

Frank Figliozzi

1 MR. ROSARIO: Oh, I'm sorry. I have one
2 more question. Sorry.

3 Q. (By Mr. Rosario) After you left the bar
4 where did you go?

5 A. I went home.

6 MR. ROSARIO: Thank you.

7 THE COURT: All right.

8 Cross?

9 MR. FOOTE: May I have a moment, Judge?

10 THE COURT: You may.

11 CROSS-EXAMINATION

12 BY MR. FOOTE:

13 Q. Good morning, sir.

14 A. Good morning.

15 Q. On the evening of the early hours of March
16 26th, early March 25th, you were at the Sevens bar?

17 A. Yes, sir.

18 Q. Okay. And you were with Joe and Jim
19 Wallace?

20 A. Yes, sir.

21 Q. And Shannon Stephen?

22 A. Yes, sir.

23 Q. You had an opportunity to observe Shannon
24 at the bar?

25 A. Yes, sir.

1 Q. He wasn't being obnoxious or anything like
2 that?

3 A. Yes, he was.

4 Q. He was being obnoxious?

5 A. Yes.

6 Q. Okay. And when you say obnoxious, was he
7 starting fights in the bar?

8 A. No, sir, he was just being obnoxious,
9 coming over and bumping into the table, knocking
10 drinks over and slurring.

11 Q. Slurring?

12 A. Well, you know how well you get drunk and
13 words don't come out right.

14 Q. All right. So in your opinion he appeared
15 to be intoxicated?

16 A. Yes, he was.

17 Q. Now, at some point you gave an interview to
18 the Highway Patrol?

19 A. Yes, sir.

20 Q. And Corporal Michael Styers conducted an
21 interview at Jim's house?

22 A. Yes.

23 MR. ROSARIO: I'm going to object. This is
24 beyond the scope of direct examination.

25 THE COURT: Overruled at this point. I

1 haven't heard the question yet.

2 Q. (By Mr. Foote) Corporal Styers conducted
3 an interview at Jim's house?

4 A. Yes, sir.

5 Q. And you happened to be there at the same
6 time?

7 A. I was called -- I was called to be there.

8 Q. By the Highway Patrol?

9 A. No, Jim Wallace called me.

10 Q. Okay. And Corporal Styers conducted your
11 taped interview together?

12 A. Yes, sir.

13 Q. And you both were answering questions at
14 the same time?

15 A. Basically, yes.

16 Q. And you weren't in one room and Jim in
17 another room?

18 A. No, we were in the living room.

19 Q. Together?

20 A. Yes, sir.

21 Q. Okay. And you never told the Highway
22 Patrol that Shannon was being obnoxious and knocking
23 things over; isn't that true?

24 A. At that time, no, they just wanted to know
25 where I was at.

1 Q. Is that the only thing they wanted to know?

2 A. Well, they wanted to know if I was and if I
3 saw what was going on. I said, yes, I left and went
4 home.

5 Q. Is that all you said in your interview?

6 A. Well, he was drinking a lot. I did mention
7 that that he was drinking a lot, that's why I left.

8 Q. Okay.

9 A. Because they wanted to know why I left the
10 bar.

11 Q. All right. So at that point you had an
12 opportunity tell them what you observed during that
13 interview?

14 A. Basically, yes.

15 Q. And you never told them that Shannon was
16 being obnoxious or knocking down --

17 MR. ROSARIO: Objection, it's been asked
18 and answered.

19 MR. FOOTE: Judge --

20 THE COURT: Overruled.

21 Q. (By Mr. Foote) You never told the Highway
22 Patrol Officer during that taped interview a few days
23 later that Shannon was being obnoxious and knocking
24 over drinks; isn't that true?

25 A. Possibly, yes.

1 Q. Possibly, yes, what, that you did tell
2 them?

3 A. Well, I said, yes, that he was drinking. I
4 did mention that.

5 Q. Okay. And it's your testimony that you
6 left around 11:00?

7 A. Yes, sir.

8 MR. FOOTE: Okay. One moment, Judge.

9 Q. (By Mr. Foote) In fact, when you were
10 talking to the troopers you actually said you guys
11 were --

12 MR. ROSARIO: Objection, improper
13 impeachment.

14 THE COURT: I'll allow them to finish the
15 question.

16 Q. (By Mr. Foote) That you guys were -- that
17 Shannon was outgoing, socializing with everybody,
18 everyone was having a good time like at a card game?

19 A. Yes, but I had to leave because it was
20 getting obnoxious and I told the State Trooper that.
21 He wanted to know why I left so early.

22 Q. Okay. And you realize that that interview
23 was taped?

24 A. No, I wasn't realizing -- or, yes, he did
25 have a recorder I think there that day.

1 Q. Okay. And as a law enforcement officer he
2 told you guys he had to put you under oath before you
3 made that statement?

4 A. I think so, yes.

5 Q. Okay. So you believed that during that
6 taped interview you told the trooper that and that's
7 why you left, he was loud and obnoxious?

8 A. Yes.

9 Q. All right.

10 MR. FOOTE: May I approach the witness?

11 THE COURT: You may.

12 Q. (By Mr. Foote) Sir, I'm showing you the
13 sworn statement that you actually gave. They typed
14 that up and I want you to take a look at it. If you
15 look through it -- start from the beginning. Just
16 look through it and see where it is that you told the
17 trooper.

18 Mr. Figliozzi, if it would assist you, Page
19 8 on the bottom is when you're telling the trooper
20 about when you were leaving, Page 8 around Line 19.

21 A. There's nothing there.

22 Q. Okay. So you recall telling the trooper
23 why, you know, you had left earlier, correct?

24 A. Yes.

25 Q. And you let the trooper know that you shook

1 everyone's hand and, in fact, gave Shannon a hug?

2 A. No, I didn't give Shannon a hug.

3 Q. Shannon gave you a hug?

4 A. He came over and grabbed me.

5 Q. Well, the word says he gave you a hug.

6 MR. ROSARIO: Judge, I'm going to object,
7 improper impeachment.

8 THE COURT: Overruled.

9 Q. (By Mr. Foote) Your words that were
10 recorded was he gave me a hug. So Shannon came over
11 and gave you a hug?

12 A. Yes.

13 Q. Okay. Actually told you thank you for
14 coming and then you left?

15 A. Yes.

16 Q. So nothing about him being obnoxious or
17 rowdy or anything like that?

18 A. No, he was.

19 MR. ROSARIO: Again, asked and answered.

20 THE COURT: Sustained.

21 MR. FOOTE: Judge, I have nothing further.

22 THE COURT: Redirect?

23 MR. ROSARIO: No redirect, Judge.

24 THE COURT: All right. May this witness be
25 excused or do you wish this witness to remain?

With the help from the prosecutor and his buddies Frank paints a more rowdy picture of Shannon here than how he described him in his statement.

1 MR. ROSARIO: He can be excused, Judge.

2 THE COURT: Any objection?

3 MR. FOOTE: No objection.

4 THE COURT: Sir, you may stand down and be
5 excused. Thank you very much.

6 All right. Members of the Jury, this is
7 probably a good opportunity, it's 10:30, for us to
8 take our morning break. Let's take about 15 minutes.

9 If you would like to accompany Deputy
10 Flanagan downstairs. All the admonition that I
11 talked to you about.

12 JURY ABSENT

13 THE BAILIFF: Your Honor, the jury's out of
14 the hearing of the Court.

15 THE COURT: Thank you. Court will stand in
16 recess for 15 minutes.

17 RECESS

18 OPEN COURT

19 THE COURT: You can return the jury.

20 MR. ROSARIO: Can we approach real briefly,
21 please?

22 BENCH CONFERENCE

23 THE BAILIFF: The jury's entering, Your
24 Honor. Your Honor, the jury's present and seated in
25 the courtroom.