

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA : CRIMINAL ACTION
VERSUS : NO. 20-46-BAJ-SDJ
CLARENCE OMERR GREEN : NOVEMBER 20, 2020

=====

MOTION TO SUPPRESS HEARING
BEFORE THE HONORABLE BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE GOVERNMENT:

UNITED STATES ATTORNEY'S OFFICE
BY: KASHAN KHAN PATHAN, ESQ.
BY: JEREMY JOHNSON, ESQ.
777 FLORIDA STREET
SUITE 208
BATON ROUGE, LOUISIANA 70801

FOR THE DEFENDANT:

FEDERAL PUBLIC DEFENDER'S OFFICE
MIDDLE DISTRICT OF LOUISIANA
BY: RICHARD M. UPTON, ESQ.
707 FLORIDA STREET
SUITE 303
BATON ROUGE, LOUISIANA 70801

REPORTED BY: NATALIE W. BREAU, RPR, CRR
UNITED STATES COURTHOUSE
777 FLORIDA STREET
BATON ROUGE, LOUISIANA 70801
(225) 389-3565

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY USING
COMPUTER-AIDED TRANSCRIPTION SOFTWARE

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT WITNESS:

SERGEANT KEN CAMALLO

PAGE

DIRECT EXAMINATION BY MR. PATHAN9

CROSS-EXAMINATION BY MR. UPTON49

REDIRECT EXAMINATION BY MR. PATHAN113

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

THE COURT: GOOD MORNING, EVERYONE. BE SEATED.

BEFORE WE CALL THE CASE, LET ME INFORM COUNSEL THAT WE WILL DISPENSE WITH LOCAL RULE 83(B)(16), WHICH WOULD OTHERWISE REQUIRE COUNSEL TO STAND AT THE PODIUM WHEN ADDRESSING THE COURT OR EXAMINING A WITNESS. OF COURSE, I WILL SUSPEND THAT RULE FOR PURPOSES OF PROMOTING PUBLIC HEALTH AND SAFETY. IN FACT, I WOULD ASK COUNSEL TO REMAIN SEATED AND TO USE ONLY THE MICROPHONE BEFORE YOU WHEN EXAMINING THE WITNESS. IF YOU HAVE ANY QUESTIONS ABOUT THAT, I'LL BE HAPPY TO ANSWER THEM.

OTHERWISE, LET'S CALL THE CASE.

THE COURTROOM DEPUTY: CRIMINAL ACTION NO. 20-46, THE UNITED STATES OF AMERICA VERSUS CLARENCE OMERR GREEN.

THE COURT: COUNSEL, PLEASE ENTER YOUR APPEARANCES STARTING WITH COUNSEL FOR THE UNITED STATES.

MR. PATHAN: GOOD MORNING, JUDGE. KASHAN PATHAN AND JEREMY JOHNSON ON BEHALF OF THE UNITED STATES.

THE COURT: GENTLEMEN.

MR. UPTON: GOOD MORNING, YOUR HONOR. MARK

1 UPTON, ASSISTANT FEDERAL PUBLIC DEFENDER ON BEHALF OF
2 MR. GREEN, WHO IS PRESENT. WE'RE READY TO PROCEED.

3 **THE COURT:** VERY WELL. ALL RIGHT.

4 MR. UPTON, LET US -- LET THE RECORD REFLECT THAT MR.
5 GREEN IS PRESENT IN COURT AT THIS TIME.

6 GOOD MORNING TO YOU, GREEN.

7 **THE DEFENDANT:** GOOD MORNING, YOUR HONOR.

8 **THE COURT:** YOU NEED TO MOVE UP A LITTLE
9 CLOSER TO THE MICROPHONE. THERE YOU GO.

10 **THE DEFENDANT:** GOOD MORNING.

11 **THE COURT:** ALL RIGHT. NOW, THIS MATTER IS
12 BEFORE THE COURT ON A MOTION TO SUPPRESS FILED BY THE
13 DEFENDANT.

14 MR. UPTON, LET ME GIVE YOU AN OPPORTUNITY --
15 VERY, VERY BRIEFLY -- TO DESCRIBE YOUR REASONS FOR
16 FILING THE MOTION.

17 **MR. UPTON:** YOUR HONOR, THIS MOTION IS BASED
18 ON THE FACT THAT THERE WERE ITEMS SEIZED BASED ON
19 WARRANTLESS SEARCHES THAT WERE PERFORMED, AND IT'S
20 OUR BELIEF THAT THOSE SEARCHES WERE IMPROPER.

21 **THE COURT:** SO WE HAVE SEVERAL THINGS AT
22 PLAY HERE, MR. UPTON. I JUST WANT TO MAKE SURE THAT
23 I FULLY UNDERSTAND WHAT YOU'RE SEEKING TO SUPPRESS.

24 THERE WERE STATEMENTS MADE AND THERE WERE
25 ITEMS SEIZED. CORRECT?

1 HEARD MR. UPTON'S EXPLANATION OF ESSENTIALLY WHY
2 WE'RE HERE. THE INDICTMENT INDICATES THAT MR. GREEN
3 IS CHARGED WITH THE UNLAWFUL POSSESSION OF ONE
4 FIREARM. IS THAT CORRECT?

5 MR. PATHAN: YES, JUDGE.

6 THE COURT: IS THERE A REASON, IN THE
7 GOVERNMENT'S VIEW, THAT I SHOULD NOT BE CONCERNED
8 ABOUT THE MANNER IN WHICH THE OTHER FIREARMS WERE
9 OBTAINED?

10 MR. PATHAN: YES, JUDGE, I DO BELIEVE THAT'S
11 THE CASE HERE. THE REALITY IS, IS THAT WE'VE ONLY
12 CHARGED THE DEFENDANT WITH ONE FIREARM THAT WAS
13 DISCOVERED ON HIS PERSON DURING A TRAFFIC STOP.

14 NOW, LATER ON THERE WAS A VISIT TO THE
15 DEFENDANT'S PARENTS' HOME AND CERTAIN CONTRABAND WAS
16 FOUND THERE, BUT THAT'S NOT PART OF THIS CASE. WE'RE
17 NOT PRESENTING THAT EVIDENCE IN OUR INDICTMENT. THE
18 DEFENDANT HAS NOT BEEN CHARGED WITH ANYTHING FROM
19 THERE, SO I DO THINK, JUDGE, THAT IT'S NOT RELEVANT.

20 AS FAR AS IS IT GOING TO THE CREDIBILITY OF
21 THE OFFICER, THE CREDIBILITY OF THE OFFICER SHOULD BE
22 JUDGED BASED OFF OF WHAT HAPPENED PRIOR TO THE STOP
23 AND DURING THE STOP. RIGHT? THE *TERRY* STOP STANDARD
24 IS THE CONDUCT OF THE OFFICER DURING THE STOP AND
25 WHAT BASIS THERE WAS FOR THE STOP.

1 AND HERE, JUDGE, WHAT HAPPENED AFTER THE
2 STOP AND WHAT WAS FOUND AFTER THE STOP, I FEEL LIKE
3 WE'RE GETTING FAR AWAY FROM WHAT'S IN THE INDICTMENT,
4 WHAT'S BEEN CHARGED IN THIS CASE. I'M NOT SAYING THE
5 JUDGE CAN'T CONSIDER THAT AT ALL, BUT I THINK THE
6 WEIGHT HERE IS SMALL. WE NEED TO JUDGE WHAT THE
7 OFFICER'S CONDUCT WAS DURING THE COURSE OF THE STOP,
8 WHAT WAS FOUND DURING THE COURSE OF THE STOP, AND
9 WHAT THE DEFENDANT HAS BEEN CHARGED WITH IN THIS
10 CASE. OTHERWISE WE'RE JUST GOING ON A FISHING
11 EXPEDITION FOR INFORMATION THAT GOES FAR BEYOND WHAT
12 THIS CASE IS ABOUT AND WHAT THIS CASE HAS BEEN
13 CHARGED.

14 **THE COURT:** OKAY. LET ME TELL YOU WHY I
15 THINK IT MIGHT BE RELEVANT. I'M GOING TO WAIT TO SEE
16 WHERE THE EVIDENCE AND THE TESTIMONY GOES. BUT IN MY
17 VIEW, IT COULD BE -- VERY WELL BE RELEVANT IF MR.
18 GREEN IS, IN FACT, CONVICTED. THOSE ADDITIONAL
19 FIREARMS MAY HAVE A BEARING ON THE CALCULATION OF THE
20 SENTENCING GUIDELINES, AS I'M SURE YOU KNOW.

21 **MR. PATHAN:** YES, JUDGE.

22 **THE COURT:** SO THEY MAY VERY WELL BE
23 RELEVANT. IN ADDITION, IF THERE WAS ANY POLICE
24 OFFICER MISCONDUCT THAT OCCURRED AT THE TIME, THAT
25 TOO COULD BE RELEVANT TO THE COURT'S DETERMINATION OF

1 CREDIBILITY OF THE WITNESSES AND WHETHER THE OFFICER
2 ACTED APPROPRIATELY EVEN AT THAT STAGE OF THIS
3 ENCOUNTER, WHICH MAY HAVE A BEARING ON PRIOR CONDUCT
4 OR PRIOR INTERACTION WITH THE DEFENDANT AND PERHAPS
5 OTHERS.

6 SO I WILL RESERVE A DECISION AT THIS TIME AS
7 TO WHETHER WE WILL HEAR THE POST-ARREST CONDUCT, IF
8 YOU WILL, THE POST-TRAFFIC ARREST CONDUCT.

9 THE COURT WILL IMPOSE THE RULE OF
10 SEQUESTRATION. IF THERE ARE ANY WITNESSES PRESENT
11 WHO ANTICIPATE -- OR COUNSEL, I WOULD ASK YOU TO LOOK
12 ABOUT THE COURTROOM. IF YOU SEE ANYONE HERE WHO YOU
13 INTEND TO CALL AS A WITNESS, I WOULD ASK THAT YOU ASK
14 THEM, EXCEPT FOR THE VERY FIRST WITNESS, TO EXCUSE
15 THEMSELVES. OKAY?

16 **MR. PATHAN:** YOUR HONOR, WE ONLY HAVE A
17 SINGLE WITNESS. THAT'S OFFICER CAMALLO.

18 **THE COURT:** VERY WELL. YOU MAY CALL YOUR
19 WITNESS.

20 **MR. PATHAN:** YOUR HONOR, AT THIS TIME THE
21 UNITED STATES CALLS SERGEANT KEN CAMALLO.

22 **REPORTER'S NOTE:** (WHEREUPON, SERGEANT KEN
23 CAMALLO, BEING DULY SWORN, TESTIFIED AS FOLLOWS.)

24 **THE COURTROOM DEPUTY:** WOULD YOU STATE AND
25 SPELL YOUR LAST NAME FOR THE RECORD, PLEASE.

1 **THE WITNESS:** KEN CAMALLO, C-A-M-A-L-L-O.

2 **MR. PATHAN:** MAY I PROCEED, YOUR HONOR?

3 **THE COURT:** YOU MAY.

4 **DIRECT EXAMINATION**

5 **BY MR. PATHAN:**

6 **Q** SERGEANT CAMALLO, CAN YOU TELL US WHERE YOU
7 WORK.

8 **A** I WORK FOR THE BATON ROUGE POLICE
9 DEPARTMENT.

10 **Q** AND HOW LONG HAVE YOU WORKED FOR THE BATON
11 ROUGE POLICE DEPARTMENT?

12 **A** SINCE JULY OF 1998, SO A LITTLE OVER 22
13 YEARS.

14 **Q** AND WHAT SPECIFIC DIVISION ARE YOU IN IN THE
15 BATON ROUGE POLICE DEPARTMENT?

16 **A** I'M CURRENTLY ASSIGNED TO THE UNIFORM PATROL
17 DIVISION OUT OF THE FOURTH DISTRICT, OR SCOTLANDVILLE
18 PRECINCT.

19 **Q** HOW LONG HAVE YOU BEEN WITH THAT DIVISION?

20 **A** MOST OF MY CAREER. I DID A SHORT AMOUNT OF
21 TIME IN THE NARCOTICS DIVISION ASSIGNED TO HIGHWAY
22 INTERDICTION.

23 **Q** WE'LL TALK ABOUT THAT IN A MOMENT. BUT WHAT
24 ARE YOUR CURRENT DUTIES AS BEING PART OF THE UNIFORM
25 PATROL DIVISION?

1 A I'M A SHIFT SERGEANT IN UNIFORM PATROL, SO
2 MY -- RESPONSIBLE FOR EIGHT OFFICERS BELOW ME, ALONG
3 WITH A CO-SERGEANT. AND WE HAVE A LIEUTENANT ABOVE
4 US.

5 OUR RESPONSIBILITIES OR FUNCTIONS ARE: WE
6 HANDLE ALL CALLS FOR SERVICE INSIDE THE FOURTH
7 DISTRICT AREA AS WELL AS THE ENTIRE CITY, IF NEED BE,
8 WHICH PRETTY MUCH THE FOURTH DISTRICT AREA
9 ENCOMPASSES EVERYTHING NORTH OF WINBOURNE AVENUE ALL
10 THE WAY TO THOMAS ROAD.

11 Q JUST TO GET A CLEAR UNDERSTANDING OF WHAT
12 YOUR DUTIES ARE, WOULD YOU RESPOND TO CITIZEN
13 COMPLAINTS, CONDUCT TRAFFIC STOPS? LIKE WHAT EXACTLY
14 DO YOU DO?

15 A CORRECT. WE RESPOND TO ALL CALLS FOR
16 SERVICE, SO THAT WOULD BE 911 CALLS, TRAFFIC CRASHES,
17 NON-CRIME COMPLAINTS; IN OTHER WORDS, IF THERE IS A
18 MEDICAL ASSIST CALL, WE MIGHT HAVE TO GO STAND BY
19 WITH EMS AND FIRE DEPARTMENT. WE HANDLE CRIMES THAT
20 OCCUR, THEFTS IN PROGRESS, BURGLARIES, RESPOND TO
21 SHOOTINGS, STABBINGS, FIGHTS. PRETTY MUCH ANYTHING
22 THAT REQUIRES A 911 OR POLICE RESPONSE, WHETHER IT'S
23 CRIME RELATED OR NOT.

24 Q OKAY. AS PART OF YOUR DUTIES DO YOU EVER
25 ISSUE TRAFFIC CITATIONS?

1 A YES. WE ALSO ARE TASKED WITH ENFORCING
2 TRAFFIC LAWS. WHEN WE'RE NOT DISPATCHED TO CALLS, WE
3 ALSO PATROL AND ATTEMPT TO DETER CRIME, OR IF WE SEE
4 CRIMES IN PROGRESS, WE TAKE ACTION.

5 Q SO BESIDES JUST HAVING A CALL THAT YOU'RE
6 RESPONDING TO, YOU ALSO CONDUCT TRAFFIC STOPS IF YOU
7 SEE A TRAFFIC VIOLATION?

8 A THAT'S CORRECT.

9 Q OKAY. YOU MENTIONED A MOMENT AGO THAT YOU
10 ARE ALSO PART OF THE NARCOTICS DIVISION. HOW LONG
11 WERE YOU IN THAT DIVISION, AGAIN?

12 A I WAS IN THERE FOR APPROXIMATELY FOUR
13 MONTHS, I GUESS.

14 Q FOUR MONTHS?

15 A YES.

16 Q AND WHAT TYPE OF THINGS DID YOU DO WHEN YOU
17 WERE IN THAT DIVISION? WHAT WAS YOUR
18 RESPONSIBILITIES?

19 A WE -- I WAS ASSIGNED TO A TASK FORCE THAT'S
20 ASSIGNED TO THE DEA. AND WE PRIMARY TRY TO INTERCEPT
21 THE TRAFFICKING OF LARGE AMOUNTS OF CONTRABAND ALONG
22 THE INTERSTATE SYSTEM. WE ALSO ENFORCE TRAFFIC LAWS
23 ON THE INTERSTATE, CRASHES; THINGS LIKE THAT.

24 Q OKAY. NOW, OTHER THAN WORKING WITH BRPD,
25 HAVE YOU EVER BEEN A MEMBER OF A LAW ENFORCEMENT

1 AGENCY OF SOME OTHER, YOU KNOW -- SOME OTHER AGENCY
2 OTHER THAN BRPD?

3 A YES, SIR. I HAD APPROXIMATELY TWO YEARS OF
4 SERVICE WITH THE EAST BATON ROUGE SHERIFF'S OFFICE
5 PRIOR TO COMING TO THE BATON ROUGE CITY POLICE.

6 Q AND WHAT DIVISION WERE YOU WITH WITH EBRSO?

7 A I WORKED IN UNIFORM PATROL AND AT THE JAIL.
8 I STARTED AT THE RESERVE DIVISION WORKING OUT OF
9 UNIFORM PATROL OUT OF THE KLEINPETER SUBSTATION. DID
10 THAT FOR APPROXIMATELY A YEAR AND A HALF. THEN I
11 WENT FULL-TIME. AND AT THE TIME, 20-SOMETHING YEARS
12 AGO, WHEN YOU STARTED FULL-TIME YOU HAD TO START AS A
13 CORRECTIONS OFFICER IN THE JAIL, SO THAT'S WHERE I --

14 Q OFFICER CAMALLO, SO ADDING UP ALL YOUR TIME
15 WITH EBRSO AND BRPD, HOW LONG HAVE YOU BEEN A LAW
16 ENFORCEMENT OFFICER?

17 A A LITTLE -- ALMOST 25 YEARS, IF NOT A LITTLE
18 MORE.

19 Q CAN YOU TELL ME A LITTLE BIT ABOUT YOUR
20 TRAINING AS AN OFFICER. WHAT TYPE OF TRAINING HAVE
21 YOU RECEIVED?

22 A WE HAVE EXTENSIVE TRAINING AT THE SHERIFF'S
23 OFFICE AND THE RESERVE PROGRAM. I DON'T REMEMBER THE
24 EXACT TIME FRAME. I WANT TO SAY IT WAS SIX TO EIGHT
25 MONTHS, BECAUSE IT WAS BROKEN UP. IT WAS I THINK ONE

1 NIGHT A WEEK AND EVERY OTHER WEEKEND, OR SOMETHING
2 LIKE THAT, FOR AN EXTENDED PERIOD OF TIME.

3 BUT WHEN I WENT TO THE CITY POLICE, IT WAS A
4 26-WEEK ACADEMY. AND WE WERE TRAINED IN FIREARMS,
5 DEFENSIVE TACTICS, LAW OBVIOUSLY, COURTROOM
6 TESTIMONY, DWI DETECTION AND INVESTIGATIONS, CRASH
7 INVESTIGATIONS.

8 Q YOU MENTIONED DWI. HAVE YOU RECEIVED
9 TRAINING IN DETECTING, YOU KNOW, SUBSTANCES --
10 ILLEGAL SUBSTANCES?

11 A YES.

12 Q AND HAVE YOU RECEIVED TRAINING, FOR
13 INSTANCE, IN DETECTING THE SMELL OF MARIJUANA?

14 A THAT WAS MORE ON-THE-JOB-TYPE TRAINING. BUT
15 YES, WE WERE PRESENTED WITH PHOTOS AND SAMPLES OF
16 DIFFERENT TYPES OF NARCOTICS DURING THE ACADEMY, BUT
17 IT WAS IN CLOSED ENVIRONMENT SORT OF -- OR CLOSED
18 CONTAINERS. WHEN WE ACTUALLY GOT ON THE ROAD IN THE
19 FIELD TRAINING PROGRAM AND THEN ACTUALLY IN THE
20 PERFORMANCE OF OUR DUTIES, YOU COME ACROSS ILLEGAL
21 NARCOTICS.

22 Q ARE YOU FAMILIAR, THEN, WITH THE SMELL OF
23 MARIJUANA?

24 A YES.

25 Q AND YOU COULD DETECT IT COMING FROM A

1 VEHICLE OR A PERSON?

2 A YES.

3 Q OKAY. I WANT TO SHIFT GEARS NOW, OFFICER --
4 SERGEANT, AND I WANT TO TALK TO YOU ABOUT WHY YOU'RE
5 HERE TODAY.

6 WERE YOU ON DUTY ON JANUARY 1, 2020, I GUESS
7 NEW YEAR'S DAY?

8 A YES, I WAS.

9 Q AND WHILE ON DUTY, DID YOU ENCOUNTER THE
10 DEFENDANT IN TODAY'S CASE, CLARENCE GREEN?

11 A YES, I DID.

12 Q AND CAN YOU JUST TELL US BRIEFLY ABOUT THE
13 CIRCUMSTANCES THAT LED TO YOUR ENCOUNTER WITH THE
14 DEFENDANT. JUST VERY BRIEF SUMMARY.

15 A YES. I WAS IN THE AREA OF BROOKSTOWN, WHICH
16 IS A NEIGHBORHOOD OFF OF AIRLINE HIGHWAY AND
17 HOLLYWOOD/GREENWELL STREET AREA, KIND OF BETWEEN
18 HOLLYWOOD, GREENWELL AND EVANGELINE AND WEST OF
19 AIRLINE HIGHWAY. THERE WAS A SHOPLIFTING FROM A -- I
20 DON'T REMEMBER IF IT WAS A BOOST MOBILE OR A RADIO
21 SHACK, BUT IT WAS AN ELECTRONICS STORE AT THE
22 COLONIAL SHOPPING CENTER LOCATED AT THAT
23 INTERSECTION. A SUBJECT HAD STOLEN SOME ITEMS AND
24 FLED ON FOOT INTO THE BROOKSTOWN NEIGHBORHOOD. SO
25 MYSELF AND SEVERAL OFFICERS WERE IN THE AREA LOOKING

1 FOR THAT INDIVIDUAL.

2 Q WAS A SUSPECT FOR THAT BURGLARY OR ROBBERY
3 YOU MENTIONED -- WAS THE SUSPECT EVER IDENTIFIED?

4 A I DON'T BELIEVE ONE WAS. WE -- AGAIN, WE'RE
5 IN THE AREA LOOKING FOR HIM WHILE THE INITIATING
6 OFFICER WAS IN THE AREA TAKING THE COMPLAINT AT THE
7 STORE ITSELF. AND WE KIND OF SATURATED THE AREA AND
8 ATTEMPT TO LOCATE THIS INDIVIDUAL AND THE PROPERTY
9 THAT WAS TAKEN.

10 Q SO YOU'VE HEARD THIS COMPLAINT ABOUT A
11 BURGLARY. YOU'RE LOOKING FOR A SUSPECT. WHAT
12 HAPPENED NEXT?

13 A YEAH. IT WAS A THEFT, NOT A BURGLARY.

14 Q EXCUSE ME. THEFT.

15 A A THEFT FROM THE STORE. AT THAT POINT WE --
16 I BEGAN DRIVING IN THE AREA OF BROOKSTOWN, THE
17 BROOKSTOWN NEIGHBORHOOD, JUST DRIVING THROUGH ALL THE
18 STREETS, SEEING IF I OBSERVED THE INDIVIDUAL. BEGAN
19 CHECKING SOME VACANT RESIDENCES.

20 AS I'M TRAVELING DOWN ST. KATHERINE TOWARDS
21 AIRLINE HIGHWAY FROM ANNETTE STREET, WHICH WOULD BE
22 IN A -- I BELIEVE A EASTERLY DIRECTION, AS I
23 APPROACHED EAST BROOKSTOWN, THE STREET, OBSERVED TO
24 MY RIGHT AT A KNOWN DRUG HOUSE A SILVER OR GRAY
25 TOYOTA 4RUNNER WITH AN OUT-OF-STATE PLATE SITTING IN

1 THE DRIVEWAY. AND THERE APPEARED TO BE A FEMALE IN
2 THE DRIVER'S SEAT OF THAT VEHICLE.

3 Q SO LET ME PAUSE YOU THERE FOR A MOMENT AND
4 ASK YOU: ARE YOU FAMILIAR WITH THE BROOKSTOWN
5 NEIGHBORHOOD AREA? ARE YOU FAMILIAR WITH THAT AREA?

6 A YES, I AM.

7 Q HOW ARE YOU FAMILIAR WITH THAT AREA?

8 A IT IS A HIGH-CRIME AREA IN THE FOURTH
9 DISTRICT PRECINCT. WE HAVE A LOT OF CALLS FOR
10 SERVICE IN THAT AREA RELATIVE TO SHOOTINGS, ROBBERY,
11 NARCOTICS TRAFFICKING, LARGE FIGHTS. WE SPEND A LOT
12 OF TIME IN THAT NEIGHBORHOOD.

13 Q AND SO YOU'D PERSONALLY RESPONDED TO CALLS
14 AND OTHER CONCERNS IN THAT AREA -- OR EMERGENCIES IN
15 THAT AREA?

16 A YES, I HAVE.

17 Q AND SO YOU SAID THAT YOU SAW THIS TOYOTA
18 4RUNNER AT A RESIDENCE THAT YOU DESCRIBED AS A DRUG
19 RESIDENCE. WHAT DO YOU MEAN THERE?

20 A WE'VE MADE NUMEROUS NARCOTICS ARRESTS FROM
21 INDIVIDUALS LEAVING THAT HOUSE, STANDING IN THE
22 DRIVEWAY OF THAT RESIDENCE. INSIDE OF, YOU KNOW,
23 NARCOTICS DIVISION HAS HIT -- EXECUTED SEVERAL SEARCH
24 WARRANTS ON THAT RESIDENCE AFTER MAKING CONTROLLED
25 BUYS FROM THAT RESIDENCE, SO IT WAS WELL-KNOWN THAT

1 THAT WAS A NARCOTICS TRAFFICKING HOUSE IN THAT
2 NEIGHBORHOOD.

3 Q AND WHEN YOU SAY THAT, YOU KNOW, YOU -- THAT
4 IT WAS A KNOWN HOUSE AND THAT THERE WAS A BUNCH OF
5 CRIMINAL ACTIVITY THAT HAD OCCURRED AT THAT
6 RESIDENCE, HAD THAT OCCURRED SOME TIME WITHIN THE
7 PAST COUPLE OF MONTHS BEFORE -- BEFORE, I GUESS, NEW
8 YEAR'S DAY --

9 A YES.

10 Q -- THIS YEAR?

11 A YES.

12 Q OKAY. ALL RIGHT. SO YOU MENTIONED THAT YOU
13 SAW THIS VEHICLE AND THERE WAS A DRIVER IN THE CAR
14 AND THE CAR WAS AT THIS RESIDENCE. WHAT HAPPENED?

15 A I CONTINUED WITH MY PATROL OF THE AREA
16 LOOKING FOR THE THEFT SUSPECT, WENT ALL THE WAY OUT
17 TO AIRLINE, TURNED DOWN AIRLINE, WENT BACK INTO --
18 MADE A RIGHT ON AIRLINE AND ENTERED BACK INTO
19 BROOKSTOWN ON ST. GERARD, CONTINUED TO TRAVEL THE
20 STREETS FOR SEVERAL MINUTES. AT SOME POINT WE
21 DECIDED WE'D SEARCHED THE AREA AS BEST AS WE COULD;
22 WE WOULD GO TO OTHER CALLS FOR SERVICE HOLDINGS, SO I
23 WAS GOING TO LEAVE THAT AREA.

24 I WAS TRAVELING DOWN AIRLINE HIGHWAY I GUESS
25 IN A NORTHERLY DIRECTION TOWARDS THE RIVER. AND AS I

1 PASSED ST. GERARD -- I'M SORRY -- ST. KATHERINE
2 AGAIN, I OBSERVED THE VEHICLE, THE TOYOTA 4RUNNER,
3 SITTING AT THE STOP SIGN SIGNALING TO TURN LEFT, THE
4 DIRECTION I WAS TRAVELING ON AIRLINE HIGHWAY. THERE
5 APPEARED TO BE A SMALL CHILD IN THE FRONT PASSENGER
6 SEAT OF THAT VEHICLE. AND I NOTICED, AS I PASSED THE
7 INTERSECTION, INSTEAD OF THE VEHICLE TURNING LEFT AS
8 IT HAD SIGNALLED TO TRAVEL THE DIRECTION I WAS
9 TRAVELING, IT ABRUPTLY MADE A RIGHT TURN TO GO THE
10 OPPOSITE DIRECTION THAT I WAS TRAVELING.

11 I FOUND THAT ODD, GIVEN THE RESIDENCE THAT
12 IT WAS COMING FROM, THE FACT THAT THERE WAS A CHILD
13 UNRESTRAINED IN IT. IT APPEARED TO ME THAT THEY JUST
14 DID NOT WANT TO BE -- OR TRAVEL THE SAME DIRECTION
15 THAT THE POLICE WERE IN, AS I WAS IN A MARKED UNIT.
16 SO AT THAT POINT I CONDUCTED A U-TURN.

17 Q WHEN YOU HAD OBSERVED THE VEHICLE AT THE
18 RESIDENCE EARLIER, WAS THERE ANYTHING UNUSUAL ABOUT
19 THE VEHICLE -- OR NOT ANYTHING UNUSUAL, BUT ANYTHING
20 THAT CAUGHT YOUR ATTENTION ABOUT THE VEHICLE AT THAT
21 TIME?

22 A I JUST NOTICED THAT THERE WAS A FEMALE IN
23 THE DRIVER'S SEAT AND THAT IT APPEARED TO HAVE AN
24 OUT-OF-STATE PLATE ON IT.

25 Q AND WHAT STATE WAS IT, IF YOU RECALL?

1 A IT WAS MISSISSIPPI.

2 Q MISSISSIPPI. SO YOU JUST TESTIFIED THAT YOU
3 SAW THIS VEHICLE INDICATE TO THE LEFT, WHICH WOULD
4 HAVE TAKEN IT TOWARDS YOU. IS THAT RIGHT? IF IT HAD
5 COMPLETED THAT TURN.

6 A IF IT HAD COMPLETED ITS TURN AS IT HAD
7 SIGNALLED, IT WOULD HAVE BEEN BEHIND ME BUT GOING THE
8 SAME DIRECTION ON AIRLINE HIGHWAY THAT I WAS.
9 HOWEVER, THE VEHICLE MADE A RIGHT TURN WITH ITS LEFT
10 TURN SIGNAL ON. AND AGAIN, HAVING BEEN JUST AT A
11 RESIDENCE THAT WAS A KNOWN DRUG RESIDENCE, IT
12 APPEARED THAT THE VEHICLE WAS TRYING TO BE EVASIVE
13 AND NOT TRAVEL THE SAME DIRECTION THAT THE POLICE
14 WERE GOING.

15 Q SO THEN YOU MENTIONED THAT YOU TOOK A U-TURN
16 AFTER THE VEHICLE CHANGED ITS APPARENT COURSE. WHAT
17 HAPPENED AFTER YOU TOOK THAT U-TURN?

18 A I THEN NOTICED THAT THE VEHICLE PROCEEDED
19 DOWN AIRLINE HIGHWAY IN A SOUTHERLY DIRECTION. IT
20 THEN TURNED RIGHT ONTO HANKS AND REENTERED THE
21 BROOKSTOWN NEIGHBORHOOD, WHICH AGAIN I THOUGHT WAS
22 ODD BECAUSE IT HAD JUST COME FROM THAT NEIGHBORHOOD.

23 IF IT WAS GOING TO REMAIN IN THE
24 NEIGHBORHOOD AS OPPOSED TO LEAVING THE RESIDENCE IT
25 WAS AT ON BROOKSTOWN, IT BASICALLY WOULD HAVE HAD TO

1 BACK OUT OF THE DRIVEWAY OF THE RESIDENCE, PROCEED
2 THE DIRECTION THAT WE WERE TRAVELING IN -- OR MY UNIT
3 WAS TRAVELING IN ON AIRLINE -- BROOKSTOWN PARALLELS
4 AIRLINE HIGHWAY. IT WOULD HAVE TRAVELED MAYBE 30
5 FEET TO A STOP SIGN.

6 IT TOOK A RIGHT, TRAVELED MAYBE ANOTHER 150,
7 200 FEET, AND THEN BASICALLY MADE ANOTHER RIGHT ONTO
8 AIRLINE, ONLY TO TURN BACK INTO THE SAME
9 NEIGHBORHOOD, WHEN IT COULD HAVE JUST BACKED OUT AND
10 PROCEEDED DOWN BROOKSTOWN IN THE OPPOSITE DIRECTION
11 AND GOTTEN TO THE SAME POINT. SO I THOUGHT THAT WAS
12 ODD AS WELL.

13 Q OKAY. SO YOU HAD PREVIOUSLY SEEN THIS
14 VEHICLE IN THE BROOKSTOWN NEIGHBORHOOD. AND HOW LONG
15 HAD IT BEEN SINCE YOU SAW IT THAT FIRST TIME AT THAT
16 RESIDENCE PARKED AND THEN YOU SAW IT THE SECOND TIME
17 WHEN YOU MADE THAT U-TURN -- HOW LONG HAD IT BEEN?

18 A FIVE MINUTES OR SO.

19 Q FIVE MINUTES?

20 A YEAH, PLUS OR MINUS A LITTLE BIT.

21 Q NOW, YOU MENTIONED THAT THERE WAS A CHILD
22 THAT YOU HAD OBSERVED IN THE FRONT PASSENGER SEAT.
23 CAN YOU TELL US A LITTLE BIT MORE ABOUT THAT. WHAT
24 EXACTLY DID YOU OBSERVE?

25 A IT WAS JUST A TODDLER, INFANT, YOU KNOW,

1 UNDER FIVE, I WOULD SAY, CHILD SITTING IN THE ARMS --
2 OR SITTING IN THE LAP OF THE FRONT-SEAT PASSENGER.

3 Q OKAY. AND IS THAT -- IS THAT A TRAFFIC
4 VIOLATION FOR SOMEONE TO HAVE A CHILD SITTING IN
5 THEIR LAP IN THE FRONT PASSENGER SEAT IN THAT
6 FASHION? IS THAT A TRAFFIC VIOLATION?

7 A YES. CHILDREN UNDER -- I BELIEVE IT'S UNDER
8 THE AGE OF 12 -- ARE SUPPOSED TO BE IN THE BACK SEAT
9 OF THE VEHICLE. AND CHILDREN THAT SMALL NEED TO BE
10 RETAINED IN A TODDLER SEAT.

11 Q IS THAT A MUNICIPAL OR A STATE VIOLATION
12 OR --

13 A BOTH.

14 Q BOTH?

15 AND HAVE YOU EVER ENFORCED THAT VIOLATION IN
16 THE PAST?

17 A YES.

18 Q AND I GUESS, BY EXTENSION, YOU'VE ISSUED
19 TRAFFIC CITATIONS FOR THAT OFFENSE, OR FOR THAT
20 VIOLATION?

21 A YES.

22 Q NOW, AFTER YOU SAW THE VEHICLE CHANGE ITS
23 COURSE, DID YOU EVER STOP THE VEHICLE?

24 A YES, I DID. I FOLLOWED THE VEHICLE ON
25 AIRLINE FOR A BRIEF MOMENT AS IT TURNED ONTO HANKS.

1 AND THEN IT REACHED THE STOP SIGN AT HANKS AND EAST
2 BROOKSTOWN AGAIN AND IT SIGNALLED TO TURN LEFT. AS IT
3 MADE THAT LEFT TURN, I INITIATED A TRAFFIC STOP OF
4 THE VEHICLE WHEN IT CAME TO A STOP AT EAST BROOKSTOWN
5 AND BYRON, WHICH IS A SHORT DISTANCE AWAY; THE NEXT
6 INTERSECTION.

7 Q LET ME STEP BACK FOR A MOMENT AND ASK: WHEN
8 YOU WERE CONDUCTING THE STOP OF THIS VEHICLE, WERE
9 YOU DRIVING A BRPD FLEET VEHICLE OR A POLICE UNIT?

10 A YES, A MARKED POLICE UNIT.

11 Q A MARKED POLICE UNIT.

12 AND WAS THAT MARKED POLICE UNIT EQUIPPED
13 WITH A DASH CAMERA?

14 A YES, IT IS EQUIPPED WITH A DASH CAMERA.

15 Q TO YOUR KNOWLEDGE, WAS THAT DASH CAMERA
16 OPERATIONAL ON JANUARY 1, 2020?

17 A YES, IT WAS.

18 Q AND DO YOU KNOW IF THERE IS ANY DASH CAMERA
19 FOOTAGE OF YOUR STOP OF THE VEHICLE IN THIS CASE?

20 A YES, THERE IS.

21 Q AND HAVE YOU REVIEWED THAT FOOTAGE PRIOR TO
22 COMING TO COURT TODAY?

23 A YES, I HAVE.

24 Q AND IF I SHOWED YOU SOME OF THAT FOOTAGE
25 FROM YOUR STOP OF THAT VEHICLE, WOULD YOU RECOGNIZE

1 IT?

2 A YES, I WOULD.

3 Q IN THAT CASE I WANT TO TURN YOUR ATTENTION
4 TO UNITED STATES EXHIBIT 2. WE'RE GOING TO PLAY JUST
5 A VERY BRIEF SNIPPET OF THIS, AND YOU CAN TELL ME IF
6 YOU RECOGNIZE WHAT IT IS.

7 MR. PATHAN: MS. SWENSON, CAN YOU JUST PLAY
8 30 SECONDS OF THIS FOR THE WITNESS.

9 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
10 U.S. EXHIBIT NO. 2 WAS PLAYED.)

11 MR. PATHAN: ACTUALLY, YOU CAN STOP IT
12 THERE, MS. SWENSON, AT THE TEN-SECOND MARK.

13 BY MR. PATHAN:

14 Q OFFICER, DO YOU RECOGNIZE THIS VIDEO?

15 A YES, I DO.

16 Q HOW DO YOU RECOGNIZE IT?

17 A IT'S THE DASH CAMERA FOOTAGE FROM MY POLICE
18 UNIT.

19 Q IS THIS VIDEO -- ON THIS VIDEO IS THERE A
20 TIME STAMP?

21 A THERE IS.

22 Q AND WHAT IS THAT TIME STAMP?

23 A IT'S DATED ON THE TOP OF 2020-01-01. AND
24 THEN IT'S GOT TIME OF 22:24:15Z, WHICH THEY EXPLAINED
25 TO ME WHAT TIME THAT IS. I DON'T KNOW IF IT'S ZOOM

1 TIME OR HOW THEY CATEGORIZE IT. IT'S NOT CURRENT
2 TIME --

3 Q SURE.

4 A -- AT THE TIME OF THE INCIDENT. IT'S --

5 Q SO THIS VIDEO WAS MADE ON NEW YEAR'S DAY
6 2020?

7 A CORRECT.

8 MR. PATHAN: AND, YOUR HONOR, AT THIS TIME
9 THE WITNESS HAS IDENTIFIED THE EXHIBIT, AND THE
10 UNITED STATES DOES MOVE TO HAVE IT ADMITTED INTO THE
11 RECORD; UNITED STATES EXHIBIT 2.

12 THE COURT: ANY OBJECTION?

13 MR. UPTON: NONE, YOUR HONOR.

14 THE COURT: WITHOUT OBJECTION, GOVERNMENT
15 EXHIBIT 1 IS ADMITTED.

16 MR. PATHAN: IT'S EXHIBIT 2, YOUR HONOR.

17 THE COURT: EXHIBIT 2.

18 MR. PATHAN: IT'S A LITTLE OUT OF ORDER.
19 APOLOGIES.

20 BY MR. PATHAN:

21 Q SERGEANT CAMALLO, YOU MENTIONED THAT YOU HAD
22 SOME INTERACTIONS WITH THE VEHICLE AT THE RESIDENCE.
23 THAT'S NOT CAPTURED IN THIS -- OR IS IT -- IS THAT
24 CAPTURED IN THIS VIDEO?

25 A NO, IT'S NOT.

1 **Q** AND YOU ALSO MENTIONED THAT THERE WAS A
2 POINT WHERE YOU SAW THE VEHICLE INDICATING TO MAKE A
3 LEFT AND THEN -- AND YET IT MADE A RIGHT TO GO IN THE
4 OPPOSITE DIRECTION OF YOU. IS THAT CAPTURED IN THIS
5 VIDEO?

6 **A** NO, IT'S NOT. AND IT PROBABLY WOULDN'T BE.
7 THE WAY THE CAMERA SYSTEM OPERATES, IT -- ONCE THE
8 CAMERA IS ACTIVATED, IT BACKS UP 30 SECONDS OF VIDEO
9 FOOTAGE BUT NOT AUDIO. AND A CAMERA IS A
10 ONE-DIMENSIONAL VIEW; IN OTHER WORDS, IT ONLY SHOWS
11 WHAT'S DIRECTLY IN FRONT OF THAT FIELD OF VIEW.

12 AS I WAS PASSING THE VEHICLE AND IT WAS AT
13 THE LIGHT -- AT THE STOP SIGN WITH THE SIGNAL ON, IT
14 WOULD HAVE BEEN TO OUR LEFT, SO IT PROBABLY WOULDN'T
15 HAVE BEEN CAPTURED. AND IF IT WOULD HAVE, IT'D HAVE
16 BEEN A SMALL SEGMENT OF THAT. AND WHEN IT ACTUALLY
17 MADE THE TURN, IT WOULD HAVE BEEN BEHIND US. THAT
18 WOULDN'T HAVE BEEN CAPTURED ON THE CAMERA, EITHER.

19 **MR. PATHAN:** SO AT THIS TIME, MS. SWENSON,
20 CAN YOU JUST PLAY THE FIRST -- CAN YOU PLAY TILL A
21 MINUTE AND 25 SECONDS ON THIS VIDEO, ROUGHLY?

22 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
23 **U.S. EXHIBIT NO. 2 WAS PLAYED.)**

24 **MR. PATHAN:** CAN YOU PAUSE IT THERE AT THE
25 33-SECOND MARK?

1 **BY MR. PATHAN:**

2 **Q** IT ISN'T UNTIL RIGHT HERE AT THE 30-SECOND
3 MARK THAT YOU INITIATE YOUR SIRENS. IS THAT WHY THE
4 AUDIO KICKED IN? WHY DID THE AUDIO KICK IN NOW?

5 **A** BECAUSE AT THAT POINT I ACTIVATED THE
6 EMERGENCY LIGHTS TO CONDUCT A TRAFFIC STOP. AND AT
7 THAT POINT IT ACTIVATES THE IN-CAR CAMERA SYSTEM AS
8 WELL AS THE BODY CAMERA SYSTEM. AND IT BACKS UP,
9 AGAIN, 30 SECONDS OF VIDEO, BUT THE AUDIO STARTS THE
10 SECOND THE CAMERA KICKS ON.

11 **MR. PATHAN:** OKAY. MS. SWENSON, YOU CAN
12 CONTINUE UNTIL ABOUT A MINUTE AND 25 SECONDS, AND
13 THEN I'LL HAVE SOME QUESTIONS FOR THE OFFICER.

14 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
15 **U.S. EXHIBIT NO. 2 WAS PLAYED.)**

16 **MR. PATHAN:** YOU CAN STOP THERE, MS.
17 SWENSON, AT ABOUT A MINUTE AND 25 SECONDS.

18 **BY MR. PATHAN:**

19 **Q** SERGEANT CAMALLO, WHY DID YOU INSTRUCT THE
20 OFFICER TO -- OR WHY DID YOU INSTRUCT THE WITNESS OR
21 THIS WOMAN TO LEAVE HER VEHICLE AND COME TOWARDS YOU?

22 **A** THAT'S FOR MY SAFETY AS WELL AS THEIR
23 SAFETY. IT'S VERY RARE THAT WE ACTUALLY APPROACH A
24 VEHICLE TO CONTACT A DRIVER. WHEN YOU APPROACH A
25 DRIVER OF A VEHICLE, YOU HAVE VERY LIMITED VIEW OF

1 THEIR HANDS, OF WHAT'S GOING ON INSIDE OF THAT
2 VEHICLE. YOU DON'T KNOW IF THERE ARE ANY WEAPONS
3 ACCESSIBLE TO THEM IF THEY'RE -- DON'T KNOW WHAT THEY
4 HAVE DONE PRIOR TO THIS THAT WE MIGHT NOT BE AWARE
5 OF. THEY MIGHT TRY TO HARM US IN AN ATTEMPT TO FLEE.

6 SO I USUALLY HAVE ALL DRIVERS STEP TO THE
7 REAR OF THE VEHICLE TO CONDUCT MY INTERVIEW WITH THEM
8 AS OPPOSED TO DOING IT IN A AREA WHERE I CAN'T SEE
9 WHAT'S GOING ON.

10 Q OKAY. WELL, THIS IS FOOTAGE FROM THE POLICE
11 VIDEO. WERE YOU ALSO WEARING A BODY CAMERA THAT DAY?

12 A YES, I WAS.

13 Q AND TO YOUR KNOWLEDGE, WAS YOUR BODY CAMERA
14 OPERATIONAL THAT DAY?

15 A YES, IT WAS.

16 Q AND HAVE YOU REVIEWED THE BODY CAMERA
17 FOOTAGE?

18 A YES, I HAVE.

19 Q AND IF I SHOWED YOU THAT FOOTAGE, WOULD YOU
20 RECOGNIZE IT?

21 A YES, I WOULD.

22 Q OKAY. IN THIS CASE I WANT TO SHOW YOU
23 UNITED STATES EXHIBIT 1A THROUGH 1C. I'M JUST GOING
24 TO PLAY -- MS. SWENSON IS GOING TO PLAY JUST A BRIEF
25 KIND OF SEGMENT OF THEM, AND YOU CAN TELL US IF THIS

1 IS WHAT CAPTURES SOME OF THE FOOTAGE FROM YOUR
2 ENCOUNTER WITH THE DEFENDANT.

3 MR. PATHAN: MS. SWENSON, CAN YOU JUST PLAY
4 A BRIEF PART OF THIS? THIS IS EXHIBIT -- U.S.
5 EXHIBIT 1A.

6 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
7 U.S. EXHIBIT NO. 1A WAS PLAYED.)

8 MR. PATHAN: YOU CAN PAUSE IT THERE AT THE
9 58-SECOND MARK.

10 BY MR. PATHAN:

11 Q OFFICER, DOES THIS -- DO YOU RECOGNIZE THIS
12 VIDEO?

13 A YES. THAT'S THE BODY CAMERA FOOTAGE
14 CAPTURED BY MY BODY CAMERA.

15 Q OKAY. CAN YOU -- ACTUALLY, WE'LL STOP AT
16 THIS VIDEO.

17 AND HOW DO YOU RECOGNIZE THIS FOOTAGE? YOU
18 ARE THERE --

19 A I VIEWED IT, BUT THAT'S THE INTERIOR OF MY
20 POLICE UNIT.

21 Q AND THIS VIDEO WAS MADE ON NEW YEAR'S DAY?

22 A CORRECT. IT'S -- UP ON THE TOP IT'S GOT THE
23 DATE 2020-01-01 AND THE SAME TIME 22:25:03 ZOOM.

24 Q THANK YOU. LET'S STAY AT THIS EXHIBIT.

25 MR. PATHAN: YOUR HONOR, AT THIS TIME I'D

1 LIKE TO MOVE TO ADMIT UNITED STATES EXHIBIT 1A INTO
2 THE RECORD.

3 THE COURT: ANY OBJECTION?

4 MR. UPTON: NONE.

5 THE COURT: GOVERNMENT EXHIBIT 1A IS
6 ADMITTED.

7 MR. PATHAN: MS. SWENSON, YOU CAN KEEP
8 PLAYING UNTIL ABOUT THE TWO-MINUTE-TWENTY-SECOND
9 MARK, AND THEN I'LL HAVE SOME QUESTIONS FOR THE
10 OFFICER.

11 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
12 U.S. EXHIBIT NO. 1A WAS PLAYED.)

13 MR. PATHAN: YOU CAN PAUSE IT THERE, MS.
14 SWENSON.

15 BY MR. PATHAN:

16 Q OFFICER, YOU SAID IN THE VIDEO THAT THIS
17 DOESN'T MAKE SENSE -- HER EXPLANATION DIDN'T MAKE
18 SENSE TO YOU. WHY DIDN'T IT MAKE SENSE TO YOU?

19 A WELL, BECAUSE SHE'S TELLING ME THAT SHE WAS
20 AT A HOUSE ON EAST BROOKSTOWN, THAT SHE HAS A CAR
21 FULL OF CLOTHES THAT SHE'S GOING TO TAKE FROM -- SHE
22 HAS A CAR FULL OF CLOTHES BUT SHE'S GOING TO TAKE
23 CLOTHES OUT OF THE WASHER TO PUT IN THE DRYER AND
24 THAT SHE WAS GOING TO GET SOMETHING TO EAT BUT THEN
25 DECIDED TO GO DO THIS FIRST.

1 IT JUST SEEMS TO ME THAT IF YOU'RE AT ONE
2 HOUSE AND YOU'RE GOING TO DO THIS OTHER TASK, YOU
3 WOULD GO TAKE CARE OF THAT TASK. AND SHE NEVER
4 EXPLAINED WHY SHE WAS AT THE HOUSE ON BROOKSTOWN IN
5 THE FIRST PLACE. IT JUST WASN'T MAKING SENSE.

6 **Q** OKAY.

7 **MR. PATHAN:** YOU CAN CONTINUE TILL ABOUT THE
8 FOUR-MINUTE-AND-FIFTEEN-SECOND MARK.

9 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
10 **U.S. EXHIBIT NO. 1A WAS PLAYED.)**

11 **MR. PATHAN:** YOU CAN PAUSE THERE.

12 **BY MR. PATHAN:**

13 **Q** OFFICER CAMALLO, YOU MENTIONED EARLIER THAT
14 THE EXPLANATION THAT THE DRIVER OF THE VEHICLE GAVE
15 YOU DIDN'T MAKE SENSE. DID YOU LEARN ANYTHING ABOUT
16 THIS DRIVER AND ABOUT HER SPECIFICALLY DURING THE
17 COURSE OF THIS STOP?

18 **A** YES. JUST AS THE -- AS YOU CAN TELL BY THE
19 VIDEO, AS IT WENT ON, THE STORIES BEGAN TO CHANGE A
20 LITTLE BIT; WHO SHE SAID SHE HAD IN THE CAR.
21 INITIALLY IT WAS HER, HER KIDS, HER FRIEND, AND THEN
22 IT WAS HER, HER KID, HER FRIEND AND TWO GUYS SHE
23 PICKED UP. SHE SAID SHE WAS GOING -- SHE WAS THE
24 CANDY LADY, SHE WAS GOING TO GET SOME FOOD AND THEN
25 GOING TO GET CLOTHES IN AND OUT OF THE WASHING

1 MACHINE AT THE LAUNDROMAT.

2 WE CONTACTED THE PASSENGER, AND AS WE
3 APPROACHED THE VEHICLE, WE COULD SMELL MARIJUANA.
4 YOU CAN HEAR ME TELL THE OFFICERS "DO YOU SMELL
5 966?" WHICH IS THE STATE CODE FOR POSSESSION OF
6 MARIJUANA. IT'S 40:966. WE COULD SEE THAT THE BACK
7 SEAT OF THE VEHICLE WAS FOLDED DOWN AS WE APPROACHED;
8 THAT THE REAR OCCUPANTS WERE SEATED ON THE FOLDED
9 DOWN SEAT, NOT IN AN ACTUAL SEAT ITSELF.

10 Q DID YOU EVER LEARN ANYTHING ABOUT THE LEGAL
11 STATUS OF THE DRIVER? WAS THERE ANY WARRANTS OR
12 ANYTHING ELSE?

13 A YEAH. AS THE INVESTIGATION PROCEEDED, WE
14 RAN THE DRIVER FOR HER DRIVER'S LICENSE STATUS AND
15 WARRANTS, AS WELL AS ANYBODY ELSE IN THE VEHICLE.
16 AND I BELIEVE SHE HAD WARRANTS THROUGH SHERIFF'S
17 OFFICE, I THINK.

18 Q SO THE DRIVER OF THE VEHICLE HAD AN
19 OUTSTANDING WARRANT?

20 A CORRECT.

21 Q AND IN YOUR EXPERIENCE AS AN OFFICER, IF
22 SOMEONE WHO'S DRIVING A VEHICLE WHO HAS AN
23 OUTSTANDING WARRANT SEES AN OFFICER OR THEY -- HAVE
24 YOU EVER HAD ANY EXPERIENCE WHERE THAT PERSON HAS
25 TRIED TO EVADE, YOU KNOW, BEING DETECTED?

1 A ABSOLUTELY.

2 MR. UPTON: OBJECTION, YOUR HONOR.

3 THE COURT: SUSTAINED. THE OFFICER HAD NO
4 IDEA AT THE TIME OF THE STOP THE STATUS OF THE
5 DRIVER. SO IF YOU'RE TRYING TO OFFER THAT AS A
6 REASON FOR THE STOP, IT SIMPLY DOESN'T HOLD WATER.

7 MR. PATHAN: YOUR HONOR, IF I MAY, THE ONLY
8 POINT THAT I'M TRYING TO PUT FORWARD IS JUST THAT THE
9 VEHICLE WAS -- ACCORDING TO THE OFFICER, HE FELT THAT
10 IT WAS DRIVING SUSPICIOUSLY. SOMEONE WHO HAS A
11 WARRANT ISSUED DRIVING A VEHICLE MAY, IN FACT, DRIVE
12 SUSPICIOUSLY BECAUSE THEY WANT TO AVOID ANY ENCOUNTER
13 WITH AN OFFICER BECAUSE THEY HAVE AN OUTSTANDING
14 WARRANT. THEY MAY NOT WANT THE OFFICER TO RUN THE
15 PLATE TO THAT LICENSE. DOES THAT MAKE SENSE, YOUR
16 HONOR?

17 THE COURT: I UNDERSTAND WHAT YOU'RE GETTING
18 AT, BUT LET'S FOCUS ON THE REASONS, YOU KNOW -- I
19 WOULD CONSIDER THAT MORE TO BE SORT OF AN INDIRECT --

20 MR. PATHAN: I CAN MOVE ON, YOUR HONOR.

21 THE COURT: LET'S DO SO.

22 BY MR. PATHAN:

23 Q OFFICER, YOU ALSO NOTED TO THE DRIVER, JUST
24 IN THIS PART OF THE VIDEO THAT WE JUST WATCHED, THAT
25 THE VEHICLE REEKED OF MARIJUANA. HOW APPARENT WAS

1 THAT SMELL TO YOU?

2 A IT WAS OVERWHELMING. I COULD SMELL IT WHEN
3 I FIRST CONTACTED HER AT THE INITIAL CONTACT BUT WAS
4 UNSURE AT THAT POINT IF IT WAS COMING FROM THE AREA
5 OR SPECIFICALLY HER VEHICLE.

6 AND AS I APPROACHED THE VEHICLE AFTER
7 TALKING TO HER, IT BECAME OBVIOUS THAT THE SOURCE OF
8 THAT ODOR WAS COMING FROM EITHER INSIDE THE VEHICLE
9 OR ONE OF THE OCCUPANTS INSIDE THE VEHICLE.

10 Q HOW SURE ARE YOU THAT THAT SMELL THAT YOU
11 DETECTED WAS MARIJUANA?

12 A A HUNDRED PERCENT.

13 MR. PATHAN: MS. SWENSON, WHY DON'T YOU
14 CONTINUE PLAYING THE VIDEO UNTIL ABOUT THE
15 FIVE-MINUTE MARK.

16 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
17 U.S. EXHIBIT NO. 1A WAS PLAYED.)

18 MR. PATHAN: YOU CAN PAUSE THE VIDEO THERE
19 AT THE FIVE-MINUTE MARK.

20 BY MR. PATHAN:

21 Q HERE, OFFICER, YOU NOTE ON THE VIDEO THAT
22 THE DEFENDANT SMELLED LIKE MARIJUANA. IS THAT RIGHT?

23 A CORRECT.

24 Q AND HOW SURE ARE YOU THAT THE SMELL THAT YOU
25 DETECTED WAS, IN FACT, MARIJUANA?

1 A A HUNDRED PERCENT.

2 Q AND IT WAS COMING FROM THE DEFENDANT'S
3 PERSON?

4 A CORRECT. HIS CLOTHING, HIS BODY, I WASN'T
5 SURE WHICH. BUT THE SOURCE WAS STRONG.

6 Q BUT THEN YOU ALSO SMELLED MARIJUANA FROM THE
7 VEHICLE?

8 A CORRECT.

9 Q OKAY. AND YOU ALSO SECURED THE DEFENDANTS
10 IN HANDCUFFS HERE. WHY DID YOU DO THAT?

11 A WELL, THERE'S AT LEAST FOUR ADULTS THERE.
12 THERE IS ONE CHILD. BUT WE HAD WHAT APPEARED TO BE
13 FOUR ADULTS. WE HAD THE DEFENDANT, WE HAD THE FEMALE
14 DRIVER, WE HAD A FEMALE FRONT PASSENGER, AND THEN
15 THERE WAS ANOTHER MALE IN THE BACK. I HADN'T
16 DETERMINED IF HE WAS A JUVENILE OR AN ADULT. WE
17 LATER LEARNED THAT HE WAS A JUVENILE.

18 I SMELLED ILLEGAL NARCOTICS, VERY STRONG
19 SMELL. THE SOLE SOURCE OF THAT WAS PRESENT. IT'S
20 NOT UNCOMMON TO HAVE FIREARMS ASSOCIATED WITH
21 NARCOTICS. THERE WAS THE POTENTIAL FOR CRIMINAL
22 CHARGES AT THIS POINT. SO TO MAKE SURE NOBODY RAN
23 OFF UNTIL WE HAD EVERYBODY IDENTIFIED POSITIVELY, THE
24 BEST THING TO DO WOULD BE TO DETAIN EVERYBODY AND
25 ADVISE THEM OF THEIR RIGHTS AND CONDUCT THAT

1 INVESTIGATION FURTHER.

2 Q NOW, AT THIS TIME AS YOU WERE INTERACTING
3 WITH THE DEFENDANT, DID YOU NOTICE ANYTHING STRANGE
4 OR UNUSUAL ABOUT HIM OTHER THAN JUST THE SMELL OF
5 MARIJUANA THAT YOU JUST TOLD US ABOUT?

6 A I JUST FOUND HIS MOVEMENTS AWKWARD TO ME, IS
7 THE WAY I WOULD DESCRIBE IT; HOW HE WALKED, HOW HE --
8 WHEN I WENT TO GET HIM TO HAVE A SEAT AND TO MOVE
9 AROUND, IT APPEARED AS IF HE WAS TRYING TO CONCEAL
10 SOMETHING.

11 MR. PATHAN: OKAY. WHY DON'T YOU CONTINUE
12 PLAYING THE VIDEO, MS. SWENSON, TILL ABOUT THE
13 SIX-MINUTE-SEVENTEEN-SECOND MARK.

14 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
15 U.S. EXHIBIT NO. 1A WAS PLAYED.)

16 MR. PATHAN: YOU CAN PAUSE IT. THANK YOU.
17 BY MR. PATHAN:

18 Q OFFICER CAMALLO, THERE IS A CHILD HERE IN
19 THE -- SITTING WITH THE FRONT PASSENGER IN THEIR LAP.
20 EARLIER YOU TESTIFIED THAT YOU HAD SEEN THIS VEHICLE
21 AT THAT INTERSECTION WHERE YOU WERE DRIVING STRAIGHT
22 AND THE VEHICLE WAS KIND OF PERPENDICULAR TO YOU?

23 A CORRECT.

24 Q IS THIS CHILD WHERE YOU HAD SEEN THE CHILD
25 PREVIOUSLY IN THE SAME SPOT?

1 A YES.

2 Q AND THAT WAS BEFORE YOU INITIATED YOUR
3 TRAFFIC STOP?

4 A CORRECT. THAT WAS BEFORE I EVEN CONDUCTED A
5 U-TURN.

6 Q OKAY. DID YOU KNOW IF ONE OF THE PARENTS OF
7 THE CHILD WAS IN THE VEHICLE?

8 A I BELIEVE THE -- I BELIEVE THE DRIVER WAS
9 THE PARENT WITH THE CHILD.

10 **MR. PATHAN:** OKAY. WHY DON'T YOU CONTINUE
11 PLAYING THE VIDEO, MS. SWENSON, TILL ABOUT SEVEN
12 MINUTES AND SIX SECONDS.

13 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
14 **U.S. EXHIBIT NO. 1A WAS PLAYED.)**

15 **MR. PATHAN:** YOU CAN PAUSE IT THERE, MS.
16 SWENSON.

17 **BY MR. PATHAN:**

18 Q OFFICER, AS YOU TOOK A LOOK AT THE BACK SEAT
19 OF THE VEHICLE, DID YOU FIND A CAR SEAT?

20 A NO, I DID NOT. I DID NOT FIND A CAR SEAT
21 ANYWHERE IN THE CAR.

22 Q WERE THERE -- WAS THERE ANYTHING ELSE
23 UNUSUAL ABOUT -- HERE ABOUT THE BACK SEAT AS IT
24 RELATED TO THE SEATS OF THE VEHICLE IN THE BACK?

25 A YES. AS YOU CAN SEE, THE BACK OF THE SEAT

1 IS FOLDED DOWN FLAT AND THE BASE OF THE SEAT WHERE
2 SOMEBODY WOULD NORMALLY SIT IS FOLDED UP. SO YOU DO
3 NOT HAVE ACCESS TO SEAT BELTS OR ANY TYPE OF
4 PASSENGER RESTRAINT.

5 MR. PATHAN: YOU CAN CONTINUE PLAYING TILL
6 THE END OF THIS VIDEO, MS. SWENSON.

7 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
8 U.S. EXHIBIT NO. 1A WAS PLAYED.)

9 MR. PATHAN: MS. SWENSON -- OR ACTUALLY,
10 JUST GIVE ME A MOMENT.

11 BY MR. PATHAN:

12 Q OFFICER CAMALLO, I WANT TO DIRECT YOUR
13 ATTENTION TO UNITED STATES EXHIBIT 1B NOW. AND
14 MS. SWENSON IS JUST GOING TO PLAY A BRIEF SEGMENT OF
15 IT, AND LET ME KNOW IF YOU RECOGNIZE IT. OKAY?

16 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
17 U.S. EXHIBIT NO. 1B WAS PLAYED.)

18 A THAT APPEARS TO BE MY --

19 Q I'M GOING TO STOP THERE.

20 OFFICER CAMALLO, IS THIS -- WHAT IS THIS?
21 WHAT ARE WE LOOKING AT?

22 A BODY CAMERA FOOTAGE FROM MY BODY CAMERA.

23 Q SO THIS IS FROM THE SAME DAY --

24 A BODY CAMERA FOOTAGE FROM MY BODY CAMERA.

25 Q THIS IS FROM THE SAME DAY. IT'S JUST

1 PICKING UP WHERE WE LEFT OFF. IS THAT --

2 A YES, APPEARS SO.

3 MR. PATHAN: YOUR HONOR, AT THIS TIME WE
4 WOULD LIKE TO OFFER INTO -- OR OFFER INTO THE RECORD
5 U.S. EXHIBIT 1B, WHICH THE OFFICER HAD IDENTIFIED.

6 MR. UPTON: NO OBJECTION, YOUR HONOR.

7 THE COURT: WITHOUT OBJECTION, GOVERNMENT
8 EXHIBIT 1B IS ADMITTED.

9 MR. PATHAN: MS. SWENSON, IF YOU COULD PLAY
10 UNTIL ABOUT THE TWO-MINUTE-AND-THIRTY-ONE-SECOND
11 MARK, AND THEN I'LL HAVE SOME QUESTIONS FOR THE
12 OFFICER.

13 THE COURT: MR. PATHAN, LET ME STOP YOU
14 THERE. ARE WE GOING TO WATCH THE SAME FOOTAGE OF A
15 SEARCH?

16 MR. PATHAN: YOUR HONOR, WE'RE GETTING
17 CLOSER TO WHERE THE DEFENDANT --

18 THE COURT: WHY DON'T WE MOVE IT TO THE
19 POINT WHERE THERE IS SOMETHING OTHER THAN A SEARCH.
20 IF THE VIDEO DEPICTS THE OFFICER LOCATING SOMETHING
21 THAT MIGHT BE SUSPICIOUS, LET'S GO ON AND
22 FAST-FORWARD TO THAT POINT. OKAY? IN THE INTEREST
23 OF TIME. ALL RIGHT?

24 MR. PATHAN: YES, YOUR HONOR. IF I MAY,
25 THOUGH, THE OFFICER IS ABOUT TO FIND SOME AMMUNITION

1 IN THE CAR, WHICH PUTS HIM ON NOTICE THAT THERE IS A
2 FIREARM.

3 **THE COURT:** ALL RIGHT.

4 **MR. PATHAN:** IF YOU WOULD, PLEASE CONTINUE.
5 YOU CAN -- ACTUALLY, MS. SWENSON, YOU CAN SKIP
6 FORWARD ABOUT A MINUTE.

7 **REPORTER'S NOTE:** (WHEREUPON, A PORTION OF
8 U.S. EXHIBIT NO. 1B WAS PLAYED.)

9 **MR. PATHAN:** YOU CAN PAUSE IT THERE, MS.
10 SWENSON.

11 **BY MR. PATHAN:**

12 **Q** OFFICER CAMALLO, WHILE YOU WERE SEARCHING IN
13 THE BACK SEAT, DID YOU FIND ANY OTHER CONTRABAND --
14 OR DID YOU FIND ANY CONTRABAND WHILE YOU WERE BACK
15 THERE?

16 **A** YEAH. IN THE PREVIOUS VIDEO YOU HEAR -- I
17 BELIEVE IT'S OFFICER LAWRENCE -- STATE THAT HE FOUND
18 BULLETS, AMMUNITION. AND WHEN YOU SEE THIS VIDEO
19 PICK UP, YOU CAN SEE IT RESTING ON THE BOLTED-DOWN
20 BACK SEAT ON THE PASSENGER SIDE. THERE IS A BOX,
21 BROWN BOX, AND THAT HAS THE AMMUNITION IN IT, AS WELL
22 AS SOME OTHER BOXES OF AMMUNITION FOR DIFFERENT -- I
23 THINK IT WAS 9MM AND .223 OR 5.56 CALIBER AMMO.

24 **Q** JUST TO BE CLEAR, YOU FOUND AMMUNITION
25 FOR -- YOU FOUND TWO BOXES OF AMMUNITION; ONE FOR A

1 PARTICULAR CALIBER OF FIREARM AND ONE FOR A SEPARATE
2 CALIBER?

3 A CORRECT. ONE FOR WHAT'S CONSISTENT WITH A
4 RIFLE, THE 5.56 OR .223 CALIBER, AND THEN A BOX OF
5 9MM, WHICH IS CONSISTENT WITH HANDGUN AMMUNITION.

6 Q OKAY.

7 A AND THAT WAS IN THE PASSENGER REAR
8 COMPARTMENT AREA THAT WE WERE CHECKING.

9 Q IN THE BACK SEAT?

10 A CORRECT. WELL, THE FOLDED DOWN --

11 Q IN THE FOLDED DOWN PART?

12 A -- AREA. YES.

13 MR. PATHAN: MS. SWENSON, CAN YOU FAST-
14 FORWARD TO ABOUT THE FOUR-MINUTE MARK OF THIS VIDEO?
15 SAME EXHIBIT. YOU CAN START IT THERE.

16 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
17 U.S. EXHIBIT NO. 1B WAS PLAYED.)

18 MR. PATHAN: CAN YOU STOP IT THERE?

19 BY MR. PATHAN:

20 Q THERE WERE CERTAIN BOXES THAT WERE PLACED ON
21 THE HOOD OF YOUR CAR THAT WE JUST SAW A BRIEF SECOND
22 OF. ARE THOSE THE BOXES OF AMMUNITION THAT --

23 A THAT'S CORRECT.

24 MR. PATHAN: OKAY. YOU CAN CONTINUE.

25 REPORTER'S NOTE: (WHEREUPON, A PORTION OF

1 U.S. EXHIBIT NO. 1B WAS PLAYED.)

2 MR. PATHAN: CAN YOU PAUSE IT THERE, MS.
3 SWENSON?

4 BY MR. PATHAN:

5 Q YOU MENTIONED SOMETHING ABOUT "SCRATCH HER
6 FOR POSSESSION OF MARIJUANA." AT THIS POINT IN THIS
7 VIDEO, HAVE YOU OR ONE OF YOUR COLLEAGUES FOUND
8 MARIJUANA IN THE VEHICLE?

9 A WE HAVE. IF YOU NOTICED IN THE ORIGINAL
10 BODY CAMERA VIDEO WHEN I APPROACHED THE VEHICLE AND
11 WE STARTED SEARCHING, YOU HEAR ME MENTION THAT THERE
12 WERE SEVERAL ROACHES LOCATED IN THE CAR. I BELIEVE
13 THEY WERE IN THE ASHTRAY. SO AT THIS POINT I HAVE
14 A -- AND SHE ADMITTED IN THE INITIAL CONTACT THAT --
15 WHEN I ASKED HER IF THERE WAS MARIJUANA IN THE CAR,
16 SHE SAID, "NOT ANYMORE," OR SOMETHING TO THAT EFFECT.

17 AT THIS POINT I HAVE AN UNRESTRAINED MINOR
18 IN THE VEHICLE, WE HAVE THE TWO OCCUPANTS IN THE
19 FRONT AND THEN THE TWO IN THE REAR. AT MINIMUM, I
20 HAVE A POSSESSION OF MARIJUANA CHARGE AND AN UNLAWFUL
21 USE IN THE PRESENCE OF A MINOR CHARGE AS WELL. I
22 THINK IT'S 1491.13. IT'S A STATE CHARGE.

23 BUT THE -- I HAD NOTED THAT THE SOURCE HAD
24 NOT DISSIPATED. WE HAD BEEN ON THIS STOP FOR SEVERAL
25 MINUTES, THE DOORS ARE OPEN, AND WE STILL SMELLING A

1 STRONG, STRONG ODOR OF MARIJUANA. IT HASN'T GONE
2 ANYWHERE. SO AT THAT POINT WE CONDUCTED A FURTHER
3 SEARCH OF THE INDIVIDUALS.

4 WE DO HAVE, AT MINIMUM, MISDEMEANOR CHARGES
5 FOR POSSESSION. I THINK WE'D FOUND SOME GRINDERS IN
6 THERE AS WELL. SO WE HAD A PARAPHERNALIA CHARGE IF
7 NEED BE.

8 Q AT THIS POINT IN THE VIDEO, OFFICER, THE
9 SMELL OF MARIJUANA IS STILL PRESENT? EVEN THOUGH YOU
10 HAVE FOUND CERTAIN ITEMS AND HAD REMOVED THEM FROM
11 THE VEHICLE, AND YET THE SMELL IS STILL PRESENT?

12 A CORRECT.

13 MR. PATHAN: MS. SWENSON, CAN YOU CONTINUE
14 PLAYING -- PICK UP HERE AT THE FOUR-MINUTE-
15 FIFTY-EIGHT-SECOND MARK.

16 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
17 U.S. EXHIBIT NO. 1B WAS PLAYED.)

18 MR. PATHAN: YOU CAN PAUSE IT THERE, MS.
19 SWENSON, AT THE SEVEN-MINUTE MARK.

20 BY MR. PATHAN:

21 Q OFFICER CAMALLO, AT THIS POINT YOU FOUND A
22 FIREARM IN THE VEHICLE -- OR FOUND THE FIREARM ON THE
23 PERSON, THE DEFENDANT. WERE YOU SPECIFICALLY LOOKING
24 FOR A FIREARM BECAUSE YOU HAD FOUND SOME AMMUNITION
25 IN THE BACK SEAT WHERE THE DEFENDANT HAD BEEN SEATED?

1 A I WAS STILL LOOKING FOR THE SOURCE -- THE
2 STRONG SOURCE OF THE MARIJUANA AND THE POTENTIAL OF A
3 FIREARM BECAUSE OF THE AMMUNITION. IF YOU NOTICED, I
4 PICKED HIM UP, I EXPLAINED TO HIM THAT HE STILL
5 SMELLED VERY STRONGLY WHEN I SAID, "YOU SMELL LOUD."
6 I CHECKED HIS POCKETS AGAIN. AND AS I WAS PATTING
7 THE FRONT OF HIM DOWN, I COULD FEEL A HARD OBJECT IN
8 HIS LEG, WHICH IS WHY I THEN PROCEEDED TO UNBUCKLE
9 HIS BELT.

10 Q SO AS YOU WERE KIND OF FRISKING HIM KIND OF
11 WHERE HIS PANTS ARE, YOU FELT SOMETHING -- YOU
12 DESCRIBED IT AS A HARD OBJECT?

13 A A HARD METALLIC SUBSTANCE, YES.

14 Q DID YOU SUSPECT THAT THAT WAS MARIJUANA OR A
15 FIREARM?

16 A NO, AT THAT POINT I FELT IT WAS A WEAPON OF
17 SOME SORT, PARTICULARLY A FIREARM. AND I NOTE THAT
18 IT WAS BARREL UP IN HIS UNDERWEAR, SO THE BARREL OF
19 THE MUZZLE WAS POINTED TOWARD HIS TESTICLES AND INTO
20 HIS LOWER ABDOMINAL CAVITY. AND IT WAS LOADED WITH A
21 LIVE ROUND IN THE CHAMBER AND A LOADED MAG.

22 Q OKAY.

23 A WHICH EXPLAINED TO ME HIS AWKWARD MOVEMENTS
24 WHEN I FIRST WENT FOR HIM TO HAVE A SEAT.

25 **MR. PATHAN:** MS. SWENSON, CAN YOU FAST-

1 FORWARD TO ABOUT THE NINE-MINUTE MARK?

2 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
3 U.S. EXHIBIT NO. 1B WAS PLAYED.)

4 MR. PATHAN: CAN YOU PAUSE IT THERE, MS.
5 SWENSON?

6 BY MR. PATHAN:

7 Q IT APPEARS HERE, OFFICER, THAT THERE IS
8 ANOTHER SEARCH POSSIBLY BEING CONDUCTED OF ANOTHER
9 INDIVIDUAL HERE?

10 A YES.

11 Q WHO WAS THAT INDIVIDUAL AND CAN YOU TELL US
12 ABOUT WHAT'S HAPPENING?

13 A THAT WAS HIS -- THE DEFENDANT'S JUVENILE
14 BROTHER, WHO WAS HANDCUFFED ALSO IN THAT -- SITTING
15 NEXT TO HIM ON THE GROUND INITIALLY. AGAIN, THE
16 SOURCE OF THE MARIJUANA HAD NOT BEEN LOCATED. THE
17 ODOR HAD NOT DISSIPATED ANY. WE HAD BEEN THERE FOR
18 SOME TIME WITH THE DOORS AND WINDOWS OPEN. SO A MORE
19 THOROUGH SEARCH OF EACH OF THE INDIVIDUALS WAS
20 CONDUCTED.

21 AND THEY LOCATED A PRETTY LARGE -- MAYBE
22 BASEBALL SIZE SANDWICH BAG FULL OF MARIJUANA IN THE
23 JUVENILE DEFENDANT'S UNDERWEAR.

24 Q JUST TO UNPACK WHAT YOU'RE SAYING, THEY
25 CONDUCTED A SEARCH OF THE DEFENDANT'S JUVENILE

1 BROTHER AND FOUND A BAG OF MARIJUANA?

2 A CORRECT.

3 Q AND WHERE WAS THAT BAG OF MARIJUANA FOUND?

4 A IN HIS UNDERWEAR AS WELL.

5 Q OFFICER, OTHER THAN FINDING THE BAG OF
6 MARIJUANA AND THE FIREARMS AND THE AMMUNITION, WERE
7 THERE ANYTHING ELSE THAT YOU FOUND IN THE VEHICLE?

8 A THERE WERE I BELIEVE SOME GRINDERS, TOBACCO
9 GRINDERS, WHICH ARE COMMONLY USED TO GRIND MARIJUANA.
10 AND THEY HAD MARIJUANA RESIDUE IN IT. THOSE WERE
11 LOCATED AS WELL.

12 MR. PATHAN: SO YOU CAN PULL THIS VIDEO
13 DOWN, MS. SWENSON. I DON'T NEED IT ANYMORE.

14 BY MR. PATHAN:

15 Q SO AT THIS POINT, OFFICER, YOU HAD FOUND A
16 FIREARM, YOU FOUND SOME AMMUNITION, MARIJUANA AND
17 SOME OTHER DRUG PARAPHERNALIA. YOU MENTIONED THE
18 GRINDER IN THE CAR.

19 AFTER YOU FOUND ALL OF THAT STUFF, WHAT
20 HAPPENED?

21 A MR. GREEN INITIALLY WAS SECURED IN THE REAR
22 OF MY UNIT. HIS BROTHER WAS PLACED IN THE REAR WITH
23 HIM. AGAIN, WE HAD RUN ALL THE OCCUPANTS FOR
24 WARRANTS, CHECKED THE DRIVER FOR A DRIVER'S LICENSE.
25 THE DRIVER WAS FOUND TO HAVE A WARRANT, I BELIEVE

1 WITH THE SHERIFF'S OFFICE, SO SHE WAS BOOKED AS A
2 FUGITIVE AND ISSUED A SUMMONS FOR THE MARIJUANA, THE
3 BLUNTS OR ROACHES THAT WERE LOCATED IN THE ASHTRAY.

4 WE THEN PROCEEDED TO THE DEFENDANT'S
5 RESIDENCE, APARTMENT COMPLEX ON MCCLELLAND, SO THAT
6 HIS JUVENILE BROTHER COULD BE CHARGED VIA A CUSTODIAL
7 AGREEMENT TO HIS MOTHER AND RELEASED. AND WHEN WE
8 ARRIVED THERE, WE HAD AN ISSUE WITH A MALE OCCUPANT.
9 HE -- WE KNOCKED ON THE DOOR. HE ANSWERED. HE SAID,
10 "JUST A MINUTE," THEN HE CAME BACK TO THE DOOR,
11 STATED THAT THE MOTHER WAS NOT INSIDE THE APARTMENT.

12 ANOTHER OLDER MALE LEFT WALKING. AND THEN
13 THE MALE WE CONTACTED SAID, "LET ME GO GET THE
14 OWNER," WHICH WAS THE OLDER MALE THAT LEFT. AND THEN
15 THEY BOTH FLED. SO WE KNOCKED ON THE DOOR SEVERAL
16 TIMES, AND A FEMALE EVENTUALLY CAME TO THE DOOR,
17 WHICH WAS THE DEFENDANT'S MOTHER.

18 Q BEFORE WE GET THERE, WHAT HAPPENED TO THE
19 CHILD IN THE VEHICLE AT THE END OF THE STOP?

20 A SHE WAS RELEASED TO A -- I BELIEVE THE FRONT
21 PASSENGER, AT THE MOTHER'S REQUEST.

22 Q AND DID YOU EVER ISSUE A CITATION TO THE
23 DRIVER OF THE VEHICLE FOR NOT HAVING THE CHILD
24 RESTRAINED IN A CAR SEAT OR IN THE BACK SEAT IN ANY
25 WAY?

1 A I DON'T RECALL IF WE DID. WE MAY HAVE.
2 IT'S DISCRETIONARY. IT'S A MISDEMEANOR TRAFFIC
3 CHARGE. I BELIEVE SHE WAS ISSUED A SUMMONS FOR THE
4 MARIJUANA AND BOOKED ON HER WARRANT. I DON'T RECALL
5 IF WE ISSUED HER A TICKET OR NOT. I WOULD HAVE TO
6 LOOK AT THE REPORT.

7 Q AND I GUESS IN GENERAL WHEN YOU FIND
8 EVIDENCE OF MORE SERIOUS ISSUES BEYOND JUST, YOU
9 KNOW, A TRAFFIC VIOLATION -- IF YOU FIND MARIJUANA OR
10 FIREARMS, IN THOSE CASES DO YOU -- IS IT GENERALLY
11 YOUR PRACTICE TO GO AHEAD AND WRITE THE TRAFFIC --

12 **MR. UPTON:** OBJECTION, YOUR HONOR.

13 **THE COURT:** FOR WHAT REASON? THE BASIS?

14 **MR. UPTON:** I'M JUST -- I'M WONDERING WHAT
15 THE RELEVANCY IS OF WHAT HIS GENERAL PRACTICE IS IN
16 REGARDS TO -- HE EITHER DID IT OR DIDN'T DO IT IN
17 THIS CASE AND THAT'S IT. IF HE HAS A REASON HE
18 DIDN'T DO IT, THAT'S FINE.

19 **THE COURT:** MR. PATHAN, IS IT RELEVANT?

20 **MR. PATHAN:** YOUR HONOR, THE ONLY REASON WHY
21 I'M ASKING IS IN THE EVENT THAT MR. UPTON WANTS TO
22 CROSS-EXAMINE THE WITNESS, I'M GIVING HIM AN
23 OPPORTUNITY TO EXPLAIN NOW THAT HE MAY NOT HAVE DONE
24 THAT BECAUSE HE FOUND MORE SERIOUS CRIMINALITY. IF
25 MR. UPTON IS NOT PLANNING TO CROSS-EXAMINE THE

1 WITNESS ON THAT -- HE SAID THAT HE DIDN'T RECALL IF
2 HE ISSUED A CITATION. I'M HAPPY TO DROP THE LINE OF
3 INQUIRY AND PICK IT UP AT REDIRECT.

4 **THE COURT:** VERY WELL. THANK YOU. LET'S
5 MOVE ON.

6 **BY MR. PATHAN:**

7 **Q** ALL RIGHT, OFFICER. I JUST WANT TO SHOW YOU
8 ONE LAST EXHIBIT.

9 **MR. PATHAN:** MS. SWENSON, CAN YOU PULL UP
10 EXHIBIT 1C? CAN YOU PAUSE IT? IS THERE A WAY YOU
11 CAN PULL UP THE IMAGE AGAIN? YOU CAN PAUSE IT THERE.

12 **BY MR. PATHAN:**

13 **Q** OFFICER, DO YOU RECOGNIZE THIS EXHIBIT 1C?

14 **A** YES. THAT'S BODY CAMERA FOOTAGE. AND IT
15 SHOWS THE BAG OF MARIJUANA LOCATED ON THE JUVENILE
16 DEFENDANT. I BELIEVE THAT'S THE GRINDER IN THE OTHER
17 BAG.

18 **Q** SO THIS IS THE BAG OF MARIJUANA YOU
19 MENTIONED THAT WAS FOUND ON THE JUVENILE AND THE
20 GRINDER, DRUG PARAPHERNALIA --

21 **A** CORRECT.

22 **Q** -- AND THIS IS ALL HERE ON THE HOOD OF THE
23 CAR?

24 **A** CORRECT.

25 **MR. PATHAN:** YOUR HONOR, I WOULD LIKE TO

1 SUBMIT OR OFFER EXHIBIT 1C INTO THE RECORD AT THIS
2 TIME.

3 MR. UPTON: NO OBJECTION.

4 THE COURT: WITHOUT OBJECTION, GOVERNMENT
5 EXHIBIT 1C IS ADMITTED.

6 MR. PATHAN: YOUR HONOR, IF I COULD HAVE ONE
7 MOMENT JUST TO CONSULT WITH --

8 THE COURT: SURE.

9 MR. PATHAN: ALL RIGHT. YOUR HONOR, I HAVE
10 NO FURTHER QUESTIONS FOR THE WITNESS, AND I TENDER TO
11 OPPOSING COUNSEL.

12 THE COURT: THANK YOU, MR. PATHAN.

13 MR. UPTON?

14 CROSS-EXAMINATION

15 BY MR. UPTON:

16 Q OFFICER CAMALLO, MY NAME IS MARK UPTON. I
17 REPRESENT MR. GREEN IN THIS MATTER.

18 YOU WERE TESTIFYING ABOUT THE BACKGROUND AND
19 TRAINING AND THE PERIOD OF TIME THAT YOU HAVE BEEN AN
20 OFFICER, I GUESS MORE THAN 23 YEARS?

21 A YES, SIR.

22 Q BOTH WITH THE SHERIFF'S OFFICE AND WITH THE
23 BATON ROUGE POLICE DEPARTMENT. IS THAT CORRECT?

24 A THAT'S CORRECT.

25 Q IN RELATION TO THE TRAINING THAT YOU TALKED

1 ABOUT AT THE BEGINNING PRIOR TO YOUR BECOMING A -- AN
2 OFFICER WITH THE SHERIFF'S OFFICE AND WITH THE BATON
3 ROUGE POLICE DEPARTMENT, DO YOU UNDERGO PERIODIC
4 TRAINING OR UPDATED TRAINING ON AN ANNUAL BASIS IN
5 RELATION TO YOUR OCCUPATION AS A POLICE OFFICER?

6 A YES, WE DO.

7 Q HOW OFTEN DO YOU DO THAT?

8 A WE HAVE MANDATORY, WHAT'S CALLED, IN-SERVICE
9 TRAINING ONCE A YEAR IN OUR BIRTHDAY MONTH WHERE WE
10 REQUALIFY WITH FIREARMS, DEFENSIVE TACTICS, UPDATED
11 POLICIES AND PROCEDURES, ET CETERA.

12 Q DO YOU ALSO GET UPDATES ON CURRENT LAW,
13 CHANGES IN THE LAW THAT MIGHT AFFECT THINGS THAT
14 HAPPEN OR EVENTS THAT OCCUR IN YOUR OCCUPATION AS YOU
15 EXECUTE YOUR OCCUPATION?

16 A YES.

17 Q AND PARTICULARLY ONE OF THE THINGS THAT
18 YOU -- I'M SURE YOU GET UPDATED ON IS SEARCH AND
19 SEIZURE LAW. IS THAT CORRECT?

20 A YES, SIR.

21 Q AND IT CHANGES FROM TIME TO TIME. THERE ARE
22 NEW DEVELOPMENTS IN THAT, AND YOU'RE AWARE OF THOSE
23 AND YOU ARE TAUGHT ABOUT THOSE THINGS. CORRECT?

24 A CORRECT.

25 Q NOW, I HAVE A QUESTION. I'VE GOT SOME

1 REPORTS THAT WERE PROVIDED BY THE UNITED STATES IN
2 RESPONSE TO DISCOVERY. AND THESE ARE REPORTS --

3 MR. UPTON: IF I COULD USE THE OVERHEAD JUST
4 BRIEFLY, YOUR HONOR.

5 THE COURT: SURE.

6 BY MR. UPTON:

7 Q AND IF YOU COULD -- LET'S SEE. DO YOU
8 RECOGNIZE THIS THAT I'M SHOWING YOU ON THE OVERHEAD
9 PROJECTOR?

10 A YES, SIR.

11 Q AND CAN YOU TELL ME WHAT THAT IS?

12 A APPEARS TO BE A COPY OF THE POLICE REPORT
13 FILED ON THIS INCIDENT.

14 Q NOW, YOU'RE A BATON ROUGE POLICE OFFICER.
15 CORRECT?

16 A YES, SIR.

17 Q THIS REPORT IS LISTED AS *EAST BATON ROUGE*
18 *SHERIFF'S OFFICE INCIDENT REPORT*. WHY DO Y'ALL USE
19 -- WHY DO BATON ROUGE CITY POLICE USE SHERIFF'S
20 OFFICE FORMAT?

21 A WE DON'T USE SHERIFF'S OFFICE FORMAT. WE
22 BOTH USE A REPORT WRITING SYSTEM CALLED ADSI. WE
23 BOTH HAVE ACCESS TO THAT SYSTEM.

24 AND IT APPEARS THAT A *PRINTED BY: ATF04*
25 *JEANIE CLARKE* WITH EITHER THE ATF -- OR THEY MIGHT BE

1 ASSIGNED TO THE SHERIFF'S OFFICE -- UTILIZED THE
2 SHERIFF'S OFFICE ACCESS TO PRINT A COPY OF THAT
3 REPORT.

4 Q IS THIS REPORT THE REPORT -- IS THIS THE
5 SAME FORM YOU USE IF YOU WERE A POLICE OFFICER? IT
6 WOULD JUST SAY *EAST BATON ROUGE* -- OR *BATON ROUGE*
7 *CITY POLICE* AT THE TOP RATHER THAN *EAST BATON ROUGE*
8 *SHERIFF'S OFFICE*?

9 A YES. THAT JUST HAS TO DEAL WITH WHO PRINTED
10 THE REPORT.

11 Q OKAY. BUT THE INFORMATION WOULD BE THE
12 SAME; ALL OF THAT WOULD BE THE SAME IN WHATEVER
13 REPORT YOU GET. CORRECT?

14 A I BELIEVE THE SHERIFF'S OFFICE HAS SOME
15 DIFFERENCES IN THEIR TYPES OF PROCEDURES THEY USE
16 WITH REPORTS. BUT THE OVERALL PROGRAM AND REPORT
17 WRITING ARE THE SAME, CORRECT.

18 Q DO YOU RECALL WHEN THIS REPORT WAS
19 PREPARED -- WHEN YOU PREPARED THE REPORT RELATED TO
20 THIS ARREST?

21 A THE EVENING OF JANUARY 1ST.

22 Q AND I WANT TO DRAW YOUR ATTENTION TO THE
23 BOTTOM. AND IT SAYS, "REPORT APPROVED BY DARRYL
24 HONORE." WHO IS DARRYL HONORE?

25 A MY SHIFT LIEUTENANT.

1 Q AND "REPORT APPROVED BY DARRYL HONORE ON
2 01-01-2020"?

3 A CORRECT.

4 Q YOU WROTE THE REPORT SHORTLY AFTER THE
5 INCIDENT, THIS -- AT LEAST THIS INITIAL REPORT.
6 CORRECT?

7 A THAT'S CORRECT.

8 Q IT WAS READ AND APPROVED BY YOUR SHIFT
9 SUPERVISOR. IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q DID YOU PREPARE OTHER REPORTS RELATED TO
12 THIS INCIDENT?

13 A YES, I DID.

14 Q AND I WANT TO SHOW YOU WHAT'S BEEN --

15 MR. UPTON: EXCUSE ME, YOUR HONOR.

16 BY MR. UPTON:

17 Q I SHOW YOU WHAT'S BEEN MARKED FOR
18 IDENTIFICATION AS DEFENDANT'S EXHIBIT NO. 1. CAN YOU
19 TAKE A LOOK AT THAT. DO YOU SEE THAT CLEARLY?

20 A YES, SIR.

21 Q AND CAN YOU TELL ME WHAT THAT APPEARS TO BE?

22 A SAME SHERIFF'S OFFICE INITIAL REPORT WITH
23 THAT FILE NUMBER.

24 Q OKAY. AND THAT'S HOW YOU IDENTIFY IT IS BY
25 THE FILE NUMBER. CORRECT?

1 A CORRECT.

2 Q ALL SUBSEQUENT REPORTS WOULD UTILIZE THE
3 SAME FILE NUMBER?

4 A THAT'S CORRECT.

5 Q NOW, I WANT TO DIRECT YOUR ATTENTION TO THE
6 BOTTOM. IT SAYS, "REPORT APPROVED BY DARRYL HONORE
7 ON 10/20/2020"?

8 A CORRECT.

9 Q SO DID YOU PREPARE THIS REPORT AGAIN?

10 A NO, I DID NOT. I DID PREPARE A SUPPLEMENTAL
11 REPORT.

12 Q AND -- BUT THE -- THIS REPORT WOULD HAVE
13 THEN BEEN PREPARED IN CLOSE PROXIMITY TO THE TIME
14 THAT IT WAS APPROVED BY DARRYL HONORE?

15 A THE INITIAL REPORT, CORRECT.

16 Q THIS -- ON 10/20/2020. SO HE WOULD HAVE
17 APPROVED IT AGAIN? IS THAT WHAT IS OCCURRING WITH
18 THIS?

19 A HE MAY HAVE APPROVED THE SUPPLEMENTAL REPORT
20 ON THAT DATE.

21 Q OKAY. HOW MANY SUPPLEMENTAL REPORTS DID YOU
22 PREPARE?

23 A I'D HAVE TO LOOK AND SEE. I BELIEVE IT WAS
24 TWO OR THREE. THERE WAS AN INITIAL REPORT, WHICH IS
25 A PUBLIC RECORDS REPORT THAT'S PREPARED AT THE TIME

1 OF ARREST; A SUPPLEMENTAL REPORT IS PREPARED, USUALLY
2 SIMULTANEOUSLY, THAT HAS A MORE DETAILED ACCOUNT OF
3 EVENTS; AND THEN THERE CAN BE NUMEROUS SUPPLEMENTAL
4 REPORTS THROUGHOUT THE PROCESS PRIOR TO PROSECUTION,
5 IF PROSECUTION IS DECIDED.

6 Q NOW, I'LL TELL YOU WHAT I KNOW FROM MY YEARS
7 OF WORKING IN THE 19TH JDC. THAT WAS ALWAYS A BIG
8 PROBLEM WITH US DOING CRIMINAL LAWS. YOU PREPARE A
9 REPORT THAT YOU PUT IN AND THEN YOU PREPARE
10 SUPPLEMENTALS. WE DIDN'T ALWAYS GET SUPPLEMENTALS.
11 BUT THOSE SUPPLEMENTALS ARE PREPARED USUALLY IN CLOSE
12 PROXIMITY TO THE TIME THAT YOU PREPARE THE INITIAL
13 REPORT?

14 A NOT NECESSARILY. FOR INSTANCE, IN A
15 HOMICIDE INVESTIGATION THAT MIGHT OCCUR OR A BURGLARY
16 INVESTIGATION WHERE YOU DON'T HAVE A KNOWN SUSPECT
17 BUT THROUGH A PERIOD OF TIME YOU START TO ENCOUNTER
18 MORE EVIDENCE OR ADDITIONAL WITNESSES COME FORWARD OR
19 SOMETHING MIGHT NEED CLARIFICATION, AND SUPPLEMENTAL
20 REPORTS CAN BE PREPARED AND APPROVED AND ADDED TO
21 THAT REPORT AT ANY POINT UP UNTIL PROSECUTION IS
22 DECIDED OR THERE IS A -- THINK OF THE APPROPRIATE
23 TERM -- A CONCLUSION TO THE EVENT.

24 Q DID THAT OCCUR IN THIS CASE?

25 A DID WHAT OCCUR?

1 Q WERE SUPPLEMENTAL REPORTS PREPARED BECAUSE
2 YOU WERE DOING ADDITIONAL INVESTIGATION, ACQUIRING
3 ADDITIONAL WITNESSES, ACQUIRING ADDITIONAL EVIDENCE?
4 OR DID EVERYTHING -- THE WITNESSES, THE EVIDENCE,
5 EVERYTHING THAT'S UNDERLYING THIS PROSECUTION -- TAKE
6 PLACE ON THE INITIAL DATE OF JANUARY 1, 2020?

7 A AN INITIAL AND A SUPPLEMENTAL REPORT WERE
8 PREPARED ON JANUARY 1, AND THEN ADDITIONAL
9 SUPPLEMENTAL REPORTS WERE COMPLETED LATER ON FOR
10 CLARIFICATION OF CERTAIN THINGS.

11 Q AND HOW WAS IT THAT THOSE SUPPLEMENTAL
12 REPORTS FOR CLARIFICATION OF CERTAIN THINGS CAME TO
13 BE PREPARED?

14 A I WOULD TYPE THEM ON MY COMPUTER.

15 Q NO. WHY DID YOU PREPARE -- DID ANYONE
16 REQUEST THAT YOU MAKE SUPPLEMENTAL REPORTS?

17 A YES. IN PRETRIAL MEETINGS WITH THE
18 PROSECUTOR, WE HAD SOME CONVERSATIONS, AND A REQUEST
19 WAS MADE TO CLARIFY SOME EVENTS.

20 Q AND SO YOU WENT BACK AND PREPARED FOUR
21 ADDITIONAL SUPPLEMENTAL REPORTS?

22 A I'M NOT SURE, SIR. I DON'T HAVE IT IN FRONT
23 OF ME. I'D HAVE TO LOOK AT THEM TO SEE.

24 Q WELL, ALL RIGHT.

25 **THE COURT:** IF MR. UPTON REPRESENTED TO YOU

1 THAT THERE WERE FOUR SUPPLEMENTAL REPORTS PROVIDED TO
2 HIM BY THE GOVERNMENT, WOULD YOU HAVE ANY REASON TO
3 DOUBT THAT STATEMENT?

4 THE WITNESS: NO, SIR, I WOULDN'T.

5 THE COURT: ALL RIGHT.

6 MR. UPTON: THANK YOU, YOUR HONOR. AND I
7 APPRECIATE THE -- MAKING THIS MOVE A LITTLE FASTER.

8 THE COURT: I'M NOT TRYING TO DO YOUR JOB,
9 MR. UPTON. YOU'RE MORE THAN CAPABLE, OF COURSE, BUT
10 --

11 BY MR. UPTON:

12 Q THE REPORTS THAT I HAVE, WHICH I RECEIVED IN
13 DISCOVERY THAT YOU REFERRED TO, ALL OF THOSE WERE
14 DONE OR AT LEAST APPROVED ON 10/20/2020. SO WOULD IT
15 BE FAIR TO SAY THAT AROUND THAT DATE WAS WHEN THOSE
16 SUPPLEMENTAL REPORTS WERE PREPARED?

17 A THAT WOULD BE AFTER, WITHIN A SHORT PERIOD
18 OF TIME OF THAT, YES.

19 Q TEN MONTHS AFTER THE INCIDENT OCCURRED. IS
20 THAT CORRECT?

21 A THAT WOULD BE ACCURATE, ACCORDING TO THE
22 DATE, YES, SIR.

23 Q WHAT --

24 THE COURT: WAIT JUST A MOMENT. SERGEANT
25 CAMALLO, I'M GOING TO NEED YOU TO WEAR YOUR MASK

1 PROPERLY, SIR. IF YOU COULD COVER YOUR NOSE. THANK
2 YOU.

3 Q WHAT MATERIALS DID YOU REFER TO OR DID YOU
4 REFERENCE WHEN YOU WERE PREPARING THE SUPPLEMENTAL
5 REPORTS?

6 A WITHOUT WHAT SPECIFIC REPORT YOU'RE
7 REFERRING TO, IT'S KIND OF HARD TO MAKE THAT
8 DETERMINATION.

9 BUT THROUGH REVIEWING MY INITIAL POLICE
10 REPORT, REVIEWING THE IN-CAR AND BODY CAMERA FOOTAGE
11 POSSIBLY. AGAIN, WITHOUT THE REPORT IN FRONT OF ME
12 TO SEE WHAT IT'S REFERENCE TO, IT'S HARD TO MAKE THAT
13 --

14 MR. UPTON: I DON'T KNOW HOW YOU WANT TO DO
15 THIS. I HAVE THESE REPORTS. THEY'RE MARKED. I'D
16 LIKE TO GET THEM TO HIM. CAN I JUST MAYBE PUT THEM
17 ON THE END AND THEN HE CAN GET UP AND COME GET THEM
18 OFF THE END OF THE JURY BOX?

19 THE COURT: YES, THAT SOUNDS LIKE A SAFE WAY
20 TO DO IT, MR. UPTON.

21 MR. UPTON: THANK YOU, YOUR HONOR.

22 THE COURT: OR ACTUALLY, WHY DON'T YOU JUST
23 PUT THEM THERE. LET'S SEE.

24 MR. UPTON: WE CAN PUT THEM ON THE SCREEN, I
25 GUESS, YOUR HONOR.

1 **THE COURT:** THAT I THINK WOULD BE THE SAFEST
2 WAY TO DO IT.

3 **MR. UPTON:** OKAY. CAN YOU PUT NO. 1 UP.
4 I'M JUST NOT USED TO HAVING TO DO EVERYTHING WITH
5 THIS --

6 **THE COURT:** UNDERSTOOD.

7 **MR. UPTON:** -- STRONGER --

8 **THE COURT:** DIFFERENT.

9 **BY MR. UPTON:**

10 **Q** SO THIS IS THE REPORT THAT WAS --

11 **MR. UPTON:** CAN YOU SHOW -- KIND OF SCAN
12 DOWN THROUGH THAT.

13 **BY MR. UPTON:**

14 **Q** SO THIS IS THE REPORT THAT YOU TESTIFIED
15 EARLIER, DEFENDANT'S EXHIBIT NO. 1 -- HAS BEEN MARKED
16 AS DEFENDANT'S EXHIBIT NO. 1. THAT IS A COPY OF YOUR
17 INITIAL REPORT THAT WAS PREPARED ON JANUARY 1ST?

18 **A** THAT'S CORRECT.

19 **Q** OKAY. AND THEN THIS REPORT WAS APPROVED
20 AGAIN ON OCTOBER 20, 2020. CORRECT?

21 **A** IT WOULDN'T HAVE BEEN THE INITIAL REPORT
22 THAT WAS APPROVED. IT WOULD HAVE BEEN A SUPPLEMENTAL
23 REPORT. IT APPEARS AS THOUGH IF IT WAS -- THE
24 SUPPLEMENTAL REPORT WAS APPROVED AND THEN ALL THE
25 REPORTS WERE REPRINTED, IT WOULD HAVE THE MOST RECENT

1 APPROVAL ON THE BOTTOM.

2 MR. UPTON: ALL RIGHT. LET'S GO TO NO. 2,
3 PLEASE.

4 BY MR. UPTON:

5 Q DO YOU SEE THAT REPORT?

6 A YES, SIR.

7 Q LET'S GO THROUGH IT PAGE BY PAGE. DO YOU
8 RECALL WHEN THIS REPORT WAS PREPARED?

9 A IT WOULD HAVE BEEN PREPARED AND APPROVED ON
10 1/1/20 -- OR I SAY IT WOULD HAVE BEEN PREPARED ON 1/1
11 OF '20. IT'S POSSIBLE THAT IT COULD HAVE BEEN
12 APPROVED THE FOLLOWING DAY. REPORTS GET PUT IN THE
13 PENDING SYSTEM. WE WORK A TEN-HOUR SHIFT. IF THERE
14 WERE REPORTS PENDING IN THE SYSTEM AND THE SHIFT GETS
15 CLOSE TO COMING TO AN END, THE REPORTS ARE NOT
16 APPROVED UNTIL THE FOLLOWING WORKDAY.

17 Q WHERE ON THESE REPORTS IS THE DATE THAT YOU
18 PREPARED THE REPORT? WHERE IS IT INDICATED THE
19 ACTUAL DATE THAT YOU SAT DOWN AND SAT AT THE
20 TYPEWRITER AND PREPARED THIS -- OR SAT AT THE
21 COMPUTER AND PREPARED THIS REPORT?

22 A I DON'T KNOW IF THAT INFORMATION IS HOUSED
23 IN THIS REPORT.

24 Q I CAN TELL YOU THERE IS NO INFORMATION ON
25 THESE REPORTS THAT INDICATES THE DATE THEY'RE

1 PREPARED, SO THAT'S WHY I'M ASKING YOU.

2 IS THIS NO. 1 -- OR NO. 2. IS THIS GOING TO
3 BE THE FIRST SUPPLEMENTAL REPORT YOU PREPARED, OR DO
4 YOU KNOW?

5 **THE COURT:** JUST SO THE RECORD IS CLEAR,
6 WHAT IS BEING DISPLAYED NOW IS --

7 **MR. UPTON:** I'M SORRY. NOW REFERRING TO
8 DEFENDANT'S EXHIBIT NO. 2. AND IF I COULD, JUDGE, IT
9 MIGHT BE APPROPRIATE -- AND THESE WERE PROVIDED TO
10 THE UNITED STATES. THERE WERE FIVE REPORTS -- OR
11 FIVE EXHIBITS MARKED 1 THROUGH 5, WHICH CONSISTED OF
12 REPORTS AND SUPPLEMENTAL REPORTS THAT WERE PREPARED
13 -- WERE PROVIDED TO THE DEFENDANT PURSUANT TO
14 DISCOVERY REQUESTS, YOUR HONOR.

15 **THE COURT:** THANK YOU.

16 **MR. UPTON:** AND I WOULD OFFER, INTRODUCE AND
17 FILE THOSE INTO EVIDENCE AS DEFENDANT'S EXHIBIT 1, 2,
18 3, 4 AND 5.

19 **THE COURT:** ANY OBJECTION BY THE GOVERNMENT?

20 **MR. PATHAN:** NO, YOUR HONOR.

21 **THE COURT:** WITHOUT OBJECTION, DEFENSE
22 EXHIBITS 1, 2, 3, 4 AND 5 ARE ADMITTED.

23 **BY MR. UPTON:**

24 **Q** SO LOOKING AT THESE REPORTS, YOU CAN'T TELL
25 EXACTLY WHAT DATE YOU SAT DOWN AND PREPARED THESE

1 REPORTS?

2 A WELL, THE INITIAL REPORT WAS PREPARED AND
3 APPROVED ON JANUARY 1ST. I'D HAVE TO LOOK AT THE
4 ACTUAL REPORTS FROM CRIMINAL RECORDS. I DON'T KNOW
5 IF THE PROSECUTOR, WHEN HE RECEIVED HIS INITIAL STACK
6 OF REPORTS, IF IT'S DATED ON THE BOTTOM.

7 Q OTHER THAN THE FIRST SUPPLEMENTAL REPORT
8 THAT YOU DID, THESE OTHER SUPPLEMENTAL REPORTS THAT
9 WERE RECEIVED -- AND I'M TALKING ABOUT EXHIBITS 3, 4
10 AND 5 -- THOSE WERE PREPARED AFTER THE
11 SUPPLEMENTAL -- FIRST SUPPLEMENTAL REPORT, WHICH IS
12 EXHIBIT NO. 2?

13 A THAT'S CORRECT.

14 Q AND DO YOU KNOW APPROXIMATELY WHEN THOSE
15 OTHER THREE REPORTS WERE PREPARED?

16 A NO. I'D HAVE TO LOOK AND SEE, BECAUSE I DO
17 KNOW THAT AFTER I DO MY INITIAL REPORT AND MY INITIAL
18 SUPPLEMENT -- FIRST SUPPLEMENTAL REPORT, CRIME SCENE
19 CREATES A SUPPLEMENTAL REPORT WHEN THEY PROCESS ANY
20 WEAPONS THAT ARE SEIZED. THE OFFICER ASSIGNED TO THE
21 ATF TASK FORCE COMPLETES A GUN TRACE REPORT. THAT'S
22 A SUPPLEMENTAL REPORT THAT'S ADDED TO THIS AFTER MY
23 INITIAL AND -- FIRST INITIAL AND FIRST SUPPLEMENTAL
24 REPORT ARE TYPED.

25 SO THAT WOULD HAVE BEEN TWO ADDITIONAL

1 REPORTS THAT WOULD HAVE BEEN FILED BY SOMEBODY OTHER
2 THAN ME RELATIVE TO THIS INCIDENT AT A LATER DATE.
3 AND THEN I MAY HAVE FILED A ADDITIONAL SUPPLEMENTAL
4 REPORT.

5 BUT AGAIN, WITHOUT THOSE REPORTS IN FRONT OF
6 ME, I CANNOT TELL YOU THE SEQUENCE. AND I HAVE NO
7 CONTROL OVER THE SOFTWARE OR THE PROGRAM THAT WE USE.
8 I CAN JUST TELL YOU THAT I -- I TYPED AN ADDITIONAL
9 REPORT.

10 Q IF I UNDERSTAND YOUR PRIOR TESTIMONY, THE --
11 YOU PREPARED THE REPORTS, YOU MET WITH PROSECUTORS.
12 AND YOU MET WITH MR. PATHAN AT ONE POINT. CORRECT?

13 A CORRECT. WE HAD A PRETRIAL CONFERENCE.

14 Q AND PREPARED A REPORT IN RESPONSE TO HIS
15 REQUEST. IS THAT RIGHT?

16 A A MUTUAL -- AFTER OUR MUTUAL CONVERSATION
17 ABOUT THE INCIDENT --

18 Q IT WAS PREPARED --

19 A -- FOR CLARIFICATION PURPOSES, YES.

20 Q IT WAS PREPARED AFTER THE MEETING. IS THAT
21 CORRECT?

22 A CORRECT.

23 Q YOU HAD A MEETING WITH -- THERE WAS ANOTHER
24 PROSECUTOR WHO WAS PREVIOUS TO MR. PATHAN; DEMETRIUS.
25 DID YOU MEET WITH HIM?

1 A I BELIEVE SO, YES.

2 Q DID YOU PREPARE A REPORT PURSUANT TO HIS
3 REQUEST?

4 A I DON'T RECALL. I KNOW WE HAD A BRIEF
5 MEETING, AND THEN ANOTHER MEETING WAS SCHEDULED.

6 Q IF I TOLD YOU I GOT AN EMAIL FROM HIM SAYING
7 THAT YOU PREPARED A SUPPLEMENTAL REPORT AFTER A
8 MEETING WITH HIM, WOULD THAT -- WOULD YOU HAVE ANY
9 REASON TO DISAGREE WITH THAT?

10 A NO, SIR, I WOULDN'T.

11 Q OKAY. SO THESE REPORTS WERE PREPARED MONTHS
12 AFTER THE ORIGINAL INITIAL MEETING. RIGHT? OR AFTER
13 THE INITIAL ARREST?

14 A I WOULD HAVE TO SEE THE DATES ON THEM. BUT
15 I WOULD TAKE YOUR WORD FOR IT IF YOU SAID THAT WAS.

16 Q SO WHAT -- NOW, LET'S GO BACK TO WHAT --
17 WHAT DID YOU SPECIFICALLY -- IN PREPARING THESE
18 REPORTS, WHAT WERE YOU LOOKING AT? HOW DID YOU
19 REFRESH YOUR RECOLLECTION OF THE EVENTS THAT HAD
20 OCCURRED ON JANUARY 1ST WHEN YOU WENT BACK TO PREPARE
21 THOSE SUPPLEMENTAL REPORTS?

22 A I BELIEVE ONE OF THE SUPPLEMENTAL REPORTS HE
23 REQUESTED ADDITIONAL INFORMATION REGARDING THE KNOWN
24 DRUG HOUSE, LIKE SPECIFICALLY AN ADDRESS FOR IT. SO
25 I HAD TO GO OUT THERE TO GET THE PHYSICAL ADDRESS OFF

1 OF THAT PARTICULAR HOUSE. I DON'T RECALL THE OTHER
2 SUPPLEMENTAL REPORT, WHAT THE REASONING WAS.

3 I KNOW WE HAD A CONVERSATION, WE REVIEWED
4 THE INITIAL AND THE FIRST SUPPLEMENTAL REPORT, WE
5 REVIEWED THE IN-CAR AND BODY CAMERA FOOTAGE. AND
6 THEN FOR CLARIFICATION PURPOSES, AN ADDITIONAL REPORT
7 WAS FILED.

8 Q LET'S GO TO THE -- LET ME -- BEFORE WE GO DO
9 THAT, LET ME ASK YOU: IN YOUR TRAINING, YOU FILE --
10 REPORTS ARE A VERY IMPORTANT PART OF YOUR TRAINING
11 AND YOUR OCCUPATION, THE INFORMATION YOU PRESERVE
12 WHEN YOU DO AN INVESTIGATION. CORRECT?

13 A THEY'RE A PART OF IT, YES.

14 Q AND IS YOUR -- AND PART OF YOUR TRAINING,
15 WOULD YOU AGREE WITH ME, IS THAT YOU WOULD WANT TO BE
16 AS ACCURATE AS POSSIBLE? CORRECT?

17 A CORRECT. MY REPORTS ARE ACCURATE.

18 Q AND YOU WOULD ALSO WANT TO BE AS COMPLETE AS
19 POSSIBLE. CORRECT?

20 A CORRECT. BUT REPORTS ARE ALSO A TOOL TO
21 REFRESH OUR MEMORY. THEY'RE NOT NOVELS OF EVERYTHING
22 THAT OCCURRED AT THAT PARTICULAR TIME.

23 Q I'M NOT ASKING ABOUT WHETHER THEY'RE
24 NOVELLAS OR -- I'M JUST ASKING: IS ACCURACY
25 IMPORTANT?

1 A CORRECT.

2 Q AND COMPLETENESS IMPORTANT?

3 A CORRECT.

4 MR. UPTON: LET'S GO TO DEFENDANT'S EXHIBIT
5 NO. 1. AND IF WE CAN, GO TO THE PAGE MARKED *GREEN*
6 *151*. CAN YOU SEE WHICH ONE THAT IS? YEAH, THE
7 NARRATIVE PART. YEAH, THERE WE GO.

8 BY MR. UPTON:

9 Q SO THIS IS -- CAN YOU TELL US WHAT WE'RE
10 LOOKING AT HERE AS FAR AS IT RELATES TO YOUR REPORT?

11 A IT APPEARS TO BE A NARRATIVE IN REFERENCE TO
12 FILE NO. 225 OF 20.

13 Q AND THAT FIRST PARAGRAPH, THAT IS BASICALLY
14 THE INFORMATION THAT YOU HAVE OF -- THAT YOU PUT IN
15 YOUR REPORT -- YOUR INITIAL REPORT PREPARED CLOSE IN
16 TIME TO THE DATE OF THIS INCIDENT.

17 AND DID YOU MENTION ANYTHING IN THAT REPORT
18 ABOUT A DRUG -- A KNOWN DRUG HOUSE IN THAT NARRATIVE?

19 A CAN YOU SCROLL DOWN ON THE NARRATIVE? NO,
20 IT'S NOT MENTIONED IN THERE. IT MENTIONS A *HIGH*
21 *CRIME* AND -- *AREA KNOWN FOR NARCOTIC TRAFFICKING*.

22 Q I UNDERSTAND. SO WHEN -- AS WE READ THROUGH
23 THIS REPORT, PRIOR TO STOPPING -- WELL, PRIOR TO
24 STOPPING THE VEHICLE, THE ONLY THING -- WHAT YOU WERE
25 STOPPING HER FOR, ACCORDING TO THIS REPORT, WAS

1 *SUSPICIOUS DRIVING*, AT LEAST ACCORDING TO WHAT YOU
2 PUT IN THIS NARRATIVE?

3 A THIS IS A INITIAL POLICE REPORT. OUR
4 INITIAL POLICE REPORTS ARE A VERY VAGUE OCCURRENCE OF
5 EVENTS. IT'S NOT REQUIRED TO HAVE ALL OF THE
6 INFORMATION RELATIVE TO THAT.

7 **THE COURT:** SERGEANT, LET ME STOP YOU RIGHT
8 THERE. THE QUESTION IS AT LEAST ACCORDING TO THIS
9 REPORT. HE'S NOT ASKING IF THERE WERE ANY OTHER
10 REASONS. HE'S SOLELY -- MR. UPTON'S QUESTION GOES
11 SOLELY TO WHAT IS CONTAINED IN THIS REPORT THAT YOU
12 PREPARED.

13 **THE WITNESS:** IN THIS REPORT IT ONLY
14 SPECIFIES THAT IT WAS IN A -- AN INVESTIGATORY STOP
15 WAS CONDUCTED *BASED ON SUSPICIOUS DRIVING IN A HIGH*
16 *CRIME AREA*.

17 **MR. UPTON:** THANK YOU, YOUR -- THANK YOU.

18 **BY MR. UPTON:**

19 Q NOW, ALL OF THE INFORMATION THAT YOU
20 DEVELOPED THAT YOU'VE TESTIFIED TO AT THE END OF THIS
21 STOP -- THE UNRESTRAINED CHILD, THE SEATS, THE WAY
22 THE TWO -- THE DEFENDANT AND HIS BROTHER WERE SEATED
23 IN THE BACK OF THE CAR, THE WARRANTS, THE EXISTENCE
24 OF WARRANTS, ALL THOSE THINGS -- NONE OF THOSE THINGS
25 WERE KNOWN TO YOU PRIOR TO YOUR EXECUTING THE STOP.

1 CORRECT?

2 A THE UNRESTRAINED CHILD WAS KNOWN TO ME.

3 Q WELL, LET'S TALK ABOUT THAT. SO YOU
4 ENCOUNTERED -- YOU WERE IN THE NEIGHBORHOOD. AND THE
5 OTHER CARS THAT DROVE UP WHEN YOU FIRST MADE THE
6 STOP, THERE ARE A WHOLE BUNCH OF POLICE WHO SHOW UP
7 WITHIN A VERY FEW MINUTES OF THIS STOP. CORRECT?

8 A CORRECT.

9 Q WERE ALL OF YOU INVOLVED IN THAT SEARCH FOR
10 THE SHOPLIFTER WHO WAS -- WHO HAD -- THAT HAD
11 OCCURRED ABOUT 45 MINUTES PRIOR TO THIS STOP BEING
12 MADE?

13 A I'M NOT SURE OF THE TIME FRAME. BUT YES,
14 THEY WERE ALL IN THE AREA LOOKING FOR THAT.

15 Q THEY WERE ALL IN THE AREA LOOKING FOR THAT
16 SHOPLIFTER.

17 A CORRECT.

18 Q IS THAT RIGHT?

19 A THAT'S CORRECT.

20 Q AND THEN YOU HAD TESTIFIED YOU CAME DOWN
21 BROOKSTOWN, SAW THE CAR -- SAW THAT CAR -- THE CAR
22 THAT THE DEFENDANT WAS A PASSENGER IN STOPPED AT A
23 HOUSE, THAT YOU THEN PROCEEDED AROUND ON ADDITIONAL
24 PATROLLING.

25 HAD YOU COMPLETED YOUR -- HAD YOU COMPLETED

1 YOUR INVESTIGATION OR SEARCH FOR THE SHOPLIFTER PRIOR
2 TO COMING INTO CONTACT WITH THE VEHICLE THAT YOU
3 EVENTUALLY STOPPED AGAIN?

4 A YES. AS I TESTIFIED EARLIER, I WAS ON
5 AIRLINE HIGHWAY HEADED WEST OR NORTH, WHICHEVER
6 DIRECTION THAT IS TOWARD THE RIVER.

7 Q AIRLINE HIGHWAY IS A DIVIDED HIGHWAY AT THAT
8 LOCATION?

9 A YES, IT IS.

10 Q AND YOU WOULD HAVE BEEN ON THE FAR SIDE AWAY
11 FROM THE VEHICLE THAT YOU STOPPED TRAVELING
12 NORTHBOUND?

13 A CORRECT.

14 Q AND THE VEHICLE WAS -- WOULD HAVE BEEN
15 FACING YOU. CORRECT?

16 A PERPENDICULAR TO ME.

17 Q IT WOULD HAVE BEEN PERPENDICULAR TO YOU?

18 A CORRECT.

19 Q SO WHEN YOU GOT PARALLEL TO THE CAR OR --
20 YOU WOULD HAVE HAD TO AT LEAST GET PARALLEL TO THE
21 CAR OR PAST THE CAR IN ORDER TO SEE THE SIGNAL ON.
22 RIGHT?

23 A AS I'M APPROACHING I CAN SEE THE TURN
24 SIGNAL, AND AS I'M PASSING YOU CAN SEE THE LEFT TURN
25 SIGNAL AND YOU CAN SEE THROUGH THE FRONT WINDSHIELD.

1 Q AND THEN YOU WENT -- AND AS YOU PASSED THE
2 VEHICLE, THAT -- YOU CONTINUED TRAVELING. HOW FAST
3 WERE YOU GOING? WHAT'S THE SPEED LIMIT ON AIRLINE
4 HIGHWAY AT THAT LOCATION?

5 A THE SPEED LIMIT THERE IS AROUND 50. I
6 WASN'T GOING 50 MILES AN HOUR.

7 Q OKAY. BUT YOU WERE NOT GOING TEN?

8 A NO, SIR. I WAS --

9 Q YOU WERE TRAVELING AT A GOOD RATE OF SPEED?

10 A THIRTY TO FORTY MILES AN HOUR, YES.

11 Q YOU PASSED THAT VEHICLE, AND THAT VEHICLE
12 MADE A RIGHT TURN?

13 A THAT'S CORRECT.

14 Q IS IT POSSIBLE THAT THAT VEHICLE COULD HAVE
15 TURNED THE SIGNAL ON TO TURN RIGHT AT THAT LOCATION
16 AFTER YOU PASSED IT AND YOU DID NOT SEE THE SIGNAL
17 TURN -- THE SIGNAL CHANGE?

18 A NO, BECAUSE AS I PASSED THE VEHICLE I LOOKED
19 IN MY LEFT -- MY SIDE VIEW MIRROR, AND I COULD SEE
20 THAT THE TURN SIGNAL IS STILL ON FOR A LEFT TURN AND
21 THE VEHICLE TURNING RIGHT, WHICH IS WHAT CAUSED ME TO
22 DO -- CONDUCT THE U-TURN AT THAT POINT.

23 Q AND THEN -- BUT DID THE DEFENDANT EVER --
24 DID THE DRIVER OF THAT VEHICLE EVER NOT MAKE A SIGNAL
25 FOR A TURN FROM THE TIME YOU STARTED FOLLOWING IT?

1 A NO. ONCE I STARTED FOLLOWING THEM, THEY
2 UTILIZED THEIR TURN SIGNAL.

3 Q NO, YOU MADE A U-TURN. BUT THEY WERE TURNED
4 ALREADY BY THE TIME YOU MADE -- CAME AROUND BEHIND
5 THEM. CORRECT?

6 A THE QUESTION YOU ASKED ME WAS ONCE I WAS
7 BEHIND THEM, DID I EVER SEE THEM NOT USE THEIR TURN
8 SIGNAL.

9 Q DID YOU EVER SEE THEM INCORRECTLY USING
10 THEIR TURN SIGNAL OTHER THAN WHEN YOU SAY YOU SAW
11 THEM MAKE A LEFT TURN -- A RIGHT TURN WITH A LEFT
12 TURN SIGNAL ON?

13 A OTHER THAN THAT INCIDENT, NO, I DID NOT.

14 **MR. UPTON:** I'D LIKE TO PLAY -- I'D LIKE TO
15 PLAY NO. 6.

16 **REPORTER'S NOTE:** (WHEREUPON, A PORTION OF
17 **DEFENSE EXHIBIT NO. 6 WAS PLAYED.**)

18 **MR. UPTON:** CAN YOU BACK IT UP TO THE VERY,
19 VERY BEGINNING? WE DID? ALL RIGHT.

20 **BY MR. UPTON:**

21 Q SO THIS IS THE -- OFFICER CAMALLO, I THINK
22 PORTIONS OF THIS HAVE ALREADY BEEN INTRODUCED.

23 **MR. UPTON:** AND I'LL JUST INTRODUCE IT AS
24 DEFENDANT'S EXHIBIT NO. 6.

25 **THE COURT:** ANY OBJECTION TO THE ADMISSION

1 OF DEFENSE EXHIBIT NO. 6?

2 MR. PATHAN: NO, JUDGE.

3 THE COURT: ADMITTED.

4 BY MR. UPTON:

5 Q OFFICER CAMALLO, YOU HAVE -- THIS IS WHERE
6 THE DEFENDANT HAD -- OR THE VEHICLE THAT YOU
7 SUSPECTED OF SUSPICIOUS DRIVING HAS MADE A RIGHT TURN
8 AND IS PROCEEDING BACK TOWARDS BROOKSTOWN. IS THAT
9 CORRECT?

10 A CORRECT. THEY TURNED FROM AIRLINE ONTO
11 HANKS.

12 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
13 DEFENSE EXHIBIT NO. 6 WAS PLAYED.)

14 Q SO AS WE LOOK AT THIS VEHICLE AND AS YOU --
15 AS YOU PASSED IT AND THEN FOLLOWED IT, COULD YOU TELL
16 HOW MANY PEOPLE WERE IN THAT VEHICLE?

17 A ALL I COULD SEE FROM MY INITIAL PASSING IT
18 ON AIRLINE WAS IT APPEARED TO BE A DRIVER, A FRONT
19 SEAT PASSENGER, AND AN UNRESTRAINED CHILD. I DID NOT
20 KNOW ABOUT OTHER OCCUPANTS UNTIL FURTHER IN THIS
21 VIDEO.

22 Q AND YOU SAW THAT -- AND YOU SAY YOU SAW THAT
23 UNRESTRAINED CHILD IN THIS VEHICLE AS YOU TRAVELED BY
24 ON AIRLINE HIGHWAY ON THE OTHER SIDE OF THE MEDIAN --
25 HAD HOW MUCH TIME TO LOOK AT THE VEHICLE?

1 A A COUPLE OF SECONDS.

2 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
3 **DEFENSE EXHIBIT NO. 6 WAS PLAYED.)**

4 Q NOW, YOU HAD NOT TURNED ON YOUR LIGHTS AT
5 THIS POINT. IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q SHE'S MADE A LEFT-HAND TURN ONTO BROOKSTOWN?

8 A BACK ONTO BROOKSTOWN, CORRECT. AND NOW
9 THEY'RE --

10 Q AND NOW YOUR LIGHTS ARE ON. WE CAN SEE THE
11 REFLECTION IN THE STREET SIGN?

12 A THAT'S CORRECT.

13 Q SO --

14 **MR. UPTON: STOP THERE.**

15 **BY MR. UPTON:**

16 Q SO THE CAR BACKED UP -- OR THE TAPE STARTS
17 30 SECONDS -- WHEN YOU HIT IT, IT BACKS UP AND
18 PRESERVED 30 SECONDS BEFORE YOU TURNED ON YOUR
19 LIGHTS. RIGHT?

20 A THAT'S CORRECT.

21 **MR. UPTON: PLAY IT TO THE END.**

22 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
23 **DEFENSE EXHIBIT NO. 6 WAS PLAYED.)**

24 **MR. UPTON: OKAY, STOP IT RIGHT THERE. SO**
25 **WE'RE STOPPED NOW AT 47 SECONDS IN ON EXHIBIT NO. 6.**

1 **BY MR. UPTON:**

2 **Q** CAN YOU SEE HOW MANY PEOPLE ARE -- WHO'S IN
3 THAT VEHICLE AT THIS POINT?

4 **A** AT THIS POINT I CAN SEE MOVEMENT IN THE
5 BACK. IT'S NOT CLEARLY VISIBLE IN THIS CAMERA.
6 WE'RE LIMITED BY THE TECHNOLOGY THAT WE HAVE. BUT
7 YOU CAN SEE MOVEMENT IN THE VEHICLE.

8 **Q** SO STRICTLY WHAT -- THE SOLE REASON FOR YOU
9 STOPPING THE VEHICLE AT THIS POINT, A LEGAL REASON
10 FOR STOPPING THE VEHICLE -- NOT SUSPICION OF
11 DRIVING -- IS THAT THERE WAS A TURN SIGNAL THAT WAS
12 NOT GIVEN CORRECTLY PREVIOUS TO THE -- TO THEM MOVING
13 OUT ONTO AIRLINE HIGHWAY. IS THAT CORRECT?

14 **A** THERE IS AN UNRESTRAINED CHILD IN THERE AS
15 WELL.

16 **MR. UPTON:** LET'S GO TO NUMBER -- I'M STILL
17 NOT USED TO SITTING HERE, JUDGE.

18 **THE COURT:** I UNDERSTAND.

19 **MR. UPTON:** YOU HAVE TO FORGIVE ME.

20 **THE COURT:** I UNDERSTAND, MR. UPTON.

21 **THE WITNESS:** JUDGE, ARE WE ABLE TO TAKE A
22 BATHROOM BREAK?

23 **THE COURT:** I'M SORRY?

24 **THE WITNESS:** ARE WE ABLE TO TAKE A QUICK
25 BATHROOM BREAK?

1 **THE COURT:** YES, WE CAN TAKE A QUICK -- HOW
2 MUCH LONGER DO YOU HAVE, MR. UPTON?

3 **MR. UPTON:** I'M GOING TO BE PRETTY LONG,
4 JUDGE.

5 **THE COURT:** ALL RIGHT. WE'LL TAKE A SHORT
6 RECESS OF ABOUT FIVE MINUTES.

7 NOW, SERGEANT, LET ME JUST ADVISE YOU THAT,
8 AS YOU KNOW, YOU ARE STILL UNDER CROSS-EXAMINATION.
9 IT WOULD BE IMPROPER FOR YOU TO SPEAK WITH ANYONE
10 DURING THE BREAK, INCLUDING -- AND, OF COURSE,
11 COUNSEL FOR THE UNITED STATES. OKAY?

12 **THE WITNESS:** YES, SIR.

13 **THE COURT:** SO YOU WOULD BE WELL-ADVISED NOT
14 TO SPEAK TO ANYONE ABOUT ANYTHING HAVING TO DO WITH
15 YOUR TESTIMONY.

16 **THE WITNESS:** ABSOLUTELY.

17 **THE COURT:** DO YOU HAVE ANY QUESTIONS ABOUT
18 THAT, SIR?

19 **THE WITNESS:** NO, SIR.

20 **THE COURT:** REMEMBER NOW, YOU'VE GOT TO WEAR
21 THAT MASK OVER YOUR NOSE. ALL RIGHT?

22 **THE WITNESS:** IT KEEPS SLIDING.

23 **THE COURT:** VERY WELL. COURT IS IN RECESS.

24 **(WHEREUPON, A BRIEF RECESS WAS TAKEN.)**

25 **THE COURT:** BE SEATED. WE'RE BACK ON THE

1 RECORD IN THE CASE OF U.S. VERSUS GREEN. AT THIS
2 TIME WE WILL RESUME THE CROSS-EXAMINATION OF SERGEANT
3 CAMALLO.

4 **BY MR. UPTON:**

5 Q SERGEANT CAMALLO, I JUST -- I HAVE A
6 QUESTION ABOUT SOMETHING THAT OCCURRED. AND I
7 BELIEVE IT WAS ON -- AT 7:30 OF UNITED STATES EXHIBIT
8 1B.

9 AND YOU MADE A STATEMENT. YOU WERE GOING
10 THROUGH AND ONE OF THE OTHER OFFICERS CAME UP AND
11 SAID SOMETHING TO YOU, AND I DIDN'T HEAR OR I
12 COULDN'T DETERMINE WHAT THEY SAID. BUT YOU MADE THE
13 STATEMENT "I HAVEN'T BUILT A STOP YET."

14 WHAT WERE YOU REFERRING TO WHEN YOU -- THIS
15 WAS WELL INTO YOUR SEARCH OF THE AUTOMOBILE. CAN YOU
16 TELL ME WHAT THAT REFERRED TO: "I HAVEN'T BUILT A
17 STOP YET"?

18 A THAT MEANT I HADN'T CLEARED FROM THE THEFT
19 CHARGE YET AND HAD GONE OUT WITH COMMUNICATIONS
20 RELATIVE TO THIS TRAFFIC STOP.

21 Q ALL RIGHT. ALL THOSE OTHER OFFICERS THAT
22 APPEARED PRETTY QUICKLY AFTER YOU MADE THE STOP OF
23 THE VEHICLE IN THIS MATTER, THOSE OFFICERS -- HAD YOU
24 MADE A CALL OUT FOR THOSE OFFICERS TO PROVIDE BACKUP?
25 IS THAT WHY SO MANY CARS SHOWED UP?

1 A I JUST LET THEM KNOW I WAS STOPPING A
2 VEHICLE IN THE AREA. THEY RESPONDED.

3 Q NOW, YOU'VE ALREADY STATED THAT COMPLETENESS
4 AND ACCURACY ARE TWO OF THE THINGS THAT YOU THINK
5 ARE -- YOU'RE TRAINED TO PUT IN -- TO BE PART OF YOUR
6 REPORTING. CORRECT?

7 A CORRECT.

8 **MR. UPTON:** IF WE COULD, LET'S LOOK AT
9 EXHIBIT 7.

10 **REPORTER'S NOTE:** (WHEREUPON, A PORTION OF
11 DEFENSE EXHIBIT NO. 7 WAS PLAYED.)

12 **MR. UPTON:** STOP IT.

13 **BY MR. UPTON:**

14 Q DO YOU RECOGNIZE THIS, OFFICER CAMALLO?

15 A YES, SIR. IT'S MY BODY CAMERA.

16 Q THIS IS YOUR BODYCAM?

17 A YES, SIR.

18 **MR. UPTON:** I'D LIKE TO OFFER AND INTRODUCE
19 EXHIBIT 7; DEFENDANT'S EXHIBIT 7.

20 **THE COURT:** ANY OBJECTION?

21 **MR. PATHAN:** NONE, YOUR HONOR.

22 **THE COURT:** DEFENSE EXHIBIT 7 IS ADMITTED.

23 **MR. UPTON:** MOVE ON.

24 **REPORTER'S NOTE:** (WHEREUPON, A PORTION OF
25 DEFENSE EXHIBIT NO. 7 WAS PLAYED.)

1 BY MR. UPTON:

2 Q OFFICER CAMALLO --

3 THE COURT: WAIT. I'M SORRY, MR. UPTON.
4 COULD YOU PULL A LITTLE CLOSER TO THE MICROPHONE,
5 PLEASE.

6 MR. UPTON: YES, SIR. I'M SORRY, YOUR
7 HONOR.

8 BY MR. UPTON:

9 Q OFFICER CAMALLO, HOW CLOSE IN PROXIMITY TO
10 THE DEFENDANT -- TO THE DRIVER OF THE VEHICLE WERE
11 YOU WHEN YOU FIRST MADE THIS -- HAD THIS
12 CONVERSATION?

13 A LESS THAN TWO, THREE FEET I GUESS.

14 Q COULD YOU SMELL MARIJUANA COMING FROM THE
15 VEHICLE WHERE YOU WERE STANDING?

16 A I COULD SMELL MARIJUANA IN THE AREA. I
17 WASN'T SURE IF IT WAS COMING FROM -- OR THE EXACT
18 SOURCE OF IT, WHETHER IT WAS FROM THE VEHICLE,
19 WHETHER IT WAS FROM A HOUSE. THERE WAS A FAINT ODOR
20 COMING FROM HER AS WELL.

21 Q YOU DIDN'T MENTION ANYTHING ABOUT MARIJUANA
22 DURING THIS. YOU TALKED TO HER ABOUT HER DRIVING,
23 ABOUT HER TRIP, WHERE SHE'S GOING, ABOUT HER NOT
24 BEING REASONABLE IN HER DECISIONS ON WHERE TO DRIVE,
25 ALL THOSE THINGS; AND YET THE ONE CRIMINAL THING THAT

1 SHE REALLY COULD BE -- THAT SHE COULD BE GUILTY OF OR
2 INVOLVED WITH WAS SMELL OF MARIJUANA, AND YOU DIDN'T
3 EVEN MENTION THAT.

4 A NOT AT THAT POINT. NO, I HADN'T.

5 Q DID YOU PUT IN YOUR REPORT THAT THE DRIVER
6 SMELLED LIKE MARIJUANA?

7 A I'D HAVE TO LOOK AT THE REPORT TO SEE
8 SPECIFICALLY. I DO NOTE -- AND I TESTIFIED EARLIER
9 THAT AS I APPROACHED THE VEHICLE TO EXAMINE IT
10 FURTHER, I IDENTIFIED THE SOURCE TO BE COMING FROM
11 THAT VEHICLE.

12 Q NOW, WHEN WE'RE TALKING ABOUT -- THERE WAS
13 ANOTHER POINT IN THIS STOP WHERE YOU MADE A REFERENCE
14 TO --

15 MR. UPTON: I'M SORRY. ONE SECOND, JUDGE.

16 THE COURT: TAKE YOUR TIME.

17 BY MR. UPTON:

18 Q WHERE YOU MADE A -- AND THIS IS IN -- THIS
19 IS IN DEFENDANT'S EXHIBIT NO. 7.

20 MR. UPTON: HAVE WE ADMITTED THAT EXHIBIT?
21 LET'S GO TO 552.

22 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
23 DEFENSE EXHIBIT NO. 7 WAS PLAYED.)

24 BY MR. UPTON:

25 Q WHAT EXACTLY ARE YOU REFERRING TO WHEN YOU

1 SAY "IT'S NOT JUST REGULAR MARIJUANA. IT'S RAW
2 MARIJUANA"?

3 A IT'S HARD TO DESCRIBE, BUT THERE IS A -- RAW
4 MARIJUANA HAS A VERY PUNGENT, STRONG ODOR. IT KIND
5 OF CHANGES A LITTLE BIT WHEN YOU -- WHEN IT'S BEING
6 SMOKED, BUT THERE IS A NOTABLE DIFFERENCE. MARIJUANA
7 SMELLS LIKE MARIJUANA IRREGARDLESS, BUT THERE IS A
8 SLIGHT DIFFERENCE.

9 Q AND SO THERE IS A DIFFERENCE BETWEEN SMOKED
10 MARIJUANA AND MARIJUANA THAT'S NOT SMOKED?

11 A IN THE WAY I PERCEIVE IT, YES. IN OTHER
12 WORDS, I CAN -- IF I'M AROUND A -- IF THERE IS A
13 LARGE AMOUNT OF RAW FRESH MARIJUANA, IT HAS ONE ODOR
14 TO ME; IT'S OBVIOUS THAT IT'S MARIJUANA. IF IT'S A
15 SMALL AMOUNT OF SMOKED MARIJUANA, IT USUALLY HAS A
16 LITTLE BIT DIFFERENT OF A SMELL TO IT. IT STILL
17 SMELLS LIKE MARIJUANA, BUT IT'S A LITTLE DIFFERENT.

18 IT DEPENDS ON WHAT THEY'RE SMOKING IT IN.
19 SOMETIMES THEY'LL TAKE A GRAPE-FLAVORED CIGAR AND IT
20 GIVES OFF A LITTLE BIT OF A GRAPE SMELL TO IT. IT
21 JUST DEPENDS ON WHAT THEY'RE MIXING IT WITH WHEN THEY
22 SMOKE IT.

23 Q IN THIS CASE THE ONLY MARIJUANA THAT --
24 ASIDE FROM A COUPLE OF BLUNTS OR A COUPLE OF ROACHES
25 THAT WERE FOUND IN THE ASHTRAY OF THE VEHICLE.

1 RIGHT?

2 A AT THIS POINT, CORRECT. BUT THERE WAS STILL
3 A VERY STRONG, PUNGENT ODOR.

4 Q I HAVEN'T FINISHED MY QUESTION YET.
5 ASIDE FROM THE TWO LITTLE ROACHES THAT WERE
6 FOUND IN THE ASHTRAY -- THAT WOULD BE SMOKED
7 MARIJUANA. CORRECT? THAT WOULD HAVE ONE ODOR.

8 A RIGHT.

9 Q WOULD THAT BE RIGHT?

10 A CORRECT.

11 Q THERE WAS STILL AN ODOR OF RAW MARIJUANA OR
12 I GUESS UNSMOKED MARIJUANA THAT YOU WERE SMELLING?

13 A A VERY STRONG, PUNGENT SMELL.

14 Q AND YOU SMELLED THAT ON -- AND THAT WAS
15 FOUND EVENTUALLY IN THE UNDERWEAR OF THE JUVENILE,
16 WHO WAS MR. GREEN'S BROTHER. RIGHT?

17 A CORRECT.

18 Q AND YOU SMELLED THAT ON ALL THE PEOPLE AND
19 THE ENTIRE VEHICLE THE ENTIRE TIME THAT YOU WERE
20 STOPPED THERE. IS THAT CORRECT?

21 A CORRECT.

22 Q DO YOU KNOW HOW LONG THEY HAD BEEN IN THAT
23 VEHICLE?

24 A I DO NOT.

25 Q AT ONE POINT -- NOW, IN YOUR INITIAL REPORT

1 YOU MADE NO MENTION OF THE DRIVER OF THE VEHICLE --
2 OR YOU MADE MENTION OF MR. GREEN IN --

3 MR. UPTON: I'M GOING THROUGH MY NOTES HERE,
4 JUDGE.

5 THE COURT: TAKE YOUR TIME.

6 MR. UPTON: WE'RE AT 29:15 OF EXHIBIT 7.

7 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
8 DEFENSE EXHIBIT NO. 7 WAS PLAYED.)

9 BY MR. UPTON:

10 Q NOW, OFFICER, WHO MADE THE STATEMENT ABOUT
11 THEIR BROTHER BEING PART OF BRPD?

12 A I BELIEVE IT WAS MR. GREEN.

13 Q IT WAS WHO?

14 A I BELIEVE IT WAS MR. GREEN, BUT I'M NOT
15 SURE.

16 Q SO IF YOU PUT IT IN YOUR REPORT THAT IT WAS
17 MR. GREEN, DO YOU THINK THAT YOU MIGHT BE INCORRECT
18 IN THAT?

19 A I THOUGHT I JUST SAID THAT -- I SAID I
20 BELIEVE --

21 Q YOU SAID YOU'RE NOT SURE?

22 A -- IT WAS MR. GREEN, BUT I'M NOT SURE. I'D
23 HAVE TO LOOK AT THE REPORT AND SEE IF IT WAS STATED.
24 I DID HEAR IT ON THE BODY CAMERA, BUT I DON'T RECALL
25 WHO SPECIFICALLY SAID IT AT THIS TIME.

1 Q SO WHERE WOULD THE INFORMATION IN THE REPORT
2 HAVE COME FROM? DID YOU REVIEW THE VIDEO?

3 A NO. IT WOULD HAVE BEEN INDEPENDENT
4 RECOLLECTION AT THE TIME OF THE INCIDENT.

5 Q IF IT WASN'T PUT IN YOUR INITIAL REPORT,
6 THEN IT WOULD HAVE COME FROM YOUR INDEPENDENT
7 RECOLLECTION IN A REPORT THAT YOU PREPARED ONCE AFTER
8 YOUR INITIAL REPORT AND AFTER THIS STOP OCCURRED?

9 A I'D HAVE TO SEE WHAT YOU'RE REFERRING TO. I
10 DON'T KNOW IF IT WAS PLACED IN THE INITIAL REPORT,
11 THE FIRST SUPPLEMENTAL REPORT, OR IF IT WAS PLACED IN
12 A LATER REPORT. I DID RECALL HEARING IT ON THIS BODY
13 CAMERA.

14 Q OKAY.

15 THE COURT: FOR PURPOSES OF CLARIFICATION,
16 MR. UPTON, IF YOU KNOW, WHEN YOU USE THE TERM *INITIAL*
17 *REPORT* --

18 MR. UPTON: INITIAL REPORT IS EXHIBIT NO. 1,
19 YOUR HONOR.

20 THE COURT: DEFENSE EXHIBIT NO. 1?

21 MR. UPTON: DEFENSE EXHIBIT NO. 1.

22 THE COURT: NOW I'M CONFUSED. BECAUSE I
23 THOUGHT THE TESTIMONY OF THE WITNESS WAS THAT HE MADE
24 A REPORT, SUBMITTED IT FOR APPROVAL, AND IT WAS
25 APPROVED A DAY OR TWO AFTER HE SUBMITTED IT, WHICH

1 WOULD HAVE BEEN ON OR ABOUT THE DATE OF THE INCIDENT.
2 IS THAT CORRECT, OFFICER?

3 **THE WITNESS:** CORRECT, YOUR HONOR. WHAT WE
4 HAVE TO DO OUR POLICY, IS WHENEVER WE PLACE SOMEBODY
5 INTO EAST BATON ROUGE PARISH PRISON, THE DISTRICT
6 ATTORNEY'S OFFICE REQUIRES WE HAVE AN INITIAL REPORT
7 TO ACCOMPANY PAPERWORK. SO THE INITIAL REPORT IN
8 THIS INCIDENT WOULD HAVE BEEN FILED -- EXCUSE ME --
9 THE DATE THAT THE INCIDENT OCCURRED AT THE TIME OF
10 BOOKING. IT WOULD HAVE BEEN APPROVED AT THAT TIME.

11 **THE COURT:** ALL RIGHT. NOW, DEFENSE EXHIBIT
12 NO. 1 INDICATES THAT IT WAS APPROVED ON OCTOBER 20,
13 2020. I DON'T SEE ANYTHING THAT PURPORTS TO BE AN
14 INITIAL REPORT.

15 **MR. UPTON:** I THINK WHAT I SHOWED HIM WAS
16 THE INITIAL REPORT THAT HE IDENTIFIED WAS THE FIRST
17 DOCUMENT THAT I PUT IN. UNFORTUNATELY OUR COPY
18 MACHINE IS BROKEN AND I HAVEN'T BEEN ABLE TO MAKE
19 COPIES OF THAT REPORT TO SUBMIT THEM, SO -- BUT HE
20 IDENTIFIED IT IN TESTIMONY AS THE SAME THING AS
21 EXHIBIT NO. 1. BUT IT WAS APPROVED BY DARRYL HONORE
22 ON 1/1/2020.

23 **THE COURT:** OKAY. WELL, I TELL YOU WHAT
24 WE'LL DO. LET'S DO THIS. BECAUSE I TAKE IT YOU HAVE
25 A BIT MORE GROUND TO COVER, MR. UPTON. IS THAT

1 CORRECT?

2 MR. UPTON: YES.

3 THE COURT: ALL RIGHT. SO I THINK IT MAKES
4 SENSE FOR US TO GO ON AND TAKE A LUNCH BREAK AT THIS
5 TIME. I WOULD ASK, MR. UPTON, IF YOU CAN -- OR
6 MR. PATHAN -- IF YOU WOULD BE KIND ENOUGH TO SUPPLY
7 THE COURT WITH THE INITIAL REPORT. IF YOU CAN HAVE
8 THAT READY WHEN WE RESUME THE TESTIMONY, I WOULD VERY
9 MUCH APPRECIATE THAT. OKAY?

10 MR. UPTON: WE COULD DO THAT, JUDGE. I
11 APOLOGIZE FOR ANY CONFUSION TO THE COURT.

12 THE COURT: THAT'S ALL RIGHT.

13 ALL RIGHT. SO AGAIN, WE WILL TAKE -- I TELL
14 YOU WHAT. LET'S GO ON AND PLAN TO RETURN NO LATER
15 THAN TEN -- IT'S 12:03 RIGHT NOW. SO LET'S TAKE
16 ABOUT AN HOUR. LET'S SAY LET'S BE READY TO RETURN TO
17 THE COURTROOM NO LATER THAN TEN MINUTES AFTER ONE.
18 OKAY?

19 MR. UPTON: VERY GOOD. THANK YOU, JUDGE.

20 THE COURT: TRY TO WRAP THINGS UP.

21 NOW, SERGEANT, LET ME AGAIN REMIND YOU, SIR,
22 DURING THE COURSE OF THE LUNCH BREAK YOU ARE STRICTLY
23 PROHIBITED FROM SPEAKING WITH ANYONE ABOUT THE COURSE
24 OF YOUR TESTIMONY. AS YOU KNOW, YOU'RE IN THE MIDDLE
25 OF YOUR CROSS-EXAMINATION. IT WOULD BE IMPROPER FOR

1 YOU TO SPEAK WITH ANYONE. OKAY?

2 THE WITNESS: YES, SIR.

3 THE COURT: YOU CAN TALK ABOUT THE LSU GAME
4 TOMORROW, YOU CAN TALK ABOUT THE VERY PLEASANT
5 WEATHER. BUT I'D ASK -- AND DIRECT, IN FACT -- THAT
6 YOU NOT TESTIFY -- OR SPEAK WITH ANYONE. OKAY?

7 THE WITNESS: CORRECT. AND IF THERE IS
8 CONFUSION ON THE REPORT --

9 THE COURT: WAIT. WE CAN TAKE THAT UP ON
10 THE RECORD WHEN WE RETURN --

11 THE WITNESS: YES, SIR.

12 THE COURT: LET'S HAVE ORDER IN THE COURT.
13 OKAY?

14 SO WE CAN TAKE THAT UP WHEN WE RETURN FROM
15 LUNCH. IF YOU'D LIKE TO OFFER CLARIFICATION, IF
16 MR. UPTON DOESN'T ASK YOU, I'M SURE MR. PATHAN WILL
17 ASK YOU AND GIVE YOU AN OPPORTUNITY TO OFFER ANY
18 CLARIFICATIONS YOU THINK ARE IMPORTANT. OKAY?

19 THE WITNESS: YES, SIR.

20 THE COURT: ALL RIGHT. IS THERE ANYTHING
21 ELSE WE SHOULD TAKE UP BEFORE WE TAKE OUR BREAK?
22 ANYTHING FROM THE UNITED STATES?

23 MR. PATHAN: NO, JUDGE.

24 THE COURT: ANYTHING FROM THE DEFENDANT?

25 MR. UPTON: NO, YOUR HONOR.

1 **THE COURT:** VERY WELL. AGAIN, COURT IS IN
2 RECESS.

3 **(WHEREUPON, A LUNCH RECESS WAS TAKEN.)**

4 **THE COURT:** BE SEATED. WELCOME BACK,
5 EVERYONE. WE'RE BACK ON THE RECORD IN THE CASE OF
6 U.S. VERSUS GREEN.

7 IS THERE ANYTHING WE SHOULD TAKE UP BEFORE
8 WE RESUME THE TESTIMONY?

9 **MR. UPTON:** JUST BRIEFLY, YOUR HONOR. I DID
10 GO TO MY OFFICE AND PREPARE AND FILE IT WITH JERS AS
11 DEFENDANT'S EXHIBIT 9 THE -- WHAT I HAD BEEN
12 REFERRING TO AS THE INITIAL OFFENSE REPORT, WHICH IS
13 THE REPORT DATED -- APPROVED BY DARRYL HONORE OF
14 1/1/2020. AND IT CONSISTS OF 25 PAGES BATES STAMPED
15 GREEN 1 THROUGH GREEN 25 AND MARKED AS DEFENDANT'S
16 EXHIBIT NO. 9.

17 **THE COURT:** ALL RIGHT. AND I ASSUME YOU
18 WISH TO OFFER THAT INTO EVIDENCE AT THIS TIME?

19 **MR. UPTON:** OFFER, INTRODUCE AND FILE, YOUR
20 HONOR.

21 **THE COURT:** MR. PATHAN, ANY OBJECTION?

22 **MR. PATHAN:** NO, JUDGE.

23 **THE COURT:** WITHOUT OBJECTION, DEFENSE
24 EXHIBIT NO. 9 IS ADMITTED.

25 ANYTHING ELSE, GENTLEMEN?

1 **MR. UPTON:** NO, YOUR HONOR.

2 **MR. PATHAN:** YOUR HONOR, THE ONLY THING THAT
3 I WOULD LIKE TO RAISE AGAIN TO THE COURT IS -- I
4 BELIEVE MR. UPTON IS ABOUT TO GET INTO CIRCUMSTANCES
5 THAT TOOK PLACE AFTER THE TRAFFIC STOP IN THIS CASE.
6 AND I WOULD AGAIN RAISE MY OBJECTION TO BOTH
7 RELEVANCE AND, ALSO, IT'S MORE PREJUDICIAL THAN
8 PROBATIVE TO GET INTO WHAT HAPPENED AFTER THE STOP.
9 THAT DOESN'T HAVE ANY BEARING ON WHETHER OR NOT THE
10 DEFENDANT -- OR THE OFFICER SAW CERTAIN THINGS
11 BEFORE -- YOU KNOW, BEFORE ANY OF THAT STUFF HAPPENED
12 AFTER THE STOP. IT DOESN'T GO TO WHETHER OR NOT
13 THERE WAS A CHILD IN A CAR SEAT OR NOT IN A CAR SEAT.

14 I WOULD JUST AGAIN RAISE MY OBJECTION TO
15 THAT, YOUR HONOR, AND SAY THAT IT'S OF LIMITED USE IN
16 THIS CASE. IT'S MORE PREJUDICIAL THAN IT IS
17 PROBATIVE. AND, IN FACT, THERE IS NO LIMITED
18 PRINCIPLE. DOES THAT MEAN THAT THE GOVERNMENT CAN
19 BRING IN EVIDENCE AFTER THE STOP TO SHOW THAT THE
20 OFFICER WAS, YOU KNOW -- BEHAVED ACCORDING TO, YOU
21 KNOW, THE OFFICER'S MANUAL AT EVERY SINGLE TIME THAT,
22 YOU KNOW, SOMETHING HAPPENED IN THE FUTURE? I DO
23 THINK THAT HERE THERE IS NO LIMITED PRINCIPLE.

24 **THE COURT:** WELL, I THINK THE ANSWER TO
25 THAT, MR. PATHAN, IS YES. THE COURT HAS THE RIGHT TO

1 TEST THE CREDIBILITY OF THE OFFICER. AND IF THERE
2 ARE EVENTS THAT OCCURRED WITH RESPECT TO THE
3 OFFICER'S CREDIBILITY, EITHER BEFORE THE INCIDENT OR
4 AFTER THE INCIDENT, THE COURT IS CERTAINLY ENTITLED
5 TO BE AWARE OF ANY SUCH INFORMATION.

6 MR. PATHAN: I WOULD AGREE WITH THAT, JUDGE.

7 THE COURT: RIGHT?

8 MR. PATHAN: I WOULD AGREE WITH THAT, JUDGE.
9 BUT I THINK IN THIS CASE THERE IS LIMITED USE IN
10 TERMS OF WHAT'S GOING TO BE PRESENTED BY MR. UPTON ON
11 THE ISSUE OF CREDIBILITY. AND PERHAPS THAT'S WHERE
12 WE'RE GETTING INTO SOME STICKINESS HERE.

13 BUT I'M HAPPY -- IF THE COURT WANTS TO
14 LISTEN TO SOME OF THAT, I CAN RE-RAISE MY OBJECTION
15 IF I FEEL LIKE WE'RE VEERING WAY TOO FAR FROM THE
16 PURPOSE OF TODAY.

17 THE COURT: WELL, I UNDERSTAND. LET ME GIVE
18 MR. UPTON AN OPPORTUNITY TO REPLY, IF YOU WISH TO
19 REPLY, MR. UPTON.

20 MR. UPTON: WELL, NOT ONLY DO I AGREE WITH
21 THE COURT'S APPRECIATION OF THE USE OF TESTIMONY
22 REGARDING CREDIBILITY OF THE WITNESS, ALSO THIS
23 WITNESS OPENED THE DOOR. HE REFERRED TO AN INCIDENT.
24 HE TESTIFIED ABOUT SOMETHING THAT HAPPENED DURING
25 THAT INTERACTION, AND I BELIEVE THAT, AT THE LEAST,

1 HE OPENED THE DOOR ON THAT, YOUR HONOR.

2 **THE COURT:** SO, MR. UPTON, JUST SO THAT I'M
3 AWARE -- AND IN FAIRNESS TO MR. PATHAN, WHAT
4 EXACTLY -- WHAT EVIDENCE DO YOU WISH TO ADDUCE AT
5 THIS TIME?

6 **MR. UPTON:** IT WILL BE A VIDEO OF
7 APPROXIMATELY TEN MINUTES AND 30 SECONDS -- I DO NOT
8 NEED TO PLAY THE ENTIRE TEN MINUTES AND 30 SECONDS --
9 RELATING TO HOW THE ENTRANCE OF THAT PREMISES WAS
10 MADE AND WHAT CONSTITUTES -- WHAT THE OFFICER
11 APPRECIATED CONSTITUTED CONSENT.

12 **THE COURT:** OKAY. WELL, I TELL YOU WHAT
13 WE'LL DO. I WILL ALLOW SOME TESTIMONY ON IT, VERY
14 LIMITED TESTIMONY, MR. UPTON.

15 MR. PATHAN, LET ME ASSURE YOU, SIR, THAT THE
16 RULES THAT PROHIBIT THE INTRODUCTION OF EVIDENCE THAT
17 IS MORE PREJUDICIAL THAN PREJUDICE IS REALLY A RULE
18 FASHIONED FOR THE BENEFIT OF JURIES. AND THE SAME
19 THING WITH LIMITING INSTRUCTIONS. AGAIN, THOSE ARE
20 RULES THAT HAVE BEEN CREATED FOR THE BENEFIT OF
21 JURIES.

22 YOU WILL BE GIVEN A FULL OPPORTUNITY AT THE
23 CONCLUSION OF THIS LINE OF TESTIMONY TO DEMONSTRATE,
24 EITHER IF YOU -- YOU CAN EITHER REHABILITATE THE
25 WITNESS IF YOU BELIEVE REHABILITATION OR

1 CLARIFICATION IS REQUIRED, AND YOU'RE CERTAINLY
2 ENTITLED TO ARGUE THE ISSUE OF RELEVANCY. BUT I JUST
3 DON'T KNOW YET --

4 **MR. PATHAN:** I UNDERSTAND, YOUR HONOR.

5 **THE COURT:** -- UNTIL I HEAR THE EVIDENCE,
6 YOU KNOW. I JUST -- I DON'T KNOW IF IT'S -- I KNOW
7 GENERALLY WHAT IT IS. BUT FOR SOME REASON MR. UPTON
8 BELIEVES IT'S RELEVANT, AND I FEEL DUTY-BOUND TO GIVE
9 MR. UPTON AN OPPORTUNITY TO DEMONSTRATE ITS
10 RELEVANCE.

11 **MR. PATHAN:** YOUR HONOR, IF I MAY JUST SAY
12 ONE LAST THING. PART OF THE REASON WHY I AM
13 OBJECTING NOW IS THAT THIS WASN'T MENTIONED IN
14 DEFENSE COUNSEL'S BRIEF. WE DIDN'T CHARGE THIS
15 CONDUCT. IT'S COMING FOR ME FROM A PLACE OF SURPRISE
16 THAT WE'RE DISCUSSING THIS, BECAUSE IT HAPPENED AFTER
17 THE FACT, HOURS AFTER THE INCIDENT. AND IT'S ABOUT A
18 SEARCH OF A RESIDENCE, NOT A SEARCH OF A CAR, WHICH
19 IS WHAT THIS CASE IS ABOUT.

20 AND SO FOR THOSE REASONS, JUDGE, I JUST WANT
21 TO PUT ON THE RECORD THAT, YOU KNOW, I SEE THIS
22 HAVING VERY LIMITED USE IN THIS CASE. I UNDERSTAND
23 MR. UPTON HAS THE RIGHT TO DEFEND HIS CLIENT, AND I'M
24 HAPPY TO MOVE FORWARD WITH THAT OBJECTION ON THE
25 RECORD.

1 **THE COURT:** VERY WELL. ANYTHING FURTHER,
2 GENTLEMEN?

3 **MR. UPTON:** NO, YOUR HONOR.

4 **THE COURT:** ALL RIGHT. SERGEANT CAMALLO,
5 LET ME SIMPLY REMIND YOU, SIR, THAT YOU ARE STILL
6 UNDER OATH. OKAY?

7 **THE WITNESS:** YES, SIR.

8 **THE COURT:** MR. UPTON, YOU MAY RESUME YOUR
9 CROSS-EXAMINATION OF THE WITNESS.

10 **MR. UPTON:** THANK YOU, YOUR HONOR.

11 **BY MR. UPTON:**

12 **Q** SERGEANT CAMALLO, I JUST WANT TO CONCENTRATE
13 ON A COUPLE OF THINGS BEFORE WE MOVE ON TO OTHER
14 THINGS. BUT I WANTED TO -- AND WORKING ON THE
15 REPORTS AND THE SUPPLEMENTS.

16 I THINK YOU TESTIFIED THAT YOU HAD -- THAT
17 WHAT HAS BEEN OFFERED, INTRODUCED AND FILED AS
18 DEFENDANT'S EXHIBIT NO. 9 WAS YOUR INITIAL REPORT.
19 CORRECT?

20 **A** I'D HAVE TO LOOK AND SEE. I'M NOT SURE
21 WHICH --

22 **Q** IT'S THE ONE THAT I SHOWED YOU THAT WAS
23 DATED 1/1/2020 BY HONORE CONSISTING OF 25 PAGES.

24 **A** I BELIEVE THAT'S CORRECT, YES.

25 **THE COURT:** WAIT. LET ME JUST -- IT WAS

1 10/20/2020.

2 MR. UPTON: RIGHT.

3 A I'M AWARE OF 1/1/20, WHICH WAS THE INITIAL
4 REPORT THAT I FILED DEALING WITH THE OFFENSE PAGES,
5 ARREST PAGE FOR MR. GREEN, ITEMS THAT WERE SEIZED,
6 AND A BRIEF NARRATIVE CONCERNING THE EVENTS THAT
7 TRANSPIRED THAT WE'RE REQUIRED TO DO ACCORDING TO THE
8 DA'S OFFICE AND OUR POLICY AT THE TIME OF BOOKING.

9 BY MR. UPTON:

10 Q I BELIEVE --

11 A I'M NOT SURE HOW MANY PAGES IT WAS. IT WAS
12 SUBMITTED AND APPROVED ON JANUARY 1ST OF 2020.

13 Q ALL RIGHT. AND YOU -- I THINK YOU TESTIFIED
14 AFTER THAT THAT AT SOME POINT IN THE COURSE OF THIS
15 CASE BEING PROSECUTED BY THE U.S. ATTORNEY'S OFFICE,
16 YOU MET WITH, QUITE NATURALLY, ONE OF THE
17 PROSECUTORS; I THINK DEMETRIUS, WHO WAS THE PRIOR
18 PROSECUTOR ON THIS CASE BEFORE MR. PATHAN?

19 A THAT'S CORRECT.

20 Q AND BASED ON THAT, YOU PREPARED -- BASED ON
21 THAT MEETING, YOU PREPARED AND ISSUED A SUPPLEMENTAL
22 REPORT. CORRECT?

23 A THAT'S CORRECT.

24 Q AND I BELIEVE YOU PREVIOUSLY TESTIFIED THAT
25 THE CONCERN AND THE INQUIRY THAT MISTER -- THAT

1 DEMETRIUS HAD AT THAT TIME WAS THE HOUSE ON
2 BROOKSTOWN. AND SO YOU PREPARED A SUPPLEMENTAL
3 REPORT, AND YOU OUTLINED IN THAT SUPPLEMENTAL REPORT
4 THE ADDRESS AND YOUR OBSERVATIONS OF WHAT OCCURRED AT
5 THAT HOUSE ON -- AT BROOKSTOWN. CORRECT?

6 A DO WE HAVE THAT REPORT SO I CAN REFRESH MY
7 MEMORY?

8 MR. UPTON: PUT UP EXHIBIT -- DEFENDANT'S
9 EXHIBIT 3. PUT UP THE NARRATIVE, WHICH IS GREEN
10 1888 -- OR 188. IT'S UP?

11 BY MR. UPTON:

12 Q DO YOU SEE THAT NOW ON THE --

13 A NO, THERE IS NOTHING ON MY SCREEN.

14 THE COURT: IT'S NOT YET ON THE SCREEN.

15 THE COURTROOM DEPUTY: I HAVE IT ON THE SAME

16 --

17 MR. UPTON: THERE WE GO.

18 THE COURT: SO SERGEANT, WHY DON'T YOU JUST
19 TAKE A MOMENT TO JUST READ IT, AND THEN MR. UPTON
20 WILL THEN ASK QUESTIONS THEREAFTER. OKAY? AND WHEN
21 YOU'RE READY FOR IT TO SCROLL, JUST LET US KNOW.

22 AGAIN, JUST SO THAT I'M CLEAR AND FOR THE
23 RECORD, WHAT EXHIBIT IS THIS, MR. UPTON?

24 MR. UPTON: THIS IS DEFENDANT'S EXHIBIT NO.
25 3, PAGE BATES STAMP 000188.

1 **THE COURT:** THANK YOU.

2 **MR. UPTON:** THE WHOLE REPORT, BUT WE'RE
3 LOOKING PARTICULARLY AT THE NARRATIVE.

4 **THE WITNESS:** CAN YOU SCROLL DOWN A LITTLE?
5 THANK YOU. CAN YOU SCROLL DOWN A LITTLE FURTHER FOR
6 ME? THANK YOU. ALL RIGHT.

7 **BY MR. UPTON:**

8 **Q** SO DOES THAT REFRESH YOUR RECOLLECTION,
9 OFFICER?

10 **A** OF THIS SUPPLEMENTAL REPORT, CORRECT.

11 **Q** ON THAT SUPPLEMENTAL REPORT. CORRECT?

12 **A** CORRECT. YES.

13 **Q** AND WOULD I BE FAIR IN STATING, FROM MY
14 REVIEW OF THE SUPPLEMENTAL REPORT, THAT THE PARAGRAPH
15 WHICH IS PARAGRAPH 4, WHICH BEGINS WITH "UPON
16 CONTACTING THE VEHICLE DRIVER" AND THEN ENDS WITH "AT
17 WHICH TIME A TRAFFIC STOP WAS CONDUCTED," THAT THAT
18 INFORMATION IS REALLY THE GIST OF THE NEW INFORMATION
19 THAT WAS ADDED AND NOT INCLUDED IN YOUR INITIAL
20 REPORT? I UNDERSTAND THAT SOME OF THE OTHER THINGS
21 ARE EXPANDED UPON MAYBE, BUT THAT'S NOT INFORMATION
22 THAT WE DIDN'T HAVE BEFORE. BUT THIS ABOUT THE HOUSE
23 REALLY IS INFORMATION THAT WAS NOT INCLUDED IN THE
24 INITIAL OFFENSE REPORT OR ANY PRIOR SUPPLEMENTS.
25 RIGHT?

1 A IT APPEARS THAT THE ONLY THINGS THAT ARE
2 DIFFERENT ARE THE ACTUAL ADDRESS OF THE DRUG HOUSE AS
3 WELL AS THE FILE NUMBER FOR THE THEFT SUSPECT. I
4 DON'T THINK THAT WAS MENTIONED IN THE INITIAL REPORT.

5 Q OKAY. AND THAT WAS -- THAT WAS AFTER YOUR
6 MEETING WITH DEMETRIUS WITH THE UNITED STATES.
7 CORRECT?

8 A I BELIEVE SO, YES.

9 Q AND THEN WE ALSO HAVE DEFENDANT'S EXHIBIT
10 NO. 4.

11 **MR. UPTON:** IF YOU WOULD PULL THAT UP,
12 PLEASE. AND I WANT TO REFER TO, IN DEFENDANT'S
13 EXHIBIT NO. 4, THE NARRATIVE PORTION OF THAT.

14 **BY MR. UPTON:**

15 Q AND THIS IS THE SUPPLEMENT THAT YOU PREPARED
16 AFTER MEETING WITH MR. PATHAN. IS THAT CORRECT?
17 LOOK AT IT AND SEE IF -- REFRESH YOUR RECOLLECTION.

18 A I BELIEVE SO. IT DOESN'T HAVE A DATE. THIS
19 IS JUST THE NARRATIVE SECTION.

20 Q ON THE FRONT --

21 A IT APPEARS TO BE SUPPLEMENTAL REPORT NO. 11
22 RELATIVE TO THIS FILE NUMBER.

23 Q AND IT'S ALSO DATED 10/20/2020?

24 A I'M NOT SURE ON THE -- HOW OUR REPORT
25 SYSTEMS PRINT. I KNOW ON THE ACTUAL SOFTWARE IT

1 GIVES A DATE ON THE BOTTOM OF WHEN IT WAS CREATED BY
2 THE OFFICER CREATING IT, AND IT GIVES A DATE OF WHEN
3 IT WAS APPROVED.

4 Q AND THAT INFORMATION ISN'T ON THIS REPORT.
5 AND I'VE LOOKED. AND SO WE UNDERSTAND THAT THERE ARE
6 LIMITATIONS, I GUESS, ON THE PRINTING THROUGH THE
7 TASK FORCE WHEN THEY'RE PRINTING THROUGH THE
8 SHERIFF'S OFFICE REPORTS THAT ARE PREPARED BY BRPD.
9 IS THAT CORRECT?

10 A I'M NOT SURE HOW THAT WORKS, SIR. ALL I DO
11 IS COMPILE THE REPORTS ON MY COMPUTER THAT'S ISSUED
12 TO ME. AND FROM WHERE -- WHO ACCESSES THEM AND ALL
13 THAT AFTER THAT IS OUT OF MY CONTROL.

14 Q DOES THIS LOOK LIKE THE REPORT THAT YOU
15 PREPARED --

16 A IT APPEARS TO BE, YES, SIR.

17 Q AND I PARTICULARLY WANT TO DRAW YOUR
18 ATTENTION TO THE SECOND PARAGRAPH, THE LAST SENTENCE
19 THERE, WHICH -- AND AGAIN, THIS WAS PREPARED AND
20 INFORMATION REQUESTED BY THE U.S. ATTORNEY.

21 YOU WERE -- YOU WENT AND ADDED THIS
22 ADDITIONAL INFORMATION IN THE REPORT. CORRECT?

23 A CORRECT.

24 Q OKAY. AND THE INFORMATION THAT I'M
25 PARTICULARLY CONCERNED -- WANT TO FOCUS ON IS THE

1 LAST SENTENCE OR THE LAST PHRASE OF THAT -- WELL, THE
2 LAST SENTENCE: "SERGEANT NOTES THAT AS THE VEHICLE
3 TURNED FROM BROOKSTOWN TO BYRON, A CHILD COULD BE
4 OBSERVED IN THE FRONT PASSENGER'S LAP, NOT PROPERLY
5 RESTRAINED IN THE VEHICLE." CORRECT?

6 A WHERE ARE YOU REFERRING TO?

7 Q I'M LOOKING AT THE SECOND SENTENCE OF THE
8 SECOND PARAGRAPH STARTING -- THAT SENTENCE STARTS
9 WITH "SERGEANT NOTES." ACTUALLY IT STARTS WITH
10 "SERGEANT IS COMPILING THIS REPORT TO CLARIFY
11 OBSERVATIONS MADE AT THE TIME OF THIS INCIDENT
12 LEADING UP TO" --

13 A YES, SIR.

14 Q -- "THIS STOP." CORRECT?

15 A OKAY. YES.

16 Q YEAH. DO YOU SEE THAT?

17 A YES, SIR.

18 Q SO THAT WAS THE INFORMATION THAT WAS
19 EXPANDED UPON IN THIS REPORT. AND THAT WAS DONE
20 AFTER THE MEETING, AND THAT INFORMATION WAS NOT
21 INCLUDED IN YOUR INITIAL REPORT. CORRECT?

22 A I'D HAVE TO LOOK AT THE INITIAL REPORT TO
23 COMPARE IT -- THE INITIAL AND THE ORIGINAL
24 SUPPLEMENTAL THAT WAS FILED, WHICH WOULD BE
25 SUPPLEMENTAL NO. 1.

1 Q DO YOU KNOW AS -- WELL --

2 MR. UPTON: SUPPLEMENTAL NO. 1. DO YOU HAVE
3 THAT? IT'S NO. 9?

4 BY MR. UPTON:

5 Q WE'RE GOING TO DEFENDANT'S EXHIBIT NO. 9,
6 WHICH IS THE INITIAL OFFENSE REPORT. IS THERE A
7 SUPPLEMENT TO THIS -- A FIRST SUPPLEMENT THAT WAS
8 PREPARED?

9 A I'M NOT SURE I UNDERSTAND YOUR QUESTION.
10 BUT AGAIN, THE WAY WE PREPARE OUR REPORTS IS WE FILE
11 AN INITIAL REPORT, WHICH IS COMPLETED AS PART OF THE
12 BOOKING PROCESS. IN THAT REPORT WE HAVE ARRESTEES,
13 WE HAVE PROPERTY SEIZED, VEHICLES, INDIVIDUALS THAT
14 ARE ARRESTED OR CHARGED, THEN WE HAVE A BRIEF
15 NARRATIVE. AND THEN WE FILE A SUPPLEMENTAL REPORT,
16 WHICH IN MOST CASES IS SUPPLEMENTAL REPORT NO. 1.
17 AND THAT IS A MORE DETAILED NARRATIVE REGARDING THE
18 EVENTS. AND THAT USUALLY HAS A HEADER ON IT THAT THE
19 REPORT IS A GENERAL SYNOPSIS OF EVENTS, THAT THERE IS
20 BODY CAMERA AND IN-CAR CAMERA FOOTAGE FOR EXACT
21 STATEMENTS AND OTHER THINGS.

22 Q SO HOW WOULD THAT BE NUMBERED AT THE TOP?

23 A SO THE INITIAL REPORT IS JUST THE YEAR AND
24 THE FILE NUMBER, WHICH IN THIS CASE IT SAYS "20-" A
25 SERIES OF ZEROES AND THEN "225." AND I BELIEVE A

1 SUPPLEMENTAL REPORT AFTER THE "225" MIGHT HAVE A "01"
2 AFTER IT OR -- LIKE THAT ONE, IT'S GOT A "20-", A
3 SERIES OF ZEROS "225-001." THAT WOULD INDICATE
4 THAT'S THE FIRST SUPPLEMENTAL REPORT IN THAT SERIES.

5 Q OKAY. AND THEN -- AND SO THIS WAS
6 PREPARED -- THIS IS YOUR ELEVENTH SUPPLEMENTAL
7 REPORT. CORRECT?

8 A THE ONE I'M LOOKING AT NOW IS THE FIRST
9 REPORT.

10 Q THE FIRST SUPPLEMENTAL. AND THE OTHER ONE
11 IS THE ELEVENTH SUPPLEMENTAL.

12 NOT BEING FAMILIAR WITH HOW THESE ALL WORK,
13 I DO NOTE THAT THERE WAS MENTION MADE IN THE SECOND
14 -- IN THE FIRST SUPPLEMENTAL REPORT OF THE CHILD
15 RESTRAINT. IS THAT RIGHT?

16 A LET ME LOOK AT IT AND REVIEW IT AND SEE.
17 YES, IN THAT REPORT IT SPEAKS OF A FEMALE -- JUVENILE
18 FEMALE CHILD SEATED UNRESTRAINED IN THE PASSENGER'S
19 LAP.

20 Q AND THIS IS -- WHEN YOU'RE TALKING ABOUT --
21 THE WAY I READ THIS REPORT -- AND CORRECT ME IF I'M
22 WRONG -- YOU'RE MAKING A GENERAL OBSERVATION. AND
23 THIS IS THE OBSERVATION YOU MADE OF THE JUVENILE
24 FEMALE CHILD SEATED IN AN UNRESTRAINED FRONT
25 PASSENGER SEAT AFTER YOU HAD STOPPED THEM. CORRECT?

1 A THAT'S WHERE IT'S STATED IN THE REPORT, BUT
2 THAT WAS NOT WHEN IT WAS OBSERVED.

3 **MR. UPTON:** I WANT TO GO TO OUR EXHIBIT NO.
4 8. STOP THERE.

5 **BY MR. UPTON:**

6 Q CAN YOU -- DO YOU RECOGNIZE THIS, OFFICER
7 CAMALLO?

8 A IT APPEARS TO BE THE PALMS APARTMENTS ON
9 MCCLELLAND, WHICH IS WHERE MR. GREEN'S MOTHER
10 RESIDED.

11 Q AND THE PURPOSE OF GOING THERE THAT NIGHT
12 WAS TO -- IF I UNDERSTOOD, WAS TO -- BECAUSE MR.
13 GREEN'S BROTHER, THE YOUNGER MR. GREEN THAT WAS
14 ARRESTED IN THE CAR EARLIER, WAS A JUVENILE. IS THAT
15 CORRECT?

16 A YES. HE HAD A DIFFERENT LAST NAME, ALSO.

17 Q BUT YOU WERE GOING TO TURN HIM OVER TO HIS
18 MOTHER?

19 A CORRECT.

20 Q BECAUSE HE WAS A JUVENILE, AND NOT DETAIN
21 HIM ANY FURTHER. IS THAT RIGHT?

22 A HE WAS GOING TO BE RELEASED WITH A CUSTODIAL
23 AGREEMENT, WHICH IS LIKE A JUVENILE VERSION OF A
24 SUMMONS OR A CITATION. BASICALLY IT'S A PROMISE FOR
25 THE PARENT TO BRING HIM TO COURT.

1 Q NOW, YOU HAD ALREADY BEEN UP TO THE DOOR AT
2 THE APARTMENT BEFORE THIS PORTION OF THE VIDEO
3 OCCURRED? I THINK YOU TESTIFIED TO THAT EARLIER.

4 A I BELIEVE SO. IT'S HARD TO TELL JUST
5 LOOKING AT THIS SEGMENT OF VIDEO. YOU HAVE -- WE
6 HAVE RESPONDED TO THE APARTMENT INITIALLY AND
7 CONTACTED TWO MALES AND THEN --

8 Q A COUPLE OF MALES CAME OUT AND WALKED OFF
9 AND NEVER APPEARED AGAIN. IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q AND I THINK YOU FOLLOWED THEM DOWN TO TRY TO
12 SEE WHERE THEY WERE?

13 A THAT'S CORRECT.

14 Q ALL RIGHT. SO THIS TAKES UP AT THE POINT AT
15 WHICH YOU'RE GOING BACK TO THE APARTMENT IF -- I
16 THINK THAT MIGHT HELP IF YOU -- I'LL JUST PLAY THIS
17 NOW.

18 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
19 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

20 MR. UPTON: STOP.

21 BY MR. UPTON:

22 Q YOUR -- I HEARD A LITTLE TALK. WAS THAT YOU
23 WHO SAID "IF HE RUNS OFF"?

24 A THAT'S CORRECT.

25 Q AND THEN YOU TURNED OFF YOUR MIKE AT THAT

1 POINT. CORRECT?

2 A THAT'S CORRECT.

3 Q AND SO YOUR MIKE IS OFF UP UNTIL THERE IS --
4 AT SOME POINT LATER IT'S TURNED ON AGAIN. RIGHT?

5 A THAT'S CORRECT.

6 Q ALL RIGHT.

7 MR. UPTON: WE CAN GO AHEAD AND PLAY.

8 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
9 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

10 BY MR. UPTON:

11 Q SO YOU -- YOU'RE AT APARTMENT 222. THERE IS
12 ANOTHER OFFICER ACCOMPANYING YOU?

13 A THAT'S CORRECT.

14 Q WHO IS THAT OFFICER?

15 A OFFICER TROY LAWRENCE, JR. TROY LAWRENCE,
16 JR.

17 Q TROY LAWRENCE? AND THAT'S THE APARTMENT
18 THAT MR. GREEN AND THE JUVENILE RESIDED AT WITH THEIR
19 MOTHER?

20 A THAT'S CORRECT.

21 Q AND AGAIN, YOU WERE TRYING TO MAKE CONTACT
22 WITH THE MOTHER. CORRECT?

23 A THAT'S CORRECT.

24 Q ANY -- DID YOU HAVE ANY INFORMATION ABOUT
25 ILLEGAL ACTIVITY OCCURRING AT THIS ADDRESS?

1 A NOT THAT I'M AWARE OF. PRIOR TO THAT I WAS
2 GOING TO BRING THE JUVENILE BACK HOME.

3 **MR. UPTON:** OKAY. JUDGE --

4 **BY MR. UPTON:**

5 Q SO YOU -- AND NOT TO -- SO THAT WE END UP
6 WATCHING YOU AND THIS OTHER OFFICER STANDING AROUND,
7 YOU STOOD BY THE DOOR WAITING. DID YOU KNOCK ON THE
8 DOOR?

9 A WE HAD KNOCKED SEVERAL TIMES. WE COULD HEAR
10 SOMETHING GOING ON INSIDE. APPEARED AS SOMEBODY ELSE
11 WAS IN THERE, BUT WE WERE -- NEVER SAW ANYBODY OTHER
12 THAN THE TWO MALES THAT EXITED.

13 Q WAS THE DOOR CLOSED OR WAS IT JUST MERELY
14 SEMI-SHUT?

15 A AT THAT POINT IT APPEARS TO BE CLOSED. I
16 DON'T RECALL IF IT WAS SECURELY LATCHED OR JUST
17 SEMI-CLOSED. AGAIN, WHEN WE WERE AT THE APARTMENT
18 INITIALLY, WE HAD CONTACTED A MALE WHO APPEARED TO BE
19 IN HIS THIRTIES OR FORTIES. HE WAS A LITTLE BIT
20 EVASIVE WITH US. HE WENT IN AND CAME BACK OUT.

21 AN OLDER MALE, PROBABLY IN HIS -- APPEARED
22 TO BE IN HIS SIXTIES OR SEVENTIES -- LEFT. AS WE
23 BEGAN TO QUESTION THE YOUNGER MALE REGARDING MR.
24 GREEN, HIS YOUNGER BROTHER, AND IF A PARENT WAS
25 PRESENT, THAT MALE -- OLDER MALE LEFT, AND THEN THE

1 YOUNGER MALE IN HIS THIRTIES ALSO PROCEEDED TO LEAVE.

2 Q EITHER ONE OF THOSE MALES -- DID YOU HAVE A
3 WARRANT FOR EITHER ONE OF THOSE MALES, ANY
4 INFORMATION THAT THEY COMMITTED ANY OFFENSE?

5 A NOT RELATIVE TO THIS CASE. I SEEM TO RECALL
6 THE MUSIC WAS KIND OF -- GOING KIND OF LOUD IN THE
7 APARTMENT. NOT OVERLY LOUD, BUT THERE WAS MUSIC
8 PLAYING IN THE BACKGROUND. AND I RECALL A FAINT ODOR
9 OF MARIJUANA, BUT I DON'T KNOW IF IT WAS FROM THAT
10 PARTICULAR APARTMENT OR JUST IN GENERAL.

11 IT'S NOT UNCOMMON WHEN YOU'RE WALKING -- NOT
12 ONLY THAT APARTMENT COMPLEX BUT THE BROOKSTOWN
13 AREA -- THAT THAT ODOR IS COMMON.

14 Q BUT YOU DIDN'T TRY TO -- YOU WERE NOT MAKING
15 ENTRANCE TO THAT -- OR NOT WANTING TO MAKE ENTRANCE
16 TO THAT APARTMENT BASED ON ANY CRIMINAL OFFENSE?

17 A NO. AT THIS POINT WE WERE JUST TRYING TO
18 GET THIS JUVENILE RELEASED TO HIS PARENT WITH A
19 CUSTODIAL AGREEMENT SO WE COULD CONTINUE WITH THE
20 BOOKING PROCESS FOR MR. GREEN.

21 Q YOU WAITED -- YOU WERE WAITING AT THE DOOR
22 FOR SOME TYPE OF RESPONSE FROM INSIDE?

23 A WE HAD BEEN KNOCKING AND WAITING AND CALLING
24 OUT, YES.

25 MR. UPTON: JUDGE, I DON'T WANT TO -- I'M

1 GOING TO MOVE THIS TO FIVE MINUTES AND 50 SECONDS.
2 SO WE'RE STARTING AT 5:44.

3 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
4 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

5 MR. UPTON: STOP RIGHT THERE.

6 BY MR. UPTON:

7 Q PREVIOUSLY YOU HAD TESTIFIED THAT THE MOTHER
8 OF MR. GREEN HAD OPENED THE DOOR. IS THAT WHAT
9 OCCURRED?

10 A THAT'S NOT WHAT I TESTIFIED TO.

11 Q WELL, I BELIEVE THAT'S WHAT I HEARD. AND
12 THE RECORD WILL -- THE RECORD WILL BE WHAT THE RECORD
13 IS.

14 BUT LET ME ASK THE QUESTION THIS WAY. DID
15 THE MOTHER OPEN THE DOOR AND LET YOU IN?

16 A NO, SHE DID NOT.

17 Q YOU OPENED THE DOOR?

18 A I OPENED THE DOOR THIS TIME, YES. THE
19 INITIAL CONTACT -- I BELIEVE I STATED THAT A MALE,
20 UPON KNOCKING, ANSWERED THE DOOR.

21 Q AS I SAID, THE RECORD WILL SHOW WHATEVER THE
22 RECORD SHOWS.

23 SO YOU OPENED THE DOOR AND ENTERED THE
24 APARTMENT. CORRECT?

25 A THAT'S CORRECT.

1 Q DID YOU DRAW YOUR WEAPON?

2 A I DON'T RECALL IF WE DREW OUR WEAPON OR NOT.
3 WE'LL HAVE TO WATCH IT AND SEE. IT'S ON THE VIDEO.
4 I DO RECALL CALLING OUT, SEEING IF ANYBODY WAS
5 PRESENT.

6 MR. UPTON: CONTINUE.

7 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
8 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

9 MR. UPTON: BACK IT UP JUST A BIT.

10 BY MR. UPTON:

11 Q I SEE YOUR FLASH -- WELL, NO, WE'LL GO ON TO
12 THE NEXT ONE.

13 YOU'VE GOT YOUR FLASHLIGHT THAT YOU'RE
14 LOOKING AROUND THE DARKENED ROOM. CORRECT?

15 A THAT'S A WEAPONS-MOUNTED FLASHLIGHT.

16 Q SO YOUR WEAPON IS DRAWN?

17 A THAT IS CORRECT.

18 Q AND NOW THIS IS THE MOTHER --

19 MR. UPTON: STOP. GO BACK. STOP RIGHT
20 THERE.

21 BY MR. UPTON:

22 Q SO NOW WE SEE THERE IS ANOTHER PERSON IN THE
23 FRONT, A WOMAN, WHO HAS APPEARED IN THE ROOM BEYOND
24 THE OFFICER. AND THIS IS AT 6:46 OF THE VIDEO.
25 CORRECT?

1 A I BELIEVE SO, YES.

2 Q DO YOU KNOW WHO THAT IS?

3 A I BELIEVE THAT'S THE MOTHER TURNING DOWN THE
4 RADIO.

5 **MR. UPTON:** LET'S CONTINUE.

6 **REPORTER'S NOTE:** (WHEREUPON, A PORTION OF
7 **DEFENSE EXHIBIT NO. 8 WAS PLAYED.)**

8 **THE COURT:** OFFICER --

9 **BY MR. UPTON:**

10 Q YOUR MICROPHONE IS STILL OFF AT THIS POINT?

11 **THE COURT:** THANK YOU, MR. UPTON. I WAS
12 GOING TO ASK THAT SAME -- VERY SAME QUESTION.

13 A APPARENTLY SO. APPARENTLY, AS YOU NOTICED,
14 I WENT BACK AND TAPPED MY CHEST RIGHT BEFORE I
15 THOUGHT IT ACTIVATED THE AUDIO PORTION AGAIN, BUT
16 APPARENTLY IT DIDN'T.

17 Q THAT WAS YOU WHO WENT BACK AND CLOSED THE
18 DOOR AT SEVEN MINUTES AND TWENTY-FOUR --

19 A YES. I BELIEVE SHE ASKED ME IF I CLOSED THE
20 DOOR. SHE GESTURED TO IT AND I WENT BACK OVER THERE.

21 **MR. UPTON:** STOP RIGHT THERE. WE'RE
22 STOPPING AT 7:32.

23 **BY MR. UPTON:**

24 Q WHO IS THIS OTHER PERSON WHO HAS APPEARED IN
25 THE ROOM?

1 A APPARENTLY THAT'S ONE OF HIS SIBLINGS, THE
2 YOUNGER ONE OF HER CHILDREN. I'M NOT SURE.

3 MR. UPTON: OKAY. CONTINUE.

4 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
5 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

6 MR. UPTON: STOP.

7 BY MR. UPTON:

8 Q ON THE LEFT-HAND SIDE THERE IS A YOUNG --
9 WHAT APPEARS TO BE A YOUNG WOMAN WHO'S ENTERED THIS
10 SCENE. THIS IS AT 8:43. DO YOU KNOW WHO THAT IS?

11 A IT'S ANOTHER CHILD. I'M NOT SURE.
12 APPARENTLY ANOTHER SIBLING OR FAMILY MEMBER.

13 MR. UPTON: LET'S CONTINUE.

14 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
15 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

16 BY MR. UPTON:

17 Q THIS IS AT NINE -- ABOUT 9:20. YOU TURNED
18 YOUR MICROPHONE BACK ON. IS THAT CORRECT?

19 A APPARENTLY I'VE NOTICED THAT IT WAS STILL
20 FLASHING, INDICATING THAT IT WAS MUTED. AND I
21 TOUCHED IT AGAIN TO MAKE SURE THAT THE AUDIO WAS
22 PLAYING.

23 MR. UPTON: LET'S CONTINUE, PLEASE.

24 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
25 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

1 **MR. UPTON:** STOP THERE AT 10:17.

2 **BY MR. UPTON:**

3 **Q** IS THAT -- THIS VIDEO, DOES THAT PART OF
4 YOUR TALK WITH THE MOTHER -- WAS THERE ANYTHING PRIOR
5 TO THAT PART OF THE CONVERSATION WHERE SHE SAID SHE
6 CONSENTED TO THE SEARCH?

7 **A** NO. I THINK THE ONLY CONVERSATION PRIOR TO
8 THAT HAD TO DO WITH WHO THE TWO MALES WERE THAT LEFT
9 AND IF SHE WAS THE PARENT OF MR. GREEN AND HIS
10 YOUNGER SIBLING THAT I HAD WITH ME.

11 **Q** SO IN YOUR REPORT WHERE YOU STATE THAT SHE
12 GRANTED CONSENT TO SEARCH, THAT IS -- YOU'RE RELYING
13 ON THAT INTERACTION WITH THE MOTHER THAT WE HAD --
14 WHERE THE SOUND IS ON FROM NINE MINUTES AND TWENTY
15 SECONDS TILL YOU BOTH START WALKING UPSTAIRS?

16 **A** YES. WHEN I ASKED HER *LET'S GO UP AND*
17 *CHECK, MAKE SURE THERE IS NOTHING ELSE UP HERE THAT*
18 *COULD GET HIM IN TROUBLE, YOU CAN WALK WITH ME, AND*
19 *SHE LED THE WAY.*

20 **Q** DID YOU AT ANY TIME TELL HER THAT SHE HAD
21 THE RIGHT NOT TO CONSENT?

22 **A** I BELIEVE THAT CONVERSATION HAD CONDUCTED
23 EARLIER, BUT I DON'T RECALL SPECIFICALLY. IT'S NOT
24 ON THIS PART OF THE VIDEO.

25 **Q** AND YOUR IMPRESSION OF THIS INTERACTION

1 BETWEEN THE MOTHER AND YOU IS THAT THAT WAS AN
2 UNEQUIVOCAL CONSENT TO SEARCH THE PREMISES?

3 A ONLY ROOM THAT WAS SEARCHED WAS THE ROOM
4 THAT MR. GREEN AND HIS YOUNGER SIBLING COHABITATED
5 IN. I DIDN'T SEARCH HER ROOM OR ANY OTHER ROOMS THAT
6 I CAN RECALL. WE WENT STRAIGHT TO THAT ROOM THAT SHE
7 LED ME TO.

8 Q AND THAT SEARCH WAS BASED ON WHAT SHE --
9 THAT YOU BELIEVED SHE CONSENTED TO?

10 A CORRECT.

11 MR. UPTON: LET'S FINISH. THERE IS JUST A
12 FEW SECONDS LEFT, YOUR HONOR.

13 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
14 DEFENSE EXHIBIT NO. 8 WAS PLAYED.)

15 BY MR. UPTON:

16 Q ONE OTHER THING. YOU -- AT ONE POINT YOU
17 ISSUED A REPORT. AND THIS IS DEFENDANT'S EXHIBIT NO.
18 5.

19 MR. UPTON: AND IF WE COULD GO TO PAGE GREEN
20 000207.

21 BY MR. UPTON:

22 Q IF YOU WOULD, LOOK AT THE THIRD PARAGRAPH.
23 AND WHAT I WANT TO REFER YOU SPECIFICALLY TO WHERE
24 WE'RE STARTING: "AT APPROXIMATELY THE 1 HOUR AND 5
25 MINUTE MARKER ON THE REAR DMV VIDEO, GREEN STATES

1 'WHAT THE F. THEY GOT MY GUN. MY MOMMA LET THEM IN,
2 WHAT THE F.' AT WHICH TIME" BLANK "SAYS 'SAY THEY FOR
3 EDDIE.' GREEN WAS REFERRING TO A .223 RIFLE AND SHOT
4 GUN LOCATED IN A BEDROOM THAT GREEN SOMETIMES SHARES
5 WITH" -- AND I GUESS THIS IS THE MINOR. RIGHT?

6 A CORRECT.

7 Q -- "(ACCORDING TO THE MOTHER) AFTER SHE
8 PROVIDED BOTH VERBAL AND WRITTEN CONSENT TO SEARCH
9 THEIR BEDROOM." DID YOU EVER GET A WRITTEN CONSENT?

10 A I'D HAVE TO GO BACK AND CHECK THE INITIAL
11 REPORT TO SEE. WE MIGHT HAVE GOTTEN A CONSENT FORM
12 AFTER THE FACT BASED ON THE VERBAL CONSENT THAT SHE
13 GRANTED UPSTAIRS. BUT I DON'T -- I DON'T RECALL
14 SPECIFICALLY.

15 Q IF I TELL YOU I WAS NEVER PROVIDED A WRITTEN
16 CONSENT IN DISCOVERY, WOULD THAT --

17 A I CAN'T TELL YOU --

18 **THE COURT:** WAIT, WAIT, WAIT.

19 Q I'VE NEVER SEEN A WRITTEN CONSENT IN OUR
20 REQUEST.

21 **THE COURT:** DO YOU RECALL?

22 A I CAN'T TELL YOU IF YOU WERE PROVIDED ONE OR
23 NOT. I SAID IF I COULD CHECK THE INITIAL REPORT IN
24 THE PROPERTY SECTION OR THE PROPERTY SECTIONS OF ANY
25 OTHER REPORT I FILED, IT MIGHT STATE IF THERE WAS A

1 WRITTEN CONSENT FORM PROVIDED. IT WOULD HAVE BEEN
2 PLACED INTO EVIDENCE. IT WOULD HAVE HAD TO HAVE BEEN
3 REMOVED FROM EVIDENCE. I DON'T KNOW IF THAT WOULD
4 HAVE BEEN PROVIDED TO YOU OR NOT.

5 Q YOU DON'T HAVE ANY -- AS YOU SIT HERE TODAY,
6 YOU DON'T HAVE ANY INDEPENDENT RECOLLECTION OF A
7 WRITTEN CONSENT?

8 A IT SAYS IT IN THE REPORT. I DON'T RECALL,
9 THOUGH, INDEPENDENTLY IF ONE WAS ACTUALLY OBTAINED OR
10 NOT.

11 MR. UPTON: I REST, YOUR HONOR.

12 THE COURT: VERY WELL. ANY REDIRECT?

13 MR. PATHAN: YES, JUDGE. WE'RE GOING TO USE
14 THE VIDEO CAMERAS -- OR THE SCREEN FOR SOME MORE
15 VIDEOS. THANK YOU.

16 REDIRECT EXAMINATION

17 BY MR. PATHAN:

18 Q OFFICER -- OR SERGEANT CAMALLO, YOU WERE
19 ASKED A LOT ABOUT THE CIRCUMSTANCES THAT LED TO
20 THE -- LED TO THE STOP, YOU WERE ASKED ABOUT YOUR
21 REPORTS BY MR. UPTON. I WANT TO KIND OF FOCUS YOU IN
22 ON WHY WE'RE HERE TODAY.

23 DID YOU GIVE THE DRIVER OF THE VEHICLE --
24 WHEN YOU STOPPED THE CAR AND MADE CONTACT WITH THE
25 DRIVER, DID YOU GIVE THAT DRIVER THE BASIS FOR WHY

1 YOU PULLED THE CAR OVER?

2 A YES, I DID.

3 Q AND I WANT TO SHOW YOU UNITED STATES EXHIBIT
4 1A. I WANT TO PLAY BACK THAT ENCOUNTER AND THEN ASK
5 YOU A QUESTION ABOUT IT.

6 MR. PATHAN: AND IF YOU COULD FORWARD IN,
7 RICKI -- MS. SWENSON -- 30 SECONDS I BELIEVE. THANK
8 YOU.

9 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
10 U.S. EXHIBIT 1A WAS PLAYED.)

11 BY MR. PATHAN:

12 Q YOU MENTIONED THAT SHE WAS AT A HOUSE IN
13 BROOKSTOWN RIGHT HERE. AND MR. UPTON ASKED YOU:
14 *WELL, THAT WASN'T IN YOUR INITIAL REPORT. BUT HERE*
15 *YOU MENTION IT DIRECTLY TO THE DRIVER.*

16 A CORRECT.

17 Q IS THAT RIGHT?

18 A THAT'S CORRECT.

19 MR. PATHAN: PLEASE GO AHEAD.

20 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
21 U.S. EXHIBIT NO. 1A WAS PLAYED.)

22 MR. PATHAN: CAN YOU PAUSE THERE.

23 BY MR. PATHAN:

24 Q SO HERE YOU NARRATE TO HER OR SUMMARIZE TO
25 HER KIND OF THE CIRCUMSTANCES THAT LED TO THE STOP.

1 DID SHE DISAGREE WITH THE WAY THAT YOU CHARACTERIZED
2 THINGS AT THAT TIME?

3 A NO, SHE DID NOT.

4 MR. PATHAN: OKAY. CAN YOU PLEASE PLAY IT
5 FORWARD.

6 REPORTER'S NOTE: (WHEREUPON, A PORTION OF
7 U.S. EXHIBIT NO. 1A WAS PLAYED.)

8 MR. PATHAN: CAN YOU PAUSE THERE, PLEASE, AT
9 THE TWO-MINUTE-SEVENTEEN-SECOND MARK.

10 BY MR. PATHAN:

11 Q SO WE TALKED EARLIER ABOUT HOW YOU THOUGHT
12 THE VEHICLE HAD CHANGED ITS APPARENT COURSE AFTER THE
13 DRIVER OF THE VEHICLE MAY HAVE SEEN YOU OR YOUR
14 POLICE UNIT. IN HERE THE DRIVER -- YOU KNOW, YOU
15 GIVE YOUR EXPLANATION, SHE GIVES HERS. AND THEN SHE
16 SAYS -- YOU ASKED HER, YOU KNOW, "DID YOUR PLANS
17 CHANGE LIKE THAT?" HOW DID SHE ANSWER THAT QUESTION?

18 A SHE SAID, "YES, THEY DID."

19 Q OKAY. NOW, ONE OF THE THINGS THAT MR. UPTON
20 ASKED YOU ABOUT WAS, YOU KNOW, WHEN YOU REMARKED THAT
21 THIS WITNESS MAY OR MAY NOT HAVE SMELLED LIKE
22 MARIJUANA. DURING THE COURSE OF THIS STOP -- NOW, WE
23 HAVEN'T PLAYED THE FULL VIDEOS. BUT DURING THE
24 COURSE OF THIS STOP, DID SHE EVER ADMIT TO YOU THAT
25 SHE HAD SMOKED MARIJUANA?

1 A YES, SHE DID.

2 Q AND WAS SHE ISSUED A CITATION FOR POSSESSION
3 OF MARIJUANA OR USE OF MARIJUANA?

4 A I BELIEVE SHE WAS, YES, A SUMMONS.

5 **THE REPORTER:** I'M SORRY, SIR.

6 **THE WITNESS:** I BELIEVE, YES, A SUMMONS.

7 **MR. PATHAN:** MS. SWENSON, COULD YOU PULL UP
8 UNITED STATES EXHIBIT 1B, WHICH IS ALREADY IN THE
9 RECORD, AND PULL THAT UP AND MAYBE FAST-FORWARD TO
10 ABOUT THE FIVE-MINUTE MARK. YOU CAN START THERE.
11 CAN YOU GO BACK, ACTUALLY, ABOUT A MINUTE? YES, AT
12 FOUR MINUTES IN.

13 **REPORTER'S NOTE: (WHEREUPON, A PORTION OF**
14 **U.S. EXHIBIT NO. 1B WAS PLAYED.)**

15 **MR. PATHAN:** CAN YOU PAUSE THERE AT FOUR
16 MINUTES AND FIFTY-SEVEN SECONDS.

17 **BY MR. PATHAN:**

18 Q WHEN YOU SAY "CAN YOU SCRATCH HER FOR
19 POSSESSION OF MARIJUANA?" WHAT ARE -- WHO ARE YOU
20 SPEAKING TO AND WHAT ARE YOU TRYING TO SAY?

21 A I BELIEVE I WAS TALKING TO CORPORAL PORTER,
22 AND I WAS TELLING HIM TO FILL OUT THE CITATION, THE
23 SUMMONS FOR POSSESSION OF MARIJUANA.

24 Q NOW, MR. UPTON ASKED YOU A LOT ABOUT THE
25 REPORTS AND THE SUPPLEMENTS TO THE REPORTS.

1 AS AN OFFICER, IS IT COMMON TO SUPPLEMENT
2 YOUR REPORTS?

3 A YES.

4 Q OKAY. AND, YOU KNOW, ONE OF THE THINGS THAT
5 WAS BEING DISCUSSED WAS THIS MIGHT BE, YOU KNOW, FILE
6 NO. 255-11 OR 10 OR WHATEVER. THAT DOESN'T MEAN THAT
7 THERE ARE NECESSARILY 12, YOU KNOW, SUPPLEMENTS TO
8 THE INCIDENT. IS THAT RIGHT? DID I -- DO YOU
9 UNDERSTAND WHAT I'M SAYING?

10 A YES. SO THE INITIAL REPORT IS JUST THE FILE
11 NUMBER. SO IN THIS CASE IT'S 20-225. WE THEN FILE A
12 SUPPLEMENTAL REPORT, WHICH IS THE NOT-FOR-PUBLIC
13 RECORDS RELEASE REPORT, WHICH HAS VICTIM'S
14 INFORMATION, A MORE DESCRIPT NARRATIVE.

15 THEN IN A CASE LIKE THIS WHERE THERE ARE
16 WEAPONS SEIZED, OUR CRIME SCENE WILL CONDUCT A
17 PROCESSING OF THAT WEAPON FOR DNA AND FINGERPRINTS,
18 SO A THIRD SUPPLEMENTAL REPORT WOULD BE WRITTEN.

19 THE ATF TASK FORCE OFFICER WILL THEN CONDUCT
20 A FIREARMS TRACE OF THE WEAPONS SEIZED AS TO WHO
21 PURCHASED IT, WHERE THEY WERE SOLD FROM, OR WHATEVER
22 THEIR PROCEDURES ARE REGARDING THAT. THAT WOULD BE A
23 FOURTH SUPPLEMENTAL REPORT.

24 Q SO LET ME STOP YOU THERE. SO IS IT FAIR TO
25 SAY THAT YOU MAY SUPPLEMENT THE REPORT, IN A CASE

1 LIKE THIS WHERE A FIREARM IS DISCOVERED, JUST TO PUT
2 IN THE RECORD -- PUT IN YOUR REPORT THAT THE FIREARM
3 WAS STOLEN? WOULD YOU SUPPLEMENT FOR THAT PURPOSE?

4 A IF IT WAS SUBSEQUENTLY FOUND OUT, THEN YES,
5 THAT WOULD BE A REASON TO WRITE A SUPPLEMENTAL
6 REPORT. THERE ARE VARIOUS REASONS.

7 Q SO THERE COULD BE REASONS TO SUPPLEMENT THE
8 REPORT BECAUSE YOU HAVE NEW INFORMATION?

9 A THAT'S POSSIBLE, YES.

10 Q AND I THINK MR. UPTON ASKED YOU ABOUT SOME
11 SUPPLEMENTS THAT WERE WRITTEN FOR CLARIFICATION. YOU
12 MENTIONED THAT YOU MET WITH MEMBERS OF THE U.S.
13 ATTORNEY'S OFFICE, INCLUDING MYSELF?

14 A THAT'S CORRECT.

15 Q OKAY. NOW, WHEN YOU WRITE A SUPPLEMENTAL --
16 OR YOU WRITE A REPORT, DO YOU HAVE A GENERAL PRACTICE
17 IN TERMS OF -- ACTUALLY, LET ME ASK YOU THIS.
18 SCRATCH THAT. LET ME ASK YOU THIS.

19 WHEN YOU WRITE YOUR INITIAL REPORT, I THINK
20 YOU MENTIONED TO MR. UPTON THAT THAT'S DONE WITHIN
21 THE SAME DAY OR WITHIN 24 HOURS OF THE INCIDENT?

22 A THE INITIAL REPORT, IF THERE IS AN ARREST,
23 WE HAVE TO ACCOMPANY AN INITIAL REPORT OR COPY OF IT,
24 A PRINTOUT WITH THE BOOKING SHEET AND THE PROBABLE
25 CAUSE AFFIDAVIT. THAT IS A POLICY THAT WAS

1 ESTABLISHED BY THE DISTRICT ATTORNEY'S OFFICE AND OUR
2 CHIEF. I DON'T REMEMBER WHICH CHIEF, IF IT WAS THIS
3 ONE OR A CURRENT CHIEF OR A PREVIOUS CHIEF. BUT WE
4 AGAIN PROVIDE ALL OF THAT PAPERWORK AT THAT TIME.

5 SO, FOR INSTANCE, IN THIS CASE I THINK THE
6 STOP OCCURRED AROUND 4:30 IN THE AFTERNOON. AT THE
7 COMPLETION OF THIS INVESTIGATION, THE -- MR. GREEN
8 WOULD HAVE BEEN TRANSPORTED TO THE FOURTH DISTRICT
9 PRECINCT, WHICH IS THE PRECINCT I'M ASSIGNED OUT OF;
10 THE NECESSARY PAPERWORK WOULD HAVE BEEN COMPLETED FOR
11 HIS BOOKING, WHICH INCLUDES THE INITIAL REPORT. THAT
12 REPORT WOULD BE REVIEWED AND APPROVED BY A SUPERVISOR
13 AND PRINTED, AND THEN THAT WOULD ACCOMPANY THE
14 BOOKING PAPERWORK.

15 SHORTLY AFTER THAT, IF CALLS FOR SERVICE
16 HAVEN'T NEEDED A RESPONSE OTHERWISE, WE WOULD THEN
17 ATTEMPT TO COMPLETE THE SUPPLEMENTAL REPORT AT THAT
18 SAME TIME BECAUSE THE INCIDENT IS FRESHEST IN OUR
19 MEMORY.

20 Q SO JUST TO BE CLEAR THEN, WHEN YOU WRITE THE
21 FIRST REPORT, THERE MIGHT BE A LITTLE BIT OF A TIMING
22 CRUNCH JUST BECAUSE YOU HAVE TO GET IT DONE THROUGH
23 YOUR OFFICE'S POLICY WITHIN A CERTAIN AMOUNT OF TIME,
24 AND SO YOU'RE TRYING TO GET --

25 MR. UPTON: OBJECTION, YOUR HONOR; THAT'S A

1 LEADING QUESTION.

2 **THE COURT:** WELL, I THINK WHAT MR. PATHAN IS
3 TRYING TO DO IS SIMPLY, I THINK, IN A SUCCINCT WAY,
4 REALLY TO TRY TO CLARIFY THE PROCESS. AND IT IS KIND
5 OF LEADING, BUT I'M GOING TO ALLOW THE QUESTION JUST
6 SO THAT I FULLY UNDERSTAND THE PROCESS.

7 SO PLEASE PROCEED, MR. PATHAN.

8 **MR. PATHAN:** THANK YOU, JUDGE.

9 **BY MR. PATHAN:**

10 **Q** SO WHEN YOU FIRST WRITE YOUR INITIAL REPORT,
11 THERE MAY BE A LITTLE BIT OF A TIME CRUNCH BECAUSE OF
12 THE OFFICE POLICIES, YOU'RE SAYING. AND AT THAT TIME
13 IS IT THE CASE THAT YOU HAVE THE CHANCE TO REVIEW ALL
14 OF THE BODY CAMERA VIDEO OR ALL OF ANY SORT OF
15 DISPATCH ALERTS OR ANY OF THAT -- WHEN YOU WRITE THAT
16 INITIAL REPORT, DO YOU HAVE THAT OPPORTUNITY?

17 **A** THE OPPORTUNITY IS THERE. I USUALLY DO NOT
18 REVIEW THE BODY CAMERA OR THE IN-CAR CAMERA VIDEO
19 WHEN I WRITE MY REPORTS.

20 **Q** THE INITIAL REPORT OR ANY REPORT?

21 **A** USUALLY ANY REPORT. THE VIDEO IS WHAT IT
22 IS. WHEN I COMPILE MY REPORTS, I DO IT BASED OFF OF
23 MEMORY, TO THE BEST OF MY RECOLLECTION. THERE IS NO
24 ATTEMPT TO DECEIVE OR ANYTHING BECAUSE I KNOW THE
25 VIDEO IS THERE.

1 THE WAY OUR VIDEO SYSTEM WORKS, IT'S A
2 WIRELESS SYSTEM THAT WE DO NOT HAVE ACCESS TO. IT IS
3 UPLOADED AUTOMATICALLY WHEN WE PULL INTO THE
4 PRECINCT, SO THE IN-CAR DASHCAM VIDEO HAS BEEN
5 UPLOADED AT THAT POINT. OUR BODY CAMERA VIDEO WOULD
6 HAVE TO BE -- PLACE THOSE ON A DOCKING STATION AND
7 THEN THEY'RE UPLOADED AT THAT POINT.

8 AND TO BE HONEST, WE JUST DO NOT HAVE THE
9 TIME OR THE MANPOWER TO REVIEW -- AN INCIDENT LIKE
10 FOR THIS INCIDENT LASTED ABOUT TWO HOURS IN TOTAL
11 FROM BEGINNING TO END. TO ADD AN ADDITIONAL TWO
12 HOURS TO REVIEW THAT VIDEO WHILE WE WRITE A REPORT,
13 WE WOULD NEVER BE ABLE TO HANDLE THE CALLS FOR
14 SERVICE THAT ARE STACKED UP IN THE CITY, BECAUSE WE
15 JUST DON'T HAVE THE MANPOWER OR THE TIME TO DO SO.

16 Q SO BECAUSE IT'S NOT YOUR PRACTICE GENERALLY
17 TO REVIEW THAT BODY CAMERA FOOTAGE WHEN YOU'RE
18 WRITING THE REPORTS OR EVEN THE SUPPLEMENTS. IS THAT
19 FAIR?

20 A CORRECT. THAT'S WHY USUALLY AT THE -- THERE
21 IS A HEADER ON MY FIRST SUPPLEMENTAL REPORT THAT
22 STATES *THIS IS JUST A -- THE REPORT IS JUST A*
23 *SYNOPSIS. FOR ACTUAL STATEMENTS AND OTHER THINGS,*
24 *PLEASE REVIEW THE BODY CAMERA AND IN-CAR CAMERA.*
25 BECAUSE THE REPORT IS JUST A GENERAL OVERVIEW OF WHAT

1 HAPPENED REGARDING THE INCIDENT.

2 Q OKAY. SO YOU SAID THAT ON THE SUPPLEMENTS
3 YOU REFER THE READER TO -- YOU DIRECT THE READER OF
4 THAT REPORT TO LOOK AT THE BODY CAMERA OR TO GO --
5 OKAY.

6 SO IF I SHOWED YOU ONE OF YOUR --

7 THE REPORTER: I DIDN'T HEAR THE QUESTION OR
8 THE ANSWER.

9 Q LET ME REPEAT THE QUESTION THEN FOR THE
10 COURT REPORTER.

11 SO YOU MENTIONED THAT WHEN YOU WRITE YOUR
12 REPORTS, YOU REFER THE READER OF THE REPORT TO VIEW
13 THE BODY CAMERA FOOTAGE, OR YOU IDENTIFY THAT THERE
14 IS BODY CAMERA FOOTAGE OF THE INCIDENT?

15 A THAT'S CORRECT.

16 Q OKAY. AND IF I SHOWED YOU ONE OF YOUR
17 REPORTS OR ONE OF YOUR SUPPLEMENTS TO YOUR REPORTS,
18 WOULD YOU RECOGNIZE IT?

19 A YES.

20 Q OKAY.

21 MR. PATHAN: ACTUALLY, MARK, WOULD YOU MIND
22 PULLING UP DEFENSE EXHIBIT 9, I BELIEVE, WHICH IS, I
23 THINK --

24 MR. UPTON: SURE.

25 MR. PATHAN: -- WHICH IS THE SUPPLEMENT?

1 **MR. UPTON:** THAT'S THE INITIAL REPORT
2 DATED --

3 **MR. PATHAN:** I BELIEVE IT'S DEFENSE EXHIBIT
4 3. SORRY. I'M KEEPING TRACK OF THIS IN MY HEAD.
5 IS THIS THE -- WHICH IS THE SUPPLEMENTAL
6 REPORT? WHICH EXHIBIT, DEFENSE EXHIBIT, IS A
7 SUPPLEMENTAL REPORT?

8 **THE COURT:** WHICH SUPPLEMENTAL REPORT?

9 **MR. PATHAN:** THE LAST SUPPLEMENTAL REPORT.

10 **MR. UPTON:** THAT'S EXHIBIT --

11 **MR. PATHAN:** THE LAST REPORT THAT THE
12 OFFICER DRAFTED. I BELIEVE IT'S ONE OF THE DEFENSE
13 EXHIBITS. IF -- OH. SUZIE, WOULD YOU MIND SWITCHING
14 OVER TO THE DEFENSE SCREEN?

15 **THE COURTROOM DEPUTY:** YES. I DIDN'T KNOW
16 WHICH ONE Y'ALL WERE --

17 **MR. PATHAN:** I APOLOGIZE. THAT'S MY
18 CONFUSION. I'M LEARNING THIS, TOO. COULD YOU GO UP
19 A PAGE, ACTUALLY. AND ANOTHER ONE, TO THE PREVIOUS
20 NARRATIVE. CAN YOU GO DOWN AGAIN? THERE IS A
21 SUPPLEMENTAL REPORT BEFORE THIS ONE. IS THAT -- I'M
22 GUESSING THAT'S DEFENSE EXHIBIT 4. NO. 11. THAT'S
23 THE WINNER. DO YOU MIND SCROLLING DOWN TO THE
24 NARRATIVE? PERFECT. OKAY, YOU CAN STOP THERE.

25 **BY MR. PATHAN:**

1 Q OFFICER, WHERE IN THIS EXHIBIT DO YOU POINT
2 OUT OR REFER OR DIRECT WHOEVER IS READING THIS REPORT
3 TO VIEW THE BODY CAMERA FOOTAGE?

4 A THE FIRST PARAGRAPH DENOTED WITH THE
5 ASTERISK.

6 Q WOULD YOU MIND READING THAT PART BRIEFLY --
7 YOU KNOW, BRIEFLY OR QUICKLY READ THAT PART?

8 A OUT LOUD?

9 Q YES.

10 A "THE FOLLOWING IS A SUMMARY OF THE
11 INVESTIGATION CONDUCTED, STATEMENTS OF INDIVIDUALS
12 INVOLVED, AND ACTIVITIES. FOR EXACT WORDING, OR
13 PHRASES ATTRIBUTED TO INDIVIDUALS INTERVIEWED, OR FOR
14 MORE VISUAL/AUDIO DETAILS REGARDING THIS
15 INVESTIGATION, SEE THE INVESTIGATING OFFICER'S BODY
16 WORN CAMERA RECORDER (BWCR)" OR THE "IN CAR DIGITAL
17 MEDIA VIDEO RECORDING (DMVR)."

18 Q THANK YOU.

19 MR. PATHAN: I NO LONGER NEED THIS EXHIBIT.
20 THANK YOU.

21 BY MR. PATHAN:

22 Q SO OFFICER, FROM WHAT YOU'VE TOLD US, IT'S
23 YOUR GENERAL PRACTICE TO REFER THE READER TO THE
24 REPORT AND THEN JUST FILL IN SOME DETAILS ON YOUR END
25 WITH YOUR REPORT. IS THAT A FAIR CHARACTERIZATION OF

1 YOUR GENERAL PRACTICE?

2 A THAT'S CORRECT.

3 Q AND TO GO BACK TO THE VIDEO, YOU KNOW, THERE
4 WERE SOME THINGS THAT MR. UPTON ASKED YOU ABOUT; YOU
5 KNOW, ABOUT THE RESIDENCE, THE BROOKSTOWN RESIDENCE.
6 BUT THOSE WERE THINGS THAT YOU MAY NOT HAVE INCLUDED
7 BECAUSE IT'S ON THE BODY CAMERA FOOTAGE WHERE YOU'RE
8 TALKING ABOUT THE RESIDENCE OR YOU'RE TALKING ABOUT,
9 YOU KNOW, CERTAIN OTHER THINGS?

10 A THAT'S CORRECT.

11 MR. PATHAN: YOUR HONOR, I HAVE NO FURTHER
12 QUESTIONS AND I TENDER THE WITNESS, IF THERE IS A
13 RECROSS.

14 THE COURT: THERE IS NOT RECROSS IN MY
15 COURTROOM. IT IS NOT ALLOWED. THERE IS NO SUCH
16 THING.

17 ALL RIGHT. SERGEANT, LET ME ASK YOU A FEW
18 QUESTIONS BEGINNING FIRST WITH THE REPORT.

19 AND, COUNSEL, I STILL HAVE NOT YET BEEN
20 FURNISHED WITH THE INITIAL REPORT. DOES ANYONE HAVE
21 THE INITIAL REPORT?

22 MR. PATHAN: JUDGE, I HAVE THE INITIAL
23 REPORT. I HAVE A COPY OF IT, BUT I BELIEVE
24 MR. UPTON --

25 MR. UPTON: YES. I BELIEVE IT WAS EXHIBIT

1 9, JUDGE.

2 THE COURTROOM DEPUTY: I DON'T HAVE IT.

3 THE COURT: WE WERE NOT PROVIDED EXHIBIT 9.

4 MR. UPTON: WE DIDN'T PUT IT IN JERS? IT'S
5 IN HERE?

6 THE COURT: I NEED A HARD COPY.

7 MR. UPTON: YOU WANT A COPY? I'M SORRY.

8 THE COURT: YES.

9 MR. PATHAN: I HAVE A HARD COPY, JUDGE.

10 THE COURT: IF YOU HAVE A HARD COPY,
11 MR. PATHAN, WOULD YOU KINDLY GIVE A COPY TO MY CLERK
12 AND SHE WILL GO ON AND SHE WILL VERY QUICKLY RUN A
13 COPY OF IT. THAT'S A MULTIPAGE REPORT. IS THAT
14 RIGHT?

15 SO WHILE WE'RE WAITING FOR THAT, SERGEANT,
16 LET ME JUST ASK YOU A FEW QUESTIONS ABOUT THE
17 PROCESS.

18 IS IT -- AND I WANT TO -- FIRST OF ALL, LET
19 ME JUST BACK UP AND JUST ASK YOU SOME PRELIMINARY
20 QUESTIONS. DON'T TAKE OFFENSE BY THESE, BUT THESE
21 ARE QUESTIONS THAT I HAVE TO KNOW.

22 THE WITNESS: YES, SIR.

23 THE COURT: FIRST, HAVE YOU EVER BEEN THE
24 SUBJECT OF A DISCIPLINARY PROCEEDINGS BY THE BATON
25 ROUGE POLICE DEPARTMENT OR BY THE EAST BATON ROUGE

1 PARISH SHERIFF'S OFFICE DURING YOUR EMPLOYMENT THERE?

2 THE WITNESS: NO, SIR.

3 THE COURT: HOW MANY TIMES HAVE YOU
4 TESTIFIED IN COURT, SIR?

5 THE WITNESS: HUNDREDS. I CAN'T --

6 THE COURT: HAS A COURT OR JUDGE EVER RULED
7 THAT YOU DID NOT TESTIFY CREDIBLY?

8 THE WITNESS: NO, SIR.

9 THE COURT: THANK YOU. NOW, RETURNING TO
10 THE ISSUE OF THE REPORTS, I MUST TELL YOU, SERGEANT,
11 I FIND IT VERY ODD IN MY EXPERIENCE, NOT ONLY AS A
12 JUDGE, MY EXPERIENCE AS A FORMER PROSECUTOR, MY
13 EXPERIENCE AS A FORMER DEFENSE ATTORNEY, TO ENCOUNTER
14 A SITUATION WHERE A REPORT WAS SUPPLEMENTED NOT ONCE,
15 NOT TWICE BUT 11 TIMES.

16 NOW, YOU TESTIFIED UNDER REDIRECT THAT --
17 UPON QUESTIONING BY MR. PATHAN -- THAT ONE OF THE
18 REASONS THAT YOU PREPARE A SUPPLEMENTAL REPORT IS
19 WHERE THERE IS *SUPPLEMENTAL INFORMATION*, IS THE TERM
20 MR. PATHAN USED.

21 WALK ME THROUGH WHY IT BECAME NECESSARY TO
22 DRAFT 11 SUPPLEMENTAL REPORTS AND TO DO SO -- WELL,
23 THAT'S A BAD QUESTION. IN FAIRNESS TO YOU, I JUST --
24 IN OTHER WORDS, DID YOU DO IT ON YOUR OWN VOLITION?
25 DID YOU DO IT AT THE REQUEST OF PROSECUTORS? DID YOU

1 DO IT AT THE REQUEST OF YOUR SUPERVISORS?

2 **THE WITNESS:** OKAY. SO FIRST OFF, MY -- I
3 THINK I ONLY HAVE FOUR SUPPLEMENTALS OF THE 12
4 REPORTS THAT ARE IN THERE.

5 **THE COURT:** LET ME STOP YOU THERE. SO LET'S
6 WALK THROUGH THE SUPPLEMENTALS. YOU HAVE YOUR
7 INITIAL REPORT THAT YOU PREPARED ON THE DAY OF THE
8 INCIDENT. CORRECT?

9 **THE WITNESS:** CORRECT.

10 **THE COURT:** AND IS THAT IN EVIDENCE AT THIS
11 TIME, GENTLEMEN? IT'S DEFENSE EXHIBIT 9, WHICH I
12 HAVEN'T REVIEWED YET. CORRECT?

13 **THE COURTROOM DEPUTY:** YES, IT IS. I GOT
14 IT.

15 **THE COURT:** VERY GOOD. OKAY. YOUR FIRST
16 SUPPLEMENTAL REPORT APPEARS TO BE -- TO HAVE BEEN
17 PREPARED IN OCTOBER OF 2020. IS THAT CORRECT?

18 **THE WITNESS:** THAT'S NOT CORRECT.

19 **THE COURT:** ALL RIGHT. WOULD YOU -- I HAVE
20 BEFORE ME -- LET'S SEE. DO YOU KNOW WHEN THE FIRST
21 SUPPLEMENTAL REPORT WAS PREPARED?

22 **THE WITNESS:** I BELIEVE -- AND THIS IS OFF
23 OF RECOLLECTION -- THE INITIAL REPORT WAS PREPARED
24 JANUARY 1, 2020, AT THE TIME OF ARREST TO ACCOMPANY
25 THE BOOKING PAPERWORK. THE SUPPLEMENTAL REPORT,

1 WHICH WE ARE REQUIRED TO SUBMIT WITH ALL OFFENSE
2 REPORTS -- IN OTHER WORDS, THE INITIAL REPORT IS THE
3 PUBLIC RECORDS REPORT, AND THEN BY LAW WE'RE REQUIRED
4 TO EXCLUDE INFORMATION. THE STUFF THAT'S EXCLUDED
5 FROM THE PUBLIC RECORDS REPORT IS INCLUDED IN THE
6 FIRST SUPPLEMENTAL. THAT WAS PREPARED THE SAME DAY,
7 NEXT DAY OUTSIDE LATEST.

8 **THE COURT:** VERY WELL. AND WHEN WAS -- WHY
9 DID YOU -- WHY WERE YOU REQUIRED TO PREPARE A
10 SUPPLEMENTAL REPORT? AND TO CLARIFY, THE FIRST
11 SUPPLEMENTAL REPORT.

12 **THE WITNESS:** AGAIN, BECAUSE WHEN WE DO A
13 PUBLIC RECORDS RELEASE, THE PUBLIC IS ONLY ALLOWED
14 ACCESS TO CERTAIN INFORMATION. SO WHEN WE DO A
15 INITIAL REPORT, WE HAVE GUIDELINES SET UP -- I
16 BELIEVE IT'S THROUGH NOT ONLY STATE LAW BUT, FOR
17 SURE, IT'S OUR DEPARTMENTAL POLICY -- THAT ONLY
18 CERTAIN INFORMATION IS INCLUDED IN THAT OFFENSE
19 REPORT, WHICH IS THE DATE, TIME AND LOCATION OF THE
20 INCIDENT, THE NAME OF ANY ARRESTEES, ANY PROPERTY
21 THAT IS SEIZED, ANY VEHICLES INVOLVED, AND THEN A
22 NARRATIVE WHICH GIVES A GENERAL OUTLINE OF WHAT HAS
23 TRANSPIRED.

24 WE ARE THEN REQUIRED TO COMPLETE A
25 SUPPLEMENTAL REPORT, BECAUSE THE VICTIM'S

1 INFORMATION, IF IT'S JUST A SUSPECT, THAT INFORMATION
2 IS NOT RELEASED TO THE GENERAL PUBLIC. SO THAT IS
3 COMPILED ON THE SUPPLEMENTAL REPORT WHICH ACCOMPANIES
4 THAT INITIAL ARREST REPORT.

5 **THE COURT:** ALL RIGHT. AND WHEN WAS THE
6 SECOND SUPPLEMENTAL REPORT THAT YOU PREPARED? WHEN
7 WAS THAT PREPARED?

8 **THE WITNESS:** THE FIRST ONE THAT INCLUDED
9 FROM THE DATE OF THE OFFENSE? SECOND REPORT?

10 **THE COURT:** SECOND SUPPLEMENTAL REPORT.

11 **THE WITNESS:** THE SECOND SUPPLEMENTAL REPORT
12 THAT I SUBMITTED WAS DONE AFTER THE MEETING WITH THE
13 FIRST U.S. ATTORNEY THAT I HAD.

14 **THE COURT:** THAT WAS WITH MR. SUMNER.
15 CORRECT?

16 **THE WITNESS:** I BELIEVE THAT WAS HIS NAME.

17 **THE COURT:** AND WHEN WAS THAT REPORT MADE?

18 **THE WITNESS:** THE DATE OF THE MEETING. I
19 CAN LOOK AT MY -- THROUGH MY REPORT SYSTEM IT WILL
20 TELL ME THE EXACT DATE IT WAS CREATED BY ME AND THE
21 EXACT DATE IT WAS APPROVED BY MY SUPERVISOR. I DON'T
22 RECALL INDEPENDENTLY WHAT DATE THAT WAS.

23 **THE COURT:** ALL RIGHT.

24 **THE WITNESS:** I WANT TO SAY IT WAS IN MARCH
25 OR APRIL, WHICH WAS THE DATE OF THE MEETING. BUT I'M

1 NOT A HUNDRED PERCENT ON THAT.

2 **THE COURT:** AND WHEN WAS -- AND SO IT WAS
3 NOT UNTIL MARCH OR APRIL THAT YOU BEGAN THE PROCESS
4 OF DRAFTING AT LEAST TWO OR THREE ADDITIONAL REPORTS,
5 SUPPLEMENTAL REPORTS?

6 **THE WITNESS:** I CREATED, I BELIEVE, ONE
7 SUPPLEMENTAL REPORT THAT DATE AFTER THAT MEETING.
8 SUBSEQUENTLY HAD AN ADDITIONAL MEETING WITH THIS U.S.
9 ATTORNEY REGARDING THIS MATTER. AND I DON'T RECALL
10 THE EXACT DATE. I BELIEVE IT WAS IN OCTOBER.

11 AFTER DISCUSSION, IT WAS REQUESTED THAT SOME
12 CLARIFYING INFORMATION BE PUT IN THE REPORT, AT WHICH
13 TIME I BELIEVE A THIRD AND A FOURTH SUPPLEMENTAL
14 REPORT WERE DRAFTED.

15 **THE COURT:** NOW, YOU ALSO TESTIFIED THAT
16 YOU -- IT IS NOT YOUR PRACTICE TO REVIEW ANY VIDEO
17 FOOTAGE WHEN YOU DRAFT THE SUPPLEMENTAL REPORTS.
18 CORRECT?

19 **THE WITNESS:** WHEN I DO MY INITIAL REPORT AT
20 THE TIME OF ARREST AND THEN THE FIRST SUPPLEMENTAL
21 REPORT THAT GOES IN WITH THAT REPORT -- THEY'RE
22 BASICALLY ONE, BUT THEY'RE DIVIDED FOR PUBLIC RECORDS
23 RELEASES. AT THAT TIME I DO NOT USUALLY REVIEW IT.

24 **THE COURT:** SO WAIT. LET ME UNDERSTAND.
25 DID YOU REVIEW THE VIDEO FOOTAGE OF THE INCIDENT WHEN

1 YOU PREPARED -- LET'S START OFF WITH THE INITIAL
2 REPORT.

3 THE WITNESS: NO.

4 THE COURT: WITH THE FIRST SUPPLEMENTAL
5 REPORT?

6 THE WITNESS: NO.

7 THE COURT: WITH ANY OF THE SUPPLEMENTAL
8 REPORTS?

9 THE WITNESS: THE ADDITIONAL SUPPLEMENTAL
10 REPORT, AFTER DISCUSSIONS I WENT BACK AND REVIEWED --
11 IT WAS QUITE LENGTHY VIDEOS. I REVIEWED THE VIDEOS,
12 AND THEN WE CLARIFIED SOME THINGS ON THOSE REPORTS.

13 THE COURT: MR. UPTON ASKED YOU, OR PERHAPS
14 MR. PATHAN, WHY THE REPORT WAS -- WHY THERE WAS
15 ESSENTIALLY STILL REPORTS BEING SUPPLEMENTED AFTER
16 TEN MONTHS -- AND IN THIS CASE TEN MONTHS AND 20
17 DAYS -- AFTER THE INCIDENT. AND YOU INDICATED, *WELL,*
18 *SOMETIMES IF IT'S A MURDER CASE OR SOMETHING LIKE*
19 *THAT, IT TAKES TIME TO DEVELOP EVIDENCE.*

20 BUT THAT'S NOT THE CASE HERE. ALL THE
21 EVIDENCE YOU REQUIRED AND THAT WAS TURNED OVER TO THE
22 U.S. ATTORNEY'S OFFICE THAT FORM THE BASIS OF THIS
23 CHARGE WAS ACTUALLY SEIZED ON JANUARY 1, 2020.
24 CORRECT?

25 THE WITNESS: THAT'S CORRECT.

1 **THE COURT:** SO IT WASN'T AN ISSUE THAT YOU
2 WERE -- OR ANY INVESTIGATORS, TO YOUR KNOWLEDGE --
3 WERE SEEKING TO ACQUIRE ADDITIONAL EVIDENCE OF THIS
4 CRIME. CORRECT?

5 **THE WITNESS:** THAT'S CORRECT.

6 **THE COURT:** ALL RIGHT. NOW, LET'S TURN FOR
7 A MOMENT TO THE INITIAL STOP ITSELF AND YOUR INITIAL
8 ENCOUNTER.

9 YOU WERE IN THE AREA AFTER HAVING RECEIVED A
10 REPORT OF A THEFT AT A STORE. IS THAT CORRECT?

11 **THE WITNESS:** YES.

12 **THE COURT:** AND THE PERPETRATOR WAS ON FOOT.
13 CORRECT?

14 **THE WITNESS:** THAT'S CORRECT.

15 **THE COURT:** AND YOU JUST HAPPENED UPON THIS
16 VEHICLE WHILE YOU WERE SEARCHING FOR A PERPETRATOR
17 WHO WAS ON FOOT?

18 **THE WITNESS:** CORRECT. I NOTED THE VEHICLE
19 AT A KNOWN -- I NOTED THE VEHICLE AT THE RESIDENCE ON
20 EAST BROOKSTOWN INITIALLY JUST IN THE COURSE OF
21 SEARCHING FOR THIS INDIVIDUAL ON FOOT. I DIDN'T
22 REALLY PAY IT MUCH MIND OTHER THAN NOTED THAT IT WAS
23 THERE AT THAT TIME.

24 **THE COURT:** YOU'VE TESTIFIED THAT YOU
25 OBSERVED THE VEHICLE AT A, QUOTE, KNOWN DRUG HOUSE.

1 AND YOU CONCLUDED THAT IT WAS A KNOWN DRUG HOUSE
2 BECAUSE OF SEVERAL ARRESTS THAT HAD BEEN MADE AT THE
3 HOUSE. CORRECT?

4 THE WITNESS: THAT'S CORRECT.

5 THE COURT: YOU DIDN'T WITNESS ANY UNLAWFUL
6 ACTIVITY AT THAT TIME, DID YOU?

7 THE WITNESS: NO, SIR. AND THAT'S WHY THE
8 VEHICLE WASN'T CONTACTED AT THAT TIME.

9 THE COURT: SO HELP ME UNDERSTAND. WAS THIS
10 A TRAFFIC STOP OR WAS IT A CRIMINAL INVESTIGATION
11 THAT FORMED THE BASIS OF -- WAS IT -- THAT WAS YOUR
12 MOTIVATION FOR STOPPING THE CAR?

13 THE WITNESS: SO INITIALLY WHEN I SAW THE
14 CAR, I DIDN'T PAY IT MUCH MIND. I CONTINUED TO LOOK
15 FOR THIS THEFT SUSPECT. AFTER I'D DRIVEN THE AREA
16 AND WAS PROCEEDING OUT OF THE AREA ON AIRLINE AND I
17 NOTED THE VEHICLE A SECOND TIME WHEN IT TOOK, WHAT
18 APPEARED TO BE TO ME, EVASIVE ACTION -- IN OTHER
19 WORDS, TRYING TO GO THE OPPOSITE DIRECTION OF A
20 MARKED POLICE CAR. I ALSO AT THAT TIME OBSERVED THE
21 TRAFFIC VIOLATION; IN OTHER WORDS, IT WAS SIGNALING
22 TO TURN LEFT, IT SEES ME AS I'M PASSING. I COULD
23 STILL SEE THE LEFT TURN SIGNAL ON, BUT THE VEHICLE
24 TURNS RIGHT. I FOUND THAT TO BE SUSPICIOUS, SO I
25 CONDUCTED A U-TURN AND WENT TO INVESTIGATE IT

1 FURTHER.

2 I DIDN'T KNOW IF IT -- AS FAR AS I KNOW, THE
3 GUY THAT TOOK THESE ITEMS FROM THIS STORE COULD HAVE
4 GOTTEN INTO THAT VEHICLE. I DON'T KNOW. BUT THE
5 ACTIONS OF THAT VEHICLE WERE NOT CONSISTENT WITH JUST
6 SOMEBODY NORMALLY DRIVING.

7 THE COURT: OKAY.

8 THE WITNESS: SO I INVESTIGATED IT FURTHER.

9 THE COURT: ALL RIGHT. AND YOU -- WOULD YOU
10 AGREE WITH ME THAT VERY OFTEN WHEN PEOPLE SEE A
11 POLICE OFFICER BEHIND THEM, OR A POLICE CAR BEHIND
12 THEM, THEY MAY TURN OFF, THEY MAY GET A LITTLE
13 UNCOMFORTABLE, WHETHER THEY ENGAGED IN CRIMINAL
14 ACTIVITY OR NOT?

15 THE WITNESS: I'D SAY IT'S POSSIBLE FOR SOME
16 PEOPLE, YES, SIR.

17 THE COURT: ALL RIGHT.

18 THE WITNESS: I'D SAY THAT'S FAIR.

19 THE COURT: NOW, AFTER YOU NOTICED THAT
20 THERE WAS AN UNRESTRAINED CHILD IN THE CAR, YOU STILL
21 WAITED A PERIOD OF TIME BEFORE STOPPING THE CAR.
22 CORRECT?

23 THE WITNESS: A SHORT DISTANCE, YES, SIR.

24 THE COURT: WELL, BY YOUR OWN TESTIMONY IT
25 WAS ABOUT FIVE MINUTES. AND SO I GUESS MY QUESTION

1 IS: IS THERE A REASON WHY YOU DIDN'T IMMEDIATELY
2 STOP THE CAR AT THAT TIME TO ISSUE A TRAFFIC CITATION
3 TO THE DRIVER FOR THE UNRESTRAINED CHILD?

4 **THE WITNESS:** MAYBE I WASN'T CLEAR. IT
5 WASN'T FIVE MINUTES FROM WHEN I SAW THE UNRESTRAINED
6 CHILD TO WHEN THE STOP WAS CONDUCTED. IT WAS FIVE
7 MINUTES FROM WHEN I INITIALLY SAW THE VEHICLE AT THE
8 HOUSE UNTIL THE STOP WAS CONDUCTED. WHEN I SAW THE
9 UNRESTRAINED CHILD WAS SECONDS BEFORE THAT DASH
10 CAMERA KICKED ON. AS THE VEHICLE WAS TURNING RIGHT
11 FROM ST. KATHERINE ON TO AIRLINE AS I WAS TRAVELING
12 THE OPPOSITE DIRECTION ON AIRLINE --

13 **THE COURT:** OKAY.

14 **THE WITNESS:** -- THAT'S WHEN I FIRST NOTED
15 IT. AND I IMMEDIATELY MADE A U-TURN. AS I CAUGHT UP
16 TO THE VEHICLE -- AND IT'S CLEAR ON THE DASH
17 CAMERA -- IT WAS AFTER WE HAD MADE THAT INITIAL TURN
18 ONTO HANKS.

19 **THE COURT:** SO I WANT TO BE CLEAR THAT I
20 UNDERSTAND YOUR TESTIMONY. I ASKED YOU A MOMENT AGO
21 IF YOU IN YOUR MIND WAS CONDUCTING A TRAFFIC STOP OR
22 WHETHER YOU WERE CONDUCTING A CRIMINAL INVESTIGATION
23 HAVING GROWN SUSPICIOUS OF THIS CAR, AGAIN BECAUSE IT
24 WAS ON A PROPERTY THAT WAS, ACCORDING TO YOU, A KNOWN
25 DRUG HOUSE.

1 SO AM I CORRECT IN CONCLUDING THAT AT THAT
2 POINT YOU DETERMINED THAT CRIMINAL ACTIVITY MAY BE
3 UNDER FOOT AND YOU INITIATED A CRIMINAL
4 INVESTIGATION?

5 **THE WITNESS:** I WOULD SAY IT WAS -- IN MY
6 MIND, IT WAS A TRAFFIC STOP THAT WAS OCCURRING WITH
7 THE POSSIBILITY, YES, OF CRIMINAL -- ALTHOUGH I
8 DIDN'T HAVE A CRIMINAL CHARGE AT THAT POINT, I HAD A
9 TRAFFIC VIOLATION. I DIDN'T KNOW IF THIS VEHICLE WAS
10 ASSOCIATED WITH THE THEFT. IT PROBABLY WASN'T, BUT
11 IT WAS LEAVING AN AREA THAT THE SUSPECT WAS LAST SEEN
12 IN, AND IT DID ATTEMPT TO AVOID ME. AND IT WAS
13 LEAVING A KNOWN DRUG HOUSE. THAT WAS A POSSIBILITY.

14 BUT AT THAT POINT, IF THERE WAS NO ODOR OF
15 MARIJUANA DETECTED, IF SHE DID NOT -- THE DRIVER DID
16 NOT HAVE WARRANTS, SHE MAY OR MAY NOT HAVE EVEN BEEN
17 GIVEN A TRAFFIC TICKET. I REALIZE THAT SOME PEOPLE
18 CAN'T AFFORD CAR SEATS. IF SHE WAS IN THE
19 NEIGHBORHOOD AND GOING JUST TO HER HOUSE, I MAY NOT
20 HAVE EVEN GIVEN HER A TICKET. I MAY HAVE HAD HER
21 CALL SOMEBODY TO BRING A CHILD SAFETY SEAT OVER THERE
22 TO LEAVE IT.

23 **THE COURT:** WELL, LET'S ASSUME THEN THAT IT
24 WAS -- BECAUSE I STILL DON'T UNDERSTAND YOUR ANSWER
25 TO MY QUESTION, OFFICER, I MUST TELL YOU. BUT LET ME

1 ASK YOU. LET ME PUT IT TO YOU THIS WAY. WOULD YOU
2 HAVE CALLED UP FOR BACKUP FOUR OTHER OFFICERS MERELY
3 FOR A TRAFFIC STOP?

4 **THE WITNESS:** NO, SIR. AND I DIDN'T CALL
5 THEM SPECIFICALLY FOR BACKUP. I LET THEM KNOW WHERE
6 I WAS GOING OUT WITH THE SPECIFIC VEHICLE. THEY
7 HAPPENED TO BE IN THE AREA FOR THE THEFT SUSPECT, SO
8 THEY JUST CAME OVER TO ASSIST. IT WASN'T A: *HEY,*
9 *GET ME SOME UNITS OVER HERE. I'M STOPPING THIS CAR.*

10 **THE COURT:** DO YOU RECALL WHAT YOU TOLD THEM
11 ABOUT YOUR REASON FOR STOPPING THE CAR?

12 **THE WITNESS:** YES. AND IT WAS CLEAR ON THE
13 VIDEO, TOO, THAT I HAD STATED TO THEM THAT I OBSERVED
14 THIS VEHICLE LEAVING A KNOWN DRUG HOUSE, THERE WAS AN
15 UNRESTRAINED CHILD IN IT. AND AS WE BEGAN CONTACTING
16 WAS WHEN WE NOTICED THE ODOR OF MARIJUANA. SO AT
17 THAT POINT IT BECAME A CRIMINAL INVESTIGATION.

18 **THE COURT:** WAIT. BUT YOU DIDN'T KNOW AT
19 THE TIME THAT YOU MADE -- YOU MADE THE DECISION TO
20 STOP THE CAR THAT THERE WAS ANY ODOR OF MARIJUANA.
21 CORRECT?

22 **THE WITNESS:** CORRECT. WHAT I'M SAYING IS
23 INITIALLY WHEN I CONTACTED THEM, IT WAS FOR THE
24 TRAFFIC VIOLATION.

25 **THE COURT:** AND THAT'S MY QUESTION TO YOU.

1 HOW OFTEN IN YOUR CAREER, ALMOST 25-YEAR CAREER, HAVE
2 YOU HAD FOUR OTHER OFFICERS SHOW UP AT WHAT THEY
3 PRESUMABLY BELIEVED WAS MERELY A TRAFFIC STOP?

4 **THE WITNESS:** IT HAPPENS QUITE A LOT IN THE
5 CITY.

6 **THE COURT:** DOES IT?

7 **THE WITNESS:** YES, SIR. WE BACK EACH OTHER
8 UP. WE REALIZE THAT WE'RE SHORTHANDED. ESPECIALLY
9 WITH ASSAULTS ON LAW ENFORCEMENT GETTING HIGHER, IT'S
10 NOT UNCOMMON FOR MULTIPLE OFFICERS TO ARRIVE JUST OUT
11 OF CURIOSITY.

12 **THE COURT:** WHILE THOSE OTHER UNITS WERE
13 WITH YOU, WHO WAS LOOKING FOR THE THIEF FROM THE
14 STORE?

15 **THE WITNESS:** WELL, AT THIS POINT IT HAD
16 BEEN ALMOST AN HOUR AFTER THE -- BY THE TIME TRYING
17 THAT'S TRANSPIRED, SO AT THAT POINT THEY WEREN'T
18 LOOKING FOR THE THIEF. WE HAD SHIFTED TO -- THEY
19 CAME OVER TO SEE WHAT I HAD.

20 **THE COURT:** I'M NOT TRYING TO BE SNARKY.

21 **THE WITNESS:** NO, I UNDERSTAND, SIR.

22 **THE COURT:** SO THEY HAD NOTHING ELSE TO DO
23 ON NEW YEAR'S DAY BUT TO ALL ROLL UP ON A TRAFFIC
24 STOP FOR A WOMAN WHO -- A DRIVER WHO DIDN'T USE HER
25 BLINKER?

1 **THE WITNESS:** WELL, IT -- THE BEST WAY I
2 COULD DESCRIBE IT IS THIS: IF IT WOULD HAVE BEEN
3 JUST A INDIVIDUAL THAT DIDN'T HAVE A CHILD RESTRAINED
4 AND JUST NOT USED A BLINKER, THAT WOULD HAVE BEEN
5 EVIDENT FAIRLY QUICKLY, AND THE OFFICERS WOULD HAVE
6 LEFT THE AREA.

7 BUT AS WE WERE -- AS THIS INVESTIGATION
8 EVOLVED AND STARTED TO REALIZE THAT THERE WAS AN ODOR
9 OF MARIJUANA PRESENT, THAT GAVE THEM A REASON TO STAY
10 AND TO INVESTIGATE THIS FURTHER.

11 **THE COURT:** WELL, LET ME TELL YOU WHAT I SAW
12 FROM THE VIDEO AND THAT THE RECORD REFLECT -- AND
13 IT'S IN THE RECORD. I SAW FOUR OFFICERS APPROACH
14 THAT CAR WHO PRESUMABLY HAD NOT EVEN BEEN IN A
15 POSITION TO SMELL MARIJUANA. THEY CERTAINLY WERE IN
16 A POSITION TO OBSERVE YOU, THEY WERE IN A POSITION TO
17 OBSERVE THE DRIVER OF THE VEHICLE, BUT THEY WOULD NOT
18 HAVE BEEN IN A POSITION TO EVEN -- THEY WEREN'T CLOSE
19 ENOUGH TO THE CAR TO DETERMINE THAT THERE WAS
20 MARIJUANA.

21 I'M NOT TRYING TO BE ARGUMENTATIVE TO YOU,
22 OFFICER. I'M TRYING TO GIVE YOU AS MUCH OF A BENEFIT
23 OF THE DOUBT AS I POSSIBLY CAN. I'M TRYING TO GIVE
24 YOU EVERY OPPORTUNITY TO RESOLVE THESE ISSUES THAT
25 ARE APPARENT, AT LEAST IN MY MIND, BY THE VIDEO AND

1 BY THE SOMEWHAT CONFLICTING INFORMATION IN SOME OF
2 THE REPORTS. SO AGAIN, I'M NOT TRYING TO PICK ON
3 YOU.

4 **THE WITNESS:** I UNDERSTAND.

5 **THE COURT:** BUT IT'S IMPORTANT THAT I -- SO
6 THAT'S WHY I'M ASKING YOU. IT JUST DOESN'T MAKE -- I
7 MEAN, YOU MENTIONED TO THE DRIVER EARLIER *IT DOESN'T*
8 *MAKE SENSE*. AND I'M NOT GOING TO MAKE A CALL RIGHT
9 NOW BECAUSE I'M GOING TO TAKE THE MATTER UNDER
10 ADVISEMENT. BUT I DON'T UNDERSTAND WHY FOUR OF YOUR
11 COLLEAGUES -- UNLESS PERHAPS YOU TOLD THEM SOMETHING
12 MORE THAN THAT *SHE FAILED TO USE HER TURN SIGNAL*.
13 AND MAYBE YOU TOLD HER THAT -- AND EVEN IF YOU TOLD
14 THEM -- AND MR. PATHAN IS A VERY SMART LAWYER. HE'S
15 GOING TO ADDRESS THIS FOR ME AND RESOLVE THIS FOR ME.

16 **BUT EVEN IF YOU TOLD THEM THAT *I SAW THIS***
17 ***CAR LEAVING A KNOWN DRUG HOUSE*, THAT FOUR OFFICERS**
18 **WOULD SORT OF KIND OF DESCEND ON THE CAR WHILE YOU**
19 **WERE STILL ENGAGING THE DRIVER OF THE CAR AND TRYING**
20 **TO -- I GUESS TO YOUR CREDIT -- FIGURE OUT WHAT'S**
21 **WHAT. RIGHT? SO DO YOU HAVE ANY REACTION TO THAT**
22 **CONCERN?**

23 **THE WITNESS:** YES, SIR, I DO, AND IT'S
24 UNDERSTANDABLE. BUT I WILL ALSO SAY THAT, AGAIN,
25 WITH -- ONE THING THAT IT WAS NEW YEAR'S DAY AND

1 RIGHT AFTER COMING OFF OF -- I WORKED NEW YEAR'S EVE
2 AS WELL. WE HAD HAD NUMEROUS REPORTS OF SHOTS FIRED
3 OR ACTIVATIONS GOING OFF IN THAT AREA, WHICH IS
4 GUNFIRE. WHILE WE WERE ON THAT STOP, IF YOU PLAY THE
5 VIDEO ALL THE WAY THROUGH, YOU HEAR A SERIES OF
6 GUNFIRE GOING OFF WHILE WE'RE ON THAT STOP.

7 SO IT IS NOT UNCOMMON, ESPECIALLY ON DAYS
8 LIKE 4TH OF JULY AND NEW YEAR'S --

9 **THE COURT:** I SEE.

10 **THE WITNESS:** -- WHERE WE WILL ALL STAY
11 TOGETHER WHILE WE'RE INVESTIGATING THINGS TO MAKE
12 SURE THAT WE HAVE NOT ONLY CONTACT BUT COVER.

13 SO I DO REALIZE THAT WHEN YOU LOOK AT IT
14 FROM THE LENS OF IT'S JUST A LADY WITH A TURN SIGNAL
15 WITHOUT A SEAT BELT ON ON A TRAFFIC STOP, THERE WERE
16 OTHER FACTORS THAT WARRANTED MORE OFFICERS IN THE
17 AREA.

18 AND AGAIN, LIKE I SAID, IF WE WOULD HAVE
19 JUST BEEN ON A TRAFFIC STOP AND IT WOULD HAVE JUST
20 BEEN THE NO TURN SIGNAL AND THE CHILD RESTRAINT, THE
21 OTHER OFFICERS WOULD HAVE LEFT THE AREA AND GONE TO
22 EITHER CONTINUE TO LOOK FOR THE THEFT SUSPECT,
23 POSSIBLY INVESTIGATE THE SHOOTINGS, SHOTS FIRED THAT
24 WE HEAR LATER ON. IF THEY WOULD HAVE BEEN RIDING IN
25 THE AREA, MAYBE THAT WOULD NOT HAVE OCCURRED. WE

1 DON'T KNOW IF THAT OCCURRED EVEN JUST BECAUSE THEY
2 SAW US IN THE AREA. IT'S NOT UNCOMMON IN THAT AREA
3 FOR THAT TYPE OF ACTIVITY THERE.

4 **THE COURT:** RIGHT. THANK YOU, SERGEANT.

5 AND, MR. PATHAN, JUST TO ASSURE YOU, I WILL
6 WATCH THE ENTIRE VIDEO. I KNOW I ASKED YOU TO MOVE
7 THINGS ALONG. BUT AGAIN, I JUST WANT TO ASSURE YOU
8 THAT I WILL REVIEW EVERYTHING. AND I THINK IT IS
9 IMPORTANT FOR THE COURT TO CONSIDER POSSIBLE EVIDENCE
10 OF GUNFIRE AND THAT SORT OF THING. OKAY?

11 **MR. PATHAN:** THANK YOU, JUDGE.

12 **THE COURT:** ALL RIGHT. LET'S SEE. AND BY
13 THE WAY, WITH RESPECT TO THIS KNOWN DRUG HOUSE, WERE
14 ANY ARRESTS MADE THAT DAY OF ANY PERSONS IN THE
15 HOUSE?

16 **THE WITNESS:** NO, SIR, NOT THAT DAY.

17 **THE COURT:** NO SEARCH WARRANTS WERE
18 REQUESTED TO SEARCH THAT HOME. CORRECT?

19 **THE WITNESS:** NO, SIR, THAT'S CORRECT. WE
20 DIDN'T OBSERVE ANY ACTIVITY RELATIVE TO THAT HOUSE
21 OTHER THAN THE VEHICLE BEING PARKED IN THE DRIVEWAY.

22 **THE COURT:** NOW, LET'S TALK ABOUT MR.
23 GREEN'S BROTHER. WELL, BEFORE THAT, LET ME ASK YOU:
24 THE ROACHES THAT YOU TESTIFIED WERE DISCOVERED IN THE
25 DRIVER'S CAR, WERE THOSE -- WAS THAT EVIDENCE SEIZED?

1 **THE WITNESS:** YES, SIR.

2 **THE COURT:** NOW, WITH RESPECT TO THE LARGE
3 AMOUNT -- YOU TESTIFIED THAT THE DEFENDANT'S BROTHER
4 POSSESSED A LARGE AMOUNT OF MARIJUANA ON HIS PERSON.
5 AND DO YOU HAVE ANY SENSE OF THE QUANTITY OF THAT,
6 HOW MUCH MARIJUANA THAT WAS?

7 **THE WITNESS:** WITHOUT LOOKING AT THE REPORT,
8 I WANT TO SAY IT WAS SOMEWHERE BETWEEN 16 AND 19
9 GRAMS, SOMEWHERE IN THAT NEIGHBORHOOD. AND IT WAS
10 BUD. IT WASN'T LIKE CRUSHED UP MARIJUANA.

11 **THE COURT:** IS THERE A REASON THAT -- I
12 ASSUME THAT THE JUVENILE -- IS HOW I'LL CALL HIM --
13 WAS NOT PROCESSED AND CHARGED WITH A CRIME?

14 **THE WITNESS:** HE WAS CITED FOR THE
15 POSSESSION OF MARIJUANA AND RELEASED TO HIS MOTHER ON
16 A CUSTODIAL AGREEMENT.

17 **THE COURT:** OKAY. SO IS THAT STANDARD
18 POLICY FOR THE BATON ROUGE POLICE DEPARTMENT?

19 **THE WITNESS:** YES, SIR. ON MISDEMEANOR
20 OFFENSES, IT IS. OUR JUVENILE DETENTION FACILITY IS
21 FAIRLY CROWDED, SO THEY ENCOURAGE AS MANY CUSTODIAL
22 AGREEMENTS BE ISSUED AS POSSIBLE, UNLESS IT'S A
23 VIOLENT OFFENSE OR A WEAPON WAS UTILIZED, NOT JUST
24 NECESSARILY ONE BEING PRESENT.

25 **THE COURT:** SO IS IT -- WAS IT YOUR OPINION

1 THAT THE MARIJUANA CONSTITUTED A RECREATIONAL
2 QUANTITY AND NOT A DISTRIBUTABLE QUANTITY?

3 THE WITNESS: YES.

4 THE COURT: AND AT NO TIME DID YOU OR ANY
5 OTHER OFFICERS ASK FOR PERMISSION TO SEARCH THE
6 VEHICLE. CORRECT?

7 THE WITNESS: NO, WE DID NOT.

8 THE COURT: AND THE BASIS? IF YOU CAN JUST
9 VERY BRIEFLY STATE THE BASIS FOR THE SEARCH OF THE
10 VEHICLE.

11 THE WITNESS: THE EXTREMELY STRONG ODOR OF
12 MARIJUANA THAT WAS COMING FROM THE VEHICLE THAT WAS
13 PRESENT AND NOTABLE. AGAIN, LIKE I MENTIONED
14 EARLIER, WHEN I WAS CONTACTING THE DRIVER AT THE
15 FRONT OF MY CAR, I COULD SMELL IT. I JUST COULDN'T
16 TELL THE SOURCE OF WHERE IT WAS COMING FROM. AND AS
17 WE APPROACHED THE CAR, IT BECAME APPARENT THAT THAT'S
18 WHERE IT WAS COMING FROM.

19 THE COURT: ALL RIGHT. AND TO YOUR
20 KNOWLEDGE, SERGEANT, DID ANY OTHER OFFICERS WHO WERE
21 PRESENT ON THE SCENE DRAFT ANY REPORTS?

22 THE WITNESS: NOT THAT WERE ON SCENE. OTHER
23 OFFICERS -- AGAIN, OUR CRIME SCENE DIVISION DRAFTED A
24 REPORT WHEN THEY PROCESSED THE WEAPONS. OUR ATF TASK
25 FORCE OFFICER COMPILED A REPORT WHEN THE TRACE OF THE

1 FIREARMS WAS CONDUCTED. AND I BELIEVE THERE WERE
2 SOME ADDITIONAL REPORTS THAT WERE DRAFTED FOR THE
3 SECOND ARREST OF MR. GREEN THAT LED UP TO THIS
4 INCIDENT AT A LATER DATE.

5 **THE COURT:** ALL RIGHT. I WANT TO GO BACK
6 ALSO TO YOUR INITIAL ENCOUNTER. YOUR CAR OBVIOUSLY
7 WAS FITTED WITH A DASH CAMERA. IS THAT CORRECT?

8 **THE WITNESS:** YES, SIR.

9 **THE COURT:** WHAT WE DON'T HAVE -- OR YOU
10 DON'T HAVE ANY VIDEO SHOWING THAT THE DRIVER OF THE
11 VEHICLE FAILED TO UTILIZE A TURN SIGNAL WHEN MAKING
12 THE -- I GUESS RIGHT TURN?

13 **THE WITNESS:** THAT'S CORRECT.

14 **THE COURT:** OKAY. SO TELL ME AGAIN WHY YOU
15 DON'T HAVE VIDEO OF THAT CIRCUMSTANCE.

16 **THE WITNESS:** IT'S A COUPLE OF REASONS.
17 ONE, THE VIDEO IS -- CAMERA IS MOUNTED ON THE
18 DASHBOARD AND IT'S AFFIXED STRAIGHT AHEAD. WHEN I
19 INITIALLY SAW THE VEHICLE AT THE HOUSE, I DIDN'T PAY
20 MUCH ATTENTION TO IT, SO THERE WAS NO NEED FOR MY
21 CAMERA TO BE ON. I WASN'T FIXING TO CONDUCT A
22 TRAFFIC STOP OR A CRIMINAL INVESTIGATION.

23 I CONTINUED LOOKING FOR THE SUSPECT AS I
24 DROVE AROUND FROM THE ORIGINAL THEFT. AS I WAS
25 PROCEEDING DOWN AIRLINE HEADED BACK TOWARDS THE RIVER

1 SCENIC HIGHWAY AREA, I NOTED THE VEHICLE TO MY LEFT;
2 AS I WAS APPROACHING AND PASSING, NOTED THE SIGNAL
3 AND, AGAIN, DIDN'T REALLY PAY MUCH ATTENTION TO IT
4 OTHER THAN, *HEY, THAT WAS THE VEHICLE I SAW --*
5 *APPEARS TO BE THE VEHICLE I SAW AT THE HOUSE.* I
6 COULDN'T SEE THE LICENSE PLATE. IT COULD HAVE BEEN A
7 SIMILAR VEHICLE WITH -- THAT WAS NOT THE SAME ONE.

8 BUT THEN I SAW THE FURTIVE OR EVASIVE MANNER
9 IN WHICH IT TURNED, WHICH DREW MY ATTENTION TO IT
10 AGAIN. AT THAT POINT I CONDUCTED A U-TURN AND BEGAN
11 TO FOLLOW THE VEHICLE. AND BECAUSE IT ONLY RECORDS
12 30 SECONDS BACK, WHEN I DID INITIATE THE STOP, THE
13 CAMERA BACKED UP AT THAT POINT.

14 **THE COURT:** WHAT DOES THAT -- I'M NOT SURE I
15 UNDERSTAND THAT, WHEN YOU SAY, "IT ONLY RECORDS 30
16 SECONDS BACK."

17 **THE WITNESS:** SO THE -- IT'S A DIGITAL
18 RECORDING SYSTEM. IT DOESN'T RECORD IT ON A DISK OR
19 A VHS TYPE. IT'S STORED ON A HARD DRIVE. AND THEN
20 WHEN WE PULL INTO THE PRECINCT, IT AUTOMATICALLY
21 DOWNLOADS TO A SERVER.

22 IT HAS A FEATURE ON IT WHERE THE VIDEO --
23 THAT THE LAST 30 SECONDS OF VIDEO CAPTURED BY THE
24 CAMERA, WHEN YOU ACTIVATE THE CAMERA EITHER THROUGH A
25 MANUAL ACTIVATION BY TURNING IT ON, BY PUSHING THE

1 BUTTON, BY AN IMPACT, BY SPEED OR BY ACTIVATING YOUR
2 EMERGENCY LIGHTS, IT THEN BACKS UP 30 SECONDS AND
3 RECORDS THE VIDEO THAT WAS OBSERVED BY THE CAMERA FOR
4 30 SECONDS, BUT THERE IS NO AUDIO. THE AUDIO KICKS
5 ON AT THE TIME THE CAMERA IS ACTUALLY ACTIVATED.

6 **THE COURT:** AT THE TIME THE CAMERA IS
7 ACTIVATED OR YOUR LIGHTS ARE ACTIVATED?

8 **THE WITNESS:** ONCE THE CAMERA TURNS ON,
9 THAT'S WHEN THE VIDEO STARTS, WHEN THE ACTUAL
10 RECORDING. SO IN OTHER WORDS, IF I TURN MY LIGHT
11 SWITCH ON TO ACTIVATE MY EMERGENCY RIGHTS, THE AUDIO
12 WILL PICK UP AT THAT POINT, BUT THE VIDEO WILL BE FOR
13 30 SECONDS BACK.

14 IF I MANUALLY START THE CAMERA, THE AUDIO
15 WILL START AT THAT POINT, BUT THE VIDEO -- THE VIDEO
16 WILL START AT THAT POINT -- THE AUDIO WILL START AT
17 THAT POINT, BUT THE VIDEO WILL START 30 SECONDS BACK.

18 **THE COURT:** SO THEN THERE IS A DIFFERENCE
19 BETWEEN THE OPERATION OF THE DASH CAMERA AND THE BODY
20 CAMERA?

21 **THE WITNESS:** NO. THE BODY CAMERA IS THE
22 SAME. AND IF YOU START A BODY CAMERA ACTIVATION BY
23 TURNING IT ON, YOU WILL HAVE 30 SECONDS PRIOR OF NO
24 AUDIO BUT JUST VIDEO. IT'S ALL THE SAME SYSTEM.

25 **THE COURT:** NOW, WITH RESPECT TO THE BODY

1 CAMERA, THERE WAS A TIME -- AND AGAIN, MR. PATHAN,
2 LET ME JUST ASSURE YOU, I HAVEN'T DECIDED IF THAT
3 EVIDENCE IS RELEVANT TO THIS CASE, CERTAINLY TO THE
4 ISSUES IN THE MOTION TO SUPPRESS.

5 BUT I JUST HAVE TO ASK: THERE WAS A TIME
6 WHEN THERE WAS NO AUDIO.

7 **THE WITNESS:** CORRECT.

8 **THE COURT:** AND SO HELP ME TO UNDERSTAND WHY
9 THERE WAS NO AUDIO FOR MUCH OF THE ENCOUNTER AT THE
10 DEFENDANT'S HOME.

11 **THE WITNESS:** SO WE -- OUR POLICY IS IF
12 WE'RE GOING TO HAVE A CONVERSATION BETWEEN OFFICERS
13 THAT'S NOT RELEVANT TO THE CASE OR WE'RE NOT
14 INTERVIEWING A DEFENDANT, WE CAN MUTE THE CAMERA AT
15 THAT POINT TO CARRY ON THAT CONVERSATION, WHETHER
16 IT'S A POLICY DISCUSSION, WHETHER IT'S A DISCUSSION
17 ABOUT SOMETHING ELSE, TACTICS, OR WHAT HAVE YOU.

18 SO AFTER WE HAD BEGAN TO FOLLOW THE TWO
19 MALES THAT LEFT THE APARTMENT AND THEY LEFT THE AREA,
20 THERE WAS NOBODY AROUND EXCEPT THE OFFICER AND
21 MYSELF, SO THE CAMERA WAS MUTED. IT WAS STILL ON TO
22 CAPTURE ANYTHING THAT WE SAW, BUT THE MUTE FUNCTION
23 WAS ACTIVATED SO WE COULD HAVE A DISCUSSION AMONGST
24 OURSELVES.

25 AGAIN, ONCE WE MADE CONTACT AT THE

1 APARTMENT, YOU SEE MY HAND GO UP. I THOUGHT BY
2 TAPPING THE CAMERA IT HAD ACTIVATED THE AUDIO PORTION
3 AGAIN. WHEN I REALIZED IT HADN'T -- LATER ON IN THAT
4 CONVERSATION IT GIVES US A LIGHT INDICATOR TO LET US
5 KNOW AND THEN ALSO A VISUAL INDICATOR. WHEN I
6 REALIZED THAT IT WASN'T RECORDING AUDIO, I
7 IMMEDIATELY TURNED IT ON.

8 **THE COURT:** SO WAIT. AGAIN, LET ME
9 UNDERSTAND. IT'S YOUR UNDERSTANDING OF THE POLICY
10 THAT YOU DON'T HAVE TO TURN IT ON -- YOU CAN LEAVE
11 THE AUDIO PORTION OF IT OFF AND THEN YOU CAN ELECT TO
12 TURN IT ON WHEN YOU THINK THERE IS SOMETHING THAT'S
13 RELEVANT?

14 **THE WITNESS:** NOT RELEVANT. WHEN WE GO BACK
15 INTO CONTACT WITH THE PUBLIC REGARDING THE CASE.

16 **THE COURT:** I MUST TELL YOU -- LET ME TELL
17 YOU, SERGEANT, I HAVE BEFORE ME THE *BATON ROUGE*
18 *POLICE DEPARTMENT; INTRA-DIVISIONAL PROCEDURE;*
19 *SUBJECT: BODY WORN CAMERA.* I'VE LOOKED THROUGH THIS.
20 I SEE NOTHING IN THIS POLICY THAT INDICATES THAT AN
21 OFFICER HAS THE RIGHT TO, YOU KNOW, JUST
22 ARBITRARILY -- AND I'LL USE THE TERM *ARBITRARILY.*
23 THAT'S MY -- BUT TURN OFF EVEN AN AUDIO VERSION.

24 IN FACT, I LOOKED THROUGH THIS -- AND
25 PERHAPS I MISSED SOMETHING AND I'LL TAKE ANOTHER LOOK

1 AT IT. I SEE NOTHING IN THIS POLICY THAT
2 INDICATES -- THERE IS INFORMATION IN THE POLICY ABOUT
3 WHEN NOT ACTIVATED -- WHEN THE CAMERA SHOULD NOT BE,
4 QUOTE, DEACTIVATED. THERE IS INFORMATION ABOUT
5 INSTANCES IN WHICH THE BODY CAMERA WILL NOT BE USED,
6 SUCH AS INTERVIEWING SEX CRIME VICTIMS AND THAT SORT
7 OF THING. BUT I DON'T SEE ANYTHING IN HERE -- AND
8 PERHAPS, MR. PATHAN, YOU CAN SUPPLEMENT THE RECORD
9 FOR ME. BUT I SEE NOTHING IN HERE THAT INDICATES
10 THAT AN OFFICER IS ENTITLED TO DECIDE ON THEIR OWN
11 WHEN TO TURN ON AN AUDIO PORTION OR NOT TO TURN ON AN
12 AUDIO PORTION. BUT IF YOU HAVE SOMETHING, AGAIN, I'M
13 HAPPY TO CONSIDER IT. OKAY?

14 ALL RIGHT. LET'S SEE NOW. NOW, SERGEANT,
15 YOU IN YOUR REPORT SEEM TO -- ONE OF THE FACTORS YOU
16 USED IN DECIDING TO STOP THE VEHICLE, ACCORDING TO
17 YOUR REPORT, WAS -- AND AGAIN, THIS IS ONE OF MANY
18 FACTORS -- WAS THAT THE VEHICLE HAD AN OUT-OF-PLATE
19 -- OUT-OF-PLATE LICENSE -- OUT-OF-STATE LICENSE
20 PLATE. IS THAT CORRECT?

21 **THE WITNESS:** IT WASN'T A REASON FOR
22 STOPPING. IT WAS JUST NOTED THAT IT WAS AN
23 OUT-OF-STATE PLATE.

24 **THE COURT:** BUT MY QUESTION TO YOU IS THAT:
25 WAS THAT ONE OF THE FACTORS THAT YOU RELIED ON IN

1 DETERMINING -- IN MAKING THE DECISION TO CONDUCT A
2 MORE INTRUSIVE STOP; THAT IS, A STOP BEYOND SIMPLY A
3 TRAFFIC STOP?

4 **THE WITNESS:** NO, THE PLATE HAD NOTHING TO
5 DO WITH IT. WHAT MADE IT MORE THAN JUST A TRAFFIC
6 STOP WAS THE ODOR OF MARIJUANA THAT I DETECTED ONCE I
7 CAME INTO CONTACT WITH THEM.

8 **THE COURT:** OKAY.

9 SUZIE, WOULD YOU ACTIVATE THE WHITE NOISE,
10 PLEASE.

11 **(OFF THE RECORD.)**

12 **THE COURT:** YES, IT WAS 19 GRAMS OF
13 MARIJUANA THAT THE JUVENILE POSSESSED, SO -- AND JUST
14 TO BE CLEAR, YOU -- THE SUBSEQUENT REPORTS THAT YOU
15 PRODUCED WERE PRODUCED BECAUSE YOU NEEDED TO REPORT
16 FOR THE FIREARM AND THE DRUGS AND THAT SORT OF THING?

17 **THE WITNESS:** THERE WAS A SUBSEQUENT REPORT,
18 SUPPLEMENTAL REPORT, SUBMITTED BY CRIME SCENE FOR
19 PROCESSING THE FIREARM. I BELIEVE THERE WAS A
20 SUPPLEMENTAL REPORT SUBMITTED BY THE ATF TASK FORCE
21 OFFICER FOR THE TRACES OF THE FIREARM. I BELIEVE
22 THERE WERE TWO ADDITIONAL REPORTS CREATED, ONE MAYBE
23 BY CRIME SCENE AND ONE BY AN ARRESTING OFFICER ON MR.
24 GREEN'S SUBSEQUENT ARREST RELATIVE TO THIS INCIDENT.
25 AND THEN I SUBMITTED, I BELIEVE, THREE SUPPLEMENTAL

1 REPORTS RELATIVE TO CONVERSATIONS WITH THE U.S.
2 ATTORNEY ON JUST CLARIFICATION OF INFORMATION
3 OBSERVED ON THE VIDEO THAT THEY WOULD LIKE CLARIFIED
4 IN THE REPORT.

5 **THE COURT:** AND LET ME BE CLEAR, SERGEANT.
6 I'M NOT SUGGESTING THAT'S IMPROPER. BUT I NEED TO
7 KNOW EXACTLY, YOU KNOW, WHY YOU PRODUCED THESE
8 ADDITIONAL REPORTS. I DON'T WANT TO ASSUME THAT YOU
9 DID SHODDY POLICE WORK, IN OTHER WORDS. RIGHT?

10 **THE WITNESS:** I UNDERSTAND.

11 **THE COURT:** I DON'T HAVE ANY OTHER QUESTIONS
12 FOR YOU, SIR. THANK YOU FOR COMING IN TODAY.

13 **THE WITNESS:** YES, SIR.

14 **THE COURT:** MR. PATHAN, LET ME JUST OFFER,
15 FOR THE SAKE OF CLARITY: AS I MENTIONED TO YOU, I
16 HAVE ALLOWED MR. UPTON TO PROVIDE INFORMATION
17 RELATIVE TO THE SEARCH. I KNOW THE SEARCH IS NOT AT
18 ISSUE HERE, AND THE GOVERNMENT IS CERTAINLY NOT
19 CHARGING --

20 AND HAVE A HAPPY THANKSGIVING TOO, SERGEANT,
21 IF I DON'T SEE YOU.

22 **THE WITNESS:** YOU TOO.

23 **THE COURT:** SO I'VE ALLOWED MR. UPTON
24 LATITUDE ON THAT. BUT AGAIN, LET ME JUST ASSURE YOU,
25 ONCE AGAIN, THAT I UNDERSTAND THAT THE GOVERNMENT

1 WILL NOT SEEK TO INTRODUCE ANY EVIDENCE FROM THAT
2 SEARCH.

3 BUT TO BE CLEAR, IT IS PROBABLY LIKELY,
4 KNOWING MR. UPTON AS I DO, THAT HE WOULD PROBABLY
5 FILE A MOTION IN LIMINE BEFORE THE TRIAL ANYWAY
6 SEEKING TO HAVE IT INTRODUCED. SO WE JUST MIGHT AS
7 WELL DEAL WITH IT NOW, BECAUSE I WOULD HAVE TO REVIEW
8 THE EVIDENCE --

9 MR. PATHAN: SURE, JUDGE.

10 THE COURT: -- AT ANY TIME -- AND ALSO, IT
11 ACTUALLY GIVES, YOU KNOW, SERGEANT CAMALLO AN
12 OPPORTUNITY TO JUST KIND OF WALK ME THROUGH AND
13 EXPLAIN WHAT HAPPENED. BUT AGAIN, I KNOW THE
14 GOVERNMENT IS NOT GOING TO INTRODUCE THAT AT TRIAL.

15 MR. PATHAN: YES, JUDGE.

16 THE COURT: ALL RIGHT. SO GENTLEMEN, THIS
17 HAS BEEN VERY HELPFUL. IT'S BEEN A LONG DAY FOR US.

18 SERGEANT, AGAIN, LET ME THANK YOU FOR COMING
19 ON IN TODAY.

20 SO THIS IS WHAT I'M GOING TO DO. I WILL
21 TAKE THE MATTER UNDER ADVISEMENT. I WILL ALLOW BOTH
22 SIDES, IF YOU WISH, TO OFFER SUPPLEMENTAL BRIEFINGS
23 ON THE ISSUE. THERE IS A LOT GOING ON HERE IN THIS
24 CASE. HOWEVER, THE BRIEFING MUST BE FILED
25 SIMULTANEOUSLY, AND IT WILL BE LIMITED TO ONLY FIVE

1 PAGES. THAT INCLUDES, OF COURSE, THE CAPTION PAGE AS
2 WELL AS THE SIGNATURE PAGE AND, OF COURSE, THE USUAL
3 FONT SIZES, WHICH -- YOU KNOW, I DON'T WANT MR. UPTON
4 TO GO ON AND GIVE ME A 5-POINT FONT.

5 **MR. UPTON:** PICA POINT FIVE, JUDGE.

6 **THE COURT:** OF ALL PEOPLE, MR. UPTON, YOU
7 KNOW, I'M GETTING A LITTLE OLDER. ACTUALLY I NEED
8 LIKE A 20-POINT FONT REALLY. SO FIVE PAGES,
9 GENTLEMEN.

10 AND, MR. GREEN, I KNOW THIS IS AN IMPORTANT
11 CASE FOR YOU. YOU'VE BEEN IN CUSTODY SINCE JANUARY.
12 WE'RE GOING TO DO EVERYTHING WE CAN TO MOVE THIS
13 MATTER ALONG. OKAY?

14 **THE DEFENDANT:** YES, SIR.

15 **THE COURT:** NOW, MR. GREEN, DO YOU HAVE ANY
16 QUESTIONS ABOUT ANYTHING WE'VE COVERED TODAY?

17 **THE DEFENDANT:** NO, SIR.

18 **THE COURT:** ALL RIGHT. IS THERE ANYTHING
19 FURTHER FROM THE UNITED STATES?

20 **MR. PATHAN:** JUDGE, I WOULD JUST ASK -- I
21 KNOW IT'S BEEN A LONG DAY. ONE OF THE THINGS THAT I
22 WOULD LIKE TO DO IS TO HAVE A CHANCE TODAY JUST TO
23 RESPOND TO SOME THINGS THAT WE'VE HEARD COME OUT AND
24 JUST TO MAKE A BRIEF ARGUMENT TO THE COURT.

25 AND THE ONLY REASON WHY I ASK, JUDGE, IS

1 THAT THIS WILL PROBABLY BE MY LAST APPEARANCE IN THIS
2 COURTROOM. I'M ACTUALLY LEAVING THIS DISTRICT, AND
3 SO WHOEVER COMES IN AND REPLACES ME ON THIS CASE --
4 MOST LIKELY MY COLLEAGUE HERE, JEREMY JOHNSON -- I
5 WANT TO MAKE SURE THAT MY ARGUMENTS ARE PRESERVED ON
6 THE RECORD, BECAUSE HE'S GOING TO BE STEPPING IN AND
7 HANDLING THE SUPPLEMENTAL BRIEFING, BUT HE'S GETTING
8 UP TO SPEED ON THIS CASE.

9 **THE COURT:** WELL, THAT'S CERTAINLY A
10 REASONABLE REQUEST. BUT WE'RE GOING TO TRY TO MAKE
11 IT -- YOU KNOW, IT'S FRIDAY AFTERNOON. MR. UPTON HAS
12 THAT --

13 **MR. PATHAN:** I UNDERSTAND, JUDGE. I HAVE NO
14 LIFE, AND THIS IS THE BEST THING IN MY DAY. SO IF
15 YOU COULD GIVE ME A FEW MINUTES, I WOULD APPRECIATE
16 IT.

17 **THE COURT:** WE'RE OFF THE RECORD AT THIS
18 TIME, MS. BREAUX.

19 **(OFF THE RECORD.)**

20 **THE COURT:** SO MR. PATHAN, IF WE DON'T HAVE
21 A CHANCE TO VISIT, LET ME JUST TELL YOU IT'S BEEN A
22 REAL PLEASURE HAVING YOU IN MY COURT.

23 **MR. PATHAN:** THANK YOU, JUDGE.

24 **THE COURT:** YOU'RE A VERY FINE LAWYER AND A
25 VERY FINE FELLOW.

1 AND MR. JOHNSON, YOU'VE GOT SOME BIG SHOES
2 TO FILL HERE IN THIS CASE NOW. YOU'VE HAD THE
3 BENEFIT, HOWEVER, OF TERRIFIC WORK BY MR. SUMNER AS
4 WELL AS MR. PATHAN, SO I KNOW YOU'LL -- THE
5 GOVERNMENT WILL BE IN GOOD HANDS THERE.

6 SO LET'S GO ON AND -- FIRST OF ALL, BEFORE I
7 FORGET, LET ME SET A DEADLINE FOR THE SUBMISSION OF
8 THOSE DOCUMENTS. SO GENTLEMEN, LET'S --

9 **THE COURT:** MS. BREAUX, LET ME SEE YOU FOR A
10 MOMENT.

11 **(OFF THE RECORD.)**

12 **THE COURT:** GENTLEMEN, AGAIN, IN AN EFFORT
13 TO MOVE THE CASE ALONG, I WOULD LIKE THE POST-HEARING
14 BRIEFS TO BE FILED ON DECEMBER 4TH. THAT'S
15 ESSENTIALLY TWO WEEKS FROM TODAY. ACTUALLY, LET'S DO
16 THIS, BECAUSE I KNOW WE HAVE A HOLIDAY IN THERE.

17 MR. UPTON, I MEAN, IT'S YOUR -- YOUR CLIENT
18 IS IN CUSTODY. DO YOU HAVE ANY OBJECTION TO MOVING
19 IT TO DECEMBER 11TH?

20 **MR. UPTON:** NO. THAT'S FINE, YOUR HONOR.
21 WILL WE HAVE A TRANSCRIPT, OR --

22 **THE COURT:** WELL, THAT'S WHAT I -- DO BOTH
23 SIDES INTEND TO REQUEST A TRANSCRIPT OF THE HEARING?

24 **MR. UPTON:** I KNOW WE CERTAINLY DO.

25 **THE COURT:** OKAY. WELL, WE'RE GOING TO HAVE

1 TO PROBABLY PUSH IT BACK A LITTLE BIT FARTHER THAN
2 THAT. SO WHY DON'T WE GO ON AND SET IT FOR THE 18TH,
3 BECAUSE -- AND THAT'S A BIT FAR OUT, BUT MY COURT
4 REPORTER WILL BE AWAY FOR A WHILE AND --

5 **MR. UPTON:** THAT WOULD BE JANUARY?

6 **THE COURT:** DECEMBER.

7 **MR. UPTON:** DECEMBER 8TH?

8 **THE COURT:** 18TH. IF YOU ALL NEED MORE
9 TIME, FILE A MOTION. BUT LET'S JUST SEE -- AND IF --
10 BY THE WAY, IF FOR SOME REASON -- AND I KNOW
11 MS. BREAUX IS -- SHE'S VERY, VERY GOOD ABOUT GETTING
12 TRANSCRIPTS OUT. BUT IF -- AND OF COURSE, IF YOU
13 NEED MORE TIME, JUST LET ME KNOW.

14 **THE COURTROOM DEPUTY:** DID YOU SAY THE 8TH
15 OR THE 18TH?

16 **THE WITNESS:** 18TH. NOW, MR. JOHNSON,
17 YOU'RE NOT ENROLLED IN THE CASE YET. WE JUST CHECKED
18 THE RECORD. SO PLEASE MAKE SURE THAT YOU FILE YOUR
19 MOTION TO ENROLL. OTHERWISE I WILL HAVE TO ORDER
20 MR. PATHAN TO COME ON IN FROM -- WHICH IS NOT A BAD
21 IDEA, ACTUALLY. OKAY.

22 ALL RIGHT. MR. PATHAN, THE FLOOR IS YOURS.

23 **MR. PATHAN:** THANK YOU, JUDGE. AND I
24 APPRECIATE THE OPPORTUNITY TO MAKE MY -- TO MAKE THIS
25 ARGUMENT. AND I WON'T WASTE YOUR TIME AND I'LL GET

1 STRAIGHT TO THE FACTS.

2 **THE COURT:** LET ME JUST ASSURE YOU, WE HAVE
3 -- TAKE AS MUCH -- WITHIN REASON, AS MUCH TIME AS YOU
4 NEED. OKAY?

5 **MR. PATHAN:** ALL RIGHT. REASONABLE IS
6 STANDARD. THAT'S VERY PERTINENT, SIR, BECAUSE THAT'S
7 THE STANDARD HERE WITH THE FOURTH AMENDMENT AND THE
8 STOP.

9 YOUR HONOR, YOU KNOW, I'M GOING TO BEGIN
10 WITH JUST THE STOP ITSELF AND WHAT FACTS SUPPORTED
11 PROBABLE CAUSE OR REASONABLE SUSPICION. NOW, THE
12 OFFICER TESTIFIED THAT HE HAD OBSERVED THIS VEHICLE
13 AT THAT HOUSE AND THAT HOUSE HAD BEEN ASSOCIATED WITH
14 DRUG TRAFFICKING. HE HAD -- YOU KNOW, THERE HAD BEEN
15 ARRESTS THERE MADE PREVIOUSLY. BUT THAT'S ALL PART
16 OF A SECONDARY ARGUMENT.

17 ONE THING THAT THE OFFICER TESTIFIED ABOUT
18 WAS THAT HE HAD SEEN A TRAFFIC VIOLATION. AND THAT
19 TRAFFIC VIOLATION WAS THAT THERE WAS AN UNRESTRAINED
20 CHILD IN THE VEHICLE. AND, JUDGE, WHAT INFORMATION
21 THAT'S IN THE BODY CAMERA -- I'M NOT TALKING ABOUT
22 THE REPORT -- WHAT'S IN THE BODY CAMERA THAT SUPPORTS
23 THE OFFICER'S TESTIMONY THAT HE MADE HERE IN COURT
24 TODAY? WELL ONE, WHEN THE OFFICER ACTUALLY
25 APPROACHED THE VEHICLE, THE CHILD WAS STILL IN THAT

1 PASSENGER SEAT IN THE LAP OF THAT WOMAN.

2 NOW, WE ALSO HEARD IN THE BODY CAMERA
3 FOOTAGE THAT THE DRIVER OF THE VEHICLE, SHE REFERS TO
4 THAT CHILD AS *MY KID*. THAT'S HER DAUGHTER. IS IT
5 MORE LIKELY THAN NOT THAT THAT CHILD BELONGS TO --
6 YOU KNOW, WAS UP THERE IN THE FRONT? YES, BECAUSE
7 IT'S CLOSER TO HER MOTHER.

8 NOW, IN THE BACK SEAT WHAT WAS GOING ON?
9 WELL, THE DEFENDANTS WERE BACK THERE, THE SEATS WERE
10 DOWN, THERE WAS NO CHILD CAR SEAT. ALL OF THESE
11 THINGS MAKE IT MORE LIKELY THAN NOT THAT THE OFFICER
12 OBSERVED THAT CHILD IN THE PASSENGER SEAT BEFORE HE
13 PULLED THE VEHICLE OVER.

14 NOW, AS THE OFFICER TESTIFIED, THAT WASN'T
15 THE ONLY THING THAT WAS GOING ON AT THE TIME. HE HAD
16 SEEN THIS CAR AND HE HAD PASSED IT BY EARLIER WHEN HE
17 HAD SEEN IT IN THAT BROOKSTOWN AREA. AND HE REFERRED
18 TO THAT AREA AS A HIGH-CRIME AREA. HE REFERRED IT TO
19 -- THAT RESIDENCE AS BEING ASSOCIATED WITH DRUG
20 TRAFFICKING OR CERTAIN ARRESTS THAT HAVE HAPPENED IN
21 THE PAST.

22 BUT ALL OF THAT GOES TO, YOU KNOW, CERTAIN
23 FACTORS MAY BE SUPPORTING REASONABLE SUSPICION THAT
24 THE OFFICER HAD THAT THERE WAS POTENTIAL DRUG
25 TRAFFICKING GOING ON, THAT THE VEHICLE MAY HAVE BEEN

1 INVOLVED. RIGHT? THERE WAS AN OUT-OF-STATE PLATE,
2 DRUGS ARE TRAFFICKING -- YOU KNOW, TRAFFICKING IN
3 INTERSTATE COMMERCE. SO THERE ARE A BUNCH OF OTHER
4 THINGS THAT ARE HAPPENING IN THIS CASE.

5 BUT JUST TO -- ON THE MOST SIMPLE POINT, HE
6 SEES AN UNRESTRAINED CHILD. THERE IS TONS OF
7 EVIDENCE IN THE BODY CAMERA FOOTAGE THAT THAT CHILD
8 HAD NOT MOVED; THAT CHILD HAS BEEN IN THERE IN THE
9 FRONT PASSENGER SEAT; THERE WAS NO CAR SEAT; THE
10 SEATS WERE DOWN.

11 AND IN THE BACK, IN FACT, THERE WAS TONS OF
12 LAUNDRY. I MEAN, WE SAW THE OFFICER DIGGING BACK
13 THERE. THERE IS BIG LAUNDRY BASKETS. IT PROBABLY
14 WASN'T SAFE TO PUT A CHILD BACK THERE, WHICH IS WHY
15 ONE REASON -- ONE FACTUAL INFERENCE THAT ONE CAN MAKE
16 IS THAT THE CHILD WAS UP IN THE FRONT BECAUSE IT WAS
17 POSSIBLY SAFER FOR HER AS WELL. AND THAT CHILD DID
18 BELONG TO THE DRIVER OF THE VEHICLE, ACCORDING TO THE
19 DRIVER.

20 NOW, YOU KNOW, YOUR HONOR, I'VE MENTIONED A
21 COUPLE OF TIMES NOW THAT THERE WAS OTHER FACTS
22 SUPPORTING REASONABLE SUSPICION IN THIS CASE FOR THE
23 STOP IN TERMS OF WHETHER OR NOT THERE WAS A DRUG
24 TRAFFICKING CRIME GOING ON. AND I'M JUST GOING TO
25 LIST A COUPLE OF THOSE RIGHT NOW. ONE, THE OFFICER

1 WAS -- YOU KNOW, HE HAS FAMILIARITY AND EXPERIENCE
2 WITH THAT RESIDENCE. HE HAS, YOU KNOW, ARRESTED
3 FOLKS FOR DRUG TRAFFICKING CRIMES AT THAT RESIDENCE
4 IN THE PAST. AND I BELIEVE I HAD ASKED HIM HOW
5 "RECENT WAS SOME OF THAT STUFF?" AND HE SAID,
6 "WITHIN THE PAST COUPLE OF MONTHS."

7 NOW, THE VEHICLE HAD OUT-OF-STATE PLATES,
8 WHICH AGAIN RAISES THE SPECTER THAT THERE MAY BE A
9 DRUG TRAFFICKING CRIME. AND IMPORTANTLY THIS IS
10 SOMETHING THE OFFICER SAID TIME AFTER TIME AFTER
11 TIME: THAT THERE WAS CERTAIN SUSPICIOUS DRIVING.
12 AND WE'VE TALKED A LOT ABOUT THE REPORTS IN THIS
13 CASE.

14 BUT IF YOU LOOK AT THE INITIAL REPORT, THE
15 DRIVER -- THE OFFICER REFERS TO THE DRIVING AS
16 *SUSPICIOUS DRIVING*. A PROSECUTOR LOOKS AT THAT AND
17 SAYS, "WHAT DO YOU MEAN? WHAT DO YOU MEAN? WHEN YOU
18 SAY 'SUSPICIOUS DRIVING,' WHAT DO YOU MEAN?" AND
19 THAT MAY BE ONE EXPLANATION FOR WHY WE GOT SUPPLEMENT
20 REPORTS, BECAUSE AN OFFICER SAYS, "HEY, I'VE DONE MY
21 JOB. I SAID 'SUSPICIOUS.'"

22 THE PROSECUTOR LOOKS AT THAT, THE ATTORNEY
23 LOOKS AT THAT AND SAYS, "CAN YOU EXPLAIN? WHEN YOU
24 SAID 'HIGH CRIME AREA,'" RIGHT -- IN THE INITIAL
25 REPORT HE SAID, "THIS IS A HIGH-CRIME AREA." WELL,

1 TODAY IN COURT HE TALKED A LOT ABOUT WHY HE BELIEVES
2 IT'S A HIGH-CRIME AREA.

3 SO THERE IS ALWAYS THINGS THAT CAN BE
4 FLUSHED OUT THAT MAY NOT BE IN THAT INITIAL REPORT
5 THAT AFTER AN ATTORNEY GETS INVOLVED, AFTER THERE IS
6 LITIGATION, THAT IT'S FLUSHED OUT. AND THAT'S --
7 YOUR HONOR, I WOULD PROFFER THAT'S WHAT HAPPENED IN
8 THIS CASE. THAT IT'S NO COINCIDENCE THAT THE OFFICER
9 MET WITH MR. SUMNER AND MYSELF AND THEN SUPPLEMENTAL
10 REPORTS WERE PRODUCED.

11 YOU KNOW, WHEN YOU SEE FACTS SUCH AS -- OR
12 YOU SEE CLAIMS OF *SUSPICIOUS DRIVING, HIGH-CRIME*
13 *AREA*, IT'S GOING TO DRAW SOME SCRUTINY FROM AN
14 ATTORNEY. AND EVEN IN THE INITIAL REPORT THE OFFICER
15 MAKES NOTE THAT THERE WAS A CHILD UNRESTRAINED IN THE
16 VEHICLE. THAT WAS IN THE ORIGINAL REPORT. AND THEN
17 WHEN AN ATTORNEY GOT INVOLVED, THE REPORT WAS
18 CLARIFIED: "WHEN DID YOU NOTICE THAT? WHEN DID YOU
19 FIRST OBSERVE THAT?"

20 AND SO, YOUR HONOR, THERE WAS A COUPLE OF
21 DIFFERENT THINGS HERE. BUT IMPORTANTLY IN THE BODY
22 CAMERA FOOTAGE, THE OFFICER ON SEVERAL OCCASIONS AND
23 AT LEAST ONCE DIRECTLY TO THE DRIVER SAYS, "HERE'S
24 THE SUMMARY OF EVERYTHING THAT I SAW BEFORE THIS STOP
25 HAPPENED." AND AT NO POINT DID SHE DISAGREE WITH

1 HIM. SHE DOES NOT DISAGREE WITH HIS
2 CHARACTERIZATION. AND SHE, IN FACT, SAYS, "I CHANGED
3 MY PLANS LIKE THAT." SHE CONFIRMS AND CORROBORATES
4 WHAT HE TESTIFIED TO.

5 AND IT'S UNFORTUNATE THAT THE BODY CAMERA
6 FOOTAGE -- OR THE FLEET FOOTAGE FROM THE POLICE UNIT
7 DIDN'T PICK UP EARLIER -- NOW, THE OFFICER DID
8 TESTIFY THAT EVEN IF IT HAD STARTED EARLIER,
9 HERE'S --

10 **THE COURT:** THE ANGLE.

11 **MR. PATHAN:** THE ANGLE WASN'T GOOD FOR THAT
12 INCIDENT TO BE CAPTURED. SO, YOUR HONOR, I WOULD
13 ENCOURAGE YOU TO CONSIDER HOW THE BODY CAMERA FOOTAGE
14 CORROBORATES WHAT THE OFFICER IS SAYING.

15 I KNOW THERE HAS BEEN A LOT OF DISCUSSION OF
16 THE REPORT, BUT WE KNOW WHAT ACTUALLY HAPPENED. THE
17 FULL STOP AND SEARCH OF THE VEHICLE, BARRING THE
18 INITIAL ENCOUNTER AT THE BROOKSTOWN RESIDENCE --
19 WHICH AGAIN, SHE DOES NOT DISAGREE THAT THE CAR WAS
20 AT A HOME IN BROOKSTOWN. SHE ACTUALLY CONFIRMS THAT.
21 AT NO POINT DID SHE DISAGREE WITH THAT
22 CHARACTERIZATION.

23 SO, YOUR HONOR, I WOULD SUBMIT THAT THE
24 VEHICLE AND ALL THE FACTORS THAT THE SERGEANT
25 TESTIFIED TO, ABOUT THE EVASIVE MANEUVERS, THE CAR

1 BEING AT THE BROOKSTOWN, THE DRIVER OF THE VEHICLE,
2 HER STATEMENTS ON THE BODY CAMERA FOOTAGE AT THE TIME
3 SUPPORTS WHAT THE OFFICER IS SAYING. COULD THE
4 REPORTS HAVE BEEN BETTER IN THIS CASE? ABSOLUTELY.
5 BUT THAT'S PRECISELY WHY ATTORNEYS LOOKED AT THOSE
6 REPORTS AND SAID, "YOU NEED TO SUPPLEMENT THIS." AND
7 THIS IS SOMETHING THAT HAPPENS ON OCCASION. SOME
8 OFFICERS ARE GREAT ABOUT WRITING REPORTS, SOME
9 OFFICERS AREN'T. AND THEY DON'T ALWAYS UNDERSTAND
10 WHAT'S MATERIAL AND WHAT'S LEGALLY MATERIAL WHEN IT
11 COMES TO A MOTION TO SUPPRESS.

12 AND SO, YOUR HONOR, I WOULD SUBMIT THAT THIS
13 IS A PART OF PROSECUTION AT TIMES WHERE YOU HAVE TO
14 EDUCATE OFFICERS AND YOU HAVE TO EXPLAIN TO THEM THE
15 IMPORTANCE OF EVIDENCE. AND IN THIS CASE THE
16 SUPPLEMENTAL REPORTS WERE PROVIDED TO DEFENSE
17 COUNSEL. WE HAVE DISCOVERY OBLIGATIONS. AND IF AN
18 OFFICER TELLS US, *WELL, HEY, I DID LOOK AT THAT*
19 *FOOTAGE AND NOW I REMEMBER THIS*, THAT HAS TO BE IN A
20 REPORT.

21 AND SO I KNOW THE NUMBER OF REPORTS HERE
22 MIGHT SEEM ALARMING, BUT THAT IS GOOD PROCESS. THAT
23 IS PROCESS DESIGNED TO PUT THE DEFENDANT AND DEFENSE
24 COUNSEL ON NOTICE OF WHAT HAPPENED IN THIS CASE. BUT
25 AGAIN, WE HAVE THE BODY CAMERA FOOTAGE, AND THAT

1 CORROBORATES WHAT THE OFFICER HAS BEEN TELLING US.

2 I KNOW IN THE DEFENSE COUNSEL'S MOTION HE
3 ALSO MAKES AN OBJECTION IN THIS CASE TO THE SEARCH OF
4 THE DEFENDANT. BUT ON AT LEAST TWO OCCASIONS THE
5 OFFICER NOTES, AFTER HANDLING THE DEFENDANT, BEING IN
6 CLOSE PROXIMITY TO HIM, *YOU SMELL LIKE MARIJUANA.*
7 NOW, UNDER FIFTH CIRCUIT CASE LAW, THE SMELL OF
8 MARIJUANA ALLOWS THE OFFICERS TO GO IN -- THIS IS
9 *UNITED STATES V. MCSWEEN* -- TO GO INTO THAT CAR AND
10 TO SEARCH IT. THEY HAVE THE AUTHORITY UNDER FIFTH
11 CIRCUIT CASE LAW TO SEARCH THE VEHICLE.

12 BUT THE OFFICER ALSO NOTED THAT THAT SMELL
13 WAS COMING FROM THE DEFENDANT HIMSELF. AND ON THAT
14 BASIS -- AND HE ALSO MENTIONS THAT, YOU KNOW, HE
15 OBSERVED THE DEFENDANT WAS BEHAVING STRANGELY, HE HAD
16 SOME STRANGE MOVEMENTS. AND THAT MAY BE BECAUSE HE
17 HAD A FIREARM IN HIS UNDERWEAR POINTING STRAIGHT AT
18 HIS TORSO AND HE HAS TO HANDLE HIMSELF VERY CAREFULLY
19 AT THAT POINT. OTHERWISE THAT GUN MAY GO OFF.

20 AND SO SOME OF THESE THINGS THAT ARE
21 HAPPENING AND SOME OF THESE OBSERVATIONS THAT THE
22 SERGEANT TESTIFIED TO I BELIEVE ARE CONFIRMED BY THE
23 BODY CAMERA FOOTAGE. HE SAYS THAT ON THE VIDEO AT
24 THE TIME, CONTEMPORANEOUSLY, "YOU SMELL LIKE
25 MARIJUANA. YOU SMELL" -- AND THAT'S WHAT THEY FOUND

1 LATER ON. THEY FOUND MARIJUANA IN THE VEHICLE ON THE
2 JUVENILE WHO WAS SITTING IN THE BACK SEAT.

3 AND THE OFFICER AT THE TIME THAT HE
4 CONDUCTED THAT SEARCH, IMPORTANTLY, HE HAD FOUND
5 AMMUNITION IN THE CAR ALREADY. AND AT THAT POINT
6 HE'S ON NOTICE. AND THERE IS AMMUNITION THAT BELONGS
7 TO TWO DIFFERENT CALIBER OF GUNS. SO THERE MAY BE
8 MORE THAN ONE GUN THAT'S EITHER IN THE -- ON THE
9 OCCUPANTS OR IN THE CAR ITSELF. AND SO THE OFFICER
10 AT THAT POINT FOR SAFETY PURPOSES, FOR -- YOU KNOW,
11 FOR EVEN JUST TO IDENTIFY OTHER CONTRABAND SEARCHED
12 THE DEFENDANT.

13 NOW, THE SUBJECTIVE INTENTIONS OF THE
14 OFFICER, AS THE COURT WELL KNOWS, DOESN'T MATTER IN
15 THE -- WHEN IT COMES TO A MOTION TO SUPPRESS. AND
16 SO, YOU KNOW, ONE OF THE THINGS THAT THE OFFICER
17 TALKS ABOUT IS HOW, YOU KNOW -- THE OFFICER TALKED
18 ABOUT HOW CERTAIN THINGS DIDN'T REALLY MATTER.
19 RIGHT? THE OUT-OF-STATE LICENSE PLATE, HE DIDN'T
20 GIVE IT TOO MUCH WEIGHT.

21 BUT AGAIN, YOUR HONOR, IN THIS CASE THERE IS
22 A TRAFFIC VIOLATION THAT'S OBSERVED FIRSTHAND. THE
23 DRIVER OF THE VEHICLE DOES NOT CONTEST HIS
24 CHARACTERIZATION OF THE EVENTS LEADING TO THAT STOP.
25 AND I THINK THERE IS SUFFICIENT CONSTITUTIONAL BASIS

1 FOR THE WAY THAT THE OFFICER ACTED. HE ACTED
2 REASONABLY.

3 NOW, WHAT'S HAPPENED TODAY IS THAT WE
4 FOCUSED ON HIS REPORTS, WE FOCUSED ON OTHER THINGS,
5 THE SEARCH THAT WAS NOT CHARGED IN THIS CASE. BUT IF
6 YOU JUST LOOK AT THE BODY CAMERA FOOTAGE AND YOU LOOK
7 AT WHAT THE OFFICER TESTIFIED, THEY LINE UP.

8 NOW, THERE ARE CERTAIN THINGS, AS IN EVERY
9 CASE, THAT THE BODY CAMERA -- OR THAT THE POLICE
10 VIDEO DOESN'T CAPTURE. BUT AGAIN, HE SUMMARIZES TO
11 THE DRIVER: *HERE'S WHAT HAPPENED.* SHE CONFIRMS IT.
12 NOW, THERE ARE CERTAIN THINGS SUCH AS, YOU KNOW, HIS
13 KNOWLEDGE OF THIS AREA BEING A HIGH-CRIME AREA,
14 WHICH, YOU KNOW, HE DIDN'T ASK HER ABOUT. THAT'S HIS
15 EXPERIENCE. SO HE ALSO TESTIFIED ABOUT HIS
16 EXPERIENCE, YOUR HONOR. HE'S -- THIS OFFICER HAS
17 SERVED ON THE FORCE FOR 20 PLUS YEARS. AND AS THE
18 COURT ASKED HIM, NO DISCIPLINARY ACTIONS. HE'S BEEN
19 FOUND TO BE CREDIBLE.

20 SHOULD HE WORK ON HIS REPORTS? POSSIBLY,
21 YOUR HONOR. AND THAT'S SOMETHING THAT, YOU KNOW,
22 ATTORNEYS ARE PART OF THAT PROCESS. RIGHT? THE U.S.
23 ATTORNEY'S OFFICE WORKING WITH HIM AND GETTING THE
24 EXTRA INFORMATION OUT. BUT I THINK THIS IS A PROBLEM
25 THAT HAPPENS IN A LOT OF CASES, YOUR HONOR. AND I

1 DON'T THINK THAT THAT ISSUE BEARS ON WHAT HAPPENED
2 ENTIRELY IN THAT MOMENT, IN THAT SNAPSHOT OF TIME
3 WHERE THIS OFFICER OBSERVED THIS VEHICLE AT THAT
4 RESIDENCE AND THEN ALSO FOUND THAT THERE WAS A
5 TRAFFIC VIOLATION.

6 NOW, THE OFFICER DID ADMIT THAT *I MAY NOT*
7 *HAVE PULLED HIM OVER ON THE BASIS OF THAT TRAFFIC*
8 *VIOLATION IF I HADN'T SEEN ALL THAT OTHER STUFF.*

9 **THE COURT:** RIGHT, I UNDERSTAND.

10 **MR. PATHAN:** BUT THAT -- AGAIN, HIS
11 SUBJECTIVE INTENTION DOESN'T MATTER. HE DID OBSERVE
12 A TRAFFIC VIOLATION AND HE PULLED THE CAR OVER. AND
13 SO, YOUR HONOR, I KNOW I'VE BEEN BELABORING THE
14 POINT, BUT MUCH OF WHAT THE OFFICER SAYS IS
15 CORROBORATED BY THE BODY CAMERA.

16 AND I KNOW THAT MR. UPTON IS CONCERNED ABOUT
17 THE SUPPLEMENTAL REPORTS AND THE FACT THAT THERE IS
18 NEW INFORMATION THAT HE BELIEVES THAT WERE ADDED TO
19 THOSE REPORTS. BUT THAT HAPPENS IN ALL SORTS OF
20 CASES. AND I WOULD SUBMIT TO THE COURT THAT THAT'S A
21 GOOD THING, ESPECIALLY WHEN A LOT OF THAT INFORMATION
22 IS CORROBORATED BY THE BODY CAMERA.

23 NOT -- I KNOW THAT WE HAVE THIS CONFUSION
24 POSSIBLY ABOUT HOW MANY REPORTS DID HE ACTUALLY
25 DRAFT; SUPPLEMENTAL REPORTS. AND I THINK THE OFFICER

1 FINALLY SAID, AT THE COURT'S QUESTIONING, THAT HE
2 DRAFTED REALLY FOUR REPORTS. THERE IS THE INITIAL
3 REPORT, AND THAT INITIAL REPORT IS DRAFTED IN A WAY
4 NOT TO PUT TOO MUCH INFORMATION BECAUSE IT COULD BE
5 PUBLIC. SO THEN ALMOST SIMULTANEOUSLY HE DRAFTS A
6 SUPPLEMENTAL REPORT THAT'S FOR LAW ENFORCEMENT. AND
7 THEN AFTER HE MET WITH MR. SUMNER AND MYSELF, HE
8 DRAFTED ADDITIONAL REPORTS. THAT SEEMS MUCH MORE
9 REASONABLE THAN THE IDEA THAT HE DRAFTED 11 REPORTS.

10 SOME OF THESE OTHER REPORTS, YOUR HONOR --
11 AND THE REPORTS ARE IN EVIDENCE, SO I COULD SAY THIS:
12 ALL THOSE OTHER REPORTS, IT'S A REPORT DOCUMENTING IF
13 DNA WAS TAKEN FROM THE GUN AND FINGERPRINTS --

14 **THE COURT:** RIGHT. I UNDERSTAND.

15 **MR. PATHAN:** SO JUST TO REPEAT FOR THE COURT
16 REPORTER'S SAKE, SOME OF THESE OTHER REPORTS ARE JUST
17 DOCUMENTING IF DNA WAS TAKEN FROM THE GUN, IF THE GUN
18 IS STOLEN, IF THE VICTIM OF THAT THEFT -- OF THAT
19 STOLEN FIREARM WAS CONTACTED AND WHAT HIS STATEMENTS
20 WERE. THERE IS ALWAYS SUPPLEMENTAL REPORTS, YOUR
21 HONOR. THIS IS JUST A PART OF THE PROCESS.

22 SO YOUR HONOR, I WOULD SUBMIT THAT THERE WAS
23 A CONSTITUTIONAL BASIS FOR THE STOP ON TWO LEVELS:
24 ONE, THERE WAS REASONABLE SUSPICION THAT THERE WAS A
25 DRUG TRAFFICKING CRIME THAT WAS ONGOING OR JUST HAD

1 OCCURRED; AND TWO, THAT THERE WAS A TRAFFIC VIOLATION
2 THAT THE OFFICER OBSERVED AND TESTIFIED TO THAT IS
3 SUPPORTED AND CORROBORATED BY THE BODY CAMERA
4 FOOTAGE.

5 AND AS FAR AS THE SEARCH OF THE DEFENDANT,
6 THE SMELL OF MARIJUANA, THE OFFICER NOTES ON SO MANY
7 OCCASIONS BEFORE THE SEARCH, INCLUDING TO THE
8 DEFENDANT HIMSELF, THAT HE SMELLS LIKE MARIJUANA;
9 HE'S FOUND THE FIREARM -- OR HE'S FOUND THE
10 AMMUNITION BEFORE HE DOES THE SEARCH. AND HE
11 DESCRIBED HOW HE PATTED DOWN THE DEFENDANT ON HIS
12 PANTS AND THAT IN HIS GROIN AREA AND HE FELT WHAT HE
13 THOUGHT WAS A GUN. AND AT THAT POINT HE HAS THE
14 AUTHORITY CONSTITUTIONALLY TO GO IN AND TO RETRIEVE
15 THAT ITEM FOR HIS OWN SAFETY.

16 SO YOUR HONOR, FOR ALL THOSE REASONS, THIS
17 IS -- THE OFFICER'S CONDUCT HERE WAS CONSTITUTIONALLY
18 SUPPORTED, IT WAS REASONABLE, AND IT DOES NOT VIOLATE
19 THE FOURTH AMENDMENT. THANK YOU.

20 **THE COURT:** THANK YOU, MR. PATHAN.

21 MR. UPTON?

22 **MR. UPTON:** I JUST WANT TO SAY MR. PATHAN IS
23 A REALLY GOOD LAWYER. I'VE ENJOYED WORKING WITH HIM.
24 I'M GOING TO MISS HIM. I'M SORRY HE'S LEAVING.

25 **THE COURT:** ME TOO. IS THAT IT?

1 **MR. UPTON:** THAT'S IT.

2 **THE COURT:** ALL RIGHT. WELL, GENTLEMEN,
3 AGAIN, THANK YOU ALL. THIS IS HELPFUL. I WILL AWAIT
4 THE FILING OF YOUR POST-HEARING BRIEFS ON THE 18TH,
5 AND THE COURT IS COMMITTED TO ISSUING A RULING
6 SHORTLY THEREAFTER.

7 I HOPE EVERYONE HAS A NICE THANKSGIVING.
8 THERE BEING NO FURTHER BUSINESS FOR THE COURT, COURT
9 IS NOW ADJOURNED.

10 **(WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)**

11 **C E R T I F I C A T E**

12 I CERTIFY THAT THE FOREGOING IS A CORRECT
13 TRANSCRIPT FROM THE RECORD OF THE PROCEEDINGS IN THE
14 ABOVE-ENTITLED NUMBERED MATTER.

15 **S:/NATALIE W. BREAUX**

16 **NATALIE W. BREAUX, RPR, CRR**

17 **OFFICIAL COURT REPORTER**

18

19

20

21

22

23

24

25