

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

AMERICAN NEWS & INFORMATION SVCS.
INC. and EDWARD PERUTA
Plaintiff

vs.

JAMES C. ROVELLA, MICHAEL COATES,
BRANDON J. O'BRIEN, SEAN SPELL,
BRIAN FOLEY, ET AL.
Defendants

*
* CIVIL ACTION NO.
* 3:15-CV-01209-RNC
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* MARCH 8, 2017
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VIDEOTAPE DEPOSITION
OF
OFFICER VINCENZO MARFELLA

Taken before Patricia Tyszka, Registered Merit Reporter and Notary Public, in and for the State of Connecticut, pursuant to the Federal Rules of Civil Procedure, at the Law Offices of Rachel M. Baird & Associate, 15 Burlington Road, Harwinton, Connecticut, on Wednesday, March 8, 2017, commencing at 10:05 a.m.

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A P P E A R A N C E S

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ALSO IN ATTENDANCE:

Edward Peruta

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Transcript Legend

- [sic] - Exactly as said.
- [phonetic] - Exact spelling not provided.
- [...] - Indicates omission of word[s] when reading OR trailing off and not finishing a sentence.

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LIST OF EXHIBITS
[Marked for Identification]

OFFICER VINCENZO MARFELLA

PLAINTIFF

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
34	Disk of 19 Video Clips	20
35	9/12/14 Report of Officer Marfella	19
35	Clearer Copy of Exhibit 35	63
36	Blow-Up of Park Street Area Photograph ..	43

**REPORTER'S NOTE: Exhibits 34, 36 retained
by Attorney Baird.

Exhibit 35 retained
by Court Reporter.

S T I P U L A T I O N S

1
2
3 It is stipulated by the Attorneys for the Plaintiff
4 and the Defendant that each party reserves the right to
5 make specific objections in open court to each and every
6 question asked and the answers given thereto by the
7 witness, reserving the right to move to strike out where
8 applicable, except as to such objections as are directed to
9 the form of the question.

10 It is stipulated and agreed to the adequacy of the
11 notice.

12 It is stipulated and agreed between counsel for the
13 parties that the proof of the authority of the Commissioner
14 before whom this deposition is taken is waived.

15 It is further stipulated and agreed that the Deponent
16 will read and sign the deposition transcript.

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OFFICER VINCENZO MARFELLA,
Deponent, of Hartford Police Department, 253 High
Street, Hartford, Connecticut 06103, after first
having been duly sworn by the Court Reporter,
testified under oath as follows:

DIRECT EXAMINATION

BY MS. BAIRD:

Q So good morning, Officer. How are you?

A Good. Morning.

Q My name is Rachel Baird. I'm an attorney and I
represent American News & Information Services and Ed
Peruta in this case.

A Okay.

Q And have you had a chance to review the
complaint in this case? So when I say "this case" you
kind of know what I'm talking about?

A No.

Q Okay. So do you have any idea what matter
you're here to testify about today?

A Just on what my attorney has gone through with
me.

Q Okay. Do you recall a murder that occurred back
on September 12th, 2014, in the area of Park Street in

1 Hartford?

2 A Yes, ma'am.

3 Q Did you respond to that crime scene?

4 A I did.

5 Q Do you recall an incident at 38 Kelsey Street on
6 August 7th, 2015, that involved a Matthew Russo?

7 A No.

8 Q Do you know if you responded to that incident at
9 all?

10 A I did not.

11 Q Okay. And did you respond to an incident in
12 West Hartford on February 4th, 2016 [verbatim]?

13 MS. HARRIS: Objection. And there is a
14 motion for protective order pending, so I'm
15 going to direct him not to answer.

16 MS. BAIRD: Okay.

17 BY MS. BAIRD:

18 Q Now, with regard to the incident on September
19 12th, 2014, at that time were you employed as a Hartford
20 police officer?

21 A Which incident was that again?

22 Q The murder on Park Street on September 12th,
23 2014.

24 A Okay.

25 Q Were you employed as a police officer --

1 A Yes.

2 Q -- on that date?

3 A Yes, I was.

4 Q When did you start your employment as a police
5 officer in the City of Hartford?

6 A 2002.

7 Q Had you worked for any law enforcement agencies
8 prior to that?

9 A No, I had not.

10 Q Have you ever been through this process of a
11 deposition previously?

12 A No.

13 Q If you have any questions or don't understand a
14 question that I ask -- and you've already indicated to me
15 there was a question or two that you needed clarified, so
16 that's exactly what you should do: Ask me to clarify or
17 go through your attorney, ask any questions you have.

18 If you need a break, just let me know.

19 A Okay.

20 Q And we can arrange for that as well.

21 So you became a police officer with the Hartford
22 Police Department in 2002, I think you said?

23 A Correct.

24 Q What employment, if any, did you have before
25 that with law enforcement or otherwise?

1 A I was a cadet for one year with City of
2 Hartford. And previous to that worked for Stop & Shop,
3 Office Max.

4 Q And you're a high school graduate?

5 A Correct.

6 Q Do you have any college?

7 A Associate's.

8 Q What is your associate's degree in?

9 A Social services. Human relations.

10 Q Where did you receive that degree from?

11 A Capital Community College.

12 Q And when did you receive it?

13 A I am not sure what year it was.

14 Q You went through the Hartford Police Academy?

15 A Correct.

16 Q When did you complete that?

17 A In 2002.

18 Q Did you have field training?

19 A Yes, I did.

20 Q And you successfully completed that?

21 A Yes, I did.

22 Q Was there any need to extend it or --

23 A No, ma'am.

24 Q -- delay it? Okay.

25 After you were trained at the Policy Academy and

1 then went through your field training, what was your
2 first assignment with the police department?

3 A Patrol Division.

4 Q And were you assigned to patrol any specific
5 area of Hartford?

6 A I am not sure where I was.

7 Q Okay. Do you know what I mean when I say
8 assigned to patrol a specific area?

9 A Either North End, South End?

10 Q Okay. But are you saying that when you
11 patrolled, you were all over the city at different times?

12 A I was on a relief list.

13 Q What's a relief list?

14 A You just get set hours on either A-Squad or
15 B-Squad and whatever. Wherever they put you, you go.

16 Q Okay. Have you had different supervisors since
17 2002 or '03 when you began your assignments?

18 A I had several supervisors.

19 Q Who is your current supervisor?

20 A Current supervisor? I'm under Patrol -- Eric
21 Smith of the Patrol Division.

22 Q And is Eric Smith a sergeant?

23 A Yes, he is.

24 Q What shift do you work?

25 A Currently 10:00 to 6:00.

1 Q And are you still on the relief squad or --

2 A It's a permanent 10:00-to-6:00 schedule.

3 Q 10:00 to 6:00? And that's 10:00 a.m.?

4 A 10:00 a.m. to 6:00 p.m.

5 Q And what are your assignments right now between
6 that 10:00 and 6:00 p.m. time when you work?

7 A I'm assigned to Patrol Division, a Park Street
8 walk beat.

9 Q How long have you been assigned to the Park
10 Street walk beat?

11 A Couple months now.

12 Q And what does that entail? What do you do?

13 A Walk the beat. Talk to citizens, business
14 owners, residents.

15 Q And before this two months on the walk beat,
16 what was your assignment?

17 A I was assigned to the Community Services Bureau.

18 Q What's that?

19 A Helping out the CSO -- the Community Service
20 Officers -- with their duties.

21 Q And was that in the same area of --

22 A South End.

23 Q Of the South End? How long did you work with
24 Community Service Officers in doing that assignment?

25 A Six to eight months maybe.

1 Q Okay. And prior to that? I want to kind of
2 move backward in time to see what your different
3 assignments have been. So prior to the work with the
4 Community Service Officers, what did you do?

5 A I was a Business District Service Officer for
6 the Park Street area.

7 Q Okay. And prior to that?

8 A I was Patrol Division walk beat.

9 Q Did you walk any particular beat?

10 A The same beat that I'm currently on -- the Park
11 Street beat.

12 Q It sounds like since you did your relief work
13 where you were assigned to perhaps different areas, you've
14 primarily been located in the Park Street south End area?

15 A Correct.

16 Q When did you actually begin a specific
17 assignment to the Park Street area?

18 A I am not sure.

19 Q Well, let's keep moving back in time then. The
20 last assignment I think you discussed was the walk beat in
21 the Park Street area; right?

22 A Correct.

23 Q And before that what was your assignment?

24 A I believe it was still patrol assignment. Maybe
25 a 10-hour car. It was -- it's a car that's part of

1 Patrol that's 10 hours instead of your regular eight
2 hours.

3 Q Do you currently have a partner that you work
4 with?

5 A No, I don't.

6 Q Have you over the course of the different
7 assignments that you just testified had partners?

8 A No, I didn't.

9 Q Now, on September 12th, 2014, which assignment
10 were you working during that shift and during that time?

11 A That would have been the Business District
12 Service Officer of Park Street.

13 Q Were you working the 10:00 a.m. to 6:00 p.m.?

14 A It was a flex schedule.

15 Q Okay. And do you specifically remember the
16 September 12th, 2014, Park Street crime scene?

17 A Yes.

18 Q Okay. I'm just asking because I know you
19 probably respond to a lot of different things --

20 A Right.

21 Q -- and it has been two or three years, so -- and
22 is there a reason why you specifically remember that
23 incident?

24 A Just stick to my head.

25 Q What was the reason for your response to that

1 incident?

2 A I was nearby and they were asking for cars and I
3 responded.

4 Q And were you in a car that evening?

5 A Yes, I was.

6 Q Was that one of the 10-hour cars?

7 A That was my unit assignment for the day.

8 Q Okay. And how did you get notice of the
9 incident?

10 A Radio dispatch.

11 Q And when you responded to the incident, what was
12 the process for finding out where you would be used or
13 what you would do at the scene?

14 A Can you repeat that again?

15 Q Yes. When you responded to the incident, how
16 did you know what to do?

17 A Basically I responded. The scene was being set
18 up, and I just asked if anybody needed help and just went
19 from there.

20 Q Was Sergeant Smith your supervisor at that time?

21 A I don't believe so.

22 Q Do you recall who was?

23 A I -- for that night? No, I don't.

24 Q Okay. During that time period at all do you
25 recall who your supervisor was?

1 A My immediate supervisor was Sergeant Dixon Vega.

2 Q Okay. Did you prepare a written report about
3 your activities or response to the September 12th, 2014,
4 Park Street incident?

5 A Yes, I did.

6 Q And what kind of report was it?

7 A A supplement to the case.

8 Q Do you remember how many pages it was?

9 A One page.

10 Q And when was the last time you saw that report?

11 A At my attorney's office.

12 Q Okay. Do you have a copy of the report with you
13 today?

14 A No, I don't.

15 MS. HARRIS: I produced it on -- it was
16 Friday or Monday.

17 MS. BAIRD: Okay.

18 MS. HARRIS: I sent over a supplement with
19 it.

20 MS. BAIRD: Let me have somebody get that.
21 I do remember getting that.

22 MR. PERUTA: Did it come in by e-mail?

23 MS. BAIRD: It came by e-mail, yes.

24 MS. HARRIS: Yes. It came by e-mail, yes.

25 MS. FEOLA-GUERRIERI: I think it was

1 Monday.

2

3 [Mr. Peruta left proceedings.]

4

5 BY MS. BAIRD:

6 Q What was the reason for you preparing a report
7 related to that incident?

8 A It's part of the duties to report it in. Write
9 a report on what was conducted that night.

10 Q When you responded to the September 12th, 2014,
11 Park Street incident, was there anybody that you were
12 looking to for orders or to tell you what to do? Were you
13 under anybody's supervision?

14 A Whatever that patrol sergeant was, if he asked
15 me to do something I did it.

16 Q Okay. And do you remember who the patrol
17 sergeant was?

18 A I don't recall.

19 Q Okay. Do you know a former sergeant, Sean
20 Spell?

21 A Yes, I do.

22 Q And do you recall Sergeant Spell was at the
23 September 12th, 2014, crime scene?

24 A Yes, he was.

25 Q Was he at all your supervisor?

1 A No, he wasn't.

2 Q And why do you remember specifically that he
3 wasn't?

4 A I don't report to Sergeant Spell.

5 Q But the person that you did report to that
6 night, you don't recall who that was --

7 A Correct.

8 Q -- sitting here today?

9 What I'm going to do is we have the 19 clips
10 from -- and I say that because the attorneys know the 19
11 clips we've already viewed in this case. So I apologize
12 for that.

13 A Okay.

14 Q We have 19 clips of video from the Park Street
15 incident, and we've practiced and we're going to put them
16 up on this TV and hope it goes smoothly. Okay?

17 A Okay.

18 Q And then I'm going to ask you questions about
19 what you were doing at the time or where you were. And
20 either you know or you don't know. Okay?

21 A Okay.

22 Q So let's do that.

23 MS. FEOLA-GUERRIERI: Excuse me, Rachel.

24 Do you know what exhibit number those clips are?

25 MS. BAIRD: Well, this is what I'm going to

1 do. These are the 19 clips we're showing. So
2 I'm just going to put -- well, these are the
3 same as those, so we'll mark those as the
4 exhibit over there.

5 I was going to mark this as Exhibit 34,
6 just so it's crystal clear what he's looking at
7 today, since it's only a disk. It's not like a
8 ton of paper.

9 MS. FEOLA-GUERRIERI: Are we going to go
10 through each one of them?

11 MS. BAIRD: It's about eight minutes
12 altogether.

13 MS. FEOLA-GUERRIERI: Okay.

14 MS. BAIRD: Yes.

15

16 [Off record: 10:18 a.m. to 10:19 a.m.]

17

18 [Mr. Peruta rejoined proceedings.]

19

20 MS. BAIRD: While we're waiting we'll go
21 back on the record.

22 If we could have this marked as -- this
23 will be Exhibit 34.

24 MS. HARRIS: I thought you said the disk
25 was going to be Exhibit 34.

1 MS. BAIRD: Okay. Exhibit 35 then.

2

3 [Plaintiff Exhibit 35: Marked for ID.]

4

5 BY MS. BAIRD:

6 Q So we're going to go ahead. This is Clip 1 on
7 Exhibit 33 -- no -- 34.

8 [Video Played and Paused.]

9

10 [Off record: 10:20 a.m. to 10:32 a.m.]

11

12 BY MS. BAIRD:

13 Q Okay. So that concludes the full view of the 19
14 clips that the officer has had a chance to look at in
15 their entirety.

16 Officer, what I'm going to do now is -- if you
17 could turn the light off?

18

19 [Mr. Peruta left proceedings.]

20

21 BY MS. BAIRD:

22 Q If we can mark this, the actual one that I'm
23 going to be showing the officer that he's testifying from
24 as 33 -- 34.

25

1 [Plaintiff Exhibit 34: Marked for ID.]

2

3 BY MS. BAIRD:

4 Q Are you able to see that okay?

5 A There's a little glare.

6 Q Yes. A little glare?

7 A Yeah, there's a little glare. There you go.

8 Q Okay. Officer, I'm going to show you Clip No. 1
9 on Exhibit 34, and then I'll ask you if you recognize
10 anyone in the clip and further questions about it. Okay?
11 So I'll start it from the beginning.

12 Before we begin, there is an officer on Clip 1
13 of Exhibit 34 to the right. Do you recognize that
14 officer?

15 A I do.

16 Q And who is that?

17 A Officer Barone.

18

19 [Mr. Peruta rejoined proceedings.]

20

21 BY MS. BAIRD:

22 Q Do you -- did you at that time in September
23 12th, 2014, work any assignments with Officer Barone?

24 A No.

25 Q Did he work the same shift as you?

1 A No. They had different shifts.

2 Q And did you have any supervisory authority over
3 him?

4 A I did not.

5 Q And did he have any supervisory authority over
6 you?

7 A He did not.

8 Q Have you worked with Officer Barone since that
9 time in September 2014?

10 A We go to different calls together.

11 Q Okay.

12 [Video Played and Paused.]

13 BY MS. BAIRD:

14 Q Are you able to tell, looking at this picture,
15 where Officer Barone is located?

16 A Yes.

17 Q And where is he located?

18 A Across the street from Park and Hungerford.

19 Q And so am I correct that in the South End of
20 Hartford there is an intersection of Park and Hungerford
21 Streets?

22 A Correct.

23 Q And so each corner can be referred to
24 directionally as the northwest corner, north, south,
25 southeast, and southwest?

1 A Hungerford Street ends on the north -- on the
2 north curb of Park Street.

3 Q Okay. I actually have a map.

4 MS. BAIRD: If we could mark this as 35?

5 COURT REPORTER: 36.

6 MS. BAIRD: 36.

7

8 [Plaintiff Exhibit 36: Marked for ID.]

9

10 BY MS. BAIRD:

11 Q Now, you've just described an intersection in
12 Hartford of Park and Hungerford Street. Now, Exhibit 36,
13 you don't know if it's to scale or anything; right? I
14 mean obviously you don't know if this is to scale.

15 A Correct.

16 Q Okay. Because you didn't make it or draft it.

17 A Correct.

18 Q Correct. I'm going to point to the middle of
19 Exhibit 36, and there is a street that's labeled as
20 Hungerford Street. Do you see that in about the middle of
21 Exhibit 36?

22 A I do.

23 Q And then there is a cross street that appears to
24 go east and west, Park Street, on Exhibit 36?

25 A Correct.

1 Q Does that accurately portray the relationship of
2 Hungerford Street and Park Street?

3 A It does.

4 Q Okay. And am I correct that Hungerford Street,
5 as it moves away from Park Street, moves in a northerly
6 direction?

7 A Correct.

8 Q And then as you're looking at Exhibit 36, Park
9 Street, as it moves towards the right of Exhibit 36, moves
10 in an easterly direction?

11 A It does.

12 Q Okay. Then Park Street as it moves to the left
13 of Exhibit 36 is to the west.

14 A Correct.

15 Q Okay. So is it fair to say that the
16 intersection of Park Street and Hungerford Street on the
17 right of Exhibit 36 is the northeast corner?

18 A Correct.

19 Q Okay. And then across the street, Park Street
20 and Hungerford Street as you move towards the left of
21 Exhibit 36 is the northwest corner.

22 A Correct.

23 Q Okay.

24 MS. BAIRD: Do you want to put a sticky on
25 here to label that as we're referring to it?

1 I'm going to do that just to make it easier for
2 me. I don't know about anybody else.

3 MS. HARRIS: Oh, you mean northeast,
4 northwest --

5 MS. BAIRD: Yes. [Labeling directions on
6 Exhibit 26.]

7 BY MS. BAIRD:

8 Q Have I accurately portrayed that: The northeast
9 corner of Park Street and Hungerford Street with the
10 sticky that says "NE," and then the northwest corner of
11 Park and Hungerford Street with a sticky that says "NW"?

12 A You did.

13 Q Okay. So if we go back to Exhibit 34, Clip 1.
14 Officer Barone. Am I correct that he's standing on the
15 south side of Park Street at that point?

16 A He is.

17 Q Okay. Did you actually see Officer Barone at
18 any point when you responded that night?

19 A I don't remember.

20 Q Okay. I'll continue with the clip.

21 [Video Played and Paused.]

22 BY MS. BAIRD:

23 Q Now, when Officer Barone says, "my sergeant,"
24 would that have been the same sergeant as you or not?

25 A No.

1 Q Because he wasn't working in the same unit as
2 you?

3 A Correct.

4 Q And do you know what sergeant he was referring
5 to?

6 A I believe it was Sergeant Michels.

7 Q Did you hear him or were you around him when he
8 made any of the comments that we just reviewed in Clip 1?

9 A No.

10 [Video Played and Paused.]

11 BY MS. BAIRD:

12 Q Do you know what's meant by "secondary crime
13 scene"? Not in this instance, just in general. As an
14 officer, do you have any knowledge of what a secondary
15 crime scene is?

16 A Possibly more evidence was found that expanded
17 the crime scene.

18 Q Okay. And do you know if that was done on
19 September 12th, 2014? A secondary crime scene?

20 A The scene was expanded.

21 Q Okay. Did you participate in expanding that
22 scene?

23 A At one point I did.

24 Q But nothing in Clip 1 shows you or anything you
25 did.

1 A No.

2 Q I'm going to move on to Clip 2, then, of
3 Exhibit 34.

4 [Video Played and Paused.]

5 BY MS. BAIRD:

6 Q Now, in Clip 2 at 17 seconds in, there is an
7 officer on the right side of the screen that we're looking
8 at. Do you see him?

9 A Yes.

10 Q Do you know who that is?

11 A Sergeant Michels.

12 Q And in Clip 2 of Exhibit 34 at the 17-second
13 mark, there is an officer on -- towards the left-hand side
14 of the screen standing in front of a black car. Do you
15 know who that officer is?

16 A I can't tell from this point, but if you rewind
17 it I can probably see it better. It was a little bit
18 closer.

19 Q Okay. And then I also see an officer who
20 appears to be near a storefront, at that same 17-second
21 mark, and then another individual in white pants and a
22 gray top. So I'll ask you who those people are as well
23 when we go back.

24 [Video Played and Paused.]

25

1 BY MS. BAIRD:

2 Q Does that help at all?

3 A Yeah, that --

4 MS. HARRIS: Could you move the screen
5 closer? Is that possible?

6 MS. BAIRD: Okay. Yes. Let me move
7 closer.

8 A Can I just put on the -- I just get a little
9 motion sickness with --

10 BY MS. BAIRD:

11 Q Oh, really.

12 A Yeah. So if you start --

13 Q What can we do to --

14 A No, just -- just keep playing it. I'll just let
15 you know if I have to stop.

16 Q Okay.

17 A I'm just --

18 MS. HARRIS: It's when the camera moves and
19 he turns it and --

20 A It's when the camera moves around I just --
21 yeah.

22 BY MS. BAIRD:

23 Q Okay. So I think my last question was if you
24 were able to identify the officer who at the 17-second
25 mark is standing near that black car in the second clip?

1 A The officer standing right there in front of
2 that car?

3 Q Who seems to be walking. His right foot is
4 ahead of his left foot?

5 A That's Officer Hunyadi.

6 Q And I don't know if you can even see another
7 individual who appears to me to be in a blue uniform
8 looking in a storefront?

9 A I don't know who that is.

10 Q Okay. And then there is a gentleman in Clip 2
11 that has white pants and a gray shirt on. Do you know who
12 that -- can you see who that is, first of all?

13 A I don't know who that is.

14 Q And you don't know who it is.

15 Did you hear Sergeant Michel when he spoke the
16 words that he spoke in this clip? And I can play them
17 again if you need to hear them again.

18 A Yeah, if you can play them again.

19 Q Okay. Look away.

20 [Video Played and Paused.]

21 BY MS. BAIRD:

22 Q So when Sergeant Michel says, "Sir, other side
23 of the tape, please. Barone," did you hear that
24 interaction?

25 A I heard it just now in the video.

1 Q Right.

2 A Okay.

3 Q Good. But at the time, on September 12th, did
4 you hear that?

5 A No, I did not.

6 Q Do you know if you had arrived yet at that
7 point?

8 A I have no idea.

9 Q And when you arrived, did you see any yellow
10 tape that was already up?

11 A Yeah.

12 Q There was some already up.

13 A Yeah.

14 Q And did you -- were people in the process of
15 putting it up?

16 A There was tape being put up.

17 Q What area did you -- what direction did you come
18 from to arrive there?

19 A I don't remember.

20 Q Okay. So there's three choices: You either
21 could have come south on Hungerford, east on Park, or west
22 on Park; right? Because you were in a car?

23 A It would have been either east or west.

24 Q On Park.

25 A From Park.

1 Q Where did you park?

2 A Don't remember.

3 Q I'm going to move on to Clip 3 of Exhibit 34.

4 [Video Played and Paused.]

5 BY MS. BAIRD:

6 Q And that was Clip 3 which has just concluded.

7 The officer in the left-hand side of Clip 3 at the

8 12-second mark, is that Officer Barone again?

9 A It is.

10 Q Did you witness any of that conversation?

11 A Did not.

12 Q Do you see a crime scene tape portrayed at the

13 12-second mark of Clip 3 of Exhibit 34?

14 A I do.

15 Q And can you tell -- how many crime scene tapes

16 do you see?

17 A Just one on the video.

18 Q Okay. And do you know where that's coming from

19 and going to from looking at the video?

20 A Looks like it's on the northeast corner of Park

21 Street.

22 Q Okay. And does it appear to be going from the

23 northeast corner to the south of Park Street across the

24 street?

25 A It does.

1 Q Do you know -- did you participate in putting
2 that crime scene tape up at all?

3 A I don't remember.

4 Q This is Clip 4.

5 [Video Played and Paused.]

6 BY MS. BAIRD:

7 Q I stopped Clip 4 at the 20-second mark. In
8 Clip 4, as we look at it directly there's a fire hydrant.
9 Is that fire hydrant on the northeast corner of Park and
10 Hungerford?

11 A Northeast corner.

12 Q And am I correct that there appears to be crime
13 scene tape attached to a trash can at the northeast corner
14 of Park and Hungerford?

15 A Correct.

16 Q And that one crime scene tape is extending from
17 the northeast corner of Park and Hungerford across to the
18 south side of Park Street?

19 A Correct.

20 Q And that the other crime scene tape is extending
21 from the northeast corner to the west, but we can't really
22 see where it ends up in the tape.

23 A Correct.

24 Q Did you participate in erecting either of the
25 crime scene tapes that I've just referenced?

1 A I believe I did.

2 Q And what -- how did you participate?

3 A By putting it up.

4 Q Okay. Both or one or the --

5 A I don't remember.

6 Q Okay. So it could have been one or it could
7 have been both --

8 A Correct.

9 Q -- that you participated in?

10 A Yeah. I don't remember.

11 Q Did anyone -- did anyone help you?

12 A Don't know.

13 Q This is Clip 5.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q In Clip 5 I just stopped it at the 4-second
17 mark. There is an officer to the right-hand side of the
18 screen with his hand -- with his right hand in his pocket.
19 Can you recognize who that officer is?

20 A At this time I can't.

21 Q And next to him to the right there is a
22 gentleman with jeans on and a gray shirt. Can you
23 recognize him at this point?

24 A I can't.

25 Q Are you able to tell from this still picture

1 from Clip 4 where the deceased person is in this clip?

2 A Yes.

3 Q And am I correct that the person is about in the
4 middle of the clip, on the bottom of the screen?

5 A Correct.

6 [Video Played and Paused.]

7 BY MS. BAIRD:

8 Q Are you able to identify the officer at this
9 point?

10 A Looks grainy.

11 [Video Played and Paused.]

12 BY MS. BAIRD:

13 Q Okay. So I just played the entirety of Clip 4
14 which was 12 seconds. Do you recognize anybody portrayed
15 in Clip 4?

16 A No.

17 Q And in Clip 4 am I correct that the crime scene
18 tape that can be viewed towards the bottom of the screen
19 is the tape that extends from the northeast corner of Park
20 and Hungerford to the south side of Park?

21 A Correct.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q I just played Clip 6. It again portrays an
25 officer standing to the right-hand side. He has his arm

1 extended now, it's not in his pocket, and he's kind of
2 looking in the direction of the intersection of Park and
3 Hungerford. He has a hat on, a Hartford police officer
4 department hat. Do you recognize him now?

5 A Can you move the computer?

6 Q Yes. Yes. This is Clip 6.

7 [Video Played and Paused.]

8 A Yeah, I can't tell.

9 BY MS. BAIRD:

10 Q Okay. I'm going to play it again because there
11 is a gentleman -- there is an officer that walks across at
12 the beginning of the video, and I'm going to ask if you
13 recognize him.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q Did you recognize the officer that walked across
17 the video and left it, at about 2 seconds in, to the
18 right?

19 A Yes.

20 Q And who was that?

21 A Officer Barone.

22 Q And in Clip 6 at the 4-second mark, to the left
23 do you see a man's head on the left side of the screen?

24 A Yeah.

25 Q Do you know who that is?

1 A I do not.

2 Q Okay. Do you know if he was a Hartford police
3 officer?

4 A I do not.

5 [Video Played and Paused.]

6 BY MS. BAIRD:

7 Q Do you recognize who a gentleman is, in Clip 6,
8 who was white pants and a blue shirt on? He's not in
9 uniform.

10 A I do not.

11 Q There's a group of officers to the right of
12 Clip 6 at 9 seconds in. Do you recognize any of them?

13 A I do not.

14 Q And this gentleman in Clip 6, 9 seconds in,
15 where he has his head to the left side of the screen, is
16 he inside or outside the crime scene tape?

17 A Looks like he's outside.

18 Q This is Clip 7 of Exhibit 34.

19 [Video Played and Paused.]

20 BY MS. BAIRD:

21 Q At 7 seconds in of Clip 7, there is an officer
22 about three-quarters of the way to the right of the
23 screen. Do you recognize him?

24 A I do.

25 Q Okay. And who is he?

1 A Officer Barone.

2 Q And am I correct that he's outside the crime
3 scene tape that extends from the northeast corner of Park
4 and Hungerford to the south end of Park Street?

5 A Can you repeat that again?

6 Q Yes. Am I correct that he's outside of the
7 crime scene tape that extends from the northeast corner of
8 Park and Hungerford to the south end of Park Street?

9 A Yes.

10 Q But he's inside the crime scene tape that
11 extends from the northeast corner of Park and Hungerford
12 to some location outside our view of the video.

13 A Correct.

14 Q Do you know if there was crime scene tape that
15 was established from the northwest corner of Park and
16 Hungerford to the south side of Park at any point?

17 A I don't remember.

18 Q Do you remember crime scene tape other than the
19 two pieces of crime scene tape that we're viewing in
20 Clip 7?

21 MS. HARRIS: Are you talking about at this
22 particular point --

23 MS. BAIRD: Yes.

24 MS. HARRIS: -- in time or just generally?

25 Okay.

1 MS. BAIRD: Right. Just at this point in
2 time.

3 A At this point? It looks like there is a crime
4 scene tape behind the northeast section.

5 BY MS. BAIRD:

6 Q Okay. So you see crime scene tape on the east
7 side of where the deceased body is located?

8 A The northeast side --

9 Q The northeast side.

10 A -- where the body is located.

11 Q Yes. The north side of Park Street.

12 A The north side. Correct.

13 Q Okay. I just -- in looking at Exhibit 36, am I
14 correct that the deceased body was located on Park Street
15 to the east of the intersection of Park and Hungerford?

16 A Correct.

17 Q Did you -- do you recall talking to any of the
18 people who are not in uniform portrayed in Clip 7 at about
19 7 seconds in?

20 A No.

21 Q Do you know who they were?

22 A I do not.

23 Q Do you know what they were doing there?

24 A Looking at the crime scene.

25 [Video Played and Paused.]

1 BY MS. BAIRD:

2 Q Did you observe any of this interaction in
3 Clip 7 that Officer Barone appears to be having with the
4 individuals who were not in uniform on the other side of
5 the crime scene tape?

6 A I did not.

7 Q It looks like there's a store at the northeast
8 corner of Park and Hungerford. Are you familiar with that
9 store?

10 A I am.

11 Q Because you patrol the area; right?

12 A Right.

13 Q You're familiar with this area.

14 A I'm familiar with the store.

15 Q Do you know if that store was closed at all
16 during the course of the investigation while you were
17 there?

18 A I don't remember.

19 Q Okay. You were not -- it's fair to say you were
20 not tasked with or assigned the duty of closing the store?

21 A Correct.

22 Q This is Clip 8.

23 [Video Played and Paused.]

24 BY MS. BAIRD:

25 Q In Clip 8 do you recognize that officer?

1 A It's Officer Barone.

2 Q Was there any particular area of the
3 intersection of Park and Hungerford where you spent more
4 of your time while you were there?

5 A I don't remember.

6 Q What areas -- what areas did you work in or were
7 you performing your assignment in the area of Park and
8 Hungerford?

9 A On that day?

10 Q Yes. At the crime scene.

11 A I don't remember.

12 Q Okay. Do you know if you went up so far as that
13 tape that was erected on the east side, from the north
14 side of Park to the south side of Park, of the body?

15 A Don't remember.

16 Q Okay. In looking at the video and seeing how
17 there was crime scene tape set up around that store at the
18 northeast corner of Park and Hungerford, does that help
19 you recall at all where you parked your car when you
20 arrived at the scene?

21 A I don't remember where I parked it.

22 Q Okay. This is Clip 9.

23 [Video Played and Paused.]

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25 [Mr. Peruta left proceedings.]

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BY MS. BAIRD:

Q In Clip 9 do you see a number of individuals who appear to be all males in civilian clothing?

A I do.

Q Do you know who they are?

A I do not.

Q Do you know what they are doing?

A Looking at the crime scene.

Q Do you remember seeing people in the vicinity of that store on the northeast corner of Park and Hungerford looking at the crime scene?

A Yeah.

Q Did you interact with those people at all?

A I did not. At that time.

Q At that time. Yes. And do you recall interacting with any of the people portrayed in this clip? I think --

A No.

Q And it's Clip 9, just for the record.

MS. HARRIS: Could I just caution? Just let her get the whole question out before you answer it. It's easier for the court reporter and the record.

THE WITNESS: Okay.

1 MS. HARRIS: Even though you know where
2 she's going, just --

3 MS. BAIRD: She's yelling at me too,
4 probably, because we're both probably
5 responsible for this.

6 MS. HARRIS: I'm yelling at him. You ask
7 usually clear questions, so I try to keep it
8 that way.

9 BY MS. BAIRD:

10 Q Okay. This is Clip 10.

11 [Video Played and Paused.]

12 BY MS. BAIRD:

13 Q Again, this is Clip 10. I see a gentleman to
14 the far left of Clip 10 who has on -- he is a white
15 gentleman, has on a gray, short-sleeved top. Do you know
16 who that is?

17 A I do not.

18 Q Okay. And then there's a man to the right of
19 him with a green, short-sleeved top. Do you know who that
20 is?

21 A I do not.

22 Q Okay. And you don't recall interacting with
23 either of those gentlemen at the scene?

24 A I do not.

25 Q This is Clip 11.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q There is an officer on Clip 11 at 8 seconds in,
4 who appears to have his hands together, maybe looking at
5 something for some reason. Do you know who that is?

6 A I do not.

7 Q Okay. And then there's another gentleman to the
8 right of Clip 11 at 8 seconds in, with a white shirt on.
9 His left hand is in his pocket and he appears to have some
10 sort of badge dangling from his neck. Do you know who
11 that is?

12 A I do.

13 Q Who is that?

14 A Sergeant Spell.

15 Q Did you have any interaction with Sergeant Spell
16 while you were at the scene at September 12th, 2014?

17 A I did not.

18 Q And in Clip 11 at 8 seconds in, again behind
19 this officer in the uniform who appears to have his hands
20 together you don't recognize, do you know what that light
21 is coming over his right shoulder?

22 A I do not.

23 [Video Played and Paused.]

24 BY MS. BAIRD:

25 Q This is Clip 12.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q In Clip 12 at 6 seconds in, do you know what
4 Sergeant Spell is pointing at at that time?

5 A I do not.

6 Q Do you recall seeing Sergeant Spell point?

7 A I don't remember.

8 Q There's an officer to the right of Sergeant
9 Spell in this Clip 12 at 6 seconds in. Do you know who
10 that is?

11 A Can you show me which one?

12 Q I will. He's way to the right of the screen.
13 He has a Hartford Police Department hat on.

14 A Looks like Officer Romanchuck?

15 Q And was Officer Romanchuck in any supervisory
16 capacity to you that night?

17 A No.

18 Q And you weren't to him either; right?

19 A No.

20 [Video Played and Paused.]

21 BY MS. BAIRD:

22 Q This is Clip 12 at 11 seconds in. The two
23 officers -- and I can replay it if you didn't see it, but
24 there were two officers who were pointing at something in
25 the video at about 10 seconds in. Do you know what they

1 were pointing at?

2 A Shell casings?

3 Q Okay. And do you know who either of those
4 officers are?

5 A The recent one I showed you.

6 Q Romanchuck?

7 A It's Romanchuck.

8 Q And he's on the right; correct?

9 A Correct. The other one looks like Officer Cote.

10 Q Okay. It looks like he has a tattoo on his left
11 arm? At least in this picture.

12 A I am not sure.

13 Q Okay.

14 COURT REPORTER: What was the name?

15 THE WITNESS: Cote.

16 BY MS. BAIRD:

17 Q As far as you know.

18 A As far as I know.

19 Q Okay.

20 A That's who it looks like.

21 Q I'll replay it again. This is Clip 12.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q No, he doesn't have a tattoo. Correct the
25 record.

1 MS. HARRIS: It was just a shadow.

2 THE WITNESS: Looks like a shadow.

3 MS. HARRIS: It's The Shadow. Romanchuck
4 is The Shadow --

5 MS. BAIRD: Correct the record. No tattoo.

6 BY MS. BAIRD:

7 Q Exhibit 13 -- excuse me -- Clip 13 from
8 Exhibit 34.

9 [Video Played and Paused.]

10 BY MS. BAIRD:

11 Q Okay. So is that you in Clip 13 at the 5-second
12 mark?

13 A Looks like me.

14 Q Do you have any doubt? Okay. And was it -- I
15 can replay it again, but was that Sergeant Spell at the
16 beginning of this video Clip 13?

17 A Yes.

18 Q And was he talking to you?

19 A He was probably talking to all the officers that
20 were standing there.

21 Q Okay. And what was he -- what did you do, if
22 anything, in response to what he said?

23 A I just walked up to the crime scene line.

24 Q And what did you do at the crime scene line?

25 A I just stood there.

1 Q And -- I'll play it again.

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q Did Sean Spell say "push him out of here"?

5 A If you can replay it. I don't remember.

6 Q So sitting here today without the video, you
7 don't remember specifically anything that Sergeant Spell
8 said?

9 A I do not.

10 Q And I'll make Clip 13 at 00 seconds. Is that
11 Sergeant Spell in the middle?

12 A Looks grainy.

13 Q Okay.

14 [Video Played and Paused.]

15 BY MS. BAIRD:

16 Q Can you tell now if that's Sergeant Spell --

17 A Yes. That's him.

18 Q -- at 2 seconds in?

19 A Yes.

20 Q And you're also at 2 seconds in of the clip;
21 correct?

22 A Correct.

23 Q Do you know if you could hear him at that point?

24 A I don't remember.

25 Q Okay. Were there any other officers around you?

1 A Yes, there were.

2 Q And who was around you?

3 A Barone, Romanchuck.

4 Q Okay. And right now you're at that northeast
5 corner of Park and Hungerford?

6 A Correct.

7 Q Are you approaching anybody at that northeast
8 corner?

9 A It was a group of people there.

10 Q Okay.

11 [Video Played and Paused.]

12 MS. FEOLA-GUERRIERI: Sounds like "Push
13 them out of here."

14 MS. BAIRD: Okay.

15 [Video Played and Paused.]

16 BY MS. BAIRD:

17 Q Okay. And when you said, "Sir, please," were
18 you addressing anybody in particular?

19 MS. HARRIS: Objection.

20 A I did not say anything.

21 MS. HARRIS: I object to the
22 characterization, but let him answer your
23 question.

24 MS. BAIRD: Okay. Well, let's play it
25 again.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q Do you know who said, "Sir, please"?

4 A Don't know.

5 Q Okay. Do you know if it was an officer?

6 A More than likely.

7 Q Okay.

8 [Video Played and Paused.]

9 BY MS. BAIRD:

10 Q Did you talk to anybody when you approached this
11 area that appears right inside the crime scene tape that
12 extended from the northeast corner of Park and Hungerford
13 in a westerly direction?

14 A I did not.

15 Q Did you physically push anybody or touch anybody
16 to get to move them?

17 A I did not.

18 Q Did you take any action to move anybody?

19 A I did not.

20 Q Now, we're still on Clip 13 at 6 seconds in. Do
21 you remember a camera being close to your face or near
22 your face?

23 A Probably. I don't remember.

24 Q Okay. Doesn't stand out in your mind that ...

25 A I remember a gentleman there with a camera.

1 Q Okay. And do you remember how many people had
2 cameras that you noticed?

3 A Don't remember.

4 Q You do remember one gentleman there with a
5 camera.

6 A Yes.

7 Q And can you describe him?

8 A Probably not.

9 Q Have you seen him since?

10 A He was here.

11 Q Okay. So the gentleman that you're talking
12 about walked into this conference room a little earlier?

13 A Correct.

14 Q And you recognized him. Between September 12th,
15 2014, and today, had you seen that gentleman?

16 A I have not.

17 Q But you recognized him today.

18 A Yes.

19 Q Did you talk at all to this gentleman on
20 September 12th, 2014, at the scene?

21 A I did not.

22 Q Do you recall if he directed any conversation
23 towards you?

24 A I don't recall.

25 Q Did you hear anything that he said?

1 A No.

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q This will be Clip 14.

5 [Video Played and Paused.]

6 BY MS. BAIRD:

7 Q Now, this is Clip 14. Is that you on the left
8 side of the screen in Clip 14 with your hands on crime
9 scene tape?

10 A It is.

11 Q And what are you doing?

12 A Moving it.

13 Q Moving it where?

14 A Looks like across the street.

15 Q Okay. Did you reattach it somewhere else?

16 A More than likely.

17 Q And why were you moving it?

18 A We were told to expand the crime scene.

19 Q And who told you?

20 A I don't remember.

21 Q Okay. In the video Clip 14, in about the middle
22 of the screen that's stopped at 4 seconds in, is that
23 Sergeant Spell with the white shirt on and the blue jeans?

24 A It is.

25 Q And in the same video there's a -- there's a

1 head of an officer with a cap on -- a police officer hat
2 on. Do you know who that is?

3 A Looks like Officer Romanchuck.

4 Q Do you know what he was doing at this time as
5 portrayed in the video?

6 A Probably helping me out.

7 Q And do you have the end of the crime scene tape
8 that had been attached to the trash can at the northeast
9 corner of Park and Hungerford?

10 A I believe that's what the video is showing.

11 Q And you're moving in a westerly direction;
12 correct?

13 A Correct.

14 Q And you don't recall if you attached it
15 somewhere else?

16 A I don't remember.

17 [Video Played and Paused.]

18 BY MS. BAIRD:

19 Q Do you recognize the voice or the person
20 speaking in Clip No. 14 who said -- I'll play it again to
21 get the words correct -- but something about being
22 arrested?

23 A If you show me --

24 Q I'll play it again.

25 A -- the individual.

1 Q Yes. I'll play that again.

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q Do you recognize the officer who said, "Sir" --
5 basically you've got to go that way or you're going to get
6 arrested?

7 A Looks like Officer Barone.

8 Q Do you know who he was talking to?

9 A I have no idea.

10 Q Were you somewhat placed on alert when you heard
11 a fellow officer talking about somebody who was engaging
12 in conduct that could get them arrested?

13 A No.

14 Q Did you question anybody what brought on that
15 comment that somebody might get arrested?

16 A I did not.

17 Q Do you have any idea why anybody would have been
18 told they might be arrested at that time?

19 A I do not.

20 Q At this point we're in Clip 14 where you have
21 the crime scene tape in your hand. Had you had to remove
22 anybody from inside the tape? Had anybody wandered into
23 the crime scene that shouldn't have been there?

24 A I did not remove anybody.

25 Q Did you have to tell anybody to get out of the

1 crime scene?

2 A I don't remember speaking to anybody.

3 Q Clip 15.

4 [Video Played and Paused.]

5 BY MS. BAIRD:

6 Q This is Clip 15 at 4 seconds. Officer, is that
7 again Sergeant Spell in the white shirt portrayed in this
8 clip?

9 A It is.

10 Q And do you know what uniformed officer he's
11 talking to?

12 A It looked like Officer Barone?

13 Q Did you witness that conversation?

14 A I did not.

15 Q Do you know if you were in the area when that
16 conversation occurred?

17 A I don't remember where I was.

18 [Video Played and Paused.]

19 BY MS. BAIRD:

20 Q Did you observe anybody encroaching on the line?

21 A Did not.

22 Q And do you know who Officer Barone was talking
23 to in Clip 15 at about 20 seconds in?

24 A I do not.

25 [Video Played and Paused.]

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[Mr. Peruta rejoined proceedings.]

BY MS. BAIRD:

Q I'm going to play --

[Video Played and Paused.]

BY MS. BAIRD:

Q And was there any particular direction that you were involved in moving individuals?

A I don't know.

Q For example, in previous clips you had identified -- not identified by name, but you had identified individuals standing at the store located at the northeast corner of Park and Hungerford; correct?

A Correct.

Q Civilians. Correct?

A Correct.

Q Were you involved, when you were moving the crime scene tape, in telling them to go anywhere or what direction to go?

A No.

Q Do you know what happened to those people?

A I don't remember.

[Video Played and Paused.]

1 BY MS. BAIRD:

2 Q And at that point -- this is Clip 15 -- does it
3 appear to you that Officer Barone is in a westerly
4 direction from that store at the northeast corner?

5 A Yes.

6 Q And when he says, "You're encroaching on the
7 line," do you know where the line was at that point in
8 Clip 15?

9 A I don't remember.

10 Q When you had the tape in your hand that had been
11 attached to the trash can at the northeast corner of Park
12 and Hungerford, and you were walking with it in the one
13 clip of the video, do you have any idea what happened to
14 the tape?

15 A No, I don't.

16 Q Okay. So you could have balled it up and put it
17 in your car?

18 A I don't remember if I handed it off to somebody.
19 I don't remember.

20 Q Okay. This is Clip 16.

21 [Video Played and Paused.]

22 BY MS. BAIRD:

23 Q Were you involved at all in moving the people
24 the next block down?

25 A I don't believe so.

1 Q Do you know what "next block down" means? Do
2 you know what he's referring to? You don't remember any
3 of that?

4 A I don't remember any of that.

5 Q Is it possible you weren't even there anymore
6 or --

7 A It's possible.

8 Q Okay.

9 [Video Played and Paused.]

10 BY MS. BAIRD:

11 Q Did you hear anybody say that? "We told the
12 cameraman five times" or "one more time he goes to jail"?

13 A I did not.

14 Q Okay. Do you remember anybody talking about a
15 cameraman?

16 A No.

17 [Video Played and Paused.]

18 BY MS. BAIRD:

19 Q So you don't recall Sergeant Spell saying
20 anything about a cameraman at the scene on September 12th,
21 2014?

22 A Just on what we are watching.

23 Q Okay.

24 MS. HARRIS: Stop. She's asking you what
25 you remember, not what's on the video. So what

1 do you personally remember?

2 A I don't remember.

3 [Video Played and Paused.]

4 BY MS. BAIRD:

5 Q Do you know if the store at the northeast corner
6 of Park and Hungerford was closed or evacuated during the
7 time that you were there at the crime scene?

8 A I don't remember.

9 Q This is Clip 17 of Exhibit 34.

10 [Video Played and Paused.]

11 BY MS. BAIRD:

12 Q Did you just hear on the video somebody say,
13 "You're not going to film a dead body"?

14 A I heard it on the video, yes.

15 Q Do you recall hearing anybody say anything about
16 filming a dead body on September 12th, 2014?

17 A No.

18 Q Have you been trained in any procedures or
19 policies, while you've been at the Hartford Police
20 Department, about whether civilians can film dead bodies
21 at murder crime scenes?

22 A No.

23 Q Okay.

24 [Video Played and Paused.]

25

1 BY MS. BAIRD:

2 Q Were you present for any conversations that
3 anybody may have had with this gentleman that you
4 recognized as walking into the conference room today who
5 was at the scene on September 12th, 2014?

6 A Can you repeat that again?

7 MS. BAIRD: For the record, can we just
8 refer to the gentleman as Mr. Peruta?

9 MS. HARRIS: Yes.

10 BY MS. BAIRD:

11 Q Okay. So the gentleman that walked into the
12 conference room today that you recognized from the scene
13 on September 12th, 2014, we're going to agree to call him
14 Mr. Peruta. Okay?

15 A Okay.

16 Q Okay. Did you hear Mr. Peruta say anything on
17 September 12th, 2014?

18 A No.

19 [Video Played and Paused.]

20 BY MS. BAIRD:

21 Q And again this conversation that we're hearing
22 in Exhibit -- excuse me -- Clip 17 of Exhibit 34, do you
23 recall hearing any of that kind of discussion at the
24 scene?

25 A I do not.

1 [Video Played and Paused.]

2 BY MS. BAIRD:

3 Q Officer Marfella, do you -- have you received
4 any training in how to handle the media or individuals
5 attempting to record police activity at crime scenes?

6 A At the Academy.

7 Q And that was back in 2002?

8 A Correct.

9 Q And since then have you received any additional
10 training or attended courses about media interactions or
11 media policies related to crime scenes or your work as a
12 police officer?

13 A Well, updates.

14 Q What form have those updates taken?

15 A Just through our give-back days they just go
16 through different trainings and they'll just refresh
17 everything on laws and stuff.

18 Q What's a give-back -- a "give-back day"?

19 A A give-back day is basically a day we go to
20 training for legal updates, domestic violence laws, any
21 class that they need to update us on.

22 Q And these are the kind of classes that would
23 appear on a Training Trakker?

24 A Correct.

25 Q That you have at the Hartford Police Department?

1 A Correct.

2 Q Have you in any of these updates or even at the
3 Policy Academy viewed a media policy that the Hartford
4 Police Department has?

5 A We do have a media policy, yeah.

6 Q Okay. And have you reviewed that policy?

7 A Yes.

8 Q And at any of these updates has the policy been
9 addressed?

10 A Not that I can remember. We go to so many, I
11 don't remember.

12 Q Okay. And the media policy is one of the
13 General Orders that you have.

14 A Correct.

15 Q When was the last time you reviewed the media
16 policy?

17 A At the attorney's office.

18 Q Well, don't tell me about that.

19 A Oh.

20 Q Before that.

21 A I don't remember.

22 Q Let me show you Exhibit 27. Do you recognize
23 that as a Hartford Police Department Media Policy?

24 A I do.

25 Q And am I correct that the effective date on that

1 is April 1st, 2001?

2 A Correct.

3 Q Do you know if that's the most recent policy
4 that the Hartford Police Department has?

5 A It probably is.

6 Q Well, I'm not sure I heard your answer; I
7 probably skipped too fast to the exhibit. But leaving out
8 any discussions or meetings you've had with counsel, when
9 was the last time that you had reviewed the media policy?

10 A Don't remember.

11 Q Okay. And do you know when the last update
12 training you had that included any presentation or update
13 on dealing with the media or media policies?

14 A I do not know.

15 Q Do you think it would have been at the last
16 update course you had or could it have ...

17 A Don't know.

18 Q Where do you go for the update courses?

19 A The Policy Academy.

20 Q Over on -- is that Edwards Street?

21 A Edwards Street.

22 Q Okay. When was the last time you went?

23 A It's sometime this year. I don't remember when.

24 Q In 2017?

25 A 2017.

1 Q Do you go on a set schedule? I mean is it
2 annual or ...

3 A I believe it's six to seven times a year.

4 Q Six to seven times a year.

5 A Correct.

6 Q Okay. For full days?

7 A Correct.

8 Q Okay. Have you ever had an Internal Affairs
9 complaint filed against you?

10 A I did.

11 Q And when it's been filed, have you been
12 interviewed or spoken to by someone about it?

13 A I have.

14 Q So you know what an I.A. complaint is; right?

15 A Correct.

16 Q Did anybody from the Hartford Police Department
17 attempt to talk to you or talk to you about an Internal
18 Affairs complaint that had been made by Mr. Peruta about
19 the September 12th, 2014, incident?

20 A No.

21 Q Did you -- were you aware that Mr. Peruta filed
22 an Internal Affairs complaint about the September 12th,
23 2014, incident?

24 A I was not.

25 Q Other than what we've already seen in one of the

1 video clips where you were moving the crime scene tape
2 from the northeast corner of Park and Hungerford, what
3 other physical conduct did you engage in to move tape or
4 put tape up?

5 A None.

6 Q So as far as you remember, that's the only time
7 you touched tape --

8 A Correct.

9 Q -- that was in that video?

10 A Correct.

11 MS. BAIRD: Let's mark your report, now
12 that we have a version that we're better able to
13 read, as Exhibit 35.

14

15 [Improved Copy of Plaintiff Exhibit 35:
16 Marked for ID.]

17

18 BY MS. BAIRD:

19 Q This is Exhibit 35. Do you recognize
20 Exhibit 35?

21 A My police report.

22 Q And did you complete this police report it looks
23 like on or about September 12th, 2014?

24 A I did.

25 Q Who, if anyone, asked that you complete the

1 police report, Exhibit 35?

2 A Just normal practice. After a crime scene you
3 do a supplement.

4 Q Is Unit 343 indicative of an assignment to a
5 cruiser?

6 A Yes.

7 Q And I think we've already established that you
8 were the only one assigned to Unit 343 during that shift?

9 A Correct.

10 MS. BAIRD: In the packet I gave counsel,
11 there is a copy of Exhibit 4 which I'm going to
12 show this officer, although what I'm showing him
13 is not the original exhibit, but I represent it
14 is scanned from the original exhibit. But we
15 could mark it as the next exhibit just to be
16 extra cautious.

17 MS. FEOLA-GUERRIERI: No.

18 MS. HARRIS: Really, I trust you that it's
19 a copy, Rachel.

20 MS. FEOLA-GUERRIERI: I mean I assume we
21 already have copies ourselves.

22 MS. BAIRD: But I -- and I gave you copies
23 too today.

24 MS. HARRIS: So this is what she probably
25 gave us today.

1 MS. FEOLA-GUERRIERI: No, I meant like --

2 MS. BAIRD: Yes.

3 MS. FEOLA-GUERRIERI: -- previously.

4 MS. BAIRD: Yes.

5 MS. FEOLA-GUERRIERI: Are we done with the
6 video?

7 MS. BAIRD: No. Almost. But I'll wrap it
8 up.

9 BY MS. BAIRD:

10 Q I'm going to direct your attention to the
11 sixth page of Exhibit 4. First of all, do you recognize
12 what kind of document Exhibit 4 is?

13 A Yes.

14 Q And what is it?

15 A It's a Hartbeat.

16 Q And the page that I've directed your attention
17 to, it has your name on it.

18 A Correct.

19 Q And what does your name on there indicate?

20 A That I was there.

21 Q Okay. And does it indicate a time of arrival?

22 A It does.

23 Q What time did you arrive?

24 A 2120.

25 Q Okay. And it indicates what unit you arrived

1 in; correct?

2 A Correct.

3 Q And can you look through Exhibit 4 and find if
4 there's an indication when you left the scene? I would
5 help you out, but that's my only copy of this.

6 Okay. Maybe try looking at 2345.

7 MS. HARRIS: Exhibit 6 doesn't go that far,
8 Rachel.

9 MS. BAIRD: It does not.

10 BY MS. BAIRD:

11 Q Do Exhibit 5 then. That one does go that far.

12 Handing you Exhibit 5. Do you recognize that as
13 again a Hartbeat Dispatch Summary Record?

14 A Yes.

15 Q And does it show your arrival as 2120?

16 A It does.

17 Q And then I believe, just to make it easier, I
18 saw an indication where you may have left at 2345?

19 MS. FEOLA-GUERRIERI: Objection to form.

20 MS. HARRIS: Yes. Join objection.

21 BY MS. BAIRD:

22 Q Can you tell from Exhibit 5 what time you left
23 the scene on September 12th, 2014? Or September 13th,
24 2014, whatever it was.

25 A The Hartbeat reads that they cleared me at 2345.

1 Q Okay. And does that necessarily mean that's
2 when you left?

3 A No.

4 Q Why not?

5 A You're reporting to the dispatchers, and it
6 depends on what time they key it in and mark it down.

7 Q Okay. And your report, which is Exhibit 35,
8 does that indicate how long you were there? When you came
9 and when you left?

10 A It does not.

11 Q Okay. So am I correct there's really no
12 official record to rely on to know exactly when you
13 arrived and left the scene.

14 A Correct.

15 Q And that would be with every case you respond
16 to; right?

17 MS. FEOLA-GUERRIERI: Objection.

18 MS. HARRIS: Join.

19 A No.

20 BY MS. BAIRD:

21 Q Okay. So in some cases there would be a record
22 you could rely on to know exactly when you arrived and
23 left a scene?

24 A Correct.

25 Q And what information would be available in that

1 kind of case that's not available in this case?

2 MS. FEOLA-GUERRIERI: Objection.

3 MS. HARRIS: Join.

4 You can answer if you understand.

5 A I don't understand what she's --

6 BY MS. BAIRD:

7 Q Well, let me give you an example. For example,
8 in some reports do you write when you arrived at the
9 scene?

10 A In my initiating report I do.

11 Q Okay. And then in some reports do you write
12 when you leave a scene?

13 A I must have forgot in this case.

14 Q Okay. So do you have any estimate of how long
15 you were at the scene?

16 A I don't remember.

17 Q Okay. Now, I'm looking at Exhibit 35 and I
18 believe I see on my copy a term called -- is it "proactive
19 patrol"? Am I reading that correct?

20 A Correct.

21 Q Okay. What is that?

22 A I was a Community Service Officer at the time
23 and we're actively patrolling the areas.

24 Q And in the report when it says you assisted with
25 putting up crime scene, is that accurate? Is that, in

1 fact, what you did when you got there?

2 A I believe so.

3 Q What does it mean when you state that you
4 secured the north end [verbatim] corner of Park and
5 Hungerford Street? And by that I mean what does "secure"
6 mean?

7 A Put up tape. You stand there, make sure no one
8 enters or exits the crime scene.

9 Q Does your report note that you saw anybody enter
10 the crime scene?

11 A No.

12 Q And the north -- does it say "northeast" or
13 "north end" in there -- in your report?

14 A East.

15 Q Okay. So the northeast corner of Park and
16 Hungerford Street is what we've been talking about on
17 Exhibit 36, the map of where the store was?

18 A Correct.

19 Q Well, your report says you were relieved by Unit
20 10. Is that another car unit?

21 A Correct.

22 Q And who was in Unit 10?

23 A I don't remember.

24 Q What was your understanding of the secondary
25 crime scene that was referenced on September 12th, 2014,

1 while you were there?

2 MS. FEOLA-GUERRIERI: Objection.

3 MS. HARRIS: Objection to form.

4 A More evidence was found.

5 BY MS. BAIRD:

6 Q And do you know where it was found?

7 A No idea.

8 Q And were you directed, if you know, to take any
9 action in response to that?

10 A If there was a secondary scene set up, I would
11 have done it per order of a sergeant.

12 Q Were you involved in setting up a secondary
13 crime scene?

14 A I don't remember.

15 Q Is that a detail that would be included in a
16 supplemental report, if you had been involved in setting
17 up a secondary crime scene?

18 MS. FEOLA-GUERRIERI: Objection.

19 MS. HARRIS: Objection.

20 A It wouldn't have to be.

21 BY MS. BAIRD:

22 Q It wouldn't have to be?

23 A (Witness shakes head in the negative.)

24

25 [Mr. Peruta left proceedings.]

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BY MS. BAIRD:

Q How many cases have you assisted in or been involved in the investigation of since September 12th, 2014?

A What do you mean?

Q How many potential crime scenes have you been dispatched to since September 12th, 2014?

MS. FEOLA-GUERRIERI: Objection.

A I don't know.

BY MS. BAIRD:

Q Okay. Has it been -- have you been dispatched to any?

A I don't know.

Q Okay. Have you been involved in any police cases since September 12th, 2014?

A I have.

Q Okay. So it's fair to say you've probably been responding to incidents in Hartford since September 12th, 2014; right?

A Yeah.

Q Okay. And you've come in contact with people responding to incidents; right?

A Correct.

Q Okay. And is it fair to say that if I were

1 asking you these questions -- do you need water?

2 A No, I'm good.

3 Q Okay. Take a break for a second.

4 Is it fair to say that if I were asking you
5 these questions about September 12th, 2014, back around
6 that time in September or October 2014, you might recall
7 what you did better?

8 MS. FEOLA-GUERRIERI: Objection.

9 MS. HARRIS: Objection.

10 A More than likely.

11 BY MS. BAIRD:

12 Q I had already asked you if anybody from Internal
13 Affairs had asked you about what you observed or saw on
14 September 12th, 2014, and you answered that nobody had;
15 right?

16 A Correct.

17 Q Are you familiar with a security service called
18 Integrated Security Services?

19 A I am not.

20 Q Okay. Leaving any conversation you had with
21 your counsel out, have you discussed the events of
22 September 12th, 2014, with any fellow officers?

23 A I have not.

24 Q And it's fair to say you never had to go to
25 court and testify about what happened.

1 A I have not.

2 Q Okay. And sitting here today, you have no
3 independent knowledge that Mr. Peruta filed any kind of
4 complaint about the events of September 12th, 2014.

5 A Correct.

6 MS. FEOLA-GUERRIERI: Objection.

7 BY MS. BAIRD:

8 Q Did you observe -- well, let me strike that.

9 MS. BAIRD: I think we may be almost done.
10 Let me review the exhibits already. Take a
11 five-minute break and let me review exhibits.

12

13 [Off record: 11:50 a.m. to 11:58 a.m.]

14

15 BY MS. BAIRD:

16 Q This is Exhibit 7 that's been previously marked
17 in the case. Do you recognize what kind of form that is?

18 A It's a Crime Scene Entry Log.

19 Q Have you ever been tasked with keeping track of
20 a Crime Scene Entry Log?

21 A I have.

22 Q And did you have that duty at all on September
23 12th, 2014?

24 A I did not.

25 Q Now, am I correct that your name's not on that

1 list? Right?

2 A It is not.

3 Q And had you had an opportunity before today to
4 even review the entry crime scene log?

5 A I have not.

6 Q Were you in the crime scene?

7 A I was.

8 Q We're going to just finish up with Clip 17, 18,
9 and 19 on Exhibit 34. I will start Clip 17 from the
10 beginning. Well, no, I won't either. I will pick it up
11 where we left off at 1 minute and 58 seconds in.

12 [Video Played and Paused.]

13 BY MS. BAIRD:

14 Q This is Clip 18.

15 [Video Played and Paused.]

16 BY MS. BAIRD:

17 Q The crime scene tape in Clip 18, what direction
18 is that tape running and what is the road over which it's
19 running?

20 A It's running on Park Street from north to south.

21 Q Okay. Am I correct in looking at Clip 18 you
22 cannot see the store that we've been talking about on the
23 northeast corner of Park and Hungerford?

24 A Correct.

25 Q Are there any landmarks, in Clip 18 at 7 seconds

1 in, that tell you, based on your knowledge of the area,
2 where the store is located?

3 A I can't tell.

4 Q Okay. So you can't tell in looking at Clip 18,
5 7 seconds in, whether we're looking down Park Street in a
6 west direction towards West Hartford or in an east
7 direction towards downtown?

8 A I can't tell.

9 Q Okay.

10 [Video Played and Paused.]

11 BY MS. BAIRD:

12 Q How many crime scene tapes do you see in
13 Clip 18? I'll play it again.

14 [Video Played.]

15 A Looks like two.

16 [Video Paused.]

17 BY MS. BAIRD:

18 Q Are you trained in setting up crime scene tape?

19 A We set it up based on where you believe the
20 crime scene is or through the direction of a supervisor.

21 Q And in the one clip when you were moving the
22 crime scene tape from the northeast corner of Park and
23 Hungerford in a westward direction, do you know if
24 additional crime scene tape was put up to block off the
25 corner of Hungerford and Park from the northeast corner to

1 the northwest corner?

2 A I do not.

3 Q Okay. In setting up crime scene tape where the
4 crime scene expands, are there instances where the
5 original crime scene tape is left in place and just new
6 crime scene tape is put at the edge of the expanded crime
7 scene?

8 A There could be times, yes.

9 Q Do you know if that was done on September 12th,
10 2014?

11 A There was other crime scene tapes put up?

12 Q Do you know why you were moving the crime scene
13 tape from the northeast corner of Park and Hungerford?

14 A I do not.

15 Q Do you know what it accomplished doing that?

16 A I do not.

17 MS. FEOLA-GUERRIERI: Objection to form.

18 BY MS. BAIRD:

19 Q Do you know what area it blocked off or opened
20 up?

21 A I don't remember.

22 [Video Played and Paused.]

23 BY MS. BAIRD:

24 Q This is Clip 19. Exhibit 34.

25 [Video Played and Paused.]

1 BY MS. BAIRD:

2 Q This is Clip 19 at 5 seconds in. There's an
3 officer where we can see his face, the right side of his
4 face, and his bare arm. Do you know who that is?

5 A It looks like Officer Cullen?

6 Q And there's an officer -- another officer in
7 uniform walking away. We can only see the back side of
8 him. Do you know who that is?

9 A Officer Suchecki?

10 Q And do you agree that there appear to be three
11 crime scene strips, tapes set up in Clip 19?

12 A Yeah. That's what it looks like.

13 Q Okay. And is it fair to say that all three
14 extend across Park Street north to south, south to north?

15 A Yes.

16 Q Do you know who the individual on the bicycle is
17 who is talking to -- I think you said Officer Colla?

18 A Cullen.

19 Q Cullen?

20 A I do not.

21 [Video Played and Paused.]

22 A Actually can you --

23 MS. HARRIS: There is no question.

24 BY MS. BAIRD:

25 Q At the beginning you can see that other guy a

1 little better. Hold it.

2 [Video Played and Paused.]

3 BY MS. BAIRD:

4 Q Does that help you identify that officer on the
5 left?

6 A Yeah, that -- I think I'd mistaken that officer
7 where I said Cullen. If you show me that face again at
8 the end.

9 [Video Played and Paused.]

10 A Cote.

11 Q Cote. Okay.

12 A Not Cullen, Cote.

13 [Video Played and Stopped.]

14 MS. BAIRD: Okay. Thank you for answering
15 my questions. We're done with the 19 clips and
16 whatever else we went over today.

17 MS. FEOLA-GUERRIERI: I have no questions.

18 MS. HARRIS: I have one quick just
19 follow-up question so it's clear on the record.

20

21 CROSS-EXAMINATION

22

23 BY MS. HARRIS:

24 Q Officer Marfella, Attorney Baird just went
25 through 19 clips with you. Is it correct that you were

1 not depicted at all in Clips 16 through 19?

2 A Yes.

3 MS. HARRIS: Okay. That's all I have.

4

5 [Deposition concluded: 12:08 p.m.]

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BY MS. BAIRD: [87] BY MS. HARRIS: [1] 78/21 COURT REPORTER: [2] 22/4 44/13 MR. PERUTA: [1] 15/21 MS. BAIRD: [30] 7/15 15/16 15/19 15/22 17/24 18/10 18/13 18/18 18/25 22/3 22/5 23/23 24/4 27/5 36/22 36/25 41/2 45/4 47/13 47/23 58/6 63/10 64/9 64/21 65/1 65/3 65/6 66/8 73/8 78/13 MS. FEOLA-GUERRIERI: [20] 15/24 17/22 18/8 18/12 47/11 64/16 64/19 64/25 65/2 65/4 66/18 67/16 68/1 70/1 70/17 71/8 72/7 73/5 76/16 78/16 MS. HARRIS: [31] 7/12 15/14 15/17 15/23 18/23 24/2 27/3 27/17 36/20 36/23 40/20 40/25 41/5 44/25 45/2 47/18 47/20 56/23 58/8 64/17 64/23 66/6 66/19 67/17 68/2 70/2 70/18 72/8 77/22 78/17 79/2 THE WITNESS: [3] 40/24 44/14 45/1	75/4 75/13 19 [14] 4/5 4/6 17/9 17/10 17/14 18/1 19/13 74/9 76/24 77/2 77/11 78/15 78/25 79/1 1st [1] 61/1	8 8, 2017 [1] 82/7 860 [3] 2/5 2/12 2/18 899-1656 [1] 2/18
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1 10 [7] 13/1 41/10 41/13 41/14 43/25 69/20 69/22 10-hour [2] 12/25 14/6 100 [1] 2/17 10:00 [4] 10/25 11/3 11/3 11/6 10:00 a.m [2] 11/4 13/13 10:00-to-6:00 [1] 11/2 10:05 [1] 1/18 10:18 [1] 18/16 10:19 [1] 18/16 10:20 [1] 19/10 10:32 [1] 19/10 11 [5] 41/25 42/3 42/8 42/18 43/22 11:50 [1] 73/13 11:58 [1] 73/13 12 [6] 33/14 42/25 43/3 43/9 43/22 44/21 12-second [2] 30/8 30/13 12:08 [1] 79/5 12th [35] 2/17 6/25 7/19 7/22 13/9 13/16 15/3 16/10 16/23 20/23 25/19 29/3 42/16 49/14 49/20 56/20 57/16 58/5 58/13 58/17 62/19 62/22 63/23 66/23 69/25 71/4 71/8 71/16 71/19 72/5 72/14 72/22 73/4 73/23 76/9 13 [6] 45/7 45/7 45/11 45/16 46/10 48/20 13th [1] 66/23 14 [7] 4/6 50/4 50/7 50/8 50/21 51/20 52/20 15 [7] 1/18 2/4 53/3 53/6 53/23 55/2 55/8 16 [2] 55/20 79/1 1656 [1] 2/18 17 [5] 26/6 57/9 58/22 74/8 74/9 17-second [3] 26/12 26/20 27/24 18 [7] 74/8 74/14 74/17 74/21 74/25	4 4-second [2] 32/16 34/22 43 [1] 4/8 4th [1] 7/12	
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