

State v. Drljic

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STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

File No. 62-CR-10-1464

State of Minnesota,
Plaintiff,

vs.

PRETRIAL HEARING

Daniel Drljic,
Defendant.

COPY

EXCERPT OF PROCEEDINGS

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

APPEARANCES:

Richard Dusterhoft, Assistant Ramsey County Attorney, appeared on behalf of the Plaintiff;
Jill Clark, Attorney at Law, appeared on behalf of the Defendant; and
Susan D. Montpetit, Court Reporter.

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WITNESS:

Tyrone Strickland

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Strickland - Direct

1 (In Open Court - Afternoon Session - Excerpt of
2 Proceedings of the Testimony of Sergeant Strickland.)
3 Thereupon,

4 TYRONE STRICKLAND,

5 a witness, first having been duly sworn, was examined and
6 testified as follows:

7 THE CLERK: Please state and spell your full
8 name, for the record

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

11 THE COURT: Good afternoon, Sergeant
12 Strickland.

13 THE WITNESS: How are you doing today?

14 THE COURT: And you have testified before?

15 THE WITNESS: Yes.

16 THE COURT: So, you know if there is an
17 objection, you wait for me to rule before you proceed or
18 not.

19 THE WITNESS: Yes, ma'am.

20 THE COURT: All right. Okay. Thanks. And
21 please proceed, Mr. Dusterhoft.

22 MR. DUSTERHOFT: Thank you.

23 DIRECT EXAMINATION

24 BY MR. DUSTERHOFT:

25 Q Sergeant Strickland, you are an investigator with the St.

Strickland - Direct

1 Paul Police Department; is that correct?

2 A Yes.

3 Q How long have you been a police officer?

4 A Twenty-two years.

5 Q How long have you been an investigator?

6 A About 12 years.

7 Q What's your current assignment?

8 A Western investigation.

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

12 A Yes.

13 Q How did you become involved in this case?

14 A I was assigned as the investigator. It's the area that I
15 usually work for my district, for the western district.
16 I'm assigned to that area.

17 Q When were you assigned to this case?

18 A December 6th, 2009.

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

21 A Yes.

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

24 A My understanding was that three people were arrested,
25 committing a burglary, in the process of committing a

Strickland - Direct

1 burglary in the area of University and Raymond.

2 Q And based upon what you learned from the police reports,
3 what was the way that these individuals were able to
4 access the building?

5 A They went through one of the doors and down into the
6 basement and made their way through a wall into a liquor
7 store and other parts of other buildings that were
8 connected to the open area.

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

11 A It's a combination of some businesses down low and
12 upstairs they have apartments.

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

14 A I think it's three.

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

16 A Originally, they were called by the alarm company. One
17 of the alarms had gone off in the liquor store. Then,
18 the squad pulled up on one of the vehicles parked in the
19 back.

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

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

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

25 A Yes.

Strickland - Direct

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

2 A Yes.

3 Q Who was that?

4 A Tamika Suttles.

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

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

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

12 A They were -- a witness called out and informed the
13 officer that there was another person that went into the
14 building.

15 Q Okay. And did the police eventually find anyone in the
16 building?

17 A Yes, two other people.

18 Q Who were they?

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

21 Q Drljic?

22 A Drljic; yes?

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

25 A Okay. After reviewing reports, I went down to the Law

Strickland - Direct

1 Enforcement Center, Ramsey County jail, to interview all
2 three suspects.

3 Q Who did you interview first?

4 A Tamika.

5 Q What did Ms. Suttles tell you?

6 A She said that she was called there to help move -- help
7 her friend, Jermaine, move some items.

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

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

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

13 A Yes.

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

15 A Jermaine English to move some items. He was helping
16 someone move.

17 Q What did she tell you she did?

18 A She said that she received a call from Jermaine and that
19 she came over and that she was in the back and it was a
20 white male that was bringing some items out to her to put
21 in the car. And she was waiting for him to bring some
22 items out.

23 Q She said items had been placed in the car; is that
24 correct?

25 A Yes.

Strickland - Direct

1 Q And the vehicle that was in the back parking lot, was
2 that seized by the police?

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

4 Q Were there items that had been stolen from that building
5 found in the vehicle?

6 A Yes. There were some items that were taken from the art
7 studio that still had dust on them and some other items
8 that were in there?

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

10 A To Daniel.

11 Q Mr. Drljic?

12 A Yes.

13 Q What did he tell you?

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

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

18 A Yes.

19 Q What store are we talking about?

20 A Liquor store; Sharrett's Liquors.

21 Q What else did you -- what else did Mr. Drljic tell you,
22 if anything?

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

25 Q To back up for just a second, Sergeant, based upon the

Strickland - Direct

1 police reports from the officers at the scene, was there
2 a time that Mr. Drljic came out of the building,
3 initially, when the police were there?

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

6 Q And after talking to Mr. Drljic, did you attempt to
7 interview Mr. English?

8 A Yes.

9 Q What happened?

10 A Read him his rights. He originally agreed to talk to me;
11 then he said he wanted a lawyer.

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

14 A Yes.

15 Q While he was in custody?

16 A I interviewed him and he started to interview, then he
17 stopped.

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

20 A I went out -- I presented the case and then I went out to
21 each address to talk to each of the owners for the three
22 businesses that had been entered and to talk to them
23 about the items that they were missing, see what kind of
24 evidence they had related to the crime. I did that after
25 I presented the case.

Strickland - Direct

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

2 A To the County Attorney for charging.

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

5 A I can't remember the names, but I talked to the owner of
6 the coffee shop and she showed me -- talked to me
7 about -- told me how they came in the back and what they
8 looked for. The fact that she had \$150 missing. And
9 then I talked to the owner -- one of the owners of the
10 liquor store. He gave me a list of items that he was
11 missing. And he took me downstairs and showed me the
12 hole where they came through the wall and how they set
13 off the alarm system and the boxes of liquor that they
14 had stacked up where they were sitting at?

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

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

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

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

Strickland - Direct

1 Q Were you able to see that while you were out at the
2 store?

3 A No, I wasn't.

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

5 A No.

6 Q Was the case immediately charged by the County Attorney's
7 Office?

8 A No.

9 Q Were you asked to do additional investigation?

10 A Yes.

11 Q What additional investigation were you asked to do?

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

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

22 A Yes.

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

25 A Yes; the printer, another computer box, and a drill were

Strickland - Direct

1 released to a Peter Brown, who was Joseph Brown's son,
2 who actually owned the art studio. And those items they
3 said were missing from the art studio.

4 Q Was there anything else that was released back to the
5 victims?

6 A I think that was it.

7 Q Okay. Were there items or property that was taken from
8 that business that were not recovered in the vehicle and
9 that wasn't found still within the building?

10 A The computer and some other items that they listed from
11 the coffee shop that we never found.

12 Q I think you said the coffee shop owner told you there was
13 \$150 missing; is that right?

14 A Yes. And she had some bags of clothing items that she
15 had never located she said was missing.

16 Q You said the vehicle was towed; is that correct?

17 A Yes.

18 Q Whose vehicle was that?

19 A Tamika Suttles.

20 Q Was that released?

21 A Yes, I did. I released it.

22 Q When Ms. Suttles was arrested, did she have any cash on
23 her?

24 A She had over \$16,000 on her.

25 Q Did you release that?

Strickland - Direct

1 A Yes.

2 Q Did you give it back to Ms. Suttles?

3 A Yes.

4 Q Why?

5 A I couldn't prove any other way that it was stolen or
6 anything like that. I had no right to keep it, so I gave
7 it back to her.

8 Q When you viewed the video from the liquor store, what did
9 it show?

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

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

16 A It was kind of half and half.

17 Q Okay. How were they dressed or how did they appear in
18 the video?

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

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

24 A Yes.

25 Q Anybody else appear on the video?

Strickland - Direct

1 A No.

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

5 A Thomas Nolan (phonetic).

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

7 A I spoke to him by phone, yes.

8 Q What did Mr. Nolan tell you?

9 A Basically repeated the same thing that he had told us
10 earlier. It was a short conversation. And I told him
11 that we would try to talk to him later on. He may have
12 to be a witness to what happened. And I told him I would
13 contact him later.

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

16 A Yes.

17 Q Have you spoken to him since then?

18 A I did today.

19 Q What did Mr. Nolan say today?

20 A He gave us, basically, the same story he said before. He
21 said that he heard some noise outside. He looked out the
22 window and saw a car pulling in with what he saw was a
23 black male and black female and they got out and kind of
24 disappeared around the corner for 10 to 15 minutes. Then
25 they came back carrying items which they put in the trunk

Strickland - Direct

1 of the vehicle. He said, the female part stayed in the
2 car while the other person went back into the building.

3 Q Then what happened?

4 A And he said that after that a squad car pulled up and was
5 talking to the female half, the black female. And he
6 then said he called down and told them that there was
7 another person that went back into the building. And he
8 said the officer told him to call 911 and the officer got
9 on his radio and saw some other squads come up.

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

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

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

18 A He said they both carried some items and put them in the
19 trunk.

20 Q Subsequent to your conversation with Mr. Nolan on January
21 15, 2010, was this case charged?

22 A Yes.

23 Q And who was charged?

24 A They all three were charged with Burg III.

25 Q Based upon your conversations with Ms. Suttles and mister

Strickland - Direct

1 -- I'm sorry, I need to back up. You said that there was
2 an interview with Mr. English at some point; is that
3 correct?

4 A Yes. He came -- he was brought to the station by Tamika
5 and Daniel to talk to me about what had happened. And
6 they came inside to say he wanted to talk to me and tell
7 me what really happened. When I came down, he actually
8 had left. And one of the squads saw him and brought him
9 back. And he came into the police station and he said
10 that he wanted to tell me what really happened. But, he
11 said the lawyer told him if he talked to me, I would
12 arrest him. And I told him I was not going to arrest him
13 at the time; but, if he wanted to talk to me he could and
14 I would let him go after the conversation.

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

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

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

19 A It was Jermaine English.

20 Q Did you intend to record the conversation?

21 A Yes.

22 Q And the police report indicates that that conversation
23 took place on December 15, 2009. Does that sound
24 correct?

25 A Yes.

Strickland - Direct

1 Q During that conversation with Mr. English, what did he
2 tell you?

3 A He said that, basically, it was his idea, that he had
4 brought Daniel with him because he had a friend there
5 that owed him some money and he wanted his money. He
6 thought he would bring Daniel along and use him as
7 muscle. He said this guy named Joe who he had met before
8 and they had smoked some drugs, done some drugs together,
9 owed him money for drugs. So, he brought Daniel along as
10 an enforcer because Daniel was bigger than he was and he
11 wanted to get his money back. He said that he was
12 getting ready to go to the workhouse and he needed money
13 for his canteen.

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

16 A It was close to what she said. Yeah, it was that he
17 called them, basically, what he was saying. He was
18 taking responsibility for it and they were just coming to
19 help him.

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

22 MS. CLARK: Object to the leading questions.

23 THE WITNESS: Yes.

24 THE COURT: Okay. I am going to overrule that
25 objection and allow the question. Although, Mr.

Strickland - Direct

1 Dusterhoft, if you can avoid leading questions.

2 THE WITNESS: Yes. She said she was there to
3 help someone move.

4 BY MR. DUSTERHOFT:

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

7 A No.

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

11 A No.

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

13 A No.

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

16 A No.

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

19 A Yes.

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

22 A I went out there and met with the owners of the building
23 and ran a list of the names of the people that lived
24 there. I also looked at people that lived there that may
25 fit the description that he gave, Joe being a white male,

Strickland - Direct

1 early 20s. And I didn't find anyone that fit that
2 description or that name.

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

6 A Yes. When I went out to interview Peter and Joseph, the
7 owners of the building, Joseph had mentioned that he was
8 going to send a letter to the County Attorney. I have
9 never seen the letter, but he said he did.

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

12 A No.

13 Q Anybody tell you to stop investigating this case?

14 A No.

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

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

19 Q Did you do that follow up?

20 A Yes.

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

22 A Yes.

23 Q The defense attorney has moved to dismiss this case for
24 lack of probable cause and indicates that it's her
25 understanding that you don't believe that Ms. Suttles and

Strickland - Direct

1 Mr. Drljic are involved in this case or are responsible
2 for this case; is that accurate?

3 A No.

4 Q Motions indicate that you were told to stop investigating
5 this case by the County Attorney's Office; is that
6 correct?

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

8 Q Did you investigate this case?

9 A Yes.

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

11 A No.

12 Q There is a mention in the motions by the defense of
13 street cameras, traffic cameras in the area. Are there
14 traffic cameras in the area at Raymond and University?

15 A Yes.

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

18 A It's not still available.

19 Q Would that -- you have gone out to the scene how many
20 times?

21 A I don't know. I'm out there a couple times a week.
22 That's my area so I go out a couple times a week.

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

25 A No.

Strickland - Direct

1 Q Would they cover the spot where the individuals went into
2 the building?

3 A No.

4 Q There is some indication of some other statement by
5 Jermaine English in this case. You spoke to him when he
6 was in custody and that's when he had asked to talk to an
7 attorney; is that correct?

8 A Yes.

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

11 A Yes.

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

13 A No.

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

16 A Yes.

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

19 A No.

20 MR. DUSTERHOFT: Thank you. Nothing further.

21 THE COURT: Ms. Clark.

22 MS. CLARK: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. CLARK:

25 Q Sergeant, you indicated that you were assigned this case

Strickland - Cross

1 on December 6th, 2009. Is it accurate that you
2 understood your job as investigator to be neutral?

3 A Yes.

4 Q In other words, you were supposed to look at all the
5 facts, evidence, all the avenues and not make a
6 conclusion until the end of your investigation; correct?

7 A Correct.

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

15 A Yes.

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

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

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

22 A My understanding was she was helping him move.

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

24 A That's what she told me.

25 Q And would you agree that when someone moves between

Strickland - Cross

- 1 apartments, there are often boxes of things?
- 2 A Yes.
- 3 Q And often several people loading a vehicle?
- 4 A Yes.
- 5 Q And a big vehicle, with a big hatch back or, you know,
- 6 five-door vehicle is a good spot to put items, household
- 7 items that are going to be moved?
- 8 A I guess, yeah.
- 9 Q Have you ever helped someone move?
- 10 A Yes.
- 11 Q Have you ever been the driver?
- 12 A Yes.
- 13 Q Have you ever had people load up the back of your truck
- 14 and not know exactly what's in there?
- 15 A Yes.
- 16 Q Okay. Now, you were asked a minute ago about the cameras
- 17 at Raymond and University. Would it be accurate to say
- 18 that the camera footage, had it been preserved, would at
- 19 least show us what cars were going through that
- 20 intersection and the time?
- 21 A Yes.
- 22 Q So, for example, if Jermaine English tries to testify at
- 23 trial that Tamika Suttles, Daniel Drljic and Jermaine
- 24 English all arrived in one car together; one of the ways
- 25 that could be impeached would be finding video footage

Strickland - Cross

1 showing one car arrived first and much later, Tamika
2 Suttles?

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

4 Q Would it be accurate to say that at the time you were
5 investigating, you didn't have any story from English
6 that they had all three arrived together in a vehicle?

7 A No, I didn't.

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

9 A Right.

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

16 A I would have to review the report.

17 Q Would you like to see it?

18 A Yes.

19 MS. CLARK: May I, Your Honor?

20 THE COURT: Yes.

21 (Brief pause)

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

25 BY MS. CLARK:

Strickland - Cross

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

3 A Yes.

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

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

8 Q That's not the question.

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

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

13 A Yes.

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

16 A Right.

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

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

21 Q Okay. They were talking to you?

22 A Yes.

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

Strickland - Cross

1 A Right.

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

3 A Yes.

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

6 A He had a long history; yes.

7 Q And in particular, a number of burglaries; right?

8 A Yes.

9 Q And in fact, you understood from him that the reason he
10 committed this burglary was to get some canteen money
11 that he could spend at the Hennepin County Workhouse,
12 where he would be serving time for a burglary; right?

13 A That's not what I said. What he said was he was coming
14 to get money from Joe who owed him money so he can have
15 it for his canteen.

16 Q Right, for the workhouse?

17 A Yeah. He didn't say the burglary. He said he went there
18 to get the money from Joe." He brought along Daniel, as
19 muscle, because he wanted to get his money, the money
20 that he owed him, is what he said.

21 Q Well, would you agree that if we had a tape recording of
22 that conversation, we would all have the precise words
23 and then the jury could draw their conclusions about
24 precisely what he said?

25 A Yes, that's true.

Strickland - Cross

1 Q Okay. So, let me break this question apart. Did you
2 understand that Mr. English was about to report to serve
3 time at the Hennepin County Workhouse?

4 A Yes.

5 Q For a burglary; right?

6 A I don't know what he was going for. I didn't know. I
7 didn't ask.

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

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

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

16 A Yes.

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

19 A Yes.

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

21 A That's what he said, yes.

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

25 A Yes.

Strickland - Cross

1 Q And that after Tamika Suttles arrived with her car,
2 shortly thereafter, the police showed up; right? English
3 told you that; right?

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

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

6 A Okay. If it's in the report, that's what he told me.

7 Q Okay. And then, finally, English said that he was trying
8 to get out and not be caught; right?

9 A Yes.

10 Q Now, with regard to the "Joe" person, you understood he
11 was a white male; right?

12 A Yes.

13 Q And Tamika Suttles had told you that a white male had
14 come out into this back lot and put some items in the
15 trunk of her car; right?

16 A Right.

17 Q But that she didn't know the name of that man; right?

18 A Yes.

19 Q In other words, he had not arrived with her or anything;
20 right?

21 A Yes.

22 Q And so, as an experienced investigator, you understood it
23 was possible that it was Joe and English who had done the
24 burglary and that Tamika Suttles was just a dupe?

25 A You say, did I understand that?

Strickland - Cross

1 Q I said, as an experienced investigator, you knew that was
2 a possibility; right?

3 A I guess it would be a possibility; yes.

4 Q Sure. And sometimes people who -- well, strike that. I
5 mean, some people, in your experience, have a lot of
6 knowledge about the criminal justice system; right?

7 A Yes.

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

10 A Right.

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

14 A Yes.

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

16 A Right.

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

20 A I was supposed to investigate to try to find out the
21 truth.

22 Q Yes, exactly the truth?

23 A Yes.

24 Q So, you then called this Mr. Brown, who owned the
25 building or did you call his son?

Strickland - Cross

1 A I actually went out and talked to them.

2 Q Okay. Out at the building?

3 A Yes.

4 Q And that's the one that you described for the court,
5 which is some businesses on the bottom, some apartments
6 on the top and I take it some basement storage beneath?

7 A There is a common basement downstairs, yes.

8 Q Common, where even the renters can get into it?

9 A I don't -- it was when I went down there it was open. I
10 don't know how it is now, because I know he did some
11 repairs. So, I don't know what it looks like now.

12 Q But, when you went there, was it your understanding that
13 if someone was renting an apartment above, they could get
14 down to that basement?

15 A It's possible, yes.

16 Q So, which Brown did you ask for information about the
17 renters?

18 A Peter.

19 Q Peter Brown is the son?

20 A Yes.

21 Q And he gave you -- you asked for, what, male renters that
22 were white and fit a certain age range?

23 A Well, I asked who lived there, how many people he had
24 there and he gave me a list. That I just wanted to talk
25 to the ones that would fit the description that Jermaine

Strickland - Cross

1 had given me.

2 Q What happened to the list of all of the people who lived
3 in that apartment building?

4 A I gave it back to Mr. Brown.

5 Q Keep a copy for your investigator's file?

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

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

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

16 Q From the building?

17 A Yeah, from the building, yeah. She didn't say upstairs.
18 She said from the building.

19 Q Okay. Thank you. From the building. All right. And
20 you identified three individuals who fit that
21 description; right?

22 A Yes.

23 Q And one of those was Thomas Nolan?

24 A Yes.

25 Q And then you took notes of those names and contact

Strickland - Cross

1 information for those individuals; right?

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

5 Q Do you recall being interviewed by the defense yesterday
6 on audiotape?

7 A Yes.

8 Q Do you recall saying that you took notes of that and then
9 destroyed the notes later?

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

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

13 A Yes.

14 Q Those notes you got rid of?

15 A I don't remember having those notes.

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

18 A I thought we were talking about Jermaine's notes. I
19 don't know we were talking about the three persons I
20 looked at.

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

23 A No, what is it?

24 Q You know what it is?

25 A No.

Strickland - Cross

1 Q Do you understand the concept that if the defendant is in
2 trial and the defendant can prove that someone else did
3 it, that that will help prove their innocence. Do you
4 understand that?

5 A Yes.

6 Q Would you agree that the defense is entitled to
7 information about other suspects who might have committed
8 the crime?

9 A Yes.

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

14 A No.

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

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

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

18 A You told me it was Jose.

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

21 A Yes.

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

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

24 Q All right. And then, this notion of Thomas Nolan calling
25 911 or maybe calling the police. First of all, you never

Strickland - Cross

1 located a 911 call by Thomas Nolan; did you?

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

4 Q Okay. Would you agree that one way for someone
5 committing a burglary to divert suspicion from themselves
6 would be to come out and tell the police, hey, I called
7 911 and I caught this burglary in action?

8 A Yes.

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

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

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

15 A Yes.

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

18 A Yes, they were not happy that I was trying to prove or
19 disprove the alibi of Joe's existence. I explained it to
20 them that it was my responsibility to look at both sides
21 and try to find the truth.

22 Q And isn't it true that after you were out there at the
23 art studio talking to the Browns and after they got
24 "pissed off" that was when the Browns contacted the
25 County Attorney, their city counsel member, the Chief of

Strickland - Cross

1 Police and several ranking officers in the police
2 department?

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

5 Q What I'm trying to establish is, that was after you had
6 been out there trying to find Joe; right?

7 A After I had talked to them; yes.

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

11 A I apologize. At the time, it was Toupal. Commander Matt
12 Toupal.

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

15 A Yes, he got transferred to patrol. It was Commander
16 Toupal who came on then.

17 Q Have you ever seen this letter that was sent to Susan
18 Gaertner that went to the Chief of Police and the city
19 counsel member?

20 A No.

21 Q Let me rephrase my question, then. It was your
22 understanding that the Browns contacted investigative
23 Commander Matt Toupal?

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

25 Q Well --

Strickland - Cross

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

5 MS. CLARK: Well, I would like to put the
6 letter into evidence and I'm hoping that the County
7 Attorney doesn't object to that.

8 MR. DUSTERHOFT: No objection, for purposes of
9 this hearing.

10 MS. CLARK: For purposes of this hearing.

11 THE COURT: Should we mark it?

12 (Exhibit No. 1 marked for identification.)

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

17 (Brief pause.)

18 THE WITNESS: Okay.

19 MS. CLARK: Offer Exhibit 1.

20 THE COURT: And exhibit -- any objection?

21 MR. DUSTERHOFT: No.

22 THE COURT: Exhibit 1 is accepted.

23 BY MS. CLARK:

24 Q Sergeant, look with me at the second page. Do you see
25 where it indicates that Mr. Brown called Investigative

Strickland - Cross

1 Commander Matt Toupal?

2 A Yes.

3 Q Then did Matt Toupal talk to you?

4 A Yes.

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

6 A No.

7 Q What did he tell you?

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

13 Q Did Pfaffe call you to tell you -- strike that. Do you
14 know what date Pfaffe called you to tell you to do more
15 work on the case?

16 A Actually, he told me when the case was not charged. It
17 was the same day. When he said declined, further
18 investigation needed, that was the same time that I
19 turned it in to get it charged, which would be the 6th or
20 7th in December.

21 Q Where in the police report is there any indication that
22 the case was declined?

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

25 Q And is there any information in the police report that

Strickland - Cross

1 the prosecutor had analyzed this case to be, at best, a
2 misdemeanor trespassing?

3 A No.

4 Q Now, after Commander Toupal -- and Madam Court Reporter,
5 it's T-O-U-P-A-L, Matt, M-A-T-T. After Commander Toupal
6 talked to you, did you do any further investigation to
7 try to find Joe?

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

14 Q Well, would you agree with me that after Commander Toupal
15 spoke with you, you didn't do any further investigation
16 to try to find who Joe might be; would you agree with
17 that?

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

19 Q Now, who released items from the property room to the
20 Browns?

21 A I gave permission for them to be released.

22 Q When was that?

23 A Whatever the date is on there. I had the officer
24 emergency car go down and take photos of the items and
25 had items turned over to them.

Strickland - Cross

1 Q Do you want to refresh your recollection by looking at
2 the property records?

3 A Sure.

4 MS. CLARK: May I, Your Honor?

5 THE COURT: Yes.

6 BY MS. CLARK:

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

8 A It says here the 15th of December.

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

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

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

18 A Because they belonged to the victim.

19 Q Anything other than that?

20 A No, it's just that usually I write in the report that I
21 gave permission to have items be released to the victim.
22 They were photographed. There is a report there that
23 Squad 150 went down to photograph the items that were
24 released.

25 Q Let's talk about the items a little bit. You said that

Strickland - Cross

1 the art studio had claimed a lap top computer had been
2 stolen?

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

4 Q You mean a desk top computer.

5 A My understanding, yes.

6 Q And that was never located in Tamika Suttles' truck;
7 right?

8 A No.

9 Q So, what happened to that, Sergeant?

10 A I don't know.

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

13 A Yes.

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

17 A It could suggest two things to me; both were involved or
18 they made more than one trip. It could suggest two
19 things, if I'm looking at it like that; yes.

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

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

24 Q Well, did you try?

25 A No.

Strickland - Cross

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

3 A I don't have that property loss sheet on what was
4 missing. I don't have all of that. I just have what
5 they recovered here. Usually they do a property sheet
6 showing what they have missing from each address and I
7 don't have that.

8 Q Do you know what happened to that document?

9 A It's probably in the record department.

10 Q In the record department?

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

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

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

16 Q Wasn't it a big five door?

17 A A big car, yes.

18 Q Okay. Big trunk?

19 A Big trunk, yes.

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

21 A Yep.

22 Q Including a computer; right?

23 A Right.

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

Strickland - Cross

1 A Yes, that's true.

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

3 A I think it was a printer. Mr. Joseph Brown picked up his
4 drill from headquarters. It was in a duffel bag that had
5 other tools with it. At the office, I turned over to Mr.
6 Brown, was the printer, parts of a computer.

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

9 A No.

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

13 A Yes.

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

17 A Yes.

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

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

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

Strickland - Cross

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

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

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

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

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

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

11 A Yes.

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

14 A Right.

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

17 A Right.

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

19 A None.

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

22 A No.

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

Strickland - Cross

1 A Right.

2 Q And you checked to make sure that none of the
3 denominations from her money was missing from the cafe;
4 right?

5 A I checked, yes.

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

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

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

12 A Or they have already committed a burglary.

13 Q Well, I would like you to answer my question, Sergeant,
14 if you would.

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

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

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

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

25 A I told her I wouldn't have given her the money back if I

Strickland - Cross

1 could prove that there was some other way she had it,
2 other than how she said.

3 Q Isn't it true that you said to Tamika Suttles, oh, I
4 understand. That's why I gave it back to you. I didn't
5 think you were really involved in it and I couldn't prove
6 you got it anywhere else?

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

9 Q Isn't it true you said you didn't think she was really
10 involved in it. I didn't think you were really involved
11 in it?

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

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

14 A Just one.

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

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

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

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

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

22 A Yeah.

23 Q And you now know that she rolled a tape during that
24 conversation; right?

25 A Yes.

Strickland - Cross

1 Q All right. And you know there is a transcript of it;
2 right?

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

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

5 A I probably did say that.

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

9 A It's a common hallway, yes.

10 Q Is that a hallway that a tenant in the building had
11 access to?

12 A I think so.

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

16 A I guess.

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

19 A It was still downstairs, yes.

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

23 A I meant that it was moved from the area from the liquor
24 store into the hallway.

25 Q You understand that for a robbery, the property of

Strickland - Cross

1 another has to be taken away?

2 MR. DUSTERHOFT: Objection, Your Honor, the
3 charge is not robbery.

4 MS. CLARK: I'll withdraw.

5 THE COURT: Okay. Thanks.

6 BY MS. CLARK:

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

10 A They were removed from the scene, yes.

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

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

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

16 A They were outside of the building in the trunk of her
17 car.

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

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

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

25 A No.

Strickland - Cross

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

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

5 Q Would you agree that the defense should have a right to
6 inspect the items to determine their value?

7 A True.

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

13 A That's a possibility; yes.

14 Q He appeared to you to at least to have experience in the
15 criminal justice system?

16 A Yes.

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

22 A I wouldn't know about that part.

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

25 A I learned today, he did.

Strickland - Cross

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

4 A Yes.

5 Q Did you learn, at any point, that Mr. Drljic had moved
6 here as a refugee from Bosnia?

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

8 Q Did you understand that he had been living through a war
9 there?

10 A Yes.

11 Q Are you a Veteran, Sergeant?

12 A No.

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

16 A I don't remember that.

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

20 A The next morning, yes.

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

24 A Just from the reports.

25 Q Now, it's your understanding that St. Paul Police

Strickland - Cross

1 Department is pretty good about registering their CRIs;
2 right?

3 A Right.

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

6 A I ran it through the narcotics commander today.

7 Q And checked that way?

8 A He said no.

9 Q All right. Now, it's possible that he's living in St.
10 Paul; but, he is a CRI for Minneapolis police; right?

11 A I wouldn't know that.

12 Q You admit he could be?

13 A He could be, yeah.

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

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

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

25 A I don't remember that.

Strickland - Redirect

1 MS. CLARK: Nothing further.

2 REDIRECT EXAMINATION

3 BY MR. DUSTERHOFT:

4 Q Sergeant, just to be clear, you have seen the police
5 reports?

6 A Yes.

7 Q From the original officers in this case?

8 A Yes.

9 Q So, the vehicle we're talking about here is a 97 Cadillac
10 DeVille

11 A Right.

12 Q Not an SUV?

13 A Not an SUV.

14 Q Now, the defense attorney asked you about where the
15 liquor was located. First of all, was any liquor
16 actually missing from the property?

17 A Yes.

18 Q How much?

19 A About \$1,300 worth.

20 Q And that had been taken off site?

21 A It was outside. They had a big hole in the wall and the
22 liquor was on the other side.

23 Q Okay. Just to be clear, the liquor was taken from the
24 liquor store?

25 A Yes.

Strickland - Redirect

1 Q And that was through a hole that somebody had broken in
2 the liquor store wall; is that right?

3 A Yes.

4 Q Was any liquor actually missing from the property,
5 itself, had any of it been taken away and not recovered?

6 A No.

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

9 A Came out of the art studio.

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

11 A Yes.

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

13 A Through the door, back door.

14 Q How did they enter through the door?

15 A They pried it open.

16 Q So, they used some type of tool?

17 A Yes.

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

20 A There was a black bag where they had a pry bar and a crow
21 bar.

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

23 A Yes.

24 Q Now, you said you thought it was possible that residents
25 upstairs in the building could have gotten down to that

Strickland - Redirect

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

Strickland - Redirect

1 Q And you said, I believe that based on what you knew about
2 this case, there were essentially two possibilities;
3 number one, there was somebody else involved; or
4 secondly, there might have been a second trip where other
5 items were removed. Is that correct?

6 A Yes.

7 MS. CLARK: I would again object to the leading
8 questions.

9 THE COURT: He's redirecting here.

10 BY MR. DUSTERHOFT:

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

13 A I might have known it, but the defense attorney told me
14 yesterday.

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

16 A No.

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

20 A No.

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

22 A Yes, anything is possible.

23 Q And the business owner, the owner of the building there,
24 what's his name?

25 A Joseph and Peter Brown.

Strickland - Redirect

- 1 Q Okay. So, the guy who owns the buildings name is Joe?
- 2 A Yes.
- 3 Q Is he white?
- 4 A Yes.
- 5 Q Do you know what he did for a living?
- 6 A He's an art person. He does art now. But, I think he
- 7 was a lawyer.
- 8 Q Retired lawyer?
- 9 A Yes.
- 10 Q So, I suppose it's possible he's the Joe we're talking
- 11 about here?
- 12 A Possible.
- 13 Q Maybe he stole his own computer. Maybe he was the one
- 14 that sent this letter asking you to go investigate him
- 15 some more. Is that possible?
- 16 A It's possible.
- 17 Q The fact that there is an alternative, possible
- 18 additional person involved in this case, does that make
- 19 any difference to the two defendants sitting here?
- 20 A No.
- 21 Q Based on your investigation, is there independent
- 22 evidence to show that they were involved regardless of
- 23 who else was involved?
- 24 A Yes.
- 25 Q Specifically, when you interviewed Mr. Drljic, did he

Strickland - Redirect

1 tell you he knew this was a burglary?

2 A Yes.

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

5 A He said that he was asked to put a mask on and that he
6 thought that it was going to -- that's when he knew it
7 was a burglary.

8 Q Did he talk about stealing some liquor?

9 A Yes.

10 Q Where did he see the liquor?

11 A Downstairs, outside, in the hallway.

12 Q Did he tell you it was stacked up?

13 A Yes.

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

15 A So he wouldn't be identified.

16 Q How would he be identified?

17 A So he wouldn't be identified.

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

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

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

23 A Yes.

24 Q And who gave him the mask?

25 A He said Jermaine did.

Strickland - Redirect

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

3 A I'm not sure.

4 Q Would it refresh your recollection to take a look at your
5 report?

6 A Yes.

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

8 THE COURT: Yes.

9 BY MR. DUSTERHOFT:

10 Q Sergeant, I'm showing you your report of your
11 conversation with Mr. Drljic. I'm going to direct your
12 attention to the second paragraph. Okay. So, what did
13 he tell you about what he saw when he entered the
14 building?

15 A He said he saw the liquor stocks downstairs.

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

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

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

24 A Yes.

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

Strickland - Redirect

- 1 A Yes.
- 2 Q And then after that is when he saw the liquor?
- 3 A Downstairs, yes.
- 4 Q If he saw the liquor, from there, how do you get into the
5 liquor store?
- 6 A Through the wall.
- 7 Q Through a hole in the wall?
- 8 A Yes.
- 9 Q And you know he went through that hole in the liquor
10 store; correct?
- 11 A Yes.
- 12 Q How do you know that?
- 13 A He went upstairs and he was on the video.
- 14 Q In the liquor store?
- 15 A In the liquor store.
- 16 Q Wearing a mask?
- 17 A Wearing a mask.
- 18 Q And at some point, he went outside and saw the police; is
19 that correct?
- 20 A Yes. He came out the door, he saw the police and turned
21 around and ran back in the store.
- 22 Q What does that indicate to you about Mr. Drljic's
23 involvement in this burglary?
- 24 A That he was an active member.
- 25 Q Now, also, independent of any third, fourth person

Strickland - Redirect

1 involved in this case, is there any indication that Ms.
2 Suttles was more than just a dupe?

3 A There is indication that she knew what she was doing and
4 that she was involved in it.

5 Q First of all, what is Ms. Suttles' relationship to Mr.
6 Drljic in this case?

7 A She's his girlfriend.

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

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

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

13 A No.

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

16 A No.

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

19 A No.

20 Q You have seen that report; correct?

21 A Parts of it, yes.

22 Q It's the very first thing she told the police when they
23 found her in the parking lot at 4 o'clock in the morning?

24 MS. CLARK: Objection, foundation.

25 THE COURT: I'm going to overrule that

Strickland - Redirect

1 objection and you may answer.

2 THE WITNESS: May I see the report?

3 BY MR. DUSTERHOFT:

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

5 A Yes.

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

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

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

13 A No.

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

15 A No.

16 Q Or having to go to the bathroom.

17 A No.

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

21 A No.

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

24 A That she was actively involved.

25 Q To back up for a second. Beyond just appearing on

Strickland - Recross

1 camera, wearing a mask in the liquor store, was anything
2 else recovered that indicated that Mr. Drljic was inside
3 the liquor store?

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

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

7 A In the bottles.

8 Q I'm sorry?

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

10 Q On a shelf?

11 A On a shelf.

12 MR. DUSTERHOFT: If I could have just a second,
13 Your Honor?

14 THE COURT: Okay.

15 (Off-the-record discussion had.)

16 MR. DUSTERHOFT: Thank you, Sergeant. Nothing
17 further.

18 THE COURT: And Ms. Clark.

19 MS. CLARK: Thank you.

20 RE-CROSS-EXAMINATION

21 BY MS. CLARK:

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

25 A Right.

Strickland - Recross

1 Q With a large Cadillac sized trunk?

2 A Yes.

3 Q Now, you were asked how did they get into the building.
4 And you said they broke through the back door. But, you
5 don't have any personal knowledge of that; right?

6 A No, just from the evidence of pry marks.

7 Q You didn't see people breaking in?

8 A No, I did not.

9 Q And the police who arrived didn't see people breaking in
10 that back door; right?

11 A Right.

12 Q There were just some scratches and marks; right?

13 A Yes.

14 Q Now, that building has been broken into a number of
15 times; right?

16 A That's the first case I had out there.

17 Q But, you know that it has been broken into a number of
18 times; right?

19 A I have had once since then.

20 Q Let me come back to that in just a second. What I'm
21 trying to get at is, certainly an alternative way they
22 could have entered the building would have been through
23 the basement, the common area that the tenants had access
24 to; right?

25 A Yes.

Strickland - Recross

1 Q And in fact the hole in the wall was in the basement;
2 right?

3 A Yes.

4 Q And now, you said you had some other cases out there.
5 And you can look back at Exhibit 1, if you would like to;
6 but, is it true that on December 20, the same three
7 places were broken into?

8 A Yes.

9 Q And did you put anything in your police report about this
10 case -- excuse me -- no, let me say it again, did you put
11 anything in your police report for this case about that
12 subsequent break in of those three businesses, same three
13 businesses?

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

16 Q Well, was anyone apprehended with regard to those
17 burglaries on December 20?

18 A No.

19 Q Was Thomas Nolan investigated?

20 A No.

21 Q Does he still live there in that building?

22 A Yes.

23 Q Wouldn't it be true, Sergeant, that if Mr. Drljic and Ms.
24 Suttles were someplace else on December 20 -- in other
25 words, not over at that building, that the fact that

Strickland - Recross

1 those businesses were broken into again, that could be
2 evidence they would want to show a jury at trial?

3 A I didn't see any relationship to that. When I say I went
4 out there before, I go out there twice a week to talk to
5 the businesses, because we have a lot of them open there.
6 We talk to them about how to secure their business. It's
7 my area, so it's an area that I work. So, I go out there
8 twice a week to talk to companies about how -- I tell
9 them how to prevent burglaries and break ins and thefts.

10 Q All right.

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

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

17 A I didn't know it was related.

18 Q Well, what was taken?

19 A Nothing.

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

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

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

25 A No description, just males. The person who actually

Strickland - Recross

- 1 called lived upstairs in the apartments?
- 2 Q Who was the caller?
- 3 A It was a female. I can't remember her name.
- 4 Q Now, Thomas Nolan, you indicated that you talked to him
- 5 today?
- 6 A Yes.
- 7 Q Why today of all days?
- 8 A Because we had to locate him for a subpoena.
- 9 Q Who is we?
- 10 A The attorney there, Dusterhoft and I.
- 11 Q Oh, the prosecutor Dusterhoft and you went to speak with
- 12 Thomas Nolan?
- 13 A Yes.
- 14 Q Did you audiotape that statement?
- 15 A No.
- 16 Q Why?
- 17 A We just went there to give him a subpoena.
- 18 Q Well, isn't it true that he was interviewed?
- 19 A Yes.
- 20 Q Okay. So, he was interviewed by the police investigating
- 21 Sergeant and the prosecuting attorney and you didn't roll
- 22 a tape?
- 23 A No.
- 24 Q So, all we have are the state's version of what he said?
- 25 A Yes.

Strickland - Recross

1 Q Did you ask him questions to try to determine if he in
2 fact was behind the burglary on December 6, 2009?

3 A We didn't ask him was he involved. We asked him did he
4 know of any of these people and he said no.

5 Q What else did you ask him?

6 A Asked him what he saw that night.

7 Q Did you show him any people pictures?

8 A No.

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

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

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

14 A Yes.

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

16 A No.

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

18 A No.

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

20 A Yes.

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

22 A No.

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

25 A I didn't see that.

Strickland - Re-Redirect

1 Q Did you look?

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

3 MS. CLARK: No further questions.

4 RE-REDIRECT EXAMINATION

5 BY MR. DUSTERHOFT:

6 Q Sergeant, you said that there were pry marks on the door.

7 Now, the defense attorney asked you if it was possible

8 that those came from some other occasion; correct?

9 A Yes.

10 Q But, Mr. Drljic noticed pry marks on the door; correct?

11 A Yes.

12 Q And you have seen the letter from Mr. Brown to the County

13 Attorney's Office and the police chief; correct?

14 A Yes.

15 Q And he's the owner of the building?

16 A Yes.

17 Q How did he indicate that the building was accessed

18 December 6, 2009?

19 A Through the door.

20 Q The defense attorney asked you some questions about the

21 break in or attempted break in or whatever it was on

22 December 20th and you said they didn't actually get in

23 the building; is that correct?

24 A No, a witness, a young female that lived upstairs, saw

25 them and called.

Strickland - Re-Redirect

1 Q When we spoke to Mr. Nolan today, he indicated that he
2 had made a 911 call; is that correct?

3 A Correct.

4 Q Has anybody been able to locate that 911 recording, yet?

5 A No.

6 MR. DUSTERHOFT: Thank you. Nothing further.

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

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

11 THE COURT: You may step down.

12 (Testimony of Sergeant Strickland concluded at
13 this time.)

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State v. Drljic

1 STATE OF MINNESOTA

2 COUNTY OF RAMSEY

3 I, Susan D. Montpetit, do hereby certify that a hearing
4 was had in the cause styled in the caption hereto on Page One
5 hereof; that I was authorized to and did attend said hearing
6 and reported the proceedings had therein fully and accurately
7 in shorthand and that the foregoing computer-aided
8 transcription numbered 1 through 68, inclusive, constitute a
9 true and correct excerpt of these proceedings of the
10 Testimony of Sergeant Tyrone Strickland, only, from my
11 shorthand report of the proceedings taken at said hearing.

12 Dated: November 15TH, 2010.

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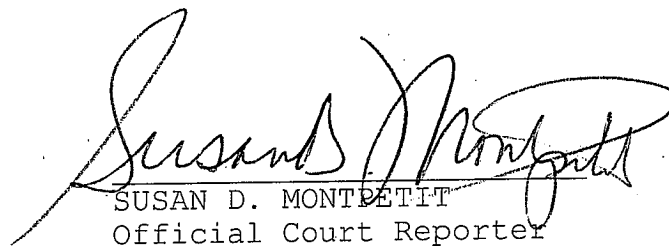
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SUSAN D. MONTPETIT
Official Court Reporter