

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

TRANSCRIPT OF SUPPRESSION HEARING
BEFORE THE HONORABLE CLIFTON L. CORKER
UNITED STATES DISTRICT JUDGE

1.3 APPEARANCES

14 FOR THE GOVERNMENT: DEPARTMENT OF JUSTICE
15 OFFICE OF U.S. ATTORNEY
16 MAC D. HEAVENER, III, AUSA
B. TODD MARTIN, AUSA
220 WEST DEPOT STREET, SUITE 423
GREENEVILLE, TN 37743

17 FOR THE DEFENDANT: MCAFEE AND MCAFEE, PLLC
18 JOSEPH O. MCAFEE, ESQ.
19 100 WEST SUMMER STREET
GREENEVILLE, TN 37743

20 ALSO PRESENT: ELIZABETH GIERSBERG, INTERPRETER
ANTONIO GAVILANEZ, INTERPRETER

22 COURT REPORTER: KAREN J. BRADLEY
23 RPR-RMR
24 U.S. COURTHOUSE
220 WEST DEPOT STREET
GREENEVILLE, TN 37743

25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY COMPUTER.

1 (CALL TO ORDER OF THE COURT AT 9:05 A.M.)

2 THE COURT: ALL RIGHT. GOOD MORNING.

3 ATTORNEYS: GOOD MORNING, YOUR HONOR.

4 THE COURT: YOU WANT TO CALL OUR FIRST CASE.

5 THE CLERK: CASE NUMBER 2:20-CR-100, UNITED
6 STATES OF AMERICA VERSUS YANIER TELLEZ.

7 THE COURT: ALL RIGHT. THIS MORNING WE'RE
8 GOING TO CONDUCT AN EVIDENTIARY HEARING ON THE MOTION TO
9 SUPPRESS THAT WAS FILED BY THE DEFENDANT.

10 BEFORE WE BEGIN, LET ME ASK MR. TELLEZ, WE ARE,
11 WE ARE CONDUCTING THIS EVIDENTIARY HEARING USING THE
12 INTERPRETERS, AND I WANT TO MAKE SURE THAT YOU UNDERSTAND
13 WHAT'S HAPPENING HERE TODAY BY USING THE INTERPRETER,
14 WHETHER YOU CAN UNDERSTAND THINGS WITH THE USE OF THE
15 INTERPRETER.

16 THE DEFENDANT: YES.

17 THE COURT: OKAY. ALL RIGHT. YESTERDAY, TO
18 BRING MR. TELLEZ UP TO SPEED, WE HAD A VERY QUICK HEARING.
19 YOUR LAWYER HAD FILED A MOTION TO CONTINUE THE CASE, AND
20 WE HAD A HEARING IN WHICH I DENIED THE -- OR GRANTED IN
21 PART, BASICALLY I ALLOWED YOUR LATE-FILED MOTION TO
22 SUPPRESS TO BE FILED, AND THAT'S WHAT WE'RE GOING TO
23 CONDUCT TODAY, A HEARING ON THAT MOTION TO SUPPRESS; BUT I
24 DENIED THE MOTION TO CONTINUE THE TRIAL, WE JUST SET IT
25 FOR 1:30 THIS AFTERNOON. SO HOPEFULLY WE CAN GET THROUGH

1 THIS MOTION TO SUPPRESS THIS MORNING, AND THEN WE CAN
2 BEGIN THE TRIAL THIS AFTERNOON, SO THAT'S WHERE WE ARE.
3 YOU SHOULD BE UP-TO-DATE ON THE STATUS OF YOUR CASE.

4 AND AT THIS TIME WE'RE GOING TO SWEAR THE
5 INTERPRETERS IN TO TRANSLATE THIS, THESE PROCEEDINGS.

6 (INTERPRETERS SWORN)

7 THE COURT: ALL RIGHT. ALL RIGHT. I'LL TURN
8 IT OVER TO YOU ALL TO, TO CONDUCT THIS EVIDENTIARY
9 HEARING.

10 MR. MARTIN: GOOD MORNING, YOUR HONOR.

11 THE COURT: GOOD MORNING. AND I HAVE READ YOUR
12 RESPONSE THAT YOU ALL FILED THIS MORNING.

13 MR. MARTIN: VERY GOOD. THANK YOU, YOUR HONOR.

14 YOUR HONOR, THE UNITED STATES CALLS AS ITS
15 WITNESS DEPUTY GEORGE CAMACHO OF THE LEE COUNTY SHERIFF'S
16 OFFICE IN FLORIDA.

17 THE COURT: ALL RIGHT. IF HE'LL COME AROUND
18 AND BE SWORN.

19 GEORGE CAMACHO, GOVERNMENT'S WITNESS, SWORN

20 DIRECT EXAMINATION

21 BY MR. MARTIN:

22 Q. GOOD MORNING, DEPUTY CAMACHO. IF YOU WOULD FOR THE
23 RECORD PLEASE STATE YOUR NAME AND SPELL YOUR LAST NAME FOR
24 THE BENEFIT OF THE COURT REPORTER.

25 A. GOOD MORNING. GEORGE CAMACHO, C A M A C H O.

1 Q. AND, DEPUTY CAMACHO, YOU'RE WITH THE LEE COUNTY
2 SHERIFF'S OFFICE IN FLORIDA?

3 A. CORRECT.

4 Q. HOW LONG HAVE YOU BEEN EMPLOYED WITH THE LEE COUNTY
5 SHERIFF'S OFFICE?

6 A. FIFTEEN YEARS IN A COUPLE OF DAYS.

7 Q. AS A PART OF YOUR DUTIES AS A LEE COUNTY SHERIFF'S
8 DEPUTY, YOU ATTEND TRAINING?

9 A. YES.

10 Q. AND HAVE YOU GONE THROUGH SOME SPECIALIZED TRAINING
11 OVER THE COURSE OF YOUR CAREER?

12 A. YES.

13 Q. IS THAT TO DEAL WITH THINGS LIKE ECONOMIC CRIMES?

14 A. YES, SIR.

15 Q. HUMAN TRAFFICKING?

16 A. YES.

17 Q. NARCOTICS INTERDICTION?

18 A. YES.

19 Q. INTERVIEWING AND INTERROGATION?

20 A. YES.

21 Q. SEARCH AND SEIZURE?

22 A. YES.

23 Q. OVER THE COURSE OF YOUR 15 YEAR OR NEARLY 15 YEAR
24 CAREER I GUESS HERE IN A FEW DAYS, YOU'VE WORKED IN SOME
25 SPECIALIZED ASSIGNMENT AREAS WITHIN THE SHERIFF'S

1 OFFICE?

2 A. I HAVE.

3 Q. THAT IS THE SELECTIVE ENFORCEMENT TEAM, YOU WERE A
4 PART OF THAT?

5 A. YES.

6 Q. AND THAT DEALT WITH BURGLARY, PLAIN CLOTHES, SUP-
7 PRESSION, JUST SPECIFIC CRIME TRENDS WITHIN THE DISTRICT?

8 A. YES.

9 Q. YOU WERE PART OF THE JUVENILE ASSESSMENT AND
10 MONITORING?

11 A. CORRECT.

12 Q. AND THAT WAS WHERE YOU WENT OUT TO, LOOKING AT THE
13 COMPLIANCE OF JUVENILES ON PROBATION?

14 A. YES.

15 Q. YOU WERE ALSO PART OF THE HIGHWAY INTERDICTION TEAM
16 AND A NARCOTICS CANINE HANDLER; CORRECT?

17 A. YES.

18 Q. AS A PART OF YOUR INTERDICTION EMPLOYMENT, YOU
19 LOOKED -- YOU WERE ALSO A HOMELAND SECURITY INVESTIGATIONS
20 TASK FORCE OFFICER?

21 A. YES.

22 Q. AND YOU WERE ALSO A U.S. POSTAL SERVICE TASK FORCE
23 OFFICER?

24 A. YES.

25 Q. AND THAT LOOKED AT PARCEL INSPECTIONS, COMPLIANCE

1 WITH MAILING OF PARCELS WITHIN THE UNITED STATES?

2 A. YES.

3 Q. YOU LOOKED AT NARCOTICS INTERDICTION?

4 A. CORRECT.

5 Q. HUMAN TRAFFICKING?

6 A. YES.

7 Q. YOU ALSO LOOKED AT ECONOMIC CRIMES WITHIN THE
8 INTERDICTION TEAM AS WELL; CORRECT?

9 A. YES.

10 Q. WORKED WITH CERTAIN FEDERAL AGENCIES LIKE THE SECRET
11 SERVICE?

12 A. YES, SIR.

13 MR. MCAFEE: YOUR HONOR, I UNDERSTAND THIS IS
14 SORT OF AN INTRODUCTORY PHASE OF DETECTIVE CAMACHO'S
15 BACKGROUND AND EXPERIENCE, BUT I DO HAVE TO OBJECT TO
16 LEADING AT SOME POINT. I DON'T WANT TO --

17 THE COURT: IT'S JUST BACKGROUND INFORMATION,
18 SO OVERRULED, JUST TO SPEED UP THE PROCESS.

19 Q. YOU WORKED WITH THE DRUG ENFORCEMENT ADMINISTRATION?

20 A. YES.

21 Q. INTERNAL REVENUE SERVICE?

22 A. YES.

23 Q. AND OTHER, MANY OTHER FEDERAL LAW ENFORCEMENT AND
24 STATE LAW ENFORCEMENT AGENCIES AS PART OF YOUR
25 INTERDICTION?

1 A. CORRECT. WE WORKED WITH THE STATEWIDE PROSECUTOR
2 WITH FDLE.

3 Q. YOU'RE CURRENTLY ASSIGNED TO SOUTH DISTRICT FOR ROAD
4 PATROL; CORRECT?

5 A. CORRECT.

6 Q. ARE YOU A SPANISH SPEAKER?

7 A. I AM.

8 Q. WHAT DIALECT OF SPANISH DO YOU SPEAK?

9 A. CUBAN.

10 Q. CUBAN. YOU WERE EMPLOYED WITH THE LEE COUNTY
11 SHERIFF'S OFFICE NOVEMBER 14, 2017?

12 A. I WAS.

13 Q. AND YOUR ASSIGNMENT THAT DAY WAS THE HIGHWAY
14 INTERDICTION TEAM?

15 A. CORRECT.

16 Q. YOUR VEHICLE, IS IT EQUIPPED WITH CAMERAS?

17 A. YES, AT THE TIME IT WAS, THREE CAMERAS.

18 Q. THREE CAMERAS, WHERE ARE THOSE CAMERAS LOCATED?

19 A. ONE CAMERA FACING FORWARD, THE OTHER CAMERA WHERE I
20 CONDUCT MY ROADSIDE INTERVIEWS WHICH FACES THE PASSENGER
21 DOOR, AND THE OTHER ONE IN THE PRISONER COMPARTMENT.

22 Q. AND ON THAT DAY WERE THOSE CAMERAS WORKING
23 CORRECTLY?

24 A. YES.

25 Q. TELL ME ABOUT THE, THE ACTIVITY YOU WERE ENGAGED IN

1 AROUND 2:47 ON NOVEMBER 14, 2017?

2 A. I WAS DRIVING SOUTHBOUND INTERSTATE 75 BETWEEN
3 LUCKETT ROAD AND MARTIN LUTHER KING BOULEVARD EXIT, EXITS.
4 I OBSERVED THE VEHICLE, A WHITE -- EXCUSE ME, A SILVER
5 MERCEDES VEHICLE DRIFTED INTO A LANE CAUSING A VEHICLE TO
6 TAKE EVASIVE ACTION TO AVOID A CRASH, AND BASED ON THAT
7 VIOLATION I CONDUCTED A TRAFFIC STOP.

8 Q. WHEN YOU STOPPED THE VEHICLE, IT PULLED TO THE SIDE
9 OF THE ROAD?

10 A. YES.

11 Q. AND YOU MADE AN APPROACH TO THAT VEHICLE?

12 A. YES, SIR.

13 Q. TELL THE COURT, IF YOU WOULD, ABOUT YOUR APPROACH TO
14 THAT VEHICLE AND YOUR INITIAL INTERACTION WITH THE
15 OCCUPANTS.

16 A. I MADE A PASSENGER SIDE APPROACH. I NOTICED TWO
17 OCCUPANTS. THE DEFENDANT WAS DRIVING, ALONG WITH HIS
18 GIRLFRIEND IN THE PASSENGER SEAT. INITIALLY I BEGAN TO
19 SPEAK ENGLISH. I IMMEDIATELY -- HE ASKED IF I SPOKE
20 SPANISH, AND THEN THE INTERACTION WAS FROM SPANISH FROM
21 THAT POINT FORWARD.

22 Q. SO THE DRIVER OF THE VEHICLE RESPONDED TO YOU IN
23 SPANISH, DID YOU RECOGNIZE THE DIALECT OF SPANISH?

24 A. YES.

25 Q. WHAT DIALECT OF SPANISH?

1 A. IT WAS CUBAN.

2 Q. DID YOU EXPLAIN WHY YOU CONDUCTED THE TRAFFIC STOP?

3 A. CORRECT. I ADVISED HIM THE REASON FOR THE STOP.

4 Q. WHAT DID YOU TELL HIM?

5 A. I EXPLAINED TO HIM THAT HE DID NOT MAINTAIN A LANE,
6 ALMOST CAUSING AN ACCIDENT WITH ANOTHER VEHICLE, AND THAT
7 THE INCIDENT WAS WITNESSED BY MY DASH CAM.

8 Q. DID HE MAKE A RESPONSE BACK TO YOU?

9 A. I DON'T RECALL AT THAT POINT. I ASKED HIM FOR HIS
10 LICENSE, AND HE SAID HE WASN'T AWARE OF THE VIOLATION, AT
11 WHICH TIME I ASKED FOR HIS DRIVER'S LICENSE AND ASKED HIM
12 TO ACCOMPANY ME BACK TO MY VEHICLE.

13 Q. DID HE MAKE ANY STATEMENT AS TO ABOUT HIS TRAVEL
14 DESTINATION AT THAT POINT?

15 A. YES.

16 Q. WHERE DID HE SAY HE WAS GOING?

17 A. ONCE WE WERE BACK AT MY VEHICLE, AS I'M CONDUCTING
18 THE BUSINESS OF THE STOP, I ENGAGED IN CASUAL CONVERSATION
19 ABOUT WHERE HE WAS GOING AND WHATNOT, AND HE STATED HE
20 WAS, HE WAS GOING TO MIAMI. HE WAS GOING THERE TO SEE
21 FRIENDS AND, AND FIX HIS -- HE TOLD ME WHAT KIND OF
22 VEHICLE HE HAD, HE HAD A BMW 550, AND HE EXPLAINED TO ME
23 THAT THE TIRES WERE BAD, SO HE WAS GOING DOWN THERE TO
24 ADDRESS THAT.

25 Q. SO AT THIS POINT HE'S OUT OF HIS VEHICLE, HE IS IN

1 THAT CAMERA VIEW THAT'S ANGLED TOWARDS THE PASSENGER SIDE?

2 A. YES.

3 Q. OF YOUR VEHICLE?

4 A. YES.

5 Q. DID YOU FIND THAT UNUSUAL, HIS TRAVEL DESTINATION?

6 A. I DID.

7 Q. WHY?

8 A. WELL, BECAUSE HE SAID HE WAS COMING BACK THAT SAME
9 NIGHT.

10 Q. WHY WOULD THAT BE UNUSUAL?

11 A. WELL, I CONDUCTED A TRAFFIC STOP JUST BEFORE 3:00
12 P.M., HE WAS TRAVELING FROM TAMPA TO OUR LOCATION, WHICH
13 IS GIVE OR TAKE TWO HOURS. BY THE TIME HE WOULD HAVE GOT
14 TO MIAMI, WOULD HAVE BEEN 5:30 APPROXIMATELY, RIGHT, SMACK
15 IN THE MIDDLE OF RUSH HOUR TRAFFIC, EXCUSE ME; AND THEN TO
16 SEE FRIENDS AND FIX A CAR, YOU KNOW, AND THEN COME BACK
17 THAT SAME, THAT SAME DAY, THAT SEEMS ODD, ODD TO ME.

18 Q. IT WOULD HAVE BEEN MAYBE 8 OR 10 HOURS?

19 A. CORRECT, AN ALL DAY THING; BUT TO HAVE A QUICK TURN-
20 AROUND TIME, I FOUND THAT TO BE ODD.

21 Q. DID YOU ASK HIM ABOUT THE OWNERSHIP OF THE VEHICLE
22 THAT HE WAS DRIVING?

23 A. I DID.

24 Q. DID YOU RUN THE TAG NUMBER OF THAT VEHICLE?

25 A. YES.

1 Q. AND WHAT DID YOU LEARN ABOUT THE OWNER OF THE
2 VEHICLE?

3 A. IT BELONGED TO A MALE, A HISPANIC MALE.

4 Q. BY WHAT NAME?

5 A. I BELIEVE IT WAS ADRIAN QUINTANA -- I'M SORRY LAZERO
6 QUINTANA, I DON'T RECALL THE OTHER LAST NAME.

7 Q. DID THAT NAME MATCH THE DEFENDANT?

8 A. NO.

9 Q. DID YOU ASK HIM ABOUT THE OWNER OF THE VEHICLE?

10 A. I DID.

11 Q. WHAT DID YOU ASK?

12 A. I ASKED HIM WHO THE VEHICLE BELONGED TO, AND HE TOLD
13 ME THAT IT WAS A FEMALE WHO WAS FRIENDS WITH HIS
14 GIRLFRIEND.

15 Q. DID YOU NOTICE ANYTHING ABOUT THE DEFENDANT'S
16 BEHAVIOR AT THE SITE OF YOUR VEHICLE AT THIS POINT?

17 A. NERVOUS BEHAVIOR, HE WAS TALKATIVE, MOVING AROUND A
18 LOT. AT ONE POINT HE EVEN BENT OVER AND STARTED TOUCHING
19 HIS SHOES OR HIS PANTS, SOMETHING OF THAT.

20 Q. BASED UPON YOUR TRAINING AND EXPERIENCE IN
21 INTERDICTION, DID YOU FIND THAT UNUSUAL?

22 A. YES.

23 Q. SO HE SAYS THAT THE VEHICLE BELONGS TO A FEMALE
24 FRIEND OF HIS?

25 A. CORRECT.

1 Q. BUT IT'S COME BACK TO A MALE'S NAME?

2 A. YES.

3 Q. DID YOU HAVE CONVERSATIONS WITH THE DEFENDANT ABOUT
4 HIS EMPLOYMENT?

5 A. YES.

6 Q. WHAT DID HE SAY?

7 A. HE SAID HE WAS COMMITTED TO A PLUMBING STORE.

8 Q. DO YOU KNOW WHAT THAT MEANS, COMMITTED TO A PLUMBING
9 STORE?

10 A. THAT'S ANOTHER SUSPICIOUS RESPONSE FROM, FROM THE
11 DEFENDANT.

12 Q. DID YOU CONFIRM WITH HIM AGAIN ABOUT THE OWNERSHIP
13 OF THE VEHICLE AND WHO OWNED IT?

14 A. I DID.

15 Q. WHO DID HE SAY?

16 A. WHEN I BROUGHT UP THE NAME OF THE REGISTERED OWNER,
17 HE SAID THAT HE DID NOT KNOW HIM, BUT THAT HE THOUGHT THAT
18 THAT WAS THE BOYFRIEND OF THE FEMALE HE THOUGHT WAS THE
19 OWNER OF THE VEHICLE.

20 Q. DID YOU ASK HIM IF HE WAS FAMILIAR WITH THE FULL
21 NAME OF THE REGISTERED OWNER OF THE VEHICLE?

22 A. YES.

23 Q. WHAT DID HE SAY?

24 A. NO.

25 Q. DID HE EVER INDICATE TO YOU THAT HE KNEW THE

1 OWNER?

2 A. HE DID NOT; HOWEVER, RIGHT AFTER I GAVE HIM THE
3 NAME, HE OFFERED TO CALL THE REGISTERED OWNER TO CONFIRM
4 THAT HE DID HAVE PERMISSION TO HAVE THE VEHICLE.

5 Q. DEPUTY, I WANT TO SHOW YOU A PHOTOGRAPH -- THIS WILL
6 BE MARKED AS GOVERNMENT'S EXHIBIT 8 -- AND TELL ME IF YOU
7 CAN RECOGNIZE THIS? DO YOU RECOGNIZE THAT VEHICLE?

8 A. I DO.

9 Q. IS THAT THE VEHICLE THAT YOU STOPPED THAT DAY ON THE
10 14TH OF FEBRUARY {SIC} 2017?

11 A. YES, SIR.

12 Q. THE VEHICLE THAT THE DEFENDANT WAS DRIVING?

13 A. YES, SIR.

14 MR. MARTIN: ASK THAT THAT BE ADMITTED, YOUR
15 HONOR.

16 THE COURT: LET IT BE ADMITTED.

17 Q. I ALSO WANT TO SHOW YOU ANOTHER DOCUMENT, DEPUTY.
18 DO YOU RECOGNIZE THIS DOCUMENT?

19 A. YES.

20 Q. WHAT IS THIS?

21 A. THIS GIVES INFORMATION ABOUT THE VEHICLE IN
22 QUESTION.

23 Q. AND SPECIFICALLY THIS, WHERE THE PEN IS RIGHT THERE,
24 IS WHERE, WHAT THE TAG NUMBER IS ON THAT VEHICLE IN THE
25 PICTURE; CORRECT?

1 A. CORRECT.

2 Q. AND THEN AT THE BOTTOM OF THAT IT HAS THE FULL NAME
3 OF THE REGISTERED OWNER OF THE CAR; CORRECT?

4 A. YES.

5 MR. MARTIN: YOUR HONOR, THAT'S GOVERNMENT'S
6 EXHIBIT 9B, ASK THAT IT BE ADMITTED.

7 THE COURT: ALL RIGHT. LET IT BE ADMITTED,
8 NUMBER 9.

9 Q. SO YOU HAD THIS CONVERSATION ABOUT LAZERO MARTINEZ;
10 CORRECT?

11 A. CORRECT.

12 Q. AND AT NO POINT DOES THE DEFENDANT SAY THAT HE KNOWS
13 HIM?

14 A. NO.

15 Q. WHAT INFORMATION DID YOU HAVE ABOUT THE RELATIONSHIP
16 BETWEEN THE DEFENDANT AND THE REGISTERED OWNER OF THE
17 VEHICLE?

18 A. JUST WHAT HE PROVIDED, THAT HE DIDN'T KNOW WHO IT
19 WAS, HE THOUGHT IT BELONGED TO HIS FEMALE FRIEND, AND THAT
20 HE OFFERED, YOU KNOW, TO CALL HIM SEVERAL TIMES.

21 Q. HE OFFERED TO CALL SOMEONE THAT HE DIDN'T KNOW?

22 A. THAT'S WHAT HE SAID.

23 Q. AT SOME POINT BASED UPON YOUR TRAINING AND
24 EXPERIENCE, DID YOU WANT TO TAKE A LOOK IN THAT VEHICLE?

25 A. ABSOLUTELY.

1 Q. DID YOU ASK FOR CONSENT?

2 A. I DID.

3 Q. WHO DID YOU ASK FOR CONSENT?

4 A. THE DEFENDANT.

5 Q. AND WHAT DID HE SAY?

6 A. HE SAID YES. HE ACTUALLY OFFERED -- I ASKED, I
7 ASKED HIM SOMETHING WE ALWAYS ASK EVERY, EVERY PERSON WE
8 PULL OVER, IS THERE ANY WEAPONS, DRUGS, ANY LARGE AMOUNTS
9 OF CASH INSIDE THE VEHICLE; AND HE SAID NO, AND HE TOLD ME
10 I'M WELCOME TO SEARCH; AND THEN I REITERATED IF I HAD HIS
11 CONSENT TO SEARCH THE VEHICLE, AND HE AGREED.

12 Q. WHEN YOU ASKED HIM THAT, DID YOU ASK HIM TO GO HAVE
13 THE FEMALE EXIT THE VEHICLE?

14 A. YES.

15 Q. IS THAT AN OFFICER SAFETY ISSUE?

16 A. YEAH, IT COULD BE. AT THAT TIME I DID NOT HAVE
17 BACK-UP WITH ME.

18 Q. AND YOU HAD A FEMALE -- OR HE WENT UP AND ASKED THE
19 FEMALE TO EXIT THE VEHICLE; CORRECT?

20 A. YES.

21 Q. DID YOU NOTICE ANYTHING WHILE HE'S SPEAKING TO THE
22 FEMALE IN THE PASSENGER SIDE?

23 A. YEAH. HE, HE, HE GRABBED SOME, SOME JEWELRY AND
24 BROUGHT IT BACK TO MY VEHICLE.

25 Q. WHEN THE FEMALE GOT OUT OF THE VEHICLE -- I WANT TO

1 SHOW YOU AN IMAGE, DO YOU RECOGNIZE THIS?

2 A. I DO.

3 Q. IS THIS A FLORIDA IDENTIFICATION CARD OF THE FEMALE
4 WHO WAS THE PASSENGER?

5 A. IT IS.

6 MR. MARTIN: THAT'S GOVERNMENT'S 10, YOUR
7 HONOR, ASK THAT IT BE ADMITTED.

8 THE COURT: LET IT BE ADMITTED.

9 Q. SO DID YOU HAVE A CONVERSATION WITH HIM ABOUT THE
10 JEWELRY THAT HE'S WEARING?

11 A. YES, I DID.

12 Q. WHAT DID YOU TALK ABOUT?

13 A. WELL, IT WAS A RATHER LARGE NECKLACE. I ASKED HIM
14 HOW MUCH THAT COST, AND HE SAID IT WAS ABOUT \$7,500; AND
15 ALSO A RING, HE HAD A RING WITH HIM; AND THEN I ASKED HIM
16 AGAIN WHAT HE DID FOR WORK, AND I MADE A COMMENT TO -- HE
17 HAD MENTIONED THAT HE HAD BEEN IN THE COUNTRY FROM CUBA
18 ABOUT TWO YEARS, AND I MADE THE COMMENT OF MY BACKGROUND
19 BEING CUBAN AS WELL, YOU KNOW, IF HE EVER IMAGINED THAT
20 HE'D HAVE SUCH A LUXURIOUS ITEM IN THIS COUNTRY JUST BEING
21 IN THE COUNTRY FOR LESS THAN TWO YEARS.

22 Q. AND WHAT DID HE SAY?

23 A. I BELIEVE HE SAID THAT HE WORKS AND THAT HE, HE PAID
24 FOR IT, SOMETHING TO THAT EFFECT.

25 Q. AT SOME POINT DOES THE FEMALE THAT YOU'VE IDENTIFIED

1 IN THAT EXHIBIT 10, DID SHE EXIT THE VEHICLE?

2 A. YES.

3 Q. DID SHE HAVE ANYTHING WITH HER WHEN SHE EXITS THE
4 VEHICLE?

5 A. HER PURSE.

6 Q. THEY STEP AWAY FROM THE VEHICLE?

7 A. YES.

8 Q. DID YOU MAKE A SEARCH BY YOURSELF OF THIS VEHICLE?

9 A. I DID.

10 Q. WHEN YOU SEARCHED THE VEHICLE, WHAT DID YOU FIND?

11 A. I FOUND SOME, SOME MERCHANDISE IN THE VEHICLE. I
12 FOUND SOME, AN I-PAD THAT WAS STILL IN THE BOX, I FOUND
13 RATHER EXPENSIVE SHOES, AND I BELIEVE SOME MORE JEWELRY
14 INSIDE THE VEHICLE.

15 Q. COULD YOU DETERMINE WHETHER OR NOT THE ITEMS WERE
16 USED OR NEW?

17 A. THEY WERE NEW. THEY -- THERE WERE NO RECEIPTS, THEY
18 WERE NOT IN BAGS, WHICH IS CUSTOMARY FOR PEOPLE PURCHASING
19 THEM.

20 Q. DID YOU REMOVE ANYTHING FROM THE VEHICLE AT THAT
21 POINT?

22 A. NOT AT THAT POINT.

23 Q. AFTER YOU FINISHED YOUR SEARCH, WHAT DID YOU DO?

24 A. I CAME BACK TO THE VEHICLE, AND THEN I, I BELIEVE I
25 ASKED THE PASSENGER IF I CAN SEE HER, IF I CAN -- IF SHE

1 HAD A PURSE ON HER, AND IF I COULD, I COULD LOOK INSIDE OF
2 IT, AND SHE SHOWED IT TO ME; AND THEN I ASKED THE
3 DEFENDANT ABOUT THE, THE SHOES THAT WERE IN THE BACK, AND
4 HE STATED THAT THEY'RE, THAT THEY'RE HIS GIRLFRIEND'S AND
5 THAT SHE BOUGHT THEM.

6 Q. AT THIS POINT WHAT HAVE YOU DEVELOPED AND HAS THAT
7 INFORMATION CAUSED YOU TO HAVE ANY BELIEFS?

8 A. RIGHT. BASED ON THE TOTALITY OF THE CIRCUMSTANCES,
9 THE TRAVEL ITINERARY, THE HIGH-END JEWELRY, THE MERCHAN-
10 DISE IN THE VEHICLE, HIS NERVOUSNESS, I HAD REASONABLE
11 SUSPICION THAT SOME TYPE OF IDENTITY FRAUD WAS BEING
12 COMMITTED AT THAT TIME.

13 Q. DID YOU ASK THE DEFENDANT TO GIVE YOU ANYTHING AT
14 THIS POINT?

15 A. I DID.

16 Q. WOULD YOU TELL THE COURT EXACTLY HOW THAT EXCHANGE
17 OCCURRED?

18 A. I ASKED HIM IF HE HAD HIS WALLET, HE REPEATED THE
19 QUESTION WITH A QUESTION, I REITERATED THE QUESTION, AT
20 WHICH POINT HE GOES AND GRABS, MOTIONS TO HIS POCKET AND
21 BEGINS TO PULL OUT HIS WALLET; AND I SAID, MAY I -- YOU
22 MIND -- LET ME SEE IT FOR A MOMENT.

23 Q. YOU'RE SAYING ALL THIS IN SPANISH?

24 A. CORRECT, CORRECT.

25 Q. AND AT THAT POINT WHAT DOES HE DO WITH THE WALLET

1 THAT'S IN HIS HAND?

2 A. HE GIVES IT TO ME.

3 Q. DID YOU TAKE A LOOK THROUGH THAT WALLET?

4 A. I DID.

5 Q. WHAT DID YOU FIND?

6 A. I FOUND THREE VANILLA VISA GIFT CARDS INSIDE IN HIS
7 WALLET.

8 Q. WHAT'S THE SIGNIFICANCE OF VANILLA GIFT CARDS?

9 A. THOSE ARE USED A LOT IN CREDIT CARD FRAUD-TYPE
10 CASES, THOSE ALONG WITH VISA GREEN DOT, THOSE ARE
11 TYPICALLY AN INDICATOR TO US.

12 Q. HOW SO, WHY?

13 A. WELL, PEOPLE USE STOLEN CREDIT CARD INFORMATION AND
14 ENCODE THEM ON THOSE CARDS. IT'S VERY COMMON. I'VE HAD
15 NUMEROUS, NUMEROUS CASES INVOLVING THIS METHODOLOGY.

16 Q. I WANT TO SHOW YOU WHAT'S BEEN MARKED AS
17 GOVERNMENT'S 11. IS THIS WHAT WE'RE TALKING ABOUT, DO YOU
18 RECOGNIZE THAT?

19 A. YES, SIR.

20 Q. THIS IS A VANILLA GIFT CARD; CORRECT?

21 A. CORRECT.

22 Q. AND THIS IS THE BACK OF THE VANILLA GIFT CARD, DO
23 YOU RECOGNIZE THAT?

24 A. YES, SIR.

25 Q. IF YOU WOULD -- AND I'LL JUST GO AHEAD AND SHOW YOU

1 GOVERNMENT'S 12, THIS IS A SINGLE GIFT CARD, AND THIS IS
2 THE BACK OF THAT GIFT CARD; CORRECT?

3 A. YES.

4 Q. LET ME PUT 11 BACK UP HERE OF THE BACK. WHAT DO YOU
5 NOTE ON THE BACK OF THOSE CARDS, DEPUTY CAMACHO?

6 A. WELL, THE FACT THAT HE PURCHASED THESE CARDS THE DAY
7 BEFORE AND THAT THERE ARE, LOOKS LIKE WHAT APPEARS TO BE
8 NUMBERS AND CROSSED OUT WITH SOME TYPE OF MARKER, AND THEN
9 YOU HAVE A 5 DIGIT HANDWRITTEN NUMBERS ON THE BACK.

10 Q. WHAT'S THE SIGNIFICANCE OF THAT FOR YOU?

11 A. FROM OUR CONTINUING EXPERIENCE AND SEVERAL OTHER
12 CASES THESE TYPICALLY ARE ZIP CODES, WHICH IS NECESSARY
13 WHEN YOU USE A CREDIT CARD AT, SAY, A GAS PUMP.

14 Q. COULD YOU PUT YOUR CARD IN AND THEN IT ASKS YOU,
15 PROMPTS YOU?

16 A. CORRECT, THE MAILING, THE MAILING ZIP CODE.

17 Q. AND THE TWO NUMBERS THAT ARE ON THOSE CARDS, THE
18 BOTTOM ONE IS 37743; CORRECT?

19 A. CORRECT.

20 Q. HAVE YOU SINCE LEARNED THE SIGNIFICANCE OF THAT
21 NUMBER?

22 A. I HAVE.

23 Q. WHAT IS THE SIGNIFICANCE OF THAT NUMBER?

24 A. IT CORRESPONDS TO GREENEVILLE, TENNESSEE.

25 Q. AS THE ZIP CODE; CORRECT?

1 A. YES.

2 Q. YOU HAVE THESE CARDS IN YOUR HAND NOW, DID, DID THE
3 DEFENDANT GIVE ANY STATEMENTS TO YOU REGARDING THE
4 OWNERSHIP OF THOSE CARDS?

5 A. CORRECT. INITIALLY HE STATED THAT HE BOUGHT THEM AT
6 A MALL, THEN AT -- DURING MY ROADSIDE INTERVIEW HE STATED
7 THAT HE WENT TO A GAS STATION IN TAMPA THE DAY BEFORE. HE
8 WAS AT THE GAS PUMP AND A GENTLEMAN WHO, HIS WORDS WERE,
9 IDENTIFIED HIS SELF AS ROBERTO APPROACHED HIM AND OFFERED
10 TO SELL HIM THESE CARDS AT HALF PRICE.

11 Q. DID YOU ASK THE DEFENDANT IF YOU COULD, I GUESS,
12 SWIPE THE BACK MAGNETIC STRIPE --

13 A. I DID.

14 Q. -- OF THE CARDS?

15 A. YES.

16 Q. WHAT DID HE SAY?

17 A. INITIALLY HE SAID YES, GO AHEAD.

18 Q. AND WHAT DID YOU DO?

19 A. I PROCEEDED TO MY GLOVE COMPARTMENT TO GRAB A
20 MAGNETIC SCANNER WHICH WE USE TO SCAN THE CREDIT CARDS.

21 Q. AND WHAT DID YOU -- SO YOU WERE ABLE TO SWIPE THEM
22 THERE AT YOUR POLICE CAR?

23 A. CORRECT.

24 Q. AND WHAT DID YOU FIND WHEN YOU SWIPE THE CARDS?

25 A. THAT THE INFORMATION ON THE MAGNETIC STRIP DID NOT

1 CORRESPOND WITH THE EMBROIDERED NUMBERS IN THE FRONT OF
2 THE CARD.

3 Q. I'M JUST GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 12
4 AGAIN. YOU'RE TALKING ABOUT THAT NUMBER 4847182250634255;
5 CORRECT?

6 A. YES, SIR.

7 Q. AND IT SAYS "GIFT CARD RECIPIENT" ON IT, THE
8 INFORMATION THAT YOU SWIPE DID NOT MATCH THAT?

9 A. NO.

10 Q. WHAT DOES THAT INDICATE TO YOU BASED ON YOUR
11 TRAINING AND EXPERIENCE?

12 A. THAT THESE ARE FRAUDULENT, THAT THEY HAVE CREDIT
13 CARD INFORMATION FROM OTHER CREDIT CARDS THAT THEY
14 GATHERED OR OBTAINED THROUGH NUMEROUS MEANS. FROM MY
15 EXPERIENCES THEY TYPICALLY PUT A CHIP IN THE CREDIT CARD
16 DEVICES AT THE GAS PUMPS, AND THEY PUT IT IN THERE, AND
17 THEY GRAB AN INCREDIBLE AMOUNT OF DATA, CREDIT CARD
18 NUMBERS, ZIP CODES, WHATEVER CODES YOU NEED TO USE THAT,
19 THAT CREDIT CARD, PARTICULAR CARD.

20 Q. THE CARD PIN AS WELL; CORRECT?

21 A. CORRECT, YES.

22 Q. SO NOW THAT YOU'VE SEEN THIS INFORMATION DOESN'T
23 MATCH, WHAT DID YOU DO AFTER THAT?

24 A. I SEARCHED THE DEFENDANT. I HAD HIM PUT HIS HANDS
25 ON TOP OF HIS HEAD, SEARCHED HIM FOR WEAPONS, AND THEN I

1 DETAINED HIM IN THE BACK OF MY CAR.

2 Q. AT SOME POINT DID YOU GIVE THE DEFENDANT HIS MIRANDA
3 WARNINGS?

4 A. YES, I DID.

5 Q. AND YOU MENTIONED PREVIOUSLY THAT YOU HAVE THREE
6 VIEWS FOR A CAMERA IN YOUR POLICE CAR AT THE TIME;
7 CORRECT?

8 A. YES.

9 Q. AND YOU SAID ONE OF THEM IS IN THE PRISONER CUSTODY
10 AREA?

11 A. YES.

12 Q. AND THAT CAMERA WAS WORKING THAT DAY; CORRECT?

13 A. IT WAS.

14 Q. AND DID YOU -- YOU GAVE HIM MIRANDA?

15 A. I DID.

16 Q. IN ENGLISH OR SPANISH?

17 A. IN SPANISH FROM THE AGENCY-ISSUED CARD.

18 Q. AFTER YOU MIRANDIZED HIM, DID HE AGREE TO SPEAK TO
19 YOU?

20 A. HE DID.

21 Q. DID YOU TALK TO HIM MORE ABOUT THE CARDS?

22 A. I DID.

23 Q. WHAT DID HE SAY ABOUT THE CARDS?

24 A. HE BASICALLY REITERATED WHERE HE GOT THE CARDS
25 PREVIOUS DAY, HE STATED THAT HE WAS ONLY GOING TO USE THE

1 CARDS FOR, FOR GAS TRANSACTIONS. I QUESTIONED HIM ABOUT
2 THE JEWELRY AND THE HIGH-END ITEMS, AND HE EXPLAINED TO ME
3 THAT HIS GIRLFRIEND BUYS IT FOR HIM. HE STATED THAT HIS
4 GIRLFRIEND IS AN EXOTIC DANCER, AND THE FEMALE WHO HE
5 STATED OWNED THE VEHICLE WORKS TOGETHER WITH THE GIRL-
6 FRIEND. HE STATED SHE MADE LARGE AMOUNTS OF MONEY A NIGHT
7 WORKING AND THAT SHE BUYS HIM ALL THESE MERCHANDISE, AND
8 HE ALSO STATED THAT HE -- SHE HAS A TATTOO OF HIS NAME ON
9 HER BODY.

10 Q. HE INDICATED HE PAID HOW MUCH FOR THE CARDS?

11 A. \$50 EACH.

12 Q. AND THIS WAS, AGAIN, FROM A PERSON HE SAYS
13 IDENTIFIED HIMSELF AS ROBERTO?

14 A. CORRECT.

15 Q. DID HE SAY WHEN HE BOUGHT THE CARDS?

16 A. THE DAY BEFORE.

17 Q. SO APRIL 13, 2017?

18 A. YES.

19 Q. DID HE SAY WHETHER OR NOT HE HAD USED THEM?

20 A. HE STATED HE DID NOT.

21 Q. DID HE IDENTIFY HOW HE WAS GOING TO USE THEM IF HE
22 WAS GOING TO USE THEM?

23 A. TO PURCHASE GAS.

24 Q. DID YOU HAVE DISCUSSIONS WITH HIM AGAIN ABOUT HIS
25 EMPLOYMENT?

1 A. I DID.

2 Q. WHAT DID HE SAY?

3 A. HE SAID, HE STATED HE WAS COMMITTED TO A PLUMBING
4 STORE.

5 Q. DID YOU DISCUSS WITH HIM HOW HIS, HIS COUNTRY OF
6 ORIGIN, THE YEARS OF TIME THAT HE HAD BEEN HERE AND HIS
7 FINANCIAL SITUATION WITHIN THAT TIME FRAME?

8 A. RIGHT. I REITERATED THAT, AND THEN I ALSO TOLD HIM
9 THAT IT WOULD BE -- THERE'S TWO SCENARIOS THAT I SAW THAT
10 COULD BE POSSIBLE, THAT HE WAS A LEGITIMATE VICTIM FROM
11 ROBERTO GIVING HIM FALSE INFORMATION OR HE COULD BE
12 INVOLVED IN THE CRIME OF POSSESSION, POSSESSING FRAUDULENT
13 CREDIT CARD INFORMATION.

14 Q. DID YOU HAVE A DISCUSSION WITH HIM ABOUT THE
15 MERCHANDISE THAT YOU FOUND IN THE VEHICLE WHEN YOU
16 SEARCHED IT?

17 A. YES.

18 Q. HOW DID THAT CONVERSATION GO?

19 A. JUST REITERATED THAT THE SHOES, THE I-PAD, STATED HE
20 HAD NO KNOWLEDGE OF THE I-PAD. ABOUT THE SHOES AGAIN, HE
21 STATED THAT THEY BELONGED TO HIS GIRLFRIEND AND THAT SHE
22 BOUGHT THEM; AND THEN ABOUT THE JEWELRY AGAIN AND HOW HE
23 OBTAINED IT.

24 Q. DID YOU ASK HIM FOR CONSENT TO SEARCH HIS PHONE?

25 A. YES. AFTER I EXPLAINED TO HIM THE TWO SCENARIOS

1 THAT I JUST MENTIONED, I EXPLAINED TO HIM THAT ONE WAY OF
2 ME RULING OUT HIS INVOLVEMENT WAS GOING THROUGH HIS PHONE
3 WITH HIM WITH HIS CONSENT.

4 Q. HE AGREED TO ALLOW YOU TO SEARCH HIS PHONE?

5 A. ABSOLUTELY.

6 Q. HOW DID YOU GO ABOUT SEARCHING HIS PHONE?

7 A. I BROUGHT -- THERE WAS TWO PHONES LOCATED IN THE
8 VEHICLE. I SPECIFIED WHICH ONE WAS, BELONGED TO HIM,
9 WHICH ONE BELONGED TO HIS GIRLFRIEND. I OBTAINED THE ONE
10 THAT HE STATED BELONGED TO HIM, I BROUGHT IT TO HIM, AND
11 HE UNLOCKED IT IN MY PRESENCE.

12 Q. DID YOU TAKE A LOOK THROUGH HIS PHONE?

13 A. I DID.

14 Q. WAS HE PRESENT DURING THIS TIME?

15 A. YES, HE WAS RIGHT NEXT TO ME.

16 Q. AND WHAT DID YOU FIND SIGNIFICANT ON HIS PHONE?

17 A. THE BROWSING HISTORY, THERE WAS A BIN SEARCH WEB-
18 SITE. THIS WEBSITE IS COMMONLY USED TO GET BANKING
19 INFORMATION WHICH IS ASSIGNED TO A PARTICULAR CREDIT CARD.

20 Q. IT WILL IDENTIFY THE FINANCIAL INSTITUTION BACKING
21 THAT CREDIT CARD; RIGHT?

22 A. YES, SIR.

23 Q. DID YOU TALK TO HIM ABOUT THAT?

24 A. YES.

25 Q. AND WHAT DID HE SAY?

1 A. HE HAD NO IDEA WHAT I WAS TALKING ABOUT; AND THEN I
2 ASKED HIM, THIS IS YOUR PHONE; CORRECT? I MEAN, DOES
3 ANYONE ELSE USE YOUR PHONE, AND HE STATED NO.

4 Q. AT SOME POINT DID YOU TELL HIM THAT THE, IT WAS YOUR
5 BELIEF THAT THE CREDIT CARDS OR THE VANILLA GIFT CARDS
6 WERE FAKE?

7 A. OH, I TOLD HIM THAT THEY WERE FAKE, YES.

8 Q. YES. WHAT DID HE SAY?

9 A. HE ACTED SHOCKED, PUT HIS HANDS ON TOP OF HIS HEAD,
10 WAS IN DISBELIEF, STATED HE WAS JUST TRYING TO GAIN HIS
11 RESIDENCY AND I BELIEVE SEE HIS MOTHER, SOMETHING TO THAT
12 EFFECT.

13 Q. AT SOME POINT DID YOU GO BACK AND CONDUCT ANOTHER
14 SEARCH OF THAT VEHICLE?

15 A. I BELIEVE MY CAPTAIN DID, YES.

16 Q. AND DID YOU FIND -- OR WERE THERE TWO THUMB DRIVES
17 THAT WERE FOUND IN THAT VEHICLE?

18 A. CORRECT.

19 Q. AND YOU COLLECTED THOSE?

20 A. YES.

21 Q. I JUST WANT TO SHOW YOU ANOTHER PHOTOGRAPH, DEPUTY
22 CAMACHO, DO YOU RECOGNIZE THIS?

23 A. YES, I DO.

24 Q. AND WHAT IS THIS?

25 A. THESE ARE THE ITEMS THAT WERE LOCATED INSIDE OF THE

1 VEHICLE.

2 Q. YOU HAVE THE PURSE AND THE BAG, THE CELL PHONES, THE
3 I-PAD AND SOME JEWELRY AS WELL AS THE CARDS; CORRECT?

4 A. CORRECT.

5 Q. THOSE CARDS IN THE LOWER RIGHT-HAND CORNER, THOSE
6 ARE THE GOVERNMENT'S EXHIBITS 11 AND 12?

7 A. YES, SIR.

8 MR. MARTIN: ASK THAT BE ADMITTED, YOUR HONOR.

9 THE COURT: YOU WANT TO ADMIT 11 AND 12 TOO?

10 MR. MARTIN: YES, YOUR HONOR.

11 THE COURT: OKAY, SO 11, 12 AND 13 WILL BE NOW
12 ADMITTED.

13 MR. MARTIN: JUST TO GO BACK, YOUR HONOR, SO IT
14 WILL BE 8 ADMITTED, 9, 10, 11, 12 AND 13.

15 THE COURT: CORRECT, ALL OF THOSE ARE ADMITTED.

16 Q. AND, DEPUTY CAMACHO, YOU HAVE REVIEWED THE VIDEO OF
17 THE THREE VIEWS OF YOUR CAMERA ON THAT DAY; CORRECT?

18 A. I HAVE.

19 Q. AND IT IS A TRUE AND ACCURATE COPY OF, IT IS A TRUE
20 AND ACCURATE COPY OF WHAT YOU, WHAT WAS RECORDED THAT DAY
21 BY THOSE VIEWS; CORRECT?

22 A. CORRECT.

23 MR. MARTIN: YOUR HONOR, WE HAVE THOSE DISKS
24 THAT ARE GOING TO BE GOVERNMENT'S 2 AND 3, IT WILL BE
25 THREE VIEWS OF THE CAMERA, AND WE'LL SHOW THOSE.

1 Q. DEPUTY, BEFORE WE DO THAT, I WANT TO TALK TO YOU
2 ABOUT A SEARCH OF THOSE DISKS. DID YOU APPLY FOR AND BE
3 GRANTED A SEARCH WARRANT FOR THOSE THUMB DRIVES THAT YOU
4 FOUND?

5 A. YES, SIR.

6 Q. AND WERE YOU ABLE TO LOOK AT THE CONTENTS OF THOSE
7 THUMB DRIVES?

8 A. I DID.

9 Q. OF THOSE TWO THUMB DRIVES, WHAT DID YOU FIND ON THE
10 DRIVES?

11 A. APPROXIMATELY 500 ACCOUNT NUMBERS, CREDIT CARD
12 NUMBERS COMMONLY USED TO COMMIT IDENTITY THEFT-TYPE CASES.

13 Q. WHEN YOU LOOKED AT THE CONTENTS OF THE DRIVE, WAS
14 THERE ANYTHING ABOUT THE FILE NAMES OR DATES THAT YOU
15 NOTICED?

16 A. YES. ONE OF THEM WAS TITLED T-E-N-E-S-I, FORGIVE ME
17 IF I'M MISSPELLING IT, BUT IT SOUNDS LIKE TENNESSEE IN
18 SOME TYPE OF SPANISH ABBREVIATION, AND SOME OF THE FILES
19 HAD THE NAME ADRIAN ON THERE THAT BEGAN WITH THE NAME
20 ADRIAN, WHICH COINCIDENTALLY IS THE REGISTERED OWNER, ONE
21 OF THE REGISTERED OWNERS' NAMES, AND THERE WAS ANOTHER
22 FILE THAT SAYS SOMETHING IN SPANISH ABOUT NEW CREDIT.

23 Q. WHEN YOU WERE ASKING THE DEFENDANT AND THE FEMALE AT
24 THE SIDE OF THE ROAD ABOUT THE ITEMS IN THE CAR, DID YOU
25 INQUIRE ABOUT OWNERSHIP OF THE ITEMS IN THE CAR THAT WOULD

1 BE IN THE CAR?

2 A. YES.

3 Q. DID YOU LEARN OF ANY -- DID ANYBODY CLAIM OWNERSHIP
4 OF THE ITEMS THAT WERE IN THE CAR?

5 A. SHE CLAIMED OWNERSHIP TO THE SHOES. NO ONE CLAIMED
6 OWNERSHIP TO THE OTHER MERCHANDISE.

7 Q. DID ANYONE CLAIM OWNERSHIP OF THOSE THUMB DRIVES?

8 A. NO.

9 Q. LET ME ASK THIS VERY DIRECTLY THEN, DID YOU ASK
10 ABOUT OWNERSHIP SPECIFICALLY, ARE THESE YOURS OF THE
11 DEFENDANT AND THE FEMALE IN THE VEHICLE?

12 A. I DID.

13 Q. AND DID THEY AFFIRMATIVELY DENY OWNERSHIP OF THOSE
14 ITEMS?

15 A. YES.

16 THE COURT: AND YOU'RE REFERRING TO THE THUMB
17 DRIVES; IS THAT RIGHT?

18 Q. YOU ARE --

19 A. YES, SIR; YES, SIR.

20 Q. THANK YOU. DEPUTY, WE'RE GOING TO PLAY THE -- AND,
21 YOUR HONOR, I'LL LET THE DEFENSE AND YOU KNOW, WE'RE GOING
22 TO TRY TO SPLIT THIS UP BECAUSE THE FRONT VIEW CERTAINLY
23 SHOWS AN INITIAL PORTION OF IT, BUT THEN THERE'S A SIDE
24 VIEW THAT, THIS PASSENGER DOOR VIEW, WE'LL SWITCH TO THAT
25 ONCE THE DEFENDANT GETS BACK TO THE, TO THAT VIEW. SO

1 I'LL NOTIFY THE COURT, YOU KNOW, THIS IS EXHIBIT 2 --

2 THE COURT: OKAY.

3 MR. MARTIN: -- WHICH IS A COPY OF WHAT WE'RE
4 GOING TO CALL DISK 1 FROM THE LEE COUNTY EVIDENCE, AND IT
5 HAS BOTH OF THOSE FRONT-VIEW AND THE SIDE-VIEW CAMERAS.

6 THE COURT: OKAY.

7 MR. MARTIN: AND THEN THE EXHIBIT 3 IS THE
8 PRISONER CUSTODY AREA OF THE VEHICLE, AND SO WE'LL GO ALL
9 THE WAY THROUGH, AFTER WE GET TO THE SIDE VIEW, GO ALL THE
10 WAY TO THE END, AND THEN WE'LL ALSO PLAY THE, THE CUSTODY
11 AREA.

12 THE COURT: OKAY. ALL RIGHT. GO AHEAD.

13 MR. MARTIN: YOUR HONOR, I SAID THAT WE WOULD
14 DO THAT, BUT WE'RE GOING TO SEE -- I JUST HAVE GOVERNMENT
15 PC ENCODER ON MY SCREEN.

16 THE CLERK: I SWITCHED IT.

17 MR. MARTIN: ALL RIGHT. HERE WE GO.

18 (VIDEO PLAYING)

19 Q. AH, THIS LOOKS MORE FAMILIAR.

20 AND THIS IS THE FRONT VIEW OF YOUR CRUISER;
21 CORRECT?

22 A. CORRECT.

23 Q. LET ME ASK THIS, BEFORE -- IF WE COULD PAUSE FOR
24 JUST A SECOND. EXPLAIN TO THE COURT HOW YOUR CAMERA
25 SYSTEM WORKS AND WHY WE'RE STARTING AT THIS POINT IN THE

1 VIDEO? YOU SAID THAT THERE WAS A -- THE CAR SORT OF WENT
2 INTO THE LANE OF ANOTHER VEHICLE, THAT'S NOT ON THIS
3 VIDEO; CORRECT?

4 A. NO, IT'S NOT.

5 Q. WHY IS IT NOT?

6 A. I BELIEVE THE -- I'M NOT SURE EXACTLY THE TIME, IT'S
7 EITHER A MINUTE OR 30 SECONDS THAT THE VIDEO BEGINS
8 RECORDING PRIOR TO ME TURNING ON MY EMERGENCY LIGHTS; SO
9 WHEN I STOP A VEHICLE ON THE INTERSTATE, I LOOK FOR A
10 TACTICALLY SAFE PLACE IN ORDER TO CONDUCT MY TRAFFIC STOP.
11 THIS WAS IN BETWEEN TWO EXITS, WHICH IS WHAT WE'RE LOOKING
12 FOR, WE DON'T WANT TO STOP A VEHICLE, SAY, A MILE FROM AN
13 EXIT OR AN EXIT TO THE NORTH OR SOUTH. THIS PARTICULAR
14 LOCATION IS BETWEEN LUCKETT ROAD AND MARTIN LUTHER KING
15 BOULEVARD. SO WE'VE HAD SEVERAL OFFICER-INVOLVED
16 SHOOTINGS IN MY UNIT PREVIOUSLY, AND WE MAKE IT A POINT TO
17 ADJUST THE, THE OFFICER SAFETY ISSUE IN OUR LOCATION OF
18 THE STOP.

19 Q. SO YOU'VE SEEN THE TRAFFIC INCIDENT, AND NOW YOU'RE
20 LOOKING FOR A SAFE TACTICAL PLACE?

21 A. CORRECT.

22 Q. AND YOU'VE ACTIVATED YOUR CAMERA, AND IT GOES BACK A
23 PERIOD OF TIME, IT JUST DIDN'T CAPTURE THAT PORTION OF IT;
24 CORRECT?

25 A. THAT'S CORRECT.

1 MR. MARTIN: OKAY. LET'S PLAY THE VIDEO.

2 (VIDEO PLAYING)

3 MR. MARTIN: IF WE COULD STOP IT AT THIS POINT,
4 YOUR HONOR, TO SWITCH TO THE SIDE VIEW, THAT WILL AGAIN BE
5 ON GOVERNMENT'S EXHIBIT 2.

6 THE COURT: ALL RIGHT.

7 MR. MARTIN: AND, MADAM CLERK, IS THERE A WAY
8 TO REMOVE THAT LITTLE BLUE LINE?

9 THE CLERK: HIT THE UNDO BUTTON UP AT THE TOP
10 ON THE SCREEN.

11 MR. MARTIN: MAYBE I PUT THAT THERE.

12 (VIDEO PLAYING)

13 MR. MARTIN: IF YOU CAN GET US TO THE POINT
14 WHERE HE'S JUST COMING INTO THE CAMERA VIEW THERE.

15 (VIDEO PLAYING)

16 Q. DEPUTY CAMACHO, DO YOU SEE THE PICTURE OF THE PERSON
17 YOU WERE TALKING TO THAT DAY OUT ON THE SIDE OF THE ROAD?

18 A. YES.

19 Q. DO YOU SEE THAT PERSON HERE IN THE COURTROOM TODAY?

20 A. I DO.

21 Q. WHERE ARE THEY LOCATED, JUST POINT HIM OUT?

22 A. SITTING THERE IN THE WHITE SHIRT NEXT TO DEFENSE
23 COUNSEL.

24 Q. THANK YOU.

25 THE COURT: LET THE RECORD REFLECT THAT HE'S

1 IDENTIFIED THE DEFENDANT.

2 (VIDEO PLAYING)

3 Q. WHAT'S THAT CONVERSATION THAT YOU'RE HAVING WITH HIM
4 NOW?

5 A. HE IDENTIFIES -- HE SAYS HE'S GOING TO MIAMI. HE
6 SAID HE'S GOING TO FIX HIS CAR, SOME ISSUE WITH THE TIRES,
7 AND HE DESCRIBED HIS CAR AS A BMW 550.

8 Q. THANK YOU.

9 (VIDEO PLAYING)

10 Q. WHAT'S THIS CONVERSATION NOW THAT YOU'RE HAVING WITH
11 HIM?

12 A. I ASKED HIM WHAT HE DOES FOR WORK, AND HE SAYS HE
13 WAS COMMITTED TO A PLUMBING STORE.

14 Q. PLUMBING STORE?

15 A. YEAH.

16 (VIDEO PLAYING)

17 Q. WHAT'S THIS CONVERSATION THAT YOU'RE HAVING WITH
18 HIM?

19 A. I ASKED HIM HOW LONG HE'S GOING TO BE IN MIAMI; AND
20 YOU CAN TELL WHEN HE RESPONDS, HE LOOKS DOWN AND HE SAYS
21 JUST A COUPLE OF HOURS, I'M JUST GOING TO GRAB THE TIRES
22 AND COME BACK.

23 Q. BASED UPON YOUR TRAINING AND EXPERIENCE, WHAT DOES
24 LOOKING DOWN MEAN?

25 A. WELL, HE'S TRYING TO AVOID EYE CONTACT, KIND OF

1 DECEIVING, LOOKING DOWN, NOT, NOT LOOKING AT ME WHEN I --
2 WHEN HE RESPONDS TO THE QUESTION.

3 (VIDEO PLAYING)

4 Q. WHAT DID YOU JUST ASK HIM?

5 A. I ASKED HIM WHO'S LAZERO.

6 Q. AND WHAT DID HE SAY?

7 A. I DON'T KNOW.

8 Q. AND THAT'S THE REGISTERED OWNER OF THE VEHICLE?

9 A. CORRECT.

10 (VIDEO PLAYING)

11 Q. WHAT DID YOU DO AFTER HE SAID HE DOESN'T KNOW
12 LAZERO?

13 A. I GAVE HIS FULL NAME, AT WHICH TIME HE SAID, WELL,
14 THAT MUST BE HER BOYFRIEND.

15 Q. HE'S LEANING AROUND AND LOOKING SORT OF IN WHERE
16 YOU'RE WORKING THERE, WHAT ARE YOU DOING AT THIS POINT?

17 A. I'M CONDUCTING THE BUSINESS OF THE STOP, I'M RUNNING
18 THE VEHICLE INFORMATION, HIS HORSEPOWER IS WHAT WE CALL
19 IT, HIS BASIC INFORMATION TO MAKE SURE HIS LICENSE IS
20 VALID, MAKE SURE THE CAR IS NOT STOLEN, ET CETERA, ET
21 CETERA.

22 Q. YOU HAVE A MOBILE DATA TERMINAL IN YOUR VEHICLE YOU
23 CAN DO THIS FROM; CORRECT?

24 A. CORRECT, MY NDC, MY COMPUTER.

25 Q. SO IT'S A LAPTOP --

1 A. YEAH.

2 Q. -- SCREEN, AND HE'S LEANING AROUND SORT OF LOOKING
3 IN THAT AREA THEN?

4 A. YES.

5 (VIDEO PLAYING)

6 Q. WHAT WAS THAT CONVERSATION?

7 A. HE OFFERS TO PUT THE GENTLEMAN ON THE PHONE, THE
8 GENTLEMAN HE DIDN'T KNOW.

9 Q. JUST MOMENTS AGO?

10 A. YEAH.

11 (VIDEO PLAYING)

12 Q. WHAT WAS THAT BIT OF CONVERSATION?

13 A. HE TOLD ME HOW MANY YEARS HE'S BEEN IN THE COUNTRY,
14 HE SAID APPROXIMATELY TWO YEARS.

15 Q. YOU ASKED HIM HOW LONG, AND HE SAID TWO?

16 A. YEAH.

17 (VIDEO PLAYING)

18 Q. COULD YOU TELL THE COURT WHAT THIS CONVERSATION IS
19 THAT YOU'RE HAVING WITH THE DEFENDANT?

20 A. I ASKED HIM IF HE CAME STRAIGHT FROM CUBA TO
21 ORLANDO, HE STATED NO. HE SAID HE LIVED WITH HIS UNCLE IN
22 ORLANDO, BUT HE USED TO LIVE IN MIAMI, OR FLAGLER ON 44TH
23 AVENUE, AND THEN HE GIVES ME THE NUMERICS TO WHERE HE USED
24 TO LIVE.

25 Q. IS THAT SIGNIFICANT FOR YOU?

1 A. YES.

2 Q. WHY?

3 A. I GREW UP RIGHT AROUND THE CORNER.

4 Q. VERY FAMILIAR WITH THAT AREA?

5 A. VERY.

6 (VIDEO PLAYING)

7 Q. PLEASE TELL THE COURT WHAT THIS CONVERSATION WAS
8 ABOUT.

9 A. HE ASKED ME IF I LIVED IN ORLANDO, AND I SAID, NO, I
10 LIVED IN MIAMI; AND THEN HE STATES THAT HE, HIS FRIENDS
11 OWNS A TIRE SHOP ON FLAGLER AND 67TH AVENUE, WHICH IS
12 RIGHT NEXT TO MY, WHERE I GREW UP, AND HE SAYS THAT IT'S
13 HIS FRIENDS' SHOP; AND WE DESCRIBED WHAT'S NEXT TO IT, I
14 SAID IT'S NEXT TO A BAKERY; AND HE OFFERED THAT IF I EVER
15 NEEDED SOMETHING, ANY TIRES OR ANYTHING OF THAT SORT,
16 THAT, YOU KNOW, HE CAN, HE CAN, I GUESS, HOOK ME UP.

17 Q. OKAY.

18 (VIDEO PLAYING)

19 Q. ON THIS PART OF THE VIDEO YOU MENTIONED EARLIER THAT
20 HE WAS REACHING DOWN MESSING WITH HIS SHOES, IS THAT
21 DEPICTED IN THIS PORTION OF THE VIDEO WE JUST STOPPED AT?

22 A. YEAH, HIS LEVEL OF NERVOUSNESS IS PRETTY OBVIOUS AT
23 THAT POINT. THE BODY TENDS TO BE OVER HYPED, AND YOU NEED
24 TO ACT OUT IN SOME WAY, SO I FOUND IT ODD THAT HE JUST
25 BENT OVER AND EITHER TIED HIS SHOES OR ADJUSTED HIS PANTS

1 OR SOMETHING TO THAT EFFECT. I ASKED HIM IF THERE WAS
2 ANYTHING ILLEGAL IN THE CAR, ANY DRUGS, WEAPONS OR LARGE
3 AMOUNTS OF CASH, AND RIGHT BEFORE I ASKED ABOUT THE LARGE
4 AMOUNTS OF CASH, HE OFFERED FOR ME TO SEARCH THE CAR.

5 Q. SO HE OFFERED THAT UP TO YOU?

6 A. YES.

7 (VIDEO PLAYING)

8 Q. WHAT WAS THAT BRIEF INTERACTION, DEPUTY CAMACHO?

9 A. I ASKED HIM IF HIS GIRLFRIEND CAME WITH HIM, CAME
10 WITH HIM FROM CUBA, AND HE STATED, NO, THAT SHE'S FROM
11 CUBA, BUT SHE DIDN'T COME WITH HIM.

12 Q. THANK YOU.

13 (VIDEO PLAYING)

14 Q. THAT BRIEF INTERACTION, WHAT WAS THAT?

15 A. HE ASKED ME IF MY CAR WAS A 4 BY 4, AND I TOLD HIM
16 IT WASN'T.

17 Q. WAS THAT UNUSUAL FOR YOU?

18 A. YEAH.

19 Q. WHY?

20 A. TYPICALLY THOSE CARS ARE NOT 4 BY 4, AND, AGAIN, HIS
21 LEVEL OF NERVOUSNESS IS JUST PRETTY ELEVATED AT THIS
22 POINT.

23 (VIDEO PLAYING)

24 Q. SO LET'S BACK UP TO THE START OF THIS ONE. TELL THE
25 COURT, IF YOU WOULD, WHAT THIS CONVERSATION IS ABOUT AND

1 WHAT'S BEING SAID BY YOU TO HIM AND HIS RESPONSES?

2 A. I ASKED HIM IF HE KNEW THE REGISTERED OWNER AT ALL,
3 AND HE SAID, NO, THAT HE ONLY KNOWS THE FEMALE, THAT WE --
4 THAT WAS THE GIRLFRIEND, THE REGISTERED OWNER'S
5 GIRLFRIEND, AND HE SAYS THAT THEY'RE THE ONES THAT KNOW
6 EACH OTHER, THE TWO FEMALES, AND THAT THEY WORK TOGETHER,
7 THEY'RE EXOTIC DANCERS AT A STRIP CLUB.

8 Q. YOU GAVE HIM THE NAME OF THE REGISTERED OWNER AGAIN;
9 DIDN'T YOU?

10 A. YES.

11 Q. THANK YOU.

12 (VIDEO PLAYING)

13 Q. THERE WAS A BRIEF INTERACTION FROM HIM, WHAT WAS
14 THAT ABOUT, DEPUTY CAMACHO?

15 A. HE SAID WE CAN CALL HIM, IF YOU'D LIKE; AND I SAID,
16 NO, YOU KNOW, IT WASN'T NECESSARY.

17 Q. SO JUST, AGAIN, HE'S INDICATED JUST MOMENTS BEFORE
18 HE DOES NOT KNOW THE REGISTERED OWNER?

19 A. CORRECT.

20 (VIDEO PLAYING)

21 Q. WHAT WAS THAT EXCHANGE BETWEEN YOU AND THE
22 DEFENDANT, DEPUTY CAMACHO?

23 A. AGAIN, I REITERATED, YOU SAID YOU WOULD LET ME
24 SEARCH THE CAR, AND HE SAID YES, AT WHICH POINT I TOLD HIM
25 TO GO AHEAD AND GRAB HIS GIRLFRIEND TO EXIT THE CAR.

1 (VIDEO PLAYING)

2 Q. SO THIS WAS A BIT LONGER HERE, DETECTIVE CAMACHO,
3 WOULD YOU TELL THE COURT WHAT THIS EXCHANGE WAS FROM THE
4 TIME THAT HE CAME BACK -- WELL, ACTUALLY LET ME BACK UP,
5 WHAT DO YOU SEE HIM DOING WHEN HE'S UP AT THE CAR?

6 A. HE TALKS TO THE GIRLFRIEND AND THEN GRABS SOME
7 JEWELRY.

8 Q. AND THEN RETURNS BACK TO YOU?

9 A. CORRECT.

10 Q. NOW, IF YOU WOULD, TELL THE COURT ABOUT THE
11 DISCUSSION THAT YOU'RE HAVING WITH HIM.

12 A. I REITERATED TO HIM THAT HE DOESN'T KNOW THE
13 REGISTERED OWNER VERY WELL. HE AGAIN VOLUNTEERS SAYING
14 HE'LL TAKE ME TO HIS HOUSE NOW AND WE CAN TALK. I ASKED
15 HIM IF HE, IF HE CHECKED THE CAR BEFORE HE DROVE IT, AND
16 HE SAID NO; SO I ASKED HIM, SO IF I FIND ANYTHING ILLEGAL
17 IN THERE, IT DOESN'T BELONG TO YOU; CORRECT? AND HE SAID
18 NO. THERE WAS THE JEWELRY IN HIS HAND. IT'S OBVIOUSLY A
19 LARGE PIECE OF JEWELRY. I ASKED HIM HOW MUCH HE PAID FOR
20 IT. HE SAID HE PAID ABOUT \$7,500 FOR IT, AND I KIND OF
21 USED A SLANG IN CUBAN AS TO LIKE, DAMN, THAT'S EXPENSIVE;
22 AND THEN I MADE A REFERENCE AS TO IF HE EVER THOUGHT, YOU
23 KNOW, HE'D HAVE SUCH A LUXURIOUS ITEM HERE IN THE UNITED
24 STATES JUST BEING FROM CUBA, JUST HERE TWO YEARS; SO HE
25 SAYS HE, HE TRAVELS WITH THE JEWELRY, HE DOESN'T WEAR IT

1 ON HIM DURING THE TRAVEL, BUT HE WEARS IT, YOU KNOW, AT
2 HIS FINAL DESTINATION IF HE GOES OUT OR SOMETHING AFTER
3 THAT.

4 Q. THANK YOU. AND THEN AT THE END OF THAT, WHAT DO YOU
5 TELL HIM AS YOU'RE WALKING AWAY, AS YOU'RE GOING TO GO
6 SEARCH THE CAR?

7 A. I DON'T RECALL, IF YOU CAN BACK IT UP REAL QUICK.

8 Q. JUST MAYBE, JUST AS HE IS GETTING READY TO WALK BACK
9 TO THE CAR, JUST MAYBE 5 SECONDS, IF THAT'S POSSIBLE.

10 (VIDEO PLAYING)

11 Q. WHAT DID YOU SAY JUST BEFORE YOU WALKED AWAY FROM
12 THE CAR?

13 A. CON PERMISO, WHICH TRANSLATES TO WITH YOUR
14 PERMISSION.

15 Q. THANK YOU. NOW, YOU'RE GOING TO GO FORWARD, AND
16 YOU'RE GOING TO GO UP THERE AND LOOK IN THE VEHICLE;
17 CORRECT?

18 A. CORRECT.

19 Q. AND YOU DON'T TAKE ANYTHING OUT?

20 A. NO.

21 Q. AND THEN YOU'RE GOING TO COME BACK TO THE VEHICLE,
22 BACK TO THAT SIDE OF THE CAR AGAIN; CORRECT?

23 A. CORRECT.

24 MR. MARTIN: IS IT POSSIBLE TO MOVE FORWARD TO
25 WHEN HE COMES BACK.

1 (VIDEO PLAYING)

2 Q. WE ARE GOING TO START AT THIS POINT. SEE THE
3 DEFENDANT IN THIS IMAGE; CORRECT?

4 A. YES.

5 Q. CAN YOU SEE THE FEMALE?

6 A. YEAH.

7 MR. MARTIN: PAUSE IT, IF YOU WOULD.

8 Q. CAN YOU TELL THE COURT WHERE THE FEMALE IS?

9 A. SHE'S OVER BY THE SIGN.

10 Q. SHE'S JUST VISIBLE THROUGH YOUR SIDE WINDOW THERE;
11 CORRECT?

12 A. CORRECT.

13 Q. THANK YOU.

14 (VIDEO PLAYING)

15 Q. LET'S PAUSE IT RIGHT THERE. WHAT'S THIS
16 CONVERSATION, DEPUTY CAMACHO?

17 A. SHE APPROACHES, I TOLD HER TO HOLD ON, AND SHE SAID
18 SOMETHING ABOUT THERE'S A LOT OF SUN; AND THEN I ASKED
19 THEN THE SHOES, I INQUIRED ABOUT THE SHOES THAT I FOUND IN
20 THE CAR; AND HE STATED -- I ASKED IF THEY WERE HERS, HE
21 SAID YES; AND I ASKED HIM IF HE BOUGHT THEM, AND HE SAID,
22 NO, SHE BOUGHT THEM.

23 Q. WHAT'S THE SIGNIFICANCE OF WHO BOUGHT THE SHOES?

24 A. THAT HE'S TRYING TO DISTANCE HIMSELF FROM THE SHOES.

25 Q. DID -- DO YOU KNOW, WERE THESE EXPENSIVE SHOES?

1 A. OH, YEAH, THOUSAND DOLLAR SHOES.

2 Q. OKAY.

3 (VIDEO PLAYING)

4 MR. MARTIN: LET'S PAUSE IT RIGHT THERE.

5 Q. WHAT DID YOU ASK THE DEFENDANT AT THIS POINT?

6 A. I ASKED HIM IF HE HAD HIS WALLET ON HIM.

7 Q. WHAT DID HE SAY?

8 A. HE REPEATED THE QUESTION.

9 Q. HE SAID EXACTLY WHAT? HE SAID THE WORD "WALLET" OR
10 DID HE --

11 A. RIGHT, HE REPEATED THE QUESTION I JUST ASKED HIM
12 ABOUT DID HE HAVE HIS WALLET.

13 Q. WHAT DID YOU SEE HIM DOING WHEN YOU ASKED IF HE HAD
14 HIS WALLET ON HIM?

15 A. HE'S PROCEEDING TO GO INSIDE HIS POCKET, HIS RIGHT
16 POCKET.

17 Q. WHEN HE PULLS HIS HAND OUT OF HIS RIGHT POCKET, WHAT
18 DOES HE HAVE?

19 A. HIS WALLET.

20 Q. AND WHAT DO YOU ASK THEN?

21 A. LET ME SEE IT FOR A MOMENT.

22 Q. AND WHAT DOES HE DO?

23 A. HE HANDS ME THE WALLET.

24 THE COURT: ALL RIGHT. BEFORE YOU START, WE
25 ARE AT 16:06.527 FOR THE RECORD, THAT'S WHERE WE ARE.

1 MR. MARTIN: THANK YOU, YOUR HONOR.

2 Q. YEAH, LET'S BACK UP AND WE'LL, WE'LL START AT 15:55
3 OR 56.

4 (VIDEO PLAYING)

5 Q. SO AT THIS POINT WHAT DO YOU SEE HIM DOING?

6 A. REACHING FOR THE WALLET.

7 Q. SO THAT'S AT 16:03:266 FOR THE RECORD; CORRECT?

8 A. CORRECT.

9 (VIDEO PLAYING)

10 MR. MARTIN: LET'S PAUSE IT RIGHT THERE.

11 Q. WHAT WAS THAT BRIEF CONVERSATION, DEPUTY CAMACHO?

12 A. THAT'S WHEN I NOTICED THREE GIFT CARDS INSIDE OF HIS
13 WALLET; AND I ASKED HIM IF THEY WERE HIS, HE SAID YES. I
14 ASKED, WHERE DID YOU GET THEM, HE SAID HE BOUGHT THEM AT A
15 MALL.

16 Q. THANK YOU.

17 (VIDEO PLAYING)

18 MR. MARTIN: STOP RIGHT THERE. IT SEEMS THAT
19 MR. HEAVENER AND I HAVE THE SAME MOMENT OF NEEDING TO STOP
20 THE VIDEO, YOUR HONOR, I JUST RECOGNIZED THAT.

21 Q. CAN YOU TELL THE COURT WHAT'S OCCURRED, WHAT'S THAT
22 CONVERSATION THAT YOU HAD?

23 A. I EXPLAINED TO HIM THAT WE HAVE A HUGE PROBLEM WITH
24 PEOPLE USING GIFT CARDS THAT ARE FRAUDULENT, SO I ASKED
25 HIM IF I CAN, I CAN SCAN THE CARDS, MAKE SURE THEY'RE NOT

1 FRAUDULENT. HE SAID, YEAH, YOU CAN SCAN THEM, I BOUGHT
2 THEM; AND THEN HE REITERATES SAYING, I BOUGHT THEM, YEAH,
3 YOU CAN SCAN THEM.

4 Q. THANK YOU.

5 (VIDEO PLAYING)

6 Q. SO TELL THE COURT WHAT THIS CONVERSATION IS ABOUT AT
7 THIS POINT?

8 A. HE ASKED ME IF THERE'S A PROBLEM WITH THE CARD, I
9 SAID, NO; AND I -- THE GIRLFRIEND APPROACHES ME, AND THEN
10 I START TO TALK TO HER IN ENGLISH, BUT SHE SAYS SHE
11 DOESN'T SPEAK ENGLISH.

12 Q. DID YOU ASK HER FOR PERMISSION TO DO ANYTHING?

13 A. YES.

14 Q. WHAT DID YOU ASK?

15 A. TO LOOK IN HER PURSE.

16 Q. DID SHE GIVE YOU PERMISSION TO DO THAT?

17 A. YEAH. SHE OPENED UP HER PURSE AND SHOWED ME
18 INSIDE.

19 Q. THANK YOU.

20 (RECORDING PLAYING)

21 MR. MARTIN: LET'S STOP RIGHT THERE.

22 Q. YOU MENTIONED THAT YOU ASKED FOR PERMISSION, AND IT
23 LOOKS LIKE FROM THE VIDEO THAT YOU'RE LOOKING THROUGH HER
24 PURSE AT THIS POINT; CORRECT?

25 A. CORRECT.

1 Q. AND THAT'S THROUGH THE SIDE DOOR, PASSENGER DOOR OF
2 YOUR VEHICLE; CORRECT?

3 A. CORRECT.

4 (VIDEO PLAYING)

5 Q. SO WHAT'S HAPPENED NOW AND WHAT'S BEING SAID, DEPUTY
6 CAMACHO?

7 A. WELL, HE SEES THAT I PULL OUT THE CARD SWIPE, AND
8 THEN HE ASKS ME IF I CAN DO THAT, AND I TOLD HIM, WELL,
9 YOU GAVE ME PERMISSION; AND THEN HE SAYS, ALL RIGHT, WELL,
10 I DON'T GIVE YOU PERMISSION.

11 Q. HAVE YOU ALREADY SWIPED A CARD AT THIS POINT?

12 A. NO.

13 Q. AND SO YOU WENT AHEAD AND SWIPED THE CARD THOUGH;
14 CORRECT?

15 A. YES.

16 Q. YOU'VE SEEN THE BACK OF THE CARD AT THIS POINT?

17 A. YES.

18 Q. YOU'VE SEEN THE NUMBERS HANDWRITTEN ON THE BACK OF
19 THE CARD AT THIS POINT?

20 A. YEAH, AND I BELIEVE I BRING THAT TO HIS ATTENTION AS
21 SOON AS WE PLAY THE VIDEO.

22 (VIDEO PLAYING)

23 Q. SO WHAT'S HAPPENING HERE, DEPUTY CAMACHO?

24 A. HE BEGINS, HE BEGINS TO GET UPSET. HE SAYS I PULLED
25 HIM OVER. I STATED THAT HE, HE ALMOST HIT A CAR, THAT I

1 WOULD SHOW HIM THE VIDEO ABOUT THE VIOLATION; AND THEN HE
2 SAID I TURNED HIS CAR INSIDE OUT, AND I SAID I JUST
3 SEARCHED YOUR CAR; AND THEN AT THIS POINT I'M BRINGING TO
4 HIS ATTENTION, I ASKED HIM WHAT THESE NUMBERS ARE ON THE
5 BACK OF THE CARD.

6 Q. THANK YOU.

7 (VIDEO PLAYING)

8 Q. WHAT'S THIS CONVERSATION THAT YOU'RE HAVING WITH THE
9 DEFENDANT NOW?

10 A. I TOLD HIM THAT WHERE DID THESE NUMBERS COME FROM,
11 AND HE SAID THAT HE BOUGHT THE CARDS THAT WAY; AND I ASKED
12 HIM IF HE KNEW WHAT THOSE NUMBERS WERE FOR, AND HE SAID TO
13 OPEN THE CARDS; SO I EXPLAINED TO HIM THAT WITH THESE
14 NUMBERS BEING BEHIND THE CARDS, THAT THAT GIVES ME A
15 REASON TO SCAN THE CARDS, AND THAT I WOULD, I WOULD BE
16 SCANNING.

17 (VIDEO PLAYING)

18 Q. SO THERE ARE BEEPS ON THE AUDIO AT THIS POINT,
19 THAT'S YOU SCANING THE CARD?

20 A. CORRECT.

21 Q. AND HE JUST TOLD YOU SOMETHING, WHAT DID HE SAY?

22 A. HE SAID THOSE ARE GIFT CARDS LIKE THE ONES YOU BUY
23 AT WALGREENS.

24 Q. THANK YOU.

25 A. AND I ALSO NOTICED, IT CAUGHT MY ATTENTION AS WELL

1 THE DISTANCE BETWEEN THE PASSENGER AND THE DRIVER, SHE'S
2 AT A FAR DISTANCE AWAY FROM HIM, THAT'S ANOTHER INDICATOR.

3 Q. OKAY.

4 (VIDEO PLAYING)

5 Q. WE'LL STOP IT RIGHT THERE. YOU NOW PLACED HIM UNDER
6 ARREST, AND YOU'RE GOING TO PUT HIM IN THE CUSTODY AREA OF
7 YOUR VEHICLE?

8 A. CORRECT.

9 MR. MARTIN: YOUR HONOR, FOR THIS WE'LL SWITCH
10 TO GOVERNMENT'S EXHIBIT 3.

11 THE COURT: ALL RIGHT.

12 MR. MARTIN: AND I'LL ASK THAT GOVERNMENT'S
13 EXHIBIT 2 BE ADMITTED, YOUR HONOR.

14 THE COURT: ALL RIGHT. LET IT BE ADMITTED.

15 Q. BEFORE WE BRING THIS UP, DEPUTY CAMACHO, I -- AT NO
16 TIME IN THAT VIDEO DID YOU ASK THEM ABOUT THE THUMB DRIVES
17 AND THEIR OWNERSHIP OF THEM; CORRECT?

18 A. CORRECT.

19 Q. DO YOU KNOW WHEN THAT OCCURRED AND WHY IT'S NOT ON
20 VIDEO?

21 A. IT HAPPENED AFTER, DURING THE INVENTORY SEARCH OF
22 THE CAR.

23 Q. AT THAT POINT IS WHEN YOU TALKED TO THEM ABOUT THAT?

24 A. YES.

25 Q. THE THUMB DRIVES?

1 A. CORRECT.

2 Q. AND THEY DENIED OWNERSHIP?

3 A. CORRECT.

4 MR. MARTIN: WE ARE BACK TO THE NOT PROJECTING,
5 MADAM CLERK.

6 THE COURT: YOU'RE STILL CONNECTED.

7 WE'VE BEEN GOING FOR AN HOUR AND A HALF, SO WHY
8 DON'T WE JUST TAKE A SHORT BREAK, A 5 MINUTE, 10 MINUTE
9 BREAK, AND WE'LL BE BACK AND RESUME THE HEARING RIGHT
10 AFTER THAT.

11 MR. MARTIN: THANK YOU, YOUR HONOR.

12 (RECESS AT 10:28 A.M., UNTIL 10:47 A.M.)

13 THE COURT: ALL RIGHT. WE'LL CONTINUE WHERE WE
14 LEFT OFF.

15 MR. MARTIN: THANK YOU, YOUR HONOR. AND THIS
16 AGAIN IS GOVERNMENT'S EXHIBIT 3, AND THIS IS THE REAR
17 DETENTION AREA OF THE POLICE CAR.

18 (VIDEO PLAYING)

19 Q. DETECTIVE, OR, DEPUTY CAMACHO, WHAT DID YOU JUST
20 DO?

21 A. I READ HIM HIS MIRANDA WARNINGS IN SPANISH.

22 Q. AND WHAT DID HE SAY WHEN YOU -- DID HE WAIVE THOSE
23 WARNINGS?

24 A. HE STATED HE UNDERSTOOD THOSE RIGHTS, HE WOULD SPEAK
25 TO ME.

1 (VIDEO PLAYING)

2 Q. DEPUTY CAMACHO, WOULD YOU PLEASE TELL THE COURT
3 WHAT'S HAPPENED AFTER YOU'VE MIRANDIZED THE DEFENDANT,
4 HE'S SAID THAT HE UNDERSTANDS IT, WHAT'S THAT
5 CONVERSATION?

6 A. HE SAYS HE CAN ANSWER THE QUESTIONS THAT HE KNOWS
7 ABOUT, AND AT WHICH TIME I TOLD HIM THAT I WAS QUESTIONING
8 HIM BECAUSE DURING THE, THE -- ABOUT THE THREE GIFT CARDS
9 THAT I FOUND, AND THEN I'M GOING TO SPECIFICALLY ASK AS TO
10 HOW HE ACQUIRED THE GIFT CARDS; AND HE SAYS THAT SOMEONE
11 OFFERED TO SELL IT TO HIM AT HALF PRICE, HALF PRICE WOULD
12 BE \$50, SO HE BOUGHT EACH INDIVIDUAL GIFT CARD FOR \$50
13 EACH FOR A TOTAL OF \$150.

14 (VIDEO PLAYING)

15 MR. MARTIN: STOP IT RIGHT THERE.

16 Q. DEPUTY CAMACHO, WILL YOU TELL THE COURT WHAT THIS
17 CONVERSATION HAS BEEN ABOUT?

18 A. SO I QUESTIONED HIM AS TO HOW HE PURCHASED THEM, I
19 SAID, THIS GUY, THIS RANDOM GUY WHO HE SAYS IDENTIFIED
20 HIMSELF AS ROBERTO, HE WAS AT THE GAS PUMP, AND HE WAS
21 APPROACHED BY ROBERTO AND SAID THAT HE WANTED TO -- SO HE
22 DIDN'T, I THINK, SPEND HIS OWN MONEY, THAT HE WOULD SELL
23 HIM THE GIFT CARDS AT HALF PRICE, AND THAT HE DEMONSTRATED
24 AND USED THE GIFT CARD TO PUT GAS, AT WHICH TIME HE WENT
25 AHEAD AND PURCHASED THEM.

1 Q. YOU UNDERSTOOD IT TO BE THAT ROBERTO HAD?

2 A. ROBERTO, YES.

3 Q. HAD DEMONSTRATED THE CARD?

4 A. YES.

5 Q. THANK YOU.

6 (VIDEO PLAYING)

7 MR. MARTIN: LET'S PAUSE IT THERE.

8 Q. WHAT'S THIS CONVERSATION ABOUT, DEPUTY CAMACHO?

9 A. I INQUIRED ABOUT THE NUMBERS ON THE BACK OF THE
10 CARD, AND HE STATED THAT'S HOW HE PURCHASED THEM. AGAIN,
11 I REITERATED THE GUY'S NAME, ROBERTO, AND BASICALLY
12 SUMMARIZED WHAT HE HAD JUST TOLD ME.

13 (VIDEO PLAYING)

14 MR. MARTIN: STOP RIGHT THERE.

15 Q. WHAT'S THIS CONVERSATION ABOUT NOW, DEPUTY
16 CAMACHO?

17 A. I INQUIRED IF HE KNEW ANYTHING ABOUT THE MERCHANDISE
18 THAT WAS IN THE BACK INSIDE THE CAR. HE STATED WHAT
19 MERCHANDISE, HE WASN'T AWARE OF ANY MERCHANDISE, AND I
20 EXPLAINED TO HIM THAT THERE WAS AN I-PAD. HE -- I GO, DO
21 YOU, DID YOU PURCHASE THE I-PAD? HE SAID, NO. I GO, SO
22 WHO DOES THE I-PAD BELONG TO? AND HE SAID, I GUESS IT
23 BELONGS TO THE OWNER OF THE CAR. I ALSO ASKED HIM IF HE
24 PURCHASED ANYTHING WITH THE GIFT CARDS THAT HE BOUGHT. I
25 ASKED HIM, WHEN DID YOU BUY -- WHEN DID YOU OBTAIN THE

1 GIFT CARD AGAIN, AND HE SAID YESTERDAY, AND THAT HE DID
2 NOT BUY ANYTHING, THAT I CAN HAVE THE GIFT CARDS IF YOU
3 WANT, IF I WANTED TO.

4 (VIDEO PLAYING).

5 MR. MARTIN: PAUSE IT RIGHT THERE.

6 Q. IT'S A LITTLE BIT DIFFICULT TO HEAR, WOULD YOU AGREE
7 WITH THAT, DEPUTY CAMACHO?

8 A. YES.

9 Q. WHAT'S THIS CONVERSATION ABOUT?

10 A. I ASKED HIM WHEN HE WAS GOING TO USE THE GIFT CARDS,
11 AND HE SAID WHEN THE TANK WAS EMPTY; AND I FOUND IT ODD
12 BECAUSE I ASKED HIM, SO YOU WEREN'T GOING TO BUY ANYTHING
13 WITH THE GIFT CARDS? AND HE SAID, NO, THEY WON'T LET YOU
14 BUY ANYTHING WITH GIFT CARDS, WHICH IS OBVIOUSLY NOT, NOT
15 TRUE.

16 (VIDEO PLAYING)

17 MR. MARTIN: LET'S PAUSE IT RIGHT THERE.

18 Q. WHAT HAPPENED RIGHT THEN?

19 A. I BREAK THE NEWS TO HIM THAT THE CARDS ARE
20 FRAUDULENT.

21 Q. YOU SEE HIM, THAT'S WHEN YOU DESCRIBED EARLIER HE
22 PUT HIS HANDS ON TOP OF HIS HEAD?

23 A. YES.

24 Q. AND WHAT DOES HE SAY?

25 A. DON'T TELL ME THAT.

1 (VIDEO PLAYING)

2 MR. MARTIN: LET'S PAUSE IT RIGHT THERE.

3 Q. WHAT'S THAT CONVERSATION ABOUT, DEPUTY CAMACHO?

4 A. HE SAID HE'S NEVER DONE ANYTHING TO HURT ANYBODY,
5 THAT HE'S JUST TRYING TO GO SEE HIS MOM AND THAT HE'S
6 TRYING TO GET HIS RESIDENCY.

7 (VIDEO PLAYING)

8 Q. WHAT'S THIS CONVERSATION ABOUT?

9 A. BASICALLY I LAID OUT TO HIM, LISTEN, JUST TALK TO
10 ME, MAN, TELL ME WHAT DO YOU DO FOR WORK. HE SAYS, I WORK
11 AT A PLUMBING STORE; AND I SAID, YOU WORK AT A PLUMBING
12 STORE AND YOU HAVE A \$7,000 CHAIN, YOU HAVE THESE RINGS,
13 AND YOU'RE TELLING ME THAT YOU BUY THAT WITH YOUR MONEY?
14 AND HE SAYS, NO, SHE BUYS IT FOR ME, SHE MAKES IT, I
15 DON'T -- I COULDN'T HEAR, MAKE OUT HOW MUCH HE SAID SHE
16 MAKES A NIGHT, BUT IT WAS A LARGE AMOUNT OF MONEY SHE
17 MAKES A NIGHT AND THAT SHE BUYS EVERYTHING FOR HIM, AND
18 THAT SHE EVEN HAS A TATTOO OF HIM, OF HIS NAME ON, ON HER
19 BODY.

20 Q. AND WHERE WE PAUSE IT RIGHT THERE, THAT'S WHERE HE'S
21 POINTING TO WHERE THE TATTOO WOULD BE ON --

22 A. IN HER RIB AREA, I ASSUME.

23 (VIDEO PLAYING)

24 MR. MARTIN: STOP RIGHT THERE.

25 Q. DEPUTY CAMACHO, WHAT'S THIS CONVERSATION ABOUT AT

1 THIS POINT?

2 A. SO I BASICALLY TELL HIM THERE'S TWO SCENARIOS HERE,
3 ONE IS THAT YOU'RE -- YOU'VE BEEN A VICTIM AND THIS PERSON
4 ACTUALLY SOLD YOU FRAUDULENT CREDIT CARDS, OR YOU'RE
5 INVOLVED IN THE USE OF FRAUDULENT CREDIT CARDS. ONE, ONE
6 WAY FOR ME TO FIND OUT IS IF YOU CONSENT TO A SEARCH OF
7 YOUR PHONE WITH ME IN YOUR PRESENCE. I TOLD HIM I'M NOT
8 INTERESTED IN LOOKING AT ANY PICTURES; AND THEN HE SAYS,
9 WELL, JUST, YOU KNOW, I HAVE VIDEOS OF ME AND MY GIRL-
10 FRIEND ENGAGED IN SEX, SO; AND I SAID I'M NOT INTERESTED
11 IN THAT, I JUST WANT TO LOOK -- I EXPLAINED TO HIM THE
12 SCOPE OF MY SEARCH, WHICH WAS TO LOOK FOR EVIDENCE OF
13 CREDIT CARD-RELATED CRIMES.

14 Q. AND DID HE GIVE CONSENT TO LOOK AT HIS PHONES?

15 A. YES. AND THEN I SPECIFIED BECAUSE HE HAD TWO PHONES
16 ON HIM, AND SO I SPECIFIED. HE SAID, YEAH, THEY'RE OVER
17 THERE; AND THEN YOU'LL SEE WHERE I SPECIFY EXACTLY WHICH
18 PHONE BELONGED TO HIM.

19 (VIDEO PLAYING)

20 Q. RIGHT THERE, IS THIS THE CONVERSATION ABOUT THE CELL
21 PHONES?

22 A. YES. I ASKED HIM WHICH ONE BELONGED TO HIM.

23 Q. AND DID HE IDENTIFY OF THE TWO PHONES WHICH ONE WAS
24 HIS?

25 A. YES.

1 (VIDEO PLAYING)

2 MR. MARTIN: PAUSE RIGHT THERE.

3 Q. WHAT DID HE JUST DO IN THE VIDEO?

4 A. HE UNLOCKED THE PHONE.

5 Q. WE'RE AT ABOUT 8 MINUTES AND 5 SECONDS IN, AND HE,
6 HE'S THE ONE THAT UNLOCKED THE PHONE FOR YOU?

7 A. CORRECT.

8 Q. THANK YOU.

9 (VIDEO PLAYING)

10 Q. WHAT ARE YOU DOING RIGHT NOW, DEPUTY CAMACHO?

11 A. I'M SEARCHING THROUGH HIS PHONE, BUT I FOUND IT ODD
12 THAT HE, HE STATED, IF YOU WANT TO, I'LL LOOK FOR IT FOR
13 YOU; SO I FOUND THAT ODD, WHAT WAS HE GOING TO LOOK FOR
14 FOR ME, AND THEN --

15 Q. I'LL LOOK FOR IT FOR YOU?

16 A. YEAH. HE SAYS, IF YOU WANT, THEN HE SAYS, I'LL LOOK
17 FOR IT FOR YOU. SO WHAT DOES HE WANT TO LOOK AT, YOU
18 KNOW, WHAT'S HE LOOKING FOR, WHAT DOES HE KNOW THAT'S
19 THERE THAT I'M LOOKING FOR, SO; AND ALSO HE -- I GUESS I
20 CAME ACROSS A PICTURE OF A CAR THAT WAS CRASHED, AND HE
21 SAID HE, HE GOT INTO A SMALL ACCIDENT.

22 Q. THANK YOU.

23 (VIDEO PLAYING)

24 Q. CAN HE SEE EVERYTHING THAT YOU'RE LOOKING AT ON HIS
25 PHONE RIGHT NOW?

1 A. YES.

2 Q. ARE YOU JUST LOOKING AT PHOTOS?

3 A. NO, I'M LOOKING THROUGH BROWSING HISTORY.

4 MR. MARTIN: LET'S PAUSE IT RIGHT THERE.

5 Q. YOU SPENT QUITE A BIT OF TIME, WOULD YOU AGREE, SORT
6 OF NO CONVERSATION AS YOU WENT THROUGH HIS PHONE?

7 A. CORRECT.

8 Q. AND NOW YOU BEGIN TO TALK TO HIM AGAIN, WHAT ARE YOU
9 TALKING TO HIM ABOUT?

10 A. I ASKED HIM ABOUT I CAME ACROSS A BIN SEARCH.

11 Q. WHAT IS A BIN SEARCH?

12 A. LIKE A VIN NUMBER FOR VEHICLE, VEHICLE, VEHICLE
13 IDENTIFICATION NUMBER --

14 Q. YES.

15 A. -- I ASSUME BIN WITH A B, MAYBE IT'S BATCH
16 IDENTIFICATION NUMBER. IT'S A SEARCH DATA BASE WHERE YOU
17 ENTER THE FIRST, I BELIEVE IT'S SIX NUMBERS OF A CREDIT
18 CARD, AND THAT GIVES YOU THE BANK, THE ISSUING BANK
19 CORRESPONDING TO A PARTICULAR CREDIT CARD NUMBER; AND THEN
20 I SEE THAT ON HIS PHONE, HE DOESN'T KNOW WHAT I'M TALKING
21 ABOUT, AND THEN I ASK HIM IF HE'S THE ONLY ONE THAT USES
22 HIS PHONE; AND HE SAYS, YES, BUT HE DOESN'T KNOW WHAT,
23 WHAT THAT WAS.

24 Q. WHERE DID YOU LOCATE THIS BIN SEARCH ON HIS PHONE?

25 A. ON HIS BROWSING HISTORY OF THE PHONE.

1 Q. SO YOU GO OUT AND USE THE INTERNET?

2 A. YES.

3 Q. THROUGH HIS PHONE?

4 A. YES.

5 (VIDEO PLAYING)

6 MR. MARTIN: LET'S PAUSE THERE.

7 Q. WHAT'S THIS CONVERSATION NOW, DEPUTY CATCH?

8 A. I WENT TO GO RETRIEVE MY PHONE, AND I TOOK
9 SCREENSHOTS OF HIS PHONE WITH THAT PAGE; AND THEN I JUST
10 ASKED HIM AGAIN, SO THIS WEBSITE THAT HAS CREDIT CARD
11 INFORMATION, YOU DIDN'T LOOK THAT UP, AND HE SAID NO.

12 (VIDEO PLAYING)

13 MR. MARTIN: PAUSE IT THERE.

14 Q. SO SO FAR DOWN THE LAST POINT OF STOP TO THIS POINT
15 OF STOPPAGE, WHAT'S THE CONVERSATION THAT YOU'VE BEEN
16 HAVING WITH HIM?

17 A. I'M QUESTIONING HIM AS TO SOME TYPE OF APP THAT I
18 SAW, IT'S A SUPER SECURITY. AGAIN, HE DIDN'T KNOW WHAT IT
19 WAS FOR; AND THEN SOMETHING ABOUT E-MAIL, HE SAID IT WAS
20 E-MAIL, I GUESS I PRONOUNCE IT A DIFFERENT, DIFFERENT WAY.

21 (VIDEO PLAYING)

22 MR. MARTIN: PAUSE IT.

23 Q. WHAT'S BEEN THIS EXCHANGE WITH THE DEFENDANT?

24 A. HE SAID SOMETHING ABOUT PHOTOGRAPHS, AND I SAID I'M
25 NOT INTERESTED IN THAT; AND THEN HE ASKED TO SPEAK TO HIS

1 AUNT, WHICH TYPICAL BEHAVIOR.

2 (VIDEO PLAYING)

3 Q. IF YOU WOULD, DEPUTY CAMACHO, EXPLAIN TO THE COURT
4 WHAT THAT LAST BIT OF CONVERSATION IS ABOUT?

5 A. I BELIEVE I SAW A TRACKING NUMBER TO A PACKAGE, AND
6 I ASKED HIM IF HE SENT A PACKAGE. HE SAID, YES, I SENT A
7 GIFT, A SMALL CARD TO MY SON WHO IS IN CUBA.

8 Q. THANK YOU. DEPUTY, BASED UPON THIS INTERACTION AND
9 EVERYTHING THAT HAPPENED, THE STATEMENTS OF THE DEFENDANT
10 AND THE FEMALE THAT WAS AT THE SCENE, YOU AGAIN SOUGHT A
11 SEARCH WARRANT, APPLIED FOR AND YOU WERE GRANTED A SEARCH
12 WARRANT; CORRECT?

13 A. YES, SIR.

14 Q. AND THAT WAS FOR THE TWO THUMB DRIVES THAT EVERYONE
15 DISAVOWED OWNERSHIP TO?

16 A. CORRECT.

17 Q. AND THAT WILL BE -- DO YOU RECOGNIZE THIS
18 DOCUMENT?

19 A. YES, I DO.

20 Q. AND THERE'S SOME REDACTIONS THERE THAT HAVE BEEN
21 APPLIED FOR, THE DATE OF BIRTH, ADDRESS, DRIVER'S LICENSE
22 NUMBER OF MR. TELLEZ; CORRECT?

23 A. CORRECT.

24 MR. MARTIN: AND, YOUR HONOR, THAT IS
25 GOVERNMENT'S EXHIBIT 4, WE'D ASK THAT THAT BE ADMITTED.

1 THE COURT: ALL RIGHT. THAT WILL BE
2 ADMITTED.

3 Q. VERY QUICKLY, I JUST WANT ADDRESSING GOVERNMENT'S
4 EXHIBIT 4, THAT HAS -- IT DOESN'T HAVE A HANDWRITTEN
5 SIGNATURE, IT HAS AN ELECTRONIC SIGNATURE; CORRECT? THIS
6 IS PAGE 3.

7 A. YES.

8 Q. AND THAT'S HOW IT'S DONE?

9 A. I BELIEVE WE HAD JUST GONE TO THAT SYSTEM. IT'S
10 CALLED E-WARRANTS. BEFORE WE ACTUALLY HAVE TO GO BEFORE
11 THE JUDGE AND PHYSICALLY GET HIM TO SIGN THE WARRANT,
12 WELL, THIS SYSTEM NOW IS ALL DONE ELECTRONICALLY.

13 Q. VERY GOOD. I DO NOT HAVE ANY OTHER QUESTIONS. IF
14 YOU WOULD, PLEASE ANSWER ANY QUESTIONS THAT THE COURT
15 MIGHT HAVE OR THAT MR. MCAFEE MIGHT HAVE.

16 A. YES, SIR.

17 THE COURT: ALL RIGHT. MR. MCAFEE, YOU WANT TO
18 CROSS EXAMINE.

19 MR. MCAFEE: YOUR HONOR, I'M GOING TO ATTEMPT
20 TO RUN THE VIDEO PLAYER MYSELF. I'VE GOT THOSE VIDEOS ON
21 MY LAPTOP HERE. WOULD IT BE ALL RIGHT WITH THE COURT FOR
22 ME TO JUST HOOK IT UP HERE AND GO BACK AND FORTH, IT'S THE
23 EXACT SAME VIDEOS?

24 THE COURT: HOWEVER YOU WANT TO DO, DO IT.

25 (DISCUSSION BETWEEN DEFENSE COUNSEL AND COURT

1 REGARDING USE OF TECHNOLOGY)

2 MR. MCAFEE: ALL RIGHT, YOUR HONOR, I'M GOING
3 TO FIRE UP ONE OF THE VIDEOS, BUT I'M GOING TO ASK A
4 SERIES OF QUESTIONS FIRST BEFORE I DO THAT.

5 THE COURT: OKAY.

6 CROSS EXAMINATION

7 BY MR. MCAFEE:

8 Q. ALL RIGHT. GOOD MORNING, OFFICER CAMACHO.

9 A. GOOD MORNING.

10 Q. I'M JOSEPH MCAFEE. I REPRESENT MR. TELLEZ. THERE
11 SEEMS TO BE A LITTLE BIT OF A DISCREPANCY, AND I JUST WANT
12 TO BE RESPECTFUL, WHAT IS YOUR DESIGNATION, DEPUTY OR
13 DETECTIVE?

14 A. DEPUTY.

15 Q. ALL RIGHT. IN SOME OF THE REPORTS I BELIEVE IT SAYS
16 DETECTIVE, IS THAT INCORRECT?

17 A. I WAS A DETECTIVE AT THE TIME WITH THE INTERDICTION
18 UNIT.

19 Q. ALL RIGHT, SIR, SO YOU, YOU STOPPED THE VEHICLE FOR
20 VIOLATION OF FLORIDA'S LANE LAW; IS THAT CORRECT?

21 A. CORRECT.

22 Q. MAINTAINING YOUR LANE OF TRAVEL IN A SAFE MANNER AND
23 NOT SWERVE OVER INTO OTHER VEHICLES, IS THAT A FAIR
24 SUMMARY OF WHAT THE LAW IS?

25 A. YES, SIR; YES, SIR.

1 Q. ALL RIGHT, SO YOU PULL OVER, AND THE DEFENDANT STOPS
2 REASONABLY IN RESPONSE TO YOUR BLUE LIGHTS, WOULD YOU
3 AGREE WITH ME ON THAT?

4 A. I'M SORRY, REPEAT THE QUESTION.

5 Q. DOES HE STOP PRETTY SOON AND IN A SAFE MANNER?

6 A. YES.

7 Q. ALL RIGHT. NOW, THE NUMBER ONE, NUMBER ONE CONCERN
8 OR THE NUMBER ONE PRIORITY FOR LAW ENFORCEMENT IN THE
9 CONTEXT OF A TRAFFIC STOP IS WHAT?

10 A. OFFICER SAFETY.

11 Q. OFFICER SAFETY. SO THE CAR ITSELF BEING PULLED OVER
12 AND YOU LOOKING INSIDE TO SEE THE DEFENDANT AND HIS GIRL-
13 FRIEND, ANY PARTICULAR CONCERN FOR SAFETY AT THAT TIME?

14 A. NOT AT THAT TIME.

15 Q. NO REASON TO SUSPECT OTHER THAN GENERAL CONCERN AND
16 BEING AWARE, NO REASON TO SUSPECT THERE'S A GUN OR WEAPON
17 IN THE CAR?

18 A. NOT AT THAT TIME.

19 Q. NO PARTICULARIZED REASON?

20 A. CORRECT.

21 Q. YES, SIR. SO YOU APPROACH, YOU BEGIN A CONVERSATION
22 AND CONVERT OVER INTO SPANISH?

23 A. YES.

24 Q. AND IN YOUR DISCUSSIONS WITH THE DEFENDANT, YOU ASK
25 HIM TO RETRIEVE HIS LICENSE AND COME BACK TO THE PATROL

1 VEHICLE; CORRECT?

2 A. CORRECT.

3 Q. AND YOU RUN THE TAG FOR THE CAR; IS THAT RIGHT?

4 A. YES, SIR.

5 Q. AT WHAT POINT IN TIME DO YOU RUN THE TAG, WHILE
6 YOU'RE PULLING IT OVER OR --

7 A. NO.

8 Q. -- AFTER THE STOP IS COMPLETED?

9 A. I JUST --

10 Q. OKAY. YOU RUN THAT WHILE MR. TELLEZ IS BACK THERE
11 TALKING TO YOU?

12 A. WHILE CONDUCTING THE BUSINESS OF THE STOP, YES,
13 SIR.

14 Q. YES, SIR. WHAT, FORGIVE MY IGNORANCE, NOT A
15 RHETORICAL QUESTION, I PROMISE, WHAT'S THE BUSINESS OF THE
16 STOP, WHAT DO YOU MEAN BY THAT?

17 A. SOMETHING WE REFER TO AS HORSEPOWER, SO BASICALLY
18 INFORMATION ON THE DRIVER, WHETHER HIS LICENSE IS VALID;
19 RUNNING HIM THROUGH NCIC, MAKE SURE HE'S CLEAR OF ANY
20 WARRANTS; RUNNING THE VEHICLE, MAKE SURE THE VEHICLE IS
21 NOT STOLEN; RUNNING CRIMINAL HISTORY, I HAD ACCESS TO THAT
22 AS WELL. I'M PRETTY SURE I RAN THE CRIMINAL HISTORY OF
23 THE REGISTERED OWNER ALL DURING THE COURSE OF THE STOP.

24 Q. AND THAT'S SOMETHING YOU DO IN THE REGULAR BUSINESS
25 OF MAKING A TRAFFIC STOP; CORRECT?

1 A. THERE IN THE INTERDICTION UNIT, YES, SIR, THAT'S
2 ROUTINE.

3 Q. WHEN YOU RAN THE DRIVER'S LICENSE OF MR. TELLEZ, HE
4 DIDN'T HAVE ANY WARRANTS?

5 A. NO.

6 Q. DIDN'T HAVE ANY CRIMINAL HISTORY?

7 A. YES.

8 Q. HE DID?

9 A. YES.

10 Q. AND THAT WAS?

11 A. A DOMESTIC VIOLENCE CHARGE.

12 Q. AND IT WAS CONVICTED OR DISMISSED?

13 A. I, I DON'T RECALL.

14 Q. IT WASN'T SIGNIFICANT FOR YOUR DETERMINATION OF WHAT
15 TO DO?

16 A. NO.

17 Q. THE CAR, WAS IT REPORTED STOLEN?

18 A. NO.

19 Q. NOW, WHEN THE CAR CAME BACK AS OWNED BY LAZERO, DID
20 YOU HAVE THE PERSON'S FULL NAME WHEN YOU ASKED IF -- ASKED
21 WHO WAS LAZERO TO MR. TELLEZ?

22 A. I BELIEVE SO, YES.

23 Q. AND HIS FULL NAME IS WHAT?

24 A. LAZERO ADRIAN QUINTANA, AND I FORGET THE SECOND LAST
25 NAME.

1 Q. MARTINEZ?

2 A. MARTINEZ, THAT'S RIGHT.

3 Q. AND YOU ASKED HIM WHO, WHO IS LAZERO?

4 A. YES.

5 Q. AND HE SAID, I DON'T KNOW?

6 A. CORRECT.

7 Q. AND YOU SAID, LAZERO QUINTANA-MARTINEZ?

8 A. YES.

9 Q. AND THEN HE SAID THAT IS THE BOYFRIEND OF THE

10 GIRLFRIEND -- OR BOYFRIEND OF THE FEMALE FRIEND OF MINE

11 WHO LET ME USE THE CAR?

12 A. CORRECT.

13 Q. WHY DIDN'T YOU USE ADRIAN IN ASKING WHO HE WAS?

14 A. BECAUSE HIS -- THAT WAS HIS MIDDLE NAME.

15 Q. OH. YOU USE THE TWO LAST NAMES IN SPANISH CULTURE;

16 RIGHT?

17 A. LAZERO AND THEN THE TWO LAST NAMES, YES.

18 Q. THAT WOULD BE THE CUSTOMARY WAY TO ASK WHO SOMEBODY

19 IS?

20 A. YEAH, I BELIEVE IT'S THE PATERNAL AND THEN THE

21 MATERNAL.

22 Q. ALL RIGHT, AND HE SAYS YOU CAN CALL WHO TO VERIFY

23 IT'S OKAY FOR HIM TO HAVE THE CAR?

24 A. I BELIEVE HE SAID LAZERO, YOU CAN CALL HIM, THAT'S

25 WHAT HE SAID.

1 Q. WELL, IT'S VERY IMPORTANT TO KNOW EXACTLY WHAT HE
2 SAID; RIGHT?

3 A. MM-HMM. WE CAN GO BACK, IF YOU'D LIKE, TO THE
4 RECORDING AT THIS TIME.

5 MR. MCAFEE: I'M JUST GOING TO CHECK AND SEE
6 WHERE WE ARE ON THE VIDEO, JUDGE, RIGHT QUICK IF I COULD.

7 (VIDEO PLAYING)

8 Q. WHAT ARE YOU ALL TALKING ABOUT RIGHT HERE?

9 A. I ASKED HIM IF THERE'S ANYTHING ILLEGAL IN THE CAR.

10 (VIDEO PLAYING)

11 MR. MCAFEE: JUDGE, I'M TRYING TO BE AS
12 EXPEDITIOUS AS POSSIBLE HERE, BUT I'M HAVING A HARD TIME
13 FINDING EXACTLY IN MY NOTES WHERE THE -- THAT PART OF THE
14 CONVERSATION IS WITHOUT PLAYING THE WHOLE THING, IF YOU'LL
15 GIVE ME JUST A SECOND, PLEASE.

16 THE COURT: OKAY.

17 MR. MCAFEE: PRETTY EARLY ON, OBVIOUSLY.

18 (VIDEO PLAYING)

19 Q. WHAT'S HE SAYING THERE, TWO YEARS?

20 A. YEAH, I ASKED HIM HOW LONG HE'S BEEN IN THE COUNTRY,
21 AND HE SAID TWO YEARS.

22 Q. DO YOU RECALL IF THAT'S BEFORE OR AFTER THE LICENSE
23 PART COMES BACK OR THE CAR OWNERSHIP COMES BACK?

24 A. I DON'T RECALL.

25 Q. IF YOU DON'T RECALL, THAT'S FAIR.

1 (VIDEO PLAYING)

2 Q. AT THIS POINT IN TIME, 5 MINUTES AND 7 SECONDS INTO
3 THE VIDEO FROM CAMERA 2, YOU STILL HAVE MR. TELLEZ'S
4 DRIVER'S LICENSE; CORRECT?

5 A. CORRECT.

6 Q. HE'S NOT FREE TO GO AT THIS POINT; RIGHT? HE'S NOT
7 FREE TO GO, HE'S STILL BEING DETAINED FOR THE BUSINESS OF
8 THE TRAFFIC STOP?

9 A. YES, SIR.

10 (VIDEO PLAYING)

11 Q. ALL RIGHT, SO HE'S SAYING HE'S GOING TO MIAMI, AND
12 AT SOME POINT IN THE VIDEO HE SAYS HE'S GOING DOWN TO GET
13 SOME TIRES FOR HIS CAR?

14 A. CORRECT.

15 Q. WHEN YOU WERE LOOKING ON THE PHONE, YOU SAW A
16 PICTURE OF A CRASHED CAR; IS THAT RIGHT?

17 A. THAT'S WHAT, THAT'S WHAT I MENTIONED, YES.

18 Q. DID IT LOOK LIKE A 2008 BMW 550?

19 A. I DON'T RECALL, SIR.

20 Q. YOU CAN'T SAY EITHER WAY?

21 A. I'M SORRY?

22 Q. YOU CAN'T SAY EITHER WAY?

23 A. NO. I'D ALSO LIKE TO MENTION THE PLACE HE'S
24 DESCRIBING, HE INACCURATELY SAYS THE STREET OF THE TIRE
25 PLACE. HE SAYS IT'S BY EL PALACIO DEL JUGO, WHICH IS A

1 RESTAURANT, AND THAT'S ON 57TH AND FLAGLER, AND HE SAYS
2 IT'S ON 67TH AND FLAGLER, SO RIGHT THERE I KNOW HE'S NOT
3 BEING A HUNDRED PERCENT TRUTHFUL.

4 Q. WELL, THERE'S TWO REASONS THAT SOMEBODY COULD SAY
5 SOMETHING THAT'S NOT TRUE; RIGHT?

6 A. MM-HMM.

7 Q. YOU COULD BE WRONG INNOCENTLY; CORRECT?

8 A. CORRECT, BUT HE SAID HE LIVED THERE.

9 Q. AND YOU COULD BE NOT TELLING THE TRUTH TO DECEIVE --

10 A. CORRECT.

11 Q. -- CORRECT?

12 A. YEAH.

13 (VIDEO PLAYING)

14 Q. THIS PART, 2 MINUTES 37 SECONDS IN CAMERA 2, YOU'RE
15 TALKING ABOUT THE BMW 550; CORRECT?

16 A. YES, SIR.

17 (VIDEO PLAYING)

18 Q. THIS IS WHERE HE SAYS HE'S COMMITTED TO A PLUMBER,
19 IS THAT THE EXACT INTERPRETATION OF WHAT HE SAID?

20 A. YES, SIR.

21 Q. AND YOU FOUND THAT TO BE UNUSUAL?

22 A. I'VE NEVER HEARD ANYONE REFER TO A JOB AS I'M
23 COMMITTED TO A JOB OR COMMITTED TO THE PLUMBER, IT'S NOT
24 TYPICALLY HOW PEOPLE REFER TO THEIR, THEIR PROFESSION.

25 (VIDEO PLAYING)

1 Q. AND YOU'RE SAYING THIS IS -- THIS CAR BELONGS TO A
2 FEMALE FRIENDS OF YOURS; IS THAT RIGHT?

3 A. CORRECT. I SPECIFIED AMIGA, BUT BECAUSE OBVIOUSLY I
4 SEE THE REGISTERED OWNER IS A MALE, WHICH WOULD BE AMIGO,
5 SO I CLARIFIED THAT IT WAS A FEMALE.

6 Q. AND YOU DIDN'T NECESSARILY INTEND TO SAY THIS
7 BELONGS TO YOUR FEMALE FRIEND THAT IS IN THE CAR WITH
8 YOU?

9 A. NO.

10 Q. BECAUSE THAT'S NOT WHAT HE SAID EARLIER EITHER;
11 RIGHT?

12 A. NO, CORRECT.

13 (VIDEO PLAYING)

14 Q. I'M JUST GOING TO GO BACK 10 SECONDS HERE SO WE CAN
15 FOCUS ON THE NEXT FEW SECONDS OF THE VIDEO, PLEASE.

16 (VIDEO PLAYING)

17 Q. WHO IS LAZERO? I DON'T KNOW. IS THAT WHAT'S SAID
18 EXACTLY?

19 A. YES, SIR.

20 Q. LAZERO QUINTANA-MARTINEZ, THE FULL NAME OF THE OWNER
21 OF THE CAR; IS THAT CORRECT?

22 A. YES.

23 (VIDEO PLAYING)

24 Q. AND HE THEN LOOKS IN AND SAYS, OH, THAT IS THE
25 BOYFRIEND, OR THE BOYFRIEND OF LAZERO -- OR THE GIRL WHO

1 LET ME USE THE CAR?

2 A. HER, YES.

3 Q. DID YOU HAVE A PICTURE PULLED UP OR SOMETHING?

4 A. I DON'T RECALL, SIR.

5 (VIDEO PLAYING)

6 Q. THIS IS WHEN MR. TELLEZ MAKES SOME REFERENCE TO
7 MAKING A CALL?

8 A. HE SAYS, TE LO PONGO AL TELEPHONO, WHICH MEANS I'LL
9 PUT HIM ON THE PHONE.

10 Q. PUT THEM ON THE PHONE?

11 A. I'LL PUT HIM ON THE PHONE. TE LO PONGO AL
12 TELEPHONO, I'LL PUT HIM ON THE PHONE.

13 Q. WHAT'S PONGO MEAN?

14 A. PUT.

15 Q. AND MASCULINE LIKE TALKING ABOUT HIM?

16 A. TE LO PONGO AL TELEFONO, I'LL PUT HIM ON THE PHONE;
17 THAT'S BASICALLY WHAT THE TRANSLATION.

18 Q. WHAT PART MAKES IT HIM?

19 A. TE LO PONGO.

20 Q. IF HE WERE REFERRING TO A FEMALE --

21 A. WE'RE JUST TALKING ABOUT LAZERO, AND HE SAYS, I'LL
22 PUT HIM ON THE PHONE, SO LAZERO, I'LL PUT HIM ON THE
23 PHONE, THAT'S WHERE.

24 Q. BUT IF HE WERE REFERRING TO A FEMALE, LET'S SAY A
25 FEMALE COMES BACK AS THE REGISTERED OWNER OF THE CAR?

1 A. IF HE WAS REFERRING TO A FEMALE, HE WOULD SAY TE LA,
2 SO LO AND LA; SO IF HE WERE REFERRING TO A FEMALE, HE
3 WOULD SAY TE LA PONGO AL TELEPHONO; BUT HE SAID TE LO
4 PONGO, WHICH INFERS A MALE; AND GIVEN THE FACT WE WERE
5 JUST TALKING ABOUT LAZERO, THAT'S --

6 MR. MCAFEE: WE'RE GOING TO LISTEN TO IT ONE
7 MORE TIME.

8 (VIDEO PLAYING)

9 MR. MCAFEE: JUDGE, THERE'S NO WAY FOR ME TO BE
10 ABLE TO TELL WHAT HE'S SAYING IS WHAT I'M TRYING TO VERIFY
11 IN MY MIND HERE. OKAY. I'M GOING TO MOVE ON.

12 Q. DID YOU EVER COMPLETE THE BUSINESS OF THE STOP,
13 GETTING THE CITATION COMPLETED? WHEN WAS THE CITATION
14 COMPLETED?

15 A. IT WAS A WARNING.

16 Q. OKAY, A WARNING; AND YOU DECIDED TO GIVE HIM A
17 WARNING, TOLD THEM THEY WERE GETTING A WARNING, IS
18 THAT -- OR TOLD MR. TELLEZ HE WAS GETTING A WARNING?

19 A. YES.

20 Q. DID YOU TELL HIM HE WAS FREE TO GO?

21 A. NO. I TOLD HIM THE WARNING, AND THERE'S A
22 METHODOLOGY BEHIND THAT. WHEN THE TYPICAL MOTORING PUBLIC
23 IS -- HAS A LEVEL OF NERVOUSNESS WHEN THEY'RE IN CONTACT
24 ON A TRAFFIC STOP WITH LAW ENFORCEMENT, I TOLD HIM THAT
25 I'M JUST GOING TO GIVE HIM A WARNING, HIS LEVEL OF

1 NERVOUSNESS SHOULD GO DOWN. OKAY, SO THAT ELIMINATES ONE
2 ASPECT OF THE NERVOUSNESS, BUT OBVIOUSLY THAT -- HE WASN'T
3 INTERESTED IN THAT PART, SO HIS LEVEL OF NERVOUSNESS DID
4 NOT GO DOWN ONCE I TOLD HIM I'D GIVE HIM A WARNING.

5 Q. WAS THAT -- DID YOU INTEND TO DECEIVE HIM, WERE YOU
6 IN FACT GIVING HIM A WARNING OR --

7 A. THAT'S THE WAY I GAUGE THEIR RESPONSE. I DO THAT IN
8 EVERY TRAFFIC STOP THAT WE'VE COME ACROSS, THAT I'VE
9 CONDUCTED.

10 Q. SO YOU AT THAT TIME WHEN YOU BRING THAT UP, YOU
11 DIDN'T INTEND TO GIVE HIM A WARNING; IS THAT RIGHT?

12 A. NO, I DID. MY INTENTION WAS TO GIVE HIM A WARNING.

13 Q. AND THEN IN THE COURSE OF THE CONVERSATION ABOUT THE
14 WARNING YOU SAID, I NEED TO CHECK THE CAR, SOMETHING TO
15 THAT EFFECT; IS THAT RIGHT?

16 A. I ASKED FOR CONSENT TO SEARCH THE CAR.

17 Q. AND YOU ASKED HIM IF THERE WAS ANYTHING ILLEGAL, I'M
18 SUMMARIZING, ASKED HIM IF THERE WAS ANYTHING ILLEGAL IN
19 THE CAR, AND HE SAID NO?

20 A. I ASKED IF THERE WAS ANY DRUGS, WEAPONS OR LARGE
21 AMOUNTS OF CASH.

22 Q. AND HE IN FACT SAID, CHECK IT FOR YOURSELF?

23 A. YES.

24 Q. NOW, WAS HE FREE TO GO AT THAT TIME, WHEN HE SAID
25 CHECK IT FOR YOURSELF?

1 A. EXCUSE ME. HE'S IN A TRAFFIC STOP, SO HE'S
2 DETAINED.

3 Q. COULD YOU HAVE COMPLETED THE CITATION AT THIS
4 TIME?

5 A. I COULD HAVE, BUT I GOT CONSENT TO SEARCH, SO I WAS
6 GOING TO FOLLOW THROUGH ON THAT. AND ALSO IF YOU SEE THE
7 VIDEO, I CALL SEVERAL TIMES FOR BACK-UP, FOR MY -- SOMEONE
8 IN MY UNIT.

9 Q. AND YOU CALLED FOR BACK-UP FOR OFFICER SAFETY?

10 A. CORRECT.

11 Q. BECAUSE IF YOU'RE CONCERNED FOR YOUR SAFETY, YOU
12 DON'T WANT TO BE DIGGING THROUGH SOMEBODY'S CAR WHILE
13 THEY'RE STANDING AROUND UNHANDCUFFED ON THE SIDE OF THE
14 ROAD?

15 A. YES, SIR.

16 Q. BUT IF YOU WEREN'T CONCERNED FOR OFFICER SAFETY, YOU
17 WOULD FEEL COMFORTABLE SEARCHING SOMEBODY'S CAR?

18 A. YEAH. SHAME ON ME ON THAT TRAFFIC STOP.

19 Q. ALL RIGHT. THIS IS CAMERA 2, 9 MINUTES AND 55
20 SECONDS IN, I'M GOING TO PLAY MAYBE ABOUT 20 SECONDS,
21 OKAY.

22 (VIDEO PLAYING)

23 Q. AT THIS TIME IN THE VIDEO AT 10 MINUTES AND 6
24 SECONDS, MR. TELLEZ HAS GONE TO THE CAR, APPARENTLY ASKED
25 HIS GIRLFRIEND TO COME BACK TO THE POLICE CRUISER AND

1 RETRIEVED A SMALL BAG; CORRECT? WITH THE JEWELRY?

2 A. I DON'T RECALL IF THEY WERE IN A BAG, BUT, YES, THE
3 JEWELRY.

4 Q. IF WE CAN GO BACK ABOUT 10 SECONDS HERE, SEE IF YOU
5 RECALL.

6 (VIDEO PLAYING)

7 Q. DID YOU JUST HEAR THE SOUND OF A ZIPPER?

8 A. CAN YOU PUT IT BACK? I'M SORRY, I DIDN'T HEAR.

9 (VIDEO PLAYING)

10 Q. DID YOU HEAR THE ZIPPER?

11 A. I DID NOT.

12 Q. TWO SECONDS AGO?

13 A. NO, SIR.

14 Q. OKAY. LET ME JUST DO THIS RIGHT HERE.

15 (VIDEO PLAYING)

16 A. OKAY, YES.

17 Q. RIGHT THERE?

18 A. OKAY.

19 Q. SO IT'S A SMALL BAG?

20 A. YEAH.

21 Q. THAT HAD JEWELRY IN IT?

22 A. YES.

23 Q. APPEARS TO BE SIGNIFICANTLY EXPENSIVE JEWELRY?

24 A. I ALSO MENTIONED THAT I HAVE A SIMILAR STYLE OF
25 CUBAN LINK CHAIN, I HAVE ONE AS WELL.

1 Q. SO THAT'S A PARTICULAR STYLE THAT --

2 A. YES.

3 Q. -- CUBAN FOLKS LIKE?

4 A. I DON'T KNOW IF IT'S --

5 Q. A LOT OF CUBAN FOLKS LIKE?

6 A. I DON'T KNOW IF IT'S SPECIFIC TO CUBANS, BUT IT'S
7 CALLED A CUBAN LINK, SO.

8 Q. ALL RIGHT, SO YOU -- HE HANDS YOU THE BAG, YOU OPEN
9 IT UP, LOOK INSIDE, APPARENTLY NOTHING ILLEGAL INSIDE?

10 A. NO.

11 Q. AND YOU HAND THAT BAG BACK TO HIM?

12 A. YES.

13 Q. AND SHORTLY THEREAFTER YOU GO AND SEARCH THE CAR?

14 A. YES.

15 Q. THE COMMENT EARLIER COM PERMISO, THAT HAS NOTHING TO
16 DO WITH PERMISSION TO SEARCH THE CAR; RIGHT?

17 A. I DON'T KNOW WHAT THEIR UNDERSTANDING WAS, BUT I WAS
18 MOVING TOWARDS THE CAR AND SAID COM PERMISO.

19 Q. MEANING EXCUSE ME, SHE STEPPED OUT OF THE WAY?

20 A. YES.

21 Q. SO IT HAD NOTHING TO DO WITH CONSENT?

22 A. NOT IN THAT TERM, BUT IT LITERALLY MEANS WITH
23 PERMISSION.

24 Q. RIGHT, BUT YOU WOULD SAY THAT IN THE CONTEXT OF --

25 A. RIGHT.

1 Q. -- IN BEING IN PUBLIC, NEEDING TO GET BY?

2 A. YES.

3 Q. COM PERMISO?

4 A. RIGHT.

5 Q. EXCUSE ME?

6 A. UH-HUH.

7 Q. ALL RIGHT. I'M NOW GOING TO SWITCH TO CAMERA 1 FOR
8 A VERY BRIEF PERIOD AT THE CONCLUSION OF THE SEARCH, IF I
9 COULD JUST KIND OF JUMP AROUND.

10 (VIDEO PLAYING)

11 Q. ALL RIGHT, SO YOU START YOUR SEARCH AT ABOUT 10
12 MINUTES AND 31 SECONDS?

13 A. YES, SIR.

14 Q. AND NO BACK-UP HAS ARRIVED AS, AS OF YET; IS THAT
15 CORRECT?

16 A. CORRECT.

17 Q. AT THE TIME YOU BEGIN THE SEARCH?

18 A. CORRECT.

19 Q. YOU WALK UP TO THE MERCEDES AND TURN YOUR BACK TO
20 THE DEFENDANT AND HIS GIRLFRIEND; CORRECT?

21 A. YES.

22 Q. BECAUSE YOU HAVE NO CONCERN FOR OFFICER SAFETY, IN
23 TERMS OF YOU DON'T HAVE ANY, ANYTHING YOU CAN ARTICULATE
24 ABOUT THESE FOLKS BEING DANGEROUS?

25 A. NOT AT THE MOMENT, I -- THIS IS TYPICALLY NOT

1 SOMETHING I DO. WE HAVE A RELATIVELY SMALL UNIT. AS YOU
2 CAN SEE, I CALLED FOR BACK-UP SEVERAL TIMES, NO ONE
3 ANSWERED ME, SO THIS IS COMPLETELY CONTRARY TO WHAT WE'RE
4 TAUGHT AND RULE OF THUMB IS YOU NEVER SEARCH A VEHICLE BY
5 YOURSELF; BUT I HAD TO DO WITH THE CIRCUMSTANCES WITHOUT
6 BACK-UP, AND I HAD IT -- THERE WAS NO ALARM AS TO DANGER,
7 BUT I WENT AHEAD AND SEARCHED.

8 (VIDEO PLAYING)

9 Q. NOW, DO YOU RECALL WHAT ITEMS IN GOVERNMENT'S
10 EXHIBIT 13 -- IF I CAN PUT THAT ON THE PROJECTOR FOR A
11 SECOND, MS. OTTINGER. ALL RIGHT. DO YOU RECALL WHAT
12 ITEMS IN THIS PHOTOGRAPH WERE RECOVERED FROM THE TRUNK
13 DURING THE LATER SEARCH?

14 A. SPECIFICALLY THE TRUNK, NO. I WANT TO SAY IT WAS
15 THE BOX OF SHOES, BUT, AGAIN, I DON'T KNOW SPECIFICALLY
16 WHERE EVERYTHING WAS LOCATED IN THE CAR.

17 Q. THE WHAT APPEARS TO BE GOLD JEWELRY IN THIS PICTURE,
18 IS THAT THE JEWELRY THAT MR. TELLEZ SHOWED YOU?

19 A. YES.

20 Q. BEFORE -- YOU CONDUCTED THE SEARCH?

21 A. YES.

22 Q. YOU DIDN'T DISCOVER THAT IN THE SEARCH?

23 A. NO.

24 Q. OF THE CAR?

25 A. NO, HE HAD THEM ON HIM.

1 MR. MCAFEE: IF WE COULD GO BACK TO THE VIDEO,
2 PLEASE.

3 (VIDEO PLAYING)

4 Q. ALL RIGHT. DID YOU, DID YOU SEE WHAT YOU JUST DID
5 ON THE VIDEO?

6 A. YES.

7 Q. YOU DID WHAT?

8 A. I CLOSED THE TRUNK, AND I WAVED AT THEM.

9 Q. YOU MOTIONED HIM TO COME OVER TO YOUR CAR?

10 A. YES.

11 Q. DIRECTING HIM TO COME OVER TO YOUR CAR BECAUSE HE'S
12 NOT FREE TO LEAVE; RIGHT?

13 A. CORRECT.

14 Q. AND HE COMPLIED?

15 A. YES.

16 (VIDEO PLAYING)

17 Q. ALL RIGHT, SIR, WE'RE GOING TO PLAY PROBABLY THE
18 NEXT 25 SECONDS, THIS IS 15 MINUTES AND 45 SECONDS INTO
19 CAMERA 2 FROM YOUR POLICE CRUISER.

20 (VIDEO PLAYING)

21 Q. DO YOU HAVE YOUR WALLET IS WHAT YOU ASKED HIM;
22 CORRECT?

23 A. YES.

24 Q. AND HE DIDN'T REPEAT THE QUESTION; DID HE?

25 A. HE SAID, QUE.

1 Q. MY WHAT?

2 A. YES.

3 MR. MCAFEE: LET'S GO BACK.

4 (VIDEO PLAYING)

5 Q. SO HE SAYS, YES, AND HE'S REACHING IN HIS BACK REAR
6 POCKET; CORRECT? AT --

7 A. I'M NOT SURE WHICH PART.

8 Q. -- AT 16:02.

9 A. I'M NOT SURE WHICH POCKET, BUT, YES.

10 Q. WELL, IT APPEARS HE'S REACHING, AS I'M DEMONSTRATING
11 LIKE A CLOWN, IN THE BACK POCKET; CORRECT?

12 A. IT APPEARS, BUT I DON'T REMEMBER SPECIFICALLY
13 WHETHER IT WAS BACK POCKET OR HIS FRONT POCKET, FRONT
14 RIGHT POCKET.

15 Q. BUT HE WAS REACHING FOR IT?

16 A. YES.

17 Q. IN WHATEVER POCKET?

18 A. YES.

19 Q. SO WE CAN AGREE AT 16:02 HE'S GOT HIS HAND EITHER IN
20 HIS POCKET OR ON ITS WAY DIRECTLY TO HIS POCKET?

21 A. YES.

22 (VIDEO PLAYING)

23 Q. AND SO THEN YOU SAY, LET ME SEE IT FOR A MOMENT?

24 A. CORRECT.

25 Q. SO YOU SAY LET ME SEE IT FOR A MOMENT PRIOR TO HIM

1 GIVING IT TO YOU?

2 A. IN THE MOTION, GRABBING HIS WALLET.

3 MR. MCAFEE: I WISH I WAS BETTER AT THIS,
4 JUDGE, BUT I'M DOING MY BEST.

5 ALL RIGHT.

6 (VIDEO PLAYING)

7 Q. SO AT 16:02 HE'S REACHING FOR THE WALLET, AND HE
8 SAYS, SI; CORRECT?

9 A. YES.

10 (VIDEO PLAYING)

11 Q. SO THE WALLET IS EITHER MOSTLY OUT OF THE POCKET OR
12 PERHAPS OUT OF THE POCKET, AND YOU SAID, LET ME SEE IT,
13 BUT HE HASN'T HANDED IT TO YOU YET, RIGHT, ACCORDING TO
14 THE VIDEO HERE AT 16:03?

15 A. NO.

16 Q. NOW, YOU WERE DIRECTING HIM TO GIVE YOU THE WALLET;
17 RIGHT, THAT'S WHAT THAT MEANS, LET ME SEE IT?

18 A. YES.

19 Q. CONTRARY TO THE WAY YOU GOT ACCESS TO THE CAR SIX
20 MINUTES AGO, YOU DIDN'T SAY, DO I HAVE YOUR PERMISSION TO
21 SEE YOUR WALLET; CORRECT?

22 A. CORRECT.

23 Q. NOW, WHEN HE HANDED IT TO YOU, YOU PROCEEDED TO
24 SEARCH THE CONTENTS; CORRECT?

25 A. YES.

1 Q. DID YOU ASK HIM FIRST IF YOU COULD SEARCH THE
2 CONTENTS?

3 A. NO.

4 Q. AND INSIDE IS PLENTY OF PERSONAL EFFECTS, INCLUDING
5 THESE CARDS YOU WERE TESTIFYING ABOUT EARLIER; CORRECT?

6 A. YES.

7 Q. LIKE HIS DRIVER'S LICENSE, I DON'T KNOW, WHATEVER
8 ELSE SORT OF CARDS; CORRECT?

9 A. RIGHT. I LOCATED THE VISA GIFT CARDS.

10 Q. YOU LOCATED THEM. NOW, THOSE VISA GIFT CARDS YOU
11 EXTRACTED FROM THE WALLET; CORRECT?

12 A. YES.

13 Q. AND YOU FLIPPED THEM OVER AND SAW THE HANDWRITING ON
14 THE BACK --

15 A. YES.

16 Q. -- CORRECT?

17 A. AT THIS TIME I'D LIKE TO SAY THAT I HAVE ARTICULABLE
18 SUSPICION GIVEN ALL THE INDICATORS THAT I HAVE DEVELOPED
19 AT THIS POINT TO SUSPECT SOME TYPE OF ID CRIME.

20 Q. AND THOSE ARE HAVING NICE CLOTHES AND A NEW I-PAD IN
21 THE CAR; CORRECT?

22 A. YES, THOUSAND DOLLAR SHOES, HIGH-END GLASSES, SHADY,
23 FOR LACK OF A BETTER TERM, TRAVEL ITINERARY, HIS NERVOUS
24 BEHAVIOR, NO RECEIPTS FOUND WITH THE HIGH-END ITEMS WITH
25 RECENTLY PURCHASED TAGS ON THEM. WITH MY EXPERIENCE I, I

1 KNEW THERE WAS SOMETHING THERE.

2 Q. SO THE CLOTHING STILL HAD TAGS ON THEM?

3 A. NO, IF YOU SEE ON THE TWO PURSES.

4 Q. I'M GOING TO PUT IT BACK UP, IF THAT'S OKAY.

5 A. YEAH.

6 MR. MCAFEE: MS. OTTINGER, IF WE COULD.

7 Q. OKAY, SO THE TWO PURSES HAVE THE LITTLE BARCODE AND
8 TAG ON THERE STILL; IS THAT YOUR TESTIMONY?

9 A. YES, SIR.

10 Q. AND IT APPEARS TO BE A LITTLE TAG ABOUT WHERE THAT
11 LITTLE BLUE ARROW --

12 A. CORRECT.

13 Q. -- JUST CAME UP?

14 A. CORRECT.

15 Q. IS THE TAG ON THE BAG ON THE RIGHT, IS THAT VISIBLE?

16 A. IT'S NOT FROM THIS PHOTO, BUT I REMEMBER IT BEING ON
17 THERE.

18 Q. DID YOU DISPLAY THESE ITEMS THIS WAY?

19 A. YES.

20 Q. DO YOU NOT FEEL IT WOULD HAVE BEEN IMPORTANT TO
21 INCLUDE THAT TAG IN A PHOTOGRAPH?

22 A. YES.

23 Q. TO LATER SUPPORT THE REASON FOR YOUR SUSPICION?

24 A. YES. SHE HAD A HIGH-END PURSE ON HER AND THEN THESE
25 TWO ADDITIONAL ONES, BUT I AGREE I SHOULD HAVE CHOSEN A

1 DIFFERENT ANGLE.

2 Q. AND WE'RE NOT TALKING ABOUT A COLLECTION OF PERHAPS
3 10 PAIRS OF THESE SHOES; CORRECT, JUST ONE PAIR?

4 A. YES.

5 Q. AN EXPENSIVE PAIR OF SHOES?

6 A. WELL, YES.

7 Q. AND TWO BAGS; CORRECT?

8 A. YES.

9 Q. AND AN I-PAD?

10 A. YES.

11 Q. NOW, WAS THIS AN I-PAD PRO OR JUST AN I-PAD --

12 A. I WANT TO -- YEAH, IT'S ONE OF THE LARGER ONES, SO
13 THEY ARE PRETTY EXPENSIVE AS WELL.

14 Q. HOW MANY GIGABYTES?

15 A. I DON'T RECALL, SIR.

16 Q. THAT MATTERS IN TERMS OF HOW EXPENSIVE IT IS --

17 A. YES.

18 Q. -- CORRECT?

19 A. YES, ABSOLUTELY.

20 Q. JUST TO BE CLEAR, THE JEWELRY AT THE BOTTOM OF THE
21 SCREEN, THAT WAS CONTAINED IN THE BAG YOU SEARCHED WITH --

22 A. THAT HE RETRIEVED FROM THE CAR, YES, SIR.

23 Q. NOW, WHEN YOU WROTE THE AFFIDAVIT FOR -- WELL, FIRST
24 OF ALL, DID YOU WRITE THAT DOCUMENT? DID YOU TYPE IT UP?

25 A. YES.

1 Q. DID YOU ALSO TYPE UP THE, I GUESS, THE REPORT THAT
2 IS WRITTEN VERY SIMILARLY, DO YOU RECALL WRITING THE
3 REPORT IN THIS CASE?

4 A. THE BOOKING SHEET? THE PROBABLE CAUSE AFFIDAVIT?

5 Q. I THINK SO, SIR. LET ME LOOK RIGHT QUICK.

6 ALL RIGHT. MS. OTTINGER, COULD I --

7 ALL RIGHT. I'M SHOWING YOU WHAT'S BEEN
8 ADMITTED AS EXHIBIT 4, AND YOU RECOGNIZE THAT DOCUMENT;
9 CORRECT?

10 A. YES.

11 Q. AND YOU, YOU WROTE THIS DOCUMENT UP?

12 A. I DID.

13 Q. AND IT'S AT LEAST IN PART BASED ON THE ARREST REPORT
14 YOU WROTE PERHAPS EARLIER IN ASSOCIATION WITH THE ARREST
15 OF MR. TELLEZ?

16 A. CORRECT.

17 Q. AND IN THIS AFFIDAVIT YOU CERTAINLY INCLUDE A, A
18 SUMMARY OF WHAT, WHAT TOOK PLACE; CORRECT?

19 A. YES.

20 Q. AND THE EVENTS YOU LIST ON THIS AFFIDAVIT ARE LISTED
21 IN THE ORDER IN WHICH THEY HAPPENED; IS THAT CORRECT?

22 A. I BELIEVE THIS -- THE PARAGRAPH WHERE I ASKED THE
23 GIRLFRIEND IF SHE WAS WITH HIM YESTERDAY, THAT WOULD NOT
24 BE CHRONOLOGICALLY, THAT WOULD BE TOWARDS THE END.

25 Q. IT WOULD HAVE BEEN AFTER MR. TELLEZ --

1 A. YES.

2 Q. -- WAS IN CUSTODY?

3 A. YES.

4 Q. AND WHAT ABOUT THE PART ABOUT -- LET'S SEE, THE
5 FOURTH PARAGRAPH DOWN THAT BEGINS WITH DETECTIVE CAMACHO,
6 YOU SEE THAT?

7 A. YES.

8 Q. AND YOU REFER TO YOURSELF IN THE THIRD PERSON;
9 CORRECT?

10 A. YES.

11 Q. DETECTIVE CAMACHO MADE CONTACT WITH THE PASSENGER
12 ADISLEY PENSO, A HISPANIC FEMALE, DATE OF BIRTH 7/4/90.
13 PENSO GAVE CONFLICTING TRAVEL PLANS AND STATED THEY WERE
14 STAYING IN MIAMI FOR SEVERAL DAYS.

15 A. YEAH, THAT IS NOT IN CHRONOLOGICAL ORDER.

16 Q. WHEN DID THAT HAPPEN?

17 A. AFTER THE FACT.

18 Q. AFTER THE VIDEO WE SAW?

19 A. YES, AFTER HIS INTERVIEW IN THE BACK OF THE SEAT.

20 Q. SO HE WAS ALREADY IN CUSTODY?

21 A. YES.

22 Q. SO THIS -- LET ME JUST USE THE TECHNOLOGY HERE --
23 PARAGRAPH FLUSH WITH THE ARROW IS, IT'S PLACED OUT OF
24 ORDER?

25 A. YES, IT IS.

1 Q. ANY PARTICULAR REASON FOR THAT?

2 A. NO, SIR.

3 Q. IT DOESN'T HELP SUPPORT A REASONABLE BASIS FOR
4 SUSPICION IF YOU'VE TALKED TO BOTH PARTIES AND THEY GIVE
5 CONFLICTING TRAVEL PLANS?

6 A. IT HELPS SUPPORT IT AFTER THE FACT; AND, AGAIN, I
7 SHOULD HAVE PUT IT IN CHRONOLOGIC ORDER TOWARDS THE END.

8 Q. WELL, IT SOUNDS A LOT BETTER WHEN YOU'RE TRYING TO
9 ESTABLISH A LAWFUL BASIS TO LOOK THROUGH SOMEBODY'S WALLET
10 IF IT'S BEFORE; CORRECT?

11 A. YES, YOU CAN SAY THAT.

12 Q. NOW, BIN SEARCH DATA BASE, YOU'RE NOT SURE WHAT BIN
13 STANDS FOR?

14 A. I WANT TO SAY IT'S BATCH IDENTIFICATION NUMBER, BUT
15 I COULD BE MISTAKEN.

16 Q. COULD IT ALSO BE BANK IDENTIFICATION NUMBER PERHAPS?

17 A. OKAY, YES, SIR.

18 Q. AND USUALLY THAT'S 8 NUMBERS OR 6, YOU WERE SAYING 6
19 EARLIER?

20 A. THE SYSTEM WE USED TO USE WHICH WE HAD ACCESS TO
21 WHICH WAS SECRET SERVICE DATA BASE WAS THE FIRST 6, BUT I
22 THINK YOU CAN DO IT WITH THE FIRST 4, BUT THE ONES WE USE
23 WAS THE FIRST 6.

24 Q. AND THOSE ARE -- THOSE AREN'T LIKE DARK WEB
25 WEBSITES, ARE THEY, ARE THEY LIKE ILLEGAL WEBSITES

1 SOMEHOW, I DON'T KNOW, I'M ASKING YOU?

2 A. NO, I'M SURE THEY ARE ON THE DARK WEB, BUT NOT THE
3 ONE THAT WE USE AND NOT THE ONE THAT I SAW ON HIS PHONE
4 BECAUSE I DON'T THINK YOU CAN HAVE ACCESS TO THE DARK WEB
5 ON YOUR PERSONAL CELL PHONE, I'M NOT SURE.

6 Q. BUT THE PUBLIC CAN ACCESS THESE WEBSITES?

7 A. YEAH, YES.

8 Q. I SUPPOSE THEY HAVE SOME LEGITIMATE PURPOSE;
9 CORRECT?

10 A. I SUPPOSE, YES.

11 Q. NOW, LET'S GO DOWN TO THE BOTTOM PARAGRAPH. I'M
12 GOING TO USE THE TECHNOLOGY AGAIN. THIS LAST PARAGRAPH
13 THAT BEGINS WITH ADDITIONALLY, DO YOU SEE THAT?

14 A. YES.

15 Q. DURING THE CONSENSUAL SEARCH CAPTAIN DAY LOCATED TWO
16 USB DRIVES IN THE CENTER CONSOLE IN ONE OF THE GLOVE
17 COMPARTMENTS, DO YOU SEE THAT?

18 A. YES.

19 Q. WHICH SEARCH ARE YOU REFERRING TO, SIR?

20 A. THE SEARCH HE DID.

21 Q. WHAT, WHAT, WHAT MAKES IT A CONSENSUAL SEARCH?

22 A. HE CONSENTED TO IT.

23 Q. MR. TELLEZ?

24 A. THE INITIAL SEARCH, YES.

25 Q. OKAY. THE INITIAL SEARCH WAS CONSENSUAL?

1 A. UH-HUH.

2 Q. AND IT WAS COMPLETED?

3 A. YES.

4 Q. WHERE IS CAPTAIN DAY AS PART OF THAT SEARCH, IS HE
5 IN THE VIDEO HERE?

6 A. NO, NO, HE, HE ARRIVED AFTER THE FACT.

7 Q. AND HE WENT THROUGH THE CAR AND HELPED YOU REMOVE
8 THE ITEMS FROM THE CAR?

9 A. YEAH. TYPICALLY WE LIKE TO HAVE FOUR PAIRS OF EYES
10 INSTEAD OF TWO, SOMETIMES WE CAN OVERLOOK SOMETHING, AND
11 THAT'S WHY WE ALWAYS HAVE OUR PARTNER DO A SECONDARY
12 SEARCH OF THE VEHICLE.

13 Q. SO THIS IS THE SEARCH THAT REVEALED THE ITEMS IN
14 EXHIBIT 13, OR WHERE THEY WERE REMOVED, IN OTHER WORDS?

15 A. I DON'T RECALL. I MEAN, WHEN I DID INITIALLY SEARCH
16 THE VEHICLE, I DID NOT REMOVE THE ITEMS, SO I WOULD, I
17 WOULD SAY THIS WAS AFTER THE FACT, DURING THE SECOND
18 SEARCH, ONCE WE'RE COMPLETING THE INVENTORY AND THE
19 VEHICLE IS GOING TO BE TOWED.

20 Q. RIGHT, SO IT'S AN INVENTORY SEARCH MORE SO THAN A
21 CONSENSUAL SEARCH?

22 A. STEMMING FROM A CONSENSUAL SEARCH WHICH TURNED OUT
23 TO BE A PROBABLE CAUSE SEARCH AFTER THE CIRCUMSTANCES.

24 Q. I DIDN'T UNDERSTAND YOU, SIR, COULD YOU REPEAT THAT?

25 A. STEMMED FROM A CONSENSUAL SEARCH WHICH TURNED OUT TO

1 BE A PROBABLE CAUSE SEARCH BASED ON, YOU KNOW, THE
2 CIRCUMSTANCES OF THE CASE.

3 Q. AND NOTHING ABOUT THE JEWELRY IN AND OF ITSELF IS
4 PROBABLE CAUSE OF BEING ILLEGAL JEWELRY; CORRECT? SAME
5 THING WITH THE I-PAD?

6 A. CORRECT.

7 Q. AND THE CELL PHONES?

8 A. CORRECT.

9 Q. AND THE SHOES?

10 A. CORRECT.

11 Q. AND THE TWO BAGS?

12 A. YES.

13 Q. AND THE USBS DIDN'T IN AND OF THEMSELVES APPEAR TO
14 BE ILLEGAL?

15 A. NO, IT'S JUST A TOTALITY OF THE CIRCUMSTANCES.

16 Q. THE TOTALITY OF THE CIRCUMSTANCES.

17 A. I'D LIKE TO FIND A PLUMBER THAT HAS THAT TYPE OF
18 JEWELRY.

19 Q. AND HOW MUCH DO PLUMBERS MAKE?

20 A. I'M NOT SURE, BUT I'M SURE IT'S NOT ENOUGH TO RIDE
21 AROUND --

22 Q. COULD IT BE POSSIBLE THEY MAKE A GOOD LIVING AND
23 JUST DON'T BRAG ABOUT IT MUCH?

24 A. OKAY.

25 Q. SO YOU AGREE WITH ME NOW, JUST TO KIND OF KEEP GOING

1 HERE, THIS BOTTOM PARAGRAPH IS INCORRECT?

2 A. I WOULDN'T USE INCORRECT.

3 MR. MARTIN: YOUR HONOR, HE'S TESTIFIED AS TO
4 WHAT THE BOTTOM PARAGRAPH WAS AND THE SEARCH ASPECTS OF
5 HOW HE GOT THERE, WHAT OCCURRED, I DON'T KNOW THAT THE,
6 YOU WOULD AGREE WITH ME THAT THAT'S INCORRECT, IS IN
7 EVIDENCE, I'M GOING TO OBJECT TO THAT.

8 THE COURT: ALL RIGHT. SUSTAINED. YOU CAN LAY
9 A FOUNDATION IF YOU NEED TO, BUT.

10 Q. IS IT YOUR TESTIMONY, SIR, THAT THE SEARCH WHICH
11 REVEALED THE TWO USB DRIVES IN THE CENTER CONSOLE AND ONE
12 IN THE GLOVE COMPARTMENT WAS AN INVENTORY SEARCH RATHER
13 THAN A CONSENSUAL SEARCH?

14 MR. MARTIN: YOUR HONOR, I THINK THAT THAT
15 REQUIRES THE WITNESS TO DRAW A LEGAL CONCLUSION AS TO THE,
16 THE FOURTH AMENDMENT ISSUE HERE. HE HAS APPLIED FOR A
17 SEARCH WARRANT, HE'S OBTAINED IT, THE AFFIDAVIT IS THERE,
18 I DON'T KNOW THAT HE NEEDS TO DESCRIBE WHICH TYPE OF
19 SEARCH. THERE COULD BE MANY TYPES OF SEARCHES FROM THIS
20 POINT FORWARD.

21 THE COURT: ALL RIGHT. DO YOU KNOW WHEN IT WAS
22 THAT YOU DISCOVERED THESE THINGS? WAS IT AN INVENTORY
23 SEARCH OR WAS IT DURING THE CONSENSUAL SEARCH?

24 A. THE USB CARD?

25 THE COURT: UH-HUH.

1 A. BASED ON MY REPORT, CAPTAIN DAY FOUND THEM, SO HE'S
2 DOING A SECONDARY SEARCH --

3 THE COURT: OKAY.

4 A. -- FROM, STEMMING FROM MY SEARCH --

5 THE COURT: OKAY.

6 A. -- HOWEVER YOU WANT TO TERM THAT.

7 THE COURT: OKAY. ALL RIGHT. NEXT QUESTION.

8 Q. THE INTERVIEW OF THE DEFENDANT TOOK PLACE INSIDE
9 YOUR POLICE CRUISER; CORRECT?

10 A. YES, SIR.

11 Q. AND WHAT -- I'M GOING TO PULL UP THE VIDEO IN JUST A
12 SECOND. WHAT'S ABOUT THE SIZE OF THAT COMPARTMENT, IF YOU
13 CAN GUESS, AN ESTIMATE?

14 A. THE SIZE OF IT?

15 Q. DOESN'T IT SEEM TO YOU TO BE A LITTLE SMALLER THAN
16 JUST A BACK SEAT OF A POLICE CAR?

17 A. WELL, IT'S A PARTITION, RIGHT, TO HIS LEFT WAS MY
18 CANINE PARTNER JJ, AND THEN YOU HAVE THE, HIS SIDE. I
19 MEAN, IT LOOKS PRETTY COMFORTABLE TO ME COMPARED TO OTHER,
20 OTHER POLICE ENCLOSURES, I GUESS.

21 Q. WELL, YOU WOULD AGREE WITH ME HE'S UNDER ARREST FOR
22 ALL INTENTS AND PURPOSES; RIGHT?

23 A. AT THIS POINT, YES.

24 Q. EVEN THOUGH HE'S NOT IN HANDCUFFS?

25 A. CORRECT.

1 Q. YOU'VE GOT HIM IN THE CRUISER?

2 A. CORRECT. HE'S BEEN COOPERATIVE SO FAR, I MEAN.

3 Q. AND THIS IS AFTER YOU DISCOVER THE CARDS IN THE
4 WALLET?

5 A. YES.

6 Q. BUT DESPITE HIS APPEARANCE OF LOOKING COMFORTABLE,
7 YOU WOULD AGREE WITH ME THIS IS A SMALLER COMPARTMENT THAN
8 A FULL BACK SEAT OF A POLICE CAR?

9 A. NO, SIR. THESE ARE SUVS. SUVS ARE VERY ROOMY
10 COMPARED TO OUR CROWN VICTORIAS.

11 Q. AND THIS IS WHAT, LIKE A FORD EXPLORER?

12 A. YES.

13 Q. YOU OPENED THE DOOR AFTER HE'S BEEN SITTING THERE
14 FOR A FEW MINUTES, AND YOU READ HIM HIS MIRANDA RIGHTS IN
15 SPANISH; CORRECT?

16 A. YES.

17 Q. AND THEN HAVE A CONVERSATION ABOUT THE PHONE?

18 A. YES.

19 Q. AND HE -- NOW, YOU GO UP TO THE CAR TO RETRIEVE THE
20 PHONE; IS THAT CORRECT? I JUST WANT TO MAKE SURE THAT I
21 UNDERSTOOD CORRECTLY WHEN YOU STATED EARLIER ABOUT THE
22 PHONES, THE TWO PHONES AND WHERE THEY WERE.

23 A. I'M NOT SURE IF I WENT TO THE CAR OR IF I TOOK IT
24 FROM HIS PERSON WHEN I PATTED HIM DOWN BEFORE PUTTING HIM
25 IN THERE, I DON'T RECALL.

1 Q. AND HE PUTS A PASSWORD IN?

2 A. YES.

3 Q. DID YOU LIKE RECORD THE PASSWORD OR SOMETHING?

4 A. NO.

5 Q. AND YOU FOUND THE BIN SEARCH DATA BASE ON THE
6 PHONE?

7 A. CORRECT.

8 Q. NOW, COULD YOU TELL WHAT HAD BEEN GOING ON THERE IN
9 TERMS OF WHAT HAD BEEN LOOKED UP ON THE BIN SEARCH DATA
10 BASE?

11 A. NO.

12 Q. I'M NOT SURE THAT IT WOULD, BUT IT DOESN'T SAVE, IT
13 DOESN'T SAVE THE NUMBERS THAT ARE PUT IN?

14 A. I DON'T, I DON'T RECALL PARTICULARLY FOR THAT, THAT
15 WEBSITE.

16 MR. MCAFEE: YOUR HONOR, MAY I HAVE JUST ONE
17 MOMENT, PLEASE?

18 THE COURT: YEAH.

19 MR. MCAFEE: CAN I SEE THE SEARCH WARRANT ONE
20 MORE TIME, AFFIDAVIT.

21 Q. ALL RIGHT. DEPUTY CAMACHO, I'M GOING TO, I'M GOING
22 TO FINISH WITH THIS, PRIOR TO YOU TAKING MR. TELLEZ INTO
23 CUSTODY, THERE WAS NO, NO POINT IN TIME AFTER THE TRAFFIC
24 STOP WHERE, WHERE HE WAS FREE TO GO; CORRECT?

25 A. I'M SORRY, CAN YOU REPEAT THE QUESTION?

1 Q. YOUR INVESTIGATION AND THE BASIS FOR YOUR CONTINUING
2 TO INVESTIGATE THE SITUATION, IT, IT NEVER CONCLUDED PRIOR
3 TO HIM PUTTING HIS HANDS ON HIS HEAD AND YOU PLACING HIM
4 IN THE BACK OF THE CAR, OR THE SUV?

5 A. HE'S NOT FREE TO LEAVE AT ANY POINT IN TIME DURING
6 MY INVESTIGATION.

7 Q. RIGHT. AND YOU NEVER SAID, HEY, I'M DONE WITH THE
8 INVESTIGATION, BUT CAN I LOOK IN THE CAR AT THIS POINT?

9 A. NO.

10 MR. MCAFEE: DEPUTY CAMACHO, THANK YOU. THAT'S
11 ALL THE QUESTIONS I HAVE.

12 THE COURT: ALL RIGHT. SHORT REDIRECT?

13 MR. MARTIN: YES. YES, YOUR HONOR.

14 REDIRECT EXAMINATION

15 BY MR. MARTIN:

16 Q. JUST FAIRLY BRIEFLY, DEPUTY CAMACHO. THERE WAS SOME
17 DISCUSSION ABOUT OFFICER SAFETY, THERE'S A -- I THINK THAT
18 WAS THE, REFERRED TO AS THE NUMBER ONE ISSUE WHILE YOU'RE
19 OUT THERE IS OFFICER SAFETY --

20 A. CORRECT.

21 Q. -- DO YOU RECALL THAT? YOUR JOB, YOU DISCUSSED
22 EARLIER THE PURPOSE OF THE HIGHWAY INTERDICTION UNIT, YOU
23 WERE OUT THERE ACTUALLY LOOKING FOR THOSE PEOPLE WHO ARE
24 TRAVELING UP AND DOWN THE INTERSTATES AND ARE INVOLVED IN
25 CRIMINAL ACTIVITY AS THEY PASS THROUGH LEE COUNTY;

1 CORRECT?

2 A. YES, SIR.

3 Q. ONE OF THE THINGS IN THE VIDEO, YOU GO UP, AND
4 YOU -- WOULD YOU -- HOW WOULD YOU DESCRIBE YOUR INITIAL
5 CONTACT WITH THE DEFENDANT, WAS IT CORDIAL OR WAS IT
6 ADVERSARIAL?

7 A. IT WAS CORDIAL.

8 Q. YOU ASKED FOR HIS DRIVER'S LICENSE; CORRECT?

9 A. YES.

10 Q. DID YOU ASK FOR ANYTHING ELSE?

11 A. NO.

12 Q. WHAT'S THE PURPOSE OF THAT?

13 A. IT GIVES ME A REASON TO GO BACK TO THE VEHICLE, AND
14 IN THE EVENT THAT THERE IS A PASSENGER, IN THIS INSTANCE
15 I, I ASKED HIM FOR HIS DRIVER'S LICENSE; THEN ONCE HE
16 COMES BACK, YOU KNOW, TYPICALLY I WOULD -- ONCE HE'S OUT
17 OF MY VEHICLE, I WOULD GO ASK HIM THE INITIAL QUESTIONS,
18 JUST CASUAL CONVERSATION ABOUT HIS TRAVEL ITINERARY, AND
19 THEN I WOULD GO BACK TO THE PASSENGER, RETRIEVE THE
20 INSURANCE AND THE REGISTRATION OR, OR TRAVEL -- RENTAL
21 AGREEMENT, AND THEN ASK THE SAME QUESTIONS OF THE
22 PASSENGER TO SEE IF THEIR STORIES COINCIDE.

23 Q. IT IS AN INVESTIGATIVE TECHNIQUE THAT YOU'VE BEEN
24 TRAINED IN TO INTERDICT PEOPLE WHO ARE INVOLVED IN
25 CRIMINAL ACTIVITY?

1 A. TO A MUCH BETTER WAY TO PUT IT, YES.

2 Q. YOU GET HIM BACK TO THE SIDE OF YOUR VEHICLE, AND
3 YOU, YOU TESTIFIED THAT HE WAS NERVOUS; CORRECT?

4 A. YES.

5 Q. HE WAS MOVING AROUND A LOT?

6 A. YES.

7 Q. SOME OF HIS ACTIONS DIDN'T -- THEY DID NOT SEEM
8 NORMAL TO YOU, EITHER DEALING WITH HIS PANTS LEG OR HIS
9 SHOE OR WHATEVER; CORRECT?

10 A. CORRECT.

11 Q. AND YOU TESTIFIED THAT THAT WAS -- THOSE WERE
12 INDICATORS TO YOU OF NERVOUSNESS?

13 A. YES.

14 Q. HAD THIS BEEN A TYPICAL TRAFFIC STOP AND YOU
15 INFORMED HIM, HEY, EVERYTHING TURNS OUT, YOU'RE GOING TO
16 GET A WARNING, WHAT WOULD YOU HAVE EXPECTED TO SEE BASED
17 UPON YOUR EXPERIENCE OF DOING THESE INTERDICTION STOPS?

18 A. YOUR LEVEL OF NERVOUSNESS WILL GO DOWN. THERE'S
19 ALWAYS A, THERE'S ALWAYS A CERTAIN AMOUNT OF NERVOUSNESS
20 THAT THE TYPICAL MOTORING PUBLIC ENCOUNTERS WHEN THEY'RE
21 WITH CONTACT WITH LAW ENFORCEMENT. TYPICALLY IF THEY HAVE
22 NOTHING TO HIDE OR IF THEY'RE NOT INVOLVED IN CRIMINAL
23 ACTIVITY, THEY'RE JUST WORRIED ABOUT THAT 200 AND
24 SOMETHING DOLLAR TICKET THAT THEY MIGHT RECEIVE, SO THAT'S
25 JUST ANOTHER INVESTIGATOR TECHNIQUE THAT WE USE TO PUT

1 THEM AT EASE AND ADDRESS THAT ASPECT OF THE CONTACT.

2 Q. SO YOU'RE STILL AT THIS POINT, WOULD YOU SAY THAT IT
3 IS ADVERSARIAL OR CORDIAL --

4 A. CORDIAL.

5 Q. -- INTERACTION?

6 A. CORDIAL.

7 Q. THERE WAS A QUESTION THAT MR. MCAFEE ASKED YOU ABOUT
8 PLUMBERS, HOW MUCH THEY MAKE, YOU HAD THAT DISCUSSION;
9 CORRECT?

10 A. UH-HUH.

11 Q. THE DEFENDANT NEVER TOLD YOU THAT HE WAS A PLUMBER;
12 DID HE?

13 A. NO, HE SAID HE WAS COMMITTED TO A PLUMBING STORE.

14 Q. A PLUMBING STORE?

15 A. YES.

16 Q. WHEN YOU ASKED FOR CONSENT AND YOU GO UP AND YOU
17 SEARCH THE CAR, AGAIN, WHAT'S THE TYPE OF RELATIONSHIP
18 THAT'S GOING ON HERE, THIS INTERACTION WITH YOU, THE
19 DEFENDANT AND NOW THE FEMALE PASSENGER OUTSIDE OF THE
20 CAR?

21 A. IT'S CORDIAL STILL.

22 Q. WHEN YOU FINISH THE SEARCH, YOU WALK AWAY, YOU'RE
23 WALKING BACK, AND YOU DIRECT HIM, YOU GIVE HIM, I GUESS,
24 WHAT WOULD BE A HAND OF FOLDING THE FINGERS TOWARDS YOU,
25 COME OVER HERE TO SEE ME; CORRECT?

1 A. CORRECT.

2 Q. AND YOU TAKE UP YOUR POSITION AGAIN INSIDE YOUR
3 VEHICLE, HE'S ON THE OTHER SIDE, OR ARE YOU NOW IN FRONT
4 OF HIM?

5 A. THE SAME POSITION I HAD BEFORE.

6 Q. AND WHEN YOU ASK IF HE HAD A WALLET, WERE -- HOW
7 WOULD YOU DESCRIBE YOUR, THE TONE OR THE TENOR OF YOUR
8 VOICE?

9 A. THE SAME TONE I HAD MAINTAINED THROUGHOUT THE STOP.

10 Q. AND WHEN HE GOES TO REACH THAT HAND BACK, WHAT WE
11 NOW KNOW IS HE'S GOING TO PULL HIS WALLET OUT, WHEN HE
12 SORT OF EXTENDS IT TO YOU, HOW DID YOU TAKE HIS WALLET
13 FROM HIM?

14 A. JUST -- I GUESS YOU CAN SAY NORMALLY. HE HANDED IT
15 TO ME, AND I GRABBED IT.

16 Q. AT THIS POINT YOU'VE BASED -- BASED UPON YOUR
17 TRAINING AND EXPERIENCE, YOU ARE AWARE, ARE YOU NOT, THAT
18 THERE'S A LONG TRIP IN PLAY FOR THE DEFENDANT TO MIAMI AND
19 BACK TO TAMPA; CORRECT?

20 A. CORRECT.

21 Q. YOU'VE SEEN ITEMS IN THE VEHICLE THAT DON'T ADD UP
22 FOR YOU?

23 A. CORRECT.

24 Q. HE IS BEHAVING IN A WAY THAT IS MAKING YOU
25 SUSPICIOUS?

1 A. YES.

2 Q. AND SO YOU CONTINUE YOUR INVESTIGATION BECAUSE WHAT
3 IS IT THAT YOU BELIEVE AT THIS POINT IN THE TRAFFIC STOP
4 WHEN -- BEFORE YOU ASK FOR HIS WALLET, WHAT IS IT THAT YOU
5 BELIEVE BASED UPON EVERYTHING?

6 A. THAT SOME TYPE OF IDENTITY THEFT CASE, A CRIME HAS
7 BEEN COMMITTED.

8 Q. DISCUSSING THE SEARCH WARRANT, THERE WAS A
9 DISCUSSION ABOUT WHERE THINGS WERE IN THE WARRANT.

10 A. UH-HUH.

11 Q. AT THIS POINT YOU'VE COMPLETED YOUR INVESTIGATION ON
12 THE ROADSIDE, ARE YOU TYPING THIS STILL AT THE SCENE?

13 A. THE ACTUAL SEARCH WARRANT, NO.

14 Q. YOU'VE GONE BACK INTO THE OFFICE OR BUILDING OR --

15 A. YEAH. TYPICALLY WHEN WE, WHEN WE, WHEN WE HAVE TO
16 WRITE A SEARCH WARRANT FROM ONE OF OUR STOPS, IT'S
17 NORMALLY THE DAY AFTER. I'M NOT SURE EXACTLY WHEN THIS
18 HAPPENED, BUT I WOULD NOT DO A SEARCH WARRANT ON THE SIDE
19 OF THE ROAD.

20 Q. YOU ASKED FOR, RECEIVED CONSENT FROM THE DEFENDANT
21 TO SEARCH THE VEHICLE; CORRECT?

22 A. I DID.

23 Q. AT ANY POINT FROM THE TIME THAT HE GAVE YOU CONSENT
24 TO THE TIME THAT HE IS UNDER ARREST IN CUSTODY AND YOU ARE
25 SEARCHING THE VEHICLE OR CAPTAIN DAY IS THERE SEARCHING

1 THE VEHICLE, DID HE REVOKE THAT CONSENT?

2 A. NO; AND WE MAKE IT A POINT BASED ON OUR CASES WHEN I
3 WAS -- WHEN HE CONSENTED TO THE SEARCH OF THE PHONE, I
4 SPECIFICALLY TOLD HIM I WOULD SEARCH THE PHONE IN YOUR
5 PRESENCE AND HAVE THE DOOR OPEN IN ORDER FOR HIM -- TO
6 GIVE HIM THE OPPORTUNITY IF HE WANTED TO WITHDRAW THAT
7 CONSENT; AND WE'VE RUN INTO THAT BEFORE WHERE THEY -- WE
8 DON'T GIVE THEM THAT OPPORTUNITY, BUT OBVIOUSLY WE, WE --

9 Q. LET'S --

10 A. -- WE'RE GOOD AT WHAT WE DO.

11 Q. LET'S FOCUS ON THE SEARCH OF THE VEHICLE. HE
12 CONSENTED, DID HE EVER REVOKE THE CONSENT?

13 A. NO.

14 Q. HE CONSENTED THE PHONE, DID HE EVER REVOKE THAT?

15 A. NO.

16 Q. DID HE EVER -- THAT WILL BE MY LAST QUESTION, JUDGE.

17 THE COURT: OKAY. ALL RIGHT. ANYTHING ELSE?

18 I THINK WE'VE KIND OF COVERED EVERYTHING A COUPLE OF
19 TIMES.

20 MR. MCAFEE: NO, YOUR HONOR.

21 THE COURT: ALL RIGHT. LET ME DO THIS, I WANT
22 TO TAKE PROBABLY A 10 MINUTE BREAK, COLLECT MY THOUGHTS ON
23 THIS, AND I'LL COME BACK AND GIVE YOU A RULING ON YOUR
24 MOTION TO SUPPRESS, AND THEN WE'LL GO FROM THERE, OKAY.
25 JUST GIVE ME 10 MINUTES.

1 (RECESS AT 12:22 P.M., UNTIL 12:33 P.M.)

2 THE COURT: LET ME ASK. MR. MCAFEE, DO YOU
3 INTEND TO PUT ON ANY PROOF? I DIDN'T THINK THAT YOU WERE,
4 BUT I WANT TO MAKE SURE THE RECORD IS CLEAR, I WANT TO
5 GIVE YOU THAT OPPORTUNITY IF YOU WANT TO PUT ON ANY PROOF,
6 YOU CAN DO IT NOW.

7 MR. MCAFEE: I AGREE WITH THE COURT, I'M NOT
8 GOING TO PUT ON ANY PROOF, JUDGE.

9 THE COURT: OKAY. LET ME MAKE SURE I UNDER-
10 STAND WHAT YOU'RE ASKING TO BE SUPPRESSED. I ASSUME,
11 NUMBER ONE, BASED ON YOUR MEMORANDUM IS THE SEARCH OF THE
12 WALLET ITSELF, THEN YOU HAVE THE STATEMENT IN THE BACK
13 SEAT OF THE VEHICLE, THE SEARCH OF HIS CELL PHONE, AND THE
14 SEARCH OF THE THUMB DRIVES; IS, IS THAT FAIR?

15 MR. MCAFEE: WELL, TO AVOID THE STANDING
16 CONCERNS, THE ARGUMENT AT THIS TIME AFTER THE TESTIMONY IS
17 THE SEARCH IN GENERAL OF THE CAR, YOU KNOW, THE CONTENTS
18 OF THE CAR AFTER HE COMPLETED THE, THE ORIGINAL SEARCH,
19 THAT'S WHERE I'M, I THINK I NEED TO PLANT MY FOOT IN TERMS
20 OF MY ARGUMENTS, LIKE COMING AND RETRIEVING THE ITEMS OUT
21 OF THE CAR, THE BAGS AND CELL PHONES AND THINGS, THAT
22 INVENTORY SEARCH, I THINK IS WHAT WE WOUND UP CALLING IT,
23 THAT IS WHAT I'M LOOKING TO BE SUPPRESSED, THE PRODUCTS OF
24 THAT. BECAUSE I DO HAVE CONCERNS, JUST LIKE WHAT WERE
25 RAISED BY MR. HEAVENER AND POSSIBLY MOSTLY MR. MARTIN,

1 I'LL GIVE THEM BOTH CREDIT, THE STANDING ISSUE ON THE
2 USBS, YOU KNOW, IF MY CLIENT SAID, HEY, THAT'S HIS, HE
3 CERTAINLY HAS A REASONABLE EXPECTATION OF PRIVACY IN THE
4 USB DRIVES, THEN MY ARGUMENT BECOMES, I GUESS, THE
5 COMPLETENESS OF THE CAR AND HIS PERSONAL PROPERTY BEING IN
6 THERE CREATES A REASONABLE EXPECTATION OF PRIVACY IN THE
7 CONTENTS OF THE CAR AFTER THE CONSENSUAL SEARCH ENDS;
8 THAT'S -- I THINK THAT'S THE, THE BEST ARGUMENT I'VE GOT
9 ON THAT.

10 I KNOW YOU ASKED ME A COMPLETELY SEPARATE
11 QUESTION, BUT I JUST WANTED TO MAKE SURE I WAS CLEAR AS
12 FAR AS WHAT I THINK IT LOOKS LIKE AFTER MR., OR DEPUTY
13 CAMACHO'S TESTIMONY.

14 THE COURT: OKAY. ON THE INVENTORY SEARCH, DO
15 YOU ALL HAVE ANY POINT ON THAT?

16 MR. HEAVENER: JUDGE, I THINK OUR VIEW IS THAT
17 THE CONSENT WAS NEVER REVOKED FOR THE ORIGINAL CONSENT. I
18 MEAN, I THINK THAT THERE -- I DON'T WANT TO INJECT ANOTHER
19 ISSUE, BUT THERE WOULD BE INEVITABLE DISCOVERY IF THERE
20 WAS A CAR INVENTORY OF THOSE ITEMS, BUT OUR POSITION IS
21 THAT THERE WAS CONSENT TO THE SEARCH OF THE CAR AND THAT
22 THERE HAS BEEN NO SHOWING OF STANDING AS TO THOSE.

23 THE COURT: RIGHT, OKAY. ALL RIGHT. FOURTH
24 AMENDMENT PERMITS WARRANTLESS SEARCHES AND SEIZURES WHERE
25 THE SUSPECT CONSENTS, THAT'S THE LAW IN -- WHETHER IT'S IN

1 THE ELEVENTH CIRCUIT OR THE SIXTH CIRCUIT, CERTAINLY THE
2 LAW IN THE SIXTH CIRCUIT, AND THE SUSPECT MUST VOLUNTARILY
3 GIVE CONSENT. IT CANNOT RESULT FROM DURESS OR COERCION,
4 WHETHER IT'S EXPRESS OR IMPLIED. CONSENT-BASED SEARCHES
5 ALSO REQUIRE MORE THAN MERE EXPRESSION OF APPROVAL AND
6 MORE THAN FUTILITY AND ACQUIESCENCE, BUT THE SIXTH CIRCUIT
7 DOES NOT REQUIRE A TALISMANIC PHRASE TO FIND CONSENT; THAT
8 WAS ONE OF THE THINGS THAT I -- WE DISCOVERED WHILE WE
9 WERE RESEARCHING IT, YOU DON'T HAVE TO HAVE A SPECIAL WORD
10 THAT IS, THAT IS GIVEN, LIKE I CONSENT, YOU DON'T HAVE TO
11 HAVE THAT.

12 VOLUNTARINESS IS A QUESTION OF FACT TO BE
13 DETERMINED FROM ALL THE CIRCUMSTANCES, AND IT'S, IT'S
14 JUDGED AGAINST AN OBJECTIVE STANDARD AND WHAT, WHAT AN
15 ORDINARY PERSON WOULD HAVE UNDERSTOOD THE PERSON TO HAVE
16 VOLUNTARY CONSENTED FROM ALL THE CIRCUMSTANCES.

17 THE FACTORS THAT THE COURT HAS TO CONSIDER
18 INCLUDE SCHOOLING, INTELLIGENCE, THE INDIVIDUAL'S YOUTH,
19 THE DETENTION'S LENGTH, ANY REPEATED AND PROLONGED NATURE
20 OF QUESTIONING, THE USE OF PHYSICAL PUNISHMENT, SUCH AS
21 THE DEPRIVATION OF FOOD OR SLEEP. THEY ALSO LOOK AT
22 WHETHER THE OFFICER WARNED THE INDIVIDUAL, BUT THE
23 INDIVIDUAL NEED NOT HAVE HAD KNOWLEDGE OF THE RIGHT TO
24 REFUSE CONSENT; AND SO THOSE ARE, THOSE ARE SOME OF THE
25 FACTORS THAT THE COURT HAS TO CONSIDER, AND THE COURT CAN

1 CONSIDER WHETHER NON-VERBAL CONSENT CAN VALIDLY FUNCTION
2 AS, AS A VOLUNTARY CONSENT.

3 IN THIS PARTICULAR CASE IT LOOKS LIKE TO ME
4 FROM THE TOTALITY OF THE CIRCUMSTANCES THE DEFENDANT
5 VOLUNTARILY CONSENTED TO THE SEARCH OF HIS VEHICLE. HE --
6 THEY ASKED, THE DEPUTY ASKED FOR PERMISSION, AND HE GAVE
7 IT, SO HE SEARCHED THE ENTIRE, THE VEHICLE.

8 IN THE SAME WAY HE ASKED FOR HIS WALLET, AND
9 THE DEFENDANT VOLUNTARILY HANDED IT OVER TO THE OFFICER,
10 WHO THEN LOOKED INTO THE WALLET AND DISCOVERED THE CARDS;
11 AND THEN HE ASKED ABOUT CONSENT TO SCAN THE CARDS, AND AT
12 THAT POINT IN TIME THE DEFENDANT VOLUNTARILY CONSENTED TO
13 THE SCANNING OF THE CARDS. AND WHAT WAS INTERESTING IS HE
14 THEN, WHEN THE DEPUTY CAMACHO DECIDED THAT, OR SHOWED THAT
15 HE ACTUALLY HAD A SCANNER THAT HE COULD SCAN THE CARDS,
16 THAT'S WHEN THE DEFENDANT WITHDREW THE CONSENT; BUT AT
17 THAT POINT IN TIME THE OFFICER HAD -- I THINK, YOU KNOW,
18 WHEN YOU SAW THE BACK OF THE CARDS THEMSELVES, YOU HAD
19 ENOUGH REASONABLE SUSPICION TO BELIEVE THAT THERE WAS
20 SOMETHING AMISS; BUT EVEN IF HE DIDN'T, THERE'S A SIXTH
21 CIRCUIT CASE THAT SAYS YOU DON'T HAVE A REASONABLE
22 EXPECTATION OF PRIVACY IN THE MAGNETIC DETAILS OF THE
23 CARDS THEMSELVES, SO THERE'S NO REAL REASONABLE EXPECTA-
24 TION OF PRIVACY ONCE YOU GET TO THE POINT WHERE HE
25 ACTUALLY HAS THE CARDS IN HIS HAND, HE SEES THAT THERE'S

1 WRITING ON THE BACK WITH THE ZIP CODES, THEY'RE DIFFERENT
2 ZIP CODES FROM DIFFERENT AREAS, 37664 AND THEN 4100 SOME-
3 THING, CLEARLY NOT FROM THE SAME LOCATION. IT LOOKED LIKE
4 TO ME THAT THE OFFICER EXPLAINED THAT HE HAD SOME CONCERNS
5 GIVEN THE OTHER FACTORS THAT THIS WAS A PART OF A, A, AN
6 IDENTIFICATION THEFT SCHEME; AND WHEN HE RAN THE NUMBERS
7 ON THE -- WHEN HE RAN TO SCAN THE CARDS, HE CONFIRMED IT.

8 SO I THINK THE VOLUNTARINESS OF HIS -- I THINK
9 THE, AS FAR AS THE, THE DEFENDANT'S DEMEANOR, HE SEEMED
10 TO -- HE WILLINGLY CONSENTED TO THE SEARCH OF HIS VEHICLE.
11 HE APPEARED TO COMMUNICATE EFFECTIVELY WITH THE DEPUTY THE
12 ENTIRE TIME. DEPUTY CAMACHO DIDN'T THREATEN THE DEFENDANT
13 WITH DETENTION OR IF HE DIDN'T REFUSE CONSENT I WAS GOING
14 TO PUT YOU IN JAIL OR ANYTHING LIKE THAT. THE LOCATION OF
15 THE ENCOUNTER ALSO SUGGESTS THE -- IT WAS VOLUNTARY. IT
16 DOESN'T -- THE FACT THAT IT HAPPENED ON A PUBLIC STREET
17 REMOVES ANY COERCIVE ELEMENT OF IT. IT'S STILL, YOU KNOW,
18 THE COURT ACKNOWLEDGES THAT ANY ENCOUNTER WITH THE POLICE
19 ON THE SIDE OF THE STREET IS, IS, CAN BE NERVE WRACKING
20 FOR ANYBODY. I MEAN, THAT'S JUST -- NERVOUSNESS IS A
21 COMMON THING FOR PEOPLE TO EXPERIENCE, AND I DON'T KNOW
22 ANYTHING ABOUT THE DEFENDANT'S CONDUCT. I MEAN, I KNOW
23 THE OFFICER RECOGNIZED THAT HE WAS ACTING NERVOUSLY, BUT I
24 DIDN'T SEE THERE WAS AN EXTREME LEVEL OF NERVOUSNESS, BUT
25 I'M NOT A POLICE OFFICER. YOU KNOW, I CREDIT THE

1 TESTIMONY OF DEPUTY CAMACHO, BUT I DIDN'T SEE, I DIDN'T
2 SEE THE DEFENDANT ACTING LIKE HE WAS AFRAID OR HE FELT
3 INTIMIDATED OR ANYTHING LIKE THAT.

4 I THINK THE DEFENDANT'S ACTION OF REMOVING HIS
5 WALLET FROM HIS PERSON AND HANDING IT TO DEPUTY CAMACHO
6 CONSTITUTED AN AFFIRMATIVE AND VOLUNTARY NON-VERBAL
7 CONSENT TO HIS REQUEST FOR THE WALLET; AND REGARDLESS OF
8 WHEN HE REACHED FOR HIS WALLET, I KNOW THERE WAS SOME TALK
9 ABOUT WHETHER HE REACHED FOR IT AND AT WHAT POINT DID HE
10 REACH FOR IT, THERE'S NO DISPUTE THAT HE GAVE IT TO THE
11 OFFICER; AND THE FACT THAT HE, HE DIDN'T SAY, DO I HAVE
12 YOUR PERMISSION, IT'S NOT REQUIRED FOR DETERMINING
13 VOLUNTARY CONSENT. SO I THINK AS FAR AS THE, THE WALLET
14 IS CONCERNED AND THE EXAMINATION OF THE CARDS, I THINK THE
15 GOVERNMENT HAS PROVIDED OR SATISFIED THEIR BURDEN OF PROOF
16 THAT IT WAS A CONSENSUAL SEARCH.

17 AS FAR AS THE STATEMENT IN THE BACK OF THE
18 VEHICLE, IT CERTAINLY OCCURRED AFTER BEING PLACED IN
19 CUSTODY, HE WAS MIRANDIZED; AND, AGAIN, IT LOOKS LIKE TO
20 ME IT WAS VOLUNTARILY GIVEN, IT WASN'T IN VIOLATION OF THE
21 CONSTITUTION, AND SO THAT STATEMENT I FIND TO BE
22 ADMISSIBLE.

23 AS FAR AS THE SEARCH OF THE DEFENDANT'S CELL
24 PHONE, AGAIN, THIS IS A FUNCTION OF CONSENT, HE ASKED TO
25 SEARCH IT, AND THE DEFENDANT VOLUNTARILY ENTERED HIS

1 PASSWORD; AND REMEMBER THIS OCCURRED AFTER HE WITHDREW HIS
2 CONSENT TO SCANNING OF THE CARDS, AND SO I THINK HE WAS
3 AWARE, HE SEEMED TO BE REASONABLY INTELLIGENT IN HIS
4 DISCUSSIONS WITH HIM AND SEEMED TO ME THAT HE WAS ABLE TO
5 CONSENT TO THAT SEARCH. AND THE TIME FRAME WASN'T ALL
6 THAT LONG AFTER THE, THE STOP, SO IT WASN'T LIKE IT'S A
7 PROLONGED HOURS OF DELAY ON THE SIDE OF THE ROAD. IT WAS
8 A -- IT WAS FAIRLY QUICK AFTER HE, AFTER HE WAS PULLED
9 OVER THAT HE ENDED UP IN THE BACK OF THE CAR.

10 AND AS FAR AS THE SEARCH OF THE THUMB DRIVES
11 ARE CONCERNED, I DON'T THINK THE DEFENDANT HAS ESTABLISHED
12 THAT HE HAS ANY OWNERSHIP INTEREST IN IT. AT THE SCENE HE
13 DENIED THAT THEY WERE HIS. IN ANY EVENT, A SEARCH WARRANT
14 WAS OBTAINED. I DIDN'T FIND ANYTHING IN THE FOUR CORNERS
15 OF THE SEARCH WARRANT THAT WOULD WARRANT SUPPRESSION OF
16 THE EVIDENCE; BUT I DON'T THINK HE HAS STANDING IN ANY
17 EVENT TO CHALLENGE THOSE SINCE HE DISCLAIMS OWNERSHIP OF
18 THE THUMB DRIVES TO BEGIN WITH.

19 SO ALL OF THAT, IT LOOKS LIKE TO ME, THOSE --
20 THAT, THAT ENCOUNTER, ALL OF THAT EVIDENCE COMES IN. I, I
21 TEND TO BELIEVE THAT HE NEVER REVOKED HIS CONSENT, SO
22 THE -- WHETHER IT WAS AN INVALID INVENTORY SEARCH OR NOT
23 IS BASICALLY IRRELEVANT, IT WAS A CONSENT TO SEARCH, AND
24 THEY DID IT, WHETHER -- AT THE SCENE AND MAYBE LATER WHEN
25 THEY TOOK HIM INTO CUSTODY, SO I DON'T THINK THAT'S,

1 THAT'S A PROBLEM EITHER.

2 ALL RIGHT. IT'S QUARTER TO 1:00.

3 MR. HEAVENER: I'M SORRY?

4 THE COURT: I SAID IT'S QUARTER TO 1:00. WE
5 HAVE A JURY COMING IN, AND THEY'RE STARTING TO ARRIVE NOW
6 AT 1:00.

7 AND I THINK I'VE ADDRESSED EVERYTHING THAT YOU
8 WANTED IN YOUR MOTION TO SUPPRESS, MR. MCAFEE, IS THAT A
9 FAIR STATEMENT?

10 MR. MCAFEE: THAT'S A FAIR STATEMENT, YOUR
11 HONOR.

12 THE COURT: OKAY. WHAT I CAN DO, DO YOU ALL
13 WANT ANY TIME TO TALK AT ALL? THAT'S UP TO YOU, I'M NOT
14 TELLING YOU WHETHER TO TALK OR NOT TALK. THIS MAY AFFECT
15 HIS DECISION AT ALL, I KNOW -- IT MAY NOT, AND I'M -- NOT
16 TO ME, BUT I WANT TO GIVE YOU THAT OPPORTUNITY IF YOU WANT
17 TO TALK.

18 MR. MCAFEE: I'LL BE HAPPY TO TAKE ADVANTAGE OF
19 THAT OPPORTUNITY, YOUR HONOR. I SPOKE TO HIM YESTERDAY,
20 OF COURSE, AND NOW, YOU KNOW, WE'VE SEEN THE PRESENTATION
21 OF EVIDENCE AND YOUR HONOR'S RULING, SO I THINK IT WOULD
22 BE GOOD LAWYERING TO TRY TO GO SPEAK TO HIM AND --

23 THE COURT: SURE. AND, AGAIN, I'M NOT SUG-
24 GESTING YOU NEED TO. HE HAS A RIGHT TO TRIAL, I'M GOING
25 TO GIVE HIM A RIGHT TO HIS TRIAL, AND -- BUT I FIGURED IF

1 HE WANTS TO TAKE ADVANTAGE OF THAT OPPORTUNITY, I'M GOING
2 TO PROVIDE IT TO HIM BECAUSE I THINK THAT'S JUST THE
3 FAIREST THING TO DO GIVEN THE LATE DISCLOSURE OF THIS
4 EVIDENCE.

5 MR. MCAFEE: YES, YOUR HONOR. I APPRECIATE
6 THAT.

7 THE COURT: AS FAR AS JURY SELECTION IS
8 CONCERNED, WHAT I INTEND TO DO, WE HAD TALKED YESTERDAY
9 ABOUT THIS LIST OF NAMES OF THESE INDIVIDUALS.

10 MR. HEAVENER: YES, SIR.

11 THE COURT: LET ME TELL YOU WHAT I'M GOING TO
12 DO WITH THAT AND SEE IF YOU ALL HAVE ANY OBJECTION TO IT.
13 I THINK WHEN I WAS PLANNING IT IN MY HEAD ABOUT HOW THIS
14 SOUNDS, IT -- I THINK IT'S SOMEWHAT PREJUDICIAL TO THE
15 DEFENDANT FOR ME TO JUST READ 135 NAMES OUT, ALMOST LIKE
16 AT A MEMORIAL SERVICE, YOU KNOW, YOU KNOW WHAT I MEAN,
17 OVER AND OVER AND OVER AGAIN; SO WHAT I DID WAS I TOOK ALL
18 THE NAMES THAT WERE PROVIDED TO US AND PUT THEM ON A, I
19 REMOVED THE DUPLICATES AND PROVIDED ON ONE SHEET, A LIST
20 OF ALL THE NAMES ON ONE SHEET, I'M NOT SURE IT'S 135, BUT
21 THERE'S QUITE A FEW, AND TYPED THEM UP, I PUT THEM ON A
22 PIECE OF PAPER, WHAT I SUGGEST IS THE JURY WHEN THEY COME
23 IN AT 1:00, WE GIVE THEM THAT SHEET, WE GIVE THEM AND TELL
24 THEM THEY NEED TO REVIEW IT; AND THEN WHEN I BRING THEM
25 IN, I'LL ASK THEM HAS, HAS EVERYBODY REVIEWED THE SHEET

1 WITH ALL THE NAMES ON IT, DOES ANYBODY RECOGNIZE ANY OF
2 THOSE NAMES THAT WOULD MAKE YOU TO BE, YOU KNOW, YOU
3 WOULDN'T BE ABLE TO SIT IN THIS CASE FAIRLY AND JUDGE IT.
4 THAT WOULD SPEED UP THE PROCESS FROM TAKING 25 MINUTES TO
5 READ 130 NAMES, BUT ALSO GIVES THEM A CHANCE TO TAKE THEIR
6 OWN MOMENT OF TIME TO REVIEW THEM AND SEE WHETHER OR NOT
7 THEY KNOW ANY OF THOSE INDIVIDUALS, AND THAT WAY YOU DON'T
8 GET THIS OVERWHELMING SENSE OF LIKE BEING AT A MEMORIAL
9 SERVICE AND IT SOUNDING LIKE, GOSH, YOU KNOW, THIS JUST
10 SEEMS TO ME TO BE PREJUDICIAL TO THE DEFENDANT TO SIT FOR
11 30 MINUTES READING NAMES OF POTENTIAL VICTIMS IN AN
12 AGGRAVATED FRAUD CASE.

13 MR. HEAVENER: THAT'S FINE WITH THE GOVERNMENT,
14 YOUR HONOR.

15 THE COURT: MR. MCAFEE, WHAT DO YOU THINK ABOUT
16 THAT?

17 MR. MCAFEE: I THINK THAT SOUNDS LIKE A GOOD
18 PLAN, YOUR HONOR.

19 THE COURT: OKAY. AND, YET, IF YOU WANT TO
20 FOLLOW UP WITH ANY OF THOSE QUESTIONS OR ANYBODY OR NAMES
21 OR ANYTHING LIKE THAT, FEEL FREE TO DO THAT DURING YOUR
22 VOIR DIRE.

23 MR. HEAVENER: I WOULD ADVISE THE COURT I THINK
24 MS. SIMPSON'S NAME IS ON BOTH THE LIST AND SHE WILL BE
25 TESTIFYING, SO SHE'S ONE THAT WE'LL PROBABLY MENTION

1 DURING THE VOIR DIRE.

2 THE COURT: OKAY. THAT'S PERFECT. THAT'S
3 PERFECT.

4 AS FAR AS JURY SELECTION IS CONCERNED, TO SPEED
5 UP THE PROCESS A LITTLE BIT, WE'RE GOING TO RANDOMLY
6 CHOOSE THE JURORS, AND WE'RE GOING TO PUT THEM ALREADY IN
7 THE BOX, OKAY. SO WE'LL HAVE THE 14 SEATED IN THE BOX
8 WHEN WE START -- I MEAN 12 SEATED IN THE BOX, AND WE'LL
9 HAVE 2 ALTERNATES, WE'LL DO 2 ALTERNATES TOO; RIGHT?
10 WE'LL HAVE 2 ALTERNATE CHAIRS, WE WON'T PUT THEM IN THERE
11 FIRST, SO WE'LL HAVE 12 AND 12.

12 ALL RIGHT. ONCE WE START, ONCE I COME IN HERE,
13 I'LL CONFIRM THE NAMES OF THE INDIVIDUALS FOR YOU, BUT
14 RATHER THAN JUST CALL THEM UP, YOU KNOW, WHILE WE'RE ALL
15 HERE, I FIGURE IT WOULD BE JUST AS QUICK TO JUST RANDOMLY
16 CHOOSE THEM AND HAVE THEM ALREADY SEATED IN THE BOX; AND
17 THEN I'M NOT -- WE'RE NOT GOING TO DO BACK STRIKES, BUT
18 YOU'LL KNOW WHO THE NEXT PERSON IS GOING TO BE IF YOU
19 STRIKE SOMEBODY, IF YOU STRIKE JUROR NUMBER 1, JUROR
20 NUMBER 13 IS GOING TO TAKE THEIR SPOT, OKAY. THEIR
21 NUMBERS ARE ON THE BACK OF THE CHAIRS HERE; AND THEN WE'LL
22 JUST GO RIGHT ON THROUGH THAT ROW RIGHT THERE, THAT ROW
23 RIGHT NEXT TO THE JURY BOX YOU CAN SEE, THAT'S GOING TO BE
24 YOUR ALTERNATE, THEY'RE GOING TO BE THE ONES THAT ARE
25 GOING TO REPLACE THE JURORS THAT YOU STRIKE, OKAY; AND

1 ONCE YOU'VE ACCEPTED THE JUROR THROUGH A ROUND OF STRIKES,
2 THEY'RE GOING TO BE A PART OF YOUR JURY, OKAY. SO WE'RE
3 NOT, WE'RE STILL NOT DOING THE BACK STRIKES THING YET.

4 ANY QUESTIONS ABOUT THAT?

5 MR. MARTIN: NO, YOUR HONOR.

6 MR. MCAFEE: WHEN DO YOU WANT US BACK, YOUR
7 HONOR? I WANT TO SEE IF I CAN ASK THE MARSHALS TO TAKE
8 MR. TELLEZ BACK DOWNSTAIRS.

9 THE COURT: YEAH, I'LL GIVE YOU -- I TELL YOU
10 WHAT, WHY DON'T WE START AT 2:00 INSTEAD OF 1:30 BECAUSE
11 OTHERWISE YOU'RE NOT GOING TO HAVE ANY TIME TO TALK.

12 MR. MCAFEE: I APPRECIATE THAT, THAT'S TRUE.

13 THE COURT: IF YOU WANT TO TALK, BUT YOU NEED
14 TO FIND THAT OUT. I THINK IF WE START AT 2:00, THAT
15 SHOULD BE SUFFICIENT, THAT'S AN HOUR AND TEN MINUTES FROM
16 NOW, OKAY. IF YOU NEED ANY ADDITIONAL TIME, JUST LET ME
17 KNOW. ALL RIGHT. THANKS.

18 (PROCEEDINGS ARE CONCLUDED AT 12:50 P.M.)

19 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM
20 THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

21
22 KAREN J. BRADLEY/S
23 SIGNATURE OF COURT REPORTER

12/06/2022
DATE

24
25

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