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Detroit, Michigan
Tuesday, January 28, 2014
At 9:42 a.m.
- - -
THE CLERK: This is Case Number 13-08885.
People of the State of Michigan versus Reginald Walker.
This matter is here for a jury trial in progress.
Appearances, please.
MS. DEYOUNG: Good morning, your Honor.
Sarah DeYoung on behalf of the People.
MR. SHORT: Good morning.
May it please this most Honorable Court,
Rowland A. Short on behalf of Mr. Walker.
We are ready to proceed, your Honor.
THE COURT: Okay. The jury is all here.
Is there anything for the record before we get
going?
MS. DEYOUNG: Yes, your Honor.
THE COURT: Okay.
MS. DEYOUNG: The People are asking for some
direction on the appropriate way to talk about an
earlier incident that led the police to discover this
case.
The allegations in this matter are that a
witness, Holly Erlich, had -- was at the Red Roof Inn in

1 Taylor. She had call 911 about an assault. Officers
2 Barnosky and Toth, the two responding officers went
3 there, had some initial contact with Ms. Erlich. And
4 then she indicated that she was assaulted by a number of
5 people, Orlando Boss, a couple of females, and that they
6 left the Red Roof --

7 THE COURT: Did she name them?

8 MS. DEYOUNG: Yes. She said Reginald --

9 THE COURT: She --

10 MS. DEYOUNG: -- Walker was there, but he was
11 in the car.

12 THE COURT: Okay. So she knew them?

13 MS. DEYOUNG: Yes.

14 THE COURT: And she named them?

15 Okay. Go ahead.

16 MS. DEYOUNG: She also indicated they were on
17 parole and known to carry weapons, guns.

18 THE COURT: Okay.

19 MS. DEYOUNG: The officers based on that
20 information went off look -- she said the, the vehicle
21 was a tan Blazer. It had a dealer license plate and it
22 was probably going to be in the area of Marvin and
23 Superior in the city of Taylor.

24 THE COURT: She told them that?

25 MS. DEYOUNG: Yes.

1 THE COURT: Okay.

2 MS. DEYOUNG: The officers went to the area of
3 Marvin and Superior and saw the Chevy Blazer parked out
4 in front of our target location, 13693 Marvin. Got
5 permission from the homeowner to enter the house and
6 then found Mr. Walker inside the house and the drugs and
7 everything once they not inside the location. The
8 People would stipulate that it's prejudicial to mention
9 anything about parole.

10 THE COURT: Guns.

11 MS. DEYOUNG: Most likely the guns are
12 prejudicial as well, even if there are not guns in this
13 case. However, I don't want the officers to be put in a
14 compromised position where they have to lie about what
15 happened for their testimony.

16 THE COURT: Well, they shouldn't. I mean --

17 MS. DEYOUNG: Yeah. I know. I mean -- and --

18 THE COURT: All right. Mr. Short, let me --
19 we, we talked about this a little bit off the record,
20 and so we've all had time to think about it. We just
21 haven't talked about it on the record.

22 My suggestion, and I'm open to rethinking this,
23 but my suggestion is that the officers who, who went to
24 Marvin, or they went there without a warrant, right?

25 MS. DEYOUNG: Yes.

1 THE COURT: And they were sort of in hot
2 pursuit you could say. They went there to investigate
3 the report of another crime involving a number of other
4 people including the defendant. And then once there,
5 they can say what they saw or what they found.

6 MR. SHORT: Your Honor, and the only problem we
7 have with that is I don't necessarily want Mr. Walker to
8 be tried for an assault that hasn't been proven. And
9 the witness is not available. I understand --

10 THE COURT: Yeah, but we don't have to say
11 assault. We just -- only that they went there to
12 investigate the report of another crime. And the jury
13 won't know what the crime was or even where it was.

14 And Erlich is not available as a witness?

15 MR. SHORT: She's not. I understand she's in
16 the hospital.

17 MS. DEYOUNG: Judge Kenny ruled that she was
18 not relevant.

19 THE COURT: She wasn't relevant.

20 MR. SHORT: Yeah. I don't think it's really
21 relevant to get her in to talk about those thing either
22 apparently.

23 THE COURT: Yeah. She might be relevant on a
24 probable cause issue. But I mean as a trial witness --

25 MR. SHORT: Yeah.

1 THE COURT: All right. So I think the officers
2 who went to Marvin to make the arrest obviously have to
3 explain why they went there. I mean it's -- you know,
4 and they went there because of a report of another crime
5 involving a number of individuals including the
6 defendant. And that doesn't get into the specificity
7 about what the defendant did.

8 It doesn't prove that he did it. It's just
9 being offered to explain why the officers arrive at the
10 scene and, and why this particular defendant was the
11 subject of interest.

12 MR. SHORT: That's better.

13 THE COURT: I can't, I can't think of anything
14 else.

15 MR. SHORT: And the only problem I have again
16 with that, your Honor, is that I spoke to Holly Erlich
17 and, and she's -- she told me that Mr. Walker was not at
18 the, at the other assault at all; that he wasn't driving
19 a vehicle; that he wasn't there and she planned on
20 testifying to that.

21 I know that's hearsay. That's neither here nor
22 there, but.

23 THE COURT: Well, but it doesn't really matter,
24 I mean, if he was there or not. That's the report they
25 got.

1 MR. SHORT: Sure.

2 THE COURT: Isn't that the report they got that
3 Walker was involved, one of the people?

4 MS. DEYOUNG: Yes.

5 MR. SHORT: Yes, your Honor.

6 MS. DEYOUNG: Yes.

7 THE COURT: Okay. Well, that doesn't -- you
8 know, he's not on trial for that offense. The jury
9 isn't gonna know what the offense was.

10 MR. SHORT: I understand.

11 THE COURT: The point is it explains why the
12 police went there and why they were interested in him.
13 If some other witness denies that he was driving the
14 car, well so be it. You know, that's --

15 MR. SHORT: Your Honor, can we have an
16 instruction that the officers were there to investigate
17 a, a possible crime and, and, and to not use
18 Mr. Walker's name specifically as one of the suspects of
19 that other crime.

20 MS. DEYOUNG: That, the hard part about that is
21 that Officer Collop's, C-O-L-L-O-P, is that he patted
22 down Mr. Walker specifically because he thought that he
23 had weapons. Or he got this report that he had weapons,
24 and we can tailor that as well. But for -- I mean --

25 THE COURT: Yeah. You don't even have to

1 explain why he patted him down in your case in chief.

2 MS. DEYOUNG: No.

3 THE COURT: I mean if there gets to be a
4 controversy about it, well then it all comes out. You
5 know, I mean if he wants to open the door, or Mr. Short
6 opens the door in cross-examination, or the defendant
7 opens the door if he testifies, well then, you know,
8 there's all sorts of things that can come out.

9 But right now all -- I mean all we really need
10 to hear is that the, the officers in question went into
11 Marvin and why they went there. And that in the course
12 of going in there to investigate a crime that had just
13 been reported to them, and the jury has to know that
14 because otherwise you're gonna have jurors think, well,
15 didn't they a have warrant or, you know. I mean
16 there's -- those are questions that a jurors might -- a
17 juror might ask.

18 So they went in there and they searched
19 Mr. Walker because he was one of the persons reported to
20 have been involved in a crime. That's what they'll say.
21 And, you know, that's, that's what they'll say.

22 You know, if you got refutation of that, it
23 doesn't really go to anything other than probable cause
24 to search. It doesn't go to whether he committed the,
25 you know, the drug offense or not.

1 MS. DEYOUNG: Can, can we have the officers
2 brought in and we can instruct them?
3 THE COURT: Yeah.
4 (Officers enter the courtroom)
5 THE COURT: Okay. Let's -- well, it's four of
6 you. Okay.
7 Now, I understand we -- what we're, we're here
8 to do is to, to make sure that some inadmissible
9 prejudicial evidence or testimony doesn't come out in
10 the trial and spoil the record, okay.
11 My understanding is that all of you responded
12 to a, an alleged assault at a hotel or motel down there
13 in Taylor somewhere.
14 MS. DEYOUNG: But Officer --
15 THE COURT: All four.
16 MS. DEYOUNG: -- Toth and Barnosky responded to
17 the motel. Everyone --
18 THE COURT: Well, I don't know --
19 MS. DEYOUNG: -- responded to the --
20 THE COURT: -- who's who, but okay.
21 OFFICER TOTH: I'm Officer, Officer Toth.
22 THE COURT: Who, who responded to the hotel?
23 Those two.
24 And then you two guys came along later?
25 OFFICER TOTH: Correct.

1 THE COURT: Went to Marvin.
2 OFFICER DIGGS-TAYLOR: Correct.
3 THE COURT: Because of what the other two told
4 you.
5 Right?
6 Now, it's my understanding that you were told
7 at the, at the hotel about the assault that the people
8 you were looking for were on parole and were armed and
9 could be dangerous. Okay. That's the part we don't
10 want to come out in this trial because even the
11 prosecutor agrees that could be prejudicial and it could
12 louse up the record.
13 So what I have -- the limitation that I put on
14 it is this. That when you went to the motel, you got
15 the report of a crime involving - don't say what the
16 crime was - involving other persons including Defendant
17 Walker. And that you went to the Marvin Street address
18 because you were told that's where they would be.
19 MS. DEYOUNG: Well, the --
20 THE COURT: Then --
21 MS. DEYOUNG: The, the in area of Marvin and
22 Superior, right.
23 THE COURT: Oh, in the area.
24 OFFICER TOTH: Right.
25 THE COURT: Okay.

1 MS. DEYOUNG: And, and they were --
2 THE COURT: Oh, and then --
3 MS. DEYOUNG: -- looking for that vehicle.
4 THE COURT: Then they saw the house and they
5 connected the vehicles with the house.
6 MS. DEYOUNG: Yes.
7 THE COURT: Okay. You went to the area of
8 Marvin and Superior, saw what you saw, and that led you
9 to the house. You, you -- I don't --
10 What did you do in the house? Did you knock
11 and announce or did you go in or --
12 OFFICER BARNOSKY: Knock.
13 THE COURT: Knock and announce. Somebody
14 answered the door?
15 OFFICER BARNOSKY: Yes.
16 THE COURT: Okay. At that point you were --
17 and then the people that answered the door fit the
18 description of the people that you were looking for?
19 MS. DEYOUNG: They got consent to enter, your
20 Honor.
21 THE COURT: Oh, they got consent to enter.
22 That's right. You told me that.
23 Okay. So the rest just is whatever your
24 testimony is the -- you, you searched Walker.
25 I assume you search others, right?

1 And you searched Walker and that search
2 produced XYZ evidence.

3 So unless your probable cause to search Walker
4 is challenged or questioned, and I don't think it will
5 be, then you just simply leave that out. I mean you,
6 you leave out why you needed to search him in the first
7 place, and what your initial report was of, of the
8 crime. Only that a crime was reported involving Walker
9 and others. And you were told where the approximate
10 area where you could find him, and you found him and you
11 searched. And without reference to specifically what
12 crime it was that was reported or, or a specifically
13 what the complainant said, and anything about Walker
14 being on parole or probably being armed.

15 I gather you didn't find a gun on him anyway,
16 right?

17 OFFICER BARNOSKY: No.

18 THE COURT: Yeah. Okay.

19 MS. DEYOUNG: Can I -- they can talk about the
20 vehicle, though, that was described to them by --

21 THE COURT: Yes. Yes. They can talk about the
22 vehicle. Their sighting of the vehicle; that it matches
23 the description of the vehicle they were told about.

24 So, Mr. Short, I think that's the best way to
25 protect the record, protect everybody's rights in a fair

1 trial.

2 MR. SHORT: We think that that, that's close,
3 your Honor. We, we still don't believe that it's
4 necessary to mention Mr. Walker's name as being one of
5 suspects at the house. We still believe that the
6 officers could describe or say that there were suspects
7 at the Red Roof Inn that they believed to be in the area
8 of Marvin, Marvin and Superior without specifically
9 mentioning Mr. Walker's name.

10 THE COURT: Well then did they get Walker's
11 name among other things or did they --

12 OFFICER BARNOSKY: Yes.

13 THE COURT: You got Walker's name.

14 And then you knew that was Walker when you
15 searched him. You asked him his name or knew his name
16 or did you? Did somebody know his name?

17 OFFICER COLLOP: Not until after the fact.

18 THE COURT: Oh, not til after you search him.
19 Oh, okay. Okay.

20 MR. SHORT: The allegation is that other, other
21 people went into the hotel room, assaulted Ms. Erlich
22 and that Mr. Walker was in the car driving.

23 Ms. Erlich told me that Mr. Walker wasn't
24 there; that she didn't see him at any time.

25 And I just don't think it's necessary to

1 include him in something else when we already have all
2 these other things for the jury to consider when they
3 could just say --

4 THE COURT: Well, how would you suggest --

5 MR. SHORT: They were investigating suspects
6 from the Red Roof Inn who were at or believed to be at
7 that location I think would be sufficient.

8 THE COURT: And then they in the process of
9 making that investigation they searched Mr. Walker and
10 they found what they -- what they're gonna say they
11 found.

12 MR. SHORT: I think that would be both
13 scenarios.

14 THE COURT: All right. So, well, all right.
15 That's probably fair. Maybe we're erring on the side of
16 caution here, but.

17 So to be fair you don't have to say that the
18 crime report included naming Walker. So you just say
19 that you had the -- you had a report of a, of another
20 crime that occur at the Red Roof Inn. Based on
21 information you received, that report, you went to the
22 location, Superior and Marvin, and you did what you did,
23 okay. And you searched and took into custody certain
24 people that you found there.

25 I don't think -- was anybody else arrested

1 there besides Walker?

2 OFFICER BARNOSKY: Several other people.

3 MR. SHORT: They arrested I think just for the

4 paraphernalia and simple possession --

5 THE COURT: Okay. Not --

6 MR. SHORT: -- types of --

7 THE COURT: -- for the crime that was reported

8 at the Red Roof Inn and --

9 MR. SHORT: I don't think anyone was arrested

10 for that.

11 OFFICER BARNOSKY: No. There was --

12 MR. SHORT: It was just the basis --

13 OFFICER BARNOSKY: There was a couple.

14 MR. SHORT: There were?

15 OFFICER BARNOSKY: Yeah.

16 MR. SHORT: But not Mr. Walker.

17 THE COURT: Okay. All right. So everything I

18 said before except leave out the part where one of the

19 complainants I -- names Walker as a participant.

20 MR. SHORT: We're satisfied with that, your

21 Honor.

22 THE COURT: Yeah, okay.

23 MR. SHORT: Thank you.

24 THE COURT: All right. We're clear. Good.

25 (At 9:56 a.m., proceedings recessed)

1 (At 10:11 a.m., proceedings resumed)

2 THE CLERK: Back on the record on People versus
3 Reginald Walker.

4 Appearances, please.

5 MS. DEYOUNG: Sarah DeYoung on behalf of the
6 People.

7 MR. SHORT: Rowland Short on behalf of
8 Mr. Walker.

9 THE COURT: All right. We've taken care of a
10 couple of preliminary matters. Anything else we need to
11 talk about or deal with before the jury --

12 Oh, there is one more thing. I just
13 remembered.

14 One of my deputies, Dave Mathews, said that he
15 recognize one of our jurors. That would be juror number
16 six, Mr. German.

17 They're both hockey dads. He doesn't know him
18 real well. German I don't think is sort of woken up to
19 the fact or recognized Dave yet.

20 But I understand from talking to Dave about it
21 that it's just a, you know, not a good -- you know, they
22 don't socialize or hang out together. They just see
23 each other at hockey games. And there is not going to
24 be a hockey game or hockey practice where he's likely to
25 run into German any time during the course of this

1 trial. But I just thought I'd throw it out there.

2 German I gather didn't recognize Deputy Mathews
3 when we were asking -- when we introduced people
4 yesterday. But so if there's anything either one of you
5 want me to do further on that point, just let me know.

6 Ms. DeYoung.

7 MS. DEYOUNG: People are satisfied, your Honor.

8 MR. SHORT: We're sure that your officer will
9 keep his confidences, your Honor.

10 THE COURT: Right. Oh, he will. Okay.

11 Okay. Let's bring the jury out.

12 (At 10:13 a.m., jury returned)

13 THE COURT: All right. You may all be seated.

14 Thank you.

15 And thank you for being here. Sorry we
16 couldn't get started on time this morning. We had a
17 couple of other matters to deal with. That
18 unfortunately happens. But we've pretty much cleared
19 the decks now and we're ready to move forward.

20 After your instructions of -- during the course
21 of your preliminary instructions yesterday I said the
22 first thing we're gonna do is have opening statements
23 and --

24 We swore the jury yesterday?

25 THE CLERK: Yes.

1 THE COURT: Okay. So we're ready to begin now
2 with opening statements.

3 Ms. DeYoung, you may begin.

4 MS. DEYOUNG: Thank you.

5 PEOPLE'S OPENING STATEMENT

6 MS. DEYOUNG: Good morning.

7 THE JURORS: Good morning.

8 MS. DEYOUNG: On October 21st, 2013 two of the
9 newer officers to the Taylor Police Department, Officers
10 Toth and Officer Barnosky got a call, an investigation
11 at the Red Roof Inn. They talked to someone there.
12 They got some more tips that led them to be -- to start
13 looking for a tan Chevy Blazer with the dealer license
14 plate.

15 The information that they got from that initial
16 investigation said that that Blazer would be in the area
17 of Marvin and Superior in the city of Taylor. This is
18 about 2:00 in the morning. So Officers Toft and -- Toth
19 and Barnosky go over to this area of Marvin and Superior
20 to see if they can find a tan Chevy Blazer with a dealer
21 plate.

22 They go over there. They see every house on
23 the block has its lights off. It's shut down except for
24 one house on that block, 13693 Marvin. There is a tan
25 Chevy Blazer with a dealer plate parked right outside

1 that, that house.

2 Toth and Barnosky, they call for backup. And
3 other officers arrive from the City of Taylor. They go
4 up and they knock on the door. They talk to the
5 homeowner, a person named Johnny Nettleton, not related
6 to the investigation at all.

7 Mr. Nettleton allows them consent to enter the,
8 the home. And once the officers try to enter the home,
9 someone inside the house tries to slam the door shut in
10 their face. They ultimately are able to push in and get
11 inside the house.

12 The person on the other side of that door is
13 the defendant in this case, Reginald Walker. Once the
14 officers get inside, they find multiple people in that
15 house, but no one near where Mr. Walker is trying to
16 close this door.

17 They finally secure the house so that everyone
18 is safe and all and anybody that could potentially run
19 or be a threat is all -- is secured.

20 And Officer Diggs-Taylor who arrives on scene
21 to help Officers Toth and Barnosky looks on the floor
22 right near where this door is and sees bags of
23 narcotics, what he believes to be are narcotics. Inside
24 the bags are cocaine, heroin, some what they call cut,
25 which is a powder used to, to put in with the cocaine to

1 make it a bigger supply of cocaine.

2 There are Vicodin pills. There are Xanax
3 pills. And the other thing, probably the most
4 interesting thing for this particular case is there are
5 some pills called Metformin in these baggies that are on
6 the floor.

7 Metformin isn't a controlled substance. It's
8 not one that you will hear that drug dealers often sell
9 like Xanax and Vicodin. Metformin is actually a
10 substance used to for -- used by diabetics. It's kind
11 of weird that that would be in bags with cocaine and
12 heroin and, and Vicodin and Xanax.

13 Officer Diggs-Taylor confiscates all of the,
14 the drugs that are in that area.

15 Officer Collop then searches Mr. Walker, the
16 defendant. The one that was right behind the door. And
17 in Mr. Walker's pocket is more cocaine wrapped up in 23
18 little individual baggies and another baggie of cocaine.

19 In, also in Mr. Walker's pocket, in the other
20 pocket is \$5,311. The -- Mr. Walker is arrested for the
21 narcotics both in his pocket and on the floor in the
22 immediate area next to him.

23 Once the case gets down to the Taylor Police
24 Department, Detective Schwein, the officer in charge of
25 the case, he comes in the next day after their reports

1 have been typed and the officers already done all of
2 their analysis and, and logged in all the evidence.
3 Detective Schwein reads all of the information. He gets
4 a search warrant for 13693 Marvin Street in the city of
5 Taylor to go back and see if there's any other evidence
6 there.

7 When he goes back to that house, he finds in
8 the house a bottle, a prescription bottle of Metformin.
9 That's not the narcotic that everybody wants to buy on
10 the street. That's not the pill. That's the diabetic
11 medication. The name on that prescription bottle is
12 Reginald Walker.

13 It's the People's position that the drugs that
14 are on the floor next to Mr. Walker are his. It's the
15 People's position that the drugs in his pocket are his.

16 When you add up all of the cocaine that is
17 found that are on the floor and in his pocket, you get
18 to over 50 grams of cocaine. 52.33. That's why when
19 Judge Hathaway read to you the charges, the first charge
20 in this case is possession with intent to deliver over
21 50 grams of cocaine.

22 Fifty is kind of the threshold for which
23 statute applies in this case.

24 The officers will tell you that based on the
25 way all these items were packaged in the small little

1 baggies and everything else that is something that is
2 used for delivery, not for personal use.

3 So Mr. Walker is charged with possession with
4 intent to deliver over 50 grams of cocaine. In the
5 alternative he's charged with possession with intent to
6 deliver less than 50 grams of cocaine.

7 He's also charged with possession with intent
8 to deliver the heroin that was in the baggie at his
9 feet.

10 He's charged with possession with intent to
11 deliver the Vicodin that's in the baggie at his feet,
12 and the Xanax that's in the baggie at his feet.

13 The last charge is possession of marijuana.
14 There's also some in the baggie that was at his feet.
15 But it's the People's position that Mr. Walker is in
16 control of all of those things.

17 And the \$5311 that's in his pocket is narcotics
18 proceeds that he has earned from selling the drugs that
19 he had.

20 At the close of all the evidence I will ask you
21 to find the defendant guilty of all counts in this case.

22 Thank you.

23 THE COURT: All right. Mr. Short.

24 MR. SHORT: Thank you, your Honor.

25 At this time we waive our opening statement.

1 THE COURT: Okay. Ms. DeYoung, you can call
2 your first witness.

3 MS. DEYOUNG: Your Honor, the People would call
4 Officer Barnosky.

5 THE CLERK: Step in front of me, please.
6 Spell your first and last name for me.

7 OFFICER BARNOSKY: Ricky Barnosky. R-I-C-K-Y
8 B-A-R-N-O-S-K-Y.

9 THE CLERK: Thank you.
10 Raise your right hand, please.

11 Do you solemnly swear or affirm to tell the
12 truth, the whole truth and nothing but the truth so help
13 you God?

14 OFFICER BARNOSKY: I do.

15 THE CLERK: Thank you. You may be seated.

16 OFFICER BARNOSKY: Good morning.

17 MS. DEYOUNG: May I proceed, your Honor?

18 THE COURT: You may.

19 MS. DEYOUNG: Thank you.

20 RICKY BARNOSKY

21 (At 10:21 a.m., sworn as a witness, testified
22 as follows)

23 DIRECT EXAMINATION

24 BY MS. DEYOUNG:

25 Q Good morning.

1 A Good morning.

2 Q Can you state your name and occupation for the record,
3 please?

4 A Ricky Barnosky.

5 Q And where do you work?

6 A Taylor Police Department.

7 Q What is your assigned --

8 THE COURT: Pull, pull that mic a little closer
9 and a little higher.

10 Okay.

11 THE WITNESS: It's keeps dropping.

12 THE COURT: Okay. That --

13 THE WITNESS: Better?

14 THE COURT: That should be better, yeah.

15 THE WITNESS: Okay.

16 THE COURT: Okay. Go ahead.

17 BY MS. DEYOUNG:

18 Q What do you do for the Taylor Police Department?

19 A Patrol.

20 Q Are you a police officer then?

21 A Yes.

22 Q How long have you been a police officer with the Taylor
23 Police Department?

24 A Two years.

25 Q Okay. Were you working on August 21st of 2013?

1 A Yes.

2 Q Okay. Did you have a partner or were you working that

3 day with your -- by yourself?

4 A I had a partner.

5 Q Who was your partner?

6 A Dan Toth.

7 Q Okay. And do you know how long Officer Toth has been a

8 police officer?

9 A Same as I.

10 Q Two years?

11 A Two years.

12 Q Okay. At some point were you and Officer Toth

13 dispatched for an investigation at the Red Roof Inn?

14 A We were.

15 Q Okay. Did you get information about a crime that

16 occurred there?

17 A Yes.

18 Q Okay. The information about that crime, did it pertain

19 to one individual or more multiple individuals?

20 A Multiple.

21 Q Okay. Did you get information about a vehicle that was

22 potentially involved in that crime?

23 A Yes.

24 Q What was the information about the vehicle?

25 A It was a 2000 Chevy Blazer with a dealer plate.

1 Q Do you remember what color it was supposed to be?

2 A Tan.

3 Q Tan.

4 Was the vehicle at the Red Roof Inn at the

5 time?

6 A It was not.

7 Q Okay. Based on -- did you get information about where

8 that vehicle might be?

9 A Yes.

10 Q And where did they tell you -- where, where was that the

11 vehicle supposed to be?

12 A In the area of Marvin Street and Superior.

13 Q Okay. Is that in the city of Taylor?

14 A It is.

15 Q Okay. Did you go there?

16 A We did.

17 Q Okay. And when you got there, what were you able to

18 observe?

19 A We observed that vehicle in the street on Marvin just

20 north of Superior.

21 Q Okay. And how many -- is that a like a business area, a

22 residential?

23 A It's a residential.

24 Q Okay. What was -- what were the houses like on the

25 street?

1 A Single story. All dark except one specific one.

2 Q Okay. What time of day was this?

3 A 2 a.m, a little after 2 a.m.

4 Q Okay. You said there was one house that had like --

5 that was not dark?

6 A Yes.

7 Q Can you -- do you remember the address of that house off

8 the top of your head?

9 A It was 13693 Marvin Street.

10 Q Marvin Street.

11 Now, when you got -- when you got to that area,

12 was it still just you and Officer Toft -- Toth or was it

13 other officers from the police department?

14 A Initially it was.

15 Q Okay.

16 A But other officers soon assisted.

17 Q Okay. Now, when you saw this house with the lights on,

18 and then where was the Chevy Blazer in relation to the

19 house?

20 A It was parked in front.

21 Q Okay. Directly in front or to the side or?

22 A Directly in front.

23 Q Okay. So once you saw that, what did you do next?

24 A We parked a couple homes south of that on the street and

25 called for additional units.

1 Q Okay. How long did it take for those units to show up?

2 A No more than two, three minutes.

3 Q Okay. Now, just for the record, were you in plain

4 clothes that night or were you in uniform?

5 A I was in fully marked patrol car, fully uniformed.

6 Q And what about your partner?

7 A Same.

8 Q Okay. Once the other units showed up, what did you do

9 next?

10 A We approached the house and knocked on the front door.

11 Q Did anyone answer?

12 A The homeowner did.

13 Q Do you remember that person's name.

14 A Yes. It's Johnny Nettleton.

15 Q And Mr. Nettleton wasn't any of the people that you were

16 looking for?

17 A No.

18 Q Did you have a conversation with Mr. Nettleton?

19 A My partner did. I was on the steps with him.

20 Q Okay. And at some point did Mr. Nettleton give you

21 permission to go inside his house?

22 A Yes.

23 Q And what did, what did he tell you?

24 A He stated that we can come in. We can search the whole

25 house; that he had nothing to hide.

1 Q Okay. Now where were all the other officers when he
2 said that?
3 A With me. Behind me.
4 Q Okay. So did you go inside?
5 A I did.
6 Q Were you able to walk right in?
7 A No.
8 Q What happened?
9 A When we first began to start walking in, the door began
10 to be pushed on us.
11 Q Okay. Is that --
12 A Making us not being able to come in.
13 Q Did anybody -- was anybody saying anything when the door
14 was being pushed closed?
15 A No.
16 Q Okay. What happened next?
17 A We forced our way in.
18 Q Okay.
19 A And started to take everybody inside to the ground and
20 arrest everybody.
21 Q Okay. How many people were inside that house?
22 A Eight total.
23 Q Were you -- when the door first started to close on you,
24 could you tell who was closing that door?
25 A Initially, no.

1 Q Okay. Were you ever able to see who was closing that
2 door?
3 A Yes.
4 Q Do you see that person in court today?
5 A I do.
6 Q Can you describe what that person is wearing for the
7 record?
8 A Black shirt, black pants.
9 MS. DEYOUNG: Your Honor, may the record
10 reflect the witness has identified the defendant in this
11 case, Mr. Reginal Walker.
12 THE COURT: So it shall.
13 MS. DEYOUNG: Thank you.
14 BY MS. DEYOUNG:
15 Q Who was the first person through the door?
16 A My partner, Dan Toth.
17 Q Okay. And who was the second person?
18 A Me.
19 Q Okay. Did you see where Mr. Walker -- where was
20 Mr. Walker when you got through the door?
21 A Right next to the door. I mean when we pushed the door
22 open, he was right in front of it. Right next to like a
23 staircase.
24 Q Okay. Was, was anyone else in the area where Mr. Walker
25 was?

1 A Where he was, no. There was a couple of individuals to
2 the left sitting down on the couch.

3 Q Okay. And do you recall if those individuals were males
4 or females?

5 A There was three females and one male.

6 Q In the -- how far away were those individuals from
7 Mr. Walker?

8 A 20 feet.

9 Q Okay. And when you first got through the door, you and
10 your partner are the first ones through?

11 A Yes.

12 Q What is your primary objective at that point?

13 A Safety. Officer safety.

14 Q Okay. So what do you do?

15 A Everybody goes to the ground and we detain everybody
16 until we make the scene secure.

17 Q Okay. So are you focused on small objects, are you
18 focused on people? What are you focused on?

19 A Everything when it comes to weapons and everybody's
20 hands. I mean everything we're focused on.

21 Q Okay. Ultimately did you get everybody secured?

22 A Yes, we did.

23 Q Okay. And you said there were three people. Three
24 females in the front room or three people total?

25 A There was -- I believe it was three females, one male

1 and then Mr. Walker.

2 Q Three females, one male and Mr. Walker. That's five.

3 Where -- do you remember where the other people, where

4 the other people were in the house?

5 A There's one upstairs, two in the back room, in the

6 hallway. Hallway and then there's a kitchen off to the

7 left. I think that would be it.

8 Q Okay. The person that was upstairs, do you recall what

9 kind of condition that person was in?

10 A He was sleeping.

11 Q Sleeping?

12 A Yeah.

13 Q Okay. Just so we can do this --

14 MS. DEYOUNG: May I approach the witness, your

15 Honor?

16 THE COURT: Yes.

17 BY MS. DEYOUNG:

18 Q Officer Barnosky, I am handing you what's been marked

19 People's Proposed Exhibit Number 17.

20 A Okay.

21 Q Do you recognize what that is?

22 A I do.

23 Q What is that, please?

24 A That's Mr. Nettleton's residence.

25 Q Okay. Is that the way it look on August 21st, 2013?

1 A Yes.

2 MS. DEYOUNG: Move for the admission of
3 People's Proposed Exhibit Number 17.

4 MR. SHORT: Your Honor, I've reviewed all these
5 pictures with sister counsel. I don't have any
6 objection to any of them.

7 MS. DEYOUNG: Okay.

8 THE COURT: All right. Well, 17 is received.
9 And there -- are there others?

10 MS. DEYOUNG: Yes.

11 BY MS. DEYOUNG:

12 Q Officer Barnosky, I'm also going to hand you People's
13 Exhibits Number 18 through 21.

14 A Okay.

15 Q Can you look at those because I'm --

16 MS. DEYOUNG: Your Honor, may I publish this
17 one to the jury?

18 THE COURT: Yes.

19 BY MS. DEYOUNG:

20 Q Do you recognize those pictures?

21 A I do.

22 Q And can you go through them, and indicating the back
23 whether -- what it is and if it's a fair and accurate
24 depiction.

25 A People's Exhibit 18, it would be front door to

1 Mr. Nettleton's house.

2 People's Exhibit 19 be the inside of the
3 residence facing the door and the stairway.

4 People's Exhibit 20 would be inside facing the
5 door and the stairway as well.

6 And People's Exhibit 21 would be facing the
7 doorway from it appears to be where the hallway and the
8 kitchen are.

9 Q Okay. Now are all of those pictures a fair and accurate
10 depiction of the layout of that house on August 21st?

11 A Absolutely.

12 MS. DEYOUNG: Move for the admission of
13 People's Exhibits 18 through 21.

14 MR. SHORT: No objection, your Honor.

15 THE COURT: All right. 18 through 21 are
16 received.

17 And they may be published to the jury.

18 MS. DEYOUNG: Thank you.

19 BY MS. DEYOUNG:

20 Q Officer Barnosky, I wanna show you up on the screen.
21 Can you see the screen from where you are?

22 A Yes. Yes.

23 Q This is People's Exhibit Number 19. Can you tell the
24 jury what that is?

25 A That's a picture of the front door from the inside.

1 Q What's the distance between the front door and the
2 stairwell there?
3 A Backs right up into it.
4 Q Okay. Also People's Exhibit 20. Can you explain to the
5 jury what that is?
6 A Also a picture from the inside from the living room
7 where the door opens up into the stairway?
8 Q And where was Mr. Walker when you first entered that
9 location?
10 A In where like the doorjamb is on the left-hand side
11 right by the stairway.
12 Q Can you -- actually can you get up and --
13 A Oh, absolutely.
14 Q -- point that out for the jury?
15 A Right here.
16 Q On, on which side of the door? On the white side of the
17 door or on the --
18 A On the inside of the door when it was closed. Right
19 there.
20 Q You're talking about inside when you're looking at the
21 house from the, from the outside, correct?
22 A Yes. Yes.
23 Q Okay.
24 A Outside.
25 Q Now, there's not room for anybody else to fit back

1 there, is there?

2 A No. No, there's not.

3 Q Okay. Did you personally see any drugs in that area?

4 A I did not, no.

5 Q Okay. When you first entered, were you looking for any

6 kind of drugs on the floor --

7 A No.

8 Q -- or anything like that?

9 A No.

10 Q Once the house was ultimately secured, did you look, did

11 you confiscate anything?

12 A I did.

13 Q What did you confiscate?

14 A A scale and sandwich bags from the kitchen table.

15 Q Okay. Now, what's so important about a scale?

16 A They're known items used in drug sales, narcot --

17 narcotic sales.

18 Q Is this like a bathroom scale that you stand on it, it

19 tells you how much you weigh?

20 A No. No, it's --

21 Q Can you describe for the jury what's --

22 A It's a -- it was possibly a black like three by three

23 scale, digital scale. That's -- I mean you could put it

24 in your pocket.

25 Q Okay. And did you confiscate one or two scales?

1 A One from there I believe.

2 Q Okay. Do you -- and did you confiscate another one?

3 A I did not.

4 Q And you said you confiscated sandwich bags?

5 A I did.

6 Q Why would you confiscate sandwich bags?

7 A That's what the narcotics are typically packaged in.

8 Q Okay. Now you said you been an officer with the Taylor

9 Police Department for two years, correct?

10 A Yes.

11 Q Have you done investigations into narcotics for sale?

12 A Not specifically classes, no. But I've done plenty of

13 narcotic arrest and possession charges.

14 Q Okay. What about -- you said narcotic possession

15 charges.

16 A Yes.

17 Q What about intent to deliver charges?

18 A What was that again?

19 Q What about charges involving the intent to deliver?

20 A Yes. Yes.

21 Q Okay. And have you seen scales used in your prior

22 investigations?

23 A Absolutely.

24 Q Okay. Now, what happened, what happened with the people

25 in the house that night?

1 A Everybody was arrested.

2 Q Okay. Does that include Mr. Walker?

3 A Yes.

4 Q Okay. And as the initial investigating officers on the

5 case, did you and Officer Toth have any additional

6 responsibilities once everyone was arrested?

7 A We -- I conducted -- I wrote the narrative of the report

8 while my partner logged out the evidence.

9 Q Okay. And when you talk about writing the narrative for

10 the report, can you explain what that -- explain to the

11 jury what that means?

12 A It's the whole, whole report. It's everywhere from

13 adding the defendants who we arrested to the property,

14 logging all the property. What locker we put it in.

15 Writing the actual narrative part where it's basic,

16 basically the whole story of what happened.

17 Q Is that like a written description --

18 A It's a written description --

19 Q -- of everything that happened?

20 A -- yep.

21 Q Now, do you only talk about what you do or do you talk

22 about what everyone else does?

23 A I talk about what everybody. Every, everything that

24 happened that day is in that narrative.

25 Q Okay. Now for the Taylor Police Department does

1 everybody write their own reports or is there only one
2 report per investigation?

3 A One. Typically one report per investigation.

4 Q Okay. And when you were writing your narrative, where
5 were you getting information about what the other
6 officers did?

7 A Word of mouth.

8 Q Okay. From those officers or from other people or?

9 A Those officers.

10 Q Okay. And approximately what time did you finishing
11 typing out your narrative?

12 A Maybe 7 a.m. took about five hours. Five, six hours I'd
13 say.

14 Q Okay. Did you ultimately see any other property besides
15 the scale that was recovered in this case?

16 A I did.

17 Q What else did you observe?

18 A I could reference my report for the list of everything
19 specifically if that's what you're asking.

20 Q If that would refresh your recollection.

21 A Okay.

22 Q Where did you first observe anything else that was
23 confiscated?

24 A I first observed them in Mr. Walker when Officer Collop
25 showed me what was in his pocket.

1 Q Where was -- where were you when Officer Collop showed
2 you something?
3 A I was outside.
4 Q The police station or outside the house?
5 A Outside the house. When he was in the back of the
6 police vehicle.
7 Q And when you say "he", who are you talking about?
8 A Mr. Walker.
9 Q What did Officer Collop show you?
10 A Bags of crack cocaine.
11 Q Do -- is your recognize (sic) been refreshed --
12 A Yes.
13 Q -- about --
14 A Yes.
15 Q -- what else was confiscated?
16 What else, what else did you observe that had
17 been confiscated?
18 A Be heroin, cocaine, prescription medication, marijuana.
19 Cut.
20 Q Can you explain to the jury what cut is?
21 A It's, it's an additive to crack cocaine.
22 Q Okay.
23 A Back tar heroin.
24 Q Now --
25 A I believe that would be it.

1 Q You indicated that Officer Collop showed you what he had
2 confiscated. Did anyone else show you anything?
3 A At the station is when I saw the rest of the drugs.
4 Q Okay. Officer Barnosky, just for the record I'm gonna
5 show you what's been marked as People's Proposed Exhibit
6 Number 3. Can you -- I'll take that back from you.
7 A Okay.
8 Q Can you look in that bag and tell me what that is?
9 A Be the sandwich baggies from the kitchen table.
10 Q And are those in the same condition as when you placed
11 them on evidence?
12 A They are.
13 MS. DEYOUNG: Move for the admission of
14 People's Proposed Exhibit Number 3, your Honor.
15 MR. SHORT: No objection, your Honor.
16 THE COURT: Okay. I'm sorry. You said what
17 exhibit is it?
18 MS. DEYOUNG: 3.
19 THE WITNESS: 3.
20 THE COURT: Okay. People's 3. Is received.
21 BY MS. DEYOUNG:
22 Q Officer Taylor -- or excuse me.
23 Officer Barnosky, I also want you to look at
24 People's Exhibit 1 and 2. Look inside both of them.
25 A Okay.

1 Q Look inside both of them, proposed exhibits, sorry.

2 A This would be the scale.

3 Q Okay.

4 A You want me to open both of 'em?

5 Q Well -- yes. Is that the scale that you confiscated?

6 A This is one of them.

7 Q One of them.

8 You, you had indicated --

9 A There is --

10 Q -- previous testimony that you confiscated one.

11 A This is the one I confiscated, the larger one.

12 Q Okay.

13 A This one right here, no.

14 Q Okay. So that one you've not seen before?

15 A No, no.

16 Q And that wouldn't -- that one that you had opened is

17 what People's Exhibit?

18 A Exhibit 1.

19 Q Okay. So can you open People's Exhibit 2 and can you

20 tell me --

21 A Yes.

22 Q Tell me that's what you recognize?

23 A Yes.

24 This is the one I recognize.

25 Q And is that in the same condition as when you

1 confiscated it?

2 A Yes.

3 THE COURT: That's Exhibit 2?

4 THE WITNESS: This would be Exhibit 2.

5 THE COURT: Okay.

6 MS. DEYOUNG: Move for the admission of

7 People's Proposed Exhibit Number 2.

8 MR. SHORT: No objection, your Honor.

9 THE COURT: Okay. 2 is scale that you

10 recovered.

11 You see a difference between that one and the

12 other one that you just opened?

13 THE WITNESS: Yes.

14 THE COURT: All right. I'm not seeing that

15 right now, but you're sure that 2 is the one you

16 recovered?

17 THE WITNESS: Yes.

18 THE COURT: All right. So Exhibit 2 is

19 received in evidence.

20 And then Exhibit 1 I'm --

21 MS. DEYOUNG: I'm not moving to admit that at

22 this time.

23 THE COURT: Okay.

24 BY MR. SHORT:

25 Q Now, was there also some currency that was confiscated

1 that night?

2 A There was.

3 Q Do you have any responsibility in dealing with the

4 currency that was confiscated?

5 A Yes.

6 Q What's your responsibility with that?

7 A We count it out then we place it in evidence.

8 Q Who is "we"?

9 A My partner and I both did. And if it's over a certain

10 dollar amount, our sergeants as well count it.

11 Q Okay. And did you have some money that you counted out

12 that night?

13 A Yes.

14 Q And when you count out the money, do you also place that

15 on some kind of evidence tag?

16 A Yes.

17 Q And does that get documented in your reports?

18 A It does.

19 Q Okay. I am handing you what's been marked as People's

20 Proposed Exhibit Number 16.

21 I'm sorry. I'm trying to track the Taylor

22 Police exhibits numbers, so that's it's a little out of

23 order.

24 THE COURT: Okay. 16.

25 THE WITNESS: Would you like me to open it?

1 BY MS. DEYOUNG:
2 Q Yes, please.
3 A Okay.
4 Q Do you --
5 A I do remember it.
6 Q Okay. And how do you remember it?
7 A This is what was handed me by Officer Collop.
8 Q Okay. And did he hand that to you on Marvin Street or
9 back at the station?
10 A This would be on Marvin Street is when he handed me
11 that.
12 Q Okay. And do you recall off the top of your head how
13 much currency that was?
14 A Off the top of my head, no.
15 Q Okay.
16 A Exactly.
17 Q Would looking at either the evidence tag itself or your
18 police report refresh your recollection?
19 A Yes. It be \$5,311.
20 Q Okay. And can you tell me what kind of denominations
21 those are?
22 A It's a low denominate -- denominations. Like this we'd
23 typically see in narcotics sales, small denominations.
24 Q Small denominations.
25 I see, I can see some ones from where I'm

1 standing. What else -- and when you talking about
2 small, can you tell the jury what you're talking about?
3 A Twenties. Twenties. A few, a few hundreds. Fifties.
4 But the majority of them are all twenties. And a couple
5 tens and fives and one one.
6 Q Okay. And you said smaller denominations are consistent
7 with narcotic sales?
8 A Yes.
9 Q Why do you say that?
10 A It's typically people don't purchase drugs with hundred
11 dollar bills.
12 Q Okay. And so based on those prior investigations you
13 had indicated you had done it involved narcotics with
14 intent to deliver?
15 A Yes.
16 Q Do you see currency often confiscated that smaller
17 denominations?
18 A Like this, yes.
19 Q Okay.
20 THE COURT: And you said you got the money from
21 Officer Marvin, did you say?
22 THE WITNESS: Collop, C-O-L-L-O-P.
23 He's the one that searched Mr. Walker.
24 THE COURT: Okay. You saw that? You saw the
25 search?

1 THE WITNESS: I did not see the search itself,
2 no.
3 THE COURT: Okay. So Collop handed you the
4 money?
5 THE WITNESS: Yes.
6 THE COURT: Okay.
7 BY MS. DEYOUNG:
8 Q Okay. And one final question, Officer Barnosky.
9 Before August 21st, 2013 did you have any idea
10 who Reginald Walker was?
11 A I did not.
12 MS. DEYOUNG: Nothing further.
13 THE COURT: Okay. Cross.
14 MR. SHORT: Thank you, your Honor.
15 CROSS-EXAMINATION
16 BY MR. SHORT:
17 Q Good morning, officer.
18 How are you today?
19 A Good morning, sir.
20 Q Officer, what was the name of the person upstairs?
21 A Can I reference my report --
22 Q Sure.
23 A -- for his first name?
24 It will take me one second to find it.
25 Q Take your time, officer.

1 being opened, correct?

2 A No.

3 Q Okay. And so you don't know if someone had the bag of

1 Officer, if I told you the person's name was

2 Raymond, would you have any reason to doubt me?

3 A That, that was it. Raymond Herman.

4 Q Okay. Raymond Herman?

5 A Correct.

6 Q And that person was upstairs?

7 A Yes.

8 Q Did you come across anyone named Boss or Orlando in the

9 house that night?

10 A Those are nicknames. Not that I know of, no.

11 Q Okay. Did you have any reason to look for Boss and

12 Orlando based on your prior investigations?

13 A Yes.

14 Q Okay. And they were not there that night?

15 A I don't know what the, the subjects that we arrested,

16 what their nicknames are, so I don't know.

17 Q You don't have any reason to believe that you arrested

18 or came into contact with anybody named boss or Orlando

19 that night, do you?

20 A No.

21 Q Okay. You never saw Mr. Walker with a big bag of drugs

22 containing heroin, cocaine, Xanax and all these other

23 pills, did you?

24 A I personally did not, no.

25 Q Okay. And you weren't in the house prior to the door

1 being opened, correct?

2 A No.

3 Q Okay. And so you don't know if someone had the bag of

4 drugs and threw it before you entered the house, do you?

5 A No.

6 Q Because you weren't there yet?

7 A I was not there.

8 Q Okay. You don't know if the person upstairs threw the

9 bag of drugs downstairs, do you?

10 A He was sleeping, but I don't know.

11 Q Because you weren't in the house yet, so you don't know

12 what happened, right?

13 A Correct.

14 Q And you said you recovered some evidence that day,

15 correct?

16 A Yes.

17 Q And did you take any steps to preserve that evidence for

18 fingerprints?

19 A We did not.

20 Q Why not?

21 A We just did not.

22 Q What's the reason, officer?

23 A It was on the table. It was multiple in the house. And

24 it wasn't linked to a specific person, so we just took

25 it as possession.

1 Q Okay. You didn't believe that getting the fingerprints
2 or possibly attempting to get the fingerprints off that
3 evidence may link it to one of the people in the house?
4 A It could of, but we did not.
5 Q Okay. And this search happened in August of 2013,
6 correct?
7 A No.
8 Q Okay. And if you had submitted any of this evidence for
9 fingerprints, you would've received, received the
10 results by now, correct?
11 A That's unknown.
12 Q Okay. It's possible though?
13 A It's possible.
14 Q And you would agree that fingerprint evidence would've
15 been helpful in this case, correct?
16 A It could of, but with the sale and the sandwich bags --
17 Q Thank -- withdraw, sir.
18 THE COURT: Well, it can't just be answered yes
19 or no, Mr. Short. You know that.
20 BY MR. SHORT:
21 Q Go ahead, officer.
22 A With the sandwich bag and a scale it's very difficult to
23 get any type of fingerprints off of that. It's hard to
24 get it off a glass as well.
25 Q You're not a fingerprint expert, are you, officer?

1 A I am not, no.

2 Q And it is possible to get fingerprints off of a scale,
3 correct?

4 A I'm sure it is.

5 Q Okay. There was a property report completed in this
6 case, correct?

7 A There was.

8 Q And this is -- you're Officer Tabarnosky, correct?

9 A Yes. Barnosky.

10 Q I'm sorry. Barnosky.

11 And you completed a report in which you had
12 indicated that a black scale was the property of a
13 Johnny Irwin Nettleton, correct?

14 A Yes.

15 Q Okay. And in, in addition, another black scale you
16 indicated was the property of a Johnny Irwin Nettleton,
17 correct?

18 A Correct.

19 Q You indicated that the sandwich bags were the property
20 of Johnny Irwin Nettleton, correct?

21 A Yes.

22 Q You indicated that the black tar heroin found in the bag
23 was the property of Johnny Irwin Nettleton, correct?

24 A My partner is the one that logged all this, but, yes,
25 that is what it is on the report.

1 Q It says your name at the top of the report, correct,
2 Officer Barnosky?

3 A That is my name. But my partner is the one. We did it
4 in conjunction. We're partners.

5 Q And the black tar heroin was in the amount of 3.16
6 grams, correct?

7 A Yes.

8 Q The marijuana that was found you attributed it as well
9 to Johnny Irwin Nettleton, correct?

10 A Yes.

11 MS. DEYOUNG: Objection. I think that's not
12 what he said. He said his partner has been logging in
13 what -- where that goes. He said he typed --

14 THE COURT: Well --

15 MS. DEYOUNG: -- the narrative and his partner
16 put that in.

17 THE COURT: Yeah. He said that plus -- but he
18 also answered the last question yes. So I --

19 When, when Mr. Short asked you did you
20 attribute the ownership of those confiscated items to
21 the defendant, then give him a literal answer either you
22 did or you didn't.

23 THE WITNESS: We -- like I was saying, my
24 part -- we, we did, we did the whole report in
25 conjunction like I explained. My partner is the one

1 that logged all the evidence, and I'm the one that
2 actually wrote the narrative. But my name is the OIC,
3 the officer in charge of that narrative, so everything
4 is under my name.

5 MR. SHORT: Understood.

6 THE COURT: And you signed the report?
7 Is it signed?

8 THE WITNESS: It's not signed.

9 THE COURT: It doesn't get signed. Okay.

10 THE WITNESS: Our detective is the one that
11 signs it.

12 THE COURT: All right. So the question on the
13 table is did you attribute the drugs found to Nettleton.
14 Was that the last question?

15 MR. SHORT: That was. I think we were talking
16 about the marijuana at that time, your Honor.

17 THE COURT: Okay. Well, then I guess it's,
18 it's either yes or no.

19 THE WITNESS: I personally did not log that in
20 the narrative.

21 BY MR. SHORT:

22 Q Officer --

23 A My partner is the one that did that.

24 Q -- this is you at the top, right, T. Barnosky?

25 A Yep.

1 Q Okay.

2 A Yes, I see it.

3 Q Let -- let's continue on, officer.

4 In your report it says T. Barnosky at the top.

5 You also attributed to Johnny Irwin Nettleton 48.1 grams

6 crack cocaine rocks, correct?

7 A My partner did.

8 Q With your name at the top of the report --

9 A Yes.

10 Q -- correct?

11 A Yes.

12 Q 48.1 grams, correct. That's the large amount of crack

13 cocaine that we're talking about in this case, correct?

14 A I can reference my report for our breakdown of the exact

15 grams. Obviously I don't remember the exact grams of

16 everything that was taken.

17 Q Well, just read along with me here. And let me know --

18 A Okay.

19 MR. SHORT: If I may approach, your Honor?

20 THE COURT: Yep.

21 BY MR. SHORT:

22 Q If I'm reading this correctly.

23 At the beginning of the report it has your name

24 T. Barnosky. That's you, right?

25 A Yes.

1 Q Okay. And now I'm specifically talking about a bag
2 containing five individual bag of -- bags of crack
3 cocaine. Owner. Johnny Irwin Nettleton.
4 Am I reading that correct?
5 A Yes.
6 Q One bag containing five individual bags of crack
7 cocaine. Three bags containing 49 individually packed
8 crack cocaine rocks. One bag containing 13 individually
9 packed cocaine rocks. One bag containing three
10 individually packed crack cocaine rocks. Total amount
11 of crack cocaine rocks 163. Drug quantity 48.1.
12 Did I read that correctly?
13 A Correct.
14 Q Okay. In addition there were some powder cocaine found.
15 You're attributed -- attributed that to Johnny Irwin
16 Nettleton as well, correct. Six grams?
17 A Six grams.
18 Q Also more powder cocaine in a bag found to Johnny Irwin
19 Nettleton, four grams, correct?
20 A Yes.
21 Q More cocaine in a bag, 4.16 grams, Johnny Irwin
22 Nettleton, correct?
23 A Yes.
24 Q Powder cutting agent. Johnny Nettleton, correct?
25 A Yes.

1 Q Johnny Nettleton.

2 Imprint on white pills 93 one side, 48 other

3 side. Bag containing seven Metformin prescription

4 pills, correct?

5 A Yes.

6 Q You don't know if Mr. Nettleton has diabetes or not, do

7 you?

8 A I have no type of medical knowledge for him.

9 Q You do know him to be overweight, though. You've seen

10 him before, correct?

11 A Before this? No, I have not.

12 Q But you have seen him?

13 A Yes. I've seen him.

14 Q Recently?

15 A Yes. Yes, I've seen him.

16 Q Okay. You would say he's overweight, correct?

17 A Slightly.

18 Q I'm not talking about Mr. Walker, I'm talking about

19 Mr. Nettleton.

20 A Yes. Yes.

21 Q Okay. Some Xanax pills attributed to Mr. Nettleton,

22 correct?

23 A Yes.

24 Q And then we get to Mr. Walker, and some things are also

25 attributed to him. 23 individually packed rocks in a

1 bag, 6.2 grams, correct?

2 A Yes.

3 Q Powder cocaine in a bag. 12.4 grams, correct?

4 A Yes.

5 Q And that's to Mr. Walker as well?

6 A Yes.

7 Q Correct?

8 MR. SHORT: Nothing further at this time, your

9 Honor.

10 THE COURT: All right. Redirect, please.

11 REDIRECT EXAMINATION

12 BY MS. DEYOUNG:

13 Q First of all, when you do the -- when you arrest people

14 on the scene, are you able to determine their nicknames?

15 A No.

16 Q That's not on their --

17 A No.

18 Q -- Michigan State ID card or anything, is it?

19 A It is not.

20 Q Okay. And so you wouldn't know if Orlando or Boss was

21 there or not, would you?

22 A I would have no idea.

23 Q Okay. Now have you ever in your experience as a police

24 officer confiscated things and preserved them for

25 prints?

1 A I have in the past for certain things.

2 Q Okay. Approximately how many things?

3 A Under five in three years of police service.

4 Q Has any of them come back positive for prints?

5 A No.

6 Q Let's talk about this report for a little bit.

7 You said you typed out the narrative, correct?

8 A Yes.

9 Q And based on the narrative that you typed out, in the

10 narrative part that you typed, certain objects came

11 directly from Mr. Walker's person, correct?

12 A They did.

13 Q And were these items attributed to Mr. Walker's person

14 in the inventory section that was completed by Officer

15 Toth?

16 A They were.

17 Q Okay. The other items in the narrative that you typed

18 out, those other items, all the narcotics that Mr. Short

19 just listed, based on the narrative you typed, where

20 were those narcotics found?

21 A Where his feet were and right on the --

22 THE COURT: His who?

23 THE WITNESS: Mr. Walker. His -- where his

24 feet were. Mr. Walker's feet. And the inside of the

25 door where I pointed at previously before.

1 BY MS. DEYOUNG:

2 Q And that's what you typed in the narrative section of

3 your report, correct?

4 A Yes.

5 Q Now, that wasn't directly on Mr. Walker's person, was

6 it?

7 A No, that was not.

8 Q So if you were going through and inventorying items that

9 are found in a location and you know who the homeowner

10 is, are you gonna -- is it, is it common to attribute

11 those things to somebody that's in the home but is not

12 directly on them, or would you just generically

13 attribute that to the homeowner?

14 A The system that we, that we have which is Clemis, it

15 makes you attach items to a certain individual. If you

16 don't, it'll kick back in error and it won't let you

17 finalize the report. So we did put them with the

18 homeowner, Mr. Nettleton.

19 Q Why?

20 A Because he's the homeowner.

21 Q Okay. Anything that was found directly on someone,

22 would that be attributed to Mr. Nettleton?

23 A No. That would be contributed to the person that we

24 found it on.

25 Q Okay. Now, are you -- when you put in the inventory

1 section, oh, this is Johnny Nettleton, were you trying
2 to say that those items belong to Mr. Nettleton?

3 A No.

4 Q What is the purpose of that?

5 A It would've -- the, the report wouldn't let us finalize
6 it. So we basically are able to finalize the report and
7 give it to our detectives to investigate further.

8 Q Okay. So would that be a way to distinguish what's
9 found in the home versus was found on people?

10 A Yes.

11 Q And you say the report won't let you not assign the
12 property to someone. You can't just put in found in
13 house, that's not --

14 A No.

15 Q -- a choice?

16 A It's not a choice. It's it specifically when you have
17 any type of property, it has to be put on some type of a
18 suspect or defendant.

19 Q Okay.

20 MS. DEYOUNG: Nothing further.

21 MR. SHORT: May I, your Honor?

22 THE COURT: Recross.

23 MR. SHORT: Thank you.

24 RECROSS-EXAMINATION

25 BY MR. SHORT:

1 Q Officer, you never saw a big bag of drugs by Mr.
2 Walker's feet, did you?
3 A I did not see it, no, sir.
4 Q And in fact you did input some information regarding
5 Mr. Walker. You inputted that he had powder cocaine in
6 a bag, 12.4 grams.
7 You said that that belonged to the owner
8 Reginald Walker, correct?
9 MR. SHORT: May I approach, your Honor?
10 THE COURT: Yeah.
11 THE WITNESS: Which one was this one?
12 I'm not sure if that's the one that was on the
13 ground or if that, the 12.4 is the one that was in his
14 pocket. That be in my actual narrative.
15 BY MR. SHORT:
16 Q Okay. Well, we can show you -- matter of fact, let's
17 get a bag.
18 A There's a few, there's a few different bags of --
19 Q Let's talk --
20 A -- cocaine.
21 Q Let's talk specifically about this large amount --
22 A Okay.
23 Q -- of crack cocaine.
24 We're talking about 48.1 grams, correct?
25 A Yes.

1 Q And the owner says Johnny Irwin Nettleton, correct?

2 A Yes.

3 Q And if we go to Reginald Walker, there's two entries.

4 One for 6.2 grams of rocks in a bag and one for

5 12.4 grams of powder cocaine, correct?

6 A Correct.

7 Q Okay. So you are able to attribute drugs to a

8 particular person, correct?

9 A Yes.

10 Q And you never saw a big bag of drugs by Mr. Walker's

11 feet, correct?

12 A I personally did not.

13 Q Okay. And there was also a person in the house named

14 Nate Manning, correct?

15 A Correct.

16 Q And you confiscated some money from Nate Manning, didn't

17 you?

18 A I personally did not. I'm sure I logged it, but I did

19 not search.

20 Q Was some money confiscated from Nate Manning?

21 A I believe there was.

22 Q And the reason was because you believe it was from drug

23 pro -- drug proceeds or drug sales, correct?

24 A Correct, sir.

25 Q Okay. Let's talk about that money.

1 You said that that money was small
2 denominations?
3 A I'd have to look at it.
4 Q 5,000?
5 A The, the money that was found on Mr. Walker?
6 Q Yes.
7 A Yes, twenties.
8 Q I want you to take your time here.
9 A Yes.
10 Q And just let the jury know how many hundreds are there,
11 how many fifties, how many twenties and how many tens.
12 A You want me to count out individually?
13 Q You can approximate.
14 A There's maybe 1500 in ones -- they're 100s.
15 Q I'm sorry. 1500 in hundreds?
16 A Yes.
17 Q Okay.
18 A Approximately 1500 in hundreds.
19 Q Okay.
20 A I'd say a thousand in fifties.
21 Q Okay.
22 A And that would leave about 3000 in twenties.
23 Q Okay.
24 A It be a hundred in tens.
25 Q Okay.

1 A A hundred in fives.

2 Q Okay.

3 A And one one dollar.

4 Q And it's your testimony before this jury today that

5 that's small denominations, officer?

6 A The twenties. Twenties, tens, yes.

7 Q Twenties are small denominations?

8 A The twenties are smaller denominations, correct.

9 Q But you would agree certainly, officer, that this bag is

10 not filled with \$5,000 worth of, worth of one dollar

11 bills, five dollar bills and ten dollar bills, correct?

12 A It was not filled with that.

13 Q Okay. You'd agree that a hundred dollar bill is not a

14 small denomination, correct?

15 A It is not.

16 Q And a fifty is not a small denomination.

17 A Fifties, no.

18 Q Okay. And you'd agree that many people especially in

19 this economy don't think a \$20 is a small denomination,

20 wouldn't you?

21 A I believe a \$20 bill is, for drug sales is a small

22 denomination.

23 Q Okay.

24 MR. SHORT: Nothing further, your Honor.

25 THE COURT: All right? Anything further, Ms.

1 DeYoung.

2 MS. DEYOUNG: Nothing for this witness, your
3 Honor.

4 THE COURT: All right. You may step down.
5 Ms. DeYoung, you may call your next witness.

6 THE WITNESS: Thank you.

7 (At 11:00 a.m., witness excused)

8 MS. DEYOUNG: The People would call Officer
9 Diggs-Taylor to the stand.

10 THE COURT: Okay.

11 THE CLERK: Step in front of me, please.
12 Spell your first and last name for me.

13 OFFICER DIGGS-TAYLOR: First is Dominic
14 D-O-M-I-N-I-C. Last is Diggs D-I-G-G-S hyphen Taylor
15 T-A-Y-L-O-R.

16 THE CLERK: Thank you.
17 Raise your right hand, please.
18 Do you solemnly swear or affirm to tell the
19 truth, the whole truth and nothing but the truth so help
20 you God?

21 OFFICER DIGGS-TAYLOR: I do.

22 THE CLERK: Thank you. You may be seated.

23 OFFICER DIGGS-TAYLOR: Thank you.

24 DOMINIC DIGGS-TAYLOR

25 (At 11:00 a.m., sworn as a witness, testified

1 as follows)

2 DIRECT EXAMINATION

3 BY MS. DEYOUNG:

4 Q Good morning.

5 A Good morning.

6 Q Can you state your name and occupation for the record,
7 please?

8 A Dominic Diggs-Taylor. I'm an officer of the Taylor
9 Police Department.

10 Q How long have you been an officer with Taylor PD?

11 A Approximately two years.

12 Q And were you working on Oct -- excuse me. August 21st,
13 2013?

14 A Yes.

15 Q What was your assignment on that day?

16 A Just normal road patrol. Answering, answering and
17 responding to calls and normal patrol.

18 Q Okay. Were you dressed in uniform or in plain clothes?

19 A In uniform.

20 Q Did you have a marked car or an unmarked car?

21 A It was a fully marked police car.

22 Q At some point did you go to 13693 Marvin in the city of
23 Taylor?

24 A Yes.

25 Q And you went there as backup for Officers Toth and

1 Barnosky, correct?

2 A Correct.

3 Q Okay. Now, other than information you got from Officers

4 Toth and Barnosky, you didn't have any other reason to

5 be at that location, correct?

6 A No.

7 Q What did you do when you first arrived there?

8 A When we first arrived there, I was with them just to the

9 right of the front door on the, on the residence.

10 Q Okay. Did you see either, if either of them knocked on

11 that door or what they did when you first got there?

12 A They did knock on the door. The home -- at the time I

13 didn't know he was the homeowner, but somebody came out

14 of the residence and, and talked to both of the

15 officers.

16 Q At some point did, did you try to get inside the

17 location?

18 A Yes, we did.

19 Q How much time passed between the time that the knock

20 came at the door and you went inside the location?

21 A I'd say approximately a minute, if that.

22 Q Okay. Now, were you able to just walk right in?

23 A At the time the two officers were attempting to walk in

24 and then somebody attempted to close the door on them.

25 Q Were you able to see who was behind that door?

1 A After I got in the house or as I was going behind them,
2 yes, I was.

3 Q Okay. Initially could you see who was behind that door?

4 A No.

5 Q Okay. And you said at some point you were able to?

6 A Correct.

7 Q When was that?

8 A As soon as we were going through the front door I saw
9 who was behind it.

10 Q Do you see --

11 A Or next to it.

12 Q Do you see that person in court today?

13 A I do.

14 Q Could you point that person out, please, and describe
15 what he or she is wearing for the record?

16 A Going to be sitting in that front chair right there
17 wearing all black.

18 MS. DEYOUNG: Your Honor, may the record
19 reflect the witness has identified the defendant in this
20 matter, Mr. Reginald Walker?

21 THE COURT: So it shall.

22 MS. DEYOUNG: Thank you.

23 BY MS. DEYOUNG:

24 Q And what number of officer were you through that front
25 door?

1 A I was the third officer through the door.

2 Q Okay. When you first walked in, what was the first

3 thing that you observed?

4 A I was going through the door and I was checking behind

5 the door just to see if there's anybody hiding behind

6 it. And then I was looking down at the ground and I

7 observed what I thought at that time was some drugs.

8 Narcotics.

9 Q Okay. And how were those drugs packaged?

10 A They were in a plastic sandwich bag.

11 Q And was it one sandwich bag or two or how, or how was --

12 how did it look on the floor to you at -- initially?

13 A Initially at the -- when I first saw it, it looked like

14 just one big bag of, of narcotics.

15 Q Okay. Now, once you saw it, did you immediately reach

16 down and grab it?

17 A No. At the time we were going and they were trying to

18 secure everybody in the household. And then after

19 everybody was secured in the house, I went back to

20 retrieve the narcotics by the door.

21 Q Okay. Now, you indicated that you saw Mr. Walker by the

22 door when you first came in?

23 A Correct.

24 Q Did you see anyone else in that area?

25 A There was nobody else in that area, no.

1 Q Okay. Had you seen Mr. Walker before August 21st, 2013?

2 A I had -- I've run into him in the past previously in a

3 couple of traffic stops but I do not remember him.

4 Q Okay.

5 A At that time, no, I did not remember him.

6 Q Now, you said you went to secure the home, correct?

7 A Yes.

8 Q What did you do to secure the home?

9 A At that time I went towards the back of the kitchen.

10 There were some people back there. We -- I put 'em in

11 handcuffs just to secure everybody in the residence.

12 Q Now, is there -- how many people were in this house?

13 A I believe there's a total of eight people in the

14 residence.

15 Q Okay. When officers are going into a house with that

16 many people, is there some kind of a system for securing

17 people that happens?

18 A Yeah. Basically we just go in a residence, do a

19 room-by-room search, make sure there's nobody else

20 hiding. So we just put everybody in handcuffs, detain

21 people. They're not necessarily under arrest. We just

22 detain them for our safety. Make sure they don't have

23 any weapons or anything like that.

24 As soon as the house is all secured then we go

25 back and do a secondary search, make sure there is

1 nobody else hiding that we missed the first time.

2 Q When you're doing your preliminary walk, I don't know

3 what to call it, your preliminary securing of the house,

4 would you leave someone loose or someone under attended

5 in one of the front rooms to get to the back room or is

6 everybody secured right --

7 A Absolutely not. We do it room-by-room to make sure that

8 nobody is left unsecured when we, you know, when we're

9 continuing on through the house.

10 Q Okay. So when you first saw these drugs in that living

11 room, how many people were in the living room?

12 A I believe there is two or three people in the living

13 room to the left on the couch.

14 Q Okay. Now, were all of those people secured?

15 A Yes.

16 Q Was Mr. Walker secured?

17 A He was secured back in the kitchen area, yes.

18 Q How was it that he was secured in the kitchen area?

19 A Well, as we were coming through the door, he came -- he

20 was at the front door and then he ran back towards the

21 kitchen and we were coming in. Another officer actually

22 ended up securing him, one of the -- Officer Collop.

23 Q Okay. Before you went on to the next area do you know

24 if everyone in the living room was secured?

25 A Yes, they were.

1 Q Okay. So would anyone in the living room been able to
2 get up and have access to the area by the stairwell?
3 A No.
4 Q After you observed those drugs?
5 A No.
6 Q Okay. Now, you said at some point you went back and you
7 confiscated this bag?
8 A Yes.
9 Q Now, you said initially it looked like everything was in
10 one bag to you. When you went back, did it look any
11 different?
12 A It, it was initially look like one big bag, but the bag
13 was open. And there were like two smaller bags next to
14 it. Like it had been, it look like to me it been thrown
15 there and those two smaller bags fell out of it.
16 Q Okay. Do you remember what was in all of those bags?
17 A If I recall correctly, the big bag contained crack
18 cocaine, marijuana, prescription pills. And then the
19 two smaller bags that were next to it were at the time I
20 thought -- I'm sorry.
21 In the bigger bag there was heroin, too. And
22 the two smaller bags I thought was at the time another
23 bag of heroin and next to it was powder cocaine. Later
24 on that bigger bag with which I thought was heroin ended
25 up being some type of cutting agent, so it wasn't

1 actually heroin.

2 Q Okay. What did you do with all of those items when you

3 confiscated them?

4 A I put it all in the bag. Put two other bags that were

5 next to it, I put it in the bigger bag. I took it out

6 to the patrol car.

7 Well, I showed the other officers on scene what

8 I found first. And I took it out to Officer Toth and

9 Barnosky's patrol car and secured them there.

10 Q Okay. And can you see the TV from where you're sitting?

11 A Yes.

12 Q Okay. Do you recognize up on the screen here is

13 People's Exhibit Number 20.

14 Do you recognize what this is?

15 A I do. That's the front entrance to the house that we

16 entered.

17 Q Okay. I forgot my markers, but can you stand up and

18 just indicate to the jury where you saw and confiscated

19 that bag of narcotics?

20 A You want me to go over there and point to it?

21 Q Yes, please.

22 A It was approximately right here in this area.

23 Q Okay.

24 A But the door was open a little bit more than that.

25 Q Okay. When that door is opened all the way, will it hit

1 the stairs there?

2 A Yes.

3 Q Okay. So there's really no distance between like the

4 door and the stairs itself?

5 A Correct, no. It closes pretty much right up against the

6 stairs.

7 Q Now, you had -- you can go ahead and sit down. I won't

8 make you stand up anymore.

9 You had said initially that you thought it was

10 one bag and then when you got to inspect it closer, you

11 saw other bags outside of it?

12 A Correct.

13 Q Had that bag moved from the time you initially saw it to

14 the time you went back to it?

15 A No. It was just like -- the, the way the door was

16 positioned I could just see the big bag at first. And

17 then when I went up closer to it, I saw the two smaller

18 bags next to it.

19 Q Okay. Officer Diggs-Taylor, I'm gonna hand you some

20 gloves.

21 A Okay.

22 Q If you would put those on.

23 I wanna hand you People's Proposed Exhibits

24 Number 4 through 13.

25 Ready?

1 A Yes, ma'am.

2 Q Can you take a look at those items and tell me if you
3 recognize what they are?

4 A I do. These are some of the items that were found that
5 day on the ground next to the door.

6 Yes.

7 Q Okay. And are those have actually been changed since
8 when you confiscated them, correct?

9 A Correct. These are just packaged individually. They
10 just separated the narcotics. Pills are all separated.
11 And the crack cocaine, the powder cocaine, the heroin,
12 it's all separated individually.

13 Q Aside from those changes there's some writing on the
14 back of those exhibits, correct?

15 A Yes.

16 Q If you flip the bag over, there's some writing on the,
17 the backs. It's done by the Michigan State Police,
18 correct?

19 A Yes.

20 Q Okay. Aside from the changes that have been done when
21 the evidence was sorted and the changes done by the
22 Michigan State Police, is that the same -- are those
23 same drugs that confiscated on August 21st, 2013?

24 A Yes, they are. They even have the plastic bags that
25 they were in still in here, too.

1 Q Okay. And -- all right. I'll take those back. I wanna
2 talk about a couple of 'em.

3 You had indicated that you found some pills in
4 these bags?

5 A Correct.

6 Q Were all the pills the same?

7 A No. There were three different types of pills --

8 Q Okay.

9 A -- in the bags.

10 Q And were you able to identify what kinds of pills those
11 were?

12 A I didn't actually identify 'em. I re -- I took the
13 evidence, the narcotics, and transferred it or gave it
14 over to the officers in charge at the scene. Then they
15 took 'em back to station and did the, the testing and
16 determine what the prescription pills were.

17 Q Okay.

18 MS. DEYOUNG: Your Honor. I would move for the
19 admission of People's Proposed Exhibits Number 4 through
20 13.

21 MR. SHORT: No objection, your Honor.

22 THE COURT: All right. 4 through 13 are
23 received.

24 Those are, just for the record, the bags that
25 the witness just had in his possession?

1 MS. DEYOUNG: Yes.

2 THE COURT: All right.

3 MS. DEYOUNG: In the witness' possession, yes.

4 THE COURT: Yeah.

5 MS. DEYOUNG: If I could publish these to the
6 jury, we can talk about 'em.

7 THE COURT: Yep. Okay.

8 BY MS. DEYOUNG:

9 Q This is People's Exhibit Number 4. Do you recognize
10 what that is?

11 A It's kind of glary, but I, I believe that's the heroin
12 that was found there.

13 Q Okay. And you said that was located in one of the bags?

14 A Correct.

15 Q These are some of the -- oh, my goodness. What's going
16 on here.

17 Okay. Can you see that one any better?

18 A Yeah. That's a lot better. That's some of the -- one
19 of the prescription pills that were -- one type that
20 were in bag, the bigger bag that I, that I found there.

21 Q Okay. Now, I'm sorry. I may need you to come a little
22 closer.

23 Can you see what's written on that pill up
24 there?

25 A It says Watson.

1 Q Okay.

2 A Can't read the -- 287 or 387 I believe.

3 It's Watson 387.

4 Q Okay. And while you're here, we'll just give you one

5 more. That's People's Exhibit 12.

6 This is People's Exhibit 11.

7 A This just has the number 93 on one side and 48 on the

8 other side.

9 Q Okay. And were those in there -- were all the pills

10 when you confiscated them, were they all separated into

11 different baggies?

12 A Yes.

13 Q Okay. And that's different numbers on these pills

14 and -- than what's on the other ones?

15 A Correct. Different type of prescription pill.

16 Q Okay. And then also People's Exhibit 13.

17 A It's kind hard to read this one, but it's got a V on it

18 and 20. I believe it's 89 written on it.

19 Q And these ones are actually blue, are they not?

20 A Yes.

21 Q Okay. And there's kind of a lot of those little ones?

22 A Correct.

23 Q Okay. This time you can really sit down.

24 A All right.

25 Q People's Exhibit 6 you also testified was confiscated

1 from the floor area?

2 A Yes.

3 Q Can you see that from where you are?

4 A Yes, I can.

5 Q Okay. Now, there's a whole bunch of little baggies in

6 there, is there not?

7 A Correct. Those are individually packaged crack cocaine.

8 Q Okay. And do you know off the top of your head how many

9 of those there were?

10 A I don't know how many there were in that. I didn't

11 actually do a count on it. Like I said, I turned it

12 over to other officers on the scene and they did the

13 count, I believe, of the -- how many exactly there were

14 in here.

15 Q Do you know -- have you done investigations in the past

16 that have been packaged for sale?

17 A Yes. That, that's typical of sale just because they're

18 individually packaged like that. You could sell one

19 crack rock, a rock at a time instead of one big rock

20 that you cut it up individually so you can sell it in

21 small pieces basically. Bigger profit.

22 Q And that's baggies of crack cocaine?

23 A Correct.

24 Q Do you know based on your prior investigations how much

25 one of those crack rocks would sell for?

1 A I believe it can be anywhere from -- depending where you
2 are, it's usually about ten dollars a crack rock. Just
3 depends on the area that you're at.

4 Q Okay. And this is kind of thick bag. Can you look at
5 it?

6 You still got your gloves?

7 A That's all right.

8 Q Can you look at it and tell me what is all in that bag?

9 A In this bag there's one bigger bag of the crack cocaine.
10 And there's a smaller bag of the crack cocaine as well.

11 Q Okay.

12 A And they're all packaged individually.

13 Q And it's -- all right.

14 A So it's two separated. And this actually looks like --
15 the bigger bag is the bag that I found, and there's a
16 smaller bag in here. It looks like -- this is probably
17 gonna be the one that another officer found later on on
18 Reggie Walker as well.

19 Q Okay. Now, this one is People's Exhibit 7.

20 There's not any rocks in there, correct?

21 A No.

22 Q You said you confiscated some powder cocaine?

23 A Yes.

24 Q And is that consistent with powder cocaine in your
25 experience?

1 A Yes, it is.

2 Q And you also indicated that there was some cut, correct?

3 A Yeah. At the time I thought it was some heroin, but it,

4 I guess it turned to be some type of cutting agent.

5 Q And I'm showing you People's Exhibit Number 10.

6 A Yeah. That looks like it.

7 Q Okay. Can you describe how the cutting agent works in

8 relations to the powdered cocaine?

9 A Basically what you do is you would introduce another

10 substance to call it -- they call it cutting it. And

11 basically you can increase your profits of selling the

12 narcotic because you're adding a filler basically to, to

13 the narcotics. So you can increase your sales and in

14 turn profit.

15 Q So a cutting agent would also be consistent with sales?

16 A Yes.

17 Q Now, you indicated that Officer Cullop -- Collop was the

18 one to arrest Mr. Walker?

19 A Yes.

20 Q Did you watch that being done?

21 A I did.

22 Q And where were -- you said -- where did you indicate

23 that happened?

24 A We went straight back to the residence and there's a

25 kitchen back there. And I was actually detaining

1 another individual back there, female, and Officer
2 Collop was detaining or arresting Mr. Walker.

3 Q Okay. Did you see if Mr. Officer Collop searched
4 Mr. Walker?

5 A Yes, he did.

6 Q Did you see if he confiscated anything from Mr. Walker?

7 A Yes, he did.

8 Q And what did he confiscate from Mr. Walker?

9 A He had in his right front pocket -- I believe he was
10 wearing shorts at the time. He pulled out a bag of
11 crack cocaine, and it was individually packaged again
12 for what I thought at the time was for sales.

13 Q Was that packaged similarly to what you had confiscated
14 by the door?

15 A Yeah. The exact same way.

16 Q Okay. And did you see Officer Collop pull anything out
17 of Mr. -- anything else from Mr. Walker's pockets?

18 A At that time I did not, but he searched him again later
19 outside by the patrol car. He pulled out cash from the
20 other side of his pant -- or his short pockets. I don't
21 know exactly how much it was, but it was a large sum of
22 cash.

23 Q Okay. And -- okay.

24 Nothing further.

25 THE COURT: Cross.

1 MR. SHORT: Thank you, your Honor.

2 CROSS-EXAMINATION

3 BY MR. SHORT:

4 Q Officer, you said you watched Officer Collop search
5 Mr. Walker inside the house?

6 A Yes.

7 Q And never saw him pull this big wad of money out?

8 A No. What he did was basically as soon as he found the
9 drugs in his pocket --

10 Q Um-hum.

11 A -- he took him back outside where he did a, you know, a
12 more extensive search and found that in his left pocket.

13 Q He found this in his left pocket?

14 A I believe it was his left pocket, yes.

15 Q And he pulled it out of his left pocket?

16 A Yes.

17 Q Was it just like this?

18 A I don't know exactly how it was bundled, but.

19 Q Was it bundled like this?

20 A I'm not positive on that. I just saw him pull the cash
21 out.

22 Q Okay. Pretty big wad money wouldn't you agree?

23 A That would be nice to have.

24 Q Did he have any trouble pulling it out of his pocket at
25 all?

1 A I'm not sure.

2 Q You're not sure?

3 A No.

4 Q You were watching, weren't you?

5 A Hey, I just saw him pull out his pocket, but I don't

6 know if he had trouble getting it out. I mean he was

7 patting him down, searching him, and he, he pulled it

8 out.

9 Q How long did it take?

10 A I don't recall exactly if he was having trouble or not.

11 Q How long did it take him to pull it out of his pocket?

12 A I can't be exact. I don't know. Not -- a couple

13 seconds.

14 Q Couple seconds.

15 Didn't -- we'll move on.

16 You said you were concerned for your safety

17 when you went in, correct?

18 A Yes.

19 Q Okay. And your main focus was on the individual who was

20 inside the house, correct?

21 A Correct.

22 Q You didn't look around for drugs at that point, did you?

23 A I was looking around for people, correct.

24 Q Okay.

25 A At the time, yes.

1 Q And at some point you did said that you found or you saw
2 that large bag of drugs, correct?

3 A Yes.

4 Q And you said the bag looked like it had been thrown,
5 right?

6 A At the time -- I mean at that time I -- did I look like
7 it had been thrown, no. It looked like it was just
8 sitting there.

9 Q Great.

10 You testified that some of the smaller bags had
11 fallen out --

12 A Correct. When I went --

13 Q -- as though it had been throw --

14 A When I --

15 Q -- earlier, right?

16 A -- went back there the second time, yeah, it look like
17 it had been. You know, it was open and then there was
18 two packages next to it.

19 Q Okay. And one possibility might be that it was thrown
20 and some of the smaller bags fell out, correct?

21 A Could be, yes.

22 Q Okay. And you weren't inside before you guys entered
23 the house, correct?

24 A No.

25 Q You don't know who had that big bag of drugs, do you?

1 A I do not.

2 Q Okay. You don't know if someone threw it from upstairs,
3 do you?

4 A No.

5 Q And you don't know if Nathaniel Manning threw it from
6 across the room, do you?

7 A No.

8 Q Okay. You just know that when you went inside, you
9 found a bag of drugs at the bottom of the stairs and it
10 was partially open, correct?

11 A Correct.

12 MR. SHORT: May I have a moment, your Honor?

13 THE COURT: Yep.

14 MR. SHORT: Nothing further, your Honor.

15 THE COURT: Any redirect?

16 REDIRECT EXAMINATION

17 BY MS. DEYOUNG:

18 Q Would anyone have had an opportunity to throw that bag
19 after you entered?

20 A We were in the house pretty quick so I would say no.

21 Q Okay. Nothing further.

22 THE COURT: Any recross on that single point?

23 MR. SHORT: No, your Honor.

24 (At 11:21 a.m., witness excused)

25 THE COURT: All right. Let's take a very short

1 recess, ladies and gentlemen, in the jury room. Five or
2 ten minutes.

3 Leave your pads and pens on the chairs, please.

4 (At 11:21 a.m., jury excused)

5 THE COURT: We're done with this witness?

6 MS. DEYOUNG: I'm sorry.

7 THE COURT: We're done with this witness?

8 MS. DEYOUNG: Yes, sir.

9 (At 11:22 a.m., proceedings recessed)

10 (At 11:52 a.m., proceedings resumed)

11 THE COURT: Before I get the -- if there's
12 anybody sitting in the courtroom that thinks they might
13 be a witness in this trial, you should sit outside and
14 wait until you're called.

15 Anybody gonna be a witness?

16 No. Okay.

17 THE CLERK: Back on the record on People versus
18 Reginald Walker.

19 Appearances, please.

20 MS. DEYOUNG: Sarah DeYoung on behalf of the
21 People.

22 MR. SHORT: Um, good afternoon, your Honor.
23 Rowland Short. We're ready to continue.

24 THE COURT: Okay. Ready to bring the jury
25 back?

1 We'll work until about one-ish or something and
2 then take a lunch break.

3 Okay. Let's bring the jury out.

4 (At 11:53 a.m., jury returned)

5 THE COURT: All right. You may be seated.
6 Thank you.

7 All right. We're -- we were done with witness
8 Diggs-Taylor, right?

9 MS. DEYOUNG: Yes, your Honor.

10 THE COURT: Okay. You can call your next
11 witness.

12 MS. DEYOUNG: The People would call Officer
13 Collop to the stand.

14 THE CLERK: Step in front of me, please.
15 Spell your first and last name for me.

16 OFFICER COLLOP: Philip, P-H-I-L-I-P, Collop
17 C-O-L-L-O-P.

18 THE CLERK: Thank you.
19 Raise your right hand, please.

20 Do you solemnly swear or affirm to tell the
21 truth, the whole truth and nothing but the the truth, so
22 help you God?

23 OFFICER COLLOP: I do.

24 THE CLERK: Thank you. You may be seated.

25 MS. DEYOUNG: May I proceed, your Honor?

1 THE COURT: You may.

2 MS. DEYOUNG: Thank you.

3 PHILIP COLLOP

4 (At 11:55 a.m., sworn as a witness, testified

5 as follows)

6 DIRECT EXAMINATION

7 BY MS. DEYOUNG:

8 Q Good after -- good morning.

9 A Good morning.

10 Q Can you state your name and occupation for the record,

11 please?

12 A Philip Collop. I'm a Police Officer for the Taylor

13 Police Department.

14 Q How long have you been a Police Officer for Taylor?

15 A Almost two years.

16 Q Almost two years.

17 Were you working on August 21st, 2013?

18 A I was.

19 Q On that date did you go to 13693 Marvin in the city of

20 Taylor?

21 A Yes, I did.

22 Q Okay. Were you wearing a uniform or were you in plain

23 clothes?

24 A Uniform.

25 Q Were you in a scout car or unmarked car?

1 A It was fully marked.

2 Q Okay. Now, you went there because there was a call on

3 the radio from Officers Barnosky and Toth, correct?

4 A Correct.

5 Q And you were gonna be backup there?

6 A Yes.

7 Q Okay. When you got to that house, what was the

8 situation when you first arrived?

9 A Officers were gonna approach the door to knock and other

10 officers were standing around the house.

11 Q Okay. Now, did you watch the officers approach door --

12 the door to knock?

13 A I did.

14 Q Okay. Where were you -- and then ultimately officers

15 went inside the house, correct?

16 A Correct.

17 Q Where were you in the line of officers that went inside

18 the house?

19 A Probably about third.

20 Q Okay.

21 A Or second.

22 Q Toward the front?

23 A Correct.

24 Q Okay. Once you got inside the house, do you see anybody

25 that you see in court today?

1 A I do.

2 Q Could you point that person out, please, and describe
3 what he or she is wearing for the record?

4 A He's sitting right here wearing all black.

5 MS. DEYOUNG: Your Honor, may the record
6 reflect the witness has identified the defendant
7 Mr. Reginald Walker?

8 THE COURT: So it shall.

9 BY MS. DEYOUNG:

10 Q And also were you able to walk right into the house or,
11 or did it take a minute to get inside?

12 A It took a minute.

13 Q Why?

14 A Someone was actually holding the door closed.

15 Q Okay. Could you see who that was initially?

16 A Initially, no.

17 Q Could you ultimately see who that was?

18 A Yes.

19 Q Who was it?

20 A It was Mr. Walker.

21 Q Okay. Now, once you got inside the house, what did you
22 do?

23 A I actually grabbed on to Mr. Walker because he attempted
24 to back away from me. We continued backing up into the
25 kitchen, and that's where I was able to stop and hold on

1 to him.

2 Q Where was he when you first grabbed onto him?

3 A Pretty much right behind the door.

4 Q Okay. And put back up this picture. This is People's

5 Exhibit Number 20. It's already been admitted.

6 Do you recognize what that is?

7 A I do.

8 Q What is that?

9 A That's the front door of the house.

10 Q Okay. And you said he was right behind the door?

11 A He was probably right by the, probably about a foot away

12 from the door handle.

13 Q Okay. Be --

14 A On the -- it be the backside of the door.

15 Q Okay. And was the door, was it all the way open then or

16 was it, was it able to open all the way or, or how was

17 the door when you first came in?

18 A It was probably about that much opened.

19 Q Okay.

20 A From what I recall.

21 Q It looks like about a 35, 40 degree angle opening.

22 MS. DEYOUNG: Would you agree?

23 MR. SHORT: Stipulate.

24 THE WITNESS: Yes.

25 MR. SHORT: We stipulate to that, your Honor.

1 MS. DEYOUNG: Okay.

2 THE COURT: Okay.

3 BY MS. DEYOUNG:

4 Q Was there anyone else around Mr. Walker that you saw?

5 A Not that I recall.

6 Q Okay. And when you said you grabbed on to him and he

7 was backing up, what was your focus on at that moment?

8 A Getting him -- holding on to him and make sure he wasn't

9 gonna run.

10 Q Okay. Were you looking at the ground ever?

11 A No.

12 Q Did you ever see any narcotics on the ground?

13 A No.

14 Q And how long did it take you to get Mr. Walker under

15 control?

16 A Maybe ten seconds.

17 Q And that was in the kitchen you indicated?

18 A Correct.

19 Q Once he got under control, did you search Mr. Walker?

20 A I did.

21 Q And you searched him inside the house first, correct?

22 A Correct. I did a pat down of his outer person in the

23 kitchen.

24 Q Did you find anything on Mr. Walker's person when you

25 did that pat down?

1 A Yes.

2 Q What did you --

3 A I originally patted his waist down and then his front

4 right pocket I found narcotics.

5 Q Okay. Can you describe the narcotics for the jury that

6 you found?

7 A It was a probably a small bag of white rocks substance.

8 Q Okay.

9 A Cocaine. Crack.

10 Q You described them as narcotics, right?

11 A Yes.

12 Q Why did you think they were narcotics?

13 A Experience of with it.

14 Q Okay. Have you seen crack cocaine in the past?

15 A I have.

16 Q And was that part of your observations you made while

17 you were investigating drug crimes as a police officer?

18 A Yes.

19 Q Okay. And you said this was crack cocaine?

20 A Yes.

21 Q How was it packaged?

22 A It was in a clear plastic bag with little tiny rocks

23 inside of it.

24 Q Okay. And how were those little tiny rocks packaged?

25 A They were individual.

1 Q Okay. And that was in which pocket?

2 A Her front right.

3 Q Her? Was it --

4 A His front right.

5 Q Okay. And once you found those drugs, what did you do

6 next?

7 A I placed it back into his pocket and then walked him

8 outside.

9 Q Why did you put it back in his pocket?

10 A So I wouldn't lose it.

11 Q Okay.

12 MS. DEYOUNG: May I approach the witness, your

13 Honor?

14 THE COURT: You may.

15 BY MS. DEYOUNG:

16 Q Officer Collop handing you what's been marked as

17 People's Proposed Exhibit Number 13.

18 Do you recognize what that is?

19 A I do.

20 Q I'm sorry. It's Proposed Exhibit Number 14.

21 What's the number on there on the red tag?

22 A Oh. Fourteen.

23 Q Fourteen.

24 THE COURT: Oh, it's 14?

25 MS. DEYOUNG: I'm sorry. Yeah.

1 BY MS. DEYOUNG:

2 Q Proposed Exhibit Number 14.

3 And you said you do recognize what that is?

4 A I do.

5 Q What is that, please?

6 A This is what I pulled from his front right pocket.

7 Q Okay. And is that in -- well, that's been modified by

8 evidence people and by the lab, correct?

9 A Correct.

10 Q Other than those modifications is that in the same

11 condition as when you found it?

12 A Yes. There is -- other than this plastic bag it was a

13 different plastic bag.

14 Q Okay.

15 MS. DEYOUNG: I move for the admission of

16 People's Proposed Exhibit Number 14.

17 MR. SHORT: No objection, your Honor.

18 THE COURT: All right. 14 is received.

19 BY MS. DEYOUNG:

20 Q How many of those individually wrapped baggies are in

21 that box or in that bag?

22 A Individual?

23 Q Yes.

24 A Approximately 20 maybe.

25 Q Okay.

1 MS. DEYOUNG: May I approach the witness?

2 THE COURT: Yeah.

3 BY MS. DEYOUNG:

4 Q And, and we're calling 'em that they're wrapped in, in

5 baggies, right. And that's -- but there's not little

6 Ziplocs on the top of them, are there?

7 A No. Looks like they're --

8 Q When you're talking about baggies, can you explain to

9 the jury what you're talking about?

10 A They're pretty much put into the corner and then tied

11 off.

12 Q Into the corner of like a sandwich baggie?

13 A Yes.

14 Q Okay. And that's what you're seeing here?

15 A Yes.

16 Q Okay. You said you put that back in his pocket and you

17 took him outside?

18 A I did.

19 Q What did you do next?

20 A I took them to a patrol call -- car, and then I

21 continued to search the rest of his person.

22 Q Did you find anything else --

23 A I did.

24 Q -- on Mr. Walker?

25 A In his front left pocket I found a large wad of money

1 with another bag of white powder with the money.

2 Q What powder with what?

3 A It was actually inside the money.

4 Q Inside the money?

5 A The money was wrapped around it.

6 Q Okay. Officer Collop, I want you to look at People's

7 Exhibit Number 16. This has already been admitted.

8 Do you recognize what this is?

9 A Yes, I do.

10 Q What is that?

11 A This is a lot of money.

12 Q Is that a lot of money in particular?

13 A Yes. This is what was found on him.

14 Q Okay. And that's the money that you found on him?

15 A Correct.

16 Q And was it all laid out flat like it is in this bag here

17 or was it folded over? How was it?

18 A No. It was, it was folded over. Large, a large amount

19 was folded over, then a few other bills were scattered

20 throughout his pocket.

21 Q Okay. All in the same pocket?

22 A Yes.

23 Q All right. I'm also handing you what's been marked as

24 People's Proposed Exhibit Number 15.

25 Do you recognize what that is?

1 A I do.

2 Q What is that, please?

3 A This is what was with the money.

4 Q Okay. Can you show the jury -- and is that in -- other

5 than the changes made by the evidence collectors and the

6 lab, is that in the same condition as when you found it?

7 A It is.

8 MS. DEYOUNG: Move for the admission of

9 People's Proposed Exhibit Number 15.

10 MR. SHORT: No objection, your Honor.

11 THE COURT: All right. 15 is received.

12 BY MS. DEYOUNG:

13 Q Can you demonstrate for the jury how those drugs were,

14 were folded up into the, the money?

15 I know the bag's a little big bigger than when

16 it started, but can you show them how it was put

17 together?

18 A Okay. Would you like me to take the money out and do it

19 or?

20 Q Yes, please.

21 A All right. I don't think it comes out.

22 Q You can fold that bag. You can fold that bag up if you

23 need to --

24 A Okay.

25 Q -- just to demonstrate.

1 A Yeah.

2 It was like this, but obviously not this

3 plastic outer. And then money was pretty much over it

4 like this. But then there's a few of the bills

5 scattered throughout the pocket not with the wad.

6 Q Okay. And you're indicating just for the record so Ms.

7 Waldrip can take it to the -- so we can review it later,

8 the -- you got the money folded over in half and then

9 it's, it's what kind of makes a C shape and the --

10 A Yes.

11 Q -- the cocaine is inside this?

12 A Yes.

13 Q The inner part of the C shape?

14 A Yes. That's correct.

15 Q Okay. Thank you.

16 And this is actually powder cocaine, correct?

17 A Correct.

18 Q Okay. Now, what did you do once you confiscated all

19 these things outside the house?

20 A I secured, secured them in Officer Barnosky and Toth's

21 patrol car.

22 Q Okay.

23 A And Mr. Walker was secured in the rear of the patrol

24 car.

25 Q Okay. And did you alert Officers Toth and Barnosky of

1 the confiscations that you had made?

2 A I did. I advised them of what was found in which pocket

3 and where I placed it.

4 Q Okay. And had you ever met Mr. Walker before this

5 night?

6 A No.

7 Q Okay.

8 MS. DEYOUNG: Nothing further.

9 THE COURT: Cross.

10 MR. SHORT: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. SHORT:

13 Q Good morn -- good morning, officer.

14 Afternoon, officer.

15 A Good morning.

16 Q How are you?

17 A Not bad. How about yourself?

18 Q I'm well.

19 Did someone assist you with Mr. Walker when you

20 came through that, that door?

21 A Originally, no. I was actually the only one holding

22 onto him. When we got into the kitchen, Patrolman Diggs

23 was there to assist.

24 Q Okay. Can I ask how much you weigh?

25 Approximately?

1 A 180.

2 Q 180.

3 Mr. Walker is quite a bit bigger than you,

4 isn't he?

5 A Yes.

6 Q Okay. Was he was smaller at the time that this occurred

7 though?

8 A I believe so.

9 Q Okay. So he's gained some weight since he's been going

10 through this process?

11 A Looks like it.

12 Q Okay. You said that this wad of, wad of cash, when did

13 you first discovery it?

14 A Outside.

15 Q Outside.

16 And when you were inside, you patted Mr. Walker

17 down, correct?

18 A Yes.

19 Q Did you do that for your safety?

20 A Yes.

21 Q And you said that this wad of cash was folded over like

22 this, correct?

23 A Correct.

24 Q And this was in his pocket?

25 A Yes.

1 Q Did you have any trouble pulling it out?
2 A I did.
3 Q How long did it take you to pull it out?
4 A Not that long. I mean it was bigger pants.
5 Q Give us an --
6 A Big pockets.
7 Q Give us an idea. Two seconds, 20 seconds, two minutes?
8 A Five seconds.
9 Q Five seconds.
10 Okay. After you completed your portion of the
11 search and investigation you gave some information to
12 Officers Toth and Barnosky, correct?
13 A Correct.
14 Q And based on the information you gave them it generated
15 a property report, correct?
16 A Correct.
17 Q And in that property report they attributed a certain
18 amount of drugs to Mr. Walker, correct?
19 A Yes.
20 Q And that's just the drugs that were found in his pocket,
21 correct?
22 A I believe so, yes.
23 Q Okay. And I'm gonna approach you, if I could.
24 MR. SHORT: Your Honor?
25 THE COURT: Yep.

1 BY MR. SHORT:

2 Q Take a look at that report and let the Judge and the
3 jury know that that is indeed the report that, that
4 we're talking about here.

5 A Yes. This is it.

6 MR. SHORT: May we approach for one second,
7 your Honor?

8 THE COURT: Yes.

9 (At 12:07 p.m., bench conference off the
10 record)

11 (At 12:09 p.m., bench conference
12 concluded)

13 BY MR. SHORT:

14 Q Officer, I'm gonna go through this report very quickly.
15 We've already covered most of this information with
16 Officer Barnosky?

17 A Okay.

18 Q But if I may, your Honor, just --

19 THE COURT: Yes.

20 BY MR. SHORT:

21 Q Let me know if I'm reading this correctly.

22 THE COURT: Well, no. You don't read the
23 report out. I mean the report can be used for really
24 only a couple of purposes. To help the witness refresh
25 his recollection or to cross-examine the witness.

1 MR. SHORT: Understood, your Honor.

2 THE COURT: And I'll just say, too, for the
3 jury's benefit here, reports that police officers write
4 or generate, the written reports themselves are
5 generally not admissible as trial evidence. There's a
6 lot of reasons for that. You don't need to be
7 concerned.

8 But the officer who authored the report or who
9 provided input for the report can testify about what he
10 saw and did. But whether it shows up in a report or not
11 is generally not admissible for your view.

12 So this officer can be cross-examined. If the
13 report says something a little different than what he's
14 testified to in the trial, that can be brought out. Or,
15 or he can look at the report to refresh his
16 recollection, but only for those two purposes. The
17 report can't be just read out loud.

18 MR. SHORT: And, your Honor, and I'll
19 streamline the questions to just this.

20 BY MR. SHORT:

21 Q You contributed to this particular property report,
22 correct?

23 A I did.

24 Q Okay. And the only drug that you contributed or
25 attributed to Mr. Walker --

1 THE COURT: Attributed.

2 BY MR. SHORT:

3 Q Attributed to Mr. Walker that day is the amount of drugs

4 found in his pocket, correct?

5 A Correct.

6 Q And you said that you pulled the cash out of

7 Mr. Walker's pocket outside?

8 A I did.

9 Q Was anyone standing next to you or near you when you did

10 that?

11 A I believe it was patrolman Diggs --

12 Q Diggs is --

13 A -- that walked outside with me.

14 Q Okay.

15 MR. SHORT: May I have one moment, your Honor?

16 THE COURT: Yes.

17 MR. SHORT: Nothing further at this time, your

18 Honor.

19 THE COURT: Okay. Any redirect?

20 MS. DEYOUNG: Just briefly.

21 REDIRECT EXAMINATION

22 BY MS. DEYOUNG:

23 Q Officer Collop, you didn't actually write the report,

24 did you?

25 A No, I did not.

1 Q And you indicated to Officers Barnosky and Toth where
2 you recovered the property from, correct?
3 A Yes. I advised them where I found it on his person.
4 Q In fact, you weren't even responsible for counting the
5 money that you recovered, correct?
6 A That's correct.
7 Q That was out -- that was done by Toth and Barnosky?
8 A Yes.
9 MS. DEYOUNG: Nothing further.
10 THE COURT: Any recross on those points?
11 MR. SHORT: Just, just one, your Honor.
12 RECROSS-EXAMINATION
13 BY MR. SHORT:
14 Q Officer, after you located the, the drugs on Mr. Walker,
15 what did you do with them?
16 A I secured them in a patrol vehicle.
17 Q In a patrol vehicle?
18 A In their's meaning Patrolman Barnosky and Toth.
19 Q And where was the other, the other drugs recovered from
20 the house at that time?
21 A I do not recall. I was outside the entire time with
22 Mr. Walker.
23 Q Okay. So you recovered the drugs from Mr. Walker and
24 you gave them to Officer Toth and Barnosky?
25 A No. I secured them in their patrol car.

1 Q Did you tell them that you put them in their patrol car?
2 A Once they came outside, yes, I did. I stayed outside
3 with the Mr. Walker and the drugs.
4 Q Okay. Did you see anybody else bring any drugs out of
5 the house?
6 A I believe I did.
7 Q Who?
8 A It was -- but it wasn't secured in that patrol vehicle.
9 Q Who, who did you see bringing drugs out of the house,
10 and which, which drugs were they?
11 A I don't remember what officer, but I remember a bag, a
12 large bag of drugs.
13 Q Okay. And someone brought that out the house after
14 Mr. Walker was already outside?
15 A Yes.
16 Q And what did that officer do with those drugs?
17 A Secure them in a trunk of a patrol car.
18 Q The same patrol car as the drugs you recovered or
19 different patrol car?
20 A A different one.
21 Q Okay.
22 MR. SHORT: Nothing further, your Honor.
23 THE COURT: Okay. All right. You can step
24 down.
25 (At 12:13 p.m., witness excused)

1 THE COURT: Ms. DeYoung, you can call another
2 witness.
3 MS. DEYOUNG: Your Honor, the People would call
4 Officer Toth to the stand.
5 THE CLERK: Step in front of me, please.
6 Spell your first and last name for me.
7 OFFICER TOTH: Daniel. It's D-A-N-I-E-L.
8 Toth, T-O-T-H.
9 THE CLERK: Thank you.
10 Raise your right hand, please.
11 Do you solemnly swear or affirm to tell the
12 truth, the whole truth and nothing but the truth so help
13 you God?
14 OFFICER TOTH: I do.
15 THE CLERK: Thank you. You may be seated.
16 OFFICER TOTH: Thank you.
17 DANIEL TOTH
18 (At 12:13 p.m., sworn as a witness, testified
19 as follows)
20 DIRECT EXAMINATION
21 BY MS. DEYOUNG:
22 Q Good afternoon.
23 A Good afternoon.
24 Q You, you can pull that, that up.
25 THE COURT: Pull it a little closer.

1 Yeah.

2 THE WITNESS: It'll break.

3 THE COURT: Well, it's already broke.

4 BY MS. DEYOUNG:

5 Q Can you state your name and occupation for the record,
6 please?

7 A My name is Daniel Toth. I'm a police officer with the
8 Taylor Police Department.

9 Q How long have you been with the Taylor Police
10 Department?

11 A A little over two years.

12 Q Were you working on August 21st, 2013?

13 A I was.

14 Q Who was your partner that night?

15 A Officer Barnosky.

16 Q Okay. And you and Officer Barnosky were dispatched to
17 the Red Roof Inn at about 2:00 in the evening or in the
18 morning, correct?

19 A Correct. In the morning.

20 Q And based on that investigation did you go with Officer
21 Barnosky to 13693 Marvin in the city of Taylor?

22 A We did.

23 Q Okay. Were you in plain clothes or in a uniform at that
24 time?

25 A Uniform.

1 Q Okay. When you got to the Marvin address, was it still
2 just you and Officer Barnosky or were other officers
3 there?
4 A Other officers made their way to that address, that
5 location.
6 Q Do you know how many officers ended up coming total?
7 A There was our entire shift that night was there. So,
8 see, be probably another six, seven officers.
9 Q Okay. When you got to the location, what did you do
10 first?
11 A When I got to the location, I knocked on the door.
12 Q Did you have contact with anybody at the door?
13 A I did.
14 Q Do you recall that person's name?
15 A Johnny Nettleton.
16 Q Okay. And how did he identify himself to you?
17 A He identified himself as the homeowner.
18 Q Was that anybody that you were looking for that night?
19 A No, I wasn't.
20 Q Okay. And did you have a conversation with
21 Mr. Nettleton?
22 A I did.
23 Q How long did that conversation last?
24 A Brief. 20 to 30 seconds.
25 Q Okay. And what was the result of the conversation that

1 you had with Mr. Nettleton?

2 A He gave us consent to come inside the residence.

3 Q Okay. Were you able -- did you try to go inside the

4 residence?

5 A We did.

6 Q Were you able to walk right in?

7 A No.

8 Q Why not?

9 A There was an unknown black male on the other side of the

10 door pushing up against the door and not letting us come

11 in.

12 Q Okay. And where were you in the, in the line of

13 officers trying to get in the door?

14 A Number one, the --

15 Q Okay.

16 A -- first guy.

17 Q Okay. And you said somebody was pushing on the door

18 from the inside?

19 A Correct.

20 Q And at that point you called him an unknown black male?

21 A Correct.

22 Q Were you able to get the door open?

23 A Yes.

24 Q How were you able to get the door open?

25 A By pushing.

1 Q How long did it take to get inside the house?

2 A It was real quick.

3 Q Did you ultimately -- were you ultimately able to

4 observe the person that was on the other side of that

5 door?

6 A Yes.

7 Q Do you see that person in court today?

8 A I do.

9 Q Could you point him out?

10 A It's that man right there in the black.

11 MS. DEYOUNG: Your Honor, may the record

12 reflect the witness has identified the defendant in this

13 matter, Mr. Reginald Walker?

14 THE COURT: So it shall.

15 BY MS. DEYOUNG:

16 Q You're the first person inside the house?

17 A Correct.

18 Q What is your priority when you first get inside that

19 house?

20 A Making the scene safe.

21 Q Okay. How many people were in the house when you got

22 inside there?

23 A There was four in the living room, Mr. Walker, and then

24 there was one more unknown black male in the kitchen

25 area.

1 Q What did you do personally to make the scene safe?

2 A Personally, like I said, there was an unknown black male

3 in the kitchen area. He was not listening to our

4 commands. He was trying to get away from us, so at that

5 point I went to him.

6 Q Okay.

7 A And secured him.

8 Q And that was not Mr. Walker, correct?

9 A Correct.

10 Q Okay. At some point was everyone secured in the house?

11 A Yes. They were.

12 Q Okay. What did you do once everyone was secured in the

13 house?

14 A Once everyone was secured in the house, I got and went

15 back outside to speak to Mr. Nettleton. I asked him

16 again if we could search the house which he stated yes.

17 Q And did you search that house?

18 A Yes.

19 Q Did you personally make any confiscations?

20 A No.

21 Q Okay. How many people were arrested that night?

22 A I'd have to look at my report. I believe it was six or

23 seven if I remember correctly.

24 Q Was there anyone that was in the house that was not

25 arrested?

1 A No.

2 Q Everyone in the house was arrested?

3 A Correct.

4 Q Okay. And once the arrest were made, did you have any

5 further role in this investigation beyond being at the,

6 at the scene itself?

7 A Yes.

8 Q What was your role?

9 A My partner and I -- well, my partner wrote the report.

10 I logged all the evidence. We took all the evidence

11 back to the station.

12 Q Okay. Now, when you're talking about all the evidence,

13 how much evidence was there?

14 A There was an abundance of narcotics.

15 Q Okay. Anything else?

16 A There was some money involved.

17 Q Okay.

18 A That's, that's pretty much it. Narcotics money. Yeah,

19 that's pretty much it.

20 Q Now, you said that your partner wrote the report.

21 That's Officer Barnosky?

22 A Correct.

23 Q And when you say write the report, what are you -- what,

24 what are you talking about?

25 A He writes the, the narrative, logs all the people

1 involved, and I basically logged all the evidence.

2 Q Okay. And you said a lot of that was narcotics,
3 correct?

4 A Correct.

5 Q When you log the narcotics, was it all given to you in
6 individual pieces or was it all given to you as a group?

7 A It was given to me as a group.

8 Q Okay. So what is your role then in logging the
9 narcotics?

10 A Basically I field test the evidence. Then after I field
11 test the evidence, I log it into property.

12 Q Can you describe to the jury what you mean by field
13 testing?

14 A Field test the evidence is where, for example, if you
15 have a coke -- suspected cocaine, you do a cocaine test
16 on it. And there's a couple different methods to do
17 that. And after you field test it, you log it into
18 evidence.

19 Q Well, this test that you doing, will it give you kind of
20 a preliminary results about whether or not it is or is
21 not cocaine?

22 A Correct.

23 Q Okay. Do you remember getting a sandwich baggie with a
24 whole bunch of substances in it?

25 A I do.

1 Q Okay. Did you place that baggie in, in total on one
2 evidence number or did you break it apart?
3 A Like I said, I'd, I'd have to look at my report.
4 Q Okay.
5 MS. DEYOUNG: May I approach the witness?
6 THE COURT: Yeah.
7 THE WITNESS: Thank you.
8 Can you read the question for me, please?
9 BY MS. DEYOUNG:
10 Q Did you, did you just take that one sandwich baggie full
11 of all different kinds of narcotics and place it on one
12 tag number or did you break it down into separate items?
13 A Just one.
14 Q Can you show me where that is in the report?
15 A Yep.
16 This is the one you're referencing.
17 Q Okay. But that -- okay. And which one was that?
18 What's the, what's the point number where the
19 evidence tag number on that one?
20 A Point 006.
21 Q Six.
22 And what was in that particular bag?
23 A It was one bag containing five individual bags of crack
24 cocaine. Three bags containing 49 individual packed
25 crack cocaine rocks. One bag containing 13 individually

1 packed crack cocaine rocks. One bag containing three
2 individually packed crack cocaine rocks for a total
3 amount of 163 crack cocaine rocks.

4 Q I put this up here. Can you actually -- let me back it
5 up a little bit.

6 Can you see that from where you're sitting or
7 should I bring it over to you?

8 A I can't see that evidence tag number, no.

9 Q I'm showing you what's been marked, what's been admitted
10 as People's Pro -- People's Exhibit 6.

11 A Okay.

12 Q Do you recognize that?

13 A I do.

14 Q Okay. And what is that?

15 A It's the bag of cocaine that I just, or excuse me, crack
16 that I just described.

17 Q Do you know where that bag came from? Where did --
18 where you got it from?

19 A I, I did not confiscate it, no.

20 Q Okay. Who did you get it from, do you know? Do you
21 know who you got it from?

22 A It, it was secured in our vehicle.

23 Q Okay. Do you know who secured it?

24 A I do not.

25 Q Okay. And did that bag come in that condition when you

1 received it from the -- your vehicle?

2 A Correct.

3 Q Okay. With all the individually wrapped bags inside

4 each other and everything like that?

5 A Correct.

6 Q Okay. It was also some other sandwich baggies, correct?

7 A Correct.

8 Q And you had talked about some cocaine. Did you find

9 any -- did you log any pills into evidence?

10 A I did.

11 Q Okay. Now, for the pills is there any kind of

12 preliminary analysis test that you can do to get some

13 kind of a positive result like you had described for the

14 cocaine?

15 A Yes.

16 Q For pills?

17 A For pills.

18 Q What's the test that you do for pills?

19 A We have a Drug Identification Bible at our station. It

20 basically has any prescription pill you can think of in

21 it, and that's how we got the ID your -- or identify our

22 pills that we bring in.

23 Q There's not a chemical test for those pills?

24 A Correct.

25 Q And how is it that you're able to identify all these

1 individual kinds of pills?

2 A Based on shape, color, size, imprint, numbers on 'em,
3 things of that nature.

4 Q Okay. And the pills that -- were you able to identify
5 pills that were seized in this case?

6 A Correct.

7 Q What pills were you able to identify?

8 A Do you mind if I look at my report real quick?

9 Q If that will refresh your recollection.

10 A Yes.

11 It looks like meta, Metformin pills. Watson
12 pills also known as hydrocodone.

13 Q Does that --

14 A And --

15 Q Does the hydrocodone, does that have a street name?

16 A Yeah. I can't think of it right now.

17 Q Okay. We'll come back to that.

18 A Okay.

19 Q Anything else you're able to identify?

20 A Xanax pills.

21 Q Okay. And how -- you said you identified them by shape
22 and color?

23 A Correct.

24 Q Does each pill have a separate shape and color?

25 A Yes.

1 Q Okay. Now, have you done investigations into narcotics
2 sale in the past?

3 A I have.

4 Q How many?

5 A Off the top of my head I don't, I don't know exact
6 number, but I've done my fair share.

7 Q Okay. And have you done investigations into narcotics
8 when they're actually pills?

9 A Correct.

10 Q Okay. Have you done investigations into -- of the
11 investigations that you've done involving pills, what
12 are the common pills that you find being sold on the
13 street?

14 A Like I mentioned, the hydrocodone, Xanax. And there's,
15 there's other ones, too.

16 Q Is Metformin one of those?

17 A No.

18 Q Okay. Do you know if Metformin is even a controlled
19 substance?

20 A No.

21 Q No, you don't know or, no, it's not.

22 A Oh. No, I don't know.

23 Q Okay. Had you ever seen the Metformin pills before this
24 particular investigation?

25 A No, I have not.

1 Q Okay. Now, this hydrocodone is that also known as
2 Vicodin in your experience?

3 A It is. Thank you.

4 Q Okay.

5 Okay. Now, you said that you, you put all this
6 stuff -- you logged all these things into evidence,
7 correct?

8 A Correct.

9 Q When you log things into evidence in the computer system
10 that the City of Taylor has, how -- is there someone
11 that -- is there a person that, that is assigned to
12 the -- is there a way to attribute who -- where the
13 narcotics are found in your system?

14 A Where they were found?

15 Q Yes.

16 A Well, the way our system is set up is you have to
17 attribute the narcotic or the drug, whatever you bring
18 into evidence, to somebody in order to finalize the
19 report.

20 Q Okay. And does that -- is that something that you type
21 in yourself or is there a drop down menu or how does
22 that work?

23 A There's a drop down menu.

24 Q Okay. And where does the names from -- in the drop down
25 menu come from?

1 A It comes from the people that my partner put in the
2 report.

3 Q Okay. As being arrested or?

4 A Arrested, victims, suspect, things of that nature.

5 Q Okay. Now, you have the report in front of you,
6 correct?

7 A Yes.

8 Q Can you look at items four through 13. Point 004
9 from -- through point 0013.

10 Those are all narcotic pieces of evidence,
11 correct? Or those are all drug pieces of evidence?

12 A Yes.

13 Q And --

14 THE COURT: Well, remember we're not gonna get
15 into the content of the report as substantive evidence.
16 I mean you're --

17 MS. DEYOUNG: No.

18 THE COURT: -- you using it how here?

19 MS. DEYOUNG: To show who he attributed those
20 drugs to in the report.

21 THE COURT: Okay. Well then you can just ask
22 him without reference to the report.

23 MS. DEYOUNG: Okay.

24 BY MS. DEYOUNG:

25 Q Those particular narcotics, those are attributed to

1 homeowner, correct, Mr. Nettleton?

2 A Yes.

3 Q And why are those narcotics attributed to Mr. Nettleton?

4 A Being that the narcotics weren't actually found on the

5 Mr. Walker's persons, but rather at his feet, I just put

6 Mr. Nettleton as the owner of drugs because he was the

7 homeowner.

8 Q Did you know -- had you been told at that time that

9 those narcotics were found at Mr. Walker's feet?

10 A Correct.

11 Q And knowing that, you, you put this in as

12 Mr. Nettleton's property?

13 A Correct.

14 Q Because he's the homeowner?

15 A Correct.

16 Q Okay. Now, you actually did attribute some of those

17 narcotics to Mr. Walker directly in your property

18 report, correct?

19 A Correct.

20 Q And those items were which items?

21 A They were which evidence tag number?

22 Q Well, were -- what made you put some items attributable

23 to Mr. Walker as opposed to Mr. Nettleton?

24 A There was crack and cocaine found on Mr. Nettleton's

25 person.

1 Q On Mr. Nettleton's person?

2 A Or -- I'm -- excuse me. Mr. Walker's persons.

3 Q And those items were attributed to Mr. Walker directly?

4 A Correct.

5 Q Okay. Do you recall approximately what time this report
6 is completed?

7 A It was completed early morning of the same day. I
8 believe it was maybe nine, ten o'clock that morning.

9 Q Okay. Once it's completed, can anybody go back in and
10 check it?

11 A Yes.

12 Q Can you change it?

13 A Oh, no.

14 Q Okay. And Detective Schwein is sitting next to me. Did
15 he ever go out to the scene at -- on Marvin?

16 A I believe he did the next day.

17 Q Oh, I'm sorry.

18 On the night that you were there, the first
19 night that you were there, did he go to the scene?

20 A No.

21 Q Was he any of officers that you had talked about who
22 responded when you said your whole shift was there, was
23 that -- did that include Detective Schwein?

24 A No, it didn't.

25 Q Okay. Have you -- before August 21st, 2013 had you ever

1 had any contact with Reginald Walker?

2 A No.

3 Q As part of the things that were seized, were there some

4 currency that was also seized?

5 A There was.

6 Q Okay. And there was a large amount of currency seized

7 at one point, correct?

8 A Correct.

9 Q And who had the responsibility for counting the large

10 amount of currency?

11 A I did along with my sergeant and Officer Barnosky.

12 Q Who was your sergeant that night?

13 A Sergeant Hall.

14 Q Okay. And who was that large amount of currency

15 attributed to?

16 A Mr. Walker.

17 Q Okay. Was there some other currency that was

18 confiscated that night?

19 A There was.

20 Q And how much was the other currency?

21 A I believe it was \$246.

22 Q \$246?

23 A Correct.

24 Q Who was that currency attributed to?

25 A Mr. Manning.

1 Q Nat -- is that Nathaniel Manning?
2 A Nathaniel Manning, yes.
3 Q He was in the location that night?
4 A Correct.
5 Q Okay. And you said there was \$246?
6 A Yes.
7 MS. DEYOUNG: Nothing further.
8 THE COURT: Okay. Cross.
9 MR. SHORT: Thank you, your Honor.
10 CROSS-EXAMINATION
11 BY MR. SHORT:
12 Q Good afternoon, officer.
13 How are you today?
14 A Good. How are you?
15 Q Well.
16 A Good.
17 Q Who, who told you that this big bag of drugs were found
18 at by Reginald Walker's feet?
19 A It was Officer Diggs-Taylor.
20 Q And he said that exactly; that this big bag of drugs
21 were found by Mr. Walker's feet?
22 A I don't know if he said that verbatim, but that's what
23 he told me.
24 Q Okay. So that means that his big bag of drugs were
25 found in the kitchen then and not at the stairs, right?

1 A I'm sorry.

2 Q That means that the big bag of drugs were found in the
3 kitchen, not by the stairs because Mr. Walker was
4 apprehended in the kitchen, correct?

5 A No, that's incorrect.

6 Q That's incorrect?

7 A It's incorrect.

8 Q Where was he apprehended at?

9 A In the kitchen.

10 Q Okay. So if the bag of drugs were by his feet and Mr.
11 Walker were in the -- was in the kitchen, then the bag
12 of drugs had to be in the kitchen, right?

13 A They're --

14 THE COURT: Well, you know, that's really an
15 irrational sort of proposition, Mr. Short.

16 MR. SHORT: I agree, your Honor.

17 THE COURT: It assumes that the bag was found
18 at his feet at the time he was arrested. That -- I
19 don't know that. We don't know that.

20 MR. SHORT: That's what I'm trying to get to
21 the bottom of, your Honor.

22 THE COURT: Well then ask it that way.

23 BY MR. SHORT:

24 Q Where exactly was the bag of drugs found, this big bag
25 of drugs?

1 A By the doorway.

2 Q Okay. And where was Mr. Walker apprehended at?

3 A I believe in the kitchen area.

4 Q Okay. So the bag of drugs was not found exactly by his

5 feet, was -- that's fair to say?

6 A When he was arrested?

7 Q Yes.

8 A That's fair to say.

9 Q Okay. And there was a person upstairs that night,

10 correct?

11 A Correct.

12 Q What's his name?

13 A I believe it was Ms. -- last of Herman.

14 Q Okay. And this other person that ran from you once you

15 entered the house, what was his name?

16 A Last of McCoy.

17 Q Okay. And you weren't inside the house before the

18 officers entered, correct?

19 A I'm sorry.

20 Q You weren't inside the house when all of the officers

21 entered, correct?

22 A Correct.

23 Q Okay. So you don't know where that big bag of drugs

24 were -- was at before you entered, right?

25 A Correct.

1 Q You don't know who had it?

2 A Correct.

3 Q You don't know if the person upstairs had it.

4 A Correct.

5 Q You don't know if this other person that ran from you

6 had it.

7 A Correct.

8 Q You don't know if Nathaniel Manning sitting in the

9 living room had it and threw it over by the stairs, do

10 you?

11 A Correct. But the door was open and I didn't see anybody

12 throw anything.

13 Q Okay. But you don't know where that bag of drugs was

14 before you entered the house, correct?

15 A Correct.

16 Q Okay. And you logged evidence in. That's your job is

17 to log evidence in, correct?

18 A Yes, sir.

19 Q And you logged evidence in in this case, right?

20 A Yes.

21 Q You logged in evidence powder cocaine in a bag. You

22 attributed that to Reginald Deshawn Walker, correct?

23 12.4 grams?

24 A Yes.

25 Q And also the 6.2 grams of individually packed rocks, 6.2

1 grams of rocks that was found in Mr. Walker's pocket,
2 correct?
3 A Correct.
4 Q All the other drugs that were found in that house you
5 attributed to other people, didn't you?
6 In this report?
7 A Correct.
8 Q Okay. To Johnny Nettleton, the 48.1 grams of, of crack
9 and cocaine, correct?
10 A Correct.
11 Q Owner was Johnny Nettleton. You also attributed some
12 things to Nathaniel Manning as well, correct?
13 A I don't believe I attributed anything to Nathaniel
14 Manning.
15 Q You attributed money to Nathaniel Manning, didn't you?
16 A Oh, I'm -- yes, I did.
17 Q Okay.
18 A That's money, correct.
19 Q The black tar heroin, you attributed that to Johnny
20 Nettleton as well, correct?
21 A Correct.
22 Q Not to Mr. Walker?
23 A Correct.
24 Q All right. The Metformin that you found, let's talk
25 about the Metformin that you found.

1 You found some Metformin pills in that big bag
2 of drugs, correct?

3 A Like I said, I did not confiscate or find anything.

4 Q Well, officer, there's only one report, correct?

5 A Correct.

6 Q All of the officers contributed or collaborate with you
7 and Officer Barnosky. They give you the information and
8 you generate the report, correct?

9 A Right.

10 Q So I could ask you questions with regard to the report
11 because you will have knowledge of them, correct?

12 A Correct.

13 THE COURT: Well, knowledge from reading the
14 report or hearing from the other officers.

15 If you're okay with him testifying about that,
16 okay. But just so long as it's clear that that's what
17 you're doing.

18 MR. SHORT: I'm just trying to find out where
19 these pills were, your Honor. I think this Officer
20 knows.

21 THE COURT: Well, if he has direct knowledge,
22 he can say. If he doesn't, then I guess if you want him
23 to say what somebody else told him, that's okay, too, if
24 you're all right with it, but.

25 MR. SHORT: Okay.

1 THE COURT: So we understand. Okay.

2 BY MR. SHORT:

3 Q The Metformin pills that, that, that sister counsel has
4 talked about, you found some in that big bag of drugs or
5 by the big bag of drugs, correct?

6 A Correct.

7 Q Okay. And these were those pills?

8 MR. SHORT: And if I may approach, your Honor?

9 THE COURT: Yep.

10 MR. SHORT: Thank you.

11 BY MR. SHORT:

12 Q Tell the jury exactly what it says on the front and the
13 back of them?

14 A On the pill or the black writing?

15 Q On the pill.

16 A On the pill.

17 One side the numbers are 93. The other side is
18 48.

19 Q Hold on one second, officer.

20 These are the pills in the big bag of drugs,
21 the Metformin, correct?

22 A I'm sorry.

23 Q You identified those to be Metformin based on your drug
24 manual?

25 A Well, let me check whoever did it.

1 Q Take your time, Officer Toth.

2 A Correct.

3 Q Okay. Those are Metformin.

4 On the front and the back they say what?

5 A 93 and 48.

6 Q 93 and 48.

7 Okay. Did you participate in a search warrant

8 that was executed at 13693 Marvin the day after you

9 entered the house?

10 A I did not.

11 Q Who participated in that?

12 A It was the Downriver Swat Team.

13 Q Do you have any knowledge or information concerning

14 anything that was recovered at during that search

15 warrant?

16 A No.

17 Q You didn't log any of the evidence?

18 A No.

19 Q Okay. Who did?

20 A If I'm not mistaken, I believe it was Detective Schwein.

21 Q Okay. You come across anyone name Boss or Orlando

22 during the events of that night?

23 A No.

24 Q You familiar with those names at all?

25 A No.

1 Q How many officers were on the scene?

2 A Like I said, it was our entire shift. I believe it was

3 six or seven officers.

4 Q And when you --

5 A Maybe more --

6 Q -- guys entered, Mr. Walker tried to resist you,

7 correct?

8 A Correct.

9 Q Okay. And at that point you did -- you were able to

10 gain entry into the house, correct?

11 A Correct.

12 Q And at some point did you announce your presence there?

13 Did you yell out police, get down, anything like that?

14 A I didn't announce police, no.

15 Q Did anybody?

16 A I don't recall.

17 Q You don't recall if anyone yelled out police, get down?

18 A I don't know if anybody yelled out police, but we were

19 telling people to show me their hands and get down.

20 Q Okay. And that's --

21 A That part we did.

22 Q And that's for your safety sake, correct?

23 A Correct.

24 Q You don't want, you don't want the people inside to

25 think someone is robbing the place and shoot at you.

1 You want them to know it's the police coming in, right?

2 A Absolutely.

3 Q All right. So you guys make quite a bit of noise when

4 you come into a house, don't you?

5 A I guess that's debatable.

6 Q Okay. Well, do you attempt to make noise when you're

7 coming into a house, a strange house where there's eight

8 people who may be armed?

9 A Yes.

10 Q Okay. And you did that night, didn't you?

11 A Sure.

12 Q Okay. The person upstairs, did you encounter him at

13 all?

14 A I did not.

15 Q Okay. Safe to say, though, it was loud with these seven

16 or eight officers coming in and arresting people,

17 correct?

18 A Say that's fair.

19 Q Okay.

20 MR. SHORT: Have one moment, your Honor?

21 THE COURT: Yeah.

22 MR. SHORT: Thank you.

23 Nothing further. Thank you.

24 THE COURT: Redirect.

25 MS. DEYOUNG: Nothing further.

1 THE COURT: Okay. You can step down.

2 THE WITNESS: Thank you.

3 THE COURT: Thank you.

4 (At 12:39 p.m., witness excused)

5 THE COURT: I think it's probably about the
6 right time to take a lunch break here.

7 All right. It is about 20 minutes to one.
8 We'll recess until 2:00.

9 Please be reminded not to talk about the case
10 among yourselves or with anyone else.

11 You will leave your pads and pens on your
12 chairs.

13 And when you come back in the building, just
14 come straight up here and gather at the front door and
15 we'll get started at 2:00.

16 Thank you.

17 (At 12:40 p.m., jury excused)

18 THE COURT: All right. Anything else for the
19 record?

20 MR. SHORT: Nothing, your Honor.

21 MS. DEYOUNG: Not at this time.

22 THE COURT: Okay. We'll see you at two.

23 Thank you.

24 (At 12:42 p.m., proceedings recessed)

25 (At 2:17 p.m., proceedings resumed)

1 THE CLERK: We are back on the record on People
2 versus Reginald Walker.
3 Appearances, please.
4 MS. DEYOUNG: Sarah DeYoung on behalf of the
5 People.
6 MR. SHORT: Good afternoon, your Honor.
7 Rowland Short on behalf of Mr. Walker.
8 THE COURT: Okay. We ready for the jury?
9 MR. SHORT: Yes, your Honor.
10 (At 2:17 p.m., jury returned)
11 THE COURT: Okay. Everybody in place. You may
12 be seated.
13 Thank you.
14 Sorry for the delay.
15 All right. Ms. DeYoung, you may call your next
16 witness.
17 MS. DEYOUNG: The next, for the next witness
18 the People call Detective Schwein.
19 THE CLERK: Good afternoon.
20 Please spell your first and last name for me.
21 DETECTIVE SCHWEIN: Steven, S-T-E-V-E-N,
22 Schwein, S-C-H-W-E-I-N.
23 THE CLERK: Thank you.
24 Raise your right hand, please.
25 Do you solemnly swear or affirm to tell the

1 truth, the whole truth and nothing but the truth so help
2 you God?

3 DETECTIVE SCHWEIN: Yes, ma'am.

4 THE CLERK: Thank you. You may be seated.

5 STEVEN SCHWEIN

6 (At 2:19 p.m., sworn as a witness, testified as
7 follows)

8 DIRECT EXAMINATION

9 BY MS. DEYOUNG:

10 Q Good afternoon.

11 A Hello.

12 Q Can you state your name and occupation for the record,
13 please?

14 A Steven Schwein. I'm a Police Officer for the City of
15 Taylor.

16 Q What do you do for the City of Taylor?

17 A I'm presently assigned to the Detective Bureau.

18 Q And how long have you been a Police Officer with the
19 City of Taylor?

20 A It be 19 years on Thursday.

21 Q Congratulations.

22 A Thank you.

23 Q Of those 19 years have you been assigned to the
24 Detective Bureau for the entire time?

25 A Twelve years with the Detective Bureau.

1 Q Where else have you been assigned?

2 A I worked the road patrol for approximately four years,
3 and I was outsourced to a Federally sponsored narcotics
4 task force for a little over three years.

5 Q And as part of the Federally sponsored narcotics task
6 force, what kind of training did you get?

7 A I went to a number of different classes. And much the
8 training was on-the-job training. It was a, a
9 surveillance crew.

10 Q Okay. And you did that for three years you said?

11 A Yes.

12 Q Okay. Were you working on August 21st, 2013?

13 A Yes.

14 Q Okay. Now, were you part of the group of officers that
15 went out to 13693 Marvin about two o'clock in the
16 morning?

17 A No.

18 Q What time did you get to work?

19 A Eight o'clock.

20 Q And when you get to work, it's part of the Detective
21 Bureau, what are your responsibilities?

22 A Well, the supervisor, the sergeant in the Detective
23 Bureau goes through the list of defendants that are in
24 custody and then assigns those cases out to different
25 investigators to follow up on and submit to Prosecutor's

1 Office.

2 Q Okay. Did you get something from the sergeant of

3 Detective Bureau the morning of 21st?

4 A Yes.

5 Q What did you get from the sergeant that morning?

6 A I got the case involving the defendant.

7 Q Okay. Now, at that point were Officers Toth, Barnosky,

8 Diggs-Taylor, Collop, were any of those officers still

9 around?

10 A No.

11 Q Okay. Do you know what shift they were working?

12 A We're on 12 hours shifts for the patrol, so they

13 would've been working 7 p.m. until 7 a.m.

14 Q So did you even see them in the parking lot coming in?

15 A I don't believe so, no.

16 Q Okay. Now you said you got the case from the sergeant?

17 A Correct.

18 Q What information did you get from the sergeant?

19 A He handed me the police report. And my instructions as

20 always were to conduct an investigation and then again

21 submit it to the Prosecutor's Office.

22 Q Okay. And when you're talking about the police report,

23 which report are you talking about?

24 A That would have been the report authored by the

25 arresting officers, the responding officers.

1 Specifically in this case Officer Barnosky.

2 Q Okay. And did you review that report?

3 A Yes.

4 Q Okay. That report is actually done in a computer system

5 at the City of Taylor, correct?

6 A Correct.

7 Q Is that -- if you find errors in the report or anything

8 in the report that's different from what you learn, are

9 you able to change that report?

10 A No. The only -- you're able to add to it, and by that I

11 mean you would create what we call point or a supplement

12 to the report. But that supplement is added at, at the

13 end of the report. So it's chronological as to its

14 writing.

15 Q So do you have any access to the original?

16 A Absolutely not, no.

17 Q Now, once you got Officer Barnosky's report, what did

18 you do next?

19 A I prepared a search warrant for the residence and then

20 ultimately interviewed the defendant.

21 Q Okay. Now, when you prepare the search warrant for the

22 residence, you just type something up and then go bang

23 on the door or what happens?

24 A No. I, I type up a, a warrant -- I mean a search

25 warrant request with the facts associated with the case

1 listing items that we wish to recover for evidentiary
2 purposes. Submit it to your office. It's reviewed by a
3 prosecutor. If it's signed by a prosecutor, then we
4 take it to the local district judge. The district judge
5 reviews it and either signs it for execution or not.

6 Q Okay. And in this case did the district court judge
7 sign it for ex -- sign it for execution?

8 A Yes.

9 Q And when you say execution, we're not gonna kill
10 anybody, right?

11 A No. I'm sorry. To, to go there and make entry into the
12 home and, and seize property potentially.

13 Q Okay. Was that ultimately done in this case?

14 A Yes.

15 Q Who went to the home for the search warrant?

16 A Myself, other members of the Detective Bureau, and we
17 utilized the Downriver Swat Team.

18 Q Okay. When was that, do you recall?

19 A Later that same day. So it would've been one, two
20 o'clock in the afternoon approximately on the 21st.

21 Q On the 21st?

22 A Yes.

23 Q Now, when you went to the house for the purposes of the
24 search warrant, was there anyone in the house?

25 A No.

1 Q Okay. Were you aware that eight people had been taken
2 into custody that night?

3 A Yes.

4 Q Do you know if all of those people were still in custody
5 or what their status was?

6 A They were all still in custody at the time.

7 Q Okay. So when you got inside the house, there was
8 nobody there?

9 A Correct.

10 Q Did you conduct a search of the house?

11 A Yes.

12 Q Did you confiscate anything in the search of that
13 location?

14 A Yes.

15 Q What did you confiscate?

16 A Residency for Johnny Nettleton whose was --

17 Q Describe what residency is.

18 A It's a form of mail that has his name on it as well as
19 the address for that location. There was a glass pipe
20 that typically is used to smoke crack cocaine. There
21 were a couple of razor blades recovered. And there was
22 a pill bottle recovered.

23 Q A pill bottle?

24 A Yes.

25 Q Can you talk to me about the pill bottle a little bit.

1 Describe for the jury what that was?

2 A It was a -- your standard prescription bottle. And I

3 found it on the kitchen table. Would be to the, the

4 northeast portion of the home.

5 Q Okay. What did you do with that pill bottle once you

6 recovered it?

7 A Took it back to the police station. Took note of its

8 contents and the outside of the bottle as to who it was

9 prescribed to and ultimately placed into evidence.

10 Q And what was so unique about this pill bottle that made

11 you want to confiscate it for evidence in this

12 particular case?

13 A It had the defendant's name on it.

14 Q Okay.

15 MS. DEYOUNG: May I approach the witness?

16 THE COURT: You may.

17 BY MS. DEYOUNG:

18 Q Detective Schwein, I'm handing you what's been marked

19 People's Proposed Exhibit Number 22.

20 Can you take a look at that?

21 A Yes.

22 Q And do you recognize what that is?

23 A Yes. It's the pill bottle that I recovered from the

24 kitchen table.

25 Q And is that the same condition as when you recovered it?

1 A Yes.

2 MS. DEYOUNG: Move for the admission of

3 People's Proposed Exhibit Number 22.

4 MR. SHORT: No objection, your Honor.

5 THE COURT: All right. People's 22 is

6 received.

7 MS. DEYOUNG: Okay. I'm trying to get the TV

8 to turn on so I can publish it.

9 I need a moment, please.

10 BY MS. DEYOUNG:

11 Q You indicated --

12 MS. DEYOUNG: May I approach the witness?

13 THE COURT: Yep.

14 BY MS. DEYOUNG:

15 Q You indicated that the pill bottle has the defendant's

16 name on it?

17 A Yes.

18 Q Okay. And do you recall what the -- what the pill

19 bottle says it has inside of it?

20 A Metformin.

21 Q Okay. And do you recall or can you -- I don't know what

22 you can see from your angle.

23 Can you see the milligram amount of Metformin

24 that the pill bottle is for?

25 A I believe it's 850.

1 Q Okay. And when was that prescription filled?

2 A I'd have to look at the bottle.

3 Q Okay.

4 A Or look at the -- if I could, can I have my glasses,
5 please?

6 Q Sure.

7 A Thank you.

8 August 19th, 2013.

9 Q That would have been two days before the execution of
10 the search warrant and the incident itself?

11 A Correct.

12 Q Now, can you tell from the pill bottle that if it's
13 mostly full or?

14 A It's mostly full.

15 Q Okay.

16 Okay. Now, did you also -- were you also able
17 to review the other evidence that was seized in this
18 case?

19 A Yes.

20 Q And did you review the pills that were seized in this
21 case?

22 A Yes.

23 Q Were you able to identify any of the pills that were
24 seized as evidence?

25 A Yes.

1 Q And showing you -- where are they.

2 People's Exhibit 13. You were able to identify

3 those pills?

4 A Yes.

5 Q And what are those pills?

6 A Xanax.

7 Q How do you know that?

8 A Based on 12 years of investigating and, and prosecuting

9 drug cases along with several other types of cases.

10 Plus I would have used the Drug Identification Bible to

11 help me identify these pills. But as a -- again based

12 on experience I can tell you those are Xanax.

13 Q Okay. You said approximately how many cases involving

14 the sale of narcotics have you investigated?

15 A Hundreds.

16 Q How many involving a sale of Xanax?

17 A Under 50.

18 Q Does, does the Xanax look the same every time you

19 confiscate it?

20 A Yes.

21 Q Also for People's Exhibit 12, I'm gonna bring these up

22 to you.

23 Did you have a chance to look at these pills?

24 A Yes.

25 Q And were you able to identify those pills?

1 A Yes.

2 Q How -- what were you able to identify them as?

3 A They're hydrocodone, commonly referred to as Vicodin.

4 Q How do you know that?

5 A Based on the imprint and, again, past experiences in

6 handling prescription medication cases.

7 Q Okay. And the imprint on that one says Watson --

8 A Watson.

9 Q -- correct?

10 A Yes.

11 Q And when you confiscate Vicodin or when you confiscated

12 Vicodin in the past, does the imprint always say Watson

13 on it?

14 A Yes.

15 Q Finally as to the pills on People's Exhibit 11, were you

16 able to identify those pills?

17 A Yes.

18 Q And what are those pills?

19 A Metformin.

20 Q Okay. And how were you able to identify those pills?

21 A Based on the imprint. I don't have any experience in

22 this medication. I never seen it before prior to this

23 case.

24 Again utilizing the Drug Identification Bible.

25 It's a, a publication, a book. I looked up the imprint

1 that was on the pills as well as the shape and size of
2 them.

3 Q Okay. And you identified it as Metformin?

4 A Correct.

5 Q Does the shape and imprint on those pills also identify
6 a strength, a dosage amount that's --

7 A The imprint in looking in the Identification Bible, the
8 imprint would also show, show in the book what the
9 milligram would be.

10 Q Okay. And did you get that information?

11 A Yes.

12 Q And what is that?

13 A These are 500 milligram.

14 Q 500 milligram?

15 A Yes.

16 Q You had testified earlier that the metformin that was
17 confiscated from a prescription bottle was 850
18 milligrams, correct?

19 A Correct.

20 Q Okay.

21 A Same medication, different dosage.

22 Q Okay. And did you have a chance to look at the pills
23 inside this bottle?

24 A Yes.

25 Q Do they look like the pills that are in your hand right

1 now?

2 A No. Those are round. These are oval shaped or like
3 football shaped.

4 Q Okay. Based on your experience looking at pills and
5 identifying them, is that consistent with -- can that be
6 consistent with a different dosage level?

7 A Yes.

8 Q And how many of the 500 milligram pills are left in that
9 baggie?

10 A Seven.

11 Q Seven?

12 A Yes.

13 Q And then there's a recently filled prescription that you
14 confiscated?

15 A Correct.

16 Q With a higher dosage?

17 A Correct.

18 Q Okay. Based on reviewing this case and based on your
19 prior investigations did you submit anything for
20 fingerprints?

21 A No.

22 Q Why not?

23 A I'm an evidence technician with the City of Taylor as
24 well my other responsibilities. And it's, it's my
25 opinion that there would be a very small minute

1 possibility of obtaining fingerprints from evidence in
2 this case. Specifically everything's packaged for the
3 most part in Ziploc baggies and the probability of that
4 holding a fingerprint is almost non-existent.

5 Q Have you submitted Ziploc baggies to the fingerprint lab
6 for processing in the past?

7 A Yes.

8 Q Have -- approximately how many times?

9 A Under 50.

10 Q Have you ever gotten a print back off of any of the ones
11 that have ever been submitted?

12 A Never.

13 Q What about digital scales?

14 A There's a higher probability of a print being on that.
15 I mean it, it's a -- depending on the structure. It
16 could have smooth surface. It could hold a print.

17 But prints are very fragile. They're ruined by
18 the mere handling. They're ruined by temperature,
19 moisture, and so forth. So they're, despite common
20 belief, they're very fragile.

21 Q Have you -- over the course of your career how many
22 items would you guesstimate you've submitted to the
23 Michigan State Police Lab for fingerprint analysis?

24 A Probably about 50 or so.

25 Q Okay. And have any of them ever come back with a print?

1 A Less than five.

2 Q Less than five?

3 A Less than five. And, and certainly not baggies. These

4 would've been firearms and glass and things like that

5 where it's a, a surface that would hold -- that would do

6 a very good job of holding a print.

7 Q Okay. Now, once you had completed your investigation

8 and did the search warrant and logged that evidence, did

9 you submit the -- your paperwork to anybody else?

10 A I submitted it to your office, to the Prosecutor's

11 Office.

12 Q Okay. Now, were you -- do you make the charging

13 decisions?

14 A No.

15 Q Okay. And the report that you read from Officer

16 Barnosky, you understand that some of that evidence was

17 attributed to Mr. Nettleton, correct?

18 A Yes.

19 Q And did you make any changes to that?

20 A Absolutely not.

21 Q And the whole packet you submitted to the Prosecutor's

22 Office as it was, correct?

23 A Yes. Your office gets an entire copy of the police

24 file.

25 Q Okay. Now, did you know Mr. Walker before this

1 incident?

2 A Yes.

3 Q You had interviewed him as a potential witness in a case

4 in 2007?

5 A A homicide case, yes.

6 Q Okay. Is there anything about your prior interactions

7 with Mr. Walker that would make you act any differently

8 on this case than you would on any other case?

9 A Absolutely not.

10 MS. DEYOUNG: Nothing further.

11 THE COURT: Cross.

12 MR. SHORT: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. SHORT:

15 Q Good afternoon, detective.

16 How are you today?

17 A Good, sir.

18 How are you?

19 Q Have you ever heard the phrase it's better to err on the

20 side of caution?

21 A Absolutely.

22 Q In this specific case would -- you would agree that it

23 could be helpful in investigating and prosecuting this

24 case if you had a fingerprint, right?

25 A It could, sure.

1 Q Okay. But you never submitted any of the items taken
2 for fingerprint analysis, did you?

3 A No, sir.

4 Q And none of the officers under your command submitted
5 anything for fingerprint analysis, did they?

6 A No.

7 Q And you would agree that if we had a fingerprint here
8 with Reginald Walker's fingerprint, if we had the scale
9 with Reginald Walker's fingerprint, it may help the jury
10 come to a decision that he possessed drugs with intent
11 to distribute them, correct?

12 A If we had it, yes.

13 Q Let's talk about the computer system for a second,
14 Detective Schwein.

15 Am I correct or did I hear correctly that the
16 reason why the majority of the drugs on this property
17 sheet are attributed to Mr. Nettleton is because your
18 computer won't let, let you fix errors?

19 A No. Not at all.

20 Q Okay. Explain to us, please, if you could why the
21 majority of the drugs on this property sheet are
22 attributed to Mr. Nettleton?

23 A You'd have to ask the reporting officer, sir. I didn't
24 attribute any of that property to Mr. Nettleton, nor did
25 I attribute the items with your, your client's name on

1 it to him.

2 Q You're the officer in charge, correct?

3 A Correct.

4 Q And these other officers that testified today work

5 underneath you, correct?

6 A No. They don't report to me, sir. I'm not their --

7 Q They do not?

8 A I'm not their supervisor.

9 Q Okay. Do you have a stake in this case, officer?

10 A I'm not quite sure I understand your, your question,

11 counsel.

12 Q Is this case important?

13 A They're all important, sir.

14 Q Okay. Is this particular case important?

15 A Absolutely.

16 Q Okay.

17 A Like every other one I've handled.

18 Q Okay. And if there was an error in one of the officer's

19 reports, you would point it out, correct?

20 A Correct.

21 Q And you're saying you can't explain why the majority of

22 the drugs on this property list are attributed to

23 Mr. Nettleton?

24 A I believe the officer that wrote the report gave you

25 that explanation as to why he attributed to

1 Mr. Nettleton.

2 Q Very well, detective.

3 After you received the reports from the

4 Officers Toth, Barnosky, Diggs-Taylor, and Collop, you

5 read the information, correct?

6 A The information in their reports, sir?

7 Q Yes.

8 A Yes. Absolutely.

9 Q Including the information in this property report --

10 A Yeah.

11 Q -- you read that, correct?

12 A Yes.

13 Q And after reading that you had a conversation with

14 Mr. Walker, didn't you?

15 A Yes.

16 Q In fact, you talked to him or interviewed him, correct?

17 A Yes.

18 Q You've known Mr. Walker for some time, haven't you?

19 A Yes. About six years.

20 Q About six years?

21 A Actually over six years. I've known of him over six

22 years.

23 Q And it's fair to say that after you interviewed him,

24 after you talked to him and reviewed this evidence, the

25 warrant was typed up and sent to the Prosecutor's say

1 Office, correct?

2 A As a -- the warrant was typed ahead of time minus your
3 client's statement --

4 Q Okay.

5 A -- at the time of the interview.

6 Q And you prepared that, correct?

7 A Yes.

8 Q And when you talked to Mr. Walker, when you interviewed
9 him, you said part of me says that you fucked me over
10 back in the day, but I'm past it, didn't you?

11 A I believe so, yes.

12 Q You also said when you catch this felony, you're finally
13 going to get what you deserve. Didn't you say that?

14 A I believe so, yes.

15 Q You said to Mr. Walker part of me knew I was going to
16 get played and that's exactly what happened. You said
17 that, didn't you?

18 A Along with many other things, yes.

19 Q You told Mr. Walker you're a cancer, didn't you?

20 A I did, yes, sir.

21 Q You told him you didn't like his lifestyle, didn't you?

22 A Yes.

23 Q You said I don't like you. I don't like your lifestyle,
24 didn't you?

25 A Yes.

1 Q You told him you put your ass on my plate and now you're
2 mine, didn't you, officer?
3 A I believe so, yes.
4 Q Tell him?
5 A Yes, sir.
6 Q And then you filled out the warrant, right?
7 A No.
8 Q Okay.
9 A The warrant was type ahead of time minus your client's
10 statement, sir.
11 MR. SHORT: I have nothing further, your Honor.
12 THE COURT: Redirect.
13 REDIRECT EXAMINATION
14 BY MS. DEYOUNG:
15 Q When you were talking about part me knew I was going to
16 get played, what where you talking about?
17 MR. SHORT: Objection, your Honor.
18 THE COURT: On what basis?
19 MR. SHORT: May we approach?
20 THE COURT: Yeah. You may.
21 (At 2:38 p.m., bench conference off the
22 record)
23 (At 2:39 p.m., bench conference
24 concluded)
25 THE COURT: All right. The objection is

1 overruled. And we'll have a fuller discussion about
2 that outside the presence of the jury, but go ahead.
3 BY MS. DEYOUNG:
4 Q When you indicated part of me knew I was going to get
5 played, what were you talking about?
6 A The 2007 homicide the defendant was a witness to.
7 Q Okay. And that had nothing to do with this case?
8 A No.
9 Q That, as far as the 2007 homicide, that case was
10 ultimately resolved, correct?
11 A Yes. There are two defendants serving time right now.
12 Q Okay. So you don't have any reason to hold anything
13 against Mr. Walker currently. That case, that case is
14 over, correct?
15 A No. I don't have anything to hold it against him. And,
16 yes, it's over.
17 Q You indicated in, in cross-examination you don't like
18 Mr. Walker's lifestyle, correct?
19 A Correct.
20 Q That was in response to a question from Mr. Walker
21 saying you don't like me, do you, wasn't it?
22 A Actually the statement to me was you hate me, don't you.
23 Q And what did you indicate?
24 A I said, no, I don't hate you. I hate your lifestyle.
25 Q Okay. This is -- you indicated this is a very serious

1 case, correct?

2 A Yes.

3 Q And you take all your cases seriously?

4 A Absolutely.

5 Q Now, you've also done investigations on homicide cases,

6 correct?

7 A Correct.

8 Q Armed robbery cases?

9 A Correct.

10 Q Many, many capital level felony cases?

11 A Absolutely.

12 Q People -- have you every done cases where people have

13 been injured?

14 A Yes.

15 Q Seriously injured?

16 A Yes. Killed.

17 Q Killed?

18 A Yes.

19 Q All of those cases, correct?

20 A Correct.

21 Q Is this particular case worth risking your career over?

22 A Absolutely not.

23 Q Okay. Do you have any say in what charges ultimately

24 get signed by the Prosecutor's Office?

25 A No.

1 Q Okay. Your job as a, as a policeman is ultimately to
2 see that justice is done, correct?

3 A Correct.

4 Q And if you get, ultimately get someone in custody that
5 has been caught doing something that is against the law,
6 you're happy about that, correct?

7 A Correct.

8 Q Is there anything wrong with being happy about getting
9 someone who's broken the law into custody?

10 A No, I don't think so.

11 Q Again, did you alter any reports in this case just to
12 make it look like Reginald Walker had the drugs?

13 A No. I don't even have the ab -- I don't even have the
14 ability to do that. Let alone would I ever consider
15 something like that. Absolutely not.

16 Q Okay. And your -- actually the -- this report you
17 submitted to the Prosecutor's Office indicated that the
18 truck -- property was attributed to Mr. Nettleton,
19 correct?

20 A Yes.

21 Q Did you have any contact with the, the police officers
22 that were at the scene before you typed up the reports?

23 A No.

24 Q Did you ever tell them to change their testimony from
25 what they saw?

1 A No.

2 Q The narrative that was typed up by Officer Barnosky was
3 actually typed up and finished before you came to work,
4 correct?

5 A Correct.

6 Q And that narrative is from all the officers indicating
7 what they found where, correct?

8 A Correct.

9 Q And you don't have the opportunity to change any of
10 that, correct?

11 A No. I mean, correct, I do not.

12 Q So when you were -- when you got to work on the morning
13 of the 21st, were you happy to see that you had gotten
14 somebody in custody that broke the law?

15 A Yes.

16 MS. DEYOUNG: Nothing further.

17 THE COURT: Any recross?

18 MR. SHORT: Just a few questions.

19 RE CROSS-EXAMINATION

20 BY MR. SHORT:

21 Q Mr. Walker was never suspect in this murder, correct?

22 A No, he was not.

23 Q He was just a witness, right?

24 A Correct. And a childhood friend of the defendant.

25 Q Okay. And you thought that he might know something

1 about the murder, right?

2 A He was present for it.

3 Q Okay. And he told you he was gonna tell you something,

4 right?

5 A Yes. He also told me that he was going to put me in

6 touch with the defendant.

7 Q Okay. And he never did that, did he?

8 A No, he did not.

9 MR. SHORT: Nothing further, your Honor.

10 THE COURT: Okay. You may step down. Thank

11 you.

12 THE WITNESS: Thank you, sir.

13 (At 2:44 p.m., witness excused)

14 THE COURT: Next witness.

15 MS. DEYOUNG: Your Honor, the People would call

16 Tiffany Staples to the stand.

17 She's in the hallway.

18 THE CLERK: Step in front of me, please.

19 Good afternoon.

20 Spell your first and last name for me, please.

21 MS. STAPLES: T-I-F-F-A-N-Y. Last name

22 S-T-A-P-L-E-S.

23 THE CLERK: Thank you.

24 Raise your right hand, please.

25 Do you solemnly swear or affirm to tell the

1 truth, the whole truth and nothing but the truth so help
2 you God?

3 MS. STAPLES: Yes, I do.

4 THE CLERK: Thank you.

5 You may be seated.

6 TIFFANY STAPLES

7 (At 2:45 p.m., sworn as a witness, testified as
8 follows)

9 DIRECT EXAMINATION

10 BY MS. DEYOUNG:

11 Q Good afternoon.

12 A Good afternoon.

13 Q Can you state your name and occupation for the record,
14 please?

15 A My name is Tiffany Staples and I am a Forensic
16 Scientist.

17 Q Where do you work, Ms. Staples?

18 A I'm employed with Michigan Department of State Police at
19 the Northville Laboratory.

20 Q Okay. And what are your qualifications to be a forensic
21 scientist?

22 A I have a -- obtained a Bachelor of Science Degree in
23 Chemistry from Wayne State University. And I also have
24 12 years of experience as a chemist. Ten years in the
25 area of forensic science.

1 Q What do you do for the Northville, the Northville Lab of
2 the Michigan State Police Forensic Science Division?
3 A I'm assigned to the Controlled Substances Unit at the
4 Northville Laboratory. And there I analyze evidence
5 that's submitted for -- by different agencies. I
6 analyze that for the presence of controlled substances.
7 I, I prepare reports for my findings. And sometimes I'm
8 called to testify about my report as an expert witness.
9 Q How long have you worked at that -- as a person who
10 analyzes the controlled substances?
11 A I've worked for Northville Laboratory for four years.
12 And total I've worked in the area of forensic sciences
13 for ten years.
14 Q Okay.
15 I wanted -- draw your attention to your Lab
16 Number NV-13 -- excuse me. NV 13-7631.
17 And you've had a chance to look that over
18 before your testimony today?
19 A Yes, I have.
20 Q When did you first receive the items on that lab report?
21 A I'm referring to my laboratory report.
22 Q If that would refresh your recollection.
23 A The first record having received this evidence was
24 indicated on September 9th, 2013.
25 Q And specifically what evidence did you receive?

1 A I received a sealed cardboard box. And inside that box
2 were a number of items that I itemized as items as item
3 four through 15.

4 Q Why did you use items four through 15? Why those
5 numbers?

6 A I believe those were the numbers that were indicated on
7 the evidence bags by the agency.

8 Q Okay. And just for record, what agency did you receive
9 that from?

10 A This was from Taylor Police Departement.

11 Q Okay. Was there a defendant's name that came along with
12 that case number, or suspect's name that came along with
13 that case number?

14 A The defendant's name was indicated on the request for
15 analysis as Reginald Deshawn Walker.

16 Q Okay. Now, when you received those items on
17 September 9th, 2013, what did you do with them?

18 A First I ensured that the box was sealed. I inventoried
19 the -- all of the items inside the box, and they were
20 itemized on my laboratory report.

21 Q Okay. I don't remember -- once you had itemized them
22 all for the -- let's just, let's just go through it.

23 For -- what item did you have listed as item
24 number four?

25 A Item number four is listed on my report as one sealed

1 evidence bag, and that contained one knotted plastic bag
2 containing chunks of dark brown material.

3 Q Okay. And as to item four specifically, let's just talk
4 about that for awhile. Did you do anything with that
5 item?

6 A The contents of the -- of that item I analyzed, I took
7 out the dark brown material. I took a weight of that
8 material. And I also did a microscopic analysis of that
9 material and also a instrumental analysis of that
10 material.

11 Q Okay.

12 MS. DEYOUNG: May I approach the witness, your
13 Honor?

14 THE COURT: You may.

15 BY MS. DEYOUNG:

16 Q Ms. Staples, this has been admitted as People's Exhibit
17 Number 4.

18 Do you recognize that item?

19 A Yes, I do.

20 Q Okay. And based on your -- is -- what is that item to
21 you?

22 A This is the item that I indicated in my laboratory
23 report as item number four. The plastic evidence bag
24 that contained the sandwich bag and the dark brown
25 material.

1 Q Okay. And you said you did a, a weight of that item?

2 A The weight was of the brown material alone without the

3 plastic wrapping.

4 Q Okay. And what was the weight on that item?

5 A The weight as I indicated on my laboratory report was

6 2.15 grams.

7 Q And said you had did a microscopic analysis of that

8 item?

9 A Correct.

10 Q And a chemical analysis?

11 A I did a microscopic analysis and an instrumental

12 analysis.

13 Q I'm sorry. Instrumental analysis.

14 What were the results of those analysis?

15 A The analysis for both indicated for the -- the

16 microscopic analysis was a crystal test in which I take

17 a portion of the dark brown material, apply it to a

18 microscope slide and a chemical reagent that gives me a

19 crystal that's specific for heroin. I did see that

20 crystal that I -- that was specific for heroin. I then

21 took another small sample of this dark brown material

22 and did an instrumental analysis of that, and that gave

23 me positive identification for heroin.

24 Q Okay.

25 A So those two test together were indicative of this

1 substance being heroin.

2 Q Okay.

3 THE COURT: I'm sorry. What was your exhibit
4 number on that again?

5 THE WITNESS: This is --

6 MS. DEYOUNG: 4.

7 THE WITNESS: -- item number four.

8 THE COURT: I know item four and your -- on
9 your list, but what's the People's trial exhibit number?
10 That might be on there, too.
11 Is that on there?

12 MS. DEYOUNG: It's --

13 THE WITNESS: People's Exhibit Number 4.

14 THE COURT: Oh, it's People's 4 and item four?

15 MS. DEYOUNG: I tried to keep them --

16 THE COURT: Oh.

17 MS. DEYOUNG: -- consistent.

18 THE COURT: Great. Great. Okay.

19 BY MS. DEYOUNG:

20 Q As to item number --

21 THE COURT: That's uncommon. Thank you. By
22 the way --

23 BY MS. DEYOUNG:

24 Q As to --

25 THE COURT: -- makes sense.

1 BY MS. DEYOUNG:

2 Q As to item number five, do you recognize, or People's

3 Exhibit 5, do you recognize what that is?

4 A This is the evidence that I itemized on my labre --

5 laboratory report as item number five and People's

6 Exhibit 5. It contains the plastic bag with green plant

7 material.

8 Q And did you do anything with item five when you received

9 it in September?

10 A Yes, I did. I inventoried this as well insuring that

11 the outer plastic evidence bag was sealed first. I then

12 took the plant material that was inside the plastic bag,

13 took a weight of that plant material and did a chemical

14 analysis and a microscopic analysis of the plant

15 material.

16 Q And when you did that, did you come -- what results did

17 you come up with?

18 A My results indicated that this plant material was

19 marijuana.

20 Q And the weight?

21 A The weight as indicated on my laboratory report was 0.80

22 grams.

23 Q Okay.

24 Okay. Here's where it gets a little more

25 interesting.

1 People's Exhibit Number 6, do you recognize
2 what this is?
3 I'm sorry, do you want gloves?
4 A No. Thank you.
5 Q Okay.
6 Do you recognize People's Exhibit Number 6?
7 A Yes, I do.
8 Q What is that?
9 A This is the evidence that I've itemized on my laboratory
10 report as item number six. And this contained the
11 plastic bag, the out -- the sealed evidence bag. And
12 inside the sealed evidence bag was a knotted plastic bag
13 with five sandwich bags and several small knotted
14 plastic wraps as I described on my report.
15 Q Okay. What did you do to with that item?
16 A Initially I took only one of the bags. There were five
17 inside with several different numbers of small wraps. I
18 just took one of the sandwich bags and took one of the
19 smaller wraps outside of -- out of the bag. I did a
20 weight of only the material that was inside the wrap.
21 And I also did a crystal test and an instrumental
22 analysis on that off white material.
23 Q Just the -- and it's a -- they're kind of -- we can --
24 can we call them rocks, the little -- the substance
25 there that you -- there's rocks inside the smallest

1 plastic bag, a rock of the substance?

2 A I prefer to call it an off white material because they

3 were probably represented in several different pieces.

4 Q Okay. The off white material came out of one of the

5 smallest baggies, correct?

6 A One that I randomly pulled out.

7 Q Okay. And that you did a weight on, on one of those

8 little samples of off while material?

9 A Correct.

10 Q And what was the weight on one of those?

11 A The weight as indicated on my report was 0.21 grams.

12 Q Okay. And were you able to determine what substance

13 that off while material was?

14 A The result of my testing indicated that the off white

15 material was cocaine.

16 Q Okay. When you analyzed this in September, did you

17 weigh all of the cocaine that was in item six?

18 A I only weighed one. I only weighed the contents of one

19 of the smaller little wraps.

20 Q Can you explain to the jury why you would do that?

21 A It's our procedure that when we're presented with a

22 number of wraps, we, we have to analyze all the ones

23 that we open. In this case I only opened one as

24 representative sample for what was contained in that

25 item. The only reason that we would analyze more is if

1 we think that it would reach a minimum level of, of
2 weight limit.

3 Q And what's the minimum level of weight limit that you're
4 looking for?

5 A The next level of weight limit would have been 50 grams
6 of cocaine.

7 Q Okay. So initially you did not believe it would rise to
8 the 50 grams?

9 A Initially I did not.

10 Q Okay. And so one was tested.

11 If you had opened all of the little wraps, you
12 would've -- would you have had to test every single one
13 of these little wraps that you opened?

14 A Yes, I would have.

15 Q Okay. Also as to People's Exhibit 12, your item 12, how
16 did you log that in September?

17 A This is the evidence that I've indicated on my
18 laboratory -- laboratory report as item number 12. This
19 was the sealed plastic evidence bag which contained a
20 plastic bag and 16 white tablets. And their markings
21 were Watson 387.

22 Q Okay. What did you do with those items when you
23 received them?

24 A I first inventory them and I took one of the tablets
25 from the 16. I looked up the tablet markings in our

1 tablet logo index which gives us a, an identification
2 based upon the markings, the pharmaceutical markings of
3 the tablet. I also then did an instrumental analysis to
4 determine what the contents of this tablet was.

5 Q Were you able to do that for item 12?

6 A Yes, I was.

7 Q And what was your determination?

8 A My determination that this tablet that I analyzed was
9 dihydrocodone.

10 Q Is there a street name for that or more common?

11 A That's more commonly known as Vicodin.

12 Q Okay. Now, initially you indicated that you received
13 items which you had listed as items four through 15,
14 correct?

15 A Correct.

16 Q Now, did you analyze any other items besides the four
17 that we just talked about initially?

18 A Initially those were the only four items that I
19 analyzed.

20 Q Okay. And why, why is that?

21 A Typically our procedure requires us to only to analyze
22 the two highest penalty items that we receive. In this
23 particular case I received a box full of a number of
24 different types of items. So it was my judgment just to
25 analyze two of the highest penalties and also one of a

1 different type of penalty charge, the Vicodin, for
2 example.

3 Q Okay. Now, ultimate -- and that's, that's over and
4 above what the lab policy requires you to do?

5 A That is correct.

6 Q Ultimately this evidence was resubmitted to you, was it
7 not?

8 A The evidence was still at the laboratory I believe.

9 Q Okay. Did you -- at some point you took a second look
10 at this evidence?

11 A Correct.

12 Q And that was approximately on October 10th, 2013?

13 A Yes.

14 Q What did you do when you took a second look at the
15 evidence?

16 A When I took a second look at the evidence, it was at the
17 request of the prosecutor to see if other items in
18 the -- that were presented to me contain cocaine. To
19 see if they would reach the next level of weight limit,
20 the 50 grams of cocaine.

21 Q And what were you able to determine?

22 A I took a look at different items that I analyzed -- that
23 itemized. Item seven, item eight, and item nine were
24 analyzed at that time.

25 Q And what were the, the results of those analysis?

1 A Item seven I indicated as heroin.

2 Item eight I indicated as heroin as well.

3 Q And did you do all of the same test on items seven and

4 eight that you did on item four which was also the

5 heroin?

6 A Yes.

7 Q Okay. What about item nine?

8 A Item nine I indicated as cocaine.

9 Q And what was the weight on item nine?

10 A The weight was 3.27 grams for item nine.

11 Q Okay. And what else did you look at?

12 A I also analyzed item number ten, and that was found to

13 be 24.45 grams, but of a substance that was not

14 considered controlled.

15 Q Okay.

16 A I took a look at item number 11 as well to give an

17 identification of the tablets that were there.

18 Q And what were the results of that?

19 A The tablets were indicative of a compound called

20 Metformin, and that is not controlled in Michigan.

21 Q Okay. Can you explain to the jury what a controlled

22 substance is and why we make that distinction?

23 A A controlled substance is, is a substance that is

24 regulated by the, the Federal government. It's

25 typically something that is considered very dangerous,

1 and it's not considered a prescription medication.
2 Different drugs are controlled in different states. And
3 within Michigan there the Drug Enforcement
4 Administration is the one that, or the Michigan is the
5 one that -- the Drug Enforcement Administration governs
6 all of the controlled substances, but each state then
7 recognizes which ones they want to control within their
8 state.

9 Q Okay. And so for a substance to not be controlled is
10 that's still not something at that point -- never mind.
11 I withdraw the question.

12 But you were able to identify that as
13 Metformin?

14 A Yes.

15 Q Okay. And was that based just on looking at it or did
16 you do an analysis as well?

17 A That was based upon looking at what we call -- it was an
18 Ident-A-Drug. It's a reference that's used for
19 pharmaceuticals that give the, the markings of each
20 tablet, and also it gives an identification of the
21 contents of each tablet.

22 Q Okay.

23 A It's something that's useful in our field and it's also
24 recognized as in pharmaceutical industry.

25 Q Okay. Now using the Ident-A-Drug is there -- you

1 indicated that there are markings on each tablet. To
2 your knowledge and experience are the markings different
3 for each kind of tablet?

4 A Can you rephrase your question for me?

5 Q Is it possible, based on your experience, that there
6 will be another white oblong tablet that says 48 on one
7 side and 93 on the other side or is that --

8 THE COURT: It could be something other than
9 Metformin maybe?

10 MS. DEYOUNG: Yeah.

11 THE WITNESS: As far as I know, not as far as I
12 know.

13 BY MS. DEYOUNG:

14 Q Okay. So each, each drug would have it -- or each pill
15 would have its own unique shape and number?

16 A Right. Each drug should have its own shape, color, and
17 identification in terms of the logo stamped on each
18 tablet.

19 Q Okay. Thank you.

20 As to item -- actually 13. You had already
21 testified about item 12.

22 Item 13, did you look at that one again or was
23 that one that was just not analyzed?

24 A Item 13 was not analyzed.

25 Q Okay. And what about items 14 and 15?

1 A Item 14 and item 15 were also analyzed.

2 Q And what were the results of those items?

3 A Both of those contained cocaine.

4 Q Okay. And what was the weights on item 14 and 15?

5 A Item 14 was 0.17 grams of cocaine.

6 Item 15 was 11.03 grams of cocaine.

7 Q Okay. Now, for item 14 did you do any other kind of

8 approximation?

9 A Again, for item 14 there were 23 smaller knotted wraps

10 inside the plastic bag. So for that item I analyzed

11 only one. So I took the contents of just one of the

12 knotted wraps, and that was what the weight was

13 indicative of. 0.17 grams is indicative of the contents

14 of just one of those plastic wraps.

15 Q Of those 23?

16 A Correct.

17 Q Okay. Now, did you do -- so if you take just one of

18 those and have it as point -- I'm sorry. .17?

19 A Yes. .17, right.

20 Q If you extrapolate that out the 23 wraps, then what

21 would be the, the weight of all of the -- just on item

22 14?

23 THE COURT: If they all weigh the same you

24 mean?

25 MS. DEYOUNG: Yes.

1 THE WITNESS: Assuming that all of the other
2 items weighed about .17 grams were the same, what I did
3 was I calculated, I multiplied .17 and by 23 and
4 indicate on my report that that would've given an
5 approximate weight of 3.91 grams.

6 BY MS. DEYOUNG:

7 Q Okay. When you were looking at the 23 wraps in item 14,
8 could you tell if they were about the same size or if
9 they were any different?

10 I am handing you People's Exhibit 14, that's,
11 that's my problem.

12 A When I initially looked at the contents of item 14 from
13 my visual, from my visual estimation the contents were
14 pretty much about the same or similar in size.

15 Q Okay. Did you go back and do any further investigation
16 on item six?

17 A Yes, I did this. With the second look at this evidence
18 I actually did an actual count of the wraps that were
19 inside --

20 Q How many --

21 A -- of --

22 Q I'm sorry. Go ahead.

23 A Those were 163, the smaller wraps. And, again, by
24 visual estimation they appeared to look to me to be
25 similar in, in content, shape, and size, and color.

1 Q So did you do anything further then as far as
2 extrapolating the weight for item six?

3 A For this I used the weight from the first laboratory
4 report. And that was the 0.21 grams and I multiplied
5 that number by the 163 wraps that I counted from here
6 and gave an estimated approximate weight in my report as
7 34.23 grams.

8 Q Okay.

9 A Assuming that all of the contents were the same size.

10 Q And some could of been a little bit bigger, some could
11 have been a little bit smaller, correct?

12 A Correct.

13 Q Okay. Once you add up all of the cocaine that you
14 analyzed in this investigation, what was the approximate
15 weight once you got done with, with everything?

16 A All of the items that were identified as cocaine I gave
17 it an approximate weight of 52.44 grams.

18 MS. DEYOUNG: The People have nothing further.

19 THE COURT: Okay. Cross.

20 MR. SHORT: One moment, your Honor. I'm trying
21 to do some quick math. Rather quickly.

22 CROSS-EXAMINATION

23 BY MR. SHORT:

24 Q Good afternoon, ma'am.

25 How are you?

1 A Good afternoon.

2 Q Is it Ms. Staples?

3 A Yes.

4 Q How are you today?

5 A I'm good.

6 Q Good.

7 Ms. Staples, can you take a look at --

8 MR. SHORT: If I may approach, your Honor?

9 THE COURT: Yes.

10 BY MR. SHORT:

11 Q Can you take a look at the contents of this prescription

12 pill bottle?

13 You can take one out. That's not cocaine or

14 crack.

15 And can you tell the jury what that pill says

16 on both sides?

17 A There's a 13 on one side. On the other side looks like

18 a letter A.

19 Q 13 and an A.

20 Okay. And what is that prescription bot --

21 pill bottle say?

22 A The bottle says Metformin hydrochloride, 850 milligrams.

23 Q Okay.

24 A And it also indicates A 13, white round film coated

25 tablet.

1 Q Okay. And these are a little bit harder to read through
2 the plastic, but can you tell the jury what these pills
3 say on each side?

4 A It looks like an eight and a seven from or some -- I'm
5 sorry. I'm reading it upside down. It's a four and an
6 eight on one side. The other side is a nine and three.

7 Q Thank you.

8 And it's safe to say that one of these pills is
9 in a prescription pill bottle and the other is not,
10 correct?

11 A That's correct.

12 Q Okay. And it's also safe to say that these are two
13 entirely different pills, correct?

14 A By markings they appear to be different pills.

15 Q Okay. Let's talk --

16 THE COURT: You don't mean different drugs, you
17 mean different -- what do you mean different pills?

18 They're obviously different pills. You mean
19 they're different drugs?

20 MR. SHORT: No. I believe that they're both
21 meta -- Metformin.

22 THE COURT: Metformin, yeah. Okay.

23 BY MR. SHORT:

24 Q Is that correct, ma'am?

25 A The one that you showed me in the plastic evidence bag

1 is the one that I've itemized, and so I've gotten a
2 chance to look up those markings.

3 Q Okay. And just tell the jury what this one read. Did
4 you see what this one read on the prescription pill
5 bottle?

6 THE COURT: I think she said it already.

7 BY MR. SHORT:

8 Q Do you know what this one is as well?

9 A Yes. I think I believe I read that it indicates A 13,
10 white round film coated tablets. And the prescription
11 bottle says Metformin hydrochloride 850 milligrams.

12 Q These two pills are not identical, correct?

13 THE COURT: Well, Mr. Short, you mean they're
14 not identical looking, but --

15 MR. SHORT: I can, I can expound, your Honor.

16 THE COURT: Okay.

17 BY MR. SHORT:

18 Q These two pills are not identical looking, are they?

19 A No, they're not.

20 Q They have different markings on them, don't they?

21 A Yes.

22 Q Okay. To your knowledge they're different milligrams,
23 correct?

24 A From what I understand. I, I don't -- I can look at my
25 report just --

1 Q Please.

2 A -- just to refresh my memory --

3 Q Sure.

4 A -- of what I indicated.

5 Q And I can bring you this pill bottle back. I don't know

6 if you have this in your report or not.

7 A It's in my laboratory report. My laboratory notes.

8 I've indicated the one that I am -- I itemized

9 as, as item 11, that was 500 milligrams of Metformin.

10 Q Okay. And we read that this other one is 850

11 milligrams, correct?

12 A Based upon what's indicated on that label.

13 Q Just on the label?

14 A Correct.

15 Q Okay. Let's talk for a second about the method used to

16 weigh the -- to weigh the cocaine. You said that you

17 took one of the -- and I know you don't wanna call it a

18 rock. One of the pieces of, of cocaine out of the bag

19 and you measured that piece and it came out to be .210,

20 correct?

21 A .21 grams, correct.

22 Q .21 grams.

23 And based on that determination you multiplied

24 that by the number of the number of the items contained

25 in that bag, correct?

1 A Correct.

2 Q Okay. To come up with a number?

3 A To come up with an approximate weight.

4 Q Okay. And it's safe to say that you don't know if all
5 of those pieces of cocaine were .210, correct?

6 A Correct.

7 Q It's possible that that may have been the only one that
8 was .210, correct?

9 A That's true.

10 Q It's possible that all the remaining pieces of cocaine
11 could of been .20, correct?

12 A It's possible.

13 Q It could of been .19, correct?

14 A That's possible as well.

15 Q It could even have been .18?

16 A That's as --

17 Q Correct?

18 A That's possible as well.

19 Q So the only way we can have a true and proximate weight
20 of the items in that bag is by taking each piece out of
21 the plastic, putting them all together and then weighing
22 them, correct?

23 That's the only way to have an accurate amount?

24 A Right.

25 Q Correct?

1 A Yes.

2 MR. SHORT: Nothing further, your Honor.

3 THE COURT: Redirect.

4 REDIRECT EXAMINATION

5 BY MS. DEYOUNG:

6 Q It's also possible that those are going to be heavier
7 than the one that you weighed, correct?

8 A That is true.

9 Q They could be point -- they could all be .21 except for
10 the one that was .17 that you weighed?

11 A Yes.

12 Q They could of -- they could be .25?

13 A Yes.

14 Q They could be .27?

15 A Yes.

16 MS. DEYOUNG: Nothing further.

17 THE COURT: Okay. You can step down. Thank
18 you.

19 (At 3:14 p.m., witness excused)

20 MS. DEYOUNG: Your Honor, I would ask that this
21 witness be excused from the rest of the trial.

22 MR. SHORT: No objection, your Honor.

23 THE COURT: Okay. She may be excused.

24 And you have another witness?

25 MS. DEYOUNG: No, your Honor. The People have

1 no further witnesses. We would rest at this time.

2 THE COURT: Okay.

3 All right. Mr. Short, the People have rested.
4 What is your pleasure?

5 MR. SHORT: Your Honor, we would like to bring
6 our case.

7 THE COURT: Okay.

8 MR. SHORT: I'll just have a few opening
9 remarks.

10 THE COURT: Okay.

11 DEFENDANT'S OPENING STATEMENT

12 MR. SHORT: Good afternoon, ladies and
13 gentlemen.

14 Earlier I waived my opening statement. Now
15 it's my chance to speak to you briefly before we begin
16 our case in chief.

17 Ladies and gentlemen, you are the most
18 important people here today. Certainly more important
19 than myself. More important than even, than even my
20 esteem colleague. Even more important than our very
21 wise and learned Judge because you are the gatekeepers
22 of justice.

23 You're what's make makes the system work.
24 Without you nothing can happen. Without you we would
25 never get to the bottom of any case. We would never

1 find an appropriate determination.

2 Because you are the gatekeepers of justice,
3 ladies and gentlemen, you're provided with certain tools
4 to achieve your goals.

5 The first tool that you have is the burden of
6 proof. You'll hear the Judge instruct you that
7 throughout this case from the beginning, from the time
8 that it started, the burden of proof has always been
9 right here at the prosecution's table. It's not moved,
10 and it won't move from their table to our table.

11 It's like a bolder, an immoveable bolder that
12 will always remain there. And unless they overcome that
13 burden of proof and prove every element of each crime,
14 then you must find Mr. Wolf -- Walker not guilty.

15 The second tool that you have, ladies and
16 gentlemen, is your common sense. Your common sense has
17 allowed you and will allow you to listen to witness
18 testimony, to decide if any of the witnesses have bias.
19 To decide if a property report can be changed or should
20 have been changed.

21 Your witness says well, a lot -- your common
22 sense will allow you to listen to each witness and
23 determine if they're telling the truth.

24 Now, the prosecution has already completed
25 their case. At this time we don't have to put any

1 witnesses on at all. We can simply make our closing
2 arguments and you can determine if the prosecutors made
3 their case or not.

4 Mr. Walker has the absolute right not to
5 testify. And the Judge would instruct you if he doesn't
6 testify, you can't hold it against him. But Mr. Walker
7 is gonna take the stand in a few moments.

8 He's gonna get on the stand. He's gonna
9 explain to you what he was doing there that night, what
10 the other people were doing there that night, and why he
11 had drugs in his pocket.

12 He's also gonna explain to you why he had money
13 in his pocket. And it's gonna be your determination to
14 look at the prosecution's witnesses and look at
15 Mr. Walker and determine his guilt or innocence. And we
16 believe beyond a reasonable doubt that you'll find him
17 not guilty on each charge.

18 Thank you.

19 THE COURT: Okay.

20 All right. Mr. Short, you may call your first
21 witness.

22 MR. SHORT: Your Honor, our first witness is
23 Diamond Seals.

24 THE CLERK: Step in front of me, please.

25 Spell your first and last name for me.

1 MS. SEALS: It's D-I-A-M-O-N-D S-E-A-L-S.
2 THE CLERK: Thank you.
3 Raise your right hand, please.
4 Do you solemnly swear or affirm to tell the
5 truth, the whole truth and nothing but the truth so help
6 you God?
7 MS. SEALS: Yes.
8 THE CLERK: Thank you. You may be seated.
9 DIAMOND SEALS
10 (At 3:19 p.m., sworn as a witness, testified as
11 follows)
12 DIRECT EXAMINATION
13 BY MR. SHORT:
14 Q Good morning, ma'am. Or good afternoon, ma'am.
15 How are you today?
16 A Hi.
17 Q Can you please give your name to the jury?
18 A Diamond Seals.
19 Q And, Ms. Seals, can you tell the jury if you know the
20 young man sitting at the table there?
21 A Yes.
22 Q What's his name?
23 A Reginald Walker.
24 Q And how do you know him?
25 A He's a -- my cousin-in-law.

1 Q Okay.

2 A In-law.

3 Q Okay. Did you have an occasion to see Mr. Walker on

4 August the 21st, 2013?

5 A Yes.

6 Q Where did you see him at?

7 A We were out in Taylor.

8 Q Okay. If I told you the address was 13693 Marvin, would

9 you have any reason to, to doubt me?

10 A No.

11 Q Okay. So you're on Marvin Street and did you see

12 Mr. Walker there?

13 A Yes.

14 Q Okay. What time did you get there?

15 A Um, it was early. Like around I'll say 12. No later

16 than one.

17 Q Why did you go there?

18 A Um, we --

19 THE COURT: One a.m. you mean, one o'clock in

20 the morning?

21 THE WITNESS: Afternoon.

22 THE COURT: Oh, afternoon. All right.

23 THE WITNESS: Um, Nate had just got out.

24 Nathaniel had just got out and they was having a little

25 celebration. And ain't seen him in a while, so we was

1 over there having a little get together.

2 BY MR. SHORT:

3 Q Nathaniel just got out of prison?

4 A Yes.

5 Q So you were over there having a party; is that correct?

6 A Yes.

7 Q Okay. And I don't mean to insinuate anything by

8 partying. Were you drinking?

9 A Yes.

10 Q Doing any drugs?

11 A No.

12 Q You don't smoke marijuana?

13 A No.

14 Q Cigarettes?

15 A Yes.

16 Q Ever snort any cocaine?

17 A No.

18 Q How about smoke some crack?

19 A No.

20 Q But you were drinking?

21 A Yes.

22 Q Did you see Reginald Walker come to the house at any

23 time?

24 A He was there when I got there.

25 Q Okay. And when you saw him get there, was he drinking

1 at all?

2 A We all started drinking like at the same time.

3 Q Who else was there at that time?

4 A I can't say particular names because I didn't know

5 everybody. But I know for a fact it was me, Reginald,

6 Nate. Um, it was two other girls. Um, an older white

7 guy. Um, and a dark skinned skinny dude.

8 Q Do you know who Boss is?

9 A I heard of them.

10 Q Okay. Did you see Boss at any time that day?

11 A Um, when I was walking out going to the store to get the

12 liquor, they said that he was pulling up.

13 Q How about Orlando, did you see Orlando that day?

14 A Yes. He was with the Boss dude.

15 Q Okay. How about a person named Sheldon. Did you see

16 anybody named Sheldon at the house that day?

17 A I can't say because I don't know who that is.

18 Q How about a Raymond Herman. Did you see a person named

19 Raymond Herman?

20 A It was later on that night.

21 Q And when you saw Raymond Herman, did you see him

22 downstairs or upstairs?

23 A He had just came in from work and he went upstairs.

24 Q So he was upstairs at some point?

25 A Yes.

1 Q Okay. Did you see anybody using drugs at all?

2 A No.

3 Q Okay. Did you know if anybody there was using drugs?

4 A No.

5 Q Did you see anybody there selling drugs?

6 A No, sir.

7 Q How about Mr. Walker in particular, did you ever see him

8 reach into his pocket, take some drugs out and give them

9 to somebody?

10 A No, sir.

11 Q Did you ever see anybody give him money, him take the

12 money and then put it in his pocket?

13 A No, sir.

14 Q At some point in time did the police officers enter the

15 property?

16 A Yes.

17 Q Tell the jury what happened.

18 A Um --

19 Q Where were you sitting at, first of all?

20 A I was actually laying down on the couch.

21 Q Where at? Which couch?

22 A It's like the couch, it's set -- it's like a two piece,

23 but it's all together and it go around like this.

24 Q In that -- in the living room?

25 A Yes.

1 Q Okay.

2 A And --

3 Q So you're laying on the couch in the living room. Tell

4 the jury what happened.

5 A Nathaniel was sitting right here. I was laying like

6 this next to Nathaniel. Then on the other side it was

7 the two other females.

8 And the -- we heard a knock on the door. And

9 the older white guy, they call him JJ, he had went to

10 the door. He stepped out. And Reginald was like trying

11 to check like with him trying to see who it was. And as

12 he was trying to see who it was, it's like you felt

13 force with JJ trying to come back in and Reginald closed

14 the door. And then next thing you know they just forced

15 in and bust in and just got to handcuffing people and

16 asking my name.

17 Q Okay. Let me ask another question before you go on.

18 Before the police officers came into the house,

19 did you see in that living room a big bag containing

20 drugs?

21 A No, sir.

22 Q Do you know what drugs look like?

23 A Yes.

24 Q You've seen them before?

25 A Yes.

1 Q But you just don't use them?

2 A No.

3 Q Okay. You know what crack looks like?

4 A I don't know the difference between it, but I kind of

5 got a picture of --

6 Q Okay.

7 A -- what is it.

8 Q If, if, if you saw a bag full of rocks of crack, do you

9 think you would know what, what it is?

10 A Yes.

11 Q Did you see anything like that in the living room that

12 day?

13 A No, sir.

14 Q Did you see Reggie ever go and get a bag like that from

15 upstairs or another room --

16 A No, sir.

17 Q -- and bring it into living room?

18 A I'm sorry. No, sir.

19 Q And once the officers -- I'm sorry. Let me back up for

20 a second.

21 Before the officers, right before the officers

22 entered the location, where was Mr. Herman at?

23 Was he upstairs?

24 A Is that the Raymond guy?

25 Q Raymond, yes.

1 A Yes, he was upstairs.

2 Q And tell us what happened when the officers entered.

3 A When they came in, they had already had JJ due to the

4 fact that they had to do the forced entry. So they had

5 got him out the way already. They took Reginald, then

6 they handcuffed me and took me out.

7 Q Did you see where Reginald was arrested at?

8 A He was like right there by the TV. Just like soon as

9 you come in, you take a couple of steps and the TV right

10 there.

11 Q Okay.

12 A He was right there by the TV.

13 Q Did you ever see the, the officers reach in his pocket

14 for anything?

15 A No sir.

16 Q After the officers entered were you handcuffed?

17 A Yes.

18 Q And did you know why the officers came to the house?

19 A Yes.

20 Q Tell, tell the jury why.

21 A Um, because I had got into an altercation with a female

22 and she called the police and reported the car that we

23 was seen in. And I guess they looked and seen what the

24 car and seen it in frontal of the place and they came

25 and arrested people I guess.

1 Q Did Reginald Walker travel with you to the scene of that
2 crime?
3 A No, sir.
4 MR. SHORT: May I have one second, your Honor?
5 THE COURT: Yeah.
6 BY MR. SHORT:
7 Q Just wanna clarify.
8 Did you at any time -- you said you got there
9 at one o'clock, correct?
10 A Yes.
11 Q Did you at any time that day see Reginald Walker take
12 any money for drugs or give any person money for drugs?
13 A No, sir.
14 MR. SHORT: Nothing further, your Honor.
15 THE COURT: Cross.
16 CROSS-EXAMINATION
17 BY MS. DEYOUNG:
18 Q Good afternoon, Ms. Seals.
19 A Good afternoon.
20 Q You stated you went over to the house on Marvin,
21 correct?
22 A Yes.
23 Q And you didn't know the address today, right?
24 A Did I know it today? I --
25 Q Mr., Mr. Short was giving you the address, right?

1 A I knew the address today, but I didn't know it as I was
2 going over there. But so far during since August, yes,
3 I have known the address.

4 Q Okay. How did you know to go there on August 21st?

5 A Because I had talked to my cousin-in-law which is
6 Reginald Walker and he said Nate home and we gon' do a
7 little celebration. So I said I'ma catch the bus out
8 there and chill with them for little bit and that's what
9 I did.

10 Q Okay. But had you been to that house on Marvin before?

11 A No, ma'am.

12 Q Did you know who the homeowner was before --

13 A Not until --

14 Q -- August --

15 A -- that day.

16 Q Okay. Had you -- you identified him as a person named
17 JJ, right?

18 A Yes.

19 Q Is it possible that his name is Johnny Nettleton?

20 A Yes.

21 Q Okay. Did you know him at all before August 21st?

22 A No, ma'am.

23 Q Okay. And said you got there about one o'clock in the
24 afternoon?

25 A Yes.

1 Q And then you said that you -- how after -- how long
2 after you got there did you go to the store?
3 A It was like around probably like eight o'clock when we
4 went to the store.
5 Q At night?
6 A Yes.
7 Q And you said we went to the store, right?
8 A Yes. Me and Nathaniel.
9 Q You and Nathaniel?
10 A Yes.
11 Q How did you get to the store?
12 A The Jimmy. The -- it's a truck.
13 Q Is that the one that was parked outside the house when
14 the police got there?
15 A Yes, ma'am.
16 Q Okay. And what did you get at the store?
17 A Some 1800.
18 Q Okay. And that's a tequila, correct?
19 A Yes.
20 Q How much 1800 did you get?
21 A It was a -- um, if I'm not mistaken, they come in
22 gallons. It was a gallon.
23 Q A gallon size of 1800?
24 A Yes.
25 Q And Mr. Walker, he didn't go with you to the store,

1 right?

2 A No, ma'am.

3 Q Okay. So you don't know what Mr. Walker was doing while

4 you were at the store?

5 A No, ma'am.

6 Q Okay. How long were you at the store?

7 A Like seven to ten minutes.

8 Q Okay. And you came back?

9 A Yes.

10 Q And was anybody drinking the 1800 that you brought back

11 with you?

12 A Yes.

13 Q Who was drinking the 1800?

14 A It was practically everybody that I named the first

15 except the JJ guy and the Raymond guy.

16 Q Okay. Did you ever see Raymond come back downstairs

17 with -- after he went up?

18 A No.

19 Q He just went upstairs and stayed there?

20 A Yes.

21 Q Okay. And you said at some point you were involved in

22 an assault, correct?

23 A Yes.

24 Q What time was that?

25 A Um, it was probably like around 1, 1:30. Like a

1 couple -- like 30 minutes before the police had arrived.

2 Q Okay. And how long were you away from the house when

3 you were involved in the assault?

4 A Like 30 minutes.

5 Q Okay. And you said Mr. Walker didn't come with you?

6 A No, ma'am.

7 Q So you have no idea what Mr. Walker was doing that 30

8 minutes that you were gone?

9 A No, ma'am.

10 Q Between the time that you got back from the liquor store

11 and you said around 8:00, 8:15 and the time that you

12 went to the assault -- the assault happened at the Red

13 Roof Inn, right?

14 A Yes.

15 Q And the time you -- that you went to the Red Roof Inn,

16 how much drinking of the 1800 had you done?

17 A The bottle was, it was like 20 prob -- 25 percent of the

18 bottle left.

19 Q So 75 percent of that, it was gone?

20 A Yes.

21 Q Were you drunk at that time?

22 A Yes.

23 Q And when you got back, you said when the police came in

24 you were laying on the couch?

25 A Yes.

1 Q Is that because of the drunkenness?

2 A Yes.

3 Q So how was your ability to perceive events at that

4 point?

5 A Excuse me. Repeat it.

6 Q If you're -- you had been drinking you said between you

7 and the other people in the house about 75 percent of

8 the bottle, a gallon sized bottle of 1800 and you're

9 lying down when the police got there, right?

10 A Yes.

11 Q Were you drunk at that point?

12 A I actually kind of sobered up a little bit.

13 Q When they, when they came in the door or immediately

14 before the knock?

15 A When they came in.

16 Q It's, it's an adrenaline rush, right?

17 A Yes.

18 Q It's, it's kind of crazy when, when they come in like

19 that, isn't it?

20 A Yes.

21 Q And a lot of stuff is happening all at the same time,

22 isn't it?

23 A Yes.

24 Q So it's really hard to pay attention to everything

25 that's going on when something like that happens, isn't

1 it?

2 A No.

3 Q It's not hard to pay attention?

4 A No.

5 Q You could tell everything that was going on when the

6 police were there?

7 A Yes.

8 Q Absolutely everything?

9 A Yes.

10 Q Okay. Could you -- you said you and Nathaniel Manning

11 were in, in the living room, right?

12 A Yes.

13 Q And was there anyone else by you and Mr. Manning?

14 A On the other side of the couch, but on our side not

15 really. But it's like I was laying -- okay. My body

16 was curving with the couch a little bit the way I was

17 laying and then it's like over here this corner it was

18 the two females sitting next to each other.

19 Q Okay.

20 Okay. Did you know any of those people?

21 A Not really. I had just met the majority of 'em that

22 day.

23 Q Okay. Now, while you were at the house with Mr. Walker,

24 were you in his presence for the entire time from

25 one o'clock to two o'clock in the morning?

1 A Yes.

2 Q One o'clock in the afternoon until two o'clock in the
3 morning?

4 A Yes.

5 Q You were always with him?

6 A Until we went to the store and when we went to the Red
7 Roof Inn, yes.

8 Q Other than that you had a clear eye on him the entire
9 time?

10 A Yes.

11 Q You never went to the bathroom?

12 A Well, of course I went to the bathroom.

13 Q And he went to the bathroom, right?

14 A Yes.

15 Q So you didn't actually see him the whole time.
16 Right?

17 A No.

18 MS. DEYOUNG: Nothing further.

19 THE COURT: Well, let me ask you a couple of
20 questions. The lawyers may have a few more. But I'm a
21 little -- I'm not real clear on the timeline here.
22 You got over to this house where the
23 celebration was about one in the afternoon?

24 THE WITNESS: Yes.

25 THE COURT: And how did you get there?

1 THE WITNESS: I caught the bus.
2 THE COURT: All right. And then about eight
3 o'clock you went to the store?
4 THE WITNESS: Yes.
5 THE COURT: And you took the Jimmy to the
6 store?
7 THE WITNESS: Yes.
8 THE COURT: Then came back?
9 THE WITNESS: Yes.
10 THE COURT: With your purchases.
11 And then at some point you went to the Red Roof
12 Inn?
13 THE WITNESS: Yes.
14 THE COURT: And that was about what time?
15 THE WITNESS: It was like 1, 1:30. Whatever
16 time that the officers had approached the house, it was
17 like at least 30 to 35 minutes befo' they arrived.
18 THE COURT: Okay. And you went to the Red Roof
19 Inn with anybody?
20 THE WITNESS: Nathaniel.
21 THE COURT: And you took the Jimmy?
22 THE WITNESS: Yes.
23 THE COURT: And you went to the Red Roof Inn
24 why?
25 THE WITNESS: Um, because I had exchanged a

1 couple of words with the female over the phone and we
2 actually -- I went to go get the girl Brittany things.
3 And then it's like she would -- because her and Brittany
4 had got into. And Brittany said, well, since you're
5 going that way, can you go grab my things from the Red
6 Roof. I said sure.

7 They called her and let her know that we was
8 coming. But when we got there, me and her had already
9 had altercation words over the phone. So we was arguing
10 at the door, and that's when we started going at it,
11 doing what we was doing.

12 THE COURT: All right. And then you and
13 Nate --

14 THE WITNESS: Nathaniel.

15 THE COURT: -- drove back to the house on
16 Marvin?

17 THE WITNESS: Yes.

18 THE COURT: And then shortly after that the
19 police came?

20 THE WITNESS: Yes.

21 THE COURT: And the police would have come was
22 around two in the morning, is that --

23 THE WITNESS: Yes.

24 THE COURT: That's correct?

25 So you were, with the exception of a couple of

1 absences, you were at the house on Marvin for 12 or 13
2 hours?

3 THE WITNESS: Yes.

4 THE COURT: And for how long a period of time
5 was the defendant there?

6 THE WITNESS: He was a -- there --

7 THE COURT: Walker.

8 THE WITNESS: Walker?

9 THE COURT: Yeah, Reginald.

10 THE WITNESS: He was there with me all day
11 until I ran my couple of moves.

12 THE COURT: All right. So all during that time
13 you didn't see any drug use, you didn't see any drug
14 selling, you didn't see --

15 THE WITNESS: No, sir.

16 THE COURT: -- anything like that?

17 All right. Any other questions for this
18 witness based on my questioning?

19 MR. SHORT: No, your Honor.

20 THE COURT: Okay. You may step down. Thank
21 you.

22 (At 3:35 p.m., witness excused)

23 THE COURT: Next.

24 MR. SHORT: Your Honor, we call Mr. Walker.

25 THE COURT: Okay.

1 Raise your right hand.

2 Do you solemnly swear or affirm to tell the

3 truth?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. Have a seat in the witness

6 chair, please.

7 Swing the microphone around so that it's right

8 in front of you.

9 REGINALD WALKER

10 (At 3:35 p.m., sworn as a witness, testified as

11 follows)

12 DIRECT EXAMINATION

13 BY MR. SHORT:

14 Q Thank you, your Honor.

15 Mr. Walker, please give your full name to the

16 jury.

17 A Yes. Reginald Deshawn Walker.

18 Q And, Mr. Walker, can you tell the jury where you grew

19 up?

20 A Um, yes. My childhood on the west side of Detroit. My

21 teenage years Taylor, Michigan.

22 Q Okay. And have you ever been to a house on Marvin

23 Street before?

24 A Yes, sir.

25 Q Who do you know to, to live there?

1 A Um, Johnny Nettleton.

2 Q Does he go by another name?

3 A JJ.

4 Q Have you ever come across or do you know a person named

5 Boss?

6 A Yes.

7 Q How about a person named Orlando?

8 A Yes.

9 Q Can you tell the jury what Boss and Orlando do for a

10 living?

11 A They, they sell drugs.

12 Q Okay. What kind of drugs?

13 A Really anything to be honest with you. But they, they

14 really sell crack and cocaine, and that's all I ever

15 really knew 'em to sell at that point in time.

16 Q Okay. Did you ever know Johnny Nettleton to have a

17 relationship with Boss and Orlando?

18 A Yes.

19 Q Can you explain to the jury how that relationship

20 worked?

21 A Yes. Um, Boss and Orlando, what they would do is like,

22 um, instead of just driving around Taylor all day, they

23 sit, sit at his house and he'd pay them -- they'd pay,

24 they'd pay him to sit at his house. So like if they

25 come over there one day, they'd give him some crack to

1 sit at his house all day.

2 Q Okay. And how did you know Buss -- Boss?

3 A Because, um, growing up in Taylor really. Um, he stayed

4 in the ponds, um, apartment complex.

5 Q You said the ponds, P-O-N-D-S?

6 A Yes. It called the ponds. Some people call it projects

7 but, um, on Eureka and Inkster.

8 Q Okay. And you -- did you come to know him from, from

9 that area?

10 A Yes.

11 Q Were you in or at 13693 Marvin on August 21st, 2013?

12 A Yes.

13 Q What were you doing there?

14 A Partying.

15 Q What do you mean partying?

16 A Nathaniel Manning, he like one of my, um, best friends.

17 We grew up together. And he didn't come home from

18 prison. He came home from the County. He was actually

19 in Dickerson for like eight months.

20 And when he came home, he came home Friday, but

21 he had to get everything with his probation officer and

22 everything together. He had to get all that settled.

23 So come the 21st we decided to drink and celebrate he

24 was home.

25 Even though we -- even though I seen him before

1 that, before that day, that was the day we decide to get
2 together.

3 Q Okay.

4 A Plus we had some females lined up to come over, too.

5 Q Okay. Females that come over -- lined up for, for
6 company?

7 A Yeah. To come over and drink with us and stuff.

8 Q Okay. Did you buy the, the 1800 that you heard Diamond
9 talking about?

10 A Yeah. I gave her the money to go get it.

11 Q Okay. And were you drinking?

12 A Yes.

13 Q Was everybody there drinking?

14 A Yes.

15 Q Were you doing any other kind of drugs?

16 A Yes.

17 Q Tell the jury what kind of drugs you were doing?

18 A I was doing cocaine, um, originally. Um, then I start
19 smoking.

20 Q Well, let's go back for a second.

21 Who did you get the cocaine from?

22 A Boss.

23 Q He sell it to you or did he -- did you buy it? Did he
24 sell it to you or give to you?

25 A He sold it to me.

1 Q And how about the, the rock or the crack cocaine?
2 A I got it from Boss also.
3 Q Did he said -- give it to you or did you buy it from
4 him?
5 A I bought it from him.
6 Q How long have you been using drugs?
7 A Since around 2003, 2004.
8 Q What kind of drugs did you start using?
9 A Really ecstasy pills and then, um, I start, um, doing
10 powder cocaine.
11 Q Okay. At some point did you switch over and use
12 anything other than just powder cocaine?
13 A Yeah. I start, um, smoking crack cocaine, um, because
14 my surroundings. Everyone in my surroundings throughout
15 Taylor that was -- that what they was doing, so I
16 started doing it also.
17 Q So you hung out with a lot of people that did, did
18 drugs?
19 A Yes.
20 Q Did everybody know that you were smoking, smoking crack
21 cocaine?
22 A No.
23 Q Who knew?
24 A Boss, Orlando, a few of my friends out in Taylor.
25 Really none, none of my immediate surroundings actually

1 knew I smoked crack cocaine. People suggested it and
2 said it, but I told -- but most of my immediate
3 surroundings knew I snorted powder cocaine before. But
4 don't nobody, don't nobody actually really knew a
5 personal -- personally that I smoked crack cocaine.

6 Q Now you look pretty healthy to me, Reginald. Are you
7 telling me that you smoke crack cocaine?

8 A Yes.

9 Q Did you ever -- how much do you weigh right now,
10 Reginald?

11 A Right now I'm around 340.

12 Q Okay.

13 A 340 pounds.

14 Q 340.

15 How much were you -- how much did you weigh
16 when you got arrested on August the 21st?

17 A 275 pounds.

18 Q And you showed me some pictures.

19 MR. SHORT: If I may approach, your Honor?

20 THE COURT: Yes.

21 BY MR. SHORT:

22 Q Can you tell the jury what these pictures are of?

23 A Yes. Um, this picture is from January. This is my, um,
24 older cousin Rita birthday party.

25 And this picture is -- it's from April, and

1 this is Ashley birthday party.

2 Q And can you tell the jury if you weighed more in those
3 pictures or less in those pictures than you do now or
4 than you did when you were arrested on August 21st?

5 A Um, in January I was, I was --

6 THE COURT: Well, this is January. You mean
7 last January?

8 THE WITNESS: Yeah. Last. Last January. I'm
9 sorry. I apologize. Last January 2013. I was, um, 386
10 pounds.

11 BY MR. SHORT:

12 Q Okay. And at the time you were arrested, how much did
13 you weight?

14 A I weighed 275 pounds.

15 Q So almost a hundred pounds less?

16 A Over a hundred pounds less.

17 MR. SHORT: Your Honor, we move for the
18 admission of these photographs as defense Exhibits A and
19 B?

20 THE COURT: All right. And they're to prove
21 what? I mean what's the --

22 MR. SHORT: Just that Mr. Walker has --

23 THE COURT: His weight fluctuates?

24 MR. SHORT: -- significant weight loss since
25 his use of drugs.

1 THE COURT: Any objection to A and B?

2 MS. DEYOUNG: Well, I think he's testified that
3 he's been using drugs since 2003, so I'm not sure --

4 THE COURT: Yeah. I don't get how these --

5 MR. SHORT: I can lay more of a foundation,
6 your Honor.

7 THE COURT: Well, it's not a foundation. It's
8 relevancy. What do to they prove? What's the point?

9 MR. SHORT: They're physical evidence, your
10 Honor, that Mr. Walker, when he smokes or was smoking
11 crack cocaine, he lost weight. And when he wasn't, he
12 gained weight.

13 THE COURT: So what? What is the point?

14 He's charged with being in possession of a lot
15 of drugs with the intent to sell or distribute them --

16 MR. SHORT: Your Honor --

17 THE COURT: -- which --

18 MR. SHORT: Go ahead. I'm sorry.

19 THE COURT: What is the point of whether or not
20 he's used drugs?

21 He's admitted he uses drugs in the past. His
22 weight fluctuates. Maybe those two thing are related,
23 maybe not. What is the difference?

24 MR. SHORT: Your Honor, he's currently charged
25 with possession with intent to distribute.

1 THE COURT: I just, just --
2 MR. SHORT: This evidence --
3 THE COURT: -- said that.
4 MR. SHORT: This evidence is going to show that
5 Mr. Walker was in possession with intent only for
6 personal use of the drugs on his, on his person.
7 THE COURT: Well, people who sell drugs may
8 also use them. They usually do actually as you know.
9 And so that doesn't rule out that he may have also been
10 selling or distributing drugs. It's not probative of
11 anything.
12 MR. SHORT: I don't think that it rules
13 anything out, your Honor. But I think that it gives the
14 jurors another -- an alternative explanation for
15 Mr. Walker having drugs in his pocket. And that being
16 that he had them personal use and not for possession
17 with intent to distribute.
18 THE COURT: How it proves that, but all right.
19 Well, anyway, do the People -- I'm sorry. Did
20 you have an objection to this?
21 MS. DEYOUNG: I just don't think it's relevant.
22 I --
23 THE COURT: I don't either. Okay. The
24 objection is sustained.
25 BY MR. SHORT:

1 Q Mr. Walker, can you tell -- besides the weight loss, can
2 you tell the jury what some of the other effects from
3 your drug use were?

4 MS. DEYOUNG: I'm gonna -- objection to the
5 relevance.

6 THE COURT: Mr. Short, the man is charged with
7 being in possession of drugs with the intent to sell or
8 distribute. His use habits are not relevant to that
9 charge. He's acknowledged that he uses drugs. I, I
10 don't know how this is -- this, this would lead us
11 anywhere fruitful.

12 MR. SHORT: I disagree, but I understand your
13 ruling --

14 THE COURT: This --

15 MR. SHORT: -- your Honor.

16 THE COURT: -- you know --

17 MR. SHORT: I'll continue.

18 THE COURT: -- what happens to him when he
19 uses, who cares.

20 MR. SHORT: I understand, your Honor. I'll
21 continue.

22 BY MR. SHORT:

23 Q Mr. Walker, can you tell the jury what you were doing
24 August the 21st, 2013?

25 THE COURT: I mean it also invites -- frankly,

1 you know, opening that door, it invites inquiry into how
2 he supports his habit, too, doesn't it. So let's just
3 leave it alone.

4 MR. SHORT: I'll continue, your Honor.

5 THE COURT: Yeah.

6 MR. SHORT: Thank you.

7 BY MR. SHORT:

8 Q Mr. Walker, can you tell the jury what you were doing on
9 August 21st, 2013?

10 A Yes. I started off my day. Boss which is a friend, he
11 came and picked me up from my older brother house on, on
12 Meyers and Pembroke, brought me out to Taylor. I got
13 out to Taylor around 12 o'clock. Um, my god cousin, my
14 cousin-in-law, she came and she came out there around
15 one o'clock. And basically we stayed around the house.

16 Seeing I wasn't driving or nothing we just
17 stayed around the house. And, um, by the time Nate got
18 through handling everything that he had to handle,
19 because that's when his, um, probation officer had to
20 come to his residence, his place of residence to show
21 that he lived there and, um, and make sure everything
22 with him was valid. After he got through doing all
23 that, Nate came and met us at the house also.

24 Um, Boss and Orlando, they went, made a few
25 runs, whatever they did. And, um, we started drinking

1 around about 8:30 like Diamond said.

2 Um, Alicia Ferrer which is a friend of mine,
3 she showed up. And Brittany showed up. And, um, we
4 were all -- we was all drinking.

5 Then Diamond, Diamond left and went to the
6 hotel and me and Licia and all of us, we stayed. Um,
7 that's basically about it.

8 Q Now, Mr., Mr. Walker, you've heard the officers testify
9 that when they arrested you, when they entered the house
10 you had drugs in your pocket?

11 A Yes.

12 Q Can you explain to the jury what those drugs were for?

13 A I was using 'em.

14 Q You were using 23 rocks of, of crack cocaine?

15 A Actually when I first purchased them, it was 25. Um,
16 they was \$10 a piece and he gave me twenty-five of 'em
17 for \$200. And, yes, I actually was.

18 Q Okay.

19 A I --

20 Q And the powdered cocaine in your possession, what was
21 your intent to do with that?

22 A That's what when, when, um, I first, when I first got
23 there, when I first got there and Boss 'nam picked me
24 up, that when I got the powder cocaine from 'em. So I
25 was did a few lines before anybody even got to the

1 house. But after I started drinking, that's when the
2 urge came on to smoke and that's when I purchased the 25
3 rocks.

4 Q Okay. Is, is 25 rocks -- I mean explain to the jury is
5 25 rocks a lot of drugs, a little bit of drugs for
6 somebody that uses drugs?

7 A Nah, it's not. It's like each rock is like one hit.

8 Q Okay. I'm showing you in my right hand a pill bottle.
9 Can you tell --

10 A Yeah.

11 Q -- the jury what this is?

12 A Yes. That's my Metformin medicine.

13 Q Okay. Can you tell the jury how many milligrams this
14 is?

15 A 850.

16 Q And you have a prescription for this?

17 A Yes, sir.

18 Q I'm showing you in my other hand --

19 MR. SHORT: If I may approach, your Honor?

20 THE COURT: Um-hum. Yes, you may.

21 MR. SHORT: Thank you, your Honor.

22 BY MR. SHORT:

23 Q Take a look at these pills and tell the jury if you've
24 ever seen these before?

25 A No, sir.

1 Q And read the black lettering. What does this describe
2 those as?

3 A Um, Metformin.

4 Q How many milligrams?

5 A 500 milligrams.

6 Q Do you have a prescription to take 850 milligrams of
7 Metformin or 500 milligrams?

8 A 850 milligrams.

9 Q Have you ever doubled up with two 500 pills to make that
10 that 850 docha -- dosage?

11 A No.

12 Q Why not?

13 A Because my, um, Dr. Stevenson just never, um, told me
14 to. I was being prescribed 850 since I found out I was
15 a diabetic.

16 Q Did you talk to Johnny Nettleton and/or Boss or anybody
17 else in, in that house regarding any illnesses that they
18 may have?

19 A Um, I know, um, Boss a heavyset guy, so I don't real
20 know, um, what type of illness he got. But he told me
21 that he be feeling sick and gotta eat. He gotta eat.
22 And I told him it's a possibility he was a diabetic. So
23 I don't know if went and checked into that.

24 I told you I know Boss for a couple, a years
25 few years --

1 Q Okay.

2 A -- you know, growing up in Taylor.

3 Q Okay. So to your knowledge at least one other person in
4 that house use diabetic medicine?

5 MS. DEYOUNG: Objection. That's not even close
6 to what he said.

7 THE COURT: That's not what he said, and there
8 hasn't been a diagnosis of diabetes.

9 MR. SHORT: I'll withdraw the question.

10 THE COURT: Okay.

11 BY MR. SHORT:

12 Q These form -- these Metformin in my left hand in this
13 bag, are these yours?

14 A No, sir.

15 Q Okay. Let's talk about what happen when the officers
16 arrived at the scene of 13693 Marvin.

17 A Yes, sir.

18 Q Can you tell jury what happened?

19 A Yes. Um, it was a knock at the door. I, um, kind of
20 leaned on the couch and I looked out the window. I
21 ain't see nobody.

22 JJ, Johnny Nettleton, he opened the door. When
23 he looked outside the door, he really didn't see nobody.
24 So but when he pushed the screen door opened, that when
25 we seen all the officers. So, um, he said I'm about to

1 step outside, close the door. So he was stepping
2 outside. I was closing the door behind him.

3 An officer yelled he closing the door, he
4 closing the door and start pushing into the door. Um,
5 when he --

6 Q Hold on one second.

7 Did you try to stop the officers from coming in
8 the house?

9 A No. No. Um, originally no. But after, but after they
10 start pushing I keep pushing back. I was, you know,
11 drug and high.

12 Q Okay.

13 A So when they was push, I pushed back.

14 Q Is it safe to say you did not want the officers to come
15 into the house?

16 A Yes. Yes.

17 Q And tell the jury why?

18 A Because I had drugs in my pocket.

19 Q Okay. And some point did the officers come in the
20 house?

21 A Yes.

22 Q Before they got into the house describe to the jury
23 whether or not there was a big bag of cocaine or rocks
24 and heroin located in that living room?

25 A No, it was not.

1 Q Did you see that bag at all?

2 A No, I did not.

3 Q Was there anybody upstairs that day?

4 A Yes.

5 Q Who was upstairs?

6 A Raymond.

7 Q Tell the jury what his, I guess, position in this, in,
8 in this situation was.

9 A Raymond an older guy. He do, he do like, like home
10 improvement work like on the side like whoever, whoever
11 need him to do something, they do it for him.

12 Well, when Boss and Orlando come to the house,
13 that's who they -- that's who he trust. They, they
14 trust Raymond because JJ smoke crack, too. So they
15 wouldn't leave nothing around JJ because JJ might smoke
16 it. So they put everything up in Raymond room.

17 Q And when the officers came into the house, they were
18 able to push you out the way, did you take a big bag of,
19 of cocaine with 163 rocks and heroin and other things in
20 it, did you take that bag and throw it at, at any time?

21 A No. I would of dis -- I have would discarded everything
22 if I was gon' -- if I had that and discarded it.

23 Q Did -- was that -- did the police officers find that bag
24 of drugs by your feet?

25 A No, sir.

1 Q Did you see where that big bag of drugs was at?

2 A No, sir.

3 Q After the officers entered the location tell the jury

4 what happened.

5 A Um, the officer even the loc -- enter the house. When

6 they -- um, I wasn't resist or backing up. It just when

7 they pushed the door, they hit the door so hard that I

8 kind of flew back.

9 So the officer grabbed me, he told me get down.

10 I immediately got down. It was like, um, halfway into

11 the house right before the kitchen, not actually in the

12 kitchen. And he handcuffed me.

13 When he handcuffed me, he lift me up. He, um,

14 went in my pocket, pulled the, um, the crack out my

15 pocket, put it back in my pocket. After he pulled the

16 crack out my pocket and put it back in my pocket, he

17 immediately took me outside.

18 Um, at that point I -- only JJ was outside.

19 Johnny Nettleton. And, um, he put me in the back of the

20 police car. I -- no, no.

21 He first he searched me again. Pulled the

22 money out my pocket along with the powder cocaine and

23 set it all on the back trunk of the police car.

24 After he sat all the drugs and money on the

25 back of the police car he put me in the police car.

1 About fifteen minutes later, 10 or 15 minutes later the
2 other police officer come out the house with another bag
3 of, um, drugs holding it in the air said look what we
4 found. And he sat it next to the money and the drugs I
5 had.

6 And Officer Collop, the officer who handcuffed
7 me, he put his hand in between it and pushed it back and
8 forth like this to separate it because I start -- I
9 actually start yelling like that's not mine. Don't,
10 don't do that to me. And, um, and that's when he put
11 his hand between it and separated it like that. And --

12 Q So you're telling this jury that the large bag with the
13 majority of the drugs in it, was that yours or not?

14 A No, sir.

15 Q You're arrested at some point?

16 A Yes, sir.

17 Q Did you have a conversation with anyone?

18 A Yes, sir.

19 Q Who was that?

20 A Detective Schwein.

21 Q Had you known Detective Schwein before?

22 A Yes, sir.

23 Q Okay. Would you say that you and he had a friendly
24 relationship or unfriendly?

25 A Unfriendly.

1 Q Why is that?

2 A Because I, um, led him, I led him to believe that I was
3 one of -- I was gonna find out where my friend was at
4 and, and find out where my friend was at and tell him
5 where he was at, but I didn't because I didn't -- my
6 friend was guilty of what they accused him of.

7 Q Let's talk about money in your pocket.

8 You've heard the officers testify that they
9 recovered approximately \$5300 in your pocket, correct?

10 A Yes, sir.

11 Q Explain to the jury where that money came from.

12 A Um, I'm a party promoter. I do party promoter and
13 entertainment for clubs like Sphinx, Timeout Sports Bar
14 and Grill, H2 Downtown, Bada Bings southwest Detroit.
15 And I, um, what I do is I come up with a theme, a theme
16 to the party and get a DJ. Get out fliers. Get a promo
17 team which is a team who promote through Twitter
18 Facebook, Instagram and stuff like that.

19 And I pull -- I put the whole thing together
20 like a month and a half, about 30 to 45 days in advance.
21 And the venue, I get to choose the venue.

22 Most venues nowadays hold anywhere from 450
23 people to a thousand people. I charge \$20 a head. I
24 pay for everything up front because I can get the venue
25 cheaper. I can get the DJ cheaper. I get everything

1 cheaper by paying for it upfront.

2 And, um, if I pack the club up at \$20 a head at

3 400 people, I'm sure to clear \$8,000. After I get my

4 return back on that it -- I probably profit around, um,

5 \$5500 every --

6 Q Now a person --

7 A -- time.

8 Q The person can't just -- I can't just wake up tomorrow

9 morning and decide I wanna be a party promoter, can I?

10 A No. You got to create a name for yo' self.

11 Q Okay. You need you seed money or you need something to

12 get started with, don't you?

13 A Yes.

14 Q Okay. Explain --

15 A Well --

16 Q -- to the jury if you needed seed money, and, if so, how

17 you got it.

18 A I mean it's, it's all according like you, you can either

19 find a way to get seed money or you can find a venue who

20 just need promoting.

21 Q Was this -- let me ask you a question.

22 Was there somebody that assisted you?

23 A Yes.

24 Q In being in the party promotions?

25 A Yes. Um, my uncle. He owns Timeout Sports Bar and

1 Grill on Plymouth and Abington. And he the -- he's a
2 bar. He don't charge to come in. He don't charge entry
3 fee to come in.

4 So what I start doing is giving \$5 parties and
5 \$10 parties. So I give a \$10 party, charge \$10 a head.
6 And I collect the money at the door as long as -- all
7 the money at the door as long as he sell so many bottles
8 of liquor.

9 Q Okay. Now, your uncle owns this club. Did he let you
10 promote parties there?

11 A Yes. Always.

12 Q Besides taking money in at the door was there -- is
13 there another way to make money as a party promoter?

14 A Yeah. One -- once I, um, was able to have my own money,
15 what he, what he'll do is the bottles that he sell, he
16 sell for \$250. Most bottles of liquor that he sell for
17 \$250 only cost \$50. So he make a \$200 profit. So I --
18 we split the profit as long as he sell so many bottles.

19 Q Okay. On or about August 21st you had \$5300 in your
20 pocket. Can you explain to the jury where that money
21 came from?

22 A Yes. Um, I had two major parties between July 4th and,
23 and then. I had a 4th of July party, um, which I give
24 every year. It's a 4th of July picnic.

25 It start as a picnic and it ends at a club.

1 This year it ended at Timeout Sports Bar and Grill.

2 I actually got the footage on You Tube of the,

3 um, picnic and everything. But it starts at -- um, it

4 start at the picnic, Kirby and Brush. It's a park on

5 Kirby and Brush. Kind of like downtown. And it's

6 bouncies for the kids and, and food and everything.

7 That's not where the proceeds came from. The

8 proceeds came from the after party which after we let

9 off the fireworks and everything, we goes to the bar.

10 The kids get dropped off. Everybody comes to the bar.

11 And we charge \$20 a head. We also open the basement up.

12 Q What bar is that, Reginald?

13 A It's my uncle bar.

14 Q And you said that you charged how much a head?

15 A \$20 a head.

16 Q Did you get any money from the liquor that was sold

17 there?

18 A Yes. Um, I received -- we sold, we actually sold, um,

19 20 bottles that night. 20 bottles of between Moet, Rose

20 Moet and Remy and stuff like that.

21 Q Tell the jury approximately how much money you, you

22 netted or took home with you as a result of that party?

23 A I took home 5,000 off the door and I took home 2,000 off

24 the bottles.

25 Q And did you have a -- was there an occasion where you

1 had another party between the 4th of July and
2 August 21st when you were arrested at 13693 Marvin?

3 A Yeah. The same, at the same venue we had a, um, hula
4 party for my auntie. It was her, um, it was her
5 birthday and, um, we opened up the basement.

6 This, this particular party we didn't, we
7 didn't charge for the door. We charged for the outside
8 and the basement. So what it is is when you come in the
9 door, you can get into the, the main bar for free. But
10 it's another door, it's another door right there where
11 you can go lead to the basement and lead to the outside
12 where we have a tent and barbecue and food.

13 And, um, to go outside we charge \$10 and to go
14 in the basement we charge \$20.

15 Q And, and you, you netted a profit from that party as
16 well?

17 A Yes.

18 Q And the money that you had on you, the \$5300 was part or
19 all of that money from these party promotions that, that
20 you did?

21 A Yes.

22 Q Okay. Why were you carrying \$5300 around with you?

23 A That's the image I have. Like I told you, everybody got
24 to build an image to, um, promote they selves. My image
25 is I keep a lot of money and I give the best parties and

1 stuff like that.

2 So anytime anybody see me, like if y'all see
3 any of the videos of my parties, um, you see me, I have
4 name brand clothes on, a lot of money and stuff like
5 that. And that's the image that I keep.

6 Q Now, you have to reconcile with me and explain that
7 thing to myself and the jury how someone that uses hard
8 drugs, about the hardest that there is, crack cocaine,
9 can also be a successful party promoter. How is that
10 even possible?

11 A I mean crack cocaine, when I get drunk, that's when the
12 urge come out to actually smoke crack. But cocaine is
13 like a social drug. Like if I sniff cocaine, then I
14 shake everybody hand at the party. I get to talk to
15 everything. I'm the life of the party. I'm got
16 everybody laughing.

17 I might get on the mic as the DJ and, and, and
18 say some crazy stuff that get the whole party jumping up
19 and down. Get everybody out they seats onto the dance
20 floor, anything like that.

21 Crack is like, it's like if I'm drunk or
22 getting drunk and I'm around it or around people around
23 it, it's an urge that come out that I do. I can't
24 really explain it. I just, I just when I, when I smoke
25 it, I like get stuck in it like bug eyed and stuff like

1 that.

2 Q And is it your testimony here today that you were using
3 drugs instead of selling them at 13693 Marvin that
4 night?

5 A Yes, sir.

6 MR. SHORT: Nothing further at this time, your
7 Honor.

8 THE COURT: All right. Well, Ms. DeYoung, I
9 think we're going to have to save cross-examination for
10 tomorrow.

11 Okay. It is four o'clock.

12 All right. You can step down for the moment,
13 Mr. Walker. And we will reconvene tomorrow at nine.

14 Yeah, we can start at nine. I have -- you
15 know, I'm sure we can.

16 Okay. So please don't start talking about the
17 case among yourselves or with anyone else. I'm still
18 confident that we're gonna be finishing tomorrow.

19 So leave your pads and pens on your chairs. We
20 will see you tomorrow morning at nine o'clock.

21 Thank you.

22 (at 4:03 p.m., jury excused)

23 THE COURT: Okay. Anything else?

24 MR. SHORT: No, your Honor.

25 THE COURT: Okay. We'll see you at nine.

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MS. DEYOUNG: Thank you.

MR. SHORT: Thank you, your Honor.

(At 4:04 p.m., proceedings concluded)