

A-2056-03T4

A-2058-97TY

SUPERIOR COURT OF NEW JERSEY
CRIMINAL DIVISION
CAMDEN COUNTY
IND. 2469-10-95

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF NEW JERSEY, :
vs. :
DENNIS L. COPLING, :
Defendant. :

Trial

Place: Hall of Justice
100 South Fifth Street
Camden, New Jersey

Date: January 22, 1997

B E F O R E:

HONORABLE LINDA G. ROSENSZWEIG, J.S.C.
And A Jury

TRANSCRIPT ORDERED BY:

HAROLD KATZ, ESQ.

APPEARANCES:

JOEL H. ARONOW, ESQ.
For the State of New Jersey

ROBERT H. LEINER, ESQ.
For the Defendant

WALTER F. FLYNN, C.S.R.
Official Court Reporter
Suite 580
Hall of Justice
Camden, New Jersey

FILED
APPELLATE DIVISION

JUN 3 5 2004

Walter F. Flynn
CLERK

STOCK FORM FMRRN

THE CORBY GROUP 1-800-253-5640

I N D E X

MIRANDA HEARING

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
<u>FOR THE STATE</u>				
Sgt. Joseph Forte (Voir Dire)	3	26	38	40

EXHIBIT.

	<u>Ident.</u>
S-1 Miranda Rights Form	3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STUCK FORM FIMHIN

THE CURRY GROUP 1 800 245 3000

1 MR. ARONOW: S-1.

2 (Miranda Rights Form marked Exhibit S-1 for Identifi-
3 cation.)

4 THE COURT: Counsel, this will be a Miranda Hearing
5 outside the presence of the jury.

6 Mr. Aronow, you may call the State's first witness.

7 MR. ARONOW: The State would call Sergeant Joseph
8 Forte.

9 THE COURT: Sergeant, good afternoon. If you would
10 come forward and be sworn.

11 J O S E P H F O R T E, sworn.

12 VOIR DIRE DIRECT EXAMINATION BY MR. ARONOW:

13 Q. Will you state your name?

14 A. Joseph Forte.

15 Q. And you work for?

16 A. Camden County Prosecutor's Office.

17 Q. In what capacity?

18 A. Investigator Sergeant in the Homicide Unit.

19 Q. How long have you presently been assigned to Homicide?

20 A. Six years.

21 Q. How long have you been an investigator with the
22 Camden County Prosecutor's Office?

23 A. Seventeen years.

24 Q. Did you have occasion to become involved in a homi-
25 cide investigation regarding the death of Kirby Bunch and

1 Mark Bunch?

2 A. Yes.

3 Q. How did you become involved in that investigation?

4 A. I was on call that night and I was called by pager to
5 respond to the scene of the 2100 block of Westminster Avenue.

6 Q. In the City of Camden?

7 A. Yes.

8 Q. Did that investigation lead to the arrest of Dennis
9 Copling?

10 A. Yes.

11 Q. When did that arrest take place?

12 A. I believe the 27th of January.

13 Q. 1995?

14 A. Yes.

15 Q. Were you present at the time that Dennis Copling
16 was arrested?

17 A. Yes.

18 Q. And is Dennis Copling present in the courtroom
19 today?

20 A. Yes.

21 Q. Can you identify him?

22 A. The man down there with the white shirt.

23 THE COURT: The record should reflect the witness
24 has identified Dennis Copling.

25 Q. Where was Dennis Copling arrested?

1 A. At this apartment in Monroe Township.

2 Q. At the time of his arrest, was the defendant or
3 shortly thereafter, was the defendant advised of his Consti-
4 tutional rights?

5 A. Yes.

6 Q. By whom?

7 A. He was advised of his rights by one of the arresting
8 officers, I am not sure who, while inside the apartment.
9 Then he was advised of his rights again when he was brought
10 back and interviewed at the Camden City Police Department.

11 Q. Between the time that he was advised of his rights
12 by an officer in Monroe Township at the time of his arrest,
13 and the time that he was again read his rights at the Camden
14 Detective Bureau, was the defendant questioned in any way?

15 A. No.

16 Q. Did you overhear the officer who advised the defen-
17 dant of his Constitutional rights at the time of his arrest
18 in Monroe Township?

19 A. Yes.

20 Q. Was he advised of his complete Constitutional rights
21 under Miranda, to the best of your recollection?

22 A. Yes.

23 Q. For instance, was he advised of his rights to remain
24 silent?

25 A. Yes.

1 Q. Was he advised of his right to have an attorney?

2 A. Yes.

3 MR. LEINER: Objection to leading questions, your
4 Honor.

5 Q. Sergeant Forte, I will rephrase the question.

6 Will you explain what rights you heard the defendant
7 given in your presence?

8 A. Well, I don't recall whether or not he was read his rights
9 off a card or anything. We were conducting a search at the
10 same time that he was under arrest.

11 I think the usual Miranda rights, usual statement of
12 rights, right to remain silent, right to consult with an
13 attorney before making any statement, things of that nature.

14 Q. Was he advised, to the of your knowledge, whether
15 or not anything he said would be used against him in a Court
16 of Law?

17 A. Yes.

18 Q. Yes, you recall that, or yes, he was advised that?

19 A. I don't recall.

20 Q. Once the defendant was brought to the Camden Detec-
21 tive Bureau --

22 MR. ARONOW: Let me strike that.

23 Q. How was he brought to the Camden Detective Bureau?

24 A. He was brought by county car with myself and Detective
25 Jim Wilson from the Camden City Police Department.

1 Q. Was the defendant questioned in any way, by you or
2 anyone in your presence, between the time of his arrest in
3 Monroe Township and the time you arrived in the Detective
4 Bureau in Camden City?

5 A. No, he wasn't.

6 Q. You indicated that the defendant was advised of his
7 rights of his rights at Camden Detective Bureau, on the night
8 of his arrest.

9 I show you what has been marked S-1 for Identifica-
10 tion, and ask you if you recognize that document?

11 A. Yes, I do.

12 Q. How was it you recognized that document?

13 A. The Statement of Rights that we read to Dennis Turner that
14 night.

15 Q. When you say Dennis Turner, why do you use that last
16 name?

17 A. We knew him as Dennis Copling. He identified himself as
18 Dennis Turner.

19 Q. The same individual present in the courtroom, however?

20 A. Yes.

21 Q. Did you subsequently learn his complete name or true
22 name?

23 A. Dennis Copling, as far as I know.

24 Q. With respect to the form marked S-1 for Identifica-
25 tion, is that a standard form utilized by the Camden City

1 Police Department and the Camden County Prosecutor's Office,
2 for purposes of advising someone of their Constitutional
3 rights?

4 A. Yes.

5 Q. Is that a form that you recognize and have utilized
6 on other occasions?

7 A. Yes.

8 Q. Would you explain for the record what has been marked
9 S-1 for Identification consists of?

10 A. It's a Statement of Rights form and it lists numerous
11 rights.

12 Do you want me to read the rights?

13 Q. Yes, please.

14 A. The first one is, "Before we ask you any questions, it is
15 my duty to advise you of your rights."

16 Dennis would sign his initials, the defendant would
17 sign his name on the right-hand side.

18 Q. There is a provision for any person who has been
19 advised of their rights to initial?

20 A. Yes.

21 Q. Are there initials on S-1 for Identification in that
22 particular spot?

23 A. Yes.

24 Q. Whose initials are they?

25 A. The defendant's.

1 Q. What initials did he utilize to sign?

2 A. D.T.

3 Q. For the name he was giving you that night?

4 A. Yes.

5 Q. What other questions are there?

6 A. "You have the right to remain silent."

7 He initialled he knew that.

8 "Anything you say can and will be used against you
9 in Court or other proceedings."

10 He initialled that.

11 "You have the right to consult an attorney before
12 making any statements or answering any questions, and you may
13 have present with you during questioning," and he acknowledged
14 that.

15 "You may have an attorney appointed by the Court to
16 represent you, if you cannot afford or otherwise obtain one."

17 He initialled that.

18 "If you decide to answer questions now with or with-
19 out a lawyer, you still have the right to stop questioning at
20 any time, or to stop the questioning for the purpose of consul-
21 ting a lawyer."

22 He initialled that.

23 Then it says, "However, you may waive the right to
24 advice of counsel and your right to remain silent, and you may
25 answer questions or make a statement without consulting a

STOCK FORM FMBRN

THE CORBY GROUP 1 800 255 5000

1 lawyer, if you so desire."

2 He initialled that.

3 Q. What point in time did he initial these particular
4 paragraphs?

5 A. He acknowledged all these rights by signing the bottom
6 of the form at 8:00 P.M.

7 Q. On what day?

8 A. 1/27/95.

9 Q. You say he signed the bottom of the form.

10 Is there a provision for his signature?

11 A. Yes. It says, "I acknowledge that all information above
12 has been read and explained to me and I understand it completely.
13

14 It's signed Dennis Turner.

15 Q. Do you recognize that to be the signature that Dennis
16 Turner placed there on, on January 27, 1995?

17 A. Yes.

18 Q. Whose signature appears directly beneath that?

19 A. My signature, Detective Jim Wilson's, Badge Number 164 in
20 the Camden City Police Department.

21 Q. Did Dennis Turner sign in front of yourself and
22 Detective Wilson?

23 A. Yes.

24 Q. What was done with the form, which has been marked
25 S-1 for Identification, after it was completed?

A. It was submitted into evidence.

1 Q. With respect to what, this particular case?

2 A. Yes.

3 THE COURT: You say submitted in evidence. What do
4 you mean by that?

5 THE WITNESS: It's logged into our evidence locker
6 with the rest of the evidence from this case.

7 Q. Did you have an opportunity to go to that evidence
8 locker at any time within the recent past?

9 A. Yes. I went there this morning.

10 Q. From where did you receive what has been marked
11 S-1 for Identification?

12 A. From the Camden County Prosecutor's Office, the Evidence
13 Room, from Investigator Rose McCoy, who signed the evidence
14 over to me.

15 Q. Who is Investigator Rose McCoy?

16 A. The evidence officer, for the Camden County Prosecutor's
17 Office.

18 Q. Who did you turn it into, when you logged it into
19 evidence, using your words?

20 A. I have to look at the evidence sheet, who signed for it
21 the day I turned it in.

22 Q. Would it be someone similar to Rose McCoy?

23 A. Whoever was assigned to the Evidence Room at that time
24 two years ago.

25 Q. In addition to advising Dennis Copling of the

1 rights that are contained in S-1 for Identification orally,
2 was he given an opportunity to read it?

3 A. Yes.

4 Q. Did he indicate to you he had any difficulty reading
5 or writing the English language?

6 A. No.

7 Q. You indicated the Statement of Rights form was signed
8 at 8:00 P.M., is that correct?

9 A. Yes, sir.

10 Q. Approximately what time was the defendant arrested
11 that day in Monroe Township?

12 A. Approximately 7:00 P.M.

13 Q. Are you and/or Detective Wilson dutybound to fill
14 out that form marked S-1 for Identification completely and
15 accurately at the time it is signed by the defendant?

16 A. Yes.

17 Q. Have you had the occasion to speak to people who
18 have been under the influence of alcohol or drugs?

19 A. Yes.

20 Q. On how many occasions have you had that opportunity?

21 A. Numerous.

22 Q. When you say numerous, more than ten, more than
23 fifty, more than a hundred?

24 A. Twenty-five to fifty times.

25 Q. Have you had occasion to observe their attitude or

1 demeanor of such people?

2 A. Yes.

3 Q. Based upon your prior experience, did the defendant
4 exhibit any signs or symptoms of being under the influence of
5 alcohol or drugs, at the time he signed and initialled what
6 has been marked S-1 for Identification, at the time he signed
7 it?

8 A. No.

9 Q. Once the defendant signed what has been marked S-1
10 for Identification, how long did it take before any questioning
11 of the defendant began?

12 A. Immediately.

13 Q. Did the defendant at any time appear to be incoherent
14 or appear to have problems understanding?

15 A. No.

16 Q. Did you have any trouble at any time understanding
17 the defendant?

18 A. Not at all.

19 Q. Was the defendant in your presence the entire time?
20

21 A. Yes.

22 Q. When I say presence, I mean in front of you personally.

23 A. There was a time that I walked out of the room that I
24 didn't -- No, he wasn't in my presence when I walked out of
25 the room at one point.

Q. What point was that?

STOCK FORM FMRRN

THE CORBY GROUP 1 800 255 5040

1 A. Somewhere midway between his interview. Midway to the
2 end of his interview.

3 Q. The defendant left your presence or you left his
4 presence?

5 A. I was interviewing the defendant with Detective Wilson,
6 and one point Detective Wilson exited the room, and then
7 Detective Finneman came in. Detective Finneman and I were
8 interviewing the defendant, and the defendant chose to respond
9 more to Detective Finneman.

10 At that point I left the room to let Detective
11 Finneman interview the defendant.

12 Q. How long a period of time did Detective Finneman
13 have with the defendant alone?

14 A. Approximately ten minutes.

15 Q. Were you nearby?

16 A. Yes.

17 Q. Where were you?

18 A. Right outside the door.

19 Q. Could you explain how the Detective Bureau is set up
20 and someone is interviewed?

21 A. There are three interview rooms at the back of the Detec-
22 tive Bureau. The Detective Bureau is on the second floor of
23 the Police Department. There is a main Squad Room. In the
24 rear of the Squad Room there are three interview rooms, whose
25 doors are right there in the Squad Room.

1 In other words, you can walk from the Interview Room
2 right into the Squad Room.

3 The Interview Rooms are small closet-like rooms,
4 maybe five foot by four foot type of rooms, two chairs, table,
5 some windows.

6 Q. Where would you have been standing, when you were
7 out of the defendant's presence?

8 A. Right out in that general area where the back of the
9 Squad Room is in front of the Interview Room.

10 Q. Were you in proximity to determine whether or not
11 there was any argument going on between Detective Finneman and
12 the defendant, Dennis Turner?

13 A. Yes.

14 Q. Did you overhear any argument between the defendant
15 and Detective Finneman?

16 A. There was no argument going on.

17 Q. Could you hear exactly what was being said between
18 Detective Finneman and the defendant at that time?

19 A. No.

20 Q. That was for an approximate ten minute span?

21 A. Yes.

22 Q. Prior to that time when --

23 THE COURT: I don't think I understood that. You
24 stated you could not hear word-for-word what was going on be-
25 tween Detective Finneman and the defendant?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE WITNESS: Yes.

THE COURT: Were you able to hear voices, though?

THE WITNESS: Yes.

THE COURT: Were you able to determine whether the voices became elevated at any time?

THE WITNESS: Absolutely. There was no elevated voice.

THE COURT: Thank you. You may continue.

MR. ARONOW: Thank you, your Honor.

THE WITNESS: I did hear the defendant say at one point, "You can tell him to come back in." I remember distinctly I heard him say that.

Q: When he said, "Tell him to come back in," who was he speaking to?

A: He was speaking to Detective Finneman regarding me.

Q: Did you re-enter at that time?

A: Yes.

Q: Prior to Detective Finneman becoming involved in questioning the defendant, did the defendant tell you anything with respect to incidents that occurred on January 18th, 1995?

A: Yes, he did.

Q: What did he tell you?

A: At the start of the interview he told us how he spent his night, he was in Camden that night and he was in the area of 26th and High, and 28th and Mitchell, and just basically how

STOCK FORM FMRRN

THE CORBY GROUP 1-800-255-5042

1 he walked around, spent the night walking around talking to
2 several people. He gave nicknames of people he talked to.
3 That was for the most part of the interview.

4 Q. Approximately how long did that take?

5 A. We talked to him for forty-five minutes to an hour, maybe.

6 Q. Based upon what the defendant was telling you, what
7 did you believe with respect to the interrogation process?

8 A. That he was lying.

9 Q. Is that when Detective Finneman came in?

10 A. Detective Finneman came in after Detective Wilson left.
11 I don't know exactly what point that was.

12 I don't know why Detective Wilson left. I don't re-
13 call whether he was paged or what the story was, but he did
14 walk out.

15 When we interviewed defendants, suspects in homicides,
16 we always have two detectives in the room.

17 Q. When Detective Wilson left, that coincided with when
18 Detective Finneman came or close thereto?

19 A. Yes.

20 Q. What the interview process resumed, once Detective
21 Finneman or once the defendant advised you that you could come
22 back to the interview room?

23 A. Yes.

24 Q. Did you have subsequent conversation with the defen-
25 dant?

1 A. Yes.

2 Q. Did he indicate to you anything different, with re-
3 spect to what had occurred on January 18, 1995, on that par-
4 ticular occasion?

5 A. Yes.

6 Q. Were any threats made to the defendant, that you are
7 aware of, or in your presence, in order to get him to change
8 his story?

9 Was the defendant physically touched in any way by
10 you or Detective Finneman, to your recollection, with respect
11 to anything other than transporting him to and from the Inter-
12 view Room?

13 A. No, he wasn't.

14 Q. Did the defendant ever ask you to use the bathroom
15 or for food or cigarettes, during the interview process?

16 A. No.

17 Q. Did the defendant ask for sleep or a phone call?

18 A. No.

19 Q. Were there any promises made to the defendant, in
20 order to get him to cooperate?

21 A. No.

22 Q. Did the defendant make --

23 MR. ARONOW: Strike that.

24 Q. What did the defendant say to you subsequent to
25 Detective Finneman coming into the Interview Room, that was

STOCK FORM FMBRIN

THE CORBY GROUP 1 800 255 5000

1 different from what he had told you previously?

2 A. He stated he wanted to tell the real truth, and I didn't
3 know the story at this point.

4 Q. With respect to other than the fact he was wonder-
5 ing around Camden at 26th and High and 26th and Mitchell on
6 January 18th, 1995, did he, prior to Detective Finneman going
7 in and speaking to him, did he indicate any knowledge whatso-
8 ever with respect to the homicide you were investigating?

9 A. He said no.

10 Q. He said no what?

11 A. Prior to him telling me he wanted to tell me the real
12 truth, he indicated he didn't know anything about the homicide.

13 Q. After Detective Finneman spoke to the defendant,
14 what did he tell you different from what he told you previously?

15 A. He told us he was -- He told us who he was with and what
16 the plan was, to go over to McGuire Projects and look for
17 K.C., and go with K.C. for what K.C. had done to his brother
18 the night before.

19 He indicated he went to the apartments and he identi-
20 fied Fahim and the other victim, Malik. I think he said Fahim
21 stayed out in the car, Dennis and Malik went to the apartment.
22 He was told by Malik if any problems occur, go back and get
23 Fahim.

24 He went into the apartment. Apparently problems
25 were arising. He went back and got Fahim. Fahim came back

1 to the apartment.

2 Q. Did he indicate to you anything with respect to the
3 manner in which he was dressed on that occasion?

4 A. Yes. He stated he was wearing pretty much all black
5 clothes.

6 Q. Did he indicate he was wearing anything, with respect
7 to his face?

8 A. He had a ski mask on.

9 Q. Did your investigation reveal who was K.C.?

10 A. Kirby Bunch, Jr.

11 Q. Was he one of the victims in the homicide?

12 A. Yes, he was.

13 Q. Did your investigation determine who Malik was?

14 A. Mark Sylvester Winston.

15 Q. Was he one of the homicide victims?

16 A. Yes.

17 Q. Did your investigation reveal who Fahim was?

18 A. Donnie Parker.

19 Q. Did the defendant indicate what his participation
20 was on the evening of January 18th of 1995?

21 A. He indicated he went to the apartment, and before things
22 got -- before the shooting happened, he backed away from the
23 apartment and got Fahim. Fahim is the one that went up and
24 did the shooting.

25 Q. Did he indicate how he got there that night?

1 A. I believe he said he had Fahim's car, Fahim was driving
2 the car.

3 Q. Did he indicate why they were going to K.C.'s apart-
4 ment on January 18, 1995?

5 A. To retaliate for having his brother beat up the night
6 before.

7 Q. By whom?

8 A. K.C.

9 Q. Who was the defendant's brother?

10 Who was beat up by K.C.?

11 A. Gary Copling.

12 Q. Did Dennis Turner, also known as Dennis Copling,
13 indicate what happened when they arrived, with respect to
14 K.C.'s apartment?

15 A. I don't know what you mean.

16 Q. Once they got there, did he indicate there was any
17 conversation between and among themselves, with respect to
18 what was going to happen?

19 A. Can I refer to my report?

20 Q. Absolutely. Let me ask you this.

21 Did you prepare a report with respect to any conver-
22 sations you had with Dennis Turner, also known as Dennis
23 Copling, on January 27, 1995?

24 A. Yes.

25 Q. Is that report in your presence today?

1 A. Yes, it is.

2 Q. Has what you testified to today been based upon
3 your recollection, or have you reviewed your report prior to
4 today as well?

5 A. I also reviewed the report.

6 Q. Do you need that report to refresh your recollection,
7 with respect to what specifics may have been discussed by
8 Dennis Turner on January 27th, 1995?

9 A. Yes.

10 Q. Would you please do so?

11 A. Okay.

12 Q. Does your report refresh your recollection, with
13 respect to the approximate time Detective Finneman spoke with
14 Dennis Turner?

15 A. Yes.

16 Q. What time was that?

17 A. Approximately 9:30.

18 Q. That was approximately an hour and a half after the
19 defendant signed the Statement of Rights card or form?

20 A. Yes.

21 Q. That was approximately two and a half hours from the
22 time that the defendant was arrested in Monroe Township?

23 A. Correct.

24 Q. Was the defendant fully dressed at the time he was
25 interviewed?

1 A. Yes.

2 Q. Would you indicate for us what specifics you recall,
3 with respect to what transpired on January 18, 1995, involving
4 Dennis Turner, also known as Dennis Copling?

5 A. You want to know what he stated to me regarding the
6 apartment?

7 Q. Yes.

8 A. He stated that he and Malik went into the apartment, and
9 Malik and K.C. started to argue.

10 Q. About what?

11 A. With reference to the incident the night before with
12 Dennis' brother, Gary.

13 Q. Did he indicate approximately what time he arrived
14 at K.C.'s apartment?

15 A. Approximately 8:40.

16 Q. P.M.?

17 A. Yes, 8:40 P.M. or thereafter.

18 Q. Did he say what specifically they were going to do
19 to K.C., if they found him?

20 A. They were going to beat him up.

21 Q. Did he indicate where they parked, once they arrived
22 in the area where K.C. lived?

23 A. Yes. The area of Westminster and Boyd Street.

24 Q. Are you familiar with the homicide location?

25 A. Yes.

STOLK FORM FMRRN

THE CORBY GROUP 1-800-255-5640

1 Q. Are you familiar with where Westminster and Boyd
2 Street is?

3 A. Yes.

4 Q. Are they in close proximity to one another?

5 A. Yes.

6 Q. Did he indicate what Fahim did, with respect to his
7 action on that night?

8 A. Yes. Dennis said he saw Fahim shoot K.C.

9 Q. Did he indicate what he did after that?

10 A. Dennis ran back to the car and Fahim returned back to the
11 car, and they fled the area.

12 Q. Did he indicate what type of clothing Fahim was
13 wearing?

14 A. Yes. He said he was wearing a cream colored sweater,
15 blue jeans and tan Timberland boots.

16 Q. Did anything occur during the interview process,
17 that interrupted the interview process from that time on?

18 A. Yes.

19 Q. What happened?

20 A. Detective Torres came to the police department, told me
21 that the defendant's family was out front with an attorney.

22 Q. Approximately what time was that?

23 A. Approximately 10:00 P.M.

24 Q. At that point what did you do?

25 A. I went out front to see what was going on.

1 Q. Did you meet with anyone there?

2 A. Yes. I saw Dennis' father, some other family members
3 standing out front, and they stated they were in the process
4 of getting a lawyer for Dennis, and indicated there is no
5 lawyer here, they said they were in the process of getting
6 one, but his representative was here, and there was some
7 man in the back that identified himself. I don't recall what
8 his name was, but he said he worked for a particular lawyer.

9 At that point the interview was stopped with Dennis.
10

11 Q. Did the person identify himself as an attorney?

12 A. No, he didn't.

13 Q. Did an attorney subsequently at any time appear that
14 evening, in order to represent Dennis Turner, also known as
15 Dennis Copling?

16 A. No.

17 Q. What would have been your standard course of action,
18 had you not been interrupted by the Copling family?

19 A. We would have continued the interview and taken a state-
20 ment from him.

21 Q. Since the interview process concluded, did you ever
22 or were you ever able to complete the interview process and
23 take a taped statement?

24 A. No.

25 Q. So the interview process ended at approximately
10:00 P.M.?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. Yes.

MR. ARONOW: I have no further questions of this witness.

THE COURT: Mr. Leiner, you may Cross-examine.

MR. LEINER: Thank you, your Honor.

VOIR DIRE CROSS-EXAMINATION BY MR. LEINER:

Q. Detective Forte, isn't it true that an attorney for the family was out there was Wayne Powell?

A. They said they were going to get Wayne Powell.

Q. Did Mr. Copling at any time during the interview tell you he wanted to talk with Attorney Wayne Powell, prior to continuing the questioning?

A. No.

Q. You indicated in your Direct examination there was a break at some point, where you were not in the room, is that correct?

A. Yes, sir.

Q. Is it that point you went out to talk to the family members about whether or not they had an attorney out there or not?

A. Yes.

Q. So it was at the break you went out and saw the family members, is that correct?

MR. ARONOW: When you say break, what are you referring to?

STYLER FORM F-100

THE CORBY GROUP 1 800 255 5640

1 When Detective Finneman came or Detective Torres
2 came in? There are two breaks.

3 MR. LEINER: He didn't say he was confused by the
4 question. I don't understand what the objection is.

5 THE COURT: There is an objection to the form of the
6 question. It is true as long as the witness understands the
7 question, technically there is no objection. The factfinder
8 has to understand, and I don't understand which point you mean
9 either, so I will ask for clarification.

10 Q. Sergeant, you indicated that you had left the room
11 approximately ten minutes?

12 A. Yes.

13 Q. Is that what you understood my question to mean?

14 A. No, sir. I thought you meant when Detective Torres
15 knocked on the door.

16 Q. Detective Torres knocked on the door, that was 10:00
17 o'clock at night?

18 A. Approximately, yes.

19 Q. Is it possible that Detective Wilson --

20 A. James Wilson.

21 Q. Was he called out of the room to speak to the
22 family members, who might be out front?

23 A. I don't recall that.

24 Q. You don't whether he was or he wasn't?

25 A. No, I don't know whether he was or was not.

1 Q. But it is possible the family members were out
2 where?

3 A. No. The first time when Detective Wilson left, as far
4 as I know, he didn't go out to talk to any family members.

5 As far as I know, the family members didn't show up
6 until Detective Torres knocked on the door and told me they
7 were there.

8 Q. You indicated that Mr. Copling didn't ask for any
9 food, drink, or request to go to the bathroom during the course
10 of this interview, is that correct?

11 A. Correct.

12 Q. He was in your custody for approximately three
13 hours by 10:00 o'clock, is that correct?

14 A. Correct.

15 Q. Did you ever offer him any food during that period
16 of time?

17 A. No.

18 Q. Did you ever offer him anything to drink during that
19 period of time?

20 A. I may have.

21 Q. Do you recall whether you did or you didn't?

22 A. I don't recall whether I did or didn't.

23 Q. Do you recall whether or not you offered him the
24 opportunity to go to the bathroom, during that three hour
25 period?

1 A. If a man has to go to the bathroom, he can speak up. We
2 don't offer someone to go to the bathroom.

3 Q. Did you ever offer him the opportunity to go to the
4 bathroom, during that three hour period?

5 A. I didn't offer the bathroom, no.

6 Q. When Detective Finneman was in the interview room
7 by himself with Dennis Copling, he was by him for a while, is
8 that correct?

9 A. Yes.

10 Q. Detective Finneman came out and told you to come back
11 into the room?

12 A. He never came out. He sat in the room and opened the
13 door.

14 Q. Did he tell you to come in or wave you in?

15 A. Yes.

16 Q. Did he tell you or wave you in?

17 A. Both.

18 Q. Did he continue to do the questioning during that
19 interview?

20 A. No.

21 Q. Let me get this right. You started talking to
22 Dennis Copling at approximately 8:00 P.M.?

23 A. Right.

24 Q. 8:00 P.M. that evening?

25 A. Yes.

1 Q. And for approximately, you said you were out of the
2 room, ten minutes?

3 A. Yes.

4 Q. Approximately an hour and twenty minutes you talked
5 to Dennis Copling, you were not able to get the story you
6 were looking for, is that correct?

7 A. Correct.

8 Q. Yet Detective Finneman goes in for ten minutes and
9 he starts to get the story you were looking for, is that
10 correct?

11 A. Correct.

12 Q. So then he calls you back into the room and has you
13 continue with the questioning?

14 A. Yes.

15 Q. Even though he is responding to Finneman, but not
16 to you?

17 A. That's correct.

18 Q. Back at the apartment in Monroe Township, I think
19 you indicated that Dennis Copling was read his Miranda rights
20 back at that apartment, is that correct?

21 A. Yes.

22 Q. And that was by a Monroe Township officer?

23 A. I don't recall what officer read him his rights.

24 Q. Were you conducting a search of that apartment
25 while Dennis Turner was being secured?

1 A. Yes.

2 Q. You don't remember whether or not he was read his
3 rights, is that correct?

4 A. No. I recall someone reading him his rights. I don't
5 recall who read him his rights, though.

6 Q. When did they read him his rights, when he was hand-
7 cuffed or before he was handcuffed?

8 A. He was taken into custody, secured and sat down. He was
9 dressed in his underwear. He sat down on the couch. We got
10 him clothes.

11 Q. During the course of that time he was read his
12 statement of rights.

13 Q. Were you getting his clothes for him?

14 A. I think his girlfriend got his clothes for him.

15 Q. How long were you at the apartment?

16 A. Fifteen minutes, if that.

17 Q. How far away is Williamstown or Monroe Township from
18 Camden?

19 A. About a half hour drive.

20 Q. So you arrived at the apartment at 7:00?

21 A. Approximately, yes.

22 Q. You searched the apartment?

23 A. Yes.

24 Q. I am sure that you were an instrumental part of that
25 search, is that correct?

1 A. Yes.

2 Q. Monroe Township probably didn't have any knowledge
3 of what you were investigating, is that correct?

4 A. Right.

5 Q. It would be information important for you and any
6 other representative of the Camden Police or Camden County
7 Prosecutor's Office, to conduct that search, is that correct?

8 A. Yes.

9 Q. So you're saying then that in that entire period you
10 were both present at the time his rights were read, and present
11 at the time his clothes were being secured and going through
12 the apartment searching for any evidence, is that what you're
13 saying?

14 A. Yes, sir. The one room apartment.

15 Q. I think you indicated this before. In regard to
16 that rights form, S-1 for Identification, did you read that
17 to Dennis Copling?

18 A. Yes.

19 Q. You read each one of his rights out loud?

20 A. Yes.

21 Q. As you read each one of the rights out loud, did
22 you hand them the paper and have him initial after each one
23 was read, or did you give him the paper at the end and ask
24 him to initial on all the appropriate lines?

25 A. He initialled after each line was read.

1 Q. Sergeant Forte, when Mr. Aronow asked you questions
2 with regard to this, he asked you whether or not it was impor-
3 tant that you fill out these forms completely and accurately,
4 is that correct?

5 A. Yes.

6 Q. What part of the form did you fill out?

7 You have Dennis Copling's initials all through the
8 top half. You have Dennis Copling's signature.

9 The signature of Dennis Turner, your name, and there
10 is another detective's name.

11 Whose name is that?

12 A. Detective Wilson.

13 Q. Did you fill in the time and the date?

14 A. Yes. I signed my name and the time, the date and time.

15 Q. You filled that out contemporaneous with Mr.
16 Copling's signature, or did you fill it in later?

17 A. After he signed it.

18 Q. Did you sign it right away yourself, or did you wait
19 until you were done, all done and back to your regular paper-
20 work?

21 A. We signed it right there.

22 Q. The date and time you put on is the time you be-
23 lieve Dennis Copling signed that paper?

24 A. Yes.

25 Q. You said it was your normal procedure to have two

1 detectives in a room when an individual is being questioned.

2 Is that an accurate statement?

3 A. Yes.

4 Q. Yet you left Detective Finneman and Dennis Copling
5 in the room by themselves for a period of time, is that true?

6 A. Yes.

7 Q. For a ten minute period, is that true?

8 A. Yes.

9 Q. You don't know what conversation took place in that
10 room, do you?

11 A. No, sir.

12 Q. So when you say you know they weren't arguing, you
13 are saying you didn't hear any screaming and shouting?

14 A. Correct.

15 Q. You don't know whether or not Dennis Copling was
16 telling Detective Finneman at that point he didn't want to
17 talk to him any more, or didn't want to continue the interview?

18 A. No, I don't know that.

19 Q. In fact, Detective, isn't it true that you left
20 the room because Dennis Copling stopped being cooperative?

21 A. Not at all. He was very cooperative.

22 Q. If he was so cooperative, how come you had to
23 leave the room and have Detective Finneman go in and question
24 him?

25 A. Because sometimes we do that when we interview suspects

1 in a homicide or in crimes, because the suspect tends to
2 relate to one detective. If he relates to one detective and
3 he doesn't like the other one, for whatever reason, sometimes
4 it's best to back out of the room to let the other detective
5 that has a rapport with the suspect continue the interview.

6 Q. Was it your opinion that night Dennis Copling
7 didn't like you?

8 A. No, not at all.

9 Q. It was not your opinion?

10 A. No, it wasn't my opinion.

11 Q. But you left the room anyway?

12 A. Yes.

13 Q. So it wasn't one of these circumstances where he
14 didn't like you. It was just that he stopped being coopera-
15 tive or stopped giving you whatever information you felt was
16 information you needed?

17 A. No. He was being very cooperative, very talkative. I
18 could just tell at one point he was more interested in talk-
19 ing to Detective Finneman.

20 Q. How long had Detective Finneman been in the room
21 at that point?

22 A. I don't recall. Fifteen minutes, something like that.

23 Q. How long was Detective Wilson in the room with you?

24 A. I don't recall that either. Half an hour to forty
25 minutes, something like that, forty-five minutes.

1 Q. You don't recall why Detective Wilson was called
2 out of the room?

3 A. No, sir.

4 Q. Detective, you indicated that for the first part
5 of the interview Mr. Copling talked to you about certain
6 things, where he was stopping at a bar, things like that.

7 What else did he talk to you about?

8 A. Basically it's how he traveled around the city, walked
9 around the city and made certain stops. Just a general over-
10 view.

11 We asked him how he spent his time during the
12 course of the homicide. He gave us that information.

13 Q. For an hour and twenty minutes you talked to him?

14 A. We sometimes interview people for numerous hours, before
15 we get the correct information.

16 Q. Did he start talking to you right away, where he
17 was that night?

18 A. Absolutely.

19 Q. At least for an hour and twenty minutes he talked
20 to you about that very brief recitation you just gave us, is
21 that correct?

22 A. Yes.

23 Q. He kept saying the same thing over and over again?

24 A. It was a general interview with the man. I can't inter-
25 view somebody and take notes at the same time. It was a

1 general conversation interview with the defendant, and I take
2 down notes, pertinent notes as to what he says, places he
3 may have stopped, and then I put it down in the report form.

4 Every word he said, no, I didn't document it.

5 Q. Do you remember what kind of questions you were asking
6 him?

7 A. Just questions about if he -- he stated he stopped at
8 Point A. We asked him: What did you do at Point A? Did you
9 eat? Who were you with? How did you get there? Did you
10 drive a car? Things of that nature.

11 Q. When you were first informed by Detective Torres the
12 family members were outside, what time was that?

13 A. Approximately 10:00 P.M.

14 Q. That was 10:00 P.M.?

15 A. Approximately, yes.

16 Q. How much time did you go out and spend with the
17 family, after you received that information?

18 A. I don't know. Five, ten minutes.

19 Q. At 9:30 when you went back into the room with
20 Detective Finneman, Dennis Copling gave you much more infor-
21 mation in much more detail than he had given you before in
22 the previous hour and twenty minutes, is that correct?

23 A. Yes.

24 Q. You didn't see fit to request or ask him if you
25 could take a taped statement at that time?

1 A. We were still conducting the interview. I am firm be-
2 liever if we continued to talk to Dennis, he would have given
3 us the true story.

4 Q. Put your opinion aside for a moment, Detective.
5 You didn't tape the statement?

6 A. No. We always tape the statement at the very end of the
7 interview. At the time I was called out of the room.

8 Q. Is that because if he tells you something you don't
9 want to hear, you don't want it on tape?

10 A. No. We always interview people until we feel that the
11 information we have is the best we can get.

12 Q. Then you go back and tell him to tell the whole
13 story again on tape, is that correct?

14 A. Yes.

15 Q. Regardless of the fact they have told you that story
16 before that?

17 A. Excuse me?

18 MR. LEINER: Withdraw the question. No further
19 questions.

20 THE COURT: Any Redirect?

21 MR. ARONOW: Yes.

22 VOIR DIRE REDIRECT EXAMINATION BY MR. ARONOW:

23 Q. Was Detective Finneman involved in the investigation
24 up until anything prior to the time of Dennis Copling's
25 interview on January 27th, 1995?

STOCK FORM FRRRN

THE COBBY GROUP 1 REV. 2-5-90

1 A. No, he wasn't.

2 Q. Would Detective Finneman have any way of reviewing
3 anybody's reports or notes about the circumstances involving
4 the homicide, prior to his becoming involved in the interview
5 process of January 27, 1995?

6 A. No.

7 Q. Is Detective Wilson white or black?

8 A. He's white.

9 Q. Is Detective Finneman white or black?

10 A. He's black.

11 Q. Does that have any significance, with respect to
12 why Detective Finneman --

13 MR. LEINER: I object, your Honor.

14 THE COURT: Let me hear the question.

15 Q. Does that have any significance with respect to
16 why Detective Finneman became involved in the investigation?

17 THE COURT: I will be glad to hear your objection.

18 MR. LEINER: Relevance.

19 THE COURT: Mr. Aronow.

20 MR. ARONOW: Your Honor, it has everything to do
21 with relevance. There has been insinuations but for Detective
22 Finneman becoming involved in this investigation, or in this
23 interview process, that the defendant wasn't giving valid or
24 truthful information and subsequent thereto he was.

25 An answer to that question might enlighten the Court

1 why Detective Finneman was involved, and with respect to the
2 voluntariness of the defendant's responses to him.

3 THE COURT: But that is essentially what you call
4 upon the Court to conclude, a person is more likely to prefer
5 speaking to someone of his own race than of a different race.

6 How else would it be relevant, other than making
7 that assumption?

8 MR. ARONOW: Perhaps I can break it down with
9 Detective Finneman, when he testifies.

10 THE COURT: For the present purposes, the objection
11 is sustained.

12 MR. ARONOW: I have no further questions of this
13 witness.

14 THE COURT: Any Recross?

15 MR. LEINER: Just briefly.

16 VOIR DIRE RECROSS-EXAMINATION BY MR. LEINER:

17 Q. Is what you are saying to the Court today, Detective,
18 that Detective Finneman had absolutely no knowledge of this
19 case whatsoever, before he went in to talk to Dennis Copling?

20 A. He wasn't involved in the investigation at all. The
21 only knowledge he would have had, as far as I know, would be
22 that he was a member of the Camden City Police Department, and
23 whatever he might have heard in the Detective Bureau. I can't
24 speak for him.

25 He wasn't involved in the investigation, so he didn't

1 have intimate details about the investigation, suspects or
2 things of that nature.

3 Q. Would it be standard operating procedure in the
4 course of an interview with a suspect on a homicide, to bring
5 someone in to question this person without having any know-
6 ledge of the crime whatsoever?

7 A. The detective assigned with me was away the night that I
8 discovered Dennis was living. We had to hustle guys up to go
9 out and get him, when I found out the information. We just
10 grabbed whatever detectives were available to assist us.

11 Q. That's in regard to the apprehension?

12 A. Right. These detectives remained in the Detective
13 Bureau at that point.

14 Q. But is what you are saying that no one briefed
15 Detective Finneman in regard to this case, prior to his
16 questioning of Dennis Copling?

17 A. No.

18 Q. No one spoke to him in regard to the facts and cir-
19 cumstances surrounding hte case?

20 A. Not that I know of.

21 Q. Is that standard operating procedure, to bring some-
22 one into an interview room, leave him in the room by himself
23 with the suspect, and have him conduct the interview, when he
24 knows nothing about the case?

25 A. He was brought into the room and I was conducting the

1 interview, and Detective Finneman was just there, and I think
2 he picked up pretty much on what was going on at that point.
3 That is why Detective Finneman spoke with Dennis.

4 I don't know what Detective Finneman said to Dennis.
5 You have to ask him.

6 MR. LEINER: No further questions.

7 THE COURT: Any further Direct?

8 MR. ARONOW: None.

9 THE COURT: Sergeant, thank you. You may step down.
10 You're excused. You may be called back as a witness tomorrow
11 or one day next week.

12 Any other witnesses on behalf of the State to this
13 Miranda hearing?

14 MR. ARONOW: There will be, but not at the present
15 time.

16 THE COURT: Tomorrow morning we will resume at 9:00
17 o'clock.

18 MR. ARONOW: Yes.

19 THE COURT: The defendant can be brought into the
20 courtroom at 9:00 o'clock, so that we can start or continue
21 with the Miranda hearing at 9:00.

22 Very good. Have a nice evening, everyone. I will
23 see you in the morning.

24 (The proceedings were concluded for the day.)
25

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Walter F. Flynn, C.S.R., License Number 349, an
Official Court Reporter in and for the State of New Jersey, do
hereby certify the foregoing to be prepared in full compliance
with the current Transcript Format for Judicial Proceedings
and is a true and accurate transcript of my stenographic notes
taken in the above matter to the best of my knowledge and
ability.

Walter F. Flynn
WALTER F. FLYNN, C.S.R.
Official Court Reporter
Camden County Courthouse
Camden, New Jersey

Date: May 1, 1977

STOCK FORM FARRIN

THE CORBY GROUP 1-800-355-5040