

COUNTY COURT : NASSAU COUNTY

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THE PEOPLE OF THE STATE OF NEW YORK, :

-against-

Ind. #61029

JOHN KOGUT,

Defendant.

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262 Old Country Road
Mineola, New York
May 13, 1986

B E F O R E :

HON. JOHN F. O'SHAUGHNESSY,

County Court Judge.

A P P E A R A N C E S :

HON. DENIS DILLON

Nassau County District Attorney

BY: FRED KLEIN, ESQ., of Counsel

Assistant District Attorney,

for the People.

F. JAMES WOODS, ESQ.,

for the Defendant.

JERRI KREVOFF, CSR, RPR

Official Court Reporter

-JURY TRIAL-

Vol. IV of IV

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A Before November 10th?

Q Yes.

A Yes.

Q You remembered that particular day, because it was Joe Dragato's birthday?

A I remember it was Joe's birthday.

Q You remember it was a Saturday; don't you?

A I really couldn't tell you it was a Saturday, until you know, it was mentioned that it was a Saturday. Then I said, okay, I guess it's a Saturday.

Q When you gave a statement to the police, you were talking about the day of Joe Dragato's birthday; weren't you?

A Right.

Q You told them that on that night, I was asked -- in this statement, it says, "I was asked by the detective if Lisa Price" --

MR. WOODS: (Interposing) Objection.

THE COURT: Sustained.

Q Well, were you asked by the detective, on that night, November 10, 1984, if Lisa Price and John Kogut was with you at the school yard, when we celebrated Mugsy's birthday. And you said, I can't --

MR. WOODS: Objection.

THE COURT: Yes; sustained.

1
2 MR. WOODS: A further objection, that it's
3 not within the scope of redirect.

4 THE COURT: No. I'll overrule that.

5 MR. KLEIN: I would offer this into evidence,
6 your Honor.

7 MR. WOODS: Objection. There's no
8 foundation.

9 THE COURT: Sustained.

10 MR. KLEIN: Show this to Mr. Casatelli.

11 Q Mr. Casatelli, do you see your signature on the
12 bottom of those pages of that statement?

13 A Yes, I do.

14 Q You read that statement before you signed it;
15 didn't you?

16 A Yes.

17 Q Before you signed it, you told the police that that
18 was the truth?

19 A Yes, I did.

20 MR. WOODS: Objection.

21 THE COURT: No. I'll permit that.

22 MR. KLEIN: I would again offer that.

23 MR. WOODS: Objection.

24 THE COURT: Sustained.

25 Q Well, didn't you tell the police, Mr. Casatelli,

1
2 that on the night of Mugsy's birthday, when you went to sneak
3 into the theater, you can't say whether John and Lisa were
4 there?

5 A Yes.

6 Q And Mugsy's birthday, was November 10th; wasn't it?

7 A Right.

8 Q And you told the police that on the day of Mugsy's
9 birthday, you don't know if John and Lisa were there at the
10 movies, or not. Right?

11 A Right.

12 MR. KLEIN: No further questions.

13 THE COURT: Thank you, sir.

14 MR. WOODS: Just one question?

15 THE COURT: Yes.

16
17 FURTHER DIRECT EXAMINATION
BY MR. WOODS:

18 Q At the time you were speaking to the police about
19 the night of Mugsy's birthday, were you aware of the fact
20 that that was the same night the police arrived at the scene

21 A (Interposing) No.

22 Q Of the Lynbrook movie theater?

23 A No, I wasn't.

24 MR. WOODS: No further questions.

25 THE COURT: Step down.

MR. WOODS: At this time, the defendant will
take the stand.

J O H N K O G U T, the defendant, called as a
witness in his own behalf, having been first duly
sworn by the Clerk of the Court, was examined and
testified as follows:

DIRECT EXAMINATION
BY MR. WOODS:

Q John, where do you reside?

A One six one Tremour Boulevard, Island Park.

Q How long have you lived there?

A Approximately a year and-a-half.

Q Before that, where did you live?

A Oakland Avenue.

Q Where is that?

A Lynbrook.

Q Where were you born, John?

A Far Rockaway, Queens.

Q Did you live in Far Rockaway for some time?

A Not that I can remember.

THE COURT: Can you hear him all right?

The jury can't hear you.

Some people in the back are having difficulty
hearing you. Try to keep your voice up.

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Q Where was the first place you lived after being born?

A Far Rockaway.

Q How long did you live in Far Rockaway?

A Two to three years.

Q Where did you go from Far Rockaway?

A Foster homes.

Q I'm sorry?

A The Angel Guardian Home.

Q Angel Guardian Home?

A Yes.

Q Is that in Brooklyn?

A Yes, it is.

Q Were you then placed with a family somewhere?

A Yes, I was.

Q Where was that?

A Valley Stream.

Q How old were you at that time?

A Four, five.

Q Who did you live with, when you were four or five?

MR. KLEIN: Judge, I object to this.

THE COURT: I'm going to permit it.

A The Edge family, with my three sisters.

Q Try to talk up, John.

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2 A The name of the family was Edge. I lived with my
3 three sisters and their family.

4 Q Did you live with them for some period of time?

5 A Yes.

6 Q How long?

7 A Eleven or twelve.

8 Q Until you were eleven or twelve?

9 A Yes.

10 Q Then where did you go?

11 A I think it was Elmont, or Franklin Square.

12 Q Was there a family you lived with there?

13 A Yes.

14 Q Who were they?

15 A I'm sorry. I can't recall their last name, right
16 now.

17 Q Now, how long did you live in Franklin Square-Elmont?

18 A About a year, year and-a-half.

19 Q Then where did you go?

20 A Lynbrook.

21 Q Was there a family you lived with in Lynbrook?

22 A Yes.

23 Q Were your sisters still with you?

24 A No; separated.

25 Q Do you recall the name of the family in Lynbrook?

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A McTigue, I believe it was.

Q McTigue?

A Yes.

Q How long did you live with the McTigue's?

A For about maybe a year, a little less.

Q At this time, you were thirteen or fourteen?

A Approximately.

Q And then did you leave the McTigues?

A Yes, I did.

Q Where did you go?

A To the other side of Lynbrook.

Q To the other side of?

A Lynbrook.

Q Who did you live with there?

A Rappolos, I think the name was.

Q How long did you live there with the Rappolos (sic.)?

A Maybe a year.

Q Did you go from there someplace?

A Yes.

Q Do you recall where you went?

A I believe to Brooklyn for a few months. And then
back to Lynbrook.

Q When you came back to Lynbrook, who did you stay
with?

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A Springstein.

Q How long did you stay with the Springsteins?

A For about a year.

Q Were you still in foster care with the Springsteins?

A I don't know; maybe.

Q Were you going to school while you lived with the Springsteins?

A Yeah. That's about the time I dropped out, left school.

Q What grade were you in then?

A Middle of tenth.

Q Did you remain with the Springsteins after you dropped out of school?

A For alittle while.

Q Until when?

A Sixteen.

Q And at sixteen, where did you go?

A I was on my own, at that point.

Q Did you live anywhere, when you were sixteen?

A At my girlfriend's house, in Lynbrook.

Q In Inwood?

A Lynbrook.

Q I'm sorry. Who was that?

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A Kerri McGan.

Q How long did you live with the McGans?

A For about a year.

Q Did you then move somewhere else?

A I think I moved into Manhattan, about that time.

Q How long did you remain in Manhattan?

A About a year, maybe a little more.

Q Did you live with anyone in Manhattan?

A No. I had my own place.

Q And after that, did you come back to Lynbrook?

A Yes, I did.

Q Where did you move to, at that point?

A I rented a room at Cockrell house residence, in
Lynbrook.

Q The Cockrells?

A Yes.

Q Where did they live in Lynbrook?

A On Union Avenue.

Q And when did you leave the Cockrells?

A I left -- I believe that's when I did a year in
jail.

Q What was that for?

A Burglary, in Manhattan.

Q When you left jail, where did you go?

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2 A Bethpage. To St. Vincent de Paul; they set me up
3 with an apartment to help me out, to get going on my feet.
4 I worked jobs and saved up money, and I went to Florida for
5 a while. And when I ran out of money and so forth, I came
6 back to Lynbrook, and moved in with the Skellingtons. That's
7 where I met Lisa Price.

8 Q When did you move back in with the Skellingtons;
9 or move in with the Skellingtons, excuse me.

10 A '83.

11 Q Do you know what month of '83? Was it early '83,
12 mid '83, late '83?

13 A October, November, 1983; right around my birthday.

14 Q And from October of '83, until December of '84,
15 were you employed?

16 A Yes. A lot of jobs; a lot of odd jobs.

17 Q What kind of jobs did you do; and who did you work
18 for during that time?

19 A Moving furniture, pianos, landscaping, I worked
20 at a factory here and there. That's about it, basically.

21 Q When you lived with the Skellingtons, when you
22 first moved in, who lived in the Skellington house?

23 A The whole family; the Skellington family.

24 Q Who were the Skellington family?

25 A Margaret, her husband; their two daughters and their

1
2 three sons.

3 Q Did you have a room of your own, or were you living
4 up in the same house that everyone else lived in?

5 A Me and Brian shared the basement. It's part of
6 the house.

7 Q Did there come a time that anybody else lived with
8 you there?

9 A Yes. Lisa did.

10 Q That's Lisa Price?

11 A Yes.

12 Q When did she begin living with you there?

13 A Right after we got engaged.

14 Q When was that? Do you recall?

15 A No, I don't.

16 Q Do you know what year it was?

17 A '84, I believe. Yes, '84.

18 Q Do you know if it was the winter, fall, summer,
19 spring?

20 A Summer, I believe.

21 Q And from the summer of '84 through the end of '84,
22 were you employed?

23 A I was landscaping through the summer of '84.

24 Q You were landscaping in the summer. Did there come
25 a time that that landscaping job stopped?

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A Yes. And I went into moving furniture.

Q Moving furniture. When did this moving furniture start?

A October, November -- no -- yes. October, November.

Q October, November of 1984?

A Yes.

Q In October, November, of 1984, had you ever heard of [REDACTED]?

A I never heard of her in my life.

Q Did there come a time that you heard of [REDACTED] [REDACTED]?

A I believe it was posters -- when something was said.

Q Did there come a time when you learned anything more about [REDACTED]?

A In that month, in that period of time?

Q In November or December of 1984.

A The papers.

Q What you read in the papers?

A Yes. Originally, I think it was a poster, I believe I seen, when she was missing.

Q From December of 1984, until March 21, 1985, did you ever have occasion to discuss [REDACTED] with anyone? I'm talking about up to March 21, 1985.

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A No.

Q Did there come a time, in March of 1985, that you discussed [REDACTED] with someone?

A Yes.

Q When was that?

A When police asked me to come in for questioning.

Q Was that March 21, 1985?

A Yes, it was.

Q Do you recall what happened on March 21, 1985?

A The detective came to the house. I just got off work.

Q Is the house in Island Park?

A Yes.

Q About what time?

A Four, five o'clock; maybe a little earlier. They asked me to come in for questioning. And something to the fact that, do you know what we're asking you to come for questioning for. I got --

Q (Interposing) These detectives that you're talking about, do you know who they are?

A The redhead. I don't know the other one. I know the redhead.

Q You mean the redheaded detective who testified here.

A Yes. The redheaded detective.

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2 Q And what if anything did they say to you, and you
3 say to them, at that point?

4 A They asked me to come in for questioning. I said
5 yes. They asked me if I knew what I was coming for questioning
6 for. I said, yes.

7 They asked me how, I think, I believe it was
8 something like that. And I said, just through words, you
9 know, from everybody else being pulled in. And it was left
10 at that.

11 I got in the car. We might have talked about the
12 sky or something. We went down to the police station --

13 Q (Interposing) I can't hear you.

14 A We went down to the police station. I met
15 Officer Volpe, who questioned me for, I don't know how long;
16 until about eight-thirty, quarter to nine. I was let go.
17 And I left with my girlfriend, my fiancée, Lisa Price, and
18 her girlfriend, who came to pick me up.

19 Q When you left, did Detective Volpe indicate that
20 he wanted to question you any further?

21 A Yes. He said he would call me in advance, to let
22 me know; so that I would, you know, if there was anything in
23 the way, I could, you know, let him know; if I had any other
24 plans.

25 Q And after March 21, 1985, did you hear from

1
2 Detective Volpe again?

3 A No. Not until the day they came to the house
4 to ask me to come in for questioning again.

5 Q Who came to the house?

6 A The redheaded officer, again. And I think the same
7 two as before.

8 Q The same two who has come on the twenty-first?

9 A Yes.

10 Q Do you know what date it was that they came?

11 A The twenty-fifth; which was a Monday.

12 Q Now, what if anything did you say to them, at that
13 point?

14 THE COURT: Excuse me. This is when they
15 arrived at the house?

16 Q The time they arrived at the house. The redheaded
17 officer and the other officer.

18 A I let them into the house. I only had my jeans on.
19 I was otherwise undressed.

20 They asked me if I was -- if I would mind coming in
21 for questioning again. I told them, I drunk a few beers. I
22 had smoked maybe half a joint. He made a phone call. I
23 believe it was the redheaded officer. He said it was okay.
24 Whoever he talked to at the other end, said it was okay. I
25 says, okay.

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2 I went up, and I threw on all my work clothes
3 that I wore that day, and we left.

4 Q Where did you go?

5 A To the police station.

6 Q Is that police headquarters in Garden City?

7 A Yes, it is.

8 Q You walked into the police headquarters, in
9 Garden City, with them?

10 A Yes, I did.

11 Q Do you know approximately what time you got there?

12 A Six, six-thirty.

13 Q Did they then take you to Detective Gruber?

14 A Yes, they did.

15 Q Did you meet with Detective Gruber for some
16 length of time?

17 A Yes, I did.

18 Q Did he question you during that time?

19 A Yes, he did.

20 Q For how long a period of time did he question you?

21 A A few hours, couple of hours. Maybe a little
22 longer. I'm not too sure.

23 Q Do you know what time you finished talking with
24 Detective Gruber?

25 A Apparently, I wrote a time down on a sheet of paper

1
2 for him. So I think it was nine something, nine-thirty,
3 maybe. Nine twenty-three, I think it said.

4 Q You heard Detective Gruber testify; didn't you?

5 A Yes, I did.

6 Q And do you have anything to add to what Detective
7 Gruber said, in his testimony?

8 A I really can't remember what he said. If you show
9 me, maybe.

10 Q You listened to his testimony; did you not?

11 A Yes, I did.

12 Q And he recounted certain questions he asked you,
13 and answers you gave him.

14 A Yes, sir.

15 Q Were those questions and answers correct, to the
16 best of your recollection?

17 A I don't remember the questions or the answers.

18 Q What if anything you and Detective Gruber talk
19 about?

20 A The murder of [REDACTED].

21 Q Did he ask you questions about the murder of [REDACTED]

22 [REDACTED]?

23 A Yes, he did.

24 Q Do you recall what question he asked you; and what
25 your answers were?

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2 A I know all my answers were no. Questions that
3 were asked, do I know anything; or did I -- I'm not sure
4 what the questions were. But I know they were all no; the
5 answers were all no.

6 Q At the conclusion of your interview with Detective
7 Gruber, did he say anything to you?

8 A He said, I believe he said that I'm lying.

9 Q Up to that point, had he argued with you at all?

10 A No, he didn't.

11 Q What happened when you left Detective Gruber? Did
12 you remain in his office, or go to another office?

13 A I went into another room.

14 Q - And did anyone go into that room with you?

15 A Yes. There was a detective in there.

16 Q Do you know his name?

17 A No, I don't.

18 Q Did you remain in that room with him, for any
19 length of time?

20 A Practically through the whole night. It was a
21 switch off. Another officer came in. Then Volpe came in,
22 a little while later.

23 Q Now, wait a minute. You went into a room; is that
24 correct?

25 A Yes.

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Q And there was an officer in there?

A Yes, there was.

Q Was that one of the officers who testified here in this courtroom?

A Yes.

Q Was that Detective Martino?

A It may have been. That's been a while.

Q Did you have a conversation with Detective Martino? When you went into that room?

A I really don't think it was a conversation of any importance.

Q And it was just you and Martino in the room for some time; is that correct?

MR. KLEIN: I object to that. He said he wasn't sure if it was Martino.

THE COURT: Yes.

Q It was just you and that detective in the room?

A Yes.

Q Do you recall how long a time that was?

A No, I don't.

Q Did you have a watch on during this time?

A No. But you're asking me questions that I've seen all the legal work. I could give you answers. Truthfully, I don't know those times. I know them because I've seen them

1
2 on paper. Truly, I couldn't give you estimated times of how
3 long everybody was in there, or whatever.

4 Q You don't know how long you were in there with
5 him?

6 A No, I don't.

7 Q There came a time someone else came into the room?

8 A Yes.

9 Q Who was that?

10 A Detective Volpe.

11 Q Up to this point, had you and the detective you
12 were in there with, had any conversation at all?

13 A I don't think it was of anything important.

14 Q You don't recall what you said to him; what he
15 said to you?

16 A No.

17 Q When Detective Volpe came in, do you recall what
18 he said to you; and you said to him? If anything.

19 A Came in, shook my -- shook my hand. Asked me
20 if I wanted a cup of coffee. Said he wanted to speak to me
21 for a little while.

22 Q Did he ask you any questions at this point?

23 A No, he didn't.

24 Q Did you say anything to him?

25 A No. Nothing except hello. That's about it.

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2 Q Did he do anything, or bring anything into the
3 room with him?

4 A I believe he brought a pen and paper with him.
5 That was about it.

6 Q Did there come a time that coffee came into the
7 room?

8 A Yes. That came in right behind him.

9 Q Right behind him?

10 A Yes.

11 Q Did he bring it in, or someone else bring it in?

12 A I believe it was somebody else.

13 Q Do you know who it was that brought it in?

14 A No, I don't.

15 Q And this room you're in, would you describe it for
16 us.

17 A It's about fourteen, fifteen feet in length, about
18 maybe the same in height. There's -- when you first come
19 in the door, there's a long desk -- not a desk, a table
20 against the wall. Then you move back a little further into
21 the room, and there is a desk. Then there's a window.
22 There was, I believe, about four chairs in the room; three
23 or four chairs.

24 Q That window, does that look outside or into some
25 other room in police headquarters?

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A Outside.

Q Was there anything on the walls in that room?

A There was, I believe, articles about hyp -- I don't know how to pronounce the word. Hypnotism, or something like that.

Q One article on the wall, or?

A No. There was articles. I believe there might have been a picture in there, too. That's about all.

Q Where were you in this room, when Detective Volpe came in?

A When or where?

Q Where. Where were you in the room?

A I was to the back, in the corner, in a chair.

Q Were you sitting near a table?

A I was sitting -- no. I was sitting catty-corner, in the corner.

Q And at this point, after the coffee came in, did you and Detective Volpe have a conversation, or you and the other detective have a conversation?

A I believe it was with Volpe. He sat down --

Q (Interposing) What if anything did he say to you, and you say to him?

A I believe it was something to the point of, you're a liar.

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Q What had you said that he called you a liar?

A I didn't say nothing. I guess he was talking to Detective Gruber.

Q What did you say to him, when he said that to you?

A I told him he was on drugs.

Q I'm sorry?

A I told him he was on drugs. I said to let me out of there, leave me alone. Are you arresting me. You have no reason to arrest me. Let me go.

Q Did he say anything to you?

A He told me keep my ass in the seat, and to listen to him.

Q Was the other detective still present?

A At that point, I really don't think there was anybody in the room, except me and him.

Q Do you know for how long a time you were in the room alone with him?

A About five or ten minutes.

Q Did the other detective return, or did some other detective return?

A I think it was another detective that came back in. It wasn't the same one that was in there with me originally.

Q Do you know who that detective was?

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2 A No, I don't. I can't recall.

3 Q Did you see him testify here in Court?

4 A Yes, I did.

5 Q Is there any way you can describe him?

6 A He looks like a sergeant in the army. That's the
7 best I can do.

8 Q Did he say anything to you when he came into the
9 room?

10 A At that point -- yeah. Well, he introduced
11 himself. He shook hands with me. He sat down.

12 At that point, Volpe stood up. As I said, I was
13 sitting catty-corner. Volpe stood up and came over in front
14 of me, and raised his arms. You know, he said he was looking
15 at his watch. Naturally, my hands went up to defend
16 myself. The other officer -- I don't know his name --
17 slapped my arms down. He told me to keep them down. And
18 I kept insisting on, if you are not arresting me, let me
19 go. You have no reason to arrest me. You asked me to come
20 in for questioning. I came in for your questioning. Now,
21 may I leave? Maybe not as nice as that, but it was said
22 something like that.

23 And the only thing I was told, is to keep my ass
24 in the seat and to shut up.

25 Q Did Detective Volpe or the other detective then

1
2 ask you a question; or say anything to you?

3 A Nothing was asked of me. Everything was told to
4 me.

5 Q What if anything did they then say to you? And
6 who said it?

7 A It was told as, you -- we know that you did
8 something. Or you had a part -- I don't know the exact
9 words. But something like that. You're not leaving here,
10 because we know you are lying. And you're not going anywhere
11 until we get the truth.

12 Q What did you say; if anything?

13 A I told them to let me the hell out of there, and
14 they're crazy; whatever.

15 Q Did they say anything to you, in response to that?

16 A Keep your ass in the seat.

17 Q Were you standing up?

18 A I made quite a few attempts to get out of there.
19 I mean, I'm not stupid. I have heard of -- out of other
20 people they had pulled in there, what they have done to
21 these people. And how long they have held them. I knew,
22 and I tried to get out of it. There was no way I was
23 getting out of it. They seemed set in their mind, they
24 were not letting me leave, regardless.

25 Q For how long did this go on?

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A All night.

Q During the night, did you say anything to them?

A About what?

Q About -- did they ask you any questions about

[REDACTED]

A They didn't ask me nothing. As I said before, they told me.

Q Well, what did they tell you? John, look at me. You talked with one detective and Detective Volpe. That detective left and another detective came in. Is that right?

A Yes.

Q You don't know what time that is?

A No.

Q You've described the initial meeting with the other detective who looked like the army sergeant.

A Yes.

Q After you had the first incident with him did you then have any conversation -- did you say any words, other than, let me out of here; I'm leaving?

A Not -- no. That was basically it.

Q Did that go on for some period of time, that you were both saying that back and forth to each other? They're telling you you're not leaving, and you're saying you're

1
2 leaving?

3 A For a couple of hours.

4 Q During that time, did you observe Detective Volpe
5 writing anything?

6 A No, he wasn't.

7 Q Nothing at all?

8 A No.

9 Q Then after a couple of hours, did the same
10 conversation go on? Or did the conversation change?

11 A The conversation changed.

12 Q And what did the conversation become, at that
13 point? What did you say to Volpe, or Volpe say to you;
14 or the other detective?

15 THE COURT: Mr. Woods, I would like to take
16 a short recess.

17 You may step down.

18 Don't discuss the case among yourselves,
19 during the recess. Please keep an open mind.

20 (Whereupon there was a recess.)

21 THE CLERK: People vs. John Kogut.

22 Are the People ready?

23 MR. KLEIN: The People are ready.

24 THE CLERK: Is the defendant ready?

25 MR. WOODS: The defendant is ready.

1
2 THE CLERK: All parties are present.

3 You're still under oath.

4 BY MR. WOODS: (Continuing)

5 Q John, the detective that looked like an army
6 sergeant, was that Detective Dempsey, that testified here?

7 A Yes, it was.

8 Q After he had entered the room, you described some
9 conversation. Did there come a time when either Detective
10 Dempsey or Detective Volpe began to write anything?

11 A Yes. I believe so.

12 Q Who was writing?

13 A Volpe.

14 Q Did you see what he was writing, while he was
15 writing?

16 A No, I didn't.

17 Q Did he discuss with you what he was writing, while
18 he was writing? Or was he talking to you while he was
19 writing?

20 A He was telling me what he was writing.

21 Q What was he telling you?

22 A Certain -- he was telling me how he believed it
23 happened; how this girl died. I would disagree. I would tell
24 him, I don't know what you are talking about. Between
25 Volpe and the other officer that was in the room, if I told

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2 them, you know, you're crazy, you know, get the fuck out of
3 here; leave me alone, let me go home, whatever, they would
4 pressure, this is how it happened, this is how it happened;
5 didn't it happen like this.

6 Q Well, what did they say? Do you recall what they
7 said?

8 A The first statement, I don't even know how it
9 came about. I don't remember.

10 Q You say the first statement. What was this
11 statement you're talking about? Something written, something
12 that was said?

13 A It was written.

14 Q Where was it written?

15 A On the pad that Volpe had.

16 Q Do you know approximately what time this is?

17 A Maybe about twelve, twelve-thirty.

18 Q That's at night?

19 A Yes.

20 Q Around midnight. When there was something written
21 on a pad, was it given to you to read?

22 A No, it wasn't.

23 Q Was it read to you?

24 A No; it wasn't read to me.

25 Q What if anything was done with it?

1
2 A When Volpe told me something, or the other
3 detective told me something, I would suppose that was what
4 was written down on the pad. Because they would say -- they
5 would tell me how they felt a certain thing happened. And I
6 would deny it, because I didn't know, or whatever. And then
7 they would pressure me, this is how it happened, this is
8 how it happened; didn't it stand up, you know. Not
9 physically challenge me. But mentally. And, you know, it
10 went on for a while like this. Where it would come to the
11 point, well, yeah, that's the way it happened.

12 Q You said, that's the way it happened?

13 A I would say yeah, if you say so.

14 Q Then that first statement was finally finished?

15 A Yes. It was a whole statement.

16 Q When that first statement was finally finished,
17 did you read it?

18 A No, I didn't.

19 Q What if anything did you say to Detective Volpe,
20 or he said to you, about that first statement, when it was
21 finished?

22 A Apparently, Volpe didn't agree with it. It was
23 ripped up and thrown away.

24 Q Did you see who ripped it up?

25 A Volpe.

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Q How did he rip it up?

A It was just ripped in half or in quarters, or whatever, and just thrown in the trash can.

Q And after he ripped it up and threw it in the trash can, what happened?

A He goes, all right. Let's start again. This time, let's have the truth.

I'd be like, you know, are you going to let me out of here, or whatever. You know, try to get out again. I would ask to make a phone call. It's only common knowledge, and the answers I got were the same: keep your ass in the seat. No, you can't do that.

Q Who was giving you these answers?

A Between Volpe and the other one. I can't tell you for sure.

Q Then they started another discussion with you, after that?

A Yes.

Q Do you recall anything that Volpe said to you, or you said to Volpe, during this second discussion?

A I don't know how John Restivo's name got into this. But it started off with Restivo, and then he accused me of being in the van with him, going down the road, picking up [REDACTED]. When I told them, I says, I never saw the girl

1
2 before. I don't even know the girl; never heard of her.

3 Q Did there come a time you were shown a picture?

4 A Yes, there was.

5 Q I show you People's 1 in Evidence. Have you ever
6 seen that picture before?

7 A Detective Volpe showed it to me.

8 Q Do you recall when he showed it to you?

9 A No, I don't.

10 Q What if anything did he say to you, and you say
11 to him, when he showed it to you?

12 A Did I know her; or did I ever see her before. I
13 would suppose those were the questions that were asked. I
14 can't even remember when this question was shown to me -- I
15 mean this picture was shown to me.

16 Q What did you say to him?

17 A No. Because I never did see her before, and I
18 don't know who she is.

19 Q Did you do anything to that picture?

20 A Apparently, I signed it.

21 Q Do you recall signing it?

22 A No, I don't.

23 Q Is that your signature on it?

24 A Yes, that is.

25 Q Did you sign that before that first statement that

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you talked about, was ripped up?

A No. This says the twenty-sixth on it. So it had to be much later into the evening.

Q Did you date it? Or did someone else date it?

A That's my handwriting.

Q Now, as Detective Volpe asked you questions, or Detective Dempsey, or both of them, do you recall both of them asking you questions a second time, after they ripped up the first statement?

A As I said before, there was no questions asked. They were giving, and I would look at them in amazement, because I don't have answers, or I can't give them an answer to something they're telling me. It would be repeated and repeated. The pressure would start again, you know; two of them maybe move in on the side. Or one would sit on the desk, and one of them would move in. I tell them, you know, you're crazy. Get the fuck out of here. Leave me alone; whatever. Excuse my language. And it was kept up until, all right, yeah, okay.

Q Did they finally come with a second statement to you?

A It was written. It wasn't given to me. Another second statement was written.

Q Was there a sheet written, or several sheets

1
2 written? Do you know if it was one or several?

3 A I believe it was two sheets.

4 Q Were they read to you?

5 A No, they weren't.

6 Q Was there any discussion about the content with
7 you, after it was completed?

8 A Volpe would read it. He would look over it, read
9 it, I guess to look it over --

10 Q (Interposing) Did he read it out loud?

11 A No. Read it to himself. Say it was no good,
12 rip it up. Another one gone, and he would start all over
13 again.

14 Q Did this continue, the same thing?

15 A Yes.

16 Q How many times was this done?

17 A Apparently, five times.

18 Q And after the fifth time, was it any different,
19 each time it was done?

20 A Yes, it was.

21 Q Any different discussions?

22 A Yes. It seemed to build up to the last one;
23 the sixth one.

24 Q You said John Restivo. Do you recall where John
25 Restivo entered? Did you say John Restivo's name? Did

1
2 someone ask you John Restivo's name?

3 A No. I don't know where John Restivo's name came
4 in. I may have said something, because we were speaking. I
5 says, yes, you know, I heard that John Restivo was in here
6 a couple of weeks ago, and he left in pretty bad condition,
7 after fourteen hours of being here.

8 Q Did Detective Volpe say anything to you at that
9 point; or Detective Dempsey?

10 A It was mentioned -- which one, I don't know --
11 that they did feel that John Restivo knew something, or
12 did something.

13 Q At any point, did Dennis Halsted's name come up?

14 A It came about the same way, with Dennis Halsted,
15 where -- Volpe's words to that were, Dennis Halsted is a
16 scumbag. And I do want him. And I am going to get that
17 man. And it was left, that those were his exact words.

18 Q Do you recall when he said that to you?

19 A This is somewhere around the third or fourth
20 statement, I believe.

21 Q Was that the first time Dennis Halsted's name was
22 mentioned, or had it been mentioned before that?

23 A That was about the first time. Because he had --
24 he said, the first time you came in for questioning, you had
25 mentioned Dennis Halsted's name. I did not mention Dennis

1
2 Halsted's name. There was a list shown to me. And on that
3 list, he had said, he had asked me a question. I had put a
4 check on, next to his name; or pointed to Dennis's name.

5 Q You mean on March 21st, when you came in, you were
6 shown a list?

7 A Yes.

8 Q When you were shown a list, were you asked any
9 questions?

10 A Yes, I was.

11 Q What question were you asked?

12 A If I feel that anybody on this list would have any
13 part of this.

14 Q And at that point, did you point to Dennis Halsted's
15 name? I didn't understand you.

16 A No. I just said -- I had turned around, and I
17 said, look, you know, I said, there's a man -- this man, you
18 know, when he gets drunk, he gets stupid. You know, I --
19 maybe a comment on each one, what I knew about who was on the
20 list. And that was it.

21 Q Do you recall anyone else on the list, aside from
22 Dennis Halsted?

23 A John Restivo's name was on the list. Charlie
24 Restivo's name was on the list. Donna's two brothers were
25 on the list. Charlie Restivo's girlfriend, fiancée right now,

1
2 from what I understand.

3 Q That's Donna who? Do you know her last name?

4 A No, I don't. Her two brothers' names were on the
5 list. There was two other brothers' names on the list. I
6 forget the last name. There was quite a few names, and there
7 was a few that I didn't even know, names that I didn't know.

8 Q And that was during the third time that the
9 statement was written out and ripped up, you're saying?

10 A Yes.

11 Q And then, did there finally come a statement that
12 was written out, that wasn't ripped up?

13 A The last and final statement.

14 Q I show you People's 29 in Evidence. Is that what
15 you're referring to as the last and final statement?

16 A Yes, it is.

17 Q Now, have you seen that statement before today?

18 A Yes, I have.

19 Q Now, when for the first time did you see that
20 statement?

21 A When I signed it on March 26th.

22 Q When is that?

23 A The morning of March 26th.

24 Q Do you know what time?

25 A Nine, nine-thirty; maybe ten.

1
2 Q Did you observe -- did you see that statement
3 being written?

4 A Yes. It was being written -- I didn't see, you
5 know, the writing. But I watched; it was being written in
6 front of me.

7 Q Do you know who wrote it?

8 A Detective Volpe.

9 Q Do you know where he wrote it?

10 A At the desk.

11 Q In that room you've described?

12 A No. The little room, the second room that they
13 had mentioned.

14 Q There came a time when you went from that first
15 room that you described, into a second room?

16 A Yes.

17 Q When was that when you went from the first room
18 into the second room?

19 A It was getting pretty early in the morning, on the
20 twenty-sixth. Because if I remember correctly, the sky
21 was lighting up, when I looked out the window. The sky was
22 getting light.

23 Q When you went into that second room, was there a
24 window to the outside?

25 A No, there wasn't.

1
2 Q Was there a clock in that room?

3 A Not that I can recall; no.

4 Q Were you in that other room for some time, before
5 that statement was started to be written; or were you in
6 there and they started writing?

7 A No. This -- the final statement took about one
8 hour to write, if I'm correct. Around an hour, hour and-a-half.
9 That's all it took them to write this. I was in that room
10 for a while, and it really wasn't -- they really didn't ask
11 me about the case, when I first went into that room. It was
12 just generally here's more coffee, you know. Bullshit talk.
13 To sort of relax me, I guess. Then they started in again
14 with this statement.

15 Q How long did this go on, this talk that really
16 wasn't about the case?

17 A Maybe a half hour. Fifteen, twenty minutes, a
18 half hour; something like that.

19 Q Then they started writing that statement, or some
20 other statement?

21 A No. This is the statement, the last statement
22 was written in that room. There was only one statement
23 written in that room; and this is it.

24 Q After that statement was written, did you read it?

25 A They say I read it. It was early in the morning.

1
2 At that point, I didn't really know what was going on.

3 Q Once that statement was written, did there come a
4 time it was given to you?

5 A Yes, it was.

6 Q Do you recall who gave it to you?

7 A Volpe. He wrote it, so I guess he gave it to me.

8 Q Volpe?

9 A Yes.

10 Q When he gave it to you, did he say anything to
11 you?

12 A I believe he asked me to read the first page.

13 Q Read it out loud, or read it?

14 A Read it.

15 Q What did you do, when he asked you to do that?

16 A I presume I read it. I don't know if I read it.
17 I would guess that I did read it.

18 Q You don't remember reading it? Or do you remember
19 reading it?

20 A No. It's a long time.

21 Q After he said to read the first page, did he say
22 anything else?

23 A I read the first page. I gave it back to
24 Officer Volpe, who then went through it and corrected the
25 mistake. Then it was given back to me. He asked me to sign

1
2 the bottom of each page, where the X is; put my initials by
3 the mistakes. And hand it back to him.

4 Q Did you do that?

5 A Yes.

6 Q Did you say anything to him, when he asked you to
7 do that?

8 A No, I didn't.

9 Q Did you have your own pen?

10 A No. He gave me a pen, after he fixed it up.

11 Q After you finished that, did you say anything to
12 him, or did he say anything to you; after you handed it
13 back to him?

14 A I believe I was given another cup of coffee,
15 cigarette. I believe a rights card was read to me; or handed
16 to me, at that point.

17 Q I show you People's 23 in Evidence. Do you
18 recognize that?

19 A Yes, I do.

20 Q Is that the rights card you're referring to?

21 A Yes, it is.

22 Q When he gave it to you, what if anything did you
23 do with it?

24 A He asked me to put my signature on it; which I
25 did. I don't remember writing, yes, in there; but it is my

1
2 signature. So I suppose I did that, too.

3 Q When he gave it to you, did it have any other
4 signatures on it?

5 A No, it didn't.

6 Q Did you read it to yourself; did he read it to you,
7 or both?

8 A He read it out loud to me.

9 Q Do you recall when this was? Do you know what time
10 it was?

11 A Ten-thirty in the morning.

12 Q On what date?

13 A The twenty-sixth.

14 Q After that, did you do anything, or go anywhere
15 with Detective Volpe?

16 A I believe I went into the bathroom, washed up a
17 little bit; came back in. More coffee, cigarettes, whatever.

18 Q Up to that point, around ten-thirty, from when you
19 first came into police headquarters at six-thirty, had you
20 had anything to eat?

21 A No, I didn't. After all this, I think we went for
22 a ride.

23 Q Do you recall who you went for a ride with?

24 A No, I don't.

25 Q One, two, three or more --

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2 A (Interposing) It was three officers. I cannot
3 tell you their names right off the top of my head.

4 Q You saw two officers come in and testify that they
5 went for a ride with you that morning?

6 A Yes.

7 Q Detective Sirianni and Detective Waltman.

8 A Right.

9 Q Have you ever seen them before?

10 A Yes, I have.

11 Q Were they the ones who went for a ride with you?

12 A Yes, they were.

13 Q Where did you go for a ride?

14 A Lynbrook.

15 Q Where did you go in Lynbrook?

16 A To the cemetery. In the direction that they
17 explained to you they went, they did go. They pulled into
18 the cemetery. I did not tell them where to go. They brought
19 me into the cemetery.

20 Before we even went for the ride, Detective Volpe
21 did draw a map and said, is this where it happened. I told
22 him, I don't know what you're talking about. The pressure
23 went on, so forth. I finally gave a yes, okay. So the map
24 was drawn.

25 So when they pulled into the cemetery, the map, he

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2 had a barn or whatever they call it over there. He says,
3 is this where it happened. I brought them to the barn,
4 which is at the end of the path. They stopped the car, they
5 asked me -- they stopped, we got out. We walked in about
6 twenty feet, maybe a little more. They asked me, is this
7 where it happened. I said yes.

8 We got back into the car, went straight down a
9 path which led right to the road. We got out onto the road.
10 They asked me -- they also drew a map of where the body was
11 found, which led down the street between Hot Skates and,
12 it's like a road in between Sunrise and Merrick Road. I
13 don't know the name of it. He's -- he showed me how he
14 believed how it happened. He says --

15 Q (Interposing) When you say he, who are you talking
16 about?

17 A Detective Volpe. He said -- I don't remember the
18 name of the road.

19 THE COURT: Was Detective Volpe one of the
20 detectives with you?

21 THE WITNESS: No, he wasn't. I'm explaining
22 a map that was drawn earlier for me. I don't
23 remember the name of the road. He said, it's --
24 that we supposeably went through this road.

25 There's a parking lot, where there's a factory.

1
2 We supposeably pulled into the factory, took
3 Theresa's body out, and dumped it by crates.

4 They asked me, now, -- when we were driving --
5 did I know any other way to that location. The
6 first way I showed them, winded up to be a dead-end.
7 The second way was down the street -- I don't know
8 the names of streets -- and into that parking,
9 gravel parking lot, or whatever. We got out of the
10 car --

11 Q (Interposing) You say we got out of the car. Who
12 got out of the car?

13 A The three detectives and me. We got out of the
14 car. Me and one of the detectives walked ahead, went
15 through the path.

16 We walked on the path, walked up. The crates
17 were sitting right there in the middle of the path. I said,
18 I guess this is the spot. It was left at that.

19 Q Did the detective say anything to you, when you
20 got there?

21 A They asked me where, you know, where, where did you
22 lay the body. As I said, I walked down the path, and the
23 crates were right in the middle of the path. So I says,
24 I guess this is the spot, and I stopped where the crates
25 were.

1
2 Q Were they right on the path, or to one side or the
3 other?

4 A They were right on the path.

5 Q Did you then continue, after you stopped there, or
6 go back --

7 A (Interposing) Yes. He asked me, where did I
8 throw the jewelry. We walked up a little further. I
9 supposeably originally told them in the statement, that I
10 threw it on the track.

11 I just -- I don't know. I can't explain to you.
12 For some reason, I said, no. It's on the roof. By then, I
13 was sort of waking up with the fresh air, realizing what
14 was happening. I said, all right. They're fucking with me,
15 I'll fuck with them.

16 I told them, on the roof. So am -- we went back
17 to the car. The detectives drove the car around to the
18 factory. Two of the detectives got out. One stayed with
19 me. They got a ladder, went up on the roof; got permission
20 to go on the roof.

21 They came back and said nothing. You know, there
22 was nothing up there. They drove me back to the police
23 station.

24 Q Do you know what time you got back to the police
25 station?

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A No, I don't.

Q When you got back to the police station, were you still with those three detectives?

A I was put into that small room again.

Q That same room?

A Yes.

Q Off the Homicide Squad?

A Yes.

Q The second room that you were in with Detective Volpe?

A Yes.

Q Were you there alone, or with somebody?

A I believe alone. Because they were right outside the door. You know, the doors and everything are right out there.

Q For how long a time did you stay in that room?

A I couldn't tell you that.

Q Did somebody then come in to talk to you in that room?

A Volpe came in, told me, you did a good job. Asked me -- well, didn't ask me. Told me I was making a video. That I had better not screw up on this, or else. It was left at that.

MR. KLEIN: I'm sorry. I didn't hear that.

1
2 THE WITNESS: Or else. And it was left at
3 that.

4 Q Did he remain in the room with you then, leave the
5 room, or did you leave the room with him?

6 A No. He left the room to go find a tie, I think,
7 or something like that.

8 Q To go find a tire?

9 A A tie.

10 Q I'm sorry.

11 A I don't recall any officers coming in. But I
12 remember, he came back. I was taken out of that room with
13 him. And I don't recall who the other officer was.

14 I was taken over to the D.A.'s office. The buildings,
15 whatever they're in. Walked out, walked across the street
16 into the building. Went into a room, which is where Volpe
17 left and went to talk to I don't know who.

18 Q And were you in the room while Volpe left?

19 A Yes.

20 Q And during that time, did you have your statement
21 with you; or did you have anything with you?

22 A No.

23 Q Did you have anybody with you?

24 A No.

25 Q And did you see Detective Volpe or Detective Dempsey,

1
2 while you were in that room?

3 A No.

4 Q How long a time were you in that room, alone?

5 A About ten or fifteen minutes, maybe.

6 Q Then did someone come into the room?

7 A Yes.

8 Q Do you recall who it was?

9 A I believe it was Volpe.

10 Q Did he say something to you; you say something to
11 him?

12 A No. He just brought me over to the other room,
13 where the camera and everything was set up. I think they
14 were just finishing setting it up, when I walked into the
15 room. I was showed a seat. I sat down. Officer Volpe sat
16 across the room. The D.A. sat in the chair there.

17 Q Was the D.A. in the room when you got there; or did
18 he come in later?

19 A I believe he came in after me.

20 Q Were you in there for any length of time before
21 he came in?

22 A Maybe a minute or two.

23 Q After the D.A. sat down, did you begin to talk to
24 him?

25 A Well, after everything was set up, the lights were

1
2 shut; the film was turned on.

3 Q You saw the video tape here in the courtroom
4 yesterday?

5 A Yes.

6 Q Did that depict the conversation you had with the
7 district attorney?

8 A It does. I don't quite remember having that
9 conversation. But yes, that is the conversation that was
10 had, said.

11 Q Did you talk to anyone else while that conversation
12 was going on?

13 A Detective Volpe was in the room. And in the video,
14 you see me; because at that time, that's up thirty hours and
15 being interrogated for eighteen to twenty. My mind was
16 pretty out of it, at that point. I did ask Volpe, Detective
17 Volpe, a few times, for names, and so forth. Because I
18 couldn't remember.

19 Q While the video was being taken, you mean?

20 A Yes.

21 Q Now, after you finished the video, did you have
22 any conversation with Detective Volpe, in that room?

23 A No; not that I know.

24 Q Did you leave that room, or did you remain in that
25 room, for any length of time?

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2 A No. I believe right after that, we left; everybody.
3 Well, me and the two detectives.

4 Q Was one of them Volpe?

5 A Yes. We left and went back to the precinct.

6 Q Was one of them Detective Volpe?

7 A Yes.

8 Q Was the other one Dempsey?

9 A Yes -- well, I would suppose.

10 Q You went back to the precinct.

11 A Yes.

12 Q What did you do when you got back to the precinct?

13 A I believe I was allowed to call Lisa, at that time.

14 Q Was that the first time you talked to Lisa?

15 A Yes.

16 Q Did you ask to call her; or did somebody just tell
17 you, go call Lisa?

18 A I have been asking all morning. They just kept
19 pushing it off. Then they finally said, okay.

20 Q Well, on this time, were you still asking, or did
21 somebody just tell you?

22 A No. They gave, they says, I think they had to
23 bring a phone in, because the other one was broken, or I
24 had to go outside --

25 Q (Interposing) Where were you at this time?

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A In the little room.

Q The little room?

A Yeah.

Q Did they then take you to Court?

A Yes. Well, not -- first to central booking, or whatever, where the pictures and fingerprints, and everything is taken.

Q Now, aside from the incidents that you say, where somebody pushed your arms down, told you to sit in the chair, did anybody ever touch any other part of your body, during that night?

A No; not really. Maybe a smack on the knee, or something like that, you know. But that was really about it.

Q During the time that you were with the police officers, aside from talking to you and giving you coffee, if you asked for it, did you have anything else to eat or drink?

A No. Coffee and cigarettes, the whole night; constantly in front of me.

Q Did you have cigarettes with you when you started the night?

A Yes, I did.

Q Did there come a time that your cigarettes ran out?

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A Yes.

Q Did they get you more cigarettes?

A Yes.

Q As soon as you asked for them?

A Yes. Within five minutes, anyway.

Q Do you recall on how many occasions you asked to call Lisa?

A I can't tell you. But I'll tell you, all night, I was asking to use the phone, or to leave. Because I was not under arrest until ten-thirty the next morning; after they had this. (Indicating)

Q Well, what did you ask them?

A First of all, I asked to leave.

Q Who did you ask?

A Volpe. I didn't ask. I told him, that I'm leaving. Every time I attempted to leave, I was told to sit my ass down. You're not going nowhere.

I asked him, all right. Let me make a phone call. He says, you're not making no phone calls. I was told of one phone call. I don't know the time they told me. I can't even recall the time they did tell me that Lisa did call. They did tell me that they were bringing me home, within a half hour to the hour. That's -- they told Lisa they were going to drop me off at my doorstep in the next

1
2 hour or so; half hour or hour.

3 Q John, do you have any recollection of November 10,
4 1984?

5 A Yes, I do.

6 Q Do you recall the day of November 10, 1984?

7 A Yes.

8 Q What do you recall?

9 A I did a moving job that day, with Charlie Restivo.
10 The reason I remember doing that moving job -- it was a piano.
11 The reason I remember doing that piano, was because it was
12 the first job I ever did with a piano at the house already.
13 It just had to be moved upstairs. The job was done with
14 Charlie Restivo in the afternoon, or early afternoon. We
15 didn't get the piano upstairs. We wind up leaving it out
16 on the porch. We couldn't get it up the hallway, it was too
17 small.

18 I think I made forty dollars that day, for about
19 two hours. I went home. I might have took a shower, ate,
20 dressed, went out, went down to Captain Video. We were
21 supposed to go to the movie, but the plans were changed --

22 Q (Interposing) When you say we, who are you talking
23 about?

24 A Me and Lisa.

25 Q Where was Lisa, when you first saw her that day?

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A What do you mean, when I first saw her?

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Q When is the first time you first saw Lisa that
4 day?

5

A I woke up with her in the morning.

6

Q Did you see her again, after you finished your
7 moving job?

8

A Yes.

9

Q Where was she when you saw her?

10

A She was home, waiting for me, in Lynbrook, Oakland
11 Avenue.

12

Q Then go on. What did you and Lisa do, after you
13 arrived home?

14

A Probably took a shower, ate. Maybe went downstairs,
15 got dressed. Went out, Probably went down to Captain Video.
16 Waited until everyone came around, to see what was going on
17 for the evening. Found out there was a party. We bought the
18 beers because I was the oldest, so I could buy them.

19

Q Where did you buy these beers?

20

A Lynbrook Beverage, on Broadway.

21

Q Was anybody else with you, when you went for the
22 beer?

23

A Lisa was. Probably Pat or George were with me,
24 to help me carry it. Most likely. I can't tell you exactly.
25 But one of them were probably with me, to help me carry the

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2 beers.

3 We went to the field, where people -- I couldn't
4 give you names of people. We did -- we drank the beers.
5 It was Mugsy's birthday, or whatever; Joe. We may even have
6 sang happy birthday to him. I'm sure we did. I remember
7 giving him beer to guzzle, because it was his birthday. He
8 put a hole in the top, and you shake it, and make him drink
9 it. We did go to the movies that night.

10 Q You say we. Who do you mean?

11 A Me, Lisa, Mugsy, a few other people. I don't
12 know who they were. I believe Jimmy was there. I'm not
13 too sure. There was an incident. But the incident was
14 afterwards. It was over a cigarette pack. Movie ended
15 about two, two-thirty. We walked home; went to bed. That's
16 the end of the evening.

17 Q Now, at any time when you were with the police
18 officers on either March 21st or March 25th, did Detective
19 Volpe or Detective Dempsey, or any other detective, ask you
20 where you were November 10th?

21 A Yes, they did. And I couldn't give them an
22 answer right then. Because it's just another day out of the
23 week. How I find out where I was November 10th, was through
24 people that got in touch with Lisa, to let her know it was
25 Mugsy's birthday that night, and we were there. The only

1
2 reason they remember us being there, because it was Mugsy's
3 birthday.

4 Q Did you go to the field often?

5 A Well, since me and Lisa been going out, we really
6 haven't hung out, outside with people that much. We usually
7 stay at home. But when we did go out, that's where we wind
8 up; either Captain Video or in the field.

9 Q Captain Video, is that an arcade of some sort?

10 A Yes...

11 Q Now, are you familiar with Lynbrook, enough to know
12 where Atlantic Avenue school field is, from Hot Skates?

13 A I've been living there a lot of years. I know that
14 town inside out.

15 Q How far is it?

16 A Atlantic High School to Hot Skates?

17 Q Ball field; yeah.

18 A About a mile, if you cut diagonally across town.

19 Q Were you near Hot Skates at all, on the night of
20 November 10th?

21 A No.

22 Q Were you in Hot Skates at all, during 1984?

23 A I don't even hang out nowhere near that end of
24 town. I have no reason to go down there.

25 Q Well, Captain Video, that's on Merrick Road; isn't

1
2 it?

3 A Yeah. But that's about a mile and-a-half, two
4 miles from Hot Skates.

5 Q What direction from Hot Skates?

6 A If you're coming from Hot Skates, Captain Video
7 is going towards the city.

8 Q Now, did you see [REDACTED] on November 10,
9 1984?

10 A I never saw the girl in my life.

11 Q Did you see her at any time prior to seeing that
12 picture, on the twenty-sixth of March, 1985?

13 A I believe on a poster, maybe. I think in the pizza,
14 Mario's; or a phone pole, something.

15 Q Did you ever see her in person?

16 A No; never even heard of her name before.

17 Q Dennis Halsted, did you see him on November 10,
18 1984?

19 A No, I didn't.

20 Q Did you see Dennis Halsted at any time in November
21 of 1984?

22 A No. Because we were fighting. We had a disagreement,
23 and he came after me with a carload of guys. I was carrying
24 a bat around for a couple of weeks, because I watched him
25 get beat up by some small guy, and I laughed at him. I

1
2 haven't spoke to that man over a year, because of that
3 disagreement.

4 Q Did you ever speak to him after December of 1984?

5 A He stopped by -- we were watching Lisa's mom's
6 house, while she was in Rome, or whatever. He stopped by
7 with John Restivo one evening. That was it.

8 Q Is that the only time you saw him?

9 A I may have seen him. But I never spoke to him.

10 Q Now, John Restivo, did you see him at all, in
11 November of 1984?

12 A I was working for him.

13 Q Well, how frequently did you see him?

14 A Everyday, every other day.

15 Q Did you see them on November 10, 1984; either one
16 of them?

17 A No. I did the job with Charlie Restivo.

18 Q Did John come to the job?

19 A No, he didn't.

20 Q Do you know where that job was?

21 A Lynbrook. Right around the corner from where I
22 was living.

23 Q How did you get to the job?

24 A In Charles's brother's red Cadillac.
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Q How did you get home from the job?

A Red Cadillac.

Q Who was driving?

A Donna, I believe. Charlie's girlfriend.

Q You don't know Donna's last name?

A No.

Q Now, on November 10th or at any time, did you ever pull a girl into a van and help anybody rape her?

A No, I didn't.

Q Have you ever killed anyone?

A No, I haven't.

Q Did you kill [REDACTED]?

A No, I didn't.

Q Did you ever tell anyone you killed [REDACTED]?

A No, I didn't.

MR. WOODS: I have no further questions.

THE COURT: Step up.

(Whereupon there was a discussion off the record.)

THE COURT: That's as far as we'll go today, ladies and gentlemen.

As I told you, I expect that we will conclude this case on Tuesday. We will not be working on this case, at least you will not be asked to come