

September Term, 2021
No. 45

**IN THE
COURT OF APPEALS OF MARYLAND**

DAWNTA HARRIS,
Petitioner,

v.

STATE OF MARYLAND,
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF SPECIAL APPEALS OF MARYLAND**

**RECORD EXTRACT
VOLUME 2 OF 3
(E. 165 - 332)**

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RECORD EXTRACT
TABLE OF CONTENTS

Volume 1 of 3

Docket Entries from *State v. Dawnta Harris*,
Baltimore County Circuit Court Case No. 03-K-18-002254.....E. 1

Court of Special Appeals Reported Opinion in
Dawnta Harris v. State, No. 1515, September Term, 2019
Decided July 28, 2021.....E. 24

Indictment in *State v. Dawnta Harris*, Case No. 03-K-18-002254.....E. 72

Trial Transcripts from *State v. Dawnta Harris*, Case No. 03-K-18-002254

April 23, 2019.....E. 79

 Kirsten Roller (excerpts).....E. 81

 Christopher Squires (excerpts).....E. 120

April 24, 2019.....E. 138

 Donald Williams (excerpts).....E. 140

 Kenneth Chambers (excerpts).....E. 144

 Officer Laurie Williams (excerpts).....E. 149

April 25, 2019.....E. 152

 Dr. Melissa Brassell (excerpts).....E. 154

Volume 2 of 3

April 26, 2019.....E. 165

 Detective Alvin Barton (excerpts).....E. 167

April 29, 2019.....E. 248

 Detective Alvin Barton (excerpts).....E. 250

April 30, 2019.....E. 265

 Arguments by counsel.....E. 267

 Jury instruction on accomplice liability.....E. 271

 Closing argument by State.....E. 272

 Rebuttal argument by State.....E. 292

Verdict Sheet.....E. 293

State’s Exhibits (Photographs)

 Exhibits 27C-DD Officer Caprio’s Body Worn Camera Photographs.....E. 294

 Exhibits 10A-F Photographs of Jeep on Dawnville.....E. 322

 Exhibits 21I-M Photographs of Items Located in Jeep.....E. 328

Volume 3 of 3

Sentencing Guidelines for Murder.....E. 333

Sentencing Hearing Transcripts August 21, 2019.....E. 334

Pre-Sentence Investigation.....E. 403

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

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Detective Barton	10	232	---	---

1 MS. COFFIN: At this time I would offer into
2 evidence State's Exhibit Number 67, which is the redacted
3 by agreement of all parties, copy of Defendant Harris'
4 statement.

5 MR. BROWN: No objection.

6 THE COURT: All right. It's in.

7

8 **(State Exhibit 67 is admitted in evidence.)**

9 **(Interview video plays 9:53:36 as follows:)**

10

11 DETECTIVE: What's your last name?

12 MR. HARRIS: Harris.

13 DETECTIVE: What is it?

14 MR. HARRIS: Harris.

15 DETECTIVE: Harris?

16 MR. HARRIS: Uh-huh.

17 DETECTIVE: What's your first name?

18 MR. HARRIS: Dawnta.

19 DETECTIVE: How do you spell it?

20 MR. HARRIS: D-o-n-t-e. [sic]

21 DETECTIVE: What's your date of birth, Mr. Harris?

22 MR. HARRIS: January 8, 2002.

23 DETECTIVE: 2002? You have an alias?

24 MR. HARRIS: Uhn-uhn.

25 DETECTIVE: How old are you?

1 MR. HARRIS: 16.
2 DETECTIVE: 16. What school you go to?
3 MR. HARRIS: Francis M. Wood.
4 DETECTIVE: What is it?
5 MR. HARRIS: Francis M. Wood.
6 DETECTIVE: Francis M. Wood?
7 MR. HARRIS: Yes.
8 DETECTIVE: W-o-o-d?
9 MR. HARRIS: Yes.
10 DETECTIVE: Where is that?
11 MR. HARRIS: On Saratoga.
12 DETECTIVE: On Saratoga?
13 MR. HARRIS: It's in the city.
14 DETECTIVE: All right. You --
15 DETECTIVE: Let me help you off with this. Is
16 that okay? All right. Stand up. Hook you on here for a
17 minute. Do you want anything to drink or anything?
18 MR. HARRIS: Maybe a bottled water.
19 DETECTIVE: All right. Give me about 10 minutes,
20 I'll get you a bottle of water. All right?
21 MR. HARRIS: (No audible response)
22 DETECTIVE: (Inaudible - 9:54:52)
23
24 **(WHEREUPON, a pause had in the proceedings.)**
25

1 DETECTIVE: What's your address?
2 MR. HARRIS: 1625 --
3 DETECTIVE: 1625?
4 MR. HARRIS: -- Vincent Court.
5 DETECTIVE: Vincent Court. What's the ZIP?
6 MR. HARRIS: 21217.
7 DETECTIVE: Is that an apartment or anything?
8 MR. HARRIS: It's the projects.
9 DETECTIVE: -- (Inaudible - 9:57:04)
10 DETECTIVE: What's the name of it?
11 MR. HARRIS: Gilmor Homes.
12 DETECTIVE: Who you live there with?
13 MR. HARRIS: My mother and my little sister.
14 DETECTIVE: What's your mom's name?
15 MR. HARRIS: Tanika.
16 DETECTIVE: Tanika?
17 MR. HARRIS: Yes.
18 DETECTIVE: Spell that for me.
19 MR. HARRIS: T-a-n-i-k-a.
20 DETECTIVE: What's her last name?
21 MR. HARRIS: Wilson.
22 DETECTIVE: Wilson?
23 MR. HARRIS: Yes.
24 DETECTIVE: Do you know her date of the birth?
25 MR. HARRIS: Yes, 9-27-84.

1 DETECTIVE: She have a phone number?

2 MR. HARRIS: Yes, but I'm not sure what her
3 number was.

4 DETECTIVE: Okay. All right. Hang tight.

5

6 **(WHEREUPON, a pause had in the proceedings.)**

7

8 DETECTIVE: Hey, you all right?

9 MR. HARRIS: I'm okay.

10 DETECTIVE: You need something else to drink?
11 I can give you a bottle of water.

12 DETECTIVE: I already gave him that, you want
13 another one?

14 MR. HARRIS: No.

15 DETECTIVE: My name is Detective Barton, I
16 appreciate you waiting around. Sometimes it takes me a
17 while to catch up and talk to people. So thanks for being
18 patient, first of all. Okay? There is a couple of things
19 I gotta do here, and some information that we get from
20 everybody that comes in. I want do that first, and then
21 I want to talk about what's going on and why you're even
22 came to be here. Okay? So, the first thing we do is get
23 information from everyone that we talk to. It's the same
24 thing for everybody, just so we can keep track of who we
25 talk to each time somebody comes in. Okay?

1 So, somebody else might have ask you a couple of
2 these, but I doubt if they did the whole form. These are
3 done for yourself. So what is your first name?

4 MR. HARRIS: Dawnta.

5 DETECTIVE: How do you spell it?

6 MR. HARRIS: D-o-n-t-e [sic].

7 DETECTIVE: Do you have a middle name?

8 MR. HARRIS: Anthony.

9 DETECTIVE: Okay. What's your last name?

10 MR. HARRIS: Harris.

11 DETECTIVE: Harris?

12 MR. HARRIS: Yes.

13 DETECTIVE: Okay. Nickname?

14 MR. HARRIS: Tay.

15 DETECTIVE: Tay, T-a-y?

16 MR. HARRIS: Uh-huh.

17 DETECTIVE: Okay. How old are you?

18 MR. HARRIS: 16.

19 DETECTIVE: What's your birth date?

20 MR. HARRIS: January 8, 2002.

21 DETECTIVE: Okay. Do you know how tall you are?

22 MR. HARRIS: I think I'm 5'7" or 5'8".

23 DETECTIVE: Okay. Do you know what you weigh
24 currently?

25 MR. HARRIS: Probably 120.

1 DETECTIVE: All right. What's your current home
2 address?

3 MR. HARRIS: 1625 Vincent Court.

4 DETECTIVE: Vincent?

5 MR. HARRIS: Yes.

6 DETECTIVE: Is that V-i-n-c-e-n-t?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: All right. Do you know your ZIP code?

9 MR. HARRIS: 21217.

10 DETECTIVE: How about your social security number,
11 do you know that?

12 MR. HARRIS: (No audible response)

13 DETECTIVE: Most people don't. Do you have a home
14 phone?

15 MR. HARRIS: (No audible response)

16 DETECTIVE: Do you have a cell?

17 MR. HARRIS: (No audible response)

18 DETECTIVE: What's your cell?

19 MR. HARRIS: (443) 651-4647.

20 DETECTIVE: 4647?

21 MR. HARRIS: Yes.

22 DETECTIVE: Okay. Then we always ask a couple
23 questions of like after we get done talking, if we needed to
24 follow-up, like, what's another relative. Do you live with
25 your parent?

1 MR. HARRIS: (No audible response)

2 DETECTIVE: Mom?

3 MR. HARRIS: Yeah.

4 DETECTIVE: Okay. What's your mom's name?

5 MR. HARRIS: Tanika Wilson.

6 DETECTIVE: Tanika?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: How do you spell it?

9 MR. HARRIS: T-a-n-i-k-a.

10 DETECTIVE: Did you say Wilson?

11 MR. HARRIS: Yes.

12 DETECTIVE: All right. The same address 1625?

13 MR. HARRIS: (No audible response)

14 DETECTIVE: All right. You're not married are
15 you?

16 MR. HARRIS: (No audible response)

17 DETECTIVE: Girlfriend?

18 MR. HARRIS: (No audible response)

19 DETECTIVE: All right.

20

21 **(Interview video is suspended at 10:02:23.)**

22

23 **BY MS. COFFIN:**

24 Q Detective Barton, did you ask if he had a
25 girlfriend just then, what was his response?

1 A That he did not.

2 Q When you asked him to spell his name at the
3 beginning of this interview, he gave you a spelling,
4 correct?

5 A He did.

6 Q What spelling was that?

7 A D-o-n-t-e.

8 Q On the Miranda form that has been admitted into
9 evidence, he actually gave the correct spelling of his name.

10 A He gave me -- no, I don't think so. The Miranda
11 form reflects the spelling he gave to me at the scene.

12 Q Uh-huh, but when he wrote his own name?

13 A Oh, the signature at the bottom. Yes, you're
14 correct. It's spelled D-a-w-n-t-a in his own handwriting.

15 Q Okay. So this is the spelling he gave you, and
16 this is the spelling he wrote himself?

17 A Correct.

18 Q Thank you. You can continue.

19

20 **(Interview video resume 10:03:25 as follows:)**

21

22 DETECTIVE: You currently in school?

23 MR. HARRIS: (No audible response)

24 DETECTIVE: What school you go to?

25 MR. HARRIS: Francis M. Wood.

1 DETECTIVE: Say that again.
2 MR. HARRIS: Francis M. Wood.
3 DETECTIVE: Linwood?
4 MR. HARRIS: M --
5 DETECTIVE: Inwood?
6 MR. HARRIS: M. Wood, the letter M.
7 DETECTIVE: Oh, okay. I'm sorry. Francis M.
8 Wood?
9 MR. HARRIS: Yes.
10 DETECTIVE: I understand. (Inaudible - 10:03:48.)
11 MR. HARRIS: Yes.
12 DETECTIVE: What grade are you in?
13 MR. HARRIS: Ninth grade.
14 DETECTIVE: Ninth?
15 MR. HARRIS: (No audible response)
16 DETECTIVE: Okay. Do you work?
17 MR. HARRIS: (No audible response)
18 DETECTIVE: No. Are you able to read and write?
19 MR. HARRIS: (No audible response)
20 DETECTIVE: Okay. These are questions we ask
21 everybody, please don't get offended. Are you under the
22 influence of any drugs right now?
23 MR. HARRIS: No.
24 DETECTIVE: Are you sober, you been drinking at
25 all today?

1 That's like a routine thing they do when things
2 are all quiet, and it records everything. Okay? Now, the
3 reason I know that we're not here in this court and actually
4 in this court, is because there's an officer with a body
5 camera on it, and your jeep is facing in front of the police
6 car. It's not rocket science here. Okay?

7 It's not the biggest deal in the world. We're
8 getting through it, but I just gotta tell you that I know
9 this part didn't happen, it's actually over here, all right,
10 and it's recorded. So, I'm just telling you right up front,
11 okay, so we don't have to spend a lot of time debating on
12 whether it's here or here. I'm telling you that we know
13 that it's here. Okay? So tell me what happened here.

14 MR. HARRIS: I don't know what happened over there.

15 DETECTIVE: Okay. Well, it looks like the police
16 car pulls in, and you had backed down the Court a little
17 bit, all right. And you're facing out. No big deal, were
18 you there. You don't have to explain it, you know I'm not
19 making it up. When the police car pulled down here, she
20 hops out and say, like hey, get out of the jeep or something
21 like that. I don't know exactly what the words are, right?

22 MR. HARRIS: (No audible response)

23 DETECTIVE: Okay. That's what happens.

24 MR. HARRIS: I basically didn't want anything bad
25 to happen.

1 DETECTIVE: Okay. You didn't want anything bad
2 to happen. That makes sense. That's good, but I can't put
3 those words in your mouth, you have to tell me that. You
4 know what I mean? Like we were talking before, okay. We
5 have to figure out you know, where you're at on this scale.
6 Remember that? Same thing applies to here, and we're just
7 getting to the truth. Okay?

8 MR. HARRIS: (No audible response)

9 DETECTIVE: She gets out, and what does she yell
10 at you? Do you remember what the words were? She's yelling
11 at you to, like, get out of the car or something like that?

12 MR. HARRIS: She was saying something.

13 DETECTIVE: She was saying something, okay.
14 Then -- well, what's going through your mind? Just tell me
15 in your own words, because I'm not you.

16 MR. HARRIS: I just wanted to go home.

17 DETECTIVE: You just wanted to go home and get out
18 of there?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: Okay. This happens everyday. All
21 right. So, what happened next?

22 MR. HARRIS: I just closed my eyes.

23 DETECTIVE: You just closed your eyes, okay, and
24 you hit the gas to get out of there to go home?

25 MR. HARRIS: No, I didn't go home.

1 DETECTIVE: I know, but was that your thought at
2 the time like what you just told me --

3 MR. HARRIS: Yeah.

4 DETECTIVE: -- you were just trying to get home.
5 Okay. When you hit the gas what happened?

6 MR. HARRIS: I don't know, my eyes was closed.

7 DETECTIVE: Okay. Did you hear a gunshot?

8 MR. HARRIS: Yes.

9 DETECTIVE: What happened -- who fired the gun?

10 MR. HARRIS: The officer.

11 DETECTIVE: Okay. What happens as a result of the
12 gunshot?

13 MR. HARRIS: I don't know. After when I first
14 started, I closed my eyes -- (Inaudible - 11:50:37) --
15 that's when I had thought I got shot. That's when I had hit
16 the corner, and I didn't know where to go. I didn't want to
17 be in there.

18 DETECTIVE: When you hit the corner?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: What you mean by that?

21 MR. HARRIS: When I turned the corner, I didn't
22 want to be in the corner. I didn't feel safe there.

23 DETECTIVE: I understand that. I understand that.
24 Was anybody else in the car with you when you drove away?

25 MR. HARRIS: Uhn-uhn.

1 DETECTIVE: Was anybody in the car with you when
2 you -- when the officer told you to get out? It's just you,
3 right? That's all I see. Right?

4 MR. HARRIS: (No audible response)

5 DETECTIVE: Okay. You didn't get hit by the
6 bullet, right?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: You get hit by glass?

9 MR. HARRIS: No, it was just a lot of glass in
10 my hair.

11 DETECTIVE: In your hair?

12 MR. HARRIS: (No audible response)

13 DETECTIVE: Okay. Did you get it all out?

14 MR. HARRIS: (No audible response)

15 DETECTIVE: Okay. But when you look you're not
16 bleeding or anything, right?

17 MR. HARRIS: (No audible response)

18 DETECTIVE: You just had glass in your hair when
19 you got out?

20 MR. HARRIS: (No audible response)

21 DETECTIVE: What did you do, like shake it out
22 like this inside the car?

23 MR. HARRIS: (No audible response)

24 DETECTIVE: Okay. Where did you go --

25 MR. HARRIS: No, I didn't do it inside the car.

1 MR. HARRIS: When I woke up from there. That's
2 where I woke up.

3 DETECTIVE: Because you did stay at Rel's house
4 last night?

5 MR. HARRIS: Yes.

6 DETECTIVE: Okay. Is anybody else staying there
7 besides you and Rel?

8 MR. HARRIS: It was me, Rel, I think his brother
9 stayed with him.

10 DETECTIVE: His brother?

11 MR. HARRIS: Yeah.

12 DETECTIVE: What's his brother's name?

13 MR. HARRIS: Ricky.

14 DETECTIVE: Ricky?

15 MR. HARRIS: (No audible response)

16 DETECTIVE: But you don't know his last name,
17 you're not sure what his last name is, right? Stepbrother?

18 MR. HARRIS: Yeah, I think it is his stepbrother.

19 DETECTIVE: See, I'm trying to keep everybody
20 straight. Okay. Then what happened next?

21 MR. HARRIS: That's when I woke up, I washed my
22 face and brushed my teeth.

23 DETECTIVE: At Rel's place?

24 MR. HARRIS: (No audible response)

25 DETECTIVE: Okay.

1 MR. HARRIS: Then I went to the store.

2 DETECTIVE: Okay.

3 MR. HARRIS: I got some snacks.

4 DETECTIVE: Like the corner store. Did you walk
5 they're from Rel's house?

6 MR. HARRIS: Yeah, it's only at the corner and
7 across the street from his house.

8 DETECTIVE: Which corner? I'm just curious.

9 MR. HARRIS: It's going down Montford.

10 DETECTIVE: Going down Montford from Rel's house?

11 MR. HARRIS: Yeah.

12 DETECTIVE: So, it's at the corner of what,
13 Montford and what?

14 MR. HARRIS: Montford and Ashland.

15 DETECTIVE: Okay.

16 MR. HARRIS: Like when you leave out his house,
17 you turn right, the store is right there across the street
18 from the corner.

19 DETECTIVE: Okay. All right. So you go into the
20 corner store?

21 MR. HARRIS: (No audible response)

22 DETECTIVE: All right. You get like something to
23 eat, like is it a breakfast?

24 MR. HARRIS: I had got a breakfast sandwich and
25 some chips.

1 DETECTIVE: Do they make them there?

2 MR. HARRIS: (No audible response)

3 DETECTIVE: All right. That's cool. Who else
4 went to the store with you.

5 MR. HARRIS: It was just me and Rel.

6 DETECTIVE: Just you and Rel?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: All right. Ricky didn't go?

9 MR. HARRIS: No.

10 DETECTIVE: Okay. Rel get something too?

11 MR. HARRIS: Rel had got a Black and Mild with
12 some chips.

13 DETECTIVE: So what happened after that, did you
14 go back to Rel's house or you're just hanging outside
15 eating?

16 MR. HARRIS: I was sitting on the porch.

17 DETECTIVE: On Rel's porch?

18 MR. HARRIS: (No audible response)

19 DETECTIVE: Okay. Rel there too?

20 MR. HARRIS: (No audible response)

21 DETECTIVE: Who else is hanging with you guys?

22 MR. HARRIS: It was me and Rel -- um, Ke'andre.

23 DETECTIVE: You and Rel and Ke'andre. Ke'andre
24 from Streaker Street? Keeping everybody straight in my
25 head. All right. Anybody else?

1 MR. HARRIS: (No audible response)

2 DETECTIVE: Okay. Then what happened next?

3 MR. HARRIS: Ke'andre came on the porch, and Rel
4 had walked around the corner.

5 DETECTIVE: Uh-huh.

6 MR. HARRIS: Then I'm gonna say 5 or 10 minutes
7 later me and Ke'andre was about to leave to go to his house,
8 that's when Key had called Rel and Rel didn't answer his
9 phone, so we had started walking --

10 DETECTIVE: Ke'andre called Rel, but Rel didn't
11 answer?

12 MR. HARRIS: No, he didn't answer.

13 DETECTIVE: Okay. I'm just trying to make sure.

14 MR. HARRIS: So we were about to go to Ke'andre
15 house. We were about to stay there until -- that's when
16 homeboy said he was going to school.

17 DETECTIVE: Ke'andre said he was ready to go to
18 school?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: Did he actually go to school?

21 MR. HARRIS: Yeah.

22 DETECTIVE: Oh, really? Okay. How old is
23 Ke'andre?

24 MR. HARRIS: Ke'andre is 16.

25 DETECTIVE: What grade is he in?

1 MR. HARRIS: I don't know. I'm think Ke'andre is
2 15 or probably 16. I think he got -- (Inaudible - 12:05:46)

3 DETECTIVE: What school was he going to?

4 MR. HARRIS: I think he go to Patterson.

5 DETECTIVE: Oh, okay. All right. So then it's
6 just you and Rel again -- well, actually, Ke'andre goes to
7 school, that leaves you by yourself because Rel didn't
8 answer his phone.

9 MR. HARRIS: Yeah.

10 DETECTIVE: So what happens next if you're by
11 yourself?

12 MR. HARRIS: Well, once he didn't answer the
13 phone for Ke'andre, me and Ke'andre started walking to his
14 house before he left, but we didn't make it to his house,
15 we made it to the bus stop, and that's when I seen Rel at
16 the corner.

17 DETECTIVE: Okay. Now, just so I'm following,
18 what corner are we talking about when you split up with
19 Ke'andre and Rel shows up?

20 MR. HARRIS: This is before Ke'andre had went off
21 to school.

22 DETECTIVE: Okay. All right. So you hook back
23 up at Rel?

24 MR. HARRIS: Yeah.

25 DETECTIVE: Where at?

1 MR. HARRIS: Me and Andre, we stood there and say
2 well -- we was walking towards Ke'andre house to catch the
3 orange [sic], and we was walking straight down I would say
4 Ashland and Streaker.

5 DETECTIVE: Ashland and Streaker?

6 MR. HARRIS: Yeah.

7 DETECTIVE: Okay. All right. I remember this.
8 All right. Then you're headed down Streaker toward
9 Ke'andre's house?

10 MR. HARRIS: That's how we're walking, we're
11 walking, and then when we turn on Streaker block, we walked
12 straight down, that's when -- (Inaudible - 12:07:08) -- Rel
13 had came to Streaker.

14 DETECTIVE: Okay, but not at Rel's -- I'm mean,
15 I'm sorry -- not at Ke'andre's part of Streaker, but up the
16 street?

17 MR. HARRIS: Yeah, up the street.

18 DETECTIVE: All right. So then what happens?

19 MR. HARRIS: Me, Ke'andre and Rel was talking.
20 Rel was in the middle of the street in the jeep, and --

21 DETECTIVE: Real was in the middle of the street
22 in the jeep?

23 MR. HARRIS: (No audible response)

24 DETECTIVE: Okay. So first he walks off on foot
25 and then he shows up in a jeep?

1 MR. HARRIS: Yeah.

2 DETECTIVE: Okay. About what time is this that you
3 hooked back up with him and he has the jeep, roughly?

4 MR. HARRIS: I'm not sure.

5 DETECTIVE: Are we talking like 7:00 o'clock in the
6 morning, 8:00, 9:00, 10:00, 11:00, 12:00?

7 MR. HARRIS: I don't know.

8 DETECTIVE: Give me an idea. Had school started
9 yet, was Ke'andre gonna be late for school?

10 MR. HARRIS: No, I would say it was the time of
11 8:00, I think, when kids are getting ready to go to school.

12 DETECTIVE: So would you say it was like 8:00, 7:30?

13 MR. HARRIS: Probably 7:30.

14 DETECTIVE: Okay. So you got up pretty early this
15 morning, right?

16 MR. HARRIS: (No audible response)

17 DETECTIVE: You must have gone to get breakfast
18 sandwiches, like, pretty early.

19 MR. HARRIS: Um, you know, it was the hours of --
20 around 6:30 or 7:00.

21 DETECTIVE: Is that so? Okay. No, that's pretty
22 good. All right. So, some time before school starts when
23 Ke'andre has to go onto school is when Rel shows back up and
24 he chat with you. Is anybody with him? Is he by himself,
25 he's driving it?

1 MR. HARRIS: Yeah, but he was telling me and
2 Ke'andre that he was gonna met up with his homeboy Doobie
3 today.

4 DETECTIVE: Okay. Rel was gonna meet up with
5 Doobie?

6 MR. HARRIS: (No audible response)

7 DETECTIVE: Do you know Doobie's real name?

8 MR. HARRIS: No, I don't know Doobie at all.

9 DETECTIVE: Have you ever met him before?

10 MR. HARRIS: Never seen him or anything.

11 DETECTIVE: Okay. All right. So, what else?
12 What did he explain or what is going on next?

13 MR. HARRIS: Um --

14 DETECTIVE: You said he was getting ready to
15 hookup with his boy Doobie, right?

16 MR. HARRIS: He said he was gonna be with his
17 man Doobie today, and he was -- (Inaudible - 12:09:13) --
18 and I said, "You pulling shit off, get out of there." You
19 know -- (Inaudible - 12:09:18). He kept going straight
20 down the street, but once he passed Madison --

21 DETECTIVE: He didn't take Ke'andre with him,
22 because that's the way Ke'andre was going.

23 MR. HARRIS: No, Ke'andre was -- (Inaudible -
24 12:09:29) -- he waited until he passed Monument and
25 Streaker, then he stopped.

1 DETECTIVE: Who?

2 MR. HARRIS: Rel.

3 DETECTIVE: Okay.

4 MR. HARRIS: He stopped the jeep at the next
5 corner, then he was waiting for me and Ke'andre to walk
6 down. He was calling Ke'andre's name, he stopped the jeep.

7 DETECTIVE: So when he first sees you, you talk
8 to him a little bit, and he says, "I'm gonna hang out with
9 Doobie today." He drives off and goes just a couple blocks
10 or was it one block?

11 MR. HARRIS: It was like two.

12 DETECTIVE: Okay. But you lost him, then he stops
13 and waits for you guys to catch back up, and he's yelling
14 for Ke'andre?

15 MR. HARRIS: (No audible response)

16 DETECTIVE: Okay. I follow you so far.

17 MR. HARRIS: He was trying to get me and Ke'andre
18 to get in.

19 DETECTIVE: Okay.

20 MR. HARRIS: He said he would take Ke'andre to
21 school, but Ke'andre had seen his mom and he was talking to
22 her while Rel was in the jeep. So we had walked off and
23 walked down to the orange bus stop.

24 DETECTIVE: Did Rel drive off?
25

1 MR. HARRIS: Yeah, Rel was still back there when
2 Ke'andre mom pulled right there, but he didn't know it was
3 her.

4 DETECTIVE: All right.

5 MR. HARRIS: I don't know if she knew, because if
6 she knew she would have said something.

7 DETECTIVE: Does she not like Rel?

8 MR. HARRIS: No, she do like Rel.

9 DETECTIVE: She would said something because she
10 knows him?

11 MR. HARRIS: Yeah.

12 DETECTIVE: Okay. I follow you. I follow you.

13 MR. HARRIS: Once we got to the bus stop, the bus
14 came right away.

15 DETECTIVE: So, Ke'andre didn't get in the car
16 with his mom?

17 MR. HARRIS: No.

18 DETECTIVE: Did she eventually drive off?

19 MR. HARRIS: Yeah.

20 DETECTIVE: Okay. Did she stop at all and talk
21 to you?

22 MR. HARRIS: She go right past, but that's when
23 she had stopped, and then she backed up, and she was talking
24 to him.

25 DETECTIVE: Okay.

1 MR. HARRIS: We had told her how we were about to
2 go to the subway -- I mean not, subway, the bus stop, the
3 orange bus stop and we got on. As soon as we got to the bus
4 stop, the only -- (Inaudible - 12:11:23) -- but we seen Rel
5 in the jeep turning the corner, like trying to get up with
6 us. So we stayed on the bus and went onto school. Then we
7 got out of school we had seen Rel --

8 DETECTIVE: So, you and Ke'andre get on the orange
9 bus, and it takes you out to Patterson High School?

10 MR. HARRIS: It takes us there.

11 DETECTIVE: Even though you don't go there, you
12 go tag along?

13 MR. HARRIS: Yeah.

14 DETECTIVE: All right. That's cool. When you got
15 out there, Rel had followed you in the jeep?

16 MR. HARRIS: When we got out there, once we got
17 off the bus, we seen Rel at the bottom.

18 DETECTIVE: Okay. At Patterson?

19 MR. HARRIS: Yes.

20 DETECTIVE: All right. So then what happens?

21 MR. HARRIS: After that, he got off the bus and
22 Ke'andre saw some of the students at his school, and I was
23 talking to some of them that I know.

24 DETECTIVE: What was Rel doing, just sitting
25 there?

1 MR. HARRIS: Rel was listening to music, but he
2 wasn't in the jeep.

3 DETECTIVE: Okay. Next to it?

4 MR. HARRIS: Yeah, next to it?

5 DETECTIVE: All right.

6 MR. HARRIS: That's when me and Ke'andre walked
7 in the front of the school, and I had gave him five and I
8 told him, I said, "See you later" and I told him, "Be safe."
9 He said the same thing. Then in the morning it's a lot of
10 buses that's dropping kids off, and at the end of the day
11 it's a lot of buses that's picking the school kids up, but
12 once I left in front of the school when Ke'andre walked in
13 the school, I was looking for Rel, but I didn't see him, so
14 I had got on the bus. When I got on the bus, that's when I
15 had seen him, he was swerving in front of the bus.

16 DETECTIVE: Okay. Like fooling around or what?

17 MR. HARRIS: Yeah, fooling around.

18 DETECTIVE: Was he trying to get the bus to stop?

19 MR. HARRIS: No, I think he was just probably
20 doing it.

21 DETECTIVE: -- (Inaudible - 12:13:05).

22 MR. HARRIS: Uh-huh.

23 DETECTIVE: All right.

24 MR. HARRIS: That's when we had got back down
25 there over east near the Eagle Mart.

1 DETECTIVE: Who?

2 MR. HARRIS: Me. I got off the bus at Eagle Mart.

3 DETECTIVE: Just by yourself?

4 MR. HARRIS: Yeah, I was by myself then.

5 DETECTIVE: Eagle Mart?

6 MR. HARRIS: Yeah, it's a gas station.

7 DETECTIVE: Is that a road, Eagle Mart?

8 MR. HARRIS: No, Eagle Mart is on Orleans Street.

9 DETECTIVE: Is that the name of the gas station,
10 Eagle Mart?

11 MR. HARRIS: Yeah.

12 DETECTIVE: Oh, okay. I'm not familiar with that.
13 That's on Orleans, okay.

14 MR. HARRIS: It's down the street -- not down the
15 street, it's up the street from Aldi's.

16 DETECTIVE: Up the street from what?

17 MR. HARRIS: Aldi's.

18 DETECTIVE: Aldi's?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: Oh, okay. I know what you're talking
21 about. -- (Inaudible - 12:13:49) -- was still there?

22 MR. HARRIS: Yeah.

23 DETECTIVE: Okay.

24 MR. HARRIS: After I got off the bus I started
25 walking up towards -- (Inaudible - 12:13:58).

1 DETECTIVE: Okay.

2 MR. HARRIS: -- (Inaudible - 12:14:00) -- because
3 that's where my sister live at. I wanted her to see if she
4 could give me my father number, because I don't know it off
5 hand. He had just came home, so I was trying to talk to
6 him, but I didn't have a chance because she wasn't in the
7 house, only her mother and her stepfather was home.

8 DETECTIVE: Okay.

9 MR. HARRIS: So, I had left. As I was leaving
10 walking up Monument, I seen Rel coming down Monument.

11 DETECTIVE: He's all over the place.

12 MR. HARRIS: He's coming down Monument with his
13 homeboy Doobie.

14 DETECTIVE: So Doobie is now in the jeep with him?

15 MR. HARRIS: (No audible response).

16 DETECTIVE: Okay.

17 MR. HARRIS: After that they pulled over to the
18 side across the street from Shoppers. I believe that's --
19 no, not Shoppers, Save-A-Lot, and he was across the street.
20 He parked across the street and he was like, you wanna get
21 in? At first I was skeptical of getting in, I didn't want
22 to us get caught up by the police or want to be in some type
23 of situation.

24 DETECTIVE: Did you have a feeling something was
25 up with the jeep with Rel driving and it was not his jeep?

1 MR. HARRIS: Had a feeling.

2 DETECTIVE: Okay.

3 MR. HARRIS: When I first had asked him where he
4 get it from, he said his people's had gave it to him.

5 DETECTIVE: All right. That's just ridiculous,
6 right?

7 MR. HARRIS: Right. That's the part at the
8 moment, I didn't think about it.

9 DETECTIVE: Okay.

10 MR. HARRIS: I should've thought about what he
11 said, but I didn't.

12 DETECTIVE: I understand. All right. So you hop
13 in the jeep and it's you, Rel and Doobie.

14 MR. HARRIS: (No audible response)

15 DETECTIVE: All right. So I can keep this
16 straight, what's -- let me go over this. Rel, Ashford and
17 Montford. About how old is Doobie?

18 MR. HARRIS: I would say, I think 16.

19 DETECTIVE: 16, okay. What kind of hair does
20 Doobie have?

21 MR. HARRIS: Like a regular haircut.

22 DETECTIVE: Like short kind of clean cut look?

23 MR. HARRIS: (No audible response)

24 DETECTIVE: All right. Any kind of braids, parts,
25 nothing fancy?

1 MR. HARRIS: (No audible response)

2 DETECTIVE: Okay. Is he tall or short?

3 MR. HARRIS: He's tall.

4 DETECTIVE: How tall is he? Is he really tall?
5 You got a guess?

6 MR. HARRIS: Um --

7 DETECTIVE: What are you, 5'7", 5'8", right?

8 MR. HARRIS: (No audible response)

9 DETECTIVE: How much taller is he than you?

10 MR. HARRIS: He like 5'11" or probably 6'0".

11 DETECTIVE: Okay. What kind of build does he
12 have, thin, fat, heavy, muscular, athletic?

13 MR. HARRIS: Thin.

14 DETECTIVE: Okay. Is Doobie any of the phone
15 numbers we talked about?

16 MR. HARRIS: Um, I don't know.

17 DETECTIVE: Did you say you know who Nute is?

18 MR. HARRIS: Nute?

19 DETECTIVE: Nute's a friend of Rel's?

20 MR. HARRIS: Yeah, all I know is Nute and --

21 DETECTIVE: Nute and Doobie aren't the same
22 person?

23 MR. HARRIS: No.

24 DETECTIVE: Okay.

25 MR. HARRIS: They both know Rel though.

1 DETECTIVE: Key is Ke'andre?

2 MR. HARRIS: Yeah.

3 DETECTIVE: Little Ray is --

4 MR. HARRIS: Raquan.

5 DETECTIVE: Raquan, that's not Doobie?

6 MR. HARRIS: No.

7 DETECTIVE: I'm asking, is that Doobie?

8 MR. HARRIS: Uhn-uhn.

9 DETECTIVE: Then Ricky doesn't go by Doobie?

10 MR. HARRIS: Uhn-uhn.

11

12 **(WHEREUPON, a pause had in the proceedings.)**

13

14 DETECTIVE: Okay. So, all right. Let's keep
15 going. So the three of you are in the car, and what time
16 do you think it is now?

17 MR. HARRIS: Um --

18 DETECTIVE: Roughly.

19 MR. HARRIS: I'm not sure.

20 DETECTIVE: Okay. Some time right after school
21 started, because at the bus stop and he shows up and you
22 got in the car with him and Doobie. Okay. Then what?

23 MR. HARRIS: I was already in the back, and
24 that's when they had stopped at a gas station and put gas
25 in the car.

1 DETECTIVE: What gas station they stop at?

2 MR. HARRIS: I don't know what gas station, but --

3 DETECTIVE: Do you know where it is?

4 MR. HARRIS: It's somewhere out here.

5 DETECTIVE: Somewhere out here like in the county
6 somewhere?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: Okay. Do you remember what road you
9 went to get to the county?

10 MR. HARRIS: No.

11 DETECTIVE: Okay. Well, lets back up. Did you
12 pick up anybody else at some point in the car? Because
13 there's somebody else in the car.

14 MR. HARRIS: You know, I was about to get to it.

15 DETECTIVE: Oh, okay. Go ahead, I'm sorry.

16 MR. HARRIS: On the way out here he had stopped
17 at one gas station to get some gas, and then Rel and Doobie
18 walked in. I just got out, because I didn't want to sit in
19 there while --

20 DETECTIVE: You just got out more to --

21 MR. HARRIS: Yeah.

22 DETECTIVE: -- get out of it, okay.

23 MR. HARRIS: I got out and walked to the corner.
24 That's when he had asked me what I was doing, I said, I
25 ain't doing nothing just walking to the corner.

1 DETECTIVE: Who asked you that?

2 MR. HARRIS: Rel.

3 DETECTIVE: Okay.

4 MR. HARRIS: I told him, "I'm walking to the
5 corner, because I don't feel comfortable sitting in the
6 jeep." He said, "Why?" I said, "I just don't." He said --
7 (Inaudible - 12:19:48), and that's when him and Doobie had
8 went into the gas station.

9 DETECTIVE: Okay.

10 MR. HARRIS: When they came out, that's when they
11 had somebody else with them.

12 DETECTIVE: From the gas station?

13 MR. HARRIS: Yes.

14 DETECTIVE: Okay. What's that person's name?

15 MR. HARRIS: I don't know. I don't know his name.
16 He wasn't talking.

17 DETECTIVE: What did they call him?

18 MR. HARRIS: Rel was calling him -- I don't know,
19 I think -- I think that person was Nute.

20 DETECTIVE: So did they get Nute from the gas
21 station?

22 MR. HARRIS: (No audible response)

23 DETECTIVE: All right.

24 MR. HARRIS: He got braids and -- (Inaudible -
25 12:20:25).

1 DETECTIVE: Yeah, let me write that down so I can
2 keep straight. I have to keep all these people straight in
3 my head. Do you know Nute's real name?

4 MR. HARRIS: No.

5 DETECTIVE: Okay. Nute, about how old is Nute?

6 MR. HARRIS: He looked like he was 17.

7 DETECTIVE: 17 years old, about. I'm not holding
8 you to it. What kind of hair did he have, you said he has
9 braids?

10 MR. HARRIS: (No audible response)

11 DETECTIVE: Like how long?

12 MR. HARRIS: To his neck.

13 DETECTIVE: Braids to the neck, down to like the
14 bottom of his neck?

15 MR. HARRIS: Yeah, cornrows.

16 DETECTIVE: Okay. How about this, is he tall or
17 short? How do you do you think he is?

18 MR. HARRIS: Probably 6'2".

19 DETECTIVE: Super tall, okay. How about his
20 build?

21 MR. HARRIS: He's skinny.

22 DETECTIVE: Skinny.

23 MR. HARRIS: Nute and Doobie, they're both thin,
24 but it looks like they athletic.

25 DETECTIVE: They look like they're athletic?

1 MR. HARRIS: (No audible response)

2 DETECTIVE: Okay. So they're both equally as
3 thin?

4 MR. HARRIS: Yeah, they the same size too.

5 DETECTIVE: Tell me what was Nute wearing today.

6 MR. HARRIS: I think he had on some black jeans.

7 DETECTIVE: Black jeans, okay. What else?

8 MR. HARRIS: I think it was a grey jacket.

9 DETECTIVE: A grey jacket. How about Doobie, what
10 he was I wearing today?

11 MR. HARRIS: He had on a black jacket, but he took
12 jacket off and he had a white shirt on.

13 DETECTIVE: Okay. What else was he wearing,
14 Doobie?

15 MR. HARRIS: He had on blue jeans.

16 DETECTIVE: Blue jeans, okay. How about while
17 we're at it, what's Rel wearing?

18 MR. HARRIS: Rel had on an orange shirt.

19 DETECTIVE: Orange shirt.

20 MR. HARRIS: He had on -- he had an orange shirt
21 on and some black jeans.

22 DETECTIVE: Okay. Then while I'm thinking about
23 it, did you have any other clothes on or you've been wearing
24 that all day?

25 MR. HARRIS: I had this on all day.

1 DETECTIVE: Okay. Did you have a jacket on at
2 any point that you took off?

3 MR. HARRIS: No, I had nothing on but this.

4 DETECTIVE: Right, your hooded zip up jacket.
5 Did you keep that on all day? Just curious.

6 MR. HARRIS: Yeah, I had it on all day.

7 DETECTIVE: You didn't have your hood on. All
8 right. You were wearing it, but you just didn't have the
9 hood up. Okay. Did you ever take it off at any point?

10 MR. HARRIS: (No audible response)

11 DETECTIVE: All right. So what happens next? So
12 you pick up -- they pick up Nute at the gas station, all
13 right.

14 MR. HARRIS: We all got in -- that's when they
15 went close to the end of the exit like they were about to
16 exit the gas station, and that's when I had got in.

17 DETECTIVE: Okay.

18 MR. HARRIS: Then he pulled over to the side of
19 the street and let Nute drive, and Nute and Doobie was in
20 the front seats, and me and Rel was in the back.

21 DETECTIVE: So, Rel let's Nute drive?

22 MR. HARRIS: (No audible response)

23 DETECTIVE: Is that from the gas station or he
24 pulled over at some point and switched?

25 MR. HARRIS: From the gas station.

1 DETECTIVE: So when he first get Nute, Nute is
2 the driver now.

3 MR. HARRIS: Um, no. I'm gonna say Rel pulled
4 up from the gas station and turned the street, and then he
5 pulled over and switched.

6 DETECTIVE: Okay. So do you remember where this
7 gas station was?

8 MR. HARRIS: No.

9 DETECTIVE: Do you remember if it was --
10 (Inaudible - 12:24:54) -- or what kind of gas station it
11 was, Exxon, CITCO, Shell?

12 MR. HARRIS: It didn't have anything on it.

13 DETECTIVE: You don't remember seeing anything?

14 MR. HARRIS: No, all I know is it was gas station.
15 The gas station was white and -- (Inaudible - 12:25:10).

16 DETECTIVE: Okay. So they actually sell gas,
17 there are gas pumps there?

18 MR. HARRIS: Yeah.

19 DETECTIVE: While I'm thinking about it, while you
20 guys were leaving the city and headed to the county out to
21 Perry Hall, out that way, what road did you go.

22 MR. HARRIS: Well --

23 DETECTIVE: I don't expect you to know every road
24 name, but give me an idea. Did you go up 83, did you get on
25 the highway, did you go around the Beltway or did you go --

1 MR. HARRIS: No, he drove up Harford Road, that's
2 the last road that I know that I remember.

3 DETECTIVE: Did you take Harford Road all the way
4 out to the county?

5 MR. HARRIS: (No audible response)

6 DETECTIVE: Did you go to the gas station where
7 you picked up Nute, before you got to the county or after
8 you got to the county?

9 MR. HARRIS: Before, because Nute drove out
10 there.

11 DETECTIVE: So, it's probably a city gas station.

12 MR. HARRIS: I don't know. I don't know.

13 DETECTIVE: Well, if Nute drove out to the county
14 or when you stopped and picked up Nute, you probably picked
15 him up in the city or you could have picked him up in the
16 county?

17 MR. HARRIS: It probably was the city, but it
18 didn't look like the city.

19 DETECTIVE: Okay. Well, don't let me put words
20 in your mouth, I'm just trying to understand. Okay? No
21 big deal. That's all right. You remember -- (Inaudible -
22 12:26:25) was it Old Harford Road or definitely was not
23 Old Harford Road?

24 MR. HARRIS: I don't know, it's a possibility it
25 was Old Harford Road.

1 DETECTIVE: Okay. All right. So you pulled over
2 and now Nute's the driver. What happens next?

3 MR. HARRIS: Nute and Doobie getting talking.

4 DETECTIVE: Nute and Doobie, they're both up front.
5 Nute driving, Doobie in the passenger seat, you and Rel in
6 the back. All right. They get to talking about what?

7 MR. HARRIS: It was music on, I just heard them
8 talking. After that, that's when --

9 DETECTIVE: Let me assure you, if they're talking
10 about doing something bad, don't just cover it, because I
11 probably already know what they're talking about. Okay? I
12 want you to give your version of how you ended up here. I
13 already know kind of a lot of what happened here, so just
14 tell me what you heard. They get to talking in the front
15 seat.

16 MR. HARRIS: Yeah, they get to talking in the front
17 seat, but the music was on so I really couldn't understand
18 what this was saying.

19 DETECTIVE: Okay.

20 MR. HARRIS: After that, that's when they started
21 driving, and that's when we got into that neighborhood.
22 That's when he parked the jeep and he said the neighbors had
23 seen that's why --

24 DETECTIVE: Well, there's another stop before that,
25 at least, one --

1 MR. HARRIS: Um --

2 DETECTIVE: -- that I know of. They entered
3 another slightly different neighborhood and a slightly
4 different house.

5 MR. HARRIS: Yeah, they did stop by another
6 neighborhood.

7 DETECTIVE: Okay. See, I wanted to make the point
8 to you that that's why I'm telling you I kinda already know
9 it, I just need to hear it from your own words how you ended
10 up in this, and just be 100 percent accurate and truthful,
11 and we're that much further along. Okay? So you stopped at
12 another house. How many other houses did you stop at before
13 you went to this one?

14 MR. HARRIS: They had stopped at one house.

15 DETECTIVE: Only one, you sure?

16 MR. HARRIS: Yeah.

17 DETECTIVE: Okay. What happened when you got to
18 that house?

19 MR. HARRIS: Well, we wasn't -- I'm not gonna
20 say we were like in front of the house on the side. It's
21 a block, then on the side they turned right to get on that
22 block or where the house was at. So on that block they all
23 get out, and that's when Doobie had grabbed the key when he
24 was sitting in the passenger seat and gave it to Nute.

25 DETECTIVE: Wasn't Nute already driving?

1 MR. HARRIS: Yeah, but Doobie just set the key out
2 here, and Nute, Doobie and Rel got out. I was sitting down.
3 I got in the passenger seat and sat down in the seat that --
4 (Inaudible - 12:29:00) -- and I locked the doors.

5 DETECTIVE: Okay.

6 MR. HARRIS: Then I was just turning on my phone.

7 DETECTIVE: Turning on which phone?

8 MR. HARRIS: The white phone.

9 DETECTIVE: Which is actually Rel phone.

10 MR. HARRIS: Yeah.

11 DETECTIVE: Okay. What were you doing on the
12 phone at that point, did you call anybody, text anybody,
13 FaceTime anybody?

14 MR. HARRIS: No, I was on Instagram.

15 DETECTIVE: Were you on Instagram, okay. All
16 right. So were you Instagraming them?

17 MR. HARRIS: No, I was just on Instagram.

18 DETECTIVE: All right. So then what happened?

19 MR. HARRIS: After that --

20 DETECTIVE: How long were they out of the car?

21 MR. HARRIS: I would say like 10 or 15 minutes.

22 DETECTIVE: Okay. You know what they're doing?

23 MR. HARRIS: Not off hand, I just know that --
24 not off hand, but to me I think it's not something that
25 you suppose to be doing, I guess.

1 DETECTIVE: Okay. Well, did you see them go up
2 to the house?

3 MR. HARRIS: No, I just seen them park in the back
4 of another house.

5 DETECTIVE: Okay. They all went to the back of
6 the house?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: All right. You're in the passenger
9 seat, not driver's seat?

10 MR. HARRIS: In the passenger seat.

11 DETECTIVE: Okay. All right. How long were they
12 gone?

13 MR. HARRIS: About 10 or 15 minutes.

14 DETECTIVE: Okay. What happens next?

15 MR. HARRIS: I get out because I had to use the
16 bathroom. So I go to the back of the jeep and use the
17 bathroom then --

18 DETECTIVE: Like, you took a leak at the back of
19 the jeep?

20 MR. HARRIS: (No audible response)

21 DETECTIVE: All right.

22 MR. HARRIS: I was at the back of the jeep, and
23 then I heard footsteps.

24 DETECTIVE: Were you outside, right, but you heard
25 feet on the ground?

1 MR. HARRIS: Yeah.

2 DETECTIVE: Okay, and I hear footsteps?

3 MR. HARRIS: (No audible response)

4 DETECTIVE: All right.

5 MR. HARRIS: From in front of the jeep, and it was
6 them. That's when they got had got in.

7 DETECTIVE: They walk back or run back?

8 MR. HARRIS: They walked back. They walked
9 around, then walked the same way they walked. At first they
10 had walked through grass, the second time they walked around
11 (Inaudible - 12:30:52).

12 DETECTIVE: Okay. What did they have?

13 MR. HARRIS: Doobie had a little green bag.

14 DETECTIVE: A little green bag, all right.

15 MR. HARRIS: Then he had a box.

16 DETECTIVE: Nute?

17 MR. HARRIS: I meant Nute, he had a box.

18 DETECTIVE: How big was the box? Give me an
19 idea.

20 MR. HARRIS: It was about this big.

21 DETECTIVE: Okay. What color was it.

22 MR. HARRIS: It was brown.

23 DETECTIVE: Like a cardboard box?

24 MR. HARRIS: Yeah, a cardboard box.

25 DETECTIVE: Okay. What did Rel have?

1 MR. HARRIS: Rel had -- I don't think Rel had
2 anything. He just opened the back door for them of the
3 jeep.

4 DETECTIVE: With the hatch door?

5 MR. HARRIS: Yeah.

6 DETECTIVE: Just the top part?

7 MR. HARRIS: No.

8 DETECTIVE: Where you open up and it swings from
9 sideways?

10 MR. HARRIS: It swings sideways. The back door
11 where the tire is, it swings sideways and the door open up.

12 DETECTIVE: Did you swing the bottom first and
13 then open the window up, is that how it works? Because the
14 other side, the tire would be in the way and you couldn't
15 get the window up, is that right?

16 MR. HARRIS: Uh-huh.

17 DETECTIVE: Okay. So he opens up the back. Does
18 he open the window up also?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: What happens then?

21 MR. HARRIS: That's when he put the box in there.
22 Doobie put a bag in the passenger side of Nute, and put the
23 box in the back and go on and chill out.

24 DETECTIVE: Were you on the passenger side, Nute
25 put the bag in the passenger side?

1 MR. HARRIS: Yeah.

2 DETECTIVE: Like where at in the passenger side?

3 MR. HARRIS: In the passenger seat.

4 DETECTIVE: Up front?

5 MR. HARRIS: Yeah.

6 DETECTIVE: Okay. Is there a middle seat, is
7 there a back seat at all, or is it just the two front seats
8 in the area in the back?

9 MR. HARRIS: It's an area in the back, but it's
10 supposed to be back seats in the back.

11 DETECTIVE: Yeah, it's a little bench seat
12 normally. I don't remember, I glanced at it. Is there one
13 in there just folded up or something?

14 MR. HARRIS: I don't know.

15 DETECTIVE: Okay. All right.

16 MR. HARRIS: I don't think so.

17 DETECTIVE: So, anyway he puts the bag in the
18 passenger seat.

19 MR. HARRIS: It was some change or something in
20 there.

21 DETECTIVE: Where is Doobie, who puts the bag?

22 MR. HARRIS: Doobie put a bag in there, Nute had
23 the box.

24 DETECTIVE: Okay. Nute has the box, he put the
25 box in the back?

1 MR. HARRIS: Uh-huh.

2 DETECTIVE: What's in the box?

3 MR. HARRIS: It looks like bottles in the box.

4 DETECTIVE: Bottles?

5 MR. HARRIS: (No audible response)

6 DETECTIVE: Of what?

7 MR. HARRIS: I'm not sure, it looked like glass

8 bottles.

9 DETECTIVE: Like drinks?

10 MR. HARRIS: Yeah.

11 DETECTIVE: Like beer?

12 MR. HARRIS: No, I don't think it was beer.

13 DETECTIVE: Like wine, alcohol?

14 MR. HARRIS: It looks like it was alcohol.

15 DETECTIVE: Okay. Anything else?

16 MR. HARRIS: No, that was it.

17 DETECTIVE: It looks like he was just packing

18 stuff up in the box?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: All right. Anything else go into

21 the car?

22 MR. HARRIS: I don't know.

23 DETECTIVE: All right.

24 MR. HARRIS: That was it.

25 DETECTIVE: What happened next?

1 MR. HARRIS: After that Nute told us it ain't get
2 the job done, and then --

3 DETECTIVE: Nute's still driving?

4 MR. HARRIS: Yeah.

5 DETECTIVE: Where's Doobie.

6 MR. HARRIS: Doobie's in the passenger seat.

7 DETECTIVE: Up front passenger, and then you and
8 Rel are what?

9 MR. HARRIS: In the back.

10 DETECTIVE: Okay. Did you have the back door
11 and/or window closed on your back?

12 MR. HARRIS: Yes.

13 DETECTIVE: Okay. So, what happens next? They
14 talking about it at all?

15 MR. HARRIS: No, Doobie kept talking about his
16 job. He was asking -- (Inaudible - 12:34:06) -- and Nute was
17 like, "I don't know." He said, "Ask Rel," and Rel was like,
18 "It don't matter." Then that's when we got to another gas
19 station, and Doobie had put \$10.00 in. That's when Doobie
20 start driving.

21 DETECTIVE: Okay. You went to another -- do you
22 know where that gas station was?

23 MR. HARRIS: No.

24 DETECTIVE: Was it far from the house you just
25 came from?

1 MR. HARRIS: It was like 10 minutes.

2 DETECTIVE: Was it between where that house was and
3 this neighborhood was?

4 MR. HARRIS: No.

5 DETECTIVE: Did you drive somewhere else in between?

6 MR. HARRIS: No, because -- (Inaudible - 12:34:48)

7 DETECTIVE: Okay. What did do you next? Did you
8 go anywhere between the first house and the gas station?

9 MR. HARRIS: No.

10 DETECTIVE: Didn't stop anywhere?

11 MR. HARRIS: We only went to the gas station.

12 DETECTIVE: Okay. Who gets the gas?

13 MR. HARRIS: Doobie, Doobie put \$10.00 in it.

14 DETECTIVE: Was Doobie pumping it and Doobie paying
15 for it?

16 MR. HARRIS: Yes.

17 DETECTIVE: Where does the \$10.00 come from?

18 MR. HARRIS: I don't know, Doobie had money.

19 DETECTIVE: Do you think he brought money or he got
20 money from the first house?

21 MR. HARRIS: I think -- I don't know.

22 DETECTIVE: Good enough. I don't want you to tell
23 me something you don't know. All right? So to make sure
24 we're on the same page with that. So what happens after you
25 leave the gas station, who was driving then?

1 MR. HARRIS: Doobie was driving.

2 DETECTIVE: Okay.

3 MR. HARRIS: He was in the passenger seat.

4 DETECTIVE: All right.

5 MR. HARRIS: Then Rel was in the back.

6 DETECTIVE: Okay.

7 MR. HARRIS: Nute was talking to Rel like, "Where
8 y'all going?" Then that when Rel had asked Doobie what time
9 they have to be at school because he had some paper or some-
10 thing he had to take back to school to have to get his work.

11 DETECTIVE: Doobie did?

12 MR. HARRIS: Yeah.

13 DETECTIVE: Okay.

14 MR. HARRIS: I was like, "Well, might as well go
15 to school."

16 DETECTIVE: Do you know what school that is?

17 MR. HARRIS: Yeah, he said he was going to
18 Frederick Douglas High School.

19 DETECTIVE: Doobie goes to Frederick Douglas. All
20 right. So what happens as a result of that conversation?

21 MR. HARRIS: I was just saying, "Why don't we go
22 to school," and Doobie was like, "All right. All right."
23 (Inaudible - 12:36:29) we left there and they talked again
24 and he said, "I'm gonna go to school," then he got there and
25 turned on that block.

1 DETECTIVE: So, they're talking about going to
2 Frederick Douglas High School, but they end up driving into
3 this neighborhood?

4 MR. HARRIS: Yeah.

5 DETECTIVE: At the same time?

6 MR. HARRIS: Rel was talking about him going to
7 school, he was agreeing with him, but he had pulled on that
8 block.

9 DETECTIVE: It's Doobie that's talking about how
10 he was going to school?

11 MR. HARRIS: No, Rel was talking about Doobie
12 going to school --

13 DETECTIVE: Okay.

14 MR. HARRIS: -- because Doobie was saying he had
15 to go to drop some papers off, and Rel was like, "You should
16 just go to school and drop them papers off if you really
17 need to."

18 DETECTIVE: Okay. What did Doobie say?

19 MR. HARRIS: Doobie was agreeing with him, but he
20 didn't listen.

21 DETECTIVE: Okay. He's driving, and he ends up
22 driving to this neighborhood?

23 MR. HARRIS: Yes.

24 DETECTIVE: Okay. Then what happens next?

25 MR. HARRIS: Him and Nute get out.

1 DETECTIVE: How did he decide where to stop?

2 MR. HARRIS: I don't know.

3 DETECTIVE: Just at random?

4 MR. HARRIS: (No audible response)

5 DETECTIVE: I'm asking, do you or Rel or Doobie
6 or Nute know anybody in this neighborhood?

7 MR. HARRIS: No, I don't know anybody in the
8 neighborhood.

9 DETECTIVE: Did they know or have some kind of
10 connection to this neighborhood or that street?

11 MR. HARRIS: I don't know about Doobie or Nute,
12 but I don't think so.

13 DETECTIVE: Did it seem like they just picked it
14 at random?

15 MR. HARRIS: Yes.

16 DETECTIVE: Doobie stops the car at some point?

17 MR. HARRIS: (No audible response)

18 DETECTIVE: All right. Explain to me that.

19 MR. HARRIS: Him and Nute get out, because me and
20 Rel was still in the back. Rel got in the passenger seat,
21 and I just stayed in the back. I had my head down, I don't
22 know. The key was in the ignition. Then I was talking to
23 Rel, I was saying, "Let's go back this time, because I don't
24 feel safe around here." I said, "I don't even know what
25 y'all doing. Y'all just getting out and getting back in."

1 DETECTIVE: Okay.

2 MR. HARRIS: "If anything happened, we all could
3 get locked up for something."

4 DETECTIVE: What did Rel say?

5 MR. HARRIS: Real was like -- Rel didn't even
6 say nothing, he was just agreeing with me. He said, yeah.
7 He was like, he ain't going back, he don't want to get --
8 (Inaudible - 12:38:40). He said he not gonna do nothing
9 to get himself locked up. Then I said, "I'm not gonna do
10 nothing dumb to me locked up."

11 DETECTIVE: What happened?

12 MR. HARRIS: After that, that's when Doobie got
13 out and he started to walk back toward another house, but
14 me and Rel was still sitting in the jeep.

15 DETECTIVE: Okay. So, did they go in -- while
16 you're in this neighborhood, did Nute and Doobie go into
17 one house and they come back?

18 MR. HARRIS: The first time.

19 DETECTIVE: The first time, okay. Did they
20 actually get into a house?

21 MR. HARRIS: I don't know.

22 DETECTIVE: Did they come back with anything?

23 MR. HARRIS: No, the first time they came back
24 with the box and a bag.

25 DETECTIVE: That's in the other neighborhood.

1 MR. HARRIS: Yeah, the other neighborhood.

2 DETECTIVE: Okay. When you pull into this
3 neighborhood, okay, and Doobie's driving, right?

4 MR. HARRIS: (No audible response)

5 DETECTIVE: He stops the car, you're having a
6 conversation with Rel that you're not sure about, this is
7 what you're telling me, right?

8 MR. HARRIS: Yes.

9 DETECTIVE: Stop me if I'm wrong.

10 MR. HARRIS: Yes.

11 DETECTIVE: That's what I understand you're
12 explaining to me. Doobie and Nute hop out. Was it Doobie
13 that was driving up to that point?

14 MR. HARRIS: Yes.

15 DETECTIVE: Okay. What happens next?

16 MR. HARRIS: Um --

17 DETECTIVE: They hop out first.

18 MR. HARRIS: Yeah, they hop out, shut the door,
19 leave the key in the ignition. I'm in the back with Rel,
20 and Rel gets into the passenger seat. He's telling me to
21 get my phone, my blue phone, and I had got it, and I had
22 gave him the white phone because he was -- (Inaudible -
23 12:40:23) music. Then his dad had called him to check on
24 him to see what he was doing.

25 DETECTIVE: That's the phone Nute got, right?

1 MR. HARRIS: (No audible response)

2 DETECTIVE: The white phone?

3 MR. HARRIS: Yeah, it's the white phone. That was
4 his father calling checking on him to see what he was doing,
5 but I don't know. The music never stopped, it stayed on.

6 DETECTIVE: Okay.

7 MR. HARRIS: So after that I'm like, "What your
8 father say?" His father said he was just checking on him,
9 and that's when Rel had got out and I seen Doobie. Doobie
10 was like, "Come here" talking to Rel, but Rel wasn't moving.

11 DETECTIVE: To the house?

12 MR. HARRIS: Yeah.

13 DETECTIVE: Okay.

14 MR. HARRIS: Then --

15 DETECTIVE: So, is it fair to say that now it's
16 Doobie, Nute and Rel over in the house?

17 MR. HARRIS: Yes.

18 DETECTIVE: Okay. Where were you?

19 MR. HARRIS: I'm still in the jeep. I didn't go
20 to neither house at all, I stayed in the jeep.

21 DETECTIVE: Okay. How many houses did they go to
22 on that street?

23 MR. HARRIS: In total --

24 DETECTIVE: On this street, not the other one.
25 Not the one with the box and the bag.

1 MR. HARRIS: One.

2 DETECTIVE: Just one on this street?

3 MR. HARRIS: (No audible response)

4 DETECTIVE: Okay. What happens?

5 MR. HARRIS: After a while I think I got out the
6 jeep to stretch, and I had got back in. I was sitting like
7 this. (Indicating)

8 DETECTIVE: Where?

9 MR. HARRIS: I was sitting like this in the jeep.

10 DETECTIVE: Where in the jeep?

11 MR. HARRIS: In the passenger seat.

12 DETECTIVE: Okay.

13 MR. HARRIS: Then after that, that's when I had
14 got in the driver's seat.

15 DETECTIVE: Did you get out and walk around or
16 just hop over?

17 MR. HARRIS: Hopped over. I hopped over and
18 turned the car off because the key was still in the ignition
19 but the car wasn't all the way off, just the engine was off.

20 DETECTIVE: Okay. So like the radio was still
21 playing --

22 MR. HARRIS: Yeah.

23 DETECTIVE: -- or whatever?

24 MR. HARRIS: Yeah.

25 DETECTIVE: All right.

1 MR. HARRIS: After that I had put the seat all the
2 way back just to relax so nobody won't see me in the jeep,
3 and after a while I stuck my head up and then I put my head
4 back down and I seen Baltimore County Police had turned the
5 corner.

6 DETECTIVE: Okay. So you started the car and
7 what?

8 MR. HARRIS: I didn't start the car up right away.

9 DETECTIVE: All right. Then explain to me what
10 happened, that's all.

11 MR. HARRIS: I just laid back. I wasn't expect-
12 ing no one to see me. So I leaned back, but the police car
13 pulled up on the side of me towards the back of the jeep.

14 DETECTIVE: Pulled up alongside where you were
15 parked?

16 MR. HARRIS: Yeah, so I just started the jeep up.

17 DETECTIVE: So then you started it when it pulled
18 alongside?

19 MR. HARRIS: (No audible response)

20 DETECTIVE: Okay. All right. Then what happens
21 next?

22 MR. HARRIS: I had pulled off.

23 DETECTIVE: What?

24 MR. HARRIS: I had pulled off.

25 DETECTIVE: Who had pulled off?

1 MR. HARRIS: Me.

2 DETECTIVE: Okay. You pulled off.

3 MR. HARRIS: Yeah.

4 DETECTIVE: Forward or backwards?

5 MR. HARRIS: Forward.

6 DETECTIVE: Okay. Which way you're pointed?

7 MR. HARRIS: I didn't know where I was going.

8 DETECTIVE: This is the road we're talking about,
9 is it pointing towards the end or pointing --

10 MR. HARRIS: It's pointing this way.

11 DETECTIVE: So when you first went in there
12 originally when either -- I guess you were saying Doobie
13 driving, does he go in and turn around and come back up?

14 MR. HARRIS: Yeah.

15 DETECTIVE: Okay. Then do you park along the side
16 somewhere or what?

17 MR. HARRIS: (Inaudible - 12:43:40) -- and then
18 the police turned right here and come back and parks right
19 here.

20 DETECTIVE: Is it right in front of the house that
21 they went inside?

22 MR. HARRIS: He had parked up under a different
23 house.

24 DETECTIVE: Okay. So is it like next door, a
25 couple doors down or what?

1 MR. HARRIS: Next door.

2 DETECTIVE: Okay. All right. It's pointing that
3 way, the police car comes in this way and stops next to you?

4 MR. HARRIS: Yeah, like towards the back.

5 DETECTIVE: Okay. Oh, you're still laying down?

6 MR. HARRIS: (No audible response)

7 DETECTIVE: All right. So then you start the jeep
8 up, and you begin to pull off?

9 MR. HARRIS: Yeah.

10 DETECTIVE: Which way do you go?

11 MR. HARRIS: Left.

12 DETECTIVE: Just point with a pen.

13 MR. HARRIS: All right. Once I had started the
14 jeep up, I didn't think, I just was paranoid. I pulled off
15 and I went this way. (Indicating) I didn't know where I
16 was going, so I had went in there, and came back around and
17 went back this way.

18 DETECTIVE: Okay.

19 MR. HARRIS: I didn't know where I was going,
20 that's why --

21 DETECTIVE: Okay. What happened next?

22 MR. HARRIS: I had made a U-turn, and then the
23 police was coming this way.

24 DETECTIVE: Hold on a second. Wasn't there
25 already a police car in here? (Indicating)

1 MR. HARRIS: It was only one police car in the
2 area at the time.

3 DETECTIVE: All right. Let's just slow down a
4 tiny bit, I'm just trying to understand you. All right?
5 You're doing fine so far, it's probably me. If you're
6 parked right here and originally you and the other three
7 guys come in, you circle around and you go back, and you
8 park next to or the house that they go to?

9 MR. HARRIS: (No audible response)

10 DETECTIVE: You're sitting in the driver's seat
11 of the car right here. (Indicating) The first police car
12 pulls in and pulls up next to you. Okay. Is it then that
13 you pull off? What does that police car do?

14 MR. HARRIS: That police car made a U-turn.

15 DETECTIVE: Like to follow you?

16 MR. HARRIS: Yes.

17 DETECTIVE: Okay. Then you go in here, is the
18 police car still following you?

19 MR. HARRIS: Yeah, but it's not -- (Inaudible -
20 12:45:37).

21 DETECTIVE: Okay. Good enough. You go in here
22 and make a turn?

23 MR. HARRIS: Uh-huh.

24 DETECTIVE: Come back out and go down the same
25 street you just came from --

1 MR. HARRIS: Yes.

2 DETECTIVE: -- where the other guys are.

3 MR. HARRIS: Um --

4 DETECTIVE: Where the guys are, that's the road
5 you turned back onto, where your friends are?

6 MR. HARRIS: I turned back on that block.

7 DETECTIVE: Yeah, okay. When you say you go all
8 the way down to the end and come back up again?

9 MR. HARRIS: Yes.

10 DETECTIVE: All right. This police car, did it
11 follow you down there make a U-turn and come back in here
12 the whole way?

13 MR. HARRIS: Yes.

14 DETECTIVE: Okay. So it comes in here originally,
15 and then you guys follow each other around and back to where
16 you start from?

17 MR. HARRIS: (No audible response)

18 DETECTIVE: Okay. When you make the turn here,
19 what happens? Do you come back up at all, or is that when
20 the police car comes down?

21 MR. HARRIS: That's when the police car come down.

22 DETECTIVE: Okay.

23 MR. HARRIS: The police tried to block it, but --

24 DETECTIVE: Okay. What did the police officer
25 look like?

1 MR. HARRIS: I only got one look.

2 DETECTIVE: That's okay.

3 MR. HARRIS: -- (Inaudible - 12:46:33).

4 DETECTIVE: Okay. What did the police look like
5 that you see at one time?

6 MR. HARRIS: In the car it looked like she was a
7 female.

8 DETECTIVE: Okay. All right. Does she get out of
9 the car, she stay in the car?

10 MR. HARRIS: She got out.

11 DETECTIVE: Okay. What did she do?

12 MR. HARRIS: She started pointing her gun towards
13 the car --

14 DETECTIVE: Okay.

15 MR. HARRIS: -- and that's when I had put my head
16 down and closed my eyes.

17 DETECTIVE: She's saying something to you, right?

18 MR. HARRIS: Yeah.

19 DETECTIVE: What is she telling you?

20 MR. HARRIS: I couldn't really hear her. I did
21 hear, "Get out of the car."

22 DETECTIVE: Okay. All right. Did you get out of
23 the car at any point?

24 MR. HARRIS: No, I was too scared to get out.

25 DETECTIVE: Did you start to get out the car?

1 MR. HARRIS: Yes, I did open the door.

2 DETECTIVE: All right. Then what happened?

3 MR. HARRIS: I was just too scared. I was para-
4 noid, too paranoid, I didn't know what to do. I just did
5 whatever came to my head, which to -- at least, try to pull
6 off.

7 DETECTIVE: Okay. But she's she's blocking the
8 road though.

9 MR. HARRIS: Yeah, but not really blocking it,
10 but kind of is.

11 DETECTIVE: Like, explain it to me, I'm trying to
12 understand.

13 MR. HARRIS: When I went this way, the car is
14 like this and I stop here so I had to go around and back.

15 DETECTIVE: You were gonna go around it?

16 MR. HARRIS: Yeah.

17 DETECTIVE: Okay. All right.

18 MR. HARRIS: The only reason I didn't hear what
19 she was saying because it was music playing a little bit --

20 DETECTIVE: Okay. All right.

21 MR. HARRIS: -- and all the windows was rolled up.

22 DETECTIVE: You heard her say, "Get out of the
23 car." You heard part of what she said. She's got the road
24 blocked, and had to maneuver to the right and then back
25 around again to fit in the spot that she had left open?

1 MR. HARRIS: Yeah, but when I put my head down and
2 closed my eyes, I didn't -- I didn't move the wheel. Like,
3 I just --

4 DETECTIVE: Well, you didn't do that in the
5 beginning. I mean, you would have driven around in the
6 car at first with your eyes open, or you would have never
7 made it.

8 MR. HARRIS: Correct, yeah.

9 DETECTIVE: Okay.

10 MR. HARRIS: All I did was --

11 DETECTIVE: Then she's in the way.

12 MR. HARRIS: All I did was -- the car never got
13 put back in park, it stayed in drive. So all I did was just
14 put my head down because I had seen a gun that was pointed
15 directly at me.

16 DETECTIVE: Okay.

17 MR. HARRIS: So, I had put my head down and I was
18 just gripping the wheel -- the steering wheel, but I didn't
19 want to pull off or anything. I was just -- I don't know,
20 I was getting even scarerer [sic], and I ain't know what to
21 do at all.

22 DETECTIVE: Okay.

23 MR. HARRIS: So, I had pulled straight off.

24 DETECTIVE: Well, did you stop when you hit her?

25 MR. HARRIS: No, I didn't even know I hit her.

1 DETECTIVE: Well, you knew she was standing when
2 you put your head down.

3 MR. HARRIS: Yeah, I knew she was standing there,
4 but I didn't know I hit her.

5 DETECTIVE: That's when you hit the gas, you just
6 put your head down and didn't look?

7 MR. HARRIS: No, I didn't look at anything. I was
8 too scared to look, because I didn't know if I was gonna
9 crash, hit the police car or hit the police, I didn't know
10 if I was gonna get shot or not.

11 DETECTIVE: Okay. So, when she's yelling for you
12 to get out of the car, you open the door a little bit?

13 MR. HARRIS: Yeah.

14 DETECTIVE: Then you decided you were gonna close
15 the door because you wanted to get out?

16 MR. HARRIS: Yeah.

17 DETECTIVE: Okay. Then you said you were able
18 to go around to the right side of the police car, because
19 that's where it was enough space to maneuver from, right?

20 MR. HARRIS: Yes.

21 DETECTIVE: You couldn't do to on the left side?

22 MR. HARRIS: No.

23 DETECTIVE: It had to be on the right side?

24 MR. HARRIS: If I did it on the left side, I would
25 have crashed into the police car and I would hurt myself.

1 DETECTIVE: Okay. But there was enough room on
2 the right-hand side for your car to fit through if you went
3 around the right-hand side of the car?

4 MR. HARRIS: Yes.

5 DETECTIVE: Between that and parked cars?

6 MR. HARRIS: (No audible response)

7 DETECTIVE: Okay. You didn't hit any of them?

8 MR. HARRIS: No, I didn't hit anything.

9 DETECTIVE: She's up there pointing a gun at you
10 at this point after you make the turn, right?

11 MR. HARRIS: Yes.

12 DETECTIVE: You put your head down and then hit
13 the gas?

14 MR. HARRIS: Yes. Once I seen the gun, I had put
15 my head down and closed my eyes.

16 DETECTIVE: And pushed the gas to go forward?

17 MR. HARRIS: Yeah, but I would say it was like
18 five seconds before I pushed on the gas pedal.

19 DETECTIVE: Okay. All right. What did you do
20 after that?

21 MR. HARRIS: After that -- (Inaudible - 12:50:52).
22 I was trying to figure out what should I do. I was think-
23 ing, what should I do, but nothing came up. So I had pulled
24 off, and then that's when --

25

1 DETECTIVE: Hold on. Did you stop -- what are you
2 telling me? Where are you when you're saying, "What should
3 I do?"

4 MR. HARRIS: I'm right here. (Indicating) this is
5 the Five Below. I'm saying it in my head.

6 DETECTIVE: When she's in front of you and you're
7 blocking the road, you're wondering, saying in your head,
8 "What should I do?"

9 MR. HARRIS: Yeah, I didn't know what to do. I
10 was asking myself, "What should I do?"

11 DETECTIVE: Okay.

12 MR. HARRIS: Nothing came up. So that's why I
13 had pulled off. I pulled off and stopped right here. I
14 was about to go in the street and drive back to the city,
15 but I didn't want to be in the jeep because I didn't want
16 anything to happen to me. I didn't want to get locked up
17 for the jeep. So once I stopped here and turned, that's
18 when I looked back and the back window was busted, and it
19 was a bullet hole in the front of the jeep. So that's when
20 I got over here and I got out.

21 DETECTIVE: Okay. So, did you ever see the other
22 three guys again after they first got out of the car up here
23 and walked into that neighbor's house?

24 MR. HARRIS: No, the last time I seen them was
25 when they got out the second time for the second one.

1 DETECTIVE: In the second neighborhood?

2 MR. HARRIS: Yes.

3 DETECTIVE: Okay. Well, let's go to that real
4 quick just to make sure we're accurate and truthful with
5 each other. Okay?

6 MR. HARRIS: (No audible response)

7 DETECTIVE: The first house you went to, who was
8 driving when you got there?

9 MR. HARRIS: The first time Nute was driving.

10 DETECTIVE: Nute was driving. Okay. Did you go
11 inside that house?

12 MR. HARRIS: No.

13 DETECTIVE: Are you sure?

14 MR. HARRIS: Positive. I stayed out in the car
15 the entire time, both times.

16 DETECTIVE: You didn't go into either house?

17 MR. HARRIS: No.

18 DETECTIVE: Okay. Now, when they did all the
19 forensics at that first house, the first one, are your
20 fingerprints gonna be anywhere?

21 MR. HARRIS: No, my fingerprints are --

22 DETECTIVE: You're positive?

23 MR. HARRIS: All I can say, my fingerprints is
24 gonna be on is the jeep.

25 DETECTIVE: How you know it was a bag of coins?

1 MR. HARRIS: I found them in the jeep once they
2 got in.

3 DETECTIVE: Did they give you it?

4 MR. HARRIS: No, it was just in the back in the
5 bag.

6 DETECTIVE: In the bag?

7 MR. HARRIS: (No audible response)

8 DETECTIVE: Is that the bag that Doobie was
9 carrying back with him?

10 MR. HARRIS: No, not that black bag. Doobie's was
11 kind of -- it was that green bag.

12 DETECTIVE: It was a different bag?

13 MR. HARRIS: Yeah, like a little shopping bag.
14 That's what it looks like.

15 DETECTIVE: Did it come from that first house?

16 MR. HARRIS: Yes, he got it when he came from the
17 first house.

18 DETECTIVE: Okay. Well, you didn't mention that
19 bag before. Who brought that bag out?

20 MR. HARRIS: What, that little green bag?

21 DETECTIVE: There was a green bag and a little
22 black bag.

23 MR. HARRIS: The little black bag was the one that
24 I had, and it was a little change in it, and I got that from
25 the back.

1 **BY MS. COFFIN:**

2 Q Placing 74-A up on the screen. Will you orient
3 the ladies and gentlemen what they're seeing there.

4 A Sure. So, the person taking the photograph is
5 standing on Lona looking up Steve Way.

6 Q You can actually see the Steve Way sign?

7 A Right there. (Indicating)

8 Q Okay. 74-B?

9 A 74-B is if you were standing in the same spot and
10 turned a little bit to your right. This is, again, standing
11 on Lona looking directly up Steve Way.

12 Q Then 74-C?

13 A 74-C is, again, standing in the same spot, but
14 if you turn 90 degrees to your left and look up Lona, and
15 right here, this road is the beginning of Linwen Way.

16 Q I'm gonna zoom in, that's the sign for Linwen Way?

17 A Right there, yes. (Indicating)

18 Q Then there's Steve Way?

19 A Right.

20 Q I'm showing you what's been marked as 27-ADD.
21 Can you identify this?

22 A So there are two discs in here, it's 27-A and B.
23 Those are body-worn camera discs, C through the whole
24 alphabet, and then DD would be the still photos taken from
25 the body-worn camera footage.

1 MS. COFFIN: I would offer into evidence State's
2 Exhibit Number 27-A through DD at this time.

3 MR. BROWN: No objection.

4 THE COURT: All right.

5
6 **(State Exhibit 27-A through 27-DD admitted.)**

7
8 **BY MS. COFFIN:**

9 Q Detective, I'm gonna ask you to come to the Elmo,
10 and because these are glossy you get bad reflection. I'm
11 actually gonna hold this over and see if I can't help, and
12 if you will go through -- we have 27-C up. Tell the folks
13 what's being seen here.

14 A I know from watching the footage repeatedly,
15 that this still is in the very beginning of when the footage
16 clip starts. It's after Officer Caprio has put her car in
17 park, she's opened up the driver's door, but has not been
18 able to get out of the car yet, and she's raising her hand
19 out through the space of where the top of the door and the
20 roof of the car is with her finger -- index finger raised,
21 as we see a black Jeep Wrangler here traveling from in front
22 of her car to begin to go past.

23 Q Okay. So, what direction is she going in on
24 Linwen Way?

25

1 A This is when she would have turned onto or did
2 turn onto Linwen Way and is traveling from where we saw
3 the intersection in the last exhibits towards the dead end
4 where the cul-de-sac is.

5 Q What direction is the jeep traveling in?

6 A Coming from the cul-de-sac toward the intersection
7 that we saw in the other photographs.

8 Q 37-D? [sic] I'm gonna push this out a little.

9 A 37-D [sic] is when she has gone and turned
10 around and made her way to catch up to the back of the
11 Jeep Wrangler.

12 Q You see the jeep there?

13 A The jeep you can see right here through the
14 windshield of the police car as they're driving.

15 Q Can you tell what roadway they're on?

16 A Here, this is almost the same place as where the
17 still photos were of just the streets -- the empty streets
18 where we're on Lona, and we see up here is Linwen Way.

19 Q So the jeep is heading back towards Linwen Way?

20 A Yes, both vehicles have come off of Linwen onto
21 Lona, have turned around and now headed back on Lona toward
22 Linwen Way.

23 Q In the actual body-worn camera, do you see any
24 additional activity between the jeep and -- oh, sorry.
25 My fault -- Officer Caprio's patrol car?

1 A Say that again?

2 Q In the actual video when the jeep passes her just
3 as she arrives --

4 A Right.

5 Q -- does the video capture where the jeep then
6 goes?

7 A It does not immediately. It's out of view when
8 she turns around until there's -- until she gets down to
9 Lona and Steve Way where she turns around again, and when
10 she turns around again we're about at this point right here
11 where all of a sudden she's behind the jeep again.

12 Q Thank you. 27-E?

13 A 27-E is when the jeep has just turned onto Lin-
14 wen, and Officer Caprio is behind it turning onto Linwen
15 as well.

16 Q 27-F?

17 A 27-F is when the jeep has reached the end of
18 Linwen where the cul-de-sac is, the whole screen here is
19 the cul-de-sac, and we see that Officer Caprio has stopped
20 her patrol car where the regular roadway ends and the cul-
21 de-sac begins, and she's opening up the driver's door and
22 is beginning to exit.

23 Q Do you see any weapon in her hand?

24 A Her right hand is still on the steering wheel.

25 Q 27-G?

1 A 27-G is when she turned sideways to begin get-
2 ting out of the police car. You can see her right hand
3 here still grabbing for the door of the driver's side of
4 the police car.

5 Q 27-H?

6 A 27-H is when -- her body is now turned, so
7 the camera is now facing the cul-de-sac, and the jeep is
8 completing a turn or making it's way around the turn of
9 the cul-de-sac.

10 Q 27-I?

11 A 27-I, now we see that the jeep is coming straight
12 at her.

13 Q 27-J?

14 A 27-J the jeep has gotten closer where it's next to
15 where we see the back of this white parked car to the left,
16 we see the very front edge of the police car to the right --
17 excuse me, right here -- (Indicating) -- and then she has
18 drawn her service weapon.

19 Q 27-K?

20 A 27-K we can see that she's moved up enough that
21 we now have the whole side of the police front driver's
22 side, and a little bit of the back door in view, and she
23 is dropped one hand while she's moving backwards with her
24 hand -- with her outstretched hand in front of her.

25 Q 27-L?

1 A 27-L we see that she's moved back even farther.
2 Now we have the driver's door, rear door and the rear tires
3 beginning to come into view while the jeep is getting even
4 closer.

5 Q 27-M?

6 A 27-M we can see that she's moved back even
7 farther. Now we have the whole back of that corner of the
8 police car in view, and the jeep has come up so close that
9 it's pushing against her hand. You can see the fingers
10 flexed back and the wrinkles in the hand.

11 Q 27-N?

12 A 27-N the jeep has stopped and she's able to put
13 that hand back up with the other hand.

14 Q 27-O?

15 A 27-O she's moved a little bit farther.

16 Q 27-P?

17 A 27-P is a little bit farther, not too much from
18 the last one.

19 Q She's getting more behind her car at this point?

20 A Yeah, you can use the center antenna, this right
21 here, for communication with the com center as kind of a
22 gauge. That's about the center of the rear trunk.

23 Q 27-Q?

24 A 27-Q, here we see the jeep has now lunged forward
25 again, and her hand is being pushed against the fender.

1 Q What, if anything, do you see about the door of
2 the jeep?

3 A The door right here at this point is just barely
4 open a little bit.

5 Q 27-R?

6 A 27-R we see that the door is coming open a little
7 bit further.

8 Q 27-S?

9 A 27-S we see the door's almost fully extended open.

10 Q 27-T?

11 A 27-T we see that the door has been shut, and the
12 jeep is moving forward. You see her hand here, it's flexed
13 even more than it was before. You can see the wrinkles on
14 her left hand against the front of the jeep.

15 Q 27-U?

16 A 27-U, now we can see that the jeep is pressing
17 completely against her hand where it's flattened out against
18 the front of the grill, and she's just above the front --
19 her hand is just above the top of the front of the hood.

20 Q What, if anything, do you note regarding firearm?

21 A Her firearm is in this one in just her right hand,
22 and it appears that we have the beginning of the firing of
23 the weapon, because we see this right here that looks kinda
24 like a smudge, but it's actually the gunpowder and smoke
25 coming out from a round being fired right there.

1 Q 27-V?

2 A This is a split second after that, and can you
3 see that now this right here is a spent shell casing being
4 ejected out the right side of the firearm as it was being
5 shot. We can also see, I believe, the mark on the wind-
6 shield in the back.

7 Q How about her other hand?

8 A Her other hand is still being pushed against the
9 jeep.

10 Q 27-W?

11 A 27-W, here we have you can see that her hand is
12 still against the jeep, it's at a slightly different angle.
13 Her hand is now a little bit lower, and this is the recoil
14 of the firearm as well as the hand being pushed against the
15 front of the jeep, and you can see the mark back there on
16 the windshield.

17 Q 27-X?

18 A 27-X, as I was saying before, you can see the hand
19 with her firearm being pushed. Now it's being pushed where
20 it's sideways, and we see her wrist is now even with the top
21 of the grill.

22 Q Her other hand?

23 A Her other hand is still being pushed, and it's
24 kind of at a strange angle when you look at both arms
25 together.

1 Q 27-Y?

2 A 27-Y, the jeep has pushed her arm and her hand in
3 further toward her body. We can tell that because of how
4 close the image is from her body camera. We see now we have
5 the headlight right here, and this is the police insignia on
6 her uniform shirt kind of even with the headlight.

7 Q 27-Z?

8 A 27-Z we can see that the jeep is still moving
9 forward, because now even though this hand is in the same
10 place, the arm is outstretched downward, her sunglasses
11 are coming off of her head, and she's even lower. We use
12 the police patch as a gauge with the headlight.

13 Q 27-AA?

14 A 27-AA is the next frame where now we see her hands
15 lower, the sunglasses are still coming down, and she's even
16 lower in comparison to the headlight.

17 Q 27-BB?

18 A Next frame we can see, we're looking at the side
19 of her head where she's facing the grill of the car and
20 her outstretched right arm is just reaching the top of the
21 headlight.

22 Q 27-CC?

23 A 27-CC, obviously the camera angle point of view
24 is getting lower, and we're now at bumper height. See right
25 here is the bumper of the car or the jeep.

1 Q 27-DD?

2 A 27-DD, the camera angle -- the camera itself is
3 now against the pavement with her body.

4 Q What, if anything, do you note about the jeep?

5 A We can see the camera is kinda flipped upside down
6 at this point, but we can see the back of the jeep here.

7 Q Do you see the tag?

8 A We can see the tag there. (Indicating)

9 Q What, if anything, do you note about the driver's
10 door?

11 A It doesn't appear to be latched.

12 Q Detective, don't sit down, I'm sorry.

13 A All right.

14 Q I'm going to ask you to go to the television and
15 I'm going to play Officer Caprio's body-worn camera, 27-A.

16

17 **(Body-came video place 3:53:02 as follows:)**

18

19 **BY MS. COFFIN:**

20 Q What did they just see?

21 A The very first still that we saw was when she
22 first arrived and was putting her finger up and the jeep
23 drove off. She's turned around, and this is Lona Court
24 she's turned onto.

25 Q What has she just passed?

1 **BY MR. BROWN:**

2 Q Okay. But certainly, I mean, it wasn't -- if I'm
3 the driver and this is the windshield, that bullet wasn't
4 over here. That hole wasn't over there where a passenger
5 would have been, right?

6 A It's not on the passenger side.

7 Q It's not even in the middle, right?

8 A It's on the driver's side towards the middle.

9 Q It's right where the driver is?

10 A It's on the driver's side towards the middle.

11 Q Now, Ms. Kirsten, I think her name is, Kirsten
12 Roller. She testified that when the State asked her about
13 the scenario about the, you know, how things unfolded there.
14 She saw what happened. She said the car came to a stop, the
15 officer put her hand on the jeep, she heard a gunshot, and
16 then the jeep took off. That's what she testified to. Shot
17 fired -- after the jeep was stopped, shots fired, and then
18 the jeep takes off.

19 A Well, we know that's inaccurate.

20 Q Well, we don't know that's inaccurate. This is
21 what she testified on the witness stand about.

22 A You first started off with the fact that she put
23 her hand on the jeep. That jeep drove into her hand.

24 Q Well -- whoa, whoa, whoa, whoa -- well, I'm not
25 sure if it was driving.

1 Her hand was on the jeep, but it's hard to tell
2 how quickly that jeep was upon her when her hand was on
3 the jeep. That's up to the jury to decide, I'll pass on
4 that. Certainly that bullet hole look like if a person had
5 not ducked down, they would have been hit by that bullet.
6 Yes? It's reasonable to assume that --

7 A I can tell you two things. One, I can't do a
8 trajectory on it, and number two --

9 Q I didn't ask you --

10 A -- Number 2, it did not strike the driver's seat.

11 Q I got that. So it could have been on an angle.
12 In other words, that's one way possibly of determining that
13 a partial trajectory. Well, it came through that windshield
14 and it didn't hit the headrest, so we know it wasn't fired
15 straight ahead, so maybe it was at an angle. So it went
16 through this windshield, hit that back windshield and blew
17 it out, because we know it didn't just go straight ahead.
18 That makes sense, right?

19 A Once, again, I do not know the trajectory of that
20 bullet. I can tell you that he told me that he put his head
21 down and then the gun was fired.

22 Q All right. So closed his eyes and put his head
23 down. That's what he told you. Closed his eyes and put
24 his head down, right?

25 A Yes.

1 Q Okay.

2 A On one occasion he said he closed his eyes, at
3 least.

4 Q So, yeah. That being the case, I can't understand
5 why over and over and over again you make it seem like that
6 he knowingly hit the gas and went after her. You testified
7 in front of the Grand Jury, "He admitted the fact that he
8 heard her voice say stop, get out of the car. He opened
9 up the car door -- or opened the door partially to those
10 instructions never taking the jeep out of drive. He opened
11 the door up, but then he changed his mind, pulled it shut
12 again and hit the gas knowing that she was directly in front
13 of him." Sounds like --

14 A That's exactly correct.

15 Q Well, he told you he had closed his eyes and put
16 his head down. How does he even know where he's driving?

17 A Because I had also asked him specifically and it's
18 in the video and I've watched it. I've watched it more than
19 once, I watched it multiple times that he describes that he
20 knew that she was in front of him, that he put his head
21 down. Yes, he heard a gunshot, and he drove at her. He
22 drove towards --

23 Q But --

24 A Excuse me, don't let me mess up my words.

25 Q All right. Go ahead had.

1 A He then drove knowing that he last saw her
2 directly in front of the jeep.

3 Q Yeah, but you make it sound like he's intention-
4 ally driving at her. He's driving in the same direction she
5 was in, but that's different than driving directly at her,
6 right?

7 A I don't think you could have either one of those,
8 because she's against the front of the jeep. He's pulled
9 the jeep close touching her.

10 Q Well, at one point she's behind --

11 A So he can't be going after her because he already
12 got the jeep against her.

13 Q Yeah, but at one point I think it's 27-N and O,
14 she's standing behind her vehicle with that gun out. In O
15 she's actually standing -- the vehicle providing her some
16 cover for that.

17 A I'll have to see them again.

18 Q All right. Well, we'll do that. Okay. But you
19 did say --

20 A You want me do this first?

21 Q No. We'll get back to it. We've got next week.
22 You did say that the bullet had done some damage -- oh,
23 well -- there was some damage to the console, I think, but
24 you wasn't sure whether that was from the bullet or the
25 glass that hit the console.

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Detective Barton	4-26-19	10	68	73

<u>FURTHER REDIRECT</u>	<u>FURTHER RECROSS</u>
79	--

Detective Barton	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
	98	188	--	--

1 Q Okay. He indicates that -- tell me if I've got
2 it right. Didn't he say that when the cop pulls alongside,
3 he starts the car up, and he pulls off forward, didn't know
4 where he was going. Is that correct?

5 A He said that, but that's not accurate, and we know
6 that from the body-worn camera.

7 Q Did he say that?

8 A Yeah, he said it.

9 Q Okay.

10 A Yes.

11 Q Then he says eventually he got caught at the --
12 on Linwen, back on Linwen Way in the cul-de-sac, is that
13 correct?

14 A I don't know if he was ever caught but, yes,
15 that's where he chose to drive back to.

16 Q Well, that's where she stops her vehicle, gets out
17 and orders him to stop with the gun drawn, is that correct?

18 A Correct.

19 Q All right. So now at that point you're talking to
20 him, you got him through all the lies, through I didn't --
21 was never in the jeep, I got a hack out there, I was going
22 to visit my girlfriend, you worked through all of that. Now
23 you're down to the nitty-gritty, now you're down to, you
24 know, "Okay, tell me what happened?" Is that correct?

25 A Yes.

1 Q Then at that point, really for the first time,
2 you know that he was the driver of the vehicle when Officer
3 Caprio was hit, is that correct?

4 A Well, I had believed that from the beginning.

5 Q No, no, no. You know because he's telling you
6 that at this point.

7 A That's the first time he admitted it, yes.

8 Q Right, and that was central to your questioning
9 it to know, like, who hit the officer. We'll get to all
10 these other guys, but we want to know who hit this officer,
11 is that correct?

12 A That's all part of it.

13 Q Right, and at that point you all had worked
14 through all the nonsense, and you were now talking about
15 him being in the vehicle when he hit the officer, is that
16 correct?

17 A Yeah, we got to that point.

18 Q He indicated that Officer Caprio got out of the
19 vehicle, stuck or pointed the gun towards the car, and that
20 is when he said, "I put my head down, closed my eyes. I
21 couldn't really see -- couldn't really hear her. She did
22 say, Get out the car." He told you that, is that correct?

23 A Yeah, but there's more in between those two. It
24 didn't jump right from her getting out of the car to that
25 statement.

1 Q No, I gotcha, but that's what he told you, is
2 that correct?

3 A Yes, uh-huh.

4 Q All right. Then you asked him, "Did you get out
5 of the car?" He says, "I was scared to get out." Do you
6 remember that?

7 A That's one of the things he said.

8 Q Okay. Then did you ask, "Did you open the door?"
9 He said, "Yeah, I did. I start to open the door, I was
10 scared, paranoid, didn't know what to do. I did what first
11 came to my head, I tried to pull off." Is that correct, you
12 remember him saying that?

13 A He did, he said he never put the car in park.

14 Q Right, and -- yeah, we'll get there. Then you
15 asked, did you not, that she was blocking the road -- you
16 said, "She is blocking the road, though." He said, "She
17 kinda is, music was playing, and the windows were up."
18 Do you remember that?

19 A Yes, we covered that a few different times, and I
20 can tell you that he also said that he knew she was standing
21 directly in front of him. At 11:25:45 p.m., he said he knew
22 she was standing in front of him, but he put his head down
23 as a result of it. So the last thing he knew is she was
24 standing in front of him.

25 Q You asked -- um -- you asked --

1 **(WHEREUPON, a pause had in the proceedings.)**

2
3 **BY MR. BROWN:**

4 Q Again, you indicated she was blocking the road,
5 and he said, "She kinda is. The music was playing and the
6 windows were up." Then you asked, did you not, "You had to
7 maneuver around the spot she left open," and he said, "Yes,
8 but the car stayed in drive, so all I did was put my head
9 down. The gun was pointing at me, I put my head down and
10 grabbed the wheel. I didn't wanna pull off but I was scared
11 and didn't know what to do, so I pulled straight off."
12 Do you remember him saying that --

13 MS. COFFIN: Your Honor, I'm going to object.
14 We've covered this.

15 THE COURT: Overruled.

16 **BY MR. BROWN:**

17 Q You remember him saying that?

18 A You said an awful lot --

19 Q Okay.

20 A -- which part are you referring to?

21 Q Okay. You remember asking, "You had to maneuver
22 around the spot she left open." Do you remember asking him
23 that?

24 A Me asking that?

25 Q Yeah.

1 A Yes.

2 Q In fact, that spot you're talking about is between
3 the vehicle -- the cruiser and this white vehicle, is that
4 correct?

5 A Yes, and the SUV.

6 Q Right, so the vehicle is coming this way, and
7 these cars were where they're positioned in this photograph,
8 and he was having to navigate between those cars, is that
9 correct?

10 A On his approach to her, we discussed the fact --
11 can I point?

12 Q Yeah, absolutely.

13 A We discussed the fact that as he was making the
14 loop on the circle --

15 Q Right.

16 A -- he had to drive, maneuver over to the right-
17 hand side to aim towards that gap.

18 Q Towards the gap, right?

19 A Yep.

20 Q At one point when he is very close, Officer
21 Caprio is behind her vehicle, is that correct, pointing
22 a gun at him?

23 A Let's see, this is Item 0 -- 27-0?

24 Q That is 27-0.

25 A Right.

1 Q Yep.

2 A So we're deep into the sequence of all the stills
3 that we had shown, and this is when he's already pushed
4 against her, she's already backed up the entire distance of
5 her car from which she first got out and he's coming at her.

6 Q Right?

7 A So, the one that you're showing here is when she
8 has been pushed all the way back and she's now all the way
9 behind -- at the back of the police car.

10 Q All right. That's a similar picture, a little
11 different, yes?

12 A Well, it's N, so it's the one right before that.

13 Q Okay. So in that -- the car is stopped at that
14 point in time, is that correct?

15 A Well, police car is --

16 Q The car is stopped at that point in time?

17 A The jeep?

18 Q Yes.

19 A I don't recall if the jeep is stopped right there
20 at this point, because there's a point where she's right
21 here where it lunges a second time. We have the first hard
22 break against her, then she's backed up even more, and then
23 he lunges the jeep against her, like towards her when she's
24 right at the quarter panel, and it's right after that that
25 the door starts to come open as if he was going to get out.

1 Q Right, so at that point the door is not open,
2 she's behind the vehicle, is that correct?

3 A Incorrect.

4 Q Okay.

5 A At this one you've chosen to show here, N, the
6 door is just starting --

7 Q Oh, okay.

8 A -- to come open. You can see it right there?

9 Q Starting to come open?

10 A Yeah.

11 Q Then it's at that time if this is her and this is
12 the vehicle, at that time then she steps out in front of the
13 vehicle like this, like squarely in front of the vehicle
14 after this.

15 Q After this she's changing her point of cover as
16 the -- what appeared to be the Defendant getting out of the
17 car. She changed where her cover should be.

18 Q Her cover is here behind the vehicle?

19 A When he's not complying, her cover is ended up
20 where she's standing right now, but as the door opens,
21 she clearly is changing her cover to a more advantageous
22 position as he appears to be complying with getting out
23 of the car.

24 Q Well, how is stepping in front of a car pointing
25 a gun advantageous to her?

1 A Because she's ordered him to stop the car --

2 Q I understand.

3 A -- ordered him to get out of the repeatedly.

4 Q Gotcha.

5 A It appeared that that's what he was doing.

6 Q Yeah, but she doesn't know what's on his mind,
7 right, she doesn't even know who he is. Is that right --

8 MS. COFFIN: Your Honor --

9 THE COURT: Sustained.

10 **BY MR. BROWN:**

11 Q Okay. So at some point, then, you agree that
12 for whatever reason advantageous position, I don't know,
13 she steps out from where she is right now and is pointing
14 the gun squarely at the front of the car, is that correct?

15 A Yes.

16 Q Do you all get some training in how to deal with
17 that kind of situation, you know, in terms of this person is
18 in a vehicle, is it best to step out and order them to halt
19 and put yourself in harm's way or to keep cover?

20 A Well, I wouldn't characterize it that that's what
21 happened at all. She got out of the car. As she's getting
22 out of the car, the jeep is driving straight at her. She
23 didn't even have time. You can see that she's backpedalling
24 up the entire driver's side of the car as is he driving the
25 jeep at her.

1 Q Well, right here she's behind the cruiser, she's
2 safely behind the cruiser. It's when he's opening the door
3 you're saying that she leaves that cover and steps out in
4 front of the vehicle, right?

5 A She changed her position to cover as it appeared
6 that he was complying with getting out of the car.

7 Q You're right, but it puts her right dead in front
8 of the vehicle, is that correct?

9 A Yes, that's where she moved to.

10 Q Now, it's no question she's pointing the gun
11 directly at the suspect, is that correct?

12 A I think she was the entire time regardless of
13 where she was standing.

14 Q Okay. Well, in this case she definitely was, is
15 that correct?

16 A I think she definitely was the entire sequence,
17 as she would have been trained to do.

18 Q So, back to your questioning of him about this,
19 you asked, "Did you stop when you hit her?" He said, "No,
20 I didn't know I hit her." Do you remember him saying that?

21 A That's one of the things he said.

22 Q Right. You said, "You know she was standing
23 there." He said, "No, I didn't look at anything, I was too
24 scared. I didn't know if I was gonna crash or hit the car."
25 Do you remember him saying that?

1 A That's one of the things he said.

2 Q Okay. The car that he's talking about, I think
3 was the cruiser, the police cruiser.

4 A I don't know whether he was talking about the
5 police cruiser or he's talking about the other car you
6 showed, the white car with the SUV in front of it.

7 Q All right. Then also you asked was he able to
8 go right or left. Do you remember asking him that, whether
9 he was able to go right or left?

10 A No, I'm not sure what you're talking about.

11 Q Do you remember him indicating, "I didn't know
12 if I was gonna crash or hit the car, able to go around
13 right, not able to go around left. I didn't hit anything.
14 Once I seen the gun, I had put my face down and closed my
15 eyes."

16 A Didn't he also add in the middle of that
17 particular statement or hit the police officer? I thought
18 that was in --

19 Q Nah.

20 A It's not in that line you just read?

21 Q Nah. Well, the jury will know it, but --

22 A Okay. All right.

23 Q -- you know, I've listened to this 20 times.

24 A There's one just like that that has the officer
25 also included.

1 Q During all of this with the gun pointed at him,
2 isn't this true, I was trying to figure out what should I
3 do. Nothing came up, so that's why I pulled off trying to
4 go back to the city, but didn't want to be caught in the
5 jeep because the back window had been busted out. Is that
6 correct? Do you remember him saying that?

7 A Again, you're giving large chunks or large quotes,
8 and I don't know word for word if that's correct or if
9 there's anything missing, but it's all in that video, yes.

10 Q Right. You're not denying he said that?

11 A No, no, he said --

12 Q Okay.

13 A -- something like that, but I don't know word
14 for word.

15 Q Do you remember him indicating for a third time,
16 asking was he gonna be going home tonight?

17 A I don't remember how many times he said that, it
18 may have been three.

19 Q It was a number of times, right, he asked that?

20 A It may have been three.

21 Q This was on the heels of him saying that he did
22 not know that he had hit the officer, is that correct?

23 A Again, I couldn't tell you exactly what order and
24 exactly where that is, but it's in the video. I made sure
25 we recorded everything.

1 Q All right. You remember asking whether or not --
2 strike that. At one point didn't he ask if he was able to
3 make a phone call, is that correct, you remember that during
4 the course of the interview?

5 A Yes.

6 Q All right. You would take long breaks during the
7 course of this interview?

8 A So this was a continuing investigation from before
9 and after this interview, and obviously during. So I had a
10 lot of things going on, and I had a lot of other things and
11 people to manage. So there were chunks of time in between
12 that I didn't have interaction with him that like -- I mean,
13 obviously, we had covered before that the video we showed
14 is redacted, meaning all the quiet times are out. It also
15 includes the hours that he was sleeping in the room. He
16 wasn't, you know, awake the entire time.

17 Q Did you ask him whether or not he had looked in
18 the rear view mirror? "Did you see her in the rear view
19 mirror as were you driving away?" He indicated, "No." Do
20 you remember that?

21 A I don't remember that one specifically, but I --

22 Q Okay. Do you remember at the end of the interview
23 he asked you whether or not he was going back to the city?

24 A Yes.

25 Q Okay.

1 A You mean when he was -- after I advised him he was
2 being arrested?

3 Q Right?

4 A Yeah, he was wondering what facility he was gonna
5 be held in.

6 MR. BROWN: Court's indulgence.

7 THE COURT: Uh-huh.

8

9 **(WHEREUPON, a pause had in the proceedings.)**

10

11 **BY MR. BROWN:**

12 Q What is the training that you all get when you're
13 confronted with a situation where someone is pointing a gun
14 at you? What is your training, what do they tell you to do,
15 what does it allow you to do?

16 A (No audible response)

17 Q When someone is pulling a gun on you. I mean,
18 it's gotta be a part of what you all train for --

19 MS. COFFIN: I would object, your Honor.

20 THE COURT: I'm gonna sustain that without further
21 qualification. That's rather open-ended because I would
22 assume that there are various situations that are different.

23 MR. BROWN: I understand, very well.

24

25 **(WHEREUPON, a pause had in the proceedings.)**

1 **BY MR. BROWN:**

2 Q But he indicated, Dawnta Harris indicated to you
3 over and over that when that gun was pointed at him, he
4 ducked, closed his eyes and ducked, and was worried about
5 getting shot. Isn't that correct? Over and over.

6 A But he took several --

7 Q Yes or no, did he? I mean, did he?

8 A At the end, yes. He took several actions in
9 between there when the gun was pointed at him before he
10 ducked his head.

11 Q Well, consistently, though, he stayed when the
12 gun was pointed, he closed his eyes, he ducked his head and
13 that's when he accelerated forward. He didn't -- right?

14 A No.

15 Q Undoubtedly in that order.

16 A No, because he indicated that she pointed the
17 gun at him, and then we talked a bit about how he wasn't
18 sure what he was gonna do, and that he didn't put the car
19 in park, and he heard her say, "Get out of the car," and
20 he opened the door and pretended to get out, but had never
21 put it in park, and then he saw her standing in front of
22 him and chose to then put his head down and close his eyes
23 and accelerate. I can give you the play point, the exact
24 time that he covers that at the end, if you'd like. It's,
25 "I know that she was standing there, but I put my head --

1 Q Right.

2 A -- down," 11:25:45 p.m.

3 Q Yeah, obviously he knew she was standing there.
4 I mean, that's what caused him to be so frightened, right?
5 I mean, he's standing there -- or someone is standing there
6 pointing a gun at him, so he knows that this officer is
7 there standing and pointing a gun at him, and his reaction,
8 isn't it true from your investigation, he closed his eyes,
9 put his head down and then he took off --

10 MS. COFFIN: Objection.

11 THE COURT: Sustained.

12 MR. BROWN: Very well.

13

14 **(WHEREUPON, a pause had in the proceedings.)**

15

16 **BY MR. BROWN:**

17 Q Your information on his arrest by the officer
18 that, I think you said, probably should've found this key,
19 was that when he approached Dawnta Harris, Dawnta acquiesced
20 to his demands to stop and to sit down on the curb, is that
21 correct?

22 A Yes.

23 Q There was no evidence on his part of flight, he
24 wasn't -- when the officer arrived, he didn't take off
25 running, is that correct?

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND,	*	
	*	
Plaintiff;	*	
	*	
-vs-	*	
	*	Case No. 03-K-18-002254
DAWN TA HARRIS,	*	
	*	(Volume 7)
Defendant.	*	
	*	
* * * * *	*	

OFFICIAL TRANSCRIPT OF PROCEEDINGS

(JURY TRIAL)

April 30, 2019

BEFORE:

THE HONORABLE JAN M. ALEXANDER

APPEARANCES:

ROBIN COFFIN, ESQ.
ZARENA SITA, ESQ.

On behalf of the State

WARREN BROWN, ESQ.
J. WYNDAL GORDON, ESQ.

On behalf of the Defendant

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I N D E X

INSTRUCTIONS

24

CLOSING STATEMENT

PAGE

By Ms. Coffin

37

By Mr. Brown

52

By Ms. Coffin

77

COURT EXHIBIT

PAGE

No. 3

83

No. 4

90

No. 5

95

No. 6

96

No. 7

97

No. 8

100

No. 9

100

1 MR. BROWN: The other thing is just kind of
2 novel, because it's already been admitted into evidence,
3 but that is we're talking about the tape or body-worn camera
4 of Officer Caprio. Those are already into evidence, and it
5 was placed into evidence, at least from our vantage point,
6 believing that the State was arguing this was premeditated
7 murder and that he intended to hit her, that this wasn't a
8 mistake, it wasn't an accident, that he intended to do that.

9 In fact, that was part of the State's opening
10 statement. Right? So in that regard, you know, premedi-
11 tated, which is another form of first-degree murder, it
12 would be appropriate, no question about it. The body-cam is
13 showing the car, gives the jury an understanding of whether
14 there was an accident or, in fact, was intentional.

15 But now here we are on felony murder. Murder is
16 no longer even a part of this. It is a death that's a part
17 of this. We've got the autopsy showing that she died. The
18 next question is did he commit the burglary. You put the
19 two together. Of course, the burglary is accomplice, not
20 that he actually burglarized, but that he was an accomplice.
21 So, the body-cam footage, which is highly prejudicial, I
22 know that cat is out the bag, the ship as sailed, I got that
23 but it just seems unfair that now we should be displaying
24 that to the jury when it is not an element of any of this.
25 The autopsy shows her death.

1 I know this is kind of novel because it's
2 already in evidence, but it just seems to me that now that
3 they have abandoned the premeditated aspect of first-degree
4 murder and they're just dealing with felony murder, that
5 deals with death. Not murder, but death and a felony. So
6 the video doesn't lend itself as to whether or not he's
7 guilty of the burglary, because that's the only issue at
8 this point, initially, that's the threshold. Did he commit
9 the burglary? Was involved in the burglary? That's what
10 they've gotta deal with. We already know about the death,
11 we have the death certificate -- I mean, the autopsy report.
12 So now we're putting in and we're sending back potentially
13 to the jury and the State may want to play it, I imagine,
14 in closing argument, and it is highly prejudicial, but it's
15 not probative of one iota, nothing. It's not probative of
16 anything.

17 Since we argue it's a novel situation, because
18 if it was known at the time that this was felony murder,
19 we would have objected to it coming in. Why? Because the
20 autopsy establishes death, then now the question is burglary
21 participation. So they had the option of going with either
22 premeditated or felony murder, we go through the entire case
23 and they decide to jettison the premeditation which dealt
24 with the intent, did he mean it or not, and just deal with
25 felony murder.

1 We know there was a death, got that. We don't
2 need that video being viewed again to prove that issue.
3 We have the autopsy. So the only issue is burglary. The
4 verdict sheet even reads: Count 1, burglary of this home;
5 Count 2, burglary of this home. If you find him not guilty
6 of those burglaries skip felony murder, don't even deal with
7 it. So that's why at this point this has become a burglary
8 trial, and the body-cam footage lends nothing to that issue
9 of whether a burglary was committed.

10 The death is established by the autopsy, and I
11 know it's in evidence, but still I just think at this point
12 it's highly prejudicial and it continues to be. I mean, if
13 you watch it a thousand times, it's prejudicial each. You
14 will never get numb by it. It's very sensitive, it hits a
15 nerve each and every time. So I would ask that the State be
16 proscribed from using it their closing argument.

17 It's in evidence, and it's gonna go back. But I
18 ask that it not go back or, at least, that they not use it
19 in their closing because it is prejudicial, and it doesn't
20 lend itself to any issue that remains in front of this jury.
21 They decided to go on felony murder and jettison the pre-
22 meditation, so at this point we don't -- and that's where
23 it was relevant. So when it's not relevant on the felony
24 murder, we don't think it should be sent back to the jury.
25 Thank you.

1 THE COURT: All right. Thank you, sir.

2 Yes, ma'am?

3 MS. COFFIN: Your Honor, Mr. Brown and I have had
4 numerous conversations about this case where it was clearly
5 discussed that the State was proceeding on felony murder.
6 I might add that Ms. Sita's opening with much later Judge
7 Alexander will tell you that a felony murder happened when
8 the killing occurred. So, it's disingenuous to say that
9 they didn't know the State's theory.

10 Furthermore, your Honor, the evidence of that
11 driving, the Defendant going back to the scene. That is
12 all evidence of his participation in the burglary, his
13 going back for his co-Defendants and is highly relevant.
14 The fact of the matter is, it's relevant that he intended
15 to run her over so he could escape from the felony murder,
16 and it is part of the very nature of the elements of this
17 case.

18 THE COURT: You get the last word if you like, sir.

19 MR. BROWN: I'll submit.

20 THE COURT: All right. I'm gonna deny that motion,
21 sir.

22 MR. BROWN: Very well.

23 THE COURT: All right. You all -- I've given
24 you all proposed jury instructions. Is there any objection
25 to the proposed instructions from the State?

1 You should also consider the witnesses
2 certainty this or lack of certainty, the accuracy of any
3 prior description, and the witness' credibility or lack of
4 credibility, as well as any other factors surrounding the
5 identification. It is for you to determine the reliability
6 of any identification and give it the weight you believe
7 it deserves.

8 Intent is a state of mind and ordinarily cannot
9 be proven directly, because there is no way of looking
10 into a person's mind. Therefore, a Defendant's intent may
11 be shown by surrounding circumstances. If determining the
12 Defendant's intent you may consider the Defendant's acts
13 and statements, as well as the surrounding circumstances.
14 Further you may, but are not required to infer that a person
15 ordinarily intends the natural and probable consequences of
16 his acts.

17 The Defendant may be guilty of first-degree
18 burglary, and/or fourth-degree burglary as an accomplice
19 even though the Defendant did not personally commit the
20 acts that constitute these crimes. In order to convict
21 the Defendant of first-degree burglary and/or fourth-degree
22 burglary as an accomplice, the State must prove that the
23 first-degree burglary and/or fourth-degree burglary had
24 occurred, and that the Defendant with the intent to make
25 these crimes happen knowingly aided, counseled, commanded

1 THE COURT: Okay. I'm gonna deny that again,
2 and that's preserved for the record. Okay. I'm not gonna
3 explain the verdict sheet. I'll deal with that at the end.
4 Okay? Closing arguments. Thank you.

5
6 **(WHEREUPON, sidebar conference concluded.)**

7
8 THE COURT: All right. Ladies and gentlemen,
9 those are your instructions. As I said, you can take those
10 back to the Jury Room with you. With that, it is now time
11 for the closing arguments. As I explained at the outset,
12 the State would have an opportunity to address you first.
13 The Defense will then have an opportunity to address you if
14 they so choose. If they do choose to address you, the State
15 will have another opportunity to address you since the
16 burden is upon the State to prove their case. Ms. Coffin?

17
18 **CLOSING STATEMENT**

19 MS. COFFIN: Thank you, your Honor. Ladies and
20 gentlemen, I can't thank you for the sacrifice you all have
21 given to this case. You're gonna go back into your jury
22 room and you're gonna begin your deliberations. You have
23 two incredible tools; your common sense, and your good
24 judgment. You'll evaluate all of the evidence with those
25 tools.

1 The evidence that was from the witnesses, the
2 evidence, physical evidence, that's what you consider. Not
3 what the attorneys say happen, it's what the evidence says
4 happened. The judge told you there's two types of evidence,
5 direct and circumstantial. The law makes no distinction,
6 one is not greater than the other.

7 Circumstantial evidence, it's a reasonable infer-
8 ence made from a fact to reach a logical conclusion. When
9 you look in someone's head for their intent, you can't know
10 it. You can only find evidence of their intent based upon
11 their conduct, what they're doing, what they're saying at
12 the time the crime's occurring.

13 Two things must be proven; a crime was committed,
14 and who did it. So I'm going to go in opposite order, the
15 jeep, and the theft of that jeep. The judge as just advised
16 you the State must prove the Defendant willingly, knowingly,
17 obtained, exerted unauthorized control over the property of
18 the owner, he had the purpose to deprive property over
19 \$10,000. Exerts control, that means appropriate to one's
20 own use, driving it from location to location.

21
22 **(Interview video excerpt plays at 10:25:56.)**

23
24 MS. COFFIN: The Defendant knew that jeep was
25 stolen. Proven.

1 The timeline for the 21st. You view the video
2 from the Fuel Source, which is one hour and four minutes
3 slow. At 12:09, that stolen black jeep drives in, Matthews
4 is driving. You see Matthews driving, you see Genius, you
5 see Ward, you see Harris. The team is together.

6 Not only does the video show they were at the Fuel
7 Source, the GPS shows they were at the Fuel Source. Cell
8 phones show Matthews at Fuel Source and at Ardmore. Ward's
9 GPS at Ardmore; at 12:31 Genius and the jeep are at Ardmore.
10 I'm gonna show you the video. I want you to look at what
11 Genius does, I want you to look at what the jeep is doing.
12 They're there to steal, ready for whatever comes up, jeep
13 moving in action. You're gonna see the jeep roll backwards.

14
15 **(Surveillance video is played at 10:28:05.)**

16
17 MS. COFFIN: Ready, willing and able to assist.
18 Watch Genius as he comes back, looks all around. Yep,
19 looking over both shoulders until he sees the camera.
20 Ladies and gentlemen, what crime? Fourth-degree burglary.
21 The Defendant or his accomplice was on someone else's
22 dwelling, yard, garden belonging to another, a dwelling.
23 The Defendant was there with the intent to commit the theft.
24 Fourth degree burglary is proven. It is a misdemeanor, it
25 is not the basis of the felony murder.

1 Who did it? Clearly Genius is the primary
2 actor. You saw him. Ask yourself this question, ladies
3 and gentlemen, why did Genius go back? Why did he go back
4 after he took that package? He went back and looking all
5 around. The package is already loaded. He goes back to
6 commit a first-degree burglary, but the camera stopped that
7 crime.

8 Ladies and gentlemen, that jeep stayed trolling on
9 Ardmore for another five minutes after they've been captured
10 on video. GPS shows them at 12:34:45 still on Ardmore,
11 still on Ardmore, still on Ardmore, still on Ardmore,
12 still on Ardmore. It's not until 12:39 that jeep leaves.

13 Ladies and gentlemen, that jeep didn't go to the
14 mall. Is Harris in that jeep? You see Harris at the Fuel
15 Source in the jeep, 11 minutes later the jeep is on Ardmore.
16 Kenneth Chambers saw four silhouettes in the jeep. GPS
17 shows they stay on Ardmore. Harris' statement, he puts
18 himself in the jeep at the gas station and he never told you
19 once that he got out of the jeep.

20 Accomplice liability. The State has to prove
21 that the Defendant with the intent to make the crime hap-
22 pen, knowingly aided, counseled, command, encouraged the
23 commission of the crime. Communicated a willingness to
24 participate, ready, willing and able to lend support if
25 needed. That jeep is at the ready moving back and forth.

1 Evidence, not statements from attorneys. There
2 is no evidence that Harris was in the back seat listening
3 to music at Ardmore. Did Harris know what was gonna happen?
4 What was the plan for the day? This is all the circumstan-
5 tial evidence you need to consider when you go back into the
6 Jury Room.

7 One crime, maybe the fourth-degree burglary
8 on Ardmore. Maybe he doesn't know what was going on, but
9 when you look at the entirety of this day, the entirety of
10 the Defendant's statements to you, the times when he lies
11 repeatedly, you have to see this was a well-planned, well-
12 executed series of crimes. Planned events, intent to commit
13 the burglaries.

14 They're going to addresses where none of them
15 live. They're coming away from those addresses with
16 property that they didn't have before; packages, boxes,
17 bags of money. Harris' fingerprint on that Lego game from
18 Northwind. Ladies and gentlemen, that is evidence of a
19 primary actor. That Lego game was in the basement of that
20 home. He had to touch it to remove it.

21 All evidence of his participation and intent to
22 commit these burglaries. Kenneth Chambers saw on Ardmore a
23 jeep with the first four that matched the jeep in this case
24 on the tag, saw four people. So he's clearly present at
25 Ardmore. Why lie?

1 Why not mention it to you ladies and gentlemen.
2 He never said one word to you about Ardmore but, yet, those
3 dishes are recovered in the jeep that he's driving. You
4 can't look into his head, but the course of his actions
5 throughout the course of the day shows a series of planned
6 burglaries. Who did it? They all did it.

7 Northwind. Donald Williams sees the jeep between
8 1:30 and 2:00 in the driveway, a man with an orange shirt.
9 The clock is broken at 1:35 p.m. What crime was committed?
10 Breaking, entry, taking property that does not belong to
11 them, that crime is a first-degree burglary. You clearly
12 see the evidence of breaking, the entry into someone's home
13 done with the intent to commit a theft, a theft that was
14 accomplished. Their property was taken out of there. The
15 Defendant or his accomplices broke in. Proven. That crime
16 is proven.

17 Who did it? Ward -- you see Ward's phone at
18 Northwind. Ladies and gentlemen, in the Defendant's
19 statement, he puts Ward's cell phone in his own hands at
20 Northwind. Matthews' cell phone is at Northwind. Genius'
21 cell phone is at Northwind. His phone is broken, it can't
22 be mapped, but what you do see is this GPS, Ward's GPS at
23 1:05 p.m. they are out front of Northwind. Still at North-
24 wind 1:15, 1:29 still at Northwind. They are there for 42
25 minutes, 42 minutes.

1 The Defendant wants you to think he has no idea
2 what's happening for 42 minutes. Property getting loaded
3 into that jeep. He admits he's at this location. The coins
4 in his pocket when he's arrested is from the Northwind
5 burglary by his own statement.

6
7 **(Interview video excerpt plays at 10:36:08.)**

8
9 MS. COFFIN: "Yes, it came from the first house."
10 He knows what other property is coming out of that house,
11 the green bag of coins. He absolutely knows what's going
12 on. Who did it? Ward's latent fingerprint is on the win-
13 dow frame at Northwind. Genius' latent is on the Doritos
14 bag which is taken from Northwind. Matthews' latent print
15 is on the blade of the butcher knife in Northwind. That's
16 property taken from Northwind recovered in the jeep; prop-
17 erty taken from Northwind recovered in the jeep. Ward's
18 fingerprints are on this box, but Harris' fingerprints came
19 packed in that box.

20 Ladies and gentlemen, to suggest that he's not a
21 primary actor is absurd, that's how the box was found in the
22 jeep. The only way to get to the games is to pull every-
23 thing out. Primary actor. He would have had to do some
24 deep digging to get to that game, or he was in Northwind and
25 he took it their basement.

1 Fingerprint on the game from Northwind, the
2 proceeds of the crime, helped himself to, primary actor or
3 accomplice liability. He had the intent that these crimes
4 happen, knowingly aided, abetted, counseled, that these
5 crimes happened. Who did it? They all did it.

6 3 Linwen Way, you see the breaking, the safe
7 thrown down the stairs. Kirsten Roller heard that bang.
8 Handgun taking, ransacking. What crime? Ladies and gentle-
9 men, that is a first-degree burglary, proven. That crime,
10 proven. Who did it? Kirsten Roller, she testified, and you
11 heard her and her 911 call. All four of them got out of the
12 jeep. Ward's GPS at 1:52 at 3 Linwen Way.

13 By 2:11 Officer Caprio is arriving at the scene,
14 that's when her body-worn camera activates. They are in
15 North -- they are in Linwen Way, excuse me. Ward's GPS
16 leaves the scene one minute and thirty seconds after Officer
17 Caprio arrives on the scene. They are out of that house
18 before Officer Caprio was killed.

19 James Kolb saw the three, one in the orange shirt.
20 They're behind Linwen Way. They are leaving, coming onto
21 Lona Court before Officer Caprio was killed, before the shot
22 is fired. Why is that significant? It's the communication
23 between the team, ladies and gentlemen. Mr. Kolb follows
24 those three after he hears the shot. He believes something
25 has happened. He thinks that they've blown up mailbox.

1 He doesn't see them, but what does he see? A
2 different black male walking towards Lona Court towards
3 Linwen, with either a cell phone in his hand or his hand to
4 his head. Who did it? Matthews latent fingerprint is on
5 the TV and kitchen door at Linwen; Genius' latent finger-
6 print on the front door and side of the safe at Linwen;
7 Ward's latent print on the gate at the rear deck at Linwen.
8 Ladies and gentlemen, this is now Ward's phone in Harris'
9 hands at Linwen.

10 Who did it? Ladies and gentlemen, Matthews and
11 Genius are wearing the stolen backpacks with stolen proceeds
12 in it. The guy in the back seat had the magazine from the
13 handgun and threw it out the window, that's Ward. Ladies
14 and gentlemen, this is what Kirsten Roller saw happening,
15 checking to see if anyone was at the first front door. This
16 is her photograph. Ladies and gentlemen, that's not Ward,
17 that's not Matthews, that's not Genius, his black jacket is
18 in the jeep. That's Harris. Evidence of his participation
19 in this burglary.

20 Who did it? This jeep is not idly sitting by.
21 This jeep is not sitting stationary. There's nobody in the
22 passenger seat listening to music. Look at the jeep. Down
23 towards Lona Court, watch it move. It now moves further.
24 It's ready, willing and able to assist the crime. Most,
25 again, in fronts of Linwen ready, willing, able.

1 Who did it? Intent to make the crime happen.
2 The get-away driver ready, willing and able. The get-away
3 driver. Who do you give a working cell phone to? The get-
4 away driver, so you can stay in communication with them.
5 What's the proof of Harris' involvement? Look at those cell
6 phone records, ladies and gentlemen. These are Ward's cell
7 phone records -- or actually the extraction. This is on the
8 21st, 1:43, Nute calling Ward's phone in Harris' hands; 1:40
9 Ward's phone in Harris' hands is calling Matthews; 2:09 in-
10 coming from Nute to the Ward phone in Harris' hands. Ladies
11 and gentlemen, constant communication.

12 Ladies and gentlemen, right here Officer Caprio
13 is on the Court at 2:11. Calls, "Cops are here." Evidence
14 of his intent and his participation in this crime. Again,
15 Ward's phone in Harris' hands at 2:20 trying to get through
16 to Nute. Ward's phone in Harris' hands communicating with
17 Nute, a one minute and fifty-three second call. At 2:20
18 when Officer Deremiek stops the Defendant, "Where you at?"
19 Hears Harris saying, "Where you at?" Then you got the
20 communications from Genius, Doobie, trying to reach out to
21 the Ward phone in Harris' hands. Calls from Nute trying to
22 reach out to Ward's phone in Harris' hands. That GPS, 1:52
23 they're outside of Linwen Way, and 2:11 Officer Caprio is on
24 that street. Harris is on the phone with Nute when Officer
25 Deremiek stops him and overhears him say, "Where you at?"

1 Who did it? They all did it. Look at his actions
2 when the police arrive. He drives one Court over and turns
3 around and goes back to his brothers in crime. If he's not
4 part of the plan, just drive away. If all he wants to do
5 is go home -- he doesn't know what's going on. "All I want
6 to do is go home." Right here, ladies and gentlemen. Right
7 here, that's the jeep. It drives past Officer Caprio. It
8 leaves 3 Linwen Way. He could have gone home.

9 He goes back, not once, but twice. First he
10 returns in the jeep. He turns onto Steve Way, he goes
11 back around to Linwen Way. He does not go straight out
12 Belair Road to escape or to get home, he goes back, ladies
13 and gentlemen. Once he gets rid of that jeep on Dawnvale,
14 he heads back towards Linwen Way, back towards his co-
15 Defendants. Ladies and gentlemen, that is evidence of
16 the team of this accomplice liability. Twice he goes back
17 until police presence is so great he's gotta turn around
18 and go to Belair Road to get out of there. "Where you at?"
19 on his cell phone?

20 State of mind intent. You can't look in his head,
21 but it's absolutely clear from his actions what his intent
22 was. If he's not part of this crime, why even drive away?
23 Well, officer, my friends are here, they're at a house, all
24 good. He can't do that, because he knows that's not the
25 truth.

1 First-degree felony murder. It's not necessary
2 for the State to prove the Defendant intended to kill. The
3 State has to prove that others participating in the crime
4 with the Defendant committed a felony, and that felony is
5 first-degree burglary; the Defendant killed Officer Caprio;
6 the act resulting in the death of Officer Caprio occurred
7 during the escape of the felony first-degree burglary.
8 Felony murder.

9 Ladies and gentlemen, the law recognizes a
10 principle that when you engage in an apparently dangerous
11 felony, although you intended to commit just the felony,
12 the burglary, and the plan wasn't to kill, because a burg-
13 lary is so dangerous, the law recognizes that a killing
14 is a foreseeable circumstance when you're involved in a
15 felony first-degree burglary.

16 It could be the homeowner asleep in the house
17 at the time of the burglary. They intended only to do
18 the burglary, they hoped no one was home, but the home-
19 owner is there and killed. Felony murder. The homeowner
20 returns early, interrupts the crime. The planned intent
21 was to commit the burglary, but they kill the homeowner.
22 Ladies and gentlemen, when the police officer comes to stop
23 the burglary and to escape you have to kill the officer,
24 felony murder.

25

1 Who did it? Harris in his statement says he
2 was laying in the passenger seat with his head back. Well,
3 that's not true. As soon as Officer Caprio pulls in, that
4 jeep flies out of there. There's no transferring of seats,
5 he pulls out as she pulls in. Ready and able to give aid.
6 As the police are pulling up, Harris has numerous calls
7 between he and Matthews. We've talked about that. "The
8 police are here." If he didn't know what was going on, what
9 triggered these calls?

10
11 **(Interview video excerpt plays at 10:50:51.)**

12
13 MS. COFFIN: Okay. So, his first instinct is
14 to lie. I was out there to see a girlfriend. Well, that's
15 a lie. You lied to put distance between yourself and your
16 crime. That's a consciousness of guilt, circumstantial
17 evidence of his guilt. Why not say I was out there with
18 friends. My three friends went in the house, I was waiting
19 for them. If that's the truth, say it. He doesn't.
20 Consciousness of guilt.

21
22 **(Interview video excerpt plays at 10:50:49.)**

23
24 MR. COFFIN: Another lie, "I was going down talk-
25 ing to my cousin, gonna meet him on the next street over."

1 Why these lies, ladies and gentlemen? He lies
2 to put distance between himself and that stolen jeep that
3 just ran over a police officer. Consciousness of guilt.
4

5 **(Interview video excerpt plays at 10:52:14.)**
6

7 MS. COFFIN: Lies about how he got out there, lies
8 about who was out there, he lies to put distance between him
9 and that jeep. "Out to see a girlfriend." Distance between
10 him and the burglary. "I was out there alone. Rel didn't
11 come." Distance between him and his co-Defendants.
12

13 **(Interview video excerpt plays at 10:53:36.)**
14

15 MS. COFFIN: Lies. He's on the phone with Nute.
16 If he doesn't know what's happening, if he doesn't know
17 these burglaries are taking place, why create this lie? He
18 wants to put distance between himself and his co-Defendants.
19 Consciousness of guilt.
20

21 **(Interview video excerpt plays at 10:54:16.)**
22

23 MS. COFFIN: Lies.
24

25 **(Interview video excerpt plays at 10:54:21.)**

1 MS. COFFIN: He can't get around these lies.

2

3 **(Interview video excerpt plays at 10:54:29.)**

4

5 MS. COFFIN: He didn't wanna get caught in the
6 jeep that just ran over Officer Caprio. Ask yourself these
7 questions. The Defendant puts himself in the jeep as the
8 police are arriving. Is he 6 foot, is it a blue shirt, what
9 does it matter? Because at the end of the day what matters
10 is that the jeep fob is in his underwear. All of this is
11 diversion of your attention from the evidence. The keys are
12 in his underwear, he hides them. When the key is found his
13 first response is did you put it there? No. Lies to put
14 distance between himself and that jeep that he's driving.

15

16 **(Interview video excerpt plays at 10:57:33.)**

17

18 MS. COFFIN: Lies.

19

20 **(Interview video excerpt plays at 10:58:29.)**

21

22 MS. COFFIN: Ladies and gentlemen, why would you
23 make this lie up? I slept over with Rel, he let me put my
24 thumb print on it today -- yesterday. Why would you make
25 up the two-week lie?

1 Because he has to put distance between himself and
2 his co-Defendants. He has to put distance between himself
3 and these crimes. That's Darrell Ward on the wallpaper.
4

5 **(Interview video excerpt plays at 10:59:15.)**
6

7 MS. COFFIN: So first he tries to tell the
8 detective I just found that phone in the jeep, and I added
9 my fingerprint to it. Then when the detective grills down
10 you can't really do that, then you get another story. Why
11 these lies? He wants this to be random, not to be a well-
12 planned crime, a crime where the get-away driver has a
13 working cell phone.
14

15 **(Interview video excerpt plays at 11:00:53.)**
16

17 MS. COFFIN: Ladies and gentlemen, you know
18 this is a lie. You know it's a lie from the video at Fuel
19 Source, but why these lies? Again, he wants it to be ran-
20 dom, not a well-planned, well-executed crime. Ladies and
21 gentlemen, by the Defendant's own statement at the Fuel
22 Source he said, "I knew something wasn't right. Well,
23 ladies and gentlemen, get out of the jeep if you're not part
24 of it. Right there, get out. These are lies that are
25 evidence of his state of mind.

1 He knows he's gotta lie because the truth makes
2 him guilty. Felony murder, you need not prove intent to
3 kill. If the killing happens while escaping from a felony.
4 Ladies and gentlemen, right here, right here, this is just
5 burglary. It's just a burglary, not a murder, but he goes
6 back for his team. He goes back for his co-Defendants.

7 Right here, ladies and gentlemen, it's just a
8 burglary, it's not a murder. Put it in park. She has not
9 drawn her weapon. He continues towards her. Ladies and
10 gentlemen, the Defense in hoping said she was responding to
11 a suspicious vehicle, and that that was incredibly important
12 to you, that that's all she knew. She could only stop him
13 for speeding. Well, ridiculous. First of all, the evidence
14 shows that --

15
16 **(Interview video excerpt plays at 11:05:35.)**

17
18 MS. COFFIN: Evidence that she was investigating
19 a felony. Officer Caprio is not here to speak for herself.
20 There was an eyewitness, Kirsten Roller.

21
22 **(Interview video excerpt plays at 11:06:45.)**

23
24 MS. COFFIN: Kirsten Roller sees the jeep take
25 off. She didn't see Officer Caprio arrive on Linwen.

1 When the jeep comes back on Linwen, she says,
2 "The cop is chasing the jeep back." Then she says, "Oh,
3 my God. Oh, my God. He's gonna run the cop over." --
4 (Inaudible - 11:09:06) -- he's in custody.

5
6 **(Interview video excerpt plays at 11:09:12.)**

7
8 MS. COFFIN: That's an assault, Officer Caprio
9 has every right to pull her handgun. He's now a threat to
10 her, and she pulls her handgun. She didn't throw herself
11 in front of the jeep, she was doing her duty investigating
12 these crimes. She still backs up. Yes, she sought cover,
13 she could've even fired her weapon, but she still backs up.
14 Officer Caprio is doing her duty. What she does not do is
15 let him get away.

16 When he first races towards her, he wants to
17 clear her out of the road, but she stands firm with her
18 weapon doing her duty. She still backs up. He then opens
19 the door, she changes position. He's still moving towards
20 her. Look at her hand on the jeep. Policing is for the
21 brave. That's correct, she didn't run for cover, she stood
22 strong. I can't let you leave. You can't leave because
23 Officer Caprio knows the felony of first-degree burglary,
24 and because the jeep is aiming at her with deadly force,
25 probable cause for an arrest.

1 Harris guns it as she stands directly in front of
2 the jeep. By the time she fires her weapon, she's dead,
3 and then he drives away still holding that jeep door open.
4 (Inaudible - 11:11:48) -- in play do all of this. Do you
5 really believe he navigated around these cars with his eyes
6 close while holding open the door? This is no rogue cop.
7 She was stopping a jeep with her hand. She did her duty to
8 the ultimate sacrifice.

9
10 **(Interview video excerpt plays at 11:12:14.)**

11
12 MS. COFFIN: "Thinking in my head, what should I do?
13 Thinking what should I do?" He made his decision. She was
14 in the way, and the only way out was just over her. The
15 State need not prove the intent to kill, but it's clear what
16 his intent was when he gunned that jeep at her. No question
17 he ducked, I would concede that. That handgun was trained
18 right at him. He ducked because he knew he was gonna run
19 her over, and she was gonna fire. By his own words, he knew
20 she was in front of that jeep.

21 What crimes were committed is not an issue. Who did
22 it is your question. Find the Defendant guilty of the
23 fourth-degree burglary on Ardmore as an accessory, ready,
24 willing and able. Find the Defendant guilty of first-degree
25 burglary at Northwind. Primary actor and/or accessory.

1 He was present by his own admission, prints on
2 the gun, sharing in the proceeds. Find the Defendant guilty
3 of first-degree burglary from 3 Linwen either as the primary
4 actor or as an accessory. He was present, he went to the
5 front door, he had the cell phone at the ready to warn of
6 danger, and the jeep to get away.

7 Officer Caprio was called to a first-degree bur-
8 glary, it was her duty to stop that jeep and investigate.
9 She stood her watch and she did her duty, and the Defendant
10 ran over her to escape the first-degree burglary. Find the
11 Defendant guilty of felony murder. Thank you, ladies and
12 gentlemen.

13 THE COURT: Thank you, ma'am. All right.
14 We'll take a ten-minute break for the Defense to give their
15 argument. Ladies and gentlemen, leave your pads and pencils
16 as well as the instructions on your chair. Please don't
17 discuss the case while you're out on your break. We'll come
18 back in about ten minutes.

19
20 **(Off the record 11:15 a.m. for brief recess.)**

21 **(WHEREUPON, jury enters courtroom 11:28:42.)**

22
23 THE COURT: All right. Let the record reflect we
24 are rejoined by our jury. Defense? Mr. Brown.

25 MR. BROWN: Thank you, your Honor.

REBUTTAL CLOSING

1
2 MS. COFFIN: I can't echo that, "Do your job,"
3 any stronger. I echo that, I shout it, "Do your job." I
4 say praise the Lord this isn't a lynching. Praise the Lord
5 we are not in that day. Praise the Lord you have sacrificed
6 and accepted this burden.

7 Ladies and gentlemen, the evidence in this case is
8 overwhelming. The evidence of his intent, his participation
9 in these burglaries. The Defense comes to you and say he's
10 a scared 16-year-old boy who does not know what's going on.
11 Well, the most absurd, absurd thing that has been said in
12 this courtroom is he didn't know he ran Officer Caprio over.
13 It defies logic. The impact of the jeep hitting her, the
14 bump of the wheel running her over.

15 Now look at his conduct. He goes back to Linwen
16 Way. Mr. Squires, Ms. Violanti. That was not a scared boy
17 they described, that was a calm, calculating young man leav-
18 ing the jeep that just ran over a police officer. Officer
19 Deremiek, you actually see the Defendant as calm as can be,
20 doesn't know he ran over an officer. The police presence
21 on that block was overwhelming. An ambulance drove to and
22 from past the Defendant. Not one jot of remorse. Officer
23 Deremiek crosses himself. Do your duty, look at the
24 evidence and find the Defendant guilty. Thank you.

25 THE COURT: All right.

STATE OF MARYLAND

* IN THE

* CIRCUIT COURT

v.

* FOR

* BALTIMORE COUNTY

DAWNTA HARRIS

* Case No.: 03-K-18-002254

* * * * *

VERDICT SHEET

1. Burglary-First Degree
(3 Linwen Way)

Not Guilty

Guilty

2. Burglary-First Degree
(9610 Northwind Road)

Not Guilty

Guilty

(If your verdicts to Question 1 and 2 are Not Guilty, skip Question 3 and proceed to Question 4. If your verdict to either Question 1 or 2 is Guilty, proceed to Question 3.)

3. First Degree Felony Murder

Not Guilty

Guilty

4. Burglary-Fourth Degree
(7909 Ardmore Avenue)

Not Guilty

Guilty

5. Theft: \$1,500 to Under \$25,000
(Jeep)

Not Guilty

Guilty

Harley Stravel
Foreperson

5/1/2019
Date

