

1 A. Yes.

2 Q. What is it?

3 A. If you lie you can be found in contempt or you could
4 get jail time.

5 Q. All right. Did Christopher Taylor sell you that dope
6 for \$500 on September the 10th of 2003, as you've described,
7 at CTW's, and the later delivery to the McDonald's?

8 A. Yes.

9 MR. DALY: No further Direct, Your Honor.

10 THE COURT: We'll be in recess until 1:45.
11 Same admonishment as before, folks.

12 (The lunch recess was held.)

13 CROSS EXAMINATION

14 BY MR. STOBBS:

15 Q. (MR. STOBBS:) Miss Whittenburg, my name is John
16 Stobbs. You and I have met before, right?

17 A. Yes.

18 Q. And you were nice enough, I guess, to meet with us back
19 in July. Do you remember that?

20 A. Yes.

21 Q. And I'm going to ask you some questions, and I'm not at
22 all trying to be difficult. If I'm not asking a question the
23 right way or you don't understand what I'm asking, just
24 please ask me and I'll re-ask it, okay? You have to say yes
25 or no.

1 A. Yes.

2 Q. And I'm going to try to be as clear as I can about some
3 of these things that happened. And again, if there is any
4 question you have about how I'm asking a question, I'll be
5 more than happy to rephrase it. Okay?

6 A. Okay.

7 Q. And you know that I'm here representing Chris, right?

8 A. Yes.

9 Q. Okay. And I would like to talk a little bit about some
10 of the baggage that you have.

11 A. Um-hum.

12 Q. Okay. You have to say yes or no.

13 A. Yes.

14 Q. And you had that incident back in 1993?

15 A. Yes.

16 Q. And that was with Steve Jason?

17 A. Yes.

18 Q. And you lived back, back in that area around the Alton
19 Square?

20 A. Yes.

21 Q. And you -- and, as I understand it, you and Mr. Jason
22 were, happened to be in the Alton Square?

23 A. Yes.

24 Q. You were shopping?

25 A. No, we was just walking around.

1 Q. Looking at some clothes?
2 A. Just basically, yeah.
3 Q. You told him you liked that jacket, right?
4 A. No.
5 Q. How would he know that you liked the jacket?
6 A. He wanted it for me.
7 Q. Oh. So, he wanted it for to you kind of impress you?
8 A. Yes.
9 Q. As a gift?
10 A. Yes.
11 Q. Something that you could wear?
12 A. Yes.
13 Q. He wanted you to look good in it?
14 A. Evidently, yes.
15 Q. And you were walking out, you and him together?
16 A. Yes.
17 Q. And he had a gun?
18 A. Right.
19 Q. You didn't know that?
20 A. Right.
21 Q. You found out later it was unloaded?
22 A. Right.
23 Q. At that time, though, no one knew it was unloaded,
24 right?
25 A. Right.

1 Q. He certainly didn't tell the lady he was holding up,
2 hey, the gun is unloaded; don't worry about it, right?
3 A. Right.
4 Q. He wanted to get the jacket for you.
5 A. Yes.
6 Q. At no time did you say, hey, listen, let's knock this
7 off?
8 A. No.
9 Q. And a gun was held to this woman's head, right?
10 A. Yes.
11 Q. And she was ordered in your presence to remove that
12 jacket, right?
13 A. Yes.
14 Q. And you ended up putting that jacket on, right?
15 A. Yes.
16 Q. You ended up wearing that jacket?
17 A. Yes.
18 Q. You intended to keep that jacket?
19 A. Yeah.
20 Q. And it didn't bother you that that lady didn't have
21 that jacket, did it?
22 A. I guess, yeah.
23 Q. Because if it bothered you, you could have at any time
24 before you were arrested call the police?
25 A. No.

1 Q. You wouldn't have called the police?
2 A. I couldn't.
3 Q. And you didn't?
4 A. No.
5 Q. And did Steve have a job? Mr. Jason have a job?
6 A. No.
7 Q. And this lady that you held up, she was -- she was just
8 a random victim, right?
9 A. Yes.
10 Q. Could have been anyone that had that coat on, right?
11 A. Yes.
12 Q. Could have been anyone that had something that
13 Mr. Jason liked, right?
14 A. Yes.
15 Q. Did Mr. Jason have a job?
16 A. No.
17 Q. What did he do?
18 A. No, he sold drugs.
19 Q. And that was back in 1993?
20 A. Yes.
21 Q. And in 1993 did you use drugs?
22 A. No.
23 Q. In 1993 did Mr. Jason use drugs?
24 A. Yes.
25 Q. In 1993 did you have any children?

1 A. Yes.

2 Q. In 1993 were you living off of Mr. Jason's drug
3 proceeds?

4 A. Yes.

5 Q. He would sell drugs?

6 A. Yes.

7 Q. People would buy them?

8 A. Yes.

9 Q. And the profits you would live on.

10 A. Yes.

11 Q. Those profits in 1993, you would -- rent would be paid?

12 A. Yes.

13 Q. Clothes would be bought?

14 A. Yes.

15 Q. Food would be bought?

16 A. Yes.

17 Q. And that food would go to feed your little kid, right?

18 A. Yes.

19 Q. And at that one time in 1993, instead of using drug
20 proceeds to buy clothes, he held someone up to get you
21 something that he wanted for you, right?

22 A. Yes.

23 Q. You went to court?

24 A. Yes.

25 Q. You had a lawyer?

1 A. Yes.

2 Q. You pleaded guilty?

3 A. Yes.

4 Q. Because you were guilty?

5 A. No.

6 Q. Oh, so, you went to court and pleaded guilty?

7 A. I pleaded guilty because I wanted to see my kids.

8 Q. And that would -- how many kids did you have at that

9 time?

10 A. I had two, a boy and a girl.

11 Q. And again, so you pleaded guilty for your children?

12 A. Yeah.

13 Q. You wanted to get back to your children?

14 A. Yes.

15 Q. You would have done anything you could to be back with

16 your children?

17 A. Not anything.

18 Q. Well, you pleaded guilty to something you didn't do.

19 A. Yes.

20 Q. And you understand, you remember in 1993 -- do you

21 remember Judge Keshner?

22 A. Yes.

23 Q. He was the judge?

24 A. Yes.

25 Q. Do you remember he told you, he said, ma'am, come in

1 here, raise your hand?

2 A. Yes.

3 Q. You remember that?

4 A. Yes.

5 Q. And you remember raising your hand?

6 A. Yes.

7 Q. You remember swearing to Judge Keshner you're going to

8 tell the truth?

9 A. Yes.

10 Q. And you remember, like you did today, that you raised

11 your hand?

12 A. Yes.

13 Q. You swore to the judge and this jury you were going to

14 tell the truth?

15 A. Yes.

16 Q. And you lied to Judge Keshner?

17 A. Yes, and no. No, really.

18 Q. Well, you pleaded guilty to what happened in 1993,

19 right?

20 A. Right.

21 Q. After being sworn by Judge Keshner to tell the truth to

22 him?

23 A. Yes.

24 Q. So, that means you told Judge Keshner under oath that

25 you did that, right?

1 A. Yeah.

2 Q. But now you're telling this jury that you didn't do
3 that?

4 A. Right.

5 Q. Okay. So you would have lied to Judge Keshner?

6 A. No, I didn't lie for real.

7 Q. And yet you were talking to the prosecutor about what
8 perjury is, remember?

9 A. Yes.

10 Q. That's lying under oath?

11 A. Yes.

12 Q. And in 2000 you had this other incident; you remember
13 that?

14 A. Yes.

15 Q. And that was aggravated battery?

16 A. Yes.

17 Q. And you said -- when you were talking about the reason
18 you don't want to get a real job or a legitimate job is
19 because you're not a people person?

20 A. Right.

21 Q. So, in 1993 were you a people person?

22 A. No.

23 Q. In 2000 were you a people person?

24 A. I'm still not no people person.

25 Q. So, you've never been a people person?

1 A. Right.

2 Q. So, when -- what was the name of this victim?

3 A. Michelle.

4 Q. So, when Michelle -- back up. What time did this take

5 place?

6 A. One or 2:00 in the morning.

7 Q. And you said you were putting your kids to bed?

8 A. Yes.

9 Q. So they stay up until one or two in the morning?

10 A. My infant baby.

11 Q. How old is your youngest child?

12 A. My youngest is seven now.

13 Q. So, in 2000 she would have been two?

14 A. She was a baby, yes.

15 Q. Well, she wasn't six months old.

16 A. I guess not; she was a baby, and she was woke, yes.

17 Q. And so at one or two in the morning you went out,

18 correct?

19 A. Yes.

20 Q. And that's in the federally subsidized housing on Belle

21 Street, right?

22 A. Correct.

23 Q. Correct?

24 A. Yes.

25 Q. And you didn't call the police?

1 A. No.

2 Q. You heard some altercation out there, right?

3 A. No, she knocked on my door.

4 Q. You could have not answered the door. You didn't have

5 to answer the door. Did you have to answer the door?

6 A. No, I didn't.

7 Q. Did you think it might have been one of your drug

8 customers?

9 A. No.

10 Q. And she banged on your door, right?

11 A. Right.

12 Q. And instead of staying inside you went outside,

13 correct?

14 A. Right.

15 Q. You confronted her?

16 A. Right.

17 Q. Because you were sticking up for your little sister

18 Aleasha?

19 A. Yes.

20 Q. And you had a lawyer?

21 A. Yes.

22 Q. And your lawyer was you said Harry Anderson?

23 A. I really don't remember who my attorney was.

24 Q. Well, if I told you it was Jack Daugherty, would that

25 make you remember any better?

1 A. No.

2 Q. Do you remember Billy Hahs?

3 A. No.

4 Q. Were you represented by a public defender in 2000?

5 A. I'm not sure.

6 Q. Okay. And so you put your baby to bed and then you go

7 out and get in this fight?

8 A. Yes.

9 Q. And you end up -- this lady ends up getting sent to the

10 hospital, right?

11 A. Yes.

12 Q. So it was a pretty bad whooping she got?

13 A. Yeah.

14 Q. How many times did you punch her, do you remember?

15 A. No.

16 Q. But in 1993 you got probation, right?

17 A. Right.

18 Q. And you told yourself, I'll do anything to get back to

19 my kids, right? That was a reason that you wanted to get out

20 on probation, right?

21 A. Yeah.

22 Q. And you told yourself, I'm not going to get in trouble

23 again and put myself in a position where I can be taken away

24 from my kids, right?

25 A. Right.

1 Q. You didn't want your kids taken away from you?
2 A. No.
3 Q. And seven years go by, right?
4 A. Right.
5 Q. So, then 2000 you -- you're arrested?
6 A. Yes.
7 Q. You're booked?
8 A. Yes.
9 Q. Taken to jail?
10 A. Yeah.
11 Q. And again, you tell yourself -- you're away from your
12 children while you're in jail?
13 A. Yes.
14 Q. You wanted to get back to your kids, right?
15 A. Yes.
16 Q. And you wanted to do anything you could to get back to
17 them, right?
18 A. What I could.
19 Q. And what you could would be to plead guilty and get
20 probation?
21 A. Yeah.
22 Q. And would you say that part of being a parent is
23 accepting consequences for your actions?
24 A. Yes.
25 Q. And would you say that being a good parent would be to

1 learn your lesson the first time?

2 A. Yes.

3 Q. And you know that living at 344 Mitchell, that -- when

4 did you move in there, first of all?

5 A. In I believe 1996 or 1997.

6 Q. So you lived there a good long while?

7 A. Yeah.

8 Q. And you -- after you and Mr. Jason were no longer a

9 couple, who did you date then?

10 A. Nobody for a minute, and then my baby's daddy.

11 Q. And what's your baby's name?

12 A. Precious Stokes.

13 Q. And what's her daddy's name?

14 A. Anthony Stokes.

15 Q. And where did Anthony work?

16 A. He didn't.

17 Q. And what was his business? Was he an independent

18 contractor, or what was his job?

19 A. Drugs.

20 Q. Okay. So, you've gone from Mr. Jason, whose job was

21 drugs, right?

22 A. Um-hum.

23 Q. To Mr. Stokes, whose job was drugs?

24 A. Right.

25 Q. When did you start dating Mr. Stokes?

1 A. In '97 or '98.

2 Q. And Mr. Jason kind of schooled you in the business of
3 dealing drugs, right?

4 A. No.

5 Q. How about Mr. Stokes?

6 A. No.

7 Q. And again, would you say that part of being a good
8 parent is not to have drugs around your kids?

9 A. Yes.

10 Q. Part of being a good parent is not smoking cigarettes
11 in front of your kids?

12 A. I wouldn't say that.

13 Q. How about smoking marijuana?

14 A. Yeah.

15 Q. How about using the residence where they live, sleep,
16 and eat as a drug house?

17 A. Yeah.

18 Q. And a benefit -- we're going to talk in a minute about
19 the exact quantity of drugs you've dealt, but a benefit that
20 you receive by helping the law enforcement is that you don't
21 have to pay taxes on your drug proceeds, do you?

22 A. Excuse me?

23 Q. You've made money --

24 MR. DALY: Wait a minute, Your Honor --

25 MR. STOBBS: I'll withdraw the question.

1 Q. (MR. STOBBS:) You've made money off of dealing drugs,
2 right?
3 A. Yes.
4 Q. You told the jury you made tens of thousands of
5 dollars?
6 A. Yes.
7 Q. And you know you're supposed to file income tax returns
8 every year?
9 A. Yes.
10 Q. When was the last year you filed income tax returns?
11 A. In '97.
12 Q. Do you expect that after having testified here today
13 about earning tens of thousands of dollars on dealing drugs
14 that you'll have to file income tax returns?
15 A. I don't know.
16 Q. Claim that money?
17 A. I don't know.
18 Q. You developed a habit of smoking marijuana; is that
19 right?
20 A. Yes.
21 Q. And how much would you smoke in a day?
22 A. Maybe a half-ounce or maybe more.
23 Q. And you got it from different people?
24 A. Yes.
25 Q. Sometimes people that you got your crack from you could

1 get your marijuana from too, right?

2 A. Yes.

3 Q. Sometimes you could only get marijuana from one person,

4 right?

5 A. Right.

6 Q. Sometimes you can only get crack from one person?

7 A. Yes.

8 Q. Now, who did you get your marijuana from?

9 A. It varied.

10 Q. Well, when was the last time you smoked marijuana?

11 A. Maybe a week or two ago.

12 Q. Okay. Who'd you get it from then?

13 A. Well, I had my sister and brother go get it.

14 Q. So, Aleasha?

15 A. No.

16 Q. Which sister?

17 A. My brother Rashad. My brother Rashad Hobbs.

18 Q. So he went to get the marijuana for you?

19 A. Yes.

20 Q. Who did he get it from?

21 A. I don't know.

22 Q. Who gave him the money to get it?

23 A. I did.

24 Q. Where did you earn the money to get your marijuana?

25 A. I already had some money. I had a little bank account

1 that's empty now.

2 Q. So, from the tens of thousands of dollars that you
3 earned, you've saved some of it?

4 A. A little.

5 Q. Well, how much is a little?

6 A. Couple of hundred, 300, 400.

7 Q. How much did you spend on your marijuana a week ago?

8 A. Maybe \$10.

9 Q. Before last week when was the last time you smoked
10 marijuana?

11 A. Excuse me?

12 Q. When was the last time before last week that you smoked
13 marijuana?

14 A. Maybe a month after, two months after I got on
15 probation.

16 Q. And you were put on probation in December of 2004?

17 A. Yes.

18 Q. Judge Stack was the judge, right?

19 A. Yes.

20 Q. Madison County?

21 A. Yeah.

22 Q. You had Harry Anderson with you?

23 A. Yes.

24 Q. And you went in there and, again, you raised your hand,
25 right?

1 A. Yes.

2 Q. You told Judge Stack, I swear to tell the truth, right?

3 A. Yes.

4 Q. Just like you told Judge Keshner?

5 A. Yes.

6 Q. Now, you were put on probation for that, right?

7 A. Yes.

8 Q. And that was, you had a two-year probation?

9 A. Yes.

10 Q. Now, part of probation is -- and you've been on it two

11 times before, right?

12 A. Once.

13 Q. 2003 you were put on -- December 16th of 2004 you were

14 put on probation, right?

15 A. Yes.

16 Q. You had been put on probation for the 1993 case?

17 A. Right.

18 Q. And the 2000 case?

19 A. No.

20 Q. You were not put on probation for that?

21 A. No.

22 Q. So, you'd been through probation one time before?

23 A. Yes.

24 Q. You knew that part of probation is that there was

25 certain requirements that you had to follow, right?

1 A. Yes.

2 Q. One of those requirements was not to sell drugs?

3 A. Yes.

4 Q. And do you remember when Judge Stack asked you whether
5 or not you used cocaine?

6 A. Yes.

7 Q. And you said no?

8 A. Yes.

9 Q. That was truthful?

10 A. Yes.

11 Q. And then he asked if you used any drugs. Do you
12 remember that?

13 A. Yes.

14 Q. And you said that you smoked some marijuana. Remember?

15 A. Yes.

16 Q. And he told you, well, don't do it anymore; and you
17 said okay?

18 A. Yes.

19 Q. And you lied to him?

20 A. Yes.

21 Q. And that was under oath?

22 A. Yes.

23 Q. And perjury is lying under oath?

24 A. Yes.

25 Q. Now, when you were put on probation on 2003, and I'm

1 going to talk about your 2003 case now, okay?

2 A. I didn't get probation.

3 Q. Do you remember you were arrested in January of 2003?

4 Do you remember that?

5 A. Yes.

6 Q. And that's the one where on December 16th, 2004 you got

7 probation on it?

8 A. Yeah.

9 Q. That's what I'm talking about.

10 A. Okay.

11 Q. You knew how serious that was, right?

12 A. Yes.

13 Q. You were charged with a Class X felony?

14 A. Yes.

15 Q. You realized that part of that was that that called for

16 where you could not receive probation, right?

17 A. Yes.

18 Q. And again, you're sitting in the jail cell, right?

19 A. Yes.

20 Q. You're away from your children?

21 A. Yes.

22 Q. Your children are away from you?

23 A. Yes.

24 Q. And what you wanted was to get back to your kids?

25 A. Yes.

1 Q. And at that point did you feel that your options were
2 limited?
3 A. I really don't know.
4 Q. Well, you knew that you were facing for sure jail time,
5 right?
6 A. Right.
7 Q. Because you had been dealing crack in the projects,
8 right?
9 A. Yes.
10 Q. And that's against the law?
11 A. Yes.
12 Q. And that was a felony where you would go to jail?
13 A. Yes.
14 Q. And you wanted -- you reached out to the police, right?
15 You wanted them to help you, right?
16 A. Yeah.
17 Q. And you wanted to help them, because by you helping
18 them you would hope they would help you, right?
19 A. Yes.
20 Q. And when they went to your house in January of 2003, do
21 you remember that, they had a search warrant?
22 A. Yes.
23 Q. And you were there?
24 A. Yes.
25 Q. And your sister was there?

1 A. Yes.

2 Q. Your kids were there?

3 A. Yes, one.

4 Q. Your child was there, right?

5 A. Yes.

6 Q. And there was scales there?

7 A. Yes.

8 Q. There were Baggies there?

9 A. Yes.

10 Q. And there was crack cocaine there?

11 A. Yes. It wasn't in they eyes.

12 Q. You use a scale to make a big rock into these twenty,

13 fifty-dollar rocks, right?

14 A. Yeah.

15 Q. And because the reason you're in business is to make a

16 profit?

17 A. Yeah.

18 Q. So you can feed your children?

19 A. Yes.

20 Q. So you can pay your rent?

21 A. Yes.

22 Q. So you can buy the food?

23 A. Yes.

24 Q. And you're going to make sure that the person who's

25 giving you the drugs, that they give you what you paid for,

1 right?

2 A. Yes.

3 Q. You're not going to go to someone thinking you're going
4 to get an ounce and come back with a quarter-ounce, right?

5 A. Right.

6 Q. Because in your world, in the drug world, once you give
7 someone money you might not get anything back, right?

8 A. Right.

9 Q. And from time to time you've dealt with people that
10 would give you fake drugs, right?

11 A. Yeah.

12 Q. You go there for some crack and they would give you
13 something that wasn't crack, right?

14 A. Yes.

15 Q. And you couldn't go back and go, hey, give me my money
16 back?

17 A. No.

18 Q. Because they say, hey, you should have checked that
19 beforehand, right?

20 A. Yes.

21 Q. And if you went there looking for what you paid for,
22 you're not going to leave there until you get it, right?

23 A. Right.

24 Q. And these thousands of times that you've dealt, that
25 you've gone to these different people to get drugs, you had a

1 pretty good idea of what, how big a rock is?

2 A. Yes, yes.

3 Q. And you were pretty good at it?

4 A. Yeah.

5 Q. I mean, you made good money?

6 A. Yes.

7 Q. You were able to feed your children, right?

8 A. Yes.

9 Q. You never had to fill out a job application?

10 A. I have, though.

11 Q. You never worked.

12 A. I have.

13 Q. But not being a people person, you went back to this

14 profession, which was easier, right?

15 A. Yeah, I did.

16 Q. Have you developed any skills since you've --

17 A. I have a lot of skills and talents.

18 Q. Let me ask -- I know you do. Let me ask the question.

19 Have you developed any skills which would allow you to get a

20 legitimate job from 2003 till today?

21 A. Yes.

22 Q. What skills have you developed?

23 A. I have hair skills, amongst other skills.

24 Q. What are some of those other skills?

25 A. I've worked in restaurants. I know basically

1 restaurant jobs, factory work.

2 Q. Well, the restaurant skills, that's a skill you would
3 have had in 1993, right?

4 A. Yeah.

5 Q. A skill you would have had in 2000, right?

6 A. I had them in between all of that.

7 Q. I understand. You would have had that skill in 2003?

8 A. Yeah.

9 Q. And when you were talking to the prosecutor, you said
10 that you, there came a period of time where you stopped --
11 even if you wanted to get a legitimate job you couldn't
12 because you were working with DEA. Remember that?

13 A. Yes.

14 Q. And were you getting paid for that?

15 A. No.

16 Q. So you were working for free?

17 A. Yes.

18 Q. And you were still feeding your kids?

19 A. Yes.

20 Q. You were still buying clothes?

21 A. No.

22 Q. You weren't buying clothes for them?

23 A. They already had clothes.

24 Q. All right. Were you able to pay rent for them?

25 A. No, I was homeless.

1 Q. Well, living at the Lewis and Clark Motel, that's not
2 homeless, is it?

3 A. Well, really it is when you don't know how you going to
4 stay there the next day.

5 Q. The Lewis and Clark Motel, there's different -- you've
6 been down in the Alton area for a long time, right?

7 A. Yes.

8 Q. You were born in Chicago?

9 A. Yes.

10 Q. You came down to Alton and went to Alton High?

11 A. Yes.

12 Q. You met some of these people?

13 A. Yes.

14 Q. And you ended up staying?

15 A. Yes.

16 Q. You got your family down here?

17 A. We moved down here together.

18 Q. Okay. Well, you've been able to know that there's some
19 hotels that are more lenient on drug dealers than other
20 hotels, right?

21 A. I guess.

22 Q. Well, for example, the Lewis and Clark Motel, there's a
23 lot of drug dealers that stay there, right?

24 A. Yes.

25 Q. There is a lot of drug addicts?

1 A. Yes. There is a lot of people that stay there.

2 Q. Well, if you were, for example, if you were inclined to

3 sell drugs, the Lewis and Clark Motel would be a good place

4 because you're right there, right?

5 A. I wouldn't say that.

6 Q. Well, when you lived on Mitchell you were talking to

7 the prosecutor about all this drug activity, remember?

8 A. Right.

9 Q. And you were kind of like a center point for people to

10 go get drugs from, right?

11 A. Right.

12 Q. People knew you sold drugs there?

13 A. Right.

14 Q. You kind of wanted it known that you sold drugs there,

15 right?

16 A. Yes.

17 Q. Because that's how you made a profit?

18 A. Yes.

19 Q. For your kids?

20 A. Yes.

21 Q. And at a place like the Lewis and Clark Motel, if you

22 stayed there you would be able to sell drugs to different

23 addicts that stayed there, right?

24 A. I wouldn't say that.

25 Q. Okay. Well, the crack cocaine, you had a bunch of

1 different customers, right?

2 A. Yes.

3 Q. And there were people that would come by your house

4 whenever they had money to buy whatever they could, right?

5 A. Yes.

6 Q. And you would sell them what you could, right?

7 A. Yes.

8 Q. Because there was a profit in it, right?

9 A. Yes.

10 Q. And you would sell to them whatever they wanted?

11 A. Yes.

12 Q. And you got a good reputation for, hey, if you go to

13 Tina, she'll take care of you, right?

14 A. Yeah, I guess.

15 Q. You didn't rip people off?

16 A. No.

17 Q. You were an honest drug dealer?

18 A. Yes.

19 Q. And I'm going to show you what has been marked as

20 Defendant's Exhibit 60, and I'm going to ask you if you

21 recognize that as the Lewis and Clark Motel?

22 A. Yes.

23 Q. And that's what it looked like when you stayed there,

24 right?

25 A. Yes.

1 MR. STOBBS: We would offer into admission
2 Defendant's Exhibit 60, Judge.

3 THE COURT: Any objection?

4 MR. DALY: No, Your Honor.

5 THE COURT: Admitted.

6 MR. STOBBS: Could we show that to the jury?

7 THE COURT: They are looking at it now.

8 MR. STOBBS: Good. All right.

9 Q. (MR. STOBBS:) Now, this is where the Lewis and Clark
10 Motel is, right, where I put the blue arrow?

11 A. That's the whole building.

12 Q. And across the street there is -- do you know what
13 Route 3 is?

14 A. Yes.

15 Q. Route 3 goes in front of that, right?

16 A. Yes.

17 Q. And then you got on one side you got the Lewis and
18 Clark Motel?

19 A. Right.

20 Q. And then on the other side of Route 3 you have Eastgate
21 Plaza, right?

22 A. Yes.

23 Q. So you could just walk across Route 3 to go to Eastgate
24 Plaza?

25 A. Yes.

1 Q. And then down the street is McDonald's, right?
2 A. Yeah.
3 Q. So, it's all kind of close?
4 A. Um-hum.
5 Q. You have to say yes or no.
6 A. Yes.
7 Q. And I'm going to show you what I have marked as
8 Defendant's Exhibit 61. And that's another picture of the
9 Lewis and Clark Motel, right?
10 A. Yes.
11 Q. And that's how it looked on the time that you stayed
12 there, right?
13 A. They was doing remodeling.
14 Q. Remodeling?
15 A. Yes.
16 MR. STOBBS: Now -- and I'm going to ask for
17 the admission of 61, Judge?
18 THE COURT: Any objection?
19 MR. DALY: No, Your Honor.
20 THE COURT: Admitted.
21 Q. (MR. STOBBS:) Now, there is a pay phone out there,
22 right?
23 A. Yes.
24 Q. And in your experience dealing drugs, from time to time
25 you would use a pay phone to set up some sort of a drug deal,

1 right?

2 A. I had a cell phone.

3 Q. Well, but sometimes the cell phone is not paid for,

4 right?

5 A. I had a cell phone.

6 Q. Was it paid for all the time?

7 A. Yeah.

8 Q. When you stayed at the Lewis and Clark Motel?

9 A. Yes.

10 Q. And while you were staying there you were working for

11 the DEA, right?

12 A. Yes.

13 Q. Were they helping you pay to stay there at all?

14 A. No.

15 Q. And while you were staying there you knew that you had

16 to make certain calls for them, right?

17 A. Yes.

18 Q. There were certain expectations that you would help

19 them, right?

20 A. Yes.

21 Q. And there was a certain desire on your part to help

22 them, right?

23 A. Right.

24 Q. You didn't want to go to jail?

25 A. Right.

1 Q. And if you wanted -- and you knew that when you were
2 working for them that the expectation was that you weren't
3 going to be selling dope on your own, right?

4 A. Yes.

5 Q. I mean, you're working for the Drug Enforcement
6 Administration, right?

7 A. Yes.

8 Q. And you worked for them so much during this period of
9 time that you couldn't even go out and find a real job,
10 right?

11 A. Yes.

12 Q. Now, if you weren't able to live on your savings, you
13 could just go to a pay phone and set up these drug deals if
14 you wanted to, right?

15 A. I guess.

16 Q. And if you were to use -- and that's within walking
17 distance of the office of the Lewis and Clark Motel, right?

18 A. Yes.

19 Q. And the time of year, it wasn't -- it was spring and
20 summer, right?

21 A. Yes.

22 Q. So it wouldn't have been too hard if it wasn't cold
23 out?

24 A. No.

25 Q. Let's talk about this work with the DEA. Now, you're

1 sitting inside the Madison County Jail cell, right?

2 A. Yes.

3 Q. And you told the prosecutor that you saw, that you

4 looked out the jail cell and you saw a telephone number?

5 A. Yeah.

6 Q. And a telephone --

7 A. It wasn't a telephone number. It was a statement.

8 Q. And the statement said if you want to help yourself

9 call the DEA?

10 A. It says if you have any information on any drug

11 activity ask for an officer.

12 Q. Dorsey?

13 A. No, it didn't. It was a Madison County where I read

14 that at.

15 Q. I'm sorry. I understand. You were in the Madison

16 County Jail.

17 A. Yes.

18 Q. Okay, and you're sitting in the Madison County Jail and

19 you read this statement?

20 A. Right.

21 Q. Did it say Drug Enforcement Administration?

22 A. Yes.

23 Q. And you knew that the drugs that you had, it could have

24 been a federal case, right?

25 A. Yes.

1 Q. And you didn't want it to be a federal case, did you?
2 A. No.
3 Q. And you wanted it to stay a state case, right?
4 A. Well, I told on myself, so it went federal anyway.
5 Q. Well, I understand. We'll get to that in a second.
6 You called Dorsey, right?
7 A. I let Dorsey know when I was arrested.
8 Q. Did it have a telephone number for the Drug Enforcement
9 Administration?
10 A. I didn't call anyone. Yes, it did.
11 Q. You didn't call anyone?
12 A. No.
13 Q. And who went to visit with you in the Madison County
14 Jail?
15 A. Cindy Scott, Dorsey, and another officer.
16 Q. Larry Fox?
17 A. I guess.
18 Q. There were three of them?
19 A. Yes.
20 Q. Weren't two of them?
21 A. No.
22 Q. Three of them?
23 A. Yes.
24 Q. And you're in the jail, the cell block, right?
25 A. Yes.

1 Q. They take you out to the detective's area, right?

2 A. Yes.

3 Q. Was your lawyer there with you?

4 A. No.

5 Q. And you had told on yourself when you were arrested in

6 January, right?

7 A. Yes.

8 Q. When you were arrested in January, you had 6.4 grams on

9 you, right?

10 A. I really don't know how many, what I had on me.

11 Q. Well, do you remember having a quarter-ounce?

12 A. A quarter-ounce?

13 Q. Do you remember Aleasha flushing any drugs down the

14 toilet?

15 A. That's really hearsay, because I don't know what she

16 had.

17 Q. Well, did you have so much in there that you just

18 didn't know?

19 A. I don't know what Aleasha had.

20 Q. Was she dealing on her own?

21 A. I don't know, I guess. I knew what I had.

22 Q. What did you have?

23 A. I guess it was five grams or less. I don't know.

24 Q. Now, you're sitting -- when you go -- it's a pretty big

25 moment for you to meet with the DEA, right?

1 A. I guess.

2 Q. Well, you know that your life is going to change
3 forever because you're going to work for them, right?

4 A. Right.

5 Q. It might cut down on your customers. Clients don't
6 like to go to someone who --

7 A. That I don't know.

8 Q. All right. And you met with them before you were
9 bonded out, right?

10 A. Yes.

11 Q. You were bonded out on Valentine's Day of 2003, right?

12 A. Yes.

13 Q. February 14th, right?

14 A. Yes.

15 Q. Not in April?

16 A. No.

17 Q. And you would have talked to the DEA sometime between
18 January 30th of 2003 and February 14th of 2003, right?

19 A. Yes.

20 Q. It wouldn't have been between January 30th of 2003 and
21 sometime in April of 2003, right?

22 A. Right.

23 Q. Did you -- and these three people that went and talked
24 to you, they were taking notes, weren't they?

25 A. Yes.

1 Q. They were interested in what you had to say, right?

2 A. Yes.

3 Q. And they were writing down everything you said?

4 A. Yes.

5 Q. Because they wanted to see how you were going to help

6 them, right?

7 A. Yes.

8 Q. And you wanted to be absolutely certain that you told

9 them everything you knew, right?

10 A. Yes.

11 Q. Because you knew that you had to be honest with them,

12 didn't you?

13 A. Yes.

14 Q. And you knew that they expected you to be honest with

15 them, right?

16 A. Yes.

17 Q. And you knew that they expected you to stop dealing

18 drugs, right?

19 A. Yes.

20 Q. Now, you met with them in February of 2003, and then

21 you get out of jail, right?

22 A. Yes.

23 Q. You bond out?

24 A. Yes.

25 Q. Recognizance bond?

1 A. Yes.

2 Q. And you're back with your kids?

3 A. Yes.

4 Q. You tell yourself, I -- you're telling yourself you
5 can't believe you've done this to your children, right?

6 A. Right.

7 Q. And you tell yourself you're going to make a new
8 beginning, right?

9 A. Yes.

10 Q. And you make a promise to yourself that you're not
11 going to get back into this kind of lifestyle, right?

12 A. Yes.

13 Q. Now, the Alton Police actually helped you because they
14 kicked you out, because you got kicked out of the federally
15 subsidized housing?

16 A. Yes.

17 Q. You had to go somewhere else.

18 A. Yes.

19 Q. And you knew that you couldn't go into some other
20 federally subsidized housing, right?

21 A. Right.

22 Q. So, you knew that you had -- you were going to have to
23 provide for your little kids, right?

24 A. Yes.

25 Q. And that was paramount in your mind, right?

1 A. Yes.

2 Q. And that's the reason you stopped smoking marijuana

3 too, right?

4 A. Yes.

5 Q. And you wanted to get your head straight, right?

6 A. Yes.

7 Q. And you didn't apply for a job when you got out of

8 jail, did you?

9 A. Actually, I was looking for a job.

10 Q. And you were working with the DEA, too?

11 A. Yes.

12 Q. All right. Now let's talk about again the work you

13 were doing for the DEA. How often did you meet with them?

14 About every week?

15 A. It varied. I really don't remember how often we met.

16 We met a lot of times.

17 Q. When you meet with them, that's a very important,

18 that's kind of a very important moment for you, though,

19 right?

20 A. Yes.

21 Q. Because you know that meeting with them is something

22 that's going to help you, right?

23 A. Yes.

24 Q. And you know that if you meet with them and tell on

25 people, that could help you too, right?

1 A. Yes.

2 Q. And you know that meeting with them and being honest,
3 that can help you too, right?

4 A. Yes.

5 Q. And meeting with them and lying to them could hurt you?

6 A. Yes.

7 Q. And you wanted to tell them what you knew about the
8 drug activity in Alton, right?

9 A. Yes.

10 Q. And you met with them, you said frequently; is that
11 right?

12 A. Yes.

13 Q. Now, would you meet with Agent Scott every time you met
14 with them?

15 A. Yes.

16 Q. Would you meet with Mark Dorsey every time you met with
17 them?

18 A. Yes.

19 Q. And how about Rory Rathgeb?

20 A. Sometimes.

21 Q. Sometimes. So your main contacts would be Mark Dorsey
22 and Cindy Scott?

23 A. Yes.

24 Q. Did you have their office numbers?

25 A. Their cell phones.

1 Q. You had their cell phone numbers?

2 A. Yes.

3 Q. So, that's like if you had some big drug deal going on

4 or something you could call them up?

5 A. Yeah.

6 Q. On their cell phone?

7 A. Yes.

8 Q. And if you thought you could set someone up, like

9 Chris, you could just pick up your cell phone and call them,

10 right?

11 A. Yeah.

12 Q. And there were people that you were dealing drugs with

13 that you wanted to protect too, right?

14 A. No, not really.

15 Q. Well, there's some people you didn't want to get in

16 trouble.

17 A. If they was family maybe.

18 Q. I understand that. You don't want to get your little

19 sister in trouble?

20 A. What she do is on her.

21 Q. But you don't want to tell on her if you don't have to,

22 right?

23 A. Right.

24 Q. You don't want to tell on your brother?

25 A. Right.

1 Q. And you'll tell on yourself, right?

2 A. Yeah.

3 Q. You'll take that?

4 A. Yeah.

5 Q. And did there come a period of time where you began to
6 meet with the DEA more?

7 A. Yes, when I went to working on a regular basis.

8 Q. Did there come a period of time where you began to give
9 them more information?

10 A. I don't remember.

11 Q. Well, the information that you would have given them on
12 February 14th, or between January 30th and February 14th,
13 that would be the best information probably, right?

14 A. I guess. I don't know.

15 Q. Well, that would be the freshest in your mind, right?

16 A. Yes.

17 Q. Because you kind of -- you made a promise to Agent
18 Scott that you weren't going to deal drugs anymore, right?

19 A. Yes.

20 Q. On February 14th you weren't going to deal drugs?

21 A. Yeah.

22 Q. And between February 14th and the time that they -- you
23 remember signing a contract with them, right?

24 A. Yes.

25 Q. Between February 14th and the time you signed a

1 contract with them, you promised you weren't going to deal
2 drugs on your own, right?

3 A. Right.

4 Q. And how were you were going to provide for your
5 children? You would have to get some sort of legitimate job,
6 right?

7 A. Yes.

8 Q. Even though you're not a people person?

9 A. Yes.

10 Q. But the one thing that you were very good at was
11 dealing drugs, right?

12 A. Yeah.

13 Q. And that's something you're still good at, right?

14 A. No.

15 Q. Well, that's not a skill you lose, is it?

16 A. Yeah.

17 Q. Well, would you lose that skill because you become a
18 confidential informant, or do you lose that skill because --

19 A. Because you're not doing it no more.

20 Q. When you met on January 30th, do you remember talking
21 -- you remember getting arrested, right?

22 A. Yes.

23 Q. You knew you were in trouble?

24 A. Yes.

25 Q. You wanted -- at that time you wanted to start getting

1 yourself out of the trouble, right?

2 A. Yeah.

3 Q. And you went into the Alton Police Station, right?

4 A. Yes.

5 Q. You were with Detective Dorsey?

6 A. Yes.

7 Q. Detective Rathgeb?

8 A. Yes.

9 Q. And they told you, hey, Tina, if you really want to
10 help yourself, tell us what you know about the drug trade in
11 Alton. Do you remember that?

12 A. No.

13 Q. Well, do you remember talking to them?

14 A. Yes.

15 Q. Do you remember sitting down and giving them what's
16 called a statement?

17 A. Yes.

18 Q. And you knew at that time that you had to be honest,
19 right?

20 A. Yeah.

21 Q. And you wanted to be honest with them?

22 A. Yes.

23 Q. Because in the back of your mind you're thinking that
24 you want to get back to your kids?

25 A. Yes.

1 Q. In the back of your mind you're thinking, I could be in
2 a whole lot of trouble, right?

3 A. Yeah.

4 Q. And in the back of your mind you're thinking they might
5 know a whole lot more about my drug activities than I think
6 they do, right?

7 A. Yeah.

8 Q. And they told you a little bit about what they knew,
9 didn't they?

10 A. Yeah.

11 Q. And you got worried?

12 A. Yeah.

13 Q. You got concerned?

14 A. Um-hum.

15 Q. Because you were away from your kids?

16 A. Yeah.

17 Q. Kids were away from you?

18 A. Yeah.

19 Q. Now, I'm going to hand you what's been marked as
20 Defendant's Exhibit 7, Miss Whittenburg, and I put in front
21 of you a yellow piece of paper, okay? What we don't want to
22 do is we don't want to talk about the names of the people
23 that are in your statement, okay?

24 A. Um-hum.

25 Q. And what I'm going to do -- and if you need to take a

1 second to look at it, that might be a good idea. But what
2 I'm going to do is I'm going to say you dealt with #1, #2,
3 #3, what's on the little cheat sheet in front of you, okay?
4 And if you could take a look at that, and when you've kind of
5 got an idea of it, let me know.

6 Okay. Now, this is Defendant's Exhibit 7.
7 You recognize your signature, right?

8 A. Yes.

9 Q. And those are the rights that were read to you?

10 A. Yes.

11 Q. I'm going to turn to Page 2. And again, is that your
12 signature down there?

13 A. Yes.

14 Q. And on Page 3, that's your signature, as well, right?

15 A. Yes.

16 MR. STOBBS: I would move at this time for the
17 admission of Defendant's Exhibit 7, if we haven't already
18 done so, Judge.

19 THE COURT: It's not yet admitted. Any
20 objection?

21 MR. DALY: May I see it, please?

22 MR. STOBBS: And Judge, for the record, we've
23 gone through and redacted the names and we put numbers up
24 there, so.

25 THE COURT: Yeah, I noticed.

1 MR. DALY: No objection.

2 THE COURT: Admitted.

3 Q. (MR. STOBBS:) All right. Now, last paragraph, do you
4 remember telling these detectives that you know it's wrong to
5 sell cocaine?

6 A. Yes.

7 Q. And you're sorry for having done it, right?

8 A. Yes.

9 Q. Truly sorry.

10 A. Yes.

11 Q. But you only sell cocaine so you can provide for your
12 children.

13 A. I did.

14 Q. And you didn't put in there that you could also buy
15 marijuana to smoke, did you?

16 A. No.

17 Q. But that's another reason you sold it, right?

18 A. Yeah.

19 Q. So when you gave the statement, you said you were doing
20 it just for your children, that really wasn't true, was it?

21 MR. DALY: Your Honor, I'm going to object.

22 No, I withdraw the objection.

23 Q. (MR. STOBBS:) That really wasn't true, was it?

24 A. Yeah, it was.

25 Q. Well, you were doing it for yourself, too?

1 A. It was really for my kids.

2 Q. So, let me ask you this. If there came a period of
3 time -- were there like peaks and valleys of business dealing
4 crack?

5 A. What do you mean?

6 Q. Well, were some times busier than others?

7 A. Yes.

8 Q. Sometimes you had slow -- are you okay?

9 A. Yeah.

10 Q. Sometimes you had slow periods?

11 A. Yeah.

12 Q. And during the slow period would you still smoke as
13 much marijuana?

14 A. I don't know.

15 Q. All right. Now let's take a look at this. Can you see
16 it?

17 A. Yeah.

18 Q. Okay. Your name is Tina Whittenburg, and that's -- you
19 live at 344 Mitchell, right?

20 A. Yes.

21 Q. Now, three years before that you were dating -- you've
22 already told us who you were dating, but you were dating
23 someone, right?

24 A. Yes.

25 Q. And he was involved in the drug trade in Alton?

1 A. I guess he was a part of it.

2 Q. Well --

3 A. He used more than he sold.

4 Q. Well, that's the individual that you lived with. He

5 was father of your little girl, right?

6 A. No.

7 Q. The father of your baby you said?

8 A. That was Steven.

9 Q. Oh, I'm sorry. Well, this guy didn't have a job

10 either, did he?

11 A. No.

12 Q. He dealt drugs to provide for you and the kids, right?

13 A. Yeah.

14 Q. All right. Now, you say in here after -- you dated

15 Anthony Stokes and he was in the drug business. He got

16 arrested and went to jail, right?

17 A. Yes.

18 Q. And then you say in the third paragraph that the Aid

19 checks you were getting stopped?

20 A. Yes.

21 Q. Is that true? Well, you weren't really receiving Aid

22 checks at that time, were you?

23 A. Yes. I was pregnant when he went to jail.

24 MR. STOBBS: Judge, at this time we would move

25 for the admission of Defendant's Exhibit 48.

1 THE COURT: Any objection?

2 MR. DALY: I don't know what it is, Your
3 Honor. May I have a moment, Your Honor?

4 THE COURT: Sure.

5 MR. STOBBS: While they're looking at it we'll
6 move on and I'll come back to it, Judge.

7 Q. (MR. STOBBS:) And what you tell the police is that the
8 last Aid check you got you took and bought a half-ounce of
9 crack cocaine, right?

10 A. Yes.

11 Q. So, the last Aid check you got you could have gone and
12 bought food, right?

13 A. I had food stamps for that.

14 Q. So you're getting food stamps, too?

15 A. I was getting cash benefits and food stamps.

16 Q. And so you didn't have to worry about buying food then?

17 A. No, but I did have to worry about my bills.

18 Q. And your bills would include rent?

19 A. Rent, electric.

20 Q. And the last -- you went and bought a half-ounce of
21 crack cocaine?

22 A. Yes.

23 Q. From someone who -- from a friend of yours, #2,
24 correct?

25 A. Yes.

1 MR. STOBBS: And at this time, Judge, we would
2 move for admission of Defendant's Exhibit 48.

3 THE COURT: Any objection?

4 MR. DALY: Well, Your Honor, I would just
5 state that this was just handed to me. If it's the Public
6 Aid that he's interested in, I did get that before, and
7 that's fine, but this was handed to me just shortly before we
8 began. I haven't had the complete opportunity to examine
9 that exhibit.

10 MR. STOBBS: Judge, this was provided to
11 Mr. Daly over a week ago. He called me at my house and I
12 discussed it with him. This has been provided to the
13 Government well in advance of today.

14 MR. DALY: The cover pages I've never seen
15 before. So, I assume that -- if that's what it is, I have no
16 objection, Your Honor.

17 THE COURT: Okay. Be admitted.

18 Q. (MR. STOBBS:) Now, would it surprise you to know that
19 the Madison East County Family Community Resource Center's
20 files for you do not indicate that you received cash
21 assistance in the years 2000, 2001 or 2002? Would that
22 surprise you?

23 A. No.

24 Q. So, they are saying you didn't receive any cash
25 assistance from them, and you're saying you did?

1 A. I received cash from them the last time when I was four
2 months pregnant with my last child, and I took that and
3 bought the crack cocaine.

4 Q. And in a way that you can --

5 A. After that I didn't receive anything.

6 Q. Okay. And the reason I'm asking that is because that
7 gives you, that gives us a good time frame as to when you
8 would have began dealing crack, right?

9 A. I guess, yeah.

10 Q. Well, I mean, you know when your children are born,
11 right?

12 A. Yeah.

13 Q. So, you can -- you know today that when your last child
14 was born, or whenever, when you stopped receiving food stamps
15 or Aid, that that's when you would have started dealing
16 crack, right?

17 A. Yeah.

18 Q. And how old is that child?

19 A. She's seven.

20 Q. So, seven years ago you started dealing crack?

21 A. Yes.

22 Q. So, when you say that the Aid checks you stopped -- you
23 started getting it from #2; you bought a half-ounce,
24 quarter-ounce of crack from #2 per week for six months; is
25 that right?

1 A. Yes.

2 Q. So, when was your -- when did your Aid -- when was

3 that? What month of 19 -- seven years ago?

4 A. I don't know.

5 Q. Well, when was your baby born?

6 A. She was born June 12th.

7 Q. 1997?

8 A. 1996.

9 Q. So, 1996. So you've been dealing from June 12th of

10 1996, and when would you have purchased a half-ounce of

11 crack?

12 A. What do you mean?

13 Q. Well, you said that when your Aid checks stopped

14 coming, that's when --

15 A. Whenever I got the check. I don't remember when that

16 was.

17 Q. Would it have been July?

18 A. I don't know.

19 Q. August?

20 A. I don't know.

21 Q. Would it have been in 1996 or 1997?

22 A. I don't know. I know I was pregnant with her. I was

23 four months pregnant, and I don't know the exact date or

24 month.

25 Q. And then you go on to say that you're needing some

1 crack cocaine to sell and couldn't get a hold of #2. Do you
2 remember that?

3 A. Um-hum, yes.

4 Q. There came a time where you got good at this, right?

5 A. Yeah.

6 Q. You got good quick?

7 A. Yeah.

8 Q. And you learned part of it from your past boyfriends,
9 right?

10 A. Yeah.

11 Q. Some of the customers they had, you took over, right?

12 A. No.

13 Q. When they went to jail the people still came to the
14 door, though, right?

15 A. No.

16 Q. So then you were needing some crack cocaine and you
17 couldn't get a hold of #2, and you looked for another
18 supplier, right?

19 A. Yes.

20 Q. You knew that #2 couldn't fill what you needed, right?

21 A. Yes.

22 Q. So you went to #1?

23 A. Yes.

24 Q. #1 was a big dealer in Alton, right?

25 A. Yes.

1 Q. #1 is someone that you knew that you could get crack
2 from whenever you needed it, right?

3 A. Yes.

4 Q. #1 is someone that you knew for a long time, right?

5 A. No, I didn't know him like that.

6 Q. Well you knew #2 for awhile, though, right?

7 A. Yeah, I knew of him. I knew of all of them.

8 Q. And ultimately they knew of you, right?

9 A. They heard of me, yeah.

10 Q. Well, when you started dealing with these guys ounce
11 quantities at a time, they knew you?

12 A. Yeah, they knew me then.

13 Q. And you were a good customer, right?

14 A. Yeah.

15 Q. They told you what to pay, right?

16 A. Yes.

17 Q. And you paid them?

18 A. Yes.

19 Q. And you expected that they would give you what you were
20 paying for, right?

21 A. Yes.

22 Q. Now, part of selling crack cocaine in these twenties
23 and fifties, your customers become addicts, right?

24 A. Yes.

25 Q. And the nature of crack cocaine is it's very addictive,

1 right?

2 A. Yes.

3 Q. And it's good for business to have a lot of addicts,
4 right?

5 A. Yes.

6 Q. And the more addicts that you have, the better it is
7 for you, right?

8 A. Yes.

9 Q. Because they are always coming to the door, knocking,
10 wanting dope, right?

11 A. Yeah.

12 Q. And they would come at all hours of day and night,
13 right?

14 A. Yes.

15 Q. And there would be times where you would be asleep,
16 right?

17 A. Yes.

18 Q. They would knock on the door?

19 A. Yes.

20 Q. And your little kid would be asleep upstairs, too,
21 right?

22 A. Yes.

23 Q. And you would go down and answer the door?

24 A. Yes.

25 Q. You would go down and deal drugs?

1 A. Yes.

2 Q. And your kids were asleep?

3 A. Yes.

4 Q. And you bought an ounce of crack from #1 for 950. Do
5 you remember that?

6 A. Yes.

7 Q. And then you bought an ounce of crack from #1 every
8 four days for a month straight. Do you remember that?

9 A. Yeah.

10 Q. That's four ounces a month, at least?

11 A. Yeah.

12 Q. I'm sorry, every four days. How much would that be in
13 a month?

14 A. I don't know.

15 Q. And whenever you needed it, you would go to #1, right?

16 A. Yes.

17 Q. Then you started buying half an ounce every two days.
18 Do you remember that?

19 A. Yes.

20 Q. And if you were really busy you could get another
21 half-ounce the same day. Do you remember that?

22 A. Yes.

23 Q. Now, busy means that you would be sitting in your house
24 and people would be wanting to buy, right?

25 A. In the house, outside, yeah.

1 Q. You had your cell phone?
2 A. Yes.
3 Q. And you knew that if you had customers and you needed
4 more, you would call up #1?
5 A. Yes.
6 Q. And you did that?
7 A. Yes.
8 Q. And #1 -- would you go to #1, or would #1 come to you?
9 A. No, he would come to me.
10 Q. In the projects?
11 A. Yeah.
12 Q. And you say that you've been buying crack cocaine from
13 #1 up until today. Do you remember that?
14 A. Yeah.
15 Q. And he was your supply; is that right?
16 A. Yes.
17 Q. #1?
18 A. Yes.
19 Q. And your customers didn't complain about #1's crack,
20 did they?
21 A. Sometimes.
22 Q. Would they take it back to you?
23 A. Sometimes.
24 Q. Would you give them a refund?
25 A. Yes.

1 Q. Now, when the police came, you gave them what was left
2 of the quarter-ounce of crack that you had in your pants. Do
3 you remember that?

4 A. Yes.

5 Q. And your little sister Aleasha flushed another
6 quarter-ounce of crack cocaine. Do you remember that?

7 A. Yeah, that's what she say.

8 Q. Well, that's what you say, though, isn't it?

9 A. That's what she told me, so, yeah, I told them.

10 Q. Where does it say on here that your little sister told
11 you that she flushed --

12 A. This was beforehand, before I was arrested.

13 Q. Could you, if you wanted to, put on that statement that
14 my sister told me that she flushed a quarter-ounce?

15 A. What do you mean?

16 Q. You could have written on this statement, my sister
17 told me she flushed a quarter-ounce, right?

18 A. All this might not even be accurate. I don't know.

19 Q. Would you sign something that wasn't accurate?

20 A. It's close to accurate. It's close to my recollection,
21 yes.

22 Q. Okay. Now, then you talk about you're going to go buy
23 crack from a guy, #3. Do you remember that?

24 A. Yeah.

25 Q. And he was -- was he bigger than #1?

1 A. I don't know.

2 Q. But you say #1 is getting his crack from #3?

3 A. That was my assumption.

4 Q. Okay. Now, you were talking with the prosecutor a
5 little bit earlier about this. Now this was January 30th of
6 2003, right?

7 A. For the one on my house?

8 Q. Yes?

9 A. Yes.

10 Q. And when you met -- on January 22nd, 2004, would it
11 surprise you that there are no reports indicating that you
12 purchased -- that Chris was at 344 B Mitchell to meet your
13 brother?

14 A. Can you repeat that?

15 Q. Would it surprise you to learn that there are no
16 reports prepared by the DEA indicating that you were going to
17 buy, that your brother was going to buy crack cocaine from
18 Chris Taylor on January 22nd, 2004?

19 A. What are you asking me?

20 Q. Well, did you tell the DEA that?

21 A. No.

22 Q. Who did you tell?

23 A. Nobody.

24 Q. Just today is when you decided to tell somebody?

25 A. No, they knew about it back then, after the fact.

1 Q. Who knew about it? Cindy?

2 A. I'm not sure. I don't remember.

3 Q. Did you tell someone in the DEA?

4 A. I don't remember telling nobody. I don't remember what

5 happened.

6 Q. Is that something you just decided to tell today?

7 A. No.

8 Q. Now, you remember meeting with Agent Scott in August of

9 2004, right -- or 2003, right?

10 A. No.

11 Q. You don't remember meeting with her and Mark Dorsey?

12 A. No, but I remember meeting a lot with them. I don't

13 remember the dates.

14 Q. Okay. Well, you remember when you signed your first

15 contract with them, right?

16 A. Yes.

17 Q. You were nervous?

18 A. I don't know.

19 Q. You wanted to help yourself out, right?

20 A. Yes.

21 Q. You had been talking to them from February of 2003

22 regularly until you signed the contract with them, right?

23 A. Yeah.

24 Q. And you had been dealing drugs, too, from February of

25 2003 to August of 2003, right?

1 A. Excuse me? Repeat that again.

2 Q. Well, you didn't stop dealing crack when you got out of
3 jail in February of 2003, did you?

4 A. Yeah, I did.

5 Q. Cold turkey?

6 A. Yeah, I did.

7 Q. And you were able to live on your savings?

8 A. I was receiving Social Security for my son disability.

9 Q. It was -- a way out for you in February of 2003 was to
10 cooperate, right?

11 A. Yes.

12 Q. And you hadn't worked in, at all in 2002, right?

13 A. You're wrong.

14 Q. You did work in 2002?

15 A. Yes.

16 Q. Where did you work?

17 A. I had a number of jobs. Elite Staff (phonetic) and
18 Arrow Tech.

19 Q. Did you work in 2001?

20 A. Yes. I worked every year. I might not have worked the
21 whole year, but yes, I've had a job.

22 Q. Even though you're not a people person?

23 A. Yes.

24 Q. And you're a cosmetologist?

25 A. I don't have my license, but I have skills in hair.

1 Q. Well, I want to show you what's been marked as
2 Defendant's Exhibit 19. Can you see that?

3 A. What is it?

4 Q. Well, let's look at the top then. For your 2000 case
5 you had to fill out an Affidavit of Assets and Liabilities to
6 get a public defender, right?

7 A. In 2001, yeah.

8 Q. And you put on there, you wrote on there that you were
9 a cosmetologist; is that right?

10 A. Yes.

11 Q. And that was your occupation?

12 A. Yes.

13 Q. And can you see how much you earned each month, you
14 wrote there?

15 A. It say 500.

16 Q. And you worked 24 hours to 46 hours a month?

17 A. Yeah.

18 Q. Was that true?

19 A. Yes.

20 MR. STOBBS: We would move for the admission
21 of Defendant's Exhibit 19, Judge.

22 MR. DALY: No objection.

23 THE COURT: Admitted.

24 Q. (MR. STOBBS:) Now I'm going to show you Defendant's
25 Exhibit 21. And can you see that?

1 A. Yes.

2 Q. Now that's the -- that's your Court Order of Pretrial
3 Bond Supervision?

4 A. Yes.

5 Q. 2000 case?

6 A. Yes.

7 Q. Now on there the judge tells you that you have to keep
8 working at Elder Care, right?

9 A. Yes.

10 Q. And you didn't do that?

11 A. What you mean I didn't do that? I got fired.

12 Q. You got fired?

13 A. Yes.

14 Q. Because you're not a people person?

15 A. Because I was incarcerated.

16 Q. And you were told not to have contact with Michelle
17 Jackson, right?

18 A. Right.

19 Q. And that's because she was the victim in that case,
20 right?

21 A. Yes.

22 Q. And that included even if she called you, you couldn't
23 talk to her, right?

24 A. Right.

25 Q. And did you that anyway, though?

1 A. No.

2 Q. And you told Agent Scott in August of 2003 that you
3 purchased quarter-ounce quantities of crack from Chris over
4 the last several months. Do you remember that?

5 A. Yes.

6 Q. And you're here today saying that you were buying
7 half-ounce and ounce quantities, right?

8 A. It varied. I bought a number of quantities from him on
9 a regular basis.

10 Q. But you didn't tell Agent Scott that in August, did
11 you?

12 A. It wasn't on my mind.

13 Q. What was on your mind was to be with your kids, though,
14 right?

15 A. Yes.

16 Q. What was on your mind was to try to help yourself,
17 right?

18 A. I had a lot of stuff on my mind.

19 Q. One of the things on your mind was to be honest, right?

20 A. Yes.

21 Q. Because you knew that if you weren't honest you could
22 get in trouble, right?

23 A. Yes.

24 Q. So you wanted to think as clearly as you could?

25 A. I couldn't.

1 Q. And even though a couple months before you talked to
2 them, you can remember how often you dealt with Chris?
3 A. I'm giving the accuracy to the best of my knowledge. I
4 might have bought from him every day, a number of times a
5 day.
6 Q. So, now we are up to every day?
7 A. I said I may have bought from him every day.
8 Q. Okay. I'm not trying to argue with you. You told
9 Cindy Scott in August of 2003 that you were buying
10 quarter-ounce quantities?
11 A. Quarter-ounces, halves, ounces. It varied.
12 Q. And she was taking notes while you were telling her
13 this, right?
14 A. Yes.
15 Q. And you would expect that that would be included in
16 what you told her, right?
17 A. I probably didn't tell her that.
18 Q. Well, you didn't tell her that, though, did you?
19 A. Evidently, I didn't. It's not on the paper.
20 Q. And for you -- and you didn't tell Cindy Scott that you
21 dealt with Chris 50 to a hundred times, did you?
22 A. I don't know.
23 Q. Would you have?
24 A. Yes.
25 Q. And you knew -- Judge, if it's not already admitted, we

1 would move for admission of Defendant's Exhibit 9, which has
2 been redacted.

3 And you knew that the DEA was looking at
4 people in Alton, right?

5 A. Yes.

6 Q. You wanted to help them make cases against people,
7 right?

8 A. Yeah.

9 Q. You were looking for people to help make a case on,
10 right?

11 A. I already knew.

12 Q. Well, you were looking for targets, right?

13 A. I already knew them.

14 Q. You were looking for targets, yes or no?

15 A. Yeah. Yes.

16 Q. And he was an easy target, right?

17 A. Yeah.

18 Q. And you would take a half an ounce and break it down
19 into twenties and fifties, right?

20 A. Yes.

21 Q. You would take an ounce and break it down into twenties
22 and fifties?

23 A. Yes.

24 Q. You would take a quarter-ounce and break it down,
25 right?

1 A. Yes.

2 Q. And you had some people that came by, and whatever they

3 had money-wise, they would buy, right?

4 A. Yes.

5 Q. So, some people would buy instead of one twenty, they

6 would buy two or three twenties, right?

7 A. Yes.

8 Q. They would buy \$100 worth?

9 A. Yes.

10 Q. They'd buy -- do you know what an eight-ball is?

11 A. Yes.

12 Q. They'd buy an eight-ball to smoke, right?

13 A. Yes.

14 Q. Sometimes they would get two eight-balls to smoke,

15 right?

16 A. No.

17 Q. Well, the more that they bought, though, the more

18 profit you made?

19 MR. DALY: Your Honor, this has been covered

20 over and over again. I'm going to object to the repetitious

21 nature and ask that we move along.

22 THE COURT: Yeah, I agree.

23 Q. (MR. STOBBS:) Okay. Do you know how long it would

24 take for someone to smoke a twenty-dollar rock?

25 A. No.

1 Q. How long would it take to smoke a fifty-dollar rock?
2 A. I don't know.
3 Q. Now you -- have you found it easy to manipulate
4 addicts?
5 A. No.
6 Q. And the people who went to your house, they just wanted
7 the high, though, right?
8 A. Yeah.
9 Q. And how long would an average -- if they came to your
10 door, would you go out around back to deal drugs?
11 A. I don't know. It depends.
12 Q. I understand that, but if it's, like, cold out, you
13 would just do it at the doorway; is that right?
14 A. Yeah.
15 Q. And how long did the drug deals take about, do you
16 know?
17 A. No. If I was busy doing something they would have to
18 wait until I get done, but it would be pretty quick.
19 Q. Because you didn't want to draw notice to yourself?
20 A. Right.
21 Q. Okay. When you talked to the police in January of
22 2003, did you have an idea -- do you need water?
23 A. Hum-um.
24 Q. Did you have an idea that you were going to begin
25 working for them?

1 A. No.

2 Q. Now, did you feel, though, that the more people you
3 told on the more it would help you?

4 A. I don't know.

5 Q. Did you think that the less you said the better it
6 would be, or the more you said the better it would be?

7 A. I don't know. I just did what I had to do.

8 Q. How did you know #2?

9 A. From around town.

10 Q. I'm sorry?

11 A. From around town.

12 Q. From around town. How long did you know him?

13 A. I didn't know him like that. I just heard of him.

14 Q. But you eventually began dealing with him, right?

15 A. Yeah.

16 Q. And you eventually got -- he became your supplier, then
17 you moved on to #1?

18 A. Yes.

19 Q. Did you have any sort of friendship with #2?

20 A. No.

21 Q. Did you see him from time to time after you were not
22 able to get crack from him?

23 A. Around town, yes.

24 Q. Okay. You talked to him?

25 A. Not after I wasn't getting nothing from him.

1 Q. Okay. Now, you said, and if I covered this I apologize
2 in advance, but you said that there were no promises made to
3 you, right?

4 A. Right.

5 Q. But you had hopes, right?

6 A. No.

7 Q. Well, you hoped they didn't charge you?

8 A. That's why I'm involved in the front now.

9 Q. Well, you hoped that you didn't go to jail?

10 A. I was praying, yeah.

11 Q. And you knew that -- again, I'm going to talk about the
12 2003 case where you pleaded guilty and were sentenced to
13 probation on December 16th of 2004, okay?

14 A. Yes.

15 Q. And do you remember Judge Stack telling you that if you
16 were convicted of the same offense again, basically this kind
17 of drug dealing offense, that you could face enhanced
18 penalties?

19 A. Yes.

20 Q. You didn't want that, did you?

21 A. No.

22 Q. And you didn't want that in December of 2004, right?

23 A. No.

24 Q. You didn't want it in March of 2005?

25 A. No.

1 Q. And, but between December of 2004 when you're placed on
2 probation, until March of 2005, you started dealing crack
3 again, right?

4 A. I had sold that time, yes.

5 Q. Who did you get it from?

6 A. A friend.

7 Q. Who?

8 MR. DALY: Your Honor, I'm going to object.
9 If we want to go into identities, I don't see the relevance
10 of that.

11 THE COURT: Sustained.

12 Q. (MR. STOBBS:) And you eventually sold that, right?

13 A. Yes.

14 Q. And you were set up in March of 2005, right?

15 A. Yes.

16 Q. They used a confidential informant on you, right?

17 A. Yes.

18 Q. And that took place at the Highway House, right?

19 A. Yes.

20 Q. And I'm going to show you what's been marked as
21 Defendant's Exhibit 59, and I'm going to ask if you can
22 identify that?

23 A. That's the Highway House.

24 Q. Okay. And that's what it looked like in March of 2005,
25 right?

1 A. Yes.

2 MR. STOBBS: I move for the admission of
3 Exhibit 59.

4 MR. DALY: No objection.

5 THE COURT: Admitted.

6 Q. (MR. STOBBS:) And in March of 2005 you didn't have a
7 driver's license, right?

8 A. Right.

9 Q. So you had someone chauffeur you there, right?

10 A. Yes.

11 Q. And you were in the passenger seat?

12 A. Yes.

13 Q. And your friend was driving?

14 A. Yes.

15 Q. And you had crack with you?

16 A. Yeah.

17 Q. And you were selling it?

18 A. Yeah.

19 Q. And you were going to sell it again?

20 A. I had sold it. I didn't have anymore crack with me
21 after that.

22 Q. And I'm going to show you Defendant's Exhibit 58, and
23 is that another view of the Highway House?

24 A. Yes.

25 Q. And that is how it looked in March 2005?

1 A. Yes.

2 MR. STOBBS: I move for the admission, Judge.

3 MR. DALY: No objection, Your Honor.

4 THE COURT: Admitted.

5 Q. (MR. STOBBS:) The Highway House is in Godfrey, right?

6 A. Yes.

7 Q. And you were arrested in Alton, though, right?

8 A. Yes.

9 Q. By Alton Police?

10 A. Yes.

11 Q. And you were arrested at the Walgreen's?

12 A. Yes.

13 Q. And that's just inside the Alton city limits; is that
14 right?

15 A. Yes.

16 Q. And when did you begin dealing drugs between December
17 of 2004 and March of 2005?

18 A. Excuse me?

19 Q. Well, you got caught in March of 2005, right?

20 A. Right.

21 Q. And you had dealt with this guy Steve on a hundred
22 occasions before this, right?

23 A. He used to come to my house in Belle Manor.

24 Q. Okay. Well, between December and March, how many drug
25 deals did you do?

1 A. Once.

2 Q. This was the only drug deal?

3 A. Yes.

4 Q. It's the only time you got caught?

5 A. Yes.

6 Q. So you were just unlucky on that day?

7 A. I guess.

8 Q. So, if -- and you know Detective Rathgeb?

9 A. Yes.

10 Q. If Detective Rathgeb said that they had had prior

11 information of you dealing drugs, would that be --

12 A. He would be wrong.

13 Q. And have you dealt drugs between March and today?

14 A. No.

15 Q. And you certainly hope that charges are not instituted

16 against you in Madison County, or anywhere, for what took

17 place in March, right?

18 A. Yes.

19 Q. You haven't been charged?

20 A. No.

21 Q. And are you hopeful that your testimony here today will

22 go to help not being charged?

23 A. I don't know what today is doing. I'm doing today

24 because that's what I got two years of probation for.

25 Q. Let's talk about your two years of probation then.

1 MR. DALY: Your Honor, I think we've covered
2 all that before. I'm going to object to going back.

3 THE COURT: Well, let me see what he asks.

4 MR. DALY: All right.

5 Q. (MR. STOBBS:) Now, what I was going to ask you is that
6 part of the Order of Probation, which is -- if we haven't
7 already done it, Judge, I would move for admission of
8 Defendant's Exhibit 22.

9 And I want to show you your Court Order of
10 Probation. You remember that?

11 A. Yes.

12 Q. And you remember, that's your --

13 THE COURT: Is this 22 you're showing?

14 MR. STOBBS: Yes, sir, Judge.

15 THE COURT: Any objection?

16 MR. DALY: No, Your Honor.

17 THE COURT: Admitted.

18 Q. (MR. STOBBS:) And this is your signature, right?

19 A. Yes.

20 Q. Now, what I was going to ask you is that there was --
21 there are boxes that are checked, right?

22 A. Yes.

23 Q. And one of the conditions is that you report to your
24 probation officer any arrest that you have, right?

25 A. Yes.

1 Q. And you didn't do that, did you?
2 A. Yes, I did.
3 Q. You told your probation officer that you had been
4 arrested?
5 A. Yes.
6 Q. For this offense?
7 A. Yes. When I got out of jail, yes, I did.
8 Q. Have any -- well, I'll withdraw the question. And
9 you're on supervised probation; is that right?
10 A. I don't understand.
11 Q. Do you know if anyone has spoken to your probation
12 officer on your behalf?
13 A. What do you mean?
14 Q. Well, you were arrested in March, right?
15 A. Right.
16 Q. And you -- part of the condition of your probation is
17 not to deal drugs, right?
18 A. Right.
19 Q. And do you know if anyone has spoken to your probation
20 officer on your behalf not to have you revoked?
21 A. I don't know.
22 Q. When you were arrested on March, in March of this last
23 year, you made a statement, right?
24 A. Yes.
25 Q. I want to show you what I have marked as Defendant's

1 Exhibit 25. And again, that's your signature, right?

2 A. Yes.

3 Q. And that's your signature on Page 2, right?

4 A. Yes.

5 Q. And there is a sentence that you crossed out, right?

6 A. Yes.

7 MR. STOBBS: I would move for the admission,
8 Judge.

9 MR. DALY: I don't have a copy. May I see the
10 document?

11 Q. (MR. STOBBS:) And when you talk to the police and gave
12 them a statement, you want to be truthful, right?

13 A. Yes.

14 Q. You want to be honest?

15 A. Yes.

16 Q. And you told them that you dealt with Steve over a
17 hundred times, right?

18 A. Yes.

19 Q. And on here you don't -- when you confessed in the
20 statement you gave, you didn't tell Officer Rathgeb or
21 Officer Dorsey that you had dealt with him when you were
22 living on Belle, did you?

23 A. I don't remember.

24 MR. STOBBS: And, but -- we would move for the
25 admission at this time, Judge.

1 MR. DALY: No objection, Your Honor.

2 THE COURT: Admitted.

3 Q. (MR. STOBBS:) And again, you say you've got to make
4 money to support your children. Do you remember saying that?

5 A. That's crossed out.

6 Q. So you didn't say it?

7 A. It's crossed out.

8 Q. Did you say it?

9 A. Maybe, maybe not.

10 Q. Did you say that you guessed you were good at selling
11 crack cocaine?

12 A. No.

13 Q. You wouldn't have said that?

14 A. No.

15 MR. STOBBS: Could we take the afternoon
16 break, Judge?

17 THE COURT: The defendant moved to admit
18 Exhibit #9. I didn't give you a chance to ask if you
19 objected, Mr. Daly. Any objection to #9?

20 MR. DALY: No, Your Honor. No objection.

21 THE COURT: Number 9 will be admitted, as
22 well.

23 Okay, we'll take our break. Fifteen minutes.
24 Same admonishments as before.

25 (A recess was held.)

1 THE COURT: Thanks, folks. Please be seated.

2 Q. (MR. STOBBS:) Miss Whittenburg, I handed you
3 Defendant's Exhibits 12, 13 and 14. And so I can move along
4 as quickly as possible, those are contracts you signed with
5 the DEA and City of Alton to be a confidential informant. Is
6 that right?

7 A. Yes.

8 Q. And you indicated that you were aware that you had been
9 deactivated by the DEA; is that right?

10 A. No, I didn't know.

11 Q. You didn't know you had been deactivated?

12 A. No.

13 Q. You signed the first contract on August 22nd of 2003;
14 is that right?

15 A. Yes.

16 Q. And that's Defendant's Exhibit 12, which has already
17 been admitted into evidence. That indicates that you signed
18 it on 8/22/03, right?

19 A. Yeah.

20 Q. And it started -- it didn't start on August 22nd of
21 2003, though, did it?

22 A. I don't know.

23 Q. You wouldn't doubt if the contract says you understand
24 that the agreement is enforced from 9/4/2003 until 9/4/2004,
25 though, do you?

1 A. Excuse me?

2 Q. You don't contest the fact that it --

3 A. No, no.

4 Q. Do you know why you would have been deactivated by the

5 DEA?

6 A. Maybe because I wasn't doing work right then.

7 Q. Do you know why you would have signed another contract

8 on June 3rd of 2004?

9 A. I guess to reactivate me.

10 Q. Well, why would you have been reactivated? Did you

11 have new information?

12 A. No.

13 Q. Was that something that was your idea to be

14 reactivated?

15 A. No, the contract probably ran out.

16 Q. If the contract went from -- well, you'll agree that

17 June of 2004 is before September of 2004, though, right?

18 A. Yes.

19 Q. And there came a period of time where you signed a

20 contract with Alton, right?

21 A. I don't know.

22 Q. I want you to look at Defendant's Exhibit 14. That's

23 your signature, isn't it?

24 A. Yes.

25 Q. And that's Mark Dorsey's signature, right?

1 A. Yes.

2 Q. And that's the contract that you signed with the City
3 of Alton to be a confidential informant, right?

4 A. Yes.

5 Q. And you indicated on here that you could assist with
6 narcotics, middle level or Class X violations, right?

7 A. Yes.

8 Q. That's the big quantities of drugs, right?

9 A. Yes.

10 Q. That's not a general quantity or a small quantity, is
11 it?

12 A. No.

13 Q. And when you signed these contracts you read them,
14 didn't you?

15 A. Yes.

16 Q. And you felt that they were important, right?

17 A. Yes.

18 Q. And you agreed to do certain things, didn't you?

19 A. Yes.

20 Q. And do you feel that you lived up to these three
21 contracts?

22 A. Yes.

23 Q. Have you been deactivated by the City of Alton?

24 A. I don't know.

25 Q. Is that something that you would expect that they would

1 tell you?

2 A. I don't know.

3 Q. Now, you said that you -- I want to talk a little bit
4 now about how you know Chris. All right?

5 A. Yes.

6 Q. And you pointed him out. That's Chris Taylor sitting
7 over at the defense table?

8 A. Yes.

9 Q. Standing up, right?

10 A. Yes.

11 Q. And you have, I guess for lack of a better way to say
12 it, kind of family in common, right?

13 A. Excuse me?

14 Q. Isn't one of your sister or brother's children one of
15 his, like cousins, or nieces, or nephews, or something?

16 A. Supposed to be.

17 Q. Okay. But you would have known him through that,
18 right?

19 A. Yes.

20 Q. And you've known him since about 2000?

21 A. I'm not sure which year it was.

22 Q. Okay. But you've been knowing him for a little bit of
23 time?

24 A. Yeah.

25 Q. And there was a time where your sister Aleasha lived in

1 Colorado, right? Colorado?

2 A. Yes. Well, she didn't live there; she was down there

3 doing some --

4 Q. For about a month?

5 A. Yeah.

6 Q. And Chris was in Colorado, right?

7 A. Yes.

8 Q. And he had a record company, right?

9 A. Yes.

10 Q. And it was called C-Lob Records, right?

11 A. Yes.

12 MR. DALY: Your Honor, I'm going to object to

13 this. It's beyond the scope of Direct Examination.

14 THE COURT: Overruled.

15 Q. (MR. STOBBS:) He had a company called C-Lob Records,

16 didn't he?

17 A. Yes.

18 Q. And he -- and your sister was planning to work for

19 C-Lob Records, right?

20 A. Yes.

21 Q. And he was helping her get a career started, I guess,

22 right?

23 A. Yes.

24 Q. And he actually had billboards in Alton, didn't he?

25 A. Yes.

1 Q. That said "C-LOB Records," right?

2 MR. DALY: I'm going to object to the leading
3 form here, Your Honor, and I would ask for a side-bar, and I
4 have a reason for this, please.

5 (Side-bar, on the record.)

6 (The following proceedings were held
7 out of the hearing of the jury.)

8 MR. DALY: He's making statements, Your Honor,
9 without posing a question mark, or a isn't that right? Now
10 we are getting into an area where I think this is an attempt
11 to get in information that the defendant would have to
12 provide if he's going to testify.

13 MR. STOBBS: I can ask her if she has seen
14 billboards with C-Lob Records, which are his records. I can
15 ask her whether or not she has seen Defendant's Exhibit 38.
16 If she says no, I move on. If she says yes, then I am going
17 to ask that it be admitted into evidence.

18 MR. DALY: Well, this is beyond the scope of
19 the Direct.

20 THE COURT: What's the relevance at this point
21 related to her -- what she testified to in Direct?

22 MR. STOBBS: About whether or not she knows
23 him, and how she knows him.

24 THE COURT: You're exploring the relationship
25 that her sister had with --

1 MR. STOBBS: That and the fact -- because
2 here's the thing, Judge. As it looks right now, is that she
3 only knows him from, I guess for lack of a better way to say
4 it, from a drug relation standpoint. And what I want to
5 explore is that she knows him from a different kind of
6 standpoint. I understood that her --

7 THE COURT: I'll overrule.

8 (The following proceedings were held in the
9 presence and hearing of the jury.)

10 THE COURT: Objection is overruled.

11 MR. STOBBS: Thank you, Your Honor.

12 Q. (MR. STOBBS:) Now you said that you knew that Chris --
13 that Aleasha was being helped by Chris with C-Lob Records,
14 right?

15 A. Yeah.

16 Q. And that's his nickname?

17 A. Yeah.

18 Q. C-Lob?

19 A. Yes.

20 Q. And he had billboards in Alton that had C-Lob Records
21 on them, right?

22 A. Yeah.

23 Q. And one of them was across from the Belle Street
24 projects, right?

25 A. I guess.

1 Q. Well, let me show you Defendant's Exhibit 38. You've
2 seen that, haven't you?

3 A. No.

4 Q. Do you know whether or not Chris and your sister
5 Aleasha had an ongoing relationship regarding his helping her
6 become a singer, I guess for lack of a better way to say it?

7 A. I don't know.

8 Q. I want to move now to September 10th of 2003, okay?

9 A. Um-hum.

10 Q. Now, you had signed a contract a couple weeks before
11 that with the DEA, right?

12 A. Yeah.

13 Q. So, you were then going to be proactive. Is that a
14 fair way to say it?

15 A. Yeah.

16 Q. You were going to work for them?

17 A. Yeah.

18 Q. You were going to wear a wire?

19 A. Yeah.

20 Q. You were going to help them get targets?

21 A. Yeah.

22 Q. And Chris was one of those targets?

23 A. Yes.

24 Q. Chris was someone you thought that you could get crack
25 cocaine from?

1 A. Yes.

2 Q. And you said that you had gotten it from him between 15
3 and a hundred times prior to this?

4 A. Yes.

5 Q. And at this time you were living in the Lewis and Clark
6 Motel?

7 A. Yes.

8 Q. And you had met -- you still were meeting with the DEA
9 on a fairly regular basis?

10 A. Yes.

11 Q. Things were kind of heating up?

12 A. Yeah.

13 Q. You had gone from just giving information to becoming
14 actually someone who's going to wear a wire, right?

15 A. Yes. That was the goal.

16 Q. And the goal was to set someone up?

17 A. Yeah.

18 Q. And the goal was to try to get drugs from someone,
19 right?

20 A. Yes.

21 Q. And the goal was to be able to provide those drugs to
22 the DEA, right?

23 A. Yes.

24 Q. And you met with Miss Scott. What time did you meet
25 with Agent Scott?

1 A. Maybe around in between two and three.

2 Q. And had she told you exactly when you were going to

3 meet?

4 A. Yeah.

5 Q. You knew you were going to have to meet her between two

6 or three?

7 A. Yeah, we had already set it up.

8 Q. And I'm not going to hold you to the times and stuff,

9 but you knew that you were going to meet with her, right?

10 A. Yeah.

11 Q. And you met with her in East Alton?

12 A. Yes.

13 Q. Did she drive you somewhere where you could meet with

14 the other agents?

15 A. No, they came to where we was at.

16 Q. I'm sorry?

17 A. They came to where we was at.

18 Q. The other agents came to where you and Agent Scott were

19 at?

20 A. Yes.

21 Q. Okay. And where were you and Agent Scott?

22 A. In Eastgate Plaza behind the businesses.

23 Q. And that's a fairly remote area?

24 A. Yes.

25 Q. There's no one back there?

1 A. No.

2 Q. And you felt safe back there?

3 A. Yes.

4 Q. And at that time you were with Agent Scott?

5 A. Yes.

6 Q. And other agents arrived?

7 A. Yes.

8 Q. Do you know who the other agents were?

9 A. No.

10 Q. Well, you knew Mark Dorsey, right?

11 A. Yes.

12 Q. And you knew Rory Rathgeb?

13 A. Yes.

14 Q. Were they there?

15 A. Dorsey was. I can't remember if Rathgeb was.

16 Q. And also, there was some other agents you didn't know

17 so well, right?

18 A. Yes.

19 Q. Do you know who Mike Stanfill is?

20 A. I don't know his name.

21 Q. He's Cindy's boss?

22 A. Yeah.

23 Q. Okay. Did you meet with him there?

24 A. Yes.

25 Q. And did you have what I would call a debriefing? You

1 talked about what you were going to do?

2 A. Yes.

3 Q. You said you were going to go down to CTW?

4 A. Yes.

5 Q. You said you were going to call Chris?

6 A. Yes.

7 Q. And you said you were going to try to set up this deal?

8 A. Yes.

9 Q. And before you went you were searched, right?

10 A. Yes.

11 Q. And would you say it was a thorough search?

12 A. Yes.

13 Q. Did you have your hands up in the air like this

14 (Indicating)?

15 A. Yes.

16 Q. And they patted you down all over the place, right?

17 A. Yes.

18 Q. They -- and I assume that it was Miss Scott who did

19 that, Agent Scott?

20 A. Yes.

21 Q. And you had a purse?

22 A. Yes.

23 Q. They took out the money you had?

24 A. Yes.

25 Q. They took out the other items you had?

1 A. Yes.

2 Q. And they put buy money in it?

3 A. They counted the money out and handed it to me, and I

4 put it in the purse.

5 Q. In what denominations was the money?

6 A. I think they was twenties, fifties, and maybe a

7 hundred. I'm not sure.

8 Q. And there were no fives or tens?

9 A. No.

10 Q. And at this time you were needing money, right?

11 A. Yes.

12 Q. Well, I mean, you said you were homeless, right?

13 A. Right.

14 Q. And your kids were living with your mom, I think you

15 said?

16 A. Yes.

17 Q. And so you were needing money, right?

18 A. Yes.

19 Q. And you -- before you left East Alton behind that area

20 they put a wire on you, didn't they?

21 A. Yes.

22 Q. Is that the first time you had worn a wire for them?

23 A. Yes.

24 Q. And was Agent Scott, again, was she in charge of

25 putting the wire on you?

1 A. Yes.

2 Q. And did they tell if you there's anything that happens
3 we'll be able to hear what's going on?

4 A. Yes.

5 Q. And they gave you a code word in case you needed them,
6 right?

7 A. Yes.

8 Q. And Agent Scott unbuttoned your blouse?

9 A. I had on a t-shirt.

10 Q. You took your t-shirt off and she placed the recorder
11 on your bra, right?

12 A. Yes.

13 Q. And you did some tests. Testing, one, two, three;
14 testing, one, two, three, right?

15 A. Yes.

16 Q. You wanted to make sure it worked.

17 A. Yes.

18 Q. Right?

19 A. Yes.

20 Q. And you wanted to make sure that what you were saying
21 could be heard by the DEA, right?

22 A. Yes.

23 Q. And just as importantly, you wanted to make sure that
24 the target, if there was any threats or anything threatening
25 going on, you wanted to make sure that they could hear that,

1 right?

2 A. Yes.

3 Q. And so they did the testing, one, two, three, and

4 everything seemed fine, right?

5 A. Yes.

6 Q. Everything could be heard?

7 A. Yes.

8 Q. And if it couldn't have been heard, you would have

9 wanted them to put some apparatus on you so that it could be

10 heard, right?

11 A. I don't know.

12 Q. And you drove in the car with Kenny Williams, right?

13 A. Yes.

14 Q. And I think you said Eric Zaber before, but it was a

15 black agent, right?

16 A. Yeah.

17 Q. And between the -- you went from Eastgate through

18 downtown Alton, right?

19 A. Yes.

20 Q. You drove up the State Street hill?

21 A. Yes.

22 Q. Then you drove down the big Seventh Street hill?

23 A. Yes.

24 Q. And then you got dropped off in front of the post

25 office, right?

1 A. Yes.

2 Q. And the post office is about a block from CTW?

3 A. Yes.

4 Q. Did you know where the other agents were located?

5 A. I saw a couple of the agents.

6 Q. Okay. Let me ask you this. Did you see Rory Rathgeb?

7 A. No.

8 Q. Did you see Mark Dorsey?

9 A. Yes.

10 Q. Where was he located?

11 A. He was with Cindy Scott.

12 Q. Where were they located?

13 A. By the post office.

14 Q. And so, you would have walked by them, correct?

15 A. No, I didn't walk by them.

16 Q. You were able to see them, though?

17 A. Yes.

18 Q. And did you arrive -- and you arrived at the parking

19 lot, right?

20 A. Yes.

21 Q. Now, CTW has two different parking lots, doesn't it?

22 A. Yes.

23 Q. And you have the parking lot -- as you're walking from

24 the post office there is a parking lot, right?

25 A. Yes.

1 Q. And then there is a building?
2 A. Yes.
3 Q. Then there's a parking lot behind the building, right?
4 A. Yes.
5 Q. And you went to the second parking lot, right?
6 A. Yes.
7 Q. And across the street did you see Agent Rathgeb parked?
8 A. No.
9 Q. Did you see any agents parked across the street?
10 A. No. I didn't look.
11 Q. Who told you which parking lot to go to?
12 A. No one.
13 Q. Did you just know to go there?
14 A. I just went to that parking lot.
15 Q. So, instead of stopping at the first parking lot, you
16 continued on to the second parking lot?
17 A. Yes.
18 Q. Now, Chris lives up on the Ninth Street hill, right?
19 A. Yes.
20 Q. He lives about three-fourths of the way up?
21 A. Yes.
22 Q. On the left-hand side?
23 A. Yes.
24 Q. So, when you arrived at the parking lot, did you arrive
25 before he did, or did he arrive before you did?

1 A. I arrived before he did.
2 Q. And then the car showed up?
3 A. Yes.
4 Q. So, he wasn't there before you got there?
5 A. Right.
6 Q. And when you got there you knew that what was going to
7 be said was going to be recorded, right?
8 A. Yes.
9 Q. And you wanted to be sure that what was being said
10 could be heard by Agent Scott, right?
11 A. Yes.
12 Q. And by the other agents that were there, right?
13 A. Yes.
14 Q. And you didn't try to muffle it or anything, did you?
15 A. No. What's that?
16 Q. Well, you didn't try to hide the sound, did you?
17 A. No.
18 Q. Now did you -- so then you arrived, and then Chris
19 arrives, right?
20 A. Right.
21 Q. And on the Government's Exhibit 5, can you see it?
22 A. Yes.
23 Q. Okay. And I think if you point to the screen and you
24 touch the screen, you can put an arrow to where -- if you
25 could show me where you were?

1 A. (Indicating).
2 Q. Okay. And were you at that location so that the other
3 agents could observe you?
4 A. Yes.
5 Q. And in case anything happened they would be able to get
6 there quickly?
7 A. Yes.
8 Q. So, you arrive, and then Chris arrives?
9 A. Yes.
10 Q. And does -- where does -- and I'm going to clear the
11 arrows, okay? Can we change the colors of the arrow, Judge?
12 THE COURT: Sure.
13 Q. (MR. STOBBS:) If you could point on the screen as to
14 where Chris's car came in?
15 A. (Indicating).
16 Q. So he drove up and he parked, and you had to walk
17 around to get into the driver's side?
18 A. I didn't get in.
19 Q. It was just at the window?
20 A. Yes. As a matter of fact, he was parked this way, next
21 to the pole right here, and I was on the passenger side of
22 the car.
23 Q. So, he pulls up, and you have a little conversation,
24 right?
25 A. Yes.

1 Q. And then he leaves?
2 A. Yes.
3 Q. And then he comes back?
4 A. Yes.
5 Q. And when he leaves you don't go into CTW?
6 A. I stay right there.
7 Q. You're not talking to anyone, are you?
8 A. No.
9 Q. You're just kind of standing there alone?
10 A. Yes.
11 Q. And this is on a September evening a couple years ago?
12 A. Yes.
13 Q. And you weren't afraid of drawing attention to yourself
14 because you were working with the cops, right?
15 A. At the time it really didn't matter.
16 Q. Well, okay. And so, how long did it take for him to
17 come back down?
18 A. Maybe five or less minutes.
19 Q. And you -- do you know where Hamilton Street is, where
20 you come down West Ninth and Hamilton breaks off?
21 A. Into Belle and State?
22 Q. Yeah?
23 A. Yes.
24 Q. And do you know whether or not he drove down Belle
25 Street or he came down Hamilton?

1 A. He came down Hamilton.

2 Q. Okay. Because that's where this back lot is located,
3 right?

4 A. Yes.

5 Q. Because you can just, I think you can see it on the
6 Government's --

7 A. You get on the parking lot from Hamilton.

8 Q. That's what I was going to say. So you get -- the
9 transaction supposedly takes place, right?

10 A. Yes.

11 Q. The transaction takes place; and you're happy, right?

12 A. Yes.

13 Q. Because you think that you've got the target, right?

14 A. Yes.

15 Q. Well, then you go back and you find out that you're
16 only getting half of what you should have got, right?

17 A. Right.

18 Q. And that's something that the agents pointed out to
19 you, right?

20 A. Well, when they took it out and had it in they hand, I
21 noticed it wasn't right. I brought it to their attention.

22 Q. And did you -- but it was in your hand first, though,
23 right?

24 A. And I put it directly in my purse after I got it.

25 Q. I understand that. But when you're with Chris at CTW,

1 you didn't say, wait, this is half; give me my money back?

2 A. No.

3 Q. You didn't say that?

4 A. No.

5 Q. You never asked?

6 A. I never looked at it.

7 Q. You never looked at it?

8 A. No.

9 Q. He gave it to you?

10 A. He gave it to me and I put it directly in my purse.

11 Q. Well, you, having done thousands of these drug sales,

12 you know in your hand the difference between a half and a

13 quarter, don't you?

14 A. I didn't think he was going to short me.

15 Q. I'm going to show you Defendant's Exhibit 49, which has

16 already been admitted into evidence. And you remember after

17 you did this --

18 THE COURT: Hold on one second. I didn't show

19 it admitted, but it is.

20 Q. (MR. STOBBS:) On Defendant's Exhibit 49, you remember

21 after you did this drug deal that you had to sit down and

22 give a statement to the DEA and law enforcement, right?

23 A. Yes.

24 Q. And again, you had signed a contract a couple weeks

25 ago, right?

1 A. Yes.

2 Q. And you wanted to be honest, right?

3 A. Yes.

4 Q. So, you sit down, and it's at 5:55, right?

5 A. Yes.

6 Q. And this is your handwriting?

7 A. Yes.

8 Q. And you're telling the agents that on the 10th day of

9 September you met with Sergeant Dorsey and Agent Scott,

10 right?

11 A. Yes.

12 Q. And that's true?

13 A. Yes.

14 Q. Because you met with them?

15 A. Yes.

16 Q. And you received \$500?

17 A. Yes.

18 Q. They gave you \$500?

19 A. Yes.

20 Q. And that was going to be used to buy drugs, right?

21 A. Yes.

22 Q. And you were taken to the post office. That's true?

23 A. Yes.

24 Q. And then you walked to CTW parking lot. That's true,

25 as well?

1 A. Yes.

2 Q. You walked from the post office down to CTW's?

3 A. Yes.

4 Q. And you met with Chris Taylor?

5 A. Yes.

6 Q. Sitting right there, C-Lob, right?

7 A. Yes.

8 Q. And did you say you talked earlier on the phone about

9 you buying half an ounce of crack cocaine?

10 A. Yes.

11 Q. And then you say that Chris gave you a half an ounce of

12 crack cocaine, right?

13 A. After I gave him the money.

14 Q. Well, this statement -- I understand that, but this

15 statement was made at 5:55, right?

16 A. Right.

17 Q. That statement was made before what supposedly happened

18 at McDonald's, right?

19 A. No.

20 Q. Okay. And you told him to get in touch with you later;

21 is that right?

22 A. Yeah.

23 Q. And you're telling the jury that this was at, that at

24 5:55 p.m. you were given half an ounce of crack cocaine?

25 A. I had all the crack by 5:55.

1 Q. If someone had testified that it would have been
2 sometime after seven p.m., or after 5:55 p.m., would you
3 disagree with that?

4 A. Yeah.

5 MR. STOBBS: Can I have a second with my
6 client, Judge?

7 THE COURT: Sure.

8 Q. (MR. STOBBS:) Now, you were talking to the prosecutor,
9 you said that on January 22nd, 2004, that your brother had
10 ordered up, I think a quarter-ounce. Is that right?

11 A. Yes.

12 Q. And you say that he had ordered that from Chris?

13 A. Yes.

14 Q. Now, in your expertise as having dealt crack cocaine,
15 what profit could you make off of six grams?

16 A. Quarter-ounce is seven grams, and you can make seven
17 off of it. Six grams you can make 600 off of it. That's
18 only if you trying to get the whole profit.

19 Q. I apologize. I lost you.

20 A. A quarter-ounce is seven grams, not six grams.

21 Q. Okay?

22 A. And you can make seven off of a quarter. Six grams,
23 you can make 600 off of it. That's depending if you're
24 trying to get the whole profit.

25 Q. Okay. In your business you always try to get the whole

1 profit, though, right?

2 A. No.

3 Q. You sometimes were not trying to get as much profit as
4 possible?

5 A. I never did.

6 MR. STOBBS: I don't have any other questions,
7 Judge.

8 THE COURT: Mr. Daly, your Redirect?

9 REDIRECT EXAMINATION

10 BY MR. DALY:

11 Q. You were just asked, Tina, a few moments ago about that
12 statement, the debriefing statement that you made. And the
13 question in there that Mr. Stobbs was covering was the
14 shortage and the fact that there was a listing that you got
15 the full amount. And your answer was you didn't think that
16 he was going to short you; is that correct?

17 A. Right, yes.

18 Q. Why did you think he wouldn't short you?

19 A. Because he never have.

20 Q. Before that he never had?

21 A. Right.

22 Q. So you didn't expect him to short you?

23 A. No.

24 Q. And then when you called him, he did come and supply
25 the portion that had been shorted from you, is that not

1 correct?

2 A. Yes.

3 Q. You've been through a lengthy Cross Examination, and
4 frankly, a lengthy Direct Examination, and are you telling
5 the truth to the best of your ability and memory here?

6 A. Yes, I am.

7 Q. All right. Now, Defendant's Exhibit 38, that thing
8 about the billboard, C-Lob?

9 A. Yeah.

10 Q. That's his name, isn't it?

11 A. That's his nickname, yes.

12 Q. Okay. Were you aware of a license plate on his car
13 that had "C LOB," to your knowledge?

14 A. On a different car, yes.

15 Q. He had that as his plate, a vanity plate, right? Don't
16 they often call those vanity plates?

17 A. Yeah, but to my knowledge it wasn't on the car that he
18 was driving. It was on a different car.

19 Q. The car he was driving when? That day?

20 A. Yes.

21 Q. September 10th?

22 A. Yes.

23 Q. Did you see the plate?

24 A. No. I don't know if it had a plate or not.

25 Q. Okay. So, you don't know, but you've seen it before?

1 A. Yes.

2 Q. In the Cross Examination, Mr. Stobbs described your
3 dealing, or your perception of the defendant as being an easy
4 target. Do you remember that?

5 A. Yes.

6 Q. Would you also describe him as a willing seller?

7 A. Yes.

8 Q. He'd done that before, had he not?

9 A. Yes.

10 Q. You have mentioned that you, in doing these things that
11 were against the law, that you did as part of your reasoning
12 for the purpose of helping maintain the household wherein
13 your children lived?

14 A. Yes.

15 Q. And their survival, basically; is that not correct?

16 A. Yes.

17 Q. You have four children?

18 A. Yes.

19 Q. Are you concerned about your children and their getting
20 involved in this activity?

21 A. Yes.

22 Q. And what is your concern?

23 A. The town is flooded. I mean, it's gone. It might
24 happen regardless to what I try to do.

25 Q. And the town is flooded with what?

1 A. Crack.

2 Q. Meaning Alton?

3 A. Yes.

4 Q. Do you talk to your son, your oldest son, about

5 avoiding drugs?

6 A. Yes.

7 Q. Now, you've done some things that, as Mr. Stobbs was

8 suggesting, weren't probably appropriate to be done in the

9 presence of your children. That's correct, isn't it?

10 A. Yes.

11 Q. Do you talk to your son about smoking marijuana?

12 A. Yes.

13 Q. What do you say to him?

14 A. Don't.

15 Q. Don't what?

16 A. Smoke marijuana.

17 Q. All right. Are you concerned about them and their

18 being involved in drug trades?

19 A. No.

20 Q. Do you think you can prevent them from falling into

21 that?

22 A. Yes. They going to prevent they selves.

23 Q. They what?

24 A. They're going to prevent their selves.

25 Q. You hope?

1 A. I have confidence in them.

2 Q. All right. Have you ever seen the television
3 commercial where you have this young man in suburbia, nice
4 green trees, nice streets; he's driving a nice car. He pulls
5 into his driveway --

6 MR. STOBBS: Objection. Relevance.

7 THE COURT: Let him finish his question, then
8 I'll rule on your objection.

9 Q. (MR. DALY:) And the man, then you see him on his
10 riding lawnmower cutting the front grass of his nicely kept
11 house, and then he's in the back with the barbecue, and he's
12 asked, or someone asks, how do I afford all this? And he
13 says, "I'm in debt up to my eyeballs." And then he says,
14 "Will somebody help me?" Have you ever seen that ad?

15 A. Yes.

16 Q. Okay.

17 THE COURT: Objection overruled.

18 Q. (MR. DALY:) Are you in that kind of community? Is
19 that the kind of community that you have on Mitchell Avenue
20 when you were living there?

21 A. Yes.

22 Q. It's that -- I mean, is it nice like he has?

23 A. Oh, no. No, no, no, no, no.

24 Q. It's nothing like that at all, is it?

25 A. No.

1 Q. And where you're living now, it's not like that, is it?

2 A. No.

3 Q. And are you asking for somebody to help you like he
4 did?

5 A. Yeah.

6 Q. You need help, don't you?

7 A. Yes.

8 Q. And in your needing help, you unfortunately being in
9 the drug traffic --

10 MR. STOBBS: Objection. Leading, Judge.

11 THE COURT: Sustained.

12 Q. (MR. DALY:) Unfortunately, you took to a route for
13 help by selling the drug, didn't you?

14 A. Yes.

15 Q. Are you ashamed of yourself?

16 A. Very much so.

17 Q. When you conducted that undercover buy on September the
18 10th, you were under strict control of the agents that you
19 were with, were you not?

20 A. Yes.

21 Q. And you were under their surveillance?

22 A. Yes.

23 Q. And you're telling the truth about that?

24 A. Yes.

25 MR. DALY: Nothing else, Your Honor.

1 THE COURT: Recross?

2 RECROSS EXAMINATION

3 BY MR. STOBBS:

4 Q. I'm going to ask you some questions about that green
5 lawn commercial. Now, Mitchell is not, doesn't have the, I
6 guess the green lawn like in the commercial?

7 A. No.

8 Q. But, when you live on Mitchell, that's federally
9 subsidized housing, right?

10 A. Yes.

11 Q. American taxpayers are assisting you to live there?

12 A. Yes.

13 Q. And part of that is to give you a bootstrap, a help up,
14 isn't it?

15 A. Yes.

16 Q. And so you can give your kids a help up, right?

17 A. Yes.

18 Q. And would you say that the best way to teach your kids
19 not to deal drugs is by way of an example?

20 A. Can you repeat that?

21 Q. Well, wouldn't you think it would be a better way to
22 help your kids not to deal drugs by being an example
23 yourself?

24 A. Yeah.

25 Q. And if you don't want your kids to smoke marijuana, a

1 better way to do it would be not to smoke marijuana, right?

2 A. I don't smoke around them.

3 Q. Okay. And you hope that they don't smoke around you?

4 A. They won't.

5 MR. STOBBS: I don't have any other questions,
6 Judge.

7 MR. DALY: No further, Your Honor.

8 THE COURT: You may step down, Miss
9 Whittenburg. Thank you.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 THE COURT: Next witness, please.

13 MR. DALY: Sergeant Dorsey, please.

14 (Witness sworn.)

15 MARK DORSEY,
16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. DALY:

19 Q. Would you state your name and spell it please for
20 purposes of the record?

21 A. Sure. It's Mark, M-A-R-K, Dorsey, D-O-R-S-E-Y.

22 Q. And your occupation, sir, is what?

23 A. I'm a sergeant with the Alton Police Department.

24 Q. How long have you been so employed by the Alton Police
25 Department?

1 A. Fifteen years.

2 Q. And in the present capacity of your working there, are
3 you working in the drug unit, is that the proper terminology?

4 A. Yes. I supervise our drug unit.

5 Q. And without going into all that detail, how long have
6 you been with the drug unit as the supervisor?

7 A. Approximately three years.

8 Q. Does that include supervision of officers then, I take
9 it, Rory Rathgeb being one of them?

10 A. Yes.

11 Q. Are there others there assigned to that?

12 A. No. Presently it's just Detective Rathgeb and myself.

13 Q. And you then operate under the supervision of
14 Lieutenant Hayes?

15 A. Correct.

16 Q. Directing your attention, sir, to September 10th of
17 2003, were you working a case then with other agents, that
18 being outside, of course, the Alton Police Department?

19 A. Yes, I was.

20 Q. And what agencies were you working with?

21 A. The Drug Enforcement Administration and the Alcohol,
22 Tobacco and Firearms.

23 Q. And was there, sir, an undercover operation to take
24 place that day?

25 A. Yes, there was.

1 Q. And what was that?

2 A. That was a controlled drug purchase from Christopher
3 Taylor.

4 Q. And did such an operation then take place?

5 A. Yes, it did.

6 Q. And was there a CI or confidential informant individual
7 involved?

8 A. Yes, there was.

9 Q. Who was that?

10 A. That was Tina Whittenburg.

11 Q. And did you, sir, partake in the actual onset of the
12 undercover buy?

13 A. Yes, I did.

14 Q. Where did that take place?

15 A. The beginning of the deal?

16 Q. Yes?

17 A. We met with the informant, "we" being myself, Agent
18 Scott from DEA, and Agent Williams, I believe his first name
19 was Kenny, also from DEA, met with the informant.

20 Q. Where was the meeting place, sir?

21 A. It's kind of an abandoned fuel type place behind the
22 old Olin property in East Alton.

23 Q. Near the Eastgate shopping area?

24 A. Yes.

25 Q. And in the course of this planned undercover buy, were

1 | there other agents to assist in surveillance?

2 | A. Yes. They were already set up in positions where they

3 | could eyeball the deal when it happened.

4 | Q. Where was the deal to take place in Alton?

5 | A. At CTW's Lounge parking lot, which is at Tenth and

6 | Belle Streets in Alton.

7 | Q. Now, did you witness the searching of the person of

8 | Tina Whittenburg?

9 | A. Yes, I did.

10 | Q. And who did the searching?

11 | A. Agent Scott did. Being that Tina is a female, a female

12 | had to do the search.

13 | Q. And in the course of that search then was the

14 | determination made that she had no contraband on her person?

15 | A. She had nothing on her person.

16 | Q. Contraband-wise?

17 | A. No contraband.

18 | Q. We are not talking strip search?

19 | A. Oh, yes, she had clothing on. She was not

20 | strip-searched, no.

21 | Q. And how about currency? Did she have money on her

22 | person?

23 | A. I don't believe so. I think she may have had some

24 | cigarettes, like a lighter, maybe keys, that type of thing,

25 | but they were all taken from her.

1 Q. And then was she given money, which is commonly
2 referred to as buy money?

3 A. Yes, she was.

4 Q. Do you know how much she was given?

5 A. I would have to look at the report to recall the
6 specifics, but I would believe somewhere around \$500.

7 Q. All right. And that was to purchase what?

8 A. Half-ounce of crack cocaine.

9 Q. And in the course then of that operation, after the
10 search was made, I take it she left?

11 A. Yes.

12 Q. Meaning Tina?

13 A. Yes.

14 Q. And who did she leave with?

15 A. She was a passenger in a car driven by Agent Williams.

16 Q. And it's a non-marked police vehicle?

17 A. Correct. It's an unmarked undercover police vehicle.

18 Q. And where did you go, sir?

19 A. I was riding with Agent Scott.

20 Q. And did you go to this area then as additional
21 surveillance?

22 A. Yes, we followed them to the area.

23 Q. To the CTW area. All right. Was there a completion of
24 that?

25 A. Yes. The deal took place, and then after the deal we

1 met back up with the informant and Agent Williams at the same
2 place that we had met them to begin the deal.

3 Q. The starting point?

4 A. Yes.

5 Q. Was there then some discussion, or discovery might be a
6 better word, that there was not as much contraband or crack
7 cocaine that had been anticipated?

8 A. Yes. After we met back up with them, Agent Scott
9 discovered that we were actually short a quarter-ounce of
10 crack.

11 Q. And was there then an effort made to obtain the
12 additional quarter-ounce, the shortage?

13 A. Yes, there was. Shortly later, approximately an hour
14 or so later, it was decided that Miss Whittenburg would call
15 the supplier, Christopher Taylor, and see why he had shorted
16 her on the deal.

17 Q. And was there then a contact made?

18 A. Yes, she made contact with him.

19 Q. And then was a delivery made for the shortage amount?

20 A. Yes. It was agreed upon between Miss Whittenburg and
21 Mr. Taylor that he would meet her down on the East Alton
22 McDonald's parking lot to make the deal right, in other
23 words, to give her the rest of the crack cocaine that he was
24 supposed to give her the first time.

25 Q. And that happened?

1 A. Yes, it did.

2 MR. DALY: That's all that I have, Your Honor.

3 THE COURT: Any Cross?

4 CROSS EXAMINATION

5 BY MR. THRELKELD:

6 Q. Good afternoon, Detective.

7 A. Good afternoon.

8 Q. On September 10th, you were acting in your capacity
9 solely as an Alton Police officer, not as a TFO or associated
10 with the DEA at all?

11 A. No, not at all.

12 Q. There wasn't a chain of command for you at the DEA?

13 A. No, there wasn't.

14 Q. And when you have incidents with the Alton Police
15 Department, it's typical to write incident reports?

16 A. Typically in our department, yes.

17 Q. You have a contact with somebody who's breaking the
18 law?

19 A. Typically, yes.

20 Q. Okay, or if you have -- if you send a confidential
21 informant out to do a drug buy?

22 A. Typically, yes.

23 Q. Did you make any notes or make an incident report of
24 September 10th?

25 A. No, I did not.

1 Q. Did anybody tell you not to do that?

2 A. No, they did not.

3 Q. Have you reviewed any notes or anything prior to coming
4 here to testify today?

5 A. Yes, I did.

6 Q. And what did you review?

7 A. The actual case report that was generated by Agent
8 Scott.

9 Q. Did that assist you in refreshing your recollection?

10 A. I pretty much remembered the deal as it was anyway.

11 Q. Where were you positioned when the CTW transaction was
12 taking place?

13 A. We actually moved around a little bit. The reason for
14 that was because the informant was wearing a body wire so
15 that we could hear. So, we didn't stay in one specific spot
16 the whole time.

17 Q. Okay. So on the body wire there is a limited
18 transmission distance on that?

19 A. Sometimes. Unfortunately in the City of Alton we have
20 a lot of hills and older buildings, and it's been my
21 experience with it there's a lot of interference. We have to
22 move to get a better line of sight with the target.

23 Q. Okay. So, who was driving, you or Agent Scott?

24 A. Agent Scott.

25 Q. Okay. So, when you were following Agent Williams, and

1 he dropped Miss Whittenburg off?

2 A. Um-hum.

3 Q. Were you following her?

4 A. I was the passenger in the car, yes.

5 Q. Okay. And she walked a couple blocks to the CTW?

6 A. Correct.

7 Q. And how far -- as you were moving around, were you

8 getting good transmission then bad transmission? Was it kind

9 of going on and off?

10 A. It never totally broke reception, no.

11 Q. But it would get kind of staticky?

12 A. At times, but it was just for a brief second.

13 Q. Okay. And how close did your -- did you have the

14 receiver in your vehicle, or did everybody have a receiver?

15 A. I don't know if everybody had a receiver. I know we

16 were receiving it.

17 Q. Okay. And how close did your vehicle need to be to

18 Miss Whittenburg to get the clearest reception?

19 A. Again, it would vary on the topography of the location

20 where you were at.

21 Q. When she finally got to the parking lot of CTW's, where

22 did you guys, you and Agent Scott, end up parking the

23 vehicle?

24 A. As best as I can recall I think we were to what would

25 be the northeast of her.

1 Q. And how far away were you?

2 A. Not more than a block.

3 Q. All right. Were you in the line of sight?

4 A. I can't recall if we had a good visual of her or not.

5 Q. Okay. Did you see the actual transaction taking place?

6 A. I did not, no.

7 Q. Then later at the McDonald's, you still riding with

8 Agent Scott?

9 A. Yes.

10 Q. And who were the other agents that were still there at

11 that time?

12 A. As best as I can recall it was just Agent Williams, and

13 then Tina, Agent Scott, and myself. I can't recall if

14 anybody else came through. I think maybe Mike Stanfill,

15 Cindy's supervisor, may have come through. I really don't

16 recall who all came through. There were several other agents

17 out there surveilling.

18 Q. Well, after the meeting at CTW were there any agents

19 who said, hey, I've got something I have to do; I can't stay

20 for the next half of the transaction?

21 A. I wasn't a party to that discussion.

22 Q. Okay. And were you in radio communications with any of

23 the other agents during the McDonald's transaction?

24 A. Off and on. Again, that was mainly controlled by Agent

25 Scott. My main job there was to jot down the times for Agent

1 Scott, and that's what I was mainly concentrating on.

2 Q. Okay, so you were keeping notes?

3 A. Just the times. Not written notes, just times.

4 Q. So, you would write the time down and have some kind of

5 shorthand for what was going on at the time?

6 A. Maybe a one-word description, yes.

7 Q. If somebody radioed in then --

8 A. No, no radio transmissions. It was strictly times of

9 the informant dealing with the suspect.

10 Q. Okay. And at the McDonald's, where were you and Agent

11 Scott located?

12 A. I believe we were across the street by a rental place,

13 I believe. I'm not 100 percent sure of that, though.

14 Q. And approximately how far away would you have been?

15 A. Again, that's a little bit -- about a block, I would

16 say.

17 Q. All right. How many feet?

18 A. Well, I don't know. Approximately a block, a city

19 block.

20 Q. Okay. And there was no wire on the McDonald's

21 transaction?

22 A. I can't recall. I don't believe so, but I can't

23 recall.

24 Q. All right. And were you able to actually see

25 Mr. Taylor and Ms. Whittenburg meet at the McDonald's?

1 A. I was able to see the vehicle that I knew Mr. Taylor to
2 have driven pull on to that lot, yes.

3 Q. Okay. And is that the extent of what you were able to
4 see?

5 A. That's the extent of what I saw, yes.

6 Q. You used confidential informants before, right?

7 A. Yes.

8 Q. And you actually used a confidential informant to set
9 up undercover drug buys to set up Tina Whittenburg?

10 A. Yes, I did.

11 Q. And that was you and Detective Rathgeb?

12 A. Yes.

13 Q. Okay. Did you say you've been head of the narcotics
14 unit for three years?

15 A. Yes, approximately three years.

16 Q. And have you been in the narcotics unit longer than
17 three years?

18 A. No.

19 Q. So you've been the head of it the whole time you've
20 been there?

21 A. In the narcotics unit, yes. I was a general case
22 detective for eight years prior to that.

23 Q. That was what I was going to ask, the balance of your
24 experience at the Alton Police.

25 A. My entire career?

1 Q. Sure?

2 A. I spent two years in patrol. The next two years I
3 taught D.A.R.E. to fifth grade students in the Alton school
4 system. I spent eight years as a general case detective; and
5 I got promoted to sergeant and put in control of the drug
6 unit for the last three.

7 Q. Now, when you used the confidential informants to set
8 up Tina Whittenburg, when you did the strip searches of those
9 -- or I don't know if you did strip searches or not, but I
10 understand those took place at the Alton Police office?

11 A. The deal took place?

12 Q. No, no, when you met with the confidential informant?

13 A. Yes.

14 Q. All right. And then a strip search would take place
15 there?

16 MR. DALY: Your Honor, this is beyond the
17 scope of Direct.

18 THE COURT: Sustained.

19 MR. THRELKELD: Your Honor, if I could have
20 just a second with my client?

21 THE COURT: Sure.

22 Q. (MR. THRELKELD:) Detective, I want to show you what's
23 already been admitted into evidence, Defendant's Exhibit 49.
24 You see that sticker?

25 A. Yes, I do.

1 Q. And were you present during the time when Tina
2 Whittenburg made this statement?

3 A. Yes, I was.

4 Q. And is the time 5:55 p.m. accurate?

5 A. It should be, yes. I didn't take this statement, so
6 whoever wrote it down I assume wrote down the right time.

7 Q. Do you know if there was a second statement written
8 down by Tina Whittenburg after the McDonald's transaction?

9 A. That I do not recall.

10 MR. THRELKELD: No more questions, Your Honor.

11 THE COURT: Any Redirect?

12 MR. DALY: No, Your Honor.

13 THE COURT: Thanks, Sergeant. You may step
14 down.

15 (Witness excused.)

16 THE COURT: I see you have one more witness on
17 this witness list. Are you calling them?

18 MR. DALY: No.

19 Your Honor, the Government at this time would
20 ask that the Court take judicial notice that crack cocaine,
21 or cocaine base rather, I'm reversing it, commonly known as
22 crack cocaine, is a Schedule II Narcotics Controlled
23 Substance under the laws of the United States.

24 MR. THRELKELD: No objection, Your Honor.

25 THE COURT: Court will so note.

1 MR. DALY: And the only other thing that I
2 would like to do, Your Honor, and the Government would rest
3 its case in chief, is just to make sure from my notations
4 that all the Government exhibits are admitted.

5 THE COURT: They are.

6 MR. DALY: All right.

7 THE COURT: One through 15. I note all have
8 been admitted.

9 MR. DALY: And with that the Government would
10 rest its case in chief, Your Honor.

11 THE COURT: Okay.

12 All right, folks, rather than launch into the
13 defendant's case at this point, let's go ahead and break for
14 the day. And I've got a teleconference on some Wisconsin
15 cases that I've got to take care of here shortly. So, we'll
16 go ahead and rest, but let me -- this is a good juncture at
17 which to remind you that even though the Government has
18 rested at this point, as I gave you an instruction at the
19 start of the case, I don't know what the defendant's plans
20 are, the defendant is not obligated to put on evidence; don't
21 know whether he'll choose to do that; we'll see that
22 tomorrow. But I should probably also say that if the
23 defendant does choose to put on evidence, there's always a
24 chance we won't finish tomorrow.

25 Does anybody have a problem if we go into

1 Monday schedule-wise? Anybody at all? Don't know that. We
2 won't know it until we get into the day. So, just in case,
3 you might want to put your employers on notice. We'll
4 probably know by noon we'll be able to give you probably a
5 better idea. I think the witnesses that, that they at least
6 originally planned for don't strike me as long witnesses, but
7 you never know. You just never know in these cases. So,
8 but, and this case has not gone as quickly as we all hoped
9 for, so that's just the way these things go.

10 As you can tell, every case that comes in this
11 door I think is a serious case, certainly a serious case for
12 the parties involved, and we take every case serious. And
13 every jury that I see deliberate on a case takes that case
14 serious. So that's the good thing about being in Court. The
15 Litigants always get serious treatment from the Court and
16 from the jury, so sometimes cases move quicker than others.

17 But, as I started to say, don't begin at this
18 point in arriving at any conclusions. Keep an open mind. If
19 the defendant does choose to put on evidence tomorrow, then
20 you still have that evidence to hear. You also still have
21 the instructions of the Court, the instructions of law to
22 hear. You still have the closing arguments of counsel to
23 hear. And not the least of which, of course, are the
24 opinions of your fellow jurors, which obviously are very
25 important. It's the collective judgment of all the jurors

1 that we like about our system of justice.

2 So, there's a lot yet to do regardless of
3 whether we hear more evidence or not. So, keep an open mind.
4 Keep vigilant in my admonishments about not talking about the
5 case with your family, friends, or one another, because there
6 just is a lot to do. Keep vigilant in my admonition about
7 not seeking outside sources of information, looking at any
8 other books, investigating any of the locations you've seen.
9 We've been seeing marvelous pictures, for heaven's sakes; you
10 don't need to go look at anything else.

11 So, with that, folks, good evening, and we'll
12 see you tomorrow at 9:00.

13 (The following proceedings were held out
14 of the presence and hearing of the jury.)

15 THE COURT: The Government has rested. I've
16 got a teleconference at 5:00, so, five minutes.

17 (A recess was held.)

18 MR. STOBBS: Judge, at this time I would make
19 a motion for acquittal at the close of the Government's case,
20 and just for the reasons that they haven't met their burden
21 of proof on Count 1 or Count 2.

22 THE COURT: In what respect?

23 MR. STOBBS: I think that on Count 1 it was --
24 I don't think the Government has shown that the amount of
25 weight involved constituted possession with intent to

1 distribute. We think the evidence has shown that it could be
2 a personal use amount. And with regards to Count 2, we don't
3 think the Government has met its burden of proof regarding
4 guilt beyond a reasonable doubt because of the fact that the
5 unreliability of the investigation and different things that
6 the witnesses have said.

7 THE COURT: Okay. Based on the arguments
8 stated, the Court will deny the motion. I think as for those
9 reasons the Government's made a submissible case in the
10 respects that have been argued by defense counsel.

11 Anything else we need to take up?

12 MR. STOBBS: Briefly, Judge. Mr. Taylor and
13 Mr. Threlkeld and I have spoken at length for the last couple
14 months regarding whether or not Mr. Taylor is going to
15 testify, and Mr. Taylor has indicated that he is not going to
16 testify. We've explained to him that he has an absolute
17 constitutional right to testify, that he can listen to what
18 our advice is, but ultimately he's the one that makes the
19 decision as to whether or not he wants to testify.

20 He's been advised that if he does testify
21 Mr. Daly and Mr. Simonson can cross-examine him. His prior
22 criminal record could probably be -- would be brought into
23 evidence, and that that could hurt him in the eyes of the
24 jury. After discussing all this with him several times, and
25 each day during this trial, he's indicated that he is not

1 going to testify.

2 THE COURT: Okay. All right.

3 MR. DALY: Your Honor, could I ask if there's
4 other evidence to be presented so I have some kind of
5 timetable?

6 MR. STOBBS: Once we make sure all the
7 exhibits that we want into evidence are into evidence, we are
8 going to rest.

9 THE COURT: Oh, okay.

10 MR. STOBBS: Mr. Taylor would have been the
11 only witness that we would have called.

12 THE COURT: All right. In that case what I
13 would ask is that in some way or another you fellows get
14 together tonight or very early tomorrow morning and see if
15 you can come to some agreement on the jury instructions, and
16 narrow down as much as possible your disagreements so that --
17 let's get in here early tomorrow. And if I had known this, I
18 would have had the jury come in a little bit late. If you
19 can narrow it down as much as possible, leaving only to
20 discuss with me then what you can't agree on, so that I've
21 only got -- my only involvement is to talk to you about what
22 you can't agree on, and then make that decision. So, let's
23 get in here at 8:00 to deal with that issue.

24 MR. STOBBS: Okay.

25 THE COURT: Whether you talk about it tonight

1 either in a face-to-face conference or over the phone, or get
2 together at 6:00 in the morning, whatever it takes, but let's
3 narrow down that issue.

4 The other thing is, I don't restrict time on
5 closing argument. I only say that you agree on what you're
6 going to get so that each side has the same amount of time.
7 So, what I usually suggest is that you each pick a number and
8 then take the longest number. And the one admonition,
9 though, Mr. Daly, is that you can't use more time in your
10 rebuttal argument than you got in your initial argument,
11 obviously. So, you can work that out, try to work that out,
12 as well, and then we'll have that hammered out tomorrow. As
13 long as Patty knows when to give you your warnings, if you
14 want warnings.

15 MR. STOBBS: Do you read the instructions
16 before we start talking?

17 THE COURT: I read the instructions before the
18 arguments, with the exception of the last few that give them
19 directions like on how to deliberate, as well as the verdict
20 forms. I handle those after the arguments. Like the one
21 that tells them to pick a foreperson, the one instruction,
22 the hammer, the Allen, whatever-you-call-it instruction,
23 those types of instructions. The one about if you need me
24 the only way to do it is to write me a note. Those kind of
25 instructions that deal directly with the deliberations and

1 verdict, I read those type of instructions after the
2 argument. All the other instructions I read before the
3 argument, and that way you've got them -- then when you talk
4 about them during your argument the jury will have already
5 heard me say the instructions. So it has the more
6 authoritative ring to it because it's not like you say, well,
7 I know the judge is going to give you this instruction, it's
8 Judge Herndon has already given you this instruction. Then
9 you've got the opportunity to expand on it and explain it, or
10 argue it in terms of this is what it means for the
11 prosecution's case, the defendant's case, however you choose
12 to argue it. Okay?

13 MR. STOBBS: Thanks.

14 MR. DALY: Judge, one other thing, if I may?
15 I would make this request, and I'm not sure how you approach
16 the submission of the exhibits to the jury, and my concern is
17 the exhibits that have drug material in them.

18 THE COURT: I don't ever send the drugs back.
19 I just tell them if they want to see it, the drugs, we leave
20 the drugs here in the courtroom and have them come back in,
21 and then Glenn supervises, my CS0 then supervises their
22 examination of the drugs.

23 MR. DALY: Can that be expressed to them if
24 they want to see it?

25 THE COURT: Right. I tell them that. I say

1 we are going to send back all the exhibits with the exception
2 of the ones that contain the drugs, and then if you want to
3 see that, let us know, and then we advise you fellows what's
4 going on. And then they bring them back in and he let's them
5 look at them. And when they are all satisfied and have seen
6 them, he escorts them back into the jury room. That way
7 we've got complete control over it, and we've got nobody
8 that's trying to cut it open and feel it, or snort it, or
9 smoke it, or whatever.

10 MR. DALY: That's fine, Judge. Thank you.

11 THE COURT: Okay. Anything else?

12 MR. STOBBS: No thanks.

13 THE COURT: Mr. Stobbs, you want your
14 defendant here when we are arguing the instructions at eight?

15 MR. STOBBS: Oh, yeah, absolutely.

16 THE COURT: The defendant needs to be here by
17 8:00 in the morning.

18 (The trial was adjourned to Friday,
19 September 16, 2005, at 8:00 a.m.)
20
21
22
23

24 I certify that the foregoing is a correct transcript
25 from the record of proceedings in the above-entitled matter.

11-3-05


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