# 16/6

### FIRST JUDICIAL DISTRICT OF PERSONNALLA

#### THIAL DIVISION

#### COMMONWEALTH

## JUNE TERM 1982

No. 1142 Murder Generally
Voluntary Manalaughter

/ No. 1143 Possessing Instrument of
Crime, Generally

/ No. 1144 Simple Assault;
Aggravated Assault

/ No. 1145 Criminal Conspiracy
No. 1146 Possessing Instrument of

CARMEN WOODS

V.

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#### - COMMONWEALTH

### JUNE TERM 1982

Crime, Generally

No. 255( Oriminal Conspirate No. 2557 Ponsessing Instrument of Crime, Generally No. 2558 Simple Assault;
Aggravated Assault
No. 2559 Carrying Firearm of Fublic Streets on Public Places;
Unlawfully Carrying Firearm Without a License; Carrying Fire Without a License in a Vehicle

MICHAEL JONES

Trial

City Hall Courtroom No. 253 Philadelphia, Pennsylvania Monday, A. M., November 15, 1982

ENFORM:

POECLARLE ALBERT S. SARO, J.

And a Jury.

# APPEAMANCES:

WILLIAM P. BOLAND, ESQ., Assistant District Attorney, For Commonwealth.

RONALD MORRISON, ESQ., For Carmen Woods.

DONALD MOSER, ESQ., For Michael Jones.

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officer James Michael Hanlon			n 46			
AFTERNOON SESSION					Pa	age 62
Dr. Robert Segal			63	72	75	
Officer James Michael Hanlon			n 78	79	88 <b>92</b>	89 94
Officer Robert Connors			95	100	72	
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(The Defendants are present.)

(The Jury is in the jurybox.)

MR. MORRISON: Good morning.

THE COURT: Good morning.

COURT OFFICER: Swear the Jury?

THE COURT: Yes, please.

COURT OFFICER: Defendants, please

rise and face the Jury.

(The Jury is duly sworm.)

OCURT OFFICER: May I arraign the Defendants, Your Honor?

THE COURT: Yes, please.

COURT OFFICER: Mr. Woods, to the bar of the court, please.

Carmen Woods, on Bill No. 1142 June
Term 1932 charging you with murder, the victim,
Chester Laws, to this Bill of Information how do
you wish to plead, sir?

MR. MCRAISON: Not guilty.

TEFENDANT WOODS: Not guilty.

of Information No. 1143 June Term 1982 charging you with possessing instrument of crime, generally, to this Bill of Informatin how do you

wish to plead?

DEFENDANT WOODS: Not guilty.

court Officer: Carmen Woods, on Bill of Information No.1144 June Term 1982 charging you with the first count, simple assault, second count, aggravated assault --

DEFENDANT WOODS: Not guilty.

COURT OFFICER: -- to this Bill of Information how do you wish to plead, sir?

DEFENDANT WOODS: Not guilty.

of Information No. 1145 June Term 1982 charging you with criminal conspiracy, to this Bill of Information how do you wish to plead?

DEFENDANT WOODS: Not guilty.

COURT OFFICER: Carmen Jones --

MR. MORRISON: Woods.

COURT OFFICER: I am sorry.

Carmen Woods, on Bill of Information No. 1146 June Term 1932 charging you with possessing instrument of crime, generally, to this Bill of Information how do you wish to plead?

DEFENDANT WOODS: Not guilty.

COURT OFFICER: How do you wish to be tried?

DEFENDANT WOODS: By God and my country.

COURT OFFICER: May God send you a safe deliverance. Please step aside.

Mr. Jones.

Michael Jones, Bill of Information
No. 2556 June Term 1932 charges you with
criminal conspiracy, to this Bill of
Information how do you wish to plead?

DEFENDANT JONES: Not guilty.

COURT OFFICER: Michael Jones,
Bill of Information No. 2557 June Term 1952
charges you with possessing instrument of crime,
generally, to this Bill of Information how do
you wish to plead, sir?

DEFENDANT JONES: Not guilty.

count of Information No. 2553 June Term 1982 charges you with, first c unt, simple assault, second count, aggrevated assault, to this Bill of Information how do you wish to plead, sir?

PEFENDANT JONES: Not guilty.

Information No. 2559 June Term 1982 charges you with, the first count, carrying firearms on public streets or public property, second count, unlawfully carrying firearms without a license, third count, carrying firearms without a license in a vehicle, to this Bill of Information how do you wish to plead, sir?

DEFENDANT JONES: Not guilty.

COURT OFFICER: How do you wish to be tried, sir?

LEFENDANT JONES: By God and my country.

COURT OFFICER: May God send you a safe deliverance.

Jurors, to these Bills of Information the Defendants plead not guilty and wish to be tried by God and their country, which country you are. If you find the defendants guilty, you will say so, and if you find the defendants not guilty, you will say so and say no more.

Jurors, good and true, hearken to the evidence.

Please be seated.

Jury, you have been selected to perform one of the most solemn duties of citizenship. You are to sit in judgment upon criminal charges made by the Commonwealth against two of your fellow citizens.

The services you render as jurors in this case are as important to the administration of justice as those rendered by me as Judge, and by the Attorneys.

You should pay close attention to what is said and what occurs throughout the trial, so that you can faithfully perform your sworn duties as Jurors.

I shall describe in a general way what will take place.

First, the District Attorney may, if he wishes, make an opening statement in which he outlines the Commonwealth's case against the defendants.

The Defendants' Attorneys may make a statement outlining the defense, either immediately following the District Attorney's statement or later in the trial.

Second, the District Attorney will present evidence. He may call witnesses to testify and he mae offer exhibits such as documents or physical objects.

The defendant has a right to cross-examine witnesses called by the Commonwealth in order to test the truthfulness and accuracy of their testimony.

At the close of the Commonwealth's case, the Defendants' Attorneys may present evidence for the defendants.

The defendant has no obligation to offer evidence or to testify himself.

Under the law, every defendant is presumed innocent and has the right to remain silent. The burden is on the Commonwealth to prove him guilty beyond a reasonable doubt. The District Attorney may, of course, crossexamine any witnesses called by the defense.

Third, after all the evidence has been presented, the Attorney for each side will have an opportunity to address arguments to you.

I shall then give you my final charge which will include instructions on the rules of

law pertinent to this case and whatever additional guidance I think you need for your deliberations.

You will then retire to the juryroom to deliberate and decide what your verdict will be.

It is the responsibility of the Court to decide all questions of law, therefore, you must accept and follow my rulings and instructions on matters of law.

I am not, however, the judge of the facts. It is not for me to decide what are the true facts concerning the charges against the defendants. You, the Jurors, are the sole judges of the facts. It will be your responsibility to weigh the evidence, to find the facts, and applying the rules of law which I give, to the facts as you find them, to decide whether the defendants have been proven guilty.

I am likely to give other instructions during the trial in addition to these preliminary instructions and my final charge. You should consider all of my instructions as a connected series, taken together, they constitute the law which you must follow.

You are not permitted to take notes on the testimony or on anything said by me or by Counsel. When you deliberate on your verdict, you will have to rely on your own memories of what was said in the courtroom.

We have a Court Reporter who will make a record of the testimony. If you fail to hear a question or an answer while a witness is testifying, please raise your hand immediately. The Reporter can read back whatever you missed.

You are the judges of the credibility and the weight of all the evidence, including the testimony of witnesses. By credibility of testimony or other evidence I mean its truthfulness and accuracy.

In judging credibility and weight of the evidence you should use your understanding of human nature and your common sense. Observe each witness as he testifies. Be alert for anything in his words, demeanor or behavior on the witness stand, or for anything in the other evidence in the case which might help you to judge the truthfulness, accuracy, and weight of his testimony.

I shall give you further instructions on this subject later in the trial.

Each of you must keep an open mind throughout the trial. In the cath you just took you swore to do so.

You should avoid forming opinions about the guilt or innocence of either defendant or about any other disputed question until you begin your deliberations. You should not talk with each other about the evidence or any other matter relating to whether the defendants have been proven guilty until I send you to the juryroom to deliberate on your verdict. Only then will you know enough about the evidence and the law to discuss the case intelligently and fairly.

During the trial you must not talk to anyone about the case, or listen to others talk about the case, including members of your own family. There are some persons with whom you must avoid even casual conversation having nothing to do with thecase. These persons are the Defendants, Counsel for both sides and the Witnesses.

Do not read newspapers or other stories about the trial or about the defendants. You should also avoid radio or television broadcasts which might refer to the trial or to the defendants.

Do not visit the scene of the alleged crime or make an investigation of your own or conduct an experiment of any kind. Your only information about this case should come to you while you are all present together, acting as a Jury in the presence of the Court, the Attorneys and the Defendants.

As I told you earlier, although you must follow my instructions regarding rules of law, you are the sole judges of the facts.

It is your recollection of the evidence and not mine or Counsels' on which you must rely during your deliberations.

You are not bound by any opinion you might think Counsel or I have expressed concerning guilt or innocence, credibility of witnesses, weight of evidence, facts proven by the evidence, or inferences to be drawn from the facts.

Even though statements and arguments

of Counsel are not binding on you and are not evidence, you should consider them carefully. It is proper for you to be guided by them if the statements and arguments are supported by the evidence and appeal to your reason and judgment.

Questions which Counsel put to witnesses are not themselves evidence. It is the answers of the witness which provide exidence.

You should not speculate that a fact may be true merely because one of the lawyers asks questions which assume or suggest that the fact is true.

I may question some of the witnesses myself. The questions will not reflect any opinion on my part about the evidence or about the case. My only purpose will be to inquire about matters which Counsel may not have fully explored.

Admission of evidence at trial is governed by rules of law. It is my duty to rule on objections to the evidence made by Counsel.

If I overrule an objection, that means you are entitled to consider the evidence. If I sustain

the objection then you will not be entitled to consider it. You must not concern yourself with the objection or with the reason for my rulings. You must disregard evidence or any other matter to which I sustain an objection, or which I order stricken from the record.

Counsel and I are required by law
to take up certain matters out of your hearing.
We may do that at the bench or in my chambers,
or I shall ask you to leave so we may do this
in the courtroom. You should not concern
yourself with any such proceeding.

Remember, a Jury verdict must be unanimous to be valid.

In the juryroom you will discuss the case among yourselves, but ultimately each of you will have to make up his or her own mind.

After the verdict is announced in open court you may be called on individually to say whether you agreed with the verdict.

Each of you has a responsibility as a Juror which you cannot shirk. You must do your best throughout the trial to fulfill this great responsibility.

Now I will call upon the Pistric:
Attorney for his opening remarks.

Ma. BOLAND: Thank you, Your Honor. Good morning, Ladies and Gentleman.

Ladies and Gentlemen, this is the part of the trial which is called the opening statement. The purpose of an opening statement is to give you an idea of how we are going to proceed with our case.

As all of you recall, having been told this a number of times, the Commonwealth goes first in a criminal case. The reason for that, of course, is that we have the burden of coming forward with evidence and proving that the defendants are guilty as charged.

That meens that, as His Honor said, they don't have to do anything.

If you are accused, if I am accused, any of us can say: Okay, you have accused me, put up or shut up, in simple words. So that is why we have the burden of going forward first.

How, because we have that burden, we must prove to you each and every element of the crimes that these defendants have been

charged with.

And what I am about to tell you will constitute what we call a roadmap or outline or anything of that nature, it will sort of give you an idea just how we are going to do this and how we are going to proceed.

Now, some of you may have sat on juries before, most of you probably have not.

You may come into court with a certain idea of what you are about to participate in.

And I would suggest to you if that idea is based on your reading, or your watching television or movies, you may, in fact, have an erroneous idea of what happens in court.

What we are about to engage in is not a dramatic presentation; we have not auditioned our witnesses. Some of them speak very well; nome of them will not. They are not professional actors. And you are not going to get a kind of organized story that you would necessarily get on the television.

What you are, in fact, going to get are pieces of a puzzle, and these pieces, as you get them, may not make sense to you

when you hear them, It is only after you have gotten all of the pieces of the puzzle and you go to the deliberation room and you have the opportunity to think of all the pieces and put them together, and then hopefully you will have a picture of what happened in this case. The pieces will fit together and they will show you what happened.

Keep in mind it is not like television, you are not going to see anybody foing anything.

You are going to hear people describe what they saw. You are going to hear people describe what their conclusions were based on certain evidence.

And there is only one person that you are going to hear from, that actually say this killing. All of the rest are pieces of the puzzle that you have to put together and that you have to relate to this incident.

As a matter of common sense, I think that most of you know that most crimes are not committed in front of cameras. There are exceptions and everyone knows about them,
I suppose thirty willion people have an indelible recollection of Jack Ruby shorting

Lee Harvey Cawald in the cellar of Dallas Court
House and the surprised expression on the
Sheriff's face, probably seen by fifty million
people, at least. That is not the usual criminal
case, it is not usually on TV. They would have
put it on videotape and put it on the screen
and say: This is Lee Harvey Oswald, and this
is Jack Ruby.

But in real life, what you are going to hear are people who know a little bit about this case and someone else knows a little bit, for example, the medical doctor doesn't know who killed Chester Laws Junior, he knows what killed Chester Laws Junior. He knows he was killed by a 45 caliber bullet. That is all he knows.

But the other witnesses, the police witnesses, I will not say they are not important but what they will do is set the stage.

That is what we are going to do today.

We will bring in the police officers that participated in this case, and we will give you an idea where this happened, what time it happened, what evidence was found at the scene,

what the street looked like, a diagram was drawn, photos were taken. In a sense, thinking of seeing a production in the theatre, the curtains open and you see the setting, you see the tables and chairs and the various props, but until someone comes out on that stage and starts to speak, all you have is that setting.

Essentially, today, that is what we are going to do.

The eyevitness will be here tomorrow.

The testimony today is going to be technical testimony.

Again, I suggest to you that you may have a misconception. This kind of testimony can be boring, can put you to sleep, but I suggest to you it is absolutely essential that you pay attention to it, because at a later point this testimony will become important and relevant, it will answer questions that you will have in your mind about what the eyevitness says

Basically, Ladies and Gentlemen, on Sunday, May 16, 1982, in front of 1525 North Felton Street, at about 2:10 in the morning,

Chester Laws Junior, who was 17 years old at the time, was walking on Felton Street towards his home. As he was walking, a person by the name of Homer Lane, who lived four houses down on the other side of the street, was about to enter his house. He lived at 1514 North Felton, and Homer Lane looked across the street at Chester Laws, and as he did so, he saw a person get up behind a hedge and come up behind Mr. Laws after he had walked by the house, and place a gun near his head and pull the trigger once. Chester Laws fell down on the street mortally wounded.

Now, Mr. Lane recognized that person, had known him for years, as a matter of fact. as the Defendant Carmen Woods. Carmen Woods is the defendant who is represented by Mr. Morrison, and he is the tall, thin, lightskinned young man sitting at the left of Counsel table.

Now, Mr. Lane recognized him, having known him. What did Mr. Lane do? Did he go right to the police? No, he did not. In fact, the police came around that night, after they

in and said: Do you know anything about this?

He said: No. He will tell you why. He will tell you he didn't want to get involved.

He thought somebody else would come forward.

He didn't do what he should have done. He will also tell you he had a few runins with the law, himself, he will tell you. So he kept his mouth shut.

We are talking about Sunday, about 2:10 a.m. So the police didn't have any leads when they found Chester Laws on the sidewalk.

They tried to do what they could for him and they took him to Lankenau Hospital; at 3:40 a.m. approximately two and a half hours after he was shot he died of the gunshot wound of the head.

The body was then taken by the police team to the Office of the Medical Examiner, and Dr. Robert Segal, the Assistant Medical Examiner, performed a post mortem examination on the following day. And he determined that the cause of death was a single, close range, gunshot wound, and he recovered a 45 caliber projectile from the brain of the decedent.

A police officer, a Detective by the name of Lamont Anderson, went to the Medical Examiner's Office and got the 45 caliber projectile and took it down to the police lab.

Remember, nobody is arrested yet, the police don't know who did anything.

All right. A couple of days later,
Tuesday, on May 18, 1982, 11:30 p.m., we are
talking now two days later, the same Howard -strike that -- the same Homer Lane, who had seen
this incident and said nothing, was driving east
on Lansdowne Avenue in West Philadelphia near
Lansdowne and 60th Street, and as he approached
the corner of Edgewood and Lansdowne, he looked
out the window on the driver's side, at the
corner, and he saw the Defendant Carmen Woods,
whom he had seen two nights earlier do the
shooting, he saw him standing there with several
other people. He recognized several of these
other people, including the other Defendant
in this case, Michael Jones.

Keep in mind now, we do not charge
Michael Jones with having anything to do with
the murder of Chester Laws. In fact, our proof

will show that that was done by one person only and that is the Defendant Carmen Woods.

And the charges of murder are as to Carmen Woods only.

But as I said, two days later, the Witness Homer Lane, who has not said anything to the police, was driving near 60th and Lansdowne and he sees Carmen Woods, and he sees Michael Jones, he had known Michael Jones quite a while too, and some words are spoken, he is driving rather slow, he has a car that has some of the new fangled spares, you don't get a real spare, he was driving around slow because he had a problem with his car.

As he approaches that vehicle, there is a conversation, one of them says: What is up? to him, he slows down, as he does he sees Carmen Woods, Michael Jones pull guns, and they let go at him, start shooting at him right on the corner there and he takes off, he is not hit, although he will tell you that one of them pointed a gun right at his head, he ducked down a couple of times.

Now, Mr. Lane decides maybe he made

s mistake in not telling the police what he knew. So he thinks about it and decides to go to the police and he tells what he knows, both about the murder and about the attempt to shoot him.

And the police go and get the car he was driving and take it to the police garage, and they find in one tire, which is punctured, a 45 caliber slug. And they also find two dents on the side of the car and they do certain chemical tests and they find out there is a residue of lead in the two dents consistent with a bullet having hit the car.

so now they take the 45 slug that they recovered from the tire and put it under a microscope next to the 45 caliber bullet that they recovered from the brain of the decedent and they try to get a matchup.

They fail.

The Firearms Examiner will tell you that both bullets were too distorted to get the very fine marks which would indicate they were fired from the same 45. All he can tell is that, in fact, they were both 45 caliber automatics.

So after that statement is made

by Homer Lane, the arrest warrants are obtained for both of these defendants, and on Wednesday, May 20, 1982, Mr. Woods turns himself in.

Michael Jones is not arrested until Monday,
May 25, 1982, and he is arrested near 60th
and Lansdowne, and at the time of his arrest
he is in possession of a fully loaded 38 caliber revolver.

So, you have, in fact, three dates to remember, May 16th when the shooting happened, Mr. Wood is accused of that alone; May 18th when Mr. Woods and Mr. Jones are accused of shooting at Homer Lane, that is a set of charges, conspiracy and aggravated assault et cetera.

And you have a third charge which arises out of Mr. Jones' arrest on Monday, May 24, 1982 when he was in possession of a firearm. And those are the charges that we must present evidence to you on. And we will do that.

Now, I will say no more to you, other than I have given you a version of this incident as if I were there and saw it, but as you know, I didn't. What I have told you is what I reasonably believe, in talking

to the witnesses and seeing the various reports in this case, is what I reasonably believe that they will say to you when they get up on that witness stand. And keep that in mind. The testimony will come from them. It may not necessarily come in a logical order. You have to remember it and keep it altogether.

Also remember again, you are not dealing with professional actors or actresses, these are real human beings and if each of you sat in that seat for a few moments, it is not very comfortable, it would make you nervous, and you were there for jury selection, they are going to be for cross-examination, and they are not rehearsed, you will have to listen to what they say.

As the Judge said, if you don't hear what they say or you don't understand, raise your hand. That is all I have to say.

You heard the Court Officer when he swore you in, use a very old expression, it probably comes from the British Isles. Hearken to the evidence. And that is what you are about to see, it just means listen to the

evidence and I am sure you will, and I am sure you will do it very carefully.

Thank you very much.

MR. MORRISON: If it please the Court,

I will not give an opening statement at this

time.

MR. MOSER: May I address the Jury, Your Honor?

Good morning. Ladies and Gentlemen, I represent Michael Jones, as Mr. Boland told you, he hit the nail on the head, there is only one person that is the pivot or the hub of this whole case, that is Homer Lane. Everything else you hear, as he says, fits into the puzzle but without Mr. Homer Lane, as when you were a little kid you have to think about the puzzle board, without the puzzle board you can't put the pieces into the puzzle.

I submit to you it is that piece of cardboard, that is Homer Lane, without that you can't put the case together.

I did one thing, I wrote something on here on a piece of paper, I am going to talk to you now about and when the case goes

to you. Before I get to it I ask you to do one thing, don't decide this case after one witness, two witnesses, three witnesses, four witnesses, wait until you have heard everything, not only the Commonwealth and the Defense, wait until you hear the speeches by myself, Mr. Boland and Mr. Morrison, also wait for the instructions from the Judge, then you will be told to go for deliberations, that is the time to decide (pardon the expression): What the heck am I going to co with this case, don't assume when you hear one witness that appears and testifies, that is it, use your whole experience, does this fit, does that fit, is this contrived, is it truthful.

That is the reason I come to the piece of paper I am going to talk to you about it and at the end. I wrote this down last night: credibility, and I wrote next to it, Homer Lane.

At the end of the jury trial I am going to ask you these five questions, obviously, you don't respond to me at that time.

Think about it as you deliberate. First as to credibility. Interest. Does the Witness Homer Lane have an interest in this case? The second, prompt outcry. Does he report the incident to the police right away. Is there a reason why he doesn't report 1t, the incident? Three, one inconsistent prior statement. You are going to hear testimony from Homer Lane as to what happened. You will see during the trial there will be a prior inconsistent statement. Does that have any bearing? That is something you have to take If one statement is so into consideration. contradictory of the second that you can't believe the second or the first or the second or the first, or the first or the second, in other words, does the first contradict the second so badly that he not worthy of belief? The next thing is past unauthorized, unworthy deeds.

MR. BOLAND: Objection, Your Honor, and call for a sidebar.

THE COURT: Very well.

(Sidebar conference is as follows:
MR. BOLAND: I just want to make sure

that Counsel is not going to be specific.

MR. MOSER: Oh no, actually that is all I was going to say. I just go to the past deeds, I am not going to go into it.

MR. BOLAND: All right.

(End of sidebar conference.)

MR. MOSER: As I was saying, the court test is past unworthy deeds and truthfulness or trustworthiness.

The last very probably is the most important, even though you are bored when you are on the witness stand, that is the way we also judge a person, what we call demeanor, does the person look at you, does the person look away, does the person appear to be evasive, it doesn't get into a matter whether they are stupid, even if someone is stupid you can usually tell if they are telling the truth, that is something again you have to use your everyday experience.

I ask you on all five items that I mentimed here, use your everyday experience.

Does interest show up in the case? There is a prior inconsistent statement. Is there past unworthy deeds? Lastly, does the person's demeanor appear to be a person that is the type of person that is trustworthy or another type demeanor that they are evasive? If the person is evasive there is the great likelihood they might not be telling the truth.

I ask you, and I will ask you again at the end of this case, I will pull out this piece of paper and I will ask you at the end as to each one of these. Don't decide this case until you have heard all the evidence in the case.

Remember one last thing, my client has a jacket on, that jacket is his cloak of innocence and until and unless the Commonwealth proves him guilty beyond a reasonable doubt, you cannot remove that jacket. And as long as that jacket is on, that man is innocent up to the point that you go into the deliberation room, only at that time if you decide that the Commonwealth has convinced you beyond a reasonable doubt, only then can you remove that

jacket and find him guilty, otherwise you must find him not guilty.

Thank you.

MR. BOLAND: The Commonwealth calls the Police Woman.

THE COURT: Is there a sequestration?

MR. BOLAND: I would so move that the witnesses be sequestered.

of the Country and the Defendants are sequestered; by that I mean you will stay outside until you are called to testify, and you will not discuss your testimony with anyone.

Since I do not know who your witnesses are, I will depend on all Counsel to see that the sequestration order is carried out.

If anyone is going to testify, have them stay outside, please.

MR. BOLAND: I call Police Officer Maura Kelly Mercurio.

(The Witness comes into the courtroom.)

COURT OFFICER: Give your name and badge number and district and spell your last name.