

1 Anastasiou, 125-10 Queens Boulevard, suite 302, Kew Gardens,
2 New York.

3 THE COURT: Thank you.

4 In terms of how we are proceeding, as I started to
5 say, we have a video and audio hookup between this courtroom
6 and somewhere in Florida where the witness is presently
7 located. We are doing this on the consent of -- we are
8 proceeding in this manner, rather, on consent of all
9 parties; is that correct, Mr. George?

10 MR. GEORGE: Yes.

11 THE COURT: DA?

12 MR. LEVENTHAL: Yes, your Honor.

13 THE COURT: All right. Anything else you want to
14 put on the record before we commence taking testimony?

15 MR. LEVENTHAL: No, your Honor.

16 MR. GEORGE: That consent is, obviously, just to
17 video.

18 THE COURT: I'm sorry?

19 MR. GEORGE: Consent just to video.

20 THE COURT: Video and audio.

21 MR. GEORGE: Correct, yes.

22 COURT CLERK: Mr. Miata, are you able to hear us?

23 THE WITNESS: Yes.

24 THE COURT: You want to swear the witness.

25 COURT CLERK: Mr. Miata, raise your right hand.

1 room and looking for something. And I just would like --

2 THE COURT: I know he's not looking for his lawyer
3 because his lawyer is sitting right in front of the both of
4 us.

5 MR. GEORGE: At one point, Judge -- I never
6 inquired as to who's in the room with him. I don't know if
7 it's a DA employee. He should really be just focusing
8 straight, Judge.

9 THE COURT: Do you know who's in the room there?

10 MR. LEVENTHAL: Yes, Judge.

11 THE COURT: Tell us who's in the room --

12 MR. LEVENTHAL: Sergeant Steven Brown, from the
13 Queens District Attorney's Office, Detective Al Schwartz,
14 from the dis, Queens District Attorney's Office, and I think
15 Detective Tommy Lockwood, from the Queens District
16 Attorney's Office.

17 THE COURT: Mr. Miata, who's sitting to your left?

18 THE WITNESS: Steve Brown.

19 MR. GEORGE: Judge, once again, I renew my
20 objection. Actually, I don't think they need that many
21 detectives in one room with the witness, Judge.

22 THE COURT: Well, again, that's their call.

23 Mr. Miata, just answer the questions. Look at the
24 camera. You don't need any help from the detective to
25 answer these questions, all right?

1 THE WITNESS: Yes, sir.

2 Q My question to you, Mr. Miata, listen carefully, is:
3 Back in 2006, when you originally testified at the trial, was
4 your testimony at the trial truthful and accurate?

5 A No, sir.

6 Q Your testimony at the trial was not truthful and
7 accurate?

8 MR. GEORGE: Objection, Judge. The question is
9 asked and answered. It's leading at this point.

10 THE COURT: Overruled.

11 Q Do you understand my question, Mr. Miata?

12 A No, not really.

13 Q Okay. I'm not talking about the hearing, I'm talking
14 about your original testimony at the trial 12 years ago, okay?

15 A Yes.

16 Q When you testified 12 years ago in 2006 at the trial,
17 was your testimony truthful at that time?

18 A Yes, your Honor.

19 Q And when you testified, when you received money in
20 connection for your testimony at the hearing, what did you
21 understand the purpose of you being paid the money was for; what
22 did you understand that to be for?

23 A To get John out of jail.

24 Q Now, did you have any conversations with the
25 defendant's brother, Frank Farad Popal?

1 Q Okay. Before you were kind of looking over to your
2 left and looking at someone. Who were you looking at to your
3 left?

4 A My sister.

5 Q Okay. So your sister is in the room, as well?

6 A Yes.

7 Q What's her name?

8 A Cookie. She's not here right now, she just left about
9 a couple of minutes ago. I think she had to go to the ladies
10 room.

11 Q Her name is, Cookie?

12 A Correct.

13 Q What's her last name?

14 A Marchasano. M-A-R-C-H-A-S-A-N-O.

15 Q So we have Sergeant Schwartz, your sister. Anyone else
16 in the room with you?

17 A No, sir.

18 Q How about Detective Brown?

19 A Oh, wait, yeah. I'm sorry, Detective Brown is all the
20 way in the back.

21 Q Okay?

22 A And the other gentleman, okay, came with Detective
23 Brown.

24 Q Okay. Who's the other gentleman?

25 A Detective Lockwood.

1 Q And where are you actually physically? Where are you
2 today?

3 A I'm in a police station in Titusville.

4 Q Okay. So you're testifying from a police station?

5 A Correct.

6 Q But you're not under arrest, right?

7 A No, sir.

8 Q No one has put cuffs on you, right?

9 A No, sir.

10 Q Okay. Are these the same -- are these some of the same
11 detectives that came to see you on February 2, of 2018?

12 A Yes, sir.

13 Q Okay. And are these the same detectives that you wrote
14 a statement out for on February 2, 2018?

15 A Yes, sir. I assume so. I don't know where you go with
16 that. I don't know what you mean by that question.

17 Q Well, you don't need to know where I'm going with this,
18 it's just a simple question.

19 THE COURT: All right, just ask the question,
20 counsel.

21 Q The people in the room, are they the same people --

22 A Yes.

23 Q They are, okay. So, on February 2, 2018, how did those
24 detectives, the DA's investigators, find you?

25 MR. LEVENTHAL: Objection.