

6

1 MR. [REDACTED] Hold on, Counsel. I'm  
2 sorry to interrupt you. Objections as to  
3 the form of the question can be lodged; am  
4 I correct?  
5 MR. NEUWIRTH: Yes, any objection  
6 you can lodge. I don't care. I'm just --  
7 you know, normally we reserve. If you  
8 form, that's fine. I don't mind  
9 responding to spoken objections, written  
10 objections; knock yourself out. Okay?  
11 MR. [REDACTED] No, I was just going  
12 to -- I just wanted to point -- my  
13 understanding is that all objections  
14 except as to the form of the question and  
15 to privilege are held as to the time of  
16 trial, so if there's an objection to the  
17 form of the question for some reason it  
18 should be made, it should just be object  
19 to the form of the question or if Miles  
20 for some reason has an objection to  
21 privilege then he's got to address that.  
22 That's all.  
23 MR. NEUWIRTH: Sure. Whatever you  
24 want.  
25

8

1 there's a problem tech wise, just let me  
2 know.  
3 All right? Are you all set?  
4 MR. [REDACTED] Yes.  
5 THE WITNESS: Yes.  
6 BY MR. NEUWIRTH:  
7 Q. Officer [REDACTED] I need to give  
8 written words -- sorry -- verbal  
9 statements, yes. Uh-huhs or nods of the  
10 head can't be taken down by the court  
11 reporter.  
12 Okay?  
13 A. I understand.  
14 Q. Can you tell me what your full name  
15 is?  
16 A. [REDACTED] Michael [REDACTED]  
17 Q. Where do you currently -- well, I  
18 won't ask that.  
19 How old are you?  
20 A. I am 34 years old.  
21 Q. Are you married?  
22 A. Yes.  
23 Q. Do you have children?  
24 A. Yes.  
25 Q. Did you go to high school?

7

1 BY MR. NEUWIRTH:  
2 Q. Officer [REDACTED] my name is Andrew  
3 Neuwirth. I represent the survivors of  
4 Andrew [REDACTED] I have some questions for  
5 you today. Are you prepared to answer  
6 them?  
7 A. Yes.  
8 Q. I'm going to move fairly quickly  
9 through my questions. Once I'm done, some  
10 of the other lawyers may have questions  
11 for you as well.  
12 Okay?  
13 A. Okay.  
14 Q. Look, for all of us being on Zoom  
15 and doing it this way is somewhat unusual.  
16 I think most of the lawyers have probably  
17 done 10 or 20 depositions this way. If  
18 you have any complications or, you know,  
19 tech problems, you know, just let us  
20 know. I guess let me give you my cell  
21 phone in case there's a problem just for  
22 everyone -- maybe not for the officer,  
23 but -- so my cell phone is (267) 353-1735.  
24 I'm in my office today, but not all the  
25 time, so if you need me during the dep and

9

1 A. Yes.  
2 Q. Where did you go to high school?  
3 A. West Catholic Philadelphia.  
4 Q. Did you go to college?  
5 A. No; trade school.  
6 Q. Okay. What trade school did you go  
7 to?  
8 A. [REDACTED] it's California  
9 [REDACTED] Trade.  
10 Q. Do you have any training or  
11 certifications in fields outside of being  
12 a police officer?  
13 A. In regards to what?  
14 Q. Like, are you a licensed [REDACTED]  
15 A. Yes.  
16 Q. Well, how much time elapsed between  
17 [REDACTED] school and becoming a  
18 Philadelphia Police Officer?  
19 A. Twelve years now -- about 11 --  
20 11-and-a-half years.  
21 Q. Sorry. So you've been a police  
22 officer for 12 years?  
23 A. Yeah, just about.  
24 Q. Between school and a police  
25 officer, did you have any other trades or

<p style="text-align: right;">10</p> <p>1 professions? 2 A. No. 3 Q. Are you trained in any way in 4 accident reconstruction? 5 A. No. 6 Q. So have you taken any of the 7 accident reconstruction classes? 8 A. No. 9 Q. Have you applied to be an accident 10 investigation division officer? 11 A. No. 12 Q. I see you're in kind of your blue 13 shirt uniform now. 14 What's your position with the 15 police department now? 16 A. I'm Patrol Officer. 17 Q. What's your patrol district? 18 A. It's First District. It's South 19 Philadelphia. 20 Q. Have you been in First District 21 South Philly for 12 years? 22 A. No, I've been there approximately 23 maybe about five years, maybe six. 24 Q. What's your current title, just 25 patrol officer?</p>	<p style="text-align: right;">11</p> <p>1 A. Yes. 2 Q. So you're not sergeant or captain 3 or any of that stuff? 4 A. No. 5 Q. Do you have plans on leaving the 6 police department anytime soon? 7 A. No. 8 Q. Do you ride a motorcycle? 9 A. I do. 10 Q. How long have you been doing that? 11 A. Personal use, since the age of 21. 12 For the department now for about four 13 years. 14 Q. So when you go to a scene, are you 15 on a motorcycle or are you in a patrol 16 car? 17 A. Depends on the assignment I'm 18 [REDACTED] that day. 19 Q. Okay. I don't know too much about 20 Philadelphia Police motorcycle operations. 21 When do you use a motorcycle in the 22 course of your job? 23 A. Well -- well, we -- I'm dirt bike 24 trained, so it's more of a dirt bike. 25 Depending on the day, depending on if</p>
<p style="text-align: right;">12</p> <p>1 they're having a detail for the dirt bikes 2 and depending on if the -- the weather. 3 It all plays factors in it. 4 Q. I'm sorry, are you chasing the dirt 5 bike guys or are you riding a dirt bike? 6 A. Both. I mean, we're -- you can say 7 that with initiative. I mean -- 8 Q. So I represent plaintiffs and 9 injured people. I can't tell you how many 10 calls I get from people saying that a 11 crowd of four-wheelers just scared my 12 wife. And I was like, oh, I really can't 13 help you with that, sir. 14 So there are times when you're 15 riding, like, a Philadelphia Police 16 Department licensed motorcycle? 17 A. Yes. 18 Q. And you also are a recreational 19 motorcycle rider? 20 A. Yes. 21 Q. Do you have any particular training 22 or experience in dealing with bollards? 23 A. No. 24 Q. Do you know what a bollard is when 25 I say that term?</p>	<p style="text-align: right;">13</p> <p>1 A. No, I have no idea. 2 Q. The location of the crash that 3 we're going to talk about in a minute was 4 at Exit 346C off the Schuylkill. 5 Are you familiar with that area? 6 A. Yes, I am. 7 Q. Is that within the First District? 8 A. Yes. 9 Q. I don't know if you see me [REDACTED] 10 up at the sky, but my camera on my 11 computer is like in the bottom, so it 12 always looks like I'm not [REDACTED] at the 13 screen. 346C is in the First District. 14 Have you been to other car crashes 15 at that location? 16 A. I have. 17 Q. Was that -- have you been to other 18 crashes at that location before this 19 crash? 20 A. I have. 21 Q. Have you been to other crashes at 22 that location after this crash? 23 A. I have. 24 Q. Is that 346C exit something you 25 consider to be a dangerous exit?</p>

14

1 MR. [REDACTED] Note my objection to  
2 form.  
3 MR. [REDACTED] You can answer.  
4 THE WITNESS: Yes.  
5 BY MR. NEUWIRTH:  
6 Q. Other than you knowing that it's a  
7 dangerous exit, have there been any  
8 department memorandum or discussions about  
9 346C?  
10 A. No.  
11 Q. Is that just sort of on-the-job  
12 training or knowledge you get as if that's  
13 a dangerous place?  
14 MR. [REDACTED] Objection to form.  
15 THE WITNESS: Yes.  
16 MR. [REDACTED] Objection.  
17 BY MR. NEUWIRTH:  
18 Q. Can you tell me in your mind, have  
19 the accidents you've been to at that scene  
20 other than the [REDACTED] accident, have some  
21 of them involved passenger vehicles as  
22 opposed to motorcycles?  
23 A. More mainly passenger vehicles,  
24 yes.  
25 Q. So you've been in the First

16

1 BY MR. NEUWIRTH:  
2 Q. You can go ahead and answer.  
3 A. No.  
4 Q. Is there a reason in your mind why  
5 that intersection is dangerous or that  
6 area is dangerous?  
7 A. It's -- from -- from what I  
8 observed personally, it's -- it's the exit  
9 that -- that you're coming off 76 onto  
10 a -- Vare Street, and most cars coming off  
11 of 76 to take that exit are -- are  
12 traveling at a high rate of speed.  
13 Q. Okay. And --  
14 A. They don't -- and they don't yield  
15 for the oncoming cars that are on the  
16 street.  
17 Q. Okay. Do you know what the speed  
18 limit is on the Schuylkill at that point?  
19 A. I'm not sure.  
20 Q. Do you have any responsibility for  
21 patrolling the Schuylkill?  
22 A. No.  
23 Q. Do you know if you're responsible  
24 in any way for the exits from the  
25 Schuylkill?

15

1 District, you told us, for five years; is  
2 that correct?  
3 A. Yes.  
4 Q. Over the course of the five years,  
5 could you estimate for me how many other  
6 crashes there have been apart from the  
7 [REDACTED] crash?  
8 A. I -- approximately from my  
9 recollection, three.  
10 Q. Did any of those involve  
11 motorcycles?  
12 A. No.  
13 Q. Of those other accidents, were they  
14 involving vehicles that were traveling  
15 exiting the Schuylkill or were they on  
16 Vare Avenue?  
17 A. Both.  
18 Q. Were any of them single car  
19 accidents?  
20 A. No.  
21 Q. When you've been to other accidents  
22 at that location, have any of them  
23 involved [REDACTED] [REDACTED] property?  
24 MR. [REDACTED] Note my objection.  
25 MR. [REDACTED] Same.

17

1 A. No.  
2 Q. No, you don't know?  
3 A. I don't know. No. Usually State  
4 Police handles that.  
5 Q. Were State Police called at any  
6 point on this crash?  
7 A. No.  
8 Q. Why not?  
9 A. The male was the -- the -- the  
10 victim was way on Vare Avenue.  
11 Q. Okay. When would you call the  
12 state police?  
13 A. When the accident's actually on 76.  
14 Q. And how about if the accident is on  
15 the exit?  
16 A. It will probably be an argument  
17 between us and State Police who is going  
18 to handle it.  
19 Q. Do you know what the speed limit is  
20 on Vare?  
21 A. Given it's a city street, 35 miles  
22 an hour, 25 miles an hour.  
23 Q. Do you know what the actual signage  
24 is on Vare?  
25 A. No.

18

1 Q. So in your report -- you know what,  
2 let's --  
3 MR. NEUWIRTH: Scott, can we pull  
4 up Officer [REDACTED] report.  
5 BY MR. NEUWIRTH:  
6 Q. Officer [REDACTED] can you see that?  
7 A. Yeah, I've got it.  
8 Q. Do you have a copy of the report  
9 like on paper in front of you?  
10 A. No, I've just got what you guys  
11 sent me.  
12 Q. Okay.  
13 MR. NEUWIRTH: So, Scott, can you  
14 take that down for a second? Scott, we'll  
15 be using that, you know, in some detail in  
16 a minute.  
17 BY MR. NEUWIRTH:  
18 Q. Officer [REDACTED] before we get to  
19 the actual report, I'm going to ask you  
20 some questions about just your  
21 recollections of -- of that -- the day of  
22 this incident. Okay?  
23 A. Okay.  
24 Q. I understand you go to a lot of  
25 scenes and you do, you know, a lot of

20

1 the injury. I turned to one of the -- the  
2 people that the -- one of the -- the  
3 passersby that were there. I asked, like,  
4 what happened, where is the other car at  
5 and they told me there was no other car,  
6 is that they -- you know, they were  
7 driving and they saw him coming off the  
8 exit at a high rate of speed and he went  
9 flying in the air and landed between two  
10 parked cars, which was the [REDACTED]  
11 [REDACTED]  
12 At that point, we blocked off the  
13 street, medics arrived, rushed him to  
14 Presbyterian Hospital. We weren't able to  
15 get a direct ID at that -- that time. I  
16 believe that some of his belongings were  
17 scattered on the highway. Where I started  
18 searching, I found paperwork scattered  
19 through the Vare Avenue corridor there. I  
20 was able to get an address. We had  
21 officers go over there to the address and  
22 we were able to obtain a name and notify  
23 family members of what had happened to  
24 the -- the victim.  
25 At that point, I notified our AID

19

1 jobs.  
2 Do you have a specific memory of  
3 attending to the [REDACTED] crash scene?  
4 A. I do.  
5 Q. So outside of what's written in  
6 your report I'd like you to tell me to the  
7 best of your recollection what you  
8 remember about going there.  
9 A. I -- it was -- I want to say it was  
10 almost -- it was maybe dusk, the light. I  
11 got the radio call through police radio.  
12 I arrived on scene and I was flagged down  
13 by, I believe it was a -- it looked  
14 like -- it was probably like a few females  
15 and a male. And I exited my patrol car  
16 and I observed a male victim laying  
17 between two parked cars in extreme  
18 critical condition. I observed the  
19 motorcycle maybe from the male another  
20 maybe 25, 30 yards up -- up the road. So  
21 I immediately, you know, raised for  
22 expedite medics to take the location. I  
23 believe medics were already in route to  
24 the location but I had them expedite  
25 through police radio given the severity of

21

1 accident division. They were dispatched  
2 to the scene and I wrote up my report of  
3 what I was told and what I observed and  
4 the accident investigation division took  
5 over from there.  
6 Q. Okay. Do you remember what the  
7 date was of the incident?  
8 A. No, but I can look off the report.  
9 Q. No, that's all right. I'm just  
10 [REDACTED] you just your memory right now.  
11 A. Okay.  
12 Q. When you say you received a radio  
13 call, was that a call from 911 or just  
14 from your dispatch?  
15 A. No, it was a 911 call from --  
16 from -- to -- to radio dispatch --  
17 dispatched it to us.  
18 Q. Do you remember what the  
19 description was you were given in the 911  
20 call?  
21 A. I don't recall.  
22 Q. Okay.  
23 A. I just know I -- I do believe it  
24 was an accident, motorcycle accident with  
25 injuries. I do believe it was that.

22

1 Q. And when you went to the scene, can  
2 you tell me how you arrived there, like  
3 which roads that you drove?  
4 A. I'm sorry. I didn't hear. What --  
5 can you repeat that?  
6 Q. Sure. I'm just curious like how  
7 your patrol car got to that location, like  
8 were you -- did you come on Vare, did you  
9 back up, what --  
10 A. I took Vare Ave. straight up --  
11 Q. Okay.  
12 A. -- from 25th Street.  
13 Q. All right. So you drove the right  
14 direction on Vare?  
15 A. Yes.  
16 Q. When you got there, was fire rescue  
17 there already?  
18 A. No.  
19 Q. And when fire rescue was -- I think  
20 it was EMS Medic 11.  
21 To your memory, did EMS Medic 11  
22 appear at some point after you got there?  
23 A. Yes.  
24 Q. How did they go to Presby to your  
25 memory?

24

1 first got out of the vehicle what your  
2 actions were then, did you first talk to  
3 the people or did you first go see  
4 Mr. [REDACTED]  
5 A. I immediately ran over to  
6 Mr. [REDACTED] what they were flagging me  
7 down for.  
8 Q. Do you remember what he looked  
9 like?  
10 A. He was a black male, maybe -- maybe  
11 170 pounds, 180 pounds.  
12 Q. Where did you find him when you  
13 found him?  
14 A. On the sidewalk in front of the  
15 [REDACTED] [REDACTED] between two of their cars  
16 they had for sale.  
17 Q. Do you remember how he was  
18 positioned under that car, like was his  
19 head towards the -- you know, can you just  
20 sort of orient me in terms of how his body  
21 was positioned?  
22 A. He was laying on his -- he was  
23 laying on his back. He was laying as if  
24 he -- his head was towards the back of the  
25 tire and his feet were to the front of the

23

1 A. Straight up Vare Ave., I believe,  
2 to -- to 30th Street -- well, I think it's  
3 38th Street and straight down to  
4 Presbyterian.  
5 Q. They didn't hop back on the  
6 Schuylkill right at that exit and get on?  
7 A. I believe that was kind of the  
8 middle of rush-hour traffic. I think  
9 it -- the quick -- basically they took  
10 was straight down Vare to 38th Street.  
11 Q. Was there any effort to resuscitate  
12 Mr. [REDACTED] at the scene?  
13 A. I stabilize -- Mr. [REDACTED] was -- he  
14 was -- he was -- he was -- he was in  
15 severe injury. I was trying to keep  
16 his -- his body stable to -- he was  
17 breathing, but he was in a lot of -- a lot  
18 of discomfort and pain. We -- I tried to  
19 keep his head stable from -- due to the  
20 injuries that, you know, from -- from my  
21 training is that's the best we can try to  
22 do and then medics came and strapped him  
23 and did everything because of the  
24 injuries.  
25 Q. Okay. So can you tell me when you

25

1 tire.  
2 Q. Was his head positioned towards the  
3 back of the vehicles?  
4 A. It was -- it was in the middle of  
5 the vehicles where his -- but the way --  
6 he was laying flat on the ground so his  
7 feet were towards the front of the vehicle  
8 and his head was towards the back of the  
9 vehicle.  
10 Q. Was he wearing a helmet?  
11 A. No.  
12 Q. Were his boots on?  
13 A. No.  
14 Q. And was he wearing long pants or  
15 shorts?  
16 A. I do believe he had jeans on.  
17 Q. What about his shirt, do you  
18 remember that?  
19 A. I don't recall.  
20 Q. Do you remember him bleeding from  
21 anywhere?  
22 A. Yes.  
23 Q. And where was he bleeding from?  
24 A. From what I observed, it looked  
25 like he was bleeding from the head and he

26

1 looked like he had a contusion on maybe  
2 his legs and his back from what I could  
3 tell.  
4 Q. Were you able to communicate with  
5 him in any way?  
6 A. I was [REDACTED] to him, but I don't  
7 think he was understanding what was going  
8 on.  
9 Q. When you say you were [REDACTED] to  
10 him, were you just sort of telling him  
11 to -- you know, it's going to be okay or  
12 what?  
13 A. I told him that -- I told him to --  
14 to stay still, don't move. He kept trying  
15 to get -- lift his body up, but you're  
16 [REDACTED] -- when [REDACTED] at the -- when  
17 you're [REDACTED] to him, you could tell that  
18 he was not coherent of what was going on.  
19 Q. Was he able to move his arms and  
20 legs?  
21 A. Yeah, he -- he had his legs moving  
22 and he was trying to lift his -- I  
23 remember him just trying to lift the head  
24 up, his -- like the neck off the ground  
25 and I kept trying to hold his head down

28

1 having a real difficult time breathing.  
2 Q. You indicated earlier that you had  
3 spoken to -- that when you got there, that  
4 there were a few females and one male  
5 there.  
6 Does that sound correct?  
7 A. Yeah, that's what I recall the  
8 possibility. I know there were -- I  
9 definitely spoke to a female there.  
10 Q. Did the female have any relation to  
11 Mr. [REDACTED]  
12 A. No, she had no idea who he was.  
13 Q. Do you remember what she -- sorry.  
14 Did I interrupt you?  
15 A. No.  
16 Q. You told me a little bit about what  
17 she said, but, you know, you told us  
18 earlier that he had -- the driver had hit  
19 the exit, flew in the air, and landed  
20 between cars.  
21 Is that the sort of substance of  
22 your memory?  
23 A. Yes.  
24 Q. Do you remember anything else that  
25 she said to you?

27

1 and stabilize his neck from moving given  
2 that it was -- the severity of the  
3 injuries.  
4 Q. Was he having any trouble breathing  
5 that you were able to observe?  
6 A. From what I can tell, yes.  
7 Q. What did you see?  
8 A. He looked like he possibly from --  
9 he -- he -- from my personal -- from  
10 experience, he looked like he might have  
11 ruptured his -- well, he hurt his ribs or  
12 possibly had a broken rib, so he had a  
13 little bit of blood coming out of the  
14 mouth, so I -- we -- I turned his head  
15 to -- to face the -- like to face  
16 sideways, so that if there was blood  
17 coming out, it would pour out of his mouth  
18 and not just go right back into his throat  
19 and...  
20 Q. Did you take a pulse when you got  
21 to him first?  
22 A. No, I did not take a pulse.  
23 Q. Even if he was having difficulty  
24 breathing, was he able to breathe?  
25 A. He was breathing, yeah, but he was

29

1 A. From what I recall, what she said  
2 is that she was driving -- I don't know if  
3 she was on 76 or if she was on Vare, but  
4 she said she was -- she was driving and  
5 she saw the male coming off the -- the --  
6 the exit and he was coming at a decent --  
7 a high -- well, she said that he -- he was  
8 speeding, but he was coming at a high rate  
9 of speed off the exit and as he took --  
10 came off the exited -- the exit that he --  
11 she said that he looked like he lost  
12 control and went flying -- she said flying  
13 in the air over the bike. The bike kept  
14 rolling down Vare Avenue and he -- he hit  
15 the -- the parked cars on the side.  
16 Q. Did she mention at any point  
17 whether he had hit the yellow steel posts  
18 in front of the car [REDACTED]  
19 A. I -- I do -- I do recall something  
20 like that, that there was a steel post,  
21 but I don't -- I don't know if he hit it  
22 or not. I'm not sure.  
23 Q. I'm just [REDACTED] you if she told you  
24 anything about him hitting steel posts or  
25 not?

30

1 A. No. No.  
2 Q. And then the other two or three  
3 males, did you speak with them at all?  
4 A. There was a lot of commotion, I  
5 mean, because he was in severe pain so  
6 once, you know -- once, you know, I was  
7 tending to him and, you know, she was  
8 explaining to me what happened and after  
9 medics came, like, people just at that  
10 point disappeared.  
11 Q. I understand it's a chaotic --  
12 A. But I -- the males did speak to me.  
13 There was an exchange of words because I  
14 think they were frustrated because the  
15 medics were not there yet, so I think it  
16 was like I told them that they're coming,  
17 you know, the -- you know, and that was  
18 where I -- that's where I was at.  
19 Q. Other than them, you know, being  
20 agitated that EMS wasn't there, do you  
21 remember their names?  
22 A. No.  
23 Q. Did you identify them in any way as  
24 car dealer employees?  
25 A. No.

32

1 is that right?  
2 A. Yes.  
3 Q. From behind your vehicle?  
4 A. I had my vehicle off to the side at  
5 this point. We -- I did have another  
6 officer [REDACTED] the highway so they came  
7 around that vehicle and was pretty much  
8 pulled up next to the victim.  
9 Q. Because in some of the photos, the  
10 other end of Vare is taped off.  
11 Did you tape off the scene or did  
12 AID?  
13 A. I did.  
14 Q. Was that one of the first things  
15 you did?  
16 A. No.  
17 Q. So EMS gets there. Can you tell us  
18 what you remember happening when the EMS  
19 is there?  
20 A. EMS immediately went to work. They  
21 got the male strapped to a -- what I  
22 believe I -- from what I recall was a flat  
23 board and they immediately put him on a --  
24 a stretcher and, you know, off they went  
25 to the hospital.

31

1 Q. I mean, they didn't come out of the  
2 car [REDACTED] and say, hey, I work here,  
3 I saw this happen, anything like that?  
4 A. There was -- yeah, there was a car  
5 dealer employee there. When -- when --  
6 when the victim was there, there was  
7 another male there yelling. I thought --  
8 that's what I thought you were [REDACTED]  
9 about. After the male was taken, there  
10 was other males in the lot and they said  
11 that I'm -- you know, I own the -- I work  
12 at the [REDACTED] and they were there that  
13 day --  
14 Q. So the first one or two males that  
15 you dealt with were not the people who  
16 worked at the [REDACTED]  
17 A. No. No.  
18 Q. Then how much time passed between  
19 you arriving and EMS arriving?  
20 A. I would say approximately five  
21 minutes.  
22 Q. Do you remember any discussions you  
23 had with the EMS guys or workers?  
24 A. No.  
25 Q. Okay. So EMS comes up Vare Avenue;

33

1 Q. All right. Did you talk to them  
2 while they were there or were they just  
3 [REDACTED] on Mr. [REDACTED]  
4 A. Yeah, I -- as they were [REDACTED] on  
5 him I gave them, you know, some  
6 information of what we had, what was going  
7 on. They asked, you know, what possible  
8 injuries and what they hit and, you know,  
9 they -- they went from there.  
10 Q. Did you learn anything from the EMS  
11 employees that you hadn't observed on  
12 Mr. [REDACTED]  
13 A. No.  
14 Q. I mean, did they tell you what his  
15 condition was?  
16 A. No, I had -- no.  
17 Q. Certainly, he was alive when he  
18 left the scene?  
19 A. Yes.  
20 Q. You said that the EMS truck -- was  
21 it an EMS like truck?  
22 A. Yeah, it was the -- the ambulance,  
23 the full ambulance.  
24 Q. Did the EMS truck, you said it  
25 drove just straight up Vare?

34

1 A. From what I remember, yes, it drove  
2 straight up Vare.  
3 Q. How close was the truck located to  
4 where Mr. [REDACTED] was when they put him in  
5 the bus?  
6 A. I -- it -- I think it was right  
7 there. I believe, it was right at the end  
8 of the car they put him in --  
9 Q. So basically they drove essentially  
10 the back of the bus right up to him?  
11 A. Yes.  
12 Q. Then they drive off; is that right?  
13 A. Yes.  
14 Q. And then AID came at some point  
15 after that?  
16 A. Yes.  
17 Q. Did you get the address or the  
18 information from the woman you spoke to at  
19 the scene about Mr. [REDACTED]  
20 A. No.  
21 Q. There's a witness listed on your  
22 police report.  
23 Do you know who that is?  
24 A. I would have to look at the report.  
25 Q. Yes, we'll get to that in a second.

36

1 A. Okay.  
2 Q. I'm going to direct your attention  
3 to the top, left corner. It says:  
4 Incident No. 201901040017.  
5 Do you see that?  
6 A. Yes.  
7 Q. Is this the report that you  
8 produced following your appearance on the  
9 seen at the [REDACTED] accident?  
10 A. Yes.  
11 Q. This is -- just for your reference  
12 this is a five-page document; is that  
13 correct?  
14 A. Yes.  
15 Q. You indicated that your arrival  
16 time was 18:55 or 6:55 p.m.  
17 Is that what's indicated there?  
18 A. It was 18 -- by the time I might  
19 have wrote this, the times might not  
20 always be correct because it is through a  
21 computerized system. I don't know if  
22 you're familiar with it now. We no longer  
23 handwrite them, so what's 1855 in military  
24 time --  
25 Q. Do you know what time you arrived

35

1 Apart from what you've told us already, do  
2 you have any further recollections about,  
3 you know, the immediate moments around  
4 Mr. [REDACTED] crash after you got there?  
5 A. No.  
6 Q. Did you walk back at any point and  
7 look at 346C, the exit area?  
8 A. Yes.  
9 Q. What did you see there?  
10 A. To the left part of the exit by  
11 the -- the guardrail there was maybe --  
12 sorry -- give a -- maybe a 12-by-12  
13 pothole.  
14 Q. Okay.  
15 A. Other debris and road debris there.  
16 MR. NEUWIRTH: Scott, can we put up  
17 the police report now.  
18 BY MR. NEUWIRTH:  
19 Q. Officer, I'm going to just walk you  
20 through various points in your report.  
21 A. Okay.  
22 Q. And then I'm going to ask you some  
23 questions and then, you know, I'll mostly  
24 be done.  
25 Okay?

37

1 there?  
2 A. It was probably around 6 -- 6:55.  
3 Q. Okay. Well, he's admitted to  
4 Presbyterian ER at 6:34 p.m., so --  
5 A. Okay.  
6 Q. -- I think the 6:55 is not  
7 accurate. I just don't know when you got  
8 there or not.  
9 A. All right. So if he was  
10 permitted -- what time was he admitted to  
11 Presbyterian?  
12 Q. 6:34 p.m.  
13 A. Okay. So I probably arrived there  
14 around 6:15 --  
15 Q. Okay.  
16 A. -- around that time.  
17 Q. What was your shift that day?  
18 A. I was 4:00 to 12:00.  
19 Q. So 6:00 p.m., that's not like lunch  
20 or dinner or anything like that for you;  
21 right?  
22 A. No. No.  
23 Q. That's right in the middle of your  
24 [REDACTED] hours?  
25 A. Yeah.



38

1 Q. So [REDACTED] down into the crash data  
2 on the first page, do you see it says: No  
3 adverse conditions under weather?  
4 A. Yes.  
5 Q. Okay. And is that accurate to your  
6 memory?  
7 A. Yes.  
8 Q. Okay. There was no -- it wasn't  
9 raining or snowing; correct?  
10 A. No.  
11 Q. The roads weren't slick to your  
12 observation?  
13 A. No, it was a -- it was a -- it was  
14 a dry day.  
15 Q. Okay. Perfect. And just back to  
16 Mr. [REDACTED] for a second, he didn't smell  
17 of alcohol or anything like that; correct?  
18 A. No.  
19 Q. Did you learn at any point where he  
20 was coming from when he had his crash?  
21 A. I do believe he had a work lanyard.  
22 I think he was coming from work.  
23 Q. Yes, he was a longshoreman. He was  
24 coming --  
25 A. Yeah.

40

1 that we're using now, they kind of  
2 generate from your location on what the  
3 speed should be, so if -- you know, so  
4 this -- this new accident database kind of  
5 generates everything for us, but --  
6 Q. So you didn't, you know, handwrite  
7 in 3001 Vare, 25 miles an hour?  
8 A. No, three -- 25 Vare was probably  
9 the -- the 3001 Vare, that is a  
10 handwritten. I'm guessing that's a  
11 correction from AID. That's the number  
12 they used.  
13 Q. Moving on down to the event  
14 information, which is at the bottom of the  
15 first page.  
16 Do you see it says:  
17 Environmental/roadway potential factors?  
18 A. Yes.  
19 Q. So Factor One: Potholes.  
20 Do you see that?  
21 A. Yes.  
22 Q. What does factor one mean to you as  
23 a police officer?  
24 A. Factor one is -- as a police  
25 officer is what we believe what is the

39

1 Q. -- from work.  
2 Do you know where he was going?  
3 A. I believe home.  
4 Q. You indicated at the bottom of the  
5 crash data box, it says: Type of  
6 intersection.  
7 And you said: Off-ramp.  
8 Is that correct?  
9 A. Let me see.  
10 Q. So in the sort of top half of that  
11 page in the crash data box, it says: Type  
12 of intersection.  
13 It says: Off ramp.  
14 A. Yes, that's correct.  
15 Q. Is that -- 346C, is that considered  
16 an off-ramp to you?  
17 A. Yeah. I would -- I would say so.  
18 Q. Moving on down the page, it says:  
19 Speed limit, 25 miles an hour.  
20 Do you see that under: Principal  
21 Road?  
22 A. Yes.  
23 Q. We talked about that earlier, you  
24 don't know if that's 25 or 35 there?  
25 A. Yeah, this -- this -- this database

41

1 first thing that the vehicle hit to cause  
2 the accident.  
3 Q. Okay. And then factor two is just  
4 a lesser factor of factor one?  
5 A. Yes.  
6 Q. You wrote in broken or cracked  
7 pavement there?  
8 A. Yes.  
9 Q. How did you come to the conclusion  
10 that potholes or broken or cracked  
11 pavement was the cause of the crash?  
12 A. From what the witness stated that  
13 he -- the way he came and -- off the  
14 highway and it was a -- you know, that's  
15 what we went off.  
16 Q. So there was no, you know,  
17 indication to you from the witnesses that  
18 Mr. [REDACTED] was anything other than riding  
19 normally before he hit those potholes;  
20 correct?  
21 MR. [REDACTED] Note my objection.  
22 BY MR. NEUWIRTH:  
23 Q. Sorry. Is that correct?  
24 A. Besides speeding?  
25 Q. Besides speeding.

42

1 A. Just coming off the exit -- well,  
2 the -- the witness did state he came from  
3 the far left lane and took the exit.  
4 Q. So he comes from the far left lane,  
5 took the exit. You believe he was  
6 speeding based on [REDACTED] to the witness;  
7 correct?  
8 A. And the observation of injuries and  
9 the motorcycle, yes.  
10 Q. What do you mean by that?  
11 A. Well, the way the motorcycle was --  
12 the damage to the motorcycle and the  
13 extent of damage, it was -- it -- that it  
14 was -- it -- that the vehicle was moving  
15 at a high rate of speed.  
16 Q. Okay. And what speed do you  
17 believe that that would have been?  
18 A. I would not be able to tell you  
19 that.  
20 Q. So you don't know if he was going,  
21 you know, 35, 45, 55 or 85?  
22 A. No.  
23 Q. And you don't have training in how  
24 fast he was going; correct?  
25 A. No, it -- the AID officer would be

44

1 witness tells you that he was --  
2 Mr. [REDACTED] came from the left lane of the  
3 Schuylkill, hit the Vare Avenue exit, and  
4 flew off his bike?  
5 A. Yes.  
6 Q. Did she tell you that he hit  
7 potholes?  
8 A. No.  
9 Q. You put that together by her  
10 description, plus [REDACTED] at the roadway;  
11 correct?  
12 A. Yes.  
13 Q. You're aware as a motorcycle rider  
14 that hitting potholes on a motorcycle is  
15 going to make the motorcycle hard to  
16 control; correct?  
17 A. Yes.  
18 Q. This wasn't just a little bitty  
19 depression, was it; this was a pretty big  
20 hole?  
21 A. Well, 12-by-12. It was a nice size  
22 for a motorcycle tire, yes, if it would  
23 hit it, yes.  
24 Q. So if it would have hit it, it  
25 would have --

43

1 able to tell you that.  
2 Q. The witness you were [REDACTED] to,  
3 the female, she said -- she was driving on  
4 Vare; is that correct?  
5 A. That's what she stated, yes.  
6 Q. So she was going 25 miles an hour?  
7 A. I don't know.  
8 Q. Did you learn that there was a  
9 video at [REDACTED] [REDACTED] of the accident at  
10 any point?  
11 A. No.  
12 Q. Just to be clear, you've never seen  
13 a video of the crash; correct?  
14 A. No.  
15 Q. I need you to --  
16 A. No. I said no.  
17 Q. I need to clarify my question just  
18 for the record.  
19 A. Okay.  
20 Q. Have you seen at any point the  
21 video of this crash?  
22 A. No.  
23 Q. I'm just trying to just kind of  
24 work into, Officer, a little bit more.  
25 The woman you spoke with who is the

45

1 A. It would have caused --  
2 Q. -- made the motorcycle hard to  
3 control?  
4 A. Yes.  
5 Q. How deep was the hole if you  
6 remember?  
7 A. Maybe six inches deep.  
8 Q. How long had it been there for?  
9 A. I don't know. I don't know that --  
10 no, I don't know that answer.  
11 Q. Certainly, sir, it didn't look like  
12 it had been recently repaired; correct?  
13 A. No.  
14 Q. Was it repaired after the fact?  
15 A. I don't know.  
16 Q. Then lower on -- back to the  
17 report, sir.  
18 A. Okay.  
19 Q. You -- under the event information  
20 on page one, you indicated: Prime factor,  
21 driver action, speeding.  
22 Correct?  
23 A. Yes.  
24 Q. That conclusion that he was  
25 speeding was based on what exactly?

46

1 A. The skid mark in the roadway, the  
2 damage to the vehicle, and the distance he  
3 was thrown from the vehicle to where he  
4 landed.  
5 Q. But your conclusion there, that he  
6 was speeding, was that based on  
7 discussions with AID, or was that based on  
8 your own conclusions?  
9 A. That was based on my own  
10 conclusions.  
11 Q. I'm sorry, just -- I think we  
12 covered this already, but you don't have  
13 particular formal training in evaluating  
14 how fast somebody is going; correct?  
15 A. No.  
16 Q. You don't have formal training in  
17 evaluating whether a motorcyclist is  
18 speeding or not?  
19 A. No.  
20 Q. Turning to the second page, sir,  
21 could you look at the second --  
22 MR. NEUWIRTH: Or, Scott, can you  
23 put up the second page.  
24 THE WITNESS: Okay.  
25

48

1 NCIC/PCIC --  
2 Q. Okay.  
3 A. -- and that's the number that came  
4 back with -- with the male, with the  
5 address that matched the paperwork.  
6 Q. Then to the right of that license  
7 number, you wrote: Expiration date  
8 8/20/19, which is actually the date of the  
9 crash.  
10 Was that the actual expiration date  
11 on the license?  
12 A. No. Like I said, this new system  
13 that we have, it was actually -- when this  
14 report was taken, it was fairly new and it  
15 would generate numbers in certain boxes.  
16 And, you know, we were fairly new using  
17 it, so that's probably not the right  
18 expiration number most likely. It's just  
19 the date of the accident.  
20 Q. And then about the middle of that  
21 page, you know, you noted again first  
22 harmful event was potholes or other  
23 pavement irregularities.  
24 Do you see that?  
25 A. Yes.

47

1 BY MR. NEUWIRTH:  
2 Q. Do you see that page, sir?  
3 A. Yes.  
4 Q. Officer, you indicated Mr. [REDACTED]  
5 last name was [REDACTED]  
6 Do you see that?  
7 A. Yes.  
8 Q. Is that something that should be  
9 corrected or was that your understanding  
10 at the time?  
11 A. That was my understanding at the  
12 time from -- I -- it -- from the paperwork  
13 we found on the highway.  
14 Q. Did you find a driver's license  
15 there as well?  
16 A. No.  
17 Q. Because there's a male -- it  
18 says -- license number is indicated under  
19 his name there.  
20 Do you see that?  
21 A. Yes.  
22 Q. Was that his driver's license?  
23 A. I do believe what I -- what I did  
24 was I found an ID. I think it might have  
25 been a work ID and I ran him through our

49

1 Q. Further down on that box, do you  
2 see Andrew B. [REDACTED] again? Do you see  
3 his name again in the middle of the page?  
4 A. Yes.  
5 Q. Just going through the motorcycle  
6 there, it's a 2007 Kawasaki 600.  
7 Do you see that?  
8 A. Yes.  
9 Q. Are you familiar with that  
10 motorcycle in any way?  
11 A. I know of the bike. Have I ever  
12 rode it or anything, no.  
13 Q. Then you put estimated speed --  
14 under that Kawasaki box, you put  
15 estimated speed at 50.  
16 Is that based on your own  
17 conclusions or based on what AID said?  
18 A. That was probably -- that's based  
19 on my own conclusions.  
20 Q. And then when you said -- under  
21 that estimated speed 50, it says:  
22 Direction of travel, west.  
23 So you meant he was going west on  
24 76?  
25 A. Yes.

50

1 Q. And you put: Vehicle position,  
2 left lane.  
3 Was that based on what the witness  
4 told you?  
5 A. Yes.  
6 Q. Okay. And then: Initial impact  
7 point, you wrote non-collision.  
8 Why did you put that there?  
9 A. Because that's for initial impact  
10 point of hitting another motor vehicle.  
11 Q. There was no evidence based on the  
12 witness --  
13 A. Yeah.  
14 Q. -- that he had hit another vehicle;  
15 correct?  
16 A. Yes.  
17 Q. When we're [REDACTED] about hitting  
18 other vehicles, we're [REDACTED] about like  
19 two cars driving; correct?  
20 A. Yeah, like a passenger vehicle,  
21 passenger truck, another motorcycle. The  
22 non-collision means that there was no  
23 other vehicle involved in this accident.  
24 Q. So no other vehicle caused the  
25 accident; is that --

52

1 that.  
2 MR. NEUWIRTH: That's okay. Take  
3 your time.  
4 ZOOM TECHNICIAN: Can everybody see  
5 this?  
6 MR. NEUWIRTH: Yes.  
7 BY MR. NEUWIRTH:  
8 Q. Officer [REDACTED] page three of  
9 your report, do you see at the top left  
10 corner it says: Unit No. 002 legally  
11 parked?  
12 A. Yes.  
13 Q. What did that refer to?  
14 A. One of the cars that were for sale  
15 at the [REDACTED]  
16 Q. If you go down to the sort of  
17 bottom half of the page, it looks like it  
18 was a 2009 Nissan Titan silver.  
19 Do you see that?  
20 A. Yes.  
21 Q. When you say it was legally parked,  
22 what's the basis for that?  
23 A. It was on their -- their [REDACTED]  
24 lot, like --  
25 Q. Okay.

51

1 A. Yes.  
2 Q. -- fair?  
3 A. Yes.  
4 Q. Because Mr. [REDACTED] did end up  
5 hitting a vehicle with his body?  
6 A. Yes, a parked car in the  
7 [REDACTED]  
8 Q. But that's not something that would  
9 be reflected on your basic police report?  
10 A. No.  
11 Q. Do you see there: Gradient and  
12 road alignment?  
13 This is -- Vare is a straight, flat  
14 road, not curving or hilly there; correct?  
15 A. Let me see. We're on the same  
16 page; right?  
17 Q. I'm just [REDACTED] you about the --  
18 A. Okay. Yeah, it -- it's a flat  
19 road, yes.  
20 MR. NEUWIRTH: And then turning to  
21 page three, Scott.  
22 BY MR. NEUWIRTH:  
23 Q. And officer.  
24 ZOOM TECHNICIAN: Bear with me just  
25 a second. I don't know what happened to

53

1 A. -- it was on their lot, on -- not  
2 on the street and --  
3 Q. Okay.  
4 A. -- as if it was on -- as if they --  
5 as if they were -- they had it on display  
6 to sell.  
7 Q. Okay. Do you recall whether it was  
8 pushed out onto the sidewalk or not?  
9 A. It was pushed -- yeah, it was  
10 pushed out on their -- their driveway.  
11 Q. And their driveway is right in the  
12 middle of the sidewalk; correct?  
13 A. Yes.  
14 Q. And as sort of a beat officer, do  
15 you ever give tickets for cars that are  
16 left on the sidewalk?  
17 MR. [REDACTED] Note my objection.  
18 MR. [REDACTED] Same.  
19 THE WITNESS: In that area?  
20 BY MR. NEUWIRTH:  
21 Q. No, just in general. Is that  
22 something that you're permitted to do?  
23 A. Yes.  
24 Q. Did you ticket this vehicle?  
25 A. No.

54

1 Q. Why not?  
2 A. It was on a [REDACTED] lot.  
3 Q. Are you familiar with the laws of  
4 the City and the regulations regarding car  
5 [REDACTED] [REDACTED] their vehicles?  
6 A. No.  
7 Q. So if I told you that what they had  
8 done was legally a violation, you wouldn't  
9 know that one way or the other?  
10 MR. [REDACTED] Note my objection.  
11 MR. NEUWIRTH: That's okay.  
12 BY MR. NEUWIRTH:  
13 Q. Is that correct?  
14 A. No, I would not have -- no. From  
15 my understanding, it was a private lot.  
16 And the way they had their vehicles  
17 positioned was not interfering with the  
18 roadway or the entrance into their  
19 building.  
20 Q. And then you indicated lower down  
21 there that -- well, withdrawn.  
22 Officer [REDACTED] there's no  
23 question that that was one of [REDACTED]  
24 vehicles; correct?  
25 A. No, that was -- yeah, it was one of

56

1 A. Yes.  
2 Q. It just didn't make sense to me  
3 when I was [REDACTED] at it.  
4 MR. NEUWIRTH: So then, Scott, can  
5 you put up page four, please.  
6 BY MR. NEUWIRTH:  
7 Q. Officer [REDACTED] do you see page  
8 four?  
9 A. Yes.  
10 Q. And you indicated there: Suspected  
11 serious injury under injury severity.  
12 That's correct; isn't it?  
13 A. Yes.  
14 Q. And then you indicated that --  
15 well, below the suspected serious injury  
16 in that people information, you indicated  
17 that ejection was not applicable; ejection  
18 path was not ejected.  
19 Is that just because he was on a  
20 motorcycle, not in a vehicle?  
21 A. Yes.  
22 Q. Okay.  
23 A. Yeah, the -- in -- in the -- in  
24 this -- in this drop-down box, they have  
25 like -- it's -- it's -- it's weird. Like,

55

1 the [REDACTED] vehicles.  
2 Q. I mean, you put under license plate  
3 it had no tag on it, so that -- it wasn't  
4 even really a registered vehicle; correct?  
5 A. Yes.  
6 Q. Then lower down there, you say:  
7 Direction of travel, south.  
8 Are you indicating the Nissan  
9 Titan?  
10 A. Yes, it was just facing south.  
11 Q. And it was parked; correct?  
12 A. Yes.  
13 Q. And the initial impact point you  
14 wrote was 2:00.  
15 Can you explain that to me?  
16 A. So they try to have us do it by  
17 points. So the front of the vehicle is  
18 12:00 and then the -- as you go around the  
19 vehicle, so -- if you're going around the  
20 vehicle, so I -- I believe he hit the  
21 driver -- like closer to the front of the  
22 driver door front fender with the --  
23 Q. Okay. So that's 2:00 if you're  
24 facing the front of the vehicle; is that  
25 right?

57

1 I don't know if they ever fixed the system  
2 from when this was taken, but it was  
3 saying that you can -- it was like, for  
4 some reason, it wouldn't allow us to say  
5 ejected for some reason.  
6 Q. I mean, there was no indication to  
7 you at the scene that he was on his  
8 motorcycle when he, you know, finally came  
9 to rest?  
10 A. No, he was off the motorcycle.  
11 You -- the -- the bike would have  
12 destroyed these cars. It was more of a  
13 bodily injury to the vehicle -- that's  
14 what -- the parked vehicles were hit.  
15 Q. The diagram that you prepared, was  
16 that by hand or by using the computer  
17 icons?  
18 A. It's -- it's -- it's by the  
19 computer icons. It's probably the best I  
20 could do on the computer.  
21 Q. Could you explain to us what's seen  
22 in that diagram there?  
23 A. Okay. So the -- the -- the  
24 major -- do you see the three dots to the  
25 left, like the three lanes, that's the 76

58

1 lane. So if there's two lanes coming off  
2 the -- the highway with the little round  
3 circle, that's -- that's near the  
4 guardrail where the little pothole --  
5 where the pothole was and that's the --  
6 this is Vare Ave. and then to the right  
7 where you see the little box, that's the  
8 [REDACTED] [REDACTED] with the -- there was  
9 other vehicles there, but this was the  
10 vehicle he hit and that's the vehicle  
11 his body hit and that's where his  
12 motorcycle -- where his motorcycle was,  
13 that's where it landed.  
14 Q. And then there's sort of the --  
15 that line with one, two, three, four,  
16 five, like, fingers coming off of it?  
17 A. Yeah, that -- that was just like --  
18 I wanted to give a description of how the  
19 vehicles were parked --  
20 Q. Okay.  
21 A. -- so that's like the -- that's  
22 what their sidewalk entrance is to  
23 their -- you know, to their building where  
24 the -- that's pretty much where their gate  
25 is.

60

1 like that; correct?  
2 A. Yes.  
3 Q. All right. So let's turn to page  
4 five for a moment. On page five, Officer,  
5 it says -- there's a synopsis written by  
6 you. It just sort of repeats itself, so  
7 I'm just going to ask you questions as we  
8 walk through that.  
9 Okay?  
10 A. Yes.  
11 Q. It says: Unit one was traveling  
12 westbound on 76 when he took the Vare  
13 Avenue.  
14 You mean he took the Vare Avenue  
15 exit; correct?  
16 A. Yes.  
17 Q. And then -- and hit a large  
18 pothole -- that's based on the witness'  
19 testimony to you --  
20 A. Yes.  
21 Q. -- at a high rate of speed.  
22 The high rate of speed is based on  
23 your conclusion?  
24 A. Yeah, from the skid mark, from the  
25 damage to the bike, and how far he was

59

1 Q. You didn't put any roadway [REDACTED]  
2 down; correct?  
3 A. No.  
4 MR. NEUWIRTH: If we could turn to  
5 the next page.  
6 BY MR. NEUWIRTH:  
7 Q. Before we get to page five,  
8 Officer, was the motorcycle in that  
9 position where you have it on page four,  
10 was it facing [REDACTED] [REDACTED] when you  
11 first saw it?  
12 A. No, I mean, I just put -- that's  
13 where I just gave an estimate of landing.  
14 That -- the motorcycle was -- I -- I don't  
15 recall which way it was facing, but it  
16 wasn't facing the -- it was so mangled,  
17 you couldn't tell which way it was facing.  
18 The motorcycle was destroyed.  
19 Q. All right. So but in -- in terms  
20 of what the diagram is showing, basically,  
21 you know, you told the computer to put a  
22 motorcycle somewhere in that vicinity, you  
23 didn't tell --  
24 A. Yes.  
25 Q. -- it how to orient it or anything

61

1 thrown from the bike.  
2 Q. Did the witness also tell you he  
3 was going at a high rate of speed?  
4 A. Yes.  
5 Q. Causing him to lose control of the  
6 bike.  
7 Do you see that?  
8 A. Causing him to lose control of the  
9 bike, yes.  
10 Q. Did the witness tell you that he  
11 had hit the pothole and that caused him to  
12 lose control or that's just sort of what  
13 you put together?  
14 A. That's kind of like -- the witness  
15 stated it looked like he hit something  
16 and then from -- from what -- the tire  
17 marks -- it looked like -- and then from  
18 the angle, it -- from -- from the angle,  
19 it looked like he hit the pothole.  
20 Q. Okay. And the pothole was located  
21 where she said he lost control?  
22 A. Yes.  
23 Q. Causing him to lose control of the  
24 bike and being ejected from the bike, so  
25 that was based on the witness' testimony?

62

1 A. Yes, and from what I -- from my  
2 experience and what I observed that he was  
3 ejected from the bike.  
4 Q. And then landing and [REDACTED] a  
5 parked car at an [REDACTED] [REDACTED]  
6 Do you see that?  
7 A. Yes.  
8 Q. That's all, you know, accurate;  
9 correct?  
10 A. Yes.  
11 Q. And then Medic 11, is that just a  
12 designation of the EMS bus that came?  
13 A. Yes.  
14 Q. Transported the male to Presby in  
15 serious condition with a head injury, AID  
16 was on location; is that correct?  
17 A. Yes.  
18 Q. And then what's -- and it says:  
19 And 1B.  
20 What is that?  
21 A. 1B is, because of the severity of  
22 the injuries of the driver of the vehicle,  
23 we ask for a supervisor to take our  
24 location just, you know, just, you know,  
25 to make sure we did our fundamentals, make

64

1 A. No.  
2 Q. Would you agree that one of [REDACTED]  
3 [REDACTED] vehicles was using part of the  
4 sidewalk for [REDACTED]  
5 MR. [REDACTED] Note my objection.  
6 MR. [REDACTED] Same.  
7 THE WITNESS: I mean, it was in  
8 front of their gate that they open. It's  
9 a massive gate so I would -- I -- it's  
10 more their driveway.  
11 BY MR. NEUWIRTH:  
12 Q. Well, regardless whether it's part  
13 of their driveway or not, would you agree  
14 that they were using part of a street or  
15 sidewalk for the [REDACTED] or storing of  
16 motor vehicles?  
17 MR. [REDACTED] Note my objection; asked  
18 and answered.  
19 MR. [REDACTED] Same.  
20 BY MR. NEUWIRTH:  
21 Q. You can answer.  
22 A. I mean, I -- I really -- I don't  
23 know how to answer this question because  
24 it's like -- from what I -- from my --  
25 from what I observed is it's their

63

1 sure we notified everybody and in case  
2 they see something we didn't see and --  
3 you know, they have us doing like that.  
4 It was pretty much supervisor [REDACTED] that  
5 day.  
6 Q. 1B means what to you because it  
7 doesn't mean anything to me?  
8 A. All right. 1B is our street  
9 supervisor of the day.  
10 Q. So 1B means you notified your  
11 supervisor?  
12 A. Yes.  
13 Q. It looks like the narrative is cut  
14 off, but did you intend to end it at 1B?  
15 A. Yes.  
16 Q. Do you keep any handwritten notes  
17 of your daily activities?  
18 A. No.  
19 Q. Do you take any -- did you take any  
20 photos of this scene of your own?  
21 A. No.  
22 Q. Do you have any records or anything  
23 other than this police report to refresh  
24 your recollection of the events of that  
25 day?

65

1 driveway into their building so it's not  
2 really a sidewalk. It's -- I mean, it's  
3 the driveway -- it's the ramp leading up  
4 into their lot. I mean, was it out on the  
5 driveway outside of the gate, yes.  
6 Q. The sidewalk runs right past their  
7 location; correct?  
8 A. Yes.  
9 Q. And the vehicle was either parked  
10 or being stored there; correct?  
11 A. Yeah, during opening hours -- go  
12 ahead.  
13 MR. [REDACTED] Note my objection.  
14 MR. [REDACTED] Same.  
15 THE WITNESS: During opening  
16 business hours, yes.  
17 MR. NEUWIRTH: And just for your  
18 reference Matt and Counsel, Philly  
19 Property Maintenance Code indicates that  
20 the owner of a private [REDACTED] lot shall  
21 not do what they were doing.  
22 BY MR. NEUWIRTH:  
23 Q. Officer [REDACTED] you don't have  
24 responsibility to, like, enforce the  
25 Philly Property Maintenance Code, do you?

66

1 A. No.  
2 Q. Have you ever given a ticket for  
3 car dealers, you know, [REDACTED] their cars  
4 on sidewalks?  
5 A. No.  
6 Q. So I think somewhere in your police  
7 report you indicated: Landmark Route 1.  
8 Do you know where that is?  
9 A. Let me look for it. Like I said,  
10 that's something it sounds like this  
11 system just generated.  
12 Q. Okay.  
13 MR. [REDACTED] Just for the witness'  
14 reference, I think that's on page one of  
15 the report about midway down.  
16 MR. NEUWIRTH: Okay. Thank you.  
17 MR. [REDACTED] I think that's what  
18 you're referring to, Counsel.  
19 MR. NEUWIRTH: Yes. I lost track  
20 of my page one.  
21 BY MR. NEUWIRTH:  
22 Q. Officer, it says 22 feet if Miles  
23 is correct about the location.  
24 MR. NEUWIRTH: Scott, can you pull  
25 up page one of the police report.

68

1 time had passed between the crash and you  
2 getting there?  
3 A. How long it took me to get to the  
4 crash when I got the job?  
5 Q. No. Sorry. That's not my  
6 question. My question is: How much time  
7 passed between the crash and you getting  
8 there?  
9 A. How long the highway was shut down  
10 for?  
11 Q. No. Sorry. How much time passed  
12 between you getting the radio call to go  
13 to the scene and you arriving there?  
14 A. I would say less than -- I was  
15 right at the district, so I was right  
16 there, so I got the radio call and I was  
17 on scene within minutes.  
18 Q. Like within three minutes or  
19 five minutes or ten minutes?  
20 A. I would say within three minutes.  
21 Q. Did anyone at the scene tell you  
22 when the crash had happened in relation to  
23 when you got there?  
24 A. No.  
25 Q. I mean, did you -- did it appear to

67

1 THE WITNESS: So if you guys see  
2 the section where it says: Landmark, 001.  
3 And then underneath that it says:  
4 Latitude GPS.  
5 BY MR. NEUWIRTH:  
6 Q. Yes.  
7 A. So this system that we are using  
8 [REDACTED] generates all these numbers  
9 from our location.  
10 Q. When you punch in your location,  
11 are you putting in [REDACTED] address or  
12 what?  
13 A. No, wherever our vehicle is it does  
14 it.  
15 Q. So it says: Route No. 001, mile  
16 point 000.  
17 A. Yeah.  
18 Q. Then it says: Feet, 22 feet.  
19 And that's just where your vehicle  
20 was?  
21 A. Yeah, that's just your -- that's  
22 just the police vehicle because it -- the  
23 system goes off the GPS on the police  
24 vehicle.  
25 Q. Do you know how long -- how much

69

1 you to be less than ten minutes?  
2 A. I -- usually -- no, I'm not sure.  
3 Usually on a crash like that, we get the  
4 call right away and they dispatch it right  
5 away because it's kind of a priority  
6 matter.  
7 Q. After the, you know, writing your  
8 report, did you have any further contact  
9 or involvement with this case?  
10 A. I did.  
11 Q. You did, yes?  
12 A. Yes.  
13 Q. Can you describe that to me?  
14 A. I ended up just going to -- I had  
15 to do a follow-up at the hospital.  
16 Q. Officer, I don't want you to tell  
17 me anything about your discussions with  
18 Mr. [REDACTED] or the City attorneys.  
19 Okay?  
20 A. Okay.  
21 Q. Can you tell me what sort of  
22 follow-up you did at the hospital?  
23 A. Check on conditions of the victim.  
24 Q. What did you learn about  
25 Mr. [REDACTED] condition?



70

1 A. He was -- from the nurses, he was  
2 in extreme critical conditions and his  
3 vitals were low.  
4 Q. Did you learn anything further than  
5 that?  
6 A. The next day when I reported, I  
7 heard -- I learned that he passed away.  
8 Q. Apart from learning that, did you  
9 have any contact with any other family  
10 members after that day?  
11 A. That -- the day of, I did see -- I  
12 did speak with his father at the hospital.  
13 Q. When you say you spoke with him,  
14 was that in person?  
15 A. Yes.  
16 Q. What do you remember about those  
17 discussions?  
18 A. I just wanted to clarify some  
19 information like his name, his address,  
20 and date of birth.  
21 Q. Okay.  
22 A. And I just told him that, you know,  
23 I'm -- you know, from the City of  
24 Philadelphia, that we were sorry for, you  
25 know, for what happened to your son.

72

1 A. I believe he -- he could have  
2 went -- I think he might have went around  
3 the vehicle that was [REDACTED] and came up  
4 to my vehicle.  
5 Q. Did he stop behind you or ahead of  
6 you?  
7 A. I think next to me.  
8 Q. When you left the scene, did you  
9 drive, like just go back on patrol?  
10 A. No, I was -- I was there for a  
11 few -- a few hours and then I had to make  
12 sure this report was done for AID.  
13 Q. Did you -- so you went right from  
14 the scene -- did you go to Presby first or  
15 did you go to your district first?  
16 A. I -- I went to Presbyterian  
17 Hospital first.  
18 Q. And then after going to  
19 Presbyterian, you went back to the  
20 district?  
21 A. Yes.  
22 Q. Did you ever go back to the scene  
23 after that day?  
24 A. No.  
25 Q. I mean, you didn't go back and take

71

1 Q. Did Mr. [REDACTED] say anything to you  
2 that you remember?  
3 A. His dad?  
4 Q. Yes.  
5 A. His dad was extremely upset and  
6 I -- beginning to think he started  
7 praying.  
8 Q. Yes, okay. Did other police  
9 vehicles arrive on the scene other than  
10 you and the AID officer?  
11 A. I do believe there was one vehicle  
12 and they were [REDACTED] traffic for me at  
13 the -- at the Vare Ave. exit and Vare.  
14 Q. When you said 1B, did your officer  
15 come to the scene or did your supervisor  
16 come to the scene?  
17 A. My supervisor did come to the  
18 scene, yes.  
19 Q. How did he get there?  
20 A. He drove up Vare.  
21 Q. So there's one car [REDACTED] the  
22 exit from the Schuylkill?  
23 A. Yes.  
24 Q. And there's one car -- where did  
25 your supervisor park?

73

1 photos or do any sort of further  
2 investigation?  
3 A. No.  
4 Q. Do you remember discussions you had  
5 that night with the AID officer?  
6 A. No.  
7 Q. I mean, do you remember [REDACTED] to  
8 him about anything that night?  
9 A. Yeah, I remember him being out  
10 there and he was going through his own  
11 motions where he was doing measurements  
12 and all that stuff and he was [REDACTED]  
13 photos and stuff. And I just -- I -- I --  
14 I -- I told him what I -- the witness told  
15 me and what I observed and, like I said,  
16 the -- they are trained for this stuff and  
17 they are able to tell how fast he was  
18 going -- and from the skid marks, from  
19 everything, so...  
20 Q. In your report, Officer, Paula  
21 Allen is listed as a witness on page four.  
22 A. Okay.  
23 Q. Is that the witness you talked to  
24 or is that somebody else?  
25 A. I believe that's the witness I

74

1 talked to.  
2 Q. We've been going about an hour. If  
3 we could take like just a three-minute  
4 break, Officer, I'm going to start showing  
5 you photos after the break, if that's  
6 okay. Okay?  
7 A. That's fine.  
8 Q. Why don't we come back at -- it's  
9 11:12. We'll come back at like 11:17 if  
10 that's okay?  
11 A. Okay. That's fine.  
12 Q. All right. Thank you.  
13 ---  
14 (Whereupon, a break was taken at  
15 this time.)  
16 ---  
17 BY MR. NEUWIRTH:  
18 Q. Do you remember [REDACTED] with a  
19 gentleman named [REDACTED] Irizarry?  
20 A. No.  
21 Q. Do you remember [REDACTED] with a man  
22 named Mike Samarra (ph)?  
23 A. No.  
24 Q. Do you remember [REDACTED] with a man  
25 named Marwan Al-Saleel (ph)?

76

1 A. No.  
2 Q. During the time you were there, did  
3 anyone move the motorcycle?  
4 A. Yes.  
5 Q. Who was that?  
6 A. Myself.  
7 Q. When was that?  
8 A. When I was trying to find  
9 identification marks on it, a  
10 VIN or, you know, anything because we  
11 didn't have the victim's name.  
12 Q. Were you moving the motorcycle  
13 after AID was there or before?  
14 A. Before.  
15 Q. When you say you moved the  
16 motorcycle, can you describe what you did?  
17 A. I just flipped it over.  
18 Q. Okay.  
19 A. I flipped it where I could -- was  
20 able to -- to see if I could read a VIN  
21 off of it.  
22 Q. Did you get the VIN?  
23 A. Yes, I believe so.  
24 Q. That was just directed at trying to  
25 identify who the body was?

75

1 A. No.  
2 Q. So those people are connected to  
3 [REDACTED] [REDACTED] You indicated that you  
4 spoke with someone from the [REDACTED]  
5 after the crash, but not at the immediate  
6 moment you got there.  
7 Can you tell me, you know, the  
8 nature of what your discussions were with  
9 the people from [REDACTED] [REDACTED]  
10 A. I think I asked if they saw what  
11 happened and they said they were inside  
12 and that -- you know, that's where I went  
13 from there. I -- I do know that -- AID  
14 officers that spoke with them because I do  
15 believe he pointed out they had a camera.  
16 Q. Okay.  
17 A. But that's the furthest I went with  
18 that.  
19 Q. Do you have any further  
20 recollection of conversations with [REDACTED]  
21 employees?  
22 A. No.  
23 Q. When you got to the scene  
24 initially, had anyone moved the motorcycle  
25 from its place of rest?

77

1 A. Yes.  
2 Q. Did you move Mr. [REDACTED] at any  
3 point --  
4 A. No.  
5 Q. -- while you were there?  
6 A. No.  
7 Q. Other than, you know, touching him  
8 and what you told us about earlier, did  
9 you adjust his body in any way?  
10 A. Yeah, I tried to prevent him from  
11 moving his neck and his head around.  
12 Q. Did you have an opportunity to see  
13 some of the marks that were on the Nissan  
14 Titan?  
15 A. It looked -- from what I recall was  
16 there was a dent on, I believe, the -- the  
17 driver's side from where his body hit.  
18 Q. Did it appear to you that that mark  
19 was one that would be left with just  
20 someone flying through the air?  
21 MR. [REDACTED] Note my objection.  
22 MR. [REDACTED] Same.  
23 THE WITNESS: Possible from --  
24 from -- from him flying through the air.  
25 I don't believe it was the -- too much

78

1 damage, but it was definitely damaged from  
2 him hitting at one point.  
3 BY MR. NEUWIRTH:  
4 Q. It seemed like pretty minor damage  
5 though to the vehicle; correct?  
6 A. Yes.  
7 Q. Did you concern yourself in any way  
8 with the concrete yellow posts there?  
9 A. Can you rephrase the question?  
10 Q. Sure. Sorry. I'll show you some  
11 photos in a minute. I don't want to just  
12 torture you, but did you learn that there  
13 were bollards there at some point or  
14 yellow posts?  
15 A. Yes.  
16 Q. Did you focus on them in any way in  
17 relation to this crash?  
18 A. After the AID officer pointed it  
19 out.  
20 Q. What did the AID officer point out  
21 to you about the bollards?  
22 A. He gave the angle of where the skid  
23 mark was and the angle of the exit that  
24 it -- from what it appeared, that he hit  
25 this bollard before he impacted the

80

1 the motorcycle -- you know, he had  
2 separated from the motorcycle before that  
3 impact on the bollard?  
4 A. Yes.  
5 Q. Did the AID officer tell you how he  
6 believed Mr. [REDACTED] ended up under the  
7 vehicles or between the vehicles?  
8 A. No.  
9 Q. When you respond to a scene like  
10 this and you believe the pothole caused  
11 the crash, do you make any calls to the  
12 city to repair that pothole?  
13 MR. [REDACTED] Object to form.  
14 THE WITNESS: Well, from my  
15 recollection because of what I deal with  
16 with the State Police I was under the  
17 impression that it was part of the state  
18 highway to take care of that.  
19 BY MR. NEUWIRTH:  
20 Q. I guess my question just more  
21 specifically, Officer, is did you make  
22 phone calls to either the city or to the  
23 PennDOT or the state saying this pothole  
24 needs to be repaired?  
25 A. No, I do not.

79

1 vehicle.  
2 Q. Did that kind of mesh with what you  
3 were seeing as the damage both to  
4 Mr. [REDACTED] and to the vehicle he was lying  
5 next to?  
6 A. After the AID officer, you know,  
7 pointed it out, yes.  
8 Q. It seemed to make sense?  
9 A. Yes.  
10 Q. Are you familiar with any of the  
11 city rules about bollards?  
12 A. No.  
13 Q. Have you ever given tickets for  
14 bollards?  
15 A. No.  
16 Q. Do you know whose responsibility,  
17 you know, maintenance of the bollards is?  
18 A. No.  
19 Q. In your discussions with the AID  
20 officer he was explaining to you that he  
21 believed Mr. [REDACTED] had hit one of the  
22 bollards, the physical, the person?  
23 A. From my recollection, yes, his body  
24 hit -- I believe it was a yellow pole.  
25 Q. Was it also your understanding that

81

1 Q. As a police officer in  
2 Philadelphia, do you have an obligation to  
3 do that?  
4 A. Yes, we do.  
5 Q. Is there a reason why you didn't do  
6 that?  
7 A. From my understanding, I saw -- I  
8 believe that there was already a work  
9 order in for the pothole.  
10 Q. So there was an open work order to  
11 your observation?  
12 A. Yes.  
13 Q. How did you see that?  
14 A. There was [REDACTED] on the ground,  
15 like, on the other side and I -- they were  
16 [REDACTED] on the road as we speak, like on  
17 the highway, so I thought, you know, from  
18 my opinion that they would fix the pothole  
19 while they were there.  
20 Q. So to your observations either the  
21 state or the city were doing work on the  
22 roadway there?  
23 A. Yeah, like on the highway, yeah.  
24 Q. What sort of [REDACTED] are you  
25 [REDACTED] about, like they were just --

82

1 A. I believe on 76 there was like some  
2 arrows, orange arrows, something like  
3 that, so like pointing in that direction,  
4 so I didn't know if that was something  
5 involving the pothole or not.  
6 Q. Is there a form that you're  
7 supposed to fill out to notify PennDOT  
8 that this needs to be attended to?  
9 A. Usually what we would do is we  
10 would just notify police radio of any  
11 potholes that are concerning like if --  
12 you know, if we get a radio call for like  
13 a large pothole, we would just -- and  
14 radio would notify the streets department  
15 saying, hey, there's a pothole here that  
16 needs repair. Now when that pothole gets  
17 repaired is something in the foreseeable  
18 future.  
19 Q. You're going to upset Mr. [REDACTED] so  
20 we won't go further into the foreseeable  
21 future.  
22 Did you determine at any point  
23 whether Mr. [REDACTED] had a legal driving  
24 license?  
25 A. Driving as a Class C license?

84

1 ZOOM TECHNICIAN: Yes, I'm here.  
2 I'm sorry.  
3 MR. NEUWIRTH: Officer and Counsel,  
4 I'm going to just start [REDACTED] through  
5 photos now.  
6 Okay?  
7 MR. [REDACTED] Sure.  
8 THE WITNESS: Got it.  
9 MR. NEUWIRTH: Scott, can you pull  
10 up photo number eight. It's NO008.  
11 ZOOM TECHNICIAN: One second.  
12 BY MR. NEUWIRTH:  
13 Q. Officer [REDACTED] do you see that?  
14 A. Yes.  
15 Q. Is that a fair and accurate  
16 representation of what the hole looked  
17 like on the date of this crash?  
18 A. Yes.  
19 Q. Is there anything else in that  
20 photo that's remarkable or memorable to  
21 you?  
22 A. Let me see.  
23 Q. I'm not suggesting there is. I  
24 just need to ask you does --  
25 A. Oh, no. No. No.

83

1 Q. Yes.  
2 A. Yes, he had a Class C license, I  
3 believe.  
4 Q. That Class C means he can drive a  
5 car; right?  
6 A. A vehicle, yes.  
7 Q. Did he have a valid motorcycle  
8 license?  
9 A. From my recollection, no.  
10 Q. Had he ever had a motorcycle  
11 license?  
12 A. From my recollection, no.  
13 Q. Have you ever done business in any  
14 way with [REDACTED] [REDACTED] like as a  
15 customer?  
16 A. No.  
17 Q. Have you ever had interactions with  
18 them before this?  
19 A. No.  
20 Q. Have you had interactions with  
21 [REDACTED] [REDACTED] or their employees since  
22 this?  
23 A. No.  
24 MR. NEUWIRTH: Scott, are you still  
25 there? Scott?

85

1 Q. Anything else in this photo that is  
2 remarkable to you?  
3 A. No.  
4 MR. NEUWIRTH: Scott, could you  
5 pull up NO14.  
6 BY MR. NEUWIRTH:  
7 Q. Officer, do you see NO14?  
8 A. Yes.  
9 Q. Does that show what I've referred  
10 to as the bollards? Those are yellow  
11 steel poles. Do you see them?  
12 A. Yes.  
13 Q. Is that roughly how they looked at  
14 the date of the incident?  
15 A. Yes.  
16 MR. NEUWIRTH: Scott, if you could  
17 pull up number 16, NO0016.  
18 BY MR. NEUWIRTH:  
19 Q. Officer [REDACTED] do you see that  
20 photo?  
21 A. Yes.  
22 Q. What does that reflect?  
23 A. A blood stain.  
24 Q. Is that a fair and accurate  
25 representation of what the vehicles looked

86

1 like where Mr. [REDACTED] was located?  
2 A. I don't -- yes. Yes. They're not  
3 the same vehicles, but yes.  
4 Q. Was that --  
5 A. But that's how it was, yes.  
6 Q. That blood there, was that from  
7 Mr. [REDACTED] head?  
8 A. I believe so, yes.  
9 Q. I mean, was he bleeding from  
10 anywhere else that you remember?  
11 A. Possibly from his leg.  
12 MR. NEUWIRTH: Scott, could you  
13 pull up NO0045, and can you rotate that.  
14 THE WITNESS: Are you able to  
15 rotate it or no?  
16 MR. NEUWIRTH: Yes.  
17 Scott, can you rotate it.  
18 THE WITNESS: All right.  
19 BY MR. NEUWIRTH:  
20 Q. There you go. Officer, is that  
21 you standing there in the -- kind of under  
22 the -- that black sign?  
23 A. Yes, that's me.  
24 Q. Do you know who took this picture?  
25 A. I have no idea.

88

1 Q. Had you moved it at that point?  
2 A. No.  
3 Q. Okay. In that photograph in 0045,  
4 that's basically how you found the scene  
5 as far as the motorcycle is concerned?  
6 A. Yes.  
7 Q. Do you see the gentleman in the red  
8 shirt there, the tall gentleman?  
9 A. Yes.  
10 Q. And do you know who that is?  
11 A. No.  
12 Q. What about the -- it looks like  
13 possibly a woman to his left, do you know  
14 who that is?  
15 A. No.  
16 Q. Where your vehicle is, is that  
17 where it was -- you know, you were stopped  
18 for the entire couple hours you were  
19 there?  
20 A. Yeah, that's where I was flagged  
21 down. I pulled up here. They -- a group  
22 of people were standing here and everybody  
23 flagged down that there was an accident,  
24 but --  
25 Q. There's a car with its lights on

87

1 Q. Okay.  
2 MR. NEUWIRTH: Just for Counsel, I  
3 think these photos are from the family.  
4 I'm not sure. Or from friends or someone.  
5 BY MR. NEUWIRTH:  
6 Q. Can you just walk me through what  
7 we see in that photograph, sir?  
8 A. I believe I'm -- I believe I'm  
9 [REDACTED] with the witness that I -- that  
10 told me what had happened, that -- as you  
11 see the bike laying on the ground, and  
12 that's my patrol car, and I do believe  
13 that is a fire board on location, not EMS  
14 but the fire department -- and she was  
15 running me through what she observed had  
16 happened.  
17 Q. Is this after Mr. [REDACTED] had  
18 already been taken to the hospital?  
19 A. I believe so, yes.  
20 Q. But it's still that -- that same  
21 day of the incident; correct?  
22 A. Yes, it's that day.  
23 Q. Is the motorcycle located where it  
24 was before --  
25 A. Yes.

89

1 sort of to the back and right of you?  
2 A. Yes.  
3 Q. Do you know who that was?  
4 A. I believe that was the witness'  
5 vehicle.  
6 Q. And then just in terms of what you  
7 see on the ground there, can you just  
8 describe for me what that is?  
9 A. If you look by the pole, I believe  
10 that's the victim's boot. On the ground  
11 here is debris from the bike. I think --  
12 I don't know if you have a wider picture,  
13 but I do remember to the right of the bike  
14 closer to the guardrail there was papers I  
15 believe belonged to the victim.  
16 Q. Okay.  
17 A. You know, I don't know if you guys  
18 have -- I probably picked it up, so -- I  
19 mean, because it was there.  
20 Q. Okay.  
21 A. So...  
22 Q. Anything else of significance in  
23 that photo to you?  
24 A. It's a little blurry. Not that I  
25 can really see.

90

1 Q. Next I'm going to ask -- take a  
2 look at -- it looks like ATN 29 -- sorry,  
3 ATN25.  
4 A. Okay.  
5 Q. Officer, ATN25 is a close-up of the  
6 Nissan Titan sort of door area.  
7 Do you see that?  
8 A. Yes.  
9 Q. Was it your impression or  
10 observation that those were made by  
11 Mr. [REDACTED] as he was falling?  
12 A. Yes. It's -- yes.  
13 MR. NEUWIRTH: Then if you can turn  
14 to ATN29, Scott.  
15 BY MR. NEUWIRTH:  
16 Q. Officer, that's a photo of the  
17 Nissan Titan.  
18 Do you see that?  
19 A. Yes.  
20 Q. Was there damage to the front like  
21 kind of under the light housing there?  
22 A. From what the picture looks, yes.  
23 Q. Well, to your memory was there  
24 damage in that area of the vehicle?  
25 A. Yes.

92

1 Q. You sound like you have a fairly  
2 good memory of which vehicles were there,  
3 so it was a Nissan Titan and what was the  
4 vehicle next to it?  
5 A. I don't remember the -- like, I  
6 know I do remember the Nissan Titan, but I  
7 don't remember the vehicles next to it  
8 because I don't think there was any damage  
9 to it.  
10 MR. NEUWIRTH: Scott, can you go  
11 ahead to AID0007.  
12 BY MR. NEUWIRTH:  
13 Q. Officer, does this fairly and  
14 accurately represent what the scene looked  
15 like when you got there?  
16 A. Yes.  
17 Q. In the foreground there, do you see  
18 the yellow caution tape on the left?  
19 A. Yes.  
20 Q. Is that caution tape that you put  
21 up or the other unit that came to the  
22 scene?  
23 A. No, I put up.  
24 Q. Do you see all the way in the  
25 distance there up Vare there's caution

91

1 Q. How did you know the damage was  
2 from something other than just regular car  
3 damage?  
4 A. Can you rephrase that?  
5 Q. Sure. Sorry. That was a bad  
6 question. Did any of the [REDACTED]  
7 employees tell you that the car was  
8 damaged by Mr. [REDACTED] hitting it?  
9 A. I don't recall that. No, I think I  
10 just went to the observation of the damage  
11 on the vehicle that it was from this  
12 incident.  
13 Q. Was it your estimate or  
14 understanding or impression that this --  
15 A. It was --  
16 Q. -- damage to the vehicle was from  
17 Mr. [REDACTED] hitting it?  
18 A. Yes.  
19 Q. Then if you could turn your  
20 attention to ATN037.  
21 Do you see that?  
22 A. Yes.  
23 Q. I'm not sure if these are the exact  
24 vehicles that were there?  
25 A. I don't believe so.

93

1 tape?  
2 A. Yes.  
3 Q. Did you put that up as well?  
4 A. Yes.  
5 Q. In order for the EMS to get to  
6 Presby, they went up Vare that way?  
7 A. Yeah, I -- yes.  
8 Q. Okay.  
9 A. That was caution tape after the  
10 fact though.  
11 Q. Right. I mean, you put the caution  
12 tape up after EMS left?  
13 A. Yes.  
14 Q. Then in the foreground there on  
15 the, you know, left front of the -- is the  
16 pothole you're referring to; is that  
17 correct?  
18 A. Yes.  
19 Q. And the pavement to the right  
20 there, that pothole is also cracked?  
21 A. Yes.  
22 Q. That's your vehicle with its lights  
23 on there?  
24 A. Yes.  
25 Q. I mean, were you driving sort of

94

1 like a Ford SUV?  
2 A. Yeah, it's a Ford Explorer.  
3 Q. That's not AID's vehicle?  
4 A. No, that's mine.  
5 Q. It looks like Mr. [REDACTED] -- one  
6 of his boots is by that bollard closest to  
7 the Nissan Titan?  
8 A. Yes, it is.  
9 Q. Is there anything else remarkable  
10 to you on this photograph?  
11 A. No.  
12 Q. Were there any [REDACTED] that you  
13 were describing about pavement repair on  
14 this side of the -- that metal barrier  
15 there?  
16 A. No, I believe it was like behind --  
17 behind the tape, like more on the highway.  
18 Q. You mentioned skid marks earlier.  
19 Can you tell me, do you see any skid marks  
20 in this?  
21 A. You see -- it's very -- if you  
22 see -- I'm trying to see where I can see  
23 it at in this picture. I think it's  
24 further up.  
25 Q. Okay.

96

1 Q. Do you see in the foreground  
2 there's a -- like kind of --  
3 A. A shoe.  
4 Q. -- like a metal piece or a plastic  
5 piece there?  
6 A. Mm-hmm.  
7 Q. Yes?  
8 A. Yes.  
9 Q. Any other [REDACTED] significant to  
10 you in that photograph?  
11 A. No, not that I can see.  
12 Q. Did you help AID take these photos  
13 or do they sort of do their own thing when  
14 they come?  
15 A. No, they do their own thing.  
16 MR. NEUWIRTH: Scott, if you could  
17 pull up AID40.  
18 BY MR. NEUWIRTH:  
19 Q. AID40 is just a blow-up of what we  
20 just looked at.  
21 Does that, you know, fairly and  
22 accurately represent the scene as you  
23 found it?  
24 A. Yes.  
25 Q. For example, the boot was there by

95

1 A. But there was -- there was  
2 definitely a skid mark.  
3 Q. Yes, I'll take you through it.  
4 A. Okay.  
5 MR. NEUWIRTH: If you go forward to  
6 AID27.  
7 BY MR. NEUWIRTH:  
8 Q. Do you see that?  
9 A. Let me see -- with the picture?  
10 Q. Yes. Do you see the picture?  
11 A. Yeah, I see the picture.  
12 MR. NEUWIRTH: Scott, can you  
13 enlarge that. Sorry to make you do all  
14 this work.  
15 THE WITNESS: It's okay.  
16 BY MR. NEUWIRTH:  
17 Q. Officer, we've enlarged AID0027.  
18 Do you see the two parallel white [REDACTED]  
19 heading for the bollards in that  
20 photograph?  
21 A. Yes.  
22 Q. Are those some of the [REDACTED] you  
23 were referring to earlier?  
24 A. Yes, they're from -- it would  
25 appear to be from the bike.

97

1 the first bollard?  
2 A. Yes.  
3 Q. Do you see the sort of crime scene  
4 tape from the last bollard number four to  
5 the gate? Do you see that?  
6 A. Yes.  
7 Q. Is that tape that you put up?  
8 A. Yes.  
9 Q. Is there tape on the third bollard  
10 from the left?  
11 A. Yes.  
12 Q. Do you know why there's tape there?  
13 A. I think I had it on my car.  
14 Q. Okay.  
15 A. I taped -- I taped that to my car  
16 so that nobody would walk around --  
17 because we had people still trying to walk  
18 through and so I --  
19 Q. Right.  
20 A. -- taped it -- I first had it taped  
21 to my car and then I taped it to the last  
22 bollard to the gate.  
23 Q. And then in that same photo, 0040,  
24 do you see the Nissan Titan?  
25 A. I do, yes.

98

1 Q. Is it fair for me to observe that  
2 that is pushed forward into the sidewalk  
3 area?  
4 MR. [REDACTED] Objection.  
5 MR. [REDACTED] Note my objection.  
6 THE WITNESS: Yes.  
7 BY MR. NEUWIRTH:  
8 Q. So it looks like -- what is that,  
9 like, a black Infiniti sedan maybe or a  
10 black Lexus sedan is to the right of the  
11 vehicle?  
12 A. Yes, looks like a black Infiniti.  
13 Q. That's kind of the scene in a  
14 snapshot of what you saw; correct?  
15 A. Yes.  
16 Q. And then the orange traffic cone,  
17 you put that out there?  
18 A. No.  
19 Q. Who put that out there?  
20 A. I believe that's AID.  
21 Q. Anything else remarkable in the  
22 scene to you from this photo?  
23 A. Do you see that yellow thing on the  
24 ground to the right of the Infiniti?  
25 Q. Yes.

100

1 next photo, was there blood on that one as  
2 well?  
3 A. No, it was just the last one. It  
4 had like a spot of blood on it.  
5 Q. Okay. Then if you could look at  
6 AID53. Officer, what do you see in that  
7 picture?  
8 A. On the ground there's bits and  
9 pieces of the motorcycle. And then on  
10 the -- by the -- behind the front tire I  
11 do believe that is the male's other boot.  
12 Q. Okay.  
13 A. And I do believe there was a glove  
14 there.  
15 Q. Then the motorcycle is just sort of  
16 in the top left there?  
17 A. Yes.  
18 Q. Do you see that white item to --  
19 above the Titan?  
20 A. A white item above...  
21 Q. Up the roadway?  
22 A. Yeah.  
23 Q. Do you know what that is?  
24 A. I'm [REDACTED] now. Let me see. I  
25 don't recall what it was and I can't make

99

1 A. The front tire?  
2 Q. Yes.  
3 A. That is a [REDACTED] flag that was  
4 knocked over also.  
5 Q. Okay.  
6 A. From -- from the -- that was  
7 knocked over from the accident.  
8 Q. Okay.  
9 A. That's it. I don't see anything  
10 else.  
11 Q. Okay. If you could look at --  
12 sorry -- AID47.  
13 MR. NEUWIRTH: Sorry, Scott. AID47  
14 please and then 48.  
15 BY MR. NEUWIRTH:  
16 Q. There are [REDACTED] on the bollards.  
17 I just don't know what that -- is that  
18 blood or is that just other [REDACTED]  
19 A. I do believe the one bollard had  
20 blood on it.  
21 Q. That last most one in front of  
22 where the yellow striping is?  
23 A. Yeah, that last one had some blood  
24 on it.  
25 Q. If you look at AID48, which is the

101

1 it out.  
2 Q. Do you see that sort of long line  
3 in the middle of that photo?  
4 A. Yes.  
5 Q. What was that?  
6 A. I believe that was oil from the  
7 motorcycle.  
8 Q. Was it your impression either from  
9 your observations or from AID that the  
10 motorcycle -- well, withdrawn. That's not  
11 a great question.  
12 Was there any indication to you  
13 that the motorcycle hit the two cars  
14 there?  
15 A. No.  
16 Q. Was there any indication to you  
17 that the motorcycle hit the bollards?  
18 A. No.  
19 MR. NEUWIRTH: Scott, if you could  
20 help us and turn up AID0060.  
21 BY MR. NEUWIRTH:  
22 Q. Officer, you told us earlier that  
23 there was a boot under there.  
24 Do you see that boot in that  
25 photograph?



102

1 A. Yes.  
2 Q. Then in 0060, you see there's some  
3 blood and some medical equipment between  
4 the vehicles?  
5 A. Yes.  
6 Q. Do you know what that -- attached  
7 to the front left tire of that blue car,  
8 do you know what that is, there's like a  
9 metal post?  
10 A. That was the holder of the flag  
11 that I was telling you about.  
12 Q. Okay.  
13 A. You know the [REDACTED] flag that's  
14 laying on the other side of the car?  
15 Q. Yes.  
16 A. That was on -- that was where that  
17 flag was standing at.  
18 Q. So that's like a flag post or a  
19 flagpole for --  
20 A. Yeah, flag post.  
21 Q. I don't know, sir, whether  
22 Mr. [REDACTED] flew under that blue car or  
23 flew over that blue car.  
24 Do you have any information on  
25 that?

104

1 bring up 0063 in the AID group.  
2 BY MR. NEUWIRTH:  
3 Q. Officer, does that sort of fairly  
4 and accurately represent the position of  
5 the bike when you first found it?  
6 A. Yes.  
7 Q. Because you indicated that you had  
8 moved it at some point?  
9 A. Yeah, I -- I flipped it over. What  
10 happened was I -- I -- I mean, I might  
11 have laid it back down where the position  
12 it was, but I definitely lifted it up to  
13 try to see if I could read a VIN off of  
14 the -- the -- off the vehicle, off the --  
15 the bike.  
16 Q. Do you know if this photo was taken  
17 before you flipped the bike or after?  
18 A. I don't know. It -- it might have  
19 been after -- it might have been --  
20 actually, it might have been -- well, if  
21 this is AID's, then it was definitely  
22 after.  
23 Q. Officer, could you look -- if  
24 you're [REDACTED] at 63 there --  
25 A. Yes.

103

1 A. The flag did have some blood on it,  
2 so I'm going to -- I'm going to assume he  
3 flew over the blue -- the blue or black  
4 car --  
5 Q. Okay.  
6 A. -- and knocked the flag down. And  
7 I believe the passerbys took the flag off  
8 of him and threw it on the other side of  
9 the car.  
10 Q. Does it look like red gloves  
11 between the two cars?  
12 A. Yes, there are red gloves.  
13 Q. What about the rest of the debris  
14 between the vehicles, do you know what  
15 that is?  
16 A. I do. There's parts of the bike  
17 that's above the -- the glove. I --  
18 there's some medical equipment. And then  
19 on the top part, that's when I started  
20 realizing I guess the victim -- the  
21 male -- the victim had a bag or some point  
22 and that's part of his belongings that was  
23 blowing all over the highway that we  
24 found.  
25 MR. NEUWIRTH: Scott, if you could

105

1 Q. -- are you able to explain to me  
2 why the bike is where it is, but the oil  
3 patch is probably, what, five or ten feet  
4 away?  
5 A. No, I -- I'm not able to explain  
6 that.  
7 Q. Did any of the witnesses there move  
8 the bike while you were there?  
9 A. While I was there, no.  
10 Q. I mean, when you got there, did you  
11 make sure that, you know, everyone was  
12 staying away from the evidence?  
13 A. Yes, when I -- when I -- when I got  
14 there, I started securing the scene and  
15 [REDACTED] sure everybody was not touching  
16 anything or moving anything.  
17 Q. I guess we talked earlier. You  
18 think about, you know, three to  
19 five minutes elapsed between the call  
20 coming in to you and you getting there?  
21 A. Yes.  
22 Q. Do you know what happened in the  
23 course of that three to five minutes?  
24 A. No.  
25 Q. Because you weren't there; right?

106

1 A. No.  
 2 Q. During the course of your being  
 3 there, nobody drove through that scene;  
 4 correct?  
 5 A. No.  
 6 MR. NEUWIRTH: Can you take a look  
 7 at -- you know, let's go back to photo  
 8 maybe 27, Scott.  
 9 THE WITNESS: Okay.  
 10 BY MR. NEUWIRTH:  
 11 Q. Can you tell me just where -- in  
 12 photo 27, where the EMS truck would be?  
 13 A. To the far left of the bike.  
 14 Q. So they drove up Vare from behind  
 15 you; correct?  
 16 A. Yeah, up Vare from behind me and I  
 17 believe they pulled to the left of the  
 18 bike.  
 19 Q. So they stopped to the left of the  
 20 bike with -- and how'd they back up to the  
 21 body?  
 22 A. No. They -- that's where they --  
 23 they got the gurney out from there and  
 24 they -- and they brought him over to  
 25 the -- to the -- to the back of the bus.

108

1 the other lawyers may have questions for  
 2 you. Thanks.  
 3 THE WITNESS: Okay.  
 4 MR. NEUWIRTH: Thank you for your  
 5 time, sir.  
 6 THE WITNESS: No problem.  
 7 ---  
 8 EXAMINATION  
 9 ---  
 10 BY MR. [REDACTED]  
 11 Q. Sir, my name is Matt [REDACTED] I  
 12 represent [REDACTED] [REDACTED] as a defendant in a  
 13 case. Amazingly, I do have a few  
 14 follow-up questions for you. I appreciate  
 15 your time and your patience. The  
 16 instructions you were given earlier apply,  
 17 you know, to my questions as well. Most  
 18 importantly because I may be bouncing  
 19 around in different parts of information,  
 20 if for some reason you don't understand  
 21 what I'm [REDACTED] please let me know that.  
 22 Okay?  
 23 A. Okay.  
 24 Q. Would you consider what you did in  
 25 relation to this accident an

107

1 Q. Okay.  
 2 A. So they -- they strapped him --  
 3 they strapped him between the two cars,  
 4 like they put him on a board and  
 5 stabilized his neck and then they put him  
 6 on a gurney there and then they wheeled  
 7 him over into the back of the bus from  
 8 what I recall.  
 9 Q. Then, you know, earlier you  
 10 mentioned skid marks. We've gone through  
 11 the marks in 27.  
 12 Is that what you were referring to  
 13 by skid marks?  
 14 A. You know what, honestly, I -- I --  
 15 I swore I remember a skid mark.  
 16 Q. Okay.  
 17 A. In these pictures, I don't see it  
 18 and I swore I remember a skid mark.  
 19 Q. Okay.  
 20 A. I do remember the -- the white  
 21 marks, but I -- I swore I remember seeing  
 22 a skid mark from a tire.  
 23 Q. Okay.  
 24 MR. NEUWIRTH: Officer, I think  
 25 that's all the questions I have. Some of

109