

BY MR. CARPENTER:

Q In what capacity.

A I'm a detective assigned to the investigations division.

Q How long have you been a police officer?

A Approximately fourteen-and-a-half years.

Q Were you so employed in July and September of 1986 and to present?

A Yes, sir.

Q Were you assigned to investigate the July 13, 1986, rape incident reported by [REDACTED]

A Yes, sir, I was.

Q Now, sir, do you know when it was reported to your police department?

A Reported to our department approximately shortly after 1:00 a.m. in the morning on that date.

Q Sir, did you have occasion eventually to take custody of certain evidence from that situation?

A Yes, sir, I did.

Q Did you have occasion to secure a portion of carpet or rug from her apartment?

A Yes, sir, I did.

Q I would like to have you identify Commonwealth Exhibit Twenty, if you can.

A Yes, sir, this is the carpet that both myself and

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Detective Karcewski removed from the bedroom area of Miss [REDACTED] apartment.

Q Did you mark it up with a marker so you would be sure, or somebody did?

A I put the UM number 8611770 and the rest was put on afterwards.

Q Was that piece of carpet eventually transported to the Toxicon Laboratory in Willow Grove?

A Yes, sir, it was.

Q And tested for laboratory purposes?

A Yes, sir.

Q Was it later received back by your — from the lab to your police department?

A Yes, sir, it was.

Q Was it brought to court at my request?

A Yes, sir.

Q Now, did you also have custody of a certain portion of the screen?

A Yes, sir, but that's not the screen.

Q I was talking about the [REDACTED] incident. Exclude me.

A Yes, sir.

Q I show you Commonwealth Exhibit Nineteen.

A Yes, sir, this is the screen that was recovered from directly outside of Mrs. [REDACTED] rec room window.

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Q Was that also secured for evidence?

A Yes, sir, it was.

Q And kept in police custody?

A Yes, sir.

Q Until brought to court?

A Yes, sir.

Q Can you tell us what Exhibit Thirteen -- what is in Exhibit Thirteen?

A This is Mrs. [REDACTED] robe that was secured from her immediately after the incident by Detective Corbrey of our police department.

Q Was this Exhibit Thirteen also taken to the lab?

A Yes, sir, it was.

Q And later returned to the police?

A Yes, sir.

Q And kept for evidence?

A Yes, secured in our evidence locker.

Q And brought to court.

A Yes, sir, that's correct.

MR. CARPENTER: I would now move admission of Exhibits Thirteen, Twenty --

THE COURT: Nineteen.

MR. CARPENTER: -- and Nineteen.

MR. MURRAY: No objection.

THE COURT: Very well, they will be

admitted.

BY MR. CARPENTER:

Q Did Mrs. [REDACTED] furnish a description to the police that was recorded?

A Yes, sir, she did.

Q Do you know what that was?

A Yes, sir, she described her assailant as male, approximately five ten. Originally she said twenty-five to thirty years of age and then she narrowed it down to approximately twenty-four; stated that he was of medium build. He was muscular but not over muscular. She described him as having very quick actions. He had a soft voice; described him as having dark hair and a tan complexion.

Q Did she describe facial hair?

A No, sir, she did not.

Q Did she describe clothing?

A She described a pair of sneakers.

Q Anything else?

A I believe they were white sneakers she described.

Q Anything else she described?

A She thought jeans, and she said something about a shirt; however, she was not sure of a shirt or short type.

Q Anything other than clothing or body description if you recall?

A I don't recall at this time exactly.

Q Would there be anything that would refresh your recollection?

A Yes. I had prepared some notes on this.

Q Where are those notes?

A They would be in my white binder, and they are yellow 5 x 7 cards.

(The witness was handed a white looseleaf book and removed yellow cards.)

BY MR. CARPENTER:

Q Would you look at the card referenced to the [redacted] case.

A Yes.

Q Not read it, look at it.

A (Witness complies with request.)

Q Tell me when you're done looking at it.

A Okay.

Q Does that now refresh your recollection?

A Yes.

Q What does it refresh it?

A She also indicated that the individual had alcohol on his breath.

Q Now, sir, was a rape kit done in reference to Mrs. [redacted]?

A Yes, sir, it was.

Q Was that likewise kept in police custody and submitted to the laboratory?

A Yes, sir.

Q Received back?

A Yes, sir.

Q And brought to court?

A Yes, sir.

Q Now, I would ask you if you were also assigned on a later date to investigate another report of rape?

A Yes, sir, I was.

Q What date would that have been?

A That was in September eighth of 1986.

Q Who did that involve?

A [REDACTED].

Q Can you tell us approximately when your department received a call in that case?

A That call was received approximately 2:50 to 2:55 a.m., which would have been a Monday morning.

Q When did you personally go to that location?

A I was immediately notified at my home to go to the scene, to Miss [REDACTED] apartment, and I arrived, estimating, approximately 3:20.

Q Sir, were you able, and together with Mrs. [REDACTED] and the other police officers, able to find a point of entry?

A. Yes, sir.

Q. Where was that?

A. That was a ground-level bedroom, spare bedroom, actually -- the second bedroom window that had been converted to a study. It was located in the rear of the apartment.

Q. From the outside were you able to locate a screen?

A. Yes, sir.

Q. Where was the screen?

A. It was -- the screen had been partially removed from the frame. The screen originally is the same type screen as this one, and this one had been torn on the bottom and pulled back and was semi-out of the window.

Q. I'll show you what had been earlier been marked Commonwealth Exhibit Nine. Can you tell us what that is?

A. Yes, this is the screen that I personally removed from the rest of the window, because we had actually destroyed the frame attempting to get the screen out, and so, therefore, we just secured the screen itself.

Q. Was that hole in the screen when you found it?

A. Yes, sir, that hole was in the screen.

Q. Was this item Nine secured for evidence?

A. Yes, sir, by myself.

MR. CARPENTER: I offer Exhibit Nine.

MR. MURRAY: No objection.

THE COURT: C-Nine is admitted.

BY MR. CARPENTER:

Q By the way, where was Mrs. [REDACTED] screen found?

A There was a bush located next to the window, and the screen was down alongside the bush near the building.

Q Did you have occasion to take a description from Mrs. [REDACTED]?

A Yes, sir, I did.

Q Did you record that?

A Yes, sir, I did.

Q Can you tell us what that description was?

A Yes. She described her assailant as a white male, twenty-five to thirty, five ten. She placed him in the range of approximately a hundred seventy pounds, dark hair, parted in the middle, no facial hair, had an odor of alcohol on his breath; stated that he was also strong, quick in his actions, medium build, and in believe she stated that he was wearing sneakers and jeans.

Q Did she give any other clothing description?

A Yes. She stated that he was wearing an aqua-green-colored T-shirt. She also stated that he had a soft voice and he was very gentle and almost [REDACTED] was the way she described him.

Q Sir, when you first saw Mrs. [REDACTED] what was

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she wearing?

A Mrs. [REDACTED] was dressed when I interviewed her. She had been returned to our station, and upon -- coming from the hospital in Norristown.

Q Did you learn what she had been wearing prior to going to the hospital or prior to leaving the apartment?

A Yes, I had been told that she had a robe on when our officers arrived.

Q Was that robe taken into police custody?

A Yes, sir, the robe was ultimately turned over to me.

Q Exhibit One?

A Yes. This robe is marked from the officer who confiscated it and did give it to me, and this is the robe she was wearing at the time.

Q And once again was that kept in custody by the police?

A Yes, sir.

Q Taken to the laboratory?

A Yes, sir.

Q Received back from the laboratory?

A Yes, sir.

Q And brought to court?

A Yes, sir.

Q It's in an unchanged condition except for what the

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laboratory did?

A Yes, sir, that's correct.

MR. CARPENTER: We move the admission
of Exhibit One.

MR. MURRAY: No objection.

THE COURT: C-One is admitted.

BY MR. CARPENTER:

Q Now, in reference to [REDACTED] was a
rape kit done?

A Yes, sir.

Q Was that likewise taken by the police?

A Yes, sir, by the laboratory.

Q And kept in custody and taken to the laboratory?

A Yes, sir, that's correct.

Q And returned back to the laboratory?

A Yes, sir.

Q Were any of those items that you describe as being
the evidence that were taken by the police contaminated
by the police or tampered with or --

A No, sir. They were placed in, in fact, the bags
you see present here.

Q Aside from what the laboratory did to the items,
do they appear as they did originally?

A Yes, sir, they do.

Q Now, did you have occasion to work with the items?

██████████ on preparation of a composite drawing?

A. Yes, sir, I did.

Q. What equipment was used?

A. Utilized a Smith and Wesson Ident-a-Kit.

Q. And tell the jury briefly how you went about working up the composite.

A. A Smith and Wesson Ident-a-Kit is comprised of various clear, plastic foil overlays that assemble together to construct a likeness of an individual as described by a particular person:

... You -- I begin by interviewing the particular person and try to determine a basic age group from fifteen to twenty-five, twenty-five to thirty-five, thirty-five to forty-five, and so on in increments of ten from which -- and then also a weight class of being light, medium, or heavy in weight, and then a height from being short, medium to tall. With these there's a computer made up within the kit itself that you obtain a foil for a basic structure, a basic face structure, and then you get into describing the hair.

Upon her describing all these, I go through the kit and select basically what she's describing, and we come up with what we call a basic work up according to the kit as to what the kit says a person looks like based on these very basic descriptions. From

those descriptions I then assemble this likeness of an individual and present it to the person making the composite and then allow them to make any changes that they want to make, telling me the chin is too long, chin is too short, face is too round, hair is too long, hair is too short, et cetera, and together through the individual's instructions I then change the composite until it is to where they feel as though it's to a good likeness of an individual.

Q Now, sir, was that composite subsequently improved upon, to the best of your knowledge?

A Yes, sir.

Q With reference to what then we call the two composite drawings, what was done with those?

A They were released to the news media, both television and newspaper.

Q What accompanying information was released to the media with the composites, if any?

A Basic information as to the individual to be traced to-be age, height, weight, hair color.

Q Was the description of how the offense took place released?

A There were very basic descriptions of the locations of the incidents. I believe there was some information released as to the point of entry being an

apartment complex through a window.

Q Was the position of the victims released?

A Never.

Q Was the information about the tampon or tampon released to the public?

A Never.

Q Or to the press.

A Never.

Q With reference to Mrs. [REDACTED] the reading of the magazine, was that released?

A Never.

Q What she was wearing?

A Never.

Q Whether the light was on or not?

A Never.

Q With reference to Mrs. [REDACTED] was the pillow information released?

MR. MURRAY: These are all leading questions, I think.

THE COURT: I'll sustain the objection.

BY MR. CARPENTER:

Q With reference to Mrs. [REDACTED] what details about the actual incident were released, if any?

A There, again, just basically the location, the

method of entry, and I believe that she was a lone female.

Q Now, sir, approximately what date did the defendant become a suspect?

A He was, on December 30 of 1986, we had received a phone call.

Q Now, subsequent to that an event took place on January fifth, which we have a stipulation in reference to; is that correct?

A Yes, sir, that is correct. The name of Mr. [redacted] And after January fifth, did you make an effort to talk to the defendant? As well as what took place when you [redacted]. Yes, sir, I did.

Q On what date was that?

A It was on January 13, 1987.

Q Who was working with you on that day?

A Detective Karcewski, also of our department.

Q How were you and he dressed?

A I was in civilian clothes. I had on a sport coat, a V-neck sweater, shirt and tie.

Q And were you carrying a firearm?

A Yes, sir, I was.

Q Where were you carrying your firearm?

A My firearm was on my back hip underneath my sweater and underneath my jacket.

Q Do you know whether or not Detective Karcewski

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Carried a firearm?

A Yes, sir, he did.

Q Was it visible to you?

A No, sir, it was not.

Q And what kind of vehicle did you use?

A Used a Pontiac Bonneville, four door, unmarked, gray in color, owned by our police department.

Q Where did you go?

A Went to 237 Gulph Creek Road, the home of Mr. Godschalk.

Q Please describe for us what took place when you arrived.

A This was approximately 11:00 a.m. on that date. Detective Karcewski and I parked in the driveway. We exited our vehicle. We approached the Godschalk residence and knocked on the door. There were lights on inside the home that we could see; however, we were getting no response to our knocking at the door.

We continued to knock for several minutes, and, ultimately, a white female exited the home and closed the door behind her.

I identified myself and Detective Karcewski to this individual and she identified herself as being Mrs. Godschalk. We explained to her that we were there and we wanted to talk to her son, Bruce, and we

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wanted to know if he was at home, and she told us that he was not at home, that he had gone to work with his employer in a landscaping business.

Q Based on that information where did you go?

A We went to a Wayne Beverage store located in Wayne.

Q Who did you speak to at that location?

A Mr. Dominic, who owns the landscaping business.

Q Based on what he told you, where did you go?

A We went back to the Godschalk residence.

Q And what took place then?

A Knocked on the door again, and Mrs. Godschalk again answered the door, and we told her that we had just talked to Mr. Dominic and that her son, Bruce, had not gone to work with him that day and that we felt that he may have been in the house, and we wanted to talk to him, and at this time she indicated he was across the street at a friend's house.

We then asked her if it would be permissible for us to go across the street and speak to her son, and she replied, "Go right ahead," and she pointed out the home to us.

Q Tell us what you did then.

A Detective Karcewski and I walked across the street, leaving our car in the Godschalk residence driveway.

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We went across the street and knocked on the door, and we were greeted by a person who identified himself as Mr. Flynn. We identified ourselves to Mr. Flynn and stated that we were informed that Mr. Bruce Godschalk was there and we would like to speak to him.

And he then turned and -- Mr. Godschalk was down a flight of steps, approximately four steps down, sitting around a round table. He said something to Mr. Godschalk to the effect that there is some people here and they want to talk to you and do you mind.

He said, "No, tell them to come in." Mr. Flynn invited us to come into his home. We went down the steps, told Mr. Godschalk who we were, and we asked him if we could talk to him.

And he said, "Sure, I'm more than willing to talk to you."

We asked him if there was some place else we could go that would be more private. We didn't want to talk in front of Mr. Flynn.

He stated that we could go across the street to his house.

We said fine. We exited the Flynn home and began crossing Gulph Creek Road headed towards Mr. Godschalk's home, which is directly across the street.

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Q Please continue.

A As we began crossing the street, I asked Mr. Godschalk if he would be willing to come to our police station to talk to us. I had stated that, "Your mother is home and I don't know if you want to talk to us in front of your mother because of the sensitivity of what we're going to talk about."

He said he would be more than willing to go with us and answer any questions we had. He asked us if he could go to his home first and put the dog in the house.

We said he was free to do anything he wanted to. "Go right ahead."

At this he went up on the lawn, got his dog, and took it in the house. We remained outside. His mother opened the door and asked if we wanted to come in.

We said, "Certainly, thank you." We entered the door, stood within two to three feet of the doorway. Mr. Godschalk had exited the doorway area and had disappeared from sight within the home.

He then returned. His mother asked him what was going on. He said, "I'm going to the police station to talk to these people."

And she said, "Are you sure this is

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what you want to do?"

And he said, "Yes, I'm willing to go with them."

With that we exited the house, approached the unmarked car. I got into the driver's side. Detective Karcewski got into the front passenger seat. Mr. Godschalk opened the rear door of the car and entered the rear seat and he sat behind -- in the rear seat behind the passenger side.

Q Sir, you referred to Mr. Godschalk or Bruce Godschalk. Is he here today in the courtroom?

A Yes, sir, he is.

Q Would you point him out, please?

A Yes, he's seated next to counsel with the blue jacket on and white shirt and multi-colored striped tie.

Q Now, did you use any restraints such as handcuffs or anything?

A No, sir, never.

Q What kind of doors are on the rear of that vehicle?

A It's a standard, four door, Pontiac Bonneville, standard locks, standard doors.

Q Were any of the doors locked behind Mr. Godschalk?

A Never.

Q Where did you proceed to go?

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A We drove directly to our police station.

Q What's the distance from his home to the police station?

A It's approximately three-point-seven miles.

Q Along the way were there any traffic stops or anything of that sort?

A Yes, sir, we had stopped at approximately seven or eight times at various stop signs and red traffic lights.

Q Now, did the defendant attempt to leave the vehicle at any of those times?

A Never.

Q What would you have done had he so attempted?

A He was free to leave.

Q Now, sir, what, if anything, was discussed during that ride?

A We just spoke very general conversation. I understand you're in landscaping; how do you like landscaping? He stated that he liked being out in the sun during the summer. Talked to him about landscaping, whether he just cut grass or whether he lays out flower beds or how they go about laying them out, who does the drawings, does the customer provide drawings and things such as that.

He got into stating that he's recently gotten into bicycle riding. In fact, he wanted

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to get into bicycle racing. He stated that he rode a bike all over, as far as Gladwyns and back. ~~That was~~ general conversation.

Q Where did you go when you arrived at the police station?

A We entered the side door of the police station and went directly to our library located within the township building.

Q Please tell the jury about the library and the building.

A The library is located -- it's the furthest room within our police department itself. It's -- you enter the library directly off our main lobby. The library has actually four walls but with one door. One far wall is nothing but all books. It has a large conference table that holds approximately ten people, and there's a chalk board in there, and VCR setup, television.

Q What about the building generally? Where is the library in the building?

A As I stated, it's directly off the main lobby of the township building. You enter the township building and you would turn left, and the next door you turn left again and you enter right into the library.

Q Who would use the library?

A The library is used by many different groups and

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people from not only the police department but also the fire department holds their board meetings in there. Township Board also holds their meetings in there. Some church groups hold their meetings in there, various youth groups from the baseball association to the football association.

Q Now, sir, what time did you first lay eyes on the defendant on January thirteenth?

A It was approximately 12:30.

Q What time did you enter the library?

A It was approximately ten of one.

Q Who went in the library?

A Mr. Godschalk, myself, and Detective Karcewski.

Q And do you recall where everybody sat?

A Yes. As you enter the library, you're looking at the table, as I stated before, which is a long table. Detective Karcewski sat at either the second or third seat on the left-hand side. I sat on the first seat on the left-hand side, and Mr. Godschalk sat at the fourth seat on the right-hand side.

Q Now, were any restraints used on Mr. Godschalk then?

A No, sir.

Q What about the weapons; was anything done with the weapons?

A They were still on our bodies but were concealed.

Q What kind of lights were used, if any?

A There's standard overhead fluorescent lights.
It's very well lit.

Q Is there a door on the library?

A Yes, sir, there is.

Q Tell us about the door. What was done with the door?

A The door -- when we first entered, I told Mr. Godschalk that, number one, he was there on his own free will, and that I was closing the door only for the sake of privacy because people do enter from the main lobby area and have to go directly past this door, and I didn't want anybody else from the general public that would come in to see that Mr. Godschalk was in there. I told him I was going to close the door; however, I would not close it all the way so that he would know that he was not being detained. So I left the door open approximately an inch or two.

He stated that he fully understood this and agreed with it totally.

Q Did you then begin to have a conversation?

A Yes, sir.

Q And what was the nature -- not the words but the manner of the conversation? How was it conducted?

A At least for the first twenty minutes of the

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conversation with Mr. Godschalk was very, very relaxed. We were attempting to really try to get comfortable with each other. We again talked to him about his landscaping business, his bicycle riding, his general interests. It was just a very general, easygoing conversation.

Q Please describe then what you next talked about.

A By specifically, we got to the point where I told Mr. Godschalk that we in fact wanted to talk to him about several incidents that had occurred at the Kingswood Apartments, being the two rapes. I told Mr. Godschalk very much right from the beginning that he had been identified as being involved and I felt strongly that he was involved in the incidents.

Q If I can back you up. Did he indicate any awareness of the Kingswood Apartments?

A Yes. We had -- part of the general conversation was that he knew where Kingswood Apartments were. He stated that in fact he had been there in the past. He stated at first his boss lived there and then he changed it to being in another complex. He stated that he was very aware of Kingswood because he had applied for a job at a restaurant, which is right next to the Kingswood Apartments. There is a small shopping center that has a delicatessen there and he stated he had been in there numerous times for sandwiches. So he stated he was well

~~Wawilia - direct~~

aware of the Kingswood Apartments.

Q What did he say to you in reference to your comments about him doing it or being identified or whatever?

A First he denied it. He said, "That's not me. I'd never do anything like that."

And then he changed it ~~that~~ ~~is~~ ~~it~~ was me, you would have to prove it, and if I did ~~it~~ I was probably too drunk to remember."

Q I would like you to continue with what was discussed. Who was doing most of the talking?

A I was.

Q Please pick it up then.

A When he stated that he was probably too ~~drunk~~ to remember, I had suggested to him that when ~~someone~~ is intoxicated, they do remember some things, and ~~he~~ said "Let's start there and see what you do remember."

And there was some basic ~~denial~~ that, you know, "I don't remember. I didn't ~~do~~ ~~it~~ I couldn't have done it."

And then he said, "Well, ~~one~~ ~~of~~ ~~the~~ had a medical problem."

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

And he said, "Well, ~~she~~ ~~had~~ ~~a~~ ~~Tamoxifen~~"

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

He said, "I just took it out and I threw it."

Q Was that significant to you in any way?

A Yes, that was identical to what Miss Morrissey had described to me on the evening or the early morning hours that I interviewed her following her incident.

Q Who was the first person to use the word "tampon" or tampon"?

A Mr. Godschalk.

Q Who was the first person to talk about a medical problem?

A Mr. Godschalk.

Q Did you or Detective Karcewski say anything along those lines?

A Never; not until he mentioned it and I asked him what he did with it.

Q Please continue.

A I told Mr. Godschalk that now that he was relaxed and was starting to remember things to continue as to what he actually remembered. And he began piecing together what he had done. I would ask him a question of, "Well, how did you even get to this girl's apartment."

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He didn't remember.

I asked him as to how he entered the apartment.

He said, "By pulling back the screen."

I asked him if he remembered doing anything prior to going in.

And he said he was looking through a window.

And I said, "Well, what were you looking at?"

And he said, "A girl on the bed."

I said, "What was this girl doing?"

And he told me she was reading a magazine.

I said, "Well, how could you see she was reading a magazine?"

And he said, "There was a light on."

I said, "Where was the light on?"

He said, "Next to her bed."

I said, "What did you do?"

"I entered. I went in."

"What did you do then?" I asked him, I said, "What window did you enter?"

He said, "The kitchen window."

I asked him what he did then, and he

said, "I went into her bedroom."

I said, "Did you have any conversation with her?"

And he said, "I did, but I don't remember what it is."

I said, "What happened then?"

"I just jumped on the bed."

"What happened then?"

He said, "Well -- that's when he said -- again he reiterated that he had removed the Tampax."

I had asked him what occurred then, whether he had sex with the girl. He said yes.

I said, "Well, how did you have sex with her?"

He said, "On her bed."

I said, "Well, okay, how did you have sex with her?"

And he said, "On her stomach."

I said, "Well, when you said you jumped on her bed" -- he had originally told me she was on her back. I said, "How did she get on her stomach?"

He said, "I rolled her over."

I asked him what had he been wearing that evening, and he told me that he thought he remembered

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jeans and sneakers.

I asked him, "What occurred after the incident?"

And he said he left.

I said, "How did you leave?"

He said, "I went out through the front door."

I asked him to describe how he would describe he was with the girl, and he said he was very gentle, never meant to hurt her.

I asked him, "What type of voice did you use? Did you yell at her?"

He said, "No, just the way I'm talking to you right now." He has a very soft voice.

I asked him to describe the girl, and he said, "She was medium age and she was a brunette."

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

He said, "Thirty or older."

Q Did you ask him about any sexual aspects?

A I asked him as to whether he had touched her in any other way and he stated that he didn't, and I specifically asked him if he had touched her breasts, and he stated that he didn't remember. He didn't think so. I don't know what your question is.

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Q In reference to were there any questions about the position or sex act.

A He stated that he had her on all fours, and I asked him to describe that position. "What would you call it?"

He said, "Dog style or doggie style."

Q Sir, did you suggest any of this information to the defendant?

A No, sir. He would--at times he would look at me and questionably ask me -- as an example, if he would say, "Went in through the window?" And then he would look at me and I would say, "You tell me. Did you go in through the window or how did you get in?"

He would say, "In through the window."

That's just an example.

Q Who first mentioned the magazine?

A Mr. Godschalk.

Q Who first mentioned the light?

A Mr. Godschalk.

Q And the woman being on the bed?

A Mr. Godschalk.

Q Now, sir, was there a time when you explained to Mr. Godschalk his -- what we would call the Constitutional warnings or the Miranda warnings?

A Yes, sir. Immediately after he had mentioned to me the fact that the girl had a medical problem and he had removed the Tampax, I again told him that he was there on his own free will and he didn't have to talk to us at all about any of this.

He stated that he fully understood and he wanted to get everything cleared up. He wanted to cooperate with us,

So it was at the conclusion of every thing that he had told us or felt that he had remembered about the -- what I felt to be the [REDACTED] incident that I gave him his Constitutional rights or his Miranda warnings.

Q In what form?

A I gave them to him orally, and when I was done informing him orally, I asked him if he understood each warning that I had given him.

Q Do you have a -- do you recall what you told him?

A Yes, sir.

Q Would you take your time and slowly tell the jury what you told him?

A I informed him that he had the right to remain silent and anything that he said can and would be used against him in a court of law; that he had a right to an attorney. If he could not afford one, one would be

appointed for him free of charge by Montgomery County.
He had a right to have a lawyer present during questioning.
He had a right to make a statement, and anytime he wished,
he could stop from making that statement.

And then I went back and asked him,

"Do you understand you have the right to remain silent?"

And he responded, "Yes."

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

And he said, "Yes."

"Do you understand that you have a
right to an attorney?"

And he said, "Yes."

Q Did he continue to talk with you after that?

A Yes, he was very willing and cooperated. He
expressed his willingness to cooperate and said he fully
understood everything and wanted to get everything cleared
up.

Q Did you now use any restraints or change the
status of anything in any way?

A No, sir.

Q During this oral interview, were any breaks taken?

A Yes, sir. He had requested something to drink. I
left the room, and -- also a cigarette. I left the room
and I -- in fact, I got all three of us, Detective Karcewski:

Q "Okay. What window was this? Do you remember?
If you remember, you remember. If you don't, you don't.
Just say what you remember."

A "Kitchen window."

Q "Okay. You're saying it was the kitchen window?"

A "Yeah."

Q "Okay. How do you remember entering the window?
Was the window open or closed?"

A "Closed, with a screen on it."

Q "And how did you get through the screen?"

A "Pulling it."

Q "You pulled the screen?"

A "Yeah."

Q "And then you did what to the window?"

A "Opened it."

Q "Okay. And then what did you do?"

A "Went in -- entered."

Q "When you entered the apartment, where did you go?"

A "Into her room."

Q "Okay. Was she awake or asleep when you entered
the room, if you remember?"

A "Oh, asleep."

Q "Okay. You're going to have to speak up a little
bit, okay?"

A "Asleep."

remembering what you had told us, that is, everything that you're telling us the truth."

A. "Yes, what I can remember."

Q. "Okay. Right. Okay. I understand that. What you remember."

A. "To the best of my knowledge."

Q. "Am I -- am I putting words in your mouth at all?"

A. "No."

Q. "Am I enticing you to say any of this?"

A. "No."

Q. "Am I forcing you to say any of this?"

A. "No."

Q. "Are you saying this on your own free will?"

A. "On my own free will."

Q. "Okay. Did you wrestle with anyone?"

A. "One."

Q. "Which one?"

A. "Just very -- the one we were explaining about the blond."

Q. "The blond? Okay. Do you recall wrestling with her at all?"

A. "She might have tried to push me away, but that was it. I don't -- I can't remember wrestling with her."

Q. "How did you end up on the floor?"

A. "I asked her to get down."

water.

Q With reference to the Tampax, isn't it true that you first mentioned the Tampax in the oral portion of this before the tape was taken?

A He mentioned it to us in the oral portion where he stated that she had a medical problem, and I asked him to explain the medical problem. And that's when he said, "She had a Tampax on."

And I asked him, "What did you do with that?"

And he said, "I took it out and I threw it."

I said, "Where did you throw it?"

And he said, "Against the wall."

Q In reference to Mrs. [REDACTED] incident, could you take your statement and turn to the same page I have here?

Now, if I can direct your attention to eight lines down from the top, could you read that and indicate who the first statement is made by, and then read the second statement after, if you can see where I mean? Right here. It says, "Okay" --

A This statement is from me. It says, "Okay. And what did you do? Did you have sex with this woman?"

Q And that's in reference to Mrs. [REDACTED], I believe?

A Yes, sir, that's correct.