

COMMONWEALTH OF PENNSYLVANIA

VS.

BRUCE DONALD GODSCHALK

COMMONWEALTH of PENNSYLVANIA
COUNTY of MONTGOMERY
COURT of COMMON PLEAS

DIVISION

No. 00934-87

SUPPRESSION HEARING

Transcript of Notes of Testimony

Norristown, Pa.

May 26

1987

Before

THE HONORABLE S. GERALD CONSO

RECORD FILED IN
SUPERIOR COURT

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DISTRICT

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RUTH S. PRUSHAN
OFFICIAL COURT REPORTER
COURT REPORTERS
NORRISTOWN, PA.

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transportation.

Q Sir, do you have any present recollection of the initial conversation in the library?

A Yes, sir, I do.

Q Who was doing the talking as far as the police side of it?

A As far as the actual incidents, as to what we were directly questioning him about, it was myself.

Q Now, would you tell the Court the substance of that conversation?

A Yes. We originally -- when we -- as I stated, when we first started talking, told him that we were there about the incidents that happened at Kingswood. He knew that prior to going in we wanted to talk to him about incidents that happened in the apartment complex in King of Prussia.

I told him they were about incidents at Kingswood. I began general conversation of, "You're aware of where Kingswood is."

And he said he did because his boss used to live there. Later on he changed and said that he remembered his boss living at Gulph Mill Village, which is an apartment complex within four hundred yards of it or so, however, he did state he knew about Kingswood, and the general conversation was, "What do you know about

Kingswood, how many times have you been to Kingswood, who did you see when you went to Kingswood, what were you at Kingswood about -- for, and he went on to say about -- talking about the Village Mart Shopping Center, which is located right at the base of Kingswood, as far as knowing that area, because he had gone to the deli.

There's a bar and restaurant, The Yankee Doodle Inn. He stated that he was very familiar

THE COURT REPORTER: Sir, would you please speak a little bit slower?

A (Continued) I'm sorry. He stated that he had gone to the Yankee Doodle Inn, had even applied for a job there at one time, so that he was very familiar with the Kingswood area.

I then suggested to him, I said, "Well, I specifically want to talk to you about several rapes that occurred at Kingswood," and his immediate response was, "No, not me. I'd never do such a thing."

And I came right out and told him, I said, "Bruce, you've been identified. I think you did it. And I think it would be best if you got it off your chest and talked to us about it."

And he responded in a manner of, "Well, if I did it, you're going to have to prove to me that I did it, because I don't remember any of it."

Then he began to talk about how he has a drinking problem, and that when he drinks heavily, he doesn't remember things that he does. And with this I said, "Okay, fine. If you don't remember, you don't remember it. Let's talk specifically about things that you do remember, because everybody remembers something. You either remember getting drunk or remember having the hangover, but you remember something."

And with this he started zeroing in and stated, "Well"--the whole time he was like, you know, rubbing his head trying to think. He was looking at us and would go on to say, "I really don't remember. I really don't remember." And then he said, "Well, maybe it was me. Maybe I did go and I just don't remember."

So I said, "Okay, fine, maybe it was you, but you don't remember. Again, what do you remember?"

And then after several minutes of thinking about it he goes -- he more or less put his hand on the table and his hand on his chin and he goes, "Yes, I went in and I laid a girl down on her back."

I said, "Okay, fine, so you do remember something. What can you tell me about the girl? What do you remember?"

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And with this he began trying to remember, saying, "Well, I'm not quite sure."

I said, "Can you describe her?"

And he said -- at that point in time he said, "I'm not quite sure."

I said, "Did you have any conversation with this girl?"

And he responded by saying, "Yes she said something to me about you're hurting me," and with that there was something else that was said. I really don't remember what it was at this point in time.

But then I said, "Well, what else do you remember?"

And he said to me, "She had a problem."

And I said, "What do you mean a problem? A physical problem? A mental problem? What are you talking about a problem?"

Q Can you slow down a little bit, please?

A Yes. Okay. He said, "She had a medical problem."

And I said, "What do you mean a medical problem?"

And he responded by saying, "She was wearing a tampon."

And I said, "What did you do?"

He said, "I just pulled it out."

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I said, "When you pulled it out, what did you do?"

He said, "I tossed it across the room."

Q. Sir, was that fact significant to your investigation of the various rapes?

A. Yes, that was very significant as far as Patricia [redacted]

Q. Why was it significant?

A. Because [redacted] was having her period at the time and she stated to me that she did have a tampon on, and when I questioned her about that during my initial investigation in conversation with her, she did tell me -- I asked her, "Well, what happened? Did you take it out or did he?"

And she said, "He just ripped it out and threw it."

Q. Was that information released by your department to the public?

A. Never.

Q. Who was aware of that information other than [redacted] and the Upper Merion Police?

A. At that point in time no one other than you know, Miss [redacted] and us.

Q. Please continue.

A. I'm sorry, it was then known to the lab, because when we submitted evidence to the Lab -- excuse me -- they were told that Miss [REDACTED] was having her period at the time for their actual rape tests. So the laboratory was known, and that was Toxicon in Willow Grove.

Q. But not to the public.

A. No, sir.

Q. Were there any other discussions at that point about the [REDACTED] incident?

A. Well, yes.

Q. What did you do at that point in reference to the further discussions?

A. As soon as he said that, I looked at Detective Karczewski and I again then looked at Mr. Godschalk and I said, "Bruce, you know you're here on your own free will, and you don't have to be telling us any of this. Do you understand that?"

He said, "Yes, I want to cooperate."

I said, "Pine, what else can you tell us?"

And with that he began describing the [REDACTED] incident.

Q. Tell us, how did he describe it.

A. He -- the way it first started right after that is

he would look at us, specifically at me, and he would say, "Well" -- questioningly -- "I went through the window."

I said, "You tell us. Did you go through a window?"

He said, "Yes, I did go through a window."

After the first general comments like that, he then began to elicit all the information totally on his own where he said, "I entered through a window. I went into her bedroom."

And then prior -- there again I would begin asking him questions, "Well, did you do any -- what were you doing before you went in through the window?"

"Well, I"--

Slow down.

"I was watching her."

"How were you watching her?"

"Through her window."

"What did you see?"

"Well, I saw her in bed. She was reading a magazine."

"How do you know she was reading a magazine?"

"The light was on."

Q Was the magazine significant to you?

A Yes. When I processed the scene, in speaking to Miss [REDACTED], there was still a magazine on the bed, and she had indicated to me that she was reading, with the light on, before falling asleep, and she was reading a magazine.

Q Was that magazine information released to the public?

A Never.

Q Please continue. What else did he tell you about the [REDACTED] case?

A He then stated that he had entered the apartment through a window, which he later said was the kitchen window; however, the investigation shows that it was not a kitchen window but it was in fact a spare bedroom which was used as a studio-type-study room.

But he said that he entered her bedroom, and that she was asleep across the bed, and that he jumped on top of the bed, and that he rolled her over onto her stomach, where he proceeded to have sex with her, had intercourse with her, in a fashion that in his own term stated that it was doggie style.

Q Did you put those words in his mouth, "doggie style"?

A Never. He stated to me that -- he said, "I had her

on her stomach and I had" -- he said, "I don't believe
I don't recall whether he said, "I had sex with her."
I had intercourse with her."

I said, "Well, what do you call that?"

And he said, "That's doggie style."

I said, "Fine."

Q. Now, is that fact significant to your investigation?

A. Yes. It's the same type position used both in
[redacted] and was to what Mrs. [redacted], the other incident
had described to us as being used.

Q. Was that information released to the press?

A. Never.

Q. To the public?

A. Never.

Q. Please continue.

A. He then proceeded to say that he had sex with
her. I asked him, I said, "Did you hurt this woman at all?"

And he said, "Never."

I said, "How would you describe
yourself? IF you had to put it in your own words as to
how you treated her, how would you describe it?"

He said, "I was very gentle."

I said, "What was your voice like?
Were you yelling at her or what?"

He said, "No, I was very soft spoken."

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And I said, "Well, describe soft spoken."

He said, "Just like I'm talking to you right now. I didn't yell or scream. I was just very soft spoken."

He then proceeded to say that after it was done, he got up and he exited out the front door.

Q Did you ask him to describe the victim?

A Yes, I did. At first he said that she was -- if I remember his exact words -- he said that she was good looking and then he changed it to, "No, she was average looking."

And I said, "What color hair?"

And he said, "Black, brunette, or brown. Brown, I think."

I said, "Could you give me an age?"

And he said, "Medium age."

I said, "What do you consider medium age?"

He said, "Somewhere around thirty."

Q Please continue. What further information did you get from him about the [REDACTED] incident?

A He had told me that he felt he was drinking that night. I asked him as to how he had entered the apartment, and he said, "Through the window."

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I said, "Was there a screen on the window?"

And he said, "Yes."

And I said, "What did you do with that?"

He said, "I removed it."

And I said, "How did you remove it do you recall?"

He said, "Just by pulling it back."

Q Did that fit the facts in your investigation?

A Yes. The screen had been recovered where there was a hole poked in the lower right-hand corner and the screen itself had been pulled back.

Q Did you ask him about the clothing he was wearing on the night in question?

A I believe I did ask him. I don't really don't believe he recalled other than the fact that he did later on say that he always wore sneakers.

Q Was there anything further orally discussed at that point about the [redacted] incident?

A I again asked him if he was sure that the window that he had entered was the kitchen, and he felt that it was, and the reason why, as again I stated I asked him that, was because that was really pretty much one of the only things that he was telling us about that that really

didn't fit the Morrissey incident, because there is no window in the actual kitchen. Other than that, nothing.

Q So based on the information you had acquired up till then, what did you do?

A At that time I again told Mr. Godschalk that he was free to leave, that he was there on his own free will, and that we weren't compelling him to talk to us, however, I was going to give him his Constitutional rights, not because he was being detained or anything, but only for the mere fact to cover myself to show that I did it -- did give him his Constitutional rights, at which time I did give him his Constitutional rights.

Q What, if anything, did he respond to you as you were advising him of your intentions at that point?

A He stated that he was willing to cooperate and he wanted to talk to us about the incidents. He wanted to clear everything up.

Q Did you in fact advise him of his Constitutional rights at that time?

A Yes, sir, I did.

Q What time would that have been?

A This was -- he had been with us in the library for approximately an hour and fifteen minutes before he made his first comment about laying a girl onto her back, and then it was approximately another twenty minutes till

He concluded with the [REDACTED] incident, so 12:50 to 1:05. I'm putting the time at approximately -- around 1:30.

THE COURT: Is when you advised him of his Constitutional rights? Is that what you're saying?

THE WITNESS: The actual Constitutional rights according to the Miranda decision, yes, sir, Your Honor.

THE COURT: Were given at what time?

THE WITNESS: Approximately 13:30.

THE COURT: Okay.

BY MR. CARPENTER:

Q In what form did you give him those rights?

THE WITNESS: I'm sorry. I'm saying 13:30, and that's incorrect, Your Honor. We arrived at the Upper Merion Police Station at approximately 12:50. We were in the library for approximately an hour and fifteen minutes before he said something about laying a girl down on her back, so 12:50, an hour and fifteen minutes would put us around five minutes after two, and then it was another twenty minutes until after he concluded speaking to us about the [REDACTED] incident, so I'm looking more at like twenty-five after two to

approximately 2:30. I was saying 1:30 and I'm sorry, that's not correct.

BY MR. CARPENTER:

Q So it would be around 2:30 that you gave him his Miranda warnings.

A Yes, approximately an hour and thirty minutes from the time we had actually had him in the library.

Q In what fashion did you give him the Miranda warnings?

A I gave him his Miranda warnings orally.

Q Did you read from a card?

A No, sir, I did not.

Q Would you take the time and slowly tell us what you said to him orally?

A Yes. I always describe the Constitutional rights basically the same way, that you have the right to remain silent, anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford one, one will be appointed free of charge by Montgomery County. You have a right to have a lawyer present during questioning. You have a right to make a statement. Anytime you may stop from making that statement.

Then I go back and ask him, "Do you understand you have the right to remain silent? Do you

understand you don't have to say anything at all? Do you understand you have a right to an attorney?"

And with that I proceeded -- he stated that he fully understood everything. I told him again, "You're here on your own free will. Do you want to continue talking to us?"

And he said, "Yes, I want to clear this up."

With that we said, "Okay, I want to talk to you about another rape. Do you remember that one?"

Now, stop. I want the answers he gave to each portion of the Miranda warnings.

A I asked him, "Do you understand that you have the right to remain silent?"

And he said, "Yes."

I said, "Do you understand that you don't have to say anything at all?"

And he said, "Yes."

I stated, "Do you understand that anything you say can and will be used against you?"

And he said, "Yes."

And I asked him if he wanted an attorney, and he said, "No, I want to clear this up."

He did -- he did at that point say "Is there anybody else I could talk to?"

~~Saville - direct~~

And I said, "Who are you referring to?"

And he's there, "Well, how about a doctor?"

And I said, "Do you have a doctor you want to talk to you? You're free to leave. You can go anywhere you want and you can get anybody you want. Do you want us to get you a doctor?"

And he said, "No. I'm going to need a doctor, though, because I have a bad drinking problem and I need help."

I said, "Fine, do you want us to get you one?"

And he said, "No, but I'm going to need one."

I said, "Okay. Is there anything else that you want?"

And he said, "Is it going to be possible for me to talk to an attorney?"

And I said, "Yes. Do you want to call one? In fact, there's a phone right in the room."

And he said, "No."

I said, "Do you want us to get you one?"

He said, "No."

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I said, "Do you want to leave and go get one?"

And he said, "No, but I'm probably going to need one, right?"

And I said, "Bruce, it looks like you're going to be arrested eventually for these incidents because you've done something wrong and you're going to have to pay a price for it. So I would say, yes, you're going to need an attorney."

And he said, "Fine."

And with that I said, "Do you want to talk to us?"

And he said, "Yes, I want to clear this up."

I said, "Fine." So that's when we went on. I said, "Then tell me about the other incidents."

And then he proceeded to talk about Mrs. [REDACTED].

Q Did you prevent him in any way from using the phone to call for an attorney?

A The phone was actually put right in -- the phone was in the middle of the table. Never.

Q Did you prevent him in any way from leaving the room to look for an attorney?

A The door was still open. He was told the door was

open. He was told he could leave.

Q Was there anything about what had taken place up to that point that would lead you to conclude that he did not understand what was taking place?

A Never. He said he fully understood everything. He wanted to cooperate with the police.

Q Did he, to your satisfaction, waive his Miranda rights?

A It's my feeling that he fully understood them and he wanted to cooperate with the police.

Q Now, is that when you began talking about the [redacted] incident?

A Yes. I didn't specifically say Mrs. Bednar, but I said, "Let's talk about the other incident that may have happened down there."

And this is where he said, "Well, is that woman blond?"

I said, "I don't know. You tell me."

He said, "Yes, I think she was blond."

And proceeded to say, "Okay, tell me what happened."

And he said, "Well, I saw her through a window."

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"Well, what was she doing?"

"She was wearing a robe and she was reading something."

That is also exactly what Mrs. [REDACTED] had said, that she was down in what you would call her rec room and that she had been reading a book, watching T.V., in a robe prior to going to bed.

He then proceeded to say that he had waited awhile and then she went upstairs.

I said, "How do you know she went upstairs?"

"Well, she left the room."

I said, "What did you do then?"

He said, "I went in through the window."

According to -- as determined through the investigation, entry into Mrs. [REDACTED] was through a ground-level window into this rec room.

He stated that he went up two flights of stairs. He didn't say two flights but he said two sets of steps -- to get to Mrs. [REDACTED] bedroom.

You do in fact have to go up two sets of steps, one from the rec room to the first floor, which is your living room, dining room, kitchen area and then you have to round the corner and go up another flight

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of steps, which take you to the bedroom areas.

He stated that upon reaching the top he went into her bedroom.

And I said, "Well, did you do anything at all before going to her bedroom?"

And he said, "Yes, I got a pillow."

I said, "Where did you get this pillow?"

And he said, "From another room."

During Mrs. [REDACTED] interview, she did tell us that there was -- that the perpetrator did bring in a pillow from her son's bedroom, and she identified this pillow as knowing it came from her son's bedroom, because she makes her son's bedroom up, and she identified the pillow as being from her son's bedroom.

Q Was any of that information ever released to the public about the pillow or the point of entry or the other information that you've given?

A The pillow definitely not. As far as the point of entry, I don't know whether the press ever said that entry was through a ground-floor opening or window. I really don't know about that, but as far as saying that the rape actually occurred in her bedroom and that the pillow was used, never.

Q Please continue.

A He further stated that -- I said, "Well" -- I asked him, "Was anything said at all?"

And he said that she responded to him by saying something along the lines of "Who are you?"

And with this he said that he jumped on her bed, and that at first he said that he wasn't sure. He said he had sex with her on the bed.

I then said, "Well, did you struggle with this woman or was it just -- you just got on the bed and had sex?"

He said, "I don't recall. We may have struggled."

I said to him, "Did you ever get off the bed at all?"

He sat there and he thought for a second and he goes, "Yes. In fact, we were on the floor."

And I said, "How did you get on the floor?"

He said, "I asked her to get down."

Mrs. [REDACTED] stated that the perpetrator jumped on her bed and they began wrestling, and they actually fell to the floor on one side of the bed. He physically placed her back on the bed. They continued struggling, and they fell onto the other side of

the bed, which is where the sexual act actually took place, while on the floor next to the bed.

Q Now, in reference to the sexual act, what did he tell you?

A I believe he stated that he wasn't quite sure what he did. He said that he got scared and he fled because she kept saying something about, "Somebody's coming home. Somebody is going to come home," and with this he said that he got scared and fled.

Q Did you question him about the position?

A Yes, and I believe in the Bednar incident he told us that he had her down on her back; however, later on in another statement that he gave to us, he started to say on her back and then he said, "No, I think that was the same as the other one," indicating on her all fours.

He then said he did get scared and that he fled out through the front door.

Mrs. [REDACTED] told us that the perpetrator fled through the front door.

Q Now, was that the conclusion of what was discussed in reference to the [REDACTED] incident?

A Yes, that's basically the conversation, yes, Sir.

MR. CARPENTER: Shall I continue,

Your Honor?

THE COURT: With regard to other

regard to --

MR. CARPENTER: With regard to other incidents, and to further events surrounding the confession or do you want to stop now or continue with the questioning?

MR. MURRAY: The other incidents relate to the other two matters?

MR. CARPENTER: Yes. Of course, they're being severed.

MR. MURRAY: We'll take them up later, I think.

THE COURT: I thought it was my understanding that we were not going to deal with those matters.

MR. CARPENTER: We --

THE COURT: We'll confine the testimony to the two incidents that are going to be tried.

MR. MURRAY: Yes, sir.

MR. CARPENTER: However, we still have to get to what will be described now as the taping of the confession and the other discussions back and forth between the detective and the defendant.

THE COURT: How long do you think you're going to be?

MR. CARPENTER: I would estimate that would take probably another ten to fifteen minutes, Detective?

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THE WITNESS: Yes.

THE COURT: Well, at this point we'll
take a recess until 1:30.

MR. CARPENTER: Thank you, Your
Honor. And I won't discuss this matter with Detective
Saville.

(Witness excused.)

(Court adjourned at 12:25 p.m. and
reconvened at 1:30 p.m. in the presence of the attorney
for the Commonwealth, the attorney for the defendant, and
the defendant as follows.)

MR. CARPENTER: May it please the
Court --

THE COURT: Yes.

MR. CARPENTER: -- shall we proceed?

THE COURT: Please do.

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BRUCE SAVILLE, having been previously
sworn, resumed testifying as follows:

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BY MR. CARPENTER:

Q I believe just prior to the lunch break you
concluded with reference to the statement about the
Bednar incident; is that correct?

A Yes, that's correct.

Q Was there anything else said by you or the defendant in that reference?

A In relation to the [REDACTED] incident?

Q Yes.

A That was pretty much it.

Q Now, you then moved on to the two other cases which we're not going to cover at this time, is that correct?

A That's correct.

Q And at the conclusion of covering the four incidents, what took place?

A At the conclusion of that we had a -- there again a very general conversation, not specifically about what we had just spoken about but in general, and he indicated Mr. Godschaik asked us -- asked Detective Karcewski and I "what's going to happen now?"

And I told him that I had indicated to him before that he's going to be arrested for these incidents, because he has already confessed to them and you can't do these things and expect to get away with them.

He said, "Well, how is that going to take place?"

And I explained to him that it would take us probably a day or two to get our paperwork together and we would either make arrangements to have him come in

or we'd go over to his house, pick him up, and take care of it then.

He looked at Detective Karcewski and I and he asked us where there was any other way that it could be done to get it over with.

And I said, "What are you referring to?"

He said, "Well, I'd rather get it over with."

I said, "If that's the case, then fine, consider yourself under arrest."

At this time I reached over, placed my hand on his shoulder, told him, "You're under arrest," and at that time I asked him if he would be willing to give us a taped statement as to what we had just spoke about orally, and he stated that he would.

Q Before going further now, what time did you place your hand on him and indicate that "you can consider yourself under arrest?"

A This is approximately right around 3:20 in the afternoon, 1520 hours.

Q Now, had you had any physical contact with the defendant up until that time when you touched him?

A Never.

Q Had any other detectives or police officers touched

him?

A No, sir.

Q During this oral interview that you just covered, did you take any breaks?

A Yes. As I stated, approximately for the first hour and fifteen minutes, we had taken approximately a five-minute break or so, possibly even as much as ten minutes, while I left the room and went and got us sodas and also a cigarette.

Also during the other incidents -- I'm not quite sure whether it was a cigarette or sodas that I left the room for, and when I left, I left the door open. Detective Karcewski remained with him, but I left the room and the door was wide open.

Q Now, with reference to the oral statements, did you record them in any way, and if so, how?

A While I was asking him the questions orally, I would record most, if not all of his answers, on note pads.

Q Did you later reduce that into a typewritten report?

A Into a taped written report, which was later typed, yes.

Q When did you tape the report?

A That was done the following day.