

FBT-CR20-0336785-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT
v. : AT BRIDGEPORT, CONNECTICUT
NICHOLAS HALL : FEBRUARY 4, 2025

TRANSCRIPT OF PROCEEDINGS

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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Representing the Defendant:

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A L S O P R E S E N T :

ATTORNEY AUDREY FELSEN

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1 THE COURT: Good morning, everyone. Please be
2 seated. We're here on the matter of State of
3 Connecticut v. Nicholas Hall. I'll ask if the
4 parties could please identify themselves.

5 ATTY. DAVIS: Good morning, Your Honor, Kelly
6 Davis for the State of Connecticut.

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

9 ATTY. BERKE: Morning, sir, Robert Berke for
10 Nicholas Hall.

11 THE COURT: And Mr. Hall is present. Good
12 morning, Mr. Hall.

13 THE DEFENDANT: Morning, Your Honor.

14 THE COURT: Please be seated. We have some
15 matters we need to address. I have not brought the
16 jury panel down. But first, the matter we need to
17 address is one of the jurors had called the jury
18 clerk yesterday and indicated that she has the flu
19 and will be unable to attend. What little I know of
20 this flu is that it is very contagious and really
21 knocks people out for days. So I asked that she not
22 come in. Are the parties okay with me excusing her?

23 ATTY. DAVIS: Yes, Your Honor.

24 ATTY. BERKE: Yes.

25 THE COURT: Okay, and now we've got to pick --
26 and her name was Erin Ryan, so that would be Juror
27 Number 2. She's out. I'm going to ask that, Madam

1 Clerk, if I could please -- we're picking at random.
2 There are three names in here. So our next -- our
3 full juror will be Cole Mariyappa. He was Alternate
4 Number 3. He now moves into the position of Juror
5 Number 6. Next up is the defendant needs to be put
6 to plea. I'll ask, Mr. Hall, if you could stand,
7 remain standing, and pay attention to Madam Clerk.

8 THE CLERK: I'm going to put you to plea. In a
9 substitute information dated January 6, 2025, Kelly
10 E. Davis, Senior State's Attorney for the State of
11 Connecticut, accuses and charges Nicholas Hall as
12 follows. Count one: that said Nicholas Hall did
13 commit the crime of sexual assault in the first
14 degree, in violation of Connecticut General Statutes
15 Section 53a-70(a)(2). How do you plead?

16 THE DEFENDANT: Not guilty.

17 THE CLERK: And do you elect to be tried by a
18 jury or by a court?

19 THE DEFENDANT: Jury.

20 THE CLERK: In count two, the above senior
21 assistant state's attorney further charges that the
22 said Nicholas Hall did commit the crime of sexual
23 assault in the first degree, in violation of
24 Connecticut General Statutes Section 53a-70(a)(2).
25 How do you plead?

26 THE DEFENDANT: Not guilty.

27 THE CLERK: And do you elect to be tried by a

1 jury or by a court?

2 THE DEFENDANT: Jury.

3 THE CLERK: Count three: the said senior
4 assistant state's attorney further charges that the
5 said Nicholas Hall did commit the crime of sexual
6 assault in the fourth degree, in violation of
7 Connecticut General Statutes 53a-73a(a)(1)(A). How
8 do you plead?

9 THE DEFENDANT: Not guilty.

10 THE CLERK: And do you elect to be tried by a
11 jury or by a court?

12 THE DEFENDANT: Jury.

13 THE COURT: Count four: the above senior
14 assistant state's attorney further charges that the
15 said Nicholas Hall did commit the crime of risk of
16 injury to a minor, in violation of Connecticut
17 General Statutes Section 53-21(a)(2). How do you
18 plead?

19 THE DEFENDANT: Not guilty.

20 THE CLERK: And do you elect to be tried by a
21 jury or by a court?

22 THE DEFENDANT: Jury.

23 THE CLERK: Count five: the above senior
24 assistant state's attorney further charges that the
25 said Nicholas Hall did commit the crime of risk of
26 injury to a minor, in violation of Connecticut
27 General Statutes Section 53-21(a)(2). How do you

1 plead?

2 THE DEFENDANT: Not guilty.

3 THE CLERK: And do you elect to be tried by a
4 jury or by a court?

5 THE DEFENDANT: Jury.

6 THE CLERK: Count six: the above said senior
7 assistant state's attorney further charges that the
8 said Nicholas Hall did commit the crime of risk of
9 injury to a minor, in violation of Connecticut
10 General Statutes 53-21(a)(2). How do you plead?

11 THE DEFENDANT: Not guilty.

12 THE CLERK: And do you elect to be tried by a
13 jury or by a court?

14 THE DEFENDANT: Jury.

15 THE CLERK: Thank you.

16 THE COURT: Thank you. The next order -- please
17 be seated. I'm sorry. The next order of business is
18 we did meet in chambers. First of all, our jury's
19 not here. Don't get me wrong, if Hartford's
20 listening, it's a lovely courtroom and I like it a
21 lot. But it is small, so I'd rather have the jury
22 not present while we put the defendant to plea and we
23 discuss motions. And I told counsel when we have
24 sidebars, it's going to actually be right in
25 chambers.

26 I was going to ask about any outstanding
27 motions. There are two. One Attorney Berke is in

1 the process of filing, but was nice enough to let us
2 know what it is -- more specifically, let the State
3 know what it is, and that's got to be addressed later
4 on. The other outstanding motion is the State's
5 motion in limine January 27, 2025 and it's with
6 regard to G.T, and I think -- are we prepared to
7 argue that now, or do you want to wait until
8 tomorrow?

9 ATTY. DAVIS: Tomorrow, please.

10 ATTY. BERKE: I think we can wait. It's not --
11 we're not addressing it --

12 THE COURT: Tomorrow? Very good. Then we'll do
13 that before the jury tomorrow. So those are the --
14 and it's my understanding those are the only two
15 outstanding motions. I'm going to have you commit to
16 it tomorrow. The appellate court and reviewing
17 courts and the clerk's office have been very tight
18 with us in making sure that all the motions are done.
19 So I'll have the parties agree to it.

20 I do want to note this for the record, and it's
21 a warning to the audience: look, this is a courtroom.
22 You all know that, and I'm just asking you to all
23 please behave like ladies and gentlemen during the
24 course of the trial. I understand this is an
25 emotional event. I understand it's an emotional
26 trial. I get it. But please don't do anything
27 that's going to jeopardize your presence in here.

1 And by that, I mean I don't want any outbursts, I
2 don't want any talking, and I don't want any behavior
3 that would suggest that you cannot conduct yourself
4 in a lady and gentleman like fashion.

5 Now, there is going to be displays. Not all of
6 you are going to get to see it. So, you know, you
7 all know each other. If somebody needs to see it
8 more than the other, I ask that you move now. I'd
9 rather not have a lot of movement during the trial.
10 I understand there are times you need to get up and
11 stretch your legs or use the facilities or whatever,
12 but let's try to keep those down to a minimum.

13 We start at 10. We go to about 11:30. We take
14 a fifteen-minute recess, and then we go from 1 to 2
15 -- that's lunch -- and then we have a fifteen minute
16 recess in the afternoon. So if you can gauge
17 yourself then. Again, you know, the focus should be
18 on my jury, which it will be, and I don't want to be
19 distracted by members of the audience. And I don't
20 want you to think, "Come on, Judge, this is a public
21 courtroom. Don't tell me what to do." Well, it is a
22 public courtroom, but it's my courtroom, so please
23 behave yourselves; and I'm quite confident you will
24 anyway.

25 All right, that's -- oh, names versus initials.
26 The State, when you're calling a witness, I ask that
27 you just announce for the clerk and, really, for me,

1 "I'm calling G.T. or L.T.," and that'll be the
2 signal.

3 ATTY. DAVIS: Yes, Your Honor.

4 THE COURT: I'm not going to have Madam Clerk
5 ask for any information of where they live, and
6 that'll go for all witnesses, including lay witnesses
7 and police. So anything further?

8 ATTY. DAVIS: Just --

9 ATTY. BERKE: I do.

10 ATTY. DAVIS: Go ahead -- I'll go. Just for the
11 record, Your Honor -- and we can go into this more
12 tomorrow, but -- I'll save that for tomorrow. I just
13 want to put one other thing on the record, that we
14 did have a conversation in chambers about allowing
15 someone with the initials P.T. to be in the courtroom
16 who is on the defense's witness list. I just want
17 the Court to know he is in the courtroom and he has
18 been advised there's a sequestration order and he's
19 not to talk about anything with any other potential
20 witnesses or anyone else.

21 THE COURT: Okay. This is addressed to P.T.
22 There is a rule in effect. It's called a
23 sequestration order, and what that means is you are
24 not to discuss what you observe here in the courtroom
25 with other witnesses. Of course, if P.T. is called
26 upon as a witness in the case, certainly he could be
27 asked about not violating the sequestration work but

1 being in court during the other procedure.

2 I'm saying this: I'm allowing P.T. to be in the
3 courtroom for the reason that -- you know, I look in
4 the back. You know, there are approximately 25
5 people here that the complainant and/or family
6 members may need some support, it seems, and that's
7 how and why I'm allowing P.T. to be in the courtroom.
8 But P.T., I'm going to make this clear: you are not
9 to discuss what you see in the courtroom with others.

10 You know, in the law, we have this -- you know,
11 we tell lawyers to avoid even the appearance of
12 impropriety, and what that is is just a fancy way of
13 saying, you know, you may not want to be talking to
14 the witnesses, particularly in view of the jurors or
15 out in the hallway, and certainly not sending them
16 any signals. And you had something Attorney Berke?

17 ATTY. BERKE: If I can just approach the State
18 for a moment?

19 THE COURT: Yeah, sure. Take your time. Please
20 don't ask. I told you.

21 ATTY. BERKE: Well, it's approaching the State,
22 not a witness.

23 THE COURT: You can do whatever. And just so
24 the audience knows, lawyers are very polite
25 sometimes. These lawyers are old school, and they
26 ask to approach the bench, to approach witnesses, to
27 do whatever. It's their courtroom. They don't have

1 to ask; it just saves time. Anything further?

2 ATTY. BERKE: No.

3 THE COURT: All right. And I'm sorry to do this
4 to you, folks, but we're all going to take a brief
5 recess because now we're going to bring the jury
6 down. And here's just a preview of what happens: the
7 jury comes down. They come out. They take two
8 oaths. The jurors take the oath and we have the
9 alternates take a separate oath.

10 And then I have a little speech that sounds
11 vaguely familiar because it's the same speech similar
12 to what I gave them when they were introduced to the
13 jury panel. Normally, I cut it down, but here I
14 think it's important because there's been such a
15 delay since when they were picked as a juror to
16 today. So I'll tell them that we're still on
17 schedule with our beginning and end dates. So we'll
18 take a recess. Just let me know as soon as they're
19 in here. And put them in there, not in here.
20 Thanks.

21 (A recess was taken; court resumes)

22 ATTY. DAVIS: Your Honor, if I may, the
23 sequestration order's in effect right now, correct?

24 THE COURT: Correct.

25 ATTY. DAVIS: I believe the defendant's mother
26 is in the courtroom. The defendant's mother and the
27 defendant's father are on the defense witness list,

1 so I'd ask that they be removed.

2 ATTY. BERKE: They're not going to be called as
3 witnesses. As the Court realized, a lot of names
4 were placed on that list in an abundance of caution
5 just in the rare event that they would be used.

6 THE COURT: Okay.

7 ATTY. BERKE: Your Honor, I would just ask the
8 Court to consider -- I realize the marshals chose to
9 sit the audience in certain rows. Maybe you'd
10 consider alternating rows. The first row is the
11 complainant's family. The second row is my client's
12 -- well, third row.

13 THE COURT: I take it that was just done by
14 random.

15 ATTY. BERKE: I understand that, but if you'd
16 consider --

17 THE COURT: Okay. I'm not going to mess with it
18 today, but, you know, it'll be done by random. When
19 we open up the courtroom, it's first come, first
20 serve. I'm not going to --

21 ATTY. BERKE: Okay, thank you.

22 ATTY. DAVIS: I'm sorry, but just to confirm,
23 the defense is not calling either of the defendant's
24 parents?

25 ATTY. BERKE: That's correct.

26 ATTY. DAVIS: Okay, thank you.

27 THE COURT: All right, bring out the jury,

1 please.

2 (The jury enters the courtroom)

3 THE COURT: Good morning, ladies and gentlemen.
4 Thank you so much for coming back. You know, we
5 picked you a while ago, and I crossed my fingers and
6 I said, "Boy, I hope they come back." And I also
7 remember a couple of things I told you. One of them
8 was come in at 9:30 because we really want to get
9 started at 10. I didn't lie. We got started at 10,
10 but we had some things to do and I was called into
11 another court. So we're yours now and you're ours
12 now.

13 I want to say this: as you look around, remember
14 I said to the alternates, if you're picked as an
15 alternate, don't think you can sit back and let other
16 people do the heavy lifting. I say that because in
17 my last, how many, six trials, we've had to call on
18 an alternate. We have to do that here. One of the
19 regular members of the jury came down with the flu.
20 She's unable to make it. She offered to come in and
21 tell us about it, and I went, "No, I've heard enough
22 about the flu, so please don't come in." So we have
23 picked from random -- and that's how we do it -- an
24 alternate. So our juror?

25 THE CLERK: Cole Mariyappa.

26 THE COURT: You are now a regular member of the
27 jury, okay? Now, right now, what we have to do is --

1 first of all, I should reintroduce myself. I'm Pete
2 McShane. But before we call the -- before we get to
3 business, I want you to know this: there are two
4 oaths that are going to be read. The first is for
5 regular members, and then it's for alternates. So at
6 this time, I'm going to ask that Madam Clerk
7 administer the oaths.

8 THE CLERK: This is the oath for the full
9 jurors.

10 (The clerk took roll and administered the jury oath)

11 THE CLERK: Thank you. Please be seated. Now
12 this is the oath for the alternate jurors.

13 (The clerk took roll and administered the alternate juror
14 oath)

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

16 THE COURT: Please be seated. Thank you, ladies
17 and gentlemen. You know, at this time, I'm going to
18 provide some very brief instructions before we begin
19 evidence. My remarks at this time are generally to
20 acquaint you with some of the legal principles that
21 will control your deliberations and to give an idea
22 of how the trial will proceed. Again, I'm reading
23 from here; I explained to you why. It's important.
24 Some of it's repetitive, and for that I apologize.
25 You'll be given detailed instructions of the law at
26 the end of the trial before you begin your
27 deliberations.

1 As you know from jury selection, this is a
2 criminal case. The State has brought charges against
3 Mr. Hall, and I remind you again the information that
4 is going to be read to you right now is not evidence
5 in this case. It's merely the formal means of
6 accusing a person of a crime and bringing that person
7 to trial. So just because there's been a delay, I'm
8 just going to have Madam Clerk read the charges to
9 you again.

10 THE CLERK: Ladies and gentlemen of the jury,
11 the defendant stands informed against according to
12 the following information. Substitute information
13 dated January 6, 2025, Kelly E. Davis, senior
14 assistant state's attorney for the State of
15 Connecticut, accuses and charges Nicholas Hall as
16 follows: count one, that the said Nicholas Hall did
17 commit the crime of sexual assault in the first
18 degree, in violation of Connecticut General Statutes
19 Section 53a-70(a)(2). Count two: the said above
20 senior assistant state's attorney further charges
21 that the said Nicholas Hall did commit the crime of
22 sexual assault in the first degree, in violation of
23 Connecticut General Statutes Section 53a-70(a)(2).

24 Count three: the above said senior assistant
25 state's attorney further charges that the said
26 Nicholas Hall did commit the crime of sexual assault
27 in the fourth degree, in violation of Connecticut

1 General Statutes Section 53a-73a(a)(1)(A). Count
2 four: the above said senior assistant state's
3 attorney further charges that the said Nicholas Hall
4 did commit the crime of risk of injury to a minor, in
5 violation of Connecticut General Statutes Section 53-
6 21(a)(2).

7 Count five: the above said senior assistant
8 state's attorney further charges that the said
9 Nicholas Hall did commit the crime of risk of injury
10 to a minor, in violation of Connecticut General
11 Statutes Section 53-21(a)(2). Count six: the above
12 said senior assistant state's attorney further
13 charges that the said Nicholas Hall did commit the
14 crime of risk of injury to a minor, in violation of
15 Connecticut General Statutes Section 53-21(a)(2).

16 With this information, the defendant has been
17 put to plea, and for his pleas says he is not guilty
18 of the crimes whereof he stands informed against. It
19 is therefore for you to inquire whether he is guilty
20 or not guilty. If you find him guilty, you will, by
21 your verdict, say guilty. If you find him not
22 guilty, you will, by your verdict, say not guilty.
23 Please return your attention to the Court.

24 THE COURT: Thank you. Now, as I said, that
25 information is just a piece of paper. It's our
26 formal means of getting someone to court. It's the
27 way of the State to file its accusations. It is not

1 evidence of anything. You must not draw any
2 conclusion as a result of it. You must not consider
3 it as evidence of the guilt or draw any inference of
4 guilt merely because he's been arrested and formally
5 charged. Each of the six charges set forth in the
6 information you must consider separately in deciding
7 your case. You will come to a separate verdict for
8 each charge alleged in your deliberation.

9 Now, I have explained some constitutional
10 principles to you earlier. That includes such things
11 as the presumption of innocence. All that still
12 remains in effect, but I just remind you the
13 defendant is presumed innocent and he remains
14 presumed innocent unless and until the State proves
15 him guilty beyond a reasonable doubt. Now the trial
16 -- the procedure of the trial is as follows: after I
17 finish my introduction, the State will present its
18 evidence. Then the defendant may or may not present
19 evidence.

20 As was explained to you previously, the
21 defendant has no legal obligation to put on any
22 evidence. The law does not require him to prove his
23 innocence or to produce any evidence at all. If the
24 defendant does present evidence, the State may then
25 present what we call rebuttal evidence if it so
26 chooses. I know this may sound a bit unfair, that
27 the State has two chances to present to you.

1 However, it's because they're the ones -- the State
2 has the burden of proof in this case.

3 When all the evidence is presented to you, the
4 lawyers will then make arguments. Please bear in
5 mind that these arguments are not evidence. You must
6 consider them -- you may consider them during your
7 deliberations, but again, arguments by counsel are
8 not evidence. Under our rule, how it works is the
9 State argues first, the defendant, through counsel
10 argues, and then the State can argue a second time.
11 But the defense does not have a second time. Again,
12 this may sound unfair. Each side is given an
13 appropriate amount of time. It's an hour limit. But
14 the State gets to break it down to two parts. You
15 may think that's unfair, but again, the State has the
16 burden of proof. That's why we allow it.

17 When the arguments are completed, I will give
18 you the instructions of the law that you must apply
19 in this case. At the conclusion of the instructions,
20 I'll send you in the jury room. This is the first
21 time that you'll be able to discuss the case with
22 anyone. Up until then, you will not discuss it with
23 anyone, even each other. I know it's difficult
24 because this is the only thing you have in common and
25 you're hearing this stuff in real time, but you have
26 to refrain from talking about the case. Once
27 deliberations start, all deliberations must be done

1 in the jury room only when all jurors are present.
2 When you deliberate, you must apply the facts that
3 you find to the law that I instruct to you, and then
4 you can reach your verdict. Your verdict for each
5 count must be unanimous; that is, all jurors must
6 agree whether he's guilty or not guilty.

7 Now I'm going to tell you what the function of
8 the court and the jury is. My responsibility as the
9 judge is to conduct the trial in this case in an
10 orderly, fair, and efficient manner, to rule on
11 questions of law rising during the trial, and to
12 instruct you at the conclusion of the case as to the
13 instructions that you should follow. It is your duty
14 to accept the law as I state it to you, whether you
15 agree with it or not.

16 Now, my actions during the trial on claims or
17 objections by counsel, my comments to counsel, my
18 questions to any witnesses, or in setting forth the
19 law in instructions are not to be taken to you of any
20 indication of what think my opinion is. Look, I'm
21 like an old firehouse dog. You know, I hear the bell
22 ring and I go to the fire. Here I am in trial. I
23 mean, I was a courtroom lawyer. I was a litigator.
24 So I'm getting better at this.

25 I'm not asking questions, but from time to time,
26 I may ask questions. Don't read into it. Don't go,
27 "Hmm, the judge thinks that's important." It may be

1 just because I was taking notes and missed something.
2 So please, any of my actions up here, if you see me
3 pick up my head or look around -- look, Mrs. McShane
4 will tell you there's a reason I'm not playing, you
5 know, poker in Vegas and making money. But don't look
6 at me for that. Don't consider, "Wow, he must think
7 it's important," or, "He must think that this is
8 something we could skim over." My actions during the
9 trial should not be taken by you, as I told you. My
10 job as a judge is to ensure a fair trial, and your
11 job is to decide the case.

12 During the course of the trial, I may
13 occasionally ask witnesses. Like I said, I'm getting
14 better at that. Do not assume that I hold any opinion
15 as to which my questions may relate. Remember at all
16 times that you as jurors are the determination [sic]
17 of the facts in this case. You are at liberty to
18 disregard all comments of the Court in arriving at
19 your own findings as to the facts. You must not take
20 anything I say or do during this trial as indicating
21 what I think the evidence is or what the verdict
22 should be. Your function is to determine the facts,
23 and as sole and exclusive judges of the facts, you
24 alone must determine the weight that is given to the
25 evidence as well as the credibility that you must
26 assign to each of the witnesses.

27 You must consider and weigh the testimony of all

1 witnesses who appear before you. You alone are to
2 determine whether to believe any witnesses and the
3 extent to which witnesses should be believed. It is
4 your responsibility to resolve any conflicts in
5 testimony which may arise during the course of the
6 trial and determine where the truth lies. You are
7 entitled, in the course of evaluating the evidence,
8 to draw any and all inferences which you find
9 reasonable and logical based upon the evidence you
10 hear. The credibility and believability of witnesses
11 is solely your responsibility, and it's for you to
12 determine. You will decide the facts based on this
13 case only on evidence presented in the courtroom.
14 You may consider only evidence properly admitted in
15 the trial.

16 The evidence, as I said, comes from two sources:
17 properly introduced exhibits as well as the sworn
18 testimony of witnesses. What is a properly sworn --
19 I mean, a properly introduced exhibit? An exhibit is
20 a document, a thing, anything introduced at trial.
21 There are generally two types of evidences: ones that
22 are marked for full exhibits and ones that are marked
23 for identification. An exhibit marked for
24 identification may be referred to in one way or
25 another during the trial, but it is not evidence in
26 the case. It only becomes evidence if it becomes a
27 full exhibit. At that time, it may be read or shown

1 to you. You will have all the full exhibits with you
2 in the jury room, which you will use in order to
3 deliberate.

4 Look, by now you've already figured out this is
5 nothing like TV. I always tell my jurors if it was
6 TV, I'd be tall and handsome. It's not TV, but the
7 way we introduce evidence isn't like on TV. I watch
8 Perry Mason. That's the only legal show my wife lets
9 me watch. The new ones, not the old ones. Actually,
10 Lincoln Lawyer, I watch that too. And in that, you
11 now, they just pick up a piece of paper and next
12 thing you know, it's evidence. That's not how it's
13 done in the real world.

14 How it's done in the real world is something has
15 to be marked for identification purposes, it has to
16 be shown to a witness, and then they will decide
17 whether or not to make it a full exhibit. So you
18 don't have to get caught up on what's a full exhibit
19 and what's an identification exhibit. All exhibits
20 start out as identification. Only certain exhibits
21 become full exhibits, and those are the ones that you
22 can use in the deliberation room.

23 Now, the following items are not evidence and
24 you must not consider them in deciding this case:
25 statements, arguments, and comments made by the
26 lawyers are not evidence. Questions and objections
27 by the lawyers? Again, not evidence. Testimony that

1 I may strike from the record or tell you to
2 disregard, that's not evidence. Anything you see,
3 hear, or read outside of this courtroom is not
4 evidence.

5 I must remind you -- and I've said it before --
6 that all courtrooms are open to the public. Just
7 because there may be public supporters one way or
8 another is not evidence and is not to be considered
9 by you as evidence. Furthermore, some evidence may
10 be received for limited purposes, that it could be
11 used for one purpose or another. I will tell you if
12 that's the case and I will tell you what the limited
13 purpose is.

14 Finally, you will recall the terms direct
15 evidence and circumstantial evidence. You'll recall
16 the law makes no distinction between direct and
17 circumstantial evidence. You can give all the
18 evidence the weight and value you believe it's
19 entitled to receive. There is no distinction between
20 direct and circumstantial evidence. They could be
21 given the same weight. Circumstantial evidence is
22 not a second rate type of evidence. It could be
23 given the same weight as direct evidence, but again,
24 it's you as jurors who will decide.

25 You must be completely attentive to the evidence
26 presented in court. At the end of the trial, you
27 must make your decision based on what you recall from

1 the evidence. In the course of your deliberations,
2 you may request portions of the testimony be
3 replayed. You will have a copy of the Court's final
4 instructions. Look, I'm going to read you the
5 instructions, but I'll also give you a copy of it.

6 You must decide this case based on -- not
7 influenced by any sympathy or compassion for any
8 persons involved in the case. From time to time, we
9 make decisions which at least in part are based on
10 emotion. I cannot emphasize to you enough as jurors,
11 you have taken an oath that your fact finding in this
12 matter will be based upon only the evidence presented
13 in the court and not upon any emotions. You must not
14 be concerned with the consequences or penalty that
15 may be imposed as a result of a particular verdict.
16 That is a matter entirely within my responsibility as
17 the presiding judge and not your responsibility.

18 Police may be testifying in this case. You must
19 determine their credibility just as you would any
20 other witness. In other words, the testimony of a
21 police official is entitled to no special weight or
22 exclusive weight merely because it comes from a
23 police official. You should recall his or her
24 demeanor on the stand and the manner in which they
25 testified and weight that and balance it just as you
26 carefully would any other witnesses. You should
27 neither believe nor disbelieve the testimony of a

1 police official just because it is a police official.

2 I've indicated before, but I think it's worth
3 noting, there may be objections during the trial.
4 It's the lawyers' responsibility to object if they
5 believe something is not properly admissible. You
6 should not be prejudiced in any way by the party
7 that's objecting. You should not speculate as to why
8 they're objecting. What happens is I will rule on
9 that objection. If I sustain the objection, you will
10 not hear the answer to the question and you should
11 not wonder what it may have been or speculate at what
12 the answer might have been. If I overrule the
13 objection, you'll get to hear the answer and you can
14 give it whatever weight or consideration you feel is
15 appropriate.

16 There may be times where I asked you to leave
17 the room. The other thing we do is what, you know,
18 they call on TV sidebar meetings, where I'll meet
19 with the lawyers to ask them something. When we do
20 that, this is a pretty small court. We actually just
21 go in my chambers, which is right here, and we go and
22 discuss it. The idea is that you don't hear what
23 we're talking about in case it doesn't come into
24 evidence. So instead of doing it right here and you
25 pick up some of the words or what I say, I don't want
26 you to hear that. So we'll go in there or I'll ask
27 you to leave the room.

1 And if you're asked to leave the room or if we
2 go in there, please don't speculate as to why. It's
3 just that the lawyers or I or both are just trying to
4 be careful to make sure that you get presented the
5 evidence that you're entitled to hear. A lot of time
6 there may be legal arguments that go with it. You
7 don't need to hear the legal arguments. You just
8 need to know whether or not it's an exhibit, so
9 that's why we have you leave the room.

10 Now, a few moments ago, you took an oath that
11 will govern your conduct as jurors between the time
12 you took that oath and the time you are discharged by
13 me and after you've rendered a verdict in this case.
14 That oath and the rules of court obligate you to do
15 certain things and to avoid other things. I want to
16 review your obligations.

17 First, you must decide this case based only on
18 the evidence presented in the courtroom and the law
19 that I will explain to you. Second, do not make up
20 your minds of what your verdict will be until after
21 you've heard all the evidence, heard the closing
22 arguments of the attorneys, and heard my instructions
23 of law, and only then can you make up your mind after
24 you and your fellow jurors have discussed the
25 evidence. Please keep an open mind until that time.

26 There are some rules that flow from these
27 obligations. I'll go over them now. As I explained

1 to you, you may not perform any investigations or
2 research any experiments or anything else on your
3 own, either individually or as a group. Do not
4 consult with dictionaries, periodicals, or other
5 sources for meanings of words. Do not search anything
6 on the internet concerning information about the case
7 or the people involved, including the defendant, the
8 witnesses, the lawyers, or the judge. Do not get any
9 copies of statutes that may be referred to in court.
10 Do not go to scenes. Do not use internet maps or
11 Google Earth to view anything.

12 You know, I told you this earlier. Everything
13 -- this isn't your all-inclusive resort. Everything
14 you need is going to be provided to you. Please
15 don't go outside the resort. The evidence will come
16 from the properly introduced exhibits and courts
17 sworn testimony, and the law will come from me. So
18 please do not go outside court.

19 Why do I repeat that? And I made a big deal of
20 it the first time because the parties have a right to
21 this case being decided only on the evidence they
22 know about and has been introduced in court. If you
23 do some research or investigation or experiment on
24 something we don't know about, your verdict may be
25 influenced by that information, and it has not been
26 tested by the oath to tell the truth and by cross-
27 examination. So in other words, if you look up

1 something on the internet, it may not be accurate to
2 begin with. Second of all, it doesn't get the same
3 level of accuracy because it doesn't give the lawyers
4 a chance to -- it's not under oath and it doesn't
5 allow the lawyers to cross-exam on it.

6 The same thing goes of any media reports that
7 you may come across in connection with this case. If
8 do come across any media, including social media,
9 don't read it or watch it because it may refer to
10 information not introduced here in the court. If you
11 were accidentally exposed to such, you need to bring
12 it to my attention, but please do not discuss it with
13 the other jurors.

14 How you bring things to my attention throughout
15 is put it in writing, give the note either to the
16 clerks or the marshal, and they'll get it to me.
17 Also, you may not discuss the case with anyone else,
18 including anyone involved in this case, until the
19 trial is over and you have been discharged. Anyone
20 else includes members of your family, your friends,
21 your coworkers. If you wish, you may tell them
22 you're serving as a juror, but you may not tell them
23 anything about the case until it's over, until I
24 discharge you as a juror.

25 You may not talk to any of the court personnel
26 such as marshals or clerks about the case. You may
27 not ask any friends you have that are lawyers or law

1 enforcement personnel for advice or information or
2 matters related to the case. Why is this so
3 important? Because they have not heard the evidence
4 in the case, they have not heard the evidence you've
5 heard, and in discussing the case with them, you
6 maybe influence your verdict and opinions. That
7 would be unfair to parties and may result in a
8 verdict that is not based upon the evidence and the
9 law.

10 Look, this is a big courthouse, but we're still
11 going to run into you, and when we do run into you --
12 and I'm talking about the defendant, the parties, or
13 people in the courtroom -- you may get a polite
14 hello, you know, a nod of the head or something like
15 that, but we can't talk to you. I don't want you
16 thinking we're being snobbish. That's not it. Look,
17 I'll talk to anyone, but I just can't talk to you
18 during this time period. Please do not communicate
19 with anyone about this case; and communication means
20 anything such as text messages, email, any social
21 media such as Facebook, YouTube, Twitter -- or
22 whatever it's called now.

23 Both the defendant and the State are entitled to
24 a fair trial rendered by an impartial jury, and you
25 must conduct yourself as to maintain the integrity of
26 the trial process. When you have entered a verdict
27 -- rendered a verdict and discharged from court, you

1 will be free to discuss the case with anyone you
2 wish, though remember you are not required to do so.
3 Until then, you must be focused solely on the
4 evidence presented in the courtroom and your
5 obligations to a fair proceedings.

6 In addition, you should not talk to others about
7 it -- other jurors about it until you've heard the
8 closing arguments and the instructions of law. Why
9 is that? It may seem only natural that you would
10 talk about this case as it's going on. The problem
11 is that once people start discussing things, they
12 take positions on matters. They express opinions,
13 which is often for hard for them to change later on.

14 So if you're permitted to discuss a case while
15 it's going on, you may reach conclusions or express
16 opinions before you heard all the evidence and the
17 law that must be applied. Your verdict in this case
18 must not be improperly introduced -- influenced by
19 conclusions or opinions until you and your fellow
20 jurors have heard all the evidence and have heard the
21 final closing arguments by the lawyers and the
22 instructions of the law that I provide.

23 What happens if these rules are violated? In
24 some cases, violations of the rule have resulted in
25 hearings after trial in which jurors have to testify
26 about their conduct. In some cases, the verdicts
27 have been set aside and a new trial ordered because

1 of misconduct. So it is imperative that you abide by
2 these rules. If someone attempts to talk to you,
3 please report it to the clerk immediately. If you
4 see or hear anything that may be of a prejudicial
5 nature, then you may -- or think may compromise the
6 proper conduct of the trial, please let the clerk
7 know. Again, all communications need to be in
8 writing and it can come to me.

9 We do provide notebooks. You may, if you wish,
10 take notes during the course of the trial. You're
11 not required to do so. Even if all your fellow
12 jurors do, don't feel pressure that you have to. I
13 just want to go over some ground rules with regards
14 to this. Notes are a sound tool to help refresh your
15 recollection during the deliberation phase.

16 However, notes by themselves are not foolproof.
17 If there is a conflict between your notes and your
18 recollection, it is your recollection that shall
19 prevail. Additionally, if there's a conflict between
20 your recollection and the notes of a fellow juror, it
21 is your recollection that should prevail. Your notes
22 are not evidence. Your verdict must be based
23 exclusively on the evidence presented at trial and
24 the principles of law that I give you in the final
25 instructions. The notetaking process should not
26 distract you from focusing on the witness because the
27 credibility you ascribe to a witness is critical.

1 There is no need to take a lot of notes or take down
2 the testimony word for word.

3 I need to observe the witnesses and not allow
4 notetaking to interfere with my observations. So
5 you'll see me taking notes, but again, your focus
6 should be on the witness because that's how you judge
7 credibility. You may not modify or make any notes
8 outside of the court. Here's how it works: every day
9 you come in, you'll be given your notepad. You'll
10 have your name on it, and we'll keep it secure in a
11 confidential place by the marshal or the court
12 officer. No one will look at them.

13 Whatever notes you take are confidential.
14 You're not to exchange or discuss your notes with
15 fellow jurors during the trial itself. You may
16 discuss your notes if you choose during the
17 deliberation process. However, you cannot discuss or
18 deliberate the case among yourselves until the case
19 has been completed. You cannot exchange or discuss
20 your notes until the trial has been completed.

21 There is no requirement that you take notes.
22 This is an option, and it's exercised by each of you
23 individually. Those of you who elect to take notes
24 will be no less conscientious as jurors than those
25 who do not take notes. You know, we're not going to
26 think any less because Juror Number 3 hasn't taken
27 notes. You do what you want to do here. And as I

1 said, you don't have to take things down verbatim or
2 word for word because at the end, if you say, "You
3 know, I want to hear that third witness' answer to
4 this question or I want to hear what the witness said
5 on direct or cross," just ask us. We'll play it back
6 for you.

7 I'll be taking notes because I may be asked to
8 rule upon issues during the course of evidence. Your
9 decision of whether to take notes or not should not
10 be influenced by my notetaking, and if you see me
11 taking a lot of notes, maybe I'm just thinking of
12 something that has to do with the law and not really
13 about what the witness is saying. So please don't
14 think it's important just because I'm taking notes on
15 it. Finally, notwithstanding notetaking by you and
16 your fellow jurors, do not hesitate, as I said, to
17 seek or read any portions of the testimony over again
18 during your deliberation.

19 One last reminder: we anticipate -- we're still
20 on track. You know, I gave you certain promises.
21 Hopefully, I under-promised and I'll overdeliver on
22 when we'll start and stop this case. I know you're
23 saying, "Well, McShane, you're off to a bad start.
24 It's 11:20. We haven't even had a witness up yet."
25 But I will do my best to keep you informed during the
26 course of trial if there's any schedule changes.

27 We will commence every day at 10:00 and we will

1 go no later than 4:45, and we'll take our lunch hour
2 between 1 to 2. If any of you need a break in the
3 meantime, please just raise your hand and let me
4 know. During the trial, any communications that you
5 make to me must be in writing unless you've got to
6 use the bathroom or something. You don't need to
7 write out a note and give it to me. Just raise your
8 hand and let me know. If you have a question, write
9 it down and give it to the marshal or the clerk, and
10 that's it.

11 You know, ladies and gentlemen, we're about to
12 embark on a trial. You know, I get teary-eyed when I
13 think about it, how important this system is. You
14 know, I'll thank you, of course, at the conclusion.
15 I've already thanked you, but, you know, just coming
16 in today -- and it's funny, you know, we picked you a
17 while ago and you think how many -- there were nine
18 of you. How many of the nine are actually going to
19 be here today? You were all here today. That's a
20 great sign.

21 One of you, of course, had the flu. And
22 actually, you know, during jury selection, I remember
23 her saying how much she wanted to be part of the
24 incident. So I would not be surprised if she gets
25 over the flu that she'll come in, but she can't come
26 in and sit with you. She's got to sit in the back.

27 So with that, I'm done with my remarks, and I'm

1 going to call upon the State to call its first
2 witness, please. Oh, hold on a second, please. Oh,
3 the notebooks have to be given out. You have to
4 write down your name on top of it. We'll give you a
5 pen. Hey, you wonder why the State's in financial
6 problems? These are the same notebooks that were
7 given throughout -- in my last three trials. We'll
8 take out your notes and you take them home with you.
9 I wish I could say they're souvenirs and you can take
10 them home with you. We can't. We need them for the
11 next trial. So put your name on it so during the
12 breaks, we'll let you know. One so far has elected
13 not to, and that's fine, like I said. First order of
14 business, put your name on the top, though.

15 And look, another thing I should have said:
16 there are going to be things displayed here. I'm an
17 old man. I don't see as well as I used to. So
18 you'll see me get up and go over and walk around.
19 You guys can't do that. But if you have problems
20 seeing it, just raise your hand and say, "Hey,
21 McShane," and we'll get you to another seat.

22 You're not in assigned seats right now. You can
23 move around during -- you know, like, when you come
24 in later on, you can move. But you know, it may be
25 that that seat is better than that seat for seeing
26 something. So if that's the case, when something
27 goes up, just raise your hand and we'll give you time

1 to switch. But if you see me get down, again, don't
2 read anything into that, like, "Oh, this must be
3 important. The judge is coming down to look at it."
4 No, it means the judge is old and needs to go to the
5 eye doctor, all right? So please call your first
6 witness.

7 ATTY. DAVIS: Thank you, Your Honor. The State
8 calls Officer Samantha Fortunato.

9 THE COURT: Officer, if you'd go over here,
10 please. Watch your step. I want you to stand up,
11 raise your right hand, and face Madam Clerk. Remain
12 standing.

1 S A M A N T H A F O R T U N A T O ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 DIRECT EXAMINATION BY ATTY. DAVIS:

5 Q Good morning, Officer.

6 A Good morning.

7 Q Can you let the ladies and gentlemen of the jury know
8 where you're currently employed?

9 A I'm currently employed with Trumbull Police
10 Department.

11 Q And in what capacity?

12 A As a patrol officer.

13 Q And how long have you worked for the Trumbull Police
14 Department?

15 A I was hired in April of 2019, so in April it'll be six
16 years.

17 Q Okay. And can you walk the ladies and gentlemen of
18 the jury through your training and experience? How did you
19 get to become a Trumbull police officer?

20 A So when I got hired -- once you get hired, you go to
21 the police academy, which is about five and a half, six
22 months. Once you graduate the police academy, you go back
23 to your police department, and from there you have a minimum
24 of four hundred hours. You work with an FTO, which is the
25 field training officer, and you respond to daily calls of
26 service. After you pass FTO with your primary officer,
27 there's four phases to it, so there's three different

1 officers you go with, and then you ride with -- you get
2 shadowed, and then you ride with one of your supervisors to
3 get a final A-okay.

4 Q And then when you're done with field training being
5 with an FTO, are you on your own?

6 A Yes.

7 Q Oka. And safe to say you got through your FTO?

8 A Yes.

9 Q And what's your current position with the Trumbull
10 Police Department?

11 A Patrol officer.

12 Q Okay, and what is the day to day as a patrol officer?

13 A We respond to daily calls of service, which range from
14 medical calls -- because we're first responders -- to a
15 robbery, a sexual assault, a domestic, an alarm. There's
16 just any -- it's all-encompassing.

17 Q Any call that comes into 911 comes to you as a patrol
18 officer?

19 A It goes to dispatch and then they dispatch us.

20 Q And I want to turn your attention to May 22nd of 2020.
21 Were you working that day?

22 A Yes.

23 Q And what shift were you working?

24 A Evenings.

25 Q What hours?

26 A Three to eleven.

27 Q And were you called to answer a walk-in complaint?

1 A Yes.

2 Q What is a walk-in complaint?

3 A It's when someone comes into the police department to
4 make a report.

5 Q They come in in person as opposed to calling?

6 A Yes. We only take -- we don't do complaints over the
7 phone.

8 Q And did you meet with -- may I see Court's Exhibit 1
9 with the list of names? Officer, I'm going to approach you
10 and show you a list of names. This is Court's Exhibit 1.
11 Do you recognize those names?

12 A Yes.

13 Q Okay. And who did you meet with when you were called
14 for a walk-in complaint on May 22nd of 2020? What were
15 their initials?

16 A G.T.

17 Q And was her name on that piece of paper?

18 A Yes.

19 Q Okay.

20 THE COURT: If I could just have a moment?

21 Ladies and gentlemen, you heard we're going to be
22 using initials. I talked about this during the voir
23 dire process. What counsel just showed the witness
24 was the same exhibit you saw when you were sitting
25 right where you are right now. Since both sides can
26 use it, it's a court exhibit because I marked it. If
27 a lawyer marks it, then it gets either a number,

1 which would the State, or a letter, which would the
2 defense exhibits. But this is Court Exhibit 1.
3 Thank you. Sorry to interrupt.

4 ATTY. DAVIS:

5 Q So I think we left off -- so you met with -- did you
6 meet with G.T.?

7 A Yes, I do.

8 Q Okay. Where did you first encounter her?

9 A In the front lobby.

10 Q Okay, and then what'd you do?

11 A And then I directed her to a little interview room
12 that's offset from the lobby.

13 Q What was her affect?

14 A She was visibly upset.

15 Q Okay. Describe to the jury how you came to that
16 conclusion.

17 A When we were speaking during the initial investigation
18 when she was giving me a statement, she was crying. We took
19 a lot of pauses just so she could compose herself to tell me
20 what exactly occurred.

21 Q All right. And without telling us what she said, did
22 she report something to you?

23 A Yes.

24 Q Okay, and as a result of your conversation with G.T.,
25 what did you learn?

26 ATTY. BERKE: Objection, Your Honor. That's
27 hearsay.

1 ATTY. DAVIS: It's just the effect of the
2 listener to see where she goes from there.

3 THE COURT: Okay, can you just rephrase it?

4 ATTY. DAVIS: Sure.

5 THE COURT: As a result of your conversations,
6 did you open an investigation?

7 THE WITNESS: Yes.

8 Q And what was the nature of that investigation?

9 ATTY. BERKE: Objection, Your Honor. That's
10 hearsay.

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

12 ATTY. DAVIS: Thank you.

13 Q You can answer it. What was the nature of that?

14 A A sexual assault.

15 Q Okay. And did you learn who was the alleged sexual
16 assaulter? Who was alleged to have done this?

17 ATTY. BERKE: Objection, Your Honor, foundation
18 and hearsay.

19 THE COURT: I'm going to allow it. I'm going to
20 allow the witness to answer it, although it is
21 hearsay. And this is one of these things, ladies and
22 gentlemen, we talked about. I have to make rulings.
23 Counsel's making objections. Hearsay is one of those
24 things you hear on TV. You hear it a lot in law
25 school. So I'm willing that it's admissible, not
26 because it's being offered for the truth in the
27 matter, but because it's being offered to show the

1 effect on a listener. Go ahead.

2 ATTY. DAVIS: Thank you.

3 Q So you can answer that question. Did you learn who
4 was being accused of sexual assault?

5 A Yes.

6 Q And what was that person's name?

7 A Nicholas Hall.

8 Q Okay, and did you learn who was accusing him of sexual
9 assault?

10 A Yes.

11 ATTY. BERKE: Your Honor, I object. The basis
12 of the objection is based upon no foundation for
13 constancy, which is what this is.

14 ATTY. DAVIS: I'll rephrase.

15 THE COURT: Thank you. So it's sustained.

16 Q Were you told that someone -- that Nicholas Hall
17 sexually assaulted someone?

18 ATTY. BERKE: Objection, Your Honor. There's no
19 basis for constancy at this point, foundation.

20 THE COURT: I'm going to allow it. Overruled.

21 Q So you answer that.

22 A Yes.

23 Q And what were that person's initials?

24 A L.T.

25 Q And what was the relationship between L.T. and G.T.?

26 A Child.

27 Q Who was the child? Who was the mother?

1 A L.T. was the child.

2 Q And was her mother G.T.?

3 A Yes.

4 Q Okay. And as a result of your conversation with G.T.
5 and learning that, what did you do next?

6 A I took a statement from G.T., and then I contacted DCF
7 and passed up the entire investigation to the detective
8 bureau.

9 Q So why did you take a statement from G.T.?

10 A The statement is just so that G.T. could attest that
11 everything that she told me was the truth.

12 Q And is that protocol?

13 A Yes.

14 Q And why did you call DCF?

15 A I'm a mandated reporter.

16 Q Okay. And why did you refer it to the detective
17 bureau?

18 A The detective bureau could handle cases -- certain
19 cases with their training, cases that require additional
20 resources, and it's just protocol for us to pass up a bigger
21 case to the detective bureau.

22 Q And did you pass it up specifically to a certain
23 officer or detective?

24 A Yes. There's a detective in our department who
25 specifically deals with -- who's been trained in certain
26 cases, and specifically being a sexual assault case.

27 Q And who is this detective?

1 A Detective Wheeler.

2 Q Okay. And was this your last -- so this was all May
3 22, 2020. Was that your last involvement with the case?

4 A No.

5 Q Okay. What else happened?

6 A G.T. sent me an audio recording that I passed up to
7 the detective bureau.

8 ATTY. DAVIS: Okay, nothing further at this
9 time.

10 THE COURT: Counsel?

11 CROSS-EXAMINATION BY ATTY. BERKE:

12 Q When did you receive that audio recording?

13 A It was -- I didn't see the audio recording. It was
14 sent to me.

15 Q When did you receive the audio recording?

16 A June 1st.

17 Q Of what year?

18 A 2020.

19 Q And when were you advised that an audio recording
20 existed?

21 A During the initial statement.

22 Q When was that?

23 A May 22, 2020.

24 Q And who advised you that that audio recording existed
25 on May 22nd of 2020?

26 A G.T.

27 Q And who sent you the audio recording on June 1st?

1 A G.T.

2 ATTY. BERKE: Nothing further.

3 THE COURT: Okay, if I can have just a moment?
4 You indicated a mandated reporter.

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: Can you just tell us what that is?

7 THE WITNESS: A mandated reporter is just
8 someone that has to -- if there's any suspect of
9 neglect, abuse, I'm supposed to mandate -- I'm
10 supposed to report it to the Department of Child
11 Services.

12 THE COURT: And you do that upon complaint? Not
13 as a result of an investigation, upon complaint.

14 THE WITNESS: Yeah, upon -- yes, Your Honor.

15 THE COURT: So you're not passing on the
16 judgment of something. You're just passing it along.

17 THE WITNESS: Correct.

18 THE COURT: Okay. Any questions based on my
19 follow-up?

20 ATTY. DAVIS: Nothing from the State?

21 ATTY. BERKE: Yes, please.

22 RE CROSS-EXAMINATION BY ATTY. BERKE:

23 Q What time did you provide that information to DCF?

24 A Right after the initial investigation, like right
25 after I spoke to G.T.

26 Q And what date and time was that?

27 A I don't recall the time. It was whenever I finished

1 the conversation with G.T., but it was May 22, 2020.

2 Q Would it refresh your memory if you looked at a report
3 that you drafted?

4 A It may.

5 ATTY. BERKE: May I?

6 THE COURT: Yeah, sure. See, the lawyers can't
7 break that habit: "May I approach?"

8 Q Can you take a look at this document before you
9 respond and see if that refreshes your memory about the
10 time?

11 THE COURT: And how it works in court, ladies
12 and gentlemen, is there are certainly court documents
13 -- anything can refresh your recollection, but how we
14 do it in the courtroom is you show it to someone,
15 they look at it, they give it back because they don't
16 testify from the exhibit, they testify from their
17 refreshed recollection if it is refreshed. So the
18 next question will be, "Does that help refresh your
19 recollection," and then we'll get it from there. Go
20 ahead.

21 Q Have you had a chance to look at that document?

22 A I did.

23 Q Thank you. I will just retrieve it. I realize that
24 was (indiscernible). Does that refresh your memory
25 regarding the time that you filed that DCF report?

26 A Yes.

27 Q And what time was that?

1 A 1356 hours.

2 Q And that is?

3 A 1:56.

4 Q p.m.?

5 A p.m.

6 Q And that was shortly after you met with G.T.?

7 A Yes.

8 ATTY. BERKE: Thank you.

9 ATTY. DAVIS: Nothing further from the State,
10 Your Honor.

11 THE COURT: Okay. Thank you, Officer Fortunato.
12 You're excused.

13 THE WITNESS: Thank you.

14 ATTY. DAVIS: At this time, the State's going to
15 call L.T. Her attorney just went to get her. She's
16 on her way up from the second floor.

17 THE COURT: Okay. And to emphasize my point
18 that this is nothing like TV, you know, our
19 witnesses, you know, just aren't just sitting out
20 there. Sometimes we put them in different parts of
21 the building and they're called upon to testify. You
22 already know that our elevators are horrible, so it
23 takes a little while. So we're just going to stare
24 uncomfortably at each other for a while and we'll get
25 you going. And let me tell you -- yeah, why don't we
26 do that. Why don't you go in there, we'll bring L.T.
27 in, and then let you all go in there. We'll go off

1 the record for just a moment. Thanks. Now's a great
2 time.

3 (The jury exits the courtroom)

4 (A recess was taken; court resumes)

5 THE COURT: You may be seated, everyone, please.
6 Okay, we're back on Nicholas Hall. One of the jurors
7 had raised their hand and asked if it was a good time
8 to take a break to use the facilities. I said yes,
9 so the jury was excused for that. We're back on the
10 record. I'll ask if you could please bring in the
11 jury.

12 (The jury enters the courtroom)

13 ATTY. DAVIS: Your Honor, at this time, the
14 State calls L.T.

15 THE COURT: I'm sorry, we're just waiting for
16 one more.

17 ATTY. DAVIS: Oh, sorry, I didn't notice.

18 THE COURT: This always happens. It's sort of
19 like a waiter at the restaurant saying, "How's your
20 meal," just as you take that biteful. You know, we
21 wait until someone goes to the bathroom, and then
22 it's like, "Oh, bring them in." We don't know that.
23 We just -- all right, I will ask this -- and you're
24 going to hear this every time; and a lot of times, I
25 forget and the lawyers remind me. But does counsel
26 stipulate to the presence of jurors and alternates?

27 ATTY. DAVIS: The State does.

1 ATTY. BERKE: Yes, Your Honor.

2 THE COURT: Thank you. You may call your
3 witness.

4 ATTY. DAVIS: The State's calling L.T.

5 THE COURT: L.T., if you could, please? If you
6 could stand, please, raise your right hand, and face
7 the clerk, she's going to put you under oath.

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1 L.T. ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 DIRECT EXAMINATION BY ATTY. DAVIS:

5 Q L.T., I'm going to show you a list of names, which is
6 Court's Exhibit 1. Do you recognize those names?

7 A Yes.

8 Q Okay, is your name on there?

9 A Yes.

10 Q Is your mom's name on there?

11 A Yes.

12 Q And what's your mom's initials?

13 A G.T.

14 Q And are the other two people your sisters?

15 A Yes.

16 Q And what are their initials?

17 A W.T.

18 Q And what's the other one's initials?

19 A S.T.

20 Q Okay. So, L.T., what's your date of birth?

21 A March 24, 2011.

22 Q Okay, the acoustics are horrible in here. Can you
23 just keep it up a little bit?

24 A Yeah, March 24, 2011.

25 Q Okay. Are you nervous?

26 A Yeah.

27 Q So how old are you now?

1 A Thirteen.

2 Q And who do you live with right now?

3 A My mom, S.T., W.T., and Brooklyn.

4 Q Okay, who's Brooklyn?

5 A My mom's fiancé.

6 Q Okay. And where do you live, just what town?

7 A Trumbull.

8 Q And you mentioned you have two sisters. Can you tell
9 me their -- so you have one sister S.T.?

10 A Mhmm.

11 Q How old is she?

12 A Eleven.

13 Q And who's your other sister?

14 A W.T.

15 Q And how old's she?

16 A Five.

17 Q And what grade are you in right now?

18 A Eighth grade.

19 Q Okay, and what are some things you like to do for fun?

20 A Hang out with my friends.

21 Q Anything else?

22 A No.

23 Q Do you have any pets?

24 A Yes.

25 Q What do you have?

26 A Three dogs.

27 Q Okay. Now, I'm going to talk to you about your family

1 a little bit, all right? So do you know your biological
2 dad?

3 A No.

4 Q Okay. Do you and S.T. have the same dad?

5 A No.

6 Q Okay. Who is S.T.'s dad?

7 A Checco Martinez.

8 Q Okay. And do you like Checco?

9 A Yes.

10 Q Do you see him often?

11 A Yes.

12 Q How often, would you say?

13 A When we have, like, a full break in school, we go to
14 his house.

15 Q Do you go on vacation with him?

16 A Yes.

17 Q And who is W.T.'s dad?

18 A Nick Hall.

19 Q Okay. Do you see him here today?

20 A Yes.

21 Q All right, can you just point to him, just ID a piece
22 of his clothing for the record?

23 A He's wearing a blue tuxedo.

24 ATTY. DAVIS: May the record reflect she's
25 identified the defendant as Nick Hall?

26 ATTY. BERKE: Your Honor, we're both wearing
27 blue suits.

1 THE COURT: The one closer to me or the one
2 closer to the audience?

3 THE WITNESS: The one closer to you.

4 THE COURT: Okay. The record shall reflect that
5 the witness, L.T., has identified the defendant.

6 Q And so you said the defendant is W.T.'s dad, is that
7 right?

8 A Yes.

9 Q Okay. Did the defendant date your mom?

10 A Yes.

11 Q Okay. How old were you when the defendant started
12 dating your mom?

13 A Eight.

14 Q And did the defendant live with you?

15 A Yes.

16 Q Where did you live? What was the address when the
17 defendant lived with you?

18 A 96 Lake Avenue.

19 Q In what town?

20 A Trumbull.

21 Q Okay. And you don't live there anymore?

22 A No.

23 Q And how old were you when you lived with the
24 defendant?

25 A Eight.

26 Q I'm going to show you some pictures which, Your Honor,
27 has already been pre-marked as full exhibits. The defense

1 has seen them. So they're going to be State's 1 through 9.
2 L.T., I'm going to attempt to use this technology and show
3 you some photos of 96 Lake Avenue, okay? So starting with
4 State's Exhibit 1 -- so this is State's Exhibit 1. What are
5 we looking at?

6 A My living room.

7 Q Okay, and that was at 96 Lake Avenue?

8 A Yes.

9 Q Okay. And when you lived there, was this your
10 furniture?

11 A Yes.

12 Q And was this how the room was set up?

13 A Yes.

14 Q I'm going to show you State's Exhibit 2. Is this a
15 photo of the -- State's Exhibit 2, is that a picture of the
16 living room as well?

17 A Yes.

18 Q Okay. Same furniture?

19 A Yes.

20 Q If you look at the photo right in the back center,
21 there's a table. What's that area?

22 A The dining room.

23 Q Okay. And you can kind of see behind the table, which
24 is in the middle of the photo, there's a door off to the
25 back. Do you see that?

26 A Yes.

27 Q What does that go to?

1 A The laundry room.

2 Q Okay. Now I'm going to show you State's Exhibit 3.
3 I'll try to fit the whole photo. Is that that door we saw
4 in the other photo?

5 A Yeah.

6 Q And where does that door go to?

7 A The laundry room.

8 Q All right, and is this what it looked like when you
9 lived there?

10 A Yes.

11 Q State's Exhibit 4, what's this?

12 A The sign to go into the laundry room.

13 Q State's Exhibit 5, what's this?

14 A The laundry room.

15 Q Okay. And you could note in this photo -- I guess I'm
16 looking at the bottom left. Do you see something in the
17 bottom left of the screen?

18 A A pile of clothes.

19 Q Okay. What was the laundry room normally like in
20 regards to that pile of clothes or a pile of clothes?

21 A Messy.

22 Q Okay. Was there often a pile of clothes in the
23 laundry room?

24 A Yes.

25 Q I'm showing you State's Exhibit 6. What's this a
26 picture of?

27 A The corner of the pile of clothes in the laundry room.

1 Q We kind of saw that in the other photo, right? In
2 State's 5, we kind of saw that too?

3 A Yes.

4 Q And is this where a pile would normally be?

5 A Yes.

6 Q Was it usually this high?

7 A Yes.

8 Q If you could step down for me and just show the jury
9 how high it usually was?

10 THE COURT: So you're saying to about your
11 knees?

12 THE WITNESS: Yes.

13 ATTY. DAVIS: Thank you, sir.

14 THE COURT: Thank you. Sit down, please.

15 Q All right, I'm showing you now State's Exhibit 7.
16 What's this?

17 A My room.

18 Q Okay, so how many beds are in this room?

19 A Two.

20 Q Who lived in this room?

21 A Me and my sister, S.T.

22 Q Okay, and when you were eight years old, did you live
23 in this room with her?

24 A Yes.

25 Q When you were nine years old, did you live in this
26 room with her?

27 A Yes.

1 Q And there's two beds. There's one farther in the
2 picture, like, I guess, more towards where there's a window
3 with a pink comforter. Whose bed is that?

4 A S.T.'s.

5 Q Okay, and then there's a bed closer in the front of
6 the picture. Whose bed was that?

7 A L.T.'s, mine.

8 Q Okay. Was your bed bigger than S.T.'s?

9 A Yes.

10 Q Okay. I'm showing you now State's 8. What's this?

11 A My room.

12 Q Okay, and whose bed is this?

13 A Mine.

14 Q Okay, and it looks like there's something next to the
15 bed, I guess with a pillow on it. What is that?

16 A A chair.

17 Q Okay, and was that in your room when you were eight?

18 A Yes.

19 Q Was it in your room when you were nine?

20 A Yes.

21 Q I'm now showing you finally State's Exhibit 9. What's
22 this?

23 A My mom's room.

24 Q Okay, and what's shown in this picture of your mom's?

25 A What happened?

26 Q What's in the middle of the picture?

27 A The bed.

1 Q Okay, and was that your mom's bed?

2 A Yes.

3 Q And when the defendant lived with you, did he sleep in
4 that bed?

5 A Yes.

6 Q Okay. And was this how your mom's room was set up
7 when the defendant lived with you?

8 A Yes.

9 Q So, L.T., how old were you when the defendant lived
10 with you?

11 A Eight.

12 Q Okay. And did your mom ever leave you alone with the
13 defendant?

14 A Yes.

15 Q Okay. Let's talk about -- did your mom and the
16 defendant eventually break up?

17 A Yes.

18 Q Okay, so let's talk about when your mom -- when the
19 defendant lived with you. Did your mom ever leave you alone
20 with the defendant?

21 A Yes.

22 Q And when I mean alone, were your sisters there too?

23 A Yes.

24 Q Okay. Did he watch you with your other sisters?

25 A Yes.

26 Q Okay. And why would she leave you alone with the
27 defendant?

1 A To go to work or hang out with her friends.

2 Q And did you still see him when he didn't live with
3 you?

4 A Yes.

5 Q Okay, and why'd you see him?

6 A He babysat us.

7 Q Okay. Where was your mom when this happened?

8 A At work or hanging out with her friends.

9 Q And how old are you when this was happening?

10 A Eight.

11 Q And I want to backtrack a little to when your mom
12 first met the defendant. Do you know if they got married?

13 A Yeah.

14 Q How old were you when they got married?

15 A How old was I?

16 Q Yes.

17 A Right.

18 Q And when you first met the defendant, how was your
19 relationship with him?

20 A It was pretty good. Like, he treated my mom well and
21 I thought he was, like, a good father figure.

22 Q And why did you think that?

23 A Because it was, like, another man in our life who,
24 like, treated my mom well and, you know, I just had, like, a
25 feeling.

26 Q What kind of stuff did you used to do with him?

27 A What happened?

1 Q What kind of stuff did you used to do with him when
2 your relationship was good?

3 A I don't remember.

4 Q Was he nice to you?

5 A Yes.

6 Q And did your relationship end up changing with the
7 defendant?

8 A Yes.

9 Q And what changed?

10 A Everything.

11 Q Can you tell the jury what changed?

12 A Like, what do you mean?

13 Q What happened that made you change your feelings
14 towards him?

15 A Oh, okay. He made me uncomfortable.

16 Q All right. How did he make you uncomfortable?

17 A He wanted to do things that I never wanted to do.

18 Q And you're going to have to tell the ladies and
19 gentlemen of the jury: what kind of things did you not want
20 to do?

21 A He used to take me to the laundry room in the middle
22 of the night, and he would lay me down on the pile of
23 clothes face down, and then he would pull my pants down, but
24 not all the way, and then he would pull his pants down and
25 he would pull his penis out and stick it in my butt.

26 Q All right, I want to walk through this really slowly,
27 okay? So you said something happened in the laundry room?

1 A Yes.

2 Q Okay, tell me about one time that something happened
3 in the laundry room?

4 A One time I remember sleeping, and he woke me up and he
5 walked me to the laundry room. He didn't say anything, and
6 he put me in the pile of clothes and, yeah.

7 Q So where are you when he wakes you up?

8 A In my bed, sleeping.

9 Q Okay. Where's S.T.?

10 A In her bed next to mine.

11 Q What's she doing?

12 A Sleeping.

13 Q Does she wake up?

14 A No.

15 Q Is anyone, to your knowledge, awake in the house
16 besides you and the defendant?

17 A No.

18 Q And I want you to walk me through exactly what happens
19 when he walks you into the laundry room.

20 A He brings me to the pile of clothes and I lay down in
21 the pile of clothes, and my face is, like, on the pile of
22 clothes and my stomach's, like, on the pile of clothes, and
23 he was, like, up against me. Do I keep talking?

24 Q I'm going to show you something.

25 A Okay.

26 Q I'm showing you State's Exhibit 6. Was the pile of
27 clothes you're talking about like that?

1 A Yes.

2 Q Was it about that high?

3 A Yes.

4 Q Okay. You were sleeping when he woke you up?

5 A Mhmm.

6 Q Did you sleep in pajamas?

7 A Yeah.

8 Q Were you wearing pajamas that night that you're
9 thinking about?

10 A Yeah.

11 Q And were your clothes on?

12 A Yes.

13 Q Okay. At any point were your clothes not on?

14 A Yes.

15 Q Okay, walk me through exactly what happened with your
16 clothes?

17 A When we were in the laundry room, he pulled me pants
18 down, and that's when my clothes, like, weren't on. And
19 then he pulled his pants down.

20 Q So where are your pants when he pulls them down?

21 A Like, under my butt.

22 Q Like here?

23 A Yes.

24 Q I'm pointing to my knees.

25 A Yes.

26 Q And are you wearing underwear?

27 A Yes.

1 Q What happens to your underwear?

2 A It also comes off.

3 Q All right, where does that go?

4 A With my shorts.

5 Q So down -- I'm pointing at my knees. Like down to
6 there?

7 A Yeah.

8 Q Okay. And what happens with his clothes?

9 A He, like, pulls his pants down too.

10 Q And how are you feeling when this is happening?

11 A I was shocked. I didn't really know what was going
12 on.

13 Q And at this point in your life, how old are you?

14 A Eight.

15 Q Okay. And after he pulls his pants down -- are you
16 able to see him pull his pants down?

17 A No.

18 Q Okay. How do you know he pulled his pants down then?

19 A I could hear it.

20 Q Okay. And then what happened?

21 A And then I looked back and I was just kind of confused
22 because he took his penis out.

23 Q Okay. And before that, had you ever seen a penis
24 before?

25 A No.

26 Q What happened with his penis?

27 A He put it in my butt.

1 Q Okay. What was it like when he put it in your butt?

2 A It hurt.

3 Q Okay. What did it feel like?

4 A Like it hurt.

5 Q Okay. And was it the inside of your butt or the
6 outside of your butt?

7 A The inside.

8 Q Okay, how do you know it was the inside of your butt?

9 A Because I could feel it.

10 Q Okay. And I think you said this, but you looked back
11 and him and that's how you saw his penis?

12 A Mhmm.

13 Q Do you see anything else?

14 A Yes.

15 Q What?

16 A A flashlight.

17 Q Okay. How do you know it's a flashlight?

18 A Because he was holding his flashlight phone over us.

19 Q So the phone?

20 A Yeah.

21 Q And did it have a flashlight on it?

22 A Yes.

23 Q Okay. So what happens next?

24 A After the laundry room, I would go to the bathroom.

25 Q And what happened in the bathroom?

26 A I would wipe and white stuff would come out.

27 Q What did you say? Can you speak up a little bit?

1 A White stuff would come out of my butt.

2 Q Okay, and did you know what the white stuff was?

3 A No.

4 Q And what did your, like, pants and stuff feel like
5 when this happened?

6 A Wet.

7 Q Okay. And now you know what the white stuff was?

8 A Yes.

9 Q And what was it?

10 A Cum.

11 Q At the time, did you know?

12 A No.

13 Q Did something like this with the defendant happen in
14 the laundry room more than once?

15 A Yes.

16 Q Did it happen more than twice?

17 A Yes.

18 Q Did it happen more than five times?

19 A Yes.

20 Q Did it happen more than ten times?

21 A Yes.

22 Q Did it happen more than twenty times?

23 A Yes.

24 Q Do you remember every single time that something
25 happened in the laundry room?

26 A No.

27 Q How old were you when stuff in the laundry room

1 stopped?

2 A Like eight.

3 Q Okay. And how old are you now?

4 A Thirteen.

5 Q Was there any time after -- did anything in the
6 laundry room any of those other times involve his penis and
7 your butt?

8 A Yeah. Like in the laundry room?

9 Q Yes.

10 A Yeah.

11 Q Okay. So did he stick his penis in your butt in the
12 laundry room one time or more than one time?

13 A More than one time.

14 Q And did you ever tell him to stop?

15 A No.

16 Q Why not?

17 A Because I was, like -- I didn't want him to do
18 anything to my sisters and I was just scared.

19 Q Did he ever say anything to say when this was
20 happening?

21 A That it was a secret and not to tell my mom or my
22 family.

23 Q Did you ever ask why or anything?

24 A No.

25 Q And did you ever try to fight him off or push him off
26 you?

27 A No.

1 Q Why not?

2 A Because I didn't want him to do it to my sisters
3 instead if I didn't, like, want to.

4 Q Did you ever tell your mom?

5 A No.

6 Q Why not?

7 A Because I thought she would be mad at me.

8 Q When this was going on in the laundry room, these
9 encounters in the laundry room with the defendant, did your
10 butt -- how did your butt feel? When I'm talking about
11 butt, your backside, right?

12 A Mhmm.

13 Q Okay. Was there ever an occasion where you felt
14 something about your butt?

15 A Yeah.

16 Q Tell me about that.

17 A Well, I remember I woke up and my butt was really
18 sore, and I told my mom and she said I might have
19 hemorrhoids because she didn't know what was going on, and
20 she gave me, like, a bath with Epsom salts.

21 Q So you told her that your butt hurt?

22 A Yeah.

23 Q Did you tell your mom about anything else the
24 defendant was doing?

25 A No.

26 Q Is there any other room in the house where something
27 happened?

1 A Yes.

2 Q Tell me another room.

3 A My mom's room.

4 Q Okay. So I'm going to show you State's Exhibit 9. Is
5 this your mom's room?

6 A Yes.

7 Q Okay. Tell me what happened in your mom's room.

8 A I remember one day it was me, S.T., and Nick, and we
9 were sitting on the bed. He was in the middle, I was on one
10 side facing the wall, and [S.] was on the other -- I mean
11 S.T. was on the other side.

12 Q Okay. So I'm looking at this picture. There's a
13 mirror on one side closer to the wall.

14 A Yes.

15 Q Is that the side that you're on?

16 A Yes.

17 Q Okay, and then you said the defendant is in the
18 middle?

19 A Yes.

20 Q And where's S.T., on the other side?

21 A Yes.

22 Q So you're kind of lying three in a row?

23 A Yes.

24 Q Okay. And are you lying down? Are you sitting? What
25 are you doing?

26 A We're, like, laying down.

27 Q Okay. So are all your heads on the pillows?

1 A Yeah.

2 Q Okay, and what are you guys doing?

3 A Watching Mamma Mia.

4 Q Okay. Where's your mom?

5 A I don't know.

6 Q Okay. Was she in the room?

7 A No.

8 Q Did she watch the movie with you?

9 A No.

10 Q Did anyone else watch the movie with you?

11 A No.

12 Q And then what happened?

13 A And then he made me -- he took my hand under the
14 blanket and he made me touch his penis.

15 Q Who's he?

16 A Nick.

17 Q Okay. What did -- how did he make you do it?

18 A He, like, put my hand on his penis and started, like,
19 moving it back and forth.

20 Q So did his hand go on top of your hand?

21 A Yes.

22 Q And he moved his hand?

23 A Yes.

24 Q And this might seem like a silly question, but how did
25 you know it was his penis?

26 A Because I could feel it.

27 Q Okay. What did it feel like?

1 A Veiny and hairy.

2 Q All right. How does something feel veiny? How did
3 you know it was veiny?

4 A Because I could feel the veins.

5 Q And was it hard or soft?

6 A Hard.

7 Q Okay, and did he make you do anything with your hand?

8 A He made me stroke it.

9 Q Okay. Show us.

10 ATTY. DAVIS: All right, let the record reflect
11 she's making a shaking motion with her hand.

12 Q Is that what he had you do?

13 A Mhmm.

14 Q What's S.T. doing while this is happening?

15 A Watching the movie.

16 Q And are you saying anything?

17 A No.

18 Q Is he saying anything?

19 A No.

20 Q Okay. Does anything else happen while you're watching
21 Mamma Mia?

22 A Yes.

23 Q Tell me about it.

24 A We turn to the side. He turns me to the side and he
25 pulled my pants down a little bit, and then he pulled his
26 pants down and stuck his penis in my butt.

27 Q Okay, so you said he turns you to the side. Is your

1 body facing the mirror in this picture or is it -- which is
2 State's Exhibit 9, for the record. So are you facing --
3 where's your face facing and your body facing?

4 A The mirror.

5 Q Okay, and what does he do?

6 A He sticks his penis in my butt.

7 Q All right. Silly question, but how did you know?

8 A I could feel it.

9 Q Okay. What did it feel like?

10 A Like it hurt.

11 Q Okay. And did anything else happen when his penis is
12 like that?

13 A He just kept it in and then took it out.

14 Q Okay. Anything come out of it?

15 A Yes.

16 Q What?

17 A White stuff.

18 Q Okay. At the time, did you know what it was?

19 A No.

20 Q Did you tell him to stop that day?

21 A No.

22 Q Why not?

23 A Because I didn't want him to hurt my sisters instead.

24 Q Was that the only time that something happened in your
25 mom's room?

26 A Yes.

27 Q Did anything happen anywhere else in the house?

1 A Yes.

2 Q Where?

3 A My room.

4 Q Okay. And tell -- did things happen in your room once
5 or more than once?

6 A More than once.

7 Q Okay, and can you tell the jury about a time that
8 something happened in your room that you didn't like?

9 A Yes.

10 Q Go ahead.

11 A I was sleeping one day and -- wait, can I have the
12 picture of my room?

13 Q Sure.

14 A Is it okay?

15 Q Yeah.

16 A Thank you.

17 Q So I'm going to show you State's Exhibit 8. Do you
18 want this picture or do you want the one with your bed?

19 A That one.

20 Q This one?

21 A Yes, that one.

22 Q Okay.

23 A Okay, so I was sleeping on my bed and my neck was
24 hanging off my bed, and I woke up to him sitting on the
25 chair with his penis in my mouth.

26 Q What time of day is this?

27 A At night.

1 Q Okay, and where was S.T.?

2 A Sleeping.

3 Q Okay. Could you see her sleeping?

4 A Like see her, like, in that picture or, like --

5 Q No, like when this is happening, do you know she's
6 sleeping in her bed?

7 A Yes.

8 Q How do you know that?

9 A Because I saw her sleep.

10 Q Okay. And what did it feel like to wake up to that,
11 to his penis in your mouth?

12 A Well, I was really shocked because I just woke up too
13 and I didn't know what was going on.

14 Q So what'd you do?

15 A I don't know.

16 Q Do you remember did he say anything to you?

17 A No.

18 Q Okay, and did -- what happened after that?

19 A He took his penis out of my mouth.

20 Q Did he say anything to you?

21 A I don't remember.

22 Q Did you say anything to him that you remember?

23 A No.

24 Q Did S.T. wake up?

25 A No.

26 Q Okay. And you talked about things happening in your
27 room more than one time. What happened in your room?

1 A Me and my sister were both awake at this time and --

2 Q So we're talking about a different time? I just want
3 to clarify, are we talking about a different time now?

4 A Yes.

5 Q Okay. What time -- how old are you -- I want to just
6 go back because I didn't ask you this a few times: we talked
7 about an incident when you were watching Mamma Mia in your
8 mom's room. I don't know if I asked you this, but how old
9 were you when that happened?

10 A Eight.

11 Q Okay. So now --

12 THE COURT: I'm sorry, I didn't hear that
13 answer.

14 THE WITNESS: Eight.

15 THE COURT: Eight? Thank you.

16 Q And when that incident just happened where you woke up
17 to his penis in your mouth, how old are you?

18 A Eight.

19 Q Okay. And I think you were about to tell me about
20 something else that happened in your room, is that right?

21 A Yes.

22 Q Okay, so tell me what time of day that is that you're
23 going to tell me about.

24 A At night.

25 Q Okay, and are you awake?

26 A Yes.

27 Q Okay, and was S.T. awake?

1 A Yes.

2 Q Okay. Where's your mom?

3 A Sleeping in her bed.

4 Q Okay. And tell me what happened then.

5 A Me and my sister were both in our beds talking, and
6 Nick walked in and he sat on the edge of my bed. Like, me
7 and my sister, like, went over to him, and he -- I'm sorry.
8 He, like, took his penis out like halfway, like out of his
9 pants, and made me and [S.], like, right on the front of his
10 -- like, right on the front, like --

11 ATTY. BERKE: Objection, Your Honor. Can we
12 approach?

13 THE COURT: Yep, sure.

14 (Sidebar)

15 THE COURT: Hi, ladies and gentlemen, remember
16 when I told you sometimes we'll have sidebar
17 conferences, which we do in there, and sometimes I'm
18 going to ask you to leave the room? I'm going to ask
19 you to leave the room. If you could go in there, we
20 won't be long, but we have to argue something.

21 And unlike in there, where it's not on the
22 record -- and I made a point to say, "Go off the
23 record." I don't want to say argument, but, you
24 know, counsel is bringing me up to speed a little bit
25 about the facts of the case, and this needs to be
26 done outside your presence in case I say, "Hey, you
27 can't introduce that." Then you've already heard it,

1 so it's too late. So what I'm saying is go in there,
2 we'll work it out, and we'll bring you back in a
3 couple minutes. Thanks. You can leave your notepads
4 there or you could -- thanks.

5 (The jury exits the courtroom)

6 THE COURT: Okay, everybody could be seated.
7 The doors are closed. L.T., I'm going to tell you
8 this: first of all, you're very softspoken -- and
9 that's fine, but we want to make sure that all the
10 jurors hear it. And just maybe slow down a little.

11 THE WITNESS: Okay.

12 THE COURT: There are going to be questions
13 asked of you, and I know you probably just want to
14 rush through this and get it done with. But I'm
15 telling you you can't do that. And the questions
16 that are asked, we want you to focus on what happened
17 to you, not S.T., okay? So only if Attorney Davis,
18 Kelly, asks you about S.T., then you tell us about
19 S.T., okay? All right, now what I'm going to ask you
20 to do -- Audrey, would you mind taking her out in the
21 hallway? Because we're going to do some playback,
22 and we'll be right with you. If you could go out
23 with Attorney -- what do you call her?

24 THE WITNESS: Audrey.

25 THE COURT: Audrey? So I'll call her Audrey
26 too. I wasn't trying to be disrespectful.

27 ATTY. FELSEN: Never.

1 THE COURT: Okay. Now, Attorney Berke was going
2 to ask for the questions just before we went to
3 sidebar and the response, right?

4 ATTY. BERKE: Yes, sir.

5 THE COURT MONITOR: The very last question and
6 answer? Just give me one second, Your Honor.

7 THE COURT: Sure. And while you're looking that
8 up, I'll be right there.

9 THE COURT MONITOR: I actually have it.

10 THE COURT: All right, can you just give me a
11 sec?

12 THE COURT MONITOR: Yeah, sure.

13 THE COURT: Sorry about that. Go right ahead.
14 If could play that back?

15 (Playback)

16 THE COURT: Do we need -- were you requesting --

17 ATTY. BERKE: Yes, a curative instruction, Your
18 Honor.

19 THE COURT: Okay, and the curative instruction
20 would read something to the effect of, "Ladies and
21 gentlemen, there may have been reference" -- I don't
22 want to tell them there was reference.

23 ATTY. BERKE: Right.

24 THE COURT: "There may have been reference to
25 S.T." And the State is welcome to jump in or say
26 anything. You are to -- if that is what you recall
27 -- how about this? I will still do that. That is to

1 be excluded. But how about I'll tell the ladies and
2 gentlemen of the jury that there was an objection and
3 it was sustained, so that last answer is stricken.

4 ATTY. BERKE: Yes.

5 THE COURT: That may be a cleaner way to do it.

6 ATTY. BERKE: I think so.

7 ATTY. DAVIS: Okay.

8 THE COURT: Okay. That's what we'll do.

9 ATTY. BERKE: Did you advise them on the impact
10 of evidence that's stricken?

11 THE COURT: Yes.

12 ATTY. BERKE: If you could just -- would you
13 mind just reminding them of that?

14 THE COURT: I'll remind them of that, but I can
15 tell them -- hold on, please. I just want to make
16 sure I get better language. I referenced it but did
17 not -- okay, I'll do that when they come out too.

18 ATTY. BERKE: Okay. Thank you.

19 THE COURT: All right, if you could bring out
20 the jury, please?

21 (The jury enters the courtroom)

22 THE COURT: All right, do counsel stipulate to
23 the presence of jurors and alternates?

24 ATTY. DAVIS: Yes, Your Honor.

25 ATTY. BERKE: The defense does.

26 THE COURT: All right. Ladies and gentlemen,
27 there was an objection, and we've talked about it,

1 we've discussed it outside your presence, as you
2 know, and I'm going to sustain the objection. That
3 means that the question itself is not going to -- the
4 question is stricken and so is the answer. Earlier,
5 I told you -- I said what is evidence and what is not
6 evidence, and I gave you a very brief description.
7 There may be some time where evidence is received for
8 limited purposes. That can mean it may be used for
9 this particular purpose or another purpose, and I'll
10 tell you when that happens.

11 There is also times where I strike testimony.
12 And when I strike testimony, that's as if you never
13 heard it at all. Now, look, I know it's not easy,
14 and I'm not asking you to do mental gymnastics here.
15 But what I'll actually say is if you recall the
16 response, I want you to strike that. That's not
17 evidence in this case. There's going to be another
18 question asked right now, and absent any objection,
19 the answer will serve as evidence. But please do not
20 -- if you recall what L.T. said at that point, you're
21 to disregard it.

22 You'll also note that L.T.'s not on the witness
23 stand right now. That's pretty obvious. And that's
24 what I do. I do that in an abundance of caution. I
25 do it no matter who the witness is. I've done it in
26 every trial I've had, and the reason is because I
27 don't want the witness, no matter who they are --

1 whether they're a police officer, a doctor, a
2 scientist, a member of the clergy -- to say, "Boy,
3 I've got to be careful what I say because the judge
4 just made a ruling." That's not the point at all.
5 They should testify as they testify, but I just don't
6 want them to be involved in the legal aspect of it.

7 Just like I asked you to leave the room, I asked
8 L.T. to leave the room. That is typical. Now,
9 sometimes we can do it without, and we do it. But
10 this time I said in an abundance of caution, I'll do
11 it that way. So we can have L.T. come back in.
12 Again, that testimony, if you recall it, is stricken.
13 That means you are to disregard it. And what exhibit
14 number is up on the screen? Is it 9?

15 ATTY. DAVIS: It's 8, Your Honor.

16 THE COURT: L.T., if you could please come back
17 here? Thank you.

18 ATTY. DAVIS: May I proceed?

19 THE COURT: Yes, please.

20 ATTY. DAVIS: Thank you.

21 DIRECT EXAMINATION BY ATTY. DAVIS CONTINUED:

22 Q So, L.T., I think we were talking about something else
23 that happened in your room between you and the defendant,
24 okay?

25 A Okay, yeah.

26 Q Can you start it over and tell me about that part?

27 A Yes. Sorry.

1 Q It's okay. Go ahead.

2 A So basically, I was up, and he came into my room and
3 he sat on the edge of my bed. And I, like, sat kind of next
4 to him and he pulled his penis like halfway out of his
5 underwear. Like, he didn't pull his pants down. He just
6 pulled his penis halfway out of his underwear. And then he
7 made me, like, sit and wrap my legs around him.

8 Q So I'm going to slow you down. So where is -- he's
9 sitting on your -- so was it this bed?

10 A Yes.

11 Q All right. Where are you sitting?

12 A Like on the edge of the bed.

13 Q Near the top or the bottom?

14 A Like the bottom.

15 Q Okay, so closer to this little bench you have at the
16 end of the bed with the mermaid's tail?

17 A Mhmm.

18 Q Okay, so you're sitting on that side of the bed?

19 A No, like over -- like where the blue blanket is.

20 Q Okay, so you're sitting -- so in the photo of the bed,
21 there's a blue blanket at the top of your comforter.

22 A Yeah.

23 Q You're over there?

24 A Yeah.

25 Q All right, and where's the defendant?

26 A Sitting on the blanket.

27 Q Okay. How close are you to him, would you say?

1 A Like pretty close.

2 Q All right. Is your body touching his body at this
3 point?

4 A Yes.

5 Q Okay. And you said his penis came out of his
6 underwear. Can you describe, if you remember, what he was
7 wearing?

8 A No.

9 Q Okay. Did he have pants on?

10 A Yes.

11 Q Okay. How do you know -- did you see his underwear?

12 A Yeah.

13 Q Okay, how'd you see his underwear?

14 A When he pulled his penis out.

15 Q Okay. So what happened to his pants?

16 A His pants?

17 Q Yeah.

18 A They just -- like, they were still on him. He just,
19 like, pulled his penis, like, out of his pants.

20 Q Okay, like at the top?

21 A Yeah.

22 Q So his pants are (indiscernible)?

23 A Yeah.

24 Q Okay. So what happened next?

25 A And then he sits me on, like, the front of his lap.

26 Q Okay. So where -- if he's sitting, are you facing
27 him?

1 A Yes.

2 Q Okay. So tell me how your body is in relation to his
3 body.

4 A I'm sitting on top of it.

5 Q Okay. Do you feel his penis?

6 A Yes.

7 Q Okay. What does it feel like?

8 A I don't know, like --

9 Q Okay. Is it hard or soft?

10 A Soft.

11 Q Okay. And during this incident, does it become hard
12 at all?

13 A I don't know.

14 Q Okay. And did anything else happen in your room?

15 A No.

16 Q Did things happen in your room more than or more than
17 one time?

18 A More than one time.

19 Q Okay, and did they happen more than five times in your
20 room?

21 A No.

22 Q Okay, so it didn't happen in your room that much?

23 A No.

24 Q So between one time and five times?

25 A Yes.

26 Q Okay. Is there any -- and I just want to make clear:
27 so we just talked about this incident in your room. All the

1 incidents we've talked about so far today, were they done by
2 the defendant?

3 A Yes.

4 Q And the defendant's sitting right here?

5 A Yes.

6 Q Okay. Any other rooms in your house?

7 A Yes.

8 Q Tell me about where.

9 A My living room.

10 Q Okay. I'm showing you what's been marked as State's
11 Exhibit 1. Is this the living room?

12 A Yes.

13 Q Okay. What happened?

14 A So after the laundry room, I walked into the living
15 room and I sat on the longer part of the couch.

16 Q I'm going to stop you. What time of day is this?

17 A Like at night.

18 Q Okay. What do you mean -- what are you talking, the
19 laundry room?

20 A Like after, like, the things he did in the laundry
21 room, like, I walked out.

22 Q Okay, so what do you -- what kind of stuff in the
23 laundry room?

24 A Like him putting his penis in my butt.

25 Q Okay, so it's after that?

26 A Yes.

27 Q So is anyone else, to your knowledge, in the house

1 awake besides you and him?

2 A No.

3 Q Okay, and tell us what happened next. So you're
4 leaving the laundry room. What's next?

5 A And then I go to the living room, but it was dark and
6 I was scared of the dark, so I wanted him there, and then he
7 was mad because I didn't want to do what he wanted to do.

8 Q What'd he want to do?

9 A Like put his penis my mouth and, like, in my butt and
10 making me touching it.

11 Q Before this, did he ever put his penis in your mouth?

12 A Yes.

13 Q Tell me about that. Besides that one from the living
14 room, just tell me about a time you remember he put his
15 penis in your mouth.

16 A I remember I was sleeping in my bed, and I woke up and
17 his penis is in my mouth.

18 Q Okay. Did anything come out of his penis that night?

19 A No.

20 Q Okay. Has he ever -- was that the only time that his
21 penis was ever in your mouth?

22 A No.

23 Q Was his penis in your mouth, besides that, one time or
24 more than one time?

25 A I don't know.

26 Q Okay. Did anything ever come out of his penis?

27 A Yes.

1 Q And where'd it come out into?

2 A What do you mean?

3 Q When his penis was in your mouth, did anything ever
4 come out of his penis?

5 A Yes.

6 Q And what was it?

7 A Cum.

8 Q At the time, did you know what it was?

9 A No.

10 Q What did it taste like?

11 A Salty.

12 Q Okay. So we're back in -- let's go back to the living
13 room, so if you can start there? Go ahead.

14 A So after the laundry room, we walked out into the
15 living room, and I was scared of the dark, so I wanted him
16 to be with me, but he was mad because he wanted to do other
17 things.

18 Q What do you mean by other things?

19 A Like put his penis in my mouth and in my butt and me
20 touching it. And I didn't want that, but I also did want
21 him to be with me because I was scared and he was the only
22 one that was up at the time. And then, like, we were
23 sitting in the living room after.

24 Q Where are you sitting?

25 A On the long part of the couch.

26 Q So I'm pointing at the picture. There's a part of the
27 couch that's along the window in this picture. Is that the

1 long part?

2 A No.

3 Q So it's the other part?

4 A Yes.

5 Q So it's the part that goes from the window towards,
6 like, the baby seat?

7 A Yes.

8 Q Okay. Where's your head?

9 A Like on the top of the couch.

10 Q Okay, so you're sitting upright, not laying down?

11 A Yeah.

12 Q Okay, and what happens next?

13 A And then he sits down.

14 Q Where does he sit?

15 A Like next to me.

16 Q Okay. Then what happened?

17 A And then I, like, touched his penis.

18 Q How'd that come about? Tell me about that.

19 A He took his penis out and he put his hand on it.

20 Like, he put my hand on his penis.

21 Q And what did he have your hand do?

22 A Like go up and down.

23 Q All right, show me again.

24 ATTY. DAVIS: All right, let the record reflect
25 she's making a shaking motion with her hand.

26 Q Is his hand on top of yours while you're doing that?

27 A Only for a little bit, just to, like, show the motion.

1 Q Okay, and then does your hand stay there by yourself?

2 A Yes.

3 Q Is he saying anything to you while this is happening?

4 A No.

5 Q Are you saying anything?

6 A No.

7 Q Do you tell your mom?

8 A No.

9 Q How come you wanted to stay in the living room? Do
10 you remember?

11 A No, I do not.

12 Q And I want to talk to you about these incidents. Did
13 most of them happen at night?

14 A Yes.

15 Q Okay, and when you were eight years old, what did you
16 wear to bed?

17 A Like shorts and a t-shirt.

18 Q Did you wear the same thing every night?

19 A No.

20 Q Okay. So safe to say it wasn't, like, traditional
21 pajamas? Was it just -- describe to me what it was. Like,
22 what would you usually wear?

23 A Like shorts and a t-shirt or leggings sometimes.

24 Q Okay, and that's when you were eight years old?

25 A Yes.

26 Q Okay. And I want to talk to you briefly about -- did
27 anything else ever happen in the living room with the

1 defendant that you didn't like?

2 A Yes.

3 Q Okay, tell me about that.

4 A He made me, like, kneel down by his penis and he took
5 it out and made me put it in my mouth.

6 Q Okay. Tell me about that. Where are you sitting?
7 Where's he sitting? Tell me all about it.

8 A He's sitting on the couch and I'm, like, laying on the
9 floor, like sitting up on the floor.

10 Q Okay, and which way is -- so I'm guessing he's sitting
11 on the -- I'm not guessing, but is he sitting on the couch
12 with his legs facing towards that table in the middle?

13 A Yes.

14 Q Where are you sitting?

15 A Like by his legs.

16 Q Okay, and which way are you facing?

17 A His penis.

18 Q Okay. Is his penis hard or soft?

19 A Soft.

20 Q And how did you come to put your mouth on it? How'd
21 that happen?

22 A I don't remember.

23 Q Did he -- okay. What did you do with your mouth?

24 A Like sucked on his penis.

25 Q Okay. Was that the only time you ever did that?

26 A I don't remember.

27 Q Okay, and did his penis stay soft?

1 A No.

2 Q What happened to it?

3 A It got hard.

4 Q Okay. Did anything come out of it?

5 A Yes.

6 Q Okay. Do you know -- did you -- at the time, did you
7 know what it was?

8 A No.

9 Q What at the time did you think it was?

10 A Salty -- I mean clear pee.

11 Q Okay, and what did it taste like?

12 A Salty.

13 Q All right. L.T., before the defendant started doing
14 these things to you, had you ever seen a penis before?

15 A No.

16 Q When the defendant was in your life, whether as your
17 mom's boyfriend or her husband or when he used to babysit
18 you, did he ever talk to you about sex?

19 A No.

20 Q Did he ever teach you about sex?

21 A No.

22 Q Did he ever talk to you about boys?

23 A No.

24 Q Did he ever talk to you about sexual positions?

25 A No.

26 Q Did you know about sexual positions?

27 A No.

1 Q And I'm talking about the timeframe when you're eight
2 and nine years old. Did you know about sexual positions?

3 A Like what he was doing?

4 Q Yeah, did you know what was happening to you?

5 A No.

6 Q Did you know what sex was?

7 A No.

8 Q When the defendant was in your life, did you ever have
9 a crush on him?

10 A No.

11 Q Did he ever sleep in your bed at night?

12 A No.

13 Q Did he ever sleep in S.T.'s bed at night?

14 A No.

15 Q Did S.T. ever go on your bed?

16 A Yes.

17 Q Okay. And you shared a room during this time period,
18 right?

19 A Yes.

20 Q Did the defendant ever talk to you about boys and
21 avoiding boys?

22 A No.

23 Q Did you ever see the defendant and your mom having
24 sex?

25 A No.

26 Q Did you ever hide in your mom's closet and watch them
27 have sex?

1 A No.

2 Q Did you ever film them having sex?

3 A No.

4 Q Was there ever a time when a boy showed you his penis
5 on the bus?

6 A No.

7 Q And you mentioned this earlier, but I'm just going to
8 refresh this jury. What is S.T.'s dad's name?

9 A Checco Martinez.

10 Q Okay. Did you go to his house when you were eight or
11 nine years old?

12 A Yeah.

13 Q Did anything happen at Checco's house that made you
14 feel uncomfortable?

15 A No.

16 Q Did any man ever try to kiss you at Checco's?

17 A No.

18 Q Did you ever tell your mom about anything that
19 happened at Checco's that made you feel uncomfortable?

20 A No.

21 Q Anyone at his house ever try to kiss you or touch you?

22 A No.

23 Q At this time period when you're eight and nine years
24 old, has any man or boy ever kissed you on the mouth?

25 A No.

26 Q And at that time period when you're eight or nine, had
27 you ever kissed a boy on the mouth?

1 A No.

2 Q I want to talk about when you finally decided to tell
3 people about this, so can you tell me about -- I guess first
4 of all, while this was happening, did you ever tell your mom
5 that that was happening to you?

6 A No.

7 Q During this time period, no, you did not tell your
8 mom?

9 A No.

10 Q Why not?

11 A Because I thought she would get upset.

12 Q Okay, what'd you think she was going to be upset
13 about?

14 A Because, like, it was, like, involving me and he was
15 doing it to me, so I thought she would be mad at me.

16 Q Okay. And was there a time when you were eight or
17 nine years old where you did tell someone?

18 A Yes.

19 Q Who did you tell?

20 A Jayda.

21 Q Okay, and who's Jayda to you?

22 A She's my mom's best friend's daughter.

23 Q Okay. What's your mom's best friend's name?

24 A Jen.

25 Q Okay, and tell me all about the occasion that you told
26 Jayda what happened to you.

27 A So we were in her bed and we were all having a

1 sleepover. It was --

2 Q Who's we? Sorry.

3 A Me, her, and S.T.

4 Q Okay, and how old are you?

5 A Eight.

6 Q Okay.

7 A And then we had, like, this little circle where we
8 told secrets, and I was asking her if her boyfriend ever
9 does things that, like, she doesn't like and I was naming,
10 like, if he makes -- like if, like, he makes you touch his
11 penis or anything and, like, do anything like that. And
12 then she got like -- like, she was wondering where I learned
13 that from, so, like, I was telling her what happened.

14 Q And who was there when you're telling her about this?

15 A S.T.

16 Q And Jayda?

17 A Yes.

18 Q Anyone else in the room besides you three?

19 A No.

20 Q Where's your mom?

21 A With her friend Jen.

22 Q Okay. Did you sleep over that night?

23 A Yes.

24 Q Did your mom sleep over that night?

25 A No.

26 Q And what time of day is this, if you remember?

27 A At night.

1 Q Okay. And did you tell Jayda you were kidding?

2 A Yes.

3 Q Tell me about that.

4 A Well, I regretted telling her, and I kept telling her
5 that I was kidding, but then I realized that I could
6 actually, like, talk to her. So I kept, like, saying that I
7 was kidding and not kidding because I didn't want to regret
8 what I was saying.

9 Q Why'd you regret telling her?

10 A Because I didn't, like -- because I was, like, scared
11 that -- I don't know. I was just scared.

12 Q Scared of what?

13 A Because I trusted him and he told me to keep it a
14 secret.

15 Q Okay, and did you feel like by telling her, you were
16 breaking that trust?

17 A Yes.

18 Q And during this time period when you're at Jayda's
19 house telling her, is he living in your house at that time?

20 A No.

21 Q Is he still coming to your house at that time?

22 A Yes.

23 Q And by he, I'm talking about the defendant, right?

24 A Yes.

25 Q And why's he coming to your house during this time?

26 A To babysit us.

27 Q And are the things that you don't like going on during

1 this time when he's babysitting you?

2 A Yes.

3 Q Do you know -- without telling me what anyone said, do
4 you know if Jayda told anyone?

5 A Yes.

6 Q Who'd she tell?

7 A Her mom.

8 Q Okay, and without telling me what was said, who did
9 her -- did her mom tell anyone?

10 A Yes.

11 Q And are you there when she's telling her mom?

12 A No.

13 Q Okay. And who -- do you know if her mom told anyone?

14 A Yes.

15 Q And who did her mom tell?

16 A My mom.

17 Q How do you know that?

18 A Because she was, like, standing outside.

19 ATTY. BERKE: Objection.

20 THE COURT: All right.

21 ATTY. DAVIS: I can rephrase.

22 THE COURT: That answer's going to be stricken
23 at this time, ladies and gentlemen, and the question
24 -- the objection is sustained and it's going to be
25 rephrased. Thank you.

26 Q Did your mom, when you were there with your mom, get a
27 phone call from Jennifer?

1 A Yes.

2 Q Okay, and as a result of that phone call, what did you
3 and your mom -- what did your mom do?

4 A She was screaming outside, then she came back inside
5 asking me if that actually happened.

6 Q Okay, and without telling me what was said, did you
7 have a conversation with your mom?

8 A Yes.

9 Q Okay, and after you have that conversation with your
10 mom, does she do anything?

11 A Yes.

12 Q What does she do?

13 A Call the police.

14 Q And how did you feel when your mom found out?

15 A I was relieved and, like, you know, I just didn't have
16 to worry about, like, anything anymore.

17 Q Was your mom mad at you?

18 A No.

19 Q I want to talk to you about when the defendant and
20 your mom end up breaking up. Do you remember how old you
21 are when they broke up?

22 A Yes.

23 Q How old were you?

24 A Eight.

25 Q Okay. And was he, when they were married, living --
26 you answered this, but was he living in your house at 96
27 Lake Ave?

1 A Yes.

2 Q And he move out of 96 Lake Ave?

3 A Yes.

4 Q And do you know why he moved out?

5 A Yes.

6 Q Why?

7 A Because they got divorced.

8 Q Okay. And was there a time period after he moved out
9 that him and your mom were still getting -- were getting
10 along?

11 A Yes.

12 Q And how do you know they were getting along?

13 A Because he came to watch us.

14 Q Before this started happening to you, how did you feel
15 about the defendant?

16 A I thought he was like a dad figure and that he was
17 good for my mom.

18 Q And did you consider him a dad?

19 A Yes.

20 Q Do you consider Checco Martinez to be a dad?

21 A Yes.

22 Q And after he started to do this to you, how'd you feel
23 about him?

24 A I had no words. Even words to describe how much you
25 hate someone wasn't good enough.

26 ATTY. DAVIS: One minute, Your Honor.

27 THE COURT: Take your time.

1 Q All right, just a few more things, okay? You're
2 almost done. So did your mom ever have a conversation with
3 you about, when you were eight or nine -- so we're still in
4 this time period. Did your mom ever have a conversation
5 with you about good touch/bad touch?

6 A No.

7 Q Okay, and did the defendant ever have a conversation
8 with you about that?

9 A No.

10 Q Okay. And is it possible that you were nine years old
11 when you told Jayda?

12 A Yes.

13 Q Okay, and is it possible that some of these incidents
14 happened when you were nine?

15 A Yes.

16 Q And you mentioned that you told Jayda about this.
17 What did you tell Jayda?

18 A I told her what he was doing to me.

19 Q And what did you tell her he was doing to you?

20 A I told her that he touched me inappropriately, like,
21 when I was asking her, like, if, like, she does that stuff
22 with her boyfriend.

23 Q What stuff?

24 A Like touching his penis and putting his penis in my
25 butt and, like, putting his penis in my mouth, and I was
26 asking her if that was something normal for someone to do.

27 Q What did she say to you?

1 A She was asking me if I was serious.

2 Q Did you tell her that he did that -- that the
3 defendant did that stuff to you?

4 A Yes.

5 Q You had mentioned that your mom went to the police
6 station after you told her about this.

7 A Yeah, she called the police.

8 Q Did anyone come to your house while she was at the
9 police station?

10 A No. She wasn't at the police station.

11 ATTY. DAVIS: If I can have a moment?

12 THE COURT: Take your time.

13 Q When he was doing this stuff to you, you mentioned
14 that he said it was a secret.

15 A Yes.

16 Q Did he say anything else about that kind of stuff?

17 A No.

18 Q Did he tell you that you couldn't tell anyone?

19 A Yes.

20 Q Did he say why not?

21 A Did he say why not?

22 Q Yeah, did he say anything about your mom and not
23 telling your mom?

24 A Yes.

25 Q And what'd he say?

26 A He just said, like, "You can't tell your mom." Like,
27 that's what he said.

1 Q Did he talk to you at all about what him and your mom
2 would do?

3 A No.

4 Q And when you were in the laundry room -- I want to go
5 back to there -- did you mention he had a flashlight?

6 A Yes.

7 Q Was it on his phone?

8 A Yes.

9 Q Were there lights in the laundry room at that time?

10 A Yeah.

11 Q Were they on?

12 A No.

13 ATTY. DAVIS: Okay, the defense's witness.

14 THE COURT: Okay, so you have no further direct?

15 ATTY. DAVIS: Yes, Your Honor.

16 THE COURT: Okay, so the State has concluded its
17 direct exam. Do you have any cross-exam, Attorney
18 Berke?

19 ATTY. BERKE: I do, Your Honor. Could we
20 approach?

21 THE COURT: Yeah, sure.

22 (Sidebar)

23 THE COURT: Ladies and gentlemen, it's close to
24 that time. It's 20 minutes to 1:00, so we're going
25 to take a break. Sometimes it's better to take a
26 break. It'll give an opportunity -- Attorney Berke
27 did indicate that he does have some cross-examination

1 and that he will ask it. Sometimes by giving him a
2 moment or 20 minutes and lunchtime to organize, it'll
3 assist.

4 I'm going to give you this warning. You're
5 going to hear it all the time. By the end of the
6 trial, you're going to read it back to me without
7 reading it from here. But it's important, so I'm
8 saying it. Please do not make up your mind or form
9 any opinions about the evidence you've heard so far.
10 Please do not discuss it with anyone, including
11 fellow jurors. You are not to seek out any
12 information outside this courtroom related to the
13 case or the evidence you've heard so far, and you are
14 not to do any independent examination or go to the
15 scene of the alleged incident.

16 I'm going to dismiss you for lunch. At 2:00,
17 you go back up to the seventh floor. We'll have
18 someone escort you down. If you need to get anything
19 -- unfortunately, you can't eat in here. So I'm
20 going to kick you loose. You can eat up on the
21 seventh floor. You can go out, do whatever you want.
22 Just come back at 2:00, okay? So you folks get to
23 leave. Your notebooks, where do you want them? The
24 clerk will take your notebooks and pens. I count the
25 pens at the end of every day. Yeah, if you need to
26 retrieve anything, get it and then go. All right,
27 L.T., you can step down, please. Thank you.

1 (The jury exits the courtroom)

2 THE COURT: All right, I will say this: so I had
3 made an inquiry about getting a bigger courtroom, and
4 I'm going to follow up at lunch. But I'm going to
5 ask you this, ladies and gentlemen of the public,
6 I'll say: look, our jurors, they wear these little
7 stickers with "Jurors" on it. I'm going to ask,
8 please -- the marshals will do what they can to make
9 sure that only the jurors are in the elevator and
10 that no other members of the public are on there, but
11 if you walk into them or run into them -- like I
12 said, it's a small courtroom -- please do not
13 acknowledge them. Please do not engage in
14 conversation.

15 The goal of everyone in this courtroom, among
16 other things, is to have a fair and impartial trial,
17 but also to have one fair and impartial trial. Such
18 conduct could result in trying the case again, and
19 that's not good for anyone involved. So I'm going to
20 ask you -- and look, this is my courtroom. I get it.
21 You know, I could control you in here or least think
22 I can. But out there, it's a different story, so
23 please behave out there also. And look, I have no
24 reason to believe that anyone would do anything to
25 jeopardize this, but I'm just going to ask you to
26 please be cognizant.

27 And something as innocent -- I worked in an old

1 building before this years ago in New London and it
2 was tight quarters, and two people who were watching
3 the trial were discussing it, just as they would,
4 without realizing that the juror was right next to
5 them, without realizing a juror was in the elevator
6 with them. So please be cognizant of the fact if
7 you're going to discuss the case, look around. It's
8 best that you do it another time or in a safer place.
9 With that, we're going to take our luncheon recess.
10 We'll be back at 2:00. Thank you.

11 (The jury exits the courtroom)

12 (A recess was taken; court resumes)

13 THE COURT: All right, we're back on the record
14 on State of Connecticut v. Hall. Attorney Berke,
15 thank you. You brought to my -- please be seated.
16 The parties are present. Mr. Hall is present. The
17 lawyers are present. Attorney Berke, you wanted to
18 bring something to my attention?

19 ATTY. BERKE: Yes. It was brought to my
20 attention during the break that a marshal was
21 directed to ask a member of the audience to stop
22 acknowledging with a shaking of the head during the
23 testimony of L.T. This was something that the
24 marshal noticed in addition to members of my client's
25 family. I would ask the Court to issue an order that
26 prevents any type of reaction during cross-
27 examination.

1 THE COURT: And I had alluded to counsel that I
2 had a case -- I remember the name of it, which is
3 State v. Johnson, just so you have the citation, 288
4 Connecticut 236. It is a 2008 case, but still good
5 law. I only got to research it very briefly during
6 the luncheon hour, and that had to do with the amount
7 of spectators in the room. But I think by extension,
8 it could apply to what we have.

9 Ladies and gentlemen out there in the audience,
10 I'll just remind you of this: my goal is to try this
11 case fairly and properly for both sides and for it to
12 be tried only once. The jury has been told -- and
13 they'll be told now -- every time that they come in
14 that the actions of people in the back observing the
15 case is not evidence in this case. The people in the
16 back of the case [sic] are not sworn witnesses. But
17 that doesn't mean you can misbehave.

18 And look, we all have, from time to time -- you
19 know, I catch myself when someone's telling a story
20 to nod my head in affirmative. I'm going to hope
21 that's what it was in this particular case. I'm not
22 quite sure. But you know, I'll just reiterate
23 please, please behave. The goal, as I said, is to
24 try this case once, and I want you to -- you know, if
25 you want to be part of this trial and if you want to
26 remain in the courtroom, you've got to avoid stuff
27 like that, avoid sending any sort of messages towards

1 the jury, towards the witnesses, or to anyone in the
2 courtroom. Thank you.

3 If we could have the jury come down, please?
4 And as I said, at the end of the case -- at the end
5 of each day when I tell the jury my usual admonition
6 with regards to please don't make up your mind or
7 form any opinions, I'm going to remind them that the
8 people in the back are not witnesses. Is L.T. up?

9 ATTY. FELSEN: Yes, Your Honor.

10 THE COURT: All right, do you want to put her on
11 the stand?

12 ATTY. FELSEN: Sure.

13 THE COURT: Thanks. We'll have the jury just
14 come in and -- well, they have coats and stuff. Have
15 them go in first. L.T., if you could, please? I'll
16 remind the jury that we don't have Friday in session.

17 ATTY. DAVIS: Thank you.

18 (The jury enters the courtroom)

19 THE COURT: If you want to leave your coats in
20 there, grab your notebooks, and come out, that's
21 great. Drop your stuff off, get your notebooks if
22 you have them, and come on out. Counsel stipulate to
23 the presence of the jurors and alternates?

24 ATTY. DAVIS: Yes, Your Honor.

25 ATTY. BERKE: Yes, Your Honor.

26 THE COURT: All right, please be seated. Ladies
27 and gentlemen, sorry. We like to start at 2. We're

1 moving right along. Tomorrow we're going to be in a
2 different courtroom. This courtroom's unavailable.
3 I just found that out at lunchtime. Right now, we're
4 going to start cross-examination. I'll tell you
5 this: usually I have waters for my jurors. I forgot
6 to stop at Big Y yesterday; my fault. There's candy
7 back there. Sorry that the Werther's is sugar free.
8 I didn't read it that close when I bought them, but
9 I'll be better tonight and I'll stop on my way home.
10 So with that being said, Attorney Berke, cross-
11 examine.

12 ATTY. BERKE: Thank you, sir.

13 THE COURT: And I'll remind you, L.T., you're
14 still under oath. Thank you.

15 CROSS-EXAMINATION BY ATTY. BERKE:

16 Q This morning you testified that the first person you
17 spoke to was your friend when you disclosed what had
18 happened to you, Jayda. And was it on May 21st of 2020 when
19 you disclosed the information to Jayda?

20 A I don't know. I don't remember.

21 Q Do you remember if it was May?

22 A I have no idea.

23 Q Do you remember if you were in school during that
24 time?

25 A No.

26 Q What grade were you in when you disclosed to Jayda?

27 A Second.

1 Q You went to Jayda's house with your mom and your
2 sister?

3 A Yes.

4 Q And did Jayda babysit for you?

5 A Yes.

6 Q And your mom and Jen had left you with Jayda and your
7 sister, S.T.?

8 A Yes.

9 Q And your mom picked you up in the morning?

10 A Yes.

11 Q She didn't sleep over with you?

12 A No.

13 Q And at the time, what city did Jayda live in?

14 A I don't remember.

15 Q Do you remember if it was in New York?

16 A Yes.

17 Q And do you know how far it is from your house?

18 A No.

19 Q And at that time, you were living in Trumbull?

20 A Yes.

21 Q Now, you testified that Jayda was the first person you
22 spoke to?

23 A Yes.

24 Q Do you remember telling Jayda that you told your
25 friends what happened and they didn't believe you?

26 A I didn't tell my friends what happened.

27 Q Do you remember telling Jayda that you told your

1 friends?

2 A No.

3 ATTY. BERKE: If I could have a moment, Your
4 Honor?

5 THE COURT: Take your time, counsel.

6 Q Would it refresh your memory if you had a chance to
7 listen to a recording?

8 A What report?

9 Q A recording of Jayda.

10 A Sure.

11 ATTY. DAVIS: Your Honor, I'm going to object.
12 Shouldn't this be done outside the presence of the
13 jury?

14 ATTY. BERKE: It's going to be with headphones.

15 THE COURT: It's going to be with headphones, so
16 I don't have a problem, but thank you.

17 ATTY. DAVIS: Okay.

18 THE COURT: Ladies and gentlemen, what's
19 happening now is counsel was asking a question if
20 something would help refresh her recollection. I
21 think I told you earlier, but I can provide you
22 anything to refresh -- a witness can be provided
23 anything to see if they refresh their recollection.
24 I could give you this pen to say, for example, does
25 it. So because that statement is made by someone
26 other than the witness, you can't hear it. That's
27 why counsel -- this is about as high-tech as we get,

1 and that's how we're going to do it. Instead of
2 having you get up and go and play it, come back in,
3 we're doing it this way.

4 ATTY. DAVIS: Your Honor, just while she's
5 refreshing her memory, may I just ask what you're
6 refreshing her with?

7 THE COURT: Yeah, for counsel just to know, if
8 you could just -- counsel will tell you. Okay, so
9 how it works, L.T., is this: counsel's going to play
10 you something, and then you're going to take the
11 headphones off and he's going to ask you the question
12 again: "Does it help refresh your recollection?" Do
13 you know what that means? Well, I'll explain it the
14 best I can: Does that help you remember what you said
15 or did not say previously? If it does, say yes. If
16 it doesn't, say no. Okay, thank you. You may
17 proceed.

18 (Whereupon a pause was taken while the witness
19 refreshed her recollection)

20 ATTY. DAVIS: Your Honor?

21 THE COURT: Yes?

22 ATTY. DAVIS: I'm sorry, I'm going to object.
23 It seems like she's listening to a very long
24 interview. It's been a while. It's just a very
25 small portion that -- counsel asked a very pointed
26 question.

27 ATTY. BERKE: I'll jump to the next section.

1 THE COURT: Thank you, if you could. And just
2 so counsel is aware, if you have a transcript, what
3 page are you referring to?

4 ATTY. BERKE: It's not a transcript.

5 THE COURT: Okay.

6 ATTY. BERKE: It's just notes.

7 THE COURT: Do you know what he's talking about?

8 ATTY. DAVIS: No.

9 THE COURT: Why don't you come on up and take a
10 look, Attorney Davis? If you could just move over
11 there so that you're not in front of the jury?
12 Thanks.

13 ATTY. DAVIS: Your Honor, again, this seems
14 long.

15 ATTY. BERKE: It's a paragraph of her speaking.

16 THE COURT: Okay, I'm just going to -- a little
17 bit longer. A little bit of leeway and that's it.

18 Q Did you have an opportunity to listen to that?

19 A Yeah.

20 Q And were you able to hear the question that I was
21 referencing about that comment?

22 A Mhmm.

23 Q And does that refresh your memory of what you told
24 Jayda, that you told your friends but they'd just laughed at
25 you?

26 A I never told my friends.

27 Q Did you tell Jayda that you told your friends?

1 A I don't know. I don't remember.

2 Q And listening to that doesn't refresh your memory?

3 A No.

4 Q At the time you were at Jayda's house, where was your
5 mother working?

6 A A hair salon.

7 Q And where was that hair salon?

8 A In New York.

9 Q Was that Jayda's mother's hair salon?

10 A Yes.

11 Q And do you know how often she worked there?

12 A No.

13 Q Was your mother working anywhere else?

14 A No.

15 Q So do you know where she was working for a period of
16 time a couple months after that, after the time you were at
17 Jayda's house?

18 A No.

19 Q Do you remember telling Jayda that the information you
20 provided about Nick Hall was a prank, it was a joke?

21 A Can you say that in, like, a different way?

22 Q Sure. Do you remember telling Jayda that it was a
23 prank, it was a joke?

24 A Yeah.

25 Q And that's after you had described to her what you
26 said happened?

27 A Yes.

1 Q Earlier today, you had testified that you asked Jayda
2 to tell her things that her boyfriend made her do.

3 A No.

4 Q You never said that?

5 A No.

6 Q Isn't it correct that during that conversation with
7 Jayda, you had asked her questions about does she kiss her
8 boyfriend on the lips?

9 A Yes.

10 Q And you had asked her other questions about sexual
11 contact with her boyfriend?

12 A Yes.

13 Q And it was at that time where you had told her of
14 things that you testified today about Nick to Jayda?

15 A Yes.

16 Q At the time you had told Jayda, your mother and Nick
17 were getting divorced?

18 A Yes.

19 Q And are you aware of the reason why they were getting
20 divorced?

21 A No.

22 Q Do you remember telling anyone the reason why they
23 were getting divorced?

24 A No.

25 Q Do you remember that you told someone that the reason
26 why they were getting divorced was because Nick had a
27 girlfriend?

1 A I don't remember that.

2 Q You indicated that this happened every time Nick
3 babysat for you.

4 A I don't remember. There was too many times that I
5 don't know every time.

6 Q Do you remember telling anyone that your mother was
7 not home at the time these happened?

8 A Who would I tell?

9 Q Well, I'm asking you. Do you remember telling anyone
10 that?

11 A No.

12 Q Do you remember getting a doll from Checco?

13 A No.

14 Q You never got a doll as a gift around Christmastime?

15 A No.

16 Q And your mom and Nick had never caught you in their
17 bedroom in the closet?

18 A No.

19 Q You mentioned you had a dog at the time. How many
20 dogs do you have now?

21 A Three.

22 Q And what are their names?

23 A Moxie, Savvy, and Delilha.

24 THE COURT: What was the first one's name?

25 THE WITNESS: Moxie.

26 Q Do you remember telling anyone that you peed in a cup
27 for your mom?

1 A No.

2 Q You had testified today the fact that Nick had pulled
3 out his flashlight on his phone while you were in the
4 laundry room.

5 A Yes.

6 Q Isn't it true that today's the first time you've ever
7 indicated that to anyone?

8 A What do you mean?

9 Q Well, you didn't tell your mother when you came home
10 from Jayda's house, right?

11 A Mhmm.

12 Q And you didn't tell Jayda at her house?

13 A Mhmm.

14 Q And there were other people that you had spoken to
15 about this. You didn't tell them that he pulled out a
16 flashlight.

17 A Yeah, I did.

18 Q Who did you tell?

19 A My lawyer.

20 Q Your lawyer?

21 A Yes.

22 Q Who's your lawyer?

23 A Kelly.

24 Q I'm sorry?

25 A Kelly.

26 Q Kelly the prosecutor?

27 A Yeah. I don't know.

1 Q Is that the woman that's seated at that table on your
2 right-hand side?

3 A Mhmm.

4 Q Did you tell anyone else about that before you told
5 Kelly?

6 A No.

7 Q And what did you tell Kelly?

8 A I don't remember.

9 Q How many people did you talk to about what had
10 happened to you and Nick?

11 A What happened?

12 Q How many people did you talk to about what had
13 happened between you and Nick?

14 A Not that many people.

15 Q Who are they?

16 A My family.

17 Q Okay. Who in your family? Can you give us the names
18 of people you spoke to?

19 A Only my mom. I only told her everything that
20 happened.

21 Q And who else?

22 A No one else. Everyone else just, like, found out.

23 Q Aside from your family, who else did you tell?

24 A I don't remember.

25 Q Well, you said you told a lot of people.

26 A I didn't.

27 Q You told Jayda.

1 A Yeah, I told Jayda.

2 Q Did you tell any doctors?

3 A No.

4 Q You testified that no one ever had a conversation with
5 you about good touch and bad touch.

6 A Yes.

7 Q When you go to annual doctor's visits, do they ask you
8 questions about whether anyone's touched you
9 inappropriately?

10 A No.

11 Q And from the time you were eight, do you know which
12 doctor you went to?

13 A No.

14 Q Do you know what city the doctor's in?

15 A New York.

16 Q Did you ever go to a doctor in Connecticut?

17 A No.

18 Q And did you ever tell any of the doctors in New York
19 what had happened between you and Nick?

20 A No.

21 Q And did anyone at school ever discuss good touch and
22 bad touch?

23 A No.

24 Q So your mom, your doctors, your teachers, no one ever
25 told you about good touch/bad touch?

26 A No.

27 Q Do you remember telling Jayda that you tried to

1 scratch Nick's eyes?

2 A I don't remember that.

3 Q Did you hear that during the audio that I played for
4 you?

5 A Yes.

6 Q But you don't remember telling her that?

7 A No.

8 Q And do you remember telling her that you scratched
9 Nick's face?

10 A No, I don't remember that.

11 Q Do you remember telling someone that this happened
12 only at nighttime?

13 A Who would I tell, like, telling someone?

14 Q I'm asking you. Do you remember telling anyone it
15 only happened at nighttime?

16 A No, I don't remember that.

17 Q Did you ever tell a therapist about what happened or a
18 counselor what happened between you and Nick?

19 A No.

20 Q Did you ever go to a counselor or a therapist?

21 A Once.

22 Q And do you know where they're located?

23 A No.

24 Q Do you know their name?

25 A No.

26 Q After talking to Jayda and telling her what had
27 happened, do you remember laughing about it with her?

1 A Yes.

2 Q Now, today you did not testify that anything happened
3 in [W.]'s room. Do you remember telling people that it also
4 happened in [W.]'s room?

5 A No.

6 Q You don't remember telling them that?

7 A No.

8 Q And I apologize if I already asked you this. Was your
9 mom home when any of these events happened?

10 A Yes.

11 Q And she was sleeping?

12 A Yes.

13 Q Now, when you got home from Jayda's house, your mom
14 had asked you some questions about what you told Jayda when
15 Jayda told Jen, her mom.

16 A Yeah.

17 Q And during that discussion, do you remember telling
18 your mom that they're all weird words?

19 A Yes.

20 Q And that's before anyone talked about what had
21 happened?

22 A Wait, say that again?

23 Q During that discussion, you said to your mom they're
24 all weird words.

25 A Yes.

26 Q And your mother's response to that was, "Use your own
27 words." Do you remember that?

1 A "Use your own words?"

2 Q "Use your own words" when you said they're all weird
3 words.

4 A I don't remember that.

5 Q Would it refresh your memory if you had a chance to
6 listen to an audio?

7 A I don't know.

8 Q Is there a reason why you were looking over there?

9 A No, I'm just confused.

10 Q Okay. Well, let me take a step back. You spoke to
11 your mom the next day when you got home from Jayda's house.

12 A Yes.

13 Q And at that time, Jayda's mother Jen had contacted
14 your mom and said, "This is what Jayda told me."

15 A Yes.

16 Q And your mother had talked to you and asked you what
17 happened. "What do you have to tell me," basically.

18 A I just told her what happened.

19 Q Well, she started the conversation.

20 A Yeah.

21 Q And during that conversation towards the -- close to
22 the beginning of the conversation, before you talk about
23 anything that happened, you said, "They're all weird words,"
24 or, "They're weird words," something to that effect.

25 A Something that affected talking to her?

26 Q Do you remember you saying that to her, "They're all
27 weird words?"

1 A Yes.

2 Q And her response is, "Use your own words."

3 A Yeah.

4 Q You remember her saying that?

5 A Yes.

6 Q Now, during that conversation with your mom, do you
7 remember telling her that you did not massage Nick?

8 A No, I don't remember that.

9 Q Would it refresh your memory if you had a chance to
10 listen to an audio?

11 A Sure.

12 Q Before today, did you have a chance to listen to that
13 audiotape?

14 A Of me.

15 Q Of you.

16 A Yes.

17 Q When was the last time you had listened to it?

18 A I don't remember.

19 Q Was it this week?

20 A No.

21 ATTY. DAVIS: May I just inquire again what
22 she's listening to?

23 ATTY. BERKE: Sure. This is her audiotape with
24 her mother.

25 ATTY. DAVIS: Which one? Just the audio or the
26 audio-video?

27 ATTY. BERKE: Just the audio.

1 ATTY. DAVIS: Okay. So just to clarify, L.T.
2 did see her forensic interview, which I think is what
3 she thinks the defense is talking about. I just want
4 to make it clear there's three different things where
5 she speaks, and we did not show her this one, so I
6 think she might be confused, just to make the record
7 clear.

8 ATTY. BERKE: Your Honor, I guess we can do one
9 of two things. I can let her listen to the entire
10 video -- audio, which is thirteen minutes, or I can
11 play and try to get that sample.

12 THE COURT: Try to get that sample, please.

13 ATTY. BERKE: I will. Will you just bear with
14 me? It's not that exact.

15 (Whereupon a pause was taken while the witness
16 refreshed her recollection)

17 Q Does that refresh your memory of whether you were
18 asked whether you massaged him and you said, "I didn't
19 massage him?"

20 A Yes.

21 Q And that was a conversation you had with your mother
22 the day after you were at Jayda's house?

23 A What happened?

24 Q That was a conversation with your mother the day you
25 were at Jayda's house?

26 A After the day at Jayda's house?

27 Q Yes.

1 A Yeah.

2 Q That was when -- that's the conversation you're
3 referring to?

4 A Yeah.

5 Q Okay. Do you remember telling your mom, "He's not my
6 dad and he's a stranger?"

7 A I don't remember that.

8 ATTY. DAVIS: Is this the same?

9 ATTY. BERKE: The same audio recording.

10 (Whereupon a pause was taken while the witness
11 refreshed her recollection)

12 Q Were you able to hear the language that I was
13 referring to regarding what you told your mom, that Nick was
14 not your dad and he was a stranger?

15 A Yeah, I heard that.

16 Q Does that refresh your memory that you said that to
17 your mom?

18 A Yeah, because that's my voice.

19 Q Now, you had met with someone that was in a small
20 room, and that person had dolls to show you so you can
21 demonstrate certain things.

22 A Mhmm.

23 Q Do you remember that discussion?

24 A Yes.

25 Q And do you remember things that you told to that
26 person during the discussion?

27 A Yes.

1 Q So some of the questions I'm going to ask you are
2 similar to what I asked you before, and if you don't
3 remember -- I'm going to ask you the question. If you don't
4 remember, I can try to play it for you and see if that
5 refreshes your memory. So I'm going to go through the same
6 process. It's a little bit challenging to find, but we'll
7 try and get through this. Do you remember telling that
8 person that when you were in the laundry room, Nick's
9 clothes didn't come off?

10 A No, I don't remember that.

11 Q This is the forensic interview.

12 (Whereupon a pause was taken while the witness
13 refreshed her recollection)

14 Q Were you able to hear it during that segment?

15 A Yes.

16 Q And just so I can take a step back, you were talking
17 about what happened in the laundry room. Do you remember
18 since you've had a chance to refresh your memory that Nick's
19 clothes didn't come off in the laundry room?

20 ATTY. DAVIS: I'm going to object. She's
21 disclosed on her direct multiple times that something
22 happened in the laundry room. Counsel's pointing to
23 one specific part of the interview where she's
24 talking about one specific incident in the laundry
25 room. There was multiple instances in the laundry
26 room.

27 ATTY. BERKE: I don't have a problem with that.

1 THE COURT: Great, thank you. It's sustained.

2 Q Do you remember describing one incident in the laundry
3 room where Nick's clothes did not come off?

4 A No.

5 Q Did that help refresh your memory of the time you said
6 that?

7 A No.

8 Q Do you remember telling that same woman that your mom
9 is never home when it happens?

10 A I don't remember that.

11 Q Would it refresh your memory once again if you got a
12 chance to listen to the video -- or the audio, I should say?

13 A I guess.

14 (Whereupon a pause was taken while the witness
15 refreshed her recollection)

16 Q Did you get a chance to listen to that section of the
17 audio?

18 A Yes.

19 Q And does that refresh your memory?

20 A Yeah.

21 Q And can you tell us what you recall saying?

22 A I said all that stuff, how she hangs out with her
23 friends and everything and how she goes to work, but I
24 forgot to mention that she was also there while all the
25 stuff was going on. She was sleeping in her bed.

26 Q But do you remember saying that she's never home when
27 this happens?

1 A No, I don't remember saying that

2 ATTY. BERKE: Can I have a moment, Your Honor?

3 THE COURT: Take your time, counsel.

4 Q During that same conversation that you had just
5 listened to, the audiotape, do you remember telling the
6 woman that you were talking to that Nick doesn't live with
7 you and your sister and your mom because he cheated on your
8 mom?

9 A Yeah, I remember saying that.

10 THE COURT: You remember saying that?

11 THE WITNESS: Yes.

12 Q And that was before you told Jayda what had happened
13 with Nick?

14 ATTY. DAVIS: Objection. Can you -- that
15 doesn't -- can you clarify that?

16 ATTY. BERKE: Certainly.

17 Q You had information that Nick had cheated on your mom.
18 When did you hear that information?

19 A When they were, like, arguing and stuff. I don't
20 know.

21 Q When is that in relation to the time you were at
22 Jayda's house when you disclosed the information about Nick?

23 A I don't think I said anything at Jayda's house.

24 Q Was it -- did you find that information out that Nick
25 was cheating on your mom before you went to Jayda's house?

26 A No.

27 Q You found out after?

1 A Yes.

2 Q And do remember when?

3 A No.

4 Q But I thought Nick wasn't living in the house because
5 your mom and he were getting a divorce.

6 A I don't know. There's too much going on.

7 Q I don't understand that. Can you say that again?

8 A I said there's just too much going on right now and
9 there's just a lot of questions.

10 Q Okay.

11 THE COURT: I guess the question is this: when
12 you were at Jayda's house, were you of the belief --
13 were you aware that your mom and Nick were getting
14 divorced?

15 THE WITNESS: Yeah.

16 THE COURT: Did you know why at that point they
17 were getting divorced?

18 THE WITNESS: Yes.

19 THE COURT: And what was the reason why?

20 THE WITNESS: Because he cheated on my mom.

21 THE COURT: Okay. Did I -- ladies and
22 gentlemen, I told you sometimes I jump in when I
23 shouldn't, but --

24 ATTY. BERKE: Yes.

25 THE COURT: Okay, thank you.

26 Q And at that time that you were at Jayda's house, Nick
27 was not living in the house at the time?

1 A Yes.

2 Q And how long had Nick been out of house at that point?

3 A I don't remember.

4 Q And if you know -- I know you were young and it was a
5 number of years ago. Do you know if the divorce process had
6 started at that time?

7 A I don't remember.

8 Q Now, there were some questions that I asked you after
9 you listened to the audio and one video. You said even
10 after having listened to it, you didn't remember.

11 A What was that question?

12 Q There were a number of questions that you said that it
13 doesn't refresh your memory.

14 A Yeah, they don't.

15 Q Now, this was a number of years ago when you provided
16 that information. Do you know how long ago that was?

17 A Around five years ago, I would say.

18 THE COURT: I'm sorry, I didn't hear your
19 answer.

20 THE WITNESS: I said around five years ago.

21 THE COURT: How many weeks ago?

22 THE WITNESS: Five years ago.

23 THE COURT: Five years ago? Okay.

24 Q And did you have a better memory at that time than you
25 do now?

26 A Yes.

27 Q You were nine years old?

1 A Yes.

2 Q Now you're fourteen?

3 A Thirteen.

4 Q Thirteen, I'm sorry. So the details of what you may
5 have said to someone would certainly not be as fresh as they
6 are something that happened more recently when you were
7 older.

8 A Wait, sorry, can you, like, say it in, like a
9 different way?

10 Q I can try. It'll probably be in the same way. You
11 don't remember everything that you said four or five years
12 ago?

13 A Yeah, I don't.

14 ATTY. BERKE: I have nothing else.

15 ATTY. DAVIS: May I just have a brief moment,
16 Your Honor?

17 THE COURT: Take your time, counsel.

18 ATTY. DAVIS: Thank you.

19 REDIRECT EXAMINATION BY ATTY. DAVIS:

20 Q L.T., I have a few follow-up questions. So you just
21 testified on cross-examination you were talking about how
22 you laughed with Jayda afterwards. Why were you laughing?

23 A I laugh when I get nervous.

24 Q Okay, and is that something you always -- do you laugh
25 a lot when you're nervous?

26 A Yeah.

27 Q Is that something that happens sometimes?

1 A Yeah.

2 Q Were you nervous when you told Jayda?

3 A Yes.

4 Q What made you decide to tell Jayda?

5 A Because she was younger and she was, like, around the
6 same age as me -- not really, but, like, you know, close,
7 and she wasn't, like, blood-related or family-related, so I
8 just thought it would be, like, a safe space.

9 Q When you say younger, is she younger than you?

10 A No.

11 Q Do you mean younger than, like, your mom?

12 A Yes.

13 Q And why was she a safe space to you?

14 A Because she wasn't family-related and she was, like,
15 another kid to talk to, like, to me.

16 Q The defense attorney had you talk about specific
17 instances that you spoke about in interviews, whether it be
18 talking to your mom or when you talked in the forensic. Did
19 you tell anyone you spoke to, whether it be the forensic
20 interviewer or your mom or anyone else you talked to about
21 this, did you tell anyone every single detail about every
22 single incident?

23 A No.

24 Q Did you tell any one person about every single
25 incident?

26 A No.

27 Q Why not?

1 A Because it happened so many times.

2 Q Do you remember every single incident?

3 A No.

4 Q You were asked on cross-examination about a time in
5 the laundry room where I believe you said that -- can you
6 just describe to the jury, when you were in the laundry
7 room, how were his pants before he -- how were his clothes?

8 A Like what he was wearing?

9 Q No, how were they positioned on his body?

10 A What do you mean?

11 Q Were they off? Were they on all the way to the top.
12 Were they pulled down? How were his clothes?

13 A They were pulled down halfway in the laundry room.

14 Q Okay, and did that happen every time?

15 A No.

16 Q Was it different every time?

17 A Yes.

18 Q Did this happen sometimes when your mom was home?

19 A Yes.

20 Q Did this happen sometimes when your mom wasn't home?

21 A Yes.

22 Q And when your mom and the defendant were getting
23 divorced, did he move out?

24 A Yes.

25 Q Did you see him after he moved out?

26 A Yes.

27 Q Did him and your mom, from what you saw, have a good

1 relationship after he moved out?

2 A Yeah.

3 Q And did he watch you when she went out?

4 A Yes.

5 Q And did he watch your sisters?

6 A Yes.

7 Q L.T., you talked about, I think, to the defense
8 attorney in that audio recording with your mom about a time
9 where you didn't massage his penis. Can you just -- what
10 does massaging his penis mean to you? What does that mean?
11 Did you show me a hand motion before?

12 A Yes.

13 Q Can you show it to me again?

14 ATTY. DAVIS: Let the record reflect she's
15 shaking her hand.

16 Q Would you consider that massaging his penis?

17 A I don't know. I was little, so I don't -- I didn't
18 know what massaging was.

19 Q Were there times where you did touch his penis?

20 A Yes.

21 Q Every single time that you had an encounter with the
22 defendant that you didn't like, did you touch his penis
23 every time?

24 A No.

25 Q Were there times where you did touch his penis?

26 A Yes.

27 Q Were there times where you didn't touch his penis?

1 A Yes.

2 Q Were there times when his penis was in your mouth?

3 A Yes.

4 Q Were there times when his penis wasn't in your mouth?

5 A Yes.

6 Q Were there times when his penis was in your butt?

7 A Yes.

8 Q Were there times where his penis wasn't in your butt?

9 A Yes.

10 Q As you sit here today, L.T., do you remember every
11 incident that happened with the defendant?

12 A No.

13 Q And why not?

14 A Because it happened so many times.

15 Q How many times did something happen with the
16 defendant. Was it more than five?

17 A Yes.

18 Q Was it more than ten?

19 A Yes.

20 Q Was it more than twenty?

21 A Yes.

22 Q Was it more than fifty?

23 A Yes.

24 Q Was it a lot of times?

25 A Yes.

26 Q Did it feel to you like it happened every day?

27 A Yes.

1 ATTY. DAVIS: Nothing further.

2 THE COURT: Recross?

3 RE CROSS-EXAMINATION BY ATTY. BERKE:

4 Q There is a time that you described today to the jurors
5 where you stated that you were sexually assaulted in the
6 laundry room and then you went into the living room and that
7 you wanted him to be there because you were scared of the
8 dark.

9 A Yes.

10 Q And that's after you were assaulted in the living room
11 -- sorry, in the laundry room?

12 A Yes.

13 Q How come you didn't go to your bedroom?

14 A I don't know.

15 ATTY. BERKE: I have nothing further.

16 THE COURT: Anything based on those two
17 questions?

18 ATTY. DAVIS: No, Your Honor.

19 THE COURT: Okay. L.T., thank you very much.
20 You're excused.

21 THE WITNESS: Thank you.

22 THE COURT: Attorney Berke, your computer is
23 still up here.

24 ATTY. BERKE: Thank you.

25 THE COURT: I know you may have another witness,
26 but is now a good time to take a recess?

27 ATTY. DAVIS: That's actually probably perfect.

1 Thank you.

2 THE COURT: Write that down: the judge was
3 perfect. Ladies and gentlemen, we're going to take a
4 recess at this time. Usually we take it at 3:30, but
5 it's a perfect time to take it now before the witness
6 comes on. You may be wondering, "Hey, McShane, are
7 we on schedule?" Yeah, we are from what I told you
8 before. So we're going to take a fifteen minute
9 recess. We'll see you at 3:30. Thank you.

10 (The jury exits the courtroom)

11 (A recess was taken; court resumes)

12 THE COURT: Go on the record, please, and bring
13 the jury in. I'm going to tell them this is the last
14 witness for the day. No, I won't. I'll wait until
15 you're done. Thanks.

16 (The jury enters the courtroom)

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

19 ATTY. DAVIS: Yes, Your Honor, State stipulates.

20 ATTY. BERKE: Defense does as well.

21 THE COURT: Okay. I'll ask the State to call
22 your next witness, please.

23 ATTY. DAVIS: Sure. The State's going to call
24 Detective Sergeant Michael Pires.

25 THE COURT: Detective Sergeant, if you could
26 please take a step up, remain standing, raise your
27 right hand, and face Madam Clerk. You're going to be

1 put under oath.

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1 M I C H A E L P I R E S ,

2 Being first duly sworn, was examined and testified under
3 oath as follows:

4 DIRECT EXAMINATION BY ATTY. DAVIS:

5 Q Good afternoon, Detective Sergeant.

6 A Good afternoon.

7 Q So can you let the ladies and gentlemen of the jury
8 know where you're currently employed?

9 A The Trumbull Police Department.

10 Q Okay. I'm so loud, so can you just keep your voice up
11 in here? The acoustics are bad.

12 A Sure.

13 Q Thank you. And how long have you been employed in
14 that capacity?

15 A Since 2003.

16 Q Okay, and were you hired directly to the Trumbull
17 Police Department?

18 A Yes, I was hired in 2003, where I attended the police
19 officer training council academy for the Trumbull Police
20 Department, and after the academy, I went straight to the
21 patrol division.

22 Q Okay, and tell the ladies and gentlemen of the jury a
23 little bit about your background and different positions
24 you've had at the Trumbull Police Department.

25 A Sure. From 2004 until about 2007-ish, I was in
26 patrol. In 2007 to 2008, I was assigned to the
27 telecommunicator division. So if you call the police or

1 dial 911, I'd be one of the people picking up the phone and
2 sending help your way. After that, I went to the crisis
3 negotiations unit, so I was a hostage negotiator for a
4 regional team, which consists of Trumbull, Monroe, Easton,
5 Westport, Wilton, and Darien.

6 From there, in 2011 I was assigned to the special weapons
7 and tactics SWAT team for the same region. From there, I
8 became an FTO, which is a field training officer, which we
9 train new recruits that come out of the academy. After
10 that, I was placed into statewide narcotics from 2014 to
11 2016, where I became a patrol sergeant, so I went back to
12 the road in uniform.

13 In 2018, I was put in charge of what's called a community
14 service unit, which is a proactive team of officers that
15 target areas where, like, there's a spike in crime. So
16 we'll go to those areas and suppress crimes. So if there's
17 cars getting broken into, we target those areas. And in
18 2019, I made detective sergeant, where I've been ever since,
19 and in my day-to-day operations, I oversee the detective
20 bureau, assign and delegate work to detectives, and help
21 them with their investigations.

22 Q And you talked about -- so you were patrol and then
23 you went to sergeant?

24 A Through the career, yeah. The next rank up would be
25 sergeant, yes.

26 Q And was that a promotion?

27 A Yes.

1 Q And then you further became a detective sergeant. Was
2 that a further promotion?

3 A Yes.

4 Q Okay. And I believe you said this, but were you
5 working in the capacity of a detective sergeant in May and
6 June of 2020?

7 A I was.

8 Q Okay. And specifically, did you work on a case
9 involving Nicholas Hall?

10 A I did.

11 Q Okay, and what was your involvement in the case?

12 A We were assigned to go to the residence to collect
13 evidence, myself and two other detectives.

14 Q Do you remember the address where you went?

15 A It was 96 Lake Avenue.

16 Q And is that in Trumbull?

17 A Yes, it is.

18 Q Okay, and do you remember when you went there?

19 A June 4, 2020.

20 Q Okay, and does your report say June 4th?

21 A No, I put June 3rd by accident.

22 Q Okay. That was just an accident?

23 A A scrivener's mistake.

24 Q And by looking at everything else, you're able to tell
25 it was really the 4th?

26 A Yes.

27 Q So walk the jury through what you did on the 4th in

1 the house.

2 A We were there to collect some bedding and photograph a
3 bedroom within the home. It would be the children's
4 bedroom.

5 Q And without telling me what anyone said, were you
6 directed to do that by someone else?

7 A Detective Wheeler.

8 Q Okay, and who was the main officer on this case?

9 A Detective Wheeler.

10 Q And do you remember which officers you went to 96 Lake
11 Avenue with?

12 A I went with Detective Edwards and Detective Lavin.

13 Q And when you do something like that such as in this
14 situation, go and take photos, do you work kind of in a
15 team?

16 A We do.

17 Q I'm going to show you what's been marked -- I do ask
18 these be made a full exhibit, and then I'll read them into
19 the record.

20 ATTY. BERKE: Your Honor, I previously looked at
21 them. I have no objection to their admission.

22 THE COURT: Thank you. I was about to ask. So,
23 ladies and gentlemen, these are exhibits that -- you
24 know, we ask that the -- judges like to have the
25 parties mark things in advance. It just saves time.
26 So they were marked as ID for identification purposes
27 only, but counsel just agreed that they could be full

1 exhibits.

2 ATTY. DAVIS: Thank you, Your Honor.

3 THE COURT: Thank you.

4 Q So was there a specific area in the house that you
5 went to take pictures of?

6 A Yes.

7 Q What was that area?

8 A The bedroom.

9 Q Okay. Specifically, I'm going to show you Court's
10 Exhibit 1. So this is Court's Exhibit 1. Are there names
11 on there?

12 A There are.

13 Q Do you recognize these names?

14 A I do.

15 Q Are these residents of 96 Lake Avenue?

16 A They are.

17 Q And specifically, do you remember the initials of the
18 people -- the room that you went to, the bedroom?

19 A I do.

20 Q Who are they?

21 A L.T. and S.T.

22 Q Okay. And I'm going to show you what's already been
23 marked as State's Exhibit 7. Is this the bedroom that you
24 went into?

25 A It was.

26 Q Okay, and is this how it looked when you went there on
27 June 4, 2020?

1 A Yes.

2 Q And specifically, what did you do when you went into
3 this room?

4 A Initially, it was photographed by Detective Edwards,
5 and then we used what was called an alternate light source
6 to collect evidence, and then ultimately we seized the
7 bedding in that room.

8 Q Can you explain to the jury what the alternate light
9 source is and how you used it?

10 A Sure. An alternate light source is -- we use what's
11 called a tactical forensic light kit from Sirchie. It's
12 three different lights. One is a white light, just like a
13 common flashlight, and that's used to see a disruption in
14 dust. So you would hold it on an angle. If someone swept
15 across, like, a dusty countertop, you would see that
16 disruption.

17 The second light form is a UV light, which, to break it
18 down, would be kind of like a blacklight you would see in,
19 like, a nightclub; maybe I'm dating myself. But ultimately,
20 that would bring out body fluids and/or bone fragments. The
21 third light is a blue light, which also will illuminate
22 forensic -- fluorescent fingerprint powder and body fluids.
23 And when we use the UV light and the blue light, we wear
24 what's called an orange barrier filter goggle, and that
25 actually enhances everything.

26 THE COURT: If I can just -- you used a term
27 there, and I just want to make sure that -- I mean, I

1 think I understand what it is, but you when you said
2 Sirchie, that's the name brand of the light?

3 THE WITNESS: The brand that we -- the company
4 we buy from is called Sirchie.

5 THE COURT: It's like Rayovac or something like
6 that?

7 THE WITNESS: Like Rayovac or Electrolux vacuum
8 or Dyson.

9 THE COURT: Okay, thank you. Go right ahead.

10 ATTY. DAVIS: Thank you.

11 Q So Sirchie's the company that manufactures these
12 glasses?

13 A This light kit and the glasses, yes.

14 Q And I'm going to show you -- so which lights and the
15 glasses, which of those three that you described did you
16 use?

17 A The kit comes with the orange glasses, and the UV
18 light is what we used to illuminate the bodily fluids.

19 Q Okay, and where were you specifically looking?

20 A The bedding.

21 Q Okay. And I'm going to show you -- and did you find
22 any stains?

23 A It did illuminate certain areas, yes.

24 Q Okay, and you were able to see those through the
25 alternate light source?

26 A Yes.

27 Q Were you able to see those with your naked eye?

1 A No.

2 Q I'm going to show you what's been marked as a full
3 exhibit, State's Exhibit 10. Is this the comforter?

4 A Yes, it is, from L.T.'s bed.

5 Q Thank you. And is this picture taken through the
6 filter of those UV lights?

7 A It is.

8 Q And is that a stain that was illuminated by those
9 lights?

10 A It is, yes.

11 Q And so did you take a lot of -- did you take pictures
12 of each stain you saw?

13 A We did.

14 Q Okay. And as far as the comforter goes, you said it
15 was L.T.'s comforter?

16 A Yes.

17 Q I'm going to show you another one of those photos from
18 L.T.'s comforter. It's line 11.

19 THE COURT: If I could just interrupt for just a
20 minute? Can I see counsel?

21 ATTY. DAVIS: Sure.

22 THE COURT: I just received a message. It has
23 nothing to do with this case. It's just availability
24 for tomorrow.

25 (Sidebar)

26 THE COURT: Sorry about that, folks.

27 Q So I guess I want to walk through the procedure, so

1 I'm going to show you State's Exhibit 11. Is this another
2 picture -- these pictures are not great quality either; I
3 apologize. But is this a picture of the comforter?

4 A Yes, it appears to be.

5 Q If I bring it up closer to you, will you be able to
6 tell better?

7 A It is. I see the stars now, yeah.

8 Q Okay. And do you see a stain there that's
9 illuminated?

10 A I do, by placard number two.

11 Q Okay, and was this photo taken with the glasses in
12 front of it?

13 A It is. And just so you can understand, where you see
14 the number two, it has, like, an orange tint. That is the
15 glasses. To the left of it where you see the stars, that's
16 where the glasses are not. So you can see, like, the
17 difference.

18 Q And that's why the color looks different?

19 A Yes, so those were utilized by UV or blue light.

20 Q Okay. And I didn't put all these pictures into
21 evidence, but what's the procedure as far as using these
22 placards? I want you -- do you take the pictures of the
23 stain itself first?

24 A We'll placard it one through whatever; they're
25 sequential, like little triangles with rulers. And
26 ultimately when we find items of interest, we'll lay a
27 placard next to it just like I'm sure you've seen in the

1 movies, and the ruler is to show scale so you know more or
2 less what size what we're photographing is.

3 Q So you use these placards to kind of differentiate
4 between the stains?

5 A Correct.

6 Q And did you put a placard on every stain that you saw
7 illuminated?

8 A That we saw, yeah.

9 Q And after you photographed, with and without the
10 placards, the comforter, what'd you do with the comforter?

11 A Collected it as evidence.

12 ATTY. DAVIS: I believe there's no objection to
13 this coming in as full. It's State's -- for ID at
14 this point -- 16.

15 THE COURT: Any objection?

16 ATTY. BERKE: No.

17 Q So I'm showing you what's State's Exhibit 16. Do you
18 recognize this?

19 A Yes, I do.

20 Q And what do you recognize this to be?

21 A This is our evidence sticker, which is what we'll put
22 on when we log an item of evidence. It gives a brief
23 description of the evidence that's in the bag. In this
24 case, it would be the comforter.

25 Q All right, and is this sticker -- so there's an
26 evidence sticker on it. Is that put on by the Trumbull
27 Police Department?

1 A It's put on by us as detectives, yes.

2 Q Okay, and on this one I'm going to have you refer to,
3 who was this seized by?

4 A This was seized by Detective Lavin, who was on scene
5 that day as well. His name would be put right at the
6 bottom, and he's the one who ultimately put it into the
7 computer system.

8 Q And did you watch him put this in the bag?

9 A Yeah, because of the size, we would have done it
10 together as a team just to get it in there.

11 Q Okay, and there is a CFS number on that. What's a CFS
12 number?

13 A It's the case number assigned to the incident. It's
14 2-0, followed by four zeroes, 8-4-2-4. So it's case number
15 20 for the year, 8424. So that's the case number year-to-
16 date on that specific day.

17 Q And does the Trumbull Police Department assign a case
18 number to each case?

19 A Yes.

20 Q So anything seized related to this case would be
21 stored under this case number?

22 A Correct.

23 Q I want to draw your attention to this evidence tape on
24 the bag. Who put this on, someone from the police
25 department?

26 A Someone from the police department. It's actually
27 dated, and I believe it says 61, which would be Detective

1 Lavin's operator number or badge number, and then he dated
2 it as well.

3 THE COURT: Okay, so 61 doesn't refer to a date.
4 It refers to --

5 THE WITNESS: It's 6/4/20, and then I believe
6 it's -- we put our, like, initials.

7 Q So it's 6/4?

8 A 6/4 is the date, June 4th, and then you initial it as
9 well. So he may have put his op number, which is number 61.

10 Q Okay. And by op number, you mean kind of like a badge
11 number?

12 A Yeah, so if you call us on the radio, it'd be operator
13 61.

14 Q So after you bagged the comforter, did you look at any
15 other parts of the bedding for stains?

16 A At the time, I believe we looked at sheets beneath the
17 bedding and the mattress itself.

18 Q Okay. Specifically, I want to talk to you about the
19 sheets. Is this on the -- the sheets are on the full-sized
20 bed, correct?

21 A That would be L.T.'s, the full-size, yes.

22 Q And just looking back at the photo of the room, it was
23 this bed with the blue blanket and the star bedding?

24 A Yes.

25 Q Okay. I'm showing you what's been marked as a full
26 exhibit, State's 12. Is this a picture of the sheets that
27 were on the bed?

1 A Yes.

2 Q And that bedding is a full-sized bed?

3 A Yes.

4 Q And do you have the placard there?

5 A We have the placard, and it's being photographed
6 through the -- using that alternate light source again. As
7 you can see, the orange tint into the left corner of the
8 photo, you see that blue-ish, that's where the glasses
9 aren't covering it.

10 Q And I'm going to show you what's been marked as
11 State's Exhibit 15. What's this a photo of?

12 A Again, the sheets on L.T.'s bed, and it's just to show
13 the jury that if you're looking at with plain sight, you
14 don't see anything. Once you put the glasses on and you use
15 the ultraviolet or blue light source, it pops any type of
16 bodily fluid up.

17 Q And do you see a number of placards on this?

18 A I see several, yes.

19 Q And are each of these placards, I guess, in front of
20 or marking a certain stain?

21 A Each would indicate a different stain that was
22 illuminating at that time.

23 Q So safe to say you did the same procedure with the
24 sheets?

25 A Yes.

26 Q I'm going to show you what's been -- I believe there's
27 no objection. This would be State's 17.

1 ATTY. BERKE: Correct.

2 THE COURT: State's 17 is now a full exhibit,
3 ladies and gentlemen.

4 Q So I'm going to show you this, Detective Sergeant.
5 What is this?

6 A It's going to be the sheet from the full-sized bed,
7 also logged by the same detective, Kyle Lavin. And it's
8 going to have the same case number. That's 2-0, followed by
9 four zeroes, 8-4-2-4. And again, it's initialed and 6/4/20,
10 the date it was collected.

11 Q And this has the same -- you just went over it had the
12 same stickers from the Trumbull Police Department as the
13 comforter you just talked about, right?

14 A It does.

15 Q I do want to talk about how both pieces of evidence
16 also have this sticker too. What is this?

17 A This is a sticker when it goes up to the state
18 forensic lab, and that would be ultimately their case number
19 and their barcode (indiscernible).

20 Q Okay, and does the lab use the same case number as
21 you?

22 A No, they use their own case number.

23 Q Okay. And I believe you mentioned you also looked at
24 a mattress pad, is that correct?

25 A Yes.

26 Q Okay. I'm going to show you what's been marked as
27 State's Exhibit 13. Is this the mattress pad?

1 A It is, on L.T.'s bed, and you can see the outline of
2 the glasses so you can get the idea of what you're looking
3 at.

4 Q Are you sure it's L.T.'s bed with the mattress pad?

5 A I'd have to -- I believe it is. I'd have to refer to
6 the report, but that's what it appears to be.

7 Q Would looking at your report refresh your memory?

8 A Yeah, I'd have to -- sure.

9 Q I'm going to show you your report. Don't read it out
10 loud. This is talking about placard one, but you can go
11 wherever you want.

12 THE COURT: Does that help refresh your
13 recollection, Detective Sergeant?

14 THE WITNESS: It does. Yes, it's from S.T.'s
15 bed.

16 ATTY. DAVIS: Okay, thank you.

17 THE COURT: So State's 13, the mattress pad --
18 what purports to be a mattress pad you're saying is
19 from S.T.'s bed?

20 THE WITNESS: The twin bed, yeah.

21 THE COURT: And that's with placard number one?

22 THE WITNESS: Yeah, I looked at the placard -- I
23 thought it was a seven when I glanced at it real
24 quick.

25 Q These pictures -- our printer is not good.

26 A No, it's like that for us as well.

27 Q And I'm going to show -- I just want to draw your

1 attention to -- it's kind of a different color in the
2 middle. What is that?

3 A Where it's illuminated?

4 Q Yes. Do you see how it's like the mattress pad looks
5 white to the naked eye and then in the middle of the photo
6 -- so I'm pointing at the middle of the photo right here.
7 Do you see how it's a different color there?

8 A It could be from the flash. I don't know why that
9 would --

10 Q Can you see the glasses in this photo?

11 A Yes.

12 Q Okay, and is this part that I'm pointing at the
13 glasses?

14 A It is.

15 Q Okay, and that part of the picture is a different
16 color because you're looking at it through the glasses?

17 A Yes, the orange tint.

18 Q So the glasses are used here with the orange tint?

19 A The glasses are -- yeah, they're always orange, so in
20 every photo they're orange barrier goggles.

21 Q I'm going to show you State's Exhibit 14. Is this
22 just another picture of the same thing?

23 A It looks like placard one again. It's hard to tell
24 from right here.

25 Q I can approach. Sorry, our printer is not great.

26 A Yes, that's placard one.

27 Q Okay. And in this photo, can you see the orange from

1 the glasses again?

2 A You can see the outline of the glasses, yes.

3 Q Okay.

4 THE COURT: What exhibit number was that?

5 ATTY. DAVIS: I'm sorry, this was State's
6 Exhibit 14.

7 Q And after you took pictures of the mattress pad, what
8 did you guys do?

9 A It would have been collected.

10 Q You collected it?

11 A Yeah.

12 ATTY. DAVIS: So I believe this is going to be
13 State's 18 as a full exhibit.

14 THE COURT: Any objection?

15 ATTY. BERKE: No, sir.

16 THE COURT: 18 is now a full exhibit.

17 Q All right, Detective Sergeant, I'm going to run you
18 through this again. So what's this?

19 A It's going to be the mattress pad off S.T.'s bed.

20 Q Okay. And we talked about this already, but this is
21 the sticker with the case number --

22 A Same sticker; same case number; same detective,
23 Detective Lavin; and it has a sticker from the lab with
24 their case number assigned; 6/4/20 and his initials when we
25 dated and signed it when it got sealed with the red Sirchie
26 tape.

27 Q And some of the bags on the bottom have this tape as

1 well. Is this from the Trumbull Police Department?

2 A No, that would be from the lab.

3 Q All right, so I'm pointing at the bag. On the front
4 of the bag, there's another piece of evidence tape. That's
5 from the lab?

6 A Yeah, that's not us.

7 Q Okay. So after you seized -- you photographed and
8 used the light source and seized the bedding, did you do
9 anything else in relation to this case?

10 A On that specific day or --

11 Q Different day.

12 A We went back, I believe, on September 23rd, Detective
13 Wheeler and I, to obtain buccal swabs for elimination DNA.

14 Q What is a buccal swab?

15 A A buccal swab is a sterile foam tipped applicator. It
16 looks like an oversized Q-tip; everyone seems to know what a
17 Q-tip is. When we're dealing with certain people, it looks
18 like a lollipop. And it's used to rub the innards of your
19 cheek wells to collect saliva DNA.

20 Q And you mentioned something about elimination DNA.
21 What do you mean?

22 A In certain instances when you're trying to -- when
23 you're obtaining DNA -- can I give a for example not related
24 to this?

25 Q Sure.

26 A Say someone broke into your house and they touched
27 your jewelry box. Your fingerprints or your DNA may be on

1 your jewelry box. We're going to send it to the lab to try
2 to get the bad guy's DNA, but your DNA may be on their as
3 well, so we would collect your DNA to say, "This is Jane or
4 John Doe's DNA. Obviously, we'll rule them out." And then
5 there's other DNA on there, and that's when we look for our
6 suspects.

7 Q And whose -- if you could use initials, whose DNA did
8 you and Detective Wheeler seek that day?

9 A L.T., S.T., W.T., G.T.

10 Q Okay, and did they consent to doing this?

11 A They gave -- yes.

12 Q And can you just describe to the ladies and gentlemen
13 of the jury -- you kind of did, but walk them through
14 exactly how you get a buccal sample from somebody.

15 A We'll get -- the person will usually consent. There
16 will be some forms signed, and then we'll open up the
17 sterile foam applicator. We'll be wearing a powder-free
18 nitrile -- like a latex glove. If the parties are old
19 enough to do it to themselves to prevent any further trauma,
20 we oftentimes hand it to them and just tell them it's like a
21 lollipop and to rub the inside of their cheek with it. To
22 prevent any cross-contamination, they will then hand it back
23 to us.

24 We will place the buccal swab on what's called a DNA one
25 spot card, and you simply just blot it on there so the DNA
26 transfers to this card. We package it up and seal it to be
27 sent out to the forensic lab for testing. In the instance

1 where the party is not old enough to do it themselves,
2 usually a parent can do it or they will allow us to do it.

3 Q In your recollection, did you or Detective Wheeler
4 actually do any of the swabbing of any of these four people?

5 A No, I believe they were handed to them to do while we
6 watched.

7 (Discussion between counsel)

8 ATTY. BERKE: No objection, Your Honor.

9 THE COURT: Ladies and gentlemen, I think so far
10 everything that's been introduced has been full
11 exhibits. And I'll just remind you that properly
12 introduced exhibits can be used in your
13 deliberations. In fact, all these exhibits you'll
14 have with you in the deliberation room when it comes
15 time to deliberate. Go right ahead.

16 ATTY. DAVIS: Thank you.

17 Q So I'm going to show you what's been marked as full
18 exhibits, State's 20, 21, 22, and 19. So you can look at
19 them separately or together, but do you recognize these?

20 A Yes, I do.

21 Q And what do you recognize them to be?

22 A Two swabs collected from each of the initials I stated
23 earlier: W.T., S.T., L.T., and G.T.

24 Q Okay, and do you take -- did you take two swabs from
25 each person in this case?

26 A We do.

27 Q Is that protocol?

1 A Yes.

2 Q And I'm just going to show you -- I think they all
3 have this. We can go through it. But I'm showing you
4 State's Exhibit 19. Does this have the same Trumbull Police
5 sticker that we talked about with the bedding?

6 A Yes, it does. Same sticker, except this time it was
7 logged by Detective Wheeler instead, same case number, and
8 then ultimately it's sealed and initialed.

9 Q And can you tell whose initials are those?

10 A It has a big D.W. for Dan Wheeler.

11 Q Okay, and were you with Dan Wheeler when he sealed
12 these?

13 A Yes.

14 Q Okay, and did he seal it with evidence tape?

15 A He did.

16 Q Okay. And again, there's other, different tape at the
17 bottom. Is this from the Trumbull Police Department?

18 A No, that's from Division of Scientific Services.

19 Q Okay, and that's the state lab?

20 A That's the state lab, which --

21 Q And does the state lab have its own sticker again on
22 this?

23 A Which is what the DSS sticker is.

24 Q And when you sent this to the lab, it did not have
25 this tape from DSS, the lab, is that correct?

26 A No, that's ultimately where they would open it and
27 they would initial it and date it themselves.

1 Q Okay. And just quickly, can you just look at the
2 other three and see if they have those same factors?

3 THE COURT: You don't have to do it quickly.
4 Take your time.

5 A Yes, all three have the same initial and date of
6 10/22/2020 with that DSS sticker.

7 Q And are these -- are they initialed all by Detective
8 Wheeler as well?

9 A These are all Detective Wheeler's initial, and at the
10 bottom where the state opened it up, it's all the same
11 initial of A.M.A, dated 10/22/2020.

12 Q And by the state, you mean the state lab, right?

13 A Yes.

14 Q Okay. Just one more thing: at some point in relation
15 while this case was pending, did you receive a recording?

16 A I did.

17 Q Okay. Just tell the jury what that was.

18 A I received an audio recording from Officer Fortunato.
19 She ultimately forwarded it to me, and I ultimately logged
20 it into what's called a shared drive.

21 THE COURT: A what drive?

22 THE WITNESS: A shared drive on our computer.
23 It's a detective shared drive. She does not have
24 access to it as being a patrol officer. Only the
25 detective bureau does, so supervisors or detectives.
26 So she emailed it to me and I ultimately put it into
27 that shared drive.

1 Q So she shared it with you just because she couldn't
2 upload it?

3 A She couldn't put it there herself, no. She doesn't
4 have access to the database.

5 ATTY. DAVIS: Nothing further.

6 THE COURT: Okay. Cross-examination?

7 ATTY. BERKE: Thank you.

8 CROSS-EXAMINATION BY ATTY. BERKE:

9 Q You received that audio recording on June 1st of 2020?

10 A I believe so. I'd have to refer to the report for the
11 exact date.

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

14 A Sure. Yes, 6/1/2020.

15 Q I'm sorry, the year?

16 A 2020.

17 Q Do you know when the complaint was made to the
18 Trumbull Police Department initially?

19 A No, I do not off the top of my head.

20 Q But it was at a date prior to this?

21 A Yes.

22 Q Do you know the date of the forensic interview?

23 A No.

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

26 A Sure.

27 Q We're referring to L.T.

1 A It says date of interview 6/3/2020.

2 Q Sorry, I should have asked you to read it to yourself.

3 A Oh, I'm sorry.

4 Q Have you looked at -- does that refresh your memory or
5 were you just reading from the document?

6 A I've never seen this one, but yes.

7 Q Okay, but does that refresh your memory? If it
8 doesn't, that's fine.

9 A No. I never looked at the forensic interview. That
10 was signed off by a different detective sergeant.

11 THE COURT: Could you tell us when, in
12 relationship in your investigation, the forensic
13 interview was? Was it before or after you received
14 the video recording, before or after the complaint
15 was made?

16 THE WITNESS: It was before I was sent to the
17 residence on June 4th.

18 THE COURT: Thank you.

19 Q Now, in regards to items that you seized, how was the
20 request for the next step, for the state lab to analyze the
21 items that you seized?

22 A At that time, if it was during COVID, it kind of
23 screwed everything up. We had to -- and again, I don't --
24 the dates may be off because of COVID-related. It used to
25 be that we would bring them up there, transfer them, and do
26 the chain of custody over to the lab for them to process the
27 evidence. When COVID struck, it was all email-based, and

1 ultimately you would have to make an appointment to get the
2 stuff up there, and everything kind of got backed up because
3 of COVID.

4 Q And in addition to using the alternate source
5 lighting, did you also have an opportunity to take photos of
6 the residence?

7 A We did, yes. I did not, but we did.

8 Q I'm going you what's been marked State's Exhibit 2.
9 Can you identify that?

10 A The family room.

11 Q Did you use an alternate light source on the floor of
12 the family room?

13 A I don't believe we did, no.

14 Q Did you use an alternate light source on the couch in
15 the family room?

16 A No, I don't believe so.

17 Q And what about more specifically on the pillows in the
18 family room?

19 A No.

20 Q I'm showing you what's marked State's Exhibit 5, full
21 exhibit. Can you identify what's depicted in that picture?

22 A A laundry room. It appears to be a laundry room or a
23 backdoor access maybe.

24 Q And this is State's Exhibit 3, full exhibit. Is that
25 the same laundry room entrance?

26 A I believe so. Yeah, it says laundry room above it.

27 Q Is that the same -- is that the outside of the picture

1 I just showed you of the inside of the room?

2 A I believe so.

3 Q Did you use an alternative light source on the floor
4 of that laundry room?

5 A No.

6 Q Did you use an alternative light source on the walls
7 of that laundry room?

8 A No.

9 Q Did you use an alternative light source on any aspect
10 of that laundry room?

11 A No, just the bedroom.

12 Q I'm showing what's marked State's Exhibit 9. Do you
13 recognize what's depicted in this photo?

14 A It appears to be the primary bedroom.

15 Q Do you know by initials who occupies that bedroom?

16 A At that time, G.T. and N.H.

17 Q G.T. is the mom?

18 A Correct.

19 Q And did you use an alternative light source on the
20 bedding in that room?

21 A No.

22 Q And what about the sheet underneath?

23 A No.

24 Q What about on this chair, the gray chair in front?

25 A No.

26 Q Or the floor?

27 A No.

1 Q Did you use an alternative light source anywhere in
2 this room?

3 A No.

4 Q So you were asked questions about this bedroom that's
5 depicted on the screen right now, which is State's Exhibit
6 9, and you previously testified about State's Exhibit 7,
7 which you said was the bedroom of who?

8 A L.T. and S.T.

9 Q And was there a third bedroom in that residence?

10 A I believe so.

11 Q That was occupied by W.T.?

12 A W.T.

13 Q And did you use an alternative light source in the
14 bedroom of W.T.?

15 A No.

16 Q Anywhere, the sheets or the bed or anything else?

17 A No.

18 Q In regards to the further testing, when you submit the
19 materials, is there a request to test items or is it just
20 submitted in bulk and the lab tests the evidence?

21 A The evidence officer would ultimately fill out
22 paperwork to send. I do not do that.

23 Q I know you mentioned a few officers as well as
24 Detective Wheeler. Who would be the evidence officer that
25 would make that request?

26 A At that time, it would have either been Detective
27 Silva or Detective Murray.

1 Q Okay, but they would make the request --

2 A Five years ago, yeah, it would have been either
3 Detective Murray or Silva. One was transitioning from one
4 position to the other.

5 Q And they're the ones that communicated with the lab?

6 A Yes.

7 Q Now, you said that people usually consent to a buccal
8 swab.

9 A Correct.

10 Q What happens when they don't consent to a buccal swab?

11 A We can apply for a search warrant to obtain DNA.

12 Q Aside from the people that you mentioned, did you seek
13 elimination swabs of anyone else?

14 A To my knowledge, no.

15 Q Now, the testing that you do with this alternative
16 light source, you indicated there were two different glasses
17 that can identify different types of material, different
18 types of fluids.

19 A No, one pair of glasses.

20 Q Oh, it's the light that's different.

21 A Yeah, there's three light sources: a white light, a
22 blue light, an ultraviolet light.

23 Q And among those fluids that can be identified are
24 semen?

25 A In the pamphlet, it simply says body fluids. It
26 doesn't necessarily say semen, saliva. It just says body
27 fluids.

1 Q Are you aware that it can identify semen, saliva,
2 fecal matter within that testing, within that alternative
3 light source?

4 A I'm aware it probably could, yes.

5 Q When you do the testing in the field, the examination
6 with the alternative light source, you can't identify what
7 it is. You just know there's some --

8 A No. So once it illuminates, it tells us that there's
9 some type of bodily fluid there, but it doesn't tell us what
10 it is. Ultimately, that's the lab's job to determine what
11 that is.

12 Q So you know that it's a bodily fluid, potentially even
13 epithelial cells, and then the lab further identifies what
14 that can be. Is that fair to say?

15 A Yes.

16 Q When you were looking at the beds in the room that was
17 occupied by L.T. and S.T., both beds had comforters?

18 A I'd have to look at the picture again, but I believe
19 so.

20 Q Would it be easier to read your report?

21 A Sure.

22 THE COURT: Would that help you refresh your
23 recollection?

24 THE WITNESS: It will. And I'm reading it to
25 myself, correct?

26 ATTY. BERKE: Yes, please.

27 THE WITNESS: Okay.

1 Q You've had a chance to review that document?

2 A Yeah.

3 Q Okay. If I can ask you to just answer the question
4 based upon reading the document, sir?

5 THE COURT: Does that help refresh your
6 recollection to the question?

7 THE WITNESS: The photo would a little bit
8 better because ultimately I indicate that it's -- I
9 don't know if I can say it or not. You told me to
10 read it to myself.

11 THE COURT: No, you can't.

12 Q I'm just going to show you two photos, State's Exhibit
13 7 and 8, if this is of any assistance.

14 A Okay, yes, they have comforters on them, or what I
15 would call comforters.

16 THE COURT: All right, so just for the record,
17 you've shown him State's Exhibit 7 and 8, full
18 exhibits?

19 ATTY. BERKE: Yes.

20 THE COURT: Okay, thanks.

21 Q So each of the beds had comforters. Did each of the
22 beds have top sheets?

23 A Are you referring to this blue blanket or a sheet
24 underneath the comforter?

25 Q Well, I didn't ask you in detail, but the sheets
26 underneath the comforter.

27 A There should be sheets under the comforter, yes.

1 THE COURT: "Should be?" Is there?

2 THE WITNESS: This one, L.T.'s bed.

3 Q So L.T.'s bed, there was a sheet under the comforter?

4 A Yeah, I believe it was a star pattern.

5 Q And what about the other bed, S.T.'s bed? Was there a
6 sheet under the comforter?

7 A I'm just referring to the report. S.T.'s did have a
8 sheet.

9 Q S.T.'s and L.T.'s both had sheets?

10 A Yeah.

11 Q Now, what I probably should have clarified is some
12 people have top sheets and fitted sheets or a top sheet and
13 a sheet that's tucked in. Do you know if there were sheets
14 on the full-sized bed in addition to a top sheet? Was there
15 a fitted sheet under there?

16 A I don't recall. I'd have to look at a photo of it
17 pulled back.

18 Q Did you seize a fitted sheet from the full-sized bed?

19 A Whatever sheet is listed on the evidence.

20 Q Do you remember if you seized a fitted sheet from the
21 twin bed?

22 A From five years ago? I do not, no.

23 Q What document would assist that? You didn't answer
24 that question.

25 A It would be logged as evidence. We'd have to -- if
26 there's one sheet in there, it's probably the top sheet.
27 You'd have to open the bag to see.

1 Q That would be within your report?

2 A No. It just says a sheet.

3 Q Does it say what sheet?

4 A It just says -- can I say it? I don't know if you
5 want me to say it or not.

6 THE COURT: Go ahead.

7 Q Well, will this refresh your memory if you had --

8 A It just says stain on L.T.'s top sheet.

9 Q Is there a fitted sheet on L.T.'s bed?

10 A That doesn't indicate a fitted sheet.

11 Q And was there a top sheet on S.T.'s bed? I apologize
12 if this is repetitive. I just want to make sure we're clear
13 on this. Was there a top sheet on S.T.'s bed?

14 A This also states S.T.'s bed with the sheets removed,
15 and we photo'd that.

16 Q Sheets plural?

17 A Sheets plural.

18 ATTY. BERKE: I have nothing else. Thank you.

19 THE COURT: Any redirect?

20 ATTY. DAVIS: Briefly.

21 REDIRECT EXAMINATION BY ATTY. DAVIS:

22 Q You just referred to your report. If there was a
23 stain that you saw on L.T.'s fitted sheet, would that be in
24 your report?

25 A Yes.

26 Q And was it in your report when you just looked?

27 A I didn't see a fitted sheet, no.

1 Q And you were asked a lot of details about this case.
2 Was this your case?

3 A No.

4 Q And how does that work within the Trumbull Police
5 Department?

6 A This particular case, this was assigned to Detective
7 Wheeler and ultimately overseen by Detective Sergeant
8 Coppola, who ultimately signs off the case at the bottom.
9 So it would have Detective Wheeler's name signed off by a
10 supervisor.

11 Q So is it safe to say that your involvement in this
12 case is limited to those incidents we just talked about?

13 A Correct.

14 Q And did you have specific knowledge about any other --
15 were you a part of any interviews in relation to this case?

16 A No. The forensics and all that was Detective Wheeler.

17 Q Okay, so Detective Wheeler did (indiscernible)?

18 A Yes.

19 ATTY. DAVIS: Nothing further.

20 RECROSS-EXAMINATION BY ATTY. BERKE:

21 Q So you didn't make any independent decisions on what
22 to test? That was strictly your direction from Lieutenant
23 Wheeler -- Detective Wheeler?

24 A He's a detective. What to test as far as sending to
25 the lab?

26 Q No, what to test in the field at the house.

27 A Correct, he's the one who guided us to the bedroom.

1 Q So if he said just test the bedroom, that's what you
2 would do?

3 A Yes.

4 ATTY. BERKE: I have nothing else.

5 ATTY. DAVIS: Nothing further.

6 THE COURT: All right, you're excused Detective
7 Sergeant. Thank you.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Can I see counsel, please, just over
10 here quick?

11 (Sidebar)

12 THE COURT: It's funny, the lawyers are -- both
13 sets of lawyers are wanted in other courtrooms, but I
14 have you as a jury, so that keeps them here. So
15 there are judges -- you'll see me, every once in a
16 while, look at my phone. There will be a judge
17 saying, "Hey, I need Berke tomorrow," or, you know,
18 "I need Davis tomorrow." And I get to trump them
19 because I have a jury. That's the way it should
20 work. So I just had to get the names of -- I don't
21 want you to think we're working on top-secret stuff
22 over here. It's just I have to notify a judge that
23 one of the lawyers is in front of me on jury trial,
24 so that's what it's going to be. So is that it for
25 today?

26 ATTY. DAVIS: It is, Your Honor.

27 THE COURT: All right. Ladies and gentlemen,

1 we're going to leave a little early today, seven
2 minutes early, which is a good thing. Mrs. McShane
3 is cooking meatloaf today, so that's -- I like to get
4 home early for that. I'm going to give you your
5 usual admonition, and Mr. Dawkin (phonetic), at the
6 end of this, will be able to tell you all without
7 having me do it. But I do it every time because it's
8 important.

9 Please do not make up your mind or form any
10 opinions about the evidence you've heard so far.
11 Please do not discuss it with anyone, including
12 fellow jurors. You are not to seek out any
13 information outside the courtroom related to the case
14 or the evidence you've heard thus far, and you are
15 not to do any independent examination or go to the
16 scene of this alleged incident. And remember,
17 evidence comes from two sources. It comes from
18 properly introduced exhibits, which we have, and
19 court-sworn testimony. So anything else happening
20 outside here is not evidence and you should not take
21 that into consideration.

22 So I'm going to ask you -- you can leave your
23 notepads inside. Again, we put them in a secured
24 place. No one reads your notes. And then tomorrow
25 if you could, at a quarter to 10, go upstairs to the
26 jury assembly room. We'll bring you down here.
27 We're going to be in a different courtroom, so you

1 can't leave anything in here. We're going to be in a
2 different courtroom, a bigger courtroom, only because
3 this is unavailable tomorrow. So thank you, ladies
4 and gentlemen. We'll see you tomorrow.

5 (The jury exits the courtroom)

6 THE COURT: Bring them back out. We have a
7 question by the jury. It's why weren't there opening
8 statements. I'm going to explain that to them now.
9 I don't want them to think about it overnight.

10 (The jury enters the courtroom)

11 THE COURT: Hey, I brought you back in here
12 because I did receive a note. This is exactly how it
13 should be done. The note was, "Why wasn't there
14 opening statements before the jury trial started?"
15 And there's a good reason for that: we don't do them
16 in Connecticut. You know, it's so funny because, you
17 know, when I was a trial lawyer, I went to a seminar,
18 and I'm sitting in there and the instructor says,
19 "All right, McShane, get up and give your opening
20 statement." I went, "What opening statement?" And
21 they treated me -- and I finally had to convince them
22 that we don't have them here in Connecticut.

23 We're one of the few states that don't have it.
24 On the civil side, I believe they do, but on the
25 criminal side, we don't do it. So that's why, okay?
26 I didn't want you overnight thinking, "Why, why,
27 why," or, "Maybe McShane forgot it." That's not the

1 case. We just don't do them. Okay, see you all
2 tomorrow.

3 (The jury exits the courtroom)

4 THE COURT: That's it? Do we have anything else
5 you want to take up in the next few minutes?

6 ATTY. BERKE: There is something briefly. I was
7 wondering if the Court would entertain an oral motion
8 for a 54-56e. I can file the document because I've
9 been with you all day. But this way, the staff --

10 THE COURT: Oh, right. This is on that other
11 docket number?

12 ATTY. BERKE: Right. The clerk's office will be
13 able to address that.

14 THE COURT: Yes. Can I just have a docket
15 number, please? This is on the other case, the case
16 that's not on trial. It's FB-CR20-336784. With
17 regards to those particular charges, I will accept an
18 oral motion under 54-56e and I'm just going to
19 continue it -- actually, you know what, I'm going to
20 give it a date out and give it a date out of February
21 14th. Madam Clerk has the form here, so you can just
22 fill that out afterwards.

23 ATTY. BERKE: Certainly.

24 THE COURT: Thank you. All right, can you raise
25 your right hand, please? Do you solemnly swear or
26 affirm, as the case may be, to the truth of the
27 contents or the testimony you shall give, so help you

1 God or upon penalty of perjury?

2 THE DEFENDANT: I do.

3 THE COURT: And for the record, I'm asking Mr.
4 Hall. You know what, I'm not going to put him under
5 oath. The application has been filed, and we'll
6 proceed from here.

7 ATTY. BERKE: If we can defer the oath until
8 another court date?

9 THE COURT: Thank you. We will.

10 ATTY. BERKE: Statutorily, it's

11 THE COURT: It's not mandated. It's mandated
12 for the actual granting of the program, but this is a
13 legal facility we're taking in order to seal.

14 ATTY. BERKE: Yes.

15 ATTY. DAVIS: You kind of covered it with that,
16 Your Honor, but I just wanted to say for the record
17 -- we did discuss this in chambers -- the State is
18 not agreeing to this, but it's not a formality and I
19 understand why the Court's doing it.

20 THE COURT: Yep, this is strictly a formality.
21 My concern is this -- and you know, it goes to what I
22 have when I talk -- please sit down -- about the
23 people in the audience. We take such great lengths
24 to make sure that there is an equal playing field, so
25 to speak. If Mr. Hall was locked up, we would make
26 sure jurors never saw shackles or handcuffs or
27 anything like that. People who are locked up are

1 afforded an opportunity to wear street clothes, so to
2 speak.

3 So this is a way to make the playing field
4 equal, and that is by -- somewhere out there, maybe
5 on the internet and maybe posted at the G.A., there
6 would be an indication that he has another case --
7 he, meaning Mr. Hall, has another case that he's not
8 on trial for now. And whether or not that would --
9 you know, a juror -- a potential juror -- a juror
10 could look at that and say, you know, "Where there's
11 smoke, there's fire. He was charged with something
12 else. He must be guilty of something." So I'm doing
13 this out of fairness. And just like, you know, I'm
14 telling the jury every time, every day please don't
15 look at the back of the courtroom for evidence
16 because there's not evidence back there, we're doing
17 this to make it equal for everyone. Do you have
18 something else?

19 THE CLERK: Yeah, there's an application
20 (indiscernible).

21 THE COURT: And the application fee is waived.

22 THE CLERK: Yes, Your Honor.

23 THE COURT: All right, so thank you, everyone,
24 and we'll see you tomorrow. We're going to be
25 downstairs in 3A, and that's it. Thanks.

26

27

FBT-CR20-0336785-T : SUPERIOR COURT
STATE OF CONNECTICUT : JUDICIAL DISTRICT OF BRIDGEPORT
v. : AT BRIDGEPORT, CONNECTICUT
NICHOLAS HALL : FEBRUARY 4, 2025

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

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Bridgeport, Bridgeport, Connecticut, before the Honorable Peter McShane, Judge, on the 4th day of February, 2025.

Dated this 5th day of March, 2025 in Danielson,
Connecticut.

Erin Baxter

Erin Baxter
Court Recording Monitor