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JON ROBERTS present in person.
New York, 12866.
Counsel, 16 Lake Avenue, Saratoga Springs,
Roberts, BY: JOHN T. MC MAHON, ESQ., of
MC MAHON & MC MAHON, ESQS., Attorneys for Jon
for the Village of Fort Edward, 70 Burgoyne
Avenue, Fort Edward, New York, 12839.
LAWRENCE E. CORBETT, JR., ESQ., Village Attorney
A P P E A R A N C E S

20, 1982, at 7:00 P. M.
Village Hall, Fort Edward, New York, on September
BERNICE MC PHILLIPS, HEARING OFFICER, at the
had in above-entitled action before the HONORABLE
STENOGRAPHIC MINUTES OF PROCEEDINGS

JON ROBERTS, Under Section 75 of the Civil
Service Law.
-against-
Mayor of the Village of Fort Edward,
LEONARD J. KING,
In the Matter of the Proceeding commenced by

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1 MR. CORBETT: Just very briefly,
2 this is -- I'm Lawrence Corbett, Village
3 Attorney for the Village of Fort Edward, and
4 this is a hearing pursuant to Section 75 of the
5 Civil Service Law of the State of New York, and
6 the Respondent, Jon Roberts has been served with
7 a true copy of the charges. Charge one --
8 MR. MC MAHON: I'll acknowledge
9 receipt of the copy of the charges and waive the
10 formal reading of them.
11 MR. CORBETT: All right.
12 At this time, I, on behalf of the
13 Village would call Officer Mitchell Suprenant to
14 the stand to be sworn -- excuse me, I'm sorry, I
15 should call Daniel Smatko, the Village Clerk.
16 MR. MC MAHON: Before this
17 witness testifies, and except for this witness,
18 who I understand is here to produce a document,
19 I would ask the hearing room be cleared of any
20 other witness or potential witness during the
21 testimony of another witness. I make an
22 exception in this man's case.
23 THE HEARING OFFICER: Any

1 objection to that? MR. CORBETT: I have no objection
2 to that. I have no objection whatsoever.
3
4
5 DANIEL SMATKO,
6 called as a witness, being first duly sworn,
7 testified as follows:
8
9 BY MR. CORBETT:
10 What are your duties for the Village
11 of Fort Edward, Mr. Smatko?
12 A Well, to oversee the record keeping,
13 general payroll policies, and any other various
14 duties that come up.
15 Q You are the Village -- the appointed
16 Village Clerk for the Village of Fort Edward?
17 A Yes, I am.
18 Q And you do have access to the records
19 of the Village of Fort Edward; is that correct?
20 A Yes, I do.
21 Q And do you have a copy of the rules
22 and regulations of the Fort Edward Police
23 Department that were adopted on April 7, 1980?

1 A Yes, I do.

2 Q Would you please hand me those for

3 just one moment?

4 MR. CORBETT: Could I please have

5 these marked for identification, and we'll call

6 it Village exhibit one for identification.

7 THE HEARING OFFICER: Including

8 the attachment?

9 MR. CORBETT: Yes. Do you want

10 to see this?

11 MR. MC MAHON: Yes.

12 BY MR. CORBETT:

13 Q Mr. Smatko, I show you the Village's

14 exhibit one, and I ask you, is that a true copy

15 of the rules and regulations of the Police

16 Department of the Village of Fort Edward?

17 A Yes, it is.

18 Q And have you also attached thereto a

19 copy of the original Resolution of the Village

20 Board when these regulations were adopted?

21 A Yes, I have.

22 MR. CORBETT: I offer Village

23 exhibit number one into evidence.

Police for the Village of Fort Edward at the

Q There not being a named Chief of

A Yes, I am.

charge of the Fort Edward Police Department?

Q And at the present time are you in

A A little over seven years.

a member of the Fort Edward Police Department?

Q Mr. Suprenant, how long have you been

BY MR. CORBETT:

DIRECT EXAMINATION

testified as follows:

called as a witness, being first duly sworn,

MITCHELL CHARLES SUPRENANT,

everyone else in the room to leave.

THE HEARING OFFICER: I would ask

Suprenant. Everyone else will have to leave.

MR. CORBETT: I'll call Mr.

evidence.)

identification was marked and received in

(Village exhibit one for

THE HEARING OFFICER: Received.

MR. MC MAHON: No objection.

1 present time; is that correct? A That's correct.

2 Now, on the evening of July 6, and the morning of July 17, 1981, were you on duty on those respective dates? A July six or July 16?

3 July 16 and July 17, excuse me. A Yes, I was.

4 What time did you come on duty on the evening or afternoon of July 16th, 1981? A 11 P. M.

5 And at what time did you complete your tour of duty? A Seven A. M. on the 17th.

6 And was Officer Jon Roberts also on duty on the same evening, in the morning? A Yes, he was.

7 And beginning with your tour of duty at eleven o'clock, would you in your own words relate what you observed during your tour of duty with respect to Officer Jon Roberts? A Yes, sir. Well, I was working, operating patrol car number 121, which is a

1 marked police car in the Village of Fort Edward.
 2 The exact time I'm not sure of, but I noticed on
 3 several occasions as I passed by the Suddard
 4 residence on the corner of Canal Street and East
 5 Street in the Village here, that the unmarked
 6 police car, 122, operated by Patrolman Roberts
 7 was parked, and talking to a young female whom I
 8 know to be Donna Suddard, who at the time was
 9 less -- I believe she was 15. He stayed there
 10 for quite a long period of time, and was
 11 discussing something with her, but he was
 12 talking to her; I'm not sure what about --
 13 Q Could you please state, how long had
 14 you been on duty when you first observed Officer
 15 Roberts at the Suddard residence?
 16 A I was probably on duty probably two
 17 hours.
 18 Q So, we're talking then about one A.
 19 M.: is that correct?
 20 A Right around that time frame. I
 21 didn't mark down the exact time.
 22 Q What did you from that point on
 23 further observe?

1 A Okay, well, at one point, and a time
2 later, maybe an hour, 45 minutes or an hour
3 after that, maybe longer -- as I said, I didn't
4 keep track of the times, I was coming out of the
5 Village right-of-way, which is adjacent to the
6 Police Department here, which runs from Canal
7 Street to Broadway, and I was coming out of
8 Broadway and I looked down to the left, down
9 south, in a south direction, which would be
10 towards Stewarts Bread 'N Butter, Bridge Street,
11 197, and I seen an unmarked police car coming
12 out of Bridge Street, and it was -- at the time
13 it looked to me, I was pretty sure he was going
14 to take a left-hand-turn. Well, for some reason
15 or another, whether I was observed or --
16 MR. MC MAHON: I object to the
17 speculation.
18 BY MR. CORBETT:
19 Q Just state what you observed.
20 A I observed the vehicle change
21 directions and go south on Route 4. At this
22 time I noticed that there was two people in the
23 vehicle. I followed the vehicle because I had

1 my suspicions of what was going on.

2 MR. MC MAHON: Objection, and

3 move to strike it.

4 BY MR. CORBETT:

5 Q Just tell us what you observed and

6 what you saw?

7 A Okay. I seen two people in the

8 police car. I followed the vehicle south on

9 Broadway, and the vehicle was going at an

10 "un-normal" rate of speed. The vehicle turned

11 left on Notre Dame Street, which would be

12 heading easterly, and did not turn his

13 directional lights on.

14 I headed down, following the vehicle,

15 behind the vehicle, down Notre Dame Street, to

16 Rogers Street. The vehicle took a left-hand

17 turn onto Rogers Street and started heading

18 south on Rogers Street. The vehicle then took a

19 right-hand turn.

20 The vehicle that I'm referring to is

21 an unmarked police car, operated by Patrolman

22 Roberts, took a right-hand turn onto Center

23 Street and headed east on Center Street.

1 At this point I called Jon Roberts --
 2 I called 122 on the radio, and asked him if that
 3 was him in front of me, and he stated "I don't
 4 believe so". I asked him his location, and he
 5 said "Baldwin Avenue".
 6 At this point in time I proceeded
 7 straight through the intersection to East
 8 Street. I went from East Street to the
 9 Municipal parking lot on East Street, which is
 10 across from the Suddard house and across from
 11 Canal Street, and I parked my vehicle there.
 12 A short time after this, I seen the
 13 vehicle, the unmarked police car, come out;
 14 stop. A passenger got out. The police car took
 15 a left through the Village right-of-way again,
 16 the right-of-way that runs from Canal Street to
 17 Broadway. I then come down Canal Street and
 18 personally observed Donna Suddard, the person
 19 who did in fact get out of police car.
 20 Q Did you that evening confront Officer
 21 Roberts with what you observed?
 22 A That evening?
 23 Q Or that morning?

1 That morning I did not.
 2 Q What time did Officer Roberts
 3 complete his tour of duty?
 4 A Four A. M., or thereabouts. Again
 5 I'm not sure of the exact time.
 6 Q Who did you report this incident to?
 7 A I reported it to my relief, which was
 8 Officer Trombley, who at the time was senior man
 9 of the Department.
 10 Q And did there come a time on July
 11 17th that you did speak with Officer Roberts
 12 about this incident?
 13 A Yes, there was. I can't say for sure
 14 right now if it was the 17th. It was the next
 15 night that me and him worked together, which was
 16 I came in the 17th, and he was already at work.
 17 I don't know if I talked to him before midnight
 18 or after midnight, but I did talk to him.
 19 Q Would you relate the substance of
 20 your conversation with Officer Roberts?
 21 A Yes. I mentioned the fact to him
 22 that I had observed what he had done, and I
 23 turned it over to Trombley, and he stated to me

1 he already talked to Trombley, and he felt what
 2 Trombley asked was out of the question, as was
 3 related to me by Patrolman Roberts, that Joe
 4 requested him to seek employment elsewhere, and
 5 we discussed it, and we discussed it thoroughly.
 6 Discussed it for a long time, and at the time I
 7 told him that I was leaving whatever decisions
 8 that were to be made up to Trombley, because he
 9 was in charge of the Department at the time, and
 10 at the time he told me that nothing like that
 11 would happen again.
 12 Q And did he concede to you that Donna
 13 Suddard was in the police car when you had
 14 observed her?
 15 A Yes.
 16 Q Did he indicate to you that she was
 17 in the vehicle for any purpose that would
 18 involve a police investigation, or something in
 19 the performance of his duties?
 20 A No.
 21 Q Did he indicate to you why she was in
 22 the car?
 23 A He just said he was talking to her

1 and went for a ride.
 2 Q Did he indicate where they had gone
 3 for a ride?
 4 A Down on Bridge Street, Bradley Avenue
 5 area, Fort Edward pool area.
 6 MR. CORBETT: I have no further
 7 questions of Mr. Suprenant.
 8 CROSS EXAMINATION
 9 BY MR. MC MAHON:
 10 Q Did you ever contact the Suddard
 11 girl, officer?
 12 A I did not myself. I was under the
 13 assumption that at the time Officer Trombley was
 14 going to.
 15 Q This was -- there was a great deal of
 16 suspicion in connection with your observation of
 17 Jon Roberts that night, wasn't there?
 18 A Yes, there was.
 19 Q You never even followed it up by
 20 seeing the girl?
 21 A I turned whatever I seen over to the
 22 senior Officer working.
 23 Q When you went by her house at 2:30 in

1 the morning, she was standing right out there;
 2 is that right?
 3 A At 2:30 in the morning, exactly 2:30,
 4 I cannot say.
 5 Q You say you identified her as the
 6 person who got out of the police car?
 7 A She wasn't standing in front of her
 8 house at the time I observed her.
 9 Q Where was she in connection with the
 10 house?
 11 A Halfway between her house and where
 12 she was dropped off by Mr. Roberts.
 13 Q Was she heading towards her house?
 14 A Yes.
 15 Q Could you have spoken to her if you
 16 wished?
 17 A If I wished, yes.
 18 Q You didn't?
 19 A No, I did not.
 20 Q And you've never seen her since?
 21 A Yes, I've seen her several times.
 22 Q You've never seen her to talk to
 23 about this incident?

1 A No, I haven't.

2 Q Have you talked to her about any

3 other incidents?

4 A No.

5 Q Prior to this time, had the

6 Department had any problems with this Young

7 lady?

8 A Not that I know of.

9 Q Were there any family problems that

10 she was having, or boyfriend problems, or school

11 problems that you were aware of?

12 A Not that I know.

13 Q Did it seem strange to you a Young

14 lady would be out one or two o'clock in the

15 morning?

16 A She was sitting on her front steps

17 and it was quite -- every night I go by -- I

18 wouldn't say every night, but on several

19 occasions, her and her sisters have always been

20 out there that particular summer.

21 Q Well --

22 A It was nothing out of the ordinary,

23 no.

1 Certainly with a police car stopped
 2 by her house, or by where she was standing for
 3 an hour period of time, that was quite unusual,
 4 wasn't it?
 5 A Yes, it was.
 6 Q And yet you never inquired of her as
 7 to what the purpose of that was?
 8 A Well, at the time I figured that it
 9 could have possibly been police-related.
 10 Q Did you ever learn it wasn't
 11 police-related?
 12 A Yes.
 13 Q Who did you learn that from?
 14 A From my records. There is no records
 15 indicated on that particular night, or any entry
 16 anywhere in conjunction with our police
 17 procedures, that there was anything dealing with
 18 this girl as a police-related matter, so I can
 19 only assume that if it was not logged or entered
 20 Q That is an assumption of yours; is
 21 that right?
 22 A Well, no. I would say if I have to
 23 look at something as a Police Officer, if there

1 is something involving this girl, I would know
 2 that if there was, I could go to our logbooks
 3 and discover if there had been a problem.
 4 Q Are domestic problems a usual form of
 5 police business?
 6 A Yes, they are.
 7 Q Are runaway children a usual form of
 8 police business?
 9 A Yes.
 10 Q Is it a police practice, and is it
 11 good police procedure to attempt to avert those
 12 situations in advance?
 13 A It is possible, yes.
 14 Q If this young lady was having some
 15 emotional problems because of a boyfriend or
 16 because of a family dispute, or something like
 17 that, and was threatening to run away, would
 18 that be an appropriate thing for a police
 19 officer who became aware of those facts, to
 20 attempt to investigate, mediate, and attempt to
 21 prevent her from doing that?
 22 A Yes.
 23 Q Is it absolute police procedure that

on the successful termination of such an

endeavor by a Police Officer, that he must

report such things in the log?

A No, but it is policy that if a female

rides in the car with you alone, that you have

to call in your mileage and --

Q Where is that set forth, in what --

A It is set forth in our procedure.

Q Do you have it in writing anywhere?

A I don't know if it is in the rules

and regulations or not, but I know it has been

done on several occasions, and it is taught in

every basic --

Q I didn't ask you that. I asked where

that is set forth in the rules and regulations.

Here is a copy. (handing)

A I don't believe it is. I can look,

but I don't believe it is. I don't see nothing

in these, sir.

Q Tell me, did you make a written

report of the events of the evening of July 17,

18, 1981?

A No, I did not. When I talked to

1 Officer Trombley, I told him if it was needed, I
2 would.
3 Q You didn't make any written report?
4 A No, I didn't.
5 Q Did you make any arrest of this Jon
6 Roberts on that evening for any violation that
7 you observed him commit?
8 A None.
9 Q Is it a fact that -- the fact that he
10 didn't turn on a directional signal, that didn't
11 give cause for you to arrest him for?
12 A No.
13 Q The fact he was driving at what you
14 called "un-normal" speed, you didn't arrest him
15 for that?
16 A No, I didn't.
17 Q You didn't arrest him for impairing
18 the morals of a minor, or anything like that?
19 A I had no evidence towards that.
20 Q And that is why you didn't arrest
21 him; because you didn't have any evidence of it?
22 A That's right.
23 Q And you never bothered to talk with

1 the girl to find out whether there had been any

2 such activity on Mr. Roberts' part?

3 A No, I didn't.

4 Q When was the first time that you made

5 any report in writing concerning the events of

6 the evening of July 17 and 18?

7 A In writing?

8 Q Yes.

9 A When I wrote that statement up.

10 MR. CORBETT: This is a

11 three-page statement that deals with charges one

12 and two. I have a copy of that, if you would

13 like.

14 BY MR. MC MAHON:

15 Q And this is a three-page statement,

16 dated the eleventh day of August, 1982; is that

17 correct?

18 A That's right.

19 Q That was a year and a month,

20 approximately, from the time the incident

21 occurred?

22 A Approximately.

23 MR. MC MAHON: No further

questions.

THE HEARING OFFICER: Mr.

Corbett?

MR. CORBETT: I would like to

have this marked for identification, please,

Village exhibit two, I believe.

(A statement was marked Village

exhibit two for identification.)

REDIRECT EXAMINATION

BY MR. CORBETT:

Q Mr. Suprenant, I show you Village

exhibit number two, and ask you, is this a

statement, a three-page statement that you made
out on the eleventh of August, 1982, and then

brought it to my office and asked me to witness

it?

A Yes, it is.

Q And does this statement of yours,

dated August eleventh, relate in substance the

testimony that you have given with respect to

what occurred on the 16th and 17th of July,

1981?

A Yes.

1 Q On page two of this statement, in the
2 middle of the page, you had written a statement
3 as follows --
4 MR. MC MAHON: I object to the
5 reading of the -- any portion of the statement.
6 The statement itself is self-serving. The
7 witness is here, and can give the testimony. It
8 is not the best evidence.
9 THE HEARING OFFICER: I'll
10 sustain your objection.
11 BY MR. CORBETT:
12 Q Well, Mr. Suprenant, you stated that
13 on July 18 you discussed this matter with Jon
14 Roberts. Did you discuss the matter with him on
15 that date, or the next date?
16 MR. MC MAHON: Objection.
17 THE WITNESS: Yes, I did.
18 BY MR. CORBETT:
19 Q And what, in substance, did Officer
20 Roberts relate to you about this incident?
21 A I asked Mr. Roberts what he was doing
22 with Donna Suddard in the vehicle, and he said
23 he was just going for a ride, and was talking to

1 her. I asked him why he had to go for the ride,
 2 and he did not have an answer for me.
 3 I told him that I didn't appreciate
 4 what was done; that it was on my shift, because
 5 I was the senior man at the time, and that I did
 6 not want it to happen again, and that if Officer
 7 Trombley decided to pursue the matter, that I
 8 would be more than willing -- I was going to
 9 give a statement and be very cooperative with
 10 Officer Trombley.
 11 I also discussed the fact that if
 12 anyone had seen him, that it would hurt his
 13 image, whether he did anything, whether there
 14 was any guilt on his part of doing anything, and
 15 it would also hurt probably his chances of
 16 getting married in four weeks from the time that
 17 Q What statements did Mr. Roberts make
 18 to you, in response to your remarks?
 19 A He told me he would never let
 20 something like that happen again, and --
 21 Q Did he at any time indicate to you
 22 that this was police work, or that in any way
 23 his being with Donna Suddard involved his duties

1 as a Police Officer?
2 A No, he did not. I believe I asked
3 him, and he said it was not related.
4 MR. CORBETT: I have no further
5 questions.
6 MR. MC MAHON: I have no
7 questions.
8 THE HEARING OFFICER: Thank you
9 very much.
10 MR. CORBETT: You can be excused
11 from the room now, but don't leave. Have Mr.
12 Trombley come in.
13 WAYNE J. TROMBLEY,
14 called as a witness, being first duly sworn,
15 testified as follows:
16 DIRECT EXAMINATION
17 BY MR. CORBETT:
18 Q Mr. Trombley, on the 17th of July of
19 1981, were you in charge of the Port Edward
20 Police Department at that time?
21 A Not officially I wasn't.
22 Q Were you the senior man?
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A I was the senior patrolman.

Q And what did your duties consist of

as a senior patrolman?

A I did just about the same work as

everyone else did, except when it came to a

shift change or something like that, I had

preference; that type of thing.

Q And did you set the -- did you set

the work schedules for the other officers?

A We did as a group. Consensus of

opinion type thing.

Q You were the senior officer in the

Fort Edward Police Department at that time; is

that correct?

A Yes.

Q And did you work on the 17th of July,

1981, and if so, will you tell us what shift you

worked?

A I did work that day. I worked seven

in the morning until three in the afternoon.

Q And we're speaking about July 17th,

1981?

A Yes.

1 Q Did there come a time when you came
2 to work that you had a conversation with Officer
3 Mitchell Suprenant?
4 A Yes, I was relieving him. He had
5 worked 11 to 7, and I was the morning relief.
6 Q Would you relate Mr. Suprenant's
7 conversation with you?
8 A When I got to work --
9 MR. MC MAHON: I object to that
10 as being hearsay, and not admissible unless the
11 Respondent was present.
12 THE HEARING OFFICER: I'm going
13 to sustain that.
14 BY MR. CORBETT:
15 Q Well as a result of your conversation
16 with Officer Suprenant, did you on the same date
17 have an occasion to have a conversation with
18 Officer Jon Roberts?
19 A Yes.
20 Q Would you state approximately what
21 time that same day that you did have a
22 conversation with Mr. Roberts?
23 A I believe that it was when he came to

1 work that evening, which was around between 7:30
2 and eight P. M.
3 Q Would you relate in substance what
4 your conversation with Mr. Roberts was?
5 A Yes. When Don came into work, I
6 approached him, and I asked him what he was
7 doing with a 15-year-old in the police car the
8 night before, and he told me that they were just
9 talking, and at that time I told him that I
10 thought that it was pretty severe, and also due
11 to the fact that he was getting married in just
12 a few weeks, I thought it would probably be in
13 his best interests to try to find another job
14 and resign from the Police Department, at which
15 time he told me that he thought that was a
16 little bit severe. I was upset at the time, and
17 I just asked him why he did it, and he told me
18 that it definitely was a stupid thing to do, and
19 it would never happen again, and at that point I
20 think I just walked out and left it at that.
21 Q Did Officer Roberts at any time in
22 this conversation with you indicate that he had
23 Donna Suddard in the car for any police purpose,

1 police-related purpose at all?

2 A No.

3 Q Did you discuss that aspect of it

4 with him?

5 A Yes, just what I had already

6 testified to. I asked him why he had a

7 15-year-old in the police car with him, and his
8 reply was that they were just talking.

9 MR. CORBETT: I have no further

10 questions.

11 CROSS EXAMINATION

12 BY MR. MC MAHON:

13 Q Officer Trombley, are you still with

14 the force?

15 A Yes.

16 Q When did you make your first written

17 report in connection with this particular

18 incident?

19 A My first written report was -- I

20 believe it was August eleventh.

21 Q Of this year?

22 A Of this year.

23 Q So, at the time that this occurred,

1 You didn't feel it was necessary to make a
2 written report?
3 A I felt that the situation as it was,
4 even though it was a very severe matter, the
5 fact that Jon was about to get married --
6 Q That doesn't answer my question. You
7 didn't feel it was necessary to make a report at
8 that time; is that true?
9 A I did let it go, sir.
10 Q Do you know whether the Suddard girl
11 had ever been called to the attention of the
12 Department for either some problem she might
13 have, or that someone else might feel that she
14 has, or had?
15 A Prior to the date, this date, no.
16 Q You didn't hear about any boyfriend
17 problems that she had, or any domestic problems
18 at home, or school problems?
19 A No, sir, I did not.
20 Q Since that time -- I'll withdraw
21 that.
22 Did you ever talk to the Suddard girl
23 to find out from her what transpired between her

1 and Roberts.
2 A I'm not absolutely sure what I had
3 said to her. I just told her that she is never
4 to go into a police car again with a Police
5 Officer, any Police Officer, unless it was on
6 official business.
7 Q When did you have that conversation
8 with her?
9 A Sometime after I talked to Jon.
10 Q Within a week or so?
11 A Yes, I believe it was within a week.
12 Q Did you have any further conversation
13 with her at that time that you can recall?
14 A Not that I can recall, sir.
15 Q Did she make any complaint to you at
16 that time that she had been abused or otherwise
17 annoyed or harassed, or injured, or anything
18 from Jon Roberts?
19 A No, she did not.
20 Q I take it that from the delay of a
21 year and about a month from the time that this
22 incident occurred, until the time that it was
23 put in writing, that no official report was made

1 to any elected official of the Village?

2 A Not by me, sir.

3 MR. MC MAHON: No further

4 questions.

5 MR. CORBETT: I have no further

6 questions.

7 THE HEARING OFFICER: You are

8 excused.

9 MR. CORBETT: I will recall

10 Officer Suprenant with respect to Specification

11 two, the second charge. I have no further

12 evidence or proof to put in with respect to

13 charge number one.

14 THE HEARING OFFICER: Fine.

15 Would you call Officer Suprenant back in,

16 please? Thank you.

17 MITCHELL C. SUPRENANT,

18 having been previously sworn, testified as

20 as follows:

21 THE HEARING OFFICER: Officer,

22 You are still under oath. Do you have a middle

23 initials?

1 THE WITNESS: Yes, C.
 2 BY MR. CORBETT:
 3 Q Your still under oath, Mr. Suprenant.
 4 We're now going to the second charge.
 5 Would you please state with respect
 6 to an incident that took place on August
 7 seventh, 1982, your direct knowledge of what is
 8 alleged to have occurred on that date?
 9 A Yes. Again I was working, and I was
 10 working again in the car 121, and Patrolman
 11 Roberts was working 122, and I believe we were
 12 working the same shift as we were in the case of
 13 the first charge, and I was called back to the
 14 station. Someone was at the station to see me,
 15 and I come back to the station and there was a
 16 gentleman by the name of Frederick Wendall whom
 17 I know as Kenny Wendall, and he related to me
 18 that he was notified by his girlfriend --
 19 MR. MC MAHON: I object to any
 20 recitation of what was stated as hearsay.
 21 THE HEARING OFFICER: I'll
 22 sustain the objection.
 23 THE WITNESS: As a result of his

1 visit to me at the police station, as a result

2 of his talking to me, I responded to my

3 residence, because I knew that there was a

4 problem there.

5 BY MR. CORBETT:

6 Q You are talking about your own home?

7 A My own home at 63 East Street, in the

8 Village of Fort Edward.

9 BY MR. CORBETT:

10 Q Just state what you determined, what

11 had occurred when you got there?

12 A What had occurred when I got there --

13 MR. MC MAHON: I object to that

14 as being totally hearsay. If you are asking for

15 what had occurred when he wasn't there, it can't

16 be on his direct knowledge. On the other hand,

17 maybe I misunderstood your question.

18 BY MR. CORBETT:

19 Q As a result of your investigation,

20 Mr. Suprenant, did you take a statement from --

21 or a statement from a young lady by the name of

22 Amy Gorham?

23 A Yes, I did. I took both a verbal

1 statement on the night of August sixth -- I took
2 a verbal statement the night that I was called
3 to my residence from what had taken place at my
4 residence that particular night.
5 Q Did you take another statement from a
6 young lady by the name of Tricia Strain?
7 A Yes, both a verbal statement that
8 night, and a written statement later that night.
9 Q Did you also take a statement from
10 the mother of Amy Gorham, Kathy Gorham?
11 A Yes, I did, both oral and written.
12 Q You did this in the course of your
13 duties as an officer on duty at that time; is
14 that correct?
15 A Yes, as an officer on duty and also
16 as officer in charge of the Police Department.
17 MR. CORBETT: I have no further
18 questions of Mr. Suprenant at this time.
19 CROSS EXAMINATION
20 BY MR. MC MAHON:
21 Q Sergeant Suprenant; is that correct?
22 A That's correct.
23 Q Sergeant, what was the date that you

1 took the verbal statement from --
 2 A I believe it was August six.
 3 Q That was from the girl named --
 4 MR. CORBETT: Excuse me. So we
 5 get the correct date, I'll let Mr. Suprenant
 6 look at his statement that he prepared, or that
 7 was signed by --
 8 THE HEARING OFFICER: I think
 9 we're talking about the verbal statement. As I
 10 understood it, it was a statement that was given
 11 to you when you responded to the call.
 12 THE WITNESS: The difficulty I
 13 have, I started working at six o'clock, and
 14 ended work on the seventh. It is kind of
 15 difficult. I know both dates are there.
 16 BY MR. MC MAHON:
 17 Q Let me ask you this: when you went
 18 to work on the evening that this incident took
 19 place, was that the sixth of August?
 20 A Yes, I believe so.
 21 Q And did this incident occur after --
 22 to the best of your knowledge, was your
 23 involvement in it after midnight of that day?

1 A Yes, it was.

2 Q So it would be the seventh of August

3 when you took the verbal statement; is that

4 correct?

5 A Yes.

6 Q And you took verbal statements that

7 morning of the seventh day of August, from a

8 number of people?

9 A Yes.

10 Q Could you identify them for us?

11 A I sure can. I took them from

12 Frederick Wendall, took one from Catherine

13 Gorham, Amy Gorham, Tricia Strain, Karen

14 Stimpson, Patricia Suprenant, and Jon Roberts.

15 Q Catherine Gorham is the mother of Amy

16 Gorham?

17 A Yes.

18 Q Patricia Suprenant is your wife?

19 A Yes.

20 Q The incident you were investigating

21 occurred at your residence; is that correct?

22 A Yes, that's right.

23 Q Now, when you say you took verbal

1 statements, did you make notes of the statements
 2 as you took them?
 3 A No, I didn't.
 4 Q So there are no notes whatsoever of
 5 this, the events that were described to you by
 6 the seven persons?
 7 A No, there is not.
 8 Q Did you make a summary of any sort?
 9 A The only thing I took in writing,
 10 sir, is the statements by the people.
 11 Q That was -- you answered it. Was
 12 that on the eleventh day of August?
 13 A Yes.
 14 Q So the eleventh day of August, some
 15 four days after this he event, is when you
 16 started taking written statements?
 17 A That's correct.
 18 Q You didn't make any writing prior to
 19 that time concerning what had been described to
 20 you by these people?
 21 A No, I didn't.
 22 Q Between the seventh of August and the
 23 eleventh of August, did you make any report of

1 these events to any person or persons?
 2 A Yes, I did.
 3 Q And to whom?
 4 A To the Village Board.
 5 Q Was the Village Board in session at
 6 that time?
 7 A Yes, they were.
 8 Q Do you know whether the Village Board
 9 keeps a record of their sessions?
 10 A Yes, they do.
 11 Q Now, you say that on August eleventh
 12 you went and took statements from the people
 13 that were involved. Did you take it from all
 14 the people that were involved?
 15 A Not everyone that was involved.
 16 Q Did you take a written statement from
 17 Mr. Wendall?
 18 A Yes, I did.
 19 Q Did you take a written statement from
 20 Catherine Gorham?
 21 A Yes, I did.
 22 Q Did you take a written statement from
 23 Amy Gorham?

1 Yes, I did. A Did you take a written statement from
 2 Patricia Strain? Q
 3 Yes, I did. A
 4 Did you take a written statement from Karen Stimpson? Q
 5 No, I did not. A
 6 Did you take a written statement from Patricia Suprenant? Q
 7 No. A
 8 Did you take a written statement from Jon Roberts? Q
 9 No, I did not. A
 10 To the best of your recollection, did the written statements of the four people that you took written statements from vary in any particulars from the verbal statements they gave you on the seventh of August? A
 11 Not that I can recall. A
 12 During your investigation at your residence on the seventh -- on the morning of the seventh of August, 1982, did you learn whether any or all of the three girls, the

1 Gorham girl, the Strain girl, and the Stimpson
2 girl had been drinking any alcoholic beverages?
3 A No, I have no idea.
4 Q No one said anything to you about
5 that?
6 A No.
7 Q Approximately what time was it when
8 you took the verbal statements, or what period
9 of time was covered, if you have one that you
10 can remember?
11 A From everyone?
12 Q Yes.
13 A I would say between an hour and a
14 half and three hours.
15 Q Did you ever make a synopsis for any
16 person, including the Village Attorney, of the
17 version of events that you obtained, and the
18 verbal statement of Jon Roberts?
19 A No.
20 Q Did you ever make an oral statement
21 to anyone of the version of events that you
22 obtained from Jon Roberts?
23 A No.

1 Q Didn't anybody ask you what Jon
2 Roberts said about this?
3 A I asked Jon Roberts myself.
4 Q I'm asking you, didn't anyone --
5 didn't the Village Board ask you what Jon
6 Roberts had to say about this event?
7 A They may have. I can't recall
8 exactly what they asked me or not.
9 Q What did he say about the event?
10 A He denied it. He said it wasn't
11 true.
12 Q Did you tell that to the Village
13 Board?
14 A I don't know if I exactly told them
15 that he said it wasn't true, but I do believe
16 that they had the feeling he denied it. I can't
17 for sure tell you whether or not he denied it --
18 if I told them he denied it or not.
19 Q What did Patricia Suprenant tell you
20 about this incident; the person you didn't take
21 a statement from?
22 A The person that I didn't take a
23 statement from?

1 Q One of the persons?
2 A She said that she didn't see anything
3 that happened, and that she wasn't paying any
4 attention to what was going on over next to the
5 police car, and that she was talking to
6 Catherine Gorham.
7 Q Did she say how far the police car
8 was from her?
9 A No, I didn't ask her.
10 Q Do you know where it was parked from
11 her description?
12 A Right in the driveway.
13 Q You knew the vehicle was there
14 yourself?
15 A Yes.
16 Q How far was it from where your wife
17 is sitting?
18 A Well, the driveway -- I would say
19 between ten and 15 feet.
20 Q According to your wife's description,
21 was anybody sitting with her?
22 A Yes, Catherine Gorham, and I believe
23 my daughter was there.

Q	Catherine Gorham is the mother of the	1
A	girl who was supposedly kissed; is that correct?	2
Q	Yes.	3
Q	And she was sitting there with your	4
	wife, ten feet from where this incident	5
	occurred?	6
A	Ten to 15 feet.	7
Q	Ten to 15 feet?	8
A	Yes.	9
Q	Was your daughter there?	10
A	Yes.	11
Q	Did you take a statement from her?	12
A	My daughter is only seven.	13
Q	You probably asked her some	14
	questions, did you not?	15
A	My daughter?	16
Q	Yes?	17
A	I tried not to let her know what was	18
	going on. I don't think she would really	19
	understand at the age of seven to know what was	20
	going on.	21
Q	I take it from your answer that you	22
	did not ask your daughter any questions about	23

1 what she had seen?
 2 A That's correct.
 3 Q But she was in fact awake and at the
 4 place where this incident occurred, when it
 5 occurred, to the best of your knowledge, is that
 6 right?
 7 A She was on my front porch at the
 8 time, yes.
 9 Q Now, when you saw the other police
 10 car driven by Jon Roberts at your residence, did
 11 you make any attempt to contact him?
 12 A No, I did not.
 13 Q Did you toot the horn or anything
 14 that would attract his attention to the fact
 15 that you were in the area?
 16 A I don't believe so, no.
 17 Q Do you know why he was there? Did he
 18 make any report to you as to why he was there?
 19 A No, he did not.
 20 Q You recognized the police car?
 21 A Yes, I did.
 22 Q Even though, I take it this car is
 23 unmarked that he was driving?

1 A That's correct.

2 Q And it was at your house?

3 A That's right.

4 Q When you first saw it, did you make

5 any attempt to find out why it was there?

6 A I knew why it was there.

7 Q How did you know why it was there?

8 A I knew he was talking to the people

9 that were there, and most of these people were

10 spending the night on my front porch with my

11 daughter, and that is why my daughter was up so

12 late. They were going to spend the night on the

13 front porch.

14 Q The fact that you saw the police car

15 there didn't alarm you at all?

16 A No, because I had seen him talking to

17 these individuals before.

18 Q And those individuals were guests at

19 your house that night?

20 A That's correct.

21 Q Now, that would be the Gorham girl,

22 the Strain girl, and the Stimpson girl; is that

23 correct?

A That's right.

Q Mr. Wendall, I'm sure, was not a

guest, nor was Catherine Gorham?

A No, they were spending the evening.

Q Do you have any personal animosity

towards Jon Roberts?

A No, I don't.

Q Has any person in the Village

Government asked you to commence these

proceedings against Jon Roberts?

A As it took place, I was notified of

these events that had taken place this night by

several people, including Mr. Wendall and

everything. He led me to believe that I would

have to start an investigation, kind of in

regard to incident number one and incident

number two, combined together. I wanted to make

sure that if there was any substance in either

one of the -- in the second charge, or if there

was more going on in the first charge than just

talk, I wanted to make sure that it did not

continue, especially while --

Q That is not responsive to my

1 question.
2 A I believe it is, counselor.
3 MR. MC MAHON: I'll let the Judge
4 decide that.
5 THE HEARING OFFICER: AS I
6 recall, the question is to the effect, were you
7 directed to bring the charges, and I'm not sure
8 that that question --
9 THE WITNESS: IF I was directed
10 to commence charges?
11 THE HEARING OFFICER: BY anyone
12 on the Village Board.
13 THE WITNESS: This was both
14 charges resulting from each other, and I
15 presented it to the Village Board, and they made
16 the determination to go forth with the charges
17 on what they had, I brought both charges at the
18 same time to the Village Board, and with each
19 one in mind, both charges were brought together.
20 THE HEARING OFFICER: I think
21 that answers the question.
22 BY MR. MC MAHON:
23 Q Have you commenced any criminal

charges against Jon Roberts?

A No, sir, I haven't. It depends on

what you consider commencing. I did type up an

accusatory instrument, it that is what you

consider commencement of a charge, but I left

that with Attorney Corbett, and he advised me we

were not going to go through with that.

Q So, you did go to the extent of

preparing a criminal complaint against Jon

Roberts?

A I was told to go through with an

investigation. I was put in charge of the

investigation by the Village Board, and I took

the statements that I thought were necessary,

and I also looked into the Penal Law, and I seen

that there was a subdivision in there of

unlawfully dealing with a child, one of the

subdivisions that I thought may possibly have

gone through. I did sign -- I did make up a

accusatory instrument and signed it, but it was

not witnessed or -- by anyone.

Q When did you make that up?

A On the eleventh of August.

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Q When did you meet with the Village

Board?

A I believe it was that Monday, which

would probably have been the ninth. I can't

swear to that, but it was, I believe it was

Monday that I met with them, and I was told to

have everything put together by Wednesday.

Q Have you delivered the original of

the accusatory instrument to Mr. Corbett?

A I give it to him.

MR. CORBETT: I have it.

MR. MC MAHON: May I see it,

please?

MR. CORBETT: Yes. (Handing).

MR. MC MAHON: Did you type up

this accusatory instrument?

THE WITNESS: Yes, sir.

BY MR. MC MAHON:

Q When you typed it up, did you say

that it was based upon the sworn statements of

Amy Gorham, Catherine Gorham, Tricia Strain, and

Enneth Wendall attached to and made a part of

this accusatory instrument?