

I N D E X

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The following is an Excerpt of the testimony of SERGEANT JOSEPH SARAO:

EXAMINATION

BY MR. MATEO:

Q. And what was your rank --

A. Sergeant.

Q. -- at the time? You were sergeant.

A. Yes.

Q. Okay. Can you describe the Greenville area for us, the members of the jury?

A. It's basically a poverty-stricken, very mixed area, a lot of crime, a lot of violent crime, a lot of drugs. That's basically it.

Q. How long have you worked in that area for?

A. Six years.

Q. And were you working that day? Were you on duty on January 10th of 2010?

A. Yes.

Q. Okay. And did you respond to a police-involved shooting on that day?

A. Yes, I did.

Q. Okay. Could you take us through that? What time of day did you respond to that shooting?

A. Approximately 20, 30 hours. 8:30 on, 8:30 p.m.

Q. 8:30 p.m. And what was the day like? What

was the weather like?

A. The weather was clear. Clear -- your typical winter weather. You know, I think it was around 40 degrees or so.

Q. Was there snow on the floor?

A. Not that I recall.

Q. Okay. How did you -- how were you informed that there was a police-involved shooting?

A. Through radio dispatch.

Q. And what did you do after hearing the radio dispatch?

A. Well, once I heard the location, and what happened, I was at the Jersey City Police South District, it's located at 191 Bergen Avenue, right next the Snyder. I ran out of the precinct. I went in for a personal break, to use the bathroom. And then heard the call over the radio, I ran out, ran out of the precinct, and proceeded to the call, which is about four to five blocks away from the precinct.

Q. So, 199 Bergen Avenue is where the --

A. Oh, 191. I'm sorry.

Q. 191.

A. Yes.

Q. Is where the precinct is located?

A. Yes.

Q. And where the police shooting was involved is about four to five blocks away?

A. Yeah. Dwight and Bergen. Well --

Q. Between Dwight and Bergen?

A. It's Dwight Street between Bergen and Martin Luther King Drive.

Q. How long did that take you, approximately?

A. Approximately 30 seconds.

Q. 30 seconds --

A. With lights and sirens.

Q. After you heard --

A. The call.

Q. -- the light.

A. Yes.

Q. Now, that -- the area was at 229 Dwight Street. Do you recall?

A. The exact address, no. I just remember the area where the incident took place. It was all vacant lots. It was, like, three or four vacant lots in a row. So, I guess the closest address would have been 229.

Q. Okay. Now, that Dwight Street, you said it's Dwight Street between Bergen and MLK. Correct?

A. Yes.

Q. Is that area known for having CC TVs?

A. Yes. There's two, I believe, right

near -- in the area. One at Bergen and Dwight Street. The other one at Martin Luther King Drive and Dwight Street.

Q. Okay. On the opposite end of each corner?

A. I think the one on Bergen is on the -- let me just give you the right directions. The south -- southeast corner on Bergen and Dwight. The one on Martin Luther King Drive would be -- I think it's also the south -- it might be the southwest or southeast corner. It's right near the 140 MLK Drive, the Bethoon Cookman (ph) Center.

Q. Okay. Now, I mentioned CC TV. Could you describe what CC TV is, to your knowledge.

A. It's short -- again, it's an acronym for closed circuit television. And, you know, they monitor the, the area for crime or any kind of violations. They notify the police if they see anything that needs to be further investigated, basically.

Q. Could you describe to members of the jury exactly, how do the cameras, how do they operate? Do they stand still, such as this camera above, or do they go around in circles, 360 degrees?

A. The few times I've been in the actual room and what I seen on the street, you've probably seen them if you're from the area, they're -- they're different from these. They're round. They're like a, you know, a round

bulb or strobe, you know, it's round like that, and it's constantly circling.

Q. Automatically?

A. Automatically, from what I understand. They constantly circle. And then they also have two civilian employees there that will be able to control it manually, if you want to, with a, like, with a joystick type of thing. They can, if they see something of interest, they can stop it and look at that area, or they can control it themselves as they rotate around. That's basically it.

Q. Now, you mentioned that the dispatch mentioned a police-involved shooting on Dwight and Bergen. Correct?

A. Yes.

Q. And did you respond to the scene?

A. Yes.

Q. You said it took 30 seconds for you to respond to the scene.

A. Yes.

Q. And what happened once you got to the scene?

A. I got to the scene. I turned the corner, and I saw -- it's about four houses off the corner, maybe five. I saw Sergeant McVicker (ph) standing near his truck with a person laying on the ground.

Q. Okay. Now --

A. I immediately got out of my car.

Q. You got out of your vehicle, and you see Sergeant McVicker, and there's a person on the ground.

A. Yes.

Q. The person on the ground. Do you see that person in this courtroom today?

A. Yes.

Q. Can you point and describe what he's wearing for the record.

A. The gentleman with the white shirt and tie.

MR. MATEO: Your Honor, I'd like the record to reflect that Sergeant Sarao is pointing to the defendant.

THE COURT: Did you point to the defendant?

THE WITNESS: Yes, your Honor.

THE COURT: Yes. Let the record reflect he's identified Kwadir Felton.

Q. Now, what did you see once you arrived at the scene? Give us a description.

A. I parked the -- parked the car maybe a car length up from him. I got out of the car. I immediately went over there. You know, my hand on my weapon to see what was going on. He's standing there. The gentleman who was laying on the ground near the front of his own parked car, which was a red truck, I believe. And then I asked him what happened.

Q. Okay. And how did Sergeant McVicker appear to you? What was his demeanor like at that point?

A. He was jittery, nervous. He appeared to be in a slight case of shock. He was upset.

Q. Did he vomit?

MS. BARNETT: Objection, Judge. Leading.

Q. What do you --

THE COURT: Rephrase the question.

Q. -- mean by being upset or jittery?

THE WITNESS: I'm sorry, your Honor?

THE COURT: I asked counsel to rephrase his question --

THE WITNESS: I'm sorry.

THE COURT: -- and he did.

A. He was just -- obviously, he was breathing heavy. He was -- he looked very pale, and he was sweating. And he just, obviously, appeared very nervous and upset, like something, you know, would happen, and that's how a normal person would react.

Q. And the defendant was on the floor?

A. Yes.

Q. And how did the defendant appear to be?

A. He was bleeding from the head, from a gunshot wound from the temple. Blood was leading from his forehead onto the ground into the street, between the curb and the

car. And he was twitching about, slightly.

Q. So, he was moving?

A. Yes. Not a lot, but somewhat.

Q. Now, let me show you what's already been submitted into evidence. I'll say it's Exhibit 65.

Do you recognize that photograph?

A. Yes.

Q. Can we -- okay.

Now, could you describe what the photograph is? What are we looking at here?

A. You're looking -- let me just make sure I'm giving you the right directions.

This is Dwight Street. The red truck is, I believe, Sergeant McVicker's truck.

Q. Uh-huh.

A. The dirt you see is those vacant lots I mentioned before, earlier.

Q. And that's this, right over here?

A. Yes. Anywhere you see that dirt, that's vacant lot. And if you -- that slight space between the cars and the dirt is where the sidewalk is.

Q. Okay. So --

A. Yeah.

Q. -- that's the sidewalk. Right over there?

A. Yes, yes.

Q. And this is the vacant lot?

A. Yes, yes. That person, whoever took the photos, is obviously in the lot looking at the cars from the lot into the street.

Q. Let me ask you a question, Sergeant. Are you familiar with this street?

A. Dwight Street, yes.

Q. Okay. These -- it appears to be lighting. This light and this one over here. Is that normally present on Dwight Street?

A. You're referring to the stand up lights that are assembled?

Q. Correct.

A. No.

Q. All right. The lights on Dwight Street, they're on the other side of the street. Correct?

A. Yes. Yes.

Q. And those are the lampposts, the only lampposts on Dwight Street are located on the opposite side of the street.

A. Yes. It's --

Q. Is it -- is it fair to say that most of the light is actually on this side of the street and not on this side?

A. It is fair to say.

Q. All right. Now, when you arrived to the scene, you saw the defendant was laying on the ground. What else was laying on the ground?

A. There was some broken glass, blood, and a weapon.

Q. Okay. Let me show you what's already been marked into evidence as State's Exhibit 68. Sergeant, are you familiar with that photograph?

A. I mean, I am now. It's the first time I've seen this photograph.

Q. Uh-huh. But can you tell this photograph of this truck, do you recognize it?

A. Yes.

Q. Just from the photograph?

A. Yes.

Q. And what are these called?

A. They're crime scene markers.

Q. Okay. And what are they -- what are they used for?

A. Anything the Detective or the BCI Unit where I am now, they'll come and mark things that they want to take photos of, and they diagram a crime scene.

Q. Okay. Now, you mentioned that there was a weapon. What color was the handgun that you saw?

A. Black.

Q. Is that No. 3?

A. Yes.

Q. Okay. And where was that weapon in correlation to the defendant?

A. It was next to his -- his left head. The left side of his head.

Q. Okay. Now, let me show you what's been marked as State's Exhibit 100. That weapon, does it look familiar to you?

A. Yes.

Q. And what do you recognize that weapon to be?

A. The gun that was at the scene at the night of the incident.

Q. Okay. Now, seeing that the defendant was on the floor, he, obviously, had a gunshot wound to the head. Did you or anyone else call for medical personnel?

A. Yes, I did.

Q. Okay. To your knowledge, did Sergeant McVicker call for medical personnel?

A. I believe he mentioned it in the original broadcast over the radio when I first went there that, please send an ambulance. But I can't -- I don't know 100 percent, but I believe I heard --

Q. But you call them yourself.

A. Double checked it, yes.

Q. Okay. Now, when you got to the scene and you saw this weapon right next to the defendant, what did you do at that point?

A. I asked Sergeant McVicker what happened.

Q. Uh-huh.

A. He stated that I had to shoot the guy because he came up and pulled a gun on me.

Q. Okay. And what happened next?

A. I immediately put my foot on the weapon that was near his head and asked officers to pat down the defendant to make sure that he was no longer a threat. I also --

Q. You put --

A. I'm sorry.

Q. You put your foot on this gun?

A. Yes.

Q. Okay. Continue. I'm sorry.

A. And I'll explain why I did.

The foot -- the gun was right near his head. He was still twitching, and I wasn't sure if he was still a threat, so I, with my foot, dragged it away from him at least three or four feet.

Q. Okay. And I'm sorry because I cut you off.

A. That's all right.

Q. So, continue. So, you put your foot on the

weapon --

A. On the weapon.

Q. -- and you dragged it a little bit --

A. Yes.

Q. -- to get it away.

MS. BARNETT: Judge, I would instruct that they are not a testify a little bit, he said three or four feet. So, let the witness do it.

THE COURT: Just rephrase your question.

MR. MATEO: Fair enough.

THE COURT: Let the testimony come from the witness.

Q. You mentioned three to four feet. Why did you drag the weapon with your feet for three to four feet, with your foot?

A. With my foot, I dragged it on the ground three to four feet away from the defendant, in order to make sure he was no longer a threat to -- in order to grab that weapon to use it against anybody.

Q. Because, at that point, to your knowledge, the defendant was still alive?

A. Yes.

Q. What about Sergeant McVicker's weapon?

A. He had it on him. I'm not sure if he had it out or it was holstered at the time I arrived. But he still

had the weapon on him. And then, that's when I -- once everything was getting under control, I secured his weapon myself.

Q. You took Sergeant McVicker's weapon?

A. Yes.

Q. And what was the purpose of taking Sergeant McVicker's weapon?

A. It's generally policy to take a weapon and -- for any unaccounted bullets and shells. You know, he said he shot one time, Sergeant McVicker. You take the gun for ballistics and operability tests, usually. That's the main reason.

Q. So, it's a -- is that policy?

A. Generally, yes.

Q. Like, department procedure?

A. Yes. Internal Affairs usually does that. But since they weren't at the scene at that time, the ranking officer, which would be me, Sergeant, would do that.

Q. You mentioned briefly, before I cut you off, that you directed for the defendant to be patted down.

A. Yes.

Q. Why was the defendant patted down?

A. Okay. Based on the statement of the officer at the scene, and what I personally saw, a gun next to his head, we wanted to make sure he had only -- no other weapons

on him to -- it's common sense and common policy to pat down someone that's possibly hostile.

Q. I'm going to show you what's been already premarked for identification as State 63 and State 69. Do you recognize these photographs?

A. Yes.

Q. Okay. And could you describe State's 63?

A. 63 is Dwight Street looking from west to east.

Q. And State's Exhibit 69.

A. That's the red Toyota truck belonging to Sergeant McVicker with the windshield shattered.

MR. MATEO: All right. At this time, I'd like to move State's 63 and 69 into evidence.

MS. BARNETT: Sure. Yes, Judge, no objection.

THE COURT: Okay. State's Exhibit 63 is admitted in evidence. And State's Exhibit 69 is admitted into evidence.

(Exhibit 63 and Exhibit 69 in evidence.)

MR. MATEO: Thank you, Judge.

THE COURT: Yes.

Q. Now --

MS. BARNETT: Judge, I would -- are you asking the witness questions in regards to those

photographs?

MR. MATEO: Sure. That's why I'm --

MS. BARNETT: Okay. I didn't know.

Q. With regards to -- if we could -- may publish State's 63.

Detective, if you can, and only if you can, where is this picture taken from?

A. That would be Dwight Street, facing down the street. That's a one-way street. You can see where all the cars are parked in one direction. And it would be from -- again, I got to get my bearings with the directions, I'm sorry. It would be the west side -- west facing east, going east.

Q. Is east MLK?

A. Yes. MLK would be down the block.

Q. Oh. So, this side would be Bergen?

A. Yes, yes.

Q. And this right here, this truck, what do you recognize this truck to be?

A. Sergeant McVicker's red truck.

Q. Okay. By the time you'd arrived to the scene, was the -- I believe that looks like a fire department. Am I right about that? Or an ambulance?

A. The one all the way down?

Q. This one, right over here.

A. Yeah, that's a fire truck. Some sort of special unit. I don't know -- it must have responded for an ambulance. Usually, ambulances respond.

Q. I see.

A. It is a fire truck. I don't know what it's there.

Q. Was that truck there when you arrived?

A. When I arrived, no. I was just -- it was just me. And then radio cars about ten seconds after me.

Q. Who was there at the time of your arrival?

A. Sergeant McVicker and the defendant.

Q. Any officers?

A. Again, it was just me and then the officers arrived maybe ten seconds after me.

Q. Okay. How many officers arrived to the scene?

A. At least four, originally.

Q. And then, after that, how many officers?

A. It multiplied exponentially.

Q. As time went on?

A. Yes. It was basically an assist officer or there were shots fired, you basically have a city-wide assist. We have a department with 800 officers. A lot of officers are going to show up over time, so.

Q. Now, you mentioned that the defendant was

patted down. Correct?

A. Yes.

Q. If we could publish State's 68.

What's the procedure when you pat down a suspect? What do you do with the (inaudible) inside?

A. Inside the pockets?

Q. Uh-huh.

A. Again, if you're patting down for weapons, you're going to pat the outside. If you feel something that possibly can be a weapon or used as a weapon, you can turn -- go in the pocket or turn the pockets out.

Q. Uh-huh. No. 4, do you recognize what No. 4 is?

A. It's a phone, a cell phone.

Q. And No. 2, do you recognize what No. 2 is?

A. It's a set of keys.

Q. Okay. When you first arrived to the scene, were there keys on the ground?

A. I don't recall keys on the ground.

Q. What about the cell phone, when you arrived to the scene, was there a cell phone on the ground?

A. I don't recall the cell phone.

Q. Do you remember seeing glass on the floor when you arrived to the scene?

A. Yes.

Q. Do you remember seeing that weapon when you arrived to the scene?

A. Yes,

MR. MATEO: I believe State's 69 has been submitted into evidence.

THE COURT: Yes, it has.

MR. MATEO: Okay. May we publish State's 69.

Q. Now, Detective, describe to the members of the jury, what do we see in here?

A. That's the driver's side of the red Tacoma, the Toyota Tacoma truck of Sergeant McVicker with the window -- windshield shattered.

Q. And is this glass on the floor?

A. Yes.

Q. And to your knowledge, you arrived at the scene, you were one of the first ones to arrive at the scene.

A. Yes.

Q. The glass that was shattered on the floor, was that consistent with the glass that was shattered from that driver's side window?

A. Yes.

Q. And is that driver's side window, was it -- did it appear to be tinted, the front windows?

A. Well, since it was shattered, I don't -- I

don't recall.

Q. Were you -- do you recall seeing a passenger front side of that vehicle, the window?

A. I don't recall it. I would -- all my actions were on the driver's side, so I never really went to the passenger's side.

Q. But these windows, the passenger side windows are tinted?

A. You mean the rear windows, yes, yes.

Q. I'm sorry. The rear --

A. Yes.

Q. -- driver's side window is tinted.

A. Yes.

Q. Now, did you direct anyone to take the weapon that was recovered next to the defendant?

A. Well, going on, I had an officer -- once I moved the weapon away from the defendant, I had an officer, I believe it was Police Officer Fornell (ph), Paul Fornell --

MS. BARNETT: What was that name? I'm sorry.

THE WITNESS: The name?

MS. BARNETT: Paul Fornell? Yes.

THE WITNESS: Paul Fornell.

A. I asked him to stand over the weapon, make

sure nobody goes near it, without informing first. Because I didn't want to move it from a possible crime scene, and I wanted to secure it, at the same time.

Q. What do you mean by securing it?

A. I want to keep it at the scene, but it's still possibly is going to be loaded. So, I -- in order for prints and everything, I wanted to make sure the gun's not moved too much. I already dragged, which I'd rather not do, but we had a person I wasn't sure what was going on, if he was still a threat or not. So, that's why I moved it away from him.

Q. Okay. You mentioned you dragged it, which you'd rather not do. What do you mean by that?

A. You know, this, on a firearm, there's a small chance to get prints anyway.

MS. BARNETT: Objection, Judge. I don't believe this witness is an expert in fingerprints, and I don't believe he can state whether or not -- what fingerprints can be obtained, how they can be obtained, and what the likelihood of them being obtained.

MR. MATEO: No problem.

THE COURT: Okay.

Q. Sergeant, where do you currently work?

A. The Bureau of Criminal Investigation.

Q. And what does the Bureau of Criminal

Investigation do?

A. We respond to scenes for fingerprinting and photographing of crime scenes, dusting. Also --

MS. BARNETT: Judge, may we be heard at side bar?

THE COURT: Yes.

(Side bar discussion.)

THE COURT: Okay. Ladies and gentlemen of the jury. I'm going to instruct you to disregard any testimony that you heard about the fingerprints on the weap -- on the weapon. That is not what this witness is brought here to testify about.

Q. Okay. Detective, we'll move on. What the procedure once a weapon is recovered?

A. On the street?

Q. Uh-huh.

A. Again, if it's a safe and secure environment, you want to photograph a gun in place at a scene.

Q. Okay.

A. To prove that it was there.

Q. And do you leave it there?

A. Again, if it's safe and secure to do that, we do that.

Q. Uh-huh.

A. If it's an insecure environment where there's too many people around, have active -- possibly, active combatants who are, you know, someone, an actor wanted in a crime, you would then clear, clear the gun and secure it as best you can.

Q. Okay. Is the weapon submitted into, into evidence at some point?

A. Yes.

Q. Okay. How is it submitted into evidence?

MS. BARNETT: Objection, Judge.

I don't know if this witness has personal knowledge as to how this weapon was or --

THE COURT: I think -- rephrase your question.

MR. MATEO: I will. Thank you, Judge.

THE COURT: Sustained. Rephrase the question.

Q. This weapon was recovered from the scene.

A. Yes.

Q. How was the weapon recovered from the scene?

A. This particular weapon?

Q. Uh-huh.

A. I had Officer Fornell (ph) standing over the weapon until we can get the scene cordoned off, and handled

like a proper crime scene. All my notifications were made to my superior officers, made sure medical was on the way for the victim. And then we cordoned off the area, taped it off. I have every -- all the responding units respond to photograph, process this crime scene, which we treat it as, any shooting, even if it's an officer involved, we treat it as a crime scene.

So, this particular weapon was then -- Officer Fornell was standing over it. I then had an officer, who I do not recall who it was, transport it to the south district, which is located about four to five blocks away. Again, in a bag -- excuse me -- in an evidence bag. And of course, rack the backs safely, as you can do on that kind of weapon to make sure there's no projectile in it and the clip is removed.

Q. Could you show us how that weapon, you've mentioned it would be racked back?

A. You want to physically?

Q. Please.

(Discussion.)

A. Okay. That's what you do. You see, there's nothing in there? This has already been removed, this here. But when we would bring it to a precinct, you put this in there. You put it through the barrel that way, and you just tie -- like, tie it, and you know there's

nothing in there. It's locked back, you know it's a safe weapon. So it can be shown for evidence, or just handled. And you don't have to worry about it discharging. That's basically it.

Q. So you don't submit it to the lab with the magazine inside?

A. I don't believe so, no. I -- if I was doing this weapon, it would be with -- as safe as possible, locked back like this. I could have the magazine in there, in the bag, the bullets, I think, go in a separate bag. But you can definitely have the magazine in the same evidence bag. I don't see a problem with that.

The main concern on this is make sure it's safe. We'll get it processed eventually. We don't want nobody hurt along the way. Officers, technicians, civilians, anybody, so. That's the main thing with that.

And it would be in a bag, a clear plastic bag like this. And you would see. And it would be marked with the paperwork on it. But we didn't do that in this case because I was later informed in the night that the State Police would be handling the investigation, not the Jersey City Police. If the Jersey City Police were handling this, I would be much more accurate in who this was, you know, used for evidence.

Q. So, this was handled by State Police.

A. Once it got to the precinct, we just -- we didn't even log it. We put it in our evidence cabinet, which is locked and secured, and we kept it until the State Police claimed it. Normally, we would process it ourselves. We would, you know, photograph it. We would do all the paperwork on it. Do the actual submitting of the evidence, and log it. That's it.

Q. Thank you.

A. You're welcome.

I'm sorry. Just to lock it back. You see this? That's how you lock it back. This red dot? Well, actually, I'm sorry. On this particular model -- that's on my gun. On this particular model, you would lock this back. You'd pull it back, and just do that.

Q. Now, you mentioned from --

A. Safety first, I'm sorry.

Q. Thank you, Sergeant.

Now, you mentioned your, your weapon.

A. Yes.

Q. It's different from this weapon.

A. It's a little different, yes. It's the same semi-automatic. Mine is, personally, a Glock 19. That, I'm not even sure what the caliber -- I mean, I mean, it's a semi-automatic. I don't know the brand.

Q. Now, Sergeant, your weapon, is that your

duty weapon?

A. My own gun --

Q. Uh-huh.

A. -- is my duty weapon, which I purchased.

Q. You purchased your duty weapon.

A. Yeah. When I came on the job 19 years ago, we had to buy our own vest, bulletproof vest, and weapons.

Q. So, your duty weapon is your personal weapon.

A. Yes.

Q. It's not issued by Jersey City Police.

MS. BARNETT: Objection, Judge. Leading.

THE COURT: Rephrase your question.

Q. Is it issued by Jersey City Police?

A. We get authorized to buy the weapon through the Jersey City Police use.

Q. Now, is it because Jersey City Police does not give you a weapon or is it because you wanted to carry that weapon?

A. The police, again, 19 years ago when I bought my weapon, they made me buy it. I had to put the money out, and I bought it. I did not get reimbursed for that. So, it's my weapon.

Q. Were you able to buy that weapon anywhere?

A. Yeah. As long as, again, I cleared the

firearms, the background check. And of course, Jersey City Police gave its authorization at the time. I'm not sure they do it the same way now. They may supply the weapons now. This is 19 years ago. 1994, when I came on the job, so.

Q. So, they gave you authorization to carry that weapon.

A. Yes.

Q. Now, how long did you work in the south district for?

A. From 2005 to 2011. Six years.

Q. Six years. And during those six years, working in the south district, did you ever go out on surveillance?

A. Yes.

Q. Okay. And have you ever been out on surveillance in those six years in your own personal vehicle?

A. Yes.

Q. Do you like using your own personal vehicle --

MS. BARNETT: Objection, Judge.

Q. -- to go out on surveillance?

MS. BARNETT: Relevance.

MR. MATEO: Oh, it's relevant.

THE COURT: Oh, oh. You're going to tell me how?

(Side bar discussion.)

Q. Okay, Sergeant. I'm going to ask you, again, do you like using your personal vehicle to be out on surveillance?

A. No.

Q. Okay. So, why use your personal vehicle to be out on surveillance?

A. The main reason is to get the job done. The department, like most urban cities, doesn't always have the resources for you to use. You have plain clothes car or undercover cars, they're breaking down constantly. There's always a problem. There's bad guys out there. Crime doesn't stop. If you want to do the right thing, you go out in your own car. I used my own gas, my own, whatever, my own materials, to get the job done. I've done it in the past.

Q. Does Jersey City, do they pay for -- reimburse you for your gas during the time that you're out on surveillance?

A. Absolutely not.

Q. And do they reimburse you for maintenance of your personal vehicle if you're out on surveillance?

A. Absolutely not.

Q. Now, is that like department policy, like, under the regulations, you use your personal vehicle if you're out on surveillance?

A. No.

Q. So, it's -- it's not really within the policy to use your own personal vehicle?

A. No, it's actually frowned upon. I don't know if there's an order anyway, but generally speaking, like, again, if I'm just a regular police officer and I use my car to do a surveillance because I can get close, they know the cars or the car broke down, so you can watch something, a crime take place, they frown upon it because they think you're -- you know, they think you're goofing off in your own car, and you're trying to do the right thing.

Q. The department frowns upon it, you pay for your own gas, you pay for your maintenance of a vehicle, so, why, Detective, I'm asking why, why use the personal vehicle?

MS. BARNETT: Objection, Judge, asked and answered.

MR. MATEO: No --

THE COURT: No, I'm going to overrule that. Please answer his question.

A. Basically -- the best way I can answer it is just to do the right thing. If you want to serve the public

interest, and you want to do the right thing for the public, you make little sacrifices like that. A lot of people don't know about these things, but you know, we take the job, yeah, it's a good job. But you want to do the right thing for the public, for people, that's what you do. You make sacrifices.

When the radio cars break down, or you can't make the gas, the city don't reimburse you for the five or ten dollars you put in Sunoco because you can't make it down there. Or if I bring it to the local tire shop in my district because, you know, the car -- the tire can get fixed and I can't make it to the shop, I'll put the \$20 in. You just do the right thing sometimes. It's human nature. You want to try to do the right thing. Most people want to do that. That's the way I look at it.

Q. Thank you, Sergeant.

MR. MATEO: I have no further questions.

THE COURT: Ms. Barnett.

MS. BARNETT: (Inaudible).

THE COURT: Sure, sure. We'll take a break.

MS. BARNETT: Five minutes, Judge.

THE COURT: Yeah, we'll just take -- we'll take a five-minute break. You can go in there, use the ladies' room -- the ladies' and men's room, I'm sorry, if

you need to use it. Take a five-minute break.

(Discussion.)

CERTIFICATE

I, JANINE CERRETO, a Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the tape-recorded testimony as taken at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

JANINE CERRETO, C.C.R.

C.C.R. License No. XI01752

Notary Public of the

State of New Jersey