the pictures, little black
3 packets, and everything?

4 Even though the discussion was about oil. We now
5 have missing evidence and we now have little back packets.
6 There was no discussion about crack, right? Discussion about
7 oil. There was no discussion at any point about my client
8 handing him any money.

9 And here's what we also know. You saw the video,
10 right. And you saw that the C.I. was peeling off money. He
11 paid Sean Jarmon \$85. He got change back. You even saw a \$1
12 dollar bill.

13 Then when they talk further, you saw him peel off the
14 20s. With his left hand, he handed him \$200. In his right
15 hand, the money disappears out of the camera.

16 I said asked the D.A. agent, where's the money? When
17 you search these people, right, you give them pre-recorded
18 money. You search them when they get back.

19 Where's the money? I don't know. It's reasonable
20 doubt. It's got to concern you. Where has this money gone?
21 It's just disappeared, along with the black plastic bag.

22 Now when we talk about this search, this isn't an
23 exhaustive five-minute strip search. Instead, what this is
24 maybe a one-minute pat-down. They don't even have to take
25 their sweatshirts off when they get patted down.

1 J.F. is a convicted drug dealer. J.F. lies to the
2 police. J.F. is now walking around with cash that was given to
3 him by the Government. You don't think that J.F. knows how to
4 secret drug on his body? But all they do is just pat him down.

5 So they go and they use him again, right? May 8th,
6 they go and they give him cash and they tell him to go make a
7 deal with my client.

8 Well, you heard this car ride that was going on. The
9 car, it was (indiscernible) loop. It was conversations. My
10 client said that's oil.

11 He went there with a purpose of buying oil. So they
12 put an expert on there to say, oh, he said, bait, it's
13 definitely correct.

14 Well, ladies and gentlemen, when I asked him don't
15 you have to cook the PCP and the (indiscernible) in order to
16 make it into an oil or vice versa? He said, yes, there's a
17 process to do that. I submit to you, ladies and gentlemen, the
18 evidence shows that was oil. It wasn't crack.

19 Now the next one that we have is May 17th. Well, we
20 don't have a lab on May 17th, right, because the recording
21 breaks.

22 Does it break or does J.F. turn it off? We don't
23 know, but J.F. knows how to work the recording device. He's
24 already worn it twice before then, right?

25 Now the next incident that we get into in line is

1 June 11th. June 11th happens at the mini mart, right, when you
2 see that my client was standing there at the mini mart.
3 There's no discussion regarding the amount in the store or
4 money. There's never a discussion about money.

5 So when he walks in, you're supposed to believe that
6 he just slaps down \$1,800. There's no transaction on the video
7 about drugs going back and forth or about money going back and
8 forth, but you have to believe it, because J.F. said so.

9 Then we get to the next date, August 2nd. Now this
10 an interesting one, because Agent Cardone just testified about
11 this yesterday.

12 And what she said was the C.I. met with my client.
13 The transaction occurred in the doorway of the mini mart. Do
14 you remember that?

15 I just played the video. When I played that video,
16 nothing happened in the doorway and she admitted that on cross.
17 He goes in there, my client's not even in the store.

18 Instead, there's a 500-pound guy standing there. It
19 wasn't my client. There's no discussion at that point
20 regarding drugs. There's no discussion regarding money.

21 But in this situation, the C.I. was given money and
22 comes back with change. So if he goes back out the door
23 without a transaction in the doorway, where in the world did
24 this transaction take place? It's not on the video.

25 It's reasonable doubt, ladies and gentlemen. Is it

1 possible that J.F. has this whole thing figured out as to how
2 to take this money? It's not on the video, so you got to trust
3 him. That's reasonable doubt.

4 The next video that we see, August 14th, 2013. And
5 they just put a picture up here for you of Damon Edwards. And
6 there was a discussion that my C.I. guy, because those
7 discussions are taped, there's a discussion my client saying to
8 him, look, it's not ready, 20 minutes, whatever it is. There's
9 no discussion about money and there's no discussion about this
10 term 7.

11 Yet when Damon Edwards rides up on his bike, he says
12 to the C.I., do you want that 7? Where did that come from?
13 Where did 7 come from and where did the amount of money come
14 from because it isn't in evidence for you. It's just not
15 there.

16 We get to September 5th. Now you heard Agent Trainor
17 testify regarding September 5th. And what he said on direct
18 questioning from Mr. Maiatico was, well, Juan Jarmon knew at
19 that point that he was a cop and he was saying he's a cop. And
20 because of that, he pulled the plug after this.

21 We didn't want to put the C.I. back out in the field,
22 because it was a danger. He faced serious danger because now
23 Juan Jarmon said he was a cop.

24 When I showed him the transcript and I cross-examined
25 him, I said it's the opposite, isn't it? And he agreed with

1 me.

2 What Jarmon said in that situation was someone said
3 you were a cop. And I said no F-ing way man. He's not a cop.
4 He's my man. He's not a cop.

5 Sergeant -- or Agent Trainor said, yes, that's what
6 the transcript says. So they're trying to make my client look
7 like a big bad guy who's after the C.I., when in fact, he was
8 defending him.

9 And you know what else contradicts that? They sent
10 him right back out, the confidential informant on September
11 30th.

12 They didn't introduce that. That wasn't in any of
13 their evidence. I brought that out. They sent the C.I. right
14 back out into the field.

15 The C.I. goes out. He talked to somebody, we don't
16 know who, comes back. Counterfeit substance.

17 So ladies and gentlemen, not only has J.F. now made
18 over \$11,800 just for being a C.I., but who knows how much
19 money he's pocketed from going out with thousands of dollars
20 and coming back with fake powder, worthless, fake powder.

21 And you heard the expert say that a dealer is not
22 going to be selling a client fake product, because it's bad for
23 business. So it doesn't make any sense.

24 So all the way back from July 12th, the evidence
25 contradicts the fact that my client was selling this to the

1 confidential informant from their own witnesses.

2 In summary, with regard to the videos, there isn't a
3 single instance where my client hands anything to the
4 confidential informant and vice versa. Not a single video that
5 shows a C.I. paying my client.

6 In some of these situations, my client isn't even
7 present. There's lost evidence by the DEA, money unaccounted
8 for. The C.I. returns with worthless powder. And there's an
9 agent finding drugs in a bag where there aren't any.

10 Now I'm going to move on to the third technique that
11 they used in this case in order to prove this conspiracy.
12 They've used undercover buys from witnesses or from
13 co-defendants in this case.

14 The first one that we see is on September 20th. And
15 the first one that they played for you is Mike Ferrell. Mike
16 Ferrell meets with a confidential informant on the 18th floor.

17 And what he sells to the C.I. at that point is four
18 red packets. They were very specific in their DEA 6s and their
19 DEA 7s.

20 And what they say are those four red baggies. And we
21 never see Mike Ferrell again. That's the last of Mike Ferrell.

22 On April 18th, the C.I., who's known as Spike Lee,
23 goes in and meets with Dottie Good. What do we know about that
24 C.I. and Dottie Good? We know a year later, they were both
25 arrested dealing drugs to one another.

1 So they struck up a beautiful friendship obviously on
2 April 18th, but they're dealing continued out of the eyes of
3 the FBI. That's how reliable this woman is.

4 So on the 18th, there's a deal. The C.I. and Dottie
5 Good on the 15th floor of Hemberger. That's what was testified
6 to in the DEA 7.

7 Could you pull that up, please? April 8th, I'm
8 sorry, April 18th, DEA 7.

9 When they do these forms, ladies and gentlemen, they
10 try to put all of the evidence that's important on their forms.
11 And you can see here under remarks sold from Dottie Good or
12 Dreds (phonetic) on the 15th floor of Hemberger.

13 Juan Jarmon went to work on the 15th floor of
14 Hemberger. They've tried to just put him on the 18th floor,
15 not 15th.

16 On April 25th, the same C.I. goes back in again and
17 now she buys blue packets from Dottie Good on the 18th floor.
18 Thank you.

19 Now you know that Dottie Good, it's consistent with
20 the evidence that she was dealing on the 15th because she told
21 Agent Babor (phonetic) when she was first arrested in January
22 2014 that she sold drugs off of the 15th floor and that
23 corroborates that, not the 18th. After April 18th, I'm sorry,
24 after April 25th of 2013, we never see Dottie again.

25 Now after September 20th, on October 31st, you see

1 someone new. You see Taft Harris. Taft Harris makes a sale to
2 the confidential informant. And this time, he sells in that
3 case six pink packets, six pink packets to the C.I.

4 After this, we never see Taft Harris again. Then we
5 move on to Mr., of course, Rasheen Chandler. Rasheen Chandler
6 on October 23rd, 31st, November 8th, and December 12th sells to
7 the confidential informant. What color baggies does he sell?
8 Pink.

9 Now the next sale, February 11th of 2014. They
10 didn't play that. That's the one Rasheen Chandler said that
11 they left out.

12 You know why? Because on that date, the agent who
13 prepared the DEA 6, put in his report that Rasheen Chandler
14 sold the C.I. four red packets, four red packets in the DEA 6.
15 And I'll get to why that's significant, DEA 6.

16 Next page. And if you see in paragraph 4, three
17 lines down, at which point the C.S. provided S.A. Trainor with
18 four red tinted packets containing alleged crack cocaine,
19 Exhibit 56.

20 So it's different this time, right? It's changed up
21 from the pink. They didn't play that for you.

22 Now finally, on febrile 18th - oh, February 18th, the
23 C.I. goes in, buys 10 packets of the pink powder, I'm sorry,
24 pink packets of powder from Rasheen Chandler.

25 Well, now she leaves and there's enough for a search

1 warrant. So they go into the apartment. And what do they find
2 inside the apartment?

3 They find 43 pink packets of crack, some in the
4 kitchen, some near the front table, \$547 in cash, and 20-some
5 vials of marijuana for personal use.

6 What do they also find in there and what was played
7 for you, put up on that screen twice by the U.S. Attorney? A
8 bowl, right? It was a red bowl and there was a little baking
9 pan for cupcakes with white powder.

10 And what did the expert say how you cook crack
11 cocaine? You can do it in an oven, on a stove, and a
12 microwave.

13 Ladies and gentlemen, Rasheen Chandler was cooking
14 crack cocaine and putting it in pink packets in his own
15 apartment.

16 Now, when you get to these people, the only two
17 people that appear more than one time on those videos are
18 Dottie Good and Rasheen Chandler.

19 Now Dottie Good, she was kind of sad out there,
20 right? Here's a woman who was so terrified, absolutely
21 terrified of going to jail, that she actually goes to
22 counseling because she's so scared.

23 She told Agent Babor when she talked to him back in
24 January of 2014 over and over and over I don't want to go back
25 to jail. Well, we know that she sold for a couple different

1 people, right?

2 She said that. Sometimes she sold for Juan Jarmon,
3 but then she left him and she would go sell for other people.
4 We know that she said that she sold on the 15th floor.

5 She also said that when she came back in August to
6 work for my client, she went over to Judson on the 7th floor,
7 whole different building.

8 She said that she did not know Rasheen Chandler back
9 in January of 2014, didn't even know who he was.

10 She also said she didn't know any lookouts and she
11 didn't know any shift sellers. She didn't say that when she
12 took the stand, of course. She said way back in January 14th
13 because at that time, the Feds hadn't lowered the boom on her
14 yet.

15 What happens is once she finds out about these
16 federal charges, her story starts to change into what it was
17 when you saw her on the stand.

18 Dottie Good not only have her own problems in state
19 court, but now, she was facing -- is facing potentially a life
20 sentence, the maximum on the charges she has is life.

21 We know that there's a 10-year mandatory in play,
22 right, because she was told that. But the one person that can
23 help her out of it by filing motions, not to have a mandatory
24 and not to obey or look at the guidelines, Mr. Maiatico.

25 So when Dottie Good comes in here and she says I'm

1 just here to tell the truth, who's truth is she here to tell?
2 Who decides what the truth is with regard to Dottie Good? It's
3 Mr. Maiatico.

4 Can you imagine, imagine the motive to lie when
5 you're facing potentially life in a federal prison and all you
6 have to do to get out of it, be out on the street like she is
7 now, point the finger at my client, and that starts the ball
8 rolling, but she didn't know that back in January.

9 Rasheen Chandler, can you put up the phone call from
10 October? The U.S. Attorney put part of this phone call on the
11 screen. I'm going to show you the rest of it.

12 This is a phone call from Edward Stinson. And the
13 U.S. Attorney said in her closing that he had moved out of the
14 area. No, he was only temporarily out of the area at that
15 time.

16 My client didn't call him. He didn't even call my
17 client. My client doesn't get on the phone until 11 minutes
18 after that -- into that conversation.

19 Now what is said during that conversation? Remember
20 when I asked Agent Trainor if Rasheen Chandler was a
21 homosexual? I don't care what the guy does, but it's pertinent
22 to this phone call because as you can see, Juan Jarmon, all
23 right, well, whatever you want me to do. I wasn't going to do
24 nothing until I talked to you.

25 I said whatever. Edward Stinson, I don't want him.

1 My whole thing is I don't want to him back in here no more,
2 like I'm cool. Juan Jarmon, So what? Where to go on the 18th?
3 Answer, Yeah, the -- there's an [F-word] void.

4 He'll F with the late night for you, right, you just
5 yeah. What's the next line that Edward Stinson says? You just
6 got to make sure you tell him it's from me or whatever. Like
7 he can't put nothing else in pink, in pink or nothing.

8 Pink is Edward Stinson's color and he specifically
9 says tell him he can't put anything else in pink. And he
10 doesn't, does he? Rasheen Chandler continues to deal with the
11 pink packets, because those pink packets are Edward Stinson's.

12 Now how do we know this? We know this because
13 Rasheen Chandler sat down with the agents on the day of that
14 search, before anyone had gotten to him from the Government,
15 right, before he knew about these federal charges, before he
16 gave his 19 other statements, he sat down the detective.

17 But Agent Trainor, what did he tell him? Juan Jarmon
18 always uses red packets for his cocaine. Not sometimes. Not
19 often, always uses red.

20 We've seen red for Mike Ferrell and we saw red from
21 Rasheen Chandler on the incident that they didn't bring up to
22 you, that they didn't show you. I did.

23 Now he's facing at this point jail on his state case.
24 He's just been caught with 43 packets, right, and money, and
25 pot. So he's facing 3 and a half to 7 years maximum on that

1 charge.

2 He now sees he can sit down and talk with the
3 Government, right? And what happens to that state case after
4 he's begun to cooperate and after he's begun to talk with the
5 Feds?

6 Well, that felony possession with intent to deliver
7 gets all the way down to a one-year probation. And what did he
8 tell you on the stand? You know what he had to do for that
9 one-year probation? He had to call a probation officer one
10 time. That's it.

11 So I submit to you Rasheen Chandler found out how
12 great it is to work for the Government and he just went off, 20
13 statements. At one point, every time he opened his mouth, they
14 gave him \$100.

15 So this guy didn't shut up. When he gets up here on
16 the stand and he testifies now, five years later, it's
17 remarkably different from what he told the police way back on
18 February 28th of 2014 when everything was fresh in his mind,
19 when everything had just happened.

20 It's amazing. Now he, too, is looking at a maximum
21 of life in prison. And he, too, was looking at a 10-year
22 mandatory minimum.

23 But he kept saying to you, I just have to come in
24 here and tell the truth. Who's truth, ladies and gentlemen?

25 Mr. Maiatico's truth. What did Rasheen Chandler tell

1 the police when he met with them? He said that he employed and
2 paid his own lookouts. He said that he smoked crack.

3 He also said that he was increased. So in the
4 beginning, I'm sorry, he said he was actually increased to the
5 point where he was receiving 9 packets every 10 days and \$550
6 after 10 days.

7 But now the Government wants you not use that
8 calculation, but use the ridiculous calculation that he
9 testified to here from the stand, which is exponentially larger
10 than what he said in 2014.

11 Ladies and gentlemen, what you've heard from the
12 Government in this case, as far as the conspiracy goes, it is
13 not an overall agreement on a common object, on a common goal.

14 And when you're shown this exhibit that they had,
15 this chart that they showed you with the amounts, I went back
16 and forth and back and forth because I wanted to make sure that
17 I put in front of you what the amounts were that the agents
18 claimed were taken from each of these buys.

19 And I asked the -- Agent Trainor when he was on the
20 stand, why do these numbers vary so much? Why does it change
21 from an amount seized to amount submitted? Sometimes it's the
22 same, sometimes it's different.

23 Did you get a satisfactory issue -- I mean, answer on
24 that issue? Because he said that they had a calibrated scale
25 and he would weigh everything, right? Sometimes he said they

1 would be identical because he would put the big plastic
2 envelope on the scale.

3 Well, then, when why have a box for seized? Why not
4 just have a box for submitted? Sometimes the seized and the
5 submitted didn't match. Why is that? Why did you do it one
6 way one time and another way a different time? Does that make
7 any sense to you?

8 Can you pull the chart up?

9 In addition to that, ladies and gentlemen, when you
10 look at the different numbers, for example go to --

11 If you go to the next page. I'm sorry, keep going.

12 Let's look at November 8th, okay? November 8th, the
13 DEA agent put on their forms that are supposed to be accurate,
14 seized 3.4 grams, submitted 3.4 grams. When it gets to the
15 laboratory, gross, 31 grams. What in the world got sent along
16 with that package?

17 Let's look at the net, .39 grams. How in the world
18 do you explain this difference? The forms that you saw were
19 DEA 7s.

20 They have the whole bottom quarter of that page, they
21 sat there so that people sign it, so that you know what was
22 taken on that day it gets sent to the lab.

23 Lab weigh, he said, I don't know when it gets here.
24 I don't know who brings it. All I know is it's sitting on my
25 desk when I test it.

1 We don't know what happened in between. Something
2 happened, but that's reasonable doubt. If they want you to
3 rely on these numbers, ladies and gentlemen, I submit to you
4 they're not reliable because they don't make any sense.

5 Now they have to show you in this case an overall
6 agreement on the common objective. And I submit to you that
7 they have failed miserably to do that, that these were people
8 that were disorganized, that were all over the place, that were
9 selling for all kinds of different people. My client had no
10 control over anybody.

11 Now I'm going to give an example of reasonable doubt.
12 Say that you're sitting in your home, you're eating breakfast
13 at the table with your kids.

14 You get a phone call. You answer the phone. Hi,
15 this is Mr. Maiatico. I'd like you to come on over to my farm.
16 I've got a big pond and it's frozen. Frozen solid. You can
17 come on over and you can ice skate.

18 So sounds like a great idea, right? So you get the
19 kids together, bundle them all up, hats, and mittens, and
20 scarves, and coats. Load everybody in the car.

21 And you go outside, it's a little bit warm, right?
22 The weather's changing. So the kids are saying we're hot. You
23 take off your hat, your gloves, your scarf. You go over there.
24 Mr. Maiatico says, welcome, welcome, here's my frozen pond. Go
25 on out of my frozen pond.

1 So now, it gets a little bit warm. You're starting
2 to think about it, right? You're starting to pause.

3 Mr. Maiatico sends over Agent Cardone, right? She
4 comes over and she says, look, I tested it. It's all set
5 you're good. It's frozen, right?

6 You step up to the edge. You look way out in the
7 distance, you see that there's water out there in the middle of
8 that pond. You think this might be thawing out.

9 Mr. Maiatico sends over Dottie Good. Dottie Good
10 says, look, I don't want to get in trouble here. Just it's
11 fine. Just go ahead. Just go on there, right.

12 And you step up there to the edge of the pond and
13 still in the back of your mind you're thinking I just don't
14 know. I don't know if I can take that step onto that pond.

15 Here comes Mr., of course, right? And as you stand
16 there and you look and you see that there's cracks in the ice,
17 Mr. Chandler says, look, go on out. I'm telling you, it's
18 fine. Here's 20 statements. He says go on out there.

19 Ladies and gentlemen, you're standing at the edge and
20 you're going to take that first step. You think to yourselves,
21 are you going to turn around and tell your kids to go out on
22 that ice?

23 When you look at all this evidence in this case, the
24 testimony, what was put in front of you, you're going to find
25 that there is a reasonable doubt, that there is a reason for

1 you to pause and hesitate before you take that step.

2 I'm going to ask you after looking at all that
3 evidence to return a verdict of not guilty for my client Juan
4 Jarmon. Thank you.

5 THE COURT: Let's give the jury a short break.

6 THE COURT RECORDER: All rise.

7 (Jury out at 2:15 p.m.)

8 (Out of the presence of the jury)

9 THE COURT: Okay, please be seated. Is there
10 anything anybody would like to put on the record?

11 UNIDENTIFIED SPEAKER: No.

12 MS. OSIRIM: No, Your Honor.

13 MR. MAIATICO: No, Your Honor.

14 THE COURT: The two closings were virtually the same
15 length. I don't see any need to give the absent witness
16 charge. I don't see any need to give the specific
17 investigative techniques not required charge.

18 I think I'm going to charge the jury tomorrow
19 morning.

20 MS. OSIRIM: Okay.

21 THE COURT: By the time the break is over and however
22 long your rebuttal takes, it's likely to be close to 3 o'clock.

23 Yes, Ms. Coggins?

24 MS. COGGINS: Your Honor, may I just beg that it be
25 done today?

1 THE COURT: Why?

2 MS. COGGINS: Can I see you at sidebar?

3 THE COURT: Sure.

4 (At sidebar)

5 THE COURT: Yes?

6 MS. COGGINS: For very selfish reasons, Judge. I was
7 hoping to be able to go on vacation, that's all.

8 THE COURT: I apologize to you. I know the sacrifice
9 you've made so far and you've done a wonderful job. I just
10 don't think the jury is in any shape to hear -- this closing is
11 going to take me an hour and half to read.

12 MS. COGGINS: Okay.

13 THE COURT: And I don't want them to think they have
14 to come back with a verdict today. But if I read it at the end
15 of the day, they may well think that.

16 MS. COGGINS: Very well.

17 THE COURT: And so, I'm going to charge the jury
18 tomorrow.

19 MS. COGGINS: Okay. Thank you.

20 (End of discussion at sidebar)

21 (Recess at 2:17 p.m., until 2:25 p.m.)

22 THE COURT: All right, please be seated. Anything
23 anyone wants to put on the record before we bring in the jury?

24 MS. COGGINS: No, Your Honor.

25 MR. MAIATICO: No, Your Honor.

1 THE COURT: Okay.

2 (Pause)

3 THE CLERK: Please stand for the jury.

4 (Jury in at 2:26 p.m.)

5 (In the presence of the jury)

6 THE COURT: Excuse me, welcome back. Please be
7 seated.

8 Ms. Osirim?

9 MS. OSIRIM: Thank you, Your Honor.

10 Ladies and gentlemen, this case is not about an ice
11 skating trip to a pond. It's about a crack distribution
12 business run by the Defendant Juan Jarmon on a continuous basis
13 between 2012 and 2014.

14 You heard from the Defense counsel arguments about
15 whether or not Juan Jarmon was involved in a conspiracy,
16 whether or not there existed in fact this collective agreement
17 towards a common purpose.

18 I submit to you, ladies and gentlemen, that the
19 evidence is clear that the common purpose of this conspiracy
20 was to sell crack cocaine and to move that crack cocaine
21 continuously in and round the Norman Blumberg Apartment
22 Complex.

23 And Ms. Coggins asked you to think about whether or
24 not there were cameras placed on the 18th floor that could
25 indicate the presence of Juan Jarmon on a continuous daily

1 basis.

2 Well, you heard evidence in this case, including
3 telephone calls that the Defendant made himself, where he was
4 standing outside, observing whether or not lookouts had shown
5 up for work, talking to customers who had come to the apartment
6 complex, and directing them on where to go.

7 Juan Jarmon is at the head of this business. And as
8 the head of this organization, he may make all the decisions of
9 who to hire, who to fire, what shifts someone should be
10 working, how much someone should be paid, if someone should be
11 paid.

12 But it doesn't mean that he's standing on the 18th
13 floor selling the drugs he's directing others to do on his
14 behalf.

15 If you think about the head of a company, of any
16 company, let's talk about the CEO of Coca Cola. That person is
17 in charge of and is focused on selling Cokes to the public.

18 Do you see that person at every Wawa and 7-11 handing
19 out Cokes for money? You don't. Do you see that person
20 manufacturing those Cokes down in the warehouse, putting the
21 cans together, filling them the soda? You might not, but you
22 know that person is directing that business. The same can be
23 true of this Defendant.

24 Now Ms. Coggins also talked to you about the
25 statements made by Dottie Good and Rasheen Chandler. She

1 argued that Dottie Good may have sold crack cocaine on other
2 floors and other places of the Blumberg Apartment Complex.

3 She argued that both of those witnesses somehow could
4 not be trusted because they, too, were indicted alongside this
5 Defendant and were facing incredible sentences.

6 Both Dottie Good and Rasheen Chandler testified to
7 you that they had plea agreements with the United States and
8 they do.

9 But what they said to you is those agreements require
10 that they tell the truth. And that if they don't tell the
11 truth, they face severe consequences.

12 How do we know that Dottie Good sold drugs on the
13 18th floor of the Hemberger Building? Because we bought drugs
14 from Dottie Good on the 18th floor of the Hemberger Building
15 through a controlled source.

16 How do we know that Mike Ferrell sold drugs for Juan
17 Jarmon on the 18th floor of the Hemberger Building? Because a
18 confidential source bought drugs from Mike Ferrell on the 18th
19 floor of the Hemberger Building.

20 How do we know that Rasheen Chandler sold drugs on
21 the 18th floor of the Hemberger Building? Well, we -- the
22 Government also bought drugs from Rasheen Chandler on the 18th
23 floor of the Hemberger Building.

24 Taft Harris is another individual who's a shift
25 seller to Juan Jarmon. Controlled purchases were also made

1 from Taft Harris standing right beside the designation for the
2 18th floor on the 18th floor of the Hemberger Building.

3 Now you got to hear from Rasheen Chandler and Dottie
4 Good in person. They came into court and told you consistently
5 that they sold drugs for Juan Jarmon.

6 They were supplied with drugs by Juan Jarmon, the
7 profits of those drugs were given to Juan Jarmon, and decisions
8 about how much to pay anyone were made by Juan Jarmon.

9 Their information is corroborated in a variety of
10 ways. When Dottie talked about the assault on her person and
11 going to the hospital, we showed you the hospital records from
12 her visit.

13 When Rasheen Chandler talks about the extent to which
14 he participated in this drug business, he not only walked you
15 through the conversations that he was having with this
16 Defendant, but he talked to you about the fact that he had been
17 selling crack cocaine previously, then for Juan Jarmon, and
18 that he had ceased those practices after those arrest.

19 Ladies and gentlemen, you need not look further than
20 the words of the Defendant himself when reaching a conclusion
21 about whether or not he operated a drug trafficking business
22 inside the Norman Blumberg Apartment complex. I submit to you
23 that that evidence is clear. Thank you.

24 THE COURT: Okay, ladies and gentlemen, my final
25 instruction will take an hour and a half to two hours to read

1 to you and I don't want to begin it now, because I'll add some
2 time between 4 and 4:30, which is normally when you go home.

3 And so, I'm going to send you home for tonight. I
4 will read you the instructions first thing when you get here.
5 You will then retire to deliberate.

6 We'll order before 10 o'clock, we'll order lunch in
7 for you. You'll -- each of you will get a menu. You can say
8 what it is you want in one of the many fine dining
9 establishments here by the central courthouse. And you'll
10 deliberate.

11 And so, again, I caution you to keep an open mind.
12 Don't form any opinions or discuss the case. Don't let anyone
13 discuss the case with you. You can discuss the case tomorrow
14 after you've heard my final instructions and not before.

15 And you know not to read, listen to, look at anything
16 having to do with the case. Not to tweet, or text, or email
17 about the case.

18 Don't let anyone discuss the case in your presence.
19 If any of these things happen, you know should tell Ms. Wittje
20 immediately.

21 As also, I thank you for your patience. I thank you
22 for your attention. I'll see you tomorrow morning. So
23 hopefully maybe once we can begin at 9:30.

24 THE COURT RECORDER: All rise.

25 (Jury out at 2:34 p.m.)

1 (Out of the presence of the jury)

2 THE COURT: Okay, please be seated. Anything anybody
3 would like to put on the record?

4 MS. COGGINS: No, Your Honor.

5 MR. MAIATICO: No.

6 THE COURT: Okay, if at all possible, I'd like to
7 begin at 9:15. We can have a final discussion about the final
8 instructions and the verdict form. If there's nothing anyone
9 wants to put on the record, I'll see everyone tomorrow morning.

10 (Proceedings concluded at 2:35 p.m.)

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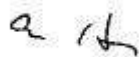
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CERTIFICATE

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

March 25, 2019

Chris Hwang

Date

Transcriber

DEA WEIGHTS**LAB WEIGHTS**

April 18	seized:	31.4	net:	.22
	submitted:	31.4	gross:	31.5
April 25	seized:	1.9	net:	.61
	Submitted:	1.9	gross:	32.5
May 3 (\$200)	seized:	36.8	net:	2.1
	Submitted:	36.8	gross:	37.9
May 8 (\$450)	seized:	4.4	net:	4.9
	Submitted:	34.5	gross:	36.5
May 17 (\$900)	seized:	12	net:	8.9
	Submitted:	23	gross:	40.6
June 11 (\$1800)	seized:	28.5	net:	22.7
	Submitted:	59.1	gross:	50.7
**July 12 (\$1700)	seized:	39.7	net:	34.5
	Submitted:	69.9	gross:	67.3

August 2 (\$460)	seized:	37.5	net:	16.1
	Submitted:	37.5	gross:	49.3
August 14 (\$450)	seized:	24.5	net:	6.1
	Submitted:	24.5	gross:	40.7
**Sept 5 (\$2400) (3/4 fake)	seized:	66.1	net:	58.9
	Submitted:	96.7	gross:	94.3
Sept 20	seized:	.6	net:	.15
	Submitted:	41.8	gross:	41.6
**Sept 30 (Fake) (\$1300)	seized:	20.4	net:	15.9
	Submitted:	50.5	gross:	50.7
Oct 23	seized:	33.1	net:	.39
	Submitted:	33.1	gross:	31.6
Oct 31	seized:	30.7	net:	.28
	Submitted:	30.7	gross:	31

Nov 8	seized:	3.4	net:	.39
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	Submitted:	3.4	gross:	31.0
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Dec 12	seized:	30.9	net:	.40
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	Submitted:	30.9	gross:	31.0
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July 5, 2019

Cherri L. Keys
United States Probation Office
Federal Office Building, Suite 2400
600 Arch Street
Philadelphia, PA 19106

Re: *USA v. Juan Jarmon*
No: 17-cr-72-1

Dear Officer Keys:

Defendant, Juan Jarmon, by and through his attorney, Maureen Coggins, respectfully presents the following objections to the Pre-sentence Investigation report emailed to counsel on June 28, 2019, as follows:

1. On page 12, paragraph 39: Defendant objects to all of the information contained in this paragraph.
2. On page 12, paragraph 40: Defendant objects to the language regarding what happened prior to 2012 as there was no testimony in defendant's trial as to what occurred at the Hempberger building during that time frame. Additionally, defendant objects to the statement that Edward Stinson 'assigned' control of drug sales to the 'Jarmon/Edwards DTG.' in the Hempberger building in 2012.
3. On page 41, paragraph 41: Defendant objects to the information contained in this paragraph.
4. On page 12, paragraph 42: Defendant objects to the information contained in this paragraph, including, but not limited to the statements that defendant secured apartment space and stash locations for their members, levied taxes on members and customers, and provided protection from other drug trafficking groups.
5. On page 13, paragraph 43: Defendant objects to the information contained in this paragraph, including, but not limited to the statements that a juvenile was used as a shift seller, or was involved in any way for sales of drugs.

6. On page 13, paragraph 44: Defendant objects to the information contained in this paragraph, including, but not limited to the statements that defendant used the people listed as lookouts to sell drugs.
7. On page 13, paragraph 45: Defendant objects to all the information contained in this paragraph.
8. On page 13, paragraph 46: Defendant objects to all the information contained in this paragraph, except that Edward Stinson was incarcerated at various times.
9. On page 13, paragraph 47: Defendant objects to the information contained in this paragraph, including, but not limited to the statements that defendant engaged in act of intimidation, threats, violence, possessed firearms and other weapons.
10. On page 14, paragraph 48: Defendant objects to the information contained in this paragraph, including, but not limited to the statements that defendant obtained pre-paid mobile phones with fake subscriber names or nominees.
11. On page 14, paragraph 49: Defendant objects to the information contained in this paragraph.
12. On page 14, paragraph 51: Defendant objects to the information contained in this paragraph.
13. On page 14, paragraph 52: Defendant objects to the information contained in this paragraph.
14. On page 14, paragraph 53: Defendant objects to the information contained in this paragraph.
15. On page 15, paragraph 54: Defendant objects to the information contained in this paragraph.
16. On page 15, paragraph 55: Defendant objects to the information contained in this paragraph.
17. On page 15, paragraph 56: Defendant objects to the information contained in this paragraph.
18. On page 15, paragraph 57: Defendant objects to the information contained in this paragraph.
19. On page 15, paragraph 58: Defendant objects to the information contained in this paragraph, specifically to the word 'helped.'
20. On page 15, paragraph 59: Defendant objects to the information contained in this paragraph.
21. On page 15, paragraph 60: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call involved the 'operation of the Jarmon/Edwards DTG.'
22. On page 15, paragraph 61: Defendant objects to the information contained in this paragraph.
23. On page 15, paragraph 62: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call discussed 'the operation of the Jarmon/Edwards DTG.'
24. On page 16, paragraph 63: Defendant objects to the information contained in this paragraph.
25. On page 16, paragraph 64: Defendant objects to the information contained in this paragraph.

26. On page 16, paragraph 66: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call was made between defendant and Michael Ferrell.
27. On page 17, paragraph 69: Defendant objects to the information contained in this paragraph.
28. On page 17, paragraph 70: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call involved the 'operation of the Jarmon/Edwards DTG.'
29. On page 17, paragraph 71: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call involved the 'members of the Jarmon/Edwards DTG.'
30. On page 17, paragraph 72: Defendant objects to the information contained in this paragraph.
31. On page 17, paragraph 76: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call involved the 'operation of the Jarmon/Edwards DTG.'
32. On page 17, paragraph 77: Defendant objects to the information contained in this paragraph.
33. On page 18, paragraph 78: Defendant objects to the information contained in this paragraph.
34. On page 18, paragraph 79: Defendant objects to the information contained in this paragraph.
35. On page 18, paragraph 80: Defendant objects to the information contained in this paragraph, including but not limited to, the alleged text message.
36. On page 18, paragraphs 83, 84 and 85: Defendant objects to the information contained in this paragraph.
37. On page 18, paragraph 86: Defendant objects to the information contained in this paragraph.
38. On page 19, paragraphs 87 and 88: Defendant objects to the information contained in these paragraphs.
39. On page 19, paragraph 90 and 91: Defendant objects to the information contained in these paragraphs.
40. On page 19, paragraph 92: Defendant objects to the information contained in this paragraph, including but not limited to phone calls 11:15pm, 11:45 pm and 11:56 pm.
41. On page 19, paragraph 93: Defendant objects to the information contained in this paragraph.
42. On page 19, paragraph 94: Defendant objects to the information contained in this paragraph, including but not limited, the statement that this call involved the 'operation of the Jarmon/Edwards DTG.'
43. On page 19, paragraph 95 and 96: Defendant objects to the information contained in this paragraph.
44. On page 20, paragraph 97: Defendant objects to the information contained in this paragraph, including but not limited to phone call alleged to have been made at 12:22pm.
45. On page 20, paragraph 98: Defendant objects to the information contained in this paragraph.

46. On page 20, paragraph 99: Defendant objects to the information contained in this paragraph.
47. On page 20, paragraphs 103 and 104: Defendant objects to the information contained in this paragraph, including but not limited to an alleged phone call at 1:35pm.
48. On page 21, paragraphs 105 (an alleged call at 1:56pm), 106, 107, 108 and 109, Defendant objects to the information contained in this paragraph.
49. On page 21, paragraph 110: Defendant objects to the information contained in this paragraph specifically referring to a drug sale involving Gene Wilson.
50. On page 21, paragraph 115: Defendant objects to the information contained in this paragraph.
51. On page 22, paragraphs 116, 117, 118 and 119: Defendant objects to the information contained in these paragraphs.
52. On page 22, paragraphs 121: Defendant objects to the information contained in this paragraph.
53. On page 22, paragraph 122: Defendant objects to the information contained in this paragraph.
54. On page 23, paragraph 123: Defendant objects to the information contained in this paragraph, including but not limited to the statement that defendant engaged in acts of intimidation and that defendant employed a juvenile.
55. On page 23, paragraph 124: Defendant objects to the information contained in this paragraph, including but not limited to the statement that defendant possessed firearms.
56. On page 23, paragraph 125: Defendant objects to the information contained in this paragraph, including but not limited to the statement that defendant is responsible for 6.5 kilograms of crack distribution.
57. On page 123, paragraph 126: Defendant objects to the information contained in this paragraph, including but not limited to the statement that defendant was a member of a gang with Damon Edwards for 17 months and that Damon Edwards regularly communicated with defendant.
58. On page 23, paragraph 127: Defendant objects to the information contained in this paragraph.
59. On page 24, paragraph 128: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
60. On page 24, paragraph 130: Defendant objects to the information contained in this paragraph.
61. On page 24, paragraph 131: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
62. On page 24, paragraphs 132 and 133: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
63. On page 24, paragraphs 134 and 135: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
64. On page 25, paragraphs 136 and 137: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
65. On page 25, paragraphs 138 and 139: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
66. On page 25, paragraphs 140 and 141: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.

67. On page 25, paragraph 142 and 143: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
68. On page 26, paragraph 144 and 145: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
69. On page 26, paragraph 146 and 147: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts.
70. On page 27, paragraph 155: Defendant objects to the information contained in this paragraph, including but not limited to the calculation of drug amounts, that a firearm was possessed, that defendant used violence, that defendant should receive an aggravated role adjustment and that the 'conspiracy' involved an individual that was less than 18 years old.
71. On page 27, paragraph 158: Defendant objects to the information contained in this paragraph, including but not limited to the statement that defendant was an organizer or leader and that five (5) or more people were involved in a conspiracy.
72. On page 28, paragraph 161: Defendant objects to the information contained in this paragraph, in that defendant objects to the offense level calculation of (46) based upon the objections made in the above-listed paragraphs.
73. On page 28, paragraph 163: Defendant objects to the information contained in this paragraph, in that defendant objects to the offense level calculation of (43) based upon the objections made in the above-listed paragraphs.
74. On page 40, paragraph 213: Defendant objects to the information contained in this paragraph, in that defendant did receive his high school diploma from Crooked Places Made Straight in or around 2013.
75. On page 42, paragraph 224: Defendant objects to the information contained in this paragraph, in that defendant believes that the statutory minimum involved in this case is fifteen (15) years, not twenty (20).
76. On page 42, paragraph 225: Defendant objects to the information contained in this paragraph.

Defendant requests the opportunity to amend or add to these objections if new information is discovered prior to defendant's sentencing.

Respectfully Submitted,

/s/ Maureen Coggins
MAUREEN COGGINS
Attorney at Law
463 West Linden Street
Allentown, PA 18101
(610) 400-3017
I.D. #67126

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :
 : Case No. 17-CR-00072-PD-1
Plaintiff, :
 :
vs. : Philadelphia, Pennsylvania
 : November 21, 2019
JUAN JARMON, : 2:03 p.m.
 :
Defendant. :
 :
. :
. :

TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE PAUL S. DIAMOND
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff: Jerome M. Maiatico, Esq.
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

For Defendant: Maureen Claire Coggins, Esq.
509 Swede Street
Norristown, PA 19404

Court Recorder: Lenora Wittje
Clerk's Office
U.S. District Court

Transcription Service: Jessica B. Cahill, CER/CET-708
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Wailuku, Maui, HI 96793
Telephone: (808)298-8633

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 NOVEMBER 21, 2019

2:03 P.M.

2 THE CLERK: All rise. Court is in session. The
3 Honorable Paul S. Diamond presiding.

4 THE COURT: All right. Please be seated, everybody.

5 MR. MAIATICO: Good afternoon, Your Honor.

6 THE COURT: Good afternoon. We're here for sentencing
7 in this matter. This sentencing is on the basis of the jury
8 verdict on March 13th of this year. Following trial, the jury
9 found the Defendant guilty of Count 1, conspiracy to distribute
10 280 grams or more of crack; Count 2, unlawful use of a
11 communication facility in furtherance of a drug felony; Count 7,
12 9, 11, 13, and 15, distribution of crack; Counts 8, 12, 14, and
13 16, distribution of crack within 1,000 feet of public housing;
14 Count 17, distribution of crack and aiding and abetting; Count
15 18, distribution of crack within 1,000 feet of public housing
16 and aiding and abetting; Counts 24, 26, 28, 30, and 32,
17 possession with intent to distribute crack and aiding and
18 abetting; and, Counts 25, 27, 29, 31, and 33, possession with
19 intent to distribute crack within 1,000 feet of housing and
20 aiding and abetting.

21 I have received the revised presentence investigation
22 report and sentencing recommendation, the Government's sentencing
23 memorandum and supplemental sentencing memorandum, the
24 Defendant's sentencing memorandum, the Defendant's letter
25 explaining in detail the objections to the presentence report,

1 the Government's responses to the Defendant's objection, and one
2 letter of support for the Defendant.

3 Are there any other materials that have been submitted
4 that I have not just referred to, Ms. Coggins?

5 MS. COGGINS: No, Your Honor.

6 THE COURT: Mr. Maiatico.

7 MR. MAIATICO: No, Your Honor, but I would also add
8 that we provided the Court with a disc that included --

9 THE COURT: Yes.

10 MR. MAIATICO: -- the trial exhibits.

11 THE COURT: I have that, yes.

12 MR. MAIATICO: As well as the exhibit we plan to
13 introduce today.

14 THE COURT: Yes. Are there any additional materials
15 anyone would like to submit now? Ms. Coggins.

16 MS. COGGINS: Your Honor, I'm sorry, I don't know if I
17 missed an email where the Defense exhibits also have to be sent
18 to the Court in addition to the exhibits that were used by the
19 United States, in the trial. I'm assuming that all the Defense
20 exhibits are part of the record.

21 THE COURT: Yes.

22 MS. COGGINS: Okay. Thank you, Judge.

23 THE COURT: All right. Anything in addition you would
24 like to submit, Mr. Maiatico?

25 MR. MAIATICO: Your Honor, there is a dispute over one

1 matter in sentencing with regards to the firearms enhancement.

2 THE COURT: Yeah, I understand you're going to
3 introduce the disc. We'll get to that in a minute.

4 MR. MAIATICO: Nothing other than that, Your Honor.

5 THE COURT: Okay. Mr. Jarmon, have you received the
6 presentence investigation report?

7 THE DEFENDANT: Yes.

8 THE COURT: Could you move the microphone, please, Ms.
9 Coggins, so --

10 MS. COGGINS: Yes, Your Honor.

11 THE COURT: -- your client is speaking into it?

12 THE DEFENDANT: Yes.

13 THE COURT: Thank you. Have you had full and ample
14 opportunity to review it and have you in fact done so?

15 THE DEFENDANT: Yes.

16 THE COURT: Ms. Coggins, have you reviewed the
17 presentence investigation report?

18 MS. COGGINS: Yes, Your Honor.

19 THE COURT: Mr. Maiatico, have you reviewed the
20 presentence investigation report?

21 MR. MAIATICO: Yes, Your Honor.

22 THE COURT: I'm going to issue an order explaining my
23 rulings on the presentence investigation report in more detail,
24 but I will summarize my rulings now.

25 The Defendant objects to phone calls and text messages

1 with respect to paragraphs 59, 60 -- 59 to 63, paragraph 64-2,
2 paragraph 66, 69, 70 to 72, 76 to 79, 80, 83, 84 to 88, 90 to 99,
3 103 to 110, and 115 to 119. Defendant argues that these -- that
4 the text messages and phone transcripts were not -- they were
5 exhibits, but they were not introduced at trial. And the
6 Government agrees with that, but says that they are consistent
7 with the calls that were presented at trial.

8 You still -- the Government concedes, and I won't
9 consider them because they're not evidence and the Government
10 doesn't plan on introducing them as evidence in this proceeding.
11 So I'll sustain your objection, and I will disregard them.

12 MS. COGGINS: Thank you, Your Honor.

13 THE COURT: The control buy objections, what I call the
14 control buy objections, objections to paragraphs 51, 52, 55, 57,
15 58, and 64-1. I believe that this was properly considered in the
16 presentence report. It was introduced at trial. These exhibits
17 were introduced at trial, and so I'm properly considering them
18 now. I will overrule that objection.

19 As for the Defendant's objections to paragraphs 56 and
20 84.1, I will sustain these objections, and the Government does
21 not contest this. The substances that Mr. Jarmon sold on these
22 dates were sham substances.

23 The Defendant objects to paragraphs relating to co-
24 conspirator's role and drug quantities. The Defendant objects to
25 the roles set out with respect to the co-defendants, and I

1 believe that the evidence supports those paragraphs. And so I
2 will overrule the objections.

3 With respect to the Defendant's objections to the drug
4 quantities attributable to each, I will also sustain the
5 Defendant's objections. The only one that figures with respect to
6 the guideline calculation is, I believe, Dottie Good. And Donta
7 Edwards pled to 280 grams, not 1.6 kilograms. Raheen Butler pled
8 to selling 28 grams, not 210 grams. Michael Ferrell pled guilty
9 to selling 28 grams, not 560 grams. Dottie Good stipulated to
10 560 grams. Taft Harris pled guilty to 280 grams, not 1.4
11 kilograms. Steve Thompson pled guilty to distributing 280 grams,
12 not 560 grams. Stephen Dawkins pled guilty to distributing 280
13 grams, not 560 grams. Derek Fernandes pled guilty to
14 distributing 280 grams, not 1.1 kilograms. And Anthony Lee
15 Staggers pled guilty to distributing 28 grams, not 140 grams.

16 Then there are what I call the miscellaneous
17 objections. The Defendant objects to the prison call from Edward
18 Stinson to Juan Jarmon that occurred on October 3rd, 2012, and
19 this was introduced at trial, and it supports what's described in
20 paragraph 40, so I'll overrule that objection.

21 The Government (sic) objects to paragraph 42, and again
22 I will overrule the Defendant's objection. The trial evidence
23 supports what's in the PSR -- in this paragraph of the PSR that
24 the Defendant and his co-conspirators managed the activities of
25 the group through distribution and packaging of crack cocaine.

1 With respect to paragraph 44, I will sustain the
2 objection insofar as it suggests that the trial evidence
3 demonstrated that Gene Wilson and person number 4, worked as
4 lookouts for Mr. Jarmon. The particular identities of the
5 lookouts, however, are not material to the sentencing. And so
6 I'll sustain the objection, but there's more than sufficient
7 evidence to show that the Defendant employed lookouts.

8 Accordingly, with paragraph 45, I will sustain the
9 objection that persons 4, 5, and 6, there's no evidence that
10 those persons used their apartments to store crack.

11 With respect to the Defendant's objection relating to
12 Rasheen Chandler, I will overrule that. The Defendant argues
13 that Rasheen Chandler was selling his own drugs, but I believe
14 the trial testimony refutes that.

15 I will sustain the objection to paragraph 46 regarding
16 Mr. Stinson's activities because there was no evidence presented
17 at trial. I will overrule the objection to paragraph 48. The
18 transcripts of the phone calls referred to in paragraph 48
19 demonstrate that there were efforts made to evade detection by
20 law enforcement.

21 I believe that your objection, Ms. Coggins, to
22 paragraph 121 is moot because it has been revised. With respect
23 to -- that's old paragraph 121.

24 With respect to paragraph 211, I will sustain the
25 objection. The Defendant has indeed provided his high school

1 diploma.

2 With respect to new paragraph 121, old paragraph 122,
3 the existence of an overarching drug trafficking conspiracy was
4 more than amply proved at trial and the Government demonstrated
5 that Jarmon consistently communicated with his group members
6 regarding drug trafficking.

7 Now none of the objections I've just discussed affect
8 guideline calculations. The objections I will discuss now could
9 affect the guideline calculations.

10 Use of violence, intimidation, and threats of violence,
11 these are the paragraphs 47, 54, 122-1, and 153-3. I will
12 overrule the objection. The Government presented evidence that
13 the Defendant engaged in multiple threats and acts of violence
14 over the course of the conspiracy, including physically
15 assaulting Dottie Good. These efforts, obviously, were made in
16 furtherance of the conspiracy that the Government proved existed,
17 and I will sustain insofar as the Defendant objects to the photo
18 admitted into evidence with respect to Norma Mercado. The
19 evidence was a little unclear about that, but again it does not
20 matter because Ms. Good's testimony of her assault as well as the
21 phone calls between Chandler and Jarmon are more than sufficient
22 to warrant the two level enhancement.

23 Objections to what I will call evidence of -- or
24 paragraphs describing the Defendant's leadership and overarching
25 conspiracy, these are paragraphs 39, 41, 43, 49, 125 -- 121, 125,

1 156. I think there is more than sufficient evidence -- abundant
2 evidence to show that this Defendant was the leader of the drug
3 trafficking conspiracy, and so these paragraphs will stand.

4 We are now at paragraphs 122 and 153-2. So these deal
5 with whether or not Defendant's crimes involved the use of
6 weapons. And I have not listened to the tape. I have reviewed
7 the transcript you have provided. So feel free to play the tape,
8 Mr. Maiatico. Yeah, not the tape. We don't call it that
9 anymore, the disc.

10 MR. MAIATICO: Yes, Your Honor. If I could have one
11 moment with Defense counsel.

12 THE COURT: Yes.

13 (Pause - counsel confer)

14 MR. MAIATICO: Your Honor, for the record, prior to
15 this hearing today I had spoken to Defense counsel just to
16 confirm that there's no question as to the authenticity of the
17 recording and in fact that this telephone call took place. I
18 understand that there is no objection to that, although Defense
19 counsel is reserving the right to argue or characterize what the
20 words mean and what Juan Jarmon meant when he spoke these words
21 in this call.

22 THE COURT: Is that correct?

23 MS. COGGINS: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. MAIATICO: And, Your Honor, I will submit

1 Government Exhibit number 1, which is the audio, and then what
2 I'll call 1-A the transcripts --

3 THE COURT: Yes.

4 MR. MAIATICO: -- which I understand the Court has.

5 THE COURT: And this is an interception of what?

6 MR. MAIATICO: Your Honor, it's an interception of a
7 telephone call on September 12th, 2013, from the title free wire,
8 the same wire that was presented during trial of the Defendant.
9 It's a call that took place at 1:44 a.m. We're going to play two
10 relevant portions -- pertinent portions only. But this was an
11 approximately 13 minute call -- 14 minute call.

12 THE COURT: And it's between the Defendant and somebody
13 you described as an unidentified male?

14 MR. MAIATICO: That's right. The Defendant is
15 identified on the call and there's other voices on the call that
16 aren't identified.

17 THE COURT: Okay.

18 (A CD was played at 2:18 p.m., ending at 2:19 p.m.)

19 MR. MAIATICO: And, Your Honor, that was the first
20 pertinent portion of the call. I'm going to fast forward it to
21 the second pertinent portion of the call.

22 THE COURT: Okay.

23 (A CD was played at 2:20 p.m., ending at 2:20 p.m.)

24 THE COURT: Okay. And this is -- I've been reviewing
25 the transcript, that's 1-A?

1 MR. MAIATICO: Yes, Your Honor. The transcript is 1-A
2 and the audio is Exhibit 1.

3 THE COURT: The transcript appears to accurately
4 reflect what was said -- what I heard said on the intercept. Why
5 isn't that enough to show the use of firearms or dangerous
6 weapons, Ms. Coggins?

7 MS. COGGINS: Well, Your Honor, just from the
8 conversation itself taken as the transcript, he's says, I've got
9 to try to get another pistol. So he doesn't have a pistol. He's
10 got to try to get another pistol. So whoever Boo, I guess that's
11 Damon Edwards from the trial, Damon Edwards took the pistols out
12 the house, so he doesn't have a pistol.

13 So Damon Edwards -- did Damon Edwards have a pistol, I
14 don't know, but he took whatever it was out of the house if you
15 believe that were his pistol.

16 THE COURT: Well, he just said he took the pistols out
17 of the house.

18 MS. COGGINS: Boo did.

19 THE COURT: Yeah.

20 MS. COGGINS: Correct. So that's not my client, Judge.

21 THE COURT: No, but there is --

22 MS. COGGINS: They're not his pistols.

23 THE COURT: -- but there is a conspiracy.

24 MS. COGGINS: Well, Your Honor, if he let somebody take
25 pistols out of the house, how do we know that that's part of this

1 conspiracy. These guys have been friends since they were three
2 years old. So, in addition to that --

3 THE COURT: Well, taking -- no, I -- is that? Is that
4 your argument?

5 MS. COGGINS: No, Your Honor. In addition to that, he
6 said I'm not even going to get into the car with a pistol. So
7 this is not proof that my client has a pistol. In fact, it's the
8 opposite of my client having a pistol.

9 THE COURT: All right. I disagree, and I will overrule
10 your objection.

11 Then there are your drug quantity objections, which I
12 will sustain. And I have asked my clerk to give the parties and
13 Probation -- oh, go ahead and give it to them. I thought you had
14 already done that.

15 These are the quantities that I find based on the
16 evidence presented at trial. I did something similar, as I'm
17 sure you're aware, in the Stinson case. And so, for instance,
18 even though Dottie Good pled guilty to, I believe, 560 grams --
19 distributing 560 grams of crack, she testified to 280. That's
20 all the jury heard. That was the evidence in this trial.

21 And so -- and I believe the arithmetic is correct
22 although I'm always prepared to be corrected, that the total
23 amount attributable to this Defendant is 723.33 grams of crack.
24 And on the second page, I explained the conservative methodology
25 used to come up with that total. This was the same methodology I

1 used in the Stinson case. And so that the Defendant's -- the
2 drug amount that would be applied is a level 30 for the base
3 offense because the Government showed between -- again, I have
4 used the -- as you can see in the calculation I have used the
5 Rasheen Chandler baseline, and I added the other evidence that
6 the Government presented to it, and I have not double counted. I
7 have not otherwise included what Rasheen Chandler testified to
8 and that comes out to between 280 and 840 grams. A two level
9 increase for the firearm possession that I believe the Government
10 has certainly shown by evidentiary preponderance here at
11 sentencing, and a two level increase for violence, which the
12 Government showed beyond a reasonable doubt at trial.

13 And the base offense level will be 36, a four level
14 enhancement for the Defendant's aggravated role brings the
15 offense level up to 40. With an offense level of 40 and a
16 criminal history category of 6, the advisory guideline range is
17 360 months imprisonment to life imprisonment. And there are
18 various mandatory minimums that I know counsel is aware of.

19 The ten year mandatory minimum on Count 1, a mandatory
20 minimum of one year on Counts 8, 12, 14, 16, 18, 25, 27, 29, 31,
21 and 33.

22 Does anyone have any other objections to the
23 presentence report that he or she has not previously made, but
24 would like to make now? Ms. Coggins.

25 MS. COGGINS: May I have just one second, Judge?

1 THE COURT: Are there any paragraphs left that you have
2 not objected to?

3 MS. COGGINS: I don't believe so, Judge.

4 THE COURT: Okay.

5 MS. COGGINS: I believe, Your Honor, that you covered
6 all of my objections.

7 THE COURT: Okay. And as I said, I'll issue a written
8 order so that, if nothing else, to clarify because sometimes the
9 transcript isn't as clear when one reads it, as I think I'm
10 making it when I talk. And so I will issue a written order to
11 explain more fully my rulings.

12 Are there any other issues in dispute? Ms. Coggins.

13 MS. COGGINS: No, Your Honor.

14 THE COURT: Mr. Maiatico.

15 MR. MAIATICO: No, Your Honor.

16 THE COURT: Ms. Coggins, do you have any evidence,
17 witnesses, or remarks you would like to present? I don't think
18 you've done a sentencing before me before. My practice, unless
19 you object to it, is I'm obligated to consider all non-frivolous
20 arguments you have made. I have obviously considered all your
21 objections.

22 I have to -- my practice is, although I considered
23 everything you've submitted to me in writing -- my practice is
24 unless you object to, actually orally address only those points
25 you make orally. Otherwise, I'll just have to go page through

1 page -- page by page through your written submissions.

2 MS. COGGINS: Yes, Your Honor. If I may just summarize
3 some --

4 THE COURT: Yes.

5 MS. COGGINS: -- of the issues that I covered in my
6 sentencing --

7 THE COURT: You have no objection?

8 MS. COGGINS: I have no objection, Your Honor.

9 THE COURT: Okay. Go ahead.

10 MS. COGGINS: Thank you. So I'm not going to belabor
11 the point. Your Honor is well aware of -- the sentencing
12 guidelines is also what has to be considered in a sentencing. I
13 just wanted to highlight for the Court some of the things I would
14 like to bring up about my client.

15 First of all, Your Honor, when you're looking at my
16 client's criminal history, and in this case it's a 6 because he
17 was found to be a career offender. But I think if Your Honor,
18 looks at the two offenses that put him in that category, I think
19 there are some mitigating factors to be looked at.

20 First of all, his prior record consists of two cases
21 and that's it. Two convictions. Those -- both of those
22 convictions occurred when he was 18 years old. So they're more
23 than 15 years old. He has not been convicted of a crime from the
24 time that he was 18, until this federal case in March.

25 He did have -- so the two cases that he was convicted

1 of were both possession with intent to deliver. The first one
2 was .4 grams of crack cocaine. And that was a hand-to-hand sale.
3 The police saw it, they chased him, and they arrested him. On
4 the second, I believe that that case involved -- I don't believe
5 it was more than 2 grams of crack cocaine.

6 The first case he received a four year probation, and
7 he walked off his four year probation. The second case that he
8 had, he received a county sentence. However, he has two very
9 angry girlfriends, Your Honor, who continued to call the police
10 on him. They would call and say that he had done something. He
11 would be arrested, he would be put in jail, and then the charges
12 would be dropped. So he did serve an extended period of time,
13 not more than -- a little bit more than a year with all the
14 probation violations. Every one of those cases was dismissed.

15 So I know that Your Honor is looking at this and seeing
16 that, for example, in the one case he received a sentence of two
17 to five years. That was actually off of that 15-year-old
18 conviction. He was -- the mother of his child called and
19 reported that he had done something in the apartment. He was
20 arrested, he was put in jail, detained as a probation violation.

21 He then went in front of the judge, Your Honor, and at
22 that time, although the charges had been dismissed, Officer
23 Solomon of the Philadelphia Police Department was called by the
24 Prosecutor in that case. Officer Solomon of the Philadelphia
25 Police Department was also involved in this case. Peripherally,

1 as Your Honor recalls, the Philadelphia Police Department, the
2 ATF, the FBI, everybody was involved in this case. Officer
3 Solomon was part of that organization.

4 He testified in front of the judge in what's called a
5 Daisy Kates hearing. At that time, he testified to incidents
6 that occurred here. He actually showed the Philadelphia Common
7 Pleas Judge a photograph of my client standing with Damon
8 Edwards, Raheen Butler, and Jason Butler. He went on to tell the
9 judge all about the water boy and all of the facts that are
10 contained in this federal indictment. That was the only basis.

11 And so when the judge gave him two to five years, I'm
12 arguing to the Court and there's absolutely nothing to say to the
13 contrary that that was because of the -- the judge believed that
14 he was involved in the incidents that are part of this federal
15 indictment. So he was serving his two to five year prison hit on
16 that 15-year-old case when he was served with the indictment in
17 this federal case.

18 So I will asking Your Honor for credit for the time
19 that he served in the state prison as a result of that Daisy
20 Kates hearing.

21 In addition to that, Judge, after -- during the time
22 that he was alleged to have violated the law in this case, from
23 the time that he had gotten out of jail, on the last probation
24 violation, he had actually gotten his life together. That's when
25 he went back on his own and got his high school diploma. That

1 wasn't court ordered. He had gone back and done that on his own.
2 In addition to that, for the first time he had had employment and
3 that was a full-time job working for the City of Philadelphia.

4 As I stated, he had been crime free for those ten
5 years. So he had actually, it looks like, turned his life around
6 and was becoming a productive member of society when he was taken
7 and put in for that probation violation.

8 I also, Your Honor, in this case highlight his
9 background. I'm sure Your Honor hears all the time about people
10 who have had difficult backgrounds, and my client is no
11 exception. He grew up in this apartment complex in and around
12 this area. His father was non-existent. His mother tried to
13 work as much as she could, which sort of left my client to be
14 raised by neighbors, by friends. He was teased at school. Very
15 difficult time. His mother couldn't afford clothing for him, so
16 he wore tattered, you know, run down clothes that she had found,
17 I'm sure at the Goodwill. He was constantly teased in school,
18 which led him to not become a very good student and drop out of
19 school.

20 I also would like to highlight, Your Honor, with regard
21 to the consistent sentences in this case, and I did highlight
22 this, Your Honor, but I just wanted to point out that there are
23 two people that testified in this case. One of them is Dottie
24 Good. And Dottie Good, Your Honor saw her on the stand. She has
25 -- obviously, she had mental issues, which were heard in court.

1 At the same time, Your Honor, Dottie Good was selling drugs this
2 entire time. Not from my client, but in other circumstances as
3 well. She had other people that she was dealing for. She had
4 two prior possession with intent to deliver before she started in
5 this case but while this case was going on, she was dealing to
6 Bike Lady, who was the confidential informant in this case.

7 So Dottie Good has not only come to this as a career
8 offender, but then she's selling drugs, and she gets arrested
9 with the confidential informant. At the end of all this, Judge,
10 Dottie Good received a sentence, I think it was time served in
11 this case. I believe that Dottie Good received a sentence of
12 time served with a five year consecutive supervised release on
13 July 24th of 2019. And as Your Honor is aware, she was on
14 probation the entire time that she was working with the
15 Philadelphia -- I'm sorry, with -- I believe it was Agent Baber
16 was the one who met her at her probation officer's office.

17 In addition to that, Your Honor -- and she was a
18 cooperator. I'm sure that the U.S. Attorney is going to say that
19 was her reward for being a cooperator in this case.

20 Rasheen Chandler, I mean, this a guy they based their
21 entire case on, practically, and he had possession with intent to
22 deliver. Your Honor heard that there was 48 bags, I think, of
23 crack cocaine, there was marijuana that was packaged for resale,
24 which isn't part of this case. When he went to court, he claimed
25 that those were his drugs. He pled guilty to that charge and for

1 all of that he received a non -- he corrected me. I said, so all
2 you had to do was call in once a month. He said, I didn't have
3 to do that.

4 So Rasheen Chandler received a monumental break in the
5 Philadelphia Court, and then he comes up here. I don't know what
6 he received, Judge, because I believe that that's still under
7 seal at this time. I'm sure he received a very significant --

8 THE COURT: What did he receive, Mr. Maiatico? I don't
9 remember.

10 MR. MAIATICO: In this case or in --

11 THE COURT: Yeah.

12 MR. MAIATICO: -- the underlying case?

13 THE COURT: No, no, this case.

14 MR. MAIATICO: He has not yet been sentenced, Your
15 Honor.

16 THE COURT: That's why -- that's what I thought.

17 MR. MAIATICO: Yeah.

18 THE COURT: Okay. It's -- I haven't sentenced him yet.

19 MS. COGGINS: Okay.

20 THE COURT: I didn't remember sentencing him, but
21 there's so many Defendants, I regret to say I might have
22 forgotten, but I didn't. I didn't sentence him.

23 MS. COGGINS: Okay. Anthony Lee Staggers, Your Honor,
24 he was someone who received five years. They actually reduced
25 his drug amount significantly. Anthony Lee Staggers not only has

1 -- he's a career offender, he has, I believe, three prior
2 possession with intent to deliver in three different counties, in
3 addition to a fourth possession with intent that has remained
4 open. I believe that's Luzerne County since 2016. So this is a
5 guy who is now facing his fifth possession with intent to
6 deliver, but he comes in here on a federal indictment for
7 possession with intent to deliver, and they reduce it down to the
8 point where it's a five year mandatory, and he receive the 60
9 months, which I would assume is --

10 MR. MAIATICO: Excuse me. I'm sorry.

11 THE COURT: Well, you got everyone's attention, Mr.
12 Maiatico. Yes, go ahead, Ms. Coggins.

13 MS. COGGINS: Thank you, Your Honor. So I'm going to
14 have to assume that that was something that was, of course, asked
15 for by the U.S. Attorney's Office.

16 These are cooperators, Judge, but if we get to Damon
17 Edwards. Damon Edwards was not a cooperator.

18 THE COURT: It was the sentencing I chose to impose.

19 MS. COGGINS: Correct, Your Honor.

20 THE COURT: I don't remember what the U.S. Attorney's
21 Office requested, frankly, but it was what I chose to impose. Go
22 ahead.

23 MS. COGGINS: Yes, Your Honor. And I'm sure that Your
24 Honor took into consideration the fact that he was willing to
25 testify for the U.S. Attorney's Office in this case.

1 But when we get to Damon Edwards, Your Honor, he is not
2 a cooperator. He did not agree to cooperate with the U.S.
3 Attorney's Office. He's a career offender. He has two prior
4 possessions with intent to deliver, and he received a sentence of
5 a plea agreement for 18 years in this case. So Damon Edwards was
6 -- is essentially in the same position as my client as he sits
7 here before you today.

8 And as you recall, Your Honor, we saw in the 190
9 paragraphs in the PSI, it is the Jarmon Edwards DTG. So the U.S.
10 Attorney's Office is looking at someone who is as high as my
11 client in the organization, is the co-operator of this
12 organization, and they give him 18 months sentence.

13 So now, Your Honor, because my client in this case has
14 decided to go to trial, he's now standing in front of you, and
15 I'm sure that the U.S. Attorney's Office is going to ask for a 30
16 year sentence, standard guideline sentence. So I would ask the
17 Court to consider the argument that the fact that he is in the
18 same exact position as Damon Edwards, except for the fact that he
19 decided that he was going to go to trial, which is his right to
20 do, that they're now asking for practically double the sentence.

21 And I think, Your Honor, this is not El Chapo, this is
22 not the kind of organization where my client was a millionaire.
23 You saw the less than desirable car that my client was driving in
24 one of the videos. I don't think it had an air conditioner, the
25 windows were down.

1 THE COURT: I think your client was a much more
2 effective drug dealer, organizer, and leader than Mr. Stinson. I
3 think your client was a hands-on manager, paid very close
4 attention, supervised his people closely, would call up to them
5 and tell them what to charge and what to give people who were his
6 favorite customers. I think he is in a materially different
7 position than the trial evidence suggested Mr. Edwards was.

8 I was not thrilled with Mr. Edwards. I gave him 18
9 years, but I think the evidence -- I don't -- I think to say that
10 they're in -- I think you used the word the exact same position
11 is inaccurate.

12 MS. COGGINS: In following along, Your Honor, with the
13 other argument that I have is that Defendant in this case was not
14 -- and I know Your Honor is going to disagree with me, but I
15 think that the evidence showed that this was not a sophisticated
16 organization. When the Government puts things in their
17 memorandum like the people used counterintelligence --
18 countersurveillance techniques, Your Honor heard that it was
19 people high on drugs, or drunk, or falling asleep on a bench
20 outside the building, either calling up, you know, the cops are
21 here or calling somebody on the cell phone. I think that it's a
22 little bit overstated when you talk about countersurveillance
23 techniques that were used.

24 In addition to that, Your Honor there were people that
25 were coming in and out of this, people were being fired. Raheen

1 Butler lasted one month. I think Taft Harris only lasted two
2 weeks. And so, we're not talking about a sophisticated
3 organization here that produced a lot of money for the
4 participants in the organization.

5 And I know Your Honor has overruled me on my objections
6 to the violence. Your Honor recalls that was a tussle over money
7 from Dottie Good's pocket. When we talk about the guns, you're
8 envisioning, you know, people running around, holding guns to
9 people's head. My client was getting, according to the
10 testimony, ripped off by other people and all you would hear was
11 I'm going to go get them, but there was no proof that anybody was
12 ever gotten in this case.

13 So I just wanted to point out, Your Honor, that we're
14 asking for a sentence below the standard guideline range, below
15 the 30 years, and I would just ask Your Honor to take into
16 consideration the arguments that I've made. The Defendant is
17 going to be -- he's 33 years old at this point, and I would just
18 ask Your Honor to take all of that into consideration when
19 fashioning the sentence. Thank you.

20 THE COURT: Thank you. Mr. Jarmon, you have the right
21 to allocution. That means you have the right to speak to me on
22 your own behalf, and you may do so now if you choose to exercise
23 that right. You don't have to stand up. If you could just speak
24 into the microphone, I would appreciate it.

25 MS. COGGINS: May I have just a moment, Your Honor?

1 THE COURT: Sure.

2 (Pause)

3 THE DEFENDANT: I just want to say that -- I want to
4 say thank you for being patient with me through this whole trial
5 issue, and take this -- I want to ask you to take into
6 consideration that I have not been in trouble in 15 years, and
7 it's stuff that I can't talk about because I will -- I'm
8 intending to appeal, because I can't talk about the case, because
9 I would like to appeal it, whatever the sentence might be. I
10 just wanted to say thank you for your time and your patience.

11 THE COURT: Very well. Mr. Maiatico.

12 MR. MAIATICO: Thank you, Your Honor.

13 THE COURT: And if you could, in addition to whatever
14 else you're planning on saying, address the point that the
15 Defendant has already been punished for this act and the
16 probation violation that involved testimony from Officer Solomon.

17 MR. MAIATICO: Yes, Your Honor. I'll begin with that.
18 The Defendant is asking for credit for violating his state
19 probation. He was sentenced two to five years for violating
20 state probation. Whether or not the underlying conduct is the
21 same as here today, it's not. But even if it were, the guidelines
22 say --

23 THE COURT: It's separate. I understand.

24 MR. MAIATICO: -- the guidelines say he should be --

25 THE COURT: All right. You've addressed those.

1 MR. MAIATICO: Thank you, Your Honor.

2 THE COURT: You've addressed them.

3 MR. MAIATICO: Your Honor, this is a Defendant who is
4 part of a large group. It's a Defendant -- you've heard me at
5 prior co-defendant's hearings. This is now the 11th Defendant
6 that is being sentenced by Your Honor, as part of this case,
7 1772. We've made references to the large scale drug trafficking,
8 to the violence, to the intimidation that was all part of this
9 group.

10 But now before you today is the leader. This is the
11 Defendant that's responsible for the drug trafficking, for the
12 violence, and for the intimidation. Your Honor, you heard at
13 trial -- it was a two week trial, and you heard the evidence at
14 length, but it was the Defendant in his own voice that you heard.
15 It was the Defendant who said, about a snitch. His words. About
16 a rat. His words. She doesn't understand how shit go down
17 around here. I'm going to get her hurt. I'm going to get six
18 people to beat her the fuck up tonight. The Defendant's words.
19 When people try to disrupt his drug trafficking business he says,
20 I'm going to "beat the shit out of them." That's the Defendant's
21 words.

22 And you heard from Dottie Good, someone who worked for
23 him. Someone who, frankly, Your Honor, is not similar in any way
24 to this Defendant. She was a victim in this case, and I submit to
25 you that she was a victim. She took responsibility and

1 accountability for her actions in the drug trafficking that she
2 did. But you also heard that she was someone with mental health
3 issues. She was someone that this Defendant took advantage of
4 for his own purposes to make money selling crack cocaine.

5 And you heard how he took advantage of her. It wasn't
6 just he tried to take her money. He paid her little to nothing
7 for trafficking his drugs. When she wouldn't give over the money
8 because she wasn't being paid for the drug dealing that she was
9 doing for him, he took her head and cracked it against her table,
10 and she had to go to the emergency room and get stitches. This
11 is how this Defendant operated his drug trafficking group. And,
12 again, Your Honor, before you today is the leader of this group.
13 You heard about this violence. You heard about the intimidation.
14 This is the Defendant who is responsible for that.

15 Your Honor, when we went through the objections to the
16 PSR, we also did a lot of trying to quantify that drug amounts,
17 the -- you know, whether or not there's a firearm. There's a lot
18 of trying to quantify things, but the things that cannot be
19 quantified in this case is the impact that this group had on this
20 public housing community, on the law abiding residents of this
21 community. How this Defendant and the drug dealing by his group,
22 how it broke apart this community.

23 Now Blumberg Apartments no longer stand. It's not
24 there anymore. But when it was, there were people that were
25 financially vulnerable, that were law abiding, they had families,

1 they had kids that were just trying to make their way in life and
2 that was disrupted by this Defendant and by his group.

3 So when we look at the aggravating and mitigating
4 factors in this case and whether or not a guideline sentence is
5 appropriate, it's something that's not accounted in the
6 guidelines is this impact that such a large group had on this
7 community.

8 Now this is a Defendant who -- you know, it's a truism
9 that past behavior is the best predictor of future behavior. And
10 when I looked at this PSR, and I'm looking through to look for
11 what are the mitigating factors, perhaps, or the aggravating
12 factors in this case, this is a Defendant who from an early age
13 was a crack dealer, and he was sent to jail for dealing crack.
14 He had not learned from that. We heard that in 2013, in this
15 case, he's dealing crack. He's sent back to jail.

16 Now he's been in prison for the last five years, just
17 in federal prison since 2017. If you look at the PSR, his
18 behavior is fighting with another person, disciplinary
19 segregation. Assaulting without serious injury. Assaulting a
20 fellow inmate. Fighting with another person, another
21 disciplinary segregation. This is not a Defendant who has
22 learned his lesson. This is a Defendant who has shown a pattern
23 of conduct, frankly throughout his entire adult life, and who has
24 not received the message. And if we have to predict future
25 behavior, it would be that he would continue this way of life,

1 violence, intimidation, and drug trafficking.

2 Your Honor, finally, and I'll end with this unless the
3 Court has any questions. When we're comparing other Defendants
4 and, you know, we'll use Damon Edwards as an example, because
5 that's an example that Defense counsel used. Damon Edwards,
6 there was no evidence that was presented to you that we presented
7 about any violence that he himself perpetrated or talked about.
8 This is a Defendant who not only talked about it, but who
9 perpetrated violence.

10 In terms of firearms, this is a Defendant who you heard
11 on that audio recording, he himself, talking about his pistols.
12 And I think importantly as well, Damon Edwards is someone who
13 pled guilty, accepted responsibility for his conduct.

14 This is a Defendant here, Juan Jarmon, who has never
15 accepted responsibility for his conduct. He has never apologized
16 to Dottie Good, to any others, to any of the law abiding
17 residents in the public housing community. He had an opportunity
18 to do so a few minutes ago. He chose not to. He chose not to
19 accept responsibility, he chose not to apologize, he chose not --

20 THE COURT: This Defendant pled not guilty. I cannot
21 and will not punish him because he pled not guilty and fought
22 these charges, but I -- in calculating the guidelines, you are
23 correct that Mr. Edwards' guideline calculation was lower because
24 he did accept responsibility.

25 MR. MAIATICO: Yes, Your Honor. And I would just end

1 with this, Your Honor. This is a Defendant who -- this wasn't a
2 case that was based on cooperators. It wasn't based on Rasheen
3 Chandler and Dottie Good. This was based on a Title III wire
4 with controlled buys, audio and video, that directly implicated
5 this Defendant. And you heard the evidence. He operated -- he
6 was the leader of a group that was responsible for a very large
7 amount of drug trafficking, significant violence, and really tore
8 apart a community.

9 And we would ask Your Honor when we're looking at the
10 guidelines here, the 360 to life, a 360 month sentence, I would
11 submit would be a low end guideline sentence where there are some
12 mitigating factors. I struggle to find in this PSR mitigating
13 factors that warrant a low end guideline sentence in this case.
14 We would ask for a significant sentence against this Defendant.

15 THE COURT: Thank you.

16 In reviewing the presentence investigation report, I
17 have considered the guideline range sentence in the report -- the
18 report, as corrected by me, after ruling on Ms. Coggins'
19 objections, as just one of several factors including the
20 following: The nature and circumstances of the offenses, and the
21 history and characteristics of the Defendant.

22 The trial evidence showed that Mr. Jarmon was one of
23 the leaders of a large scale drug trafficking group that sold
24 crack cocaine in and around the former Norman Blumberg Apartment
25 complex -- public housing complex in North Philadelphia from 2012

1 to 2014.

2 Mr. Jarmon's group came a lot closer to selling drugs
3 24 hours a days, seven days a week than Mr. Stinson's. In
4 October 2012, Mr. Stinson assigned control of drug sales in the
5 Hemberger Building to Mr. Jarmon. Mr. Jarmon purchased bulk
6 crack and cocaine, cooked and packaged crack cocaine into
7 bundles, and sold crack cocaine to others, to drug users, hired,
8 fired, and supervised shift sellers and lookouts, secured
9 apartment space and stash locations for their members, supplied
10 bundles of crack cocaine to shift sellers, levied taxes on
11 members and customers, and provided protection from other drug
12 trafficking groups.

13 Throughout the conspiracy, Mr. Jarmon, who I believe
14 the evidence showed led the group more so than Mr. Edwards,
15 engaged in acts of intimidation, threats and violence to further
16 the interest of the group he led.

17 As I indicated the quantity of crack cocaine
18 attributable to Mr. Jarmon is 723.33 or almost three-quarters of
19 a kilogram. I'm sorry. I'm sorry. 723.33 grams or almost
20 three-quarters of a kilogram.

21 The Defendant is 33 years old. He was born in
22 Philadelphia. The Defendant was raised by his mother. His
23 father was absent throughout the Defendant's childhood. The
24 Defendant's paternal aunt helped raise him as well. The
25 Defendant lived with his family in Philadelphia for the first

1 seven years of his life, until he and his family moved into the
2 Norman Blumberg Apartment complex, where he lived until he was
3 incarcerated in 2015 for violating his probation. The Defendant
4 has been in continuous state and federal custody since February
5 of 2015.

6 The Defendant's relationship with his father has
7 improved once the Defendant became an adult. They have frequent
8 contact. The Defendant's father is employed as a sanitation
9 worker for the city. The Defendant's mother is currently
10 unemployed and suffers from health problems. The Defendant has
11 three half siblings that he also maintains contact with. The
12 Defendant has three children from two prior relationships. The
13 children are 4, 7, and 8, and live with their mothers. The
14 Defendant attempts to contact his children with frequency and the
15 children visit the Defendant at the FDC.

16 The Defendant is in good health and has never been
17 diagnosed with any health condition and has not been prescribed
18 any medication. The Defendant was diagnosed with attention-
19 deficit/hyperactivity disorder as a child, but otherwise is in
20 good health. The Defendant does not currently have any substance
21 abuse problems.

22 As Ms. Coggins described, the Defendant has a 2005
23 conviction for possession with intent to distribute .4 grams of
24 crack, criminal conspiracy, and intentional possession of 4 grams
25 of crack. And a second conviction, the same year, for

1 distribution of 1.9 grams of crack, criminal conspiracy, and
2 intentional possession.

3 I have considered the need for the sentence imposed to
4 reflect the seriousness of the offenses to promote respect for
5 the law, to provide just punishment, for adequate deterrence to
6 criminal conduct, and to protect the public from further crimes
7 the Defendant might commit.

8 I, to a limited extent, agree with Ms. Coggins that the
9 Defendant's conspiracy was not quite as sophisticated as, or
10 polished as the Government sought to make out, but it certainly
11 worked. Enormous quantities of drugs were distributed. People's
12 lives were ruined, and this Defendant supervised it all and saw
13 to it. And those crimes require significant punishment for
14 purposes of public deterrence, for purposes of deterring the
15 Defendant and protecting the public.

16 I have considered the need to provide the Defendant
17 with educational, vocational training, and medical care. I will
18 not consider this factor in relation to the length of sentence I
19 may impose. Rather I will consider this factor only in relation
20 to the opportunities that can be afforded to the Defendant while
21 incarcerated.

22 The Defendant attended the Benjamin Franklin High
23 School through the ninth grade and was subsequently transferred
24 to a disciplinary school. He has earned a high school diploma at
25 Crooked Places Made Straight in 2013. Before his incarceration

1 he was employed by the City of Philadelphia's Philly Future Track
2 Program. He also worked for his friend's automotive business and
3 helped clean out abandoned houses. The Defendant would like to
4 learn carpentry or some other trade while incarcerated, and it
5 would be wise for the Defendant to do so. If he does not learn a
6 legitimate way to make a living, he is likely to revert to
7 selling drugs.

8 I consider the need to avoid unwarranted sentencing
9 disparities and the need to provide restitution in this case.
10 Restitution is not an issue.

11 I have considered, as I indicated, submitted to me by
12 Ms. Coggins. I will address it here with her agreement, only the
13 points -- I will orally address here only the points she has
14 raised in court, that the Defendant's level 6 criminal history
15 category overstates the seriousness of his record, which is, as I
16 described, only two convictions that are 15 years old. That his
17 arrest record, which I have not referred to, but Ms. Coggins has
18 resulted in part at least from what I will call domestic
19 disputes.

20 I have considered her argument that Officer Solomon
21 testified to conduct that was at least similar to the Defendant's
22 conduct Officer Solomon testified during a probation revocation
23 hearing or probation violation hearing, he testified to what Ms.
24 Coggins believes were the events in this case. And I don't know
25 that that's in fact so, but even if it were so, I believe Mr.

1 Maiatico has correctly addressed that.

2 He sentence for a probation violation is separate from
3 his sentence for the underlying offense, which is -- assuming the
4 two are that closely related, and I see no evidence to suggest
5 that, that the ten years after his 2015 convictions -- 2005
6 convictions, excuse me, the Defendant obtained a high school
7 diploma and was working as I indicated. And then the probation
8 violations that Ms. Coggins referred to before took place and
9 those, Ms. Coggins believes, were largely the result of, as I
10 said, domestic disturbances or disputes.

11 I have considered her description of the Defendant's
12 difficult background, which I believe is an accurate description.
13 That the Defendant was teased at school and was a poor student as
14 a result. Ms. Coggins -- I considered Ms. Coggins arguments
15 about disparate sentences, and I am obligated to consider and to
16 avoid sentences that are unequal, as I said, that are unfair, and
17 I punish people with similar culpability in different ways, and I
18 think this Defendant's culpability is vastly greater, is vastly
19 greater than the culpability of the -- I guess, it was four co-
20 defendants that she referred to, Ms. Good, Mr. Chandler, Mr.
21 Staggers, and Mr. Edwards.

22 I have considered her argument that this was not a
23 sophisticated organization, which I think it was -- nor was it a
24 ragtag organization. I believe it worked reasonably well. And,
25 yes, there were co-defendants dropping in and out, but this

1 Defendant, as I said, the evidence showed quite clearly was a
2 hands-on manager who saw to it that the organization worked, and
3 that drugs were sold, and that money came in.

4 Although Ms. Coggins says there's no proof of guns or
5 violence, other than the testimony of Dottie Good, I disagree. I
6 agree with Mr. Maiatico's statement that for the two years that
7 this Defendant ran this conspiracy, he made life in those
8 projects impossible for people who simply wanted to live their
9 lives within the law.

10 I have considered Ms. Coggins request for a downward
11 variance. I deem the sentencing recommendation in the
12 presentence report as advisory. I have made sufficient findings
13 to fashion and impose a sentence. We go now to the sentencing.

14 I'm going to state the state the sentence that I intend
15 to impose, and then I will ask counsel whether there are any
16 objections with respect to the accuracy or regularity of the
17 sentence. If there are objections, I will deal with them. If
18 there are no objections, then I will impose sentence. So right
19 now I'm not imposing sentence. I am stating the sentence that I
20 intend to impose.

21 Mr. Jarmon, I intend to impose the following sentence.
22 You will serve a term of 360 months incarceration on Count 1 of
23 the indictment, a term of 48 months incarceration on Count 2 of
24 the indictment, a term of 360 months incarceration on each of
25 Counts 8, 12, 14, 16, 18, 25, 27, 29, 31, and 33 of the

1 indictment, and a term of 240 months incarceration on Count 9 of
2 the indictment. All such terms to run concurrently.

3 Mr. Jarmon, after you are released from prison, you'll
4 participate in a supervised release program of this Court for
5 five additional years on Count 1, one additional year on Count 2,
6 6 additional years on Counts 8, 12, 14, 16, 18, 25, 27, 29, 31,
7 and 33, and three additional years on Count 9. All to be served
8 concurrently.

9 Upon release, you are to observe the standard
10 conditions of supervision. I will not impose a fine because you
11 need to have the ability to pay a fine. You shall also pay a
12 special assessment of \$1300. Is there a forfeiture motion in
13 this case, Mr. Maiatico?

14 MR. MAIATICO: There is, Your Honor, and I believe you
15 already entered the forfeiture, yes.

16 THE COURT: Okay. And that will be made part of the
17 judgment and commitment order in this case.

18 Ms. Coggins, do you know of any reason why the sentence
19 that I've just stated should not be imposed?

20 MS. COGGINS: Your Honor, may I ask a question with
21 regard to my argument on the credit for the time done in the
22 state prison? Is that part of the sentence?

23 THE COURT: I don't think I understand your question.
24 I -- Bureau of Prisons determines what credit the Defendant will
25 be given. This -- I am imposing this sentence for the crimes

1 that were proven before me. I'm not sure what you're talking
2 about?

3 MS. COGGINS: Your Honor, under the section for the
4 guideline range with regard to the sentence that he is serving
5 for the state prison with the Daisy Kates hearing. As I had put
6 in my --

7 THE COURT: You're asking me whether this should be
8 consecutive or concurrent; is that what you're asking?

9 MS. COGGINS: Yes, Your Honor.

10 THE COURT: It will be concurrent to the state
11 sentence.

12 MS. COGGINS: Okay. Thank you, Judge.

13 THE COURT: Mr. Maiatico.

14 MR. MAIATICO: Your Honor, if I could have one moment
15 with Defense counsel and the Probation Officer? I just have one
16 issue in the PSI I wanted to discuss --

17 THE COURT: Sure.

18 MR. MAIATICO: -- perhaps to address the Court on.

19 (Counsel and Probation Officer confer)

20 MR. MAIATICO: Nothing further from the Government,
21 Your Honor. Thank you.

22 THE COURT: Mr. Kapuro (phonetic)?

23 MR. KAPURO: No, Your Honor.

24 THE COURT: Very well. Mr. Jarmon, it is the judgment
25 of this Court that you, Juan Jarmon, will be committed to the

1 custody of the Bureau of Prisons to be imprisoned for a term of
2 360 months incarceration on Count 1 of the indictment, a term of
3 48 months incarceration on Count 2 of the indictment, a term of
4 360 months on each of Counts 8, 12, 14, 16, 18, 25, 27, 29, 31,
5 and 33 of the indictment, and a term of 240 months incarceration
6 on Count 9 of the indictment. All such terms to run concurrently
7 and concurrent with whatever state sentence you have served.

8 Mr. Jarmon, after your release from prison, you will
9 participate in a supervised release program of this Court for
10 five additional years on Count 1, one additional year on Count 2,
11 six additional years on each of Counts 8, 12, 14, 16, 18, 25, 27,
12 29, 31, and 33, and three additional years on Count 9. All such
13 terms to be served concurrently.

14 Within 72 hours of release from the custody of the
15 Bureau of Prisons, you shall report in person to the Probation
16 Office in the district to which you are released. During your
17 period of supervision you shall not commit another federal,
18 state, or local crime. You shall be prohibited from possessing a
19 firearm or other dangerous device. You shall not possess an
20 illegal controlled substance and shall comply with the other
21 standard conditions of supervision and this Court.

22 You must admit to one drug test within 15 days of
23 commencement of supervision and at least two tests, thereafter,
24 as determined by Probation.

25 You shall submit to the collection of DNA -- to the

1 collection of a DNA sample at the direction of the United States
2 Probation Office.

3 In addition -- your client has a GED; is that right?

4 MS. COGGINS: A high school diploma, Your Honor.

5 THE COURT: A high school diploma, very well. And your
6 client has no adult drug problems; is that correct?

7 MS. COGGINS: That's correct, Your Honor.

8 THE COURT: I will not impose a fine as I indicated.
9 And I said you shall cooperate in the collection of DNA as
10 directed by Probation.

11 And it is ordered that you shall pay a special
12 assessment of \$1300, which shall be due immediately.

13 So the sentence in toto is 360 months incarceration,
14 followed by six years of supervision, and a \$1300 special
15 assessment.

16 You heard me state they are to run concurrent, as I
17 indicated to the undischarged state sentence.

18 You have heard me state that you are to observe the
19 standard conditions of supervision in this Court, which Probation
20 will review with you. However, I want to emphasize that you not
21 possess any firearms or dangerous weapons.

22 There being no further objections or submissions, I
23 order that the sentence be imposed as I just stated it to be.

24 Mr. Jarmon, I have now formally imposed sentence.

25 Therefore, you have now been sentenced. The criminal process

1 from the Court's standpoint is over, but from your standpoint it
2 is not over. As you know, you have many obligations as a result
3 of this sentence.

4 Mr. Jarmon, I advise you that you have the right to
5 appeal, including the right to appeal the sentence that I just
6 imposed on you. You have 14 days in which to appeal.

7 I also advise you that if you aren't able to pay the
8 cost of an appeal, that you may apply for leave to appeal in
9 forma pauperis, and if that leave is granted for you to appeal in
10 forma pauperis, then there won't be any costs that would be
11 imposed upon you to take such an appeal. If you so request, the
12 Clerk of Court shall prepare and immediately file a notice of
13 appeal on your behalf.

14 Now, Mr. Jarmon, do you understand what I've just said
15 with respect to your ability to appeal?

16 THE DEFENDANT: Yes.

17 THE COURT: I'm going to order that sentence be
18 executed immediately under the new federal legislation. The
19 Bureau of Prisons is obligated to designate a facility as close
20 to the Defendant's home, which is Philadelphia, as possible,
21 which I recommend. Is there anything else that you -- I
22 recommend that the Defendant avail himself of all educational and
23 vocational training.

24 Is there anything else that you request with respect to
25 incarceration, Ms. Coggins?

1 MS. COGGINS: Your Honor, at the very beginning of this
2 case there was a separation order put in place, and I believe
3 since that time that that's been lifted, but for some reason that
4 hasn't been made possible by the prison. So he's just asking
5 that if there could be a lifting of the separation order going
6 forward. It might affect where he goes to prison. So if one of
7 his co-defendants is at the closest prison and that order is
8 still in place, he's going to get bounced to a further away
9 prison.

10 THE COURT: Look I don't know the Bureau of Prisons
11 protocol, but my understanding is they try not to incarcerate co-
12 defendants at the same prison. I thought that was their
13 protocol. Is that right, Mr. Kapuro, or is that wrong?

14 MR. KAPURO: I think to a certain extent it is correct,
15 but I don't know for sure. What's your understanding.

16 THE COURT: To a certain extent.

17 MS. COGGINS: My client tells me that there's actually
18 three co-defendants in the same prison right now.

19 THE COURT: Have I lifted the order?

20 MR. MAIATICO: I'll have to check on that, Your Honor.
21 There have been separation requests that have gone to the FDC. I
22 believe there's a transcript that the Bureau of Prisons --

23 THE COURT: I thought that I lifted the separation
24 order before trial.

25 MS. COGGINS: You did, Your Honor.

1 THE COURT: I thought I did.

2 MS. COGGINS: You did, but it's not -- for some reason
3 -- for some reason my client's telling me that they did not ever
4 lift that at the prison.

5 MR. MAIATICO: Your Honor, I'm happy to, as soon as we
6 leave court today, to reach out the FDC to better address that
7 issue.

8 THE COURT: Thank you. Anything else?

9 MS. COGGINS: No, Your Honor.

10 THE COURT: Very well. My thanks to counsel, to
11 Probation, and to our Marshals.

12 THE CLERK: All rise.

13 (Proceedings concluded at 3:10 p.m.)

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CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Dated: November 24, 2019



Jessica B. Cahill, CER/CET-708



PHILADELPHIA FIELD DIVISION

CASE #: CK-13-0036

LINE ID: 2153274080 - ATT CP

SESSION #: 3103

OUTGOING: 2675860419

DATE: 09/12/2013

START TIME: 01:44:14 EDT

STOP TIME: 01:58:54 EDT

DURATION: 00:14:40

LANGUAGE: UNKNOWN

TRANSLATED BY:

REVIEWED BY: Riley

PARTICIPANTS: Juan JARMON

Unidentified Male

Legend:

JJ: Juan JARMON

UM: Unidentified Male

UI: Unintelligible

Call becomes Pertinent ~ 1:48:39. [3:53]

Transcript:

JJ: G gotta try to get another pistol. I just let Boo take the pistols out the house, man, 'cause shit. I don't want that shit in the building with all them cops right there. I ain't tryin' to (UI) that shit, dog. Then, they comin' down. Housing, they on some other shit. They just keep searching everybody over on the building. . . .

UM: (UI)

Call is Non-Pertinent from ~1:49:00 until ~1:57:34. [11:04]

JJ: I'm, man, I'm scared to even get in this car with this pistol, man (UI). I ain't drivin'. (UI) They see the (UI). They's gonna know something was up.

Call becomes Non-Pertinent again at ~ 1:57:52 until the call ends.

SLR

NORTH PHILADELPHIA HEALTH SYSTEM

PATIENT NUMBER 33192337		<input type="checkbox"/> GIRARD MEDICAL CENTER <input type="checkbox"/> ST. JOSEPH'S HOSPITAL		MEDICAL RECORDS NO. 478924 S	
ADMISSION DATE/TIME 05/31/13 08:03		ROOM/BED E	TY EMR	SRV P 1	FC ADM DR. EVANS LISA R MD
DISCHARGE DATE/TIME		REFERRING PHYSICIAN EVANS LISA R MD		ADM. CLERK ADSYMW	ADM. SOURCES RB 000022
PREVIOUS ADMIT DATE	PREV. ADM NAME	AGE 26	DATE OF BIRTH 1986		ADP#
ATTENDING PHYSICIAN EVANS LISA R MD		SEX F	MIS S	RELIGION ADV	RACE 2
Name and Address GOOD, DOTTIE PHILA PA		Employer Name and Address UNEMPLOYED		Occupation NONE	
Home Phone No.		Business Phone No.		How Long	
Emergency Contact PHILA PA		Relationship B		Relationship	
Name and Address GOOD DOTTIE PHILA PA		Employer Name and Address UNEMPLOYED		Bus. Phone	
INS1: P68 O-HEALTHPARTNERS		POLICY# 930111608		GROUP# HLPART	
PRE-CERT#:		HMO REF#:		USHC REF#	
MAIL TO:				COB 1	
INS2:		POLICY#		GROUP#	
PRE-CERT#:		HMO REF#:		USHC REF#	
MAIL TO:				COB	
INS3:		POLICY#		GROUP#	
PRE-CERT#:		HMO REF#:		USHC REF#	
MAIL TO:				COB	
INS4:		POLICY#		GROUP#	
PRE-CERT#:		HMO REF#:		USHC REF#	
MAIL TO:				COB	
Admitting Diagnosis/Reason for Hospitalization HIT HEAD CORNER OF TABLE					

Comments

Principal Diagnosis

Code

87342

Secondary Diagnosis of Complications

E9173

E8490

Operation/Dates

Registration Comments: INS PRINT OUT AND INS CAR D W/ PA STATE ID

Mode of Arrival

I certify that the narrative descriptions of the principal and secondary diagnoses and the major procedures performed are accurate and complete to the best of my knowledge.

I HAVE EXAMINED AND APPROVED THIS COMPLETE MEDICAL RECORD

SIGNATURE OF ATTENDING PHYSICIAN

DATE

GOOD, DOTTIE
05/31/13 08:23EVANS LISA R MD
A886
CHART COPY

05/31/13 JKS000037

Aug. 17. 2016 11:18AM

No. 4598 P. 20

North Philadelphia Health System - St Joseph's Hospital

EMERGENCY DEPARTMENT PHYSICIAN ORDER SHEET

331.92337 S

GOOD, DOTTIE

576

05/31/13 26 F

196

EVANS LISA R MD

4789

PHYSICIAN DIAGNOSTICS

Time Ordered	TEST AND RESULT	Order Entry #	Time Entered	INIT
	CBC			
	CHEM 7 Calc Mag Phos			
	Hepatic I Amylase Urase			
	CK/MB Trop I			
	BNP			
	PT/PTT D-Dimer			
	Ammonia			
	Beta-Hydroxybutyrate			
	Lactate			
	Digoxin			
	Dilantin Phenobarb Tegretol			
	TYPE AND CROSS / SCREEN Units of			
	Blood C&S #1 <input type="checkbox"/> Obtained at AM/PM Site:			
	#2 <input type="checkbox"/> Obtained at AM/PM Site:			
	UA <input checked="" type="checkbox"/> Obtained			
	Urine C&S			
	GC/Chlamydia			
	Drug Screen <input type="checkbox"/> Urine			
	ETOH Level <input type="checkbox"/> Urine <input type="checkbox"/> Serum			
	REG TEST Serum BHCG / Urine BHCG Result: <input type="checkbox"/> Pos <input checked="" type="checkbox"/> Neg			
	EKG			
	Old Medical Records Old EKG			
	ABG on RA / L / NR8 / Vent settings:			
	Oxygen L / NR8 / Ventl Monitor Pulse Ox			
	CXR <input type="checkbox"/> Portable <input type="checkbox"/> PA/Lat Reason:			
	OBS Series Reason:			
	Way: <input checked="" type="checkbox"/> Should Reason:			
	CT Scan: <input checked="" type="checkbox"/> Head <input type="checkbox"/> Abd/Pelvis <input type="checkbox"/> Contrast: <input type="checkbox"/> IVP <input type="checkbox"/> PO <input type="checkbox"/> C-Spine Reason:			
	Other Reason:			
	Echocardiogram Reason:			
	Ultrasound Reason:			
	VQ Scan Reason:			

ADDITIONAL/SPECIAL ORDERS

Restraints: Soft <input type="checkbox"/> ORA <input type="checkbox"/> OLA <input type="checkbox"/> ORL <input type="checkbox"/> OLL	Reason:
Leather <input type="checkbox"/> ORA <input type="checkbox"/> OLA <input type="checkbox"/> ORL <input type="checkbox"/> OLL	<input type="checkbox"/> 1:1 Observation
Foley NGT	
Disposition: <input type="checkbox"/> Admit <input type="checkbox"/> Obs <input type="checkbox"/> Discharge	
<input type="checkbox"/> Transfer to	
Diagnosis:	Admit to Dr. ED / GMF / Tele / PICU / ICU

SIGNATURES	ORDERS / MEDICATIONS	TIME ORDERED	GIVEN	INIT
Physician: <i>[Signature]</i>	Tetanus 0.9 mg IM x1	11/1/13		mm
Resident/M: <i>[Signature]</i>				
Nurse: <i>[Signature]</i>				

A887

JKS000038

Aug. 17. 2016 11:18AM

No. 4598 P. 21/2013



St. Joseph's Hospital - Emergency Department

1600 West Girard Ave. - Philadelphia, PA 19130
(215) 767-8000

ST. JOSEPH'S HOSPITAL

Account: 33192337

MRN: 478924

Patient: Good, Dottie

ED RECORD - Final

Patient: Good, Dottie

Home Address: [REDACTED]

City: Phila

State: PA

Zip: [REDACTED]

Home Phone: [REDACTED]

Acuity: 4

Condition at Dispo: Stable

Discharged With Whom

DOB: [REDACTED] 1986

Age: 26yr

Sex: F

SSN: [REDACTED]

Arrival: 5/31/2013 8:04am

Dispo Summary Printed: 5/31/2013 11:42am

CC / Curr Imp: Trauma(Minor), Hit Head Corner Of Table

Final Insurance Emergency Dept Record
Insurance Company
O-HEALTHPARTNERS

Home Medications		
Arrival Medication	Last Dose	Source
albuterol		

Allergies		
Allergic Substance	Reaction	Severity
NKDA		

PMH	
Condition	Updated By
anger	Avila, Emma RN
Depressive disorder	Avila, Emma RN
Sleep disorder	Avila, Emma RN
Asthma	Avila, Emma RN



Aug. 17. 2016 11:18AM

St. Joseph's Hospital - Emergency Department

1600 West Girard Ave. • Philadelphia, PA 19130
(215) 787-9000

ST. JOSEPH'S HOSPITAL

No. 4598, 2013 P. 22 Pg 2

Account: 33192337

MRN: 478924

Patient: Good, Dottie

PSH

Procedure

Updated By

none

Avila, Emma RN

Vital Signs

Sys	Dia	Pulse	Resp	SAT	O2 Delivered	BS	Temp (F)	Route	Pain Scale	Comment	Taken at	User Name
128	58	82	12	100%	RA		98 F	oral	10/10 Numeric		5/31/2013 8:16am	Avila, Emma RN
										Discharge Vitals Refused	5/31/2013 12:02pm	Gallagher, Mark RN

Input & Output

Fluid Type	Intake	Output	I/O Time
No Entries			

Precautions: Standard Precautions

RN Triage: Avila, Emma RN

RN Eval: Mark

RN Dispo: Gallagher, Mark RN

MD ED: Evans, Lisa MD

Res/PA/NP:

~~EMSPMD~~

Primary Dr Jody Borgman

PMD Phone:

~~Dx/Inst~~

Dx 1: Assault (by Other, Unspecified Means)

Dx 2: Laceration, Face (Unspecified Site)

Dx 3: Head Injury, Superficial (Unspecified)

~~RN/Triage~~

LMP: 1 wk ago

Avila, Emma RN Created: 5/31/2013 8:06am Last Entry: 8:15am

NURSING TRIAGE c/o headache & pain on her L shoulder. Stated her cousin who is drunk slammed her around & she accidentally hit her head @ the edge of table this am around 4 o'clock. With superficial laceration corner of left eyebrow. Denies any LOC.

~~HPI:~~~~TRIAGE DATA:~~

Falls Risk Assessment: no risk factors identified.

SH: smokes, drinks alcohol, no drugs, lives with family.

Immunizations:

Childhood immunization status:

A889

JKS000040

Aug. 17. 2016 11:18AM

No. 4598 013 P. 23 Pg 3



St. Joseph's Hospital - Emergency Department

1600 West Girard Ave. • Philadelphia, PA 19130
(215) 787-9000

ST. JOSEPH'S HOSPITAL

Account: 33192337

MRN: 478924

Patient: Good, Dottie

Tuberculosis: unknown.

Tetanus: unknown.

Influenza (flu): never.

~~ATZ~~ SUICIDE RISK EVAL: Denies thoughts of hurting self or others.

PSYCH INTERVENTION: none.

~~ATZ~~ PHYSICAL EXAM: walked in.

GENERAL APPEARANCE: (adult) - well nourished, alert, oriented X 3 crying due to pain.
with superficial laceration corner of left eyebrow about 1.5 cm. perla

~~ATZ~~ PREHOSPITAL CARE: None

~~ATZ~~ NURSING INTERVENTION: wound(s) cleaned with saline.

Gallagher, Mark RN Created: 5/31/2013 8:47am Last Entry: 8:49am

Nurse Note:

Patient to 06 - ambulatory with steady gait escorted by nurse. Hospital bracelet applied. Given hospital gown and asked to change.
Patient is complaining of pain to left shoulder, neck and left forehead.

COMPREHENSIVE ASSESSMENT

MENTAL STATUS: speech clear, oriented to (+)person (+)place (+)time, normal affect, responds appropriately to questions.

HEAD: no swelling/tenderness on the head.

EYES: PERRLA, conjunctiva clear.

EARS: no discharge from ears.

HEART: normal rate, normal rhythm, no murmur

LUNGS: no wheezing, no rales, no rhonchi, (-)accessory muscle use, good air exchange bilateral.

ABDOMEN: normal bowel sounds, soft, no abd tenderness, (-)guarding, (-)rebound.

EXTREMITIES: Pulses +2 on all extremities, no swelling/tenderness on the extremities, no edema.

SKIN: warm, dry, normal skin color, no rash, 1 minor abrasions/lacerations to left eyebrow

NEURO: motor intact, sensory intact.

Gallagher, Mark RN Created: 5/31/2013 9:03am Last Entry: 9:04am

Nurse Note:

PREGNANCY TEST - Point of care urine test. negative. Completed by Gallagher, Mark RN

MEDICATION GIVEN (IMSQ) - 5/31/2013 9:02am Tetanus Toxoid Vaccine 0.5 mL IM right deltoid given by Gallagher, Mark RN

CERVICAL COLLAR - 5/31/2013 8:49am. Philadelphia cervical collar applied with head maintained in neutral position. Patient tolerated procedure well.

Gallagher, Mark RN Created: 5/31/2013 9:10am Last Entry: 9:11am

Nurse Note:

MEDICATION GIVEN for PAIN - 5/31/2013 9:09am Tylenol 975 mg PO given by Gallagher, Mark RN for 10/10 pain located neck

Gallagher, Mark RN Created: 5/31/2013 10:22am Last Entry: 10:23am

Nurse Note:

DRESSING STERILE APPLIED - to left eyebrow.

Patient to and from ED Xray

Gallagher, Mark RN Created: 5/31/2013 11:16am Last Entry: 11:16am

Nurse Note:

Patient transported without RN accompanying to and from cat scan via stretcher escorted by nursing assistant. Patient was not on portable monitor.

Gallagher, Mark RN Created: 5/31/2013 3:01pm Last Entry: 3:02pm

Nurse Note:

MEDICATION GIVEN(PO/PRISL) - 5/31/2013 12:01pm Motrin 600 mg by mouth given by Evangelisto, Dale A. RN

DISPOSITION - DISCHARGE with Prescription(s) - Plan of care discussed with patient. Patient discharged with printed instructions. Prescriptions given to patient. Reviewed prescribed medications with patient. Treatment education was provided.

Patient given snack pack and ambulated to lobby exit in no apparent distress.
Medical Driving Restrictions: none.

MD Chart

Evans, Lisa MD Created: 5/31/2013 9:01am Last Entry: 4:55pm

PHYSICIAN H&P (Assault)

(+)Nursing Notes Reviewed

A890

Pl states her cousin was drunk and was being too rough while playing

JKS000041



JOSEPH'S HOSPITAL

St. Joseph's Hospital - Emergency Department

1600 West Girard Ave. • Philadelphia, PA 19130
(215) 787-8000

Account: 33192337

MRN: 478824

Patient: Good, Dottie

with her - he grabbed her head and she accidentally fell against table
Patient now complaining of the following symptoms: headache, laceration

Pain is mild

nothing worsens Sx.

nothing improves Sx.

Last Tetanus: unknown.

ROS: (+)HA, (-)chest pain, (-)SOB, (-)nausea, (-)vomiting, (-)neck pain, (+)lacerations, (-)LOC, in addition to the systems reviewed, all other systems are negative.

PREHOSPITAL CARE: none.

PMH - Reviewed and confirmed with patient. Updated by me with any pertinent changes. See Past Medical History Table.

PSH - Reviewed and confirmed with patient. Updated by me with any pertinent changes. See Past Surgical History Table.

SH: smokes, drinks alcohol, no drugs, lives with family.

MEDICATIONS (Per nurse's note, reviewed by me)

ALLERGIES (Per nurse's note, reviewed by me)

PHYSICAL EXAM:

VITAL SIGNS: Per nurse's note, reviewed by me

GENERAL APPEARANCE: well nourished, alert, cooperative, no acute distress, no obvious discomfort.

MENTAL STATUS: speech clear, oriented X 3, normal affect, responds appropriately to questions, (-)suicidal ideations.

NEURO: motor intact, sensory intact. (-) gait abnormalities, cranial nerves normal as tested.

HEAD: no swelling/tenderness on the head. + 1cm laceration lateral of left eye

EYES: PERRL, EOMI, conjunctiva clear. (-) racoon's eye

EARS: canals clear bilat, TMs clear. (-)hemotympanum, (-) battle's sign

NOSE: no nasal discharge. (-)active bleeding, (-)clear rhinorrhea

MOUTH: no lacerations inside mouth.

THROAT: no airway obstruction.

NECK: trachea midline, (-)JVD, no neck tenderness, NEXUS Criteria: none.

BACK: no back tenderness.

CHEST WALL: no chest tenderness.

LUNGS: no wheezing, no rales, no rhonchi, (-)accessory muscle use, good air exchange bilateral.

HEART: normal rate, normal rhythm, no murmur, no rub.

ABDOMEN: normal BS, soft, no abd tenderness, (-)guarding, (-)rebound, no organomegaly, no abd masses.

PELVIS: no pelvic tenderness.

EXTREMITIES: good pulses all extremities, no abrasions/lacerations in the extremities, no swelling/tenderness in the extremities.

SKIN: warm, dry, good color.

DECISION MAKING:

Patient examined and history obtained from patient. Discussed findings of physical examination and treatment plan with patient.

Questions solicited

and answered. Previous medical records reviewed from Wellsoft.

DIFFERENTIAL Dx:

After initial evaluation in the Emergency Department my initial clinical impressions include the following

MULTIPLE TRAUMA Dx: Head Injury, skull fracture, , cervical sprain or fracture, chest wall contusion, myocardial contusion, Pneumothorax, intra-abdominal injury, Pelvic injury/fracture, sprained or fractured extremity

RESULTS REVIEWED:

Evans, Lisa MD Created: 5/31/2013 4:52pm Last Entry: 4:52pm

MD Note:

PULSE OX: 100% RA, SaO2 Interpretation: WNL.

Evans, Lisa MD Created: 5/31/2013 4:55pm Last Entry: 4:56pm

MD Note:

EXTREMITY X-RAY: left shoulder series, routine views, my reading. no fracture, no subluxation.

CT Scan Cervical Spine: unremarkable.

CT Scan Brain: unremarkable.

DISCHARGE PLAN W/ FOLLOW UP - In my judgment, in view of the above findings, this patient does not have a condition that requires surgical intervention or further testing in the emergency department at this time. Patient received written and verbal instructions regarding this condition. Follow up to be arranged by patient with PMD for further evaluation. Advised to return to ED for any significant changes or alteration to the current condition.

LACERATION REPAIR (Simple) - A TimeOut was conducted prior to the procedure to verify correct patient, correct site, correct instructions of the procedure were explained to the pt who clearly understood. KS000042

Aug. 17, 2016 11:18AM

No. 4598 P. 25 Pg 5
07/17/2013



St. Joseph's Hospital - Emergency Department

1800 West Girard Ave. • Philadelphia, PA 19130
(215) 787-9000

St. JOSEPH'S HOSPITAL

Account: 33182337

MRN: 478924

Patient: Good, Dottie

gave verbal consent without reservation. Strict sterile technique used throughout procedure. Performed simple repair of superficial wounds of face, 1 cm. total length. All sutured wound(s) were prepped with betadine, anesthetized with 1% lidocaine without epi and cleaned with copious NS irrigation. Laceration 1 was 1cm in length, located on body area, simple, and superficial. Wound did not require removal of particulate matter. Exploration of wound showed (-)foreign body, (-)tendon laceration, (-)nerve laceration. It was closed with 3 sutures of 5-0 prolene. Good wound closure and hemostasis. Patient tolerated procedure well. No complications.

Addendum Note

Signatures

Physician Sgntr: Evans, Lisa MD 5/31/2013 4:57pm

Nurse Sgntr: Gallagher, Mark RN 5/31/2013 3:02pm

Res/PA/NP Sgntr:

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No. 4598 P. 26

ID:

31-May-2013 11:58:20 NPHS

Vent. rate 104 bpm
PR interval * ms
QRS duration 82 ms
QT/QTc 336/441 ms
P-R-T axes * -53 80

Atrial fibrillation with rapid ventricular response
Left axis deviation
Anterior infarct, age undetermined
Abnormal ECG

33192337 S
GOOD, DOTTIE
05/31/13 26 F
EVANS LISA R MD

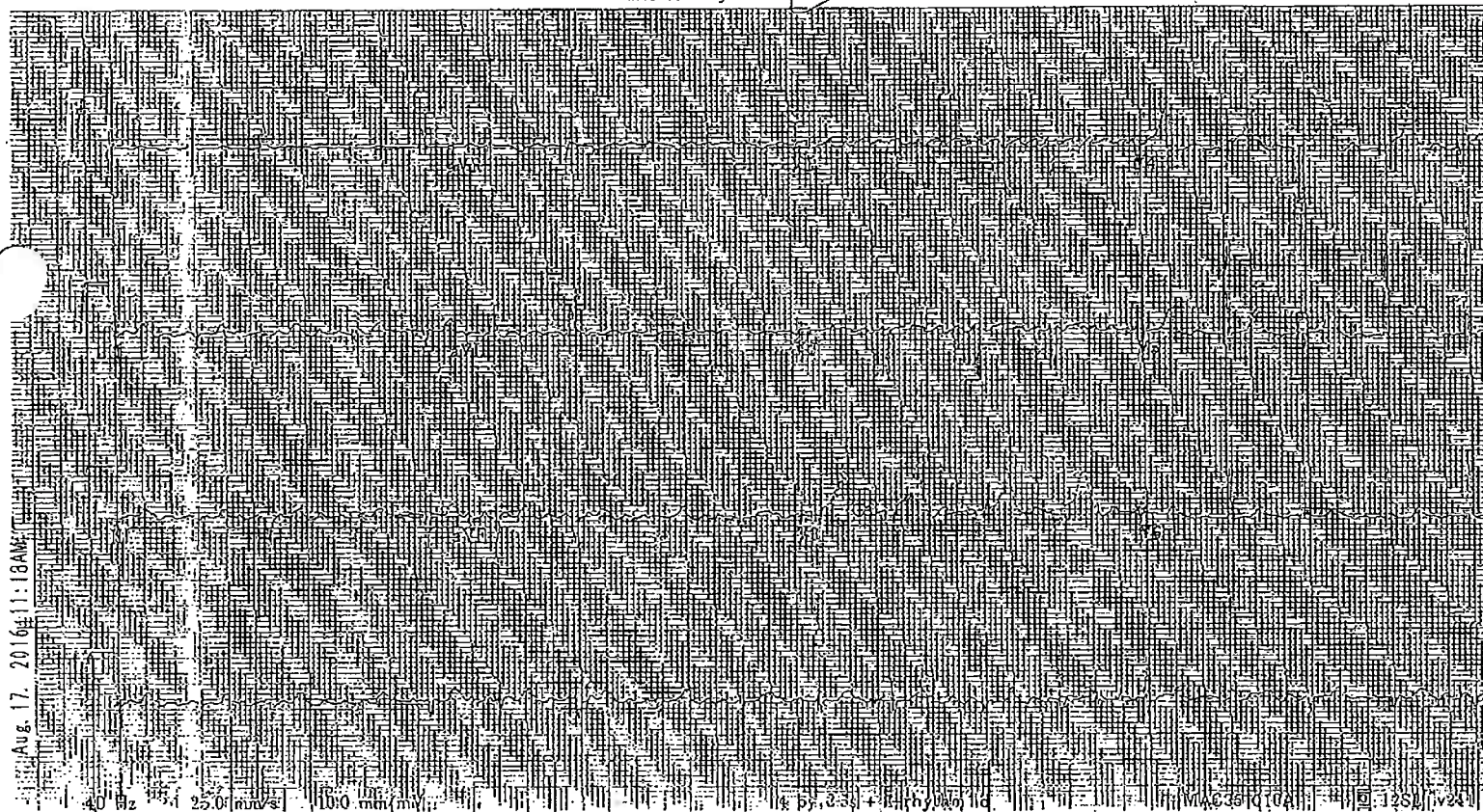
57
/15
478

Technician:
Test ind:

Visit:

Referred by:

Unconfirmed



JKS000044

Exhibit Number/Testimony	Description	Date	Crack Weight (g)	Explanation
Testimony 3/7/19, pg. 72-79	Testimony		360 grams	Rasheen Chandler testified on 3/7/19 that he had a shift every day for 8-9 months, and that Jarmon provided him with the drugs to sell. He testified he would typically sell 1-2 bundles per shift, and that each bundle contained 50 packets. Typically didn't sell less than two bundles.
Testimony 3/8/19, pg. 25	Testimony		280 grams	Dottie Good's testified at trial that she pled guilty to conspiring to distribute 280 grams of crack.
Exhibit 301E	Controlled Buy	5/3/2013	2.1 grams	Jarmon distributed to confidential source [Tr. 3/8/19 pp. 152-59]
Exhibit 403C	Controlled Buy	9/20/2013	.15 grams	Michael Ferrell distributed to confidential source [Tr. 3/11/19 pp. 10-14]
Exhibit 405C	Controlled Buy	10/31/2013	.28 grams	Taft Harris distributed to confidential source [Tr. 3/11/19 pp. 17-19]
Exhibit 301	Controlled Buy	5/8/2013	4.9 grams	Jarmon distributed to confidential source [Tr. 3/8/19 pp. 160-67]
Exhibit 303	Controlled Buy	5/17/2013	8.9 grams	Jarmon distributed to confidential source [Tr. 3/8/19 pp. 167-72]
Exhibit 304	Controlled Buy	6/11/2013	22.7 grams	Jarmon distributed to confidential source [Tr. 3/8/19 pp. 172-79]
Exhibit 305	Controlled Buy	8/2/2013	16.1 grams	Jarmon distributed to confidential source [Tr. 3/11/19 pp. 118-131]
Exhibit 306	Controlled Buy	8/14/2013	6.1 grams	Jarmon and Damon Edwards distributed to confidential source [Tr. 3/11/19 pp. 131-38]
Exhibits 307-313	Controlled Buy	9/5/2013	22.1 grams	Jarmon distributed to confidential source [Tr. 3/8/19 pp. 179-89]

TOTAL = 723.33 grams

Chandler and **Good** each admitted and pled guilty to conspiring with Jarmon to distribute at least 280 grams of crack. Chandler testified that he sold crack for 8-9 months for Jarmon, and that he usually sold at least two bundles, but sometimes only sold one bundle. Chandler also testified that each bundle he sold contained 50 packets of crack. DEA Agent Updegraff testified that each packet typically contained around .05 grams of crack, but could contain as little as .03 grams of crack.

Thus, following the most conservative method (used previously) that Chandler sold at the very least one bundle per day, each containing 50 bags of .03 grams, over the course of 8 months, 360 grams is attributable to Jarmon. Additionally, Good testified at trial to conspiring to distribute 280grams, which means that between Chandler and Good, Jarmon is responsible for **640**.

In addition to the 640 grams between Good and Chandler, the chart above lists the quantities of drugs seized through controlled buys over the course of several months. As demonstrated in the chart, each controlled buy that references any amount of crack seized from Chandler is not included to avoid double counting. The remaining quantities of crack seized from controlled buys have been added to 640 grams, resulting in a total quantity of 723.33 grams.

[640 + 2.1 + .15 + .28 + 4.9 + 8.9 + 22.7 + 16.1 + 6.1 + 22.1 = 723.33 grams]

Each of the controlled buys listed above is attributable to Jarmon because he was the head of the conspiracy, thus meeting the reasonably foreseeable prong.

1. Date Prepared: 04-18-2013	2. Case Number: CK-13-0036	3. File Title: BUTLER, Jason	4. GDEP #: YLC3E
5. Group Number: Group 5	6. Program Code:	7. Date taken into DEA Custody: 04-18-2013	8. Where obtained (Country, City, State) USA, Philadelphia PD, PA

9. Is this document for informational purposes only? ☒ No ☐ Yes

10. How obtained? ☒ Purchase cost per exhibit: (1) \$20.00 ; ☐ Compliance Sample (Non-Criminal) ☐ Internal Body Carry*
☐ Free Sample ☐ Stockpile Reverse Undercover
☐ Clandestine Laboratory Seizure ☐ Other: _____
☐ Regulatory
☐ Seized
☐ Money Flashed

*A biohazard warning label must be placed on the heat sealed evidence envelope containing the evidence acquired from an internal body carry.

11. If referral, name of referring agency: _____ 11a. Case #: _____ 11b. Seizure #: _____

12. If seized for forfeiture (pseudoephedrine) and held as evidence or for safekeeping, was a SSF prepared?

- ☐ If yes, attach SSF and enter Asset ID (formerly CATS ID) # _____
 Provide asset (fair market) value at time of seizure _____
☐ If no, explain: _____

13. Exhibit #	14. FDIN #	15. Alleged Drugs	16. Describe Marks on Labels (Note: If original container is separate from drug, enter subexhibit # and describe original container fully.)	Approx. Gross Quantity		
				17. Seized	18. Submitted	19. Retained
22		C3 - Crack Cocaine	Four (4) blue tinted plastic packets each containing an off white chunky substance.	31.4 G	31.4 G	0 G

20. Is this a bulk drug seizure? ☒ No ☐ Yes (If yes, provide date of 60-day letter: _____) 21. Identify: ☐ N/A ☐ Threshold DEA-7 or ☐ Bulk DEA-7

2. ☐ Fingerprint Analysis Requested for exhibit(s): _____

22a. Compare Latent Prints with subject(s): _____

Name	FBI and or State ID Number(s)	Date of Birth	Identify type of prints attached		
			Finger	Palm	None
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. REMARKS:
 On April 18, 2013, CS-13-144021 (CS) utilized \$20.00 OAF to purchase Exhibit 22 (Exhibit 22 is fully described above) from an unidentified Black female known as "Dredds" (FNU LNU) on the 15th floor inside a public housing apartment building located at 1515 Hemberger Way, Philadelphia, PA. After the purchase, the CS turned the exhibit over to TFO Young. TFO Young transported Exhibit 22 to the Philadelphia Division where TFO Rehr processed the exhibit as evidence and placed Exhibit 22 into the Philadelphia Division overnight safe for safe-keeping as witnessed by TFO Young. On April 19, 2013, TFO Rehr removed Exhibit 22 from the overnight safe and sent Exhibit 22 to the N.E.R.L. for analysis and safe-keeping.

24. Type/Print Name of Special Agent/Task Force Officer/Diversion Investigator:
Andrew Rehr, TFO 25. Type/Print Name of Supervisor:
/s/ David Morina, GS

24a. Signature and Date: _____ 04-18-2013 25a. Signature and Date: _____ 04-19-2013

DRUG EVIDENCE CUSTODIAN RECEIPT REPORT (FOR FIELD OFFICE USE ONLY)

26. No. Packages:	27. Print/Type Name Received From:	27a. Signature and Date:
28. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	29. Print/Type Name Received By:	29a. Signature and Date:
30. Date Entered Into ENEDS/CERTS: _____		

LABORATORY EVIDENCE RECEIPT REPORT (FOR LABORATORY USE ONLY)

31. No. Packages:	32. Print/Type Name Received From:	32a. Signature and Date:	GOVERNMENT EXHIBIT 401A
33. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	34. Print/Type Name Received By:	34a. Signature and Date:	
35. Laboratory #s: (1) _____ (2) _____ (3) _____			
36. Laboratory Control #s: (1) _____ (2) _____ (3) _____			

U.S. Department of Justice
Drug Enforcement Administration

(DO NOT USE FOR NON-DRUG EVIDENCE)
REPORT OF DRUG PROPERTY COLLECTED, PURCHASED, OR SEIZED

1. Date Prepared: 04-26-2013	2. Case Number: CK-13-0036	3. File Title: BUTLER, Jason	4. GDEP #: YLC3E
5. Group Number: Group 5	6. Program Code:	7. Date taken into DEA Custody: 04-25-2013	8. Where obtained (Country, City, State) USA, Philadelphia PD, PA

9. Is this document for informational purposes only? ☒ No ☐ Yes

10. How obtained? ☒ Purchase cost per exhibit: (1) \$50.00 ; (2) ; (3) .

☐ Compliance Sample (Non-Criminal) ☐ Internal Body Carry*
☐ Free Sample ☐ Stockpile Reverse Undercover
☐ Clandestine Laboratory Seizure ☐ Other:
☐ Seized ☐ Regulatory
☐ Money Flashed

*A biohazard warning label must be placed on the heat sealed evidence envelope containing the evidence acquired from an internal body carry.

11. If referral, name of referring agency:	11a. Case #:	11b. Seizure #:
--	--------------	-----------------

12. If seized for forfeiture (pseudoephedrine) and held as evidence or for safekeeping, was a SSF prepared?

☐ If yes, attach SSF and enter Asset ID (formerly CATS ID) #
Provide asset (fair market) value at time of seizure
☐ If no, explain:

13. Exhibit #	14. FDIN #	15. Alleged Drugs	16. Describe Marks on Labels (Note: If original container is separate from drug, enter subexhibit # and describe original container fully.)	Approx. Gross Quantity		
				17. Seized	18. Submitted	19. Retained
25		C3 - Crack Cocaine	Ten (10) blue tinted plastic packets each containing an off white chunky substance.	1.9 G	1.9 G	0 G

20. Is this a bulk drug seizure?
☒ No ☐ Yes (If yes, provide date of 60-day letter:)

21. Identify:
☐ N/A ☐ Threshold DEA-7 or ☐ Bulk DEA-7

2. ☐ Fingerprint Analysis Requested for exhibit(s):

22a. Compare Latent Prints with subject(s):

Name	FBI and or State ID Number(s)	Date of Birth	Identify type of prints attached		
			Finger	Palm	None
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. REMARKS:

On April 25, 2013, CS-13-144021 (CS) utilized \$50.00 OAF to purchase Exhibit 25 (Exhibit 25 is fully described above) from Dottie GOOD inside a Blumberg public housing apartment building located at 1515 Hemberger Way, Philadelphia, PA. After the purchase, the CS turned the Exhibit 25 over to TFO Young. TFO Young turned exhibit 25 over to S/A Trainor who transported Exhibit 25 to the Philadelphia Division where S/A Trainor processed the exhibit as evidence and placed it into the Philadelphia Division overnight safe for safe-keeping as witnessed by G/S Morina. On April 26, 2013, TFO Rehr removed Exhibit 25 from the overnight safe and sent Exhibit 25 to the N.E.R.L. for analysis and safe-keeping.

24. Type/Print Name of Special Agent/Task Force Officer/Diversion Investigator: Andrew Rehr, TFO	25. Type/Print Name of Supervisor: /s/ David Morina, GS
---	--

24a. Signature and Date: 04-26-2013	25a. Signature and Date: 04-26-2013
--	--

DRUG EVIDENCE CUSTODIAN RECEIPT REPORT (FOR FIELD OFFICE USE ONLY)

26. No. Packages:	27. Print/Type Name Received From:	27a. Signature and Date:
28. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	29. Print/Type Name Received By:	29a. Signature and Date:
30. Date Entered Into ENEDS/CERTS:		

LABORATORY EVIDENCE RECEIPT REPORT (FOR LABORATORY USE ONLY)

31. No. Packages:	32. Print/Type Name Received From:	32a. Signature and Date:	GOVERNMENT EXHIBIT 402A
33. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	34. Print/Type Name Received By:	34a. Signature and Date:	
35. Laboratory #s: (1) (2) (3)			
36. Laboratory Control #s: (1) (2) (3)			

U.S. Department of Justice
Drug Enforcement Administration

(DO NOT USE FOR NON-DRUG EVIDENCE)
REPORT OF DRUG PROPERTY COLLECTED, PURCHASED, OR SEIZED

1. Date Prepared: 09-20-2013	2. Case Number: CK-13-0036	3. File Title: BUTLER, Jason	4. GDEP #: YLC3E
5. Group Number: Group 5	6. Program Code:	7. Date taken into DEA Custody: 09-20-2013	8. Where obtained (Country, City, State) USA, Philadelphia, PA

9. Is this document for informational purposes only? ☒ No ☐ Yes

10. How obtained? ☒ Purchase cost per exhibit: (1) \$20.00 ; (2) ; (3) ;

☐ Seized ☐ Money Flashed

☐ Compliance Sample (Non-Criminal) ☐ Internal Body Carry*
☐ Free Sample ☐ Stockpile Reverse Undercover
☐ Clandestine Laboratory Seizure ☐ Other:
☐ Regulatory

*A biohazard warning label must be placed on the heat sealed evidence envelope containing the evidence acquired from an internal body carry.

11. If referral, name of referring agency:	11a. Case #:	11b. Seizure #:
--	--------------	-----------------

12. If seized for forfeiture (pseudoephedrine) and held as evidence or for safekeeping, was a SSF prepared?

☐ If yes, attach SSF and enter Asset ID (formerly CATS ID) #
Provide asset (fair market) value at time of seizure

☐ If no, explain:

13. Exhibit #	14. FDIN #	15. Alleged Drugs	16. Describe Marks on Labels (Note: If original container is separate from drug, enter subexhibit # and describe original container fully.)	Approx. Gross Quantity		
				17. Seized	18. Submitted	19. Retained
44		C3 - Crack Cocaine	Four red heat-sealed plastic bags each containing an off-white chunky substance. One of these bags was field tested by SA Patrick J. Trainor, which tested positive for the presence of cocaine.	0.6 G	41.8 G	0 G

20. Is this a bulk drug seizure?
☐ No ☐ Yes (If yes, provide date of 60-day letter:)

21. Identify:
☐ N/A ☐ Threshold DEA-7 or ☐ Bulk DEA-7

2. ☐ Fingerprint Analysis Requested for exhibit(s):

22a. Compare Latent Prints with subject(s):

Name	FBI and or State ID Number(s)	Date of Birth	Identify type of prints attached		
			Finger	Palm	None
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. REMARKS:

On September 20, 2013, under the direction of controlling agents, FBI CS S-00037426 purchased Exhibit #44, which is fully described above, from an unidentified black male on the 18th floor of 1515 Hemberger Way in Philadelphia, Pennsylvania for \$20.00 in FBI-OAF. On that same date, SA Patrick J. Trainor and FBI SA Scott T. Baber subsequently acquired the exhibit from the CS and transported it to the DEA Philadelphia Division where it was processed as evidence by SA Trainor and TFO Andy Rehr and secured pending submission to the DEA Northeast Laboratory for analysis and safekeeping via USPS registered mail.

24. Type/Print Name of Special Agent/Task Force Officer/Diversion Investigator: Patrick J. Trainor, SA	25. Type/Print Name of Supervisor: /s/ David Morina, GS
24a. Signature and Date: 09-23-2013	25a. Signature and Date: 09-23-2013

DRUG EVIDENCE CUSTODIAN RECEIPT REPORT (FOR FIELD OFFICE USE ONLY)

26. No. Packages:	27. Print/Type Name Received From:	27a. Signature and Date:
28. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	29. Print/Type Name Received By:	29a. Signature and Date:
30. Date Entered Into ENEDS/CERTS:		

LABORATORY EVIDENCE RECEIPT REPORT (FOR LABORATORY USE ONLY)

31. No. Packages:	32. Print/Type Name Received From:	32a. Signature and Date:	<div style="border: 2px solid black; padding: 5px; text-align: center;"> GOVERNMENT EXHIBIT 403B </div>
33. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	34. Print/Type Name Received By:	34a. Signature and Date:	
35. Laboratory #s: (1) (2) (3)			
36. Laboratory Control #s: (1) (2) (3)			

U.S. Department of Justice
Drug Enforcement Administration

(DO NOT USE FOR NON-DRUG EVIDENCE)
REPORT OF DRUG PROPERTY COLLECTED, PURCHASED, OR SEIZED

1. Date Prepared: 11-01-2013	2. Case Number: CK-13-0036	3. File Title: BUTLER, Jason	4. GDEP #: YLC3E
5. Group Number: Group 5	6. Program Code:	7. Date taken into DEA Custody: 10-31-2013	8. Where obtained (Country, City, State) USA, Philadelphia, PA

9. Is this document for informational purposes only? ☒ No ☐ Yes

10. How obtained? ☒ Purchase cost per exhibit: (1) \$30.00 ; ☐ Compliance Sample (Non-Criminal) ☐ Internal Body Carry*
☐ Free Sample ☐ Stockpile Reverse Undercover
☐ Clandestine Laboratory Seizure ☐ Other: _____
☐ Regulatory
☐ Seized
☐ Money Flashed

*A biohazard warning label must be placed on the heat sealed evidence envelope containing the evidence acquired from an internal body carry.

11. If referral, name of referring agency:	11a. Case #:	11b. Seizure #:
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12. If seized for forfeiture (pseudoephedrine) and held as evidence or for safekeeping, was a SSF prepared?

☐ If yes, attach SSF and enter Asset ID (formerly CATS ID) # _____
Provide asset (fair market) value at time of seizure _____
☐ If no, explain: _____

13. Exhibit #	14. FDIN #	15. Alleged Drugs	16. Describe Marks on Labels (Note: If original container is separate from drug, enter subexhibit # and describe original container fully.)	Approx. Gross Quantity		
				17. Seized	18. Submitted	19. Retained
48		C3 - Crack Cocaine	Six pink heat-sealed plastic bags each containing an off-white chunky substance. One of these bags was field tested by SA Patrick J. Trainor, which tested positive for the presence of cocaine.	30.7 G	30.7 G	0 G

20. Is this a bulk drug seizure?
☐ No ☐ Yes (If yes, provide date of 60-day letter: _____)
21. Identify: ☐ N/A ☐ Threshold DEA-7 or ☐ Bulk DEA-7

22. ☐ Fingerprint Analysis Requested for exhibit(s): _____

22a. Compare Latent Prints with subject(s): _____

Name	FBI and or State ID Number(s)	Date of Birth	Identify type of prints attached		
			Finger	Palm	None
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. REMARKS:

On October 31, 2013, under the direction of controlling agents, FBI CS S-00037426 purchased Exhibit #48, which is fully described above, from an unidentified male on the 18th floor of 1515 Hemberger Way in Philadelphia, Pennsylvania for \$30.00 in DEA-OAF. On that same date, TFO'S Marvin Young and Mark Wolf acquired this exhibit from the CS and transported it to and secured it at the DEA Philadelphia Division. On November 1, 2013, SA's Patrick J. Trainor and Scott T. Baber processed this exhibit as evidence pending submission to the DEA Northeast Laboratory via registered mail for analysis and safekeeping.

24. Type/Print Name of Special Agent/Task Force Officer/Diversion Investigator: Patrick Trainor, SA	25. Type/Print Name of Supervisor: /s/ David X Morina, GS
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24a. Signature and Date: 11-01-2013	25a. Signature and Date: 11-01-2013
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DRUG EVIDENCE CUSTODIAN RECEIPT REPORT (FOR FIELD OFFICE USE ONLY)

26. No. Packages:	27. Print/Type Name Received From:	27a. Signature and Date:
28. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	29. Print/Type Name Received By:	29a. Signature and Date:
30. Date Entered Into ENEDS/CERTS:		

LABORATORY EVIDENCE RECEIPT REPORT (FOR LABORATORY USE ONLY)

31. No. Packages:	32. Print/Type Name Received From:	32a. Signature and Date:
33. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	34. Print/Type Name Received By:	34a. Signature and Date:
35. Laboratory #s: (1) (2) (3)		
36. Laboratory Control #s: (1) (2) (3)		