SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 43 HON. KIMBERLEY BAKER GUILLEMET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF,

VS.

LUKE WALDEN,
DEFENDANT.

CASE NO. BA510524

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRELIMINARY HEARING

MARCH 9, 2023

APPEARANCES:

FOR THE PEOPLE: OFFICE OF THE DISTRICT ATTORNEY
BY: KRISTOPHER GAY, DEPUTY
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LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: SEKI, NISHIMURA & WATASE, LLP
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LOS ANGELES, CALIFORNIA 90017

HTA: MARCH 23, 2023
DEPARTMENT 119

PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER

MAR 20 2023

M A S T E R I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

PEOPLE'S	DIRECT	CROSS	REDIRECT	RECROSS
NEMEROFF, ROSS	4	38	--	--

DEFENSE	DIRECT	CROSS	REDIRECT	RECROSS
(NONE.)				

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DEFENSE EXHIBIT	DESCRIPTION	FOR I.D.	IN EVD.	WITHDRAWN OR REJECTED
(NONE.)				

CASE NUMBER:	BA510524
CASE NAME:	PEOPLE VS. LUKE WALDEN
	THURSDAY, MARCH 9, 2023
LOS ANGELES, CALIFORNIA	HON. KIMBERLEY BAKER GUILLEMET,
DEPARTMENT 43	JUDGE
REPORTER:	PRISCILLA MIRELES, CSR NO. 14080
TIME:	A.M. SESSION

APPEARANCES:

DEFENDANT, LUKE WALDEN, PRESENT WITH COUNSEL, BILL SEKI, ATTORNEY AT LAW; KRISTOPHER GAY, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

-OOO-

THE COURT: WE'RE ON THE RECORD. PEOPLE VS. LUKE WALDEN, CASE NO. BA510524.

APPEARANCES, PLEASE.

MR. SEKI: GOOD MORNING, YOUR HONOR. BILL SEKI APPEARING WITH MR. WALDEN.

MR. GAY: KRISTOPHER GAY FOR THE PEOPLE. GOOD MORNING.

THE COURT: THANK YOU. AND GOOD MORNING.

WE ARE HERE FOR PRELIMINARY HEARING. ARE BOTH PARTIES READY TO PROCEED?

MR. SEKI: YES.

MR. GAY: READY.

THE COURT: ALL RIGHT. AND COUNSEL, DO YOU WAIVE

FURTHER READING AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS AND ENTER A PLEA OF NOT GUILTY ON BEHALF OF YOUR CLIENT?

MR. SEKI: YES.

THE COURT: IS THERE A MOTION TO DESIGNATE AN INVESTIGATING OFFICER?

MR. GAY: YOUR HONOR, THANK YOU. TO MY LEFT IS DETECTIVE ROSS NEMEROFF. I'D ASK THAT HE BE DESIGNATED AS THE INVESTIGATING OFFICER, BUT HE IS, IN FACT, MY ONLY TESTIFYING WITNESS AS WELL.

THE COURT: VERY WELL. AND THE SPELLING OF DETECTIVE'S LAST NAME, PLEASE, FOR THE RECORD?

MR. GAY: N-E-M-E-R-O-F-F.

THE COURT: ALL RIGHT. THANK YOU VERY MUCH. I UNDERSTAND DETECTIVE NEMEROFF IS YOUR ONLY WITNESS.

DOES DEFENSE EXPECT TO CALL ANY WITNESSES?

MR. SEKI: NOT TODAY, YOUR HONOR.

THE COURT: ALL RIGHT. SO NO MOTION TO EXCLUDE WITNESSES IS NECESSARY. AND I DO UNDERSTAND CONTINUOUS PRELIM WAS PREVIOUSLY WAIVED; HOWEVER, THE TIME ESTIMATE IS ONE HOUR; IS THAT CORRECT?

MR. GAY: YES.

MR. SEKI: SO -- YES. AND WE WERE TOLD WE SHOULDN'T EXCEED 90 MINUTES, BUT I DON'T THINK WE'RE GOING TO GET THERE.

THE COURT: VERY WELL. IS THERE ANYTHING ELSE WE NEED TO ADDRESS BEFORE WE START?

MR. GAY: NO.

MR. SEKI: NO. I DO -- I THINK IT'S LEFT BEST FOR OUR MOTION, BUT THERE ARE A COUPLE CASES THAT I WOULD WANT THE COURT TO REVIEW PRIOR TO MAKING ITS DECISION IN THIS CASE.

THE COURT: VERY WELL.

ALL RIGHT. PEOPLE MAY CALL THEIR FIRST WITNESS.

MR. GAY: THANK YOU, YOUR HONOR. PEOPLE CALL DETECTIVE ROSS NEMEROFF.

THE COURT: THANK YOU, DETECTIVE. PLEASE COME FORWARD TO BE SWORN AND FACE OUR CLERK. YOU CAN STAND RIGHT THERE.

ROSS NEMEROFF,

CALLED BY THE PEOPLE AS A WITNESS, WAS SWORN AND TESTIFIED AS FOLLOWS:

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

DO YOU SOLEMNLY STATE THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH; SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: THANK YOU. AND IF YOU CAN JUST PLEASE STATE AND SPELL YOUR FULL NAME FOR THE RECORD, PLEASE.

THE WITNESS: ROSS NEMEROFF, R-O-S-S, N-E-M-E-R-O-F-F.

THE COURT: THANK YOU FOR BEING HERE, DETECTIVE.

THE WITNESS: THANK YOU.

THE COURT: COUNSEL, YOUR WITNESS.

MR. GAY: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. GAY:

Q. GOOD MORNING, SIR.

A. GOOD MORNING.

Q. WHAT IS YOUR OCCUPATION?

A. CURRENTLY, I'M AN INVESTIGATOR WITH THE ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE. I RETIRED FROM LOS ANGELES POLICE DEPARTMENT AS A DETECTIVE II ASSIGNED TO SPECIAL OPERATIONS DIVISIONS ON JANUARY 26TH OF THIS YEAR.

Q. AND APRIL 22ND OF 2021, HOW WERE YOU ASSIGNED ON THAT DATE?

A. I WAS A DETECTIVE II ASSIGNED TO SPECIAL OPERATIONS DIVISION LAPD.

Q. HOW LONG HAVE YOU BEEN A SWORN PEACE OFFICER?

A. OVER 28 YEARS -- OR 27 AND A HALF YEARS.

Q. AND DO YOU SEE ANYONE ELSE HERE IN COURT THAT YOU KNOW?

A. YES.

Q. WHO'S THAT?

A. I SEE LUKE WALDEN. HE'S SITTING NEXT TO DEFENSE COUNSEL WEARING A -- I GUESS A CHARCOAL COLORED SUIT AND GLASSES.

THE COURT: FOR THE RECORD, IDENTIFYING THE

DEFENDANT.

BY MR. GAY:

Q. AND HOW ARE YOU FAMILIAR WITH MR. WALDEN?

A. WALDEN WORKED -- I THINK IT WAS THE GUN UNIT AT THE TIME WHEN I FIRST MET HIM ON A SEPARATE ADMINISTRATIVE AND CRIMINAL INVESTIGATION INVOLVING -- A DIFFERENT DEPARTMENT EMPLOYEE REACHED OUT TO HIS UNIT TO -- FOR EXPERTISE AND ADVISE.

Q. AND HE PROVIDED THAT?

A. YES.

Q. AND I'M SORRY. JUST -- IS HE A POLICE OFFICER WITH LAPD AS WELL?

A. YES. AT THE TIME, A DETECTIVE II ASSIGNED TO -- I BELIEVE IT WAS GUN NARCOTICS -- GANG NARCOTICS DIVISION.

Q. NOW, I WANT TO ASK YOU, DID -- WERE YOU THE -- ARE YOU THE ASSIGNED INVESTIGATOR INVOLVING AN INVESTIGATION THAT MR. WALDEN -- OFFICER WALDEN -- DETECTIVE WALDEN WAS THE TARGET OF?

A. YES.

Q. OKAY. AND DID THAT INVOLVE, JUST GENERALLY, POSSESSION OF A GUN SILENCER?

A. YES.

Q. AND CAN YOU STATE FOR THE COURT BRIEFLY WHAT KIND OF BACKGROUND, TRAINING, AND EXPERIENCE YOU HAVE WITH REGARD TO FIREARM SILENCERS?

A. YES. AS A RESULT OF THIS CASE -- WELL, PRIOR TO THIS CASE, I RECEIVED BASIC TRAINING IN FIREARMS IN THE

LOS ANGELES POLICE ACADEMY IN 1995, AND I'VE SHOT WEAPONS EVER SINCE THEN.

AS A RESULT OF THIS INVESTIGATION, I BECAME A LOT MORE FAMILIAR WITH SILENCERS. THE TRAINING I RECEIVED, TALKING TO THE CUSTOMS BORDER PATROL AGENTS, AGENT PENA, ALSO SPEAKING TO A HOMELAND SECURITY AND HOMELAND SECURITY AGENT NAMED MADOYAN, M-A-D-O-Y-A-N.

I'VE READ DIFFERENT BULLETINS FROM THE ALCOHOL, TOBACCO, AND FIREARMS ON SILENCERS. TWO DIFFERENT BULLETINS; ONE FROM APRIL OF 2021. I BELIEVE THE SECOND ONE WOULD HAVE BEEN IN OCTOBER 2021 ON SILENCERS AND SOLVENT TRAPS.

I'VE BEEN TO THE CUSTOMS BORDER PROTECTION -- THEIR HEADQUARTERS IN THE CITY OF TORRANCE ON MAY 3RD OF 2021 WHERE I WAS EXPOSED TO HOW SILENCERS COME INTO THE COUNTRY FROM OTHER COUNTRIES, SPECIFICALLY CHINA, HOW THEY ARE X-RAYED, HOW THEY ARE IDENTIFIED, HOW THEY ARE RECOVERED, AND I ALSO SPOKE WITH A RETIRED ATF AGENT -- I BELIEVE HIS NAME IS MIKE HAMILTON -- WHO HAS EXPERTISE IN THE AREA OF SILENCERS.

Q. DID YOU SPEAK WITH ANY CURRENT SCIENTIFIC INVESTIGATION DIVISION EMPLOYEES FROM LAPD REGARDING THIS CASE AS WELL?

A. YES. I SPOKE TO A CRIMINALIST III FROM THE FIREARMS ANALYSIS UNIT.

Q. NOW, GOING BACK TO THE CUSTOMS AND BORDER PATROL AND THE HOMELAND SECURITY AGENTS. DID THEY INFORM YOU OF KIND OF SOME BACKGROUND INFORMATION REGARDING

SILENCERS THAT THEY'VE BEEN NOTICING IN THE RECENT PAST, I GUESS?

A. YES. ON A FIELD TRIP TO THE CUSTOMS BORDER PROTECTION, THEY ADVISED THAT THEY HAD AN INFLUX OF SOLVENT TRAPS OR SILENCERS THAT ARE SOLVENT TRAPS THAT ARE DISGUISED AS SILENCERS THAT ARE COMING FROM CHINA INTO THE UNITED STATES WITH UNDER A DIFFERENT NAME UNDER A GUISE OF -- AS A SOLVENT TRAP, AND AS THEY -- AS THEY -- THOSE PACKAGES ARE RANDOMLY SCREENED THROUGH THEIR SCREENING SYSTEM, X-RAYED, THEY'RE ABLE TO IDENTIFY THOSE SOLVENT TRAPS OR SILENCERS WITHIN THE PACKAGING.

Q. SO THESE PACKAGES ARE LABELED AS SOLVENT TRAPS? IS THAT WHAT YOU'RE SAYING?

A. YES. A LOT OF THE PACKAGES ARE LABELED AS SOLVENT TRAPS OR OIL FILTERS, FUEL FILTERS, ET CETERA. DIFFERENT NAMES.

Q. NOW, CAN YOU TALK A LITTLE BIT ABOUT WHAT YOU LEARNED? LET'S START WITH SOLVENT TRAPS; WHAT THAT TERM MEANS AND WHAT YOU LEARNED ABOUT THAT.

A. YES. SO THE SOLVENT TRAPS COMING FROM CHINA, THEY TYPICALLY -- IT COMES IN A ROUND CHORD, ROUND CYLINDER, FOLLOWED BY A MONOCORE THAT THEN FITS INSIDE OF THAT CYLINDER WITH AN END CAP THAT SCREWS ON ONE END AND ANOTHER CAP THAT SCREWS ON THE OPPOSITE END AND --

Q. I'M SORRY. LET ME JUST INTERRUPT. I HAVE A DIFFERENT QUESTION. I APOLOGIZE.

A. SURE.

Q. JUST IN GENERAL, DID YOU COME TO LEARN --

WERE YOU FAMILIAR BEFORE DOING THIS INVESTIGATION WITH THE TERM "SOLVENT TRAPS"?

A. BEFORE THE INVESTIGATION?

Q. YES.

A. I WOULD -- IN GENERAL TERMS, I WOULD THINK A SOLVENT TRAP IS SOMETHING THAT CATCHES SOLVENT.

Q. AND THE -- WHAT WAS -- SPECIFICALLY WITH REGARD TO -- WELL, LET ME ASK YOU A MORE GENERAL QUESTION. DID YOU LEARN IN THE COURSE OF YOUR INVESTIGATION WHY ITEMS COMING INTO THE COUNTRY FROM CHINA WOULD BE LABELED AS FUEL FILTERS FOR SOLVENT TRAPS WHEN THEY'RE, IN FACT, GUN SILENCERS?

A. YES. IT'S A GUISE. IT'S TO -- IT'S BASICALLY TO THROW OFF THE ALERT THAT SOMETHING IS COMING IN AS A SILENCER BECAUSE SILENCERS ARE ILLEGAL TO POSSESS, AND IF THEY DEEM THEM OR CALL THEM SOLVENT TRAPS OR FUEL FILTERS ON A MANIFEST WITH ALL -- WITH THE DIFFERENT ITEMS THAT ARE COMING IN FROM THE OTHER -- YOU KNOW, OTHER COUNTRIES CALLING IT A SOLVENT TRAP, IT MAY GET THROUGH ITS INITIAL SCREENING AND WHATNOT. SO BY CALLING IT A SOLVENT TRAP OR FUEL FILTER, IT'S JUST A GUISE FOR WHAT IT REALLY IS INTENDED, WHICH IS A SILENCER.

Q. NOW, LET'S TALK A LITTLE BIT MORE ABOUT TERMINOLOGY. THREADED BARRELS. ARE YOU FAMILIAR WITH THAT TERM?

A. YES.

Q. WHAT DOES THAT REFER TO?

A. SO THE THREADED BARREL IS THE RECEIVER END OF

A SILENCER. SO THE SILENCER COMES WITH A FEMALE END OF A THREAD, AND IN ORDER TO ADAPT THAT FEMALE END OF THE SILENCER, IT NEEDS TO GO ON A MALE END OF A BARREL. SO THE MALE END OF THE BARREL HAS TO BE THREADED IN ORDER FOR IT TO RECEIVE THE SILENCER. SO IT HAS TO HAVE THE SAME THREAD COUNT AND SAME DIAMETERS.

Q. DO FIREARMS GENERALLY COME FROM THE MANUFACTURER EQUIPPED WITH THREADING ON THE BARREL?

A. NO.

Q. SO HOW DOES ONE EQUIP A FIREARM WITH A THREADED BARREL?

A. SO DIFFERENT COMPANIES SELL THREADED BARRELS. SPECIFICALLY, I THINK SIG SAUER MAKES A THREADED BARREL AS WELL AS KIMBER. YOU CAN DO A GOOGLE SEARCH ON EITHER ONE OF THOSE, AND YOU CAN ACTUALLY LOOK UP A THREADED BARREL AND THEN PURCHASE -- I BELIEVE YOU CAN PURCHASE A THREADED BARREL THAT'S SEPARATE FROM THE STANDARD ONE THAT'S ISSUED WITH THE FIREARM.

Q. SO IF ONE WANTED TO ATTACH A SILENCER TO THEIR FIREARM, WOULD THEY NEED A THREADED BARREL?

A. THEY WOULD.

Q. GOING BACK TO YOUR -- THE TRAINING, BACKGROUND, AND THE THINGS YOU LEARNED DURING THIS INVESTIGATION. USING THE INFORMATION YOU LEARNED FROM HOMELAND SECURITY AGENTS, FROM CUSTOMS AND BORDER PATROL AGENTS, DID YOU DO ANY OF YOUR OWN RESEARCH INTO THE GUN SILENCER -- GUN ACQUISITION FIELD, IF YOU WILL?

A. YES. SO YOUTUBE HAS QUITE A FEW VIDEOS THAT

SHOW HOW THESE THINGS ARE ADAPTED, CHANGED INTO FIREARM SILENCERS, AND THEN ALSO LOOKING AT JUST WEBSITES IN GENERAL ON THREADED BARRELS AND WHATNOT. THAT'S THE GENERAL RESEARCH I DID.

Q. SO DID YOU, FOR EXAMPLE, JUST GOOGLE "SOLVENT TRAP" EVER AS PART OF YOUR RESEARCH?

A. I BELIEVE I DID.

Q. AND WHAT COMES UP WHEN YOU GOOGLE AND SEARCH SOLVENT TRAP?

A. SOLVENT TRAPS -- AT THE TIME OF DOING THESE GOOGLE SEARCHES, IT WOULD COME UP WITH THINGS THAT REALLY RESEMBLED A SILENCER, AS OPPOSED TO A SOLVENT TRAP.

Q. IS THERE -- IF YOU'RE AWARE, IS THERE ANYTHING -- IS THERE EVER A LEGITIMATE VERSION OF A SOLVENT TRAP, IF YOU KNOW?

A. THERE PROBABLY IS A LEGITIMATE USE OF A SOLVENT TRAP. I -- AND IT WOULD -- TO CATCH SOLVENT THAT'S CAPTURED FROM CLEANING A WEAPON OR SOMETHING OF THAT NATURE, BUT THE WAY THAT THESE ARE -- THE WAY THAT THESE ARE COMING OVER FROM CHINA --

Q. AND "THESE" BEING THE THINGS THAT YOU'RE CALLING --

A. RIGHT. SILENCERS. IT DOESN'T -- IT DOESN'T EQUATE TO A SOLVENT TRAP. IT COMES WITH THIS PLASTIC TUBE. REALLY, IT DOES NOTHING. THEY -- YOU KNOW, IT HAS NO PURPOSE, AND THERE'S NO -- AND THE BAFFLE CHORD IN THE MIDDLE WOULD HAVE NO LEGITIMATE PURPOSE IN CATCHING SOLVENT.

MR. GAY: LET ME -- OKAY. SO I'M GOING TO TAKE YOUR ATTENTION TO THE DATE -- LET ME -- ACTUALLY, LET ME -- MAY I MARK A PHOTOGRAPH, YOUR HONOR, AS PEOPLE'S 1? IT'S ACTUALLY -- WELL, IT'S AN 8 -- 9 BY 11 SHEET WITH FOUR PHOTOS ON IT DEPICTING A BLACK CYLINDRICAL OBJECT.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 1.)

BY MR. GAY:

Q. OKAY. AND DIRECTING YOUR ATTENTION TO PEOPLE'S 1, DETECTIVE. ARE YOU FAMILIAR WITH THOSE FOUR IMAGES SHOWN THERE?

A. I AM.

Q. WHAT IS SHOWN IN PEOPLE'S 1?

A. THOSE ARE THE PICTURES THAT WERE TAKEN BY A FORENSIC F.I. -- SORRY OUR SCIENTIFIC INVESTIGATIVE DIVISION THAT RESPONDED UPON MY REQUEST TO THE HOMELAND SECURITY OFFICE IN SAN FERNANDO VALLEY FOR THIS ITEM AND ITEMS THAT WERE ADDRESSED TO LUKE WALDEN.

Q. OKAY. SO LET'S BACK UP. DID YOU COME INTO POSSESSION OF THIS ITEM DEPICTED IN THESE FOUR IMAGES?

A. YES.

Q. HOW DID THAT COME ABOUT?

A. I RECEIVED CORRESPONDENCE WITH A H.S.I. --

Q. AND I'M SORRY. H.S.I. IS --

A. HOMELAND SECURITY INVESTIGATION AGENT MADOYAN

AND ADVISED THAT THEY HAD THIS IN THEIR POSSESSION AS A RESULT OF A SCREENING AT THE CUSTOMS BOARDER PROTECTION OFFICE IN TORRANCE.

Q. AND WHERE DID YOU GO TO TAKE POSSESSION OF THIS ITEM?

A. AT THE H.S.I. OFFICE IN SAN FERNANDO VALLEY.

Q. AND WERE YOU PRESENT WHEN IT WAS PHOTOGRAPHED?

A. YES.

MR. GAY: YOUR HONOR, MAY I MARK AS PEOPLE'S 2, ANOTHER FOUR IMAGES ON A SHEET OF PAPER WITH PURPLE PACKAGING?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 2.)

BY MR. GAY:

Q. OKAY. AND PEOPLE'S 2, DOES THAT DEPICT THE OUTER PACKAGING OF THE ITEM THAT YOU TOOK POSSESSION OF FROM HOMELAND SECURITY?

A. YES.

Q. AND TO WHOM IS THIS -- WELL, LET ME BACK UP BEFORE I ASK YOU THOSE QUESTIONS.

DID YOU SPEAK WITH SOMEONE FROM CUSTOMS AND BORDER PATROL?

A. YES.

Q. AND DID YOU SPEAK WITH A -- SPECIFICALLY AN

AGENT NAMED -- I BELIEVE IT WAS MARICELA PENA?

A. YES, THAT'S HER NAME.

Q. AND WHAT DID SHE TELL YOU WITH REGARD TO THE PACKAGE THAT WE'RE TALKING ABOUT HERE?

A. SO ON A GENERAL SCREENING FROM APRIL 22ND OF 2021, THEY DID A GENERAL SCREENING AND RECOVERED 13 PARCELS AND THIS BEING ONE OF THEM. AND AFTER THEY SEIZED THESE -- THIS PARCEL IN PARTICULAR, THEY WERE ABLE TO -- I'M NOT SURE WHO RAN THE NAME LUKE WALDEN, BUT IT WAS DISCOVERED THAT LUKE WALDEN WAS A LOS ANGELES POLICE DEPARTMENT EMPLOYEE.

Q. OKAY. SO WHO IS THIS PACKAGE -- I MEAN, YOU SEE IT ON THE FACE SHEET, BUT WHO IS THIS PACKAGE ADDRESSED TO?

A. TO LUKE WALDEN.

Q. AND DOES IT LIST AN ADDRESS?

A. YEAH. [redacted]

Q. ARE YOU FAMILIAR WITH THAT ADDRESS?

A. I AM.

Q. HAVE YOU BEEN TO THAT ADDRESS?

A. I HAVE.

Q. DID YOU GO THERE WITH DETECTIVE WALDEN?

A. YES.

Q. OKAY. SO YOU WERE ABLE TO CONFIRM THAT THAT IS HIS ADDRESS?

A. CORRECT.

Q. AFTER SPEAKING WITH AGENT PENA -- I'M SORRY.

LET ME -- DOES THIS -- DOES THE PACKAGING SLIP ALSO INDICATE SOMEWHERE FROM WHERE THIS PACKAGE ORIGINATED?

A. YES.

Q. LET ME SEE IF I CAN --

A. YES. FROM XU SHI MING, WUHAN, MING LANG -- I CAN'T PRONOUNCE THAT ONE -- FROM WUHAN HUBEI, CHINA, WHICH IS A CITY IN CHINA.

Q. AND THAT'S ON PEOPLE'S 2?

A. YES. IT ALSO HAS A TRACKING NUMBER ASSOCIATED WITH IT.

Q. DID YOU BOOK THIS ITEM UNDER DR NO. 219913105?

A. YES.

Q. DID YOU LATER SPEAK WITH A CRIMINALIST FROM THE LAPD FORENSIC SCIENCE DIVISION REGARDING THE INSPECTION OF THIS DEVICE?

A. YES.

MR. GAY: AND AS PEOPLE'S 3, YOUR HONOR, IT'S THE SAME ITEM. THERE'S FOUR IMAGES AGAIN, BUT IT'S DISASSEMBLED IN THIS ONE. MAY I MARK IT AS PEOPLE'S 3?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 3.)

BY MR. GAY:

Q. SHOWING YOU PEOPLE'S 3. VERY BRIEFLY, WHAT IS THE JOB TITLE -- WHO DID YOU SPEAK WITH AT -- WAS IT --

DID YOU SPEAK WITH FADEEL BIRAIMAH? I DON'T KNOW HOW TO SAY IT. B-I-R-A-I-M-A-H.

A. SURE. YES, THAT'S HIM.

Q. AND HE TOLD YOU HE INSPECTED THIS ITEM THAT WE'RE LOOKING AT HERE?

A. CORRECT.

Q. AND WHAT WAS HIS JOB TITLE? WHAT IS HIS JOB TITLE?

A. HE'S A CRIMINALIST III ASSIGNED TO THE FIREARMS ANALYSIS UNIT, FAU.

Q. AND DID HE TELL YOU ABOUT -- DID HE HAVE BACKGROUND, TRAINING, AND EXPERIENCE WITH FIREARM SILENCERS?

A. YES.

Q. DID THAT INCLUDE CLASSROOM TRAINING?

A. YES.

Q. HOW ABOUT -- HAS HE TEST FIRED GUNS EQUIPPED WITH THAT -- HAS HE TEST FIRED GUNS EQUIPPED WITH SILENCERS?

A. HE HAS.

Q. AND NOTED THEIR EFFECT?

A. YES.

Q. AND DID HE GIVE YOU AN OPINION OF WHAT THIS ITEM IS IN PEOPLE'S 3 THAT WE'RE LOOKING AT?

A. YES.

Q. WHAT DID HE TELL YOU?

A. HE SAID IT WAS A FIREARM SILENCER.

Q. AND DID HE PROVIDE YOU THE BASIS OF THAT

OPINION?

A. YES. HE REFERRED SPECIFICALLY TO THE MONOCORE BAFFLE --

Q. AND I'M JUST GOING TO STOP YOU RIGHT THERE JUST FOR -- I'M POINTING MY PEN TO THE LOWER LEFT-HAND IMAGE, AND TOWARD THE MIDDLE PART DEPICTS KIND OF A HOLLOW TUBE WITH DIFFERENT CHAMBERS. IS THAT FAIR TO SAY?

A. YES.

Q. IS THAT THE MONOCORE BAFFLE YOU'RE TALKING ABOUT?

A. YES.

Q. OKAY. LET'S TALK ABOUT THAT MONOCORE BAFFLE. WHAT DID HE TELL YOU ABOUT THAT?

A. SO HE SAID THAT THAT MONOCORE BAFFLE HAS NO OTHER PURPOSE BUT TO DIMINISH THE GASSES RELATED TO A FIREARM BEING FIRED THROUGH THAT. IT ADMINISTERS THE GASSES. AND HE DESCRIBES BASICALLY WHAT THE DEFINITION OF A SILENCER IS, AND SPECIFICALLY, THAT THIS MONOCORE BAFFLE HAD NO OTHER PURPOSE BUT TO DIMINISH THE REPORTED SOUND FROM A PORTABLE FIREARM AND THAT THIS WAS SPECIFICALLY A COMPONENT OR A PART OF A SILENCER AND THAT IT WOULD BE DEEMED AS A SILENCER JUST BASED ON THE MONOCORE BAFFLE ITSELF.

Q. AND DID HE TELL YOU HOW THIS WORKS, TO CHANGE THE SOUND OF A FIREARM?

A. YES. YOU KNOW, AS I KIND OF MENTIONED, LIKE -- SO AS THE FIREARM GOES OFF, THE GASSES AND -- MOSTLY THE GASSES THAT ARE GOING THROUGH THE CHAMBER ARE

DIMINISHED AS IT GOES THROUGH EACH BEVEL -- AND I'M POINTING TO THE PEOPLE'S EXHIBIT. AND IT'S GOING THROUGH EACH BEVEL, AND BY THE TIME IT COMES OUT THE OTHER END, IT SLOWS DOWN, AND IT DIMINISHES THE EFFECT AND THE SOUND THAT'S EMITTED FROM THIS SOUND.

Q. SO I DON'T KNOW IF IT'S CLEAR FROM THIS PICTURE, BUT YOU INSPECTED THIS OBJECT AS WELL?

A. I DID.

Q. IS -- I'M INDICATING FROM RIGHT TO LEFT WITH MY PEN. IS THIS AN OPEN AREA THROUGH WHICH A BULLET CAN TRAVEL?

A. I BELIEVE IT IS OPEN IN THAT, YES.

Q. AND DID HE TELL YOU WHETHER HE RECEIVED IT, THIS ITEM, AS ONE PIECE OR WHETHER IT WAS ALL THE PIECES DISASSEMBLED?

A. I BELIEVE IN CONVERSATION WITH HIM THAT HE RECEIVED IT WITH THE BAFFLE INSIDE THE CYLINDER WITH THE CAP SCREWED ON, FROM WHAT I -- FROM MY BEST RECOLLECTION.

Q. I'M SORRY. GOING BACK TO PEOPLE'S 1. SO POINTING TO THE LEFT -- LOWER LEFT-HAND IMAGE, THAT WOULD BE HOW THE ITEM APPEARS WHEN IT'S ALL ASSEMBLED?

A. YES.

Q. OKAY. SO IN OTHER WORDS, THAT BAFFLE PIECE SLIDES INTO THE OUTER TUBE?

A. CORRECT.

Q. AND THEN HOW DOES IT ATTACH TO A FIREARM?

A. SO IN THIS -- YEAH, IN THE UPPER LEFT-HAND CORNER OF THE PEOPLE'S EXHIBIT, THAT'S THE FEMALE END OF

THE -- WHAT WOULD GO -- WHAT WOULD BE ATTACHED TO THE MALE END OF A FIREARM BARREL.

Q. SO THAT SCREWS ONTO THE BARREL?

A. YES.

Q. NOW, I'M GOING TO THE -- I'M ON PEOPLE'S 3 FOR REFERENCE. AND DIRECTING YOUR ATTENTION TO THE TOP RIGHT-HAND IMAGE. IT LOOKS LIKE THERE'S THIS SOLID CAP AND THEN THERE'S, LIKE, A RING. CAN YOU TELL US IF HE TOLD YOU ANYTHING ABOUT WHAT THESE ARE FOR?

A. SO WHEN THEY ATTACH -- WHEN THE ITEM CAME IN WITH THE UPPER ONE THAT HAS THE HOLE THROUGH IT THAT SCREWS ON, IF THE -- IF A WEAPON IS SHOT AND IF A BULLET IS SHOT THROUGH, IT WILL OBVIOUSLY INEVITABLY GO THROUGH THAT LARGE HOLE. IN ORDER TO INCREASE ITS ACCURACY, YOU CAN USE THE END CAP TO THE RIGHT THAT HAS NOT -- DOES NOT HAVE A HOLE IN THIS YET.

THAT END CAP IS SIGNIFICANT IN THE SENSE THAT WHEN THESE CAPS COME PACKAGED THIS WAY, IT HAS A SMALL DIMPLE LIKE AN IMPRINT. THAT ALLOWS A DRILL TO BE PLACED ON THAT SO THE DRILL BIT DOESN'T FALL ALL THE WAY AROUND. SO IT'LL ALLOW -- IT'S LIKE A PILOT HOLE ALMOST WHEN YOU'RE DRILLING SOMETHING WITH A HAND DRILL. IT ALLOWS IT TO BE MACHINED TO A PARTICULAR -- YOU CAN KIND OF --

Q. SO MAYBE IT'S HARD TO SEE IN THE PICTURE. I'M POINTING TOWARDS THE MIDDLE OF THE CENTER CAP.

A. RIGHT.

Q. YOU MENTIONED, LIKE, A DIMPLE. IS IT RIGHT DIRECTLY IN THE CENTER?

A. YES.

Q. AND YOU TALKED TO THE CRIMINALIST ABOUT THIS. DID YOU TALK TO ANYONE ELSE ABOUT THESE DIMPLED END CAPS AS WELL?

A. IT'S BEEN A LITTLE WHILE. I BELIEVE I'M JUST REFERRING TO THAT CONVERSATION WITH HIM AND THEN THE GENERAL LITERATURE THAT I LOOKED AT.

Q. OKAY. SO THIS WAS -- THIS THING WITH THE DIMPLES AND A CENTER HOLE, IT WAS MENTIONED IN SOME OF THE MATERIALS YOU REVIEWED?

A. I BELIEVE SO.

Q. WAS THAT THE ATF BULLETINS?

A. I THINK SO.

Q. OKAY. AND SO FROM TALKING -- FROM YOUR RESEARCH AND TALKING WITH THE CRIMINALIST, WHAT IS THE PURPOSE OF THAT DIMPLE?

A. THAT'S TO ALLOW SOMEBODY WHO NOW POSSESSES OR WHO IS -- WHO HAS POSSESSION OF THIS END CAP TO DRILL THE HOLE DIRECTLY IN THE MIDDLE, WHICH WOULD ALLOW A BULLET TO ESCAPE THROUGH THE HOLE DEPENDING ON HOW BIG YOU DRILL THAT DIAMETER WITH THE DRILL BIT.

Q. AND IS THERE ANY OTHER PURPOSE -- OTHER THAN TO LINE UP A DRILL BIT TO HELP WITH FABRICATING A HOLE, IS THERE ANY OTHER PURPOSE FROM TALKING TO THE PEOPLE YOU TALKED WITH? IS THERE ANY OTHER PURPOSE FOR THAT DIMPLE?

A. NOT THAT I KNOW OF.

Q. OKAY. DID YOU TALK WITH FADEEL REGARDING THIS BLUE -- I DON'T KNOW WHAT THIS IS. YOU INSPECTED

THIS ITEM, THIS BLUE -- IS THIS A TUBE? WHAT IS THIS?

A. YEAH. IT'S A BLUE PLASTIC TUBE.

Q. DID YOU TALK WITH HIM ABOUT THAT?

A. YES. IT HAS NO PURPOSE.

Q. OKAY. YEAH, BUT WHAT WAS HIS OPINION ABOUT THE BLUE PLASTIC TUBE?

A. I THINK HE MENTIONED THAT IT'S A -- IT'S JUST LIKE A RUDIMENTARY WAY OF POSSIBLY THROWING OFF AN INSPECTION -- AN INSPECTOR LOOKING AT THIS THINKING, "OH, THERE'S A TUBE. IT MUST BE SOME SORT OF SOLVENT TO PUT FUEL OR SOMETHING THROUGH SOME SORT OF TUBE." SO IT WAS JUST KIND OF LIKE A RUDIMENTARY NOVICE WAY OF TRYING TO DESCRIBE SOMETHING HAS A SOLVENT TRAP.

Q. SO REGARDING THE REST OF THIS ASSEMBLY WE'VE BEEN TALKING ABOUT, THE OUTER TUBE, THE BAFFLE, AND THESE END CAPS, IS THERE ANYWHERE ON THIS ASSEMBLY FOR THAT PLASTIC TUBE TO AFFIX?

A. NO.

Q. AND ARE YOU -- WAS THERE SOMEWHERE -- I DON'T KNOW IF IT'S IN THE PICTURES. HOW IS THIS ITEM LABELED BY ITS SHIPPER? WHAT WAS IT LABELED AS?

A. I BELIEVE IT -- I BELIEVE IT CAME IN AS A FUEL FILTER IS MY BEST RECOLLECTION.

MR. GAY: YOUR HONOR, AS PEOPLE'S 4, IT'S ANOTHER FOUR IMAGES. IN PARTICULAR, I THINK IT SHOWS THE BACK OF THE PURPLE PACKAGE, AND THERE'S SOME ADDITIONAL INFORMATION ON THE PACKAGING SLIP. MAY I, AS PEOPLE'S 4, MARK THAT?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 4.)

BY MR. GAY:

Q. OKAY. DO YOU RECOGNIZE PEOPLE'S 4?

A. YES.

Q. WHAT IS IT?

A. THAT'S -- I BELIEVE THAT'S A PART OF THE SHIPPING LABEL WITH THE --

Q. AND DIRECTING YOUR ATTENTION TO THE MIDDLE, WHAT DOES THE DESCRIPTION OF THE CONTENTS BOX INDICATE?

A. "FUEL FILTER" AND FOLLOWED BY I BELIEVE WHAT WOULD BE CHINESE LETTERING.

MR. GAY: OKAY. AND I WANT TO GO BACK TO PEOPLE'S 2. A COUPLE OTHER DETAILS ON THE SHIPPING LABEL. MAYBE -- NO. PARDON ME, YOUR HONOR. I'M SORRY. THIS IS VERY SMALL.

BY MR. GAY:

Q. DID YOU SPEAK WITH -- READ LITERATURE OR SPEAK WITH THE CRIMINALIST REGARDING THE THREADING SIZE DIFFERENCES?

A. YES.

Q. CAN YOU JUST SPEAK REAL GENERALLY ABOUT THE SIGNIFICANCE OF THREADING AND THE DIFFERENT MEASUREMENTS THAT PERTAIN HERE?

A. CORRECT. SO LIKE WITH ANY SCREW OR ANY BOLT

AND NUT, YOU NEED TO MAKE SURE THAT THE BOLT SIZE AND THE NUT SIZE LINE UP; OTHERWISE, IT WON'T BE ABLE TO BE SCREWED ON. SO IN THIS PARTICULAR INSTANCE, THE THREAD SIZE WAS 1/2 BY 28. WHAT THAT REFERENCES IS -- 1/2 IS REFERENCED TO THE DIAMETER OF THE OPENING, THE OUTER OPENING, AND FOLLOWED BY 28, WHICH 28 REPRESENTS 28 THREADS PER INCH.

Q. AND I'M DIRECTING YOUR ATTENTION BACK TO THE TOP LEFT-HAND CORNER. IT'S VERY SMALL ON THE SLIDE. LUCKILY, THIS THING ZOOMS IN.

I'M POINTING TO A SERIES OF NUMBERS. DOES THAT HAVE ANY SIGNIFICANCE?

A. YES. IT -- FROM --

MR. SEKI: I'M GOING TO OBJECT IN TERMS OF -- IT'S IN A FOREIGN LANGUAGE. I THINK THERE'S A LACK OF FOUNDATION FOR HIM TO INTERPRET WHAT THE WORDS IN FRONT AND BEHIND MEAN.

MR. GAY: OH, I'M JUST -- WELL, IF IT -- I DON'T KNOW IF IT GETS AROUND THE OBJECTION, BUT I'M JUST REFERRING SPECIFICALLY TO THE NUMBERS, NOT EVEN THE CHARACTERS.

MR. SEKI: I THINK IT'S ALL WITHIN CONTEXT, YOUR HONOR.

THE COURT: I'LL ALLOW IT SPECIFICALLY AS TO THE NUMBERS ONLY. IT'S OVERRULED.

THE WITNESS: SO WITH REGARD TO THE NUMBERS, IT APPEARS TO BE 1/2-28.

//

BY MR. GAY:

Q. DID YOU SPEAK WITH THE CRIMINALIST ABOUT THAT 1/2-28 FIGURE?

A. YES.

Q. WHAT DID HE TELL YOU ABOUT THAT?

A. JUST AS I EXPLAINED, THAT 1/2 BEING THE OUTER DIAMETER MEASUREMENT FOLLOWED BY THE 28, WHICH WOULD BE 28 THREADS PER INCH.

Q. AND IS THERE ANY SIGNIFICANCE TO THAT PARTICULAR THREAD SIZE?

A. IT DOES. IT HAS SIGNIFICANCE IN THE SENSE THAT THAT PARTICULAR SILENCER POSSESSES THAT 1/2 BY 28, AND DURING A SEARCH OF --

Q. WE'LL GET THERE IN A SECOND. I JUST WANT TO SPEAK GENERALLY ABOUT THIS THREAD SIZE.

A. OKAY.

Q. DID YOU COME TO LEARN THAT THERE ARE, FOR EXAMPLE, COMMON THREAD SIZES ACROSS DIFFERENT FIREARM MANUFACTURERS?

A. YES.

Q. AND WAS THAT IN THE LITERATURE YOU READ?

A. IT WAS.

Q. AND HOW ABOUT SPEAKING WITH THE CRIMINALIST?

A. YES. I BELIEVE SO.

Q. OKAY. AND WAS 1/2 BY 28 ONE OF THOSE COMMON THREAD SIZES?

A. YES. THE 1/2 BY 28 IS A COMMON THREAD SIZE IF REFERRING TO A -- THE ATF LITERATURE. I BELIEVE THE

ONE FROM OCTOBER, IT SPECIFICALLY LISTS DIFFERENT THREAD SIZES. AND "RH" WOULD BE FOR RIGHT-HAND OR "LH" FOR "LEFT-HAND," BUT IT SPECIFICALLY DELINEATES WHAT TYPES OF FIREARM BARRELS WOULD BE COMPATIBLE WITH THE 1/2 BY 28, WHICH INCLUDED 9MM PISTOLS AS WELL AS SOME .22'S AND LONG RIFLES.

Q. NOW, AFTER TAKING POSSESSION OF THIS ITEM WE'VE BEEN LOOKING AT IMAGES OF, WHAT FURTHER INVESTIGATION DID YOU DO INTO MR. WALDEN -- OR OFFICER WALDEN?

A. SO FOR DETECTIVE WALDEN, I CONTACTED THE ITB, WHICH IS OUR INTERNET SECURITY GROUP WITHIN THE LAPD AND CONTACTED HIM. HE'S A SENIOR SYSTEMS ANALYST. I MADE A REQUEST VIA WHAT'S CALLED A 15-2, WHICH IS AN INTERDEPARTMENTAL CORRESPONDENCE WHERE I REQUESTED A DATA DUMP OR AN AUDIT, SO TO SPEAK, OF ALL OF DETECTIVE WALDEN'S INTERNET SEARCH HISTORY ON DEPARTMENT COMPUTER.

Q. DID YOU GIVE A DATE RANGE FOR THAT REQUEST?

A. YES.

Q. WHAT WAS THE DATE RANGE?

A. BEST RECOLLECTION IS JANUARY 21ST, 2021, THROUGH APRIL 28TH, 2021.

Q. AND WHEN YOU GOT THE INITIAL RESULTS, WERE YOU ASKED TO DO ANYTHING FURTHER ON THAT?

A. YES.

Q. WHAT WAS THAT?

A. WELL, THE RESULTS WERE SO LONG THAT THE AMOUNT OF DATA THAT'S -- THAT WAS CONTAINED WITHIN THIS

AUDIT WAS SO LENGTHY THAT IT NEEDED TO REDUCE IT DOWN OR GET MORE FOCUSED IN TERMS OF WHAT SPECIFICALLY WE WERE LOOKING FOR, SO FOR SPECIFIC KEYWORD SEARCHES.

Q. WHAT WERE SOME OF THE KEYWORD SEARCHES YOU PROVIDED TO LIMIT THAT SEARCH DOWN?

A. SO I PROVIDED KEYWORD SEARCHES -- I BELIEVE "SOLVENT TRAP," "FUEL FILTER," "THREADED BARREL," "SILENCER," MAYBE ONE OR TWO OTHERS. IT'S BEEN A LITTLE WHILE. I CAN'T REMEMBER.

Q. AND SO BY PROVIDING THE KEYWORD SEARCH, WHAT DOES THAT -- WHAT'S THE EFFECT OF PROVIDING THE KEYWORD SEARCH THAT'S ELIMINATING IT THAT WAY? WHAT DOES THAT MEAN?

A. SO IT REALLY REDUCES THAT DATA DUMP DOWN TO ANYTHING -- ANY URL THAT CONTAINS THOSE SPECIFIC WORDS.

Q. SO THOSE WORDS, IN ORDER TO COME INTO THIS SEARCH, THIS AUDIT, IT WOULD ELIMINATE IT TO URL'S THAT HAVE ANY OF THOSE KEYWORDS?

A. CORRECT.

Q. AND THE URL IS WHAT?

A. IT'S A UNIFORM RECORDED -- SOMETHING.

Q. IN COMMON SENSE TERMS, I MEAN, WE'VE ALL USED THE URL. WHAT IS THE URL?

A. THE URL IS LIKE AN HTTP/ -- WHATEVER -- WWW.GOOGLE.COM.

Q. SO AFTER YOU REQUESTED THE AUDIT, DID YOU RECEIVE SOMETHING IN RETURN?

A. YES.

Q. WHAT DID YOU RECEIVE?

A. I RECEIVED A SIGNIFICANT AMOUNT OF DATA THAT CONTAINED THE SPECIFIC KEYWORD SEARCHES THAT I HAD REQUESTED.

Q. WHEN YOU SAY "DATA," CAN YOU BE MORE SPECIFIC? WHAT ACTUALLY WERE YOU GIVEN?

A. I WAS GIVEN A MICROSOFT EXCEL SPREADSHEET THAT CONTAINED THIS DATA.

Q. AND WHAT WAS THE INFORMATION PROVIDED ON THE SPREADSHEET?

A. THE INFORMATION SHOWED DATES, TIMES, THE ACTUAL SPECIFIC URL ASSOCIATED WITH IT, AND ALSO THE USER WHO MADE THOSE INQUIRIES.

Q. AND DID YOU SPEAK WITH? WHO CONDUCTED THE AUDIT?

A. THAT WOULD BE DAVID NUNO FROM INFORMATION TECHNOLOGIES DIVISION.

Q. DID HE -- AND DID YOU SPEAK WITH HIM ABOUT THE RESULTS?

A. YES.

Q. DID HE TELL YOU HOW HE KNOWS THOSE ARE WALDEN'S INTERNET SEARCHES?

A. YES. HE HAS BEEN ASSIGNED AS A SENIOR SYSTEMS ANALYST THERE FOR MANY YEARS. HE'S DONE EXTENSIVE SEARCHES. HE'S DONE OVER 40 SEARCHES. THESE TYPES OF AUDITS ON DEPARTMENT -- ON DEPARTMENT COMPUTERS, AND HE UTILIZED A SYSTEM CALLED ZSCALER, WHICH IS BASICALLY LIKE A WEB SECURITY WHICH AUTOMATICALLY CAPTURES THE URL'S IN

THE DIFFERENT WEBSITES THAT DEPARTMENT EMPLOYEES ARE USING ON DEPARTMENT COMPUTERS.

Q. AND HOW -- IF -- HOW DO YOU IDENTIFY WHICH EMPLOYEE WAS DOING THOSE SEARCHES?

A. SO ZSCALER, WHICH IS, LIKE I MENTIONED, THE WEB SECURITY COMPANY THAT HAS BEEN CONTRACTED BY THE DEPARTMENT, WILL CAPTURE THE USERNAME, WHICH, IN THIS CASE, WOULD BE A SERIAL NUMBER FOR DETECTIVE WALDEN.

Q. AND THEN -- I GUESS MY QUESTION IS HOW DO WE KNOW IT WASN'T SOMEBODY ELSE MAKING THE SEARCHES, FOR EXAMPLE?

A. BECAUSE IT IS SPECIFIC TO THE SERIAL NUMBER INVOLVING THE AFFECTED EMPLOYEE THAT WE'RE CONDUCTING A SEARCH ON, AND DEPARTMENT COMPUTERS REQUIRE A LOGON WHEN YOU'RE LOGGING ONTO THE SYSTEM IN ORDER TO USE THE DEPARTMENT COMPUTER.

Q. OKAY. SO WHAT KIND OF CREDENTIALS WOULD AN EMPLOYEE HAVE TO ENTER IN ORDER TO LOG ONTO A COMPUTER TO DO INTERNET SEARCHES?

A. THEIR -- TO EITHER LOG ON A COMPUTER WOULD BE A SERIAL NUMBER PROVIDED BY A PASSWORD.

Q. SO THIS GAVE YOU THE DATE, TIME, AND THE URL?

A. YES.

Q. AND THAT WOULD INDICATE THAT THE USER VISITED THAT WEBSITE ON THAT DATE AND TIME?

A. CORRECT.

Q. WHAT DID YOU DO WITH THAT INFORMATION, IF ANYTHING?

A. WELL, I NOTICED SEVERAL WEBSITE SEARCHES, SOME FUEL FILTER WEBSITE SEARCHES, DIFFERENT WEB ADDRESSES, ALSO SEARCHES TO DIFFERENT COMPANIES SPECIFIC TO THREADED BARRELS, SPECIFICALLY KIMBER. I'M NOT SURE -- THERE WERE A FEW OTHERS.

Q. SO DID YOU VISIT SOME OF THE WEBSITES THAT WERE ON THIS AUDIT LIST?

A. I DID.

MR. GAY: YOUR HONOR, AS PEOPLE'S 5, MAY I MARK A ONE-PAGE SCREENSHOT? IT LOOKS LIKE OF THE WEBSITE QOOPUFF, Q-O-O-P-U-F-F.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 5.)

BY MR. GAY:

Q. SHOWING YOU PEOPLE'S 5. ARE YOU FAMILIAR WITH THE IMAGE IN PEOPLE'S 5?

A. YES.

Q. WHAT IS IT?

A. IT'S A SCREEN CAPTURE OF A WEBSITE THAT I VISITED TO -- AND THE URL IS AT THE TOP, THE WWW.Q-O-O-P-U-F-F FOLLOWED BY ITS PRODUCTS AND THE NAPA 4003 WIX, WHICH IS DESCRIBED ON THE RIGHT-HAND SIDE HERE ON THE LARGER FONT, AND IT SHOWS A DISASSEMBLED SILENCER.

Q. AND IT ALSO HAS IN VARIOUS PARTS THROUGHOUT

THE PAGE THE 1/2 BY 28; IS THAT CORRECT?

A. RIGHT. ONE OF THEM HAS A 1/2 BY 28. THE OTHER IS ONE IS A 5/8 BY 24.

Q. AND WE WERE TALKING EARLIER ABOUT MONOCORE BAFFLES. I'M POINTING TO THE MIDDLE OF THE SCREEN.

A. YES.

Q. WHAT DOES THAT APPEAR TO BE?

A. THAT'S THE MONOCORE BAFFLE THAT I AM FAMILIAR WITH DURING MY RESEARCH.

Q. AND THERE'S A DESCRIPTION HERE KIND OF -- I'M POINTING TO THE PART THAT INDICATES "BUY ONE, GET ONE FREE." IT HAS SOME FLAME SYMBOLS, AND THEN IT SAYS "FUEL FILTER ALLUMINUM SOLVENT TRAP"; IS THAT RIGHT?

A. YES.

Q. BASED ON YOUR TIME WITH THIS INVESTIGATION, IS THERE ANYTHING STRANGE ABOUT AN ITEM BEING LISTED AS BOTH A FUEL FILTER AND A SOLVENT TRAP?

MR. SEKI: I'M GOING TO OBJECT AS VAGUE. I DON'T KNOW WHAT "STRANGE" IS.

THE COURT: I'LL ALLOW IT.

BY MR. GAY:

Q. WAS THAT SIGNIFICANT TO YOU IN ANY WAY?

A. WELL, ONE OF THEM IS A FUEL FILTER, AND ONE OF THEM IS A SOLVENT TRAP. SO A FUEL FILTER WOULD FUEL -- WOULD FILTER FUEL GOING THROUGH SOMETHING FROM ONE PLACE TO ANOTHER PLACE. WHEREAS, A SOLVENT TRAP IS EXACTLY WHAT IT SAYS; IT WOULD TRAP SOLVENT, WHICH WOULDN'T ALLOW IT TO MOVE FROM POINT A TO POINT B.

Q. SO IN YOUR EXPERIENCE, IS THE ITEM OF A FUEL FILTER AND THE ITEM OF A SOLVENT TRAP, WOULD THEY DESCRIBE THE SAME ITEM?

A. THIS IS -- YES. THIS IS DESCRIBING THE SAME ONE AND THE SAME ITEM.

Q. WELL, LET ME ASK A DIFFERENT QUESTION. IF IT -- PUTTING ASIDE HOW THIS WEBSITE LISTS THESE ITEMS, JUST IN COMMON SENSE TERMS, WOULD THOSE TWO THINGS DESCRIBE THE SAME PRODUCT?

A. NOT IN COMMON SENSE TERMS, NO.

MR. GAY: AS PEOPLE'S 6, MAY I MARK A SIMILAR ONE-PAGE SCREENSHOT OF ANOTHER WEBSITE STARTING WITH KIKO, K-I-K-O?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 6.)

BY MR. GAY:

Q. OKAY. AND DO YOU RECOGNIZE THIS PEOPLE'S 6?

A. YES.

Q. WAS THIS ANOTHER -- WHAT IS IT?

A. IT'S ANOTHER SCREENSHOT OF A WEB SEARCH FOR THE KIKOGIFT.COM WEBSITE THAT SHOWS AND DEPICTS A CYLINDER WITH A MONOCORE BAFFLE AND ALSO CONTAINING TWO IMAGES OF THE FEMALE END OF THE THREADED END OF THIS, AND IT ALSO DESCRIBES IT BEING BUY ONE, GET ONE LAST DAY, AND ALSO DESCRIBES IT AS A FUEL FILTER ALUMINUM SOLVENT TRAP.

Q. AND IT ALSO -- LET'S SEE. GOING DOWN TO THE BOTTOM OF THE SCREEN, IT LOOKS LIKE THERE'S SOME SMALLER IMAGES OF MAYBE OTHER PRODUCTS?

A. YES.

Q. DO YOU SEE THE ITEM -- BLUE ITEM I'M POINTING TO WITH MY PEN?

A. YES.

Q. WHAT DOES THAT LOOK LIKE TO YOU?

A. THAT LOOKS LIKE THE SAME TYPE OF BLUE TUBING THAT WE'VE SEEN IN THE PACKAGE THAT WAS ADDRESSED TO LUKE WALDEN.

MR. GAY: YOUR HONOR, AS PEOPLE'S 7, MAY I MARK A ONE-PAGE SCREENSHOT OF A WEBSITE WITH A THREADED BARREL?

THE COURT: IS THERE -- IS THERE A TITLE FOR THE WEBSITE?

MR. GAY: YEAH. KIMBER, K-I-M-B-E-R.

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 7.)

BY MR. GAY:

Q. AND PEOPLE'S 7, DO YOU RECOGNIZE THAT?

A. YES.

Q. WHAT IS THAT?

A. THAT WAS A SCREEN GRAB FROM THE WEBSITE THAT -- IS THERE A URL AT THE TOP THERE? I DON'T KNOW IF IT'S -- YEAH. AND THE STORE KIMBER AMERICA FOR A SEARCH

OF A .45 CALIBER WEAPON THAT THIS BARREL WOULD FIT ON ON A KIMBER WEAPON.

Q. AND AGAIN, BASED ON -- YOU WERE JUST -- HOW WERE YOU FINDING THESE WEBSITES, JUST TO REITERATE?

A. SO LOOKING AT THE AUDIT THAT WAS CONDUCTED, THESE WEBSITES WERE SEARCHED UNDER THAT -- UNDER THE SERIAL NUMBER FOR LUKE WALDEN, AND I SEARCHED WHAT HE SEARCHED, BASICALLY. SO HE SEARCHED KIMBER; I WOULD USE THAT -- THE SAME PORTION OF THE URL TO SEARCH -- TO SEE WHAT LUKE WALDEN WAS SEARCHING.

MR. GAY: AND AS PEOPLE'S 8, YOUR HONOR, MAY I MARK A SCREENSHOT FROM THE WEBSITE SOLVENTTRAPFUELFILTER.COM AS PEOPLE'S 8?

THE COURT: SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 8.)

BY MR. GAY:

Q. AND DO YOU RECOGNIZE PEOPLE'S 8?

A. YES. IT'S ANOTHER SCREEN GRAB FROM A WEBSITE THAT I RESEARCHED CALLED SOLVENTTRAPFUELFILTER.COM, AND IT SHOWS THE SIX-INCH LENGTH FOLLOWED BY THE THREAD COUNT AND DIAMETER 1/2 BY 28.

Q. AND THE BLUE TUBE?

A. AND THE BLUE TUBE AND A DIMPLE AT THE END OF THE CAP THAT IS NOT DRILLED.

Q. WHEN YOU WERE GOING THROUGH THE AUDIT

HISTORY, DID YOU COME ACROSS ANYTHING OF SIGNIFICANCE POINTING TOWARDS A TRANSACTION?

A. YES.

Q. CAN -- TELL US ABOUT THAT.

A. SO CONDUCTING AN AUDIT HISTORY OF THE URL'S, CAME ACROSS SEVERAL OCCASIONS WHERE IT WOULD SAY PAYPAL CHECKOUT, AND SO MY THOUGHT WAS AND MY BELIEF WAS THAT BASED ON THIS URL THAT SAYS PAYPAL CHECKOUT, THAT MR. WALDEN POSSIBLY PURCHASED ONE OF THESE ITEMS BASED ON THE CHECKOUT BUTTON AND PAYPAL, SO THAT WAS MY BELIEF AT THE TIME.

Q. AND I'M SORRY. JUST IN CASE ANYONE'S NOT FAMILIAR, WHAT IS PAYPAL?

A. IT'S A WEB BASED FINANCIAL TRANSACTION COMPANY THAT ALLOWS TRANSACTIONS BETWEEN BUYERS AND SELLERS ACROSS MANY PLATFORMS.

Q. SEEING THOSE PAYPAL URL'S, DID YOU TAKE ANY INVESTIGATIVE STEP TO LOOK INTO THAT?

A. YES.

Q. WHAT DID YOU DO?

A. I WROTE A SEARCH WARRANT AND -- TO LOCATE POSSIBLE TRANSACTIONS THAT ARE ASSOCIATED WITH THE PURCHASE OF EITHER THE THREADED BARRELS OR SILENCERS BY WALDEN'S PAYPAL ACCOUNT.

Q. YOU -- SO YOU SERVED A SEARCH WARRANT ON PAYPAL?

A. YES.

Q. WHAT INFORMATION DID YOU GIVE THEM REGARDING

MR. WALDEN IN ORDER TO IDENTIFY THEM?

A. GAVE THEM HIS NAME, BIRTHDAY, AND ADDRESS.

Q. DID YOU -- AND DID THAT HAVE A DATE RANGE?

A. I DON'T RECALL IF IT DID OR NOT. MOST LIKELY I GAVE THEM A DATE RANGE.

Q. DID YOU RECEIVE RESULTS FROM PAYPAL?

A. YES.

Q. WHAT KIND OF FORMAT WERE THE RESULTS IN?

A. QUASI SPREADSHEET KIND OF FORMAT BOXES FROM WHAT I REMEMBER.

Q. WHAT TYPE OF DOCUMENT?

A. I BELIEVE IT WAS A PDF VERSION. I'M NOT SPECIFICALLY SURE.

MR. GAY: SHOWING YOU -- YOUR HONOR, MAY I -- OR MAY I -- I'M GOING TO SHOW YOU -- YOUR HONOR, PEOPLE'S 9 IS A PAYPAL DOCUMENT, I BELIEVE. MAY I MARK THAT AS PEOPLE'S 9?

THE COURT: YOU MAY. SO MARKED.

(MARKED FOR IDENTIFICATION:
PEOPLE'S EXHIBIT 9.)

BY MR. GAY:

Q. OKAY. I'M GOING TO SHOW YOU PEOPLE'S 9. IT'S VERY SMALL, BUT -- AND -- OKAY. I'M JUST GOING TO RUN ACROSS. IT'S LIKE A -- TWO LINES HIGHLIGHTED IN YELLOW; IS THAT CORRECT?

A. YES.

Q. AND JUST GOING ACROSS IT SO YOU CAN RECOGNIZE IT, AND THEN I'LL ASK YOU SOME QUESTIONS.

OKAY. DO YOU RECOGNIZE THE -- THAT STRIP OF INFORMATION IN PEOPLE'S 9?

A. YES.

Q. WHAT IS IT?

A. THE LAST PART SHOWS "BUY ONE, GET ONE LAST DAY" FOR THE FUEL FILTER WITH THE SAME THREAD COUNT. I BELIEVE IT LOOKS NEARLY IDENTICAL TO ONE OF THE PREVIOUS EXHIBITS YOU SHOWED THAT HAD ONE OF MY SCREEN GRABS WITH THE AMOUNT OF $45.96 AND --

Q. AND WHERE DID THIS COME FROM?

A. THIS IS THE RESULTS FROM PAYPAL.

Q. AND WAS THE -- ON THE LEFT-HAND SIDE, DOES IT INDICATE A DATE?

A. YEAH. MARCH 17TH AT 8:24 -- I'M SORRY. 8:28 A.M. FROM HONG KONG AND THEN AN LAPFCU CHECKING. LAPFCU STANDS FOR LOS ANGELES POLICE FEDERAL CREDIT UNION.

Q. AND DIRECTING YOUR ATTENTION TO THE PART SHOWN NOW. DOES IT INDICATE ANY NAME OR ADDRESS OF ANY SIGNIFICANCE?

A. YEAH. IT'S THE DEFENDANT, LUKE WALDEN, WITH HIS ADDRESS; [redacted]

Q. DID YOU ATTEMPT TO DETERMINE, IN THE COURSE OF YOUR INVESTIGATION, WHETHER DETECTIVE WALDEN OWNS ANY FIREARMS?

A. YES.

Q. HOW DID YOU DO THAT?

A. CONTACTED DOJ, CALIFORNIA DEPARTMENT OF JUSTICE, AND REQUESTED A FULL COMPREHENSIVE LIST OF THE FIREARMS THAT WALDEN OWNS.

Q. AND IS THAT FIREARM REGISTERED TO HIM? WHAT IS THE INFORMATION YOU WERE PROVIDED BY THE DEPARTMENT OF JUSTICE?

A. A LENGTHY LIST OF APPROXIMATELY 48 FIREARMS. THAT WOULD INCLUDE HANDGUNS, RIFLES, SHOTGUN.

Q. WERE ANY OF THEM A PLATFORM THAT WOULD BE CONSISTENT FROM YOUR RESEARCH WITH THE THREAD COUNT 1/2 BY 28?

A. WELL, I WOULD SAY THAT BASED ON THE ATF DOCUMENT THAT SPECIFICALLY DELINEATES WHAT A 1/2 BY 28 WEAPON WOULD BE COMPATIBLE, IT INCLUDED 9MM SEMIAUTOMATIC -- OR 9MM HANDGUNS WITHIN THAT DOCUMENT.

Q. AT SOME POINT, YOU WENT TO MR. WALDEN -- DETECTIVE WALDEN'S RESIDENCE TO SERVE A SEARCH WARRANT; IS THAT CORRECT?

A. YES.

Q. WHAT WAS THE DATE OF THAT APPROXIMATELY?

A. THAT'S A GOOD QUESTION. I THINK IT WAS IN NOVEMBER OF 2022, IF I'M NOT MISTAKEN.

Q. ABOUT NOVEMBER OF 2022?

A. I THINK SO.

Q. AND WAS HE PRESENT WHEN YOU WERE AT YOUR RESIDENCE?

A. YES.

Q. HE PROVIDED YOU ACCESS?

A. HE GAVE US KEYS, I BELIEVE, AND YES, WE MADE ENTRY.

Q. SO YOU WERE ABLE TO MAKE ENTRY USING THE KEYS HE PROVIDED?

A. YES.

Q. WERE YOU ABLE TO DETERMINE WHETHER ANYONE ELSE RESIDES THERE BESIDES HIMSELF?

A. I BELIEVE HE HAS SOME CHILDREN THAT WERE NOT AT THE RESIDENCE AT THE TIME. I DON'T KNOW IF THEY LIVED THERE FULL-TIME, BUT THERE WAS A BEDROOM OR TWO THAT WAS -- LOOKED LIKE FOR MAYBE A SON, I THINK, FROM MY BEST RECOLLECTION.

THE COURT: COUNSEL, HOW MUCH LONGER DO YOU THINK YOU HAVE?

MR. GAY: I'M JUST MAKING SURE MY CHECKLIST IS DONE HERE BECAUSE I THINK I'M JUST ABOUT DONE.

(A BRIEF PAUSE IN THE PROCEEDING.)

BY MR. GAY:

Q. JUST REAL QUICK, YOU MENTIONED IN THE PAST BEFORE THIS CASE, YOU HAD WORKED WITH DETECTIVE WALDEN IN HIS CAPACITY WITH THE FIREARMS UNIT IN THE LAPD?

A. YES.

Q. FROM YOUR UNDERSTANDING, WHAT IS THE FIREARMS UNIT?

A. GANG NARCOTICS DIVISION, I BELIEVE, HAS A FIREARMS UNIT THAT THEIR RESPONSIBILITY IS TO INVESTIGATE

FIREARMS VIOLATIONS AS WELL AS -- I THINK THEY'RE ALSO INVOLVED IN THE GUN BUY-BACK PROGRAM. I THINK THEY COORDINATE THAT AS WELL.

MR. GAY: I HAVE NOTHING FURTHER. THANK YOU.

THE COURT: THANK YOU.

CROSS-EXAMINATION.

MR. SEKI: THANK YOU VERY MUCH, YOUR HONOR.

CROSS-EXAMINATION

BY MR. SEKI:

Q. SO INVESTIGATOR NEMEROFF, JUST TO KIND OF FOLLOW UP THAT DETECTIVE WALDEN WORKED IN THE FIREARMS UNIT FOR THE GUN NARCOTICS DIVISION OF LAPD; CORRECT?

A. I BELIEVE THAT'S -- THAT WAS THE UNIT HE WORKED.

Q. AND WHAT ARE THE THINGS -- IF YOU KNOW, ONE OF THE DUTIES WAS TO DETERMINE WHETHER OR NOT THERE WERE ILLEGAL PRODUCTS THAT WERE BEING USED IN VIOLATION OF THE PENAL CODE; CORRECT?

A. I WOULD ASSUME THAT THAT WOULD BE ONE OF THE RESPONSIBILITIES.

Q. YOU INDICATED YOU DID A SEARCH AT THE RESIDENCE OF DETECTIVE WALDEN. IN THE COURSE OF THAT SEARCH, DID YOU RECOVER ANY THREADED BARRELS?

A. NO.

Q. DURING THE COURSE OF THAT SEARCH, DID YOU RECOVER ANY QUOTE/UNQUOTE "SOLVENT TRAPS" OR "FUEL FILTERS"?

A. NO.

Q. ONE OF THE THINGS YOU SAID THAT YOU DID WAS YOU DID A SEARCH OF -- WELL, LET ME BACK UP. IN YOUR INVESTIGATION, YOU ENDED UP GOING TO YOUTUBE TO SEE HOW THESE SOLVENT TRAPS, ET CETERA, COULD BE CHANGED INTO A SILENCER; CORRECT?

A. YES.

Q. AND BASED UPON YOUR REVIEW OF THOSE YOUTUBE VIDEOS, CERTAIN ACTIONS HAD TO BE TAKEN BY THE POSSESSOR OF IT TO TRANSFORM A SOLVENT TRAP OR A FUEL FILTER INTO A SILENCER; IS THAT CORRECT?

A. NOT NECESSARILY.

Q. WELL, I MEAN, ONE OF THE THINGS THAT YOU JUST TALKED ABOUT IS THERE'S AN END CAP. THAT END CAP IS SOLID; CORRECT?

A. YES, BUT THERE'S ALSO THE ONE THAT --

Q. THAT'S NOT WHAT I ASKED. I'M ASKING A PARTICULAR QUESTION. THE END CAP IS SOLID; CORRECT?

A. YES.

Q. OKAY. AND IN ORDER FOR A BULLET TO GO THROUGH, THE END CAP HAS TO BE DRILLED; CORRECT?

A. THAT PARTICULAR -- WELL, IT COMES WITH TWO END CAPS, BUT YES, THE ONE THAT YOU'RE REFERRING TO, THE ONE WITH THE DIMPLE, WOULD HAVE TO BE DRILLED. THE OTHER ONE THAT'S OPEN WOULD NOT BE DRILLED BECAUSE IT'S OPEN.

Q. SO IN TERMS OF ACTIONS, ANYTHING CAN BE TRANSFORMED INTO A SILENCER -- WELL, LET ME REPHRASE THAT. MANY ITEMS CAN BE TRANSFORMED INTO SILENCERS; CORRECT?

A. YES.

Q. I MEAN, YOU CAN TAKE A FUEL FILTER FOR A VEHICLE THAT CAN BE TRANSFORMED INTO A SILENCER; IS THAT CORRECT?

A. I DON'T KNOW FROM EXPERIENCE, BUT --

Q. WELL, YOU'VE SEARCHED YOUTUBE --

A. YES.

Q. -- SO I'M SURE YOU SAW THINGS LIKE THAT.

A. I THINK I SAW AN ACTUAL OIL FILTER THAT WAS SCREWED ON WHERE THEY ACTUALLY SHOT THROUGH IT, YES.

Q. AND ALL THAT -- AND YOU'VE HEARD THIS BEFORE. YOU CAN USE A POTATO ALSO AS A SILENCER IF YOU PUT THAT AT THE END OF A GUN; IS THAT CORRECT?

A. I'M SURE YOU CAN USE ALL KINDS OF THINGS.

Q. OKAY. IN YOUR RESEARCH, DID YOU ALSO SEE THAT THESE ITEMS SUCH AS SOLVENT TRAPS WERE PRODUCED IN THE UNITED STATES?

A. SOLVENT TRAPS? DID YOU SAY --

Q. RIGHT.

A. -- SOLVENT TRAPS?

Q. CORRECT.

A. I DON'T RECALL. I -- MOST -- I THINK EVERYTHING I LOOKED AT WAS FROM CHINA.

Q. AND IS IT YOUR UNDERSTANDING -- IN TERMS OF SOLVENT TRAPS, SOLVENT TRAPS WERE USED OR DESIGNED WHEN INDIVIDUALS WOULD CLEAN A GUN, A RIFLE, SOME SORT OF FIREARM, SO THAT IT WOULD CAPTURE THE SOLVENT THAT WAS PUSHED THROUGH THE BARREL INTO A CONTAINER; IS THAT

CORRECT?

A. I THINK SO. I MEAN, I DON'T HAVE ANY PERSONAL KNOWLEDGE OR EXPERIENCE DOING THAT. I'VE NEVER DONE ANYTHING LIKE THAT IN CLEANING GUNS.

Q. DID YOU EVEN -- WELL, I'M GOING TO WITHDRAW THAT.

THE PRODUCT THAT WAS SEIZED BY THE CUSTOMS BUREAU, THAT WAS NEVER DELIVERED TO DETECTIVE WALDEN; CORRECT?

A. CORRECT.

Q. OKAY. THE PACKAGE WAS OPENED, AND WE SEE A NUMBER OF PHOTOS DEALING WITH THE PACKAGES. WHAT INSTRUCTIONS, IF ANY, CAME WITH THE ITEMS?

A. I DON'T THINK THERE WERE ANY INSTRUCTIONS WITH IT.

Q. SO IN TERMS OF INSTRUCTIONS ONLINE AT THE SITES THAT YOU SAW FOR THE SOLVENT TRAPS OR FUEL FILTERS, DID YOU SEE INSTRUCTIONS INCLUDED THERE?

A. I DON'T RECALL.

Q. ONE OF THE THINGS YOU SAID THAT WE NEEDED OR SOMEBODY WOULD NEED TO HAVE IN ORDER TO USE THAT SOLVENT TRAP AS A SILENCER WOULD BE A THREADED BARREL FOR A WEAPON; CORRECT?

A. THEY WOULD NEED A THREADED BARREL FOR A WEAPON, YES.

Q. AND WE WERE SHOWN ONE PHOTO OR A SCREENSHOT, PEOPLE'S 7, OF A KIMBER SITE FOR A .45 ACP STAINLESS STEEL THREADED BARREL; CORRECT?

A. YES.

Q. WHAT WAS THE THREADING ON THAT BARREL?

A. I DON'T RECALL WHAT THE THREADING ON THAT BARREL WAS.

Q. DID YOU EVEN ASK THE CRIMINALIST MR. FADEEL -- AND I'M NOT GOING TO EVEN TRY TO PRONOUNCE HIS LAST NAME -- WHETHER OR NOT THE THREADING FOR THAT KIMBER WOULD FIT THE PRODUCT THAT HAD BEEN SEIZED?

A. I DID NOT ASK.

Q. WAS THERE ANY COMPARISON DONE BY MR. FADEEL WITH ANY WEAPONS OWNED BY DETECTIVE WALDEN TO SEE WHETHER OR NOT IT WOULD MATCH THE THREADING OF THAT PARTICULAR ITEM THAT WAS SEIZED?

A. I DON'T UNDERSTAND YOUR QUESTION. CAN YOU REPHRASE IT?

Q. WELL, YOU WENT TO HIS HOUSE. THERE WERE WEAPONS THERE; CORRECT?

A. YES.

Q. YOU DID A SEARCH, AND YOU GOT WEAPONS THAT WERE REGISTERED TO HIM; CORRECT?

A. YES.

Q. BUT HE DIDN'T NECESSARILY HAVE THOSE OR OWN THOSE; IS THAT CORRECT?

A. NO. HE -- THERE WAS QUITE A BIT OF WEAPONS THAT HE DID OWN THAT WERE ON THE CALIFORNIA DOJ GUN LIST.

Q. SO LET ME JUST REPHRASE THIS, THEN. WHEN YOU WENT TO HIS HOUSE, YOU SEARCHED FOR WEAPONS; CORRECT?

A. YES.

Q. DID YOU SEE 48 FIREARMS THERE?
A. APPROXIMATELY. I DON'T KNOW HOW MANY, BUT WE SAW QUITE A BIT.
Q. OKAY. AND IN TERMS OF SEIZING ANY, DID YOU SEIZE ANY?
A. NO, WE DID NOT. OH, SORRY. WE SEIZED ONE.
Q. OKAY. ONE. DID THAT HAVE A THREADED BARREL?
A. WE THOUGHT IT MIGHT HAVE A THREADED BARREL, SO IT WAS TAKEN TO BE INSPECTED BY THE GND FIREARMS UNIT.
Q. BUT IT DIDN'T HAVE A THREADED BARREL, DID IT?
A. NO, IT WAS NOT DEEMED TO HAVE A THREADED BARREL.
Q. OKAY. SO ANY WEAPONS THAT YOU SAW AT HIS HOUSE, DID THEY HAVE THREADED BARRELS?
A. NO.
Q. AND YOU ALSO INDICATED THERE WERE NO SEPARATE THREADED BARRELS THAT YOU FOUND; CORRECT?
A. CORRECT.
Q. IN YOUR INTERNET SEARCH, DID YOU FIND ANY PURCHASES FOR THREADED BARRELS?
A. NOT THAT I FOUND.
Q. SO IN MY UNDERSTANDING -- AND CORRECT ME IF I'M WRONG -- IN ORDER TO USE THAT ITEM AS A SILENCER, YOU'D HAVE TO, ONE, HAVE A WEAPON; CORRECT?
A. YES.
Q. YOU'D HAVE TO HAVE A THREADED BARREL; CORRECT?
A. YES.

Q. YOU'D HAVE TO TAKE THE WEAPON, DISASSEMBLE IT, PUT THE THREADED BARREL IN THERE; CORRECT?

A. YES.

Q. AND THEN ONCE THAT THREADED BARREL WAS ASSEMBLED, THEN YOU WOULD HAVE TO MAKE SURE THAT THE THREADS ON THE DEVICE THAT WAS SEIZED WOULD MATCH THE THREADING ON THE BARREL; CORRECT?

A. YES.

Q. OKAY. AND IN SOME CASES, YOU WOULD HAVE TO DRILL OUT THE END CAP IN ORDER FOR A BULLET TO GO THROUGH; CORRECT?

A. I DON'T KNOW ABOUT SOME CASES. HE -- YOU COULD DRILL OUT THE END CAP TO -- FOR A BULLET TO GO THROUGH OR --

Q. WELL, YOU TALKED ABOUT THIS DIMPLE, RIGHT?

A. YOU COULD DO THAT TOO.

Q. OKAY.

A. YOU COULD DRILL THAT, OR YOU COULD JUST KEEP -- USE THE RING THAT WAS SEEN IN THE PEOPLE'S EXHIBIT.

Q. THE TUBING THAT YOU HAD, COULD THAT DRILLING BE TO ALLOW THE TUBING TO GO THROUGH?

A. WELL, YEAH, YOU COULD DRILL A HOLE THAT WOULD BE THE SAME DIAMETER AS THE TUBE.

Q. TO ALLOW THE TUBE TO FIT?

A. SURE.

MR. SEKI: I'M ALMOST DONE, YOUR HONOR.

//

(A BRIEF PAUSE IN THE PROCEEDING.)

MR. SEKI: I ACTUALLY HAVE NO QUESTIONS AT THIS TIME. THANK YOU.

THE COURT: REDIRECT?

MR. GAY: NO. NOTHING FURTHER.

THE COURT: THANK YOU, DETECTIVE.

THE WITNESS: THANK YOU.

THE COURT: YOU MAY RESUME YOUR SEAT --

MR. GAY: YOUR HONOR, PEOPLE --

THE COURT: -- AT COUNSEL TABLE.

GO AHEAD, COUNSEL.

MR. GAY: YEAH. PEOPLE REST. WE'D LIKE TO -- I DON'T KNOW HOW THE COURT TAKES EXHIBITS. IF THEY -- WE CAN ADMIT THEM BY REFERENCE OR HOWEVER THE COURT PREFERS.

THE COURT: NO. WE'LL ADMIT ALL OF THEM.

MR. GAY: FOR REAL?

THE COURT: YES. WE WILL ACTUALLY ADMIT THE EXHIBITS, NOT BY REFERENCE. AND I UNDERSTAND -- WELL, I'LL LET YOU ASSEMBLE THOSE.

(ALL PEOPLE'S EXHIBITS
ADMITTED INTO EVIDENCE.)

MR. SEKI: AND FOR THE RECORD, I HAVE NO OBJECTION FOR PURPOSES OF PRELIMINARY HEARING ONLY.

THE COURT: VERY WELL.

WERE THERE ANY STIPULATIONS?

MR. SEKI: NO.

MR. GAY: NO.

THE COURT: VERY WELL. WHILE COUNSEL IS DOING THAT, COUNSEL FOR DEFENSE, DO YOU WISH TO BE HEARD?

MR. SEKI: NO AFFIRMATIVE DEFENSE, YOUR HONOR. HOWEVER, WE DO HAVE A MOTION TO DISMISS. IT'S AN INTERESTING CASE, TO SAY THE LEAST. IT IS AN ATTEMPT. AND THE LAW OF ATTEMPT AS DEFINED IN CALCRIM 460 REQUIRES; ONE, THAT THE DEFENDANT TAKE A DIRECT AND INEFFECTIVE STEP TOWARDS COMMITTING A CRIME AND THAT THE DEFENDANT INTENDED TO COMMIT THE CRIME.

I'M GOING TO POINT THE COURT TO TWO CASES, WHICH I BELIEVE ARE INSTRUCTIVE AND RELEVANT IN SOME WAYS. THE FIRST CASE IS PEOPLE VS. NGUYEN, N-G-U-Y-E-N, 212 CAL.APP.4TH 1311, AND THE SECOND CASE IS PEOPLE VS. LUNA, L-U-N-A, 170 CAL.APP.4TH 35 -- 535. SORRY. 535.

NGUYEN IS INTERESTING BECAUSE NGUYEN IS A CASE WHERE AN INDIVIDUAL WAS CONVICTED OF ATTEMPTED POSSESSION OF ASSAULT WEAPON. ONE OF THE THINGS THAT HAD BEEN DONE IS THEY -- LAW ENFORCEMENT GETS THERE, HE HAS ALL THE PIECES THAT YOU CAN PUT TOGETHER TO MAKE AN ASSAULT WEAPON, AND THE DEFENDANT OBJECTED TO BEING CONVICTED.

THE COURT FOCUSED ON WHETHER OR NOT -- JUST WHETHER OR NOT HE HAD TAKEN ANY STEPS OR DIRECT STEPS TOWARD THE ATTEMPT TO POSSESS. AND WHAT THEY ARTICULATED WAS THE ASSEMBLY OF ITEMS IN AND OF ITSELF WAS STILL A PREPARATION OF PLAN. HE HAD TO TAKE A DIRECT STEP. AND

ON PAGE 1323, THEY NOTED THAT HIS -- THEY DESCRIBED IT AS FLATTENING -- THE DEFENDANT BENDS THE FLAT RECEIVER SO THE WEAPON COULD BE ASSEMBLED.

THEY SAID THAT WENT BEYOND NEAR PREPARATION WHERE HE TOOK DIRECT ACTION TOWARDS THE CONSTRUCTION OF THE WEAPON. THEY LOOKED THAT HE HAD TO ALTER WHAT WAS IN FRONT OF HIM IN ORDER TO MAKE THAT DIRECT ACTION, WHICH IS REQUIRED BY LAW BY CALCRIM 460. THE MERE ASSEMBLY OF THESE DIFFERENT ITEMS, BRINGING THEM TOGETHER, WASN'T SUFFICIENT IN AND OF ITSELF.

LUNA TRACKS THE SAME WAY. IT'S A LITTLE DIFFERENT, BUT IT'S BASICALLY THAT SOMEBODY POSSESSED ITEMS IN ORDER TO MANUFACTURE HASHISH, AND THERE GOES AN INDIVIDUAL WHO BASICALLY ENDED UP ADMITTING HE WANTED TO MANUFACTURER HASHISH. IN FACT, HE HAD PURCHASED ALL OF THESE ITEMS IN ORDER TO SOMEDAY MANUFACTURE HASHISH. THERE WERE PVC TUBES, THERE WERE OTHER ITEMS THAT, IF PUT TOGETHER, YOU COULD MANUFACTURE HASHISH.

HOWEVER, THE COURT THERE SAID THE MOST IMPORTANT PIECE IN ORDER FOR HIM TO EVEN HAVE AN ATTEMPT WAS MISSING, AND THAT WAS THAT HE WOULD HAVE TO HAVE THE MARIJUANA THAT HE WOULD THEN PROCESS TO MAKE HASHISH. AND WITHOUT THE MARIJUANA, HE COULDN'T DO IT. THEY NOTE ON PAGE -- I BELIEVE IT'S 787 THAT "THE LINE BETWEEN PREPARATION AND AN ATTEMPT IS OFTEN INDISTINCT."

AND THEY CONCLUDED THAT "THE LINE HAS NOT BEEN CROSSED WHERE THE PROSECUTION EVIDENCE SHOWS THAT A DEFENDANT IS STILL ENGAGED IN PREPARATORY ACTS, AND THERE

IS A COMPLETE INABILITY TO TAKE EVEN INITIAL STEPS TOWARDS PRODUCING THE FINISHED PRODUCT. AFTER ALL," QUOTE, "PLANNING THE OFFENSE," END QUOTE, AND QUOTE, "DEVISING, OBTAINING, OR ARRANGING THE MEANS FOR ITS COMMISSION ARE MERELY ASPECTS OF PREPARATION."

IN THIS PARTICULAR CASE, WHAT DETECTIVE WALDEN DID AT BEST WAS CLICK A BUTTON. HE MAY HAVE INTENDED TO CREATE A SILENCER. THAT HASN'T EVEN BEEN ESTABLISHED BECAUSE HE WORKED THE GUN UNIT. THIS IS SOMETHING THAT THEY WOULD RESEARCH, SOMETHING THEY WOULD DO, BUT THE FACT THAT HE PURCHASED SOMETHING, HE DIDN'T KNOW WHETHER OR NOT HE WOULD EVEN OBTAIN IT. IN FACT, IN THIS PARTICULAR CASE, HE NEVER RECEIVED POSSESSION OF IT.

AT BEST, HE PUSHED A BUTTON. IF IT HAD GOTTEN TO HIM, IF HE HAD A THREADED BARREL THAT HE COULD ATTACH IT TO, NOW YOU HAVE MORE THAN JUST THE COLLECTION OR ASSEMBLY, WHICH IS STILL PREPARATION. WHEN I'VE TALKED TO PEOPLE ABOUT THIS CASE, THEY SAID IT'S KIND OF LIKE A RECIPE. YOU GO ONLINE -- AND I DO IT ALL THE TIME WHERE I'M TRYING THE FIND THE BEST RECIPE TO MAKE MY PRIME RIB EVERY YEAR, AND I'M LOOKING AT THIS, AND I'M LOOKING AT THAT, AND I SEE DIFFERENT DEVICES YOU CAN USE AND DIFFERENT INGREDIENTS THAT I CAN GET. AND IF I ORDER A SPECIAL INGREDIENT, I CAN PRESS A BUTTON, AND I CAN PAY FOR IT. I CAN GET THE ITEM, BUT WITHOUT THE ROAST ITSELF, I CAN'T GET ANYTHING.

I'M GATHERING, I'M PREPARING, I'M PLANNING. I'M ASSEMBLING THESE THINGS, BUT I HAVEN'T TAKEN THAT

DIRECT STEP WHICH IS NECESSARY TO CHANGE THE COMPLEXION OF THAT INGREDIENT INTO SOMETHING THAT'S GOING TO BE INCREDIBLY DELICIOUS. SO HERE, WE HAVE HIM PUSHING A BUTTON, PLANNING, PREPARING, PERHAPS EVEN ASSEMBLING ITEMS. THE KEY INGREDIENT IS MISSING.

THERE IS NO WEAPON FOR THIS PARTICULAR ITEM. THERE IS NO THREADED BARREL THAT WAS EVER FOUND. ALBEIT, THEY MAY HAVE BELIEVED THIS WAS GOING TO HAPPEN, AND OTHERS HAD DONE IT IN THE PAST. THIS WAS ALL PREMATURE. HAD THIS GONE THE ADDITIONAL STEP OF HIM ACTUALLY GETTING IT, RECEIVING IT AT HIS HOME, OPENING IT UP, HAVING A DRILL READY WITH A DRILL BIT, HAVE A THREADED AND A GUN THAT WOULD FIT IT, NOW YOU'VE GOT A LITTLE BIT MORE.

YOU'RE CLOSER, BUT I STILL THINK YOU WOULD NEED ANOTHER DIRECT STEP, AND THAT WOULD BE INSTALLING THAT THREADED BARREL INTO A WEAPON OR DRILLING A HOLE AT THE END OF A SOLVENT TRAP. SURE, THEY HAVE ANTICIPATED SOMETHING TO HAPPEN, BUT ANTICIPATION OF SOMETHING, EVEN IF YOU HAVE THE INTENT TO DO IT IN AND OF ITSELF, IS NOT A CRIME WITHOUT THAT DIRECT STEP.

AND SO I THINK FOR THOSE REASONS, THE PEOPLE HAVE FAILED TO ESTABLISH PROOF THAT THIS GOES BEYOND MERE PLANNING AND PREPARATION IN ORDER FOR AN ATTEMPT. SUBMITTED.

THE COURT: THANK YOU.

COUNSEL, DO YOU WISH TO BE HEARD?

MR. GAY: YOUR HONOR, BRIEFLY. REGARDING THE CASE LAW, IT'S NOT ON POINT AT ALL. THOSE TWO LAWS AT ISSUE

WERE MANUFACTURING DEVICES. IN THE ONE CASE, MANUFACTURING HASHISH. IN THE OTHER, MANUFACTURING ASSAULT WEAPONS. SO THE ANALYSIS OF HAVING ALL THE PARTS ASSEMBLED MAKES MORE SENSE WHEN YOU'RE TALKING ABOUT THE MANUFACTURER. WE ARE DEALING WITH THE POSSESSOR OF CRIME.

NOW -- BUT WE'RE NOT TALKING ABOUT THE PARTS OF A SILENCER. HE ORDERED A COMPLETE SILENCER. AND AS THE TESTIMONY ESTABLISHED, JUST THIS PART, THAT MONOCORE BAFFLE, EVEN IF NOTHING ELSE WERE THERE QUALIFIES AS A SILENCER -- AND I WILL REFER TO THE STATUTE AS THE CRIMINALIST'S OPINION IS NOT A DISPOSITIVE, BUT THE STATUTE IS.

UNDER PENAL CODE SECTION 17210, AFTER THE FIRST SENTENCE, IT SAYS, "THE TERM 'SILENCER' ALSO INCLUDES ANY COMBINATION OF PARTS DESIGNED OR REDESIGNED AND INTENDED FOR USE IN ASSEMBLING A SILENCER OR FABRICATING A SILENCER." SO THE STATUTE ITSELF SWEEPS MUCH MORE BROADLY IN POSSESSING OF ANY PART OF A SILENCER EVEN IF NOT COMPLETE. EVEN IF THAT END CAP DOESN'T HAVE A HOLE YET, IT STILL QUALIFIES AS A SILENCER UNDER THE STATUTE IF IT'S INTENDED TO BE FABRICATED.

AND THE TESTIMONY ESTABLISHED THAT THAT PILOT HOLE, THAT LITTLE DIMPLE, HAS NO OTHER LEGITIMATE PURPOSE OTHER THAN TO DRILL THE HOLE, WHICH WOULD ALLOW IT TO FUNCTION AS A SILENCER, BUT GOING A STEP FURTHER HERE, THIS ONE ACTUALLY CAME ALSO WITH AN OPEN CENTER RING, SO IT'S READY TO ROCK AND ROLL JUST AS IT IS WITHOUT ANY FABRICATION, EVEN THOUGH NONE IS REQUIRED TO VIOLATE THE

STATUTE. YOU DON'T HAVE TO WAIT FOR IT TO BE FABRICATED.

SO THAT CASE LAW -- ALSO, I WOULD NOTE THAT IN THE NGUYEN CASE, HE WAS CONVICTED OF MANUFACTURING ASSAULT WEAPONS, AND THAT CONVICTION WAS AFFIRMED. THE COURT NEVER FOUND THERE WAS SUFFICIENT EVIDENCE TO UPHOLD THE ATTEMPT. THEY FOUND THERE WAS SUFFICIENT EVIDENCE, SO IT'S NOT EVEN ON POINT AT ALL, EVEN THE HOLDING OR POSTURE.

SO WHAT WE HAVE HERE IS MR. WALDEN ORDERING THIS ITEM, ADDRESSED TO HIM TO HIS HOUSE, AND THEN WE HAVE HIM SEARCHING FOR THREADED BARRELS. WE HAVE HIM SEARCHING FOR FUEL FILTERS AND SOLVENT TRAPS. HE WENT ON THIS WEBSITE AND ORDERED THIS ITEM. AND THE COURT WAS PROVIDED A SELECTION OF WEBSITES, NOT AN EXHAUSTIVE -- WE DON'T KNOW IF THERE WAS A VOLUMINOUS AMOUNT AS OFFICER NEMEROFF TESTIFIED TO --

THE COURT: COUNSEL, FOR THE RECORD, WHICH EXHIBITS DID YOU JUST HOLD UP?

MR. GAY: I'M SORRY. I SHOWED PEOPLE'S 8, WHICH IS ONE OF THE WEBSITES HE -- PEOPLE'S 8 AND PEOPLE'S 3.

THE COURT: THANK YOU.

MR. GAY: THE SIMILARITY OF THOSE TWO ITEMS. AND THE PAYPAL TRANSACTION -- IT WASN'T PREPARATION. HE ORDERED THIS. HE PAID FOR IT. IT WAS ON ITS WAY TO HIM. THE SENDER HAD RECEIVED PAYMENT ACCORDING TO THE PAYPAL TRANSACTION, WHICH SHOWS A PRICE. IT SHOWS THE LOCATION IT WAS HEADED TO, AND IT ALSO HAS THE EXACT SAME VERBIAGE AS TWO OF THOSE WEBSITES WE LOOKED AT FROM PEOPLE'S 5,

PEOPLE'S 6 -- CONTAINED THE -- IF IT'S NOT IDENTICAL, IT'S NEARLY IDENTICAL. "BUY ONE, GET ONE FREE LAST DAY. NAPA 4003. 12 BY 28 [SIC] FILTER ALUMINUM SOLVENT TRAP."

THE THING BROUGHT UP BY COUNSEL IS IRRELEVANT WHETHER HE ACTUALLY HAD A -- THE STATUTE IS NOT THAT HE HAS TO POSSESS A GUN WITH A THREADED BARREL, WITH THE SILENCER, "I'LL ASSEMBLE IT." IT IS THE POSSESSION BY ITSELF OF A SILENCER AND JUST THAT MONOCORE BAFFLE QUALIFIES. THAT IS A DIRECT STEP.

THE ISSUE WITH ATTEMPT IS AN INTENT TO PUT YOUR PLAN INTO ACTION. HE ALREADY MADE THE TRANSACTION. AND BUT FOR THE INTERVENTION OF LAW ENFORCEMENT, THAT PACKAGE WAS ON ITS WAY TO HIM. THAT'S NOT PLANNING. I'LL GIVE THE COURT A BETTER ANALOGY THAN THE ONE COUNSEL PROVIDED ABOUT THE RECIPE OF THE PRIME RIB.

HERE'S PREPARATION AS FAR AS INTERNET SHOPPING. IF I PUT THAT SILENCER INTO MY SHOPPING CART OR I PUT IT ON MY WISHLIST ON MY AMAZON ACCOUNT, MAYBE I'M PREPARING TO BUY IT. ONCE I BUY IT, THAT IS A DIRECT STEP, AND I HAVE ATTEMPTED TO POSSESS IT WITHIN THE MEANING OF THE STATUTE. I'LL SUBMIT ON THAT.

THE COURT: THANK YOU.

COUNSEL, DO YOU HAVE COPIES OF THOSE?

MR. SEKI: I CAN PROVIDE YOU WITH MY COPIES. THE PEOPLE --

MR. GAY: I REVIEWED THOSE.

THE COURT: VERY WELL. THANK YOU.

//

(A BRIEF PAUSE IN THE PROCEEDING.)

THE COURT: ALL RIGHT. THANK YOU, COUNSEL. THE COURT WAS ABLE TO REVIEW THE CASES, AND I'M ACTUALLY GOING TO POINT BOTH PARTIES TO LANGUAGE IN CASE PEOPLE VS. LUNA. IT WAS JUST REFERENCED BY DEFENSE COUNSEL.

IT STATES THAT, AS COUNSEL INDICATED, "THERE IS A MATERIAL DIFFERENCE BETWEEN THE PREPARATION ANTECEDENT TO AN OFFENSE AND THE ACTUAL ATTEMPT TO COMMIT IT. THE PREPARATION CONSISTS OF DEVISING OR ARRANGING THE MEANS OR MEASURES NECESSARY FOR THE COMMISSION OF THE OFFENSE, WHILE THE ATTEMPT IS THE DIRECT MOVEMENT TOWARD ITS COMMISSION AFTER THE PREPARATIONS ARE MADE. IN OTHER WORDS, TO CONSTITUTE AN ATTEMPT, THE ACTS OF THE DEFENDANT MUST GO SO FAR THAT THEY WOULD RESULT IN THE ACCOMPLISHMENT OF THE CRIME UNLESS FRUSTRATED BY EXTRANEOUS CIRCUMSTANCES."

THE STATUTE AT ISSUE IS 33410 OF OUR PENAL CODE, AND IT SPECIFICALLY DISCUSSES AND IS FOCUSED ON POSSESSION OF A SILENCER, NOT ASSEMBLY OF A SILENCER, NOT MANUFACTURE OF A SILENCER, BUT POSSESSION OF A SILENCER. MR. WALDEN, BASED UPON THE INFORMATION THAT THE COURT HEARD TODAY, TOOK EVERY STEP TO POSSESS THE SILENCER, AND THE ONLY REASON WHY HE DIDN'T PHYSICALLY POSSESS THE SILENCER WAS BECAUSE AS THIS CASE SAID, HIS ACCOMPLISHMENT OF THE CRIME WAS FRUSTRATED BY EXTRANEOUS CIRCUMSTANCES, AND IN THIS CASE, LAW ENFORCEMENT INTERACTION. SO BASED ON THAT, I FIND THE PEOPLE HAVE MET THEIR BURDEN, AND I

MAKE THE FOLLOWING FINDINGS:

IT APPEARING FROM THE EVIDENCE THAT THERE IS SUFFICIENT CAUSE TO BELIEVE THE CRIME CHARGED IN THE COMPLAINT HAS BEEN COMMITTED; NAMELY, A VIOLATION OF PENAL CODE SECTION 664 PER 33410, A FELONY, ATTEMPTED POSSESSION OF A SILENCER, AND THAT THE DEFENDANT IS GUILTY THEREOF. I ORDER THAT HE BE HELD TO ANSWER TO THE SAME.

MR. WALDEN IS CURRENTLY OUT ON BOND. I BELIEVE $20,000 BOND; IS THAT CORRECT?

MR. SEKI: CORRECT.

THE COURT: ALL RIGHT. SO MR. WALDEN, YOU'LL REMAIN OUT ON BOND AT $20,000, SIR.

AND JUST TO CONFIRM, THERE AREN'T ANY OTHER TERMS AND CONDITIONS? THERE'S NO --

MR. SEKI: NO.

THE COURT: -- SRP? OKAY. SO THE DATE OF ARRAIGNMENT IS SET FOR MARCH 23RD, AND THAT WILL BE IN DEPARTMENT 119. MR. WALDEN, YOU'RE ORDERED TO APPEAR THAT DAY.

IS THERE ANYTHING ELSE WE NEED TO ADDRESS, COUNSEL?

MR. SEKI: NO.

MR. GAY: NO. THANK YOU, YOUR HONOR.

THE COURT: THANK YOU.

(END OF PROCEEDINGS.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 43 HON. KIMBERLEY BAKER GUILLEMET, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. LUKE WALDEN, DEFENDANT.	CASE NO. BA510524 REPORTER'S CERTIFICATE

I, PRISCILLA MIRELES, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES [1] THROUGH [53], INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE ABOVE-ENTITLED MATTER ON MARCH 9, 2023.

DATED THIS 20TH DAY OF MARCH, 2023.



PRISCILLA MIRELES, CSR NO. 14080
OFFICIAL REPORTER