

FBT-CR20-0336785-T : SUPERIOR COURT

STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT

v. : AT BRIDGEPORT, CONNECTICUT

NICHOLAS ROBERT HALL : FEBRUARY 11, 2025

TRANSCRIPT OF PROCEEDINGS

EXCERPT
{12:17:57} TO {12:20:13}
{12:48:14} TO {12:54:57}
{2:06:01-END OF DAY}

BEFORE THE HONORABLE PETER MCSHANE, JUDGE
AND JURY

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

Representing the State of Connecticut:

ATTORNEY KELLY DAVIS
ATTORNEY ELENA PALERMO
Office of the States Attorney
300 Corporate Place
Rocky Hill, Connecticut 06067

Representing the Defendant:

ATTORNEY ROBERT BERKE
Law Office of Robert Berke, LLC
640 Clinton Avenue
Bridgeport, Connecticut 06605

Recorded By:
Susan Morse

Transcribed By:
P'Shaunda D. Gibbs-Hopkins
Court Recording Monitor
1061 Main Street
Bridgeport, Connecticut 066

1 THE COURT: All right, we're back on the record;
2 State of Connecticut versus Nicholas Hall. The parties are
3 present. Mr. Hall is present. Thank you. You may be
4 seated, please, sir.

5 If we could -- and I -- I just want to apologize on
6 the record, you know. I've always had judges when I
7 practiced, apologize. I always felt like it meant nothing
8 unless it was on the record, so. I'll apologize to records
9 to -- to the attorneys and all the attorneys, including
10 the one sitting in the back row right now. I apologize for
11 being late. I -- I was part of a three judge panel and it
12 went over a lot longer than I -- I wished and wanted.

13 So we're ready to go now and I'll tell the jury that
14 clearly this delay was on me.

15 Anything before we bring the jury out?

16 ATTORNEY DAVIS: Just briefly.

17 I know we have talked about us having the lab people
18 here this afternoon. I -- I told them to come at two. Just
19 so you're aware, I told them I would text them when I
20 thought they should maybe come. Just we have forensic
21 biology will be here on time, but just the way things are
22 going, I just don't want them to sit around all day.

23 THE COURT: I understand, I understand.

24 Bring out the jury please.

25 (Whereupon the jury panel enters the courtroom.)

26 You can sit, please. I was just happy you're mixing
27 it up. Really mixing it up, well, some of you.

1 Will counsel stipulate to the presence of jurors and
2 alternates -- oh, we need one more, I'm sorry.

3 ATTORNEY DAVIS: Now, the State stipulates.

4 THE COURT: Yes.

5 ATTORNEY BERKE: Defense stipulates.

6 THE COURT: Okay.

7 And thanks for returning my pen yesterday,
8 all right.

9 Ladies and gentlemen, this delay is all on me.
10 You could see we have two other chairs up here. We had a
11 three judge panel that I was part of and, like I said,
12 I -- I look old but I was the young, the -- the newest
13 member of that panel, so I -- I work around their
14 schedule, unfortunately. We -- we just got -- we just
15 finished so now we're going to start.

16 GT, if we could have her come back. She's still
17 under oath and I'll remind her of such.

18 (Whereupon the intervening proceedings were
19 transcribed by another reporter/monitor)

20 (Whereupon the jury panel exits the courtroom.)

21 THE COURT: Ms. GT, if I -- if you could, if you
22 could go with Ms. Nelson out in the hallway please.

23 (Whereupon GT exits the witness stand.)

24 THE COURT: All right, jury's out of the room, so
25 is the witness.

26 You know, I -- I understand if she has a case
27 pending, you're -- you're allowed to get into that.

1 You're allowed to ask questions about it, but how many
2 times she's been to court. This -- this jury has no way
3 of knowing if going to court five times or 12 times over
4 the course of a time period means anything to people
5 within the business. We may suspect it means something,
6 but --

7 ATTORNEY BERKE: Your Honor, the number of times the
8 case has been down and how many times she's been there,
9 anything, in my opinion, and the Court may disagree with
10 me. But any favorable treatment towards a witness that's
11 provided by the government is something that's worthwhile
12 in regard to bias interest. She has a pending case.

13 If she has -- hypothetically, if she had 22 court
14 dates and she physically had to go to court five times, as
15 the Court knows, Attorney Felsen is on my witness list as
16 well, and I'm gonna call her, depending upon the answers
17 that are provided. But it's -- I don't believe it is only
18 limited to an agreement that the State has in regards to
19 the disposition. If other people are obligated to go to
20 court and she has been to court three times for a court
21 date that has had 22 court dates, that's favorable
22 treatment.

23 THE COURT: Counsel.

24 ATTORNEY DAVIS: If I may.

25 THE COURT: Yes.

26 ATTORNEY DAVIS: That's not the case law as far as
27 agreements go. Also, the problem that I have with this

1 whole line of questioning is I think we're creating a
2 trial within a trial.

3 And I also just want to put on the record that
4 Attorney Berke said he would -- when we were going to go
5 down this road, we were going to talk about this outside
6 the presence of the jury. So I didn't bring it up this
7 morning, because I thought we were gonna honor that
8 agreement. So I don't know why all of this is in front of
9 the jury when we said we were gonna talk about these
10 issues outside the presence of the jury.

11 ATTORNEY BERKE: That was in regards to DCF.
12 I promised you I wasn't gonna go into the DCF record or
13 the treatment records unless -- as far as, I thought the
14 Court's ruling, and maybe I'm mistaken. I thought the
15 Court's --

16 THE COURT: No, no, you're not and let me tell you
17 this. I -- I may have misled counsel or misled both of
18 you. Yes, there was an -- there was an agreement, but
19 you've all seen my request to charge, my -- my -- I keep
20 calling it my request; my charge. I have in there GT
21 testifying, and I have credibility of witness, I have
22 the fact that she has a pending case there. So that may
23 have signaled to counsel that -- that I was open to --
24 to -- or was going to allow that evidence and I am going
25 to allow that evidence. And I think I said it before.

26 So I'm -- I'm not -- I'm not upset, I'm not yelling
27 at counsel, certainly for bringing it up outside the

1 presence of the jury or in -- in the presence of the jury
2 this line of questioning. So the fact that it's been
3 asked, it's been asked. We've got to move on from there.

4 And but -- but I get -- I guess my point is,
5 there's -- there's other ways to ask if -- if she's been
6 shown favoritism. Ask her, quite frankly, ask her. She --
7 she doesn't know that. But to say to the jury, well, case
8 has been on 22 times, she's only had to go there five
9 times. I -- I don't think that's a valid argument. You
10 have clients, when -- when you call for continuance say,
11 hey Judge, I've got a continuance, you know, I'm on trial,
12 can -- can the case be continued. You don't have to go to
13 court, your client doesn't have to go to court. I know
14 there's some judges make the client go to court. I --
15 I never did when I was up there at the GA.

16 So I -- I don't think they -- it's an improper
17 inference that just because somebody has a case pending,
18 I -- I'm not quite sure having a case pending for two,
19 three, four years is -- is a favor to someone, or the fact
20 that they -- they've only had to come to court 12 times
21 out of the 32 times it's been on, if that's a favor to the
22 court. It's still hanging over their head, it's still --
23 I -- I think it's tenuous as far as proactiveness goes.

24 ATTORNEY BERKE: So just to avoid this, I -- my next
25 line of inquiry is regard to the potential punishment
26 she faces, and if she's aware of that and what her
27 agreement is with the State.

1 ATTORNEY DAVIS: That's not relevant.

2 THE COURT: Well, it -- it -- doesn't it go to bias,
3 doesn't it go -- if -- if she's got a Class A misdemeanor
4 versus a -- a capital felony case pending if she's
5 testifying to incur favor on her case. You know, you could
6 certainly address that -- that on cross-examination. I --
7 I think counsel is allowed to -- to go in that, if she's
8 aware of what -- what her exposure is on it. I -- I think
9 that -- that comes into play.

10 So -- and -- and I see the face, Attorney Palermo,
11 I -- I get it. You don't agree with my -- my ruling, I
12 understand. But -- but that's my ruling.

13 ATTORNEY BERKE: Your Honor, the -- one of the line
14 of inquiry, once again, I'm just trying to save time and
15 not do this back and forth.

16 THE COURT: No, I get it.

17 ATTORNEY BERKE: I intend to ask her about her
18 eavesdropping arrest. I'm concerned about that inquiry
19 without bringing it to the attention of the Court,
20 the State and her counsel because she has fifth amendment
21 rights and the rules require that I bring that to
22 everyone's attention before I ask that question.

23 THE COURT: Right, but I -- but I think you're
24 allowed to ask her is it -- is it presently pending and is
25 she aware of the -- of the consequences of or -- or,
26 you know, what her exposure is. And that's it, move on.

27 ATTORNEY BERKE: Okay.

1 THE COURT: Okay.

2 ATTORNEY BERKE: So I -- is it fair to say the
3 Court's ruling is that I can't ask her about the details
4 of her eavesdropping arrest?

5 THE COURT: That's -- that's correct.

6 ATTORNEY BERKE: Okay, I just want make sure that the
7 record's --

8 THE COURT: Yes, no she has -- she has fifth
9 amendment rights.

10 ATTORNEY BERKE: I say that for the record and --

11 THE COURT: And her lawyer's right there who would --
12 is ready to jump up right now, so the answer is, no,
13 she -- you cannot, all right.

14 Bring out the --

15 ATTORNEY DAVIS: Want me to get her?

16 THE COURT: Bring in GT please.

17 Yes, please.

18 (Whereupon GT enters the courtroom and resumes the
19 witness stand.)

20 THE COURT: Thank you, GT, if you could, please.

21 And when she's up, if you could bring the jury in
22 please.

23 (Whereupon the jury panel enters the courtroom.)

24 THE COURT: Counsel stipulate to the presence of the
25 jurors and alternates?

26 ATTORNEY DAVIS: Yes, Your Honor.

27 ATTORNEY BERKE: Defense stipulates.

1 THE COURT: All right, you may proceed.

2 (Whereupon the intervening proceedings were
3 transcribed by another reporter/monitor.)

4 (Whereupon the Court reconvened after the luncheon
5 recess.)

6 THE COURT: We are on the record; State of
7 Connecticut versus Nicholas Hall. Parties are present,
8 Mr. Hall is here.

9 The witness is not on the stand but we've -- there
10 are some issues with regards to the outstanding motion
11 in limine, and that's my fault. We've -- we've started
12 discussing some of it now.

13 But I'll ask you, Attorney Berke, it's your motion.
14 You may proceed.

15 ATTORNEY BERKE: So are we referring to the motion in
16 limine regarding the testimony that relates to GT,
17 I think that's --

18 THE COURT: Yes.

19 ATTORNEY BERKE: -- what we're talking about.

20 THE COURT: Yes.

21 ATTORNEY BERKE: So the proffer that I'd ask the
22 Court to consider is allowing me to investigate a line
23 of questioning that deals with the timing of the divorce
24 filing by GT. Within that filing in March of 2020
25 articulates a request at that time for sole physical
26 custody of WTH.

27 Subsequent to that -- that filing, there was a

1 disclosure in May of 2020. During the course of the
2 divorce proceedings, at a period after that, GT testified
3 that the reason why she asked for sole, physical custody
4 of WTH is because her other two girls disclosed
5 inappropriate sexual contact, and that timing is
6 impossible because as the Court now knows, the disclosure
7 occurred in May of 2020, after the divorce filing.
8 I believe it goes to her bias and interest against
9 Mr. Hall.

10 There's another line of questioning that we last
11 left off with regarding eavesdropping. I don't know the
12 Court is aware of this and I apologize for not making it
13 clear as part of the record. The eavesdropping complaint
14 was -- is an allegation where an eavesdropping device was
15 placed in a diaper bag during Mr. Hall's supervised visits
16 with WTH. So when I was -- when I asked the Court whether
17 I can get involved in the -- in the facts, I probably
18 should've made it clear to the Court at that time,
19 that -- that the victim of that case is -- is Mr. Hall.
20 And that eavesdropping occurred after disclosure.

21 TH COURT: Well, is it eavesdropping in a --

22 ATTORNEY BERKE: Yeah.

23 THE COURT: -- in a listening device or is it a
24 tracking device?

25 ATTORNEY BERKE: It's a -- I've been told it's a
26 listening device. I don't have the discovery, but I've
27 been told that that's -- I have the warrant.

1 THE COURT: Is it --

2 ATTORNEY DAVIS: That's our understanding.

3 It's being handled by the Bridgeport GA, so we have
4 never handled it. We have had conversations with
5 Attorney Pam Esposito regarding any promises made to her,
6 which just for the record, there weren't. But it's our
7 understanding that it's a recording device and --

8 THE COURT: Recording device.

9 ATTORNEY DAVIS: And we checked to see if it was
10 seized to no avail. It was not seized to our
11 understanding.

12 Right?

13 ATTORNEY PALERMO: No -- no, it was seized but the
14 question was did it record anything. I've requested this a
15 few times my -- I don't think they ever did, I don't know,
16 an inspection of it. So I don't know if it recorded
17 anything or not, but it is a recording device, so.

18 THE COURT: All right.

19 ATTORNEY BERKE: So -- so the concern I have is that
20 the victim is Mr. Hall, and this happened after this
21 the -- the pendency of this case.

22 THE COURT: You -- here's what I'm going to allow.
23 And I know the State objects to this and the State's
24 objection is on the record. You're going to ask about a
25 pending case, which you've done.

26 ATTORNEY BERKE: Yes.

27 THE COURT: You could ask about the -- the potential

1 penalties, which you've done. You could ask about the --
2 whether she's been given any consideration, which you've
3 done. The last question you could ask is whether or not
4 who the other party in the case was, and we'll leave it at
5 that.

6 Yes.

7 ATTORNEY DAVIS: I just want to let you know that
8 we've spoken to Attorney Felsen and she's prepared to
9 waive her fifth amendment privilege, cause I think now
10 that this is out there, I want to explain to the jury what
11 it's about. So she is going to waive her fifth amendment
12 right.

13 I don't know if you want to do that outside the
14 presence of the jury.

15 ATTORNEY BEKE: That changes things, because I would
16 imagine, maybe I'm -- I'm --

17 THE COURT: Well, it makes -- sounds like the State's
18 going to go in --

19 ATTORNEY DAVIS: Yeah, I want to know why -- I'm
20 gonna ask her why she was recording it, because the door
21 is open now.

22 ATTORNEY BERKE: I would imagine it can -- it would
23 be difficult for the Court to preclude me if they were
24 gonna -- if they're gonna ask details without the --

25 THE COURT: Well, I was precluding you from asking
26 questions about her pending case because of the fifth
27 amendment privilege. Now, I'm on -- now, I'm on notice

1 that -- that it's going to be waived.

2 ATTORNEY BERKE: It's a little bit different.

3 THE COURT: Yes, I guess if -- if that's probing bias
4 interest and with regard to this defendant, this -- this
5 individual, then I'm -- I'm going to allow them to ask
6 those questions.

7 So, I -- I think what triggers it, and look, this is
8 all subject to review, I know, but right now as it stands,
9 the -- I would not allow the State to get into questions
10 with regards to the -- right now the jury knows that she
11 has a case pending for eavesdropping; a potential felony
12 up the street, and in a different court house, handled by
13 different prosecutors, and she's not been offered
14 consideration for it.

15 ATTORNEY DAVIS: If I may. I'm not sure the record's
16 clear as -- I know you said, other prosecution with
17 Bridgeport officer. I know when we voir dired we said we
18 weren't from the Bridgeport office.

19 THE COURT: Yes.

20 ATTORNEY DAVIS: But I don't -- I don't think that's
21 clear.

22 THE COURT: Okay.

23 Well, you could -- I'll -- I will make a -- I'll
24 take judicial notice of the fact that it's being
25 handled -- that the two prosecutors in this case are from
26 a different office than the prosecutors handling the case
27 up the street.

1 ATTORNEY DAVIS: Okay.

2 ATTORNEY BERKE: Your Honor, the one wrinkle with
3 that --

4 THE COURT: Yes.

5 ATTORNEY BERKE: -- is that it was handled for years
6 by the office in this building.

7 THE COURT: So.

8 ATTORNEY DAVIS: It's still --

9 ATTORNEY BERKE: I'm just saying, now it's handled --

10 THE COURT: Yes.

11 ATTORNEY BERKE: -- by - by the Chief State. So I
12 guess in -- in my opinion, an accurate statement would
13 likely be it was handled by the Bridgeport State's
14 Attorney's office at -- if you want to put a timeframe on
15 it, and now is handled by the Chief State's Attorney.

16 ATTORNEY DAVIS: Well --

17 ATTORNEY BERKE: I mean, it's -- it's not accurate to
18 just say it's handled by the Chief's office.

19 THE COURT: I don't think it --

20 ATTORNEY DAVIS: It was handled by a different
21 office.

22 THE COURT: I don't even think it matters what
23 office. The -- the question is whether or not she was
24 given consideration and what she thinks her exposure is.

25 So, no, I'm not going to -- I'm reversing myself
26 now. I'm not going to tell the jury that, I'm just going
27 to leave it.

1 But if you want to go in -- I'm just telling you as
2 a warning. I'm not pointing at you but if -- if you're
3 going to go into who's the alleged victim in that case,
4 they, meaning the State, gets to -- and -- and you could
5 certainly -- well, they would be able to rehabilitate her,
6 so to speak, by asking her about the why -- why she did
7 what she did. And if she's waiving her fifth amendment
8 right, we'll just -- we'll do that outside the presence of
9 the jury.

10 So I -- I guess it's a caveat emptor, so to speak.

11 ATTORNEY BERKE: Obviously, I don't know what that
12 answer's going to be, that she's going to -- her response
13 to -- to that question --

14 THE COURT: I would think it would be a good answer
15 for the State. You know, because they're the ones that
16 proposed it but --

17 ATTORNEY BERKE: Right.

18 THE COURT: Of course, I should never assume.

19 ATTORNEY BERKE: Well, I guess that that's --
20 describes the decision I have to make.

21 THE COURT: Yes.

22 ATTORNEY BERKE: So there are a number of incidents
23 that occurred that are reflected in significant amount
24 of DCF records, and -- and this is something that I -- I
25 told the Court I alluded to. I know that I would not get
26 involved in DCF's conclusions, but there were statements
27 made by GT to a variety of DCF workers, I think a total of

1 five, during the context of the pendency of this case and
2 other issues that she had that I think are relevant and
3 are relevant towards impeachment.

4 Statements regarding the -- the physical treatment
5 of the children, the -- the therapy of the children,
6 the fact that whether the children are suffering trauma,
7 are not suffering trauma, things of that nature. Once
8 again, because it's within the realm of the DCF records,
9 I thought it was important, as I promised, to bring it up
10 before I address it in front of the jury.

11 So it's not my intention to say, you know, the --
12 the DCF investigation itself, but to bring it up in that
13 context. And I don't want to blindside anyone, that's not
14 my intention.

15 THE COURT: Give me a for example.

16 ATTORNEY BERKE: She tells a DCF worker that LT has
17 shown no signs of trauma at -- on various dates.

18 THE COURT: Are you going to ask her, did you tell
19 a -- a third party or an investigating agency that -- that
20 LT showed no signs of physical trauma?

21 ATTORNEY BERKE: I was looking to insulate the name,
22 DCF. I wasn't gonna use DCF.

23 THE COURT: Then -- go ahead.

24 ATTORNEY PALERMO: Well, I -- I guess I'm kind of --
25 I'm a little confused because I remember when we first
26 talked about the State filed a motion in limine regarding
27 precluding DCF records that came kind of subsequent to

1 this. So I'm not sure what -- so this is kind of new --
2 new information to me, that he now wants to get into DCF's
3 investigation on this case --

4 THE COURT: No, I -- I'm sorry.

5 ATTORNEY BERKE: That's not the question.

6 THE COURT: I don't think he is trying to get in -
7 I think what he wants and -- and correct me if I'm wrong.
8 I'll ask the parties. And I'm just -- and I'm just kind of
9 summarizing to move things along.

10 I think what Attorney Berke wants to do is get in
11 her statements to DCF.

12 ATTORNEY PALERMO: Well, so and then the question is,
13 who are you telling this to; DCF. And did they
14 substantiate. I mean, you know, you're bringing DCF into
15 this case and we are taking -- and -- and you have to look
16 at the whole context of what is going on. Well, you know,
17 how -- how long was this afterward, you know. You're --
18 you're just picking a little part of what's in a DCF
19 record and not letting the State kind of -- I'm not -- I
20 think you have to look at the whole context.

21 So if you're going to get DCF, she's telling DCF
22 this. I mean, you can't say -- you can't pretend that
23 she -- who she's saying it to, and I -- I guess that's my
24 question.

25 THE COURT: I don't think anyone is, but do you want
26 him saying, DCF. It -- it's a prior --

27 ATTORNEY PALERMO: No.

1 THE COURT: -- consistent or inconsistent
2 statement --

3 ATTORNEY PALERMO: Well --

4 THE COURT: -- that -- that counsel wants to do. I
5 don't care if she told, you know, the President of the
6 United States.

7 ATTORNEY PALERMO: Okay.

8 So I guess my question is, I'd like to know what
9 he's referring to and where he's -- he's finding this
10 information, because if this is all material he wants
11 to elicit from the DCF investigation on this incident,
12 I'd like to know what he's planning on asking her, because
13 they are part of DCF records. If he's also going into
14 something after this, we filed a motion in limine on that
15 because any prior DCF --

16 THE COURT: Well, we're doing in limine. We're doing
17 it right now.

18 ATTORNEY PALERMO: Okay.

19 THE COURT: So -- so --

20 ATTORNEY PALERMO: Okay.

21 So I would ask that the Court preclude any
22 subsequent issues whereby whether DCF is named or not
23 on July 22nd, 22, GT left four children alone in her house
24 unsupervised. I -- I don't think -- see how that's
25 relevant.

26 THE COURT: Were you going to get into that?

27 ATTORNEY BERKE: No.

1 THE COURT: All right.

2 ATTORNEY PALERMO: On June 4th --

3 THE COURT: I'm granting your -- your motion in
4 limine with regard to that.

5 ATTORNEY PALERMO: Okay.

6 On June 4th, 2023, GT and her girlfriend had a
7 physical altercation in the driveway and LT saw it and
8 recorded it on video and --

9 THE COURT: All right, stop. Stop right there.
10 Are you going to get into that?

11 ATTORNEY BERKE: No.

12 ATTORNEY PALERMO: On July --

13 THE COURT: Granted.

14 ATTORNEY PALERMO: Thank you, Your Honor.

15 On July 28th, 2023 -- excuse me, strike that.

16 THE COURT: Strike.

17 ATTORNEY PALERMO: WT discloses sexual abuse by her
18 father which resulted in a criminal investigation.

19 THE COURT: What -- what date?

20 ATTORNEY PALERMO: July 28th, 2023; three years after
21 this.

22 THE COURT: You're going to get into that?

23 ATTORNEY BERKE: No.

24 THE COURT: I didn't think so.

25 ATTORNEY PALERMO: Okay.

26 THE COURT: Granted.

27 ATTORNEY PALERMO: So those were what -- those were

1 the three things that were brought up.

2 Also any subsequent DCF involvement, I mean, excuse
3 me, prior DCF involvement.

4 THE COURT: That's in your motion?

5 ATTORNEY PALERMO: I think I did --

6 THE COURT: I don't think you did a catch all.
7 You did 7-22, 6-4, 7-28.

8 ATTORNEY PALERMO: I think -- that is correct,
9 Your Honor.

10 I think maybe I -- I -- I brought this to the
11 Court's attention that in --

12 THE COURT: I'm sorry, you do have a January 16,
13 State's motion in limine regarding DCF.

14 ATTORNEY PALERMO: Oh, okay. Thank you, Your Honor.

15 THE COURT: No -- no, you do have it.

16 So here's how I'm going to rule. If counsel wants
17 to ask about statements whether they're consistent or
18 inconsistent, I'm going to ask to sanitize it. DCF
19 certainly has a -- people think different things when they
20 hear, DCF. So I'm going to say, did you tell an outside
21 agency such and such.

22 But -- but this timeframe needs to be somewhat
23 narrow. I'm -- and I'm just trying to figure out what --
24 what you're going for. If you're asking, did you tell --
25 and it has to do about the alleged sexual assault. Is --
26 is that correct; you're going to limit your questions to
27 the alleged sexual assault, like -- like trauma. Like, I'm

1 going to allow that. Did you tell an outside agency that
2 LT suffered no trauma as a result of this. And -- and that
3 would be physical trauma, right?

4 ATTORNEY BERKE: I can tell you that the DCF records
5 are not that specific. I (inaudible) say physical or
6 psychological trauma. They don't say that. The record says
7 there's -- she's showing no signs of trauma. That's all it
8 says.

9 THE COURT: She -- so she said, no signs of trauma.

10 ATTORNEY BERKE: That's it.

11 THE COURT: Did she tell an outside agency no signs
12 of trauma.

13 ATTORNEY BERKE: There -- there are other similar
14 type of -- now, the problem with the DCF records, and if
15 you can recall from your prior position, it's not linear.
16 They're all over the place. So when they're --

17 THE COURT: I understand.

18 ATTORNEY BERKE: -- you have a record from 2023, they
19 talk about timeframes that are all mixed up. So I'm going
20 to try and limit the questions generically because it's
21 impossible for someone to say what timeframe that is.
22 The -- the records are -- are not that clear.

23 ATTORNEY PALERMO: Could -- could I just ask because
24 they give dates when we --

25 ATTORNEY DAVIS: When they ask for something.

26 ATTORNEY PALERMO: Yes, when they ask these
27 questions.

1 Can counsel please alert us to what dates he's
2 referring to so we can look at these before she gets on
3 the stand in case we object --

4 THE COURT: So you told an outside agency on June 3rd,
5 2021 X.

6 ATTORNEY DAVIS: Yeah, we just want to know what day.

7 ATTORNEY PALERMO: Yes, what dates is he going to
8 question her about.

9 THE COURT: Now -- now, here's a problem. And, of
10 course, that's what I needed, another problem.

11 What if she says, no and -- and you have in there,
12 yes. It's -- it's a DCF officer or whatever they call DCF
13 persons --

14 ATTORNEY BERKE: If she says, no, under the rules I'm
15 stuck with that.

16 THE COURT: You're stuck.

17 ATTORNEY BERKE: If she says, she doesn't remember,
18 that's a whole different story.

19 THE COURT: That's different.

20 ATTORNEY BERKE: It's a whole different story.

21 THE COURT: All right.

22 ATTORNEY PALERMO: So if counsel could tell us what
23 dates he's referring to?

24 THE COURT: Well, I -- I think he's going to have to
25 do that at -- at the time of the question, because I --

26 ATTORNEY PALERMO: Okay, okay.

27 THE COURT: And it's going to take some scrambling on

1 your part, but as you can see there's some scrambling in
2 this part going on too.

3 ATTORNEY PALERMO: Okay.

4 Yes, Your Honor.

5 THE COURT: I'm just grateful that this is done via
6 transcript as it goes to pulling up the video tape every
7 time. We've -- we've got to do something about that.
8 In this day and age with AI, can't we get transcripts like
9 this, no offense. But can't we get transcripts quick?

10 ATTORNEY DAVIS: We ordered transcripts of the things
11 that we were going to admit.

12 THE COURT: Okay.

13 That's just an old judge grouching that's all, all
14 right.

15 Bring in the jury. They've been in the side room.

16 Thank you, Attorney Felsen.

17 (Whereupon the jury panel enters the courtroom.)

18 THE COURT: You're just doing this to see if I'm on
19 my toes; that's what you're doing. And it's a person
20 different -- different person each time, so very crafty.

21 Will counsel now stipulate to the presence of the
22 jurors and alternates?

23 ATTORNEY DAVIS: State stipulates, Your Honor.

24 ATTORNEY BERKE: Defense stipulates.

25 THE COURT: All right.

26 Bring in GT please.

27 (Whereupon GT enters the courtroom and resumes the

1 witness stand.)

2 THE COURT: Thank you.

3 GT, if you could, and I'll remind you, you're still
4 under oath.

5 THE WITNESS: Yes.

6 THE COURT: You may proceed, Attorney Berke, oh,
7 sorry.

8 You may proceed, Attorney Berke.

9 ATTORNEY BERKE: Thank you.

10 **CONTINUED CROSS-EXAMINATION OF GT BY ATTORNEY BERKE:**

11 Q On -- on June 4th of 2020, do you recall being -- having
12 your daughters referred to Joan Martin (phonetic)?

13 A No; who -- wait, will you say the name again?

14 Q Joan Martin; therapist.

15 A The name sounds vaguely familiar, yes.

16 Q Did LT ever treat with Joan Martin?

17 A I'm not sure. I know she did one therapy session for one
18 session, but I -- we didn't continue.

19 Q And do you know what the name of that business was that --

20 A No, I'm not -- I'm not sure.

21 Q On June 22nd of 2020, do you recall indicating
22 to an outside agency that LT did not display any signs
23 of trauma?

24 A No.

25 Q Now, prior to June of 2020, you had lived in New York two
26 years before that?

27 A I'm not sure how long.

1 Q Do you know when you moved to Trumbull from New York?

2 A Right before I met the defendant.

3 Q And do you know when that was?

4 A 2018.

5 Q And I'm not sure if I asked you this earlier today.

6 On June 24th of 2020, do you recall rescheduling the medical exam
7 for LT due to your work schedule?

8 A I don't recall that, but I remember you saying it
9 yesterday.

10 Q And you had testified about LT's physicals before
11 May of 2020, the date of the disclosure. Those physicals occurred
12 in New York?

13 A Yes.

14 Q And did LT continue to treat with that pediatric group
15 after you left New York, until the disclosure?

16 A Yes.

17 Q And did she continue treatment at pediatric group after
18 disclosure in May of 2020?

19 A Yes.

20 Q And did LT treat with any pediatric groups in Connecticut?

21 A No.

22 Q After May of 2020, do you recall -- I'm sorry.

23 ATTORNEY BERKE: Strike that please, Your Honor.

24 THE COURT: Strike.

25 Q Do you -- do you recall LT being diagnosed with
26 parentified behaviors?

27 A No.

1 Q And after the disclosure in May of 2020, do you recall LT
2 being disclosed with adultified sexual behaviors?

3 A No. I'm also not sure what either of those things mean.

4 Q But you don't recall those terms?

5 A No.

6 ATTORNEY DAVIS: Just give me a few -- I have it,
7 counsel.

8 ATTORNEY BERKE: Yes.

9 Q Do you recall testifying at a proceeding during
10 your divorce that you were present for the parenting of Willow,
11 during the months --

12 THE COURT: Strike the name please.

13 ATTORNEY BERKE: Sorry, I apologize.

14 ATTORNEY DAVIS: Counsel, where are you reading from;
15 I have page -- I have January 22nd. I do have this one.
16 Just let me get the right --

17 (Whereupon the intervening proceedings were not
18 requested and/or transcribed at this time.)

19 Q Do you -- do you recall testifying during the divorce
20 proceedings that --

21 ATTORNEY DAVIS: I just read that section.
22 I'm going to object on lines of relevance.

23 THE COURT: Okay.

24 I didn't hear the question yet, so I can't rule.

25 ATTORNEY DAVIS: Okay.

26 THE COURT: No, I -- but -- but I'll note --

27 ATTORNEY DAVIS: I know what you're saying.

1 THE COURT: -- your objection, you're standing
2 so --

3 ATTORNEY DAVIS: Thank you.

4 THE COURT: -- can I hear the question please.

5 ATTORNEY BERKE: Sure.

6 THE COURT: And I'm going to ask you not to answer it
7 right away, thank you.

8 Q This is a question asked of you during divorce proceeding.
9 Were you present for his parenting of -- parenting of WTH
10 -- strike that, during those months after giving birth to the
11 time he moved out of the house?

12 THE COURT: What -- what was -- what is the question;
13 were you --

14 ATTORNEY BERKE: Was she present during his parenting
15 of WTH during -- after he moved out of
16 the house.

17 ATTORNEY DAVIS: And I'm objecting on grounds of
18 relevance. Him being present during WT --

19 THE COURT: WTH.

20 ATTORNEY DAVIS: Yeah.

21 ATTORNEY BERKE: There's -- maybe there's a question
22 that should precede that.

23 THE COURT: Okay.

24 ATTORNEY BERKE: If I could.

25 THE COURT: So that's withdrawn and a new one is
26 asked.

27 Q When Nick Hall was watching or babysits, I don't know how

1 you want to rephrase it, but when he was with WTH, was he also
2 watching the other girls?

3 A Yes, he was.

4 Q And was there ever an opportunity where he would watch WTH
5 only at your house?

6 A On occasion, yes. And I referred to it as parenting, not
7 babysitting at the time.

8 ATTORNEY BERKE: So if I can ask that next question
9 please that I asked before.

10 THE COURT: And -- and there's an objection.

11 Your question is?

12 Q Were you -- was Nick Hall -- was she present when --

13 ATTORNEY DAVIS: Yeah, I'm gonna object.

14 THE COURT: All right, I'm --

15 ATTORNEY DAVIS: As to relevance.

16 THE COURT: And I'm going to sustain.

17 Q After Nick Hall moved out of your home, approximately how
18 many times did he parent WTH, and LT and GT?

19 A I'm not sure.

20 Q Do you recall testifying, roughly 5 times?

21 ATTORNEY DAVIS: Objection, relevance.

22 THE COURT: It's -- it's how many times he parented
23 the children after he moved out --

24 ATTORNEY BERKE: Yes.

25 THE COURT: -- of the house.

26 I'm going to --

27 ATTORNEY DAVIS: And then I -- I thought you said,

1 did he testify -- did you testify five times. Maybe I
2 misheard you.

3 Did I mishear you?

4 ATTORNEY BERKE: She --

5 THE COURT: Did you previously testify -- I'm going
6 to allow the question.

7 Did you previously testify five -- that he's only
8 parented the children five times after he moved out of the
9 house?

10 THE WITNESS: I don't remember the specific number.

11 Q Would it refresh your memory if you had a chance to look
12 at a document?

13 A I'm sure.

14 Okay.

15 Q So do you recall testifying that he watched WTH
16 approximately five times?

17 A Yeah, I said approximately five times, yeah.

18 Q And do you recall in February of 2020, testifying that he
19 did not watch WTH and the girls?

20 A Yes.

21 Q And do you recall testifying in April of 2020 that
22 he -- take a step back.

23 Do you recall testifying that in March of 2020,
24 he did not watch the girls?

25 A Yes. I don't recall testifying. I recall what I just read,
26 if that makes sense. Did that make sense?

27 Q Having --

1 A I'm not sure how to answer your question.

2 Q Certainly.

3 Having -- having read that document, does that refresh
4 your memory of your testimony that you gave during the divorce --

5 A It doesn't --

6 Q -- proceeding?

7 A -- refresh my memory. I just remember what I read.

8 Q Okay.

9 A If that helps.

10 Q So if I can ask you a question; do you recall, aside from
11 this, is -- is what I'm gonna ask you to read.

12 He didn't watch the girls in February of 2020?

13 A I don't remember it from my own memory but
14 I remember, like --

15 THE COURT: Okay.

16 So - -so the answer is you -- you don't --

17 THE WITNESS: I don't remember.

18 THE COURT: -- recall.

19 THE WITNESS: Yeah.

20 THE COURT: Okay.

21 Q And in March of 2020, you don't remember that
22 he didn't watch the girls at all?

23 A No.

24 Q Okay.

25 A I hate that I keep not remember. It's just it was a really
26 hard time so I don't -- I'm sorry, that's all my answers. I wish
27 I could dig deeper and (inaudible) more.

1 ATTORNEY BERKE: Your Honor, I ask that be stricken.
2 That's non-responsive to a question please.

3 THE COURT: Okay.

4 THE WITNESS: Sorry.

5 THE COURT: It's -- it's stricken. That's all right,
6 don't -- don't apologize. We have just different rules
7 here than --

8 THE WITNESS: Yeah, yeah.

9 THE COURT: -- the real world to speak.

10 So that's -- that's stricken, ladies and gentlemen.

11 Q Do you recall a phone call that you made to
12 Nick Hall's father the day he was arrested?

13 A Yes.

14 Q And do you recall telling Robert Hall that there
15 was no physical evidence?

16 A No.

17 Q Do you recall indicating after you filed divorce
18 that if he doesn't sign the parenting plan, that he'll never see
19 his daughter again?

20 A No.

21 Q You had testified that LT did not have a cellphone during
22 the timeframe of May of 2020?

23 A Yes.

24 Q Isn't it true that she frequently used your phone
25 and -- and other people's phones to make videos?

26 A I don't know about making videos, but to watch
27 YouTube and stuff, yes.

1 Q Isn't it true that she had a TikTok account at that time?

2 A No.

3 Q Would it refresh your memory if I had a chance to show you
4 something?

5 A Probably.

6 ATTORNEY DAVIS: May we see it?

7 ATTORNEY BERKE: Certainly.

8 THE COURT: You okay; I -- I normally have cough
9 drops, I just don't have them here.

10 A JUROR: No, I'm good.

11 THE COURT: Do you -- I got them upstairs.

12 A Okay.

13 THE COURT: Does that help refresh
14 your recollection?

15 THE WITNESS: Yes.

16 THE COURT: All right.

17 You could hand that back to counsel please.

18 Q And do you recall if LT had a TikTok account, or Instagram
19 account or social media account?

20 A She did not.

21 Q And --

22 THE COURT: What timeframe is that again?

23 ATTORNEY BERKE: It is in May of 2020.

24 THE COURT: Okay.

25 Q And did you recognize the name on the TikTok account?

26 A I saw Jayda's (phonetic) and then I saw the one that all
27 of my three kids -- we would put videos during covid, but it was

1 private. So it wasn't just LT's alone.

2 Q It was a -- was that TikTok?

3 A It was.

4 Q And that was an account that you had as a group?

5 A Yes, and it was private.

6 Q And they each would post on that?

7 A It was something to do during covid, yes.

8 Q Are you familiar with how it works when you follow someone
9 on a social media?

10 A Yes.

11 Q And -- and what does that mean to follow someone,
12 especially if it's private; can you describe that?

13 A You have to request and see the videos.

14 Q So if you follow them and they accept, you can see their
15 videos, they can see your videos?

16 A Yes.

17 Q But that's excluded from the public?

18 A I believe so, yes.

19 Q To your knowledge?

20 A At the time, TikTok was all new to me. Now, I know how it
21 works. At the time, I think I was learning as well, but from what
22 I know now, yes.

23 Q And are you aware of whether, I think the term is,
24 following; were they following Jayda Gorells' (phonetic) TikTok;
25 they being your -- your girls on this account?

26 A I'm not sure, but from what I just saw; yes.

27 Q And once again, by -- by following someone, that would

1 allow you to both watch their videos and they watch your videos?

2 A Yes.

3 ATTORNEY BERKE: I have no other questions.

4 ATTORNEY DAVIS: Thank you, Your Honor.

5 THE COURT: Thank you.

6 Redirect.

7 THE WITNESS: I hate to ask this again, but can I
8 have more water; I'm so sorry.

9 THE COURT: That's all right.

10 THE WITNESS: I don't know who to ask, thank you.

11 **REDIRECT EXAMINATION OF GT BY ATTORNEY DAVIS:**

12 Q GT, I just have a few follow up questions for you, okay?

13 A Yes.

14 Q The defense asked you about LT going to therapy.

15 Did you have LT go to more than one therapy session?

16 A I did not.

17 Q Has she since this?

18 A No.

19 Q Why not?

20 A Because I want her to be able to use therapy as a tool
21 after this, when she gets older for actual help, not for the
22 purpose of court. And I don't want her to view therapy as a
23 result of this. I want her to use it for help in the future. And
24 at the time, it was really traumatic
25 for her to go to therapy.

26 Q Without telling me what anyone said, after this happened,
27 did you bring up therapy with LT?

1 A Yes.

2 Q Without telling me her response, how did she react when
3 you brought up therapy?

4 A Not well for our relationship.

5 Q And the defense talked about bringing LT to
6 the hospital or something about that, right after the disclosure.
7 Do you remember talking about that with the defense attorney?

8 A I do.

9 Q Why did you not bring her to the hospital right after the
10 fact?

11 A Again, it was for the same reasons of not wanting
12 to expose her to more trauma. I knew I had appointments coming up
13 with a forensic -- a forensic doctor to do the physical and I
14 didn't -- it was a sensitive time. I didn't want her to be super
15 exposed. I wanted her to feel strong.

16 Q What do you mean, can you just explain to the jury what
17 you mean by the forensic doctor; whatever you just -- like, what
18 was your understanding of what she was going
19 to go through?

20 A Well, my understanding was that it would be a physical,
21 like an adult woman received, except for with video cameras.

22 Q When you mean, adult woman, what kind of exam are we
23 talking about?

24 A Like, a gynecology exam. And I was looking at my eight-
25 year-old daughter and I didn't want to put her through more than
26 one.

27 Q And so when you referred this to the police, did

1 you know that she was going to have to have those exams already?

2 A They told me that, yes.

3 Q And in fact, did she have one of those exams?

4 A She did.

5 Q And was it organized by the Center for Family Justice?

6 A It was, yes.

7 Q And did you learn about that process when

8 you reported this to the police?

9 A Yes.

10 Q You talked a little bit about Detective Wheeler and the
11 police coming to your house. Did the police come to
12 your house more than once?

13 A Yes.

14 Q Did Detective Wheeler come to your house on 6/3?

15 A I don't know the date.

16 Q Would looking at a police report refresh your memory?

17 A Probably.

18 ATTORNEY DAVIS: Counsel.

19 Q Read this to yourself and get refreshed. Look up when
20 you're done and I'll talk about if it refreshes you.

21 A Okay.

22 Q Does that refresh your memory or your recollection
23 if Detective Wheeler visited your house on 6/3?

24 A Yes.

25 Q And what did he do when he came to your house on 6/3?

26 A Took photographs.

27 Q Okay.

1 And on 6/3, did you speak to him about the laundry?

2 A Yes.

3 Q Tell the jury about that.

4 A I told him that -- so I don't know how to put this in the
5 rules for the Court but what I --

6 THE COURT: You just answer it the way you want to
7 answer it.

8 ATTORNEY DAVIS: Yes.

9 THE WITNESS: Okay.

10 A Okay, when I talked to my daughter, I was asking her and I
11 remember this so distinctly; what were you wearing, what clothes
12 are you wearing and she's eight years old, and I'm trying to talk
13 to her and decipher through all this.

14 And she's -- keeps saying, I don't know, maybe this, maybe that.
15 And when the police came to the door, I'm a single mom with three
16 kids and I'd said, she can't tell me what clothes she was
17 wearing, I don't know. I don't know where the clothes are. They
18 might have been already washed, they might have not been. It was
19 a really confusing time and that's what I remember.

20 Q And were you talking about a specific incident that you
21 and LT had talked about?

22 A I'm not sure.

23 Q Okay.

24 Did you end up searching the laundry for potential
25 pajamas?

26 A Yes.

27 Q And did you find any?

1 A No.

2 Q Do you remember if Detective Wheeler came to
3 your house on June 4th, 2020?

4 A I don't know the date.

5 Q Would it refresh your memory if you looked at
6 a report?

7 A Probably, yeah.

8 The whole thing?

9 Q You can look at whatever you want, but I'm specifically
10 talking about (inaudible).

11 A Okay.

12 Q Does that refresh your memory as to the fact that
13 Detective Wheeler was there on June 4th, not June (indiscernible)?

14 A Yes.

15 Q Okay.

16 Was Detective Wheeler there on June 4th?

17 A Yes.

18 Q Is it possible that he was not there when the officers
19 came to do the light testing on the beds?

20 ATTORNEY BERKE: Objection.

21 A It --

22 THE COURT: Excuse me.

23 Did -- if -- I'm sorry.

24 THE COURT: Grounds?

25 ATTORNEY BERKE: Leading.

26 THE COURT: Can you just rephrase it please?

27 ATTORNEY DAVIS: Sure.

1 Q Are you positive that -- one moment.

2 THE COURT: There -- there came a time when officers
3 came and took bedding. Do you know it -- whether or not
4 Detective Wheeler was present; if you could recall?

5 THE WITNESS: I think my problem is, like,
6 determining officers from detectives. I know Detective
7 Wheeler had a partner and he would come,
8 or Detective Wheeler would come, but I don't remember
9 which one.

10 THE COURT: Okay.

11 Q So were there times when Detective Wheeler wasn't there?

12 A Yes.

13 Q Okay.

14 And you're seeming to have a lot of trouble with dates. I
15 want you to talk to the jury about what your mental state was
16 like, right after the disclosure happened.

17 A I hate going back there, Kelly, and I don't have tissues.

18 Q We'll get you some.

19 A Right after the disclosure, I was 25 years old, I'd
20 already made so many mistakes in my life. I had three little
21 babies; little girls looking at me. I just found this information
22 out and I felt like I was just trying to look
23 to an adult, even though I was the adult. I was trying to find an
24 adult to tell me what to do. And I just was, you know, it was
25 just -- it was just -- I don't know how to explain it.

26 Q Were you focused on remembering dates?

27 A No.

1 Q During this time period, do you remember what LT told you?

2 A I don't know what you -- I'm sorry. I'm just, like, back
3 in that moment for a second. I don't know what you're asking me
4 right now.

5 Will you ask one more time?

6 Q Yep.

7 A When I go back to that moment, it just, like, I just been
8 trying to avoid it for five years.

9 Q I want you to just take a deep breath.

10 When you think about this time period, do
11 you remember what you spoke to your daughter; LT, about; what she
12 told you happened to her?

13 A Yes.

14 Q Will you ever forget that?

15 A No. No, unfortunately, no.

16 Q I want to talk to you about the audio recording defense
17 made you listen to yesterday outside the presence
18 of jury, okay?

19 Did you have a chance to listen to that again after court?

20 A Yes.

21 Q Okay.

22 And did that refresh your memory as to why you made that
23 recording?

24 Q Yes.

25 Q Why did you do it?

26 A Because I didn't know what else to do. I didn't --
27 I was so afraid I didn't know what else to do.

1 This information was way beyond me and I was shocked and
2 I just needed something to bring somewhere to get help for my
3 kids.

4 Q And the defense asked you questions about LT in that audio
5 recording referring to weird words. Do you remember that?

6 A Yes.

7 Q And when you listened to that, did she refer
8 to the -- did you refer to the male genitalia as something?

9 A Yes.

10 Q Okay.

11 Without saying what she said, did LT use those same words
12 when she was talking back to you about it?

13 A No. I know what I said. I forget what she said, but
14 I know I said, private part.

15 Q Did she say private part?

16 A I'm not sure what she said, but she didn't say, private
17 part.

18 Q She did not say that?

19 A No.

20 Q She used different words than you?

21 A She did.

22 Q And did you on -- on another occasion have a -- oh, back
23 to the audio recording. Did you mention this to the police when
24 you went to the police station to report this incident?

25 A Mention what?

26 Q The audio recording?

27 A Yes.

1 Q Why didn't you give the audio recording to the police that
2 day?

3 A I tried to. They were in the office and it wouldn't send
4 to the email and so I had to be connected with the female police
5 officer to try and keep sending it to her, cause it was -- it was
6 too big and I had to it through email and not the original way.

7 Q Did you eventually send it to her?

8 A I did.

9 Q And did you eventually give the police a video recording
10 of you talking to LT?

11 A I did.

12 Q And in either of those conversations, did you tell
13 LT what to say?

14 A I --

15 ATTORNEY BERKE: Objection, leading.

16 A -- did not.

17 THE COURT: That is leading.

18 THE WITNESS: Okay, sorry.

19 THE COURT: No, don't worry about it.

20 ATTORNEY BERKE: Ask that it be stricken please.

21 THE COURT: It is -- it's stricken; the question and
22 the -- well, the question's not, but the -
23 the response is.

24 Q Do you remember -- you just talked a little bit about your
25 divorce from the defendant. Did you end up getting divorced from
26 the defendant?

27 A Yes.

1 Q When you filed for divorce from the defendant,
2 did you intend on restricting his access to WT?

3 ATTORNEY BERKE: Objection, leading.

4 A No.

5 THE COURT: No, it's not.

6 A No.

7 THE COURT: I'll allow it.

8 Q Why not?

9 A Cause I thought he was a good dad.

10 Q And what was your parenting plan with the defendant going
11 forward if this hadn't happened?

12 A We didn't really have one, kind of similar to my previous
13 situation with my previous ex-husband, my middle daughter's dad;
14 ST's dad.

15 Q So ST's dad?

16 A Mm-hmm.

17 Q What's your parenting agreement like with him?

18 A It's loose. He texts me, he has the days off work, the
19 kids go to him, he takes them out for dinner, he takes them to
20 soccer games. Him and his wife come to my house. Loose parenting.

21 Q Is that -- is that parenting agreement working for you
22 guys?

23 A Yeah.

24 Q Has it worked?

25 A Yes.

26 Q What did you plan on having with the defendant?

27 A Same thing.

1 Q At the time you filed for divorce and you were
2 contemplating a parenting agreement with the defendant, were you
3 getting along with the defendant?

4 A Yes.

5 Q Were you fighting with the defendant?

6 A No.

7 Q Did you ever say to the defendant, I'm going to keep you
8 away from your kid if you don't sign this?

9 A No.

10 ATTORNEY BERKE: Objection, leading.

11 THE COURT: I'm going to allow it.

12 A No.

13 Q You can answer it.

14 A No.

15 Q So did you ever tell the defendant you're not gonna see
16 your kid?

17 A No.

18 Q Was that your intention; to ever keep him from seeing his
19 kid?

20 A No. If I'm being honest, my intention was, hopefully I'd
21 have a little bit of a break. Just being honest.

22 Q After -- is the first time you had a conversation with LT
23 about the sexual abuse, the day that Jen called you?

24 A Yes.

25 Q After that without telling me anything was said, did you
26 have further conversations with her about that?

27 A Yes -- wait I'm sorry.

1 Q And just without saying --

2 A Jen -- Jen or LT?

3 Q Sorry, with LT?

4 A Yes.

5 Q Okay.

6 And without telling the jury what she said; LT, what were
7 the -- what was the nature of the conversations?

8 A Spontaneous. I would be cooking dinner, I'd be in my
9 bedroom, we'd be having family time and she would come to me and
10 say, this happened too. I just remembered this. This is how this
11 was and it would be little bursts of things that
12 I remember having to, like, be okay within the moment to support
13 her and then take a step back and be, like, holy shit, this is my
14 life.

15 Q So safe to say, she kept coming you and telling you
16 a little bit more?

17 A Yes, to this day.

18 ATTORNEY DAVIS: May we just have a brief sidebar?

19 THE COURT: Sure.

20 Can we go off the record please.

21 (Whereupon the Court went off the record.)

22 (Whereupon the Court went back on the record.)

23 THE COURT: Back on the record please.

24 We're back on.

25 ATTORNEY DAVIS: Nothing further.

26 THE COURT: Okay.

27 Before you begin, I think I left a pen in there,

1 excuse me.

2 Off the record please, nope, back on the record.

3 THE COURT: We're back on.

4 **RECROSS-EXAMINATION OF GT BY ATTORNEY BERKE:**

5 Q Didn't you testify this morning that the day you met with
6 Officer Fortunato (phonetic), you had given her a recording that
7 you made; an audio recording?

8 A I shared it with her in the presence of her, yes.

9 Q The day you met her?

10 A Yes.

11 Q Immediately after LT first disclosed to you,
12 who did you call?

13 A My dad.

14 Q And who did you call after your father?

15 A No one. Jen to watch the kids.

16 Q Do you recall calling Attorney Shelby Wilson (phonetic)?

17 A I didn't call her.

18 Q Someone called on your behalf?

19 A Yes.

20 Q And without disclosing what that conversation was about,
21 did she provide any advice on what's gonna happen next?

22 A Yes.

23 Q Now, I know this has been some emotional questions about
24 the period of time where your daughter disclosed this to you; the
25 end of May of 2020. And you had testified that you wanted to get
26 help for your child.

27 A Okay.

1 Q At that time.

2 And it's -- it's -- is it fair to say that you were in a
3 panic mode based upon an overload of everything that was going
4 on?

5 A Yes.

6 Q And you didn't remember rescheduling the forensic exam?

7 A I don't.

8 Q You don't remember rescheduling it because of work?

9 A I don't remember.

10 Q And do you remember the -- the gap in time between your
11 daughter's disclosure in May of 2020 and the physical exam?

12 A I don't.

13 ATTORNEY BERKE: I have no other questions.

14 THE COURT: Any re re redirect?

15 ATTORNEY DAVIS: One moment.

16 Just briefly.

17 **FURTHER EXAMINATION OF GT BY ATTORNEY DAVIS:**

18 Q I just want to go back to that audio recording
19 with Officer Fortunato.

20 A Okay.

21 Q Did you try to send it to her that day?

22 A I did.

23 Q Did it go through?

24 A It didn't.

25 Q And is that why you emailed it?

26 A Yes.

27 Q Did she listen to it that day?

1 A She did.

2 Q Okay.

3 ATTORNEY DAVIS: Nothing further.

4 THE COURT: Anything based on those four questions?

5 ATTORNEY BERKE: No.

6 THE COURT: All right, ladies and gentlemen, GT, you
7 can be excused.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (Whereupon GT exits the witness stand.)

11 THE COURT: We're going to take a very brief recess.
12 It's only going to be about 10 minutes in length. We'll be
13 back here at -- by 3:15. Thank you.

14 You can leave your books there or bring them in,
15 whatever you want.

16 (Whereupon the jury panel exits the courtroom.)

17 ATTORNEY BERKE: Your Honor, did you want to kick
18 them loose?

19 THE COURT: Yes, we're going to kick them loose.

20 ATTORNEY BERKE: Oh, okay.

21 THE COURT: All right, we're back on the record on
22 State -- take your time, Mr. Hall.

23 Back on Nicholas Hall -- State of Connecticut versus
24 Nicholas Hall.

25 I was unsure how long cross would be, and -- and the
26 last thing I want to do is -- is rush either side, even
27 though we are up against it, so to speak. But, you know,

1 so -- so I made a decision and -- that you could lose that
2 other witness, so to speak. And it was the wrong decision
3 because now we've -- we've wrapped up. But we could fill
4 the time and I'm going to tell the jury we're going to
5 fill the time in a pretrial motion. So Thursday morning at
6 9:30, we could hit the ground running. I just checked WTNH
7 weather, not give them a plug, but it's -- it's not what
8 we thought it was going to be in the beginning of the
9 week, which was horrendous; a gloom, doom, rain, snow,
10 sleet, everything but locust. But we're -- we're not
11 getting that. We're just going to get a little bit of rain
12 and a little bit of snow, so -- if that.

13 But I'm going to tell them 9:30 Thursday. Please
14 have your witnesses lined up there. I also will tell them,
15 we fully expect to complete the case on Thursday and do
16 charge on -- on Friday. Did -- is -- and that's what I'm
17 going to tell them, but I don't know.

18 ATTORNEY BERKE: I -- I guess it all depends, Your
19 Honor, on Wednesday finishes and Thursday. I did subpoena
20 a number of witnesses.

21 THE COURT: Okay.

22 I -- I would suggest -- can -- can you get the --
23 we're going to do the motions right now so you'll have an
24 idea, but do you think the DNA people could -- could be
25 done in the morning?

26 ATTORNEY PALERMO: I -- I do think that, Your Honor.

27 ATTORNEY DAVIS: And then our two after that are very

1 short.

2 THE COURT: We have a --

3 ATTORNEY PALERMO: Forensic medical examiner.

4 THE COURT: Oh, can you -- before we leave today, I'm
5 trying to -- tonight I have a lot of time to work and I
6 have all day tomorrow, apparently, to work on my charge.
7 If you could please just write down their names, I want to
8 include that in the charge.

9 And I want to say this about my charge, and I know
10 you've had a chance to look at it. In -- in light of State
11 versus Adam P., the case that came out last Monday. I have
12 redone constancy, which -- which is missing from there,
13 I -- I know it. And not expert testimony, but testimony
14 with regards to late disclosure. It's an accord, just do
15 you -- to give you a highlight with New Jersey ruling
16 in -- in that case. I'm -- I'm still working on it. I --
17 my first three drafts, I didn't like but, boy, what I
18 thought of on the way into work today was great stuff
19 and --

20 ATTORNEY PALERMO: Did you remember it?

21 THE COURT: I haven't had a chance to type it because
22 I've been running around today. But I -- I think I've --
23 I've got it pretty well down. So you want to say
24 something.

25 ATTORNEY PALERMO: Your Honor, I did, cause I was
26 working on the unanimity --

27 THE COURT: I know what you mean.

1 ATTORNEY PALERMO: You know what I mean.

2 THE COURT: I have to say it six times in front of
3 them.

4 ATTORNEY PALERMO: Unanimity charge. and I'd like
5 to -- I'd like to send you our proposal on that.

6 THE COURT: Did you -- did you look at mine?

7 ATTORNEY PALERMO: I did and I -- I have some
8 questions about it and I -- I kind of went through this in
9 the last two sexual assault trials --

10 THE COURT: Okay, because I --

11 ATTORNEY PALERMO: -- I had.

12 THE COURT: -- break it down to elements and --
13 elements and timing.

14 ATTORNEY PALERMO: There --

15 THE COURT: Both -- thank you.

16 ATTORNEY PALERMO: Yeah, there were some questions
17 I had about it, so I'm going to -- I'm actually going to
18 probably present what was used probably in the last State
19 versus Angel Cruz trial, where the similar charges. There
20 was as risk of -- there was a sex -- sexual assault in the
21 first degree, sexual assault, I think, in the second
22 that's not here in the sex four. There were always risk of
23 injury charges and there was a -- I think we have to have
24 a discussion whether we even needed a unanimity charge
25 with a risk of injury. I think the cases that came down
26 kind of lean down in the opposite direction of that.

27 THE COURT: Well, my -- my concern is that you

1 in -- and I'm not pointing fingers, but the State in
2 its -- in its information specifically says what -- what
3 it says. So that's -- that's why. I understand what you're
4 saying, I mean, we could say any of this. But I -- but I
5 think the jury all has to agree. Some may say, it was the
6 touching of the penis. And two others may say, no, it
7 wasn't a touching of the penis, it had to do with
8 penetration. And the other ones may say, no, it's --
9 you know. So I -- I think they have to agree on that. Do
10 you --

11 ATTORNEY PALERMO: Oh, I agree with you on that.

12 THE COURT: Oh, okay.

13 ATTORNEY PALERMO: But I think I -- I think it could
14 be -- I think the charge could indicate that, you know,
15 you look at each, because I think we separated it out on
16 the risk of injuries, you know, penile, anal, fellatio.
17 I think they were separate.

18 ATTORNEY DAVIS: Yeah, there was a risk --

19 ATTORNEY PALERMO: So if the risks were --

20 THE COURT: Right.

21 ATTORNEY PALERMO: So they were separate. So I
22 will --

23 THE COURT: Submit it, please. I'd love to look at
24 it.

25 ATTORNEY PALERMO: I'm going to submit.

26 The only thing I also notice was the intent. I don't
27 think you included general intent and specific intent, and

1 I think this -- sexual assault in the first degree and the
2 fourth degree are specific intent crimes, and the risk of
3 injury is a general intent crime. So I would've -- I had
4 something I'm kind of putting together and --

5 THE COURT: I -- I'd love to see it.

6 ATTORNEY PALERMO: Those are the two things I just
7 think --

8 THE COURT: Okay.

9 ATTORNEY PALERMO: -- I would like to submit.

10 THE COURT: Can we get to that afterwards, let's kick
11 them loose.

12 ATTORNEY PALERMO: Absolutely, and I'll --

13 THE COURT: Okay, thanks.

14 ATTORNEY PALERMO: Yes.

15 THE COURT: All right, if we could bring the jury out
16 please.

17 (Whereupon the jury panel enters the courtroom.)

18 THE COURT: Counsel stipulate to the presence of
19 jurors and alternates?

20 ATTORNEY DAVIS: Yes, Your Honor.

21 ATTORNEY BERKE: Defense stipulates.

22 THE COURT: All right.

23 Ladies and gentlemen, we -- you are done for the
24 day, and -- and I'm going to tell you, I'm going to take
25 the hit on this. It's difficult -- it's -- it's -- I told
26 you before it's not TV. I -- I don't give a lot of time,
27 say, all right you have an hour cross, 35 minutes

1 redirect. As you could see, we have recross, redirect,
2 re-recross, re-redirect, and -- and that's fine. That's
3 the way it should be. I don't want to put any artificial
4 time constraints on it. I'll tell you what -- what's in
5 store.

6 We -- we've got some people coming that'll testify
7 with regards -- laboratory people, with regards to DNA.
8 I could tell you this because I used to be a lawyer, I
9 guess I still am. But they're tough. They're tough to get
10 ahold of, they're tough to bring in here, they're wanted
11 throughout the state, there's only a few of them. It's a
12 State laboratory so either side could use them, either
13 side could call them. And there are defense attorneys in
14 Hartford calling them. It's a pain in the neck to get them
15 in here. They're not -- one of them was present today.
16 I wasn't sure how long the cross-examination, and or
17 redirect and or recross would be, so I said, we -- we
18 won't need that person. I was wrong. I was wrong about
19 the weather this week too. So I'm sorry.

20 You're done, but the good thing is, this gives us
21 catch up time. And when I say catch up, we have a charge
22 to the jury that we have to go over, although it's my
23 duty, my responsibility. It sort of is like a joint
24 project. They; the parties, suggest what they want and
25 it's ultimately me that makes that delivery. We're going
26 to discuss that now. We're also going to discuss some
27 parameters with regards to the DNA stuff that may or may

1 not come in.

2 But what I'm -- what I'm going to do is set you
3 loose right now and we're going to resume again 9:30 on
4 Thursday. Now you're saying, hey Judge, what's this with
5 regards to your -- your over promising and under
6 delivering. I get it. I fully expected to complete the
7 case on Thursday. It may go to you -- it will go to you
8 on -- more than likely on Friday. And I know that's up
9 against it. But just let me know tomorrow or Thursday if
10 there's any problems. I was -- I forgot all about this day
11 off. I think the State of Connecticut employees are the
12 only ones that -- that celebrate both President Lincoln
13 and President Washington's day and every year I forget
14 about it. So I'm -- I'm sorry, but I -- I can't open up
15 the building for this.

16 So right now I'm going to send you on your way and
17 ask to see you again so we could start at 9:30, so that
18 means getting here a little bit early, that's great. But
19 I'm going to give you your usual ammunition.

20 Like I said, Ms. Lazzara at this time could say it
21 by -- by memory, but I'm going to do it anyway, instead of
22 putting her on the spot.

23 Please do not make up your mind or form any opinions
24 about the evidence you've heard so far. Please do not
25 discuss it with anyone, including fellow jurors. Do not
26 seek out information outside this courtroom related to the
27 case or the evidence you've heard so far and do not do any

1 independent examination or go to the alleged scene of
2 the incident. Remember, evidence comes from two important
3 pieces; court sworn testimony as well as properly
4 introduced exhibits. So anything happening outside this --
5 this courtroom is not evidence and you're not to take it
6 as such.

7 So my son, the meteorologist, strike that, my son
8 the teacher has revised his forecast for Thursday and --
9 and it's -- it's not as bad as he originally said.
10 Originally, you know, he called for rain, snow and I
11 think, locust. But I think he's doing that just to get out
12 of school. So the -- the truth is, it's going to be a lot
13 less and that it looks like rain or a little bit of snow.
14 I -- I just looked it up on TNH. So I'm -- hopefully
15 everything -- we have Katy Nielsen; the clerk, called you
16 all Tuesday when -- when we had the weather issue. She
17 still has your numbers and she'll call you again if -- if
18 it's an issue. I don't intend -- think it will be.

19 So with that, if you could leave your books there
20 and we'll -- we'll send you on your way. Thank you,
21 everyone.

22 (Whereupon the jury panel exits the courtroom.)

23 THE COURT: Okay, I think that was everyone, right; I
24 wasn't paying attention to tell you the truth.

25 Is that everybody, Marshall?

26 THE MARSHALL: All set, Your Honor.

27 THE COURT: Okay, that's everyone.

1 So what I have before me right now is a -- I have a
2 May 3rd, 2025 [sic] motion in limine presented by
3 Attorney Berke. So I thought we could go through that
4 point by point at this time. There are actually five
5 points in which you seek (indiscernible) of evidence.
6 Let's first start with -- well, I'll -- I'll have you
7 start.

8 Go ahead.

9 ATTORNEY BERKE: Your Honor, what -- what the Court
10 probably should've been apprised of and I probably
11 should've included in the motion, because you're being
12 asked to look at this sort of in a vacuum. I should've
13 included the DNA results. But I --

14 THE COURT: That would be nice to know. What -- what
15 are the DNA results?

16 ATTORNEY BERKE: Well, I -- I mean, I'm realizing as
17 I'm standing here that you have no idea what I'm talking
18 about.

19 THE COURT: No.

20 ATTORNEY BERKE: And that's -- that's a mistake. That
21 should not have happened, so --

22 THE COURT: That's all right.

23 ATTORNEY BERKE: -- the DNA results are a mixture
24 between ST and Nick Hall. ST is not a complainant. LT was
25 eliminated from the mixture as well as WTH and GT.

26 THE COURT: Okay.

27 Actually, I say one other -- I kind of got that

1 sense from -- from reading it.

2 ATTORNEY BERKE: But still you should have had that.

3 THE COURT: Yes.

4 ATTORNEY BERKE: And because she is not a
5 complainant, I -- I think that it's terribly misleading,
6 especially since -- now, perhaps if there were uncharged
7 misconduct, I -- I can imagine why it would be a little
8 more impressive in why that material would be relevant,
9 but it's my position that it's not. It's prejudicial, it's
10 confusing and should not be admissible under that -- under
11 paragraph one.

12 THE COURT: Okay.

13 Well, it -- actually bleeds into paragraph two as
14 well, right?

15 ATTORNEY BERKE: Yes, it does.

16 THE COURT: So I'll ask you, Attorney Palermo,
17 you know, Attorney Berke's position is, is as follows.

18 And -- and, Attorney Berke, please jump in if -- if
19 I'm phrasing it wrong. And I used to hate when Judges did
20 that for me, I'm like, gees, Judge, I -- I was a little
21 bit more articulate than that I thought. But here goes.

22 You're saying that these DNA results should not be
23 admitted because it has a mixture of ST, not -- not the
24 alleged victim and the defendant. In fact, the alleged
25 victim in this has been excluded from -- from test.

26 And it's my understanding that she's been excluded from --
27 from DNA from sheets on her own bed. Is that correct?

1 ATTORNEY PALERMO: Yes, Your Honor.

2 So the -- so the State's argument is, LT has
3 testified that these incident of sexual assaults have
4 occurred in her bedroom, right in various -- on various
5 occasions. The --

6 THE COURT: But can we -- and I'm sorry. Can we just
7 get -- she's not only saying LT is saying that it happened
8 on her bed, right, not on ST's bed.

9 ATTORNEY PALERMO: Well, she's -- she -- she did
10 not -- she said it happened it on her bed, but she said it
11 happened in the room also. Like, there were times that she
12 did not specifically indicate whether it happened on ST's
13 bed or not.

14 THE COURT: Okay.

15 ATTORNEY PALERMO: Also the -- the -- when -- when GT
16 actually -- you heard testimony from officer -
17 Detective Wheeler, that GT provided information to the --
18 GT was provided information by LT that resulted in GT
19 going down there and giving a statement that had to do
20 with something that LT had told her occurred on ST's bed.
21 The statement isn't in evidence, but I'm just -- I'm
22 putting that out there.

23 So -- and LT wasn't specific every time something
24 happened in her room. And GT also said the girls, you
25 know, were on each other's beds a lot. So what you -- what
26 the results were, were that the defendant's -- the stain.
27 Stains that were found on LT's bed on both the comforter

1 and the sheet had the defendant's profile on it. It was a
2 mixture. It was a mixture of ST and -- and the defendant's
3 DNA profile. But mixtures occur all the time and just
4 because a mixture -- there's a mixture with two people in
5 it, doesn't mean that ST's DNA was deposited there on the
6 same date as -- as the defendant's.

7 But the issue is, the defendant's DNA is in LT's bed
8 where basically LT said things occurred. So it is relevant
9 that this -- this whole analysis where his DNA is in
10 the -- in the complainant's bed on the sheet and also on
11 the comforter. It's -- it's relevant. He -- why is his DNA
12 in that bed. The fact that ST's DNA is in the bed is -- it
13 shouldn't be excluded because the mom indicated yeah, that
14 ST would go and they, you know, she would go into LT's
15 bed. They -- they went back and forth. So the fact that
16 there's a mixture doesn't -- doesn't -- it's not
17 indicating that ST was sexually assaulted by the
18 defendant, but it's saying that the defendant's DNA is in
19 the complainant's bed and -- and the question is,
20 you know, why is it there, why is it on the sheets when,
21 you know, when it shouldn't be. Why -- why is his DNA in
22 her bed. And it's not -- and his DNA isn't in ST's bed.

23 THE COURT: Well, you know, and -- and you bring up
24 something that -- that Attorney Berke alludes to in his
25 motion that he didn't say now. And I -- I'm not faulting
26 you for that, but -- but what he's also saying is, hey,
27 the fact that it's a mixture, if that's significant. Are

1 you saying that your expert is prepared to testify that
2 because there's a mixture doesn't mean they were deposited
3 at the same time, it -- it could be I sneeze and then
4 three days later you walk by and -- and you sneeze on that
5 same area or cough on that same area three days later.

6 ATTORNEY PALERMO: I -- I --

7 THE COURT: You and I would have a mixture, even
8 though we probably didn't even see each other.

9 ATTORNEY PALERMO: Yes. It doesn't necessarily -- I
10 mean, they may have been deposited on the same day, but
11 I -- from -- I believe, you know, based on my
12 conversation, that mixtures happen all the time. It
13 doesn't mean that one person's DNA was deposited at the
14 same time. There, I mean, I could touch -- I could touch a
15 piece of paper my DNA may be on there and then you can put
16 your hand on there and then your DNA is on there. And you
17 might have not touched it five hours later.

18 So the fact that there's a mixture, there's mixtures
19 all the time, Your Honor. The lab deals with mixtures all
20 the time. It's -- they will explain it and this is kind of
21 a common -- it's a common thing where those mixtures,
22 otherwise it's a single -- single source profile. Mixtures
23 happen all the time. That's why they take the swabs and
24 the DNA to see, you know, who's there. And many times,
25 there will be more than one person's DNA in a particular
26 sample.

27 THE COURT: Let's -- let's talk about what type of

1 DNA it is.

2 ATTORNEY PALERMO: Well, this -- yes, Your Honor.

3 So what they tested for was amylase, and amylase
4 is -- is found in saliva, okay. So indicated that they
5 also tested for semen. There was no semen, it was negative
6 for semen but it was not negative for amylase. It was
7 positive for amylase both on the comforter of LT's
8 comforter and also on LT's sheet, the -- the sheet.

9 THE COURT: Okay.

10 ATTORNEY PALERMO: Amylase is found in saliva. This
11 is where the DNA came from. Mr. Hall's DNA was consistent
12 with what they found, Your Honor.

13 THE COURT: Attorney Berke, and I'm sorry to switch
14 gears like this. But, Attorney Berke, doesn't that -- how
15 prejudicial is it when your client, in the two hour video
16 says, I was on that bed with the girls on several
17 occasions. I would read to them, I'd do dad things,
18 I think is what he said. And that, doesn't this just
19 corroborate what -- what he told the police; I mean if --
20 if they said it was a -- a mixture of semen with ST and --
21 and him, wow, that's different. But here we're saying that
22 it -- it's the equivalent of saliva DNA, spit DNA.

23 ATTORNEY BERKE: Well, the problem is that we don't
24 know what they're gonna say. I mean there is a State
25 proffer of what they're gonna say. Maybe this is more
26 appropriate in a -- a short offer of proof and then the
27 issue becomes moot. I mean, if that's what they're gonna

1 testify to, that's very different. And I would concede if
2 the -- if the expert comes in and says that they were
3 deposited different times, I -- I would concede that that
4 absolutely is correct. But I can't tell you that I can
5 agree to that, not knowing what they have said.

6 THE COURT: I -- I'm no expert and -- and I don't
7 even -- and listen, I'm old. You know, when -- when I did
8 this, DNA stood for do not ask. You know, and I remember
9 saying to my boss, I want a -- I want a DNA exam and he
10 said, yeah, you got the money for it. You -- it was a
11 different world when -- when I did it. But it's my
12 understanding and I -- I have done some reading on it
13 that, that yeah, I mean, that example that -- that
14 Counsel, Attorney Palermo gave. She has a piece of paper,
15 she hands it to the clerk, three days later the clerk
16 hands it to me. We could have a mixture of her DNA and my
17 DNA, even though we weren't even in the same room at the
18 same time. And then ironically, her DNA may not be on
19 there.

20 ATTORNEY PALERMO: That's correct.

21 THE COURT: So I -- I think -- I don't think we need
22 to do it outside the presence of the jury and I'm not
23 doing it to save time. But it -- it just seems to me
24 That- - that it -- I'm -- based on my readings, based
25 on -- on and look, I'm not saying a little knowledge is
26 dangerous. I'm -- I'm -- we're beyond dangerous then. But,
27 you know, I -- I think based on the -- on what I hear from

1 the proffer of the State, the State can -- can be
2 permitted to put on evidence that -- that the defendant's
3 saliva DNA, spit DNA is on the -- the items indicated. And
4 I -- I will tell you this and I'm sure you'll do it, but
5 if you don't, I'm going to ask --

6 ATTORNEY PALERMO: Oh, of course.

7 THE COURT: -- about the depositing. You know,
8 what -- does that mean they have to deposited --

9 ATTORNEY PALERMO: Oh, of course I'm gonna ask --

10 THE COURT: -- at the same time or a mixture.

11 And I knew you will.

12 But -- but I think that reduces any prejudice. Look,
13 is it relevant, this is what a Judge has to do. A Judge
14 has to say, is it relevant and is -- is it, or -- is
15 it -- if relevant, is it unduly prejudicial. You know,
16 prejudicial has -- has been defined and I don't think this
17 creates any side issue and I don't think it creates any --
18 or is so -- if it was semen, like I said, that's
19 different. But this type of DNA could it also be this
20 amylase.

21 ATTORNEY PALERMO: Amylase.

22 THE COURT: Is -- is it also -- is consistent with
23 touch DNA or -- or strictly --

24 ATTORNEY PALERMO: It's -- it's --

25 THE COURT: -- saliva?

26 ATTORNEY PALERMO: It's -- it's found --

27 THE COURT: Sweat glands?

1 ATTORNEY PALERMO: It's found in saliva, Your Honor.
2 It can be found in other places, but you -- you see
3 amylase in saliva.

4 THE COURT: Okay.

5 So based on that --

6 ATTORNEY PALERMO: It's an enzyme.

7 THE COURT: Boy, that'll clear it up. I thought
8 enzyme was a football team.

9 So look, I'm -- I'm going to rule there -- it is --
10 it is relevant evidence and that it is not too prejudicial
11 as to preclude it from -- from admission. And -- and
12 that's if we're based on that. If it comes out and -- and
13 the expert says otherwise, which, look I don't think is
14 going to happen --

15 ATTORNEY PALERMO: Believe me, I will, you know,
16 double check and let the Court know ahead of time.

17 THE COURT: I know you will.

18 ATTORNEY PALERMO: But I --

19 THE COURT: I know you will.

20 ATTORNEY PALERMOA: I'm 99.9 percent positive.

21 THE COURT: So that -- that takes care of one and two
22 of -- of your motion.

23 On three is -- and -- and if you could,
24 Attorney Berke, just explore this a little bit further.
25 The evidence should be excluded on the third prong of the
26 expert testimony analysis. What do you mean by that?

27 ATTORNEY BERKE: That it wouldn't be helpful to the

1 jury in considering the issues on whether the defendant
2 committed the offenses.

3 That's the problem with the expert analysis. It's
4 not independent of whether it's prejudicial or not under
5 expert testimony, that it won't --

6 THE COURT: Oh, okay, okay.

7 ATTORNEY BERKE: Independent of that analysis.

8 THE COURT: I was thinking you were -- you were
9 saying it was going to the ultimate issue.

10 ATTORNEY BERKE: No, no.

11 THE COURT: Okay.

12 And -- and clearly it doesn't.

13 Would you like to be heard on that?

14 ATTORNEY PALERMO: Well, Your Honor, I think it -- it
15 would be helpful to the jury -- the DNA results would be
16 helpful to the jury because the complainant is saying,
17 you know, she was sexually assaulted on her bed. There
18 are -- his DNA is on the sheets, it's on the comforter.
19 I think it would be helpful and supportive of the State's
20 theory. It may not be sperm or -- but it is his saliva and
21 I think that is helpful to -- and I think that only an
22 expert could explain what amylase is and -- and -- and
23 amylase is found in saliva. So, you know, why is his
24 saliva on -- on the bedsheet. I guess, you know, we could
25 argue because he was in the bed, but -- and maybe he'll
26 argue something different.

27 I mean, you heard his own interview where he said he

1 was having sex in that bed all the time. I guess that
2 could be the reason, too, supposedly. Defense may argue
3 that. But I -- expert testimony is necessary in this and
4 it would be helpful to the jury. Otherwise, how would they
5 know -- how would they know amylase and saliva; that's not
6 something a lay person would understand, Your Honor.

7 So, obviously we need expert testimony on that, and
8 in order to get the profile, we need expert testimony.

9 THE COURT: Okay.

10 ATTORNEY BERKE: I don't think the definitions of
11 amylase, and saliva and how it gets there is the -- is the
12 issue that I'm asking the Court to consider. It's whether
13 the conclusions, that is -- that based upon the
14 background. I mean, there -- there are a lot of things
15 that an expert can define to a jury. It doesn't mean
16 necessarily that that assists the jury in reaching the
17 conclusion that they're asked to reach.

18 THE COURT: Anything further?

19 ATTORNEY PALERMO: Not on that issue, Your Honor.

20 THE COURT: Here's -- I certainly see where the
21 State's coming from. And -- and, Attorney Berke, I know at
22 the end of this and you can see in my charge, that I've
23 already -- my charge 2.0, my -- the second one I sent you,
24 I have a section on adequacy of police investigation.
25 And -- and one of the things I -- I think you could argue
26 is, hey, look, why -- why don't the cops do this forensic
27 stuff you see about on TV. You know, you -- you watch any

1 of the network shows or -- or movies and, you know,
2 this -- this stuff -- this DNA stuff is -- is generally
3 accepted in -- in Hollywood, screen rights anyway.

4 But I -- I think there's a certain level of
5 expectation that the State is allowed to go into. Look,
6 I -- I'm sure the State wishes it showed up sperm and it
7 showed up on only LT's bed, but -- but it didn't. But I
8 don't think it -- it precludes the State from presenting
9 evidence such as that. And -- and again, I -- I have to
10 review this, whether or not it's a -- it should be
11 excluded in the expert testimony analysis. I -- I think
12 only an expert can be able to testify, that is, this is
13 the knowledge outside the average -- normal regular person
14 with regard to this stuff.

15 So I -- I think it is helpful and -- and you cited
16 that the case right on point, State -- State versus Iban
17 C., 275, that's I-b-a-n C. 275 Connecticut 634. That is a
18 2005 case, but I -- I think this is a case in which
19 the -- it -- expert testimony would be most helpful in
20 explaining it to the jury.

21 Like I said, it -- it -- the State is allowed to
22 present its evidence, what they think in the -- in the
23 best light and presenting evidence of -- of DNA showed,
24 they could argue show us the thoroughness of what the
25 police did. But I -- I still think you can get the
26 inadequacy charge, but not with regards to -- to this.
27 Yes, I mean, you could say just as you've argued. Look,

1 why don't they test here, why don't they test there, why
2 don't test there. I get it and -- and you may be able to
3 use this as -- as part of your cross examination of -- of
4 the witnesses that are going to be presented. But on -- on
5 the third prong of your motion in limine, I will -- will
6 deny it.

7 Now, fourth is DNA evidence should be excluded due
8 to risk of confusion of the issues and misleading to the
9 jury. The police interview contains numerous references
10 regarding disclosures made by ST.

11 I -- I think we sort of cleaned this up a little.

12 ATTORNEY DAVIS: We did.

13 THE COURT: A lot.

14 ATTORNEY BERKE: So this motion was filed --

15 THE COURT: Right.

16 ATTORNEY BERKE: -- prior to that discussion.

17 There were two segments that were left in that two
18 and a half hour interview. I'm -- I'm convinced that an
19 Appellate Court reviewing this, as they have with charges,
20 are gonna say that two lines in an interview --

21 THE COURT: In the totality.

22 ATTORNEY BERKE: -- that no one can even listen to
23 is -- is -- so I'm -- I'm going to abandon that section
24 because I don't think that -- I think we've accomplished
25 that.

26 The fifth paragraph's a little more complicated.

27 THE COURT: Yes.

1 ATTORNEY BERKE: So 54-86k informs the Court that DNA
2 is acceptable.

3 THE COURT: Yes.

4 ATTORNEY BERKE: There's only one problem is that
5 Porter says that DNA is acceptable, but the methodology
6 in the application of DNA is still subject to challenge.

7 THE COURT: Yes, I --

8 ATTORNEY BERKE: And the methodology that I'm
9 suggesting is, the statistical analysis and the
10 deficiencies in that analysis. So I would imagine that
11 someone could say, you know, that's subject fodder for
12 cross-examination. But there is a threshold that you have
13 to have, to have the -- before the evidence can be
14 admitted, and the statistics that are used in this case
15 are unlike any DNA case I have ever seen. I certainly
16 can't say anything for anyone else -- any other litigants
17 in this courtroom -- litigators in this courtroom.

18 There was a shift in the lab and at one point you
19 used to see numbers one in 50 gazillion, one in a hundred,
20 one in for so --

21 THE COURT: You can't --

22 ATTORNEY BERKE: -- there are --

23 THE COURT: You can't count Paoletta, but --

24 ATTORNEY BERKE: Okay.

25 So there are seven men in this room. Based on this
26 example, one in four of those men, you have eight men.
27 Two of them can fit this profile. One in 33. The other one

1 is one in eight. That's ridiculous that that should be --
2 that can't possibly rise to the level of being admissible
3 evidence. Those numbers are just so far inclusive I can't
4 see how a Court can say that that's possibly admissible to
5 identify someone as being included in a -- in a sample.

6 THE COURT: No, and I -- I want to thank you. I -- at
7 first glance when I -- when I looked at your motion,
8 particularly number I went, this is the easiest one to go
9 on. And I just pulled out 54-86k, show it to Berke and
10 say, hey, this is it, it's generally accepted. It's not
11 junk science. Then the more I read into it and the more
12 I -- I heard you, I -- I started doing a lot of reading.

13 And, you're right. At one time, the lab would say,
14 you know, even when I was around, and when I say, around,
15 as -- as a trial lawyer. It was one in eight million, one
16 in a hundred million. This is a lot less. So I -- I'd like
17 to know what the State has to say with regards to that.

18 ATTORNEY PALERMO: Yes, Your Honor.

19 So I -- I think we're talking apples and oranges
20 here, because what Attorney Berke is talking about is
21 global filer. And these statics come from the Y chromosome
22 testing; that's the Y file -- Y filer plus testing. It's
23 called Y-STR. This has been accepted in the scientific
24 communities. All labs use this Y filer. Y filer is for the
25 Y chromosome, the male chromosome only. And it's not the
26 global filer where you have these, you know, one in a
27 million. That -- that is not the same statistics. It's a

1 different test.

2 THE COURT: So -- so --

3 ATTORNEY PALERMO: And he's mixing apples and
4 oranges.

5 THE COURT: If I understand it, so the test right
6 away narrows it down to 50 percent of the population.

7 ATTORNEY DAVIS: Mm-hmm.

8 THE COURT: Right off the bat.

9 ATTORNEY PALERMO: Yeah, well whatever the male
10 population is, yes.

11 THE COURT: Okay.

12 ATTORNEY PALERMO: So this one in a million, that's
13 not -- those aren't the statistics. So Y-STR stands for
14 Y chromosome. It's used when you have a small amount of
15 male DNA and a large amount of female DNA, which is
16 find -- found in the global filer. That's the first test
17 they do. So when you have this, like, abundance, massive
18 amounts of female DNA so that it kind of overpowers any --
19 any male DNA there, they go to the next test, which is
20 called the Y-STR test, just to test the Y chromosome.

21 THE COURT: And -- and I'm going to stop you right
22 there.

23 But it just so happens that this particular family
24 had three daughters and GT. The only male in the house,
25 and I think there were questions with regard to that,
26 would've been your -- your client; Nick Hall. Doesn't
27 that -- and I'm sorry to cut you off but --

1 ATTORNEY PALERMO: No, that's all right.

2 THE COURT: -- I'm going to go right to Berke only
3 because I'm -- I'm small minded and that's just the -- the
4 way I'm focused right now.

5 Wouldn't that make it more than just eight people in
6 the room if -- if there's testimony only one male went
7 into that house?

8 ATTORNEY BERKE: The --

9 THE COURT: And I -- I think I'm, you know, I took
10 notes, I -- granted my notes aren't verbatim. But -- but
11 I'm -- I'm pretty clear that counsel asked even about
12 Chicho (phonetic). I -- I may pronounced that, whether he
13 went to the house and the answer was a -- a hard no.

14 ATTORNEY BERKE: The danger in responding is, the
15 evidence is not complete.

16 THE COURT: Yes.

17 ATTORNEY BERKE: So I haven't -- I haven't put on my
18 case yet. So I -- I can't -- can't respond to your -- your
19 inquiry.

20 THE COURT: Okay.

21 ATTORNEY BERKE: But the -- the statistic --

22 THE COURT: And I understand that. I know you're not
23 being rude, I know -- I know you're not being, you know.

24 ATTORNEY BERKE: Or slick if you wanted -- someone
25 wanted --

26 THE COURT: Right.

27 ATTORNEY BERKE: The statistic says from the report,

1 one in four in the general male population. So forget
2 about what the fact is. The statistic is what I'm
3 challenging and that is that when you only find five
4 of eight markers, eight under the FBI in the materials I
5 submitted to the Court, eight's the bare minimum for
6 inclusion. We have five of eight. It's just --

7 THE COURT: Yes, but -- but why should the FBI
8 standard be imposed upon --

9 ATTORNEY BERKE: It's not, it's just --

10 THE COURT: Okay.

11 ATTORNEY BERKE: -- the example of standards that
12 are -- that are -- that it's -- there's a, I mean, the FBI
13 provides national standards that they ask people to
14 follow. We haven't had testimony yet. I don't know what
15 the Connecticut standards are on what their bare minimum
16 is, but it's hard to imagine it's -- it's less than five.
17 I mean, one in four is -- it's amazing that that's
18 considered within an inclusion.

19 ATTORNEY PALERMO: So --

20 THE COURT: Counsel.

21 ATTORNEY PALERMO: Yes, Your Honor.

22 So, you know, CODIS, the Y-STR database is not as
23 thick as the CODA database or any other database. The
24 Y-STR, it's -- the -- it's only in the thousands, not in
25 the millions, right.

26 THE COURT: Can -- can you say what -- if you know,
27 what does CODIS stand for?

1 ATTORNEY DAVIS: I don't know what -- what the
2 exact --

3 THE COURT: Neither do I, but --

4 ATTORNEY DAVIS: -- what it stands for.

5 THE COURT: But it's just, we have a record and I
6 just want to -- I knew at one time.

7 ATTORNEY DAVIS: I can look it up.

8 ATTORNEY PALERMO: That's the database where if you
9 put in the DNA profile, it goes in to see if it matches --

10 THE COURT: I know what it is. I just wanted to know
11 what it stands for, so it's c-o-d-i-s.

12 ATTORNEY BERKE: If I may, Your Honor.

13 Combined DNA Index System.

14 THE COURT: Thank you.

15 Thank you, Attorney Berke.

16 ATTORNEY PALERMO: The --

17 ATTORNEY BERKE: You're welcome.

18 ATTORNEY PALERMO: Your Honor, the Y-STR statistics,
19 one in four, one in 33, it's not about the defendant, it's
20 about who matches that profile. So you're kind of looking
21 at two different things. The -- the statistics about the Y
22 chromosome testing shows who else in the general male
23 population will have those alleles, those -- those points
24 on the DNA -- the DNA line with all -- the statistics are
25 about how common or rare a profile is in the general
26 population.

27 It goes to the weight of the evidence, Your Honor,

1 and not the -- this all goes to the weight of the
2 evidence. One allele is enough to eliminate someone. So if
3 one allele is gone, it could take someone totally out of
4 a -- out of a profile.

5 So according to the lab, the -- the report that
6 counsel kind of cites to, he says on his last page -
7 on -- on page 10 of the FBI report, right. That's actually
8 at page 10 of the SWGDAM interpretation guidelines report
9 which he attached. That is a guideline for Y chromosome
10 STR testing and forensic laboratories. Counsel's citing
11 this. He cites it as an FBI report, that's incorrect.

12 SWGDAM stands for Scientific Working Group on DNA
13 Analysis Methods. The national forensic community uses
14 Y-STR typing. SWGDAM, because of that, has set forth
15 guidelines which our lab follows. With the detection
16 of -- when the detection of male DNA is relevant,
17 according to SWGDAM, which is what -- what he attaches to
18 his motion, Y-STR typing may be appropriated --
19 appropriate under certain conditions. One being where
20 there's a mixture of male and female DNA, our case.
21 And another, where there is a relative abundance of female
22 DNA precluding the detection of male alleles, another one
23 our case. That's why you use STR testing.

24 SWGDAM says, the lab should establish the
25 guidelines, and defined the parameters under which samples
26 are tested for Y-STR typing. Partial STR (inaudible) types
27 may be used for -- for inclusionary and exclusionary

1 purposes. The report says, the lab should establish the
2 minimum number of loci or locations from an evidentiary
3 profile required to perform a comparison to a referenced
4 profile. It's up to the lab. SWGDAM said, the lab, you set
5 your guidelines. Our lab has done this, they've done it
6 for years.

7 And in terms of some of the, I believe, what counsel
8 kind of puts in his -- in his motion, he talks about
9 likelihood ratios, he talks about verbal scale, he talks
10 about PG systems. These have nothing to do with Y profile
11 typing. These have to do with the global filer. So he's
12 talking different language that has nothing to do with Y
13 filer. So basically he cites a report that the -- our labs
14 have been following for many, many, many, many years and
15 that has been accepted pretty much worldwide. But it's
16 basically saying you lab, establish your guidelines.
17 The lab has done this. Our lab over the years has had many
18 Y profiler kits they've used over the years and it's been
19 accepted.

20 THE COURT: But -- but I guess his argument is, yes,
21 so the lab does.

22 ATTORNEY PALERMO: Mm-hmm.

23 THE COURT: Their guidelines aren't very good.

24 ATTORNEY PALERMO: Well --

25 THE COURT: Their guidelines aren't -- aren't --
26 amounts to junk science in this particular case.

27 ATTORNEY PALERMO: Well, I -- I would disagree,

1 Your Honor, because the lab establishes the guidelines.
2 They've been -- these guidelines have been established for
3 years. The Y-STR has been used in our lab. It's -- it's
4 been an established procedure for decades in the forensic
5 community. A large majority of US labs use it. It's --
6 it's accepted throughout the world in forensic evidence.
7 This isn't just our lab. This is -- this is -- this is
8 worldwide. This is not a new science. This has been around
9 forever. He's mixing global filer with Y filer and you
10 can't, they're apples and oranges.

11 ATTORNEY BERKE: So I'm not challenging the science
12 behind Y filer.

13 THE COURT: I know that.

14 ATTORNEY BERKE I'm challenging the methodology
15 of the application based on the statistics that the lab
16 concluded in this case. And the lab can create whatever
17 guidelines they want. The Court is the gatekeeper and
18 makes the decision on whether, is this science that should
19 be presented in front of a jury, does it meet that
20 threshold of reliability. And when you include their
21 language, one in four of the general male population, how
22 is that exclusionary and how is that sufficient to attach
23 to someone as inclusion in any sample. That's my problem
24 with it.

25 THE COURT: And -- and I guess it goes back to, and
26 I -- I hate to build in like a harmless error argument
27 right up front, but so what. It doesn't -- doesn't that

1 still fit within the theory of your case. Does -- does
2 it -- does it -- is it that hurtful or harmful to your
3 case where -- where your client in a two and a half hour
4 interview said, yeah, I was -- I was in the bed.

5 ATTORNEY BERKE: I understand what you're saying.
6 But I'm asking you to consider the science and whether
7 it's appropriate for the jury to hear that. And I think
8 that that -- I don't know that that argument -- that may
9 be an appellate argument --

10 THE COURT: Absolutely.

11 ATTORNEY BERKE: -- but I don't think that's an
12 appropriate argument for the trial court. I don't think a
13 harmless error argument is for -- and -- and I do think
14 that in the context of those ratios. It's not something
15 that should be in this (inaudible).

16 THE COURT: Okay.

17 Take your time, take your time.

18 ATTORNEY PALERMO: Your Honor, I have nothing else to
19 say.

20 This has been an accepted science for years. It's
21 a -- it's used worldwide. Our lab, it's -- we've been
22 using it, the lab has been using it. This -- this is --

23 THE COURT: Go back to, I have nothing else to say.
24 What -- what did you say after that?

25 ATTORNEY PALERMO: I'm sitting now.

26 ATTORNEY BERKE: Your Honor, I'm not challenging the
27 science. You know, going through the same arguments.

1 That's not what I'm challenging.

2 ATTORNEY PALERMO: He's --

3 ATTORNEY BERKE: That's not my argument.

4 ATTORNEY PALERMO: He's challenging; these are too
5 low. Well, one of four people is going to have this --
6 this profile on this stain. Yeah, that goes to the
7 evidence. That goes to the weight of the evidence.
8 It doesn't go to -- it should not go to its admissibility.
9 He can argue that, Your Honor.

10 ATTORNEY BERKE: But in the context of expert
11 testimony, the Court has to consider --

12 THE COURT: There has to be a threshold.

13 ATTORNEY BERKE: -- is that reliable enough, is that
14 probative enough for it to be admissible. You're the
15 gatekeeper. You have to decide is that enough. That's what
16 the argument is.

17 THE COURT: No, I -- I get it and I -- I understand
18 my responsibility. And I also understand that yeah,
19 there -- there is a threshold and -- and -- but, and I'm
20 glad you're sitting down when I'm -- when I'm ruling on
21 this, because I agree with you. I -- I agree with the
22 State in the sense that, yes, this goes to the weight
23 of the evidence. And, look, I'm going to give a case, it's
24 State versus Victor O., 301 Connecticut 163. Cert. was
25 denied by our US Supreme Court, 132 Supreme Court Reporter
26 583. That's a 2011 case where our -- our Supreme Court
27 has considered federal case law regarding the validity

1 of certain scientific tests. The trial court is not called
2 upon to decide whether it agrees with the proffered
3 expert's conclusions but whether -- rather whether the
4 evidence is scientifically valid and whether the expert's
5 reasoning can be applied to the facts of the case.

6 Based on these -- this guidelines, I'm going to rule
7 that the -- the expert can testify with regards to this,
8 and it will certainly go to the weight of the evidence and
9 not the admissibility. I find it admissible under 54-86k
10 that DNA results are admissible and that furthermore, that
11 certainly the -- it -- it sounds like you're going to, and
12 look, I'm a trial guy. I -- I love trials. So I'm -- I'm
13 looking forward to the cross-examination of the -- the
14 individuals from the lab on the stand with regards to
15 alleles and -- and the like.

16 But I'm going to rule that it's admissible, it goes
17 to the weight and not the admissibility and therefore
18 under the fifth prong of your motion in limine with regard
19 to a Porter analysis, I'm -- I'm denying that.

20 So I'm -- what I'm going to do is on the motion in
21 limine filed -- do you have it right there, I have all my
22 notes, here it is. On February 3rd, 2025, the Court is
23 denying it on -- on all (inaudible).

24 And the reason I'm making a show of this is because
25 the clerk will ask me afterwards to -- to ask the parties,
26 are there any other outstanding motions.

27 ATTORNEY DAVIS: None from the State.

1 ATTORNEY BERKE: Not as of now.

2 THE COURT: Okay.

3 I, of course, circled granted by mistake and
4 corrected it, all right.

5 So that -- that wrapping up today, I guess. And
6 if there's anything further, let me know.

7 ATTORNEY DAVIS: Two issues. One, I did present
8 to defense and the Court yesterday the transcript of the
9 redacted interview. The -- the transcript has been
10 redacted with black. You cannot read through it.
11 Obviously, there's a -- I know the Court's gonna point out
12 that it looks like Swiss cheese. I did not talk to
13 Attorney Berke about this so I don't think there's
14 agreement, I'm guessing.

15 But the State's going to argue that it should be
16 given to the jury as a guide to bring into deliberations
17 for a multitude of reasons. One, the Court heard the jury
18 themselves that they couldn't really hear it. We got a
19 note from a juror explaining how to do the audio.
20 The Court has already given them an instruction about how
21 they are not to consider things that are not -- that
22 things have been cut out from the video and they're not to
23 consider or speculate as to what's been cut out. I think
24 with an advisement like that that the Court's already
25 given when they were watching the video would be
26 sufficient, and I think it would be an aide to the jury
27 because they themselves are complaining that they can't

1 hear it.

2 And I just want to make a record that the State has
3 went through lengths to get the audio enhanced. This is
4 actually an enhanced audio.

5 THE COURT: Why is it so bad?

6 ATTORNEY DAVIS: I think it's the acoustics in the
7 recording room, but I'm not -- I'm not familiar with the
8 Trumbull Police Department. So we had our technical person
9 in Rocky Hill enhance the audio, I've had Iris (phonetic)
10 look at the audio, that's the best we can get it.

11 And I argue in light of that, it was made
12 admissible. We fought ad nauseum about to include and not
13 include. I've made sure --

14 THE COURT: I'm just going to stop you right there.
15 Any objection to this coming in; do you want to think
16 about it overnight?

17 ATTORNEY BERKE: I do want to think about it tonight.

18 THE COURT: All right.

19 ATTORNEY DAVIS: That's fine.

20 THE COURT: Is that okay?

21 ATTORNEY DAVIS: Yeah.

22 THE COURT: And, look, I -- I could tell you this. I
23 looked at it. I've -- I've reviewed it but I'm not ready
24 to rule either.

25 ATTORNEY DAVIS: That's fine.

26 THE COURT: So, you know, and -- and there's certain
27 things, I may -- it's in evidence. I may -- I may listen

1 and -- and read along.

2 ATTORNEY DAVIS: Okay.

3 THE COURT: Just -- just for me to -- you know,
4 the -- the problem, too is you know, on a personal level
5 when I -- when I watch TV and if -- if the sound is off
6 from the mouth movement, that drives me crazy. When --
7 when I watch, you know, certain TV shows, I use closed
8 caption. And, look, it's not because I'm old, it's because
9 that -- that just assists me. This is sort of like my
10 closed caption so I -- I want to see if it's helpful
11 and -- and I'll look at it. And I -- I just got through
12 watching a series, and this has nothing to do with
13 anything, but that was filmed partly in Ireland and, you
14 know, it's English but you know, but I still had to use
15 closed caption to understand what they were talking about.

16 ATTORNEY DAVIS: Mm-hmm.

17 THE COURT: Even when you know, you have people
18 interviewed from Boston, I -- I still like the closed
19 captioned.

20 So this, I think, may be helpful but I just want to
21 make sure so --

22 ATTORNEY DAVIS: Sure.

23 THE COURT: So, Attorney Berke, you don't have to ask
24 for it, but please let's -- let's encounter it on Monday.
25 And -- and I'll -- I'm going to put a responsibility on
26 you. Give me an instruction to tell the jury --

27 ATTORNEY DAVIS: Sure.

1 THE COURT: -- that what -- the evidence is the
2 audio. This is to be used as a --

3 ATTORNEY DAVIS: Like an aide.

4 THE COURT: -- an aide, thank you.

5 ATTORNEY DAVIS: I'll -- I have one cause I've
6 used -- done this before in trial so I'll -- I'll forward
7 them to the Court and counsel.

8 THE COURT: Thanks.

9 ATTORNEY DAVIS: And just the other point I had is
10 I believe we intend to hopefully to wrap on Thursday.
11 The State has been throughout this trial, giving the
12 defense the names of who we're calling. I think the
13 defense should know who we're calling for the rest of the
14 trial. Just for the record, it's Michael Morganti,
15 Angela Przech, Francisco Scarano, Jennifer Green,
16 Monica Madigan and Janet Murphy.

17 I believe the Court told the defense to have their
18 witnesses ready for Thursday, so at this time, the State's
19 requesting the names of who the defense is calling, so we
20 can adequately prepare for cross-examination.

21 THE COURT: All right.

22 Can I just -- Madigan, Przech --

23 ATTORNEY DAVIS: Yes.

24 THE COURT: That's Angela Przech, Scarano, Morganti,
25 Green.

26 Are -- are they all from the lab?

27 ATTORNEY DAVIS: No. From the lab -- Jennifer Green's

1 retired from the lab, but she's testifying. She was at the
2 lab when this happened. Angela Przech's from the lab,
3 Scarano's from the lab, Morganti are from the lab.
4 Then Janet Murphy did the medical examination and
5 Monica Madigan's just an expert about delayed disclosure
6 in child sexual abuse.

7 THE COURT: Okay, I -- I just need that for my --
8 my own.

9 At -- at -- do you want to be heard on that?

10 ATTORNEY BERKE: The disclosure?

11 THE COURT: Yes, they're asking right now; can -- can
12 you tell us who --

13 ATTORNEY BERKE: I'd be willing to provide tomorrow.

14 THE COURT: Thank you.

15 ATTORNEY DAVIS: Yeah, we're not in session so he --
16 we'll just communicate offline tomorrow.

17 THE COURT: Yes, and I've got to tell you --

18 ATTORNEY DAVIS: That's fine.

19 THE COURT: -- the parties have been very good about
20 that. And, look, I mean, I know it may take a meeting with
21 your client or -- or representative so certainly. I didn't
22 want to -- I felt uncomfortable putting him on the spot.
23 I thank you for --

24 ATTORNEY DAVIS: No, I think it's fine.

25 THE COURT: -- backing me out of that so to speak,
26 but I -- I think, you know, it's different -- different
27 for the State in a sense that it's two you here and -- and

1 you make that decision. I mean, your client is -- is not
2 at table with you. So tomorrow is fine.

3 And the parties have been wonderful about
4 communicating with the Court. We -- we use text messaging
5 and -- and email, so that's fine, thank you.

6 And thank you, Attorney Berke.

7 ATTORNEY DAVIS: Thank you.

8 THE COURT: Anything --

9 ATTORNEY DAVIS: Nothing --

10 THE COURT: Anything further?

11 ATTORNEY DAVIS: Nothing further.

12 ATTORNEY BERKE: Your Honor, when the jury gets the
13 video --

14 THE COURT: Yes.

15 ATTORNEY BERKE: -- are they able to manipulate
16 the settings or is that a -- a format where they are
17 just -- they can only play it. I only can say that based
18 on the note that you have whether someone's going start
19 playing with --

20 THE COURT: They will be provided a clean laptop.
21 When I say, clean, it won't have anything else on it other
22 than --

23 ATTORNEY BERKE: But it's gonna have --

24 THE COURT: -- the software --

25 ATTORNEY BERKE: -- a media player or some similar
26 version.

27 THE COURT: It -- it will have a media player. Won't

1 have access to the internet.

2 ATTORNEY BERKE: Right, but you don't need access to
3 the internet to access the program.

4 THE COURT: So they will be able to manipulate, so to
5 speak, the volume, and the bass and the treble.

6 ATTORNEY BERKE: What about the settings?

7 THE COURT: What do you mean by settings?

8 ATTORNEY BERKE: Well, you can change different
9 settings within a --

10 THE COURT: But -- but what kind of settings, and
11 I --

12 ATTORNEY BERKE: I'm not a tech guy but the -- the --

13 THE COURT: Let's look at that note and -- and see if
14 we could figure that out. But Mr. Wong --

15 ATTORNEY BERKE: I mean, I don't know what -- what
16 laptop they have allows you to do. I know there's a way
17 where you can just not enable that aspect of the program.

18 ATTORNEY DAVIS: I'm gonna just -- I -- I know what
19 counsel's alluding to so --

20 THE COURT: Good.

21 ATTORNEY DAVIS: -- it's just setting, like, the bass
22 and that kind of stuff, just changing the audio. Not just
23 the volume. But we've had our tech -- I'll just say it, I
24 appreciate the juror's note, but we had someone from Rocky
25 Hill do all this. So it's not -- this is as good as it
26 gets.

27 THE COURT: Okay.

1 But -- but even if they were to -- to adjust the
2 volume, or the bass --

3 ATTORNEY BERKE: I don't care about the --

4 THE COURT: -- or the treble --

5 ATTORNEY BERKE: He -- he mentioned some other
6 technical terms that I don't even understand basically.

7 THE COURT: We -- but -- but it's still adjust the
8 content. I mean, it's -- it's not like playing it
9 backwards.

10 ATTORNEY BERKE: I don't know what --

11 THE COURT: We're going to hear --

12 ATTORNEY DAVIS: No, it doesn't -- no.

13 ATTORNEY BERKE: I don't know what you're able to do.
14 I'm just curious if they can manipulate the program,
15 that's all.

16 THE COURT: Enable the equalizer on windows media
17 player, right click then select equalizer, select
18 enhancement then equalizer, turn equalizer on, move
19 sliders up 500hz --

20 ATTORNEY DAVIS: Yeah, it's all about just the sound
21 quality. That's what that's referring to.

22 THE COURT: Move sliders down, oh, for frequencies,
23 I see what you're saying.

24 ATTORNEY DAVIS: Yes, it's for sound quality.

25 THE COURT: All right, why don't we do this. We'll --
26 the -- the laptop will be made available to you to -- to
27 examine beforehand.

1 ATTORNEY BERKE: Okay.

2 THE COURT: And -- and we'll take a look at it.

3 And -- and, Attorney Berke, if you -- look, if you
4 have somebody who may know about that, by -- by all means,
5 we'll set you up in a -- in a room here.

6 ATTORNEY BERKE: Okay.

7 THE COURT: You can take a look at it with -- with
8 counsel. Well, it doesn't -- you don't even have to have
9 counsel with you. That could be done without.

10 ATTORNEY BERKE: Okay, thank you.

11 THE COURT: So we'll -- we'll do that and then let me
12 know if you want to revisit that, thanks.

13 I -- I did want to mention, and I forgot to, sorry.
14 Eight, nine, ten, is that what it is?

15 THE CLERK: Yes.

16 THE COURT: Eight, nine and 10, the Court's exhibits.
17 The interview of Nicholas Hall transcript unredacted,
18 sealed, that's now in full so to speak.

19 Nine, the unredacted Nicholas Hall interview video
20 sealed is now in and so is 9, 10, the unredacted set of
21 objections to Nicholas Halls' interview, sealed. So all
22 those are sealed and they're -- they are now ready.

23 You know how the clerk provides every day the --
24 whether it's full or -- or ID. So I -- I just wanted to
25 put that on the record.

26 Anything further?

27 ATTORNEY BERKE: No, sir. Thank you.

1 THE COURT: Okay.

2 Thank you, everyone.

3 And anything comes up, I'll be manning the email.

4 Thank you.

5 ATTORNEY DAVIS: Thank you.

6 ATTORNEY BERKE: Thank you, Your Honor.

7 (Whereupon this matter was concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

FBT-CR20-0336785-T : SUPERIOR COURT

STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT

v. : AT BRIDGEPORT, CONNECTICUT

NICHOLAS ROBERT HALL : FEBRUARY 11, 2025

E L E C T R O N I C
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Bridgeport, Bridgeport, Connecticut, before the Honorable Peter McShane, Judge, on the 11th day of February, 2025.

Dated this 6th day of March, 2025 in Bridgeport,
Connecticut.



P'Shaunda D. Gibbs-Hopkins
Court Recording Monitor