

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

ROLANDO ANTUAIN WILLIAMSON,  
ADRIEN HIRAM TAYLOR,  
HENDARIUS LAMAR ARCHIE,  
ISHMYWEL CALID GREGORY,  
Defendants.

\*  
\*CASE NUMBERS:  
\*2:19-cr-00466-ACA-JHE  
\*2:20-cr-00151-ACA-JHE  
\*2:20-cr-00405-ACA-JHE-1  
\*April 15, 2022  
\*Birmingham, Alabama  
8:54 a.m.

\*\*\*\*\*

VOLUME V

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE ANNEMARIE CARNEY AXON  
UNITED STATES DISTRICT JUDGE

Proceedings recorded by OFFICIAL COURT REPORTER, Qualified pursuant to 28 U.S.C. 753(a) & Guide to Judiciary Policies and Procedures Vol. VI, Chapter III, D.2. Transcript produced by computerized stenotype.

**LAUREN SHIRLEY, RPR, CRR**  
Federal Official Court Reporter  
1729 5th Ave N  
Birmingham, AL 35203  
256-390-9655/lauren\_shirley@alnd.uscourts.gov

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

APPEARANCES

FOR THE UNITED STATES:

Jonathan S. Cross, Esq.  
Assistant US Attorney  
1801 4th Avenue North  
Birmingham, Alabama 35203  
205-244-2233

Gregory Dimler, Esq.  
Assistant US Attorney  
1801 4th Avenue North  
Birmingham, Alabama 35203  
205-244-2223

FOR DEFENDANT WILLIAMSON:

Paul McLaurin Woodfin , III, Esq.  
Paul McLaurin Woodfin, III, Attorney at Law  
102 W. Clinton Avenue., Ste. 202  
Huntsville, Alabama 35801  
256-585-2848

FOR DEFENDANT TAYLOR:

Bruce A. Gardner, Esq.  
Bruce A. Gardner, Attorney at Law  
P.O. Box 18636  
Hunstville, Alabama 35804  
256-533-5756

FOR DEFENDANT ARCHIE:

Alison Wallace, Esq.  
Alison Wallace, Attorney at Law  
P.O. Box 36926  
Hoover, Alabama 35236  
205-500-1667

FOR DEFENDANT GREGORY:

Stuart D. Albea, Esq.  
Stuart D. Albea, Attorney at Law  
P.O. Box 2673  
Tuscaloosa, Alabama 35403  
205-248-9556

ALSO PRESENT:

COURTROOM DEPUTY: SARAH CARMICHAEL

COURT REPORTER: LAUREN SHIRLEY, RPR, CRR

**LAUREN SHIRLEY, RPR, CRR**  
Federal Official Court Reporter  
1729 5th Ave N  
Birmingham, AL 35203  
256-390-9655/lauren\_shirley@alnd.uscourts.gov

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

I N D E X

**ISIAH THOMAS**

Direct Examination  
By Ms. Wallace

900

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

**P R O C E E D I N G S**

(In open court at 8:54 a.m. Defendants present.)

THE COURT: All right. A couple of preliminary issues. The instructions that I've provided you this morning are similar but not exactly the same as the instructions that we discussed last night. I have made some revisions to these instructions. They are highlighted for you, but read them carefully because -- I think you've had an opportunity to start reading them at least because this is exactly what you will hear come out of my mouth. And then, have the defense attorneys had the opportunity to review the proposed instruction on distribution of controlled substance?

MR. GARDNER: I have, Your Honor.

THE COURT: I just want to make sure.

MS. WALLACE: I have, Your Honor.

THE COURT: Okay. And have you all had the opportunity to review the changes that I have made to the continuing criminal enterprise?

MR. WOODFIN: Your Honor, I have. And, Your Honor, I do have, I suppose, an objection to the change in count -- well, not count. Sorry, Judge. Element 5 of the instruction. The pattern instruction statute contains the term "principal administrator".

THE COURT: It does. But if you read the pattern instruction in its entirety, it then goes on to say the

1 government must, also, when I'm describing the elements and  
2 giving them more information about each element -- it says, The  
3 government must also prove that Mr. Williamson was an  
4 organizer, supervisor, or manager. So I have used the language  
5 that is contained -- I'm presuming that this difference is  
6 intentional, which is to say that they're using either word  
7 interchangeably. I have not -- and I can go back, and I want to  
8 do that, and confirm that I have not seen the principal  
9 administrator in the case law.

10 MR. WOODFIN: Well, I think -- and the reason --

11 THE COURT: I would have to check -- let me just -- and  
12 I don't mean to cut you off.

13 MR. WOODFIN: Sure.

14 THE COURT: If I put principal administrator there,  
15 then I'm going to have to change it in the other place. I mean,  
16 otherwise, this is what happens: We'll get a question from the  
17 jury, and then, I'll have to say, I can't answer that.

18 MR. WOODFIN: My concern -- Your Honor, I don't  
19 disagree with the court's comments and use of these words, that  
20 it would be easier for the jurors to digest. What gives the  
21 defense pause, Judge, is in the Criminal Enterprise Statute,  
22 Subsection A is a section that speaks -- and those terms are  
23 defined only in managing, supervising, directing, and the  
24 penalty for that is a minimum of 20 to life.

25 But when you go down to Subsection B, new language

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 appears, principal administrator and 300 times the amount of  
2 841, and that's when mandatory life comes on the table. So I  
3 think the jurors have to have that principal administrator  
4 language because of the implications from \*Elaine because  
5 there's different penalties --

6 THE COURT: Yeah.

7 MR. WOODFIN: If you're just a manager, supervisor  
8 among others --

9 THE COURT: You get 20 years.

10 MR. WOODFIN: -- you get 20 to life. But if you're the  
11 principal administrator, which he was charged with in the  
12 indictment, Subsection B. They allege those two elements, that  
13 he was principal administrator and 300 times the amount  
14 methamphetamine in 841.

15 So, Judge, I do believe that that specific language has to  
16 go to the jury, or it would not be in line with the statute of  
17 the case law, Judge.

18 THE COURT: Okay. Can you give me just a second to  
19 review it?

20 MR. WOODFIN: Yes, ma'am.

21 (Brief pause.)

22 THE COURT: Let me hear from the government. I said,  
23 Let me hear from the government.

24 MR. DIMLER: Oh, that's you.

25 MR. CROSS: Your Honor, frankly, I think Mr. Woodfin is

1 correct.

2 THE COURT: Okay. Y'all could have jumped in and said  
3 he's right.

4 MR. CROSS: I was coming to that conclusion as we were  
5 sitting here.

6 THE COURT: Oh, okay. We'll make that change. Are there  
7 any other changes? I will sustain your objection to the  
8 proposed jury instruction and change it accordingly. Are there  
9 any other objections to the instructions?

10 MR. GARDNER: None from Mr. Taylor, Your Honor.

11 MR. ALBEA: None from Mr. Gregory.

12 MS. WALLACE: None from Mr. Archie, Your Honor. But I  
13 filed a motion for a jury instruction for buyer-seller  
14 relationship. Now, the government is objecting to it. But, Your  
15 Honor, I think it's only fair, in light of the fact that, if  
16 the jury doesn't believe Ike Thomas, they don't -- they can't  
17 really tie Mr. Archie into a conspiracy other than just being a  
18 buyer or seller.

19 THE COURT: Okay. I'm pulling up your instruction. When  
20 did you file this?

21 MS. WALLACE: This morning.

22 THE COURT: Oh, hold on one second.

23 MS. WALLACE: I'm sorry.

24 THE COURT: No, no. I have not gotten over, and I hope  
25 I never get over, someone saying they filed -- that gnawing

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 feeling in your stomach when they say, I filed something.

2 (Brief pause.)

3 THE COURT: Has the government had the opportunity to  
4 review this instruction?

5 MR. DIMLER: We did, Your Honor. We read it this  
6 morning, and as Ms. Wallace said, we are opposed to it.

7 THE COURT: Do you want to articulate the grounds for  
8 your opposition?

9 MR. DIMLER: Yes, Your Honor. Our position is that the  
10 buyer-seller relationship is similar to where the court might  
11 get an entrapment defense. The evidence has to support the  
12 instruction.

13 So, for example, if the only evidence before the court --  
14 before this jury, was that on a sole or limited occasion, there  
15 was a sale of drugs from one person to another, then I think  
16 Ms. Wallace would have a point.

17 But I think that there's been evidence through Isiah  
18 Thomas that there was an ongoing transfer of marijuana from Mr.  
19 Williamson and Mr. Archie and through other individuals. So,  
20 the evidence doesn't support that determination. The evidence  
21 supports that he was involved in a conspiracy. And so, I think,  
22 Judge, the only instance where that would be applicable was  
23 where, like entrapment, where there was, actually, just, you  
24 know, evidence that limits the jury's ability to make that  
25 finding. Here, I just don't think it's appropriate, Judge.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 MS. WALLACE: Your Honor, if I might respond to Mr.  
2 Dimler?

3 THE COURT: You may.

4 MS. WALLACE: The jury -- the proposed jury charge says  
5 nothing about entrapment. And I believe that, if the jury  
6 chooses to disbelieve Mr. Thomas, that that charge is totally  
7 relevant and appropriate.

8 THE COURT: Well, I think there's a meaningful  
9 distinction between the instruction you proposed and an  
10 instruction about entrapment, chief among them being that  
11 entrapment is an affirmative defense. My -- and the first thing  
12 that comes to my mind with respect to, "There's not enough  
13 evidence to support that instruction", I mean, if that were the  
14 standard, then the defendants would object to all of the  
15 instructions that you asked for because they don't think  
16 there's been enough evidence of that.

17 So it's a jury determination. With that said, though, I'm  
18 not sure -- let me pull up for a second -- I think that the  
19 conspiracy instruction -- sorry. I stopped my sentence.

20 (Brief pause.)

21 THE COURT: I'm reading Brown. In that case, it was --  
22 there was no evidence of it. The defendant had testified in  
23 that case, but he said there was no other evidence. And we do  
24 have the evidence that Mr. Thomas -- of Mr. Thomas's testimony.  
25 I'm not sure that the instruction, the conspiracy instruction

1 itself, does not capture -- it's certainly not as robust as the  
2 one that you've proposed, but it does capture. It says that  
3 simply being present at the scene or merely associated with  
4 certain people when discussing common goals and interests  
5 doesn't establish -- so the fact that he bought from him is not  
6 sufficient evidence.

7 MS. WALLACE: And I guess, Your Honor, that's my  
8 concern, that the jury understands that, because the  
9 sentence -- there's a sentence in that charge that says, A  
10 conspiracy is an agreement by two or more persons to commit an  
11 unlawful act. Clearly, to possess marijuana is the unlawful  
12 act. And I guess, that was my main concern, Your Honor, that  
13 the jury would see that as tying Mr. Archie into the  
14 conspiracy, whether they believe Mr. Thomas or not.

15 (Brief pause.)

16 THE COURT: How about this? I'm not comfortable with  
17 your proposed instruction. I know that there's -- looking at  
18 Brown and going to the next cases there's another one that had  
19 an instruction that is actually captured in the conspiracy  
20 pattern jury instruction. I see your point. I do try, just so  
21 that the jurors don't fall asleep, to use inflection. And it  
22 might be that I stop or I cough or something like that. What if  
23 I read -- I try to keep my -- the inflection neutral.

24 What if when I was reading beyond the elements, I read it  
25 in this way, a person may be a conspirator even without

1 knowledge -- I'm sorry -- even without knowing all of the  
2 details of the unlawful plan or the names and identities of all  
3 the other alleged conspirators. If a defendant played only a  
4 minor part in the plan but had a general understanding of the  
5 unlawful purpose of the plan and willfully joined in the plan  
6 on at least one occasion, that's sufficient for you to find the  
7 defendant guilty. But simply being present at the scene of an  
8 event merely associating with certain people and discussing  
9 common goals and interests doesn't establish proof of a  
10 conspiracy.

11 Also, a person who doesn't know about a conspiracy but  
12 happens to act in a way that advances some purpose of one  
13 doesn't automatically become a conspirator. And I think that --  
14 by reading it that way, I capture their attention. And I  
15 emphasize that in a way that addresses your concerns but  
16 doesn't require a separate instruction that I think goes beyond  
17 what I really need to do here.

18 MS. WALLACE: Thank you, Your Honor.

19 THE COURT: Is that sufficient for y'all?

20 MR. CROSS: No objection, Your Honor.

21 THE COURT: And I will try to keep the face neutral at  
22 all times. I'm also willing to accept if the bar wants to  
23 donate money for a facelift that changes this permanently. The  
24 only requirement is that it also has to include my neck. Okay.  
25 Are there any other objections to the instructions?

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 MR. WOODFIN: Your Honor, I don't have any other  
2 objections, but I want to make sure that the court was aware I  
3 did file the opposed proposed instruction that the court has  
4 already denied on the record.

5 THE COURT: And I'm going to deny it. We're going to  
6 enter a text order, and we're going to deny it now. Thank you.

7 MR. WOODFIN: Nothing else from Mr. Williamson.

8 THE COURT: Okay. Let's move on to your motions,  
9 please.

10 MR. WOODFIN: Your Honor, should --

11 THE COURT: Where ever you're most comfortable.

12 MR. WOODFIN: Your Honor, at this time, on behalf of  
13 Mr. Williamson, we move for a judgment of acquittal. Even  
14 viewing the evidence in the light most favorable to the  
15 government, a reasonable trier of fact could not find guilty  
16 beyond a reasonable doubt as to each of the elements Mr.  
17 Williamson's charged with. And, Judge, I'll go sequentially for  
18 the benefit of the court.

19 First, Judge, Mr. Williamson is charged with continuing  
20 criminal enterprise 21 USC 848. There's several elements that  
21 the government has to prove, at least to the point where a  
22 reasonable trier of fact could conclude that they could find  
23 guilt beyond a reasonable doubt. Your Honor, the two  
24 elements -- well, they have not met that burden on any of the  
25 elements, but specifically, as to the element of a principal

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 administrator, Judge. The evidence has not met that threshold.

2       There was testimony from two experienced law enforcement  
3 agents, but in the end, there was no testimony about any of the  
4 other co-defendants being directed -- or excuse me -- connected  
5 to Mr. Williamson in a way that would show, from the law  
6 enforcement agents, that he was a principal administrator of a  
7 far-flung drug organization. There was testimony from Mr.  
8 Thomas about him possibly selling to a lot of other people and  
9 telling those other people to sell. But in the end, Judge, they  
10 have not met their burden there or that he managed, directed,  
11 or supervised any of these other various names that were  
12 mentioned.

13       Judge, as to the second count, the conspiracy, again, Your  
14 Honor, there hasn't been evidence that directly links up these  
15 gentlemen charged in a way that would show a conspiracy. If  
16 anything, Judge, the evidence has shown that they were engaged  
17 in separate alleged criminal actions. The testimony was that  
18 Mr. Taylor and Mr. Williamson had no dealing together. Even the  
19 testimony from some of the cooperating defendants, some of them  
20 didn't even know Mr. Gregory.

21       And I believe even during some of Mr. Albea's questioning  
22 of law enforcement, during these controlled buys that had  
23 happened, there was video evidence of one with Mr. Taylor, and  
24 then audio evidence of one with Mr. Gregory. There was no  
25 connection between Mr. Williamson to any of those controlled

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 buys or certainly not that he was directing -- and I think  
2 there was testimony that he was not directing, or they did not  
3 have evidence that he was directing Mr. Gregory and Mr. Taylor  
4 to engage in those buys. So they failed to meet the standard on  
5 Count 2, Judge.

6 With the 924 counts, Judge, which is Count 7 and  
7 superseding indictment in Count 1 in a separate indictment with  
8 a 405 case number, the government has also failed to show the  
9 reasonable trier of fact can conclude guilt beyond a reasonable  
10 doubt.

11 And, Your Honor, as to Count 1 in the 405 indictment,  
12 there were two guns. There was a .380 and a Glock. The Glock  
13 was in the car. The .380 was alleged to be on Mr. Williamson's  
14 person. I know there was follow-up questions on the function of  
15 the .380. I recall that. There's been a lot of testimony taken  
16 in this case, but my notes indicated that there was not  
17 testimony about function testing as to the Glock. And that  
18 was -- the follow-up was about the .380, Judge, and the  
19 definition of a firearm, it has to be able to readily explode a  
20 projectile. I might be muddling the language a bit there,  
21 Judge, but that's the thrust. That's what my notes say. That  
22 was days ago at this point, but that's what I have in my notes.  
23 If the record says different, then I'm wrong on that. But  
24 that's what I had, Judge, so I think that would apply to the  
25 gun in the car, Judge, and they haven't met the standard there.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 As to the substantive counts, Your Honor, in particular,  
2 with Count 8, there was -- that was evidence from a cooperating  
3 witness that did not testify here in court. And as to the other  
4 counts, they have not met the standard that a reasonable juror  
5 could conclude guilt beyond a reasonable doubt.

6 And lastly, Judge, as to the 843 counts, and I believe  
7 there are five of which are still alleged against my client,  
8 they have not met the standard there. In particular, Judge,  
9 with Count 35, which was an alleged conversation between my  
10 client and Leanthony Gillins where no slang terminology was  
11 used. Merely the word "it" was used. So that's -- that is not  
12 evidence of a felony drug offense being discussed over a  
13 communication facility.

14 And, Your Honor, we ask that the court grant this motion.  
15 Thank you.

16 THE COURT: What exhibit number was the conversation  
17 between Mr. Williamson and Mr. Gillins?

18 MR. WOODFIN: Your Honor, I have that as Exhibit 66, I  
19 believe, Judge, if not 67.

20 THE COURT: Madam Court Reporter, do you have a way to  
21 search, I believe it was the first day of testimony, on Glock?

22 COURT REPORTER: Yes, ma'am.

23 MR. WOODFIN: Your Honor, it's 66.

24 THE COURT: Yeah. May I hear from the government?

25 MR. CROSS: Yes, Your Honor. I'll take it on the

1 starting off -- and Lauren may still be looking for  
2 functionality of the Colt Mustang that was taken out of his  
3 pocket. I actually specifically recalled, I think in the  
4 initial testimony, Agent Gerhardt did not testify to the  
5 functionality, but then we cleaned it up, and he did testify to  
6 it later in his testimony.

7 On that issue, Your Honor -- and also, that's a  
8 functionality test. I mean, they can still 942(c) that the  
9 firearm was involved. That's just whether or not it -- it's not  
10 an element of the crime specifically. We just have to prove  
11 that it was a firearm, and I think we've done that.

12 Then, on the telephone count, Count 35, concerning the  
13 conversation between Williamson and Gillins, Government's  
14 Exhibit Number 66, there was extensive testimony of Thomas that  
15 Gillins was Williamson's right-hand man, and the house was the  
16 hub of the drug trafficking organization. And Gillins was  
17 arriving at the house, and they discussed that, and the jury  
18 can easily infer from all the testimony that was presented that  
19 that was a communication over a facility involving their  
20 continuing ongoing conspiracy.

21 Under 924c, I'll just point out, always, they don't have  
22 to actually use the gun in conducting drug transactions. The  
23 offense is whether or not it has the potential to facilitate.  
24 We call that the just-in-case gun. If somebody tries to steal  
25 the drugs --

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 THE COURT: If it doesn't operate it, can't be the just  
2 in case.

3 MR. CROSS: That's true. Absolutely. But I think we did  
4 that.

5 THE COURT: I remember you calling Agent Gerhardt back.  
6 My confusion is that I understood Mr. Woodfin to say that that  
7 clean up testimony was about the other gun. Is that correct,  
8 Mr. Woodfin?

9 MR. WOODFIN: Judge, my memory is that there was the  
10 Glock in the car. My argument is that that Glock in the car,  
11 there was no testimony about a functionality test as to it, and  
12 it's charged in the indictment. My memory is when he got called  
13 back, Agent Gerhardt testified about the .380 found in the  
14 pocket and testified about a functioning test as to that gun,  
15 but there's two guns charged. And I don't believe there was any  
16 evidence regarding the functionality test for the Glock in the  
17 car.

18 THE COURT: Okay. Mr. Cross, do you have anything else  
19 that you wish to say at this time?

20 MR. CROSS: No, Your Honor.

21 THE COURT: Okay. We're going to stop for a minute so  
22 that the court reporter can make her search. Or actually, you  
23 know what, I'm going to withhold ruling on -- well, no, we're  
24 going to let the court reporter do her search.

25 (Brief pause.)

1 THE COURT: Let's go back on the record. I'm listening.  
2 Let me begin by saying, I don't 942(c) evidence of the question  
3 being posed to Agent Gerhardt. It makes me anxious because,  
4 obviously, we're doing a 942(c) on a transcript -- and it's not  
5 a certified transcript -- but we've looked under "function".  
6 We've looked under "106". We've looked under all the other guns  
7 and cannot 942(c) the functionality test. Mr. Cross, you're  
8 suggesting that it's irrelevant?

9 MR. CROSS: Yes, Your Honor.

10 THE COURT: May I hear from you on that?

11 MR. CROSS: Yes, Your Honor. To begin with, with the  
12 jury instruction and pursuant to the statute, a firearm is  
13 readily convertible to expel a projectile by the action of an  
14 explosive. Readily convertible, meaning it could be made so  
15 that it doesn't have to function at the moment, but it could be  
16 made to function. And it goes on to say the term includes a  
17 frame or receiver of any such weapon or any firearm, muffler,  
18 or silencer.

19 Further in this case, we have admitted the actual gun. And  
20 the jury, through their own experience, can look at the gun and  
21 make a determination as to whether or not it's capable of  
22 expelling a projectile. Two cases I would like to cite for the  
23 court is the Williams case, 979 F.2d 186. It's not necessary  
24 for the government to introduce the gun in evidence in order to  
25 sustain a conviction, and in the William's case, a police

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 officer testified that the defendant was in possession of a  
2 firearm. Also, in the Hunt case, 187 F.3d, a bank teller's  
3 testimony that the defendant had a gun is sufficient to  
4 establish that the gun was used.

5 And so, Your Honor, based on all of that, we just don't  
6 think it's an element. We think we overreach by even saying  
7 that they were functional. We don't think we had to even do  
8 that.

9 THE COURT: What's the one that you said, the third  
10 cite again?

11 MR. CROSS: I closed my book.

12 MR. CROSS: The Williams cite or the Hunt cite?

13 THE COURT: Hunt, please.

14 MR. CROSS: Hunt is 187 F.3d 1269.

15 (Brief pause.)

16 THE COURT: Okay. Thank you. I am going to deny Mr.  
17 Williamson's motion. May I hear from Mr. Gardner?

18 MR. GARDNER: Good morning, Your Honor.

19 THE COURT: Good morning.

20 MR. GARDNER: Your Honor, for the record, and on behalf  
21 of my client, Mr. Taylor, I move for judgment of acquittal on  
22 behalf of Mr. Taylor as to Count 2, conspiracy; Counts 11 and  
23 12, possession with intent to distribute; Counts 20, 21, 22 --  
24 21, 22, and 23, use of a communication facility; and cite as my  
25 grounds that the government has failed to prove the defendant's

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 guilt beyond a reasonable doubt.

2 In all candor, and with deference to this court and the  
3 government, Your Honor, I am constrained to be any more  
4 specific than that.

5 THE COURT: Thank you. Your motion is denied. May I  
6 hear from Mr. Albea on behalf of Mr. Gregory?

7 MR. ALBEA: Thank you, Your Honor. On behalf of Mr.  
8 Gregory, I would move for a judgment of acquittal relative to  
9 Count 2, the conspiracy count, and Count 13, the distribution  
10 count. Relative to Count 13, all we have is a phone call that  
11 may or may not be Mr. Gregory, and I don't think that that's  
12 enough. We don't have that the person who did the buy, to  
13 identify Mr. Gregory, and so I don't think that that's enough  
14 that a reasonable trier of fact can conclude that Mr. Gregory  
15 was the -- was the person who sold the cocaine in that  
16 particular instance.

17 And relative to Count 2, there's just been testimony from  
18 cooperating individuals saying that Mr. Gregory was a part of  
19 some sort of conspiracy, and again, I don't think that that's  
20 enough that a reasonable trier of fact could possibly conclude  
21 that he was guilty of conspiracy, so we would move for judgment  
22 of acquittal relative to Count 2 and Count 3 for Mr. Gregory.

23 THE COURT: Thank you. It is denied. Ms. Taylor?

24 MS. WALLACE: Your Honor, as to Count 2, the conspiracy  
25 count -- if you can hear me --

1 THE COURT: Can you hear, Madam Court Reporter?

2 COURT REPORTER: I can hear.

3 MS. WALLACE: With respect to Count 2, the conspiracy  
4 count in the 2:19-cr-466, Judge, I would adopt Mr. Woodfin's  
5 argument on that, that they have not made a case of a  
6 conspiracy. It seems that each defendant has somewhat been on a  
7 little island by themselves. So I would just adopt Mr.  
8 Woodfin's argument on that.

9 And, Your Honor, in case 2:20-cr-151, in the first in  
10 Count 1, it's alleged that there was possession of controlled  
11 substance with intent to distribute. Your Honor, I would say  
12 that there has been no proof that there were over personal use  
13 amounts and that there was any intent to distribute.

14 And as to Count 2, if the finding on Count 1 is not  
15 guilty, there is no furtherance of the drug trafficking crime  
16 to have the gun in relation to it, Your Honor. So those would  
17 be our basis for the motion.

18 THE COURT: Thank you. It is denied. Is there anything  
19 else we need to take up before I instruct the jury? Oh, I'm  
20 sorry. Before Ms. Taylor presents her evidence?

21 MS. WALLACE: That would be all, Your Honor.

22 THE COURT: Okay. Do the Marshals have Mr. Thomas on  
23 this floor?

24 MARSHAL: Fourth. We have him downstairs. We have him  
25 here.

1 THE COURT: Okay. Why don't you all go grab him, and  
2 we'll knock on the door when we want you to bring him in.

3 (Recess at 10:09 a.m. to 10:20 a.m.)

4 THE COURT: Before we bring the jury in, can we go on  
5 the record so I can talk to Mr. Archie about his rights to  
6 present evidence and testimony. Is everyone ready?

7 MR. GARDNER: Yes, Your Honor.

8 THE COURT: All right. Y'all ready?

9 MR. CROSS: Yes.

10 MS. WALLACE: Yes, Your Honor.

11 THE COURT: Just a second, Sarah. Wait. I have to talk  
12 to Mr. Archie. Ms. Wallace, I understand that Mr. Archie is  
13 going to be presenting evidence in his defense; is that  
14 accurate?

15 MS. WALLACE: That is correct, Your Honor.

16 THE COURT: Will he be testifying?

17 MS. WALLACE: No, Your Honor.

18 THE COURT: Mr. Archie, do you understand that you are  
19 not required to present evidence in this case? You have to  
20 answer for the record, please.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And do you understand that you are not  
23 required to testify?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: But you could testify if you wanted to.

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And these decisions are your decision  
3 alone. It is not a decision for Ms. Wallace to make. She can  
4 certainly advise you, and I'm sure that she has, but it's a  
5 decision that's solely yours. Do you understand that?

6 THE DEFENDANT: Yes, ma'am, I understand that.

7 THE COURT: And have you made a decision on your own?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And what is that decision?

10 THE DEFENDANT: Not to testify.

11 THE COURT: Okay. But you do wish to present evidence?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. And you have made this decision free  
14 of any promises, coercions, or threats?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: All right. Thank you. We'll begin. I'm  
17 going to ask the jury to come in, and then you can call -- then  
18 we'll let the other defendants rest, and then you will call  
19 your witness.

20 MS. WALLACE: Thank you, Judge.

21 THE COURT: Thank you. Let's bring the jury in.

22 (Jury in at 10:24 a.m.)

23 THE COURT: Good afternoon, ladies and gentlemen. And I  
24 appreciate and thank you for your patience this morning. At  
25 this time, as you know, the government has rested, and it's the

1 defendant's opportunity to present evidence or testimony if  
2 they want to. There is no obligation for them to. Mr. Woodfin,  
3 on behalf of Mr. Williamson.

4 MR. WOODFIN: Your Honor, Mr. Williamson rests, Judge.

5 THE COURT: Mr. Gardner.

6 MR. GARDNER: Your Honor, Mr. Taylor respectfully rests  
7 his case.

8 THE COURT: Mr. Albea.

9 MR. ALBEA: Your Honor, Mr. Gregory rests his case.

10 THE COURT: Ms. Wallace?

11 MS. WALLACE: Your Honor, we would recall Isiah Thomas  
12 in Mr. Archie's case.

13 THE COURT: Will the Marshals bring Mr. Thomas in? Mr.  
14 Thomas, I'll remind you that yesterday you were sworn in to  
15 give your testimony, and you're still under that oath. Do you  
16 understand that?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: So you understand your obligation to be  
19 truthful?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you.

22 MS. WALLACE: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. WALLACE:

25 Q Mr. Thomas, do you remember answering questions for me



1 yesterday?

2 A Yes.

3 Q Do you remember telling me you weren't here snitching on  
4 anybody?

5 A Yes.

6 Q What term would you use?

7 A Tell me what I'm here today for, testify. You asked me  
8 yesterday did I ever snitch on somebody before I came here. I  
9 told you no.

10 Q You never told the government before yesterday -- you  
11 never gave them any information; is that what you're saying?

12 A No, I'm not saying that. You asked me have I ever snitched  
13 on somebody. You asked me if I snitched on my cousin. I told  
14 you no.

15 Q Okay. Maybe we should use a different term.

16 A Okay.

17 Q Because maybe you and I don't define "snitch" the same  
18 way. Have you ever cooperated against anybody?

19 A No.

20 Q You have never cooperated against the -- with the  
21 government against any defendant?

22 A No.

23 Q Or any person?

24 A Not of the defendants that's here. The only ones are  
25 incarcerated, the defendants that's all here, that's on this

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 case.

2 Q So your answer is you have cooperated against people?

3 A Yes.

4 Q And I believe you -- there was some testimony about  
5 another case you have in federal court; is that correct?

6 A Yes.

7 Q And were you -- did you go to trial on that case?

8 A Yes.

9 Q Was one of your co-defendants Walter Rhone?

10 A Yes.

11 Q Was that your cousin?

12 A Yes.

13 Q Do you ever recall talking to any agent about that when  
14 you were arrested?

15 A Yes.

16 Q Do you ever recall saying that you would cooperate against  
17 everybody in the case?

18 A No.

19 Q Do you ever recall saying you would cooperate against your  
20 cousin Walter Rhone?

21 A No.

22 Q So if an agent wrote that in a report, he was lying?

23 A Yes. If he said I cooperated against Walter Rhone. Walter  
24 Rhone did not get charged. If I would have cooperated, he would  
25 have got charged. He never got charged.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Q I believe you're mistaken. Was he not one of your  
2 co-defendants?

3 A Yes.

4 Q So he was charged, correct?

5 A He was charged, but he never went to jail for it.

6 Q Okay. In other words, his case was dismissed?

7 A Yes. Because I didn't cooperate on him.

8 Q Do you ever recall putting a call on speakerphone so the  
9 agents could hear it?

10 A Yes. They asked me to answer my phone.

11 Q And you agreed to cooperate?

12 A Yes. I answered my phone.

13 Q And you agreed to cooperate?

14 A Yes.

15 Q And you put it on speakerphone?

16 A Yes.

17 Q So that's not cooperating against somebody?

18 A You asked me did I tell on him. I did not tell on him.

19 Q No, sir, I asked you --

20 A By answering my phone. If you say that's cooperating, it's  
21 cooperating. Yes, I answered my phone.

22 Q And you put it on speaker, correct?

23 A Yes.

24 Q So yesterday when you said, you had never snitched on  
25 anybody, that wasn't true, was it?

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 A Yes. That was true because I didn't snitch on him.

2 Q Please, use your term for what you did against these  
3 defendants and him.

4 A I agreed to answer my phone. I did not snitch on him.

5 Q Okay.

6 A You was his lawyer, so you did --

7 Q I get to ask the questions, not you.

8 A Oh.

9 Q So what term do you use for what you did against these  
10 defendants?

11 A I did not snitch to get them in jail. I cooperated to get  
12 a life sentence on my part. I did not put them in jail, no. I  
13 have never put anyone in jail.

14 Q Just answer the question. I asked you what term you would  
15 use for what you did.

16 A Save myself.

17 Q So you'd have done anything to save yourself, wouldn't  
18 you?

19 A No. I wouldn't have done anything, but I saved myself.

20 Q You'd have said most anything to save yourself, wouldn't  
21 you?

22 A No. I told the truth. I wouldn't lie to save myself. I'm  
23 being honest.

24 Q But you didn't tell the truth yesterday when I asked  
25 you --

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 A Yes, I did.

2 MS. WALLACE: Okay. I've got nothing further.

3 THE COURT: Anything from the government?

4 MR. CROSS: Yes, Your Honor.

5 (Discussion off the record.)

6 MR. CROSS: Your Honor, we don't have anymore  
7 questions.

8 THE COURT: Thank you. Thank you, Mr. Thomas.

9 (Witness excused.)

10 THE COURT: Ms. Wallace, do you have any other  
11 evidence? Do you want to call any other witnesses? Forgive me,  
12 my microphone was not on. Do you have anything else that you'd  
13 like --

14 MS. WALLACE: No, Your Honor. At this time, Defendant  
15 Archie rests.

16 THE COURT: All right. Thank you. Does the government  
17 have any rebuttable witnesses?

18 MR. CROSS: No, Your Honor.

19 THE COURT: Ladies and gentlemen, just give me one  
20 minute. I want to make sure that I have everything.

21 MR. ALBEA: Judge, may we approach briefly?

22 THE COURT: You may.

23 (Bench conference on the record, as follows:)

24 MR. ALBEA: Judge, now at the close of all the  
25 evidence, the government and the defense has rested. On behalf

1 of Mr. Gregory, I would renew my motion for judgment of  
2 acquittal and adopt all the previous arguments made previously.

3 THE COURT: Thank you. Your motion is denied.

4 MR. WOODFIN: Your Honor, on behalf of Mr. Williamson,  
5 I renew my motion for judgment of acquittal as to count -- well,  
6 counts that I previously covered in our prior motion.

7 THE COURT: Your motion is denied.

8 MR. GARDNER: I'll make the same motion -- I'll make  
9 the same motion, Your Honor, to renew my argument I made at the  
10 conclusion of the government's case.

11 THE COURT: Your motion is denied.

12 MS. WALLACE: Your Honor, on behalf of Mr. Archie, I'll  
13 renew the motion made at the end of the government's case.

14 THE COURT: Your motion is denied. Thank you.

15 MS. WALLACE: Thank you, Judge.

16 (Bench conference concluded.)

17 THE COURT: Members of the jury, it is my duty to  
18 instruct you on the rules of law that you must use in deciding  
19 this case. After I have completed these instructions, you'll go  
20 to the jury room and begin your discussions, what we call  
21 deliberations. You must decide whether the government has  
22 proved the specific facts necessary to 942(c) each defendant  
23 guilty beyond a reasonable doubt.

24 Your decision must be based only on the evidence presented  
25 here. You must not be influenced in any way by either sympathy

1 for or prejudice against the defendants or the government. You  
2 must follow the law as I explain it, even if you do not agree  
3 with the law, and you must follow all of my instructions as a  
4 whole. You must not single out or disregard any of the court's  
5 instruction on the law.

6 The indictments or formal charge against these defendants  
7 isn't evidence of guilt. The law presumes every defendant is  
8 innocent. The defendants do not have to prove their innocence  
9 or produce any evidence at all, and the government must prove  
10 guilt beyond a reasonable doubt. If it fails to do that, you  
11 must 942(c) the defendant not guilty.

12 The government's burden is heavy, but it doesn't have to  
13 prove a defendant's guilt beyond all possible doubt. The  
14 government's proof only has to exclude any reasonable doubt  
15 concerning the defendants' guilt. A reasonable doubt is real  
16 doubt, based on your reason and common sense, after you've  
17 carefully and impartially considered all of the evidence in  
18 this case. Proof beyond a reasonable doubt is doubt -- excuse  
19 me -- is proof so convincing that you would be willing to rely  
20 and act on it without hesitation in the most important of your  
21 own affairs.

22 If you are convinced that a defendant has proved -- has  
23 been proven guilty beyond a reasonable doubt, say so. If you  
24 are not convinced, say so. As I have said before, you must  
25 consider only the evidence that I have admitted in the case.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Evidence includes the testimony of witnesses and the exhibits  
2 admitted. But anything that the lawyers say is not evidence and  
3 is not binding on you.

4 You shouldn't assume from anything that I have said that I  
5 have any opinion about any factual issue in this case. Except  
6 for my instructions to you on the law, you should disregard  
7 anything that I may have said during the trial in arriving at  
8 your own decisions about the facts. Your own recollection and  
9 interpretation of the evidence is what matters.

10 In considering the evidence, you may use reasoning and  
11 common sense to make deductions and reach conclusions. You  
12 shouldn't be concerned about whether the evidence is direct or  
13 circumstantial. Direct evidence is the testimony of a person  
14 who asserts that he or she has actual knowledge of a fact, such  
15 as an eyewitness. Circumstantial evidence is proof of a chain  
16 of facts and circumstances that tend to prove or disprove a  
17 fact. There's no legal difference in the weight you may give to  
18 either direct or circumstantial evidence.

19 When I say that you must consider all of the evidence, I  
20 don't mean that you must accept all of the evidence as true or  
21 accurate. You should decide whether you believe what each  
22 witness has to say, how important the testimony was, and in  
23 making the decision, you may believe or disbelieve any witness  
24 in whole or in part. The number of witnesses testifying  
25 concerning a particular point doesn't necessarily matter.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1           And to decide whether you believe any witness, I suggest  
2 you ask yourself a few questions. Did the witness impress you  
3 as someone who is telling the truth? Did the witness have any  
4 reason not to tell the truth? Did the witness have a personal  
5 interest in the outcome of the case? Did the witness seem to  
6 have a good memory? Did the witness have the opportunity and  
7 ability to accurately observe the things that he or she  
8 testified about? Did the witness appear to understand the  
9 questions clearly and answer them directly? Did the witness's  
10 testimony differ from other testimony or evidence?

11           You should also ask yourself whether there was evidence  
12 that a witness testified falsely about an important fact and  
13 whether there was evidence that at some other time a witness  
14 said or did something or didn't say or do something that was  
15 different from the testimony the witness gave during the trial.  
16 To decide whether you believe a witness, you may consider the  
17 fact that the witness has been convicted of a felony or a crime  
18 involving dishonesty or a false statement. But keep in mind  
19 that a simple mistake doesn't mean a witness wasn't telling the  
20 truth as he or she remembers it. People naturally tend to  
21 forget some things or remember them inaccurately. So if a  
22 witness misstated something, you must decide whether it was  
23 because of an innocent lapse in memory or an intentional  
24 deception.

25           The significance of your decision may depend on whether

1 the misstatement is about an important fact or about an  
2 important detail. When scientific, technical, or other  
3 specialized knowledge might be helpful, a person who has  
4 special training or experience in that field is allowed to  
5 state an opinion about the matter. But that doesn't mean that  
6 you must accept the witness's opinion. As with any other  
7 witness's testimony, you have to decide for yourself whether to  
8 rely upon that opinion. Retired FBI Agent M. Wayne Gerhardt  
9 testified in this case as both an expert witness and as a fact  
10 witness. His expert testimony should not be considered as the  
11 testimony of a fact witness, and his fact testimony should not  
12 be considered as the testimony of an expert.

13 Where a statute specifies multiple alternative ways in  
14 which an offense may be committed, the indictment may allege  
15 the multiple ways in the conjunction, that is, by using the  
16 word "and". If only one of the alternatives is proved beyond a  
17 reasonable doubt, that is sufficient for a conviction so long  
18 as you unanimously agree as to that alternative.

19 You'll see that the superseding indictment and the other  
20 indictments in this case charge that a crime was committed on  
21 or about a certain date. The government doesn't have to prove  
22 that the offense occurred on an exact date. They only have to  
23 prove beyond a reasonable doubt that the crime was committed on  
24 a date reasonably close to the date alleged. And the word  
25 "knowingly" means that the act was done voluntarily and

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 intentionally and not because of a mistake or by accident.

2 Each count of the superseding indictment charges a  
3 separate crime against one or more of the defendants. You must  
4 consider each crime and the evidence relating to it separately,  
5 and you must consider the case of each defendant separately and  
6 individually. If you find the defendant guilty of one crime,  
7 that must not affect your verdict for any other crime or any  
8 other defendant. I caution you that each defendant is on trial  
9 only for the specific crimes charged in the indictments and the  
10 superseding indictment.

11 You're here to determine from the evidence in this case  
12 whether each defendant is guilty or not guilty of those  
13 specific crimes. You must never consider punishment in any way  
14 to decide whether a defendant is guilty. If you find the  
15 defendant guilty, the punishment is for me alone to decide  
16 later. Your verdict, whether guilty or not guilty, must be  
17 unanimous. In other words, you all have to agree. Your  
18 deliberations are secret, and you'll never have to explain your  
19 verdict to anyone.

20 Each of you must decide the case for yourself, but only  
21 after fully considering the evidence with all of the jurors. So  
22 you must discuss the case with one another and try to reach an  
23 agreement. And while you're discussing the case, don't hesitate  
24 to reexamine your own opinion and change your mind if you  
25 become convinced that you were wrong, but don't give up your

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 honest beliefs just because others think differently or because  
2 you simply want to get the case over with. Remember that in a  
3 very real way, you're the judge, the judges of the facts, and  
4 your only interest is to seek the truth from the evidence in  
5 the case.

6 When you go to the jury room, you'll receive a verdict  
7 form, and you'll choose one of your members to act as a  
8 foreperson. The foreperson will direct your deliberations and  
9 will speak for you in court. We have prepared a verdict form  
10 for your convenience. You'll take the forms with you into the  
11 jury room, and when you have all agreed on the verdict, your  
12 foreperson must fill in the form, sign it, date it, and carry  
13 it. Then, you'll return to the courtroom.

14 If you wish to communicate with me at any time, please,  
15 write down your message or question and give it to the Marshal.  
16 The Marshal will bring it to me, and I'll respond as promptly  
17 as possible, either in writing or by talking to you in the  
18 courtroom. But I caution you not to tell me how many jurors  
19 have voted one way or the other at that time. I'll also mention  
20 that some questions I cannot answer.

21 You must consider some witness' testimony with more  
22 caution than others. In this case, the government has made a  
23 plea agreement with a co-defendant in exchange for his  
24 testimony. Such plea bargaining, as it is called, provides for  
25 the possibility of a lesser sentence than the co-defendant

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 would normally face. Plea bargaining is lawful and proper and  
2 the rules of the court expressly provide for it, but a witness  
3 who hopes to gain more favorable treatment may have a reason to  
4 make a false statement in order to strike a good bargain with  
5 the government. So while a witness of that kind may be entirely  
6 truthful when testifying, you should consider that testimony  
7 with more caution than the testimony of other witnesses. And  
8 the fact that a witness has pleaded guilty to an offense isn't  
9 evidence of the guilt of any other person.

10       The government must prove beyond a reasonable doubt that  
11 the defendants were the persons who committed the crime. If a  
12 witness identified a defendant as the person who committed the  
13 crime, you must decide whether the witness is telling the  
14 truth. But even if you believe the witness is telling the  
15 truth, you must still decide how accurate the identification  
16 is. I would suggest you ask some of the following questions:  
17 Did the witness have the adequate opportunity to observe the  
18 person at the time that the crime was committed; how much time  
19 did the witness have to observe the person; how close was the  
20 witness; did anything effect the witness's ability to see; did  
21 the witness know or see the person at an earlier time? You must  
22 also consider -- or you may also consider the circumstances of  
23 the identification of the defendant, such as the way the  
24 defendant was presented to the witness for identification and  
25 the length of time between the crime and the identification of

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 the defendant.

2 After examining all of the evidence, if you have  
3 reasonable doubt that the defendant was the person who  
4 committed the crime, you must 942(c) the defendant not guilty.  
5 You've been permitted to take notes during the trial. Most of  
6 you, perhaps all of you, have taken advantage of that  
7 opportunity. You must use your notes only as a memory aid  
8 during deliberations. You must not give your notes priority  
9 over your own independent recollection of the evidence, and you  
10 must not allow yourself to be unduly influenced by the notes of  
11 other jurors. I emphasize that the notes are not entitled to  
12 any greater weight than your memories or your impressions of  
13 the testimony.

14 The law recognizes several kinds of possession. A person  
15 may have actual possession, constructive possession, sole  
16 possession, or joint possession. Actual possession of a thing  
17 occurs if the person knowingly has direct physical control over  
18 it. Constructive possession of a thing occurs if the person  
19 doesn't have actual possession of it but has the power and  
20 intention to take control of it later. Sole possession of a  
21 thing occurs if the person is the only one to possess it. Joint  
22 possession of a thing occurs if two or more people share  
23 possession of it. And the term "possession" includes actual,  
24 constructive, sole, and joint possession.

25 It is possible to prove a defendant guilty of a crime even

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 without evidence that the defendant personally performed every  
2 act charged. Ordinarily, any act a person can do may be done by  
3 directing another person or an agent or it may be done by  
4 acting with or under the direction of others. A defendant aids  
5 and abets a person if the defendant intentionally joins with  
6 the person to commit a crime. A defendant is criminally  
7 responsible for the acts of another person if the defendant  
8 aids and abets the other person. A defendant is also  
9 responsible if the defendant willfully directs or authorized  
10 the acts of an agent, employee, or other associate.

11 But finding that a defendant is criminally responsible for  
12 the acts of another requires proof that the defendant  
13 intentionally associated with or participated in the crime, not  
14 just proof that the defendant was simply present at the scene  
15 of a crime or knew about it. In other words, you must 942(c)  
16 beyond a reasonable doubt that the defendant was a willful  
17 participant and not a knowing spectator.

18 Certain exhibits in this case have been identified as  
19 typewritten transcripts of oral conversations heard on tape  
20 recordings received in evidence. The transcripts also purport  
21 to identify speakers engaged in the conversations. I've  
22 admitted the transcripts for the limited and secondary purpose  
23 of helping you follow the content of the conversation as you  
24 listen to the tape recordings and also to help you identify the  
25 speakers. But you are specifically instructed that whether the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 transcript correctly reflects the content of the conversation  
2 or the identity of the speakers is entirely for you to decide  
3 based on your own evaluation of the testimony you've heard  
4 about the preparation of the transcript and from your own  
5 examination of the transcript in relation to hearing the tape  
6 recording itself as the primary evidence of its own contents.

7 If you determine that the transcript is, in any respect,  
8 incorrect or unreliable, you should disregard it to that  
9 extent. In Count 2 of the superseding indictment in 19-466,  
10 defendants Rolando Antuain Williamson, Adrien Hiram Taylor,  
11 Ishmywel Calid Gregory, and Hendarius Lamar Archie are charged  
12 with violating 21 USC 846, 841(a)(2), 841(b)(1)(a) and  
13 841(b)(1)(b).

14 Section 841(a)(1) makes it a crime for anyone to knowingly  
15 possess heroin, cocaine hydrochloride, methamphetamine,  
16 fentanyl, or marijuana with the intent to distribute it.  
17 Section 846 makes it a separate crime for anyone to conspire to  
18 distribute heroin, cocaine hydrochloride, methamphetamine,  
19 fentanyl, or marijuana. A conspiracy is an agreement by two or  
20 more persons to commit an unlawful act. In other words, it's  
21 kind of a partnership for criminal purposes, so every member of  
22 the conspiracy becomes the agent or partner of every other  
23 member. The government does not have to prove that all of the  
24 people named in the superseding indictment were members of the  
25 plan or that those who were members made any formal agreement.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 The heart of the conspiracy is the making of the unlawful plan  
2 itself. So the government does not have to prove that the  
3 conspirators succeeded in carrying out that plan.

4 These defendants can be found guilty only if all of the  
5 following facts are proved beyond a reasonable doubt: First,  
6 that two or more people in some way agreed to try to accomplish  
7 a shared and unlawful plan, the object of which was to  
8 distribute heroin, cocaine hydrochloride, methamphetamine,  
9 fentanyl, and or marijuana; the second element is that the  
10 defendants knew of the unlawful purpose of the plan and  
11 willfully joined it; and finally, that the object of the  
12 unlawful plan was to distribute one kilogram or more of a  
13 mixture and substance containing a detectable amount of heroin,  
14 5 kilograms or more of a mixture and substance containing a  
15 detectable amount of cocaine hydrochloride, 50 grams or more of  
16 methamphetamine, 40 grams or more of a mixture and substance  
17 containing a detectable amount of what is more commonly  
18 referred to as fentanyl -- I'm going to slaughter the actual  
19 name here -- N-phenyl-N-(1-(2-phenethyl)-4-piperidinyl,  
20 100 kilograms or more of a mixture and substance containing a  
21 detectable amount of marijuana.

22 A person may be a conspirator even without knowing all the  
23 details of the unlawful plan or the names and identities of all  
24 of the alleged conspirators. If a defendant played only a minor  
25 part in the plan but had a general understanding of the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 unlawful purpose of the plan and willfully joined in the plan  
2 on at least one occasion, that is sufficient for you to 942(c)  
3 the defendant guilty. But simply being present at the scene of  
4 an event or merely associating with certain people or  
5 discussing common goals and interests, doesn't establish proof  
6 of a conspiracy. Also, a person who doesn't know about a  
7 conspiracy, but happens to act in a way that advances some  
8 purpose of one, doesn't automatically become a conspirator.

9       The defendants are charged with possessing with intent to  
10 distribute and distributing at least 1 kilogram of a mixture  
11 and substance containing a detectable amount of heroin; 5  
12 kilograms or more of a mixture and substance containing a  
13 detectable amount of cocaine hydrochloride; 15 grams or more of  
14 methamphetamine; 40 grams or more of a mixture and substance  
15 containing fentanyl, a detectable amount of fentanyl; and  
16 100 kilograms or more of a mixture and substance containing a  
17 detectable amount of marijuana. But you may 942(c) any  
18 defendant guilty of the crime even if the amount of the  
19 controlled substances for which he can be held responsible is  
20 less than those amounts. So if you 942(c) any defendant guilt  
21 you must also 942(c) whether the government has proved beyond a  
22 reasonable doubt the weight of the specific controlled  
23 substance or substances the defendant conspired to distribute  
24 and specify those amounts on the verdict form.

25       Additionally, defendants Taylor and Gregory are each

1 charged with having committed this offense after he had one or  
2 more final convictions for a series drug felony. But you may  
3 942(c) each defendant guilty of the crime even if you 942(c) he  
4 did not have a final conviction for a serious drug felony at  
5 the time he committed the offense. If you 942(c) the defendant  
6 guilty, you must also unanimously agree that he had a final  
7 conviction for a serious drug felony and specify the finding on  
8 each verdict form.

9 I'll remind you, the United States, Mr. Taylor, Mr.  
10 Gregory have stipulated to the -- forgive me -- let me go back.  
11 No. They have stipulated to the facts that Mr. Taylor has two  
12 serious drug felonies and that Mr. Gregory has had one serious  
13 drug felony. So you should consider those facts proven beyond a  
14 reasonable doubt. But I do want to caution you that these prior  
15 felony convictions cannot be considered as evidence that they  
16 are guilt of the offense charged in Count 2.

17 In Count 3, defendant Rolando Antuain Williamson is  
18 charged in the superseding indictment with violating 21 USC  
19 841(a)(1) and (b)(1)(d), which makes it a federal crime for  
20 anyone to possess a controlled substance with the intent to  
21 distribute it.

22 In Count 5, defendant Rolando Antuain Williamson is  
23 charged in the superseding indictment with violating 21 USC  
24 841(a)(1), (b)(1)(a), (b)(1)(b), and (b)(1)(d), which makes it  
25 a federal crime for anyone to possess a controlled substance

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 with the intent to distribute it.

2 In Count 6, Mr. Williamson is charged with violating 21  
3 USC 841(a)(1)(a) -- I'm sorry -- yes, (a)(1), (b)(1)(b), and  
4 (b)(1)(d) in the superseding indictment, which makes it a  
5 federal crime for anyone to possess a controlled substance with  
6 the intent to distribute it.

7 In Count 1 of case 20-151, defendant Hendarius Lamar  
8 Archie is charged with violating 21 USC 841(a)(1), (b)(1)(c),  
9 and (b)(1)(d), which makes it a federal crime for anyone to  
10 possess a controlled substance with intent to distribute it.  
11 Heroin, methamphetamine, amphetamine, cocaine hydrochloride,  
12 fentanyl, and marijuana are controlled substances.

13 Each defendant can be found guilty of the crimes charged  
14 only if the following facts are proved beyond a reasonable  
15 doubt for each count: That the defendant knowingly possessed a  
16 controlled substance; that the defendant intended to distribute  
17 the controlled substance; that the weight of the substance the  
18 defendant possessed was as charged or a lesser amount; and that  
19 the -- those are the three elements.

20 The defendant knowingly possessed the controlled substance  
21 if: Number one, he knew that he possessed a substance listed on  
22 the federal schedules of controlled substances, even if he did  
23 not know the identity of that substance, or the defendant knew  
24 the identity of the substance that he possessed even if he  
25 didn't know the substance was listed on the federal schedules

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 of controlled substances.

2 To intend to distribute is to plan to deliver possession  
3 of a controlled substance to someone else even if nothing of  
4 value is exchanged. Several of these counts also charge the  
5 defendant with possessing with the intent to distribute a  
6 specific amount of a controlled substance. Count 5 charges Mr.  
7 Williamson with intending to distribute 500 grams or more of a  
8 mixture and substance containing a detectable amount of  
9 methamphetamine and/or 100 grams or more of a mixture and  
10 substance containing a detectable amount of heroin. But you may  
11 find 942(c) Mr. Williamson guilty of the crime even if the amount of  
12 the controlled substances for which he should be held  
13 responsible are less than those amounts.

14 So if you find 942(c) Mr. Williamson guilty, you must also  
15 find 942(c) whether the government has proved beyond a reasonable  
16 doubt the weight of methamphetamine and heroin the defendant  
17 possessed and specify the amount on the verdict form. Count 6  
18 charges Mr. Williamson with possessing with the intent to  
19 distribute 100 grams or more of a mixture and substance  
20 containing a detectable amount of heroin and/or 40 grams or  
21 more of a mixture and substance containing a detectable amount  
22 of fentanyl, also known as  
23 N-phenyl-N-(1-(2-phenethyl)-4-piperidinyl), but you may find 942(c)  
24 Mr. Williamson guilty of the crime even if the amount of the  
25 controlled substances for which he should be held responsible

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 is less than those amounts. So if you 942(c) Mr. Williamson  
2 guilt, you must also 942(c) whether the government has proved  
3 beyond a reasonable doubt the weight of the heroin and fentanyl  
4 the defendant possessed and specify that amount on the verdict  
5 form.

6 In Count 8 of the superseding indictment in 19-466,  
7 defendant Williamson is charged with violating 21 USC 841(a) (1)  
8 and (b) (1) (c), which makes it a federal crime for anyone to  
9 distribute a controlled substance.

10 In Count 11 of the superseding indictment in 19-466,  
11 defendant Adrien Hiram Taylor is charged with violating title  
12 21 USC 841(a) and (b) (1) (a), which makes it a federal crime for  
13 anyone to distribute a controlled substance.

14 In Count 12 of the superseding indictment in 19-466,  
15 defendant Taylor is charged with violating 21 USC 841(a) (1) and  
16 (b) (1) (b), which makes it a federal crime for anyone to  
17 distribute a controlled substance.

18 In Count 13 of the superseding indictment in 19-466,  
19 defendant Ishmywel Calid Gregory is charged with violating 21  
20 USC 841(a) (1) and (b) (1) (c), which makes it a federal crime for  
21 anyone to distribute a controlled substance.

22 Heroin, fentanyl, methamphetamine, and cocaine  
23 hydrochloride are controlled substances. The defendants can be  
24 found guilty of each of the crimes identified only if all of  
25 the following facts are proved beyond a reasonable doubt in

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 each count: First, that the defendant knowingly possessed a  
2 controlled substance; second, the defendant distributed the  
3 controlled substance; and finally, that the weight of the  
4 substance the defendant distributed was as charged or a lesser  
5 amount. The defendant knowingly possessed the controlled  
6 substances if he knew he possessed substances listed on the  
7 federal schedule of controlled substances, even if he didn't  
8 know the identity of the substance or he knew that the -- or he  
9 knew the identity of the substance he possessed even if he did  
10 not know that the substances were listed on the federal  
11 schedule of controlled substances.

12 To distribute is to deliver possession of a controlled  
13 substance to somebody else, even if nothing of value is  
14 exchanged. Pardon me.

15 In Count 11, Mr. Taylor is charged with distribution of at  
16 least 50 grams of methamphetamine, but you may 942(c) the  
17 defendant guilty of the crime even if the amount of controlled  
18 substances for which he should be held responsible is less than  
19 that amount. So if you 942(c) Mr. Taylor guilty, you must also  
20 942(c) whether the government has proved beyond a reasonable  
21 doubt the weight of the methamphetamine that Mr. Taylor  
22 possessed and specify that amount on the verdict form.

23 In Count 12, Mr. Taylor's charged with the distribution of  
24 at least 5 grams of methamphetamine, but you may 942(c) the  
25 defendant guilty of the crime even if the amount of the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 controlled substance for which he is held responsible is less  
2 than that amount. So if you 942(c) Mr. Taylor guilty, you must  
3 also 942(c) whether the government proved beyond a reasonable  
4 doubt the weight of the controlled substance he possessed, and  
5 then, specify that amount on the verdict form.

6 In Count 1 of the indictment in 20-405, the defendant  
7 Rolando Antuain Williamson is charged with violating 18 USC  
8 924(c) (1) (a), which makes it a separate federal crime to  
9 possess a -- or use a -- I'm sorry -- to possess, use, or carry  
10 a firearm during and in relation to a drug trafficking crime.  
11 Mr. Williamson can be found guilty of this crime only if all of  
12 the following facts are proven beyond a reasonable doubt:  
13 First, that Mr. Williamson committed the drug trafficking  
14 crimes charged in Counts 1, 2, and 3 of the indictment, and  
15 that during and in relation to that crime, the defendant  
16 knowingly used or carried a firearm as charged in the  
17 indictment.

18 A firearm is any weapon designed to or readily convertible  
19 to expel a projectile by the action of an explosive. The term  
20 includes the frame or receiver of any such weapon or any  
21 firearm muffler or silencer. To use a firearm means more than a  
22 mere possession and more than proximity and accessibility to  
23 the firearm. It requires active employment of the firearm by  
24 brandishing or displaying it in some fashion. To carry a  
25 firearm is to have a firearm on one's person or to transport

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 the firearm, such as in a vehicle, from one place to another  
2 while committing drug trafficking crime. To use or carry a  
3 firearm in relation to a crime means that the firearm had some  
4 purpose or effect with respect to the crime and was not there  
5 by accident or coincidence. The firearm must have facilitated  
6 or had the potential of facilitating the crime.

7 In Count 7, defendant Rolando Antuain Williamson is  
8 charged with violating Title 18 USC 924(c)(1)(a), which makes  
9 it a separate federal crime to possess a firearm in furtherance  
10 of a drug trafficking crime. Mr. Williamson can be found guilty  
11 of this crime only if all of the following facts are proved  
12 beyond a reasonable doubt: First, that Mr. Williamson committed  
13 the drug trafficking crime charged in Count 6 of the  
14 superseding indictment and that Mr. Williamson knowingly  
15 possessed a firearm in furtherance of that crime as charged in  
16 the indictment.

17 A firearm is any weapon designed to or readily convertible  
18 to expel a projectile by the action of an explosive. The term  
19 includes the frame or the receiver of any such weapon or any  
20 firearm muffler or silencer. To possess the firearm is to have  
21 direct physical control of the firearm or to have knowledge of  
22 the firearm's presence and the ability and intent to later  
23 exercise control of the firearm. Possessing a firearm in  
24 furtherance of the crime means that the firearm helped,  
25 promoted, or advanced a crime in some way.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 In Count 2 of 20-151, defendant Hendarius Lamar Archie is  
2 charged with violating 18 USC 924(c)(1)(a), which makes it a  
3 separate federal crime to possess a firearm in furtherance of a  
4 drug trafficking crime. Mr. Archie can be found guilty of this  
5 crime only if all of the following facts are proven beyond a  
6 reasonable doubt: Number one, that Mr. Archie committed the  
7 drug trafficking crime charged in Count 1 of 20-151 and that  
8 Mr. Archie knowingly possessed a firearm in furtherance of that  
9 crime as charged in the indictment.

10 As I've already said, a firearm is any weapon designed to  
11 or readily convertible to expel a projectile by the action of  
12 an explosive. The term includes the frame or receiver of any  
13 such weapon or a muffler or silencer. To possess a firearm is  
14 to have direct physical control of the firearm or to have  
15 knowledge of the firearms presence and the ability and intent  
16 to later exercise control over the firearm. Possessing a  
17 firearm in furtherance of a crime means the firearm helped,  
18 promoted, or advanced the crime in some way.

19 The following instruction involves use of a communication  
20 facility in violation of 21 USC 843(b), which makes it a  
21 separate federal crime for anyone to knowingly use a  
22 communication facility to commit or help commit another crime  
23 violating Section 846 and 841(a)(1) as charged in Count 2 of  
24 the superseding indictment in 19-466.

25 The superseding indictment charges defendant Adrien Hiram

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Taylor with this offense in Counts 20, 21, and 22. Defendant  
2 Rolando Antuain Williamson is charged with the same offense in  
3 Counts 34, 35, 39, 40, and 41. Each defendant can be found  
4 guilty of each charged offense of unlawful use of a  
5 communication facility only if, for each count, all of the  
6 following facts are proved beyond a reasonable doubt: The  
7 defendant used a communication facility; the defendant used the  
8 facility while committing or helping to commit the crime  
9 charged in Count 2, which is conspiracy to distribute drugs;  
10 and finally, that the defendant acted knowingly and  
11 intentionally.

12 The term "communication facility" includes all mail,  
13 telephone, radio, wire, and computer-based communication  
14 systems. To help to commit a crime means to use a communication  
15 facility in anyway that makes committing the crime easier or  
16 possible. It doesn't matter if the crime was successfully  
17 carried out.

18 In Count 1, defendant Rolando Williamson is charged with  
19 the violation of 21 USC 848, which makes it a federal crime for  
20 anyone to participate in a continuing criminal enterprise  
21 involving controlled substances. Title 21 USC 846 makes it a  
22 crime for anyone to conspire to distribute controlled  
23 substances in violation of 21 USC 841(a)(1) as charged in Count  
24 2 of the superseding indictment. 21 USC 841(a)(1) makes it a  
25 crime for anyone to knowingly distribute or possess with intent

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 to distribute heroin, methamphetamine, fentanyl, or marijuana  
2 as charged in Counts 3, 5, 6, and 8 of the superseding  
3 indictment. I'll remind you that fentanyl is also known as  
4 N-phenyl-N-(1-(2-phenethyl)-4-piperidinyl-propanamide. Title 18  
5 USC 924(c)(1)(a) makes it a crime for anyone during and in  
6 relation to a drug trafficking crime to use or carry a firearm  
7 or to possess a firearm in furtherance of a drug trafficking  
8 crime as charged in Count 7 of the superseding indictment and  
9 Count 1 of the indictment in 20-405.

10 Title 21 USC 843 makes it a crime for anyone to knowingly  
11 use a communication facility to commit or help commit another  
12 crime violating 841(a)(1)(a) as charged in Counts 34, 35, 39,  
13 40, and 41. Mr. Williamson can be found guilty of this crime  
14 only if the following facts are proved beyond a reasonable  
15 doubt: First, that Mr. Williamson is guilty of at least three of  
16 the following counts: Count 2, 3, 5, 6, 7, 8, 34, 35, 39, 40,  
17 or 41 of Case Number 19-466 and Count 1 of Case Number 20-405.

18 The second element the government must prove is the  
19 violations were a part of a continuing series of violations.  
20 Third, they have to prove beyond a reasonable doubt that Mr.  
21 Williamson participated in a continuing series of violations  
22 together with at least five other people for whom he was an  
23 organizer or supervisor or manager, and Mr. Williamson got  
24 substantial income or resources from the continuing series of  
25 violations.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1           And finally, that Mr. Williamson was a principal  
2 administrator or organizer or leader of the enterprise, and  
3 that the weight of the methamphetamine involved in the crime  
4 was at least 1500 grams.

5           A continuing series of violations means proof of at least  
6 three related violations of the federal controlled substances  
7 laws as charged in Count 2, 3, 5, 6, 7, 8, 34, 35, 40, and 41  
8 of the superseding indictment in 19-466 and Count 1 of 20-405.  
9 Plus, proof that the violations were connected as related  
10 ongoing activities rather than isolated or disconnected acts,  
11 and you must unanimously agree on which three or four  
12 violations Mr. Williamson committed, which will be indicated by  
13 your verdicts in each of those counts.

14           The government must prove that Mr. Williamson engaged in  
15 the continuing series of violations with at least five other  
16 people. It doesn't matter whether those persons are named in  
17 the superseding indictment or whether the same five or more  
18 people participated in each crime or participated at different  
19 times. The government must also prove that Mr. Williamson was  
20 an organizer, supervisor, or manager and either organized or  
21 directed the activities of the others. In other words, Mr.  
22 Williamson must have been more than an mere fellow worker. It  
23 doesn't matter whether Mr. Williamson was the only organizer or  
24 supervisor or whether Mr. Williamson delegated authority to a  
25 subordinate and didn't have personal contact with each of the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 people whom he organized, supervised, or managed through  
2 directions given to someone else.

3 The government must prove that Mr. Williamson obtained  
4 substantial income or resources from the continuing series of  
5 violations. Substantial income or resources means significant  
6 sizes or amounts of money or property, but not necessarily any  
7 profit that Mr. Williamson received from the crimes, not some  
8 relatively insubstantial insignificant trivial amounts or  
9 sizes.

10 At this point, before I give the attorneys an opportunity  
11 to present their closing arguments, I want to go over, briefly,  
12 the verdict form with you. You'll see that for each count there  
13 is a separate piece of paper. It will identify the count  
14 number. It will say that the jury finds whatever the defendant  
15 is, and there's a box to check guilty or not guilty, and you  
16 would mark them as an X. And then, the foreperson would date  
17 and sign that form on each page.

18 You will note that some of these verdict forms are longer  
19 than others. If you 942(c) the defendant not guilty, you do not  
20 have to go any further than checking that not guilty mark. If  
21 you 942(c) the defendant guilty, then you have to go through  
22 the drugs and the weight. I believe that that is it. With that,  
23 I will allow the government to present its closing arguments.

24 MR. ALBEA: Can we approach just briefly? Housekeeping  
25 matter.

1 THE COURT: Yes.

2 JUROR: Your Honor, may I go to the restroom while  
3 you --

4 THE COURT: You may.

5 (Bench conference on the record, as follows:)

6 THE COURT: If you were happy with it will -- you're  
7 satisfied with the way I instructed the jury?

8 MR. ALBEA: Mr. Gregory is.

9 MR. WOODFIN: Well, reserving our proposed instruction,  
10 we do not have any objection to the way the instructions were  
11 made.

12 MR. GARDNER: What was the question?

13 MS. WALLACE: Any objections to the way instructions  
14 were read?

15 MR. GARDNER: No, Your Honor. Thank you.

16 MS. WALLACE: None from Mr. Archie.

17 MR. DIMLER: No. I forgot to take out Count 4, that was  
18 the 924(c), so I have that.

19 THE COURT: That reminds me.

20 MR. DIMLER: I just want to make sure y'all were okay  
21 with it.

22 THE COURT: That reminds me that we don't have copies  
23 of the indictments in another two cases with the redactions --

24 MR. DIMLER: We did. We redacted those as well.

25 THE COURT: Oh, okay. See, I made that up.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 MR. DIMLER: We did author it. The only one that was  
2 messed up was that one count in the superseding indictment, and  
3 Trey caught it.

4 THE COURT: Got it. Thank you.

5 MR. ALBEA: The only other issue is, given the time,  
6 which is a little before 11:30.

7 THE COURT: Is it?

8 MS. WALLACE: It's 11:26.

9 MR. ALBEA: What we don't want is the government to  
10 close and break.

11 THE COURT: Yeah. Okay. I'm sorry. Thank you so much  
12 for noticing that. They don't have a clock back there.

13 MS. WALLACE: It's crazy. Okay.

14 MR. ALBEA: I'm fine just going all the way through. I  
15 don't care. I just don't want to break after they close.

16 MS. WALLACE: Mr. Cross objects.

17 THE COURT: He objects?

18 MS. WALLACE: Mr. Cross does. He's ready to go home.

19 THE COURT: Okay. That was a joke for the record. Okay.  
20 Let me ask y'all one question: Do you -- I'm not going to  
21 instruct them on the forfeiture now, but do we need to tell  
22 them that they have the forfeiture?

23 MR. DIMLER: I think you can tell them. It's just --  
24 what is on the forfeiture?

25 MR. CROSS: Kings Ranch and ammunition.



1 MR. DIMLER: Kings Ranch and ammunition.

2 MS. WALLACE: And then, in Archie's case, you have the  
3 gun.

4 MR. WOODFIN: Sorry. Judge, I think if I could speak to  
5 you, after -- or if we're back to break, maybe I could speak to  
6 him about the forfeiture and that might or might not, but it  
7 will at least give us a direction on --

8 THE COURT: Okay. That's fine. That's a good idea.  
9 Thank you so much. All right.

10 Ladies and gentlemen, on having thought about it, I think  
11 it might be better so that we don't have to separate out the  
12 arguments if we go ahead and adjourn for lunch a little early  
13 today. So why don't we do this. It is 11:30. Why don't we meet  
14 back here or back in the jury room, I should say, at 12:30,  
15 okay? Thank you.

16 (Jury out and recess began at 11:28 a.m.)

17 (Jury in and recess ended at 12:37 p.m.)

18 THE COURT: Good afternoon. I think we are at the point  
19 in the trial where we are ready to hear the closing arguments  
20 of counsel. If the United States would like to present their  
21 closing argument.

22 MR. DIMLER: Thank you, Your Honor. Ladies and  
23 gentlemen of the jury, good afternoon. It's been my pleasure,  
24 as well as AUSA Jonathan Cross, to represent the United States  
25 in this case. We thank you for your time and attention.

1 Appreciate everything you've done here. This is an important  
2 case both for the defense and for the government. I feel like  
3 you all should get a medal for having sat through seven  
4 chemists and a fingerprint expert. But these things are all  
5 important, and there's a reason why we called each one of these  
6 witnesses.

7 I want to talk with you now. My job is to sort of go  
8 through the elements of the offenses, talk with you about those  
9 elements, and then talk with you about some of the facts, the  
10 exhibits, and the witnesses that you've heard from and why we  
11 believe that we've met the elements of each and every offense.

12 I want to talk with you, first, about the elements of  
13 distribution of a controlled substance that's referenced. And  
14 by the way, before I get into this, one of the things the judge  
15 is going to give you -- my understanding is that the judge will  
16 give you a copy of the instructions, which will be helpful so  
17 that, if you need to go over them again, that will be helpful.  
18 You'll also get redacted copies of the superseding indictment  
19 we referred to and the two other additional indictments that  
20 were joined in this case. So, hopefully, these numbers won't be  
21 meaningless to you.

22 Counts 8, 11, 12, and 13 have to do with distribution of a  
23 controlled substance. Essentially, a defendant has to knowingly  
24 possess a controlled substance and then distribute it.  
25 Distribution simply means the transfer of possession. You don't

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 have to make any money. It doesn't have to have any other  
2 enumeration. It's simply the transfer of possession. So with  
3 almost all of these charges -- so, for example, if you see a  
4 charge that says a mixture and substance containing a  
5 detectable amount of, whatever, heroin, methamphetamine,  
6 cocaine hydrochloride, that's an instance where you won't have  
7 to make an independent finding -- excuse me -- of weight.

8 In those cases where there's a charged amount, so for  
9 example, it may say 50 grams or more of methamphetamine or 1  
10 kilogram or more of heroin, you'll have choices to make, and  
11 those choices will be based on the evidence that we presented.  
12 One of the things that you're going to have to do is take a  
13 look at the lab reports that were admitted into evidence  
14 through the chemists and match those lab reports with the drug  
15 exhibits. And I know that you all paid very good attention so  
16 you'll know what those drug exhibits -- how they married up  
17 against the charges.

18 So let's talk about this: The controlled purchase from  
19 Adrien Taylor. As you will recall, there were two controlled  
20 purchases that were done on April 30th. Count 12 represents  
21 that first controlled purchase. This is an instance where  
22 Taylor sold over 2 ounces of methamphetamine. You have a lab  
23 report that reflects the methamphetamine. If you don't know  
24 this, 1 ounce is about 28 grams. So we've charged that it's  
25 over 5 grams, and it is, in fact, over 5 grams.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1           How do you know that this happened? Well, you heard the  
2 testimony of Special Agent Gerhardt who told you, as well as  
3 Task Force Officer Washington, who told you what a controlled  
4 purchase is. They searched the source before, searched the  
5 source after, provided the source with money, made sure they  
6 don't have any other drugs, follow them to the meet location.  
7 They place a body wire and a live transmitter on the source, so  
8 that they can hear what's going on.

9           In addition to that, you all know that the calls leading  
10 up to these buys with Mr. Taylor and Mr. Gregory were, in fact,  
11 to Mr. Taylor and Mr. Gregory because you know that those are  
12 the same telephone facilities on which the FBI conducted  
13 wiretap operations. And so that was confirmed that way.

14           Count 13, this is the sale to Mr. Gregory. You'll recall,  
15 this is about half ounce of cocaine. This is an instance of  
16 where the actual charge itself will simply tell you cocaine  
17 hydrochloride, an amount. You won't be asked to 942(c) a weight  
18 on that. It will just be a yes or no decision in terms of your  
19 verdict. How do you know that that happened? Well, the same  
20 reason that you know that the controlled purchase with Mr.  
21 Taylor occurred, because it happened in the same manner on the  
22 same day.

23           I noticed counsel, at the beginning of the case at opening  
24 statement, said that he had conceded that. I don't know if he  
25 will say the same thing or not, but regardless, you have the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 evidence before you to make that finding. Controlled purchase  
2 from Williamson, this is, if you recall, when the FBI sent in  
3 their cooperating witness. Remember, the pole camera? There was  
4 a person that went in the house with Mr. Williamson. There's a  
5 really extensive transcript from that interaction, and I would  
6 urge you to read that transcript. Obviously, the judge has told  
7 you in her instructions that the ultimate evidence is the  
8 audio. So if you feel it necessary, play the audio and compare  
9 it to the transcript. We're very confident that the transcripts  
10 are as accurate as possible. But that's ultimately for you all  
11 to decide.

12       This was a really critical meeting. Not only did we get a  
13 sample, a very small sample of heroin and fentanyl that was  
14 given to the cooperating source by Mr. Williamson, but it also  
15 detailed a lot of the history of Mr. Williamson with this  
16 particular person who, as you heard, was a drug courier or a  
17 mule from Mexico on behalf of an individual named Meme who  
18 would later show up in some text messages with Mr. Williamson  
19 from his telephone.

20       Controlled purchase from Taylor on June 19th, 2019, this  
21 is one, you may recall, where there was a video, phone was  
22 facing the wrong way. Instead of Mr. Taylor coming up on the  
23 driver's side. He came up on the passenger side but it's still  
24 a pretty good video because what it shows you is that there's a  
25 person he's meeting with, and you know who person is because

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 you have the calls leading up to it, and you can see a handoff  
2 at that point.

3 All right. Possession with intent to distribute. So here's  
4 what differentiates distribution from possession with the  
5 intent to distribute. Distribution is where the actual transfer  
6 of drugs occurs. Possession with the intent to distribute is  
7 where someone possesses an amount and later intends to  
8 distribute that amount. So if you think of it this way, in a  
9 controlled purchase, it's almost always a distribution. In a  
10 search warrant, it's almost always possession with the intent  
11 to distribute, because when you go in on a search warrant, you  
12 go into a house, the drugs haven't been delivered to anybody  
13 yet, but they're still there.

14 The defendant knowingly possessed it. The defendant  
15 intended to distribute it. How do you determine whether a  
16 defendant intended to distribute it? Well, it's not personal  
17 use amount, right? So when you go into Mr. Williamson's -- I'll  
18 click down here -- when you look at say, for example, this, the  
19 search warrant at 1200 Oaks, 128.9 grams of fentanyl. That's a  
20 massive amount of fentanyl, right? So you can make that  
21 determination simply on the basis of how much drugs were there.

22 I go back -- of course, the weight. Again, sometimes  
23 you'll be asked to 942(c) the weight. In those instances where  
24 you do, where we've asked you to 942(c) a weight, there will be  
25 a lab report that will exceed that amount. As long as you link

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 that up, you will 942(c) it.

2 Use and carry a firearm during and in relation to. So  
3 there's two theories of prosecution under what we call 924(c).  
4 One is this one, which is use and carry a firearm during and in  
5 relation to a drug trafficking offense. Think of it this way to  
6 differentiate the two theories: The judge told you about actual  
7 possession and constructive possession. In this instance, it's  
8 actual possession. So this is where someone has a gun on their  
9 person or, as the instruction says, has a gun in their car, and  
10 they're in the process of conducting some type of a drug  
11 transaction.

12 So in this particular instance of 20-cr-405, the defendant  
13 in this case, Mr. Williamson, is alleged to have carried a  
14 firearm, and this is the time when the firearm was in the car.  
15 There was a firearm in the Hellcat, and there was also a  
16 firearm on his person when he got arrested. During and in  
17 relation to that crime, the defendant knowingly used or carried  
18 the firearm.

19 Here's some definitions. This is what it means to carry  
20 it: To have it on one's person or to transport it in a vehicle.  
21 For it to be done in relation to, means that the firearm had  
22 some purpose or effect with respect to the crime. Well, what  
23 evidence do you have of that? One of the things that you heard,  
24 I believe when Patrick McSwain testified, was I asked him, you  
25 know, why do drug dealers carry guns? If you were to get your

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 drugs stolen, would you go to the police? And he kind of  
2 laughed. I think the reason he laughed is because what he  
3 realizes is that the reason that drugs and guns go together is  
4 because drugs are something that are very valuable, and you  
5 absolutely cannot go to the police about it. If it gets stolen,  
6 that's it. So you have a gun to protect those drugs.

7 Talking about Mr. Williamson's arrest on August 22nd, this  
8 is Counts 3 and 4. In Count 3, this is in relation to the drugs  
9 that were found in the vehicle at the inventory search as well  
10 as the gun. There was a Glock 23 .40-caliber that I believe was  
11 discovered in the inventory search, but there was also a  
12 Colt .380 that was in his pocket. This was alleged to have --  
13 the underlying drug offense is alleged, not only with regard to  
14 Count 3, but I believe with the conspiracy in general. How is  
15 he in the process of drug trafficking? Well, he's accused of  
16 conspiracy, and he's got drugs on him, and he's got a pretty  
17 large amount of money.

18 Possession of a firearm in furtherance of a drug  
19 trafficking offense. This is the search of 1200 Oaks Drive.  
20 First, Mr. Williamson committed the drug trafficking, crime  
21 charged in Count 6, and that Mr. Williamson knowingly possessed  
22 a firearm in furtherance. So this is the alternative theory,  
23 right? This is where the guns are not on the person, in the  
24 vehicle, but say, for example, they're in a house. So the  
25 distinction between actual and constructive possession is this:

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 When your carrying the firearm, it's on your person or in your  
2 vehicle; when it's possession of a firearm in furtherance, it's  
3 constructive possession. And the judge instruct you that  
4 constructive possession is where you don't have the actual  
5 physical possession of the item, but you have to intend to take  
6 possession of it at a later date.

7 So what we're talking about here is this particular search  
8 warrant at the apartment at 1200 Oaks Drive. There was  
9 128.9 grams of fentanyl laced with heroin. How do you know Mr.  
10 Williamson possessed this with the intent to distribute it?  
11 Well, three separate fingerprints from his ten fingers were on  
12 the Huggies box that contained these drugs. There was roughly  
13 50 pounds of marijuana there. There were four rifles and over  
14 400 rounds of ammunition. And, of course, there was cash, and  
15 there was expensive jewelry.

16 You know, one of the things that you're going to be  
17 required to do in this case is exercise your common sense.  
18 Exercise your reason, and ask yourself, why did he have four  
19 rifles and 1400 rounds of ammunition? And I would say to you  
20 that the reason he had that is because he realized that this  
21 stuff is valuable and that it needed to be protected, and  
22 that's exactly what this statute was designed for.

23 Search warrant at 1808 Arlington, August 22nd, Count 5,  
24 during this search there was recovered 500 grams of  
25 methamphetamine. This is another instance where it's possession

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 with intent to distribute, and you'll be required to 942(c) a  
2 particular weight. There is a lab report that corresponds with  
3 the methamphetamine that exceeds 500 grams, 131 grams of  
4 heroin, and roughly, 50 pounds of marijuana. And again, there  
5 was a good number of rounds of ammunition.

6 This is the arrest of Hendarius Archie. What you're going  
7 to see is you're going to have three separate redacted  
8 indictments. The first is the large superseding indictment. The  
9 second is an indictment that just contains a 924(c) charge with  
10 regard to Mr. Williamson, and that has to do with the date of  
11 his arrest. And the third has to do with this arrest of Mr.  
12 Archie. I think you may remember some of this testimony. Mr.  
13 Archie was not wearing pants, and they went back and that was  
14 when they found the marijuana, the pills, and a loaded Glock  
15 and \$488.

16 The use of a telephone to facilitate a drug trafficking  
17 crime. This is in Counts 20, 21, 22, 34, 35, 39, 40, and 41.  
18 This is essentially -- and I styled it use of a telephone to  
19 facilitate. I believe it actually says a communication facility  
20 in the instruction. But what you'll see in the instruction is  
21 that the definition for a communication facility includes a  
22 telephone. And in each of these instances, the telephone that  
23 was used was based on wire -- intercepted wiretap  
24 communications.

25 So when you get the redacted indictment, you'll have the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 counts, and those counts will correspond with -- the easiest  
2 way to do it is to take the transcript, the count has a time  
3 and a date for who the call is, and it also has who the  
4 participants are. And when you look at that transcript, you'll  
5 see that it matches up, and that's how you'll know which one  
6 you're looking at.

7 This is a summary. These are the counts. On the left side,  
8 the date, the time, the defendants, and the exhibit. And as I  
9 told you, that will line up pretty easily. It's too much to go  
10 through now, but it will line up pretty easily when you look at  
11 the transcripts and compare those to what's left on the  
12 indictment.

13 All right. Conspiracy to distribute and possess with  
14 intent to distribute. This is really the heart of the case.  
15 What makes conspiracy is that two or more people in some way  
16 agree to accomplish a shared and unlawful plan, the object of  
17 which is to distribute these various drugs; that the defendants  
18 knew of the unlawful purpose of the plan and joined it; and  
19 that the unlawful purpose of the plan was to do these sort of  
20 substantive crimes that we talked about.

21 A couple of things that you need to really know from the  
22 instructions that the judge gave you is that a conspiracy is an  
23 agreement between two or more persons. This is important. The  
24 government does not have to prove that all of the people named  
25 in the superseding indictment were members of the plan or that

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 those who were members made any formal type of agreement. One  
2 of the things that you're going to see, and I think you've  
3 picked up on this already based on the testimony that you've  
4 heard from the cooperating defendants, but there are only four  
5 individuals here at trial today. You are not required to  
6 determine whether those four individuals have formed a  
7 conspiracy overall. It is possible that you could say, well --  
8 and one of the things that was argued and I think pointed out  
9 well was that Mr. Williamson and Mr. Taylor did not like one  
10 another and that Mr. Taylor and Mr. Williamson did not do drug  
11 deals together. You don't have to make that finding.

12       It is sufficient that you 942(c) that there was one plan,  
13 the object of that plan was to deal drugs, and that these  
14 individuals joined in. A person may be a conspirator without  
15 even knowing the details of the unlawful plan or the names or  
16 identities of all the alleged co-conspirators. So it isn't  
17 required that you focus in on these four individuals. You're  
18 going to see a much longer list.

19       One of the other things that the indictment says, and I  
20 want to point this out to you, is that it alleges not only a  
21 conspiracy between the named individuals, but it also has a  
22 phrase in it that says, "with others both known and unknown to  
23 the grand jury". In other words, there can be people who aren't  
24 listed as conspirators in the indictment who are still  
25 conspirators.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1           Let me give you an example. One of the individuals that  
2 you heard from was Demarcus Whitt. He was first cooperating  
3 defendant. Demarcus Whitt, I think you picked up from his  
4 testimony, pled guilty in a federal drug case.  
5 It was not this drug case. Patrick McSwain is another example  
6 of an individual who was in this -- I think you heard he was  
7 investigated by the DEA, prosecuted by our office from the DEA,  
8 but in a separate indictment. That doesn't mean he's not still  
9 a conspirator. That doesn't mean he wasn't still involved in  
10 this conspiracy. Had he testified extensively about his drug  
11 dealing activities with Mr. Gregory.

12           Okay. I put this up just to show you some of the  
13 individuals who are named in the indictment that you'll see. I  
14 put just about every name you heard from. Mr. Archie, who is  
15 here; Janaya Bibb; Christopher Cooke; Errick Daniel; Leanthony  
16 Gillins; Mr. Gregory; the Hatter brothers; Antonius Hayes;  
17 Darius Johnson; you heard from Kenneth Johnson; there's another  
18 individual named Sirterrious Lee; you heard the name Yolanda  
19 Milton; Tevion Poole, who is in the video with Mr. Williamson;  
20 Adrien Taylor, who is here; Isiah Thomas, who testified before  
21 you; and, obviously, Mr. Williamson.

22           You heard from Demarcus Whitt. We called cooperating  
23 defendants who testified about their knowledge of their portion  
24 of the conspiracy, and, again, it isn't required in a  
25 conspiracy for these folks, 25 folks, to get together and have

1 a meeting and sit down and say, All right. Let's have our board  
2 meeting today. Let's plan out our drug trafficking activities  
3 for the next month.

4 It's sufficient that there is a plan and that that plan  
5 is to deal illicit drugs and that these individuals joined in  
6 that plan. Demarcus Whitt testified and told you that he both  
7 bought and sold drugs from Ishmywel Gregory. In addition to  
8 that, he talked about an individual named Isaac Robinson, and  
9 Isaac Robinson becomes important later.

10 The testimony of Patrick McSwain: Patrick McSwain  
11 talked about, if you recall, that he was initially buying drugs  
12 from Mr. Gregory, but eventually, got source of supply out of  
13 Mexico where he was able to move essentially massive quantities  
14 of drugs, and then he was selling a lot of those drugs to Mr.  
15 Gregory and that he knew that Mr. Gregory and Mr. Williamson  
16 had a relationship, both because he's seen Mr. Williamson show  
17 up at Mr. Gregory's residence to do a heroin deal, but in  
18 addition to that, when they ended up in the same facility, they  
19 had conversations about Mr. Gregory and about their drug  
20 trafficking relationship.

21 The testimony of Kenny Johnson: Kenny Johnson, ladies  
22 and gentlemen, low level drug dealer, just doing little stuff  
23 here and there, but he got essentially almost all of his drugs  
24 from Mr. Taylor. You know this. You heard from Kenny Johnson.  
25 You heard the wiretap calls. You know, one of the things that I

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 think you noticed is that the judge instructed you about the  
2 caution that you have to take with cooperating defendants. And,  
3 listen, we didn't hide the fact that these folks pled guilty  
4 and that they're hoping for leniency on their sentence. The  
5 truth is almost no cooperating defendant comes in to federal  
6 court and testifies against their friends because they want a  
7 better America.

8 COURTROOM DEPUTY: Five minutes.

9 MR. DIMLER: They don't do it because they want to  
10 improve their community. They do it because they're scared, and  
11 they do it because they're in trouble. And it's the job of  
12 federal agents who have researched and investigated this case  
13 to corroborate that information to determine whether that  
14 information is verifiable or not. So as you judge the  
15 credibility of these people, no doubt you have to ask yourself  
16 whether they have a motive to lie. But the other thing you  
17 should ask yourself is this: Who knows better about what these  
18 gentleman were up to than those four people? Who knows more,  
19 and who knows better?

20 All right. The testimony of Isiah Thomas. This is crucial.  
21 Thomas was an insider. You know this. Thomas told you that  
22 Leanthony Gillins and Errick Daniel were Mr. Williamson's  
23 right-hand men. They lived in his apartment at his house. They  
24 operated out of 1808 Arlington, and Isiah Thomas was probably  
25 third or fourth down the rung. And you know this because in Mr.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Williamson's jail telephone he said, From Ike on down, we're  
2 all in trouble. From Ike on down. And he referred to himself as  
3 the backbone.

4 All right. Continuing criminal enterprise, I don't have a  
5 lot of time to talk about this, but what you have to do as far  
6 as the CCE charges, if you 942(c) Mr. Williamson guilty of any  
7 of the substantively listed offenses there, he has to have been  
8 convicted of at least three of them or you cannot consider the  
9 CCE charge. The violations are part of the continuing series of  
10 violations. I think it's pretty self-evident that that's what  
11 happened based on the evidence.

12 Mr. Williamson participated in a series of violations with  
13 five other people. Well, how do we know that? You just have to  
14 look at this chart. This is based on the testimony of Isiah  
15 Thomas. There's way more evidence than that. You know that one  
16 of his couriers met with him in the video from the 11th at his  
17 house because you can read that transcript. But you also know  
18 that Tuff and Shezzy got arrested, and that's confirmed. You  
19 also know that he was working with Mr. Gillins, Mr. Daniel, Mr.  
20 Thomas, and Mr. Gregory.

21 Let's see here. Principal administrator, leader, again,  
22 that's a similar analysis. There's definitions for that that  
23 you'll see in the instructions and that the weight of the  
24 methamphetamine involved in the crime was at least 1500 grams.  
25 Well, just based on the testimony alone of Mr. Thomas you're

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 there, and he saw it one time. I think he said six bricks,  
2 which he said were either kilos or pounds. It doesn't matter  
3 either way. If it was pounds, that's 2.2 kilos per pound. If  
4 not, either way it's still well over that amount. And imagine  
5 this, one time, one date and time, we executed a search warrant  
6 on Mr. Williamson and at just that snapshot recovered over  
7 500 grams of methamphetamine.

8 Remember it doesn't matter whether the people named are in  
9 the superseding indictment or whether the same five or more  
10 people participated in each crime. I want to say very quickly  
11 about Hendarius Archie. Remember, there were calls -- Mr.  
12 Archie, it's not just the time that he was arrested with the  
13 guns and money. There was this call where he talked about a cup  
14 of ice and explained in a later call that it was 250 for the  
15 whole and 150 for the half. He's talking about an ounce of  
16 methamphetamine.

17 Mr. Taylor, he had the buys. In addition to that, he  
18 talked with Johnson and then Klonde Hatter and then also Mr.  
19 Archie. He talked about ice, methamphetamine, weed. Go through  
20 those transcripts. Take a look at those calls. You were given  
21 the code at the beginning of this case so that you could read  
22 those calls and know what's being talked about.

23 And Mr. Gregory, at the buy, you may recall where the  
24 cooperating witness went in there. In that call, they talked  
25 about -- he offered to sell them cream. So even though the buy

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 was for cocaine, he offered to sell him cream, which you now  
2 know to be methamphetamine.

3 All right. I'm losing my breath. That's a lot folks. My  
4 job is to kind of take you through the elements and sort of  
5 help you with that. You're going to hear from Mr. Cross a  
6 little bit later after the defense attorneys give their closing  
7 argument. We're confident that when you sit down and when you  
8 review the evidence that we gave you and apply the facts to the  
9 law in this case that you'll return verdicts of guilty on all  
10 defendants.

11 THE COURT: Mr. Woodfin.

12 MR. WOODFIN: Yes, Your Honor. I was going to ask,  
13 could I move the table, so I could put my notepad.

14 THE COURT: Sure. Don't --

15 MR. WOODFIN: I was going to move it back just so that  
16 way she can hear me.

17 Members of the jury, good afternoon. Been here for five  
18 days now. Starting on Monday in my opening statement one of the  
19 first things I said to you was that the government would not be  
20 able to prove beyond a reasonable doubt that Rolando Williamson  
21 was the principal administrator of a drug organization, and  
22 they have failed in that regard. The definition of proof beyond  
23 a reasonable doubt is evidence that you would rely on without  
24 hesitation in the most important of your own affairs. Think  
25 about that for a moment. The most important of your own

1 affairs. We know the types of things those are, whether to move  
2 for a job, where to send your kids to school, whether to take a  
3 mortgage out on a house. That's the level of proof beyond a  
4 reasonable doubt, and you have to stop and think like a juror  
5 and think, did they really show that he was the principal  
6 administrator of a drug organization?

7 So now that you know the lens, let's put the evidence  
8 under the microscope. So three elements that were touched on at  
9 the end of the government's first closing argument there we're  
10 all apart of continuing criminal enterprise. It's a complicated  
11 statute. There's several elements. I encourage you to go back  
12 through the instruction and check those to carefully look at  
13 them. But the three I want to focus on right now are: First,  
14 that he was, in fact, a principal administrator, which they  
15 have to prove beyond a reasonable doubt; two, that he directed,  
16 managed, supervised five or more persons; and three, that there  
17 were 1500 grams of methamphetamine.

18 So I'll start with the last one. As Mr. Dimler just said,  
19 the government has offered into evidence 500 grams of  
20 methamphetamine. But what he also said there, too, was if you  
21 go back to Isiah Thomas's testimony, then you'll have more than  
22 1500. And that's a key point because seeing is believing. They  
23 moved 500 grams into evidence. There was also two other amounts  
24 from controlled buys from Mr. Taylor and one of the other  
25 co-defendants, but that doesn't get to 1500. And the testimony

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 from law enforcement, from Agent Gerhardt and Mr. Washington,  
2 is that Mr. Williamson was not on those videos and didn't have  
3 any connection to those buys. So you have to go to Isiah  
4 Thomas's testimony, and I'm going to touch on that more later.

5 But when you think about Isiah Thomas, you have to think  
6 about everything he has going on in his life currently and how  
7 he wants to save himself. That's what he said today, that he  
8 wanted to save himself. So to get to that 1500, his testimony  
9 has to be apart of it. And then you have to ask yourself, would  
10 I rely on Isiah Thomas's testimony in the most important of my  
11 own affairs knowing what he's looking at. Not just this case,  
12 because he had another case where he was caught with two kilos.  
13 He was on house arrest somewhere in there. He was arrested for  
14 drug trafficking. And he told you today he's here to save  
15 himself. And that's a key element for continuing criminal  
16 enterprise.

17 And I would never get up here and ask you to stick your  
18 head in the sand. We all saw the evidence that the government  
19 offered. But to think like a juror, you do have to stop and  
20 carefully look at that because Isiah Thomas's testimony has to  
21 be apart of that calculus. It has to.

22 Then, we have the five of more persons. And as I go  
23 through these two, I will touch on some of the other counts,  
24 the 924 and the 843, but my main focus will remain on Count 1.  
25 But we heard testimony from Agent Gerhardt earlier in the week

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 and from Special Task Force Officer Jude Washington. And like  
2 I've already covered, there was testimony about phone calls,  
3 transcripts, and controlled buys. There was also testimony  
4 about June 11th, 2019. And that was mentioned in the  
5 government's closing argument that there was a cooperating  
6 witness that day, and Agent Gerhardt testified that the  
7 intention that day was this \$10,000 buy. But that's not what  
8 took place. In the end, he was called a courier during their  
9 argument, but in the end, he came out with less than a gram.

10 And he ultimately did not -- he was taken out of the jail.  
11 He was arrested after that. He's been described as a courier in  
12 argument, but look back at the evidence. What actual tangible  
13 evidence did he bring for the government for this trial? It was  
14 less than a gram.

15 Then, we had the pole camera footage. There was some from  
16 June 11th. There was some from July. The pole camera footage  
17 was more telling for what wasn't presented to you and what  
18 wasn't on it. Isiah Thomas wasn't on the pole camera footage.  
19 Adrien Taylor, Ishmywel Gregory, Hendarius Archie, not on the  
20 pole camera footage. Not there. Seeing is believing. They have  
21 to prove a conspiracy. The testimony was that my client and  
22 Adrien Taylor don't like each other and don't deal with each  
23 other, no transactions. That's not conspiracy. There's also --  
24 they have to prove that my client directed, managed, supervised  
25 five or more persons. He didn't have any dealings with Mr.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Taylor. That's not directly managing or supervising five or  
2 more people.

3 And quickly, as to the 924 counts, one count deals with  
4 the rifles that were found at The Oaks apartment. Agent  
5 Gerhardt testified that there were no confirmed fingerprints on  
6 DNA on those rifles and that my client, Mr. Williamson, was not  
7 there when those were recovered. The element there is in  
8 furtherance. My client wasn't even there when they seized those  
9 weapons. And there was no forensic evidence taken off those  
10 weapons, and I know he testified that, in his experience and in  
11 his career, they have never gotten a fingerprint off a gun. But  
12 in the end, this is the side of the room with the burden of  
13 proof. An explanation for a lack of evidence still means there  
14 was a lack of evidence.

15 Now, there was also testimony about my client being  
16 arrested at the Publix parking lot and that there was a gun in  
17 his pocket and then a gun in the car. And the allegation is  
18 that was during and in relation to a drug trafficking crime.  
19 But the evidence was that my client was walking out of Publix  
20 with balloons on the way back to his car. And while he was  
21 there at that location, there was a small amount of marijuana  
22 in the console of the car. So small that when I was questioning  
23 Task Force Officer Washington about it, he couldn't recall it  
24 had even been there. He said if it was there, it was a small  
25 amount. During and in relation to a drug trafficking crime,

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 small amount of marijuana, personal use amount that one of the  
2 officers didn't even remember being apart of the investigation.

3 As to the 843 count, there's still five remaining  
4 allegations against my client. Pay particularly close attention  
5 to Count 35, which is an alleged conversation between my client  
6 and Leanthony Gillins. It's very short. Takes up about half a  
7 page of a transcript. There's been all of this testimony about  
8 all of this different jargon that gets used in the drug world,  
9 cream, ice, the list goes on. None of that is anywhere in that  
10 conversation. They use the word "it" appears, but nothing else.

11 And then after those calls, ask yourselves, what didn't  
12 happen after those phone calls? It wasn't the seizure of drugs  
13 or evidence or further evidence that some drug transaction  
14 actually happened that day. But getting back to Count 1 and the  
15 four different cooperating defendants that testified, and there  
16 was -- even before they testified, there's been  
17 cross-examination testimony about confidential source versus  
18 confidential informant versus cooperating witness versus  
19 cooperating defendant.

20 In the end, no matter how the government categorizes these  
21 different witnesses, they are all looking to do something for  
22 themselves. They are all looking for leniency. And that is a  
23 reason to doubt the evidence that those that didn't testify in  
24 court brought to them, and it's certainly a reason to doubt the  
25 testimony from that stand from every one of those gentlemen

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 that were trying to save themselves. You can give each category  
2 a formal name, but in the end, the altruistic witness wasn't  
3 apart of this trial. They're looking for leniency, and that  
4 goes back to that most important of my own affairs standard. It  
5 has to be measured against that.

6 So, start with Ike Thomas. He testified again briefly  
7 today and testified yesterday. Mr. Thomas claimed to have known  
8 my client for many years and that they were friends, and he  
9 said he saw some things, but most of his testimony was based on  
10 him claiming that my client had told him all of these things.  
11 Admitted, I don't have videos of what I'm saying. I don't have  
12 pictures. I don't have recordings. I have my word. And you  
13 heard him today say I'm trying to save myself. And that becomes  
14 very, very important for Count 1.

15 And I know that they admitted a lot of evidence. I'm  
16 not asking you to turn off your common sense. I'm not asking  
17 you to stick your head in the sand. But I am asking you to do a  
18 simple thing, and it is a difficult thing. It's to follow the  
19 law and to think like a juror because you have to carefully ask  
20 yourself, they have to show me that he directed five or more  
21 persons.

22 And by their argument and the evidence they showed you,  
23 they're asking you to rely on Isiah Thomas to be that person to  
24 connect all those dots. Isiah Thomas who is looking at several  
25 sentences and wants to help himself. He's their witness for the

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 five or more persons. The witness you have to trust in the most  
2 important of your own affairs. That is the only way the  
3 government's case gets there. And all he brought you was his  
4 word.

5 Mr. Johnson didn't say anything much about my client.  
6 I'm not sure he said anything at all, honestly. So we can  
7 bypass him. Now, Demarcus Dewitt said he didn't know Mr.  
8 Williamson like that. He also said he had never done any drug  
9 transactions with Mr. Williamson, another key piece of  
10 evidence. And, when Mr. -- I believe it was during Mr. Albea's  
11 questioning, he said he didn't have any knowledge that Rolando  
12 Williamson directed Ishmywel Gregory, another man sitting right  
13 here. But their witness said, Well, no, I don't know anything  
14 about that. I don't even really know Rolando Williamson.

15 Then, we get to Patrick McSwain who literally got the  
16 deal of a lifetime. He's looking at a life sentence, got  
17 15 years. And he was also the one that, when he was asked if he  
18 was still out would he still be money laundering, and he said,  
19 by my memory, No doubt. You get to judge the credibility of the  
20 witness. That's obviously a reason to doubt his testimony. And  
21 he talked about two different occasions where he was doing  
22 something with Mr. Gregory and that my client was supposedly  
23 involved with it. But then, on one occasion, he didn't even see  
24 my client.

25 When you're considering all of that testimony, and I

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 know I'm belaboring the point, but Count 1 is a very serious  
2 accusation, and when you come back to Isiah Thomas, you have to  
3 take him at his word, and his word comes with a lot of baggage  
4 because he is looking at a lot of time for this.

5           As you go back to deliberate, I do ask that you  
6 carefully look at the evidence, but on behalf of my client, I  
7 ask you to pay particularly close attention to those three  
8 elements I talked about first. And I do not take what I'm  
9 asking you lightly. I know what I'm asking you to do is  
10 difficult. But if you stop and you think like a juror, and you  
11 put that part of their case under the microscope because that  
12 part of the case necessarily has to rely on the word of  
13 somebody that told you they were just here to save themselves.  
14 If you do that, we ask that you 942(c) Mr. Williamson guilty on  
15 all counts, but especially pay close attention to Count 1 and  
16 942(c) him not guilty.

17           THE COURT: Mr. Gardner.

18           MR. GARDNER: Thank you, Your Honor. Good afternoon  
19 ladies and gentlemen. First of all, I'd like to thank you for  
20 your time and attention and your service in fulfilling this  
21 most solemn duty of citizenship, serving as a juror. I told you  
22 on Monday that I have been summonsed in Huntsville more times  
23 than you have. I never get to sit where you sit because lawyers  
24 don't like other lawyers on their juries.

25           And I regret that because I think having -- if I had ever

1 had that experience, first of all, it would make me a better  
2 lawyer, but most importantly, I think it would make me a better  
3 human being to have had your -- the experience you have now.  
4 And we're at the end of a long week. When we started on Monday,  
5 we thought and told you it might be a long two weeks. But it's  
6 not going to be. We have tried to be good stewards of your time  
7 and know how important your time is, especially as we head into  
8 this solemn religious holiday weekend.

9 Ladies and gentlemen, it's been said often in here that  
10 you must look at each of the four defendants on trial  
11 individually and decide what has been proved and/or not proved  
12 as to each particular defendant. I ask you to do that. You've  
13 been instructed to do so. I know you will. There's something  
14 else you know now, ladies and gentlemen, that you did not know  
15 when we began the trial case. I represent Adrien Taylor. You  
16 know that. But you didn't know that prior to coming in here Mr.  
17 Taylor had previously been convicted of two serious drug  
18 felonies. Now, you know. You should know because it's an  
19 element of one of the charges against him.

20 A serious drug felony, ladies and gentlemen, is defined as  
21 a drug crime where the maximum -- where the punishment  
22 exceeds -- potential punishment exceeds ten years. That doesn't  
23 mean that Mr. Taylor got ten years or 20 years, but the two  
24 convictions he had, the potential exceeded ten years. And the  
25 judge has given instructions on how you may consider that. And

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 this is very important. I know the inclination.

2 Well, Mr. Gardner, you're telling me your client's had two  
3 previous serious drug convictions, and now you're asking me to  
4 942(c) that he didn't do these?

5 I get it. But if you think about it, or allow yourself to  
6 get involved in the mental operation involving that or it's  
7 discussed in that manner in the jury room, ladies and  
8 gentlemen, you will be violating your rights as a juror in this  
9 case. I don't think you will, but I understand human nature as  
10 well, okay? It's a -- you cannot use those to come to the  
11 conclusion that he must have done the acts that he's charged  
12 with in this case.

13 Ladies and gentlemen, Count 2, as you now know, charges  
14 all these defendants with a conspiracy. The first thing you  
15 must do, ladies and gentlemen, when you go back to the jury  
16 room is decide whether or not, as the judge has instructed you  
17 on the law of conspiracy, whether or not such a conspiracy ever  
18 was, in fact, formed. But if your answer to that is yes, that  
19 there was a conspiracy, you now have another duty. And that is  
20 to tell us by your verdict how much of a particular substance a  
21 particular defendant is responsible for.

22 Now, in Count 2, all defendants are charged, including Mr.  
23 Taylor, with having conspired to distribute, first, in excess  
24 of one kilogram of heroin. A kilogram, I don't mean to insult  
25 your intelligence, is 1,000 grams. The only evidence you've

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 heard about Mr. Taylor's relationship to any kind of heroin  
2 came from cooperating witness Kenny Johnson.

3 Now, you saw that young man testify. And we know that he  
4 mumbles. I can't help but think that the amount of Xanax, you  
5 will recall, seven or eight Xanax pills per day, don't tell me  
6 that that won't effect a person's ability to remember things as  
7 they happened, but recalling things for you now. But I do know  
8 that the most he ever said and the government even said that  
9 Kenny Johnson is a street-level dealer doing business in grams,  
10 a gram at a time, not a kilogram at a time, not an ounce at a  
11 time, one fix per customer a couple of times a day. That  
12 doesn't get you anywhere near to a kilogram that you can  
13 ascribe. Assuming you believe that he got it from Mr. Taylor,  
14 that doesn't get you there.

15 You will also note in Count 2 that the -- there's an  
16 allegation of -- that these defendants conspired to distribute  
17 in excess of 5 kilograms of cocaine hydrochloride. The most  
18 evidence with respect to cocaine that came in with respect to  
19 Mr. Taylor was a taped conversation about an 8 ball, which as  
20 we know now, is a little over -- or an eighth of an ounce,  
21 three grams. And that does not equal 5,000 grams under  
22 anybody's definition.

23 Now, I want to talk briefly about these undercover  
24 purchases that were allegedly made by a cooperating witness  
25 from Mr. Taylor. They are charged in Counts 11 and 12. And you

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 will recall that there was a cooperating witness who wore a  
2 wire. One of the transactions was all on audio, and then one,  
3 you will recall, was on videotape. Now, I know that the  
4 government brought up here six chemists from Miami and a  
5 fingerprint examiner from Quantico, Virginia.

6 MR. DIMLER: Your Honor, may we approach?

7 THE COURT: Yes.

8 (Bench conference on the record, as follows:)

9 MR. DIMLER: I'm concerned Mr. Gardner is about to  
10 comment on the failure of the government to call a witness, but  
11 you all know that we e-mailed you and told you that we found  
12 this guy at the last minute, and I asked if anybody had any  
13 objections, and y'all didn't. So I'm concerned about that.

14 MR. GARDNER: Can I comment he's not here?

15 MR. DIMLER: If you wanted him here, I could have got  
16 him here.

17 MR. GARDNER: Oh.

18 MR. DIMLER: And you know that.

19 MR. GARDNER: Okay. I'll move away from that aspect to  
20 something else.

21 MR. DIMLER: Okay.

22 THE COURT: Thank you.

23 MR. GARDNER: I promise you.

24 (Bench conference concluded.)

25 MR. GARDNER: Ladies and gentlemen, back to the

1 videotape, the one person you don't see, at all, is Mr. Taylor.  
2 Even though this transaction was on videotape, you don't see  
3 his face. You see an arm go into a car and deliver the  
4 substance. That's it.

5 Now, the judge has told you the great standard by which  
6 you must evaluate this evidence. The jury instruction goes that  
7 proof beyond a reasonable doubt, ladies and gentlemen, is that  
8 degree of proof that you would be willing to rely on in the  
9 most important affairs to you personally, without hesitation.

10 I never thought I'd get to be the senior citizen of the  
11 defense team because it seems like I just started practicing  
12 law a couple of years ago, and, in fact, it was 1979. And I've  
13 heard that instruction being given in every case I ever tried  
14 and never really, really got hands around it and my head around  
15 it. Proof beyond a reasonable doubt is that degree of proof  
16 that you would be willing to rely on without hesitation in the  
17 most important affairs to you personally.

18 Now, I got to thinking about that over the years, and  
19 thought about, well, you know, certainly selecting your  
20 lifetime mate would be one of those type of decisions. Then,  
21 ladies and gentlemen, you're looking at a divorced guy. So  
22 maybe it wasn't that. And as I stroll through the checkout line  
23 at Publix, it doesn't seem to matter a whole lot to the  
24 Kardashian sisters either.

25 Then, I thought, well, maybe the first time I bought a

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 house, maybe that's it. That's an important decision in my  
2 life. But I came to 942(c) out that I have a bunch of friends  
3 who buy and sell houses and flip them. In fact, there's even a  
4 cable TV show that does that called house flipping or  
5 something. So while purchasing your home may have been one of  
6 those decisions, to other people a house just a thing.

7 But it all became very, very clear to me in 1997, and I'd  
8 like to share that with you. I am one of five children. My  
9 father was a physicist at the Johns Hopkins University Applied  
10 Physics Laboratory in Boston. And he became -- he was a  
11 brilliant man. Unfortunately, none of his five kids could do  
12 long division, and I became the only lawyer in the family. And  
13 when you're the only lawyer in the family, the rest of your  
14 family asks you to do lawyer stuff for them. And among those  
15 things is writing wills or being an executor of an estate or  
16 making other important decisions.

17 But in 1994 through 1997, my father became desperately  
18 ill. He had Alzheimer's. Don't know whether any of you have  
19 ever had that experience. It's dreadful. And I watched this  
20 brilliant man fade away. Until finally, one day my mother had  
21 to put him somewhere. And then finally, one day, it was that  
22 time, near the end. And my mother called me and said, Son, I  
23 married your father 53 years ago for better, for worse,  
24 sickness and in health. I can't make this decision.

25 So I flew up there. I met with my dad's two attending

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 physicians. They told me there's no way your father can live on  
2 his own, and I ordered the procedure halted, and a half hour  
3 later my father was dead.

4       It was then that I found what the jury instruction you've  
5 just been given really means. I hope you never have to make a  
6 decision like that yourself. And I want to assure you, my  
7 friends, that regardless of your verdict here, nobody is dying.  
8 I don't mean to suggest that. I simply mean that that's the  
9 level of decision. That's what proof that you would be willing  
10 to rely on without hesitation in the most important affairs to  
11 you personally really is.

12       I ask you to look at all these defendants through that  
13 lens, especially mine. And in a real sense, I like to think of  
14 you as the life support system that separates unlimited  
15 government from the freedom of the individual. And I've always  
16 thought since then that a jury is the life support system for a  
17 citizen accused. And before you pull the plug, make sure you're  
18 convinced to that degree. Thank you.

19               THE COURT: Mr. Albea.

20               MR. ALBEA: Thank you, Judge. May I have a moment to  
21 prep the courtroom?

22               THE COURT: You may.

23               MR. ALBEA: Thank you.

24                               (Brief pause.)

25               MR. ALBEA: Thank you, gentlemen. I appreciate it.

1 (Brief pause.)

2 MR. ALBEA: Thank you, Your Honor.

3 THE COURT: You may begin.

4 MR. ALBEA: Ladies and gentlemen of the jury, good  
5 afternoon. It's been a long week. And I know y'all are like me,  
6 and you're tired, but I ask you to bear with me. The first  
7 thing I want to note is that you've heard from the government  
8 in their closing and from two other counsel. You'll hear from  
9 the last one, and then the government will go again. Now,  
10 that's not because what they have to say is twice as important  
11 as me, it just means that they have the burden, so they get to  
12 go twice. And a lot of what I want to talk about has already  
13 been said, so I won't repeat it. But if y'all could bear with  
14 me, I'd appreciate it.

15 Y'all are required to consider each of these defendants  
16 individually. As you know, I'm here with Mr. Gregory. And he's  
17 charged in Count 13 with distribution of controlled substance  
18 and Count 2 with conspiracy. I told you in opening that I felt  
19 like after hearing the evidence you would be lead to convict  
20 him of distribution of a controlled substance. Probably, you  
21 are. But I want to focus on the conspiracy count.

22 On this table over here, there's a lot of drugs and a lot  
23 of guns, but in my hand is Exhibit 16. That is 14.22 grams of  
24 cocaine hydrochloride that a cooperating individual purchased  
25 from Mr. Gregory. That is the evidence that they have on Mr.

1 Gregory. That's it. On that little table. You heard officers  
2 testify that they couldn't connect Mr. Gregory to any of this.  
3 That's what they had.

4 I encourage you to look at Government's Exhibit 52 and  
5 compare the chemical analysis report and see that it is  
6 14.22 grams. That's it, and that's all. You heard Mr. Woodfin  
7 and you heard Mr. Gardner tell you that reasonable doubt is  
8 proof so convincing that you would be willing to rely on it and  
9 act without hesitation in the most important of your affairs.

10 So let's talk about Demarcus Whitt. He was the first of  
11 the league of convicted felons to come in and grovel for mercy,  
12 okay? I encourage you to go back and read the transcript of the  
13 call he talked about. It's Exhibit 199 and 200 of the  
14 Government's Exhibits, and it's about meeting up.

15 Now, you heard testimony from Retired Special Agent  
16 Gerhardt about coded language for drugs. Read that transcript.  
17 They don't talk about zips or smoke or cream or clear or blow  
18 or sugar or salt or stacks or bands or whatever else it is that  
19 they use coded language for. They talk about meeting up. That's  
20 all they talk about. There's nothing in that transcript that is  
21 inherently criminal whatsoever. All you've got is the word of  
22 Demarcus Whitt who's trying not to get a life sentence to tell  
23 you that, Oh, yeah, that was about the money, that was about  
24 drugs.

25 We have all of these calls and transcripts in this case.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Well, you know they're talking about drugs. Not these calls.  
2 You don't know that. You just know that because he says it  
3 because, you know, he doesn't want to get a life sentence. So  
4 that's what he says. All we have is his word. And where is the  
5 phone call or the text message before that? Hey, I've got this  
6 money I've got to give you. Where is that? How did they even  
7 know that they were going to meet up. All we have is just one  
8 call where they're both on the way to somewhere, and then they  
9 call and say, Oh, let's go to Rodney Scott's. Oh, I'm by  
10 Popeye's.

11       Where's the before and the after? What were they doing?  
12 All we have is what Mr. Whitt said. Then, we moved to Patrick  
13 McSwain. He, of course, was second in the league of convicted  
14 felons to come in here and grovel for leniency. He brings  
15 literally nothing to the table. He doesn't even have an  
16 innocuous phone call where he can say oh this is the terrible  
17 stuff we were talking about there. He doesn't bring you that.  
18 He just comes in telling wild stories about he sold to Mr.  
19 Gregory or Mr. Gregory sold to him, and I'm not sure what we  
20 year we met or who all introduced us, but I'm pretty sure this  
21 all happened.

22       You can't rely on that. It was interesting to me, in Mr.  
23 McSwain's testimony, when I asked him to ballpark how many drug  
24 transactions he had done in his lifetime. The man said he was  
25 52 years old, he had been dealing drugs since he was 12, I

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 think, and he ballparked it at 100. And I was going back and  
2 forth with him about that because I don't believe that number.  
3 And, eventually, he said something that was very telling to me.  
4 He said, Well, I just made that number up to satisfy you.  
5 That's what he said. I made that number up to satisfy you.  
6 Well, clearly the number was made up, right? But why was he  
7 trying to satisfy me? All I wanted him to do was give me a real  
8 number.

9       Then, I start to think about what else is he going to make  
10 up, and who is he trying to satisfy with his plea for leniency?  
11 He's going to make up a number of 100 drug transactions over  
12 the course of 40 years, after swearing to tell the truth, just  
13 to satisfy me, and all he wants me to do is move on to the next  
14 question. What's going to say to satisfy the people who could  
15 give him years of his life back? I think we know what he is  
16 going to say because he sat up there and said it.

17       Proof beyond a reasonable doubt is proof so convincing  
18 that you'd be willing to rely and act on it without hesitation  
19 in the most important of your affairs. I found what Mr. Gardner  
20 said to be quite moving about that, and I don't want to  
21 trivialize that, but I wouldn't take Mr. McSwain's  
22 recommendation on a place to eat or a car mechanic, because I  
23 think the car mechanic would rip me off, just like he's trying  
24 to rip y'all off in putting Mr. Gregory in a conspiracy he's  
25 not part of because you know what Mr. Gregory did. He sold that

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 cocaine, but that's all he did. That's all the evidence he's  
2 got. Look at it. It's right here. Compare.

3 Sergeant Washington said in his testimony that Mr.  
4 Williamson was not present or involved in the undercover buy  
5 from Mr. Gregory. Sergeant Washington also told you that the 2  
6 zips that the cooperating individual referenced in the  
7 undercover buy never happened. Sergeant Washington said they  
8 did surveillance of a house -- I believe it was Beacon Drive --  
9 and he was asked who all was there, and he said everybody,  
10 almost everybody. I asked him on cross, Oh, was Mr. Gregory  
11 there? No, he said, Mr. Gregory was not seen on surveillance  
12 there. Do you know why? Because he wasn't part of the  
13 conspiracy. That's why.

14 Retired Special Agent Gerhardt said -- he said a lot of  
15 things. But to my question, he said, that the 14.22 grams of  
16 cocaine, sitting on that table right there, was all the  
17 contraband that they have related to Mr. Gregory. Let's  
18 contemplate that you haven't seen any video of Mr. Gregory with  
19 anyone else in the conspiracy. There's no phone calls between  
20 Mr. Gregory and Mr. Williamson. There's no guns from Mr.  
21 Gregory. There's no calculator images with Mr. Gregory's name  
22 on it. There's no testimony about anything that was on Mr.  
23 Gregory when he was arrested.

24 They didn't even bother searching Mr. Gregory's house or  
25 car. That's how much of a nothing he was. They didn't even get

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 a search warrant to search his house. They searched two places  
2 for Mr. Williamson. All they have on Mr. Gregory is 14.22 grams  
3 constituting the distribution of controlled substance.

4 Ladies and gentlemen of the jury, what this is, and I hope  
5 you can see it, is a unique but somewhat typical case of  
6 government overreach relative to Mr. Gregory. That's what this  
7 is. They got him on the buy. But that wasn't enough. They want  
8 him in this conspiracy. So he's charged in this conspiracy, and  
9 here we are. But they have no reliable evidence that he was  
10 actually in this conspiracy, but they charged him anyway. Mr.  
11 Gregory is not in this conspiracy, and he is not guilty on  
12 Count 2 of this indictment. I appreciate your time.

13 THE COURT: Ms. Wallace, why do I keep calling you Ms.  
14 Taylor? There's an Allison Taylor that I went to law school  
15 with.

16 MR. ALBEA: I messed it all up. I can put it back.

17 MS. WALLACE: That's all I want is the table.  
18 Everything else is fine. Just for my cheat sheet.

19 MR. ALBEA: I hear that.

20 MS. WALLACE: Thank you. Good afternoon, ladies and  
21 gentlemen. I know, at this point, you all know who we  
22 represent, but I represent Mr. Archie here. And I know y'all  
23 are tired. I know you're tired of sitting. It's been a long  
24 week. So I'm not going to belabor the points that you've  
25 already heard. The judge has instructed you on the law. You

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 will get to take the instructions back with you. You'll have  
2 the indictments with you. And my co-counsel here have done a  
3 fabulous job. I could not explain reasonable doubt as  
4 eloquently as Mr. Gardner could. So I'm not even going to try.

5 What I want to do is try to lead you through what you've  
6 heard in a very abbreviated form, but truthfully, ladies and  
7 gentlemen, I don't have a lot to say to you. There was not a  
8 lot of evidence against Mr. Archie. There was not a lot of  
9 testimony about Mr. Archie. You heard very little about him.

10 But I do want to start with Mr. Dimler's argument earlier.  
11 He said that the phone call about the cup of ice was an ounce  
12 of methamphetamine. I believe, if you'll recall, when Special  
13 Agent Gerhardt took the stand and told you about all the  
14 jargon, I asked him. I said, What's a cup?

15 I don't know. I've never heard that term.

16 So where, now, they get that that's an ounce, I'm not  
17 sure. But I want to say to you, ladies and gentlemen, that  
18 never came from the witness stand that that was an ounce. He  
19 said he had never heard it. He didn't know what that was.

20 Ladies and gentlemen, that phone call could be just what  
21 it sounded like, a cup of ice. We have no idea based on the  
22 evidence what that is. But I will say to you, that I don't  
23 think you heard any evidence other than what was mentioned in  
24 Mr. Dimler's closing, that that was an ounce of meth. I don't  
25 think you've heard anything else where anybody from that

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 witness stand said that Mr. Archie dealt meth or cocaine or  
2 heroin. I don't believe you heard any of that.

3 Demarcus Whitt took the stand. He never even mentioned Mr.  
4 Archie. Patrick McSwain, same thing. He took the stand and  
5 never mentioned my client. Kenneth Johnson, same thing, no  
6 mention of Mr. Archie. And then, we get to Mr. Thomas. Mr.  
7 Thomas told me yesterday he had never snitched on anybody. He  
8 wanted to play word games with me. That's all that was was a  
9 game. He wanted to tell me he had never cooperated against his  
10 cousin.

11 Clearly, this morning, you heard from him that his cousin  
12 was in the case, and he answered the phone and put it on  
13 speaker so the agents could hear it. I think that's called  
14 cooperation. And he said that he wasn't here to snitch on  
15 anybody. He hadn't snitched on anybody. Ladies and gentlemen,  
16 we know that's not true. We know what he said was not true.  
17 That's exactly what he had done. That was why he was here.

18 He said that Mr. Archie bought 3 pounds of marijuana from  
19 Mr. Williamson one to two times a week for two years. Let me  
20 say to you that the testimony was that three of Mr.  
21 Williamson's phones were tapped. And I believe I heard that it  
22 was for 52 days on some of those phones. Mr. Archie's phone was  
23 tapped for 30 days. There's not one phone call between Mr.  
24 Williamson and Mr. Archie.

25 Ladies and gentlemen, Mr. Thomas was not even believable.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 If you're buying drugs or doing business of any kind with  
2 anybody one to two times a week, you're going to have to call  
3 them. I don't think -- I don't think that a drug dealer is like  
4 a store where you just go by, and they got hours, 9:00 to 5:00,  
5 and you just run by and pick up what you need.

6 I think there's going to be some phone calls. I think  
7 you're going to hear some phone calls. I think you're going to  
8 see them on the pole cam at some point. If he's getting it one  
9 to two times a week, surely you're going to have a phone call.  
10 You're going to see something.

11 And he said, Well, you know, I was there about ten times  
12 when it happened. I saw it about ten times.

13 I said, Oh, really? What about the rest of the time  
14 because there's a lot of times you weren't there.

15 Oh, well, Mr. Williamson told me.

16 I said, Well, what did he tell you?

17 He couldn't -- never could explain to me what Mr.  
18 Williamson told him. But ladies and gentlemen, I submit to you  
19 that it's not reasonable that if you're breaking the law you're  
20 going to go have a discussion about every time you do it with  
21 somebody else. I told you at the beginning, when we first met,  
22 that I thought that what you were going to 942(c) was that the  
23 government was dancing with the devil to make this case. I just  
24 didn't know how much of a devil we'd see from that witness  
25 stand. So ladies and gentlemen of the jury, I ask you to 942(c)

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Mr. Archie not guilty. Thank you.

2 THE COURT: Mr. Cross, are you ready?

3 MR. CROSS: Yes, Your Honor. If it please the court,  
4 members of the jury, could we go ahead and turn on the  
5 monitors? I guess I'll start off by talking about the devil we  
6 had been dancing with, and please, make no mistake that we did  
7 not choose these devils. We did not pick these cooperators. I  
8 want to tell you who picked the cooperators, who chose the  
9 cooperators, people having knowledge of what they were doing.  
10 Rolando Williamson, Adrien Taylor, Ishmywel Gregory, and  
11 Hendarius Archie picked the cooperators. They're the ones that  
12 were dealing with them, not Retired Special Agent Wayne  
13 Gerhardt. You know, if you're going to write a script in hell,  
14 you can't expect angels as witnesses. It's as simple as that.

15 Now, let me clarify just a few things. To begin with, the  
16 defense attorneys in this case have simply been outstanding,  
17 and they're good lawyers, and they're doing their job. And  
18 their job so to get you to 942(c) doubt. Our job is to get you  
19 to 942(c) the truth as to reasonable doubt. You've heard all of  
20 us speak on it. Most importantly, you've heard the judge speak  
21 about it. It's not beyond all doubt. It's a reasonable doubt.  
22 Perhaps, the most important underpinning of your verdict will  
23 be reason and common sense, reason and common sense. You use  
24 the same standard that you would use in important affairs of  
25 your life. You'll know it in your gut.

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 Now, I'm going to have to talk about pulling the plug. I  
2 want to talk about the plug that each of these defendants  
3 pulled when they sold drugs, when they sold heroin laced with  
4 fentanyl, and the lives that were destroyed when they made that  
5 decision to engage in this drug dealing. We can't just look at  
6 one of them in an isolated way. No man is an island entirely  
7 unto himself. Every person is a piece of the continent, apart  
8 of the man.

9 Now, as much as Mr. Albea would like us to simply look at  
10 this one exhibit as to his client, it's impossible to do in  
11 this case because that wasn't the only drug deal that his  
12 client ever engaged in here. I'm not even going to talk about  
13 it yet. Why don't we listen to what his client said?

14 Mr. Gregory, April 30th, 2019, cooperating witness asked,  
15 How about half a zip?

16 Depends on what you're going to get one for.

17 And Mr. Gregory, the guy in the glasses right back there  
18 replies, Want some sugar?

19 Yeah.

20 Sug, Mr. Gregory said.

21 You learned that was cocaine. Later in the conversation,  
22 the cooperating witness said, I would have told you to come  
23 over there earlier, but my mom and her sisters were over there.

24 Mr. Gregory, you know, this man who only sold this one  
25 little bit of cocaine. Mr. Gregory said to the cooperating

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 witness, What about cream?

2 Yeah, the witness said. What you let me get a zip of that  
3 for? Probably, got 2 zips.

4 Mr. Gregory, About 175.

5 How much?

6 175.

7 His own words, not one of the devils. His own words. This  
8 conspiracy, as Mr. Dimler's already said but I've got to hammer  
9 away at this, two or more persons who agree on an unlawful  
10 plan. We don't have to prove that all 18 members of this  
11 conspiracy met on Monday morning and decided we're going to  
12 sell drugs. Two or more persons entered an agreement on a plan  
13 to engage in a unlawful act. Kenny Johnson is a great example.  
14 Kenny Johnson. Mr. Gardner did a very good job of  
15 cross-examining him. Kenny Johnson is sad. He really is. You  
16 heard him take that witness stand, probably was zonked out on  
17 Xanax. Guess who used Kenny Johnson. Adrien Taylor. And Kenny  
18 Johnson was on the street corner selling to other addicts on  
19 the street, pulling the plug. And who sold to Adrien Taylor?  
20 Who sold to Kenny Johnson? Ike Thomas. And who sold to Ike  
21 Thomas? Rolando Williamson. They are all connected.

22 And it's more than two people. It's much more than just  
23 two people. Let me go ahead and hit that. Mr. Woodfin,  
24 understandably told you he doesn't expect you to stick your  
25 head in the sand. I think he's confident what your verdict is

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 going to be on most of the counts. The concern for him is this  
2 continuing criminal enterprise. It's important, and he told you  
3 that we have to prove that Mr. Williamson is the principal  
4 manager, supervisor. That's not exactly correct. And there's a  
5 reason he said we must prove he is the principal -- once again,  
6 he's doing a great job. The instruction that you were given  
7 said a principal, not the, a principal. There could be many  
8 principals, many principals.

9       And what determines whether or not they're a principal or  
10 not or how involved they are is whether or not they organize or  
11 direct, organize or direct five or more persons. Where did they  
12 all meet to get the drugs? Where did they all congregate? Where  
13 was Tevion Poole in that pole camera when Mr. Williamson was  
14 unloading the weed in the suitcases? 1808 Arlington Avenue.  
15 That was the hub of the majority of this drug conspiracy that  
16 was taking place.

17       Drugs were stored at 1808 Arlington Avenue. That's where  
18 Isiah Thomas went. That's where Leanthony Gillins went. That's  
19 where Errick Daniel went. They even slept there. And whose  
20 house was that? Rolando Williamson. And who paid for people's  
21 attorney fees? Rolando Williamson. Who bailed them out of jail?  
22 Rolando Williamson. And who threw Leanthony Gillins up against  
23 the wall? Rolando Williamson. And who snatched Hendarius  
24 Archie's necklaces from him? Rolando Williamson. It's  
25 interesting Mr. Archie's wearing one of those necklaces. Maybe,

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 maybe this devil, Ike Thomas, knew what he was talking about.

2 Mr. Archie, let's talk a little more about him. Once  
3 again, I hate to overuse the term "smoke and mirror", "red  
4 herring". It's an effective tactic. In other words, let's just  
5 talk about Ishmywel Gregory, this one deal, when you heard him  
6 on the tape talking about working other deals. That's  
7 effective, and I understand that. And if I wanted you to 942(c)  
8 doubt, I'd probably focus on that. If I wanted you to 942(c)  
9 truth, I'd ask you to look at the whole picture.

10 And, Mr. Archie, you're not -- forget for a second what  
11 Ike Thomas said. Just forget that. What did Archie say?  
12 Government's Exhibit 207 from August 7th, 2019, Taylor says to  
13 Archie -- Adrien Taylor, the one who used Kenny Johnson, is  
14 calling Archie and says, I need a zip and a half. Not a zip and  
15 a half, a half and a quarter.

16 That's Adrien Taylor calling Archie saying that.  
17 Government's Exhibit 70 on July the 19th, a customer calls  
18 Archie. And you heard Ms. Wallace, good attorney, saying that  
19 it was just a cup of ice, just a cup of ice. That wasn't the  
20 evidence that you heard that it was just a cup of ice.

21 The next call. About eight minutes later, there is another  
22 call and Archie says, 250 for a whole, 150 for a half. Now,  
23 never mind that Retired Special Agent Wayne Gerhardt told you  
24 what that call was about. Put that out of your mind. Use your  
25 common sense and reason. That's an awfully expensive cup of

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 ice. \$250 for a whole, \$150 for a half.

2 Government's Exhibit 69, customer calls Archie. I got  
3 some -- Archie says -- Archie says, I got some good gas. Not  
4 one defendant is an island entirely to themselves. They are all  
5 intermingled and interrelated and involved in an unlawful plan  
6 to sell drugs. That's what we must prove to you.

7 Back to Mr. Williamson and the continuing criminal  
8 enterprise. And you see the testimony that was given, but I  
9 just wanted to point out, we already stated who all was at his  
10 house, but also you heard the testimony of him selling, not  
11 only to the ones that were at his house, but also to Darius  
12 Johnson. And you heard the call to Darius Johnson, wasn't buck  
13 naked, but he was low. And where is he going? He was going back  
14 to the hub, back to 1808 Arlington, to get more weed. You heard  
15 Ike testify that he sold to Kenny Johnson and to Adrien Taylor  
16 also.

17 Then, you heard about Tuff and Shezzy. Tuff and Shezzy  
18 whose running heroin from Detroit. They're running heroin.  
19 Williamson goes to Detroit, and they bring the heroin back to  
20 Bessemer. Pull the plug on all that, it's in Bessemer. Sell it  
21 to them. The heroin that was found at the apartment was  
22 predominantly fentanyl, a dangerous drug. Williamson's not  
23 bringing it back. Tuff and Shezzy's bringing it back. Who's  
24 organizing, who's directing if they're bringing it back? Oh,  
25 you can't believe our devil, Ike Thomas. You can't believe him

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov



1 saying that. Why don't you believe Mr. Williamson's own words?  
2 You heard the phone call where he is inquiring what happened to  
3 Tuff in Tennessee and whether or not he was granted probation.  
4 You heard that call. That didn't come from Mr. Thomas. That  
5 came from Williamson's own mouth.

6 To be a convicted felon, they are obligated to tell the  
7 truth. We're not looking for doubt. We're looking for the  
8 truth. And if they BS or if they don't tell the truth with  
9 their cases, they're looking at life sentences. Now, surely  
10 they want a deal, surely they want leniency. But they're also  
11 obligated to tell the truth, and a good game to play is this  
12 game also. If they were wanting to lie, if they were going to  
13 lie, couldn't they have done a better job? Couldn't we have  
14 coaxed them into saying they were all at 1808, and we saw  
15 Gregory there also? No. Remember when I was talking to Kenny  
16 Johnson about Adrien Taylor having the gun? Yeah. He didn't  
17 say, Oh, he always carried a gun.

18 COURTROOM DEPUTY: Two minutes.

19 MR. CROSS: No. No. Back to Kenny Johnson, you heard  
20 him testify, you heard him testify, and you'll be the judge of  
21 just how honest he is, and you heard Ike Thomas and Patrick  
22 McSwain and Demarcus Whitt. You'll be the judge as to the truth  
23 of this, and that's exactly the way it should be.

24 I said in the beginning, In the end y'all write the final  
25 chapter of the story. And I come back to that. A lot of

1 evidence to look at. I believe that as you look at the  
2 evidence, you'll realize you can't look at a piece of evidence  
3 in an isolated way, but you must look at it all. You must look  
4 at the whole picture. Read the entire book. And when you do  
5 that, and when you're reminded, when you're reminded Mr.  
6 Williamson's own words.

7 Defense attorneys ask how can you believe Ike Thomas? What  
8 would Rolando Williamson say? They're all fucked up from Ike  
9 down, from Ike down. We ask you because the evidence demands  
10 guilty verdicts as to all defendants as to all counts. Thank  
11 you.

12 THE COURT: Thank you. Ladies and gentlemen, at this  
13 time, I'm going to allow you to adjourn back into the  
14 deliberations room. We will bring you the evidence. You'll be  
15 able to consider the redacted superseding indictment and the  
16 indictments in the other two cases and the jury instructions.  
17 And the courtroom deputy will share additional information  
18 about getting things and how to contact us. All right? Thank  
19 you.

20 (Jury out at 2:15 p.m.)

21 THE COURT: Can I see counsel for a minute?

22 (Bench conference on the record, as follows:)

23 THE COURT: Do you want us to excuse the alternate  
24 jurors now?

25 MR. DIMLER: Yeah.

1 MR. WOODFIN: Oh, I'm good, Judge.

2 THE COURT: All right. Do we want to clear the  
3 courtroom while we go through all of the evidence? Let's clear  
4 the courtroom as we go through all of the evidence. Is there  
5 any objection to that?

6 MS. WALLACE: No, Your Honor.

7 (Bench conference concluded.)

8 THE COURT: All right. We're done for now. We're going  
9 to clear -- we're going to let the defendants go back while we  
10 get all of the evidence and bring it to the jurors. And to the  
11 individuals that are sitting in the gallery, you're welcome to  
12 stay at the courthouse for as long as you would like.

13 I don't know how long they'll be out. There's no way of  
14 gauging that. But you all can go sit in the halls and stuff,  
15 okay? All right. Thank you.

16 (Recess at 2:16 p.m. to 4:07 p.m.)

17 THE COURT: Y'all want to talk about this? Why don't we  
18 just stop telling them they can ask questions? I'm serious  
19 because I can never answer them. So you all want me to just say  
20 I can't answer this question?

21 MR. CROSS: Yes, Your Honor.

22 MR. WOODFIN: Yes, Your Honor.

23 MR. GARDNER: Yes.

24 MR. ALBEA: Yes, Your Honor. I think that's the  
25 appropriate thing.

1 MR. DIMLER: And, Judge, we're fine with you just  
2 telling them. I don't know if it's your practice to bring them  
3 in or not.

4 THE COURT: Any objection from the defendants?

5 MR. GARDNER: No.

6 MR. WOODFIN: No, Your Honor, not from Mr. Williamson.

7 MR. GARDNER: Not from Mr. Taylor, Your Honor.

8 MR. ALBEA: I feel a little uneasy about that. We'd be  
9 happy for you to tell them -- maybe just send them a note back  
10 so we can enter that into evidence that that's what you told  
11 them, or would the court reporter take that down? I mean, I  
12 would be fine with a note that says, I can't answer these  
13 questions, love, Judge.

14 THE COURT: Right. For the record, I agree with you.  
15 I'm wondering, though, I mean, do we want to -- do I want to  
16 tell them that questions -- do I want to say to them, like, the  
17 questions that I'm able to answer are can we see this piece of  
18 evidence or -- can we see this piece of evidence is really the  
19 only question that I can think of that I can answer. Otherwise,  
20 there's not really any answers I can provide.

21 MR. DIMLER: I have seen, Judge, in the past where  
22 they've asked a question about like maybe some nuisance theory  
23 of the law, and you were able to point them to a particular  
24 page of the jury instructions or something.

25 THE COURT: Yeah.

1 MR. DIMLER: I mean, I hate to tell them they can't.

2 MR. ALBEA: I guess maybe I would suggest just a little  
3 something that says the court can't answer specific questions  
4 about the facts of this case, that they're the finder of fact,  
5 something to that effect.

6 MR. DIMLER: Or like, the evidence is closed. We can't  
7 answer any additional factual questions.

8 THE COURT: The evidence in this case is closed. The  
9 court is unable to answer questions relating to the evidence?

10 MR. GARDNER: Relating to facts.

11 THE COURT: Facts and evidence so that I don't get --

12 MR. DIMLER: I'm with Mr. Gardner. I think facts might  
13 be better just in case they had a question about like if they  
14 could see something.

15 MR. GARDNER: I think that makes sense.

16 MR. ALBEA: That's fine with me, Your Honor.

17 THE COURT: The note has a date -- the note has the  
18 date of 4/15/22. It the reads the evidence in this case is  
19 closed, period, the court cannot answer any questions about the  
20 facts, period, and it bears my signature. Are there any  
21 objections?

22 MR. DIMLER: Not from the government.

23 MR. WOODFIN: Not from Mr. Williamson.

24 MR. GARDNER: Not from Mr. Taylor, Your Honor.

25 MR. ALBEA: Not from Mr. Gregory.

1 MS. WALLACE: Not from Mr. Archie.

2 THE COURT: Thank you.

3 MR. CROSS: Your Honor, is this entered into the  
4 record?

5 THE COURT: It will be.

6 MR. CROSS: Do you think maybe we ought to redact it  
7 since it looks like it's the foreperson's signature?

8 COURTROOM DEPUTY: I do.

9 MR. CROSS: Oh, okay.

10 COURTROOM DEPUTY: I will, yes.

11 MR. CROSS: Oh, you're way ahead of me.

12 THE COURT: I think that there needs to be a committee  
13 in the criminal bar to set up the instruction on the questions  
14 that the jury can ask. I think it was the last or second to  
15 last trial I had where the jury just -- a hung jury.

16 I had done the Allen charge and everything. They just got  
17 mad at me, visibly angry, because I wouldn't answer the  
18 question. They asked one question, and it was something about  
19 evidence. And then, they asked me a question about the law that  
20 the instruction did not answer, and so I just said, All I can  
21 say to you is look at the instructions. They were so ticked  
22 off. They refused to move.

23 We're trying the case again in April -- I mean, August. I  
24 think y'all need to figure out what we can answer and what we  
25 can't answer, so we can give a more fulsome instruction so they

**LAUREN SHIRLEY, RPR, CRR**

Federal Official Court Reporter

1729 5th Ave N

Birmingham, AL 35203

256-390-9655/lauren\_shirley@alnd.uscourts.gov

1 have appropriate expectations when they go back.

2 (Recess at 4:16 p.m. to 4:38 p.m.)

3 (Court in recess for they day at 4:38 p.m.)

4

5 C E R T I F I C A T E

6 I certify that the foregoing is a correct  
7 transcript from the record of proceedings in the  
8 above-entitled matter.

9 Dated: September 19, 2022

10

11

12

13

14



15 Lauren Shirley, RPR, CRR  
16 FEDERAL OFFICIAL COURT REPORTER

17

18

19

20

21

22

23

24

25

**LAUREN SHIRLEY, RPR, CRR**  
Federal Official Court Reporter  
1729 5th Ave N  
Birmingham, AL 35203  
256-390-9655/lauren\_shirley@alnd.uscourts.gov