

1 MR. ROSEN: NO OBJECTION.
2 THE COURT: LET IT IN.
3 MR. MOYE: YOUR HONOR, THE GOVERNMENT WOULD CALL
4 DEPUTY MARSHAL WES JOHNSON.
5 WES JOHNSON,
6 BEING FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:
7 THE CLERK: BE SEATED, PLEASE, AND STATE YOUR NAME
8 FOR THE RECORD.
9 THE WITNESS: JOEL W. JOHNSON,
10 DIRECT EXAMINATION
11 BY MR. MOYE:
12 Q. MR. JOHNSON, HOW ARE YOU EMPLOYED?
13 A. DEPUTY UNITED STATES MARSHAL.
14 Q. AND HOW LONG HAVE YOU BEEN SO EMPLOYED?
15 A. FOR APPROXIMATELY EIGHT YEARS, SIR.
16 Q. DO YOU HAVE PARTICULAR RESPONSIBILITIES WITH THE UNITED
17 STATES MARSHAL SERVICE HERE IN THE NORTHERN DISTRICT OF
18 GEORGIA?
19 A. YES, SIR.
20 Q. WHAT ARE THOSE RESPONSIBILITIES?
21 A. WORK IN THE SEIZED ASSETS MANAGEMENT SECTION OF OUR
22 OFFICE.
23 Q. IN THAT REGARD, MR. JOHNSON, WHAT KINDS OF THINGS DO YOU
24 DO?
25 A. WE ARE RESPONSIBLE FOR THE MANAGEMENT OF ANY AND ALL

1 PROPERTIES SEIZED BY THE GOVERNMENT, THE CARETAKING OF
2 PROPERTY, THE SAFEKEEPING AND THE ULTIMATE DISPOSAL OF ANY
3 PROPERTIES THAT ARE FORFEITED.

4 Q. MR. JOHNSON, DID THERE COME A TIME IN 1992 WHEN THE
5 PROPERTY AT 4070 CASCADE ROAD IN FULTON COUNTY, GEORGIA, CAME
6 UNDER YOUR CARE AND SUPERVISION?

7 A. YES, IT DID.

8 Q. BY VIRTUE OF WHAT KIND OF ACTION?

9 A. IT WAS, OUR OFFICE ARRESTED THE PROPERTY BASED UPON A
10 WARRANT OF ARREST ISSUED BY THE UNITED STATES DISTRICT COURT.

11 Q. CAN YOU TELL US WHEN A HOUSE IS ARRESTED, HOW DOES THE
12 MARSHAL SERVICE ARREST THE HOUSE?

13 A. THE PROPERTY IS POSTED WITH A NOTICE STATING THAT THE
14 PROPERTY IS ARRESTED. OF COURSE, IT IS NOT ACTUALLY TAKEN INTO
15 CUSTODY AS YOU THINK A HUMAN BEING IS, BUT THE HOUSE IS TAKEN
16 UNDER THE CUSTODY OF THE MARSHAL SERVICE.

17 Q. LEGALLY WHAT CONTROL DOES THAT GIVE YOU OVER THE HOUSE?

18 A. A PROPERTY THAT IS OCCUPIED, WE ASSUME A LANDLORD TYPE OF
19 RESPONSIBILITY OVER THE PROPERTY, AND A PROPERTY THAT IS
20 VACANT, WE TREAT IT JUST LIKE WE OWN THE PROPERTY AS FAR AS
21 SAFEKEEPING IT.

22 Q. AND IN TERMS OF CARING FOR THE SECURITY OF THE PROPERTY,
23 WHAT KINDS OF THINGS DO YOU DO?

24 A. WHATEVER IS NECESSARY, WHATEVER ONE WOULD DO TO SECURE
25 THEIR PROPERTY, WE CHANGE THE LOCKS, IF THERE IS AN ALARM

- 1 SYSTEM IN THE HOUSE, WE PUT THE ALARM SYSTEM IN THE
2 GOVERNMENT'S NAME AND MONITOR THE ALARMS, CHECKS OF THE
3 PROPERTY; LOOK AFTER IT.
- 4 Q. AT THE TIME THE PROPERTY AT 4070 CASCADE ROAD, FULTON
5 COUNTY, CAME UNDER YOUR CARE AND CUSTODY AND SUPERVISION, WAS
6 THE PROPERTY OCCUPIED?
- 7 A. NO, SIR, IT WAS NOT AT THE TIME WE ASSUMED CUSTODY.
- 8 Q. DID YOU AT THE TIME THAT THE PROPERTY WAS ARRESTED, DID
9 YOU ACTUALLY GO TO THE PROPERTY?
- 10 A. YES, SIR, I DID.
- 11 Q. AND INSIDE THE HOUSE DID YOU FIND EVIDENCE OF PEOPLE
12 HAVING LIVED THERE?
- 13 A. CERTAINLY, IT HAD BEEN OCCUPIED UP UNTIL A VERY RECENT
14 STAGE.
- 15 Q. CAN YOU TELL US WHAT EVIDENCE YOU FOUND THAT IT HAD BEEN
16 OCCUPIED?
- 17 A. THERE WERE ALL THE HOUSEHOLD GOODS ONE WOULD HAVE WHILE
18 OCCUPYING A HOUSE, BEDS, TELEVISION, KITCHEN WARE, EVERYTHING
19 THAT ONE WOULD HAVE WHILE LIVING IN A HOUSE.
- 20 Q. DO YOU HAVE ANY IDEA HOW LONG IT HAD BEEN SINCE A PERSON
21 HAD PHYSICALLY LIVED THERE?
- 22 A. NO, SIR, I DO NOT.
- 23 Q. MR. JOHNSON, IN REGARDS TO THE HOUSE, DID YOU PHYSICALLY
24 ARREST THE CONTENTS, THE CONTENTS OF THE HOUSE?
- 25 A. NO, SIR, WE DID NOT.

1 Q. WHY NOT?

2 A. IT IS BASICALLY OUR POLICY, MARSHAL SERVICES POLICY, TO
3 RECOMMEND TO INVESTIGATIVE AGENCIES THAT HOUSEHOLD GOODS NOT BE
4 ARRESTED DUE TO THE FACT EVEN THOUGH THE HOUSEHOLD GOODS MAY
5 HAVE A HIGH VALUE, BY THE TIME THEY ARE MOVED, STORED AND
6 DISPOSED OF ULTIMATELY AT FORFEITURE, THIS IS NO GAIN, WE
7 USUALLY LOSE MONEY ON THAT.

8 Q. MR. JOHNSON, WHAT DID YOU UNDERTAKE TO DO WHEN YOU
9 DISCOVERED THAT THERE WAS FURNITURE AND OTHER KINDS OF
10 HOUSEHOLD BELONGINGS IN 4070 CASCADE RAD?

11 A. I STARTED TO ATTEMPT TO IDENTIFY THE OWNER OF THESE GOODS
12 TO HAVE THEM REMOVED.

13 Q. AND WHO DID YOU -- DID YOU EVER LOCATE ANYONE?

14 A. NO, SIR.

15 Q. WHAT DID YOU DO IN AN EFFORT TO LOCATE SOMEONE?

16 A. IT WAS MY UNDERSTANDING THAT MRS. VIRGINIA HIGH WAS
17 MARKETING THE PROPERTY, AND SHE WAS THE FIRST PERSON I
18 CONTACTED IN REGARDS TO WHO THE TENANT OR OCCUPANT OF THE HOUSE
19 WAS.

20 Q. AND CAN YOU TELL US ABOUT, DID YOU SUCCESSFULLY CONTACT
21 MRS. HIGH?

22 A. YES, AFTER A NUMBER OF MESSAGES BACK AND FORTH BETWEEN US,
23 I WOULD LEAVE MESSAGES FOR HER AND SHE WOULD LEAVE MESSAGES FOR
24 ME, AND EVENTUALLY YES, WE MADE TELEPHONE CONTACT.

25 Q. DID THE TWO OF YOU HAVE A TELEPHONE CONVERSATION?

- 1 A. YES, SIR.
- 2 Q. DID YOU EVER SEE MRS. HIGH IN PERSON?
- 3 A. NO, SIR.
- 4 Q. TELL US THE CONVERSATION THAT YOU HAD WITH MRS. HIGH?
- 5 A. IT WAS BASICALLY -- OF COURSE, I CAN'T RECALL IT WORD FOR
6 WORD. BUT THERE WAS SOME DISCUSSION AS TO WHO OWNED THE
7 PROPERTY IN THE HOUSE. AND THAT WE NEEDED TO MAKE ARRANGEMENTS
8 TO HAVE THE PROPERTY REMOVED FROM THE HOUSE. AS I RECALL, MRS.
9 HIGH AT ONE POINT IN TIME STATED SHE WOULD BE RESPONSIBLE FOR
10 ALL OF THE GOODS IN THE HOUSE, AND THE ITEMS WERE OF SUCH VALUE
11 THAT WE NEEDED SOMETHING TO PROTECT US, THE U.S. MARSHAL
12 SERVICE, BEFORE WE TURNED ALL OF THESE HOUSEHOLD GOODS OVER TO
13 SOMEONE, SOMETHING SHOWING PROOF OF OWNERSHIP, ANYTHING, A BILL
14 OF SALE. ANYTHING THAT SHOWED PROOF OF OWNERSHIP.
- 15 Q. DID YOU REQUEST PROOF OF OWNERSHIP FROM MRS. HIGH?
- 16 A. YES, SIR.
- 17 Q. WHAT WAS HER RESPONSE?
- 18 A. WELL, EVERYTHING WAS MOVING TOWARD HAVING THE ITEMS
19 REMOVED UNTIL THE SUBJECT WAS BROUGHT UP, THE PROOF OF
20 OWNERSHIP, AT WHICH TIME SHE COULD NOT PROVIDE PROOF OF
21 OWNERSHIP OF ANYTHING IN THE HOUSE.
- 22 Q. DID SHE TELL YOU WHOSE PROPERTY IT WAS?
- 23 A. NO, SIR, SHE DID NOT.
- 24 Q. DID SHE INDICATE WHETHER THE PERSON THAT OWNED THE
25 PROPERTY HAD ANY RELATIONSHIP TO HER?

- 1 A. NO, SIR, SHE DID NOT.
- 2 Q. DID SHE IDENTIFY WHO IT WAS THAT WAS THE OWNER OF THE
3 PROPERTY?
- 4 A. NO, SIR, SHE WOULD NOT.
- 5 Q. WHY WOULD YOU SAY SHE WOULD NOT?
- 6 A. IT WAS OBVIOUS TO ME THAT IF SHE WAS MARKETING THE HOUSE,
7 SHE KNEW WHO SHE WAS MARKETING THE HOUSE FOR. AND SHE STATED
8 SHE DID NOT KNOW WHO WAS THE LAST TENANT IN THE HOUSE.
- 9 Q. DID SHE GIVE ANY INDICATION AS TO HOW THE OWNERSHIP OF THE
10 HOUSE WAS HELD?
- 11 A. I BELIEVE, SIR, I THINK IT WAS SOME CORPORATION THAT OWNED
12 THE HOUSE, AND THAT IS THE BEST I COULD GET.
- 13 Q. DID SHE INDICATE -- DO YOU KNOW IF SHE HAD ANY RECORDS
14 THAT SHE COULD CHECK?
- 15 A. I DO NOT KNOW IF SHE DID. I ASKED IF SHE WOULD.
- 16 Q. WHAT DID SHE INDICATE SHE WOULD DO?
- 17 A. SHE DIDN'T MAKE ANY INDICATION WHATSOEVER TO THAT REQUEST.
- 18 Q. AFTER THE CONVERSATION OR AT THE END OF THAT CONVERSATION,
19 WHAT DID YOU AGREE TO DO REGARDING THE PERSONAL PROPERTY THAT
20 WAS IN THE HOUSE?
- 21 A. THAT WE WOULD MAINTAIN CONTROL. WE, THE U.S. MARSHAL
22 SERVICE, WOULD MAINTAIN CONTROL OVER THE PROPERTY UNLESS PROOF
23 OF OWNERSHIP COULD BE PROVIDED.
- 24 Q. DID THERE COME A TIME WHEN YOU LOST THE PROPERTY?
- 25 A. YES, SIR.

1 Q. TELL US ABOUT THAT.

2 A. WELL, TO THE BEST OF MY RECOLLECTION THE PROPERTY AT
3 CASCADE ROAD WAS BURGLARIZED OVER A WEEKEND AND EVERYTHING WITH
4 THE EXCEPTION OF A VERY, VERY LARGE POOL TABLE WAS REMOVED FROM
5 THE PROPERTY.

6 Q. MR. JOHNSON, WAS A BURGLARY REPORT FILED?

7 A. YES, SIR, I BELIEVE SO.

8 MR. MOYE: THANK YOU, MR. JOHNSON.

9 NOTHING FURTHER, YOUR HONOR.

10 THE COURT: MR. MORRISON?

11 MR. MORRISON: NO QUESTIONS.

12 THE COURT: MR. ABBOTT?

13 CROSS-EXAMINATION

14 BY MR. ABBOTT:

15 Q. MR. JOHNSON, I TAKE IT YOU MADE NO NOTES OF THIS
16 PARTICULAR CONVERSATION?

17 A. I BEG YOUR PARDON?

18 Q. I TAKE IT YOU MADE NO NOTES OF YOUR CONVERSATION OF MRS.
19 HIGH?

20 A. YES, SIR, I DID.

21 MR. ABBOTT: YOUR HONOR, I HAVE JUST BEEN HANDED THIS
22 FOR THE FIRST TIME. MAY I HAVE A MOMENT TO LOOK AT IT?

23 MR. MOYE: I BELIEVE I PUT IT OUT IN THE JENCKS.
24 PERHAPS WE OMITTED IT. IT'S A SINGLE PAGE.

25 THE COURT: ALL RIGHT.

1 BY MR. ABBOTT:

2 Q. MY UNDERSTANDING, MR. JOHNSON, OF YOUR TESTIMONY IS THAT
3 MRS. HIGH SAID SHE DID NOT KNOW WHO THE LAST TENANT WAS?

4 A. THAT IS CORRECT.

5 Q. NOW, AT THE TIME IS IT YOUR TESTIMONY THAT THE HOUSE WAS
6 BEING MARKETED FOR SALE?

7 A. TO THE BEST OF MY REMEMBRANCE THERE WAS AN ACTUAL FOR SALE
8 SIGN IN THE YARD OF THE PROPERTY.

9 Q. DO YOU KNOW WHETHER OR NOT IMMEDIATELY PRIOR TO BEING
10 OFFERED FOR SALE THE HOUSE WAS BEING LIVED IN BY A TENANT OR BY
11 AN OWNER?

12 A. I DO NOT KNOW, SIR.

13 Q. WAS IT YOUR ASSUMPTION THAT IF SHE WERE MARKETING THE
14 HOUSE, SHE WOULD BE MARKETING IT FOR THE OWNER?

15 A. YES, SIR.

16 Q. IT WOULD MAKE SENSE, WOULDN'T IT?

17 A. YES, SIR, IT WOULD.

18 Q. BUT YOU DON'T KNOW WHETHER OR NOT JUST PRIOR TO HER
19 MARKETING IT, THE HOUSE HAD BEEN LIVED IN BY THE OWNER OR BY
20 SOME OTHER PERSON?

21 A. I HAVE NO WAY OF KNOWING THAT.

22 Q. AFTER THE PROPERTY WAS REMOVED FROM THE HOUSE, WITH
23 RESPECT TO THE BURGLARY THAT YOU HAVE -- STRIKE THAT.

24 I TAKE IT YOU NEVER FOUND OUT WHO STOLE THE
25 FURNITURE?

1 A. NO, SIR, NOT TO MY KNOWLEDGE.

2 Q. DID YOU HAVE ANY FURTHER CONVERSATIONS OR CONTACT WITH
3 MRS. HIGH AFTER THE FURNITURE WAS TAKEN?

4 A. I DON'T RECALL, SIR.

5 Q. DO YOU KNOW WHETHER OR NOT SHE WAS EXTREMELY UPSET BECAUSE
6 THE FURNITURE HAD BEEN TAKEN?

7 A. I DON'T RECALL.

8 Q. YOU DON'T RECALL THAT SHE CALLED THE MARSHAL'S OFFICE
9 INQUIRING ABOUT THE BURGLARY AFTERWARDS?

10 A. NO, SIR. I DID HAVE A SERIES OF CONVERSATIONS WITH MRS.
11 HIGH, BUT I CAN'T SPECIFICALLY RECALL.

12 Q. IF SUCH A CALL WERE MADE, WOULD IT NECESSARILY HAVE COME
13 TO YOU?

14 A. NO, SIR.

15 MR. ABBOTT: THOSE ARE MY QUESTIONS, YOUR HONOR.

16 THE COURT: MR. ROSEN?

17 MR. ROSEN: NO QUESTIONS.

18 THE COURT: MR. AXAM?

19 MR. AXAM: NO, YOUR HONOR.

20 THE COURT: DOES THE GOVERNMENT HAVE ANYTHING ELSE?

21 MR. MOYE: NOTHING FURTHER, YOUR HONOR.

22 THE COURT: YOU MAY STEP DOWN, MR. JOHNSON.

23 (WHEREUPON, THE WITNESS WITHDREW FROM THE
24 WITNESS STAND.)

25 THE COURT: WHO DO YOU CALL NEXT?