

1 (Defendants are present together with
2 counsel.)

3 (Jury enters the courtroom at 10:40
4 a.m.)

5 THE COURT: Commonwealth, you may
6 call your next witness to the stand.

7 MS. HEARD: Your Honor, the
8 Commonwealth will call Dr. Richard Lopez to the
9 stand.

10 COURT OFFICER: Please state and
11 spell your name for the record and your occupation.

12 THE WITNESS: Sure, Richard Lopez.
13 R-I-C-H-A-R-D, last name is Lopez, L-O-P-E-Z. I'm a
14 doctor of osteopathy. I practice in trauma,
15 critical care and emergency surgery.

16

17 DR. RICHARD LOPEZ, having been first
18 duly sworn, was examined and testified as follows:

19

20 THE COURT: Counsel, you may proceed.

21 MS. HEARD: Thank you, Your Honor.

22 BY MS. HEARD

23 Q. Dr. Lopez, good morning.

24 A. Hi.

25 Q. Dr. Lopez, could you tell the ladies and

1 gentlemen of the jury exactly what it is that you do
2 for a living?

3 A. Sure. My formal training is in general
4 surgery, and I have a specialty training in
5 emergency surgery, surgical, critical care, and
6 trauma. So I pretty much deal with all the patients
7 that are injured, from whatever reason they come in
8 to me that require surgery, that's severely injured
9 patients.

10 MR. MCGOVERN: I'm sorry. Is the
11 microphone on?

12 (A discussion is held off the
13 record.)

14 BY MS. HEARD

15 Q. Dr. Lopez, can you tell the ladies and
16 gentlemen of the jury where do you currently work?

17 A. Currently, I'm at Thomas Jefferson
18 University Hospital.

19 Q. And how long have you been at Thomas
20 Jefferson?

21 A. Since July.

22 Q. July of this year?

23 A. Correct. Of 2014.

24 Q. And prior to you working at Jefferson
25 Hospital, where did you work?

1 A. I worked at Aria Torresdale, which is in
2 Northeast Philadelphia. It's the trauma center for
3 all three of the campuses.

4 Q. What three campuses are you referring to?

5 A. There's a campus on Frankford. There's
6 one in Bucks County and then the main one is at
7 Torresdale. So we're the level 2 trauma center.

8 So any injuries that come to those
9 campuses, they call us with injuries, specifically,
10 if I'm there and they'll bring those patients into
11 us to give them trauma critical care.

12 Q. Okay. And while you were at Aria
13 Torresdale, did you do the same thing that you did
14 now at Jefferson Medical?

15 A. Yeah. At Jefferson, I do little bit
16 further emergency surgery as far as
17 nontraumatic-related surgical problems.

18 Q. Okay. And can you tell the ladies and
19 gentlemen of the jury what education and training
20 you have?

21 A. Starting from college?

22 Q. Yes.

23 A. Sure. So I have a bachelor of science in
24 biomedical engineering from Rutgers College in New
25 Brunswick, New Jersey. I did my medical training at

1 Philadelphia College of Osteopathic Medicine out on
2 City Line, and I did an internship and residency
3 through there as well. And I'm doing advance
4 training at Jefferson in acute care surgery.

5 Q. And Dr. Lopez, how long have you been a
6 doctor?

7 A. I -- since 2008.

8 Q. And how many surgeries or, you know,
9 issues dealing with traumatic events, as you
10 described it, how many of those have you dealt with?

11 A. It's hard to say. In general surgery
12 training, to qualify as a general surgeon, you need
13 750 cases by our crediting body. Our program has a
14 lot of volume, so I graduated with 2200 cases.

15 And then after that time when I was in
16 practice, I had the most penetrating injury
17 operative experience at Aria Torresdale in my
18 practice, just because I was on call a lot. And
19 countless cases from then on in both trauma and
20 emergency cases. It's hard to give a number.

21 Q. And Dr. Lopez, have you ever testified
22 before as an expert?

23 A. No.

24 Q. Have you ever testified before at all?

25 A. As in depositions? No.

1 MS. HEARD: Court's indulgence.

2 - - -

3 (Pause.)

4 - - -

5 BY MS. HEARD

6 Q. Now, on July 21st of 2013, were you
7 working at Aria Torresdale?

8 A. Yeah. I was the attending trauma surgeon
9 on call.

10 Q. And the attending trauma surgeon that's on
11 call -- were you working with other physicians or
12 who were you working with?

13 A. As far as trauma surgery, I'm the only
14 physician, but we always have compliments of
15 emergency care physicians, attendings as well as --
16 I have compliments of surgery residents and nurse
17 practitioners, and physician's assistance, mental
18 health that will help as well as nurses that are
19 trained in trauma. We have a very big team to give
20 the most care, because they are very complex.

21 Q. And this is in respect to your position at
22 Aria Torresdale?

23 A. As a whole. It's kind of run like that
24 throughout the United States in the trauma care.

25 Q. Okay.

1 MS. HEARD: And Your Honor, at this
2 time, I would offer the defense the ability to ask
3 any questions.

4 THE COURT: Do you have voir dire on
5 the expert qualifications?

6 MR. MCGOVERN: I have no questions
7 for Dr. Lopez at this time.

8 MR. FEINMAN: None, Your Honor. I
9 would stipulate that the doctor is qualified as an
10 expert. I believe he may also testify as fact.

11 THE COURT: Right. Expert and he's
12 being offered as trauma --

13 MS. HEARD: Yes, Your Honor.

14 THE COURT: -- medical care and
15 treating physician.

16 MR. FEINMAN: I believe they won't
17 overlap mentally with his expertise, but from the
18 records I know we have, he was one of the treating
19 physicians on the case. So I expect to be both, and
20 I don't think there's any issue.

21 THE COURT: All right. There's no
22 opposition to Dr. Lopez testifies as an expert
23 trauma care as a medical doctor and his treating
24 physician in this case. Okay.

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2

DIRECT EXAMINATION

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4 BY MS. HEARD

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Q. Dr. Lopez, I'm going to take you back to July 21st of 2013, later on in the evening, going into about 10:45 to 11:00 p.m. Were you working as a trauma physician at Aria Torresdale on that particular date at that particular time?

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A. Yeah. When we are on call for trauma, because of the nature of the emergencies, we have to remain in the hospital at all times. We're not like the physicians who could go home and take the calls from home and come in. We don't have that luxury. So we're always in the hospital 24 hours a day when we're on call. So I receive any patients that are injured in that time frame.

18

19

Q. And Dr. Lopez, do you recall receiving a patient by the name of Sardor Bolyaganov?

20

21

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24

A. I do.

Q. Okay. Can you tell the ladies and gentlemen of the jury just exactly what happened that evening when Mr. Bolyaganov came into Aria Torresdale?

25

A. Sure. Understandably, you know, I was

1 asked to come for this case. We see a lot of
2 patients for a lot of gunshot wounds and penetrating
3 trauma. Some cases stick out. This particular one
4 did.

5 It was pretty easy to recall this case
6 because, not only did I take care of him as the
7 admitting physician when he came in as an emergency,
8 I provided all the surgical, critical care
9 throughout his stay at the hospital. So I got to
10 take care of him through the whole course, until he
11 left for rehab.

12 When he did come in that night, I think it
13 was somewhere in the evening, I guess 11 o'clock or
14 so. A 20-some-odd gentleman, single gunshot wound,
15 brought in by ambulance. It's the high level of
16 alert.

17 So there's different grades of how severe
18 your injuries are, which is called trauma alert, and
19 which brings down the whole trauma team, including
20 anesthesia and blood availability, because of the
21 acute these -- how sick these patients, actually,
22 are.

23 Upon arrival, our team was ready to accept
24 him. He was noted that he was having severe
25 difficulty breathing, by the ambulance services

1 report. They thought they couldn't hear his lung
2 sounds while he was in the field, suggesting that
3 the bullet may have popped his lung on that side.

4 So it's not uncommon for the clinicians in
5 the field to put a needle in the chest to try to get
6 that air out, because leaving that air in there
7 without treating it could cause compression of the
8 heart and cause patients to develop heart -- cardiac
9 arrest, the heart to stop. So they appropriately --
10 what's called a needle decompression -- took that
11 air out.

12 Thereafter, when he came to me, he still
13 had the needle remaining in, but he was still having
14 severe difficulty breathing.

15 So we gave him medicines to make him go to
16 sleep -- so I knew he wouldn't have any pain -- to
17 paralyze him and then we put him on a breathing
18 machine -- or efficiently, we put a breathing tube
19 into his windpipe and then the breathing machine
20 took over for him.

21 He was severely hypotensive, meaning
22 is blood pressure was extremely low. We all give
23 the numbers 110 over 80. That's ideal. His was in
24 the 70s. And his heart rate was significantly
25 elevated, which is a normal finding in somebody

1 who's in hemorrhagic shock, meaning you're bleeding
2 so much that you're body can't support itself.

3 There are four classes of it. Class
4 one, being very mild; class four being that you're
5 near death. He was class three shock by the numbers
6 proceeding to class four shock. So at that time we
7 gave him IV fluids to get his blood pressure up and
8 to lower his heart rate, and he required blood
9 product transfusions at that point.

10 Thereafter, in the short time frame,
11 we were able to rewarm him, okay. I placed a chest
12 tube, a form of tubing, into the side to drain out
13 any air and blood from his left chest. It noted he
14 had around 900 milliliters, just a little bit shy of
15 a liter, of blood coming out of that side. At that
16 point, we don't have to do anything surgical, but we
17 have to watch it.

18 After looking at the rest of him, we
19 found that his injuries consisted of one single
20 gunshot wound that was just above the midline of the
21 spine, to the left side about four inches behind is
22 the left tip of his scapula; that there was no exit
23 wound that we could see.

24 He wasn't -- he didn't seem to have
25 been moving before we put him to sleep and paralyzed

1 him, and so there was some suggestion that he had
2 neurologic injury, damage to the spinal cord where
3 that bullet was.

4 After he was stabilized by giving him
5 blood and IV fluids, we were able to bring him to
6 the CAT scan machine to get some X-rays, to see
7 exactly what was injured.

8 Our job as trauma physicians is to
9 kind of infer to point A to point B whether someone
10 is shot or stabbed, what's injured between point A
11 and point B, and to figure out what injuries are
12 there and to correct those problems.

13 Based on where that injury was, we
14 don't really know if it went forward or sideways.
15 And so we had to take a look to see if any major
16 injuries had occurred, such as damage to the lung,
17 damage to the heart, or blood vessels, and spinal
18 cord.

19 The CAT scan findings were consistent
20 with -- one, it looked like the bullet hit his
21 spinal canal and shattered the bone. The bone was
22 spread out so when the bullets go into the body,
23 they deform and make lots of little bullets from the
24 metal because they break. It also hits the bone and
25 the bone fragments become little missiles too and

1 they go everywhere.

2 And so we found lots of injury from
3 that one gunshot wound. There was injury to his
4 left lower part of the lung that ripped a laceration
5 in his lung, causing the big bleeding that we saw.
6 There is injury that went across his right middle
7 part of the lung and right lower part of the lung
8 and also caused bleeding in his right chest.

9 There was also suggestion that the bone
10 and bone fragments were right behind his heart, just
11 missing his heart. And if you wanted to know how
12 close he came to dying, I could tell it's three
13 millimeters because the bullet fragment sat three
14 millimeters behind is aorta, which is the big blood
15 vessel that runs there. So if the aorta was
16 injured, he would have never made it to me in the
17 hospital to do anything. He would have bled out at
18 the time of the injury.

19 So after that point, fortunately, for him,
20 the chest tube outputs from the bleeding had slowed
21 down enough where I didn't have to take him to the
22 operating room and open his chest up and fix that
23 bleeding. We just brought him to the Intensive Care
24 Unit and rewarmed him and gave him blood flow
25 products and gave further surgical, critical care.

1 He didn't require any further operations at that
2 point to stabilize his pain.

3 So his routine -- for anybody who has
4 neurological injury from brain or spinal cord, to
5 get consultants available, specifically the
6 neurosurgeons who deal with these things.

7 So at the time of his injury, we thought
8 right up front that he did have a spinal injury. We
9 contacted our neurosurgeon, who's on call 24 hours a
10 day. They don't remain in the hospital, because
11 they's super specialists above us. And we asked him
12 to look at the X-rays, because, evidently, he hadn't
13 seen him after we resuscitated him in the ICU the
14 next day, and had agreed with our findings that he
15 had a significant spinal cord injury that probably
16 resulted in paraplegic for life from where his belly
17 button is on down. Being what's called an ASIA, A
18 spinal cord injury, there is a grade from A to E. E
19 is being normal where you and I may walk and feel;
20 "A" is a complete loss of motor and sensory and
21 unable to feel, and is usually not reclaimed ever.

22 Q. Now, once you saw him initially and the
23 things that you were talking about and the things
24 that you found out upon taking in Mr. Bolyaganov,
25 how much time -- like, how much time did it take to,

1 basically, come to these conclusions that you just
2 told the ladies and gentlemen of the jury?

3 A. Usually, our resuscitations are as fast as
4 possible to get the patients to the next level of
5 care; that being the operating room for a definitive
6 procedure to stop the bleeding or to Intensive Care
7 Unit to give them further care.

8 And so our resuscitations are usually
9 performed within 15 minutes. As fast a possible. I
10 don't remember the exact time frame until when we
11 stabilized him and it was safe to take him to the
12 CAT scan. It's in the record, but it's usually
13 really quick. I don't think anything is really
14 prolonged for this care.

15 We move really quickly, the nurses, the
16 staff in the ICU are attuned to what our needs are.
17 We usually call them prior to anybody moving and
18 say, hey, we got a guy who's very sick. He needs a
19 bed. Make one available. And I'll call the
20 operating room and say, hey, I might be coming to
21 you. They're notified and usually there for trauma
22 resuscitations. And so that makes the system work
23 very smoothly without any delays to give the best
24 care.

25 Q. Now, I know you testified earlier that

1 Mr. Bolyaganov was given something to, basically,
2 make him go to sleep so he wouldn't feel any pain.
3 Do you remember when Mr. Bolyaganov came to? From
4 that medicine?

5 A. It was later in the course in the
6 Intensive Care Unit.

7 Q. And to your knowledge, once Mr. Bolyaganov
8 came to, did he have to undergo any type of
9 operations for anything?

10 A. Not immediately for these -- for his
11 injuries. There was a question of whether or not he
12 would need emergent decompression of the spine,
13 because as the bone shatters and moved into the
14 spinal column, there's only a limited space where
15 that can expand, and there was bleeding. So there
16 was a question of whether or not there would be a
17 benefit if the nurses would go and take that blood
18 out.

19 But the spinal cord itself was cut and
20 there would be no benefit to subjecting to an
21 operation.

22 He did have other procedures for his long
23 course in the ICU. Multiple thoracostomies because
24 he was on the ventilator. When you're on the
25 ventilator, you can't cough and bring up mucus so we

1 have what's called a thoracoscope. It's a little
2 tube that goes in with a camera to help suck out the
3 secretions to really work on his lungs.

4 He also had what's called a suprapubic
5 catheter. Because of his paralysis, he had the
6 inability to feel the need to urinate or to
7 defecate, meaning to move his bowels. And so he
8 would never be able to urinate by his own. If you
9 and I feel we have to pee, we can do it. But he
10 couldn't, so he had a tube put in above his -- into
11 his bladder. And he should have that still today.

12 Q. Do you recall -- how long did you take
13 care of Mr. Bolyaganov?

14 A. Throughout the whole course of his stay.
15 I think he left August 1st. Two weeks or so.

16 Q. And while Mr. Bolyaganov was staying at
17 Aria Torresdale and you were taking care of him,
18 what, if any, medications was he given?

19 A. All of our trauma patients -- one of the
20 things that we have to make sure of is that they're
21 not in pain or have anxiety. Prolonged pain and
22 anxiety can lead to lots of posttraumatic stress in
23 the future and delirium, where people could get very
24 confused. So we really are very cognizant about
25 that.

1 He was also given antibiotics, I believe;
2 perhaps a lot of medicines to help with his lung
3 function. He was given medicine because he
4 developed what's called neuropathic pain.

5 Anytime you have injury of the nerves, you
6 can develop weird pain sensation. So he was given
7 medicines to help pain control of that. That's the
8 best of my knowledge. There's others, I'm sure.

9 Q. And Dr. Lopez in preparing for your
10 testimony here today, what, if anything, did you
11 review to prepare for your testimony today?

12 A. I just reviewed the admitting trauma
13 history and physical. So anytime a patient comes to
14 us, we always record the events of what allegedly
15 happened. You know, the patient's brief -- you
16 know, as much as we can, a history and physical.

17 Anytime you go the doctor's office, they
18 ask you a thousand questions. You know, your last
19 shots, you know, do you smoke, what medicines are
20 you on, do you have allergies, all that kind of
21 stuff that we can get at the time.

22 But he was critically ill, so it's more
23 than often that we're not privy to getting that
24 information. We kind of have to work with a black
25 box and kind of deal with the problems.

1 So I reviewed the trauma history and
2 physical, and I went over the course of his stay. I
3 was able to get to know him, you know, because I
4 took care of him so long. And I reviewed my
5 discharge summary, which is, basically, a recap of
6 why he came in, all the things that happened, and
7 where he's going in his care.

8 Q. Okay. Dr. Lopez, Mr. Bolyaganov -- once
9 he left your care -- and I believe you said that it
10 was August 1st?

11 A. I think so. I think he went to Moss Rehab
12 facility, around there.

13 Q. What was his condition like upon leaving
14 Aria Torresdale?

15 A. We send patients there only when they're
16 stable, so they're not jeopardy of any kind, of
17 respiratory status or blood pressure or neurological
18 status, but he was stable in the sense that he had
19 paralyzed injury that was permanent. He was
20 wheelchair bound. He had aggressive physical
21 therapy. We only can give limited therapy in the
22 hospitals; that's why we have these acute centers
23 that we send our patients that really work with them
24 to give them the best chance. And that's what he
25 really needed.

1 Q. And was that where he was sent?

2 A. Yes.

3 Q. Now, you indicated that he'd probably be
4 wheelchair bound for the remainder of his life; is
5 that correct?

6 A. To the best of my knowledge.

7 Q. Can you tell the ladies and gentlemen of
8 the jury with Mr. Bolyaganov injuries, what,
9 essentially, makes his life different than what you
10 already testified to?

11 A. Sure. Besides the financial burden to him
12 and his family and the burden to society as years of
13 productive life loss, he can't contribute to
14 society. Personally, he's a young man of 22, 23
15 years old, now, that can't live a life of a young
16 person. He can't get around. He needs someone to
17 help him with his daily activities of daily living:
18 Getting dressed, using the toilet, cleaning himself
19 and immobility, all the issues that come with being
20 paralyzed, but that's what we see now.

21 What most people don't see is that this
22 guy 20 to 30 years done the road, his longevity --
23 the amount of time he normally would have lived is
24 somewhere around 72 years in the United States for a
25 man. This could cut down significantly. These

1 folks tend to get bed sores, blot clots, and they
2 succumb to them because they're paralyzed and can't
3 move. So whatever the reason is, people get
4 paralyzed from injuries and stuff and don't live as
5 longer.

6 MS. HEARD: Court's indulgence.

7

(Pause.)

8
9

10 MS. HEARD: And at this time, if I
11 could have the witness shown what has been
12 previously marked as Commonwealth's Exhibit 36-B, as
13 in boy?

14 COURT OFFICER: 36-B?

15 MS. HEARD: Yes.

16 COURT OFFICER: 36-B. Is that the
17 right one?

18 MR. FEINMAN: The only reason I
19 checked is because it's listed in fact 36-B. In the
20 packet I have, it's listed as 36-A. I'm okay. It
21 looks like it's the same photo.

22 MS. HEARD: It's the same photo.
23 Well, one is a closeup, yes.

24 COURT OFFICER: This is the one
25 you're referring to, right?

1 MS. HEARD: Yes.

2 MR. FEINMAN: In the packet there's a
3 36-B and then there's also another 36-B, which
4 happens to be Mr. Spector's head. C-36-B -- there's
5 a couple different ones. One is the back of
6 Mr. Spector's head. That might have been an earlier
7 number.

8 THE COURT: All right. Which one --

9 MR. FEINMAN: That's okay, Your
10 Honor. It might have been the earlier numbering. I
11 have -- I have the actual document. I just wanted
12 to make sure that what I'm looking at is the same
13 exhibit.

14 THE COURT: All right.

15 MS. HEARD: That's fine.

16 COURT OFFICER: Your Honor, may I
17 show it to the witness?

18 MR. McGOVERN: Your Honor, for the
19 record, I'm fine with it as well.

20

21 (Whereupon, a document was marked,
22 for identification purposes, Exhibit
23 C-36-B.)

24

25

1 BY MS. HEARD

2 Q. Now, Dr. Lopez, I'm showing you a
3 photograph of Mr. Bolyaganov while he was in the
4 hospital. This was taken July 22, 2013. Can you
5 tell the ladies and gentlemen of the jury what
6 exactly is going on in that picture?

7 A. Okay. So at this time, it would be -- he
8 would probably be in the Intensive Care Unit, based
9 on the setting and the bed. It looks like he's on
10 the ventilator. That's the big blue tube that kind
11 of goes into the little box up front. And then
12 where it goes into his mouth, that's the
13 endotracheal tube.

14 If you blow the picture back up, to the
15 left of the patient, there's a bunch of monitors,
16 monitoring his blood pressure and pumps in the
17 medicine. He's lying flat because he's not sitting
18 up because his spine, at this time, is still
19 unstable. So it's called spine precaution. We
20 don't want him to move because that could
21 potentially move bone fragments that could cause
22 more damage for him.

23 He looks like he's being actively
24 rewarmed, which is something we really look at. I
25 mean, the blankets and the bear hugger -- it's a

1 device underneath. It's that little plastic thing
2 that's on the side. It's hard to say what else, but
3 that's the inference. He looks like a fairly sick
4 individual in the ICU, based on the fact that he's
5 on ventilation to keep him alive.

6 MS. HEARD: Thank you, Dr. Lopez.

7 THE WITNESS: You're welcome.

8 MS. HEARD: I offer for
9 cross-examination.

10 THE COURT: Defense.

11 MR. FEINMAN: Thank you, Your Honor.

12

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13

CROSS-EXAMINATION

14

- - -

15 BY MR. FEINMAN

16 Q. Doctor, good morning.

17 A. Hi.

18 Q. My name is Mark Feinman. I represent
19 Mr. Lonnie Spector to my left.

20 First, I understand you were in the
21 hospital that evening and there were multiple cases
22 brought in that evening, correct?

23 A. There usually are.

24 Q. Do you recall whether or not you were one
25 of the staff that treated Lonnie Spector when he was

1 brought in the hospital?

2 A. No, I don't remember.

3 Q. If I may, is Dr. Christopher Risco (ph)
4 one of the emergency room people also -- or doctors?

5 A. Yes. Chris Risco is one of the emergency
6 room attending physicians. He doesn't work directly
7 with me or the department. So some injuries based
8 on their acute -- for instance, Johnnie falls and
9 breaks his arm and there's no other injuries, he'll
10 go to the emergency department for a casting and go
11 home. My specialty deals with the very, very sick
12 patients. And so sometimes we don't see them
13 if there's just not enough resources.

14 Q. How about Stephen Luveck (ph)?

15 A. One more time?

16 Q. Stephen Luveck or Luveck?

17 A. I don't know. I'm not familiar.

18 Q. Now, Doctor, when Mr. Bolyaganov was
19 brought in, you did an immediate assessment,
20 correct?

21 A. Yes.

22 Q. Did you -- in doing that assessment, did
23 you do an examination of his entire torso?

24 A. Yeah. The entire body from top to bottom.

25 Q. Including extremities?

1 A. Always.

2 Q. And you made notes relative to that, which
3 would have been in the records?

4 A. Often, the nursing staff will keep the
5 records -- there's a clerk there, because I can't
6 write at the same time. I have gloves, gown on. I
7 have to be dealing with patients and procedures
8 so...

9 Q. And during that process, you might be
10 calling out your observations for the notes -- for
11 the nurses to make those notes, correct?

12 A. That's standard, yes.

13 Q. And as I understand, Doctor, when you saw
14 Mr. Bolyaganov, you observed one wound; that was a
15 bullet wound in the, as you said, midline center of
16 the back; is that correct?

17 A. Above his midline on his spine.

18 Q. In looking at that, could you tell whether
19 that gunshot wound was an entry or exit wound?

20 A. No. In our training -- we're not
21 forensics specialist, so we never look at any
22 penetrating trauma as entrance or exit. All our
23 training is looking at is trying to figure out
24 trajectories of where things go to try to figure out
25 injuries between point A to point B, to help us what

1 the injuries are.

2 Q. And as I understand your testimony, one of
3 the reasons you ordered that CAT scan was to help in
4 assist you in that assessment, correct? For the
5 trajectory?

6 A. Yes.

7 Q. And also to assess potential internal
8 damage, correct?

9 A. That's correct.

10 Q. When you got the CAT scan, it gave you
11 information and you were able to better assess the
12 trajectory or the bullet; is that correct?

13 A. That's correct.

14 Q. And as I understand, in looking at the
15 records and what you testified to, the bullet caused
16 damage at T10 of the spine, correct?

17 A. As well as T9.

18 Q. And it traveled up to T9, correct?

19 A. Based on the weight of the other
20 projectile fragments went, the bone, it suggests
21 that it went up in that trajectory, from T10 to T9
22 up, not down.

23 Q. So in the spine, we have cervical, lumbar
24 and thoracic. They are the three general
25 categories, correct?

1 A. Yes.

2 (Phone ringing.)

3 (A discussion was held off the
4 record.)

5 THE WITNESS: Sorry about that.

6 Yeah, there's seven cervical, twelve
7 thoracic, five lumbar and five or six sacral
8 vertebra.

9 BY MR. FEINMAN

10 Q. From your assessment, there was no damage
11 to the cervical region? Up in the neck region?

12 A. You never know up front -- if the
13 circumstances are that the patient fell, you always
14 assume that there's injuries until -- we're
15 worriers. That's are job. We put like a cervical
16 collar on until a later time where we can put the
17 patient up and clinically clear them or we would
18 radiograph them. But no.

19 Q. You mean clinically clear for a cervical
20 injury?

21 A. Yes. Clinically clear, because if you
22 have a cervical injury, he would have probably not
23 been moving his upper part of his body or have
24 breathing issues from a higher injury.

25 Q. Were you able to clinically clear from a

1 lumbar standpoint?

2 A. No.

3 Q. At some point, did you ever clear from a
4 lumbar?

5 A. The lumbar part of his body -- well, you
6 couldn't -- it's not really clear from that because
7 the injury happened in the thoracic level. So from
8 that level, T9, T10, all the way down, okay, he had
9 a neurologic deficit, a motor and sensory deficit,
10 from that point down, so you can't say there's
11 nothing there. But you can say that
12 radiographically there were no findings of injuries
13 to any vertebra that were inferior below the tenth
14 level.

15 Q. Below. So there might be some lumbar
16 consequence or injury, but you don't see anything to
17 suggest a direct lumbar injury?

18 A. No. There's really very low suspicion for
19 any other injury except for where the bullet
20 entered.

21 Q. And as I understand in a thoracic area,
22 numberings one, two, three -- ten would be the
23 bottom, closer to the lumbar region?

24 A. That's correct.

25 Q. And based upon the CAT scan and your

1 assessment, examination, and treatment, you were
2 able to conclude that the bullet damage started in
3 the T10 area and traveled in an upward direction to
4 T9, shattering the bones in those areas?

5 A. Yeah, the radiographic findings inferred
6 that that would be the trajectory.

7 Q. So it was going in the upper direction?

8 A. Upper in that sense that it didn't go
9 below T10. It went to T10 to T9 and the fragments
10 of the bullet and bone went in that direction.

11 Q. And as it went in that direction, I
12 believe you said that initially it was just offset
13 of midline?

14 A. Correct.

15 Q. And then you said there was some damage up
16 into the left bottom quadrant of the lumbar?

17 A. That's correct.

18 Q. So that would continue in an upper
19 direction compared to where T10 is; is that correct?

20 A. Assuming that bullet -- when they go into
21 people they don't curve. But when they strike bone
22 or hard tissue, and those fragments -- then they go
23 off in any other direction and all bets are off.
24 But there were no fragments that were below the T10
25 level of the bone. That bullet was all above. And

1 that's why he had damage, not just on the left -- he
2 had damage on the left side, even though the bullet
3 was moving left to right. He had damage on his
4 right side too, so it was kind of displayed out.

5 Q. And in your experience and expertise, that
6 would be suggestive of the bullet coming in at
7 approximately T10 and traveling upwards and fanning
8 out?

9 A. Yeah. Either that or hit T9 and then part
10 of the bone fracture of T10, coming down. But
11 overall, it was moving in that direction.

12 Q. But where the initial wound was, whether
13 it was an entry or exit wound, was at the T10 area?

14 A. Well, there's only one wound, so it would
15 have had to be entry, just the fact that -- yeah.
16 Right about T10. That was the only wound.

17 Q. Thank you, Doctor.

18 MR. FEINMAN: Your Honor, may I
19 approach?

20 THE COURT: Yeah.

21 MR. FEINMAN: If, I'm not mistaken,
22 Your Honor, I believe this would be D-3?

23 THE COURT: Yes; because I believe
24 D-2 was the civil...

25 MR. FEINMAN: That's correct.

1

- - -

2

(Whereupon, a document was marked,

3

for identification purposes, Exhibit D-3.)

4

- - -

5

BY MR. FEINMAN

6

Q. Doctor, I'm handing you what I'll mark as

7

Defense Exhibit 3, in a moment.

8

This purports to be a trauma history and

9

fiscal. Are you familiar with this time of

10

document?

11

A. Yes.

12

Q. Did you have a chance to look at this

13

document or make any entries on this document in the

14

care and treatment of Mr. Bolyaganov?

15

A. Yes. I looked at it and my entries are --

16

there are parts of this -- I didn't do all of the

17

entries on here. So there's another two pages that

18

are missing from here that are not part of this

19

exhibit.

20

So there's an attending summary on the

21

third page that's not here, but some of the data --

22

like, for instance, some of the things was on the

23

exam, for instance, were done by the residents and

24

medical students, and there's some circle things.

25

Q. Okay. But the information helps you in

1 your assessment and course of care and treatment of
2 Mr. Bolyaganov?

3 A. Usually my assessment is done and this is
4 done from them on the other side.

5 Q. So it's noted so that there's
6 documentation of what the observations were?

7 A. Correct.

8 Q. And Doctor, there's a category in bold,
9 Extremities. Do you see that there?

10 A. I do.

11 Q. And talked about moving extremities and
12 there's nothing indicated one way or another there,
13 correct?

14 A. Under the neurologic part of it, it says
15 that he had normal movement of his right upper and
16 left upper and the right lower and left lower. And
17 from the exam that's not consistent with what it
18 says here.

19 So the documentation -- he did move his
20 upper extremities, but he did not have movement on
21 the lowers.

22 Q. Okay. Now, where it references
23 "extremities" above where the neurologic is, it
24 reflects normal. Is that for purposes of
25 determining what the condition of those extremities

1 were? How they appeared?

2 A. Excluding the neurologic findings?

3 Q. Yes.

4 A. Yeah. So the extremities themselves
5 didn't have deformities or the other things that are
6 there.

7 Q. And, in fact, there were no deformities,
8 no lacerations, no abrasions, no contusions, no
9 swelling, nor pain detected or noted, as it relates
10 to the extremities?

11 A. Per this document here.

12 Q. Correct. Thank you very, much.

13 Doctor, I'm going to hand you a another
14 document I labeled as D-4.

15

16 (Whereupon, a document was marked,
17 for identification purposes, Exhibit D-4.)

18

19 BY MR. FEINMAN

20 Q. Are you familiar with that type of
21 document?

22 A. Yeah. This looks like it is the Physician
23 History Patient from the emergency department team,
24 not from our team, from the trauma team.

25 Q. But this would be information part of

1 Mr. Bolyaganov's chart and important information as
2 to care and treatment as well as the assessment by
3 the entire medical team, correct?

4 . A. Only -- this reflects only the emergency
5 department's exam, not the trauma team's exam. And
6 often times, they don't come to these things. It's
7 usually after the fact.

8 So what they write here is not kind of --
9 not necessarily what the patient shows. Sometimes
10 they're involvement is very, very little. But by
11 documentation standards, they have to document the
12 patient because they did come to the ER. The
13 patient may be so sick that they really didn't
14 manage him.

15 Q. Understood. But looking at a document
16 like this and assessing and comparing it to document
17 three, you would be able to see if there was
18 consistencies or inconsistencies in what might be
19 noted about his condition, correct?

20 A. Yeah.

21 Q. Doctor, I want to direct your attention
22 about two, three inches from the bottom. Again,
23 where it reflects "extremities." It indicates good
24 pulses low extremities, no abrasions/lacerations in
25 the extremities, no swelling/tenderness in the

1 extremities, correct?

2 A. Yes.

3 Q. Would that indicate that there's no
4 physical injury, bruising or condition, other than
5 maybe neurological, in the extremities?

6 A. Yes.

7 Q. Thank you.

8 Doctor, I'm going to hand to you what I
9 marked as D-5.

10

11 (Whereupon, a document was marked,
12 for identification purposes, Exhibit D-5.)

13

14 BY MR. FEINMAN

15 Q. And again, I'll ask you to take a look at
16 that. Would you agree that's a document that also
17 would be part of the chart and you're familiar with
18 that as part of documentation of any patient?

19 A. This is a part of the chart for this
20 patient, but I'm not sure where this is coming --
21 which one this is coming from. If this is an
22 initial nursing by the ER or by the ICU who took --

23 Q. I was going to ask you whether any of the
24 notations on this document are any of your
25 notations?

1 A. No. This is not a standard document for
2 my service.

3 Q. Doctor, on the right-hand side, there's a
4 silhouette of a front as well as the back of
5 patient, correct?

6 A. There are.

7 Q. And there's -- at the bottom, I'll ask you
8 to take a look at that, and there's a reflection
9 with a circle. Does that help refresh from your
10 prospective of what that wound in the back would
11 have been?

12 A. It looks like -- you know, whoever filled
13 this out, drew it on the midline and it's not.
14 It's, actually, higher up. But it's a small
15 diagram.

16 Q. And I thought you said it was just
17 slightly off left --

18 A. Left to midline.

19 Q. Left to midline.

20 A. Correct.

21 MR. FEINMAN: Doctor, thank you very
22 much.

23 THE COURT: Mr. McGovern.

24 MR. MCGOVERN: Dr. Lopez, pretty much
25 anything I was going to ask, either Ms. Heard and

1 Mr. Feinman asked you, so I just want to thank you
2 for coming to court and for your service. Thank
3 you.

4 THE COURT: Any redirect?

5 MS. HEARD: Your Honor, just briefly.

6

- - -

7

REDIRECT EXAMINATION

8

- - -

9 BY MS. HEARD

10 Q. Dr. Lopez, quick question.

11 Mr. Feinman was asking you questions about
12 the bullet trajectory T9, T10.

13 In layman's term, what does that mean?

14 A. That -- as we talked about earlier, the
15 thoracic spine has 12 vertebra in it. The 9, 10
16 level would be kind of towards the lower end of it.
17 Where 9 sits closer to the head and then 10. So
18 it's labeled 1 to 12, from the head to feet.

19 And so your nerve roots, which control
20 your body and specifically some of the organs and
21 things from around where your belly button is.

22 That's where you have sensation. And your motor
23 function could be above that or below that because
24 of where the nerves come on.

25 I guess the question is whether or not try

1 to assume a trajectory of the bullet based on the
2 fracture of either of those vertebra. How to say a
3 bullet hit T10 or T9 vertebra and vice versa.
4 That's kind of hard to do.

5 But what is not hard to do is
6 understanding how the fragmentation pattern. Like,
7 if you see the bullet fragments in the bone moving
8 in a certain direction, that's where all the energy
9 carried those things. They just didn't end up
10 there. They don't move around by themselves. The
11 energy field carried that.

12 So you can get a sense of where the bullet
13 was moving and what direction. The fact that the
14 bullet stayed behind the heart -- you have your
15 heart and you have your spine, which is a little
16 behind that, if it was moving forward in a forward
17 direction, the heart would have been injured. There
18 would have been holes in his heart or hit his aorta.
19 You got to get a sense of where that bullet moved,
20 the path.

21 The question is -- I can't tell you. I'm
22 not a forensic specialist -- I can't tell you the
23 position of the assailant and the victim at the time
24 the bullet entered the patient. I could just tell
25 you at the time that it went from in his body and

1 moved where point A to point B was and the things
2 that could potentially be injured. That's as far as
3 my training would go.

4 Q. And Dr. Lopez, do bullets just move in
5 straight lines or -- like, how do they travel?

6 MR. McGOVERN: Your Honor, I object.
7 With all due respect to Dr. Lopez, he was entered to
8 qualify as a trauma doctor. He's established that
9 he's not a forensic doctor. It is a forensic-type
10 question, I submit.

11 THE COURT: I think he's stated that
12 he's not a forensic doctor.

13 MS. HEARD: Well, I mean, he can
14 testify as to how bullets, generally, travel down a
15 certain path or they go --

16 THE COURT: Right. He can talk about
17 this case, but he can't talk generally, because he's
18 not an expert. He can certainly talk about whether
19 that happened in this case, but he's not an expert.
20 He's not a forensic ballistic. He can't speak to
21 that.

22 BY MS. HEARD

23 Q. Well, in this case, how did the bullet
24 travel?

25 A. In very general terms from my training, I

1 can't tell you anything about -- I could tell you
2 whether or not -- based on the story, if it was high
3 or low energy weapon that was used. And handguns
4 are low energy -- that's a fact -- as opposed to a
5 riffle or assault riffle. I can't tell you anything
6 about the caliber. That's not my field, as you
7 corrected that.

8 But what I can tell you is that physics,
9 you know, dictates -- it's pretty simple that an
10 object that rests has zero motion. An object in
11 motion tends to stay in motion, unless acted upon by
12 an unbalanced force.

13 So what that means is that as that bullet
14 is moving in, usually it would stay in a straight
15 line until either one or two things happened:
16 Something pushed it or it could go in another
17 direction where it hits something and then it would
18 transfer its energy to those "some things" and in
19 this case, the "some things" were the bone and the
20 other fragments of the bullet. And they would move
21 out in the directions in multiple directions and
22 until they hit something else, either more bone and
23 more bullet, and they would bounce.

24 So when the bullet enters the body, you
25 don't know where they go. It's not uncommon for

1 penetrating gunshot wounds for bullets to hit bone.
2 And even if you're shot in the belly, the bullet
3 could hit something in the head, the chest, the leg.

4 And so we have to be really, really
5 careful in our assessment to look for all possible
6 injuries.

7 Q. Okay. And Dr. Lopez, you indicated that
8 you did review the medical records for Sardor
9 Bolyaganov before coming in today, correct?

10 A. The parts that I had mentioned before: the
11 trauma history page, the discharge summary.

12 MS. HEARD: Okay. And if I could
13 have the witness shown what has been marked as C-53?

14 THE CRIER: C-53 is being shown to
15 the witness.

16

17 (Whereupon, a document was marked,
18 for identification purposes, Exhibit
19 C-53.)

20

21 BY MS. HEARD

22 Q. And Dr. Lopez, I'm showing you medical
23 records for Sardor Bolyaganov.

24 Do you recognize some or most of those
25 documents that are in there?

1 MR. McGOVERN: Your Honor, with all
2 due respect to Commonwealth and to Dr. Lopez, who
3 I'm sure is an amazing man. We're not going to ask
4 the doctor to read all these records. He apparently
5 has reviewed them. If there's a request for a
6 stipulation, we might be able to come to an
7 agreement to stipulate to whatever the documents
8 are.

9 MS. HEARD: One second, Your Honor.

10 THE COURT: Sure.

11 (A discussion was held off the
12 record.)

13 MR. McGOVERN: Your Honor, I think
14 we've arrived at a stipulation. We can stipulate
15 that these are the medical records for Sardor
16 Bolyaganov.

17 THE COURT: Okay.

18 MR. FEINMAN: Your Honor, I think all
19 sides would agree, stipulate that C-53 are true and
20 correct copies of the medical records of Sardor
21 Bolyaganov from his admission until his discharge at
22 Aria Health Torresdale on July 21, 2013.

23 THE COURT: Okay.

24 MR. McGOVERN: Your Honor, I join
25 that stipulation, except the representation of the

1 Commonwealth that that's what they are, but I
2 haven't read them all.

3 MS. HEARD: Yes. Your Honor, at this
4 time, there has been a stipulation by and between
5 counsel that those are the medical records for
6 Sardor Bolyaganov beginning from July 21, 2013
7 through his discharge from Aria Torresdale.

8 THE COURT: Okay.
9 Anything else?

10 MS. HEARD: I don't have anything
11 else.

12

- - -

13

RECROSS-EXAMINATION

14

- - -

15 BY MR. McGOVERN

16 Q. I do have a question and I hope it's
17 not -- it might be obvious to others, but it's not
18 perfectly clear to me. The spine consists of the
19 cervical region, then the thoracic region, then the
20 lumbar region, correct?

21 A. Yes.

22 Q. And with regard to this particular
23 patient, the injury was in the thoracic area?

24 A. That's correct.

25 Q. Okay. So that's the middle region. You

1 have the lumbar from basically -- forgive me for not
2 being anatomically perfect -- from the waist down to
3 the coccyx, correct?

4 A. Little higher than that. It's the lower
5 back.

6 Q. All right. The lower back.

7 Then the thoracic would be the top of the
8 shoulders to the lumbar?

9 A. Yeah.

10 Q. And the cervical would be from, basically,
11 the beginning of the brain stem to the top of the
12 thoracic region, correct?

13 A. Basically, the skull down. Sure.

14 Q. So when we heard of the terrible injury of
15 Christopher Reeves -- he became quadraplegic and he
16 was paralyzed -- I would take it that he had a
17 cervical injury; is that correct?

18 A. Yeah. He had very high cervical injury
19 where he stopped breathing, but I can attest to his
20 specific injuries.

21 Q. No. I'm not asking that. I'm just asking
22 that when you see people lose -- when they become
23 quadraplegic and lose the use of their upper
24 extremities and their lower extremities, generally
25 that's associated with a cervical injury. And as in

1 this situation that I referenced, it could be a high
2 cervical injury, correct?

3 A. A high cervical injury -- breaking down
4 cervical injury, if it's a high cervical injury,
5 you'd probably stop breathing also. The lower part
6 you'll become quadraplegic, losing all function and
7 sensation below. But also of high thoracic
8 injuries, you could lose the functions and
9 sensations of your arms to everything down.

10 Q. Okay. And how many -- I'm not looking
11 for -- I'm not trying to get free medical advice,
12 but how many cervical vertebrae are there?

13 A. Seven.

14 Q. So if you have a C-7 injury, you could
15 have quadraplegia as well, right?

16 A. Yes.

17 Q. Okay. And this particular injury involved
18 a T9 and T10 injury, and you've described
19 Mr. Bolyaganov's injuries with regard to the use of
20 motor skills and what goes with it from that area
21 down, correct?

22 A. Yes.

23 MR. McGOVERN: Okay. Thanks a
24 million. I just wanted to get it clear in my head.

25 MR. FEINMAN: Your Honor, I do have

1 one question based on the redirect and the doctor's
2 responses.

3 BY MR. FEINMAN

4 Q. Doctor, you mentioned the inertia, the
5 transfer of the force from the bullet. And when you
6 did your examination, you noticed -- and you
7 described that the fragments that you were able to
8 detect through the CAT scan and other testing, all
9 were moving in an outward and upward direction,
10 correct?

11 A. And downward, because of the left lower
12 lobe of the lung was injured too. So there was some
13 pattern that the bullet fragments went up and across
14 from the left side to the right side, behind his
15 heart, and down to the left side of his lower chest.
16 Kind of like an explosion. But there were no
17 fragments that looked like they were underneath T10
18 level and down.

19 Q. And from that assessment, the majority of
20 the energy transferred from the bullet internally to
21 what it struck with moving in an upward and outwards
22 direction?

23 A. I can't say how much energy was left in
24 the bullet fragments versus the bone, but it was
25 transferred.

1 Q. But that was transferred moving up and
2 out?

3 A. Yes.

4 MR. FEINMAN: Thank you. No further
5 questions. Thank you for coming in.

6 THE COURT: Anything else for this
7 witness?

8 MS. HEARD: No, Your Honor. Thank
9 you, Doctor.

10 (Witness excused.)

11 MS. HEARD: At this time,
12 Commonwealth calls Sardor Bolyaganov.

13 COURT OFFICER: State your full name
14 and spell your last.

15 THE WITNESS: Sardor Bolyaganov,
16 S-A-R-D-O-R B-O-L-Y-A-G-A-N-O-V.

17

18 SARDOR BOLYAGANOV, having been first
19 duly sworn, was examined and testified as follows:

20

21 THE COURT: Mr. McGovern, you may
22 continue conducting your cross.

23 THE COURT: Thank you, Your Honor.

24

25

1

- - -

2

CROSS-EXAMINATION

3

Continued

4

- - -

5 BY MR. McGOVERN

6 Q. Good morning, sir.

7 A. Morning.

8 Q. I have a few more questions. Not many.

9 A. Okay.

10 Q. Because we spent a lot of time yesterday,
11 and I don't want to repeat anything.

12 A. I understand.

13 Q. Sir, when you came to this country in May
14 of 2010, you, among other things, began a Facebook
15 page; is that correct?

16 A. Yes.

17 Q. And on your Facebook page --

18 A. Yeah.

19 Q. -- you may not know what I'm going to say,
20 because sometimes I don't know what I'm going to
21 say. So just wait.

22 A. Okay.

23 Q. Sometimes you would post photographs of
24 yourself and your friends and activities, correct?

25 A. Yes.

1 Q. And you still continue to do that today?

2 A. Yes.

3 Q. Now, you answered questions yesterday and
4 confirmed that you've have an interest in mixed
5 martial arts, correct?

6 A. Yes.

7 Q. And when did your interest in mixed
8 martial arts begin?

9 A. When I was young. It wasn't interest. It
10 just what my parents give me, you know.

11 Q. And once again, I'm just going to remind
12 you -- and I'm not trying to put words in your
13 mouth. If you listen to my question, I just ask you
14 to answer the question I ask you. If there's
15 something that the DA wants to follow up with,
16 Ms. Heard can do that. But I just -- if you would
17 answer my question, I appreciate it very much.

18 You began your interest in mixed martial
19 arts in and around five or seven, I think you said?

20 A. Yes. Elementary school. Correct.

21 Q. And you continued in training in mixed
22 martial arts and in competitions of mixed martial
23 arts?

24 A. No. I didn't go in competitions.

25 Q. Just in training, then?

1 A. Just for myself.

2 Q. And when you came to America, you also
3 continued training both for physical fitness but
4 also in mixed martial arts, correct?

5 A. Yeah, physical fitness and stuff like
6 that, correct.

7 MR. McGOVERN: I have two photographs
8 that I would be asking to be marked as Defense
9 Exhibits 6 and 7, if you don't mind, sir.

10

11 (Whereupon, documents were marked,
12 for identification purposes, Exhibits D-6
13 and D-7.)

14

15 MR. McGOVERN: Your Honor, may I
16 approach the witness?

17 THE COURT: Yes.

18 MR. McGOVERN: I'm going to try to
19 move this easel with the Court's permission?

20 THE COURT: Yes.

21 BY MR. McGOVERN

22 Q. Sir, I ask you to take a look at what's
23 been marked as D-6. This is a photograph of you in
24 the passenger seat of an automobile; is that
25 correct?

1 A. Yes.

2 Q. And sir, this photograph was posted on
3 your Facebook page, correct?

4 A. Yes.

5 Q. And with all due respect -- this was taken
6 in 2012; is that correct?

7 A. I don't remember that.

8 Q. Pardon me?

9 A. I don't remember.

10 Q. Okay. And this was during a period of
11 time when you continued your physical fitness
12 training and your mixed martial arts training; is
13 that right?

14 A. I don't remember if I did at that time
15 when I took picture. If I was still training. I
16 was working in America. There is no time to do, you
17 know, sport. Sometimes when I didn't work is when I
18 did sport, because I was bored. You know what I'm
19 saying?

20 Q. But my question is, you stayed in very
21 good shape, didn't you?

22 A. Yeah -- what you -- even right now I'm
23 also trying to stay --

24 Q. Okay.

25 A. -- I'm still in good shape.

1 Q. All right. Thank you. I didn't mean to
2 interrupt you.

3 Now, I'm going to ask you to take a look
4 at the second picture. Now, this is going to be
5 marked -- this is marked as D-7.

6 And do you recognize this photograph of
7 yourself from the back?

8 A. Yes.

9 Q. And could you read what words were written
10 on this blue T-shirt you're wearing?

11 A. Uzbekistan, mix fight.

12 Q. That's Uzbekistan, U-Z-B-E-K-I-S-T-A-N,
13 that's in white lettering?

14 A. Correct.

15 Q. And the second word is mixed fight, M-I-X
16 F-I-G-H-T, correct?

17 A. Yes. Can I say something?

18 Q. Well, I'm going to ask you some questions
19 and then we'll go from there, if you don't mind?

20 A. Of course.

21 Q. Okay. So this photograph, right, is you
22 wearing Uzbekistan mix fight shirt which was a team
23 or association of martial arts?

24 A. No.

25 Q. Okay.

1 A. Because Uzbekistan mix fight is not a
2 corporation. It's just -- I did it at -- from
3 Franklin Mills. They just put it on top, you know,
4 for like \$10.

5 Q. Okay. And mixed martial arts is a type of
6 training where you learn how to specially use your
7 hands and feet in personal combat, correct?

8 A. Yes.

9 MR. McGOVERN: That's all I have. I
10 have no further questions.

11 THE COURT: Redirect?

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

14

- - -

15

REDIRECT EXAMINATION

16

- - -

17 BY MS. HEARD

18 Q. Good morning, again, Mr. Bolyaganov.

19 A. Morning.

20 Q. I'm going to start off with some of the
21 questions that you were just asked about.

22 Where did you get that T-shirt that you
23 have on there?

24 A. T-shirt -- but it was plain T-shirt, and I
25 bought from Franklin Mills Mall, you know, just the

1 sign. It was -- we don't have any corporation for
2 mixed martial arts. But this is just fake. I did
3 it myself, but like, put it on top and sides.
4 That's all.

5 Q. Why would you put Uzbekistan mix fight on
6 a shirt?

7 A. Because I love fitness, and there's so
8 many people who do sport, you know. I just love
9 sports, you know, all kinds so -- and to kind of
10 show off when I was young, you know.

11 Q. Okay. Do you remember how old you were in
12 that picture?

13 A. It was as soon as I came to America in
14 2010, the summer.

15 MS. HEARD: Okay. And permission to
16 approach, Your Honor?

17 THE COURT: Yes.

18 MS. HEARD: And Your Honor, I'm now
19 showing D-6 to the witness.

20 BY MS. HEARD

21 Q. Mr. Bolyaganov, do you remember how old
22 you were in that picture?

23 A. It was little bit later after I came to
24 America. I'm not really sure. Maybe 22 or 21. No.
25 21 I got shot. I don't really remember. Probably

1 one year after I come to America.

2 Q. Okay. And what exactly are you doing with
3 your arm there?

4 A. I don't know. Just took a picture, a
5 selfie.

6 Q. Okay. Fair enough.

7 So I'm going to go back a little bit
8 because you were asked some questions on
9 cross-examination yesterday. Okay?

10 A. Yes.

11 MS. HEARD: If I could have the
12 witness shown what has been previously marked as
13 C-35?

14 COURT OFFICER: C-35.

15 MR. FEINMAN: That's his statement,
16 Your Honor.

17 MS. HEARD: Yes.

18 THE COURT: Okay.

19

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

23

24 COURT OFFICER: May it be shown to
25 the witness, Your Honor?

1 THE COURT: Yes.

2 BY MS. HEARD

3 Q. And Mr. Bolyaganov, that's your statement,
4 correct?

5 A. Correct.

6 Q. Mr. Bolyaganov, when was -- prior to
7 yesterday, when was the first time that you,
8 actually, got a chance to review that statement,
9 other than the day that it was taken?

10 A. Around two weeks ago, we meet up around
11 the 14th. When was -- 14 days ago. Maybe 15 days
12 ago.

13 Q. When you said "when we meet up," are you
14 talking about you and --

15 A. Me and you in your office. That's the
16 first time I seen the papers.

17 Q. Okay. And when you were reviewing your
18 statement in my office --

19 MS. HEARD: Court's indulgence.

20

- - -

21

(Pause.)

22

- - -

23 MS. HEARD: I'm, actually -- does
24 this work better than yesterday? Permission to
25 approach, Your Honor?

1 THE COURT: Yes.

2 MS. HEARD: I'm going to show the
3 witness a question.

4 BY MS. HEARD

5 Q. I'm going to direct your attention to a
6 question on your statement. Okay, Mr. Bolyaganov?

7 A. Yes. Sure.

8 Q. Mr. Bolyaganov, that question that I
9 directed your attention to states, Did you see who
10 shot you.

11 MR. McGOVERN: I'm sorry. What page?

12 MS. HEARD: I apologize. Page two.

13 MR. McGOVERN: No problem.

14 BY MS. HEARD

15 Q. I'm on page two. And the question was,
16 Did you see who shot you. Do you see that question?

17 A. Yes.

18 Q. What was your answer?

19 A. No. I was looking at the father.

20 Q. Okay. What did you tell me when you read
21 that question?

22 A. I'm sorry.

23 Q. What was it that you told me? What did
24 you tell me?

25 MR. FEINMAN: Objection. I think

1 we're getting on very shaky ground, in all due
2 respect in deference to the Commonwealth. She's now
3 opening the door as to what Mr. Bolyaganov told her.
4 She's opening the door to the attorney/client
5 privilege there, and we can get into areas that she
6 may not be willing to get into. She's now asking
7 what that conversation was. She's opening up
8 attorney/client privilege. I don't think she wants
9 to do that.

10 MR. McGOVERN: Your Honor, if I could
11 just chime in -- I don't mean to pile on, but
12 Ms. Heard would be making herself a witness,
13 potential witness, but beside which, the interview
14 that we're talking about I thought was recorded as
15 C-51. C-51 is the April 1st statement, and I think
16 that's the date they we're talking about.

17 THE COURT: I think they're correct.
18 You don't want to get in to what he told you. I
19 think the issue of what we went over yesterday was
20 to the DA's detective towards his statement. It's
21 different than what he told you.

22 MS. HEARD: And Your Honor, I was
23 just trying to avoid the whole issue of leading him,
24 but -- so this is what I'm going to do.

25

1 BY MS. HEARD

2 Q. This is what I'm going to ask you.

3 You told me that you wanted to make an
4 addition to your statement, correct?

5 A. Correct.

6 Q. And at that time a DA detective came and
7 talked to you, correct?

8 A. Correct.

9 Q. Now, I'm going to show you again what we
10 marked as C-51.

11 MS. HEARD: If we could have that
12 shown to the witness again?

13

-- --

14 (Whereupon, a document was marked,
15 for identification purposes, Exhibit
16 C-51.)

17

-- --

18 COURT OFFICER: C-51 is being shown
19 to the witness.

20 BY MS. HEARD

21 Q. Now, Mr. Bolyaganov, when you told me you
22 wanted to make an addition to your statement, is
23 that the statement that was taken from Detective
24 Brady in my office?

25 A. Yes.

1 Q. Okay. Now, when did you remember -- when
2 did you remember the fact that Gregory Spector said,
3 I'm going to kill you? When was it that came to
4 your mind?

5 A. Probably maybe like six, seven months
6 after I got injured.

7 Q. Okay. And Mr. Bolyaganov, do you remember
8 exactly how you were positioned when Mr. Gregory
9 Spector pointed the gun and said that to you?

10 A. Yes.

11 Q. How were you positioned?

12 A. I was on the ground. I was already shot.
13 My legs was, like, twisted. And he come up and
14 point the gun and he said, I'm going to kill you. I
15 said -- I was screaming, my wife was screaming,
16 Please don't. And he didn't. That's how.

17 Q. Okay. Now, going back to the night in
18 question, July 21, 2013 -- I know that we just
19 looked at D-6 and D-7, correct?

20 A. Yes.

21 Q. Do you remember how -- around how much you
22 weighed on July 21, 2013?

23 A. I was around 190 pounds, somewhere around
24 there. 180 maybe.

25 Q. What is your height?

1 A. Almost six.

2 Q. Is that six feet tall? Is that what you
3 mean?

4 A. Five-nine, six.

5 Q. All right. Now, I'm going to direct your
6 attention back to your first statement. That
7 statement being C-35.

8 How were you feeling, physically, when
9 Detective Corrigan took that statement from you on
10 July 22, 2013?

11 A. I was really bad. I was little bit almost
12 dying. I had five hoses in my body.

13 MR. FEINMAN: Objection. Move to
14 strike. It's nonresponsive. He's talking out
15 opinion about hoses and so forth. He's not talking
16 about how he was feeling.

17 THE WITNESS: I was feeling really
18 bad.

19 MS. HEARD: He's not answering the
20 question as asked.

21 THE COURT: Okay.

22 MS. HEARD: And Your Honor, he just
23 stated that he was feeling really bad.

24 THE COURT: All right. I think
25 that's sufficient. He answered as he understood.

1 Go ahead.

2 BY MS. HEARD

3 Q. And as you were testifying yesterday and
4 even as you are testifying today, can you tell the
5 ladies and gentlemen of the jury are you on
6 medication?

7 A. Yes, I'm on medications. I'm on oxycodone
8 and I'm taking for the pain cause can't handle
9 bullet in my spine, so I got always on medication
10 otherwise.

11 Q. And where you on -- what, if anything,
12 where you taking yesterday?

13 A. It was oxycodone.

14 Q. Now, yesterday, when you were testifying,
15 I know we had to take a break. How were feeling
16 physically when you had to take a break?

17 A. Really bad. I went out there and
18 stretched out because otherwise, you know, my spasms
19 were so bad, I'm on medication.

20 Q. And how are you feeling physically today?

21 A. Better. Thank you.

22 MS. HEARD: Thank you so much.

23 Your Honor, I don't have anymore
24 questions.

25 THE COURT: Any recross?

1 MR. McGOVERN: Your Honor, I just
2 have a couple follow-up questions. Thank you.

3 - - -

4 RE-CROSS-EXAMINATION

5 - - -

6 BY MR. McGOVERN

7 Q. You know, I didn't hear it as well as I
8 should have. You said you took oxycodone when?

9 A. As soon as I got injured from the last --
10 I take them for the pain. It's medication of
11 pain -- pills.

12 Q. All right. So you said that when you gave
13 your first statement on July 22, '13, the very first
14 one, you were on oxycodone then?

15 A. Yes.

16 MR. McGOVERN: And could this witness
17 be shown C-51?

18 BY MR. McGOVERN

19 Q. Can you just look at the first line, and
20 this is the statement that you gave 14 days ago --
21 actually, I said 14 yesterday. It was 13 yesterday.
22 Today's the 15th.

23 On April 1st of 2015, 14 days ago, you
24 gave this statement. You said -- you were asked,
25 Are you under the influence of drugs or alcohol

1 today, and you said, oxycodone for pain, but I'm
2 fine to talk, correct?

3 A. Yes. I'm talking like every time.

4 Q. But both times you were on oxycodone?

5 A. Correct.

6 Q. Now, when you came to that DA's office two
7 weeks ago on April 1st, you told the DA that you
8 wanted to make an addition to your statement,
9 correct?

10 A. Yes. After I reviewed papers.

11 Q. Okay. Did you tell the DA that you wanted
12 to make some subtractions to your statements as well
13 as additions?

14 A. What's this mean? Subtraction?

15 Q. Add something and then take away
16 something. Did you tell them you wanted to add
17 something?

18 A. No.

19 Q. Okay. Now, what you added two weeks ago
20 was that my -- you now remember hearing my client
21 say, I want to kill you?

22 A. Yes.

23 Q. So that's what you added?

24 A. Yes.

25 Q. Okay. And you also added that you saw him

1 with a gun, correct?

2 A. Correct.

3 Q. All right. So those are the two things
4 you added?

5 A. Probably.

6 Q. Let's look at the subtractions. If you
7 could look at C-35, that's the first statement. And
8 if you could go to page two -- which I think we're
9 all going to have memorized soon.

10 I ask you -- there's a series of five
11 single Q's with five single A's, one line each.

12 A. Uh-huh.

13 Q. Do you remember that you told Detective
14 Corrigan when he asked you, Did you see who shot
15 you, you said, no, I was looking at the father?

16 A. Correct.

17 Q. Do you remember saying that?

18 A. Yes.

19 Q. And do you remember, then, being asked the
20 follow-up question by Detective Corrigan, who I
21 expect will be testifying in this case, Did you ever
22 see the son holding gun. Do you remember telling
23 him no?

24 A. Yes, I remember that.

25 Q. Okay. So that's something you subtracted

1 two weeks ago, right?

2 A. Understand.

3 Q. All right. So you had that in there and
4 then you took it out that you said that you saw --
5 you didn't see the son holding a gun, but know you
6 take that out?

7 A. I didn't take out nothing. I just say
8 what I seen. What I remember.

9 Q. When you told him what you didn't see that
10 day, was my client holding a gun. That's what you
11 told him, right?

12 A. I said --

13 Q. I'm asking you yes or no. Is that what
14 you told him?

15 A. Repeat the question?

16 Q. Did Detective Corrigan write it down
17 wrong? Did you say -- when Detective Corrigan asked
18 you, did you ever see the son holding a gun, did you
19 say to Detective Corrigan yes? Or was Detective
20 Corrigan right when he wrote down that you told him
21 no?

22 A. Repeat that, please?

23 Q. The question there, right in the middle,
24 when Detective Corrigan wrote down his question, Did
25 you ever see the son holding a gun?

1 A. Correct. I didn't say -- I said no.

2 Q. You said -- okay. So you stated two weeks
3 ago on April 1, 2015, you subtracted that answer?
4 You took that out, right?

5 A. Probably, then, yes.

6 Q. Okay. And then -- I'll skip the next
7 question it says, Did you kick the father -- it
8 says, Did you kick the father while he was on the
9 ground. Answer, we were fighting, yes.

10 A. Correct.

11 Q. All right. So you told Detective Corrigan
12 that?

13 A. Correct.

14 Q. And now, the next question was, Did the
15 son ever warn you to stop hitting or kicking his
16 father, and the answer it says here that you gave to
17 Detective Corrigan was, I did not hear him say
18 anything to me.

19 Is that what you told Detective Corrigan?

20 A. Probably.

21 Q. And two weeks ago you took that out. You
22 subtracted that. But now you're saying that you
23 heard him say something?

24 A. Yes.

25 Q. Not only did you hear him say something,

1 you heard him say, I'm going to kill you, is what
2 saying now?

3 A. Correct. Exactly. That's what he said.

4 Q. And is your testimony -- is that testimony
5 as truthful as this testimony?

6 A. Yes, it's truthful.

7 Q. Now, when you're making additions and
8 subtractions to your statement, did you then tell
9 the District Attorney or the detective on that day,
10 April 1st, I want to let you know the phone number
11 of the 14-year-old or 15-year-old who sold me the
12 phone. I found that. Did you add that in?

13 A. I didn't find that. I didn't move for it.
14 Never.

15 Q. Okay. Anytime between July 22nd of 2013,
16 anytime after that, did you ever try to aid
17 Detective Corrigan or the DA's Office by adding that
18 I can tell you how to find this 14 year old who
19 might have stole that phone?

20 A. Why should I do -- I don't -- I was bad
21 condition. I wasn't thinking about that stuff.

22 Q. Did you ever try to locate him?

23 A. Nobody asked me about it so...

24 Q. So they messed up?

25 A. Probably, yeah.

1 MR. MCGOVERN: Okay. I have nothing
2 further.

3 THE COURT: Any Recross?

4 MR. FEINMAN: No, Your Honor.

5 THE COURT: Anything else?

6 MS. HEARD: No, Your Honor. I don't
7 have anything else for this witness.

8 THE COURT: Thank you.

9 (Witness excused.)

10 MR. MCGOVERN: Your Honor, I don't
11 expect for any reason for us to be recalling
12 Mr. Bolyaganov. If the Commonwealth court wants to
13 excuse him, I have no problem with that.

14 MR. FEINMAN: I'm going to agree with
15 that, Your Honor.

16 THE COURT: Okay.

17 MR. MCGOVERN: Thank you, Judge.

18 THE COURT: We'll break for lunch.
19 It's 12:10 now, so we'll be back by 1:20, in that
20 neighborhood.

21 Remember don't talk about the case
22 during lunch, and we'll see you around 1:20.

23 COURT OFFICER: Please remain seated
24 while the jurors exit the room.

25 (Jury exits the courtroom at 12:04

1 p.m.)

2 (Whereupon, lunch recess was taken.)

3 (Jury enters the courtroom at 1:10

4 p.m.)

5 (Defendants are present together with
6 counsel.)

7 MS. HEARD: Commonwealth calls

8 Officer Green to the stand.

9 COURT OFFICER: Please state your
10 first name, spelling your last, badge number, and
11 assignment for the record.

12 THE WITNESS: Ernest Green,
13 G-R-E-E-N, Badge Number 4980.

14 THE COURT: What's your name?

15 THE WITNESS: Green.

16 THE COURT: Your first name?

17 THE WITNESS: Ernest.

18 THE COURT: Ernest Green. Okay.

19 Thank you.

20 MR. McGOVERN: Your Honor, if the
21 officer could push the mic away a little bit.

22 THE WITNESS: Is that better?

23 MR. McGOVERN: Thank you.

24

25

1

- - -

2

DIRECT EXAMINATION

3

- - -

4 BY MS. HEARD

5 Q. Good afternoon, Officer Green.

6 A. Good afternoon.

7 Q. Officer Green, I'm going to take you back

8 to July 21st of 2013. Were you working as a

9 Philadelphia police officer on that date?

10 A. Yes.

11 Q. And could you tell the ladies and

12 gentlemen of the jury what district you were

13 assigned to on that date?

14 A. I was assigned to the 7th District.

15 Q. And where exactly is the 7th District

16 located?

17 A. 1701 Bowler Street, Philadelphia, PA 19114

18 -- 116. I'm sorry.

19 Q. Okay. And what section of the city is it

20 in?

21 A. It's the far Northeast.

22 Q. Okay. What neighborhoods does it

23 encompass?

24 A. Fox Chase. It's, like, the far Northeast,

25 basically.

1 Q. Okay. Now, are you still working in the
2 7th District?

3 A. Yes.

4 Q. And how long have you been a police
5 officer?

6 A. Twelve years.

7 Q. And in your 12 years of being a police
8 officer, have you always be in 7th District or have
9 you been elsewhere?

10 A. Yes, I've been elsewhere.

11 Q. Tell the ladies and gentlemen of the jury
12 where else you've been assigned.

13 A. I've been assigned to South Philly for --
14 I was down there for six years. I've been up at the
15 7th for about six years.

16 Q. Okay. Now, on July 21st of 2013, were you
17 working by yourself or did you have a partner?

18 A. I had a partner.

19 Q. What was your partner's name?

20 A. His name is Officer Tim Taylor, Badge
21 Number 5130.

22 Q. Now, at approximately 10:40 or so p.m. in
23 the evening, did your tour of duty take you to the
24 area of Ferndale and Kentwood Streets in the city
25 and county of Philadelphia?

1 A. Yes.

2 Q. And are Kentwood and Ferndale Streets, are
3 those in the 7th District?

4 A. Yes.

5 Q. Can you tell the ladies and gentlemen of
6 the jury what exactly brought you and your partner
7 to that location?

8 A. Basically, so with the radio call of shots
9 fired and also said we had a male shot on the
10 highway also, at the -- 734 Kentwood Street.

11 Q. Okay. So when you were with Officer
12 Taylor, are you all in a car or are you all on foot?

13 A. No. We were in the wagon, 701 wagon.

14 Q. Okay. And who's driving?

15 A. I am.

16 Q. Okay. Once you received this radio call,
17 tell the ladies and gentlemen of the jury what
18 exactly it is that you and Officer Taylor do?

19 A. So once we received the radio call, we put
20 out lights and sirens on and then we rushed to the
21 area because a lady there said a male got shot on
22 the highway.

23 Q. And what level priority is a male shot --
24 or somebody shot on the highway?

25 A. It's a priority one.

1 Q. And what does priority one mean?

2 A. Priority one is usually a bank robbery,
3 somebody shot, somebody with a gun, something sort
4 of high priority.

5 Q. Okay. So tell the ladies and gentlemen of
6 the jury what happened, once you put your lights and
7 sirens on -- how far away are you from Ferndale and
8 Kentwood Streets when you received this radio call?

9 A. I'm between three and five minutes.

10 Q. Okay. Tell the ladies and gentlemen of
11 the jury what happened once you get to that
12 particular area of Kentwood and Ferndale Streets?

13 A. Well, once I get to the scene, it's like
14 pandemonium. Everybody -- there's a lot of people
15 out.

16 So also I observed Sardor. He was lying
17 down faced on the ground with a gunshot to his back.

18 Q. And was anybody with -- you said -- what
19 was his name?

20 A. Sardor.

21 Q. Okay. And did you come to find out that
22 his name was Sardor Bolyaganov?

23 A. Yes.

24 Q. And did you see him here earlier today?

25 A. Yes.

1 Q. Was anybody with Mr. Bolyaganov?

2 A. Yes. His wife was with him.

3 Q. Okay. Tell the ladies and gentlemen of
4 the jury exactly what you did when you got there.

5 A. As soon as I got there -- so I called
6 rescue to make sure somebody was going to be there.
7 At that time, I was approached by Gregory Spector
8 who stated at the time --

9 MS. HEARD: Hold on one second.

10 Indicating the defendant Gregory
11 Spector for the record.

12 BY MS. HEARD

13 Q. Go ahead. What did Mr. Gregory Spector
14 say?

15 A. So at that time, he told me that he was
16 the one who shot Mr. Sardor in his back. And then
17 at that time, he states, Officer, I have my gun on
18 me. So then my partner, Tim Taylor, he recovered
19 the gun from Mr. Spector.

20 Q. Okay. Now, you indicated that it was kind
21 of "like pandemonium." What do you mean by that?

22 A. It was like -- his wife, she was basically
23 screaming and crying. We had other people out
24 there. We had Mr. Gregory and his father, Lonnie
25 out there. So that's a whole lot of people out

1 there.

2 Q. Okay. And you indicated that you went
3 to -- you and your partner went to Mr. Gregory
4 Spector first; is that correct?

5 A. Yes.

6 Q. Why did you go to Mr. Gregory Spector
7 first?

8 A. Because he identified himself as a person
9 who shot Mr. Sardor. So we basically went to his --
10 as soon as he was like, Officer, officer, I was the
11 one who shot Mr. Sardor.

12 Q. Now, was Mr. Gregory Spector with anybody
13 at this time?

14 A. Yes. He was with his father.

15 Q. And do you see his father here in the
16 courtroom today?

17 A. Yes.

18 Q. Can you point him out?

19 A. (Indicating.)

20 MS. HEARD: Indicating Mr. Lonnie
21 Spector for the record.

22 BY MS. HEARD

23 Q. And at that time, did Mr. Lonnie Spector
24 say anything to you? What, if anything, did he say
25 to you?

1 A. Nothing at all.

2 Q. Okay. Were there cars out there on the
3 scene when this happened?

4 A. Yes.

5 Q. What cars were out there, if you recall?

6 A. There was a black Chrysler 300 and I
7 believe a Mercedes.

8 Q. And now, once you recovered the firearm
9 from Mr. -- you said -- I apologize. You said your
10 partner recovered the firearm from Mr. Gregory
11 Spector, correct?

12 A. Yes.

13 Q. Okay. Tell the ladies and gentlemen of
14 the jury what happened once your partner recovered
15 that firearm from Gregory Spector?

16 A. We placed him in custody, put handcuffs on
17 him and then at that time I searched his father,
18 Lonnie Spector. So that's when I recovered the .38
19 from his father.

20 Q. And when you say a ".38," what is a .38?

21 A. It's a revolver.

22 Q. Okay. And at that time, did Mr. Lonnie
23 Spector say anything?

24 A. No.

25 Q. Once you recovered that .38 from

1 Mr. Lonnie Spector, tell the ladies and gentlemen of
2 the jury what you did after that.

3 A. Well, after that, I put both males in the
4 back of the wagon so I could have some type of order
5 out there. So at that time, I observed Mr. Lonnie
6 Spector. He was bleeding from his face and from the
7 back of his head. So I called rescue so they could
8 check him out also.

9 Q. Okay. And so after you called rescue,
10 what did you do after that?

11 A. Well, after I called rescue -- so I took
12 him out the wagon.

13 Q. When you say "him," who are you talking
14 about?

15 A. I'm sorry. Mr. Lonnie.

16 Q. Okay.

17 A. So I took him out the wagon and then he
18 was transported over to Aria Torresdale for the
19 bruises on his head, on his face.

20 Q. Okay. And then what did you do after
21 that?

22 A. After that, we transported Mr. --

23 Q. And I apologize. Who is "we"?

24 A. Me and my officer -- I'm sorry -- partner
25 Tim Taylor.

1 So we transported Mr. Gregory down to
2 Northeast Detectives.

3 Q. Okay. Now, once you got down to Northeast
4 Detectives, did you have the opportunity to provide
5 a statement?

6 A. Yes.

7 Q. If I could have the witness be shown what
8 has been previously marked as C-3.

9

- - -

10 (Whereupon, a document was marked,
11 for identification purposes, Exhibit C-3.)

12

- - -

13 MR. FEINMAN: No objection.

14 COURT OFFICER: C-3 is being shown to
15 the witness.

16 BY MS. HEARD

17 Q. Officer Green, do you recognize what I
18 just showed you as Commonwealth Exhibit 3?

19 A. Yes.

20 Q. What is that document?

21 A. Basically, it's a 49 of my testimony that
22 I gave to the detective down at Northeast
23 Detectives.

24 Q. Okay. What, if anything, did you do with
25 that firearm that you recovered from Mr. Lonnie

1 Spector?

2 A. I put it on property receipt 3103799. I
3 think I made a mistake when I heard him say that I
4 put it on 3103800, but I didn't. I put it on
5 3103799.

6 Q. And if I could have the witness at this
7 time shown C-5?

8 THE COURT: C-5.

9 COURT OFFICER: C-5.

10 MR. FEINMAN: No objection.

11 COURT OFFICER: C-5 is being shown to
12 the witness.

13

14 (Whereupon, a document was marked,
15 for identification purposes, Exhibit C-5.)

16

17 BY MS. HEARD

18 Q. Now, I know you said you placed something
19 on a property receipt. Can you tell the ladies and
20 gentlemen of the jury what is a property receipt?

21 A. A property receipt is, basically, a piece
22 of paper that you put property on, so you can
23 identify -- so you got your property number up here,
24 and you, basically, take down everything that you
25 recovered from the scene of an accident.

1 Q. You said a scene of a what?

2 A. I'm sorry. Scene of a crime. I'm sorry.

3 Q. Okay. And what exactly did you place on
4 that property receipt? What did you say you placed?

5 A. It was black and silver .38 revolver
6 loaded with five live rounds. It had a serial
7 number of RJ87748.

8 Q. Now, once you place an item onto a
9 property receipt, can you tell the ladies and
10 gentlemen of the jury what happens to it?

11 A. It gets transported down to FIU, so we can
12 hold on to it in case it comes to court.

13 Q. What is FIU? What's that stand for?

14 A. Fire Identification Unit.

15 Q. Okay. Now, we talked a little bit earlier
16 about radio calls, correct? And priorities?

17 A. Yes.

18 Q. Before hearing the radio call for a male
19 shot on the highway, what, if any, other radio calls
20 did you have an opportunity to hear with respect to
21 this incident -- or did you?

22 A. Yes. There was a couple calls, like,
23 around 9:55, 9:58, of males wanting to meet up at, I
24 believe, Verree and Red Lion. So they can recover
25 \$200 for a cell phone that he bought from

1 Mr. Sardor. Mr. Gregory Spector called a couple
2 times and asked for cops to come out there to make a
3 report.

4 Q. Okay. And was that Red Lion or Verree?

5 A. Red Lion and Verree, yes.

6 Q. I'm sorry. Bustleton and Verree?

7 A. Bustleton and Verree, yes. I'm sorry.

8 Q. . It's okay.

9 So what level priority, if any, was that
10 radio call?

11 A. Usually, something like that is like a
12 priority four. So it's not nothing major. And at
13 that time, also, there's no cars available to even
14 come to that location.

15 Q. What do you mean there were no cars
16 available?

17 A. It was -- I forget exactly how many cars
18 was on that night, but everybody was tied up on a
19 job.

20 Q. When you say "job," what do you mean?
21 What's happening?

22 A. Like a domestic, or like -- just like an
23 auto accident. Everybody was tied up on something
24 that required an officer to be on location.

25 Q. Okay.

1 MS. HEARD: Court's indulgence.

2

3 (Pause.)

4

5 BY MS. HEARD

6 Q. Now, really quickly, before I begin this,
7 when you received information about a male calling
8 about wanting police to meet them there, are you
9 receiving the whole contents of the call, or are you
10 just getting a description of what the call is?

11 A. We're getting a brief description of what
12 the male wanted us to meet him there for.

13 Q. Okay.

14 MS. HEARD: And Your Honor, at this
15 time, I'm going to play the 911 tape that was
16 previously marked, I believe, C-52.

17 THE COURT: C-52. Okay.

18 MS. HEARD: And I'm going to be
19 referring to page 4 on the transcript.

20 THE COURT: Page 4.

21 MS. HEARD: Is a short blurb. I
22 don't necessarily know if we need to give it to the
23 jury.

24 THE COURT: Okay. Just to save time.

25 Okay.

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

(Audio playing.)

BY MS. HEARD

Q. Now, Officer Green, did that sound at all
familiar to you?

A. A little bit, yes.

Q. And I believe that the dispatcher
indicated that it was a priority two. Did that come
out to you? Did you hear that?

A. Yes.

Q. Okay.

MR. McGOVERN: Your Honor, for the
record, that call is listed as coming in July 21st
at 22:13:02 military time, which would be 10:13:02
p.m.

MS. HEARD: Yes.

THE COURT: Yeah. I think it was
already announced, was it not?

MS. HEARD: Yes.

MR. McGOVERN: I'm just indicating
that it's military time.

1 THE COURT: Yeah. I think it was
2 military time when they...

3 MS. HEARD: Yes.

4 MR. McGOVERN: Okay.

5 THE COURT: Okay. Go ahead.

6 MS. HEARD: And if I -- now, at this
7 time, I'm going to refer back to C-52, and I'm going
8 to play Track 8.

9 And Your Honor, this is only 29
10 seconds in length.

11 (Audio playing.)

12 BY MS. HEARD

13 Q. And Officer Green, did you recognize the
14 voice on that?

15 A. Yes.

16 Q. And who was that?

17 A. It's me.

18 Q. Were you the person that was responding to
19 police dispatch?

20 A. Yes.

21 Q. Okay. Tell ladies and gentlemen of the
22 jury what happened when you were receiving this call
23 from police dispatch?

24 A. Well, at that time, she was trying to see
25 who was available, but at that time, we was still

1 stuck on the job.

2 MS. HEARD: Court's brief indulgence.

3 - - -

4 (Pause.)

5 - - -

6 MS. HEARD: And Your Honor, at this
7 time, if I could have the witness shown what was
8 previously marked as C-42-7?

9 THE COURT: C-42-7.

10 COURT OFFICER: Counsel?

11 MR. McGOVERN: Thank you.

12 COURT OFFICER: C-42-7 is being shown
13 to the witness.

14 - - -

15 (Whereupon, a document was marked,
16 for identification purposes, Exhibit
17 C-42-7.)

18 - - -

19 MS. HEARD: And Your Honor,
20 permission to approach with my pointer?

21 THE COURT: Yes.

22 BY MS. HEARD

23 Q. Officer Green, I'm going to hand you a
24 pointer.

25 Now, Officer Green, does this depict

1 anything that looks familiar to you with respect to
2 this incident?

3 A. Yes.

4 Q. What is it showing?

5 A. Basically, showing a crime scene where
6 everything happened at.

7 Q. And do you recognize that car?

8 A. Yes.

9 Q. Okay. Can you please point, with the
10 pointer that I gave you, showing where the Spectors
11 were -- or if they were in the vicinity -- were they
12 in the vicinity in this picture?

13 A. Yes.

14 Q. Okay. Can you point using your pointer
15 showing where they were exactly?

16 MR. FEINMAN: If we could get a
17 reference as to a point in time. Obviously, there
18 would have been some period of time that they were
19 on the scene together and it just helps.

20 THE COURT: Okay.

21 BY MS. HEARD

22 Q. When you got there.

23 A. Right here. It was around -- right around
24 this area, like the car area. They were walking
25 around.

1 Q. You said walking around?

2 A. Yes.

3 Q. Now, are they standing right next to each
4 other? How are they standing?

5 A. Basically, side to side to each other.

6 Q. And can you please, with your pointer,
7 show where Mr. Bolyaganov was?

8 A. He was right around this area. Right
9 here. (Indicating.)

10 Q. And did you ever get the opportunity to,
11 actually, go up and see Mr. Bolyaganov?

12 A. I kind of walked up to make sure he was
13 still alive, and he was. But he was real, like,
14 grave and not talking too much, whatever. So yeah.

15 Q. Okay.

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

18 - - -

19 (Pause.)

20 - - -

21 MS. HEARD: Your Honor, may I see you
22 at side bar briefly?

23 THE COURT: Sure.

24 (Whereupon, there was a discussion
25 held at side bar.)

1 THE COURT: Go ahead.

2 MS. HEARD: Thank you, Your Honor.

3 BY MS. HEARD

4 Q. And Officer Green, really quickly, in the
5 7th District, you indicated that the 7th District
6 police station is where?

7 A. It's located 1701 Bowler Street.

8 Q. And how far away is that location from
9 Bustleton and Verree?

10 A. About three to five minutes.

11 Q. And what exactly was at Bustleton and
12 Verree, if you recall, at that time?

13 A. Bustleton and Verree -- it's a gas
14 station.

15 MS. HEARD: Thank you so much,
16 Officer Green. Defense may have some questions for
17 you.

18

19 CROSS-EXAMINATION

20

21 BY MR. McGOVERN

22 Q. Good afternoon, Officer Green.

23 A. Good afternoon to you.

24 Q. Officer Green, just a little bit of
25 housekeeping, I believe you were, actually -- I

1 think you testified that you and your partner that
2 night, Tim Taylor, were in the 701 wagon, but isn't
3 it correct that you were in 702 EPW?

4 A. Yes.

5 Q. Okay. So you just misspoke when you said
6 701 earlier on direct, correct?

7 A. Yes, correct.

8 Q. Good enough. The reason I say that is
9 because the police reports and the radio calls
10 identify EPW 702. I just want to make it clear
11 that's you and Officer Taylor?

12 A. Yes.

13 Q. Good enough. Thanks.

14 Now, the 7th District -- you've given the
15 address on Bowler Avenue. The closest intersection
16 to the 7th District is Bustleton and Bowler,
17 correct?

18 A. That's correct.

19 Q. Some people refer to the 7th District as
20 Bustleton and Bowler, right?

21 A. Yes.

22 Q. Okay. And the radio call -- one of the
23 radio calls we've heard this morning is asking -- if
24 I can get the language right. Not asking. The
25 words, as I believe we've heard them were, Police

1 dispatch, can you check for a complainant, Bustleton
2 and Verree, came in as a priority two. It's a male
3 complainant in a black Chrysler 300, referencing a
4 purchased stolen cell phone, Bustleton and Verree
5 Roads. The complainant will be in a black Chrysler
6 300, referencing to purchasing a stolen cell phone.
7 That came in at 22:13 that night.

8 And you heard that over police radio?

9 A. Yes.

10 Q. And you say there are categories for
11 priorities. And one is the most serious and the
12 least would be a four?

13 A. Say that again?

14 Q. What would be the least serious?

15 A. Four or five.

16 Q. But a priority two is pretty high?

17 A. Yeah.

18 Q. I mean, I'm just trying to use common
19 sense. One, two.

20 A. Yeah.

21 Q. So one would be the most serious and two
22 is the next one?

23 A. Yes.

24 Q. Okay. And you were on Hoffnagle Street at
25 some point, correct?

1 A. Yes.

2 Q. And what was that assignment you were on?

3 A. I think it was a disturbance, I believe.

4 Q. That wouldn't be a priority two, correct?

5 A. No.

6 Q. All right. Now, you...

7 A. Can I say something else real quick?

8 Q. Only if it's going help me. No, I'm
9 sorry. I would defer to the judge.

10 THE COURT: Go ahead.

11 THE WITNESS: If someone called the
12 cops more than two, three times, they usually bump
13 it up a priority. And in this situation, I believe
14 they called one time from where they live at and
15 then they called another time and then another time.
16 So I think -- usually, a job like that is usually a
17 priority three and then they bumped it up because
18 they kept calling.

19 BY MR. McGOVERN

20 Q. I appreciate that. I didn't know that,
21 and I do appreciate that.

22 So because they called a number of times
23 and they were calling and asking for a police
24 officer to be there, they increased the priority of
25 it?

1 A. Yes.

2 Q. Okay. Thanks. I didn't understand that
3 before. Thank you.

4 A. Yes.

5 Q. Now, when you did arrive on the scene, you
6 said that there was kind of "like pandemonium"?

7 A. Yes.

8 Q. And I'm not trying to put words in your
9 mouth, but almost immediately upon coming on the
10 scene, you saw my client -- I represent Gregory
11 Spector?

12 A. Okay.

13 Q. You saw my client, Gregory Spector,
14 walking towards you telling you, I shot the guy and
15 I have a gun, correct?

16 A. That's correct.

17 Q. And did he lift up his shirt? Did he tell
18 you -- or how did he -- his hands were in the air,
19 correct?

20 A. I mean his hands was in the air but he's,
21 basically, like this (indicating), I'm the one who
22 shot the male. I got a gun on me.

23 Q. Okay. And it's pretty safe practice to do
24 that if you are armed and you're in contact with a
25 police officer in a chaotic situation, correct?

1 A. Yes.

2 Q. Okay. And at the time he advised you of
3 that, was that the time that you then retrieved the
4 firearm that he had?

5 A. My partner, Taylor.

6 Q. You did say that. Tim Taylor?

7 A. Yes.

8 Q. And did you see where Officer Tim Taylor
9 recovered Gregory Spector's firearm from?

10 A. Yes. From his waistbands.

11 Q. Okay. Was there a holster there? Do you
12 recall?

13 A. Yes.

14 Q. So I assume the holster and the firearm
15 were both taken?

16 A. Yes.

17 Q. And I don't know if you said or not, but
18 I'm going to ask you. Isn't it a fact that my
19 client, Gregory Spector, told you that

20 Mr. Bolyaganov was reaching for a weapon and he
21 fired his gun because he was in fear of his life?

22 A. Yes.

23 Q. He also stated that Sardor Bolyaganov fell
24 to the ground, and it's he and his father who
25 remained on location and waited for you to arrive?

1 A. Yes.

2 Q. Now, I believe we listened to Track Number
3 4, which was the call that I just referenced as the
4 priority two and the location at Bustleton and
5 Verree to meet the complainant in the black Chrysler
6 300.

7 MR. McGOVERN: Officer Lewis, I don't
8 mean to interrupt you, but I wanted to see if I
9 could request service from you, if possible?

10 Thank you very much.

11 BY MR. McGOVERN

12 Q. What I was going to ask was, In addition
13 to that message that came across that we played, you
14 heard other radio calls after that, also, from the
15 911 dispatcher requesting for a car to respond to
16 the complainants at Bustleton and Verree, correct?

17 A. Yes.

18 MR. McGOVERN: I was going to request
19 that on -- this is C-52. I was going to request
20 what I believe is Track 5, which I understand is
21 another dispatch.

22 MS. HEARD: No objection.

23 MR. McGOVERN: Thank you.

24 THE COURT: Track 5.

25 MR. McGOVERN: Yes.

1 (Audio playing.)

2 BY MR. McGOVERN

3 Q. Did you hear that?

4 A. Yes.

5 Q. And you heard that that night when you
6 were in your patrol wagon?

7 A. Yes.

8 Q. I don't know if I heard it wrong or not,
9 but it sounds like they made that a priority one?

10 A. Yes.

11 Q. Okay. So that's the highest priority?

12 A. That's correct.

13 Q. And that, I believe -- the time of that
14 was 22:13, which would have been about 10:13 that
15 night?

16 MS. HEARD: Are you talking about
17 Track 5?

18 MR. McGOVERN: What do you have as
19 Track 5?

20 MS. HEARD: 22:14:36.

21 BY MR. McGOVERN

22 Q. Okay. 22:14:36. So that's using my
23 watch, my Timex, that's 10:14 in the evening. And
24 it's listed as a priority one call. And all of the
25 information that you could possibly need or want

1 about these two men asking for police, a priority
2 one. And the shooting that you responded to was at
3 approximately 10:37 p.m.?

4 A. Yes.

5 Q. So you would agree with me that was 24
6 minutes later?

7 A. Yes.

8 Q. Okay. Almost a half an hour later?

9 A. Yes.

10 Q. Okay. And by this time, it wasn't a four;
11 it wasn't a two. It was indicated as a priority
12 one?

13 A. I, actually, don't even know why they even
14 put that job out as a priority one, because they
15 state that they're going to be there in five
16 minutes. So yeah. It was a priority one, but I
17 don't think it should have been priority one but it
18 was a priority one.

19 Q. I appreciate your analysis of it. I'm
20 just asking what was put over the radio was the
21 highest priority, priority one?

22 A. Yes.

23 Q. And that was 24 minutes before the
24 shooting?

25 A. Yes.

1 Q. And it was also -- the information is that
2 the people in the black Chrysler, who turned out to
3 be these two defendants, are asking the police to be
4 with them?

5 A. That's correct, yes.

6 MR. McGOVERN: And I would like to
7 play Track 7, if possible. I believe that's at
8 22:28 -- I'm sorry. Track 6. I'm sorry. At
9 22:23:02.

10 (Audio playing.)

11 BY MR. McGOVERN

12 Q. So I guess that was like the third or
13 fourth thing that came over the radio during that
14 tour of duty that you're on related to this?

15 A. Yes.

16 Q. I take it you -- were you working 3:00 to
17 10:00 or 4:00 to 12:00 shift?

18 A. 3:00 to 11:00.

19 Q. 3:00 to 11:00 shift. Eventually, when you
20 and Officer Tim Taylor in 702 got to the scene, at
21 some point, when you came into contact with
22 Mr. Gregory Spector, Lonnie Spector, and the black
23 Chrysler 300, it came to the police's attention that
24 this related back to those calls concerning the
25 stolen cell phone at Bustleton and Verree, correct?

1 A. Correct.

2 Q. But this was after the shooting?

3 A. Yes.

4 MR. McGOVERN: Officer Green, thanks
5 a million for your testimony and service. I have no
6 further questions.

7 THE WITNESS: Thank you.

8 MR. FEINMAN: May I, Your Honor?

9 THE COURT: Yes.

10 MR. FEINMAN: Thank you.

11 BY MR. FEINMAN

12 Q. Good afternoon, how are you?

13 A. Good afternoon. How are you?

14 Q. I'm well. Nice to see you.

15 A. Nice to see you.

16 Q. The call that you were on earlier, you
17 said that you were at Hoffnagle Street?

18 A. Yes.

19 Q. And that's more towards the south end of
20 the District?

21 A. Yes.

22 Q. In fact, where the district building is
23 located, at Bustleton and Bowler, you were about two
24 miles south of there at Hoffnagle?

25 A. Yes.

1 Q. And then the call came in. Eventually,
2 whatever that matter was, you completed. And now
3 you start heading up towards the Bustleton and
4 Verree call, correct?

5 A. No.

6 Q. Where were you going?

7 A. At that time -- at that time, we was
8 almost finished our jobs, so we was heading back
9 towards headquarters.

10 Q. So you were finished down at Hoffnagle and
11 you were headed back towards Bustleton and Bowler,
12 which would be along your route. But before you got
13 to the District, you got another call. Is that what
14 dispatched you up to Bustleton and Verree?

15 A. Yes.

16 Q. So then you went past the District and you
17 had to go a couple more miles -- like two more miles
18 up, roughly?

19 A. Yes.

20 Q. You go just past Washington High School
21 and you make the turn where that gas station is?

22 A. Yes.

23 Q. You get up to Verree there?

24 A. Yes.

25 Q. So you pulled up, Kentwood and Ferndale,

1 and you see activity out there?

2 A. That's correct.

3 Q. You and your partner, Tim Taylor, get out
4 of the wagon?

5 A. Yes.

6 Q. And immediately you observe, as you
7 described, pandemonium, but you see two males, one
8 of which is Gregory, and he's walking and
9 approaching?

10 A. Yes.

11 Q. And as he's doing so, he's doing it in a
12 fashion that would you say is in more of a way of a
13 submissive fashion or awareness fashion?

14 A. That's correct, yes.

15 Q. And, in fact, that action by Gregory and
16 him telling you that he was the shooter and that he
17 had a weapon and it was holstered made it easier for
18 you to get control of and comprehend what the scene
19 was, correct?

20 A. That's right.

21 Q. He cooperated fully with you from that
22 point up until he was taken into custody, correct?

23 A. Yes.

24 Q. Now, you also observed my client, Lonnie
25 Spector, the father?

1 A. Yes.

2 Q. When you observed him, you saw he was
3 pretty bloody, correct?

4 A. Yes, he was.

5 Q. He was bleeding from his head? Back of
6 head?

7 A. Yes.

8 Q. Did you talk to him to find out how he got
9 injured and how his head was bleeding?

10 A. No. Not right away, no.

11 Q. He seemed pretty disoriented, didn't he?

12 A. Yes, he was.

13 Q. Quite Confused?

14 A. Yes.

15 Q. Shaken?

16 A. Little bit, yes.

17 Q. He didn't seem very composed to you?

18 A. No.

19 Q. Did he seem injured to you?

20 A. Yes.

21 Q. What kind of injuries did you observe on
22 him?

23 A. Basically he just -- he had a laceration
24 on the back of his head and on his face --

25 Q. And he was -- go ahead.

1 A. -- it looked like he just been in a fight.

2 Q. And he was bleeding quite a bit from the
3 head?

4 A. Yes.

5 Q. In fact, do you remember what color shirt
6 he had on?

7 A. I believe it was -- I'm going to say
8 white.

9 Q. And that was pretty bloody, wasn't it?

10 A. Yes.

11 Q. Did you have him sit down anywhere?

12 A. No. After I searched him and found the
13 gun, I put handcuffs on him and put him in the back
14 of the wagon.

15 Q. Okay. So you then put him, also, in the
16 wagon?

17 A. Yes.

18 Q. And Officer Taylor had already taken
19 Gregory and put him in the wagon?

20 A. Yes.

21 Q. Did you then go over to speak to the other
22 people on the scene there? The neighbors and the
23 victim that you said you saw Mr. -- strike that.

24 Did you go over and speak to the neighbors
25 or other people that came out?

1 A. No. After we put them in the wagon, I
2 just wanted to make sure Mr. Sardor was still alive
3 and that he was getting the proper care.

4 Q. And you saw the female next to him,
5 correct?

6 A. That's correct.

7 Q. She identified herself as his wife?

8 A. Yes.

9 Q. Did you see a second vehicle there?

10 A. I believe she had a vehicle off to the
11 side.

12 Q. Do you know if that vehicle had been moved
13 prior to you arriving?

14 A. I'm not hundred percent sure, no.

15 Q. Bear with me one moment.

16 Now, you said that you then transported --
17 oh, I'm sorry.

18 You then observed and noticed that Lonnie
19 Spector was hurt pretty bad. Bad enough that you
20 called for fire rescue for transport to hospital for
21 him, correct?

22 A. Yeah. He was bleeding pretty good from
23 his head, and I didn't know how bad it was. So I
24 wanted rescue to take a look at him to make sure he
25 was fine.

1 Q. And, in fact, you radioed for rescue and
2 they arrived?

3 A. That's correct.

4 Q. They're located in the fire station which
5 is connected to the police station down at Bustleton
6 and Bowler, correct?

7 A. Yeah, but -- so when you dispatch fire
8 radio, they can come from all over the city.

9 Q. They got there pretty quickly, though?

10 A. Yes.

11 Q. So more likely they were from that
12 location, as opposed to another, since those other
13 locations are a lot further away? Agreed?

14 A. Probably so, yeah.

15 Q. But you're not certain. But it came
16 there?

17 A. Yes.

18 Q. And then the individuals on that
19 vehicle -- it's a fire department vehicle, correct?

20 A. Yes.

21 Q. They took Mr. Lonnie Spector out of the
22 back of the wagon, correct?

23 A. So we took him out so they can take a look
24 at him.

25 Q. So you and Officer Taylor took him out, so

1 they can assess him?

2 A. Yes.

3 Q. And then they said they were going to take
4 him to the hospital, correct?

5 A. That's correct.

6 Q. Did someone from the police department
7 accompany Mr. Spector to the hospital?

8 A. Yes.

9 Q. And who was that?

10 A. I believe -- I'm not hundred percent sure,
11 but I know he was definitely accompanied.

12 Q. It would have been an officer from the 7th
13 District who arrived at the scene?

14 A. Yes.

15 Q. And then you and Officer Taylor escorted
16 Gregory back to...

17 A. Northeast Detectives.

18 Q. Northeast Detectives, which is at Harbison
19 and Levick?

20 A. Yes.

21 Q. That's further south of where Bustleton
22 and Bowler is and further south from where Hoffnagle
23 is, correct?

24 A. Yes.

25 Q. Did you get to see Lonnie Spector again

1 that night?

2 A. No.

3 Q. Did you ever get to see him again at any
4 time prior to the preliminary hearing?

5 A. No.

6 MR. FEINMAN: Officer, thank you very
7 much. That's all I have.

8 MR. McGOVERN: Your Honor, I'm sorry.
9 I don't mean to go out of line. There are one or
10 two questions I wanted to ask on cross and I didn't.
11 I can ask after Commonwealth's redirect.

12 THE COURT: Well, if you can ask
13 quickly...?

14 MR. McGOVERN: Your Honor, I was
15 going to ask -- I was finishing my questioning of
16 Officer Green concerning the realization that this
17 was related to the Bustleton and Verree calls, and I
18 neglected to -- there's a -- I believe there's a 911
19 track that concerns that, which I wanted to play for
20 the officer.

21 THE COURT: All right.

22 MR. McGOVERN: Thank you. I believe
23 it's Track 22.

24 (Audio playing.)

25

1 BY MR. McGOVERN

2 Q. All right. Was that your voice at the
3 end?

4 A. Yes.

5 Q. And you're advising dispatch and everyone
6 who is listening in that you're advising that this
7 all stems from the cell phone incident?

8 A. That's correct.

9 Q. And also, that call has one rescue unit
10 coming in response to your request for the rescue
11 unit for Mr. Bolyaganov, correct?

12 A. That's correct.

13 Q. And I'm not going to go into it. There's
14 another track. You request, subsequent to that, a
15 second medical rescue unit for Mr. Lonnie Spector
16 because of his injuries, correct?

17 A. Yes, that's correct.

18 Q. And both -- strike that.

19 When you say, How close is the rescue unit
20 because we could scoop him and go, that's a police
21 procedure where, in times of the essence, you will
22 physically take the injured person, Sardor, in this
23 case, directly to Aria in the police wagon, correct?

24 A. That's correct.

25 Q. But they told you they're just a minute or

1 two away, so he went in the rescue unit, correct?

2 A. Yes.

3 Q. And then, eventually, a second medical
4 unit came and took Mr. Spector to Aria Hospital as
5 well?

6 A. Yes.

7 MR. McGOVERN: All right. Thanks a
8 million. Sorry for forgetting that.

9 THE WITNESS: No problem.

10

- - -

11

REDIRECT EXAMINATION

12

- - -

13 BY MS. HEARD

14 Q. And really quickly, Officer Green, when
15 you recovered this firearm from Mr. Lonnie Spector,
16 was it loaded?

17 A. Yes.

18 Q. Do you remember how many rounds?

19 A. Five live rounds.

20 MS. HEARD: Court's indulgence, Your
21 Honor.

22

- - -

23

(Pause.)

24

- - -

25

MS. HEARD: And Your Honor, at this

1 time, I am going to show Officer Green the firearm
2 that was recovered from Mr. Lonnie Spector.

3 THE COURT: Okay.

4 MS. HEARD: It has -- all firearms
5 have been cleared by the sheriff.

6 THE COURT: Okay.

7

- - -

8 (Whereupon, a document was marked,
9 for identification purposes, Exhibit C-6.)

10

- - -

11 MS. HEARD: And Your Honor, at this
12 time -- this has been previously marked as C-6. And
13 for time sake --

14 BY MS. HEARD

15 Q. Officer Green, is this the firearm that
16 you recovered from Mr. Lonnie Spector?

17 A. Yes.

18 Q. And that's the firearm that you spoke of
19 about placing on a property receipt?

20 A. Yes.

21 MS. HEARD: Thank you very much.

22 THE COURT: Recross?

23 MR. FEINMAN: Yes.

24

25

1

- - -

2

RE-CROSS-EXAMINATION

3

- - -

4 BY MR. FEINMAN

5 Q. Officer, when you retrieved that firearm,
6 you retrieved it from Lonnie Spector, correct?

7 A. Yes.

8 Q. And he -- at the time, he advised you he
9 had a permit to carry?

10 A. No.

11 Q. You subsequently learned that he had a
12 permit to carry?

13 A. Later on down the line, yes.

14 Q. And that's a permit to carry a firearm?

15 A. That's correct.

16 MR. FEINMAN: Thank you. No further
17 questions.

18 BY MR. McGOVERN

19 Q. And I forgot -- excuse me -- I also forgot
20 to ask concerning Gregory Spector -- you may not be
21 the right person to ask. Maybe I should ask Tim
22 Taylor. But I'll ask you, if you know the answer.

23 You also confirmed that my client, Gregory
24 Spector, also was issued a valid permit to carry a
25 firearm, correct?

1 A. That's correct, yes.

2 Q. And I believe the DA's office retrieved
3 them, and you saw his photo ID with a permit to
4 carry?

5 A. Yes.

6 MR. McGOVERN: Okay. Thank you very
7 much.

8 THE COURT: Anything else for this
9 witness?

10 MS. HEARD: No, Your Honor.

11 THE COURT: Thank you.

12 THE WITNESS: Have a good day, Your
13 Honor.

14 (Witness excused.)

15 THE COURT: All right. Next witness?

16 MS. HEARD: Your Honor, at this time
17 Commonwealth will call Officer Tim Taylor to the
18 stand.

19 COURT OFFICER: May I, Your Honor?

20 THE COURT: Yes.

21 COURT OFFICER: Officer, for the
22 record, please state your full name, spelling your
23 last name, badge number and district.

24 THE WITNESS: Officer Timothy Taylor,
25 Badge 5130, assigned to the 7th District.

1 A. Approximately 14 years.

2 Q. Now, I'm going to take you back to July
3 21st of 2013. Were you working in your capacity as
4 a Philadelphia police officer?

5 A. Yes, I was.

6 Q. Who were you working with on that date?

7 A. Ernst Green.

8 Q. And when you and Officer Green were
9 working, what shift were you working?

10 A. We were working the 3:00 to 11:00 shift.

11 Q. Now, on July 21st of 2013, at
12 approximately 10:40 and 10:45 or so, did your tour
13 of duty take you to Kentwood and Ferndale Streets in
14 the city and county of Philadelphia?

15 A. Yes, it did.

16 Q. And Officer Taylor, are there any persons
17 that are in the courtroom today who were also
18 present on that date, time, and location?

19 A. Yes.

20 Q. And who are they?

21 A. Two defendants over here.

22 MS. HEARD: Okay. Indicating
23 Mr. Gregory Spector and Mr. Lonnie Spector for the
24 record.

25

1 BY MS. HEARD

2 Q. Officer Taylor, can you tell the ladies
3 and gentlemen of the jury what it is that you
4 observed once you arrived at Kentwood and Ferndale
5 Streets with your brother officer?

6 A. When we arrived, we observed a male laying
7 face down on the ground; a female over top of him
8 visibly upset. We observed the two defendants
9 standing by a black Chrysler 300M. And that was it
10 at the time.

11 Q. What did the scene look like?

12 A. It appeared lit, but it's still very dark.

13 Q. Were there other people outside?

14 A. We saw some neighbors out there, yes.

15 Q. Tell the ladies and gentlemen of the jury
16 what was the first thing that you did upon getting
17 to the scene -- and you said you saw this young man
18 on the ground. Did you later learn his name?

19 A. Yes.

20 Q. Okay. And was that Sardor Bolyaganov?

21 A. Yes.

22 Q. Tell the ladies and gentlemen of the jury
23 what you did once you got to the scene?

24 A. I immediately went over to the male to
25 make sure that he was still breathing and came over

1 and told radio to make sure ambulance gets there as
2 soon as possible. He had a bullet hole to his back.

3 We immediately went over to the defendants
4 and asked them where the guns were that were used to
5 shoot the male. They immediately told us that they
6 were in the waistband.

7 Q. Now, let me back up a little bit.

8 Were you speaking to them individually?
9 Because you keep saying "they." Were you talking to
10 either Gregory Spector or Lonnie Spector?

11 A. My partner talked to Lonnie; I was talking
12 to Greg.

13 Q. Okay. So let's deal with your
14 conversation with Mr. Gregory Spector. How did that
15 go down?

16 A. I asked him where the gun was that was
17 used to shoot the complainant, and he immediately
18 told me it was on his waistband.

19 Q. And had Mr. Gregory Spector said anything
20 to you prior to you talking to him about where the
21 gun was?

22 A. He told me he had shot the male in the
23 back for self-defense.

24 Q. Okay. Once Mr. Gregory Spector told you
25 where the gun was, what did you do?

1 A. I then removed the gun and placed it and
2 secured it in my vehicle.

3 Q. And what did you do after that?

4 A. I then handcuffed the defendant and put
5 him in the back of the wagon.

6 Q. When you said "defendant," who are you
7 talking about?

8 A. Gregory Spector.

9 Q. And then, at that point, what happened?

10 A. Well, then Lonnie needed medical
11 treatment, so then we asked for another medic to
12 come out to treat the defendant, Lonnie.

13 Q. Now, once you determined that Mr. Lonnie
14 Spector needed treatment, what did you then do
15 after?

16 A. We immediately went back towards the
17 complainant, and we were talking to his wife trying
18 to calm her down, because she was physically upset.

19 Q. When you say "physically upset," what was
20 she doing?

21 A. She was crying and screaming.

22 Q. All right. And was Mr. Bolyaganov saying
23 anything at that point?

24 A. No. He can't really talk. From my
25 understanding, he was saying -- to be honest, kind

1 of gurgling a bit.

2 Q. Did you observe any blood anywhere?

3 A. Just on his back.

4 Q. So once you're with Mr. Bolyaganov and his
5 wife, how long would you say were you talking to
6 them?

7 A. A few minutes. I also started walking
8 around to look for the shell casings, which I
9 observed there were two shell casings on the ground.

10 Q. Now, when you observed these shell
11 casings, is everybody still present on the scene --
12 well, let me take that back. Strike that.

13 Where is Mr. Bolyaganov when you were
14 walking around, looking for these shell casings?

15 A. He was still laying on the ground.

16 Q. And what position did you say
17 Mr. Bolyaganov was on the ground?

18 A. Face down.

19 Q. And was his stomach on the ground as well?

20 A. Yes.

21 Q. So after you start walking around and you
22 find FCCs, tell the ladies and gentlemen of the jury
23 what you did after that?

24 A. I'm sorry?

25 Q. Yes. After you located, found FCCs, tell

1 the ladies and gentlemen of the jury what you did
2 after that.

3 A. We, basically, marked and circled the
4 shell casings for evidence. We also notified radio
5 that we needed multiple units out there to hold the
6 scene. We had the medics come out to transport
7 Lonnie and then the medics came and, eventually,
8 transported the complainant at the time.

9 Q. And you indicated that you had medics
10 transport Mr. Lonnie Spector. What, if any,
11 injuries did you see on Mr. Lonnie Spector?

12 A. His face was swollen, spots on his cheek
13 and eyes, and he also had a gash on the back of head
14 where he was bleeding.

15 Q. Now, once medics were called and
16 Mr. Bolyaganov was transported and Mr. Lonnie
17 Spector was transported, tell the ladies and
18 gentlemen of the jury what you and Officer Green did
19 after that.

20 A. We then put the guns -- secured them in
21 our vehicle, transported Greg Spector to Northeast
22 Detectives.

23 Q. Okay. Now, did you -- once you got to
24 Northeast Detectives, did you write up any paperwork
25 involving this case?

1 A. Yes.

2 MS. HEARD: If I could have the
3 witness shown C-2?

4 THE COURT: C-2.

5 COURT OFFICER: C-2.

6 MR. FEINMAN: No objection.

7

8 (Whereupon, a document was marked,
9 for identification purposes, Exhibit C-2.)

10

11 BY MS. HEARD

12 Q. And Officer Taylor, do you recognize the
13 document that I marked as C-2?

14 A. Yes. It's a 75-48 that I written on the
15 job.

16 Q. Can you explain to the ladies and
17 gentlemen of the jury what a 75-48 is?

18 A. It's an incident report where it lists the
19 complainant's information, the location of the
20 incident, offenders, if there's any offenders, and
21 witnesses, if there's any witnesses. And at the
22 bottom, we sign our name with our payroll and badge.
23 And it's just a basic police report that's done on
24 almost every job.

25 Q. And Officer Taylor, did you also give a

1 statement to a detective when you got to Northeast
2 Detectives?

3 A. Yes.

4 MS. HEARD: And if I could have the
5 witness shown C-4.

6 THE COURT: C-4.

7 COURT OFFICER: C-4.

8

- - -

9 (Whereupon, a document was marked,
10 for identification purposes, Exhibit C-4.)

11

- - -

12 BY MS. HEARD

13 Q. Now, Officer Taylor, do you recognize the
14 document that I showed you?

15 A. Yes.

16 Q. What is that document that I showed you?

17 A. It's my interview with Northeast
18 Detectives.

19 Q. Now -- Court's indulgence.

20

- - -

21

(Pause.)

22

- - -

23 BY MS. HEARD

24 Q. And did you give this statement that
25 night?

1 A. Yes.

2 Q. Now, you also indicated that you recovered
3 a firearm from Mr. Gregory Spector; is that correct?

4 A. Yes.

5 Q. What, if anything, did you do with that
6 firearm?

7 A. We recovered a .9 millimeter Glock, serial
8 number, Sam, Zebra, Victor 624, eight rounds in the
9 magazine and one in the chamber.

10 And we put it on Property Receipt 3099001.

11 Q. And I apologize, Officer Taylor, did you
12 just read the property receipt for the holster or
13 for the gun?

14 A. That was the property receipt number I
15 had -- I believe it was for the gun.

16 MS. HEARD: If I could have the
17 witness shown Commonwealth's Exhibit C-7?

18 THE COURT: C-7.

19

20 (Whereupon, a document was marked,
21 for identification purposes, Exhibit C-7.)

22

23 THE WITNESS: Okay. My apologies.
24 That was for the holster. This Property Receipt
25 Number 3103800 was for the gun.

1 BY MS. HEARD

2 Q. Okay. And you prepared that property
3 receipt?

4 A. Yes.

5 Q. Okay. And once you prepared the property
6 receipt, what happened with the firearm?

7 A. The firearm is then taken to evidence.

8 Q. And was that taken to the Firearm
9 Identification Unit?

10 A. Yes.

11 MS. HEARD: And Your Honor, this
12 firearm has also been cleared by the sheriff.

13 THE COURT: Okay.

14 MS. HEARD: And if the record could
15 reflect, I'm showing Officer Taylor what was
16 previously marked as Commonwealth's Exhibit C-7-A,
17 as in apple.

18

- - -

19 (Whereupon, a document was marked,
20 for identification purposes, Exhibit
21 C-7-A.)

22

- - -

23 BY MS. HEARD

24 Q. And do you recognize this?

25 A. Yes.

1 Q. And what is this?

2 A. That's the gun that was recovered off
3 Gregory Spector.

4 Q. And when this gun -- does not have a clip.
5 Was there a magazine in this gun when it was
6 recovered?

7 A. Yes.

8 MS. HEARD: Now, I'm going to show
9 Officer Taylor, if I may, Your Honor, the photograph
10 at C-47-7?

11 THE COURT: C-42-7.

12 MS. HEARD: Yes. Your Honor,
13 permission to approach to give him the pointer?

14 THE COURT: Okay.

15 BY MS. HEARD

16 Q. Officer Taylor, I'm handing you a pointer.

17 A. Okay.

18 COURT OFFICER: 42-7 is being shown
19 to the witness.

20 THE COURT: You're going to put it up
21 on the screen?

22 MS. HEARD: Yes.

23 BY MS. HEARD

24 Q. Now, Officer Taylor, do you recognize what
25 this photo is depicting?

1 A. Yes, ma'am. It's the scene of the crime.

2 Q. And can you show, with the pointer, where
3 the Sectors were when you and Officer Green
4 arrived?

5 A. They were standing right around the front
6 door of the vehicle.

7 Q. And could you also show the ladies and
8 gentlemen of the jury where Mr. Bolyaganov was?

9 A. He was right there. (Indicating.)

10 MS. HEARD: Court's indulgence, Your
11 Honor.

12 THE COURT: Yes.

13

(Pause.)

14

15
16 BY MS. HEARD

17 Q. If you can, can you indicate for the
18 record, do you recognize at all where there were any
19 FCCs recovered?

20 A. Yes. Shell casings were here at one, two.

21 MS. HEARD: All right. Thank you
22 very much.

23 THE WITNESS: You're welcome.

24 MR. McGOVERN: May I, Your Honor?

25 THE COURT: Yes.

1

- - -

2

CROSS-EXAMINATION

3

- - -

4 BY MR. McGOVERN

5 Q. Good afternoon, Officer Taylor.

6 A. Good afternoon.

7 Q. Officer Taylor, I guess I'll probably be
8 referring -- if I do make reference, I'll probably
9 be referring to C-4, which is the two-page 75-483
10 investigation interview record of yourself by
11 Detective Palmiero.

12 First of all, you were working emergency
13 patrol wagon 702 with Police Officer Ernest Green
14 that night?

15 A. That's correct.

16 Q. Okay. And your shift was 3:00 p.m. to
17 11:00 p.m.?

18 A. Yes; but we come in -- actually, when we
19 work, we come in 15 minutes early and usually report
20 15 minutes later. So for instances, 2:45 we come in
21 at role call, and we're done at 10:45. That's the
22 time we report.

23 Q. Okay. And you were assigned to the 7th
24 District. A lot of people refer to as Bustleton and
25 Bowler?

1 A. Yes.

2 Q. And you had been there -- you've been
3 there three years now? Or you had been there three
4 years on the date of the incident?

5 A. Three years now.

6 Q. Okay. And prior to that, you're -- well,
7 I heard you were in the 18th or -- what other --

8 A. University City, which is inside the 18th
9 District and also in the 35th.

10 Q. So the 18th District is at 55th and Pine,
11 correct?

12 A. Correct.

13 Q. And the 35th is at...?

14 A. Broad and Champlost.

15 Q. Now, Officer Taylor, when you were
16 patrolling that evening, sometime around 10 o'clock
17 at night, do you recall hearing 911 police dispatch
18 calls concerning request to meet complainants
19 concerning a stolen cell phone at Bustleton and
20 Verree?

21 A. Yes.

22 Q. And there were several of those phone --
23 radio dispatches that came over the air some
24 half-hour, 45 minutes before the shooting, correct?

25 A. I remember one maybe two at the most,

1 yeah.

2 Q. And do you recall that it was initially
3 called as a priority two and then it was then
4 upgraded to a priority one call?

5 A. It was upgraded as a priority one call
6 after the male was shot. It came out as a shooting.
7 Male down on the highway. That's the only time I
8 remember it being a priority one.

9 Q. All right. I'm not trying to confuse you,
10 because I know it was a very confusing night.

11 MR. MCGOVERN: We're just trying to
12 locate -- we're going to play the 911 tape. I think
13 we've located it. There were so many tracks that
14 night on the call.

15 (Audio playing.)

16 BY MR. MCGOVERN

17 Q. Did you hear, Officer Taylor, in the
18 beginning, saying priority one?

19 A. Yes.

20 Q. And it's clear that that was well before
21 the shooting, correct?

22 A. Yes.

23 Q. Okay. Thank you.

24 Now, when you did come upon the scene of
25 the shooting at Ferndale and Kentwood, that was

1 around 10:37 at night; is that correct?

2 A. Yes.

3 Q. And you came in contact with my client --

4 I represent Gregory Spector right here.

5 A. Okay.

6 Q. And you took the gun off of Gregory

7 Spector. And you recall saying to Detective

8 Palmiero that your partner took the gun off the

9 father, Lonnie Spector?

10 A. Yes.

11 Q. Is that accurate?

12 A. Yes.

13 Q. Okay. Now, I'm going to ask you to look

14 at that C-4 that I mentioned at the beginning. It's

15 your interview of July 22nd at 2 o'clock in the

16 morning in Northeast Detectives with Detective

17 Palmiero.

18 I'm going to ask you to look -- I guess

19 it's one, two, three, four -- the fifth line down.

20 Just in from the name Lonnie Spector in parenthesis.

21 It says, The doer. Do you see that? The doer,

22 Gregory Spector. Do you see that?

23 A. Yes.

24 Q. Okay. Would you read where it says -- out

25 loud where it says from, The doer, down to -- three

1 lines down?

2 A. Okay. The doer, Gregory Spector, told us
3 that he shot the male that was on the ground. He
4 said he bought a cell phone off the guy and found
5 out it was stolen and he called up the victim and
6 said he wanted his money back. He told the victim
7 that he would meet him at Red Lion and Verree. I
8 have know idea how they ended up on Kentwood.

9 Q. Okay. And could you read the next
10 sentence that begins with, Prior to the radio
11 assignment?

12 A. Prior to the radio assignment, I do recall
13 a theft in progress call. When we got on the scene,
14 we found out that it was all related.

15 Q. So those calls that were coming out for a
16 half-hour or so before that -- about that -- it was
17 when you arrived on the scene and you came in
18 contact with Gregory Spector and his father, you
19 realized that it had all been tied together,
20 correct?

21 A. Correct.

22 Q. And at the very bottom of that paragraph,
23 that first answer, do you see four lines or five
24 lines from the bottom on the far right, it begins,
25 The offender further stated? Next to Frankford

1 Torresdale Hospital? It says, The offender further
2 stated?

3 A. The doer stated that he shot the
4 victim...?

5 MR. McGOVERN: Excuse me. I should
6 approach, but I guess -- may I approach, Your Honor?

7 THE COURT: Yes.

8 BY MR. McGOVERN

9 Q. Officer Taylor, would you please read that
10 portion of your answer that begins with, The
11 offender?

12 A. Yes. The offender further stated that
13 when they met with the victim, he only gave back
14 \$200 and owed them 290. They told him that they
15 wouldn't give him back the phone until they got all
16 the money.

17 Do you want me to continue on?

18 Q. Yes, please. to the end of the paragraph.

19 A. At that time, the victim punched the
20 father in the face, knocking him to the ground. The
21 victim then jumped on top of the father and started
22 hitting him.

23 The offender, Gregory Spector tried to get
24 the victim off his father and got punched in the
25 head.

1 He then said he thought the victim was
2 reaching for something, and he shot him in the back.

3 Q. Okay. Thank you.

4 Now, these words that were said to you by
5 Mr. Gregory Spector were said to you almost
6 immediately as you came upon the scene; is that
7 correct?

8 A. That's correct.

9 Q. And the atmosphere was, you know, getting
10 under control, but it was pandemonium, chaotic with
11 the screaming wife, naturally, and things of that
12 nature, right?

13 A. Yes, very chaotic.

14 Q. And his father was pretty badly injured,
15 as you observed?

16 A. Yes.

17 Q. And he was clearly excited and emotional?
18 Gregory Spector? I'm not trying to put words in
19 your mouth.

20 A. He was upset a little bit.

21 Q. All right. And he was, basically, gushing
22 out these words to you, and you were listening to
23 him?

24 A. Yes.

25 Q. And just a few hours after that when

1 Detective Palmiero had you sit down in his office at
2 Northeast Detectives -- that's at Harbison and
3 Levick, correct?

4 A. That's correct.

5 Q. You were able to recount for him what you
6 observed and what you heard Mr. Gregory Spector say?

7 A. That's correct.

8 Q. And when you saw Gregory Spector
9 physically before you recovered that firearm, did he
10 have his hands in the air? Did he raise his hands
11 in the air?

12 A. Yes.

13 Q. And he told you the gun is -- or did you
14 ask him -- the gun is in my waistband?

15 A. I asked him, and he pointed immediately
16 and said it's on his waistband, yes.

17 Q. Okay. And I take it that's a good citizen
18 response to a situation were there's been a shooting
19 to ensure safety for officers and for the people on
20 the scene to raise their hand and volunteer this
21 information, correct?

22 MS. HEARD: And Your Honor,
23 objection. That would call for -- that's argument.

24 MR. McGOVERN: You know, I'll
25 withdraw the question. I guess it is.

1 THE COURT: All right.

2 MR. McGOVERN: Sorry.

3 BY MR. McGOVERN

4 Q. But anyway, he raised his hand, told you
5 where the gun was and you got it safely. And from
6 that point on, no one else was injured, correct?

7 A. Correct.

8 Q. And did Gregory Spector also tell you that
9 the gun belonged to him and that he had a permit to
10 carry a firearm?

11 A. Yes.

12 Q. And that was later confirmed that he did
13 have that gun registered to him and that he did have
14 a permit?

15 A. Yes.

16 MR. McGOVERN: Officer Taylor, thank
17 you very much for your service and your testimony.
18 I appreciate it.

19 THE COURT: Mr. Feinman.

20 MR. FEINMAN: Thank you, Your Honor.

21 BY MR. FEINMAN

22 Q. Good afternoon, Officer Taylor.

23 A. Good afternoon.

24 Q. How are you?

25 A. Good. How are you?

1 Q. Doing well. Thank you.

2 Just to keep on the thought relative to
3 Gregory.

4 The actions that you observed and the
5 interaction that you had with him on the scene made
6 it easier for you to take control of the scene; is
7 that correct?

8 A. That would be correct.

9 Q. He fully cooperated with you?

10 A. Correct.

11 Q. You said you saw my client, which is
12 Lonnie Spector, and that he was very bloody?

13 A. Yes.

14 Q. A lot of blood from the back of his head,
15 correct?

16 A. Yes.

17 Q. And he was wearing a light shirt and that
18 was all bloody?

19 A. I don't remember the color but I remember
20 blood being on his shirt, yeah.

21 Q. A lot of blood on his shirt, right?

22 A. Yes.

23 Q. And you also noted that it was distinctive
24 enough because when you did meet with Detective
25 Palmiero, you referenced in your statement about you

1 observed how bruised his face was, right?

2 A. Correct, yes.

3 Q. Did you try talking to Lonnie at the
4 scene?

5 A. Yes.

6 Q. Seemed very disorientated?

7 A. Yes.

8 Q. In fact, on C-4 -- and I'll direct your
9 attention to page 2, question 12. It's actually the
10 5th question on page 2. And I'll read that to you.

11 It says, Did Lonnie Spector tell you if he
12 fired his gun. Now, did I read that correctly?
13 Question Number 12?

14 A. Yes.

15 Q. And that's a question that's being posed
16 to you by Detective Palmiero, correct?

17 A. Yes.

18 Q. Could you read your response there?

19 A. Lonnie said he couldn't remember anything.

20 He said he blacked out.

21 Q. Now, actually, the statement said he could
22 remember, but it was meant to be he couldn't?

23 A. Couldn't.

24 Q. Okay. And it says, he blacked -- blanked
25 out, correct?

1 A. Correct.

2 Q. And then Question 17 is where you made
3 reference to Detective Palmiero on the question,
4 What injuries did Lonnie Spector have.

5 And your response there?

6 A. He had a deep cut on the back of his head
7 and his right cheek was swollen. He had a lot of
8 blood coming from his head so he might have had more
9 scratches.

10 Q. And then you were asked whether or not you
11 spoke to the victim, which in this instance, you're
12 talking about Mr. Bolyaganov, the shooting victim?

13 A. Correct.

14 Q. He was laying on the ground, correct?

15 A. Correct.

16 Q. You had a chance to go over and observe
17 him closely?

18 A. Correct.

19 Q. Other than the bullet wound in the back,
20 you agree there were no other bullet wounds on him,
21 correct?

22 A. I could only see one side of his face
23 because the other side was laying on ground.

24 Q. And the side of his face you saw, it
25 didn't have any bruising or markings or anything in

1 that nature?

2 A. I didn't observe anything.

3 MR. FEINMAN: Thank you. I don't
4 have any further questions. Thank you, Officer.

5 THE COURT: Redirect?

6 MS. HEARD: Yes.

7

- - -

8

REDIRECT EXAMINATION

9

- - -

10

11 BY MS. HEARD

12 Q. Officer Taylor, if you refer back to your
13 statement to Question Number 14. And you were asked
14 what injuries did Gregory Spector have. And what
15 was your answer?

16 A. I didn't see any injuries.

17 Q. And then you were also asked if Gregory
18 Spector told you he was injured. And what was your
19 answer?

20 A. No.

21 Q. And when you asked if Gregory Spector
22 request medical attention, what was your answer?

23 A. No.

24 MS. HEARD: Court's indulgence.

25

- - -

1 (Pause.)

2

3 BY MS. HEARD

4 Q. Now, after you and Officer Green left the
5 crime scene, were other officers present?

6 A. Yes.

7 Q. What were those other officers doing when
8 you left?

9 A. They were holding the scene.

10 Q. What is the purpose of holding a scene?

11 A. Well, for the casings that were going to
12 be evidenced; to make sure an officer stays there so
13 evidence doesn't disappeared, get moved. The
14 vehicle, I believe, was being held also.

15 Q. And when you say "the vehicle," are you
16 referring to the Spector vehicle?

17 A. Yes. The Chrysler 300M.

18 Q. Okay.

19 A. And also to make sure witnesses don't
20 leave the scene also.

21 MS. HEARD: All right. Thank you
22 very much.

23 THE WITNESS: You're welcome.

24 THE COURT: Any recross?

25 MR. McGOVERN: I just have one

1 question.

2

- - -

3

RE CROSS-EXAMINATION

4

- - -

5 BY MR. McGOVERN

6 Q. You were not aware -- and you weren't
7 aware before today -- that Gregory Spector was
8 diagnosed with a fractured nose and needed surgery
9 to repair surgery to repair his broken nose?

10 A. No, I did not.

11 THE COURT: Anything else?

12 MS. HEARD: No, Your Honor.

13 THE COURT: Thank you, Officer.

14 (Witness excused.)

15 THE COURT: Next witness?

16 MS. HEARD: Thank you, Your Honor.

17 And Court's indulgence.

18

- - -

19

(Pause.)

20

- - -

21 MS. HEARD: Your Honor, if I may, at
22 this time, what I'm going to do is refer back to the
23 911 tape before I call my next witness. And I'm,
24 actually, going to start with Track Number 2.

25 MR. FEINMAN: Your Honor, I think we

1 need a witness in order to --

2 THE COURT: Yeah. You can't just
3 start from a tape. You need a witness.

4 MS. HEARD: Okay. I'll just bring
5 Detective Corrigan out. That's fine.

6 MR. FEINMAN: I mean, that's fine.
7 But technically, we just can't play a tape without a
8 witness.

9 MS. HEARD: I mean, he doesn't have
10 anything to do with it, but that's fine.

11 THE COURT: Yeah, okay.

12 MS. HEARD: That's fine. Because
13 it's the defendant's statement, so...

14 THE COURT: Okay.

15 MR. FEINMAN: Your Honor, actually --

16 MR. McGOVERN: Your Honor, if we -- I
17 was just thinking, because we do have volumes of
18 medical records, if maybe Ms. Heard and myself and
19 Mr. Feinman stipulate to what Commonwealth wants to
20 do, and just play it. That's an easier way to do
21 it.

22 MS. HEARD: It doesn't matter. I can
23 have him up there while we do it. That's fine.

24 THE COURT: Yeah. Let's get the
25 witness up here.

1 COURT OFFICER: Detective, for the
2 record, please state your full name, spelling your
3 last name, badge number and district.

4 THE WITNESS: Detective Joseph
5 Corrigan, C-O-R-R-I-G-A-N, Badge Number 9235,
6 assigned to Northeast Detective Division.

7

- - -

8 DETECTIVE JOSEPH CORRIGAN, having
9 been first duly sworn, was examined and testified as
10 follows:

11

- - -

12 THE COURT: Okay. You may proceed.

13 MS. HEARD: Thank you, Your Honor.

14

- - -

15 DIRECT EXAMINATION

16

- - -

17 BY MS. HEARD

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Detective Corrigan, can you tell the
21 ladies and gentlemen of the jury where you are
22 employed?

23 A. I'm a detective for the Philadelphia
24 Police Department for Northeast Detectives.

25 Q. And how long have you been a Philadelphia

1 police detective?

2 A. For three years now.

3 Q. And how long have you been a Philadelphia
4 police officer?

5 A. For 16 years.

6 Q. And have you always been assigned to the
7 Northeast Detectives?

8 A. No. Just the past three years.

9 Q. When you were a detective? I apologize.

10 A. As a detective, only Northeast Detectives
11 Division.

12 Q. Now, Detective Corrigan, I'm going to take
13 you back to July 21st of 2013. Were you acting in a
14 capacity as a Philadelphia detective?

15 A. Yes, I was.

16 Q. Okay. And who were you working with, if
17 anybody?

18 A. At that time, I was working alone, but I
19 had assistance from another Detective, Detective
20 John Hughes, H-U-G-H-E-S, Badge Number 9048.

21 Q. Now, Detective Corrigan, can you tell the
22 ladies and gentlemen of the jury, July 21st of 2013,
23 did you have the opportunity to go to Kentwood and
24 Ferndale Streets in the city and county of
25 Philadelphia?

1 A. Yes, I did.

2 Q. Tell the ladies and gentlemen of the jury
3 what brought you out there?

4 A. I was brought out there after I received
5 an assignment of a report of a shooting of a male
6 shot at that location.

7 Q. So what is your title in all of this?

8 A. I was the detective who was assigned to
9 that incident.

10 Q. So you're the assigned detective?

11 A. Yes.

12 Q. Tell the ladies and gentlemen of the jury
13 exactly what happened when you got to Kentwood and
14 Ferndale streets. What did you see?

15 A. When I arrived at the location, there was
16 a black Chrysler 300 that was parked in the middle
17 of the street there. The area had been -- of the
18 crime had been blocked with police tape by the
19 officers who responded to the scene. And there was
20 also two shell casings that were on the ground near
21 the area of the black Chrysler 300.

22 Q. Now, when you made all these observations,
23 about what time would you say you made it to the
24 crime scene?

25 A. Very early in the morning. Maybe around 6

1 o'clock. Not really sure. Early morning. You
2 know, just -- it was dark when I first arrived. It
3 was getting light out while I was out there.

4 Q. Okay. Let me take you back a little bit.
5 What was the first thing that you did as the
6 assigned investigator on this case?

7 A. Well, the first thing I did was I
8 interviewed the victim's wife at Northeast
9 Detectives that night. It was about 1:10 in the
10 morning.

11 Q. And what shift were you working at that
12 time?

13 A. Midnight to 8:00 a.m.

14 MS. HEARD: And if I could have the
15 witness, Detective Corrigan, shown what was
16 previously marked as C-15.

17 COURT OFFICER: C-15.

18 MR. FEINMAN: It's fine.

19 COURT OFFICER: C-15 is being shown
20 to the witness.

21

22 (Whereupon, a document was marked,
23 for identification purposes, Exhibit
24 C-15.)

25

1 BY MS. HEARD

2 Q. Detective Corrigan, do you recognize that
3 statement I showed you?

4 A. Yes, I do.

5 Q. And what statement is that?

6 A. This is the statement of Olena Sirko,
7 who's the victim's wife.

8 Q. Now, after you took Ms. Sirko's statement,
9 tell the ladies and gentlemen of the jury what you
10 did next?

11 A. After interviewing her, I also -- I also
12 interviewed Officer Ernest Green.

13 Q. And after you --

14 MS. HEARD: If we would have the
15 detective shown C-3.

16 THE COURT: Okay. C-3.

17 MR. McGOVERN: Thank you.

18 COURT OFFICER: C-3 is being shown to
19 the witness.

20 BY MS. HEARD

21 Q. And do you recognize that document,
22 Detective Corrigan?

23 A. Yes, I do.

24 Q. What is that?

25 A. This is the interview that I did with

1 Officer Green.

2 Q. Now, after you interviewed Officer Green,
3 what did you do after that?

4 A. After that, I responded to -- went to the
5 hospital to check the condition of the victim.

6 Q. Now, around what time would you say that
7 you get to the hospital? Do you remember?

8 A. I was at the hospital about 4:30 in the
9 morning.

10 Q. And when you were at the hospital, were
11 you able to speak with -- and did you learn that the
12 victim's name was Sardor Bolyaganov?

13 A. Yes, I did.

14 Q. Were you able to meet with Mr. Bolyaganov?

15 A. At that point, initially, no. He was not
16 conscious when I arrived at the hospital.

17 Q. So if you weren't able to speak with
18 Mr. Bolyaganov, tell the ladies and gentlemen of the
19 jury what you did?

20 A. I spoke to -- we spoke to a nurse who was
21 assigned to the victim.

22 Q. And what was her name?

23 A. Her last name was Caputo.

24 Q. Now, at that time, when you were at the
25 hospital with Mr. Bolyaganov, did you have the

1 opportunity to observe Mr. Bolyaganov?

2 A. Yes, I did.

3 Q. And when you had the opportunity to
4 observe him, did you -- what, if anything -- did you
5 take any photographs of him?

6 A. I believe -- yes. A photograph was taken
7 of him at that point. We -- I was unable to
8 photograph any injuries, like gunshot wounds or
9 anything like that, because he was unable to be
10 moved at that time.

11 MS. HEARD: And if I could have the
12 witness shown C-36-A?

13 THE COURT: C-36-A.

14 MR. McGOVERN: Yes. Thank you.

15 MR. FEINMAN: Thank you.

16

17 (Whereupon, a document was marked,
18 for identification purposes, Exhibit
19 C-36-A.)

20

21 COURT OFFICER: C-36-A is being shown
22 to the witness.

23 MS. HEARD: And Bert, for speed sake,
24 can you also show him 36-B.

25 COURT OFFICER: 36-B.

1 MR. McGOVERN: Thank you.

2 MR. FEINMAN: Thank you.

3 BY MS. HEARD

4 Q. Now, Detective Corrigan, do you recognize
5 these photographs?

6 A. Yes, I do.

7 Q. How do you recognize those photographs?

8 A. Those are the photographs that I took of
9 the victim that night -- that morning in the
10 hospital.

11 Q. Thank you very much.

12 Now, after you took these photographs of
13 Mr. Bolyaganov and after you spoke with nurse
14 Caputo, tell the ladies and gentlemen of the jury
15 what you did?

16 A. After that, I -- after speaking with her,
17 I went to the -- like I said, I was at the scene
18 where the shooting occurred. And at that point,
19 knocked on numerous doors around that area to see if
20 there were any additional witnesses to the incident.

21 Q. And did you find any additional witnesses
22 of the incident?

23 A. Yes. There were some people who we spoke
24 with, who were interviewed. Some people -- at that
25 point, it was early in the morning. Some people

1 were leaving for work, things like that. They were
2 no answers at the door at that period of time. But
3 there were some people who we were able to speak
4 with.

5 MS. HEARD: And if I could show -- if
6 I can have shown to Detective Corrigan C-17.

7 THE COURT: C-17.

8 COURT OFFICER: C-17.

9

10 (Whereupon, a document was marked,
11 for identification purposes, Exhibit
12 C-17.)

13

14 BY MS. HEARD

15 Q. And Detective Corrigan, do you recognize
16 the document that I just showed you?

17 A. Yes.

18 Q. What was that document?

19 A. This document is an interview that I
20 conducted at the scene of the shooting.

21 Q. And who was the person that you
22 interviewed?

23 A. Her name was Susan Flemming.

24 Q. And where exactly did you interview her?

25 A. Inside her home, which was one of the

1 homes near where the shooting occurred.

2 Q. Okay. Now, you testified a little bit
3 earlier that when you got to the scene, there were
4 officers present?

5 A. Yes.

6 Q. Once you arrived at the scene, tell the
7 ladies and gentlemen of the jury what happened with
8 respect to processing that crime scene?

9 A. I mean, the nature of this incident, it
10 was a male who was shot and critically injured. The
11 crime scene, the Philadelphia Crime Scene Unit, was
12 notified and they processed the scene. They
13 collected the ballistic evidence, the shell cases
14 that were fired on the highway and photographed the
15 area.

16 Q. Now, what happened -- what happened
17 after -- did you leave the scene at a certain point?

18 A. Yes.

19 Q. Tell the ladies and gentlemen of the jury
20 what happened once you left that scene?

21 A. After leaving the scene, I did contact the
22 hospital before I returned to headquarters to check
23 on the condition of the victim.

24 At that point, I was told that he was able
25 to speak to me. I was able to interview him at that

1 point. So I went back to the hospital to interview
2 him.

3 MS. HEARD: And if we could have the
4 witness -- if we could have Detective Corrigan,
5 rather, shown what was previously marked as C-35.

6 THE COURT: C-35.

7 COURT OFFICER: C-35 is being shown
8 to the witness.

9 BY MS. HEARD

10 Q. Detective Corrigan, what is that document
11 that I'm showing you?

12 A. This document is the interview that I took
13 from the victim, Sardor Bolyaganov, that night at
14 the hospital.

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

17 THE COURT: Okay.

18

- - -

19

(Pause.)

20

- - -

21 BY MS. HEARD

22 Q. Now, when you went to the hospital to
23 interview Mr. Bolyaganov -- and you were able to
24 interview him, correct?

25 A. Yes.

1 Q. What was -- I guess how -- what was his
2 status at that point? What did he look like?

3 A. I mean, he was conscious. He was able to
4 speak to me, but at the same time, he was also -- he
5 was still, you know, being treated. He was hooked
6 up to machines and things like that and all. He was
7 unable to move his legs at that point.

8 Q. Now, I'm going to refer your attention --
9 draw your attention back to C-35, the document that
10 I just showed you. Now, you asked Mr. Bolyaganov a
11 series of questions, correct?

12 A. Yes.

13 Q. Now, when you asked Mr. Bolyaganov that
14 first question -- and what was the first question
15 that you asked him?

16 A. The first question, Can you tell me what
17 happened to you on 7/21/13 which lead you to being
18 shot.

19 Q. Okay. At that point, he kind of gives you
20 a blanket response; is that right?

21 MR. FEINMAN: Objection to the
22 characterization of blanket response. The document
23 speaks for itself. There's a response there. She's
24 pulling a blanket response, but I don't think --

25 THE COURT: I think she's just

1 describing a response.

2 MR. FEINMAN: But she's describing
3 the response. It's a response. She said blanket
4 response.

5 THE COURT: I don't know what a
6 blanket response means, but it speaks for itself.

7 MS. HEARD: It speaks for itself.

8 BY MS. HEARD

9 Q. And it's not a very -- that wasn't a
10 specific question. That was kind of a broad
11 question, right?

12 A. Yes.

13 Q. And in his words, he told you what
14 happened, correct?

15 A. Yes.

16 Q. Now, after he gives you this long
17 response -- I guess you can call it. I won't use
18 the word "blanket response," since it's so
19 offensive. I'll say long response.

20 You asked him a very specific question
21 after his response, correct? And that question was,
22 Did you see who shot you?

23 A. Yes.

24 Q. And what was Mr. Bolyaganov's response?

25 A. His response was, No. I was looking at

1 the father.

2 Q. And then you asked him, Did you ever see
3 the son holding the gun.

4 And what was his response?

5 A. No.

6 Q. Now, when you asked him did you ever see
7 the son holding the gun, what did you mean by that
8 question?

9 MR. MCGOVERN: Your Honor, I object.
10 I think the question is pretty clear.

11 THE COURT: He's the author of the
12 question. It's his question. Overruled.

13 THE WITNESS: What I -- the way I
14 took the response was that he didn't see -- like he
15 didn't see, like, the gunshot. He didn't see
16 himself -- he didn't see the actual shooting. His
17 back was to this person who shot him at that time.

18 Q. And then the next question was, Did you
19 kick the father while he was on the ground. And his
20 response was what?

21 A. We were fighting, yes.

22 Q. Okay. And then the next question you
23 asked, Did the son ever warn you to stop hitting or
24 kicking his father.

25 Do you remember asking him that question?

1 A. Yes.

2 Q. And his response was what?

3 A. I did not hear him say anything to me.

4 Q. Now, what did you mean by the question --

5 MR. McGOVERN: Your Honor, I object
6 to interpreting to what plain English means.

7 THE COURT: He's entitled -- he made
8 the answer. I can understand if it was somebody
9 else. He's the one who asked the question.

10 MR. McGOVERN: But I have no
11 objection to his explaining his question, but with
12 all do respect to Detective Corrigan, who's a fine
13 detective, he's not, I submit, in the position to
14 interpret what the answer means. It's for the jury
15 to determine.

16 THE COURT: She didn't ask him what
17 the answer. She was asking what his question means.

18 MR. McGOVERN: Well, I was confused.
19 I thought she was asking him what the answer meant.

20 THE COURT: She can ask him what --
21 it's his question. She can ask him what he's
22 thinking about his own question.

23 MR. McGOVERN: Fine. I thought we
24 were going to the answer.

25 THE COURT: No, no. She said

1 question.

2 MS. HEARD: I said question.

3 THE WITNESS: The question, Did the
4 son ever warn you to stop hitting and kicking his
5 father. I told him that exactly. Did, at any
6 point, did he yell or say stop hitting my father or
7 anything like that, give any kind of warning to have
8 him stop fighting with his father.

9 Q. Then you started asking Mr. Bolyaganov
10 questions about the cell phone; is that correct?

11 A. Yes.

12 Q. And you asked him where he got the cell
13 phone from, correct?

14 A. Correct.

15 Q. Okay. What was his response?

16 A. I bought the phone from an unknown male at
17 Bustleton and Verree months ago. I paid him 80 for
18 the phone. He was 14 to 15 years old.

19 Q. Then you asked him -- then you asked him,
20 Did the male tell you where he got the phone from.

21 And what was Mr. Bolyaganov's answer?

22 A. No.

23 Q. Then you also asked him, Mr. Bolyaganov,
24 Did you find it odd that the male sold you the phone
25 for \$80.

1 And what was his reply?

2 A. He initially wanted \$200. I was able to
3 talk him into paying \$80 for it because it was
4 scratched.

5 Q. Then you asked him the following question,
6 Do you have any way of contacting the male who sold
7 you the phone.

8 And what was his answer?

9 A. I may have his number in my phone. I see
10 him sometimes at the gas station at Bustleton and
11 Verree.

12 Q. Now, Detective Corrigan, with respect to
13 the cell phone in this matter, did you ever do any
14 follow-up investigation on this cell phone?

15 A. I mean, the primary thing I was assigned
16 to was to investigate this shooting. I did do some
17 checks into the phone, but whether -- the incident
18 surrounding the phone did not have much bearing on
19 the incident involving the shooting.

20 We have a way of -- I was able to get the
21 serial number from the cell phone and we can check
22 to see if it was reported through the police
23 department to see if it was reported stolen.

24 I did check that number through our
25 computers, but it came up no record, which means the

1 phone was not reported stolen under that serial
2 number.

3 Also, just checking different incidents
4 and thefts and robberies, things of that nature in
5 that area, I did not find anything involving the
6 Samsung S3 cell phone, which is the cell phone that
7 this is, basically, over.

8 Q. So did you ever ask Mr. Bolyaganov anymore
9 information with respect to the cell phone after
10 this interview?

11 A. After this interview, no. That was it.

12 Q. Now, when you were at the hospital with
13 Mr. Bolyaganov, what, if anything, was done with his
14 clothing?

15 A. The clothing was recovered by officer who
16 responded to the hospital that night. It's Officer
17 McGrory, M-c-G-R-O-R-Y, Badge Number is 4144. She
18 recovered the clothing that was worn by the victim.

19 Q. And were those items placed on a property
20 receipt?

21 A. Yes, they were place on a property
22 receipt.

23 Q. Okay. Did you observe or place those
24 items on the property receipt?

25 A. Yes, I did.

1 MS. HEARD: If I could have Detective
2 Corrigan shown C-22.

3 THE COURT: C-22.

4 MR. FEINMAN: No objection.

5

6 (Whereupon, a document was marked,
7 for identification purposes, Exhibit
8 C-22.)

9

10 BY MS. HEARD

11 Q. And Detective Corrigan, is that the
12 property receipt for Sardor Bolyaganov's clothing?

13 A. Yes, it is.

14 Q. Can you read what was on that property
15 receipt?

16 A. Yes. It was one gray pair of Nike
17 Sneakers, one gray pair of Adidas track pants with
18 green strip, one brown Tommy Hilfiger wallet
19 containing PA ID Number 31381636, Bank of America
20 visa, various business cards. There was one pair of
21 Burberry boxer briefs, one pair of white tube socks,
22 one gray T-shirt.

23 Q. Now, once at the hospital with
24 Mr. Bolyaganov, did you also have the opportunity to
25 recover any money from him?

1 A. There was -- yes, there was money.

2 MS. HEARD: If I could show the
3 witness C-23.

4 THE COURT: C-23?

5 MS. HEARD: Yes, Your Honor.

6 MR. FEINMAN: No objection.

7 MR. McGOVERN: Okay.

8 COURT OFFICER: C-23.

9

- - -

10 (Whereupon, a document was marked,
11 for identification purposes, Exhibit
12 C-23.)

13

- - -

14 BY MS. HEARD

15 Q. And what, if any, money was recovered --
16 what is that document that I'm showing you?

17 A. This is the property receipt for the money
18 that was recovered from the victim.

19 Q. Okay. What's that property receipt
20 number?

21 A. Property Receipt Number 3099003.

22 Q. And what, if any, money was placed on that
23 property receipt from Mr. Bolyaganov?

24 A. It was \$7 total. It was a one \$2 bill and
25 five \$1 bills.

1 Q. Now, Detective Corrigan, at some point,
2 did you have the opportunity to also take
3 photographs of the defendant, Lonnie Spector?

4 A. Yes, I did.

5 Q. Can you tell the ladies and gentlemen of
6 the jury about your interaction with respect to
7 Mr. Lonnie Spector, and how it was that you took
8 pictures of him?

9 A. Okay. At some point during the
10 investigation, I spoke to Mr. Lonnie Spector. And
11 while speaking to him to get his side of the
12 story -- he did agree to tell me his side -- and a
13 statement from him was taken.

14 Q. And I'm just talking about photographs.

15 A. And photographed. During that time he
16 was -- during the time of the interviewed, he was
17 photographed.

18 MS. HEARD: Okay. Court's
19 indulgence, Your Honor.

20

- - -

21

(Pause.)

22

- - -

23 MS. HEARD: If I could have Detective
24 Corrigan shown C-36-F?

25

1 THE COURT: C-36-F? As in Frank?

2 MS. HEARD: Yes.

3 BY MS. HEARD

4 Q. And Detective, where is this taken place?
5 Where are these photographs being taken?

6 A. The photos were taken at Northeast
7 Detectives Headquarters.

8 Q. So this was not inside of a hospital?

9 A. No.

10 COURT OFFICER: C-36-F?

11

12 (Whereupon, a document was marked,
13 for identification purposes, Exhibit
14 C-36-F.)

15

16 BY MS. HEARD

17 Q. And Detective Corrigan, did you take that
18 photograph?

19 A. Yes, I did.

20 Q. What does that photograph depict?

21 A. It's a photograph of Lonnie Spector.

22 Q. And were you able to see any injuries on
23 Mr. Spector?

24 A. He had some swelling on -- it would be his
25 right side of his face.

1 Q. Okay.

2 MS. HEARD: And if we could show the
3 witness...

4 MR. McGOVERN: Your Honor, could we
5 dim the lights just a bit?

6 THE COURT: Yes.

7 BY MS. HEARD

8 Q. And was that the side of his face where it
9 was swollen?

10 A. Yes.

11 MS. HEARD: And then if we could also
12 show Detective Corrigan C-36-G.

13 THE COURT: C-36-G.

14 MR. FEINMAN: No objection.

15 - - -

16 (Whereupon, a document was marked,
17 for identification purposes, Exhibit
18 C-36-G.)

19 - - -

20 BY MS. HEARD

21 Q. Now, Detective Corrigan, my printer's --
22 there's not a lot of red in that printer, so it's
23 probably more yellow than the actual picture.

24 But what is that depicting? That
25 photograph?

1 A. There was a cut to the top part of his
2 head.

3 MS. HEARD: And then if we can -- and
4 for speed purpose, Ms. Bert, if we could show the
5 witness for C-36-H -I -J.

6 COURT OFFICER: C-36-H, Counsels?

7 MR. FEINMAN: No objection on any of
8 them.

9 COURT OFFICER: Okay. Being shown to
10 the witness.

11

12 (Whereupon, documents were marked,
13 for identification purposes, Exhibits
14 C-36-H, C-36-I and C-36-J.)

15

16 MR. FEINMAN: Your Honor, at this
17 point, I reluctantly have to raise an objection.
18 And the reason I raise this objection is, I heard
19 Ms. Heard say that her copier isn't quite right and
20 that the originals have different color. These are
21 not the best evidence. The best evidence are the
22 originals, and I would ask that the originals be
23 produced.

24 If Your Honor recalls, during
25 discovery I requested color copies. I didn't

1 request faded copies. I requested color copies of
2 the actual document. The best evidence is the
3 actual photographs.

4 THE COURT: If it's readily
5 available. Did you give them color copies?

6 MS. HEARD: That's the best color
7 copy that I have so...

8 MR. FEINMAN: Understood.

9 THE COURT: Well, then, that's the
10 best --

11 MR. FEINMAN: But the detective has
12 the originals. I would assume that somebody has the
13 originals.

14 THE COURT: But they may not be able
15 to replicate them to distribute. He may have them
16 as part of his file.

17 MR. FEINMAN: I would assume he would
18 be able to burn them on a disk and have the image on
19 the disk, which would be far better --

20 THE COURT: You're assuming -- he may
21 not be able to do that, in terms of that may not be
22 readily available to do that, but, you know, I don't
23 know if the file is available or the original photos
24 are available or what.

25 MS. HEARD: Are there original

1 photos?

2 THE WITNESS: No. If anything, it
3 would be in -- already scanned in with what you
4 already have. It was on a digital camera and --

5 THE COURT: So are these the
6 scanned...?

7 THE WITNESS: Yes.

8 THE COURT: So this -- so these
9 weren't copies replicated by the District Attorney's
10 Office?

11 THE WITNESS: No.

12 THE COURT: You're saying these are
13 the actual --

14 THE WITNESS: They were what was in
15 the file.

16 THE COURT: -- your file?

17 THE WITNESS: Right.

18 THE COURT: So that's what he has.

19 MR. FEINMAN: Fair enough.

20 THE COURT: All right. Go ahead.

21 BY MS. HEARD

22 Q. Can you show the ladies and gentlemen of
23 the jury what exactly were you taking pictures of in
24 these three photographs?

25 A. The two photographs --

*not
false
enough*

1 MR. McGOVERN: I'm sorry for
2 interrupting. Do we have that laser pointer?

3 MS. HEARD: We do have it somewhere,
4 yes.

5 Permission to approach, Your Honor?

6 THE COURT: Yes.

7 BY MS. HEARD

8 Q. Now, what were you showing in C-36-I?

9 A. C-36-I is, to me, it looks like a -- his
10 leg. Like, maybe there's an injury on it. It's not
11 really too clear from here that I can tell, but the
12 other two are scrapes that are to his hands.

13 Q. Okay.

14 MS. HEARD: Court's indulgence.

15 ---
16 (Pause.)

17 ---

18 BY MS. HEARD

19 Q. Now, did you have the opportunity to --

20 MS. HEARD: Court's indulgence.

21 ---
22 (Pause.)

23 ---

24 BY MS. HEARD

25 Q. Okay. Now, Detective Corrigan, did you

1 have the opportunity to ever see the cars involved
2 in this situation again?

3 A. Yes, I did.

4 Q. Okay. You indicated that once you were on
5 the scene at Ferndale and Kentwood Streets that the
6 cars were still present, right?

7 A. Yes.

8 Q. And we're talking about the Chrysler 300
9 and the Mercedes?

10 A. Yes.

11 Q. When you left the scene, were those cars
12 still present?

13 A. They were -- I believe so. I believe they
14 were present at that -- when I left. But they were
15 later towed to our police garage.

16 Q. Okay. Now, once they were towed to the
17 police garage, in the meantime, what, if anything,
18 else, did you do with respect to those cars, if
19 anything?

20 A. Not that -- in order to go in to process
21 the cars and go be able to go inside them, I
22 obtained a search warrant for each car, which I did
23 in the meantime. And then later, I went back and
24 this way we can go in the cars and search it for any
25 additional evidence or anything like that.

1 Q. And did you get that search warrant?

2 A. Yes, I did.

3 Q. Okay.

4 MS. HEARD: Court's indulgence.

5

- - -

6

(Pause.)

7

- - -

8 MS. HEARD: If I could have the
9 witness shown C-28?

10 THE COURT: C-28.

11 MR. FEINMAN: No objection.

12

- - -

13 (Whereupon, a document was marked,
14 for identification purposes, Exhibit
15 C-28.)

16

- - -

17 COURT OFFICER: C-28 being shown to
18 the witness.

19 BY MS. HEARD

20 Q. And Detective Corrigan what exactly is
21 C-28?

22 A. C-28 is a search warrant that I completed
23 for the -- in order to go inside the black Chevy --
24 Chrysler 300, which belonged to Lonnie Spector.

25 Q. And what's a search warrant?

1 A. A search warrant is -- you can't just, you
2 know, go into peoples homes and cars, things like
3 that. In order to go in, you get need a search
4 warrant for that.

5 Q. And once you executed that search
6 warrant -- and what was the search warrant number on
7 that? I apologize.

8 A. The search warrant is 175300.

9 Q. Okay. What, if anything, was recovered
10 from that Chrysler 300?

11 A. From the Chrysler 300, there was one white
12 in color Galaxy S3 cell phone, one black in color
13 cell phone case. There was one black iPhone, and
14 there was a 10-round Glock handgun magazine for a .9
15 millimeter Glock handgun, which had 9 bullets in it.

16 MS. HEARD: And if we could show the
17 witness what has been previously marked as C-50-6.
18 C-50 little six.

19 THE COURT: C-56?

20 MS. HEARD: C-50 little six, Your
21 Honor.

22 MR. FEINMAN: No objection.

23 COURT OFFICER: C-50-6 is being shown
24 to the witness?

25

1

- - -

2

(Whereupon, a document was marked,

3

for identification purposes, Exhibit

4

C-50-6.)

5

- - -

6

BY MS. HEARD

7

Q. Detective Corrigan, what is that

8

depicting?

9

A. This is the interior of the Chrysler 300.

10

It's a photograph of it.

11

Q. And where was that photograph taken?

12

A. This photograph was taken at the

13

Philadelphia police garage.

14

Q. Okay.

15

MS. HEARD: And if I could have the

16

witness shown C-50-15 and C-50-16.

17

COURT OFFICER: Defense?

18

MR. FEINMAN: No objection.

19

COURT OFFICER: C-50-15 and -16.

20

- - -

21

(Whereupon, documents were marked,

22

for identification purposes, Exhibits

23

C-50-15 and C-50-16.)

24

- - -

25

1 BY MS. HEARD

2 Q. And Detective Corrigan, what are those
3 photographs depicting?

4 A. This photograph here, this is the front
5 passenger door of that Chrysler 300. And the
6 photograph next to it, in like the armrest area, is
7 the Glock magazine, which I held the nine bullets
8 that were inside it.

9 Q. And I apologize if you said this, but you
10 said you put that on a property receipt -- or did
11 you?

12 A. They were placed on a property receipt,
13 yes.

14 MS. HEARD: And if I could have the
15 witness shown C-29.

16 COURT OFFICER: C-29.

17 MR. FEINMAN: No objection.

18

19 (Whereupon, a document was marked,
20 for identification purposes, Exhibit
21 C-29.)

22

23 BY MS. HEARD

24 Q. And what is that property receipt? What
25 is that of?

1 A. This is Property Receipt 3099007. It's
2 the property receipt that the magazine with the nine
3 bullets were placed on.

4 MS. HEARD: And if I could have the
5 witness shown C-31.

6 COURT OFFICER: C-31.

7 MR. FEINMAN: No objection.

8

9 (Whereupon, a document was marked,
10 for identification purposes, Exhibit
11 C-31.)

12

13 BY MS. HEARD

14 Q. And what is C-31, Detectives Corrigan?

15 A. It's Property Receipt 3099008. It's the
16 property receipt which the white in color Samsung
17 Galaxy 3 was on -- cell phone was on.

18 Q. And where was that recovered?

19 A. That was recovered from inside the front
20 seat area of the Chrysler 300.

21 Q. And Detective Corrigan, do you remember
22 where exactly that phone was recovered inside that
23 Chrysler 300?

24 A. Exactly? I know it was in the front seat
25 area. Exactly where? No, I don't. I don't believe

1 I have any photos on it. It might have been in the
2 center console. But for sure, it was in that
3 immediate area of the front of the vehicle.

4 Q. Now, did you also have the opportunity to
5 execute search and seizure warrant on the
6 Mercedes-Benz that was present on the scene?

7 A. Yes, I did.

8 MS. HEARD: And if I would have
9 witness shown C-34?

10 COURT OFFICER: C-34.

11 MR. FEINMAN: No objection.

12 COURT OFFICER: C-34 is being shown
13 to the witness.

14

15 (Whereupon, a document was marked,
16 for identification purposes, Exhibit
17 C-34.)

18

19 BY MS. HEARD

20 Q. And what is C-34, Detective Corrigan?

21 A. C-34 is the search warrant. The number is
22 175301. It's the search warrant that was done for
23 the Mercedes.

24 Q. What, if anything, was recovered from that
25 Mercedes-Benz?

1 A. There was no phone recovered. There was
2 nothing -- nothing of any evidentiary value in the
3 Mercedes-Benz.

4 MS. HEARD: Court's indulgence.

5

- - -

6

(Pause.)

7

- - -

8 BY MS. HEARD

9 Q. And when that search warrant was executed
10 at the -- on the Mercedes-Benz, where was that
11 search warrant -- where was the Mercedes-Benz when
12 it was executed?

13 A. The Mercedes-Benz was also in the
14 Philadelphia police garage.

15 MS. HEARD: If I could have the
16 witness shown C-50-32.

17 COURT OFFICER: C-50-32.

18 MR. FEINMAN: No objection.

19 COURT OFFICER: C-50-32 is being
20 shown to the witness.

21

- - -

22 (Whereupon, a document was marked,
23 for identification purposes, Exhibit
24 C-50-32.)

25

- - -

1 BY MS. HEARD

2 Q. Detective Corrigan, which is this
3 depicting?

4 A. This is a photo of the black Mercedes-Benz
5 that the victim and his wife were using that night.

6 Q. Now, going back little bit, Detective
7 Corrigan, did you have the opportunity to come into
8 contact with Mr. Gregory Spector?

9 A. Yes, I did.

10 Q. Okay. When you came into contact with
11 Mr. Gregory Spector, where did you come into contact
12 with him?

13 A. At Northeast Detectives.

14 Q. And was anything taken from Mr. Gregory
15 Spector?

16 A. Yes.

17 Q. Okay. What was taken from Mr. Gregory
18 Spector?

19 A. Two hundred dollars.

20 MS. HEARD: If I could have the
21 detective shown Commonwealth's Exhibit C-9.

22 BY MS. HEARD

23 Q. What, if anything, did you do when you
24 recovered that \$200?

25 A. The \$200 was also placed on a property

1 receipt.

2 COURT OFFICER: C-9.

3 MR. FEINMAN: No objection.

4 COURT OFFICER: C-9 being shown to
5 the witness.

6

-- --

7

(Whereupon, a document was marked,

8

for identification purposes, Exhibit C-9.)

9

-- --

10 BY MS. HEARD

11 Q. And Detective Corrigan, what is it that I
12 just showed you?

13 A. It's Property Receipt Number 3099004.

14 It's the property receipt for the -- which the \$200
15 was placed on.

16 MS. HEARD: If I could show the
17 witness what was previously marked as C-36-K.

18 MR. FEINMAN: No objection.

19 COURT OFFICER: C-36-K being shown to
20 the witness.

21

-- --

22

(Whereupon, a document was marked,

23

for identification purposes, Exhibit

24

C-36-K.)

25

-- --

1 BY MS. HEARD

2 Q. Detective Corrigan, did you take that
3 photograph?

4 A. Yes, I did.

5 Q. What is that photograph depicting?

6 A. It's the \$200 that was taken from Gregory
7 Spector that day.

8 Q. And when you came into contact with
9 Mr. Lonnie Spector, what, if anything, did he give
10 you -- or did he give you anything?

11 A. Yes, he did. He did give a statement and
12 his account of the incident.

13 Q. Now, with respect to statement, I mean,
14 did he give you a license to carry or anything like
15 that?

16 A. He was checked for a license to carry and
17 they did have licenses to carry.

18 Q. They did have licenses to carry. Okay.

19 MS. HEARD: Court's indulgence.

20 - - -

21 (Pause.)

22 - - -

23 MS. HEARD: Your Honor, at this time,
24 I don't have any other subsultive questions with
25 respect to Detective Corrigan. I don't know if we

1 want to go into the 911 tape now, or do you want to
2 wait for the morning. Since he is my witness, I
3 didn't want to leave the situation without --

4 THE COURT: Is he connected with the
5 911 -- is he connected with that track?

6 MS. HEARD: No. It's the defendant's
7 statements.

8 But we already said there was a
9 stipulation, but we still have the witness on the
10 stand so...

11 MR. FEINMAN: If I understand, you're
12 done on direct, other than the 911 tapes?

13 MS. HEARD: Correct. That's correct.

14 MR. FEINMAN: Your Honor, I think the
15 911 tapes are not that long in time. I think it
16 might be appropriate to play those at this time.
17 And then I'm assuming once that played we can start
18 with cross with Detective Corrigan?

19 THE COURT: Yeah. I'm looking at the
20 lateness of the hour. I don't think, you know, want
21 to start cross now. I was thinking we can wrap up
22 with the tapes and then start cross and redirect of
23 the detective tomorrow.

24 MR. McGOVERN: I agree with that,
25 Your Honor.

1 MR. FEINMAN: I agree. And knowing
2 the duration of what's on the 911, while it spans
3 about an hour of time, the actual recording is about
4 three or four minutes.

5 THE COURT: Okay.

6 MS. HEARD: Correct.

7 THE COURT: So we can play that and
8 recess for the day.

9 Unfortunately you'll have to come
10 back tomorrow and proceed with the cross and
11 redirect.

12 THE WITNESS: Okay.

13 MS. HEARD: Thank you, Your Honor.

14 And Your Honor, if the jurors could
15 refer to their transcriptions of Track Number 2 and
16 that's on page Number 1, Your Honor.

17 MS. HEARD: And Your Honor, at this
18 time, I will be playing C-52 again, and I will be
19 referencing C-52-A, which is the transcription. And
20 I'll be playing Track 2, and it starts on page 1.

21 (Audio playing.)

22 MR. McGOVERN: Your Honor, just --
23 for the record, Your Honor, that reflected a call of
24 21:45:15, which would have been 9:45:15 p.m.

25 MS. HEARD: Correct.

1 THE COURT: All right.

2 MS. HEARD: And Your Honor,
3 Commonwealth now seeks to play Track 3, July 21,
4 2013 and that time is 10:06:48 p.m.

5 (Audio playing.)

6 MS. HEARD: And Your Honor, at this
7 time, the Commonwealth seeks to play Track Number 7
8 from the 911 tape. And that page number is page 5
9 of the transcript and that date being July 21st of
10 2013 at 10:23:02 p.m.

11 THE COURT: Okay.

12 (Audio playing.)

13 MS. HEARD: And Your Honor, that's
14 all I wish to play at this time.

15 THE COURT: Okay.

16 MS. HEARD: Thank you, Your Honor.

17 THE COURT: All right.

18 I believe that's it. It's 4:20.
19 We're going to adjourn for the day. I'll see you
20 tomorrow. We'll try to get started as quickly as we
21 can. We have other matters, but we'll try to
22 expedite it to move this along to its conclusion.

23 See you tomorrow. Don't talk to
24 anybody about the case, and see you tomorrow at
25 10:00 a.m.

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(Jury exits the courtroom at 4:13
p.m.)

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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

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)