

Docket No. 08-2458

United States Court of Appeals
For the Seventh Circuit

United States of America,

Plaintiff-Appellee,

v.

Brian Dodds .

Defendants-Appellant.

Appeal from a judgment of conviction and sentence entered in the United States District Court (ED-Wis), the Honorable Charles Clevert, presiding District Court No. 06-CR-280

Brief and Short Appendix of the Appellant, Brian Dodds

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CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 08-2458

Short Caption: United States v. Brian Dodds

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The undersigned represents the defendant-appellant, Brian Dodds

(2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:

No partners or associates of the undersigned appeared on behalf of Dodds; however, attorney Calvin Malone of the Federal Defender Services in Milwaukee was predecessor counsel for Dodds

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Attorney's Signature: _____ Date: _____

Attorney's Printed Name: Jeffrey W. Jensen

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes X No _____**

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Jurisdictional Statement

A. The Court of Appeals has jurisdiction of this matter because it is an appeal from a criminal conviction in the United States District Court (ED-Wis). See, 28 USCS § 1291. The District Court has jurisdiction because an indictment was returned alleging a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (felon in possession of a firearm) and the defendant was convicted following a jury trial.

B. The Court of Appeals has jurisdiction over the matter pursuant to 18 U.S.C. sec. 3742 as a direct appeal of the appellant's sentence.

C. The judgment of conviction in this matter was entered on June 2, 2008 and the notice of appeal was filed on June 6, 2008. Therefore the appeal was timely.

D. The appeal is from a final judgment of conviction in a criminal case and, therefore, the appeal is from a final judgment that disposes of all parties' claims,

Statement of the Issues Presented for Review

I. Whether the district court abused its discretion in permitting the government, over the appellant's ("Dodds") objection, to introduce evidence that Dodds has been known by two different names.

Answered by the district court: No

II. Whether the district court violated Dodds' Sixth Amendment confrontation rights when the court permitted the government to introduce, through the testimony of a police officer who obtained the information from an anonymous citizen, evidence of a description of the shooter (which happened to match Dodds' description).

Answered by the district court: No.

Statement of the Case

The defendant-appellant, Brian Dodds ("Dodds"), was charged in an indictment filed in the Eastern District of Wisconsin on October 24, 2006 alleging that on November 10, 2005 in Milwaukee County, Wisconsin he possessed a firearm after having been convicted of a felony contrary to 18 U.S.C. §922(g)(1). (Doc. 1) Dodds entered a plea of not guilty.

Prior to trial Dodds filed motions in limine seeking orders from the court that during the course of the trial he (Dodds) not be referred to as "Horace Wilson"¹ and also that the government make no reference to evidence that Dodds became uncooperative with police during the booking procedure. (Doc. 40) At the final pretrial conference the government stipulated that it would not refer to the defendant as "Horace Wilson" during the trial (2-18-08 Tr. p. 7) nor would it introduce evidence that Dodds was uncooperative with police. (2-18-08 Tr. p. 16) Therefore, the court denied Dodds' motions in limine as being moot. *Id.* p. 14; (Doc. 42)²

Between the time of the final pretrial and the start of the trial, though, the government filed a motion asking the court to reconsider the ruling concerning the alias. (Doc. 43) In the motion the government argued that Dodds never formally changed his name and that he had a prior conviction under the name "Brian Dodds." This, according to the government, suggested a consciousness of guilt on the part of Dodds. The court reconsidered its previous order and allowed the government to present evidence

1 Dodds later explained to the court that his birth name was, in fact, Horace Wilson; however, later in life Dodds learned that Mr. Wilson was not actually his father. Thereafter, the defendant informally adopted the surname "Dodds" (Doc. 74-12)

2 However, Dodds later agreed with the government that the events at the police station were, in fact, relevant. (Doc. 74-11)

that Dodds was known by both names. (Doc. 74-13)

At trial it was established that the police were dispatched to the intersection of 37th Street and Galena Ave. in Milwaukee upon a report of "shots fired". The police saw nothing at this intersection; however, the officers were approached by an anonymous citizen in a red car³ who gave them a description of the shooter. The court initially sustained Dodds' hearsay and confrontation objection to this testimony (Doc. 74-82); however, moments later the officer testified as follows:

Q And what were you looking for at that intersection?

A A description that we were given.

Q And, for the record, what was that description?

MR. JENSEN: Same objection; hearsay and confrontation.

THE COURT: Overruled.

THE WITNESS: Black male wearing a black jacket and I

believe it was a black knit hat.

(Doc. 74-83). This time the court overruled Dodds' objections even though the officer's testimony plainly related to what some other person had told him.

³ It is important to emphasize that this person in the red car was not Jerry Watkins who testified at trial

Statement of the Facts

On November 10th, 2005 Jerry Watkins was in his car with Dawn Woods driving south on 35th Street in Milwaukee. (Doc. 74-164) Woods was on her way to work at St. Luke's Hospital. (Doc. 74-171) As the two were stopped at an intersection a man came out into the street and was yelling and then Watkins saw the man put a pistol into his pants. *Ibid.* Watkins described the man as, "He was a short, black person. He had a black heavy coat on." *Ibid.* Watkins and Woods then drove around the block and again encountered the man. This time the man came up to the passenger side of the car where Woods was seated. (Doc. 74-186) The man with the gun appeared to have mistaken Woods and Watkins for some other person and, therefore, he walked away from the car. Watkins then continued on and drove Woods to work. (Doc. 74-164)

At trial Woods identified Dodds as the man with the gun that night. (Doc. 74-173)

City of Milwaukee police officer Gregory Koesterling testified that on November 10th, 2005 he was on routine patrol. (Doc. 74-73) At about 10:15 p.m. Koesterling and other officers responded to a dispatch of "shots

fired" at 37th and Galena in Milwaukee. (Doc. 74-73, 77) Initially the officers saw nothing unusual; however, while at the intersection of 37th Street and Galena a man in a "red car" waved down the squad and gave the police a description of the man with the gun. (Doc. 74-78) The officers then went to the intersection of 35th and Galena (two blocks to the east on Galena). (Doc. 74-82) Koesterling explained that they went to 35th and Galena based upon "a description he was given"⁴ that the shooter was a black male wearing a black parka with a fur-lined hood. (Doc. 74-83) Predictably, there the police saw "a black male wearing a black nylon jacket with a fur-lined [sic] hood, and he was walking in a very rapid manner into a bar that was on the southeast corner of 35th and Galena." (Doc. 74-84) Officer Williams testified that he actually saw a black male walking out from between two houses and then into the bar. (Doc. 74-132) Williams thought that the man matched the description that he had got from Koesterling. (Doc. 74-133) The police then went into the bar and pulled Dodds' outside. Dodds, who is black, was wearing a black nylon jacket with a fur-lined hood. (Doc. 74-86) Officer Bradley Schlei was directed to go search

⁴ In the context the testimony was presented this "description" could have only come from the anonymous man in the red car

the area between the houses. (Doc. 74-152)

While Dodds was seated in the back of the squad car the police ran various computer checks and determined that another name, "Horace Wilson", was also "associated" with the suspect, Dodds. (Doc. 74-89) At about that point Schlei announced that he had found a pistol in the gangway between two houses. (Doc. 74-145; 153) The pistol was identified as a Taurus .38 special revolver. (Doc. 74-155)

Just then Watkins (the man who had driven Dawn Woods to work) came back onto the scene. He stopped and told the police what he had seen on his way to dropping Woods off at work. (Doc. 74-165) Watkins viewed Dodds but was not able to identify him as the man he saw with the gun. *Ibid.* In fact, Watkins later viewed a photo lineup and picked out someone other than Dodds as the man with the gun. (Doc. 74-169)

Police were able to lift a latent fingerprint off of the cylinder of the pistol. (Doc. 74-211) A fingerprint examiner testified that he compared the latent print from the weapon to a fingerprint card for Horace Wilson and concluded that the print on the weapon was from Dodds' right middle finger. (Doc. 74-228) The police were also able to collect biological material

from the weapon and this material was sent for DNA analysis. The DNA examiner testified that DNA from three individuals was found in the sample from the gun but none of it belonged to Dodds (or to Horace Wilson). (Doc. 75-260)

Dodds testified that he got to the Edge Sports Bar at about 8:30 p.m. on the night in question and did not leave the bar until he was escorted out by the police. (Doc. 75-281) According to Dodds, the police escorted seven to ten men in black coats out of the bar. ((Doc. 75-283; 284) Dodds denied that he ever possessed a firearm that night. (Doc. 75-284) Dodds also told the jury that while at the police station, "The tall officer, Officer Williams, put me in a choke hold, and Officer Anthony Knox starting punching me in my stomach and chest; and after so long I couldn't breathe, I went unconscious." (Doc. 75-287) The police claimed that they tussled with Dodds because Dodds would not provide a fingerprint. (Doc. 75-308)

Summary of the Argument

I. The district court abused its discretion in admitting evidence that the name "Horace Wilson" may have been used by Dodds.

Prior to trial Dodds moved the district court to exclude any reference to the fact that his birth-name is "Horace Wilson." Dodds argued that his use of two different names was wholly unrelated to any issue in the case and there was no evidence that Dodds used the two names in an effort to avoid detection. The district court ruled that the evidence of Dodds' "aliases" was admissible. At trial the government introduced evidence that the name "Horace Wilson" was "associated" with Brian Dodds; and, additionally, the government introduced a fingerprint card that was in the name of Horace Wilson.

As will be set forth in more detail below, the trial court may permit the government to introduce evidence of the defendant's alias- but *only* if it helps to establish the defendant's identity or is otherwise relevant to an issue in the case. Here, Dodds did not truly have an *alias*; rather, Dodds changed his name for a personal reason. He just did not formalize the name change in court, though. Dodds' decision to change his name was

not in any way part of an effort to avoid detection in this case. Thus, the district court abused its discretion in admitting the evidence. The error was not harmless because it suggested to the jury that Dodds' *was* attempting to avoid detection as a convicted felon in this case when that is not true.

II. The district court violated Dodds' sixth amendment right to confrontation by permitting the police to testify concerning the description of the shooter given to them by the anonymous man in the red car.

The one and only factual issue in this trial was whether or not Dodds was the man who witnesses saw brandishing the pistol at the intersection of 35th and Galena on the night in question. The district court permitted the government to introduce the testimony of an anonymous man in a red car who told police that the man with the gun was short and he was wearing a black hooded jacket with a fur-lined hood. This evidence was hearsay because the government obviously offered it for the truth of the matter asserted- in fact, the prosecutor even questioned the officer in a way to permit the witness to tell the jury that the defendant (Dodds) matched the description given by the man in the red car. Because the evidence was hearsay the confrontation clause is implicated. Additionally, the

hearsay was "testimonial" hearsay because the man in the car could have had no purpose in given the description to the police other than to prompt the police to arrest the man. In other words, the statements were made in contemplation of criminal litigation.

Argument

I. The district court abused its discretion in permitting the government to introduce evidence that Dodds' birth name is Horace Wilson.

Prior to trial Dodds moved the district court to exclude any reference to the fact that his birth-name is "Horace Wilson." Dodds argued that his use of two different names was wholly unrelated to any issue in the case and there was no evidence that Dodds used the two names in an effort to avoid detection. The district court ruled that the evidence of Dodds' "aliases" was admissible. At trial the government introduced evidence that the name "Horace Wilson" was "associated" with Brian Dodds; and, additionally, the government introduced a fingerprint card that was in the name of Horace Wilson.

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the government to introduce evidence of the defendant's alias- but *only* if it helps establish the defendant's identity or is otherwise relevant to an issue in the case. Here, Dodds did not truly have an *alias*; rather, Dodds changes his name for a personal reason. He just did not formalize the name change in court. Dodds' decision to change his name was not in any way part of an effort to avoid detection in this case. Thus, the district court abused its discretion in admitting the evidence. The error was not harmless because it suggested to the jury that Dodds' was attempting to avoid detection as a convicted felon in this case when that is not true.

A. Standard of Appellate Review

The appellate court reviews claims of reversible error in a trial court's decision to admit or exclude evidence only for abuse of discretion, and in so doing, the appellate court must give the trial judge deference. *Littlefield v. McGuffey*, 954 F.2d 1337, 1342 (7th Cir. 1992);

B. The evidence here was not truly an alias and it was not relevant to the identification of Dodds.

The government may introduce evidence of a defendant's alias where

the evidence "aids in the identification of the defendant or in some other way directly relates to the proof of the acts charged in the indictment." *United States v. Williams*, 739 F.2d 297, 299 (7th Cir. 1984); see *United States v. Clark*, 337 U.S. App. D.C. 278, 184 F.3d 858, 869 (D.C. Cir. 1999) .

Firstly, it must be emphasized that the name "Brian Dodds" is not truly an "alias" for the man named "Horace Wilson." The common meaning of the noun "alias" is, "1. a false name used to conceal one's identity; an assumed name." (www.dictionary.com) Here, there is no reason to believe that the appellant began using the name "Brian Dodds" in an effort to conceal his identity. Dodds gave a perfectly reasonable explanation for changing his name. Just as important, though, is the fact that Dodds had been using the name "Dodds" consistently for a substantial period prior to the night of his arrest in this case.

Secondly, Dodds' name was not an issue in the case. The police arrested him almost directly at the scene of the shooting. We know he was there. The issue was whether Dodds was the one who possessed the pistol. The situation would be totally different if, for example, an eyewitness had told police that he saw "Horace Wilson" shooting the pistol and, then,

when the police confronted the suspect he gave his name as "Brian Dodds."

For these reasons the district court abused its discretion in permitting the government to introduce evidence of the name "Horace Wilson".

C. The error was not harmless because it suggested bad character on the part of Dodds.

An error in admitting evidence does not warrant reversal if the error was harmless. However, the Seventh Circuit has explained:

Whenever the prosecution improperly introduces evidence relating to a defendant's bad character, there is always a danger that the evidence will cause the defendant undue prejudice. *Michelson v. United States*, 335 U.S. at 475-76. In this case, the detective's statement seems particularly prejudicial, since the defendant's only defense was that he did not know that the vehicles that he was transporting were stolen. It is quite possible that this would be viewed as an unlikely story when told by someone known to the police as "Fast Eddie." The testimony also was particularly prejudicial because no other evidence relating to the defendant's character, reputation, or criminal past was introduced at trial.

Williams, supra, 739 F.2d at 300

The situation here is practically identical. The main issue in this case is was not the identification of Dodds. We know Dodds was at the

Edge Sports Bar- the police arrested him there. The issue in the case was whether Dodds was the one who possessed the firearm in question. Thus, if Dodds were to have given the police an alias on the night of his arrest the jury might have drawn the inference that Dodds was attempting to prevent the police from discovering that he was a convicted felon (i.e. the evidence shows consciousness of guilt concerning the possession of the firearm). This is especially true given the manner in which the evidence was presented. The government, through a police officer who was at the scene, presented evidence that "Horace Wilson" was a name "associated" with Brian Dodds. Thereafter, the government introduced evidence that Dodds had been convicted of a felony in Chicago under the name of Horace Wilson⁵. A fair inference from such evidence might be that Dodds did not want the police to know that he was a convicted felon. This inference, though, is inaccurate. Therefore, the error is not harmless.

⁵ This, despite the fact that Dodds offered at the final pretrial to stipulate that he was a convicted felon and that he was not permitted to possess a firearm

II. The district court violated Dodds' sixth amendment right to confrontation when it allowed testimony concerning the description of the shooter given by the anonymous man in a red car.

The one and only factual issue in this trial was whether or not Dodds was the man who witnesses saw brandishing the pistol at the intersection of 35th and Galena on the night in question. The district court permitted the government to introduce the testimony of an anonymous man in a red car who told police that the man with the gun was short and he was wearing a black hooded jacket with a fur-lined hood. This evidence was hearsay because the government obviously offered it for the truth of the matter asserted- in fact, the prosecutor even questioned the officer in a way to permit the witness to tell the jury that the defendant (Dodds) matched the description given by the man in the red car. Because the evidence was hearsay the confrontation clause is implicated. Additionally, the hearsay was "testimonial" hearsay because the man in the car could have had no purpose in given the description to the police other than to prompt the police to arrest the man. In other words, the statements were made in contemplation of criminal litigation.

A. Standard of review

The Court of Appeals reviews *de novo* the question whether an evidentiary ruling infringed upon a defendant's constitutional rights. *see, e.g., United States v. Carter*, 410 F.3d 942, 951 (7th Cir. 2005); *see also United States v. Bajakajian*, 524 U.S. 321, 337 n.10, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998) Any findings of fact or credibility determinations, however, are reviewed for clear error. *United States v. Walker*, 272 F.3d 407, 412 (7th Cir. 2001).

Here, the testimony that was allowed is a matter of record. No credibility determination is involved. Therefore, whether the admission of that testimony violated Dodds' Sixth Amendment rights is reviewed on appeal without any deference to the ruling of the District Court.

B. The testimony concerning the description given by the anonymous man in the red car is plainly testimonial hearsay and is prohibited by the confrontation clause.

In, *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004), the United States Supreme Court held that the Sixth Amendment's Confrontation Clause bars the admission of testimonial hearsay statements in a criminal trial unless the declarant is unavailable and the de-

pendant had a prior opportunity for cross-examination. 541 U.S. at 68; While *Crawford* did not firmly define the word "testimonial" for every situation, see 541 U.S. at 68, examples and other guidance from the Supreme Court indicate that the term pertains to statements that a declarant makes in anticipation of or with an eye toward a criminal prosecution. See *Davis v. Washington*, 126 S. Ct. 2266, 2273, 2276, 2279, 165 L. Ed. 2d 224 (2006).

Here, Officer Koestering testified that when the police initially arrived at the intersection of 37th and Galena they saw nothing to suggest that shots had been fired. After a moment, though, an anonymous man in a red car pulled up and told Koestering that at 35th and Galena there was a man brandishing a pistol. The man in the red car gave Koestering a description of the man with the gun. Dodds objected and the court initially sustained the objection; however, then the court permitted the following testimony:

Q And what were you looking for at that intersection?

A A description that we were given.

Q And, for the record, what was that description?

MR. JENSEN: Same objection; hearsay and confrontation.

THE COURT: Overruled.

THE WITNESS: Black male wearing a black jacket and I

believe it was a black knit hat.

(Doc. 74-83).

The first issue, of course, is whether the testimony of Koesterling implicates the Confrontation Clause. The Confrontation Clause is not implicated if the evidence is not offered for the truth of the matter asserted, *see, e.g., Martinez v. McCaughtry*, 951 F.2d 130 (7th Cir. 1991); or if the hearsay statement is not "testimonial" under *Crawford*.

This, of course, is exactly what the government argued- that the evidence was only being offered to show what the police did next (i.e. they went into the bar and pulled out a black male in a black jacket with a fur-lined hood). However, the prosecutor's own remarks to the court make it clear that the argument was merely a pretext.⁶ Not long after the description was allowed into the record the prosecutor then asked, "What did you do upon arrival when you saw *this individual matching the defendant's de-*

⁶ In fact, the prosecutor *first* argued that the testimony was an excited utterance which is an implicit admission that the government sought to introduce the evidence for the truth of the matter asserted. That is, the testimony is hearsay but it falls under an exception to the hearsay rule. Only when the court did not seem receptive to that argument did the prosecutor switch to the argument that the evidence was not being offered for the truth of the matter asserted. *See* Doc. 74-79, 80

scription going into the 9 Edge Sports Bar? What did you do?" (Doc. 74-86) Obviously, the government wanted this evidence in the record so that it could put the pistol in the hands of a man who "matched the defendant's description." Plainly, then, the confrontation clause is implicated because the evidence was offered for the truth of the matter asserted.

Just as clear is the fact that the statements of the declarant- that is, the description of the man with the pistol that was provided by the anonymous man in the red car- is testimonial hearsay. In *Crawford*, the Supreme Court explained that, at a minimum, testimony hearsay includes statements that a declarant makes in anticipation of or with an eye toward a criminal prosecution. *See Davis*, 126 S. Ct. 2266 at 2273 What purpose could the man in the red car have had in speaking to the police if not to prompt the officers to go and arrest the man? If the man is arrested there certainly will be criminal litigation. Again, it is obvious that the hearsay in question was testimonial.

Thus, it was constitutional error for the district court to allow the testimony.

C. The error was not harmless

In *Arizona v. Fulminante*, 499 U.S. 279, 113 L. Ed. 2d 302, 111 S. Ct. 1246 (1991), the Supreme Court held that.

Since this Court's landmark decision in *Chapman v. California*, 386 U.S. 18, 17 L. Ed. 2d 705, 87 S. Ct. 824 (1967), in which we adopted the general rule that a constitutional error does not automatically require reversal of a conviction, the Court has applied harmless error analysis to a wide range of errors and has recognized that most constitutional errors can be harmless. . . . In applying harmless-error analysis . . . the Court has been faithful to the belief that the harmless-error doctrine is essential to preserve the 'principle that the central purpose of a criminal trial is to decide the factual question of the defendant's guilt or innocence, and promotes public respect for the criminal process by focussing on the underlying fairness of the trial rather than on the virtually inevitable presence of immaterial error.'

111 S. Ct. at 1263-64 (citations omitted) (emphasis added). "[I]t is the duty of a reviewing court to consider the trial record as a whole and to ignore errors that are harmless, including most constitutional violations." *United States v. Hasting*, 461 U.S. 499, 508-09, 103 S. Ct. 1974, 1980, 76 L. Ed. 2d 96 (1983) (emphasis added) (citations omitted). In applying harmless error analysis the reviewing court must decide whether the evidence presented

at trial was "overwhelming." See *United States ex rel. Savory v. Lane*, 832 F.2d 1011, 1020 (7th Cir. 1987) ("Typically we require other evidence of guilt to be 'overwhelming' before concluding a constitutional error is harmless.").

Certainly the government will argue that the admission of this evidence was harmless because Dawn Woods, who did testify at trial and was subject to cross-examination, also identified Dodds as the man who was in the street with the pistol. Nonetheless, one cannot conclude that the evidence of Dodds being the man with the gun was "overwhelming."

The over-arching concern here is that putting the pistol in Dodds' possession was the one and only material issue of fact in the trial. The government's evidence on this issue was hardly overwhelming. Firstly, Jerry Watkins was *not* able to testify that Dodds was the one he saw that night with the pistol. Secondly, Dodds testified that he did possess a pistol that night. Thirdly, although police did identify Dodds' fingerprint on the cylinder of the pistol, DNA was also collected and none of it belonged to Dodds. Thus, the hearsay evidence aside, the evidence of identification is hardly overwhelming.

There is a likelihood that the hearsay testimony of the man in the red

car was just the sort of corroboration that the jury needed to accept Woods' identification beyond a reasonable doubt.

For these reasons the error in admitting the hearsay testimony of the man in the red car was not harmless.

Conclusion

It is respectfully requested that the Court of Appeals reverse Dodds' conviction and remand the matter for a new trial.

Certification as to Form and Length

The undersigned hereby certifies that this brief meets the length and format requirements of Fed. R. App. P. 32(a)(7). A fourteen point "Book Antiqua" font was used with justification and automatic hyphenation. The length of the brief is 4,418 words not counting the table of authority and table of contents. The word count was determined using the word count function of the word processing software *OpenOffice*.

Circuit Rule 31(e) Statement

An electronic copy of this brief consisting of digital media has been uploaded to the Seventh Circuit Court of Appeals Legal Brief System. I certify that the file does not contain a computer virus. I additionally certify that, pursuant to Circuit Rule 31(e)(4), a digital copy of the brief has been served upon each party individually represented by counsel.

Circuit Rule 30(d) Statement

All materials required by Circuit Rule 30(a) and (b) are included in the attached appendix.

Certificate of Non-Availability of Appendix Materials in Digital Format

None of the materials contained in the appendix are available in digital format and, therefore, have not included in the digital copy of the brief.

Certificate of Service

Fifteen copies of this brief are being served and filed at the Clerk of Court Office, United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Chicago, Illinois on _____ by placing the same in the United States Mail. Two copies of this brief are being served on the

United States Attorney's Office, 517 E. Wisconsin Ave., Room 530, Milwaukee, Wisconsin on _____ by placing the same in the United States Mail.

Dated at Milwaukee, Wisconsin, this _____ day of July, 2008:

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Docket No. 08-2458

United States Court of Appeals
For the Seventh Circuit

United States of America,

Plaintiff-Appellee,

v.

Brian Dodds .

Defendants-Appellant.

Short Appendix of the Appellant, Brian Dodds

- A. Excerpt of testimony by Koesterling concerning the description given to him by the man in the red car
- B. Judgment in Criminal Case
- C. Docket Entries