

FBT-CR20-0336785-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT OF
FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
NICHOLAS R. HALL : FEBRUARY 5, 2025

TRANSCRIPT OF PROCEEDINGS
EXCERPT
(10:11 TO 3:31)

BEFORE THE HONORABLE PETER MCSHANE, JUDGE
AND JURY

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

Representing the State of Connecticut:

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1 THE COURT: We're on the record, State of
2 Connecticut v. Nicholas Hall. I'll ask the parties
3 to please identify themselves.

4 ATTY. DAVIS: Good morning, Your Honor. Kelly
5 Davis for the State.

6 ATTY. BERKE: Good morning --

7 ATTY. PALERMO: Good morning, Your Honor. Elena
8 Palermo for the State.

9 ATTY. BERKE: I'm sorry. Robert Berke for Mr.
10 Hall.

11 THE COURT: And Mr. Hall is present. People are
12 now filtering in. We're here in beautiful courtroom
13 3A. Thank you, Judge Dayton, on the record for
14 allowing me to use this.

15 The jury was told that my courtroom 5A is
16 unavailable. You can be seated. I just want to tell
17 the attorneys this. Well, it applies to everyone
18 except for you, Attorney Davis.

19 You have to keep your voices up in here. I say
20 that in a nice way.

21 ATTY. DAVIS: I'm not offended.

22 THE COURT: They hear you in Shelton.

23 ATTY. DAVIS: Yes.

24 THE COURT: They don't -- so, but especially if
25 you're in the middle. This is a beautiful design,
26 but not for acoustics.

27 Now we have a few things to go over. So

1 yesterday I received more records with regards to GT.
2 I had the opportunity to review them last night. I
3 have for counsel, of the 135 pages I went through, I
4 have selected three pages that I think apply.

5 And I just want to say, and yesterday you were
6 also -- the parties received copies of what I have
7 released. Access to confidential records is left to
8 the Trial Court's discretion. And to --it's my duty
9 to weigh the value against the interest of the
10 confidentiality of the records.

11 So, I understand they're confidential records,
12 but I also understand the defendant has a right for
13 confrontation. And with respect to that - and I'm
14 talking about, there's two cases in particular.

15 *State v. Slimskey*, that's S-L-I-M-S-K-E-Y, 257
16 Connecticut 842, that's a 2001 case. And *State v.*
17 *Juan*, AG-P. That's also very influential in my
18 decision making here.

19 With respect to GT, the information that I've
20 turned over somewhat relates to behavioral,
21 cognitive, and emotional issues that could affect her
22 ability to observe and understand and accurately
23 narrate the events in question. Anything that was
24 accusatory or anything that was exculpatory was
25 reviewed, but anything that was accusatory in nature,
26 I have also turned over.

27 It's very minimal, but I thought I would err on

1 the safe side. Just because they're turned over to
2 the defense does not make it admissible, but I just
3 thought to err on the safe side, I will provide it.

4 I will also note that the records indicate that
5 GT suffers among other things - there were several
6 diagnoses that do not have to be shared, but anything
7 that had to do with ability to relate or to
8 accurately talk about events in the past and anything
9 that had to do with accusatory in nature, I did

10 What I've done is I have three, and hopefully no
11 more from the State, but I received three envelopes -
12 - well, two envelopes I should say. The last just
13 came to me open. I've marked them as follows: four,
14 five, and six consist of records that I've received
15 from the State. I'm not going to go through the
16 treatment centers, but they are contained therein.
17 They -- four, five, and six are going to be Court
18 Exhibits as I'm required to do.

19 And I have made Court Exhibit seven, which is
20 the materials in which I have provided to the
21 parties. I will note too that I'll ask Madam Clerk
22 to seal those at this time and they remain Court
23 Exhibits.

24 Look, I'm very mindful of the fact that a trial
25 is ongoing. It's fluid. Evidence may, which
26 initially may seem relevant or not relevant, may be
27 relevant as the trial unfolds. If something becomes

1 relevant and material, I will let the parties know
2 and make those records available. So, that is that.

3 Last night at 6:32, I received an email from
4 counsel, Attorney Berke, with regards to a motion in
5 limine. I just tried printing it out and quickly
6 remembered that my printer is on a different floor,
7 but I have it before me right now.

8 Did you file one with the clerks?

9 ATTY. BERKE: I did not. I will. I spoke to
10 the clerk. I'm going to provide them with a copy.

11 THE COURT: Okay. And there is also a request
12 by counsel, and I'll note that the jury is not in the
13 room, there's also a request by counsel. There is a
14 statement that the State is seeking to introduce.

15 There was some discussion about agreement of
16 things that could come out. An agreement of things
17 that -- and then there were agreements to disagree on
18 certain other things. Well, last night, it seems
19 that, is that list expanded? Is there more things
20 that you want out?

21 ATTY. BERKE: Potentially. I'd ask the Court's
22 indulgence, I'm not sure at what point we should do
23 it, but I think -- I have gone through some of the
24 things that were sent to me last night by the State
25 in response to my request. I think perhaps investing
26 a little bit of time may resolve that issue.

27 THE COURT: Okay. That may save time. By

1 investing time it saves time. I just want to thank
2 the State because as I was going through it, I want
3 to say about 12:05 a.m., I received an email from
4 them, and I'm not saying this sarcastically, please
5 don't take it that way.

6 I was working on it, and I'm not saying that
7 because I want Hartford to hear it, but there was a
8 lot, a lot to digest, but the State took it frame by
9 frame, so to speak, as you did, counsel, but I was
10 able to jive it too, which was extremely helpful. So
11 that's good.

12 The last -- so we'll do that, but so our order
13 is Jada, Jennifer, GT, correct?

14 ATTY. DAVIS: It's Jada, Jennifer, Detective
15 Wheeler, and GT.

16 THE COURT: Oh, Detective. Okay. So, we're
17 going to have to address, before Detective Wheeler is
18 on there that video, the DNA, which is counsel's
19 motion in limine, we have to address. Is that going
20 to be you, Attorney Palermo?

21 ATTY. PALERMO: It is, Your Honor, and I haven't
22 had time to even look at this whole motion, and I'm
23 going to need time to do that and to speak to some
24 people at the lab. So, I'm not going to be ready to
25 do that today.

26 THE COURT: Okay. Well, that -- I take it
27 someone from the lab is going to come and testify?

1 ATTY. DAVIS: Yes.

2 ATTY. PALERMO: Yes.

3 THE COURT: And that was not scheduled for
4 today?

5 ATTY. PALERMO: No, it was scheduled for
6 tomorrow.

7 THE COURT: Okay. Yeah, and speaking of
8 tomorrow, I did not listen to the news this morning.
9 I actually -- in a while I haven't listened to the
10 news, but that's beside the point. There's supposed
11 to be snow.

12 ATTY. DAVIS: There is. And there was a concern
13 from the State about getting here safely.

14 THE COURT: And an inopportune time. You know,
15 I'll tell this to the lawyers, I'll tell this to the
16 people here, and I'll tell it to the defendant.
17 Look, don't make any heroic efforts to come in.

18 We've got some time built in. You know, the
19 judicial does what judicial does. We all have each
20 other's cells, or we'll make sure we do today, and
21 we'll keep in touch that way.

22 But the jurors, Madam Clerk, always on top of
23 things, has provided the jurors the numbers to listen
24 to, or the radio stations to listen to, and I think
25 even an 800-call line, or a website.

26 THE CLERK: Yes.

27 THE COURT: So, they'll be able to hear when we

1 hear. So, anything else we need to do before we
2 bring the jury down?

3 ATTY. DAVIS: Just briefly. With regard to the
4 meeting about the statements. I know this is fluid,
5 but the paralegals here now, it might take a while if
6 we need to cut more things. That's what I'm
7 concerned about. So, I was just wondering if the
8 Court has any idea when we want to have that
9 conversation?

10 THE COURT: It was you, Attorney Berke, that
11 said if we take time, we may be able to save time.

12 ATTY. BERKE: Right. So, I'd have to just look
13 at those segments in the video.

14 THE COURT: Okay.

15 ATTY. BERKE: And jump to each segment to
16 confirm whether things were moved or not.

17 THE COURT: Okay. That'll be Wheeler. That'll
18 be at 2:00?

19 ATTY. DAVIS: No, the first two witnesses are
20 going to be very short, I think.

21 THE COURT: Okay. That's always famous last
22 words, but.

23 ATTY. DAVIS: Yes. Yes, knock on wood.

24 THE COURT: And I do want to say something to
25 the paralegal. I know -- and your name for the
26 record?

27 UNIDENTIFIED SPEAKER: Iris.

1 THE COURT: Heroic measures on your point.
2 Look, I sat where these folks sat, and I didn't have
3 the benefit of having a paralegal. I did my own
4 editing, so to speak, and I was horrible at it. But
5 at one time, I went and had Quantico look at stuff,
6 and they were a lot better.

7 But to have this done in real time is just
8 phenomenal and thank you. It assists everyone. So,
9 I do want to say thank you. I'd be remiss if I
10 didn't.

11 ATTY. DAVIS: I just have one more thing.

12 THE COURT: Of course you do.

13 ATTY. DAVIS: If we could just put it on the
14 record now. We did speak in chambers. Attorney
15 Berke alerted the State and the Court to supporters
16 of the defendant wearing crosses. Yesterday, the
17 defendant did not -- the State did not see up close
18 what it said. The State assumed it was a scripture.

19 I personally have still not seen any of these
20 stickers up close, Your Honor, but I was told by
21 multiple people and staff that it says, not guilty,
22 innocent. In light of that, I think they should be
23 removed.

24 THE COURT: Counsel, you want to be heard?

25 ATTY. BERKE: You know, it's complicated. This
26 doesn't affect what my client is wearing, so it's a
27 little bit different. These are people that are in

1 support of him. It's hard to see from unless you
2 look close. You know, it's not really my argument to
3 make in some respects, but they have a First
4 Amendment right to present something that's not
5 offensive, and I guess the Court has to make that
6 decision whether it's offensive or somehow
7 inappropriate or prejudicial.

8 THE COURT: Okay. Anything further?

9 ATTY. DAVIS: Yeah, I think that they're just
10 appealing for -- the cross in and of itself, if it
11 was just a cross would be fine. But I think coupled
12 with those words, especially just for the record, the
13 setup of this courthouse, there's only one set of
14 elevators.

15 People are close to each other in the hallways.
16 I just think with those sentiments; it could give the
17 jury some inkling based on a decision. I know the
18 Court advises them that they're not to consider
19 extrinsic evidence, but that's just so blatant.

20 And also, the State thinks it's appealing to
21 religious sympathies perhaps. I just think it's too
22 close to the line.

23 THE COURT: Do you have any case support for it?

24 ATTY. DAVIS: No.

25 THE COURT: Okay. And the reason I ask is --
26 and you can sit down. And we have animal abuse cases
27 where Desmond's Armies come in. They all wear

1 uniforms. The Court's never asked to take off your
2 shirts, take off your uniforms. Now, it's a lot
3 different than a cross that says not guilty and
4 innocent.

5 I do -- there is a case. It's *State v. Johnson*,
6 288, Connecticut, 236. It is a 2008 case. In that
7 case, a murder defendant's claim that jurors were
8 improperly biased against him as a result of their
9 observation of spectators sitting on defendant's side
10 of the courtroom during testimony of State's key
11 witnesses.

12 It's not one of juror misconduct, but rather
13 more appropriately characterized a claim that the
14 courtroom environment or the courtroom situation
15 improperly biased jury, and thus the Trial Court was
16 not required to conduct an inquiry on record with
17 counsel, and defendant had the burden of proving
18 either that the environment was inherently
19 prejudicial.

20 You know, I love this building. And what I like
21 about it best is there's a lot of experts that work
22 here because everyone's been weighing in on me,
23 whether when I'm going on the elevator on what to do
24 or what not to do in this case. Advice such as tell
25 them to rip them off now. And I think I'm not going
26 to.

27 Do I think it's borderline pandering? Yes. It

1 is a cross. It is approximately three inches long
2 and -- three and a half inches long, two and a half
3 inches across. It says not guilty across and down as
4 in a crossword style innocent. You can't read it.
5 You can't read it from any distance. And I'm not
6 saying that because I've got older eyes. I've walked
7 through the hallway several times.

8 Yesterday when it was brought to my attention, I
9 actually walked up close enough and I still couldn't
10 read it. It was only -- I only learned about what it
11 was when one of the sharp-eyed marshals did indicate
12 to me what was said on there.

13 Look, do I think it's in poor taste? I'm not to
14 answer that. But I will say this. I have told the
15 jury when they came in during the indoctrination, so
16 to speak, that what they see in the back is not
17 evidence.

18 That evidence comes from two very important
19 pieces, properly introduced exhibits and the court
20 sworn testimony of witnesses. What happens in the
21 back, what happens outside this courtroom is not
22 evidence. I said it to them then. I said it to
23 them, you know, when they gathered yesterday. And
24 I've said it to them at night.

25 Our jury is at best 30 feet away from them. I
26 don't think they could read it. And I'm not asking
27 people to take off crosses.

1 ATTY. DAVIS: Thank you.

2 THE COURT: I don't think in any way that it
3 prejudices either side. It could be seen, as I said,
4 as pandering. It could be seen as a desperate cry.
5 As has been often said, there's no atheist in a
6 foxhole.

7 So, I'm not going to ask to remove it. If they
8 get bigger or the lettering gets bigger, I'll
9 reconsider it. I understand trials are fluid. And
10 we'll take it from there. Anything further?

11 ATTY. DAVIS: No, nothing from the State.

12 ATTY. BERKE: Your Honor, in a prior chambers
13 conference, we had discussed the fact that the Court
14 may release information to the defense in abundance
15 of caution. But prior to its admissibility, I assure
16 the Court that I would ask for a hearing outside the
17 presence.

18 THE COURT: Yes.

19 ATTY. BERKE: As the Court can realize, now
20 there are a number of different issues that that may
21 arise. So, I will make an attempt to try to alert
22 the Court. I'll try and keep them in one segment, so
23 it doesn't -- it's not that choppy.

24 THE COURT: Thank you. All right. That being
25 said, I'm going to ask that we bring the jury down.
26 So, we're going to just take a brief recess, maybe
27 about five minutes, and we'll have the jury down.

1 Thank you.

2 (Recess)

3 THE COURT: Okay. Ladies and gentlemen, we're
4 on the record. The jury is here. Anything before we
5 bring the jury out?

6 ATTY. DAVIS: No, Your Honor.

7 ATTY. BERKE: No.

8 THE COURT: And when I say we're on the record,
9 we're on the record in State v. Nicholas Hall. You
10 may be seated. I do want to say this. In addition -
11 - and I'm following up on the lapel crosses.

12 In addition to the jury being quite some
13 distance from the public in both courtroom 5A and now
14 the courtroom we're in 3, there have been measures by
15 our marshals. The jurors come in and out of the
16 hallway rather quickly and go right into their room.
17 They report on the seventh floor, so they're not
18 lingering outside with others. They're in and out.

19 But I do want to make that clear, in addition to
20 being at least 30 feet away. They're -- if they do
21 see someone in the hallway, it's very brief as
22 they're being walked in and walked out by marshals,
23 escorted I should say. So, with that being said, if
24 we could --

25 Oh, I do want to ask. So, the witnesses that
26 are coming in, any initials, anything we have to deal
27 with as to that?

1 ATTY. DAVIS: No, Your Honor.

2 THE COURT: And are we just using Jada's first
3 name or are we using --

4 ATTY. DAVIS: Just Jada's first name.

5 THE COURT: Is her name on Court's Exhibit 1?

6 ATTY. DAVIS: No.

7 ATTY. PALERMO: No.

8 ATTY. DAVIS: She's 19 now as well.

9 ATTY. PALERMO: Yeah, I don't think we need to
10 use her initials.

11 THE COURT: Good. Then we'll use it. And we
12 haven't been asking anyone their addresses, so we're
13 not going to do it now.

14 ATTY. DAVIS: And just -- the Court reminded me,
15 and I just want to put on the record, I did give
16 three records of the three lay witnesses today, so
17 it's --

18 THE COURT: Oh, that's right.

19 ATTY. DAVIS: -- G.T., Jada Garrell, and
20 Jennifer Foster. I did talk to Jennifer Foster and
21 Jada Garrell because Jada, it shows an arraignment on
22 her record. I did talk to them. She was arrested
23 for a drug offense and pled to an infraction for
24 that.

25 And Jennifer Foster has nothing on her record.
26 And G.T. has an eavesdropping pending case, which the
27 Court's aware of, which is the extent.

1 THE COURT: Thank you. Okay. If we could
2 please bring in the jury.

3 (The jury enters the courtroom)

4 THE COURT: Good morning, everyone.

5 THE JURY: Good morning.

6 THE COURT: Thanks for coming back. Will
7 counsel stipulate to the presence of the jurors and
8 alternates?

9 ATTY. DAVIS: The State stipulates.

10 ATTY. BERKE: The defense stipulates, Your Honor

11 THE COURT: Okay. Nice, huh? This is the big
12 court, so I really switched just to see if you folks
13 would switch chairs. You did, so that tells me
14 something.

15 We're going to begin today. I will say this.
16 On the table, and I'm saying this now because I don't
17 want to forget. On the table, Madam Clerk, she could
18 have been a Boy Scout, always prepared, left you
19 radio stations and the like. Tomorrow there's
20 supposed to be snow, or there may be snow.

21 I don't follow any of the Doppler or anything
22 like that. I'm not going to pretend to be a
23 meteorologist, but we'll see how it is. But there is
24 a website. There are radio stations, TV stations you
25 can watch and listen to. And, you know, we'll just
26 have to play it by ear. It all depends on where the
27 rain line is versus the snow line.

1 But look, and I told the parties this, and I'll
2 tell you this. If we're on and there is inclement
3 weather, no heroic means coming in. We'll get this
4 done. Still come in, but, you know, don't -- you
5 know, I don't want you, you know, going crazy saying,
6 I've got to be there, I've got to be there, I've got
7 to be there.

8 As you see, we didn't start on time today. I
9 apologize, but that doesn't mean we haven't been
10 doing work. We're doing work. Sometimes, you know,
11 and I think I said it yesterday, to save time, we
12 take time.

13 So, we're working on stuff now that should save
14 us time in front of you. So that being said, I'll
15 ask that the State call their next witness.

16 ATTY. PALERMO: Thank you, Your Honor. The
17 State calls Jayda Garrell.

18 THE COURT: Ms. Garrell, if you could please
19 come right over where the marshal is standing. All
20 right. If you could remain standing, raise your
21 right hand, and face Madam Clerk. She's going to put
22 you under oath.

23 (The oath is administered)

24

25

26

27

1 J-A-Y-D-A G-A-R-R-E-L-L,

2 Having been first duly sworn, was called upon as a
3 witness by the State and was examined and testified under
4 oath as follows:

5 THE WITNESS: Yes.

6 THE CLERK: And please state and spell your name
7 for the record.

8 THE WITNESS: It's Jayda Garrell. J-A-Y-D-A
9 G-A-R-R-E-L-L.

10 THE CLERK: Thank you. You may be seated.

11 THE COURT: Have a seat, please. Ms. Garrell,
12 I'll tell you this. The acoustics here aren't, you
13 know, the sound isn't that great.

14 THE WITNESS: Okay.

15 THE COURT: That does amplify, but I'm just
16 going to ask you to keep your voice up. Everyone in
17 the courtroom needs to hear you, okay?

18 THE WITNESS: Okay.

19 THE COURT: And I know, look, it's difficult.
20 You're in a situation you're not normally in, but
21 please keep your voice up.

22 THE WITNESS: Okay.

23 THE COURT: Thanks.

24 THE WITNESS: You're welcome.

25 THE COURT: Go right ahead, I'm sorry.

26 **DIRECT EXAMINATION OF JAYDA GARREL BY ATTY. PALERMO:**

27 Q Good morning.

1 A Good morning.

2 Q Do you mind if I call you Jayda?

3 A Yes.

4 Q Is that okay?

5 A Yes.

6 Q Okay, Jayda. Jayda, how old are you?

7 A I'm 19 years old.

8 Q Do you go to school or are you working right now?

9 A I'm working right now.

10 Q What do you do for work?

11 A I'm a CNA, a Certified Nurse's Assistant.

12 Q And how long have you been doing that?

13 A For about a year.

14 Q And what do you do as an assistant?

15 A Right now I do home health care, so I watch a lady at
16 her house.

17 Q And are you enjoying that?

18 A Yes.

19 Q Are you from Connecticut or where do you live?

20 A I live in Poughkeepsie, New York.

21 Q Are you from New York?

22 A Yes.

23 Q How long have you lived in Poughkeepsie, New York?

24 A For my whole life.

25 Q Have you lived at the same house your whole life?

26 A Yes.

27 Q I'm going to show you what's marked as Court's

1 Exhibit 1. And I'm going to ask you if you recognize the
2 names on this piece of paper.

3 A Yes.

4 Q We're going to refer to those names by their
5 initials. Is that okay?

6 A Yes.

7 Q And how do you know the people on this paper, Court's
8 Exhibit 1?

9 A GT is friends with my mother. And LT and ST and WTH
10 is her daughters.

11 Q How long have you known GT and her daughters for?

12 A For like about nine years.

13 Q And how do you know them? They're friends of your
14 mom's?

15 A Yes.

16 Q Do they ever come over to your home in Poughkeepsie?

17 A Yes.

18 Q And have they been doing that for the whole time
19 you've known them?

20 A Yes.

21 Q What's your relationship with LT?

22 A I would just usually babysit her and stay with her.

23 Q And did -- you would babysit LT?

24 A Yes.

25 Q Did you babysit ST as well?

26 A Yes.

27 Q Do you remember a time when LT and ST and WTH and GT

1 came to your house in Poughkeepsie in May of 2020?

2 A Yes.

3 Q And why did they come over to your house at that
4 time?

5 A They were just being -- I was babysitting them.

6 Q Who were you going to babysit?

7 A LT and ST.

8 Q And what about WTH?

9 A My mom was watching her.

10 Q And when you say babysit, were they staying just for
11 the day, overnight? Tell us about what they were going to
12 do.

13 A They were staying overnight at my house.

14 Q And was GT staying overnight as well?

15 A No.

16 Q During that visit in May of 2020, did something
17 happen during that visit regarding LT?

18 A Yes.

19 Q And what do you recall happening regarding LT?

20 A We had a conversation about her being touched
21 inappropriately.

22 Q And that was with LT?

23 A Yes.

24 Q She said to you that she was touched inappropriately?

25 A Yes.

26 Q Did she tell you who touched her inappropriately?

27 A Yes.

1 Q Who did she say touched her inappropriately?

2 A It was Nick Hall.

3 Q Did you know who Nick Hall was when she told you
4 that?

5 A Yes.

6 Q And who was he?

7 A He was GT's boyfriend or husband at the time.

8 Q And had you met him previous to this?

9 A Yes.

10 Q And did LT tell you how Nick Hall touched her
11 inappropriately?

12 A Yes.

13 Q Could you tell the jury how -- what LT said or how he
14 touched her inappropriately?

15 A She said that he put his peepee in her mouth and in
16 her -- inside of her and that he peed in her mouth and in
17 her pants.

18 Q Did she tell you when this happened?

19 A Yes. When she was being babysat by him.

20 Q By whom?

21 A By Nick Hall.

22 Q Did she tell you where it happened?

23 A Yes, at her house.

24 Q When LT told you that she was touched inappropriately
25 by Nick Hall, could you describe her demeanor, her emotional
26 state?

27 A She was very nervous, and she was fidgeting a lot,

1 and she was kind of trying to laugh it off. But she seemed
2 very nervous.

3 Q Did -- and when you say fidgeting, could you explain
4 what you mean by that?

5 A She was like picking at her nails and she was like
6 kind of pulling at the covers and she was like kind of
7 trying to hide her face.

8 Q Okay. And when LT in the past was upset, would she
9 get nervous?

10 A I don't -- I'm not really sure.

11 Q You don't remember?

12 A No.

13 Q Okay. Besides being nervous, when she told you this,
14 what did you do?

15 A I kind of just questioned her about it and like asked
16 her what she meant and stuff like that.

17 Q And did she tell you what she meant?

18 A Yes.

19 Q How old were you at the time LT told you this?

20 A I was 14.

21 Q And how old was LT?

22 A She was 9.

23 Q Did it appear when she told you this that she was
24 joking about it?

25 A No.

26 Q How did she appear?

27 A She was just very, very nervous and she was just like

1 just laughing it off. But she was like -- her voice was
2 very shaky. She just seemed very nervous to me.

3 Q And as you questioned her, did her demeanor change?

4 A Yes.

5 Q And just tell the jury how it changed.

6 A At first, she went from just kind of giggling and
7 laughing. And then when I told her that we needed to tell
8 an adult, she started to cry.

9 Q And did she want you to tell an adult?

10 A No.

11 Q Did she tell you why she didn't want to tell an
12 adult?

13 A She said that she didn't want to get in trouble.

14 Q So she thought she was going to get in trouble?

15 A Yes.

16 Q And you said she started to cry?

17 A Yes.

18 Q Did at any time it appear to you that what she was
19 telling you was just a joke or a prank?

20 A No.

21 Q Okay. Have you seen LT joking around in the past?

22 A Yes, but not anything like this.

23 Q That's not how she would act?

24 A No.

25 Q Okay. When she told you this, did you believe -- did
26 you think she was -- were you taking her seriously?

27 A Yes.

1 Q So what happened after that?

2 A After the conversation, we kind of just changed the
3 subject and then went to bed.

4 Q How long was the conversation?

5 A About 45 minutes.

6 Q That's a long conversation. Okay. How come it was
7 so long?

8 A Because I was just trying to figure out what had
9 happened to her.

10 Q How did this whole thing come about that she told you
11 Nick Hall was touching her inappropriately?

12 A I was on the phone with a group FaceTime with some of
13 my friends, which were boys and a boyfriend at the time.
14 And she asked me if I've ever done anything inappropriate
15 with him, like suck his peepee, so --

16 Q Did she use that word?

17 A Yes.

18 Q What words did she use?

19 A She used the word peepee.

20 Q Okay. And she asked you if you've ever --

21 A Put his peepee in my mouth.

22 Q Your boyfriend?

23 A Yeah.

24 Q And when she asked you that, what was your reaction?

25 A I was very shocked.

26 Q Why was that?

27 A Because she was nine years old, and I didn't think

1 that she knew anything like that.

2 Q And so what happened when she asked you that? What
3 did you start -- what did you do?

4 A I started to question her, and I asked her if
5 anything -- if she's ever done anything like that before.

6 Q And what did she say?

7 A She said that she has, yes.

8 Q And did she say with whom?

9 A Yes.

10 Q And who did she tell you that happened with?

11 A Nick Hall.

12 Q And when she told you that, was she upset?

13 A Yes.

14 Q Okay. And at some point, you said she started
15 crying?

16 A Yes.

17 Q Did you ask her any other questions?

18 A I don't really remember.

19 Q Did she get in great detail with you, or did she just
20 basically tell you what you told the jury today?

21 A She just told me what I told the jury.

22 Q So when she told you that, what did you do next?

23 A I just started questioning her and I asked her to
24 show me what happened to her and what she did, and she kind
25 of just showed me what she did.

26 Q And could you explain what you mean by that?

27 A I just gave her the remote and I said, can you please

1 show me what you mean by he made you put his peepee in your
2 mouth? And she just took the remote and was, like, pushing
3 it in and out of her mouth.

4 Q Did anything else happen that night regarding LT?

5 A No.

6 Q What happened the next day?

7 A We went swimming at my grandpa's pool because it's
8 walking distance from my house, and then she got picked up
9 in the afternoon. And then I told my mom.

10 Q Who did she get picked up by?

11 A GT.

12 Q Her mom?

13 A Yes.

14 Q So you told your mom?

15 A Yes.

16 Q And this was after they had left your house?

17 A Yes.

18 Q Okay. And I don't want you to tell me -- what did
19 you tell your mom, just in general?

20 A I just told her that LT was getting touched
21 inappropriately.

22 Q And when you told your mom this, what happened next?

23 A She told me that that was very serious.

24 ATTY. BERKE: Objection.

25 Q You can't say what mom said, okay?

26 A Okay.

27 THE COURT: Thank you. That's sustained.

1 Ladies and gentlemen, that's stricken. Okay.

2 Thanks. Sustained.

3 ATTY. PALERMO: Thank you, Your Honor.

4 CONT. BY ATTY. PALERMO:

5 Q As a result of telling your mom, did your mom do
6 anything?

7 A Yes.

8 Q What did she do?

9 A I think she confronted GT about it.

10 Q Okay. And did you talk -- after LT left that next
11 day, right, have you talked to her since about this?

12 A No.

13 Q At any time after LT told you about Nick Hall, did
14 you talk to the police?

15 A Yes.

16 Q And do you remember when that was?

17 A I'm not really sure exactly when it was.

18 Q Was it in Connecticut or in New York?

19 A It was in Connecticut.

20 Q Okay. Did you go to the police station?

21 A Yes.

22 Q Who did you go there with?

23 A My mom.

24 Q And did you give them a statement, a recorded
25 statement?

26 A Yes.

27 Q Did you give them a written statement?

1 A Yes.

2 Q Okay. And when you gave them the statement, did you
3 tell them what you basically told the jury here today?

4 A Yes.

5 ATTY. PALERMO: One moment, Your Honor.

6 THE COURT: Take your time.

7 ATTY. PALERMO: And no more questions. Thank
8 you, Judge.

9 THE COURT: Thank you. Attorney Berke.

10 ATTY. BERKE: Thank you.

11 **CROSS-EXAMINATION OF JAYDA GARRELL BY ATTY. BERKE:**

12 Q At the time they slept over when LT provided that
13 information to you, how old were you?

14 A I was 14.

15 Q And you were you in high school at the time?

16 A Yes.

17 Q And do you know how old LT was at that time?

18 A She was nine years old.

19 Q And do you know what grade she was in?

20 A I don't.

21 Q She was in elementary school, right?

22 A I'm not really sure.

23 Q Okay. Do you know if she was in school at that time?

24 A I'm pretty sure, yes.

25 Q So the time of year that they came over, it was warm
26 enough to go swimming?

27 A Yes.

1 Q And you said you didn't remember the date?

2 A No.

3 Q Do you know if it was after school was over or was
4 school still in session?

5 A I'm not sure.

6 Q So you indicated that at the time you knew LT for
7 about nine years?

8 A Yes.

9 Q So you knew her most of her life?

10 A Yes.

11 Q And how often did you see her?

12 A Not often. She would just come over whenever her mom
13 would need something to do, and I would just babysit her.

14 Q Now you talked about the time that you had babysat LT
15 and ST that night?

16 A Yes.

17 Q And your mom babysat WTH?

18 A Yes.

19 Q Was there a point in time that evening when you
20 babysat WTH when your mom left?

21 A No.

22 Q So your mom stayed home, she watched WTH, the younger
23 sister?

24 A Yes.

25 Q The younger sister?

26 A Yes.

27 Q And you watched the other two?

1 A Yes.

2 Q And how would you describe your relationship with
3 your mom and GT?

4 A They started off on the relationship, GT worked for -
5 -

6 THE COURT: I'm sorry, I'm just going to
7 interrupt. Is the question how would you describe
8 her relationship --

9 ATTY. BERKE: No, the relationship --

10 UNIDENTIFIED SPEAKER: I'm sorry, can you go
11 back --

12 ATTY. BERKE: I'm sorry. The relationship
13 between your mom and GT's mom.

14 THE COURT: Oh, okay.

15 THE WITNESS: GT was my mom's co-worker at her
16 hair salon. And then they built our friendship.

17 CONT. BY ATTY. BERKE:

18 Q And you indicated that GT did not spend the night at
19 your house?

20 A No.

21 Q Do you know what time she left your house that day
22 when she dropped the kids off?

23 A I don't recall.

24 Q And do you know what time she returned the next day?

25 A In the -- sometime in the afternoon.

26 Q And you told your mom in the afternoon?

27 A When they left.

1 Q Do you know what time that was?

2 A No.

3 Q Before you came to testify today, who did you speak
4 to about your testimony?

5 A I spoke to those two over there.

6 Q The two women seated over there?

7 A Yes.

8 Q Is there anyone else that you spoke to about this
9 with?

10 A That's it.

11 Q Did you have a chance to talk to your mom about your
12 testimony?

13 A No.

14 Q Now, there was a pretty significant age range. The
15 difference between a 9-year-old and a 14-year-old. I'm
16 talking about the time that they slept over that night.

17 Would you say that LT looked up to you?

18 A Yes.

19 Q As a big sister?

20 A Yes.

21 Q And have -- you had a circle of trust among you and
22 LT and her sister?

23 A Yes.

24 Q And prior to that date, you probably were -- well,
25 let me ask you, did you share information with them, and did
26 they share personal information with you?

27 A I would say so, yes.

1 Q And did you ever have a discussion with them prior to
2 that night about boys?

3 A No.

4 Q So that night was the first night that that
5 discussion came up?

6 A Yes.

7 Q Getting back to what you said about GT working with
8 or working for your mom. Do you know at the time that you
9 had the discussion at their house, was GT working for your
10 mom then?

11 A I'm not sure.

12 Q Do you know how long she worked for her?

13 A I'm not sure.

14 Q Where's your mom's salon?

15 A It's in Poughkeepsie, New York.

16 Q And at the time, do you know where GT was living at
17 the time of that discussion?

18 A No, I'm not sure.

19 Q Was she living in Connecticut? Was the kid -- the
20 time that the kids slept over.

21 A Yes.

22 Q Do you know where she was living, GT?

23 A In Connecticut.

24 Q Did you have an opportunity to watch your video
25 interview with the police?

26 A Yes.

27 Q And when did you last see that?

1 A I didn't see it before today.

2 Q You just saw it today?

3 A Yes.

4 Q Is there anything that you watched in that video that
5 you think was incorrect?

6 A No.

7 Q So you testified a little bit earlier that at the
8 beginning of the discussion, before LT told you what
9 happened, I believe you said, and if I'm incorrect and I
10 didn't hear you correctly, please correct me. I thought you
11 said that LT asked you about anything inappropriate that
12 your boyfriend did. Am I mistaken?

13 A No.

14 Q You said that?

15 A Yes, I said that.

16 Q Do you remember telling the police that that's how
17 that conversation occurred, or that was not in that
18 conversation?

19 A I'm not really sure. I can't remember.

20 Q Would it refresh your memory if you had a chance to
21 watch that segment of the video again?

22 A Sure.

23 THE COURT: Here's how it works. Counsel is
24 going to show you something. You're going to have
25 headphones on.

26 THE WITNESS: Okay.

27 THE COURT: And you're going to get to a point

1 and just nod, indicating that you got to a point, if
2 it helps refresh your recollection. What I mean by
3 that is, counsel asked you, do you recall saying
4 whatever he asked. And then you could say yes.

5 You have to take the headphones off so you're
6 not shouting at us. And then you say -- then you
7 wait until he asks the question again and then you
8 can answer it or not answer it. Okay?

9 THE WITNESS: Okay.

10 THE COURT: Thank you. I'm sorry. Go right
11 ahead, sir.

12 ATTY. BERKE: Certainly.

13 CONT. BY ATT. BERKE:

14 Q So I'm going to try and isolate that section. So,
15 once you hear that segment, if you hear it, just raise your
16 hand so we don't have to -- you don't have to listen to more
17 than necessary, okay?

18 (Pause while witness watched video with
19 headphones)

20 Q Were you able to hear that section you were just
21 referring to?

22 A Yes.

23 Q And isn't it correct that -- or does that refresh
24 your memory about the fact that you were not asked about
25 inappropriate contact with your boyfriend?

26 A I don't know what you mean.

27 Q Sure. I thought, at least what I heard, is that LT

1 asked you about inappropriate contact between you and your
2 boyfriend. You used the word inappropriate this morning.

3 A Yeah.

4 Q You didn't tell the police that?

5 A No, I told the police exactly what she said.

6 Q And do you remember she asked you -- after you were
7 on the phone with your friends, she asked you, did you kiss
8 your boyfriend?

9 A Yes.

10 Q And then she asked you -- you asked her, what does it
11 mean? She said, did you kiss your boyfriend on the lips?
12 Is that what you recall?

13 A Yes.

14 Q And then they asked -- or she asked you, LT, have you
15 ever sucked his peepee?

16 A Yes.

17 Q She didn't ask you, did your boyfriend force you to
18 do any of this?

19 A No.

20 Q So after she heard your phone call with your friends
21 - and there were boys on the phone?

22 A Yes.

23 Q Do you remember what you were talking about, the
24 topic?

25 A No, I'm not really sure. It wasn't anything
26 inappropriate, I know that.

27 Q How long was that conversation?

1 A I would say a couple of minutes. It was just like, I
2 just answered and then I told them that I was babysitting
3 and then I kind of just hung up the phone.

4 Q Was that a group FaceTime?

5 A Yes.

6 Q And LT and her sister were with you at the time?

7 A Yes.

8 Q And then when you hung up the phone, that's when she
9 asked you, did you ever kiss your boyfriend (indiscernible)?

10 A Yes.

11 Q Now, talking about that discussion, there were points
12 in that discussion where she was laughing?

13 A Yes.

14 Q And there was also a point in that discussion where
15 she told you -- when you asked her if she told anyone, she
16 told you, I tell my friends at school, but they just laugh
17 at me.

18 A Yes.

19 Q Do you remember her telling you that?

20 A Yes.

21 Q And that was before she gave you this information?

22 A I don't know what you mean.

23 Q Well --

24 THE COURT: If you could rephrase the question,
25 please.

26 ATTY. BERKE: Certainly.

27 CONT. BY ATT. BERKE:

1 Q When you were talking with her that night, that's the
2 first time she ever provided this type of information to
3 you?

4	A	Yes.
---	---	------

5 Q And during that conversation, she told you that she
6 had previously told her friends at school?

7	A Yes.
---	--------

8 Q And that when she told her friends at school, they
9 laughed at her?

10	A	Yes.
----	---	------

11 Q And shortly after that, during your conversation with
12 LT, she told you, it's a prank, it's a joke?

13	A Yes.
----	--------

14 Q Those were her words?

15	A	Yes.
----	---	------

16 Q Do you remember during the conversation when you were
17 asking her to try and make him stop, that she said, I
18 scratched his face and tried to scratch his eyes?

19	A Yes.
----	--------

20 Q And she said that more than once?

21 A I don't really remember.

22 Q Would it refresh your memory if you had a chance to
23 listen to those parts of the conversation like we just did?

24	A	Sure.
----	---	-------

25 Q Just raise your hand when your hand when you're done,
26 okay.

27 (Pause while witness watched video with

1 headphones)

2 A Yes.

3 Q So does that refresh your memory about that aspect of
4 the conversation she told you that when you asked her, did
5 she try and stop him, that she scratched his face and tried
6 to scratch his eyes?

7 A Yes.

8 Q Do you remember at a point in the conversation where
9 you try to change the subject, they asked to talk about
10 Mommy's boyfriends?

11 A Yes.

12 Q And Mommy, they're referring to GT?

13 A Yes.

14 ATTY. BERKE: I have nothing further.

15 ATTY. PALERMO: One moment, Your Honor.

16 THE COURT: Yes. Take your time.

17 (Pause)

18 **REDIRECT EXAMINATION OF JAYDA GARRELL BY ATTY. PALERMO:**

19 Q So, Jayda, I just have a couple more questions. Are
20 you okay?

21 A Yes.

22 Q Okay. When they were visiting in May of 2020, was
23 that during COVID?

24 A Yes.

25 Q Okay. Was school in session during COVID?

26 A No.

27 Q Okay. So, was it likely they weren't in school then?

1 A Yes.

2 Q Were you in school then?

3 A No.

4 Q And you testified when I was asking you earlier, you
5 know, did something happen with LT while she stayed there?
6 And you said, yes, she told me she was touched
7 inappropriately.

8 A Yes.

9 Q Did LT use the words touched inappropriately? Or did
10 you just use those words?

11 A I just used those words.

12 Q Okay. Because?

13 A Because it was how she was touched. It was
14 inappropriate.

15 Q Okay. So those are your words?

16 A Yeah.

17 Q But even when you -- LT didn't use the word
18 inappropriate, did she?

19 A No.

20 Q Okay. And when you went to the police station, you
21 didn't use the word inappropriate either, right?

22 A No.

23 Q Did you tell the police what she said to you?

24 A Yes.

25 Q And what did she say to you?

26 A She said that Nick --

27 ATTY. BERKE: I going to object. That's beyond

1 the scope of direct -- I mean of cross. I apologize.

2 THE COURT: I'm going to allow it. Go ahead.

3 ATTY. PALERMO: Thank you, Your Honor.

4 THE COURT: Overruled.

5 CONT. BY ATTY. PALERMO:

6 Q What did she say to you?

7 A She said that Nick put his peepee inside of her and
8 peed in her pants and put his peepee inside her mouth and
9 peed in her mouth.

10 Q Did you and LT have a close relationship?

11 A Yes.

12 Q Was -- were you someone she confided in?

13 A Yes.

14 Q Do you have any idea what she may have told her
15 friends at school about Nick?

16 A No.

17 Q Did she tell you?

18 A No.

19 Q Okay. And when she said -- after she told you what
20 Nick did, then she said, no, no, it's a prank and a joke.
21 Okay. After that, did you confront her about that?

22 A Yes.

23 Q Okay. And did she tell you it wasn't a joke
24 afterward?

25 A Yes.

26 Q Okay. And did it appear in any way that she was
27 joking?

1 A No.

2 Q Did she appear serious, or did she appear like this
3 was, you know, just a fun time?

4 A She just -- she didn't really seem to understand what
5 was going on and how serious it was.

6 Q Why do you say that?

7 A Because she was just trying to laugh it off and it
8 just didn't really seem like a big deal to her.

9 Q Okay. But it was a big enough deal that she told
10 you, right?

11 A Yes.

12 Q Okay. And when you were on the phone with your
13 friends in this, and you said Facebook?

14 A FaceTime.

15 Q FaceTime?

16 A FaceTime.

17 Q FaceTime. That's interesting. Was there any
18 discussion about sex?

19 A No.

20 Q About peepees?

21 A No.

22 Q About penises?

23 A No.

24 Q About anything?

25 A No.

26 Q Okay. Had you ever talked to LT about sex?

27 A No.

1 Q About sexual positions?

2 A No.

3 Q About penises?

4 A No.

5 Q When she asked you if your boyfriend ever put his
6 peepee in your mouth, what was your reaction?

7 A I just -- that's when I was just like, what? Like,
8 what do you mean? I was very shocked and surprised that she
9 would ask me something like that.

10 Q Had you ever heard her talk like that before?

11 A Never, no.

12 ATTY. PALERMO: I have no other questions.

13 Thank you.

14 THE COURT: Counsel?

15 **RECROSS-EXAMINATION OF JAYDA GARRELL BY ATTY. BERKE:**

16 Q If I could just return to the statement from the
17 conversation you had when she talked about her friends at
18 school.

19 A Yeah.

20 Q Do you remember asking her, who else have you told?
21 And that question was, who else have you told? That you
22 asked --

23 A Yes.

24 Q -- LT that question after she had told you things
25 that happened to her?

26 A Yes.

27 Q And she said, I was like, I tell my friends at

1 school, but they laugh at me.

2 A Yes.

3 Q So when she said that, was it your understanding that
4 she was referring to what she said to you about what Nick
5 did to her?

6 ATTY. PALERMO: Objection, Your Honor.

7 ATTY. BERKE: Well, it's the effect on the
8 hearer.

9 THE COURT: Yes. I'm going to allow it.

10 Overruled. And that's --

11 CONT. BY ATTY. BERKE:

12 Q Do you want to send the question? It was kind of
13 complicated.

14 THE COURT: Thank you. If you could rephrase.

15 THE WITNESS: No, not really. I'm sorry.

16 CONT. BY ATTY. BERKE:

17 Q So when she was referring to what she told her
18 friends, based on that conversation, did you believe that
19 she was talking about what Nick did to her when she said
20 that?

21 A I believe --

22 Q Did you ask her who else did you tell?

23 A Yes.

24 ATTY. BERKE: Thank you.

25 ATTY. PALERMO: One last question, Your Honor.

26 THE COURT: Sure.

27 **FURTHER REDIRECT EXAMINATION OF JAYDA GERRELL BY ATTY.**

1 **PALERMO:**

2 Q Did you ask her specifically, well, what did you tell
3 your friends?

4 A No.

5 Q Do you know what she told her friends?

6 A No.

7 Q Do you know if she told her friends that he put his
8 peepee in her mouth?

9 A No.

10 Q Or if he put his peepee inside her?

11 A No.

12 Q Okay. You didn't ask her those questions?

13 A No, I didn't.

14 ATTY. PALERMO: Thank you.

15 THE COURT: Any re-re-cross?

16 ATTY. BERKE: No, sir.

17 THE COURT: Okay. All right. Thank you so
18 much. You're excused.

19 THE WITNESS: Okay.

20 (The witness is excused and exits the stand)

21 THE COURT: You can go right out there and see
22 where the marshal is. Thank you.

23 ATTY. PALERMO: Ready, Your Honor?

24 THE COURT: Please, yes.

25 ATTY. PALERMO: The State's next witness is
26 Jennifer Foster.

27 THE COURT: You can have her come right up this

1 way. Ms. Foster, if you could, come back to the
2 marshal, please. You can remain standing. Raise
3 your right hand. Face Madam Clerk. She's going to
4 put you under oath. Right here.

5 (The oath is administered)

1 J E N N I F E R F O S T E R ,

2 Having been first duly sworn, was called upon as a
3 witness by the State and was examined and testified under
4 oath as follows:

5 THE WITNESS: Yes.

6 THE CLERK: Please state and spell your name for
7 the record.

8 THE WITNESS: Jennifer Foster. J-E-N-N-I-F-E-R
9 F-O-S-T-E-R.

10 THE CLERK: Thank you.

11 THE COURT: Ms. Foster, please be seated. You
12 can put your hand down. And I'm just going to ask if
13 you could keep your voice up.

14 THE WITNESS: Sure.

15 THE COURT: It's a big courtroom, so just
16 everyone needs to hear you. When I say everyone,
17 everyone in the courtroom, okay?

18 THE WITNESS: Okay.

19 THE COURT: Thank you. You may proceed.

20 ATTY. PALERMO: Thank you, Your Honor.

21 **DIRECT EXAMINATION OF JENNIFER FOSTER BY ATTY. PALERMO:**

22 Q Still good morning. Good morning, Ms. Foster. Ms.
23 Foster, where do you presently live?

24 A Poughkeepsie, New York.

25 Q And how long have you lived in Poughkeepsie, New
26 York?

27 A My whole life.

1 Q Have you lived your whole life in the address where
2 you're presently living?

3 A Just about, yes.

4 Q Do you have any children?

5 A I have three kids, two boys and a girl.

6 Q What's the girl's name?

7 A Jayda Gerrell.

8 Q How old is Jayda?

9 A Nineteen.

10 Q I'd like to show you what's been marked Court's
11 Exhibit 1 and ask you to recognize the names on this
12 exhibit. And just read them to yourself, okay.

13 Do you recognize those names?

14 A Yes.

15 Q We're going to refer to the people on this exhibit by
16 their initials. How do you know the people on Exhibit 1?
17 How do you know those people?

18 A They are my friend and her children.

19 Q What's your friend's name -- initials?

20 A GT.

21 Q GT? How long have you known GT?

22 A Approximately nine years.

23 Q And how about LT and ST and WTH?

24 A The same. I've known WTH her whole life, and the
25 girls for the past nine years as well.

26 Q Those are her children, GT's children?

27 A Yes.

1 Q How did you meet GT?

2 A She was an employee of mine, and then we became
3 friends.

4 Q When you say an employee, she worked for you?

5 A Yes.

6 Q In what capacity?

7 A She did hair, makeup, and assisting for my salon.

8 Q What kind of salon do you have?

9 A I have a full-service hair salon.

10 Q And where is that located?

11 A In Poughkeepsie, New York.

12 Q Did GT work for you in Poughkeepsie?

13 A Yes.

14 Q And for how long?

15 A Approximately a year.

16 Q After -- and do you remember about what year this
17 was?

18 A It had to be 2017 to 2018, I want to say.

19 Q After she stopped working for you, did you keep in
20 contact with her?

21 A Yes.

22 Q Are you still in contact with her?

23 A Yes.

24 Q What's your relationship?

25 A Friends.

26 Q So you stayed friends after she stopped working for
27 you?

1 A Correct.

2 Q Did GT and the girls ever come visit you in
3 Poughkeepsie?

4 A Yes.

5 Q How often?

6 A I want to say, you know, frequently. Maybe, you
7 know, once she moved back to Connecticut, maybe once a week
8 when, you know, she would be bringing the kids to drop them
9 off to their father.

10 Q Did Jayda ever babysit for any of the girls?

11 A Yes.

12 Q Who would she babysit for?

13 A For all three.

14 Q Do you remember a time in May of 2020, where GT and
15 the girls came to your home?

16 A Yes.

17 Q And why did they come to your home at that time?

18 A (Name omitted) was going to go visit her friend.

19 Q GT.

20 A Oh, I'm sorry. GT --

21 THE COURT: I just ask that that be stricken,
22 please. Thank you.

23 THE WITNESS: Sorry.

24 THE COURT: That's all right.

25 THE WITNESS: GT was visiting her friend
26 Brooklyn, so I kept the girls overnight for her.

27 CONT. BY ATTY. PALERMO:

1 Q So you were babysitting?

2 A Yes.

3 Q Did Jayda help you babysit?

4 A Yes.

5 Q So did -- were all three girls staying overnight?

6 A Yes.

7 Q Did GT stay overnight?

8 No.

9 Q Who dropped the girls off?

10 A GT.

11 Q And in May of 2020, how old was Jayda?

12 A Fourteen.

13 Q How about LT? Do you know how old she was?

14 A Nine.

15 Q Do you recall what the relationship between Jayda and
16 LT was at that time in May of 2020?

17 A Yes. You know, the girls looked up to her because
18 she was, like, a little bit older, you know, and Jayda would
19 spend a lot of time with them, you know, painting their
20 nails, doing their hair, all that fun stuff.

21 Q Was she like a big sister?

22 A Yes.

23 Q How many nights did the girls stay over?

24 A Usually it was only for one night, if they did.

25 Q And that time, who picked them up after they slept
26 over?

27 A GT.

1 Q Was that the next day?

2 A Yes.

3 Q After GT picked the girls up, after the girls left
4 the house, did anything happen regarding your daughter?

5 A Yes.

6 Q What happened?

7 A So she came into the kitchen, and then she just had -
8 -

9 ATTY. BERKE: Objection.

10 THE COURT: I'm going to ask if you could just
11 tell us what you did as a result of talking to your
12 daughter.

13 THE WITNESS: Okay.

14 THE COURT: And I say that because we have rules
15 here about -- that we don't have in the real world.

16 THE WITNESS: Right.

17 THE COURT: And one of them is you can't say
18 what other people told you.

19 THE WITNESS: Correct. Okay.

20 ATTY. PALERMO: Let me -- I'm going to reword
21 it.

22 CONT. BY ATTY. PALERMO:

23 Q At some point after the girls left, did you have a
24 conversation with Jayda?

25 A Yes.

26 Q Okay. And when you had that conversation, as a
27 result of that conversation, what did you do?

1 A I called (name omitted) immediately.

2 Q GT.

3 A Oh, I'm so sorry.

4 THE COURT: If you just say GT. Don't worry
5 about it.

6 THE WITNESS: Yes, GT.

7 THE COURT: And strike that, please.

8 THE WITNESS: And immediately.

9 CONT. BY ATTY. PALERMO:

10 Q And were you able to reach GT immediately?

11 A No.

12 Q At some point, did GT call you back, or did you get
13 in contact with GT?

14 A I contacted her first thing the next morning, the
15 following morning.

16 Q And when you tried to get in touch with her, you
17 know, initially, did you leave any kind of message or
18 anything regarding why you wanted to speak to her?

19 A No.

20 Q Okay. Was it normal for her not to call you back?
21 You know, explain how you communicate.

22 A Yeah. I mean, it would not be unusual for her to not
23 answer the phone and then call me back maybe a day, maybe a
24 week later, and vice versa.

25 Q That's kind of your relationship?

26 A You know, we didn't talk every single, single day.

27 Q So when she didn't -- when GT didn't call you back

1 that day, you said you called her again?

2 A Yes.

3 Q Okay. And do you remember reaching her?

4 A Yes.

5 Q And was this by phone?

6 A Yes. Okay.

7 Q Okay. And did you have a conversation with her?

8 A I did.

9 Q And I don't want you to say what the conversation
10 was, but what was the nature of the conversation? What did
11 you have to do with it? Not what was said, but what was the
12 nature of it?

13 ATTY. BERKE: I object, Your Honor.

14 THE COURT: Can you rephrase it?

15 ATTY. PALERMO: Sure.

16 THE COURT: The nature of the conversation.

17 ATTY. PALERMO: Okay.

18 CONT. BY ATTY. PALERMO:

19 Q Why did you call her back? What was the purpose of
20 you calling GT back that next morning?

21 A To share what I had learned.

22 Q From whom?

23 A From Jayda.

24 Q And did you share what you had learned from Jayda?

25 A Yes.

26 Q And what -- can you tell us what GT's reaction was
27 when you told her what you had learned from Jayda?

1 A She immediately became hysterical. She was having a
2 hard time breathing. She began to gag. It sounded like she
3 was getting sick. She was hyperventilating. Couldn't catch
4 her breath. Crying.

5 Q Did she say anything?

6 A She said, um --

7 ATTY. BERKE: Objection.

8 ATTY. PALERMO: It's a spontaneous utterance,
9 Your Honor. I claim it. It's an exception to the
10 hearsay rule.

11 THE COURT: This was over the phone? I'm going
12 to allow it. Do you want to be heard on it?

13 ATTY. BERKE: If it could be placed in a little
14 more context in the conversation, whether it's
15 spontaneous or not.

16 THE COURT: So, if you could just give us like a
17 timeframe and when.

18 CONT. BY ATTY. PALERMO:

19 Q So when you told GT what Jayda had told you, did she
20 immediately -- what was her immediate response? Did she
21 immediately respond in a kind of verbal way?

22 A Yes.

23 Q Okay. And what did she say?

24 A She said, no, no, shut up, no. No, this can't be
25 real. She couldn't believe what she was hearing.

26 Q And how long did you talk to her for?

27 A I want to say approximately maybe 15 minutes or so.

1 Q And can you describe what transpired, how she was
2 over that 15-minute period?

3 A She was completely panicking. She was utterly upset.
4 Like I said, she couldn't catch her breath. She was just in
5 a complete state of shock, I want to say.

6 Q Did you hear if she was crying?

7 A Yes.

8 Q Could you tell if she was crying?

9 A Absolutely.

10 Q And what happened after that? After you got off the
11 phone with her, did you speak to GT again that day?

12 A Yes.

13 Q And as a result of that conversation, what did you
14 do?

15 A I went to Connecticut.

16 Q For what purpose?

17 A To watch the girls so that she can go to the police.

18 Q And did you see LT when you went to Connecticut?

19 A Yes.

20 Q And did you have a conversation with LT?

21 A Yes.

22 Q And I don't want you to tell me what the conversation
23 was. Could you describe LT's demeanor when you were having
24 that conversation with her?

25 A Yeah, she was, like, scared and upset and almost,
26 like, embarrassed. She was confused and just very scared,
27 and sad and hurt.

1 Q Did you yourself ever speak to the police at all
2 about what Jayda had told you?

3 A Yes.

4 Q Okay. Where was that conversation? Where did that
5 take place?

6 A At the police station.

7 Q In where?

8 A Connecticut.

9 Did you go there with anyone?

10 A With Jayda.

11 Q And did you -- and when you went to the police, did
12 you tell them what information you had learned from Jayda?

13 A Yes.

14 Q Did you give -- did they interview -- did they do a
15 recorded interview?

16 A Yes.

17 Q Did you give them a written statement?

18 A Yes.

19 ATTY. PALERMO: One moment, Your Honor.

20 THE COURT: Take your time.

21 (Pause)

22 ATTY. PALERMO: No other questions at this time,
23 Your Honor.

24 THE COURT: Okay. Thank you.

25 **CROSS-EXAMINATION OF JENNIFER FOSTER BY ATTY. BERKE:**

26 Q The written statement that you gave to the police was
27 not in any detail about what happened. You just referenced

1 the fact that the information you provided to the police was
2 truthful; is that correct?

3 A Yes.

4 Q And that was about a three- or four-line written
5 statement?

6 A Probably, yes.

7 Q So the information that you're referring to that you
8 relayed to the police was captured by video?

9 A Correct.

10 Q Have you had an opportunity to watch that video?

11 A Yes.

12 Q And how many times have you seen that video?

13 A Just once.

14 Q And when did you have an opportunity to watch that
15 video?

16 A This morning.

17 Q Is there anything that you said to the police in that
18 video -- was there anything that was incorrect?

19 A No.

20 Q Do you remember telling the police in reference to -
21 let me put it in context - they were asking you questions
22 about whether your daughter knows this type of information?

23 A Correct.

24 Q And you said --

25 ATTY. PALERMO: Your Honor, I'm going to object.
26 I believe counsel is reading from a document not in
27 evidence. I think he can ask her what she told the

1 police, but he's now reading from a document not in
2 evidence.

3 THE COURT: Okay.

4 ATTY. BERKE: It's about the witness, so I'm
5 asking her a question about whether --

6 THE COURT: THE COURT: I'm going to overrule
7 the objection, so --

8 ATTY. BERKE: Thank you.

9 CONT. BY ATTY. BERKE:

10 Q Do you remember telling the police that your
11 daughter's in high school, she knows exactly what it is, and
12 with the Internet and their phones, they know everything?

13 A Correct.

14 Q Do you know at the time whether LT had a phone?

15 A I don't believe she had a phone. I'm not -- I don't
16 think she did.

17 Q And when you said that kids know everything, were you
18 referring to the fact that they have access to everything?

19 A Correct.

20 Q And things that are -- I believe your comment was,
21 more than I probably know.

22 A Right. Well, they -- yeah, because kids have access
23 to their phones now.

24 Q And that was a statement you made, that they know
25 everything. They probably know more than you about things?

26 A Correct.

27 Q Things.

1 ATTY. PALERMO: Is that all?

2 ATTY. BERKE: No.

3 ATTY. PALERMO: Oh, I'm sorry.

4 CONT. BY ATTY. BERKE:

5 Q In May of 2020, do you remember what the status of
6 schooling was in regards to whether your children were
7 remote learning?

8 A When this incident happened, you mean?

9 Q Yes.

10 A I don't believe -- I'm not really sure. I don't
11 remember.

12 Q Well, let me just take a step back, because I think
13 that my question was vague. I'll rephrase it. So, I'm
14 talking about the time that they slept over and the
15 information was relayed.

16 A Yes.

17 Q At that point in time, in May 2020, whether -- and
18 that's where I really want to direct my attention to, or
19 your attention to, whether the kids were learning remotely?

20 A I don't remember if that was -- I don't think so, but
21 I'm not sure.

22 Q Do you remember the date that they slept over?

23 A The exact date?

24 Q Yes.

25 A I don't remember the exact date. I know the weather
26 was warm, probably, yeah.

27 Q Do you know about whether it was in May of 2020?

1 A Yes.

2 Q So the kids would have still been at school?

3 A Yes.

4 Q And do you remember whether they slept over on a
5 weeknight or was it a weekend?

6 A It was a weekend.

7 Q A weekend?

8 A Yes.

9 Q But you don't remember the exact date?

10 A It would have been a Saturday night is the only time
11 I would have people sleep over.

12 Q And they slept over one night. The next morning, you
13 reached GT? What was the day after that?

14 A It would be the day after that.

15 Q So they slept over and then two days later, you spoke
16 to GT and that's when you came down to --

17 A Yes. Jayda waited until they left to tell me what
18 happened.

19 Q I'm trying to figure out the day that would be. So,
20 if they slept over on the -- on a weekend, you think it was
21 a Saturday night?

22 A it would -- yeah, I'm a hairstylist, so I work every
23 Saturday. So, if I ever had to sleep over, it would
24 definitely be Saturday night to Sunday morning.

25 Q And then that would mean that you'd be at the police
26 station on Tuesday -- I mean, she would be at the police
27 station on Tuesday?

1 A Yeah, correct.

2 Q You did not go to the police department that day,
3 correct, when you came down to watch the kids?

4 A No, it was -- they had me come back like maybe a week
5 or so later after (name omitted) -- or GT had gone to the
6 police station.

7 THE COURT: Strike that, please.

8 (Pause)

9 CONT. BY ATTY. BERKE:

10 Q Would it be possible for your memory to be refreshed
11 about the date if I showed you a document?

12 A Yes.

13 ATTY. PALERMO: Your Honor, I'd like to see what
14 document he's refreshing her with.

15 THE COURT: How it works is this way. Counsel
16 is going to show you something. You can't testify
17 from the document, but you can let him know if your
18 recollection is refreshed.

19 THE WITNESS: Okay.

20 THE COURT: And then he may ask the question
21 again or may not ask it, depending on your response.

22 CONT. BY ATTY. BERKE:

23 Q So I just want you to read this to yourself. I know
24 the judge has mentioned it. Read it to yourself, don't read
25 it out loud. (Indiscernible) if this refreshes your memory
26 once you (indiscernible).

27 A Okay.

1 Q If I can just direct your attention to the first two
2 paragraphs.

3 A Okay.

4 Q Just (indiscernible) refresh.

5 A You want me to read the first two paragraphs?

6 Q No, to yourself. The first two paragraphs.

7 A Okay.

8 (Pause)

9 Q Have you had a chance to look at that?

10 A Yes.

11 Q Does that refresh your memory on the date that LT and
12 her sisters slept over?

13 A Yes.

14 Q And what date was that?

15 A Oh, you want me to recall the exact date?

16 Q Did that refresh your memory?

17 A Well, no, it doesn't. I mean, I don't know exactly
18 which date that was. It was, what, four years ago or so.
19 So, I really can't recall exactly what date I went to the
20 police, if that's what you're asking.

21 Q So if we can sort of backtrack this. It was a
22 Saturday night. The next morning you left a message for --
23 or the next afternoon you left a message for GT?

24 A Correct.

25 Q She didn't get back to you that day? You reached her
26 the next morning after that?

27 A Correct.

1 Q So that would be Sunday morning you spoke to --

2 A I didn't speak to her. I tried to reach out to her
3 that afternoon. I didn't get a response back, and that's
4 when we spoke the following morning.

5 Q Sunday afternoon you spoke to Jayda?

6 A Correct.

7 Q You tried to call GT Sunday afternoon

8 A Right.

9 Q She didn't respond?

10 A No answer.

11 Q And then you reached her Monday?

12 A Yep. First thing the next morning.

13 Q Thank you.

14 THE COURT: Redirect?

15 ATTY. PALERMO: Yes, Your Honor.

16 **REDIRECT EXAMINATION OF JENNIFER FOSTER BY ATTY. PALERMO:**

17 Q Counsel will ask you some questions. Jayda was in
18 high school at the time?

19 A Yes.

20 Q Of May 2020. And there was a question about where
21 you said to, kids know everything. Were you referring to
22 Jayda?

23 A I was referring to teenagers and their phones and
24 being in 9th grade. And then knowing, you know, like I
25 said, they have more access to the internet than I ever did.
26 There was no internet when I was little.

27 Q So you're referring to teenagers?

1 A I'm referring to teenagers.

2 Q Okay. And LT, she wasn't a teenager, was she?

3 A No. That's why she was curious.

4 Q She was a 9-year-old, isn't that correct?

5 A Correct.

6 Q So you didn't mean 9-year-olds know everything, did
7 you?

8 A No. I'm talking about teenagers knowing everything.

9 Q And in May of 2020, that was during COVID, right?

10 A Well, yeah, it must have had to have been, yeah.

11 Q And usually you said the girls would sleep over on
12 the weekends?

13 A Yes.

14 Q Okay. Is it possible -- let me ask you, are you firm
15 in -- do you know exactly what day of the week the girls
16 slept over when this incident occurred? Do you have a
17 memory of that?

18 A I don't have a memory of an exact day.

19 Q Okay. So, it could have been the 21st of May?

20 A It could have been any day.

21 Q Okay. You really don't know?

22 A I really don't know.

23 Q Do you know if it was a Thursday, a Friday, or a
24 Saturday? Could it have been any one of those three days?

25 A I mean, I guess that would be possible, but unlikely,
26 I guess. Just because --

27 Q But do you remember?

1 A I don't remember exactly which day.

2 Q Okay. And when you learned about it, you learned
3 about it from whom?

4 A From Jayda.

5 Q And then you called?

6 A GT.

7 Q The day you learned about it?

8 A Correct.

9 Q And then you spoke to GT and told her what you had
10 learned the following day?

11 A The following day, correct.

12 Q Any question in your mind that that's kind of how it
13 happened?

14 A No question about it in my mind.

15 Q Okay. And when you were talking to the police,
16 right, you gave an interview. You didn't know the exact day
17 when you talked to the police that this all happened. Isn't
18 that true?

19 A Yeah, I don't think I mentioned a date to them, like
20 a number, a numerical date.

21 Q Didn't you tell them that all the dates kind of all
22 blended together during this time?

23 ATTY. BERKE: Objection. That's leading.

24 THE COURT: That is leading.

25 ATTY. PALERMO: Right. Okay.

26 CONT. BY ATTY. PALERMO:

27 Q Did, at that time, during COVID, did the dates start

1 blending together for you?

2 A Yes.

3 Q Did you have any question in your mind that you told
4 GT what Jayda told you?

5 ATTY. BERKE: Objection. That's leading.

6 THE COURT: It is leading.

7 THE WITNESS: No.

8 THE COURT: No, that's okay. You don't have to

9 --

10 CONT. BY ATTY. PALERMO:

11 Q Do you have a clear memory of telling GT what Jayda
12 told you?

13 A Yes.

14 Q Thank you.

15 ATTY. PALERMO: I have no other questions.

16 THE COURT: Okay. Any recross?

17 ATTY. BERKE: No.

18 THE COURT: Okay. Thank you very much, you're
19 excused.

20 THE WITNESS: Thank you.

21 THE COURT: Do you have any exhibits up there?

22 THE WITNESS: There's nothing.

23 THE COURT: Okay. Thanks.

24 THE WITNESS: Thank you.

25 (The witness is excused and exits the stand)

26 THE COURT: Ladies and gentlemen, we're going to
27 take a brief recess at this time. And I know you're

1 saying, hey, Judge, we just got out here. I get it.
2 But we, the staff, the marshals, the clerk, the court
3 reporter have been here longer, so we're going to
4 take a 15-minute break. Thanks. Marshal.

5 (Recess)

6 THE COURT: Okay. We're having everybody
7 assemble on State of Connecticut v. Nicholas Hall.

8 ATTY. DAVIS: Your Honor, Attorney Palermo will
9 be back momentarily.

10 THE COURT: Okay. Take your time. We can go
11 off the record for just a minute we're waiting for
12 counsel to come in. She's here right now.

13 (Off record)

14 THE COURT: We're back on the record and I know
15 the State's very anxious to go over the video. We're
16 just going to have to do it at our first available
17 chance. Let's get the next witness on and going.
18 So, if we could bring in the jury, please.

19 ATTY. PALERMO: Your Honor, if I may?

20 THE COURT: Don't -- stop, please.

21 ATTY. PALERMO: The video will go through -- is
22 going to be put in through this witness, so I can do
23 as much as I can and just it could go at the actual
24 end of the State's direct examination.

25 THE COURT: Great. Thank you. Thank you.
26 That's most helpful.

27 ATTY. PALERMO: May I approach counsel one

1 second?

2 THE COURT: Sure.

3 ATTY. PALERMO: I know we're not supposed to
4 ask.

5 THE COURT: I know.

6 ATTY. PALERMO: Do you have any objection?

7 ATTY. BERKE: No.

8 THE COURT: Just have it marked.

9 ATTY. PALERMO: Full exhibit?

10 THE COURT: Yes, please. And I know counsel has
11 seen it, but we have fantastic clerks here and every
12 day we will get an update of exhibits, when they were
13 introduced, and the markings, whether they're full
14 versus ID, and it includes the Court Exhibits as
15 well.

16 So, you know, I'd be remiss if I did not say
17 thank you. I point it out every trial because it's
18 that important. I've worked in other jurisdictions
19 where you don't get as much. I'll leave it at that.
20 So, but thank you, Madam Clerks.

21 All right. We ready for the jury?

22 ATTY. PALERMO: Yes, Your Honor.

23 ATTY. DAVIS: Yes, Your Honor.

24 ATTY. BERKE: Yes, Your Honor.

25 THE COURT: Bring them out, please.

26 (The jury enters the courtroom)

27 THE COURT: All right. Counsel, stipulate to

1 the presence of jurors and alternates?

2 ATTY. PALERMO: Yes, Your Honor.

3 ATTY. BERKE: Defense stipulates, Judge.

4 THE COURT: Okay. Call your next witness,
5 please.

6 ATTY. PALERMO: Yes, thank you, Your Honor.
7 State calls Detective Daniel Wheeler.

8 THE COURT: Detective, if you could, please come
9 right over to where the marshal is. If you could
10 remain standing, step up, please. Remain standing.
11 Face, Madam Clerk. Raise your right hand. You're
12 going to be put on your oath.

13 (The oath is administered)

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1 D A N W H E E L E R,

2 Having been first duly sworn, was called upon as a
3 witness by the State and was examined and testified under
4 oath as follows:

5 THE WITNESS: I do.

6 THE CLERK: Please, state and spell your name
7 for the record.

8 THE WITNESS: My name is Dan Wheeler, D-A-N W-
9 H-E E-L-E-R.

10 THE CLERK: Thank you.

11 THE COURT: Thank you. Detective, have a seat,
12 please.

13 THE WITNESS: Thank you.

14 THE COURT: You may proceed.

15 ATTY. PALERMO: Thank you, Your Honor.

16 **DIRECT EXAMINATION OF DAN WHEELER BY ATTY. PALERMO:**

17 Q Good afternoon.

18 A Good afternoon.

19 Q Detective Wheeler, where do you work?

20 A At the Trumbull Police Department.

21 Q In what capacity?

22 A I'm a detective.

23 Q How long have you worked at the Trumbull Police
24 Department?

25 A I've been with the Trumbull Police Department almost
26 20 years.

27 Q And what was your first position with the Trumbull

1 Police Department?

2 A My first position was a patrolman.

3 Q How long were you in patrol?

4 A I was in patrol about 10 years.

5 Q And then after patrol, what did you do?

6 A After patrol, I became a detective.

7 Q And as a detective, what are your duties and
8 responsibilities?

9 A My duties are to investigate larger cases that take
10 more time and that are more detailed than on a patrol level.

11 Q And what?

12 A They take more time and they're more detailed than on
13 a patrol level.

14 Q And what type of cases would those include?

15 A All different cases. Sexual assault, larceny,
16 burglary, robbery, pretty much any type of major crime.

17 Q As a detective, do you get involved with interviewing
18 people, witnesses, suspects? What are some of the things a
19 detective does?

20 A Yes, we would basically handle the investigation. We
21 would search for evidence. We would interview suspects. We
22 would keep the case in order. And sometimes we have to do
23 search warrants, arrest warrants, whatever is needed to
24 investigate the case.

25 Q In order to become a police officer, did you have to
26 have any special training? Did you have to go through any
27 training?

1 A Yes, basic police training.

2 Q And what does that include?

3 A You go to the police academy. It's about a five- to
4 six-month training class where they train you physically and
5 on all of the laws of the State of Connecticut and basically
6 basic training for a police officer.

7 Q Do you have to take some type of test to pass the
8 academy?

9 A Throughout the academy, there's tests pretty much on
10 every subject as you go along, yes.

11 Q Do -- as an officer or detective now, do you have to
12 get recertified, or do you get updated training over the
13 years?

14 A Yes, every three years we recertify.

15 Q And are you up to date in your recertification?

16 A Yes, I am.

17 Q Have you had any special training in any areas of law
18 enforcement?

19 A Yes.

20 Q What kind of trainings?

21 A A lot of criminal investigation trainings, becoming a
22 detective, also including sexual assault trainings.

23 Q And what kind of sexual assault trainings have you
24 had?

25 A I've had several of those. From a patrol level, they
26 would call it minimal facts. That's finding minimal facts
27 of a sexual assault. And then in the recertifications we do

1 every three years, there's basic sexual assault classes
2 there. I've had drug and alcohol-induced sexual assault.
3 I've had normal week-long sexual assault trainings. Also,
4 Finding Words was one of the trainings that I've done.

5 Q What is that?

6 A Finding Words is a -- it's one of the advanced sexual
7 assault trainings. That's a training that's set up for
8 speaking to children about sexual assault crimes.

9 Q Is there a special detective or person in the
10 Trumbull Police Department that handles sexual assault
11 cases?

12 A I handle all the sexual assault trainings at the
13 Trumbull Police Department -- not trainings. I handle all
14 of the sexual assault investigations at the Trumbull Police
15 Department.

16 Q How long have you been doing that?

17 A I've been doing that since I became a detective,
18 about 10 years.

19 Q Approximately how many sexual assault cases have you
20 investigated?

21 A I've been in the detective bureau for 10 years, so it
22 would probably be around 50 to 100 sexual assault cases.

23 Q I'm going to refer you to a date of May 26, 2020. Do
24 you recall if you were working that date?

25 A I believe I was, yes.

26 Q And were you assigned to investigate a particular
27 case that day?

1 A Yes, I was.

2 Q What was the nature of the case?

3 A That was a sexual assault case.

4 Q Did it involve a child or an adult?

5 A It involved a child.

6 Q Is that the case we're here for today?

7 A Yes, it is.

8 Q I'd like to show you Courts Exhibit 1 and tell me if
9 you recognize the names on the exhibit.

10 A Yes, I do.

11 Q And how do you recognize those names?

12 A The complainant and the victims in the case.

13 Q Okay, so, you saw -- and we're going to refer to
14 those people on that court exhibit by their initials, okay?

15 A Okay.

16 Q Okay. So, do you recognize the name LT?

17 A Yes.

18 Q And how do you know that name?

19 A Because that's the child victim in the case

20 ATTY. BERKE: Objection, Your Honor.

21 THE COURT: Yes.

22 ATTY. PALERMO: Okay. I'm going to ask him to
23 strike the victim.

24 THE COURT: Ladies and gentlemen, you just heard
25 -- we don't use the term victim. That's not for you
26 to decide if that's -- it's what we call an ultimate
27 issue. So sometimes in our everyday parlance, when

1 we're talking, we say it or it slips out, and it's
2 unintentional, but I'm going to instruct the
3 detective not to use that term again.

4 It's the juror's determination whether or not
5 there's a victim here. Sometimes we say alleged
6 victim. It gets complicated. It gets lengthy. So,
7 we're just not going to -- we're going to stay away
8 from it. Thank you.

9 CONT. BY ATTY. PALERMO:

10 Q So how do you recognize LT's name?

11 A That's the child in the case?

12 Q The child involving the sexual assault case?

13 A Yes.

14 Q Okay. And how about GT?

15 A That would be the mother in the case.

16 Q When the complaint was made by LT, how old was she at
17 the time?

18 A She was nine years old.

19 Q Okay. And when you received this case to start an
20 investigation, was there a suspect?

21 A Yes, there was.

22 Q And who was that?

23 A That was Nicholas Hall.

24 Q And what is his date of birth?

25 A I believe it was 8-10-1993.

26 Q When the police open up an investigation, do -- does
27 the investigation get assigned a particular case number?

1 A Yes.

2 Q And do you -- and was this case assigned a case
3 number?

4 A The case was 20 for 2020, and then it was 84-24, so
5 20-84-24.

6 Q Do you recall when the complaint came in?

7 A The complaint came in on May 22nd of 2020.

8 Q Do you remember how it came in? How the police
9 became aware of this?

10 A Yes. GT went to the police department, and she filed
11 a complaint with patrol.

12 Q When did you get involved yourself as a detective in
13 this case?

14 A It got assigned to me on the 26th, and then on the
15 27th, I began investigating the case.

16 Q Do you recall -- well, let me ask. The complaint
17 came in, you said, on the 22nd, and then you got the case on
18 the 26th. Was that during the week or over a weekend? Do
19 you remember what that time period was then?

20 A Yes, I remember. It was a holiday weekend. I think
21 it was Memorial Day. So, the complaint came in on, like, a
22 Friday, and then it got assigned -- it was a long weekend,
23 so it got assigned on a Monday, which I believe was the
24 26th.

25 Q Okay. And do you recall the first thing you did in
26 terms of your investigation?

27 A The first thing I did was reach out to GT.

1 Q How did you reach out to GT?

2 A Via phone.

3 Q Why did you reach out via phone?

4 A That was during COVID, so physical -- that was at a
5 point where things were kind of unknown.

6 Q I'm sorry?

7 A That was at a point where things were unknown, and we
8 weren't really supposed to have many people, unless
9 absolutely necessary, in the police department, and, you
10 know, it was the height of COVID, so contacting people was a
11 minimum.

12 Q And what was the purpose of contacting GT?

13 A Well, I received the initial complaint from the --

14 ATTY. BERKE: Objection. The next statement is
15 going to be what the complaint is.

16 THE COURT: Yep, without saying what the
17 complaint said. And we don't even use the word
18 complaint. You received a call from GT.

19 THE WITNESS: Okay. Okay. Sorry, Your Honor.

20 CONT. BY ATTY. PALERMO:

21 Q Why did you call GT?

22 A I called GT to obtain further information.

23 Q Okay. And when you called GT, could you describe her
24 voice and her emotional state as you perceived it over the
25 phone? How did she sound to you when you talked to her?

26 A I remember she was really upset. She was in tears,
27 and she had a hard time telling me and answering my

1 questions.

2 Q Okay. And when you say she had a hard time telling
3 you and answering your questions, what do you mean? Can you
4 explain what you mean?

5 A I mean she was, like, choking up. She was having a
6 hard time speaking. But I had to get some basic information
7 so I could begin the investigation.

8 Q And did you get the basic information from GT?

9 A Yes, I did.

10 Q Without telling me what she said, but what kind of
11 information were you looking for?

12 A I was just looking for some background information
13 regarding everything involved in the case.

14 Q And was she cooperative?

15 A Yes, she was.

16 Q And did you provide her with any information?

17 A Yes, I did.

18 Q Like what?

19 A I advised her that in order to move forward, we'd be
20 setting up a forensic interview.

21 Q And what is a forensic interview?

22 A A forensic interview is rather than having police
23 officers, you know, in uniform or with badges, a forensic
24 interview is an interview that's set up and it's designed
25 for children.

26 Q So, and is this something that just Trumbull does, or
27 is this unique to Trumbull PD, or is this like a standard

1 procedure involving child sexual assault cases?

2 A Most towns have some kind of center in order to --
3 not most towns. There's different areas that have different
4 kinds of centers that do forensic interviews. Ours in the
5 area happens to be the Center for Family Justice out of
6 Bridgeport. They handle Trumbull and a few other
7 surrounding towns, and they do the forensic interviews
8 there.

9 Q And how does this forensic interview work? Who does
10 it?

11 A They have interviewers who interview the children.
12 It's a comfortable environment for the children, and they're
13 also trained to speak with children.

14 Q Are these police officers?

15 A They're not police officers.

16 Q So when you were speaking to GT, you were telling her
17 about setting up a forensic interview?

18 A Yes.

19 Q Okay. Did you tell her anything else? Did you
20 provide her with any other information?

21 A I believe I was asking her to send me something.

22 Q What were you asking her to send you?

23 A Is it okay to say?

24 Q I believe it is.

25 A I was asking her to send me an audio file that she
26 was telling me she had.

27 Q An audio file, what type of audio file?

1 A She told me she had an audio file of her speaking
2 with her child.

3 Q Which child?

4 A LT.

5 Q So after your conversation with GT that day, that was
6 on the 27th, what else did you do that day?

7 A I just began to set up the forensic interview.

8 Q With whom -- through whom, I'm sorry.

9 A Through the Center for Family Justice.

10 Q Okay. And did you have a date for an interview? Was
11 a date scheduled at that time?

12 A A date was later determined to be June 3rd.

13 Q And do you recall what you next did regarding your
14 investigation?

15 A You mean like the next timeframe?

16 Q The next -- did you do -- yeah, the next timeframe.
17 Well, let me move back. After you set up the
18 forensic interview or started the process, did you do
19 anything else that day on the 27th?

20 A That was pretty much it on that day, I believe.

21 Q Okay. And then did you do anything on June 1st?

22 A Yes, I did. Yes.

23 Q What did you do on that date?

24 A On that day, I called GT for further information.

25 Q Why would you call GT for further information?

26 A One, probably to let her know about the forensic
27 interview and explain that, and also to get further

1 background information.

2 Q And why did you need further background information?

3 A I just needed further background information. I
4 wanted to find out how this disclosure came about.

5 Q Okay. And were you provided with that information?

6 A Yes, I was.

7 Q Did you receive the audio, or tape, or whatever GT
8 was going to send?

9 A On that day, yes, it was received.

10 Q Did you review it?

11 A Yes, I did.

12 Q Okay. After reviewing it, is that when you called
13 GT?

14 A Yes.

15 Q And did GT provide you with additional information
16 that you didn't have when you first spoke to him?

17 A Yes.

18 Q Okay. As a result of your conversation with GT after
19 talking to her on the first, and basically reviewing the
20 audio, what did you do next in your investigation?

21 A Next, I contacted another person.

22 Q Who did you contact?

23 A Another person.

24 Q Who did you contact?

25 A I contacted Jennifer Foster.

26 Q And who was Jennifer Austin?

27 A Jennifer Foster.

1 Q I'm sorry. Who was Jennifer Foster?

2 A Jennifer Foster was a friend.

3 Q Of whom?

4 A Of GT.

5 Q Okay. And why did you -- what was the purpose of
6 calling Jennifer Foster?

7 A The purpose was to acquire more information about
8 what she knew and what her daughter knew.

9 Q And who was her daughter?

10 A Her daughter was --

11 THE COURT: If you could give just --

12 THE WITNESS: I got it.

13 THE COURT: Okay. No, no, we can give a name.

14 CONT. BY ATTY. PALERMO:

15 Q Yes, you can say her name.

16 A Okay.

17 Q You can say her first name.

18 A It was Jayda.

19 Q So Jennifer Foster's daughter was?

20 A Jayda Garrnell, was it? Garrell. Jayda Garrell.

21 Q Okay. So, did you speak to Jennifer Foster that day?

22 A Yes.

23 Q Okay. And did she provide you with some information?

24 A Yes, she did.

25 Q Did you speak to Jayda that day?

26 A No.

27 Q And why not?

1 A I wanted to have them in so we could speak in person.

2 Q And when you say wanted them in, in where?

3 A Into the police department for an interview.

4 Q Sorry?

5 A Into the police department for an interview.

6 Q And were they willing to come in?

7 A Yes.

8 Q Do you recall -- were they living in Connecticut at
9 that time?

10 A No, I believe they were living in Poughkeepsie, New
11 York.

12 Q Did you do anything else that day on the 1st of June
13 that you remember?

14 A I believe that was it.

15 Q What do you recall next doing in terms of the
16 investigation?

17 A I believe next was the forensic interview on June
18 3rd.

19 Q Now tell the jury, where did that forensic interview
20 take place?

21 A The forensic interview took place at the Center for
22 Family Justice in Bridgeport.

23 Q And can you kind of describe the setup of that area
24 in terms of how a forensic interview is done? Is it with a
25 lot of people there? Kind of just explain it a little bit.

26 A Yes, so the forensic interview with the child takes
27 place in a room, and it's just the trained interviewer and

1 the child. That's typically recorded with a camera. It's
2 just them two in the room, and then it's broadcasted into
3 another room like a couple rooms over.

4 Q Sorry?

5 A It's broadcasted. They video and audio record it.
6 And then it's also -- we watch from another room. But
7 because it was COVID, we weren't able to watch in person, so
8 I watched it via Zoom.

9 Q When you say we watched, who's we?

10 A I know I watched it. The DCF caseworker watched it.
11 And then the representative from the Center for Family
12 Justice, she would have been there in person, like, hitting
13 the record buttons, and she works there, so she's kind of
14 allowed in that building at that time.

15 Q And this forensic interview was of whom?

16 A Excuse me?

17 Q Who was the forensic interview of?

18 A It was of LT.

19 Q Okay. And did you watch the interview as it was
20 taking place?

21 A Yes, I did.

22 Q Do the police typically in cases of child sexual
23 assault cases typically do the interviews?

24 A No.

25 Q Why?

26 A Because we use the Center for Family Justice to do
27 forensic interviews that are with children, and it's because

1 they have trained professionals that are usually in that
2 business that can talk to children, and they're trained to
3 talk to children.

4 Q And what is the purpose of these interviews?

5 A The purpose of the interviews are to make the child
6 comfortable and to basically -- it's a fact-finding
7 interview to see what happened.

8 Q So you watched LT's interview?

9 A Yes, I did.

10 Q Could you describe LT's emotional state as you
11 observed her on that day?

12 A Yeah. During the interview, I remember she was very
13 upset. She had a hard time saying things. At times she had
14 to write these things on a board. And I remember at one
15 point, her -- she kind of had her hands on her face, and she
16 looked -- she kind of looked defeated, and her hair was over
17 her body, and she just looked upset.

18 Q How old was she?

19 A She was nine years old.

20 Q After the interview, after you observed the forensic
21 interview, did you interview anyone else that day?

22 A Yes, I did.

23 Q Who did you interview?

24 A Back at the police department after the interview, I
25 met with Jennifer and her daughter, Jayda.

26 Q And what happened when you met them at the police
27 department?

1 A I interviewed them.

2 Q And was this interview recorded? Was it videotape,
3 audio tape?

4 A Video, audio recording, yes.

5 Q Is that typical?

6 A Yes.

7 Q And were they cooperative?

8 A Yes, they were.

9 Q And what was the purpose of you interviewing Jayda
10 and her mother?

11 A To get their side of the story, to find out what they
12 know.

13 Q Okay. And did you use that information in your
14 investigation?

15 A Yes.

16 Q Did they give -- after the end of the recorded
17 interview, did they give a statement?

18 A Yes, they did.

19 Q And what was the purpose of that statement?

20 A The purpose of the statement was so they would just
21 basically swear to what they told me.

22 Q To what?

23 A To what they had told me during the interview.

24 Q So was it a short statement?

25 A Yes.

26 Q What else did you do on June 3rd?

27 A Later that day, Sergeant Coppola (phonetic) and I

1 went to GT's residence.

2 Q For what purpose?

3 A We went there to photograph the house.

4 Q And why did you do that?

5 A We wanted to speak to GT a little further, see if
6 there was any evidence at that time we could collect, and
7 also photograph the house so if and when we went to court,
8 the photographs of the house at the current time would be
9 present.

10 Q Did you collect any evidence that day? Besides
11 taking photographs, did you take any -- collect any evidence
12 that day?

13 A No.

14 Q Did you do anything else that day on the 3rd?

15 A I believe that was it for the 3rd.

16 Q Did you do -- what did you do the following day or
17 what was the next thing you did in terms of your
18 investigation?

19 A The following day on the 4th, I directed other
20 investigators to go back to the house.

21 Q And why would you do that?

22 A That day, I again, spoke to GT because it was after
23 the forensic interview, so I wanted to obtain further
24 information from her. While speaking to her, she made
25 mention about --

26 ATTY. BERKE: Objection.

27 THE COURT: Sustained.

1 CONT. BY ATTY. PALERMO:

2 Q What was the purpose of calling her? I don't want
3 you to tell me what she said, but what was the purpose of
4 calling her?

5 A To obtain further and additional information.

6 Q And did she provide you with additional information?

7 A Yes.

8 Q Do you remember if you called her or if she called
9 you?

10 A I'm not sure.

11 Q Did you get additional information?

12 A Yes, I did.

13 Q As a result of the additional information, what did
14 you do?

15 A I asked other investigators to go to the house.

16 Q And what did you ask the other investigators to do?

17 A I asked them to go into the bedroom and use light
18 sources to look around the bedroom at the kids' beds and see
19 if there was anything of interest.

20 Q And what do you mean?

21 A If there was anything that could be collected as
22 evidence.

23 Q Such as what?

24 A Bedding.

25 Q And you were there the day before. Why didn't you
26 collect bedding the day before?

27 A We did a lot that day. I'm not really sure why we

1 didn't do it that day. I know on the 3rd, I spoke to GT,
2 and it didn't seem like anything was really relevant that
3 day.

4 Q I think you said then you spoke to GT the next day?

5 A Yes.

6 Q And did you get additional information that day?

7 A Yes.

8 Q Is that why you sent the officers there?

9 A Yes, it is.

10 Q Did you go with them that day?

11 A No.

12 Q Do you remember what, if anything, of evidence they
13 collected that day?

14 A Yes, I believe they collected three items from the
15 beds.

16 Q From the beds?

17 A Beds, yes.

18 Q Do you remember whose beds those items were collected
19 from?

20 A Yes.

21 Q Whose beds?

22 A GT and I can say the other one?

23 Q Yeah, whose beds? Just say the initials.

24 A GT and ST.

25 Q Okay. And do you recall what bedding they took?

26 A I believe they took two items from -- one item from
27 ST, and two from ST. I get a little confused on that. I'm

1 not sure off the top of my head.

2 Q Okay. Do you remember what the items were?

3 A There was three bedding items, like sheets or
4 comforters that they took.

5 Q Okay. Did GT ever -- did you ever ask GT to come
6 into the police department to give any type of statement?

7 A Yes.

8 Q Okay. And why did you do that?

9 A I asked her to come because of what she told me on
10 the phone. I wanted her to provide a statement regarding
11 what she was telling me.

12 Q Okay. And did she come in?

13 A Yes, she did.

14 Q What -- as a result of all the information you
15 received from GT, Jayda, and Jayda's mom, and the forensic
16 interview, what happened next?

17 A An arrest warrant was applied for.

18 Q For whom?

19 A For Nicholas Hall.

20 Q And what happened next?

21 A Later, the arrest warrant was approved.

22 Q And then what happened?

23 A And then I contacted GT to ask her to have Nicholas
24 come to the house so we could arrest him.

25 Q And why did you ask GT to have Nicholas come to the
26 house?

27 A It just seemed like the easiest way to get him,

1 knowing that he lived in New York, and we had an arrest
2 warrant for him, so it seemed like they were still talking,
3 and it was the easiest way to get him to come to the house
4 so we could arrest him for the charges.

5 Q So did he come to the house?

6 A Yes, he did.

7 Q And what happened?

8 A He was arrested and taken to the police department.

9 Q When he got to the police department, what happened
10 at the police department?

11 A He wanted to talk about the incident, so we
12 interviewed him.

13 Q And before you started interviewing him, is there a
14 procedure before you interview people in terms of reading
15 them -- do you have to give them any -- do you have to tell
16 them or give them the opportunity to not speak to you?

17 A Yes, you have to read them the Miranda Rights.

18 Q And did you do that?

19 A Yes, Officer Lavin read his Miranda Rights to him.

20 Q Were you there when that happened?

21 A Yes, I was.

22 Q Okay. And was -- did the defendant willingly speak
23 to you?

24 A Yes, he wanted to speak about it.

25 Q When you spoke to the defendant, where did you speak
26 to him? What area did you speak to him?

27 A I spoke to him in the Detective Bureau interview

1 room.

2 Q And could you describe that interview room?

3 A It's just a small, square room with a camera in it
4 and three seats.

5 Q Is that -- was the interview of the defendant, was
6 that recorded?

7 A Yes, that was audio and video.

8 Q Is that standard procedure if you're speaking to a
9 suspect that's been arrested?

10 A Yes, it is.

11 Q And you said he spoke to you that day?

12 A Yes, he did.

13 Q And did anything happen -- during the course of the
14 interview, did you ask him to provide you with anything?

15 A I asked him to provide a DNA sample.

16 Q And why did you do that?

17 A Just in case any evidence was acquired, we just
18 wanted to be able to show that it was his DNA or not his
19 DNA.

20 Q And was he willing to provide you with a DNA sample?

21 A Yes, he was.

22 Q And how does that come about? Like how do you get a
23 DNA sample?

24 A A DNA sample, it's basically a cotton swab on a
25 stick. So, I would hand it over and I would ask you to rub
26 it inside your mouth for about 30 seconds and then push it
27 on a -- it's a card, a little piece of paper. I would have

1 the person push it on the card, and then those things would
2 get logged as evidence and eventually sent to the State lab.

3 Q And was that done in this case?

4 A Yes, it was.

5 Q I'm going to show you what's then marked as State's
6 Exhibit 23. This is now a full exhibit. I'm going to ask
7 if you recognize this?

8 A Yes.

9 Q What do you recognize it as?

10 A These are the DNA swabs that were taken from
11 Nicholas.

12 Q From whom?

13 A Nicholas Hall.

14 Q How many swabs were done -- were taken?

15 A Two swabs were taken.

16 Q Is that standard?

17 A It's always standard to send two swabs to the lab.

18 Q So tell me what happened. Did -- who did the
19 swabbing, do you recall?

20 A We would have handed him the swab and asked him to
21 put it in his mouth, and then we would have taken -- I would
22 have took it back and packaged it.

23 Q Did you take it back and package it?

24 A Yes.

25 Q And is there a procedure for packaging?

26 A Yes.

27 Q What do you do?

1 A It's DNA, so that's why I like to have him do the
2 swab, so I don't risk putting my DNA on it. And then once
3 we have it, we're wearing gloves, obviously. We put it back
4 into the envelope that the lollipop swab came -- comes on,
5 and we put it in an evidence bag, and we seal it with
6 relevance tape, and I put my initials and the date on there.

7 Q And is there any labeling that you put on beside
8 (indiscernible) --

9 THE COURT: You have to be near a mic, please.

10 ATTY. PALERMO: Sorry.

11 Q Is there any labeling you put on?

12 A Yes. Later we go into the computer system, we enter
13 it as property, we print out an evidence label.

14 Q And what is included on the evidence label?

15 A The evidence label has all the information, the
16 exhibit number, and then the basic information about what it
17 is, Nicholas Hall's DNA sample.

18 Q Is the case number on there?

19 A Yes, it is.

20 Q And in a -- when an investigation is -- or a case is
21 opened, you said there was a case number assigned, right?

22 A Yes.

23 Q Does that case number go with all the evidence?

24 A Yes, it does.

25 Q Okay. And there's two red tapes on this. Did you
26 provide both of those tapes, or do you recall?

27 A Just one.

1 Q And when you sealed it, was it completely sealed?

2 A Yes.

3 Q Okay. Did this -- after this was put into evidence,
4 did this, as far as you know, as part of the investigation,
5 go to the State lab?

6 A Yes, it did.

7 Q After the defendant was interviewed and his buccal
8 swab was given, did you do anything else in terms of the
9 investigation?

10 A That day or a different day?

11 Q At all.

12 A Yes.

13 Q What did you -- what was the next thing you did in
14 terms of the investigation?

15 A On the 10th, I met with GT to obtain that statement
16 that you asked me about earlier.

17 Q And did you do anything else in terms of trying to
18 get DNA samples from anyone else?

19 A Yes. I believe it was a few months later, I obtained
20 DNA samples from the entire family at GT's house.

21 Q Who did you obtain DNA samples from?

22 A GT, LT, ST, and WTH.

23 Q Showing you what's already marked as State's Exhibits
24 19, 20, 21, and 22. Do you recognize these?

25 A Yes.

26 Q What do you recognize them as?

27 A Those are the swabs.

1 Q Of -- what swabs?

2 A Those are the swabs that I took from GT, LT, ST, and
3 WTH.

4 Q And where were those taken?

5 A Those were taken at GT's residence.

6 Q As far as you know, did those swabs go to the State
7 laboratory?

8 A I believe they did, yes.

9 Q Do you recall doing anything else in terms of the
10 investigation other than what you've already told us?

11 A After that, I believe that was it.

12 Q Now, did you write any reports regarding your
13 investigation?

14 A Yes.

15 Q And is that standard?

16 A Yes.

17 Q Okay. Would it be fair to say you were the lead
18 investigator on this case?

19 A Yes.

20 Q And as a lead investigator, what was your role?

21 A My role is to manage the case, be the main detective,
22 document everything, log any evidence, and basically keep
23 the case moving in the right direction.

24 Q As a lead detective, do you send other detectives or
25 other personnel out to do some of the investigation?

26 A Yes.

27 Q One moment. Just for a little clarification, when

1 you sent the detectives back to GT's house, you said you
2 asked them -- you wanted them to collect some bedding; is
3 that correct?

4 A Yes.

5 Q Can you tell us who's bedding again, the initials?

6 A GT -- I'm sorry, LT, and ST.

7 Q And you indicated that there was some alternate light
8 source that you wanted the detectives to use?

9 A Yes.

10 Q Why was that?

11 A Just so they could help identify if there's any
12 marks, and if there was, that might be something that they
13 would want to seize as evidence.

14 Q What is this light source? Like, could you kind of
15 explain the purpose of that?

16 A Yeah, an alternate light source, if you were to shut
17 the lights off and basically shine it on, like, a chair or
18 something, it would show staining of sorts. You don't know
19 what the stains are, but you would see markings on it.

20 Q Could you -- would it be fair to say that you might
21 not see these markings with the naked eye?

22 A It would definitely be fair to say that.

23 Q Okay. And is that why you have this alternate light
24 source?

25 A Yes, it is.

26 Q Okay. Thank you.

27 ATTY. PALERMO: No other questions.

1 THE COURT: Okay. Cross-examination.

2 ATTY. BERKE: Your Honor, I think that during
3 the direct there was going to be a video.

4 ATTY. PALERMO: Well, that -- yes, that's
5 correct, Your Honor. I may have more questions, but
6 no more questions at this time.

7 THE COURT: Oh, yes. So, ladies and gentlemen,
8 what we're doing is, we're perhaps dividing this up.
9 Detective -- there will be cross-examination now, and
10 then we may bring him back for other information,
11 something we're going to work on during the luncheon
12 hour, but we'll keep you posted.

13 So typically, you see direct, cross, redirect,
14 recross. It may be a little different in this case.
15 Thank you. And thanks for reminding me.

16 **CROSS-EXAMINATION OF DAN WHEELER BY ATTY. BERKE:**

17 Q What training do you have in the processing of crime
18 scenes?

19 A I've been to crime scene processing trainings.

20 Q And have you yourself done crime scene trainings
21 prior to having the role you have now?

22 A Yes.

23 Q Approximately how many crime scenes have you
24 processed in your career?

25 A Probably 50 to 100.

26 Q So when you process a crime scene specifically in
27 relation to using alternative light sources and glasses,

1 you're looking for things that you can't see with the naked
2 eye?

3 A Yes.

4 Q And at the time you're in the field, you don't know
5 what you've identified, but you've identified a stain of
6 something?

7 A Yes.

8 Q And that stain could potentially be either epithelial
9 cells, skin cells, or bodily fluids?

10 A Sure.

11 Q It could also be saliva?

12 A Yes.

13 Q So out of the possible items that you can ultimately
14 find in a stain would be, is it fair to say, saliva?

15 A I believe so, yes.

16 Q Potentially semen?

17 A Yes.

18 Q Seminal fluid?

19 A Yes.

20 Q Vaginal fluid?

21 A Yes.

22 Q Fecal matter?

23 A I would think so.

24 Q Blood?

25 A Yes.

26 Q Did I miss anything?

27 A It sounds about right.

1 Q So the task is, use an alternative light source,
2 gather the evidence, and then send it up to the lab for
3 further analysis?

4 A Yes.

5 Q You were responsible for directing the crime scene
6 officers?

7 A Yes.

8 Q And is there any reason why that crime scene team
9 that you utilized was not available on the day you went to
10 take photographs? I believe it was the 3rd of June of 2020?

11 A On the 3rd. And then I believe they went there on
12 the 4th.

13 Q I know. But is there any reason you went there on
14 the 3rd?

15 A Yes.

16 Q To take photographs?

17 A Yes.

18 Q Is there a reason why the crime scene team couldn't
19 be there on the 3rd to conduct the examination with the
20 alternative light source?

21 A At that point, when we went to the house on the 3rd
22 and I photographed it, we were speaking with GT, and it
23 didn't seem like there would be any evidence of value at
24 that moment.

25 Q At any point in time, did you direct them to use the
26 alternative light source on a couch in the living room?

27 A On the 3rd or the 4th?

1 Q On either day?

2 A No.

3 Q And what about, did you direct them to use the
4 alternative light source on the carpet in the living room?

5 A No.

6 Q So, to just take a step back. An alternative light
7 source, you shine this light, put the glasses on, and that
8 allows you to see whatever stain is there that you can't see
9 without your -- with the naked eye?

10 A Yes.

11 Q Is there any expense that's incurred in that process?

12 A No.

13 Q Is it a time-consuming process?

14 A No.

15 Q So, did you have them identify any stains with an
16 alternative light source in the laundry room of that
17 residence on Lake Avenue?

18 A No.

19 Q And there was a couple of bedrooms in that residence.
20 There was a bedroom that LT and ST shared, two beds, a full
21 and a twin, correct? There was another bedroom with WTH
22 that she had by herself?

23 A Yes.

24 Q And GT's bedroom?

25 A Yes.

26 Q Did at any point in time you direct the officers to
27 use the alternative light source in GT's bedroom?

1 A No.

2 Q Any part of the bedroom?

3 A In GT?

4 Q In GT.

5 A No.

6 Q Did you have them use an alternative light source in
7 any part of the room that was occupied by LT and ST?

8 A Yes.

9 Q And did you have them look with the alternative light
10 source in WTH's room?

11 A No.

12 Q Do you remember on the direct examination when you
13 were asked of why you didn't use the alternative light
14 source on that 3rd? You said you didn't know why. Do you
15 remember saying that today?

16 A No, I don't believe I said that.

17 Q Did you set up any other examinations after the
18 forensic interview for LT?

19 A Can you repeat that for me?

20 Q Certainly. Did you set up any other examinations
21 after the forensic interview for LT?

22 A For LT?

23 Q Yes.

24 A No.

25 Q When you spoke with Nick Hall, did he have any
26 hesitation at all talking to you?

27 A No.

1 Q When you were reading him his rights, there was no
2 pause in him providing information?

3 A There was not.

4 Q And how did it come about where you asked him for a
5 DNA sample?

6 A I believe it was towards the end we asked him to
7 provide one.

8 Q Was there any hesitation at all?

9 A No.

10 Q Did you provide him a form, a consent to provide his
11 DNA?

12 A Yes. Yes.

13 Q And you said he didn't hesitate with that as well?

14 A No.

15 Q You had obtained buccal swabs from, after that point
16 in time, you said several months later from GT, ST, WTH,
17 right?

18 A Yeah, yes.

19 Q Am I missing one? GT --

20 A You might be missing one.

21 Q LT.

22 A Did you get LT?

23 Q LT, LT. Did you ever -- they were done for
24 elimination purposes?

25 A Yes.

26 Q Did you ever seek to obtain elimination DNA buccal
27 swabs from any members of Mr. Hall's family?

1 A No.

2 Q That was not something that was ever contemplated by
3 you?

4 A No.

5 Q Do you know when your department was advised that
6 there was an audio tape of LT?

7 A I believe they were advised of the audio file on the
8 initial complaint.

9 Q And what date was that?

10 A I believe that was 5-22.

11 Q And that audio file was received by your department
12 on June 1st?

13 A Yes.

14 (Pause)

15 Q The first date you made contact with GT was on May
16 27th of 2020?

17 A Yes.

18 Q And that was by phone, correct?

19 A Yes.

20 Q And on that date, did you advise GT to seek medical
21 assistance?

22 A Yes, for the child.

23 Q Correct. LT?

24 A Yes.

25 Q And did you direct her to go to the hospital or their
26 physician for examination?

27 A If she felt it was needed, I told her she should do

1 it.

2 Q Did you document that in a report?

3 A Yes.

4 Q And do you remember documenting the fact that she was
5 advised to bring them to the hospital or doctor for
6 examination?

7 A Yes.

8 Q It doesn't say if she felt it was necessary?

9 A I can't remember exactly.

10 Q Would it refresh your memory to get a chance to look
11 at your report?

12 A Sure.

13 Q Sir, if you could just -- I know you probably know
14 this, but if you could just take a look at it and read it to
15 yourself. And tell me when you're finished, please.

16 A Okay.

17 Q You've had an opportunity to review your report?

18 A Yes.

19 Q Does that refresh your memory?

20 A Yes, it does.

21 Q So, you directed her -- is it fair to say you
22 directed her to seek medical attention either by a hospital
23 or a physician? It doesn't say if she felt it was
24 necessary.

25 A Well, the next line says a couple further things. I
26 don't want to say inappropriately.

27 ATTY. PALERMO: I'm sorry, I could not hear him,

1 Your Honor.

2 THE COURT: Excuse me?

3 ATTY. PALERMO: I can't hear the witness.

4 THE COURT: He said the next couple of lines say
5 something. He didn't want to say anything
6 inappropriately. Did I accurately sum up?

7 THE WITNESS: Yes, Your Honor.

8 CONT. BY ATTY. BERKE:

9 Q Do you recall completing a CT-104?

10 A Can you refresh my memory?

11 Q Of course.

12 THE COURT: CT-104?

13 ATTY. BERKE: 100.

14 THE COURT: 100?

15 ATTY. PALERMO: Your Honor, may I approach
16 counsel?

17 THE COURT: Sure.

18 (Pause)

19 CONT. BY ATTY. BERKE:

20 Q Does that help refresh recollection?

21 A Yes.

22 Q You're still reading. I'm sorry.

23 A It does.

24 Q Okay. Do you recall submitting a CT-100?

25 A I don't remember submitting it, but it says it's
26 completed by me, so I must have.

27 Q So, you sent the crime scene on June 3rd of 2020; is

1 that correct? Is that the date they went to obtain the --

2 A The forensic was on the 3rd. They were sent to the
3 house on the 4th.

4 Q The form you -- what is the purpose of the CT-100
5 form?

6 A I'm not too familiar with this form. I barely
7 remember it.

8 Q It's a form that you completed?

9 A It must be.

10 Q Is this a form that's maintained by the Trumball
11 Police Department?

12 A I'm not really sure what this form is. I'm not --
13 it's not ringing a bell. I don't do this form very often.
14 If I did this form, I don't know if it's for the lab. It's
15 not a form that I'm familiar with, and it was a long time
16 ago.

17 Q Okay. Does it have the complainant's name on the
18 form, without mentioning the name, LT?

19 A Yes, it does.

20 Q And does the form also include the complainant's date
21 of birth?

22 A Yes, it does.

23 Q Does it include the location of the collection of
24 evidence?

25 A Yes, it does.

26 Q And the collection of evidence is 96 Lake Drive,
27 Trumball?

1 A Yes.

2 Q Did you document the date of the incident as May 8th,
3 2020?

4 A On this form?

5 Q Yes.

6 A That's what it says on the paper, yes.

7 Q Well, you're the one that completed this.

8 A Yeah, I mean, that's the date it says, May 8th, date
9 of incident.

10 Q And the date of the evidence collection is June 6th,
11 2020, as noted on the form?

12 A I mean, there's no signature on this. I can't really
13 say that I completed this form. I don't know. Sometimes
14 records departments fill things out.

15 It says it's completed by me. I don't remember it.
16 I don't want to say anything that's inappropriate. I don't
17 remember the form. I don't remember filling it out. It
18 says it's completed by me, but I don't know. I can't
19 remember.

20 Q Is the case number accurate?

21 A Yes, it is.

22 Q Is your email accurate?

23 THE COURT: Okay. Well, now we're going into,
24 he's testifying to something that's not in evidence,
25 so.

26 ATTY. BERKE: Okay.

27 CONT. BY ATTY. BERKE:

1 Q Where would you have obtained this form, the CT-100,
2 I should say?

3 ATTY. PALERMO: I'm going to object, Your Honor.
4 The witness has indicated he doesn't remember this
5 form. He doesn't know. He doesn't recall anything
6 about this form.

7 ATTY. BERKE: That's not entirely what he said.
8 He doesn't remember some of it.

9 ATTY. PALERMO: He indicated he doesn't remember
10 filling out this form, or if he even filled it out.

11 THE COURT: It says submitted by him, though.
12 We do have that in evidence. So do you recall --
13 I'll ask it this way.

14 Do you recall where, if at all, you got the
15 form?

16 THE WITNESS: I don't recall that.

17 THE COURT: Okay.

18 CONT. BY ATTY. BERKE:

19 Q Had you ever seen the form before?

20 A I don't believe so.

21 Q Have you ever used it after that?

22 A I don't believe so.

23 Q Okay. What is the case number for this
24 investigation, this case?

25 A 20-84-24.

26 Q Does the 20 reference the year?

27 A 2020, yes.

1 Q Did you have an opportunity to review the audio file
2 that was submitted to your department on June 1st?

3 A Yes.

4 Q And did you receive any other audio or video files
5 from GT?

6 A Yes.

7 Q And without saying the content of it, what was the
8 audio or video file? What did it contain?

9 A Both of them, or?

10 Q Well, if you can separate them, yes. Because one's
11 audio and one's video.

12 A I remember the first one that was sent was an audio
13 file, and the second one was a video file.

14 Q And you had a chance to review both?

15 A Yes.

16 THE COURT: Would this be a good time to stop,
17 Attorney Berke?

18 ATTY. BERKE: Certainly.

19 THE COURT: Okay. Ladies and gentlemen, we're
20 going to end for the luncheon recess. I'm going to
21 give you that warning I give you each time. Like I
22 said at the end, even you, Mr. (indiscernible),
23 you'll be able to discuss it without me. You'll
24 probably do a better job at it than I do.

25 But please do not make up your mind or form any
26 opinions on the evidence you've heard so far. Do not
27 discuss it with anyone, including fellow jurors. You

1 are not to seek out information outside this court
2 related to the case or the evidence you've heard thus
3 far. You are not to do any independent examination
4 or go to the scene of the alleged incident. And
5 remember, things that are outside this courtroom are
6 not evidence.

7 Evidence comes from two important pieces, the
8 court's sworn testimony of witnesses as well as
9 properly introduced exhibits. So, if you see
10 something out there in the real world, so to speak,
11 that's not evidence because it hasn't been tested by
12 the oath.

13 So, we're going to -- with that, you can recess.
14 Again, if you could, at 2:00, go up to the 7th floor,
15 and then we'll have someone escort you down. I'll
16 tell you this, we are working on something that
17 hopefully there won't be much of a delay, but we'll
18 get going right close to 2:00. Thank you.

19 (The jury exits the courtroom)

20 THE COURT: Oh, their notepads can stay in
21 there. Thanks. Is that what you were going to say?
22 Or do you want to collect them?

23 THE CLERK: I was going to have them hand them
24 to us (indiscernible).

25 THE COURT: Yeah, you want to collect them?

26 THE CLERK: Yes.

27 THE COURT: Thanks.

1 (Pause)

2 THE COURT: All set, Madam Clerk?

3 THE CLERK: Yes.

4 THE COURT: All right. The jurors are outside
5 the room. Detective, I'll have you come back at
6 2:00.

7 I'll tell this to the parties. I'm available.
8 I'm going to be upstairs in my chambers and off at
9 five. You're welcome to come up and see me.
10 Hopefully we can work this out. And when I say work
11 this out, I'm talking about an audio -- or a
12 videotape of statements of the defendant.

13 So, there was some question, the parties have
14 been very good at working out some things that should
15 be removed. There's a stumbling block on a bunch of
16 others that you're going to discuss, and we'll get
17 back to you. Anything you want to put on the record?

18 ATTY. DAVIS: Just briefly.

19 THE COURT: Yeah, sure.

20 ATTY. DAVIS: I can try to come up and talk to
21 Your Honor with defense counsel at lunch, but the
22 paralegal is at lunch until -- from 1:00 to 2:00.

23 THE COURT: They have a union. I get it.

24 ATTY. DAVIS: Yeah. So, I'm not going to have
25 her and she's the one that does all the work, so.

26 THE COURT: No, she doesn't have to be there.

27 Thanks.

1 ATTY. DAVIS: Okay.

2 THE COURT: All right. Thank you everyone.

3 (Luncheon recess)

4 THE COURT: All right. We're on the record,
5 State of Connecticut v. Nicholas Hall. The parties
6 are present. Mr. Hall is here. Please be seated.

7 We had spent the time from just before 2:00 to
8 now, it's 3:20, going over the logistics of how to
9 play the interview of the defendant. There are
10 objections.

11 I'll hear from you, Attorney Berke.

12 ATTY. BERKE: Your Honor, we went through a
13 number of objections that I filed, and with the
14 Court's permission, I'm going to file a document that
15 is not filled with my notes, which I have here. And
16 the general objections that I made are references
17 today, and the way this came up is that the officers
18 were questioning my client.

19 The questions included at one point, which the
20 State has redacted, LT and ST. ST has since been
21 removed from any of the questions. It's my position
22 that there are some instances where it leaves the
23 references to they. It leaves the references it
24 they.

25 And just to talk generally. They would not know
26 about sexual interactions, they would not know
27 details about sex, comments that my client made in

1 response to officer statements that he did not have
2 sexual relations with children, and they'll be fully
3 articulated within the document. But I'm going to
4 ask that the Court consider accepting that as a Court
5 Exhibit, so it doesn't go to the jury.

6 But what I will do with the Court's permissions
7 procedurally is when the video is offered, I'm going
8 to ask the Court to consider objections previously
9 made.

10 THE COURT: Yes.

11 ATTY. BERKE: I'm sure the Court will at least
12 acknowledge that and say that that's overruled in
13 sum.

14 THE COURT: Attorney Davis, do you want to be
15 heard?

16 ATTY. DAVIS: Just briefly. We did talk about
17 this ad nauseum and --

18 THE COURT: Before you do, I just want to say
19 that you have made available the edits with they
20 being removed from what the police say in certain --
21 in most circumstances.

22 ATTY. DAVIS: Yes.

23 THE COURT: Okay. Go ahead.

24 ATTY. DAVIS: So, I sent -- and Attorney Palermo
25 and I, overnight, two nights ago, went through the
26 transcript and, as the Court said, took out all the
27 references for the most part where it made sense and

1 where we could when the police referenced they. As
2 counsel stated, we took out all the Scarlets where it
3 was appropriate.

4 And I sent the Court and defense an email very
5 early this morning outlining the State's specific
6 objections to the cuts and the edits that the defense
7 wanted, but just the overall gist is, I think that
8 the parts that defense counsel wants out are just the
9 defendant's responses. The prompting from the
10 officers, there's no they, and it particularly just
11 pertains to LT. So that's the State's objection.

12 THE COURT: Yeah. And there are -- it's not
13 just they. It's they, them, and kids that counsel
14 has made objection to.

15 Look, we've had a chance to look at it. We have
16 a chance to hear it. We also had some audio issues
17 with regards to what the jury could hear or not hear.

18 We've worked that out, but I will instruct the
19 jury as a proposed curative instruction, and I've
20 provided that to counsel. Did either one want to be
21 heard on that?

22 ATTY. DAVIS: The State agrees with the Court's
23 --

24 ATTY. BERKE: No, I think we modified that
25 further.

26 THE COURT: Right. We have, because I took out
27 where it said -- whenever you hear a question

1 including they, I'm taking that out because there is
2 no questions now with they in it. The questions have
3 been removed. It's just response or responses.

4 ATTY. BERKE: There were other -- there was
5 other language that also the Court removed.

6 ATTY. DAVIS: I think the word victim, right?

7 THE COURT: Oh, yes.

8 ATTY. BERKE: Alleged victim, which you -- we
9 worded.

10 THE COURT: Oh, yes. I'm sorry. I haven't
11 provided a new one. It says -- so it reads as
12 follows:

13 Second -- I'll read it. First, you are not to
14 hear the entire interview. There are questions by
15 the police and responses by Mr. Hall that I have
16 excluded. I've excluded these questions and
17 responses in accordance with our Connecticut case law
18 and general statutes. You are not to speculate as to
19 what may be asked or answered and you are not to
20 speculate as to why it is -- I have excluded it.

21 Second. There are numerous references to they
22 or them, or the kids, in the responses. Whenever you
23 hear such a response, you should know that the
24 question -- that the response applies to LT only.
25 There's only one individual alleging such behavior
26 and you can only -- and you could give the video
27 whatever weight, if any, you deem appropriate as it

1 applies to LT only.

2 That's it. Are you okay with that curative
3 instruction?

4 ATTY. BERKE: That instruction is fine.

5 THE COURT: And I'm still noting your objection.
6 And what we've done as far as appellate review, we
7 will have three new Court Exhibits, 8, 9, and 10.
8 Eight will be the -- and we haven't done it yet, but
9 eight will be the unredacted transcript in its
10 entirety.

11 And these have to be sealed because they still
12 have the names in it. Nine will be unredacted video.
13 Again, that will be sealed. And ten will be very
14 handy for a reviewing Court to look at analysis of
15 where your objections fall.

16 ATTY. BERKE: Your Honor, there's one group of
17 objections, which I didn't reference.

18 THE COURT: Oh, go ahead.

19 ATTY. BERKE: And that's located from 1:42:45 of
20 the video through 1:43:35. These are comments by the
21 officers that people don't just get shafted, we don't
22 do this off the rip, we dot our I's, cross our T's,
23 we don't waste anyone's time.

24 And I'm paraphrasing, but to the effect, we
25 don't just arrest people for no reason. I don't
26 think that's appropriate language that should be sent
27 to the jury. I realize that's something we've

1 already discussed in our in-chambers conference.

2 THE COURT: Nope. I'm going to have it remain
3 in there. It's just everything in context. You, for
4 example, could argue that he's totally cooperative
5 and isn't -- in fact, he agrees with the police
6 during these times when they talk about their work
7 and what they're doing. But to put it all in context
8 and to have it in there, I'm going to allow it.

9 I don't think it's overly prejudicial. It's the
10 police sort of saying, hey, we do a good job. And
11 the jury can give that whatever weight that they
12 want, so I'm going to allow it.

13 Okay. Anything further?

14 ATTY. DAVIS: Just briefly. I just spoke to
15 Iris, who's the paralegal, who's redacting this for
16 us. The video is at 53 percent, the redacted, as far
17 as copying it. I know defense still has some cross,
18 so as soon as -- she's just going to run it into me.

19 THE COURT: Okay. Great. Can we bring the jury
20 in?

21 ATTY. BERKE: Please.

22 ATTY. DAVIS: Yes, Your Honor.

23 THE COURT: I'm going to explain to them a few
24 things. One of it is why they're here at 3:25.
25 Thank you.

26 (The jury enters the courtroom)

27 ATTY. DAVIS: Please bring me both of them.

1 THE COURT: Counsel stipulate to the presence of
2 the jurors and alternates?

3 ATTY. PALERMO: Yes, Your Honor.

4 ATTY. BERKE: Yes, sir.

5 THE COURT: Okay. Ladies and gentlemen, I have
6 an explanation for you. We're late. We're sorry.
7 It's 3:26.

8 And I will tell you this. We're going to be --
9 not we, the State is going to introduce a video into
10 play here. We've got that giant screen over there,
11 and the audio was horrible. Horrible. You could
12 barely hear it.

13 I'm not saying that to slight the State in any
14 way. It's just, you know, that's just the way it is,
15 and I'm not saying that Hartford's listening, that we
16 have lousy equipment, but it just wasn't good.

17 We finally worked it out. I'll note, too, that
18 there's an objection to some of the parts, and I had
19 a rule on some of that. So that's what we've been
20 working on.

21 I will tell you this. That you are -- it's an
22 interview of -- the video and audio is an interview
23 of the defendant, Nicholas Hall, by the police. You
24 will not be hearing the entire interview. There are
25 questions and responses by Mr. Hall, questions by the
26 police, and responses by Mr. Hall that I have
27 excluded, and I've excluded these questions and

1 responses in accordance with our Connecticut case law
2 and our general statutes.

3 You are not to speculate as to what may -- why --
4 - what was asked and answered that I struck, or why I
5 struck it, or why I did not put it in. Don't
6 speculate to it, please.

7 Second, there were numerous responses with
8 regards to -- references to they, or them, or kids in
9 responses. When you hear such a response, you should
10 know that the response applies to LT only. There is
11 only one individual alleging such behavior, and you
12 can give the video whatever weight you think is
13 appropriate, but it applies only to LT. So even
14 though you may hear they, or them, or kids, it's LT
15 only.

16 So, I'm just going to tell you that, and I'm
17 going to tell you that again at the end of it. But
18 right now, we're going back -- oh, can you bring in
19 the detective, please, sorry, I thought he was up
20 here.

21 The detective is still on cross-examination, and
22 that's why we're breaking it up. Instead of having
23 direct and cross, we had to work on that video, and I
24 think we've got it.

25 The audio still isn't great, but you'll be able
26 to have it when you go in the back --

27 (The witness takes the witness stand)

1 THE COURT: Sit down, please. You'll be able to
2 have it when you go in the back to deliberate. I
3 will do this. The clerk reminded me. Remember, we
4 have Friday not in session. Did we tell you that?

5 THE JURORS: No.

6 THE COURT: Okay. Well, how about this.
7 Friday, we're not in session, and I apologize. We're
8 still on target for what I told you. We should be
9 wrapping it up around Monday or Tuesday next week. I
10 still don't know what the weather is. I didn't
11 listen to it at lunch.

12 We worked, quite frankly, we all worked on this.
13 So, I notice my watch keeps blowing up, my kids,
14 about a winter weather advisory. I never know what
15 the difference is between weather advisories, storm
16 advisories, or whatever, but we'll talk about that.

17 But right now, detective, I'll remind you,
18 you're still under oath, and Attorney Berke is cross-
19 examining.

20 But we don't -- we're not going to be here
21 Friday. All day.

22 * * *

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FBT-CR20-0336785-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
NICHOLAS R. HALL	:	FEBRUARY 5, 2025

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

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield County, Bridgeport, Connecticut, before the Honorable Peter McShane, Judge, on the 5th day of February, 2025.

Dated this 27th day of February, 2025, in New London, Connecticut.



Annette DeCosta
Court Recording Monitor

FBT-CR20-0336785-T	:	SUPERIOR COURT
STATE OF CONNECTICUT	:	JUDICIAL DISTRICT OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
NICHOLAS R. HALL	:	FEBRUARY 5, 2025

E L E C T R O N I C
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