

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

AMERICAN NEWS & INFORMATION SERVICES : CIVIL ACTION NO.  
INC., and EDWARD PERUTA : 3:15-CV-011209 RNC  
:  
vs. :  
:  
JAMES C. ROVELLA, MICHAEL COATES, :  
BRANDON J. O'BRIEN, SEAN SPELL, :  
BRIAN FOLEY, ET AL : SEPTEMBER 7, 2016

DEPOSITION OF: EDWARD PERUTA  
VOLUME 1 - PAGES 1-150

APPEARANCES:

RACHEL M. BAIRD & ASSOCIATE  
Attorneys for the Plaintiff  
15 Burlington Road  
Harwinton, CT 06791  
(860) 605-9340  
BY: RACHEL M. BAIRD, ESQ.  
rbaird@rachelbairdlaw.com

CRUMBIE LAW GROUP, LLC  
Attorneys for the Defendants  
100 Pearl Street - 12th Floor  
Hartford, CT 06103  
(860) 725-0025  
BY: REBECCA M. HARRIS, ESQ.  
rharris@crumbielaw.com

OFFICE OF CORPORATION COUNSEL/CITY OF HARTFORD  
Attorneys for the Defendant Rovella  
550 Main Street - Suite 210  
Hartford, CT 06103  
(860) 757-9700  
BY: NATHALIE FEOLA-GUERRIERI, ESQ.  
feolan001@hartford.ct.gov

Christine E. Borrelli  
Connecticut License No. 117  
Registered Merit Reporter

1 . . . . . Deposition of EDWARD PERUTA, a Plaintiff, taken  
2 on behalf of the Defendants, in the herein before entitled  
3 action, pursuant to the Federal Rules of Civil Procedure,  
4 before Christine E. Borrelli, duly qualified Notary Public  
5 in and for the State of Connecticut, held at the Law Offices  
6 of Crumbie Law Group, LLC, 100 Pearl Street, Hartford,  
7 Connecticut, commencing at 10:10 a.m. on Wednesday,  
8 September 7, 2016.

9  
10 S T I P U L A T I O N S

11  
12 It is hereby stipulated and agreed by and among counsel  
13 for the respective parties that all formalities in  
14 connection with the taking of this deposition, including  
15 time, place, sufficiency of notice, and the authority of the  
16 officer before whom it is being taken may be and are hereby  
17 waived.

18 It is further stipulated and agreed that objections  
19 other than as to form are reserved to the time of trial.

20 It is further stipulated and agreed that the reading  
21 and signing of the deposition transcript by the deponent is  
22 hereby not waived.

23 It is further stipulated and agreed that the proof of  
24 the qualifications of the Notary Public before whom the  
25 deposition is being taken is hereby waived.

I N D E X

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WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Edward Peruta	4			

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(Original exhibits retained by Attorney Harris)

1 (Defendant's Exhibit 1, Notice of Deposition,  
2 marked for identification)

3

4 EDWARD PERUTA, called as a witness by the  
5 Defendants, having first been duly sworn by the Notary, was  
6 examined and testified on his oath as follows:

7

8 DIRECT EXAMINATION BY MS. HARRIS:

9

10 Q. Good morning, Mr. Peruta. We met off the record.  
11 My name is Rachel Harris. I represent the four police  
12 officers, or four of the police officers that you have sued  
13 in this case; Michael Coates, Brandon O'Brien, Sean Spell  
14 and Brian Foley. I'll just put on the record Attorney  
15 Feola-Guerrieri, who represents the City of Hartford and  
16 Chief of Police, James Rovella, is not here at the moment.  
17 She will be joining us once she finishes with an event in  
18 Federal Court. Off the record.

19

20 (Off record conference)

21

22 MS. HARRIS: Back on the record.

23 Q. (By Ms. Harris) Mr. Peruta, I am going to hand  
24 you -- well, first of all, is this the first time that you  
25 have been deposed, sir?

1 A. No.

2 Q. So, I presume you understand the rules, but I'll  
3 go over them anyway. Everything we say today is being taken  
4 down by a court reporter. So, all of your answers have to  
5 be verbal. No nodding of the head or uh-huh or uh-uh or  
6 those kinds of things. Do you understand?

7 A. Got it.

8 Q. Likewise, for the benefit of the court reporter,  
9 we have to be careful, just as you have just done, to allow  
10 each other to finish our questions and answers without  
11 talking over each other, even though that's very normal in  
12 everyday conversation, because it makes the court reporter's  
13 job very difficult. Understand?

14 A. Yes.

15 Q. Okay. If you need to take a break, sir, at any  
16 time, just let me know and we can certainly take breaks, if  
17 needed. Okay? I'm going to hand you what has been marked  
18 as Defendant's Exhibit 1, which is the notice of deposition  
19 dated September 1st, 2016. Have you seen that before, sir?

20 A. I'm going to say yes.

21 Q. Okay.

22 A. I see a lot of documents, but I'm going to say  
23 yes.

24 Q. Okay. So, we are going to -- I'm just going to go  
25 through this quickly, sir. This notice was for today for

1 you to attend this deposition. Correct?

2 A. I'm going to say yes.

3 Q. This notice asks you to bring three categories of  
4 items with you. I want to go through those, if we can. The  
5 first one asked that you bring, "The camera or other device  
6 that the plaintiff used to record the video footage he  
7 obtained of the events on Park Street on September 12,  
8 2014."

9 A. I do not have that camera with me. I don't know  
10 which camera it was, but I can tell you I believe it was a  
11 Canon HFS10, high definition video camera.

12 Q. Okay. So, you have brought a video camera with  
13 you here today?

14 A. Kelsey Street.

15 Q. So, that was the one that you used on Kelsey  
16 Street?

17 A. Well, I have five of them that -- I pick one up,  
18 and I go. Is that the exact one? No. But I can tell you  
19 that on Kelsey Street, I was shooting with a Canon XA25,  
20 high definition video camera.

21 Q. So, let me just back up and see if I can  
22 encapsulate what you just told me. How many total video  
23 cameras do you own and regularly use? I mean, I'm not  
24 counting things that you may have bought in the '80s, you  
25 know, but things that you regularly use as of 2014.

1           A.    I currently -- between September 12, 2014 and  
2 today, I have possessed anywhere from five to 15 cameras.  
3 Almost all of them are Canons. That is a Panasonic still  
4 camera. But video cameras, I probably have about 15.

5           Q.    And of those video cameras, are they similar or do  
6 they all --

7           A.    They all shoot the same quality, 1080P, high  
8 definition or less.

9           Q.    So, you indicated you did not bring with you the  
10 camera that you had for the Park Street incident because you  
11 have multiple, and you're not sure which one you used. Is  
12 that correct?

13          A.    Right.

14          Q.    All right. Are you able to narrow it down as to  
15 it's one of X number as to how many you would have used for  
16 Park Street?

17          A.    I believe I have approximately five, maybe six, of  
18 the XA25s, which means that I have about nine of the other  
19 models of Canon. There is the Canon HG20, the HG200, the  
20 HG100, the HFS10. But my camera of choice was the Canon  
21 HFS10, and I believe that that's the camera that I was  
22 shooting with on Park Street. I moved to a higher grade  
23 camera for a lot of different reasons. And on Kelsey  
24 street, I had an XA25.

25          Q.    Okay. So, you believe the one that you used on

1 Park Street was the Canon HFS10?

2 A. I believe so.

3 Q. That camera -- I just want to ask a few general  
4 questions about the operation of the camera. You have to  
5 forgive me, sir. I'm not a photojournalist. I'm not very  
6 adept at --

7 A. You are --

8 Q. -- what is what. So, you're going to have to just  
9 try and answer as best you can, and please tolerate my  
10 ignorance.

11 A. And you're going to enjoy my answer.

12 Q. Okay. So, just in terms of how the Canon HFS10  
13 that you believe you were using on Park Street is operated,  
14 in order to operate that camera, in order to shoot film, do  
15 you have to actively hold the button and continue to hold  
16 the button, or some form of button or some sort of device,  
17 to get it to shoot?

18 A. No, no.

19 Q. Okay. So, if you want to shoot or take film of  
20 footage with that particular camera, how do you initiate  
21 doing so?

22 A. Okay. Can I try to shorten this up and save you  
23 some trouble.

24 Q. Sure.

25 A. I have a reputation for being a person who does



1 button on, button off. I purchased from Canon USA cameras  
2 that had millions and millions of dollars worth of research  
3 and development put into it so that you have a charged  
4 battery. You have SD cards to record on. You power it up.  
5 You look in either the view finder or the flip-out view  
6 finder, you hit record, and it records until you hit pause.  
7 Then you hit record, and then you hit record again, and it  
8 pauses. You shoot in bursts of 10 or 15, 20 seconds because  
9 you're shooting for the news. You're not shooting for a  
10 wedding. And when you're done, you shut it off, and it's  
11 done.

12 Q. Okay. So, thank you. I think you have answered  
13 my question with the camera that you were using on Park  
14 Street. You don't have to continue to physically hold the  
15 button for it to be --

16 A. No. You do not.

17 Q. It will record until you physically push the off  
18 button?

19 A. Until I tell it to pause or to -- to pause, it  
20 will record.

21 Q. Okay. And the camera that you had on Kelsey  
22 Street, is this the exact camera that you brought with you  
23 today, sir?

24 A. This is an XA25, and I believe I was shooting with  
25 an XA25.

1 Q. And you're not necessarily sure if it's this XA25?

2 A. I own five of them. They swap around. They sit  
3 down. You pick one up, and you go.

4 Q. Would you just mind bringing it into view so I can  
5 take a look, sir?

6 A. Sure.

7 Q. Thank you. Similarly, does this camera work in  
8 the same method that you just described, that you hit this  
9 red start/stop button at the top, and then that's how it  
10 goes?

11 A. It has other features. It has infrared night  
12 vision in the camera, which was used on Kelsey Street when  
13 the fire -- when Ladder 5 was arriving. It has some other  
14 bells and whistles in it. Microphones are more  
15 professional, but I have the manual here that I would be  
16 very happy to provide to you because I have five of them.

17 Q. Okay. I don't need the manual, sir. I appreciate  
18 that. I'm looking for just some general information. So,  
19 in terms of -- similarly in terms of the time that this  
20 records, it doesn't start until you hit the button. It  
21 doesn't stop until you hit the button. Correct?

22 A. Correct.

23 Q. Okay. And you indicated that this particular  
24 camera has infrared night vision capabilities?

25 A. Yes, it does.

1 Q. And is that a separate setting that you have to  
2 purposely turn on to use?

3 A. Yes.

4 Q. And you did so for at least some portions of the  
5 segments that you filmed at Kelsey Street?

6 A. The arrival of Ladder 5 at Kelsey Street is shot  
7 with the infrared.

8 Q. Okay. Let me back up for the -- we are going to  
9 go through the clips a little bit later, but generally  
10 speaking, the information in the -- with the Park Street  
11 camera, if I can flip back to that for a moment, does that  
12 camera, that you believe you used, have the ability to have  
13 a date and time stamp appear in --

14 A. Yes.

15 Q. -- the photos?

16 A. Yes.

17 Q. And were you using that feature?

18 A. I do not use that feature. There were times that  
19 I set it to make sure. I had to reset the time in this  
20 camera this morning because it was one day ahead. It was  
21 saying it was the 8th when it was the 7th, and I noticed  
22 that when I shot in East Hampton. But depending on which  
23 camera I pick up, it may have it correct, it may not have it  
24 correct. But I believe that on Kelsey Street, because I  
25 looked at the times, and I believe that the times will match

1 the Hartford police emergency radio recording transmissions  
2 that are played in the background. In other words, I shoot  
3 a video, and in the background you can hear radio  
4 transmissions coming out of the Hartford Police Department,  
5 whether it's a fire or the police. And because of their  
6 time stamp, you can look at their time when they say Ladder  
7 5, and they're talking to Ladder 5, you can match that up in  
8 the clip when there's audio in the background coming from  
9 HPD.

10 Q. Okay. So, we will go through in a little more  
11 detail when I go through the clips, but I want to know  
12 particularly with Kelsey Street, your video, however, does  
13 not have a time stamp that was generated by your camera?

14 A. Kelsey Street does.

15 Q. Kelsey Street does. Does Park Street have a --

16 A. I believe it does.

17 Q. Okay. We're going to go through that a bit later.  
18 Looking at this camera here that you have brought with  
19 you --

20 A. Whoa, whoa. Let me back up. Let me ask you  
21 something. Are you asking me if on the bottom of the film  
22 it has a rolling number?

23 Q. Yes. So, let me clarify. Let me clarify my  
24 question so that it comes out correctly on the transcript.  
25 Talking specifically about Park Street now, the Park Street

1 film, did you have a -- is there a setting such that when a  
2 person views the recording, that it will show --

3 A. No.

4 Q. -- the date and time?

5 A. No.

6 Q. Same question for Kelsey Street.

7 A. No.

8 Q. No? All right. What, then, were you just  
9 referring to, sir, when you said it does have a date and  
10 time stamp?

11 A. If you go into a video clip and you right click on  
12 it and you go down to properties, it gives you the date and  
13 time that the clip started. And then if you know what time  
14 the clip starts, you can then go from zero in the clip,  
15 first frame, and I believe there may be 30 frames per  
16 second, okay, and it gives you a count of hour, minutes,  
17 seconds and frames. And you will see that in an editing  
18 program, you will know exactly where you are, and you always  
19 go back to what time did I start, what was the time of day  
20 that I started videotaping this, and how many minutes and  
21 seconds and frames beyond that without hitting pause am I  
22 into it.

23 Q. Okay. Thank you for explaining that. So, when  
24 you're viewing that, that's in some form of editing software  
25 that you use at home or at work at American News?

1           A.    I have it at home.  I have it at the studio.  I  
2 have it at her law office, you know, yeah.

3           Q.    Okay.  All right.  And just asking about a few  
4 features of this camera, the Kelsey Street camera that you  
5 believe was the Kelsey Street camera that you brought with  
6 you here today, there is something that appears to be a  
7 flash on the top of the camera.  Am I correct?  Is that a  
8 flash?

9           A.    It's an LED floodlight.

10          Q.    And that's just to provide additional light?

11          A.    Additional light.

12          Q.    You have some form of microphone attached.  Is  
13 that correct?

14          A.    Shotgun microphone.

15          Q.    And what is specific about a shotgun microphone?  
16 What are the benefits?

17          A.    It focuses in a forward direction, and it will  
18 hear better at a distance.

19          Q.    You stated earlier in your testimony that this  
20 particular camera has some extra bells and whistles, to use  
21 your words.  Were any of extra bells and whistles used at  
22 the Kelsey Street incident?

23          A.    Infrared.

24          Q.    Any others?

25          A.    Nope.

1 Q. Do you mind if I touch your camera, sir?

2 A. No, go ahead.

3 Q. It looks like an expensive piece of equipment. I  
4 don't want to damage it in any way. On Kelsey Street, sir,  
5 you were using -- the mechanism that actually records the  
6 sound and film is an SD card, is the medium?

7 A. Correct.

8 Q. And would that be the same for Park Street?

9 A. Yes.

10 Q. All right. On Exhibit 1, moving down to Item  
11 Number 3 that you were asked to bring today was "Any and all  
12 documents or items of tangible evidence that you intend to  
13 introduce at trial insofar as it has not already been  
14 produced in this case." Did you bring any items of that  
15 description with you here today?

16 MS. BAIRD: If I could butt in, I'm looking  
17 through the file as we're going, and if I find  
18 anything, I'll turn it over. I brought the whole file,  
19 and I am looking through it now.

20 Q. (By Ms. Harris) So, we'll circle back to that at  
21 a break.

22 A. Is there anything you don't have?

23 Q. We'll circle back to that at a break. Your  
24 attorney is kind of -- I believe we probably do, but I just  
25 want to make sure. So, we will circle back to that at a

1 break. Let me remind myself to go back. Okay. Mr. Peruta,  
2 just some general information, sir. What is your date of  
3 birth?

4 A. 1/21/49.

5 Q. And where do you currently reside?

6 A. 38 Parish Road, Rocky Hill, Connecticut; 2036 20th  
7 Ave. Southwest, Vero Beach, Florida; 8120 Holy Cross Place,  
8 Los Angeles, California; and 3051 Driscoll Drive in San  
9 Diego; and in a 40-foot Country Coach motor home.

10 Q. Okay. In which case you can go wherever you like  
11 in a motor home?

12 A. That's correct.

13 Q. So, you gave me four residential addresses, sir.  
14 Is that correct --

15 A. Parish, da-da, da-da, da-da.

16 Q. -- and the motor home?

17 A. I think there's a total of six.

18 Q. Okay. Can you explain to me, sir, how  
19 approximately you divide your time among those residences?

20 A. Any way I choose to divide it. But up until  
21 recently, I was spending summers in Connecticut, winters in  
22 San Diego. But due to some personal issues, I have been  
23 remaining in Connecticut during the winter.

24 Q. Okay. And where -- are you currently employed?

25 A. I'm going to say no. I'm going to say yes.



1 Q. Okay.

2 A. It's a yes, and it's a no.

3 Q. Okay. Would it be fair to say, sir, that you  
4 reached an age in your profession where you may, perhaps,  
5 work part-time when it's convenient to you and when you  
6 enjoy doing so?

7 A. Why don't we phrase it like this, I do a lot of  
8 things because I want to, not because I have to. I don't  
9 need to make money. I guess you could say that I'm a  
10 videographer, and I control video coming in and distributing  
11 out. I function as a legal investigator for Attorney Baird  
12 when Attorney Baird needs a legal investigator. I have  
13 started a video deposition service. I'm going to be  
14 hopefully producing CLE videos. I own a motocross track in  
15 Rocky Hill that the town just bought from me for a  
16 substantial amount of money. So, I guess I'm a motocross  
17 track owner. Am I employed? And I'm a landlord.

18 Q. Okay. Let me go into those. Specifically, you  
19 are the president, is that correct, of American News &  
20 Information Services?

21 A. I am.

22 Q. Are there currently any other officers of American  
23 News & Information Services other than yourself?

24 A. Lois Sigafos-Peruta.

25 Q. And is she your wife, sir?

1 A. Yes, she is.

2 Q. And what are her positions at American News &  
3 Information Services?

4 A. Secretary and treasurer.

5 Q. Okay. And are there --

6 A. I'd have to look at Concord to check.

7 Q. Okay. And are there any employees, other than  
8 yourself, other than -- at American News & Information  
9 Services?

10 A. We don't have employees.

11 Q. Is there anybody that provides services to  
12 American News & Information Services in the form of  
13 journalists, other than yourself?

14 A. Yes.

15 Q. And who is that?

16 A. J.C. Playford, David Warden -- I didn't bring the  
17 list with me. There's probably five other people, but not  
18 on a regular basis.

19 Q. Would it be fair to say that the overwhelming  
20 majority of journalism, photojournalism, that is produced by  
21 American News & Information Services is done by yourself?

22 A. No.

23 Q. Approximately what percentage of the journalism  
24 that is produced by American News & Information Services are  
25 you the primary journalist?

1 A. I wouldn't be even able to take a guess.

2 Q. It would be less than 50 percent? More than  
3 50 percent?

4 A. Say 50 percent. I'm telling you, I don't know. I  
5 don't keep track of it. I don't know.

6 Q. Okay. So, American News & Information Services,  
7 does that -- and it's incorporated. Correct?

8 A. Yes, it is.

9 Q. Does that corporation have any particular area of  
10 focus within the news?

11 A. Who am I, what do I do, and where do I do it.  
12 American News & Information Services, I deal with news. I  
13 receive information. I disseminate information. I have  
14 people that I disseminate to that offer to compensate me. I  
15 have people that I disseminate to that I don't bill. And  
16 then there's the Information Services. I have people  
17 contact American News, and they want to obtain public  
18 records, but they don't want their names associated with it.  
19 So, they will tell me what they're looking for and from what  
20 public agency they are looking for it, and then I'll file an  
21 FOI request and obtain the information for a client.

22 Q. Okay. So, from what you have just described, it  
23 sounds to me like there's two pieces to American News &  
24 Information Services.

25 A. There's several pieces, but it's unrestricted.

1 Q. Right.

2 A. It's a news and information gathering and  
3 dissemination organization.

4 Q. So, one piece of that is for news, gathering items  
5 of public interest that you may disseminate to the public or  
6 other news agencies. Correct?

7 A. Correct.

8 Q. All right. And the other piece is an information  
9 gathering service that you may, on behalf of clients, obtain  
10 information through public records on behalf of third  
11 parties?

12 A. Right. In fact, it could end up in the media.

13 Q. In terms of the information services component of  
14 American News & Information Services, is that paid work that  
15 you're doing on behalf of attorneys other than Attorney  
16 Baird?

17 A. No.

18 Q. Is any of that for work that may be uncompensated  
19 for attorneys other than Attorney Baird?

20 A. Yes.

21 Q. What other attorneys do you generally work with?

22 A. I'm not going to divulge that.

23 Q. You're refusing to answer that question?

24 A. Yes, I am.

25 MS. HARRIS: I'll claim it.

1 Q. (By Ms. Harris) Do you have confidentiality  
2 agreements with any of these -- written confidentiality  
3 agreements?

4 A. I have confidentiality agreements with a number of  
5 my clients, yes.

6 Q. Are they written confidentiality agreements?

7 A. No, but I can give you one example.

8 Q. Sure. Please provide an example.

9 A. And I don't think he would mind. Attorney Michael  
10 Budlong called me and was trying to obtain raw video footage  
11 out of a television station and wanted to know if I had any  
12 connections to get that raw footage out of the TV station.  
13 That is an example of what people ask me to do, and I do it.  
14 And some of the people -- the reason they are asking me is  
15 they don't want their names used. And when I say to  
16 somebody -- when they say to me I don't want my name used, I  
17 don't know want anybody to know it came from me or whatever,  
18 I don't say it.

19 Q. Okay. Does American News & Information Services  
20 have an office?

21 A. Yes.

22 Q. Where is the office?

23 A. My car.

24 Q. Does it have an office located in a building  
25 anywhere?

1           A.    No.  It operates wherever I am, but primarily the  
2 address that we give is 38 Parish Road, Rocky Hill,  
3 Connecticut, which is a residential dwelling.

4           Q.    Does American News & Information Services have a  
5 newsroom?

6           A.    I'm going to say yes now.

7           Q.    And where is that newsroom?

8           A.    15 Burlington Road, Harwinton, Connecticut.  It's  
9 the American News Media Center.

10          Q.    And that's the same building that Attorney Baird's  
11 office is located in?

12          A.    Absolutely.

13          Q.    Is it actually within the law office, or is it a  
14 separate --

15          A.    Totally separate.

16          Q.    -- unit?  And does American News broadcast any  
17 type of regular scheduled programming?

18          A.    Yes.

19          Q.    What is that?

20          A.    The morning reports 7:00 to 7:30, Monday through  
21 Thursday.  Summary Judgment 4:00 to 6:00 p.m. on Saturdays.

22          Q.    And what medium is that broadcasted on?

23          A.    Internet.

24          Q.    Is it broadcasted on any kind of television as  
25 well, like cable access or anything like that?

1           A.    Yes, it is.  It's recorded and then distributed to  
2 Cable 5 in Torrington and Charter Communications in Winsted  
3 at this time.

4           Q.    So, they are not played live by Cable 5 and  
5 Charter Communications.  Right?

6           A.    No.

7           Q.    So, you deliver the tape, and they may be played  
8 later?

9           A.    Yes.  Disc, not tape.

10          Q.    Disc, sorry.  I'm using the old lingo.  We don't  
11 do tapes anymore.  Is your entire program then rebroadcast,  
12 or do those entities use portions of it as they deem  
13 appropriate?

14          A.    I believe they transmit whatever we give to them,  
15 because under the FCC rules, the transmitting cable company  
16 has absolutely no editorial control over the content.  So,  
17 whatever we give them, they play, unless it's obscene.

18          Q.    So, they play your whole --

19          A.    Whatever we give to them, they play.

20          Q.    All right.  And does American News & Information  
21 Services have a website?

22          A.    Yes.

23          Q.    What is that website?

24          A.    Amnewsnetwork.com.

25          Q.    Does it have any other websites?

1           A.    I think it's got SJtalkshow.  It's got a number of  
2 them, and I don't know.  I can't keep track of them.

3           Q.    So, there's a number of domains that American News  
4 & Information --

5           A.    Yeah.

6           Q.    -- Services uses?

7           A.    I've got a list of domains about this long.

8           Q.    I want to differentiate between the websites that  
9 are actually used by American News & Information Services  
10 and routinely updated as opposed to domain names you may own  
11 but don't use.  Which are the ones that are regularly  
12 updated?

13          A.    YouTube.

14          Q.    So, amnewsnetwork.com and YouTube are regularly  
15 updated?

16          A.    Facebook.  Facebook now has a transmit live to  
17 Facebook feature that I've been using.

18          Q.    So, when American News broadcasts to Facebook,  
19 does American News have its own page on Facebook, or is that  
20 your personal page?

21          A.    Amnewsnetwork and Edward Peruta.

22          Q.    So, you have it go to both the news and your  
23 personal page?

24          A.    This is all kind of new to me.  I had an Edward  
25 Peruta Facebook account, and then I went to a seminar and



1 they talked about how you open a business Facebook account.  
2 So, amnewsnetwork and Edward Peruta are kind of attached  
3 together; one is a business side, one is a personal side.  
4 You do one, and it goes there. If you do one, it doesn't go  
5 there. And I'm not really up on that right now, but I know  
6 that I can take my phone out, point it at you right now and  
7 transmit live to YouTube what's going on here, or I can  
8 transmit live to Facebook. My cell phone has the capability  
9 now to -- and Periscope. The technology is evolving, that I  
10 have the ability to transmit from a tablet or from my phone  
11 live from almost anywhere there is a cell service.

12 Q. Okay. In terms of -- have you actually used that  
13 feature, the live transmission?

14 A. Yes.

15 Q. And is it generally to YouTube and Facebook --

16 A. Yes.

17 Q. -- that you use those?

18 A. I got rid of Periscope. It was kind of -- no. I  
19 do Facebook and YouTube.

20 Q. All right. And in terms of the amnewsnetwork.com,  
21 that website, who is responsible for the content of that  
22 website?

23 A. Me.

24 Q. Is there anybody other than you who decides what  
25 will be broadcast on that website?

1           A.    I'm going say yes.  Anybody that is in master  
2 control and uses the user name and password is there.  If  
3 they've got something they want to put up there, they can  
4 put it up there.  If they put up the wrong thing, and I  
5 don't approve of it, they hear from me.  I don't care what's  
6 up there.

7           Q.    So, how many other people, other than you, have  
8 the password to be able to add updates to amnewsnetwork.com?

9           A.    Three or four, maybe.

10          Q.    All right.  And when those people post any updates  
11 or upload information to amnewsnetwork.com, do you have to  
12 approve that content before it's done?

13          A.    No.

14          Q.    Do you have the ability to take it down?  Well,  
15 let me back up.  Do you get a notification when something  
16 new is posted to that site?

17          A.    I can't remember.  I don't know.  Yeah, I probably  
18 do.  No, I don't think I do.

19          Q.    Okay.  How regularly -- how often do people, other  
20 than yourself, post content to amnewsnetwork.com?

21          A.    Well, master control publishes probably -- when  
22 we're completed, a live YouTube program -- I believe that  
23 that video is then replaced with an edited version where you  
24 can put graphics in front of it, graphics after it, insert  
25 something in the middle, and then it's replaced, you know.

1 It could be Monday, Tuesday, Wednesday, Thursday and  
2 Saturdays, or maybe instead of doing it on Saturdays, it's  
3 done on a Sunday. I don't get involved in that.

4 Q. So, there is an editing service that you use in  
5 terms of --

6 A. It's done in-house.

7 Q. In-house?

8 A. If I have my laptop here and you gave me the  
9 Internet, I could do it from here.

10 Q. All right. So, when you say "master control," who  
11 are you referring to?

12 A. Whoever is sitting in master control during the  
13 program.

14 Q. Okay. What is the lingo? What does "master  
15 control" mean?

16 A. Okay.

17 Q. I'm sorry. Explain to me. I'm a neophyte.

18 A. Okay. If I built a wall right here and I'm going  
19 from the narrow to -- you know, build a wall, there's a  
20 glass window, and it's kind of soundproof and separated from  
21 this area. This is the studio set area. And then there's  
22 master control behind the window soundproof where if the  
23 phone rings, you don't hear it on the set, and the person is  
24 looking out the window, and he choosing what's going on and  
25 he can blink the lights, send a message to you. It's in

1 there where the computers and the brains and the switchers  
2 and everything else is.

3 Q. Okay. So, there is another person in a separate  
4 sort of engineering room, if you will --

5 A. Right.

6 Q. -- that has control over the cameras and  
7 microphones --

8 A. Right.

9 Q. -- lighting, that sort of thing?

10 A. Right.

11 Q. And other than the internet websites, including  
12 YouTube and Facebook that we have discussed and the  
13 providing of discs to Cable 5 and to Charter Communications,  
14 are there any other avenues of broadcast that American News  
15 & Information Services uses?

16 A. I'm going say no, but I have to say yes, because  
17 we, in fact, can take our production and distribute it out  
18 to other cable companies. And we have, in the past,  
19 transmitted out from other locations using other people's  
20 wifi or their facility to their YouTube channels. Okay?  
21 So, the answer is really no. I mean, I kind of stick to  
22 Cable 5, Charter. But if somebody comes and takes a -- Mr.  
23 Peruta, would you videotape my FOI hearing? Absolutely. I  
24 go in. I videotape it. I take it back. It gets edited  
25 down, goes onto two CDs. You hand it to the individual who

1 contracted you to do that. He takes it to wherever he  
2 lives, walks into public access, puts it on, it's  
3 transmitted.

4 Q. All right. But if I'm understanding your  
5 testimony correctly, the main areas in which you regularly  
6 do this, as opposed to an independent request from a third  
7 party, is through the internet sites you have already  
8 mentioned and then Cable 5 and Charter Communications.  
9 Correct?

10 A. Right. And it's not live on cable.

11 Q. It's not live on cable?

12 A. Yet.

13 Q. All right. And does American News & Information  
14 Services have any sort of regular email communications, like  
15 an email newsletter or bulletins, that it sends like a  
16 readership list?

17 A. Facebook. I mean, you know, that whole thing, you  
18 know, that whole thing about -- you know, even the  
19 Connecticut Law Tribune is not in print anymore.

20 Q. Right. So, I'm just saying, in terms of -- say,  
21 for example, if you like to read, for example, the New York  
22 Times, you can go onto the New York Times website and say  
23 subscribe, and they'll send you an email, you know, every  
24 day with the headlines. Does American News offer that type  
25 of service?

1           A.     There is a service that you can, I guess,  
2     subscribe to, subscribe to YouTube, like the channel, and  
3     then there is a notification -- in the YouTube live, there  
4     is a notification, send out a notice 24 hours before the  
5     show, 12 hours before the show, one hour before the show.  
6     And I have seen alerts come through that we're going on in  
7     five minutes. So, there's a way to notify people like  
8     you're saying that it's coming on.

9           Q.     Okay. And that's through YouTube?

10          A.     That's through YouTube.

11          Q.     You don't have a separate email or bulletin that  
12     you create that goes out to a subscribed email list?

13          A.     No, no. I don't publish a paper.

14          Q.     Does American News & Information Services have any  
15     written policies, procedures or guidelines for -- that it  
16     requires its reporters to adhere to?

17          A.     I'm going to say yes, but I have to say no.

18          Q.     Okay. Can you explain that, please, sir?

19          A.     Yes. I'm a member of the National Press  
20     Photographers Association, as are a couple of the people who  
21     submit information or gather information under the umbrella  
22     of American News. The National Press Photographers  
23     Association has a set of ethical guidelines, but I think  
24     that I'm in conflict. There's some conflict that I have  
25     with some of their guidelines. And because we deal very

1 often in very unique situations when we arrive on the scene,  
2 we have to deal with it in a totally different manner than  
3 would be approved by a mainstream depend-on-ad revenue  
4 service.

5 Q. Okay. So, the National Press Photographers  
6 Association, you are a member and other of your reporters  
7 are as well. Correct?

8 A. Correct. I haven't checked on their active  
9 status, but yes, NPPA.

10 Q. And that organization has its own ethical  
11 guidelines that --

12 A. That's correct.

13 Q. -- it issues? In order to be a member of the  
14 National Press Photographers Association, do you have to  
15 agree to abide by those ethical guidelines?

16 A. I can't remember. I think I joined back in 1988.  
17 There was a period of time that I got out, but then I got  
18 back in. But I don't get involved in other people's ethics.  
19 I have my own.

20 Q. Okay. So, does American News & Information  
21 Services have its own ethical guidelines that it has  
22 published and requires that it's not published? Let me  
23 rephrase the question. Does American News & Information  
24 Services have its own ethical guidelines in a written form  
25 that it requires its reporters to abide by?

1 A. No.

2 Q. Does American News & Information Services have its  
3 own written policies and procedures of any kind that it  
4 requires its reporters to abide by?

5 A. Let me clarify. You're talking about in writing?

6 Q. In writing.

7 A. No.

8 Q. Do you have written contracts with the other  
9 reporters and contributors to American News & Information  
10 Services?

11 A. No.

12 Q. You indicated earlier in your testimony -- and I'm  
13 paraphrasing -- that you believe you have some conflicts  
14 with the guidelines that are issued by the National Press  
15 Photographers Association. Correct?

16 A. Correct.

17 Q. Can you explain to me what those conflicts are?

18 A. Can somebody go on the computer, pull up the  
19 ethical guidelines from NPPA, and I'll go through them one  
20 by one?

21 Q. Sir, I don't want to take the time to do that.

22 A. Okay.

23 Q. Just in general, and I'm not going to hold you to  
24 having a detailed recollection right this moment of exactly  
25 what is contained in them, but if you can just summarize



1 generally what your stance is on that?

2 A. I am willing to be arrested to defend the rights  
3 of the media and the First Amendment. I believe that that  
4 may be in conflict with the ethical standards of the  
5 National Press Photographers Association. I usually do not  
6 negotiate at the scene when the First Amendment is involved,  
7 and I'm on solid statutory ground or protected by *Branzburg*  
8 *v. Hayes*.

9 Q. I'm sorry. Were you done? I didn't want to  
10 interrupt you --

11 A. I'm done.

12 Q. -- with your answer. All right. And what about  
13 that do you perceive as being in conflict with the National  
14 Press Photographers Association?

15 A. Without going back and reviewing, I think that  
16 there were some issues similar along those lines. But  
17 without being able to refresh my memory and to read them  
18 again, I would not be able to answer that question, but I'm  
19 sure that they don't want everybody running around getting  
20 arrested.

21 Q. So, would I be correct to infer from what you just  
22 said that the National -- it's your recollection without  
23 having the benefit of looking at them, that the National  
24 Press Photographers Association has some sort of guidelines  
25 that suggest that reporters not engage in conduct that will

1 result in their arrest --

2 A. I'm going to say that's a safe way of putting it.

3 Q. -- regardless of whether their arrest is  
4 necessarily justified? But -- okay.

5 A. And I just want to clarify. It's been a while  
6 since I read them. They could have changed them. It may  
7 not be what they have now. I'm just -- you know, I have --  
8 I read through them, and there's some things that I had  
9 problems with. Now, to try to describe in detail without  
10 refreshing my memory by reading them -- that's my answer.

11 Q. You mentioned the National Press Photographers  
12 Association. Are you a member of any other -- either you or  
13 American News -- well, let me back up. Let me ask that in a  
14 clear way. The National Press Photographers Association,  
15 are you a member of that individually, or is the  
16 corporation, American News & Information Services, a member?

17 A. I believe I'm a member individually.

18 Q. Is American News & Information Services,  
19 Incorporated, a member of any professional news  
20 organization, association?

21 A. Could you ask that one more time?

22 Q. Sure. Is American News & Information Services,  
23 Incorporated, a member of any news association or  
24 professional association similar to the National Press  
25 Photographers Association?

1 A. No.

2 Q. Is American News & Information Services a member  
3 of the Associated Press, for instance?

4 A. No. We are on even par with the Associated Press.  
5 That's exactly the way that you would describe American  
6 News. The Associated Press, which has come up in the last  
7 40 years, does not publish a newspaper but gathers news,  
8 disseminates news to clients that they have. They don't  
9 have a TV station. They don't have a newspaper. They do  
10 everything electronically. It used to be over teletype.  
11 Okay? But I have used that on a number of occasions when my  
12 media status was questioned to say that I am nothing more  
13 than a mini AP and UPI or Reuters.

14 Q. Okay.

15 A. There you go.

16 Q. So, you're an association of news-gathering  
17 professionals, but you're not a member of the Associated  
18 Press, independent of them?

19 A. I don't have to be a member of them.

20 Q. Right.

21 A. Okay? As a matter of fact, I've sold to them.  
22 I'm a mini Associated Press, a main Reuters, a mini -- I  
23 guess, you know, the other ones. Whatever, you know, the  
24 news organizations.

25 Q. Okay. And in terms of professional associations

1 that you may individually be a member of, are there any  
2 other professional associations that you're a member of,  
3 other than the National Press Photographers Association?

4 A. Do you see -- does the NRA fall into that?

5 Q. Within the category of journalism.

6 A. No. I used to be a member of the Society of  
7 Professional Journalists, but I did not renew that.

8 Q. You used to be a member of the Society of  
9 Professional Journalists?

10 A. Yes.

11 Q. When was the last time that you were a member?

12 A. Late '90s, maybe. Early 2000s. Sometime in the  
13 '90s. I may have -- I have an SBJ. I was an SBJ member for  
14 years, and then I kind of got out of everything. And then I  
15 started going back into it, and I felt the only thing I had  
16 to renew was my NPPA, and I really didn't have to do that.  
17 I really just did it to support them.

18 Q. All right. Other than American News & Information  
19 Services, I think you indicated earlier you were also  
20 employed by the Baird Law Firm. Is that correct?

21 A. I'm not going to say I'm employed by the Baird Law  
22 Firm. I do work for the Baird Law Firm when called upon.

23 Q. That's as an investigator. Correct?

24 A. As an investigator.

25 Q. And approximately how often -- and I do not want

1 you in any way to reveal anything about your clients or  
2 whatnot, but approximately how often are you asked or called  
3 upon to act as an investigator by the Baird Law Firm?

4 A. I'm not going to venture to ask or to guess. When  
5 I'm asked to do something, if I'm not tied up on something  
6 else, I do it.

7 Q. All right. Have you acted as an investigator for  
8 the Baird Law Firm at any time in the calendar year 2016?

9 A. Yes.

10 Q. In the calendar year 2015, have you acted, did you  
11 act as an investigator for the Baird Law Firm?

12 A. Yes.

13 Q. In the calendar year 2014, did you act as an  
14 investigator for the Baird Law Firm?

15 A. Yes.

16 Q. Other than American News & Information Services  
17 and your capacity as an investigator for the Baird Law Firm,  
18 have you been engaged in any other form of work or  
19 employment in the last five years?

20 A. Yes.

21 Q. And what is that?

22 A. As the president of CT Motocross, Inc.

23 Q. And that was the motocross track that you  
24 referenced earlier?

25 A. Motocross in Rocky Hill.

1 Q. And you said that you recently sold that.  
2 Correct?

3 A. Correct. The town bought me out.

4 Q. And are you going to be -- will you have any  
5 further involvement in that after the sale?

6 A. I will be involved with it at a minimum until  
7 December 31, 2017.

8 Q. So, you're continuing to provide some form of  
9 services to the town?

10 A. No. My tenant gets to stay there until  
11 December 31, 2017, and then he has to vacate the property.  
12 But I have already signed my deal with the town. I am  
13 already getting my money, and they are letting the lease run  
14 out for two years.

15 Q. Got you, okay. Other than the president of CT  
16 Motocross, Inc., your work for the Baird Law Firm and your  
17 work with American News & Information Services, have you had  
18 any other employment or work in the last five years?

19 A. I'm going to say no.

20 Q. Mr. Peruta, my -- again, this goes back to  
21 background, and I apologize if I'm skipping around a bit.  
22 Could you give me just a general overview of what your  
23 formal education is?

24 A. Quit high school as a junior, 17; joined the  
25 Marine Corps 50 years and one week ago, combat Marine. Came

1 back from Vietnam. Upon discharge, went to work for the  
2 Wethersfield Police Department as a dispatcher, got promoted  
3 from dispatcher to patrolman. Went to the academy.  
4 Probation was terminated on November 1, 1971. Bounced  
5 around different sales jobs, different types of jobs until  
6 about the mid '70s. Started to pick up a camera and started  
7 to document some of the things that I knew were happening  
8 that the general public never sees; different jobs,  
9 different places, different things.

10 Q. Okay. What was the year that you stopped  
11 attending high school, sir, roughly?

12 A. The year I stopped? '66.

13 Q. And that was your junior year of high school, you  
14 said?

15 A. Yes.

16 Q. And did you immediately go into the Marine Corps?

17 A. I waited until the end of the summer.

18 Q. And you joined the Marine Corps, then, in 1966?

19 A. August 31, 1966.

20 Q. And you served overseas in Vietnam. Correct?

21 A. I first went to Europe because I was too young to  
22 be deployed into combat. I went to Europe for about six  
23 months. I was in Europe from -- the first year was  
24 pre-deployment, and deployment on a med cruise in Europe;  
25 volunteered to go to Vietnam on the way back; went in the

1 replacement draft in November of '67, and stayed in combat  
2 until October of '68.

3 Q. And when were you finally discharged from the  
4 Marines?

5 A. August 27th, 1969.

6 Q. And that was an honorable discharge, sir?

7 A. Absolutely.

8 Q. And you said after that you went to work for the  
9 Wethersfield Police?

10 A. I was employed, I want to say, the first week of  
11 October. There was a lapse after discharge, the end of  
12 August, to get a job the beginning of October. So, the  
13 month of September was in flux. I believe I went to work  
14 for the Town of Wethersfield in October of 1969 as a  
15 dispatcher because I was not 21 years old. I turned 21 on  
16 January 21, 1971, and I believe I was sworn in on  
17 January 26, 1971.

18 Q. Sworn in as what?

19 A. 1970. I'm sorry, as a patrolman.

20 Q. For the Town of Wethersfield?

21 A. Uh-huh.

22 Q. Did you attend the police academy before or after  
23 having been sworn in?

24 A. After.

25 Q. Okay. So, at that point in time, you were hired



1 as a patrolman. Was that contingent upon your completing  
2 the police academy and the probationary period?

3 A. Well, there was a probationary period, and  
4 obviously, you have to pass the academy. But they didn't  
5 have an opening in the academy until June, so I worked as a  
6 patrolman from January through sometime, I want to say, in  
7 June, maybe end of May, June, and then I went to the  
8 academy.

9 Q. Okay. So, they actually had you out on patrol  
10 from roughly January to June without having attended the  
11 academy?

12 A. Times were different.

13 Q. Okay. And this is 1970?

14 A. 1970.

15 Q. All right. And you attended -- you began the  
16 academy in June of 1970?

17 A. May or June, yep.

18 Q. And you would have completed the academy  
19 approximately when?

20 A. Six weeks later. Times have changed.

21 Q. It was six weeks back then?

22 A. Times have changed.

23 Q. And when you got out of the academy, you were  
24 still working with Wethersfield. Correct?

25 A. Yes.

1 Q. And there was a probationary period?

2 A. Yes.

3 Q. How long was the probationary period?

4 A. I want to say it was 12 months.

5 Q. All right. And you say your probation was  
6 terminated November 1, 1971?

7 A. Right.

8 Q. What was the reason that your probation was  
9 terminated?

10 A. I have been waiting to say this under oath. I did  
11 not shoot James Edward Carpenter in the back while he was  
12 running away from me in October of 1971 in front of the  
13 Atlantic Motel on the Berlin Turnpike.

14 Q. So, am I understanding correctly from your  
15 response that it was the police department's position that  
16 you should have shot him, and you did not?

17 A. It was the police department's position that I had  
18 mishandled a prisoner and allowed him to escape. At the  
19 time, Connecticut State Statutes stated a police officer may  
20 use reasonable physical force up to and including deadly  
21 physical force to affect the arrest of a fleeing felon or  
22 protect himself or a third party from expected bodily harm.

23 Q. Right. And it was the -- it was the police  
24 department's position that deadly force to -- well, or at  
25 least shooting was a reasonable course to prevent his

1 escape?

2 A. If I had shot James Edward Carpenter in the back,  
3 I would still be a policeman. That is my answer.

4 Q. All right.

5 A. I'd really like to find him and shake his hand.

6 Q. Okay. Did you in any way appeal your termination  
7 or file any kind of wrongful termination claim?

8 A. Probationary employees had no right to an appeal.

9 Q. Did you ever seek any further work as a police  
10 officer after you were terminated from working in  
11 Wethersfield in 1971?

12 A. Yes.

13 Q. Where else did you work as a police officer?

14 A. I didn't. You asked me if I sought employment.

15 Q. Okay. Let me rephrase that. So, after 1971, you  
16 had no further work as a police officer. Is that correct?

17 A. No further work as a police officer.

18 Q. And did you seek -- you didn't seek employment as  
19 a police officer elsewhere?

20 A. I did.

21 Q. And for roughly what period of time did you seek  
22 employment as a police officer?

23 A. Through the mid '70s, then I gave up.

24 Q. Were you provisionally hired by any other police  
25 department?

1 A. No.

2 Q. And other than the time that you attended the  
3 police academy for that six-week period with the Town of --  
4 at the behest of the Town of Wethersfield, have you ever  
5 attended the police academy since?

6 A. No. Can we take a break? Did we supply you with  
7 the transcripts of the videotapes?

8 Q. I have to check my file. I believe you may have.

9 MS. BAIRD: Well, I'm making a pile of things that  
10 we'll go through here to make sure she has them.

11 THE WITNESS: Okay. Well, I just want to make  
12 sure that -- you know, they're up on the internet, and  
13 I guess if I'm going to go into court, I'm going to  
14 have the transcripts with me because the transcripts --

15 MS. BAIRD: We will make sure we have them.

16 THE WITNESS: -- were done by a court reporter.

17 Q. (By Ms. Harris) Yeah. We can go through that.  
18 And I can check my file. I believe we have those, but I'll  
19 check.

20 A. Well, let me just clarify. I need to see the copy  
21 that you've got because there was an initial copy that  
22 missed, like, the first five words of a video clip.

23 Q. Okay. We'll check that. Thank you for bringing  
24 that to my attention.

25 MS. HARRIS: We can go off.

1 (A recess was taken)

2

3 (Defendant's Exhibits 2-3, Documents, marked for  
4 identification)

5

6 MS. HARRIS: Back on the record.

7 Q. (By Ms. Harris) So --

8 A. Can I go first?

9 Q. So, Mr. Peruta has something he would like to say,  
10 and I am going to allow him to do so. How about that? What  
11 would you like to say, sir?

12 A. During the break, I had a conversation with my  
13 attorney, who has been taking notes, and made some  
14 suggestions to me that I add to the record some things that  
15 I may not have said, I may have forgotten, that I would like  
16 to put on the record.

17 Q. Fair enough. What are those things?

18 A. Okay. We used to transmit live out of  
19 Wethersfield Community Television from their studio. And I  
20 have quite a history that you can find on the internet about  
21 transmitting out of Rocky Hill Community Television live,  
22 and Wethersfield Community Television back in the early '90s  
23 and then during the 2000s, because I got involved in the --  
24 at the time, Patrolman Robert Allen shooting of Aquan  
25 Salman, the two black reverends in Hartford where they

1 wanted to protest in Wethersfield because of what I said in  
2 support of Officer Allen at the time.

3 Q. So, if I can just back up, you were broadcasting  
4 out of Wethersfield approximately what years?

5 A. Sometime, I want to say, in the early 2000s, 2001,  
6 2002.

7 Q. So, it's been more than 10 years since the last  
8 time that you broadcasted out of Wethersfield?

9 A. Well, I was broadcasting out of Wethersfield  
10 two-and-a-half years ago. We started there. And then  
11 Attorney Baird was moving her office from Torrington to  
12 Harwinton, and it was a big space. So, American News  
13 subleases the back end of the building from Attorney Baird,  
14 totally separate from her. She has -- the front end is a  
15 law firm, and the back end is a media center.

16 Q. So, they're two separate spaces. You can't just  
17 walk in between them?

18 A. Well, there's doors.

19 Q. All right.

20 A. I mean, to add some humor to a deposition, Rachel  
21 Baird sits at her desk, and if she goes out the door to the  
22 right, she goes to the law firm. If she goes out the door  
23 to the left, she goes to a studio.

24 Q. Okay. And there were other items that you felt  
25 from the beginning part of your testimony you needed to add

1 to. Correct?

2 A. Yes.

3 Q. Okay. And what are those items?

4 A. American News has met all of the criteria and is  
5 approved as a television media by Chief Justice or the  
6 Judicial External Affairs -- I'm one -- in other words, I  
7 videotape trials; Gavel to Gavel, also. We've started to do  
8 that. And Judge Carroll, the Chief Court Administrator, has  
9 a set of guidelines that you must meet in order to be  
10 considered the media. I submitted my credentials, submitted  
11 my application with the evidence of what I do, and have been  
12 declared to be a media organization by the Connecticut  
13 Judicial Branch.

14 Q. And that's to be able to attend and videotape  
15 trials and other court --

16 A. I can do arraignments. I can do trials. I can  
17 put in my application -- I've got to abide by rules, you  
18 know. And they have that little provision, you know, do you  
19 have a supervisor to argue to? Do you have ethics? And I  
20 told them, I said, no. I've my own ethics, you know. But  
21 what I'm saying is, we're approved. American News is  
22 approved by the Chief Court Administrator. I passed the  
23 test to be considered a news media organization, and that's  
24 American News & Information Services, Inc.

25 Q. And that's within the Connecticut Superior Court.

1 Correct? The Connecticut Court System as opposed to the  
2 Federal Court System?

3 A. That's correct, that's correct.

4 Q. All right. And have you, in fact, actually done  
5 so, gone into court and videoed --

6 A. Yes.

7 Q. Let me finish the question -- and videoed trials  
8 and other court proceedings as American News & Information  
9 Services?

10 A. Yes.

11 Q. And when did you begin doing that? When was the  
12 first time?

13 A. The Patel murder trial in Litchfield Superior  
14 Court.

15 Q. And that was approximately what year?

16 A. Was it in '16 or late '15. Late 2015, early 2016.  
17 And then we did an animal abuse trial, but the approval to  
18 videotape was withdrawn by Judge Matasavage, because  
19 inadvertently when you're swinging a camera, a juror was  
20 shown, because there's certain rules that you have to abide  
21 by. But we are approved to go in. Okay?

22 Q. Okay. And you had other items you wanted to  
23 update as well?

24 A. Right. I want to clarify that there are a number  
25 of YouTube -- I'm going to call them channels that we



1 transmit to, and I am going to get a little technical here.

2 Q. Okay.

3 A. The internet has what is called the upload speed  
4 and the download speed. And to make it understandable, I  
5 want you to think about miles per hour. Cable companies  
6 give a residential house 100 miles an hour download speed so  
7 you can watch Netflix. But if you wanted to transmit a  
8 video up and out, they only give you 20 miles an hour. They  
9 frown on people feeding into the system because it clogs the  
10 internet pipe. American News is currently in the process of  
11 getting what is called a fiberoptic feed in the studio which  
12 will permit us to transmit to four or five different YouTube  
13 or internet locations at the same time. It's like being out  
14 west and there's no speed limit, you know. In other words,  
15 you're going to be able to go fast. But, primarily, our  
16 programs right now are being transmitted live to a YouTube  
17 account called NewsNowSanDiego, no spaces, that has 13,000  
18 subscribers and over eight million hits. It's safe to  
19 assume that I can shoot an incident -- I did shoot an  
20 incident in East Hampton, Connecticut, on the night of  
21 September 3rd where a police officer was struck on Route 66,  
22 and in the first 24-hour period, it had over 2,000 views. I  
23 did a fatal accident in Rocky Hill that had 13,000 views.  
24 So, think of those as people sitting at home watching their  
25 laptop. And there's analytics that go with it and whatever.

1 But I just had to say that I do transmit to Summary  
2 Judgment, SJ Talk Show, NewsNowSanDiego, you know, to as  
3 many places as I can. But I didn't mention NewsNowSanDiego,  
4 and she said that I should, so I am supplementing the record  
5 saying that I did.

6 Q. Okay.

7 A. And we have confirmed that my wife, Lois, is the  
8 secretary/treasurer of American News, which I thought.

9 Q. Okay. Is there anything else from the beginning  
10 portion of your testimony that you feel you need to amend or  
11 add to, sir? And I will be asking you additional questions,  
12 but is there anything else you need to correct or add to?

13 A. Well, you had asked me if I had brought with me  
14 things that I intend to enter at trial. That was --

15 Q. Correct. That has not already been produced.

16 A. I have -- and it expired on July 11th of 2016,  
17 because I haven't gone out to renew it, I have a City of San  
18 Diego Police Department press pass issued to American News &  
19 Information Services, Edward Peruta. This card is subject  
20 to revocation by the Chief of Police. It must be  
21 surrendered upon change of employment or on expiration, and  
22 it takes a criminal history background check to get that,  
23 and I didn't have any problems getting it.

24 Q. Okay. Let me -- before we move on to the next  
25 item, sir, let me just ask you a few questions about this.

1 A. Yes.

2 Q. So, what you have handed me to look at is your  
3 actual press pass?

4 A. That's the actual press pass. It expired in July.  
5 I have to fly back out and renew it.

6 Q. And you had to submit, what, a written application  
7 to obtain this?

8 A. Written application, verification of publication.  
9 They have a criteria which I don't agree with, because I  
10 don't think government should be saying who is and who isn't  
11 the media -- it's not their fair job. You know, in 1775 the  
12 person in the basement in Boston printing the Liberty Tree  
13 Newspaper on a single page press didn't go to King George's  
14 representatives and say, hey, we're printing a rebel  
15 newspaper. We need authority to do so.

16 Q. Okay. So, this press pass that you are showing  
17 me, what does the City of San Diego Police Department accord  
18 you with this press pass? What does this allow you to do?

19 A. California Penal Code Section 409.5 authorizes  
20 Public Safety to close off certain areas --

21 Q. Okay.

22 A. -- by roadblocks, yellow tape, et cetera. Section  
23 409.5, and I want to say it's Subsection D, exempts -- hold  
24 on a minute. Authorized representatives of a news service  
25 get to operate inside of the closed-off area but cannot go

1 inside of a crime scene.

2 Q. Okay. So, if I am understanding correctly, the  
3 City of San Diego, or the State of California,  
4 differentiates between a crime scene and a closed-off area.  
5 Correct?

6 A. The State of California permits Public Safety to  
7 close off certain areas to the public. Inside of the outer  
8 closed-off area, there may be a crime scene. You can go  
9 inside the yellow tape and work around firemen and whatever  
10 if there is no crime, if it's a wild fire. If it's a  
11 building collapse, and there's no crime involved, you have  
12 free access to anything, and they can't even consider your  
13 public safety, your safety as a factor, because they put  
14 that on to us. We've got to do our own safety. But in the  
15 State of California, you have the right to work inside of  
16 the closed-off area alongside of police, fire and EMS. You  
17 can't interfere with them. You're not going to get in their  
18 face and kick evidence and do stuff like that. But then  
19 there's the crime scene, which they have the right to  
20 segregate, tape off, close to everybody except law  
21 enforcement. But you can't put the tape at the Arizona line  
22 for a body lying in San Diego.

23 Q. Okay. So, a few more follow-up questions  
24 regarding your press pass for San Diego. Do you have to  
25 submit to any kind of criminal background check for this?

1           A.    Yes.  I was fingerprinted, and they did a criminal  
2 history background check.

3           Q.    All right.  And I believe in your testimony that  
4 you were just recently explaining, part of that -- am I  
5 understanding correctly in your explanation that part of the  
6 law that allows you to obtain this press pass that allows  
7 you to go inside the closed off to the public area also puts  
8 the burden of responsibility upon you that you cannot then  
9 sue the police or the fire department or the city or the  
10 state --

11          A.    No, no.

12          Q.    -- for injury to yourself if you go into those  
13 areas and are injured or harmed --

14          A.    Well, what it says is --

15          Q.    -- you assume the risk?

16          A.    What it says is that safety of the journalist is  
17 not justification to exclude him from working inside the  
18 closed-off area.

19          Q.    Okay.  Does that law, as far as you're aware --  
20 and I understand you're not a lawyer -- have a provision  
21 within it that says that you assume the risk of harm to  
22 yourself when entering into that area?

23          A.    I'm going to answer no as a layperson.  I have  
24 done some research on it.  I'm going to say there is no  
25 exemption written into the penal code that I'm aware of that

1 says if you choose to go into there and you get injured, you  
2 can't sue somebody, regardless of who it is, for the  
3 injuries you sustained.

4 Q. Okay. Other than the items that you have  
5 already -- that you have just explained to me, does this  
6 press pass issued by the City of San Diego Police  
7 Department -- first of all, is this good anywhere in  
8 California, or is this specifically for the City of San  
9 Diego?

10 A. San Diego County is the only county I am familiar  
11 with, has a mutual agreement between all law enforcement  
12 agencies that the city police department issues media  
13 credentials for the county and the sheriff's department  
14 issues pistol permits for the county. Each individual  
15 department could issue media credentials, but by a memo of  
16 understanding, San Diego PD took over all issuing of media  
17 credentials for the county, and the sheriff's department  
18 took over all pistol permits for the county. So, I don't  
19 know what they do in Los Angeles or San Francisco or other  
20 counties. I haven't researched it. But the law is the law.  
21 And the California Highway Patrol does not require media  
22 credentials. They got out of the you are the media, you're  
23 not the media business and said if you come up with a  
24 business card, we are going to accept it.

25 Q. Okay. And as far as you're aware, does this press

1 pass issued by the City of San Diego Police Department  
2 accord you any other statutory rights or any other  
3 privileges within the City of San Diego other than what you  
4 have already explained to me?

5 A. There is a supplemental document that is issued  
6 with that, and it's a parking placard that you can put into  
7 your windshield, and it acts almost like handicapped  
8 parking. In other words, because you're recognized media,  
9 you can park where there's no parking, and you can put that  
10 in your windshield, and you're not supposed to get a ticket  
11 because you're the media operating at a scene. And I have  
12 one of those, but it's in the car in California. It's not  
13 here in Connecticut.

14 Q. All right. And you had other items that you  
15 indicated that you intended -- that you may enter at trial  
16 that you have not previously disclosed. What are those  
17 items?

18 A. Right. This is a current -- I'm sure it's  
19 current, no expiration. This is a current Rocky Hill Fire  
20 Department photographers identification which permits me to  
21 drive past the quote, unquote, fire, police or anyone  
22 closing off the road to get down to the scene to videotape.

23 Q. And this is specifically issued by the fire  
24 department?

25 A. By the fire department.

1 Q. And again, did you have to submit some sort of an  
2 application for that?

3 A. No. They know who I am, and they issued this one  
4 back in -- it doesn't have a date on it, but I don't look  
5 like this anymore -- I want to say in the 1970s. Rocky Hill  
6 Fire Department issued me a -- what is it called? Division  
7 of Fire -- is an active member of the Rocky Hill Fire  
8 Department, photographer. So, they gave me that so I can  
9 get into and videotape fires and wherever fire was working.

10 Q. Okay.

11 A. It's signed by the chief, James Vinchetti, who is  
12 now deceased, on the back. And the expiration is  
13 indefinite.

14 Q. Okay. And you brought -- you have one other item?

15 A. Yes, I do.

16 Q. And what is that other item?

17 A. This is a Hartford fire line pass, which permits  
18 me to go beyond yellow tape and drive past road closures to  
19 get to the scene and videotape.

20 Q. Okay.

21 A. And on the back, for the record --

22 Q. Of which you're referring to the Division of Fire?

23 A. Hartford.

24 Q. No. That's not Hartford.

25 A. I'm sorry. Okay, of Hartford. On the back it is



1 a fire line pass, Hartford Fire Department, Number 260.  
2 It's signed by Chief John B. Stewart, Junior, who is  
3 deceased. It expires indefinite. It is indefinite. So, it  
4 was issued to me, I believe, in 1989, and it has yet to --  
5 it doesn't expire.

6 MS. HARRIS: Okay. Let me take a quick break.

7 I'm going to go off the record so we can make copies of  
8 these so we can get the exhibits on the record, and  
9 I'll be right back.

10

11 (A recess was taken)

12

13 MS. HARRIS: Let's go back on the record. Let's  
14 mark these.

15

16 (Defendant's Exhibits, 4-9, Documents, marked for  
17 identification)

18

19 Q. (By Ms. Harris) Mr. Peruta, I have had the court  
20 reporter mark some exhibits. I just want to go through them  
21 quickly just to confirm for the record so it's consistent  
22 with the transcript. I'm showing you what's been marked as  
23 Exhibit 4, which is a two-page document. Is that the front  
24 and back of your City of San Diego Police Department press  
25 pass?

1 A. Yes.

2 Q. And Exhibit 5 also is a two-page document, is that  
3 a color copy of the front and back of your  
4 press/photographer pass that is issued by Rocky Hill Fire  
5 Department?

6 A. Yes.

7 Q. And Exhibit 6 is also a two-page document. Is  
8 that the front and back, a color copy, of the Division of  
9 Fire photographer pass that is issued by Rocky Hill in  
10 Connecticut?

11 A. Yes.

12 Q. Looking at Exhibit 7, is that a color copy of the  
13 front and back, two-page document, of the fire line pass  
14 issued by the Hartford Fire Department?

15 A. Yes.

16 Q. And then looking at Exhibit 8, can you explain to  
17 me what Exhibit 8 is, please?

18 A. This is an all-access media pass for the National  
19 Rifle Association meeting that was held in one of those  
20 cities. I'll tell you in a minute, Louisville, Kentucky, in  
21 May of this year.

22 Q. And is that a pass specifically for entrance to  
23 that particular event?

24 A. Yes.

25 Q. So, in other words, this same pass would not allow

1 you access to any NRA event. They issue them per individual  
2 event?

3 A. They issue -- yeah, that's correct.

4 Q. And then handing you what has been marked  
5 Defendant's Exhibit 9, can you explain what that is, please?

6 A. That is the media card that is issued by me and  
7 American News to me to identify myself with my phone number  
8 as a member of the media. That's an American News I.D.

9 Q. And is that an identification that you generally  
10 carry with you with you when you go to gather news at  
11 various locations?

12 A. It's in my office, my 2016 Toyota Camry, at all  
13 times. And it is usually hanging around my neck when I get  
14 out of the car at a scene.

15 Q. Okay. And you keep that in some kind of a lanyard  
16 or something?

17 A. I do.

18 Q. And is this the -- were you wearing this press  
19 pass or your American News card at either the Park Street or  
20 Kelsey Street incidents in this case?

21 A. Both.

22 Q. And it was the same one. Correct?

23 A. Same one.

24 Q. Great. Okay. Let me ask you a couple of other  
25 questions about Exhibit 7, which is the Hartford Fire

1 Department fire line pass. When was that first issued?

2 A. Mid to late '80s.

3 Q. And have you ever received any notification from  
4 the City of Hartford that the pass has been terminated or  
5 suspended in any way?

6 A. Never.

7 Q. And this is specifically for use to cross the fire  
8 line at a fire incident. Correct?

9 A. Ask the question again, because this is very  
10 important.

11 Q. Okay. What is your understanding of what this  
12 City of Hartford fire line pass permits you to do?

13 A. Okay. That fire line pass permits me to come into  
14 a closed-off area where the Hartford Fire Department is on  
15 scene performing their duties under Section 7-313(e) or  
16 something like that. Section 7-313, gives command of the  
17 scene, total control of the scene, to a fire chief or senior  
18 fire officer operating at a scene until they relinquish.  
19 When they wrap up their duties, then they can turn it over  
20 to the police department, but while fire is on the scene  
21 performing a function, fire owns the grounds they stand on.

22 Q. Okay. That provision that you listed, 7-313, are  
23 you referencing Connecticut General Statutes --

24 A. Yes.

25 Q. -- or is it something else?

1 A. Yes. Connecticut General Statute Section 7-313.

2 Q. All right. Did you have this fire line pass with  
3 you -- I'm going to limit my question for the moment -- at  
4 Park Street?

5 A. Yes, I did.

6 Q. Did you show this fire line pass to anyone at Park  
7 Street?

8 A. Didn't have the opportunity.

9 Q. Okay. And I'll ask you some additional questions  
10 about this probably later, but is it your position in this  
11 litigation that this fire line pass should have allowed you  
12 greater access than you were afforded at Park Street?

13 A. Yes.

14 Q. I am going to circle back to that and ask you some  
15 more questions about that later when we get into the details  
16 of Park Street. Same questions with regard to the Kelsey  
17 Street incident. Did you have this Hartford Fire Department  
18 fire line pass with you at the Kelsey Street incident?

19 A. Yes.

20 Q. Did you present this fire line pass to anyone at  
21 the Kelsey Street incident?

22 A. Didn't have the opportunity.

23 Q. And is it your position in this litigation that  
24 this Hartford Fire Department fire line pass should have  
25 afforded you greater access than you were afforded at the

1 Kelsey Street incident?

2 A. Okay. Now --

3 Q. Yes or no?

4 A. Can you read the question back?

5

6 (Question read back by court reporter)

7

8 THE WITNESS: No and yes.

9 Q. (By Ms. Harris) Can you explain that to me?

10 A. I never entered a taped-off area. I never entered  
11 or went beyond a closed-off area. I never crossed a yellow  
12 tape on Park Street or Kelsey Street. So, by not crossing  
13 the tape, I did not need the authority of that card. But  
14 had I chosen, when I first arrived at Park Street, to go  
15 beyond the yellow tape, I would have presented that card  
16 because fire was operating at the scene inside the yellow  
17 tape. I did not have to show it. I was on the outside of  
18 the tape standing with other civilians on the outside of the  
19 tape. On Kelsey Street, I was across the street,  
20 approximately 60 feet from the closest piece of yellow tape,  
21 as shown in the video when I first arrived. And after I  
22 arrived, tape was started to be built around me, and I was  
23 being threatened with trespass if I didn't move. So, I  
24 didn't have an opportunity to show this card. And when I  
25 attempted to talk to Sergeant Sean Spell, the supervisor who

1 was ordering me out of the area, he refused to talk to me  
2 because I would have shown him this card.

3 Q. Okay. So, let me follow with a hypothetical  
4 question, and I'm limiting this question to the Park Street  
5 incident right now.

6 A. Yep.

7 Q. Is it your position that had you shown this fire  
8 line pass to a Hartford police officer, that you should have  
9 been permitted inside the yellow tape of the crime scene?

10 A. The answer to that question is -- needs to be  
11 explained, but the answer is yes.

12 Q. Okay. Can you explain why your answer is yes,  
13 please?

14 A. Because the tape was extended out an unreasonable  
15 stance beyond any crime scene. A crime scene being defined  
16 by an evidence field or a debris field. Okay? And I was  
17 clearly outside of the yellow tape, and the yellow tape was  
18 clearly outside of any debris field or evidence field  
19 because everybody was just walking around kicking stuff on  
20 the ground. I tried to go behind a wrought iron fence into  
21 a private parking area to videotape, and, you know, the  
22 video speaks for itself.

23 Q. Okay. And we will get into details later. Again,  
24 the same question with respect to the Kelsey Street incident  
25 specifically. Is it your position that had you shown this

1 fire line pass issued by the Hartford Fire Department to a  
2 police officer on the scene or been permitted to do so, that  
3 this would have allowed you access inside a cordoned-off  
4 area of police tape?

5 A. Yes.

6 Q. All right. Before I move on to the next thing,  
7 were there any other documents or items that you have  
8 brought with you today that you intend to enter into  
9 evidence at trial that have not already been produced in  
10 this litigation?

11 MS. BAIRD: Not that we know of. We're still  
12 looking.

13 MS. HARRIS: Okay. We'll move on.

14 Q. (By Ms. Harris) Mr. Peruta, I am going to hand  
15 you what's been marked as Defendant's Exhibit 2, which on  
16 the top reads Responses to Interrogatories and Requests for  
17 Production promulgated on December 31, 2015, by Defendants  
18 Foley, Coates, O'Brien, Spell and Joe Does Numbers 1 to 6 as  
19 to Edward Peruta, dated on the top February 29, 2016. Can  
20 you look at that document and tell me if you have seen it  
21 before?

22 A. I believe I have.

23 Q. And if you flip to the last page, is that your  
24 signature? I'm sorry, the second to the last page.

25 A. I believe it is.



1 Q. All right. I have a few follow-up questions with  
2 regard to the questions that are in this. Could you flip to  
3 Question Number 16, please. Mr. Peruta, you reviewed these  
4 answers before you signed the document. Correct?

5 A. Excuse me?

6 Q. You reviewed the answers that are contained in  
7 this document before you signed it. Correct?

8 A. Yes.

9 Q. And you understood that these answers were being  
10 provided under oath. Correct?

11 A. Correct.

12 Q. With regard to Number 16, the question asks, "At  
13 any time on September 12, 2014, did any of the defendants  
14 specifically order or instruct you to stop filming?" And  
15 your answer is "Yes."

16 A. Yes.

17 Q. On the next page my -- sorry. It's 17(c), it asks  
18 for, "What precise words or commands were issued by the  
19 officer?" And your answer is, "The precise words are  
20 memorialized on the raw, unedited video clips of the  
21 incident."

22 A. That's correct.

23 Q. Is it your belief that somewhere on that -- on  
24 those video clips there is an officer issuing you an order  
25 where he said "stop filming"?

1 A. Those exact words, no.

2 Q. Okay. So, what words are you construing to mean  
3 "stop filming"?

4 A. Hold on a minute. "The camera, move him back."

5 Q. Okay. And that was stated by?

6 A. The first five words captured in the first video  
7 clip.

8 Q. Okay.

9 A. Sergeant Sean Spell ordering -- John Doe, I  
10 believe, may be Officer Barone. "The camera, move him  
11 back."

12 Q. Okay. Those are the words that you're construing  
13 as "stop filming"?

14 A. All right. Hold on a minute.

15 Q. What other words do you indicate "stop filming"?

16 A. It's easier on the computer. It says "officer" in  
17 the transcript, but it's Sergeant Sean Spell. "Across the  
18 street, push them out of here." I believe it's Barone  
19 saying to me, "Come on." Spell, "Push them out of here."  
20 Officer Barone, I believe, "Sir, please, step to this."

21 Q. Okay. Can I pause you for a moment, sir?

22 A. Yep.

23 Q. You're referring to -- what document are you  
24 referring to in front of you?

25 A. A transcript of the Park Street video clips.

1 MS. HARRIS: All right. Off the record for one  
2 second.

3

4 (Off record conference)

5

6 MS. HARRIS: Back on the record. So, let's mark  
7 these.

8

9 (Defendant's Exhibits 10-11, Documents, marked for  
10 identification)

11

12 Q. (By Ms. Harris) Let me just, before we go -- I  
13 will circle back and allow you to complete your answer, but  
14 I just want to identify these exhibits for the record. I am  
15 showing you what's been marked as Defendant's Exhibit 10,  
16 which is a document that you had produced today. Sir, can  
17 you explain to me what that is?

18 A. That is a transcript of the video clips shot at  
19 Park Street on the night of September 12, 2014.

20 Q. And the top of this transcript says, or the cover  
21 page says, "Park Street Homicide Raw Clips 1 through 19" --

22 A. That's correct.

23 Q. -- 9/12/2014."

24 A. That's correct.

25 Q. When it says "raw clips," what exactly did you

1 provide to the court reporter to create this transcript?

2 A. The raw, unedited, nothing cut off the beginning,  
3 nothing cut off the end, nothing taken out of the middle, no  
4 graphics on it, raw video with audio of what was shot on  
5 Park Street.

6 Q. All right. And then with regard to Defendant's  
7 Exhibit 11, can you explain to me what that is, please?

8 A. A similar document under the similar circumstances  
9 of all of the raw video clips with audio that were shot on  
10 Kelsey Street.

11 Q. All right. Now, we had had some conversation, I  
12 believe earlier in the deposition -- and I'm paraphrasing  
13 you, but I believe you said something to the effect, sir,  
14 that one of the transcripts appeared to be missing some of  
15 the beginning words, and then you had them updated. Is that  
16 correct?

17 A. Right. Similar to a read and sign, I went through  
18 the first transcript that was transcribed, and the  
19 transcriptionist missed the first five words.

20 Q. All right. And are those first five words  
21 included within the exhibit that you produced today?

22 A. Yes.

23 Q. So, from your perspective, sir -- and let me start  
24 with Exhibit 10 -- is Exhibit 10 complete? Does it include  
25 transcription of all of the clips and the entire content of

1 the clips?

2 A. I believe that it does, yes.

3 Q. Similar question for Exhibit 11. Does that  
4 document, insofar as you're aware and to the best of your  
5 belief, include transcription of all of the audio on the  
6 clips for Kelsey Street?

7 A. I believe that it does, yes.

8 Q. All right. So, what you have produced today is  
9 the most up-to-date version of those transcripts that you  
10 possess?

11 A. Right.

12 Q. All right.

13 A. With a caveat. There were certain things that  
14 were said to me that night -- on the two nights -- some of  
15 which were not recorded and some of which were recorded.  
16 And I went through these transcripts to look for certain  
17 things that I know from memory were said to me. And I  
18 really didn't go through every word listening to the clips.  
19 I looked for the specific things that I remembered  
20 distinctly, and if I found them, I said, okay, it's there.  
21 And in the case of Park Street, I knew that right away that  
22 there is a chance that something is missing, went and played  
23 the raw video. And you can hear it in the beginning, but I  
24 guess if somebody hits play and maybe the sound of your  
25 finger could cover that little bit. It was found. It was

1 put in, and now I'm prepared to accept it because it's  
2 accurate at least to the things that I was looking for.

3 Q. Right. And in terms of -- and again, this is, as  
4 I think you have just explained it, is only the recorded  
5 portion of the event. Obviously, these transcripts do not  
6 include items that you may recall that were not actually  
7 recorded on video. Correct?

8 A. That's correct. And I would like to explain, if I  
9 could, just to help you out.

10 Q. Well, I'm going to go through all the videos.  
11 Maybe you can explain that to me when we get to them. Just  
12 in terms of -- I just want to make sure we have a  
13 description of what the exhibits are. Okay? All right. I  
14 want to circle back to the question that you were originally  
15 referring to. The Park Street transcript, I believe --

16 A. Right.

17 Q. -- I asked you what words, in follow-up to your  
18 answers to interrogatories, do you construe as an order or  
19 instruction to stop filming?

20 A. Right.

21 Q. What words or phrases were issued by a Hartford  
22 police officer that you considered to be an instruction to  
23 stop filming?

24 A. Now, you want me to do this page and line?

25 Q. Yes, sure.

1 A. Page 2, line 2.

2 Q. And this is Exhibit 10. Correct?

3 A. This is -- where is the pen? This is 10, and this  
4 is 11. Okay. A person that I recognized, and the  
5 stenographer did not, as being Sergeant Sean Spell, "The  
6 camera, move him back."

7 Q. Okay.

8 A. Hold on a minute. Page 2, line 12, "I need you  
9 over here, sir." I believe that was -- if the John Doe has  
10 been properly identified, Officer Barone. Page 2, line 15,  
11 I believe again, if properly identified as Officer Barone,  
12 "I understand that, but my sergeant is asking that you go  
13 over there." Okay.

14 Q. So, you're construing those instructions, which  
15 are literally instructions to move, as instructions to stop  
16 filming?

17 A. Okay. Absolutely, 100 percent. When you tell a  
18 videographer to move, you're preventing the videographer  
19 from videoing exactly what he chooses to videotape, framing  
20 out the shot. When you tell a person to move, you're either  
21 going to have that person -- and I'm moving back in my  
22 chair, walking -- facing backwards, walking backwards to  
23 keep the shot or swinging to the left or swinging to the  
24 right to do a 180 to walk away. And that is, in fact,  
25 telling someone -- by telling them to move from a place they

1 don't have to move, is telling them to stop filming. Now,  
2 if I could continue, because it gets a little bit more  
3 understandable here.

4 Q. So, yeah. Go ahead and continue. I want to make  
5 sure the record is clear, I am asking you to continue  
6 identifying the precise words or command that you construed  
7 as an order to stop filming.

8 A. Right. Page 4, line 9, I believe, again, it's  
9 Sergeant Sean Spell, "Across the street, push them out of  
10 here." Page 4 -- did I say line 12 before? It's line 9.  
11 Line 12, I believe, is, again, Sergeant Sean Spell. "Push  
12 them out of here." Line 16, I believe, is -- if the John  
13 Doe has been properly identified as Officer Barone, "Back.  
14 Sir, you've got to go that way. Okay? Otherwise you're  
15 going to be arrested." Line 20, I believe, again, is  
16 Sergeant Sean Spell. "Push them that way." And I believe  
17 with his right hand, he was trying to push the people and  
18 the camera north on Hungerford Street in the direction that  
19 the shooter fled. Page 5, line 11, I believe, is Sergeant  
20 Sean Spell. "Push them all of the way down." Line 18 --  
21 and I'm not going to totally agree with the statement here,  
22 because I'm seeing this, "He told the cameraman five times,  
23 one more time and you're going to jail." That was a  
24 statement made by Sergeant Sean Spell, and I believe it  
25 said, "I've told him five times. One more time, he goes to



1 jail."

2 Q. Okay. Let me ask you to clarify that. So, we are  
3 on page 5 --

4 A. Page 5.

5 Q. -- of the transcript, and the transcript beginning  
6 at 18 says, "Officer: He told the cameraman five times.  
7 One more time you're going to jail."

8 A. That's right. Now --

9 Q. And it's your belief -- is that a transcription  
10 error?

11 A. That could be a scrivener's error. That could be  
12 some type of an error. Okay? I'm going to rely not on  
13 something that's on paper. I'm going to rely on what's on  
14 the video.

15 Q. Okay. So, you believe that this line may be  
16 inconsistent with what is in the video? And we can review  
17 it, but --

18 A. Yeah, because I didn't pay a lot of attention -- I  
19 was looking for certain things. I didn't have that  
20 question, you know, how many times, whatever, you know. My  
21 answer was a simple yes.

22 Q. So, are you disagreeing that Sergeant Spell -- the  
23 "he" in here is referring to Sergeant Spell?

24 A. Absolutely. And if I could explain?

25 Q. Sure.

1           A.    Okay.  We have already gone through how my camera  
2 operates.  Button on, record.  Button, pause.  Button on,  
3 record.  Button pause.  I shoot in 10- to 15-second clips.  
4 There were things that were being said to me by Sergeant  
5 Sean Spell that were not captured on video, and I  
6 immediately -- when he started talking about five times  
7 going to jail, or later on when he says you're not going to  
8 film a dead body, he said it more than once.  And after he  
9 said it the first time, I hit record and asked him to repeat  
10 it.  I said, What did you just say?  You're not going to  
11 film it.  And then I caught it the second time.  But there  
12 are things that were said in between the clips that, in my  
13 opinion, make this whole thing even more egregious as to  
14 what was going on.  But I choose, right now, as we sit here  
15 today, to rely exclusively on what's on tape.

16           Q.    Okay.  So, continuing on with the previous  
17 question --

18           A.    Well, let me -- whoa, whoa, whoa.  Let me go.

19           Page 6 --

20           Q.    Yep.

21           A.    -- line 18 is when I start talking.  And I believe  
22 that this is when I was trying to get Sergeant Spell to  
23 repeat what he had said.  "Mr. Peruta: American News &  
24 Information Services," inaudible, "You can't, inaudible,  
25 filming.  You're not going to film a dead body."  That

1 conversation where it says "inaudible, inaudible," that was  
2 somebody asking me who I am, and then Sergeant Spell saying  
3 you can't -- you're not going to be filming a dead body.  
4 That -- that -- "you're not going to film a dead body," when  
5 you watch the video, did not come out of my mouth. That  
6 came out of Sean Spell's mouth.

7 Q. Okay. So, am I correct in understanding that what  
8 you have just explained to me that that line 20 is an error  
9 in the transcription that you -- that comment did not come  
10 from you, that should have been attributed to Sergeant Spell  
11 or an officer?

12 A. I'm not a transcriptionist. I have the raw video  
13 and audio clips of what happened on Park Street. I believe  
14 that they are the best evidence as to what was or was not  
15 said on film. It's much better that be a transcript. It's  
16 in there. I know it's in there. And I'm telling you that I  
17 said nothing about a dead body.

18 Q. Okay. All right. So, if I can loop back to the  
19 question, which was for you to identify the precise words  
20 that you construed as an order to stop filming with regard  
21 to the September 12, 2014 Park Street incident, are there  
22 further instances of that, other than the ones you have  
23 already identified?

24 A. There were other statements made on Park Street,  
25 but right now, for the purpose of this deposition, I'm

1 relying on the video.

2 Q. Okay. Well, the purpose of this deposition is to  
3 get the evidence that's going to be entered at trial. So,  
4 at the time of trial do you intend to testify to other  
5 statements that were made to you? Were there other  
6 statements that were made to you by a Hartford police  
7 officer that you construed as instructions or orders to stop  
8 filming on September 12, 2014 at the Park Street incident?

9 A. That's a difficult -- I don't know how to answer  
10 that question, because there can be something that's going  
11 to jog my memory. Right now, I'm going to sit there and say  
12 no, but there could be something that's going to jog my  
13 memory.

14 Q. Okay. Can I ask you, sir, to take a few minutes  
15 to finish reviewing this transcript, which is Exhibit 10,  
16 and tell me if there are any other instances that are  
17 indicated in this transcript that you construed on  
18 September 12, 2014, as an order by a Hartford police officer  
19 to stop filming?

20 A. Okay. Okay. I need to clarify before I can  
21 answer that question.

22 Q. Sure. Go ahead and clarify.

23 A. Early on in the video clips, I was able to  
24 videotape facing east on the north side of Park Street, and  
25 I was able to videotape a body laying on the sidewalk. The

1 orders to have me move down, then move down again, move  
2 around the corner, move down another block, prevented me  
3 from videotaping the body on the sidewalk. Those orders to  
4 have the camera moved to prevent the filming of a body on  
5 the sidewalk, in fact, were successful down the chain of  
6 command from Sergeant Spell to the officers that were doing  
7 the pushing and doing the moving and moving the tapes  
8 further and further and further away. So, the totality of  
9 what was going on here, I was prevented from continuing to  
10 film the body on the sidewalk.

11 Q. Okay. So, you were construing the whole incident  
12 as an order to stop filming. Is that fair?

13 A. From the time -- yes.

14 Q. Okay. Let me -- all right.

15 A. Can we go off the record for a minute?

16 MS. HARRIS: Sure. Off the record.

17

18 (A recess was taken and Attorney Feola-Guerrieri joins the  
19 deposition)

20

21 MS. HARRIS: Back on the record.

22 Q. (By Ms. Harris) Mr. Peruta, before the break, we  
23 were going through documents or other exhibits that you  
24 intend to enter at trial but have not yet been produced  
25 through discovery. Is there anything else that you brought

1 with you today you intend to produce at trial that has not  
2 been produced in the discovery in this case, as far as  
3 you're aware?

4 MS. BAIRD: I have a pile of documents here, and  
5 I'm not sure if they came from you or us, but you're  
6 free to look through them.

7 MS. HARRIS: I'll do that.

8 MS. BAIRD: I think they might have come from you.

9 THE WITNESS: Here's my question, do I have to  
10 give them the IA documents that they already have?

11 MS. BAIRD: No.

12 MS. HARRIS: No.

13 MS. FEOLA-GUERRIERI: No.

14 Q. (By Ms. Harris) So, are there any other documents  
15 that are in your possession that you intend to introduce at  
16 trial that didn't come from us.

17 A. I can't think of anything. I mean, really it's  
18 the videotape. It's the media credentials. It's the two  
19 transcripts of the clips.

20 Q. Which we have already discussed?

21 A. Yep.

22 Q. All right. So, let's talk about the Park Street  
23 incident, which happened on September 12, 2014. Correct?

24 A. Yep.

25 Q. Where were you when you heard about the occurrence

1 on Park Street and decided to proceed there?

2 A. I sit in the Dunkin Donuts parking lot on  
3 Washington Street across from the Connecticut Children's  
4 Medical Center. I was parked in a parking space facing  
5 Hartford Hospital sitting next to the Channel 3 news van,  
6 who I guess was getting coffee, or they were sitting there  
7 doing whatever they do.

8 Q. Okay. So, you were just in your car sitting in  
9 the parking lot at Dunkin Donuts?

10 A. I refer to what I do as fishing for news. Every  
11 frequency plugged into my scanner is like a line in the  
12 water.

13 Q. Okay.

14 A. You get nibbles. You get bites. You get little  
15 fish. You get big fish. I heard a shooting come in Park  
16 and Hungerford. I looked to my right. Channel 3 was  
17 jabbering with each other outside of the vehicle, didn't  
18 hear it. I slowly backed my vehicle out, exited onto  
19 Madison Street, took a left, drove down to Broad Street,  
20 took a right, parked my vehicle on Broad Street just south  
21 of Park Street, took my .45 caliber pistol, put it under the  
22 seat, exited the vehicle with news credentials, news hat,  
23 camera, keys, locked the door, and proceeded to walk up Park  
24 Street on the south side of Park Street in an easterly  
25 direction towards the incident.

1 Q. Okay. So, you heard the -- what specifically did  
2 you hear over the scanner? You heard the dispatcher?

3 A. Yeah. And I'm not going to try to quote exactly  
4 what I heard, but I want to say it comes through as an  
5 82-83.

6 Q. And this is a police scanner that you have in your  
7 car that can pick up --

8 A. Right.

9 Q. -- the frequency of a police dispatch?

10 A. It is a Uniden Homepatrol 1.

11 MS. BAIRD: Wait until she finishes.

12 THE WITNESS: Okay.

13 Q. (By Ms. Harris) Approximately how long from the  
14 time that you heard the dispatch until you arrived on Park  
15 Street -- I'm sorry, until you parked on Broad Street?

16 A. Somewhere between three and maybe ten minutes. I  
17 mean, ten minutes is a lifetime. All I did was go left on  
18 Madison, right on Broad, probably dealt with a light or some  
19 traffic, parked my car and started walking up.

20 MS. HARRIS: Can I have you mark this as the next  
21 exhibit?

22

23 (Defendant's Exhibit 12, Google Map, marked for  
24 identification)

25



1 Q. (By Ms. Harris) Mr. Peruta, I am going to show  
2 you what's been marked Defendant's Exhibit 12, which is sort  
3 of a Google map of Park Street, which I pulled from the  
4 internet this morning.

5 A. Yep.

6 Q. Please take a look at that, and would you agree  
7 that's a fair and accurate representation of the area of  
8 Park Street where --

9 A. Yeah.

10 Q. -- this incident occurred?

11 A. Yep.

12 Q. Okay. Could you mark for me with an X on that  
13 document approximately where you parked your vehicle?

14 A. X.

15 Q. So, that's on Broad Street south of Park Street.  
16 Correct?

17 A. Broad Street south of Park.

18 Q. On the --

19 A. Facing north.

20 Q. All right. When you arrived on Broad Street and  
21 got out of your car, you proceeded towards Park Street.  
22 Correct?

23 A. Correct.

24 Q. All right. When you arrived -- well, first of  
25 all, how long, approximately, did it take you to find the

1 area where the incident had occurred?

2 A. From the time I went around the corner.

3 Q. So, from the time that you got out of your car,  
4 you turned right on Park Street?

5 A. I get out -- nope. Yeah. I got out of the car,  
6 and there was no visual -- I couldn't visualize up to  
7 Hungerford Street, but I knew where Hungerford Street was,  
8 went around the corner, saw emergency lights up at the  
9 intersection of Hungerford, started to walk towards the  
10 scene.

11 Q. All right. And when you arrived at -- you  
12 eventually arrived at the intersection of Park and  
13 Hungerford. Is that correct?

14 A. Correct.

15 Q. On foot?

16 A. On foot.

17 Q. When you arrived, were there already emergency  
18 vehicles present?

19 A. Yes.

20 Q. Okay. What type of emergency vehicles were  
21 already present?

22 A. I believe police, fire, and EMS.

23 Q. At the time that you arrived, approximately how  
24 many vehicles were already present?

25 A. Not even going to guess.

1 Q. Did you see uniformed police officers when you  
2 arrived?

3 A. As I got closer to the scene, yes.

4 Q. Okay. At the time that you arrived, was there  
5 already any police tape --

6 A. Yes.

7 Q. -- up? All right. At the time that you arrived,  
8 where was the police tape?

9 A. Do you want me to mark it on here?

10 Q. If you can mark it on the exhibit.

11 A. This is a guess. This is hard to tell from a map  
12 because it's not an aerial photograph. It was either here,  
13 and I'll just put a "1" in a circle, or it was here. And  
14 I'm going to put a "2" in a circle. The reason that I say  
15 that is immediately to the right of where the tape was  
16 secured was a wrought iron -- a black wrought iron fence  
17 enclosing a parking area, a driveway, and a parking area to  
18 my right.

19 Q. Okay. So, if I can recapsulate, you approached  
20 Park -- the homicide scene from the west moving east on Park  
21 Street. Correct?

22 A. Right.

23 Q. And would you have --

24 A. And if I could --

25 Q. Sure.

1           A.    -- if I could.  I exited my vehicle.  I'm drawing  
2 a line on the east sidewalk northbound on Broad to the south  
3 eastbound sidewalk on Park, walked up past -- not a lot  
4 past, I believe past the intersection of Hungerford and took  
5 a position next to a wrought iron fence, parked -- that  
6 segregated parking area from the sidewalk.

7           Q.    All right.  And is that where you first began  
8 filming, sir?

9           A.    Yes.

10          Q.    Okay.  I'm going to bring up the clips here.  
11 Let's see if we can get them.  Okay.  So, I'm just going to  
12 show you on this screen, sir, what I have of the clips of  
13 Park Street.  There are 19 clips that have been produced in  
14 this case.

15          A.    Correct.

16          Q.    Is that consistent with your understanding of how  
17 many clips you took?

18          A.    I believe the answer is yes.

19          Q.    All right.  So, we had discussed earlier whether  
20 or not there was any way to tell at what time each of these  
21 clips begins.

22          A.    Can I see the mouse?

23          Q.    Yes.  Can you explain that?

24          A.    I believe I can.  If you right click on the clip  
25 and come down to "properties," and then you go to "details,"

1 on 9/12 of '14 at 8:24 p.m., the clip began.

2 Q. And that would be the time that you believe that  
3 that clip begins?

4 A. I believe that that is a very accurate time frame  
5 of when clip number one was started.

6 Q. Okay. So, what I'm going to ask you to do, sir,  
7 is please go through each one of these clips and identify  
8 when they started by the number of the clip?

9 A. Clip number one was -- what did I say it was?  
10 9:24 p.m.

11 Q. Is that 8:24 p.m.?

12 A. I'm sorry. 8:24 p.m.

13 Q. And clip number two?

14 A. Again, 8:24 p.m.

15 Q. Okay. Clip number three?

16 A. 8:24 p.m.

17 MS. FEOLA-GUERRIERI: Is there any delineation for  
18 the seconds, or is it all just rounded up?

19 Q. (By Ms. Harris) Looking on the "details," it  
20 provides hour and minute. Correct? It does not provide  
21 down to the second?

22 A. That's correct. Let me just go down to clip  
23 number 14 for a minute and see something. That's 8:28.  
24 Before you arrived, Attorney Feora --

25 MS. FEOLA-GUERRIERI: Feola.

1           THE WITNESS: -- Feola, what happens is the camera  
2 keeps track of -- first, turn it on, record. And it  
3 comes up with frame number one. There were usually 30  
4 different pictures in a second, one second. So, it  
5 starts at frame one, goes to frame 30, and then it  
6 starts second number one. And then second number one,  
7 frame number one through 30, and then it goes to second  
8 number two. And I believe that there could be a time  
9 code built into the video clips, but I'm not that much  
10 of a rocket -- I'm a button on/button off kind of guy.  
11 I don't get involved with that. But I can take this  
12 video and put it into Adobe Premier or Pinnacle Studio,  
13 and I say, okay, it says 8:24 p.m. So, I open it up,  
14 and there is -- 8:24 is at the start of the clip. And  
15 then as it goes along, I can look at minutes, hours,  
16 minutes, seconds and frames as I go along. And I can  
17 go through frame by frame by frame the entire video  
18 clip looking at what looks like a still picture. What  
19 I said -- last name.

20           Q.     (By Ms. Harris) Harris.

21           A.     -- what I said to Attorney Harris was, when you're  
22 shooting at a public safety event, you have a secondary  
23 backup to time, because if my camera picks up a radio  
24 transmission from Hartford Police Department where the  
25 dispatcher or an officer is talking, you can go into the

1 audio record of Hartford Police, which has time stamps for  
2 every communication, and you can match up what you hear on  
3 the videotape to what is recorded at the police department  
4 and almost match them up side by side to get an even more  
5 accurate time using the police department's time rather than  
6 the camera's time. The camera can be off, but if you get an  
7 audio recording on CD of the transmissions of that evening  
8 between 8:24 and 9:30, you can match up some of the things  
9 that you hear and put a time to it.

10 Q. Okay. So, thank you for that explanation. I'm  
11 going to ask you to go back and continue. I think you left  
12 off at clip number four.

13 A. So, am I on four now or five?

14 Q. I think you're on four. Let's start at four, as  
15 to when that clip begins.

16 A. 9:40. I'm sorry, 8:25.

17 Q. P.m.?

18 A. P.m.

19 Q. Okay. And then clip number five, please?

20 A. 8:25 p.m.

21 Q. Clip number six, please?

22 A. 8:25 p.m.

23 Q. And clip number seven?

24 A. 8:26 p.m.

25 Q. 8:28?

1 A. Is that what it said?

2 Q. I'm sorry. I meant clip number eight. I  
3 misspoke.

4 A. Now we're at clip number eight.

5 Q. Clip number eight, please?

6 A. 8:26.

7 Q. And clip number nine, please?

8 A. 8:26.

9 Q. And clip number 10?

10 A. 8:26.

11 Q. Clip number 11?

12 A. 8:27.

13 Q. Clip Number 12?

14 A. 8:27.

15 Q. Clip number 13?

16 A. 8:28.

17 Q. Clip number 14?

18 A. 8:28.

19 Q. Clip number 15?

20 A. 8:28.

21 Q. Clip number 16?

22 A. 8:29.

23 Q. Clip number 17?

24 A. 8:34.

25 Q. Clip 18?



1 A. 8:54.

2 Q. Clip 19?

3 A. 8:59.

4 Q. All right. So, Mr. Peruta, looking at clip number  
5 one for Park Street, where were you positioned when clip  
6 number one was taken?

7 A. There's a variety store, a corner bodega, right  
8 here off camera.

9 Q. Off camera to the left?

10 A. And I believe that that's at the intersection of  
11 Hungerford and Park. And this was the yellow tape that came  
12 over, and, I believe, tied onto the wrought iron fence  
13 around the parking lot.

14 Q. That you have identified on Exhibit Number 12 as  
15 number one or number two?

16 A. So, I would have to say -- and I can't really tell  
17 if this is a parking lot right here, the tape could have  
18 been right here. And I'm going to put a "T" next to it.

19 Q. So, you have just drawn a line across Park Street  
20 with a "T" to represent the tape. And is that the tape that  
21 is visible in clip one?

22 A. I'm going to say yes. I'm going to have to look  
23 at some other tapes that are going to tell me that.

24 Q. All right. So, this clip one, you were standing  
25 on Park Street on the south sidewalk. Is that correct?

1           A.     South side of Park Street facing northeast outside  
2 of the cordoned-off yellow taped area.

3           Q.     All right. At this point in time, so you -- I am  
4 going to refer to Exhibit 12. You have indicated places  
5 where you believe the tape may have been on the east side --  
6 let me rephrase that. On Exhibit 12, you have indicated  
7 places where you believe the police tape may have been  
8 stretching --

9           A.     Correct.

10          Q.     -- across Park Street to the east of Hungerford  
11 Street. Correct?

12          A.     Correct.

13          Q.     At that point in time, was there any police tape  
14 across Park Street to the west of Hungerford Street?

15          A.     No.

16          Q.     Okay. So, tape had not yet been set up in that  
17 area. Correct?

18          A.     That's correct.

19          Q.     Okay. Relative to -- at this point in time when  
20 you were filming clip one and when you had arrived at,  
21 roughly, the intersection of Park and Hungerford Streets,  
22 were you able to see where the dead body was?

23          A.     I believe I did.

24          Q.     Okay. Where was the dead body, approximately?

25          A.     See, if this was an aerial, it would probably be

1 easier because you could see the trees. Roughly here.

2 Where is Hungerford?

3 Q. So, here is Hungerford Street.

4 A. Here is Hungerford. Okay. Hold on a minute.  
5 That's the corner. Right about there.

6 Q. Okay. Can you mark that spot with a "B," please?

7 A. (Witness drawing).

8 Q. Okay. And you have marked with a "B" the  
9 approximate location on Park Street where you believe the  
10 body was located?

11 A. Yeah, and that -- I have to tell you, you know,  
12 this, to me, is a very poor representation to be -- to  
13 making decisions on this type of a Google map because there  
14 is the feature of satellite view that -- in other words, I'm  
15 assuming this is the bodega. One, two, three, four --  
16 that's what looks like the end of a building. So, that end  
17 of the building would be right there, and I'm thinking, you  
18 know, that body is in there -- no. Wait a minute.

19 Q. This is Hungerford.

20 A. This looks like the building. Okay? I know that  
21 the body was laying close to the east -- it wasn't in the  
22 center, and it wasn't on the left side of the storefront.  
23 It was more towards Washington Street towards the end of the  
24 building over there.

25 Q. Okay. So, let me just make sure we get that on

1 the record. The body was on Park Street in the block  
2 between Hungerford Street and Oak Street. Correct?

3 A. Correct.

4 Q. On the north sidewalk?

5 A. Correct.

6 Q. All right. And you believe it was in front of the  
7 building --

8 A. It was in front of the first --

9 Q. In front of the --

10 A. -- structure. If you're walking eastbound on Park  
11 Street and you pass Hungerford, the first structure on the  
12 left is a row of shops. The body was towards the end of the  
13 row of shops on the sidewalk, on the north side, on the  
14 left, walking east.

15 Q. Okay. And this video clip, video clip number one,  
16 faces towards the direction of where the dead body was --

17 A. Yes.

18 Q. -- from outside of the police tape?

19 A. Yes.

20 Q. Okay. Let me just play the rest of this.

21 (Playing video).

22 A. Okay. Can you go back?

23 Q. Hold on one second. I'm just going to let this  
24 finish.

25 A. Okay. Stop right there.

1 Q. All right. Can we -- hold on. I'm going to ask  
2 you questions about this. Can we agree that that video clip  
3 is approximately five to six seconds long?

4 A. Yes.

5 Q. Okay. And I'll let you re-watch it again. I'm  
6 going to ask you some questions. (Playing video). Okay.  
7 So, at that point you were standing -- were you actually  
8 standing on the sidewalk, or were you standing in a parking  
9 lot?

10 A. I was on the sidewalk.

11 Q. Okay. And this officer asked you to move  
12 backwards because they were going to extend the crime scene?

13 A. Extend the crime scene.

14 Q. Okay. At this point -- and I didn't ask you this  
15 previously -- was anybody else from American News with  
16 you --

17 A. No.

18 Q. -- during the Park Street incident?

19 A. I was the first and only media representative, to  
20 my knowledge, on the scene at the time clip number one  
21 began.

22 Q. Okay. All right.

23 A. Now, if I could -- no? Go ahead and ask the  
24 questions.

25 Q. I want to try to keep this moving, sir. We've got

1 the video. I've asked you a lot of questions about being  
2 here. It sort of speaks for itself. I just need to get  
3 some of the details that are not necessarily visible. All  
4 right. At this point in time, you had a discussion with  
5 this officer, correct, about whether or not you should have  
6 to move?

7 A. I don't know if it was a discussion, but go ahead.

8 Q. Well, all right.

9 A. I had --

10 Q. Did you --

11 A. -- an exchange with the officer.

12 Q. Okay. What do you recall about your exchange with  
13 the officer who, in video clip number one, asked you to  
14 move?

15 A. That I would go around and stand behind the fence  
16 in the parking lot.

17 Q. Okay. So, you suggested to this officer --

18 A. It wasn't in this clip.

19 Q. Okay. So, there is -- we're going to go on to the  
20 next clip.

21 A. I don't think I say anything in this clip.

22 Q. Let me play it again. (Playing video). All  
23 right. So, in that clip, there is a voice that says, "I am  
24 going to stand on private property."

25 A. That's me.

1 Q. Is that your voice?

2 A. That's me.

3 Q. And you are suggesting to this officer in clip  
4 number one that you would go behind the wrought iron fence  
5 that is pictured. Correct?

6 A. I actually moved. You can see that I have moved.

7 Q. So, you did move to be behind --

8 A. Yes.

9 Q. -- the wrought iron fence?

10 A. When I was spinning around, yeah.

11 Q. And you moved to go behind the wrought iron fence  
12 which you understood to be private property. Correct?

13 A. Yeah.

14 Q. Okay. Did you have permission from that property  
15 owner to stand on that property?

16 A. Well, it wasn't posted. Didn't need permission.

17 Q. I'm asking.

18 A. No, I did not. No, I did not.

19 Q. Okay. So, I'm going to go on to clip number two,  
20 and I am just going to allow you to watch clip number two --

21 A. Okay.

22 Q. -- and I'm going to ask you few questions about  
23 it. (Playing video). Okay. In clip number two, which we  
24 have just watched -- so, as you explained to me, clip number  
25 two followed clip number one. Is That correct?

1           A.     That's correct.

2           Q.     Add as you explained to me earlier, you would  
3 have -- between clip number one and clip number two, you  
4 would have actually hit the stop button. Is that correct?

5           A.     That's correct.

6           Q.     And hit start again to start clip number two?

7           A.     That's correct.

8           Q.     Clip number two, the camera is, for part of it,  
9 pointed at the ground. Correct?

10          A.     That's correct.

11          Q.     Why was the camera pointed at the ground?

12          A.     Because it acts as a tape recorder.

13          Q.     So, you wanted an audio recording of the officers  
14 and what was going on at the scene?

15          A.     There's two reasons that you will have what we  
16 refer to as Alf video. Alf was a character on television  
17 about this tall that came from outer space and ran around,  
18 you know, and everything was at a view of about two feet in  
19 the series. Sometimes we carry our cameras and forget to  
20 hit pause, and you have a whole bunch of this Alf video  
21 walking around the scene, not knowing that your camera is  
22 recording. So, there are inadvertent, forgot to hit it to  
23 shut it down. And then there are times when you hit it  
24 because you want an audio record of exactly what's happening  
25 so that nobody's story can change. And I believe that I may



1 have hit it, but to me, that was sloppy. I may have  
2 inadvertently not shut it off then because I don't like to  
3 have slop in my video.

4 Q. Okay. (Playing video). So, in that portion of  
5 the clip that I just played to you, there is an officer  
6 saying, "We're trying to block this off." Was that officer  
7 speaking directly to you, or was he speaking to other  
8 people?

9 A. He was speaking directly to me.

10 Q. Okay. And that officer was explaining to you why  
11 he wanted you to move. Correct?

12 A. Yes.

13 Q. Okay. All right. I'm going to --

14 A. I believe that's Joan Doe 1, who has been  
15 identified tentatively as Officer Barone.

16 Q. You were having that conversation within clip two?

17 A. I believe so, yes.

18 Q. So, I'm going to go to clip number three, and I  
19 think we decided earlier that clip number 3 also starts  
20 within that same -- roughly the same minute of 8:24. Is  
21 that correct?

22 A. You tell me. Yeah, you know, whatever times I  
23 gave you for the clips are the times I gave you for the  
24 clips.

25 Q. All right. So, I'm going to let you look at clip

1 three. (Playing video). Okay. Can we also agree that that  
2 clip, clip three, is less than ten seconds long?

3 A. Whatever it is, it is.

4 Q. Okay.

5 A. They are normally -- I count one thousand one, one  
6 thousand -- I normally count to ten one thousands, you know.  
7 So, I shoot in ten-second clips. Sometimes it goes a little  
8 bit longer, sometimes a little shorter. But ten seconds is  
9 about how I shoot.

10 Q. Okay. This video clip of clip number three, a  
11 portion of it is also facing the ground. Correct?

12 A. Correct.

13 Q. And you would have, between clip two and clip  
14 three, had to push stop and then push start again. Correct?

15 A. Play the tape again.

16 Q. (Playing video).

17 A. I did not hit pause.

18 Q. Okay. So, between clip two and clip three, you're  
19 saying to me that you did not hit pause?

20 A. It appears from that video that I started to shoot  
21 clip three, something was going on, and I didn't hit pause.

22 Q. So, I am trying to figure out from clip -- between  
23 clip one that we already watched and clip three --

24 A. Is this clip -- there was a clip two.

25 Q. So, I'm going to play clips two and three for you

1 together. So, this is clip two. (Playing video).

2 A. That's clip two.

3 Q. That's clip two.

4 A. Right. Now I have hit pause. Now we're going to  
5 start clip three.

6 Q. Okay. And clip three, you had to hit start?

7 A. I hit start to record.

8 Q. (Playing video). All right. So, clip three you  
9 would have hit start to begin that?

10 A. Right.

11 Q. All right. And in the beginning, there is an  
12 officer who says, "The crime scene starts here." That can  
13 be heard on audio but not in the video tape. Was that  
14 officer speaking to you?

15 A. Yes.

16 Q. Do you know who that officer was?

17 A. No, I don't.

18 Q. Okay.

19 A. I'm not sure.

20 Q. Who do you believe that officer was?

21 A. That is Officer Joe Doe 1, believed to be Officer  
22 Barone, I'm told. John Doe 1.

23 Q. And when that officer says, "The crime scene  
24 starts here," to what was he referring?

25 MS. BAIRD: I mean, I'm going to -- I will object.

1 Q. (By Ms. Harris) Well, let me ask you, this video  
2 does not actually show that officer saying the crime scene  
3 starts here, but you hear the audio. Correct?

4 A. Yes.

5 Q. At that time, were you looking at Officer Barone  
6 when you had that conversation with him?

7 A. I don't know whether I was looking at him or not.

8 Q. Do you recall seeing him gesture in any way or  
9 make any physical indication of where --

10 A. Here's what I recall --

11 Q. -- the crime scene starts?

12 A. Here's what I recall, and it might be in the next  
13 videotape or the videotape after that. They had established  
14 now a new expanded yellow tape, and I believe he was saying  
15 this is the -- this is the crime screen from here.

16 Q. Okay. So, this is all -- this video clip, clips  
17 one through three, correct, are within --

18 A. Seconds.

19 Q. Well, these are within a minute of each other.  
20 Correct?

21 A. Oh, yeah, I believe so.

22 Q. And all of them are within just minutes of the  
23 dispatch going out over the air, correct, of the homicide?

24 A. I'm going to say no.

25 Q. Okay. So, what is your estimation of the time

1 that elapsed from the time that the dispatch -- you heard  
2 the dispatch over the scanner until when clip one starts?

3 A. Okay. Let me -- maybe I need to clarify. I was  
4 sitting at Dunkin Donuts and heard HPD communications  
5 talking about a shooting at Hungerford and Park. I'm  
6 absolutely not sure that that was the first initial dispatch  
7 of that call. What I'm saying is that when I heard it, from  
8 the time I heard it, to this, is a brief period of time.  
9 But, obviously, police had time to get there. Fire was on  
10 the scene performing a fire function. EMS came in with  
11 their rigs and their paramedics. There was already some  
12 tape set up. So, I don't think they did all of that between  
13 the time I left Dunkin Donuts and got to Broad Street.

14 Q. Okay. Thank you for providing that clarification.  
15 Let me then circle back now and ask you a couple follow-up  
16 questions. When you were in Dunkin Donuts listening to your  
17 police scanner --

18 A. Right.

19 Q. -- were you hopping between channels or between  
20 stations?

21 A. The scanner listens to -- and you can program it  
22 any way you want to. When I'm sitting in Downtown Hartford,  
23 I tend to listen to all of the Hartford city frequencies. I  
24 program -- I didn't want to listen to events like the music  
25 theater. I don't want to listen to public works. I program

1 those out of it. And I pay attention to Hartford dispatch,  
2 fire, and police. You will catch some EMS in there too, but  
3 very little EMS. I don't listen to what the ambulance is  
4 saying to the hospital through CMED North Central enroute to  
5 the hospital. All I want is know is, there is an 82,  
6 serious injury, 83, gun, person down, Code 1, Code 2, Code  
7 3.

8 Q. Okay. So, when you were -- for the Park Street  
9 incident when you were sitting at Dunkin Donuts --

10 A. Right.

11 Q. -- and you heard the communication over the  
12 dispatch, that prompted you to go to the Park Street  
13 incident?

14 A. Right.

15 Q. Do you know whether the person speaking was a  
16 dispatcher or whether that was an officer?

17 A. I want to say it was a dispatcher.

18 Q. All right. And as best you can recall, what was  
19 the content of the dispatch that you heard?

20 A. I want to say -- and you know something, here's  
21 what I knew. A man had been shot, was laying on the  
22 sidewalk, Park and Hungerford.

23 Q. That is the content that you heard prior to  
24 arriving?

25 A. I can't tell you today in 2016 exactly what was

1 said. And I will go this far, that person could have been  
2 sitting on the sidewalk for six hours. I heard person shot,  
3 sidewalk, Park and Hungerford. And it may have even been  
4 shot in the head. Okay? May have even been deceased. I  
5 don't -- I can't remember exactly what was said. If we go  
6 back in time and I backtrack from the first -- what is it  
7 8:34 or something like that, 8:28, you know, and I go back  
8 in time and listen to a police radio broadcast, it would  
9 probably refresh my memory, and that's what I'm trying to  
10 say in this entire thing about the -- when you asked me  
11 about in between the clips --

12 Q. Uh-huh?

13 A. -- what do I remember, there are going to be  
14 things that are going to jog my memory as to exactly what  
15 happened. For example, if I'm sitting in on a deposition,  
16 it could jog my memory. If I'm listening to testimony in  
17 court, it could jog my memory. If I listen to a 911 audio  
18 recording using police department times around the times  
19 that -- the three, four minutes before I got there, it will  
20 jog my memory. I am hesitant to say exactly what I heard  
21 and how I heard it at this point in time.

22 Q. Okay. And I'm only asking for your best  
23 recollection, sir. But you do understand that we're going  
24 to trial, and the purpose of being here today is to get as  
25 best as we can your recollection of what happened. Correct?

1 A. Correct.

2 Q. So, understanding that there's memory faults, but  
3 your best recollection is at the time that you went to  
4 proceed to the Park Street incident, you knew that there had  
5 been a shooting; that it was at the corner of Park and  
6 Hungerford Streets, and that it was on a sidewalk. Correct?

7 A. If I give you my best recollection, it will be  
8 this, very simple. I was going to a deceased person shot,  
9 Park and Hungerford.

10 Q. Okay. Did you continue -- as you were driving  
11 towards the scene, did you continue to listen to the  
12 scanner?

13 A. Yes.

14 Q. Is the scanner stationary in your car --

15 A. Yes.

16 Q. -- or can you bring it with you?

17 A. It's stationary in the car.

18 Q. So, once you left the car, you were no longer  
19 listening to the scanner --

20 A. That's correct.

21 Q. -- correct? All right. So, we have just viewed  
22 clips one, two, and three. Is it fair to say that clips  
23 one, two, and three were all taken from approximately the  
24 same location on Park Street?

25 A. I would have moved a couple of feet, but yeah,



1 roughly the general --

2 Q. The same area, but within a 10-foot radius, give  
3 or take?

4 A. Yeah. I would venture to say that.

5 Q. Let me move onto clip number four. I'm going to  
6 allow you to view it, and then I'll ask you some questions  
7 about it. (Playing video). Okay. Clip four appears to be  
8 that you were changing location. Correct?

9 A. Correct. I was going over to the north side of  
10 Park Street at the northwest corner of Park and Hungerford  
11 outside the second established perimeter.

12 Q. Okay. So, by that point in time, additional  
13 police tape had been put up. Is that correct?

14 A. That's correct.

15 Q. Could you mark for me on this -- on Exhibit 12,  
16 approximately where the new police tape had been put?

17 A. Right there.

18 Q. Okay. Can you label that with a Number 3?

19 A. (Witness drawing).

20 Q. All right. So, that would be police tape  
21 extending across Park Street north and south on the east  
22 side of Hungerford. Correct?

23 A. No.

24 Q. I'm sorry. I'm backwards. Go ahead and explain  
25 to me where that was?

1           A.     Okay.  They had moved the closed-off area west, to  
2     the west side of Hungerford Street, between the northwest  
3     corner of Hungerford and Park in a southerly direction,  
4     perpendicular to Park Street, to the south side of Park  
5     Street, and they had extended it north closing off  
6     Hungerford Street to the corner of the structure where the  
7     corner store bodega was --

8           Q.     Okay.

9           A.     -- as seen in the video.

10          Q.     And I'm going to move on to clip five, and I'm  
11     going to let you watch that, and I'm going to ask you a few  
12     questions about it.

13          A.     Yep.

14          Q.     Okay.  (Playing video).

15          A.     That's the body.

16          Q.     Okay.  So, clip five you were standing -- well,  
17     tell me where you were standing in clip five?

18          A.     I was standing outside of the closed-off area on  
19     the northwest corner of Park and Hungerford, probably  
20     standing on the sidewalk on the west side of Hungerford  
21     Street looking eastbound on Park Street past the first line  
22     that was established, shooting from outside the second line  
23     that was established.

24          Q.     All right.  And as you see in this video at this  
25     clip, there is police tape extending from the building in a

1 north/south direction across Park Street. Is that correct?

2 A. That's correct. It appears to me that the  
3 east/west tape closing off Hungerford Street goes past the  
4 fire hydrant to a trash barrel, and then goes south across  
5 Park Street to the fenced-in area around the garage where I  
6 was first standing. The tape running from left to right is  
7 the first perimeter that was established. And the tape we  
8 see on the left running parallel to Park Street is part of  
9 the second perimeter that was established.

10 Q. All right. And that other -- the second perimeter  
11 that you were referring to also had tape running north and  
12 south that is not visible in this clip. Correct?

13 A. Right. It would be -- it would be at the bottom  
14 of the video clip down near the ground. It would have been  
15 in front of me. I would have been shooting over it.

16 Q. And you were shooting towards the direction of  
17 where the dead body was on the sidewalk?

18 A. I had a clear shot at the dead body from outside  
19 the tape in the second sustained perimeter.

20 Q. Okay. And we can see in this clip five there  
21 are -- I'm going to run it again and let you look at it.  
22 (Playing video).

23 A. Okay. Pause.

24 Q. So, there are police officers present. Is that  
25 correct?

1           A.     That is Sergeant Sean Spell, I believe, in the  
2 white. There is a gray person, who is the John Doe. There  
3 is a police officer. The person with the strap going across  
4 his chest is fire, and I believe these two people are EMS.

5           Q.     All right. And in this clip --

6           A.     And another patrolman, I believe.

7           Q.     In this clip there are --

8           A.     One, two, three, four, five, six, seven, eight --  
9 it looks like there may be nine people.

10          Q.     All right. So, what you have identified is -- you  
11 believe in this clip to be Sergeant Sean Spell, who is a  
12 defendant in this case, multiple uniformed police officers,  
13 a person whom you believe to be fire, and then EMS are  
14 present. Correct?

15          A.     Right. I don't know who that person is.

16          Q.     Right. There's a person holding what appears to  
17 be a flashlight?

18          A.     Right. He could be fire. I don't know.

19          Q.     All right. And this clip zooms in from where  
20 you're standing. Were you --

21          A.     That's correct.

22          Q.     -- attempting to zoom in on the paramedics working  
23 on the body?

24          A.     I would say yes.

25          Q.     All right. I'm going to move on to clip number

1 six.

2 A. Please do.

3 Q. I'm going to play the whole clip for you, then I'm  
4 going to ask you some questions about it.

5 A. Yep.

6 Q. (Playing video). I'm going to play it for you one  
7 more time.

8 A. All right.

9 Q. (Playing video). Okay. So, can we agree that  
10 clip number six is also less than ten seconds long?

11 A. I'm going to agree that they are probably all less  
12 than ten seconds long. There could be some a little bit  
13 longer, but primarily, they're going to be between 10 and 20  
14 seconds.

15 Q. And were you also -- for clip number six that we  
16 just watched, were you standing in that same position on  
17 the --

18 A. I was standing outside of the second taped-off  
19 area, somewhere around Hungerford Street, where I could look  
20 up the sidewalk at what was transpiring inside of the  
21 taped-off area.

22 Q. And at that point, for clip number six, had any  
23 other media arrived, to your knowledge?

24 A. Could you play that tape again? I need to look at  
25 the tape on the other side --

1 Q. Sure.

2 A. -- east of the body.

3 Q. Sure.

4 A. I don't know if any of those civilians over there  
5 are media or not. I can't answer that question, the people  
6 that were allowed to stand right near there looking at the  
7 dead body.

8 Q. Okay. All right. From your side of the tape, at  
9 least as far as you were able to see, you were the only  
10 media representative who was there at that point in time  
11 within your scope of knowledge? I mean, you can't  
12 speculate.

13 A. I know that Channel 3, who I initially saw  
14 chit-chatting up at Dunkin Donuts, arrived at the scene. I  
15 don't believe I have them on camera. I know that they  
16 were -- I want to say down at either the third cordoned-off  
17 area or the fourth -- down the next block, fourth  
18 cordoned-off area, and didn't get up to where I was.

19 Q. Okay.

20 A. So, I don't know if they're on-scene, if they're  
21 up where I am or not up where I am. I wasn't paying  
22 attention to what was off to my right or what was in back of  
23 me. I was paying attention to what was in front of me, how  
24 many civilians were in front of me, how many people were in  
25 between me and the tape, how many people were in between me

1 and the dead body. That's what I was paying attention to  
2 because I saw a problem coming.

3 Q. So, we watched through clip six. So, backing up.  
4 Clip three had some interaction between you and the officer  
5 whom we believed to be Officer Barone. And then the  
6 subsequent clips do not capture any conversation between you  
7 and any Hartford police officers. Correct?

8 A. Absolutely. I was doing exactly what they asked  
9 me to do.

10 Q. Okay. Did you have any conversations with any  
11 Hartford police officers during that period of time that is  
12 not captured on those clips?

13 A. I don't believe I did.

14 Q. Okay.

15 A. I wasn't there to talk to them.

16 Q. Okay. I am going to move on to clip number seven.

17 A. Yep.

18 Q. I am going to allow you to watch it in full --

19 A. Yep.

20 Q. -- and then I am going to ask you some questions.

21 (Playing video). Okay. That was clip number seven?

22 A. Can we just do something for a minute that may  
23 help us out here? If you right click on this bar right  
24 here -- I think that's it -- or right click on where it says  
25 "size," does it have length in there? Usually, it will have

1 size -- it will actually tell you the time that -- the  
2 length of it, and you won't have to keep asking me. well, I  
3 guess we are going to have to do it. I think it has the  
4 actual length -- there it is, "length." Hit "length."  
5 Let's see if that helps us out here.

6 Q. Oh, thank you very much. Okay. So, clip seven is  
7 approximately, it looks like, 20 seconds. Would you agree  
8 with that, according to this?

9 A. I'm going to say that I went beyond my norm.  
10 There was a reason for my going beyond my norm.

11 Q. But according to this, it was approximately 20  
12 seconds. You would agree with that?

13 A. I'm not going to argue with hours, minutes,  
14 seconds. It doesn't do frames. Okay? I'm going to go with  
15 the billion dollar Bill Gates technology and say that's 20  
16 seconds.

17 Q. Okay. And this is clip number seven. You were  
18 still standing on that same location at the corner of Park  
19 and Hungerford in the east corner?

20 A. I believe now I can say that I was standing to the  
21 north of the parallel tape -- I may have moved --

22 Q. Okay.

23 A. -- from west of the perpendicular Park Street tape  
24 to north of the parallel tape because I wanted to videotape  
25 what I believe are four or five civilians who were permitted



1 to view the body, view the scene. And realizing that I have  
2 no greater right than the general public to access an  
3 incident, I have the exact same right as the public to  
4 access an incident. And I was documenting in preparation of  
5 moving forward to join the public to videotape. So, that's  
6 why this is probably 20 seconds long.

7 Q. Okay. So, your purpose in shooting clip seven was  
8 to show that there are members of the public in a general  
9 vicinity of the corner of Park and Hungerford?

10 A. I was being cautious. Based on 40 years of  
11 experience, I was being cautious in trying to document what  
12 was occurring prior to my approaching the scene and having  
13 someone notice my camera again.

14 Q. Okay. And I'm just going to play the clip for you  
15 one more time here.

16 A. Yep.

17 Q. (Playing video). So, in that clip, you can see a  
18 police officer asking those bystanders questions as to  
19 whether or not they saw anything. Is that correct?

20 A. I see a police officer talking to people. He  
21 could have been asking them about popsicles. I don't know.

22 Q. Were you trying to capture the audio of that  
23 information?

24 A. Not at all.

25 Q. And that officer is the same one previously who

1 had asked you to move. Correct? Do you believe that to be  
2 correct?

3 A. The officer, John Doe 1, doesn't have his hat on.  
4 Then all of a sudden there's an officer that looks like John  
5 Doe 1 that has his hat on. And I'm not too good, unless I  
6 see quality pictures, but I would think that was John Doe 1  
7 believed to be Officer Barone.

8 Q. At any point up to this -- well, let me ask you.  
9 At any point during any of this incident, did that officer,  
10 who we believed to be Officer Barone, ask you whether or not  
11 you what had seen anything, ask you as a witness any  
12 questions?

13 A. Not at all.

14 Q. And I should just make sure I get this on the  
15 record. You were not a witness to this incident firsthand.  
16 Correct?

17 A. No.

18 Q. You were in the Dunkin Donuts parking lot?

19 A. I was sipping coffee and probably talking on the  
20 phone or something.

21 Q. I'm going to move on to clip number eight.  
22 According to the software here, it appears to be a  
23 one-second clip. Is that correct?

24 A. Let's see how long it is.

25 Q. We're going to view it. (Playing video).

1 A. Yeah, that could be a one-second clip.

2 Q. Would you agree that's approximately a one-second  
3 clip?

4 A. That would be a one-second clip. If you freeze  
5 it, I can probably tell you what I didn't want to shoot.

6 Q. Hold on.

7 A. Pause. Okay.

8 Q. Where are you standing at that point?

9 A. Again, north of the parallel tape that ran between  
10 the northeast corner and northwest corner of the  
11 intersection of Park and Hungerford.

12 Q. All right. I'm going to move on to clip number  
13 nine, which, according to the software here, is  
14 approximately seven seconds. I'm going to ask you to watch  
15 it, and I'm going to ask you if you agree with that.  
16 (Playing video). Would you agree that's approximately seven  
17 seconds?

18 A. Yeah. That's about seven seconds.

19 Q. And that video clip appears to indicate that you  
20 were moving. You would agree with that?

21 A. Play it again.

22 Q. Sure. (Playing video).

23 A. I'm going to say no. I was going to say stepping,  
24 but not intentionally moving to a new location, just  
25 probably standing, but it's probably a lot of hand motion of

1 the camera.

2 Q. You could have taken a few steps?

3 A. I could have taken a couple of steps.

4 Q. Okay. Were you intending to capture anything in  
5 particular in this camera clip?

6 A. I can't recall, and I hate saying that because  
7 usually that's the Government's Fifth Amendment. I don't  
8 recall. I can tell you this, I did capture something in  
9 that video, whether it was intentional or unintentional, I  
10 don't know. But again, I captured the number of people that  
11 entitled me under Branzburg v. Hayes to approach and stand  
12 amongst them and videotape.

13 Q. So, there's members of the public present there?

14 A. Right.

15 Q. And if I show this at the beginning there, various  
16 members of the public are congregating near the corner of  
17 that store. Correct?

18 A. Right. Now, I had --

19 Q. And -- and --

20 A. Go ahead.

21 Q. -- and a police officer is standing there talking  
22 to them?

23 A. Right.

24 Q. All right. I'm going to move on to the next clip.  
25 So, looking at -- we're going to go to clip 10.

1 A. Yes.

2 Q. I'm going to let you view the whole clip, and then  
3 we are going to -- I am going to ask you --

4 A. All seven seconds.

5 Q. -- some questions. According to the time stamp,  
6 it appears to be seven seconds.

7 A. I'm going to trust Bill Gates.

8 Q. Okay. So, this is clip 10. (Playing video).

9 A. I am going to send this transcript to Bill Gates.  
10 One, two, three, four, five, six, seven, eight, nine, ten,  
11 eleven.

12 Q. Okay. So, that clip 10, were you then now  
13 standing on the -- in the street or on the corner by --  
14 well, where you were you standing for clip 10?

15 A. I was standing north of the parallel second tape  
16 that stretched across the apron of Hungerford Street from  
17 the northeast corner of Park and Hungerford to the northwest  
18 corner of Park and Hungerford. I may have been up on the  
19 sidewalk and not standing down on the closed-off area of  
20 Hungerford. I may have stepped up onto the sidewalk for the  
21 purposes of documenting, for Branzburg v. Hayes purposes,  
22 the number of people that were allowed to stand along the  
23 tape and view what was going on inside the crime scene.

24 Q. Okay. And I am going to move on to clip number  
25 11. Again, according to you, the software here, it appears

1 to be an eight-second clip --

2 A. Yes.

3 Q. -- correct? I'm going to let you view clip number  
4 11, and then I will ask you some questions. (Playing  
5 video). Okay. So, clip number 11, would you agree that's  
6 approximately eight seconds?

7 A. Yes. I'm going to correct my previous, about  
8 seven -- are we on eight now?

9 Q. We are on 11 now?

10 A. I'm going to correct about 10. It appears when  
11 the camera swung down and I saw the curb line, I am still  
12 standing in Hungerford Street, not up on the sidewalk. I  
13 had thought I had moved up onto the sidewalk. But looking  
14 at that video and the camera swung down, I'm still sitting  
15 where I was standing.

16 Q. So --

17 A. It's the lens factor that's making the difference,  
18 not the camera position.

19 Q. Okay. For clip -- so, for clips number nine  
20 through 11, I believe we have discussed that you were  
21 attempting to document the crowd and that there were other  
22 members of the public who were standing outside of the  
23 cordoned-off police tape. Correct? Each of those clips is  
24 approximately seven to eight seconds long. Is that correct?

25 A. That's correct.

1 Q. Why did you not just allow the camera to run? Why  
2 did you separate it into seven or eight second clips?

3 A. There's something that is in videography that is  
4 called shoot to edit. You try to have as little slop as  
5 possible. If you're going to give it to a TV station or an  
6 attorney and you're going to email it, you want as small a  
7 file as possible, not a big file, because then you have to  
8 put it into something and chop it up and render it to a new  
9 format to get it out of the clip that it's in. Okay? I  
10 trust the fact that if it's seven seconds long and there's  
11 30 frames per second, that I have enough still photographs  
12 to document what I need to. I can go in and grab one frame  
13 as if I had a still camera to prove my point. And if you  
14 really want an explanation, Attorney Harris, it goes like  
15 this, from the first clip when I turned my camera on, and I  
16 heard Sergeant Spell say, "The camera, move him back," I  
17 knew that there was going to be a situation. I purposely  
18 complied with every instruction that was given to me. But  
19 realizing that I was going to step forward and join the  
20 public with a camera, I began to document for a totally  
21 different purpose than news.

22 Q. So, you began to document for the purposes of --

23 A. Addressing, addressing the exclusion of cameras or  
24 the public on the excuse of -- to get rid of cameras. I was  
25 going to document it, and I was going to address it and I

1 began to gather the facts to present to a court about what  
2 was happening.

3 Q. Okay. So, from the minute you heard Sergeant  
4 Spell, you were gearing up for a lawsuit?

5 A. Every time I get out of my car, Attorney Harris, I  
6 am by myself. I don't have Channel 3, Channel 8, Channel 30  
7 or Channel 61 or their legal teams behind me. I'm alone. I  
8 am by myself. I am often approached. I am often threatened  
9 with arrest. I have been arrested. Okay? I prepare, every  
10 time I get out of my vehicle, to document on video as much  
11 as possible so that if anything happens, I have the facts.

12 Q. So, Mr. Peruta, I just want to make sure I clarify  
13 for the record. You say you have been arrested. You were  
14 not actually arrested during this Park Street incident.  
15 Correct?

16 A. Oh, no. I was not arrested.

17 Q. I just want to make sure that's clear for the  
18 transcript. You have been arrested in the past --

19 A. Right.

20 Q. -- in relation to news gathering?

21 A. Oh, yeah.

22 Q. Have you been arrested in the past by any of the  
23 defendants in this case in relation to news gathering?

24 A. No.

25 Q. All right. I'm going to move on to clip 12.



1 Okay. So, this clip 12, would you agree that's  
2 approximately 12 seconds long?

3 A. Yes.

4 Q. In clip 12, where are you standing for clip 12?

5 A. I'm going to guess that I'm either at the curb, at  
6 the northeast curb of Hungerford and Park more into the  
7 apron of Hungerford Street or sitting on -- standing on the  
8 sidewalk outside the yellow tape established as the second  
9 crime scene perimeter with other members of the public.

10 Q. Okay. And when you say, "the second crime  
11 perimeter," we're referring to what we marked on Exhibit 12  
12 as number three. Is that correct?

13 A. That's correct.

14 Q. And your camera was focused inside, to the inside,  
15 the crime scene. Correct?

16 A. Absolutely.

17 Q. Towards the dead body. Correct? Is that what you  
18 were intending to capture?

19 A. My camera was focused in the same direction as  
20 everybody's eyes were focused. That was the -- the person  
21 laying on the sidewalk, the deceased person laying on the  
22 sidewalk, was the focus of everybody who was standing there  
23 focused down.

24 Q. I'm not asking about everybody else, sir, because  
25 you're the one bringing the lawsuit. So, what specifically

1 were you trying to capture as a newsperson or as a member of  
2 the public that you wanted to capture in clip 12?

3 A. Public safety activity.

4 Q. Okay. What specific public safety activity?

5 A. Well, I caught what I expected.

6 Q. Well, you were facing towards the dead body.

7 Correct?

8 A. I was facing towards the dead body.

9 Q. And the paramedics are still on-scene working in  
10 that clip. Correct?

11 A. Could you play the clip again, please?

12 Q. Sure. (Playing video).

13 A. Okay.

14 Q. So, here in this clip, would you agree that there  
15 are still people we believe to be paramedics on the left  
16 side?

17 A. I believe those are the EMS. I'm unsure there's a  
18 difference between an EMS and a paramedic. I am unsure  
19 whether they are EMTs or paramedics, but I'm pretty sure  
20 they are EMS personnel there.

21 Q. There is also present in this clip uniformed  
22 Hartford police officers. Correct?

23 A. Uniformed and un-uniformed, I believe.

24 Q. And here on the right in white is Sergeant Spell.  
25 Is that correct?

1 A. Is that the person who points at me?

2 Q. Well, I'm going to let you -- you don't get to ask  
3 the questions.

4 A. Pause when I ask you to. Pause. Yes. I believe  
5 that is Sergeant Spell pointing at me and my camera, and  
6 that is -- yeah, I think that's Sergeant Spell --

7 Q. Okay.

8 A. -- pointing at me.

9 Q. Let me back up for a minute. Have you, prior to  
10 September 12, 2014, before this incident, had you ever met  
11 Sergeant Spell before?

12 A. No, not that I'm aware of. Not that I was aware  
13 of.

14 Q. All right. Have you ever met Deputy Chief Foley  
15 prior to --

16 A. Yes.

17 Q. -- September 12, 2014?

18 A. Yes.

19 Q. When was the first time that you meet Deputy Chief  
20 Foley?

21 A. After the arrest of Hartford Fire Lieutenant  
22 Michael Patterson.

23 Q. And was your interaction with Deputy Chief Foley  
24 in relation to his capacity as the media representative for  
25 Hartford?

1 A. Yes.

2 Q. Are you --

3 A. But I believe he was a lieutenant at the time.

4 Q. But he was acting as a media representative?

5 A. He still is the media representative. He is a  
6 deputy chief, but he is the PIO.

7 Q. Right.

8 A. At the time I first contacted -- had contact, I  
9 didn't know who the lieutenant was. I had reason to ask him  
10 a question as the media. I asked him the question as the  
11 media. I got the answer when he was a lieutenant from him  
12 as PIO, and I was happy with it.

13 Q. And when you say "PIO," you mean public  
14 information officer?

15 A. Public information officer.

16 Q. All right. At this point -- so, we are on clip  
17 number 12. Up to clip number 12, had you had any other  
18 verbal interaction with a Hartford police officer other than  
19 what we saw in the earlier clips with Officer Barone telling  
20 you to move?

21 A. Oh, what an open question that is. I've been  
22 around for 67 years. I started interacting with Hartford  
23 police officers --

24 Q. Mr. Peruta, let me clarify my question. All  
25 right. We're focusing on a span of minutes here.

1 A. Then let me --

2 Q. So, from clip three, roughly, when you had  
3 interaction with Officer Barone and he asked you to move  
4 from your position by the wrought iron fence up until clip  
5 one where -- I'm sorry, clip 12 that we just viewed, had you  
6 had any other conversation with Hartford police officers  
7 that was not captured on these videos?

8 A. I don't believe so. I believe that the only  
9 contact I had with a Hartford police officer at the scene  
10 between clip -- from my arrival through clip 12 was John Doe  
11 Number 1. If, in fact, that is Officer Barone, that's the  
12 person who I had contact with. I had contact with no one  
13 else.

14 Q. Okay. I'm going to move on to clip number 13.  
15 And again, I'm going to ask you to watch it and then ask you  
16 some questions. The first question is going to be -- well,  
17 the computer shows this is a five-second clip, whether or  
18 not you agree that's a five-second clip. (Playing video).

19 A. That's a five-second clip. I'll live with a  
20 five-second clip.

21 Q. And at the end of that five-second clip, you  
22 stopped recording. Correct?

23 A. That's correct.

24 Q. So, you would have intentionally hit stop there.  
25 Right?

1 A. That's correct.

2 Q. And in that clip is where you can see Sergeant  
3 Spell and others directing you to move. Correct?

4 A. Right. You can see and hear Sergeant Sean Spell  
5 directing, I guess, me or the officers or both of us or all  
6 of us in taking control and doing whatever he's doing.

7 Q. Okay. You did not continue recording the  
8 additional interaction?

9 A. No.

10 Q. You stopped that. Okay. Looking at clip --  
11 looking at clip 14, I am going to, again, show it to you.  
12 This time signature seems to indicate it's a three-second  
13 clip, and I'm going to ask you whether you agree it's a  
14 three-second clip. (Playing video).

15 A. That's a three-second clip. I'll live with that.

16 Q. All right. So, for this clip number 14, where  
17 were you standing at when clip number 14 is taken?

18 A. That's a stop sign. This has to be one way. I  
19 was, I believe, standing outside of the second crime scene  
20 perimeter along the parallel tape that is being taken down,  
21 that is stretched from the northeast corner of Hungerford to  
22 the northwest corner of Hungerford and Park.

23 Q. Okay. And in this clip number 14, as you can see,  
24 the officers are moving the -- or taking down that crime  
25 scene tape. Correct?

1 A. Right.

2 Q. And those officers are asking you to move or  
3 you're going to be arrested, correct, warning you that if  
4 you don't move, you're going to be arrested?

5 A. I believe I am being told to move or I would be  
6 arrested.

7 Q. All right. At this point, your camera is faced at  
8 the police officers. The other members of the public who  
9 were previously on the corner are no longer there in the  
10 video on the corner of Hungerford and Park. Correct?

11 A. That's correct.

12 Q. Had those other members of the public moved  
13 pursuant to the officer's instructions?

14 A. I don't know.

15 Q. Well, you were there. Right?

16 A. I was there.

17 Q. Okay. Did you see where the other members of the  
18 public moved?

19 A. I don't recall.

20 Q. All right. And again, at the end of this clip  
21 number 14, you hit stop at the end of that clip?

22 A. I did, I did.

23 Q. Clip number 15, I'm going to -- the computer shows  
24 this as being 21 seconds long.

25 A. Yep.

1 Q. I'm going to ask you to watch it and ask you  
2 whether you agree it's 21 seconds long. (Playing video).  
3 Okay. So at this point, could you agree that's  
4 approximately 21 seconds long?

5 A. I'm going to agree it's 20 seconds long. It is  
6 what it is.

7 Q. For clip number 15, where were you standing?

8 A. Outside of the taped-off area, the newly  
9 established, what I believe, may be the third taped-off area  
10 on the northwest corner of Hungerford and Park.

11 Q. Okay. So, at this point, is there more tape that  
12 just hasn't -- that is not visible in that video clip, to  
13 your recollection?

14 A. I don't know, but I think there may be some other  
15 tape that will verify this. I don't recall. All I know is  
16 that the first tape was there when I got there, and then  
17 they established and expanded their crime scene to the  
18 second tape after they saw a camera, and then they saw the  
19 camera and they extended it the third time to expand the  
20 scene.

21 Q. Okay. So, looking at -- I am looking at clip 15.

22 A. Right.

23 Q. At that point, you appear to have moved?

24 A. I moved west.

25 Q. You moved west?



1 A. I moved west.

2 Q. Along Park Street?

3 A. I think initially I may have been standing up on  
4 the curb.

5 Q. Near the fire hydrant?

6 A. Near the curb, on the east curb of Hungerford  
7 Street. And because they were moving, I had moved as  
8 requested down Park Street in a westerly direction as  
9 instructed and stood there.

10 Q. Okay. I'm going to move on to the next clip. I  
11 am -- so, again, at the end of 15, you would have hit stop  
12 at the end of 15. Correct?

13 A. That's correct.

14 Q. So, I am going to show exhibit -- clip number 16.  
15 I am going to ask you the same question. The computer  
16 indicates that it's 28 seconds. I'm going to ask you  
17 whether you agree that's approximately 28 seconds.

18 A. If it's 28 seconds, there's got to be something  
19 good on it.

20 Q. (Playing video). Would you agree that's  
21 approximately 28 seconds long?

22 A. Absolutely.

23 Q. Okay. And a good portion of that video is pointed  
24 down at the street. Correct?

25 A. That is, I am using it as a recorder to record the

1 audio of what is transpiring. This is now beyond the first  
2 line, beyond the second line, beyond the third line. Now  
3 they want me to go down the block or around the corner in  
4 the direction that the shooter ran.

5 Q. All right.

6 A. And on this --

7 Q. Stop, stop. You were not present for the  
8 shooting, correct, at the shooting of this victim?

9 A. No.

10 Q. You weren't there. Right?

11 A. No.

12 Q. You didn't observe where the shooter went.  
13 Correct?

14 A. No.

15 Q. So, let's stick with what you actually observed.  
16 You were being pushed in what direction down what street  
17 there?

18 A. North on Hungerford.

19 Q. So, you were moving north on Hungerford?

20 A. He was directing the officers to move people north  
21 on Hungerford.

22 Q. Who is the "he" directing.

23 A. Sergeant Sean Spell.

24 Q. Okay.

25 A. Let's play it again.

1 Q. So, you're saying Sergeant Spell was directing  
2 people to go north on Hungerford?

3 A. Yes.

4 Q. Where were you being directed to go?

5 A. North on Hungerford.

6 Q. Did you go north on Hungerford?

7 A. No, I did not.

8 Q. Where did you go?

9 A. I went west on Park Street.

10 Q. Okay. Back towards the direction of where your  
11 car was?

12 A. Back towards Broad Street.

13 Q. Broad Street, okay. Now, sir, I'm going to play  
14 this clip again for you, and I want you to focus on what is  
15 being said at the beginning.

16 A. Yep.

17 Q. (Playing video). Okay. So, he is pointing behind  
18 you. The gentleman who says, "Next block over." Correct?

19 A. He's saying, "Next block down on Park Street."

20 Q. Right. So, that the gentleman in the white shirt  
21 there --

22 A. I believe he wanted us to go all of the way down  
23 to Broad Street.

24 Q. Okay. So, he is pushing you back on Park Street  
25 in the direction of Broad Street?

1           A.     Well, Park Street has a pitch to it, and it  
2 pitches down towards Broad Street. He uses the word "down,"  
3 and he said "next block down."

4           Q.     Right. And he's pointing behind you towards Park  
5 Street. Correct?

6           A.     He's pointing towards Park Street, that's correct.

7           Q.     And some of what is being said to you in the  
8 beginning of that clip is difficult to hear because there is  
9 various engines in the foreground there. Correct?

10          A.     That's correct.

11          Q.     Let me continue for a second. (Playing video).  
12 Okay. There is a voice that says, "I told the cameraman  
13 five times."

14          A.     That's Sergeant Sean Spell.

15          Q.     Sergeant Spell says that?

16          A.     That's correct.

17          Q.     Would you agree --

18          A.     That's correct.

19          Q.     -- that you had, prior to that statement, been  
20 told at least five times to move your location?

21          A.     Yes.

22          Q.     Okay. And you had not done so --

23          A.     Correct.

24          Q.     -- you were still in the area? During that --  
25 prior to the point where Sergeant Spell says, "I told the

1 cameraman five times," had you had conversations with any of  
2 the officers who were present here as to the issue of you  
3 being instructed to move?

4 A. I'm going to say yes. What clip are we on right  
5 now?

6 Q. We are on clip 16.

7 A. Somewhere prior to clip 16, I began to get angry.  
8 I realized that my rights under Branzburg v. Hayes were  
9 being violated. I realized that I was being threatened with  
10 arrest for being outside of an area, and that because of my  
11 camera, the area was moved not once, not twice, three times,  
12 and now I am being told to go down to the next block because  
13 the cameraman has been told five times, one more time and he  
14 goes to jail.

15 Q. Okay. So, you had been told five times at  
16 least --

17 A. At least five times.

18 Q. -- to move, and you did not do so?

19 A. I did.

20 Q. You did eventually?

21 A. I did. I did every time I was told, I went to  
22 where I was told. I went to outside the new taped-off area  
23 every time I was told.

24 Q. Okay. So, in this video, sir, you're being told  
25 to move, and you're displeased with being told to move.

1 Would that be correct?

2 A. That's correct.

3 Q. Okay. What I want to focus on was there a  
4 conversation that occurred at some point between you and  
5 Sergeant Spell before he says, "I have told the cameraman  
6 five times to move"?

7 A. Absolutely.

8 Q. Did you speak to him before?

9 A. No. I never uttered one word to him. I never  
10 approached him. I never uttered a word to him. I said  
11 nothing to him.

12 Q. All right. Did you have a conversation with --  
13 and I am talking up to the point where we were at in clip  
14 number 16, before that. Did you have a conversation with  
15 any of those other officers, other than Sergeant Spell --

16 A. I believe.

17 Q. Let me finish the question, so -- it's for the  
18 court reporter. Right?

19 A. Yep.

20 Q. I know it seems painfully slow, but it's important  
21 that we kind of hash this out. All right? Up to this point  
22 where we are in clip number 16 up to the point where  
23 Sergeant Spell says, "I have told the cameraman five times,"  
24 words to that effect, had you had a conversation with any  
25 other Hartford police officers wherein you were told to move

1 and you had a verbal exchange with those officers?

2 A. Play this clip again.

3 Q. Sure. (Playing video). Let me put it back to the  
4 beginning for you. (Playing video).

5 A. Stop. It's okay. I believe the answer is yes. I  
6 believe that before I began to record this clip, there was  
7 interaction between myself and possibly John Doe 1 or John  
8 Doe 2 or the sergeant. There was a conversation taking  
9 place that when I saw how the conversation was going, I hit  
10 record to document it.

11 Q. Okay.

12 A. So, I believe that the threat of arrest had taken  
13 place off video before this recorded statement, you know,  
14 five times, one more time he goes to jail, and I wanted that  
15 recorded. I didn't expect to hear him say, "I've told him  
16 five times. One more time, he goes to jail." What I had  
17 heard him, I believe, was saying to the people, you know,  
18 da, da, da, you know, go to jail, taken to jail. There were  
19 conversations taking place. I was identifying myself. I'm  
20 Ed Peruta. I'm American News. I'm outside the tape. I  
21 don't have to move. I'm standing with the public. There  
22 was conversations taking place very, very fast-paced, very  
23 -- you know, saying, look, you know, I'm not doing anything  
24 wrong.

25 Q. And you did not record those conversations?

1           A.    I did not record those conversations.  And when I  
2 saw it starting to go south, I hit record.

3           Q.    Okay.  All right.  I am going to move on to clip  
4 number 17.  I am going to, again, ask you the same  
5 questions.  This appears to be actually a four-minute and  
6 nine-second clip.  All right.  I'm going to ask you if that  
7 appears to be correct?

8           A.    After this, I'm having a cigarette.

9           Q.    Okay.  (Playing video).

10          A.    Four minutes is a lifetime.

11          Q.    Okay.  Would you agree that's approximately four  
12 minutes and nine seconds?

13          A.    Absolutely.

14          Q.    Okay.  And so that clip begins -- I think we had  
15 identified previously at, it looks like, 8:34 p.m.?  Is that  
16 correct.

17          A.    That must be.  Whatever it says.  We can figure it  
18 out.

19          Q.    Okay.  So, that clip involves you -- well, you  
20 being instructed to move down the block.  Correct?

21          A.    Right.

22          Q.    Okay.  And during the beginning part of this clip,  
23 you hear the words at approximately four seconds in, "No.  
24 You're not going to film a dead body."  Correct?

25          A.    That's not the first time I heard it.



1 Q. Well, let me back up. So, between clip number 16  
2 and the beginning of clip number 17 -- so, clip number 16  
3 started around 8:29, give or take?

4 A. Gave or take.

5 Q. So, there's about three or four minutes between?

6 A. Yeah, three or four minutes of something going on.

7 Q. There's three or four minutes between clip 16 and  
8 clip 17. Correct?

9 A. Correct.

10 Q. Tell me about what you remember in those three or  
11 four minutes between clip 16 and clip 17?

12 A. Sergeant Sean Spell appeared to be upset that his  
13 attempts to prevent the videotaping of the scene were not  
14 successful and wanted to push the line all of the way down  
15 to the end of the block and was making statements about, you  
16 know, the camera will not film a dead body. And having  
17 heard that, I hit record.

18 Q. Okay. When Sergeant Spell was making those  
19 comments, was he speaking directly to you?

20 A. No. He was speaking -- he was speaking to the  
21 John Does.

22 Q. Okay. At any point in that approximately three to  
23 four minutes between clip -- and I'm not starting on clip  
24 17 -- between clip 16 and clip 17, did you have any  
25 conversation directly with Sergeant Spell?

1 A. I did not.

2 Q. During that approximately --

3 A. I have not -- the only time I ever spoke to  
4 Sergeant Sean Spell was on Kelsey Street on August 7th,  
5 2015.

6 Q. We're going get to that. And I know it seems like  
7 a tedious way to go through this, but I need to make sure  
8 it's very clear for the transcript.

9 A. I want it to be as clear as a bell.

10 Q. So, between clip -- in that three- to four-minute  
11 time period between clips 16 and 17, did you have any direct  
12 conversation with any other Hartford police officers?

13 A. Yes.

14 Q. Do you know the identity of that police officer?

15 A. No, I did not.

16 Q. Can you describe for me what that officer looked  
17 like?

18 A. He was a lieutenant.

19 Q. So, you had a conversation with a lieutenant?

20 A. Correct.

21 Q. What?

22 A. Name unknown.

23 Q. Male, female?

24 A. Male.

25 Q. How tall?

1 A. My height.

2 Q. Which is what?

3 A. Six, 6'2". I believe he arrived on the scene and  
4 I started to talk to him about what was going on here. And  
5 I believe that at some point in time he informed me that  
6 deputy chief or -- at the time lieutenant, maybe he was a  
7 deputy chief -- Foley was going to -- I think he was a  
8 deputy chief then. Deputy Chief Foley was going to be  
9 arriving at the scene or he was enroute or something, and,  
10 you know, the lieutenant did nothing.

11 Q. Okay.

12 A. The conversation that you hear taking place where  
13 I am explaining to him Branzburg v. Hayes, okay, is with the  
14 lieutenant.

15 Q. Okay. So, you started having a conversation with  
16 the lieutenant at some point between the time when clip 16  
17 ends and clip 17 begins. Correct? Is that correct?

18 A. Just start 17. Is 17 the one where, "You're not  
19 going to film a dead body"?

20 Q. I'm going to show it to you. (Playing video).

21 A. Okay. Stop right there. It's in that clip that I  
22 begin the conversation with the lieutenant.

23 Q. Okay. And we see that later on there is a  
24 gentleman wearing a white shirt that you appear to be having  
25 a conversation with. Correct?

1 A. Right now, I don't know.

2 Q. Okay. Let me forward it. So, in around a minute  
3 or so into this clip, you have an extended conversation with  
4 somebody. Correct?

5 A. A lieutenant is walking -- I can see the bars on  
6 his shoulder, on his collar. I know he is a lieutenant.  
7 So, I said, okay, I'm going to talk to the lieutenant,  
8 figuring the lieutenant is going to be the boss of the job,  
9 not realizing Deputy Chief Foley was going to be there.

10 Q. Okay. So, you approached the lieutenant to have a  
11 conversation with the lieutenant?

12 A. The lieutenant was walking up to the scene, and I  
13 guess I approached him, yeah.

14 Q. And you initiated a conversation with the  
15 lieutenant to dispute your --

16 A. Address --

17 Q. -- moving back?

18 A. -- the demeanor of Sergeant Spell, exactly what  
19 Sergeant Spell was doing, and how wrong what he was -- how  
20 wrong it was, what he was doing.

21 Q. Okay. And some of that conversation is captured  
22 in this video clip. Correct?

23 A. Some of that conversation is captured in this  
24 video.

25 Q. Some?

1           A.    It's poor audio quality, but some of it is  
2 captured.

3           Q.    All right.  And the lieutenant -- would you agree  
4 with me that the lieutenant basically indicated to you that  
5 he agreed with Sergeant Spell, that you could be excluded  
6 from the crime scene because the crime scene was being  
7 expanded?

8           A.    I don't remember hearing that.  Is that in there?

9           Q.    Let me replay it for you.

10          A.    Do it.

11          Q.    (Playing video).

12          A.    Is that what you're talking about?

13          Q.    So, he said, "We have the full authority" --

14          A.    Full authority.

15          Q.    -- "to exclude people," and then the fire truck  
16 comes in.  Correct?

17          A.    Right.

18          Q.    So, in that conversation, did he explain to you  
19 what he believed to be the Hartford Police Department's  
20 authority to exclude people from the crime scene?

21          A.    That crime scene?

22          Q.    I'm asking you what your conversation was here,  
23 sir.  So, there is a conversation that is happening while a  
24 fire truck is passing.  What was the content of that  
25 conversation?

1           A.     The conversation was that under Branzburg v.  
2 Hayes, I had the right to stand where the public was  
3 standing.

4           Q.     What did the lieutenant say to you? He's trying  
5 to explain something to you from his perspective. What did  
6 he say to you?

7           A.     From his perspective, he had just arrived on the  
8 scene. The conversation, is that what you're talking about?

9           Q.     Right. So, he is saying the police have full  
10 authority to exclude. What came after those words?

11          A.     They do not have full authority to exclude.

12          Q.     No, no, no. Sir, answer my question. Stop. You  
13 are here to answer questions. I want to know, as a matter  
14 of fact, not your constitutional opinion, I want to know as  
15 a matter of actual fact, the lieutenant says they have the  
16 authority to exclude, and then it becomes difficult to hear  
17 because of the passing of a fire engine. What continued to  
18 be said after the words they have the authority to exclude.  
19 What did that lieutenant say?

20          A.     I don't remember what he said, but I'm going to  
21 agree with you. He said -- and he is correct -- that the  
22 police department has the right to exclude the public, the  
23 media, or anybody they want out of a crime scene. That is a  
24 fact.

25          Q.     Okay.

1 A. No question about that.

2 Q. And that's what he was trying to explain to you,  
3 and you dispute that you were being validly excluded from a  
4 crime scene. Correct?

5 A. I was explaining to him -- it probably didn't  
6 catch it. You cannot put a yellow tape on I91 and I95 in  
7 New Haven because there's a body on Park Street in Hartford  
8 and exclude everybody from being on I91 between New Haven  
9 and Hartford.

10 Q. Okay. Well, there wasn't any crime scene on I91.  
11 Right? The crime scene tape was on Park Street in Hartford.  
12 Correct?

13 A. That's correct.

14 Q. All right. So, the crime scene excluded -- let me  
15 fast forward in this. Once you were moved down the block,  
16 you proceeded down Park Street, correct, towards Broad  
17 Street?

18 A. I did.

19 Q. Okay. And where did the crime scene tape  
20 ultimately end up in the farthest reaches from the body?

21 A. I have no idea.

22 Q. Okay. So, when you proceeded along Park Street,  
23 back towards Broad Street, where did you go?

24 A. Say that again.

25 Q. So, we just watched clip 17 where orders are being

1 issued --

2 A. Right.

3 Q. -- to move people down the block on Park Street.

4 Correct?

5 A. Right.

6 Q. And you did proceed down the block on Park

7 Street --

8 A. Right.

9 Q. -- back in the direction of Broad Street?

10 A. That's correct.

11 Q. All right. Where did you go? Where did you  
12 ultimately stop walking and moving?

13 A. In the middle of Park Street between Hungerford  
14 and Broad to speak to Deputy Chief Foley.

15 Q. Okay. And is that captured in some of the clips?

16 A. No.

17 Q. All right. So, in the block between Hungerford  
18 and Broad, you stopped on Park Street at some point?

19 A. Deputy Chief Foley was walking east on Park Street  
20 in the middle of the road. I don't know whether he had  
21 stopped at a convenience store and bought a hot dog or  
22 something. I don't know what it was, coffee, whatever. He  
23 was walking. We met. We had a conversation. We exchanged  
24 words. He said to me, quote, Ed, you know the drill. File  
25 a complaint, unquote.



1 Q. Okay. We're going to get to that.

2 A. I said, Okay, Chief. No problem.

3 Q. So, up to this point on clip 17 where you're  
4 talking to the unidentified lieutenant, you don't know  
5 who --

6 A. Correct.

7 Q. -- that is?

8 A. Don't know who it is.

9 Q. All right. Up until that point where you're  
10 talking to the unknown lieutenant, approximately where were  
11 you standing when that conversation occurred?

12 A. Just west of the intersection of Hungerford and  
13 Park.

14 Q. Okay.

15 A. Not -- not -- very close to Hungerford, but down  
16 the road a little bit, in the middle of the road. I was  
17 walking towards Broad Street, saw the lieutenant, stopped  
18 and talked to him.

19 Q. Okay. At that point in time, up to the point in  
20 time where you stopped to talk to this lieutenant in clip  
21 17, you had not been near your police scanner. Correct?

22 A. I had not.

23 Q. Okay. And you were not listening to the  
24 broadcasts that were going over the police scanner from the  
25 time that you exited your car up until this point. Correct?

1 A. I wasn't listening to a police scanner.

2 Q. Okay. Were you listening to the conversations  
3 among the police officers as to what their investigation  
4 was, what they were doing?

5 A. When you are at a scene --

6 Q. Yes or no, sir. Had you been listening to what  
7 their conversation was?

8 A. I heard bits and pieces of what was radio traffic.

9 Q. And if we go back to -- that's not the one I  
10 wanted. Okay. All right. I am looking at clip 12.

11 A. Yep.

12 Q. At this point, you were standing with the camera  
13 pointed towards the end of the dead body when there is  
14 police and medical personnel present. Correct?

15 A. Right.

16 Q. Were you listening to the conversations that were  
17 occurring among the police officers in clip 12?

18 A. What kind of conversations?

19 Q. Well, they are standing there. They're milling  
20 around. Were you able to hear them, what they were saying  
21 to each other?

22 A. No.

23 Q. Were you able to hear any of the things that  
24 anybody may have said to Sergeant Spell, the other officers?

25 A. No.

1 Q. Were you able to hear anything that may have been  
2 coming in over their radio equipment in clip 12?

3 A. That's possible.

4 Q. Okay. Do you remember what you heard?

5 A. No.

6 Q. Okay. Looking at clip 13 -- (Playing video).

7 Okay. At that point, had you heard any of the conversations  
8 that were happening between the officers and Sergeant Spell?

9 A. Yes.

10 MS. BAIRD: I am going to interrupt. How much --  
11 I was kind of waiting until we got through this first  
12 phase of the clips to take a break, but he needs lunch,  
13 and it looks like we are not going to get through the  
14 first phase of clips for a while. So, we might as well  
15 take lunch.

16 MS. HARRIS: Okay. If you want to do that, we can  
17 take a lunch break. Yeah, it is getting late. We will  
18 do that.

19 MS. BAIRD: It's a little warm into here too.

20 MS. FEOLA-GUERRIERI: My issue is I have to leave  
21 by three. So, if we are going to be taking a break --

22 THE WITNESS: Why don't you do this --

23 MS. HARRIS: Let's go off the record.

24

25 (Off record conference)

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MS. HARRIS: Back on the record. We have agreed to suspend the deposition and come back on the 15th. I will put on the record that I'm going to keep all of the original exhibits, and I'll scan them and send them to other counsel. I think that's it.

(Deposition suspended at 2:42 p.m.)

## C E R T I F I C A T E

1  
2  
3 I, Christine E. Borrelli, a Notary Public and  
4 Licensed Court Reporter for the State of Connecticut, do  
5 hereby certify that the deposition of EDWARD PERUTA, was  
6 taken before me pursuant to the Federal Rules of Civil  
7 Procedure at the Law Offices of Crumbie Law Group, LLC, 100  
8 Pearl Street, Hartford, Connecticut, commencing at 10:10  
9 a.m. on Wednesday, September 7, 2016.

10 I further certify that the witness was first sworn  
11 by me to tell the truth, the whole truth, and nothing but  
12 the truth, and was examined by counsel, and his testimony  
13 was stenographically reported by me and subsequently  
14 transcribed as herein before appears.

15 I further certify that I am not related to the  
16 parties hereto or their counsel, and that I am not in any  
17 way interested in the events of said cause.

18 Witness my hand this 13th day of September, 2016.  
19  
20  
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22 \_\_\_\_\_  
23 Christine E. Borrelli  
24 Notary Public  
25 CT License No. 117

My Commission Expires:

June 30, 2021

CERTIFICATE OF DEPONENT

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I, EDWARD PERUTA, have read the foregoing transcript of the testimony given at the deposition on Wednesday, September 7, 2016, and it is true and accurate to the best of my knowledge and/or with the changes as noted in the attached errata sheet.

\_\_\_\_\_  
Edward Peruta

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

My Commission Expires:

NO: 3:15-CV-011209  
AMERICAN NEWS & INFORMATION SERVICES, INC., ET AL v. JAMES  
C. ROVELLA, ET AL  
EDWARD PERUTA (AM) SEPTEMBER 7, 2016

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