

1 THE COURT: All right. This is cases  
 2 one and two. Case one, Lonnie Spector CP case  
 3 ending in 12821-2013; case two, Gregory Spector CP  
 4 case ending in 12822-2013.

5 The jury has -- one, two, three, four  
 6 questions have been submitted to the Court from the  
 7 jury.

8 We'll start with question two.  
 9 Question two, may we please have the 911  
 10 transcripts?

11 Question three, may we have Lonnie's  
 12 medical records from 7/21/13.

13 Question four, may we have the  
 14 transcript of Lonnie's statement to Detective  
 15 Corrigan?

16 Question five, may we have the  
 17 statements to Detective Corrigan from Gregory,  
 18 Sardor and Ms. Sirko?

19 Those are the questions that we have  
 20 received from the panel.

21 The transcripts, I think, should be  
 22 okay. Lonnie's medical record.

23 MR. FEINMAN: Your Honor, I'll take  
 24 one at a time. With regards to the transcript,  
 25 during the testimony, it was clear that there were

1 parts of the transcripts that were omitted, or, I  
2 should say, part of what was on the tape that was  
3 not on the transcript. For instance, there were  
4 parts in there that --

5 THE COURT: It wasn't fully  
6 transcribed, the tapes.

7 MR. FEINMAN: It wasn't fully  
8 transcribed and while I think the transcripts are  
9 informative and can be of assistance, I think the  
10 first step would be to have the actual tapes.

11 For instance, there's a piece of  
12 testimony in there or a reference while Gregory is  
13 on the scene and you hear the conversation -- this  
14 is after the shooting where you hear Gregory say,  
15 Apply pressure, Apply pressure. That's not in the  
16 transcript.

17 THE COURT: I understand. But the  
18 transcripts have been gone over and over again  
19 during the trial, and it was clear during the trial  
20 that those transcripts weren't complete. But the  
21 tracks have been gone over and over. The  
22 transcripts have been used over and over again and  
23 adopted by just about every witness that testified.

24 MR. FEINMAN: Understood.

25 THE COURT: But I think it's

1 understood -- the tapes would be problematic,  
2 because they would have to come out. We'd have to  
3 play it here. And certainly, we don't have any  
4 ability to bring it -- but that's not what they  
5 asked for.

6 MR. FEINMAN: I recognize that. My  
7 concern is that the transcripts are not complete.

8 THE COURT: The completeness. And I  
9 understand. And I think that was explained during  
10 trial.

11 Mr. McGovern?

12 MR. McGOVERN: I just -- that is such  
13 an important piece of evidence where it's clearly  
14 audible on the tape where Gregory Spector says,  
15 Apply -- keep applying pressure. And in that  
16 portion where he's talking about his broken nose,  
17 it's there, but it's not written down.

18 I don't know what to do about it,  
19 Your Honor. I guess I would ask, Your Honor, if the  
20 Court would consider mending that portion of the  
21 transcript -- well, I guess it's a little bit late  
22 in the game.

23 THE COURT: It was, you know, adopted  
24 by just about all the witnesses.

25 MR. McGOVERN: Yeah, okay. Thanks,

1 Judge.

2 MS. HEARD: And we can -- I don't  
3 know if this could cure it, but we can even say, you  
4 know, it was asked on cross-examination, it was  
5 asked on direct examination by counsel,  
6 specifically, with respect to, you know, Add  
7 pressure. That was in there. It's an understanding  
8 that this isn't the complete transcript.

9 THE COURT: Right. And that was said  
10 throughout the trial and that the transcripts were  
11 gone over and over again with just about every  
12 witness that testified and fully adopted. I don't  
13 see any problem with those.

14 If they ask to hear the tapes, if  
15 they ask that, we can certainly set that up where  
16 they would have to come out and we'd have to play it  
17 here. I don't have any ability -- and that's fine.  
18 That may be coming, and I don't see any problem with  
19 that. We'll certainly set that up. They will come  
20 out and we'll play it. I want to make sure that we  
21 have the ability with the technological ability  
22 nearby.

23 MR. FEINMAN: Understood.

24 THE COURT: So that's a yes.

25 May we have Lonnie's medical record

1 from 2/21/13.

2 MR. FEINMAN: And that's the Aria  
3 record, Your Honor. And I have no objection to  
4 that.

5 THE COURT: I believe that is D-18;  
6 am I right?

7 MR. FEINMAN: Those are the Aria  
8 records only, correct. I think it's -- and that was  
9 D-18 that's covered on page 11, number 7 as to what  
10 the stipulations were.

11 THE COURT: Okay. So D-18. The  
12 transcript is C-52-A. So the 911 transcript -- I  
13 have that C-52A; is that right?

14 MS. HEARD: Yes.

15 MR. MCGOVERN: The tape itself is  
16 C-52.

17 THE COURT: The medicals for Lonnie  
18 Spector are D-18, right?

19 MR. FEINMAN: That is correct, Your  
20 Honor.

21 THE COURT: The next question, may we  
22 have a transcript of Lonnie's statement to Detective  
23 Corrigan.

24 We're not supposed to, is my  
25 understanding of the criminal rules, provide a

is this  
true

1 statement of a defendant to a jury.

2 MS. HEARD: And that wasn't admitted.

3 THE COURT: So that's a no.

4 May we have statements to Detective  
5 Corrigan from Gregory? No.

6 Sardor and Mrs. Sirko. They went  
7 over so many times.

8 MR. McGOVERN: Your Honor, the only  
9 thing I would say, Your Honor, under abundance of  
10 caution is, Gregory did not give a statement.

11 MS. HEARD: Correct.

12 MR. McGOVERN: So I think the jury  
13 should be somehow advised.

14 THE COURT: Well, I can put, Gregory,  
15 no statement.

16 MR. McGOVERN: Yeah, because there  
17 was no statement.

18 THE COURT: Okay. No statement.

19 MR. McGOVERN: They'll think they're  
20 not getting it.

21 THE COURT: Right. Well, they  
22 couldn't get it anyway.

23 Sardor and Mrs. Sirko?

24 MS. HEARD: I'm don't see why --  
25 they've been fully adopted, testified. We've gone

1 over it numerous times.

2 MR. FEINMAN: And we're okay with  
3 that, Your Honor.

4 MR. McGOVERN: And these are the  
5 statements to Detective Corrigan.

6 MR. FEINMAN: That's correct.

7 THE COURT: To Detective Corrigan.  
8 That's all they asked for.

9 MR. FEINMAN: They're on the 22nd of  
10 July, their statements.

11 THE COURT: Gregory -- I'll put,  
12 Gregory, no statement. So there's no -- okay.

13 Sardor -- what's that exhibit?  
14 Corrigan's?

15 MS. HEARD: Your Honor, with respect  
16 to Sardor's statement, that's C-35.

17 THE COURT: And Sirko's statement to  
18 Detective Corrigan only.

19 MS. HEARD: Your Honor, that's C-15.

20 THE COURT: Okay.

21 MR. FEINMAN: Your Honor, could we  
22 just see those exhibits to make sure we're all on  
23 the same page?

24 THE COURT: Yeah, he's going to pull  
25 them. We're using the official to make copies.

1 MR. FEINMAN: Understood.

2 THE COURT: I want to get numbers  
3 right.

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

6 MR. FEINMAN: Your Honor, if I may,  
7 D-17 is marked as Aria health records here.

8 THE COURT: So it's the opposite of  
9 what -- this is what you marked on mine.

10 MR. FEINMAN: That was originally --  
11 and then it was switched around, because there was  
12 confusion about the poster board.

13 THE COURT OFFICER: Exactly. What  
14 you just said is right.

15 THE COURT: Okay. So 17 is Aria?

16 THE COURT OFFICER: Yes.

17 MR. FEINMAN: 17 are the Aria  
18 records.

19 THE COURT: And D-18 is Rothman.

20 (Whereupon, there was a break in the  
21 proceeding.)

22 THE COURT: All right. We can go on  
23 the record with case Number 1 and 2, Lonnie Spector  
24 and Gregory Spector. We received two additional  
25 questions from the deliberating jury.



1                   Just for the record, Question Number  
2 six, For the charge of conspiracy, is it sufficient  
3 for there to be a conspiracy for only one of the  
4 charges listed, or does there have to be a  
5 conspiracy on all the list of charges, or do we need  
6 to find a verdict about conspiracy for each  
7 individual charge.

8                   Question Number seven, regarding the  
9 attempted receiving stolen property charge, does the  
10 "and" in line one mean that we need to establish  
11 that the cell phone and the money are both stolen  
12 property, or is it establishing just one of them as  
13 stolen enough.

14                   And those are the questions.

15                   Let's go to six first.

16                   It should be yes, no, no.

17                   MR. FEINMAN: Your Honor, you're  
18 saying for the charge of conspiracy -- is it  
19 sufficient for there to be only one of the  
20 charges --

21                   THE COURT: Sufficient for there to  
22 be only one of the charges -- well, that's up to  
23 them. They have to decide that. So yes, they can  
24 decide conspiracy for all, one. That's up to them.

25                   MR. McGOVERN: Or none.

1 THE COURT: Or none. So that -- the  
2 answer is yes. They can find, if they so chose,  
3 conspiracy on one charge or none or all. That's up  
4 to them.

5 MR. FEINMAN: Right. And it would  
6 seem that they would also have to ascertain part  
7 three of their question.

8 THE COURT: Well, Or does it have to  
9 be conspiracy on all the list of charges? No. Or  
10 do we need to find a verdict about conspiracy for  
11 each individual charge? No. It's up to them what  
12 they find the conspiracy for.

13 MR. FEINMAN: Understood. But as an  
14 example, if they say there's a conspiracy, and just  
15 using as an example here what they're referencing in  
16 Question Number 7, that there was a conspiracy for  
17 receiving stolen property, that -- if they concluded  
18 that, then they would not be able to find attempted  
19 murder because that's not where the conspiracy is.

20 THE COURT: Well -- right. So...

21 MR. FEINMAN: I think we need to  
22 clarify for their purposes that they would need to  
23 find -- for their verdict, they would need to find  
24 conspiracy for each individual charge.

25 THE COURT: Well, that's what they

1 just asked. Do we need to find conspiracy for each  
2 individual charge. The answer is no. They don't  
3 have to find -- it's up to them where they find the  
4 conspiracy.

5 MR. FEINMAN: What I'm saying is I  
6 think the appropriate response would be that -- for  
7 Number 1, saying, yes. But they also need to look  
8 at Number 3.

9 THE COURT: I don't think I follow  
10 you.

11 MR. FEINMAN: They have to decide  
12 whether or not there's conspiracy for each act.

13 THE COURT: Right.

14 MR. FEINMAN: In order to find guilt  
15 for that particular act.

16 THE COURT: Right.

17 MR. FEINMAN: That's all I'm saying.  
18 Can they, for the charge of conspiracy, is it  
19 sufficient for there to be a conspiracy for only one  
20 of the charges. I would say the answer for that  
21 would be yes, in presenting it.

22 Does there have to be conspiracy for  
23 all the charges? No. Do they need to find  
24 conspiracy about a verdict about conspiracy for each  
25 individual charge, I think the answer to that is

1 yes.

2 MR. McGOVERN: Your Honor, my concern  
3 is -- and that's why I thought that it was -- it's  
4 insufficient to respond to the first one in the  
5 affirmative without at least some type of  
6 explanation, because Your Honor, it says for the  
7 charge of conspiracy, is it sufficient for there to  
8 be conspiracy for only one of the charges listed.  
9 But then coupled with the other two questions is --  
10 I don't know if there's confusion there if they  
11 thought there's only a charge of conspiracy as to  
12 this charge, but if I find -- if we find it as to  
13 only one of the charges, that it follows -- that the  
14 other charges --

15 THE COURT: Yeah; because they could  
16 find conspiracy one charge -- and I'm not saying  
17 this is what they are thinking, because I don't  
18 know. And it could be -- I'm in no way advocating  
19 anything. But they could easily say there's  
20 conspiracy on one charge, and they could find one  
21 defendant guilty on other charges and say not guilty  
22 on other charges.

23 MR. McGOVERN: What I'm saying, Your  
24 Honor, is the reason why I think it's yes, no, yes  
25 is because -- the first question, for the charge of

1 conspiracy, is it sufficient for there to be  
2 conspiracy for only one of the charges? Yes. But I  
3 also believe, Your Honor, in the question, Do we  
4 need to find a verdict about conspiracy for each  
5 individual charge, I think that's yes.

6 So to guard against --

7 THE COURT: So yes, no, yes? I see  
8 what you're saying.

9 MS. HEARD: I see what he's saying.

10 THE COURT: I think I might have  
11 misread. They're saying find a verdict.

12 MR. FEINMAN: Your Honor, it would be  
13 a false impression that if they find a conspiracy  
14 for one, then automatically that addresses all of  
15 the charges. And that's why --

16 THE COURT: Yes, no, yes. I see.  
17 Because it's a verdict about conspiracy.

18 Commonwealth?

19 MS. HEARD: I agree, Your Honor,  
20 especially since they specified verdict about  
21 conspiracy.

22 THE COURT: Okay. Yes, no, yes.  
23 Because there's -- because as we know in many  
24 trials, there's only a conspiracy on a single one  
25 charge. But in this case, there's conspiracy on all

1 the charges. So they do have to deal with it for  
2 each charge. Yes, no, yes. That's correct.

3 Moving to Question 7, regarding the  
4 attempted receiving stolen property.

5 MR. McGOVERN: Your Honor, and the  
6 charge is cell phone "and" the money. That has --  
7 how the charge read, and I think that's fair for two  
8 reasons. One is because we have the double whammy  
9 of having the stolen phone -- is accused of being  
10 stolen, essentially, again. I'm not trying to be  
11 cute. But we referred to this phone throughout the  
12 trial as it was reported stolen.

13 THE COURT: I understand.

14 MR. McGOVERN: The charge --

15 THE COURT: I think it's possible for  
16 them to find one and the other -- you know they  
17 could say the money, the \$90 -- and I'm not  
18 advocating that they could do that. They could find  
19 that the \$90 was stolen and the phone wasn't. They  
20 could. I don't know.

21 MR. McGOVERN: I'm just saying that  
22 the charges against my clients is that receiving  
23 stolen property was the cell phone and the money.

24 THE COURT: No, no, no. I know what  
25 the charges are, but they're asking -- I understand.

1 Yes, that's the charge. But they're asking if we  
2 could find one and not the other, is what they're  
3 asking.

4 MR. MCGOVERN: And what I'm saying is  
5 the allegation against our clients were for  
6 correctively both. So it would only stand to reason  
7 in terms of proof and the allegation in this case is  
8 that its both, the phone and the money, is stolen.  
9 You can't split the baby in two because that's what  
10 the charges are. That's how I see it.

11 MR. FEINMAN: Judge, if I may, the  
12 confusion may exist, and is somewhat misleading is,  
13 throughout the trial we were referencing the phone  
14 as being a stolen phone. And I think -- I'll take  
15 liberty in assuming -- the Commonwealth would agree  
16 that they're not charged with stealing that phone  
17 from whoever the earlier owner may have been.  
18 However, we always referred to it throughout the  
19 trial as a stolen phone. And I think when you read  
20 the definition --

21 THE COURT: Yeah, I understand. I  
22 understand that.

23 All right. Let the Commonwealth  
24 speak for the charges.

25 MS. HEARD: Your Honor, I understand

1 what the charges say, in terms of like the black  
2 letter in terms of "and," but I would say it could  
3 be either. I think that the jury could find either.

4 THE COURT: Because the jury could  
5 find, in their conclusion, not advocating that this  
6 is what they should -- but they could find that one  
7 was stolen by defense -- I guess I should be  
8 careful, but it was the stolen cell phone that's,  
9 you know -- they could find one was taken by the  
10 defense and one wasn't. I mean, they could make  
11 that finding. Because they are the ones judging the  
12 facts.

13 The \$90, for example, was taken by  
14 the defense, but not the phone or -- they could make  
15 that determination. I'm not saying that they should  
16 do that. But they can make that determination.  
17 It's not required that they -- that the phone and  
18 the money -- they have to make a finding that  
19 they're both stolen as a set. They can find one  
20 stolen and one not. They can make that finding, you  
21 know, based on the evidence. They can find that  
22 both or none of it is. You know, they're free to do  
23 that, as I see it.

24 So I would say yes to that, that they  
25 could find one stolen and not the other.



1 MR. MCGOVERN: Your Honor, with all  
2 due respect with Court, note my objection for the  
3 record for that. I think it should be both.

4 THE COURT: Okay. I would say yes.  
5 Objection noted.

6 MR. FEINMAN: Your Honor, I would  
7 join in that objection.

8 THE COURT: All right. The jury is  
9 the decider of the facts. They've heard the  
10 arguments; they've seen the evidence. They can  
11 determine one is; one isn't. All right.

12 MR. MCGOVERN: Are you going to bring  
13 the jury in to answer these, Your Honor?

14 THE COURT: No. I'm just going to  
15 write on there yes and then write the answer yes, no  
16 yes and then send it back to them. Now, if they  
17 request to come -- I don't do anymore than what they  
18 request.

19 MR. MCGOVERN: I just kind of miss  
20 seeing them.

21 THE COURT: All right. So yes, no,  
22 yes for six -- seven. And we understand -- the  
23 objection is noted.

24 Yes, no, yes and yes.

25 THE COURT: That's it for now.

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

THERESA VALENTINO

Professional Court Reporter

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