

Following are:

SEQUENCE OF TRIAL EVENTS

- 1) OPENING STATEMENTS – PROSECUTOR & DEFENSE
- 2) STATE’S CASE
- 3) DEFENDANT’S CASE
- 4) REBUTTAL
- 5) CLOSING ARGUMENTS
- 6) JUDGE’S CHARGE TO THE JURY
- 7) JURY DELIBERATIONS
- 8) VERDICT

This case involves an extensive drug-trafficking organization that operated in Maryland, the District of Columbia, New York, and elsewhere. The major figures in this organization included Paulette Martin, Gwendolyn Levi, and Moises Uriarte. From March until June 2004, investigators, acting with court authorization, tapped Paulette Martin's phone lines. From these wiretaps, they learned that Paulette Martin was obtaining heroin from Levi. As a result, they obtained authorization to tap Levi's cellular phone line and intercepted her communications with her heroin supplier, Uriarte. In June 2004, the investigation culminated in the arrest of over thirty individuals and the execution of over twenty search warrants.

Johnson, Scott, and John Martin were each tied to the organization in different ways. Johnson accompanied Levi to purchase heroin from Uriarte on at least one occasion. On April 23, 2004, officers observed Johnson and Levi drive from Levi's Maryland residence to a furniture store in New York City to meet Uriarte. Levi entered the store carrying a box containing about a quarter of a million dollars and exited with a gift-wrapped package that she placed in the trunk of the vehicle. That night, Johnson and Levi drove back into Maryland, where state police pulled them over. The police searched the trunk and seized the package, which contained approximately 2300 grams of heroin. Johnson and Levi were then arrested.

Scott is Levi's son. Calls intercepted in April 2004 revealed that he helped Levi process and distribute heroin. On one occasion, he complained to Levi that several of his heroin customers were "on hold." Levi instructed him to obtain fifty grams of heroin from her basement, and he later confirmed that he had done so. On another occasion, Levi asked Scott to go to her house and package some heroin for distribution, which Scott later confirmed he had done. Subsequent to Levi's arrest, officers executed a search warrant at her home and found a heroin processing operation in her basement, the location from which she had directed Scott to obtain the heroin.

John Martin resided with Paulette Martin in Maryland and helped her distribute cocaine and heroin.* Investigators intercepted numerous phone calls in which John Martin discussed his drug-trafficking activities with Paulette Martin and others. On one occasion, John Martin and Paulette Martin discussed moving her drug supply from their residence to a performing arts school, which Paulette Martin used as a front for various illegal activities. On June 1, 2004, officers executed search warrants at both their residence and the school. At the residence, they discovered, among other things, cocaine, cocaine base, over \$7000 in cash, a digital scale, and a sheet of paper indicating money owed to "Gwen." They also recovered a

Charges

- **Conspiracy to distribute and possess with intent to distribute controlled substances,**
Actively planning with others to possess or distribute a controlled substance, regardless of actual possession or delivery
- **Distribution and possession with intent to distribute controlled substances**
Possessing illegal drugs, narcotics or controlled substances with the intention of selling or distributing them, with or without the intention of monetary gain.
- **Use of communications device to facilitate narcotics trafficking and violations of the Travel Act.**

Prosecutions Case Notes

Federal Agent

Acting with court authorization, Paulette Martin's phone lines were tapped. From these wiretaps, they learned that Paulette Martin was obtaining heroin from Levi. As a result, they obtained authorization to tap Levi's cellular phone line and intercepted her communications with her heroin supplier, Uriarte. The investigation culminated in the arrest of over thirty individuals and the execution of over twenty search warrants.

Expert Witness Testimony

Both **Sakala** and **Eveler** testified that several seemingly safe terms used in these calls, such as "tickets" and "T-shirts," were actually code words for narcotics. **Sakala** explained how he reached his conclusions. Because drug

Expert Witness Testimony

As noted above, the government received court authorization and intercepted telephone calls between various members of the drug conspiracy. To help the jury interpret those calls at trial, the government presented two police officers, **Sergeant Christopher Sakala** and **Corporal Thomas Eveler**, as experts on the subject of drug trafficking with over 20 yrs of experience. Both officers have extensive training interpreting vital information.

c) **Sergeant Christopher Sakala-**

Both **Sakala** and **Eveler** testified that several seemingly safe terms used in these calls, such as "tickets" and "T-shirts," were actually code words for narcotics. **Sakala** explained how he reached his conclusions. Because drug traffickers frequently use code words to avoid detection, he looked for "patterns of conversation that did not make sense." **Sakala** he explained that he considered several sources of information, such as evidence that had been seized during the investigation, before reaching a conclusion about the meaning of a particular conversation. In addition, he took into account "interviews with witnesses, cooperators, [and] cooperating defendants."

For example, members of this conspiracy often discussed buying and selling large numbers of "tickets" but did not specify "which shows they wanted tickets for Where they wanted to sit, [or] what days they wanted to go to the show." Therefore, it became "obvious" in his view that "tickets" was a code word for narcotics.

During cross examination, Sakala conceded that there were some conversations in which the word "tickets" was actually being used in its normal sense.

d) **Corporal Thomas Eveler-**

Likewise, **Eveler** explained that he decoded the conversations by looking for unusual "pattern[s] of speech."

During **Eveler's** cross-examination, the following occurred.

Eveler was asked if he was basing his conclusions on "context, the manner of speaking and a variety of other matters,"

In regards to Donna Johnson involvement-Calls were intercepted in April 2004 a conversation between Johnson and Levi discussing whether Levi had been in contact with Uriarte and video evidence that Johnson was very nervous during the stop of the vehicle.

In regards to Craig Scott involvement- Calls intercepted in April 2004, revealed that he helped Levi process and distribute heroin. On one occasion, he complained to Levi that several of his heroin customers were "on hold." Levi instructed him to obtain fifty grams of heroin from her basement, and he later confirmed that he had done so. On another occasion, Levi asked Scott to go to her house and package some heroin for distribution, which Scott later confirmed he had done. Subsequent to Levi's arrest, officers executed a search warrant at her home and found a heroin processing operation in her basement, the location from which she had directed Scott to obtain the heroin.

In regards to John Martin involvement-On one occasion, John Martin and Paulette Martin discussed moving her drug supply from their residence to a performing arts school, which Paulette Martin used as a front for various illegal activities.

b) Police Officer Testimony

Based upon conversations through the court authorized wiretaps, officers observed Johnson and Levi drive from Levi's Maryland residence to a furniture store in New York City to meet Uriarte. Officers observed Levi enter the store carrying a box containing about a quarter of a million dollars and exited with a gift-wrapped package that she placed in the trunk of the vehicle. That night, Johnson and Levi drove back into Maryland, where police officers pulled them over. The police searched the trunk and seized the package, which contained approximately 2300 grams of heroin. Johnson and Levi were then arrested.

Martin

John Martin resided with Paulette Martin in Maryland. Investigators intercepted numerous phone calls in which John Martin discussed his drug-trafficking activities with Paulette Martin and others.

On one occasion, John Martin and Paulette Martin discussed moving her drug supply from their residence to a performing arts school, which Paulette Martin used as a front for various illegal activities. On June 1, 2004, officers executed search warrants at both their residence and the school. At the residence, they discovered, among other things, cocaine, cocaine base, over \$7000 in cash, a digital scale, and a sheet of paper indicating money owed to "Gwen." They also recovered a black shaving kit, containing heroin, cocaine, and an employment check in John Martin's name. At the school, they discovered, among other things, more cocaine, cocaine base, and heroin--much of which was packaged for distribution.

John Martin claims it was Paulette Martin who was the head of the household and forced him to participate if he wanted to continue to live in her home.

Scott

Scott is Levi's son. Calls intercepted in April 2004 revealed that he helped Levi process and distribute heroin. On one occasion, he complained to Levi that several of his heroin customers were "on hold." Levi instructed him to obtain fifty grams of heroin from her basement, and he later confirmed that he had done so. On another occasion, Levi asked Scott to go to her house and package some heroin for distribution, which Scott later confirmed he had done. Subsequent to Levi's arrest, officers executed a search warrant at her home and found a heroin processing operation in her basement, the location from which she had directed Scott to obtain the heroin.

Scott claimed he suffered for years from his mother's physical and emotional. No reports were filed to due repeated threats from his mother. Scott claims he was afraid of his mother and what she would do to him if he did not follow her directions.

traffickers frequently use code words to avoid detection, he looked for "patterns of conversation that did not make sense." **Sakala** he explained that he considered several sources of information, such as evidence that had been seized during the investigation, before reaching a conclusion about the meaning of a particular conversation. In addition, he took into account "interviews with witnesses, cooperators, [and] cooperating defendants."

Witness Testimony

Levi entered into a plea agreement with the government that required her to testify at trial. But on the night before she was scheduled to take the stand, she met with prosecutors and informed them that she no longer intended to testify. She did not, however, provide any explanation for her change of heart, nor did she indicate that she might invoke her Fifth Amendment privilege against self-incrimination.

Judge Reid

"You may recall that a witness by the name of Gwendolyn Levi was called to the stand and testified briefly, and then she decided she did not wish to testify further. I have ordered her testimony stricken. The jury is to disregard in its entirety everything you heard out of the mouth of Gwendolyn Levi. You should also draw no inference in any way, shape or manner concerning her decision that she did not wish to further testify."

Defense Case Notes

Johnson

Johnson was observed accompanying Gwendolyn Levi to purchase heroin from Uriarte on at least one occasion. On April 23, 2004, officers observed Johnson and Levi drive from Levi's Maryland residence to a furniture store in New York City to meet Uriarte. Levi entered the store carrying a box containing about a quarter of a million dollars and exited with a gift-wrapped package that she placed in the trunk of the vehicle. That night, Johnson and Levi drove back into Maryland, where state police pulled them over. The police searched the trunk and seized the package, which contained approximately 2300 grams of heroin. Johnson and Levi were then arrested.

On Behalf of defendant Donna Johnson the sole individual claim is that the evidence against her is insufficient to support her three felony charges. Johnson contends that the evidence against her consisted of little more than the fact that she was driving a car in which drugs were found.