

1 (Defendants are present together with
2 counsel.)

3 (Jury enters the room at 11:06 a.m.)

4 COURT OFFICER: May I swear in the
5 jury?

6 THE COURT: Yes.

7 COURT OFFICER: Please rise and raise
8 your right hand.

9 (The jurors have been sworn.)

10 COURT OFFICER: Your Honor, the jury
11 has been sworn. May I arraign the defendants?

12 THE COURT: Yes.

13 COURT OFFICER: Will the defendant's
14 please rise. Raise your right hands.

15 | - - - |

16 GREGORY SPECTOR AND LONNIE SPECTOR,
17 having been first duly sworn, were examined and
18 testified as follows:

19 | - - - |

20 COURT OFFICER: On Common Pleas
21 Docket -- we're going to Lonnie Spector first --
22 0012821-2013, charging the defendant with robbery,
23 how are you pleading, Lonnie Spector? Guilty or not
24 guilty?

25 THE WITNESS: Not guilty.

1 COURT OFFICER: On the same docket
2 number, aggravated assault, how are you pleading?
3 Guilty or not guilty?

4 THE WITNESS: Not guilty.

5 COURT OFFICER: On the same docket,
6 conspiracy, how are you pleading? Guilty or not
7 guilty?

8 THE WITNESS: Not guilty.

9 COURT OFFICER: On possession of
10 instrument of crime, how are you pleading? Guilty
11 or not guilty?

12 THE WITNESS: Not guilty.

13 COURT OFFICER: Simple assault, how
14 are you pleading? Guilty or not guilty.

15 THE WITNESS: Not guilty.

16 COURT OFFICER: Criminal attempt
17 murder, how are you pleading? Guilty or not guilty?

18 THE WITNESS: Not guilty.

19 COURT OFFICER: On the same docket
20 number, charging you with criminal attempt theft by
21 unlawful taking, how do you plead? Guilty or not
22 guilty?

23 THE WITNESS: Not guilty.

24 COURT OFFICER: On the same docket
25 number, criminal attempt, receiving stolen property,

1 how are you pleading? Guilty or not guilty?

2 THE WITNESS: Not guilty.

3 COURT OFFICER: Your Honor --

4 Mr. Spector, by pleading not guilty, how would you
5 like to be tried? By judge or by jury?

6 THE COURT: Jury.

7 COURT OFFICER: Now, we're going to
8 Gregory Spector. On CP Number 0012822-2013,
9 charging you with criminal attempt murder, how are
10 you pleading?

11 THE WITNESS: Not guilty.

12 COURT OFFICER: On the same docket
13 number, charging you with aggravated assault, how
14 are you pleading? Guilty or not guilty?

15 THE WITNESS: Not guilty.

16 COURT OFFICER: On conspiracy, how
17 are you pleading? Guilty or not guilty?

18 THE WITNESS: Not guilty.

19 COURT OFFICER: Possession of
20 instrument of crime, how are you pleading? Guilty
21 or not guilty?

22 THE WITNESS: Not guilty.

23 COURT OFFICER: Simple assault?

24 THE WITNESS: Not guilty.

25 COURT OFFICER: Recklessly

1 endangering another person?

2 THE WITNESS: Not guilty.

3 COURT OFFICER: Robbery inflicting
4 serious bodily injury, how are you pleading? Guilty
5 or not guilty?

6 THE WITNESS: Not guilty.

7 COURT OFFICER: Criminal attempt,
8 theft by unlawful taking, how are you pleading?

9 THE WITNESS: Not guilty.

10 COURT OFFICER: Criminal attempt,
11 receiving stolen property, how are you pleading?
12 Guilty or not guilty?

13 THE WITNESS: Not guilty.

14 COURT OFFICER: Having plead not
15 guilty, how do you wish to be tried? By jury or by
16 judge?

17 THE WITNESS: Jury.

18 COURT OFFICER: Your Honor, the
19 defendant has pleaded not guilty and wishes to be
20 tried by jury.

21 THE COURT: Very well.

22 Good morning, ladies and gentlemen,
23 welcome all of you once again. All of you have now
24 been selected to be members of this jury. This
25 means that the Court, the Commonwealth, and the

1 defendants have all been concluded that every one of
2 you will be a fair and impartial juror in this case,
3 and that certainly is attributed to all of you.

4 You're about to perform one of the
5 most important duties of citizenship. You're going
6 to decide whether fellow citizens, the defendants,
7 are guilty of the crimes charged against them by the
8 Commonwealth of Pennsylvania represented by the
9 District Attorney's Office.

10 The services that you render as
11 jurors in this case are as important as the
12 administration to justice as those rendered by
13 myself and by counsel.

14 Please pay close attention to
15 everything that is said and done in this courtroom,
16 so that you can perform your duties well.

17 I'm going to describe in a general
18 way what will take place during the trial.

19 First, the District Attorney will
20 make an opening statement in which she will outline
21 the Commonwealth's case against the defendants.

22 Defense counsel may chose to make an
23 opening statement, outlining the defense either
24 immediately following the Assistant District
25 Attorney's opening or later in the trial.

1 Second, the Assistant District
2 Attorney will present evidence. She will call
3 witnesses to testify and may offer exhibits such as
4 documents or physical objects.

5 The defense has the right to
6 cross-examine witnesses called by the Assistant
7 District Attorney in order to test the truthfulness
8 and accuracy of their testimony.

9 After the Assistant District Attorney
10 has presented the Commonwealth's case, defense
11 counsel may or may not present evidence for the
12 defendants.

13 As I told you before, the defendants
14 have no obligation to offer testimony or to offer
15 evidence.

16 Under the law, every defendant is
17 presumed to be innocent and has the right to remain
18 silent.

19 The burden is on the Commonwealth
20 represented by the Assistant District Attorney to
21 prove the defendants guilty beyond a reasonable
22 doubt.

23 The Assistant District Attorney may,
24 of course, cross-examine any witnesses called by the
25 defense.

1 After all of the evidence has been
2 presented, counsel for each side will then have the
3 opportunity to make their closing arguments to you.

4 I will then give you my final
5 instructions on the rules of law that apply to this
6 case and whatever additional guidance that I think
7 you may need for you deliberations.

8 You will then retire to the jury room
9 to deliberate and to decide what your verdict will
10 be.

11 As I stated earlier, it is my
12 responsibility to decide all questions of law during
13 the trial.

14 You must follow my rulings and
15 instructions on matters of law whether or not you
16 agree with them.

17 I'm likely to give other instructions
18 during the trial in addition to my preliminary
19 instructions and my final charge.

20 All of my instructions constitute the
21 law that you must follow.

22 I am not, however, the judge of the
23 facts. It is not for me to decide what the facts
24 are concerning the charges against the defendants.

25 You, the jurors, are the sole judges

1 of the facts. It will be your responsibility at the
2 end of the trial when you deliberate to evaluate the
3 evidence and from that evidence you determine the
4 facts.

5 You'll apply the rules of law that I
6 give you to the facts as you find them, to decide
7 whether the defendants have been proven guilty
8 beyond a reasonable doubt.

9 In order to decide the facts of this
10 case, you're going to have to judge the credibility
11 and weight of the testimony and other evidence.

12 By "credibility," I mean the
13 truthfulness or accuracy of what is being said or
14 shown to you.

15 By "weight," I mean the value or
16 importance that you give the testimony or evidence.

17 When you judge the credibility and
18 weight of the witness's testimony or in evidence
19 being presented, use your understanding of human
20 nature and your common sense.

21 Observe each witness as he or she
22 testifies. Be alert for anything in the witness's
23 testimony or behavior or for anything in the other
24 evidence that might help you judge the truthfulness,
25 accuracy, or weight of the testimony.

1 Each of you must keep an open mind
2 throughout the trial. You should avoid forming
3 opinions about the guilt or innocence of the
4 defendants or about any of the disputed questions
5 until the trial is over and you begin your
6 deliberations.

7 Do not talk to each other about the
8 evidence or any other matter relating to whether the
9 defendants have been proven guilty until I send you
10 back to the jury room to deliberate on your verdict.
11 Only then will you know enough about the evidence
12 and the law to discuss the case intelligently and
13 fairly.

14 Of course, you should not talk with
15 anyone else about the case including your family
16 members, people at home, your friends, until the
17 trial is completely over and I discharge you.

18 There are some people with whom you
19 must avoid even casual conversation, even if those
20 conversations have nothing to do with the case.

21 These people are the defense counsel
22 for both sides, the witnesses, and myself. So
23 please don't feel hurt or insulted. Please don't
24 take it personally. If during recess or at any
25 other time counsel or I see you in the hallway or in

1 the elevator and we do not return your greeting, we
2 simply are not permitted to do so.

3 You, as jurors, must decide this case
4 based solely on the evidence presented here within
5 the four walls of this courtroom. This means that
6 during the trial, you must not conduct any
7 independent research about this case, on matters in
8 this case, and the individuals or corporations
9 involved in this case.

10 In other words, you should not
11 consult dictionaries, reference materials, search
12 the Internet, website, blog or use any other
13 electronic tools to obtain information about this
14 case or to help you decide the case. Please do not
15 try to find out information from any source outside
16 of the confines of this courtroom.

17 Until you retire to deliberate, you
18 may not discuss this case with anyone, even your
19 fellow jurors.

20 After you retire to deliberate, you
21 may begin discussing the case with your fellow
22 jurors, but you cannot discuss the case with anyone
23 else until you had returned a verdict and the case
24 is at an end.

25 I know that many of you, if not, most

1 of you, use cell phones, Blackberrys, Internet and
2 other tools of technology. You also must not talk
3 to anyone at any time about this case or use these
4 tools to communicate electronically with anyone
5 about this case.

6 This includes your family and
7 friends. You may not communicate with anyone about
8 the case on your cell phone, through e-mail,
9 BlackBerry, text messaging, Twitter or any blog,
10 website including Facebook, Google Plus, MySpace,
11 LinkedIn or YouTube. You may not use any similar
12 technology of social media, even if I have not,
13 specifically, mentioned it here.

14 I expect you will inform me as soon
15 as you can if you become aware of any — of another
16 juror's violation of these instructions.

17 Statements made by counsel are not
18 evidence. The questions that counsel puts to the
19 witness are not evidence. It is the answers to the
20 those questions by the witnesses that provide the
21 evidence for you.

22 You should not speculate or guess
23 that a fact may be true merely because once of the
24 lawyers asked a question which assumes or suggests
25 that a fact is true.

1 Sometimes there will be objections to
2 the questions that are asked by counsel. If I
3 overrule the question, you may consider the answer.
4 If, however, I sustain the objection to the
5 question, that means that I will not allow the
6 answer to be given, and if one is already been
7 given, I will most likely direct you to disregard it
8 and you must do so.

9 It is possible that I might question
10 some of the witnesses myself. The questions are not
11 intended and will not reflect any opinion on my part
12 about the evidence or about the case. My only
13 purpose will be to inquire about matters or more
14 fully explore or clarify for you.

15 At different points during the trial,
16 counsel and I may need to deal with certain matters
17 outside of your hearing. We may be dealing with
18 questions regarding admissibility of evidence or
19 arguments regarding legal issues that under the law
20 must be addressed among counsel with the judge,
21 without the jury.

22 Please don't concern yourself about
23 that. We will do it as little as we can and only
24 when required by law. If one of these matters comes
25 up, counsel and I may discuss it on the other side

1 of the bench or by briefly stepping out of the room.

2 If a discussion needs to be more
3 involved, we may send you back into the jury
4 deliberation room so that you can be more
5 comfortable and have the opportunity to walk around.

6 Because of the length of this trial,
7 as I explained during the selection process, we
8 estimated it will take all of this week, you will be
9 allowed to take notes. When you deliberate, you
10 will be allowed to take your notebooks with you.
11 You will not be able to take notes until after the
12 opening statements, so don't start looking around
13 for the booklets now. The clerk will give them to
14 you when you're able to take those notes.

15 Scheduling. We'll start around 10
16 o'clock. As you can see, it's a busy courtroom.
17 We'll try to get started as soon as we can. The
18 sooner we start, the sooner we can finish. We'll go
19 about, I'll say two, two and a half hours, depending
20 on the flow of the testimony. We'll take lunch for
21 about an hour, come back, go for two hours, maybe
22 take another break.

23 I anticipate closing each day about
24 4:00, at maximin 4:30, but probably more like 4:00
25 every day, unless there's some reason that it needs

1 to go a little bit longer.

2 But keeping in mind that the timing
3 of the trial is not an exact science. But
4 approximate 10:00, 10:30 to 4:00 is the schedule
5 that I envision.

6 Please remember to wear your juror
7 badges in a conspicuous place at all times during
8 the course of the trial and while you're either in
9 the courtroom or courthouse. It will allow you to
10 bypass the long lines in the lobby in the morning.

11 One other thing, if you do need a
12 comfort break, you can so indicate and the clerk can
13 come over and you can take a break. This isn't a
14 torture session. So if you need to take a break,
15 just signal and we'll allow a comfort break.

16 Now, counsel making opening
17 statements telling you what they expect to prove at
18 trial. Opening statements, as with any statements
19 made by counsel, do not constitute evidence and
20 you're not to consider these opening statements as
21 established facts.

22 The only purpose of the opening
23 statement is to give you a general outline of what
24 the case is about so that you will have a better
25 understanding of how each piece fits together

1 subject, of course, to your evaluation of the
2 evidence as to the credibility, accuracy and the
3 weight to be given to evidence.

4 You're not to conclude that counsel
5 will necessarily be able to prove what they say they
6 expect to prove in the opening, nor that the
7 courtroom necessarily permits such evidence to be
8 introduced.

9 All right. Counsel for the
10 Commonwealth. Are you ready?

11 MS. HEARD: Yes. Thank you, Your
12 Honor.

13 THE COURT: You may proceed.

14 MS. HEARD: Good morning, Counsel.

15 Ladies and gentlemen of the jury,
16 good morning.

17 On July 21st of 2013, Sardor
18 Bolyaganov was 21 years old. Sardor came here from
19 Uzbekistan when he was 19 years old. He came to
20 Philadelphia as a "study-abroad experience," as you
21 will. He was attending a university in his home
22 country and he was studying finance, and he came to
23 the United States to study and to have a new
24 experience. Philadelphia. He came here.

25 He met a young lady named Olena

1 Sirko. He fell in love with Olena. They got
2 married, and they moved into Olena's parent's house,
3 which is where Olena lived. They lived in the
4 basement in a neighborhood called Bustleton in the
5 Northeast Section of Philadelphia.

6 So Philadelphia, it had significance
7 to Mr. Bolyaganov. And Philadelphia, also, is where
8 his life changed forever. His life changed at the
9 hands of these two people, Gregory Spector and
10 Lonnie Spector.

11 Because on July 21st of 2013,
12 Mr. Gregory Spector pulled out a firearm and shot
13 Mr. Bolyaganov in the back, causing immediate
14 paralysis. His life, at that point, changed
15 forever, over a cell phone, mind you.

16 Now, going back a little bit.
17 Earlier on Sunday, July 21st of 2013, Mr. Gregory
18 Spector had responded to an add on Craig's List that
19 Mr. Bolyaganov had placed about a month prior.

20 This add was for a sale of a Samsung
21 Galaxy 3 cell phone.

22 Mr. Bolyaganov had purchased this
23 phone a few months prior from a guy in a gas
24 station. And the phone did not work for
25 Mr. Bolyaganov because the SIM card required was too

1 small. His SIM card was too big for it. It didn't
2 fit.

3 So it sat in his house for a while,
4 and he decided to put it on Craig's list in June of
5 2013 to try to sell it.

6 Well, on Sunday, July 21, 2013,
7 Gregory Spector responded to that add for that cell
8 phone.

9 Mr. Bolyaganov and Gregory Spector
10 worked out all the particulars. Mr. Bolyaganov was
11 selling the phone for \$300. They had decided,
12 Mr. Spector and Mr. Bolyaganov, that this phone
13 would be sold for \$290. They were going to meet at
14 Ferndale and Kentwood Streets.

15 At that point, Mr. Bolyaganov was
16 going to provide the phone, and Mr. Spector was
17 going to provide the money -- Mr. Gregory Spector.

18 They did, in fact, meet on that
19 Sunday at around 3:00 or so. The money was
20 exchanged.

21 Mr. Spector had Mr. Bolyaganov's
22 information. He knew his name, he knew where he
23 lived, and he had his cell phone number.

24 They both went about their day as
25 normal.

1 Mr. Gregory Spector attempted to get
2 that cell phone activated at AT&T. Once he got the
3 cell phone, he realized that the phone kept cutting
4 off. Bewildered, he contacted AT&T and AT&T
5 informed him that the phone was, in fact, stolen.

6 So Mr. Spector got on the phone,
7 contacted Mr. Bolyaganov and said, listen, you sold
8 me a stolen cell phone. Can I get my money back?
9 The phone doesn't work.

10 Mr. Bolyaganov had been running
11 errands at that point and had used 90 of the
12 dollars. So he had \$200 in cash on him.

13 Mr. Bolyaganov asked Mr. Spector, is
14 this okay? Like, I only have \$200. Can I meet you
15 at the same place and can I give you the money. And
16 Mr. Gregory Spector agreed. He agreed to meet
17 Mr. Bolyaganov to get back that \$200 and then
18 Mr. Bolyaganov would take back the phone.

19 So this is what happened. They were
20 going to meet later on that night at the same place,
21 at Ferndale and Kentwood Streets, but Mr. Spector,
22 Mr. Gregory Spector, he had other plans. It wasn't
23 going to go quite down that way, in Mr. Spector's
24 eyes.

25 See, what he decided to do is he

1 decided to bring his father, Lonnie Spector, with
2 him to meet Mr. Bolyaganov. They came from Bucks
3 County. They drove in together and Mr. Gregory
4 Spector called 911.

5 He called 911 and said, listen,
6 here's the deal. I met this Russian kid. I bought
7 a cell phone from him and the cell phone doesn't
8 work. It's stolen. He's supposed to meet me at
9 Ferndale and Kentwood Streets. Now, I have my dad
10 here. I want my \$200, but I don't want him getting
11 back the phone because it's stolen. Can you meet
12 me? The police said, sure, we'll meet. You stay
13 right there. Don't go anywhere.

14 At this point, Mr. Gregory Spector
15 and Mr. Lonnie Spector stayed at a parking lot at
16 Bustleton and Verree, waiting for the police. They
17 got there together and they were both armed with
18 loaded firearms.

19 So about 20 minutes past, the police
20 hadn't come to Bustleton and Verree yet. So
21 Mr. Gregory Spector got on the phone again with 911,
22 and said, hey, listen, I'm here. I got the stolen
23 cell phone. I'm trying to meet the guy, et cetera,
24 et cetera.

25 The police said, listen, hold on.

1 Okay. Somebody will be out there shortly.

2 Another 15 minutes past. The police
3 still have not come. So Mr. Spector gets on the
4 phone with them again and says, listen, I called
5 this guy. Mr. Bolyaganov said he's getting ready to
6 leave. He's there. He's waiting for me. I need
7 the police to come. I need the police to come so I
8 can give them -- so they can be there when we do
9 this, because I don't want him to get the phone
10 back.

11 The police said, we'll be there in
12 five minutes. Gregory Spector said, I won't.

13 It was his intention at that point to
14 leave and not do what the police told him to do.

15 Now, in the meantime, Sardor
16 Bolyaganov arrived at Ferndale and Kentwood Streets
17 with his wife. This is only a block away from where
18 they live. He arrived there. He sat in the dark
19 with the cash and waited for Gregory Spector for
20 over 40 minutes. He waited.

21 And he called Mr. Spector and said,
22 where are you? I'm here. Where are you?

23 Mr. Spector is giving him excuse
24 after excuse as to why he isn't there. Trying to
25 stall.

1 And at one point, Mr. Bolyaganov
2 said, You know what? I'm leaving. I can't wait
3 anymore. And so Mr. Bolyaganov called Mr. Gregory
4 Spector and told him this. And Mr. Gregory Spector
5 said, listen, no, no, no. I'm coming. I'm on my
6 way.

7 So Mr. Bolyaganov drove around,
8 waiting for Mr. Gregory Spector.

9 Now, when Mr. Gregory Spector and
10 Mr. Bolyaganov first encountered each other, Gregory
11 Spector pulled up in a Subaru with his wife. That's
12 the circumstances in which the cell phone was sold.

13 This time around, later on that
14 evening, at around 9:45 or so, Gregory Spector
15 showed up with his father in a Chrysler 300. In a
16 completely different car.

17 Mr. Bolyaganov, however, recognized
18 Mr. Spector from their earlier meeting. So
19 Mr. Bolyaganov got out of the car, went over to
20 Mr. Spector, who was seated in the passenger seat of
21 the car, by the way, and they exchanged money.
22 Mr. Bolyaganov gave him \$200 in cash.

23 But then Gregory Spector told him,
24 you're not getting the phone back.

25 Mr. Bolyaganov was confused and

1 bewildered, because that was not planned. That's
2 not what was worked out.

3 And it's at that point, that Lonnie
4 Spector got out of the car and started going
5 belligerent at Mr. Bolyaganov. He said, We're
6 undercover police officers. You're going to give us
7 the money. You're not getting this phone back until
8 we get all this money, et cetera, et cetera.

9 This is not what was worked out.
10 This was not the plan. But see, these two people
11 were going to get that money back any way that they
12 could. And that's what they did.

13 So things escalated even further,
14 because Mr. Lonnie Spector, at this point, gets into
15 Sardor Bolyaganov's face. And then when he gets in
16 his face, Mr. Lonnie Spector grabs Mr. Bolyaganov.
17 He grabs him. He touches him. He puts physical
18 contact on him. And at this point, a fight happens.

19 Sardor Bolyaganov, 21 years old at
20 the time, punched Mr. Lonnie Spector in the face.
21 When he punched Mr. Lonnie Spector in the face, they
22 both ended up on the ground. Mr. Lonnie Spector
23 went head first. Sardor Bolyaganov landed on top of
24 him.

25 Seeing this, Gregory Spector jumped

1 on Sardor Bolyaganov. As they were fighting,
2 Mr. Bolyaganov was able to get Gregory Spector off
3 of him. He was able to do a shoulder maneuver, and,
4 basically, gets Gregory Spector off of him.

5 At that point, Lonnie Spector gets up
6 off the ground. Sardor Bolyaganov gets up off of
7 the ground. And Sardor holds Lonnie Spector against
8 their car, trying to subdue him, trying to calm him
9 down. Like, what is going on here? This is over a
10 cell phone. What's happening?

11 It's at that point that Gregory
12 Spector pulls out a firearm that he has on him, and
13 without uttering a word, pulls that trigger and
14 shoots twice, hitting Sardor Bolyaganov in the back.

15 Olena Sirko, Mr. Bolyaganov's
16 then-wife, was there. She witnessed this. She
17 observed this.

18 At that particular moment in time,
19 that young man's life changed forever. And it
20 changed at their hands.

21 Because see, this was not about a
22 cell phone, ladies and gentlemen. This was not
23 about a cell phone. Everything that they expected
24 to happen that day -- nothing happened the way that
25 Gregory Spector intended to happen. That's what

1 we're here for. We're here for a bruised ego.
2 That's what we're here for. A young man is shot and
3 almost lost his life over a bruised ego, because he
4 didn't get what he wanted when he wanted it.

5 He got a cell phone that was stolen;
6 he didn't get all his money back, because he was
7 only getting 200, not 290; the police didn't get
8 there when he wanted them to get there, so he took
9 matters into his own hands; and number four, when
10 you thought that you were going to get there -- two
11 on one, 300 pound man, on a teenager, essentially --
12 the kid had a little bit of fight in him. And quite
13 frankly, you got your butt beat. And so you're mad.
14 You're angry.

15 And that's why we're here, ladies and
16 gentleman. We're here out of their anger and their
17 ego. Make no mistake about it.

18 Now, during the course of this
19 trial -- or during the course of you being here --
20 you've heard that these men are faced with various
21 charges. They're faced with attempted murder.
22 They're faced with robbery, conspiracy, aggravated
23 assault and related charges.

24 I want to make it very clear. During
25 the course of this trial, you're going to hear

1 evidence from the Commonwealth. You're going to
2 hear from Olena Sirko, Mr. Bolyaganov's then-wife.
3 You're going to hear from Mr. Bolyaganov himself.
4 You're going to hear from the responding police
5 officers, Timothy Taylor and Ernest Green. And
6 you're going to hear from one of the doctors that
7 treated Mr. Bolyaganov, Dr. Richard Lopez. You're
8 going to hear all this evidence. You're going to
9 see the evidence. You're going to see why, in fact,
10 you're here today.

11 Everything that you're going to need
12 is going to come from the Commonwealth, because we
13 do have the burden of proof.

14 Now, I do ask you to give these
15 gentleman a fair trial, because they are presumed
16 innocent until proven guilty; however, upon review
17 of the evidence and upon listening to the witness'
18 testimony, you will find these defendant's guilty as
19 charge.

20 Thank you.

21 THE COURT: Before we proceed to the
22 defense, I just want to make sure that all fact
23 witnesses are sequestered. Anyone that is going to
24 testify in this case must step out. Anybody in this
25 room that's going to testify in this case, you must

1 step out at this time.

2 We will proceed with defense.

3 MR. McGOVERN: Your Honor, may I?

4 THE COURT: Yes.

5 MR. McGOVERN: May it please the
6 Court, Counsel, opposing counsel. Good morning,
7 ladies and gentlemen of the jury. My name is Mike
8 McGovern, and I represent Gregory Spector.

9 As you know there's two defendants
10 here. Mr. Mark Feinman represents Lonnie Spector,
11 my client's father.

12 First of all, I want to thank you for
13 your jury service in advance. Many people don't
14 fully appreciate that jury service is defined as the
15 second most important service that a citizen can
16 render his country.

17 The first being, serving your country
18 as a soldier during wartime; second, serving on a
19 jury.

20 The second thing I'd like to point
21 out is, one of the most important parts of the trial
22 began before we addressed you, and that is, you
23 rendered -- that you took an oath to render a
24 verdict according to the evidence, so help you God.
25 And I submit to you that at the end of this case, we

1 will remind you of that. And I expect that upon
2 reviewing all the facts in this case -- not passion,
3 not emotions, not bias, not sympathy -- the facts;
4 that you will render the proper verdict in this case
5 and that is to find my client not guilty of all
6 charges.

7 You know, when we all grew up, we
8 always heard, there's two sides to every story.
9 Sometimes there are three sides; sometimes there are
10 four sides, but at least two sides. And this
11 particular case -- this case involved a beautiful
12 Sunday, July 21, 2013.

13 My client, at that time, was a
14 21-year-old man, married to his wife Ashley, had a
15 one-and-a-half-year-old daughter named Kylie, and
16 his wife Ashley was six-and-a-half-months pregnant
17 with a second daughter who has since been born, who
18 is now today about one and a half. That's Lilianna.

19 You'll hear that my client had never
20 been arrested in his life. His father and he worked
21 together; had never been arrested in his life.

22 These two men worked together at a
23 family business called Mr. Contractor. That has
24 been in business for four generations since 1949.
25 Respectful business, peaceful, law-abiding citizens.

1 On July 21, 2013, when Mr. Gregory
2 Spector woke up with his wife and little child -- he
3 had always had a peaceful life and then that day is
4 when he encountered Sardor Bolyaganov.

5 This case -- don't get me wrong -- is
6 a tragedy on many levels. It is extremely sad.

7 It would be ridiculous for me to
8 attempt to say, well, you know, this is guard
9 righted case. It's not a guardrighted case. This
10 was a tragedy on every level.

11 But I submit that my client is
12 charged with attempted murder and robbery. Two of
13 the most heinous crimes that you can imagine from
14 the Pennsylvania Crimes Code which involves
15 maliciousness, evil mentality, hardness of heart.

16 Keep your eye on the ball. Listen to
17 the evidence as it unfolds in this case and the
18 character testimony that will be presented, but just
19 the facts of case and the actions.

20 And more importantly, this is an
21 audio CD of the Philadelphia Police Department's
22 recordings of July 21, 2013. And you bet your
23 bottom dollar that you're going to listen to it.

24 Because the DA kind of schleps over
25 and says, Oh, Gregory called the police. Gregory --

1 what attempted murderer/robber calls the police, not
2 once, not twice, more than three times saying,
3 please come -- in advanced -- please come here and
4 be with us. We want you there. We want you to
5 arrest the man who sold the stolen phone.

6 They recorded it. And ironically,
7 you'll hear it in the tape -- the car that they keep
8 trying to dispatch in response to my client's calls,
9 please send police. This is 9:35 at night or 9:25
10 at night -- you'll hear the time. It's on the
11 recording.

12 He's calling saying, I'm coming from
13 Bucks County, coming to Philadelphia to Bustleton
14 and Verree to meet this guy who sold us the stolen
15 cell phone. Please be there.

16 And you will hear over and over him
17 repeat this for almost an hour. And one of cars
18 that was supposed to be dispatched, 702, from the
19 7th District to meet him there, ironically the car
20 that arrives, after the violent incident, it becomes
21 apparent to that officer. He says, Oh, wait a
22 second. Once he gets to the scene where there's
23 this tragic incident where Lonnie Spector is
24 injured, Gregory Spector is injured, and Sardor
25 Bolyaganov is injured, the officer of 702 says, Oh,

1 wait a second. There's been calls coming in for
2 almost an hour about this stolen cell phone and
3 meeting you at Bustleton and Verree. Is this that
4 case? And they say, yeah, it is. We've been trying
5 to get you for almost an hour. Well, I'm here now.
6 And it was too late.

7 Now, let me get back to the
8 chronology of what I expect you'll be hearing is --
9 and I appreciate the police for providing and the
10 District Attorney's Office for providing it, because
11 it's those kind of facts that I'm going to ask you
12 to rely on when you reach your verdict. It's the
13 evidence, not passion, not sympathy. The facts.

14 I'm showing my age. It's like Joe
15 Friday from Dragnet back in the day, just the facts,
16 ma'am. Just the facts, sir. Let's focus on that.

17 Okay. Sunday, July 21, 2013, my
18 client's wife, Ashley, is 6-and-a-half-months
19 pregnant. And she wants to buy a cell phone, and
20 she goes on Craig's List.

21 I'm old school. I go to
22 brick-and-mortar stores. I know my kids don't. You
23 know, eBay, Craig's List, whatever.

24 Ashley is on Craig's list, his wife.
25 And she finds this Galaxy S3 or -- yeah -- S3 white

1 phone, whatever, and he's asking for 300 bucks for
2 it. There's a cell phone number. And you'll hear
3 that -- she tells her husband, you know, this sounds
4 like it might be a good deal.

5 So contact is made with the seller.
6 And at 2:30 in the afternoon, on that beautiful
7 Sunday, this all happened. This is the day in a
8 life. It's on one beautiful Sunday that ends like a
9 nightmare.

10 So about 2:30, contact is made with a
11 person who turns out to be Mr. Bolyaganov. And they
12 agree to meet at Ferndale and -- excuse me. I'm
13 sorry -- Kentwood. Kentwood and Ferndale in the
14 Somerton and Bustleton Section.

15 And at that time, little Kylie, who's
16 one and a half, has to go down for a nap. So Ashley
17 wants to see the phone with her husband because it's
18 for her. So they ask pop-pop, Lonnie Spector, to
19 babysit.

20 So this is the day of this attempt
21 murder, robbery -- this is what the criminals are
22 doing. Pop-pop is babysitting. So he stays with
23 Kylie and Ashley and her husband go down and
24 there's -- when they get there, they're calling for
25 the seller, where are you? We don't see you. And,

1 eventually, he comes down the street, the
2 complainant.

3 And the complainant comes up and,
4 eventually, he produces a cell phone, but he has no
5 charger. He has no box. And it's got a couple of
6 cracks in it. So for whatever reason, he's asking
7 for \$300 for this.

8 Mr. Spector takes it over to his
9 wife. She's the one who has to approve it. It's
10 for her. She looks it over and, basically,
11 indicates, I can get a case and cover the cracks.
12 See if you can get him to come down a little bit.

13 So Mr. Bolyaganov comes down to 290.
14 He knocks 10 bucks off the price.

15 So Gregory gives him fourteen 20s and
16 a 10, which is 290 bucks. But he doesn't trust
17 himself to count, so he takes it back to his wife to
18 make sure -- she's better at counting than he is.
19 She counts it and says, yeah. It's 290.

20 So he gives it to Mr. Bolygonov. He
21 gives her the cracked phone with no charger and no
22 box. And he goes on his way.

23 And they go to an AT&T store. It's
24 probably, I guess, 4 o'clock in the afternoon. It
25 would make this purchase around 3:00.

1 Around 4 o'clock in the afternoon,
2 they go to the AT&T store, which is near a Giant
3 Supermarket. They buy a SIM card. I got the
4 receipt. You'll see the receipt for the SIM card
5 they buy for her new phone.

6 And then they go next door to the
7 Giant and they purchase food for dinner that night.
8 It was Sunday dinner. Like I said, it was a
9 beautiful day.

10 They go back home and they start
11 trying to use the AT&T phone they just loaded up,
12 and it keeps cutting off. They contacted AT&T and
13 they said the number that's coming up is a stolen
14 number. So they said, okay. We'll try it some
15 more. It does make some calls, whatever -- I'm low
16 tech -- but anyway, it's not functioning properly.
17 But the AT&T people says it looks like it might be
18 stolen.

19 But they go home. Their neighbors
20 are going on vacation and they have a pool. They
21 take a swim. Ashley and the little girl and
22 Gregory, they go for a swim on the same day.

23 After the swim, around 7:30, 8
24 o'clock -- this is how compressed the time frame it
25 is -- they start calling again. The phone is not

1 working. It's not texting, it's not making calls.
2 So they call AT&T and AT&T says, this phone is
3 stolen. This is a stolen phone. The owner reported
4 it stolen.

5 They get back in contact with the
6 cell phone number who sold it earlier in the day, a
7 couple hours earlier. They said, listen. I don't
8 want to be accused of having a stolen phone. You're
9 taking this back. I want my money back.

10 They agree to meet around 8:00 or
11 8:30 at night. Ashley and Gregory were initially
12 going to go down together, but now it's Kylie's
13 bedtime. So Ashley says, I'm going to put Kylie
14 down. Why don't you go down with your dad --
15 because they don't know who they're dealing with,
16 with this guy selling a stolen cell phone.

17 By the way, I think you're going to
18 hear evidence later that that man, Bolyaganov, said
19 he got the phone a couple months before in a gas
20 station. Some 14-year-old kid came up to him and
21 said, do you want to buy this phone? I think he
22 said he bought it for 80 bucks. Didn't know where
23 it came from. Didn't know anything about it. I
24 think that's going to be his back story of where
25 this phone came from.

1 But in any event, both Lonnie Spector
2 and Gregory Spector work for Mr. Contractor, and
3 they often carry tons of cash and they often work in
4 their home remodeling business in neighborhoods that
5 can be dangerous.

6 So they have registered handguns and
7 they have permits to carry those handguns for that
8 reason.

9 They have identification and later on
10 the police will confirm all this and the DA
11 confirmed it. They're registered handguns and they
12 have permits to carry. The police -- and they've
13 always had good relations with the police.

14 So going down, they called
15 Mr. Bolyaganov and said, We want the money back. We
16 want to give you your cell phone back, but what
17 these tapes show is that they don't trust him and
18 they want to make sure that the men and women in
19 blue, the police, are there when this exchange
20 occurs.

21 You didn't get picked because there
22 was some magical formula that came over this jury
23 box and said you are the special jurors that need to
24 hear this case. You were pick because of your
25 obvious common sense, life experience and

1 intelligence -- no one is going to sell you, not me,
2 not Ms. Heard. No one is go to sell you a bill of
3 goods. And all I'm asking you to do is use your
4 common sense, your every day common sense.

5 Who is going to call the police and
6 say, please be there with Gregory Spector and Lonnie
7 Spector when we meet Sardor Bolyaganov, if your evil
8 of heart, malicious, a killer. It doesn't make any
9 sense. Are you going to call the police one, two,
10 three, four times, whatever?

11 So what they do is, they say, let's
12 notify the police. They're driving from -- they're
13 just outside of Philadelphia -- Bucks County. They
14 call 911. They call 911. 911 Bucks County
15 dispatcher says that this is a Philadelphia matter.
16 We're going to transfer you to Philadelphia 911.
17 You'll hear it on the tape. Bucks County
18 dispatcher, We have a Philadelphia request.

19 Gregory Spector is on the phone with
20 Philadelphia police. I'm not making this up. You
21 can't make this stuff up. This is the killer. Oh,
22 hello, officers. You know, I'm getting ready to
23 shoot somebody in cold blood. Come on. Pull my
24 other leg. It plays jingle bells. It's ridiculous.
25 This is a tragic event. This is not an evil

1 criminal event.

2 They called the police. The police
3 dispatcher says, Okay. What is it about? It's
4 about this stolen phone, about getting the money
5 back, and I want police there. We'll have police
6 there.

7 It starts at 9:45. I think the first
8 call is at 9:45. So Mr. -- the two Spector men are
9 on their way down. Ashley stayed home, putting the
10 baby to sleep. And they are on their way down
11 talking to the police, saying, meet us.

12 The shooting doesn't occur until
13 about 10:35, some 15 minutes later. And in between,
14 there are these repeat calls -- and I'm sorry for
15 repeating myself -- these repeat calls. And they
16 are, basically, saying that we have this guy, and
17 he's getting impatient. He says he's there. We're
18 saying we're low on gas. We got a flat tire.

19 They're giving reasons to the
20 complainant about why they're slow getting there,
21 because they're told that there's going to be a
22 police officer any moment where they're told to wait
23 at Bustleton and Verree.

24 No police. Whatever -- 30, 40
25 minutes go by, and finally, Mr. Bolyaganov says, hey

1 listen. I'm splitting. You know, I'm not buying --
2 I don't know what's going on. Well, what's going on
3 is they want the cops to be there.

4 So finally, he says, we're splitting.
5 They, Mr. Lonnie Spector and Gregory Spector -- now,
6 earlier in the day, Gregory Spector and his wife
7 were in their car -- whatever kind of car that was.
8 You'll hear it -- and Mr. Bolygonov was in some type
9 of Honda -- I think a black Honda Civic. They're
10 both in different cars later on. When they,
11 finally, wind up back at Kentwood and Ferndale,
12 they're in Mr. Lonnie Spector's car, which I think
13 is a Chrysler 300 -- you'll hear it. Mrs. Olena
14 Sirko, the complainant's wife, and Sardor are in a
15 Mercedes-Benz. I don't think it really matters, but
16 that's the way it is. There's two different cars at
17 5 o'clock or 4:30, whatever, in the afternoon and
18 then in the evening there's the Mercedes with the
19 complainant and his wife and there's Mr. Spector who
20 is driving his car.

21 They get there, and, essentially,
22 what happens is -- you wish to God the police had
23 been there. But they weren't.

24 There is a conversation -- and you'll
25 hear it -- between Gregory Spector and

1 Mr. Bolyaganov. And Mr. Bolyaganov, who says he
2 bought this phone for 80 bucks, sells it for 290.
3 Gets called on it the same day that it's stolen,
4 takes 290 for it and then a few hours later says,
5 you're only getting 200 back. I spent 90 bucks.

6 Is that how people work? You sell a
7 stolen phone that you paid 80 bucks for and you get
8 290 for it? What does that tell you? What does
9 that tell you? Anyway, he says you're getting 200
10 bucks back.

11 Well, Gregory Spector says, I'm
12 keeping the phone. When you get the other 90 Bucks,
13 you can get the phone back, still looking over his
14 shoulder to see if the cops are coming down the
15 street. They're not coming.

16 But what he does is, he takes out his
17 cell phone -- cell phones. It's our new world.
18 Everything is cell phones, right?

19 Anyway, he takes out a cell phone and
20 what does he do with it? Now, listen to this. What
21 does he do with it? He goes to take a picture of
22 the Mercedes-Benz and its license plate. Because
23 you know what he's going to do with? It. Gregory
24 is going to give that to the police when they,
25 finally, get there and say, well, you were late, but

1 this is the car, this is the license plate, this is
2 the guy who's selling the stolen phone.

3 The complainant loses it. He goes
4 off. What are you doing? His wife is there. What
5 are you doing? Why are you taking a picture of our
6 car. Well, you know -- you'll know police are alert
7 to this.

8 And Mr. Spector, a law-abiding
9 citizen, I submit, is going to take it, have
10 evidence; say, maybe you'll find the guy through the
11 license plate.

12 He goes off. Lonnie Spector is on
13 the scene. And yes, there are injuries here and
14 Mr. Bolyaganov is the most seriously injured,
15 without question. But he begins to beat -- pardon
16 by language -- the holy hell out of Lonnie Spector,
17 and he is the initial aggressor. And this comes
18 after his son -- no violence from the son -- is
19 taking pictures of the car.

20 He goes off and as the police
21 describe it, Mr. Spector winds up concussed with a
22 huge gash to the head, bleeding profusely. You'll
23 see -- you're going see the photographs of
24 Mr. Bolyaganov in the hospital being treated for his
25 injuries. Sad, sad situation.

1 But you're also going to see
2 photographs of what Mr. Bolyaganov did to Mr. Lonnie
3 Spector. Has him on the ground, stomping him,
4 kicking him. Mr. Gregory Spector tries to pull him
5 off. You'll hear testimony from his own wife,
6 Ms. Sirko, about Mr. Gregory Spector trying to pull
7 Sardor off of Lonnie. And Lonnie -- I'm sorry --
8 Gregory Spector gets punched in the nose, and he
9 gets his nose fractured by Sardor.

10 You know, I respect the DA saying,
11 oh, yeah. He's a tough little guy. Yeah. He's a
12 tough little guy when they started getting more
13 evidence of his car and reporting to the police.
14 And then he's very capable with his hands, and he
15 is -- I know I couldn't do it -- he's beating the
16 heck out of two grown men.

17 Mr. -- you'll hear Lonnie Spector's
18 on the ground. You'll hear Gregory Spector had his
19 nose fractured by Mr. Bolyaganov, and he fires one
20 shot -- he fires two shots. He fires one strike
21 that tragically, seriously, irreparable, apparently,
22 injuries Mr. Bolyaganov.

23 And this case could not be more
24 heartrending on so many levels, but those man are
25 not evil heartless criminals.

1 Immediately after the shots fired --
2 Mr. Lonnie Spector is bleeding. He's injured.
3 Mr. Gregory Spector has a fractured nose. But what
4 does he do? He pulls out his cell phone and
5 immediately calls 911 again.

6 And you'll hear the gasping fear and
7 tragic appreciation of what this beautiful day has
8 become in Gregory's voice when he says, we need
9 rescue. We need fire recuse. We need help. My
10 father is hurt. This guy is hurt. He's calling for
11 rescue, not just for his father, but for the guy
12 who's shot.

13 That's the matter of man, I submit,
14 Gregory Spector is. And he says my nose, my nose.
15 I think it's fractured. It is fractured.

16 You'll hear how he finally got out of
17 jail. He went to have it X-rayed. It was
18 fractured. He had to go to surgery and have his
19 fractured nose fixed.

20 Not as bad as Mr. Bolyaganov,
21 obviously, but these two men were injured and are
22 injured pretty severely by that complaining witness,
23 who's a tough guy. But he initiated the violence
24 and the aggression.

25 And this was not what Ashley and

1 Gregory Spector and pop-pop expected when that day
2 started. We're left with the remnants of all this.

3 The police arrived. The 702 car, who
4 they were trying to dispatch at Bustleton and Verree
5 and meet with the Sectors, they show up. I think
6 it's Officer Greene and Officer Taylor. It's a
7 paddy wagon -- showing my era - an emergency patrol
8 wagon, is what I think we call it. But it shows up
9 and Officer Greene and Officer Taylor are in there.
10 And then they put it together and they say, holy
11 smokes. These are the guys that were trying to get
12 us to come.

13 Ladies and gentlemen of the jury, if
14 I say things during the trial that are wrong or they
15 disagree with you, please don't hold it against my
16 client. I'm just trying to get across to you --
17 keep your eyes on the ball, keep your eyes on the
18 facts.

19 And at the end of the case, we all
20 have the instincts to say, you know, I feel sorry.
21 It's okay to feel sorry. Don't let it come into
22 play with the verdict. Do the right thing. Apply
23 the evidence according to the law. And I submit to
24 you that you will find my client and his father not
25 guilty of all charges.

1 Thanks a million.

2 THE COURT: Mr. Feinman?

3 MR. FEINMAN: Your Honor, Ms. Heard,
4 Mr. McGovern, Ladies and gentlemen of the jury --
5 I'll say good afternoon, since we're past 12
6 o'clock.

7 Because of my colleagues, I don't
8 have to give you as much insight to the details of
9 the case that you're going to hear.

10 But I stand before you with an
11 extraordinary responsibility. See, my client,
12 Lonnie Spector, far end over here, is a loving
13 father, grandfather, and as you heard, a fourth
14 generation family business owner/operator in Port
15 Richmond/Kensington area in the City of Philadelphia
16 who has bestowed his trust upon me to represent his
17 interest, to protect his rights in this case.

18 And his family, sitting in this room,
19 takes this case so seriously that from the day this
20 occurred, in July of 2013 until today, has altered
21 everyone's life. It has altered Mr. Bolyaganov. It
22 has altered Ms. Sirko's. It has altered Gregory,
23 Lonnie, and their entire family's lives.

24 We have this opportunity today to
25 start the process to get everyone's life back in

1 order.

2 You've heard about some of the
3 victims, some of the injuries that resulted in this
4 case. And I submit to you they are serious.

5 You'll hear evidence about
6 Mr. Bolyaganov. How, as a result of this shooting,
7 he had a bullet enter his back at T10, the thoracic
8 area in the center of the back, and travel in an
9 upwards direction to T9 and shattered a vertebra,
10 resulting in paralysis.

11 That little reference becomes quite
12 extraordinary and quite important when you hear the
13 facts and you assess the facts in this case.

14 Because when you hear the versions of
15 what took place and you reconstruct and you use your
16 general knowledge and common sense, you'll conclude
17 that it had to happen a certain way. And the
18 evidence that we intend to show and present will
19 establish that.

20 When you look at the facts in this
21 case -- it is important -- this is a very
22 heartbreaking situation. Mr. Bolyaganov, who was
23 21, is now paralyzed and will be confined, in all
24 likelihood, to a wheelchair for the rest of his
25 life.

1 Mr. Gregory Spector had his nose
2 broken requiring surgery to repair it. Serious
3 enough injury, but it's repaired now. He may have
4 some issues on breathing difficulty, but he's able
5 to walk.

6 My client, Lonnie Spector, also
7 sustained injuries, and you will see some of the
8 photographs of these injuries. He was beaten
9 sufficiently enough that he had a torn rotator cuff
10 from being kicked, requiring surgical repair. He's
11 healed from that surgery, but he still has this case
12 outstanding, pending, hanging over him and his
13 family.

14 When you hear the evidence, you will
15 see and you will learn about July 21, 2013, a day in
16 the life of Greg and Lonnie Spector and Sardor
17 Bolyaganov. As you hear this evidence, you will see
18 and learn a 600-plus-dollar Samsung Galaxy 6 cell
19 phone was purchased a few months earlier by
20 Mr. Bolyaganov on the street from a kid for \$80.

21 Use your common sense. Do you smell
22 or sense that maybe that phone was stolen somewhere?
23 Maybe this kid did not have ownership of it to sell
24 it off?

25 Despite that, Mr. Bolyaganov has the

1 phone, he sits on the phone for a period of time.
2 One, two, three months. Then he posts on Craig's
3 List for sale. And I, like Mr. McGovern, it's
4 brick-and mortar for me. But the kids -- 18, 20,
5 earlier 20s, late 20s, it's a way of life for them.
6 Craig's List is where they go to purchase --
7 everything they're doing. They go to Uber. They go
8 into the Internet and conduct all their activities.
9 It's very natural for them.

10 So Gregory and Ashley arranged to
11 purchase this phone. They go and see it and they
12 look at it and they purchase it.

13 Where do they go? They go to a
14 location chosen by Mr. Bolyaganov. He's selling the
15 phone to them. He arranges to meet them at a
16 location on the street, a residential street, in the
17 Bustleton, Somerton, Northeast Section of
18 Philadelphia, rather than meeting in a public place,
19 two blocks away from Washington High School, which
20 is where this is all taking place.

21 There's three or four very open
22 parking lots. They could have met right there and
23 done the exchange there.

24 But if you're of a mindset of you
25 don't want people seeing this, you go to a private

1 street. Why? Maybe there's surveillance cameras in
2 these parking lots. Maybe you don't want to be seen
3 driving up in your Honda with tinted windows. Maybe
4 you don't want to be seen exchanging cash -- there's
5 nothing wrong with the sale of cash for a product on
6 the street. It's legal. But what's your mindset?
7 Do you think or suspect that this phone might be
8 stolen?

9 Now, transaction takes place. They
10 go about their business. Mr. Bolyaganov and his
11 wife, Ms. Sirko, they go. They drive off, go about
12 the rest of the afternoon.

13 Gregory and Ashley, they leave, run
14 some errands, go back to the house, go swimming.
15 It's a long day. As is part of it, getting the
16 phone activated. But it just won't get activated.

17 And as you heard, the phone is
18 reported stolen. And AT&T, the service provider for
19 Gregory, wouldn't activate it. They can't. As a
20 result, Gregory, who had a phone number and an
21 e-mail address, reached out back to Mr. Bolyaganov
22 and says, hey, you sold me a stolen phone. I want
23 my money back. And they agree.

24 Now he says, I have \$200. Gregory
25 wants his money, but he also doesn't want this

1 stolen phone to go back into the hands of
2 Mr. Bolyaganov who will turn around and sell again
3 on Craig's List to somebody else.

4 So what's he do? As you heard, he
5 calls the police. He calls the police as he's going
6 to this rendezvous to get his money back and, quote,
7 return the phone. But he's not really intent on
8 returning the phone. He wants the police to take
9 the phone.

10 So what's he do? Is he going to go
11 there alone? No. His father says, I'll go with
12 you. I don't want you to go alone. Ashley is
13 putting the baby to bed. I'll drive you there. And
14 that's what they do.

15 Dad drives. Greg is on the phone
16 while driving there. Dispatch to 911 in Bucks
17 County transfers to Philadelphia, and now, the
18 sequence of 911 calls transpire.

19 You're going to hear conversations
20 transpiring over the next, roughly, 40 minutes. And
21 it's Gregory on every one of those occasions who's
22 taking the initiative in calling the police. We're
23 on our way. Where do you want us to meet? We'd
24 rather not go right there. Meet me first so that we
25 can point out what the information is, what the guy

1 looks like so when we go over and you follow us over
2 and get him.

3 During the process, you'll hear
4 different things taking place when they're
5 dispatched through the 911 system where cars are
6 being dispatched by the police department to
7 different calls that they have. One of which is
8 this call. Classified as report of a stolen phone.
9 Stolen phone.

10 During this process, you'll hear
11 dialogued conversations taking place where Gregory
12 is saying, hey, here's where we're at. This is what
13 we're driving. This is the color of it. This is
14 the location. What do you want us to do?

15 Is this the mindset of someone that
16 Commonwealth attempts to assert is of a criminal
17 mindset? Use your common sense. I would say no.

18 So then what happens? Forty minutes
19 goes by and Gregory calls a third time and says,
20 hey, listen. We're waiting. Where are you guys?
21 This kid says he's waiting -- we're making excuses
22 waiting for you guys to arrive so we don't have to
23 go there. He says if we're not there in five
24 minutes, he's out of there. He's leaving. We're
25 going over there. And the dispatcher apologizes for

1 the delay. I'm sorry. We'll be over there.

2 If you intended to commit a criminal
3 act and you intended to get your money back come
4 hell or high water and you're going to assert
5 control and commit a criminal act, would you make
6 sure police knew where you were going to be when
7 you're doing that?

8 And where's this location? It's not
9 at the exact same spot they met before. But it's
10 still over in the tree line area, on a residential
11 street, nice and dark where no one can see.

12 Despite the fact that there's
13 multiple parking lots. There's a Wawa. There's a
14 shopping center, all of which likely have
15 surveillance cameras.

16 Mr. Bolyaganov is the one who chose
17 where to meet. They pull up. Gregory gets out of
18 his vehicle and Mr. Bolyaganov gets out of his
19 vehicle. And yes, they are two different vehicles
20 then what both of them came earlier in the day for
21 the actual sale/purchase of that phone.

22 This time Gregory is accompanied by
23 his father and this time Mr. Bolyaganov is
24 accompanied by his wife, who wasn't there earlier.

25 So now, there's a discussion, and as

1 Ms. Sirko will say, she heard her husband's voice
2 raise. Something about it being stolen, and he
3 didn't know that. He and Gregory talked. He gives
4 Gregory \$20 bills. Gregory puts it in his pocket.

5 Where's the rest of my money? I
6 don't have it. I spent it. 90 bucks. Well, you're
7 not getting the phone until I get the balance of the
8 money.

9 Keeping in mind, Gregory is trying to
10 string this out long enough for the police to
11 arrive, because if he's got that phone, he can give
12 it right to the police officer. Here it is. It's
13 stolen. And now Mr. Bolyaganov has some serious
14 problems on the wrong side of the law.

15 What happens? Ms. Sirko gets out of
16 the car, Lonnie Spector gets out of the car. All
17 four are there and there are some words being
18 exchanged. Mr. Bolyaganov is insistent. He wants
19 the phone, even though he's kept 90 bucks. And
20 Gregory goes and takes a picture of the license
21 plate of the Mercedes.

22 It's at that point, Ms. Sirko starts
23 to chime in. What are you doing? Why are you
24 taking a picture of my license plate? She's upset.
25 Why is she upset? It's her father's car. Does she

1 want to get her father in this? It's her father's
2 car. That license plate, when they run the check on
3 it, it's going to come back to dad.

4 So she's now upset, and as she is
5 raising her voice, saying, why are you taking this
6 picture, my client, Lonnie, is trying to say, hey,
7 calm down.

8 It's at that point that Sardor
9 Bolyaganov violently assaults and strikes Lonnie
10 with a blindsided sucker punch on the right side of
11 his face so hard. You can see him here. He's a big
12 man.

13 You'll hear he's about 6-1 and 280,
14 285. One punch hard enough that it hit him and
15 knocked him down. And as he went down, he hit his
16 head on the asphalt street, and it cut his head and
17 he started bleeding.

18 And as he's laying there, he's been
19 assaulted by Mr. Bolyaganov. He's being kicked by
20 him. And what does he do? He's dazed. He hit his
21 head. He's concussed. He's disoriented. He's
22 covering up. He's covering. He's being kicked in
23 the arm, in the feet, legs. He's got scrapes, he's
24 got bruises. You're going to see the evidence of
25 those injuries.

1 As that's happening, Gregory does
2 what he hopes and expects any loving family member
3 to do. Help his father. Get between them.
4 Separate them to protect his dad.

5 As he does that (gesturing),
6 Mr. Bolyaganov, again, hits Gregory in the nose hard
7 enough he shatters and breaks his nose. And as he
8 breaks it, what happens to Gregory? He goes down.

9 You'll hear he went down on his rump.
10 Stunned, he's trying to get up, he's now being
11 kicked, and as he's doing so, he hears what he
12 thinks Mr. Bolyaganov is saying -- something about a
13 weapon.

14 Gregory, with a permit to carry, has
15 a gun on him, pulls it out, fires two shots, one of
16 which hit's Mr. Bolyaganov in the back.
17 Mr. Bolyaganov immediately goes down.

18 At that point, if they're at criminal
19 mindset, what did they do? Get up and run? Flee?
20 Get out of there? No. 911 call -- the first 911
21 call goes in from Gregory. Ms. Sirko's 911 call
22 right after that.

23 And you'll hear on those tapes the
24 conversations, the recordings, the transmission of
25 information going on during those moments

1 immediately after the shooting.

2 As that happens, Gregory, realizing
3 how hurt he is; how hurt his dad is, the police get
4 out there and even during the time the police are
5 coming, Gregory is on the phone and what does he
6 say? I shot him. I shot him. I have a gun. It's
7 holstered. He tells the police, I got a gun. It's
8 holstered. Why does he do that? Because the police
9 are coming, now, to a shooting. They don't know
10 what they're going to expect. But to help them
11 understand what the scene is so that they don't come
12 out guns drawn, fearing that their lives may be
13 compromised or others in the community there...
14 I've got a gun. It's holstered. Here's where it
15 is.

16 And as soon as the police arrive, he
17 does exactly what he does, Yeah, I have a gun. It's
18 right here. And he's already up against the car,
19 because he knows the police are responding to a
20 volatile situation, not knowing all the details at
21 this point, and to make it easier for them in
22 addressing the scene and not being at risk -- I've
23 got the gun. It's in my holster. Full cooperation.

24 He's then taken into custody.

25 Mr. Bolyaganov is attended to. Fire rescue is

1 called to the scene and there's other vehicles
2 dispatched by the police department and
3 Mr. Bolygonov is removed from the scene and taken to
4 Aria Hospital Torresdale.

5 Mr. Spector's hurt bad enough they
6 realized we need another ambulance. They call fire
7 rescue. The second one out. And he's taken to the
8 hospital also. Bloody. Covered in blood, because
9 his head was cut and scraped and he was concussed.
10 He was disorientated. Treated in the hospital.
11 He's then transported back into police custody where
12 he's processed.

13 And in police custody, they ask if
14 they can talk to him without counsel. Without any
15 hesitation, he fully cooperates and gives a
16 statement about what took place just hours before,
17 and he tells them the events of that night. He
18 could have said, no, I don't want to talk. But he
19 explained what happened, gave a statement, told the
20 police the incident, the events of that evening.

21 Since that day, they've all had this
22 hanging over them. Since that day, they've replayed
23 in their minds the events that took place out on the
24 street at Ferndale and Kentwood.

25 Could it have been different? It

1 could have been different in many different
2 respects. But the issue is not could it have been
3 different. The issue is Gregory and Lonnie -- well,
4 I should say -- are Gregory and Lonnie Spector
5 guilty of the criminal acts that Commonwealth
6 accuses them of beyond a reasonable doubt? If you
7 have any doubt about each and every element of the
8 charges against them -- you will hear from the you
9 Court -- you must find them not guilty.

10 I would submit that after hearing
11 about what transpired, you will feel sad. You will
12 feel sympathy for everyone involved. But sympathy
13 is not to be apart of your decision-making regarding
14 the facts of case. I ask you to keep an open mind,
15 hear the evidence, and I trust in your judgments.

16 Thank you.

17 THE COURT: All right.

18 (A discussion was held off the
19 record.)

20 THE COURT: We're going to take lunch
21 now. We're going to have a two-hour witness frame.
22 So why don't we take lunch now. Come back at 1:20.
23 And remember, the faster you come back, the faster
24 we move the process. No stranglers.

25 And remember, no talking about the

1 case and looking anything up.

2 And we'll see you about 1:25. That
3 would be about an hour.

4 (Jury exits the courtroom at 12:15
5 p.m.)

6 MS. HEARD: And Your Honor, before we
7 begin, if I could just also put on the record -- we
8 discussed this a little bit on Friday -- I just want
9 to make sure that defense counsel is clear not to
10 ask questions of the wife or any of the other
11 witnesses with respect to the victim's arrest.

12 THE COURT: That prior incident?

13 MS. HEARD: Correct.

14 MR. McGOVERN: Yeah. I think it's
15 clear. It's clear to me. Thank you.

16 MR. FEINMAN: Yes, Your Honor.

17 COURT OFFICER: Court is in lunch
18 until 1:25.

19 (Whereupon, there was a lunch
20 recess.)

21 (The defendants are present seated
22 with counsel.)

23 (Jury entered the courtroom at 1:52
24 p.m.)

25 THE COURT: All right. Counsel, you

1 may call your witness.

2 MS. HEARD: And Your Honor, the
3 Commonwealth calls Olena Sirko to the stand.

4 COURT OFFICER: In a loud, clear
5 voice, please state your name for the record,
6 spelling your last name.

7 THE COURT: Olena Sirko. My last
8 name is S-I-R-K-O.

9 - - -

10 OLENA SIRKO, having been first duly
11 sworn, was examined and testified as follows:

12 - - -

13 THE COURT: You may proceed.

14 - - -

15 DIRECT EXAMINATION

16 - - -

17 BY MS. HEARD

18 Q. Ms. Sirko, good morning, ma'am -- good
19 afternoon, rather. I'm sorry.

20 A. Good afternoon.

21 Q. Ms. Sirko, I'm going to ask you to speak
22 in a loud, clear voice into the microphone, so that
23 the ladies and gentlemen of the jury can hear you
24 and so that defense counsel can hear you as well.

25 Okay?

1 And the lady in front of you has to type
2 down everything you say, so please talk as slowly
3 and precisely as possible. Okay?

4 A. Yes.

5 Q. Ms. Sirko, what do you do for a living?

6 A. I'm a student at Penn State University,
7 University Park. Senior. Last semester.

8 Q. Ms. Sirko, do you know Sardor Bolyaganov?

9 A. Yes, I do.

10 Q. How do you know him?

11 A. He was my ex-husband -- he is my
12 ex-husband.

13 Q. And Ms. Sirko, on July 21st of 2013, were
14 you and Mr. Bolyaganov -- were you married?

15 A. Yes, we were.

16 Q. And on that Sunday, July 21st of 2013, do
17 you see any persons that you recognize from seeing
18 that day that's here in the courtroom today?

19 A. Yes.

20 Q. And who are those people?

21 A. The two individuals sitting in court at
22 the table. I'm sorry. I don't remember the names,
23 specifically.

24 MR. McGOVERN: Your Honor, for the
25 record, I believe myself and Mr. Feinman will

1 stipulate that Ms. Sirko is referring to my client,
2 Gregory Spector and Mr. Feinman's client, Lonnie
3 Spector.

4 THE WITNESS: That's correct.

5 THE COURT: Very well.

6 MR. McGOVERN: Thank you, Your Honor.

7 THE COURT: Go ahead.

8 BY MS. HEARD

9 Q. Now, I'm going to take you back to July
10 21st of 2013, at approximately 9 o'clock or so in
11 the evening. Were you in the area of Ferndale and
12 Kentwood Streets?

13 A. Yes, we were in the area.

14 Q. Okay. And when you say "we," who is we?

15 A. Me and Sardor Bolyaganov.

16 Q. And what brought you to that location on
17 that particular night?

18 A. Well, I met up with my ex-husband at that
19 time, and we got a phone call that there was a
20 problem with a phone he sold earlier that day.
21 That's what he told me, because I wasn't with him
22 when that happened.

23 Q. And you're referring to your then-husband,
24 correct?

25 A. Yes.

1 Q. And you said you met up that day. Where
2 were you before this happened?

3 A. I was at work. I was picked up by my
4 husband, Sardor -- I mean, later at night after
5 work. So he picked me up and -- well, he got a
6 phone call about the phone, and he said there was a
7 problem. Something was wrong -- they couldn't
8 get -- because of the carrier -- I wasn't sure.

9 I, actually, seen that phone once maybe;
10 that we had it -- he had it for a while. Maybe
11 three months. So as they were speaking and they
12 were trying to figure out the problem, they decided
13 to meet up. And I was there for that.

14 Q. And you heard this conversation, correct?

15 A. I heard some of the conversation because
16 they were speaking on the phone. They were sitting
17 next to me in the car at that particular moment so I
18 also heard the conversation from Sardor's side.

19 Q. Okay. And Ferndale and Kentwood, is that
20 close in proximity to where you and Mr. Bolyaganov
21 lived at that point?

22 A. Yes, that's correct.

23 Q. And where exactly did you and
24 Mr. Bolyaganov live?

25 A. We lived at 741 Gorman Street.

1 Q. And how close was that to where you all --
2 to Ferndale and Kentwood, rather?

3 A. It's about two blocks, three blocks away.
4 Close by.

5 Q. And who did you live with at that time?

6 A. I lived with Sardor Bolyaganov and my
7 parents.

8 Q. Now, at that particular point in time,
9 July 21st of 2013, how long had you and Sardor been
10 married?

11 A. We were married for about a year. Maybe
12 more.

13 Q. Okay. And you lived with your parents; is
14 that correct?

15 A. Yes.

16 Q. So going back to the night in question,
17 tell the ladies and gentlemen -- tell the ladies and
18 gentlemen of the jury exactly what happened once
19 Sardor told you that they were going to met
20 somebody -- he was going to met somebody.

21 A. So they decided -- he decided to go meet
22 because there was a problem with the phone, as a
23 stated before. They were talking -- also I heard
24 Sardor -- I remember him asking, because this was
25 later at night, and he sold the phone for \$300, I

1 believe.

2 MR. McGOVERN: Excuse me. I'm sorry
3 to interrupt, ma'am.

4 THE WITNESS: Sure.

5 MR. McGOVERN: Your Honor, I object
6 to this hearsay. This is something in which I
7 believe the complainant, when called to testify, can
8 testify as to his words, but this is --

9 THE COURT: Just avoid saying what he
10 said. Just what you saw directly. Okay. Go on.

11 THE WITNESS: Okay.

12 MR. McGOVERN: Thank you, Your Honor.
13 Sorry for the interruption, Miss.

14 THE WITNESS: Well, we decided to
15 meet. There was a problem with the phone. He
16 said -- Sardor Bolyaganov, my husband, said we were
17 going to meet them.

18 MR. McGOVERN: I object to what
19 husband said.

20 THE COURT: Well, she can testify to
21 what he said.

22 MS. HEARD: And Your Honor, that's
23 present sense impression.

24 THE COURT: Go ahead.

25 THE WITNESS: So he said we're going

1 to meet him. They wanted to discuss the problem
2 with the phone. I was there with him. Obviously,
3 we went to meet him. We parked, and we waited for
4 them for a while, actually.

5 BY MS. HEARD

6 Q. When you say you "waited for them," who
7 are you talking about?

8 A. We were waiting for Gregory Spector at
9 that time, because he was the one who sold the
10 phone, I believe. And when we were waiting in the
11 car -- we waited for about, approximately, 40
12 minutes maybe more, because every time Sardor
13 texted, he was asking where he was or when are they
14 coming, and they're excuses was, Oh, the car --
15 something was wrong with the car. They changed to a
16 different car. They needed to start up a car. So
17 we waited and, eventually, they came to the
18 location.

19 THE COURT: You're saying pronouns.
20 You're saying "they" and "he." You have to identify
21 who you're talking about.

22 Counsel, you have to get on top of
23 that.

24 Who are you talking about?

25

1 BY MS. HEARD

2 Q. Who are you talking about?

3 A. Me and Sardor waited, and, eventually
4 Gregory and... I apologize.

5 MR. McGOVERN: Lonnie would be the
6 father.

7 THE WITNESS: Lonnie. I'm sorry.
8 Gregory and Lonnie Spector came to the location as
9 well.

10 BY MS. HEARD

11 Q. Okay. Now, let me back up a little bit.
12 You indicated that you waited with your husband,
13 correct?

14 A. Correct.

15 Q. What exactly is the makeup of Kentwood and
16 Ferndale Street? Is that a commercial location?
17 Residential location? What is that?

18 A. It's more of a residential location. It's
19 just a street where houses were. Nothing big. It
20 was residential, definitely.

21 Q. Okay. And what were the lighting
22 conditions out there that night? I know it was
23 nighttime, but were there lights? Was it light?
24 Dark? How was it?

25 A. There were lights there. There was

1 lights, actually, on the corner where we were
2 meeting. There was a post light there at that time.
3 So it was not dark, exactly. There was light.

4 Q. And you indicated that your husband,
5 Sardor, picked you up, right?

6 A. Yes.

7 Q. What was he driving?

8 A. He picked me up with the Mercedes C-230
9 AMG, but I was driving after and then I got in the
10 car after that. He came up to my work and he
11 drove -- he drove to my work, but I drove after.

12 Q. So you, actually, drove to Kentwood and
13 Ferndale Street?

14 A. Yes.

15 Q. Okay. Who did that car belong to?

16 A. The car belongs to my dad, Vladymyr Sirko,
17 V-L-A-D-Y-M-Y-R, Sirko.

18 Q. So when you were waiting, eventually both
19 Spectors appear; is that correct?

20 A. That's correct.

21 Q. Tell the ladies and gentlemen of the jury,
22 how it happened when the defendants came to where
23 you and Sardor were waiting?

24 A. Well, when they -- when the Spector --
25 when Lonnie and Gregory Spector pulled up and we're

1 waiting, I was in the car at that moment. Sardor
2 came out of the passenger side. He went to meet
3 Gregory Spector who was also at -- from their car,
4 he was at the passenger side.

5 I did not hear fully the conversation. As
6 Sardor was walking away from me, I heard, Hey, how
7 are you doing? After that, they were discussing
8 amongst themselves. I didn't hear that fully. But
9 at a certain point, I heard Lonnie Spector come out
10 from the driver side of their car, raising his voice
11 aggressively, saying, What do you mean you don't
12 have all of the money. And more aggression started
13 from there. There was cursing involved. He came
14 out around from the driver --

15 Q. | And who is he? I'm sorry. |

16 A. Lonnie. Lonnie.

17 -- he came out from the driver seat of the
18 car towards the end -- the back of their car,
19 because that's where Sardor and Gregory were
20 standing at that point.

21 And a lot more cursing started happening.
22 He was telling him, I'm an undercover cop.

23 Q. Who is he?

24 A. Lonnie started continuing on.

25 Q. Who was he saying this to?

1 A. He was saying this to Sardor.

2 That's when I got out of the car. And it
3 was getting more aggressive because Lonnie and
4 Sardor were getting closer to each other, physically
5 in proximity, and more cursing was being said.

6 At that time, I remember also that Gregory
7 came behind my car. He took a picture of my license
8 plate, and he was saying, I'm calling the cops.

9 At that moment, I realized this was going
10 in a bad direction. So I said, That's fine. You
11 know, that's fine.

12 Then the next thing I know between Sardor
13 and Lonnie Spector -- he was getting closer and
14 closer --

15 Q. I'm sorry. Who is "he"?

16 A. Lonnie was getting closer and closer to
17 Sardor, and this was obviously -- words were said
18 that were aggravated -- aggravating words were said.

19 Q. What exactly was said, if you remember?

20 A. I mean, they were cursing. I can't be
21 specific. I do not remember fully what was said. I
22 do remember I was trying to pull Sardor away as
23 well, because I figured something was going to
24 start. I couldn't so then I know Lonnie -- he
25 pretty much was close enough to push Sardor and

Why would he
shot.

1 Sardor retaliated after.

2 This was very fast. This is seconds
3 happening. When Sardor retaliated, he punched
4 Lonnie. They fell on the floor. Sort of a fight
5 broke loose. That's when Gregory joined in as well.
6 And they were kind of on the floor at that point
7 trying to get up. And Gregory was on top of Sardor
8 as well. Sardor pushed him off with his shoulder
9 stroke.

10 MS. HEARD: Indicating for the
11 record, the witness has taking her shoulder and
12 pushed it backwards.

13 BY MS. HEARD

14 Q. Go head.

15 MR. FEINMAN: Note my objection to
16 the characterization that the Commonwealth is using.
17 She's lifting, not only her shoulder, but she's
18 lifting her arm and possibly her elbow backwards,
19 which is not what the witness was just
20 demonstrating. She was demonstrating a roll of the
21 shoulders, is how it looked from here.

22 THE COURT: All right. Go ahead.

23 THE WITNESS: And Gregory fell on the
24 floor at that time.

25 Again, this is all happening very

1 fast. I noticed -- after Gregory fell, Sardor and
2 Lonnie were kind of on their feet back, and at that
3 point, they stumbled -- they were fighting, but they
4 stumbled towards -- I'm not sure -- Gregory or
5 Lonnie's car. It wasn't my car. It was their
6 car -- and Sardor was holding him, at that point, on
7 his shoulders down to the car.

8 And next thing I knew I heard three
9 shots -- two to three shots being fired, and I saw
10 Gregory, pretty much, shot my husband in the back.

11 And after that, Sardor fell on the
12 ground. He started saying he didn't feel his legs.
13 And Gregory, actually, came up with the gun to his
14 face also.

15 Q. Who is "his"?

16 A. To Sardor's face while he was on the
17 ground as well, but he backed away. Sardor moved
18 his arms up and he said, Don't shoot.

19 THE COURT: Who said, Don't shoot?

20 THE WITNESS: Sardor said, Don't
21 shoot.

22 BY MS. HEARD

23 Q. And at this point, Sardor had already been
24 hit?

25 A. He had been hit. He was on the ground

*Greg wouldn't have
shot if I was in
front of Sardor.*

1 laying down at this point. His legs were just
2 mangled to the side, and he was going down. And
3 when he shot him, he also ran up to him, pretty
4 much --

5 Q. Who is "he"?

6 A. Gregory ran up to him. And at that time,
7 Lonnie was not, actually, moving. He was standing
8 next to the car. Laying

9 So I ran to Sardor, and honestly, at that
10 time, I was just paying most attention to Sardor of
11 what's happening. I called 911. Then, pretty much,
12 everything was happening fast.

13 911 came. I was taken -- my statement was
14 taken and...

15 Q. I'm going to take you back a little bit.
16 Now, let's go back to when Sardor went to the
17 Spector's car.

18 If you can tell the ladies and gentlemen
19 of the jury, about how far away was your car from
20 the Spector's car?

21 A. It was about three to four feet. It was
22 not far away. Yeah. I would say between three to
23 four feet, maybe five.

24 Q. Were you all parked -- I'm assuming you
25 all were parked in a street; is that correct? On

1 the street?

2 A. It was -- yes. Gregory and Lonnie
3 Spector's car was kind of in the middle of the
4 street, because there was a drive -- it was a turn,
5 and they kind of parked in the middle of that turn
6 towards the side. I parked also, but I parked more
7 on the curve.

8 Q. Okay.

9 A. Yeah.

10 Q. Were you on a different street? Were the
11 cars on different streets?

12 A. No. It was kind of an intersection so --
13 we were all on the same street, but that's where the
14 intersection was kind of going.

15 Q. Okay. And you indicated that Sardor
16 walked up to the passenger side of the car first; is
17 that what you said?

18 A. That's correct.

19 Q. Now, when Sardor walked up to the
20 passenger side of the Spector's car, was Gregory
21 Spector out of the car or was he in the car?

22 A. I believe he came out as well -- he came
23 out of car as he saw Sardor coming out.

24 Q. Okay. And you indicated that you saw them
25 communicating with each other; is that correct?

1 A. Yes.

2 Q. Gregory Spector and Sardor, correct?

3 A. Correct.

4 Q. And you couldn't hear exactly what was
5 being said, correct?

6 A. No, I couldn't.

7 Q. Okay. Where was Lonnie Spector when
8 Gregory Spector and Sardor were talking?

9 A. He was in the car. He was at the driver
10 side. He was driving the car.

11 Q. Was anybody else in the car with the
12 Sectors? Or was it just those two?

13 A. Not that I'm aware of, but they were
14 tinted windows.

15 Q. Okay. Now, once you observed Gregory
16 Spector and Sardor talking, you said at a certain
17 point Lonnie Spector got out of the car?

18 A. That's correct.

19 Q. Okay. So taking you back, did the
20 conversation -- did the tone of the conversation --
21 I know you couldn't hear exactly what was being
22 said. Did the tone of the conversation between
23 Gregory Spector and Sardor change before Lonnie
24 Spector got out of the car?

25 A. I honestly, I can't fully say, because I

1 really started paying attention as soon as I kind of
2 heard screaming and the first thing that I could
3 clearly make out was when Lonnie screamed, What do
4 you mean you don't have the money.

5 Q. Okay. You said that he screamed this.
6 Was he saying -- describe his voice. How was he
7 saying this?

8 A. It was aggressive. It was very loud, and
9 it was -- I don't no another way to describe it. It
10 was just aggressive.

11 Q. And where was Gregory Spector when Lonnie
12 Spector was saying this?

13 A. He was standing next to Sardor. He didn't
14 move at that certain time. He was still next to
15 him.

16 Q. Okay. And when Lonnie Spector got out of
17 the car and when he was saying these things when he
18 was -- what did you say he said again?

19 A. He said, What do you mean you don't have
20 the money, the full amount.

21 Q. When he was saying, What do you mean you
22 don't have the money, the full amount, is he just
23 standing there? What is he doing?

24 A. Oh, he was coming towards Sardor and where
25 Gregory were standing. He went around from the

1 driver seat. He went around towards the back of the
2 car, because that's where they were kind of placed
3 at that moment.

4 Q. Okay. So as Lonnie Spector is walking
5 around to the rear of the car where Gregory Spector
6 and Sardor is, is Lonnie Spector saying anything
7 else? Is anything else coming out of Lonnie
8 Spector's mouth?

9 A. Well, he was saying -- as he was walking
10 up, he was saying, one, what do you mean you don't
11 have the money; two -- he definitely said, I'm an
12 undercover cop. You know, you're -- this is stolen.
13 This phone is stolen. What do you mean you don't
14 have this money. That's, pretty much, the gist of
15 the conversation as it was going. There was cursing
16 involved as well.

17 Q. What is Gregory Spector saying when Lonnie
18 Spector is walking towards him and Sardor? What is
19 Gregory Spector saying, if anything?

20 A. Honestly, I wasn't paying attention to
21 what he was saying at the moment, because all I was
22 really focusing on was the raised voice of Lonnie at
23 that time. So I can't be clear.

24 Q. Okay. So when Lonnie Spector gets to the
25 area of where your husband, your then-husband, and

1 Gregory Spector, where they are, what exactly
2 happens once Lonnie gets there?

3 A. They're still kind of screaming, you know.
4 At that time, I wasn't paying attention to what they
5 were saying exactly, because that's when Gregory
6 went around towards my car, as I mentioned. And he
7 was taking a picture. And my attention went a
8 little away from what they were saying, clearly. I
9 don't remember what they were saying at that time.
10 I know it was in a raised voice. But yeah, I can't
11 particularly say exactly what was said.

12 Q. Now, going back to Gregory Spector going
13 over towards your car and taking a photograph of the
14 license plate, was this odd to you?

15 A. For me? Yes. A little bit. I don't
16 know -- it didn't make sense, but at the same time,
17 I don't really mind if you want to take a picture
18 and call the cops. Okay. Let's call the cops. I
19 mean, in my mind, that's what was going through my
20 mind at that time. And --

21 Q. Did it make -- oh, I'm sorry. Go ahead
22 and finish.

23 A. No, I was -- I didn't do anything illegal
24 in my perspective at that time, and I still don't
25 think I did. I wasn't sure what was going to

1 happen -- what was happening at that moment, fully.
2 I just said, all right. That's fine with me. And I
3 don't know what he -- what kind of reaction he was
4 expecting from me when he did that. I wasn't sure.

5 Q. So when Gregory Spector is taking the
6 photograph or trying to take the photograph of your
7 license plate, what exactly is happening with
8 respect to Lonnie Spector and Sardor?

9 A. They were still standing close enough --
10 and again, this happened really fast, so it wasn't
11 like one moment they were there and then there. It
12 was seconds. So they were still standing. They
13 weren't fighting when that happened.

14 Q. And how far away are they from each other?
15 How far away is Lonnie Spector from Sardor?

16 A. I mean, at that moment, it was about arm's
17 length.

18 Q. Okay. So you indicated at some point that
19 Lonnie Spector put his hands on Sardor; is that
20 correct?

21 A. That's correct.

22 Q. Can you show the ladies and gentlemen of
23 the jury exactly what Lonnie Spector did to your
24 husband at that point?

25 A. It was a push, but almost -- it was like a

1 push-grab situation where he was coming closer and
2 closer and at that point he went like this.

3 (Indicating.)

4 Q. When you say "he," who are you talking
5 about?

6 A. I'm talking about Lonnie.

7 Q. Okay. So Lonnie Spector had his arms
8 reached out?

9 A. Yeah.

10 Q. Is that correct?

11 A. Yeah.

12 Q. And where on Sardor's body was Lonnie's
13 hands?

14 A. It was right around the shoulder, arm
15 area.

16 Q. Okay. And once Lonnie put his hands on
17 Sardor, what happened after that?

18 A. Sardor retaliated right away.

19 Q. And when you say "retaliate" --

20 A. I mean he punched Lonnie Spector.

21 Q. Now, when he punched Lonnie Spector, where
22 is Gregory Spector at that point?

23 A. He was still closer to me than to them at
24 the time, I believe. Again, at the time, my
25 attention went to the fight. So he joined in the

1 fight.

2 Q. When you say "he," who are you talking
3 about?

4 A. I'm talking about Gregory. He joined in
5 the fight as well.

6 Q. When Sardor punched Lonnie Spector in the
7 face, where was Lonnie Spector's hands at that
8 point?

9 A. I mean, at that point, they kind of went
10 backwards, and they both went to the ground from the
11 force, I guess, of both Lonnie's motion forward and,
12 I guess, Sardor's motion backwards, retaliating.
13 They both ended up going on the ground.

14 Q. Okay. And where was Lonnie, with respect
15 to the ground? Was he actually on the ground?

16 A. Yes.

17 Q. And where was Sardor?

18 A. He was more towards the top of him.

19 Q. Okay. And at this particular point in
20 time, could you tell who was swinging, who was
21 throwing punches or anything like that?

22 A. Honestly, at that time, a fight broke
23 loose. I can't be fully specific. It was a fight,
24 but I know they were all involved in that fight
25 because they were all involved in that fight. I

Two on one
we should have fucked him up.

1 can't be specific on who punched who and who did
2 what exactly, because I don't fully remember. But I
3 do remember certain aspects of it. I believe I
4 shared as much as I could.

5 Q. Okay. Now, you indicated that, at a
6 certain point, Gregory Spector gets involved,
7 correct? In the fight?

8 A. Correct.

9 Q. Okay. When Gregory Spector gets involved
10 in this fight, what exactly does Gregory Spector do?

11 A. When Gregory gets involved, he, at that
12 moment, went on top of Sardor. And I'm sure there
13 was punching, but he was on top. And Sardor moved
14 kind of right away, you know. Again, this is
15 happening really fast. But I know he, pretty much,
16 pushed him off of himself.

17 MR. McGOVERN: If the record could
18 reflect, the witness is pushing back on her right
19 upper shoulder. That's fair?

20 MS. HEARD: Yes.

21 MR. McGOVERN: Okay. Thank you.

22 THE COURT: Go ahead.

23 BY MS. HEARD

24 Q. When you say Gregory Spector landed on top
25 of Sardor, where on Sardor's body did Gregory

1 Spector land?

2 A. He was more towards on where -- towards
3 the shoulder area (Indicating.)

4 Q. Was Sardor's back facing him?

5 A. Yes.

6 Q. And then I'm also assuming, because we
7 weren't here, that Sardor's front part, his chest
8 area, was on top of Lonnie Spector; is that correct?

9 A. Yes. It was Facing towards Lonnie Spector
10 at that time.

11 Q. And was Lonnie Spector on his back?

12 A. I believe so.

13 Q. Okay. All right. So you indicated that
14 at a certain point Sardor is able to kind of do a
15 motion with his shoulder and he pushes Gregory
16 Spector off of him, correct?

17 A. That's correct.

18 Q. Where does Gregory Spector land when
19 Sardor pushes him off?

20 A. Well, he went backwards and he --

21 Q. Who is "he"?

22 A. Gregory Spector went backwards, and he
23 landed on his rear end, I guess. He didn't fully --
24 Gregory didn't fully fall down in the lay motion --
25 I don't think he did -- but he landed more in a

1 sitting motion, like stumbling back almost.

2 Q. Okay. What was the positioning of Lonnie
3 Spector and Sardor once Gregory Spector landed on
4 his rear end?

5 A. At that point, they started getting up,
6 Sardor and Lonnie, they started getting up on their
7 feet. The fight was still going, but they were
8 getting up on their feet.

9 Q. And once they got up on their feet -- and
10 you said fight was still going, correct?

11 A. Correct.

12 Q. Where was your husband with respect to
13 Lonnie?

14 A. They were kind of face to face. So as
15 they were fighting up, they ended up around Lonnie
16 Spector's car, as I mentioned before, and at some
17 point, I remember clearly that Sardor was holding up
18 Lonnie Spector against the car.

19 MS. HEARD: Indicating for the
20 record, the witness has her hands out indicating a
21 holding motion with both arms and hands.

22 MR. FEINMAN: Both arms being in
23 front of her.

24 MS. HEARD: Correct.

25

1 BY MS. HEARD

2 Q. Go ahead, ma'am.

3 A. That's exactly when I heard the shots and
4 that's when Gregory Spector got out -- off the
5 ground and shot.

6 Q. Now, did you, actually, see Gregory
7 Spector pull out the gun?

8 A. No, I did not, actually, see pull out the
9 gun. But my attention went towards Gregory when I
10 heard the clear shots of the gun.

11 Q. Now, how far away was Gregory from Sardor?

12 A. I would say six feet. I mean, five, six
13 feet away at that time.

14 Q. Okay. And when Gregory shot Sardor, did
15 Sardor still have his arms on Lonnie Spector?

16 A. I believe so, yes.

17 Q. Okay.

18 A. And then Sardor stumbled backwards and he
19 fell to the ground.

20 Q. Okay. Did you see the gun that was in
21 Gregory Spector's hand prior to Gregory Spector
22 firing those shots?

23 A. No, I did not.

24 Q. Okay. Once -- after Gregory Spector fired
25 those shots, did you see him with the gun?

Impossible

1 A. Yes.

2 Q. Okay. Before Gregory Spector fired the
3 shots, did he say anything?

4 A. No, no, he did not.

5 Q. While Gregory Spector was firing the
6 shots, what, if anything, did Gregory Spector say?

7 A. He didn't say anything. He was just
8 standing there at that point.

9 Q. Now, you indicated -- you testified
10 earlier that Gregory Spector took the gun and
11 pointed at Sardor after he shot; is that correct?

12 A. Yes, that's correct.

13 Q. Okay. Tell the ladies and gentlemen of
14 the jury exactly how that happened?

15 A. Well, as soon as he shot and Sardor fell
16 down to the ground, as I said before, he stumbled
17 back away --

18 Q. Sardor stumbled back?

19 A. -- Sardor stumbled back away from Lonnie
20 Spector and he -- Sardor fell to the ground --
21 again, this is happening fast. Very fast.

22 As Gregory shot, he moved over Sardor as
23 he fell to the ground, and he was pointing --
24 Gregory was still pointing the gun in his face --
25 but -- and Sardor automatically put his hands up and

1 said, Don't shoot, and Gregory backed away.

2 MS. HEARD: Okay. Indicating for the
3 record, the witness took both hands, and she had
4 them pointing down in front of her in a pointing
5 motion; is that fair?

6 MR. McGOVERN: That's what she
7 testified to today for the first time --

8 MS. HEARD: I'm asking is that
9 characterization --

10 MR. McGOVERN: That's the first I
11 heard today.

12 MS. HEARD: No, no, no. What I'm
13 asking is for the purpose of the record.

14 MR. McGOVERN: Yeah. For the record,
15 that's an accurate description today.

16 MS. HEARD: Thank you.

17 MR. FEINMAN: And indicating that
18 she's referring to Gregory Spector pointing a gun
19 after the shot and after she claims he went up
20 towards where Sardor was at.

21 MS. HEARD: Correct. Correct.

22 BY MS. HEARD

23 Q. Now, Ms. Sirko, when Gregory Spector
24 pointed that gun at your husband, how far away was
25 that gun from your husband when he pointed it?

1 A. Maybe like a foot away? Two? It was
2 close enough, but it wasn't far. There was
3 definitely space between them. I would say a foot
4 away.

5 Q. And did Gregory Spector say anything to
6 your husband when he was pointing this gun at him?

7 A. Honestly, I can't recollect. I can't.

8 Q. Okay. So you indicated that Gregory
9 Spector then went away after Sardor said, Don't
10 shoot; is that correct?

11 A. That's correct.

12 Q. Okay. Now, when this is happening, when
13 Sardor is hit and he's shot and Gregory Spector has
14 this gun, what is Lonnie Spector's reaction? What
15 is he looking like at that time?

16 A. I'm pretty sure he was shocked himself
17 because Lonnie just stood there --

18 MR. FEINMAN: Objection. Calls for
19 speculation.

20 THE COURT: Ma'am, what did you see.
21 You don't know what's in his mind.

22 THE WITNESS: Okay.

23 BY MS. HEARD

24 Q. Just how did he look?

25 A. He was just standing next to the car.

1 Q. Okay. Did Lonnie say anything?

2 A. Again, I can't recall. I wasn't focusing
3 on that.

4 Q. Okay. Now, once your husband is on the
5 ground and he's shot, you go over and you tend to
6 him; is that correct?

7 A. That's correct.

8 Q. When is it that you call 911?

9 A. As soon as I could. As soon as I ran out
10 to Sardor on the ground and he told me, I can't feel
11 my legs, I called 911 right away.

12 Q. Now, when you were on the phone -- you
13 were on the phone with 911, correct?

14 A. Correct.

15 Q. Okay. Did the Sectors also call 911?

16 A. I don't know.

17 Q. Okay. Now, did rescue eventually come,
18 correct?

19 A. That's correct.

20 Q. Tell the ladies and gentlemen of the jury
21 what happened once rescue came.

22 A. The rescue came. They started mending
23 Sardor. The cops went towards Lonnie and Gregory
24 Spector. The cops were talking to them. Again, I
25 wasn't sure what they were saying. I wasn't there.

1 I was trying to be next to Sardor at that time.

2 So Sardor had internal bleeding. He was
3 getting swollen on the sides. They just took him in
4 right away and started working on him --

5 Q. Who is "he"?

6 A. As soon as the medics came up, they
7 started working on Sardor and took him into an
8 ambulance right away.

9 Q. Now, did the medics come right away or did
10 you call 911 for a while?

11 A. No. They came pretty fast. To me, it
12 wouldn't seem that long. I would definitely say
13 five, ten minutes that they were there.

14 Q. So what happened once they transport your
15 husband to the hospital? Were you still there on
16 the scene?

17 A. I was there on the scene. They wanted to
18 take my statement right away. So I don't remember
19 the cop's name, but a police officer came up to me
20 and he seated me in his vehicle so I couldn't speak
21 to anyone until I gave my statement. And I waited
22 until I was taken to the District to give my
23 statement.

24 Q. And you did, in fact, give a statement,
25 correct?

1 Honor.

2 THE COURT: Okay.

3 - - -

4 (Pause.)

5 - - -

6 BY MS. HEARD

7 Q. Now, Ms. Sirko, where was your car at this
8 point in time? Did your car stay there as well?

9 A. Yes, that's correct. My car was there.

10 Q. What, if anything, was in your car? Did
11 you have any weapons or anything like that?

12 A. No.

13 Q. To your knowledge, did your husband have
14 any weapons on him?

15 A. No.

16 Q. What, if anything, do you remember about
17 your husband saying that he had a weapon on him or
18 not on him?

19 A. No.

20 Q. You don't remember him saying anything?

21 A. No. There was nothing about that at all.

22 Q. Okay.

23 MS. HEARD: Court's indulgence.

24 - - -

25 (Pause.)

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MS. HEARD: And Your Honor, at this time, the Commonwealth would like to play the 911 tape, Track Number 11.

I do have transcriptions for everybody, if need be, as well.

THE COURT: Counsel, already has those?

MS. HEARD: Yes. And I have transcripts for all the jurors as well.

COURT OFFICER: May I, Your Honor?

THE COURT: Yes.

MS. HEARD: I'm just having her refer to page 10.

COURT OFFICER: Now, I'm showing the witness Commonwealth Exhibit C-52A.

- - -

(Whereupon, a document was marked, for identification purposes, Exhibit C-52A.)

- - -

MR. FEINMAN: Your Honor, if I may, I know there was an inadvertent error on the transcript on the copy I have and think that was corrected. There was a typo on the date.

1 MS. HEARD: It's corrected.

2 THE COURT: Oh, it's correct?

3 MS. HEARD: Yes. It should say July
4 21st, Your Honor, as opposed to the its 31st. It's
5 corrected.

6 BY MS. HEARD

7 Q. Now, Ms. Sirko, before I play this, have
8 you ever heard your 911 call?

9 A. I have not.

10 (Audio playing.)

11 Q. Ms. Sirko, was that your voice?

12 A. Yes.

13 Q. And I know you just heard that. What were
14 you feeling at that point?

15 MR. McGOVERN: Your Honor, I object.
16 With all due respect, as I indicated, Your Honor, it
17 clearly was a very emotional experience. With all
18 due respect to the DA, I don't think it's
19 appropriate to ask that question.

20 MR. FEINMAN: Your Honor, if I may --

21 MR. McGOVERN: I know she felt
22 horrible.

23 MR. FEINMAN: -- from what she's
24 feeling going forward -- the question is, are there
25 criminal acts that alleged to be taking place at

1 that point? If so, perhaps, which I should say
2 would be relevant. From what I understand, there's
3 been no allegations from the point of the shooting
4 forward, and therefore, I don't see where it would
5 be relevant how she's feeling at that point. I
6 think it's relevant what's transpired, but what
7 she's feeling becomes irrelevant as to whether or
8 not there's a criminal act taking place.

9 THE COURT: The tape sort of speaks
10 for itself.

11 MS. HEARD: The tape sort of speaks
12 for itself, and quite frankly, counsel already spoke
13 to it.

14 MR. McGOVERN: Right. Again, because
15 the question is so obvious. I mean --

16 THE COURT: All right.

17 MR. McGOVERN: -- it's really
18 shameless manipulation over emotions --

19 THE COURT: All right. All right.
20 Enough.

21 MR. McGOVERN: Thank you.

22 THE COURT: Let's move on.

23 MS. HEARD: I'm fine with that. We
24 can stipulate that she felt horrible.

25 MR. FEINMAN: No, there's no

1 stipulation, Your Honor. I think it's clear the
2 tape spoke for itself.

3 THE COURT: I think we understand.
4 We heard the tape. I think we can move on. I think
5 there's questioning along that fact. We can move
6 on.

7 MS. HEARD: Absolutely.

8 BY MS. HEARD

9 Q. Now, Ms. Sirko, after you gave your
10 statement to the detectives, did you end up going
11 and visiting your husband at the hospital?

12 A. Yes.

13 Q. Do you remember what hospital he was
14 located?

15 A. I believe Aria Health at that time, when
16 they took him in.

17 Q. And you got an opportunity to see your
18 husband, correct?

19 A. Yes.

20 Q. What did your husband look like at that
21 point?

22 A. He was in bed. There were tubes in his
23 mouth. He was set up on all the machinery in the
24 hospital. He was in the ICU at that time. He
25 didn't look very well.

1 MS. HEARD: Okay. And if I can show
2 the witness what has been previously marked as
3 Commonwealth's Exhibit C-36A.

4 MR. McGOVERN: Your Honor, I would
5 stipulate that this is a photograph of the
6 complainant in the hospital, being treated for his
7 injuries.

8 THE COURT: She can ask him that.

9 MR. McGOVERN: I don't know how this
10 probatively advances the facts in the case.

11 THE COURT: We soon shall see. Go
12 ahead.

13 - - -

14 (Whereupon, a document was marked,
15 for identification purposes, Exhibit
16 C-36A.)

17 - - -

18 COURT OFFICER: Showing the witness
19 C-36A.

20 BY MS. HEARD

21 Q. And is that a fair representation of what
22 your husband looked like when you went to the
23 hospital and saw him?

24 A. Yes.

25 Q. And that's what he looked like, correct?

1 A. Yes.

2 Q. Now, were you present when the detectives
3 came and interviewed your husband?

4 A. Yes, I was.

5 Q. Prior to your -- the detectives coming and
6 interviewing your husband, had you spoken to your
7 husband at all about what exactly happened?

8 A. We really didn't have time to speak about
9 that, so no. At that moment, we were really
10 discussing more if he was going to be able to walk
11 again after that. So there was not really as much
12 of a focus on what happened at that point. It's
13 more like, is he going to be alive and if he's ever
14 going to walk again so...

15 MS. HEARD: Court's indulgence, Your
16 Honor.

17 - - -

18 (Pause.)

19 - - -

20 BY MS. HEARD

21 Q. And when the detectives came and took the
22 statement from your husband, were you present in the
23 room?

24 A. Yes, I was.

25 Q. Did you say anything when the detective

1 came and took that statement?

2 A. No.

3 Q. Okay. What exactly did you do with
4 respect to the statement that your husband gave to
5 the detectives?

6 A. I did help him sign. He couldn't do it at
7 that moment.

8 Q. Who is "he"?

9 A. Sardor couldn't physically, actually, do
10 it at that moment.

11 MS. HEARD: Okay. If I could have
12 the witness be shown C-35.

13 COURT OFFICER: May I, Your Honor?

14 THE COURT: Yes.

15 COURT OFFICER: I'm now showing the
16 witness Exhibit C-35.

17 - - -

18 (Whereupon, a document was marked,
19 for identification purposes, Exhibit
20 C-35.)

21 BY MS. HEARD

22 Q. Now, Ms. Sirko could you indicate on this
23 statement where your signature is -- or where you
24 signed for Sardor, rather?

25 A. It's at the bottom next to the date of

1 07/22/13.

2 Q. And did you sign each page of the
3 statement?

4 A. Yes, I did.

5 Q. Okay. Thank you. Now, I'm going to take
6 you back a little bit. I'm going to have you take a
7 look at a photograph.

8 MS. HEARD: If I could show the
9 witness C-42-7.

10 - - -

11 (Whereupon, a document was marked,
12 for identification purposes, Exhibit
13 C-42-7.)

14 - - -

15 COURT OFFICER: Now showing the
16 witness Commonwealth Exhibit 42-7.

17 BY MS. HEARD

18 Q. Now, Ms. Sirko, do you recognize what is
19 shown in that document?

20 A. Yes.

21 Q. What is shown in that document?

22 A. This is the area where the accident
23 happened, the shooting happened.

24 Q. Okay. Now, do you see a car there? Who's
25 car is that?

1 A. That's Mr. Lonnie's car, I believe.

2 Q. All right. Now --

3 MS. HEARD: Your Honor, permission to
4 approach with the pointer, Your Honor?

5 THE COURT: Okay.

6 BY MS. HEARD

7 Q. Now, Ms. Sirko, if you could just, if you
8 can, show the ladies and gentlemen of the jury
9 exactly where Gregory Spector was when the shooting
10 happened?

11 A. It was about right here. He was standing
12 right here. (Indicating.)

13 Q. Okay. And where exactly was Mr. Lonnie
14 Spector and Sardor when the shooting happened?

15 A. They were standing like around the car.
16 Right here, by the door. (Indicating.)

17 Q. Now, that front door, was that opened like
18 that when this incident was happening?

19 A. Yes.

20 Q. Okay. And you indicated that they were
21 more towards the back of the car? Lonnie Spector
22 and Sardor?

23 A. Yes.

24 Q. Okay. And where exactly were you?

25 A. I was standing about right here towards

*Think
not by
side
of door*

1 the back, away from them more.

2 Q. Now, the direction that Gregory Spector
3 was facing, was he facing the car or was he facing
4 the opposite way?

5 A. As he was doing what?

6 Q. When he was -- I apologize. You're right.
7 When Gregory Spector shot Sardor, was he
8 facing the car or was he facing the opposite way?

9 A. He was facing the car.

10 Q. And Mr. Lonnie Spector, what direction was
11 he facing?

12 A. He was facing Gregory and Sardor.

13 Q. Okay. And Sardor, what direction was he
14 facing?

15 A. Sardor was facing the car and Lonnie.

16 Q. Okay. Now, I don't see your car in this
17 situation. Where exactly -- where would your car
18 have been in this particular situation?

19 A. At that moment when Sardor was taken away
20 by the ambulance, I, actually, moved my car around
21 and I parked on the street where the officers,
22 actually, took the car from later. But my car
23 went -- I actually -- when I parked and at the point
24 of the meeting, my car was almost behind the Chevy
25 on the end of the street.

Tamped with
evidence
Never
searched

1 MS. HEARD: Can we pull that up a
2 little bit and if you could zoom in on the car?

3 THE WITNESS: So it was parked about
4 -- at the back. It was parked right there.

5 (Indicating.)

6 BY MS. HEARD

7 Q. While you were -- I'm going to show you
8 what's marked as C-17 --

9 MS. HEARD: Oh, no. Court's
10 indulgence.

11 - - -

12 (Pause.)

13 - - -

14 BY MS. HEARD

15 Q. I'm going to show you what I, actually,
16 marked as C-42-2.

17 COURT OFFICER: May I, Your Honor?

18 THE COURT: Yes.

19 - - -

20 (Whereupon, a document was marked,
21 for identification purposes, Exhibit
22 C-42-2.)

23 - - -

24 COURT OFFICER: Now showing the
25 witness what has been marked as Commonwealth Exhibit

1 42-2.

2 BY MS. HEARD

3 Q. And Ms. Sirko, do you recognize what's
4 depicted in that document?

5 A. Yes.

6 Q. What is in that document?

7 A. That's the car I was driving. That's my
8 car.

9 MS. HEARD: And if we could have the
10 witness shown C-42-14.

11 MR. SPEAKER 3: May I, Your Honor?

12 THE COURT: Yes.

13 - - -

14 (Whereupon, a document was marked,
15 for identification purposes, Exhibit
16 C-42-14.)

17 - - -

18 COURT OFFICER: May I, Your Honor.

19 THE COURT: Yes.

20 COURT OFFICER: Now showing the
21 witness Commonwealth Exhibit 42-14.

22 BY MS. HEARD

23 Q. Now, Ms. Sirko, do you see the two --
24 there's a can and a water bottle depicted in that
25 picture.

1 Do you see that?

2 A. Yes.

3 Q. Do you remember where those things came
4 from.

5 A. Yes.

6 Q. Tell the ladies and gentlemen of the jury
7 where those things came from?

8 A. I remember when Sardor was laying on the
9 ground and I was next to him. He was saying he was
10 really, really thirsty. And the neighbor, actually,
11 ran out and gave me the address when I was waiting
12 for the ambulance. I asked him if he had any water,
13 and he ran out and he got a water bottle.

14 The soda bottle -- it was tea, I believe.
15 And actually, I had that in my car. But as I
16 brought it out, the neighbor brought out a water
17 bottle, and I'd rather have Sardor drink water than
18 the tea. So I -- they were left at the scene.

19 Q. Okay. Thank you, ma'am.

20 Is this your first time testifying in this
21 case?

22 A. No.

23 Q. Do you remember testifying at a previous
24 hearing?

25 A. Yes, I was at a previous hearing.

1 Q. Okay.

2 MS. HEARD: Court's indulgence.

3 - - -

4 (Pause.)

5 - - -

6 MS. HEARD: Okay. Thank you so much.

7 The defense attorneys are probably going to have

8 some questions for you.

9 MR. FEINMAN: May I, Your Honor?

10 THE COURT: Yes.

11 MR. FEINMAN: Thank you. Your Honor,

12 is it okay if I sit down?

13 THE COURT: Yeah, that's fine.

14 - - -

15 | CROSS-EXAMINATION |

16 - - -

17 BY MR. FEINMAN

18 Q. Earlier in the day, you said you were

19 working, correct?

20 A. Yes.

21 Q. And you said that Sardor picked you up at

22 work?

23 A. That's correct.

24 Q. And then you left work and drove over to

25 the location which was supposed to be the place

1 where you rendezvous for the exchange; is that
2 correct?

3 A. No. We went to gas station before then.

4 Q. Okay. Then after the gas station, did you
5 then go over to the location?

6 A. Yes, that's correct.

7 Q. Do you call what time your husband picked
8 you up?

9 A. It was late in the evening. It was around
10 8:00 p.m. I can't be too precise, but I know it was
11 late in the evening.

12 Q. And this Mercedes, this black Mercedes,
13 it's your father's, right?

14 A. Yes. It's in my father's name.

15 Q. And you were driving?

16 A. But I drive the car, yes.

17 Q. You drove from where you work over to the
18 gas station, correct?

19 A. Yes.

20 Q. Did something there and then left from
21 there and then you headed over to Ferndale and
22 Kentwood, correct?

23 A. That's correct.

24 Q. You drove?

25 A. Yes.

1 Q. Now, the gas station, how far away is that
2 from the location of Ferndale and Kentwood?

3 A. It's not far. I would say five minutes.

4 Q. Where's it located?

5 A. It's Shell Gas Station. It's Bustleton
6 and -- I don't remember the other street name, but I
7 know it's Bustleton.

8 Q. Is that the Shell Station close to the
9 police station on Bustleton Avenue?

10 A. No. It's not the one. It's the opposite
11 way.

12 Q. The one closer to where the school is?

13 A. Yeah, an elementary school.

14 Q. You stopped there. Did you know people
15 there? Did Sardor know people there?

16 A. No. We stopped there. I was in the car.
17 There was nobody I was meeting.

18 Q. You stopped and purchased gas or
19 something?

20 A. Yeah.

21 Q. Okay. Then you left there, and now you
22 drove to the location where this meeting supposedly
23 took place, correct?

24 A. Correct.

25 Q. And in order to go to that location, you

1 made a right turn out of the gas station onto
2 Bustleton Avenue. You traveled down Bustleton
3 Avenue towards where Washington High School is, and
4 you turned right -- and veered right on Verree Road,
5 correct?

6 A. That's correct.

7 Q. Now, if you went straight down Bustleton
8 past the high school, you lived only two blocks over
9 on Gorman Street right there, correct?

10 A. It's, actually, faster if you take Verree.

11 Q. Okay. Gorman is only a couple blocks
12 down?

13 A. It's not that far. You're right.

14 Q. Do you know why Sardor didn't arrange to
15 meet at your house?

16 A. As far as I know, he said they met around
17 there earlier during the day.

18 Q. Near there?

19 A. Near there during the day.

20 Q. Now, as you're going down Bustleton,
21 there's a Wawa, there's a couple gas stations,
22 there's a shopping plaza, you would agree, correct?

23 A. Yes.

24 Q. And all of those are very open public
25 areas with a lot of lighting, correct?

1 A. Correct.

2 Q. You didn't go there. You went to Verree
3 Road and turned onto Ferndale and then onto
4 Kentwood, correct?

5 A. Correct.

6 Q. Okay. Now, when you were arrived at that
7 location, you were driving. Was Sardor giving you
8 directions of where to go?

9 A. Not really. He just told me where it was,
10 because I know the area as well. It's close to my
11 house.

12 Q. You were familiar with the streets?

13 A. I'm familiar with the streets.

14 Q. When you pulled up, you would agree
15 there's nobody there waiting for you guys, correct?

16 A. Correct.

17 Q. Which direction was your car facing?

18 A. At that point, we were facing...

19 Q. Well, let me make it easier for you. You
20 saw the photo of Mr. Lonnie Spector's car. Was your
21 car facing the rear of his car?

22 A. No. When we first pulled up, we were
23 facing the opposite way. We were, actually, I
24 guess -- we were at the -- on the opposite side of
25 the road where the houses were, and there was space

1 were we parked up there at that moment. But as we
2 were waiting, we, actually, went around the corner
3 and then when they pulled up there, we pulled up
4 there as well.

5 Q. So you moved a few times, waiting --

6 A. We moved one time.

7 Q. -- so you moved one time waiting for
8 Gregory to arrive. And when he arrived, you pulled
9 the vehicle up closer to where Gregory was; is that
10 correct?

11 A. That's correct.

12 Q. And you were driving that whole time?

13 A. That's correct.

14 Q. And then you said that you parked. Your
15 husband got out of the vehicle and then Gregory got
16 out of vehicle?

17 A. That's correct.

18 Q. And the two of them started a discussion?

19 A. That's correct.

20 Q. And at some point during that
21 discussion -- you couldn't really hear very well,
22 because you said your window was up; is that
23 correct?

24 A. It wasn't fully up. It was opened -- but
25 still...

1 Q. But you couldn't hear that well?

2 A. No.

3 Q. But you could hear your husband raise his
4 voice?

5 A. There was a moment when he raised his
6 voice, I believe -- but the voices were raising --
7 both of them were raising their voices, but this
8 wasn't screaming or...

9 Q. I didn't say he was screaming. You heard
10 him raise his voice?

11 A. Sure.

12 Q. And he was the first one that raised his
13 voice, correct?

14 A. That's the first one that I kind of -- I
15 looked over.

16 Q. And after he raised his voice, then you
17 said you saw Lonnie Spector get out of his vehicle,
18 correct?

19 A. Correct.

20 Q. And as he got out, he walked towards the
21 back of the vehicle?

22 A. Correct.

23 Q. At that point, did you get out of the
24 vehicle?

25 A. At that point, I was still not out of

1 vehicle. I was -- when he came up to Sardor, that's
2 when I got out of the vehicle.

3 Q. When he came up to Sardor, you got of the
4 of the vehicle. What side of the vehicle did you
5 get out?

6 A. The passenger -- the driver side on the
7 left.

8 Q. Okay. So you got out on the driver side,
9 and at that point, you walked over towards where
10 Gregory, Lonnie, and Sardor were, correct?

11 A. Well, they were not that far away from me
12 so -- I guess, yes.

13 Q. Now, are you sure you were the one driving
14 the vehicle?

15 A. I believe so, yes.

16 Q. And are you sure that you got out of the
17 driver side?

18 A. I believe so, yes.

19 Q. I want to take you back in time. Do you
20 recall the District Attorney had asked you whether
21 you had testified previously at a hearing, that was
22 a preliminary hearing? And that hearing was in
23 March of 2013? Do you recall that? I beg your
24 pardon. October 11, 2013. Do you remember that?
25 You had to come to court in this building and you

1 had to testify?

2 A. Yes.

3 MR. FEINMAN: May I approach, Your
4 Honor?

5 THE COURT: Yes. And in the
6 preliminary notes, make sure you say the page and
7 line number so we can follow along.

8 MR. FEINMAN: Yes. And Your Honor,
9 I'm going to hand to the witness, I'll have
10 identified as Lonnie Spector Defense 1.

11 - - -

12 (Whereupon, a document was marked,
13 for identification purposes, Exhibit D-1.)

14 - - -

15 BY MR. FEINMAN

16 Q. I'm going to direct your attention, if you
17 would, to page 37. And on page 37, I want to direct
18 your attention to line 12. It's a question and that
19 question was read by me.

20 Could you read that question to the jury,
21 please?

22 A. When your husband got out, he walked over
23 to the side, now Gregory Spector, you said, got out
24 of the vehicle and the two of them were on the
25 right-hand side of the vehicle, correct?

1 Q. And what's your answer there?

2 A. Yes.

3 Q. Then the question at line 17, could you
4 read that to the jury?

5 A. How far are you from that point?

6 Q. And what's your answer?

7 A. I was in the passenger seat, so, I mean, I
8 couldn't hear a lot of the conversation.

9 Q. So tell me, were you in the passenger seat
10 or where you in the driver seat? Because in October
11 of 2013, shortly after this incident, you said you
12 were in the passenger seat. And now, today, you're
13 saying you're in the driving seat. Which one?

14 A. I believe I was in the driver seat.

15 Q. Does this help refresh your memory that
16 you were in the passenger seat?

17 A. I really believe I was in the driver seat.
18 I don't remember, I guess. Maybe that's why -- I'm
19 pretty sure I was in the driver seat.

20 Q. Well, you testified, though, only three
21 months after this incident that you were in the
22 passenger seat?

23 MS. HEARD: And Your Honor,
24 objection. The complainant -- the witness has
25 already stated that she remembers herself being in

1 the driver side; that didn't refresh her
2 recollection.

3 THE COURT: All right.

4 MR. FEINMAN: Your Honor...

5 THE COURT: What were you saying?

6 MR. FEINMAN: Commonwealth had an
7 objection.

8 THE COURT: What was your question
9 again?

10 MR. FEINMAN: I'm ready to move on.

11 THE COURT: Okay. That's even
12 better, still. Okay. Go ahead.

13 BY MR. FEINMAN

14 Q. Now, I'm want to direct your attention to
15 page 38. Again, you're asked a question by me on
16 line 4. Could you read that to the jury, please?

17 A. So you're about 15 feet away and it's
18 nighttime. I understand lighting was not very good.

19 Q. What's your response?

20 A. Not really, yeah.

21 Q. And then the next question and line 7. I
22 asked you another question.

23 A. It was dark, right?

24 Q. What's your response there at line 8?

25 A. Yeah, there were lights there, but it's

1 still nighttime. It's not like I could see
2 everything at all so...

3 Q. Then I asked you at line 11, Were your
4 windows up or were they down.

5 And what's your response on line 12?

6 A. On the driver's seat, they were down. On
7 mine it was up.

8 Q. So does that help refresh your memory that
9 you were sitting in the -- let me finish -- does
10 that help refresh your memory that you were sitting
11 in the passenger seat on the night of this incident
12 and your window was up; that your husband had driven
13 there and the window was down?

14 Does that help refresh your memory, or do
15 you want to change it to what you testified to
16 today?

17 MS. HEARD: And Your Honor,
18 objection. That's a compound question.

19 THE COURT: Overruled. It's
20 cross-examination. Answer the question.

21 THE WITNESS: I really believe I was
22 sitting in the driver seat. As far as I really
23 believe, I was sitting in the driver seat.

24 BY MR. FEINMAN

25 Q. So you're believing the facts different

1 than what you testified to in October 2013?

2 A. I think so. Yeah, I guess.

3 Q. Now, as you said, you're sitting in the
4 car and you get out of the vehicle. And the three
5 individuals, your husband, Gregory and Lonnie, are
6 standing towards the rear of the Spector vehicle and
7 in front of your vehicle?

8 A. That's correct.

9 Q. Now, at that point, you said it was
10 getting heated, the exchange of words between
11 everybody, correct?

12 A. Correct.

13 Q. And in fact, you were worried and
14 concerned that it was going to escalate and you
15 grabbed your husband by the arm and tried to pull
16 him away, didn't you?

17 A. I did.

18 Q. And he didn't go with you, did he?

19 A. No.

20 Q. He stayed there, didn't he?

21 A. Yes.

22 Q. In fact, he shrugged you off and stayed?

23 A. I wouldn't say he shrugged me off, but I
24 let go.

25 Q. Now, it was at that point that you saw

1 Gregory Spector take out his cell phone and go to
2 take a picture of your license plate, correct?

3 A. Yes.

4 Q. And, in fact, taking a picture of that
5 license plate would have tracked and been able to
6 identify that that vehicle belonged to your father,
7 right?

8 A. All right.

9 Q. Your father didn't know that you and
10 Sardor were selling this stolen phone, right?

11 MS. HEARD: **Objection**, Your Honor, to
12 that question.

13 THE COURT: I'll sustain it. She
14 didn't sell the phone. I'll sustain it.

15 MR. FEINMAN: I'll move on.

16 BY MR. FEINMAN

17 Q. You were upset that he was taking the
18 picture of the license with the phone, correct?

19 A. I wouldn't say I was upset. More
20 confused.

21 Q. And you were asking, Why are you taking
22 this? Why are you taking this?

23 A. I did ask, Why are you taking this. As I
24 said, I was confused.

25 Q. And your attention was directed towards

1 Gregory at that point?

2 A. At that point, yes.

3 Q. And then Sardor, with a closed fist,
4 punches Lonnie Spector in the face, correct?

5 A. No.

6 Q. Not correct. You said Lonnie put his
7 hands on Sardor?

8 A. That's right.

9 Q. And then Sardor, who stands right next to
10 him, then punches Lonnie?

11 A. He retaliated, yes. He punched him.

12 Q. He retaliated. He didn't just push his
13 hand off. He swung with a closed fist, hitting
14 Lonnie in the face, correct?

15 A. Correct.

16 MR. FEINMAN: Your Honor, if I could
17 ask the Commonwealth to put -- I believe it's
18 C-42-17? I believe that's Mr Spector's car.

19 THE COURT: C-42-17. Okay.

20 MR. FEINMAN: 42-7. My apologies --
21 42-14. My apologies, Your Honor.

22 THE COURT: Okay. 42-14.

23 BY MR. FEINMAN

24 Q. Now, the way I understand your testimony,
25 your car is not in the picture, but would be to the

1 right and back of where Mr. Spector's car is,
2 correct?

3 A. That's correct.

4 Q. Where was your husband standing when he
5 punched Lonnie in the face?

6 A. When they starting fighting, this was
7 about around here. (Indicating.)

8 Q. Right in this area around here?
9 (Indicating.)

10 A. Yes.

11 Q. And he hit him pretty hard, didn't he?

12 A. I don't think so.

13 Q. In fact, he hit him so far that
14 Mr. Spector's glasses went flying off his face,
15 didn't he?

16 A. I don't recollect. I wasn't aware of
17 that.

18 Q. Okay. Fair enough. Did you see him
19 wearing glasses at any time before the altercation?

20 A. Honestly, I don't remember, actually,
21 paying that much attention if he was wearing glasses
22 or not, at that moment.

23 Q. Okay. Now, at the moment, Sardor struck
24 him in the face -- it was with a closed fist -- to
25 what side of his face?

1 A. I believe it was the right, but again, I
2 know there was a hit.

3 Q. It was in the cheek area?

4 A. It was definitely in the cheek area. I
5 don't...

6 Q. And it was hard enough at that point to
7 cause Lonnie Spector to go backwards off his feet
8 and land and smack his head and back against the
9 ground, on the street, correct?

10 A. As I said, they fell backward -- Lonnie
11 fell backwards.

12 Q. Lonnie fell backwards and he hit his head
13 on the surface of the street, didn't he?

14 A. All I know is that he fell backwards.

15 Q. And he was bleeding. Did you see that?

16 A. I did not.

17 Q. Did you see that Lonnie was bleeding at
18 anytime the whole night you were there?

19 A. At the end when the ambulance came and I
20 saw him, I saw blood. But during the whole
21 incident, I was not focusing on that.

22 Q. But when you saw him with the ambulance,
23 you saw blood all over his shirt, right?

24 A. He was wearing a white shirt.

25 Q. It was pretty bloody, right?

1 A. And so -- yes.

2 Q. Okay. And when Lonnie went down and
3 Sardor is over him, Sardor is punching at him, isn't
4 he?

5 A. They were fighting.

6 Q. Sardor is punching at Lonnie, isn't he?

7 A. I can't say he wasn't punching, as a
8 retaliation, at that point, but there was a fight.

9 Q. But he's punching him?

10 A. Yes.

11 Q. And he was kicking him?

12 A. Sardor was not kicking him. I don't know
13 if he was kicking him.

14 Q. You never saw Sardor kick Lonnie Spector
15 while he was down?

16 A. No. I don't know. I don't think he,
17 actually, kicked him.

18 Q. And Lonnie Spector, while he's down, is
19 pretty dazed because he hit his head, right?

20 MS. HEARD: Objection.

21 THE COURT: Sustained.

22 BY MR. FEINMAN

23 Q. You saw him. Did he looked dazed to you?

24 A. There was a fight. I can't answer that
25 fully.

1 Q. Okay. Did you see Lonnie putting his
2 hands up while Sardor is kicking at him and covering
3 his head? Cowering? Did you see that?

4 A. No.

5 Q. Did you see any of that?

6 A. No. I cannot recall that.

7 Q. Well, recall what you can.

8 A. I'm trying.

9 Q. Now, it's at that point that Lonnie is
10 covering himself -- or trying to protect himself --
11 that you said Sardor is on top of him, right?

12 MS. HEARD: **Objection,** Your Honor, to
13 the characterization of trying to protect himself.

14 THE COURT: Sustained.

15 MR. FEINMAN: Well, I'll rephrase.

16 BY MR. FEINMAN

17 Q. Sardor is on top of him, hitting him,
18 isn't he?

19 A. That was how they were, yes. Sardor was
20 on top and he was on his body.

21 Q. And he didn't back away? He kept hitting
22 him and Lonnie is laying there and Sardor's hitting
23 him, right?

24 A. There wasn't a very, very prolonged thing.
25 It was very short, but yes, you're right.

1 Q. So in that short time, he's hitting him,
2 and at that point, Gregory steps in to try to get
3 Sardor off of his father; isn't that correct?

4 MS. HEARD: Objection to what Gregory
5 was trying to do.

6 MR. FEINMAN: She's there. She's an
7 eyewitness. She saw what was going on.

8 THE COURT: She can say -- without
9 your characterization, she can say what she saw.

10 BY MR. FEINMAN

11 Q. You saw Gregory then get involved?

12 A. I saw Gregory get involved in the fight.

13 Q. And you saw Gregory grab Sardor and tried
14 to pull him away, right?

15 A. It wasn't like he was trying to pull him
16 away. He was joining the fight, also.

17 Q. And it's at that point that Sardor rolls
18 his right shoulder and kind of nudges or pushes
19 Gregory away, right?

20 A. Yes.

21 Q. And at that point, Gregory fell down,
22 correct?

23 A. Yes.

24 Q. So that little shrug of the shoulder was
25 hard enough to cause Gregory to fall flat on his

1 rear end, isn't it?

2 A. I told you, yes, he fell backwards.

3 Q. He fell backwards, and he landed on his
4 rear end?

5 A. Yes.

6 Q. And at that point, what did Sardor do?

7 A. They were getting up. They were still
8 fighting with Lonnie at that point, but they were
9 getting off the ground.

10 Q. Okay. And then from what I understand
11 your testimony, Sardor has Lonnie by the lapels or
12 by the shirt up near the chest, correct?

13 A. No. He was holding him down towards where
14 his shoulders were.

15 Q. So up higher near the shoulders?

16 A. Yes.

17 Q. Is he holding him like this, open-handed,
18 or does he got a grip on his shirt?

19 A. I can't fully recall that right now. I
20 know he was holding him against -- they were against
21 the car and his hands were --

22 THE COURT: Who's "he"?

23 THE WITNESS: Sardor had his hands up
24 and they are both against the car against Lonnie.

25 MR. FEINMAN: Okay. Your Honor, if I

1 may have my client stand so I can get the witness
2 confirm what position, if I may?

3 THE COURT: She's not going to touch
4 him.

5 MR. FEINMAN: No, no. Just for
6 purposes of demonstration.

7 THE COURT: Okay.

8 BY MR. FEINMAN

9 Q. So as I understand your testimony,
10 Mr. Spector's car is behind him and your husband has
11 him with his hands up against Mr. Spector's
12 shoulders like that; is that correct? (Indicating.)

13 A. Well, yeah, I believe so. Again, I don't
14 remember exactly seeing the hand's position. How
15 they were clenched or not clenched.

16 Q. Fair enough. But what you do know is that
17 they're up around the chest and shoulder area?

18 A. Yes.

19 Q. Very well.

20 And while this is taking place between
21 Lonnie and Sardor, where is Lonnie's hands?

22 A. I don't recall.

23 Q. Okay. And at that point, you said that
24 Gregory was then behind your husband?

25 A. He was, yes.

1 Q. And took the gun like that and shot in the
2 back, straight in the back, right?

3 A. Yeah.

4 Q. You said he was a couple feet away? About
5 six feet away? Is that about where he was at?

6 (Indicating.)

7 A. I said six to seven. He was further than
8 that.

9 Q. How about -- is that --

10 A. I can't really tell exactly from this
11 position. This was not where I was positioned at
12 while the accident occurred.

13 Q. Well, is it close to that distance or
14 further away? (Indicating.)

15 A. I believe so. It's about the same or a
16 little further away.

17 Q. Okay. Fair enough. And he's got his arms
18 out like this? Straight out?

19 A. Yes. He pulled out the gun.

20 Q. And that's when Sardor gets hit in the
21 back?

22 A. Yes.

23 Q. And you said there were two shots fired?

24 A. Two to three shots.

25 Q. And one of them struck Sardor?

1 A. I believe so, yes.

2 Q. Thank you.

3 Now, after Sardor got shot, he fell. You
4 went over to him, and I believe your testimony was
5 that Gregory still had the gun out, came over to
6 about a foot away and held the gun down towards
7 Sardor. He didn't say anything, but just held the
8 gun there?

9 A. I believe so, yes.

10 Q. And then after you got over to there, he
11 put the gun away?

12 A. Well, he backed away, and he put the gun
13 away.

14 Q. Did you, actually, see him holster the
15 gun?

16 A. I didn't, actually, see him holster the
17 gun. I know he moved away and my attention went to
18 Sardor.

19 Q. While he was standing there and you went
20 over to Sardor, Mr. Spector didn't say anything to
21 you, did he?

22 A. Not -- I don't believe he, actually, said
23 anything specific to me at that time. I don't
24 recall that.

25 Q. And he didn't say anything to Sardor, did

1 he?

2 A. No. Again...

3 Q. He just backed away, correct?

4 A. My attention, honestly, at that time, was
5 on my husband lying there on the floor with his legs
6 in a very, very awkward position.

7 Q. And then at that point, you're tending to
8 your husband, neighbors start to come out, and you
9 notice that Gregory is on the phone, correct?

10 A. Yes.

11 Q. But you didn't know who he was calling
12 first, agreed?

13 A. I don't know.

14 Q. At some point, did you learn who he was
15 calling?

16 A. Yeah, I believe so. I believe he also
17 called the cops.

18 Q. And do you know what he was saying to the
19 police?

20 A. I have no idea.

21 MR. FEINMAN: Your Honor, if I may
22 have a moment?

23 THE COURT: Okay.

24

- - -

25

(Pause.)

1

- - -

2 BY MR. FEINMAN

3 Q. Now, I believe your testimony was that
4 , Sardor had purchased this phone for \$80 from
5 somebody. Do you recall that -- well, strike that.
6 I'll rephrase.

7 How did Sardor come about the phone?

8 A. What Sardor told me was that he bought the
9 phone.

10 Q. Okay. He bought the phone, from what he
11 expressed to you?

12 A. Yes.

13 Q. And he bought it about three months before
14 this, correct?

15 A. Yes. We had the phone for about three
16 months in the house, laying around.

17 Q. Did you try to activated it?

18 A. I don't think so, no, I mean...

19 Q. It was working fine; there were no
20 problems with it? Agreed?

21 A. Yes.

22 Q. No problems. Just he had the phone and
23 kept it sitting there for about three months and
24 then he sees you that day and says, Hey, I sold the
25 phone?

1 A. Yes.

2 Q. Okay. Now, do you know what Sardor did
3 with the \$90 he said he spent that day?

4 A. I really don't know. I don't know. He
5 said he spent it. He didn't...

6 Q. Okay.

7 MR. FEINMAN: If I may have a moment,
8 Your Honor?

9 THE COURT: Okay.

10 - - -

11 (Pause.)

12 - - -

13 BY MR. FEINMAN

14 Q. When Gregory was taking the picture of the
15 license plate, I believe your testimony was that you
16 asked him why he was doing that, and he said he was
17 going to call the cops?

18 A. Well, I did ask him why, and he said he
19 was going to call the cops. He mentioned that, yes.

20 Q. So he was going to call the cops while he
21 was at the scene, and you and Sardor didn't want the
22 police being called to the scene?

23 A. That wasn't it at all. I said, Yes, let's
24 call the cops.

25 Q. Did you call them, then?

1 A. I did not because the fight started.

2 Q. Okay.

3 MR. FEINMAN: Your Honor, if I may
4 have one moment, I think I'm done.

5 BY MR. FEINMAN

6 Q. One last question. Prior to today, did
7 you have a chance to review either the notes of
8 testimony that I presented to you from the
9 preliminary hearing or the statement that the
10 Commonwealth had questioned you about?

11 A. I read the statement. I did. I didn't
12 fully -- I didn't have the time to fully read the
13 notes, but I just glanced over them.

14 Q. So you had a chance to look at your
15 statement and you glanced at the notes of testimony
16 from the preliminary hearing?

17 A. That's -- yes.

18 Q. When did you do that?

19 A. I believe Thursday when I was here.

20 MR. FEINMAN: Thank you. I have no
21 further questions.

22 MR. MCGOVERN: Your Honor, I was
23 going to ask for a brief recess, and also, Your
24 Honor, I was going to ask that during the recess
25 that the complainant -- excuse me -- Ms. Sirko read

1 the notes of the preliminary hearing, because I'm
2 going to have several questions from that.

3 THE COURT: I don't think it's
4 necessary. You can ask her questions. She has them
5 in front of her. Just ask your questions.

6 MR. McGOVERN: Very good. I just
7 wanted to see if the witness wanted a brief recess.

8 THE COURT: She's not going to read
9 the whole thing. Ask your question, specific
10 question, from the notes, if you wish.

11 THE WITNESS: I, actually, don't have
12 the notes.

13 MR. FEINMAN: Here they are, Your
14 Honor.

15 BY MR. McGOVERN

16 Q. Good afternoon, Ms. Sirko. I'm going to
17 try to be very brief. I know this is very trying
18 testimony.

19 If I ask a question that you don't
20 understand, sometimes I speak too fast, at least
21 that's what I'm always being told by my wife,
22 particularly, just tell me to slow down and repeat
23 it, and I'll do that. Okay?

24 A. Okay.

25 Q. Thank you, ma'am. I'm not trying pry,

1 Ms. Sirko, but the Commonwealth mentioned that you
2 had been married to Sardor Bolyaganov; is that
3 correct?

4 A. Bolyaganov. Yes.

5 Q. When were you married?

6 A. We were married, 01/12 -- January 12,
7 2012.

8 Q. And when did you become the ex-wife of the
9 complainant?

10 A. In December of 2013. It was finalized --
11 the papers were finalized in December of 2013.
12 Around that time. November, December.

13 Q. Okay. Thank you. I'm sorry, Ms. Sirko.

14 Now, Ms. Sirko, you testified on October
15 the 11th of 2013, and that was in this building. I
16 think it was Judge William Meehan and myself and
17 Mr. Feinman were there. And I believe there was
18 another district attorney, Mark Gilson.

19 Do you recall that?

20 A. Yes.

21 Q. And as you established, this incident
22 occurred on Sunday, July 21st of 2013?

23 A. That's correct.

24 Q. And just generally speaking -- I'm not
25 trying to put words in your mouth -- is your memory,

1 generally, better closer to an incident, let's say,
2 a few months after an incident, as opposed to 20
3 months after an incident?

4 A. Honestly, at that time, it was very
5 emotionally for me. And even now, I don't try to
6 remember everything. Actually, I've been trying to
7 forget the incident for about two years.

8 Q. I understand. Thank you.

9 So with regard to this, you said at one
10 point while you were at this location, you were
11 waiting for 40 minutes; is that correct?

12 A. It's true.

13 Q. And you couldn't figure out what the delay
14 was with Gregory Spector coming to your location,
15 correct?

16 A. That's right. It felt like they were
17 giving us excuses when they were texting Sardor
18 or -- actually, they spoke also.

19 Q. Right. So time and time again, two, three
20 or more times you got an excuse that they were
21 getting gas, that they needed a jump start of a car,
22 or something do with their vehicle; is that right?

23 A. Yes.

24 Q. You didn't know that they were calling the
25 police to have them meet them, concerning your

1 husband?

2 A. No, I did not.

3 Q. Okay. And the other aspect of that was
4 immediately after the shooting, you were -- and
5 we've heard the police radio tape -- you called 911.
6 And while you were on the phone with police
7 dispatch, you saw that Gregory Spector was also on
8 the phone making a phone call, correct?

9 A. Yes, I seen him make a phone call.

10 MR. McGOVERN: Okay. At this time,
11 if I could, if I could impose on the crime scene
12 operator, Officer Lewis.

13 Thank you, Officer Lewis.

14 Your Honor, I would like to play the
15 portion of the recording that we just had, and I
16 would ask it from about 3:17:22. This would be
17 52-A, Track 11. And if you could have the counter
18 at 3:16, 3:17?

19 MR. McGOVERN: Court's indulgence.

20 - - -

21 (Pause.)

22 - - -

23 MR. McGOVERN: Yeah. 3:16, I think
24 we were. I'm hoping that I've got the right counter
25 and with the assistance of Officer Lewis, we're,

1 going to try to play 10 or 20 seconds of this audio.

2 (Audio playing.)

3 MR. McGOVERN: That's exactly where I
4 was looking. If you could repeat that, Officer
5 Lewis.

6 BY MR. McGOVERN

7 Q. Please listen carefully. And I'm pointing
8 to the middle of the page, page 11, where it says,
9 Dispatch, Do you see the person who shot him, and
10 then it's Olena Sirko, yes, they're right here.

11 (Audio playing.)

12 MR. McGOVERN: Thank you, Officer
13 Lewis.

14 BY MR. McGOVERN

15 Q. Now, did you hear the element of surprise
16 in the police dispatcher's voice when she says,
17 They're still here?

18 A. I wasn't focusing on that. As I'm
19 listening now, I guess.

20 Q. Okay. And just prior to that, just prior
21 to that, before the shooting, you saw my client come
22 around the car and he was taking picture of your
23 license plate?

24 A. Yes, he did.

25 Q. Okay. And you told this jury today that

1 what he said to you at that point was -- this was on
2 direct testimony -- he said, I'm calling the police.
3 And you said you knew this was going in a bad
4 direction.

5 What do you mean by that? You knew when
6 he told you, I'm calling to the police, that this
7 was going in a bad direction?

8 A. When I said -- I meant -- when I said it
9 was going in a bad direction, I was talking about
10 the whole fight. What I was talking about -- who I
11 was referring to was Sardor and Lonnie Spector's
12 situation.

13 Q. No. When you testified in this particular
14 thing -- it's the jury's memory that controls --
15 your testimony was, Gregory Spector came around the
16 car to take a picture of your license plate. He
17 said, I'm calling the police. And you said, I knew
18 then this was going in a bad direction.

19 You knew it was going in a bad direction
20 because you knew the cops were coming to look at
21 your car and your license plate for -- and you had
22 nothing to do with the stolen phone, correct?

23 A. I didn't.

24 Q. Now, your former husband told you that he
25 bought this phone. But do you really know where he

1 got the phone?

2 A. My husband told me he bought it. I really
3 don't know. I was not there. I cannot say I really
4 know.

5 Q. Okay. Now, you told the jury today that
6 you heard my client -- strike that.

7 You said you heard your husband, after he
8 was shot, your ex-husband, say, Don't shoot.

9 Do you recall that?

10 A. He did say that.

11 Q. Okay. I ask that you look at your
12 statement --

13 MR. McGOVERN: Which I think has been
14 marked as C-15; is that correct?

15 MS. HEARD: That's correct.

16 BY MR. McGOVERN

17 Q. I'd ask that you look at Exhibit C-15,
18 which purports to be the statement of Olena Sirko
19 reported on July 22, '13 at 1:10 a.m. by Detective
20 Joseph Corrigan. And it's, essentially, three
21 pages. And then it's signed at the bottom of each
22 page and dated 7/22/13, which what appears to be
23 your signature.

24 Would you look at that?

25 A. Yes. These are signed by me. I'm sorry.

1 Can you repeat -- what are you...

2 Q. This is the statement that you reviewed in
3 preparing for your testimony today, correct?

4 A. I read this over on Thursday. I did.

5 Q. Okay. And this is the statement -- this
6 is your statement, three-page statement, that you
7 gave on July 22, '13 at 1:10 a.m. If I'm wrong,
8 tell me.

9 A. Yes.

10 Q. Okay. Is there anywhere in these three
11 pages, anywhere, where it says that you heard your
12 husband say, Don't shoot?

13 A. No. I don't believe it's, actually, that
14 specific in the statement.

15 Q. No, I mean, specific? Vague?

16 A. No, it wasn't.

17 Q. General, you know, form of speech? Is
18 there anything in there that says your husband says
19 don't shoot?

20 A. No.

21 Q. And this was taken just a couple hours
22 after the incident?

23 A. Yes.

24 Q. Okay. Now, I ask you to look at the notes
25 of testimony of the preliminary hearing from October

1 11, 2013 -- and I appreciate you bearing with me. I
2 know this is trying.

3 You testified for what appeared to be 63
4 pages on October 11, 2013, and I ask you to take
5 your time or if the Commonwealth wants to point
6 something out, is there anywhere in these 63 pages
7 where you told the judge that you heard your
8 ex-husband say, Don't shoot?

9 A. I am, actually, not sure.

10 Q. Take your time. Look through it. If it's
11 in there anywhere, let us know.

12 A. (Reviewing.)

13 MR. McGOVERN: Your Honor, since the
14 day is moving on, I believe Commonwealth would
15 stipulate that nowhere in those 63 pages does the
16 witness, Olena Sirko, ever say that her husband
17 said, Don't shoot. That was her testimony of
18 October 2013.

19 MS. HEARD: Your Honor, I will
20 stipulate that that was not testified to in the
21 notes of testimony on October 11th of 2013.

22 MR. McGOVERN: Thank you. You can
23 put that down. Thank you, ma'am.

24 BY MR. McGOVERN

25 Q. Now, when you, initially, made your call,

1 your radio call, which we've heard in its entirety,
2 in the transcript, which would be page...

3 MR. FEINMAN: Page 11.

4 MS. HEARD: Her testimony?

5 MR. MCGOVERN: Yes.

6 MS. HEARD: It's on page 10 to 11.

7 THE COURT: Are you talking about her
8 testimony or preliminary hearing?

9 MS. HEARD: From the 911 tape.

10 MR. FEINMAN: The transcript.

11 THE COURT: Oh, the transcript. So
12 that's 52-A?

13 MR. MCGOVERN: Yes.

14 BY MR. MCGOVERN

15 Q. With all due respect, I'm going to ask for
16 the very beginning of that tape be played over
17 again. I know it's very difficult. There's crying
18 and screaming. But I want to ask you -- it says
19 here in the transcript, I don't know what's wrong.
20 I don't know what's wrong.

21 What's not there is, do you remember
22 saying on that call, I don't know what proceeded
23 this. Do you remember saying on your call, I don't
24 know what proceeded this?

25 A. I don't, actually, I don't even remember

1 fully what I was saying when I was calling.

2 Q. Well, then, before I ask my next question,
3 I'm going to ask if that portion -- I guess, it's
4 the first 20 seconds. Tough to hear. But if you
5 listen to it, I asked that you draw your attention
6 particularly to the area that says, I don't know
7 what's wrong. I don't know what's wrong.

8 I submit to you that you may hear, I don't
9 know what proceeded this.

10 MR. McGOVERN: Could this be played,
11 Officer Lewis?

12 (Audio playing.)

13 MR. McGOVERN: Back it up just a
14 little bit. See if you could play that part again.

15 THE COURT: (Audio playing.)

16 BY MR. McGOVERN

17 Q. Did you clearly hear there that your words
18 are saying, I don't know what proceeded this?

19 A. No. I don't know what street is this. I
20 think I was -- I didn't know the address exactly
21 because we were in the crossing. And then you can,
22 actually, hear me saying, what street. What street.

23 Q. You know what? Fair enough. It's your
24 recollection that controls, and I may be wrong. I
25 don't have the best hearing in the world. Thank

1 you. I'm not trying to put words in your mouth.

2 Ma'am, after the shooting was over, you
3 saw Lonnie Spector. You said that he had a white
4 shirt on; it was covered with blood, correct?

5 A. Yes.

6 Q. At some point, did you see Gregory
7 Spector's nose fractured by your husband?

8 A. Honestly, I did not know his nose was
9 broken until I heard this in court.

10 Q. All right. Do you know at what point your
11 husband broke Gregory Spector's nose?

12 A. I don't know -- I don't know, actually,
13 what point anything was happening except for the
14 shooting and that there was a fight.

15 Q. And after the shooting, in addition to you
16 making a 911 call, you saw that Gregory Spector made
17 the 911 call and everyone remained in the place at
18 the scene until the police arrived, correct?

19 A. That's true.

20 MR. McGOVERN: Ms. Sirko, thank you
21 very much for your time and patience. I appreciate
22 it very much. I have no further questions.

23 THE COURT: Redirect?

24

25 REDIRECT EXAMINATION

1

- - -

2 BY MS. HEARD

3 Q. Good afternoon, Ms. Sirko.

4 A. Good afternoon.

5 Q. Ms. Sirko, I'm going to refer your
6 attention to the notes of testimony from that
7 preliminary hearing back in October. I'm going to
8 direct your attention to page 28, little page 28,
9 big page 7.

10 A. Okay. Got it.

11 Q. Okay. Now, I'm, actually, going to take
12 you back little bit to page 27, small page 27, and
13 we're going to go to line 23.

14 Do you see that? There's a question?

15 A. Yes.

16 Q. The question was, And what happened after
17 Gregory Spector -- what happened to your husband
18 after Gregory Spector shot him in the back?

19 A. I'm sorry. Can you specify which line?

20 Q. Sure. It's line 23 on little page 27.

21 And I'm sorry. Do you --

22 A. Yes, yes.

23 Q. -- okay. You see it?

24 A. Yes, I see it.

25 Q. And do you see where it says, And what

1 happened after Gregory Spector? Do you see that?

2 A. Yes.

3 Q. Okay. And the question was, And what
4 happened after Gregory Spector -- what happened to
5 your husband after Gregory Spector shot him in the
6 back?

7 And what was your answer?

8 A. Right at that moment, my husband just
9 tumbled and fell to the floor and his legs were in a
10 very awkward position.

11 Q. And then the next question at line 4, What
12 did Gregory Spector do?

13 What was your answer on line 5?

14 A. He still came up to him. He was still
15 holding a gun and he still came up to him and he was
16 pointing it in his face almost while my husband was
17 lying on the floor.

18 Q. Okay.

19 MS. HEARD: Court's indulgence.

20 - - -

21 (Pause.)

22 - - -

23 MR. McGOVERN: Your Honor, could that
24 answer be completed because it's interrupted.

25 Counsel started after, Okay, but there's another --

1 THE COURT: If you're going to read
2 it, you have to read the whole thing.

3 MR. McGOVERN: Read the whole
4 statement.

5 MS. HEARD: Okay. I'll read it.

6 BY MS. HEARD

7 Q. And then on line Number 9, there's a
8 question that says, Okay. It's not really a
9 question.

10 And what was the answer on line 10?

11 A. But he stopped himself and...

12 Q. And then what was the question on line
13 11 -- I'm sorry. I'll read that.

14 and the question on line 11 -- I
15 apologize -- At any time during the incident, did
16 you ever see Lonnie Spector with a gun or did you --
17 were you aware that he had gun?

18 A. Not until he shot.

19 Q. And that was your answer?

20 A. Yes.

21 MR. FEINMAN: Your Honor, that's not
22 a complete answer, because she clarifies right after
23 that.

24 If you want to take the time,
25 Commonwealth, to ask her; otherwise, I'll do it.

1 THE COURT: Now, where are you? Line
2 22?

3 MR. FEINMAN: Actually, lines 14 is
4 the answer, not until he shot.

5 And then 15 is the question where
6 she's being asked, I'm talking about Lonnie.

7 And then her answer, I'm sorry. I
8 apologize.

9 Lonnie is the father.

10 No. I did not even know he had a
11 gun. Nothing.

12 MS. HEARD: Right. I wasn't done.

13 THE COURT: All right. Everybody is
14 jumping -- go ahead.

15 MS. HEARD: Okay. And I can't even
16 remember where we left off -- where I was talking
17 and then you started talking.

18 THE COURT: Line 18. We just went
19 all the way down.

20 BY MS. HEARD

21 Q. So the question on line 17 was, Lonnie,
22 the father.

23 The answer on 18 -- what was your answer?

24 A. No. I did not even know he had a gun.
25 Nothing.

1 Q. And then the question at line 20, Up until
2 the time where Gregory Spector pulled the gun and
3 shot your husband, did you know or were you aware at
4 all that he had a gun?

5 And what was your answer?

6 A. No.

7 MS. HEARD: Okay Court's indulgence.

8 - - -

9 (Pause.)

10 - - -

11 BY MS. HEARD

12 Q. Now, going back a little bit, Ms. Sirko,
13 you indicated that you and your husband got divorced
14 in December of 2013. I didn't want to pry too much.
15 What happened?

16 MR. McGOVERN: I object to that, Your
17 Honor.

18 MR. FEINMAN: Your Honor, objection.
19 Relevance.

20 THE COURT: How is that relevant?

21 MS. HEARD: Your Honor, it will be
22 relevant with respect to --

23 THE COURT: If it's relevant to the
24 case -- if it isn't -- I don't know if it is or
25 isn't, other than just FYI.

1 MR. McGOVERN: Your Honor, with all
2 due respect --

3 THE COURT: I'm asking her. Can you
4 please wait?

5 MR. McGOVERN: I'm sorry, Judge.

6 THE COURT: What does this have to do
7 with the case?

8 MS. HEARD: Yes, Your Honor. It has
9 to do with respect to -- and I can, actually, have
10 Mr. Sardor speak to it tomorrow. That's fine. We
11 are coming up on the hour. That's fine.

12 Okay. Thank you so much.

13 MR. McGOVERN: I have one recross.

14 MR. FEINMAN: Your Honor, I have no
15 recross. I would be first, technically.

16 THE COURT: Okay.

17 - - -

18 RE CROSS-EXAMINATION

19 - - -

20 BY MR. McGOVERN

21 Q. The portion of the testimony that -- from
22 October of 2013 that was just pointed out to you,
23 there's nothing there that you heard your husband
24 say, Don't shoot, correct?

25 A. That's correct.

1 Q. And you said in your testimony that
2 Gregory Spector, after shooting, stopped himself,
3 correct?

4 A. I'm sorry?

5 Q. He still came up to him and he was still
6 holding a gun and he still came up to him and he was
7 pointing in his face almost while my husband was
8 lying on the floor.

9 Okay.

10 But he stopped himself.

11 That was your testimony?

12 A. Yes. I didn't finish. I was going to say
13 he stopped himself from shooting. He didn't shoot.

14 Q. Then called 911?

15 A. Then I called 911.

16 Q. Then he called 911.

17 A. Yes.

18 THE COURT: Anything else?

19 MS. HEARD: Just really briefly based
20 on that.

21

22

23

24

25

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2

FURTHER EXAMINATION

3

- - -

4 BY MS. HEARD

5

Q. You were just asked whether or not you ever testified about your husband saying, Please don't shoot; is that correct?

6

7

8

A. Yes, I was just asked.

9

Q. You were just asked about that.

10

Prior to this day, had anybody ever asked you that on the stand? What your husband said once he was shot?

11

12

13

A. No, nobody, actually, asked me. I guess that's why I didn't even think of bringing it up.

14

15

MS. HEARD: All right. Thank you very much.

16

17

MR. FEINMAN: I do have -- I'm sorry, Your Honor.

18

19

THE COURT: Go ahead.

20 BY MR. FEINMAN

21

Q. When you had an opportunity to speak to the police when you were giving your statement, you never offered or volunteered any information about an alleged statement made about Gregory saying something about shooting your husband, correct?

22

23

24

25

1 A. I'm sorry. Can you rephrase that?

2 Q. I'll rephrase. Simply put.

3 You never told anyone that Gregory said
4 anything about shooting your husband, correct?

5 MS. HEARD: Your Honor, I would just
6 object to the characterization of the question. If
7 he means the detective, then, fine. But "anyone"
8 would be a mischaracterization.

9 THE COURT: I think he can ask, did
10 she say that. Overruled. Go ahead.

11 THE WITNESS: No.

12 THE COURT: Anything else for this
13 witness?

14 MR. FEINMAN: Nothing.

15 MS. HEARD: No, Your Honor.

16 MR. McGOVERN: Thank you. Thank you,
17 ma'am.

18 (Witness excused.)

19 THE COURT: It's five of 4:00. We're
20 going to discuss we'll see you all so a.m. tomorrow.

21 COURT OFFICER: Please remain seated
22 as the jurors exits the courtroom.

23 THE COURT: Remember, don't talk
24 about the case.

25 (Jury exits the courtroom at 3:50

1 p.m.)

2 MR. FEINMAN: Your Honor, if I may,
3 briefly?

4 THE COURT: Yes.

5 MR. FEINMAN: I know there was no
6 instruction to Ms. Sirko about her testimony. I
7 don't know if she left yet, but I would ask that she
8 be given instruction about not discussing her
9 testimony, because she's now done for today and I
10 don't want to take chance.

11 THE COURT: Well, they're divorced.
12 I mean, we can do that, but, like I said, they're
13 not married.

14 MS. HEARD: And plus she's going back
15 to Penn State, now.

16 MR. FEINMAN: I understand,
17 respectfully, but --

18 MS. HEARD: That's fine.

19 MR. FEINMAN: I don't expect it, but
20 I think it's cautionary.

21 MR. McGOVERN: I join in, in that
22 request.

23 THE COURT: Ms. Sirko, we just wanted
24 to make sure -- I know you're going back to school,
25 but we want to make sure -- the case is not over.

1 Don't discuss your testimony or anything else
2 outside this courtroom. This case is not over. All
3 right?

4 THE WITNESS: Yes.

5 THE COURT: All right. Thank you.

6 (Court adjourn.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

THERESA VALENTINO

Professional Court Reporter

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