

1 (Defendants are present together with
2 counsel.)

3 (Jury enters the courtroom at 10:36
4 a.m.)

5 COURT OFFICER: May I, Your Honor?

6 THE COURT: Yes.

7 COURT OFFICER: Detective, please
8 state your name, badge number and district that
9 you're assigned to.

10 THE WITNESS: Detective Joseph
11 Corrigan, C-O-R-R-I-G-A-N Badge Number 9235,
12 assigned to Northeast Detectives.

13

14 DETECTIVE JOSEPH CORRIGAN, having
15 been first duly sworn, was examined and testified as
16 follows:

17

18 THE COURT: I believe Commonwealth
19 has a few more questions.

20 MS. HEARD: Yes, thank you very much.

21

22 DIRECT EXAMINATION

23 continued

24

25

1 BY MS. HEARD

2 Q. Good morning, again, Detective Corrigan.

3 A. Good morning.

4 Q. Detective Corrigan, really quickly, on the
5 day of the defendants' arrest, were you present when
6 they were -- I'm sorry. Were you present once they
7 were officially arrested for the charges that
8 they're facing today?

9 A. Not at the scene, no.

10 Q. Not at the scene but at Northeast
11 Detectives Division?

12 A. Yes.

13 MS. HEARD: And if I could have
14 Detective Corrigan shown what's previously C-58.

15 THE COURT: C-58.

16 MR. FEINMAN: Yes.

17 MR. McGOVERN: Yes.

18 - - -

19 (Whereupon, a document was marked,
20 for identification purposes, Exhibit
21 C-58.)

22 - - -

23 COURT OFFICER: C-58 is being shown
24 to the witness.

25 THE COURT: Okay.

1 BY MS. HEARD

2 Q. And Detective Corrigan, what is that a
3 photograph of?

4 A. This is a photograph of Lonnie Spector.

5 Q. Okay. And is that a fair representation
6 of how Lonnie Spector looked once he was officially
7 arrested for these charges?

8 A. Yes.

9 MS. HEARD: And if I could also have
10 him shown C-59.

11 MR. FEINMAN: No objection.

12 COURT OFFICER: C-59 is being shown
13 to the witness.

14

15 (Whereupon, a document was marked,
16 for identification purposes, Exhibit
17 C-59.)

18

19 BY MS. HEARD

20 Q. And Detective Corrigan, what is that
21 photograph depicting?

22 A. This is a photograph of Gregory Spector.

23 Q. Okay. And was that a fair and accurate
24 representation of how he looked once he was
25 officially arrested?

1 A. Yes.

2 MS. HEARD: Thank you so much,
3 Detective. The defense attorneys may have some
4 questions for you.

5 THE COURT: Cross?

6 MR. FEINMAN: Thank you, Your Honor.

7

8 CROSS-EXAMINATION

9

10 BY MR. FEINMAN

11 Q. Good morning, Detective. How are you
12 today?

13 A. Good.

14 Q. Just -- since we're on C-58 and C-59, you
15 would agree that those two documents that you have
16 there are black and white copies of mug shots,
17 correct?

18 A. Correct.

19 Q. Where are the originals?

20 A. The originals?

21 Q. Of -- those are obviously copies of an
22 original document, correct? I mean, what you have
23 in front of you is not the original photograph?

24 A. Well, it can be printed out --

25 Q. I understand.

1 A. -- but I don't believe I even took a copy
2 of these photos. These are the official photos
3 during -- while they were processed.

4 Q. That leads me to the next question.
5 You're not the taking those particular photographs.
6 They're processed by the department at another
7 location?

8 A. Well, it's in the 15th District in the
9 cell room, and yes, the photographs are taken by the
10 officer assigned to the cell room.

11 Q. And those photographs are the official
12 photographs the department uses as commonly referred
13 to as "the mug shot," correct?

14 A. That's correct.

15 Q. And what you have in front of you are what
16 appears to be photocopies of what those original
17 photos would be, correct?

18 A. I mean, it could be a photocopy or printed
19 out on a printer with -- that's black and white.

20 Q. Right. And that's what I'm referring to.
21 What you have in front of you is black and white
22 images of whatever their mug shot would have been?

23 A. Yes.

24 Q. Have you seen the actual images?

25 A. I don't recall. You mean, like a color

*Detective
for
one year*

10

1 copy?

2 Q. That's right.

3 A. Yes.

4 Q. You would agree with me that the color
5 copy would be a truer and more reflective indication
6 of what their appearance was at the time those mug
7 shots were taken?

8 A. Yes.

9 Q. Great. Thank you.

10 Detective, let's go back a little bit --
11 go into your background and your involvement with
12 the police department. You said that you were
13 detective for about -- and had been for about three
14 years now, correct?

15 A. That's correct.

16 Q. Prior to that, you were a patrolman?

17 A. Yes.

18 Q. And where were you assigned again?

19 A. I was assigned to the 8th District and
20 also the 35th District.

21 Q. So the 8th District is the far Northeast,
22 near the Northeast Airport, correct?

23 A. That's correct.

24 Q. And 35th is northwest over at Broad and
25 Champlost?

1 A. That's correct.

2 Q. And you had patrolled -- responsibilities
3 and duties as a patrol officer?

4 A. Yes.

5 Q. And through testing, you were promoted to
6 detective and got the assignment over to Detective
7 Northeast Detectives, correct?

8 A. That's correct.

9 Q. Now, as part of the training as an officer
10 and part of the training as a detective, there are
11 various things that the department does for its
12 officers to help you become skilled, and
13 understanding what responsibilities and duties an
14 officer has in performing their duties, correct?

15 A. That's correct.

16 Q. And as part of the particular -- the
17 duties of a detective, they're teaching you
18 investigative techniques in how to look at a given
19 situation, investigate it, and search out for
20 potential valuable evidence, and evidence that might
21 be apart of what you're looking into, correct?

22 A. Correct.

23 Q. They also teach you and train you on how
24 to do interviews, correct?

25 A. Correct.

1 Q. And as part of that process, you're
2 assessing the capabilities of the individual who
3 you're interviewing?

4 A. Yes.

5 Q. When you do an interview and you take a
6 statement from a witness or a potential defendant or
7 anyone that may have any involvement of something
8 that you're investigating, one of the tasks that you
9 are trained to do is to observe the capabilities of
10 that individual, to understand what they're going
11 through, that process of being interviewed, correct?

12 A. Yes, correct.

13 Q. When you do that and you observe
14 conditions that might raise an issue as to whether
15 or not the individual knows what the process is, do
16 you note that?

17 A. Yes.

18 Q. So if an individual is incapable of
19 communicating with you, you might not take the
20 interview at that time?

21 A. Yes.

22 Q. In fact, your testimony on direct was that
23 you went up to the hospital to see Mr. Bolyaganov
24 and at the time, he was on a respirator; therefore,
25 he couldn't speak. So you were not prepared -- or

1 you didn't think he was prepared to speak to you and
2 be capable of giving you a statement, correct?

3 A. Correct.

4 Q. So you left Aria Torresdale and went back
5 out onto the street to start other phases of your
6 investigation of what this incident was all about?

7 A. Yes.

8 Q. Then I believe you said that later on you
9 did, in fact, go back to the hospital and
10 subsequently secure a statement from him?

11 A. That's correct.

12 Q. And when you went back to the hospital, he
13 was no longer on the respirator?

14 A. Yes.

15 Q. Now, before we get to some of what
16 transpired at the hospital, I want to take you back
17 to the initial stages of when you got involved and
18 what information was coming through.

19 MR. FEINMAN: If I can ask Officer
20 Lewis to pull up Track -- bear with me one moment --
21 Track Number 7 of the 911 calls. It's the July 21,
22 2013, 22:23:02. And that's actually, I believe,
23 C-52.

24 MS. HEARD: That's correct,
25 Mr. Feinman.

1 MR. FEINMAN: I'm going to ask
2 Mr. Lewis to play this and ask Detective Corrigan to
3 listen for a moment.

4 (Audio playing.)

5 MR. FEINMAN: Thank you, Officer
6 Lewis.

7 BY MR. FEINMAN

8 Q. Detective Corrigan, did you ever get to
9 hear that broadcast or that recording prior to this
10 week?

11 A. Yes.

12 Q. When was the first time you got to hear
13 that?

14 A. Exactly, I'm not sure. Once you request
15 the radio tapes, it takes a few weeks for you to get
16 them, and probably I would say around that time.

17 Q. So it would be safe to conclude from the
18 time you got the first call to start your
19 investigation, the defendants had already been
20 charged, Mr. Lonnie Spector and Gregory Spector, had
21 already been charged before you had a chance to hear
22 that tape?

23 A. Yes.

24 MR. FEINMAN: Could we play next,
25 Officer Lewis, Track Number 9.

1 And Your Honor, before we play the
2 tape, I know we had previously had addressed it and
3 Track Number 9 is July 21, 2013, and there was
4 originally a typing error. And that was corrected,
5 I believe, on the transcription itself. But we'll
6 hear the actual time on the recording.

7 THE COURT: All right.

8 BY MR. FEINMAN

9 Q. And Detective Corrigan, I'll ask you to
10 listen to this recording now.

11 (Audio playing.)

12 BY MR. FEINMAN

13 Q. Detective Corrigan, when was the first
14 time you heard that recording?

15 A. I heard the whole recording together about
16 that time. I'd say a few weeks after the incident.

17 Q. So when you say you heard the whole
18 recording, you're referring to the entire 911
19 transcript from the very first call through the very
20 last call of all the activity that was taking place
21 on police radio?

22 A. Yes, that's correct.

23 Q. And that would have been a couple weeks
24 later, correct?

25 A. Yes, that's correct.

1 Q. Now, after you left the hospital the first
2 time, where did you go?

3 A. To the scene.

4 Q. When you arrived at the scene, it was
5 being held by officers, correct?

6 A. Correct.

7 Q. And you started to assess the scene and
8 look around for potential witnesses or participants?

9 A. That's correct.

10 Q. And at that point, is that when you
11 learned of Ms. Sirko?

12 A. No. She was interviewed at Northeast
13 Detectives about two hours later.

14 Q. But I mean, when you first got on the
15 scene, did you learn of her existence at that time?
16 Or was it when you got back to Northeast Detectives?

17 A. No. The night of the incident, about 1:00
18 in the morning, is when she was interviewed. That
19 was before I went to the hospital and everything.

20 Q. Oh, I beg your pardon.

21 The shooting occurs?

22 A. Yes.

23 Q. You get the assignment; she's already
24 brought down to Northeast Detectives; you meet and
25 interview with her --

1 MR. McGOVERN: Can I have a moment?

2 (Solo Voce.)

3 MR. McGOVERN: I'm sorry. Thank you.

4 BY MR. FEINMAN

5 Q. So you speak to her about 1:00 -- a little
6 bit after 1:00 in the morning on, now, the 22nd,
7 correct?

8 A. Correct.

9 Q. Prior to that, you hadn't been up to the
10 hospital?

11 A. Prior to speaking with her, no.

12 Q. After you speak to her, is that when you
13 took her statement?

14 A. Yes. I believe it was 1:10 a.m.

15 Q. And when you took her statement, that was
16 up on the second floor where Northeast Detectives is
17 located?

18 A. That's correct.

19 Q. And at that time, did you discuss with her
20 and go through some of the criteria of what you
21 normally do in conducting a statement and doing an
22 interview with a witness?

23 A. Well, I mean, I told her that -- you know,
24 I interviewed her and I just had to ask her
25 questions. I don't take her through, I mean,

1 everything that I would have done after that, but
2 just asked her the questions as to what occurred
3 that night.

4 Q. Did you ask her -- strike that.

5 Did you tell her that it would be valuable
6 and important to you that she gives you as much
7 information as possible to help assist you in your
8 investigation?

9 A. Yes.

10 Q. And also, as part of that, did you ask her
11 to be truthful with you so you have the accuracy of
12 what might have transpired?

13 A. Yes.

14 Q. And when she provided you the information,
15 did you do a written statement or typed statement?

16 A. A typed statement of what she provided.

17 Q. Now, during the process in this interview
18 or statement process, you're sitting at your desk in
19 front of your computer; is that correct?

20 A. That's correct.

21 Q. And you start to engage the individual in
22 discussion, in this instance, Ms. Sirko, and you are
23 typing in some of the information that would have
24 been the standard information at the top of the
25 interview form, correct?

1 A. Correct.

2 Q. And then you have a question, and you'll
3 type that question and then you'll read the question
4 to the witness, in this instance, Ms. Sirko,
5 correct?

6 A. Correct.

7 Q. When you do that, do you make sure they
8 understand the question?

9 A. Yes.

10 Q. And if they have any questions about the
11 question, do you engage in dialogue to make sure
12 they understand what that question is about?

13 A. Yes.

14 Q. Did you do that for each and every
15 question that you posed to her at that time?

16 A. Yes.

17 Q. Then you ask her to give you a response to
18 that particular question, correct?

19 A. Correct.

20 Q. And when she does that, do you then
21 immediately enter that information into the computer
22 onto the form?

23 A. Yes.

24 Q. Do you then read it back to the witness
25 and have her go over it?

1 A. After all -- after I'm not asking all the
2 questions, they read it, and I let them know if
3 there are any mistakes or errors to let me know and
4 we'll fix them.

5 Q. And in fact, you'll go through it with
6 them and say if it's not accurate or reflective of
7 what you told me or what took place there, let me
8 know so we can make it accurate before we print it
9 out, and have you sign, correct?

10 A. That's correct.

11 Q. And you did that with her?

12 A. Yes.

13 Q. And at the end, she signed that document?

14 A. That's correct.

15 Q. Now, after you conducted her interview and
16 secured the statement from her, where did you go
17 next?

18 A. Well, there was another officer, Officer
19 Green, who I interviewed.

20 Q. Okay. Now, you interviewed Officer Green
21 and took a statement from him in a similar fashion?

22 A. Well, Officer Green is more of a -- to
23 summarize and to -- which he read and reviewed and
24 signed.

25 Q. I beg your pardon. It's a different form.

1 A. It's a different for him.

2 Q. The process for interviewing an eyewitness
3 or someone might have been involved is slightly
4 different than the process of interviewing an
5 investigating responding officer, correct?

6 A. Correct.

7 Q. What you did with the officer was standard
8 and typical protocol for the process of interviewing
9 and getting information from an officer involved in
10 the investigation or response?

11 A. That's correct.

12 Q. And you took a statement from him and he
13 signed that and you signed that?

14 A. Yes.

15 Q. After that, where did you -- or what did
16 you do next?

17 A. After that, I believe I went to the scene
18 after I conducted interviews at Northeast
19 Detectives.

20 Q. And at the scene, did you start the
21 process of trying to identify any potential
22 witnesses out at the scene?

23 A. Yes.

24 Q. Were there any of the residents still
25 outside or had they all gone in?

1 A. Everyone was in at that point.

2 Q. Because at that point, it's 2:00 in the
3 morning?

4 A. Right. It was very early.

5 Q. The scene itself was being held by a
6 couple officers from the police department.

7 A. That's right.

8 Q. And again, that's standard protocol for a
9 potential crime scene?

10 A. Yes, that's correct.

11 Q. Were you able to see much at that point?
12 Did you have any light that assisted you?

13 A. I mean, it was dark out. With an aid of a
14 flashlight, but, you know, we could see.

15 Q. You could see some, but not the best
16 lighting?

17 A. Right.

18 Q. So after being there, you then left. Is
19 that when you went to the hospital?

20 A. To the hospital, correct.

21 Q. And at that point, you made your
22 determination that Mr. Bolyaganov was not capable of
23 giving you a statement at that time?

24 A. Correct.

25 Q. Where was Ms. Sirko at that point, if you

1 recall?

2 A. The first time I went to the hospital?

3 Q. That's correct.

4 A. I don't recall if she was there or not.

5 Q. Okay. After you completed your interview
6 with her, was she free to go to wherever she needed
7 to go? Or did you still need her back at Northeast
8 Detectives?

9 A. No, she was free to leave.

10 Q. After leaving the hospital, is that when
11 you went back to Northeast Detectives?

12 A. No. After leaving the hospital, I went
13 back to the scene, because the scene still needed to
14 be processed. I was waiting for the arrival of the
15 crime scene officers to arrive.

16 Q. And I apologize. You did say that on
17 direct. And that was when it was still dark, but it
18 started to get light out? Sunlight -- sunrise?

19 A. Sunrise, correct.

20 Q. And then you stayed and processed the
21 scene, correct?

22 A. Yes.

23 Q. Explain for the jury, if you could, what's
24 involved in you processing the scene? What did you
25 do out there? What did you do out there?

1 A. Well, because -- this was processed by the
2 Crime Scene Unit. In this case, I didn't really do
3 much. Typically, would be, you know, photographs --
4 taking photographs and things like that, dusting for
5 fingerprints, and, you know, collecting evidence
6 after it's photographed in its original position and
7 things like that.

8 But in this case, I didn't do it because
9 of the Crime Scene had already arrived.

10 Q. So it would be correct that on some
11 occasions you might do those tasks. But in this
12 instance, since Crime Scene was out there, that was
13 a task that they ended up performing?

14 A. Yes, that's right.

15 Q. And you did not need to do that since they
16 were there and you then went on to perform other
17 tasks in your investigation?

18 A. Correct.

19 Q. As part of that, you did look over and
20 assess the scene and observe some of the objects
21 that were, eventually, processed by the Crime Scene
22 Unit?

23 A. That's right.

24 Q. Where did you go after that?

25 A. After the scene was processed?

1 Q. Correct. I beg your pardon -- let me
2 withdraw that.

3 While the scene was being processed, I
4 believe you testified on direct that you then tried
5 to canvas some of the homes there; is that correct?

6 A. That's correct.

7 Q. By that point, were you getting any
8 responses?

9 A. There were some. I remember one we
10 conducted an interview at someone's house, but that
11 was -- most people were not home at that time.

12 Q. Okay. After that phase, is that when you
13 then went back to the Northeast Detectives?

14 A. That's right, yes.

15 Q. When you got back to Northeast Detectives,
16 that's around 7:30, 8 o'clock in the morning?

17 A. Around that time, I'd say, yes.

18 Q. At that point, what was the next phase of
19 your investigation?

20 A. At that point, I spoke with -- I had --
21 Lonnie Spector, who was inside the 15th District, I
22 had him brought up to Northeast Detectives and
23 attempted to speak with him.

24 Q. So let me go back a moment. When you went
25 to the hospital, Aria Torresdale, to see if you

1 could speak to Mr. Bolyaganov, were you aware that
2 Mr. Spector was also at the hospital?

3 A. No. At -- I know he was treated at the
4 hospital. I did not see him in the hospital while I
5 was there.

6 Q. And you weren't sure -- and you weren't
7 aware that he was at the hospital at that point in
8 time?

9 A. Yeah. I don't remember.

10 Q. You learned later that he was, in fact, at
11 the hospital and then transported down to the
12 Northeast Detectives from the hospital?

13 A. Correct, yes.

14 Q. And while he was being held in the
15 cellblock at the Northeast Detectives in the 15th
16 and 2nd District there where they have the common
17 cellblocks, you then learn he was there, and, at
18 some point, bring him upstairs to speak with him; is
19 that correct?

20 A. That's correct.

21 Q. And that's around 8:00, 8:30 in the
22 morning, give or take?

23 A. I believe it was around 8:00. Around 8:00
24 a.m.

25 Q. And when you went upstairs with him, he

1 was in a hospital gown?

2 A. I believe he did have a hospital gown on
3 at that time.

4 Q. Describe his appearance to the jury?

5 A. He had -- the right side of his face was
6 swollen. He had a cut on top of his head, and he
7 had some scrapes on his hands, if I remember.

8 Q. And if I recall during direct, there were
9 a number of exhibits that were photographs that you
10 had testified having taken of Mr. Lonnie Spector
11 upstairs in Northeast Detectives of those particular
12 areas of his body?

13 A. Yes.

14 Q. And that's because you observed that he
15 had injuries and you wanted to document those
16 injuries, since they might be related to what you
17 were investigating?

18 A. Yes.

19 Q. How was he communicating with you? Did he
20 seem tired? Did he seem sluggish? How was his
21 demeanor?

22 A. He seemed more, I mean, upset over the
23 incident that happened, but calm, cooperative.

24 Q. And he cooperated fully with you at that
25 point?

1 A. That's correct.

2 Q. And during the process, you asked him if
3 he felt up to speaking to you and providing you a
4 statement, correct?

5 A. That's correct.

6 Q. And in that process, you went through with
7 him similar protocols that you go through each
8 witness that you interview about what the process is
9 going to be, correct?

10 A. That's correct.

11 Q. You took an extra step, however, because
12 he might be subject to investigation for possible
13 criminal charges, so you had to take extra steps to
14 advice him of his right, correct?

15 A. That's correct.

16 Q. Explain to the jury what those rights are
17 that you advice an individual, like Mr. Spector, in
18 that situation?

19 A. Like, if you -- like you see on TV, you
20 see a lot of times the police or investigator, they
21 read someone their rights. You let them know they
22 have the right to remain silent. They don't have to
23 give you a statement. Anything they tell you can be
24 used against you in court. And also that they have
25 the right to contact an attorney before we interview

1 them. And also, if they do want an attorney, one
2 can be provided free of charge before we ask them
3 anything.

4 Q. And these are what -- in the industry, we
5 commonly refer to as Fifth Amendment rights or
6 Miranda rights?

7 A. Correct.

8 Q. Did you go through those with Mr. Spector?

9 A. Yes, I did.

10 Q. And you made sure he understood those
11 fully?

12 A. Yes.

13 Q. And if he had said to you, Hey, I don't
14 want to talk anymore, that's the end of it, correct?

15 A. Correct.

16 Q. And in fact, you note that and send him --
17 take him back down to where he was retrieved from,
18 correct?

19 A. That's right.

20 Q. Did you do that?

21 A. No. He did not ask for a lawyer or
22 anything. He did not ask to stop.

23 Q. And he fully agreed to cooperate and
24 provided a statement of what had just transpired
25 earlier in the evening?

1 A. That's right.

2 Q. When you interviewed him, did you go
3 through that same process where you're sitting at
4 the computer and you enter the initial data and then
5 you enter a question and then you read him the
6 question, make sure he understood the question and
7 then ask him for his response?

8 A. That's right.

9 Q. And then he gives you a response and you
10 enter the response on the computer. And then after
11 you go through this whole sequence of question and
12 answer, you then go over that with him to say this
13 is why I asked you, this is what you said. Is that
14 accurate what I asked, is that accurate what I
15 stated and what you stated and then complete the
16 interview?

17 A. That's correct.

18 Q. And what's the final document is what was
19 the result of that interview and that statement,
20 correct?

21 A. That's correct.

22 Q. He, during that process, also seemed a
23 little bit dazed at times?

24 A. No. I asked him to be sure, I believe, if
25 he was okay, if he understood everything, but he

1 seemed fine to me.

2 Q. And, in fact, he did tell you that earlier
3 out at the scene he was a little foggy about what
4 had happened because he was dazed out there?

5 MS. HEARD: And Your Honor,
6 objection, at this point.

7 THE COURT: What's the question
8 again?

9 MS. HEARD: Your Honor, may I see you
10 at side bar.

11 (Whereupon, there was a side bar
12 discussion.)

13 BY MR. FEINMAN

14 Q. Now, Detective Corrigan, you completed
15 your interview with Mr. Lonnie Spector and then you
16 took him back down to the holding cell area and put
17 him back into that area, correct?

18 A. That's correct.

19 Q. At some point, before leaving Northeast
20 Detectives to go out and conduct more interviews out
21 on the street, you had a another chance to see
22 Mr. Spector, correct?

23 A. That's correct.

24 Q. And in fact, when you saw him, he'd
25 already been released from police custody and was

1 standing in the foyer/lobby area of the police
2 building, correct?

3 A. That's correct.

4 Q. And when you saw him, do you recall
5 whether he was on the phone at that time?

6 A. I don't recall if he was on the -- I don't
7 remember if he was on the phone or not at that
8 point.

9 Q. You recall him standing in the lobby area
10 with -- standing there -- in fact, he was standing
11 there with me, correct?

12 A. Correct, yeah.

13 Q. And this was 8:30, 9 o'clock? Sometime in
14 that area in the morning?

15 A. I think it was even later than that. I
16 think it was early afternoon.

17 Q. Okay. And at that point --

18 A. I'm sorry. I think it was more around
19 5:00 p.m. The time he was released was 5:15 p.m.

20 Q. -- I'll go back in time. Before he was
21 charged, he was already outside in the lobby area
22 before noon with me when you saw us?

23 A. No, that time was 5:15 p.m.

24 Q. Okay. And at that point, he had not been
25 charged; he had been released by the police

1 department and free to go, correct?

2 A. Well, it was --

3 Q. Let me just take you through it. At that
4 moment, he had been released and free to leave,
5 correct?

6 A. Yes.

7 Q. And then you came down and when you came
8 down, you had advised that you received word from
9 the District Attorney --

10 MS. HEARD: Objection, Your Honor.
11 That calls for hearsay.

12 THE COURT: Say that again? What was
13 your question?

14 MR. FEINMAN: I hadn't completed it
15 yet.

16 THE COURT: Go ahead.

17 BY MR. FEINMAN

18 Q. You received word from the District
19 Attorney's office that charges were being lodged
20 and that he needs to be taken back into custody?

21 MS. HEARD: And that's hearsay.

22 THE COURT: Well, it's part of his
23 job.

24 MR. FEINMAN: I'm not going to the
25 truth of what it was. I'm going on based on what he

1 had been advised at that point. Was Mr. Spector
2 free to leave or did he take him back into custody?

3 MS. HEARD: That's fine.

4 THE COURT: Oh, okay.

5 THE WITNESS: Mr. Lonnie Spector was
6 taken into custody at that time. It was 5:25 p.m.

7 BY MR. FEINMAN

8 Q. Okay. And then the processing, charges
9 being lodged at that point?

10 A. Correct.

11 Q. Now, you then -- and I went back up,
12 because if that's later in the day, let's go back to
13 after his interview early in the day. You continued
14 to conduct your investigation?

15 A. Correct.

16 Q. And I believe your testimony was that you
17 went back out and up to the hospital again?

18 A. Correct.

19 Q. And you recall what time that was?

20 A. I don't want to guess, but it's written on
21 the interview that I had with him. The time would
22 be on there, the time of the interview.

23 Q. That's what I was going to get to. When
24 you went back out to the hospital, you went to see
25 whether or not Mr. Bolyaganov was capable of being

1 interviewed, correct?

2 A. Correct.

3 Q. And I believe when you went up there to do
4 the interview with Mr. Bolyaganov, you also had the
5 opportunity to see him and also see that Ms. Sirko
6 was present, correct?

7 A. That's correct.

8 Q. And when you went there at that time, the
9 ventilator tube was no longer being used, correct?

10 A. Correct.

11 Q. And I believe Mr. Bolyaganov's statement
12 indicates that that was conducted about 1:05 in the
13 afternoon. Does that refresh your memory about
14 approximately when that took place?

15 A. Approximately, yes.

16 Q. And when you went and sat with him, was
17 there anyone else in the room with you besides
18 yourself, Mr. Bolyaganov, and Ms. Sirko?

19 A. No. It was the three of us.

20 Q. When you discussed with him about your
21 desire to interview him and take a statement, did
22 you go through similar protocol that you described
23 earlier of what you do with witnesses or victims or
24 possible subjects of investigations?

25 A. Yes.

1 Q. And did you make the similar assessments
2 as to his capabilities of communicating with you,
3 understanding what you're saying, being able to
4 express himself clearly and fully?

5 A. Yes.

6 Q. And in doing that -- and in that process,
7 did you have a sense of whether or not he could give
8 you information or provide a statement to you with
9 accuracy and in a truthful fashion?

10 A. Yes.

11 Q. If he had not been capable, would you have
12 taken his statement at that time or would you have
13 deferred to a later time?

14 A. Not if he was unable at that point, no. I
15 would have done it at a later time.

16 Q. If there was some infirmity or some issue
17 regarding the ability for an individual to give a
18 statement, but they take -- and you take a
19 statement, would you note those issues or those
20 infirmities for potential concerns when doing the
21 interview?

22 A. Yes.

23 MR. FEINMAN: I'd like you to take a
24 look at C-35, if I may, and C-35 is Mr. Bolyaganov's
25 statement.

1 COURT OFFICER: Okay. C-35 is being
2 shown to the witness.

3

- - -

4 (Whereupon, a document was marked,
5 for identification purposes, Exhibit
6 C-35.)

7

- - -

8 BY MR. FEINMAN

9 Q. And Detective, I'm going to direct your
10 attention to the upper right corner it says,
11 Interviewer. And on the second line it says,
12 Detective Corrigan Number 9235. That's your name
13 and badge number?

14 A. Yes.

15 Q. And would you agree that 95 or 98 percent
16 of what's handwritten on this four-page document is
17 your handwriting?

18 A. Yes.

19 Q. And it's typical when conducting a
20 statement or an interview, when you're not at your
21 desk with a computer, for you to handwrite the
22 questions and answers that are provided?

23 A. Yes, that's right.

24 Q. Now, in doing that, would you then go
25 through that same process that you described earlier

1 when you're at the computer and you would type in or
2 write in some of the basic information first and
3 then you would ask the question and write the
4 question out, read the question to the person, in
5 this instance, Mr. Bolyaganov, and then ask him to
6 give you a response to it?

7 A. Yes.

8 Q. And you did that with each and every one
9 of the questions that you wrote on this interview
10 form?

11 A. Yes.

12 Q. And when you did that, did you make it
13 clear to him that you wanted him to give you his
14 version of things and you didn't want Ms. Sirko to
15 give her version in any way?

16 A. Yes, that's correct.

17 Q. And in fact, during the process, you made
18 sure you encouraged her not to say anything because
19 you wanted to get his perspective from his vantage
20 point and from what he only knows, as opposed to
21 having any take from her?

22 A. That's correct.

23 Q. And when you did that, did you feel that
24 he understood the questions?

25 A. Yes.

1 Q. Did you feel that he was sudated or
2 incapable of understanding the questions?

3 A. No, he understood everything I asked him.

4 Q. Did you have any language barriers?

5 A. No.

6 Q. And he then would give you an answer?

7 A. That's correct.

8 Q. And as he gave you the answer, you would
9 then write that answer down, correct?

10 A. That's correct.

11 Q. Did you make certain that as you wrote the
12 answer, you got his verbatim as possible with what
13 he was providing to you?

14 A. Yes.

15 Q. And that's standard protocol in conducting
16 the statements, correct?

17 A. Correct.

18 Q. For anyone?

19 A. For anyone.

20 Q. I want to direct your attention to page 2.
21 The second question from the bottom. It says, Did
22 the son try and pull -- and it says "him" off of his
23 father. And that's crossed out and rewritten "you";
24 is that correct?

25 A. That's correct.

1 Q. Why is that written that way?

2 A. It's just a mistake that I made.

3 Q. And that occasionally happens and that's
4 why you go over the question with the person before
5 they respond, and if it's a mistake, you make that
6 correction?

7 A. Yes.

8 Q. And he responds to that?

9 A. Yes.

10 Q. And on page 4 of the statement, there's
11 information on the bottom that's a little different
12 than the standard or usual statement. Would you
13 agree?

14 A. Yes.

15 Q. And that's where it indicates "witness by"
16 and you have "Olena Sirko" and in parenthesis it
17 says "wife," correct?

18 A. Correct.

19 Q. Why did you put that in there?

20 A. Because she was present during the
21 interview.

22 Q. And you've been trained that if there's
23 somebody else present, even if they don't say
24 anything, you want to document and note that they
25 were there?

1 A. That they were there, correct?

2 Q. And that's why you did that?

3 A. Yes.

4 Q. But there's something else below that.

5 And could you read that to the jury and explain why
6 that's also on that statement?

7 A. The complainant states that the agreement
8 was that the male was accepting the \$200 for the
9 phone and that was the end of it. I apologized to
10 the male for the phone being stolen.

11 Q. Now, there's -- right after that word
12 "stolen," there's some markings and those markings
13 are similar to what's at the very bottom of the page
14 as well as on the first three pages. Do you see
15 those markings?

16 A. Yes.

17 Q. Can you tell the jury what those markings
18 are?

19 A. It's the signature of Olena Sirko, the
20 victim's wife.

21 Q. And that's because Mr. Bolyaganov's hands
22 could not be moved because he had intervenous or
23 some other things where he was strapped, and they
24 didn't want his hands moving around?

25 A. That's correct. He couldn't move to -- he

1 could not sign the form. He could not even hold the
2 papers.

3 Q. So you had her sign on his behalf and that
4 is how you documented and noted all that in the
5 statement?

6 A. Yes. She read the interview to him to
7 make sure that he agreed to everything that was on
8 there.

9 Q. And when you were conducting that
10 interview, did you feel and believe and understand
11 that the questions that you asked him he understood?

12 A. Yes.

13 Q. And did you feel, believe and understand
14 that the responses that he gave were accurate
15 responses, based upon him understanding what those
16 questions were?

17 A. Yes.

18 Q. You did not have any hesitation that he
19 couldn't comprehend what was being asked and what
20 was being expected to him in his responses?

21 A. No, he understood.

22 Q. Okay. At any time, did you see Mr. Lonnie
23 Spector's shirt that he was wearing on the night of
24 this incident?

25 A. I don't remember.

1 Q. Are you aware that his shirt was covered
2 in blood?

3 A. No.

4 Q. Did you discuss with the officers, Taylor
5 or Green, during your interviews of them about the
6 nature of the extent of Mr. Lonnie Spector's
7 injuries.

8 A. I believe it was in -- it may have been in
9 Officer Green's interview.

10 Q. It was noted, and, in fact, when you saw
11 Mr. Lonnie Spector, that's part of the reasons you
12 took those photographs because you observed the
13 injuries and there was the notes by Officer Taylor?

14 A. Correct.

15 Q. Now, in Mr. Bolyaganov's statement, you
16 were asking him information, and I want to direct
17 your attention to page 3 of the statement -- and I
18 beg your pardon. I'll start off at the very bottom
19 of page 2. And the question -- last question was,
20 Where did you get the cell phone. Can you read that
21 answer to the jury, please? Very last answer on
22 page 2.

23 A. Oh, page 2. I'm sorry.

24 Q. Can you read that answer there, please?

25 A. The question was, Where did you get the

1 cell phone. The answer is, I bought the cell phone
2 from an unknown male at Bustleton and Verree months
3 ago. I paid him 80 for the phone. He was 14 to 15
4 years old.

5 Q. And on page three, the next question. Can
6 you read that one?

7 A. The question was, Did the male tell you
8 where he got the phone from. And the answer was,
9 No.

10 Q. And through your training, you knew, as
11 part of your investigation, you need to try to find
12 a little more about that part of his story, correct?

13 A. Well, yeah, to see where the phone came
14 from.

15 Q. So you then asked him another question.
16 What was that question?

17 A. The question was, Did you find it odd that
18 the male sold you that phone for \$80.

19 Q. Why did you chose the term "odd"?

20 A. Because, I mean, it was a newer phone and
21 the value of that phone was, you know, more than
22 \$80.

23 Q. Substantially higher than 80?

24 A. Than 80, yes.

25 Q. And as a trained investigator, did it seem

1 odd that someone would try to sell it off for such a
2 low amount of money out on the street?

3 A. Yes.

4 Q. What was his response?

5 A. His response was, He initially wanted 200.
6 I was able to talk him into paying 80 for it because
7 it was scratched.

8 Q. Now, after hearing that, you still felt
9 that you wanted to try to learn more information, if
10 possible, regarding that individual, correct?

11 A. Yes.

12 Q. And you then asked him another question,
13 and what was that?

14 A. The question was, Did you have anyway of
15 contacting the male who sold you the phone.

16 Q. And his response?

17 A. His answer was, I may have his phone
18 number in my phone. I see him sometimes at the gas
19 station at Bustleton and Verree.

20 Q. From that day until today, has
21 Mr. Bolyaganov ever contacted you to provide any
22 information regarding that male?

23 A. The male, no.

24 Q. Would it have been helpful -- strike that.
25 Now, yesterday you testified during direct

1 that based upon Mr. Bolyaganov giving you some
2 information and based upon your interview of
3 Mr. Spector as well as your investigation, you
4 checked to see whether or not there was any reports
5 in the police database about a stolen Samsung phone,
6 correct?

7 A. Yes.

8 Q. And nothing came up?

9 A. That's correct.

10 Q. And often, you'll cross reference that in
11 order to see whether or not there might have been a
12 recent theft somewhere, which could make it to this
13 particular instance or vice versa, correct?

14 A. Correct.

15 Q. Did you ever consider and did you ever --
16 or I'll start of -- did you ever consider reaching
17 out to the phone companies, like AT&T, T-Mobile,
18 Sprint, Verizon, or any of those companies?

19 A. Yes.

20 Q. Did you?

21 A. No.

22 Q. Had you reached out to them, if they keep
23 a database of reported stolen phones, might you have
24 learned that information, would that have been
25 helpful to you?

1 MS. HEARD: Your Honor, objection.

2 MR. FEINMAN: I'll withdraw the
3 question, Your Honor.

4 THE COURT: All right.

5 MR. FEINMAN: Detective, I have no
6 further questions.

7 THE COURT: Mr. McGovern?

8 MR. MCGOVERN: Thank you.

9 BY MR. MCGOVERN

10 Q. Detective Corrigan, I just have a few
11 questions.

12 As you know, I represent Gregory Spector.

13 A. Yes.

14 Q. Now, this incident occurred on Sunday,
15 July 21, 2013 and you were working what shift that
16 day?

17 A. Midnight to 8:00 a.m. That would be the
18 morning of -- Monday morning.

19 Q. So in the vernacular, that's "last out" in
20 police terminology, correct?

21 A. That's correct.

22 Q. So that's the last shift?

23 And do you recall -- and if you don't
24 recall, that's fine -- but do you recall that
25 Sunday, July 21st was a beautiful, warm, clear

1 summer day.

2 A. I don't recall. I was probably asleep
3 then.

4 Q. I was kind of hoping you were. Okay.
5 We'll establish it. I hope you had a good sleep.

6 When you came to work, you said you were
7 the assigned detective on this case, right?

8 A. Correct.

9 Q. And if I misstate it, correct me, but
10 generally speaking, assignments come into, let's
11 say, Northeast Detectives -- 7th District is within
12 the parameters and jurisdiction of Northeast
13 Detectives located at Harbison and Levick.

14 And you sort of have a wheel of detective
15 assignments, and as they come in, different
16 detectives will get the assignment or they grab the
17 job, correct?

18 A. That's correct.

19 Q. And it just so happened that, by fate or
20 what have you, that you were assigned to be the next
21 guy up on the wheel, and you caught this job? You
22 were assigned this incident?

23 A. That's correct.

24 Q. And the incident as we -- I guess we can
25 all agree, occurred on Monday night on the 21st

1 around 10:30, 10:35 in the evening. And you got the
2 assignment earlier in the morning of the 22nd, after
3 midnight?

4 A. Yes.

5 Q. Okay. And the arrest of my client,
6 Gregory Spector, occurred at the scene. He was
7 taken into custody at the scene when he came in
8 contact with Officers Green and Taylor when he
9 advised them he had shot the complainant and that he
10 surrendered his registered handgun and advised he
11 had a permit, correct?

12 A. Correct.

13 Q. And as you said, at the time you were
14 assigned, you had no information concerning all the
15 911 recordings that went on that day proceeding and
16 up to the incident on Kentwood and Ferndale,
17 correct?

18 A. Correct.

19 Q. After my client was arrested and his
20 father was arrested, the charge -- with the charges,
21 sometime -- I think you said about two weeks
22 later -- you were able, for the first time, to hear
23 these recordings proceeding the incident, correct?

24 A. Correct.

25 Q. And -- I don't think we'll play them all

1 again. The jury certainly heard many of them, now,
2 several times in some instances. But would you
3 agree with me that your investigation confirmed that
4 as early as 9:45 at night the night before, that is,
5 on July 21st, that my client, Gregory Spector, had
6 called Bucks County 911 dispatch who was transferred
7 to Philadelphia dispatch and advised the police that
8 he wanted a police officer to be present with him
9 when he met with a man who sold him a stolen cell
10 phone. You were able to confirm that by listening
11 to the 911 tapes, right?

12 A. Correct.

13 Q. You were also able to confirm from that
14 call that police dispatch instructed him to go in
15 his black Chrysler 300, as he identified it, to
16 Bustleton and Verree and to wait there for a
17 uniformed Philadelphia police officer to arrive to
18 assist him, correct?

19 A. Correct.

20 MS. HEARD: And Your Honor, I
21 apologize. That wasn't quite the characterization.
22 They were going to Bustleton and Verree, and they
23 told him stay and wait. They didn't tell them to go
24 to Bustleton and Verree.

25 MR. FEINMAN: Objection, Your Honor.

1 MR. McGOVERN: All right. Well, I'm
2 going to ask, at this time, to replay Track Number 1
3 at this time.

4 MS. HEARD: Track 2.

5 MR. McGOVERN: Track 2. I got my
6 numbers mixed up.

7 (Audio playing)

8 BY MR. McGOVERN

9 Q. I apologize if I misstated any of the
10 details, but you just heard the details in that
11 call, correct?

12 A. Correct, yes.

13 Q. And the first time you heard that was two
14 weeks after my client was arrested and charged?

15 A. Yes.

16 Q. And then you became aware that after that
17 first call, at about 9:45, he made a second call
18 about six minutes after 10:00 --

19 MR. McGOVERN: I think that's Track
20 3?

21 MS. HEARD: That's correct.

22 MR. McGOVERN: May I ask that Track 3
23 be played, Your Honor?

24 THE COURT: Yes.

25 (Audio playing.)

1 BY MR. McGOVERN

2 Q. And this also was part of the 911 tapes
3 that you heard two weeks after the arrest, correct?

4 A. Correct.

5 Q. And were you -- and I take it you became
6 aware that one of the vehicles, one of the police
7 vehicles, that was included on the 911 transcripts
8 prior to the shooting was actually 702 emergency
9 patrol wagon with officers Green and Taylor being
10 asked to respond to the call. Do you remember that?

11 A. Yes.

12 Q. And you clearly hear Officer Ernest Green
13 say that he's heard the call and he's working on
14 other jobs -- well, I'll tell you what. I'll play
15 that. I'm sorry.

16 MR. McGOVERN: Before we go to Track
17 Number 8, can we play Track 4. This is after the
18 last call that we just played was 10:06, 22:06.
19 This next call was 10:13 -- 22:13, Track 4.

20 (Audio playing.)

21 BY MR. McGOVERN

22 Q. So this was not my client, Gregory Spector
23 speaking. This is Philadelphia police dispatcher at
24 10:13 requesting police response to Mr. Gregory
25 Spector's call, correct?

1 A. That's correct, yes.

2 Q. And it says it's a priority two. Now, do
3 I understand correctly that police priority request
4 for calls or responses are priority one, which is
5 most serious down to prior five, which is least
6 serious?

7 A. Yes. Priority one in that order, would be
8 the highest priority.

9 Q. And that would be things like murders,
10 armed robberies, bank robberies, rape, things like
11 that?

12 A. Crimes in progress, yes.

13 Q. And priority two would be the next number
14 directly under that highest priority, wouldn't it?

15 A. Yes. Two would be after one.

16 Q. I'm not trying to be silly about it. What
17 I'm saying is, that is the next highest degree of
18 urgency in a police call?

19 A. Correct.

20 Q. Okay. Thank you.

21 And can we play -- now, what I was just
22 saying was, before the shooting, emergency patrol
23 wagon 702, which, eventually, responds to the scene
24 of the incident, that was the wagon on the 3:00 to
25 11:00 shift -- the shift before yours -- that was

1 being occupied and operated by Officer Green and
2 Officer Taylor, correct?

3 A. That's correct.

4 MR. McGOVERN: Can we please play
5 Track Number 8.

6 (Audio playing.)

7 BY MR. McGOVERN

8 Q. All right. So this is the police
9 dispatcher asking the 702 car, Can you get over to
10 Gregory Spector, correct?

11 A. Yes.

12 Q. And he's indicating that he can't?

13 A. Right. He's indicating that he's on
14 another assignment at that time; that he was on
15 another call.

16 MR. McGOVERN: Okay. Now, I'm
17 going -- I apologize for going a little bit out of
18 order chronologically. That call we just listened
19 to between the dispatcher and Officer Green was at
20 10:28 p.m.

21 There was a call five minutes before
22 that, at 10:23 p.m. which was the third call from
23 Gregory Spector to police dispatch, and I'm,
24 actually, kind of going backwards a little bit. I'm
25 going to go five minutes backwards. Can we please

1 play Track Number 7.

2 (Audio playing.)

3 BY MR. McGOVERN

4 Q. And this -- you were able to confirm --
5 was the third call. The first call coming in at
6 9:45 from Gregory Spector; second call coming in at
7 10:06 from Gregory Spector; and this third call
8 coming in at 10:23 from Gregory Spector, correct?

9 A. Correct.

10 Q. And there is a call where the priority --
11 this is before the incident, shooting incident, the
12 priority is changed from priority two to priority
13 one by the dispatcher.

14 Do you know why no one responded to the
15 dispatch when it was listed as the highest level as
16 possible on a 911 call prior to the shooting?

17 A. No, I don't know why.

18 Q. You do agree with me from reviewing the
19 tapes that it did rise to the level of priority one
20 from the radio dispatcher?

21 A. Yes.

22 Q. Now, when you interviewed the complainant
23 and his former wife, Olena Sirko, you became aware
24 that they were waiting for 40 minutes to an hour for
25 Mr. Spector to arrive, correct?

1 A. Yes, correct.

2 Q. And you also became aware that they
3 complained that all these delays, when they
4 requested Mr. Spector, who advised them why he
5 wasn't there -- he gave excuse, after excuse, after
6 excuse, correct?

7 A. Correct.

8 Q. Including he was low on gas; that his car
9 stalled and he needed a jump start, things to do
10 with his automobile?

11 A. Yes.

12 Q. And you later realized that the reason he
13 was delaying for 40 minutes to an hour was because
14 he was waiting for the police to respond to his
15 priority request?

16 A. Yes.

17 MR. McGOVERN: May I ask Detective
18 Corrigan to be shown C-3, which is the interview of
19 Ernest Green and C-4, the interview of Officer Tim
20 Taylor.

21 Do you have that in front of you?

22 THE WITNESS: No, I don't have them.

23 MR. McGOVERN: C-3 and C-4 and I
24 think they're both one page. Taylor and Green.

25 THE COURT OFFICER: Taylor is two

1 pages.

2 MR. McGOVERN: Okay. Sorry.

3 THE COURT OFFICER: It's okay. C-3
4 and C-4 is being shown to the witness.

5 THE COURT: Okay.

6

7 (Whereupon, documents were marked,
8 for identification purposes, Exhibits C-3
9 and C-4.)

10

11 BY MR. McGOVERN

12 Q. First of all, I know it was a really busy
13 night for you, right? It was a busy night for you,
14 correct?

15 A. Yes.

16 Q. In fact, it was so busy that at one point,
17 you had Officer Green and Officer Taylor at 2:00 in
18 the morning at Northeast Detectives being
19 interviewed, correct?

20 A. Correct.

21 Q. So you were able to get support and some
22 teamwork in taking these interviews with Detective
23 Palmiero, a Northeast Detective, right?

24 A. Yes.

25 Q. So he's part of your team, and he was on

1 your shift at Northeast Detectives, right?

2 A. Yes.

3 Q. But you're the assigned, but, at that
4 time, he's pitching in and helping as a teammate?

5 A. Yes.

6 Q. So you interview Detective -- I'm sorry.
7 Excuse me. Detective Corrigan, you interviewed
8 Officer Ernest Green at 2:21 a.m.; is that right?

9 A. Yes, that's right.

10 Q. And almost simultaneous, while you're
11 interviewing Officer Ernest Green, his partner,
12 Officer Tim Taylor, was being interviewed at 2:00
13 a.m. by Detective Palmiero, right?

14 A. Yes, that's right.

15 Q. Okay. And we're not going to go through
16 all this, but Officer Green did confirm to you that
17 when he came upon the scene, it was 10:37 p.m.,
18 correct? Or shortly after about 10:37 p.m.? I
19 think it says, At 10:37 p.m., they responded to 734
20 Kentwood in reference to the radio call, person with
21 a gun?

22 A. Yes. It's there. Sorry. I didn't see
23 it. Yes, 10:37 p.m.

24 Q. Okay. And he indicated that when he
25 arrived there, Gregory Spector came forward and

1 identified himself as the person who had shot the
2 complainant and advised him that he had a registered
3 firearm with a permit and that the gun was on his
4 person, in a holster, on his body, correct?

5 A. Correct.

6 Q. And he had his hands up and surrender and
7 the Officers, Taylor, Green -- I don't know,
8 specifically, which one -- recovered and took the
9 firearm from him, correct?

10 A. Correct.

11 Q. And in addition, you interviewed Officer
12 Green, and Officer Green advised you of the things
13 that Gregory Spector told him relating to the
14 incident itself and the facts of the shooting?

15 A. Yes.

16 Q. And Officer Taylor was interviewed by
17 Detective Palmiero and he -- you didn't take the
18 interview, but he told Detective Palmiero his
19 version of what occurred that night in his
20 assignment, right?

21 A. Yes, that's correct.

22 Q. Now, while the officers, Officer green and
23 Officer Taylor, when they arrived after the physical
24 confrontations between Mr. Spector -- Gregory and
25 Lonnie, and Mr. Bolyaganov and the shooting, it was

1 confirmed over police radio that Officer Green and
2 the other officers realized that this incident was
3 directly evolving and related to the earlier calls
4 from Gregory Spector about meeting him about the
5 stolen cell phone, correct?

6 A. Correct.

7 MR. McGOVERN: I'd ask that we can
8 play 23.

9 (Audio playing.)

10 BY MR. McGOVERN

11 Q. Did you hear the very end where the
12 comment was made, This whole job stems from the cell
13 phone incident?

14 A. I couldn't understand the last thing. I
15 didn't understand what was said. Sorry.

16 MR. McGOVERN: Are you able to play
17 the last 30 seconds.

18 (Audio playing.)

19 THE WITNESS: I understand that.

20 BY MR. McGOVERN

21 Q. Okay. Thank you.

22 So finally, a few minutes after Gregory
23 Spector's last call asking for police assist, the
24 shooting occurs in a short period of time and then
25 everybody realizes that this all came from cell

1 phone incident, correct?

2 A. Correct.

3 MR. McGOVERN: All right. Thanks a
4 million. I have nothing further.

5 THE COURT: All right. Redirect.

6 MS. HEARD: Thank you, Your Honor.

7 - - -

8 REDIRECT EXAMINATION

9 - - -

10 BY MS. HEARD

11 Q. Detective Corrigan, I'm going to take you
12 back a little bit earlier on in the
13 cross-examination process.

14 You indicated that you did not, I guess,
15 directly process the scene and that Crime Scene
16 processed the scene; is that correct?

17 A. That's correct.

18 Q. Can you tell the ladies and gentlemen of
19 the jury why Crime Scene processed the scene?

20 A. Due to the nature of the incident -- it
21 was a shooting -- and they, you know, the victim was
22 in extremely critical condition. And for those
23 reasons, that's why the Crime Scene Unit would do
24 that.

25 The crime Scene Unit processes all, you

1 know, homicides and things of that nature. And
2 that's why they would process this one.

3 Q. Thank you, Detective.

4 You indicated that you received 911
5 calls -- or the 911 tapes, rather, approximately two
6 to three weeks after the arrest had been made in
7 this incident, correct?

8 A. That's correct.

9 Q. Did you, in hearing the 911 calls, at all
10 make you second-guess the arrest in this case at
11 all?

12 A. No, not at all.

13 Q. And I know we played a couple of 911
14 tapes -- or rather, a couple 911 tracks, and I'm not
15 going to go through all of them at this time. But
16 at some point, it did come out that when Gregory
17 Spector called 911 that it was treated as a priority
18 one. Did you hear that information?

19 A. Yes.

20 Q. In your opinion, was that a priority one?

21 MR. FEINMAN: **Objection**, Your Honor.
22 calls for an opinion. He's not here as an expert
23 witness. He's a fact witness.

24 THE COURT: Well, it's within his
25 work, if he knows.

1 MR. McGOVERN: Your Honor, my
2 objection -- with all due respect to Detective
3 Corrigan, I know he's a fine detective. The
4 question was, was it dispatched, to the listeners --
5 live in realtime -- a priority one. That's the
6 issue. Not with Officer Corrigan, in 20/20
7 hindsight, which is, I mean, 20/20. But that night,
8 it was broadcast as priority one.

9 THE COURT: We know it was
10 broadcasted, but that's not the question.

11 MR. McGOVERN: But he's now saying
12 whether I agree with it or I don't agree with it --

13 THE COURT: Well, he can -- if it's
14 part of his job, if he knows. And he's been a
15 detective for years.

16 MR. FEINMAN: And your Honor, if I
17 may, is that opinion based upon the information --

18 THE COURT: He's not expert.

19 MR. FEINMAN: -- no. I --

20 THE COURT: It's within his scope as
21 a detective.

22 MR. FEINMAN: I respect that. But
23 his opinion is going to be based on what he knows
24 today? Or is it based on what he knew at that time?

25 THE COURT: Well, that's a fair

1 qualification.

2 MR. FEINMAN: Because if it's called
3 as a priority one at that time, what's his opinion
4 as of that time as opposed today?

5 MS. HEARD: And I'll clear that up,
6 Your Honor.

7 THE COURT: Yeah. Okay. I think
8 that's a fair...

9 BY MS. HEARD

10 Q. And based on hearing the 911 tape, before
11 knowing all this information, let's say. Just
12 hearing that information with respect to what the
13 911 dispatcher was calling about, would you
14 characterize that as a priority one?

15 A. No.

16 Q. Why would you not characterize that as a
17 priority one?

18 A. I mean, a priority one is one of the most
19 important things we would respond to, and a priority
20 one -- when police respond to that, they respond to
21 it very fast with lights and sirens and things like
22 that.

23 Is it worth an officer getting into an
24 accident or injuring themselves or someone else over
25 a dispute over a stolen cell phone? In my opinion,

1 it's not a priority. It's not a priority one.

2 MS. HEARD: Okay. Court's

3 indulgence.

4 - - -

5 (Pause.)

6 - - -

7 BY MS. HEARD

8 Q. And going back a little bit, if I can draw
9 your attention back to Mr. Bolyaganov's statement.
10 I believe that's C-35. Do you still have that up
11 there?

12 A. Yes.

13 Q. Okay. Now, you were asked questions on
14 cross-examination with respect to the questions that
15 you asked Mr. Bolyaganov about the cell phone,
16 correct?

17 A. Correct.

18 Q. And I believe you were asked if
19 Mr. Bolyaganov ever contacted you further, with
20 respect to the individual who sold him that cell
21 phone. Do you remember being ask that?

22 A. Yes.

23 Q. What, if any, contact did you make with
24 Mr. Bolyaganov about that cell phone after you took
25 the statement?

1 A. After the statement, no.

2 Q. Okay. And was anybody every arrested or
3 anything for that cell phone?

4 A. No.

5 MS. HEARD: All right. Thank you
6 very much, Detective.

7 MR. FEINMAN: I have one follow-up
8 question, your Honor.

9 THE COURT: Okay.

10

- - -

11

RE CROSS-EXAMINATION

12

- - -

13 BY MR. FEINMAN

14 Q. Detective Corrigan, you would agree with
15 me that classifying the priority is up to the
16 dispatcher when the calls are coming in to dispatch,
17 correct?

18 A. Correct.

19 Q. And they classified this as a priority
20 one?

21 A. Yes.

22 MR. FEINMAN: Thank you. No further
23 questions.

24 MR. McGOVERN: Detective Corrigan, I
25 have no questions. Thanks a million.

1 THE COURT: Anything else, Ms. Heard?

2 MS. HEARD: No, Your Honor.

3 (Witness excused.)

4 THE COURT: The Crime Scene might be
5 a while.

6 MS. HEARD: He might be a little bit
7 since he processed the scene.

8 THE COURT: It might be better to go
9 to lunch and then bring him on. I don't want to
10 start it and then he winds up being two hours.

11 MS. HEARD: Your Honor, I don't know
12 the type of questions counsel has, but I don't
13 expect it to be...

14 THE COURT: Well, judging from the
15 detective, we might want to err on the side of
16 caution.

17 So why don't we go to lunch now. So
18 I think it's a good opportunity to go to lunch now
19 and come back at 1:00 and then we'll proceed.

20 Remember, don't talk to anybody about
21 the case. And the court crier will collect the
22 booklets.

23 (Jury exits the courtroom at 11:51
24 a.m.)

25 COURT OFFICER: So the Crime Scene is

1 the final witness for the Commonwealth, right?

2 MS. HEARD: Yes.

3 THE COURT: So I'm trying to figure
4 out if we're going to close today. It's looking
5 like -- tomorrow is Friday.

6 MS. HEARD: After speaking with
7 counsel, I don't think so. And I would actually
8 prefer not to close today.

9 THE COURT: Tomorrow is Friday.

10 MR. MCGOVERN: Your Honor, I'm going
11 to call at least one fact witness and anticipate
12 calling my client's wife, Ashley Spector, to the
13 stand. I think we'll probably, with Commonwealth
14 continuing and then we're going to have arguments on
15 motion for directive verdict of acquittal after the
16 Commonwealth rests. And then we're going to --

17 THE COURT: Well, I was trying to
18 hope we could do that today, because I want to try
19 to see if we could finish. I'm just trying to
20 estimate how much longer this is going to be.

21 MR. FEINMAN: We have character also.
22 We can discuss about how we can address character.

23 THE COURT: Yes.

24 MS. HEARD: And I was just thinking
25 we could finish the case in chief today and close in

1 the morning. And I had discuss with counsel and he
2 was under that impression as well.

3 THE COURT: I want to finish the
4 legal arguments. I want to finish -- get that done.
5 So that -- because otherwise, by the time we get the
6 instructions, you're talking about after lunch on
7 Friday. Maybe we can get the case by 2:00, 3
8 o'clock on Friday. Which is what it's looking like.
9 Depending on how long Crime Scene is going to take.

10 MR. McGOVERN: Your Honor, just so
11 the Court knows, I expect to call at least one fact
12 witness, as I indicated, and there's a
13 possibility -- we haven't decided -- that my client
14 and/or Mr. Feinman's client may testify. We haven't
15 decided that. So I don't see us really finishing
16 evidence at least until sometime tomorrow, possibly.

17 THE COURT: But if they're both
18 testifying, that's going to go into next week.

19 MR. McGOVERN: That's what I'm
20 saying, Your Honor. So I don't see the testimony
21 really finishing before late in the day tomorrow at
22 the earliest.

23 THE COURT: Well, that's different
24 than what I was told at the outset of the case.

25 MR. McGOVERN: Well, you know, I

1 didn't expect -- I expected we would have more -- I
2 thought it was going to go quicker.

3 THE COURT: Well, I guess by the time
4 Commonwealth's case is finished, we'll have some
5 more of an idea of what we're working with because I
6 want to give them accurate information about how
7 long this is going to be.

8 If they're going to testify, that's
9 going to open up a whole level of time issue, but
10 we'll see how long. We can at least get the
11 Commonwealth's case finished and then, I guess,
12 we'll just see where we are from there.

13 MS. HEARD: Like I said, I don't
14 expect to be long.

15 (Whereupon, lunch recess was taken.)

16 (Defendants are present together with
17 counsel.)

18 (Jury enters the courtroom at 1:16
19 p.m.)

20 THE COURT OFFICER: Officer, please
21 state your name, badge number, and the district that
22 you're assigned to.

23 THE WITNESS: Police Officer Steven
24 Berardi, B-E-R-A-R-D-I, Badge 3064, assigned to the
25 Crime Scene Unit.

1

- - -

2

OFFICER STEVEN BERARDI, having been
first duly sworn, was examined and testified as
follows:

5

- - -

6

THE COURT: All right. You may
proceed, Commonwealth.

8

MS. HEARD: Thank you, Your Honor.

9

- - -

10

DIRECT EXAMINATION

11

- - -

12 BY MS. HEARD

13

Q. Good afternoon, Officer Berardi.

14

A. Good afternoon.

15

Q. Officer Berardi, where do you work?

16

A. I work at Crime Scene Unit.

17

Q. And how long have you been assigned to the
Crime Scene Unit?

19

A. Approximately three years.

20

Q. Prior to working in the Crime Scene Unit,
how long have you been a -- well, in total, I guess
I should say, how long have you been a police
officer?

24

A. About approximately six years.

25

Q. And prior to you working in the Crime

1 Scene Unit, where were you assigned?

2 A. I was assigned to patrol in the 2nd
3 District.

4 Q. And tell the ladies and gentlemen of the
5 jury exactly what does Crime Scene do?

6 A. Well, the Crime Scene Unit is a unit in
7 the police department which consists of sworn and
8 civilian personnel. Our job is to respond to all
9 homicides and police shootings that happen inside
10 the city and county of Philadelphia.

11 In addition to responding to homicides and
12 police shootings, we will also respond to part one
13 crime scenes.

14 Part one is a classification of a crime.
15 It involves more serious crimes, like rapes,
16 aggravated assaults, burglaries, kidnappings, things
17 like that. We respond to those crime scenes at the
18 request of the assigned investigator for several
19 reasons. Some of those reasons include the gravity
20 of the crime, serious conditions of the victim, or
21 evidence documentation or collection that may be
22 beyond their capabilities.

23 Q. And in this particular case, the case
24 that's in front of me now, did you participate as a
25 Crime Scene officer in the case before you?

1 A. I did.

2 Q. And when exactly did you get to the scene?

3 A. From my recollection, it may have been
4 approximately 10 o'clock in the morning.

5 Q. And was this on July 22nd of 2013?

6 A. Yes.

7 Q. Okay. And this was at Kentwood and
8 Ferndale Streets in the city and county of
9 Philadelphia?

10 A. That's correct.

11 Q. And what was your job upon arriving at the
12 scene?

13 A. I was the assigned technician for
14 processing the crime scene. So my job, as the
15 assigned technician on the scene, is to evaluate the
16 scene, in terms of the scene security as far as
17 making sure there aren't people coming and going to
18 the scene, to take or leave any evidence, evaluate
19 the scene and is large enough to make sure it's
20 safe.

21 Following those things, it's my job to
22 photograph the crime scene, determine which items on
23 location that may or may not be evidence, to mark
24 those and collect evidence.

25 Q. And is that, essentially, what "processing

1 the scene" means?

2 A. For the most part, yes.

3 Q. Now, when you arrived on the scene on July
4 22nd of 2013, were uniformed officers still present?

5 A. Yes, they were.

6 Q. Okay. Tell the ladies and gentlemen of
7 the jury what it is that you observed upon arriving
8 on the scene at approximately 10:30 that next
9 morning?

10 A. Okay. Approximately 10:30 that morning,
11 there was approximately a one-block section cordoned
12 off at the intersection of that location. There was
13 a -- I think it was a black Mercedes parked at the
14 top of the block. It was kind of illegally parked
15 on the side of the road. There was a black Chrysler
16 300 that was about in the middle of the
17 intersection. The two front doors were opened, the
18 car was running. And there was several items in the
19 street. I believe there was a couple of beverage
20 containers in the street. A couple fire cartridges
21 casings, a pair of glasses. There was a bloodstain
22 on the street. There were some fingerprints on the
23 Chrysler 300 itself, and there was a bloodstain on
24 there.

25 Q. Okay. And did you document -- or did you

1 write up any reports with respect to your processing
2 the scene in this case?

3 A. Yes, I did.

4 MS. HEARD: Okay. If I could have
5 the witness shown what was previously marked as C-38
6 and C-44?

7 THE COURT: C-38 and C-44. Okay.

8 THE COURT OFFICER: C-38 and C-44 is
9 being shown to the witness.

10 MR. FEINMAN: No objection.

11

12 (Whereupon, documents were marked,
13 for identification purposes, Exhibits C-38
14 and C-44.)

15

16 BY MS. HEARD

17 Q. And Officer Berardi, I'm going to direct
18 your attention first to C-38. What exactly is C-38?

19 A. C-38 is a crime scene service report that
20 we prepare for all officers in service.

21 Q. And did you prepare this report?

22 A. I did.

23 Q. What does this report state? What does it
24 detail in summary?

25 A. This report, in summary, details the

1 services that were provided at the crime scene on
2 July 22nd.

3 Q. And what did -- when did you write this
4 report?

5 A. I wrote this report July 23, 2013.

6 Q. Okay. And did you take photographs?

7 A. I did.

8 MS. HEARD: Okay. And if I could
9 have the witness shown, collectively, C-42?

10 THE COURT: C-42.

11 MS. HEARD: And that's a group of
12 photographs.

13 THE COURT OFFICER: C-42.

14 MR. FEINMAN: No objection.

15 THE COURT OFFICER: C-42 is being
16 shown to the witness.

17 - - -

18 (Whereupon, documents were marked,
19 for identification purposes, Exhibit C-42,
20 1 through 24, collectively.)

21 - - -

22 MR. FEINMAN: Your Honor, just for
23 clarity for the record, if we could give the total
24 number of actual photographs that the witness has in
25 front of him.

1 THE COURT: What kind of photographs
2 are you showing, Counsel.

3 MS. HEARD: Yes, what I'm currently
4 showing him are what I collectively marked as C-42,
5 which are crime scene photos, specifically, marked
6 13-0568 and there are 24 photos.

7 MR. FEINMAN: Thank you, very much.

8 THE COURT: All right.

9 BY MS. HEARD

10 Q. And do you recognize those documents?

11 A. I do.

12 Q. And how do you recognize those documents?

13 A. These are the photographs that I took on
14 the scene that day and I included them in my report.

15 MS. HEARD: Okay. If we could take
16 Officer Berardi to C-42-1?

17 Q. Officer Berardi, I'm showing you what was
18 previously marked as C-42-1. What is this
19 photograph depicting?

20 A. This is an overall photograph looking west
21 on the 10100 Block of Ferndale Street.

22 Q. Okay. And I see that there is yellow
23 tape. What is that for?

24 A. The yellow tape denotes the crime scene
25 barriers. There was some tape that was removed.

1 That would be in the foreground of the picture for
2 clarity purposes. There's also some tape that goes
3 from the tree there to the black Mercedes and then
4 there's a second barrier set up further down the
5 block.

6 MS. HEARD: Okay. And if I could
7 have the witness shown C-42-4.

8 BY MS. HEARD

9 Q. And what is that depicting in that
10 photograph, C-42-4, Officer Berardi?

11 A. This is midrange photograph of Vehicle
12 Number Two, which is that Mercedes, and it's showing
13 the fact that it's cordoned off there.

14 MS. HEARD: And if we could have the
15 officer shown what was previously marked as C-42-7?

16 THE WITNESS: Okay. This is an
17 overall photograph, looking east, showing the
18 intersection of Ferndale and Kentwood Streets.

19 BY MS. HEARD

20 Q. And the vehicle in the car -- I mean, the
21 vehicle in the photo, what is that?

22 A. The vehicle in the photo is what I
23 referred to in my report as Vehicle Number 1, which
24 is a 2012 black Chrysler 300S with PA Tag L-O-N-Z.

25 Q. And you indicated that the car was still

1 running?

2 A. Yes. When arrived on scene, the car was
3 still running, the doors were still opened. The
4 information that I received was that the car had not
5 been touched or tampered with at all since officers
6 had responded to the scene the night before.

7 Q. Thank you very much.

8 Now, in the background, there's markers.
9 There's, like, little yellow signs.

10 A. Yes.

11 Q. Did you do that?

12 A. I did.

13 Q. Explain to the ladies and gentlemen of the
14 jury what these little A, B, C, D and 1 and 2. What
15 are those?

16 A. Okay. As we process a crime scene, we
17 come across items that we have to evaluate. And we
18 evaluate their presence as evidence or just items
19 that may be at the scene. As we find items that are
20 relevant to our investigation, we like to put
21 markers next to them to draw your attention in the
22 overall photographs to their location, and their
23 placement around each other.

24 We typically -- I typically -- the way I
25 process crime scenes is I use numbers for

1 firearms-related evidence and letters for any
2 evidence that needs to be brought back to the
3 laboratory that needs some type of examination on
4 it.

5 Q. Okay. I'm going to show you what was
6 previously marked as C-42-14.

7 A. Okay. This a midrange photograph, looking
8 northwest of the intersection of Ferndale and
9 Kentwood Streets, showing evidence markers 1, 2, A,
10 B, C, D, E. This would encompass -- well, the
11 majority of the evidence that was on scene that day.

12 MS. HEARD: If I could have the
13 witness shown C-42-15.

14 BY MS. HEARD

15 Q. Officer Berardi, what is that photograph
16 depicting?

17 A. This is a close-up photograph of obviously
18 Number 1, which is a fire cartridge casing. It was
19 a .9 millimeter Luger fire cartridge casing.

20 MS. HEARD: And if I could have the
21 witness shown C-42-16.

22 THE WITNESS: It's a close-up
23 photograph of Item Number 2, which is another .9
24 millimeter fire cartridge casing.

25 MS. HEARD: And if I could have him

1 shown photographs 17 and 18, C-42-17 and -18. My
2 apologies.

3 THE WITNESS: Okay. This is a
4 photograph, close-up photograph, of Item A, which
5 was a 500 milliliter of Poland Spring water bottle and
6 a close-up of Item B, which was 680 milliliter can of
7 Arizona Energy Herbal Tonic tea.

8 MS. HEARD: And if he could be shown
9 C-42-19.

10 THE WITNESS: That's a close-up
11 photograph of Item C, which was a dry red stain on
12 the highway.

13 MS. HEARD: And if he could be shown
14 C-42-20.

15 THE WITNESS: This is a close-up
16 photo of Item D, which was pair of green and black
17 glasses that were on the highway.

18 MS. HEARD: And if he could be shown
19 C-42-E -- I'm sorry. C-42-21. My apologies.

20 THE WITNESS: This is a photo of Item
21 E, which collectively were a couple of dry red
22 stains on the rear driver side window and rear roof
23 pillar of Vehicle Number One, which was a black
24 Chrysler 300.

25 MS. HEARD: And C-42-22.

1 THE WITNESS: This is a close-up
2 fingerprint -- close-up photo of a fingerprint on
3 the rear driver side window of that Chrysler 300.
4 BY MS. HEARD

5 Q. Now, Officer Berardi, once you took
6 photographs of these things that you took
7 photographs of, tell the ladies and gentlemen of the
8 jury what you did next?

9 A. After photographing evidentiary items on
10 scene, what I do, with my assistant, is then make an
11 evidence log where we, basically, detail what -- we
12 correlate what the items are versus how they were
13 marked with the placards via 1, 2, A, B, C, D, E.
14 Then we measure where the evidence is to document
15 the exact placement or the approximate placement of
16 it. We do that in a fashion called -- in a fashion
17 called "the rectangular coordinate method."

18 So kind of like a piece of graph paper
19 where we choose two baselines, which are
20 perpendicular angles to each other, 90 degree
21 angles. And we'll typically measure off from
22 whatever's convenient, be it a straight curb line,
23 building line or property line. And we'll do it
24 maybe north of a south line or south of a north
25 line, east of a west line, so again, kind of like on

1 a piece of graph paper.

2 Q. And with respect to the objects that were
3 photographed, did you do anything with those
4 objects?

5 A. Yes. Everything that was -- all those
6 items that were photographed, after they were
7 measured, they were collected and brought back to
8 our Crime Scene Unit headquarters for submission for
9 further processing.

10 Q. And did you put those items on a property
11 receipt?

12 A. I did.

13 Q. And at this time, if I could have Officer
14 Berardi shown what was previously marked as C-39?

15 THE COURT: C-39.

16 MS. HEARD: C-40 and C-41.

17 THE COURT OFFICER: C-40 and C-41 --

18 MR. FEINMAN: No objection.

19 THE COURT OFFICER: -- are being
20 shown to the witness.

21

22 (Whereupon, documents were marked,
23 for identification purposes, Exhibits
24 C-39, C-40, and C-41.)

25

1 BY MS. HEARD

2 Q. And Officer, I'm first going to direct
3 your attention to C-39, what exactly is depicted on
4 C-39?

5 A. C-39 is a photocopy of a property receipt.
6 It's Property Receipt Number 9015563. On it I
7 recorded the locations and descriptions of items A,
8 B, C, D, and E, which I submitted to the
9 criminalistics laboratory for DNA processing.

10 Item A is a moistened cotton swab, sterile
11 swab, that I applied to the mouth of the Poland
12 Spring bottle, which was collected approximately 23
13 feet, seven inches north of the south curb line of
14 Ferndale Street and 12 feet, seven inches east of
15 the property line of 10145 Ferndale Street.

16 Item B was a moistened cotton swab,
17 sterile swab, applied to the rim of a 680 millimeter
18 can of Arizona Energy Herbal Tonic tea, which was
19 collected approximately 23 feet, one inch south of
20 the curb of Ferndale Street and 12 feet, 5 inches
21 east of the west property line of 10145 Ferndale
22 Street.

23 Item C was a moistened sterile swab
24 applied to the dry red stain that you saw on the
25 highway. That was located 21 feet, 10 inches north

1 of the south curb line of Ferndale Street and 10
2 feet, seven inches east of the west property line of
3 10145 Ferndale Street.

4 Item E was another moistened cotton swab
5 applied to dry red stains that were on the rear
6 driver side window and rear driver side pillar of
7 that Chrysler 300 sedan.

8 Q. And what did you do with those swabs?

9 A. Those swabs were packaged individually and
10 submitted as a group to our criminalistics
11 laboratory whereupon receiving a request for DNA
12 comparison.

13 They would attempt to develop a genetic
14 profile of those items and compare them to anything
15 the investigator would deem relevant to the case.

16 Q. And then I'm going to draw your attention
17 to C-40. And what is on C-40, Officer Berardi?

18 A. Okay. C-40 is Property Receipt 9015564.
19 Listed on this property receipt is Item D, which is
20 one pair of black and green sunglasses -- or black
21 and green glasses -- excuse me -- collected
22 approximately 15 feet, 11 inches north of the south
23 curb line of Ferndale Street and ten inches west of
24 the west property line of 10145 Ferndale Street.

25 Q. And Officer Berardi, I'm going to direct

1 your attention now to C-41. What is C-41?

2 A. C-41 is another property receipt.

3 Property Receipt Number 9015565. On it, I recorded
4 Item Number One, which was .9 millimeter Luger FCC,
5 which was collected approximately 12 feet, seven
6 inches north of the south curb line of Ferndale
7 Street and 23 feet east of the west property line of
8 10145 Ferndale Street.

9 Item Number 2 is another .9 millimeter
10 Luger FCC that was collected approximately 14 feet,
11 3 inches north of the south curb line of Ferndale
12 Street and 20 feet, 5 inches east of the west
13 property line of 10145 Ferndale Street.

14 Q. And Officer Berardi, really quickly, what
15 is an FCC?

16 A. An FCC is a fire cartridge casing. What
17 many people would typically associate as a bullet,
18 would be a fire cartridge case with a little
19 brass -- a little brass piece on top. When a gun is
20 fired, a little brass piece on top is what comes out
21 of the end of the gun. The cartridge case, which
22 holds that projectile, is typically, in the case of
23 the use of a semiautomatic handgun, that's what's
24 ejected out of the side, which is kind of discarded
25 by the gun.

1 So that's what an FCC. It's a fire
2 cartridge case.

3 MS. HEARD: Okay. If I could have
4 the witness shown what was previously marked as
5 C-37?

6 And Your Honor, permission to
7 approach?

8 THE COURT: Yes.

9 THE COURT OFFICER: C-37.

10 MR. FEINMAN: No objection.

11 THE COURT OFFICER: C-37 is being
12 shown to the witness.

13

14 ---
15 (Whereupon, a document was marked,
16 for identification purposes, Exhibit
17 C-37.)

17

18 BY MS. HEARD

19 Q. Officer Berardi, what is C-37?

20 A. C-37 is a sketch that was measured by my
21 assistant, Police Officer Davis, with the assistance
22 of myself, and generated by my assistant.

23 Q. Okay. Now, I am showing you -- what
24 reference, of the large diagram behind you -- the
25 large diagram that I have behind you is,

1 . essentially, a blown up portion of C-37; is that
2 correct?

3 A. That's correct.

4 Q. Now, there are some indicators in that top
5 box on the top of C-37 in that diagram; is that
6 correct?

7 A. That's correct.

8 Q. Tell the ladies and gentlemen of the jury
9 what's that indicating?

10 A. This item up here?

11 Q. Yes.

12 A. This would be indicating like an item
13 legend on the sketch. And based on these particular
14 headings with the color dots, they are placed
15 approximately on the map where the items were found
16 on the sketch.

17 Q. Okay. And so the dots that are, I guess,
18 actually on the diagram next to the car, what did
19 those dots represent?

20 A. Well, the red dots are going to represent
21 where the red stains were found on the back of the
22 vehicle and on the highway. The green dots are
23 going to indicate items that were taken for analysis
24 as the glasses, the water bottle, and the Arizona
25 iced tea. And the purple dots are indicating Items

1 Number 1 and 2, which are the fire cartridge
2 casings.

3 MR. FEINMAN: Your Honor, may I
4 approach so I can see?

5 THE COURT: Sure.

6 MR. FEINMAN: Your Honor, if I may --
7 and I apologize -- I have an objection to the
8 diagram itself, because the diagram is not what is
9 attached as the copy of C-37 that was exchanged.
10 Now, I -- it's a reluctant objection. I don't mind,
11 with a clarification, there's color-coding dots and
12 things that's in the legend, but that's not part of
13 what the exhibit package contained.

14 MS. HEARD: That's correct. And
15 that -- the color-coding was only done on the
16 diagram so...

17 THE COURT: I guess he's saying he
18 didn't get the exact -- it doesn't change anything.
19 It doesn't change the scale of anything.

20 MR. FEINMAN: No. And that's why I
21 just say I was sort of reluctant. I just, for
22 clarification purposes, it's not part of what we
23 have on our diagram.

24 THE COURT: Yeah. I get that. I
25 don't know why that was done, but -- and it's a

1 little different, but it's doesn't substantially
2 change anything. But let's move on.

3 MS. HEARD: And if I may, just to
4 clarify that little issue, do you all normally do
5 plotted small diagrams? Or do you do that for
6 court? What do you do for court?

7 A. Typically, a blown up version of the
8 sketch is generated at the request of the court or
9 either attorney for demonstration purposes.

10 Q. Okay. And is that when you plot it with
11 the dots when the sketch is blown up?

12 A. That's correct. The sketch is generated
13 for -- well, our unit policy is to generate a sketch
14 for all homicides and most police shootings.

15 In a case such as this where the condition
16 of the complaint was unknown, we went ahead and
17 prepared a sketch.

18 And that's what you see here with without
19 the dots.

20 Q. Okay. Thank you.

21 Now, once you were done at Kentwood and
22 Ferndale Streets, did you continue on with your
23 investigation with respect to this case?

24 A. I did.

25 Q. And I'm going to draw your attention to

1 what was previously marked as C-44. And do you see
2 it up there?

3 A. I do.

4 THE COURT OFFICER: C-44?

5 MS. HEARD: He already has it.

6 BY MS. HEARD

7 Q. What is C-44?

8 A. C-44 is supplemental secondary report for
9 a repeat service. Being that the assigned detective
10 was interested in further investigating the Chrysler
11 300, I advised him to get a search warrant for
12 vehicle and have it towed to our secure police
13 facility while awaiting on that warrant -- and also,
14 to control the conditions, so any evidence that
15 might or might not be on or in the vehicle couldn't
16 be lost or integrated.

17 So the following day the investigator
18 contacted me and asked me for a repeat service at
19 our police garage for the search and seizure of any
20 evidence that may be inside of that vehicle.

21 Q. When you say "the next day," was that July
22 23rd?

23 A. Yes.

24 Q. And when did you complete the report?

25 A. I completed that on July 24th of 2013.

1 Q. Okay. And upon completing -- before
2 completing the report, once you got the search and
3 seizure warrant, tell the ladies -- well, once the
4 detective got the search and seizure warrant -- my
5 apologies -- tell the ladies and gentlemen of the
6 jury what you did with respect to those vehicles at
7 the impound lot?

8 A. Okay. Once the vehicles moved to our
9 police garage, they're put inside the police garage,
10 and again, in a secured facility.

11 And typically, the photographs are taken
12 of the outside of the vehicle, from either all four
13 corners or different angles, depending on the space
14 available, to show the entire exterior of the
15 vehicle. Photographs are also taken of all the
16 views with the doors opened of the anterior of the
17 vehicle and if there's any evidence located inside
18 of the vehicle, we will photograph that sometimes
19 with markers or sometimes without, depending on
20 space and restrictions.

21 And depending on the nature of the
22 evidence, sometimes members of Crime Scene Unit will
23 collect evidence; other times we'll turn it over to
24 the assigned investigator, depending on what type of
25 services they need on those items, if there are any

1 to collect.

2 MS. HEARD: If I could have the
3 witness shown C-50 -- actually, before I do that,
4 Ms. Bert, if I could have the witness shown,
5 collectively, the group of photographs of C-50 and
6 it's going to be a total of 41 photographs.

7 THE COURT: C-50.

8 MR. FEINMAN: No objection.

9 MS. HEARD: And Your Honor, at this
10 time, I am showing the witness collectively those 41
11 photographs.

12 THE COURT OFFICER: C50-1 to -41.

13

14 (Whereupon, documents were marked,
15 for identification purposes, Exhibits
16 C-50, 1 through 41, collectively.)

17

18 BY MS. HEARD

19 Q. And Officer Berardi, did you take those
20 photographs?

21 A. I did.

22 Q. Where did you take those photographs?

23 A. I took these photographs at the police
24 garage located at Whitaker and Mcallister Street.

25 Q. And who was with you when you took those

1 photographs?

2 A. My assistant, Police Officer Davis.

3 MS. HEARD: If I could have the
4 witness shown C-50-1.

5 BY MS. HEARD

6 Q. Officer, what does this photograph depict?

7 A. This is a photograph of the rear end
8 driver side of the Chrysler 300.

9 Q. And is this at the impound lot?

10 A. I'm sorry?

11 Q. Is this at the impound lot where this
12 photograph is taken?

13 A. Yes.

14 MS. HEARD: If we could have him
15 shown C-50-2?

16 BY MS. HEARD

17 Q. What is that photograph of?

18 A. That's a close-up photograph of the
19 license plate that was on the Chrysler 300.

20 MS. HEARD: And if we could have the
21 witness shown C-50-6.

22 BY MS. HEARD

23 Q. And what is that indicating?

24 A. This is an overall photograph of the
25 driver seat area of that Chrysler 300.

1 MS. HEARD: Okay. And if we could
2 have the witness shown C-50-16.

3 BY MS. HEARD

4 Q. And what is that Officer Berardi?

5 A. This is a close-up photograph of the
6 interior front passenger door of Vehicle Number One.
7 It's kind of the area of the armrest where you put
8 your hand in to pull the door closed. And what it's
9 showing is a Glock -- a magazine to a Glock pistol.

10 MS. HEARD: And if I could show him
11 C-50-18.

12 BY MS. HEARD

13 Q. What is C-50-18?

14 A. This is 18?

15 Q. Yes.

16 A. This is a photograph of two phones and a
17 phone case which were originally located on the
18 console inside of that Chrysler 300 vehicle. It is
19 a white Galaxy Samsung S3 phone, a white -- I'm
20 sorry -- a black iPhone and a LifeProof phone case.

21 MS. HEARD: And if we could show the
22 witness C-50-25.

23 BY MS. HEARD

24 Q. And what is that picture describing?

25 A. This is a photograph of that Glock handgun

1 magazine that was in the door handle of the
2 passenger side of the Chrysler 300.

3 MS. HEARD: And if he could be shown
4 C-50-27.

5 BY MS. HEARD

6 Q. What is that picture showing?

7 A. This is a photograph of that same Glock
8 magazine. It's just unloaded. What you're looking
9 at are 9 live ammunition rounds which were removed
10 from the magazine.

11 MS. HEARD: And if he could be shown
12 C-50-28.

13 BY MS. HEARD

14 Q. And what is that photograph depicting?

15 A. This is an overall photograph of the rear
16 of Vehicle Number Two, what I identified as Vehicle
17 Number Two, which is a 2007 black Mercedes-Benz
18 C230AMG.

19 MS. HEARD: And if he could be shown
20 C-50-29.

21 Q. What does that photograph depict?

22 A. This is a close-up photograph of the
23 license plate on that Mercedes.

24 MS. HEARD: And if he could be shown
25 C-50-33.

1 BY MS. HEARD

2 Q. And Officer Berardi, what is that
3 photograph depicting?

4 A. This is a photograph of the driver's area
5 of the Mercedes.

6 Q. Now, once you took the photographs of
7 these objects, of certain objects -- I know you took
8 photographs of the phone and the extra magazine,
9 were those given over to Detective Corrigan?

10 A. They were.

11 Q. Okay. And after you took these
12 photographs and submitted that information to
13 Detective Corrigan, tell the ladies and gentlemen of
14 the jury what you did with respect to this
15 investigation.

16 A. After the vehicle processing at the police
17 garage, what I did was, I returned to headquarters,
18 finished processing the items and -- basically, I
19 didn't finish the process -- I recorded the items on
20 the property receipts from the previous day and
21 submitted those for analysis.

22 At that point in time, I chose my -- the
23 photographs that I had taken for the report and
24 prepared the report.

25 Q. Okay. And Officer Berardi, did that

1 conclude your, I guess, your investigation in Crime
2 Scene with respect to this matter?

3 A. That's correct.

4 MS. HEARD: Thank you very much. The
5 defense attorneys will have some questions for you.

6 THE COURT: Cross, whoever wishes to
7 start.

8 - - -

9 CROSS-EXAMINATION

10 - - -

11 BY MR. FEINMAN

12 Q. Good afternoon. How are you today?

13 A. Good. Good afternoon.

14 Q. Couple questions for you. I want to
15 direct your attention to C-44, if I may. That's the
16 Crime Scene Unit Service Report.

17 A. Yes.

18 Q. Do you have that in front of you?

19 A. I do.

20 Q. As I understand your testimony, under the
21 summary of service and evidence portion of the
22 report, Section A, you have a -- what's labeled
23 "direction of services"?

24 A. Yes.

25 Q. And that's sort of giving some indications

1 of what you're doing and why you're doing it in
2 response to an assignment, correct?

3 A. That's correct.

4 Q. You list there Vehicle One and Vehicle
5 Two, and, in this instance, you're listing both
6 vehicles?

7 A. That's correct.

8 Q. Could you tell the jury what's listed
9 there as Vehicle One?

10 A. Vehicle Number one is a 2012 black
11 Chrysler 300S with PA Tag L-O-N-Z. There's a VIN
12 number.

13 Q. Okay. And does it reflect the registered
14 owner?

15 A. Yes.

16 Q. Could you read for the jury what it
17 reflects as a registered owner and the registered
18 address of that owner?

19 A. The registered owner is Lonnie V. Spector
20 of 40 Hillcroft Road, Feasterville-Trevose, PA.

21 Q. Now, how about the Vehicle Two? What's
22 reflected as the vehicle there?

23 A. That's a 2007 black Mercedes-Benz C230 AMG
24 with PA Tag HRK8498 and there's a VIN number.

25 Q. And does that also reflect or indicate a

1 registered owner and address to that vehicle?

2 A. Yes.

3 Q. Could you read that to the jury, please?

4 A. I'm sorry. I don't know how to pronounce
5 the --

6 Q. We understood it was Vladimyr or Vladimyr.
7 Does that sound about right from what's in the
8 report there?

9 A. Yes.

10 Q. What's the rest of the name?

11 A. Sirko.

12 Q. And the address?

13 A. 2143 Emerson Street, Philadelphia, PA.

14 Q. Do you know if 2143 Emerson Street,
15 Philadelphia, PA is also known as 741 Gorman Street?

16 MS. HEARD: Objection to relevance.

17 MR. FEINMAN: To relevance? If I
18 may, Your Honor. There's been testimony in this
19 case by the complainant and by the wife that they
20 live with her father, and her father is Vladimyr
21 Sirko, and that he lives at 741 Gorman Street.

22 And yet the registered address for
23 this vehicle is for Vladimyr at a different address
24 on Emerson Street.

25 THE COURT: Well, there was testimony

1 about the address.

2 MR. FEINMAN: I'm just trying to find
3 out if it's the same address but it's called
4 something different.

5 THE COURT: Yeah. I'll allow it.
6 Overruled.

7 BY MR. FEINMAN

8 Q. Do you know if 741 Gorman Street is the
9 same address as 2143 Emerson Street?

10 A. Having been to neither place, I would say
11 probably not, but I don't know.

12 Q. Fair enough.

13 Now, I want to direct your attention to
14 C-42-14. I'm going to help you there. That's the
15 photograph of the black Chrysler 300 with the
16 different markers on the roadway?

17 MR. FEINMAN: If Officer Lewis could
18 bring that up for me, I'd appreciate that.

19 THE COURT: Which one was that?

20 MR. FEINMAN: C-42-14.

21 THE COURT: Okay.

22 BY MR. FEINMAN

23 Q. Got that one?

24 A. Yes.

25 Q. And you said that you had placed markers

1 based upon observations and what might be possible
2 evidence in different categories, correct?

3 A. That's correct.

4 Q. And the letters A, B, C, D and E are
5 reflective of possible evidence whereas the numbers
6 1 and 2 are the cartridges?

7 A. Yes.

8 MR. FEINMAN: Okay. If I can ask --
9 zeroing in on the top half by Officer Lewis so we
10 can get all the lettered exhibits in there. Thank
11 you.

12 BY MR. FEINMAN

13 Q. Now, as I understand, Letter D represents
14 a pair of eyeglasses?

15 A. That's correct.

16 Q. And, in fact, you reflected on the
17 Property Receipt 9015564, which is exhibited 42-40,
18 those exact eyeglasses; is that correct?

19 A. That's correct.

20 Q. Could you tell us how far from the car
21 those eyeglasses were found?

22 A. I probably could not -- give me a minute,
23 I might be able to estimate from the sketch.

24 Q. Let me -- I'll lay a foundation for that.
25 As I understand, when you did your

1 measurements, you did measurements from curb lines,
2 correct?

3 A. From a curb line and from a property line.

4 Q. Property -- right. Rather than from the
5 vehicle. But you can give an approximation if
6 you're looking at your diagram and measurements
7 there, correct?

8 A. That's correct.

9 Q. If you could do that, please, that would
10 be fine.

11 A. Okay.

12 Q. If I may, while you're doing that, if you
13 could measure from C to D, please. So as you're
14 looking at -- from the car -- or approximately where
15 E is to D and then from C to D.

16 A. I'm going to say C is approximately seven
17 feet.

18 Q. If I may, just for clarification purposes,
19 C is approximately seven feet. Seven feet from
20 where?

21 A. From the vehicle.

22 Q. So from approximately where the rear wheel
23 of the Chrysler is to where the C marker is about
24 seven feet, approximately?

25 A. Approximately.

1 Q. Fair enough.

2 A. And I'm going to say D is approximately 10
3 to 12 feet.

4 Q. D is approximately 10 to 12 feet from the
5 vehicle, correct?

6 A. That's correct.

7 MR. FEINMAN: Thank you very much.

8 Officer, I have no further questions.

9 THE COURT: Mr. McGovern.

10 MR. MCGOVERN: Officer Berardi, I
11 think everything that I would have asked had been
12 covered by Commonwealth and my co-counsel. I have
13 nothing further. Thank you very much.

14 THE COURT: Redirect?

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

17 - - -

18 (Pause.)

19 - - -

20 MS. HEARD: Your Honor, I don't
21 believe I have any redirect for Officer Berardi.

22 THE COURT: All right. No more
23 questions. Thank you, Officer.

24 THE WITNESS: Thank you, Your Honor.

25 (Witness excused.)

1 THE COURT: Any other witnesses?

2 MS. HEARD: Your Honor, I don't have
3 any other witnesses, if I could just have one moment
4 with counsel?

5 THE COURT: Sure.

6 MR. McGOVERN: Stipulation.

7 THE COURT: Okay.

8 MR. McGOVERN: Your Honor, could I
9 ask the Court, if you would consider it, explaining
10 to the jury what a stipulation --

11 THE COURT: Well, that's part of the
12 instructions. I put that in my final and I do --
13 also put the stipulations so everything is lined up.
14 They have one, two, three. We have it all under
15 control.

16 MR. McGOVERN: No, I figured you did.
17 Thanks, Judge. I'm not trying to steal the gavel.

18 THE COURT: It's handled. We have it
19 all handled.

20 But you do have to tell me what they
21 are.

22 MS. HEARD: Yes. And Your Honor, the
23 first stipulation is with respect to an
24 investigation report, specifically, latent prints
25 that were received by the records and identification

1 unit. And the results of those latent prints, Your
2 Honor. And this was marked C-48-B.

3 THE COURT: C-48-B. And what we'll
4 do when we round -- get everything, the
5 instructions, we'll just list, you know, just write
6 out the stipulations of one, two, three, four. And
7 then I explain to them what a stipulation is and
8 then I say the stipulations in this case are one,
9 two, three, four. But if you want to say on the
10 record now, that's fine. Then we can clean it up.

11 MS. HEARD: Okay.

12 MR. FEINMAN: Your Honor, if I may?

13 THE COURT: You said C-48?

14 MS. HEARD: Yes. B.

15 MR. FEINMAN: Okay. I want to make
16 sure I'm marking it down correctly. Thank you.

17 MS. HEARD: No problem. And the
18 results --

19 THE COURT: And you said it was what?

20 MS. HEARD: C-48-B. I'll start with
21 48-B. And it was a comparison made by the
22 fingerprint identification technician, and it was
23 lift Number 4 came back to Lonnie Spector. And this
24 was a latent impression on the driver side rear
25 window of the vehicle, specifically a Chrysler 300.

1 And finger number 7 lift index. And these latent
2 prints were developed by Officer Berardi and
3 compared by Officer Raytik.

4 Your Honor, with respect to C-49-B,
5 as in boy, Your Honor, this is an investigation
6 report. And then on July 25, 2013 the latents in
7 this case were received by the records and
8 identification unit latent print section, and the
9 results were positive and identified to Sardor
10 Bolyaganov. It was lift number 5. It was a latent
11 impression from an Arizona iced tea can, finger
12 number 4 right ring finger. They were developed by
13 Officer Berardi and they were compared by Officer
14 Raytik.

15 THE COURT: Are you saying Waytik?

16 MS. HEARD: Raytik, like a ray of
17 sunlight and then T-I-K.

18 Your Honor, the next stipulation
19 would be to Commonwealth's Exhibit C-60.

20 And Your Honor, I would mark -- this
21 is going to be collective because it's three
22 separate ballistic reports for Case Number 13FIU2633
23 for District Control 1307022847. The date of
24 occurrence, July 21st of 2013 at approximately 10:37
25 p.m., at 734 Kentwood Street submitted by Ernst

1 Green, taken from Lonnie Spector. It was a firearm,
2 a handgun, specifically. The make of the firearm
3 was a Touris International. The model was 85 Ultra
4 light. The type was a revolver. The Serial Number
5 is RJ87748. The caliber is .38 SPL. The barrel was
6 two inches. It was test fired. It has a maximum
7 capacity of five. It was deemed operable.

8 The remarks are as follows: For
9 gunshot residue in barrel, all five chambers made in
10 Brazil and imported by Touris International Integrel
11 Security system located on --

12 THE COURT: And you said that was for
13 Lonnie Spector?

14 MS. HEARD: Yes.

15 And Your Honor, additional on page 2
16 of that report, Case Number 13FIU2633. This was
17 submitted by Officer Timothy Taylor. This was taken
18 from Gregory Spector. This item was on Property
19 Receipt 3103800. This was a handgun. The make was
20 a Glock. The type was a semiautomatic action. The
21 Serial Number was SZV624. The caliber was .9
22 millimeter Luger and the barrel was 3 and a half
23 inches. The grip was black molded plastic. The
24 maximum capacity was 10 plus 1. It was test fired.
25 It was deemed operable.

1 And the remarks are as follows:
2 Pistol P one, gunshot residue in barrel made in
3 Austria and imported by Glock Incorporated and
4 Symrna Georgia. Then it says 9 fell cartridges. 9
5 millimeter Luger.

6 And Your Honor, the third page of
7 this report -- same case number, which is 13FIU2633.
8 This was submitted by Steven Berardi. This was
9 taken from crime scene. This was Property Receipt
10 9015565. And this was a fired cartridge cases. The
11 manufacturer Federal, the caliber .9 millimeter
12 Luger, firing pin Glock type. Was marked 132633 FCC
13 1 and FCC 2. And the conclusion is that FCC 1 and
14 FCC 2 were fired in Pistol P1.

15 Your Honor, that examiner -- the
16 examiner in all of these, Your Honor is Ronald
17 Weitman. And Your Honor if called to testify,
18 Officer Weitman would testify that --

19 THE COURT: Officer -- what's his
20 name again?

21 MS. HEARD: Weitman, W-E-I-T-M-A-N.
22 He is an officer at the Firearms Identification
23 Unit, and he did prepare this report and test fired
24 these firearms and did the comparisons.

25 THE COURT: All right. Anything

1 else?

2 MS. HEARD: And Your Honor, I believe
3 that's it, in terms of stipulations.

4

5 (Whereupon, documents were marked,
6 for identification purposes, Exhibits
7 C-48-B, C-49-B, and C-60-1 through -3,
8 collectively.)

9

10 THE COURT: Okay.

11 MR. FEINMAN: So stipulated, Your
12 Honor.

13 MR. McGOVERN: So stipulated, Judge.

14 MS. HEARD: And Your Honor, at this
15 time, the Commonwealth would mark and move the
16 documents moved into evidence by the Commonwealth --
17 and I can run down all of those if you want me to.

18 THE COURT: Yes; because I don't know
19 if you want them all. So you should state on the
20 record which ones you're moving in.

21 MS. HEARD: Okay, Your Honor. And
22 Your Honor, I'm marking C-1, C-2, C-3, C-4, C-5,
23 C-6, C-7, C-7-A, C-9, C-15, C-17, C-22, C-23, C-28,
24 C-29, C-31, C-32, C-34, C-35, C-36-A, C-36-B,
25 C-36-F, C-36-G. C-36-H. C-36-I. C-36-J, C-36-K,

1 C-36-L, C-37, C-38, C-39, C-40, C-41, C-42-1,
2 C-42-4, C-42-7, C-42-11, C-42-14, C-42-15, C-42-16,
3 C-42-17, C-42-18, C-42-19, C-42-20, C-42-21, C-42-22
4 and then, Your Honor, C-44, C-45-B, C-48-B -- I
5 apologize. It's didn't do C-45-B.

6 THE COURT: It was what?

7 MS. HEARD: I don't think I did
8 C-48-B -- C-45-B.

9 THE COURT: You said 45-B?

10 MS. HEARD: I meant to say 48-B. It
11 was 48-B and 49-B.

12 THE COURT: All right. So it's 45-B.

13 MS. HEARD: It's not. It's 48-B and
14 49-B. I misspoke. So when I said 45-B, I didn't
15 mean to.

16 THE COURT: So 45 is out?

17 MS. HEARD: Correct.

18 THE COURT: Okay.

19 MS. HEARD: So it's just 48-B and
20 49-B. My apologies.

21 Your Honor, then, C-50-1 C-50-2,
22 C-50-16, C-50-18, C-50-25, C-50-27, C-50-28,
23 C-50-29, C-51, C-52, C-53, C-58, C-59, and C-60.

24 And Your Honor, I do have -- and I'll
25 have counsel look at these -- I have color

1 photographs of C-58 and C-59, and I would ask to
2 publish these to the jury.

3 MR. FEINMAN: That's fine.

4 THE COURT: All right.

5 MS. HEARD: And Your Honor, with
6 those documents marked and moved into evidence and
7 with those stipulations, the Commonwealth would
8 rest.

9 THE COURT: All right. You can
10 publish that to the jury and then we'll step out and
11 see where we are.

12 (Whereupon, Exhibits C-58 and C-59
13 are being published to the jury.)

14 THE COURT OFFICER: The exhibits were
15 published to the jury, Your Honor.

16 THE COURT: All right. Ladies and
17 gentlemen, at this point, I'm going to have you step
18 back. We'll do some of our legal stuff and we'll
19 kind of be able to tell you where we're going, in
20 terms of wrapping everything up. We'll get some
21 legal discussions out of the way. If you could step
22 back, we will be about 15 minutes or so.

23 (Jury exits the courtroom at 2:20
24 p.m.)

25 THE COURT: All right. Commonwealth

1 has rested. So at this time, I guess what we'll do
2 is -- we're obviously going to get into motions and
3 whatever and then from there -- I don't know if
4 you're prepared -- if you made a decision in terms
5 of considering whether or not the defendants are
6 going to testify or not. And I can conduct a
7 colloquy whether they do or they don't. But I'm not
8 sure if you can make that decision today or if you'd
9 rather do that in the morning. However you want to
10 proceed. You have at least one fact witness.

11 MR. FEINMAN: Correct.

12 THE COURT: So however you want to go
13 with that.

14 MR. FEINMAN: I think it's probably
15 best to colloquy in the a.m. I think that's the most
16 appropriate.

17 THE COURT: All right. That's fine.

18 So at this time, Commonwealth has
19 rested. So now we're with the defense, so we may --
20 I assume we're ready -- it's listing motion, but
21 you've already told me you wanted to bring it.

22 MR. McGOVERN: Yes, Your Honor.

23 THE COURT: We'll deal with that.

24 Oh, just to be clear as well, here's
25 the stipulations I found and we'll make sure of it.

1 First stipulation I have -- before we get to your
2 motion -- that the witness -- and this was Olena
3 Sirko -- that stipulation number one I have was,
4 that the witness, Olena Sirko, did not testify at
5 the preliminary hearing on October 11, 2013. And
6 her husband said, don't shoot. That is what I have
7 as one.

8 Two, I have a stipulation to C-53 as
9 being true and correct copies of the complainant's
10 medical records. That's what I have as number two.

11 And the rest of the stipulations are
12 the ones that you presented today. That's what I
13 have. So my recollection is not quite -- does
14 somebody have a different memory? Those are the
15 stipulations that I have.

16 MR. FEINMAN: I'll take a quick look.
17 I believe those were...

18 MS. HEARD: That's right on my part,
19 Your Honor. That's what I remember.

20 THE COURT: Right. The other two
21 that were earlier in the case and then the
22 stipulations that you brought today. So what we do
23 is, to make it clear, just write all that up and
24 explain what it is and we'll -- it's the same
25 thing -- explain to them what it is.

1 MR. FEINMAN: And I guess,
2 technically, we did stipulate to the qualifications
3 of the doctor.

4 THE COURT: Yeah, yeah. And the
5 expert.

6 MR. FEINMAN: Dr. Lopez.

7 THE COURT: Dr. Lopez. So that would
8 be three. Expert qualifications, Dr. Lopez. Okay.

9 So are we ready defense? You've got
10 the floor.

11 MR. McGOVERN: Ready, Your Honor.
12 Okay. Your Honor, first of all, my client, Gregory
13 Spector, was arraigned before this jury and charged
14 with, I believe, criminal attempt murder, aggravated
15 assault, conspiracy, possessing -- possession of an
16 instrument of crime, simple assault, robbery,
17 inflicting serious bodily injury, theft by unlawful
18 taking of movable property criminal attempt,
19 receiving stolen property criminal attempt.

20 Your Honor, I submit that even in the
21 light of most favorable to the jury, the
22 Commonwealth has not made out even to a prima facie
23 level, criminal attempt murder, which involves the
24 premeditated intentional and malicious intent to
25 cause the death of another human being, in this

1 case, Sardor Bolyaganov.

2 I think it's clear as a bell of all
3 the evidence that there was no premeditation, no
4 willful intentional, malicious attempt to cause
5 Mr. Bolyaganov. I would move for directed verdict
6 of acquittal on criminal attempt murder.

7 The same with aggravated assault.
8 Your Honor, I submit that the -- this is a specific
9 intent crime and the Commonwealth has failed to
10 establish, even at a prima facie level, specific
11 intent that my client intentional, knowingly, and
12 recklessly attempting -- demonstrating manifest,
13 extreme indifference to the value of human life,
14 which is the same type of malice for criminal
15 attempt murder. I submit a directed verdict of not
16 guilty should be rendered on that.

17 With regard to conspiracy, I don't
18 think there's a scintilla of evidence that
19 demonstrates a sheered intent to commit a crime with
20 a named codefendant, Lonnie Spector, of robbery,
21 assault, murder and theft.

22 In fact, Your Honor, all the evidence
23 is quite belies that in demonstrates through the
24 evidence leading up to the shooting, a lack of
25 facilitation and attempt to commit a crime of

1 robbery, assault, murder and theft.

2 Possession of instrument of a crime.
3 Your Honor, we have evidence that my client was in
4 possession of a registered handgun to him; that he
5 had a valid license and permit to carry that weapon,
6 and that there has not been a prima facie case made
7 of 907, possession of instrument of a crime, with
8 intent to employ criminally where it says,
9 Possessing an instrument of a crime with intent to
10 criminally a firearm. The evidence is directly, if
11 not contradicts that.

12 Your Honor, I will not argue the
13 2701, simple assault. Your Honor, that could be as
14 little as physical contact between the complainant
15 and the defendant or recklessly endangering another
16 person.

17 Your Honor, count seven was robbery
18 inflicting serious bodily injury, and that is
19 specific intent crime that my client went to the
20 complainant, specifically, with the intent of
21 maliciously inflicting serious bodily injury to take
22 personal property from him.

23 The Court has heard the facts over
24 and over again, and clearly was in contradiction of
25 the facts before this jury. This is another charge

1 as well that I move for judgment of acquittal.

2 The count eight is theft by unlawful
3 taking of movable property. The charge of
4 unlawfully attempt to take or exercises unlawfully
5 control over property of another with intent to
6 deprive him thereof, the complainant, Bolyaganov.

7 The evidence shows the direct
8 opposite that my client was attempting to retrieve
9 his property and to return stolen property with the
10 assistance of the police officers, and that is not
11 an intentional act of theft or criminal attempt
12 theft.

13 Receiving stolen property this is --
14 this points out the sanity of charges here. My
15 client is charged with attempting to receive
16 moveable property of another, receiving stolen
17 property. Your Honor the only stolen property in
18 this case was the property that the complainant sold
19 to my client when he was trying to return with the
20 police assistance.

21 I would move for a directed verdict
22 for all these charges, because the elements of all
23 these offenses have not been made out to a
24 preponderance -- a prima facie case.

25 Thank you, Judge.

1 THE COURT: I guess it makes sense
2 to -- so you're saying Counts 1 through 9, in
3 essence? All the charges?

4 MR. MCGOVERN: Yes. Your Honor, the
5 only charge I didn't move on, Your Honor, was Count
6 5 and Count 6.

7 THE COURT: Oh, the simple assault
8 and robbery?

9 MS. HEARD: REAP.

10 THE COURT: REAP. Okay.

11 MR. MCGOVERN: Thank you Your Honor.

12 MR. FEINMAN: Your Honor, thank you
13 very much, and if I may, my numbers will perhaps be
14 slightly off. I will start off by saying I join
15 wholeheartedly and fully in the arguments that
16 Mr. McGovern has made on behalf of Gregory. I would
17 incorporate any arguments I would make on behalf of
18 my client, Lonnie Spector. For brevity purposes, I
19 don't think I need to go into as much detail
20 relevant to that.

21 But the evidence clearly establishes,
22 Your Honor, far less involvement in what transpired
23 on July 21st. And the Commonwealth has failed to
24 meet it's burden at this stage, having rested, on
25 the attempted murder F1, as it relates to my client.

1 As Your Honor heard the evidence, my
2 client is either down on the ground or getting up or
3 partially up when shots fired. No knowledge in that
4 involvement at all.

5 The same argument as it relates to
6 aggravated assault, because I believe that the
7 Commonwealth's position is the shooting of
8 Mr. Bolyaganov, is where that aggravated assault
9 comes in.

10 There had been no evidence presented
11 that had he had any other injuries sustained from
12 the one gunshot. And consequently, the statutory
13 definition of aggravated assault, and for that
14 matter, the criminal attempt for murder, fails to be
15 supported here by the evidence because when you read
16 criminal attempted murder, Intentionally and with
17 malice, attempted to cause the death of another
18 human being. And on aggravated assault, Attempted
19 to cause serious bodily injury to another or cause
20 such injury intentionally, knowingly, or recklessly
21 under the circumstances manifesting extreme
22 indifference.

23 Your Honor heard the evidence
24 regarding Mr. Lonnie Spector, and I would submit to
25 you that Commonwealth has failed, in that respect,

1 with regards to the robbery. To me, the robbery is
2 probably the most absurd charge in this case.

3 There's absolutely no indication that
4 there's any acts on behalf of Lonnie Spector that he
5 intended in any way whatsoever or in the course of a
6 theft inflicted serious bodily injury. I believe
7 that the Commonwealth, again, has failed to
8 establish and maintain its burden of proof regarding
9 the robbery charge.

10 For brevity purposes, Your Honor, I
11 would move on all charges. I believe that the
12 Commonwealth has failed to establish based upon the
13 parcidity of evidence that has been presented by the
14 Commonwealth, as it relates to my client, Lonnie
15 Spector, that he is guilty of any of theses charges,
16 and I would so move.

17 THE COURT: Okay. Commonwealth?

18 MS. HEARD: Yes, Your Honor.

19 And Your Honor, to start off, I will
20 begin with Mr. Gregory Spector since that where we
21 started.

22 Your Honor, we had made out
23 aggravated -- excuse me -- attempted murder. Your
24 Honor, given the fact that there is evidence that
25 this defendant produced a loaded firearm, fired it

1 at a vital part of Mr. Bolyaganov's body.
2 specifically, fired two shots at him at a close
3 range at his body, striking him in the spine,
4 causing serious bodily injury, Your Honor, just
5 because it was not long premeditated --
6 premeditation can be formed in an instant. It can
7 be formed in a second.

8 And in this case, it was demonstrated
9 that premeditation was formed in that instant, in
10 that second, based on where he shot him, and Your
11 Honor, based on the fact that he pointed the gun in
12 his face and stated that, I will kill you. Your
13 Honor, that definitely makes out attempted murder.

14 With respect to aggravated assault,
15 Your Honor, it's the same argument. Definitely
16 attempted to cause serious bodily injury.

17 And with respect to conspiracy, Your
18 Honor, the defendant Gregory Spector came there with
19 his father. They were acting together. As a matter
20 of fact, it was his father's actions that actually,
21 if you will, started this whole situation, this
22 whole fight into play. And that also goes along
23 with the robbery charges, Your Honor.

24 Your Honor, this robbery, it may not
25 be the standard robbery of pointing a gun at

1 somebody and demanding money; however, I do have
2 case law. And specifically, it's Commonwealth
3 versus Slater and Commonwealth versus Maze.

4 What they both, basically, stand for
5 is, you can't use your claim of right to get items
6 by force. And Your Honor, this is essentially what
7 happened in this case.

8 Gregory Spector -- specifically, both
9 Spectors, but in this instance, Gregory Spector felt
10 that he had a right to the money, the full money,
11 that was owed to him, and he employed force by not
12 giving it back.

13 And then Lonnie Spector, in the
14 conspiracy of that robbery, also escalated that
15 force by his actions.

16 So that is where the robbery charge
17 comes in, and I do have those cases for Your Honor
18 to review.

19 Your Honor, possession of an
20 instrument of crime, just because he has a license
21 to carry, doesn't mean that it's not a possession of
22 an instrument of crime. That's why he's not charged
23 with the VUFA sections.

24 Your Honor, the same thing with
25 unlawful taking and attempted receiving stolen

1 property. And we also have evidence that the cell
2 phone in question was found in the Spector's car and
3 the money was also found on Mr. Gregory Spector as
4 well.

5 Additionally, Your Honor, going to
6 Mr. Lonnie Spector with respect to criminal
7 attempted murder, Your Honor, I would argue with
8 respect to criminal attempt murder and aggravated
9 assault that in this case he was a coconspirator and
10 he is held liable for the actions of his
11 coconspirator, in this particular case, Mr. Gregory
12 Spector. He went there to facilitate the robbery,
13 and this is evidenced by what Mr. Lonnie Spector was
14 saying that he's an undercover cop, et cetera, et
15 cetera, in an attempt to get that money back from
16 Mr. Bolyaganov, and Your Honor, so that's when the
17 robbery and conspiracy and quite frankly, the
18 attempted murder and ag assault falls into place.

19 That also goes into questions with
20 the theft of unlawful taking. In the attempted
21 receiving stolen property. Your Honor, it's the
22 same basis. You can't use force to get something
23 that you think you have a right to. You just can't.

24 So Your Honor, based on that, we
25 would argue that we have made out the common issue

1 case law on all the charges, and I do have the case
2 law for Your Honor to review at this time, if Your
3 Honor wants.

4 THE COURT: Okay. As you know,
5 motion of acquittal, the standard of review is --
6 the preponderance of the evidence, we are not beyond
7 a reasonable doubt. The jury decides the facts and
8 credibility. So that's not what we're doing at this
9 point. The Court hasn't made any judgment as to
10 what the jury would find or not find, if both the
11 defendants are or are not guilty. We are looking at
12 the preponderance of the evidence. Has the
13 Commonwealth made enough of a case out to get to the
14 jury? That's all we're doing here. I just want to
15 make that clear.

16 When we look at a criminal homicide,
17 under Section 2501 -- this is speaking to the
18 argument of criminal attempt murder -- offense to
19 find a person's guilty of a criminal homicide if he
20 intentionally, knowingly, recklessly, or negligently
21 causes the death of another human being. And
22 obviously this isn't a homicide. It's an attempted
23 homicide.

24 To get to the jury, there's have to
25 be enough of a prima facie case that -- that there

1 was an attempt to do just that.

2 And you know, we've heard the
3 evidence. If the evidence is believed -- and it may
4 or may not be believed. There was testimony about
5 statements being made that could infer intent.

6 Whether the jury believes it or not
7 is for them to sort that out, but there's been
8 enough, at least on the record, to show intent to
9 kill. The.

10 Thing that can't be disputed is the
11 serious bodily injury. I don't think anybody can
12 dispute that. I know the defense is the facts are
13 disputed is how Mr. Bolyaganov got there, but
14 clearly the injury is serious, you know, permanent
15 injury to the spine.

16 We've heard extensive testimony by
17 the medical expert that you stipulated to trauma
18 expert as to the nature of the complainant's
19 injuries, and if, you know, the jury from the facts,
20 of intent, and you know, we heard four, five days of
21 that.

22 And I'll repeat here there's been
23 enough evidence that they could preclude that there
24 was an attempt or intent to commit a criminal
25 homicide, if they believe. If they believe through

1 the testimony of witnesses that put the testimony
2 out there and other statements that were made to
3 detectives, if that's believed, then certainly
4 there's serious bodily injury there and, you know --
5 so it's for the jury to sort out whether or not
6 those witnesses are credible and whose account
7 they're going to believe.

8 Certainly that's for the jury to
9 figure that out. But there's certainly been enough
10 on the record that they could make that conclusion.

11 I'm not saying that they should make
12 that conclusion or that they shouldn't make that
13 conclusion. I'm just saying that there's enough
14 evidence on the record that they could or could not
15 make that conclusion. That's all we're dealing with
16 at this level.

17 In terms of the aggravated assault, I
18 think is related, because here, the statutory
19 definition under 2702, which I think counsel read.

20 MR. McGOVERN: Yes, I did, Judge.

21 THE COURT: It's a person who is
22 guilty of aggravated assault, if he attempts to
23 cause serious bodily injury to another or causes
24 such injury intentionally, knowingly, and recklessly
25 under circumstances manifesting extreme indifference

1 to the value of human life. The jurors -- there's
2 evidence -- well, there's certainly serious bodily
3 injury. There's no disputing that. There's no
4 disputing that the defendant was shot by one of the
5 defendants. That's not disputed.

6 What the jury has to figure out is
7 who they are going to believe, in terms of how it
8 got there and what caused Mr. Bolyaganov to get
9 there; that the circumstances around the shooting,
10 intent, all of that evidence -- there's been enough
11 evidence that they could make a decision either way,
12 but there's enough prima facie evidence that the
13 jury can sort all of that out.

14 They weigh the credibility. I'm not
15 weighing credibility. I'm not saying this witness
16 should be believed or that witness. You heard the
17 wife of the complaining witness, the complaining
18 witness. They had their account, their tracks of
19 911 tapes, statements. You know, there's enough
20 evidence.

21 I'm certainly not going sit here and
22 recount it here. There's a enough evidence that the
23 jury can sit and figure all that out. Whether the
24 intent is there. Certainly, the serious injury is
25 there. And the same with the conspiracy.

1 Obviously, the two defendants were
2 together. That's not disputed. Were they in
3 concert to commit a crime? Well, if you believe
4 that the aggravated assault, the attempt murder was
5 the crime, then the conspiracy could be there.
6 There's evidence that they -- there's enough on the
7 record that they can figure it out, is what I'm
8 saying.

9 I think the Commonwealth has put
10 forth enough evidence, at least at the prima facie
11 case, with criminal attempted murder, aggravated
12 assault, conspiracy. Well, if you believe that
13 there was a crime committed with a gun, well, that's
14 the PIC, if you believe it. If you believe it.

15 And I keep saying "if" because, you
16 know, that's for the jury. There's been a lot of
17 disputed evidence here -- presented here.

18 Because it's a trial. That's what
19 it's supposed to do. My job, if in granting a
20 motion for acquittal, would be if there isn't enough
21 for them to make up their mind. But I will preclude
22 that there is enough.

23 The simple assault, I think, is,
24 basically, been conceded, but there is enough for
25 them to make up their mind, not that the simple

1 assault occurred, but enough for them to figure it
2 out.

3 The robbery, I think, the
4 Commonwealth has set forth that, you know, the claim
5 of right. You can't reclaim property using force
6 improperly. If the jury reaches that conclusion,
7 there could be enough there for them to determine
8 there was a robbery. If they determine that it
9 isn't, then it's not enough, but there's enough --
10 but there's been enough on the record presented by
11 the Commonwealth that the jury can now sort that out
12 using the tools of weighing credibility, figuring
13 out what witnesses they believe, what's believable,
14 what's not believable, the weight of the evidence,
15 the sufficiency. There's been enough on the record
16 that they can sort that out.

17 So to just sum up, the Commonwealth,
18 in all nine of its counts -- but you're only moving
19 on --

20 MS. HEARD: Your Honor, if I may.

21 THE COURT: -- you're not moving on
22 all nine counts, are you?

23 MS. HEARD: I am for now.

24 THE COURT: You are for now. Okay.
25 The nine counts concerning Gregory Spector, there's

1 enough on the record that the jury can sort out,
2 figure out what they believe or don't believe and
3 make a determination whether or not the defendants
4 are guilty beyond a reasonable doubt, and the same
5 for Lonnie Spector.

6 MS. HEARD: And Your Honor, if I may,
7 Mr. Lonnie Spector is facing eight counts.

8 THE COURT: Eight counts -- that's
9 what I have on my run list here. The eight counts
10 against Lonnie Spector, there's been enough
11 presented for prima facie case that the jurors can
12 sort out, figure out, determine credibility, who
13 they believe, who they don't believe, and they could
14 render their decision accordingly.

15 So accordingly, the motion for
16 acquittal are denied.

17 What else? Is there anything else we
18 need to do before -- because I've been getting
19 messages from the jurors. They're trying to figure
20 out, you know, what the timing could be. I told --
21 I had the court reporter -- court crier tell them,
22 you know, once the Commonwealth's case ended, I
23 could sort of figure out -- I'm thinking we probably
24 won't close until Monday, is a guess.

25 Because I'm thinking, obviously,

1 we're not going -- it's not going to make sense to
2 do anything further today. But for -- but tomorrow
3 could be really be defense. I know there's at least
4 one witness. And then we have -- I guess overnight
5 you'll figure out if there are more, which is fine.
6 But at least we know tomorrow will be defense.

7 MR. McGOVERN: We'll have a good lay
8 of a scheme by morning.

9 THE COURT: I think that's about
10 right. I think what we can do is start thinking
11 about the instructions. I started putting some
12 things together. I know Commonwealth kind of has
13 some submissions, in terms of robbery. We need to
14 hash that out. But we'll have plenty of time.
15 We're not going to start throwing out -- what I do
16 is, we'll have a conference and sit down and go over
17 it in detail. So before anything goes to the jury,
18 we'll have a thorough opportunity to go over
19 instructions. But I don't see any of that happening
20 until Monday. I just don't think that's going to
21 happen until Monday.

22 It might be optimistic if we can
23 close tomorrow, but if we can't, depending on how
24 long the witnesses and depending on how many
25 witnesses, you know, it may be Monday, Tuesday

1 closing, which isn't really off too bad from what I
2 said. But I just need to tell them something. But
3 I'm thinking that's about what the reality is at this
4 point, because we're not going to be able to close
5 out tomorrow.

6 MR. FEINMAN: I think that's pretty
7 concise assessment of where we are likely to be.

8 MR. McGOVERN: We're not -- I think
9 that's prudent.

10 THE COURT: Right. Because, you
11 know, of course, if more people testify, then
12 obviously that's going to expand it. We'll let you
13 all figure that out. It's your decision to make.
14 I'm not trying to press one way or the other. If
15 folks want to testify, they can testify. That's
16 fine. But I just want to tell the jurors some idea
17 and that this may end up going a little longer than
18 we had expected.

19 MR. FEINMAN: Your Honor, if I may,
20 we do have a general sense of what our potential
21 list would be as well as the character witnesses;
22 however, one of the things we talked about in what
23 we expect -- and Mr. McGovern would go first on
24 behalf of Gregory.

25 THE COURT: Okay. Mrs. Spector,

1 right?

2 MR. FEINMAN: Yes.

3 MR. McGOVERN: Yes, Mrs. Spector.

4 MR. FEINMAN: However, based on the
5 testimony and the exhibits and things, I would end
6 up, in my case and chief, recalling Officer Berardi.
7 I literally have two questions for him. Given that
8 he's here, I think I can do that now, if the Court
9 allows me to go out of order in front of
10 Mr. McGovern in the sequence that way. And then he
11 could be -- I think he could be released.

12 THE COURT: Okay. That's fine. And
13 then we can wrap up today.

14 Is he here?

15 MS. HEARD: He's day work.

16 THE COURT: Well, even if we start
17 with a witness and we have to call him out of
18 order -- is he gone?

19 MS. HEARD: Yes.

20 THE COURT: He is gone.

21 Even if we start with a witness
22 tomorrow and maybe he can be recalled tomorrow at
23 some point tomorrow. We can get him and bring him
24 in.

25 MR. FEINMAN: I literally have two

1 questions for him.

2 THE COURT: That's fine. I want to
3 make sure everybody has a full, fair opportunity to
4 ask all questions and get it all in.

5 MR. FEINMAN: I appreciate that. I
6 was also looking at just the convenience for him and
7 so forth.

8 THE COURT: Okay. So I'll let the
9 jurors know that we may be going into Monday and
10 potentially Tuesday. I know one woman had an issue,
11 but we have alternates. If she can't stay, then we
12 have an alternate.

13 MR. FEINMAN: Number 5 said she had a
14 vacation scheduled.

15 (Jury enters the courtroom at 2:51
16 p.m.)

17 THE COURT: All right. Ladies and
18 gentlemen of the jury, we're not going to hear any
19 more witnesses today, but I wanted to kind of give
20 you an road map of where we're going.

21 The Commonwealth has rested its case
22 as you heard, and we're now with defense to present
23 its case. You've heard a lot of evidence and this
24 case is going to end up taking a little bit longer
25 than I had presented to you. I know some of you

1 have a challenge next week. And we have alternates
2 so there's not reason to sound the alarm. We
3 understand.

4 But the case may go into Monday and
5 possibly Tuesday before it's finally wrapped up. So
6 it's a little bit longer than I had projected but
7 I'm sure you can appreciate the nature of the case;
8 that it, you know, takes a little bit longer than we
9 projected.

10 There were people presented to me at
11 the beginning that a certain day is a problem, then
12 we can deal with that. Don't press the panic
13 button. We got it. But it is going to take a
14 little bit longer before we go to the conclusion of
15 this case.

16 So tomorrow we're going to be going a
17 little bit later because of scheduling, the Court's
18 schedule tomorrow. So if you can be here by 10:30,
19 10:45, and we'll get going tomorrow and move the
20 case forward.

21 So you're dismiss for the evening.
22 We'll see you tomorrow 10:30, 10:45.

23 (Jury exits the courtroom at 2:55
24 p.m.)

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THERESA VALENTINO

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Professional Court Reporter

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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.

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