

1 COUNTY COURT OF THE STATE OF NEW YORK

2 COUNTY OF OSWEGO: CRIMINAL TERM:

3 -----x

4 THE PEOPLE OF THE STATE OF NEW YORK

Indict. No.  
94C-0161

5  
6 - against-

HEARING  
VOLUME 4

7 GARY THIBODEAU,

8 Defendant.

9 -----x

10 Oswego County Courthouse  
11 25 E. Oneida Street  
Oswego, NY 13126

12 DATE: January 15, 2015

13 B e f o r e:

14 HONORABLE DANIEL R. KING  
15 Acting County Court Judge

16 A p p e a r a n c e s:

17 GREGORY S. OAKES, ESQ.  
District Attorney, Oswego County  
18 MARK M. MOODY, ESQ.  
Chief Assistant District Attorney

19 OFFICE OF THE FEDERAL PUBLIC DEFENDER  
20 By: LISA PEEBLES, ESQ., Public Defender  
RANDI JUDA BIANCO, ESQ., Assistant Public Defender

21 Defendant is present

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08:43:13

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I N D E X      T O      W I T N E S S E S

Direct    Cross    Redirect    Recross

FOR THE DEFENDANT:

Kathryn Bamford	522	542	560	564
Michael Bohrer	568	598	620	--
Danielle Babcock	631	635	636	--
Joe Mannino	637	645	660	664
Amanda Braley	667	676	--	--

I N D E X      T O      E X H I B I T S

Identification      Evidence

FOR THE DEFENDANT:

68. Bamford report	--	536
68-A. Hawk's certification	--	525

FOR THE PEOPLE:

K. Braley affidavit	692	--
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09:21:14 1 THE COURT: Before we go forward today, we  
09:21:16 2 have conferenced a number of matters in chambers, and I  
09:21:19 3 want to place those matters on the record. The first  
09:21:22 4 will be the issue of Jennifer Wescott. Ms. Wescott I'm  
09:21:27 5 assuming was scheduled to testify today as a witness  
09:21:30 6 for the Federal Public Defender, is that correct?

09:21:33 7 MS. PEEBLES: That's correct, Judge.

09:21:34 8 THE COURT: And this person is?

09:21:35 9 MS. PEEBLES: Our next witness.

09:21:36 10 THE COURT: Oh, okay. Can we hold her back  
09:21:38 11 for awhile?

09:21:41 12 MS. BIANCO: Yes.

09:21:42 13 THE COURT: Thank you. The Court received a  
09:21:43 14 phone call from Mr. Oakes yesterday afternoon about  
09:21:47 15 4:10, actually my confidential attorney did, and  
09:21:50 16 apparently, Mr. Oakes, Ms. Wescott spoke or attempted  
09:21:53 17 to speak to you in detail and you kind of cut her off  
09:21:55 18 and she said she wants an attorney. That's the message  
09:21:58 19 we were conveyed. Is that correct and accurate?

09:22:00 20 MR. OAKES: That is, Your Honor.

09:22:01 21 THE COURT: In light of the fact that in  
09:22:03 22 review of Ms. Wescott's statements that she may have or  
09:22:08 23 may not have made declaration against penal interest,  
09:22:13 24 the Court is going to assign her an attorney. That  
09:22:15 25 does unfortunately delay or take your -- your schedule

09:22:19 1 of witnesses out of order. Any objection to the Court  
09:22:22 2 appointing an attorney for Ms. Wescott?  
09:22:25 3 MS. PEEBLES: No, Your Honor.  
09:22:25 4 MR. OAKES: No, Your Honor.  
09:22:26 5 THE COURT: I also disclosed to the parties  
09:22:28 6 that I'm not a judge who sits in Oswego County so I'm  
09:22:31 7 somewhat at a disadvantage regarding the Assigned  
09:22:35 8 Counsel pool. We had a contact with an attorney last  
09:22:37 9 evening who we had originally assigned to represent Mr.  
09:22:40 10 Bohrer. He is unavailable, so we are going to go off  
09:22:42 11 the list and start calling attorneys today. Any  
09:22:45 12 objection?  
09:22:46 13 MS. PEEBLES: No, Your Honor.  
09:22:47 14 MR. OAKES: No.  
09:22:48 15 THE COURT: Okay, next, Mr. Bohrer's attorney  
09:22:53 16 please.  
09:22:57 17 MR. WEGERSKI: Good morning, Judge. John  
09:22:59 18 Wegerski, attorney for Michael Bohrer. Judge, as  
09:23:02 19 you're aware, I approached the Court this morning and I  
09:23:05 20 respectfully requested that I be allowed to make  
09:23:06 21 objections during Mr. Bohrer's testimony. My request  
09:23:10 22 is based upon amendments, recent amendments to the CPLR  
09:23:13 23 including 3113 Section C which allows an attorney to --  
09:23:19 24 an attorney for a non -- a non-party witness, counsel  
09:23:23 25 to object during a deposition. Making the leap from a

09:23:28 1 deposition itself to a hearing of this nature, I'm  
09:23:30 2 looking at the CPL itself, 60, Section 60 Subsection 10  
09:23:34 3 which will allow the CPLR to govern the CPL in an  
09:23:39 4 instance where there is not a direct point, law or rule  
09:23:42 5 for that scenario.

09:23:44 6 THE COURT: Ms. Peebles, do you wish to be  
09:23:45 7 heard?

09:23:46 8 MS. PEEBLES: We -- I would obviously object  
09:23:48 9 to that request, Your Honor.

09:23:49 10 THE COURT: Mr. Oakes?

09:23:49 11 MR. OAKES: I do, I don't think it applies to  
09:23:52 12 this situation, Your Honor.

09:23:53 13 THE COURT: Sir, we have researched the CPLR  
09:23:58 14 and the CPL as they relate to this issue, and the Court  
09:24:00 15 cannot make the leap from a pretrial deposition into a  
09:24:05 16 hearing, I don't believe the courts at this point have,  
09:24:09 17 whether the CPL is amended to that extent. I certainly  
09:24:12 18 appreciate your effort on behalf of your client to  
09:24:15 19 protect your client, but at this time the Court's going  
09:24:16 20 to deny that request.

09:24:18 21 MR. WEGERSKI: Thank you, Judge.

09:24:19 22 THE COURT: Thank you, sir.

09:24:21 23 MR. OAKES: Excuse me, Your Honor, may I  
09:24:22 24 approach with counsel?

09:24:24 25 THE COURT: Yes.

09:25:28 1 (Whereupon, there was an off the record  
09:25:36 2 discussion at the bench.)

09:25:36 3 THE COURT: Also yesterday, also yesterday a  
09:25:42 4 motion was made by Mr. Oakes regarding exhibit --  
09:25:46 5 Defendant's Exhibit 35, in particular, Ms. Tonya  
09:25:51 6 Priest's statement that was contained in Exhibit 35.  
09:25:54 7 Ms. Peebles argued that it should be allowed in as a  
09:25:57 8 piece of evidence for the Court to consider as a  
09:25:59 9 statement. Mr. Oakes argued that it was his intention  
09:26:02 10 to limit its introduction to be more of a disclosure  
09:26:06 11 issue only. The Court has researched the issue and the  
09:26:10 12 Court is going to rule in favor of Ms. Peebles in this  
09:26:12 13 case. Mr. Oakes, I know this is over your objection.  
09:26:15 14 The Court feels as though you did not limit the  
09:26:18 15 stipulation enough to qualify this as only a piece for  
09:26:22 16 disclosure, not for the Court's consideration as a  
09:26:25 17 statement, and I know that's over your objection,  
09:26:29 18 correct?

09:26:29 19 MR. OAKES: That is correct, Your Honor, yes.

09:26:30 20 THE COURT: Ms. Peebles, I assume that's not  
09:26:32 21 over your objection?

09:26:33 22 MS. PEEBLES: No, it's not, Your Honor. Thank  
09:26:34 23 you.

09:26:34 24 THE COURT: Okay, the Court's going to need  
09:26:36 25 about two minutes to give some information to Mr.

09:26:37 1 Lyndaker regarding Ms. Wescott that was provided by the  
09:26:41 2 District Attorney's Office, okay? Mr. Miles, can I  
09:26:54 3 speak to you for a second please?

09:26:56 4 MR. MILES: Sure.

09:26:57 5 (Whereupon, there was a pause in the  
09:30:56 6 proceeding.)

09:30:56 7 THE COURT: Is Mr. Bohrer here?

09:31:03 8 MR. WEGERSKI: He's not here. He's on his  
09:31:07 9 way. I did speak with him.

09:31:09 10 THE COURT: Do you want to call another  
09:31:11 11 witness?

09:31:12 12 MS. PEEBLES: Yes, Judge, we'll call Kathryn  
09:31:15 13 Bamford.

09:31:31 14 THE CLERK: Please step in the box, remain  
09:31:33 15 standing. Please raise your right hand, place your  
09:31:35 16 left hand over the Bible.

17 K A T H R Y N B A M F O R D, Called as a witness, having  
09:31:38 18 been duly sworn, was examined and testified as follows:

09:31:38 19 THE CLERK: Please state and spell your first  
09:31:42 20 and last name for the record.

09:31:43 21 THE WITNESS: Kathryn, K-A-T-H-R-Y-N, Bamford,  
09:31:49 22 B-A-M-F-O-R-D.

09:31:56 23 THE COURT: Ms. Bamford, I'm going to ask you  
09:31:59 24 whether or not you consent to have your testimony  
09:32:01 25 videotaped and audio taped.

09:32:02 1 THE WITNESS: Yes.

09:32:02 2 THE COURT: Thank you.

3 DIRECT EXAMINATION

09:32:03 4 BY MS. PEEBLES:

09:32:04 5 Q. Ms. Bamford, where are you currently employed?

09:32:07 6 A. I am the managing partner at Rochester Psychological  
09:32:10 7 Associates in Fairport, New York, and have been in that  
09:32:13 8 position since 2003.

09:32:15 9 Q. And how long have you been a psychologist in private  
09:32:18 10 practice?

09:32:19 11 A. For seventeen years.

09:32:20 12 Q. Please tell us what your education and experience is  
09:32:26 13 in the field of clinical psychology.

09:32:27 14 A. I have a Bachelor's from John's Hopkins University,  
09:32:30 15 I have a Master's in neuroscience from the University of  
09:32:32 16 Rochester. I have a doctorate in psychology from SUNY  
09:32:37 17 Buffalo, and I did my clinical psychology internship at the  
09:32:41 18 University of Rochester School of Medicine. My original  
09:32:48 19 areas in academic research were cognitive neuroscience and  
09:32:52 20 neuropsychology. Now in clinical practice I treat  
09:32:58 21 psychological issues in adult patients. I also do some  
09:33:03 22 pre-employment screening for high risk professions, and I  
09:33:07 23 do forensic psychology evaluations.

09:33:11 24 Q. In addition to your work as a clinical psychologist,  
09:33:14 25 are you also a member of the Massasauga Search & Rescue



09:33:18 1 Team?

09:33:18 2 A. Yes.

09:33:19 3 Q. What does the Massasauga Search & Rescue Team do?

09:33:22 4 A. Our team is a volunteer non-profit organization that  
09:33:26 5 provides skilled field search personnel and search  
09:33:31 6 management personnel and K-9 units to assist local, state  
09:33:38 7 and federal agencies in that they request our assistance in  
09:33:43 8 searching for lost and missing persons.

09:33:46 9 Q. And what is your position with the Massasauga Search  
09:33:50 10 & Rescue Team?

09:33:50 11 A. I am elected as a board member serving as treasurer  
09:33:55 12 since 2008. I'm also the K-9 training officer and I'm a  
09:34:00 13 team leader.

09:34:01 14 Q. How long have you been a member of the Massasauga  
09:34:05 15 Search & Rescue Team?

09:34:05 16 A. This year will be my thirteenth year.

09:34:07 17 Q. What type of training have you received as a K-9  
09:34:11 18 search and rescue handler?

09:34:11 19 A. I started K-9 search and rescue training in 2003  
09:34:16 20 with my first dog Cody initially. I did in-house training  
09:34:23 21 with senior handlers, and then I started attending outside  
09:34:27 22 workshops and seminars with K-9 master trainers all over  
09:34:31 23 the east coast, the midwest, Michigan, Florida, I have even  
09:34:38 24 been out in Oregon and trained down in Oregon. I have  
09:34:43 25 attended for the last seven of eight years, I've attended

09:34:46 1 week long seminar at the International Police Work Dog  
09:34:51 2 Association National Conference. I've attended a forensic  
09:34:56 3 anthropology cadaver dog workshop at the Western Carolina  
09:35:00 4 University, a clandestine grave workshop through the  
09:35:04 5 forensic anthropology program at the University of Florida  
09:35:08 6 in Gainesville. I've also taken online courses through  
09:35:16 7 K-9, Maine K-9 Services, so overall I have attended about  
09:35:23 8 forty-two outside workshops, continuing education programs  
09:35:29 9 over the past twelve years.

09:35:31 10 Q. Are you currently working with a particular dog?

09:35:35 11 A. Yes. My current dog now is K-9 Hawk. My first dog  
09:35:41 12 Cody is retired.

09:35:42 13 Q. What breed is Hawk?

09:35:43 14 A. Hawk's a Golden Retriever.

09:35:45 15 Q. And how long have you had Hawk?

09:35:48 16 A. He was born in October of oh-nine and I took him  
09:35:53 17 home at eight weeks.

09:35:54 18 Q. Does Hawk have a pedigree?

09:35:56 19 A. Yes. He's registered with the American Kennel Club.

09:36:00 20 Q. Now, have you trained together with Hawk?

09:36:03 21 A. Yes. I've started his search and rescue training  
09:36:09 22 in -- when he was about six months old.

09:36:11 23 Q. Please describe the various certifications regarding  
09:36:16 24 the training that Hawk has been involved with.

09:36:21 25 A. Hawk is a certified odor detection dog for human

09:36:26 1 scent both live and deceased, so his wilderness air scent  
09:36:32 2 training is for live and his human remains detection  
09:36:37 3 certifications are for both land and water.

09:36:42 4 Q. I'm going to approach and hand you what's been  
09:36:47 5 marked as defense Exhibit 68-A. (Showing to Mr. Oakes).

09:37:09 6 THE COURT: 68-A you said, Ms. Peebles?

09:37:13 7 MS. PEEBLES: A, yep.

09:37:16 8 Q. Ms. Bamford, I'm going to hand you what's been  
09:37:19 9 marked as 68A and ask if you can identify what that exhibit  
09:37:22 10 is.

09:37:22 11 A. These are the certifications, certificates for Hawk  
09:37:27 12 in the areas of human remains detection that he's obtained.

09:37:32 13 MS. PEEBLES: Your Honor, at this time I'd  
09:37:35 14 like to move 68-A into evidence.

09:37:38 15 MR. OAKES: No objection, Your Honor.

09:37:39 16 THE COURT: 68-A is in.

17 (Defendant's Exhibit No. 68-A was received in  
09:37:40 18 evidence).

09:37:40 19 Q. Now what is the first certificate on the first page  
09:37:43 20 of that -- first page of that exhibit, what is that  
09:37:47 21 certification for?

09:37:49 22 A. The first page is his human remains crime scene  
09:37:56 23 certification which he obtained in September of last year,  
09:38:02 24 2014.

09:38:03 25 Q. And how about the second page?

09:38:07 1 A. The second page is his first HRD certification which  
09:38:13 2 he obtained in August of 2011. The third page is the  
09:38:21 3 advanced cadaver search which he obtained in August of  
09:38:26 4 2012, and the last one is his certification in water  
09:38:33 5 recovery which he obtained in October of 2013.

09:38:37 6 Q. Now, in order for Hawk to get those certifications  
09:38:42 7 or those certificates, is he required to pass various  
09:38:47 8 tests?

09:38:47 9 A. Yes.

09:38:48 10 Q. And what were the results of his tests?

09:38:50 11 A. He passed all of them without a problem.

09:38:52 12 Q. Are you a member of a professional association for  
09:38:55 13 K-9 SAR or K-9 LE?

09:38:59 14 A. Yes. I'm a member of the International Police Work  
09:39:02 15 Dog Association.

09:39:03 16 Q. Is the International Police Work Dog Association  
09:39:06 17 recognized by the federal government as a certifying  
09:39:09 18 organization for search and rescue dogs?

09:39:11 19 A. Yes. NIMS, which is the National Incident  
09:39:13 20 Management System, and Typed Search & Rescue & Emergency  
09:39:18 21 Resources recognizes IPWDA, NPWDA, NASAR, USPCA and FEMA as  
09:39:27 22 certifying organizations for SAR K-9s.

09:39:29 23 Q. So when was Hawk first certified by the  
09:39:32 24 International Police Work Dog Association?

09:39:34 25 A. August of 2011.

09:39:36 1 Q. And does Hawk have to be periodically retested in  
09:39:40 2 order to maintain his certifications with this  
09:39:42 3 organization?

09:39:42 4 A. Yes, every two years in each discipline.

09:39:45 5 Q. And what does it mean to be certified as a cadaver  
09:39:50 6 dog?

09:39:50 7 A. It means that the K-9 team, which is the handler and  
09:39:54 8 dog, have been tested by a master trainer, K-9 master  
09:40:01 9 trainer, using standardized testing that adheres to  
09:40:07 10 industry standards and is found -- has been found to be  
09:40:11 11 reliable in detecting the target odor of human remains and  
09:40:16 12 locating the source within a reasonable distance.

09:40:19 13 Q. Is Hawk trained in charred remains of human -- for  
09:40:25 14 human detection?

09:40:26 15 MR. OAKES: Objection. Leading, Your Honor.

09:40:27 16 THE COURT: I'll allow it.

09:40:29 17 A. Yes. Actually it's a source that we train on  
09:40:34 18 routinely and also it is required because the -- one of the  
09:40:39 19 tests for the certification process is a burn scenario, so  
09:40:45 20 the dog has to be able to recognize charred remains.

09:40:49 21 Q. What is it that Hawk is searching for when he  
09:40:53 22 conducts a cadaver search?

09:40:54 23 A. He is looking for the odor of decomposing human  
09:41:01 24 remains, and when he gets that odor, if he follows it to  
09:41:06 25 the highest concentration, he'll locate the source or some

09:41:11 1 area very close to the source.

09:41:13 2 Q. Have you worked together with Hawk in actual search  
09:41:17 3 and rescue situations where Hawk was working as a cadaver  
09:41:20 4 dog?

09:41:20 5 A. Yes. He's been on about fourteen recovery missions.

09:41:23 6 Q. And how has Hawk performed in those other cases?

09:41:26 7 A. He's performed very well, and even recently in March  
09:41:31 8 of 2014 he located the body of a missing woman who was in  
09:41:38 9 the partially iced over river, the Genesee River.

09:41:43 10 Q. Now I want to ask you about a search you conducted  
09:41:46 11 on October twenty-third of 2014 in the woods off of Rice  
09:41:51 12 Road. On that day, were you asked to perform a search with  
09:41:54 13 your trained cadaver dog Hawk?

09:41:56 14 A. Yes.

09:41:56 15 Q. Who asked you to perform the search that day?

09:41:59 16 A. You did.

09:42:00 17 Q. When you went to Rice Road on October twenty-third,  
09:42:03 18 2014, did any other K-9 team from the Massasauga Search &  
09:42:09 19 Rescue Team also search the same area?

09:42:11 20 A. Yes. My teammate, Dana Malabar (ph), and his K-9  
09:42:17 21 Libby also.

09:42:17 22 Q. So Dana Malabar is also a volunteer with you at the  
09:42:20 23 Massasauga Search & Rescue?

09:42:22 24 A. Yes, that is correct.

09:42:23 25 Q. And how long has Dana been working with K-9 Libby on

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your team?

A. Dana --

MR. OAKES: Objection. Objection, foundation.

THE COURT: Lay a foundation she has some knowledge. Sustained.

Q. You mentioned that Dana Malabar volunteers with you at the Massasauga Search & Rescue Team?

A. Yes.

Q. And when did he start working with you on the Massasauga Search & Rescue Team?

A. He's been on the team I believe for ten years.

Q. Do you know whether Libby is also certified as a police work dog for human remains detection?

MR. OAKES: Objection, Your Honor, hearsay.

THE COURT: I'll allow it. Can you lay some foundation though as to why she would have some knowledge of that?

THE WITNESS: I'm the K-9 training officer for the --

Q. So as a K-9 training officer, explain to the Court what exactly it is that you do in order for, you know, to put the team together.

A. So the K-9 training officer just organizes the day, you know, the month to month, week to week trainings and making sure there's a schedule, and but we have standards,

09:43:31 1 and people have to meet those standards such as attendance  
09:43:34 2 and I monitor that. Also all our dogs have to be certified  
09:43:39 3 and kept up with their certifications in order to be  
09:43:42 4 deployed, and since I'm usually deciding who is going to be  
09:43:47 5 deployed on what searches, I have to know what dogs are up  
09:43:51 6 to date, or if dogs are about to be in need of  
09:43:55 7 recertification, I work with them in terms of making sure  
09:43:58 8 that they're -- the training schedule is on and that we get  
09:44:02 9 them recertified, so I'm aware of every dog on our team and  
09:44:07 10 their certification status.

09:44:09 11 Q. And who -- who asked Dana to come along with the --  
09:44:14 12 with you on the search on October twenty-third of 2014?

09:44:18 13 A. I did.

09:44:18 14 Q. And is there any particular reason that you chose  
09:44:22 15 Dana Malabar and his dog Libby?

09:44:24 16 A. Dana has, you know, had a good record with the team.  
09:44:30 17 His dog is very reliable. He's a very experienced handler  
09:44:35 18 and the dog is very experienced.

09:44:38 19 Q. Do you have knowledge regarding Libby's experience  
09:44:41 20 on other case -- Libby's results on other cadaver searches  
09:44:45 21 and how she performed?

09:44:46 22 A. Yes, Libby's --

09:44:48 23 MR. OAKES: Objection. Hearsay, Your Honor.

09:44:50 24 THE COURT: She asked if she had any knowledge  
09:44:51 25 so I'm going to hear the answer, the dog trainer



09:44:55 1 assuming --

09:44:56 2 THE WITNESS: Yes, yes, I do.

09:44:57 3 Q. And were you personally present when that took  
09:45:00 4 place?

09:45:00 5 A. I'm sorry, when what took place?

09:45:03 6 Q. When -- have you ever been in a search, a cadaver  
09:45:06 7 search with Libby and Dana aside from October twenty-third  
09:45:10 8 of 2014?

09:45:10 9 A. Yes.

09:45:11 10 Q. And so are you aware of how Libby was performing?

09:45:15 11 A. Yes.

09:45:15 12 Q. And how did Libby perform?

09:45:17 13 A. Libby's been on approximately thirty-five or so  
09:45:25 14 recovery missions, and she has recovered four deceased  
09:45:32 15 victims, and she has recovered the bones of another cold  
09:45:39 16 case victim as well as having located actually one living  
09:45:44 17 person that we thought was supposed to be dead but was  
09:45:47 18 hiding.

09:45:49 19 Q. Thank you. Who else was present on October  
09:45:52 20 twenty-third of 2014 other than Dana and his dog Libby?

09:45:56 21 A. You and Randy Bianco.

09:45:59 22 Q. Describe if you will the area you were asked to  
09:46:01 23 search.

09:46:02 24 A. It was an area about four-hundred feet south of Rice  
09:46:08 25 Road on the south side of a small creek. It was a small

09:46:12 1 area inside a woodlot, area was about a quarter to a third  
09:46:17 2 of an acre large. It was strewn with manmade debris that  
09:46:22 3 looked like it had come from a collapsed structure. The  
09:46:27 4 center of the area had been flattened and was just dirt  
09:46:32 5 without any vegetation, and it looked like that the -- some  
09:46:37 6 machine had come in and flattened it and moved the soil  
09:46:42 7 which was slightly mounded along the sides.

09:46:45 8 Q. Once you arrived at the site, describe how you  
09:46:49 9 conducted the search.

09:46:50 10 A. Well, the first thing I did was assess the scene for  
09:46:53 11 safety, and then when I determined there were no safety  
09:46:57 12 issues, I determined which direction the wind was coming  
09:47:01 13 from which was basically north, it varied north/northeast,  
09:47:07 14 north/northwest, and using that information, I planned my  
09:47:11 15 search so that I would start from the south end moving  
09:47:14 16 northward so that I could quarter the wind for Hawk.

09:47:21 17 Q. Now, what did you observe Hawk do as he searched?

09:47:24 18 A. So after I released him with his search command, he  
09:47:29 19 started ranging out, made a couple of passes through the  
09:47:32 20 area, and on one pass by a large tree, he suddenly stopped,  
09:47:40 21 turned around a hundred and eighty degrees, went back to  
09:47:43 22 the tree with his head held high, and his sniffing pattern  
09:47:48 23 had changed, he was sniffing up the trunk, then he sniffed  
09:47:52 24 down below the trunk to the area which was part of the  
09:47:56 25 flattened dirt area. He continued to move along the dirt

09:48:01 1 sniffing very intensely, pawing at it a little bit, and he  
09:48:06 2 moved northward along this entire area of dirt, paying, you  
09:48:11 3 know, very intense. He gets up to a little area that's  
09:48:16 4 like a mounded area at the end, and there's a branch or a  
09:48:21 5 root there, and he started sniffing very intensely there,  
09:48:27 6 dug a little bit with his paw, snorted in the soil, and  
09:48:30 7 then he downed, and when he downed, that's his indication  
09:48:33 8 that he had detected the odor of human remains.

09:48:37 9 Q. Where was K-9 Libby and handler Dana Malabar when  
09:48:41 10 you commanded Hawk to search?

09:48:43 11 A. He stayed back at a distance where he would not be  
09:48:46 12 able to see the search I conducted with Hawk. The purpose  
09:48:50 13 of this was so that Dana would not be biased by having  
09:48:54 14 observed what Hawk was doing.

09:48:56 15 Q. And was there a way in which to communicate with Mr.  
09:49:01 16 Malabar to let him know when we were done?

09:49:04 17 A. Yes, we both had radios.

09:49:06 18 Q. Now please explain the difference between an alert  
09:49:09 19 versus as you just testified an indication?

09:49:11 20 A. An alert is a change in the dog's natural behaviors  
09:49:16 21 that are clearly visible as they're searching for odor and  
09:49:20 22 they come into odor. These changes can include the changes  
09:49:25 23 in the dog's speed and direction, changes in the dog's  
09:49:29 24 posture and body carriage, and importantly, changes in the  
09:49:33 25 dog's sniffing pattern.

09:49:34 1 Q. Now, when Hawk gave an indication, he went down, so  
09:49:39 2 what does that mean to you?

09:49:40 3 A. So the indication is a trained behavior that the dog  
09:49:46 4 uses to communicate when the dog is in odor, and for  
09:49:51 5 cadaver dogs, the trained indication is frequently a sit or  
09:49:55 6 a down.

09:49:58 7 Q. What did you do after Hawk gave his first  
09:50:02 8 indication?

09:50:03 9 A. I commanded him to continue searching, and I  
09:50:07 10 directed him around the periphery of that flattened area  
09:50:13 11 into the area where all the debris was mounded up, and as I  
09:50:17 12 walked around the perimeter there with the debris, I had  
09:50:21 13 detail, had him do a detailed search of that debris, and  
09:50:25 14 then as we got around, finished the debris pile, there were  
09:50:32 15 no other alerts or indications, but we moved sort of back  
09:50:36 16 into the dirt area, and when he got to the dirt area he  
09:50:39 17 started sniffing again very intensely in the dirt, dug a  
09:50:43 18 little bit in that flattened depression area, and then he  
09:50:49 19 quickly returned right back to the spot where he indicated  
09:50:52 20 before and he downed again. At that point, I ended the  
09:50:57 21 search, put him on lead, and took him out of the area, and  
09:51:01 22 I called Dana on the radio to tell him that we had  
09:51:06 23 completed our search.

09:51:07 24 Q. So he laid down twice in the same spot?

09:51:12 25 A. Yes.

09:51:14 1 Q. I'm going to hand you what's been marked as  
09:51:24 2 Defendant's Exhibit 68. (Showing to Mr. Oakes). Ms.  
09:51:39 3 Bamford, I'm going to approach and hand you what's been  
09:51:41 4 marked as Defense Exhibit 68 and ask if you can identify  
09:51:45 5 what that document is.

09:51:46 6 A. This is the K-9 search report that I wrote up after  
09:51:52 7 that afternoon after I returned home.

09:51:55 8 Q. And what does it consist of?

09:51:57 9 A. It's my brief narrative and then there's a  
09:52:02 10 topographic map that I generated using computer software  
09:52:07 11 program that we frequently use on searches. The -- so this  
09:52:14 12 is in black and white, but the little box I drew in that  
09:52:19 13 was a rough estimate of the area we searched, and then  
09:52:23 14 those three stars are the downloaded way points for his two  
09:52:31 15 alerts and the one indication.

09:52:35 16 MS. PEEBLES: Your Honor, at this time I'd  
09:52:36 17 like to offer in Defendant's Exhibit 68.

09:52:41 18 THE COURT: Any objection?

09:52:43 19 MR. OAKES: If I may have a moment, Your  
09:52:45 20 Honor.

09:52:45 21 THE COURT: Sure.

22 (Whereupon, there was a pause in the  
09:52:58 23 proceeding).

09:52:58 24 MR. OAKES: No objection, Your Honor.

09:53:00 25 THE COURT: Sixty-eight's in.

1 (Defendant's Exhibit No. 68 was received in  
09:53:01 2 evidence).

09:53:01 3 Q. Now I cut you off, I apologize. Now what were you  
09:53:04 4 saying?

09:53:04 5 A. The last page are after the search, I took some  
09:53:09 6 photos just to have a better orientation since the area is  
09:53:16 7 just all dirt and woods and it can often all start looking  
09:53:19 8 the same, a picture can help, showing the tree where he  
09:53:24 9 alerted, the -- and the far end where he indicated.

09:53:30 10 Q. Now, and you also made the hand map of the search,  
09:53:37 11 and that's the second page of that document?

09:53:41 12 A. Well, this is a computer generated map.

09:53:44 13 Q. That you actually entered in the information and  
09:53:46 14 that's what was produced?

09:53:47 15 A. Yes.

09:53:48 16 Q. Were actual physical remains located in the area  
09:53:53 17 searched by Hawk?

09:53:55 18 A. Nothing was visible to me.

09:53:56 19 Q. Can you explain human decomposition odor?

09:54:00 20 A. When a body begins to decompose after death, all the  
09:54:08 21 tissue breaks down into chemical components. Many of these  
09:54:12 22 chemical components evaporate or easily vaporized at normal  
09:54:18 23 temperature and pressure and they're called volatile  
09:54:22 24 organic compounds or VOCs. The tissue as it's breaking  
09:54:26 25 down is off gassing these VOCs, and the chemicals are also

09:54:30 1 in the decomposition fluid which is then leaching into the  
09:54:35 2 site wherever the body's decomposing. These decomposition  
09:54:41 3 VOCs create the odor profile that the dog's nose and  
09:54:48 4 olfactory system are trained to detect.

09:54:50 5 Q. Now, if a body is charred or burned, would that be  
09:54:55 6 something that Hawk would indicate on if he were searching  
09:54:59 7 as a cadaver dog?

09:55:00 8 A. Yes.

09:55:01 9 Q. Will Hawk indicate for the presence of animal  
09:55:05 10 remains or decomposition?

09:55:08 11 A. No. They're -- dogs are proved off of animal  
09:55:12 12 remains in training.

09:55:13 13 Q. And what do you mean proved off? How do they do  
09:55:16 14 that?

09:55:16 15 A. Well, we put out distractor animals, dead animals,  
09:55:20 16 or there -- when we are doing natural training, if you go  
09:55:23 17 in the woods, you always find old deer bones or maybe a  
09:55:27 18 dead possum or a dead raccoon, and in the early stages of  
09:55:33 19 imprinting on the odor, young dogs, when they go over to  
09:55:37 20 smell that, are told leave it, no, so they never get  
09:55:41 21 rewarded for that so they learn that that's a no, and this  
09:55:45 22 is such an important issue that even in the certification  
09:55:49 23 process, it's required that animal remains be put out as  
09:55:53 24 distractor items because the dogs are not permitted to ever  
09:55:59 25 alert on animal remains.

09:56:00 1 Q. Have you witnessed Hawk ever indicate on animal  
09:56:04 2 remains?

09:56:04 3 A. In his early -- well, he never indicated, he always  
09:56:08 4 showed interest because dogs do that when they're very  
09:56:11 5 young, it's part of the training process, they go over and  
09:56:13 6 they smell something, but he has never given an indication  
09:56:18 7 on animal remains.

09:56:19 8 Q. Now, after Hawk searched the area, did Mr. Malabar  
09:56:25 9 conduct a search in that area?

09:56:26 10 A. Yes, he did.

09:56:27 11 Q. Did you witness that search?

09:56:29 12 A. Yes. I was about fifty to sixty feet up the hill  
09:56:34 13 and so I could look down and observe what he was doing.

09:56:38 14 Q. Tell the Court what you saw him do.

09:56:42 15 A. Dana performed the search pattern about the same way  
09:56:47 16 I did 'cause the wind was still coming out of the north, so  
09:56:50 17 he started at the southeast corner and started working  
09:56:56 18 Libby from the south toward the north, and Libby ranged out  
09:57:01 19 and immediately was attracted to the -- that dirt  
09:57:08 20 depression that was sort of in the center of the area, and  
09:57:11 21 she started sniffing there very intensely at the same area  
09:57:15 22 that Hawk had been interested in, but she actually downed  
09:57:20 23 on that site, and then she moved up toward the area where  
09:57:25 24 Hawk had indicated, and about three feet away from it, she  
09:57:31 25 downed again, and then she continued the search and she



09:57:35 1 worked her way around that little mound, and at that mound,  
09:57:41 2 at the exact same location that Hawk had downed, she downed  
09:57:45 3 again. Then Dana did the same thing, he took her around  
09:57:48 4 the perimeter of the area, and he had her detail the debris  
09:57:52 5 pile, and I didn't observe any alerts or indications there  
09:57:59 6 and then he completed his search.

09:58:03 7 Q. Now, you said that Libby has the same training that  
09:58:08 8 Hawk has.

09:58:08 9 A. Yes.

09:58:09 10 Q. What was the GPS location where both Hawk and Libby  
09:58:17 11 indicated for the presence of human remains?

09:58:19 12 A. On my report it is under evidence found, it's number  
09:58:25 13 three. It says K-9 indication, and those coordinates are  
09:58:32 14 UTM coordinates using the datum WGS eighty-four, and I  
09:58:40 15 believe on Dana's report he also it's number three.

09:58:48 16 Q. Now, are you familiar with the search that was  
09:58:50 17 conducted by the Oswego County SAR Team and the Oswego  
09:58:54 18 County Sheriff's Department?

09:58:56 19 A. The grid search that was conducted I think some time  
09:58:59 20 in August?

09:59:00 21 Q. Yes.

09:59:01 22 A. Yes.

09:59:02 23 Q. Did you review any reports in connection with that  
09:59:04 24 search?

09:59:04 25 A. Yeah. I saw the -- the areas that were searched,

09:59:09 1 and I saw the sign-in sheets and the communication log.

09:59:15 2 Q. And about that search, what if anything did you  
09:59:20 3 notice in connection with what they actually did?

09:59:25 4 MR. OAKES: Objection, Your Honor.

09:59:27 5 THE COURT: Based on what?

09:59:28 6 MR. OAKES: Based on hearsay, and she's  
09:59:29 7 reviewing documents she has no personal foundation or  
09:59:32 8 knowledge of what took place.

09:59:34 9 THE COURT: Sustained.

09:59:36 10 Q. Well, you're an experienced -- you have been  
09:59:37 11 involved in many searches as you previously testified,  
09:59:40 12 right, Ms. Bamford?

09:59:41 13 A. Yes.

09:59:42 14 Q. So you're familiar with what a grid search is.

09:59:44 15 A. Yes.

09:59:44 16 Q. And when you were reviewing the documents that I  
09:59:48 17 sent to you, did you determine whether or not they  
09:59:51 18 conducted a grid search?

09:59:53 19 MR. OAKES: Objection, Your Honor, again,  
09:59:54 20 based on hearsay.

09:59:55 21 THE COURT: I'm going to sustain.

09:59:56 22 Q. Okay, what are grid searches used for?

09:59:59 23 A. Grid searches are used for looking for a person who  
10:00:04 24 might be down, like collapsed, a person who is -- so you're  
10:00:18 25 going to need to find them, you're going to need to walk up

10:00:21 1 on them, and in a case where it's a twenty year old cold  
10:00:27 2 case --

10:00:29 3 MR. OAKES: Objection, Your Honor,  
10:00:30 4 non-responsive.

10:00:32 5 MS. PEEBLES: I asked her when you would use a  
10:00:34 6 grid search.

10:00:34 7 THE COURT: No, you asked her what a grid  
10:00:36 8 search is.

10:00:38 9 Q. And when would you use a grid search?

10:00:40 10 A. You would use a grid search for again, for a live  
10:00:44 11 person that you're looking for who might be down, and you  
10:00:46 12 would also use it in a criminal case where you're looking  
10:00:51 13 for evidence, and there's going to be evidence visible, so  
10:00:55 14 you might be, you know, might be told to look for a cell  
10:00:59 15 phone or a purse or hat or gloves. There's always evidence  
10:01:07 16 out there, but you're not going to be looking for  
10:01:14 17 disarticulated remains that have been out there for twenty  
10:01:17 18 years.

10:01:17 19 Q. Thank you, Ms. Bamford.

10:01:20 20 MS. PEEBLES: No further questions.

10:01:26 21 THE COURT: Give me a second please, Mr.  
10:01:29 22 Oakes.

10:01:29 23 MR. OAKES: Certainly, Your Honor.

10:01:32 24 (Whereupon, there was a pause in the  
10:01:37 25 proceeding.)

10:01:37 1 THE COURT: Ms. Peebles, could he have your  
10:01:40 2 microphone please?

10:01:42 3 MS. PEEBLES: Sure.

10:01:55 4 THE COURT: Go ahead, Mr. Oakes, when you're  
10:01:57 5 ready, sir.

10:01:58 6 MR. OAKES: Thank you, Your Honor.

10:01:59 7 CROSS-EXAMINATION

10:02:00 8 BY MR. OAKES:

10:02:01 9 Q. Good morning, Ms. Bamford.

10:02:16 10 A. Good morning.

10:02:17 11 Q. My name is Greg Oakes, the district attorney. I'm  
10:02:21 12 going to ask you some questions. If you don't understand  
10:02:24 13 the question that I ask you or if you are confused, just  
10:02:27 14 ask me to rephrase, okay?

10:02:28 15 A. Yes.

10:02:29 16 Q. Okay, Ms. Bamford, you testified initially about  
10:02:32 17 your training and education as a psychologist?

10:02:35 18 A. Um hum.

10:02:35 19 Q. You're not testifying here as a psychologist this  
10:02:38 20 morning though, correct?

10:02:39 21 A. That's correct.

10:02:39 22 Q. And you told Ms. Peebles you went to a location on  
10:02:45 23 Rice Road?

10:02:46 24 A. Yes.

10:02:47 25 Q. In the Town of Mexico?

- 10:02:48 1 A. Yes.
- 10:02:48 2 Q. Had you ever been to that location before, ma'am?
- 10:02:51 3 A. No.
- 10:02:51 4 Q. Had you read about it in the news or heard about it
- 10:02:54 5 in the news?
- 10:02:55 6 A. I had seen, yes, that there had been a search in
- 10:03:01 7 sometime during the summer.
- 10:03:02 8 Q. And you went to a particular spot in those woods?
- 10:03:10 9 A. Yes.
- 10:03:11 10 Q. Is that correct? Now, had Ms. Peebles advised you
- 10:03:14 11 of the particular spot or the type of spot prior to you
- 10:03:18 12 going there for the search?
- 10:03:19 13 A. Yes. She told me it was going to be a small area
- 10:03:22 14 where there had been a collapsed structure of some sort.
- 10:03:27 15 Q. Had you seen any photographs of that structure, of
- 10:03:30 16 that area prior to going there?
- 10:03:32 17 A. Yes, I had.
- 10:03:33 18 Q. Okay, and who provided those photographs to you?
- 10:03:36 19 A. Ms. Peebles.
- 10:03:37 20 Q. And the area that you were asked to search then,
- 10:03:43 21 approximately how big is it say in square feet?
- 10:03:47 22 A. Well, it's about a quarter of an acre. It's like
- 10:03:53 23 the size of a small backyard.
- 10:03:55 24 Q. And how did you arrive at that location, ma'am?
- 10:03:59 25 A. We parked at a different location off of Rice Road

10:04:04 1 where we could park the vehicles, and then we had to hike  
10:04:08 2 in a little distance to it.

10:04:09 3 Q. Okay. Now, did you enter the wooded area from the  
10:04:13 4 road itself or did you park say at a neighbor's property  
10:04:16 5 and walk in?

10:04:16 6 A. No, we were on the road.

10:04:19 7 Q. Okay, and so when you walked in from the road, how  
10:04:22 8 easy or how difficult was it to get to the site?

10:04:25 9 A. Well, we were parked at a location that was west of  
10:04:31 10 the site, so we didn't go like directly south from the  
10:04:36 11 cars, so the cars weren't parked directly north of the  
10:04:40 12 site. We were off to the west, so we entered the woods a  
10:04:44 13 little bit and then headed east, and then we followed the  
10:04:48 14 stream there. The stream kind of runs east/west, and so we  
10:04:53 15 followed the stream until we came to the site. We had to  
10:04:57 16 cross the stream, and then we arrived at that location.

10:05:00 17 Q. Now, how did you know to go to that particular spot  
10:05:05 18 in the woods?

10:05:05 19 A. Ms. Peebles directed us there.

10:05:08 20 Q. Okay, so rather than saying being at the roadside  
10:05:14 21 and just letting Hawk loose to go into the woods, you were  
10:05:17 22 basically led to a very specific site by Ms. Peebles.

10:05:21 23 A. Yes. The whole -- the whole search scenario was  
10:05:26 24 going to be just that site.

10:05:27 25 MR. OAKES: Okay. Now, Your Honor, can I have

10:05:30 1 Exhibit 35 please which has been admitted? Thank you.

10:06:02 2 Q. Now, the wooded area that you were looking at was on  
10:06:07 3 the south side of Rice Road?

10:06:08 4 A. Yes.

10:06:08 5 Q. Did you notice whether there were any structures on  
10:06:11 6 the north side of Rice Road?

10:06:12 7 A. No, I didn't go over there at all.

10:06:15 8 Q. Okay, so you don't know if there were any structures  
10:06:19 9 of any type across from the location on Rice Road?

10:06:22 10 A. I have no firsthand knowledge.

10:06:25 11 Q. Okay. Now, as you entered the woods from the  
10:06:28 12 roadway, would you say that the trees were thick?

10:06:34 13 A. I would say that it was a not very thick forest,  
10:06:39 14 there were a lot of trees, but the understory is not very  
10:06:42 15 thick at all except right when you get around the creek  
10:06:46 16 which is common where there's a lot of water and sunshine,  
10:06:49 17 you get some brambling brushes.

10:06:53 18 Q. Now, would you agree with the statement then that  
10:06:55 19 the woods were, you know, thick, and that it was hard to  
10:06:58 20 get through there so that most people would have turned  
10:07:01 21 around?

10:07:01 22 A. No, I would not.

10:07:08 23 Q. Now how long did it take you to get to that spot in  
10:07:11 24 the woods? You said it was about four-hundred feet?

10:07:13 25 A. If you took a direct line from that site due north

10:07:20 1 to the road, it was four-hundred feet, but since we were  
10:07:24 2 parked quite a bit west, it took us, you know, twice that.  
10:07:31 3 Like we probably walked eight-hundred feet.

10:07:33 4 Q. Okay, so approximately how long did that take you  
10:07:37 5 ballpark?

10:07:39 6 A. Less than ten minutes.

10:07:43 7 Q. Now, at any point during that -- now, as you were  
10:07:51 8 walking, at any point did you cross any railroad tracks?

10:07:55 9 A. No.

10:07:55 10 Q. Did you get another spot of thick brush at any point  
10:08:02 11 while you were walking?

10:08:03 12 A. No.

10:08:03 13 Q. And did you get to an area where it opened up at the  
10:08:08 14 center of the woods and there's basically a small field  
10:08:12 15 there?

10:08:13 16 A. No.

10:08:14 17 Q. Okay, so this structure that you're talking about is  
10:08:16 18 not in an open field across from the railroad tracks from  
10:08:20 19 where you entered?

10:08:21 20 A. No.

10:08:21 21 Q. Now, before your dog begins the search of the area,  
10:08:32 22 do you ever check it for safety to make sure there's no  
10:08:36 23 hazards to your dog to get hurt?

10:08:38 24 A. Yes. That's what I stated I did as my first  
10:08:42 25 priority.



- 10:08:42 1 Q. Okay, because you're concerned there might be nails  
10:08:45 2 or shards of glass or something that might cut the dog's  
10:08:49 3 paws?
- 10:08:49 4 A. For safety of the scene is for both the dog and the  
10:08:52 5 people involved.
- 10:08:54 6 Q. So did you take note of the objects that were around  
10:08:58 7 that -- well, let me rephrase. You said it looked like  
10:09:01 8 there was a structure there at one time?
- 10:09:02 9 A. Right.
- 10:09:03 10 Q. And but it looks like it had been kind of fallen  
10:09:06 11 down or torn down and kind of spread about?
- 10:09:09 12 A. Yes.
- 10:09:10 13 Q. Did you notice any wood stove or fireplace at the  
10:09:16 14 scene?
- 10:09:16 15 A. I don't recall.
- 10:09:18 16 Q. Now, Ms. Bamford, you said that dogs detect certain  
10:09:48 17 chemicals that are created by flesh when it decomposes?
- 10:09:52 18 A. Yes.
- 10:09:52 19 Q. Do you recall what the exact chemicals are?
- 10:09:56 20 A. There is a -- okay, so the study of human  
10:09:59 21 decomposition and the chemicals, there is probably over a  
10:10:07 22 hundred chemicals. The research that has been done by  
10:10:15 23 analytical chemist at Oak Ridge National Laboratories has  
10:10:19 24 shown that there are about -- there are thirty that are the  
10:10:23 25 most prominent and the most consistent. Of those thirty

10:10:29 1 chemicals, I can't name them all.

10:10:35 2 Q. That's okay, ma'am. That's okay. What I was going  
10:10:40 3 to ask you is when the dogs go through their training to  
10:10:44 4 detect on human cadavers, sometimes through that training,  
10:10:50 5 trainers will use bones from humans, see if a dog will  
10:10:55 6 detect on that, is that something they will use sometimes?

10:10:57 7 A. Yes. Sometimes we use dry bones.

10:10:59 8 Q. Okay.

10:10:59 9 A. There's two types of bones, a wet bone, that would  
10:11:03 10 be not fully decomposed, and then totally skeletonized dry  
10:11:08 11 bones, and those have very different odor compositions.

10:11:13 12 Q. And my understanding -- well, let me ask you, for  
10:11:20 13 your organization, do you have a certificate to use actual  
10:11:24 14 human remains as part of your training?

10:11:26 15 A. I use legally obtained remains which include there  
10:11:31 16 are places where you can buy very old skeletonized bones  
10:11:35 17 like the skeletons that have been discarded from old  
10:11:39 18 medical schools, they break those up. We can also possess  
10:11:45 19 blood, fluids from -- from wounds. We can also possess  
10:11:53 20 pieces of placenta, and so those are the types of tissues  
10:11:59 21 that we can use.

10:12:01 22 Q. Well, when you talk about blood or fluids from  
10:12:05 23 wounds, would a dog detect on blood that was in the woods,  
10:12:10 24 human blood that had been there decomposing?

10:12:13 25 A. If it was a large enough amount, yes.

10:12:16 1 Q. So hypothetically, if somebody had cut themselves or  
10:12:22 2 had an injury and stopped at that area and rested, and they  
10:12:26 3 bled into the soil, and then continued walking, the dog  
10:12:29 4 might detect on that blood because it's there and  
10:12:33 5 decomposing?

10:12:35 6 A. Yes, but over a period of time it will, you know,  
10:12:38 7 degrade to a point where it will be a smaller and smaller  
10:12:42 8 trace amount so that it would have to have been something  
10:12:46 9 that was relatively recent.

10:12:49 10 Q. Okay, but I guess my larger point is when we talk  
10:12:55 11 about cadaver recovery or cadaver location, we often think  
10:13:00 12 about bodies or parts of bodies being found, but it doesn't  
10:13:04 13 necessarily mean that it could be fluids from a person,  
10:13:07 14 correct?

10:13:07 15 A. It could be decomposition fluids.

10:13:10 16 Q. Okay.

10:13:10 17 A. Not -- like often people say like urine, urine's a  
10:13:15 18 fluid.

10:13:15 19 Q. Right.

10:13:16 20 A. But there is no tissue in urine.

10:13:19 21 Q. But again, to my hypothetical, if somebody were  
10:13:21 22 injured and bled in that area, the dog would detect it at  
10:13:26 23 some point and think of it as decomposing fluids,  
10:13:30 24 decomposing blood, and therefore, in the dog's terms,  
10:13:34 25 quote, a cadaver?

10:13:35 1 A. Yes. Blood is a tissue so it can decompose.

10:13:38 2 Q. And when you talk about blood degrading, does the  
10:13:43 3 blood have to degrade to a certain level for Hawk to detect  
10:13:46 4 on it?

10:13:46 5 A. So dogs are trained -- so it's a target odor is what  
10:13:53 6 the dog is trained on, so if you train a dog always on  
10:13:58 7 fresh blood, then that will be what the dog detects. If  
10:14:02 8 you train a dog on decomposing blood, meaning what's called  
10:14:07 9 aged blood, they will detect on that. We tend to detect on  
10:14:11 10 aged blood as opposed to fresh blood, but some dogs are  
10:14:18 11 trained like Maine -- well, the warden services or the  
10:14:24 12 rangers in a number of states who are enforcing  
10:14:28 13 conservation law are often looking for wounded animals, and  
10:14:32 14 they have dogs that are trained to find those wounded  
10:14:35 15 animals, and they are following a fresh blood trail, so  
10:14:40 16 those dogs are trained on fresh blood, but we -- we train  
10:14:45 17 on aging human blood.

10:14:49 18 Q. What age?

10:14:51 19 A. It could vary because we need to give the dog a  
10:14:55 20 lexicon of odors, so it can be like a few days old, a few  
10:15:02 21 weeks old, a few months old.

10:15:04 22 Q. So let's say -- again, what was the date that you  
10:15:08 23 went out to the site?

10:15:08 24 A. It was October twenty-third.

10:15:12 25 Q. Okay, say for hypothetical somebody was out there in

10:15:18 1 middle to late July of that same year, a few months before,  
10:15:21 2 and they were messing around and pulling -- pulling stuff  
10:15:25 3 out of there and cut themselves and bled, is that something  
10:15:29 4 your dog might detect then a few months later?

10:15:31 5 A. Not likely because if they cut their finger, the  
10:15:35 6 amount of blood, unless they died from that, exsanguinated  
10:15:40 7 at that site, that tiny amount of blood will -- will  
10:15:43 8 disintegrate to a level where it's not detectible.

10:15:47 9 Q. Well, and let's talk about that disintegration and  
10:15:51 10 degrading. You said over the period of time the odor fades  
10:15:55 11 from decomposition?

10:15:58 12 A. Yes. Well, the -- it depends on what chemicals are  
10:16:02 13 there. So you're talking about a single tissue of blood,  
10:16:05 14 that's just a single cell type, but when a body decomposes,  
10:16:09 15 it's many tissues and many cell types and many chemicals,  
10:16:14 16 so there's a huge difference between a drop of blood and  
10:16:19 17 all the tissue of the body decomposing.

10:16:24 18 Q. So just so I get this clear in my head then, so at a  
10:16:36 19 certain -- your ability to detect or the dog's ability to  
10:16:40 20 detect an odor is going to depend in part on how much fluid  
10:16:46 21 or initial material was there initially?

10:16:48 22 A. Yes.

10:16:50 23 Q. And if it's a small amount, they might be able to  
10:16:54 24 detect it for X amount of time, but if it's a large amount,  
10:16:59 25 they might be able to detect it X plus five, does that make

10:17:05 1 sense?

10:17:06 2 A. Roughly.

10:17:06 3 Q. Okay, so essentially the more fluid, the more

10:17:11 4 material, the later the dog would be able to detect it in

10:17:14 5 time, is that fair?

10:17:15 6 A. Yes, and they've shown it in research studies that a

10:17:20 7 decomposing body leaves a chemical -- chemical profile for

10:17:28 8 a dog that a dog is able to detect decades after the body

10:17:32 9 is decomposed because the chemicals get bound up in the

10:17:36 10 soil.

10:17:37 11 Q. Okay, so when you say decades, twenty years?

10:17:41 12 A. More than twenty years.

10:17:42 13 Q. Thirty years?

10:17:43 14 A. They -- more than -- they can detect -- they've

10:17:46 15 detected seventy, eighty, hundred year old grave sites.

10:17:49 16 Q. Okay, so if somebody had died on that site eighty

10:17:54 17 years ago, somebody was hunting in the woods and got shot,

10:17:59 18 died on that spot, your dog might have detected that hunter

10:18:04 19 from eighty years ago?

10:18:05 20 A. It could have.

10:18:07 21 Q. Your dog, when it detects -- well, to Ms. Peebles'

10:18:18 22 question, you didn't find any actual remains there did you?

10:18:21 23 A. No. I could not visualize anything.

10:18:24 24 Q. Okay.

10:18:25 25 A. But I didn't try to visualize anything. I didn't

10:18:28 1 disturb the site.

10:18:29 2 Q. Okay, and actually I believe you had testified that  
10:18:34 3 site looked like it had been dug through with a machine?

10:18:37 4 A. Yeah. It looked flattened.

10:18:40 5 Q. It looked like somebody had been digging in that  
10:18:48 6 area within the past couple months, few months?

10:18:51 7 A. Yes, 'cause there was -- it was clearly different  
10:18:53 8 from the surrounding areas. There was no vegetation, it  
10:18:57 9 was smooth, and there was little dirt mounds at the edges  
10:18:59 10 of it.

10:19:01 11 Q. Okay, and let me ask you if somebody again had died  
10:19:09 12 there eighty years ago from a shotgun wound and somebody  
10:19:14 13 came in and dug up that dirt and disturbed it, would that  
10:19:18 14 move that odor to various locations within that area?

10:19:22 15 A. Yes.

10:19:24 16 Q. And so that dogs might actually indicate on a few  
10:19:28 17 different areas because that dirt's been essentially spread  
10:19:31 18 around?

10:19:33 19 A. Yes.

10:19:33 20 Q. Okay, and you had indicated that -- I just want to  
10:19:40 21 be clear. You said that Hawk initially alerted on a spot,  
10:19:46 22 your dog Hawk had alerted on a spot, but then downed and  
10:19:51 23 indicated on another spot, is that correct?

10:19:52 24 A. Yes.

10:19:53 25 Q. But then you watched Libby go to that spot where

10:19:56 **1** Hawk first showed interest and actually indicated that  
10:20:00 **2** spot.

10:20:00 **3** **A.** Yes.

10:20:01 **4** **Q.** So the two dogs disagreed?

10:20:02 **5** **A.** No. What it is is there's, you know, small  
10:20:06 **6** differences, they're different animals, just like humans  
10:20:10 **7** are different humans, dogs are different dogs, and they  
10:20:13 **8** have, you know, small changes, they're small differences in  
10:20:16 **9** the threshold of detection.

10:20:18 **10** **Q.** But my question is Hawk went to spot X, sniffed it,  
10:20:23 **11** said there's nothing here and moved on?

10:20:26 **12** **A.** No. His alert says there is something here, I'm not  
10:20:31 **13** a hundred percent sure, it's crossed my threshold of  
10:20:35 **14** recognition.

10:20:36 **15** **Q.** Okay.

10:20:36 **16** **A.** And that's why a handler needs to look for alerts  
10:20:42 **17** and indications.

10:20:42 **18** **Q.** Okay, but the alert is essentially showing interest.  
10:20:46 **19** The indication is basically the doggy way of saying hey, I  
10:20:50 **20** found something.

10:20:51 **21** **A.** It's the dog's way of -- it's the way the handler  
10:20:54 **22** knows that a threshold of recognition has been crossed in  
10:20:59 **23** the dog's brain and the dog is saying "here."

10:21:02 **24** **Q.** Okay.

10:21:04 **25** **A.** If they could verbalize it, they'd be going I smell



10:21:07 **1** it a little bit here, I smell it a little bit more here, I  
10:21:11 **2** smell it a little bit more here, and oh, this looks like  
10:21:13 **3** it's the strongest, so I'm going to down.

10:21:20 **4** Q. But the indication is supposed to take it to the  
10:21:23 **5** strongest source, correct?

10:21:24 **6** A. Yes, but that can again, that will vary, and also we  
10:21:27 **7** conducted the search at a different time, so a period of  
10:21:31 **8** time had -- had gone by, and at that -- and with that, the  
10:21:36 **9** temperature was warming up, the winds can change a little  
10:21:40 **10** bit, so the air current that are carrying the scent can  
10:21:45 **11** vary over a period of fifteen minutes so that one minute  
10:21:48 **12** the scent is here and, you know, twenty minutes later the  
10:21:53 **13** scent might be like more concentrated two feet away, so  
10:21:58 **14** there are other variables here, but, you know, from my  
10:22:02 **15** perspective, the dogs' behaviors were totally consistent.

10:22:07 **16** Q. Okay, Ms. Bamford, my question is your dog Hawk went  
10:22:15 **17** to spot X and did not indicate, correct?

10:22:17 **18** A. Yes.

10:22:18 **19** Q. And Libby went to spot X and indicated.

10:22:22 **20** A. Yes. So she got -- so it detected -- it went over  
10:22:25 **21** the threshold of her detection and she said I think it's  
10:22:30 **22** here.

10:22:31 **23** Q. Now, again, using this spot X, does that mean  
10:22:37 **24** because the dog detects the odor at spot X, does that mean  
10:22:41 **25** that's where the death occurred or the decomposition

10:22:44 1 occurred?

10:22:44 2 A. Not necessarily, especially at that location where  
10:22:47 3 the soil had been moved clearly, been pushed around, so if  
10:22:54 4 soil under a body has been disturbed and flung in different  
10:22:58 5 areas, then it may appear, you know, in areas where the  
10:23:02 6 soil lands.

10:23:04 7 Q. That decomposition odor, can that be -- you said  
10:23:17 8 about being carried from wind, can a dog --

10:23:22 9 MR. OAKES: Actually excuse me one moment.  
10:24:06 10 (Whereupon, there was a pause in the  
10:24:07 11 proceeding.)

10:24:07 12 Q. When we talk about a body decaying over time, you  
10:24:12 13 said the odor will degrade, the odor will be essentially  
10:24:16 14 less strong the more time passes, is that fair to say?

10:24:21 15 A. It depends. There are too many variables there to  
10:24:28 16 make a generalized statement.

10:24:31 17 Q. And you said wind direction does play a role in  
10:24:38 18 where the dog detects or picks up the odor?

10:24:41 19 A. Yes.

10:24:41 20 Q. And I think you said that Hawk initially kind of  
10:24:45 21 went to a tree and kind of went up the tree and sniffed the  
10:24:49 22 air to pick up the odor initially?

10:24:51 23 A. Right.

10:24:51 24 Q. Have there been cases where dogs had essentially  
10:24:54 25 alerted on an area and the body might be a couple hundred

10:24:58 **1** yards downstream or upwind but the dog's picking up the  
10:25:04 **2** odor at that particular spot?

10:25:05 **3** **A.** Yes.

10:25:06 **4** **Q.** So using my hypothetical, if a body died thirty  
10:25:14 **5** years ago three-hundred yards upwind, and they're still  
10:25:18 **6** that strong odor there, Hawk could have actually  
10:25:21 **7** been detecting that odor and picking it up at the spot you  
10:25:24 **8** were looking at potentially?

10:25:26 **9** **A.** Not in -- in that -- well, you have to also then  
10:25:30 **10** factor in the terrain like what would be moving the odor,  
10:25:34 **11** is the terrain conducive to that kind of scenario, so if  
10:25:38 **12** you are looking like along a riverbed or a streambed and  
10:25:43 **13** the body is near the streambed and it's upstream, the dogs  
10:25:48 **14** could be alerting, you know, fifty, a hundred yards  
10:25:51 **15** downstream because the odors are being carried down. In  
10:25:56 **16** that particular case, the dogs were so intent on the dirt,  
10:26:01 **17** both dogs consistently showed the most interest on the  
10:26:05 **18** dirt, pawing at it, snorting at it, so you have to be able  
10:26:10 **19** to, you know, take into consideration the other variables.

10:26:16 **20** **Q.** So part of this -- part of I guess the results just  
10:26:23 **21** isn't just what the dog does but the handler's  
10:26:25 **22** interpretation of the dog's behavior?

10:26:27 **23** **A.** Well, right. Over training, you learn that so we're  
10:26:31 **24** in a flatland area in the woods, it's not the same as like  
10:26:35 **25** a mountainous region where if you are on the side of a

10:26:41 1 mountain and the air current are flowing up and the dog  
10:26:45 2 starts alerting on the side of a mountain, the body could  
10:26:48 3 be at the bottom where, you know, and the air current are  
10:26:52 4 bringing it up. This is a flat woodland area, so there  
10:26:55 5 were no terrain features or other environmental factors  
10:27:00 6 that would lead me to believe that scent was being carried  
10:27:05 7 from a distant location.

10:27:08 8 Q. And you're not testifying that the remains -- that  
10:27:12 9 the odor detected was charred human remains, that's not  
10:27:15 10 your testimony.

10:27:15 11 A. I can't say whether it's charred or not. I can just  
10:27:20 12 tell you that the dog will alert on all types of  
10:27:23 13 decomposing remains including charred remains.

10:27:26 14 Q. You're not saying that the remains were chopped up  
10:27:30 15 and buried in that spot necessarily.

10:27:32 16 A. I can't testify other than that there were -- there  
10:27:37 17 was the odor of human remains which means that there were  
10:27:41 18 the chemicals that produce that odor and that it came from  
10:27:45 19 a human body that was decomposed.

10:27:48 20 Q. So essentially you don't know how the remains came  
10:27:51 21 to be there either.

10:27:52 22 A. No, not as a dog handler.

10:27:54 23 Q. And you don't know really at what point in time the  
10:27:57 24 remains were actually there.

10:27:58 25 A. No, I cannot.

10:28:00 1 Q. You can't tell us how long the remains were actually  
10:28:03 2 there at that spot.

10:28:04 3 A. No, I cannot.

10:28:08 4 Q. Are you familiar with the background of this case  
10:28:11 5 and the purpose of this testimony?

10:28:13 6 A. A little bit.

10:28:14 7 Q. Ms. Bamford, are you telling the Court that Heidi  
10:28:18 8 Allen was buried at that spot?

10:28:21 9 MS. PEEBLES: Objection.

10:28:22 10 THE COURT: Argumentative. I'll sustain it.

10:28:28 11 Q. Ms. Bamford, you're not offering any testimony as to  
10:28:33 12 whether or not the victim in this case was at that  
10:28:35 13 particular location are you?

10:28:38 14 MS. PEEBLES: Same objection. She already  
10:28:39 15 said she doesn't know.

10:28:40 16 THE COURT: Sustained. Asked and answered.

10:28:42 17 MR. OAKES: Thank you very much, Your Honor.  
10:28:43 18 Thank you, Ms. Bamford.

10:28:49 19 MS. PEEBLES: Ms. Bamford, I just want to --

10:28:51 20 THE COURT: Give me a second please. I write  
10:28:55 21 slower.

10:28:56 22 (Whereupon, there was a pause in the  
10:28:59 23 proceeding.)

10:28:59 24 THE COURT: Whenever you're ready, Ms.  
10:29:07 25 Peebles. Thank you.

1 REDIRECT EXAMINATION

10:29:08 2 BY MS. PEEBLES:

10:29:08 3 Q. Ms. Bamford, I just want to clear something up real  
10:29:10 4 quick. Where you parked your car, Mr. Oakes was asking you  
10:29:15 5 where -- where the cars were parked. We weren't on the  
10:29:18 6 tarvia, paved road were we?

10:29:24 7 A. No, we were -- we pulled off on like a little dirt  
10:29:28 8 road that -- that ended like it would, you know, pulled off  
10:29:33 9 into the woods a tiny bit.

10:29:36 10 Q. Okay, and we were heading west in a westerly  
10:29:38 11 direction from that area?

10:29:42 12 A. To -- from the car to the area, we headed east.

10:29:47 13 Q. East, I'm sorry. Okay, so we weren't going in from  
10:29:52 14 Rice Road, we were going in from a road off of Rice Road?

10:29:56 15 A. No, we went in from Rice Road.

10:29:57 16 Q. Right, but where we parked on that little roadway,  
10:30:02 17 describe the area I guess is the best way I can say it.

10:30:05 18 A. Well, is it Route 11 that goes north/south? I think  
10:30:09 19 it's Route 11.

10:30:11 20 MR. OAKES: Your Honor, the People would  
10:30:13 21 stipulate that Route 11 runs north to south.

10:30:16 22 A. And then Rice Road turns off of Route 11, right? Is  
23 that correct?

10:30:23 24 MR. OAKES: May I, Your Honor?

10:30:23 25 THE COURT: Sure.

10:30:24 1 MR. OAKES: If you go up Route 11, go north,  
10:30:27 2 basically cross an intersection, four-way intersection,  
10:30:30 3 Rice Road is your next right, turn right on that, then  
10:30:33 4 you're heading east on Rice Road.

10:30:34 5 THE WITNESS: Right, and that's what we did.

10:30:36 6 Q. And then when we're on -- when you're on Rice Road,  
10:30:39 7 explain where you parked your car. I guess that's the --

10:30:41 8 A. We turned off onto a little clearing area that was a  
10:30:45 9 dirt road, it wasn't a road, and it was still west of the  
10:30:50 10 area that we eventually searched.

10:30:53 11 Q. Right, okay. Now Mr. Oakes was asking you some  
10:30:56 12 questions about the chemical compounds that may be -- may  
10:31:01 13 make up the odor that the dogs are alerting on. Do you  
10:31:04 14 remember when he was asking you those questions?

10:31:06 15 A. Yes.

10:31:06 16 Q. And you suggested that there are thirty or so  
10:31:09 17 chemicals that would be present if a human decomposition  
10:31:13 18 had occurred.

10:31:13 19 A. Yes.

10:31:14 20 Q. And do you have any firsthand knowledge whether the  
10:31:16 21 soil was tested in this case?

10:31:18 22 A. Yes, it was.

10:31:19 23 Q. And do you have any knowledge about what the results  
10:31:21 24 were?

10:31:23 25 A. Yes. A number of samples --

10:31:25 **1** MR. OAKES: Objection, Your Honor. Beyond the  
10:31:26 **2** scope of cross. There's no --

10:31:29 **3** THE COURT: Sustained.

10:31:29 **4** MR. OAKES: -- no testimony regarding testing  
10:31:32 **5** the soil.

10:31:33 **6** THE COURT: Sustained. No, you opened up the  
10:31:35 **7** question to the actual number of chemicals. I think  
10:31:37 **8** it's within that -- that frame. However, the question  
10:31:40 **9** is foundation.

10:31:42 **10** MS. PEEBLES: Yes, okay.

10:31:43 **11** Q. So you -- you're familiar with the results. Do you  
10:31:46 **12** know who tested the soil?

10:31:47 **13** A. Dr. Arpad Vass.

10:31:50 **14** Q. And who is Dr. Arpad Vass?

10:31:53 **15** A. He is an analytical chemist at the Oak Ridge  
10:31:57 **16** National Laboratory, and he is also an adjunct at the  
10:32:01 **17** University of Tennessee's forensic anthropology program and  
10:32:03 **18** he's probably the foremost expert --

10:32:05 **19** MR. OAKES: Objection, Your Honor.

10:32:08 **20** THE COURT: Well, she hasn't answered the  
10:32:10 **21** question in terms of what exactly the soil results  
10:32:12 **22** were, she is simply at this point qualifying the  
10:32:15 **23** individual who tested them. It's probably going to be  
10:32:17 **24** hearsay objection, but at this point I'll allow her to  
10:32:20 **25** continue.



10:32:20 1 MR. OAKES: Okay, thank you.

10:32:21 2 A. So he's one of the foremost experts in analysis of  
10:32:26 3 odor from decomposition of humans because he has been  
10:32:31 4 trying to develop a machine that will detect the odors in a  
10:32:38 5 way that the dog detects the odors.

10:32:40 6 MR. OAKES: Objection, Your Honor. Part of my  
10:32:42 7 objection is her description of this doctor as one of  
10:32:48 8 the foremost experts. We have no foundation as to his  
10:32:51 9 qualifications, who he is or what he's done in this  
10:32:53 10 case.

10:32:53 11 THE COURT: Either is a weight issue.  
10:32:55 12 Ultimately it's going to be does she know the results,  
10:32:57 13 and that's probably going to be where you're going to  
10:32:59 14 stand up and say hearsay.

10:33:01 15 MR. OAKES: Okay, thank you.

10:33:01 16 Q. And do you know whether or not Dr. Arpad Vass was  
10:33:07 17 provided with soil samples from the area in which Hawk  
10:33:10 18 searched?

10:33:10 19 A. Yes.

10:33:11 20 Q. And did you have an opportunity to review the  
10:33:13 21 results?

10:33:14 22 A. Well, I saw, yes, a brief communication in which he  
10:33:18 23 was able to detect --

10:33:19 24 MR. OAKES: Objection, hearsay.

10:33:21 25 THE COURT: Sustained.

10:33:25 1 MS. PEEBLES: Nothing further.

10:33:26 2 THE COURT: Mr. Oakes?

10:33:35 3 RECCROSS-EXAMINATION

10:33:36 4 BY MR. OAKES:

10:33:36 5 Q. Ms. Bamford -- Ms. Bamford, can you hear me okay?

10:33:43 6 A. Yes.

10:33:44 7 THE COURT: You're live.

10:33:45 8 Q. So you went up Route 11, you turned right on Rice  
10:33:51 9 Road, and you guys drove down a ways, you said the dirt  
10:33:54 10 road or the dirt road Ms. Peebles was talking about was  
10:33:58 11 essentially like a logging trail?

10:34:00 12 A. Looked like an old logging trail because we couldn't  
10:34:02 13 drive but a few feet in and then it was woods.

10:34:05 14 Q. Okay, but was there a gate there or was it just  
10:34:08 15 open?

10:34:08 16 A. There was no gate. There was no structure. There  
10:34:11 17 was nothing.

10:34:11 18 Q. Okay, and as you walk up from the roadway up that  
10:34:15 19 logging trail, was there a little knoll, a little hill,  
10:34:20 20 little hill?

10:34:20 21 A. I didn't go there.

10:34:22 22 Q. Okay.

10:34:22 23 A. But the location is actually absolutely mapped with  
10:34:26 24 a GPS on that map, and so if you took those coordinates  
10:34:31 25 which are universal coordinates, and you put it in, you

10:34:36 1 will get to the exact place where we were.

10:34:38 2 Q. Okay, and I understand that, Ms. Bamford, I'm just  
10:34:41 3 wondering how you got to that location. How far up that  
10:34:44 4 little logging trail did you go?

10:34:46 5 A. We just parked the cars, you could -- from the  
10:34:50 6 parked car, I could turn around and the blacktop road was  
10:34:56 7 right there.

10:34:56 8 Q. Okay. Now, when you took Hawk to the site that you  
10:35:01 9 mentioned this GPS, well, at what point did you give Hawk  
10:35:06 10 the signal to start sniffing?

10:35:09 11 A. Not until we got to the absolute site that I  
10:35:13 12 described which was only like a tiny little area around  
10:35:17 13 that decomposed trash area or decomposed scattered dirt,  
10:35:26 14 dug up area with the debris.

10:35:29 15 Q. Okay. Now, given the dog's sensitivity, has the dog  
10:35:34 16 ever started tracking or alerting to smells even though it  
10:35:38 17 hasn't been given the alert signal or the --

10:35:40 18 A. They can move their head around, but at that point  
10:35:43 19 he was on lead.

10:35:45 20 Q. Okay, did he -- when you first got out of the  
10:35:48 21 vehicle, did he pick up any scent or show any interest in  
10:35:51 22 that area?

10:35:52 23 A. No, but he wouldn't have because I didn't have him  
10:35:55 24 on command, and dogs are very contact specific, so it's  
10:35:59 25 common for me to take him out of the car, put him on lead

10:36:03 **1** and allow him to relieve himself by walking up to a couple  
10:36:06 **2** of trees and so he's not working.

10:36:09 **3** Q. Okay. Just to clarify, you talked about the GPS  
10:36:31 **4** coordinates, so how far did you walk from the logging road  
10:36:34 **5** to the site?

10:36:36 **6** A. About eight-hundred feet.

10:36:38 **7** Q. Okay, okay. Thank you very much, Ms. Bamford.

10:36:44 **8** MS. PEEBLES: No further questions. Thank  
10:36:45 **9** you.

10:36:45 **10** THE COURT: Thank you. You can step down.  
10:36:56 **11** Your client's here?

10:37:01 **12** MR. WEGERSKI: Yes, Judge.

10:37:02 **13** THE COURT: We'll reconvene at quarter to  
10:37:06 **14** eleven.

10:37:07 **15** (Whereupon, there was a recess.)

10:59:20 **16** THE COURT: Ready, folks?

10:59:22 **17** MS. PEEBLES: Yes.

10:59:23 **18** THE COURT: Okay, would you bring in -- do you  
10:59:26 **19** want Mr. Bohrer brought in?

10:59:28 **20** MS. PEEBLES: Yes, please.

10:59:30 **21** THE COURT: Bring Mr. Bohrer in. Before the  
10:59:31 **22** witness starts testifying, the Court will place on the  
10:59:33 **23** record that the Court has assigned an attorney to  
10:59:35 **24** represent Ms. Wescott at her request and that  
10:59:38 **25** attorney's being provided the necessary information to

10:59:40 1 bring him up to speed in terms of his client as well as  
10:59:46 2 contact information with Ms. Wescott, and there's no  
10:59:51 3 objection to the assignment, correct?

10:59:52 4 MS. PEEBLES: Correct.

10:59:54 5 MR. OAKES: Correct.

10:59:55 6 THE COURT: Thank you. Sir, have a seat.

11:00:06 7 Actually stand up. You need to be sworn.

11:00:12 8 THE CLERK: Raise your right hand, place your  
11:00:16 9 left hand on the Bible.

11:00:17 10 M I C H A E L B O H R E R, Called as a witness, having  
11:00:22 11 been duly sworn, was examined and testified as follows:

11:00:22 12 THE CLERK: Please state and spell your first  
11:00:24 13 and last name for the record.

11:00:25 14 THE WITNESS: State and spell you said?

11:00:27 15 THE CLERK: Yes.

11:00:27 16 THE WITNESS: Michael Bohrer, B-O-H-R-E-R.

11:00:32 17 THE CLERK: Please be seated.

11:00:34 18 THE COURT: Mr. Bohrer, as I asked you  
11:00:36 19 yesterday, I'm going to ask you again today, do you  
11:00:38 20 consent to having your testimony video taped and audio  
11:00:41 21 taped?

11:00:41 22 THE WITNESS: No.

11:00:43 23 THE COURT: Okay, thank you. Ms. Peebles,  
11:00:46 24 continue your direct.

11:00:46 25 MS. PEEBLES: Yes.

1 CONTINUED DIRECT EXAMINATION

11:00:47 2 BY MS. PEEBLES:

11:00:47 3 Q. Mr. Bohrer, when we left off yesterday, I was asking  
11:00:51 4 if you remember telling Investigator Pietroski and  
11:00:53 5 Investigator Johnson whether you lived at Spinners, that  
11:01:00 6 you lived at Spinners hotel in 1994. Do you remember me  
11:01:03 7 asking you that?

11:01:04 8 A. Yes.

11:01:04 9 Q. Okay, and is that true?

11:01:05 10 A. Yes.

11:01:06 11 Q. Now you had a post office box when you were living  
11:01:09 12 in that -- at Spinners hotel?

11:01:11 13 A. Yes.

11:01:12 14 Q. And that was at the New Haven Post Office?

11:01:14 15 A. Yes.

11:01:16 16 Q. And you would go there to pick your mail up?

11:01:19 17 A. Yes.

11:01:20 18 Q. Now, after Heidi Allen was missing April third of  
11:01:24 19 1994, you didn't pick your mail up for two weeks?

11:01:31 20 MR. MOODY: Judge, can -- objection, leading.

11:01:33 21 We're getting back into her leading her own witness.

11:01:36 22 THE COURT: I'm going to sustain.

11:01:36 23 Q. Do you remember when the -- you picked your mail up  
11:01:39 24 after -- how long it was after Heidi Allen was missing till  
11:01:43 25 the next time you picked your mail up at the New Haven Post

- 11:01:47 1 Office box?
- 11:01:48 2 A. No.
- 11:01:51 3 Q. When you were questioned by investigators, did they
- 11:01:59 4 ask you about where you were during that two-week period
- 11:02:02 5 between the time Heidi Allen was missing and the time you
- 11:02:05 6 picked up your mail at the post office box?
- 11:02:09 7 A. No, I -- I don't remember too much of that time.
- 11:02:18 8 Q. All right, I'm going to talk to you a little bit
- 11:02:20 9 more about your interview with Investigator Pietroski and
- 11:02:24 10 Investigator Johnson on March twenty-first of 2013, okay?
- 11:02:30 11 A. Okay.
- 11:02:31 12 Q. At one point you were telling them that you were
- 11:02:36 13 junking at Murtaugh's scrap yard.
- 11:02:38 14 A. Yes.
- 11:02:40 15 Q. Now, did you say you stopped going to Murtaugh's
- 11:02:45 16 after it became too hot?
- 11:02:48 17 A. Yes.
- 11:02:49 18 Q. What did you mean by that?
- 11:02:52 19 A. Murtaugh, Jr., while I was trying to take the chains
- 11:03:07 20 off the load, dropped the pay loader on top of the car
- 11:03:12 21 while I was there and basically said you're not welcome
- 11:03:18 22 here or something to that effect, and that was the last I
- 11:03:27 23 junked a vehicle there.
- 11:03:28 24 Q. Did you tell Investigator Pietroski that you had to
- 11:03:32 25 get the hell out of there?

11:03:34 1 A. I don't remember.

11:03:36 2 Q. Did you say that there was coke people at  
11:03:41 3 Murtaugh's?

11:03:42 4 MR. MOODY: Objection, Judge. She's leading  
11:03:45 5 again.

11:03:45 6 THE COURT: Sustained. You don't need to  
11:03:48 7 answer the question, sir.

11:03:49 8 Q. Let me ask you this, Mr. Bohrer. What type of  
11:03:56 9 people were hanging around at Murtaugh's junkyard back when  
11:03:58 10 you were scrapping vehicles in 1994?

11:04:02 11 MR. MOODY: Objection, Judge. What type of  
11:04:04 12 people? It's kind of speculative.

11:04:06 13 THE COURT: Yeah. I don't know if -- that  
11:04:09 14 does seem a little speculative, Ms. Peebles. Can you  
11:04:11 15 ask maybe more specific?

11:04:12 16 Q. Who was hanging around Murtaugh's junkyard in 1994?

11:04:16 17 A. People junking cars, just hard working, you know,  
11:04:29 18 dirty car haulers, you know. I didn't pay much attention  
11:04:32 19 to other people. I went in there to drop my load, paid  
11:04:35 20 attention to senior because he owned the place. I want to  
11:04:40 21 be a, you know, good guy with him, and junior, I didn't  
11:04:48 22 like him.

11:04:49 23 Q. Now, did you talk about being afraid of people  
11:04:54 24 around the Murtaugh's junkyard?

11:04:56 25 MR. MOODY: Objection. Can we have a time



11:04:58 1 frame and --

11:04:58 2 THE COURT: Time frame and close to leading

11:05:01 3 but I'll allow it. We need a time frame.

11:05:04 4 Q. I'm talking about an interview you had with

11:05:06 5 Investigator Pietroski and Investigator Johnson on March

11:05:09 6 twenty-first of 2013.

11:05:11 7 A. I became afraid of being there, yes.

11:05:15 8 Q. And why was that?

11:05:16 9 A. Because of Rick Murtaugh, Jr. primarily.

11:05:34 10 Q. And -- and why? What made you afraid?

11:05:38 11 A. Well, threatening to drop a pay loader on your head

11:05:43 12 kind of gave me a signal I should get out.

11:05:47 13 Q. Why would he have -- why would he have threatened

11:05:50 14 you in that fashion?

11:05:53 15 A. There was an incident where he hired me to take

11:06:00 16 aluminum to Roth Steel, and I was suspicious of his

11:06:09 17 authority to do that, was on a Saturday, and he says don't

11:06:15 18 worry about it, he's my father, blah, blah, blah, blah,

11:06:18 19 blah, blah, and I says well, if I get in trouble with this

11:06:24 20 load, I'm ratting you out. Straight up. I says I'm -- I

11:06:34 21 respect your father, and if you are stealing from him, I

11:06:40 22 don't want to be a part of it. I think his father was off

11:06:47 23 Las Vegas or something at the time, he's -- and so I hooked

11:06:55 24 up to the load of aluminum that he had already arranged,

11:07:01 25 and on my way out of the yard, apparently his cousin he

11:07:09 1 said it was showed up, so I looked Murtaugh, I says hey,  
11:07:17 2 you know, you going to get in trouble? He says don't worry  
11:07:20 3 about it, don't worry about it. I said all right. So I  
11:07:23 4 went, took the load to Roth Steel, came back, gave him his  
11:07:32 5 money, and that was that for that day. That was on a  
11:07:40 6 Saturday. The following Monday I come in and have a load,  
11:07:49 7 and Rich Murtaugh, Sr. approached me, big guy, and he says  
11:07:58 8 I want you to lay it out to me straight, and don't you lie  
11:08:01 9 to me, and did my son have you drop off aluminum to Roth  
11:08:12 10 Steel? I looked at him, I says yes, sir. He says okay.  
11:08:18 11 That's all I want to know. You can continue working here,  
11:08:23 12 you know, or using his services. So right then I knew  
11:08:29 13 well, I'm going to have problems with junior, and the  
11:08:33 14 following day I brought a load in and that led to the pay  
11:08:39 15 loader dropping on me.

11:08:40 16 Q. All right, now, during your interview with  
11:08:44 17 Investigator Pietroski and Investigator Johnson, you  
11:08:48 18 mentioned attempts on your life.

11:08:50 19 A. Yes.

11:08:51 20 Q. And you didn't articulate who was attempting to hurt  
11:08:55 21 you, but can you tell us who you were -- you believed would  
11:08:59 22 hurt you?

11:09:00 23 A. That would be speculating.

11:09:05 24 Q. Okay, well, what -- it wouldn't be speculating for  
11:09:09 25 you, I'm asking you who did you think was going to hurt

11:09:12 1 you?

11:09:13 2 A. Well, that was a good question. There are  
11:09:21 3 approximately four attempts in the twenty years, a couple  
11:09:27 4 of poisonings, but exactly pinpoint like who is giving the  
11:09:37 5 order? I wouldn't want to speculate.

11:09:46 6 Q. I wouldn't want you to speculate. Can you -- were  
11:09:49 7 those --

11:09:50 8 A. I can only describe the events.

11:09:55 9 MR. MOODY: Objection, Judge. How's this  
11:09:57 10 relevant to anything going on?

11:09:58 11 THE COURT: Yeah, how's it relevant to the  
11:09:59 12 Heidi Allen issue, Ms. Peebles?

11:10:01 13 MS. PEEBLES: Well, I'm getting to that.

11:10:03 14 THE COURT: Quickly I hope?

11:10:04 15 MS. PEEBLES: Yes, next question.

11:10:06 16 Q. Mr. Bohrer, did those attempts on your life occur  
11:10:10 17 after April third of 1994?

11:10:11 18 A. Yes.

11:10:12 19 Q. Now, why don't you tell us about those events.

11:10:28 20 MR. MOODY: Objection. Those events?

11:10:31 21 THE COURT: I'm assuming she's talking about  
11:10:32 22 the alleged attempts on his life.

11:10:34 23 MS. PEEBLES: Yes.

11:10:35 24 MR. MOODY: How are they then related?

11:10:36 25 THE COURT: Again, how are you going to tie

11:10:38 1 it, the fact that it occurred after April third, 1994,  
11:10:41 2 how does that make it relevant to the Heidi Allen  
11:10:44 3 issue?

11:10:44 4 MS. PEEBLES: Well, Your Honor, in connection  
11:10:46 5 with the questioning by Investigator Petroski and  
11:10:49 6 Investigator Johnson, Mr. Bohrer was concerned about  
11:10:51 7 threats and was even concerned that he was speaking to  
11:10:54 8 investigators about the case, so I think it's relevant.

11:10:58 9 THE COURT: These are perceived threats on his  
11:11:01 10 life, right?

11:11:02 11 MS. PEEBLES: No. He just said there were  
11:11:03 12 four attempts, and I was asking him to explain what  
11:11:06 13 those attempts were.

11:11:06 14 THE COURT: Seems awfully speculative, a  
11:11:08 15 little outside. I'll allow it on a limited basis. Get  
11:11:12 16 to the point of connection on this issue quickly.

11:11:15 17 THE WITNESS: Can I consult with my lawyer for  
11:11:17 18 five minutes, Your Honor?

11:11:18 19 THE COURT: Sure. We'll be back at quarter  
11:11:23 20 after. Five minutes.

11:11:24 21 (Whereupon, there was a recess.)

11:22:25 22 THE COURT: Mr. Bohrer, consider that you're  
11:22:26 23 still under oath, okay?

11:22:27 24 THE WITNESS: Yes, Your Honor.

11:22:28 25 THE COURT: Thank you. Ms. Peebles, go ahead.

11:22:30 1 MS. PEEBLES: Can we have the last question  
11:22:32 2 read back please?

3 (Whereupon, the court reporter read back the  
4 last question).

11:22:33 5 THE COURT: I'm going to stop you. Let me ask  
11:22:56 6 to clarify that question because he spoke of an --

11:22:59 7 MS. PEEBLES: Actually I don't think that was  
11:23:01 8 my last question. I was asking him about who he was  
11:23:05 9 afraid of.

11:23:07 10 THE COURT: No, I think your last question was  
11:23:09 11 those events because Mr. Moody stood up and said what  
11:23:12 12 events are we talking about. Is that the last  
11:23:15 13 question, right?

11:23:18 14 MS. PEEBLES: I just had it in my head.  
11:23:23 15 There's no objection to the question?

11:23:25 16 THE COURT: I'm asking that you -- there was  
11:23:25 17 an objection, what events, and I'm asking to please --  
11:23:29 18 there's alleged -- allegedly four events.

11:23:32 19 MS. PEEBLES: Right.

11:23:33 20 THE COURT: When you say of those events, can  
11:23:35 21 you please ask them individually?

11:23:37 22 MS. PEEBLES: Yes, but I thought that he asked  
11:23:39 23 to go consult with his lawyer after I asked a question.  
11:23:44 24 There was no objection. That's what I was asking.

11:23:46 25 THE COURT: Ask the question again.

11:23:50 1 Q. All right, you were talking about these four events?

11:23:52 2 A. Um hum.

11:23:53 3 Q. And can you please tell the Court what happened in  
11:23:57 4 connection with those various events? Start with the first  
11:24:02 5 event.

11:24:02 6 A. I --

11:24:03 7 MR. MOODY: I still don't see the relevance  
11:24:04 8 here.

11:24:04 9 THE COURT: I'm questioning the relevance. If  
11:24:06 10 you tie it really quickly I'll allow this line. If you  
11:24:09 11 don't tie it quickly, it's done.

11:24:13 12 THE WITNESS: I don't want to get into it.

11:24:14 13 Q. Okay, when you were talking with investigator  
11:24:17 14 Pietroski and Investigator Johnson?

11:24:21 15 A. Yes.

11:24:22 16 Q. And they were asking you questions about Heidi Allen  
11:24:25 17 and what you knew?

11:24:26 18 A. Yes.

11:24:26 19 Q. And they were asking you what may have happened to  
11:24:29 20 her, do you remember those questions?

11:24:32 21 A. In general, yes.

11:24:34 22 Q. And do you remember telling them that Heidi Allen  
11:24:37 23 could have wound up at Crosby Hill?

11:24:41 24 MR. MOODY: Objection, Judge, leading and --

11:24:43 25 THE COURT: Sustained to leading.

11:24:46 1 Q. Well, can you tell the Court where you told  
11:24:49 2 Investigator Pietroski and Investigator Johnson that Heidi  
11:24:52 3 Allen could have wound up?

11:24:54 4 MR. MOODY: Objection. Now it's speculative.

11:24:56 5 MS. PEEBLES: It's not speculative.

11:24:57 6 THE COURT: Hold on. Don't yell. Why -- your  
11:25:01 7 objection is speculative.

11:25:02 8 MR. MOODY: Speculative, leading, but  
11:25:04 9 speculative because it's his conclusion on some random  
11:25:08 10 topic.

11:25:09 11 THE COURT: Ms. Peebles, address what --  
11:25:11 12 what's the basis?

11:25:12 13 MS. PEEBLES: I hardly think it's a random  
11:25:15 14 topic, he was asked questions during the course of the  
11:25:17 15 investigation.

11:25:18 16 THE COURT: What's the base for his knowledge?

11:25:19 17 MS. PEEBLES: Well, that's what I'm trying to  
11:25:21 18 find out.

11:25:22 19 THE COURT: Why don't you lay foundation first  
11:25:24 20 to see if it's going to be speculative or not.

11:25:26 21 Q. Mr. Bohrer, did you raise the junkyard Crosby Hill  
11:25:32 22 when you were questioned by Investigator Pietroski and  
11:25:35 23 Investigator Johnson as a place where Heidi Allen could  
11:25:40 24 have wound up?

11:25:40 25 MR. MOODY: Objection. Now it's leading and

11:25:42 1 speculative.

11:25:43 2 THE COURT: Now it's leading. Not any  
11:25:44 3 personal knowledge or any basis for his belief. If you  
11:25:48 4 want to ask questions about his basis for his belief,  
11:25:50 5 go there.

11:25:50 6 Q. All right, Mr. Bohrer, why would you have told the  
11:25:53 7 investigators that Heidi Allen could have wound up at  
11:25:56 8 Crosby Hill?

11:25:56 9 MR. MOODY: Objection, still speculative.

11:25:58 10 MR. PEEBLES: We don't know. I'm asking him  
11:26:00 11 why he said that.

11:26:02 12 THE COURT: Can you answer the question, Mr.  
11:26:04 13 Bohrer?

11:26:06 14 THE WITNESS: I believe so. The why is, you  
11:26:12 15 know, you're talking about a twenty-year investigation,  
11:26:16 16 and at any time your facts may be proven wrong from one  
11:26:22 17 time to another, so of course I had to thoroughly look  
11:26:28 18 into the idea because we've got a van that we are  
11:26:32 19 looking for, so like I said yesterday, I threw it right  
11:26:40 20 out there, you know, I was looking to find out what  
11:26:43 21 happened to Matt Duell's blue van because I saw it  
11:26:49 22 Monday and then I didn't see it on Wednesday after  
11:26:54 23 Heidi disappeared. That was before Bivens, or yeah,  
11:26:59 24 Bivens changed the statement to a white van.

11:27:08 25 Q. Do you have any personal knowledge about that van



11:27:13 1 being at Crosby Hill?

11:27:16 2 A. The blue van?

11:27:18 3 Q. Yes.

11:27:19 4 A. I didn't know if it was junked there or not. That's  
11:27:24 5 why I asked Rich Murtaugh.

11:27:27 6 Q. What did you ask Rich Murtaugh again?

11:27:30 7 A. I says did you junk Matt Duell's blue van and he  
11:27:36 8 said yes, and then he kind of smiled and said no, Heidi was  
11:27:42 9 not in it. This is -- could a body be crushed in the --  
11:27:51 10 junked, and he says naw, that would be too messy.

11:27:55 11 Q. I want to talk to you again a little bit more about  
11:27:58 12 your investigation that you were talking about yesterday.  
11:28:07 13 Did you write the name Julia Roberts on any of the notes  
11:28:10 14 that were in your box?

11:28:11 15 MR. MOODY: Objection, leading.

11:28:12 16 THE COURT: Sustained.

11:28:15 17 THE WITNESS: Am I allowed to --

11:28:17 18 THE COURT: No, you can't respond, sir, sorry.

11:28:20 19 Q. Now, you mentioned when you were consulting with the  
11:28:34 20 psychic yesterday, do you remember those questions I was  
11:28:39 21 asking you about?

11:28:39 22 A. Yes.

11:28:40 23 Q. And after you got done consulting with the psychic,  
11:28:53 24 you agreed with her that it involved three men and one  
11:28:56 25 woman?

11:28:58 1 MR. MOODY: Objection, Judge. I don't  
11:29:00 2 remember testimony --

11:29:00 3 THE COURT: He didn't testify to that,  
11:29:02 4 definitely not. He didn't testify to that.

11:29:03 5 MS. PEEBLES: Well, I'm asking him after he  
11:29:05 6 consulted with -- I'm asking what he thought.

11:29:08 7 THE COURT: Ask in non-leading form then.

11:29:10 8 Q. Mr. Bohrer, after you consulted with your psychic,  
11:29:12 9 do you recall what conclusions were drawn after you  
11:29:14 10 consulted with your psychic, Trudy Lortie?

11:29:17 11 THE COURT: Conclusions by whom?

11:29:19 12 MR. MOODY: Objection, Your Honor. That's  
11:29:19 13 speculation.

11:29:20 14 MS. PEEBLES: By them.

11:29:20 15 THE COURT: By them or by him?

11:29:22 16 MS. PEEBLES: By Mr. Bohrer.

11:29:25 17 MR. MOODY: It's speculation because what  
11:29:26 18 basis and knowledge does he either or the psychic have.

11:29:30 19 THE COURT: I agree. Purely speculative.  
11:29:32 20 Sustained.

11:29:35 21 MR. OAKES: Excuse me, Your Honor. Can I  
11:29:37 22 approach please?

11:29:38 23 THE COURT: Yes.

11:29:40 24 MR. OAKES: With counsel.

11:29:42 25 (Whereupon, there was an off the record

11:29:43 1 discussion at the bench).

11:30:32 2 Q. Mr. Bohrer, did you have any knowledge regarding  
11:30:37 3 Heidi Allen as a confidential informant?

11:30:41 4 A. Not at all until the day it was found.

11:30:49 5 Q. What was found?

11:30:51 6 A. It was announced that Christine, Matt's wife, had  
11:31:00 7 found -- it was brought to my attention that an ID card was  
11:31:07 8 found on the parking lot, this was like 9:30, ten o'clock  
11:31:13 9 in the morning. I think it was Wednesday the following  
11:31:21 10 after Easter Sunday and --

11:31:28 11 THE COURT: I'm going to strike that answer as  
11:31:30 12 being based completely on hearsay.

11:31:33 13 MR. MOODY: Judge, I object.

11:31:34 14 THE COURT: You can't continue in that line,  
11:31:36 15 sir.

11:31:37 16 Q. Mr. Bohrer, did you ever see the card that you're  
11:31:39 17 talking about?

11:31:40 18 A. No.

11:31:41 19 Q. But you knew about it?

11:31:50 20 A. It was brought to my attention and I heard it on the  
11:31:53 21 TV at twelve.

11:31:56 22 Q. At twelve?

11:31:58 23 A. (Nods). Yes. More to be announced at five, but at  
11:32:10 24 five o'clock no mention of it.

11:32:12 25 Q. Mr. Bohrer, when was that?

11:32:15 1 A. Not long after Heidi disappeared.

11:32:20 2 MR. MOODY: Objection, Judge. Could we have a  
11:32:21 3 basis of time or knowledge on this?

11:32:23 4 THE COURT: Honestly, anything regarding the  
11:32:25 5 CI status is completely based on hearsay. The Court's  
11:32:29 6 disregarding it. No firsthand knowledge.

11:32:33 7 Q. Mr. Bohrer, I'm going to ask you some questions now  
11:32:36 8 about the Liberty Bell Tavern. Do you know where the  
11:32:39 9 Liberty Bell Tavern is?

11:32:41 10 A. Yes.

11:32:41 11 Q. And -- and where is the Liberty Bell Tavern located?

11:32:46 12 A. On State Route 11, Colosse.

11:32:52 13 Q. Was it close to where Medspars was located?

11:32:55 14 A. Yes.

11:32:55 15 Q. About how far away?

11:32:56 16 A. Less than a mile.

11:33:02 17 Q. Did you ever go to the Liberty Bell Tavern?

11:33:05 18 A. Yes, I did.

11:33:07 19 Q. Do you remember when you -- what year it was when  
11:33:09 20 you'd go to the Liberty Bell Tavern?

11:33:12 21 A. No, I do not.

11:33:14 22 Q. Is the Liberty Bell Tavern closed?

11:33:17 23 A. No, it was not.

11:33:18 24 Q. No, closed now. I guess -- strike that. Is the  
11:33:25 25 Liberty Bell Tavern still open establishment?

11:33:28 1

A. No, it's not.

11:33:29 2

Q. Do you know what year it closed?

11:33:31 3

A. No, I don't.

11:33:33 4

Q. And did you ever have an encounter with an

11:33:39 5

individual by the name of Tyler Hayes?

11:33:43 6

A. I believe so.

11:33:45 7

Q. Do you remember when that was?

11:33:50 8

A. I don't remember what year it was, it was quite a

11:33:54 9

while ago. He was a young kid. Guy. I don't remember

11:34:04 10

what year.

11:34:05 11

Q. Okay, and what was the nature of the confrontation

11:34:09 12

with Tyler Hayes?

11:34:10 13

MR. MOODY: I'm going to object.

11:34:11 14

Characterization as confrontation, Judge.

11:34:14 15

THE COURT: I'm going to sustain it to the

11:34:15 16

generalization. You haven't established there was a

11:34:18 17

confrontation.

11:34:18 18

Q. Did you have an encounter with Tyler Hayes at the

11:34:21 19

Liberty Bell Tavern?

11:34:25 20

A. Which one was Tyler Hayes? There were two guys.

11:34:34 21

Q. Okay, can you tell me who the other gentleman was?

11:34:38 22

A. There was a thinner one and I don't remember the

11:34:42 23

other guy's name. One was obnoxious, I believe it was

11:34:47 24

Tyler Hayes, and the other one was pretty levelheaded I

11:34:55 25

think.

11:34:55 1 Q. And what happened?

11:34:57 2 A. I believe it was Tyler Hayes that claimed that he  
11:35:05 3 was related to the Allen family, and I blareded (sic) out  
11:35:13 4 the words -- am I supposed to go any further here?

11:35:20 5 Q. Yes. Tell us what happened.

11:35:22 6 A. I'm not sure exactly how the Heidi Allen  
11:35:26 7 conversation came up, if he initiated or I did, but he  
11:35:34 8 identified himself as a relative of the Allen family, and I  
11:35:37 9 says you know that those boys didn't have anything to do  
11:35:43 10 with it, and he got a little more conversational about it  
11:35:52 11 and a little bit louder, and I mentioned that in the  
11:35:59 12 process of the conversation, I mean we're talking several  
11:36:02 13 minutes here, I said that I had a theory of where I think  
11:36:15 14 Heidi could be.

11:36:23 15 Q. Did you at any time during this encounter with Tyler  
11:36:27 16 Hayes cry?

11:36:30 17 A. No.

11:36:33 18 Q. You didn't cry at all?

11:36:34 19 A. No.

11:36:35 20 MR. MOODY: Objection, Judge. It's leading  
11:36:37 21 and asked and answered.

11:36:42 22 THE COURT: Sustained on both.

11:36:44 23 Q. At some point were you asked to leave the Liberty  
11:36:48 24 Bell Tavern?

11:36:48 25 A. Yes.

- 11:36:49 1 Q. And who asked you to leave?
- 11:36:51 2 A. The owner.
- 11:36:54 3 Q. And did you?
- 11:36:55 4 A. Yes.
- 11:36:56 5 Q. Mr. Bohrer, did anyone from Oswego County Sheriff's
- 11:37:03 6 Department ever contact you after that incident?
- 11:37:05 7 A. No.
- 11:37:06 8 Q. I'm going to ask you some questions going back to
- 11:37:13 9 Danielle Babcock when she used to work for you for East
- 11:37:17 10 Coast Resorts.
- 11:37:18 11 A. Yes.
- 11:37:20 12 Q. You --
- 11:37:20 13 THE COURT: Got it right there, Ms. Peebles.
- 11:37:21 14 MS. PEEBLES: I made it my mission today.
- 11:37:24 15 Q. Did you ever talk to Danielle Babcock about Heidi
- 11:37:30 16 Allen?
- 11:37:31 17 A. It's possible. I don't recall.
- 11:37:47 18 Q. Did you ever threaten Danielle Babcock?
- 11:37:50 19 A. Never.
- 11:37:52 20 Q. Did you ever tell Danielle Babcock that you would do
- 11:37:56 21 to her what you did to Heidi Allen?
- 11:37:58 22 MR. MOODY: I'm going to object. It's
- 11:38:00 23 leading, Judge.
- 11:38:01 24 THE COURT: Sustained. He already said he
- 11:38:06 25 never threatened her.

11:38:09 1 Q. Mr. Bohrer, since March twenty-first of 2013, have  
11:38:17 2 you met with anyone either from the District Attorney's  
11:38:20 3 Office or the Oswego County Sheriff's office?

11:38:25 4 A. No.

11:38:27 5 Q. Did you have a meeting with Mr. Oakes and your  
11:38:30 6 attorney at any time?

11:38:37 7 MR. OAKES: Excuse me, Your Honor. Does he  
11:38:39 8 know who I am? I don't know if he does or not.

11:38:42 9 THE COURT: Do you know who Mr. Oakes is?

11:38:44 10 THE WITNESS: Yes, I -- I know him and Mark.

11:38:47 11 THE COURT: Okay.

11:38:47 12 A. I did request a sit down with both the district  
11:38:54 13 attorney and the assistant district attorney.

11:38:57 14 Q. And do you remember when that was?

11:39:01 15 A. Thursday before last I think or last Thursday?

11:39:07 16 Q. But recently?

11:39:08 17 A. Yes.

11:39:09 18 Q. How long was your meeting?

11:39:12 19 A. Three hours or so.

11:39:14 20 Q. Where was the meeting?

11:39:18 21 A. It was at the -- what is it, the DA's office or --

11:39:34 22 Q. Okay, right down --

11:39:35 23 A. Conference room.

11:39:36 24 Q. Okay. Now, did you go -- you went with your  
11:39:40 25 attorney to meet with them?



- 11:39:42 1 A. Yes, I had my attorney with me.
- 11:39:44 2 Q. And did they talk with you about your testimony in
- 11:39:47 3 this case?
- 11:39:52 4 A. My testimony?
- 11:39:53 5 Q. Well, what did you talk about, how about that?
- 11:39:57 6 A. The contents of the box.
- 11:40:05 7 Q. What did they ask you about the box?
- 11:40:09 8 A. Whether that it was my box and whether I recognized
- 11:40:24 9 certain documents like you did. Pretty much what you --
- 11:40:30 10 you did, you know, identify this, identify that. I'm not
- 11:40:37 11 going to sit here and recite three hours of discussion.
- 11:40:44 12 Q. That was a long meeting three hours. Anything --
- 11:40:47 13 MR. MOODY: I'm going to object, Judge.
- 11:40:50 14 Relevance.
- 11:40:50 15 THE COURT: What's the relevance?
- 11:40:53 16 MS. PEEBLES: I'll withdraw the question.
- 11:40:54 17 THE COURT: Thank you.
- 11:40:55 18 Q. Is that the only meeting that you had with the
- 11:41:04 19 District Attorney's Office?
- 11:41:05 20 A. Yes.
- 11:41:05 21 Q. And had you been told at any time that you were not
- 11:41:10 22 a suspect?
- 11:41:16 23 MR. MOODY: Judge, I'm going to object to the
- 11:41:18 24 relevance.
- 11:41:19 25 THE COURT: Sustained.

11:41:20 1  
11:41:21 2  
11:41:23 3  
11:41:23 4  
11:41:25 5  
11:41:26 6  
11:41:31 7  
11:41:31 8  
11:41:34 9  
11:41:37 10  
11:41:38 11  
11:41:39 12  
11:41:42 13  
11:41:45 14  
11:41:59 15  
11:42:04 16  
11:42:06 17  
11:42:08 18  
11:42:08 19  
11:42:09 20  
11:42:10 21  
11:42:12 22  
11:42:18 23  
11:42:24 24  
11:42:27 25

A. I don't recall.

THE COURT: No, sustained. You don't have to answer the question.

Q. Do you think you're a suspect?

MR. MOODY: Objection, relevance.

THE COURT: Sustained. Don't need to answer the question, sir.

Q. I'm going to ask you a question about an individual named Carl Robinson. Do you know Carl Robinson?

A. Yes.

Q. How did you know Carl Robinson?

A. Young kid that needed help.

Q. How did you meet him?

A. Through one of the girls that worked there. Relative of his. Oh, his sister.

THE COURT: For my own clarification, you said the girls that worked there. You mean the girls making the calls?

THE WITNESS: Yes.

THE COURT: Thank you.

THE WITNESS: My smile and dialers.

Q. How -- do you remember what year that was?

A. I think it was probably 2001 or 2000.

Q. And you were operating your business Medspar?

A. Yes.

- 11:42:27 1 Q. Did Carl ever work with you at Medspar?
- 11:42:30 2 A. Yes, he did.
- 11:42:31 3 Q. Did you hire him?
- 11:42:33 4 A. Yes, I did.
- 11:42:34 5 Q. What was his position when you hired him?
- 11:42:36 6 A. Why -- surely didn't recommend the phone job with
- 11:42:45 7 his stutter, so I asked him if he would be interested in
- 11:42:48 8 learning how to repair computers.
- 11:42:52 9 Q. And that's what you do? Do you repair computers?
- 11:42:57 10 A. All electronics.
- 11:42:59 11 Q. You're a pretty smart guy, fair statement?
- 11:43:03 12 A. I like to think so.
- 11:43:05 13 Q. And you worked at IBM you said for ten years?
- 11:43:13 14 A. Twelve.
- 11:43:14 15 Q. Twelve? Now with regard to Carl Robinson, how long
- 11:43:21 16 did he work for you?
- 11:43:24 17 A. I believe close to three years.
- 11:43:26 18 Q. And was he working forty hours a week when he worked
- 11:43:32 19 for you?
- 11:43:35 20 A. How many hours a week?
- 11:43:38 21 Q. Well, was he working full time for you or was it
- 11:43:40 22 part time?
- 11:43:41 23 A. It was full time.
- 11:43:43 24 Q. Now, Mr. Bohrer were you ever selling marijuana back
- 11:43:52 25 in 1994?

- 11:43:53 1 MR. MOODY: Objection, Judge. Impeaching her  
11:43:56 2 own witness.
- 11:43:57 3 MS. PEEBLES: How's that impeaching?
- 11:43:59 4 MR. MOODY: It's leading.
- 11:44:00 5 THE COURT: It's leading. I'll sustain. It's  
11:44:02 6 leading.
- 11:44:03 7 Q. Have you ever sold any type of drug?
- 11:44:11 8 MR. MOODY: Objection, leading.
- 11:44:12 9 THE COURT: I'll allow it.
- 11:44:14 10 THE WITNESS: I plead the Fifth Amendment.
- 11:44:19 11 THE COURT: Five minutes. Go speak to your  
11:44:22 12 attorney. You don't plead the Fifth. Go speak to Mr.  
11:44:26 13 Bohrer. Speak to your attorney please.
- 11:44:29 14 MR. OAKES: Your Honor, can we approach?
- 11:44:32 15 THE COURT: Sure.
- 11:44:34 16 (Whereupon, there ws an off the record  
11:44:35 17 discussion at the bench).
- 11:48:30 18 (Whereupon, there was a recess).
- 11:48:30 19 Q. Mr. Bohrer, you can answer the question.
- 11:48:34 20 A. Yes. I sold marijuana to a few friends here and  
11:48:39 21 there.
- 11:48:39 22 Q. When did you start doing that?
- 11:48:44 23 A. I don't know.
- 11:48:46 24 Q. Were you doing that back in 1994?
- 11:48:50 25 A. Absolutely not.

11:48:52 1 Q. Do you know an individual by the name of Andrew  
11:48:57 2 Miller?

11:49:00 3 A. Andrew Miller? No.

11:49:03 4 Q. Did you collect a couple articles in your box that  
11:49:06 5 had to do with Andrew Miller?

11:49:09 6 MR. MOODY: Objection what's in the box,  
11:49:11 7 Judge. How's it relevant?

11:49:13 8 THE COURT: How do you tie this to relevant --  
11:49:16 9 how is it relevant? How is it relevant?

11:49:18 10 MS. PEEBLES: Well, do you want me to make a  
11:49:21 11 full argument on the record?

11:49:22 12 THE COURT: Yes.

11:49:23 13 MS. PEEBLES: He just got done explaining that  
11:49:25 14 he was selling drugs and he was collecting articles  
11:49:27 15 specifically of people who were arrested and it --

11:49:30 16 THE COURT: No, he never answered affirmative  
11:49:32 17 to that question. You said --

11:49:34 18 MS. PEEBLES: I was asking --

11:49:35 19 THE COURT: You said did you collect articles  
11:49:37 20 about Andrew Miller. That was your question.

11:49:38 21 MS. PEEBLES: Yes.

11:49:39 22 THE COURT: How's whether or not he collected  
11:49:40 23 an article with Andrew Miller relevant?

11:49:43 24 MS. PEEBLES: Well, it's relevant if he's  
11:49:45 25 trying to keep track of Andrew Miller being arrested

11:49:47 1 for a drug offense if he's selling marijuana to him.

11:49:50 2 THE COURT: I don't think it's relevant at all  
11:49:52 3 so I'm going to sustain the objection.

11:49:54 4 Q. Other than information concerning Heidi Allen, did  
11:49:57 5 you have any other information in the box that didn't have  
11:50:00 6 anything to do with Heidi Allen?

11:50:02 7 MR. MOODY: I'd object, Judge. What's the  
11:50:03 8 relevance of what's in the box, whether or not it --

11:50:06 9 THE COURT: Sustained.

11:50:08 10 MS. PEEBLES: Well, can I be heard on that?

11:50:10 11 THE COURT: Sure. I apologize.

11:50:13 12 MS. PEEBLES: Your Honor, obviously it's our  
11:50:17 13 position that these items in the box were collected for  
11:50:19 14 a particular purpose and that would be to keep track of  
11:50:22 15 the investigation of the case involving Heidi Allen  
11:50:25 16 because he had a concern that their investigation would  
11:50:29 17 point to him and therefore the other documents in the  
11:50:33 18 box that he was collecting are directly relevant to  
11:50:37 19 whom he was keeping track of, so I think, Your Honor,  
11:50:40 20 that it is relevant.

11:50:41 21 THE COURT: I don't think it's relevant at  
11:50:42 22 all. Sustained.

11:50:45 23 Q. Do you recall what years you were selling marijuana,  
11:50:50 24 Mr. Bohrer?

11:51:04 25 A. What years? I mean I -- I suppose from ninety-seven

11:51:20 1 to 2001 maybe.

11:51:24 2 Q. Who were you buying it from?

11:51:27 3 MR. MOODY: I'm going to object, Judge,  
11:51:28 4 relevance.

11:51:28 5 THE COURT: Sustained. What is the relevance  
11:51:31 6 who he was buying from?

11:51:33 7 MS. PEEBLES: Well, Your Honor, it's our  
11:51:34 8 position that Heidi Allen was abducted because she was  
11:51:37 9 an informant and therefore his --

11:51:39 10 THE COURT: He just said he bought in ninety-  
11:51:43 11 seven. That's when he started selling, ninety-seven.

11:51:46 12 MS. PEEBLES: I'm going to explore that a  
11:51:47 13 little bit more, Judge.

11:51:47 14 THE COURT: Why don't you explore that first  
11:51:49 15 before you have -- try to tie anything in about the  
11:51:52 16 seller as being relevant?

11:51:53 17 MS. PEEBLES: It could reveal the time period  
11:51:55 18 depending on who he's purchasing it from.

11:51:57 19 THE COURT: It's awfully speculative, Ms.  
11:51:59 20 Peebles. I'm going to sustain the objection.

11:52:02 21 Q. Did you tell anybody about your knowledge concerning  
11:52:15 22 the card that you were talking about regarding Heidi Allen?

11:52:20 23 MR. MOODY: Objection, Judge. Leading, time  
11:52:22 24 frame.

11:52:22 25 THE COURT: I'm not sure. Did you say car?

- 11:52:27 1 MS. PEEBLES: Card, yes.
- 11:52:27 2 THE COURT: Oh, card. Time frame? Ask the
- 11:52:32 3 question.
- 11:52:32 4 Q. When you were -- when you testified when I asked you
- 11:52:34 5 the question about the -- you -- you mentioned the card.
- 11:52:38 6 A. Yes.
- 11:52:38 7 Q. Learning about the card. Did you tell anybody else
- 11:52:41 8 about what you learned with regard to that card?
- 11:52:44 9 MR. MOODY: Objection, Judge. He learned how?
- 11:52:48 10 I don't think we've established what he learned.
- 11:52:49 11 THE COURT: It's all based on hearsay.
- 11:52:51 12 MS. PEEBLES: Well, it's what was in his --
- 11:52:52 13 THE COURT: I'll allow the question. He can
- 11:52:55 14 tell people what he knows.
- 11:53:00 15 A. Ask the question again please.
- 11:53:03 16 Q. Did you tell anybody else about what you -- what you
- 11:53:06 17 learned about the card that you mentioned before?
- 11:53:11 18 A. Well, once it was on the news at twelve o'clock, a
- 11:53:17 19 lot of people were talking about it, me included.
- 11:53:21 20 Q. When was it on the news, sir?
- 11:53:23 21 A. Only once.
- 11:53:25 22 Q. And when was that?
- 11:53:27 23 A. The day that Christine turned it in, that morning,
- 11:53:32 24 and at twelve o'clock they said they were going to have
- 11:53:38 25 more at five, and at five o'clock they never talked about



11:53:42 1 it.

11:53:42 2 Q. And that was in 1991?

11:53:46 3 THE COURT: 1994.

11:53:48 4 Q. No, 1991.

11:53:50 5 A. Ninety-four.

11:53:50 6 Q. Ninety-one is when the card was found.

11:53:52 7 MR. MOODY: Objection, Judge. How does he  
11:53:54 8 know? We've established his basis of knowledge and  
11:53:56 9 what he was saying. He said it was, if I'm not  
11:53:59 10 mistaken --

11:54:00 11 THE COURT: If I'm mistaken, I apologize. I  
11:54:03 12 thought Ms. Peebles misspoke. Ms. Peebles, ask the  
11:54:06 13 question again.

11:54:06 14 Q. Mr. Bohrer, when you learned about the information  
11:54:09 15 from the card, Christine told you about that, is that --  
11:54:11 16 that's what you're saying, Christine Duell told you about  
11:54:14 17 the card?

11:54:15 18 MR. MOODY: Objection. I don't believe that's  
11:54:18 19 what he said.

11:54:18 20 MS. PEEBLES: That is what he said.

11:54:19 21 THE COURT: I did not allow that answer  
11:54:21 22 because it was based on hearsay. Mr. Bohrer is  
11:54:23 23 indicating he learned about it on the news at noon.

11:54:25 24 THE WITNESS: I didn't say I heard it from  
11:54:27 25 Christine at all.

- 11:54:28 1 THE COURT: Mr. Bohrer, we dealt with that,  
11:54:29 2 sir.
- 11:54:29 3 Q. Okay, well, you said it was on the news. I'm trying  
11:54:32 4 to pinpoint when it was on the news. It was the day they  
11:54:35 5 found the card you said, right?
- 11:54:37 6 A. Yes.
- 11:54:37 7 Q. Okay, that's just -- I wanted to clear that up. So  
11:54:41 8 the day they found the card, you heard it on the news?
- 11:54:44 9 A. At twelve o'clock news.
- 11:54:46 10 Q. Okay, and you don't remember when that was?
- 11:54:50 11 A. I believe it was Wednesday after Heidi's  
11:54:55 12 disappearance. It was like three days after.
- 11:55:00 13 Q. Okay.
- 11:55:06 14 A. I mean I --
- 11:55:07 15 Q. Thank you.
- 11:55:08 16 A. -- I even thinking that who walks around with a narc  
11:55:13 17 ID card? Ridiculous.
- 11:55:18 18 Q. And I guess getting back to my question, did you  
11:55:20 19 tell anybody, did you specifically tell anybody about what  
11:55:23 20 you learned the day her card was dropped in the parking  
11:55:26 21 lot?
- 11:55:29 22 A. Yeah. It was new news.
- 11:55:33 23 Q. Who did you tell?
- 11:55:34 24 A. I have no idea.
- 11:55:37 25 Q. Did you talk about it with people at Murtaugh's

- 11:55:40 1 junkyard?
- 11:55:43 2 MR. MOODY: Objection. Time frame?
- 11:55:45 3 MS. PEEBLES: The day the card was found and
- 11:55:47 4 he learned about it.
- 11:55:48 5 A. No, strictly in the New Haven community initially.
- 11:55:55 6 Q. Okay, thank you, Mr. Bohrer. I appreciate it.
- 11:55:58 7 MS. PEEBLES: No further questions.
- 11:55:58 8 THE COURT: Okay, what we're going to do is
- 11:56:00 9 it's five to twelve, we're going to break until one.
- 11:56:03 10 Mr. Bohrer, I'll give you a break for lunch. No sense
- 11:56:06 11 starting cross-examination for five minutes. Any
- 11:56:08 12 objection, Ms. Peebles?
- 11:56:10 13 MS. PEEBLES: No, Judge.
- 11:56:11 14 THE COURT: Ms. Bianco?
- 11:56:13 15 MS. BIANCO: No, Your Honor.
- 11:56:14 16 THE COURT: Prosecution?
- 11:56:15 17 MR. OAKES: No, Your Honor, thank you.
- 11:56:16 18 THE COURT: We're in recess.
- 11:56:21 19 (Whereupon, there was a recess.)
- 01:01:51 20 THE COURT: Mr. Bohrer ready?
- 01:01:55 21 MR. WEGERSKI: Yes, he is.
- 01:02:22 22 THE COURT: Mr. Bohrer, you're still under
- 01:02:24 23 oath, sir, okay?
- 01:02:25 24 THE WITNESS: Pardon me, Your Honor?
- 01:02:26 25 THE COURT: You're still under oath, sir.

01:02:27 1 THE WITNESS: Yes, yeah.

01:02:27 2 THE COURT: Have a seat. I'm going to ask you  
01:02:29 3 again, do you consent to having your testimony audio or  
01:02:33 4 videotaped?

01:02:34 5 THE WITNESS: No.

01:02:36 6 MR. MOODY: I don't appear to be on, Judge.

01:02:39 7 THE COURT: Hum?

01:02:40 8 MR. MOODY: I don't appear to be on.

01:04:17 9 (Whereupon, there was a pause in the  
10 proceeding.)

01:04:24 11 CROSS-EXAMINATION

01:04:26 12 BY MR. MOODY:

01:04:28 13 Q. Good afternoon, Mr. Bohrer.

01:04:30 14 A. Good afternoon.

01:04:31 15 Q. I'm going to ask you some questions, and if you  
01:04:35 16 don't understand what I say to you or you need me to  
01:04:37 17 rephrase something, let me know, okay?

01:04:39 18 A. Yes.

01:04:39 19 Q. All right? You mentioned that you had done some  
01:04:46 20 kind of investigation into this case, disappearance of  
01:04:51 21 Heidi Allen, is that accurate?

01:04:52 22 A. Yes.

01:04:53 23 Q. Can you tell us like how you did that, what'd you  
01:04:56 24 do?

01:04:57 25 A. Basically be a fly on the wall.

- 01:05:02 1 Q. Whereabouts?
- 01:05:04 2 A. Started at Spinners.
- 01:05:07 3 Q. In the bar or -- at Spinners?
- 01:05:09 4 A. Yeah.
- 01:05:10 5 Q. Okay, and when you say you were a fly on the wall,
- 01:05:13 6 did you just kind of sit there and listen to people talk
- 01:05:15 7 about it?
- 01:05:16 8 A. Initially that's -- that's all it was, just
- 01:05:19 9 gathering intel.
- 01:05:21 10 Q. Okay, and was that all you did?
- 01:05:26 11 A. What do you mean?
- 01:05:28 12 Q. Well, did -- after you sat in Spinners for awhile
- 01:05:31 13 and listened to people talk, did you do more than that
- 01:05:34 14 because you said "initially."
- 01:05:36 15 A. I started intervening in different cliques.
- 01:05:42 16 Q. When you say intervening, what do you mean?
- 01:05:45 17 A. Hang out with 'em.
- 01:05:48 18 Q. Okay.
- 01:05:49 19 A. Smoke weed.
- 01:05:51 20 Q. Okay, was one of those cliques the group of people
- 01:05:55 21 and friends that the Thibodeaus might have been connected
- 01:05:57 22 to?
- 01:05:59 23 A. No.
- 01:05:59 24 Q. Was there any point in time where you became close
- 01:06:02 25 in location, I mean living close to any of the Thibodeaus

01:06:05 1 or any of their friends?

01:06:06 2 A. Yes.

01:06:07 3 Q. How did that come about?

01:06:08 4 A. I was trying to determine if Gary and Richard were  
01:06:24 5 innocent or not so I thought I'd feel 'em out.

01:06:30 6 Q. So where did you move to? What -- what kind of  
01:06:35 7 property or where?

01:06:36 8 A. I -- a gentleman next door to where Gary and his  
01:06:43 9 wife and sometimes a few of their friends would hang out, I  
01:06:50 10 purchased the trailer next door and paid the rent for the  
01:06:55 11 lot that it was on.

01:06:56 12 Q. Who owned the lot?

01:06:58 13 A. Joe Murray's brother.

01:07:01 14 Q. Do you know his name?

01:07:03 15 A. No, I don't.

01:07:04 16 Q. And who'd you buy -- you said you bought the  
01:07:06 17 trailer. Who'd you buy the trailer from?

01:07:08 18 A. From George Wallace.

01:07:11 19 Q. And do you know if George Wallace had any kind of  
01:07:13 20 relationship with either Richard Thibodeau or Gary  
01:07:16 21 Thibodeau?

01:07:17 22 A. I believe so.

01:07:17 23 Q. What was that relationship if you know?

01:07:19 24 A. I don't know what that relationship was exactly.

01:07:30 25 I -- I pretty much connected with George to acquire the

01:07:35 1 trailer 'cause he -- his sister lived next door to another  
01:07:40 2 friend of mine and was just through association.

01:07:45 3 Q. Okay, do you know if -- if George Wallace testified  
01:07:48 4 at Gary Thibodeau's trial?

01:07:50 5 A. No, I don't.

01:07:51 6 Q. Now you said they lived next door to a gentleman by  
01:07:57 7 the name of Joe Murray?

01:07:58 8 A. Yes.

01:07:58 9 Q. Is that his -- is Joe his full name or his middle or  
01:08:02 10 his first name or his middle name if you know?

01:08:04 11 A. I believe it was his first name.

01:08:07 12 Q. And he -- you said that -- that Gary and his wife --  
01:08:13 13 what's his wife's -- what was his wife's name if you know?

01:08:16 14 A. Sharon.

01:08:17 15 Q. Sharon? They would sometimes go over there?

01:08:21 16 A. Yes.

01:08:21 17 Q. And when did you move into this trailer that you  
01:08:24 18 bought from Mr. Wallace?

01:08:25 19 A. It was -- it was shortly before Gary's trial.

01:08:35 20 Q. Okay.

01:08:40 21 A. It was summertime I believe.

01:08:42 22 Q. And you said you were trying to intervene. What --  
01:08:50 23 when you say you were trying to intervene with them, what  
01:08:52 24 were you trying to do? What did you do I guess is  
01:08:54 25 actually -- not trying to do, but what did you do?

- 01:08:57 **1** **A.** Determine if they were in fact guilty.
- 01:09:02 **2** **Q.** Well, how -- what did you do to try and determine
- 01:09:05 **3** that? Did you talk to them, did you -- just what did you
- 01:09:07 **4** do?
- 01:09:07 **5** **A.** Feel 'em out.
- 01:09:08 **6** **Q.** Feel 'em out?
- 01:09:09 **7** **A.** Listen to, you know, their emotions.
- 01:09:18 **8** **Q.** Okay.
- 01:09:23 **9** **A.** Just listen to the, you know, conversations and --
- 01:09:32 **10** **Q.** Did you ever actually confront anyone about whether
- 01:09:35 **11** or not they were involved in Heidi Allen's kidnapping?
- 01:09:39 **12** **A.** You mean like directly ask did you do it?
- 01:09:42 **13** **Q.** Yeah.
- 01:09:42 **14** **A.** No.
- 01:09:43 **15** **Q.** Now you said that this investigation was kind of
- 01:09:58 **16** prompted by the sign, and I think it used to be on County
- 01:10:02 **17** Route 1? Or County Route 6. I could be wrong on --
- 01:10:05 **18** **A.** 104.
- 01:10:06 **19** **Q.** It was on 104, the sign on 104, and that sign said,
- 01:10:11 **20** "Where is Heidi?"
- 01:10:12 **21** **A.** Correct.
- 01:10:12 **22** **Q.** And that made you feel how?
- 01:10:14 **23** **A.** Impelled to look for her. Answer the question.
- 01:10:19 **24** **Q.** Now, you mentioned that you did something for IBM.
- 01:10:23 **25** What did you do for IBM?



- 01:10:24 1 A. The last thing I was doing was prototyping  
01:10:32 2 applications with artificial implications.
- 01:10:38 3 Q. Okay, why did you end up -- how did you end up not  
01:10:42 4 working for IBM? What happened?
- 01:10:43 5 A. Executive burnout.
- 01:10:46 6 Q. Was that like a medical diagnosis or --
- 01:10:51 7 A. Yes.
- 01:10:52 8 Q. And --
- 01:10:54 9 A. Due to extreme stress is what it was.
- 01:10:57 10 Q. Okay, and after you got this diagnosis, did you get  
01:11:05 11 any kind of treatment or --
- 01:11:07 12 A. Yes, I did.
- 01:11:09 13 Q. And how long did that treatment last?
- 01:11:12 14 A. Talking about outpatient?
- 01:11:17 15 Q. Yeah.
- 01:11:17 16 A. After I left IBM?
- 01:11:20 17 Q. Okay.
- 01:11:20 18 A. Hospital was over, and I didn't stay with the  
01:11:26 19 outpatient program in Oswego for very long.
- 01:11:29 20 Q. Now you said you were in an outpatient program, and  
01:11:33 21 were you in some kind of inpatient program then too?
- 01:11:37 22 A. Well, I was hospitalized while working for IBM  
01:11:41 23 for --
- 01:11:42 24 Q. And that was related to the stress?
- 01:11:44 25 A. Yes.

01:11:45 1 Q. Now, moving back to the time period when you --  
01:11:58 2 after Heidi got kidnapped, you were living at Spinners just  
01:12:03 3 up the road on 104B, right?

01:12:05 4 A. Yes.

01:12:06 5 Q. You had mentioned that you came here and -- for a  
01:12:11 6 wedding and stayed at Spinners?

01:12:12 7 A. Correct.

01:12:13 8 Q. And then you decided I guess to stay?

01:12:15 9 A. Yes.

01:12:16 10 Q. What prompted you to decide to stay?

01:12:19 11 A. Well, being that I was retired, what do you do with  
01:12:23 12 the rest of your life?

01:12:26 13 Q. So you rented a house, you called it a four-bedroom  
01:12:30 14 ranch?

01:12:30 15 A. Correct.

01:12:31 16 Q. And then at some point obviously between when you  
01:12:34 17 rented the house and when Heidi disappears, you decide to  
01:12:38 18 go back to Spinners to live there. What prompted that?

01:12:42 19 A. I had my personal safe stolen out of the house.

01:12:48 20 Q. Was it a burglary or something or --

01:12:51 21 A. Yes.

01:12:52 22 Q. Okay, was that the only time your house was  
01:12:55 23 burglarized?

01:12:57 24 A. At that residence, yes.

01:12:59 25 Q. Okay, when you say at that residence, were there

01:13:01 1 other residences where something like that happened?

01:13:04 2 A. I -- I stopped counting in 1997. It was up to  
01:13:11 3 twenty-seven.

01:13:12 4 Q. So twenty-seven times your house was burglarized?

01:13:15 5 A. Yes.

01:13:15 6 Q. What kind of stuff were they taking?

01:13:17 7 A. Food, checkbooks. I forgave one guy, took all of my  
01:13:27 8 food out of the cabinets, refrigerator, and left me one  
01:13:31 9 meal, so I thought that was nice of him.

01:13:35 10 Q. If you are going to take all -- you don't want to  
01:13:38 11 take all of somebody's food. Did anybody ever get caught  
01:13:40 12 or arrested?

01:13:41 13 A. The rest of them did.

01:13:42 14 Q. Did anybody ever get caught or arrested for any of  
01:13:46 15 those?

01:13:46 16 A. No.

01:13:47 17 Q. Now you mentioned that a couple of weeks after Heidi  
01:13:52 18 was kidnapped or a short while after Heidi was kidnapped,  
01:13:56 19 you were stopped along the side of the road. Was that a  
01:13:58 20 traffic stop or was it in like a road block?

01:14:02 21 A. Repeat the question?

01:14:04 22 Q. Sure, sure. You remember testifying yesterday about  
01:14:08 23 being -- being -- talking to somebody along the side of the  
01:14:11 24 road, do you remember that, right after Heidi was  
01:14:15 25 kidnapped?

- 01:14:15 **1**       **A.** Talking about when the investigators --
- 01:14:17 **2**       **Q.** Yeah.
- 01:14:17 **3**       **A.** Oh, okay.
- 01:14:18 **4**       **Q.** Was that at a traffic stop like did you get pulled
- 01:14:20 **5** over or was it a road block?
- 01:14:22 **6**       **A.** Neither.
- 01:14:23 **7**       **Q.** Neither. How'd it come about?
- 01:14:26 **8**       **A.** I -- I believe the -- I don't remember if it was
- 01:14:32 **9** Investigator Wheeler or a deputy, just flipped the lights
- 01:14:39 **10** on a little bit, wanted to -- that's it, and I pulled over.
- 01:14:46 **11**       **Q.** And you mentioned that back at the time when -- when
- 01:14:51 **12** Heidi was kidnapped, that you were driving a Galaxy I think
- 01:14:57 **13** you said?
- 01:14:57 **14**       **A.** Yes.
- 01:14:58 **15**       **Q.** What kind of -- I'm not familiar with that. What
- 01:15:00 **16** is -- what kind of car is that?
- 01:15:01 **17**       **A.** It's a Ford.
- 01:15:02 **18**       **Q.** Ford. Is it a van or --
- 01:15:03 **19**       **A.** No, it's a Galaxy 500.
- 01:15:06 **20**       **Q.** Like a sedan?
- 01:15:07 **21**       **A.** Four door.
- 01:15:08 **22**       **Q.** Four-door sedan?
- 01:15:10 **23**       **A.** Yep.
- 01:15:10 **24**       **Q.** And do you remember the color of that?
- 01:15:15 **25**       **A.** Metallic green.

- 01:15:18 1 Q. Now, and then you were asked some questions about --
- 01:15:31 2 about a year later or so, speaking again with the Sheriff's
- 01:15:37 3 Department. Do you remember speaking with them then, about
- 01:15:40 4 a year later?
- 01:15:42 5 A. About the theft of my safe?
- 01:15:46 6 Q. No, about -- about Heidi.
- 01:15:49 7 A. Yes.
- 01:15:51 8 Q. Okay, would that have been on March twenty-first of
- 01:15:57 9 ninety-five?
- 01:15:59 10 A. It was spring.
- 01:16:03 11 Q. Was spring?
- 01:16:04 12 A. Yep.
- 01:16:04 13 Q. Do you remember if it was Investigator Yerdon and
- 01:16:07 14 Investigator Wheeler, Bob Wheeler?
- 01:16:08 15 A. Yes, it was.
- 01:16:09 16 Q. Okay, and you told them at that point in time didn't
- 01:16:12 17 you that you had been praying and in your prayers talking
- 01:16:17 18 to Heidi, do you remember telling them that?
- 01:16:19 19 A. Yes.
- 01:16:19 20 Q. And one of the things that -- that Heidi told you
- 01:16:24 21 was to go talk to her mom and dad, do you remember that?
- 01:16:27 22 A. Yes, she did.
- 01:16:28 23 Q. Okay, and did you try and go and talk to Ken and Sue
- 01:16:32 24 Allen?
- 01:16:33 25 A. Yes, I did.

01:16:33 1 Q. And what happened when you did that?

01:16:36 2 A. They called the sheriffs and I didn't have a chance  
01:16:41 3 to give them their message.

01:16:43 4 Q. Okay, did you end up having to go over to Bunner  
01:16:46 5 Street to mental health?

01:16:47 6 A. Yes.

01:16:48 7 Q. And now during the course of your investigation, you  
01:16:59 8 said it's -- it kind of lasted until Investigator Pietroski  
01:17:03 9 and Investigator Johnson came to talk to you and kind of  
01:17:06 10 took your box, right?

01:17:07 11 A. Correct.

01:17:07 12 Q. At any point in time did you speak with Richard  
01:17:12 13 Thibodeau after his trial in say 1996?

01:17:18 14 A. After his trial.

01:17:22 15 Q. In August of 1996, do you remember speaking with  
01:17:24 16 him?

01:17:25 17 A. After Richard's trial or Gary's trial?

01:17:30 18 Q. After Richard Thibodeau's trial which was in  
01:17:32 19 September of 1995, did you at some point in August of 1996  
01:17:36 20 talk to Richard?

01:17:40 21 MS. PEEBLES: Judge, I'll stipulate that he  
01:17:42 22 did.

01:17:42 23 A. I don't know.

01:17:42 24 THE COURT: Hold on.

01:17:43 25 MR. PEEBLES: If he wants to introduce the

01:17:45 1 document that indicates that he spoke with Richard  
01:17:47 2 Thibodeau, I have no objection.

01:17:49 3 MR. MOODY: I'm going to be refreshing his  
01:17:51 4 recollection if he doesn't remember, Judge.

01:17:52 5 THE COURT: She will stipulate that he did  
01:17:54 6 talk.

01:17:54 7 MR. MOODY: I thought you were stipulating to  
01:17:56 8 the document.

01:17:57 9 MS. PEEBLES: I'll stipulate to the document  
01:17:58 10 and his testimony that he actually spoke with him in  
01:18:01 11 August.

01:18:01 12 A. More than likely I had spoken with him in regards  
01:18:05 13 to, you know, congratulations or whatever.

01:18:09 14 Q. Okay, and it was about a month later that you and  
01:18:13 15 Trudy Lortie went up to see Gary, so in September of  
01:18:17 16 ninety-six?

01:18:18 17 A. I'm -- that was after. I'm not sure exactly where  
01:18:28 18 things fall.

01:18:29 19 Q. Okay, all right.

01:18:31 20 A. I don't have a timeline in my head that's very  
01:18:36 21 detailed.

01:18:37 22 MS. PEEBLES: Judge, can we approach just for  
01:18:39 23 a minute?

01:18:41 24 THE COURT: Sure.

01:18:44 25 (Whereupon, there was an off the record

01:20:14 1 discussion at the bench.)

01:20:14 2 THE COURT: Back live. Ms. Peebles, you're  
01:20:24 3 now satisfied that you did have a copy of the notes  
01:20:26 4 that Mr. Moody was reviewing?

01:20:28 5 MS. PEEBLES: I thought he was referring to a  
01:20:29 6 statement that I hadn't seen. It was just the notes so  
01:20:32 7 I'm good with that.

01:20:33 8 THE COURT: Okay, thank you. Go ahead, Mr.  
01:20:35 9 Moody, continue.

01:20:36 10 MR. MOODY: I forgot where I was.

01:21:00 11 (Whereupon, the court reporter read back the  
01:21:00 12 last question).

01:21:01 13 A. I recall Trudy and I going to see Gary, yes.

01:21:05 14 Q. But you don't remember exactly when it was?

01:21:07 15 A. Not the exact date. I'm sure I'm in the book  
01:21:12 16 somewhere.

01:21:13 17 Q. Okay, now besides speaking with the Sheriff's  
01:21:19 18 Department in early -- the early part of 1995, say in  
01:21:25 19 February or March of 1995, you were asked some questions --  
01:21:28 20 you also went to speak with the Federal Bureau of  
01:21:30 21 Investigation, the FBI?

01:21:32 22 A. Yes.

01:21:32 23 Q. All right, was it your understanding that they were  
01:21:34 24 involved in this investigation also?

01:21:46 25 A. I didn't go to the FBI after Gary's trial.



- 01:21:55 1 Q. I'm talking before Gary's trial, I'm sorry. If I  
01:21:59 2 confuse you on dates, just let me know.
- 01:22:00 3 A. Okay.
- 01:22:01 4 Q. Before or around the same time that you spoke with  
01:22:04 5 Investigator Wheeler and Investigator Yerdon and told them  
01:22:07 6 about praying to Heidi, did you also go speak to the FBI?
- 01:22:11 7 A. No. I attempted to when I was living on Green Road.
- 01:22:19 8 Q. Okay, well, do you remember the report that you  
01:22:21 9 looked at yesterday?
- 01:22:22 10 A. Yes.
- 01:22:22 11 Q. Okay, was that -- was that a report about what you  
01:22:25 12 told the FBI?
- 01:22:27 13 A. I recall that report, yes.
- 01:22:33 14 Q. So my question was did you speak with the FBI then?
- 01:22:35 15 A. Yes, I did.
- 01:22:36 16 Q. And was it your understanding that they were also  
01:22:38 17 involved in the investigation into what happened to Heidi  
01:22:41 18 Allen?
- 01:22:43 19 A. I wasn't aware that they were officially.
- 01:22:46 20 Q. What made you go talk to them then?
- 01:22:49 21 A. Because I thought Oswego County Sheriffs need some  
01:22:53 22 help.
- 01:22:53 23 Q. Okay.
- 01:22:54 24 A. And I as a citizen I -- I thought this is crazy, so  
01:23:05 25 I thought somebody needed to --

01:23:09 1 Q. Now you mentioned that you -- that you had -- you  
01:23:15 2 had also -- well, besides speaking with the FBI, excuse me,  
01:23:21 3 did you also phone in some tips to the -- to the Sheriff's  
01:23:29 4 Department?

01:23:29 5 A. I don't remember phoning in tips.

01:23:38 6 Q. Do you remember in -- in April thirteenth of  
01:23:44 7 ninety-four phoning in something about seeing a guy in  
01:23:48 8 military fatigues and a gray pickup truck near 104 and  
01:23:56 9 104B?

01:24:01 10 A. It slips my mind.

01:24:06 11 Q. Okay. Do you remember phoning -- do you remember  
01:24:12 12 calling the Sheriff's Department about a red truck that you  
01:24:15 13 thought was suspicious that you had seen a couple of times?

01:24:17 14 A. Yes, yes.

01:24:17 15 Q. What did you tell them about that?

01:24:19 16 A. That was in response to a request by the community  
01:24:28 17 to come forward with anything suspicious that you may have  
01:24:32 18 or think you saw on and/or around or before Heidi's  
01:24:41 19 disappearance, and I had an encounter with two gentlemen  
01:24:47 20 sitting in a red truck and it was -- they were parked in  
01:24:55 21 front of the stop sign kind of in Spinners' parking lot,  
01:25:01 22 and I was on my way on six, I had to stop at the stop sign  
01:25:12 23 and -- of 104B, and I thought I saw Richard Thibodeau in  
01:25:19 24 the red truck, and I kept looking over, kept looking over,  
01:25:27 25 finally turned and looked at me and I -- whoa, it's not

01:25:32 1 Richard Thibodeau, because Richard had asked me to look for  
01:25:37 2 a truck, his -- his van wasn't working well and it was  
01:25:41 3 giving him a lot of trouble, and he asked me if I could  
01:25:44 4 find a used truck that wasn't too damaged, and I liked  
01:25:50 5 Richard. I didn't care for you, Gary.

01:25:58 6 THE DEFENDANT: I don't even know you.

01:26:00 7 A. But I was trying to look for a truck for him, and  
01:26:04 8 when he asked me, I mentioned Matt Duell I heard was  
01:26:09 9 wanting to sell his truck, and so that's what led to my  
01:26:17 10 paying attention.

01:26:17 11 Q. To trucks?

01:26:19 12 A. To the truck because I thought it was Richard and he  
01:26:23 13 had purchased a truck so he didn't need to have me find a  
01:26:28 14 truck any more and I was going to congratulate him.

01:26:31 15 Q. So it turned out not to be Richard in the truck?

01:26:34 16 A. Correct.

01:26:34 17 Q. And you reported that to the Sheriff's Department  
01:26:39 18 that you saw this truck there around the time of Heidi's  
01:26:42 19 disappearance?

01:26:42 20 A. The red truck and the two men in the truck.

01:26:44 21 Q. Now you were asked some questions -- well, actually  
01:27:01 22 I'm going to withdraw that portion. Now, you were asked  
01:27:27 23 some questions about your relationship with the Murtaughs  
01:27:30 24 and their scrap yard.

01:27:31 25 A. Um hum.

01:27:32 1 Q. Is that -- all right. Now, when was the last time  
01:27:36 2 you scrapped anything at Murtaugh's junkyard?

01:27:42 3 A. I don't remember what year. It was spring.

01:27:51 4 Q. But you don't remember what year but it was in the  
01:27:57 5 springtime?

01:27:58 6 A. Yes.

01:27:58 7 Q. And at some point in time you asked one of the  
01:28:05 8 Murtaughs, and was it young Rich or his father?

01:28:08 9 A. Junior.

01:28:09 10 Q. It was junior, about scrapping Matt Duell's van?

01:28:12 11 A. I -- yeah, I flat out asked him did you scrap Matt  
01:28:18 12 Duell's blue van.

01:28:19 13 Q. When you said Matt, did you say Matt Duell's van or  
01:28:21 14 did you say a blue van?

01:28:23 15 A. Matt Duell's van.

01:28:25 16 Q. Matt Duell's van? Now, you mentioned that you  
01:28:43 17 talked to -- you sat -- you started your investigation I  
01:28:46 18 guess by basically being a fly on the wall in Spinners.

01:28:51 19 A. Correct.

01:28:51 20 Q. Did you go to any other bars or any other locations  
01:28:54 21 and be a fly on the wall?

01:28:56 22 A. Yeah. I focussed primarily three bars, Spinners,  
01:29:04 23 Texarcana in little Texas, and once in a while at Beck's  
01:29:11 24 Hotel.

01:29:11 25 Q. At Beck's Hotel?

- 01:29:12 **1**       **A.** Yeah.
- 01:29:12 **2**       **Q.** And that used to be located in Mexico at the corner  
01:29:16 **3** of 104 and three north?
- 01:29:18 **4**       **A.** Yes.
- 01:29:20 **5**       **Q.** And when you went to Texarcana, did you do the same  
01:29:34 **6** thing you did at Spinners, just kind of be a fly on the  
01:29:37 **7** wall and listen to people talk?
- 01:29:39 **8**       **A.** Well, I also enjoyed myself.
- 01:29:41 **9**       **Q.** Well, fair enough, but I'm talking about with regard  
01:29:44 **10** to your investigation.
- 01:29:45 **11**       **A.** Yes, just always my ear open.
- 01:29:47 **12**       **Q.** Okay. Now, with regard to Beck's Hotel, did you do  
01:29:51 **13** the same thing there, sit in the bar and listen to people  
01:29:54 **14** talk with regards to your investigation?
- 01:29:58 **15**       **A.** Like I said, I just had my ear open, you know.
- 01:30:02 **16**       **Q.** So you heard a lot of people talk about what their  
01:30:06 **17** theories were about what happened to Heidi, is that  
01:30:10 **18** accurate?
- 01:30:10 **19**       **A.** Yeah, pretty -- pretty much so.
- 01:30:12 **20**       **Q.** A lot of people telling you about the rumors or  
01:30:15 **21** things that they had heard?
- 01:30:16 **22**       **A.** Yep.
- 01:30:18 **23**       **Q.** Now, the New Haven/Mexico community at the time that  
01:30:23 **24** Heidi disappeared, I would assume that that was probably on  
01:30:27 **25** a lot of people's minds and a lot of people talking about

01:30:29 1 it, is that accurate?

01:30:31 2 A. Practically the only thing.

01:30:33 3 Q. So fair to say you heard a lot of people telling a  
01:30:37 4 lot of different things, is that accurate?

01:30:38 5 A. Yeah, but I paid more attention to the people that  
01:30:42 6 actually came forward to me.

01:30:44 7 Q. When you say "came forward to me," what do you mean?

01:30:46 8 A. The first month of her disappearance, well, actually  
01:30:55 9 I should say like the first week or so 'cause I made it  
01:31:04 10 known that I'll tear this place apart, I'll -- I'll -- I'll  
01:31:09 11 try to find her, and I hauled away a lot of -- a lot of  
01:31:15 12 cars, a lot of scrap doing so, and New Haven went quiet  
01:31:28 13 when her cousin passed away.

01:31:31 14 Q. Was that her cousin Shaughnessy Searles (ph)?

01:31:35 15 A. Heidi's best friend and cousin, she died on a  
01:31:41 16 motorcycle accident.

01:31:42 17 Q. Do you know her name?

01:31:43 18 A. No, I don't.

01:31:44 19 Q. Okay. Now, when you -- besides sitting in a bar or  
01:31:58 20 sitting on a stool in those bars listening to people talk,  
01:32:01 21 did you do anything else to investigate this?

01:32:04 22 A. I don't know what much more there was to do but --

01:32:20 23 Q. Well, you got some documents.

01:32:23 24 A. Hum?

01:32:23 25 Q. You got some documents, some statements, that kind

- 01:32:26 1 of thing.
- 01:32:26 2 A. Yeah, collecting documents, of course, yeah, because
- 01:32:32 3 I -- I needed to look at these statements closely.
- 01:32:36 4 Q. Okay.
- 01:32:36 5 A. And there's the answer there somewhere.
- 01:32:40 6 Q. Now, so if I understand you correctly, Mr. Bohrer,
- 01:33:19 7 before Gary's trial you had heard that Heidi Allen was a
- 01:33:24 8 confidential informant, is that right?
- 01:33:26 9 A. Correct.
- 01:33:27 10 Q. And you had heard somewhere along the line that some
- 01:33:30 11 kind of card or documentation had been --
- 01:33:32 12 A. Before she was? No.
- 01:33:33 13 Q. Not before, not before she disappeared, before
- 01:33:36 14 Gary's trial.
- 01:33:36 15 A. Correct.
- 01:33:37 16 Q. And you had also heard -- well, I'm going to back up
- 01:33:40 17 just to make sure that the record is clean. Before Gary
- 01:33:43 18 went to trial, you had heard that Heidi Allen was a
- 01:33:46 19 confidential informant, is that accurate?
- 01:33:49 20 A. Yeah, that's what I heard.
- 01:33:50 21 Q. Okay, and before Heidi's trial, or excuse me, Gary's
- 01:33:56 22 trial, you had also heard that some type of documentation
- 01:33:58 23 had been dropped in the parking lot at D&W, is that
- 01:34:05 24 accurate?
- 01:34:05 25 A. I only know about the card.

01:34:07 1 Q. Well, that's -- I don't want -- you called it a  
01:34:09 2 couple different things, a narc card and a card. This card  
01:34:13 3 had been dropped, and you knew about that before Gary's  
01:34:15 4 trial?

01:34:15 5 A. Yes.

01:34:16 6 Q. Now, with regards to the investigation you have  
01:34:24 7 done, have you reached some kind of conclusion about  
01:34:26 8 whether or not Gary and Richard Thibodeau are involved?

01:34:30 9 A. I -- I was -- before I moved next door to him?

01:34:37 10 Q. No, no, you -- you said this investigation has taken  
01:34:41 11 you twenty years.

01:34:41 12 A. Um hum.

01:34:42 13 Q. And I assume in the twenty years you've developed  
01:34:44 14 some kind of of opinion about whether or not Richard and  
01:34:47 15 Gary are involved.

01:34:48 16 A. Oh, yeah.

01:34:49 17 Q. Is that accurate?

01:34:50 18 A. Back and forth, back and forth.

01:34:52 19 Q. Okay, what's your -- you say back and forth. What's  
01:34:54 20 your current opinion about whether they were involved?

01:34:58 21 A. My investigation, my documents I gave to you, I'm  
01:35:07 22 leaving it to the mercy of the Court to get to the truth.

01:35:11 23 Q. Fair enough.

01:35:14 24 MR. MOODY: I have no further questions,

01:35:15 25 Judge.



- 01:35:18 **1** THE COURT: Just a second please, Ms. Peebles.
- 01:35:21 **2** MS. PEEBLES: Okay, sure.
- 01:35:24 **3** (Whereupon, there was a pause in the
- 01:35:39 **4** proceeding.)
- 01:35:39 **5** MR. OAKES: Your Honor, before Mr. Moody --
- 01:35:49 **6** can I talk to him one second?
- 01:35:50 **7** THE COURT: Sure.
- 8** (Whereupon, there was a pause in the
- 01:35:55 **9** proceeding).
- 01:35:55 **10** MR. MOODY: Could I ask one further question?
- 01:35:58 **11** THE COURT: Yes.
- 01:35:58 **12** MR. OAKES: A couple.
- 01:36:01 **13** MR. MOODY: If I may.
- 01:36:02 **14** THE COURT: Never know a lawyer to ask just
- 01:36:05 **15** one question, Mr. Moody.
- 01:36:06 **16** MR. MOODY: That's the most of the third year
- 01:36:08 **17** of law school is how to ask one question several times.
- 01:36:12 **18** Q. Mr. Bohrer, were you personally involved in any way
- 01:36:21 **19** in the abduction of or kidnapping of Heidi Allen?
- 01:36:25 **20** A. No.
- 01:36:26 **21** Q. Do you have any idea whether -- any -- who was,
- 01:36:29 **22** personally know who was?
- 01:36:31 **23** A. I have my theories.
- 01:36:34 **24** Q. Okay, and you said you'd leave that to the Court,
- 01:36:36 **25** but you have no personal knowledge of whether James Steen

01:36:39 1  
01:36:41 2  
01:36:42 3  
01:36:45 4  
01:36:46 5  
01:36:46 6  
01:36:49 7  
01:36:50 8  
01:36:50 9  
01:36:52 10  
01:36:53 11  
01:36:54 12  
01:37:03 13  
01:37:09 14  
01:37:10 15  
01:37:17 16  
01:37:18 17  
01:37:19 18  
01:37:47 19  
01:37:50 20  
01:37:51 21  
01:37:51 22  
01:37:54 23  
01:37:55 24  
01:37:56 25

was involved?

A. No.

Q. Do you have any personal knowledge whether Roger Breckenridge was involved?

A. No.

Q. Do you have any personal knowledge whether Gary Thibodeau was involved?

A. No.

Q. Do you have any personal knowledge whether Richard Thibodeau was involved?

A. No.

Q. Thank you.

MR. OAKES: Your Honor, I think that was seven.

THE COURT: Yeah. Ms. Peebles, go ahead.

REDIRECT EXAMINATION

BY MS. PEEBLES:

Q. Mr. Bohrer, when I was questioning you yesterday, I gave you a document from a statement that you gave to the FBI. Do you remember that?

A. Yes.

Q. And you had a chance to look at that over the lunch hour and you read through that?

A. Yes.

Q. And isn't it true that you told the FBI that the

01:37:59 1 Thibodeaus were involved and it was over drugs, isn't that  
01:38:03 2 what you told the FBI in 1995?

01:38:07 3 A. I believe it was put down as theory.

01:38:13 4 Q. So you theorized that the Thibodeaus were involved  
01:38:16 5 in 1995 and that's what you told the FBI?

01:38:18 6 A. Correct.

01:38:19 7 Q. And you told them it was a drug motive?

01:38:22 8 A. Yes.

01:38:22 9 Q. Now, I want to get back to that index card that we  
01:38:26 10 were talking about earlier and then Mr. Moody had asked you  
01:38:29 11 some questions about that. If I remember correctly, you  
01:38:31 12 said that you were made aware of that the day the card was  
01:38:34 13 found in the parking lot, is that correct?

01:38:36 14 A. Yes, somebody --

01:38:39 15 Q. Someone found it?

01:38:41 16 A. Well, somebody told me that did you hear the latest  
01:38:45 17 news. I says what happened now. And they says Christine  
01:38:54 18 found a card in the parking lot, and immediately I thought  
01:38:58 19 that was very strange.

01:39:00 20 Q. And you learned like right around the time that the  
01:39:02 21 card was found in the parking lot. I don't want to put  
01:39:06 22 words in your mouth, but that's what you're testifying here  
01:39:09 23 to today, correct?

01:39:10 24 A. Say that again.

01:39:11 25 Q. You found out about it the day or shortly -- the day

- 01:39:18 1 it was found.
- 01:39:19 2 A. Correct.
- 01:39:20 3 Q. Now, I want to ask you some questions about Beck's
- 01:39:26 4 motel or hotel. You were talking about that on
- 01:39:30 5 cross-examination?
- 01:39:30 6 A. Yes.
- 01:39:30 7 Q. How often did you go to the Beck's Hotel?
- 01:39:33 8 A. Not very often.
- 01:39:35 9 Q. Well, could you -- can you give me an estimate as to
- 01:39:40 10 how often?
- 01:39:40 11 A. Once or twice a month maybe.
- 01:39:41 12 Q. And that's back in 1994?
- 01:39:44 13 A. Not at all in ninety-four I don't believe.
- 01:39:51 14 Q. Oh, you didn't go there at all in 1994?
- 01:39:53 15 A. Nope. Ninety-four I was primarily Spinners and
- 01:39:58 16 Texarcana.
- 01:39:58 17 Q. Okay, so when you were going to the Beck's motel,
- 01:39:59 18 you said you were going there to conduct your
- 01:40:02 19 investigation, that's what you testified to on your
- 01:40:04 20 cross-examination.
- 01:40:05 21 A. Well, any -- any time, I was twenty-four seven
- 01:40:11 22 listening.
- 01:40:12 23 Q. Okay, but I'm talking --
- 01:40:13 24 A. If I happen to go to Beck's, that's -- then it was
- 01:40:16 25 there. There's a bar across the street where I think I

01:40:25 1 first met Richard maybe.

01:40:30 2 Q. Now when you were at --

01:40:31 3 A. Before all this.

01:40:32 4 Q. -- Beck's, did you ever meet Brett Law at Beck's  
01:40:37 5 motel?

01:40:38 6 A. No, I -- I didn't know Brett until after Heidi's  
01:40:42 7 disappearance.

01:40:43 8 Q. How did you --

01:40:43 9 A. And I've never met him personally.

01:40:45 10 Q. How did you -- how did you -- what -- did you ever  
01:40:47 11 meet him, ever meet Brett Law?

01:40:49 12 A. I don't believe so.

01:40:51 13 Q. How did you know who he was?

01:40:53 14 A. From the newspaper coverage, TV coverage, the story  
01:41:00 15 behind what happened to Heidi that day and the fact that he  
01:41:04 16 was there in the morning when she opened, before she was  
01:41:10 17 abducted, and he left. I guess he said he had coffee and  
01:41:18 18 donuts with her.

01:41:19 19 Q. Do you know what time Brett Law left the D&W that  
01:41:23 20 morning?

01:41:24 21 MR. MOODY: I'm going to object, Judge. How  
01:41:26 22 was the personal knowledge here?

01:41:27 23 MS. PEEBLES: Well, I'm trying to find out.

01:41:29 24 THE COURT: Can you ask him if he has any  
01:41:31 25 personal knowledge of when he left.

01:41:34 1 Q. Do you have personal knowledge as to when Brett Law  
01:41:37 2 left the D&W that morning?

01:41:38 3 A. Personal knowledge? Does that mean I was standing  
01:41:41 4 outside the store and see him leave?

01:41:43 5 Q. Not necessarily.

01:41:44 6 A. I believe it's a matter of record, that's my  
01:41:49 7 knowledge.

01:41:49 8 Q. Well, do you know? Do you know a time?

01:41:52 9 A. I'm fuzzy on the times. Any times and dates, it's  
01:42:02 10 well documented in statements, so if it's on a statement,  
01:42:09 11 that's the -- that's the data that I stuck with.

01:42:15 12 Q. You indicated that you were collecting these reports  
01:42:23 13 and studying them, that -- the reports pertaining to  
01:42:28 14 eyewitness accounts of what took place that morning?

01:42:30 15 A. Correct.

01:42:30 16 Q. Now you indicated to Investigator Pietroski and  
01:42:34 17 Investigator Johnson that Bivens' first statement was the  
01:42:38 18 closest to the truth.

01:42:40 19 A. Correct.

01:42:41 20 Q. And you knew that that was closest to the truth,  
01:42:44 21 correct?

01:42:44 22 A. For several reasons.

01:42:46 23 Q. Can you explain what those reasons are?

01:42:48 24 A. Primarily the incident with the red truck and who I  
01:42:56 25 saw in the red truck directed my ideas as to who is really

01:43:09 1 behind it.

01:43:11 2 Q. Does Mr. Bivens say anything about a red truck in  
01:43:14 3 his statement, his first statement?

01:43:19 4 A. Bivens?

01:43:20 5 Q. Bivens, yep.

01:43:22 6 A. No.

01:43:22 7 Q. What does Mr. Bivens say in his first statement  
01:43:25 8 about what he observed that morning?

01:43:28 9 MR. MOODY: Judge, I'm going to object. I  
01:43:30 10 think we're getting a little bit in hearsay and far  
01:43:32 11 afield.

01:43:32 12 THE COURT: It's definitely hearsay. It's  
01:43:36 13 getting a little far afield.

01:43:37 14 THE WITNESS: No, it's in his statement.

01:43:39 15 THE COURT: No, you can't testify to what Mr.  
01:43:41 16 Bivens said. It's hearsay.

01:43:42 17 Q. You mentioned Shaughnessy (ph). Who is -- who is  
01:43:46 18 Shaughnessy?

01:43:47 19 A. Well, the name rings a bell.

01:43:50 20 Q. Well, didn't you testify just on cross-examination  
01:43:53 21 about a cousin of -- or --

01:43:55 22 A. Oh, okay, that's her name?

01:43:57 23 MR. MOODY: Judge, I'm going to object. I  
01:43:59 24 think he said on cross he didn't know her name.

01:44:00 25 THE COURT: He didn't know her name.

01:44:02 1 Sustained.

01:44:02 2 Q. Well, pardon me. Why don't you tell me again what  
01:44:09 3 you knew about the cousin of Heidi Allen who was killed in  
01:44:12 4 a motorcycle accident.

01:44:15 5 A. Prior to the motorcycle accident, two women  
01:44:19 6 approached me. I believe one of them was the cousin and  
01:44:26 7 the other one was a girlfriend of the cousin. They both  
01:44:34 8 said that they were close to Heidi and they fed me some  
01:44:41 9 information.

01:44:42 10 Q. And do you know whether or not they were using any  
01:44:48 11 type of drugs?

01:44:49 12 MR. MOODY: I'm going to object, Judge.

01:44:51 13 Relevance, beyond the scope of cross and --

01:44:53 14 THE COURT: Beyond the scope. There's no  
01:44:54 15 foundation if he has any knowledge of them using drugs.

01:44:57 16 Q. What type of relationship did you have with Heidi  
01:45:00 17 Allen's cousin?

01:45:01 18 A. None.

01:45:01 19 Q. And where did you meet her for the first time?

01:45:04 20 A. What we're talking about is a person that came  
01:45:08 21 forward.

01:45:08 22 Q. Okay, but can you please tell me when this person  
01:45:12 23 came forward?

01:45:13 24 A. It was sometime after -- definitely after Wednesday.

01:45:35 25 Q. Wednesday of Heidi Allen?



01:45:36 1 A. Yeah, the Wednesday after Heidi disappeared, and  
01:45:41 2 before she died on the motorcycle accident which I think  
01:45:46 3 was the following -- that Friday.

01:45:47 4 Q. Okay, so in between the time Heidi Allen disappeared  
01:45:50 5 and her motorcycle accident, she came knocking on your door  
01:45:53 6 and said I have some information or --

01:45:54 7 A. No, they approached -- they approached me public, in  
01:45:58 8 the public setting.

01:45:59 9 Q. Can you -- where was the public -- where did that  
01:46:01 10 happen?

01:46:07 11 MR. MOODY: Judge, is there any relevance to  
01:46:10 12 this at all?

01:46:11 13 MS. PEEBLES: I'm following up. He brought it  
01:46:12 14 up on cross-examination and it's not beyond the scope.

01:46:14 15 THE COURT: Beyond the scope, he did bring it  
01:46:16 16 up, but got to bring something to the point of  
01:46:19 17 relevance soon please.

01:46:21 18 Q. Did she confront you or ask you about Heidi Allen's  
01:46:26 19 disappearance?

01:46:27 20 A. No.

01:46:28 21 Q. Tell me what she -- why -- why would she pick you  
01:46:31 22 out to go to you?

01:46:33 23 MR. MOODY: Objection.

01:46:33 24 A. She heard --

01:46:34 25 THE COURT: Stop.

01:46:35 1 MR. MOODY: Speculation.

01:46:36 2 THE COURT: Sustained.

01:46:36 3 Q. Well, tell the Court how it was that you came into  
01:46:40 4 contact with Heidi Allen's cousin.

01:46:42 5 A. It seems to me it was a parking lot setting. I  
01:46:49 6 don't remember if it was Beck's or Spinners. No, it was in  
01:46:59 7 New Haven I think. I don't know. I don't remember where,  
01:47:04 8 but I believe it was a parking lot setting.

01:47:07 9 Q. How long was this meeting?

01:47:10 10 A. It was brief, but she was saying that -- well,  
01:47:23 11 she -- she asked me, she says you're looking into Heidi's  
01:47:30 12 disappearance aren't you? And I was surprised so soon  
01:47:36 13 somebody already knew, and I said yes, and then I think the  
01:47:47 14 girlfriend was a little impatient and she started rambling  
01:47:53 15 on about Matt Duell.

01:47:55 16 Q. So the Wednesday after the Sunday when Heidi Allen  
01:47:59 17 came up missing --

01:48:02 18 A. Sometime after that, some day after that, before she  
01:48:08 19 died in a motorcycle accident.

01:48:10 20 Q. And she approaches you and then two weeks later  
01:48:12 21 she's dead on a motorcycle, is that right?

01:48:14 22 MR. MOODY: Judge, that assumes a lot of facts  
01:48:16 23 not in evidence.

01:48:17 24 THE COURT: I'll sustain that.

01:48:20 25 Q. So she approaches you in the parking lot shortly

01:48:24 1 after Heidi Allen disappears?

01:48:26 2 A. Um hum.

01:48:27 3 Q. She didn't know you, is that your testimony?

01:48:29 4 A. No. Somebody directed her to me.

01:48:30 5 Q. Do you know who that somebody was?

01:48:32 6 A. No, she didn't -- I didn't really ask.

01:48:37 7 Q. Two weeks after your meeting with her she's dead on  
01:48:40 8 a motorcycle?

01:48:41 9 MR. MOODY: Objection, Judge. Can we approach  
01:48:43 10 for a second?

01:48:43 11 THE COURT: Yes. We don't have a date  
01:48:45 12 certainly when this young lady passed away for one  
01:48:49 13 thing.

01:48:50 14 (Whereupon, there was an off the record  
01:49:22 15 discussion at the bench.)

01:49:22 16 THE COURT: Do you want to place the  
01:49:23 17 conference on the record or not?

01:49:25 18 MS. PEEBLES: No, I'm fine, Judge. I don't  
01:49:26 19 have any further questions. Thank you.

01:49:27 20 THE COURT: Thank you.

01:49:29 21 MR. MOODY: Nothing further from the People,  
01:49:31 22 Judge.

01:49:31 23 THE COURT: Mr. Bohrer, you can step down,  
01:49:33 24 sir. Thank you.

01:49:33 25 THE WITNESS: Thank you.

01:49:34 1 THE COURT: Ms. Peebles, your next witness?

01:49:36 2 MS. PEEBLES: Yes. We would call Danielle

01:49:38 3 Babcock. Judge, she's handicapped in a wheelchair so I

01:49:50 4 guess I should have let the Court know. She's in a

01:49:52 5 wheelchair.

01:50:03 6 THE COURT: Will counsel please approach?

7 (Whereupon, there was an off the record

01:50:05 8 discussion at the bench).

01:52:11 9 THE CLERK: Please raise your right hand,

01:52:14 10 place your left hand on the Bible.

11 D A N I E L L E B A B C O C K, Called as a witness, having

01:52:19 12 been duly sworn, was examined and testified as follows:

01:52:19 13 THE CLERK: Please state and spell your name

01:52:23 14 for the record.

01:52:23 15 THE WITNESS: Danielle Babcock,

01:52:27 16 D-A-N-I-E-L-L-E, B-A-B-C-O-C-K.

01:52:31 17 THE CLERK: Thank you.

01:52:32 18 THE COURT: Ms. Babcock, before you go any

01:52:34 19 further, I'm going to ask you if you consent to have

01:52:37 20 your testimony either video or audio taped.

01:52:40 21 THE WITNESS: Yes.

01:52:40 22 THE COURT: You do consent?

01:52:41 23 THE WITNESS: Yes.

01:52:43 24 THE COURT: Everything we -- we have a

01:52:45 25 stenographer, but we also need verbal responses to

01:52:47 1

questions, okay?

01:52:48 2

THE WITNESS: Okay.

01:52:48 3

THE COURT: And you seem very soft spoken, so

01:52:51 4

make sure you speak loudly enough so the back wall can

01:52:54 5

hear you, okay?

01:52:55 6

THE WITNESS: Okay.

01:52:57 7

THE COURT: This is your chance to yell in

01:52:59 8

court, okay?

01:53:00 9

THE WITNESS: Okay.

10 DIRECT EXAMINATION

01:53:01 11

BY MS. PEEBLES:

01:53:02 12

Q. Danielle, how old are you?

01:53:05 13

A. Thirty.

01:53:07 14

Q. Did you grow up in the Oswego County area?

01:53:11 15

A. Yes, ma'am.

01:53:11 16

Q. Your entire life?

01:53:12 17

A. Yes, ma'am.

01:53:13 18

Q. How long have you been in a wheelchair?

01:53:16 19

A. Since 2002.

01:53:18 20

Q. And you were how old when you had your accident?

01:53:22 21

A. Seventeen going on eighteen.

01:53:24 22

Q. Before your accident were you employed?

01:53:28 23

A. Yes.

01:53:30 24

Q. Where did you work?

01:53:31 25

A. I worked at Medspars and East Coast Resorts.

- 01:53:38 **1** Q. And what year was -- what year would that have been?
- 01:53:45 **2** A. It was 2001/2002.
- 01:53:51 **3** Q. Do you recall how old you were?
- 01:53:53 **4** A. Sixteen, seventeen.
- 01:53:54 **5** Q. Now who got you your job at Medspar?
- 01:53:58 **6** A. Tom Martin.
- 01:54:00 **7** Q. Who is Tom Martin?
- 01:54:00 **8** A. He was one of my mom's boyfriends.
- 01:54:02 **9** Q. And how did Tom Martin get you a job at Medspar?
- 01:54:06 **10** A. He was friends with Mike Bohrer.
- 01:54:08 **11** Q. Were you actually working for Medspars or were you
- 01:54:12 **12** working for East Coast Resorts?
- 01:54:14 **13** A. I worked for Medspars. I was telemarketing.
- 01:54:17 **14** Q. And what exactly were you telemarketing?
- 01:54:20 **15** A. Like it was for East Coast Resorts, but it was
- 01:54:28 **16** through Medspars, and we were telemarketing like trips or,
- 01:54:32 **17** you know, a campground.
- 01:54:35 **18** Q. Who was your supervisor when you were working at
- 01:54:38 **19** Medspars?
- 01:54:39 **20** A. Mike Bohrer.
- 01:54:39 **21** Q. And who paid you?
- 01:54:41 **22** A. Mike Bohrer.
- 01:54:42 **23** Q. Describe your work area.
- 01:54:45 **24** A. Very unsanitary.
- 01:54:48 **25** Q. What do you mean by that?

01:54:49 1 A. It just wasn't a work area, it was nasty, dirty.

01:54:53 2 Q. Were there other employees present when you were  
01:54:56 3 working at Medspar?

01:54:57 4 A. Yes, ma'am.

01:54:57 5 Q. Who were they?

01:54:59 6 A. There was my sister Tanya Babcock, there was a  
01:55:03 7 friend of mine, Alex McNab, there was another kid but I  
01:55:09 8 don't remember his name.

01:55:10 9 Q. Was Mr. Bohrer present when you were working?

01:55:16 10 A. Yes, ma'am.

01:55:16 11 Q. And what would he be doing while you were making  
01:55:18 12 phone calls?

01:55:18 13 A. Just walking around.

01:55:20 14 Q. How much interaction did you have with Mr. Bohrer  
01:55:23 15 when you were working for East Coast Resorts, or Medspars,  
01:55:26 16 I'm sorry.

01:55:27 17 A. A lot.

01:55:28 18 Q. Did he ever say anything to you that made you feel  
01:55:32 19 uncomfortable?

01:55:33 20 A. Yes.

01:55:33 21 Q. What did he say to you?

01:55:35 22 A. He would tell us several times that he would do us  
01:55:39 23 like he did Heidi.

01:55:41 24 Q. Do you recall the time period in which he was making  
01:55:44 25 these comments to you?

01:55:46 1 A. What do you mean time period? Like --

01:55:48 2 Q. Was it when you -- only when you were working at  
01:55:53 3 Medspars?

01:55:53 4 A. Yes.

01:55:54 5 Q. Was anyone else present when he made those comments  
01:55:56 6 to you?

01:55:57 7 A. Alex McNab and Tanya Babcock.

01:56:03 8 THE COURT: Before you ask your next question,  
01:56:05 9 I just want to make sure we're all clear that the  
01:56:08 10 hearsay statements, the standing objection, the Court's  
01:56:11 11 going to analyze it like a suppression hearing  
01:56:13 12 statement, correct?

01:56:14 13 MS. PEEBLES: Yes. That's my understanding,  
01:56:16 14 Judge.

01:56:16 15 MR. OAKES: That's correct, Your Honor.

01:56:17 16 THE COURT: Okay, thank you.

01:56:19 17 Q. Did you tell anyone about the comments regarding  
01:56:23 18 Heidi Allen that Mr. Bohrer was making to you?

01:56:27 19 A. My mom.

01:56:28 20 Q. And what did you tell your mom?

01:56:30 21 A. I just told her that he would always threaten us  
01:56:33 22 like he, you know, to do us like he did Heidi.

01:56:38 23 Q. What made you quit your employment at Medspar?

01:56:40 24 A. That exactly.

01:56:41 25 MS. PEEBLES: No further questions.



01:56:43 1 THE COURT: Mr. Oakes?

01:56:52 2 CROSS-EXAMINATION

01:56:53 3 BY MR. OAKES:

01:56:53 4 Q. Good afternoon, Ms. Babcock. How long did you work  
01:57:22 5 for Medspar?

01:57:23 6 A. Not even a year.

01:57:27 7 Q. Was it closer to say like three months, nine months,  
01:57:32 8 do you have a ballpark estimate?

01:57:33 9 A. I would say about six to nine months.

01:57:35 10 Q. Now you said you would have a lot of contact with  
01:57:39 11 Mr. Bohrer during that time period?

01:57:40 12 A. Yes.

01:57:41 13 Q. And I'm not trying to be rude to Mr. Bohrer, but  
01:57:49 14 would it be fair to say that he's kind of an odd gentleman?

01:57:52 15 A. Yes.

01:57:53 16 Q. Rambles on, talks about different things a lot?

01:57:58 17 A. I don't know like about different things.

01:58:04 18 Q. Would he ramble on sometimes?

01:58:06 19 A. Just like out of nowhere? Not that I really  
01:58:10 20 noticed.

01:58:11 21 Q. Did he ever talk to you about Heidi Allen or talk in  
01:58:16 22 the shop that you heard about Heidi Allen?

01:58:18 23 A. Just that he would threaten us to do us as he did  
01:58:22 24 Heidi.

01:58:22 25 Q. He never -- he never told you that he directly

- 01:58:31 **1** killed Heidi Allen did he?
- 01:58:32 **2** **A.** He said verbatim, "I'll do you as I did Heidi."
- 01:58:37 **3** **Q.** And that bothered you obviously?
- 01:58:45 **4** **A.** Yes.
- 01:58:45 **5** **Q.** And you told your mom?
- 01:58:47 **6** **A.** Yes.
- 01:58:47 **7** **Q.** You never reported this to the police though?
- 01:58:52 **8** **A.** No, we just thought it was vague threats.
- 01:58:54 **9** **Q.** Okay, when you say you thought it was fake threats?
- 01:58:58 **10** **A.** Vague, vague.
- 01:59:01 **11** **Q.** Vague, okay. But what did you take from the vague
- 01:59:08 **12** threat?
- 01:59:09 **13** **A.** I -- did I think that he would honestly, you know,
- 01:59:12 **14** do anything to me? No, I didn't, but did it bother me to
- 01:59:15 **15** the point where I would quit my job? Yes, it did.
- 01:59:18 **16** **Q.** But you didn't actually think he was going to cause
- 01:59:21 **17** harm to you?
- 01:59:21 **18** **A.** I -- to me personally, no. I knew that he knew my
- 01:59:26 **19** entire family.
- 01:59:33 **20** **MR. OAKES:** Your Honor, I have no further
- 01:59:34 **21** questions for the witness.
- 01:59:35 **22** **THE COURT:** Okay. Ms. Peebles, anything?
- 23** REDIRECT EXAMINATION
- 01:59:39 **24** BY MS. PEEBLES:
- 01:59:39 **25** **Q.** Just one question, Danielle. Why's it that you came

01:59:42 1 forward?

01:59:43 2 A. Honestly it was my sister and I talked and a friend  
01:59:48 3 of hers said that her uncle is sitting in prison for a  
01:59:53 4 crime he did not commit and anything would help.

01:59:57 5 Q. Did you want to be here today?

01:59:59 6 A. No, I didn't.

02:00:00 7 MS. PEEBLES: No further questions. Thank  
02:00:05 8 you.

02:00:05 9 THE COURT: Mr. Oakes?

02:00:09 10 MR. OAKES: No further questions, Your Honor,  
02:00:13 11 thank you.

02:00:23 12 THE COURT: Thank you, Ms. Babcock. Ms.  
02:00:26 13 Peebles, your next witness?

02:00:28 14 MR. PEEBLES: Yes. We're going to call Joe  
02:00:30 15 Mannino.

02:01:47 16 THE CLERK: Please raise your right hand,  
02:01:53 17 place your left hand on the Bible.

02:02:00 18 J O S E P H M A N N I N O, Called as a witness, having  
02:02:00 19 been duly sworn, was examined and testified as follows:

02:02:00 20 THE CLERK: Could you please state and spell  
02:02:02 21 your name for the record?

02:02:04 22 THE WITNESS: Joseph Mannino, J-O-S-E-P-H,  
02:02:06 23 M-A-N-N-I-N-O.

02:02:08 24 THE CLERK: Please be seated.

02:02:11 25 THE COURT: You pronounce your last name

02:02:12 1  
02:02:13 2  
02:02:14 3  
02:02:17 4  
02:02:18 5  
02:02:21 6  
02:02:23 7  
02:02:24 8  
02:02:26 9  
02:02:28 10  
02:02:28 11  
02:02:30 12  
02:02:30 13  
02:02:33 14  
02:02:34 15  
02:02:39 16  
02:02:40 17  
02:02:41 18  
02:02:42 19  
02:02:42 20  
02:02:47 21  
02:02:50 22  
02:02:52 23  
02:02:54 24  
02:02:56 25

Mannino?

THE WITNESS: Mannino, yes.

THE COURT: Sir, make sure you speak loudly enough so the wall at the other side of the courtroom will hear you. I'm going to ask you do you consent to have your testimony video and audio taped?

THE WITNESS: No.

THE COURT: Okay, thank you.

DIRECT EXAMINATION

BY MS. BIANCO:

Q. Mr. Mannino, how old you?

A. Thirty-one.

Q. And what county do you reside in?

A. Oswego.

Q. How long have you lived in Oswego?

A. For about twelve years.

Q. Are you currently employed?

A. Yes.

Q. Where are you employed?

A. Dan's Chicken Shack, it's in New Haven.

Q. Is there another source of employment as well or just Dan's Chicken Shack?

A. Right now just Dan's Chicken Shack.

Q. Do you do any volunteer work?

A. Oh, yeah, yeah, yeah.

- 02:02:58 **1** Q. Where do you do volunteer work?
- 02:03:00 **2** A. For the church.
- 02:03:01 **3** Q. And what church is that?
- 02:03:02 **4** A. St. Peters.
- 02:03:03 **5** Q. What do you do there?
- 02:03:04 **6** A. A bunch of things. Just make -- pretty much
- 02:03:07 **7** maintenance.
- 02:03:08 **8** Q. And how long have you been doing volunteer work?
- 02:03:10 **9** A. For about -- for a long time, ten years.
- 02:03:14 **10** Q. Do you know a person by the name of James Steen?
- 02:03:19 **11** A. Yes.
- 02:03:19 **12** Q. And does he have a nickname?
- 02:03:21 **13** A. Thumper.
- 02:03:22 **14** Q. And how long have you known Mr. Steen?
- 02:03:27 **15** A. For about ten years.
- 02:03:29 **16** Q. How would you describe your relationship with Mr.
- 02:03:33 **17** Steen?
- 02:03:33 **18** A. We were friends.
- 02:03:35 **19** Q. Do you know if Mr. Steen was a drug user?
- 02:03:41 **20** A. Yeah.
- 02:03:42 **21** Q. How do you know?
- 02:03:44 **22** MR. OAKES: Objection, Your Honor. What time
- 02:03:46 **23** frame are we talking about?
- 02:03:49 **24** THE COURT: Can you give us a time frame?
- 02:03:52 **25** MS. BIANCO: Certainly.

02:03:52 1 Q. You've known him for ten years?

02:03:53 2 A. Yes.

02:03:54 3 Q. When was the first time if you know that he was a  
02:03:57 4 drug user and when was that?

02:03:58 5 MR. OAKES: Objection, Your Honor. Relevance.

02:04:00 6 Ten years puts him back to 2004, ten years after the --

02:04:05 7 THE COURT: What's the relevance?

02:04:06 8 MS. BIANCO: Well, this is how they knew one  
02:04:08 9 another as well, Judge.

02:04:13 10 THE COURT: I'll allow it.

02:04:17 11 A. There's drugs involved the first time I met him.

02:04:20 12 Q. What kind of drugs?

02:04:21 13 A. Cocaine.

02:04:23 14 Q. Did there come a time in 2011 when you were  
02:04:31 15 incarcerated in the Oswego County Jail?

02:04:36 16 A. Excuse me?

02:04:37 17 Q. Did there come a time in 2011 when you were  
02:04:40 18 incarcerated in the Oswego County Jail?

02:04:44 19 A. Yeah, I was incarcerated.

02:04:46 20 Q. Why were you there?

02:04:47 21 A. I was there on a domestic violence case.

02:04:49 22 Q. And did you see James Steen while you were  
02:04:53 23 incarcerated?

02:04:53 24 A. Yes.

02:04:54 25 Q. Where was he housed?

- 02:04:56 1 A. Right next door to me.
- 02:04:57 2 Q. And what was he doing there if you know?
- 02:05:01 3 A. He was going to trial for murder.
- 02:05:03 4 Q. For -- for what?
- 02:05:04 5 A. Murder.
- 02:05:05 6 Q. Did Mr. Steen have a conversation with you while he
- 02:05:14 7 was in the jail about Heidi Allen?
- 02:05:17 8 A. Yes.
- 02:05:18 9 Q. How did that conversation come up?
- 02:05:21 10 A. We were -- we were talking about me working for Matt
- 02:05:26 11 Duell and then I had brought up I'd always heard that Matt
- 02:05:32 12 was a suspect in what happened to her.
- 02:05:35 13 Q. What happened to her, who her?
- 02:05:38 14 A. Heidi.
- 02:05:39 15 Q. Okay.
- 02:05:39 16 A. And he -- that's -- that's how the conversation
- 02:05:43 17 started.
- 02:05:44 18 Q. And what did he say in regards to Ms. Allen?
- 02:05:47 19 A. He said that Matt didn't have nothing to do with it.
- 02:05:50 20 Q. Did he say anything else?
- 02:05:51 21 A. Yeah. He said that the Thibodeaus didn't have
- 02:05:56 22 nothing to do with it, and the actual -- his own words was
- 02:06:00 23 the actual van that was used in her kidnapping, he's the
- 02:06:04 24 one that hauled it to Canada and had it scrapped.
- 02:06:08 25 Q. Did he say anything about her status as an

- 02:06:11 1 informant?
- 02:06:12 2 A. He said she was a rat.
- 02:06:15 3 Q. When was the first time you disclosed these
- 02:06:21 4 statements that Steen made to law enforcement?
- 02:06:24 5 A. I don't remember the date.
- 02:06:28 6 Q. What year was it if you know?
- 02:06:30 7 A. 2014.
- 02:06:31 8 Q. And who was the first agency you contacted regarding
- 02:06:36 9 Mr. Steen's statements?
- 02:06:37 10 A. The first agency I contacted was Oswego City Police
- 02:06:41 11 Department and I didn't hear nothing back from them.
- 02:06:43 12 Q. What did you do then?
- 02:06:44 13 A. Then I had called my -- I called my parole officer
- 02:06:50 14 and I didn't hear nothing back from him either.
- 02:06:52 15 Q. What did you do after that?
- 02:06:54 16 A. I called the District Attorney's Office.
- 02:06:56 17 Q. And who did you speak to?
- 02:06:59 18 A. I believe it was Mr. Moody.
- 02:07:02 19 Q. Okay, and did you provide an affidavit to the
- 02:07:06 20 District Attorney's Office?
- 02:07:08 21 A. Yes.
- 02:07:09 22 Q. About these statements that Mr. Steen made?
- 02:07:11 23 A. Yes.
- 02:07:12 24 Q. What were you asked in regards to taking a polygraph
- 02:07:17 25 test?



- 02:07:17 1 A. Nothing.
- 02:07:18 2 MR. OAKES: Objection, Your Honor.
- 02:07:19 3 THE COURT: Hold on. What's your objection?
- 02:07:21 4 MR. OAKES: Objection, Your Honor, relevance.
- 02:07:23 5 Polygraph's inadmissible in court.
- 02:07:25 6 THE COURT: I'll sustain.
- 02:07:26 7 Q. After you contacted the District Attorney's Office
- 02:07:32 8 about Mr. Steen's statement, what did you do?
- 02:07:37 9 A. I -- I contacted Lisa Peebles.
- 02:07:45 10 Q. Why didn't you report what Mr. Steen said when he
- 02:07:49 11 first said this to you in the jail?
- 02:07:53 12 A. He -- he didn't say that he did a crime, he didn't,
- 02:07:58 13 I didn't feel like there was nothing for me to report.
- 02:08:01 14 Q. Okay, because he told you what?
- 02:08:03 15 A. He said that he -- that the van that was used in it,
- 02:08:06 16 he had hauled it and scrapped it to Canada.
- 02:08:10 17 Q. Do you know Gary Thibodeau?
- 02:08:12 18 A. No.
- 02:08:13 19 Q. How about Richard Thibodeau?
- 02:08:15 20 A. I don't know him.
- 02:08:18 21 Q. Do you know Jen Wescott?
- 02:08:21 22 A. I know of her.
- 02:08:22 23 Q. How about Amanda Braley?
- 02:08:24 24 A. No.
- 02:08:27 25 Q. What do you hope to gain by testifying here today?

02:08:31 1

A. Nothing.

02:08:32 2

Q. Have you gotten any grief since you've given these

02:08:36 3

statements against Mr. Steen?

02:08:38 4

MR. OAKES: Objection, Your Honor.

02:08:39 5

A. Yes.

02:08:40 6

THE COURT: What's your objection?

02:08:41 7

MR. OAKES: Relevance.

02:08:42 8

THE COURT: Sustained.

02:08:48 9

MS. BIANCO: I have no further questions.

02:08:50 10

THE COURT: Okay, thank you. This might be a

02:08:55 11

good time to take about a ten-minute break. You said

02:08:58 12

your cross would be a little longer? It's ten after

02:09:01 13

right now. Why don't we go until twenty after, that

02:09:04 14

gives us a good hour and a half. You can step down,

02:09:08 15

sir. Court's in recess until twenty after two.

02:09:16 16

(Whereupon, there was a recess.)

02:21:26 17

THE COURT: Do you want to get Mr. Mannino?

02:21:40 18

Ms. Peebles, do you have enough -- why don't you guys

02:21:43 19

approach?

02:21:44 20

(Whereupon, there was an off the record

02:22:35 21

discussion at the bench.)

02:22:35 22

THE COURT: Mr. Oakes.

02:22:36 23

MR. OAKES: Thank you.

24

(People's Exhibit J was marked for

25

identification).

02:22:40 1  
02:22:40 2  
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02:25:00 25

CROSS-EXAMINATION

BY MR. OAKES:

Q. Good afternoon, Mr. Mannino.

A. Good afternoon.

Q. Now, you were incarcerated in the Oswego County Jail in 2011?

A. Yes, sir.

Q. What months in 2011?

A. From January till September.

Q. Why were you in the Oswego County Jail at that time?

A. Domestic violence.

Q. Against whom?

A. My girlfriend.

Q. What did you do to her?

MS. BIANCO: Objection to the relevance of what he did to her, Your Honor.

THE COURT: I'll sustain. If you want to ask him what he was convicted of, that's fine.

Q. What were you convicted of?

A. Violating order of protection.

Q. Now, your testimony to Ms. Peebles, you said you were talking to Mr. -- Mr. Steen in the Oswego County Jail during that period of time?

A. Yes, sir.

Q. Do you recall what month or what day that you were

02:25:03 1 speaking to Mr. Steen?

02:25:05 2 A. No, I don't.

02:25:10 3 Q. And your testimony is that Mr. Steen told you that  
02:25:18 4 the van that was used in the Heidi Allen abduction was  
02:25:24 5 scrapped and he had taken it to Canada?

02:25:26 6 A. Yes.

02:25:27 7 Q. That's what he told you?

02:25:28 8 A. Yes.

02:25:28 9 Q. Did he say where it was scrapped?

02:25:33 10 A. He told me it was across the border in Canada.

02:25:36 11 Q. He told you where it was taken to, correct?

02:25:39 12 A. Yes.

02:25:39 13 Q. He didn't say anything about Murtaugh's scrap yard,  
02:25:44 14 correct?

02:25:44 15 A. No, sir.

02:25:45 16 Q. Did he tell you -- did he say anything about Roger  
02:25:49 17 Breckenridge?

02:25:50 18 A. No, sir.

02:25:51 19 Q. Did he say anything to you about Michael Bohrer?

02:25:54 20 A. No, sir.

02:25:54 21 Q. Did he tell you that he abducted Heidi Allen?

02:25:59 22 A. No, sir.

02:26:00 23 Q. Did he tell you that he killed Heidi Allen?

02:26:03 24 A. No, sir.

02:26:07 25 Q. And he said -- when he told you about the van being

02:26:11 1 taken to Canada, did he explain to you how he knew it was  
02:26:14 2 the van that was involved with Heidi Allen?

02:26:17 3 A. No, he didn't, sir.

02:26:18 4 Q. So you don't know if it was something he actually  
02:26:21 5 knew or something he was speculating about, is that fair to  
02:26:26 6 say?

02:26:27 7 A. Yeah.

02:26:33 8 Q. And it's your testimony today that she told that --  
02:26:52 9 it's your testimony today that Mr. Steen told you the  
02:26:54 10 reason she was killed, Heidi Allen was killed, is because  
02:26:57 11 she was a rat?

02:26:59 12 A. Yes.

02:27:00 13 Q. And he told you that the Thibodeaus had nothing to  
02:27:04 14 do with it?

02:27:04 15 A. Yes.

02:27:06 16 Q. Mr. Mannino, on July twenty-eighth, 2014, you gave a  
02:27:13 17 sworn affidavit to the Federal Public Defender's Office  
02:27:18 18 didn't you?

02:27:19 19 A. Yes.

02:27:19 20 THE COURT: What's the date, Mr. Oakes?

02:27:20 21 MR. OAKES: July twenty-eighth of 2014.

02:27:23 22 THE COURT: Thank you.

02:27:24 23 Q. And it was in reference to this case and this  
02:27:27 24 hearing essentially, correct?

02:27:29 25 A. Yes.

- 02:27:30 **1** Q. And did you speak with Attorney Lisa Peebles at that
- 02:27:35 **2** time?
- 02:27:35 **3** A. Yes.
- 02:27:36 **4** Q. Where did you meet her?
- 02:27:37 **5** A. At her office.
- 02:27:38 **6** Q. Down in Syracuse, the Federal Public Defender's
- 02:27:42 **7** Office?
- 02:27:42 **8** A. Yes.
- 02:27:42 **9** Q. And you knew that was an important matter at that
- 02:27:47 **10** time?
- 02:27:47 **11** A. Yes, I did.
- 02:27:48 **12** Q. And I'm sure -- did Ms. Peebles ask you to tell
- 02:27:52 **13** you -- tell her everything that Mr. Steen had told you?
- 02:27:56 **14** A. Yes.
- 02:27:56 **15** Q. She told you this was an important case and she
- 02:27:59 **16** wanted you to be thorough?
- 02:28:00 **17** A. No.
- 02:28:01 **18** Q. Okay.
- 02:28:02 **19** A. Well, I don't -- I don't understand your question.
- 02:28:06 **20** Q. That's fine, Mr. Mannino. Mr. Mannino, did she ask
- 02:28:11 **21** you to tell her everything that James Steen told you in the
- 02:28:14 **22** jail?
- 02:28:16 **23** A. I told her everything he told me in the jail. On my
- 02:28:21 **24** own.
- 02:28:22 **25** Q. Okay, and then somebody in her office or she typed

02:28:27 1 up a statement for you?

02:28:29 2 A. Yeah.

02:28:30 3 Q. Do you read and write English, Mr. Mannino?

02:28:33 4 A. Yes, I do.

02:28:34 5 Q. Did you review that statement when -- when they  
02:28:38 6 typed it up for you?

02:28:39 7 A. Yes, I did.

02:28:40 8 Q. And you read it before you signed it?

02:28:42 9 A. Yes, I did.

02:28:43 10 Q. And in that statement did you put all of the  
02:28:45 11 information that you had regarding James Steen and Heidi  
02:28:49 12 Allen?

02:28:59 13 MS. PEEBLES: Why doesn't he let him see the  
02:29:00 14 document?

02:29:01 15 MR. OAKES: Well, I'm asking him if he put  
02:29:03 16 everything that he knew in the statement.

02:29:05 17 THE COURT: He didn't answer that he doesn't  
02:29:09 18 remember at this point.

02:29:09 19 A. At this point I don't remember. I don't remember  
02:29:13 20 what was in the statement.

02:29:14 21 Q. Okay, did you know it was important to be honest at  
02:29:17 22 that time?

02:29:17 23 A. I have been honest this whole time.

02:29:19 24 Q. No. At the time that you gave the statement, did  
02:29:20 25 you know it was important to be honest?

02:29:22 1 A. Yes, I did.

02:29:23 2 Q. Did you know it was important to be complete, to  
02:29:28 3 tell everything?

02:29:29 4 A. Yes.

02:29:30 5 Q. Okay. Now, when you gave this statement to Ms.  
02:29:40 6 Peebles though, you never mentioned anything about James  
02:29:44 7 Steen saying that Heidi was a rat did you?

02:29:47 8 A. I've told everybody from the jump he said that.

02:29:51 9 Q. Okay, well, I'm going to hand you what's been marked  
02:29:54 10 for identification as People's J. Do you recognize that,  
02:29:58 11 Mr. Mannino?

02:30:01 12 A. Yeah.

02:30:03 13 Q. Is that the statement that you gave to Ms. Peebles?  
02:30:16 14 (Whereupon, there was a pause in the  
15 proceeding.)

02:30:26 16 Q. Is that the statement that you gave Ms. Peebles,  
02:30:28 17 sir?

02:30:29 18 THE COURT: Hold on. He's looking at it.

02:30:31 19 MR. OAKES: Oh, I'm sorry, Your Honor.

02:31:20 20 A. This doesn't look like -- I think there's a typo in  
02:31:25 21 this.

02:31:26 22 Q. Okay, is that your signature at the bottom?

02:31:29 23 A. Yes, it is.

02:31:32 24 Q. Is there a notary stamp to the left of that?

02:31:37 25 A. Yes, there is.



02:31:38 1 Q. And Ms. Peebles, who is sitting there at the table  
02:31:44 2 with the glasses, did she sign that or notarize that  
02:31:45 3 statement that is in front of you? The young lady right  
02:31:50 4 here?

02:31:50 5 A. Yes.

02:31:51 6 Q. Okay. Can you tell me where in that statement it  
02:31:56 7 says --

02:31:57 8 MS. BIANCO: Your Honor, I'm going to object.  
02:31:59 9 That is an attempt to argue that this is somehow a  
02:32:02 10 recent fabrication, when he gave the statement to them,  
02:32:04 11 and these very words are to them in their statement, so  
02:32:08 12 these are improper.

02:32:09 13 THE COURT: I don't think it's an attempt to  
02:32:12 14 say this is a recent fabrication. I'm going to allow  
02:32:15 15 the line.

02:32:16 16 Q. Did you say anywhere in that statement Mr. Steen  
02:32:19 17 told you Heidi Allen was a rat?

02:32:22 18 A. I don't see it in there.

02:32:24 19 Q. Okay. Actually I'm going to ask you to hang on to  
02:32:30 20 that, Mr. Mannino. You testified today James Steen  
02:32:35 21 specifically told you that the Thibodeaus had nothing to do  
02:32:37 22 with Heidi Allen's abduction and death?

02:32:40 23 A. Yes, he did.

02:32:41 24 Q. Okay, I'm going to ask you to look at the fifth  
02:32:44 25 paragraph of that affidavit, the sworn affidavit you gave

02:32:48 1 to the defense counsel. Do you see that fifth paragraph?  
02:32:53 2 In the second to last sentence, does it say, "Thumper never  
02:32:58 3 mentioned the Thibodeaus when he made the statement about  
02:33:02 4 squashing the van." Did he say -- is that in your  
02:33:05 5 statement, sir?

02:33:09 6 A. Yeah.

02:33:11 7 Q. And that's what you swore to under oath when you  
02:33:13 8 gave that affidavit to defense counsel.

02:33:16 9 A. Yeah.

02:33:18 10 Q. Is it still your testimony today that he mentioned  
02:33:22 11 the Thibodeaus and said they weren't involved?

02:33:24 12 A. Yes, it is.

02:33:27 13 Q. You lived in Oswego County your entire life?

02:33:33 14 A. No, I haven't.

02:33:33 15 Q. How long have you lived in Oswego County?

02:33:35 16 A. For about twelve years.

02:33:37 17 Q. Okay, you've heard of the Heidi Allen case before  
02:33:42 18 recently?

02:33:42 19 A. Yes.

02:33:43 20 Q. You were aware of the significance of that case in  
02:33:46 21 the community?

02:33:47 22 A. Yes.

02:33:49 23 Q. And would you agree that Mr. Steen's statements to  
02:33:55 24 you were -- alleged statements to you in the jail are

02:33:57 25 significant regarding Heidi Allen case?

02:34:01 1

A. Yes.

02:34:03 2

Q. And that was in 2011 that he made those statements

02:34:06 3

to you, correct?

02:34:06 4

A. Yes.

02:34:07 5

Q. You've since that time -- rephrase that. So in July

02:34:16 6

of 2014, you came forward to talk about these statements

02:34:22 7

that you heard from Mr. Steen, correct?

02:34:24 8

A. Yes.

02:34:25 9

Q. You've had opportunities before July of 2014 to

02:34:29 10

advise law enforcement of those statements though haven't

02:34:32 11

you?

02:34:33 12

A. Yes.

02:34:35 13

Q. And in fact, in May of 2012, a search warrant was

02:34:52 14

executed at your residence in the City of Oswego?

02:34:55 15

A. Yes.

02:34:55 16

Q. By the City of Oswego Police Department?

02:34:57 17

A. Yes.

02:34:58 18

Q. And one of the officers involved in that case was

02:35:00 19

Sergeant Aldo Bonacchi of the Oswego Police Department,

02:35:04 20

correct?

02:35:04 21

A. Yes.

02:35:05 22

Q. And you're familiar with Sergeant Bonacchi?

02:35:08 23

A. Yes.

02:35:09 24

Q. And after you got arrested on that charge -- well,

02:35:12 25

you were arrested at that time for criminal possession of a

02:35:15 1 controlled substance in the seventh degree weren't you?

02:35:17 2 A. No, I wasn't.

02:35:19 3 Q. Let me ask you, did you think you were going to be  
02:35:22 4 charged with criminal possession of a controlled substance  
02:35:25 5 in the seventh degree?

02:35:25 6 A. Yes.

02:35:26 7 Q. And did you tell Sergeant Bonacchi, look, I know  
02:35:31 8 Judge Metcalf will give me a year if I go in front of him  
02:35:35 9 or words to that effect?

02:35:36 10 A. Yeah.

02:35:37 11 Q. And you wanted to try to do some work for the city  
02:35:41 12 of Oswego ACT Team, their drug task force team, to avoid  
02:35:45 13 being charged.

02:35:46 14 A. No.

02:35:47 15 Q. Correct? Well, didn't you do a debriefing with  
02:35:51 16 Sergeant Bonacchi in May of 2012 at that time?

02:35:56 17 A. I never ended up doing nothing for Bonacchi.

02:35:59 18 Q. Let me ask you, my question isn't whether you  
02:36:08 19 actually did something for Sergeant Bonacchi, but did you  
02:36:13 20 sign up to act as a confidential informant for him?

02:36:15 21 A. No.

02:36:16 22 Q. In August ninth of 2012, did you meet with Sergeant  
02:36:27 23 Bonacchi during that time period?

02:36:30 24 A. I was arrested.

02:36:33 25 Q. And you were going to be charged with felony weight

02:36:37 1 for drug sales, correct?

02:36:39 2 A. I was charged.

02:36:40 3 Q. And at that time, did you speak with Sergeant

02:36:45 4 Bonacchi about whether you had information that you could  
02:36:47 5 give that might be able to help you with your case?

02:36:51 6 A. Yeah, he -- yeah.

02:36:53 7 Q. Now, Sergeant Bonacchi, when he does a debriefing  
02:36:58 8 like that, he'll generally tell you look, if you --

02:37:00 9 MS. BIANCO: Object to what Sergeant Bonacchi  
02:37:03 10 generally does.

02:37:04 11 THE COURT: Sustained.

02:37:05 12 Q. Okay, did Sergeant Bonacchi tell you look, Joe, if  
02:37:09 13 you got any information on any major crimes, doesn't have  
02:37:12 14 to be drug related, any crimes, we're willing to work with  
02:37:16 15 you or we'll listen to you. Did he tell you that?

02:37:18 16 A. He always says that.

02:37:19 17 Q. Okay, basically sometimes does he -- well, let me  
02:37:23 18 ask you in your case, does he say look, if there's any  
02:37:26 19 bodies, any major crime --

02:37:28 20 MS. BIANCO: Objection to sometimes. If we  
02:37:30 21 can get a specific date.

02:37:31 22 THE COURT: No, no, he's talking of general  
02:37:34 23 procedures that Sergeant Bonacchi engages in. I'm  
02:37:37 24 going to allow it.

02:37:38 25 Q. Did he ask you that?

02:37:39 1  
02:37:40 2  
02:37:45 3  
02:37:48 4  
02:37:50 5  
02:37:55 6  
02:37:59 7  
02:38:00 8  
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02:38:08 11  
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02:38:12 13  
02:38:15 14  
02:38:18 15  
02:38:21 16  
02:38:23 17  
02:38:38 18  
02:38:40 19  
02:38:42 20  
02:38:43 21  
02:38:52 22  
02:38:56 23  
02:38:59 24  
02:39:00 25

A. Yes.

Q. Okay, did you tell him at that time look, I have information regarding the Heidi Allen case?

A. No.

Q. Did you tell him at that time look, this guy James Steen told me he scrapped the van that Heidi Allen was in. Did you tell him that?

A. I didn't believe a crime was committed. I -- what do I tell?

Q. Okay, based upon what Mr. Steen told you, you didn't think he committed any crime?

A. No, I didn't. At the time no, I didn't.

Q. Well, let me ask you, he told you he scrapped the van that had Heidi Allen in it, that's your testimony?

A. No. He told me that he scrapped the van that was used in her abduction.

Q. Okay. Now Mr. Mannino, in October ninth of 2012, were you convicted of criminal tampering in the third degree in Oswego City Court?

A. Yes.

Q. And in October twelfth, three days later, October twelfth of 2012, were you convicted of criminal possession of a controlled substance in the fifth degree in Oswego County Court?

A. Yes.

02:39:00 1 Q. And that was for possession of cocaine with the  
02:39:04 2 intent to sell.

02:39:07 3 A. That was possession of crack.

02:39:09 4 Q. Crack cocaine?

02:39:12 5 A. Yes.

02:39:14 6 Q. With the intent to sell.

02:39:15 7 A. Yes.

02:39:16 8 Q. And in March ninth of 2011, you were convicted of  
02:39:24 9 endangering the welfare of a child in Oswego City Court?

02:39:25 10 A. Yes.

02:39:26 11 THE COURT: What's the date of this, Mr.

02:39:27 12 Oakes?

02:39:27 13 MR. OAKES: March ninth of 2011, Your Honor.

02:39:31 14 THE COURT: Okay.

02:39:32 15 Q. And on February first of 2011, were you convicted of  
02:39:38 16 criminal contempt in the second degree?

02:39:40 17 A. Yes.

02:39:41 18 Q. In Oswego City Court?

02:39:43 19 A. Yes.

02:39:43 20 Q. That was for violating an order of protection.

02:39:46 21 A. Yes.

02:39:46 22 Q. And on that same date, February first of 2011, were  
02:39:52 23 you convicted of assault in the third degree in Oswego City  
02:39:56 24 Court?

02:39:59 25 A. Yes.

02:40:00 1 Q. And that was related to the same incident where you  
02:40:03 2 violated the order of protection wasn't it?

02:40:05 3 A. Yes.

02:40:06 4 Q. And on June twenty-fourth of 2010, you were  
02:40:11 5 convicted of criminal mischief in the fourth degree in  
02:40:14 6 Oswego City Court?

02:40:15 7 A. Yes.

02:40:16 8 Q. And in August fourth of 2007, you were convicted of  
02:40:21 9 assault in the third degree in Oswego City Court.

02:40:25 10 A. Yes.

02:40:26 11 Q. On January sixteenth of 2007, were you convicted of  
02:40:32 12 endangering the welfare of a child in Oswego City Court?

02:40:36 13 A. I don't remember.

02:40:39 14 Q. Let me ask you in January of 2007, were you charged  
02:41:00 15 with gang assault in the second degree in Oswego City  
02:41:03 16 Court?

02:41:03 17 A. Yes.

02:41:04 18 Q. And did you plead that down to assault in the third  
02:41:07 19 degree?

02:41:07 20 MS. BIANCO: Objection to what was pled down.

02:41:09 21 What he was originally charged with, what he's  
02:41:11 22 originally charged with is not relevant, just what he's  
02:41:14 23 convicted of.

02:41:15 24 MR. OAKES: Trying to refresh his  
02:41:16 25 recollection. He said he didn't remember, Your Honor.



02:41:18 1  
02:41:21 2  
02:41:23 3  
02:41:30 4  
02:41:33 5  
02:41:33 6  
02:41:37 7  
02:41:41 8  
02:41:41 9  
02:41:44 10  
02:41:46 11  
02:41:50 12  
02:41:52 13  
02:41:53 14  
02:42:01 15  
02:42:04 16  
02:42:05 17  
02:42:06 18  
02:42:10 19  
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02:42:15 21  
02:42:17 22  
02:42:21 23  
02:42:24 24  
02:42:26 25

THE COURT: I'll allow the question.

A. Yes.

Q. January sixteenth of 2007, were you convicted of endangering the welfare of a child?

A. Yes.

Q. March twenty-third of 2004, convicted of criminal contempt in the second degree in Oswego City Court?

A. Yes.

Q. For violating an order of protection?

A. Yes.

Q. September twenty-eighth of 2002, you were convicted of endangering the welfare of a child?

A. Yes.

Q. Cicero Town Court. And December eleventh, 2001, convicted of assault in the third degree in Cicero Town Court?

A. Yes.

Q. That community service that you talked about Ms. Bianco, is that court ordered by any chance?

A. No, sir.

MR. OAKES: Okay, no further questions, Your Honor.

THE COURT: I think you mischaracterized it. He said volunteer work, he didn't say community service.

02:42:26 1 MR. OAKES: Okay, my apologies.

02:42:28 2 THE COURT: That's all right. Give me a  
02:42:30 3 second, Ms. Bianco.

02:42:31 4 MS. BIANCO: Certainly, Judge. I have to get  
02:42:33 5 the mike any way.

02:42:34 6 THE COURT: Okay.

02:42:34 7 (Whereupon, there was a pause in the  
02:42:57 8 proceeding.)

02:42:57 9 THE COURT: Ms. Bianco.

02:42:59 10 MS. BIANCO: Thank you, Your Honor.

02:43:00 11 REDIRECT EXAMINATION

02:43:00 12 BY MS. BIANCO:

02:43:02 13 Q. Mr. Mannino, the prosecutor brought out a number of  
02:43:06 14 criminal convictions, is that right?

02:43:08 15 A. Yes.

02:43:09 16 Q. Yet who is the first agency you actually spoke with  
02:43:13 17 to report the admissions Steen made to you?

02:43:18 18 MR. OAKES: Objection, Your Honor. Beyond the  
02:43:20 19 scope of cross. Didn't ask anything about --

02:43:24 20 THE COURT: Sustained. Never asked anything  
02:43:26 21 about the disclosure.

02:43:27 22 MS. BIANCO: Pardon me, Judge?

02:43:28 23 THE COURT: Never asked anything about the  
02:43:29 24 disclosure.

02:43:31 25 Q. Mr. Oakes asked you if you gave a statement to the

02:43:38 1 defense, do you remember those questions?

02:43:40 2 A. Yes.

02:43:40 3 Q. Did you also give a statement to the prosecution?

02:43:44 4 A. Yes.

02:43:45 5 Q. And was that on July thirty-first, 2014?

02:43:50 6 A. Yes.

02:43:51 7 Q. And was that the first time you talked to the  
02:43:54 8 prosecutor about what you knew?

02:43:56 9 A. No.

02:43:57 10 MR. OAKES: Objection, Your Honor. Again,  
02:43:58 11 beyond the scope of cross. Never asked about any  
02:44:01 12 conversations with the prosecutors.

02:44:02 13 THE COURT: Sustained.

02:44:04 14 Q. When you spoke with the prosecutor on July  
02:44:08 15 thirty-first, 2014, who did you speak to?

02:44:12 16 MR. OAKES: Objection. Same objection, Your  
02:44:14 17 Honor.

02:44:14 18 MS. BIANCO: Judge, this --

02:44:15 19 MR. OAKES: Beyond the scope.

02:44:16 20 THE COURT: He never asked any questions about  
02:44:18 21 any statement given to the DA's Office. You did.

02:44:21 22 MS. BIANCO: He's trying to impeach him by  
02:44:23 23 saying he didn't come forward with any information  
02:44:24 24 about Ms. Allen being an informant when he knows full  
02:44:27 25 well he did to them.

02:44:28 1 THE COURT: He never asked any questions about  
02:44:30 2 that. You had the opportunity to discuss that  
02:44:32 3 objection.

02:44:33 4 MS. BIANCO: He opened the door, Judge.

02:44:36 5 THE COURT: Sustained.

02:44:38 6 Q. When he asked you questions about whether or not you  
02:44:41 7 ever told anyone, or specifically the defense, that James  
02:44:45 8 Steen said Heidi Allen was a rat, have you ever told anyone  
02:44:51 9 that she was a rat since coming forward?

02:44:55 10 MR. OAKES: Objection, Your Honor. I asked  
02:44:57 11 what he told defense counsel, not anybody else, and  
02:44:59 12 she's trying to bolster her -- the witness's testimony.

02:45:03 13 MS. BIANCO: He's trying to mischaracterize  
02:45:05 14 the witness's testimony as a recent fabrication when he  
02:45:08 15 knows it's not.

02:45:09 16 THE COURT: I'm going to -- I believe you did,  
02:45:12 17 in fact, did ask the Heidi Allen is a rat question, Mr.  
02:45:17 18 Oakes. I'm going to allow it.

02:45:18 19 Q. Did you tell anyone about James Steen's admissions  
02:45:23 20 to you that Heidi Allen was a rat?

02:45:25 21 A. Yes.

02:45:26 22 Q. Who did you tell?

02:45:27 23 A. I told district attorney, I told Lisa.

02:45:32 24 Q. So this wasn't the first time you're mentioning it  
02:45:36 25 here today in court is it?

02:45:37 1 A. No, ma'am.

02:45:37 2 Q. And why exactly did you come forward with the Steen  
02:45:42 3 admission testimony? Why did you come forward at all?

02:45:46 4 A. When Steen told me about it, I'd always known him as  
02:45:53 5 a scrapper, he had his own flat, his own flatbeds. I  
02:45:58 6 didn't know if he'd bided on a job when the police, when  
02:46:01 7 the DA, was done with it, you know, I didn't know. I'm  
02:46:04 8 assuming like he got -- he got it legitimately through his  
02:46:08 9 business, he got -- they auctioned it off, he got it and he  
02:46:11 10 scrapped it. Once everything came to light about -- about  
02:46:16 11 what's going on, that's -- that's why I came forward,  
02:46:19 12 that's the first time I didn't think no, he didn't tell me  
02:46:22 13 he killed her, he didn't -- he wasn't saying nothing like  
02:46:25 14 that.

02:46:25 15 Q. When you say when everything came to light, when was  
02:46:28 16 that that things came to light that you found that?

02:46:31 17 A. It was -- it was a Thursday afternoon, I -- I got  
02:46:34 18 done working, I got on my Facebook, there was a link  
02:46:39 19 stating that Roger Breckenridge and two other men are  
02:46:44 20 possibly suspects in the Heidi Allen case. As soon as I  
02:46:48 21 seen the name Roger Breckenridge and two other men, I've  
02:46:51 22 always known Thumper and Roger to be friends, it just  
02:46:54 23 clicked in me, that's when I knew I need to tell somebody  
02:46:58 24 something.

02:46:59 25 Q. And who was the first person you called, first

02:47:02 1 agency you called?

02:47:02 2 A. Oswego City Police.

02:47:05 3 MS. BIANCO: Thank you. No further questions.

02:47:08 4 THE COURT: Just a second, Mr. Oakes.

02:47:13 5 (Whereupon, there was a pause in the  
02:47:18 6 proceeding.)

02:47:18 7 THE COURT: Go ahead, Mr. Oakes, when you're  
02:47:20 8 ready, sir.

02:47:20 9 MR. OAKES: Thank you.

02:47:23 10 RE-CROSS-EXAMINATION

02:47:23 11 BY MR. OAKES:

02:47:24 12 Q. Is that statement still in front of you, Mr.  
02:47:37 13 Mannino? Maybe I -- Mr. Mannino, you said you saw a  
02:47:42 14 newspaper article, there was a link on Facebook?

02:47:45 15 A. Yes, sir.

02:47:46 16 Q. Would that have been the July twenty-fourth, 2014  
02:47:50 17 article by John O'Brien, the Post-Standard, it was a  
02:47:53 18 Thursday if that helps you?

02:47:54 19 A. It was a Thursday, I don't know the date.

02:47:56 20 Q. Okay, and so a few days later on July twenty-eighth  
02:48:01 21 you met with Ms. Peebles at her office because --

02:48:05 22 A. Yes.

02:48:05 23 Q. -- everything clicked for you?

02:48:06 24 A. Yes.

02:48:07 25 Q. And it's your testimony you told Ms. Peebles Mr.

02:48:11 1 Steen told you about Heidi Allen being a rat?

02:48:13 2 A. Yes.

02:48:15 3 Q. It's your testimony you told Ms. Peebles that and  
02:48:18 4 she simply didn't put it in your statement?

02:48:20 5 MS. BIANCO: Objection to what Ms. Peebles did  
02:48:22 6 or didn't do.

02:48:23 7 THE COURT: Sustained.

02:48:24 8 Q. You told defense counsel that James Steen said Heidi  
02:48:32 9 was a rat?

02:48:33 10 MS. BIANCO: Objection. Asked and answered.

02:48:36 11 MR. OAKES: Okay, that's fine. I'll withdraw,  
02:48:38 12 Your Honor.

02:48:38 13 THE COURT: That's sustained.

02:48:39 14 Q. Do you think that statement by Mr. Steen was  
02:48:44 15 important?

02:48:45 16 MS. BIANCO: Objection to what he thought  
02:48:46 17 about Mr. Steen and it's importance.

02:48:49 18 THE COURT: He's already testified to it. I'm  
02:48:51 19 going to allow it. There was no objection previously.  
02:48:53 20 I'm going to allow it.

02:48:55 21 Q. Do you think that comment about Heidi Allen being a  
02:48:57 22 rat is important?

02:49:00 23 A. When I look at it now, yes.

02:49:03 24 Q. But it's not in the statement that you gave to  
02:49:06 25 defense counsel --

02:49:07 1 MS. BIANCO: Objection. Asked and answered.

02:49:09 2 Q. -- when you first gave a statement.

02:49:11 3 MS. BIANCO: Several times.

02:49:12 4 THE COURT: Sustained.

02:49:14 5 MR. OAKES: No further questions, Your Honor.

02:49:15 6 THE COURT: Ms. Bianco, anything?

02:49:17 7 MS. BIANCO: No further questions.

02:49:19 8 THE COURT: Mr. Mannino, you can step down,

02:49:21 9 sir. Ms. Bianco?

02:49:29 10 MS. BIANCO: Amanda Braley, Your Honor.

02:49:31 11 THE COURT: Amanda Braley.

02:49:33 12 MS. BIANCO: Yes.

02:49:33 13 THE COURT: Will we be done with her by four?

02:49:40 14 MS. PEEBLES: I would think so, Judge.

02:50:13 15 THE CLERK: Please raise your right hand,

02:50:16 16 place your left hand over the Bible.

17 A M A N D A B R A L E Y, Called as a witness, having been

02:50:22 18 duly sworn, was examined and testified as follows:

02:50:22 19 THE CLERK: Could you please state and spell

02:50:24 20 your first and last name for the record?

02:50:26 21 THE WITNESS: Amanda Braley. My last name is

02:50:28 22 B-R-A-L-E-Y.

02:50:30 23 THE CLERK: Please be seated.

02:50:32 24 THE COURT: Ms. Braley, before we go any

02:50:34 25 further, I'm going to ask you whether or not you



02:50:36 1 consent to having your testimony video and audio taped.

02:50:40 2 THE WITNESS: No.

02:50:41 3 THE COURT: No, okay.

02:50:42 4 THE WITNESS: I don't want it.

02:50:43 5 THE COURT: Okay, thank you. Make sure you  
02:50:44 6 keep your voice up too.

02:50:45 7 THE WITNESS: Okay. Yep.

02:50:47 8 DIRECT EXAMINATION

9 BY MS. BIANCO:

02:50:48 10 Q. Good afternoon, Ms. Braley.

02:50:49 11 A. Hi.

02:50:49 12 Q. How old are you?

02:50:50 13 A. Thirty-one.

02:50:51 14 Q. And what county do you currently reside in?

02:50:53 15 A. Onondaga.

02:50:54 16 Q. Have you ever lived in Oswego?

02:50:56 17 A. Yep.

02:50:57 18 Q. And when was that?

02:50:58 19 A. Probably until 2007.

02:51:02 20 Q. So how long -- how many years do you think you lived  
02:51:04 21 in Oswego?

02:51:05 22 A. Twenty-three.

02:51:08 23 Q. Do you know a person by the name of Jennifer  
02:51:12 24 Wescott?

02:51:13 25 A. Yeah.

- 02:51:14 **1** Q. How long have you known her?
- 02:51:16 **2** A. Since 2000, 1999 I would say.
- 02:51:21 **3** Q. Can you describe your relationship with her at -- in
- 02:51:25 **4** 2000, excuse me, 1999?
- 02:51:28 **5** A. She was more of an acquaintance type. The girl that
- 02:51:32 **6** I was dating at the time was friends with her and her
- 02:51:34 **7** family.
- 02:51:36 **8** Q. How often would you see Ms. Wescott?
- 02:51:40 **9** A. At least two to three times a week maybe.
- 02:51:45 **10** Q. Over how many -- over how long a period of time from
- 02:51:48 **11** 1999 until what year approximately?
- 02:51:51 **12** A. Probably 2005.
- 02:51:55 **13** Q. Do you know a person by the name of Roger
- 02:51:58 **14** Breckenridge?
- 02:51:58 **15** A. Yes.
- 02:51:59 **16** Q. And how long have you known him?
- 02:52:01 **17** A. The same as Jen.
- 02:52:03 **18** Q. And describe your relation -- would that be 1999 to
- 02:52:07 **19** 2005?
- 02:52:08 **20** A. Yes.
- 02:52:08 **21** Q. Describe your relationship with Roger Breckenridge
- 02:52:12 **22** during those years.
- 02:52:13 **23** A. More of an acquaintance as well.
- 02:52:16 **24** Q. And how often would you see Roger Breckenridge?
- 02:52:19 **25** A. Every time I seen Jen usually they were together.

- 02:52:22 1 Q. Do you know a person named James Steen?
- 02:52:25 2 A. Yes.
- 02:52:25 3 Q. And how long have you known him?
- 02:52:27 4 A. Not as long. I met him through Jen and Roger.
- 02:52:33 5 Q. Approximately what year do you think you met James
- 02:52:36 6 Steen?
- 02:52:36 7 A. Maybe 2002.
- 02:52:40 8 Q. And how often would you see him?
- 02:52:42 9 A. Maybe once or twice a month.
- 02:52:46 10 Q. Did there come a time when you lived on County Route
- 02:52:51 11 38 in Hastings?
- 02:52:51 12 A. Yes.
- 02:52:52 13 Q. And when was that?
- 02:52:54 14 A. I would say 2001 or 2003.
- 02:53:00 15 Q. And who did you live there with?
- 02:53:02 16 MR. OAKES: Excuse me, Your Honor, I
- 02:53:04 17 apologize. Maybe I misheard. Was that 2001 or 2003 or
- 02:53:07 18 through 2003? I didn't hear.
- 02:53:09 19 THE COURT: When did you live at County Route
- 02:53:12 20 38 in Hastings?
- 02:53:12 21 THE WITNESS: Probably around 2002 or 2003.
- 02:53:15 22 MR. OAKES: Okay.
- 02:53:17 23 Q. And who did you live with?
- 02:53:19 24 A. Me and my girlfriend were staying with Sharon and
- 02:53:23 25 Paul Wescott.

02:53:24 1 Q. And whose house was it?

02:53:26 2 A. Sharon and Paul Wescott's.

02:53:29 3 Q. Were they related to Jennifer Wescott?

02:53:31 4 A. Yes, those were her parents.

02:53:33 5 Q. Did that house have any kind of a deck on it?

02:53:37 6 A. Yes.

02:53:38 7 Q. Where was that deck?

02:53:39 8 A. It was on the side of the house, and it like wrapped

02:53:44 9 around the house to the back.

02:53:45 10 Q. I'd like to direct your attention to a conversation

02:53:48 11 in 2003 at Jennifer Wescott's parents' house on the back

02:53:56 12 deck. Did you ever have a conversation with Roger

02:54:00 13 Breckenridge, not you have a conversation, but did Roger

02:54:06 14 Breckenridge and Jen Wescott ever have a conversation in

02:54:09 15 your presence about Heidi Allen's disappearance?

02:54:13 16 MR. OAKES: Objection.

02:54:13 17 A. Yes.

02:54:14 18 MR. OAKES: Leading.

02:54:15 19 THE COURT: No, it's foundational.

02:54:18 20 Q. What did Roger Breckenridge say in your presence?

02:54:21 21 A. You want the whole conversation?

02:54:25 22 Q. Please.

02:54:26 23 A. All right, we were standing, there was probably

02:54:29 24 about six or seven of us. We were having conversation.

02:54:34 25 I'm not sure who, but someone at the time had mentioned

02:54:38 1 Heidi Allen's name. At that point Jen kind of -- she  
02:54:44 2 laughed, but it was more so like a chuckle, like a here we  
02:54:48 3 go again type of attitude, and Roger laughed as well, and  
02:54:56 4 he said that he took that bitch to the scrap yard in the  
02:55:01 5 van, they had it crushed, and that she was shipped to  
02:55:05 6 Canada.

02:55:06 7 Q. Did he say what -- what scrap yard it was first  
02:55:10 8 taken to?

02:55:10 9 A. At that point he did not.

02:55:13 10 Q. And did he make any gestures with his hands when he  
02:55:16 11 was talking about this?

02:55:17 12 A. Yes. He swung his arm up behind him and pointed to  
02:55:21 13 the northern direction of the sky and he said, "See you,  
02:55:26 14 bye," as he left.

02:55:28 15 Q. And what did Jennifer Wescott do or say?

02:55:32 16 A. You can tell by her attitude that she was irritated.  
02:55:36 17 She slapped Roger on the top of her -- like kind of like a  
02:55:40 18 backhand and told him that he shouldn't be -- she said,  
02:55:45 19 "You shouldn't be talking about that shit, Rog."

02:55:48 20 Q. What did Roger say?

02:55:51 21 A. "What, Jen, it's done and over with, and besides,  
02:55:53 22 nobody's ever going to find her."

02:55:56 23 Q. Do you remember hearing any other conversations in  
02:56:01 24 that same time period about Heidi Allen in the presence of  
02:56:06 25 Roger Breckenridge, James Steen and Jen Wescott?

02:56:11 1 A. There was always hints, and like any time that her  
02:56:16 2 name or the --

02:56:17 3 MR. OAKES: Objection, Your Honor.

02:56:19 4 THE COURT: Specifically about that day?

02:56:22 5 MS. BIANCO: The time frame between 2001 to  
02:56:25 6 2002.

02:56:26 7 THE COURT: Is that the first time frame?

02:56:28 8 MR. OAKES: Well, actually, Your Honor, the  
02:56:30 9 witness is talking about hints which seems to be  
02:56:32 10 speculative as opposed to hearing statements.

02:56:35 11 THE COURT: I -- I would agree to hints.

02:56:37 12 THE WITNESS: It wasn't so much as hints, it  
02:56:39 13 was just tidbits.

02:56:40 14 THE COURT: Hold on. Ask the question again.

02:56:41 15 Q. Well, was it hints or was it actual information?

02:56:45 16 A. It was actual information, but it was nothing in  
02:56:47 17 length, the conversation was never in length, it was only a  
02:56:51 18 few words here and there.

02:56:53 19 Q. Could you tell us about some of -- let's talk about  
02:56:57 20 one of those conversations where James Steen is present.  
02:57:01 21 Where would that conversation have been?

02:57:02 22 A. That was in Parish in probably late 2006, early  
02:57:13 23 2007. We were at Rodney West's house in Parish.

02:57:17 24 Q. What was said?

02:57:19 25 A. They were having --

02:57:21 1 Q. When you say they, who is they?

02:57:22 2 A. James Steen and Rodney West, they were talking  
02:57:28 3 amongst each other about another individual, I'm not sure  
02:57:32 4 who they were referring to, James Steen was upset about  
02:57:40 5 this individual, so it wasn't like a disagreement as far as  
02:57:45 6 them not liking -- just something was said that James Steen  
02:57:50 7 was upset about, and he made the comment about him not  
02:57:55 8 being afraid to go to jail and that he -- he says, "You  
02:58:01 9 know me, Rodney," well, his name, his nickname is Shaggy,  
02:58:05 10 "You know me, Shaggy, I'm not afraid to go to prison, I'll  
02:58:09 11 go for anybody." A brief pause was -- he, James Steen, had  
02:58:15 12 a brief pause, and then he said that, "I can, however, tell  
02:58:19 13 you I will never see a day in prison for what we did to  
02:58:24 14 Heidi."

02:58:24 15 Q. And where were you standing when this conversation  
02:58:26 16 was being had?

02:58:27 17 A. I was sitting at the table, James Steen was to my  
02:58:31 18 left and Rodney West was to my right.

02:58:34 19 Q. Were there any other conversations that you heard  
02:58:38 20 between from Roger Breckenridge or Jennifer Wescott  
02:58:42 21 regarding Heidi Allen's disappearance?

02:58:45 22 A. When I was staying with Sharon and Paul Wescott, Jen  
02:58:50 23 was over visiting, and something had come across the TV  
02:58:53 24 about --

02:58:54 25 MR. OAKES: Objection, Your Honor, foundation.

02:58:56 1 What time frame are we talking?

02:58:57 2 THE COURT: She said she was living with  
02:58:59 3 Wescott's. Can you be more specific about when you  
02:59:03 4 were living with the Wescott's?

02:59:03 5 THE WITNESS: Probably 2002. I'm not good  
02:59:05 6 with dates, I'm sorry.

02:59:06 7 Q. That's okay.

02:59:06 8 A. Something had come across the TV on Heidi, and Roger  
02:59:11 9 laughed, and he had a smirk on his face, and he looks over  
02:59:15 10 at Jen, and Jen looked at him and said, "Don't look at me  
02:59:20 11 Rog, I didn't have anything to do with it. I only took the  
02:59:24 12 van to Murtaugh's."

02:59:25 13 Q. Was there any other conversations that you remember?

02:59:29 14 A. Not that I can recall.

02:59:31 15 Q. And why didn't you come forward earlier with what  
02:59:35 16 you heard?

02:59:36 17 A. Because I was afraid. I was only one person. I  
02:59:40 18 didn't feel as though I had enough to go on. It's not that  
02:59:47 19 I didn't believe him, I did believe that he was telling the  
02:59:51 20 truth, but I was afraid, I didn't know what could happen.

02:59:55 21 Q. Do you want to be here today?

02:59:57 22 A. Yes. I want to do what -- what's right.

03:00:03 23 Q. Thank you very much, Amanda.

03:00:05 24 A. Thank you.

03:00:07 25 MS. BIANCO: Oh, excuse me one second.



- 03:00:09 **1** THE COURT: You need time?
- 03:00:10 **2** THE WITNESS: No.
- 03:00:10 **3** THE COURT: Are you all right?
- 03:00:11 **4** THE WITNESS: Yep, good.
- 03:00:13 **5** Q. Oh, was there ever a time that you were told where
- 03:00:17 **6** Heidi Allen's body may be?
- 03:00:20 **7** MR. OAKES: Objection, hearsay.
- 03:00:22 **8** THE COURT: Oh, no, we have that standing --
- 03:00:24 **9** depending on who the answer's going to be coming from,
- 03:00:27 **10** we have a standing objection regarding declaration of
- 03:00:30 **11** penal interest, so depends on where the answer's coming
- 03:00:33 **12** from, okay?
- 03:00:33 **13** MR. OAKES: Right.
- 03:00:34 **14** THE COURT: If it's coming from one of the
- 03:00:35 **15** three, it will be allowed in and looked at by the
- 03:00:38 **16** Court, okay?
- 03:00:39 **17** Q. Was there ever a time that you were made aware of
- 03:00:43 **18** where Heidi Allen's body may be?
- 03:00:45 **19** A. Other than Roger saying that they hauled her to
- 03:00:49 **20** Canada?
- 03:00:49 **21** Q. Yes.
- 03:00:51 **22** A. No.
- 03:00:52 **23** Q. Did you ever have an occasion to look in the woods
- 03:00:55 **24** or -- off of Rice Road?
- 03:00:57 **25** A. Yes.

03:00:58 1 MR. OAKES: Objection, leading.

03:00:59 2 THE COURT: Sustained.

03:00:59 3 Q. Where would you have -- where did you look for Heidi  
03:01:02 4 Allen's remains or body?

03:01:04 5 A. On Rice Road.

03:01:05 6 Q. Rice Road?

03:01:08 7 A. Yes.

03:01:08 8 Q. And why'd you do that?

03:01:09 9 A. Because Tonya had came to me and said that James  
03:01:14 10 Steen had told her --

03:01:14 11 MR. OAKES: Objection, Your Honor, hearsay.

03:01:17 12 THE COURT: Sustained.

03:01:19 13 MS. BIANCO: No further questions.

14 CROSS-EXAMINATION

03:02:03 15 BY MR. OAKES:

03:02:04 16 Q. Good afternoon, Ms. Braley.

03:02:05 17 A. Good afternoon.

03:02:06 18 Q. What's your relationship to Roger Breckenridge?

03:02:10 19 A. He was dating -- well, my -- I was dating Jennifer  
03:02:17 20 Lumley at the time, and she was family friends of Jennifer  
03:02:20 21 Wescott's family.

03:02:23 22 Q. And is that basically how you knew Jen Wescott as  
03:02:26 23 well?

03:02:26 24 A. Yes.

03:02:27 25 Q. And how did you know Thumper?

- 03:02:28 **1**       **A.** Thumper was a family friend of their family.
- 03:02:34 **2**       **Q.** Do you know Michael Bohrer, ever met Michael Bohrer?
- 03:02:39 **3**       **A.** I met him once. I don't really recall too much of
- 03:02:43 **4** what, you know, I met him at Tom Martin's house.
- 03:02:47 **5**       **Q.** Okay, did Mr. Bohrer's name ever come up in any of
- 03:02:51 **6** these conversations that you heard?
- 03:02:52 **7**       **A.** No.
- 03:02:54 **8**       **Q.** Now in 2002 to 2003, you were living with Sharon and
- 03:03:12 **9** Paul Wescott?
- 03:03:13 **10**       **A.** I believe. I'm not really, like I said, I'm not
- 03:03:17 **11** really good with dates but it was --
- 03:03:18 **12**       **Q.** Generally that time frame though, Ms. Braley?
- 03:03:21 **13**       **A.** Yes.
- 03:03:21 **14**       **Q.** And how long were you living there for, ballpark?
- 03:03:23 **15**       **A.** I would say a few months. I was staying with my
- 03:03:27 **16** girlfriend at the time. She, you know, we decided to stay
- 03:03:30 **17** there to help Sharon out because she was diagnosed with
- 03:03:33 **18** cancer and we were there to help her.
- 03:03:36 **19**       **Q.** Okay, very nice of you. Now, you talked to Ms.
- 03:03:42 **20** Bianco about a conversation that took place on the deck of
- 03:03:46 **21** the house at one time?
- 03:03:47 **22**       **A.** Yes.
- 03:03:48 **23**       **Q.** And do you recall when that was? I think you said
- 03:03:52 **24** it was 2003?
- 03:03:53 **25**       **A.** Yes, it was in 2003.

- 03:03:55 1 Q. Were you still living at the house at that time?
- 03:03:57 2 A. I don't believe so.
- 03:03:57 3 Q. You had moved out?
- 03:03:59 4 A. I believe.
- 03:03:59 5 Q. Okay, and you testified to certain statements that
- 03:04:07 6 you heard Roger Breckenridge make, one of those being, "We
- 03:04:10 7 took that bitch to the scrap yard in the van?"
- 03:04:13 8 A. Yes.
- 03:04:14 9 Q. He didn't specify who we?
- 03:04:17 10 A. No.
- 03:04:17 11 Q. We was?
- 03:04:18 12 A. No.
- 03:04:19 13 Q. Did he say how she came to be in the van?
- 03:04:33 14 A. No.
- 03:04:34 15 Q. He didn't say that he had abducted or kidnapped her
- 03:04:38 16 from the store did he?
- 03:04:39 17 A. No.
- 03:04:39 18 Q. He didn't say anything about killing her did he?
- 03:04:43 19 A. No, not in my presence.
- 03:04:46 20 Q. He didn't say anything about dismembering her or
- 03:04:50 21 chopping up her body or anything like that?
- 03:04:52 22 A. Not to me.
- 03:04:52 23 Q. He didn't say anything about burning the body?
- 03:04:56 24 A. No.
- 03:04:57 25 Q. At any point? He didn't really -- and he didn't

- 03:05:03 1 specify whether he had contact with her while she was even  
03:05:07 2 alive did he?
- 03:05:08 3 A. No.
- 03:05:08 4 Q. Did he say where the van came from?
- 03:05:13 5 A. Nope.
- 03:05:15 6 Q. And at that point you said when he made the  
03:05:21 7 comment -- well, let me ask you, you guys are on the deck  
03:05:24 8 of the house?
- 03:05:24 9 A. Yes.
- 03:05:25 10 Q. Is this summertime, springtime?
- 03:05:26 11 A. I want to say it was summertime, early summer.
- 03:05:30 12 Q. Okay, was this weekday, weekend if you remember,  
03:05:33 13 Jen?
- 03:05:33 14 A. I'm not sure.
- 03:05:34 15 Q. Was there a party or something going on, special  
03:05:37 16 occasion?
- 03:05:37 17 A. No, people would be in and out stopping by to visit.
- 03:05:42 18 Q. And I guess was it just people hanging out or was it  
03:05:47 19 more of like a party going on?
- 03:05:48 20 A. It was not a party.
- 03:05:50 21 Q. Okay, was there food or drinks being served?
- 03:05:53 22 A. No.
- 03:05:53 23 Q. Were people drinking?
- 03:05:55 24 A. Not that I recall, no.
- 03:05:57 25 Q. Okay, and at that time you said when he made a

03:06:07 1 comment, Jen responded essentially saying Roger, you can't  
03:06:11 2 be saying that stuff or that shit?

03:06:13 3 A. Yeah.

03:06:14 4 Q. Okay, and Roger's response was, "That shit is done  
03:06:18 5 and over with?"

03:06:19 6 A. Yes.

03:06:20 7 Q. Okay, did you get the impression when he said that  
03:06:23 8 that he wasn't concerned about being charged with it?

03:06:26 9 A. Yes.

03:06:27 10 Q. That as far as he knew, there's no way he was going  
03:06:30 11 to get charged with it?

03:06:31 12 A. Right.

03:06:32 13 MS. BIANCO: Objection to what Roger knew.

03:06:33 14 THE COURT: Sustained.

03:06:34 15 Q. Did he seem particularly concerned that he could get  
03:06:37 16 in trouble by making that statement?

03:06:39 17 MS. BIANCO: Objection to how if he was  
03:06:40 18 concerned and what's in his mind.

03:06:43 19 THE COURT: Concern, that's a general  
03:06:44 20 observation. I'll allow that.

03:06:47 21 Q. Did he seem concerned about it when he said it?

03:06:49 22 A. No.

03:06:49 23 Q. I mean he wasn't whispering it was he?

03:06:53 24 A. No.

03:06:53 25 Q. Wasn't secretive about it?

03:06:55 1

A. No.

03:06:55 2

Q. Kind of almost in your description kind of

03:06:58 3

boastfully saying it?

03:07:00 4

A. He wanted to be sure that we knew it.

03:07:03 5

Q. Okay, was Roger kind of a loud mouth?

03:07:07 6

A. Not really. He -- to me he seemed, you know, if

03:07:10 7

he -- if he made the -- if he said something, he was more

03:07:14 8

like to do it. He wasn't afraid of getting in any sort of

03:07:20 9

trouble.

03:07:20 10

Q. Well, and that's my question is when he said it, he

03:07:24 11

didn't seem like he thought he was going to get in trouble,

03:07:27 12

right?

03:07:27 13

A. He didn't seem --

03:07:28 14

MS. BIANCO: Objection to what --

03:07:30 15

THE COURT: Sustained.

03:07:34 16

Q. But as his response -- never mind. And did you

03:07:53 17

think he was serious when he said it?

03:07:56 18

A. Um hum.

03:07:56 19

Q. You thought he was talking about a real incident?

03:08:00 20

A. Yes.

03:08:00 21

Q. Based on hearing those words, you thought he might

03:08:02 22

have actually disposed of Heidi Allen's body?

03:08:06 23

A. Yes.

03:08:06 24

Q. Okay, so since that -- well, that night then, you

03:08:10 25

reported it to police, right?

- 03:08:11 1 A. No.
- 03:08:11 2 Q. The next day?
- 03:08:13 3 A. No.
- 03:08:14 4 Q. The following month?
- 03:08:15 5 A. No.
- 03:08:15 6 Q. Never?
- 03:08:17 7 A. Nope.
- 03:08:18 8 Q. Okay, so after that day, you never had any other
- 03:08:21 9 contact with Mr. Breckenridge, right?
- 03:08:23 10 A. No, I did.
- 03:08:25 11 Q. You did?
- 03:08:25 12 A. Yeah.
- 03:08:26 13 Q. This man you thought sincerely and honestly disposed
- 03:08:31 14 of Heidi's body, you kept hanging around him?
- 03:08:35 15 A. I really didn't have a choice in the matter.
- 03:08:37 16 Q. You weren't living there at that point, right?
- 03:08:39 17 A. Right.
- 03:08:40 18 MS. BIANCO: Objection, argumentative.
- 03:08:41 19 THE COURT: No, I'll allow it.
- 03:08:43 20 Q. You weren't living at the Wescott residence at that
- 03:08:45 21 time were you?
- 03:08:45 22 A. No.
- 03:08:45 23 Q. You didn't have to see Roger and Jen did you?
- 03:08:50 24 A. My girlfriend chose to see Roger and Jen.
- 03:08:54 25 Q. Okay, so you always had to do what your girlfriend



03:08:57 1 told you?

03:08:57 2 A. Pretty much, yeah, that was the type of relationship  
03:09:00 3 we had.

03:09:01 4 Q. Okay.

03:09:02 5 THE COURT: I'm going to strike that question  
03:09:04 6 and answer as being non-relevant and somewhat  
03:09:06 7 argumentative.

03:09:08 8 MR. OAKES: Okay.

03:09:11 9 Q. You went -- after the date when you heard Roger  
03:09:13 10 saying this, you went to other social functions when Roger  
03:09:17 11 was there?

03:09:17 12 A. Maybe, sure. I --

03:09:20 13 Q. One time?

03:09:21 14 A. I'm not positive.

03:09:23 15 Q. You're not sure? Well, did you see Roger after that  
03:09:26 16 date?

03:09:26 17 A. Yes, I did.

03:09:27 18 Q. At least one time?

03:09:29 19 A. A few times, yes.

03:09:30 20 Q. A few times?

03:09:31 21 A. Yes.

03:09:31 22 Q. And you voluntarily hung out with this man that you  
03:09:36 23 believed had disposed of Heidi Allen's body?

03:09:39 24 A. I wouldn't say voluntarily, but yes, I did see Roger  
03:09:43 25 after the fact.

03:09:44 1 Q. Nobody was holding a gun to your head and taking you  
03:09:47 2 to parties were they?

03:09:48 3 A. No.

03:09:50 4 Q. Okay. Now you testified --

03:10:07 5 MR. OAKES: Excuse me one moment, Your Honor.

03:10:08 6 THE COURT: Sure.

03:10:09 7 (Whereupon, there was a pause in the  
03:10:29 8 proceeding.)

03:10:29 9 Q. Now you testified today that you were at a party at  
03:10:32 10 Rod West house in Parish?

03:10:35 11 A. It wasn't a party.

03:10:36 12 Q. I'm sorry, you were at Rod West house?

03:10:38 13 A. Yes.

03:10:38 14 Q. And that was in 2006 or 2007?

03:10:40 15 A. Yes.

03:10:45 16 Q. Now, your testimony today is that at that party you  
03:10:50 17 heard James Steen and Rod West talking.

03:10:55 18 A. Yes.

03:10:55 19 Q. And during that conversation, James Steen said words  
03:11:00 20 to the effect, "I'm not afraid to go to jail."

03:11:03 21 A. Right.

03:11:04 22 Q. And then at some point he said, "You know me  
03:11:10 23 Shaggy," referring to Rod West, "I'll go to prison for  
03:11:13 24 anybody?"

03:11:13 25 A. Yes.

03:11:14 1 Q. And then he said words to the effect, "I'll never  
03:11:18 2 see a day in prison for what we did to Heidi?"

03:11:21 3 A. Yes, after a pause, he had picked up conversation  
03:11:28 4 again and stated, "Although I will never see a day in  
03:11:32 5 prison for what we did to Heidi."

03:11:35 6 Q. Okay, those are the words out of James Steen's  
03:11:37 7 mouth?

03:11:37 8 A. Yes.

03:11:38 9 Q. Did you believe him?

03:11:39 10 A. Yes.

03:11:40 11 Q. Did you ever see James Steen after that day?

03:11:43 12 A. Not that I recall.

03:11:45 13 Q. Okay, that was the last time you ever saw James  
03:11:48 14 Steen?

03:11:48 15 A. Yes.

03:11:49 16 Q. Now when you heard that from James Steen, you called  
03:11:53 17 the police immediately, right?

03:11:54 18 A. No.

03:11:55 19 Q. The next day?

03:11:56 20 A. No.

03:11:56 21 Q. The following month?

03:11:57 22 A. No.

03:11:58 23 Q. Never called the police did you?

03:11:59 24 A. No.

03:12:01 25 Q. Even though you weren't having regular contact with

03:12:04 1 James Steen, you never called anybody in law enforcement to  
03:12:08 2 report his statement?

03:12:09 3 A. No.

03:12:09 4 Q. When did you live in Oswego County?

03:12:13 5 A. Until 2004, no, 2007.

03:12:19 6 Q. So while you were living in Oswego County, you were  
03:12:21 7 familiar with the Heidi Allen case?

03:12:24 8 A. Sorta. I was really young at the time that it  
03:12:29 9 happened. I didn't really know too much.

03:12:32 10 Q. Okay, but when they mentioned Heidi Allen, you knew  
03:12:36 11 what they were talking about?

03:12:38 12 A. Yeah.

03:12:39 13 Q. And you knew it was a pretty significant case?

03:12:42 14 A. Yeah.

03:12:42 15 Q. And your testimony is you believed James Steen when  
03:12:49 16 he said that?

03:12:50 17 A. Yeah.

03:12:50 18 Q. You believed Roger Breckenridge?

03:12:52 19 A. Yes.

03:12:53 20 Q. I believe you told defense counsel that you came  
03:12:59 21 forward -- let me ask you. Did you see the newspaper  
03:13:03 22 reports at the end of July of 2014?

03:13:06 23 A. Yes.

03:13:06 24 Q. And based upon seeing those reports, is that when  
03:13:10 25 you came forward?

- 03:13:12 1 A. You can say that, yeah.
- 03:13:14 2 Q. Did you read those reports that were in the paper?
- 03:13:17 3 A. Yeah. Not until August.
- 03:13:20 4 Q. Not until August?
- 03:13:22 5 A. I didn't know the case was brought -- being brought
- 03:13:26 6 back up until August.
- 03:13:27 7 Q. Until August?
- 03:13:28 8 A. I believe.
- 03:13:29 9 Q. Okay. So when you noticed in August, did you read
- 03:13:37 10 the newspaper accounts then?
- 03:13:38 11 A. Yes.
- 03:13:39 12 Q. Did you read the statements that were attributed to
- 03:13:43 13 Tonya Priest in the newspaper accounts?
- 03:13:45 14 A. Yes.
- 03:13:45 15 Q. But you read it all, would that be fair to say?
- 03:13:50 16 A. Probably.
- 03:13:51 17 Q. So you picked up a number of details about the case
- 03:13:55 18 at that time in reading those newspaper accounts.
- 03:14:00 19 A. You can say that I guess.
- 03:14:02 20 Q. And you at least learned of the allegations that Ms.
- 03:14:04 21 Priest was making, correct?
- 03:14:05 22 A. Yes.
- 03:14:05 23 Q. And you had read about the statements that were
- 03:14:08 24 being attributed to Jen Wescott by Tonya Priest?
- 03:14:13 25 A. Yes.

- 03:14:13 1 Q. At some point after reading that, you went to the  
03:14:21 2 Federal Public Defender's Office and met with them,  
03:14:24 3 correct?
- 03:14:24 4 A. No.
- 03:14:25 5 Q. No?
- 03:14:27 6 A. No.
- 03:14:27 7 Q. Did you meet with a member of the Federal Public  
03:14:32 8 Defender's Office?
- 03:14:32 9 A. Yes.
- 03:14:32 10 Q. Who was that?
- 03:14:34 11 A. Lisa.
- 03:14:34 12 Q. Okay, Ms. Peebles.
- 03:14:35 13 A. Yes.
- 03:14:35 14 Q. Just for the record, Ms. Peebles is sitting here,  
03:14:39 15 the young lady here?
- 03:14:40 16 A. Yes.
- 03:14:40 17 Q. Okay, and where did you meet with her?
- 03:14:44 18 A. At my house.
- 03:14:45 19 Q. And so why did you meet at your house?
- 03:14:49 20 A. Tonya had contacted Lisa, Ms. Peebles.
- 03:14:52 21 Q. Tonya Priest?
- 03:14:54 22 A. Yes.
- 03:14:55 23 Q. Had you spoke to Ms. Priest by phone or in person  
03:14:59 24 before speaking with Ms. Peebles?
- 03:15:00 25 A. No, I did not.

03:15:01 1 Q. Okay, well, how did Ms. Priest contact Ms. Peebles  
03:15:06 2 to meet up with you then?

03:15:07 3 A. Because I was around, I'm assuming that Tonya Priest  
03:15:12 4 knew that I was around and I knew of these people and that  
03:15:16 5 I could possibly know information, so she directed Lisa to  
03:15:22 6 contact me.

03:15:23 7 Q. Okay, so Ms. Peebles just contacted you out of the  
03:15:27 8 blue?

03:15:27 9 A. Pretty much, yes.

03:15:28 10 Q. You didn't reach out to her?

03:15:30 11 A. No.

03:15:30 12 Q. She just show up at your house one day?

03:15:35 13 A. I believe so.

03:15:38 14 Q. Okay. And how long did you guys talk for at your  
03:15:44 15 house?

03:15:45 16 A. Probably around an hour.

03:15:46 17 Q. Okay, and are you a little bit nervous testifying  
03:15:53 18 here today, Jen?

03:15:54 19 A. Yes.

03:15:55 20 Q. It's a courtroom, it's kind of imposing, right?

03:15:58 21 A. Yeah.

03:15:58 22 Q. But the day you met with Ms. Peebles you were at  
03:16:01 23 your house?

03:16:01 24 A. Yes.

03:16:02 25 Q. Okay, you were in the comfort of your own home?

03:16:05 1 A. We were outside at the picnic table, yes.

03:16:07 2 Q. So kind of a relaxed environment, just kind of a  
03:16:10 3 casual conversation?

03:16:11 4 A. Yes.

03:16:11 5 Q. And during that hour, did Ms. Peebles explain to you  
03:16:16 6 who she was and that she was representing Mr. Thibodeau?

03:16:19 7 A. Yes.

03:16:19 8 Q. And she explained the importance of this case to you  
03:16:21 9 at that time?

03:16:21 10 A. Yes.

03:16:22 11 Q. And at that point did you tell her everything you  
03:16:26 12 knew about the case?

03:16:27 13 A. Yes.

03:16:28 14 Q. You told her about all the statements that Roger  
03:16:31 15 Breckenridge made?

03:16:32 16 A. Um hum.

03:16:32 17 Q. You told her about all the statements that James  
03:16:35 18 Steen had made?

03:16:36 19 A. I told her about -- I don't think I went into detail  
03:16:40 20 about James Steen's conversation, but I told her that we  
03:16:46 21 had a conversation.

03:16:46 22 Q. Okay, well, you had read in the paper that James  
03:16:49 23 Steen's name had come up in the context of this new  
03:16:52 24 investigation, right?

03:16:53 25 A. Yeah.



03:16:53 1 Q. Based on what you heard between Thumper and Shaggy,  
03:16:58 2 you figured that was pretty important, right?

03:17:00 3 A. Yeah.

03:17:01 4 Q. So you mentioned that to Ms. Peebles at the time?

03:17:03 5 A. Yeah.

03:17:03 6 Q. Okay, now on that date, did you give her a written  
03:17:08 7 statement?

03:17:08 8 A. No, I did not.

03:17:09 9 Q. That was another date?

03:17:10 10 A. Yes.

03:17:10 11 Q. How many days later?

03:17:11 12 A. I'm not sure.

03:17:12 13 Q. A couple days, a few days, a week, ballpark, Jen?

03:17:17 14 A. At least a week.

03:17:18 15 Q. And where did that meeting take place?

03:17:20 16 A. At my house.

03:17:22 17 Q. Okay, did she bring a typewritten statement to you,  
03:17:25 18 the house?

03:17:26 19 A. Richard did.

03:17:27 20 Q. Mr. Haumann?

03:17:27 21 A. Yes.

03:17:28 22 Q. The investigator for the Federal Public Defender's  
03:17:32 23 Office?

03:17:32 24 A. Yes.

03:17:38 25 MR. OAKES: Jen, can I get this marked please?

03:17:40 1 (People's Exhibit K was marked for  
03:18:07 2 identification).

03:18:07 3 Q. Now this conversation that you had with Mr. -- well,  
03:18:09 4 I'm sorry, strike that. The conversation you heard between  
03:18:13 5 Thumper and Shaggy, Rod West?

03:18:15 6 A. Yeah.

03:18:17 7 Q. That was in oh-six, oh-seven?

03:18:17 8 A. I believe so, yes.

03:18:19 9 Q. Okay, you had testified to Ms. Bianco you had broken  
03:18:24 10 up with Jen Lumley at that time or you broke up with her in  
03:18:27 11 2006 or you guys had broken up?

03:18:30 12 A. I think it was late 2006.

03:18:33 13 Q. Okay, were you still together at the time of that  
03:18:35 14 party or that gathering at Rod's place?

03:18:37 15 A. No.

03:18:38 16 Q. Okay, so you went there voluntarily at Rod's place?

03:18:45 17 A. Yes, I did.

03:18:46 18 Q. And when you got there, was Roger Breckenridge  
03:18:49 19 already there?

03:18:50 20 A. No, he wasn't there at all.

03:18:51 21 Q. Was Jen Wescott there?

03:18:54 22 A. No.

03:18:55 23 Q. And that's -- but it was on that occasion you heard  
03:19:03 24 those statements from James Thumper Steen?

03:19:06 25 A. Yes.

03:19:08 1 Q. Now, when you gave -- I'm going to show you what's  
03:19:15 2 been marked for identification as People's Exhibit K.

03:19:18 3 MR. OAKES: May I approach, Your Honor?

03:19:19 4 THE COURT: Sure.

03:19:22 5 Q. Do you recognize that document, Ms. Braley?

03:19:27 6 A. Yes.

03:19:27 7 Q. What is that document?

03:19:31 8 A. It's my statement.

03:19:32 9 Q. It's an affidavit. Is it an affidavit that you gave  
03:19:35 10 to Mr. Haumann?

03:19:36 11 A. Yeah.

03:19:36 12 Q. Okay, that's fine. And when you gave that  
03:19:40 13 affidavit, you knew it was important, right?

03:19:42 14 A. Yes.

03:19:43 15 Q. You knew it was going to be involved with this case?

03:19:46 16 A. Yes.

03:19:47 17 Q. And you knew how important this case was, right?

03:19:49 18 A. Yes.

03:19:49 19 Q. So when you gave that statement, did you try to  
03:19:54 20 be -- well, were you truthful?

03:19:55 21 A. Yes.

03:19:56 22 Q. Did you give as much information as you could?

03:20:01 23 A. Yes.

03:20:02 24 Q. Basically everything you knew about the case you put  
03:20:06 25 in there?

03:20:06 1 A. I believe, so, yes.

03:20:15 2 Q. Ms. Braley, can you show me on that affidavit where  
03:20:18 3 you put where you mentioned James Steen's comments to Roger  
03:20:23 4 Shaggy West, Rod Shaggy West?

03:20:27 5 A. It's not on here.

03:20:29 6 Q. Okay.

03:20:29 7 A. But I did say it.

03:20:31 8 Q. Okay, but it just didn't make its way into the  
03:20:34 9 affidavit?

03:20:34 10 A. Right.

03:20:34 11 Q. Okay. Public Defender's Office forgot to put that  
03:20:41 12 in?

03:20:42 13 MS. BIANCO: Objection to what we forgot.

03:20:43 14 THE COURT: Sustained.

03:20:48 15 Q. Now, when you heard Roger in 2003 and you said you  
03:21:00 16 believed him, right?

03:21:00 17 A. Yes.

03:21:01 18 Q. So based on that belief, you thought Heidi Allen's  
03:21:04 19 body was in a van to Canada, right?

03:21:05 20 A. (Nods.) Yes.

03:21:10 21 Q. In 2006 you met up with Tonya Priest didn't you?

03:21:15 22 A. Yes.

03:21:16 23 Q. And you walked in the woods on Rice Road?

03:21:18 24 A. Yes.

03:21:19 25 Q. And you were looking for Heidi Allen's body there

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weren't you?

A. We were looking for a cabin.

Q. Okay, that you thought might contain Heidi Allen's remains?

A. Yes.

Q. But didn't you think she was in a van to Canada?

A. Yes. She didn't tell me too much of what James Steen had told her, she told me that she -- what James Steen --

MR. OAKES: Objection, Your Honor. There is no question before the witness.

THE COURT: No question before you.

MR. OAKES: No further questions, Your Honor.

THE COURT: Ms. Bianco?

MS. BIANCO: No redirect, Your Honor.

THE COURT: You can step down.

THE WITNESS: Thank you.

THE COURT: Counsel approach please.

(Whereupon, there was an off the record discussion at the bench).

THE COURT: Court is in recess until nine o'clock tomorrow morning.

(Conclusion of Proceeding).

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C E R T I F I C A T E

I, JENNIFER ADYDAN, an Official Court Reporter in and for the State of New York, Fifth Judicial District, do hereby certify that the foregoing is a true, complete and accurate transcript of my stenographic notes taken in the above-entitled matter and the whole thereof to the best of my ability.

  
\_\_\_\_\_  
Jennifer Adydan  
Official Court Reporter

DATED: January 26, 2015