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A Yes, he did. He read it right to the bottom.

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Q Did he read it correctly?

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A Yes, he did.

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Q What happened after he read that?

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A I instructed him to read the rest of the statement to himself. He did that.

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Q After he finished the seven pages, what did you do?

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A I asked him to sign each of the pages; and the last page, to sign his name, address, and the town he lives in.

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Q Did you ask him anything about the statement, after he finished --

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A (Interposing) I asked him if it was the truth.

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Q What did he say?

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A He said it was the truth.

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MR. KLEIN: I offer that into evidence.

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MR. WOODS: No objection.

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THE COURT: Twenty-nine in evidence.

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(Whereupon People's Exhibit 29, previously marked for Identification, only, was now received and marked in Evidence)

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MR. KLEIN: I would ask for permission to read that to the jury.

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THE COURT: Yes.

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MR. KLEIN: This is a statement of John Kogut.

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"My name is John Kogut. I am twenty-one years of age, being born on 11-29-63. I live with my girlfriend, Lisa Price, and her father, at 161 Traymore Blvd., Island Park. I am currently employed by Frank Pertini Landscaping, 2988 Bayview Court, Oceanside. Phone, R04-7483.

"I have been told by the detective that I have the right to remain silent, and that any statements I make may be used against me in Court. I have been told that I have the right to talk with a lawyer before answering any questions, or to have a lawyer present at any time. Further, I have been advised that if I cannot afford to hire a lawyer, one will be furnished me, and I have the right to keep silent until I have had the chance to talk with a lawyer. I understand my rights and make the following statement freely and voluntarily:

"I am willing to give this statement without talking with a lawyer or having one present. I would like to say that sometime back in November, 1984, about a week or two before my birthday, I was with these two guys. One was John Restivo, who I worked for, and the other was Dennis Halsted, a guy from Lynbrook I know, who also worked for Restivo.

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2 "On this night, it was between 8:00 p.m. and
3 10:00 p.m., I was with John Restivo and Dennis
4 Halsted in John's van. It's a blue Ford step van,
5 with a side door that opens. This door is located
6 back from the right front passenger door. I seem
7 to remember that we were coming from a moving job,
8 possibly Hempstead. And we were drinking beer and
9 smoking pot. John was driving, Dennis was in the
10 right front passenger seat. And I was sitting on a
11 cushion seat right behind the passenger seat. We
12 were coming from East Rockaway, where John keeps
13 his trucks, up Ocean Avenue.

14 "At the intersection of Merrick Road, John
15 turned left. We were heading west on Merrick Road,
16 and the cemetery was on our right side.

17 "At this point, there's a girl walking on
18 Merrick Road by the cemetery, and heading toward
19 MacDonald's. John pulls up and stops alongside her.
20 John and Dennis were saying, 'Let's see if she
21 wants to party,' meaning maybe smoke or have some
22 beers.

23 "I felt that one of them knew her by the way
24 they were talking. But I can't remember her or
25 their exact words. When I heard this conversation,

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2 I moved up in the seat to see the girl, and hear
3 what's happening. Either John or Dennis invited
4 her in, not to party, but for a ride home.

5 "I then opened the side door and I see this
6 girl. She was about fifteen or sixteen years old,
7 dark hair, medium long. She had on a blue denim
8 dungaree jacket, I think a dark top, dark pants and
9 white top sneakers.

10 "She knelt down in between Dennis and John. I
11 was sitting behind her. Dennis, as John's driving
12 around, says to the girl, 'You want to party.
13 Forget about getting fired. Do you want to do the
14 right thing.' Do the right thing on the street,
15 means to get laid.

16 "With that, she said, 'Stop the fucking van.
17 Let me out.'

18 "Dennis then jumped out of his seat and
19 grabbed her. The girl started screaming, 'Leave me
20 alone, let me out.' She was fighting Dennis, but
21 he was too big for her, and had a good grip on her.

22 "As I moved up to where she and Dennis were,
23 she turned on me and smacked me in the face. With
24 this, I freaked out. I got crazy and I punched her
25 with my left fist. I hit her on the right side of

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her face. She falls out of Dennis' grip, to the floor of the van.

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"I would like to say that I hit her with a left and a right, before she fell from Dennis' grip. I jumped on her upper body, and she was trying to throw punches and kicks.

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"At this point, Dennis started taking off her pants and underpants, and I was taking her jacket, shirt and bra. Either telling her to shut up, calm down. And I realized that Dennis had put his penis inside of her. While Dennis fucked her, I held her upper body down.

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"At this point, she wasn't fighting too much. By this time, I mean after Dennis fucked her, we were already in the cemetery.

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"John had stopped the van, and yelled back to me and Dennis, 'Let me get a piece.' I looked down at her and she was almost unconscious. I mean she was fainting.

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"Dennis pulled his pants up, and was sitting in a seat by the passenger seat. John was now fucking her while she was unconscious, and I got out the side door, and I took the blanket out, that was in the van. I spread it out on the ground.

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This blanket was quilted with a different colored border.

"Dennis and John then carried her out of the van and laid her face up on the blanket. I remembered that she had some jewelry on. I recall seeing a gold colored chain with what looked like a double heart on it, with a piece broken off of it. I think there were other charms on the chain, but I don't remember what they looked like.

"I then ripped the heart and chain off, and I put it in my pocket. John was in the van, pulling his pants up, and putting his shoes on, and Dennis was taking the rest of her jewelry and rings off.

"Now she starts to regain consciousness. She was a little dazed, but she was saying, 'I got to tell, I got to tell.' And she was crying.

"She was still laying on the blanket with no clothes on. Dennis, John and I decided she had to be killed. We were afraid she would tell on us. She started to come to, and she was getting frantic.

"I got on top of her, put my knees on her shoulders, and covered her mouth. My back was to John and Dennis, and one of them threw me a rope.

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One of them said, 'Do what you got to do.'

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"But just before the rope was thrown to me, Dennis, while standing over her, told her, 'You have to die.' They both went back to the van.

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"I took the rope which was a hard nylon type. I wrapped it double around her neck, and then I twisted it like a corkscrew. I twisted it for a few minutes, until her body went limp, and I felt she was dead.

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"I rolled her body up in the quilt, and I threw her over my shoulder and into the van. I threw the rope into the van, and then I dropped the body into the floor of the van.

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"I got into the van, closed the door, and John took off out of the cemetery. Dennis was sitting up front.

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"As we were leaving the cemetery, we discussed that we had to get rid of the body. While we were driving and talking, I was putting her clothing into a plastic garbage bag.

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"In addition to her clothing, I took her pocketbook and put it into the bag. It was maroon or black with a strap. I don't remember what I did with the rope. And I left the plastic bag with her

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2 clothing in it, behind the driver's seat.

3 "I told John he had better get rid of the
4 clothing, and he said he would take care of it.

5 "We then went down the street, across from the
6 cemetery, that dead-end by the railroad tracks. I
7 don't remember who picked out the street, but it
8 was dark there.

9 "John and Dennis took her body out the side
10 door, and still wrapped in the quilt, they walked
11 into the wooded area along the tracks, and I was
12 behind them. It was very dark and very heavy
13 brush.

14 "John was carrying her by her head, and
15 walking backwards, and Dennis had her feet. It
16 seemed like five or ten minutes to walk in, before
17 we got to an opening. At this opening, we saw some
18 wooden pallets.

19 "When they put her down, they both pulled the
20 blanket, and she rolled out. She ended up face
21 down.

22 "We all started kicking leaves on her, and I
23 suggested we cover her with the pallets, which we
24 did.

25 "At this point, I told Dennis and John I was

2 leaving. As I started out from where her body was,
3 I threw the jewelry I had, by the tracks. I walked
4 along the tracks, until I came to a street.

5 "I turned right, and I was on Sunrise Highway.
6 I walked down Sunrise, to Union Avenue. I crossed
7 over Sunrise on Union, to Oakland.

8 "At this time, I was living with my friend,
9 Brian Skellington, at 66 Oakland Avenue, Lynbrook.
10 The front door was open. I went in and went to
11 sleep.

12 "I am presently at the Homicide Squad. I have
13 given this statement to Detective Volpe, who has
14 written it for me. I have read it, and it is the
15 truth."

16 BY MR. KLEIN: (Continuing)

17 Q Now, Detective Volpe, can you describe what
18 happened after the written statement was completed.

19 A The statement was completed at about, as I said,
20 ten to nine. About nine-thirty, or just prior to that, I had
21 made a breakfast order. I ordered bacon and egg on a roll,
22 for myself and Mr. Kogut and Detective Dempsey. And we got
23 that about nine-thirty.

24 During that time, I had told Mr. Kogut that I would
25 like for him to go with some detectives to the location of