

1           A       Yes.

2           Q       When did you get the statements of  
3 those persons?

4           A       On the eleventh.

5           Q       What date did you type it on?

6           A       The 10th, but I don't believe --

7                   MR. MC MAHON: Thank you. That's  
8 all I have.

9                   MR. CORBETT: I'm going to object  
10 on the record to this line of questioning.

11                   Officer Suprenant did present this  
12 accusatory instrument to me as the Village  
13 Attorney, and upon reviewing statements that  
14 were attached to it, I did not advise him to  
15 proceed with it. I did not feel that the  
16 statements would sustain a criminal misdemeanor  
17 charge, and I take the responsibility for that.  
18 I think the dates, for the benefit of our  
19 Hearing Officer, are really insignificant. If  
20 you wish me to be sworn, John, I'll be sworn,  
21 but Mr. Suprenant delivered these instruments  
22 all to me on the same date. To my mind the date  
23 is rather insignificant, and they were delivered

1 to me in one package, and it was my decision not  
2 to have him proceed with a criminal complaint.

3 MR. MC MAHON: I don't think that  
4 is the relevance of the cross examination, and I  
5 don't doubt a word that you say, but I think the  
6 cross examination was relevant.

7 THE HEARING OFFICER: I'm going  
8 to take note of Mr. Corbett's exception to  
9 certain parts of the testimony regarding the  
10 fact that the accusatory instrument had been  
11 delivered; whether it was a typographical error  
12 putting the tenth or eleventh. I think all the  
13 testimony thus far was that the statements were  
14 taken on the eleventh, and were delivered to Mr.  
15 Corbett on the eleventh. I have not seen the  
16 other statements, but it is my impression that  
17 since everyone has seen them, that the eleventh  
18 is the date that is actually standing there.

19 The other portion, Mr. McMahan, of  
20 your cross examination regarding discrepancies  
21 of date, the date that the incident allegedly  
22 happened, the date Sergeant Suprenant went to  
23 the Village Board, and the statements that were

1 filed, I find that to be relevant, and I will  
2 not agree to any exception to that portion of  
3 the testimony, the date they were delivered to  
4 Mr. Corbett, and the date on the proposed  
5 accusatory instrument. I will note Mr.  
6 Corbett's exception.

7 Mr. Corbett, I think you were  
8 questioning?

9 MR. CORBETT: I have no further  
10 questions.

11 MR. MC MAHON: No further  
12 questions.

13 MR. CORBETT: Would you please  
14 have Amy Gorham come in, please?

15 MR. MC MAHON: Could I interrupt  
16 just one moment? I would like Sergeant  
17 Suprenant back in, and instructed not to discuss  
18 his testimony with any of the other witnesses.

19 MR. CORBETT: Certainly.

20 THE HEARING OFFICER: Sergeant  
21 Suprenant, it was just requested that you not  
22 discuss any of the testimony that was elicited  
23 from you with any of the other parties outside.

1 THE WITNESS: Okay, no problem.

2

3

AMY GORHAM,

4 called as a witness, being first duly sworn,  
5 testified as follows:

6

7

THE HEARING OFFICER: What is  
your age?

8

THE WITNESS: 15.

9

10 THE HEARING OFFICER: If you  
11 don't mind, I would like to say a couple  
12 statements to Amy so she's aware of what is  
going on here.

13

14

15

Mr. Corbett is going to ask you some  
questions, and I would ask you to answer them as  
honestly as you can.

16

17

18

19

20

21

22

23

If you don't understand the question,  
just ask him to repeat the question. Mr.  
McMahon then will ask you some questions as  
well. Again if you don't understand the  
questions, just ask him to repeat them, or you  
can ask me if you have a question, okay?

DIRECT EXAMINATION

BY MR. CORBETT:

1 Q Amy, where do you live?

2 A 62 East Street.

3 Q Here in the Village of Fort Edward?

4 A Yes.

5 Q Did there come a time on the seventh  
6 day of August, 1982, that you and a group of  
7 your friends were playing on -- sleeping or  
8 staying overnight on the front porch at  
9 Suprenant's house?

10 A Yes.

11 Q And did there come a time when  
12 Officer Jon Roberts drove by or drove up to that  
13 residence?

14 A Yes.

15 Q Would you please state who was with  
16 you at that time?

17 A Tricia Strain and Karen Stimpson.

18 Q And when you first observed Officer  
19 Roberts' police car, what direction was he  
20 traveling on East Street?

21 A Going down toward the railroad  
22 tracks.

23 Q He was going east on East Street, was

1 he?

2 A Yes.

3 Q And what side of the street is the  
4 Suprenant house?

5 A Left side.

6 Q It is on the north side of East  
7 Street; is that correct?

8 A Yes.

9 Q And what did you and your two friends  
10 do when you saw Officer Roberts?

11 A We just waved to him.

12 Q And what was Officer Roberts'  
13 response?

14 A He pulled up in the driveway.

15 Q He pulled up into the Suprenant  
16 driveway?

17 A Yes.

18 Q Did he turn off the engine of the  
19 car?

20 A Yes.

21 Q Or did he continue to run the engine?

22 A No, he turned it off.

23 Q In your own words, would you please

1 state what then occurred?

2 A Well, we were just talking for  
3 awhile, and then he asked me for a piece of gum,  
4 and I went down to get it.

5 Q What do you mean, "you went down to  
6 get it"?

7 A Well, in the car.

8 Q Officer Roberts was sitting in the  
9 car at this time?

10 A Yes.

11 Q And were you and your two girlfriends  
12 standing near the car?

13 A Yes.

14 Q Or right at the car?

15 A Yes.

16 Q Did he offer to hand the gum out to  
17 you?

18 A No.

19 Q Well, explain what took place?

20 A He just held it inside the car.

21 Q And what did you do?

22 A Went down to get it.

23 Q Did you lean into the car, put your

1 head in through the window?

2 A Yes.

3 Q And what did Officer Roberts then do?

4 A He approached to kiss me, and then I  
5 backed away.

6 Q How close to your face did Officer  
7 Roberts come to you, to your lips, your mouth?

8 A Around probably about an inch, inch  
9 and a half.

10 Q And what did you then do?

11 A I backed away and I went into the  
12 Suprenant's house.

13 Q And what did you do then?

14 A I went upstairs in Suprenant's house,  
15 and I called my boyfriend.

16 MR. CORBETT: I have no further  
17 questions.

18 CROSS EXAMINATION

19 BY MR. MC MAHON:

20 Q Amy, about what time of night was  
21 this?

22 A Around 12:30, twelve o'clock.

23 Q And what had you and the other girls

1       been doing earlier in the evening?

2           A       Nothing.

3           Q       Well, had you been playing any games?

4           A       No.

5           Q       Listening to records?

6           A       No, just on the front porch talking.

7           Q       And were you baby sitting for the  
8       Suprenant's?

9           A       No, Tricia was.

10          Q       And had it been planned that all  
11       three of you girls and the Suprenant child were  
12       going to sleep on the porch that night?

13          A       Yes.

14          Q       Is the porch enclosed, or is it an  
15       open porch?

16          A       It is an open porch.

17          Q       Was Mrs. Suprenant and your mother  
18       outside?

19          A       Well, yes, like later in the night.

20          Q       When the police car was there, with  
21       Jon Roberts, were they on the porch?

22          A       Yes.

23          Q       Were they sitting on the stoop?

1 A Yes.

2 Q About how far from the car were they?  
3 If you can't say in feet, maybe using the size  
4 of this room, or some objects in the room?

5 A Probably from here to the flag.

6 Q And was Jon Roberts in uniform?

7 A Yes.

8 Q And he was in the police car?

9 A Yes.

10 Q Did you know if he said hello to Mrs.  
11 Suprenant?

12 A No, I can't remember.

13 Q Is Sergeant Suprenant well known in  
14 the Village?

15 A Yes.

16 Q How about his wife?

17 A Yes.

18 Q Is she well known in the Village?

19 A Yes.

20 Q Do you know if your mother knows Jon  
21 Roberts?

22 A Yes, she does.

23 Q Do you know if he said hello to your

1 mother?

2 A I don't remember.

3 Q Where your mother and Mrs. Suprenant  
4 were sitting, would they have been visible to  
5 Jon Roberts, or would Jon Roberts have been  
6 visible to them?

7 A Yes.

8 Q During the time that you were talking  
9 with Jon Roberts, did your mother or Mrs.  
10 Suprenant call out to your girlfriend or  
11 anything?

12 A No.

13 Q About how long was he there  
14 altogether before this incident occurred?

15 A About 15 minutes.

16 Q So you must have talked quite awhile?

17 A Yes.

18 Q What were you talking about?

19 A I can't remember.

20 Q Did Karen stay with you and did  
21 Tricia stay with you while you were talking to  
22 Jon?

23 A Yes.

1 Q Had any of you girls had anything  
2 alcoholic to drink that evening?

3 A Well, earlier.

4 Q I assume your mother and Mrs.  
5 Suprenant didn't know about that; is that right?

6 A No, they didn't.

7 Q Had you had something to drink?

8 A Yes.

9 Q Could you tell us what you had to  
10 drink?

11 A Beer.

12 Q Was there anything else that was  
13 there that people had to drink, but you didn't  
14 drink any of? Was there any wine there?

15 A No.

16 Q Just beer?

17 A Um hum.

18 Q Would you tell us how much beer you  
19 had?

20 A A couple.

21 Q And was that the reason that Jon  
22 Roberts offered you the gum?

23 A Yes.

1           Q       In fact, he noticed that you had been  
2 drinking, didn't he?

3           A       Probably.

4           Q       And in fact, didn't he say that you  
5 better chew some gum so your mother didn't  
6 notice?

7           A       Yes.

8                   MR. MC MAHON:   No further  
9 questions.

10                  THE HEARING OFFICER:   Mr.  
11 Corbett?

12                  MR. CORBETT:   I have no further  
13 questions of Amy.

14                  THE HEARING OFFICER:   I would ask  
15 you please not to discuss what you told everyone  
16 in here.   Thank you.

17                  THE WITNESS:   All right

18                  THE HEARING OFFICER:   Tricia,  
19 would you have a seat right here, please?

20

21                               TRICIA STRAIN,  
22 called as a witness, being first duly sworn,  
23 testified as follows:

1 THE HEARING OFFICER: Mr. Corbett  
2 is going to ask you a number of questions.  
3 Answer them as honestly as you can, remembering  
4 that you are under oath.

5 Mr. McMahon then has an opportunity  
6 to ask you some questions as well. I would ask  
7 you to speak up so that Mr. Levine can hear what  
8 you are saying. He's taking down a full record  
9 of this; okay?

10 THE WITNESS: Yes.

11 THE HEARING OFFICER: Would you  
12 state for the record what your full name is?

13 THE WITNESS: Tricia Ann Strain.

14 DIRECT EXAMINATION

15 BY MR. CORBETT:

16 Q Where do you live?

17 A Four Center Street.

18 Q Is that in the approximate  
19 neighborhood of the Suprenant house?

20 A Yes.

21 Q And what were you doing at the  
22 Suprenant house on this evening of August six or  
23 seven, around midnight?

1           A       We were sitting on the front porch,  
2 and we were sleeping out and sitting on the  
3 front porch, and the cop car rode by.

4           Q       Tell us what happened?

5           A       And --

6           Q       Why don't you explain -- do you know  
7 the reason why Officer Roberts stopped?

8           A       No.

9           Q       Had you ever been at this residence  
10 before when Officer Roberts had come by and  
11 stopped the car?

12          A       Yes.

13          Q       This was not the first time that he  
14 had done that; is that correct?

15          A       No.

16          Q       And who was he talking to when -- on  
17 this particular evening?

18          A       Talking to Amy and I, and Karen  
19 Stimpson.

20          Q       For how long a period of time would  
21 you say you three girls were talking to Officer  
22 Roberts?

23          A       For about five, ten minutes.

1 Q Do you recall what you were talking  
2 about?

3 A We were talking about the incident  
4 that happened the night before which Mitch and  
5 Jon got into.

6 Q Speak up.

7 A He was talking about the incident the  
8 night before that happened to -- on Mc Intyre  
9 Street.

10 Q Had Officer Roberts and Officer  
11 Suprenant arrested someone the night before?

12 A Yes.

13 Q Officer Roberts was telling you three  
14 girls about it; is that correct?

15 A Yes.

16 Q Go ahead and tell us what you  
17 observed, Tricia?

18 A Well, I was leaning on the cop car,  
19 and I seen him going towards her, and she went  
20 in and he puckered up, and --

21 Q Did he try to kiss her, from what you  
22 observed?

23 A Yes, he did.

1 Q What did Amy do when that occurred?

2 A She just reached -- went into the cop  
3 car, and I guess she --

4 Q She put her head in the window, did  
5 she, to get the piece of gum?

6 A Yes.

7 Q And you observed Officer Roberts  
8 pucker up and try to kiss her; is that correct?

9 A Yes.

10 Q How close to both Amy and Officer  
11 Roberts were you standing?

12 A I was standing right there. I seen  
13 them.

14 Q Were you within two feet, three feet?

15 A Yes.

16 Q How close were you?

17 A About five feet from the car, or  
18 right there I was standing.

19 Q And you could see what Officer  
20 Roberts did very clearly; is that correct?

21 A Yes.

22 Q And are you sure that he tried to  
23 kiss her?

1 A Yes, he did.

2 Q Were you aware of the fact that he  
3 had offered her a piece of gum?

4 A Um hum, yes.

5 Q Do you know why he had offered her a  
6 piece of gum?

7 A No.

8 Q Was there any conversation that you  
9 could hear between Officer Roberts and Amy with  
10 respect to his offering her any gum?

11 A No.

12 MR. CORBETT: I have no further  
13 questions.

14 CROSS EXAMINATION

15 BY MR. MC MAHON:

16 Q Tricia, you are 20 years old, is that  
17 correct?

18 A Yes.

19 Q How old is Amy, do you know?

20 A 15.

21 Q And how about the other girl that was  
22 with you, Karen Stimpson?

23 A 16, I think she is.

1 Q Now, the police car was parked in the  
2 Suprenant driveway, as I understand it; is that  
3 right?

4 A Yes.

5 Q And the Officer remained in the car;  
6 is that true?

7 A Yes.

8 Q And seated in the drivers seat?

9 A Yes.

10 Q No one else was in the car with him?

11 A No.

12 Q Was the engine on or off?

13 A I think it was off.

14 Q Now, how long a period of time did it  
15 remain, that is the car, did it remain in the  
16 driveway before this incident occurred?

17 A About five minutes.

18 Q During that time, did you three girls  
19 stand by the car?

20 A Yes.

21 Q That was Amy, and Karen and yourself?

22 A Yes.

23 Q Is that right?

1 A Yes.

2 Q Now, at least at the time of the  
3 incident Karen was beside the driver's window?

4 A Yes, she was in the middle of us.

5 Q Which side of her were you on?

6 A Her right-hand side.

7 Q So you would have been more towards  
8 the back door?

9 A Yes.

10 Q Is it a four-door police car?

11 A Yes.

12 Q And Karen would have been more  
13 towards the windshield; is that right?

14 A Yes.

15 Q The three of you remained right there  
16 during that time?

17 A Yes.

18 Q Was Amy's mother in the vicinity?

19 A Yes.

20 Q Where was she?

21 A Sitting right on the porch talking to  
22 Mitch's wife.

23 Q How far would that have been from

1 where the Police Officer was sitting?

2 A I don't know, 15, 20 feet.

3 Q About as far as from here, from you  
4 to the flag?

5 A Yes.

6 Q From where you were standing, could  
7 you see them, that is Mrs. Gorham and Mrs.  
8 Suprenant?

9 A Yes.

10 Q I take it they could see you as well;  
11 is that right?

12 A Yes.

13 Q During the time you were standing by  
14 the car, did you have any conversation with, or  
15 was there any calling back and forth between  
16 Mrs. Suprenant or Mrs. Gorham and you girls?

17 A No.

18 Q Did the three of you remain next to  
19 the car throughout the time it was parked there  
20 up until the time this incident occurred?

21 A No, Karen left.

22 Q Where did she go?

23 A She went back to play Pac Man.

1 Q Were you girls playing some games  
2 that evening?

3 A I had an Atari game, a Pac Man game.

4 Q Had you been playing that that  
5 evening?

6 A Yes.

7 Q Who was on the game during the time  
8 you three girls were --

9 A Karen was on the game.

10 Q Karen Stimpson?

11 A Yes.

12 Q Had somebody been playing the game  
13 before that?

14 A No.

15 Q Is this a portable game, or was it  
16 something that --

17 A It was a hand game.

18 Q While she played the game, was she  
19 still standing beside the car?

20 A Yes.

21 Q Now, prior to the time that Officer  
22 Roberts came into the Suprenant driveway, had  
23 you had anything alcoholic to drink?

1 A Yes, I did.

2 Q And what was that?

3 A Budweiser.

4 Q How about the other girls? Did they  
5 have anything to drink, alcoholic?

6 A No.

7 Q No?

8 A No.

9 Q Did you bring the beer?

10 A Yes.

11 Q At any time while you were standing  
12 there next to the police car, did Officer  
13 Roberts say anything to you, or anything to any  
14 of the three of you concerning your consumption  
15 of alcoholic beverages?

16 A No, he didn't.

17 Q Do you know why he offered the gum to  
18 Amy?

19 A No.

20 Q You didn't hear him say anything  
21 about that?

22 A No.

23 Q And yet you were standing right

1 there?

2 A Yes.

3 Q When Amy put her head into the car,  
4 she also put her shoulders and arms into the car  
5 too, didn't she?

6 A Yes.

7 Q Where were you standing right then?

8 A Right beside, right there at the car.

9 Q Was it at the post of the car -- was  
10 the post of the car in your line of sight?

11 A Yes.

12 Q Did Officer Roberts turn his head  
13 towards you?

14 A No.

15 Q So at that point you could see the  
16 side of his head; is that right?

17 A Yes.

18 Q And some of the back of his head, I  
19 suppose?

20 A Yes.

21 Q Did he have a uniform cap on?

22 A No.

23 Q He was bareheaded?

1           A       Yes.

2           Q       Did you see him kiss Amy?

3           A       Yes.

4           Q       That is your testimony, that he  
5 actually kissed her; is that right?

6           A       From where I was seeing it.

7           Q       Have you talked with Amy about this?

8           A       Yes.

9           Q       Did Amy say he kissed her?

10          A       No.

11          Q       But you say he kissed her?

12          A       From where I was standing.

13          Q       Did Amy ever say to you that she  
14 kissed him?

15          A       No.

16          Q       After this incident occurred, what  
17 happened?

18          A       Well, we went upstairs and she called  
19 her boyfriend. She ran into the house and --

20          Q       What time was it when she called her  
21 boyfriend?

22          A       About 12:30, quarter of one.

23          Q       Now, when this incident occurred, was

1 Mrs. Suprenant and Amy's mother sitting on the  
2 porch, 15 or 20 feet away?

3 A Yes.

4 Q They both were, weren't they?

5 A Yes.

6 Q And at this time did Amy say anything  
7 to her mother about Officer Roberts trying to  
8 kiss her?

9 A Yes, she did.

10 Q She did?

11 A Yes.

12 Q Immediately after it occurred?

13 A No, not immediately.

14 Q After she talked with her boyfriend;  
15 is that when it was?

16 A Yes.

17 Q Now, it is your testimony that  
18 neither Amy nor Tricia had anything of an  
19 alcoholic nature to drink that night?

20 A Yes.

21 MR. MC MAHON: I would like just  
22 one moment.

23 THE HEARING OFFICER: Yes.

1 BY MR. MC MAHON:

2 Q How long was it from the time that  
3 this incident occurred, until Amy called her  
4 boyfriend, if you know?

5 A She called right as soon as it  
6 happened. She called him right after it  
7 happened.

8 Q Did he come right up right away after  
9 she called him?

10 A Yes.

11 Q Did you go upstairs with Amy?

12 A Yes, I did.

13 Q What happened to the police car?

14 A He left.

15 Q How long was it from the time that  
16 this incident occurred, this kissing incident,  
17 and the time that he left?

18 A I don't know. I think he left about  
19 five minutes after, I guess.

20 Q Did he say goodbye to you?

21 A Yes.

22 Q Was Amy there when he said goodbye?

23 A Yes, I think she was, yes.

1 Q And how about Karen?

2 A No.

3 Q Was she there?

4 A No.

5 Q Was Karen still playing the machine  
6 or the game?

7 A Yes.

8 Q Where did she take that game to play?

9 A Back on the front porch.

10 Q When he left, do you know whether he  
11 said goodbye to Mrs. Suprenant and Mrs. Gorham?

12 A Yes, he did.

13 Q And did you watch him leave?

14 A No.

15 MR. MC MAHON: No further  
16 questions.

17 THE HEARING OFFICER: Mr.  
18 Corbett?

19 MR. CORBETT: I have no further  
20 questions of Tricia. I just want one final  
21 witness. I would like to be able to call  
22 Catherine Gorham. When you go out, would you  
23 please ask Catherine Gorham to come in, and

1 please do not discuss your testimony or ask any  
2 questions about any testimony. Would you do  
3 that?

4 THE WITNESS: Um hum.

5 THE HEARING OFFICER: Thank you  
6 very much, Tricia.

7  
8 CATHERINE GORHAM,  
9 called as a witness, being first duly sworn,  
10 testified as follows:

11 THE HEARING OFFICER: Mr. Corbett  
12 will ask you questions first, and then Mr.  
13 McMahon will ask you questions, so go ahead.

14 DIRECT EXAMINATION

15 BY MR. CORBETT:

16 Q Where do you reside?

17 A 62 East Street, Fort Edward.

18 Q And is that practically across the  
19 street from the Suprenant residence?

20 A Yes, it is.

21 Q And on the evening of August 6, 7,  
22 and in the area of midnight, were you sitting on  
23 the Suprenant's porch talking with Mrs.

1       Suprenant?

2               A       Yes, I was.

3               Q       And in your own words, and when you  
4 were having that conversation with Mrs.  
5 Suprenant, would you just describe what you  
6 observed?

7               A       I observed -- the girls were talking --  
8 you want me to proceed, where the girls were  
9 talking with the Police Officer, and the car was  
10 parked in the driveway?

11              Q       Go ahead.

12              A       Pattie and I were sitting there  
13 talking about golfing and food and stuff, and I  
14 didn't take any -- I just thought the girls were  
15 just talking with the Police Officer, you know.  
16 I didn't think anything seriously about it,  
17 because we were just sitting there, and the two  
18 girls were spending the night with Mrs.  
19 Suprenant on the front porch, and then all of a  
20 sudden I observed Amy running, and Pattie's  
21 little girl was sitting next to me, playing Pac  
22 Man, and my daughter almost knocked her over,  
23 and I said, "Gee, Amy, don't knock us over", and

1 she didn't answer me, and she went on into the  
2 house.

3 Then I see the two other girls that  
4 were standing there at the policeman's car with  
5 her, also leave the car immediately and ran  
6 behind Amy.

7 Q Where did they run?

8 A They ran into the house, but Amy had  
9 her hand over her mouth, I did see that, and I  
10 said "What is the matter?", and she didn't  
11 answer me. She ran into the house, and I said  
12 to Pattie, "What is going on?", and she says  
13 "Geez, I don't know." I didn't -- really I  
14 didn't think anything at the time.

15 Q Now, on the basis of what you just  
16 related, immediately following this, what you  
17 did observe, and what you testified to, did you  
18 notice what Officer Roberts did?

19 A Not at the moment. No, I did not,  
20 sir.

21 Q Did you at any time observe Officer  
22 Roberts try to kiss Amy Gorham?

23 A No, I did not.

1 Q Could you relate, after your daughter  
2 had run into the house, approximately how long  
3 Officer Roberts remained parked in his vehicle?

4 A Oh, he didn't. He just left.

5 Q Then he left --

6 A Immediately. After the girls went in  
7 the house, he said good night, and we said "Good  
8 night, Jon", and he drove away.

9 Q And then, did there come a time  
10 shortly after this, what you've testified to,  
11 that you had a discussion or talk with your  
12 daughter Amy?

13 A I would say probably --

14 MR. MC MAHON: I'm not going to  
15 object to her answering that question, but I  
16 will object to the contents of any conversation,  
17 if she attempts to indicate that.

18 THE HEARING OFFICER: I'll note  
19 your objection. Please go ahead.

20 THE WITNESS: Would you please  
21 repeat the question?

22 BY MR. CORBETT:

23 Q Did you have a conversation with your

1 daughter after she had run into the house?

2 A Yes, I did.

3 Q And I will ask you, would you state  
4 what your daughter stated to you?

5 MR. MC MAHON: Objection.

6 MR. CORBETT: You may answer.

7 THE HEARING OFFICER: The  
8 objection is now to the contents of the  
9 conversation as the daughter related it to Mrs.  
10 Gorham?

11 MR. MC MAHON: Unless Jon Roberts  
12 was there.

13 THE HEARING OFFICER: I'll  
14 sustain the objection.

15 MR. CORBETT: This is an  
16 administrative hearing. We're not subject to  
17 the strict rules of evidence, and we want to  
18 know what this young lady said to her mother. I  
19 think it is important.

20 THE HEARING OFFICER: I think at  
21 this point, we could also recall Amy; she is  
22 right out there, to tell us the contents of her  
23 conversation with her mother are. That is what

1 we could do. We can do it that way, and have  
2 Mrs. Gorham tell us what Amy said to her and  
3 check it with Amy.

4 MR. MC MAHON: It is not binding  
5 upon this Respondent, because it is hearsay.

6 THE HEARING OFFICER: I would  
7 agree with you it is hearsay one way or the  
8 other, if you intend to recall Amy, assuming Amy  
9 is still outside, is that correct?

10 THE WITNESS: Yes, she is.

11 MR. CORBETT: Well, I won't  
12 pursue the matter. I think it speaks for  
13 itself. I have no further questions of Mrs.  
14 Gorham.

15 CROSS EXAMINATION

16 BY MR. MC MAHON:

17 Q During the time the girls were  
18 standing at the police car talking with Officer  
19 Roberts, could you observe them?

20 A Oh, yes. We were sitting right there  
21 on the front step.

22 Q And you were pretty close to where  
23 the vehicle was?

1           A       Yes.

2           Q       How close?

3           A       I would say no farther than that door  
4 from Pattie's porch, because the driveway is  
5 relatively close, you know, to the steps, and  
6 Pattie was eating half a sandwich, and we were  
7 sitting right on the cement steps. We weren't  
8 sitting over on the porch, on the chair, because  
9 the kids had their blankets, and were ready to  
10 stay overnight. They were sleeping on the  
11 porch, so we were sitting on the step right by  
12 the driveway, not any farther than that door.

13          Q       You could see Officer Roberts?

14          A       Yes, sir, I could.

15          Q       And he could see you?

16          A       Yes.

17          Q       And as a matter of fact, you say  
18 before he left he did say good night to you?

19          A       Yes.

20          Q       Do you know at this time whether,  
21 prior to Officer Roberts' appearance that  
22 evening, your daughter had anything alcoholic to  
23 drink?

1           A           No, sir, she did not. I was there.  
2 She did not.

3                   MR. MC MAHON: No further  
4 questions.

5                   MR. CORBETT: I have no further  
6 questions.

7                   THE HEARING OFFICER: Thank you  
8 very much. I would ask you not to discuss  
9 anything, or ask any questions of any of the  
10 other witnesses outside. Thank you.

11                   Mr. Corbett?

12                   MR. CORBETT: I have no further  
13 witnesses. I have no further proof to present  
14 on either charge one or charge two.

15                   MR. CORBETT: There is a third  
16 girl out there, but she wasn't requested by us  
17 to appear.

18                   THE HEARING OFFICER: I will ask  
19 you to speak up very loudly and clearly so  
20 everyone can hear.

21                   First Mr. Corbett will ask you some  
22 questions -- Mr. McMahon is going to ask you a  
23 number of questions, and answer them to the best

1 of your ability, if you would. If you have any  
2 questions regarding exactly what Mr. McMahon is  
3 looking for, all you have to do is ask. Mr.  
4 Corbett will then have an opportunity to ask you  
5 questions, and if you don't understand the  
6 content of the question, all you have to do is  
7 ask. Okay?

8 MISS STIMPSON: Yes.

9  
10 KAREN STIMPSON,  
11 called as a witness, being first duly sworn,  
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. MC MAHON:

15 Q On the night of August 6, in the  
16 early morning of August seventh, were you at  
17 Sergeant Suprenant's house intending to stay  
18 overnight?

19 A Yes.

20 Q With a few other girls?

21 A Yes.

22 Q And were those other girls Amy Gorham  
23 and Tricia Strain?

1           A       Yes.

2           Q       On that evening there came a time,  
3 did there not, when Officer Roberts drove up in  
4 a police car of the Village of Fort Edward?

5           A       Yes.

6           Q       And stopped and parked and talked  
7 with you?

8           A       Yes.

9           Q       Did you stay next to the police car  
10 with the other girls during all of the  
11 conversation?

12          A       No.

13          Q       What did you do?

14          A       Played Pac Man.

15          Q       And where did you play that?

16          A       On the sidewalk and in a lawn chair.

17          Q       Did you see any incident occur  
18 between Officer Roberts and Amy Gorham?

19          A       No, I didn't.

20          Q       Before Officer Roberts arrived, had  
21 you or any of the other girls had anything  
22 alcoholic to drink?

23          A       I didn't. Tricia did and I think Amy

1 did before she got to the Suprenant's.

2 Q Were you present when Officer Roberts  
3 offered Amy some gum?

4 A No.

5 Q Were you there when Officer Roberts  
6 drove away?

7 A Yes, I was.

8 Q Did he say goodbye to you, or to the  
9 people that were there generally?

10 A Well --

11 Q If you recall?

12 A I can't remember if he said goodbye  
13 or not.

14 Q Did he rush away, or did he drive  
15 away normally?

16 A I guess he just drove away.

17 Q You were outside when he drove away,  
18 though; is that right?

19 A Might have been just going into the  
20 house. I could hear him pulling out.

21 MR. MC MAHON: I don't have any  
22 further questions.

23

CROSS EXAMINATION

1 BY MR. CORBETT:

2 Q Well, Karen, did you notice, or did  
3 you observe Amy put her head into the -- through  
4 the opening of the front window of the police  
5 car? Did you see her do that?

6 A I wasn't there then either. I was  
7 there for one minute. I went over to see what  
8 they were talking about, so then it was my turn  
9 to play Pac Man, so I went over to play Pac Man,  
10 and when I got through with the game I went over  
11 to the car, and I guess it happened in-between  
12 that.

13 Q What happened in-between that?

14 MR. MC MAHON: Well, if she  
15 wasn't there, she can't answer the question.  
16 That calls for a conclusion of the witness,  
17 rather than her direct statement from her own  
18 knowledge.

19 BY MR. CORBETT:

20 Q When you and Amy and Tricia went into  
21 the house, could you describe -- did Amy walk  
22 into the house or run into the house?

23 MR. MC MAHON: That is leading

1 and suggestive.

2 MR. CORBETT: Cross examination.  
3 It is perfectly proper.

4 THE HEARING OFFICER: I think the  
5 question is very proper.

6 THE WITNESS: Walked into the  
7 house.

8 BY MR. CORBETT:

9 Q Did you notice or observe anything  
10 about Amy that was unusual?

11 A She was crying when we got into the  
12 dining room.

13 Q Was she crying when she left the car?  
14 Did you observe her crying when she left the  
15 car? You said you had gone back over to the car  
16 at that point?

17 A No, I don't think she was.

18 Q When the three of you went into the  
19 house, did you have to pass Amy's mother and  
20 Mrs. Suprenant?

21 A Yes, we did.

22 Q Do you know whether or not Amy was  
23 crying at that point?

1           A           No, I don't think she was.

2           Q           You don't think she began to cry  
3 until she got into the house; correct?

4           A           Yes.

5                       MR. CORBETT: No further  
6 questions.

7                       REDIRECT EXAMINATION

8 BY MR. MC MAHON:

9           Q           Tell me this. You finished playing  
10 the Pac Man game, and you came back and stood by  
11 the car?

12          A           Yes.

13          Q           How long did you stand there before  
14 Officer Roberts pulled away?

15          A           Just one second. I had just gotten  
16 up to go over, and they went into the house, so  
17 I just followed them into the house.

18                      MR. MC MAHON: Thank you. No  
19 further questions.

20                      MR. CORBETT: No further  
21 questions.

22                      THE HEARING OFFICER: As you go  
23 out, please don't discuss any of the contents of

1 the questions that you have been asked in here,  
2 and don't ask questions of the other witnesses;  
3 okay? Thank you.

4 MR. MC MAHON: I would like to  
5 call the Suddard girl. It is almost nine  
6 o'clock. I don't know how soon I can get her  
7 here.

8 MR. CORBETT: Let's take a brief  
9 recess.

10 (A short recess was taken.)

11  
12 AMY GORHAM, having been  
13 previously sworn, returned to the stand and  
14 testified as follows:

15 BY THE HEARING OFFICER:

16 Q I'm going to be the one asking you  
17 the questions. Try to answer them the best you  
18 can. If you have any problems, let me know.

19 Following the the point where you put  
20 your hands and shoulders and your arms inside  
21 the car?

22 A Yes.

23 Q You were reaching for gum?

1 A Yes.

2 Q When you had your hand out, and you  
3 reached in, what did Officer Roberts do at that  
4 point? Then had he reached toward you?

5 A Yes.

6 Q Did he have something in his hand?

7 A Yes.

8 Q He handed you the gum?

9 A Yes.

10 Q How far away were you from him when  
11 you handed -- he handed you the gum? Did he do  
12 it like this? Pretend there is a face in front  
13 of you?

14 A Right about that far, maybe.

15 Q That is as far as his -- as close as  
16 his face came to you?

17 A Yes.

18 Q Did he put the gum right in front of  
19 your face?

20 A He had it down toward his lap.

21 Q You had to reach in?

22 A Yes.

23 Q Did you get the impression that he

1 was going to kiss you, or what did you get the  
2 impression that he was doing?

3 A That he was just going to hand me the  
4 gum.

5 Q But you stated in your prior  
6 testimony that he didn't kiss you?

7 A Yes.

8 Q The other question I have for you is;  
9 you got your gum. What did you do with it?

10 A I unwrapped it and I put it in my  
11 mouth.

12 Q How long after you unwrapped it and  
13 put it in your mouth did you stay outside?

14 A Not long.

15 Q Estimate how much time it was?

16 A I just walked in the house.

17 Q About a minute after you got the gum?

18 A Yes.

19 Q What happened with Officer Roberts?

20 A I don't know. I was in the house.

21 Q Did you walk into the house?

22 A Yes.

23 Q Run into the the house?

1           A           I was like running, sort of.

2           Q           Did you cry when you got into the  
3 house?

4           A           Yes.

5           Q           Why did you cry?

6           A           I don't know.

7           Q           You don't know, okay, but you did cry  
8 when you got into the house?

9           A           Yes.

10                   THE HEARING OFFICER:   Okay, I  
11 don't have any further questions.

12                   MR. MC MAHON:   Well, I would just  
13 like to follow it up a little bit.

14                   THE HEARING OFFICER:   Go right  
15 ahead.

16 BY MR. MC MAHON:

17           Q           Were you afraid that your mother  
18 would find out that you had been drinking beer?

19           A           Yes.

20           Q           Might that have been the reason you  
21 were crying?

22           A           Well, yes, and I was upset.

23           Q           Were you a little -- withdraw that.

1 Have you ever had beer before?

2 A Yes.

3 Q Have you ever had beer in the amount  
4 you drank that night?

5 A Um hum.

6 Q Did you -- could you feel it?

7 A Yes.

8 Q Would you say that you were a little  
9 tipsey?

10 A Yes.

11 Q Were you a little giddy?

12 A What do you mean?

13 Q If you don't know the word, I guess I  
14 can't describe it to you. Did you feel like you  
15 were out of control?

16 A No.

17 Q Were you giggling?

18 A Yes, sometimes.

19 Q Were you saying things a little  
20 differently than you would say them if you  
21 didn't have any beer?

22 A No.

23 Q When you brushed past your mother,

1 did you try to get by her so that she wouldn't  
2 be able to smell your breath?

3 A No, I just went by her. I wasn't  
4 really paying any attention to that.

5 MR. MC MAHON: No further  
6 questions.

7 MR. CORBETT: I have no  
8 questions.

9 THE HEARING OFFICER: Thank you  
10 very much, Amy.

11 MR. MC MAHON: I see no reason  
12 why I would recall these people.

13 MR. CORBETT: I release them all.  
14 (A short recess was taken.)

15 MR. MC MAHON: Your Honor, this  
16 is Donna Suddard.

17  
18 DONNA E. SUDDARD,  
19 called as a witness, being first duly sworn,  
20 testified as follows:

21 THE HEARING OFFICER: Donna, can  
22 you state your full name for the record?

23 THE WITNESS: Donna Elaine

1 Suddard.

2 THE HEARING OFFICER: First of  
3 all, Mr. McMahon is going to be asking you a few  
4 questions. Answer them to the best of your  
5 ability. Then Mr. Corbett will ask you  
6 questions. Again, if you don't understand  
7 anything, and you are not sure, all you have to  
8 do is ask.

9 DIRECT EXAMINATION

10 BY MR. MC MAHON:

11 Q Where do you live?

12 A Robert Gardens North, in Glens Falls.

13 Q That is in the Town of Queensbury, is  
14 it?

15 A Yes.

16 Q How old are you?

17 A 16.

18 Q Do you go to school?

19 A Yes.

20 Q In 1981, particularly in July of  
21 1981, did you reside in this Village?

22 A Yes.

23 Q Where did you reside?

1           A        At 36 East Street.

2           Q        Do you know Jon Roberts?

3           A        Yes.

4           Q        Did you know him at that time?

5           A        Yes.

6           Q        Either at that time or before that  
7 time, or since that time, have you ever been  
8 romantically involved with Jon Roberts?

9           A        No.

10          Q        On or about the 17th day of July,  
11 1981, were you in the company of Jon Roberts in  
12 the early morning hours of that day?

13          A        Yes.

14          Q        Could you tell the Judge what you  
15 were doing with Jon Roberts at that time?

16          A        Well, we were riding around talking,  
17 because I had been upset. I had had family  
18 problems.

19          Q        Were you having problems with your  
20 family over where your residence would be?

21          A        Yes.

22          Q        Just tell us, if you can, what  
23 specifically the problems were?

1           A           My mother was talking about moving,  
2           and I didn't want to move because I had lived  
3           here all my life, and my friends were all here,  
4           and I was thinking about running away from home.

5           Q           And why were you talking to Jon  
6           Roberts about this?

7           A           Well, because he had talked to me  
8           before, you know, when I had other problems, and  
9           I was just walking around, and he stopped and  
10          asked me what was wrong.

11          Q           When you say he had counseled you on  
12          other problems, were those problems concerning  
13          maybe your school, or your boyfriend, or  
14          something?

15          A           My boyfriends.

16          Q           At any time during the evening when  
17          you were present in Jon Roberts -- in Jon  
18          Roberts presence or in the police car, did he  
19          make any advances towards you?

20          A           No.

21          Q           Now, were you questioned about this  
22          incident by someone from the Fort Edward Police  
23          Department?

1 A Yes.

2 Q When?

3 A That same morning.

4 Q And who was that?

5 A Officer Trombley.

6 Q Did he ask you what transpired  
7 between you and Jon Roberts that evening, or  
8 that morning?

9 A Yes.

10 Q And did you tell him substantially  
11 what you told us here?

12 A Yes.

13 Q Did you tell him anything different,  
14 or anything additional to what you have told us?

15 A No.

16 Q And since that time, since that very  
17 day, has anyone from the Village of Fort Edward  
18 talked to you further about it?

19 A No, only Jon.

20 Q You gave a statement, did you?

21 A Yes.

22 Q That was on the 13th day of August;  
23 is that correct?

1 A Yes.

2 Q I show you the statement. Do you  
3 recall who was a witness to the statement?

4 A My mother.

5 MR. MC MAHON: I'll be happy to  
6 supply you with a copy of this. I have no  
7 further questions.

8 THE HEARING OFFICER: Mr.  
9 Corbett, I'll give you a few minutes.

10 MR. CORBETT: Just a minute to  
11 let me read this, that's all.

12 CROSS EXAMINATION

13 BY MR. CORBETT:

14 Q In this statement, Donna, you  
15 indicated you were walking home from your  
16 boyfriend's house on lower Broadway.

17 Approximately where did Officer  
18 Roberts pick you up?

19 A I think it was down by the Catholic  
20 Church.

21 Q But you were walking from lower  
22 Broadway?

23 A Yes, I was going up that way.

1 Q It was past East Street, and were you  
2 continuing to walk up past Broadway toward the  
3 Church?

4 A I was by the Church, right, and I was  
5 just more or less walking back and forth.

6 Q You weren't really heading for home  
7 then, were you?

8 A Well, in a sense I was.

9 Q But you live on East Street?

10 A Yes.

11 Q And you had crossed East Street and  
12 were continuing up Broadway past the Catholic  
13 Church, were you not?

14 A Yes.

15 Q Earlier that evening, had you been  
16 talking with Officer Roberts in front of your  
17 house on East Street?

18 A Yes.

19 Q And approximately what time was that?

20 A I really don't remember.

21 Q Were you aware at the time, and I'm  
22 speaking specifically of the day in July, 1981,  
23 when you were out at 1:30 in the morning, that

1 you were in violation of the Village curfew?

2 A Yes.

3 Q Did Officer Roberts make any remarks  
4 to you about being in violation of the curfew?

5 A Yes, sir.

6 Q And what did he say in that respect?

7 A He said -- he had asked me what I was  
8 doing out at this late hour, and asked me if I  
9 realized I shouldn't be out.

10 Q Did he charge you with any violation  
11 of the Village curfew ordinance?

12 A No.

13 Q Did he explain to you why he didn't?

14 A No.

15 Q Did there come a time when you came  
16 back across the bridges back into Fort Edward on  
17 Bridge Street? What direction did the car take  
18 at the intersection of Bridge Street and  
19 Broadway down by Stewart's store?

20 A Heading toward --

21 Q You turned south; is that correct?

22 A Yes.

23 Q Then did you turn on Notre Dame

1 Street?

2 A Yes.

3 Q Did there come a time when you heard  
4 on the car radio Officer Roberts' car being  
5 called by the other Police Officer?

6 A Yes, I think -- just a minute now.  
7 Yes. The other one asked if Jon had just gotten  
8 off a certain street.

9 Q What was Mr. Roberts' response?

10 A He said yes.

11 Q Do you recall whether or not Officer  
12 Roberts was asked, "Car 122, is that you in  
13 front of me?" Do you remember that statement?

14 A Yes.

15 Q And do you recall Officer Roberts  
16 saying, "I don't believe so."?

17 A Yes.

18 Q Do you know why Officer Roberts would  
19 say that?

20 MR. MC MAHON: Objection. Calls  
21 for a conclusion of the witness.

22 THE HEARING OFFICER: I'll  
23 sustain the objection.

1 BY MR. CORBETT:

2 Q Was Officer Roberts trying to avoid  
3 the other police car?

4 MR. MC MAHON: Objection, calls  
5 for a conclusion.

6 THE HEARING OFFICER: Sustained.

7 BY MR. CORBETT:

8 Q After you heard Officer Suprenant on  
9 the radio, where did Officer Roberts then drive  
10 you?

11 A We headed back towards my house.

12 Q Where did he drop you off? Did he  
13 drop you off right in front of your house?

14 A No. I had asked him to drop me off  
15 right by the Village Barn.

16 Q And how far from where he dropped you  
17 off, did you have to walk to your house?

18 A Just a couple houses.

19 Q Did you give Officer Roberts any  
20 reason for that?

21 A Well --

22 Q Did you tell him why you wanted to be  
23 dropped off there instead of in front of your

1 house?

2 A I don't remember.

3 Q Do you recall seeing Officer  
4 Suprenant drive past you as you walked to your  
5 house after getting out of Officer Robert's car?

6 A Yes.

7 MR. CORBETT: I have no further  
8 questions.

9 REDIRECT EXAMINATION

10 BY MR. MC MAHON:

11 Q Did you change your mind about  
12 running away after you had your conversation  
13 with Officer Roberts?

14 A Yes.

15 MR. CORBETT: Well, I object to  
16 it, and it certainly calls for a conclusion of  
17 the witness, and I think the answer ought to be  
18 stricken. I can't ask conclusory questions, and  
19 I don't think Mr. McMahon can either.

20 MR. MC MAHON: That wasn't a  
21 conclusion, Larry. I have no further questions.

22 THE HEARING OFFICER: Thank you  
23 very much.

1 MR. MC MAHON: If you will wait a  
2 few minutes, we'll see that you get -- you and  
3 your boyfriend get a ride home.

4 MR. MC MAHON: I will call Mr.  
5 Roberts.

6 MR. ROBERTS: I would like to  
7 refrain from testifying.

8 MR. MC MAHON: That is perfectly  
9 all right.

10 MR. CORBETT: I'm not going to  
11 insist upon Mr. Roberts' testimony.

12 MR. MC MAHON: Very good. We  
13 rest. I think I'm entitled to a copy of the  
14 testimony.

15 MR. CORBETT: You are. I've  
16 already directed Mr. Levine to provide you with  
17 a copy, and provide Miss McPhillips with a copy.

18 MR. MC MAHON: I would like an  
19 opportunity to submit a brief before you make  
20 your decision, if I can have say three or four  
21 days after we actually receive the transcript of  
22 the minutes.

23 MR. CORBETT: I have no

1 objection. I would like a couple days to  
2 respond.

3 THE HEARING OFFICER: Fine. Do  
4 you want to submit your brief to me, along with  
5 a copy, and I'll forward it to Mr. Corbett, or  
6 would you forward it directly to him?

7 MR. MC MAHON: I'll forward it  
8 directly to him with a copy of my cover letter.

9 THE HEARING OFFICER: I will  
10 render a decision as quickly thereafter as  
11 possible, knowing what the circumstances are  
12 right now.

13 MR. MC MAHON: Thank you very  
14 much.

15 THE HEARING OFFICER: Thank you  
16 very much.

17 (Stenographic record concluded.)

18

19

20

21

22

23

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

I, Howard Levine, Official Supreme Court Reporter, hereby certify the foregoing to be a true and accurate transcript of the proceedings had in above-entitled action.

Howard Levine