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1 THE CITY OF PHILADELPHIA
 2 THE PHILADELPHIA ADVISORY COMMISSION
 3 - - -
 4 IN RE: NIZAH MORRIS
 5 HELD BEFORE: ROBERT S. NIX, PRESIDING OFFICER
 6 MICHAEL HAYES, COMMISSIONER
 7 DENNIS YOUNG, COMMISSIONER
 8 JOSEPH T. STAPLETON, COMMISSIONER
 9 ADAM RODGERS, COMMISSIONER
 10 JOI C. SPRAGGINS, COMMISSIONER
 11 MICHAEL WEISS, COMMISSIONER
 12 HELD AT: 34 South 11th Street
 13 Philadelphia, Pennsylvania
 14 HELD ON: December 5, 2006
 15 REPORTED BY: Patricia Kolman,
 16 Professional Court Reporter
 17
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 2 (Whereupon, the hearing commenced at 6p.m.)
 3 MR. NIX: Good evening, ladies and
 4 gentlemen. My name is Robert Nix. I am
 5 a member of the Police Advisory
 6 Commission to receive testimony and
 7 evidence in the matter of Nizah Morris.
 8 The initial examining and
 9 questioning shall be conducted by
 10 counsel to the Commission or counsel of
 11 his designation.
 12 At the conclusion of counsel's
 13 questioning, Panel members may question
 14 a witness in the order determined by the
 15 presiding officer.
 16 As to the rights of witnesses
 17 appearing before the Panel, any witness
 18 may be accompanied and advised by an
 19 attorney, but the attorney may not, of
 20 right, otherwise participate in the
 21 hearing.
 22 The attorney may confer with the
 23 witness, but may not answer for the
 24 witness or interfere with the
 25 examination and questioning of the

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1 witness.
 2 Failure to comply with these
 3 conditions shall be sufficient grounds
 4 for the exclusion of the attorney from
 5 any other participation in the hearing.
 6 The witness may not be excused from
 7 attending or testifying because the
 8 witness failed to obtain an attorney
 9 or because his attorney was excluded
 10 from participation in a hearing for
 11 violating the conditions set forth.
 12 The hearing Panel has determined
 13 that as to any witnesses on notice to
 14 appear before the Panel that they will
 15 be sequestered. And that will be to
 16 preserve the integrity of the
 17 fact-finding process.

18 To sequester means that the
19 witnesses will be in another room and
20 will not be permitted to hear the
21 testimony of any other witness until
22 after their own testimony is completed.

23 Finally, let me say that this is an
24 important matter. It is an important
25 matter to the participants; it is an

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1 important matter to the citizens of
2 Philadelphia. As such, everyone in
3 attendance is asked to refrain from any
4 outburst or expressions of emotion in
5 order to maintain the dignity of the
6 process so that this proceeding can be
7 conducted with the same respect that is
8 accorded in a judicial tribunal.

9 In that regard, I request that
10 everyone remain seated during the
11 presentation of testimony and I ask that
12 all cell phones be turned off or turned
13 onto vibrate.

14 At this time, I am going to ask any
15 witnesses that were noticed that they
16 are going to be called to testify to
17 rise and leave the room with Mr. Johnson
18 from the PAC staff to an adjoining room.

19 Dennis, are you prepared to call
20 your first witness?

21 MR. YOUNG: Yes. We would call
22 Maria Rielly.

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24 Whereupon, MARIA REILLY was duly sworn
25 and testified as follows:

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1 - - -
2 EXAMINATION
3 - - -

4 BY MR. YOUNG:

5 Q. Good evening, Ms. Reilly. My name is Dennis
6 Young, and I am counsel for the Police Advisory
7 Commission. I, along with Michael Hayes, he is not here
8 right now, but may be joining us shortly -- to represent
9 PAC in this matter.

10 As you know, you are here to give testimony in
11 the matter of the death of Nyza Morris, which occurred on
12 December 22nd, 2002; do you recall that day?

13 A. Yes.

14 Q. Before we can go into specifics, I would like to
15 ask you, have you ever given testimony or been to court
16 before?

17 A. No.

18 Q. Seated to your right is a court reporter who is
19 documenting everything you say. So I ask that you give
20 verbal responses to my questions, either yes or no. Try
21 to avoid a nod of the head so that it can be documented.

22 If there are any questions that I ask that you do
23 not understand, please let me know and I will try to
24 rephrase it so that you do understand; okay?

25 A. Okay.

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1 Q. We will assume that if you answer a question,
2 that you understand the question.

3 A. Right.

4 Q. Are you currently on any medications that would
5 hinder you testifying today?

6 A. No.

7 Q. Could you please tell the Panel what you
8 witnessed on December 22, 2002 as it relates to Nyza
9 Morris?

10 A. From what I remember?
11 Q. Yes, absolutely.
12 A. I came out of the club, saw Ms. Morris laying in
13 the street, hunched over, and I helped her.
14 Q. When you say you helped her, how did you help
15 her?
16 A. Helped her out of the street and stood her up
17 against the wall, the outside of the bar.
18 Q. When you say you came out of the club, is that
19 the club that you are referring to?
20 A. No. I worked at Sister's Night Club.
21 Q. Did you know Ms. Morris prior to this incident?
22 A. Just in passing, not personally.
23 Q. Now, when you came out of the club and you saw
24 Ms. Morris, where exactly was she?
25 A. Just past -- it's Chancellor and Juniper. So
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1 just past Juniper on Chancellor across from the parking
2 garage between the garage and Key West Night Club.
3 Q. And was she sitting down, was she standing, lying
4 down?
5 A. She was lying down and a cab had just pulled
6 away.
7 Q. And was she in the street or was she on the
8 sidewalk?
9 A. In the street.
10 Q. You mentioned that a cab had just pulled away.
11 Did you see --
12 A. No. I just saw the cab was there.
13 Q. Did you hear any interaction between Ms. Morris
14 and the cab driver?
15 A. No, because we were talking amongst ourselves.
16 So, no.
17 Q. When you say, "we", could you tell me who?
18 A. Just staff. I don't remember who the staff
19 members were. I don't know who was there at the time.
20 Q. Other than yourself, was there anyone else that
21 helped you pick Ms. Morris up?
22 A. Yes, my partner Trish and Paul from the parking
23 garage.
24 Q. How did Paul get involved in helping you to
25 assist Ms. Morris?
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1 A. I believe we called him over because we are
2 friendly with him.
3 Q. And he was outside standing?
4 A. He is always outside.
5 Q. I understand.
6 A. He would kind of watch the staff coming out at
7 the end of the night.
8 Q. Other than you, Trish and Paul, is there anyone
9 else that you know of that assisted you in helping
10 Ms. Morris?
11 A. No.
12 Q. And you said that you placed her against the wall
13 of the club?
14 A. You have to realize, she was about 2 feet taller
15 than me. So, yeah. I had to do that.
16 Q. How did Paul get involved in helping you to
17 assist Ms. Morris?
18 A. I believe we called him over because we are
19 friendly with him.
20 Q. So he was outside standing?
21 A. He is always outside. He kind of watched the
22 staff coming out at the end of the night.
23 Q. Other than you, Trish and Paul, is there anyone
24 else that you know of that assisted you in helping
25 Ms. Morris?
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1 A. No.

2 Q. And you said you placed her against the wall of
3 the club?

4 A. Yeah. I wanted to make sure she was steady. She
5 was a little exposed and I was trying to be respectful and
6 make sure she was okay.

7 Q. And I'm assuming that you would not have been
8 able to assist her by yourself just because of
9 Ms. Morris's height?

10 A. Exactly.

11 Q. You said you placed her on the wall. Is that
12 wall at the club?

13 A. Yes.

14 Q. And what did you do after that?

15 A. We were talking to her, asking and seeing if she
16 was okay. She looked okay. She looked okay, physically.

17 A gentleman had tried to steal her purse. I
18 believe that's when we called Paul and he ran after and
19 got her purse back. It was just stabilizing her and
20 making sure she was okay.

21 Q. As best as you can recall, do you remember the
22 conversation that you had between you and Ms. Morris?

23 A. We didn't have much of a conversation except for,
24 are you okay? She just wanted to go home.

25 Q. Was that her response to your question, when you
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1 asked, are you okay?

2 A. Yes.

3 Q. Her response was, I just want to go home?

4 A. Yes.

5 Q. When you said she was a little exposed, how would
6 you frame her condition at the time? Do you believe she
7 was intoxicated?

8 A. No. Only because I didn't smell alcohol. Being
9 at my height and the proximity to her head and my head, I
10 don't recall smelling alcohol.

11 But I honestly wasn't concerned about that. I
12 wanted her covered up. But, I don't recall smelling
13 alcohol.

14 Q. Did you ask Ms. Morris at all why she was in the
15 street lying down or anything of that nature?

16 A. I don't recall asking that.

17 Q. And she didn't provide a suggestion as to --

18 A. No.

19 Q. Now, you mentioned that a gentleman came and took
20 her purse and Paul went to retrieve her purse.

21 A. Yes.

22 Q. Were you on site to see the gentleman steal her
23 purse?

24 A. Yeah. I think as we were picking her up, that's
25 when he tried to take off with her purse. So we had her
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1 stay when he went to get that back.

2 Q. What did you do after you were able to stand
3 Ms. Morris up and ask her questions to which she
4 responded?

5 A. Trying to find out where she lived. She wasn't
6 answering me at first. She said she had money for a cab,
7 but the cab wouldn't take -- wouldn't take her in her
8 condition. There wasn't much talking, and then the
9 officer pulled up. So there wasn't really much
10 conversation except for, are you okay.

11 Q. I understand if you don't recall, but you
12 mentioned the cab wouldn't take her in her condition.

13 How would you describe her condition?

14 A. She wasn't able to stand up.

15 Q. Did she tell you why she wasn't able to stand up?

16 A. No.

17 Q. Do you have any reason to believe why she wasn't
18 able to stand up?

19 A. I don't want to speculate why she couldn't stand

20 up. I don't know anything of where she was prior to that.
21 So it is not my business to say what was the reason.

22 Q. When you say the cab wouldn't take her because
23 she wasn't able to stand up, that's the reason why you
24 believe a cab wouldn't take her?

25 A. Right. Correct.

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1 Q. And you mentioned, at some point, the police
2 arrived?

3 A. Yes.

4 Q. Did you call the police?

5 A. No.

6 Q. Do you know who did?

7 A. I believe it was somebody who was leaving the
8 bar, but I have no idea.

9 Q. And at some point, the police arrived; is that
10 correct?

11 A. Yes.

12 Q. At the time that the police arrived, as best you
13 can recall -- were you there when the police arrived?

14 A. Yes, I was still there.

15 Q. Was there anyone else there other than Trish, you
16 and Paul at the time that the police arrived?

17 A. I don't think so, but I honestly don't remember.

18 I only remember the three of us there. I don't remember
19 anybody else, everybody left.

20 Q. When you were assisting Ms. Morris to her feet,
21 did you notice any scratches or bruises or scraps or
22 anything of that nature?

23 A. Not at all.

24 Q. What happened once the police arrived?

25 A. The officer was talking to her, and that's when

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1 she was saying that she wants to go home. She asked where
2 she lived, and it sounded like 15th and Walnut.

3 It sounded like 15th and Walnut, I'm not going to
4 say for sure. That's what we all heard.

5 Q. And then what happened?

6 A. The last thing I remember was helping her get
7 into the car. She was upset. She thought she was in
8 trouble. We said, you're not in trouble. We just want to
9 get you home.

10 Q. Can you describe for the Panel the police officer
11 that arrived on the scene?

12 A. A young female. Other than that, I don't
13 remember.

14 Q. Do you recall her name?

15 A. No.

16 Q. Did anyone help Ms. Morris get into the police
17 car?

18 A. Paul.

19 Q. Did the officer also assist you and Paul in
20 helping Ms. Morris get into the police car?

21 A. I don't remember. I just remember making sure
22 she didn't hit her head because of her height. I just
23 wanted to make sure she didn't hit her head on the door.

24 That's all. I don't remember. I think she was afraid.

25 So, we just said, are you okay? You're going to go home.

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1 Q. So your assistance in helping her was not because
2 she wasn't able to walk or talk. It was just to make sure
3 she didn't hit her head, and making sure she was
4 comfortable with getting assisted from the police officer?

5 A. Giving that it was hard for her to stand to begin
6 with, I wanted to make sure -- I hit my head on the door
7 just being careless. So I wanted to make sure she
8 doesn't.

9 Q. Did you assist Ms. Morris in walking to the
10 police car?

11 A. It was only a couple of steps, yeah. She had her

12 arm around me and yeah.

13 Q. And did you take that to mean that she wasn't
14 able at that time to walk on her own, or did you take that
15 as something else?

16 A. Maybe not steadily. She had very high heels on.

17 Q. Speaking of high heels, do you recall what else
18 Ms. Morris was wearing?

19 A. A skirt and a little jacket is all I remember.

20 Q. What happened after Ms. Morris finally was able
21 to get into the police car?

22 A. That was it.

23 Q. Can you describe for the Panel, if you recall,
24 any conversations between the police officer and
25 Ms. Morris, other than what you have already testified to?
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1 A. No.

2 Q. So if the police officer had asked Ms. Morris
3 what is the problem or where do you live, you thought
4 Ms. Morris responded --

5 A. I know she spoke to us, the officer, but I don't
6 recall the conversation. But I don't recall the
7 conversation.

8 Q. You don't recall any other conversations between
9 her and Ms. Morris.

10 And again, just so the Panel is clear, at this
11 time, you only remember the three other individuals being
12 at the scene, and that would have been Trish, and Paul?

13 A. That's all, yeah.

14 Q. And both Trish and Paul, along with you, helped
15 Ms. Morris get into the car?

16 A. Paul and I. There was not enough room for that
17 many people to be inside the door of a car.

18 Q. Did Trish wait around during this time period?

19 A. Well, she's my partner. I was going to have to
20 walk home if she didn't wait, yeah.

21 Q. Do you recall anyone at the scene with the name
22 of Renee?

23 A. Reen?

24 Q. Reen.

25 A. Yeah, but she kind of walked by. People that
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1 were interviewed by the officers, I don't recall having
2 anything to do with it. Honestly, nobody helped. I can
3 tell you that much. She might say she knew what was
4 happening, but she wasn't even there. At least when the
5 officer was there, it was just the four of us.

6 Q. Were the clubs in the area letting out around
7 that time? Were they closing around that time?

8 A. The clubs had been closed. By the time we get
9 done cleaning up, taking out trash, counting our tips out,
10 it's a good 45 minutes after the clubs closed.

11 Q. If I understand you correctly, you're suggesting
12 there may have been some foot traffic, people going back
13 and forth, but no one that really assisted you, Paul and
14 Trish?

15 A. At that time, there is usually not a lot of foot
16 traffic, except for just people who wander around the
17 city. We close at 2, everybody is out by 2:15 at the
18 latest. We clean up by 2:45 and leave. There is not
19 usually a lot of people milling around at that time.

20 So there wasn't a lot of foot traffic.

21 Q. Do you know if you, Trish or Paul told the police
22 officer that arrived at the scene about the gentleman who
23 tried to take Ms. Morris's purse?

24 A. I'm sure we did, yes.

25 Q. And I would imagine by the time the police
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1 arrived, he was gone?

2 A. Yeah, he was long gone. I think Paul scared him
3 away when he ran after him to get the purse. I had never

4 seen that man before, ever.

5 Q. According to my notes, I know that you gave a
6 written statement to the police detectives; do you recall
7 that?

8 A. Yes.

9 Q. Did you give any other statements regarding this
10 incident at any other point in time?

11 A. Trish had said we were interviewed before, but I
12 don't recall. I only remember seeing the one written
13 statement. I don't recall anything else.

14 MR. YOUNG: Mr. Chairman, I have no
15 further questions.

16 MR. HAYES: I have a few.

17 BY MR. HAYES:

18 Q. If you recall, what color and type of jacket was
19 Ms. Morris wearing?

20 A. Black, that's all I remember.

21 Q. Black jacket?

22 A. Yeah, it was a short black jacket.

23 Q. The only other question I have for you, if you
24 can, if you could describe the demeanor of the female
25 officer that arrived at the scene; can you describe her
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1 demeanor?

2 A. I don't recall. I remember her talking to me,
3 but I don't remember the conversation. I kind of just
4 wanted to -- you know, I can't believe I'm roped up in
5 this kind of thing. I hope she gets home safely, but I'm
6 exhausted, so I don't recall the conversation at all.

7 MR. HAYES: No further questions.

8 MR. NIX: Ms. Rielly, some of the
9 other Commissioners here may have some
10 follow-up questions.

11 MR. WEISS: I just have one
12 question.

13 BY MR. WEISS:

14 Q. You said that you don't believe that she was
15 under the influence of alcohol. Do you believe, in your
16 opinion, as working in a night club, that she was under
17 the influence of any other substance?

18 A. I don't believe that she was under the influence
19 of alcohol, but I'm not going to speculate if there was
20 anything else was wrong her. I don't know. I'm not going
21 to incriminate somebody for something I don't know.

22 MR. NIX: Any other questions for
23 this witness?

24 MR. RODGERS: Hi. Just a couple of
25 questions for you.

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1 BY MR. RODGERS:

2 Q. You indicated that Ms. Morris was exposed. What
3 part of her anatomy --

4 A. Her breasts were exposed.

5 Q. Her breasts were exposed?

6 A. Her jacket was open.

7 Q. And you assisted in closing her jacket and
8 unexposing herself?

9 A. Yes, sir.

10 Q. So in your opinion, with her being exposed, would
11 you agree that she was unable -- was she aware that she
12 was exposed? Did you have to do it for her?

13 A. I don't know. It could have happened just
14 helping her up. So I don't know.

15 Q. But you closed her jacket, you unexposed her?

16 A. Of course.

17 Q. Was she coherent enough, in your opinion, to do
18 that herself?

19 A. At the time, she may have not noticed. I mean,
20 she was laying in the street. I don't know.

21 Q. You also indicated that when you saw her, she was

22 alone.

23 Did you notice if anyone else was with her? Or,
24 in your opinion, was she by herself?

25 A. Aside from the guy that tried to steal her purse,
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1 no.

2 Q. And how far away was he from her when you saw
3 her? Was he next to her?

4 A. He was leaving her.

5 Q. When you first noticed her?

6 A. Yeah. And then we saw that he had her purse and
7 that's when Paul took off.

8 Q. So you put those two together, that this purse
9 was with her at some point in time?

10 A. Yeah. The way he was leaving -- I mean, you're
11 talking about an intersection where she would be here and
12 he was coming from this area. It wasn't very far.

13 Q. Do you know if the purse was ever retrieved?

14 A. Yes, it was.

15 Q. Paul retrieved the purse?

16 A. Yes.

17 Q. And was there any identification that would link
18 this to Ms. Morris, it being her purse?

19 A. No, not that I recall.

20 Q. Did you see him physically remove the purse from
21 her person, or were they separate and apart?

22 A. He was leaving her. So I didn't actually see him
23 take the purse, but --

24 Q. You assumed that's what he did?

25 A. Yes.

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1 Q. In terms of the conversation, would you say that
2 she was understanding your questions and responding? If
3 you said, what is today, did she say it was Friday? Was
4 it coherent, the dialogue between you and her?

5 A. There wasn't much dialogue, she just said that
6 she wanted to go home. There wasn't like we were, how are
7 you today, how is the weather? Nothing like that.

8 Q. So let me ask you this. When you approached her
9 and talked to her, did you ask her, her name?

10 A. We knew her name.

11 Q. You knew her name?

12 A. From passing. When you work in that area of the
13 city, you tend to know people. She was fairly high
14 profile.

15 Q. So you didn't have to ask her, her name?

16 A. No, I didn't ask her.

17 Q. Did you ask where did she live?

18 A. When the officer was there, yes.

19 Q. Did you ask if there was someone she could call,
20 on her behalf, a family member, a friend?

21 A. No, I didn't think to.

22 Q. Or any phone numbers of that kind?

23 A. I didn't think to.

24 Q. So you didn't do that?

25 A. No.

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1 Q. And as far as what you testified to, from what
2 you can recall, I know it was some time ago, she
3 basically -- from what you are saying is that she wanted
4 to go home. She didn't want to get into any trouble.

5 A. Correct.

6 Q. And you think you said she lived at 15th and
7 Walnut?

8 A. Yes.

9 Q. That was the extent of what you recall her saying
10 to you?

11 A. Right.

12 Q. Were those the same statements that were given to
13 the police officer?

14 A. The 15th and Walnut statement was at the same
15 time. We were all present, I believe.

16 Q. Did anyone ask her, why were you on the ground,
17 what happened to you? Did someone knock you on the
18 ground?

19 A. It's possible, but I don't recall asking a lot of
20 questions. I mean, I'm kind of shocked that there was a
21 woman laying in the street, honestly. So I don't remember
22 saying anything like that. I might have, but I don't
23 remember. I honestly don't remember.

24 Q. You don't recall if anyone asked her what
25 happened, why are you laying on the street?

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1 A. I don't recall.

2 Q. You also indicated that she was able to maintain
3 her balance; is that correct?

4 A. No. She probably was not able to stand up, from
5 what I can remember, completely on her own. Unstable is a
6 good word, yeah.

7 Q. Did you observe her fall back to the ground at
8 the time you picked her up?

9 A. No. I held her up. I wasn't going to let her
10 fall to the ground.

11 Q. So did you ever observe her fall back to the
12 ground at all?

13 A. No. I think she sat down at one point.

14 Q. Sat on the ground?

15 A. Yeah.

16 Q. So in your opinion, without your assistance in
17 picking her up from the ground, was she physically able to
18 stand up on her own, without your assistance, in your
19 opinion?

20 A. I think I assisted her anyway. So I wouldn't
21 know the difference.

22 Q. You also indicated that you had not asked her if
23 she had any medical problems or was she assaulted or
24 someone hit her or knocked her down or anything of that
25 nature?

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1 A. Not that I recall.

2 Q. She didn't tell you how she was feeling, like, I
3 feel ill or anything of that nature?

4 A. Not that I recall. She just said she didn't want
5 to get into trouble and I want to go home.

6 Q. Did she indicate if she needed any medication?

7 A. Did I ask that?

8 Q. Right. Did she indicate that she needed
9 medication or anything of that nature?

10 A. I didn't ask that, no.

11 Q. Prior to her being put in the police car, and
12 after the police car left with her in the car, did you
13 observe, was there an ambulance ever, did you observe an
14 ambulance?

15 A. I never saw one, no.

16 Q. At that time that you saw her on the ground, to
17 the time that she was placed in the police officer's
18 vehicle, if you can recall, how much time had elapsed,
19 from your first observation to her being put in the police
20 vehicle?

21 A. It's hard to say because it felt like a long
22 time, but situations like that tend to -- I don't know,
23 maybe 15 minutes, maybe 20. I don't know.

24 MR. RODGERS: Thank you, Ma'am. No
25 further questions.

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1 MR. NIX: I just have one question.

2 BY MR. NIX:

3 Q. At the time the police officer, who has now been
4 identified as Officer Scanlon, when she pulled up and
5 Ms. Morris was helped into her car, was that the first

6 time that evening that you saw Officer Scanlon, that
7 police officer?
8 A. I was working all night.
9 Q. And I think for the description she was female.
10 Did you remember anything else or could you identify her
11 in any other way?
12 A. I don't have the good of a --
13 Q. Her race?
14 A. She was a white female.
15 Q. Anything about height or any other
16 characteristics?
17 A. Maybe around my height. She was probably younger
18 than me. I'm 37. I'm assuming she was young.
19 Q. And hair color?
20 A. That I don't remember.
21 MR. NIX: I have no further
22 questions.
23 Does anyone on the Panel have any
24 further questions?
25 MR. YOUNG: Yes.

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1 BY MR. YOUNG:
2 Q. Prior to this incident, do you recall Ms. Morris
3 having any altercations, disagreements or disputes with
4 any police officers, that you know of, prior to this?
5 A. Just seeing her passing by. Everybody passed by
6 because we were right in the alley by all the bars. So
7 aside from passing, I have never seen. I know she used to
8 sing at other clubs and stuff like that and do shows.
9 Q. Did you ever hear of her complaining of having
10 any altercations with police officers?
11 A. No. I don't pay attention to that stuff.
12 MR. YOUNG: No further questions.
13 MR. NIX: Thank you for your
14 testimony. You are free to leave.
15 Thanks and you're excused.
16 Counsel, who are we going to call
17 next?

18 ---
19 EXAMINATION
20 ---

21 Whereupon, TRISHA STRYJEWSKI was duly sworn and
22 testified as follows:

23 ---
24 Q. Thank you. My name is Dennis Young, and I
25 represent the Police Advisory Commission. The attorney
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1 seated to my right is Michael Hayes. He is also one of
2 the attorneys who will be asking questions regarding the
3 death of Nyza Morris, which occurred on December 22nd,
4 2002. After we ask you questions, the Panel members may
5 have additional follow-up questions.

6 As you can see, seated to your right is a court
7 reporter. She is documenting everything that you say.
8 In that regard, I ask that when you answer questions, if
9 you would please answer verbally.

10 Try to avoid nodding of the head or shaking of
11 the head so she can record what you say.

12 If there are questions that I ask or if anyone
13 else asks a question that you don't understand, please let
14 us know and we will try to rephrase it.

15 Is that okay?

16 A. Okay.

17 Q. Have you ever been deposed or had your testimony
18 taken?

19 A. Yes.

20 Q. Are you currently on any medications that
21 prohibit you from testifying today?

22 A. No.

23 Q. Could you please tell the Panel what you

24 witnessed or know about the incident that happened on
25 December 22nd, 2002?

0028

1 A. From the beginning?

2 Q. From the beginning.

3 A. I work at the bar on Chancellor Street. We had left
4 the bar after working about 2:45 in the morning. We came
5 out the bar and saw Ms. Morris lying halfway in the
6 street, halfway on the sidewalk, and I'm trying to
7 remember. We went over to her and there was another guy
8 there, and he was trying to help her out of the street.

9 We went over and helped her get out of the
10 street. He stood her up and we were on our way. We went
11 into the parking garage and got our parking ticket, and
12 got our car. After we were coming out of the gate, we
13 were sitting at the gate and we noticed she was laying in
14 the middle of the street. Cars were trying to go around.
15 I said something to Maria. I said, go see if you can get
16 her out of the street, grab Paul. He is the parking
17 garage guy, and see if you can't move her out of the
18 street because she is going to get run over.

19 So Maria jump out of the car, and I put my ticket
20 in the slot and I pulled off to the left, and went over
21 and helped them get her out of the street.

22 I think there was a guy there who was trying to
23 take her purse. Paul went after the guy and got her purse
24 back.

25 Maria stood there standing her up against the

0029

1 wall. We were just trying to decide what do because we
2 didn't know if someone had already called 911, or if the
3 police were coming. We weren't sure at that point.

4 A police officer did arrive. Actually, before
5 the police officer arrived, we were trying to see if she
6 had enough money for a cab.

7 Somebody had told us the cabs wouldn't take her.
8 So again, we just stood there.

9 The police arrived, and she asked what was going
10 on. She asked if we need rescue. We weren't, sure. She
11 couldn't even answer. All she kept saying, I want to go
12 home, I want to go.

13 She had told us that she lived at 15th and
14 Walnut. The police asked if she wanted to go to the
15 hospital. All she kept saying is, I want to go home.
16 So we helped her, after the police said they were going to
17 give her a ride, into the back of the car.

18 She thought she was in trouble. We let her know
19 that she was not in trouble, that she was just going to
20 give you a ride home. We put her in the car and that was
21 it.

22 Q. Let me just go back to the beginning and ask you
23 some questions as we walk through the incident. When you
24 first came out of the club, what club did you come out of?

25 A. Sister's Night Club.

0030

1 Q. When you first came out of the club, you notice
2 Ms. Morris laying in the street; is that correct?

3 A. Halfway.

4 Q. Halfway in the street. When you say halfway in
5 the street, if you could define that?

6 What part of her body was in the street? What
7 part of her body was on the sidewalk?

8 A. Probably her top half was lying in the street,
9 and her legs and everything on the sidewalk.

10 Q. So she was facing the street?

11 A. Yes.

12 Q. Okay. Now, you said we helped her. I'm assuming
13 that was you and Maria; is that correct?

14 A. Yes.

15 Q. At that time, was there anyone else around?

16 A. There was a street person.
17 Q. When you saw Ms. Morris, was she already being
18 assisted by the street person?
19 A. He was bent down over her. I wasn't sure what he
20 was doing.
21 Q. But he was there on the scene prior to --
22 A. Us coming out.
23 Q. Yes. Is that correct?
24 A. Yes.
25 Q. Other than you three and Ms. Morris, was there
0031
1 anyone else there at that time?
2 A. I know the rest of the staff was walking out.
3 Q. Could you describe the street person? Was it a
4 male, a female?
5 A. It was an older black male, about 5'-7", 5'-8".
6 Q. Did you know this person from just being in the
7 area, the neighborhood frequently?
8 A. Yes.
9 Q. You mentioned that you tried to sit Ms. Morris up
10 at that time. How did you try to do that, if you could
11 just describe it.
12 A. By the arms. I kind of pulled her up.
13 Q. And were you successful in doing that?
14 A. I believe so.
15 Q. And after you left the scene at that point in
16 time, how did you leave Ms. Morris, physically; where was
17 she at?
18 A. Standing.
19 Q. She was standing?
20 A. Standing on the corner.
21 Q. And that took the three of you to do that?
22 A. Two, me and Maria.
23 Q. While you were doing this, what happened to the
24 street person?
25 A. He was gone.
0032
1 Q. So when you arrived, he left?
2 A. Pretty much.
3 Q. Did you have any conversations, whatsoever, with
4 the street person?
5 A. No.
6 Q. Did you ask him, why is he here?
7 A. No. He pretty much left when we were helping
8 her.
9 Q. Do you know why?
10 A. No.
11 Q. Was he helping? Did you take his position to
12 mean that he was helping Ms. Morris, or did you think he
13 was doing something else?
14 A. I don't know. I really don't know.
15 Q. Did you notice at that time, when you first
16 arrived on the scene, whether Ms. Morris had her purse?
17 A. Yes, she did.
18 Q. After the street person left, did she still have
19 her purse?
20 A. Yes.
21 Q. And you were able to pick Ms. Morris up and stand
22 her up?
23 A. Yes.
24 Q. And at that point, you left?
25 A. Yes.
0033
1 Q. Did you have any conversations with Ms. Morris,
2 at that time?
3 A. No.
4 Q. You didn't ask her, what are you doing in the
5 street? What happened?
6 A. Not that I remember.
7 Q. Did you know Ms. Morris prior to this?

8 A. Not personally, just from around the
9 neighborhood.
10 Q. When you assisted her the first time, did you
11 smell any alcohol or anything like that?
12 A. No.
13 Q. Did you think she was in any type of danger?
14 Because you didn't ask her, and I understand we are going
15 back quite sometime, but because you didn't ask her, what
16 do you think, or why do you think she was laying in the
17 street when you first saw her?
18 A. I have no idea.
19 Q. But you didn't ask her?
20 A. No.
21 Q. Now, at some point, you left the area?
22 A. Yes.
23 Q. You and Maria went to go get your car?
24 A. Yes.
25 Q. How long did it take between the time that you
0034
1 left Ms. Morris to the time that you saw her again back in
2 the street?
3 A. A few minutes.
4 Q. And again, you mentioned that you pulled out,
5 Maria got out of the car and went to go assist Ms. Morris
6 again. You pulled over on Chancellor Street; is that
7 correct?
8 A. Right.
9 Q. And you got out of your car?
10 A. Yeah.
11 Q. And at that point, you were assisted by Paul?
12 A. Yes.
13 Q. When you first saw Ms. Morris again from your
14 car, where was she?
15 A. In the middle of the street.
16 Q. And what was her position?
17 A. Just lying in the middle of the street.
18 Q. Okay. And she was literally in the middle of the
19 street? The same distance from one side of the road to
20 the other side of the road?
21 A. Maybe a little bit more from the one side to the
22 other.
23 Q. But her whole body was in the street?
24 A. Yes.
25 Q. And no parts of her body were on the sidewalk?
0035
1 A. No.
2 Q. When you parked your car and came back, was she
3 still in the street or had Maria been able to move her
4 some distance?
5 A. Maria and Paul had almost gotten her to sidewalk.
6 Q. And then what happened?
7 A. I helped out getting her to the sidewalk. We
8 were holding her up against the wall because at that time,
9 she could not stand.
10 Q. So you guys were able to pick her up so that she
11 is standing. And then you were able to walk her, I guess,
12 to the building?
13 A. Yes.
14 Q. And did you stand her up against the building?
15 A. Against the wall.
16 Q. And you said she wasn't able to stand on her own
17 at this point in time. Did you ask her why she wasn't
18 able to stand?
19 A. No.
20 Q. Do you know why she wasn't able to stand?
21 A. I have no idea.
22 Q. Can you tell me why you think she wasn't able to
23 stand?
24 A. Because I think she fell or something happened to
25 her at the time we were in the garage that either had

0036

1 injured her or caused her not to stand. I mean, she did
2 have really high heels on.

3 Q. Do you recall seeing anything physical, scarring
4 or bruising?

5 A. No.

6 Q. And at this time, did you smell any alcohol?

7 A. No.

8 Q. Did you ask Ms. Morris why she wasn't able to
9 stand?

10 A. No.

11 Q. What happened next?

12 A. That's when we were trying to find her a way to
13 get her home, or to wait for an ambulance or police or
14 whoever.

15 Q. Did you call 911?

16 A. No.

17 Q. Do you know who called 911?

18 A. Yes. At least I think I know who did. Her name
19 was Anisa. That's what I was told.

20 Q. Who told you that?

21 A. I don't know.

22 Q. Do you know Anisa's last name?

23 A. No, I don't.

24 Q. Okay. If you could help the Panel just have some
25 idea who Anisa is.

0037

1 Is she employed with one of the clubs in the
2 area?

3 A. She was a patron.

4 Q. A patron of your club or Key West?

5 A. My club.

6 Q. During the time that you were waiting for the
7 ambulance or the police to arrive, did you or Maria or
8 Paul have any conversation with Ms. Morris?

9 A. Not that I remember, no.

10 Q. Did you ask Ms. Morris where she lived?

11 A. Yes, when we were trying to get her a cab.

12 Q. Did you try to get her a cab, or did the police
13 or ambulance arrive prior to that?

14 A. We were seeing to see if she had money to get a
15 cab.

16 Q. When you say, you were seeing, do you mean --

17 A. We were looking in her purse.

18 Q. Did you ask her if she had any money?

19 A. Yes.

20 Q. And what was her response?

21 A. She didn't respond.

22 Q. She just didn't respond at all?

23 A. No.

24 Q. How many times did you ask her?

25 A. A couple.

0038

1 Q. Do you know why she didn't respond?

2 A. No.

3 Q. And you said you looked in her purse?

4 A. Yes.

5 Q. Did you find any money?

6 A. No.

7 Q. Did you ask Ms. Morris where she lived?

8 A. Yes.

9 Q. And what was her response?

10 A. 15th and Walnut.

11 Q. Did you ask her any other questions?

12 A. No.

13 Q. Did you ask her where she was coming from?

14 A. No. I know I didn't ask her that.

15 Q. Did you ask her why she was laying in the street?

16 A. No.

17 Q. Did you ask her what happened between the time

18 that you helped her the first time and now?

19 A. No.

20 Q. Now, you mentioned that there was a gentlemen who
21 came by and tried to take her purse?

22 A. As we were exiting the garage, there was a male
23 there who was walking down the street with her purse.

24 Q. How did you know it was Ms. Morris's purse?

25 A. Because I seen him by her and he was walking down
0039

1 the street -- when I was at the garage, you could see
2 where she was at.

3 Q. So you could just see him, I guess, walking by
4 her with the purse?

5 A. I didn't see him grab the purse, but I knew it
6 was her purse. That's when Paul went after him. He got
7 the purse back asking, is that yours? Asking is that
8 yours, talking to the man that took the purse.

9 Q. So the man who took the purse confirmed that it
10 wasn't his purse?

11 A. Yes.

12 Q. Did you have reason to believe, at that time,
13 whether that man was responsible for Ms. Morris ending up
14 back in the street?

15 A. No.

16 Q. Did you think about that? Did it cross you mind
17 in the sense of, maybe that is the reason why she is
18 there?

19 A. Possibly.

20 Q. So you said this was a white male?

21 A. Yes.

22 Q. Was he an older, younger gentleman? Was he a
23 street person?

24 A. He didn't look like that. I never seen him
25 before, and I don't remember much about it.

0040

1 Q. Do you know if anyone called the police in
2 regards to what you saw?

3 A. You mean with the purse?

4 Q. Yes, with the purse.

5 A. Not that I know of.

6 Q. At some point, the police officer arrived on the
7 scene; is that correct?

8 A. Yes.

9 Q. How many police officers were there?

10 A. One.

11 Q. Could you describe her for us?

12 A. She was a blonde female.

13 Q. Blonde hair?

14 A. Yes.

15 Q. Was she short or tall? White or black?

16 A. She was white.

17 Q. What happened when she arrived?

18 A. She came down Juniper. She asked what was going
19 on. I really don't remember.

20 Q. I understand that you don't remember. That is a
21 perfectly fine answer. The police officer asked what was
22 going on.

23 Do you know who responded to that question?

24 A. No.

25 Q. Do you know if you responded to the question?

0041

1 A. I don't remember.

2 Q. Do you know if Ms. Morris responded to the
3 question?

4 A. I don't remember.

5 Q. Do you recall if you had any conversations with
6 the police officer at all?

7 A. Not a whole conversation. I barely remember
8 talking to her.

9 Q. Do you recall if you told the police officer what

10 had transpired prior to the police officer arriving?
11 A. Not that I remember.
12 Q. Do you remember telling the police officer that
13 you first saw Ms. Morris 10 or 15 minutes earlier and that
14 she was in the street, and you came back? She was back in
15 the street and you tried to help out?
16 A. The only conversation I can remember with the
17 police officer is the police officer asked her if she
18 wanted to go to the hospital. That's really all I can
19 remember.
20 Q. Do you recall Ms. Morris responding?
21 A. She just kept saying, I want to go home.
22 Q. You mentioned, earlier, that the police officer
23 had asked Ms. Morris some questions, and "she couldn't
24 answer."

25 Do you recall saying that? Do you recall whether
0042

1 Ms. Morris just couldn't answer what was being asked of
2 her by the police officer? Were there questions that she
3 just didn't respond to?

4 A. She just kept repeating, I want to go home. I
5 don't know if that was because she didn't want to answer
6 or because she couldn't answer.

7 Q. What was the police officer's demeanor?

8 A. She was pretty nice. She wasn't mean or
9 anything.

10 Q. Did she seem agitated?

11 A. No.

12 Q. Did she seem at all as if she just didn't want to
13 be bothered?

14 A. No.

15 Q. You also testified that, you and Maria, and I
16 guess Paul helped Ms. Morris get into the police car; is
17 that correct?

18 A. Yes.

19 Q. Did the police officer also assist you in helping
20 Ms. Morris get into the car?

21 A. Somewhat.

22 Q. When you say, "somewhat," if you could describe
23 that?

24 A. There were a few people helping her get in the
25 car. So I don't know if she held the door open. I don't

0043

1 remember who actually put her in the car.

2 Q. What was the reason for helping Ms. Morris get
3 into the car? Was it that she physically wasn't able to
4 do it herself, or was it just she wanted to make sure she
5 felt comfortable?

6 A. She wasn't able to help herself.

7 Q. All right. And why do you think that?

8 A. Because Maria was helping her against the wall.
9 She couldn't even stand on her own. So I know that she
10 couldn't walk on her own. It was a couple of feet to the
11 police car.

12 Q. Was there any slurring of her speech or anything
13 like that?

14 A. She was crying.

15 Q. Anybody ask her why she was crying?

16 A. She was crying that she wanted to go home.

17 Q. Were there any conversations between either you
18 or Maria or Paul with the police officer, independent of
19 Ms. Morris? For example, once you got her in the car, did
20 anyone tell the police officer what had transpired prior
21 to this?

22 A. Not that I remember. If there was, I don't
23 remember.

24 Q. Do you recall the police officer even asking
25 where she lived?

0044

1 A. Yes. I know she asked where she lived.

2 Q. Did Ms. Morris tell her where she lived or did
3 someone else?
4 A. It was one of us.
5 Q. And you found out because Ms. Morris told you?
6 A. Previously.
7 Q. Any other comments? Did the police officer ask
8 any information?
9 A. If she asked us, I don't remember.
10 Q. There has been some notes that suggest there was
11 a lady by the name Renee that was also present?
12 A. Renee.
13 Q. Was she present?
14 A. She walked out with us.
15 Q. But she didn't stay around for any of the
16 incident that we just talked about?
17 A. I don't remember.
18 Q. And you gave a statement to the police detectives
19 sometime after the incident.
20 Do you recall that written statement?
21 A. Yes.
22 Q. Do you recall any other statements that you gave?
23 A. I only remember one.
24 Q. And that was the one that we just mentioned?
25 A. I believe so.
0045
1 Q. After you were able to place Ms. Morris in the
2 cruiser, what happened next?
3 A. I went home.
4 Q. Did an ambulance come later?
5 A. No.
6 Q. Did any other police officers come after that?
7 A. I don't remember.
8 Q. When you and Maria went on your way, did you
9 follow the police officer or anything?
10 A. Not at all. We were going in two different
11 directions.
12 Q. You knew of Ms. Morris prior to the incident?
13 A. Yes.
14 Q. And you knew of Ms. Morris prior to the incident?
15 A. Yes.
16 Q. Just from being in the area, the general
17 vicinity?
18 A. I've only seen her. I've never spoken with her.
19 Q. Did you ever see her or hear about any
20 altercations or disagreements or any run-ins that she had
21 with any police officers, or with the police department?
22 A. No.
23 MR. YOUNG: Mr. Chairman, I have no
24 further questions.
25 MR. NIX: Any follow-up questions?
0046
1 MR. HAYES: Michael Hayes, I just
2 have a few follow-up questions for you.
3 BY MR. HAYES:
4 Q. The white male that you saw take her purse down
5 the street, can you describe him any more specifically
6 than white male?
7 A. White male, dirty blonde hair. That's about it.
8 Q. A height approximation?
9 A. No. I was sitting in my car.
10 Q. How about age; could you put him in an age range?
11 A. No.
12 Q. Was he balding?
13 A. No.
14 Q. Have you ever seen him since?
15 A. No.
16 Q. Did the police ask you about him?
17 A. Not that I remember.
18 Q. When was the first time you heard that Ms. Morris
19 did not make it home that night?

20 A. I read it in the paper.
21 Q. How long after this incident did you read that?
22 A. Whenever it was published.
23 Q. Did you have any discussion with your coworkers
24 after reading that article?
25 A. Yes.
0047
1 Q. Are there any other important details that we
2 ought to know that we haven't asked about?
3 A. Everything I know, I gave at the interview.
4 MR. NIX: Some of the other
5 Commissioners may have follow-up
6 questions.
7 MR. RODGERS: Just a couple of
8 questions.
9 BY MR. RODGERS:
10 Q. You made your statement to the police about a
11 month or so after the incident; is that correct?
12 A. I believe so.
13 Q. That was January 23, '03; is that correct?
14 A. Yes.
15 Q. And that was in your home; is that correct?
16 A. No. It was at the bar that I work.
17 Q. Chancellor Street?
18 A. Correct.
19 Q. So the police officers came to your establishment
20 and took a statement from you at your place of work; is
21 that correct?
22 A. Yes. They had set it up.
23 Q. So let me ask you a couple of questions.
24 From the incident that evening, did the police
25 officers get your biographical information on the scene as
0048
1 a witness? Did you talk to the police officers on the
2 scene to give your current information?
3 A. No.
4 Q. Did the police officer ask who you were, or ask
5 for your information so they could later contact you as a
6 witness?
7 A. No.
8 Q. So you, on your own, after finding out what
9 happened, contacted the police and said, I was out there
10 that evening. I want to make a statement?
11 A. No. I was contacted.
12 Q. By the police department?
13 A. Yes.
14 Q. And how did they get to you from the scene if
15 they did not ask for your information?
16 A. I don't know.
17 Q. But you know the police contacted you?
18 A. Yes.
19 Q. Once they contacted you, you agreed for them to
20 come to your place of employment and give them a
21 statement; is that correct?
22 A. They came my home and I was not there. And then,
23 I spoke to them on the phone and set something up along
24 with everyone else that was involved.
25 Q. Do you know who the police officer was that you
0049
1 spoke with, that initially contacted you?
2 A. No.
3 Q. Was it the same police officer that arrived at
4 your place of employment and took the statements?
5 A. Yes.
6 Q. Just so that I'm clear, when you first saw
7 Ms. Morris, she was on the ground; correct?
8 A. Yes.
9 Q. And the second time that you saw her she was on
10 the ground; is that correct?
11 A. Yes.

12 Q. And the third time, you assisted her to her feet,
13 and you and your friend stood her up against the wall; is
14 that correct?

15 A. That was the second time.

16 Q. That was the second time. So the first time when
17 you saw her on the ground, you didn't assist her?

18 A. The first time, I said I did.

19 Q. Let me be clear. I said the first time that you
20 observed her, she was on the ground; is that correct?

21 A. Yes.

22 Q. You assisted her the first time; is that correct?

23 A. Yes.

24 Q. You left and went to your car, and handled your
25 own business; is that correct?

0050

1 A. Yes.

2 Q. The second time you said she was back on the
3 ground; is that correct?

4 A. Yes.

5 Q. You also assisted the second time; is that
6 correct?

7 A. Yes.

8 Q. So both times you observed her, she was on the
9 ground; is that correct?

10 A. Yes.

11 Q. Going back to the second time. You assisted her
12 again, with the assistance of your friend, to regain her
13 balance and stand against the wall; is that correct?

14 A. Yes.

15 Q. The reason why she was against the wall is
16 because she needed something to hold her up; is that
17 correct?

18 A. Yes.

19 Q. So indicating for the record, she was leaning
20 against the wall to maintain her balance; is that correct?

21 A. Yes.

22 Q. So then the police officer arrives; is that
23 correct?

24 A. Yes.

25 Q. When the police officer arrived, you were there

0051

1 with her against the wall; is that correct?

2 A. Yes.

3 Q. Now, at some point in time things go on, and she
4 is assisted to the police officer's vehicle; is that
5 correct?

6 A. Yes.

7 Q. How far away from the vehicle was she from where
8 she was propped against the wall? Was it right there?
9 Was it right in front of her?

10 A. From the wall to the street. Probably about ten
11 feet.

12 Q. So she was assisted from the wall to vehicle; is
13 that correct?

14 A. Yes.

15 Q. And with the help of your friend, you put her in
16 the vehicle; is that correct?

17 A. Yes.

18 Q. And you left at that point because you felt she
19 was in a superior place with this police officer; is that
20 correct?

21 A. Yes.

22 Q. And you felt that you had done all that you could
23 to assist that person; is that correct?

24 A. Yes.

25 Q. Okay. And just so that I'm clear. At no time

0052

1 did you see Ms. Morris have the ability to stand on her
2 own; is that correct?

3 A. The first time we picked her up, she was standing

4 on her own.

5 Q. Never at anytime saw her have the ability to walk
6 to the car; is that correct?

7 A. No, I didn't see her walk.

8 Q. On her own; is that correct?

9 A. No.

10 Q. When you say assisted her to her car, is that one
11 person under the left arm, one person under the right arm
12 going forward toward the car to help her get into the car?

13 A. She was quite tall, so it wouldn't have been
14 under her arm because we didn't come up to under her arm.

15 Q. How tall would you say she was?

16 A. I know she towered over Maria, and she is 5'-4"
17 and I'm a couple of inches taller. She was tall.

18 Q. Her ethnic background, American, Spanish?

19 A. African-American.

20 Q. And the police officer, you said, was a white,
21 blonde female; is that correct?

22 A. Yes.

23 Q. You indicated she wanted to go home and she said,
24 15th and Walnut; is that correct?

25 A. Yes.

0053

1 Q. Did she ever utter an exact address, 1501 Walnut,
2 1505 Walnut, or just a general 1500 Walnut, that's what
3 you heard?

4 A. That's what I heard.

5 Q. No exact address?

6 A. No exact address.

7 Q. Did she ever give a phone number? Did anyone ask
8 for a phone number?

9 A. No.

10 Q. Did she ever give out a phone number?

11 A. No.

12 Q. And at no time did you see a rescue arrive on the
13 scene; is that correct?

14 A. Yes.

15 Q. And in your opinion -- Sister's is a club. They
16 serve alcohol, correct?

17 A. Yes.

18 Q. And what is your job title at Sister's?

19 A. Security.

20 Q. So you observe people in an intoxicated,
21 inebriated state; is that correct?

22 A. Yes.

23 Q. You have an opinion as to whether or not someone
24 is intoxicated; is that correct?

25 A. An opinion.

0054

1 Q. And in your opinion, would you say that this
2 person that you observed was intoxicated or not?

3 A. It didn't match up.

4 Q. So you would say, no.

5 A. I would say, no.

6 Q. What is it that you observed that makes you think
7 a person is intoxicated, odor of alcohol, slurred speech?

8 A. Stumbling.

9 Q. Odor of alcohol?

10 A. Yes.

11 Q. Did you ever have a ongoing conversation as I'm
12 speaking you right now, and asking you questions and
13 giving you responses? Was she able to give you any
14 coherent responses to questions?

15 A. Not really.

16 Q. The police officer arrived and asked whether or
17 not you wanted to go to the hospital.

18 Do you recall if she said, no I don't want to go
19 to the hospital, or did she just say she wanted to go
20 home?

21 A. I want to go home is all that she said.

22 Q. She never refused medical treatment as far as
23 what you heard; is that correct?

24 A. I only heard, I want to go home.

25 MR. RODGERS: I have no further

0055

1 questions.

2 MR. NIX: Only a few questions.

3 BY MR. NIX:

4 Q. You mentioned earlier that cabs wouldn't take
5 her.

6 Do you remember who said that cabs wouldn't take
7 her or did somebody else say that to you? You also said
8 that you don't remember who actually helped her into the
9 back seat of the car?

10 A. I don't remember.

11 Q. How long between the time that you were first
12 presented with the article in the Daily News were you
13 contacted?

14 A. I don't remember that.

15 Q. And the last thing, the response about
16 intoxication, you said it didn't match up.

17 What didn't match up?

18 A. I didn't smell alcohol at all. Although it
19 appeared to be from alcohol, I couldn't smell it.

20 Q. So she appeared to be intoxicated, but it didn't
21 match up with the lack of smell?

22 A. Yes. From what I have seen working in the bar,
23 knowing the signs, there was a missing factor.

24 MR. NIX: Commissioners, anything
25 further?

0056

1 (No response.)

2 Please bring in the next witness.

3

- - -

4 (Whereupon, PAUL BRENNAN was duly sworn and

5 testified as follows:)

6

- - -

7 EXAMINATION

8

- - -

9 Q. My name is Michael Hayes. I, along with Dennis
10 Young, serve as Commissioners. First, I will ask you to
11 state your name for the record.

12 A. Paul Brennan.

13 Q. I will ask you to answer all of our questions
14 verbally. The woman seated to your right is writing down
15 everything that is said.

16 If you don't understand my question, just say so
17 and the Panel will clarify the question for you.

18 I would like to start by taking you back in time
19 to December 22, 2002, in the early morning.

20 What were you doing that evening into the
21 morning?

22 A. Well, I left my apartment later in the evening,
23 and I drove to Exton to pickup my friend.

24 After that, we came into the City. I don't know
25 how late it was. I guess it was 11 o'clock or 12.

0057

1 I went to Woody's Bar and then afterwards to the
2 23 club.

3 Q. I want to take you to approximately 3 o'clock in
4 the morning. Do you recall leaving the club at that time?

5 A. Yes.

6 Q. Where is that club located?

7 A. It is off 12th Street between Walnut and Spruce
8 Street.

9 Q. Did you upon leaving the club drive down Walnut
10 Street?

11 A. Yes.

12 Q. What time were you driving down Walnut Street?

13 A. I'm not completely sure. It was between,

14 probably, 3:15 and 4 a.m.

15 Q. Did anything happen when you were driving down
16 Walnut Street?

17 A. Before the intersection for, I think, 16th
18 Street, I could see into traffic ahead of me. The traffic
19 was moving into the left lane. Then, when I got up to
20 certain point, there was a car stopped and in the right-
21 hand lane. Walnut Street is a one way street.

22 Q. And it's two lanes of traffic that both go west;
23 is that right?

24 A. Yes.

25 Q. So as you were proceeding up Walnut Street, in
0058

1 the right-hand lane, you saw that cars were moving over to
2 the left-hand lane; is that right?

3 A. Yes.

4 Q. And you did proceed into the left-hand lane?

5 A. Well, I wanted to turn to get into the left-hand
6 lane, a police car went passed. Then I moved behind the
7 police car.

8 Q. Were the police car's lights on; at that time?

9 A. Their head lights?

10 Q. Their siren lights.

11 A. No.

12 Q. Did you hear the police sirens?

13 A. No.

14 Q. After the police car passed on the left-hand
15 side, what did you do?

16 A. I moved into the lane behind the police car. He
17 was just going to keep going on Walnut Street.

18 Q. How long did you follow the officer down Walnut?

19 A. Not far. His car went passed the cars in the
20 right-hand lane. And then he stopped and we stopped.

21 Q. For the record, what we have here is in the left-
22 hand lane of Walnut Street, a stopped police car and your
23 car stopped behind the police officer's vehicle?

24 A. Yes.

25 Q. And did the car have its lights on?

0059

1 A. I don't recall.

2 Q. Do you recall seeing red lights?

3 A. I don't recall.

4 Q. Where were you in relation to the intersection of
5 16th and Walnut Streets when you had to stop your vehicle?

6 A. I would say that I was -- I'm not sure. It may
7 have been four car lengths back from the intersection.

8 Q. And when you stopped behind the police officer's
9 vehicle, where was the stopped car in the right-hand lane
10 in relation to your vehicle?

11 A. The car was close to my passenger's door.

12 Q. Okay. So you were a little bit ahead of the
13 parked vehicle in the right-hand lane?

14 A. Yes.

15 Q. What happened next?

16 A. I don't know what order this happened, but the
17 police officer got out of his car and went to walk across
18 the intersection of Walnut and 16th Street. I noticed
19 there was a woman lying in the street in front of the car
20 that was stopped.

21 I don't know if I noticed her first, or if the
22 police officer got out of his car first.

23 Q. How long, approximately, was your car stopped
24 when you first noticed the officer getting out of his
25 vehicle?

0060

1 A. He stopped his car and got out immediately and I
2 was stopped behind him.

3 Q. Just before the officer started to exit the
4 vehicle, you noticed there was a woman lying in the street
5 in the right-hand lane and she was lying in front of the

6 parked vehicle to your right?

7 A. Yes.

8 Q. Can you describe the woman that was lying in the
9 street?

10 A. She was an African-American woman. She seemed
11 pretty tall. She was dressed almost all in black with
12 leggings and boots, but I couldn't see her face.

13 Q. Why couldn't you see her face?

14 A. Her head was turned, her faced was turned.

15 Q. She was facing 16th Street?

16 A. Yes. Her body was straight on the street, but
17 her head was turned north.

18 Q. Were her arms at her sides?

19 A. No. I recall that they were out from her body.

20 Q. Was she lying flat or were either of her legs up
21 or bent?

22 A. Well, I think that one of her legs was straight,
23 and the other one was bent somewhat over the leg that was
24 straight.

25 Q. Did you see her move at all?

0061

1 A. No.

2 Q. At that moment, did you have any thoughts or
3 ideas as to what might have happened to this women lying
4 in the street?

5 A. Well, I thought she had been hit by the car that
6 was stopped beside my car.

7 Q. What made you think that?

8 A. Just because the car was there and she was lying
9 in front of it.

10 Q. How far in front of the car was she lying?

11 A. I don't recall.

12 Q. Can you give an approximation?

13 A. If I had to guess, I would say from the sole of
14 her shoe on her extended leg to the front bumper of the
15 car, five or six feet.

16 Q. Did you notice whether the drive of the vehicle
17 was still inside of the vehicle?

18 A. No one was in the vehicle.

19 Q. Did you notice anyone looking or standing on the
20 corner or standing around the intersection?

21 A. No. I looked because of what I assumed
22 happened. I thought the police would talk to the driver of
23 the car that was stopped. So I looked to see if that was
24 happening and I didn't see that happen.

25 Q. Can you describe the officer who jumped out of

0062

1 the vehicle in front of you?

2 A. I would have to say that he was at least six feet
3 tall.

4 Q. Was he white, African-American?

5 A. He was white.

6 Q. Did you see his hair?

7 A. No.

8 Q. What did he do when he exited the vehicle?

9 A. He walked across the intersection of Walnut and
10 16th Street where the ambulance was parked.

11 Q. Where was the ambulance parked?

12 A. In the left-hand lane on the north side of 16th
13 Street.

14 Q. Were there any siren lights on this parked
15 ambulance?

16 A. No, there wasn't.

17 Q. When the police officer walked across the
18 intersection, did he go over to the woman that was lying
19 in the street?

20 A. No. He walked past where she was lying to the
21 stopped ambulance.

22 Q. In the mean time, was anyone tending to the woman
23 lying in the road?

24 A. No.

25 Q. What happened next, after that officer reached

0063

1 the ambulance?

2 A. I don't recall. The next thing that I recall is
3 two paramedics exiting the ambulance.

4 Q. How long after you stopped did that happen?

5 A. I would say about five minutes.

6 Q. You saw two paramedics exiting the ambulance?

7 A. Yes.

8 Q. And what did they do next?

9 A. They wheeled the gurney over to the woman who was
10 lying in the street.

11 Q. Did you notice whether the woman was wearing a
12 jacket when she was lying there?

13 A. I didn't notice if she was wearing a jacket, but
14 she was put on the gurney and a jacket was put over her
15 head.

16 Q. You saw it was put over her head?

17 A. Her face and chest.

18 Q. So you couldn't see her face any longer?

19 A. I didn't see her face at the scene, but the
20 jacket was placed over her head.

21 Q. At any point, did you see whether the woman had a
22 purse?

23 A. No, I didn't.

24 Q. The jacket that was placed over the woman's face,
25 did you see what type of a jacket it was?

0064

1 A. I think it was like a short black bomber jacket.

2 Q. And that color was black?

3 A. Yes.

4 Q. What were the police doing when the paramedics
5 came out of the ambulance with the gurney?

6 A. I don't know.

7 Q. Let me ask you this: Before the paramedics
8 placed the woman on the gurney, did you see them tend to
9 her in any way; do you recall?

10 A. No.

11 Q. Did you see them put a neck stabilizer on her?

12 A. I don't recall.

13 Q. Did the paramedics -- how did the paramedics put
14 the woman on the gurney?

15 A. One of the paramedics held her under her arms,
16 and the other one held her legs and they swung her on the
17 gurney.

18 Q. Did you hear any discussion between her or among
19 the paramedics?

20 A. Nothing.

21 Q. And at this point, did the officer place the
22 jacket on the woman?

23 A. After she was on the gurney.

24 Q. What happened next?

25 A. I don't recall the next events after that. The

0065

1 police officer started his car and let the traffic
2 through. I wasn't delayed there after she was placed in
3 the ambulance.

4 Q. Did you see the ambulance pull off?

5 A. I don't recall.

6 Q. Did you ever see lights on this ambulance?

7 A. No.

8 Q. Did you ever see siren lights on the police car
9 ahead of you?

10 A. No.

11 Q. Did you ever hear sirens?

12 A. No.

13 Q. But at some point, the woman was placed on the
14 gurney, and did you see the ambulance take off?

15 A. I don't recall.

16 Q. After the officer let traffic through, did he
17 pull away?

18 A. Yes. He got back in his car.

19 Q. Did you at, any point, see the officer with
20 anyone other than the paramedics?

21 A. I don't recall.

22 Q. Was there a line of cars behind you at this
23 point?

24 A. I don't recall.

25 Q. After the officer pulled forward to let traffic
0066

1 resume, did you continue on Walnut Street or did you turn
2 up 16th Street?

3 A. No. I continued down Walnut Street.

4 Q. Did you contact the police regarding what you saw
5 that early morning or did the police contact you?

6 A. No.

7 Q. Have you ever given a statement to the police
8 concerning this incident, and what were the circumstances
9 of that statement; did someone contact you?

10 A. No. The following weekend, I saw an article in
11 the newspaper. The article explained this woman had been
12 injured and died two days later in the hospital, and
13 requested that if anyone who had any information and left
14 contact information.

15 Q. And you read the article, and did you make the
16 contact and speak with a person and did the contact, and a
17 attorney contact you?

18 A. Yes.

19 Q. And you sat down and did an interview with that
20 attorney?

21 A. Yes.

22 Q. And you told him everything that you saw early
23 that morning?

24 A. Yes.

25 Q. Are there any other details or information that
0067

1 you think would be important for the Panel to know about
2 what you saw that morning on Walnut Street?

3 A. I don't recall any other details.

4 MR. HAYES: No further questions.

5 BY MR. YOUNG:

6 Q. As you passed upon the article that you read a
7 couple of days later regarding the incident, you later
8 learned that the young lady was Nizah Morris; is that
9 correct?

10 A. Yes.

11 Q. Had you had any contact with Ms. Morris prior to
12 this incident?

13 A. I knew her to see her, but I never spoke with
14 her.

15 Q. Did you ever see her have any disagreements or
16 run-ins with any police officers?

17 A. No.

18 Q. Other than the male police officer that you
19 described, were there any other police at the scene?

20 A. I don't remember.

21 Q. And to clarify, you didn't speak with the police
22 at the scene; is that correct?

23 A. Correct.

24 Q. And the police didn't ask to speak with you at
25 the scene?

0068

1 A. Correct.

2 Q. You mentioned that car that was to your right and
3 that the car stopped, maybe not parked, and there was no
4 one in the car; is that correct?

5 A. Yes.

6 Q. Did you ever see anyone go back to the car at
7 all?

8 A. I didn't.

9 Q. Did it seem that the car was parked there or
10 stopped there?

11 A. It seemed like it was parked there.

12 Q. Was it in a lot, a parking area?

13 A. No.

14 Q. And I'm not familiar with that area. Is there
15 parking on that side of the street where the car was
16 parked?

17 A. No.

18 Q. So the car was parked -- would have been
19 illegally parked?

20 A. Yes.

21 Q. When you had stopped at the scene because the
22 police stopped in front of you, do you recall whether the
23 ambulance was already on the scene?

24 A. I believe it was.

25 Q. So the police didn't pull off after you arrived?

0069

1 A. Correct.

2 Q. How much time elapsed between the time that you
3 had to stop at the scene, and at the time you were able to
4 leave the scene?

5 A. I don't know exactly.

6 Q. If you could give me an estimate. Was it less
7 than ten minutes?

8 A. I would say it was less than fifteen minutes.

9 Q. Now, you may have already testified to this, but
10 while you were at the scene, Ms. Morris was being
11 transferred to the ambulance and put on the gurney.

12 Was there anything else that the paramedics were
13 doing? Did you notice that they took a pulse?

14 Did they do anything that seemed to be a medical
15 procedure?

16 A. There wasn't anyone there when I stopped my car.
17 When the paramedics wheeled the gurney over, I remember
18 them putting her on the gurney.

19 Q. No checking of the pulse, no heart beats, nothing
20 like that?

21 A. No.

22 Q. During the time that the paramedics were
23 transporting Ms. Morris to the ambulance, what was the
24 police officer doing?

25 A. I don't remember.

0070

1 Q. Do you recall whether he was talking to anyone in
2 the other vehicles that happened be on the street at the
3 time?

4 A. I don't believe so. I don't recall.

5 Q. Do you recall, either prior to you leaving or
6 when you were pulling off, whether there were any other
7 vehicles that were stopped in front of Ms. Morris?

8 A. I didn't see anyone.

9 Q. And no one went to the car at all?

10 A. Not that I saw at all.

11 Q. Did you see the police going to the car?

12 A. No.

13 Q. You were interviewed by an attorney from the
14 office of Civil Rights or Civil Liberties?

15 A. Yes.

16 Q. Do you know whether that attorney or anyone else
17 ever gave you a name to any police detective of the police
18 department?

19 A. They must have because I was interviewed by the
20 police sometime afterwards and they took a statement.

21 MR. YOUNG: I have no further
22 questions.

23 MR. NIX: Some other Commissioners
24 may have follow-up questions.

25 MR. RODGERS: Just a few questions.

0071

1 BY MR. RODGERS:

2 Q. You indicated that the police officer that
3 arrived at the scene was a white male.

4 The paramedics, how many were there?

5 A. I believe there were two males, but I don't
6 recall exactly.

7 Q. And what was their ethnicity?

8 A. I couldn't tell you. I don't recall.

9 Q. Now, from how far away were you making your
10 observations that evening?

11 A. From where the woman was lying?

12 Q. From where you were positioned and you were
13 walking, these things unfolded in front of you.

14 How far away would the distance have been?

15 A. Within 15 feet.

16 Q. From where you were, could you hear conversations
17 between the officer and the paramedics?

18 A. No.

19 Q. Do you recall the date of the statement that you
20 first gave?

21 A. Shortly after the incident.

22 Q. It was shortly after this incident, from what you
23 recall?

24 A. Yes.

25 I saw the newspaper article that following week.

0072

1 And then, sometime during the next week after that, I
2 contacted the center. Sometime after that they contacted
3 me.

4 Q. I believe that one of the Commissioners asked you
5 questions regarding the paramedics, if they performed any
6 life-saving procedures at all.

7 I'm not sure what your answer was, if you
8 recalled or in your statement that they did not perform
9 any medical procedures at all?

10 A. Not that I recall.

11 Q. And is it true of your statement, just so I'm
12 clear, you observed, from what you thought, from the
13 distance, and what you observed, that the person involved
14 here heard that you later, at that time, thought there was
15 a deceased person based on what you were seeing; is that
16 correct?

17 A. But not until that person died after that night's
18 circumstances of these incidents. Yes, sir.

19 Q. And you came to that conclusion based on what you
20 saw at the scene; is that correct?

21 A. Yes.

22 Q. And would that conclusion come about from seeing
23 a jacket being placed over the head?

24 A. There were a number of factors.

25 Q. Could you tell the Panel what those factors were?

0073

1 A. That lack of emergency lights on the vehicles.
2 There seemed to be a lack of urgency in tending to the
3 situation.

4 The fact that there was nobody tending to her
5 during the time that I was there, and the fact that the
6 jacket was placed on her face.

7 MR. RODGERS: All right. I have no
8 further questions.

9 MR. YOUNG: Just a quick follow-up.

10 BY MR. YOUNG:

11 Q. Could you tell that she was breathing or not from
12 where you were?

13 A. No.

14 Q. You mentioned that you gave a statement to
15 police; is that correct?

16 A. I gave a statement to an investigator from the
17 police department. I didn't give a statement at the

18 scene.

19 Q. Do you know who that investigator was? Do you
20 recall his or her name?

21 A. No.

22 Q. Do you know if it was a male or female?

23 A. It was a male.

24 Q. And where did you give the statement? Did you go
25 to the district?

0074

1 A. I gave the statement in the office of Civil
2 Rights or Civil Liberties.

3 Q. And there was an attorney present who worked for
4 the office of Civil Liberties?

5 A. I don't recall if he was present when I gave the
6 statement.

7 Q. And you recall giving two separate statements?

8 A. Yes.

9 MR. YOUNG: I have no further
10 questions.

11 MR. WEISS: Just a follow-up.

12 BY MR. WEISS:

13 Q. You say you came to the scene, you followed the
14 police up to the scene, were you behind his car?

15 A. Yes.

16 Q. In your opinion, and just your opinion, what did
17 you believe or what did you think when he pulled up, or do
18 you think it was a lack of something he didn't do that
19 caused you to believe there was no urgency in the
20 response?

21 A. Well, considering he was stopping traffic, I
22 would think that he would have put on his lights. Nothing
23 else that I can think of.

24 MR. RODGERS: One more follow-up.

25 BY MR. RODGERS:

0075

1 Q. You said the jacket was on her face?

2 A. Yes.

3 Q. And that was after she was on the gurney, and
4 they raised it at that point?

5 A. Yes.

6 MR. RODGERS: I have nothing
7 further.

8 MR. HAYES: I just want to confirm
9 one thing.

10 BY MR. HAYES:

11 Q. Did you ever see the officer examine the vehicle
12 that was parked behind the woman lying in the road?

13 A. No.

14 MR. NIX: Thank you, Mr. Brennan.
15 Thank you for coming in.

16 Do we have any other witnesses?
17 (no response.)

18 MR. NIX: At this point, we conclude
19 this hearing until tomorrow at 6 p.m.
20 (Whereupon, the hearing concluded at 8 p.m)

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C E R T I F I C A T E

4 I hereby certify that the proceedings and evidence are
5 contained fully and accurately in the stenographic notes
6 taken by me on the hearing of the within cause and that
7 this is a correct transcript of the same.

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Patricia Generao-Kolman
Professional Court Reporter