

**COPY**

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

3 -----

File No. 62-CR-10-1465

4 State of Minnesota,

5 Plaintiff,

6 vs.

**PRETRIAL HEARING**

7 Tamika Suttles,

8 Defendant.

9 -----

**TRANSCRIPT OF PROCEEDINGS**

11 The above-entitled matter came on for hearing  
12 before the Honorable Gail Chang Bohr, Judge of said  
13 Court, on the 27th day of July, 2010, at the Ramsey  
14 County Courthouse, 15 W. Kellogg Boulevard, St. Paul,  
15 Minnesota.

**APPEARANCES:**

16 Richard Dusterhoft, Assistant Ramsey County  
17 Attorney, appeared on behalf of the Plaintiff;

18 Jill Clark, Attorney at Law, appeared on behalf of  
19 the Defendant; and  
20

21 Susan D. Montpetit, Court Reporter.  
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State v. Drljic/Suttles

1 (In Open Court - Afternoon Session)

2 THE CLERK: Page 1, line 2, Daniel Drljik; and  
3 Page 2, line 3, Tamika Suttles.

4 MS. CLARK: Would you like my client up here?

5 THE COURT: Yes. Okay. And we're ready to  
6 proceed.

7 Ms. Clark, you want to state on the record what  
8 you're asking.

9 MS. CLARK: Thank you, Your Honor. As the  
10 court knows, I represent both Tamika Suttles which is  
11 10-1465; and Daniel Drljik, which is 10-1464. Mr. Drljik  
12 has joined in the motions made by Tamika Suttles, which  
13 are as follows:

14 To dismiss the case under State v. Florence,  
15 because there is exonerating evidence and because the  
16 state lacks significant evidence to advance to trial.

17 A Motion for violations of the Brady or  
18 Trombetta Doctrines. That's number two.

19 Number three is a Motion to dismiss for lack of  
20 probable cause, due to lack of neutral investigation.

21 Number four, is a Motion to exclude from the  
22 trial Jermaine English's purported recantation.

23 And five, is a Motion for disclosure of the  
24 identity of any confidential reliable informants.

25 As to number five, Mr. Dusterhoft e-mailed me

State v. Drljic/Suttles

1 this morning that Thomas Nolan (phonetic), a name the  
2 court will hear much about this afternoon, is not a  
3 registered CRI with St. Paul. It is still a question  
4 mark in our minds whether or not he is in fact a CRI with  
5 Minneapolis; but, we have yet to determine that.

6 So, it's my understanding the prosecutor and I,  
7 together, will attempt to learn that information that the  
8 state doesn't oppose releasing it, if in fact he is a  
9 CRI. So that one, it looks like has been resolved.

10 It's also my understanding with regard to  
11 number four, that the state agrees that under Crawford v.  
12 Washington, it must present Mr. English at trial. That  
13 is if the court allows him to testify to the recantation  
14 so that he can be cross-examined. So, this issue has  
15 already also been agreed upon, Your Honor.

16 THE COURT: All right. Mr. Dusterhoft.

17 MR. DUSTERHOFT: Your Honor, with respect to  
18 Mr. Nolan and whether or not he is a CRI, I checked with  
19 the St. Paul Police Department, he is not a registered  
20 CRI. He is not known as an informant to the St. Paul  
21 Police Department.

22 At Ms. Clark's request, I will check with the  
23 Minneapolis Police Department. But, the fact is that he  
24 lives at 765 Raymond. And according to what he told  
25 myself and Sergeant Strickland today, he lives there. He

State v. Drljic/Suttles

1 looked out his window and he saw a burglary in progress.  
2 So, whether or not he has ever cooperated with the police  
3 in some other case I don't think is germane to this case.  
4 But, if Ms. Clark wants me to check, I'll check.

5 THE COURT: Okay.

6 MR. DUSTERHOFT: With respect to Mr. English's  
7 recantation, I believe that what he testifies to is the  
8 evidence and I certainly intend to present him in front  
9 of the Jury. I didn't intend to present his written plea  
10 transcript as substantive evidence. But, I believe that  
11 any statements he made or has made with respect to this  
12 case, as a witness, are fair game as far as his testimony  
13 goes and that would include his plea under oath.

14 And that leaves the other issues that Ms. Clark  
15 has pointed out. And to address those issues, the state  
16 intends to call the investigator in this case, Sergeant  
17 Tyrone Strickland. So, the state intends to do that at  
18 this time.

19 By the way, for the record, Richard Dusterhoft  
20 on behalf of the state.

21 THE COURT: Okay.

22 Thereupon,

23 TYRONE STRICKLAND,

24 a witness, first having been duly sworn, was examined and  
25 testified as follows:

Strickland - Direct

1 THE CLERK: Please state and spell your full  
2 name for the record.

3 THE WITNESS: Tyrone, T-Y-R-O-N-E, Timothy  
4 Strickland, S-T-R-I-C-K-L-A-N-D.

5 THE COURT: Good afternoon, Sergeant  
6 Strickland.

7 THE WITNESS: How are you doing today?

8 THE COURT: And you have testified before?

9 THE WITNESS: Yes.

10 THE COURT: Okay. So, you know if there is an  
11 objection, you wait for me to rule before you proceed or  
12 not.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: All right. Okay. Thanks. And  
15 please proceed, Mr. Dusterhoft.

16 MR. DUSTERHOFT: Thank you.

17 DIRECT EXAMINATION

18 BY MR. DUSTERHOFT:

19 Q Sergeant Strickland, you are an investigator with the St.  
20 Paul Police Department; is that correct?

21 A Yes.

22 Q How long have you been a police officer?

23 A Twenty-two years.

24 Q How long have you been an investigator?

25 A About 12 years.

Strickland - Direct

1 Q What's your current assignment?

2 A Western investigation.

3 Q You were the investigator assigned to this particular  
4 case. And I'm talking about a burglary that occurred on  
5 University and Raymond, approximately?

6 A Yes.

7 Q How did you become involved in this case?

8 A I was assigned as the investigator. It's the area that I  
9 usually work for my district, for the western district.  
10 I'm assigned to that area.

11 Q When were you assigned to this case?

12 A December 6th, 2009.

13 Q As part of your involvement in this case, did you review  
14 the reports of other police officers?

15 A Yes.

16 Q So, when you initially became involved in this case, what  
17 was your understanding of what had occurred?

18 A My understanding was that three people were arrested,  
19 committing a burglary, in the process of committing a  
20 burglary in the area of University and Raymond.

21 Q And based upon what you learned from the police reports,  
22 what was the way that these individuals were able to  
23 access the building?

24 A They went through one of the doors and down into the  
25 basement and made their way through a wall into a liquor

Strickland - Direct

1 store and other parts of the other buildings that were  
2 connected to the open area.

3 Q So, just so the court is clear, what type of building are  
4 we talking about here?

5 A It's a combination. They have some businesses down below  
6 and upstairs they have apartments.

7 Q How many floors in the building, do you remember?

8 A I think it's three.

9 Q And how did the police become involved in this case?

10 A Originally, they were called by the alarm company. One  
11 of the alarms had gone off in the liquor store. Then,  
12 the squad pulled up on one of the vehicles parked in the  
13 back.

14 Q And the squad that pulled in the parking lot, where's the  
15 parking lot in relationship to University and Raymond?

16 A It's in the rear. You can't see it from the street.

17 Q The squad that pulled in, you said that squad encountered  
18 a vehicle; is that correct?

19 A Yes.

20 Q And initially, did that squad encounter a person?

21 A Yes.

22 Q Who was that?

23 A Tamika Suttles.

24 Q Based on the police reports, what was Ms. Suttles'  
25 reaction when the police arrived?



Strickland - Direct

1 A She was surprised that they showed up and then she  
2 started kind of walking away, trying to distance herself  
3 from the vehicle, from the incident.

4 Q After dealing with Ms. Suttles, what happened next as far  
5 as the police on the scene?

6 A They were -- a witness called out and informed the  
7 officer that there was another person that went into the  
8 building.

9 Q Okay. And did the police eventually find anyone in the  
10 building?

11 A Yes, two other people.

12 Q Who were they?

13 A Jermaine English and Daniel -- I'm not sure how to  
14 pronounce his last name.

15 Q Drljic?

16 A Drljic; yes?

17 Q With that information, what did you do as far as your  
18 investigation is concerned?

19 A Okay. After reviewing reports, I went down to the Law  
20 Enforcement Center, Ramsey County Jail, to interview all  
21 three suspects.

22 Q Who did you interview first?

23 A Tamika.

24 Q What did Ms. Suttles tell you?

25 A She said that she was called there to help move -- help

Strickland - Direct

1 her friend, Jermaine, move some items.

2 Q And what time did the police arrive at this building?

3 A I believe it's in the report. I'm not sure; three in the  
4 morning. Somewhere around that time.

5 Q The police reports indicate 4:18 a.m. Does that sound  
6 correct?

7 A Yes.

8 Q Ms. Suttles said she was there to assist who?

9 A Jermaine English to move some items. He was helping  
10 someone move.

11 Q What did she tell you she did?

12 A She said that she received a call from Jermaine and that  
13 she came over and that she was in the back and it was a  
14 white male that was bringing some items out to her to put  
15 into the car. And she was waiting for him to bring some  
16 items out.

17 Q She said items had been placed in the car; is that  
18 correct?

19 A Yes.

20 Q And the vehicle that was in the back parking lot, was  
21 that seized by the police?

22 A It was towed to the impound lot, yes.

23 Q Were there items that had been stolen from that building  
24 found in the vehicle?

25 A Yes. There were some items that were taken from the art

Strickland - Direct

1 studio that still had dust on them and some other items  
2 that were in there?

3 Q After talking to Ms. Suttles, who did you talk to?

4 A To Daniel.

5 Q Mr. Drljic?

6 A Yes.

7 Q What did he tell you?

8 A He said he was helping a friend, Jermaine, that they came  
9 there to get some items and he was just helping Jermaine  
10 in the store to move some items out.

11 Q So, Mr. Drljic admitted being inside the store?

12 A Yes.

13 Q What store are we talking about?

14 A The liquor store; Sharrett's Liquors.

15 Q What else did you -- what else did Mr. Drljic tell you,  
16 if anything?

17 A Just that his girlfriend was coming to help him move.  
18 She had brought the car there.

19 Q To back up for just a second, Sergeant, based upon the  
20 police reports from the officers at the scene, was there  
21 a time that Mr. Drljic came out of the building,  
22 initially, when the police were there?

23 A Yes, he came out once he saw that the police were there  
24 and then he ran back in.

25 Q And after talking to Mr. Drljic, did you attempt to

Strickland - Direct

1 interview Mr. English?

2 A Yes.

3 Q What happened?

4 A I read him his rights. He originally agreed to talk to  
5 me; then he said he wanted a lawyer.

6 Q So, while he was in custody on December 7th, were you  
7 able to interview him?

8 A Yes.

9 Q While he was in custody?

10 A I interviewed him and he started to interview, then he  
11 stopped.

12 Q Okay. The three interviews with the three people who  
13 were arrested, what else did you do besides that?

14 A I went out -- I presented the case and then I went out to  
15 each address to talk to each of the owners for the three  
16 businesses that had been entered and to talk to them  
17 about the items that they were missing, see what kind of  
18 evidence they had related to the crime. I did that after  
19 I presented the case.

20 Q You say you presented the case. Presented it to who?

21 A To the County Attorney for charging.

22 Q Then you went out to the address. Who did you talk to  
23 out there; do you remember?

24 A I can't remember the names, but I talked to the owner of  
25 the coffee shop and she showed me -- talked to me

Strickland - Direct

1 about -- told me how they came in the back and what they  
2 looked for. The fact that she had \$150 missing. And  
3 then I talked to the owner -- one of the owners of the  
4 liquor store. He gave me a list of items that he was  
5 missing. And he took me downstairs and showed me the  
6 hole where they came through the wall and how they set  
7 off the alarm system and the boxes of liquor that they  
8 had stacked up where they were sitting at?

9 Q Besides the coffee shop and the liquor store, what other  
10 businesses were entered by the burglars that night?

11 A There was an art studio that was also entered. And the  
12 owners had told me what was missing; lap top computer,  
13 printer, a drill.

14 Q Did you -- was there any other evidence that you were  
15 able to acquire, initially, when you went out there and  
16 talked to the business owners?

17 A Well, he had a CD of what happened in there, a video of  
18 what was happening in the liquor store. That was later  
19 on picked up once he had copied it.

20 Q Were you able to see that while you were out at the  
21 store?

22 A No, I wasn't.

23 Q Initially, you didn't have access to the video?

24 A No.

25 Q Was the case immediately charged by the County Attorney's

Strickland - Direct

1 Office?

2 A No.

3 Q Were you asked to do additional investigation?

4 A Yes.

5 Q What additional investigation were you asked to do?

6 A We finally got the video, get a chance to look at what  
7 happened in the store. I then went and talked to all the  
8 owners, again, to find out what had happened, see if they  
9 had developed a list of what was missing. The liquor  
10 store gave me a list. They entered, at that time, how  
11 much was missing and the cost of each item and the total  
12 cost.

13 Q So I'm clear, that you were able to view the video at  
14 some point after you were asked to do additional  
15 investigation; is that correct?

16 A Yes.

17 Q In the meantime, at some point, was some of the property  
18 that had been seized, released?

19 A Yes; the printer, another computer box and a drill were  
20 released to a Peter Brown, who was Joseph Brown's son,  
21 who actually owned the art studio. And those items they  
22 said were missing from the art studio.

23 Q Was there anything else that was released back to the  
24 victims?

25 A I think that was it.

Strickland - Direct

- 1 Q Okay. Were there items or property that was taken from  
2 that business that were not recovered in the vehicle and  
3 that wasn't found still within the building?
- 4 A The computer and some other items that they listed from  
5 the coffee shop that we never found.
- 6 Q I think you said the coffee shop owner told you there was  
7 \$150 missing; is that right?
- 8 A Yes. And she had some bags of clothing items that she  
9 had never located she said were missing.
- 10 Q You said the vehicle was towed; is that correct?
- 11 A Yes.
- 12 Q Whose vehicle was that?
- 13 A Tamika Suttles.
- 14 Q Was that released?
- 15 A Yes, I did. I released it.
- 16 Q When Ms. Suttles was arrested, did she have any cash on  
17 her?
- 18 A She had over \$16,000 on her.
- 19 Q Did you release that?
- 20 A Yes.
- 21 Q Did you give it back to Ms. Suttles?
- 22 A Yes.
- 23 Q Why?
- 24 A I couldn't prove any other way that it was stolen or  
25 anything like that. So I had no right to keep it, so I

Strickland - Direct

1 gave it back to her.

2 Q When you viewed the video from the liquor store, what did  
3 it show?

4 A It showed two suspects in there; Daniel and Jermaine  
5 English, in the liquor store. Saw them running around  
6 trying to find a way out of the store, which they  
7 couldn't. And finally, they came to the front door where  
8 one of the officers were looking at them.

9 Q While they were in the liquor store, were the lights on?

10 A It was kind of half and half.

11 Q Okay. How were they dressed or how did they appear in  
12 the video?

13 A One, at one time, had a mask on. I think it was Mr.  
14 Drljic had a mask on. And I couldn't tell for sure  
15 exactly what Jermaine had on.

16 Q You were able to identify these people in the video; is  
17 that correct?

18 A Yes.

19 Q Anybody else appear on the video?

20 A No.

21 Q You had a chance to talk to the person you mentioned who  
22 had seen people going into the building. And I think you  
23 said his name; is that correct?

24 A Thomas Nolan (phonetic).

25 Q You talked to him on January 15, 2010; is that correct?



Strickland - Direct

1 A I spoke to him by phone, yes.

2 Q What did Mr. Nolan tell you?

3 A Basically repeated the same thing that he had told us  
4 earlier. It was a short conversation. And I told him  
5 that we would try to talk to him later on. He may have  
6 to be a witness to what happened. And I told him I would  
7 contact him later.

8 Q Okay. And on January 15th, he told you essentially the  
9 same thing he told you before; is that correct?

10 A Yes.

11 Q Have you spoken to him since then?

12 A I did today.

13 Q What did Mr. Nolan say today?

14 A He gave us, basically, the same story he said before. He  
15 said that he heard some noise outside. He looked out the  
16 window and he saw a car pulling in with what he saw was a  
17 black male and black female and they got out and kind of  
18 disappeared around the corner for 10 to 15 minutes. Then  
19 they came back carrying items which they put in the trunk  
20 of the vehicle. He said the female part stayed in the  
21 car while the other person went back into the building.

22 Q Then what happened?

23 A And he said that after that a squad car pulled up and was  
24 talking to the female half, the black female. And he  
25 then said he called down and told them that there was

Strickland - Direct

1 another person that went back into the building. And he  
2 said the officer told him to call 911. And the officer  
3 got on his radio and saw some other squads come up.

4 Q Prior to that, did Mr. Nolan describe a time when another  
5 vehicle pulled into the parking lot?

6 A Yes. He said that another vehicle pulled in and the two  
7 people that were -- that got out of the first vehicle,  
8 kind of hid, trying to hide from sight.

9 Q So, just to be clear, Mr. Nolan said that the female that  
10 was eventually encountered by the police had carried some  
11 items to the car; is that correct?

12 A Yes, he said they both carried some items and put them in  
13 the trunk.

14 Q Subsequent to your conversation with Mr. Nolan on January  
15 15, 2010, was this case charged?

16 A Yes.

17 Q And who was charged?

18 A They all three were charged with Burg III.

19 Q Based upon your conversations with Ms. Suttles and mister  
20 -- I'm sorry, I need to back up. You said that there was  
21 an interview with Mr. English at some point; is that  
22 correct?

23 A Yes. He came -- he was brought to the station by Tamika  
24 and Daniel to talk to me about what had happened. And  
25 they came inside to say he wanted to talk to me and tell

Strickland - Direct

1 me what really happened. When I came down, he actually  
2 had left. And one of the squads saw him and brought him  
3 back. And he came into the police station and he said  
4 that he wanted to tell me what really happened. But, he  
5 said the lawyer told him that if he talked to me, I would  
6 arrest him. And I told him I was not going to arrest him  
7 at the time; but, if he wanted to talk to me he could and  
8 I would let him go after the conversation.

9 Q Was the interview that you had with Mr. English recorded?

10 A No. He said he would sign Miranda; but, he would not  
11 record the conversation.

12 Q So, whose idea was it not to record the conversation?

13 A It was Jermaine English.

14 Q Did you intend to record the conversation?

15 A Yes.

16 Q And the police report indicates that that conversation  
17 took place on December 15th, 2009. Does that sound  
18 correct?

19 A Yes.

20 Q During that conversation with Mr. English, what did he  
21 tell you?

22 A He said that, basically, it was his idea. That he had  
23 brought Daniel with him because he had a friend there  
24 that owed him some money and he wanted his money. He  
25 thought he would bring Daniel along and use him as

Strickland - Direct

1 muscle. He said this guy named Joe who he had met before  
2 and they had smoked some drugs, done some drugs together,  
3 owed him money for drugs. So, he brought Daniel along as  
4 an enforcer because Daniel was bigger than he was and he  
5 wanted to get his money back. He said that he was  
6 getting ready to go to the workhouse and he needed money  
7 for his canteen.

8 Q Did Mr. English's version square, at all, with the  
9 version Tamika Suttles told you?

10 A It was close to what she said. Yeah, it was that he  
11 called them, basically, what he was saying. He was  
12 taking responsibility for it and they were just coming to  
13 help him.

14 Q But, correct me if I'm wrong, Ms. Suttles told you that  
15 she was there to help someone move; is that correct?

16 MS. CLARK: Object to the leading questions.

17 THE WITNESS: Yes.

18 THE COURT: Okay. I am going to overrule that  
19 objection and allow the question. Although, Mr.  
20 Dusterhoft, if you can avoid leading questions.

21 THE WITNESS: Yes. She said she was there to  
22 help someone move.

23 BY MR. DUSTERHOFT:

24 Q Okay. And did Mr. English's version square with what Mr.  
25 Drljic told you?

Strickland - Direct

1 A No.

2 Q Did Mr. English's version square with the physical  
3 evidence? In other words, the way the building was  
4 entered and the way the businesses were entered?

5 A No.

6 Q Did it square with what you saw on the video?

7 A No.

8 Q Based upon what you knew in your investigation, did you  
9 believe what Mr. English told you on December 15th, 2009?

10 A No.

11 Q He told you there was somebody named Joe who lived in  
12 that building; is that correct?

13 A Yes.

14 Q What investigation have you done to try to find out if  
15 there was somebody named Joe that was there that night?

16 A I went out there and met with the owners of the building  
17 and ran a list of the names of the people that lived  
18 there. I also looked at people that lived there that may  
19 fit the description that he gave, Joe being a white male,  
20 early 20s. And I didn't find anyone that fit that  
21 description or that name.

22 Q Are you aware of someone who sent a letter to the police  
23 department or the County Attorney's Office regarding this  
24 case?

25 A Yes. When I went out to interview Peter and Joseph, the

Strickland - Direct

1 owners of the building, Joseph had mentioned that he was  
2 going to send a letter to the County Attorney. I have  
3 never seen the letter; but, he said he did.

4 Q Did the letter -- or the threat of a letter that you  
5 heard about, have anything to do with your investigation?

6 A No.

7 Q Anybody tell you to stop investigating this case?

8 A No.

9 Q It's my understanding that, initially, the County  
10 Attorney's Office declined to charge this case; but, then  
11 later, did charge the case. Is that correct?

12 A Yes. He told me he wanted me to do some follow up.

13 Q Did you do that follow up?

14 A Yes.

15 Q And as a result of that, was the case charged?

16 A Yes.

17 Q The defense attorney has moved to dismiss this case for  
18 lack of probable cause and indicates that it's her  
19 understanding that you don't believe that Ms. Suttles and  
20 Mr. Drljic are involved in this case or are responsible  
21 for this case; is that accurate?

22 A No.

23 Q Motions indicate that you were told to stop investigating  
24 this case by the County Attorney's Office; is that  
25 correct?

Strickland - Direct

1 A I was not told to stop investigating. No, I was not.

2 Q Did you investigate this case?

3 A Yes.

4 Q Is there anything else that needs to be done?

5 A No.

6 Q There is a mention in the motions by the defense of  
7 street cameras, traffic cameras in the area. Are there  
8 traffic cameras in the area of Raymond and University?

9 A Yes.

10 Q And have you checked to see if the footage from that  
11 night is still available?

12 A It's not still available.

13 Q Would that -- you have gone out to the scene how many  
14 times?

15 A I don't know. I'm out there a couple times a week.

16 That's my area so I go out a couple times a week.

17 Q And would the traffic cameras at Raymond and University  
18 cover the parking lot where this took place?

19 A No.

20 Q Would they cover the spot where the individuals went into  
21 the building?

22 A No.

23 Q There is some indication of some other statement by  
24 Jermaine English in this case. You spoke to him when he  
25 was in custody and that's when he had asked to talk to an

Strickland - Cross

1 attorney; is that correct?

2 A Yes.

3 Q Then there was another conversation between you and Mr.  
4 English when he came to the police department?

5 A Yes.

6 Q Have you talked to Mr. English since then?

7 A No.

8 Q You spoke to Thomas Nolan on the phone and also in person  
9 today; is that correct?

10 A Yes.

11 Q To your knowledge, is he any kind of an informant for the  
12 police department?

13 A No.

14 MR. DUSTERHOFT: Thank you. Nothing further.

15 THE COURT: Ms. Clark.

16 MS. CLARK: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MS. CLARK:

19 Q Sergeant, you indicated that you were assigned this case  
20 on December 6th, 2009. Is it accurate that you  
21 understood your job as investigator to be neutral?

22 A Yes.

23 Q In other words, you were supposed to look at all the  
24 facts, examine all the avenues and not make a conclusion  
25 until the end of your investigation; correct?



a Strickland - Cross

1 A Correct.

2 Q Now, you talked a little bit to us here today about some  
3 conversations you had with Tamika Suttles, Daniel Drljic  
4 and Jermaine English. And I want to take those one at a  
5 time. Isn't it true that -- and I'm not quoting  
6 verbatim -- but, isn't it true that Tamika Suttles  
7 essentially told you that she had been called by Jermaine  
8 English who had been a client of their tattoo shop?

9 A Yes.

10 Q And that her understanding was that he needed to move,  
11 like people move between apartments; that type of moving?

12 A Yes. She was helping him move, yes.

13 Q In other words, that she had no understanding that boxes  
14 were being moved for any kind of burglary or illicit  
15 purpose; was that your understanding?

16 A My understanding was she was helping him move.

17 Q At least that's what she thought; right?

18 A That's what she told me.

19 Q And would you agree that when someone moves between  
20 apartments, there are often boxes of things?

21 A Yes.

22 Q And often several people loading a vehicle?

23 A Yes.

24 Q And a big vehicle, with a big hatch back or, you know,  
25 five-door vehicle is a good spot to put items, household

Strickland - Cross

- 1 items that are going to be moved?
- 2 A I guess, yeah.
- 3 Q Have you ever helped someone move?
- 4 A Yes.
- 5 Q Have you ever been the driver?
- 6 A Yes.
- 7 Q Have you ever had people load up the back of your truck  
8 and not know exactly what's in there?
- 9 A Yes.
- 10 Q Okay. Now, you were asked a minute ago about the cameras  
11 at Raymond and University. Would it be accurate to say  
12 that the camera footage, had it been preserved, would at  
13 least show us what cars were going through that  
14 intersection and the time?
- 15 A Yes.
- 16 Q So, for example, if Jermaine English tries to testify at  
17 trial that Tamika Suttles, Daniel Drljic and Jermaine  
18 English all arrived in one car together; one of the ways  
19 that could be impeached would be finding video footage  
20 showing one car arrived first and much later, Tamika  
21 Suttles?
- 22 A I guess. I don't know. I guess.
- 23 Q Would it be accurate to say that at the time you were  
24 investigating, you didn't have any story from English  
25 that they had all three arrived together in a vehicle?

Strickland - Cross

1 A No, I didn't.

2 Q Not in time to preserve that footage; right?

3 A Right.

4 Q Now, with regard to Daniel Drljic -- and I do have a copy  
5 here of your police report if you need to refresh your  
6 recollection -- but, you don't have anything in your  
7 police report that memorializes English's statement to  
8 you at the western district saying that he brought Daniel  
9 for -- to be an enforcer; do you?

10 A I would have to review the report.

11 Q Would you like to see it?

12 A Yes.

13 MS. CLARK: May I, Your Honor?

14 THE COURT: Yes.

15 (Brief pause)

16 THE WITNESS: Okay. In the third paragraph  
17 here it says English said he decided to call Daniel for  
18 muscle because he was bigger.

19 BY MS. CLARK:

20 Q Okay. And that's what he said to you as opposed to using  
21 the word enforcer; right?

22 A Yes.

23 Q All right. And would you agree that when someone moves  
24 between apartments, they like to get some big guys for  
25 muscle to move the big boxes?

Strickland - Cross

1 A That's not the way I took it.

2 Q That's not the question.

3 A Okay. Well, I do guess you want strong people to help  
4 you move. Yes, you do. That's true.

5 Q Certainly that is an interpretation that Mr. Drljic was  
6 asked to be muscle to move boxes between apartments?

7 A Yes.

8 Q Now, with regard to this Joe -- first of all, you, at  
9 that time -- and this would be December 15th, 2009;  
10 right?

11 A Right.

12 Q When English comes to the station, leaves and then some  
13 officers bring him back?

14 A Well, he never came in. He was outside in their car.  
15 And then he walked away while they were inside.

16 Q Okay. They were talking to you?

17 A Yes.

18 Q Okay. So, he walked away and some squads brought him  
19 back and that's the time when he signed Miranda; but  
20 didn't want it recorded, right?

21 A Right.

22 Q And you had run a criminal history on him; right?

23 A Yes.

24 Q And he had a lot of burglaries in his background; didn't  
25 he?

Strickland - Cross

- 1 A He had a long history; yes.
- 2 Q And in particular, a number of burglaries; right?
- 3 A Yes.
- 4 Q And in fact, you understood from him that the reason he  
5 committed this burglary was to get some canteen money  
6 that he could spend at the Hennepin County Workhouse,  
7 where he would be serving time for a burglary; right?
- 8 A That's not what I said. What he said was he was coming  
9 to get money from Joe who owed him money so he could have  
10 it for his canteen.
- 11 Q Right, for the workhouse?
- 12 A Yeah. He didn't say the burglary. He said he went there  
13 to get the money from Joe. He brought along Daniel, as  
14 muscle, because he wanted to get his money, the money  
15 that he owed him, is what he said.
- 16 Q Well, would you agree that if we had a tape recording of  
17 that conversation, we would all have the precise words  
18 and then the jury could draw their own conclusions about  
19 precisely what he said?
- 20 A Yes, that's true.
- 21 Q Okay. So, let me break this question apart. Did you  
22 understand that Mr. English was about to report to serve  
23 time at the Hennepin County Workhouse?
- 24 A Yes.
- 25 Q For a burglary; right?

Strickland - Cross

1 A I don't know what he was going for. I didn't know. I  
2 didn't ask.

3 Q Oh, okay. And English also confirmed what Tamika Suttles  
4 and Daniel Drljic had said that he was their client at  
5 their tattoo parlour; right?

6 A That's how he said he knew Daniel, yes.

7 Q And then, isn't it true that English also told you that  
8 day that Joe told him that he didn't have the money, but  
9 he was going to give him some items that he had in a  
10 storage locker in a basement?

11 A Yes.

12 Q And that English understood that these items that Joe  
13 wanted to give him were some liquor; right?

14 A Yes.

15 Q And English wanted to party before he went to jail?

16 A That's what he said, yes.

17 Q And then English also told you that he had called  
18 Suttles, because he had too much to carry and he wanted  
19 her to give him a ride?

20 A Yes.

21 Q And that after Tamika Suttles arrived with her car,  
22 shortly thereafter, the police showed up; right? English  
23 told you that; right?

24 A A car was there before the police showed up.

25 Q I'm just talking about what English told you?

Strickland - Cross

- 1 A Okay. If it's in the report, that's what he told me.
- 2 Q Okay. And then, finally, English said that he was trying  
3 to get out and not be caught; right?
- 4 A Yes.
- 5 Q Now, with regard to the "Joe" person, you understood he  
6 was a white male; right?
- 7 A Yes.
- 8 Q And Tamika Suttles had told you that a white male had  
9 come out into this back lot and put some items in the  
10 trunk of her car; right?
- 11 A Right.
- 12 Q But that she didn't know the name of that man; right?
- 13 A Yes.
- 14 Q In other words, he had not arrived with her or anything;  
15 right?
- 16 A Yes.
- 17 Q And so, as an experienced investigator, you understood it  
18 was possible that it was Joe and English who had done the  
19 burglary and that Tamika Suttles was just a dupe?
- 20 A You say, did I understand that?
- 21 Q I said, as an experienced investigator you knew that was  
22 a possibility; right?
- 23 A I guess it would be a possibility; yes.
- 24 Q Sure. And sometimes people who -- well, strike that. I  
25 mean, some people, in your experience, have a lot of

Strickland - Cross

1 knowledge about the criminal justice system; right?

2 A Yes.

3 Q And some people who haven't been involved in it just  
4 don't really know to look out for certain things; right?

5 A Right.

6 Q In other words, if someone thought they were coming to  
7 give someone a ride and help them move some things, they  
8 could easily be used as a dupe; right?

9 A Yes.

10 Q So, you set out to see if you could find Joe; right?

11 A Right.

12 Q And you knew that your job was to investigate all the  
13 angles and not just go with evidence that would assist in  
14 prosecution; right?

15 A I was supposed to investigate to try to find out the  
16 truth.

17 Q Yes, exactly the truth?

18 A Yes.

19 Q So, you then called this Mr. Brown, who owns the building  
20 or did you call his son?

21 A I actually went out and talked to them.

22 Q Okay. Out at the building?

23 A Yes.

24 Q And that's the one that you described for the court,  
25 which is some businesses on the bottom, some apartments



Strickland - Cross

- 1 on the top and I take it some basement storage beneath?
- 2 A There is a common basement downstairs, yes.
- 3 Q Common, where even the renters can get into it?
- 4 A I don't -- it was when I went down there it was open. I
- 5 don't know how it is now, because I know he did some
- 6 repairs. So, I don't know what it looks like now.
- 7 Q But, when you went there, was it your understanding that
- 8 if someone was renting an apartment above, they could get
- 9 down to that basement?
- 10 A It's possible, yes.
- 11 Q So, which Brown did you ask for information about the
- 12 renters?
- 13 A Peter.
- 14 Q Peter Brown is the son?
- 15 A Yes.
- 16 Q And he gave you -- you asked for what, male renters that
- 17 were white and fit a certain age range?
- 18 A Well, I asked who lived there, how many people he had
- 19 there and he gave me a list. That I just wanted to talk
- 20 to the ones that would fit the description that Jermaine
- 21 had given me.
- 22 Q What happened to the list of all of the people who lived
- 23 in that apartment building?
- 24 A I gave it back to Mr. Brown.
- 25 Q Keep a copy for your investigator's file?

Strickland - Cross

1 A No. Once I checked them and they didn't match, I gave it  
2 back to him.

3 Q Now, you said you were interested in people who were  
4 renters living there who fit the description of Joe. And  
5 that's because, a couple things that happened; but, one  
6 of the things was Tamika Suttles had told you this white  
7 man had come from an apartment above, down and put  
8 things in her trunk; right?

9 A She said a white male came out and put some of the stuff  
10 there, yeah.

11 Q From the building?

12 A Yeah, from the building, yeah. She didn't say upstairs.  
13 She said from the building.

14 Q Okay. Thank you. From the building. All right. And  
15 you identified three individuals who fit that  
16 description; right?

17 A Yes.

18 Q And one of those was Thomas Nolan?

19 A Yes.

20 Q And then you took notes of those names and contact  
21 information for those individuals; right?

22 A I don't know if I did or not. I don't think I put it in  
23 the report because I didn't think that they needed to be  
24 in the report if they weren't involved in the case.

25 Q Do you recall being interviewed by the defense yesterday

Strickland - Cross

1 on audiotape?

2 A Yes.

3 Q Do you recall saying that you took notes of that and then  
4 destroyed the notes later?

5 A I said Jermaine's interview I got rid of later.

6 Q I'm asking you about the notes of the three men who fit  
7 the physical description of Joe?

8 A Yes.

9 Q Those notes you got rid of?

10 A I don't remember having those notes.

11 Q Do you remember telling the defense, yesterday, that you  
12 got rid of those notes?

13 A I thought we were talking about Jermaine's notes. I  
14 don't know we were talking about the three persons I  
15 looked at.

16 Q Well, how is the defense -- do you know the concept of an  
17 alternative perpetrator, sir?

18 A No, what is it?

19 Q You know what it is?

20 A No.

21 Q Do you understand the concept that if the defendant is in  
22 trial and the defendant can prove that someone else did  
23 it, that that will help prove their innocence. Do you  
24 understand that?

25 A Yes.

Strickland - Cross

1 Q Would you agree that the defense is entitled to  
2 information about other suspects who might have committed  
3 the crime?

4 A Yes.

5 Q Did you do anything to put into your police report, a  
6 memo, an e-mail, anything, this information about three  
7 white men who lived in the building who fit the  
8 description of Joe?

9 A No.

10 Q Do you know Thomas Nolan's middle name?

11 A I think you told me yesterday what it was.

12 Q Is it true that a form of his middle name is Joe?

13 A You told me it was Jose.

14 Q And would you agree that sometimes people use their  
15 middle name as their first name or people call them that?

16 A Yes.

17 Q So, it's possible Thomas Nolan is Joe; right?

18 A I didn't think so; but, it's possible, yes.

19 Q All right. And then this notion of Thomas Nolan calling  
20 911 or maybe calling the police. First of all, you never  
21 located a 911 call by Thomas Nolan; did you?

22 A Actually, I didn't look for one because the call came in  
23 from the alarm company.

24 Q Okay. Would you agree that one way for someone  
25 committing a burglary to divert suspicion from themselves

Strickland - Cross

1 would be to come out and tell the police, hey, I called  
2 911 and I caught this burglary in action?

3 A Yes.

4 Q In fact, in your experience as an investigator, you have  
5 had a number of situations where the person who calls 911  
6 is really the perpetrator; right?

7 A Yes. I have had situations like that, yes.

8 Q Now, when you were talking to these gentlemen out at the  
9 art studio, that was both father and son Brown?

10 A Yes.

11 Q And isn't it true that they were "pissed off" that you  
12 were investigating to look for Joe?

13 A Yes. They were not happy that I was trying to prove or  
14 disprove the alibi of Joe's existence. I explained it to  
15 them that it was my responsibility to look at both sides  
16 and try to find the truth.

17 Q And isn't it true that after you were out there at the  
18 art studio talking to the Browns and after they got  
19 "pissed off" that was when the Browns contacted the  
20 County Attorney, their city counsel member, the Chief of  
21 Police and several ranking officers in the police  
22 department?

23 A I know they sent a letter to Susan Gaertner, the County  
24 Attorney. I don't know who else they contacted.

25 Q What I'm trying to establish is, that was after you had

Strickland - Cross

1           been out there trying to find Joe; right?

2    A       After I had talked to them; yes.

3    Q       And then around the time that this letter was received,  
4           isn't it true that your commanding officer -- or actually  
5           your Commander Holtz, H-O-L-T-Z --

6    A       I apologize. At the time, it was Toupal. Commander Matt  
7           Toupal.

8    Q       Okay. So, you had indicated yesterday it was Holtz and  
9           you now say that it was --

10   A       Yes, he got transferred to patrol. It was Commander  
11          Toupal who came on in October.

12   Q       Have you ever seen this letter that was sent to Susan  
13          Gaertner that went to the Chief of Police and the city  
14          counsel member?

15   A       No.

16   Q       Let me rephrase my question, then. It was your  
17          understanding that the Browns contacted investigative  
18          Commander Matt Toupal?

19   A       No. He didn't contact him, no.

20   Q       Well --

21   A       I told you yesterday that I spoke to my commander, but he  
22          talked to me about it and I explained to him what was  
23          happening with the case. The Browns did not contact  
24          Commander Toupal.

25                   MS. CLARK: Well, I would like to put the

Strickland - Cross

1 letter into evidence and I'm hoping that the County  
2 Attorney doesn't object to that.

3 MR. DUSTERHOFT: No objection, for purposes of  
4 this hearing.

5 MS. CLARK: For purposes of this hearing.

6 THE COURT: Right. Should we mark it?

7 (Exhibit No. 1 marked for identification.)

8 MS. CLARK: Sergeant, showing you what's been  
9 marked as Exhibit 1. Why don't you just take a moment to  
10 look at that. We're trying to find an extra copy for the  
11 court, Your Honor.

12 (Brief pause.)

13 THE WITNESS: Okay.

14 MS. CLARK: Offer Exhibit 1.

15 THE COURT: And exhibit -- any objection?

16 MR. DUSTERHOFT: No.

17 THE COURT: Exhibit 1 is accepted.

18 BY MS. CLARK:

19 Q Sergeant, look with me at the second page. Do you see  
20 where it indicates that Mr. Brown called Investigative  
21 Commander Matt Toupal?

22 A Yes.

23 Q Then did Matt Toupal talk to you?

24 A Yes.

25 Q Did he tell you to get back on this case?

Strickland - Cross

1 A No.

2 Q What did he tell you?

3 A He asked me what was going on with the case. I told him  
4 that I was supposed to do follow up before it would be  
5 charged. That Attorney Pfaffe, who is the charging  
6 attorney, told me he needed more -- to do follow up and  
7 additional work before he could charge the case.

8 Q Did Pfaffe call you to tell you -- strike that. Do you  
9 know what date Pfaffe called you to tell you to do more  
10 work on the case?

11 A Actually, he told me when the case was not charged. It  
12 was the same day. When he said declined, further  
13 investigation needed, that was the same time that I  
14 turned it in to get it charged, which would be the 6th or  
15 7th in December.

16 Q Where in the police report is there any indication that  
17 the case was declined?

18 A It's not in the report. It's just I had to do more work  
19 on it.

20 Q And is there any information in the police report that  
21 the prosecutor had analyzed this case to be, at best, a  
22 misdemeanor trespassing?

23 A No.

24 Q Now, after Commander Toupal -- and Madam Court Reporter,  
25 it's T-O-U-P-A-L, Matt, M-A-T-T. After Commander Toupal



Strickland - Cross

1 talked to you, did you do any further investigation to  
2 try to find Joe?

3 A I'm trying to remember this. I was on vacation for the  
4 last two weeks of December. So, I'm not sure when I  
5 spoke to Matt about that. I wasn't there for awhile.  
6 So, after the 15th of December I was gone on vacation  
7 until after the 1st, until the first Monday of January.  
8 So, it had to be after that.

9 Q Well, would you agree with me that after Commander Toupal  
10 spoke with you, you didn't do any further investigation  
11 to try to find who Joe might be; would you agree with  
12 that?

13 A No, I don't think I did. No. I had already done it.

14 Q Now, who released items from the property room to the  
15 Browns?

16 A I gave permission for them to be released.

17 Q When was that?

18 A Whatever the date is on there. I had the officer  
19 emergency car go down and take photos of the items and  
20 then had items turned over to them.

21 Q Do you want to refresh your recollection by looking at  
22 the property records?

23 A Sure.

24 MS. CLARK: May I, Your Honor?

25 THE COURT: Yes.

Strickland - Cross

1 BY MS. CLARK:

2 Q I'm looking for the date that you released those items.

3 A It says here the 15th of December.

4 Q Well, one of the reasons police release items from the  
5 property room is because the case isn't going to be  
6 charged out; right?

7 A Not in this case; but, yes, they were. Once you  
8 photograph them, you can release them to the victims.

9 Q Well, we'll leave that determination for the court  
10 whether that can happen. But, let me just ask you this.  
11 Is there any indication in the police report as to why  
12 the items were released?

13 A Because they belonged to the victim.

14 Q Anything other than that?

15 A No, it's just that usually I write in the report that I  
16 gave permission to have items be released to the victim.  
17 They were photographed. There is a report there that  
18 Squad 150 went down to photograph the items that were  
19 released.

20 Q Let's talk about the items a little bit. You said that  
21 the art studio had claimed a lap top computer had been  
22 stolen?

23 A A computer. I misspoke if I said lap top. Computer.

24 Q You mean a desk top computer.

25 A My understanding, yes.

Strickland - Cross

1 Q And that was never located in Tamika Suttles' truck;  
2 right?

3 A No.

4 Q So, what happened to that, Sergeant?

5 A I don't know.

6 Q And would you agree that Jermaine English, Tamika Suttles  
7 and Daniel Drljic were all arrested at the scene?

8 A Yes.

9 Q So, the fact that there is some missing items, to an  
10 experienced investigator, could suggest another  
11 individual being involved; right?

12 A It could suggest two things to me; other people were  
13 involved or they made more than one trip. It could  
14 suggest two things, if I'm looking at it like that; yes.

15 Q All right. Did you ever get a search warrant for Thomas  
16 Nolan's apartment?

17 A I didn't have enough to get a search warrant for his  
18 apartment.

19 Q Well, did you try?

20 A No.

21 Q What else was, according to the witnesses, taken but  
22 never located in Tamika Suttles' truck?

23 A I don't have that property loss sheet on what was  
24 missing. I don't have all of that. I just have what  
25 they recovered here. Usually they do a property sheet

Strickland - Cross

1 showing what they have missing from each address. And I  
2 don't have that.

3 Q Do you know what happened to that document?

4 A It's probably in the record department.

5 Q In the record department?

6 A Yeah, at headquarters. You have to go to records and ask  
7 for a copy of it.

8 Q Did you ever see this five-door SUV that Tamika Suttles  
9 had that night?

10 A I didn't think she had a SUV. She had a car.

11 Q Wasn't it a big five door?

12 A A big car, yes.

13 Q Okay. Big trunk?

14 A Big trunk, yes.

15 Q A lot more items could have fit in there; right.

16 A Yep.

17 Q Including a computer; right?

18 A Right.

19 Q Right. And the reason people make two trips is because  
20 they run out of room; right?

21 A Yes, that's true.

22 Q All right. Now, what was given back to the Browns?

23 A I think it was a printer. Mr. Joseph Brown picked up his  
24 drill from headquarters. It was in a duffel bag that had  
25 other tools with it. At the office, I turned over to Mr.

Strickland - Cross

1 Brown, was the printer, parts of a computer.

2 Q All right. Printer and parts of a computer. Were they  
3 checked for fingerprints before they were released?

4 A No.

5 Q Would you agree that since they have now been released  
6 back to the Browns, that there is no longer any chain of  
7 custody?

8 A Yes.

9 Q And so, if the defense went now and tried to check to see  
10 if they had fingerprints, it would kind of be a waste;  
11 wouldn't it?

12 A Yes.

13 Q Now, you said something about a duffel bag and a drill.  
14 What is that?

15 A It's a duffel bag that had -- with me being an  
16 investigator, items that were used for a burglary; pry  
17 bar, crow bar, flashlight, stuff like that.

18 Q Well, let me ask you to look at that letter again.  
19 Doesn't Mr. Brown indicate that he picked up a duffel  
20 bag? That the police released a duffel bag to him?

21 A No, that's not what he said. He said, in a duffel bag  
22 was his drill.

23 Q All right. So, you released a drill to Mr. Brown?

24 A Yes. That's the items that he said were his that was  
25 taken from his business.

Strickland - Cross

1 Q And the duffel bag you're talking about is a duffel bag  
2 that police associated with Jermaine English; right?

3 A Yes, the one that we looked at yesterday.

4 Q Right. That had a crow bar in it and some big pliers,  
5 right, cutters?

6 A Yes.

7 Q And in fact, in the property room, the tag on it says  
8 Jermaine English; right?

9 A Right.

10 Q And from your experience you know that those are called  
11 burglary tools; right?

12 A Right.

13 Q No burglary tools were found on Daniel Drljic; correct?

14 A None.

15 Q And did the police department fingerprint the burglary  
16 tools that were associated with Jermaine English?

17 A No.

18 Q Now, the \$16,000 in cash that Tamika Suttles had, she  
19 communicated to you that she and Daniel were going to use  
20 that to open a new tattoo parlor; right?

21 A Right.

22 Q And you checked to make sure that none of the  
23 denominations from her money was missing from the cafe;  
24 right?

25 A I checked, yes.

Strickland - Cross

1 Q So, you were able to prove that her \$16,000 had not come  
2 from that cafe?

3 A She told me that. She said they had been saving it for  
4 the tattoo shop.

5 Q Okay. And in your experience, if someone has a lot of  
6 cash, they're less motivated to commit a burglary; right?

7 A Or they have already committed a burglary.

8 Q Well, I would like you to answer my question, Sergeant,  
9 if you would.

10 A What was the question? I'm sorry.

11 Q Isn't it true in your experience that if someone has a  
12 lot of cash, they often are less motivated to commit a  
13 burglary?

14 A I don't know that's -- that's something I wouldn't know.  
15 I thought it was bad that she had money with her if they  
16 were doing a burglary, that didn't make sense.

17 Q Well, isn't it true that you told Tamika Suttles that you  
18 would never have given her back that money if you thought  
19 that she had been involved?

20 A I told her I wouldn't have given her the money back if I  
21 could prove that there was some other way she had it,  
22 other than how she said.

23 Q Isn't it true that you said to Tamika Suttles, oh, I  
24 understand. That's why I gave it back to you. I didn't  
25 think you were really involved in it and I couldn't prove

Strickland - Cross

1 you got it anywhere else?

2 A Yes. I did say I couldn't prove she got it from anywhere  
3 else, yes.

4 Q Isn't it true you said you didn't think she was really  
5 involved in it. I didn't think you were really involved  
6 in it?

7 A In the beginning, I didn't know.

8 Q Do you recall having a conversation with Tamika Suttles?

9 A Just one.

10 Q Do you recall one after the case was charged out, she  
11 came to talk to you?

12 A She came to talk to me at my western district, yes.

13 Q Yes. Long after the case had been charged out; right?

14 A Yes. Actually, it was about a couple weeks ago, I think,  
15 the last time I spoke to her.

16 Q Okay. Long after you had seen the video; right?

17 A Yeah.

18 Q And you now know that she rolled a tape during that  
19 conversation; right?

20 A Yes.

21 Q All right. And you know there is a transcript of it;  
22 right?

23 A I assume that's what you're holding, yes.

24 Q And do you disagree that what I read is what you said?

25 A I probably did say that.



Strickland - Cross

1 Q Okay. Thank you. Now, the liquor that somebody moved  
2 from some location to a -- what, a hallway in the  
3 basement of the building?

4 A It's a common hallway, yes.

5 Q Is that a hallway that a tenant in the building had  
6 access to?

7 A I think so.

8 Q Do you think that's perhaps the liquor that Jermaine  
9 English told you that Joe said he had in the basement  
10 that he could pick up in lieu of the money?

11 A I guess.

12 Q And wouldn't you agree that that liquor was never removed  
13 from the building?

14 A It was still downstairs, yes.

15 Q So, when you said on direct that it was taken, you didn't  
16 mean removed from the building; you just mean someone  
17 moved it, perhaps with the intent to take it?

18 A I meant that it was moved from the area from the liquor  
19 store into the hallway.

20 Q You understand that for a robbery, the property of  
21 another has to be taken away?

22 MR. DUSTERHOFT: Objection, Your Honor, the  
23 charge is not robbery.

24 MS. CLARK: I'll withdraw.

25 THE COURT: Okay. Thanks.

Strickland - Cross

1 BY MS. CLARK:

2 Q With regard to the items that were in the back of Ms.  
3 Suttles' car, those were actually only removed from the  
4 scene because police towed that vehicle; right?

5 A They were removed from the scene, yes.

6 Q In other words, Tamika Suttles wasn't driving away with  
7 those items when police caught her?

8 A No, the items were in the trunk of her car.

9 Q Okay. So, those items weren't removed from that area,  
10 either?

11 A They were outside of the building in the trunk of her  
12 car.

13 Q Okay. Thank you. So, the only items that were actually  
14 missing were this desk top computer, about \$150 cash;  
15 anything else?

16 A Some clothing items that was in the bottom of the cafe  
17 and other items I don't know.

18 Q Okay. You said that today, some clothing items that were  
19 never found in Ms. Suttles' car?

20 A No.

21 Q Did you value -- strike that. Did you have either the  
22 art studio people value these printer items that you gave  
23 back to them or did the police value them?

24 A I don't think they valued them, no.

25 Q Would you agree that the defense should have a right to

Strickland - Cross

1 inspect the items to determine their value?

2 A True.

3 Q Now, I want to take you back for just a moment to this  
4 conversation with Mr. English. Would you agree,  
5 Sergeant, that one of the motivations for Mr. English to  
6 not have an audiotape of the conversation was because he  
7 might want to change his story later?

8 A That's a possibility; yes.

9 Q He appeared to you at least to have experience in the  
10 criminal justice system?

11 A Yes.

12 Q Would you agree that one thing people like Mr. English  
13 can do in the system is to say one story at the beginning  
14 of the case and then in order to have something to  
15 bargain for to get a plea, say to the state, I'll retract  
16 my earlier statement?

17 A I wouldn't know about that part.

18 Q Did you learn from anyone, at any point, that Mr. English  
19 had retracted his statement?

20 A I learned today, he did.

21 Q And with regard to the business of the gentleman you  
22 called Daniel and then Tamika Suttles, you understood  
23 they used gloves in the tattoo parlor business; right?

24 A Yes.

25 Q Did you learn, at any point, that Mr. Drljic had moved

Strickland - Cross

1 here as a refugee from Bosnia?

2 A He told me the first day I interviewed him.

3 Q Did you understand that he had been living through a war  
4 there?

5 A Yes.

6 Q Are you a Veteran, Sergeant?

7 A No.

8 Q Have you -- did Mr. Drljic tell you, at any point, that  
9 Jermaine English had told him to go into the liquor  
10 store?

11 A I don't remember that.

12 Q And you, I take it, were not physically present at four  
13 in the morning on December 6th? You only learned about  
14 that from the police reports; right?

15 A The next morning, yes.

16 Q So, you don't -- in fact, you don't have any personal  
17 knowledge of what Tamika Suttles acted like when police  
18 first got there; correct?

19 A Just from the reports.

20 Q Now, it's your understanding that the St. Paul Police  
21 Department is pretty good about registering their CRIs;  
22 right?

23 A Right.

24 Q And were you the one who checked recently as to whether  
25 or not Thomas Nolan is a registered CRI?

Strickland - Redirect

1 A I ran it through the narcotics commander today.

2 Q And checked that way?

3 A He said no.

4 Q All right. Now, it's possible that he's living in St.

5 Paul; but, he is a CRI for Minneapolis police. Right?

6 A I wouldn't know that.

7 Q You admit he could be?

8 A He could be, yeah.

9 Q And would you agree that if someone is acting as a police  
10 officer's CRI, whether registered or not, that they  
11 usually don't get charged even if they're involved?

12 A I don't know. That's kind of a violation of the law  
13 there. I don't know what Minneapolis police do. I'm  
14 going on what I know in St. Paul. I did drugs and gangs  
15 for 12 years and we didn't manipulate laws like that.

16 Q Well, do you recall telling Daniel and Suttles on the way  
17 to the impound lot that a lot of these guys are crooked  
18 and the informants get away with dirt to catch the bigger  
19 fish?

20 A I don't remember that.

21 MS. CLARK: Nothing further.

22 REDIRECT EXAMINATION

23 BY MR. DUSTERHOFT:

24 Q Sergeant, just to be clear, you have seen the police  
25 reports?

Strickland - Redirect

- 1 A Yes.
- 2 Q From the original officers in this case?
- 3 A Yes.
- 4 Q So, the vehicle we're talking about here is a 97 Cadillac  
5 DeVille
- 6 A Right.
- 7 Q Not a SUV?
- 8 A Not a SUV.
- 9 Q Now, the defense attorney asked you about where the  
10 liquor was located. First of all, was any liquor  
11 actually missing from the property?
- 12 A Yes.
- 13 Q How much?
- 14 A About \$1,300 worth.
- 15 Q And that had been taken off site?
- 16 A It was outside. They had a big hole in the wall and the  
17 liquor was on the other side.
- 18 Q Okay. Just to be clear, the liquor was taken from the  
19 liquor store?
- 20 A Yes.
- 21 Q And that was through a hole that somebody had broken in  
22 the liquor store wall; is that right?
- 23 A Yes.
- 24 Q Was any liquor actually missing from the property,  
25 itself, had any of it been taken away and not recovered?

Strickland - Redirect

1 A No.

2 Q The items that were found in the trunk of the Cadillac,  
3 where did they come from?

4 A Came out of the art studio.

5 Q So, those were taken out of the building?

6 A Yes.

7 Q How did the burglars enter this building, initially?

8 A Through the door, back door.

9 Q How did they enter through the door?

10 A They pried it open.

11 Q So, they used some type of tool?

12 A Yes.

13 Q You said there was a crow bar in the trunk of the  
14 Cadillac; is that correct?

15 A There was a black bag where they had a pry bar and a crow  
16 bar.

17 Q Could that have been the one that was used?

18 A Yes.

19 Q Now, you said you thought it was possible that residents  
20 upstairs in the building could have gotten down to that  
21 common hallway inside the building?

22 A Yes.

23 Q The defense asked you a lot about somebody named Joe who  
24 supposedly lived in the building; is that correct?

25 A Yes.

Strickland - Redirect

- 1 Q So, if residents had access to the inside of the  
2 building, why would they need to pry open the door from  
3 the outside?
- 4 A They wouldn't need to.
- 5 Q From there, after prying through the door, how did they  
6 access the other businesses inside the building?
- 7 A They forced the back door of the coffee shop. They went  
8 through the wall at the liquor store.
- 9 Q You said there was money missing from the coffee shop; is  
10 that right?
- 11 A I think it was \$150, I believe it was.
- 12 Q And there was \$1,300 worth of liquor that had been moved  
13 out of the liquor store?
- 14 A Yes.
- 15 Q As well as the damage to the wall?
- 16 A Yes.
- 17 Q Now, the defense attorney asked you a whole bunch of  
18 questions about this possible Joe, who may or may not  
19 have been an accomplice; is that right?
- 20 A Yes.
- 21 Q And you said, I believe that based on what you knew about  
22 this case, there were essentially two possibilities;  
23 number one, there was somebody else involved; or  
24 secondly, there might have been a second trip where other  
25 items were removed. Is that correct?



Strickland - Redirect

1 A Yes.

2 MS. CLARK: I would again object to the leading  
3 questions.

4 THE COURT: He's redirecting here.

5 BY MR. DUSTERHOFT:

6 Q I guess I'm not sure if -- at what point were you aware  
7 that Thomas Nolan's middle name was Joe?

8 A I might have known it, but the defense attorney told me  
9 yesterday.

10 Q Okay. You don't have any reason to disagree with that?

11 A No.

12 Q Based on your conversations with Mr. Nolan and what you  
13 know about this case, do you have any reason to suspect  
14 him?

15 A No.

16 Q But, you said it was possible he was involved?

17 A Yes, anything is possible.

18 Q And the business owner, the owner of the building there,  
19 what's his name?

20 A Joseph and Peter Brown.

21 Q Okay. So, the guy who owns the buildings name is Joe?

22 A Yes.

23 Q Is he white?

24 A Yes.

25 Q Do you know what he did for a living?

Strickland - Redirect

1 A He's an art person. He does art now. But, I think he  
2 was a lawyer.

3 Q Retired lawyer?

4 A Yes.

5 Q So, I suppose it's possible he's the Joe we're talking  
6 about here?

7 A Possible.

8 Q Maybe he stole his own computer. Maybe he was the one  
9 that sent this letter asking you to go investigate him  
10 some more. Is that possible?

11 A It's possible.

12 Q The fact that there is an alternative, possible  
13 additional person involved in this case, does that make  
14 any difference to the two defendants sitting here?

15 A No.

16 Q Based on your investigation, is there independent  
17 evidence to show that they were involved regardless of  
18 who else was involved?

19 A Yes.

20 Q Specifically, when you interviewed Mr. Drljic, did he  
21 tell you he knew this was a burglary?

22 A Yes.

23 Q What did he tell you tipped him off to the fact that this  
24 might have been a burglary?

25 A He said that he was asked to put a mask on and that he

Strickland - Redirect

1 thought that it was going to -- that's when he knew it  
2 was a burglary.

3 Q Did he talk about seeing some liquor?

4 A Yes.

5 Q Where did he see the liquor?

6 A Downstairs, outside, in the hallway.

7 Q Did he tell you it was stacked up?

8 A Yes.

9 Q Did he tell you why he was told to put on a mask?

10 A So he wouldn't be identified.

11 Q How would he be identified?

12 A So he wouldn't be identified.

13 Q Right. But, how would somebody identify him? There is  
14 no one else present; correct?

15 A Well, I think he knew the camera was there -- in there.

16 Q That's what he told you; right? He was told to cover his  
17 face so his face wouldn't be on the camera?

18 A Yes.

19 Q And who gave him the mask?

20 A He said Jermaine did.

21 Q Did he tell you about when he initially entered the  
22 building, what he saw in the door?

23 A I'm not sure.

24 Q Would it refresh your recollection to take a look at your  
25 report?

Strickland - Redirect

1 A Yes.

2 MR. DUSTERHOFT: May I approach, Your Honor?

3 THE COURT: Yes.

4 BY MR. DUSTERHOFT:

5 Q Sergeant, I'm showing you your report of your  
6 conversation with Mr. Drljic. I'm going to direct your  
7 attention to the second paragraph. Okay. So, what did  
8 he tell you about what he saw when he entered the  
9 building?

10 A He said he saw the liquor stocks downstairs.

11 Q I guess I'm going to show you, again here, referring a  
12 little further back here. And start right there  
13 (indicating).

14 A Okay. Yeah, he said he saw the chip on the door, on the  
15 door edge where it had been pried.

16 Q So, the first thing he saw, upon arriving there at 4  
17 o'clock in the morning, was that the door had been pried  
18 open?

19 A Yes.

20 Q And then after that, he was given the mask; right?

21 A Yes.

22 Q And then after that is when he saw the liquor?

23 A Downstairs, yes.

24 Q If he saw the liquor, from there, how do you get into the  
25 liquor store?

Strickland - Redirect

- 1 A Through the wall.
- 2 Q Through a hole in the wall?
- 3 A Yes.
- 4 Q And you know he went through that hole in the liquor  
5 store; correct?
- 6 A Yes.
- 7 Q How do you know that?
- 8 A He went upstairs and he was on the video.
- 9 Q In the liquor store?
- 10 A In the liquor store.
- 11 Q Wearing a mask?
- 12 A Wearing a mask.
- 13 Q And at some point, he also went outside and saw the  
14 police; is that correct?
- 15 A Yes. He came out the door, he saw the police and turned  
16 around and ran back in the store.
- 17 Q What does that indicate to you about Mr. Drljic's  
18 involvement in this burglary?
- 19 A That he was an active member.
- 20 Q Now, also, independent of any third, fourth person  
21 involved in this case, is there any indication that Ms.  
22 Suttles was more than just a dupe?
- 23 A There is indication that she knew what she was doing and  
24 that she was involved in it.
- 25 Q First of all, what is Ms. Suttles' relationship to Mr.

Strickland - Redirect

1 Drljic in this case?

2 A She's his girlfriend.

3 Q And she told you that she just pulled up and somebody put  
4 things in her trunk; is that correct?

5 A She said a white male came out of the building and put  
6 items in her trunk.

7 Q Is that consistent with what Mr. Nolan told you?

8 A No.

9 Q Is that consistent with someone attempting to conceal  
10 themselves when a car pulled in?

11 A No.

12 Q Is that statement that she gave to you consistent with  
13 what she initially told the police?

14 A No.

15 Q You have seen that report; correct?

16 A Parts of it, yes.

17 Q It's the very first thing she told the police when they  
18 found her in the parking lot at 4 o'clock in the morning.

19 MS. CLARK: Objection, foundation.

20 THE COURT: I'm going to overrule that  
21 objection and you may answer.

22 THE WITNESS: May I see the report?

23 BY MR. DUSTERHOFT:

24 Q Would it refresh your recollection to see the report?

25 A Yes.

Strickland - Redirect

1 Q Showing you the report of Officer Glisky (phonetic) and  
2 I'm going to direct your attention to the 6th paragraph.

3 A Okay. When the officer first approached her he said --  
4 he asked her what she was doing and she said her car was  
5 broke down and parked it there and that she had to go to  
6 the bathroom and take a pee.

7 Q Is that at all consistent with what she told you?

8 A No.

9 Q Did she mention anything about her car breaking down?

10 A No.

11 Q Or having to go to the bathroom.

12 A No.

13 Q Did she tell that initial officer anything about anyone  
14 putting anything in the trunk of her car or that she was  
15 there to help someone move?

16 A No.

17 Q So, what does that indicate to you about Ms. Suttles'  
18 involvement?

19 A That she was actively involved.

20 Q To back up for a second. Beyond just appearing on  
21 camera, wearing a mask in the liquor store, was anything  
22 else recovered that indicated that Mr. Drljic was inside  
23 the liquor store?

24 A His ID was reported found a day later. And after that,  
25 on the 10th, I believe, they found a flashlight.

Strickland - Recross

1 Q Where was the ID recovered in the liquor store?

2 A In the bottles.

3 Q I'm sorry?

4 A I think it was found in some of the liquor bottles.

5 Q On a shelf?

6 A On a shelf.

7 MR. DUSTERHOFT: If I could have just a second,  
8 Your Honor?

9 THE COURT: Okay.

10 (Off-the-record discussion had.)

11 MR. DUSTERHOFT: Thank you, Sergeant. Nothing  
12 further.

13 THE COURT: And Ms. Clark.

14 MS. CLARK: Thank you.

15 RECROSS-EXAMINATION

16 BY MS. CLARK:

17 Q Hopefully, I have only a few questions here. I'm sorry  
18 if I got that wrong about the SUV. Sergeant, at the  
19 time, it was a Cadillac; but, not a SUV. Right?

20 A Right.

21 Q With a large Cadillac sized trunk?

22 A Yes.

23 Q Now, you were asked how did they get into the building.

24 And you said they broke through the back door. But, you

25 don't have any personal knowledge of that; right?



Strickland - Recross

- 1 A No, just from the evidence of pry marks.
- 2 Q You didn't see people breaking in?
- 3 A No, I did not.
- 4 Q And the police who arrived didn't see people breaking in  
5 that back door; right?
- 6 A Right.
- 7 Q There were just some scratches and marks; right?
- 8 A Yes.
- 9 Q Now, that building has been broken into a number of  
10 times; right?
- 11 A That's the first case I had out there.
- 12 Q But, you know that it has been broken into a number of  
13 times; right?
- 14 A I have had once since then.
- 15 Q Let me come back to that in just a second. What I'm  
16 trying to get at is, certainly an alternative way they  
17 could have entered the building would have been through  
18 the basement, the common area that the tenants had access  
19 to; right?
- 20 A Yes.
- 21 Q And in fact the hole in the wall was in the basement;  
22 right?
- 23 A Yes.
- 24 Q And now, you said you had some other cases out there.  
25 And you can look back at Exhibit 1, if you would like to;

Strickland - Recross

1 but, is it true that on December 20, the same three  
2 places were broken into?

3 A Yes.

4 Q And did you put anything in your police report about this  
5 case -- excuse me -- no, let me say it again, did you put  
6 anything in your police report for this case about that  
7 subsequent break in of those three businesses, same three  
8 businesses?

9 A I couldn't show how they were related, so I didn't cross  
10 them as the same case.

11 Q Well, was anyone apprehended with regard to those  
12 burglaries on December 20?

13 A No.

14 Q Was Thomas Nolan investigated?

15 A No.

16 Q Does he still live there in that building?

17 A Yes.

18 Q Wouldn't it be true, Sergeant, that if Mr. Drljic and Ms.  
19 Suttles were someplace else on December 20 -- in other  
20 words, not over at that building, that the fact that  
21 those businesses were broken into again, that could be  
22 evidence they would want to show a jury at trial?

23 A I didn't see any relationship to that. When I say I went  
24 out there before, I go out there twice a week to talk to  
25 the businesses, because we have a lot of them open there.

Strickland - Recross

1 We talk to them about how to secure their business. It's  
2 my area, so it's an area that I work. So, I go out there  
3 twice a week to talk to companies about how -- I tell  
4 them how to prevent burglaries and break ins and thefts.

5 Q All right.

6 A That's what I meant by that, by going out there twice a  
7 week.

8 Q Yeah, and I guess I wasn't following up on that. Let me  
9 ask you a slightly different way. How was the defense  
10 supposed to know that these same three businesses were  
11 broken into a couple of weeks later?

12 A I didn't know it was related.

13 Q Well, what was taken?

14 A Nothing.

15 Q They were broken into, but nothing was taken?

16 A Yes, because I think it was a person coming home that  
17 night and saw them and they called and they left before  
18 they had a chance to take anything.

19 Q And what was the description of the person who was seen?

20 A No description, just males. The person who actually  
21 called lived upstairs in the apartments?

22 Q Who was the caller?

23 A It was a female. I can't remember her name.

24 Q Now, Thomas Nolan, you indicated that you talked to him  
25 today?

Strickland - Recross

- 1 A Yes.
- 2 Q Why today of all days?
- 3 A Because we had to locate him for a subpoena.
- 4 Q Who is we?
- 5 A The attorney there, Dusterhoft and I.
- 6 Q Oh, the Prosecutor Dusterhoft and you went to speak with
- 7 Thomas Nolan?
- 8 A Yes.
- 9 Q Did you audiotape that statement?
- 10 A No.
- 11 Q Why?
- 12 A We just went there to give him a subpoena.
- 13 Q Well, isn't it true that he was interviewed?
- 14 A Yes.
- 15 Q Okay. So, he was interviewed by the police investigating
- 16 Sergeant and the prosecuting attorney and you didn't roll
- 17 a tape?
- 18 A No.
- 19 Q So, all we have are the state's version of what he said?
- 20 A Yes.
- 21 Q Did you ask him questions to try to determine if he in
- 22 fact was behind the burglary on December 6, 2009?
- 23 A We didn't ask him was he involved. We asked him did he
- 24 know of any of these people and he said no.
- 25 Q What else did you ask him?

Strickland - Recross

1 A Asked him what he saw that night.

2 Q Did you show him any people pictures?

3 A No.

4 Q Did you ask him if he made a 911 call?

5 A He said he had when the officer told him to.

6 Q Now, you were asked some questions on redirect about what  
7 a police officer said that Tamika Suttles had said in the  
8 parking lot that night; right?

9 A Yes.

10 Q You never heard an audio of that interview; did you?

11 A No.

12 Q So, you don't know if that's what she actually said?

13 A No.

14 Q Now, have you looked at this video inside the store?

15 A Yes.

16 Q Drljic never denied being in the store; did he?

17 A No.

18 Q Isn't it true that the ID of Drljic was placed on a shelf  
19 by Jermaine English and you could see that in the video?

20 A I didn't see that.

21 Q Did you look?

22 A I couldn't see anybody placing it there, no.

23 MS. CLARK: No further questions.

24 RE-REDIRECT EXAMINATION

25 BY MR. DUSTERHOFT:

Strickland - Redirect

- 1 Q Sergeant, you said that there were pry marks on the door.  
2 Now, the defense attorney asked you if it was possible  
3 that those came from some other occasion; correct?
- 4 A Yes.
- 5 Q But, Mr. Drljic noticed pry marks on the door; correct?
- 6 A Yes.
- 7 Q And you have seen the letter from Mr. Brown to the County  
8 Attorney's Office and the police chief; correct?
- 9 A Yes.
- 10 Q And he's the owner of the building?
- 11 A Yes.
- 12 Q How did he indicate that the building was accessed  
13 December 6, 2009?
- 14 A Through the door.
- 15 Q The defense attorney asked you some questions about the  
16 break in or attempted break in or whatever it was on  
17 December 20th and you said they didn't actually get in  
18 the building; is that correct?
- 19 A No, a witness, a young female that lived upstairs, saw  
20 them and called.
- 21 Q When we spoke to Mr. Nolan today, he indicated that he  
22 had made a 911 call; is that correct?
- 23 A Correct.
- 24 Q Has anybody been able to locate that 911 recording, yet?
- 25 A No.

Strickland - Redirect

1 MR. DUSTERHOFT: Thank you. Nothing further.

2 THE COURT: Okay. Anything further, Ms. Clark?

3 MS. CLARK: I was going to call my client; but,  
4 I see we only have 15 minutes left. I would like them to  
5 at least tell just a little bit of the -- their story.

6 THE COURT: You may step down. How much time  
7 do you think they will take?

8 MS. CLARK: Well, I probably only need five to  
9 seven minutes for each of them. I don't know how long  
10 the prosecutor is going to need to cross.

11 Could I trade you this for my copy? Thank you.

12 THE COURT: I think we should, otherwise we're  
13 going to have to bring it back.

14 THE CLERK: We have all week to come back.

15 THE COURT: Can you continue this tomorrow or  
16 we looking at some scheduling issues?

17 MR. DUSTERHOFT: My only scheduling issue with  
18 tomorrow, Your Honor, is I'm scheduled to start trial  
19 with Judge Rosas. He told me 9 a.m. And I would never  
20 question a District Court Judge. However, I know from  
21 the prosecutor in my office, that the prosecutor didn't  
22 expect to do closings until 9 o'clock tomorrow. So, I  
23 believe that I have tomorrow morning available; but,  
24 after that I will be starting a trial.

25 THE COURT: Okay. Can we do this tomorrow

Strickland - Redirect

1 morning?

2 MS. CLARK: I am scheduled to do a mediation  
3 with retired Judge Lebidoff (phonetic) at 9 o'clock  
4 tomorrow.

5 THE CLERK: We could do it Thursday or Friday.

6 THE COURT: What is the rest of your week? Mr.  
7 Dusterhoft, you going to be in trial?

8 MR. DUSTERHOFT: Yes, that's my understanding.  
9 Anything could happen; but, that's my understanding.

10 MS. CLARK: Well, I have a summary judgment  
11 hearing first thing in the morning, but then --

12 THE COURT: Well, I think if he's going to be  
13 in trial starting tomorrow.

14 MS. CLARK: Is it starting tomorrow? Oh, okay.  
15 We could just try to get it done real quick right now.  
16 Do you want to do that?

17 THE COURT: All right. Let me check with my  
18 court reporter.

19 COURT REPORTER. Well, if we take a break.

20 THE COURT: All right. Let's take a break and  
21 then work on it today. Let's take a 5-minute break.

22 MS. CLARK: Okay.

23 (Brief recess)

24 THE COURT: We're back on the record and I  
25 believe Ms. Clark, you had your witnesses here.



Suttles - Direct

1 MS. CLARK: The defense calls Tamika Suttles.

2 Thereupon,

3 TAMIKA SUTTLES,

4 the Defendant, first having been duly sworn, was examined  
5 and testified as follows:

6 THE CLERK: Please state and spell your full  
7 name for the record.

8 THE DEFENDANT: Tamika Latoi Suttles,  
9 T-A-M-I-K-A, L-A-T-O-I, S-U-T-T-L-E-S.

10 THE COURT: All right. Ms. Suttles, just a  
11 note that if there is an objection, you will wait for me  
12 to rule on it before you answer, please. Okay.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: So, Ms. Clark.

15 MS. CLARK: Thank you.

16 DIRECT EXAMINATION

17 BY MS. CLARK:

18 Q So, the early morning hours of December 6th, tell us in  
19 your own words what you were doing and why you were up  
20 late?

21 A Well, I received a call from English. And then I heard  
22 this white guy in the background. He asked me to, can I  
23 come pick him up and he was close. And I'm like, where's  
24 Daniel? He said, well he's coming. So, he said I'm  
25 going to have stuff that I need to carry. And his

Suttles - Direct

1 girl -- the dude that stayed upstairs, girl was tripping.  
2 Because you could hear a girl arguing in the background.  
3 So, I got up. I ran to SA on Lyndale, because the body  
4 and Steve (phonetic) was closed. So then I had trouble  
5 finding a location. So, finally I pulled up to the back.  
6 And when I pulled up to the back, it looked -- it was  
7 real dark, so I couldn't tell anything. Next thing you  
8 know, you know, as I'm waiting, the white boy came down.  
9 He had on a brown jacket.. He had chopped looking, like  
10 semi-brown hair, like Jason Priestly kind of looking guy.  
11 He set it down. You could see the girl sitting up in the  
12 top third floor window, looking down, like she was saying  
13 something like funny. So I said, well, go get them. He  
14 said, all right. I'll be right back. So, when he left,  
15 I waited down there. I had to pee. So, I was going to  
16 pee outside. Excuse me, I know I could have  
17 gotten probably got a ticket for it and that's why it  
18 freaked me out when the police came, because I was in the  
19 process of pulling my pants down, going to pee. So, I  
20 didn't know what else to do. And I was stunned. So  
21 then, by the time they came out and he was asking me and  
22 I'm like, well, you know, I'm like, my car, I got to pee.  
23 I just didn't know what to do, so I froze. Well, right  
24 after that, the cop came. He start talking to me. Next  
25 thing you know, he sat me in the car. The boy and the

Suttles - Direct

- 1 girl, the same one that brung it down, he was like,  
2 that's them. That's them. And I'm like that's them.  
3 That's them. What?
- 4 Q Okay. Hang on. The same guy who brought it down?
- 5 A Same guy.
- 6 Q White guy, Jason Priestly guy?
- 7 A Yes, stayed upstairs, like sandy brownish hair.
- 8 Q Don't talk when I'm talking. Let me make sure that I get  
9 done.
- 10 A I'm sorry.
- 11 Q All right. Now, when you say, that's him. That's him.  
12 Who was saying that?
- 13 A No, he was saying that, pointing down when the police  
14 officer came. Because, I didn't know where he went. I  
15 didn't know where nobody was at. All I know is he came  
16 down. He put it in the car and he said he will be right  
17 back. Because I was like, where they at? And you know  
18 he said, I'll be right back. And that's all I  
19 remembered.
- 20 Q What did he put in the car?
- 21 A He put like this black bag and like these other little  
22 things. I returned it. I was the one who took it out of  
23 the car that Sergeant Strickland talked about.
- 24 Q Stay with me. Don't talk about what happened days  
25 lateris what I'm trying to say. Just what happened that

Suttles - Direct

1 night; okay?

2 A Okay. And then after that, the cops put me in a car.

3 Q Hang on. Hang on. Could you see what this white Jason  
4 Priestly looking guy was putting in the back of the car?

5 A All I remember was a black bag.

6 Q Where were you at that time?

7 A I was like on the side of the car. Like I was getting  
8 out of the car. And when I was getting out of the car to  
9 figure out because it was dark. I didn't know where to  
10 go. As I got out of car, he came down. It was like this  
11 door you could see light coming from. He came down with  
12 this bag in his hand. And he set it in the car. And I  
13 asked him where they was at. And he said he was going to  
14 get him, so --

15 Q Okay. Where they was at, meaning you were looking for  
16 your boyfriend?

17 A Yeah, I was looking for Dado. I was looking for Daniel.

18 Q Dado is Daniel?

19 A Dado is short for Daniel, that's why I --

20 Q D-A-D-O?

21 A Yes.

22 Q And when you came over there, what was it your  
23 understanding that you were helping to do?

24 A I was helping him move some stuff because he said his  
25 girlfriend was tripping.

Suttles - Direct

1 Q Who is him?

2 A White boy. I don't know his name. I just remember  
3 seeing him in the window and he's the one who came down.

4 Q Who called you?

5 A Jermaine called me. But, you could hear the white boy  
6 clearly in the background.

7 Q All right. So, you understood that Jermaine wanted you  
8 to help move some things for the white boy?

9 A Yes, him and the white boy.

10 Q Did you have any idea that those things didn't belong to  
11 them?

12 A I didn't know anything. I just know that I was going to  
13 get paid for it.

14 Q And how did you know Jermaine?

15 A I know Jermaine because my boyfriend did a tattoo for him  
16 and he did a couple tattoos.

17 Q All right. So, the -- by the time the police got there,  
18 the white boy was not down in the parking lot anymore?

19 A No.

20 Q He was where?

21 A He went upstairs. He said he was going to get them.  
22 That's what I thought. That's what he told me.

23 Q Did you tell anybody there that the white boy that you  
24 could see in the window had been the one to put things in  
25 the car?

Suttles - Direct

- 1 A Yeah, I told the officer.
- 2 Q Do you remember what that officer looked like?
- 3 A I just know he was a short young rookie cop, like, looked  
4 new. He looked fresh -- like just fresh out of school or  
5 something. He was young.
- 6 Q And you have read the police reports by now; right?
- 7 A Yeah, I did.
- 8 Q And you can -- you don't have to give us a long version  
9 of this. But, do you agree that the police reports are  
10 accurate about what you said to police in the parking lot  
11 that night?
- 12 A No. No.
- 13 Q Did you ever try to hide in the parking lot?
- 14 A Hide, no. They caught me with my pants halfway down.
- 15 Q So, you were going over to the side to pee?
- 16 A Pee, yeah.
- 17 Q Now, tell us what happened with regard to police and then  
18 you helping Daniel get out of the building?
- 19 A Well, once that they realized and they had seen, like,  
20 with my pants half down, they was asking me what I was  
21 doing, I froze at that moment and I didn't know what to  
22 do or say. I was just like, you know, I'm caught. You  
23 know, I'm fitting to pee. So, he's like, ma'am, come  
24 here. So I started to pull my pants back up. I walked  
25 towards the car. And he goes, like, well, what's going

Suttles - Direct

1 on? I was embarrassed the fact that I had to pee, you  
2 know, and he almost caught me. So then I said, well, I'm  
3 waiting on some friends. So then once I said that, the  
4 white boy came -- or I seen him in the window. And then  
5 he turned around and he came downstairs and if they  
6 looked at the police car cameras, he was right there.  
7 And he was saying, that's them. That's them. And I'm  
8 like, but that's the one that put it in the car. And I  
9 was telling the officer then; but, he didn't want to hear  
10 nothing I had to say. He went straight to talk to him.  
11 And then he was -- the white guy was so, like, impatient  
12 and persistent of pointing and blaming, that the cops was  
13 telling him he was interfering with what they were trying  
14 to do. So, they made him move out of the way. And then  
15 after that, the cops had -- well, they called the phone  
16 after they realized that and the cops had answered it.

17 Q Who called the phone?

18 A Jermaine or Dado; one of them called the phone. But, I  
19 was in cuffs, so I couldn't answer it. So, the cop  
20 answered the phone. And I could hear him clearly say,  
21 hey, we want to come out. We have no weapons. And then  
22 right after that, as they was trying, you can see the  
23 cops with those big AK-47 looking guns, like, I would  
24 have freaked out, too, if I was someone coming out and  
25 seen guns drawn like that. You know, so I was just

Suttles - Direct

- 1 saying, don't shoot. Don't shoot. Don't shoot. And  
2 then after that, I really don't know what happened inside  
3 the building because I was, like, already locked up, you  
4 know, in the car and stuff.
- 5 Q Did you then tell the police that they wanted to come out  
6 of the building?
- 7 A Yes. Well, the police, they told the police. I was  
8 already in the car. You could just hear it, because he  
9 had the window down and he was talking to me.
- 10 Q I see. All right. When you drove over that night, was  
11 there anyone else in the car with you?
- 12 A No.
- 13 Q Did you tell Sergeant Strickland or any police, at any  
14 point, they should preserve the street camera?
- 15 A Yes, I did, ma'am.
- 16 Q Who did you tell?
- 17 A I told Sergeant Strickland when they interviewed me and  
18 even the night when they brang us down there. I kept  
19 saying, check the cameras. Check the cameras. I don't  
20 even know what the hell was going on. I was saying that  
21 then.
- 22 Q Now, I just have one last question for you.
- 23 A Uh-huh.
- 24 Q That is, did you, at some point, go over to the western  
25 district police station and tape record a conversation



Suttles - Cross

1 with Sergeant Strickland?

2 A Yes, I did.

3 Q Did your lawyer ask you to do that?

4 A No, I did it on my own.

5 MS. CLARK: Okay. Nothing further.

6 THE COURT: And Mr. Dusterhoft.

7 CROSS-EXAMINATION

8 BY MR. DUSTERHOFT:

9 Q So, Ms. Suttles, it's your testimony that you didn't tell  
10 the officer that your car had broken down and that's why  
11 you pulled into that parking lot?

12 A No, I didn't tell him anything. He caught me with my  
13 pants down.

14 Q You didn't tell him that your car had broken down?

15 A No.

16 Q And it's your testimony that you did not try to hide when  
17 some other car had pulled into that parking lot before  
18 the police got there?

19 A No.

20 Q And it's your testimony that contrary to what Thomas  
21 Nolan told the investigators, you didn't carry anything  
22 out of that building?

23 A No, sir, I didn't.

24 Q Now, you're aware that Jermaine English pled guilty in  
25 this case; is that correct?

Suttles - Cross

- 1 A I heard.
- 2 Q You understand he said it was your idea and Mr. Drljik's  
3 idea to commit this burglary?
- 4 A I would, too, probably if I had five points or more.
- 5 Q You're aware that that's what he said?
- 6 A Yeah.
- 7 Q You're aware that he said that you were carrying things  
8 out of the building?
- 9 A That's what I just read, from what I did read.
- 10 Q You're saying that's incorrect?
- 11 A Yes, definitely.
- 12 Q And it's your testimony that this individual who called  
13 down to the police from the third floor to let them know  
14 that there was somebody else inside the building is  
15 somehow involved in this?
- 16 A Oh, yeah. He was the one who put it in the car. I could  
17 show you what window and everything; but, you all put a  
18 restraining order on me for me to show my attorney  
19 exactly what window and everything.
- 20 Q So, he's downstairs and then somehow he ends up upstairs  
21 in the window and that's when he decides to start yelling  
22 to the police?
- 23 A No, he came down. When he brang the stuff in, I asked  
24 him where they at. He went back up. There is two doors.  
25 There is another section and there is a door he used. He

Suttles - Cross

1 came out that door. As soon as he was coming down and  
2 putting that in there, his girl was up in the window.  
3 That's what made me look up and she was saying something  
4 smart to him. So, I'm figuring, two and two together,  
5 when him and Jermaine was on the phone. And you can hear  
6 him, he's saying, hurry up, my girl tripping. It ain't  
7 hard for a rocket scientist to figure out what, you know,  
8 at the end, when it boils down to it, what happened. You  
9 know, I thought it was Jermaine being set up. I don't  
10 know what's going on, sir, to be honest with you.

11 Q Well, the police report indicates that Mr. Nolan called  
12 down from the third floor window?

13 A No. He was already down there when the police came. And  
14 he was the one interfering. If they would check the  
15 cameras, you would find that out, with the cop cars.  
16 They had it directly pointed at everything.

17 Q So, you have seen the police reports; is that correct?

18 A Yes.

19 Q So, you disagree that that's what the officer wrote?

20 A Oh, yes.

21 Q The officer didn't write that?

22 A I'm saying, whatever he wrote. I don't know how you all  
23 got that; but, that ain't what happened.

24 Q So, you agree that the police officer said that Thomas  
25 Nolan was in the third floor window?

Suttles - Cross

1 A Third floor window. They probably seen his girl. But,  
2 he was already came down by the time they pulled me over.  
3 I don't know how it happened. You know. I don't know  
4 how he enters it. But, I just know what door he came out  
5 of and I know where I seen the girl that was talking.  
6 And it's not hard to put it all together. Like I said,  
7 it happened so fast. As soon as I pulled up, not even 5,  
8 10 minutes later after that, the police came.

9 Q Let me ask the question again.

10 A Okay.

11 Q Have you seen the police report where the officer said  
12 that Thomas Nolan was in the third floor window when he  
13 arrived?

14 A I seen it; but, I don't -- I don't, like, I don't get it.

15 Q But, you agree that that's what the officer wrote?

16 A I can't agree. I wasn't there when he wrote it.

17 MR. DUSTERHOFT: Could I approach, Your Honor?

18 THE COURT: Yes.

19 BY MR. DUSTERHOFT:

20 Q Ms. Suttles, I'm going to show you Page 14 of 16 of  
21 Officer Jonathan Glisky's (phonetic) report. Have you  
22 seen that before?

23 A (Pause) Okay.

24 Q So, did Officer Glisky write in his report that Thomas  
25 Nolan was in the top floor apartment window?

Suttles - Cross

1 A I guess he did.

2 Q And did he also write that Mr. Nolan stated to him that  
3 he saw them; meaning you and your accomplices, put the  
4 items they were carrying in the trunk of your vehicle?

5 A Well, I don't know from which point all that. Like I  
6 said, I seen the girl. I seen when he came down and  
7 brung it to the car. And then after that, that's when I  
8 heard -- when the cops came. About the time I heard  
9 anything, he was already down. So, between that and  
10 that, I don't know. Because they was already asking me  
11 questions. So, I couldn't honestly answer you that,  
12 because I was too busy talking to the police officer.

13 Q I'm going to direct your attention to the last sentence  
14 of the same paragraph where it starts with Nolan?

15 A Uh-huh. (Pause) Okay.

16 Q Okay. So, did Officer Glisky, or did he not, write in  
17 his report that Nolan told him he saw you and your  
18 accomplices putting the items they were carrying in the  
19 trunk of the vehicle?

20 A Yeah, but Nolan was the one putting it in. His name is  
21 Joe.

22 Q I understand that's your story. Did the officer say that  
23 Nolan told him that he saw you and your accomplices  
24 putting items in the trunk of the vehicle?

25 A I guess that's what he told him.

Suttles - Cross

1 Q Okay. That's all I'm looking for. You said you have  
2 seen the reports. And it's your testimony that you told  
3 this officer that this person in the third floor window  
4 was involved?

5 A Oh, yeah.

6 Q Where does it say that in the police report?

7 A That's what I want to know.

8 Q So, you agree it's not in there?

9 A Yes, it's inaccurate.

10 Q Then you were interviewed by Sergeant Strickland?

11 A Uh-huh.

12 Q And that was the next morning; is that correct?

13 A Yes.

14 Q All right. And you're in custody at that time?

15 A Yes.

16 Q And that's when you told him something about a white male  
17 who came out and put some items in your trunk. It's your  
18 testimony now that it was the guy from the third floor;  
19 correct?

20 A I told the cops then, yes.

21 Q At what point did you tell Sergeant Strickland that it  
22 was the guy from the third floor and you saw some woman  
23 in the third floor window --

24 A I told him the day of the interview.

25 Q You did, huh?

## Suttles - Cross

- 1 A Yeah, I did.
- 2 Q You agree it's not in his report?
- 3 A Yes.
- 4 Q You agree you were at the scene, that's where you were  
5 arrested is right outside of this place?
- 6 A Yes, sir.
- 7 Q And you agree that there were items from inside the  
8 building that were found in the trunk of your car?
- 9 A Yes, sir.
- 10 Q And you agree that your boyfriend, Mr. Drljik, was inside  
11 the building?
- 12 A Yes, sir.
- 13 Q And he didn't have any permission to be inside the  
14 building?
- 15 A I don't know that, sir.
- 16 Q You don't know?
- 17 A No. I just got a call from English and the white boy.  
18 How the hell am I supposed to know?
- 19 Q Well, you have seen the police reports in this case?
- 20 A Yeah.
- 21 Q And you know that the liquor store was accessed through a  
22 hole in the wall; right?
- 23 A From what I read, yes.
- 24 Q Okay. You don't disagree with that?
- 25 A I don't know. I can't disagree on something I didn't

Suttles - Cross

1 see.

2 Q Well, you don't have any reason to disagree because you  
3 were never in there; right?

4 A No.

5 Q So, if Mr. Drljic said he knew it was a burglary going  
6 on, you wouldn't disagree with that; would you?

7 A I don't -- I don't know.

8 Q Okay. And you have seen the video in this case?

9 A Yeah, I seen it.

10 Q So, you saw Mr. Drljic, your boyfriend, on the video  
11 inside the liquor store?

12 A Yeah.

13 Q At 4 o'clock in the morning with a mask over his face?

14 A Yeah.

15 Q Along with Mr. English?

16 A Yeah.

17 Q Also with a mask over his face?

18 A But, it's only when the department of police came. You  
19 all didn't put the whole tape on.

20 Q So, they only went into the liquor store when the police  
21 came?

22 A That tape clearly shows the police outside. So, I don't  
23 know what to tell you all.

24 Q What about the liquor that was taken through the wall?

25 A You asking me something I don't know. I had nothing to



Drljic - Direct

1 do with that.

2 MR. DUSTERHOFT: Thank you. Nothing further.

3 MS. CLARK: I just have one question.

4 THE COURT: Yes.

5 MS. CLARK: Was your entire conversation with  
6 Sergeant Strickland that was conducted on December 6th,  
7 tape recorded?

8 DEFENDANT SUTTLES: No, it was not.

9 MS. CLARK: That's it.

10 THE COURT: You may step down.

11 MS. CLARK: Defense calls Daniel Drljic.

12 Thereupon,

13 DANIEL DRLJIC,

14 the Defendant, first having been duly sworn, was examined  
15 and testified as follows:

16 THE CLERK: Please state and spell your full  
17 name for the record.

18 DEFENDANT DRLJIC: Daniel Drljic, D-A-N-I-E-L;  
19 last name, D-R-L-J-I-C.

20 THE COURT: And Mr. Drljic, there are certain  
21 rules. I think you have figured that out. And if there  
22 is an objection, you wait for me to answer it before you  
23 answer. All right. You may proceed.

24 MS. CLARK: Thank you.

25 DIRECT EXAMINATION

Drljic - Direct

1 BY MS. CLARK:

2 Q Mr. Drljic, where are you from?

3 A I'm from Bosnia.

4 Q And what were the circumstances under which you moved to  
5 the United States?

6 MR. DUSTERHOFT: Objection, Your Honor, this is  
7 irrelevant.

8 THE COURT: I will sustain that objection. You  
9 don't need to answer it.

10 MS. CLARK: Your Honor, if I might just  
11 indicate why I do think it is relevant.

12 THE COURT: Okay.

13 MS. CLARK: He will describe a situation in  
14 which when faced with guns by police, he reacted as if he  
15 was in the Bosnia war. It helps explain his reaction and  
16 what he did.

17 THE COURT: All right.

18 MS. CLARK: Okay. I'll make it short.

19 BY MS. CLARK:

20 Q What were the circumstances under which you moved to the  
21 United States?

22 A I was diagnosed with post traumatic stress disorder,  
23 which I have successfully recovered and I have -- I don't  
24 have any episodes like I used to.

25 Q Well, what was this post traumatic stress disorder from?

Drljic - Direct

1 And just be brief.

2 A From ethnic cleansing and it's a genocide.

3 Q You're saying you lived through war conditions?

4 A I lived through war. I survived. I was shot at from the  
5 sniper and ethnic cleansing. A lot of people has that.

6 Q All right. So, in December of 2009, what was your  
7 understanding of what Jermaine English asked you to do?

8 A He actually begged me a few times to come and help him  
9 move stuff because he needed the money for canteen. And  
10 I refused. And I denied. And he kept calling back  
11 because he told me that he was one of my loyal clients.  
12 And he spend a lot of money on tattoos so that I should  
13 help him out, move some stuff from the basement because  
14 it's heavy. He needed muscle to move the stuff from the  
15 basement. He had -- he needed the money for canteen.  
16 And somebody had some merchandise for him in the basement  
17 and he needed to move it before 6 o'clock.

18 Q Before 6 o'clock that morning?

19 A Yes, he needed to move it early in the morning before --  
20 he had the daytime -- he had a time line, where he had  
21 to -- he told me, I have to come and help him now because  
22 later I won't be able to help him.

23 Q Did you have any idea what he was suggesting was illegal?

24 A Not at all. I did not have any idea.

25 Q All right. Did you -- what vehicle did you drive in over

Drljic - Direct

1 there?

2 A I walked out there.

3 Q Did you ever, at any time, drive over, the three of you;  
4 English, Suttles and Drljic in one car?

5 A Never. Never.

6 Q All right. So, when you got there, what did English ask  
7 you to move?

8 A We walked into the door. And it was very much dusty in  
9 there. Nothing was indicating that it was a burglary in  
10 progress at all, even though I saw little bit of wood  
11 chip, just a little tiny wood chipped, that kind of  
12 crossed my mind. But, looking at the art store, which I  
13 understand today is an art store, it was totally covered  
14 in dust. And it was so dusty and had so many different  
15 tools and different -- the casts for the molding cast and  
16 stuff like that. So, English told me that it was very  
17 bad for me to breathe that stuff and there was no lights  
18 downstairs. And he gave me the mask to breathe and stuff  
19 and he gave me the light so we can see downstairs in the  
20 basement. There was no lights at all.

21 Q All right. Now, you said, at this point, you had no idea  
22 that this was a burglary?

23 A I still didn't have idea it was a burglary.

24 Q So, you just thought it was a dusty basement or what?

25 A No, there was a dusty first floor. When we walked in, it

Drljic - Direct

1 was totally dusty. The basement was even worse. It  
2 didn't -- you would never even believe that that was a  
3 store, actually. You could never -- nobody in their  
4 right mind would indicate this has anything to do with a  
5 burglary.

6 Q Oh, all right.

7 A If we would have come to the liquor store, first, I would  
8 have known right away. Well, this is not right to be at  
9 4 o'clock in the morning here; but, this looked like some  
10 storage space, some kind of old storage space.

11 Q All right. What happened next?

12 A We walked downstairs. And that's when I -- when I knew  
13 exactly that there was a burglary, when I got two and two  
14 together. When I connected the chipped wood with  
15 actually broken wall downstairs, with liquor stuff  
16 stacked up, I realized this is not good. So, I ran  
17 upstairs to go outside to the door that we came in.  
18 That's when I saw police with the drawn guns outside and  
19 a dog and that's when I had entered my episode. That's  
20 when I totally had been scared and my post traumatic  
21 stress disorder, just -- I ran back downstairs. I didn't  
22 want to get shot because I know a lot of times people get  
23 shot. I read in the newspaper, just because they made a  
24 wrong move. I wanted to -- at that point, I wanted to  
25 turn myself in with -- in handcuffs. I wanted to call

Drljic - Direct

1 police. So, I ran through the wall because that was the  
2 only way to go to where I can see police through the  
3 window. And that's how we end up in the liquor store  
4 upstairs. At one point, I take my mask off and tell  
5 Jermaine, why do we have to have a mask on. And I was  
6 trying to get contact with the police through the window;  
7 but, nobody would see us. So, I told Jermaine to call  
8 Tamika on the phone and tell police officers that we  
9 don't have any guns; that I don't have any guns. That I  
10 wanted to cooperate and turn myself in. And I said I  
11 didn't want to, because the guy in the front of the  
12 liquor store had a shotgun pointed at me and we couldn't  
13 move. So, I stood right there until the police officers  
14 came from the back through the same way we came in and  
15 arrested me. And I -- I incorporated with the Sergeant  
16 Strickland when he interviewed me when I was  
17 incarcerated. I didn't have anything to hide. I told  
18 him exactly what happened right then and there. I told  
19 him exactly what happened and that's the same story that  
20 when I saw Jermaine English, I told him why would you --  
21 he's thinking that somebody else set him up there. But,  
22 I told him that he needs to tell Sergeant Strickland what  
23 happened. So, he went to the Sergeant Strickland. And  
24 by the time Sergeant Strickland came down, Jermaine ran.  
25 Sergeant Strickland sent a squad car for him, police

Drljic - Direct

1 officers, to get him. And he came back and told that  
2 he's excluding me. That he called me for help because he  
3 needed a muscle to lift the boxes down. When he saw  
4 there was so many boxes, he called Tamika for the ride  
5 because we couldn't carry those boxes.

6 Q Now, when you say you wanted to turn yourself in to  
7 police when you were in the building?

8 A Yes.

9 Q Was that because you wanted to tell them what had  
10 happened?

11 A Yes. Yes. It was my idea to call the police and tell  
12 them to come in and get us. That we would cooperate.  
13 Because I tell him, that if you make any stupid move, you  
14 will get killed. You will get shot. This is the middle  
15 of the night. You can lose your life and this is serious  
16 stuff.

17 Q What would you say to someone if they said, well, that  
18 sounds like a crazy story?

19 A Well, it is the truth. That I have never committed a  
20 burglary in my past and I don't have a criminal record.  
21 I work for my mother and myself. My mother owns three  
22 businesses. I pay my child support every month and I own  
23 business, myself. I have been successfully doing tattoos  
24 , body art and piercing for the past five to six years.  
25 And that's how I get to know Jermaine English. And I

Drljic - Direct

1 would -- that's -- this is the story that Jermaine told  
2 Sergeant Strickland, that is his very first interview  
3 with him.

4 Q And when you turned around -- when you came out and saw  
5 the police and the dogs and then turned around and ran  
6 into the building, what was going through your mind?

7 A I didn't want to get shot. I didn't want to get killed.  
8 I just wanted to come outside because police officers are  
9 trained and I read in the newspaper all the time that, I  
10 mean, doing their job, protecting their life against real  
11 criminals is very dangerous. And they will shoot in the  
12 middle of the -- dark place, if you -- if somebody makes  
13 the wrong move. I didn't want to get shot. All I was  
14 thinking about, my life. I had flashbacks getting shot  
15 in Bosnia and I didn't want to -- I just wanted us to --  
16 us to stay alive. And I needed him to make something --  
17 some awkward move so they would shot at both of us at the  
18 time. So, I told him to call the police and tell them we  
19 would cooperate and come and get us. We were upstairs in  
20 the liquor store.

21 MS. CLARK: All right. Nothing further.

22 THE COURT: Mr. Dusterhoft.

23 CROSS-EXAMINATION

24 BY MR. DUSTERHOFT:

25 Q Just so I understand, Mr. Drljic, it's your testimony you



Drljic - Cross

- 1 walked over there to where Mr. English told you to go?
- 2 A Yes.
- 3 Q And when you got there, you went inside?
- 4 A Yes.
- 5 Q And you went down in the basement?
- 6 A Not right away. We walked in the inside and we see there
- 7 was -- which is I already heard story today. It is
- 8 totally -- if you were to walk in there --
- 9 Q I understand. You think it's dirty?
- 10 A It was dirty. There is nothing to indicate that this is
- 11 a immediately a burglary. Let's step outside right away
- 12 and let's go. If I would seen the liquor right away,
- 13 right then and there or if we would have come into the
- 14 liquor store, I would have turned around then and I
- 15 wouldn't have nothing to do with it.
- 16 Q So, how long were you and Mr. English in there before you
- 17 went out and saw the police?
- 18 A Well, I would not -- I could not have checked the time.
- 19 I wouldn't say it was longer than 15, or so, minutes. By
- 20 the time we were in the first floor, I was asking him,
- 21 what does he need. And he was just looking around and
- 22 putting some stuff in a back pack. He said, this is the
- 23 stuff that Joe, who apparently owed him money, had for
- 24 him. And I didn't see anything wrongful there or
- 25 anything while he got it.

Drljic - Cross

1 Q Mr. Drljic, you have seen the police reports in this  
2 case; right?

3 A Yes, sir.

4 Q So, did you tell Sergeant Strickland that you saw some  
5 chips on the door edge when you went in the door?

6 A That's correct. Yes, sir. I walked in the door and I  
7 did see a little bit of chipped, which kind of got my  
8 alert, why is it chipped. Not chipped enough, not broken  
9 to say, oh, this is for sure a broken door. But, just  
10 because it was so dusty and everything else was chipped  
11 in there, it wasn't different looking at all.

12 Q And this supposed Joe guy, when did you see him?

13 A When I walked upstairs, the guy that was pointing finger  
14 at Tamika Suttles while she was locked in the squad car  
15 with her handcuffs on, who is pointing finger and saying  
16 this is -- this is -- I didn't see him very well from  
17 like, from the face, but he was pointing -- the guy was  
18 pointing finger at her. And that's the same guy that  
19 probably brought the stuff to Tamika.

20 Q Probably?

21 A Well, I have not seen him. So, I do not know.

22 Q Okay. That was my question. When did you see Joe?

23 A When I tried to go upstairs when I saw the liquor store  
24 downstairs, and I realize, fully, that something was  
25 terribly wrong. I went upstairs and I saw police

Drljic - Cross

1 outside, through the -- when I came back upstairs, I see  
2 police outside with their guns. That's when I saw Joe.  
3 That's when I thought I didn't want to step outside and  
4 get shot.

5 Q So, let me just make sure I understand. You never saw  
6 this Joe inside the building?

7 A No, sir. Inside the building, no.

8 Q Okay. Now, you never mentioned anything about Joe when  
9 you talked to Sergeant Strickland; did you?

10 A No. No, he didn't ask me anything about Joe. I didn't  
11 know who was Joe, or all I understand that --

12 Q All right. Look, from now on I'm just going to ask you  
13 yes or no questions, okay?

14 A Yes, sir.

15 Q It's 5 o'clock and we don't have time for that.

16 A I'm sorry.

17 MS. CLARK: Your Honor, I would ask that the  
18 witness be allowed to answer the question. If it's yes  
19 or no questions, that's fine. But, I don't think he  
20 should be cut off mid answer, if he's answering just in  
21 the way that the prosecution doesn't like.

22 THE COURT: And if it is a yes or no answer,  
23 that's the way to proceed.

24 DEFENDANT DRLJIC: Yes, Your Honor.

25 BY MR. DUSTERHOFT:

Drljic - Cross

1 Q Mr. Drljic, did you tell Sergeant Strickland that English  
2 gave you a mask to cover your face because of the  
3 cameras; yes or no?

4 A No, sir.

5 Q You never said that?

6 A I said that it was dusty in there and he told me to get  
7 the camera -- to get the mask on, because the cameras was  
8 in the liquor store, because he went to the liquor store  
9 before I did. When I went to the liquor store is when I  
10 was trying to find a way out to show police that I had my  
11 hands up and just step to the back door in the back of  
12 the building where it was really dark.

13 Q So, you thought it was a good idea to put a mask over  
14 your face when you knew the police were outside; is that  
15 right?

16 A No, sir. No, sir.

17 Q Well, at what point did you put the mask over your face?

18 A At the time when English told me that there was some  
19 chemicals there and so much dusty and there was some iron  
20 casts, to put it in there from breathing when we first  
21 get in there. And it was dark downstairs and he wanted  
22 me to put a flash light, because he couldn't see.

23 Q So, you got there and you saw the chips around the door.  
24 And then the guy that invited you to come there, gave you  
25 a mask to put over your face. And there was all this

Drljic - Cross

1 dust and all these chemicals. And you didn't think  
2 something was wrong? Is that right; yes or no?

3 A Yes, sir. When I went downstairs, when I saw liquor, I  
4 knew it was wrong.

5 Q Was that before or after you saw the police outside?

6 A I saw the police after. After that.

7 Q Okay. So you knew this was a burglary before the police  
8 got there?

9 A No, police got there. I'm not sure when police got  
10 there. So, when I saw the liquor, I knew it was a  
11 burglary. I went upstairs. Then I saw police officers.

12 Q I see. How much time had passed between when you first  
13 went in the building and when you saw the police outside?

14 A I cannot recall that.

15 Q Well --

16 A I don't want to say the wrong time, because --

17 Q Five minutes, 15 minutes?

18 A It was early in the morning and he had to do that before  
19 6 o'clock, I suppose.

20 Q Well, it was 4 o'clock in the morning. It was kind of  
21 the middle of the night; wasn't it?

22 A It was early in the morning, yes.

23 Q All right. So, how much time passed? Was it an hour or  
24 was it a few minutes?

25 A It was in about 15 minutes or so. It wasn't an hour.

Drljic - Cross

- 1 Q How far did you have to walk to get from Ms. Suttles'  
2 place to where Mr. English told you to go to?
- 3 A About half a mile or so, maybe a mile.
- 4 Q So, you walked a half a mile?
- 5 A Yes, sir.
- 6 Q In the middle of the winter, December 6th, and you  
7 arrived there and you're there 15 minutes. And during  
8 that period of time, Ms. Suttles drives over to where you  
9 already are and --
- 10 A No, he -- he called her. He called her on the phone.  
11 Because he knew before I even saw the liquor. He knew  
12 that he needed a car.
- 13 Q To do what?
- 14 A He called Suttles for the transportation.
- 15 Q To do what?
- 16 A You should ask English that question.
- 17 Q To get the liquor; correct?
- 18 A I don't drink, sir. You can take my blood out. And I  
19 don't smoke. I don't drink. I don't do drugs at all.
- 20 Q You know liquor has value; don't you?
- 21 A Not to me, sir. It's forbidden. Where I'm from, it is  
22 forbidden. Liquor is forbidden. To sell, use or -- it's  
23 just, liquor is not -- in my family, it is not allowed.  
24 My mother don't drink.
- 25 Q Liquor is forbidden in Bosnia?

Drlic - Cross

- 1 A Well, where I -- yes, in my family.
- 2 Q How about theft? Is theft forbidden in Bosnia?
- 3 A Yes.
- 4 Q How about burglary?
- 5 A Yes, sir.
- 6 Q Okay. So, all those things are forbidden?
- 7 A Of course. Those are not moral deeds.
- 8 Q At some point, you knew this was burglary?
- 9 A That's the point when I want to turn myself in.
- 10 Q Right. And that's when you put the mask on and you
- 11 went into the liquor store?
- 12 A To turn myself in, yes.
- 13 Q Through a hole in the wall?
- 14 A That was the only way to get to the police without
- 15 actually -- or to the front, where all the lights was
- 16 where they can see me.
- 17 Q So, it's your testimony that you came up from the
- 18 basement of the liquor store with a mask over your face
- 19 and you went right to the door and put your hands up and
- 20 surrendered?
- 21 A No, I was looking for police. There was a door there.
- 22 There was a window there. There windows all around.
- 23 Police was all over, surrounding. I was trying to get
- 24 the police attention. Only way we could get police
- 25 attention after so many tries, going around and trying,

Drljic - Cross

1 is when I told English about five minutes prior for our  
2 arrest to call in and to tell them we will cooperate.  
3 That I will cooperate, to come and get us. We are not  
4 armed. We don't have any weapon and we will cooperate.

5 Q So, you went directly to the door of the liquor store,  
6 where there is glass and you put your hands up and you  
7 waited for the police to come and get you. Is that your  
8 testimony; yes or no?

9 A No. We were looking for -- I was looking for a way to  
10 contact the police. But, that is correct. When I walked  
11 to the door, I put my hands up; yes, that's correct  
12 answer. And I was facing a police officer that also had  
13 a mask on. And he had a shot gun pointed towards me.  
14 And I told him that I will stay right this way, in this  
15 position until the police come from the back of the  
16 building and get us with the dogs, because I didn't want  
17 to make any wrong moves, sir.

18 Q Have you seen the video in this case; yes or no?

19 A Yes, correct.

20 Q Does the video show you and Mr. English walking around  
21 for a number of minutes in the liquor store, with masks  
22 over your faces; yes or no?

23 A Yes.

24 Q And does the video show you and Mr. English go up to the  
25 front door, look out at least twice, and then go back



Drljic - Cross

1 inside the store; yes or no?

2 A Can you repeat the question, please.

3 Q Does the video show you and Mr. English approach the  
4 front door of the liquor store, but then back away at  
5 least twice; yes or no?

6 A Yes.

7 Q And does the liquor store -- does the video show the two  
8 of you disappear for periods of time from the video; yes  
9 or no?

10 A I'm not sure.

11 Q You have seen it; right?

12 A I came to the front door of the liquor store with my  
13 hands up when the police was on the other side, outside  
14 the liquor store.

15 Q Right away and waited there for them?

16 A Yes.

17 Q My question before was, doesn't the video show you and  
18 Mr. English go to the front and then go away from the  
19 front door on several occasions; yes or no?

20 A Yes. Yes. Police wasn't there at first. I was trying  
21 to contact the police through the door, through any kind  
22 of window, do anything to show where they could see me in  
23 the back, where it is dark in the alley -- or in the  
24 basement where there is no light and getting shot.

25 Q At some point, does the video show you with the cell

Drljic - Cross

1 phone?

2 A No, I did not have a cell phone at all.

3 Q You didn't have Jermaine English's cell phone?

4 A No. Jermaine had a cell phone. I asked Jermaine to call  
5 Tamika Suttles and to tell the police that we will  
6 cooperate.

7 Q The video doesn't show you with the cell phone?

8 A No, I did not call police at all.

9 Q I understand. But, does the video show you with a cell  
10 phone.

11 A I was trying to attempt to say what I had asked Jermaine  
12 to say to police; but, Jermaine was talking on the cell  
13 phone. I did not use a cell phone at all.

14 Q You never had the cell phone in your hand?

15 A I never had a cell phone using in my hand. I was trying  
16 to get the cell phone from Jermaine with my hand gesture,  
17 handed out like this (indicating) to say, well, what I  
18 told Jermaine to say to police about I was cooperating,  
19 come and get us.

20 Q In any case, you never saw this supposed Joe when you  
21 were inside the building; correct?

22 A Correct.

23 Q So, if Joe approached Ms. Suttles' vehicle with a bag  
24 that contained a pry bar and some other tools, must have  
25 come from someplace besides where you were; right?

Drljic - Cross

- 1 A I'm not certain. Because I learned that there is a  
2 computer missing that was never recovered and there is  
3 \$150 was missing that was never recovered. So, it wasn't  
4 recovered in our trunk. In Tamika's trunk. So, where  
5 could it go? Maybe some apartment? Maybe somebody who  
6 lived in the building and knew the building better than  
7 Jermaine or I did?
- 8 Q My question, again, was --
- 9 A Yes.
- 10 Q This Joe person, must have taken that bag from somewhere  
11 other than where you and Mr. English were, if you never  
12 passed him inside the building; correct?
- 13 A He must have been there earlier before I even arrived.  
14 He might have -- must have been with Jermaine when they  
15 broke the door.
- 16 Q But, you never passed him in the building?
- 17 A Not inside the building.
- 18 Q So, the bag must have come from somewhere other than  
19 where you were; correct?
- 20 A I'm not certain, sir. I cannot answer the question.
- 21 Q Ms. Suttles arrived after you did; didn't she?
- 22 A She did.
- 23 Q Now, several times you bought up when Ms. Clark was  
24 asking you questions, the statement that Mr. English gave  
25 about everyone who is involved in this case. And first

Drljic - Cross

1 of all, you and Ms. Suttles drove him down to the police  
2 station on December 15th; correct?

3 A I begged him to say the truth, because I shouldn't have  
4 to suffer consequences.

5 THE COURT: Okay. This is a yes answer.

6 DEFENDANT DRLJIC: Yes.

7 BY MR. DUSTERHOFT:

8 Q So, it's your testimony that he told the truth to the  
9 police on December 15th when he was interviewed by  
10 Sergeant Strickland?

11 A Yes, sir.

12 Q So that's the truth?

13 A Yes, sir.

14 Q All right. You have seen the report of that?

15 A Yes, sir.

16 Q Now, you're also aware that Mr. English pled guilty in  
17 this case?

18 A Yes, sir.

19 Q He said that he committed a burglary?

20 A Yes, sir.

21 Q Admitted that he didn't have permission to be in the  
22 building?

23 A Yes, sir.

24 Q And neither did you; right?

25 A How can he admit something for me?

Drljic - Cross

1 Q Well, he said he knew that none of the three of you had  
2 permission to be in there?

3 A I didn't know that he didn't have permission.

4 Q I'm asking you about when he pled guilty. You have seen  
5 his guilty plea; haven't you?

6 A Yes, sir.

7 Q So, you knew he admitted this was a burglary and that you  
8 and Ms. Suttles were involved?

9 A He changed his story because he wanted to get less time.

10 Q I see.

11 A When I saw English to ask him, he said he was going to  
12 get the 56 months. And if he testified against us, he  
13 was only going to get 24 months.

14 Q I see. He said that it was you and Ms. Suttles' idea to  
15 do this; right?

16 A To get less time, yes.

17 Q And he never mentioned anything about this Joe, who you  
18 claim was involved when he pled guilty; did he?

19 A Pardon me?

20 Q He never mentioned this Joe person when he pled guilty,  
21 did he?

22 A I'm not sure if he mentioned Joe. I wasn't reading the  
23 whole --

24 Q You didn't read the whole thing?

25 A I read when he reneged, when he said that the last

Drljic - Cross

1 statement was not true that he said. And now he wants  
2 the court to believe him, his second statement was not  
3 true.

4 Q Did you read also where he said that he came up with that  
5 statement he gave to Sergeant Strickland?

6 A He was lying, sir.

7 Q But, do you know what he said?

8 A No, I'm not certain.

9 Q So, you didn't know that he said in there that it was you  
10 and Ms. Suttles' idea?

11 A Yes. That part, yes. Yes, you just mention that. Yes,  
12 sir.

13 Q All right. In any case, you agree you didn't have  
14 permission to be in that building that night; did you?

15 A Now that I learn that, I understand, fully, that he did  
16 not; yes, sir.

17 Q And you didn't have permission to be in the liquor store,  
18 certainly, that night; did you?

19 A I didn't have permission. No, I did not.

20 Q And no one had permission to take the things that were  
21 found in the trunk of Ms. Suttles' vehicle; correct?

22 MS. CLARK: Foundation.

23 THE COURT: Overruled.

24 BY MR. DUSTERHOFT:

25 Q You understand that the victims in this case said that

Drljic - Redirect

1 the items that were found in Ms. Suttles' trunk were  
2 stolen; correct?

3 A That's correct, sir.

4 Q And no one had permission to take those items from inside  
5 the building and put them in Ms. Suttles' trunk?

6 A That would be correct, sir.

7 MR. DUSTERHOFT: Thank you. Nothing further.

8 MS. CLARK: I just have a couple questions.

9 REDIRECT EXAMINATION

10 BY MS. CLARK:

11 Q Did Sergeant Strickland let you sit in on the interview  
12 that he did with Jermaine English over at the western  
13 district office?

14 A No, he didn't. He took Jermaine to separate room by  
15 himself.

16 Q And you were just asked some questions now by the  
17 prosecutor about what you know now, after reading some  
18 things. But, I want to take you back to the night in  
19 question. Did you believe at the time that you entered  
20 the building, that Jermaine English had the right to be  
21 there?

22 A No, I didn't know that.

23 Q Did you believe -- can't remember which way I asked it.  
24 Let me ask it again. Did you have any idea when you  
25 entered that building that you were doing anything wrong

Drljic - Redirect

1 by entering the building?

2 A No, I did not have any idea that anything was wrong. It  
3 looked really dusty and I thought he really might have  
4 something that he needed from the basement.

5 Q So, when you entered the building, did you have, at that  
6 time, any idea that you were doing anything wrong  
7 or entering without permission or did you assume that  
8 Jermaine English had permission to go into that building?

9 A Yes, I believed him that he had permission.

10 Q At the time that's what you believed?

11 A At the time I believed that I was just helping one of my  
12 clients to get stuff that someone owed him, to my  
13 understanding.

14 MS. CLARK: Nothing further.

15 MR. DUSTERHOFT: Nothing further.

16 THE COURT: Okay. You may step down.

17 DEFENDANT DRLJIC: Thank you, Your Honor.

18 THE COURT: All right. So, let's figure out  
19 the next step here in terms of any written submissions.  
20 Are you going to want to -- I'm going to want something  
21 in writing.

22 MS. CLARK: That's fine. I'm happy to do that.  
23 And I'm happy to also submit a transcript of the -- the  
24 court asked for a transcript of the conversation with  
25 Sergeant Strickland from yesterday. Did you want that?



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1 THE COURT: Yes, I think we should have that.

2 MR. DUSTERHOFT: Well, it's got to be  
3 authenticated by Sergeant Strickland, the transcript.

4 MS. CLARK: Well, transcripts are never  
5 authenticated by people.

6 MR. DUSTERHOFT: Well, then I don't want it  
7 offered.

8 MS. CLARK: I mean, I will provide a tape to  
9 the prosecution and they can certainly prepare their own  
10 transcript if they like. I just don't want to make the  
11 court listen to the tape. So, we'll prepare a transcript  
12 and file it with our written submissions. Is that all  
13 right?

14 THE COURT: That would be fine, at this point.

15 MR. DUSTERHOFT: In that case, I want to offer  
16 the video, the security video from inside the store.  
17 Because I think that that certainly goes to whether there  
18 is probable cause to believe Mr. Drljic was simply trying  
19 to turn himself into the police. There are three discs;  
20 one of them deals with the actions of the two individuals  
21 inside the store up to the point where the police arrive.  
22 The other two just show the police in the store. And I  
23 can't remember which one is which.

24 DEFENDANT DRLJIC: Number one is the one that  
25 shows --

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1 MR. DUSTERHOFT: If that is correct, it's  
2 number one.

3 DEFENDANT DRLJIC: It shows us trying to  
4 find --

5 MS. CLARK: Hang on.

6 THE COURT: All right. If it's the wrong disc,  
7 then you can get me the right one.

8 MR. DUSTERHOFT: I'll just -- can I submit this  
9 with my brief, Your Honor?

10 THE COURT: Yes, we can do that. I need to  
11 make a ruling on what we're doing here, so I need what  
12 you think would be helpful to help me make my decision is  
13 what I'm looking for.

14 THE CLERK: How much time?

15 THE COURT: How much time would you need, Ms.  
16 Clark?

17 MS. CLARK: I can do it as early as next week,  
18 if you would like.

19 THE COURT: For the written submissions. I'm  
20 going to be on vacation. You can do it and then Mr.  
21 Dusterhoft will have some time after that. Then I'll be  
22 back to make the decision.

23 MS. CLARK: That sounds great.

24 THE CLERK: So what date?

25 MS. CLARK: So, you're out the week of August

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1 2nd?

2 THE COURT: Yes, but, Ms. Harms is right, we  
3 should get it done and then it will be all here when I  
4 get back.

5 MS. CLARK: So, by the 9th?

6 THE COURT: Yes.

7 THE CLERK: So, your's by the 9th, that's two  
8 weeks?

9 MS. CLARK: Right. But, she won't be able to  
10 read it the week she is gone, anyway.

11 MS. CLARK: Do you want simultaneous or do you  
12 want --

13 THE COURT: No. I think Mr. Dusterhoft can  
14 have a week after yours.

15 MS. CLARK: Okay.

16 MR. DUSTERHOFT: So, the 9th for you and the  
17 16th.

18 THE COURT: And that gives you all enough time  
19 to get the transcript and to do everything that you need.

20 MR. DUSTERHOFT: All right. Thank you.

21 THE COURT: Okay. Well, we still have my next  
22 trial block.

23 MS. CLARK: And I would just like to make a  
24 record on this video. That defense did subpoena the  
25 video from the liquor store before the last court

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1 appearance. And no one appeared. And the video we  
2 wanted was -- we didn't want to just start with what had  
3 been given to us. In other words, we wanted the hours  
4 before it to see if, for example, Thomas Nolan was seen  
5 going in there. So, they did not appear at the last  
6 court appearance. And I called them up and talked to one  
7 of the owners, Jim, and indicated that they needed to  
8 respond to the subpoena. And so he said he would make  
9 some discs available. My PI went over and picked up the  
10 discs. And I would be happy to make you copies;  
11 although, we have compared them and they are the same  
12 with what we got from the prosecution. But, they do not  
13 start earlier in the evening. In other words, we have  
14 never been able to get any video for the time other than  
15 where this one disc that the prosecution is going to  
16 submit starts. So, we don't know if there is Jermaine  
17 English coming up there, earlier, alone or Thomas Nolan  
18 or whatever. And I just wanted to make a record of that.

19 THE COURT: All right.

20 (Proceedings concluded)

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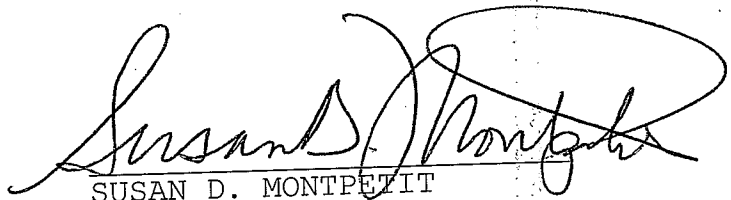
1 STATE OF MINNESOTA

2 COUNTY OF RAMSEY

3 I, Susan D. Montpetit, do hereby certify that a pretrial  
 4 hearing was had in the cause styled in the caption hereto on  
 5 Page One hereof; that I was authorized to and did attend said  
 6 hearing and reported the proceedings had therein fully and  
 7 accurately in shorthand and that the foregoing computer-aided  
 8 transcription numbered 1 through 116, inclusive, constitute a  
 9 true and correct transcript from my shorthand report of the  
 10 proceedings taken at said hearing.

11 Dated: June 14<sup>th</sup>, 2011.

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 SUSAN D. MONTPETIT  
 Official Court Reporter