

In The Matter Of:
Joanne Moore, et al. v.
City of Cleveland, et al.

Detective Georgia Hussein
June 26, 2013

MEHLER  HAGESTROM
Court Reporters

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IN THE COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

JOANNE MOORE, et al.,

Plaintiffs,

-vs-

JUDGE FUERST

CASE NO. CV-10-743088

CITY OF CLEVELAND, et al.,

Defendants. /

GLADYS WADE, et al.,

Plaintiff,

-vs-

CASE NO. CV-10-743235

CUYAHOGA COUNTY, BOARD
OF COMMISSIONERS, et al.,

Defendants. /

LATUNDRA BILLUPS,

Plaintiff,

-vs-

CASE NO. CV-10-764319

CUYAHOGA COUNTY, BOARD
OF COMMISSIONERS, et al.

Defendants. /

FLORENCE BRAY, et al.

Plaintiffs,

-vs-

CASE NO. CV-10-743237

CITY OF CLEVELAND, et al.

- - - -

Deposition of Detective Georgia Hussein

Taken June 26, 2013

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Deposition of DETECTIVE GEORGIA HUSSEIN,
taken as if upon cross-examination before
Sandra L. Rice, a Notary Public within and for
the State of Ohio, at the offices of Friedman &
Gilbert, L.P.A., 55 Public Square, 1055
Illuminating Building, Cleveland, Ohio, at
1:00 p.m. on Wednesday, June 26, 2013, pursuant
to notice and/or stipulations of counsel, on
behalf of the Plaintiffs in this cause.

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CROSS-EXAMINATION
DETECTIVE GEORGIA HUSSEIN
BY MR. GILBERT

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CROSS-EXAMINATION
DETECTIVE GEORGIA HUSSEIN
BY MR. TOLLES

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Plaintiffs' Exhibit 6-A

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Plaintiffs' Exhibit 27, Criminal
Investigation, statement of Gladys
Wade dated 12/9/08

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Plaintiffs' Exhibit 28, Criminal
Investigation, statement of Anthony
dated 12/10/08

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1 DETECTIVE GEORGIA HUSSEIN, of lawful age,
2 called by the Plaintiffs for the purpose of
3 cross-examination, as provided by the Rules of
4 Civil Procedure, being by me first duly sworn, as
5 hereinafter certified, deposed and said as
6 follows:

7 CROSS-EXAMINATION OF DETECTIVE GEORGIA HUSSEIN
8 BY MR. GILBERT:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. We've met before. I'm Terry Gilbert.

12 A. Yes.

13 Q. These are attorneys who represent various clients
14 in this case and we're going to be asking you
15 some questions. Have you ever had your
16 deposition taken before?

17 A. No. Well, I've had a deposition taken before,
18 yes.

19 Q. And your name again is?

20 A. Georgia Hussein, spelled H-U-S-S-E-I-N.

21 Q. Try to keep your voice up and you have to give
22 audible answers. Do you understand that?

23 A. Yes.

24 Q. Where are you employed?

25 A. I'm retired.

1 Q. Where are you retired from?

2 A. Cleveland Police Department, Sex Crimes and Child
3 Abuse Unit.

4 Q. When did you retire?

5 A. May 1, 2010.

6 Q. And you're not working in any other capacity
7 during your retirement?

8 A. No.

9 Q. Tell me a little bit about your background with
10 the Cleveland Police Department. When did you
11 begin your service?

12 A. The Cleveland Police Department I was hired in in
13 1982 as a patrol officer. From that I was in
14 patrol for probably a year-and-a-half in the
15 Fourth District, from there transferred to the
16 Fifth District.

17 Q. What year?

18 A. Maybe '83, '84, I'm not sure. In the Fifth
19 District for a short time and then transferred
20 down to police headquarters approximately 1984, I
21 believe, 1984. I worked in the civil union with
22 the city employees overseeing the women phone
23 operators who took reports over the phone. I was
24 there for a couple of years. I don't remember
25 the exact date that I left from there, but when I

1 left from there I transferred into Community
2 Policing which was in 1989. The Community
3 Policing program was officers working in the
4 schools so I was a D.A.R.E. officer for about
5 seven to eight years. From the Community
6 Policing program, I was then transferred to the
7 Sex Crimes Unit.

8 Q. What year was that?

9 A. I'm estimating '92.

10 Q. When you entered into the Sex Crimes Unit, were
11 you promoted?

12 A. It's not a promotion.

13 Q. Were you given a different designation?

14 A. It's a different assignment.

15 Q. Were you a detective?

16 A. Yes.

17 Q. And you maintained your detective status until
18 your retirement?

19 A. Yes.

20 Q. Did you apply for any kind of promotions during
21 those years?

22 A. I believe I did take one of the Civil Service
23 tests for sergeant and did get a passing score
24 but not high enough for being promoted.

25 Q. Have you ever been disciplined for any violation

1 of any policy or procedure?

2 A. I think we were laid off and I can't remember the
3 year we were laid off and the sheriff's
4 department hired a lot of the Cleveland police
5 officers to work for RTA, and I believe that I
6 did get a letter because of the time working,
7 some kind of letter. It wasn't real discipline
8 but there were a host of police officers working
9 because we didn't have our jobs.

10 Q. So there was some question about whether you were
11 authorized to take those jobs?

12 A. Not authorization because we were deputized by
13 the sheriff's department, so that stands we were
14 deputized, but there was some, I don't know, some
15 disagreement with some bosses about people
16 working the jobs. I don't even remember it. It
17 was so long ago and it didn't amount to anything,
18 but you asked me that question, so I'm just
19 vaguely remembering something but it didn't
20 amount to anything.

21 Q. Have you ever been a party to a lawsuit in
22 connection with your employment as a Cleveland
23 police officer?

24 A. Oh, no, no, no.

25 Q. And basically what do you generally do as a

1 detective in the Sex Crimes Unit?

2 A. Upon receiving an assignment it was -- which was
3 generated by a complaint, then the first thing
4 was to contact the victim. After contacting a
5 victim and making arrangements for them to come
6 in for an interview, after the interview, I would
7 determine whether -- what was needed, and so
8 after the interview a statement taken by the
9 victim.

10 From the statement you process, what you
11 perceive as the facts in that statement which
12 should include where, when, and how, which would
13 then -- which I would then seek out witnesses to
14 confirm, if possible, and try to gather anything
15 based on the statements from the victim, all the
16 facts that I could; and then, of course, include
17 the defendant in the case interviewing him or
18 her, if they willingly agree to it, and from that
19 process after gathering the facts then go into
20 the prosecutor for their review and their
21 determination of whether there's going to be a
22 case or not.

23 Q. And what you just laid out is a general protocol
24 for what you did at the Sex Crimes Unit; is that
25 correct?

1 A. Basically, yes.

2 Q. There may be variations from one case to the
3 other?

4 A. Yes.

5 Q. How many, approximately, how many cases did you
6 investigate at any given time?

7 A. There's a possibility to have 20 cases. At one
8 time we've had that on our desk. That was
9 still -- I mean an assignment we would get one
10 basically every day and so you're working on
11 cases, so I think the highest I might have had
12 was maybe 19 at a given time, different stages
13 of.

14 Q. Were the cases ranked in priority which ones
15 deserve more attention than others?

16 A. The first and foremost thing in the case was to
17 contact your victim, get the information from the
18 victim and then start gathering evidence, so in
19 prioritizing a case if you had a victim and the
20 prosecutor's office deemed that there was a
21 charge then those cases would be acted on first
22 to get a package together for the Grand Jury or
23 the courts, yes.

24 Q. Well, the package comes, the Grand Jury package
25 comes after or before the city prosecutor makes a

1 decision?

2 A. The Grand Jury package does come if the
3 prosecutor has deemed that there are going to be
4 charges.

5 Q. I'm talking about when you get a case assigned to
6 you in the beginning.

7 A. Well, there's no thought about Grand Jury until
8 you start gathering the facts of the case.

9 Q. You investigate to present evidence to --

10 A. The city prosecutor.

11 Q. -- the prosecutor?

12 A. City prosecutor first.

13 Q. First?

14 A. Yes.

15 Q. But you have to do things before you get to that
16 point; right?

17 A. Yes.

18 Q. When you get the case before it goes to the
19 prosecutor, do you have prioritizing based on the
20 nature of the case?

21 A. If it's a fresh case it's prioritized.

22 Q. Now, when you say "fresh case," what do you mean?

23 A. New assignment.

24 Q. Any other basis for prioritizing your role as an
25 investigator?

1 A. I'm not understanding that question.

2 Q. For what reasons would you drop everything else
3 and work on a case on a particular day?

4 A. A new assignment is a brand new case and so,
5 therefore, it becomes the front.

6 Q. And a "new assignment" does that mean that there
7 was an alleged crime that had just been
8 committed?

9 A. Yes.

10 Q. So you're dealing with the most recent criminal
11 act; right?

12 A. Yes.

13 Q. So that would make it prioritizing?

14 A. Yes.

15 Q. Is there a priority based on the nature of the
16 crime itself in terms of the degree of felony or
17 severity of the case or anything like that?

18 A. Upon investigating and there is evidence that,
19 you know, the victim is hospitalized, the need
20 for me to get a statement from that victim is the
21 first thing. That's the first part of my
22 investigation is getting the victim in so that we
23 can find out from the victim what occurred.

24 MR. GILBERT: Boy, I wish I had
25 this a long time ago. This is just insane

1 that you're just giving me this stuff
2 today.

3 MR. SINGLETARY: I'm transferring
4 it to you. I'm not "giving" it to you.

5 MR. GILBERT: We asked for all the
6 policies and procedures from day one.

7 Alright. Well, we'll do the best we can.

8 Q. Tell me about the concept of "straight release,"
9 if you know anything about that.

10 A. A defendant that's "straight released," let's
11 see, is, I believe -- I believe there's a couple
12 of ways a person will be released and, I guess
13 under that category, if there's no charges from
14 the prosecutor, a person can be released, and if
15 the prosecutor feels that there's more evidence
16 from the detective that they need, like the
17 victim who isn't present at the time, they may
18 straight release the person, but the detective is
19 going to do a firm investigation so that's kind
20 of how I remember it.

21 Q. So the term "straight release" was commonly
22 understood within your unit to mean what you just
23 said?

24 MR. SINGLETARY: Objection --

25 Q. Correct?

1 MR. SINGLETARY: -- to the form of
2 the question.

3 Q. You have to answer.

4 MR. SINGLETARY: Georgia, unless I
5 instruct you not to answer go ahead.

6 A. Can you repeat it?

7 MR. GILBERT: Can you read it.

8 - - - -

9 (Thereupon, the requested portion of
10 the record was read by the Notary.)

11 - - - -

12 A. What I stated is what I understood, yes.

13 Q. And was that a term that was used in connection
14 with generally the work that was done in the Sex
15 Crimes Unit?

16 A. "Straight release" was a term used in
17 determination of releasing of a defendant, yes.

18 Q. And was that a term that prosecutors used in
19 releasing a defendant?

20 A. I believe there's a form and then when the
21 prosecutor signs on the form, I believe "straight
22 release" was part of the categories checked off,
23 so as far as the prosecutor saying "straight
24 release," I can't say that, but in recalling back
25 then there's a form and I believe the wording is

1 on the form.

2 Q. Okay. And do you know what that form was, what
3 it was known as?

4 A. I believe it's "Felony" and -- okay. Well, I
5 can't -- I know there's a form. I would have to
6 see it again.

7 Q. Maybe we have something like that here, but it
8 was an official form that had the term "straight
9 release" on it?

10 A. I believe so.

11 Q. So just so I can understand, "straight release"
12 could be a situation where there was more work
13 that needed to be done on an investigation and a
14 suspect had to be released because of some time
15 constraint; correct?

16 A. Repeat that.

17 Q. "Straight release" could be a situation where
18 more investigation needed to be done before
19 charges can be handed down and, but there was a
20 time constraint where the defendant or the
21 suspect was in jail and had to be released within
22 a certain period of time; would that be what
23 you're talking about?

24 A. What you said is an example and also if there's
25 no charge by the prosecutor of that individual

1 then they would be straight released, yes.

2 Q. There were time constraints for you to get an
3 investigation done before a person can be
4 charged; right?

5 A. There was a time constraint in investigating a
6 case.

7 Q. What was the time constraint?

8 A. Seventy-two hours.

9 Q. Did that ever change or was it 72 hours all the
10 way through your career?

11 A. Probably at the end of my career there was change
12 but back in 2008, with this case, it was 72
13 hours.

14 Q. When you say "72 hours," 72 hours from the time
15 that a suspect is arrested or 72 hours from the
16 time you get the case?

17 A. The counting is from the time the person is
18 arrested.

19 Q. So you may have caseloads where people have not
20 even been identified or someone is not in jail
21 that you have more time to conduct an
22 investigation; correct?

23 A. I'm not understanding that question.

24 Q. Well, if someone is not in jail, you have more
25 time to do an investigation than when they are in

1 jail?

2 A. Applying to what? What do you mean?

3 Q. Your investigations.

4 A. Okay. So you're asking me -- what are you asking
5 me about that person? I'm investigating a person
6 that's not in jail?

7 Q. Correct. You get a complaint. You haven't
8 located the person. They're not in jail. There
9 are many things that need to get done to get to
10 that point. You have more time than if someone
11 is under the 72-hour constraint; correct?

12 A. Are we talking about the victim or the suspect?

13 Q. I said the suspect.

14 A. Oh, I didn't hear you say "suspect." Okay.
15 Um --

16 Q. It's not a tough question.

17 A. I'm just trying to understand what you're asking
18 me.

19 Q. Someone is in jail. Okay?

20 A. Okay.

21 Q. You have 72 hours; right?

22 A. Yes.

23 Q. You're under a time constraint?

24 A. Okay.

25 Q. You need to prioritize that investigation to get

1 it to the prosecutor so they can make a
2 determination; correct?

3 A. Yes.

4 Q. Somebody has not been arrested but you're doing
5 an investigation trying to get statements, do
6 whatever you have to do, there is no time
7 constraint; right?

8 A. Well, that's not true because if a person has
9 made a complaint then the facts will be presented
10 to the prosecutor and if he or she decides that
11 it's going to be a Grand Jury package then, as
12 you're describing, you have all this other time
13 to seek out a defendant or they send some
14 information to them letting them know that he is
15 being investigated.

16 Q. Now, so the "straight release" situation is
17 something that occurs, has occurred, in your
18 career as a Sex Crimes Unit detective; correct?

19 A. Yes.

20 Q. What would be the reasons from your experience
21 that straight releases occur?

22 MR. SINGLETARY: Objection. Go
23 ahead.

24 A. Each case differs and depending on the evidence
25 that is collected and presented to the

1 prosecutor, they will determine the release of an
2 individual who is in jail or if it's a charge
3 against the person being -- meaning a warrant
4 would be issued, then a Grand Jury package would
5 be provided and further, a further investigation
6 by the detective. That's how I understand it.

7 Q. What kind of training did you get during the time
8 you were in the Sex Crimes Unit?

9 A. We -- I received on-the-job training. There were
10 workshops and seminars during the course of my
11 time in the unit that I attended some and with,
12 you know, the information from the unit that was
13 provided to us. There was some training which
14 would be working with the detectives who were
15 already assigned there, seasoned detectives, and
16 then it resulted in you're on your own and then
17 being assisted by other workers in the office.

18 Q. Did you go to any outside schools?

19 A. Some. I believe I went to some schools for three
20 or four days, and that was provided. Some of it
21 was through Columbus and some of the others was
22 training that, you know, the unit saw that they
23 felt that some of the officers could attend, and
24 I did, yes.

25 Q. What training did you go to?

1 A. There was interview techniques. There was crimes
2 against children. There was victim -- classes on
3 victims, sex crime victims, that kind of thing.

4 Q. Did you have any higher education?

5 A. Yes.

6 Q. Where?

7 A. I went to Tri-C, Metro in 1970 to '72. I
8 transferred out to Lake Erie College, went to
9 Lake Erie from '72 to about '74, got a job offer
10 so I left there as a senior, took the job so that
11 I could take care of myself, returned back to
12 Lake Erie in '92 and got a Bachelor of Arts in
13 Psychology.

14 Q. What's the name of the college?

15 A. Lake Erie College.

16 Q. What kind of work did you do after college before
17 you became a police officer?

18 A. Prior to coming to the Cleveland Police
19 Department, I was with the Sheriff's Department
20 six years, started with the Sheriff's Department
21 in 1979 -- no, '77, I'm sorry, 1977, and then in
22 '82 came to the Cleveland Police Department, but
23 prior to the Sheriff's Department I worked at
24 some department stores. I also had a job with
25 Revlon as a sales rep for about a year, so

1 basically from sales jobs I went to the Sheriff's
2 Department and from the Sheriff's Department to
3 the Cleveland Police Department.

4 Q. What did you do for the Sheriff's Department?

5 A. I was a deputy corporal. I worked in the jail as
6 a CO, correction officer.

7 Q. Alright. Do you recall the work that you did
8 when the Gladys Wade case came to your attention?

9 A. Yes.

10 Q. You have an independent memory of that case?

11 A. I have some memory of that case, yes.

12 Q. Have you reviewed any documents in that case
13 since -- in preparation for this deposition?

14 A. I had some questions that was --

15 MR. SINGLETARY: Georgia, before
16 you proceed, if the questions are questions
17 you directed at me you have a privilege and
18 you don't discuss what we discussed.

19 THE WITNESS: Oh, right. I
20 understand.

21 A. I had an occasion because of the questions that
22 you guys sent to me, it's called -- is it called
23 extrarog (sic) -- what is it, the questions you
24 guys sent to me, what is it called?

25 Q. Interrogatories.

1 A. Interrogatories. Okay. So at some point I
2 reviewed that, those questions, and, of course,
3 in meeting with my attorney I had questions and
4 that's it.

5 Q. Well, my question to you is: Did you review any
6 documents. You mentioned interrogatories. Any
7 other documents?

8 A. No. Interrogatories.

9 Q. Did you review any of the investigative file
10 documents?

11 A. I, in meeting with my attorney, I would ask
12 questions and he would answer any questions I
13 would ask him.

14 Q. So you didn't see the investigative file before
15 you -- in preparation for this case? Do you know
16 what an investigative file is?

17 A. Oh, the --

18 Q. Ma'am, do you know what an investigative file is?
19 You were a detective for almost 20 years. Police
20 reports, photos, notes, forms. Do you know what
21 those are?

22 A. Yes, I know what those are.

23 Q. Did you review any of those from the Gladys Wade
24 case?

25 A. I saw the questions for the interrogatories and

1 if my attorney had a file --

2 MR. GILBERT: You know, we've got
3 to figure out -- I mean she's not --

4 MR. SINGLETARY: She's trying to
5 answer your question. I think there may be
6 some confusion. Let me talk to her for a
7 second.

8 MR. GILBERT: Okay. Off the
9 record.

10 - - - -

11 (Off the record.)

12 - - - -

13 MR. SINGLETARY: We met. I think
14 she is prepared to answer your questions.

15 Q. The question was: Did you review any of the
16 reports and documents generated in connection
17 with your investigation?

18 A. From -- I did see the Gladys Wade statement and
19 the Anthony Sowell statement. Oh, yeah, and my
20 handwritten notes, yes.

21 Q. Did these documents help refresh your memory as
22 to what happened back then?

23 A. Yes.

24 Q. And how recently did you review those documents?

25 A. Within the last week.

1 Q. Okay. Now, obviously the name Anthony Sowell is
2 well known; correct?

3 A. Yes.

4 Q. So you were in the department when he was
5 arrested for the murders of eleven women?

6 A. Yes.

7 Q. And were you involved in that investigation?

8 A. Not involved, but the detective assigned had a
9 victim in the office and I did assist him because
10 he was brand new and just took photos of his
11 victim and that was the extent of it.

12 Q. Who was that victim; do you remember?

13 A. I don't remember her name, but I just know that
14 this was the victim who the whole investigation
15 was opened up as a result of her.

16 Q. If I said the name Latundra Billups, would that
17 ring a bell?

18 A. Last name of Billups, yes.

19 Q. And so somebody in your office was doing that
20 investigation?

21 A. Yes.

22 Q. Who was that?

23 A. Dirsch, Detective Dirsch, D-I-R-S-C-H, I believe.

24 MR. KAISER: I think it's Durst,

25 D-U-R-S-T.

1 THE WITNESS: Oh, okay.

2 Q. His name came up the other day. When that
3 investigation, Billups came up, and obviously the
4 name Anthony Sowell, did that trigger in your
5 mind the fact that you had him in another case?

6 A. Not really, not at that time it didn't.

7 Q. Did there come a time when you realized that he
8 had been involved with Gladys Wade? Did there
9 come a time when it came back to your memory?

10 A. Yeah. It wasn't immediate but then as the case
11 became news media then it was brought to my
12 attention that I had investigated Anthony Sowell
13 on a case.

14 Q. Did anybody talk to you about what you did on
15 that case?

16 A. The case immediately was sent over to the mayor's
17 office and reviewed and then the chief's office
18 and I never saw the file after that.

19 Q. How did you learn about the fact that the case
20 was sent to the mayor's and chief's office?

21 A. My supervisor.

22 Q. Who was that?

23 A. Sergeant Ray and then she got married.

24 Q. McMahan?

25 A. McMahan, yes.

1 Q. Were you involved in the process of the case
2 being reviewed?

3 A. No.

4 Q. Were you asked any questions about your
5 investigative work on the Gladys Wade case?

6 A. No, none.

7 Q. And were you given information about what was
8 discussed at the meetings with the mayor and the
9 chief, etc.?

10 A. No. Only after that the chief called me up to
11 his office to just ask me basically to, you know,
12 talk about what I did and to insure me that he
13 felt I had done my job. That was it.

14 Q. Do you recall approximately when that meeting
15 was?

16 A. I don't recall the date.

17 Q. Who was in the room with you and the chief?

18 A. It was the commander, Commander Toma, Tomba
19 rather, the chief Michael McGrath. There's a
20 third person but I'm not sure. It might have
21 been my immediate supervisor which was Lieutenant
22 Baumiller, I'm not sure, but definitely the
23 commander and the chief.

24 Q. Was the safety director there, Marty Flask?

25 A. I'm not seeing his face.

1 Q. And what kind of questions were asked of you?

2 A. I was just asked by the chief to give a general
3 of what I did in my investigation and I told him
4 what I did.

5 Q. Did he have the documents that you were able to
6 see from your investigation?

7 A. If he had the file, it wasn't given to me to go
8 through it so that I could comment, nothing like
9 that, so, just asked me the questions.

10 Q. Did he ask you why Anthony Sowell was not charged
11 back then?

12 A. He wouldn't ask me that, no.

13 Q. He was just asking you what you did?

14 A. Yeah.

15 Q. And that was the end of it?

16 A. And basically commending me saying that the
17 mayor's office felt I did my job.

18 Q. Did you get anything in writing that said that?

19 A. No.

20 Q. You didn't get like a commendation certificate or
21 anything like that?

22 A. No.

23 Q. Did you testify in the Anthony Sowell trial?

24 A. No.

25 Q. Do you know if anybody in your unit testified?

1 A. There was another officer assigned to interview
2 Gladys after my case, so that person, those
3 persons would have been involved, yes.

4 Q. Do you know who they were?

5 A. Christine Cottham.

6 Q. But according to your testimony, you had no
7 involvement at all in the reinvestigation of that
8 case; is that correct?

9 A. No, none.

10 Q. Alright. So let's talk about what you did in
11 that case. Okay?

12 A. Uh-huh.

13 MR. SINGLETARY: To be clear,
14 we're going back to December of '08 now?

15 MR. GILBERT: Yes. I'm kind of
16 jumping around here.

17 Q. But anyway, back in December of 2008, did you get
18 an assignment in connection with an incident
19 involving Gladys Wade?

20 A. Yes, I did.

21 Q. Do you recall how you got that assignment?

22 A. Yes. It was given to me by the OIC or sergeant
23 in the office, Sergeant McMahan.

24 Q. What hours were you working? I think it was a
25 Monday, or Monday was the day after?

1 MR. RIOTTE: Monday was the 8th.

2 Q. Monday was the 8th, so you would not have gotten
3 it on the day, right, the day the incident
4 happened.

5 A. Okay. I believe I had Sundays and Mondays off,
6 were my regular off days, but I was working the
7 11:00 to 7:00 shift.

8 Q. What is a Form-10?

9 A. A Form-10 is the investigation per the detective
10 in writing. It describes everything that they
11 did in the investigation.

12 Q. So it's a detailed report of your investigation;
13 is that correct?

14 A. Yes.

15 Q. Did you do a Form-10 in the Gladys Wade case?

16 A. No.

17 Q. And why is that?

18 A. Because the prosecutor ruled insufficient
19 evidence to charge so the Form-10 comes as a
20 result if there's a charge and there's going to
21 be a Grand Jury package afterwards, and that's
22 part of the report that goes with the Grand Jury
23 package.

24 Q. So you receive the assignment I would assume at
25 some point after 11:00 the day after the incident

1 occurred; correct?

2 A. Yes.

3 Q. And what did you -- as soon as you got that
4 assignment, what was the first thing that you
5 did?

6 A. The first thing was to contact the victim which I
7 did, and upon reaching her, asked her to come in
8 so that I could get a statement from her and then
9 there was a written statement.

10 Q. Now, the ability to contact the victim was
11 through phone?

12 A. Telephone, yes.

13 Q. And you would have had her phone number on the --

14 A. Police report.

15 Q. Police report.

16 Okay. And you did reach her?

17 A. Yes, I did.

18 Q. And she --

19 A. Came in --

20 Q. -- came in?

21 A. -- for the interview, yes.

22 Q. And do you remember when the interview took
23 place? Was it during that day?

24 A. It was the same day in the evening, you know.

25 Q. Did she come in by herself or with someone else?

1 A. I believe she was by herself.

2 Q. Did you arrange to have a victim's advocate
3 present during that interview?

4 A. No.

5 Q. Is there some kind of protocol for bringing in
6 someone from Rape Crisis or Victim Assistance in
7 these cases?

8 A. Those situations do occur sometimes when the
9 victims are at the hospital. Later on at the end
10 of my leaving the department, that was something
11 that was included so that they had a person in
12 the office that would be readily available to
13 victims but that wasn't the situation when I got
14 that case with Ms. Wade.

15 Q. And you met with her at your desk or in a room?

16 A. There was an interview room, so for privacy we
17 met in the interview room so that I could take
18 her statement.

19 Q. Now, the statement was not recorded by audio or
20 video?

21 A. It's typed.

22 Q. So how do you conduct that statement?

23 A. I ask the victim questions. First, I preview the
24 police report. From the police report I have an
25 indication, some information, about the alleged

1 complaint, then if the victim, upon asking her
2 questions, you know, from the police report,
3 asking her questions from that, and then also
4 asking her questions as we're talking to gather
5 facts to support the complaint...

6 Q. Are you taking notes when you're talking to her?

7 A. No. I'm asking the questions and I'm typing.

8 I'm asking the questions then typing it down; and
9 then the response from the person, I'm typing it
10 down.

11 Q. When she came in, did she have any visible
12 injuries?

13 A. When she came in, she did indicate, she showed me
14 she had scratches on her neck.

15 Q. Did she tell you how those scratches on her neck
16 got there?

17 A. That was part of the interview information that
18 she was in an altercation with this guy.

19 Q. Well, she was fighting for herself; right? Is
20 that what she told you?

21 A. She said that she was assaulted by this guy, yes.

22 Q. And she was fighting back?

23 A. Yes, she was fighting, yes.

24 Q. Was she cooperative with you?

25 A. Yes, she was cooperative.

1 Q. Was she answering your questions as you posed
2 them?

3 A. She answered the questions as I asked them.

4 Q. How long were you with her?

5 A. I would say a good hour.

6 Q. Did she seem to be upset about what happened to
7 her?

8 A. She was upset.

9 Q. Was she crying?

10 A. At some point she did tear up, yes, like most
11 victims do when they come in our office.

12 Q. Did you offer her any kind of assistance for her
13 emotional -- any recommendations what she can do
14 to deal with her emotional situation?

15 A. Well, one of the things we do at the end of the
16 interview is a victim witness does have advocates
17 and we -- I'm not sure, but I would not not have
18 presented her with a card to get further
19 assistance from Victim/Witness. I'm sure that I
20 directed her to that after our interview.

21 Q. You don't specifically remember but that's
22 something that is commonly done?

23 A. That is protocol, yes.

24 Q. And the Victim/Witness program helps victims of
25 crimes like this to cope, give them resources and

1 advice; correct?

2 A. Yes, they do.

3 Q. Was there anything that she said to you during
4 your interview that led you to believe that she
5 was not telling the truth?

6 A. There was inconsistencies from my questioning her
7 and her responses on the statements that she
8 signed, yes.

9 Q. What were the -- I'm talking about as you were
10 doing the interview. As you were conducting the
11 interview was there any reason for you to have
12 any concerns whether she was telling the truth?

13 A. I didn't have any concerns as I was doing the
14 interview, no. I mean I'm not questioning the
15 person while I'm asking them questions, but after
16 getting the statement and going over the
17 statement along with the facts that I had
18 previewed, the original RMS report, there was
19 some inconsistencies.

20 One thing in particular was she said that she
21 was hit so hard she was knocked unconscious, and
22 to not have any bruising with me seeing her the
23 next day, I had concern about that and I just --
24 I did mention that to -- I did put that in my --
25 as an observation, yes.

1 Q. Okay. So you were questioning whether she was
2 hit in the face to the point where she was
3 unconscious and then did not have anything
4 visible to support that? Is that what you're
5 saying?

6 A. I did indicate because she said she was hit so
7 hard she was knocked out that there was nothing
8 on her face to reflect a bruise, the bruising
9 that would have/should have occurred as a result
10 of being hit so hard, yes, I did.

11 - - - -

12 (Thereupon, Plaintiffs' Exhibit 27, Criminal
13 Investigation, statement of Gladys Wade dated
14 12/9/08, was marked for purposes of
15 identification.)

16 - - - -

17 Q. Is this the statement that you typed of Gladys
18 Wade on December 9th, 2008 at 15:15 hours?

19 A. Yes, this is the statement I typed.

20 Q. Now, you have just testified that you thought
21 there was inconsistencies because she said she
22 was punched so hard that she went unconscious;
23 right?

24 A. I did say that.

25 Q. You said that; right?

1 A. I did say that.

2 Q. Okay. Can you show me in the statement where she
3 says that?

4 A. "All of a sudden out of nowhere he punched me in
5 the face. Then he grabbed me by my coat and
6 dragged me up the driveway behind the car. Then
7 he struck me again in my face and said for me to
8 take off my clothes and give him my money."

9 Also there is writing on this that is not my
10 writing.

11 Q. This is the way it came to us.

12 A. Okay. The written notes, that's not mine. That
13 must be the after investigation.

14 Q. Then disregard it.

15 A. Okay. I'm just saying that is not my writing.
16 "As he was dragging me he began dragging me to
17 the steps in the house and he was strangling me.
18 I was blacking out and I didn't realize he had
19 taken me to the third floor." So twice she was
20 struck in the face by this person, yes.

21 Q. Okay. You said earlier that the punching caused
22 her to black out and be unconscious and that was
23 what you thought was the inconsistency; correct?

24 A. I said the punching in her face with no visible
25 signs of bruising was my concern.

1 Q. You didn't say that before. We can read it back.

2 A. Okay. That's what I'm saying.

3 - - - -

4 (Thereupon, the requested portion of
5 the record was read by the Notary.)

6 - - - -

7 Q. Do you remember just five minutes ago what you
8 just said?

9 A. What was before that?

10 MR. SINGLETARY: That wasn't five
11 minutes ago. That was like 30 seconds ago.

12 A. What was before that?

13 Q. Well, that's good enough.

14 A. No, it's not, because I said that due to the fact
15 that she was claiming that she had been punched
16 so hard in her face, I felt that there should
17 have been some bruising and I wanted to indicate
18 that in the report that that was an
19 inconsistency.

20 Q. So you want to take back what you said that the
21 inconsistency was that she was struck so hard
22 that she went unconscious?

23 A. Upon reviewing this statement and I did say that,
24 you know, saying that she was in and out of
25 consciousness, but "punched" -- from reading this

1 statement from 2008, it doesn't say that she went
2 out of consciousness because; but I did say part
3 of my concern was the fact that she had no
4 bruises on her face and learning from reading my
5 statement that, now, she was punched more than
6 one time in the face, yes.

7 Q. She went out of consciousness because she was
8 strangled; correct?

9 MR. KAISER: Objection.

10 MR. SINGLETARY: Objection.

11 Q. It says it right here.

12 A. In the statement it is saying that she said that
13 she was strangled.

14 Q. Okay. That's all I asked.

15 And then after she said she was strangled,
16 she said, "I was blacking out and I didn't
17 realize he had taken me to the third floor."

18 Do you see that?

19 A. Yes.

20 Q. So can we agree that the earlier statement that
21 you made that he punched her to the point where
22 she was unconscious is not what she said?

23 A. Reading from this statement, she's saying that he
24 had strangled her, and before reviewing this, I
25 did say that my concern about inconsistencies was

1 the fact that she didn't have bruising on her
2 face from being punched, and that's just some of
3 the inconsistencies.

4 Q. But you were wrong when you said that she passed
5 out from being punched; correct?

6 MR. KAISER: Objection.

7 MR. SINGLETARY: Objection.

8 A. I misquoted what was not written as I'm
9 previewing this statement that is before me right
10 now.

11 Q. That's the statement we're talking about; right?

12 A. That's the statement we're talking about.

13 Q. So when I asked you the question earlier about
14 what your concern was, you gave an incorrect
15 answer that was later after you read the
16 statement corrected?

17 A. It wasn't corrected. It was just to say that she
18 in this statement is saying that she was
19 strangled and in and out of consciousness.

20 Q. And you said earlier that one of the concerns you
21 had is that she had indicated to you that she was
22 punched so hard that she passed out. That was
23 not what she said; correct? Is that a difficult
24 question?

25 A. It's not difficult, and in answering the

1 question, I should have listened to what you were
2 asking so that as I answered it should have been
3 the punching in her face was part of my concern
4 with no marks and I indicated that throughout in
5 my report. Okay, so --

6 Q. Okay. You answered the question. You don't have
7 to keep elaborating. We do want to get out of
8 here today.

9 MR. SINGLETARY: She can talk as
10 long as she wants.

11 MR. GILBERT: Well, I'm trying to
12 speed this thing along.

13 MR. SINGLETARY: Alright. And we
14 appreciate that.

15 MR. GILBERT: It's frustrating.

16 Q. It's a simple question, ma'am. You were
17 incorrect when you say that her statement
18 indicated that she passed out from the punching;
19 yes or no?

20 A. That was incorrect.

21 Q. Okay. And being choked and strangled was
22 consistent with what she said to the police
23 officers at the scene; correct?

24 A. I have to have the police report in front of me
25 before I answer that question.

1 Q. Okay. If you want to look at this, it's the back
2 part. If you go to Page 5 in the middle of the
3 last paragraph, "Victim states once at the side
4 door of the residence arrested male began to
5 choke her. Victim began to black in and out of
6 consciousness as the arrested male dragged her
7 into the house."

8 Do you see that?

9 A. Okay. "The victim states the male punched her in
10 the face and then dragged her and pushed her
11 towards the rear of the house. Victim states
12 once at the side of the residence, arrested male
13 began to choke her and victim began to black in
14 and out of consciousness as arrested male dragged
15 her."

16 Q. So the question is: She said the same, basically
17 the same thing in her statement that you took
18 from her from what she told the police officer
19 the night before; correct?

20 A. Yes. She's saying she was punched and then
21 dragged and then choked.

22 Q. It just requires a "yes" or "no" answer.

23 A. Yes. That's it.

24 Q. Was there anything inconsistent with what she
25 told the police when they came on the scene and

1 talked to her about what happened? Was there
2 anything inconsistent between that and the
3 statement that you got the next day?

4 MR. SINGLETARY: She's going to
5 take a minute to read that.

6 A. Okay. From the police report and what Gladys
7 reported to the police and also from her
8 answering my questions, specifically asked when
9 she said he had asked her to remove her pants and
10 I asked her did she, and she said no, and then I
11 asked her did anything sexual happen to her and
12 she said no, and I asked her more than once was
13 there anything that would reflect that this
14 person was trying to sexually assault her, her
15 response was no.

16 Q. Wait a minute. Are you answering my question or
17 are you reading from the report?

18 A. I'm reading the report.

19 Q. I asked you to look at the report and tell me if
20 there is something that is inconsistent.

21 A. That's what I was doing.

22 Q. Just tell me.

23 A. The inconsistency was, okay, I just said from
24 reading the RMS report and reading the questions
25 that I asked her, she had indicated to the police

1 officers that she was asked to, by the defendant,
2 to remove her pants and I asked her did she
3 remove her pants and she said no. I asked her
4 was there anything sexual because the report
5 initially was that it was involving a sex crime
6 which this case was not involving a sex crime.
7 So that's some of the inconsistencies that I
8 found in the report from the RMS report to asking
9 the victim questions, so that's how I'm answering
10 you.

11 Q. She told you that he asked her to remove her
12 clothes; right?

13 A. I asked her and she said -- I asked her did she
14 remove her clothes and she said no.

15 Q. Right, but he asked her to remove her clothes,
16 didn't he?

17 A. She said that in the police report but then in
18 the actual interview --

19 Q. Wait a minute. Are you saying that she --

20 A. I'm just saying -- no, no, I'm not.

21 Q. You asked her, "When he asked you to remove your
22 clothes, did you remove them," and she said,
23 "No"; right?

24 A. She answered, "No."

25 Q. And in the report, it indicates that he asked her

1 to remove her clothes and she did not remove her
2 clothes; correct?

3 A. She said she did not.

4 Q. So what is inconsistent?

5 A. Everything that was going on from out of the blue
6 this person attacks her right there on the street
7 where there's, you know, activity, and then he's
8 dragging her behind the house and then he's
9 dragging her up the steps and she fights to get
10 away. Okay? That's all I can -- I can only go
11 by what she said to me. Okay?

12 Q. Did she tell you anything in that report that is
13 inconsistent with what she told the officers the
14 night before?

15 A. Well, there's -- from the line of questioning
16 here that's -- a lot of stuff from these
17 questions are not in the police report because
18 they just took a basic report which was "I went
19 by this guy's house" and whatever she said.

20 Q. Did you believe she was lying to you?

21 A. After, after interviewing the defendant and
22 witnesses I had concerns about her statement,
23 yes.

24 Q. Alright. So let's go through the statement line
25 by line. Okay. Are you ready? Did she flag

1 down the police on 116th Street?

2 A. She said "Yes." Question: Why did you flag down
3 the police? And her answer was: "Because I had
4 been attacked by this man."

5 Q. Did you verify that, that she flagged down the
6 police?

7 A. That was in the police report.

8 Q. So she's consistent there. Okay? Yes or no?

9 A. Yes.

10 Q. Do people who are victims of crime flag down the
11 police?

12 A. Yes.

13 Q. Is that conduct consistent with being a victim?

14 A. Yes, if the person -- yes, yes.

15 Q. Okay. So that was true; right? You
16 independently verified that?

17 A. She flagged down the police, yes.

18 Q. Okay. She said to the -- actually she was waving
19 her arms according to the police report.

20 A. There was two officers, police cars. One that
21 came to the --

22 Q. Ma'am, I asked you did the police report say she
23 was waving her arms in attempted to get their
24 attention?

25 A. Yes, it does say that.

1 Q. Did you verify that?

2 A. It's verified on the RMS report.

3 Q. Okay. That's consistent with someone being a
4 victim of a crime waving and trying to get the
5 attention of the police to help them; correct?

6 A. Yes, she was waving and -- for the police to
7 assist her, yes.

8 Q. You don't have to repeat the whole thing. You
9 can just say "yes" or "no." If we can move along
10 here.

11 MR. SINGLETARY: Well, she can
12 provide you her answers, Terry. This is a
13 discovery deposition.

14 MR. GILBERT: I'm trying to move
15 this thing along.

16 MR. SINGLETARY: I appreciate
17 that. She answers the way she answers.

18 Q. She said she had been a victim of an attempted
19 rape and that she had been beaten and robbed and
20 she was observed bleeding from her right thumb
21 and also had several red scratches around her
22 neck.

23 Do you see that? Was she bleeding from her
24 right thumb?

25 A. Not when I saw her.

1 Q. Well, was there evidence?

2 A. The two officers who saw her, yeah, that's what
3 they put in the police report. I didn't see that
4 when she came into my office.

5 Q. Do you have any reason to dispute the truth of
6 that?

7 A. I don't have any reason to dispute any person
8 that comes to that office and makes a complaint.

9 Q. But you're making judgments about whether she's
10 telling you the truth, are you not?

11 A. I am at the end of my investigation with the
12 information given to me through the police --

13 Q. I know you go to the prosecutor. I'm asking
14 you --

15 A. -- two statements and witnesses to account for
16 some of the things that the victim had said.
17 From that I did go to the prosecutor.

18 Q. I didn't ask you that.

19 A. Okay.

20 Q. Listen to my question, please.

21 A. Alright.

22 Q. Okay. Do you have any reason to doubt that she
23 was injured that night when she waved and flagged
24 down the police?

25 A. I have no reason to doubt that her finger was

1 cut, yes.

2 Q. And that she had scratches around her neck?

3 A. And that she had scratches around her neck.

4 Q. In fact, you saw pictures of that, didn't you?

5 A. I did not see the pictures. I requested pictures
6 though.

7 Q. So when you went to prosecutor, you didn't have
8 the pictures?

9 A. No, not at that time, no.

10 Q. You didn't show Lorraine Coyne the injuries that
11 this woman had?

12 A. Let's see. I don't recall if -- oh, yeah. I
13 don't recall if I showed pictures of her
14 injuries. I don't recall that, no.

15 Q. Do you have any reason to doubt that she was in
16 the house of Anthony Sowell when she suffered
17 injuries?

18 A. I don't doubt that she was in his house and that
19 was because of his statement. She didn't --

20 Q. I'm not asking you about his statement.

21 A. She didn't put herself in the house at all.

22 Q. She didn't put herself in the house; right?

23 A. Right.

24 Q. I didn't ask you that, did I? I asked you do you
25 have any reason to doubt that she was in Anthony

1 Sowell's house and suffered injuries.

2 MR. GILBERT: I'm at my wit's end
3 with her. I'm sorry.

4 MR. SINGLETARY: We're here for a
5 deposition.

6 MR. GILBERT: But she is not
7 answering the questions. She has her own
8 agenda that she wants to answer the
9 question the way she wants to answer it but
10 she's not answering the question.

11 MR. KAISER: I think her answers
12 have been pretty good.

13 Q. Do you have any doubt that she was injured in the
14 home of Anthony Sowell?

15 A. My answer is that definitely, Gladys Wade was in
16 Anthony Sowell's house and there were some
17 injuries that occurred on both of them.

18 Q. I'm going to ask you for the third time: Do you
19 have any reason to doubt that Gladys Wade was
20 injured in Anthony Sowell's house?

21 MR. SINGLETARY: I think she
22 answer that question.

23 MR. GILBERT: No, she didn't.

24 MR. SINGLETARY: Yes, she did.
25 She said they were both in the house.

1 MR. GILBERT: I didn't ask about
2 anybody else.

3 MR. SINGLETARY: But her answer
4 certainly incorporated the fact that Gladys
5 Wade had injuries.

6 Q. I did not ask you about Anthony Sowell. Okay?
7 Are you advocating for him now?

8 MR. SINGLETARY: She is not
9 advocating for anybody.

10 MR. GILBERT: I'm asking her the
11 questions.

12 MR. SINGLETARY: Then just ask her
13 the questions.

14 MR. GILBERT: I asked her. She is
15 not answering the questions.

16 MR. SINGLETARY: She is answering
17 the questions.

18 Q. Ma'am, do you have any doubt that Gladys Wade was
19 injured in that house based on your
20 investigation?

21 A. Based on my investigation Gladys Wade did get her
22 finger cut in the house, yes, and she was in an
23 altercation with Anthony Sowell.

24 Q. And her story was that she was fighting off an
25 attacker; right?

1 A. Yes; her story was that she was fighting Anthony
2 Sowell.

3 Q. And do you have any reason -- and that did not
4 happen?

5 A. I can only go by the fact that I didn't just have
6 one statement; I have two statements and both
7 parties provided an account of what went on in
8 the home.

9 Q. One was different than the other; right?

10 A. One was not saying that she was in the home, that
11 she was only up to the third floor. The other
12 party is saying that she was in the home.

13 Q. So what do you do when you have one party saying
14 one thing and one party saying another thing?

15 A. You gather as much information from both parties
16 and then you, um -- I also interviewed witnesses
17 as provided by their accounts as best I could and
18 then I took all of that and forwarded it to the
19 prosecutor's office.

20 Q. Did you tell Lorraine Coyne that you had doubts
21 about Gladys Wade's credibility?

22 A. I presented Lorraine Coyne with the statements
23 and information from verbal contact with witness
24 and Lorraine Coyne decided on what --

25 Q. Listen. You didn't answer my question.

1 MR. GILBERT: Can you read the
2 question back.

3 - - - -

4 (Thereupon, the requested portion of
5 the record was read by the Notary.)

6 - - - -

7 A. I did discuss the case with Lorraine Coyne and in
8 discussing both, you know, statements Loraine
9 made her determination.

10 MR. GILBERT: Once again, will you
11 read the question back.

12 Q. And listen very carefully, and we can spend all
13 day here. I'll ask the same question over and
14 over again until you answer that question.

15 - - - -

16 (Thereupon, the requested portion of
17 the record was read by the Notary.)

18 - - - -

19 A. I did say to the prosecutor I had concerns about
20 inconsistencies.

21 Q. Did you know there was blood in the house?

22 A. No.

23 Q. Did you see the crime scene photographs?

24 A. No.

25 Q. Did you know that photographs were taken?

1 A. After the fact, yes. The police officer, yeah,
2 the police officer who arrested I guess took a
3 photo or something, yes.

4 Q. But you never saw those?

5 A. No.

6 Q. And you never conducted a crime scene
7 investigation, did you?

8 A. I have conducted a crime scene investigation.

9 Q. Did you go to the house?

10 A. After, after the case -- I did go to house after,
11 but after he was out of jail, yes.

12 Q. After he was out of jail?

13 A. Meaning that -- yeah, as a matter of fact, yes.

14 Q. After you already went to the prosecutor?

15 A. Yes.

16 Q. I thought she issued no papers?

17 A. She did.

18 Q. Well, why would you go back after that's done?

19 A. When I talked to the defendant in the jail and
20 said, you know, "Upon your release, I would like
21 to come by the house because I always visit my
22 crime scenes," so I wanted to keep my word, but
23 the case was -- I did, I just came by the house
24 and then I drew a picture of the house to say
25 that I did visit it, yes.

1 Q. Well, what good is it at that point?

2 A. Well, it didn't amount to anything because it
3 was --

4 Q. Okay. Wouldn't the proper thing to do would be
5 to go there during the course of your
6 investigation? Isn't that what you're taught to
7 do?

8 A. I went -- while he was in jail, I didn't have
9 access to the house. I had only to depend on his
10 statement, her statement, what the witnesses
11 said, who were immediately involved somewhat and
12 from that that was all I could get to provide
13 that evidence to the prosecutor.

14 Q. Well, I'm just asking you, the question is: That
15 you did not do any investigation of the crime
16 scene itself, did you?

17 A. No. No.

18 Q. But you went to the house after the fact of the
19 prosecutor's decision?

20 A. Yes.

21 Q. Where did you go?

22 A. To his address on Imperial and talked to him.
23 Well, he was released and I talked to him at his
24 house.

25 Q. You went and talked to Anthony Sowell in his

1 house?

2 A. At his house, yes.

3 Q. I mean did you go inside?

4 A. I went up the stairs to the top of the stairs
5 because I wanted to see, from how she described
6 what happened to her, I wanted to see how that
7 happened and then I, you know, got to see that
8 there was broken glass from the door, yeah, so
9 yes.

10 Q. And that confirmed her story, did it not?

11 A. Her story that she fought with him and cut her
12 finger. That was her version.

13 Q. It was consistent with her version, was it not?

14 A. Well, we had two versions.

15 Q. Other than what Anthony Sowell, did you have --
16 she did tell you that she was injured by going
17 through broken glass through a window; right?
18 She did tell you that?

19 A. She did.

20 Q. Okay.

21 A. She did say she got her hand cut, yes.

22 Q. By breaking through a window trying to fight
23 against this guy; right?

24 A. If I can look at the statement to see if that's
25 what --

1 Q. This is not controversial.

2 A. Okay. I'm just saying that she did get her
3 finger cut on the glass door.

4 Q. She went through a glass door, didn't she?

5 A. There was an altercation between the two of them
6 and she was cut and he had cuts on him when they,
7 you know, arrested him.

8 Q. Are you now -- are you trying to defend him?

9 A. I am not defending him. I can only answer this
10 as I had two statements by two people and --

11 Q. You seem like you're defending him.

12 A. Well, I am not defending him.

13 MR. SINGLETARY: This whole series
14 of questions started off by going back to
15 December 2008, not subsequent to those days
16 and that's what her testimony reflects.

17 MR. GILBERT: Oh, wait a minute.

18 MR. SINGLETARY: We specifically
19 said go back to 2008 and you started this
20 line of questions.

21 MR. GILBERT: You can object.

22 That's fine. I'm going to ask her the
23 questions.

24 Q. You went back -- by the way, did you talk to
25 Anthony Sowell when you went back the next day?

- 1 A. 2008?
- 2 Q. Yeah. You said you went back to the house
3 after Lorraine --
- 4 A. After he was released, yes.
- 5 Q. Yeah. And you go back to his house. The case is
6 over; right?
- 7 A. Yes.
- 8 Q. You go back to his house, did you meet with him?
- 9 A. Yes.
- 10 Q. Did you talk to him?
- 11 A. I talked to him.
- 12 Q. What did he tell you?
- 13 A. I came back there so that I could take --
- 14 Q. What did he tell you?
- 15 A. There is nothing he could tell me. He was
16 released. I came back there --
- 17 Q. What did he say to you when you went to the
18 house?
- 19 A. I asked him if I could see his hallway. I wanted
20 to see the driveway.
- 21 Q. I want you to answer the question. What did he
22 say to you?
- 23 A. I asked him if I could come on his property so I
24 could see where this crime, alleged crime
25 occurred. I wanted to visibly see what she

1 described as what happened to her, so I wanted to
2 see how she was, if she was dragged, how she was
3 pulled upstairs up into a hallway and so that is
4 what I was allowed to see, and that, you know, I
5 wrote notes on my sheet.

6 Q. What did he say to you?

7 A. He gave me permission to come on his property.

8 Q. That's all I asked.

9 A. That's it, yes.

10 Q. You have testified before, haven't you, in
11 trials?

12 A. Yes.

13 Q. Do they teach you how to testify in, I saw in
14 manuals and training and OPOTA and all that how
15 you're supposed to answer questions?

16 A. I was answering the questions.

17 Q. Okay.

18 A. You know.

19 Q. You listen to the question and try to answer it;
20 right?

21 A. I'm processing your question and answering it.

22 Q. I didn't ask you what your intentions were to go
23 over there. I asked you what did the man say to
24 you.

25 MR. SINGLETARY: And I believe she

1 was providing context for getting what you
2 want.

3 MR. GILBERT: It took me 15
4 minutes to get it out of her.

5 MR. SINGLETARY: It didn't take 15
6 minutes.

7 A. I don't know why you feel that way.

8 Q. Okay. Did you talk about the incident with him?

9 A. No. I asked for permission so that I could see.

10 Q. Now, did you get permission from a supervisor to
11 go to a scene of a crime --

12 A. No, I didn't.

13 Q. -- after it was closed out?

14 A. No, I didn't.

15 Q. And did you have to get permission?

16 A. No.

17 Q. Did you go back to Lorraine Coyne and provide
18 this new information?

19 A. No, I didn't.

20 Q. So would you consider what you did that day part
21 of investigative duties when you went back after
22 the fact? Was that official conduct on your
23 part?

24 A. I believe it was official conduct for my case to
25 indicate that I had visited the crime scene.

1 Q. Was that part of your investigation?

2 A. It was concluding and inclusive of my
3 investigation that I had visited the crime scene.

4 Q. Was it part of your investigative duties to go to
5 the crime scene after the fact?

6 A. Normally it doesn't happen after the fact, but I
7 wanted to in order to say that I had visited the
8 crime scene, period.

9 Q. Were you investigating at that point?

10 A. No, I'm not. Just to say I went to the crime
11 scene.

12 Q. And you took notes?

13 A. I drew a picture of the house and put the address
14 on it, you know.

15 Q. And you did not -- that was something that
16 Lorraine Coyne did not have access to?

17 A. I didn't talk with Lorraine Coyne after she made
18 her decision, no.

19 Q. So you did investigative work without giving it
20 to the prosecutor; correct?

21 A. I don't consider that was doing investigative
22 work. I considered that as a part of my duty
23 when doing a case that you go to the crime scene
24 and indicate that.

25 Q. Did you know Anthony Sowell prior to this

1 incident?

2 A. No, I didn't.

3 Q. Did you smell anything in his house?

4 A. No, I didn't.

5 Q. Did you notice anything unusual in his house?

6 A. Standing at the top of the stairs, he had candles
7 in there. You could see that there's candles in
8 his front -- you know, right -- I'm standing at
9 the door and you could see candles and that was
10 it. I was by myself so I wasn't going all the
11 way into his house but I just wanted to see the
12 stairwell.

13 Q. Did you see blood in there?

14 A. No, I didn't see blood in there.

15 Q. Of course, you wouldn't have known there was
16 blood in there because you never saw the
17 photographs that were done about the police
18 officers who were on the scene; correct?

19 A. Right.

20 Q. Did you tell Lorraine Coyne there were blood
21 spots in the house?

22 A. I did not tell Ms. Coyne because I didn't see
23 any.

24 Q. But you never went to find out?

25 A. Well, I didn't see any so...

1 Q. What do you mean you didn't see any?

2 A. I'm saying that after the investigation, there
3 would be no reason to.

4 Q. Let's back up. When you went to see Lorraine
5 Coyne where she made a ruling, did you give her
6 information that there were blood spots in that
7 house?

8 A. No, I did not.

9 - - - -

10 (Thereupon, Plaintiffs' Exhibits 1, 2, 3, 4,
11 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
12 photographs, were marked for purposes of
13 identification.)

14 - - - -

15 (Thereupon, Plaintiffs' Exhibit 15, 16, 17,
16 18, 19, 20, 21, 22, 23, 24, 25, 26,
17 photographs, were marked for purposes of
18 identification.)

19 - - - -

20 Q. You don't think that would have been important?
21 Let me show you Exhibits 1 through 13. Can you
22 take a look at these photographs.

23 A. Number 7, I see a hand but I don't know what that
24 means.

25 THE NOTARY: There are 14

1 photographs marked, not 13.

2 MR. GILBERT: Okay.

3 Q. Just look at all of them and then I'll ask you
4 some questions.

5 Okay. Have you ever seen those photographs
6 before?

7 A. Not until -- no, not really.

8 Q. During the course of -- this was a crime scene
9 investigation by the units that responded to
10 Gladys Wade the night that this happened; right?

11 A. Yes.

12 Q. Now, when you got the assignment --

13 A. On the 9th.

14 Q. -- on the 9th, you would have know there were
15 photographs taken; correct?

16 A. If it was indicated in the RMS report, so I don't
17 recall that. I don't recall exactly if there had
18 been photos taken, but we would not have had
19 access to them because that is a request of a
20 party for photos which wouldn't be in 24 hours.
21 It's a few days before you can get printed out
22 photos, so, no, I didn't know that they existed
23 or, you know.

24 Q. How about looking at the report. How about
25 looking at the report marked Exhibit 4, Page 6.

1 The question is: Do you see the bottom of the
2 page?

3 A. Okay.

4 Q. "4:55 on scene with photos."

5 A. Okay.

6 Q. You would have known that had you read the
7 report, correct, the morning you got this
8 assignment?

9 A. Yes, if I had read that, yes.

10 Q. And wouldn't it not be important for you to see
11 photos of a crime scene?

12 A. I'm saying to you because 4:55 on scene seeing
13 photos doesn't mean there was actual physical
14 photos available at that time. That's not how it
15 works.

16 Q. Well, you didn't do anything, did you, to follow
17 up on that?

18 A. What I did was contact the victim.

19 Q. Wait. On the photo situation, did you do
20 anything? Did you talk to the police officers at
21 the scene?

22 A. Upon receiving the assignment, I contacted the
23 victim.

24 Q. I know. You've told me that already.

25 A. So, no, I didn't talk with the police officers,

1 zone car officers, no.

2 Q. Did you follow up in trying to get the photos as
3 soon as you could?

4 A. I did not follow up to get photos. I followed up
5 to get the victim and then to, from the victim,
6 any and everybody else that was involved in this
7 case.

8 Q. You seem to want to answer everything about it
9 outside of the question.

10 A. I'm telling you about the investigation and the
11 photos. This I did not because --

12 Q. That's all I want to know.

13 A. I did not, no.

14 Q. Okay. You didn't follow up on the photos?

15 A. It wasn't a follow-up on the photos. It was a
16 follow-up meaning get in contact with the victim.
17 You don't have a case until you talk with a
18 victim.

19 Q. I understand.

20 A. Okay. So that was my first job. That's the
21 first thing we do when we get our assignments is
22 to contact the victim.

23 Q. Did you try to get the photos --

24 A. No, I did not.

25 Q. -- of the crime scene?

1 A. No, I did not.

2 Q. That's all I asked.

3 Did you know that there was clothing of the
4 victim found in Anthony Sowell's house?

5 A. She talked about she left some things, yes.

6 Q. Did you look at the clothing?

7 A. No, I did not.

8 Q. That is part of the crime scene; correct?

9 A. If this had been a case that was charged, then
10 those things would have occurred. It was a case
11 that was not charged, so, therefore, I would not
12 have to follow up.

13 Q. But you were asked to follow up on what the
14 police did, right, what the arresting officers
15 did, right?

16 A. The arresting officers take an initial complaint
17 then it's forwarded to the specific unit. This
18 was forwarded to the Sex Crimes Unit which it
19 wasn't a sex crime and I inherited this case,
20 yes.

21 Q. So because you believe it wasn't a sex crime
22 doesn't mean that you don't do a thorough
23 investigation, does it?

24 A. A thorough investigation definitely was done.

25 Q. I'm going to show you -- so were you even aware

1 that any physical evidence was collected when you
2 went to Lorraine Coyne?

3 A. No.

4 Q. Okay.

5 A. I do have to take that back. Yes, her clothes
6 was -- the officers did retrieve some clothes so,
7 yeah, I was aware that that was some clothes,
8 that she had some stained clothes from an
9 accident she had, yes.

10 Q. And you also knew she went to the EMS; right?

11 A. Yes. She said she went to the hospital, yes.

12 Q. Did you go to the hospital and get medical
13 information?

14 A. No, I did not. That would occur if I had -- if
15 the case had been charged, then I would have been
16 seeking out medical records and all those other
17 things.

18 Q. Did you have in mind how long -- did you know how
19 long you had to get him charged to avoid a
20 release?

21 A. 72 hours was the longest unless the prosecutor
22 referred it to the Grand Jury, then he would have
23 stayed in possibly.

24 Q. If you can look at Exhibit 2, what is this?

25 A. This is a work product.

1 Q. What is it for?

2 A. To indicate the progress of the case by the
3 detective.

4 Q. And this is the full extent of your notes on the
5 case?

6 A. For this work product, this particular form,
7 yeah. Also, you know, we take notes and write on
8 pieces of paper and little things, but this is
9 the actual form that the supervisor has to sign
10 off on.

11 Q. How long did you have before this 72 hours
12 expired?

13 A. If I got it on the 9th, 24 hours had occurred so
14 I was -- 48 hours before the expiration, 48
15 hours.

16 Q. So you would have until the evening of the 11th;
17 correct?

18 A. Uh-huh, yes.

19 Q. So you went to the prosecutor about with a whole
20 day left before he had to be released; correct?

21 A. I went to the prosecutor after I got my -- after
22 I did my investigation, yes, so I don't
23 understand what --

24 Q. Okay, so you felt that your investigation was
25 done well in advance of the 72 hours; correct?

1 A. I don't understand what "well advanced" means.

2 Could you ask your question again, please?

3 Q. Okay. It seems to me that you would have had
4 until the 11th, the evening of the 11th which
5 would have been 72 hours after he was arrested.

6 If that's the case then you went in a day earlier
7 with your investigation to talk to the
8 prosecutor.

9 A. After I got interviews with the victim and the
10 suspect, after I got witness accounts, going out
11 to talk to the pizza place people, talking to the
12 store people, the pizza/barbecue place owner, one
13 of the clerks, talking with the clerk who I asked
14 did a woman come into her place hysterical, she
15 said --

16 Q. You know, listen. I didn't ask you about that.

17 A. Okay. Well, I'm giving you the --

18 Q. I'm going to ask you about all of that. Give me
19 time. Okay? When I ask you a question, you
20 don't have to give me the full extent of your
21 investigation.

22 A. Okay.

23 Q. I just asked you about a time problem, or a time
24 issue.

25 A. After my investigation and turning it over to the

1 prosecutor's office that was it.

2 Q. You didn't have any medical information about
3 her, did you?

4 A. The medical reports, no. No medical reports, no.

5 Q. Did you check with the hospital about getting a
6 medical report?

7 A. No medical request from the hospital, no.

8 Q. You did get a medical release authorization?

9 A. Yes, I did.

10 Q. And what did you do with that?

11 A. It's in the file.

12 Q. You didn't do anything with that; right?

13 A. I got her to sign it and if there had been a
14 charge then I would have been requesting the
15 medical reports afterwards.

16 Q. I'm not asking what you would have done.

17 MR. SINGLETARY: She's explaining.

18 A. I can only tell you that when the prosecutor
19 rules insufficient evidence then, you know,
20 there's no requesting medical records.

21 Q. You didn't do anything to check on her medical
22 information within the period before you went to
23 the prosecutor? Yes or no?

24 A. I didn't request medical information during my
25 investigation of the case.

1 Q. Good. We're going great here. If we keep on
2 that kind of way with the questions, we'll be
3 fine.

4 Alright. So you then went -- it says on the
5 10th you went to the crime scene. What do you
6 mean by "crime scene"? Where did you go?

7 A. The house. That's the crime scene.

8 Q. I thought you didn't go to the house until after
9 you talked to Lorraine Coyne.

10 A. I could not enter his house, so from his house,
11 you know -- I'm going to -- from the victim
12 telling me what happened I'm going to start with,
13 okay, this is where it supposedly happened. She
14 said she went into a restaurant. I went to the
15 restaurant, talked with the clerk who indicated
16 the woman did come in there. From that, also
17 indicating the woman said she was her boyfriend,
18 going to the store where she claims she bought
19 beer at, going to the store to ask the store
20 owners, did either of those two individuals come
21 into the store to get beer which was not
22 confirmed by the store owner, that is part of the
23 investigation and crime scene.

24 Q. Is there anything that you would like to say now
25 about everything that you did in the course of

1 this case? I'm going to give you a half hour if
2 you want to just go over and explain yourself
3 about what you did in this case. Can you do
4 that?

5 A. I will answer your questions.

6 Q. No, no, because you're not answering my
7 questions.

8 A. I will answer your question.

9 MR. SINGLETARY: She is answering
10 your question.

11 Q. My question to you is --

12 MR. SINGLETARY: She described
13 what she did at the crime scene.

14 Q. Tell me everything you did in this case.

15 MR. SINGLETARY: Objection.

16 Q. If you really want to go off on a tangent --

17 MR. SINGLETARY: She's not going
18 off on a tangent.

19 Q. Tell me everything you did in this case?

20 MR. SINGLETARY: Asked and
21 answered.

22 MR. GILBERT: Okay. Withdrawn.

23 Q. Who did you talk to?

24 A. I talked to a clerk. I can only remember her
25 first name, LaTonya, and this is via telephone.

1 Q. So you did not meet with --

2 A. I talked to her over the phone.

3 Q. What's her name?

4 A. LaTonya.

5 Q. Do you have her last name?

6 A. Meyers, M-E-Y-E-R-S.

7 Q. What are you looking at?

8 MR. SINGLETARY: Exhibit 3-B.

9 Q. Okay. And what did she say?

10 A. She said the woman said her and her boyfriend got
11 into it and would she, please, call the police.

12 Q. This is what she says?

13 A. This is the clerk.

14 Q. Said that the woman was looking for help?

15 A. Yes. And so because she was bleeding from her
16 hand, she asked her to, please, step out and that
17 she would call the police but just stepped out
18 because of the fact that there's people coming in
19 so, you know, stand outside the restaurant.

20 Q. Because she was bleeding; right?

21 A. From her hand, yes.

22 Q. What does it mean that -- this is all your
23 handwriting; right?

24 A. Yeah, this is mine.

25 Q. Okay. What is it that says --

1 A. Now, at the bottom, just a minute, at the bottom
2 that is not my handwriting, just the top.

3 Q. What's "never seen before" mean?

4 A. She has never seen that woman in her restaurant.

5 Q. What does "6:00 p.m." mean?

6 A. About the time that Gladys came through.

7 Q. Let's go back to your notes from Exhibit 2. Did
8 you talk to anybody out at the scene there in
9 person? I know you called LaTasha.

10 A. Yeah. LaTasha was called on the date -- on 10,
11 on 12/10 I talked to LaTasha.

12 Q. Did you talk to anyone at the grocery store?

13 A. I did talk to an individual named George and that
14 is a common name for Arab store owners,
15 everybody's name is George. I asked George if a
16 lady came in and purchased some beer to which he
17 said that he wasn't working, that he had just
18 come in, so I couldn't confirm what she was
19 saying. Then I asked him about Anthony Sowell,
20 and I asked him about did a male come in and I
21 said the male lives here in the area or
22 something, and he said that he wasn't there so he
23 couldn't confirm but Anthony does live -- I said,
24 "The man across the street from your store, did
25 he come in and get beer today." He said, "I was

1 not here. George, the other George, was the one
2 if they came through." He couldn't confirm.

3 Q. But none of that is in this.

4 A. Okay, well --

5 Q. None of that is in this sheet that we're reading
6 from, Exhibit 2?

7 A. No, it's not there.

8 Q. Okay.

9 A. Okay, but I did talk to the store owner.

10 Q. And it says on Number 3, the next one, that you
11 talked to the store owner.

12 A. Here it is, yeah. Store owner. Talked with
13 George. Yes.

14 Q. But he didn't --

15 A. He couldn't confirm either one of them coming
16 into the store to purchase beer.

17 Q. Let's skip this for a second and go to the next
18 page, 3. That sketch, is that yours?

19 A. Yes.

20 Q. Did you make that sketch?

21 A. Yes.

22 Q. Was that when you went out there on the 10th?

23 A. Yes, on the 10th, I went out there, yes, so
24 that's -- yeah.

25 Q. What are the sketches of?

1 A. The restaurant and the house.

2 Q. What was the reason for making those sketches?

3 A. That's something that I do.

4 Q. Was that shown to Lorraine Coyne?

5 A. It could have been part of what was in the file,
6 yes.

7 Q. Did you know that the police took a picture of
8 what they thought was a struggle outside the
9 door?

10 A. I was not aware of that.

11 Q. If you look at the report, Exhibit 4, Page 6, do
12 you see that? Are you on that page, ma'am?

13 A. Page 6, yes.

14 Q. Look in the middle of the page where it says,
15 "members of Zone Car 44 along with Zone Car 45."

16 Do you see that paragraph?

17 A. Uh-huh.

18 Q. And it says "Upon walking up the drive we noticed
19 a tissue in the driveway that appeared to have
20 blood on it. Once at the side door, the pattern
21 of the snow and footprints suggest there could
22 have been some type of struggle."

23 Do you see that?

24 A. Yes.

25 Q. They took a picture of that here.

1 A. Okay.

2 Q. Did you explain to Lorraine Coyne that before she
3 went into the house, there could have been a
4 struggle between the suspect and Gladys Wade?

5 A. Lorraine Coyne, no. Lorraine Coyne can only go
6 by the statement.

7 Q. Your answer is "no"?

8 A. Wait a minute. I'm sorry. I need to --

9 Q. Let me see if I can clarify. There is this
10 notion that there was an altercation in the house
11 between Anthony Sowell and Gladys Wade. He says
12 she went after him, and she says she was dragged
13 from the street when he wanted to have a beer,
14 choked her, grabbed her, pulled her into the
15 house, took her up to the third floor and she
16 fought back and was able to escape; right? He's
17 saying they were together and she went after him
18 and she's saying a totally different story;
19 right?

20 A. There are two versions, yes.

21 Q. Would it not be significant that there was a
22 struggle before they got into the house?

23 A. I can't answer if there was a struggle before the
24 house except she's saying that and he's saying
25 they fought, fought out of the house, through the

1 door, you know, so I can't answer that just by
2 only what she said and then what he's saying, and
3 I would not have had information about that photo
4 because the crime scene --

5 Q. Well, that's the sad thing, right, because that
6 would have been nice for Lorraine Coyne to have
7 access to this, wouldn't it?

8 A. No. Her coming out of the house bleeding from
9 the altercation between him would provide that
10 also. There is no question about the --

11 Q. I didn't ask you a question. He did not say
12 there was an altercation outside the door, did
13 he? Do you want to see his statement?

14 A. He said they fought.

15 Q. He did not say there was an altercation at the
16 side of the door, did he, outside of the house?

17 A. Not in those words, no, he didn't say that.

18 Q. He said she went with him voluntarily into his
19 house; right?

20 A. He did say that.

21 Q. So if four police officers who are examining the
22 crime scene said the footprints and the pattern
23 of the snow suggest there could have been some
24 type of struggle that would totally refute what
25 Anthony Sowell was saying; correct?

1 MR. KAISER: Show an objection.

2 A. I would say the two of them in an altercation
3 coming out of the house from the altercation from
4 the front room fighting, would and could produce
5 that without having knowledge of that until --
6 you know, this is something that is indicated in
7 the police report that they were able to see
8 there was a struggle and there's some blood,
9 because the blood comes after the fact, so the
10 blood after the fact of, you know, two of those
11 people fighting --

12 Q. You're just guessing here, aren't you? Right?

13 A. I don't know.

14 Q. You don't know.

15 A. I don't know. I don't know.

16 Q. But you never told Lorraine Coyne --

17 A. No.

18 Q. -- that there was some physical, potential
19 physical evidence that would have shown there was
20 a struggle outside the door?

21 A. No, I didn't tell her that because I was not --

22 Q. You were not aware of that?

23 A. I didn't have those photos.

24 Q. Okay.

25 A. No.

1 MR. SINGLETARY: The police report
2 is in the file.

3 Q. If you were to do a full investigation, a Grand
4 Jury investigation, you would have had all this
5 stuff; right?

6 A. Followup after the fact, yes.

7 Q. And Lorraine Coyne didn't even allow this case to
8 go further in an investigation because you said
9 it was -- she said it was unfounded; right?

10 A. She ruled insufficient evidence, yes.

11 Q. And you took Sowell's statement, did you not?

12 A. I took Sowell's statement.

13 Q. Do you want to take a look at it and we'll mark
14 that.

15 - - - -

16 (Thereupon, Plaintiffs' Exhibit 28, Criminal
17 Investigation, statement of Anthony dated
18 12/10/08, was marked for purposes of
19 identification.)

20 - - - -

21 Q. Ms. Hussein, I want you to take a look at 3-A. I
22 know we're bouncing around here. Do you see that
23 document?

24 A. Yes. Is that something that you prepared?

25 That's not my handwriting.

1 Q. It's not?

2 A. No.

3 Q. Do you know, had you seen that document before?

4 A. I don't know why everything is backwards on it.
5 I don't understand that.

6 MR. SINGLETARY: Georgia, he is
7 just asking if you have seen that.

8 A. No, no, I haven't seen that before.

9 MR. SINGLETARY: It's a two-sided
10 document.

11 A. Okay. I don't know how or what that is.

12 Q. Do you know whose handwriting that is?

13 A. I don't know whose handwriting it is.

14 Q. Do those numbers, the kind of numbers where you
15 would see 05 and then a string of numbers after a
16 dash, is that something that is familiar to you?

17 A. I can't answer that. I don't know what that is
18 at all.

19 Q. By the way, did you look, check on Anthony
20 Sowell's record?

21 A. I did an OLEG initial entry into the computer.
22 Yes, I did.

23 Q. And what did you find?

24 A. I have to look and see.

25 Q. You're referring to the --

1 A. What we do in the computer is we run the person's
2 name to see if they have any prior cases.

3 Q. Where are you looking for that here?

4 A. In our RMS computer in our offices.

5 Q. But in the Exhibit 4 there, is there an
6 indication that you did that check?

7 A. What we get is a printout of the information and
8 so that would have been in the file.

9 Q. Well, would that be from LEADS?

10 A. Yes.

11 Q. But it wouldn't be in this report?

12 A. It would be in the file, a separate printout
13 sheet, yeah.

14 Q. Well, so what you're looking at is not -- when
15 you look at Page 5, for example --

16 A. Okay.

17 Q. -- would that -- those times up above, they are
18 from where?

19 A. That is 19:00 hours, 20 hours and that's
20 indicating here that --

21 Q. Well, that's when he was arrest -- before he was
22 arrested; right?

23 A. This is dated 9/26.

24 MR. SINGLETARY: That's the day it
25 was printed.

1 THE WITNESS: That's the date it
2 was printed. Okay.

3 Q. Okay. If I just said to you --

4 A. This is the zone car person and they're entering
5 the information.

6 Q. Can you tell me, and I haven't talked to them,
7 but if you look, it says "OHCLP" and then it has
8 different numbers there.

9 Do you know what that is?

10 A. Yeah. That would be this Cleveland Police
11 Department number assigned to the individual.

12 Q. So he has had previous --

13 A. Yes.

14 Q. -- previous arrests?

15 A. Yes.

16 Q. But we don't see what those were here, do we,
17 it's just a number; correct?

18 A. Right. So that meant that the zone car person
19 also ran a check.

20 Q. Well, but you made a check; right?

21 A. I did.

22 Q. What did you find about his criminal background?

23 A. It indicated that he had been arrested prior for
24 rape and charged with it, I believe.

25 Q. You're looking at something?

- 1 A. No. That was it. That's it.
- 2 Q. And he had just been charged or was he convicted?
- 3 A. There was a conviction, I believe.
- 4 Q. Do you know how long he spent in prison?
- 5 A. I don't recall the amount of time.
- 6 Q. Do you know when he was released from prison?
- 7 A. I don't recall the time.
- 8 Q. Did you know if he was a registered sex offender?
- 9 A. I do believe it indicated he was registered, yes;
- 10 which tier, I don't recall.
- 11 Q. But you knew that before or after you went to see
- 12 Lorraine Coyne?
- 13 A. That was information that I had before I saw her
- 14 and that's information that she would receive
- 15 also.
- 16 Q. Would that have any relevance in terms of the
- 17 investigation?
- 18 A. It didn't have any relevance because of the kind
- 19 of case. It wasn't a case of sexual assault.
- 20 Q. Well, you keep saying that --
- 21 A. Okay. Um --
- 22 Q. Wait a minute. You keep saying that it was not a
- 23 sexual crime; correct? Is it your testimony that
- 24 this was not a sex crime?
- 25 A. Yes.

1 Q. Even though Gladys Wade said that the man told
2 her to take her clothes off?

3 A. Yes.

4 Q. Okay. So is this something that is shared by the
5 entire Sex Crime Unit that if somebody drags you
6 by the neck to the point where you're choking and
7 losing consciousness, drags them into your house,
8 into their house and gets them up to their
9 apartment and demands that they take off their
10 clothes and the victim fights back and escapes,
11 is it your testimony that is common training and
12 belief that that is not a sex crime?

13 A. In questioning the victim who said that nothing
14 sexual happened to her, no.

15 Q. Did you ever hear of such a thing called an
16 attempted rape?

17 A. Yes, there is attempt.

18 Q. So this wouldn't be in the category of an
19 attempted rape, if you believe her? If you
20 believe she is telling the truth that the man
21 demanded that she take her clothes off in his
22 place after dragging her into the house and the
23 fact that she didn't take her clothes off and
24 that he didn't force himself on her takes it out
25 of the category of a sex crime? Is that what

1 you're saying?

2 A. I'm saying that it wasn't a sex crime per the
3 victim who was angry about being robbed of her
4 beer and money and had to fight the suspect.

5 Q. I'm only asking you this question based on what I
6 just asked you about her statement where she said
7 she was grabbed by the neck, dragged into a
8 house, losing consciousness, taken upstairs, told
9 to take her clothes off. She fights back. She
10 escapes and she gets out of there; you're saying
11 that's not a sex crime?

12 A. She, in her statement, said nothing sexual
13 happened to her.

14 Q. So you're saying that you actually have to have
15 sexual contact of some sort to make it a sex
16 crime?

17 A. I'm saying the victim in her response to the
18 questions asked about whether anything sexual
19 occurred to her during this crime, this alleged
20 crime, to which she on more than one occasion
21 said, no, there was nothing that happened to her
22 sexually.

23 Q. I didn't ask you that question. I said do you
24 have to have an actual sexual act to the body of
25 somebody to make it a sex crime? You've been

1 there for 20 years; right?

2 A. I don't determine what the charge is. That's the
3 prosecutor's job.

4 Q. Well, the original police report had it down as
5 kidnapping, robbery, and attempted rape; correct?

6 A. Yes.

7 Q. And that was based on the arrest that occurred of
8 Anthony Sowell --

9 A. Yes.

10 Q. -- that he was booked for.

11 A. Yes.

12 Q. Okay? Attempted rape. You then concluded in
13 your own mind that it wasn't an attempted rape
14 because she was not actually sexually assaulted;
15 correct?

16 MR. SINGLETARY: Objection.

17 A. I had the victim sign affidavits and the
18 affidavit for robbery was the thing that she
19 signed and I went to the prosecutor. There was
20 nothing about attempted rape as a charge from the
21 prosecutor.

22 Q. It's because you filled out and typed the
23 affidavit; right?

24 A. Yes, I typed the affidavit.

25 Q. And you only put robbery in the affidavit;

1 correct?

2 A. From the victim that I had before me who was
3 angry about her beer --

4 Q. I didn't ask you to give me an explanation.

5 A. Yes, I typed it. I typed it out and she signed
6 it.

7 Q. Okay.

8 A. She signed the affidavit that she was robbed.

9 Q. She's not a lawyer, is she?

10 A. No, but she signed it. She was upset about him
11 taking her beer and her money.

12 Q. Oh. She wasn't upset that he choked her?

13 A. Well, she did say that, okay, but --

14 Q. She wasn't upset that he dragged her into the
15 house, was she?

16 A. She was upset about her money being robbed and
17 she was in an altercation with this man.

18 Q. She didn't say she was in an altercation with
19 this man. She said she was attacked and brutally
20 beaten.

21 A. Well, she said "attacked," yes.

22 Q. You keep using the word "altercation" as if it's
23 a mutually consensual event.

24 A. Okay. As I interviewed both parties I could only
25 go by what they said on paper and then as best I

1 could --

2 Q. Listen to my question. Okay?

3 A. Okay.

4 Q. Did you prepare the affidavit and decide to put
5 robbery down as the crime?

6 A. I prepared the affidavit from the victim stating
7 that she was robbed.

8 Q. She said a lot of things, didn't she?

9 A. Yes, she did.

10 Q. She said she was kidnapped; correct? Against her
11 will she was abducted on the street?

12 A. Yes.

13 Q. Okay. She said that he demanded to take her
14 clothes off, didn't she? She said a lot of
15 things?

16 A. She said a lot of things.

17 Q. In addition that she had money missing and other
18 items missing; correct?

19 A. She said a lot of things.

20 Q. You chose to take from her statement and put it
21 in the context of a robbery and had her sign the
22 affidavit; correct?

23 A. I had her sign an affidavit that she was a
24 robbery victim.

25 Q. She didn't type up that affidavit, did she? Did

1 she type up the affidavit?

2 A. I typed up the affidavit.

3 Q. And you gave it to her and asked her to sign it;
4 correct?

5 A. I asked her to the sign the affidavit.

6 Q. And you made a decision not to include in that
7 affidavit kidnapping and attempted rape, didn't
8 you?

9 A. I did not include in that affidavit attempted
10 rape.

11 Q. Or kidnapping; correct?

12 A. Or kidnapping.

13 Q. Because you didn't believe her, did you?

14 Correct? You didn't believe she was a victim of
15 a kidnapping or a victim of an attempted rape,
16 yes or no?

17 A. I found that there was inconsistencies with her
18 statement and I presented it to the prosecutor.

19 Q. Okay. What you presented to the prosecutor was
20 an affidavit for her, for that prosecutor to
21 approve for robbery; correct?

22 A. With the statements from both the victim and the
23 suspect and what I learned from witnesses, yes.

24 Q. Okay. So the answer to my question is "yes"?

25 A. I presented this to the prosecutor.

1 Q. And the prosecutor made a decision to approve it
2 or to disapprove it; correct?

3 A. The prosecutor had the file with the police
4 report and the statements and all the information
5 I provided and ruled.

6 Q. My question: She had only the robbery affidavit
7 to look at. Correct or incorrect?

8 A. She had the statement of the victim who said that
9 nothing sexual happened to her.

10 Q. Okay. So --

11 A. Her whole statement.

12 Q. But the only thing -- you made a decision to
13 present her the affidavit for robbery, not for
14 kidnapping or attempted rape. We've already said
15 that.

16 A. The prosecutor had the police report. The
17 prosecutor had the statements and then the
18 affidavit in there for robbery was in the file
19 and the prosecutor ruled.

20 Q. Let me try to make it very clear to you what I'm
21 asking. I'm only talking about the charging
22 document, the affidavit. Do you understand what
23 I'm asking you about?

24 A. Yes.

25 Q. I know you gave her the police report. Okay.

1 Let's put that aside for the moment. Okay? Are
2 you with me? Can you get that out of your brain
3 for a moment about the police report? I'm asking
4 only about the affidavit.

5 MR. SINGLETARY: Let me say for
6 the record, I only ask that you be
7 respectful in the way you talk to her.

8 MR. GILBERT: Because it's
9 frustrating.

10 Q. I'm asking about the affidavit. Do you hear me?
11 What are you reading now?

12 MR. SINGLETARY: Do you want to
13 put that in front of her?

14 MR. GILBERT: Yes.

15 Q. What are you reading now because you keep looking
16 down? Are you reading something or are you just
17 thinking?

18 A. No, I'm not reading anything. I'm waiting for
19 your rudeness.

20 Q. Okay. Here is Plaintiffs' Exhibit 11, McMahon.
21 See that?

22 A. Uh-huh.

23 Q. This is the affidavit that you gave her, that you
24 gave Lorraine Coyne?

25 A. Yes, this is --

1 MR. SINGLETARY: Look at it before
2 you respond.

3 A. Yes, this is the --

4 Q. Okay. And this is the charge that you brought to
5 Lorraine Coyne to either permit to go through or
6 not permit to go through?

7 MR. SINGLETARY: Objection.

8 A. This was the -- an affidavit describing the crime
9 of robbery per the victim that was signed by her
10 and it was in the file with the statements to the
11 prosecutor.

12 Q. Okay. And she looked at everything and decided
13 that she was not going to charge Anthony Sowell
14 with robbery; correct?

15 MR. KAISER: Objection.

16 MR. SINGLETARY: Objection.

17 A. She decided to not charge Anthony Sowell.

18 Q. With robbery?

19 A. Right.

20 MR. KAISER: Objection.

21 Q. Is that a "yes"?

22 A. She didn't charge him with robbery.

23 Q. Okay. And you didn't give Lorraine Coyne any
24 other affidavits; correct?

25 A. I didn't have another affidavit except this one,

1 right.

2 Q. Okay. So do you recall going to Lorraine Coyne
3 and meeting with her?

4 A. Yes.

5 Q. And have you met with her on previous occasions?

6 A. Yes.

7 Q. So you were friends with her?

8 MR. SINGLETARY: Objection.

9 A. She was not a friend. She was a person that
10 worked in the courts and the two departments work
11 together.

12 Q. Do you usually go to her when you present a
13 review of a case?

14 A. I go to whoever the prosecutor is on duty when I
15 go to present a case.

16 Q. Would you say that Lorraine Coyne was someone you
17 went to more often than others?

18 A. I can't say that because there was a few
19 prosecutors, evening prosecutors, so whoever was
20 available. You have a lot of people coming in so
21 whoever is available you go to. So, no, I would
22 not say that more often than others, no.

23 Q. Alright. And did you discuss the case with her
24 where you discussed the evidence and discussed
25 the statements, discussed your beliefs about the

1 case and your opinions about the case and that
2 kind of thing?

3 A. We did talk about the file as I pulled out
4 everything that I had for her to preview to which
5 she previewed it, yes.

6 Q. Did she ask you questions?

7 A. If there was questions asked, I can't recall at
8 this time.

9 Q. And did she ask you about things that were not
10 done that could be done?

11 A. No, she didn't.

12 Q. Did she say that there were any -- that there was
13 something incomplete about the investigation?

14 A. No, she didn't.

15 Q. Did she ask you whether it would be a good idea
16 to do certain follow-up?

17 A. No, she didn't.

18 Q. How long were you in the room for?

19 A. I would estimate at least a half hour or more. I
20 don't know.

21 Q. Was anyone else there?

22 A. I was alone.

23 Q. And did she read everything?

24 A. She read the statements, yes; she read the police
25 report, yes; affidavit, yes.

1 Q. And if you look at that Number 2, your
2 work-product sheet, it says here "No papers
3 issued. Insufficient evidence."

4 Did she say why there was insufficient
5 evidence?

6 A. Yes. As indicated, the victim stated in her
7 statement she was punched in her face several
8 times and there were no visible signs.

9 Q. So other than that, there was nothing else that
10 was insufficient; correct? Only that was
11 mentioned?

12 MR. SINGLETARY: Objection.

13 A. She reviewed the whole case and this was the
14 comment that she made on the Felony Review Form.

15 Q. You went back and wrote that in, that sentence?

16 A. That should be on the Felony Review Form --

17 Q. We'll get to that in a minute.

18 A. -- from the prosecutor.

19 Q. We'll get to that in a minute. She told you
20 that -- did she tell you that the victim -- that
21 the words that the victim said, stated in her
22 statement she was "punched in her face several
23 times, there were no visible signs," or is that
24 something you put in there because of your
25 investigation?

1 A. That is on the form when she previews it, I
2 guess, but, no. Like I was saying, I needed to
3 see what her response was.

4 Q. If you look at Exhibit 10, since we're on that
5 subject, the prosecutor just checked out "No
6 papers issue. Insufficient evidence" --

7 A. Yes.

8 Q. -- and then said, C, "not credible"?

9 A. Okay.

10 Q. Okay. That's her writing?

11 A. That's her writing.

12 Q. But I'm asking you something different --

13 A. Okay.

14 Q. -- if you bear with me.

15 A. Alright.

16 Q. Did she say to you that she felt the evidence was
17 insufficient because of the no viable signs of
18 injuries from punching?

19 A. She didn't say that to me but this is what I
20 indicated on my form as something that I put
21 there.

22 Q. So she didn't give you the reason why she felt
23 the evidence was insufficient; correct?

24 A. No; she didn't verbally give me the reason, no.

25 Q. You then put that in there as what you believed

1 to be why there is insufficient evidence;
2 correct?

3 A. No. That's something that I put down as
4 something that I saw that was not present with
5 this victim upon my interviewing.

6 Q. So that's your --

7 A. So that, that's mine.

8 Q. -- those are your words. Okay.

9 A. That's mine.

10 Q. And were you under the impression that she was
11 considering a charge of robbery?

12 A. The fact that she was saying that she was upset
13 about he took her money and her beer --

14 Q. When I said "she" I meant Lorraine Coyne.

15 A. Oh. No.

16 Q. Alright. So then we have -- and there is a line
17 skipped there and back to 2, and then it says
18 "cleanup report made. Unfounded."

19 Do you see that?

20 A. Yes.

21 Q. Was that written later?

22 A. Yes.

23 Q. When was that written?

24 A. After I did a cleanup report which is on the RMS
25 report.

1 Q. That was after you went to Lorraine Coyne;
2 correct?

3 A. Yes. This is the cleanup report.

4 Q. That would be on page --

5 A. Page 7.

6 Q. -- Page 7. When you say cleanup report, it says
7 here "detective follow-up."

8 A. Yes.

9 Q. That's the same thing; right?

10 A. Yes.

11 Q. Now, I see here it says -- you mention the
12 inconsistencies about the physical assault and no
13 visible signs; correct?

14 A. I put that in there, yes.

15 Q. But then you have below that three times
16 "unfounded, unfounded" and "unfounded"?

17 A. That's how we do the report.

18 Q. Is that how you do it?

19 A. Yes.

20 Q. It's not for emphasis?

21 A. No.

22 MR. SINGLETARY: You left out "and
23 other inconsistencies also."

24 MR. GILBERT: Thank you for
25 bringing that up.

1 Q. What were the other inconsistencies besides
2 the --

3 A. The clerk saying that she said that she and her
4 boyfriend had gotten into it.

5 Q. Well, Anthony Sowell never said he was her
6 boyfriend.

7 A. No. Gladys said it to the clerk.

8 Q. There are trials to deal with credibility issues;
9 correct? You know the criminal justice system.

10 MR. SINGLETARY: Objection.

11 Q. We have trials in America where there may be two
12 sides to a story and a jury has to figure it out
13 and decide whether a person is guilty or not
14 guilty; right?

15 MR. SINGLETARY: Is that in the
16 context of after the prosecutor rules or
17 before?

18 MR. GILBERT: In a general sense.

19 MR. SINGLETARY: In a civics
20 class.

21 MR. GILBERT: Not this case.

22 MR. SINGLETARY: Not this case.

23 A. Yes.

24 MR. GILBERT: I'm just testing her
25 knowledge that she works within the

1 criminal justice system.

2 Q. Right?

3 MR. SINGLETARY: As do we.

4 Q. And no case is ever perfect, is it?

5 A. No case is perfect.

6 Q. How did it change from "inconsistencies" to
7 "unfounded"?

8 A. That's a title used by the police department,
9 categories of "unfounded" which means that no
10 papers were charged, there was no charging, or
11 insufficient evidence, and so that's just
12 something that is part of the ending of the
13 report.

14 Q. Alright. Because being the person who doesn't
15 work in the police department just looking at the
16 language it seems to me that "unfounded" means
17 that it's not true. Am I off base on that?

18 MR. SINGLETARY: Objection. I
19 think she just explained what "unfounded"
20 meant.

21 Q. Okay. I have here something from the manual.

22 A. Okay.

23 MR. SINGLETARY: The March 2012
24 manual.

25 MR. GILBERT: Yes, but I'm just

1 going to ask her if this was in effect --

2 MR. RIOTTE: Some of that stuff in
3 that manual isn't just from 2012.

4 MR. SINGLETARY: I never said it
5 was. I think the testimony yesterday was
6 it's a living document but the cover sheet
7 on it says March 2012.

8 MR. RIOTTE: But some of the
9 documents within it, I think we can agree,
10 are not from that time.

11 MR. SINGLETARY: I don't disagree
12 with that but I don't know where that
13 particular sheet --

14 MR. RIOTTE: Yeah, well.

15 Q. What is your understanding of "unfounded"?

16 MR. SINGLETARY: Objection. I
17 think she already explained what she
18 thought it meant.

19 MR. GILBERT: Well, I'm not sure.

20 A. I just said that "unfounded" is either
21 insufficient evidence by the prosecutor or --
22 that's one way, and that's why I put "unfounded."

23 Q. Alright. Was the case closed then or was it
24 still open?

25 A. It was closed.

1 Q. Now, if we get back to that Number 2, there is --
2 on the 11th, there's a signature of Sergeant
3 McMahon.

4 Do you see that?

5 A. Yes.

6 Q. What was that all about? Do you know what that
7 is for?

8 A. After we were complete with the case, the
9 supervisor reviews looking for a prosecutor's,
10 you know, determination and/or if it's going to
11 be a case that's going to go further into being a
12 Grand Jury package, they sign off at the end of
13 it.

14 Q. So is it your understanding that even though the
15 prosecutor said, from what you presented to her,
16 to Lorraine Coyne, that it was insufficient that
17 your unit can still prepare a package for the
18 Grand Jury?

19 A. No.

20 Q. That's not what you're saying?

21 A. That's not what I'm saying.

22 Q. So what's the purpose of having that review?

23 A. The supervisor reviewing the work of their
24 detectives in the unit.

25 Q. Oh. Just as an internal thing?

1 A. Yes.

2 Q. Not having to do with further working the case
3 and presenting it to a prosecutor again?

4 A. No.

5 Q. Well, if a supervisor finds something missing
6 that should be done, that should have been done,
7 what can be done to correct that; do you know?

8 A. A supervisor would advise the person if there's
9 something that they think needs to be done.

10 Q. Would there be an attempt, could there be an
11 attempt to get back and reopen an investigation?

12 A. If there is new information or evidence, I
13 imagine they could. I don't know.

14 Q. Did you know anything about "victim was upset and
15 stated they will obtain an attorney"?

16 Do you know anything about that entry?

17 A. No. No.

18 Q. No one ever told you that Gladys --

19 A. Well, she was upset when I called her to tell her
20 that he was not charged.

21 Q. What did she say to you?

22 A. That she was upset because he took her money
23 and -- he took her money. It's not right.

24 Q. You don't have it in here that you called her; is
25 that correct?

1 A. But I did.

2 Q. I understand.

3 A. I have it "On 12/11 phoned victim, upset, and
4 stated" -- oh. That she stated that there would
5 be an attorney.

6 Q. That's your writing?

7 A. That's mine. Yes. Yes. Yes.

8 Q. I'm asking you to look at Exhibit 6. Do you know
9 that form?

10 A. Yes.

11 Q. And this is something that you signed; is that
12 right?

13 A. Yes, I did.

14 Q. What is this for, this form? What is the purpose
15 of this?

16 A. This is actual documentation of a person being in
17 jail and our actual involvement with them. Which
18 means that we will date that the person has been
19 at a certain period of time, 24 hours, 48 hours,
20 and for each increment of time that that person
21 is in there, we have to sign it to which the jail
22 units have to have this information and the fact
23 that the officers are on top of this so that the
24 person is not kept in jail over the time they are
25 supposed to be there.

1 Q. I looks to me, and this was from you to
2 Lieutenant Baumiller?

3 A. Yes.

4 Q. And then there are copies to the different other
5 units supposedly?

6 A. Yes.

7 Q. Alright. So it looks here like the first time
8 you did this request was December 9th?

9 A. It says December 8th on here.

10 Q. December 8th?

11 A. Oh, December 9th is the -- yeah, December 9th is
12 when I initially did it and the first 24 hours
13 would be --

14 Q. So after the first 24 hours there is a
15 requirement that you --

16 A. Fill out another one.

17 Q. -- fill out a form so that you can continue to
18 hold Mr. -- the suspect in jail; right?

19 A. Yes. There would be a 24-hour one, 48-hour one
20 and then the 72-hour one.

21 Q. The first one, the first request on December 9th
22 was for what reason?

23 A. Because he had been arrested.

24 MR. SINGLETARY: You said the
25 first one. This is the second one.

1 Q. Really, they all looked the same to me when I got
2 the --

3 MR. SINGLETARY: I think you'll
4 find there are distinctions.

5 Q. Maybe we can find the first one. Why don't we
6 make this 6-A.

7 - - - -

8 (Thereupon, Plaintiffs' Exhibit 6-A, was
9 marked for purposes of identification.)

10 - - - -

11 Q. So we're straight, 6-A comes before 6; correct?

12 A. Yes.

13 Q. And 6-A was done at, filled out at 18:25 on
14 December 9th?

15 A. Yes. That's the first 24 hours.

16 Q. And what was the reason for the first extension?

17 A. Because he was in jail and I had not -- and then
18 I was assigned it on the next day so he had been
19 sitting in jail. So it's saying that he's
20 assigned to a detective so we have to indicate
21 that somebody is overseeing this individual.

22 Q. Okay. Now, let's look at Exhibit 6. That is
23 dated 12/10 --

24 A. Uh-huh.

25 Q. -- at the same time, 16:25?

1 A. Yes.

2 MR. SINGLETARY: 18.

3 Q. I mean 18:25, which is 6:25 p.m.

4 A. Yes.

5 Q. According to your notes you had already -- you
6 had met with Lorraine Coyne on the same date
7 December 10th; right?

8 A. Yes.

9 Q. And what hours did you work on the 10th?

10 A. 11:00 to 7:00.

11 Q. So this was a half hour before you left, your
12 duty was completed?

13 A. Yeah, yes.

14 Q. Had you already seen Lorraine Coyne when you're
15 making the second request?

16 A. The second request would have been started -- let
17 me see what date. Yeah, before.

18 Q. I'm sorry?

19 A. Yes, it would be before.

20 Q. I'm sorry, before what?

21 A. Seeing the prosecutor.

22 Q. You had seen her already?

23 A. No. I'm saying the form is filled out before.

24 Q. Alright, but you have the second request at
25 18:25?

1 A. Yeah. That just means that a 24-hour period. So
2 it's going to end at 18:25.

3 Q. So that doesn't mean that that's when you filled
4 out the form?

5 A. No.

6 Q. Okay. Just wanted to clarify it. So you had
7 not -- that 18:25 meant what? That's when the
8 second 24 hours was up?

9 A. Yes. That would have been the second 24 hours.

10 Q. And when you filled out the form, you have a
11 double X under category "Other."

12 Do you see that?

13 A. Yes.

14 Q. "Interview witnesses and victim"?

15 A. Yes.

16 Q. You had already interviewed the victim; correct?

17 A. Yes.

18 Q. So you didn't need to interview the victim. And
19 had you interviewed the suspect?

20 A. Yes, I had.

21 Q. So you had already done that, so why would you
22 need an extension?

23 A. This is a form that initially when we get the
24 assignment we make three in the event it's going
25 to be 72 hours, and as the person is in jail

1 reflective of the time they are in jail, our
2 supervisors will sign it, so that's it.

3 Q. So these are filled out right away?

4 A. Yes.

5 Q. You have available?

6 A. Yes.

7 Q. So they are already done even before you get into
8 the investigation?

9 MR. SINGLETARY: The signing he's
10 asking about.

11 A. No. No. No. The supervisor doesn't sign on it.
12 What I'm saying is this is a form that we have
13 for a person that's in jail, so the initial
14 paperwork that had to be over in our -- it's
15 called VCI general office, they have to have a
16 form, this form, saying that a detective is
17 assigned to this case and this person that is in
18 jail is under this person's charge.

19 Q. Okay. I have a question for you. When you look
20 at the "kidnap/robbery," there is a slash in
21 between "kidnap" and "robbery," and then there's
22 another slash and then there's a space, was there
23 something taken out of that space or not?

24 A. No.

25 Q. There wasn't another crime put in there?

1 A. No.

2 Q. What does the "Grand jury package completed"
3 mean?

4 A. If there had been a charge, then a Grand Jury
5 package would have been completed. This is just
6 a standard --

7 Q. Alright.

8 A. It's on the form and we just copy it and then
9 type in "72 hours" and the date, "48 hours" and
10 the date.

11 Q. Now, I look at this form, we're on Exhibit 6
12 where it says "12/10/08, 18:25 hours." To me
13 that means that's the end of the 48th hour. Am I
14 right about that?

15 A. Yes.

16 Q. Okay. Sometime before that time you had gone to
17 see the prosecutor; correct?

18 A. On the 10th, yeah.

19 Q. Because you leave at 19:00; right?

20 A. Our assigned time is supposed to be eight hours
21 but we don't do eight hours. We do 10, 12 hours,
22 etc.

23 Q. So would you agree with me that there was 24,
24 approximately 24 hours left in the 72-hour time
25 frame?

1 MR. KAISER: Objection. Asked and
2 answered about an hour ago.

3 MR. GILBERT: Well, I want to make
4 sure.

5 A. I don't know what the amount of time was after I
6 went to the prosecutor.

7 Q. No. No.

8 MR. SINGLETARY: He's asking about
9 this form.

10 A. Okay. What's your question again?

11 Q. You have "12/10/08, 18:25 hours"; right?

12 A. Uh-huh.

13 Q. So that's 48 hours from the time he was arrested;
14 correct?

15 A. This is the second request, yeah. This is a
16 second request to hold the suspect, yeah.

17 Q. The way I read it you have until December 11th at
18 18:25 hour.

19 A. Oh, no. This is a second request to hold him
20 over.

21 Q. When was he arrested?

22 A. He was arrested on the 9th.

23 Q. So he was --

24 MR. SINGLETARY: The 8th.

25 A. The 8th, I'm sorry.

1 Q. So what time was he arrested; do you know?

2 18:25?

3 A. Yeah.

4 MR. SINGLETARY: Thereabouts.

5 Q. So do the math. When do the 72 hours run out?

6 A. This was a second request to hold him over after
7 the 48 hours, so this would be going into the
8 72-hour period. As to how much time I would not
9 know.

10 Q. Did you work on the 11th of December?

11 A. More than likely I did. I'm not sure.

12 Q. The crime happened, the alleged crime happened on
13 Monday evening?

14 A. Yeah, I did.

15 Q. So Monday evening he was arrested. You did your
16 investigation --

17 A. Starting on Tuesday.

18 Q. -- Tuesday the 9th. Wednesday the 10th and
19 Thursday would be the 11th; correct?

20 A. Okay.

21 Q. Did you work on Thursday the 11th?

22 A. Yes.

23 MR. GILBERT: I have no further
24 questions. Thank you very much.

25 MR. SINGLETARY: Georgia, so

1 you're aware, what happens now, there are
2 actually multiple cases that have been
3 consolidated, so Mr. Tolles represents the
4 plaintiffs Gladys Wade and Latundra Billups
5 in their cases. Because the cases are
6 consolidated each of the attorneys in the
7 consolidated cases has an opportunity to
8 depose you; that is, Mr. Tolles will follow
9 up. I'm sure he will represent that he'll
10 try not to reinvent the wheel too much.
11 He's been listening so there may be
12 questions he has that develop different
13 issues or go to clarification, so that's
14 why he's asking questions. Different
15 clients, different attorneys.

16 - - - -

17 CROSS-EXAMINATION OF DETECTIVE GEORGIA HUSSEIN

18 BY MR. TOLLES:

19 Q. The same rules apply. If you don't understand a
20 question, ask me to rephrase it and I'll repeat
21 it, rephrase it. A lot of the questions may just
22 kind of tweak little details of what you've
23 already testified about in terms of the
24 investigation, so I'll probably cover what else
25 you'd want to include but feel free to testify to

1 the answer. I'll do my best to not duplicate
2 questions.

3 You testified at the beginning of your
4 deposition that there was the one incident where
5 you were laid off, that there may have been some
6 dispute or discipline or something. Other than
7 that incident, have any other complaints ever
8 been made about your conduct, performance or
9 anything with the City of Cleveland?

10 A. No.

11 Q. Other than your duties investigating cases in the
12 Sex Crimes Unit, do you have any other related
13 duties that you have to do as a detective, as a
14 person in that unit?

15 A. We were assigned to go out and do speaking
16 engagements.

17 Q. And that would be talking to community groups?

18 A. The community groups, yes, that wanted to talk
19 about crimes possibly in the community and we
20 were sent to sometimes summer programs to address
21 children, teenagers about sex crimes.

22 Q. And usually that was in response to somebody, or
23 some orientation requesting that?

24 A. Yes.

25 Q. I believe that you testified that your direct

1 supervisor was Sergeant McMahon?

2 A. Yes.

3 Q. Now, my understanding from her testimony is that
4 there's an administrative sergeant and an
5 investigative sergeant? I believe Lieutenant
6 Baumiller said it was Sergeant Rini possibly at
7 that same time. Did you report to both of them?
8 One of them? How did that work?

9 A. Actually Rini worked the second shift which was
10 2:00 to 10:00 so he basically had those officers
11 that worked the latter shifts so I was assigned
12 under McMahon.

13 Q. You testified that it's very possible that you'd
14 get a new case each day. You could have up to 20
15 cases at a given time that you're working on.
16 Did you ever have any problems or feel that you
17 didn't have enough time to adequately work on
18 those cases?

19 A. I didn't feel that way because of my commitment
20 to the unit and how I did my job, so I would do
21 an adequate investigation for any victim that
22 came before me.

23 Q. Did you ever feel that more time, you could have
24 done more if you had more time available? You
25 know, in this case you didn't go to the crime

1 scene because you were doing other things?

2 A. I went to the crime scene.

3 MR. KAISER: Objection. She went
4 there twice.

5 A. I went to the crime scene.

6 Q. But you testified that you did not go into the
7 house until after you conferred with the
8 prosecutor; correct?

9 A. Right, because I could not get into his house
10 while he was in jail.

11 Q. Could you have obtained a search warrant to do
12 that?

13 A. A search warrant if there was further charging of
14 him, yes.

15 Q. But prior to you going to Prosecutor Coyne, you
16 had not gone inside the house; correct?

17 A. No, I didn't go inside the house.

18 Q. You had or had not gone to the house?

19 A. I had gone to the house, yes.

20 Q. At any point during your investigation up until
21 the point you go to the prosecutor to confer with
22 the prosecutor, did you ever have anyone else in
23 the office review your investigation, status of
24 your investigation, or any progress on that or do
25 you just decide at the point where you think your

1 investigation is complete and then go to the
2 prosecutor yourself?

3 A. We confer with our supervisor about our cases if
4 there is time or as its progressing. Yeah, we
5 confer with our supervisor.

6 Q. Does that happen in every case or depend on --

7 A. It depends on the case whether it's going to be a
8 case that is going forward to the court, yes.

9 Q. Other than the Sex Crimes Unit manual, were there
10 any other manuals that you used, referred to, on
11 a day-to-day basis?

12 A. No. And the Sex Crimes manual was something that
13 was in the office for years and, you know,
14 initially when you come in the unit, you look,
15 you look at it then you take things out of it but
16 then most of it is hands-on working with other
17 detectives and going from there. So, no, I
18 didn't look at it all the time, no.

19 Q. And I think what you're kind of getting to is
20 that this manual doesn't control the day-to-day
21 investigation work; it's more of the legality of
22 the process of how to do that. Would that be
23 fair?

24 MR. SINGLETARY: Objection. If
25 you understand what it says, and that's the

1 March 2012, and the '11's just referred to.

2 A. I don't know the updates or anything on that, the
3 newer manual. I can only say about the manual
4 back in 2008 that I -- well, actually years
5 before 2008, that was one that sat in the office
6 and you could look at it or not, and I didn't.

7 Q. But you were still bound to follow that manual,
8 correct, that was in place in 2008 whether you
9 referred to it or not?

10 A. Oh, yeah, yeah. It's a manual that's there for,
11 you know, if you want to refer to it.

12 Q. Just to clarify your previous testimony, during
13 your investigation of this case, you did not
14 obtain any physical evidence; correct?

15 A. Right.

16 Q. And you didn't obtain any pictures that were
17 taken by either you or anyone else?

18 A. There was -- I guess there were some pictures
19 taken in the file but I took pictures of -- it's
20 possible I took pictures of Gladys, I'm not sure,
21 and also the Billups girl. It's possible that I
22 took pictures of them.

23 Q. If you had taken those pictures, they would be in
24 the investigative file?

25 A. They should be, yeah. 35mm would be the camera

1 that I would have used to take the pictures,
2 yeah.

3 Q. And if you had taken those pictures, would you
4 have presented those pictures to the prosecutor?

5 A. If I had 35mm -- if you have pictures available
6 at the time, yeah, I would take it to the
7 prosecutor. With the Billups girl, that was not
8 the case. The detective on that case, he would
9 present those to the prosecutor.

10 Q. And while we're talking about Latundra Billups,
11 can you just clarify, I know you said you
12 previously were kind of assisting Detective
13 Durst, you were senior to him and so you were
14 just assisting him on that?

15 A. Yes. He had a victim come in after, a month
16 after she had made the report, and he -- we
17 always tell, you know, get pictures of your
18 victims, and so I told him that I would take
19 pictures of his victim. That was in the offices,
20 and along with -- he requested other photos from
21 our professional department, but I took the 35mm
22 pictures.

23 Q. And other than taking the photos of Latundra
24 Billups, did you do anything else involved in her
25 case?

1 A. No, not at all.

2 Q. And prior to conferring with Prosecutor Coyne,
3 you didn't request any medical records for Gladys
4 Wade; correct?

5 A. No.

6 Q. And you hadn't reviewed any of those?

7 A. Hadn't reviewed what?

8 Q. Hadn't reviewed any records either, medical
9 records?

10 A. No.

11 Q. In speaking in terms of investigations in general
12 you testified that one of the first things you do
13 is contact the victim. Why do you contact the
14 victim?

15 A. Because that is the person who is making the
16 complaint and so we need to talk with that
17 individual about their complaint.

18 Q. And, likewise, you said if possible you try to
19 speak with the suspected offender. I presume the
20 same reason applies, you want to hear their side
21 of the story?

22 A. That's part of the investigation, yes.

23 Q. And in general, you visit a crime scene?

24 A. Yes.

25 Q. What is the purpose of visiting a crime scene?

1 A. When a victim is alleging something happened, you
2 want to be able to indicate in your report that
3 you went to the place where they said something
4 happened. So that's just part of what I always
5 do and is part of the report. I put it in the
6 report.

7 Q. And that would mean looking at the very places
8 that the victim or the suspects say things
9 happen?

10 A. Yes; if you have access which I didn't have
11 initially, with the victim.

12 Q. In this case involving Gladys Wade, did you tell
13 anyone you didn't have access to the crime scene?

14 A. I wouldn't have to tell anybody I didn't have
15 access. The suspect was in jail.

16 Q. I guess my question is: If in general it's
17 helpful to view the crime scene and you know you
18 can't, do you ever express a concern to a
19 supervisor or anybody that "I can't complete the
20 investigation; I can't view the crime scene"?

21 A. There would be a concern if the case was going to
22 be forwarded to the Grand Jury. At that point I
23 would let the supervisor know once there's
24 charging that we need to get into the crime scene
25 so we would have to get a search warrant. That's

1 after the charging.

2 Q. And why would it be a concern after the Grand
3 Jury? Why would it be a concern to get into the
4 crime scene?

5 A. Not after the Grand Jury but after the charging.

6 Q. Sure. After you meet with the prosecutor, there
7 is a decision to make charges. Why would it be a
8 concern at that point that you hadn't had an
9 opportunity to investigate the crime scene?

10 A. Well, the way you're using the word "concern," in
11 the event of an investigation if there's charges
12 as a result of the investigation part of the
13 investigation would include going to the crime
14 scene to gather further evidence. If there is no
15 charges in the investigation then there would be
16 no reason to go to the crime scene to gather
17 evidence.

18 Q. So in a situation where you confer with the
19 prosecutor, the prosecutor decides to go forward
20 with charges, it's important to view the crime
21 scene because then you can gather evidence to
22 present to the Grand Jury; correct?

23 A. Yeah, per the evidence, yes.

24 Q. And that's to get an indictment ultimately?

25 A. Yes.

1 Q. And wouldn't that same evidence be important to
2 get charges initially?

3 A. I'm not taking away the importance of any part of
4 an investigation, but the evidence that I had
5 presented to me and I forwarded it to the
6 prosecutor, stopped there being any further
7 investigation because my victim and my defendant
8 and the facts that I had gathered for this case
9 and presented to the prosecutor.

10 Q. So are you saying in general, you're not going to
11 investigate the crime scene until after you
12 confer with the prosecutor and the prosecutor
13 decides to go forward with charges?

14 A. I'm saying I went to the crime scene initially as
15 part of the investigation and didn't gain access
16 into the crime scene because the suspect was in
17 jail, to wit, his release was before. After the
18 prosecutor rules so it ended the case.

19 Q. And you don't think that any of that evidence
20 that possibly -- I mean you hadn't been in his
21 house prior to meeting with the prosecutor;
22 right?

23 A. Right.

24 Q. And so you didn't know what evidence may or may
25 not be in there?

1 A. Right.

2 Q. Not knowing what evidence may or may not be in
3 the house, how could you go to the prosecutor and
4 say there wasn't any evidence in the house?

5 MR. SINGLETARY: Objection.

6 A. I didn't go and say what wasn't in there. I
7 could only present the prosecutor with the
8 information that I had provided to me by both the
9 defendant and the victim and whatever witnesses I
10 had. That's what I had to work with.

11 Q. And you didn't present her with any evidence from
12 the house; correct?

13 A. Nothing from the house, no.

14 MR. SINGLETARY: Objection. She
15 testified earlier the RMS report was in the
16 package and it was presented. Whatever the
17 police wrote about the scene at that time
18 would have been in the package.

19 Q. Part of your job is to corroborate the facts and
20 allegations that come to you; correct?

21 A. Yes.

22 Q. That's why the police ask for detective units to
23 follow up on a case?

24 A. Yes.

25 Q. And that's why you ultimately go through this

1 process?

2 A. Yes.

3 Q. You don't just take the police report at its word
4 and pass that along to the prosecutor?

5 A. No.

6 Q. And so your job is to verify the details of that
7 report?

8 MR. SINGLETARY: Objection.

9 A. Verify the details of what the complainant
10 provides us with.

11 Q. So you ignore the police report?

12 A. No, I don't ignore the police report but when you
13 get the parties in front of you you will find
14 that there's different things said and you try to
15 get the evidence to support a crime has occurred.

16 Q. And if there are alleged facts in a police
17 report, you would try to either somehow prove
18 those exist or they don't exist?

19 A. I don't prove anything. I just gather the
20 information and provide it to the prosecutor.

21 Q. You would try to gather evidence --

22 A. I would gather as much evidence --

23 Q. -- to support those facts or not?

24 A. As much as possible, yes.

25 Q. So if there are facts alleged in a police report

1 regardless of what the complainant or a suspect
2 testifies or states in a statement that those
3 exist or not, it would be important to try to
4 corroborate that if you could based on gathering
5 the evidence; correct?

6 A. As best I can gather evidence then forwarded it
7 to the prosecutor, yes.

8 Q. Other than -- you had mentioned LaTonya Meyers
9 who works at the Bess's Chicken & Pizza and then
10 George the manager of the convenient store, other
11 than those individuals, did you speak with anyone
12 else?

13 A. No.

14 Q. Just to clarify from your earlier testimony, from
15 the RMS report that you would receive once you're
16 assigned a case, you can tell based on that
17 whether someone has a criminal history; correct?

18 A. If there is -- if the officers ran them in LEADS,
19 but it's also my responsibility to run the
20 person's name in our system.

21 Q. And can you tell whether a suspect is a
22 registered sex offender from the RMS report?

23 A. No, because that's not done by our department.
24 It's done by the Sheriff's Department.

25 Q. And so is there anything else you would learn

1 about a suspect from a police report or once
2 you're assigned a case, any documentation that
3 you receive that would give you any information
4 about the suspect?

5 A. We run an OLEG report to get, you know, see if
6 they are in the system or have any other charges
7 around the country or even in the state, so
8 that's it.

9 Q. And at some point you determined that you need to
10 confer with the prosecutor. How do you determine
11 when to do that?

12 A. In this case, after I obtained as many interviews
13 as I possibly could and with both the victim and
14 the suspect's statements, that's all I had that I
15 could present to the prosecutor. That was what
16 was available.

17 Q. And you said you interviewed Gladys Wade, Anthony
18 Sowell, LaTonya Meyers and George. No one else
19 was interviewed?

20 A. I talked to LaToya over the phone so she was a
21 witness, yes.

22 Q. So she was just over the phone; you didn't go
23 there in person?

24 A. I talked to her over the phone because the place
25 wasn't open at the time that -- when I first went

1 to the crime scene, the store wasn't open, but I
2 looked on the building to get a phone number and
3 that is how I was able to call, call and then
4 talked with her over the phone to which she
5 stated that a woman did come in. On the date
6 that I asked her, if a woman came in and asked
7 her what was her condition and she said the woman
8 was bleeding from her hand and indicated to her
9 or said to her that her and her boyfriend had --
10 was, you know, had a fight, so please call the
11 police.

12 Q. You did not speak with Officer Walker --

13 A. No.

14 Q. -- who was the first responder?

15 A. No.

16 Q. You did not speak with Officer Serra, S-E-R-R-A?

17 A. No.

18 Q. Could you have spoken to them?

19 A. At the time of my doing an investigation with a
20 person who had been in jail for over 24 hours and
21 I got it the second day, I would not have been
22 talking to the officers unless there was a
23 charge. If there had been a charge then I would
24 have been talking to those officers for anything
25 that I could get from them to include in my

1 investigation.

2 Q. So because of the time constraint you're working
3 under, it wasn't an option to go speak with them?

4 A. Because the evidence I had present I felt was
5 enough to go to the prosecutor so, no, I didn't
6 talk with the officers who made the initial
7 report. I did not talk with the officers because
8 of the information that I provided to the
9 prosecutor, that I was taking to the prosecutor,
10 I felt I had enough to go to the prosecutor and
11 did not confer with any officers and that doesn't
12 happen all the time with talking to the officers
13 with every case.

14 Q. And you said you thought you had enough evidence
15 for the prosecutor, what did you think you had
16 enough evidence to go to the prosecutor for?

17 A. I had the RMS report that was initially made by
18 the officers. I had the --

19 Q. I don't mean to cut you off. I guess in terms of
20 charges, what did you think you had enough
21 charges to go to the prosecutor for?

22 A. The affidavit that I had her sign which was for
23 robbery since she was insisting that she had been
24 robbed by this individual meaning that he took
25 her money and her beer.

1 Q. So you didn't think you had enough evidence for
2 kidnapping; correct?

3 A. No, I didn't have. I just had -- there was an
4 entry going by -- my affidavit stated, you know,
5 because she said she was injured and because she
6 had been robbed of her money and a beer that
7 that's the best evidence that I had for her, not
8 anything else.

9 Q. But in terms of what you decided to present to
10 the prosecutor in terms of charges, you didn't
11 think you had enough evidence or the evidence
12 didn't support kidnapping or attempted rape
13 charges; correct?

14 A. That would be determined by the prosecutor. All
15 I could do is because she was saying that
16 somebody took -- that he took something from her,
17 that was the best that I could have her sign the
18 affidavit and the charge would be determined by
19 the prosecutor, not me.

20 Q. But you just testified that you thought you had
21 sufficient evidence and that's what completed
22 your investigation. So I want to know what you
23 thought you had sufficient evidence for.

24 A. Not sufficient evidence. I'm using the wrong
25 word. The evidence I had --

1 MR. RIOTTE: Are you looking at
2 the document? Can we just identify the
3 document that counsel is showing you.

4 A. This is the felony, State of Ohio, and this is
5 the affidavit, "An attempt or commit theft
6 offense, inflicting or attempting to inflict or
7 threatening to inflict physical harm to another"
8 is the affidavit that I did have Gladys sign
9 because in her interview she was insisting that
10 she had been robbed of her beer and her money,
11 so.

12 Q. And based on the RMS report when this case was
13 assigned to you, that wasn't her only complaint;
14 right?

15 A. The RMS report was not -- that wasn't the only
16 complaint. But when I interviewed her and she
17 said that nothing sexual happened to her then --
18 this is actually a case that shouldn't have come
19 to my unit at all but it did.

20 Q. And sometimes cases come to your unit that don't
21 end up being sex crimes; correct?

22 A. Not often. We have abuse of children and that
23 kind of thing, but I'm just saying this
24 particular case as I interviewed Gladys and, you
25 know, I was trying to get her -- you know, "Was

1 there anything sexual that happened," where I
2 could get any evidence, anything sexual, "No,
3 nothing sexual," then the next thing is "but he
4 took my beer and he took my money," so an
5 affidavit for the robbery, that's all I had, and
6 I took it back to the prosecutor but the
7 prosecutor was aware of the allegation of her --
8 initially the police report saying attempted rape
9 and him telling her to take her clothes off and
10 whatever else was said.

11 Q. So when you went to the prosecutor, you had made
12 some sort of determination that the kidnapping
13 charge and attempt rape charge weren't valid?

14 A. I don't -- what I -- I went to the prosecutor
15 with the police report. I said to her, "This is
16 the victims. These are the statements I received
17 from the victim." She read the questions asked
18 regarding this investigation. She read the
19 affidavit that was in the file and she came up
20 with the determination. I don't influence how
21 she charges or what she charged and I don't tell
22 her what is evidence or not evidence. That is
23 her determination whether there's something to
24 charge with.

25 Q. But in the affidavit that you prepared --

1 A. Yes.

2 Q. -- you had only listed the robbery charge;
3 correct?

4 A. Yes.

5 Q. It doesn't list the kidnapping charge?

6 A. Right.

7 Q. It doesn't list the attempted rape charge?

8 A. Right.

9 Q. So even though you don't determine what charges
10 ultimately get filed, you determined to close --
11 that your investigation was complete and that the
12 only charge was robbery?

13 A. This affidavit to which she signed is saying that
14 she felt she had been robbed by this guy.

15 Q. She also felt that she had been kidnapped;
16 correct?

17 A. Well, rape or attempted rape, "nothing sexual"
18 was her answer to my questions about "Anything
19 sexual happen to you" and I asked her more than
20 three times and that was not in her statement, so
21 that was not evidence.

22 Q. Does any sexual act have to occur for an
23 attempted rape?

24 MR. KAISER: Objection. Asked and
25 answered repeatedly.

1 MR. SINGLETARY: Objection,
2 because whoever filled this form out, it
3 was signed by Gladys Wade subsequent to the
4 RMS report, so whatever the RMS report and
5 what she reported at that time was this is
6 what she signed on December 10, or whenever
7 it was signed, there 2008.

8 Q. And that was the only affidavit you presented to
9 her; correct?

10 A. That's the affidavit I presented to her, yes.

11 Q. What is the purpose of that affidavit?

12 A. Because the victim felt she had been robbed of
13 her money and her beer.

14 Q. Just in general, what is the purpose of an
15 affidavit?

16 A. A police report was made and the victim is saying
17 she had received injuries and she said that she
18 was robbed, so, therefore, I had her sign this is
19 what happened to her.

20 Q. But there could be multiple charges on that or
21 multiple affidavits filed; correct?

22 A. This is the affidavit that Gladys signed that she
23 was a robbery victim of her beer and her money is
24 what she signed.

25 Q. We know she signed that and that is the one you

1 prepared for her to sign. Similar affidavits
2 could have been prepared for kidnapping and she
3 could have signed that; correct?

4 A. If it had been prepared but it wasn't. And this
5 is after more than an hour of the interview and
6 asking her questions and nothing she said that --
7 and I asked her, "Did he do anything sexual to
8 you," and she's saying, "No, no, no." So that's
9 it.

10 MR. SINGLETARY: Mark, I know from
11 testimony earlier that Gladys Wade, not
12 through her but through some other
13 sequence, did get in front of the jury in
14 this case that whatever she wanted to claim
15 subsequently --

16 MR. RIOTTE: No speaking. This
17 has gone off the rails.

18 Q. So when you went to Prosecutor Coyne, you
19 determined there was sufficient evidence for
20 robbery charges. You had gathered sufficient
21 evidence to present that charge?

22 A. This was the verbal information that I had gotten
23 from her. I didn't have evidence that she had
24 been robbed except they found her clothes still
25 in the hallway, but she said her money was taken

1 from her, so...

2 Q. So you prepared that affidavit based on her
3 statement alone?

4 A. Based on her insisting that she had been robbed
5 and that she was a victim that in my face was
6 very upset that he had taken her money from her.
7 That was the picture that I had of Gladys. He
8 had taken her money and it wasn't right and that
9 she had gotten assaulted as a result of this.

10 Q. Where did he take her money?

11 A. Her clothes and things left at the place, I
12 guess.

13 Q. So while she was at his house; correct?

14 A. Yes.

15 Q. And she said that she was drug into his house;
16 right?

17 A. She said she was drug up to the top of the
18 stairs. She never really puts herself inside of
19 this house, but he puts her inside of this house
20 and talks about things that he shouldn't have
21 known, that he had information about Gladys
22 because she was in his house talking to him, but
23 she didn't indicate that when I was asking her.
24 You know, she just wanted to be at the top of the
25 stairs and fighting her way out of the situation.

1 Q. But did she ever say she wasn't in his house?

2 A. She never said she was in his house. She just
3 said she was at the top of the stairs and he was
4 trying to pull him in his house.

5 Q. So it's possible that she was in his house?

6 A. Per his statement, she was in his house.

7 Q. So based on his testimony and the fact that a
8 robbery occurred in his house, there should be
9 evidence for kidnapping?

10 A. Based on his part of his statement saying things
11 that she had said to me about her family members
12 that he had knowledge of, he wouldn't have had
13 that if she wasn't in his house. Gladys did not
14 put herself inside of his house when I
15 interviewed her. She didn't put herself in his
16 house, just at the top of the stairs.

17 Q. But she stated she was drug that far?

18 A. Yes, she said she was drug but she did not say
19 she was inside of his house with him.

20 Q. Does that change whether there's a kidnapping?

21 A. It matters if she was inside of his house. It
22 does matter that, when, you know -- the statement
23 that I took from the defendant talking about
24 Gladys' family members, where she lived at on
25 Page Avenue, that is information that he would

1 not have had unless he was -- and that sort of
2 supported some of the things in his statement
3 that he was in a conversation with a woman who
4 asked if she could come and use his bathroom.
5 All I can do as an investigator is take the
6 information from both parties, okay, and then
7 there you take and you look at, look at, and then
8 out of it Mr. Sowell, some of the things that he
9 said he would not have known if Gladys was not in
10 the house talking to him.

11 Q. So if someone is kidnapped and put in someone's
12 house, they're not going to get personal
13 information?

14 A. Gladys did not put herself in his house from her
15 statement.

16 Q. I understand that.

17 A. She didn't.

18 Q. But you're saying because he knew personal
19 information about her a kidnapping didn't occur?

20 A. What I'm saying is when we're talking about some
21 inconsistencies here and the short period of time
22 where Gladys puts herself being drugged up the
23 stairs then fighting her way back out and then
24 running across the street to ask for help then
25 the clerk is saying the lady said her and her

1 boyfriend had gotten into it, and then she runs
2 away when the lady says stand outside. Then she
3 goes around the corner and she goes to some
4 friends' houses, then she calls her husband and
5 then her husband tells her to catch the bus, then
6 she, from that she's -- then she sees the police
7 later on, whatever time that was. Okay? The
8 statement from Mr. Sowell is "She was inside of
9 my house because I let her use my bathroom. We
10 are talking. We had something to drink." He's
11 accusing her of -- I don't know if she took
12 something from him but this is in his statement,
13 she took something from him.

14 As a result of her taking something he
15 accuses her. When he accused her, they both --
16 she denied it. He is accusing her. They got
17 into an altercation and it resulted in them
18 rolling out the door and then that's -- you know,
19 so all of that was presented to the prosecutor
20 along with talking with a witness who said the
21 lady said it was her and her boyfriend. I don't
22 know why the lady said that. I don't know if
23 Gladys said that, why she would say that. I can
24 only present what I had to the prosecutor and I
25 did not get an affidavit for attempted rape or

1 kidnapping. No, I didn't.

2 Q. Why not?

3 MR. SINGLETARY: Asked and
4 answered I think. At least I think that's
5 what the explanation she just gave us was
6 in response.

7 A. The explanation I gave was in response.

8 Q. You didn't think the facts merited those two
9 charges? Not to oversimplify your testimony
10 but --

11 MR. SINGLETARY: I don't think she
12 testified to the merits. I think she
13 testified to information she gathered and
14 presented. I think that's what she just
15 said. The prosecutor decides the merit.

16 Q. But that affidavit was prepared well before you
17 met the prosecutor; correct?

18 A. That was prepared after the interview to go as
19 part of the evidence to the prosecutor, yes.

20 Q. That was prepared on December 9th, I believe,
21 when you met with Gladys Wade?

22 MR. KAISER: Objection as to the
23 date it was prepared.

24 MR. SINGLETARY: I'm not sure it
25 was asked and answered.

1 MR. KAISER: I think it was.

2 Q. You met with Gladys Wade on December 9th;
3 correct?

4 A. Yeah, I believe so, yes.

5 Q. The same date as her statement?

6 A. Yes, yes, yes, yes. Okay, so, I was actually
7 talking with her and looking at her, you know,
8 statement and all. Attempted rape and that kind
9 of thing was because she was denying anything
10 sexual happened to her but saying, "He took, he
11 took my money" then that's robbery, so I had her
12 sign that affidavit to see, to see what the
13 prosecutor is going to rule and the prosecutor
14 did not rule that I had even insufficient
15 evidence -- I had sufficient evidence for even a
16 robbery.

17 Q. You had relied in part upon the fact that Anthony
18 Sowell had given you his statement. During your
19 investigation, you were aware that he had been
20 previously charged, arrested, and convicted of
21 attempted rape; correct?

22 A. I did see that he had a previous charge when I
23 ran his name in the OLEG, yes, I saw that.

24 Q. And other than seeing that charge, did you look
25 at any reports or anything that related to that

1 incident?

2 A. No.

3 Q. So if in that incident he had told the officers,
4 "Don't believe anything she says. The rape never
5 happened," if you had known that he had said that
6 previously, would that have affected how much
7 weight you gave to his testimony?

8 A. No --

9 MR. KAISER: Objection.

10 MR. SINGLETARY: Objection.

11 A. -- because this case was not a rape case. This
12 was these two individuals, how they reported it
13 to me in their statements, I was dealing with
14 those facts or that information. That wouldn't
15 have affected my decision on charging, getting
16 him charged by the prosecutor. Meaning she
17 charged him on a prior case. I was dealing with
18 the facts of this particular case on December the
19 8th, 2008.

20 Q. And you just testified you prepared the affidavit
21 on December 9th when you met with Gladys Wade;
22 that's when she signed that?

23 A. Where is the cover sheet for this. I want to see
24 the date. Where is the date for when I did it?

25 Q. Here is her witness statement. I believe your

1 testimony was you prepared that and she signed it
2 when she came in for the witness statement?

3 A. I did have her sign a medical release and I had
4 her sign this after my interview, I mean her
5 statement, yes.

6 Q. Okay. So on the 9th?

7 A. Well, I guess so, yes, that would be the 9th.
8 Okay.

9 Q. And you didn't interview Anthony Sowell until the
10 10th though; correct? Isn't Exhibit 28 his
11 statement?

12 A. I did interview him on the 10th and I'm looking
13 for this affidavit. I don't see the date of
14 that --

15 MR. SINGLETARY: It was the same
16 day.

17 A. -- of her interview. This affidavit would have
18 been filled out to go to the prosecutor so the
19 date I went to the prosecutor is when -- no. I
20 had her sign it. So that would be -- yeah, yeah,
21 yeah.

22 Q. So you prepared the affidavit prior to even
23 speaking with Anthony Sowell if you didn't see
24 him until the 10th; correct?

25 A. Okay. Yes, I did. I prepared that from her

1 statement, yeah, that there was no sexual --
2 there was nothing sexual that happened to her.
3 She just said he robbed me of my money and my
4 beer, so, yeah, this affidavit is robbery of
5 money and beer because that's what I had from
6 her, then I interviewed him afterwards so
7 anything I said about what he said, you know, the
8 beer and the money was the reason for this
9 affidavit. Okay?

10 Q. Just so we can clarify for the record you
11 mentioned several times that nothing sexual
12 happened. When you say "sexual," what do you
13 mean by that?

14 A. I asked her was she a rape victim, did he touch
15 her in any kind of way, did he try to do anything
16 to her sexual and she said no, so.

17 Q. But she did testify that he choked her; correct?

18 A. Her statement says he choked her and he said,
19 yeah, he grabbed her by her neck when she
20 scratched him in his face.

21 Q. And she had also stated that he had told her,
22 that Anthony Sowell had told Gladys Wade to take
23 her clothes off; right?

24 A. She said that. She said that.

25 Q. So even though there wasn't any sexual

1 penetration or any contact that way, there was
2 still an attempted sexual act; correct?

3 MR. KAISER: Objection.

4 MR. SINGLETARY: Objection. I
5 think that was inquired at length earlier
6 but you can discuss it some more, Georgia.

7 A. She said he asked her to take off her clothes and
8 she said she did not. I asked her did he touch
9 her sexually at all. Touching her would be
10 touching her body parts at all with -- physically
11 touching her body parts. She said no. So her
12 answer to anything, sexual contact, was "No, no,
13 no," so therefore, I did not pursue an affidavit
14 for attempted rape, no.

15 Q. And that decision to pursue an affidavit was made
16 by you; correct?

17 A. I did not fill out an affidavit and the
18 prosecutor read the statement and did not ask me
19 as she previewed the case "Why don't you have
20 something that pertains to attempted rape or
21 kidnapping?" She did not ask that as she read
22 all the documents and statements and the one
23 affidavit in the file was the robbery because her
24 beer and her money had been taken.

25 Q. Prior to Anthony Sowell's arrest on December 8th,

1 2008, did you know anything about him?

2 A. No.

3 Q. During your investigation of Gladys Wade's claims
4 against Anthony Sowell, you learned that he was a
5 convicted felony?

6 MR. KAISER: Objection. This
7 ground has been plowed repeatedly earlier
8 in the day by Mr. Gilbert and by you.

9 Q. And if I can finish my question, you learned that
10 he was a convicted felony. You have testified to
11 that. Is that relevant to your investigation?

12 MR. SINGLETARY: Objection. Asked
13 and answered repeatedly. Go ahead and
14 answer again.

15 A. With running a check on him, I did see that he
16 had prior but it was not relevant to my case as
17 the evidence that I had before me dealing with
18 him and Gladys Wade.

19 Q. And you previously testified that you determined
20 that he was a registered sex offender --

21 MR. KAISER: If she previously
22 testified to that then the question has
23 been asked and answered. I'm tired of
24 this. I'm getting annoyed. You ask the
25 same questions time and time again.

1 Q. My question is: It's irrelevant to your
2 investigation whether he is a sexual, registered
3 sex offender?

4 A. As his status I did not -- I did not know the
5 details because that is handled by the sheriff's
6 department; and upon reading it as a report it
7 was not relevant to the facts of this particular
8 case that I had of Gladys Wade and Anthony Sowell
9 on December 8th, 2008.

10 MR. SINGLETARY: Can we take a
11 break. I need to speak with Mr. Kaiser for
12 a second.

13 - - - -

14 (Off the record.)

15 - - - -

16 Q. Would it be relevant to your investigation to
17 know whether a suspect had been previously
18 accused of any similar incidents?

19 MR. SINGLETARY: Objection. Asked
20 and answered. Go ahead.

21 A. Any and all information about a person is a
22 consideration and in that case, I don't determine
23 my cases on past experiences or charges of a
24 person. I deal with the immediate evidence at
25 the time and circumstances of that particular

1 case.

2 Q. And I understand you're not going to advocate for
3 new charges or anything based on someone's past
4 record or past incidences that may be alleged
5 against them, but is it relevant at all to your
6 investigation?

7 A. His past record was not relevant because of the
8 particular case that I was investigating in front
9 of me with him and her, Gladys Wade.

10 Q. Other than the information that you knew from
11 LEADS, which I don't know exactly what is
12 contained on that LEADS because I don't have that
13 in front of me, it hasn't been provided, but
14 other than the 1990 charge against him, were you
15 aware of any other incidents involving Anthony
16 Sowell?

17 A. I was not aware of Anthony Sowell charges or
18 anything prior to 2008 December when I got that
19 assignment, no.

20 Q. And during your investigation, did you determine
21 whether there were any prior incidents involving
22 him?

23 A. During my investigation through LEADS records
24 that I had gotten was included in the jacket to
25 be reviewed by the prosecutor and that was the

1 end of it, no further check on him after going to
2 the prosecutor.

3 Q. And does that LEADS report include only charges
4 or does it include also past police report
5 investigations? Does it only include what a
6 suspect has been charged of in the past or does
7 it include anything that has been reported
8 against that suspect?

9 A. The LEADS report includes just past or present
10 charges from state to state.

11 Q. So you didn't review anything beyond the LEADS;
12 correct?

13 A. No, I didn't.

14 MR. SINGLETARY: She testified
15 about OLEGS. I mean just to keep the
16 record straight, she did mention OLEGS.

17 MR. TOLLES: I understand that.
18 That has been redacted. We don't have that
19 in front of us, so I don't know what's in
20 it.

21 MR. SINGLETARY: I'll say for the
22 record, I don't have any problem with you
23 having it. That's the City of Cleveland's
24 position with regard to what the laws are,
25 and with regard to those laws, how you guys

1 interact with the City of Cleveland that's
2 fine by me.

3 Q. Could you have determined during your
4 investigation whether there were any other
5 incidents reported of Anthony Sowell beyond those
6 that were listed on the LEADS report?

7 A. I depended on our use of our record checks
8 through OLEG and RMS and that's, that's what we
9 use.

10 Q. There's been testimony you can search RMS by
11 name?

12 A. Yes.

13 Q. So you could have searched Anthony Sowell's name
14 on that to see if any other incidences popped up;
15 correct?

16 A. The OLEG report is the most up-to-date
17 information, I guess, on the defendant, or the
18 person who's been in the system, so that's what I
19 depended on.

20 Q. But that wouldn't include any non-charged
21 incident?

22 A. Um --

23 Q. I mean I believe that was just your testimony
24 that that only included charges that have been
25 filed against a suspect?

1 A. I'm not sure about -- it's been so long. I'm not
2 sure but the purpose for using it is to get
3 updated information to whether the person has a
4 criminal background and that's it. That's all,
5 the best I can answer that.

6 Q. But with respect to not OLEG but RMS, you did not
7 search that system; correct?

8 A. No, I didn't search the RMS system. I just put
9 entries into the RMS system as I was doing the
10 investigation presently. So the new arrest would
11 be in the system, RMS system, the new arrest, and
12 anything that happened as a result of that arrest
13 which would indicate prosecutor ruled
14 insufficient evidence and closed it out.

15 Q. So let's say if you had looked at the RMS system,
16 pulled up other incidents for Anthony Sowell and
17 there has been other prior incidences that were
18 not reflected on LEADS, would those incidents be
19 relevant to you?

20 MR. KAISER: Objection.

21 A. If the prosecutor had ruled charges then there
22 would be further looking into the RMS system to
23 see if there is any other reports on the subject.

24 Q. But you wouldn't do that prior? If no charges
25 are issued, you would not look in the RMS system?

1 A. The immediate RMS information I had was the
2 original police report made by the zone car
3 personnel so that is all that I was working off
4 of and then making an initial check to see if
5 there was -- if this man had a background which
6 to include in my investigation, which I did, and
7 that's it.

8 Q. Did you know that on September 20th, 1989, a man
9 name Frederick Brooks reported to the police that
10 Anthony Sowell had forced his way into an
11 apartment, had to be forcibly removed?

12 A. No.

13 Q. Would it have been relevant to your investigation
14 to know that?

15 A. No.

16 Q. Would it have been relevant to your investigation
17 to know that when Anthony Sowell was arrested for
18 that, he was uncooperative, belligerent and
19 verbally and physically abusive?

20 MR. KAISER: Objection, relevance.

21 MR. SINGLETARY: Are you talking
22 about after he was arrested, Mark?

23 MR. TOLLES: Arrested for that
24 September 20, 1989.

25 MR. SINGLETARY: But I mean his

1 abusiveness was after his arrest.

2 MR. TOLLES: Yes. It was towards
3 the officers.

4 MR. SINGLETARY: It's a "yes" or
5 "no" question.

6 A. No.

7 Q. Would it be relevant during that arrest he had
8 pulled down his trousers and yelled at the police
9 to perform various sexual acts on him?

10 MR. KAISER: Same objection.

11 Q. Did you know that on June 24th, 1990, a woman
12 named either Alisha or Felisha Jones had reported
13 that she had been raped by Anthony Sowell?

14 A. No, I did not know that.

15 Q. Would it have been relevant to your investigation
16 to know that?

17 MR. KAISER: Same objection.

18 A. No.

19 Q. Why not?

20 MR. KAISER: Same objection as
21 before.

22 MR. SINGLETARY: Without being
23 specific to the particular incident, I
24 think she already explained her feelings on
25 past incidents.

1 Q. Okay. I presume since you weren't aware of the
2 allegations then you weren't also aware that he
3 had choked the victim in that case?

4 MR. KAISER: Objection.

5 A. No.

6 Q. And you weren't aware that the victim in that
7 case had to run to get out of Anthony Sowell's
8 house?

9 MR. KAISER: Same objection.

10 A. No.

11 Q. And you weren't aware that Anthony Sowell when
12 questioned by the police told the police in that
13 case, quote, "If the bitch said I raped her,
14 she's lying"?

15 MR. KAISER: Same objection.

16 A. No.

17 Q. Did you know that on August 3, 2007, Saderna
18 Sowell, Anthony Sowell's stepmother reports to
19 the police that he had threatened her?

20 MR. KAISER: Objection.

21 MR. SINGLETARY: I'll join in this
22 one.

23 A. No.

24 Q. Would it have been relevant to your investigation
25 to know that?

1 MR. KAISER: Same objection.

2 MR. SINGLETARY: Join.

3 A. No.

4 Q. This is probably obvious but just to put it on
5 the record, 12205 Imperial Avenue was Anthony
6 Sowell's residence?

7 A. Actually I don't remember the number, so I would
8 have to look on the statement. Yes.

9 Q. And that is the same location where the bodies
10 were found following Latundra Billups' case?

11 MR. SINGLETARY: Objection.

12 A. That's what they say. You know, I wasn't
13 involved, so, yeah.

14 Q. This is Exhibit 23. If you can look over that.
15 Have you reviewed that?

16 A. Yes.

17 Q. This document was generated in response or
18 provided in response to a public records request.
19 Are you familiar with this document or similar
20 document?

21 A. No.

22 Q. This document is a list of incidents that
23 occurred and I don't know how far back it goes,
24 that is not really relevant, but incidents that
25 related to the address of 12205 Imperial Avenue.

1 Is there a reason why Gladys Wade's case would
2 not be listed on that?

3 MR. SINGLETARY: If you know.

4 A. This wasn't a charge. You're talking about an
5 incident report?

6 Q. This is a list of police incidents.

7 A. Okay. She wasn't, she wasn't charged. I mean
8 there wasn't a charge, so.

9 Q. Well, the first incident on here says, it's from
10 August 3rd, 2007, right-hand column says her
11 48-year-old stepson is threatening her.

12 A. Okay.

13 Q. That's the incident with the stepmother.

14 A. Okay.

15 Q. He wasn't charged in that case.

16 A. Okay. I can't answer why hers is not there.

17 MR. TOLLES: Let's take a brief
18 break.

19 - - - -

20 (Off the record.)

21 - - - -

22 Q. Other than what you testified at length in terms
23 of you did the witness statements and met with
24 Gladys Wade, Anthony Sowell, you spoke with the
25 two witnesses at, or the witness from Bess's

1 Chicken and then George from the convenient
2 store; other than that, is there anything else
3 you did as part of your investigation?

4 MR. SINGLETARY: Beyond the other
5 things she testified to like LEADS and OLEG
6 and all that other stuff.

7 MR. TOLLES: Sure.

8 A. That's basically it.

9 Q. Okay.

10 MR. SINGLETARY: And the photos.

11 Q. After you met with the prosecutor, you went back
12 to Anthony Sowell's house and you viewed -- you
13 didn't enter all the way into his house but you
14 viewed parts of his house; right?

15 A. I went up to the top of the stairs, not in the
16 house but at the top of the stairs and the reason
17 for that was because Gladys had described how she
18 was dragged up the stairs and so I wanted to get
19 a visual of that. While standing at the top of
20 the stairs, I could see right immediate in the
21 living room a coffee table on the floor that had
22 candles on it, and that was it, but I had asked
23 him, because when I came to the house he was
24 outside, and I asked him if I could look up his
25 stairs.

1 Q. And were those candles burning?

2 A. No.

3 Q. And I know you said you saw the broken glass. Is
4 there anything else you observed?

5 A. No. I just wanted to get a visual of what she
6 described had occurred with her coming up the
7 stairs because it was -- you know, and to see the
8 driveway where there was a car in the back and
9 she said she was pulled around the car. I always
10 go to my crime scenes just to get a visual of
11 what people are saying to me, so I went to see
12 just so I could indicate in my report that I had
13 been there and done that.

14 Q. Was there anything that you saw at the scene that
15 conflicted with Gladys Wade's statement?

16 A. I didn't see any evidence except, you know, I
17 just -- things were cleaned up, I guess, when I
18 got there, so I didn't see anything that --
19 except for the broken glass in the door. That
20 was seen.

21 Q. She even stated in her statement that glass had
22 been broken. That's, in part, why she cut her
23 thumb; correct?

24 A. Yes, they both said that. Both of them in their
25 statements, you know, said that they were

1 fighting or struggling and hit the door and he
2 said he went down the steps head first and she
3 went down and was ahead of him and got away from
4 him. That's per him. She's saying she got away
5 from him without being inside the place and ran
6 across the street. So for me to see that, that
7 was nothing I was going to see. I could just see
8 her description of his hallway, definitely there
9 was a hallway and there's steps up to the third
10 floor, up to the second floor, so I did get to
11 see that.

12 Q. And so just seeing the glass broken would confirm
13 that something had happened that was consistent
14 with Ms. Wade's statement?

15 A. There was never no question that a -- that Gladys
16 had an injury of her finger as a result of her
17 hand hitting the door and the glass breaking.
18 There was never no question that there was an
19 injury, and both parties had scratches on their
20 face. She had it on her neck. He had it on his
21 face. He had other scratches on his body as a
22 result of the glass, them in it, however they
23 were in the glass.

24 Q. And following your visit to Anthony Sowell's
25 house, you didn't report anything that you

1 observed or heard at his house to anybody else;
2 correct?

3 A. No.

4 Q. Had you told Prosecutor Coyne when you conferred
5 with her that Gladys had split open her thumb?

6 A. No, because I didn't know what her injuries were.
7 Her finger was wrapped when I saw her.

8 Q. Well, you knew something had happened to her
9 thumb?

10 A. I know from the police report she was taken to
11 the hospital and treated for her thumb, yes, but
12 the amount of stitches and that kind of stuff I
13 had no idea; her finger was wrapped when I saw
14 her.

15 Q. But I mean the police report says that it was
16 bleeding, there was a big cut?

17 A. Yes, the police officer observed her finger
18 bleeding before she was treated at the hospital,
19 yes.

20 Q. So you still didn't communicate to Prosecutor
21 Coyne there was an injury with her thumb?

22 MR. KAISER: Yes, she did. She
23 had the RMS report.

24 A. The prosecutor was aware that Gladys had an
25 injury from the police report. The RMS report

1 had all of that in there. Anything that the
2 police officers did it was in the RMS report.

3 MR. SINGLETARY: Mark, if this is
4 of any assistance, I think even the
5 affidavit that Georgia had her sign refers
6 to physical injury. The robbery
7 association makes reference to physical
8 injury. There's no doubt about that. It's
9 Number 12.

10 Q. And when you met with Gladys Wade, I understand
11 you didn't have the picture that had been taken,
12 did you observe that there were scratches on her
13 neck?

14 A. Yeah, I saw that she had some scratch marks on
15 her neck, yes.

16 Q. And did you communicate those facts to Prosecutor
17 Coyne?

18 A. Yes, I believe I did, and there are photos, I
19 guess, that reflect it.

20 Q. I thought your testimony earlier was you didn't
21 have those photos?

22 A. What I'm saying is there are photos that reflect
23 it.

24 Q. But those weren't provided to Prosecutor Coyne;
25 correct?

1 A. No. That wasn't my photos. I didn't have
2 photos. Can I look at -- for some reason --

3 MR. SINGLETARY: Let's go off the
4 record for a minute.

5 - - - -

6 (Off the record.)

7 - - - -

8 Q. When you meet with any prosecutor in a case, one
9 part of that is to determine whether formal
10 charges are going to be filed; correct?

11 A. The meeting with them is for them to determine
12 whether or not there's going to be charges, yes.

13 Q. Is part of that meeting also to determine whether
14 a suspect who is in custody should be held for a
15 longer period of time pending an investigation?

16 A. The prosecutor would determine whether or not
17 there's charges or if there are not charges and
18 it's going to be referred to the Grand Jury
19 without charges then a person may be released;
20 but if the person is charged then further
21 investigation is going to occur, yeah.

22 Q. Just to clarify, assume a suspect or assume the
23 prosecutor is not prepared to file charges; could
24 the suspect be kept in custody longer for an
25 investigation to go forward as opposed to being

1 released and having an investigation go forward?

2 A. Ask me that again about the prosecutor.

3 Q. Yes. You testified that a prosecutor could issue
4 papers or the prosecutor could release the
5 suspect pending a Grand Jury and there would be
6 an investigation that would go on after the
7 release?

8 A. Yes.

9 Q. Was it also an option that the prosecutor could
10 keep the suspect in custody and let an
11 investigation continue?

12 A. They don't keep a person in custody unless
13 there's a charge and then what the charge is,
14 which would be the next day being bound over to
15 hold them, and that's by the courts but that's
16 with a charge. I think that's what you asked me.
17 I'm not sure.

18 Q. So I guess in this case you've testified that you
19 didn't have access to Anthony Sowell's house
20 during your investigation, and part of that was
21 because he was incarcerated. Assuming, let's say
22 you could have gotten access to his house on
23 December 12th which is after the 72 hours of
24 charging, could the prosecutor have made a
25 decision based on what you present to him or her

1 to keep the suspect in custody for an additional
2 day pending your investigation of the crime
3 scene?

4 A. He was arrested and had 72 hours for us to prove
5 the case, I mean not prove the case but to get
6 the evidence for the complainant, and as a result
7 of the evidence collected it was insufficient so
8 the prosecutor would not hold a person over
9 another day for -- after ruling that they didn't
10 have sufficient evidence for a particular case
11 presented in front of them.

12 Q. So I guess in a situation where you know that you
13 haven't had an opportunity to investigate the
14 scene or you haven't received pictures back or
15 you haven't received medical records back, the
16 only option is for the prosecutor to either
17 charge the person or to release them?

18 A. Medical records, seeing the person's house is not
19 the basis for the prosecutor determining that the
20 evidence from the victim who says that she was
21 robbed and her money taken, money taken and then
22 assaulted as a result of that, a prosecutor
23 wouldn't be holding a person over for that, you
24 know.

25 I don't know if you're asking me because of

1 what occurred after in 2010 with these other
2 cases. I don't understand your question. The
3 evidence --

4 Q. I'm just asking you if you know that there are
5 still items pending your investigation that
6 you're trying to do, is there a possibility to
7 hold a suspect in custody beyond the 72 hours?
8 If you know that you're still waiting on --

9 A. No. No. If that's the case then I have evidence
10 for the person to be charged and so after the 72
11 hours, it wouldn't be holding him further or
12 longer for me to go find out about the medical
13 records and other things. That is not uncommon
14 for an arrest to occur and given the time we have
15 and cooperation of our victims and our suspect,
16 if that's the case and witnesses not all times
17 will we, and a lot of times we don't get physical
18 evidence, but when it's ruled by the prosecutor
19 and it's insufficient then it stops. There is no
20 further looking to see what the medical reports
21 are and those other things so.

22 Q. Other than the Felony Review Form which I think
23 you have seen, is there any other documentation
24 that would come out of on your conference with
25 the prosecutor?

1 A. When you say come out of the conference, what
2 does that mean?

3 Q. Is there any documentation that would reflect
4 other than the Felony Review Form being filled
5 out, other than on your work product form saying
6 you conferred with the prosecutor, is there any
7 other documentation that either you fill out
8 during that conference or prior to or submit
9 during that conference or that the prosecutor
10 fills out?

11 A. The prosecutor signs the Felony Review with a
12 determination from the facts presented and in
13 that case from the police report with everything
14 that had gone on from zone cars participation to
15 my OLEG, printing out a report, including it in
16 the jacket, with the statements from both the
17 victim and the suspect, with my notes indicating
18 witnesses, conferring with witnesses and what
19 they said, all of that was previewed by the
20 prosecutor and from that she ruled.

21 Q. Okay. And then you have already testified you
22 gave her the file, she looked at the file, so I'm
23 not interested in that. Is there anything you
24 told the prosecutor during your conference with
25 her? I mean do you just go to Prosecutor Coyne

1 and say, "I have a case. Here's the file.
2 Review it," or did you do something else during
3 that process?

4 A. I came to Prosecutor Coyne's office and said to
5 her, "I have a case. This is the RMS report. I
6 have two statements." I verbally stated to her
7 what the accounts were from the witnesses. She
8 previewed any documents that was in the file
9 along with the felony affidavit for charging of
10 robbery and from that she made the determination.

11 Q. Did you tell the prosecutor that Anthony Sowell
12 had been a convicted felon? I understand it may
13 say elsewhere in the materials you presented, but
14 did you verbally tell that to Prosecutor Coyne?

15 A. I did not say that to Prosecutor Coyne.

16 Q. Did you tell Prosecutor Coyne that Anthony Sowell
17 was a registered sex offender?

18 MR. SINGLETARY: You're saying
19 orally, correct?

20 MR. TOLLES: Yes.

21 A. It's possible. I can't say that I did. I don't
22 remember.

23 Q. Did you tell Prosecutor Coyne orally about any
24 other, specifically about any other charges or
25 incidents involving Anthony Sowell?

1 A. I only presented her with the case at hand and
2 did not discuss with her or talk to her or
3 indicate anything that was in his past from other
4 records which I was not, you know, aware of at
5 any extent of details to know, no.

6 Q. And you didn't present any photographs of Gladys
7 Wade's injuries to the prosecutor?

8 A. I didn't present any to the prosecutor. In the
9 RMS report if there was indication there were
10 photos, it would be in the RMS report but I
11 didn't present any.

12 MR. SINGLETARY: To be clear, I
13 think we discussed this, Mark, the
14 affidavit itself that was presented and
15 signed refers to victim injuries which
16 would have been presented to the
17 prosecutor. The complaint is based on
18 police report, victim statement, EMS
19 transport.

20 Q. Well, I guess, I mean that's the question. If
21 you didn't have those pictures at the time you
22 conferred with the prosecutor, how could you have
23 possibly presented them to Prosecutor Coyne?

24 MR. SINGLETARY: Was your question
25 related to pictures or discussion about --

1 MR. TOLLES: Pictures, yeah, not
2 whether she observed.

3 Q. But whether you presented any pictures.

4 A. No, I didn't discuss with her anything about
5 pictures. If there were pictures, it would be
6 indicated in the RMS report which she would have
7 been able to read to know that there were
8 pictures by the zone car people.

9 Q. And the RMS report that she reviewed is the
10 printout one that was in your file; correct?

11 A. Yes.

12 Q. And that doesn't contain any pictures?

13 A. It would indicate that pictures were taken by the
14 zone car person.

15 Q. Okay. And, likewise, you didn't present any
16 photographs relative to Anthony Sowell to
17 Prosecutor Coyne?

18 A. I know I requested that SIU take pictures of him
19 but I -- um, and then, um, I believe there were
20 some smaller photos of him taken, I believe. As
21 a matter of fact -- let me see. Yeah, I think
22 that some photos were taken and --

23 MR. SINGLETARY: Those would be
24 referenced in the RMS report.

25 THE WITNESS: Yeah, there would be

1 a reference in the RMS report.

2 A. Yeah. 12/9/08. Yeah, the pictures were taken,
3 right, but -- and that would be indicated in the
4 RMS report. Physically showing her pictures, no,
5 but it would be indicated that there are pictures
6 of her injuries and his injuries, yeah.

7 Q. And just to be clear, Prosecutor Coyne had ruled
8 on this case while you were there during the
9 conference?

10 A. Yes.

11 Q. So at that time she didn't view any photographs;
12 correct?

13 A. I don't recall if she viewed any photographs.
14 There was occasions where we would take 35mm
15 pictures or snapshots of people so I don't recall
16 taking the Polaroid snap pictures of Anthony or
17 Gladys, so... If I had then that would have been
18 part of the package but that wasn't -- I don't
19 believe that was the case, so the photographs
20 taken by the other detective is indicated in the
21 RMS report that photographs were taken and then
22 they are developed later when the prosecutor goes
23 to request it if that's necessary or the
24 detective requests it later on if there's going
25 to be a charge.

1 Q. And during your conference with Prosecutor Coyne,
2 did she ask you any questions regarding the
3 status of your investigation?

4 A. When I came to her, the status was this is what I
5 have concerning this investigation.

6 Q. But I mean she didn't ask any questions about are
7 there still things you're waiting on, are there
8 things that you haven't done or what have you
9 done?

10 A. No.

11 Q. And when Prosecutor Coyne decided not to issue
12 papers, did she tell you what the basis of that
13 was?

14 A. I think she responded on the form, along with
15 reading the statements from Gladys and Anthony
16 and I believe, letting her know that Gladys was
17 very upset about losing her money and her beer
18 but -- and she signing the affidavit that she was
19 a robbery victim and she was very upset about the
20 fact that she was fighting with this man and he
21 took her money. And then reading her statement
22 stating that she was not assaulted in any way
23 sexually by contact, her determination was a
24 result of all those things.

25 Q. I'll hand you Exhibit 2 which is your work

1 product and also Exhibit 3, 3-A, 3-B, and 3-C
2 which are your notes. On December 10th, 2008 you
3 conferred with the prosecutor; correct?

4 A. Yes.

5 Q. And you didn't list in your work product anywhere
6 that you had went to the scene or talked to any
7 witnesses; correct?

8 A. On my work product, this is 12/10, "Went to crime
9 scene, talked with witnesses and received info.
10 1/23, Imperial grocery store, Imperial market.
11 George, phone number 295-1104. Restaurant, Bess
12 Chicken 1/22/10, phone number 491-8333. LaTasha.
13 She spoke with the victim who asked her to call
14 the police because she and her boyfriend were..."
15 -- I have -- I don't know this word, "feuding.
16 Also she was bleeding around her hand." That's
17 on the work product.

18 Q. So that was done. I guess what I'm getting at is
19 were all of those notes dated December 10, 2008
20 generated before you met with Prosecutor Coyne or
21 were some of those generated when you went back
22 to see Anthony Sowell that day after you
23 conferred with her?

24 MR. SINGLETARY: Mark, you're
25 asking her about the ones that are dated

1 12/10/08 on the exhibit?

2 MR. TOLLES: I mean it looks like
3 they are all supposed to kind of run
4 together. I guess we can confirm each
5 exhibit individually.

6 Q. I guess with respect to the first exhibit,
7 Exhibit 3, was that done before or after you met
8 with Prosecutor Coyne?

9 A. Before? Before.

10 MR. SINGLETARY: You testified you
11 didn't do 3-A.

12 A. On 12/10 --

13 Q. That is 3-B.

14 A. Yeah. This is further information about LaToya
15 Meyers.

16 MR. SINGLETARY: The question
17 though I think he's asking is is this
18 before or after you met with the
19 prosecutor.

20 A. Oh. Before I met with the prosecutor. And this
21 section right here is writing that is not mine.

22 Q. Then the last diagram, what is that? It's
23 Exhibit C.

24 A. This is another piece of paper added to the file
25 which is not my handwriting so this is whoever

1 investigated after me so.

2 Q. So none of that, the sketches, aren't yours?

3 A. No.

4 Q. Okay. Did you make any sketch after? After you
5 conferred with Prosecutor Coyne and after you
6 then went back to Anthony Sowell's house, did you
7 make any other sketches or anything?

8 A. No.

9 Q. Okay. Did you tell Prosecutor Coyne when you
10 meet with her that you had not viewed the crime
11 scene at that time?

12 MR. SINGLETARY: For
13 clarification, Mark, just to be clear, her
14 use of the word "crime scene," when she
15 went to the house, are you referring to the
16 interior of the house?

17 MR. TOLLES: Yes.

18 A. Yes. She was aware that the guy was in jail and
19 that I had gone over to talk with witnesses via
20 the grocery store and the restaurant to confirm
21 or get information about what either of the two
22 parties were saying in their statements.

23 Q. But was she specifically aware of whether or not
24 you had went into the house?

25 A. No, she did not know that I had not gone in the

1 house. Given that he was arrested, she would
2 know that -- no, I didn't say I didn't go into
3 the house, no.

4 Q. And you only spoke with Prosecutor Coyne, though,
5 with regard to the Gladys Wade matter on that one
6 occasion, December 10th?

7 A. Yes.

8 Q. And following your discussion with Prosecutor
9 Coyne and her ruling not to issue papers you
10 called Gladys Wade; correct?

11 A. Yes.

12 Q. And she was upset that charges weren't being
13 filed?

14 A. Yes.

15 Q. And did you communicate that she was upset to
16 anybody?

17 A. I don't remember talking to anybody about it but
18 it's possible. I don't know. I don't remember,
19 but I indicated -- did I indicate it to her? No,
20 "phoned victim, upset." That's what I wrote on
21 my notes. "Phoned victim, upset, and stated that
22 they will obtain an attorney." I did indicate it
23 on my notes, but verbally talk to somebody I
24 don't remember that.

25 Q. And would it have been important to communicate

1 that to somebody?

2 A. I didn't feel that because I had cases where
3 people weren't satisfied with and I'm moving on
4 to the next case.

5 MR. SINGLETARY: You okay,

6 Georgia?

7 THE WITNESS: Uh-huh.

8 Q. I'm almost done. You had testified earlier that
9 you -- Georgia, you testified that Prosecutor
10 Coyne is not the only prosecutor who you go to
11 with a sex crime case?

12 A. They have a staff that works second shift and so
13 it's the pick of the draw. Up and down the hall
14 there are prosecutors and whoever is available
15 you walk into their office if they're there and
16 confer.

17 Q. Can you go to any prosecutor or is there like a
18 list of ones who handle the sex crimes cases?

19 A. At that time it was night shift prosecutors who
20 handled everything.

21 MR. TOLLES: Those are all the
22 questions I have for you. Thank you.

23 MR. SINGLETARY: We'll read.

24

25

DETECTIVE GEORGIA HUSSEIN

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C E R T I F I C A T E

The State of Ohio,) SS:
County of Cuyahoga.)

I, Sandra L. Rice, a Notary Public within and for the State of Ohio, authorized to administer oaths and to take and certify depositions, do hereby certify that the above-named witness was by me, before the giving of their deposition, first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the deposition as above-set forth was reduced to writing by me by means of stenotypy, and was later transcribed into typewriting under my direction; that this is a true record of the testimony given by the witness; that said deposition was taken at the aforementioned time, date and place, pursuant to notice or stipulations of counsel; that I am not a relative or employee or attorney of any of the parties, or a relative or employee of such attorney or financially interested in this action; that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Cleveland, Ohio, this _____ day of _____, A.D. 20____.

Sandra L. Rice, Notary Public, State of Ohio
1750 Midland Building, Cleveland, Ohio 44115
My commission expires September 26, 2014

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