

1 (Defendants are present together with
2 counsel.)

3 MR. McGOVERN: Your Honor, I'm
4 bringing Mrs. Ashley Spector to the witness stand.

5 THE COURT: Okay.

6 MR. McGOVERN: This is Judge Nichols.
7 And this is Mrs. Spector.

8 THE COURT: All right. Okay. See if
9 they are ready to go. Everybody ready?

10 MR. FEINMAN: Yes.

11 THE COURT: Okay.

12 (Jury enters the courtroom at 11:05
13 a.m.)

14 THE COURT OFFICER: Could you stand,
15 please. Raise your right hand.

16 State your full name and spell your
17 last, please.

18 THE WITNESS: Ashley Spector, A-S --
19 sorry. S-P-E-C-T-O-R.

20

21 ASHLEY SPECTOR, having been first
22 duly sworn, was examined and testified as follows:

23

24 THE COURT: Counsel, you may proceed.

25 MR. McGOVERN: Thank you, Judge.

1

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2

DIRECT EXAMINATION

3

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4

BY MR. McGOVERN

5

Q. Good morning, Mrs. Spector.

6

A. Good morning.

7

Q. Mrs. Spector, is it fair to say this is

8

the first time in your life that you ever testified

9

in a courtroom?

10

A. Yes.

11

Q. Is it fair to say that you're very

12

nervous? Am I making you nervous?

13

A. (Witness nods.)

14

Q. Okay. Mrs. Spector your husband is my

15

client, Gregory Spector; is that right?

16

A. Yes.

17

Q. Okay. Now, I promise you I'll speak

18

slowly as a can. I hope you can hear everything I

19

say. I know this is very a emotional time, but I

20

promise it won't be as painful as the dentist chair.

21

There will be no drilling here or Novocain or

22

anything like that.

23

So if you could just bear with me. And

24

I'm going to ask you a series of questions. And

25

when you answer, I'll wait for you to complete your

Asshole
COMMENT

1 answer. Speak clearly and the microphone should
2 pick it up and the jurors can hear your testimony.

3 Okay?

4 A. Okay.

5 Q. Okay. Thank you.

6 What's your maiden name, Mrs. Spector?

7 A. O'Donnell.

8 Q. And what's your date of birth?

9 A. 11/13/91.

10 Q. Okay. You are married to my client,

11 Gregory?

12 A. Yes.

13 Q. And when did you first meet Gregory

14 Spector?

15 A. Fifth grade.

16 Q. Fifth grade. You went to school together,
17 grade school?

18 A. Yes.

19 Q. And when did you begin to date your

20 husband?

21 A. We were 15.

22 Q. Okay. You were married in December of
23 2011; is that correct?

24 A. Yes.

25 Q. And with whom do you live in your home?

1 A. My father-in-law Lonnie, my husband Greg
2 and my two daughters Lily and Kiley.

3 Q. Okay. Without -- I'm not asking for your
4 address, but what part of the Delaware Valley
5 metropolitan area do you live?

6 A. Bucks.

7 Q. And what town would that be?

8 A. Feasterville.

9 Q. Okay. And that's the first town just
10 outside of Philadelphia County line, going into
11 Bucks County, right?

12 A. Yes.

13 Q. Just above Street Road area?

14 A. Yup.

15 Q. Okay. I'm going to be directing your
16 attention to a particular day, Sunday, July 21st of
17 2013, over 20 months ago. But before we get
18 there -- well, I guess, let me ask you, how does
19 your husband work? What type of work does he do?

20 A. He's a carpenter.

21 Q. For whom does he work?

22 A. For his family business, Mr. Contractor.
23 Four generations family owned and operated.

24 Q. When did -- to the best of your
25 recollection, who founded Mr. Contractor?

1 A. His great grandfather.

2 Q. Gregory's great grandfather. And then his
3 grandfather, Gregory's grandfather, took it over?

4 A. Yes.

5 Q. Then after that --

6 A. My father in law and his brothers.

7 Q. -- that would be Lonnie Spector, your
8 father-in-law, and his brothers. And now your
9 husband and his cousins also work for
10 Mr. Contractor, correct?

11 A. Yes.

12 Q. And on Sunday, July 21st of 2013 a lot of
13 things happened, correct?

14 A. Yes.

15 Q. Now, Mrs. Spector, how old was Kylie back
16 then in July of 2013?

17 A. A little bit over a year and a half, and I
18 was six months pregnant with my second daughter.

19 Q. Okay. So Kylie was about a year and a
20 half old, and you were six and a half months
21 pregnant, correct?

22 A. Yes.

23 Q. And when was -- your second daughter's
24 name is Lilianna; is that correct?

25 A. Yes.

1 Q. And when was Lilianna born?

2 A. October 29, 2013.

3 Q. Okay. So this incident occurred on July
4 21st of 2013 and Lilianna was born October 29th,
5 just after that, correct?

6 A. Yes.

7 Q. Now, I'm going to direct your attention to
8 Sunday, July 21, 2013. Do you have any specific
9 recollection of any events of that day prior to 2
10 o'clock, let's say?

11 A. Not really. It was just a regular day.
12 We got up. We ate.

13 Q. What kind of day was that day when this
14 occurred, this stuff occurred?

15 A. It was a Sunday. So that means we get to
16 spend time together, all of us so...

17 Q. Do you recall what the weather was like?

18 A. It was sunny. It was beautiful.

19 Q. Now, on that day, around 2 o'clock, did
20 you have an interest in buying a cell phone?

21 A. Yes.

22 Q. And could you please tell the ladies and
23 gentlemen of the jury what you did to try to locate
24 a phone that you'd be interesting in buying? What
25 did you do?

1 A. We searched on Craig's List.

2 Q. Now, specifically, who searched on Craig's
3 List?

4 A. Me.

5 Q. And this was on the Internet, I take it?

6 A. Yes.

7 Q. All right. Because pretty much young
8 people seemed to be -- most people like to go on
9 Internet and shop.

10 Did you find a particular phone that you
11 were interested in?

12 A. Yes, the Galaxy S3.

13 Q. And I believe -- I apologize -- do you
14 have that exhibit -- and I'm going to -- forgive me,
15 Your Honor. I don't have it in my fingertips, but I
16 will in a moment. C-36-L?

17 THE COURT: C-36-L.

18 MR. McGOVERN: Your Honor, I have a
19 sheet of it. Can I also -- we're going to project
20 it on the screen, but if I can hand this up, if
21 there's no objection, to the witness?

22 THE COURT: That's fine.

23 THE COURT OFFICER: C-36-L is going
24 to be marked --

25 MR. McGOVERN: Yeah. They were

1 marked.

2 THE COURT OFFICER: All right.
3 C-36-L is going to be shown to the witness.

4

- - -

5 (Whereupon, a document was marked,
6 for identification purposes, Exhibit
7 C-36-L.)

8

- - -

9 MR. McGOVERN: Your Honor, for the
10 record, I've provided a copy for the witness, a copy
11 of 36-L that has been given to us by the
12 Commonwealth.

13 THE COURT: Okay.

14 BY MR. McGOVERN

15 Q. Mrs. Spector, I ask you to look at what's
16 before you --

17 MR. McGOVERN: -- jurors, I believe
18 you can see it on the screen. Can everyone see
19 that?

20 BY MR. McGOVERN

21 Q. Is this the Craig's list add that you
22 first discovered on Sunday, July 21st, about 2:00 or
23 2:30 in the afternoon?

24 A. Yes, it is.

25 Q. And could you read what is -- how the

1 phone is described, the price, and what the
2 information was on the add?

3 A. For sale, Galaxy S3, white color for AT&T,
4 16GB memory, almost new condition. Everything works
5 perfectly. Asking 300 for it or best offer. Please
6 call if interested, (267)475-3899.

7 Q. Okay. Thank you.

8 Now, do you see there where it says -- it
9 said in the add, Everythink -- I guess it would be a
10 misspelling. I guess it would be everything -- but
11 it says, Everythink works perfect. Do you see that?

12 A. (No response.)

13 Q. Do you see that?

14 A. Yes.

15 Q. Okay. Now, Mrs. Spector, when you saw
16 that add, I take it you were interested in it?

17 A. Yes.

18 Q. And you told your husband?

19 A. Yes.

20 Q. And what did your husband do? What did
21 you guys do with regard to attempting to purchase
22 it?

23 A. We then contacted the number that's listed
24 on that phone -- on the add.

25 Q. And did you make arrangements to meet with

1 the seller to buy that phone?

2 A. Yes.

3 Q. And about what time was it and -- strike
4 that.

5 Did the person, the seller, give you their
6 address where you understood you were going to meet
7 him at his address?

8 A. Yes.

9 Q. And do you recall what the address was he
10 gave you?

11 A. 735 Kentwood Street.

12 Q. And when he gave the address, 735 Kentwood
13 Street, did you believe that was his home?

14 A. Yes.

15 Q. And being from the Northeast, you were
16 familiar with that location?

17 A. Yes.

18 Q. Or you could find it?

19 A. Yes.

20 Q. And did there come a time where you and
21 your husband went to 735 Kentwood Street to meet the
22 seller and to discuss the purchase of that phone?

23 A. Yes.

24 Q. And what time was it that you and your
25 husband went down to that address to do that?

1 A. Around 4:00.

2 Q. About 4 o'clock --

3 A. P.m.

4 Q. -- in the afternoon?

5 A. Yes.

6 Q. Okay. Now, did anyone -- and who was at
7 home with you -- who was at home with you at that
8 time when you decided to go down there?

9 A. My father-in-law, my husband, my daughter
10 Kylie and myself.

11 Q. Now, did -- what arrangements did you make
12 with regard to who was staying at home and who was
13 going down to the sale?

14 A. My father-in-law was going to stay home
15 and watch my daughter Kylie because she was taking a
16 nap.

17 Q. Okay. And you and your husband got in
18 your own personal car?

19 A. Yes.

20 Q. And what kind of car was that?

21 A. My Chevy Traverse.

22 Q. And what did you do?

23 A. We then drove to the address. And when we
24 got to the address, we came up to an apartment
25 building. And we went to turn around, and my

1 husband had called the seller to verify that we were
2 there, and he came walking up the street kind of, I
3 guess, looking more confused.

4 And then when he came to our window, he
5 told us to pull up the street. He had to go get the
6 phone and it wasn't my phone.

7 Q. All right. Let me just stop you one
8 second. When you got to 735 Kentwood Street, did
9 you then discover that that was not a personal
10 residence?

11 A. Yes.

12 Q. What was it?

13 A. An apartment complex.

14 Q. And did the seller tell you that he lived
15 at 735 Kentwood in that apartment complex?

16 A. That was just the address he gave us.

17 Q. So you didn't know where he lived, correct?

18 A. No.

19 Q. And I believe you indicated the next thing
20 you saw was you saw a person walking down the
21 sidewalk towards your car?

22 A. Yes.

23 Q. And then what happened with regard to the
24 transaction involving the phone and money? Take
25 your time and just explain to the jury how that

1 occurred?

2 A. So then we pulled down the street. My
3 husband texted him the address that we -- well, the
4 location where we were at. He came and pulled up in
5 his car behind us. And my husband got out of his
6 car. He exited his car. We put down my passenger
7 window, and they were standing right behind the rear
8 of my car.

9 Q. All right. Just take your time.

10 Would you like a glass of water, Miss?

11 A. No. Thank you.

12 So then him and my husband were standing
13 behind the car and he showed the phone to my
14 husband. And the phone was for me so my husband
15 came and showed the phone to me. He noticed that
16 there were two cracks on the top and a crack on
17 bottom. So he wanted to show me to make sure it was
18 okay.

19 Q. Now, let me just stop you there for a
20 second. Did the phone have a box, instructions, a
21 manual, a charger, anything that normally
22 accompanies a sale of a phone?

23 A. No, it did not.

24 Q. And did you check to see if the phone
25 could be turned on?

1 A. The phone was on, yes. My husband had
2 turned it on before he brought it to me.

3 Q. Well, do you know how that phone was
4 charged?

5 A. No, I don't know.

6 Q. Did you inquire about a charger?

7 A. We did ask, yes.

8 Q. And what were you told?

9 A. That it was broken.

10 Q. But the phone, nevertheless, was charged?

11 A. Yes.

12 Q. Okay. All right. So you looked at the
13 phone. There was some, as you described, minor
14 cracks on it. And I take it that you indicated to
15 your husband that you still could cover up those
16 cracks with the case; is that right?

17 A. Yes.

18 Q. So you were interested in purchasing it?

19 A. Yes.

20 Q. What happened next with regard to the
21 price, and the purchase and the agreement to buy it?

22 A. Okay. My husband came over to the window
23 and he showed me the cracks and he said -- I said to
24 him, We should try and get it a little bit cheaper.
25 I mean, it has cracks on it. The add said no damage

1 whatsoever.

2 So he said okay, and he walked back over,
3 and they agreed on a price of 290. My husband then
4 came back to me and handed me -- he counted 290 out
5 and he came back to me.

6 Q. All right. Now, let me ask you this,
7 Mrs. Spector, \$290 is not a little bit of money.
8 It's a decent amount of money. You had \$290 cash --
9 at least \$290 with you?

10 A. Yes.

11 Q. And from where did you get that money?

12 A. The ATM.

13 Q. All right. So, basically, tapped MAC and
14 you -- how much money did you take out of that?

15 A. Three hundred.

16 Q. Okay. And they were asking for 300?

17 A. Yes.

18 Q. That's what the add said. Okay.

19 So who counted the 290 first?

20 A. Gregory counted 290 first.

21 Q. And did he immediately, then, give it to
22 the seller?

23 A. No.

24 Q. Why not?

25 A. He then handed it to me so that I could

1 recount it to make sure that there was 290 there,
2 because 200 of the 290 was from -- was fresh out of
3 the ATM.

4 Q. So sometimes those bills stick together?

5 A. Yeah.

6 Q. Okay. And did you carefully check that
7 there was --

8 A. Yes.

9 Q. -- \$290?

10 A. Yes.

11 Q. And after the \$290 you recounted, given to
12 your husband, what happened next with that money?

13 A. Then he took it back to the seller and
14 handed it to him and the seller handed him the
15 phone.

16 Q. And then what did you do and your husband
17 do?

18 A. My husband handed the phone to me, and he
19 walked around to the other side and he got in his
20 car. He got in our car and we drove away.

21 Q. Where did you go?

22 A. We went to the AT&T store so that we could
23 get a charger and a case.

24 Q. And is the AT&T -- do you and your husband
25 have a service plan with AT&T?

1 A. Yes.

2 Q. And the AT&T was located where?

3 A. In Bensalem.

4 Q. Is that up on Street Road?

5 A. Yes.

6 Q. And is -- what else is located at that
7 AT&T store?

8 A. There's a Giant Food Market.

9 Q. What time did you get to that store about?

10 A. About 5 o'clock.

11 Q. What did you buy at the AT&T store?

12 A. A case, a new SIM card and a charger. It
13 was about under \$100.

14 Q. And was -- did you request for the phone
15 to be activated?

16 A. Yes.

17 Q. And after you did that, what did you do
18 after you made those purchases of those items: the
19 SIM card, charger, the case and the activation?

20 A. We went over to Giant so that I could get
21 what I needed for dinner.

22 Q. All right. Now, who was going to make
23 dinner that night?

24 A. Me.

25 Q. Do you always make dinner?

1 MS. HEARD: Your Honor, objection --

2 THE WITNESS: Yes.

3 MS. HEARD: -- relevance.

4 THE COURT: Well, it's a day in the
5 life. That's fine. Go on.

6 BY MR. MCGOVERN

7 Q. I know you didn't indicate earlier
8 specific recollection of before 2 o'clock, but do
9 you recall what you had for dinner that night?

10 A. Yes.

11 Q. Why is it that you recall that?

12 A. Because that day changed my life.

13 Q. All right. Now, what did you buy for
14 dinner that night, Mrs. Spector, and what did you
15 prepare for dinner?

16 A. Chicken cordon bleu and mashed potatoes.

17 Q. So chicken cordon bleu and mashed potatoes
18 is what you purchased and later what you prepared,
19 correct?

20 A. Yes.

21 Q. Now, Mrs. Spector, after you went from the
22 AT&T to the Giant, you bought the items that you
23 needed to prepare dinner with, is it a fair
24 statement that you, then, went home to make dinner?

25 A. Yes.

1 Q. At any time during that period of time
2 that we're talking about -- this is after 5 o'clock,
3 correct?

4 A. Yes.

5 Q. Did you attempt to use the phone?

6 A. Yes.

7 Q. And tell the ladies and gentlemen of the
8 jury what you discovered whether it operated or
9 didn't operate at that time, around 5 o'clock.

10 A. The phone was working correctly.

11 Q. Okay. What type of things were you doing
12 with the phone?

13 A. I believe I was texting my mom, and I was
14 playing with the apps on the phone and Facebook.

15 Q. Okay. And then you got home?

16 A. Yes.

17 Q. Around what time?

18 A. Six o'clock.

19 Q. Now, when you got home, what did you do?

20 A. I started to make dinner.

21 Q. And after you made dinner, did you eat
22 dinner?

23 A. Yes.

24 Q. And who did you eat dinner with?

25 A. My father-in-law, my husband, my daughter

1 and myself.

2 Q. Now, after you made dinner, did you
3 discover anything that was occurring that was
4 unusual with the phone?

5 A. Yeah. It stopped working completely. You
6 couldn't get on the service, you couldn't call,
7 text. I wasn't receiving text messages.

8 Q. Around what time was that, roughly?

9 A. Right after dinner, so, I guess, around
10 6:00, 630.

11 Q. Okay. And did your husband call AT&T
12 about that?

13 A. He did, yes.

14 Q. Okay. And what did they do?

15 A. They told him that they would reset the
16 service; that they didn't understand why it wasn't
17 working.

18 Q. And after AT&T, from this call, said they
19 would reset the service, did you see whether or not
20 it began to be activated again, the phone?

21 A. It was working again, yes.

22 Q. Now, after that happened, what, if
23 anything, did you and your husband and your daughter
24 Kylie, and your father-in-law do then?

25 A. We then -- my neighbor was on vacation so

1 we went over to their pool and went swimming.

2 Q. And this was a warm July summer day?

3 A. Yes.

4 Q. And the neighbor is right next to your
5 home?

6 A. Right across the street, yes.

7 Q. And how long did you and your daughter and
8 your husband and your father-in-law go for this
9 swim?

10 A. Maybe like an hour, hour and a half.

11 Q. And either during the swim or after the
12 swim, did you notice anything unusual about the
13 phone again?

14 A. Yes. It wasn't working again.

15 Q. And what, if any, steps did your husband
16 take at that time with regard to this malfunctioning
17 phone?

18 A. He then called AT&T again, and they
19 explained to him that the phone was stolen --
20 reported stolen by the IMEI numbers.

21 Q. IMEI numbers?

22 A. Yes. It's not, like, the SIM card. It's
23 the actual phone itself.

24 Q. Okay. And he advised -- you were advised
25 that the phone itself had been stolen?

1 A. Yes.

2 Q. Okay. And did AT&T provide any type of
3 suggestions of how this could be corrected?

4 A. They said the only way to correct it would
5 to get ahold of the original seller and have him
6 call in for the service to be --

7 Q. You mean original owner?

8 A. Yes. Sorry. The original owner.

9 Q. Okay. And if they called in -- if the
10 owner called in, they could clear the signal --

11 A. They could unlock the phone, yes.

12 Q. -- correct?

13 And what did your husband do in response
14 to those instructions?

15 A. He then contacted the seller because he --
16 we had no idea that the phone was stolen, so he
17 contacted the seller asking if he could call AT&T to
18 get the phone unlocked.

19 Q. And what information did the seller
20 provide?

21 A. That he had bought the phone from someone
22 else.

23 Q. Did your husband and you ask him to
24 contact that person?

25 A. We did.

1 Q. And did he indicate that he would try to
2 do that?

3 A. He said that he would try to do that and
4 let us know, but then he said he couldn't get ahold
5 of him.

6 Q. Did he say that he tried?

7 A. Yes.

8 Q. What did he tell you what happened when he
9 called the seller?

10 A. The seller did not answer.

11 Q. At that point, what, if anything, did you
12 or your husband say or tell the seller,
13 Mr. Bolyaganov, about that phone?

14 A. That my husband wanted to return the phone
15 because he didn't want to have anything to do with
16 the stolen property.

17 Q. Okay. And were arrangements made for your
18 husband to go down and get his money back from the
19 stolen phone?

20 A. Yes.

21 Q. And what time was your husband to go meet
22 the seller of the phone to you guys earlier in the
23 day?

24 A. I'm not sure a specific time, but I know
25 he left around 9:30.

1 Q. Now, you went down with him when the phone
2 was first purchased?

3 A. Yes.

4 Q. And your father in law watched your
5 daughter, correct?

6 A. Yes.

7 Q. Did you go back with your husband at 9:30
8 to meet the seller the second time?

9 A. No, I did not.

10 Q. And why didn't you do that?

11 A. Because it was time for Kylie to get a
12 bath and go to bed.

13 Q. And who's job is it to give Kylie the bath
14 and go to bed?

15 A. Mine.

16 Q. Now, did you give Kylie the bath and put
17 her to bed?

18 A. Yes.

19 Q. Mrs. Spector, before you did that, did
20 your father-in-law agree to go down with your
21 husband to meet with the seller?

22 A. Yes.

23 Q. And were there any other discussions about
24 who else they wanted to be present at that meeting?

25 A. Yes. He said he was going to call the

1 cops, because he wanted them present when he
2 exchanged for the phone or -- for the money. I'm
3 sorry.

4 Q. By the way, there's been evidence that
5 your husband and your father-in-law both have
6 registered firearms and licenses and permits to
7 carry the firearm. Where you aware of that?

8 A. Yes.

9 Q. And were you aware that when your husband
10 leaves the home, he carries a firearm?

11 A. On a daily basis, yes.

12 Q. Does he wear the firearm in the home?

13 A. No.

14 Q. When he leaves the home, generally, what
15 is his routine with regard to the firearm?

16 A. Sticks it right on his waist, just like
17 his cell phone and his keys.

18 Q. Now, why is it that your husband and his
19 father have permits to carry?

20 MS. HEARD: And Your Honor, I would
21 object. Calls for --

22 MR. McGOVERN: I'll withdraw the
23 question. It can be establish in another way.

24 THE COURT: All right.

25

1 BY MR. MCGOVERN

2 Q. Now, after -- what time did Gregory and
3 your father-in-law Lonnie, leave your home?

4 A. Around 9:30.

5 Q. And how did they leave? In what vehicle?

6 A. They left in my father-in-law's Chrysler
7 300.

8 Q. And this is a black car?

9 A. Yes.

10 Q. And prior to leaving, had they called the
11 police at that point, to your knowledge?

12 A. No, not to my knowledge. Not from leaving
13 the house. But he said he was going to as soon as
14 he was on his way.

15 Q. And you since become aware that your
16 husband, in fact, did call beginning at 9:45,
17 correct?

18 A. Yes.

19 Q. And they called many, many times after
20 that?

21 A. Yes.

22 Q. After they left, what did you do?

23 A. I then bathed Kylie and put her to bed.
24 And when she was sleeping, I laid in my bed and
25 watched TV.

1 Q. And what time was it that -- you went down
2 sometime after 9:30 with Kylie?

3 A. Yes.

4 Q. Now, did there come a time when you began
5 to wonder where your husband and father-in-law
6 where?

7 A. Yes.

8 Q. At what time did you first begin to become
9 concerned that they weren't back yet?

10 A. Between 10:30 and 11:00.

11 Q. And was it like them to -- strike that.

12 Did your husband or Lonnie call or text
13 you anytime after they left the house before 10:30
14 or 11:00?

15 A. No.

16 Q. When was the first time that you attempted
17 to try to find out where your husband Greg was and
18 your father-in-law Lonnie?

19 A. Probably about 10:30, 11:00. I was
20 texting both of them and calling both of them
21 multiple times.

22 Q. Was it like them not to communicate with
23 you for that long period of time?

24 A. No.

25 Q. How many times, roughly, would you say

1 between 10:30 and 11:30, let's say, did you try to
2 call your husband Greg and your father-in-law
3 Lonnie?

4 A. Like 20 or 30 times. Just over and over
5 again.

6 Q. And were you texting and calling?

7 A. Yes.

8 Q. Did you get any type of response from
9 anyone about that?

10 A. No.

11 Q. So at this point, I take it you were very
12 concerned?

13 A. Yes.

14 Q. What did you do at that point,
15 Mrs. Spector, when you were getting no
16 communication, no feedback, no response? Did you
17 take further steps?

18 A. I then texted my mom and told her that
19 there was something wrong; they that weren't
20 answering or texting.

21 Q. And in response of you contacting your
22 mother, did your mother come over to your home?

23 A. She did. Probably about a half-hour after
24 I texted her the first text.

25 Q. So roughly, if you can, what time would

1 you reckon that your mother came over back to your
2 home?

3 A. About midnight.

4 Q. And who did she come with, if anyone?

5 A. My stepfather.

6 Q. And what's his name?

7 A. Sean Lineback (ph).

8 Q. And what's your mother's name?

9 A. Jen Lineback.

10 Q. And when they came over, what, if
11 anything, occurred when they did come to your home,
12 let's say, midnight?

13 A. My stepfather had came in and he asked me
14 where we had met the seller earlier in the day and
15 that he was going to go down and see if there was
16 anything he could find out, to see where they were.

17 Q. Okay. This is your stepfather, Sean
18 Lineback?

19 A. Yeah.

20 Q. Did you tell him that it was 735 Kentwood?

21 A. I gave him, like, specific directions to
22 where we were. I couldn't remember the exact
23 address. But I did give specific directions to
24 exactly where.

25 Q. So you know where the general intersection

1 was where you were directing him to?

2 A. Yes.

3 Q. All right. Did Sean then leave to go down
4 there?

5 A. Yes.

6 Q. And after he left, you remained with your
7 mother and Kylie at home, correct?

8 A. Yes.

9 Q. What happened next? What was the next
10 thing you found out?

11 A. My mom then received a phone call from my
12 stepfather.

13 Q. All right. Now, just take your time and
14 take a deep breath and tell the jury what you found
15 out?

16 MS. HEARD: And Your Honor, I would
17 object. I mean, I let a little bit of leniency in,
18 but at this point, it's kind of double hearsay.

19 THE COURT: Well, we're not going to
20 get into what somebody said over the phone, but he
21 didn't ask that question yet. We're at the
22 threshold of that.

23 MS. HEARD: Okay. Just making sure.
24 Thank you, Your Honor.

25

1 BY MR. McGOVERN

2 Q. What did you find out about the location
3 of your father-in-law and your husband when you
4 received information?

5 A. That my father-in-law was in the hospital
6 and that my husband was in custody.

7 Q. Okay. And that was the first time you
8 became aware that your husband had been arrested for
9 some -- accused of some crimes and that your
10 father-in-law was in the hospital?

11 A. Yes.

12 Q. And now, did there come a time when you
13 became aware of what location your husband was being
14 housed in, in police custody?

15 A. Not until my sister-in-law got off the
16 phone with a cop that my father-in-law had
17 instructed her to call.

18 Q. And where was your husband being held?

19 A. I don't know.

20 Q. Did there come a time when your husband
21 was released on bail from custody?

22 A. Yes.

23 Q. And so this event that we're talking about
24 occurred on Sunday night, July 21st --

25 A. Yes.

1 Q. -- and then you found out after midnight
2 into earlier morning of Monday, July 22nd that your
3 father-in-law was in the hospital and your husband
4 was in custody?

5 A. Yes.

6 Q. Did your husband get out of custody on
7 Monday the 22nd?

8 A. No.

9 Q. He got out of custody on what day?

10 A. Tuesday.

11 Q. Okay. Now, his bail was posted and he was
12 released out of the jail, correct?

13 A. Yes.

14 Q. Did you see your husband when he was
15 released from jail?

16 A. Yes.

17 Q. And had his appearance changed -- that is,
18 your husband's appearance. Has his appearance
19 changed from when he left the house at 9:30 on
20 Sunday night?

21 A. Yes. He had black eyes and his nose was
22 very swollen.

23 Q. Okay. Did you suspect that his nose was
24 broken at that point?

25 A. Yes; because he kept saying it hurt really

1 bad.

2 Q. And what time was it on Tuesday, July 23rd
3 that your husband was released from jail?

4 A. It was later in the afternoon.

5 Q. Okay. So when he was released from jail,
6 did he come home?

7 A. Yes.

8 Q. And when he came home, what did you do?

9 A. We got dinner and then he took a shower
10 and then we went over to St. Mary's.

11 Q. And St. Mary's is a hospital; is that
12 correct?

13 A. Yes.

14 Q. And --

15 MR. McGOVERN: Your Honor, at this
16 time, I have exhibits, which I provided to the
17 Commonwealth and to cocounsel.

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

20 THE COURT OFFICER: Your Honor, this
21 is marked as D-8.

22 THE COURT: D-8. Okay.

23 THE COURT OFFICER: D-8 is being
24 shown to the witness.

25

1

- - -

2

(Whereupon, a document was marked,

3

for identification purposes, Exhibit D-8.)

4

- - -

5 BY MR. McGOVERN

6

Q. Put that to the side for now.

7

Your husband went to St. Mary's emergency

8

ward on Tuesday night of July 23rd after he was

9

released?

10

A. Yes.

11

Q. And what time was it about that you went

12

over to St. Mary's Hospital?

13

A. About 8:00 p.m.

14

Q. And was your husband examined and treated

15

by hospital staff then?

16

A. Yes.

17

MR. McGOVERN: And may I approach,

18

Your Honor?

19

THE COURT: Yes.

20

BY MR. McGOVERN

21

Q. I know your not a medical person or record

22

keeper, but I'm just going to ask you -- I'm just

23

going to point out to you -- it indicates -- on D-8,

24

it indicates St. Mary's Medical Center that on July

25

23, 2013, at about 8:55 p.m., there is an

1 examination of Gregory Spector, and it indicates
2 face injury, low back pain, assaulted.

3 Do you see that?

4 A. Yes.

5 Q. At that time, he was given CAT scans of
6 the brain and the face; is that correct?

7 A. Yes.

8 Q. And it was determined that he had suffered
9 a fracture of the nasal bone; is that correct?

10 A. Yes.

11 Q. All right. Now, Mrs. Spector, he was not
12 admitted at that time? He was released; is that
13 correct?

14 A. Yes.

15 Q. And were you directed to return the next
16 day to see a specialist?

17 A. Yes.

18 Q. And on the 24th, on Wednesday -- I guess
19 that's the 24th -- did your husband -- was he
20 examined by a specialist?

21 A. Yes.

22 Q. And who was that?

23 A. Dr. Hammer.

24 Q. And Dr. Hammer is an ear, nose, and throat
25 doctor and surgeon; is that correct?

1 A. Yes.

2 Q. And did there come a time when your
3 husband, Gregory Spector, underwent surgery to
4 repair his broken nose?

5 A. Yes.

6 Q. And was it immediately after he was seen
7 by the emergency ward and Dr. Hammer?

8 A. No. About a week later. They had to wait
9 for the swelling to go down.

10 Q. And I want to direct your attention to
11 this document from the ambulatory surgery center at
12 St. Mary's, Dr. Hammer, August 1, 2013 operative
13 report.

14 Was that the day that your husband was
15 taken to the operating room to have his fractured
16 nose repaired?

17 A. Yes.

18 MR. McGOVERN: Okay. Your Honor, at
19 this time, I'm going to ask that these three
20 photographs be marked D-9, D-10, and D-11 for the
21 purposes of showing them to the witness.

22 THE COURT OFFICER: D-9, D-10, and
23 D-11 are being shown to the witness.

24

25

1

- - -

2

(Whereupon, documents were marked,

3

for identification purposes, Exhibit D-9,

4

D-10, and D-11.)

5

- - -

6

MR. McGOVERN: May I approach, Your

7

Honor?

8

THE COURT: Yes.

9

BY MR. McGOVERN

10

Q. Mrs. Spector, I asked you to look at what

11

was marked as D-9. This is a photograph of your

12

husband Gregory that was taken on July 23rd; is that

13

correct?

14

A. Yes.

15

Q. Can you tell the ladies and gentlemen of

16

the jury who took the photograph?

17

A. I did.

18

Q. Okay. And does this fairly represent the

19

condition of Gregory's face on July 23rd, a couple

20

days after the incident?

21

A. Yes.

22

Q. And what do you see that is different

23

from, generally, the way his face appears?

24

A. He has two black eyes and his nose is very

25

swollen and he has a couple scratches up on his eye.

1 Q. Okay. If I may, I'm going to put this
2 down here. And ask you -- this is a another
3 photograph -- it appears to be taken at the same
4 time; is that correct?

5 A. Yes.

6 Q. And this is a slightly closer view of your
7 husband's face taken on July 23rd?

8 A. Yes.

9 Q. And looks like there's some medical type
10 of equipment back here. Where was this photo taken?

11 A. The hospital.

12 Q. Okay. And once again, could you describe
13 what was different about your husband's face in this
14 picture than it was when he left your home on July
15 21st, Sunday night, at 9:30?

16 A. He has black eyes, his nose is very
17 swollen, and he had scratches by his eyebrow.

18 Q. Okay. I'm going to put this down now.
19 And the next photograph I'm going to ask you to look
20 at is this photograph. Who took this photograph?

21 A. I did.

22 Q. And where and when did you take that
23 photograph?

24 A. That was after his surgery.

25 Q. Okay. So this would have been after

1 August 1st? When he had his surgery?

2 A. Yes.

3 Q. And I think they referred to this as a
4 splint that was placed on his nose after the surgery
5 by Dr. Hammer?

6 A. Yes.

7 Q. Okay. And what was -- although this was,
8 you know, a considerable amount of time after July
9 21st, Sunday night. This is August 1st. What was
10 still evident in your husband's face that had
11 changed?

12 A. His nose.

13 Q. Okay. All right. It had gotten -- with
14 all due respect, much enlarged; is that correct?

15 A. Yes, yes.

16 MR. McGOVERN: Your Honor, at this
17 time, I have -- I apologize that these are not blown
18 up, but I have four photographs, Your Honor, which
19 I'll asked to be marked collectively as --

20 THE COURT OFFICER: You're up to D-10
21 right now -- you're up to D-12 right now.

22 MR. McGOVERN: This would be D-12?

23 THE COURT OFFICER: Yes.

24 MR. McGOVERN: I'd ask that these
25 four photographs, if I can show to counsel for the

1 Commonwealth, if they'd be collectively marked as
2 D-12.

3 Can I show them to the Court?

4 THE COURT: Show them to counsel
5 first.

6 THE COURT OFFICER: D-12-A through -D
7 is being shown to the witness.

8

- - -

9 (Whereupon, documents were marked,
10 for identification purposes, Exhibits
11 D-12-A through D-12-D, collectively.

12

- - -

13 MR. McGOVERN: Your Honor, may I
14 approach, yes.

15 BY MR. McGOVERN

16 Q. First of all, once again, these are all
17 photos of your husband, Greg, correct?

18 A. Yes.

19 Q. And once again, is it a fair statement
20 that you were the photographer of these four
21 photographs, correct?

22 A. Yes.

23 Q. And if I might -- we've had them marked A,
24 B, C and D. I ask you to look at A and B together.
25 If you could take a look at that hand, that's A; and

1 in your right hand is B.

2 Please tell the ladies and gentlemen of
3 the jury what that -- those photographs depict?

4 A. His swollen nose and black eyes and just a
5 few marks on his face.

6 Q. Okay. And you could put those down.

7 I ask you now to look at D-12-C and can
8 you please identify the person in that photograph
9 and describe what the picture shows?

10 A. My husband Greg and that was prior to his
11 going in for surgery and his swollen nose, and he
12 had black and blue marks on his nose.

13 Q. He's in a hospital gown; is that correct?

14 A. Yes.

15 Q. And he has a hair protector; is that
16 correct? On his head?

17 A. Yes.

18 Q. And in addition to his swollen nose -- in
19 this picture, he's wearing eyeglasses; is that
20 correct?

21 A. Yes.

22 Q. This is the only picture where he's
23 wearing eyeglasses; is that correct?

24 A. Yes.

25 Q. You also indicate this hospital robe goes

1 just about the top of the knees; is that right?

2 A. Yes.

3 Q. Do you notice anything that's depicted in
4 that photograph concerning his knees that wasn't
5 apparent on July 21st, Sunday night, when you were
6 swimming in the pool with him?

7 A. He had bruises and scratches on his knees.

8 Q. All right. Thank you.

9 And finally, I ask you to look at
10 photograph D-12-D and please identify and describe
11 how -- who's depicted in that photograph?

12 A. My husband Greg.

13 Q. Okay. And was this also on August 1st,
14 the day of his surgery, at St. Mary's?

15 A. Yes. That was right after he came out of
16 recovery -- while he was in recovery.

17 Q. And that photograph shows him in a
18 hospital bed?

19 A. (Witness nods.)

20 Q. And also has this splint that's on his
21 nose postsurgery; is that right?

22 A. Yes.

23 MR. McGOVERN: Your Honor, at this
24 time, I would ask if the court can review?

25 THE COURT: Okay.

1 MR. McGOVERN: Thank you. And I'd
2 ask Your Honor that they be published and circulated
3 to the members of the jury? I apologize I didn't
4 get blowups of them.

5 MS. HEARD: No objection.

6 THE COURT: All right. You may
7 publish to the jury.

8 THE COURT OFFICER: D-12-A through -D
9 is being published to the jury.

10 MR. McGOVERN: If they could be
11 passed as a group of four? I'd appreciate it.

12 THE COURT: Yeah, that's fine.

13 (D-12-A through D-12-D are being
14 published to the jury.)

15 THE COURT OFFICER: Exhibits D-12-A
16 through -D has been published to the jury.

17 THE COURT: Okay.

18 BY MR. McGOVERN

19 Q. Now, Mrs. Spector, after your husband had
20 his treatment, his surgery, on August 1, 2015, that
21 was same-day surgery, you and your husband turned
22 home together that night; is that correct?

23 A. Yes.

24 Q. And since that time, since your husband
25 has been released from custody, you've continued to

1 live at home with your daughter Kylie and, now, your
2 daughter Lilianna, and your father-in-law Lonnie; is
3 that correct?

4 A. Yes.

5 Q. This incident occurred about 20 months
6 ago; is that correct?

7 A. Yes.

8 Q. Since then, you had a second child. So
9 now you have a three year old and a one in a half
10 year old?

11 A. Yes.

12 MR. McGOVERN: I have nothing
13 further. Thank you. Oh, no. I do have something
14 further.

15 BY MR. McGOVERN

16 Q. You've known your husband since fifth
17 grade; is that right?

18 A. Yes.

19 Q. Have you had occasion to discuss your
20 husband's representation in your entire community
21 over the years for being peaceful, truthful, and a
22 law-abiding citizen?

23 A. Yes.

24 Q. I know your his wife, and I know you're
25 the mother of his children. What is his reputation

1 and what has been his reputation for the entire time
2 you've known him?

3 A. He's always been a great person and
4 everybody always said so.

5 MR. MCGOVERN: Okay. Thank you. I
6 have nothing further.

7 THE COURT: Mr. Feinman.

8 MR. FEINMAN: Thank you, Your Honor.
9 I won't be very long with you.

10 THE COURT: Go ahead.

11 BY MR. FEINMAN

12 Q. Ashley -- may I call you, Ashley?

13 A. (Witness nods.)

14 Q. When this ordeal was occurring on July
15 21st, you testified during the questioning that
16 there were multiple attempts for calling and
17 texting. Were you doing that to both numbers?

18 A. Yes.

19 Q. And you said that that's not like either
20 your husband or your father-in-law not to respond to
21 you?

22 A. Yes.

23 Q. Have you ever had instances where they
24 didn't respond after multiple calls?

25 A. No.

1 Q. And it was them not responding to cause
2 you to be somewhat alarmed? Agreed?

3 A. Yes.

4 Q. Now, I'm not going to walk you back
5 through everything, but after you've learned that
6 your father-in-law was in hospital and your husband
7 was in custody, you said that on Tuesday, the 23rd,
8 that's when your husband was released?

9 A. Yes.

10 Q. Who went to get him?

11 A. Me, my husband's two grandparents, Phylis
12 and Allan Spector, and my sister-in-law.

13 Q. Was your father-in-law home yet when you
14 went to get Greg?

15 A. No.

16 Q. Did your father-in-law get released the
17 same time as Greg?

18 A. No.

19 Q. When was he released?

20 A. He was released later in the day, but I
21 was already home with Greg.

22 Q. Do you know how he got back to the house?

23 A. My -- his parents Phylis and Allan.

24 Q. Okay. Now, when you saw him -- similar to
25 when you saw Greg, had his appearance changed from

1 the day of the 21st?

2 A. Yes.

3 Q. Tell the jury what you observed about his
4 appearance when he got -- when he arrived home?

5 Take your time.

6 A. He had a big scrape, I guess, on the back
7 of his head. His whole side of his face was
8 completely black and blue and his shoulder was,
9 like, leaning down.

10 Q. Now, was that -- were those observations
11 of his condition, were those present when he left on
12 the 21st?

13 A. No.

14 MR. FEINMAN: And Your Honor, at this
15 time I have some images here that I would like to
16 have them marked.

17 THE COURT: Okay.

18 THE COURT OFFICER: We are up to

19 D-13.

20 MR. FEINMAN: D-13. Okay.

21 And Your Honor, may I approach?

22 THE COURT: Yes.

23 THE COURT OFFICER: D-13 through -16

24 are being shown to the witness.

25

1 (Whereupon, documents were marked,
2 for identification purposes, Exhibits
3 D-13, D-14, D-15, and D-16.)

4

- - -

5 BY MR. FEINMAN

6 Q. Ashley, I'm going to put up with what is
7 identified as D-14. And if you could -- first, do
8 you know who took this photo?

9 A. I believe he took it himself -- oh, no.
10 That one I took. I'm sorry.

11 Q. You took this one?

12 A. Yes.

13 Q. And what does it show?

14 A. Bruising along his jawline.

15 Q. Did that bruising -- or was that bruising
16 present when he left on the 21st to go with your
17 husband to return the phone and get his money back?

18 A. No.

19 Q. Now, showing you what's been marked as
20 D-16. Do you know who took that photograph?

21 A. I did.

22 Q. And could you tell the jury what that
23 photograph is showing?

24 A. Bruising on his forearm.

25 Q. And that's the bruise on his right

1 forearm?

2 A. (Witness nods.)

3 Q. Did that bruise exist when he had left to
4 go with your husband that night on the 21st?

5 A. No.

6 Q. I'm now showing you D-17. And again, that
7 photograph -- do you know who took that photograph?

8 A. I did.

9 Q. Could you tell the jury what that is
10 showing?

11 A. The swelling on the whole right side of
12 his face.

13 Q. And again, did that swelling exist when he
14 left with -- to go with your husband that evening?

15 A. No.

16 Q. And last, I'm going to show you what's
17 identified and marked as D-18. And could you tell
18 me who took that photograph?

19 A. Myself.

20 Q. And what is that showing?

21 A. The scrape on the back of his head.

22 Q. Was that scrap there when he left to go to
23 accompany your husband?

24 A. No.

25 Q. Now, this photograph shows a date and

1 time, July 23, 2013, at 11:03. Is that --

2 A. p.m.

3 Q. -- p.m. And that's because it was
4 registered by the camera that you took the photo
5 with?

6 A. Yes.

7 MR. FEINMAN: Thank you.

8 MR. McGOVERN: Your Honor, for the
9 record, I think that last photograph was D-16, I
10 thought.

11 THE COURT: I thought it was D-13
12 through -16.

13 MR. FEINMAN: Your Honor, I'm just
14 going by what's marked here 14, 16, 17 and 18.

15 MR. McGOVERN: My last exhibit, Your
16 Honor, was D-12-A, -B, -C, -D.

17 MR. FEINMAN: In the interim, what
18 I'll do -- if -- and I thought -- and I'll bring
19 clarification was what I thought was D-18 was
20 actually D-13. And D-13, for the record, is the
21 photograph showing my client's head and scalp -- the
22 back of his head. And we'll make sure we correct
23 that.

24 THE COURT: So it's 13 through 16 or
25 13 through...?

1 MR. FEINMAN: Seventeen.

2 BY MR. FEINMAN

3 Q. Now, Ashley did the coloration or
4 discoloration in D-14, did that continue to change
5 over the days?

6 A. Yes.

7 Q. Did it get worse or better?

8 A. First it got worse and then it got better.

9 Q. Now, these glasses that your father-in-law
10 was wearing there, are those his normal glasses that
11 he wears on a regular basis?

12 A. They were his backup glasses.

13 Q. Do you know where his other glasses were?

14 A. No.

15 Q. Now, I'm going to ask you the same
16 question as it relates to your father-in-law --
17 similar question that Mr. McGovern asked you of your
18 husband. How long have you known your
19 father-in-law?

20 A. Around the same time. Since I was in the
21 fifth grade.

22 Q. Would it be safe say that in fifth grade
23 you probably didn't know him as well as you learned
24 to know him later?

25 A. Yes. Seventh Grade, more so.

1 Q. And I believe your testimony was that you
2 started dating your husband when you were 15?

3 A. Yes.

4 Q. Did you guys live close to each other?

5 A. Yeah. Within like two or three minutes.

6 Q. And where you currently live, is that
7 close to where you were living then?

8 A. I still there. I live with them. The
9 same residence.

10 Q. I understand. But is your family in that
11 same neighborhood area?

12 A. Not anymore.

13 Q. Okay. They moved from that area?

14 A. Yes.

15 Q. So from 15 until the current time, you've
16 gotten to know your father-in-law much better?

17 A. Yes.

18 Q. And this is where you're living in a
19 community that you've lived in for the better part
20 of your life; is that correct?

21 A. Yes.

22 Q. And you know the people that live in the
23 community there?

24 A. Yes.

25 Q. And you know the people that live in the

1 community they know your father-in-law?

2 A. Yes. Very well.

3 Q. Could you tell the jury those individuals
4 who know your father-in-law what type of reputation
5 he has within the community as far as being a
6 law-abiding and nonviolent, caring person and of
7 good character?

8 A. Very much so.

9 MS. HEARD: And Your Honor, I don't
10 know about the caring person.

11 THE COURT: It's peacefulness --

12 MS. HEARD: It's peacefulness,
13 law-abiding, yes.

14 THE COURT: All right.

15 BY MR. FEINMAN

16 Q. And of those individuals, is it one or
17 two? Or is it --

18 A. No. It's multiple. He was involved in
19 multiple organizations. He's a very good person.

20 MR. FEINMAN: Thank you. No further
21 questions.

22 THE COURT: Commonwealth. Cross.

23 - - -

24 CROSS-EXAMINATION

25 - - -

1 BY MS. HEARD

2 Q. Good afternoon, Mrs. Spector.

3 A. Good afternoon.

4 Q. Mrs. Spector, my name is Yvonne Heard and
5 I'm going to ask you a few questions. Okay?

6 A. Okay.

7 Q. I don't plan on taking a long time. I
8 just have a few questions that I need to ask you.

9 Before I begin, do you need water or
10 anything like that?

11 A. No, I'm okay.

12 Q. You're okay?

13 A. Yes. Thank you.

14 Q. No problem.

15 Now, Mrs. Spector, you live with your
16 husband, Gregory Spector, and his father, Lonnie
17 Spector, correct?

18 A. Yes.

19 Q. And you and Lonnie Spector and Gregory
20 Spector have been living together you said for how
21 long? I apologize?

22 A. I've been living there since I was 18
23 so...

24 Q. Eighteen?

25 A. Yeah.

1 Q. Okay. So you all got married -- I believe
2 you said sometime December of 2012?

3 A. 2011.

4 Q. Okay. Thank you.

5 Now, you all currently have two children,
6 correct?

7 A. Yes.

8 Q. And at the time, you had one child and one
9 on the way?

10 A. One child. I was pregnant, yes.

11 Q. Now, I'm going to take you back to July
12 21st of 2013. You were in the market for a cell
13 phone, right?

14 A. Yes.

15 Q. And you went to Craig's List to look for a
16 cell phone, right?

17 A. Yes.

18 Q. And I'm assuming you had been looking in
19 different places for a cell phone?

20 A. No. That was our first start.

21 Q. That was your first start? Craig's List?

22 A. Yes.

23 Q. And on that particular date, July 21,
24 2013, that was the first day you started looking at
25 cell phones?

1 A. Yes.

2 Q. Okay. So it's at that time, that you came
3 across the add placed by Mr. Bolyaganov, correct?

4 A. Yes.

5 Q. And when you came across the add, it
6 sounded like a decent deal, right?

7 A. Yes.

8 Q. And it's at that point that either you
9 contacted Mr. Bolyaganov or your husband contacted
10 Mr. Bolyaganov?

11 A. It was me telling him to contact -- asking
12 him to contact Mr. Bolyaganov.

13 Q. Okay. And your husband made contact with
14 Mr. Bolyaganov via phone, correct?

15 A. Yes.

16 Q. And they were texting or calling or some
17 of both?

18 A. Initially, it was a call.

19 Q. Okay. Now, once your husband made contact
20 with Mr. Bolyaganov with respect to the cell phone,
21 you and your husband left and you went to meet with
22 Mr. Bolyaganov, right?

23 A. Yes.

24 Q. Now, at the time when you met
25 Mr. Bolyaganov, you didn't know Sardor Bolyaganov,

1 correct?

2 A. No.

3 Q. You had never met him before?

4 A. No.

5 Q. You never spoken to him before?

6 A. No.

7 Q. Prior to this day?

8 A. No.

9 Q. You and your husband decided to meet this
10 man in what was an apartment complex in the
11 Northeast, correct?

12 A. Yes. We tried earlier to agree to meet at
13 a more public place, but he said he couldn't drive.

14 Q. He said he couldn't drive?

15 A. Yes.

16 Q. Okay. But you would agree with me that
17 where you met him was 735 Kentwood Street, I believe
18 you said?

19 A. Yes.

20 Q. Is a public street, correct?

21 A. Yes.

22 Q. So you and your husband get there. Your
23 husband, Gregory Spector, does most of the talking
24 with Mr. Bolyaganov, correct?

25 A. Yes.

1 Q. You didn't say anything to Mr. Bolyaganov

2 -- or did you say anything to Mr. Bolyaganov?

3 A. No.

4 Q. Mr. Bolyaganov didn't say anything to you,
5 correct?

6 A. No.

7 Q. And it's at that point that you're
8 watching your husband communicate with
9 Mr. Bolyaganov, correct?

10 A. Yes.

11 Q. And the things -- things appeared to be
12 going normal, in terms of you -- your husband
13 communicating with Mr. Bolyaganov, correct?

14 A. Yes.

15 Q. And at some point, even, Mr. Bolyaganov
16 gives your husband the phone, correct?

17 A. Yes.

18 Q. And your husband showed you the phone,
19 correct?

20 A. Yes.

21 Q. It's at that time that you noticed
22 scratches -- a couple scratches at the top, maybe a
23 few scratches at the bottom, correct?

24 A. Yes.

25 Q. And so you told your husband to try to

1 negotiate a lower price, correct?

2 A. Yes.

3 Q. And you already were set to pay \$300 in
4 cash for this phone, correct?

5 A. Yes.

6 Q. Your husband was able to negotiate the
7 price down to \$290, correct?

8 A. Yes.

9 Q. And once your husband negotiated this
10 price for \$290 -- or take me back. Maybe it's a
11 little bit before that.

12 You inquired that at some point during
13 this transaction or your husband inquired at some
14 point about there being a cell phone charger or
15 something like that, right?

16 A. Yes.

17 Q. And you learned from Mr. Bolyaganov that
18 there was no cell phone charger, correct?

19 A. Yes.

20 Q. Yet you still -- or rather, you and your
21 husband still purchased the cell phone from
22 Mr. Bolyaganov?

23 A. Yes.

24 Q. For the \$290?

25 A. Yes.

1 Q. And that was in cash, correct?

2 A. Yes.

3 Q. Now, once you bought the cell phone from
4 Mr. Bolyaganov, you had no idea where the cell phone
5 came from, correct?

6 A. No.

7 Q. Other than Mr. Bolyaganov, correct?

8 A. Correct.

9 Q. You don't know who owned it prior to
10 Mr. Bolyaganov, correct?

11 A. Correct.

12 Q. You didn't really know if Mr. Bolyaganov
13 owned this cell phone for sure, correct?

14 A. Correct.

15 Q. So once you bought the phone from
16 Mr. Bolyaganov -- and by the way, what was
17 Mr. Bolyaganov's demeanor when he was conducting the
18 sale with you? Was he hostile? Was he pleasant?
19 Was he just normal?

20 A. Very nervous.

21 Q. He was nervous?

22 A. Yes.

23 Q. Okay. And you said he was nervous because
24 of his voice or...?

25 A. More so the way -- like he came looking

1 down the street just --

2 Q. Okay.

3 A. -- and then when my husband came back to
4 the car, he told me that he seemed very nervous.

5 Q. But despite him looking nervous, despite
6 him looking up and down the street, you and your
7 husband made this transaction with this man, right?

8 A. Yes.

9 Q. It's at that point that you stated that
10 you went to -- I think you said you went to run a
11 few errands and you went to -- eventually, you did
12 go to AT&T that same day to activate the phone,
13 correct?

14 A. Right after.

15 Q. Right after. And bought a cell phone
16 charger, correct?

17 A. Yes.

18 Q. You bought a new SIM card, correct?

19 A. Yes.

20 Q. And I'm assuming that this phone is a bit
21 of an upgrade for you, right?

22 A. Yes.

23 Q. So you wanted a better phone, essentially?

24 A. I just wanted something different.

25 Q. And this was something different for you,

1 right?

2 A. Yes.

3 Q. Okay. So once you and your husband, I
4 guess, left AT&T, you stated that you went and ran
5 some errands. Just normal errands, to the grocery
6 store, that type of thing, to get stuff for dinner,
7 correct?

8 A. Yes.

9 Q. And at this time your father-in-law,
10 Lonnie, was at home watching your daughter?

11 A. Yes.

12 Q. So by the time that you -- that you got
13 home, at around 6:00 p.m., and I think you said you
14 cooked dinner, you know, everything was just a --
15 just a normal Sunday, right?

16 A. Yes.

17 Q. And you said the weather conditions were
18 nice that day and everything was nice. It's at that
19 point that you started playing with your phone,
20 right?

21 A. On the way home.

22 Q. On the way home?

23 A. Yes.

24 Q. Okay. Right. So on the way home, after
25 you got this phone activated from AT&T, you were

1 playing with the phone, texting your mom, playing
2 with the apps, that type of thing, correct?

3 A. Yes.

4 Q. And at first, the phone was working okay,
5 right?

6 A. Yes.

7 Q. And then it was later on, during the
8 course of the evening or during the course of the
9 late afternoon -- however you want to look at it --
10 that the phone began to shut off or something like
11 that, right?

12 A. Well, yes. When I got home, I started to
13 make dinner and then it was afterwards. I wasn't
14 playing on my phone while I was eating -- or making
15 dinner so....

16 Q. Making dinner. Right. So then you
17 contacted AT&T, or did your husband contact AT&T?

18 A. My husband did.

19 Q. Okay. Your husband contacted AT&T. AT&T
20 said they would reset the service, right?

21 A. Right.

22 Q. And the phone started working again,
23 right?

24 A. Yes.

25 Q. So at this point, later on, the phone

1 stops working again, right?

2 A. Yes.

3 Q. And it's at that point that your husband
4 calls AT&T one more time, right?

5 A. After we went swimming, yes.

6 Q. After you went swimming. All right. And
7 when you were swimming, it was -- you, correct?

8 A. Uh-huh.

9 Q. And it was -- is that a yes? I'm sorry.

10 A. Yes. Sorry.

11 Q. I'm sorry. She just has to take
12 everything down.

13 And it was your husband, Gregory Spector,
14 swimming as well?

15 A. Yes.

16 Q. And your father-in-law, Lonnie Spector,
17 swimming as well?

18 A. Yes.

19 Q. Okay. So -- and this happened at around
20 6:00 or 6:30 or so?

21 A. Yeah, it was 6:00, 6:30.

22 Q. Okay. So that's when you learned, once
23 your husband called, that it was stolen IMEI number
24 associated with this phone? You found out that
25 information, right?

1 A. Yes.

2 Q. And so that's when you and your husband
3 decided to call back Mr. Bolyaganov, correct?

4 A. Yes.

5 Q. And your husband made this phone call to
6 Mr. Bolyaganov?

7 A. Yes.

8 Q. And Mr. Bolyaganov, at that time -- I
9 guess, first your husband tried to see if
10 Mr. Bolyaganov could contact the original seller of
11 this phone, right?

12 A. Well, we initially thought that he was the
13 original seller.

14 Q. Right. But once Mr. Bolyaganov told you
15 he was not, your husband asked him if he could get
16 into contact with that man, right?

17 A. Yes.

18 Q. And eventually, you and your husband came
19 to the decision that you didn't want to be
20 associated with this phone and you just wanted your
21 money back, correct?

22 A. Yes.

23 Q. And he wanted the police to be there when
24 he made this transaction with the phone and the
25 money, I guess; is that right?

1 A. Yes.

2 Q. Okay. So you decided -- well, you put
3 your daughter to bed and you gave her a bath. So
4 that's what you did that night, correct?

5 A. Yes.

6 Q. And your husband Gregory Spector, and his
7 father, your father-in-law, they left to go meet
8 Mr. Bolyaganov. That was your understanding,
9 correct?

10 A. Yes.

11 Q. And on that particular evening when they
12 left, did you see your husband put his gun on him?

13 A. No, I did not.

14 Q. And did you -- that evening, when they
15 left, did you see your father-in-law put his gun on
16 him?

17 A. No, I did not.

18 Q. Okay. So it's at that point that Lonnie
19 Spector and Gregory Spector leave and Lonnie Spector
20 leaves and drives in his car, correct?

21 A. Yes.

22 Q. So once they leave the house, you don't
23 know what is going on with Gregory Spector or Lonnie
24 Spector; is that fair to say?

25 A. Correct.

1 Q. I know that you said that you later
2 learned that Gregory Spector called 911?

3 A. Yes.

4 Q. But at that time, you didn't know that
5 Gregory Spector was calling 911?

6 A. He told me he was going to.

7 Q. Right. And I understand what he told you,
8 but I'm saying when he called, you weren't aware
9 that he was calling at that time because you weren't
10 there while he was calling, correct?

11 A. Correct.

12 Q. Okay. So you had no idea -- or strike
13 that.

14 You didn't know what was happening when
15 Gregory Spector and Lonnie Spector were entering
16 into Philadelphia, and Gregory Spector was calling
17 911, correct?

18 A. Yes.

19 Q. And you were not present when Gregory
20 Spector and Lonnie Spector met Mr. Bolyaganov at
21 Ferndale and Kentwood Streets, correct?

22 A. Correct.

23 Q. So you don't know exactly what happened
24 when they were at Kentwood and Ferndale Streets,
25 correct?

1 A. No, I do not.

2 Q. Okay. But you were concerned because you
3 realized that they had been gone for a while, right?

4 A. Yes.

5 Q. And -- I apologize. Are you still okay?

6 A. Yes.

7 Q. Are you sure you don't want anything to
8 drink?

9 A. I'm okay. Thank you.

10 Q. Okay. Just let me know, and I'll pause if
11 you need me to. Okay?

12 As a matter of fact, you said that you
13 called -- you were calling both of them. You were
14 calling both Lonnie Spector and Mr. Gregory Spector
15 numerous, numerous times, right?

16 A. Yes.

17 Q. And nobody was answering, right?

18 A. Yes.

19 Q. And that's when you texted your mom,
20 because something was telling you -- it's probably
21 your instincts, really --

22 A. Yes.

23 Q. -- but in reality, something was telling
24 you something was wrong, right?

25 A. Correct.

1 Q. Now, at a certain point, you learned that
2 your father-in-law is in the hospital, correct?

3 A. (Witness nods.)

4 Q. And you learned that your husband was
5 arrested, correct?

6 A. (Witness nods.)

7 Yes.

8 MR. MCGOVERN: I'm sorry. My
9 client -- Mrs. Spector, hadn't verbalized yes. She
10 was shaking her head so...

11 MS. HEARD: Oh, thank you,
12 Mr. McGovern.

13 THE WITNESS: I'm sorry.

14 MS. HEARD: It's okay. It's okay.
15 Take your time. Take your time.

16 THE COURT: If you need to take a
17 break, let us know.

18 MS. HEARD: Yeah, let us know. I can
19 pause.

20 BY MS. HEARD

21 Q. Now, initially, you didn't know exactly
22 where your husband was, correct?

23 A. I knew where he was going, but I didn't
24 know where he was.

25 Q. You didn't know where he was exactly,

1 correct?

2 A. Correct.

3 Q. And you didn't know exactly -- or did you
4 know exactly what hospital Lonnie Spector was at?

5 A. The only reason I did know was because of
6 my stepfather, yes.

7 Q. Okay. Fair enough. But eventually, your
8 husband is released from custody, correct?

9 A. Yes.

10 Q. And were you involved in the releasing of
11 your husband from custody?

12 A. I was with him.

13 Q. Okay. And do you know how much money was
14 paid to release your husband from custody?

15 MR. McGOVERN: Objection, Your Honor.
16 The amount of bail is not an issue. Whether it's a
17 penny or a million dollars, the bail money is not an
18 issue.

19 MS. HEARD: And Your Honor, they
20 brought bail out.

21 MR. McGOVERN: Well, I said he was
22 released on bail.

23 MS. HEARD: Correct.

24 MR. McGOVERN: Your Honor, could we
25 see you at side bar?

1 THE COURT: Yes.

2 (Whereupon, there was a conversation
3 at side bar.)

4 BY MS. HEARD

5 Q. I apologize, Mrs. Spector.

6 And Mrs. Spector, you and your family
7 posted a certain amount of money for bail, correct?
8 For your husband?

9 A. My husband's grandparents did.

10 Q. Okay. Now, when your husband Gregory
11 Spector was released from jail, that's when you said
12 you noticed his nose was swollen, correct?

13 A. Yes.

14 Q. And you noticed that his eyes were black,
15 correct?

16 A. Yes.

17 Q. But he had a different appearance than he
18 did when -- from before when he left the house,
19 initially, correct?

20 A. Yes.

21 Q. So this is -- you said that he was
22 released, I believe, Tuesday? Is that correct?

23 A. Yes. Later afternoon.

24 Q. And that same Tuesday you and your husband
25 went to St. Mary's Hospital, correct?

1 A. Yes.

2 Q. That's when it was learned that your
3 husband had a broken nose, correct?

4 A. Yes.

5 Q. He was examined, correct?

6 A. Yes.

7 Q. He was treated, correct?

8 A. Yes.

9 Q. And he went home that day?

10 A. Yes.

11 Q. That same Tuesday, correct?

12 A. Yes.

13 Q. So on that Tuesday, you, your husband --
14 and I believe it was just your one daughter at that
15 point, Kylie, I believe is her name, correct?

16 A. Yes.

17 Q. You and your husband and Kylie all were
18 home at that point, correct?

19 A. Yes.

20 Q. And you all were, you know, living life as
21 normal, as much as you can, given the circumstances,
22 correct?

23 A. Yes.

24 Q. Okay. Now, your father-in-law, he came
25 home -- when was it? Was it that same day or was it

1 a little bit later?

2 A. It was the same day, but it was later in
3 the same day.

4 Q. Okay. And it was later in the same day
5 that, I'm guessing, and you can correct me if I'm
6 wrong, that those photographs were taken of your
7 father-in-law, correct?

8 A. Yes.

9 Q. And you either took some of those
10 photographs or you were present when your
11 father-in-law took those photographs of himself?

12 A. Yes, I took them.

13 Q. Okay. Now, I believe you testified on
14 direct examination that the next day -- that would
15 have been that Wednesday -- you and your husband
16 went to see a specialist, correct?

17 A. Yes.

18 Q. And that was for his broken nose, correct?

19 A. Yes.

20 Q. And about a week later your husband
21 underwent surgery, correct? For that broken nose?

22 A. Yes.

23 MS. HEARD: And permission to
24 approach, Your Honor?

25 THE COURT: Yes.

1 MS. HEARD: And Your Honor, I'm going
2 to show the witness -- if I could see D-12 again,
3 collectively?

4 MR. McGOVERN: A, B, C, D. I think
5 they are there.

6 MS. HEARD: Thank you so much.

7 BY MS. HEARD

8 Q. And Ms. Spector, I apologize. I just
9 don't know the exact numbering of this. I'm going
10 to direct your attention to D-12-C and D-12-D.
11 Okay? It's those two photographs. Okay.

12 And Mrs. Spector, after seeing those
13 photographs -- and you've seen those photographs,
14 because you took them, correct?

15 A. Yes.

16 Q. That was your husband in the hospital
17 either just coming out of surgery or getting ready
18 to go into surgery, correct?

19 A. Correct.

20 Q. And your husband was released from the
21 hospital that day?

22 A. Yes.

23 Q. Because it was an outpatient procedure,
24 correct?

25 A. Yes.

1 Q. Now, going back to you taking the
2 photographs -- I'm going to go back a little bit,
3 because I'm going in order with the questions that
4 you were asked.

5 You took the photographs of Mr. Lonnie
6 Spector, correct? And you indicated that his
7 appearance has changed, with respect to the bruising
8 on the side of face, correct?

9 A. Correct.

10 Q. And I believe that could be shown in the
11 photograph up there that is D...?

12 A. It's D-14.

13 Q. Thank you so much.

14 And you also indicated that he had some
15 scrapes on his arms and stuff, correct?

16 A. Correct.

17 Q. And he had swelling to his face, correct?

18 A. Yes.

19 Q. Now, were you present -- or did you go to
20 the doctor's at all with Mr. Lonnie Spector after he
21 got out?

22 A. No, I did not.

23 Q. Okay. Do you know if any follow-up care
24 was needed at all?

25 A. Just from the paperwork he brought home.

1 Q. Okay. All right.

2 And in terms of your father-in-law,
3 Mr. Lonnie Spector, it's seems like you've known him
4 for a great chunk of your life, right?

5 A. Yes.

6 Q. And you live with him, correct?

7 A. Yes.

8 Q. And you know him, correct? Very well?

9 A. Yes.

10 Q. And it would be safe to say that you even
11 love him, correct?

12 A. Yes.

13 Q. And as a father-in-law, you know, in a
14 human type of way.

15 And with respect to your husband Gregory
16 Spector, you've known him since 5th Grade, right?

17 A. Yes.

18 Q. Yes?

19 A. Yes. Sorry.

20 Q. It's no problem.

21 You have children with your husband,
22 correct?

23 A. Yes.

24 Q. You have two children with your husband,
25 correct?

1 A. Yes.

2 Q. And it would be fair to say that you love
3 your husband, correct?

4 A. Very much.

5 MS. HEARD: Okay. Mrs. Spector, I
6 don't have any more questions for you. Thank you so
7 much.

8 THE COURT: Any direct?

9 MR. McGOVERN: I have nothing
10 further.

11 MR. FEINMAN: Your Honor, I just have
12 one or two questions, if I may.

13

14 REDIRECT EXAMINATION

15

16 BY MR. FEINMAN

17 Q. You indicated that, with regard to your
18 father-in-law as far as follow-up medical care, that
19 you were aware only from paperwork?

20 A. Yes.

21 Q. Okay. What were you aware of that he
22 needed follow-up medical care?

23 MS. HEARD: Your Honor, objections.
24 Calls for hearsay.

25 THE COURT: If she has personal

1 knowledge. Not from what she heard from somebody.

2 Only if she has personal knowledge.

3 MS. HEARD: That's fine. As long as
4 it's not the actual -- that's fine. If it's just
5 general, it's fine.

6 THE WITNESS: He had rotator cuff
7 surgery.

8 BY MR. FEINMAN

9 Q. Which shoulder, if you recall.

10 A. I'm trying to remember.

11 Q. Let me, if I may, help you.

12 You had indicated on one of these
13 photos -- and I'm referring to D-17 -- that showed
14 swelling on his face and you mentioned something
15 about his shoulder. What shoulder was it?

16 A. It would be the left shoulder.

17 Q. The left side shoulder?

18 A. Yes.

19 MR. FEINMAN: Thank you. I have no
20 further questions.

21 MR. McGOVERN: Your Honor, I did have
22 one question. It was a momentary brain cramp.

23 THE COURT: Okay.

24 BY MR. McGOVERN

25 Q. When Ms. Heard asked you -- it was, in

1 fact, a question, concerning the meeting, the first
2 meeting with Sardor Bolyaganov, do you recall that
3 the Assistant District Attorney asked you where you
4 were going to meet? Do you remember saying that we
5 asked to meet him at a public place?

6 A. Yes.

7 Q. What did you mean by that?

8 A. We asked to meet at the super Wawa.

9 Q. And why was that?

10 A. Just because we weren't -- we didn't want
11 to meet in the middle of the neighborhood. We
12 wanted to meet up in more of a public place where
13 there were more people.

14 Q. Did you want to meet him where there were
15 surveillance cameras and things like that?

16 A. Yes.

17 Q. And I believe you answered the
18 Commonwealth's question that after you asked to meet
19 him at a public place, that Sardor Bolyaganov told
20 you that he couldn't meet you there, because -- I
21 think your answer to the DA was, because he said he
22 couldn't drive; is that right?

23 A. Correct.

24 Q. That's what he told you? Because he
25 couldn't drive?

1 A. Yes.

2 Q. And yet is it my understanding that when
3 you did meet with him, he was driving a black Honda
4 Civic?

5 A. Yes.

6 MR. McGOVERN: All right. That's all
7 I have. Thank you.

8 THE COURT: Commonwealth?

9 MS. HEARD: Yes, if I may?

10 THE COURT: Sure.

11 - - -

12 RE-CROSS-EXAMINATION

13 - - -

14 BY MS. HEARD

15 Q. And to go back a little bit to Mr. Lonnie
16 Spector, you indicated that you knew or were aware
17 that he had rotator cuff surgery for his shoulder,
18 correct?

19 A. Yes.

20 Q. And Mr. Lonnie Spector, as far as you
21 know -- because you live with him now, correct?

22 A. Yes.

23 Q. Walked away from that surgery and is here
24 present in court today, correct?

25 A. Correct.

1 Q. And with respect to Mr. McGovern's
2 questions about meeting in the public place. You
3 asked to meet at this Wawa, correct?

4 A. Yes.

5 Q. However, you still met at this apartment
6 complex, correct?

7 A. Yes.

8 Q. And despite you wanting to meet at this
9 Wawa, you and your husband still agreed to meet
10 Mr. Bolyaganov where you met him, correct?

11 A. Yes.

12 Q. And you saw Mr. Bolyaganov pull up in a
13 car, correct?

14 A. Behind us --

15 Q. Behind --

16 A. -- like -- yeah, like after he came
17 walking down the street.

18 Q. But you saw him driving, correct?

19 A. Yes.

20 Q. Even though he said he couldn't drive --
21 did he go into further as to why he couldn't drive?

22 A. No.

23 Q. So you don't know what he meant by, I
24 couldn't drive, correct?

25 A. Correct.

1 Q. But after you saw him pulling -- to this
2 car -- or with this car, you still made the
3 transaction with Mr. Bolyaganov, correct?

4 A. Correct.

5 MS. HEARD: Nothing further. Thank
6 you so much.

7 THE COURT: Anything else?

8 MR. FEINMAN: Nothing further, Judge.

9 MR. MCGOVERN: Mrs. Spector, thank
10 you so much. I think you can step down now.

11 THE COURT: All right. Thank you,
12 Mrs. Spector.

13 (Witness excused.)

14 MR. MCGOVERN: Mrs. Spector, you'll
15 need to step outside.

16 THE COURT: Yes.

17 And I think this would be a good time
18 to take a break because we need to figure some
19 things out. It is quarter of 1:00 and we can break
20 for lunch. It's quarter of 1:00, so if we can be
21 back by quarter of 2:00. See where we're going with
22 the end game of the case. All right. See you
23 quarter of.

24 THE COURT OFFICER: Everyone remain
25 seated as the jurors exit the courtroom.

1 THE COURT: Remember, don't talk
2 about the case.

3 (Jury exits the courtroom at 12:38
4 p.m.)

5 THE COURT OFFICER: Do you want to go
6 to lunch and come back and -- if you want to think
7 about things a little more, that's fine.

8 MR. McGOVERN: Yes, appreciate that.

9 MR. FEINMAN: Your Honor, if I may
10 inquire though, we left off yesterday regarding
11 bringing back Officer Berardi. Do we know if he's
12 here?

13 MS. HEARD: I can give you his
14 number. I don't think he is here. He's on daywork.
15 He is subpoenaed.

16 MR. FEINMAN: Okay.

17 THE COURT: He is subpoenaed?

18 MS. HEARD: Yes.

19 MR. FEINMAN: I just think that, as I
20 indicated, I have two questions for him. I think it
21 makes sense to bring him in as of what type --

22 THE COURT: Yeah. We can get him in
23 this afternoon.

24 MS. HEARD: And I did make him aware
25 of that, Your Honor. I made him aware of that

1 yesterday, officer Berardi, once he had left. So I
2 can give counsel Crime Scene's number so he can
3 reach out to him.

4 MR. FEINMAN: Quite frankly, should
5 it be my responsibility to call him and tell him to
6 come in if he's already --

7 THE COURT: Well, he's already
8 subpoenaed.

9 MS. HEARD: He is subpoenaed, but I
10 would have to call and have him come in because he's
11 on day work. He's responding to Crime Scene.

12 THE COURT: Right. But he is
13 subpoenaed.

14 MS. HEARD: Right. So what I'm
15 saying is, I don't mind, but I'm kind of doing their
16 job because I don't need him, I mean...

17 MR. MCGOVERN: To the contrary, he
18 should be out in the hall. He's subpoenaed.

19 THE COURT: Yeah. Because he's
20 subpoenaed. So, I mean, it would expedite it if you
21 would call. I hear what you're saying, but he's
22 subpoenaed and he needs to be here. This would push
23 this forward, because we want to move it forward.
24 And hopefully, he can get here this afternoon and
25 figure out what you want to do.

1 MR. FEINMAN: By that point, I
2 suspect we'll have a decision.

3 MS. HEARD: Officer Lewis will reach
4 out to him.

5 THE COURT: Okay. Beautiful. If he
6 can get in here -- we told the jurors quarter of
7 two. We'll get that piece done and then you can let
8 us know after lunch how you want to proceed. We
9 need to go through appropriate colloquy.

10 MR. FEINMAN: Understood. And Your
11 Honor, we may also just -- and we'll discuss this
12 about possible additional character testimony, since
13 we have a number of character witnesses that we have
14 provided the information to the Commonwealth. We
15 just have to decide what's the most expedient way to
16 address that. May it be by way of stipulation.

17 THE COURT: It all depends on how,
18 you know, you want to handle it.

19 MS. HEARD: Right. And the only
20 thing I would ask is if -- I'm assuming if the
21 defendant's don't testify, we could potentially go
22 into closings today. However, I would need to get
23 into contact with Mr. Bolyaganov before we would do
24 closing arguments, because he needs to be present
25 during closing arguments. So he texted me and asked

1 does he need to be here. I don't like to keep him
2 here for too long because --

3 THE COURT: Is he close by?

4 MS. HEARD: -- he is in the
5 Northeast.

6 MR. FEINMAN: That would take him --
7 it will probably take an hour because he has to
8 arrange for -- I assume for transport and then
9 coming down with the traffic.

10 THE COURT: Well, with the character
11 witnesses, Berardi -- if they come back quarter of
12 2:00, it might be a little optimistic to think we
13 could get to closings today. Nobody wants to close
14 at 3 o'clock on Friday.

15 MR. McGOVERN: Well, if I can ask
16 you, then, Your Honor, if we close this afternoon,
17 you certainly wouldn't be giving the charge.

18 THE COURT: No. I would have to
19 separate that. I don't think it's makes sense to
20 force all that. Nobody wants to close at 3 o'clock
21 on a Friday.

22 MR. McGOVERN: We need to have a
23 charging conference too.

24 THE COURT: And we need to do that.
25 The charge wouldn't go out before, you know, have

1 conference. But what we could do is break that up.

2 MR. FEINMAN: The charging?

3 THE COURT: Yeah. I don't think -- I
4 don't think it's optimistic that we're going to be
5 able to close.

6 MR. FEINMAN: From a practical
7 standpoint, I'll take credit for being long-winded.
8 I expect that each of us will have some length of
9 time.

10 THE COURT: Two defense counsel and a
11 DA on a Friday. They'll be like...

12 MR. FEINMAN: I don't think it be
13 appropriate to do partial closing and that's what
14 will end up happening. We'd run out of time.

15 THE COURT: No, no, no, no. And
16 that's what I'm saying. You don't want them to come
17 back at quarter of 2:00 and then if we still have
18 Berardi, we still have --

19 MR. FEINMAN: Exactly.

20 THE COURT: -- potentially other
21 characters. I think it's important to just clean
22 all that up. And what we could do is when they're
23 dismissed, we can go over the charging stuff and get
24 the instructions down.

25 MR. FEINMAN: I think that makes a

1 lot of sense.

2 THE COURT: And then Monday
3 everything is going to go. I prepared them for
4 Monday, and I think the issue would come Tuesday
5 with one of the jurors.

6 MR. FEINMAN: Correct.

7 THE COURT: But I think we're right
8 on track. But to try to squeeze that all in today
9 doesn't make any sense.

10 MR. FEINMAN: Understood.

11 MR. McGOVERN: I agree, Judge.

12 THE COURT: I'll be happy if we just
13 finish all the witnesses today and then we'll worry
14 about the closings and the charge.

15 I think you were going to get a
16 charge together?

17 MS. HEARD: Correct. Your Honor,
18 I've done it somewhat. It's not too far off from
19 the regular charges. It's not a problem.

20 THE COURT: Okay. That's the kind of
21 stuff we can go over this afternoon. While they're
22 dismissed we can do all that.

23 MS. HEARD: Okay.

24 (Whereupon, there was a lunch recess
25 in the proceedings.)

1 (Defendants are present together with
2 counsel.)

3 THE COURT: We need to know now what
4 the intent is whether the defendants are going to
5 testify or not testify going forward.

6 MR. FEINMAN: On behalf of Lonnie
7 Spector, he will not be testifying.

8 MR. McGOVERN: Your Honor, my client
9 Gregory Spector, intends to testify.

10 THE COURT: He intends to testify.
11 Okay. I'm going to go through the colloquy for the
12 one not testifying and the one testifying.

13 THE COURT OFFICER: May I?

14 THE COURT: Yes.

15 THE COURT OFFICER: Sir, for the
16 record please state your full name and spell your
17 last name.

18 MR. LONNIE SPECTOR: Lonnie Eric
19 Spector, S-P-E-C-T-O-R.

20 THE COURT OFFICER: Sir, for the
21 record?

22 MR. GREGORY SPECTOR: Greg Spector,
23 S-P-E-C-T-O-R.

24

25

GREGORY SPECTOR and LONNIE SPECTOR,

1 having been first duly sworn, were examined and
2 testifies as follows:

3

4 THE COURT OFFICER: They are sworn,
5 Your Honor.

6 THE COURT: All right. I'll start
7 with Mr. Lonnie Spector. It's my understanding from
8 your counsel that you intend not to testify; is that
9 correct?

10 MR. LONNIE SPECTOR: Yes, ma'am.

11 THE COURT: I'm going to ask you some
12 questions to make sure the decision that you reached
13 is the decision you reached of your own free will
14 and your understanding and the implications of that
15 decision.

16 How old are you?

17 MR. LONNIE SPECTOR: Forty-seven.

18 THE COURT: How far did you go in
19 school?

20 MR. LONNIE SPECTOR: High school.

21 THE COURT: Can you read, write,
22 understand the English language?

23 MR. LONNIE SPECTOR: Yes.

24 THE COURT: Have you ever been
25 diagnosed or treated for any mental illnesses?

1 MR. LONNIE SPECTOR: No.

2 THE COURT: Are you under the
3 influence of any drugs, alcohol or prescription
4 medication that would prevent you from understanding
5 what's happening here today?

6 MR. LONNIE SPECTOR: No.

7 THE COURT: Now, you just advised me
8 that you intend not to testify in this case; is that
9 correct?

10 MR. LONNIE SPECTOR: Yes.

11 THE COURT: And you've heard me
12 instruct the jury throughout the case that they
13 cannot make an adverse inference against any
14 defendant should a defendant choose to exercise a
15 constitutional right not to testify?

16 MR. LONNIE SPECTOR: Yes, I did.

17 THE COURT: And I will also, in my
18 final instructions, make the same admission to the
19 jury that they can not make any negative inference
20 whatsoever because you chose not to testify in this
21 case. But it's your constitutional right to
22 maintain your silence.

23 Do you understand?

24 MR. LONNIE SPECTOR: Yes, I do.

25 THE COURT: All right. Has anyone

1 forced, threatened, coerced, pressured to threatened
2 you to make a decision not to testify?

3 MR. LONNIE SPECTOR: No.

4 THE COURT: Are you satisfied with
5 regards to your counsel?

6 MR. LONNIE SPECTOR: Yes, I am.

7 THE COURT: All right. Based on
8 defendant's responses, I'm satisfied with his
9 decision not to testify as knowing, intelligent and
10 voluntary and I will accept his decision.

11 And we'll go to Mr. Gregory Spector.

12 It's my understanding that you do
13 wish to testify; is that correct?

14 MR. GREGORY SPECTOR: Yes.

15 THE COURT: Now, how old are you?

16 MR. GREGORY SPECTOR: Twenty-three.

17 THE COURT: How far did you go in
18 school?

19 MR. GREGORY SPECTOR: High school.

20 THE COURT: Do you read, write,
21 understand the English language?

22 MR. GREGORY SPECTOR: Yes.

23 THE COURT: Have you ever been
24 treated or diagnosed for any mental illnesses?

25 MR. GREGORY SPECTOR: No.

1 THE COURT: Are you under the
2 influence of any drugs, alcohol or prescription
3 medication that would prevent you from understanding
4 what's happening here today?

5 MR. GREGORY SPECTOR: No.

6 THE COURT: Now, you understand that
7 you have a constitutional right to remain silent and
8 that no negative inference can be made by the jury
9 if you chose to exercise that constitutional right
10 to remain silent?

11 MR. GREGORY SPECTOR: Yes.

12 THE COURT: And further, do you
13 understand that the District Attorney would not be
14 able to question you in any way if you exercised
15 your right to remain silent?

16 Do you understand?

17 MR. GREGORY SPECTOR: Yes.

18 THE COURT: But in exercising your
19 right to testify, which you do have a right to do,
20 you have a right not to testify. But you also have
21 a right to testify. It's your choice to testify, so
22 you definitely have the right to testify. But you
23 understand by exercising your right to testify, that
24 means your subject to cross-examination by the
25 Commonwealth counsel, which you would not have been

1 subject to if you chose not to testify.

2 Do you understand?

3 MR. GREGORY SPECTOR: Yes.

4 THE COURT: The Commonwealth counsel
5 will be able to cross-examine you.

6 Do you understand?

7 MR. GREGORY SPECTOR: Yes.

8 THE COURT: And have you been forced,
9 threaten, coerced, pressured in any way in making
10 your decision to testify?

11 MR. GREGORY SPECTOR: No, Your Honor.

12 THE COURT: Are you satisfied with
13 your representation of counsel?

14 MR. GREGORY SPECTOR: Yes.

15 THE COURT: You consulted fully with
16 your counsel?

17 MR. GREGORY SPECTOR: Yes.

18 THE COURT: You made this decision of
19 your own free will?

20 MR. GREGORY SPECTOR: Yes.

21 THE COURT: All right. Based on
22 responses of the defendant, I'm satisfied that he's
23 made a decision to testify and he's voluntary,
24 knowing, and intelligent. We will proceed. Okay.

25 I think as a matter of course, we'll

1 go with Berardi -- is he detective?

2 MR. FEINMAN: Officer.

3 THE COURT: We'll go with Officer
4 Berardi. Finish up. And then I want to at least
5 start with defendant, because that could end up
6 being very lengthy. So I want to start that today.

7 And then Monday we'll conclude --
8 now, are there any other witnesses that the defense
9 intends to bring forward?

10 MR. MCGOVERN: Other than character
11 testimony, I don't think so, Judge -- for me.

12 THE COURT: Because I think we're
13 thinking about other character --

14 MS. HEARD: And Your Honor, quite
15 frankly, I would just object at this point, just
16 because I wasn't given notice until today that there
17 would be other character -- and I'll put it like
18 this, when we first started this case, Ms. Ashley
19 Spector was sequestered and it was told to me that
20 she was the character witness, and she would be
21 sequestered. And I had her information that was
22 given to me.

23 And now, apparently there's other
24 people that want to testify as character, and I
25 would argue, Your Honor, that's cumulative. I don't

1 have any information for these people. I'm sure I
2 can get their information, but they haven't been
3 listed in a witness list or anything like that. We
4 don't know if any jurors know these people. I don't
5 know if they've been in the courtroom the whole
6 time.

7 So Your Honor, at this point, I would
8 argue that's cumulative at this point for additional
9 witnesses.

10 THE COURT: Who are these witnesses?

11 MR. McGOVERN: First of all, Your
12 Honor, at the beginning of the trial here, we said
13 there were a number of witnesses here in the
14 courtroom, and the Court indicated that any fact
15 witnesses had to step outside.

16 THE COURT: Right. Character
17 witnesses don't have to be sequestered.

18 MS. HEARD: I understand that.

19 THE COURT: We were just hoping to
20 expedite time. We don't want 20 witnesses --

21 MR. McGOVERN: I understand, Your
22 Honor. But if -- generally, my experience, and I'm
23 sure the Court is -- if we give all the information
24 to the Commonwealth, I would request, Your Honor,
25 rather than call the witnesses and delay the

1 proceeding, if we could arrive at stipulation, if we
2 give the name, address, dates of birth.

3 THE COURT: That's what I thought was
4 being worked on.

5 MS. HEARD: Well, it was just --
6 that's what I'm saying. I honestly -- and with all
7 due respect to counsel, he probably did say that,
8 but my thought process and from what my
9 understanding was --

10 THE COURT: He did say that at the
11 beginning.

12 MS. HEARD: -- I get that. So what
13 I'm staying to Your Honor is, if you're going to
14 call these people that's fine, but I don't
15 necessarily know if I'm in the position to stipulate
16 to them.

17 MR. MCGOVERN: Your Honor, to be fair
18 to the Commonwealth, Your Honor, if we could hold
19 the stipulations until Monday morning...?

20 MS. HEARD: That's fine. Just give
21 me some time --

22 THE COURT: Yeah. We need to figure
23 out the end game. How many people we anticipate so
24 we can kind of get our arms around how much longer
25 the trial's going to go on.

1 MR. FEINMAN: And Your Honor, if I
2 may, I handed the court staff a list -- I'll provide
3 to counsel. I apologize. I thought in the
4 beginning I gave it, but I may not have -- looking a
5 the sheet, I may not have.

6 It's a yellow sheet. And I wrote it
7 up, providing the name and the date of birth that I
8 know the Commonwealth would want.

9 And I expect that what we end up
10 doing is assess that and then, in all likelihood,
11 have those individuals stand or -- those that are
12 present would stand with the rest that are not
13 present who've been here.

14 We would just identify that these are
15 the individuals, if they were called to testify,
16 this is what they would testify and stipulate that
17 they testified in good character.

18 THE COURT: All right.

19 MR. FEINMAN: I think would be in
20 quite an abbreviated form of it.

21 THE COURT: So we can work that out
22 and we'll put that until Monday.

23 MS. HEARD: And for the record, Your
24 Honor, this is first time I am seeing this, just for
25 the record.

1 THE COURT: Okay. We can deal with
2 that on Monday. That will give you the weekend to
3 look that over, you know, look up whatever needs to
4 be researched.

5 MS. HEARD: Yes.

6 THE COURT: We have put together some
7 draft instructions. Obviously, they have to be
8 changed slightly since one of the defendants is
9 testifying. So that has to be changed, and I think
10 maybe the robbery charge -- you know, we need that
11 information so that can be charged. And we can work
12 on that as well on Monday and keep refining it, but
13 at least we have something to start the ball
14 rolling.

15 All right. Let's call the jurors in.
16 We'll go with Officer Berardi. And we'll see how
17 far -- depending how late it goes -- I see it's now
18 quarter after 2:00. We'll see how far -- how much
19 longer that is. I'd like to start -- you say two
20 questions?

21 MR. FEINMAN: Your Honor, I'm going
22 to stay true.

23 THE COURT: With you two, I never
24 know.

25 MR. FEINMAN: I'm going to stay true.

1 I have two questions in mind and I will ask those
2 two.

3 MS. HEARD: And Your Honor, before
4 we, actually, bring the jury out, do you mind if I
5 step back briefly?

6 THE COURT: Sure. You can call
7 Officer Berardi in and get him set up.

8 MS. HEARD: Okay.

9 THE COURT OFFICER: Everyone remain
10 seated while the jury enters the courtroom.

11 (Jury enters the courtroom at 2:14
12 p.m.)

13 THE COURT OFFICER: Officer, raise
14 your right hand, please.

15 State your full name, spelling your
16 last with your badge number and your district for
17 the record, please.

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

21

- - -

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

25

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2

DIRECT EXAMINATION

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- - -

4

THE COURT: You may proceed.

5

MR. FEINMAN: Thank you very much.

6

BY MR. FEINMAN

7

Q. Good afternoon, Officer.

8

A. Good afternoon.

9

Q. Thanks for coming back.

10

I want to direct your attention to Exhibit

11

C-48-B, if I may?

12

THE COURT OFFICER: C-48-B is being

13

shown to the witness.

14

- - -

15

(Whereupon, a document was marked,

16

for identification purposes, Exhibit

17

C-48-B.)

18

- - -

19

BY MR. FEINMAN

20

Q. And I understand that C-48-B is an

21

investigative report involving fingerprints for

22

Lonnie Spector. I would direct your attention to

23

the A, information received. Line Number 2. It

24

says, on 7/27. Could you read that out loud,

25

please?

1 A. The information under A?

2 Q. Under A, the second line.

3 A. Okay. On 7/27/13, the latents were
4 compared to a suspect from the Philadelphia -- I'm
5 sorry me -- from Police Department Criminal History
6 computer PDCH.

7 Q. Could you explain, please, to the jury
8 what is the Philadelphia -- what is the Police
9 Department Criminal History computer, and how does
10 that work as it relates to fingerprints?

11 A. I can't get into too much depth about how
12 it works. The database is a database that the
13 police department maintains of fingerprint that they
14 received either when latent prints are developed on
15 crime scenes when persons are arrested or when
16 persons are employed by the police department.
17 Their fingerprints are taken and stored in that
18 database.

19 Q. Thank you. If I could turn your attention
20 to Exhibit C-49-B?

21 THE COURT OFFICER: C-49-B is being
22 shown to the witness.

23

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(Whereupon, a document was marked,
for identification purposes, Exhibit
C-49-B.)

- - -

BY MR. FEINMAN

Q. And that's an investigative report, and I understand that's the investigative report regarding Complainant Sardor Bolyaganov.

And again, I want to direct your attention to "A" in the report. And again, that's the second line.

Could you read that second line to the jury, please?

A. Sure. On 7/27/13, the latents were compared from a suspect from the automated fingerprint identification system.

Q. And what is the fingerprint identification system?

A. The automated fingerprint identification system is a nationwide database maintained by the federal government of fingerprints that they received for a number of reasons.

Q. Did the prints that you submit come back with any findings?

1 A. According to the report, they did.

2 Q. What were they? Negative or positive?

3 A. They were positive.

4 Q. And what does positive mean?

5 A. Positive means that based on a number of
6 criteria or a number of points of identification
7 within a fingerprint that whatever technician did
8 the match, they positively matched the latent
9 fingerprint that was lifted to a record that was in
10 the database.

11 Q. And was that able to be identified as to
12 whom that was?

13 A. Yes.

14 Q. And is that on the report?

15 A. Yes.

16 Q. Who's name is that?

17 A. Identified to Sardor -- again I --

18 Q. Bolyaganov. Does that sound phonetically
19 how it's written there?

20 A. -- probably.

21 MR. FEINMAN: No further questions.

22 My apologies. I had more than two questions.

23 MR. MCGOVERN: Your Honor, I don't

24 have any questions.

25 THE COURT: Commonwealth?

1 MS. HEARD: Your Honor, I don't have
2 any questions.

3 THE COURT: All right. Thank you,
4 Officer. You are released this time. All right.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 MR. FEINMAN: Your Honor, if I may,
8 at this point, there's a stipulation between the
9 defense and Commonwealth, and the stipulation is
10 Exhibits D-19 and D-20.

11 THE COURT: Okay.

12 MR. FEINMAN: D-19 are the medical
13 records from Aria Health Torresdale. These records
14 are the records for Defendant Lonnie Spector, my
15 client, with his admission date of 7/21/13. These
16 records are true and correct medical records of the
17 care and treatment that Mr. Spector received at Aria
18 Health on July 21, 2013.

19 MS. HEARD: And Your Honor, that's so
20 stipulated.

21 MR. FEINMAN: Okay. And then Your
22 Honor, the same stipulation as it relates to D-20.

23 THE COURT: I have D-19 and D-20.

24 MR. FEINMAN: Correct. I first
25 stipulated on D-19. That's medical records from

M-17-25

1 Aria and D-20 are the medical records -- they are
2 four pages. These are medical records consultation
3 notes from Dr. Christopher M. Aland, A-L-A-N-D, M.D.
4 at Rothman Institute, located on 925 Chestnut
5 Street, Philadelphia, Pennsylvania.

6 And again, Your Honor, these are
7 records Commonwealth and -- we stipulated that these
8 are records regarding the care and treatment that
9 Mr. Spector received at the hands of Dr. Aland at
10 the Rothman Institute.

11 MS. HEARD: And Your Honor, that's so
12 stipulated.

13 MR. FEINMAN: Thank you.

14 - - -

15 (Whereupon, documents were marked,
16 for identification purposes, Exhibits D-19
17 and D-20.)

18 - - -

19 THE COURT: All right. I believe
20 defense is ready for their next witness?

21 MR. McGOVERN: Yes, I am, Your Honor.

22 Your Honor, at this time, I will call
23 my client, Gregory Spector, to the witness stand.

24 THE COURT OFFICER: Sir, state your
25 full name and spell your last.

1 THE DEFENDANT: Gregory Spector,
2 S-P-E-C-T-O-R.

3

- - -

4 GREGORY SPECTOR, having been first
5 duly sworn, was examined and testified as follows:

6

- - -

7 THE COURT: All right. You may
8 proceed.

9

MR. McGOVERN: Thank you, Judge.

10

- - -

11

DIRECT EXAMINATION

12

- - -

13 BY MR. McGOVERN

14 Q. Good afternoon, Mr. Spector.

15 A. Good afternoon.

16 Q. Mr. Spector, how old are you?

17 A. Twenty-three years old.

18 Q. And what's your birthday?

19 A. 7/25/91.

20 Q. 7/25/91?

21 A. Yes.

22 Q. So the incident that we're talking about
23 was 7/21/2013?

24 A. Yes.

25 Q. So four days before your next birthday?

1 A. Correct.

2 Q. At that time, I mean.

3 Now, where have you lived most or all of
4 your life?

5 A. I lived at my current address all of my
6 life.

7 Q. Okay. And you live in Feasterville,
8 Pennsylvania with your father and your wife and your
9 two daughters, correct?

10 A. Yes.

11 Q. And do you live -- that's the home you
12 lived in your whole life?

13 A. Since birth.

14 Q. Now, what type of work do you do?

15 A. I'm a carpenter in our family business,
16 Mr. Contractor.

17 Q. And Mr. Contractor has been in business
18 how long?

19 A. 1949.

20 Q. And who started the company?

21 A. My great grandfather.

22 Q. And then your grandfather took it over?

23 A. Yes.

24 Q. Is he here today?

25 A. Yes, he is.

1 Q. It's the gentleman in the black and white
2 shirt?

3 A. Yes.

4 Q. That's your father's father?

5 A. Yes.

6 Q. And then after his father past the
7 business down to him, he took it over and then,
8 eventually, passed the business down to your father
9 and your uncles, correct?

10 A. Yes.

11 Q. And eventually, you came along and with
12 your other cousin Sectors as well, correct?

13 A. Yup. Correct.

14 Q. And what type of business do you do?

15 A. We remodel houses in the city of
16 Philadelphia.

17 Q. And it's been brought out in evidence that
18 both you and your father are owners of registered
19 handguns, and you both have duly authorized license
20 and permits to carry concealed firearms; is that
21 correct?

22 A. Yes.

23 Q. What is the reason for you securing the
24 registration of the handguns and the license to
25 carry?

1 A. We both have them because we work in the
2 bad areas of the city, and we carry large amounts of
3 money on us from jobs being completed.

4 Q. Have you ever had occasion, prior to the
5 night in question, July 21st of 2013, to take your
6 firearm out of the holster and fire it?

7 A. Only at the shooting range.

8 Q. This incident, for which you are on trial,
9 I take it that's the only time you fired that
10 firearm other than shooting range?

11 A. Correct.

12 Q. And to get it out of the way, you fired
13 that gun two times that night, correct?

14 A. Correct.

15 Q. You realize now that one of those bullets
16 struck the complainant?

17 A. That's correct.

18 Q. Now, I'm going to direct your attention
19 back to July. Who did you live with at that time --
20 July of 2013 -- excuse me.

21 A. At that time, I lived with my wife, my
22 daughter Kylie, and my father.

23 Q. And your wife is Ashley Spector who
24 testified this morning?

25 A. Correct.

1 Q. And back on July 21st of 2013, your
2 daughter Kylie was about one and a half years old?

3 A. Yes.

4 Q. What was the condition of your wife Ashley
5 at that time?

6 A. She was about six months -- six months
7 pregnant. Sorry.

8 Q. And she did gave birth to a healthy
9 daughter, Lilianna, on October 29th of 2013,
10 correct?

11 A. Yes.

12 Q. Now, until that day, July 21, 2013, have
13 you ever have any problem with the police or law
14 enforcement of any kind in your life?

15 A. No, not at all.

16 Q. Did you have any type of -- in addition to
17 your work, did you have any type of avocations or
18 associations that took additional time from your
19 spare time?

20 A. I don't understand the question.

21 Q. Yeah, that was -- I didn't understand it
22 myself when I said it. All right. Let me translate
23 that in English.

24 Did you have any hobbies or associations
25 you were involved in at the time.

1 A. Yes. I'm a volunteer firefighter.

2 Q. How long have you been a volunteer
3 firefighter?

4 A. About three years.

5 Q. Did you receive any type of special
6 training and first-aid or trauma care to prepare you
7 for your duties as a volunteer fireman?

8 A. Yes. We go through firefighter one
9 course. And in that course, we learn basic first
10 aid and CPR.

11 Q. Now, I'm going to direct your attention to
12 Sunday, July 21, 2013. I believe it's been
13 testified that it was a beautiful sunny, warm summer
14 day; is that correct?

15 A. Yes.

16 Q. And at some point that day, let's say,
17 around 2 o'clock, did it come to your attention that
18 your wife was shopping on the Internet to purchase
19 or locate a phone that she may want to buy?

20 A. Yes, that's correct.

21 Q. And would you tell the jury what you
22 learned from your wife's search on the Internet?

23 A. She located a phone on Craig's List which
24 states to be in fairly new condition. So we went
25 to -- I called to arrange a meeting, and we agreed

1 on a price to purchase the phone.

2 Q. And you saw earlier, posted on the screen,
3 that Craig's List add. To the best of your
4 recollection, was that the phone that we were
5 talking about here?

6 A. Yes, that is the add.

7 Q. And the asking price at the time by the
8 seller was \$300; is that right?

9 A. Yes.

10 Q. And it also listed a cell phone number; is
11 that right?

12 A. That's correct.

13 Q. And I take it you called that cell phone
14 number?

15 A. Yes.

16 Q. Did you know at the time that that was a
17 prepared T-Mobile cell phone with no personal
18 information assigned to it?

19 A. Not at that time.

20 Q. Okay. You later found that out?

21 A. Yes.

22 Q. And when you contacted that number, did
23 you ask for an address to go to where you could take
24 Ashley and yourself to meet the seller?

25 A. At first, I tried to meet at Wawa Markets

1 on Bustleton Avenue and Tomlinson Road, and he said
2 that he did not drive. So then he gave me an
3 address to meet him.

4 Q. And why was it that you wanted to go to
5 the -- is that the super Wawa at Bustleton and
6 Tomlinson?

7 A. Yes.

8 Q. It's a real big spot?

9 A. Yup. Has gas and everything.

10 Q. Why did you want to go there?

11 A. I wanted to meet in a more public place
12 with cameras and all that stuff.

13 Q. You were just being cautious?

14 A. Yes.

15 Q. Now, did he give you an address and say,
16 This is where you should go instead?

17 A. Yeah. He said to meet him at his house,
18 which was 735 Kentwood.

19 Q. And at the time, what did you
20 understand -- or what did you expect to see when you
21 arrived at 735 Kentwood Street?

22 A. I work in the Northeast, so I expected to
23 pull up to a row home. I wasn't expecting an
24 apartment complex.

25 Q. So what was 735 Kentwood when you got

1 there?

2 A. It was an apartment complex probably about
3 50 or 60 different apartments.

4 Q. And the person that you spoke to didn't
5 designate any type of apartment number, just the 735
6 Kentwood, correct?

7 A. Correct.

8 Q. I'm just going to go back a little bit --
9 going back to the house before you drove down there.
10 Who was at home when you made the decision
11 that you were going to go to the Kentwood Street
12 address?

13 A. Myself, my wife, my daughter Kylie, and my
14 dad.

15 Q. And how was it decided who was going to go
16 there?

17 A. Me and my wife were going to go and we
18 were also going to take our daughter, but she was
19 down for a nap. So we asked my father if he was
20 doing anything on that day, and he wasn't. So he
21 stayed home and watched her while she was asleep.

22 Q. So you went down in your Chevy Traverse;
23 is that correct?

24 A. Yes.

25 Q. I take it you were driving; your wife was

1 the passenger?

2 A. Yes. I usual drive when we're together.

3 Q. All right -- I'll just let that go.

4 Your -- when you got down to -- what time
5 did you leave the house about?

6 A. I'd say around 4:00 -- 3:30, 4 o'clock.

7 Q. And what time would be your best estimate
8 that you got down to 735 Kentwood?

9 A. I think it was around 4:00, 430. I'm not
10 exact on the time.

11 Q. Okay. When you got down there, was there
12 anybody waiting for you there?

13 A. No.

14 Q. Please tell the ladies and gentlemen of
15 the jury what you observed, who you saw, and how it
16 unfolded?

17 A. As we pulled up to the address that he had
18 stated was his home, we were -- I was kind of
19 confused, so I called him. And then I noticed a
20 male walking down the street on a cell phone, which
21 was him. And he was looking around, like, all kind
22 of around him, kind of nervous-like. And then he
23 came up to the window of my Chevy and stated that he
24 had to go get the cell phone.

25 Q. How did he know you were the one that was

1 there to buy it?

2 A. I called him.

3 Q. Oh, okay. And you told him you were
4 there?

5 A. Yes. And he was walking down -- I think
6 is was Bridle Street. And after at that point, he
7 told me to pull up at the stop sign, and he had to
8 go get it.

9 So at that point, there was no parking. I
10 didn't want to block anybody's driveway so by the
11 time I found a parking spot -- I think it -- it was
12 down the street a couple blocks on Kentwood, I
13 think. And I texted him and I told him -- to let
14 him know where I was at.

15 And then about two or three minutes later,
16 he came pulling up in a black Honda Civic. I
17 thought it was a little weird, since he went walking
18 down the street away from his address that he told
19 me.

20 Q. So -- and earlier he told you he didn't
21 drive, correct?

22 A. Yes, that's correct.

23 Q. And the second time you saw him when he
24 was coming back with the phone he was driving?

25 A. Yes.

1 Q. All right. Nevertheless, you still
2 engaged in this transaction about the phone,
3 correct?

4 A. Yes, that's correct.

5 Q. All right. Please tell the ladies and
6 gentlemen of the jury what you recall about those
7 events?

8 A. I exited my vehicle on the driver side
9 since I was driving. I walked around the front of
10 my vehicle, and we kind of met at the back area.
11 Like, the back bumper of my car. Kind of where the
12 right rear tire is.

13 He handed me the cell phone. It was on.
14 So I saw that it had a couple cracks. So I stated
15 it was a gift for my wife and she was in the car.

16 I walked up to the passenger seat of the
17 car and showed her the cracks, to see if she still
18 wanted it since she was the one that wanted the
19 phone.

20 And she said that she -- there was little
21 cracks on the corner, so she could get a case to
22 cover it. So then I told her that I was going to
23 try to get it for a little cheaper.

24 So I went back to him at the back of my
25 car, and tried to get it for \$280. And we met in

1 the middle at 290.

2 Q. Now, when you first had the conversation
3 with -- and the person we're talking about later
4 turns out to be Sardor Bolyaganov, correct?

5 A. Yes.

6 Q. All right. And when you first had the
7 initial conversations with the phone at the back of
8 your car -- you said it was -- I think you said near
9 the back right tire -- is that the passenger side or
10 driver side?

11 A. Passenger side.

12 Q. Okay. So that was the same side Ashley
13 was on?

14 A. Yes.

15 Q. And was her window up or down at that
16 time?

17 A. It was, I believe, halfway down.

18 Q. Okay. It was a warm day, right?

19 A. Yeah. We had the air-conditioner on in
20 the car.

21 Q. Oh, okay. I forget about that.

22 All right. But was her window up or down
23 or in between?

24 A. It was in the middle, in between.

25 Q. Now, after you came to agreement to 290,

1 was there any conversation about a box? A manual?

2 A charger? Anything of that nature?

3 A. I asked him if he had a charger or a box
4 for the phone, and he said that the charger was
5 broke.

6 Q. Okay. Now, nevertheless, you exchanged --
7 oh, who counted the money?

8 A. First, I went up to the car, counted the
9 money and then I handed it to my wife to
10 double-check my counting.

11 Q. Make sure you weren't giving certainly too
12 much or too little being, to be fair?

13 A. Correct.

14 Q. And it came out at 290, and you gave that
15 to Mr. Bolyaganov?

16 A. Yes.

17 Q. And you took the phone?

18 A. Yes.

19 Q. What did you do next after this was done?

20 A. I got back in my vehicle and made a left
21 on Verree, went down Bustleton to Street Road and
22 headed towards AT&T in Bensalem.

23 Q. By the way, did there come a time in your
24 conversation where either you asked or
25 Mr. Bolyaganov said where he got the phone?

1 A. He didn't tell me. I thought he was the
2 original owner.

3 Q. So you went to AT&T after you got the
4 phone?

5 A. Yes.

6 Q. Around what time was it you got to the
7 AT&T store?

8 A. I believe around 5 o'clock.

9 Q. And the AT&T store is at the Giant super
10 shopping center?

11 A. There's a bunch of stores in there, too,
12 with a Giant.

13 Q. And this is on Street Road in Bensalem?

14 A. Yes.

15 Q. What did you do when -- you and your wife
16 went into the AT&T store?

17 A. Yes.

18 Q. What did you do there?

19 A. We went and signed her name on the iPad to
20 wait for our turn for service. Then we got called
21 for service, and we explained to them that we bought
22 the phone. And in order to activate it -- she had
23 an iPhone and it was a smaller SIM card. So they
24 had to switch her SIM card to the right size. So
25 they did that. And we purchased a case and a cord

1 for charging.

2 Q. Okay. And the SIM card?

3 A. Yes. They gave that to us because it was
4 different size.

5 Q. Okay. So then, it was your understanding
6 that you were activating the phone?

7 A. Yes.

8 Q. And after the AT&T store, where did you go
9 next?

10 A. We left the car in the same spot and we
11 walked to Giant, because it was about three stores
12 down.

13 Q. And why did you go there?

14 A. To purchase food for dinner.

15 Q. Did you and your wife do that?

16 A. Yes.

17 Q. After you bought the food for dinner,
18 where did you go next?

19 A. We got back in the car and went home to
20 cook dinner.

21 Q. All right. Around what time was it that
22 you were making these purchases at AT&T and the
23 supermarket?

24 A. I believe AT&T was around -- by the time
25 we got called was around 5:25ish, 5:30. And we went

1 right to Giant. We were in and out. We only had to
2 pick up a few things: Chicken cordon bleu and a bag
3 of mashed potatoes to make. And then we headed
4 home.

5 Q. Okay. And what time did you get home?
6 How long does it take you to get back home from
7 there?

8 A. It's not far. It's like 15 minutes, at
9 most, with traffic.

10 Q. What happened after you and Ashley got
11 home? Who was there?

12 A. My dad was there watching Kylie.

13 Q. Was Kylie awake then?

14 A. I think she was still sleeping. We,
15 actually, woke her.

16 Q. And how did the rest of that evening turn
17 out -- I mean, how did it elapse next in time?

18 A. My wife went to cook dinner and I woke up
19 Kylie. I changed her diaper and was playing with
20 her while dinner was being made.

21 Q. Then did you eat dinner?

22 A. Yes.

23 Q. Now, at any time after you left the AT&T
24 and the Giant, did you pay any attention or make any
25 observations about whether the phone was functioning

1 properly or not functioning properly?

2 A. When we left the AT&T store, when I was
3 driving home, my wife was rearranging -- she was
4 downloading apps and put phone numbers in her phone,
5 and it was working at that time.

6 Q. When was the first time that you made
7 observations and found it wasn't working fine?

8 A. As soon as we finished up dinner because
9 we left -- we usually leave our phones on the table
10 at dinner. We don't play with them. So when we
11 were done dinner, she went to make a phone call and
12 there's X in the top corner where the bars were that
13 tell you you have service.

14 Q. And did you then contact AT&T to find out
15 what was going on?

16 A. Yes. I called 611 which takes you to the
17 AT&T main headquarters. I explained to them the
18 situation, the problem. And they said it must be
19 something mixed up on their end. So they reset the
20 service.

21 Q. And did there come a time after that phone
22 call that it appeared to be working again?

23 A. Yes. They told us they would reset the
24 phone, turning it off and turn it back on and then
25 it worked properly.

1 Q. And by "working properly," what do you
2 mean by that?

3 A. She was able to make and receive phone
4 calls.

5 Q. After dinner, after you did this, what did
6 you, your father, your wife and your daughter do?

7 A. We went upstairs to get changed into our
8 bathing suits and went next door to our neighbor's
9 house across the street. He was on vacation that
10 week and -- I mean, he said we could use his pool
11 whenever we want. So we went over to go swimming
12 for about an hour.

13 Q. All right. So it was a good evening to go
14 for a swim?

15 A. Yes. It was hot out.

16 Q. Okay. And your wife was six and a half
17 months pregnant, too, right?

18 A. Yes.

19 Q. How long did you go for the swim?

20 A. About an hour.

21 Q. And did there come a time when you
22 realized the phone was on the fritz and not working
23 properly again?

24 A. When we exited the pool, it was starting
25 to get a little dark and she was getting tired. Our

1 phones were on the side of the pool on the bench.
2 So she went to check it to see if she had any missed
3 calls and that's where she noticed the X in the
4 corner where the service is again.

5 Q. So did you contact AT&T again to try to
6 figure this out?

7 A. Yes. I called 611 again.

8 Q. And what did you learn?

9 A. I learned this time I called they said
10 that the phone is coming back with the IMEI number
11 was reported stolen.

12 Q. Now, I've heard this term "IMEI number.
13 What do you understand that to be?

14 A. I understand it to be some sort of serial
15 number connected to the phone.

16 Q. The phone itself?

17 A. Yes, the phone.

18 Q. And you were advised that that phone had
19 been reported stolen by the owner?

20 A. That's what they said when I called AT&T.

21 Q. Okay. Did you ask how -- that if there
22 was anyway you could correct that?

23 A. I asked if they would be able to -- how
24 they could correct that, and they said that the
25 person that originally reported it stolen has to

1 call and verify that it's okay.

2 Q. And what steps did you take to see if the
3 original owner could make that phone clear from the
4 loss report that it had on it?

5 A. At the time, I believe the seller was the
6 original owner, so I contacted him. I called him.
7 And he said that he bought the phone from somebody
8 that needed money for rent and that he was going to
9 contact them. He sees them once in a while at the
10 gas station.

11 Q. All right. So when he told you that he
12 wasn't the original owner, he told you he bought it
13 from someone who needed rent money?

14 A. That's what he told me.

15 Q. Do you know any 14 or 15 year olds who
16 need rent money?

17 A. I do --

18 MS. HEARD: Your Honor, objection.

19 MR. McGOVERN: I'll withdraw the
20 question.

21 THE COURT: All right.

22 BY MR. McGOVERN

23 Q. All right. So he said the guy needed rent
24 money. And he said he would call the guy that he
25 sees from time to time and try to help you out; is

1 that right?

2 A. Yes.

3 Q. Okay. Did you follow up with that, to see
4 whether or not he was successful in contacting this
5 guy?

6 A. Yes, I did follow up.

7 Q. And what did you find out?

8 A. I found out that he could not get ahold of
9 the person that he said he bought the phone from.

10 Q. Did he say -- did he tell you he tried to
11 call him?

12 A. He said he tried to call two or three
13 times.

14 Q. Did he say whether or not the person
15 answered?

16 A. He said they did not answer.

17 Q. Okay. At this time, did you make a
18 decision at what you wanted to do with the phone?

19 A. Yes. I ask -- I told Sardor that I would
20 like to get -- meet him and get my money back.

21 Q. Okay. You didn't know his name; is that
22 correct?

23 A. No, I did not at the time.

24 Q. When was the first time you did learn his
25 name?

1 A. After everything happened.

2 Q. Did he ever tell you his name?

3 A. No, he did not.

4 Q. All right. Did he ever tell you his real
5 address?

6 A. At the time, I thought that was his real
7 address, but, no, I did not.

8 Q. Okay. The only contact you had was the
9 cell phone number, which was a prepaid T-Mobile cell
10 phone number, with no personal information?

11 A. Correct.

12 Q. Now, when you told him that you wanted to
13 get the phone back to him because it was stolen, you
14 wanted your money back, what happened next? What
15 did he say?

16 A. That's when he said we can meet. I think
17 he was picking his wife up from work, he stated. So
18 he said we can meet in about 40 minutes.

19 Q. Did you have an agreement where you're
20 going to meet?

21 A. He wanted to meet at the same location
22 that we purchased the phone from.

23 Q. Did you suggest a different location?

24 A. At this time, I don't think I did.

25 Q. Okay. The only time you suggested the

1 first one was when you were buying it, right?

2 A. Yes.

3 Q. But this time when you were meeting him
4 you decided to call someone else; is that correct?

5 A. Say that again?

6 Q. This time when you were going down to meet
7 him, you had made a decision about calling someone
8 else and getting the police involved?

9 A. I had my father go with me. I called on
10 the way down -- when we left my house, I called 911
11 and filled them in on the situation.

12 Q. Okay. Now, before you went down, did
13 you -- how did you decide that you were going to go
14 down with your dad and not Ashley? Or alone, for
15 that matter?

16 A. My wife was going to go with me, but she
17 had to bathe Kylie and she -- at nighttime, she gets
18 a little cranky and wants her mom, so Ashley had to
19 put her to sleep. So I didn't want to go by myself,
20 so I had my father come with me.

21 Q. All right. And what time was it that you
22 left your home to go down and meet the seller?

23 A. I think it was little after 9:30 p.m.

24 Q. And when you left -- how long does it
25 take -- strike that.

1 When you left your house, what car did you
2 drive in?

3 A. My dad's Chrysler 300S.

4 Q. Who was driving?

5 A. My father.

6 Q. And when you left -- when you left the
7 house, did you have your registered firearm in the
8 holster that you're licensed to carry?

9 A. Yes. I had it with me every time I left
10 my house.

11 Q. Okay. How frequently is it that you carry
12 your firearm?

13 A. Every single time I step foot out of my
14 house, I had it on my side.

15 Q. Do you wear it in the house?

16 A. I would usually put it up in the safe,
17 because I didn't want the kids to be around it.

18 Q. And at that time you had one child,
19 correct?

20 A. Yes, at that time.

21 Q. Okay. Now, you also had a second
22 magazine; is that correct?

23 A. Yes.

24 Q. What is your habit or your routine with
25 regard to the magazine?

1 Q. And that's because your car still
2 physically was over the Philadelphia County line in
3 Bucks County?

4 A. Yes. I was about a half a mile from
5 Street Road and Bustleton.

6 Q. All right. And when you told -- what did
7 you tell Bucks County when you called them?

8 A. When I called, I explained to them the
9 situation and that I was going to meet the seller to
10 get my money back and I bought a phone that was
11 apparently stolen off of Craig's List, and I wanted
12 a police officer to come with me so that he could
13 take the stolen phone.

14 Q. All right. Why were you taking those
15 precautions?

16 A. Just because I didn't want him to try and
17 sell the phone to somebody else. I didn't think
18 that was right.

19 Q. So you wanted the police to be there -- to
20 be there, get the stolen cell phone and then do
21 whatever they have to do to deal with the seller,
22 correct?

23 A. Correct.

24 Q. And also, you were in possession of what
25 you knew was stolen property, correct?

1 A. Yes, I found that out.

2 Q. Okay. And you were concerned about that
3 because you were the one carrying it?

4 A. Yes.

5 MR. McGOVERN: Okay. Now, at this
6 time, if I could ask to play Track 2, of C-52. I
7 think it's Track 2.

8 BY MR. McGOVERN

9 Q. I ask if you could listen carefully to
10 this.

11 A. Okay.

12 (Audio playing.)

13 BY MR. McGOVERN

14 Q. Mr. Spector, you heard that phone call.
15 Is that the first phone call -- strike that.

16 You initially called Bucks County, spoke
17 to them, told them the whole story. Is that the
18 first time that the Bucks County police transferred
19 you to Philadelphia dispatcher and you gave them the
20 whole story?

21 A. Yes.

22 Q. And prior to that -- at the beginning of
23 the tape it says, Do you want me to tell them, too
24 and then Bucks County dispatcher says, yeah. Go
25 ahead.

1 I take it, and correct me if I'm wrong,
2 you had told this whole story to Bucks County
3 dispatcher?

4 A. Yes.

5 Q. And you, basically, repeated it to the
6 Philadelphia people?

7 A. Correct.

8 Q. And when you made that call, where did you
9 and your father go? You were in route, traveling at
10 that time?

11 A. Yes.

12 Q. Where did you go?

13 A. We made a right on Verree Road off of
14 Bustleton -- we kind of bear off -- and we stop --
15 it was probably 20 to 30 feet on the right shoulder.

16 Q. And at where?

17 A. It was by the Wells Fargo. It was almost
18 between Wells Fargo and the gas station on the
19 corner.

20 Q. At Bustleton and Verree?

21 A. Yes.

22 Q. All right. Now, at that time, were you
23 expecting police to come and meet with you?

24 A. Yes.

25 Q. And how long did you wait before you made

1 your next call?

2 A. I think I waited about 10 to 15 minutes to
3 make the next call, just to make sure that the
4 officer didn't pass us and not see us.

5 Q. And what was the lighting conditions --
6 well, strike that. Sorry.

7 It was dark by that point, correct?

8 A. Yes.

9 Q. And it appears that the second radio
10 transcript call was at 22:06, which would have been
11 10:06 and 48 seconds.

12 MR. McGOVERN: May I have that track
13 played at this time? Is that Track 4? -- Track 3,
14 it is. Thank you.

15 (Audio playing.)

16 BY MR. McGOVERN

17 Q. Now, that call that was -- the first call
18 was at 9:45; this is 10:06. You recognize that's
19 your voice and that's the second call you made to
20 Philly dispatch?

21 A. Yes.

22 Q. All right. So it was -- this is,
23 actually, the third call. One to Bucks County and
24 then the two to Philly?

25 A. Yes.

1 Q. And how long did you wait there before you
2 made another call?

3 A. I think it was about another 15, 20
4 minutes before I called again.

5 Q. And in this time sequence that we're in,
6 this frame of reference that we're in, where you
7 having any communications with the seller of the
8 cell phone, Mr. Bolyaganov, while you were waiting
9 for the police to come?

10 A. Yes, I was.

11 Q. To the best of your recollection, when
12 would it have been that you received your first
13 contact from him to you, asking you where you were
14 or whatever?

15 A. I think it was before this 911, the time I
16 dialed 911. He texted me and said he was there, so
17 I had to make an excuse, saying that we needed to
18 stop and get gas in our car.

19 Q. All right. So there's earlier testimony
20 about you giving excuses and you, in fact, did give
21 excuses, correct?

22 A. Yes.

23 Q. And what -- to the best of your
24 recollection, what excuses did you give to delay
25 while you're waiting for the police?

1 A. I told him about having to stop and get
2 gas. And I believe after that, I said that I had to
3 jump start our car.

4 Q. Okay. And this was just to get him to
5 stay there while you waited for police?

6 A. Yes.

7 Q. All right. Now, did there come a time
8 where Mr. Bolyaganov indicated that he wasn't going
9 to wait for you anymore? He was getting tired of
10 your excuses?

11 A. Yes. He stated that he had work in the
12 morning, and if I was not there in five minutes, he
13 was going to leave.

14 Q. Okay. And what did you do in response to
15 that call? Did you call someone?

16 A. I called 911 back and I told them the
17 situation again. Repeated a little bit.

18 MR. McGOVERN: All right. If I can
19 stop you right there. I'm going to ask if we could
20 play Track 7.

21 (Audio playing.)

22 BY MR. McGOVERN

23 Q. Okay. Now, by the way, at one point here,
24 you say to the dispatcher, It's not an emergency.
25 Did you anticipate any type of violent confrontation

1 or any type of emergency situation to develop from
2 this?

3 A. No, I did not.

4 Q. If you had, would you have alerted the
5 police that you thought this is a dangerous
6 emergency type of situation?

7 A. Yes, I would have.

8 Q. You were looking for them to assist you?

9 A. Yes.

10 Q. And when you said there's, at the bottom,
11 it appears that you say, All right. Because he said
12 he's leaving in five minutes, and if he's not here
13 in five minutes, I won't.

14 What did you mean by that? What were you
15 expressing?

16 A. I was waiting five minutes more for the
17 police, and if they didn't show up in five minutes,
18 than I was going to meet him without them.

19 Q. Okay. And your purpose for meeting them
20 was what?

21 A. To get my money back and to return the
22 stolen phone to the police.

23 Q. Did you have any intention to returning
24 the phone to him, the seller?

25 A. No. To the police.

1 Q. Okay. Why wouldn't you say, Let me get my
2 money and here's the stolen phone, and go on your
3 merry way?

4 A. I didn't want him to rip off somebody
5 else.

6 Q. All right. Now, did any police officer
7 come in the next five minutes or so?

8 A. No, they did not.

9 Q. How long did you wait? That call comes in
10 at 10:23. And the police say, please wait five
11 minutes, which would take you to, basically,
12 10:30 -- 10:28, 10:30. Did you wait five minutes?
13 Or how long did you wait?

14 A. I waited about seven, eight minutes.

15 Q. So sometime after 10:30 you left Bustleton
16 and Verree?

17 A. Yes.

18 Q. Well, you heard the radio tapes played in
19 this case that the police received calls of the
20 shooting at about 10:37 p.m.

21 Do you recall hearing that testimony?

22 A. Yes.

23 Q. So that is how tight of a window it was
24 from when you left Bustleton and Verree to
25 everything happening?

1 A. Yes.

2 Q. All right. Please go on in your own words
3 and tell the jury what happened the moment you left
4 Bustleton and Verree with your father until the
5 police finally showed up on the scene, but there was
6 a shooting at that point.

7 A. Okay. So when we were leaving Bustleton
8 and Verree, I contacted the seller to let him know
9 we were almost there so he would not leave.

10 As we made a right onto -- I'm not exactly
11 sure what the street is. I think it's Ferndale.
12 Then we made a left on Kentwood. And we were
13 driving slow, because we didn't see any people in
14 cars with lights on, to let us know that there was
15 anybody there. So he said to stop right where we
16 were at and there was a car behind us. So we
17 stopped. And they kind of pulled up diagonal off to
18 our passenger right side.

19 So I opened my door and exited the car.
20 And he got out of the driver side. I think he
21 left -- he closed the door. He got out of the
22 driver side, walked up. And I got the money that he
23 handed me, which came out to be \$200. And I told
24 him that I wasn't going to give him the phone back.
25 I was contacting the police so that they can deal

1 with the stolen phone.

2 At that time, he started to get loud with
3 me. So my dad opened the door, stood up to see what
4 was happening. And I walked over to the back of the
5 Mercedes with my iPhone to take a picture of the
6 license plate, because I told him I was calling the
7 police. And he started to get really loud and kind
8 of paranoid.

9 At that time, his wife also exited the car
10 and was yelling at me for taking a picture of their
11 license plate.

12 At that time, I turned around and
13 Sardor -- Sardor punched my dad in the face, and I
14 just saw my dad up in the air, almost level with my
15 chest. And he was on top of my father, kicking and
16 punching him in the face. And my dad was
17 motionless, like he was unconscious.

18 So at that time, I ran around to the side
19 of the car to get in between them to separate them.
20 And that's when he punched me in my face and I went
21 down. I was kind of seeing stars.

22 And as I was down, he started to kick me
23 and I couldn't get back up.

24 And in that time, as he was kicking me, I
25 was trying to stand up. I was -- it was almost like

1 instinct. I reached for my firearm as he was
2 turning around and kicking my father. And just
3 without aiming, I shot twice and I hit him. I did
4 not know where I hit him. But he dropped to the
5 ground. I jumped up, holstered my weapon.

6 As I was calling 911, I ran over to check
7 on my father who was stumbling to his feet. And his
8 face was just huge and his white shirt was full of
9 blood. And he looked like he was about to fall back
10 over, so I told him to stand and lean on the car.

11 And at that time, 911 answered and
12 explained to them what happened and that I had to
13 shoot in self-defense because me and my father were
14 being assaulted. And that he said something about
15 having a gun, so I had to shoot in self-defense.

16 Q. Did you ever find out -- or I take it --
17 did you ever find out if he had any weapon on him?

18 A. Not at the time.

19 Q. When was it that he said he had a gun?

20 A. In the middle of when I was on the ground.
21 That's when I heard it.

22 Q. When you saw your father, after he was, as
23 you described, sucker-punched and knocked to the
24 ground, did you see any movement from your father
25 once he hit the ground?

1 Q. Okay. And your phone was live, still on
2 the roof of the car, correct?

3 A. Yeah, of our car.

4 Q. All right. Thank you.

5 MR. McGOVERN: If we could you
6 resume, Officer Lewis?

7 (Audio playing.)

8 BY MR. McGOVERN

9 Q. I guess -- it appears to be your voice.
10 You said, Keep the pressure. What did you mean by
11 that when you said "keep the pressure?" What was
12 that comment that you made at that point.

13 A. I learned in my first-aid training as a
14 voluntary firefighter on injuries on something like,
15 you apply pressure to slow the bleeding until the
16 ambulance arrives.

17 Q. All right. And who are you directing to
18 apply pressure?

19 A. His wife and there was a few neighbors
20 around them.

21 Q. And you were directing them to apply
22 pressure, life-saving trauma care for the person you
23 shot?

24 A. To Sardor.

25 Q. Okay. All right.

1 A. No. I think he -- was like unconscious.
2 He wasn't even moving. His hands were just kind of
3 above his face, trying to cover from --

4 MR. McGOVERN: Indicating for the
5 record with his hands templed to his forehead and
6 joined together with the fingertips in kind of a
7 protective manner; is that correct?

8 THE WITNESS: Correct.

9 BY MR. McGOVERN

10 Q. Okay. What was Sardor doing to your
11 father while he was on the ground in that position?

12 A. He was kicking him on the upper portion of
13 his body.

14 Q. And did you see any bleeding at that time?

15 A. I noticed my father was not wearing his
16 glasses, because they got knocked off from the
17 sucker punch, and I noticed a lot of bleeding from
18 the back of his head, top portion, and I think it
19 was the right side of his face where it looked like
20 a watermelon.

21 Q. Okay. Now, when you tried to get the
22 complainant off of your father, what, if anything,
23 did he do or what, if any, blows did you throw?

24 A. I was yelling, Stop. Get off my father.

25 I didn't even get to punch him. I was

1 just trying to separate him from kicking my father.

2 Q. And how were you trying to separate him?

3 A. Well, my father was laying on the ground,
4 and he was on top of him punching him. And I just
5 went between them to try and get him away because my
6 father was unconscious at that point.

7 Q. Now, at any time, did you see your father
8 strike Sardor Bolyaganov?

9 A. Not at all.

10 Q. At any time, did you strike Sardor
11 Bolyaganov?

12 A. Not at all.

13 Q. Now, when you were pulling them apart, you
14 said you got punched by the complainant. Were did
15 he punch you?

16 A. In the side of my face, and he made
17 contact with my nose.

18 Q. All right. And what did you feel when
19 that -- you felt that blow to your nose?

20 A. I felt instant pain and blood.

21 Q. And where did you go physically after you
22 got struck by that blow to the face?

23 A. Right down on my back.

24 Q. And did you lose consciousness?

25 A. I didn't completely lose consciousness,

1 but I felt like I was going to lose consciousness.

2 Q. And at that time, did you know whether or
3 not your father was alive or what? Did you see any
4 movement?

5 A. No. He was not moving at all. I thought
6 he could be dead.

7 Q. Did -- at any time, did Mr. Bolyaganov
8 stop his kicking of -- at you or at your father,
9 prior to the gunshot?

10 A. Only when he was switching from me to my
11 dad.

12 Q. Now, once you -- you say you didn't aim,
13 right, I assume, that you pointed your weapon in the
14 direction of the complainant because he was struck,
15 correct?

16 A. Yes.

17 Q. Did you take careful aim when you fired?

18 A. No. I was on my -- trying to get on my
19 butt to my knees. And I just -- I didn't even get
20 the chance to aim. It just came out, I pointed it
21 and pulled the trigger twice, hitting him once.

22 Q. Once he was struck by the shot, did the
23 violence stop at that point?

24 A. It immediately stopped.

25 Q. And what did -- what was the first thing

1 you did after you fired the gun?

2 A. Put it back in the holster and called 911.

3 Q. And how long would you say -- first of
4 all, how long would you say the incident, the time
5 elapse from the moment Mr. Bolyaganov pulled up in
6 the Mercedes-Benz diagonal to your car until you
7 called 911, if you could estimate?

8 A. Everything happened so fast. It seemed
9 like two minutes tops.

10 Q. Okay. All right. And the police were
11 there, essentially, by 10:37, right?

12 A. Yes.

13 Q. Now, how long -- how many minutes or
14 seconds would you say elapsed from the moment you
15 fired the gunshots until you called 911?

16 A. It was almost immediately. As soon as I
17 holstered my gun. I pulled my phone from my pocket,
18 as I was walking to my father, and dialed 911, since
19 it was on redial.

20 Q. And what was your purpose for calling 911?

21 A. To let them know what has happened and to
22 get two ambulances for the victim, alleged victim,
23 and my father.

24 Q. And at that time, did you know that you
25 had a broken nose?

1 A. I felt some kind of pain, but I was more
2 worried about my dad.

3 Q. So you knew you needed two ambulances?

4 A. Yes.

5 Q. All right. You weren't asking for an
6 ambulance at that time for yourself?

7 A. No.

8 MR. McGOVERN: All right. Your
9 Honor, at this time, I'm going to ask if we could
10 play Track 9 at this time?

11 THE COURT: Okay.

12 (Audio playing.)

13 MR. McGOVERN: Now, can we pause
14 there for a second?

15 BY MR. McGOVERN

16 Q. Now, recording is going to go on. When
17 you made these calls, did there come a time where
18 you put your phone down or anything like that?

19 A. I sat on the roof of the car. I thought I
20 hung it up, but I didn't.

21 Q. Okay. So there's an extensive -- the
22 recording will go on once we unpause it. What was
23 your understanding of the status of your phone
24 transmission at that time?

25 A. I believed that my phone was hung up.

1 MR. McGOVERN: If we could resume
2 play?

3 (Audio playing.)

4 BY MR. McGOVERN

5 Q. Mr. Spector, do you recognize your voice
6 on that recording?

7 A. Yes.

8 Q. Okay. Now, at the end, it sounds like
9 you're speaking to someone, and I believe you said,
10 Sir, I have a gun and it's in my holster. I have a
11 permit. He said he had a gun. She was beating my
12 dad. I had no choice. Who are you talking to at
13 that point?

14 A. I was talking to Officer Taylor.

15 Q. And Officer Taylor testified previously in
16 this trial. He came in emergency patrol wagon 702
17 with his partner Officer Green, correct?

18 A. Yes.

19 Q. Do you remember seeing Officer Green with
20 Officer Taylor on the scene?

21 A. Yes.

22 Q. And did you speak to Officer Green and
23 Officer Taylor and tell them what happened?

24 A. Yes.

25 Q. And what was your body position when you

1 saw the officers with regard to your hands and
2 advising them that you had a gun in a holster on
3 your body?

4 A. Well, I know they were responding to,
5 obviously, a shooting, so I was being safe and had
6 my hands in the air. And I told them where my gun
7 was, so they can take it out when they got up to me.

8 Q. Okay. And did ambulances arrive on the
9 scene?

10 A. Yes.

11 Q. After you advised Officer Taylor and
12 Officer Green that you had fired the shots and they
13 retrieved the firearm from you, where were you
14 placed?

15 A. They placed me in the back of the wagon.

16 Q. All right. You were cuffed and put in the
17 wagon?

18 A. Yes.

19 Q. Okay. Where did your father go?

20 A. They shut the doors and there's no
21 windows, so I could just hear a little bit at that
22 point. I'm not really sure.

23 Q. By the way, earlier today you had
24 testified -- I'm sorry -- strike that.

25 Your wife, Ashley, had testified that she

1 was trying to contact you by calling you or texting
2 you and your father from like 10:30 or 11:00 or so.
3 Were you aware of anyone trying to contact you from
4 10:30 on?

5 A. Well, when Officer Taylor came up, he took
6 my phone off the roof of the car, hung it up, and
7 placed it on my back right pocket and then when I
8 was placed into handcuffs, I felt my phone vibrating
9 repeatedly. I didn't know who it was calling me,
10 but somebody was.

11 Q. Did you, eventually, find that it was your
12 wife calling?

13 A. Yes.

14 Q. You weren't in a position to respond?

15 A. No.

16 Q. Where were you taken to from that
17 location?

18 A. I was little confused and there was no
19 windows. When we got to the 15th District, we sat
20 in the parking lot, and I was talking from the back
21 of the van to Officer Green. He was asking me some
22 questions, and he let me know we were at the 15th
23 District.

24 Q. Okay. And, eventually, you were
25 arraigned, charged preliminarily, and you wound up

1 in custody, correct?

2 A. Yes. I believe it was probably around 12
3 to 15 hours later.

4 Q. And you wound up in -- what prison did you
5 wound up in?

6 A. CFCF.

7 Q. Curran-Fromhold Correctional Facility?

8 A. Yes.

9 Q. Okay. That's CFCF. Now, that's the
10 county prison on State Road -- One of the county
11 prisons on State Road for Philadelphia, correct?

12 A. Yes.

13 Q. Eventually, you were secured and released
14 from prison on Tuesday July 23rd; is that correct?

15 A. Yes.

16 Q. Once you were released, where did -- what
17 time did you get released on Tuesday July 23rd?

18 A. I think it was around 3:00, 4 o'clock in
19 the afternoon.

20 Q. And who picked you up?

21 A. My wife was there, my mother was there,
22 her fiance, my grandparents.

23 Q. All right. And all those people in the
24 courtroom today?

25 A. Yes.

1 Q. Your wife's out in the hallway because
2 she's sequestered?

3 A. Yes.

4 Q. All right. What was your first stop after
5 you left prison?

6 A. We went straight home so I can see my kids
7 and get a shower.

8 Q. Did you seek any type of medical care that
9 night?

10 A. Yes. After we ate dinner and after my
11 father got home, I went to St. Mary's Medical Center
12 to get my face looked at.

13 Q. All right. Exactly, how did your face
14 feel at that point?

15 A. It was really swollen and lot of pain.
16 And I could feel my nose was --- I didn't know it was
17 swollen at the time, I was pretty sure it was
18 broken. I could feel the bones out of line.

19 Q. And were you X-rayed and given CAT scans
20 and things of that nature on Tuesday night, July
21 23rd, at St. Mary's Hospital?

22 A. Yes.

23 Q. And were you advised as to the nature of
24 your condition?

25 A. Yes. They let me know that my nose was

1 fractured.

2 Q. And did there come a time that you were
3 directed to see a specialist about repairing your
4 broken nose?

5 A. Yes. They told me to contact a specialist
6 and I contacted them the next day and they had an
7 appointment to get me in the next day.

8 Q. And who's the doctor that you saw?

9 A. Dr. Hammer.

10 Q. And eventually, was a decision made that
11 you were going to have surgery to repair your
12 injuries?

13 A. Yes. He told me that we had to wait for
14 the swollen to go down, about a week. And then we
15 made a scheduled date. I believe it was Thursday,
16 August 1st.

17 Q. That was the day you had your surgery to
18 repair your broken nose?

19 A. Yes.

20 MR. McGOVERN: Your Honor, may I
21 approach the witness?

22 THE COURT: Yes.

23 MR. McGOVERN: May I see C-12-A, -B,
24 -C, -D and before that.

25 MR. FEINMAN: D. You're saying C.

1 MR. McGOVERN: Oh, I'm sorry. It was
2 D-9, -10, -11 and D-12 -- D-9, -10, and -11 will be
3 the larger poster board photographs.

4 THE COURT: You said D-9, -10, and
5 -11?

6 THE COURT OFFICER: And -12, right?

7 MR. McGOVERN: Yeah -12. There are
8 four photographs -A, -B, -C, -D.

9 THE COURT OFFICER: D-9, -10, -11 are
10 being shown to the witness.

11 BY MR. McGOVERN

12 Q. Mr. Spector, do you recognize this picture
13 of your face?

14 A. Yes.

15 Q. And this was taken by whom?

16 A. My wife Ashley.

17 Q. And do you know when this was taken?

18 A. I believe it was taken in the hospital,
19 the 24th of July.

20 Q. Okay. Does this photograph depict
21 injuries to your face that were not present when you
22 left your home at about 9:30 on Sunday night, July
23 21st?

24 A. Yes. My nose was swollen and looks
25 crooked, and there's black and blue right around my

1 eyes.

2 Q. Okay. And this occurred -- this was two
3 days after the incident -- or three days after the
4 incident?

5 A. Yeah, three days.

6 Q. This is -- that first picture I referred
7 to is D-9.

8 This is D-10. And this shows a close-up
9 of you -- it looks like it's on the same day; is
10 that correct?

11 A. Yes.

12 Q. When the picture was taken -- is D-9.

13 And this shows the closer depiction of the
14 discoloration and the broken nose, correct?

15 A. Yes. And you could also see some
16 scratching on the left side of my face.

17 Q. Where at, sir?

18 A. Right there. (Indicating.) Above my nose
19 and eyelid.

20 Q. Okay. And who put those scratches on your
21 face?

22 A. Sardor.

23 Q. Now, finally, this is D-11. And what is
24 shown in this photograph?

25 A. That was me after my nose surgery, and I

1 believe it's called a Denver Splint that they put
2 on. I had to wear that for about 10 days for the
3 bone to set.

4 Q. I'm going to ask you to look at these four
5 smaller photographs, which I did have enlarged.

6 First of all, I'm going to show you the
7 first two, which are -12-A and -12-B.

8 Can you tell the ladies and gentlemen of
9 the jury what they show?

10 A. They're close-up pictures of my face, with
11 my eyes shut, swollen.

12 Q. And these photographs were taken on July
13 23rd, about 11 o'clock at night?

14 A. Yes. That would be after the hospital.

15 Q. And your wife took these two photographs
16 as well; is that right?

17 A. Yes.

18 Q. Now, I'm going to ask you to look at
19 D-12-C. It's you in a hospital gown with a hospital
20 head covering.

21 Do you see that?

22 A. Yes.

23 Q. And when was that photograph taken?

24 A. That was prior to me getting -- going back
25 to get the surgery.

1 Q. Okay. And was this the day, August 1st,
2 when you had your operation?

3 A. Yes.

4 Q. Can you see any injuries on your body that
5 came about on the night of the incident at Ferndale
6 and Kentwood?

7 A. My knees are scraped up and bruised.

8 Q. Okay. And how did that occur?

9 A. From me trying to get back up while being
10 kicked.

11 Q. And finally, D-12-D. What does that
12 photograph depict?

13 A. That's me after surgery.

14 Q. You're in the hospital --

15 A. In recovery.

16 Q. -- bed in St. Mary's; is that right?

17 A. Yes. The Recovery room.

18 Q. Okay. Thank you.

19 Mr. Spector, after you received your
20 medical treatment on August 1st of 2013, I take it
21 you're release and returned home?

22 A. Yes. My wife drove me home.

23 Q. And you resumed your normal employment; is
24 that correct?

25 A. Yes.

1 Q. And on October 29th, a couple months
2 later, your daughter Lilianna was born?

3 A. Yes.

4 Q. And you still continued to live with wife
5 and your two daughters and your father in the home
6 that you were born and raised in?

7 A. Correct.

8 MR. McGOVERN: I have nothing
9 further.

10 THE COURT: It's 3:30 now -- do you
11 have any cross?

12 MR. FEINMAN: I have four, five
13 questions.

14 THE COURT: Okay. Go ahead.

15 BY MR. FEINMAN

16 Q. Good afternoon, Greg.

17 A. Good afternoon.

18 Q. I want to take you to the point in time at
19 Kentwood and Ferndale when you're out of the car,
20 Sardor Bolyaganov is out of the car, Olena Sirko is
21 out of the car, and your father is out of the car.
22 And the four of you are standing in close proximity
23 to the rear of your dad's car. Okay?

24 A. Yes.

25 Q. You testified that you took a photograph

1 of the license plate.

2 Up until that time, was there any
3 indication from anyone that there was a problem,
4 other than knowing that there was a stolen phone
5 there?

6 A. Sardor started to raise his voice.

7 Q. Okay. Now, we heard from Ms. Flemming,
8 the neighbor who said that she heard a female's
9 voice. Was there any other female outside there
10 while you four guys were there?

11 A. No.

12 Q. The female voice that she heard, do you
13 know whose that was?

14 A. That was Sardor's wife.

15 Q. And you said she was yelling at you or
16 questioning why you were taking a photo of the
17 license plate?

18 A. Yes. She was yelling at me not to take
19 the picture.

20 Q. At that point, did your father say
21 anything to you about doing something?

22 A. I was walking over to take the picture.
23 He said, Greg, call the cops.

24 Q. And as he said that, what was the next
25 thing that you saw Sardor Bolyaganov do?

1 A. Sucker punch my father in the face.

2 Q. When he did that -- I know you testified
3 that you saw your father going back and his feet
4 going in the air close to, you said, chest high on
5 you?

6 A. Yes.

7 Q. How did he land?

8 A. , He landed -- it looked like the back of
9 his head, pretty much, caught the ground first.

10 Q. Did you, actually, see his head hit the
11 ground?

12 A. Yes.

13 Q. Now, your dad wears glasses?

14 A. Correct.

15 Q. Does he wear them all the time?

16 A. Yes, he has to wear them all the time.

17 Q. Did you see what happened to the glasses?

18 A. They went flying like 15 feet away from
19 where we were standing.

20 Q. Okay. Now, I want to take you back
21 earlier in the day.

22 A. Okay.

23 Q. You and Ashley head out of the house to go
24 purchase this phone. You left the house.

25 Did you have your gun with you?

1 A. Yes.

2 Q. And did you have the extra clip with you?

3 A. Yes, I did.

4 Q. I understand from your testimony that your
5 intention when you were planning to go back that
6 evening was to get your money back, correct?

7 A. Yes.

8 Q. Now, you knew he said that he only had
9 200. Were you willing to accept that 200?

10 A. Yes.

11 Q. But you also said that you had no
12 intention of ever giving him back the stolen phone?

13 A. No. I was going to give that to the
14 police.

15 Q. So your intention was to go there, get as
16 much of your money back, eat your \$90 loss, but not
17 give him this stolen property, correct?

18 A. Correct.

19 Q. At any time, did you hear your father say
20 anything along the lines of, He's a cop? He's an
21 undercover cop? Anything of that nature?

22 A. The only thing that I heard my father say
23 is, Greg, call the cops.

24 Q. The split second before you pulled the
25 weapon out, you testified that were observing Sardor

1 Bolyaganov kicking and striking your father?

2 A. Yes.

3 Q. Had you not fired the weapon and struck
4 him, based on what his actions were, did you think
5 he was going to stop?

6 A. No. I thought he wasn't going to stop
7 until we were both dead.

8 Q. Reflecting back upon your actions, you
9 realize that what you did saved your father's life?

10 A. Yes.

11 MR. FEINMAN: No further questions.

12 Thank you.

13 THE COURT: Looking at the time, I
14 think it's probably better to start cross on Monday,
15 than 20 of 4:00.

16 MS. HEARD: That's fine. I'm with
17 that, Your Honor. Whatever Your Honor wants to do.

18 THE COURT: All right. That gives
19 everybody enough time.

20 So we'll adjourn for today. And
21 Monday we will resume. We will be wrapping up and
22 completing this trial on Monday. So we'll see you
23 at 10:00 a.m.

24 And remember, don't talk about the
25 case to anybody. We're almost there.

1 See you Monday at 10:00 a.m.

2 (Jury exits the courtroom at 3:36
3 p.m.)

4 MR. McGOVERN: Your Honor, at this
5 time, may my client step down from the stand?

6 THE COURT: Yes, he can step down.

7 (Witness excused.)

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Professional Court Reporter

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