

A-2058-0374

A-2058-9774

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY - CRIMINAL DIV.
INDICTMENT NO. 2469-10-95

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STATE OF NEW JERSEY)
v.)
DENNIS L. COPLING,)
Defendant,)

Trial Transcript

Place: Hall of Justice
Camden, New Jersey

Date: January 30, 1997

B E F O R E:

HON. LINDA G. ROSENZWEIG, J.S.C.

TRANSCRIPT ORDERED BY:

DEBORAH C. COLLINS, ESQ.

A P P E A R A N C E S:

JOEL H. ARONOW, ESQ.
Assistant County Prosecutor

ROBERT LEINER, ESQ.
Attorney for the Defendant

FILED
APPELLATE DIVISION

2004

Jon Flynn
CLERK

REPORTED BY:

WILLIAM B. DEAL, C.S.R.
Room 580, Hall of Justice
100 South Fifth Street
Camden, New Jersey 08103

1 (The jury enters the courtroom at 9:24, a.m.)

2 THE COURT: Good morning, Ladies and Gentlemen. The
3 State may call its next witness.

4 MR. ARONOW: The State calls Detective Leonard
5 Finneman.

6 THE COURT: Morning, Detective. Come forward to your
7 left and be sworn.

8 L E O N A R D F I N N E M A N, sworn.

9 THE COURT: You may proceed.

10 MR. ARONOW: Thank you, your Honor.

11 DIRECT EXAMINATION BY MR. ARONOW:

12 Q Would you state your name for the record, please?

13 A Detective Leonard Finneman, Sr.

14 Q Who do you work for?

15 A Camden City Police Department.

16 Q And in what capacity?

17 A Detective, Homicide, personal crimes.

18 Q And how long have you been a police officer in Camden
19 City?

20 A Five-and-a-half to six years.

21 Q And how long have you been a detective in Camden City?

22 A About four years.

23 Q And, Detective Finneman, on January 27, 1995, did you
24 participate in the arrest of an individual by the name of Dennis
25 Copling?

1 A Yes, I did.

2 Q And with whom did you participate in that arrest?

3 A Was Detective Jimmy Wilson from my department, Investigator
4 Sergeant Forte from the prosecutor's office, Investigator
5 Norcross from the office, as well as Monroe Township police offi-
6 cers.

7 Q And was the individual named Dennis Copling taken into
8 custody?

9 A Yes, he was.

10 Q And was he brought anywhere subsequent to his arrest?

11 A Yes, he was brought to the Camden P.D.

12 Q And once in Camden P.D. where was he taken?

13 A To an interview room.

14 Q And is that in the Detective Bureau?

15 A Yes, it is.

16 Q And, Detective Finneman, did you participate in any
17 way with the questioning of the individual known as Dennis
18 Copling now Dennis Turner at the time?

19 A Yes, I did.

20 Q And could you explain to the jury what your partici-
21 pation in his questioning was?

22 A I was assisting, and Sergeant Forte had come out of the
23 room after him, and Jimmy Wilson was talking to Mr. Turner, and
24 Sergeant Forte asked would I go in and speak with him, help him
25 to speak to Mr. Turner in reference to his case.

Q Did you, prior to becoming involved in the questioning,

1 have any involvement in the investigation regarding a homicide
2 at 2126 Westminster Avenue on January 18, 1995?

3 A No, I didn't.

4 Q Did you have any specific knowledge of the facts and
5 circumstances surrounding that homicide?

6 A No, I didn't. Just general knowledge that it had occurred.
7 Because I had one earlier that day and I seen the detectives in
8 the office and when this one occurred.

9 Q And there's general conversation among detectives
10 about cases they may be working on?

11 A Yes.

12 Q Now you indicated that you spoke to Sergeant Forte.
13 Was there a time when you went into the interview room with
14 Sergeant Forte and the defendant Dennis Copling?

15 A Yes, there was.

16 Q And approximately how long a period of time were you
17 in with Sergeant Forte and Dennis Copling?

18 A The first time was approximately maybe ten minutes. We
19 spoke to Mr. Copling and then we came out and had a conference
20 and basically weren't getting -- Sergeant Forte explained to me
21 that it wasn't getting anywhere, that he was I guess telling
22 him the same story. He knew the particulars. And then I went
23 in and spoke to him and he went back in and spoke to Mr. Copling
24 about maybe 30 minutes.

25 Q Okay, why did you go in by yourself?

A I went in to see if I could relate to Mr. Copling, you know.

1 man-to-man, African-American to African-American.

2 MR. LEINER: Objection, your Honor.

3 THE COURT: What is the objection?

4 MR. LEINER: The objection is the reference to the
5 African-American. There's no evidence in this case that there
6 should be any race injected into this conversation whatsoever.

7 THE COURT: Well, that was the reason that was given
8 and it's for the jury to evaluate that reason. The objection
9 is overruled.

10 BY MR. ARONOW:

11 Q Detective Finneman, was there a reason why you would
12 do that from a police procedure standpoint?

13 A A lot of time in interviewing people sometimes might be a
14 female, you -- if you're not getting anywhere with her you might
15 have a female detective come in and speak to the young lady.

16 Might be a Hispanic witness or suspect, you might have a
17 Hispanic detective come in and speak to the person.

18 So, it was just one way of seeing if I could break the ice
19 to talk to him, get the truth.

20 Q And did you threaten Dennis Copling in any way with
21 respect to getting any information out of him?

22 A No, I didn't.

23 Q How would you define his attitude and demeanor during
24 the interview?

25 A He was a personable young man. That's why I even took the
time to go in and speak to him myself. Seemed like a cleancut

1 guy and everything, just gone wrong.

2 Q What did you say to Dennis Copling with respect to the
3 time that you were in the interview room alone with him?

4 A At that particular date and time, which '95 ended up being
5 a record year of homicides, at that particular time on the 27th
6 there had been 11 homicides, you know, to date, and four of them,
7 four out of those 11 homicides had been double-homicides, which
8 this one was, and I just explained to him that, you know, double-
9 homicide is a little more severe than a single-homicide.

10 Q And what else did you discuss with him?

11 A You know, basically I had seen his girlfriend down at the
12 house and all, and basically I knew he got himself into some-
13 thing, I guess had to do with his brother or something, and you
14 know, he needs to tell the truth.

15 Q And did there come a time when he spoke to you and
16 Sergeant Forte subsequent to you speaking to him alone?

17 A Yes.

18 Q And did he indicate to you anything with respect to
19 where he had been on January 18, 1995?

20 A Yes.

21 Q And where did he indicate he had been subsequent to
22 when Joe Forte and you came back into the interview room?

23 A Basically, he was saying he was going around town, differ-
24 ent places stopping. Wasn't -- Couldn't tell us who he was see-
25 in particular, but that he stopped at different places. And he
ended up at the bar Giacomo's having a beer or something.

1 Q Subsequent to that -- Was that conversation before or
2 after you spoke with personally?

3 A That was before.

4 Q Okay, and after you spoke with him personally did he
5 indicate to you anything different than what he had indicated
6 previously?

7 A Yes, he did.

8 Q What did he say to you after you sat down and had a
9 talk with him?

10 A After I sat down and had a talk with him he said basically
11 that he was ready to tell the truth. And I immediately called
12 Sergeant Forte in, as I didn't know all the particulars of the
13 truth. So, Sergeant Forte did know about the case, called him
14 in, and basically he reported that himself, Malik, and a guy
15 named Faheem (phon.) had met up about 8:40 at 20th & High Streets.

16 Q In the City of Camden?

17 A Yes, and they were driving in Faheem's four-door grey car
18 and they proceeded out to the area of Westminster looking for
19 K.C. that had had an altercation with his brother Gary Copling
20 over a dog. They had beat his brother up, Gary Copling, over a
21 dog. They proceeded out in that area.

22 Somehow they got information of what apartment he was in.
23 Him and Malik and Mr. Copling exited the vehicle. Malik told
24 Dennis to go back to the car and get Faheem after an argument
25 started with K.C. An argument did start in the apartment with
K.C. and Malik.

1 Mr. Copling went back to the car and got Faheem, which they
2 went back to the apartment. After entering the apartment Faheem
3 got into a brief struggle, a gun was pulled -- Faheem pulled a
4 gut out, a brief struggle ensued, a few shots was fired. Mr.
5 Copling reported that he fled the apartment. And as he was flee-
6 ing the apartment he looked back, saw K.C. on the ground and
7 Faheem firing some shots at him. They both jumped in their car,
8 Faheem and Mr. Copling, and they left the area.

9 Q Did Dennis Copling indicate what kind of clothing he
10 was wearing on that particular day?

11 A Yes, he did.

12 Q And what kind of clothing did he indicate he was wear-
13 ing?

14 A He reported he had on black jeans or black pants, a black
15 hooded jacket, and a ski mask.

16 Q And did he indicate how Faheem was dressed?

17 A Faheem had a cream colored sweater, bluejeans, and Timber-
18 land boots.

19 Q And you were -- Let me ask you this. Is the person
20 who was questioned on January 27, 1995, the person who was
21 arrested on that day, is he present in the courtroom today?

22 A Yes, he is.

23 Q And could you describe the clothing he's wearing and
24 where he is?

25 A He's seated right there behind the microphone on the left.
He's wearing -- looks like a dark green suit, white Rebocks, tan

1 colored shirt and multi-colored tie.

2 MR. ARONOW: Let the record reflect he's identified
3 the defendant.

4 THE COURT: The record will reflect that.

5 BY MR. ARONOW:

6 Q Had the interview process been completed with respect
7 to your interview with Sergeant Forte of Dennis Copling on
8 January 27, 1995?

9 A No, it wasn't.

10 Q Did something occur which interrupted your interview?

11 A Yes, it did.

12 Q And was that the family of the defendant Dennis
13 Copling interceding and did the interview stop at that time?

14 A Yes, they did. Detective Torres knocked on the door and
15 reported Mr. Copling's family was here.

16 Q Without reference to what Detective Torres may have
17 said, did the interview process involving Dennis Copling end at
18 that point?

19 A Yes, it did.

20 Q And based upon your experience was that premature?

21 A Yes, it was.

22 Q What had been intended to be done had the interview
23 process not been stopped?

24 A Usually, we take a taped statement from the suspect or wit-
25 ness.

Q Were you or Sergeant Forte finished with discussing

1 the facts and circumstances surrounding the statement that he
2 was now giving you prior to taking the taped statement?

3 A No, we weren't.

4 MR. ARONOW: I have nothing further of this witness.

5 THE COURT: Mr. Leiner, you may cross-examine.

6 MR. LEINER: Thank you.

7 CROSS EXAMINATION BY MR. LEITNER:

8 Q Detective Finneman --

9 A (Interposing) Yes, sir?

10 Q (Continuing) you were present when Mr. Copling was
11 arrested in Monroe Township, were you not?

12 A Yes, sir.

13 Q And was he handcuffed when he was arrested?

14 A Best of my recollection, sir, it was in the back.

15 Q In the back. And he was transported in a patrol car?

16 A I didn't ride with him, I'm not sure about that.

17 Q Did you see him when he arrived at the station?

18 A No, sir. I probably was already up in the Detective
19 Bureau because I didn't follow or drive with him in the car.

20 Q You were not present in the beginning of the inter-
21 view with Sergeant Forte, were you?

22 A No, sir, I wasn't.

23 Q And at some point the detective left the room?

24 A Yes, sir.

25 Q And at some point Sergeant Forte asked you to come
into the room?

1 A Yes, sir.

2 Q Was Mr. Copling -- Describe that room for us, please?

3 A The particular one he was in, about five-by-six, or six-
4 by-six. He had the one next to the cell; didn't have any win-
5 dows in it.

6 Q There is no windows on any of the doors?

7 A Yes, there's a little window on the door.

8 Q Little window on the door?

9 A Yes.

10 Q Chairs in the room?

11 A Yes, sir.

12 Q Is there a table in the room?

13 A Yes, sir.

14 Q How many chairs are in the room?

15 A Should have been three chairs.

16 Q Was Mr. Copling handcuffed when he was in that room?

17 A To my recollection, no, sir.

18 Q He was not handcuffed?

19 A To my recollection, what I can recollect, it was over two
20 years, I don't think so.

21 Q Do you know whether or not he was handcuffed?

22 A No, I can't really say.

23 Q Was there any refreshments available in the room?

24 A No, we don't keep a pitcher of water. But, if anybody
25 asks for a drink of water or anything, we oblige them.

Q While you were present in the room with Sergeant Forte

1 and Mr. Copling did you ever offer or did Sergeant Forte ever
2 offer Mr. Copling anything to drink?

3 A I know I didn't. I can't recall whether Sergeant Forte did.

4 Q Ever offer him the opportunity to go the bathroom?

5 A He never asked, so I never asked him did he have to go to
6 the bathroom.

7 Q Sergeant Forte ever offer him the opportunity to go
8 to the bathroom?

9 A I'm not sure, sir.

10 Q Did either you or Sergeant Forte ever offer him the
11 opportunity to get something to eat?

12 A We had only been there -- I had only been in there for
13 approximately an hour maybe.

14 Q During the interview process you state in your Direct
15 examination it was necessary for you and Sergeant Forte to leave
16 the room at some point?

17 A Yes, sir.

18 Q And you had to converse with each other, is that cor-
19 rect?

20 A Yes, sir.

21 Q And the basic gist of that conversation was that Forte
22 wasn't getting what he wanted out of Dennis Copling at that
23 point, wasn't getting what he wanted?

24 A The facts.

25 Q And at that point Sergeant Forte was aware of certain
things that he had discovered in regard to his investigation, is

1 that true?

2 A I can't speak for him, but, yes, I guess that's correct.

3 Q Then you were left in the room with Dennis Copling
4 yourself, is that correct?

5 A Yes, I went back into the room with Mr. Copling.

6 Q It was your job to get Dennis Copling to coope

7 A No, not really. It wasn't my case. My job was just to go
8 in there to see if I could assist Sergeant Forte in trying to
9 get to the truth.

10 Q And it was your opinion -- or, not your opinion,
11 Sergeant Forte's opinion at that time that Mr. Copling was not
12 giving the truth?

13 A Correct.

14 Q So, in other words he was not cooperating?

15 A Cooperating? He wasn't telling the truth.

16 Q And you knew no facts, is that correct?

17 A No, that's correct.

18 Q So, you wouldn't know if your conversation with Dennis
19 Copling -- whether or not he was telling you the truth or any-
20 thing else, would you?

21 A That's correct.

22 Q And isn't it also true, Detective -- in fact, Detective
23 you conducted a lot of interviews yourself, hadn't you?

24 A Yes, I have, sir.

25 Q You've been a detective for quite awhile when someone
in a particular interview, is you're interviewing a suspect, is

1 telling you something that you believe is contrary to the truth
2 you start to give them little pieces of the puzzle to let them
3 know that you know certain information, don't you?

4 A Yes.

5 Q And did Sergeant Forte do that that evening with Mr.
6 Copling?

7 A He might have did (sic.) that with Investigator Wilson.
8 He didn't do it with me.

9 Q When you went into the room with Dennis Copling and
10 Sergeant Forte for that last half-hour or so --

11 A (Interposing) Yes.

12 Q (Continuing) and you had that conversation -- or,
13 Sergeant Forte had that conversation you just related to the
14 jury in regard to what Dennis Copling said, who was doing the
15 questioning at that point?

16 A Sergeant Forte.

17 Q Were you saying anything?

18 A Yes, I basically was there -- Like I said, I didn't know
19 the particulars of the case. I basically was trying to bring
20 out the details, descriptions, things of that nature.

21 Q And isn't it true that during that portion of the con-
22 versation that Detective Forte was relaying certain information
23 to Dennis Copling and asking him whether or not that was true?

24 A No, I can't say he was because Mr. Copling was telling us
25 his story.

Q He was telling his story?

1 A Yes.

2 Q How long did the interview take? How long was the
3 total time of the interview that evening?

4 A First time or second time?

5 Q Altogether.

6 A Altogether? Forty-five minutes.

7 Q That you were involved in the interview?

8 A Yes.

9 Q Do you know how long he had been in the interview room
10 prior to you getting there?

11 A Prior to me getting there, maybe an hour, hour-and-a-half.

12 MR. LEINER: I have no further questions.

13 MR. ARONOW: Nothing further.

14 THE COURT: Thank you, Detective Finneman. You may
15 step down, you're excused.

16 THE WITNESS: You're welcome.

17 THE COURT: Any other witnesses on behalf of the State?

18 MR. ARONOW: Judge, can we approach?

19 THE COURT: Yes.

20 (The following discussion was held at sidebar.)

21 MR. ARONOW: Judge, the issue at this particular time,
22 based upon your Honor's ruling, the State would rest depending
23 on what you rule.

24 THE COURT: I did have an opportunity to listen to the
25 911 Tape which we marked for identification as State's Exhibit
54 and I believe that it contains within it hearsay. In other

1 words, she tells -- I don't know, I don't have the transcript in
2 fron of me -- she tells the 911 Operator that he has a gun.

3 Based upon her testimony, I've already found that she had
4 no personal knowledge of that. And therefore, I believe that to
5 allow the 911 Tape to be played to the jury it would allow the
6 introduction of impermissible hearsay. And I don't think it
7 comes within the hearsay exception or the statement about his
8 gun doesn't come within the exception.

9 MR. ARONOW: What I would argue, Judge, is that if it
10 only had been -- I would agree. However, Latisha Fare (phon.)
11 testified and the basis of her belief and the fact that she told
12 Barbara Buchanan (phon.) what she believed and that provided the
13 basis for her to --

14 THE COURT: (Interposing) It's still hearsay. She
15 has no personal knowledge. All she knows is what somebody else
16 told her.

17 MR. ARONOW: The present sense impression is --

18 THE COURT: (Interposing) She's not a proper -- She's
19 not observing him with the gun.

20 MR. ARONOW: Okay.

21 THE COURT: So, it's not -- I don't think it's prejud-
22 cial interms of her tone or demeanor. She's only relating that
23 she believes he has a gun. He may be out there. Her tone is
24 not hysterical or inflammatory. I'm not excluding it for that
25 reason, but solely because it contains impermissible hearsay.

Anything else?

1 MR. LEINER: No at this point.

2 MR. ARONOW: There are some issues with respect to
3 some of the evidence. That's not something that would be in
4 fron of the jury. Other than that I would just be resting.

5 THE COURT: Okay. Do you have any witnesses for today?

6 MR. LEINER: Your Honor, the only potential witness I
7 would have would be my client. I need sometime on that issue.

8 In addition, I would renew my request for some additional
9 time in regard to the issue of surrounding prior occasions.

10 THE COURT: We'll send the jury out for a short break.
11 Are you prepared at this time to make the decision with him,
12 after some discussion, as to whether or not he's going to take
13 the stand?

14 MR. LEINER: I may be. And the only reason I say that
15 is because of the additional information provided with regard
16 to a prior occasion.

17 We'll have to deal with that. I haven't had a complete con-
18 versation with him dealing with that.

19 THE COURT: All right. Rather than sending the jury
20 home at this point, just send them on a short break.

21 MR. LEINER: Okay.

22 THE COURT: Would it be safe to also tell them we
23 expect the case will conclude by the end of Tuesday?

24 MR. ARONOW: I would think so.

25 THE COURT: The only thing would be if your client
took the stand and you put on somebody to refute the testimony

1 about the gun.

2 MR. LEINER: I don't know that I'm going to be able
3 to find anybody to refute anything at this point. Just that I
4 think under the circumstances I have an obligation to do certain
5 things in regard to that. And certainly not looking to delay.

6 In fact, rather have it fresh in their minds. On the other
7 hand, I think I have an obligation to do investigation.

8 He may tell me "Forget it, let's just go ahead".

9 THE COURT: Why don't I send the jury out?

10 (The proceedings continued in open court.)

11 THE COURT: Ladies and Gentlemen, we're going to take
12 a recess now. And when you return it may be that there will
13 not be any other witnesses for today. I'll know that in a little
14 bit during the break. And then it's our expectation that the
15 trial will conclude Tuesday, so that you won't have to come back
16 Wednesday and Thursday.

17 All right, enjoy your break. We'll be back with you in a
18 little while.

19 MR. ARONOW: Judge, obviously unless deliberations --

20 THE COURT: (Interposing) Unless deliberations go
21 into the next day.

22 One other thing. I'm sorry. Are there any other witnesses
23 on behalf of the State or does the State rest?

24 MR. ARONOW: No, the State rests.

25 THE COURT: Thank you.

(The jury leaves the courtroom at 9:37, a.m.)

1 THE COURT: Okay, just as a followup to the discussion
2 we were having at sidebar, on Tuesday I think it was, Mr. Leiner,
3 I indicated to you that I would give the defense some additional
4 time to investigate further Latisha Buchanan's claim that on an
5 occasion two weeks prior to January 18, 1995 she observed the
6 defendant with a gun.

7 MR. LEINER: Yes, your Honor.

8 THE COURT: Can you tell me where you are in your in-
9 vestigating that claim in deciding whether to put on any evidence
10 about that? Have you completed that inquiry?

11 MR. LEINER: I have not at this time, your Honor. I
12 have called the investigator assigned to me by the Office of the
13 Public Defender in regard to this case and I'm hoping to get him
14 whatever proper information he would need today.

15 If necessary, I would like the opportunity, if I could,
16 for a short break so I can talk to my client in the back for
17 awhile in regard to this. And going to need some information
18 possibly from him to also supply that investigator if, indeed,
19 we'll be proceeding along those lines.

20 THE COURT: All right, if you're not ready today the
21 Court would grant you until Tuesday. I just want you to know
22 that I'm not inclined to let it go beyond Tuesday. Tuesday would
23 be a one-week extension, essentially.

24 MR. LEINER: I understand that. Unfortunately, I prob-
25 ably would have only been asking for a day. However, since
today is Thursday, it fell on that time where we don't try cases

1 Fridays or Mondays.

2 THE COURT: Correct.

3 MR. LEINER: I would not even be asking for that length
4 of time normally. However, I would certainly have requested
5 possibly the rest of today.

6 If I can have sometime in the back with my client, 15 min-
7 utes, I will probably be in a better position to indicate to the
8 Court how we're ready to proceed.

9 THE COURT: Okay, fine. And the only thing I would be
10 inclined to do today would be to have what I would call a pre-
11 liminary or tentative charge conference whenever there is a gap.
12 Such as there will be in this case where we're not using very
13 much of the day with the jury. What I like to do is have a
14 charge conference.

15 The State has rested. I realize the defense may or may not
16 have a case that it's going to put on before the jury Tuesday.
17 And then that way if you don't present any evidence, then the
18 charge conference that we would be having now would become the
19 final charge conference.

20 In the event there is a change, we can, of course, recon-
21 sider that which we discussed today. That way we're using our
22 time more efficiently. We'll do that.

23 MR. ARONOW: Before we do that, Judge, so that I don't
24 forget, so that's it's fresh in my mind, last night we realized
25 that the reason why there probably were two S-23s is there is no
S-30. And since some things that were marked for identification

1 are not being moved into evidence, I don't think we even need
2 to mention the fact that there is no S-30 to the jury, Just not
3 something to go back to them. That's just for your Honor's and
4 Counsel's clarification purposes. There is no S-30.

5 THE COURT: I agree.

6 MR. ARONOW: Further, I have not been able to locate
7 in my files S-40 A & B which were the evidence vouchers from
8 the Camden Police testified to by Investigator Aaron. And I
9 have not had a chance to find out whether he has it.

10 And what I discussed with defense counsel today is that I
11 would withdraw that exhibit simply because it's already been --
12 everything that he testified to has already been admitted into
13 evidence. Really isn't a chain of custody problem.

14 THE COURT: Okay.

15 MR. ARONOW: For that reason I would withdraw that
16 S-40 A & B.

17 THE COURT: Very good. Those will be considered with-
18 drawn and just go back to I.D. status.

19 Okay, any other housekeeping issues on either side?

20 MR. LEINER: Not at this time.

21 THE COURT: Very good. We stand in recess then.

22 MR. LEINER: Thank you, your Honor.

23 THE COURT: Thank you.

24 (There was a pause in the proceedings.)

25 THE COURT: Mr. Leiner, is the defendant in a position
at this time to be able to tell the Court conclusively whether

1 you're going to be asking for more time?

2 MR. LEINER: Yes, your Honor. We are going to be ask-
3 ing for that time until Tuesday morning.

4 THE COURT: Okay. And has a decision been made as to
5 whether the defendant will take the stand or not?

6 MR. LEINER: That will -- The complete decision depend-
7 ing upon what, if anything, we're able to ascertain in regard to
8 the investigation, that we do.

9 THE COURT: Mr. Aronow, any comments of objections?

10 MR. ARONOW: No, your Honor. I already made -- your
11 Honor already made your ruling in this matter earlier this week.

12 THE COURT: I was just going to at this time then just
13 bring the jury in and excuse them.

14 MR. LEINER: Your Honor, there is one other issue I
15 wanted to bring up. I believe during yesterday's testimony in
16 regard to Patricia Copling the prosecutor alluded to the flight.
17 There has been no evidence of flight.

18 THE COURT: I'm aware of that and I think we can talk
19 about that during the charge conference.

20 MR. LEINER: Thank you, your Honor.

21 THE COURT: If I wind up agreeing with your position
22 then it would be something I would discuss with the jury during
23 the overall charge. I wouldn't single that issue out.

24 I agree, it needs to be discussed. I don't think we need
25 to do that before the jury comes in.

MR. LEINER: Very good.

1 THE COURT: The Court then will defer until Tuesday
2 morning any other proceedings. And more specifically, will ques-
3 tion the defendant on Tuesday morning as to his intention to take
4 the stand or not. And then I'll review with him his option of
5 having the Court instruct the jury about that or not instruct
6 the jury about, as he wishes.

7 MR. LEINER: Yes, your Honor.

8 THE COURT: Very good. We'll bring the jury back in.

9 MR. LEINER: Thank you, your Honor.

10 (The jury enters the courtroom at 10:22, a.m.)

11 THE COURT: Ladies and Gentlemen, there are no other
12 witnesses for today. So, at this point I will be excusing you
13 and we'll see you Tuesday morning. We'll be ready bright and
14 early at 9:00 o'clock.

15 Just a reminder not to read any newspaper accounts. I told
16 you I'd remind you of that every day.

17 Enjoy the next few days and we'll see you Tuesday morning.
18 Thank you, very much.

19 (The jury leaves the courtroom at 10:23, a.m.)

20 THE COURT: Very good.

21 MR. LEINER: Thank you.

22 (The proceedings were concluded for the day.)

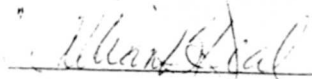
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I, William B. Deal, C.S.R., License No. X10 1169, an Official Court Reporter in and for the State of New Jersey, do hereby certify the foregoing to be prepared in full compliance with the current Transcript Format for Judicial-Proceedings and is a true and accurate transcription of my stenographic notes taken in the above matter, to the above of my knowledge and ability.


WILLIAM B. DEAL, C.S.R.
Official Court Reporter

Date: *10/31/98*