

Exhibit

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
VS.)
)
HOANG NGUYEN, ET AL,)
)
DEFENDANTS.)
)
)
)

1:04-CR-232-BBM-2,4,5,6

DOCKET NUMBER
1:04-CR-232-BBM-2,4,5,6

ATLANTA, GEORGIA
MAY 18, 2006

PARTIAL TRANSCRIPT OF JURY TRIAL PROCEEDINGS
TESTIMONY OF SEAN MAHAR
BEFORE THE HONORABLE BEVERLY B. MARTIN,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: STEPHANIE GABAY-SMITH
JENNY TURNER
UNITED STATES ATTORNEY'S OFFICE
ATLANTA, GEORGIA 30303

FOR DEFENDANT HOANG NGUYEN: NELSON TYRONE
ATLANTA, GEORGIA 30338

FOR DEFENDANT TERRI NGUYEN: JAKE WALDROP
FEDERAL DEFENDER PROGRAM

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: MONTRELL VANN, CCR, RPR, RMR, CRR
2394 UNITED STATES COURTHOUSE
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ATLANTA, GEORGIA 30303
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APPEARANCES CONTINUED

FOR DEFENDANT JENNY NGUYEN: WILMER (BUDDY) PARKER
GILLEN, PARKER & WITHERS
ATLANTA, GEORGIA 30305

FOR DEFENDANT NHUNG NGUYEN: DAVID ROGERS
ROGERS & THARP
ALPHARETTA, GEORGIA 30304

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I N D E X

PAGE

GOVERNMENT'S WITNESS

SEAN MAHAR

DIRECT EXAMINATION BY MS. GABAY-SMITH

4

REPORTER'S CERTIFICATE

32

1 (IN ATLANTA, FULTON COUNTY, GEORGIA, MAY 18, 2006, IN OPEN
2 COURT.)

3 SEAN MAHAR

4 CALLED AS A WITNESS BY THE UNITED STATES OF AMERICA, AFTER
5 HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION

7 BY MS. GABAY-SMITH:

8 Q. SERGEANT MAHAR, CAN YOU STATE YOUR NAME AND SPELL IT,
9 PLEASE, FOR THE RECORD?

10 A. SEAN MAHAR. S-E-A-N, M-A-H-A-R.

11 Q. AND WHERE ARE YOU EMPLOYED, SIR?

12 A. CITY OF DORAVILLE POLICE DEPARTMENT.

13 Q. AND HOW LONG HAVE YOU BEEN EMPLOYED THERE?

14 A. THREE YEARS.

15 Q. AND WHAT ARE YOUR DUTIES THERE?

16 A. I'M A PATROL SUPERVISOR, I'M A SERGEANT AND I'M ALSO A K-9
17 HANDLER.

18 Q. AND, SERGEANT MAHAR, I'M GOING TO DIRECT YOUR ATTENTION TO
19 MARCH 22ND, 2004. WERE YOU WORKING FOR THE DORAVILLE POLICE
20 DEPARTMENT ON THAT DAY?

21 A. YES, I WAS.

22 Q. AND IN WHAT CAPACITY WERE YOU WORKING ON THAT DAY?

23 A. I WAS A SHIFT SUPERVISOR.

24 Q. WERE YOU CALLED TO AID AGENTS FROM THE DRUG ENFORCEMENT
25 ADMINISTRATION?

1 A. YES, I WAS.

2 Q. COULD YOU TELL US ABOUT THAT, PLEASE?

3 A. APPROXIMATELY 5:30 THAT DAY I WAS REQUESTED TO MEET WITH
4 D.E.A. AGENT, AGENT MCLEOD, AT THE B.P. GAS STATION LOCATED AT
5 SHALLOWFORD ROAD AND BUFORD HIGHWAY. I WENT TO THAT AREA AND
6 MET WITH AGENT MCLEOD WHO TOLD ME THAT THEY WERE INVOLVED IN AN
7 INVESTIGATION AND THAT HE WAS REQUESTING MY ASSISTANCE IN
8 STOPPING A MOTOR VEHICLE.

9 Q. WHAT DID YOU DO AFTER YOU RECEIVED THAT INFORMATION?

10 A. AGENT MCLEOD GAVE ME A WALKIE-TALKIE WITH WHICH TO LISTEN
11 AND COMMUNICATE WITH HIM AND HIS TEAM. I REENTERED MY MARKED
12 PATROL CAR AND LEFT THE SCENE TO GET OUT OF THE AREA UNTIL I WAS
13 NEEDED.

14 Q. WHEN YOU GOT OUT OF THE AREA WHERE DID YOU GO?

15 A. DROVE UP AND DOWN BUFORD HIGHWAY.

16 Q. DID THERE COME A TIME THAT YOU RECEIVED A TRANSMISSION OVER
17 THAT D.E.A. RADIO?

18 A. YES, THERE WAS.

19 Q. WHO WAS THAT TRANSMISSION FROM?

20 A. THERE WERE SEVERAL PEOPLE ON THE RADIO. I HAD ONLY MET
21 WITH AGENT MCLEOD. I DON'T KNOW WHO -- WHO ELSE WAS
22 TRANSMITTING AT THE TIME.

23 Q. AFTER YOU RECEIVED THAT TRANSMISSION WHAT DID YOU DO?

24 A. I PROCEEDED SOUTH ON BUFORD HIGHWAY AND I PULLED INTO A
25 BANK OF AMERICA PARKING LOT. I PARKED MY PATROL CAR THERE

1 WAITING FOR THE VEHICLE. FROM THE RADIO TRANSMISSIONS IT
2 SOUNDED LIKE THE VEHICLE WAS GOING TO GET READY TO LEAVE, SO I
3 WANTED TO BE READY TO INTERCEPT THE VEHICLE.

4 Q. WERE YOU WITHIN THE CITY LIMITS OF DORAVILLE AT THAT TIME?

5 A. NO, I WAS NOT. I WAS INSIDE THE CITY LIMITS OF CHAMBLEE
6 WHICH WAS RIGHT NEXT DOOR TO THE CITY LIMITS OF DORAVILLE.

7 Q. WHILE YOU WERE IN THE PARKING LOT, YOU SAID, AT A BANK OF
8 AMERICA; IS THAT CORRECT?

9 A. THAT'S CORRECT.

10 Q. DID YOU RECEIVE ANOTHER RADIO TRANSMISSION?

11 A. THEY TOLD ME THAT THE VEHICLE WAS ON THE MOVE HEADING
12 NORTHBOUND ON BUFORD HIGHWAY.

13 Q. WHAT DID YOU DO WHEN YOU RECEIVED THAT TRANSMISSION?

14 A. CONFIRMED THE DESCRIPTION OF THE VEHICLE AND STOOD BY AND
15 WAITED FOR THE VEHICLE TO PASS MY LOCATION.

16 Q. ABOUT HOW LONG AFTER THAT -- EXCUSE ME -- TRANSMISSION DID
17 YOU SEE THIS VEHICLE?

18 A. 15, 20 SECONDS MAYBE.

19 Q. COULD YOU DESCRIBE THAT VEHICLE FOR US, PLEASE?

20 A. IT WAS A BLUEISH-GREEN MERCEDES WITH A PERSONALIZED GEORGIA
21 PLATE OF BENJEN, B-E-N, J-E-N.

22 Q. AFTER YOU SAW THAT VEHICLE, WHAT DID YOU DO?

23 A. I PULLED OUT OF THE BANK OF AMERICA PARKING LOT ONTO BUFORD
24 HIGHWAY DIRECTLY BEHIND THE SUSPECT VEHICLE.

25 Q. NOW, WHILE YOU WERE BEHIND THE VEHICLE WERE YOU STILL -- AT

1 THAT POINT WERE YOU MOVING OR WERE YOU STOPPED?

2 A. WE WERE STOPPED AT THE RED LIGHT AT SHALLOWFORD ROAD AND
3 BUFORD HIGHWAY.

4 Q. NOW, DID THE LIGHT TURN COLORS?

5 A. YES, IT DID.

6 Q. WHEN THAT LIGHT TURNED GREEN WHAT OCCURRED?

7 A. WE CONTINUED NORTHBOUND ON BUFORD HIGHWAY AND ENTERED THE
8 CITY LIMITS OF DORAVILLE.

9 Q. WHEN YOU SAY "WE," WHO ARE WE TALKING ABOUT?

10 A. THE SUSPECT VEHICLE AND ME, MYSELF.

11 Q. ABOUT HOW -- YOU SAID YOU WERE BEHIND THE VEHICLE. ABOUT
12 HOW FAR BEHIND THAT VEHICLE, THE BENJEN VEHICLE WERE YOU?

13 A. 15 FEET.

14 Q. WHAT TIME OF DAY WAS IT?

15 A. IT WAS APPROXIMATELY 6:00 P.M.

16 Q. WAS IT LIGHT OR DARK OUTSIDE?

17 A. IT WAS LIGHT.

18 Q. COULD YOU SEE INSIDE THE VEHICLE?

19 A. I COULD SEE THROUGH THE BACK WINDOW, YES.

20 Q. COULD YOU TELL US HOW MANY OCCUPANTS WERE IN THAT VEHICLE?

21 A. THERE WERE TWO FEMALE OCCUPANTS WITH BLACK HAIR.

22 Q. COULD YOU OBSERVE ANYTHING ELSE AS YOU WERE BEHIND THAT
23 VEHICLE?

24 A. I OBSERVED THAT THE DRIVER OF THE VEHICLE WAS NOT WEARING A
25 SEAT BELT. I COULD SEE THAT THE SEAT BELT WAS HANGING STRAIGHT

1 DOWN TO THE SIDE AND I OBSERVED THAT THE PASSENGER HAD HER SEAT
2 BELT ON BECAUSE YOU COULD SEE IT STRAPPED ACROSS HER CHEST.

3 Q. WHEN YOU SAW THAT, WHAT DID YOU DO?

4 A. I CONTINUED TO FOLLOW THE VEHICLE PROBABLY 200 FEET BEFORE
5 I ACTIVATED MY BLUE LIGHTS TO INITIATE A TRAFFIC STOP ON THE
6 VEHICLE.

7 Q. WHERE WERE YOU WHEN YOU INITIATED YOUR BLUE LIGHTS?

8 A. I WAS ON BUFORD HIGHWAY NORTHBOUND RIGHT AT MCCLAVE DRIVE.

9 Q. WHAT DID THE OCCUPANTS OF THE BENJEN VEHICLE DO WHEN YOU
10 INITIATED YOUR BLUE LIGHTS?

11 A. THEY CONTINUED DRIVING NORTHBOUND. THEY WERE IN THE
12 LEFT-HAND LANE. THE NORTHBOUND LANES OF BUFORD HIGHWAY THERE'S
13 THREE LANES, SO WE WERE IN THE FURTHEST LEFT-HAND LANES
14 CONSIDERED NORTHBOUND AND ENTERED THE CENTER MEDIAN TURN LANE TO
15 ENTER THE ASIAN SQUARE SHOPPING PLAZA.

16 Q. DID THAT VEHICLE THAT HAD THE PLATES BENJEN, DID IT PULL
17 INTO THE ASIAN SQUARE PARKING LOT?

18 A. YES, IT DID.

19 Q. AND WHAT DID YOU DO WHEN IT DID THAT?

20 A. I CONTINUED -- I WAS STILL BEHIND THE VEHICLE WITH MY BLUE
21 LIGHTS ACTIVATED. I FOLLOWED THE VEHICLE INTO THE ASIAN SQUARE
22 SHOPPING PLAZA.

23 Q. AFTER YOU -- WELL, WHEN YOU FOLLOWED THE VEHICLE INTO THE
24 ASIAN SQUARE -- YOU SAID IT WAS SHOPPING CENTER?

25 A. CORRECT.

1 Q. WHAT DID YOU OBSERVE THE DRIVER OF THE VEHICLE, THE BENJEN
2 VEHICLE DO?

3 A. TURNED LEFT INTO THE FIRST AVAILABLE PARKING SPACE AS SOON
4 AS THEY ENTERED THE PLAZA.

5 Q. AND THEN WHAT DID YOU DO?

6 A. PULLED MY VEHICLE OUT OF THE WAY OF TRAFFIC THAT WAS COMING
7 IN AND OUT OF THE PLAZA. I EXITED MY PATROL CAR, APPROACHED THE
8 DRIVER'S SIDE OF THE VEHICLE AND EXPLAINED TO THEM WHY I WAS
9 PULLING THEM OVER.

10 Q. WHAT DID YOU SAY?

11 A. I EXPLAINED TO THEM THAT -- WHO I WAS, REQUESTED THEIR
12 LICENSE AND INSURANCE AND EXPLAINED THAT I PULLED HER OVER FOR A
13 SEAT BELT VIOLATION.

14 Q. WHEN YOU FIRST WALKED UP TO THAT VEHICLE WHAT DID YOU
15 OBSERVE?

16 A. THE DRIVER WAS NOT WEARING A SEAT BELT.

17 Q. HOW MANY PEOPLE WERE IN THE VEHICLE AT THAT POINT?

18 A. TWO.

19 Q. HAD ANYBODY GOTTEN OUT OF THE VEHICLE AT THAT POINT?

20 A. NO.

21 Q. COULD YOU DESCRIBE THE TWO INDIVIDUALS YOU SAW IN THE
22 VEHICLE?

23 A. THEY WERE BOTH YOUNG ASIAN FEMALES.

24 Q. NOW, YOU'VE TOLD US THAT YOU EXPLAINED TO THEM WHY THEY
25 WERE STOPPED?

1 A. CORRECT.

2 Q. WHAT EXACTLY DID YOU SAY?

3 A. AFTER RECEIVING THE DRIVER'S LICENSE AND INSURANCE FROM THE
4 DRIVER, SHE ACTUALLY ASKED ME WHY I PULLED HER OVER AND I
5 EXPLAINED TO HER THAT I STOPPED HER BECAUSE SHE WAS NOT WEARING
6 HER SEAT BELT.

7 Q. WHAT DID YOU DO THEN?

8 A. I WENT BACK TO MY CAR TO RUN A LICENSE CHECK TO MAKE SURE
9 THAT HER LICENSE WAS VALID AND BEGAN TO WRITE A TRAFFIC CITATION
10 FOR THE SEAT BELT VIOLATION.

11 Q. NOW, WHEN YOU -- DID YOU -- WERE YOU RECEIVING ANY OTHER
12 RADIO TRANSMISSIONS AT THAT TIME?

13 A. NOT AT THAT TIME, NO.

14 Q. DID YOU HAVE THE D.E.A. RADIO WITH YOU WHEN YOU WALKED UP
15 TO MS. JENNY NGUYEN'S VEHICLE?

16 A. NO, I DID NOT. IT WAS IN MY PATROL CAR.

17 Q. SHOWING YOU WHAT IS GOVERNMENT'S EXHIBIT 114, DO YOU
18 RECOGNIZE IT?

19 A. YES, I DO.

20 Q. WOULD YOU TELL US WHAT THAT IS, PLEASE?

21 A. THAT WOULD BE THE BLUEISH-GREEN MERCEDES WITH THE
22 PERSONALIZED LICENSE PLATE OF BENJEN THAT I PULLED OVER.

23 Q. YOU CAN HOLD THAT NEXT TO YOU THERE FOR A MOMENT. YOU TOLD
24 US THAT YOU WERE BACK AT YOUR CAR WRITING THE TRAFFIC CITATION;
25 IS THAT CORRECT?

1 A. THAT'S CORRECT.

2 Q. HOW LONG DID IT TAKE YOU TO WRITE THAT TRAFFIC CITATION?

3 A. FIVE MINUTES OR LESS.

4 Q. WHAT WAS THAT TRAFFIC CITATION FOR?

5 A. FAILURE TO WEAR A SEAT BELT.

6 Q. DID YOU GO BACK TO THE CAR PRIOR TO FINISH WRITING THE
7 TRAFFIC CITATION?

8 A. YES, I DID.

9 Q. COULD YOU TELL US WHAT YOU DID?

10 A. I WENT BACK TO THE VEHICLE AND ASKED MS. JENNY NGUYEN TO
11 STEP OUT OF THE VEHICLE SO I COULD TALK TO HER. SHE COMPLIED BY
12 STEPPING OUT OF THE VEHICLE. WHEN SHE -- WE STEPPED TOWARDS THE
13 REAR OF HER VEHICLE. I EXPLAINED TO HER THAT IN ADDITION TO MY
14 DUTIES AS A POLICE OFFICER I'M ALSO A K-9 HANDLER AND MY JOB IS
15 TO STOP THE ILLEGAL FLOW OF DRUGS IN AND OUT OF THE CITY AND I
16 ASKED HER IF SHE HAD ANY ILLEGAL NARCOTICS INSIDE OF HER
17 VEHICLE. SHE STATED NO. I ASKED HER IF SHE HAD ANY GUNS INSIDE
18 OF HER VEHICLE. SHE STATED NO. I ASKED FOR CONSENT TO SEARCH
19 HER VEHICLE. SHE SAID YES. SHE GAVE ME CONSENT.

20 Q. WHAT OCCURRED AFTER SHE GAVE YOU CONSENT TO SEARCH HER
21 VEHICLE?

22 A. I ASKED HER TO STEP UP ON THE SIDEWALK IN FRONT OF HER
23 VEHICLE WHERE THE VEHICLE WAS PARKED, WENT AROUND TO THE
24 PASSENGER AND ASKED HER ALSO TO STEP OUT OF THE VEHICLE AND STEP
25 ONTO THE SIDEWALK.

1 Q. CAN I HAVE GOVERNMENT'S 114 BACK AGAIN? AND LET'S SEE, I
2 THINK YOU HAVE THESE OTHER EXHIBITS. I'LL JUST PICK THOSE UP.
3 THOSE ARE THE TRANSCRIPTS. NOW, YOU SAID MS. NGUYEN CAME OUT OF
4 HER CAR; IS THAT CORRECT?

5 A. THAT'S CORRECT.

6 Q. WHERE WAS THE OTHER PASSENGER -- WHERE IS THE PASSENGER IN
7 THE VEHICLE?

8 A. IN THE FRONT SEAT.

9 Q. DID THE PASSENGER STAY IN THE CAR AT THAT TIME?

10 A. NO. AFTER I ASKED MS. JENNY NGUYEN TO STEP UP ON THE
11 SIDEWALK, I WENT AROUND AND ASKED THE FRONT SEAT PASSENGER IF
12 SHE WOULD ALSO STEP UP ON THE SIDEWALK.

13 Q. AND DID THE FRONT SEAT PASSENGER STEP UP ON THE SIDEWALK?

14 A. YES, SHE DID.

15 Q. AND AFTER YOU -- WHY DID YOU HAVE BOTH OF THEM COME OUT OF
16 THE CAR?

17 A. OFFICER SAFETY REASONS. SINCE SHE DID GIVE ME CONSENT TO
18 SEARCH THE VEHICLE IT WAS SAFER FOR ME IF NOBODY WAS INSIDE THE
19 VEHICLE AS I WAS SEARCHING IT.

20 Q. WHERE DID YOU HAVE MS. JENNY NGUYEN AND THE PASSENGER OF
21 THAT VEHICLE STAND?

22 A. ON THE SIDEWALK IN FRONT OF -- THE VEHICLE IS PULLED INTO
23 THE PARKING SPACE. THEY WERE ON THE SIDEWALK IN FRONT OF THE
24 VEHICLE.

25 Q. IN THAT PARKING SPACE WAS THE FRONT END OF THE CAR PULLED

1 INTO THE PARKING SPACE OR WAS THE BACK OF THE CAR PULLED INTO
2 THE PARKING SPACE?

3 A. THE FRONT END WAS.

4 Q. NOW, YOU HAVE BOTH OF THESE LADIES OUTSIDE OF THE CAR.
5 WHAT OCCURRED THEN?

6 A. THEN I WENT ABOUT SEARCHING THE INTERIOR OF THE VEHICLE. I
7 STARTED ON THE DRIVER'S SIDE FRONT SEAT AREA, COUNTER-CLOCKWISE
8 TO THE BACKSEAT, AROUND TO THE PASSENGER SIDE BACKSEAT AND THEN
9 TO THE FRONT PASSENGER SEAT AREA.

10 Q. DID YOU FIND ANYTHING IN THE FRONT?

11 A. NO.

12 Q. INTERIOR OF THE VEHICLE?

13 A. NO, I DID NOT.

14 Q. WHAT DID YOU DO THEN?

15 A. I THEN WENT -- CAME OUT OF THE CAR AND WENT AROUND TO TRY
16 TO OPEN THE TRUNK.

17 Q. WERE YOU ABLE TO OPEN THE TRUNK?

18 A. I COULD NOT OPEN THE TRUNK, SO THEN I WENT BACK LOOKING
19 INSIDE THE PASSENGER COMPARTMENT AREA TO SEE IF THERE WAS A
20 TRUNK RELEASE BUTTON IN MAYBE THE GLOVE BOX AND DOWN ON THE SIDE
21 OF THE DRIVER'S SEAT, AND I COULD NOT LOCATE ONE.

22 Q. AT THIS TIME WHAT WAS THE Demeanor OF MS. JENNY NGUYEN AND
23 THE PASSENGER OF THE VEHICLE AS YOU WERE SEARCHING THE INTERIOR
24 OF THE CAR?

25 A. THEY BOTH APPEARED CALM. THE PASSENGER, I RECALL, WAS ON A

1 TELEPHONE -- A CELL PHONE TALKING INTO A CELL PHONE SPEAKING IN
2 A LANGUAGE I DID NOT UNDERSTAND.

3 Q. NOW, AFTER YOU WENT BACK TO THE FRONT TO TRY AND FIND
4 SOMETHING TO OPEN UP THAT TRUNK, WHAT DID YOU DO?

5 A. I ASKED MS. NGUYEN, MS. JENNY NGUYEN HOW I WAS TO OPEN THE
6 TRUNK. AND SHE ACTUALLY CAME UP TO ME, WALKED TO THE REAR OF
7 THE VEHICLE WITH ME AND OPENED THE TRUNK FOR ME.

8 Q. AND WHEN YOU OPENED UP THE TRUNK WHAT, IF ANYTHING, DID YOU
9 SEE?

10 A. LOCATED INSIDE THE TRUNK WERE TWO WHITE CARDBOARD BOXES AND
11 A PLASTIC SHOPPING BAG LAYING NEXT TO IT. INSIDE THE PLASTIC
12 SHOPPING BAG AND IMMEDIATELY RECOGNIZABLE WAS A LARGE AMOUNT OF
13 UNITED STATES CURRENCY. IT WAS FOLDED IN HALF, BUNDLED IN HALF
14 AND RUBBER-BANDED AND THERE WERE SEVERAL BUNDLES OF THAT INSIDE
15 THE PLASTIC BAG.

16 Q. WHAT DID YOU DO AFTER YOU OBSERVED THAT?

17 A. I ASKED MS. JENNY NGUYEN IF THAT WAS HER MONEY, AND SHE
18 SAID, YES, IT WAS.

19 Q. WHAT DID YOU DO THEN?

20 A. I THEN PULLED OPEN ONE OF THE WHITE CARDBOARD BOXES AND
21 INSIDE OF THAT WERE RED OR MAROON-COLORED GIFT-TYPE BAGS.
22 AGAIN, THEY WERE LOADED ALSO WITH CURRENCY, U.S. CURRENCY
23 WRAPPED IN THE SAME FASHION.

24 Q. I'M GOING TO SHOW YOU AGAIN WHAT IS GOVERNMENT'S EXHIBIT
25 114. YOU'VE ALREADY TOLD US THAT THAT IS THE VEHICLE THAT YOU

1 STOPPED ON MARCH 22ND OF 2004; IS THAT CORRECT?

2 A. THAT'S CORRECT.

3 Q. I'M NOW GOING TO SHOW YOU GOVERNMENT'S EXHIBIT 115. DO YOU
4 RECOGNIZE THAT?

5 A. YES, I DO.

6 Q. COULD YOU TELL US WHAT THAT IS, PLEASE?

7 A. THAT WOULD BE THE TWO BOXES AND THE PLASTIC SHOPPING BAG
8 FULL OF U.S. CURRENCY THAT I OBSERVED IN THE TRUNK OF THE
9 VEHICLE.

10 Q. AND IN GOVERNMENT'S EXHIBIT 115 THEY ARE STILL INSIDE THE
11 TRUNK?

12 A. YES, THEY ARE.

13 Q. I'M GOING TO SHOW YOU WHAT IS GOVERNMENT'S EXHIBIT 116.
14 CAN YOU TELL US WHAT THAT IS, PLEASE?

15 A. THAT WOULD BE ONE OF THE SHOPPING -- OR ONE OF THE
16 GIFT-TYPE BAGS THAT I WAS REFERRING TO THAT WAS FULL OF U.S.
17 CURRENCY WHICH IS LOCATED INSIDE ONE OF THE CARDBOARD BOXES.

18 Q. NOW, AFTER YOU HAD OPENED UP THE TRUNK AND SAW THE MONEY,
19 WHAT DID YOU DO?

20 A. WHEN I FIRST -- WHEN I FIRST SAW THE MONEY IN THE FIRST
21 BAGGIE, ASKED MS. JENNY NGUYEN IF THAT WAS HER MONEY AND SHE
22 STATED YES IT WAS. THEN AFTER I OPENED UP THE BOX AND SAW THAT
23 THERE WAS QUITE A BIT MORE MONEY, I ASKED HER IF SHE -- HOW MUCH
24 MONEY WAS THERE. I BELIEVE SHE SAID APPROXIMATELY \$200,000.

25 Q. WHAT WAS HER DEMEANOR AT THAT POINT?

1 A. SHE WAS STILL CALM, MAYBE SLIGHTLY NERVOUS, BUT VERY
2 COOPERATIVE WITH ME.

3 Q. WHERE WAS THAT FRONT SEAT PASSENGER AT THIS POINT?

4 A. SHE WAS STILL LOCATED UP ON THE FRONT SIDEWALK TALKING ON
5 HER CELL PHONE.

6 Q. WHAT WAS THAT PERSON DOING AT THE TIME?

7 A. TALKING IN THE CELL PHONE AND LOOKING DOWN THE SIDEWALK OF
8 THE SHOPPING PLAZA AND THEN LOOKING OUT INTO THE PARKING LOT.

9 Q. WHAT WAS THAT PERSON'S DEemeanOR AT THE TIME?

10 A. TO ME SHE APPEARED VERY NERVOUS. IT WAS LIKE SHE WAS
11 LOOKING FOR SOMEBODY.

12 MR. WALDROP: YOUR HONOR, I OBJECT TO SPECULATION ON
13 THE PART OF THE WITNESS.

14 THE COURT: THE PERSON'S DEemeanOR, I'LL PERMIT IT.
15 BY MS. GABAY-SMITH:

16 Q. NOW, DID YOU HAVE AN OPPORTUNITY TO LEARN THE FRONT SEAT
17 PASSENGER'S NAME?

18 A. I DID. I BELIEVE I OBTAINED HER IDENTIFICATION AT SOME
19 POINT, BUT AT THIS TIME I DON'T RECALL HER NAME.

20 Q. NOW, WAS ANYONE UNDER ARREST AT THIS POINT?

21 A. NO.

22 Q. AFTER YOU SAW THAT MONEY WHAT DID YOU DO?

23 A. I CONTINUED TO ASK INVESTIGATIVE QUESTIONS, WHY SHE HAD
24 SUCH A LARGE AMOUNT OF MONEY IN THE TRUNK OF HER CAR FASHIONED
25 IN THIS MANNER.

1 Q. WHEN YOU SAY "FASHIONED IN THIS MANNER," WHAT ARE YOU
2 TALKING ABOUT?

3 A. LARGE AMOUNTS OF CURRENCY IN A PLASTIC BAG, IN GIFT BAGS
4 WRAPPED INSIDE BOXES. FOR THE AMOUNT OF MONEY THAT I SAW, IT
5 JUST DID NOT SEEM LIKE A VERY SAFE OR SECURE WAY TO HAVE THAT
6 MONEY.

7 Q. IF YOU REMEMBER, WHAT WERE THE DENOMINATIONS OF THESE
8 BUNDLES THAT YOU'VE ALREADY DESCRIBED FOR US?

9 A. THERE WERE SEVERAL DIFFERENT DENOMINATIONS, STACKS OF
10 20'S, 100'S, 50'S.

11 Q. AND THESE ARE THE STACKS THAT YOU SAID -- WELL, THEY WERE
12 ALL RUBBER BAND TOGETHER?

13 A. CORRECT.

14 Q. AND IF YOU REMEMBER, DID THEY HAVE, LIKE, ALL 20'S IN A
15 STACK, ALL 100'S IN A STACK, OR WERE THEY MIXED?

16 A. THAT, I DON'T KNOW BECAUSE I NEVER ACTUALLY PULLED THE
17 STACKS APART. I NEVER CONDUCTED A COUNT OF THE MONEY, SO THE
18 WHOLE TIME THAT I DEALT WITH THE MONEY THEY STAYED RUBBER-BANDED
19 TOGETHER.

20 Q. BUT YOU SAW 20'S AND 100'S?

21 A. YES.

22 Q. AND I THINK -- DID YOU SAY ANOTHER DENOMINATION?

23 A. 50'S.

24 Q. WHEN YOU SAY YOU CONTINUED TO ASK INVESTIGATIVE QUESTIONS,
25 WHAT QUESTIONS WERE YOU ASKING?

1 A. I ASKED HER WHY SHE HAD SUCH A LARGE AMOUNT OF MONEY IN THE
2 TRUNK AND MS. NGUYEN, JENNY NGUYEN STATED THAT SHE WAS
3 TRANSFERRING IT FROM ONE STORE TO ANOTHER.

4 Q. DID SHE SAY WHY SHE WAS TRANSFERRING IT?

5 A. NO, SHE DID NOT.

6 Q. DID YOU ASK HER ANY OTHER INVESTIGATIVE QUESTIONS?

7 A. I ASKED HER IF SHE HAD ANY DOCUMENTATION, ANY RECEIPTS,
8 ANYTHING SHOWING OF THE MONEY TRANSFER FROM ONE STORE TO
9 ANOTHER, ANYTHING THAT WOULD EXPLAIN WHY SHE HAD SUCH A LARGE
10 AMOUNT OF CURRENCY IN HER VEHICLE.

11 Q. WHAT WAS HER RESPONSE TO THAT QUESTION?

12 A. NO, SHE HAD NOTHING.

13 Q. AT THIS POINT WERE YOU STILL IN THE ASIAN SQUARE SHOPPING
14 CENTER PARKING LOT?

15 A. YES, I WAS.

16 Q. DID YOU ASK MS. JENNY NGUYEN ANY OTHER INVESTIGATIVE
17 QUESTIONS?

18 A. I BELIEVE THAT WAS ALL I ASKED HER.

19 Q. WHAT DID YOU DO AFTER THAT?

20 A. AT THAT POINT I REQUESTED ANOTHER OFFICER TO COME TO MY
21 LOCATION WITH A NARCOTICS TRAINED DETECTOR DOG.

22 Q. NOW, YOU HAVE ALREADY TOLD US THAT YOU'RE ALSO TRAINED WITH
23 A NARCOTICS DOG; IS THAT CORRECT?

24 A. THAT'S CORRECT.

25 Q. WAS YOUR DOG WITH YOU?

1 A. YES, HE WAS.

2 Q. WHY DID YOU CALL ANOTHER DOG THERE?

3 A. I HAD JUST GOTTEN MY DOG ABOUT A MONTH BEFORE THIS TRAFFIC
4 STOP. WE HAD YET TO CERTIFY. I DIDN'T FEEL COMFORTABLE
5 BRINGING MY DOG OUT ON A SITUATION LIKE THIS NOT HAVING BEEN
6 CERTIFIED.

7 Q. SO YOU SAID YOU CALLED FOR ANOTHER OFFICER WITH A NARCOTICS
8 DOG; IS THAT CORRECT?

9 A. THAT'S CORRECT.

10 Q. WHO WAS THAT OFFICER THAT RESPONDED?

11 A. IT WAS SERGEANT SANFELICE WHO IS ALSO A MEMBER OF THE
12 DORAVILLE POLICE DEPARTMENT.

13 Q. NOW, IF YOU COULD JUST TELL US WHAT YOU OBSERVED WHEN
14 SERGEANT SANFELICE ARRIVED THERE?

15 A. ONCE SERGEANT SANFELICE ARRIVED I CLOSED THE TRUNK OF THE
16 VEHICLE, BRIEFED HIM ON WHAT HAD TRANSPIRED SO FAR WITH MY
17 TRAFFIC STOP. I KNOW HE WENT AND SPOKE TO MS. JENNY NGUYEN
18 BRIEFLY, GOT HIS DOG OUT OF THE CAR, LET HIS DOG GO TO THE
19 BATHROOM AND THEN CONDUCTED AN OPEN-AIR SNIFF AROUND THE
20 EXTERIOR OF HER VEHICLE WITH HIS DOG.

21 Q. COULD YOU DESCRIBE FOR US WHAT YOU SAW?

22 A. WHEN THE DOG CAME AROUND -- HE STARTED THE OPEN-AIR SNIFF
23 AT THE FRONT DRIVER SIDE CORNER, CAME DOWN THE LEFT SIDE OF THE
24 VEHICLE IN A COUNTER-CLOCKWISE FASHION. WHEN HIS DOG CAME
25 AROUND THE TRUNK AND SNIFFED THE TRUNK, HE SHOWED A CHANGE OF

1 BEHAVIOR, PUT HIS PAW ON THE TRUNK. SERGEANT SANFELICE
2 CONTINUED IN A COUNTER-CLOCKWISE MOTION AROUND THE VEHICLE AND
3 THEN CAME BACK AND DID IT AGAIN. AT THAT POINT HIS DOG ALERTED
4 ON THE TRUNK AGAIN BY PAWING IT. WE OPENED THE TRUNK AND HIS
5 K-9 ACTUALLY PUT HIS FRONT PAWS UP IN THE TRUNK, REACHED IN ONE
6 OF THE BAGS, GRABBED A BUNDLE OF MONEY IN HIS MOUTH AND PULLED
7 IT OUT OF THE BAG.

8 Q. NOW, YOU SAID, AS YOU SAID BEFORE, YOU ARE A K-9 OFFICER?

9 A. THAT'S CORRECT.

10 Q. AND YOU HAD BEEN TRAINED WITH OTHER K-9'S FOR THE POLICE
11 DEPARTMENT; IS THAT CORRECT?

12 A. THAT'S CORRECT.

13 Q. AND BASED UPON -- WELL, COULD YOU TELL US WHAT SOME OF THAT
14 TRAINING CONSISTS OF?

15 A. WE'RE REQUIRED BY OUR DEPARTMENT TO TRAIN AT LEAST FOUR
16 HOURS A MONTH -- I'M SORRY, FOUR HOURS A WEEK EVERY WEEK. ALL
17 OUR DOGS ARE DUAL-PURPOSE DOGS WHICH MEANS THEY ARE
18 NARCOTICS-DETECTOR DOGS AND THEY ARE PATROL DOGS. THE PATROL
19 DUTIES INCLUDE TRACKING, AGGRESSION, OBEDIENCE, THAT SORT OF
20 THING.

21 Q. IN ORDER FOR A DOG TO GET CERTIFIED, WHAT PROCEDURES HAVE
22 TO BE FOLLOWED?

23 A. DEPENDING ON WHERE THE DOG IS GETTING CERTIFIED, THERE ARE
24 DIFFERENT NATIONAL CERTIFICATIONS. THE DOG HAS TO BE ABLE TO
25 DETECT SEVERAL DIFFERENT NARCOTICS ODORS, ALERT ON THOSE ODORS,

1 WHETHER IT'S A PASSIVE ALERT BY SITTING, AN AGGRESSIVE ALERT BY
2 BITING OR SCRATCHING, THEN HAS TO PASS ALL THE OBEDIENCE
3 COURSES. EACH CERTIFYING AUTHORITY HAS CERTAIN STEPS THAT THEY
4 HAVE TO -- THE DOG-HANDLER HAVE TO MEET IN ORDER TO REACH THE
5 CERTIFICATION.

6 Q. ARE YOU AWARE WHETHER OR NOT SERGEANT SANFELICE'S DOG WAS
7 CERTIFIED?

8 A. YES, HE WAS.

9 Q. NOW, YOU'VE MENTIONED TO US THAT THERE ARE ALERTS. COULD
10 YOU EXPLAIN WHAT THAT IS?

11 A. WHEN THE DOG -- FOR A NARCOTICS-DETECTOR DOG, WHEN THE DOG
12 ALERTS, LIKE I SAID, THERE ARE TWO DIFFERENT TYPES OF ALERT. IT
13 COULD BE A PASSIVE -- THE DOG COULD BE PASSIVE-ALERT TRAINED
14 WHICH MEANS WHEN HE DETECTS THE ODOR OF A NARCOTIC HE WILL SIT
15 MUCH LIKE A BOMB DOG WOULD SIT. WHEN IT'S AN AGGRESSIVE-ALERT
16 DOG, THE DOG IS TRAINED TO SEEK THE SOURCE OF THE ODOR BY
17 PINPOINTING IT, SCRATCHING, BITING, DOING WHATEVER IT CAN TO LET
18 ITS HANDLER KNOW THAT, HEY, THIS IS WHERE IT'S AT.

19 Q. I NOTICE YOU SORT OF TAPPED ON THE PODIUM. WHAT DID YOU
20 MEAN BY THAT?

21 A. LIKE WITH MY DOG, THAT'S HOW HE ALERTS. HE'LL SCRATCH AT
22 THE AREA THAT HE WANTS ME TO KNOW THIS IS WHERE I FOUND IT.

23 Q. NOW, BASED UPON WHAT YOU SAW ON MARCH 22ND OF 2004 AND HOW
24 YOU SAW SERGEANT SANFELICE'S DOG REACT, WHAT TYPE OF REACTION
25 WAS THAT?

1 A. IT WAS DEFINITELY AN AGGRESSIVE ALERT.

2 Q. AFTER THE DOG MADE AN ALERT, WHAT DID YOU DO?

3 A. I BELIEVE THAT WAS THE POINT THAT I CONTACTED ONE OF THE
4 NARCOTICS INVESTIGATORS, TOLD HIM THAT WE HAD A POSITIVE ALERT
5 ON THE MONEY, REQUESTED WHAT HE WANTED ME TO DO FURTHER. I
6 WANTED TO SEE IF MS. JENNY NGUYEN WOULD VOLUNTARILY COME TO THE
7 POLICE DEPARTMENT IN TERMS OF MAKING A STATEMENT WITH REGARDS TO
8 THE MONEY. AND I WENT BACK TO MS. NGUYEN. I ASKED HER IF SHE
9 WOULD VOLUNTARILY COME DOWN TO THE POLICE DEPARTMENT AND TALK TO
10 AN INVESTIGATOR. SHE SAID SHE WOULD. SO I HAD ANOTHER PATROL
11 CAR RESPOND TO THE AREA TO TRANSPORT MS. NGUYEN TO THE POLICE
12 DEPARTMENT.

13 Q. WHY DID YOU HAVE ANOTHER PATROL CAR COME AND TRANSPORT
14 MS. NGUYEN?

15 A. DUE TO THE FACT THAT THE DOG ALERTED ON THE MONEY, AT THAT
16 POINT I WAS GOING TO IMPOUND THE VEHICLE AND ALL CONTENTS
17 INSIDE.

18 Q. NOW, AFTER SERGEANT SANFELICE'S DOG ALERTED ON THE BENJEN
19 VEHICLE, WHAT DID YOU DO AS TO -- WELL, I'LL WITHDRAW THAT. WAS
20 YOUR DOG IN YOUR VEHICLE AT THIS TIME?

21 A. YES, HE WAS.

22 Q. DID YOUR DOG GET OUT OF THAT VEHICLE AT THE POINT WHEN
23 SERGEANT SANFELICE'S DOG WAS OUTSIDE OF THE VEHICLE?

24 A. NO.

25 Q. DID THERE COME A TIME THAT YOUR DOG CAME OUT OF THE

1 VEHICLE?

2 A. YES.

3 Q. COULD YOU TELL US ABOUT THAT, PLEASE?

4 A. AFTER SERGEANT SANFELICE PUT HIS DOG BACK IN HIS PATROL
5 CAR, AS A QUICK TRAINING OPPORTUNITY I GOT MY DOG OUT OF MY
6 VEHICLE, CONDUCTED A SIMILAR SEARCH STARTING FRONT, LEFT
7 PASSENGER SIDE, WORKING IN A COUNTER-CLOCKWISE MOTION ALSO ON
8 THE VEHICLE. MY DOG DID ALERT ON THE CURRENCY ALSO.

9 Q. IN WHAT MANNER DID YOUR DOG ALERT?

10 A. BY PAWING AND SCRATCHING AT IT.

11 Q. DID MS. NGUYEN, JENNY NGUYEN TELL YOU WHERE SHE WAS TAKING
12 THAT MONEY?

13 A. I DON'T RECALL.

14 Q. IF I SHOWED YOU YOUR REPORT WOULD THAT REFRESH YOUR
15 RECOLLECTION?

16 A. YES, IT WOULD.

17 MS. GABAY-SMITH: MAY I APPROACH THE WITNESS, YOUR
18 HONOR?

19 THE COURT: YOU MAY.

20 BY MS. GABAY-SMITH:

21 Q. I WILL JUST ASK YOU TO READ THAT BRIEFLY TO YOURSELF.

22 A. OKAY.

23 Q. MAY I HAVE THAT BACK, PLEASE? IS YOUR RECOLLECTION NOW
24 REFRESHED?

25 A. YES, MA'AM.

1 Q. COULD YOU TELL US, PLEASE, WHETHER MS. JENNY NGUYEN STATED
2 WHERE SHE WAS TAKING THE MONEY TO?

3 A. SHE SAID A STORE RIGHT THERE IN ASIAN SQUARE.

4 Q. I'LL SHOW YOU WHAT IS GOVERNMENT'S EXHIBIT 119 I, H, G, F,
5 E, D AND J. THERE'S ALSO A PIECE THAT IS RIPPED THAT APPEARS TO
6 GO TO 119-G. DO YOU RECOGNIZE THEM, THOSE ITEMS?

7 A. YES, I DO.

8 Q. COULD YOU TELL US WHAT THOSE ARE, PLEASE?

9 A. THESE ARE THE GIFT-TYPE BAGS THAT I WAS REFERRING TO
10 EARLIER IN MY TESTIMONY THAT I OBSERVED THE CURRENCY INSIDE OF
11 THOSE.

12 Q. NOW, IF YOU REMEMBER, WHEN SERGEANT SANFELICE'S DOG ALERTED
13 ON THAT MONEY, DID THE DOG TEAR ANY OF THE BAGS?

14 A. YES, HE DID.

15 Q. I'M ALSO GOING TO SHOW YOU WHAT IS GOVERNMENT'S EXHIBIT
16 119-C. DO YOU RECOGNIZE THAT?

17 A. YES, I DO.

18 Q. COULD YOU TELL US WHAT THAT IS?

19 A. THIS IS A TIN, A TIN WITH A PLASTIC TOP AND IT'S CONTAINING
20 SEVERAL RUBBER BANDS.

21 Q. AND HOW IS IT THAT YOU RECOGNIZE THAT?

22 A. IT WAS ALSO INSIDE THE VEHICLE, THE TRUNK OF THE VEHICLE
23 NEXT TO THE BOXES AND THE BAG OF CURRENCY.

24 Q. SHOWING YOU WHAT IS 119-A AND 119-B, DO YOU RECOGNIZE THOSE
25 TWO EXHIBITS?

1 A. I BELIEVE THESE ARE THE CARDBOARD BOXES THAT I OBSERVED
2 THAT THE MAROON GIFT BAGS WERE INSIDE OF THEM.

3 Q. NOW, COULD YOU TELL US WHAT YOU DID AFTER YOUR DOG ALERTED
4 ON THE MONEY IN THE BACK OF THE BENJEN CAR?

5 A. I PROCEEDED TO PUT MY DOG BACK UP IN THE PATROL CAR. I
6 REQUESTED FOR A FLATBED WRECKER TO COME OUT TO THAT LOCATION TO
7 SECURE THE VEHICLE AND I HAD REQUESTED ANOTHER VEHICLE TO COME
8 TO THAT LOCATION TO TRANSPORT MS. JENNY NGUYEN TO THE POLICE
9 DEPARTMENT.

10 Q. WHAT, IF ANYTHING, DID YOU DO WITH THE MONEY YOU FOUND IN
11 THE BACK OF THE VEHICLE?

12 A. THE MONEY WAS SECURED AND STILL INSIDE THAT VEHICLE. I
13 CLOSED THE TRUNK, MADE SURE THE TRUNK WAS LOCKED.

14 Q. AND WHAT OCCURRED THEN?

15 A. ONCE THE FLATBED WRECKER ARRIVED, THE WRECKER DRIVER -- IT
16 WAS BROWN AND BROWN WRECKER SERVICE -- PULLED THE VEHICLE UP
17 ONTO THE FLATBED, TRANSPORTED THAT VEHICLE TO THE POLICE
18 DEPARTMENT. I FOLLOWED THE VEHICLE MAINTAINING VISUAL CONTACT
19 WITH IT THE ENTIRE TIME.

20 Q. WHEN YOU GOT BACK TO -- WELL, DID YOU GO STRAIGHT TO THE
21 DORAVILLE POLICE STATION?

22 A. YES, I DID.

23 Q. WHEN YOU GOT BACK TO THE DORAVILLE POLICE STATION WHAT DID
24 YOU DO?

25 A. THE VEHICLE WAS UNLOADED IN OUR BACK PARKING LOT WHICH IS A

1 SECURE FENCED-IN PARKING AREA.

2 Q. WHO UNLOADED THE VEHICLE?

3 A. THE BROWN AND BROWN WRECKER DRIVER.

4 Q. WHEN YOU SAY "UNLOADED THE VEHICLE," WAS THAT TAKING IT
5 OFF OF THE FLATBED TRUCK?

6 A. THAT'S CORRECT.

7 Q. WHAT OCCURRED THEN?

8 A. THE VEHICLE WAS PARKED IN OUR PARKING LOT AND I STOOD BY
9 WAITING FOR OTHER D.E.A. AGENTS TO MEET ME AT THAT LOCATION.

10 Q. I'M GOING TO SHOW YOU WHAT'S GOVERNMENT'S EXHIBIT 113. DO
11 YOU RECOGNIZE THAT?

12 A. YES, I DO. THAT'S A PICTURE OF THE BENJEN VEHICLE PARKED
13 IN THE -- RIGHT NEXT TO THE POLICE DEPARTMENT BUILDING.

14 MS. GABAY-SMITH: YOUR HONOR, AT THIS TIME THE
15 GOVERNMENT WOULD LIKE TO INTRODUCE GOVERNMENT'S EXHIBITS A, B --
16 EXCUSE ME, 119-A, B -- MAKE SURE I GET ALL THE NUMBERS CORRECT.

17 THE COURT: ANY OBJECTIONS TO 119-A AND B?

18 MR. WALDROP: JUDGE, NO OBJECTION, JUST THE
19 OPPORTUNITY TO LOOK AT THE EXHIBITS BEFORE THEY GO INTO EVIDENCE
20 FOR REDACTION PURPOSES, IF NECESSARY.

21 THE COURT: OKAY. YOU MEAN BEFORE THEY GO OUT WITH
22 THE JURY?

23 MR. WALDROP: YES, MA'AM.

24 MS. GABAY-SMITH: EXHIBITS 119-J, I, H, G, F, E,
25 119-D.

1 THE COURT: ANY OBJECTION TO THOSE?

2 MR. PARKER: SAME OBJECTION, SAME REQUEST, BUT
3 OTHERWISE NO OBJECTION.

4 THE COURT: ALL RIGHT. THEY'RE ADMITTED.

5 BY MS. GABAY-SMITH:

6 Q. AS TO GOVERNMENT'S EXHIBITS 113, 114, 115, 116, IS WHAT IS
7 CONTAINED IN THOSE PHOTOGRAPHS A FAIR AND ACCURATE
8 REPRESENTATION OF WHAT YOU OBSERVED IN THE TRUNK OF THE VEHICLE
9 WITH THE LICENSE PLATE BENJEN AND WHAT YOU -- HOW YOU OBSERVED
10 THE CAR IN THE PARKING LOT OF THE DORAVILLE POLICE DEPARTMENT?

11 A. YES, IT IS.

12 MS. GABAY-SMITH: YOUR HONOR, I ASK THAT GOVERNMENT'S
13 EXHIBITS 113, 114, 115 AND 116 BE ENTERED.

14 THE COURT: ANY OBJECTIONS?

15 MR. PARKER: NONE.

16 MR. WALDROP: NONE.

17 THE COURT: ALL RIGHT. THEY'RE ADMITTED.

18 BY MS. GABAY-SMITH:

19 Q. NOW, YOU'RE AT THE PARKING LOT AT THE DORAVILLE POLICE
20 STATION AND THE CAR IS NOW OFF OF THE FLATBED TRUCK, WHAT
21 OCCURRED THEN?

22 A. TWO AGENTS FROM THE D.E.A. MET WITH ME AT THAT LOCATION.

23 Q. DO YOU REMEMBER WHO THOSE AGENTS WERE?

24 A. NO, I DON'T.

25 Q. NOW, WHAT HAPPENED WHEN THOSE AGENTS MET WITH YOU?

1 A. THEY ALSO OBSERVED WHAT I OBSERVED IN THE TRUNK.

2 Q. THE SAME THINGS THAT ARE CONTAINED IN GOVERNMENT'S EXHIBITS
3 113 TO 114?

4 A. YES.

5 Q. EXCUSE ME, TO 116?

6 A. YES, MA'AM.

7 Q. AND WHAT OCCURRED THEN?

8 A. ASKED IF WE WOULD BE ABLE TO SECURE THE VEHICLE AT THAT
9 LOCATION, SAID WE WOULD. ALSO TOLD THEM THAT I WAS GOING TO
10 REMOVE THE CONTENTS FROM THE TRUNK AND PLACE THEM INTO EVIDENCE
11 FOR SAFEKEEPING.

12 Q. AND DID YOU DO THAT?

13 A. YES, I DID.

14 Q. COULD YOU TELL US HOW YOU DID THAT?

15 A. TOOK EVERYTHING OUT OF THE TRUNK, THE BOXES, THE BAGS, THE
16 CURRENCY, THE TIN WITH THE RUBBER BANDS. EVERYTHING WAS
17 PACKAGED, DOCUMENTED AND TURNED INTO OUR -- LOCKED INTO OUR
18 EVIDENCE CONTROL ROOM.

19 Q. I'M SHOWING YOU WHAT IS GOVERNMENT'S EXHIBIT 117. DO YOU
20 RECOGNIZE THAT?

21 A. IT'S SORTED U.S. CURRENCY BUNDLED AND RUBBER-BANDED
22 TOGETHER.

23 Q. ARE THOSE BUNDLES SIMILAR TO THE BUNDLES THAT YOU TOOK OUT
24 OF THE BENJEN VEHICLE?

25 A. YES, YES, THEY ARE.

1 Q. NOW, AFTER YOU HAD PLACED THOSE BUNDLES INTO EVIDENCE, DID
2 YOU HAVE ANY OTHER CONTACT -- EXCUSE ME. AFTER YOU PLACED THAT
3 MONEY INTO THE EVIDENCE IN THE DORAVILLE POLICE DEPARTMENT'S
4 LOCKER, WHAT DID YOU DO?

5 A. I BELIEVE I SAT DOWN TO WRITE MY REPORT.

6 Q. DID THERE COME A TIME THAT EITHER YOU OR OTHER DORAVILLE
7 AGENTS TURNED THAT MONEY OVER TO D.E.A.?

8 A. I BELIEVE IT HAPPENED THE NEXT DAY. I WAS NOT A PART OF
9 IT.

10 Q. BUT THERE DID COME A TIME, AND, IF YOU KNOW, THAT THAT
11 MONEY WAS NO LONGER IN THE CUSTODY OF THE DORAVILLE POLICE
12 DEPARTMENT?

13 A. THAT'S CORRECT. I WAS TOLD IT WAS TURNED OVER TO D.E.A. I
14 JUST DON'T KNOW EXACTLY WHEN.

15 MS. GABAY-SMITH: AND, YOUR HONOR, I'D ALSO LIKE TO
16 ENTER EXHIBIT 119-C INTO EVIDENCE.

17 THE COURT: ANY OBJECTION?

18 MS. GABAY-SMITH: AND I'LL PUT IT IN THE SAME BOX SO
19 THEY CAN LOOK AT THAT.

20 THE COURT: NO OBJECTIONS HEARD, SO IT IS ADMITTED,
21 119-C.

22 BY MS. GABAY-SMITH:

23 Q. I'M GOING TO SHOW YOU WHAT IS GOVERNMENT'S EXHIBIT 266. DO
24 YOU RECOGNIZE IT?

25 A. YES, I DO.

1 Q. COULD YOU TELL US WHAT IT IS, PLEASE?

2 A. THIS WOULD BE A PHOTOCOPY OF THE CITATION THAT I ISSUED
3 MS. JENNY NGUYEN FOR THE NO-SEAT-BELT VIOLATION.

4 Q. AND DID YOU HAVE AN OPPORTUNITY TO GO TO COURT CONCERNING
5 THAT VIOLATION?

6 A. YES, I DID.

7 Q. AND WAS THERE A HEARING ON THAT VIOLATION?

8 A. YES, THERE WAS.

9 Q. DID A JUDGE PRESIDE OVER THAT HEARING?

10 A. YES.

11 Q. WAS THERE AN ADJUDICATION CONCERNING THE HEARING ON THAT
12 TICKET?

13 A. YES.

14 Q. AND WHAT WAS THAT?

15 A. MS. JENNY NGUYEN WAS FOUND GUILTY.

16 Q. OF WHAT?

17 A. OF THE NOT WEARING A SEAT BELT.

18 THE COURT: ARE YOU ABOUT -- YOU'RE ALMOST THROUGH?

19 MS. GABAY-SMITH: YES, YOUR HONOR. ACTUALLY I WAS
20 ONLY LOOKING FOR ONE PIECE OF EVIDENCE, THE LAST THING THAT THE
21 WITNESS JUST SAID. AND IF THE COURT -- I'M NOT SURE IF THE
22 COURT IS READY TO CONCLUDE AT THIS POINT. I DIDN'T SEE MY
23 WATCH, BUT IF YOU'D ALLOW ME, IF THIS WITNESS COMES BACK
24 TOMORROW, TO JUST PUT IN THAT LAST PIECE OF EVIDENCE AND THEN I
25 SHOULD BE DONE.

1 THE COURT: THAT WILL BE FINE. I'M ASSUMING THAT
2 THERE WILL BE SOME CROSS-EXAMINATION OF THIS WITNESS?

3 MR. PARKER: THERE WILL, YOUR HONOR.

4 THE COURT: OKAY. ARE YOU OTHERWISE THROUGH JUST
5 OTHER THAN TENDERING THIS PIECE OF EVIDENCE?

6 MS. GABAY-SMITH: YES, YOUR HONOR. THERE MAY BE ONE
7 QUESTION WITH THAT, BUT I DON'T EVEN THINK THERE WILL BE THAT
8 MUCH.

9 THE COURT: OKAY. ALL RIGHT. DOES 9:00 WORK FOR YOU
10 IN THE MORNING? I KNOW WE'RE PUSHING PRETTY HARD, BUT I
11 APPRECIATE IT AND WE'LL SEE YOU AT 9:00 IN THE MORNING IF YOU'LL
12 REASSEMBLE IN THE JURY ROOM. AND THAT CONCLUDES THE PROCEEDINGS
13 FOR TODAY.

14 (CONCLUSION OF TESTIMONY ON 5/18/06.)
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C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, MONTRELL VANN, CCR, RPR, RMR, CRR, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF GEORGIA, DO HEREBY CERTIFY THAT THE FOREGOING 31 PAGES CONSTITUTE A TRUE PARTIAL TRANSCRIPT OF PROCEEDINGS HAD BEFORE THE SAID COURT, HELD IN THE CITY OF ATLANTA, GEORGIA, IN THE MATTER THEREIN STATED.

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS, THE 23RD DAY OF MAY 2006.


MONTRELL VANN, RPR, RMR, CRR
OFFICIAL COURT REPORTER
NORTHERN DISTRICT OF GEORGIA