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1 CITY OF PHILADELPHIA
2 POLICE ADVISORY COMMISSION

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IN RE:

6 GRUPO FUEGO
7
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- - -

9 Thursday, November 1, 2007
Philadelphia, Pennsylvania

10 - - -

11 Hearing in the above-referenced
12 matter, held in Philadelphia City Hall, Room 400,
13 Philadelphia, Pennsylvania 19102, commencing at 6:15
14 p.m., on the above date before Sandra J. Worrell,
15 Registered Professional Reporter and Notary Public.

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0002

1 BEFORE:

2 ROBERT NIX, ESQUIRE - Presiding Officer

3 MICHAEL B. HAYES, ESQUIRE

4 JOSEPH T. STAPLETON, ESQUIRE

5 ADAM ROGERS

6 OSCAR ROSARIO
7

- - -
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0003

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13	NO. DESCRIPTION	PAGE NO.
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0004

1 MR. NIX: Good evening, ladies

2 and gentlemen. My name is Robert Nix.
3 I'm a member of the Philadelphia Police
4 Advisory Commission. I'm the presiding
5 officer of the panel hearing established
6 to receive testimony and evidence in the
7 matter of Grupo Fuego, designated as
8 Police Advisory Commission Complaint No.
9 061678-90.

10 Also participating this evening
11 as panel members are Joseph Stapleton
12 Oscar Rosario. Adam Rogers will be
13 joining us. Counsel to the panel this
14 evening is Michael Hayes.

15 Before I call this meeting to
16 order officially, though, I would like us
17 to have a moment of silence out of respect
18 for the Philadelphia police officer who
19 was killed in the line of duty this week
20 and is, in fact, the third police officer
21 shot in the line of duty within the last
22 week. If we could observe a moment of
23 silence for Officer Cassidy and his
24 family.

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1 - - -
2 (Whereupon, a moment of silence was observed.)

3 - - -
4 MR. NIX: I will now call this
5 panel hearing to order. This hearing will
6 be conducted in accordance with the Dually
7 Adopted Rules of the Police Advisory
8 Commission. The rules which apply to
9 panel hearings of the Police Advisory
10 Commission state as follows:

11 Any witness called to testify
12 may present an opening statement not to
13 exceed five minutes prior to the giving of
14 testimony. Ordinarily, the initial
15 examination and questioning of witnesses
16 shall be conducted by counsel to the
17 Commission or counsel of his designation.

18 At the conclusion of counsel's
19 questioning panel members may question

20 witnesses in the order determined by the
21 presiding officer.

22 As to the rights of the
23 witnesses appearing before the panel, any
24 witness may be accompanied and advised by

0006

1 an attorney, but the attorney may not
2 otherwise participate in the hearing.

3 The attorney may confer with the
4 witness, but may not answer for the
5 witness or interfere with the examination
6 and questioning of the witness.

7 Failure to comply with these
8 conditions shall be sufficient ground for
9 the exclusion of the attorney from any
10 further participation in the hearing. A
11 witness may not be excused from attending
12 or testifying because the witness failed
13 to obtain an attorney or his attorney was
14 excluded from participation in the hearing
15 for violation of the conditions set forth
16 above.

17 Now, the hearing panel has
18 determined that as to any witness on
19 notice to appear before the package, they
20 will be sequestered to preserve the
21 integrity of the fact-finding process.

22 To sequester means that the
23 witnesses will be in another room and not
24 be permitted to hear testimony of another

0007

1 witness until their own testimony is
2 completed.

3 Finally, let me just say that
4 this is a very important matter. It is an
5 important matter to the participants. It
6 is an important matter to the citizens of
7 Philadelphia.

8 As such everyone in attendance
9 is ask to refrain from any outbursts or
10 expressions of emotion in order to main
11 the dignity of the process so that this
12 proceeding can be conducted with the same

13 respect that is accorded a judicial
14 tribunal.

15 In that regard, I request that
16 everyone remain seated during the
17 presentation of testimony and that all
18 cell phones be turned down to vibrate or
19 off.

20 At this time, I'm going to
21 request any witnesses who are not on
22 notice that they are going to be called to
23 testify with the exception of Suzette
24 Pinero to rise and to leave the room.

0008

1 Follow Mr. Wellington or Mr. Melendez to
2 an adjoining room.

3 Mr. Hayes, are you prepared to
4 call the first witness?

5 MR. HAYES: Certainly.

6 MR. NIX: Is it Suzette Pinero?

7 MR. HAYES: Yes.

8 - - -

9 EXAMINATION

10 - - -

11 BY MR. HAYES:

12 Q. Ms. Pinero, my name is Mike Hayes. As
13 Mr. Nix mentioned, I serve as counsel to the
14 Commission. One of my jobs as counsel to the
15 Commission is to ask questions of folks who are
16 involved in the incidents that come before the
17 Commission.

18 What I'm going to do is ask you questions
19 to walk you through what happened on November 11,
20 2005 in the Grupo Fuego incident. Before I do that,
21 I want to give you a couple points of clarification.

22 First, Sandy, to my right, is writing down
23 everything that we're saying. She is a court
24 reporter. She is writing everything down.

0009

1 What that means is that if we don't say our
2 answers or say our questions verbally she has no
3 idea what we mean. I'd ask that when you respond to
4 questions to say your answers rather than nod or
5 give a nod.

6 I'm also going to try to speak a little bit
7 slower than I normally would so that Sandy can pick
8 everything up. If I speed up my speech, it becomes
9 harder for her to write everything down.

10 The third thing is to make sure you keep
11 your voice up so Sandy can hear. If she can't, she
12 will let you know and me know, if my voice goes too
13 low.

14 If there's any question you don't
15 understand or that I don't phrase it right or it's
16 an awkward question, just tell me. I'll try to
17 rephrase the question to make it clearer. If at any
18 point you want to take a break, just say so. You
19 are welcome to do so.

20 Do you have any questions before we get
21 started?

22 A. No.

23 Q. Witnesses before the Commission are allowed
24 to make an opening statement, if they wish to, of
0010

1 several minutes.

2 Do you want to make an opening statement
3 about this incident before I ask you questions?

4 A. No.

5 Q. Okay. With that, I'll get going here.

6 Ms. Pinero, on November 11th of 2005, on that
7 evening did you receive a telephone call from your
8 daughter?

9 A. Yes.

10 Q. What's your daughter's name?

11 A. Aisha Martinez.

12 Q. Did she call you from her cell phone?

13 A. No, from her friend's cell phone.

14 Q. She called you at home?

15 A. Yes.

16 Q. Do you remember what time that phone call
17 came?

18 A. About from 9:30 to 10:30, in that range.

19 Q. What was your daughter doing that night?

20 A. She was attending an event that the Grupo
21 Fuego had.

22 Q. Where was that event being held?

23 A. I and Luzerne.

24 Q. If I told you that the location was called
0011

1 Diane's Ballroom, would you recognize that?

2 A. No.

3 Q. You know the location was I and Luzerne?

4 A. Yes.

5 Q. What is Grupo Fuego?

6 A. It's a dance group that they have. And she
7 was in step, which is a lower -- like in order to
8 get to Grupo Fuego, you have to start from step and
9 you just work yourself up.

10 Q. Okay. How often do folks with Grupo Fuego
11 meet?

12 A. Well, weekly, they probably met twice to
13 practice and they used to do events like probably
14 twice a month.

15 Q. When was the event scheduled to end on
16 November 11th?

17 A. At 12 o'clock.

18 Q. Were you going to be giving your daughter a
19 ride home?

20 A. Yes.

21 Q. So when she called you between 9:30 and
22 10:30, did that come as a surprise?

23 A. Yes.

24 Q. When she called, what did she say?

0012

1 A. She said, mom, come pick me up because a
2 fight broke out.

3 Q. Okay. I imagine that was kind of alarming?

4 A. Yes.

5 Q. What did you do after you got that call?

6 A. I told my other daughter to come with me.
7 I jumped in the car and went to pick her up.

8 Q. What's your other daughter's name?

9 A. Suzette Martinez.

10 Q. For the record here, how old is Aisha?

11 A. Now 16.

12 Q. How old was she when this happened in
13 November of 2005?

14 A. 14.

15 Q. How about your daughter Suzette, how old
16 was she then?

17 A. 19.

18 Q. How far away from the location do you live?

19 How long did it take you to get there?

20 A. Probably ten minutes.

21 Q. What happened when you arrived there?

22 A. It was a lot of cops out there. And I
23 parked my van and I got out and I was screaming for
24 her name.

0013

1 Q. Do you remember where you parked in
2 relation to the intersection of Luzerne and I?

3 A. I parked on Luzerne Street.

4 Q. Had the police blocked off the street?

5 A. Not yet, no.

6 Q. You got out of your car and started to look
7 for your daughter?

8 A. Yes.

9 Q. Did you find her?

10 A. Yes.

11 Q. Where was she in relation to the dance hall
12 when you found her?

13 A. She was probably like 10 feet away from the
14 hall.

15 Q. Out front?

16 A. Yes, out front.

17 Q. How about your other daughter, was she
18 there with you when you were searching for her?

19 A. Yes. Yes.

20 Q. What happened when you found your daughter?

21 A. I turned around to go to the car.

22 Q. I'm sorry. I have to back up. You said
23 there were a lot of police officers there.

24 Do you have an approximate number in mind?

0014

1 Was it a dozen, two dozen, five, ten?

2 A. Probably a dozen.

3 Q. You said that when you found your daughter
4 you turned around to go to the car. Did all of you
5 turn around to go to the car?

6 A. Yes.

7 Q. What happened next?

8 A. Aisha saw one of her friends getting hit by
9 some police officers across the street. And she

10 told me, mom, can you help him. And I went to go
11 cross and I yelled out, what you all doing.

12 And they turned -- like there was a short
13 Puerto Rican police lady. She told me to mind my
14 business and to keep going. I looked at Aisha and I
15 told her, I'm sorry, but I can't get involved.

16 So I turned around to go back towards my
17 car and that's when and undercover police officer
18 hit me with his nightstick.

19 Q. I'm going to back up a little bit. Okay?
20 Do you know who the friend was that Aisha asked you
21 to help? Who was the friend of Aisha's across the
22 street?

23 A. I don't know his last name, but his name is
24 David.

0015

1 Q. David?

2 A. Yes.

3 Q. Did Aisha know David through Grupo Fuego?

4 A. Yes.

5 Q. How many officers did you see in the
6 immediate vicinity of David?

7 A. About four.

8 Q. You mentioned that you asked the officers
9 what they were doing and a female officer told you
10 to go on your way?

11 A. Yes.

12 Q. You said it was a female officer?

13 A. Yes.

14 Q. Do you know that officer's name?

15 A. No, I don't.

16 Q. Do you know that officer's badge number?

17 A. No, I don't.

18 Q. Okay. When that officer told you to go on
19 your way, you told your daughter, I'm sorry, I can't
20 help, we have got to go to the car. Is that right?

21 A. Yes, I was heading towards the car.

22 Q. Were all three of you heading towards the
23 car?

24 A. Yes.

0016

1 Q. Then you said that another officer struck
2 you with a nightstick; is that right?

3 A. Yes.

4 Q. Can you describe that officer?

5 A. He's black, bald headed. And today I know
6 his name his name. His name is Frazier. I don't
7 know his first name. Officer Frazier.

8 Q. Okay. Mr. Anderson over here has a video
9 screen up that shows an aerial view of Luzerne
10 Street -- I'm sorry. Luzerne is going horizontal
11 and I is vertical.

12 A. Yes.

13 Q. If you wouldn't mind, I'd ask if you could
14 come up to the screen and show us where you were
15 when you had an encounter with Officer Frazier.

16 Is that okay?

17 A. Yes.

18 Q. If you could just point approximately to
19 where you were when you had this encounter with
20 Officer Frazier?

21 A. This is the hall? Okay. I was about right
22 here because I was headed to my van. So I was about
23 right here when he pushed me because I was trying to
24 get to my van.

0017

1 Q. You were on the sidewalk in front of the
2 dance hall?

3 A. Yes, because the incident happened over
4 here. So I'm walking like this to go towards my van
5 and we were on the sidewalk when he pushed me.

6 MR. HAYES: Mr. Anderson, could
7 you make mark on the screen where she
8 pointed to?

9 MR. ANDERSON: Right here.

10 BY MR. HAYES:

11 Q. Is that about right?

12 A. Yes.

13 Q. Where was your car, approximately? Where
14 did you park?

15 A. I parked around here.

16 Q. All right. I think we are done with the
17 screen for right now. Thank you very much.

18 A. Okay.

19 Q. You mentioned that the officer who you now
20 know is named Officer Frazier struck you with his

21 nightstick. How did the officer strike you?

22 A. He had the nightstick and he had it like
23 with his both hands and he was pushing me like that.

24 Q. Okay. Did he say anything to you when he
0018

1 struck you?

2 A. He said, keep on going, move it, move it.

3 Q. Did you respond to the officer?

4 A. I turned around and I told him that I was
5 and adult and I'm trying to get to my car if he
6 let's me.

7 Q. Okay. What were your daughters doing at
8 the time?

9 A. They were asking him, what are you doing.

10 Q. What happened next?

11 A. He pushed me and my younger daughter the
12 same way, because my other daughter, Suzette
13 Martinez, she grabbed my arm like that so we could
14 both walk Aisha. And then he pushed us both again
15 like that.

16 Q. Did he push you in the front or in the
17 back?

18 A. No, he was still in the back.

19 Q. When you pushed you, were you moving
20 towards your car?

21 A. Yes.

22 Q. What happened next?

23 A. I fell against another police officer. He
24 was tall. I don't know his name. And he grabbed me

0019

1 and my daughter and he said, what are we doing. I
2 said, I'm sorry, he pushed me. And he said, no,
3 what are you all doing. I was trying to explain to
4 him that Officer Frazier pushed me, but he didn't
5 want to hear it.

6 Q. You mentioned that this officer that you
7 got pushed into was tall. Can you tell us anything
8 else about his physical description?

9 A. He was white. He was cocky. That's all I
10 know.

11 Q. Okay. At any point during your interaction
12 with Officer Frazier, did you or your daughters use
13 any obscenities towards him?

14 A. No.

15 Q. Did he use any obscenities towards you?

16 A. He was -- yes. He was just telling us to
17 keep on F'g moving.

18 Q. Okay. How about the officer that you were
19 pushed into?

20 A. He thought we did it deliberately. When I
21 tried to explain to him that it was Officer Frazier,
22 he didn't want to hear it. He really thought that
23 we pushed -- like we tried to push on him. And I
24 was trying to explain to him that I didn't do that.

0020

1 Q. If I understand you right, you got pushed
2 into that officer's back; is that right?

3 A. Yes.

4 Q. Okay. So he turned around and believed
5 that you were pushing into him intentionally?

6 A. Yes.

7 Q. What happened next?

8 A. When he turned around to grab us, like why
9 did we push him, and I tried to explain to him that
10 it was the officer that pushed us against him, he
11 didn't want to hear it. And he started like trying
12 to like wrestle us to the ground. And other cops
13 came.

14 And like I was screaming to Aisha, go,
15 because my son was on his way, too, Benny Martinez.
16 I told Aisha, go. And they had me and my daughter
17 Suzette on the ground with their knees on us trying
18 to like put handcuffs.

19 And I'm asking them, what did I do, I mean.
20 And they just kept wrestling us to the ground, put
21 us on the ground. They put the handcuffs and we
22 kept asking why.

23 And another officer put his foot on my
24 daughter's face and I started screaming at him like,

0021

1 why are you doing that. They just saying, you don't
2 like it, and he did it harder. I was asking him,
3 why are you doing this.

4 And then they told us to get up and I
5 couldn't get up because I needed to use my hands to
6 get up. I was trying to tell him I can't get up.

7 They told us, you fat B's, get up.

8 And I'm trying to explain to them that I
9 can't and they like pulled my arms up so I could get
10 up and they were pushing us to the van.

11 Q. Okay. Let me stop you there.

12 A. Okay.

13 Q. You mentioned that as this is going on your
14 son, Benny, was coming to the scene or he was
15 already there?

16 A. No, he was coming because when Aisha called
17 me, he called my daughter Suzette Martinez's cell
18 phone and he asked us where we were at because he
19 tried to call home and nobody picked up. She
20 explained to him, we are on our way to pick up
21 Aisha, a fight broke out. Since he lives nearby he
22 said, well, I'm going over there, too, so he also
23 came.

24 Q. When this was going on did you see Benny or
0022

1 did know that he was coming?

2 A. Yes, I seen him coming towards us and he
3 also asking Officer Frazier why he's doing that.

4 Q. Okay. At any point while this is going on,
5 did you or your daughters use any obscenities
6 towards the officer?

7 A. No, we just kept asking why are they doing
8 this.

9 Q. You mentioned that at least one of the
10 officers used an obscenity towards you and your
11 daughter?

12 A. Yes.

13 Q. Can you describe that officer? Did you see
14 that officer?

15 A. No.

16 Q. You mentioned that an officer put his foot
17 on your daughter's face as you were on the ground?

18 A. Yes.

19 Q. Can you describe that officer?

20 A. He was white, probably like 5'6, probably
21 200 pounds. I don't know any more.

22 Q. Okay.

23 A. He was the arresting officer. He arrested
24 me.

0023

1 Q. He put the handcuffs on you?

2 A. Yes.

3 Q. What was Benny doing while you were being
4 handcuffed on the ground?

5 A. He kept asking, what are you all doing.

6 And I yelled to -- because he came -- he was -- he
7 came with his girlfriend, which was pregnant at that
8 time. He kept yelling out, what you all doing. I
9 screamed at him. I said -- I call him Baby. I
10 said, Baby, just go to the car with Jessica, go.

11 Q. Okay. What did he do?

12 A. He turned around and took Aisha, because
13 I'm looking -- he kept walking towards, I guess, his
14 car. I really don't know where he parked it at but
15 --

16 Q. What happened next?

17 A. They grabbed us. They pulled us up. They
18 kept pushing us towards the paddy wagon, which was
19 parked in the middle of the street, and they opened
20 it and they pushed us in there.

21 Q. Okay. When you said "they pushed us in
22 there" this is yourself and your daughter Suzette?

23 A. Yes.

24 Q. Was there anyone else in the paddy wagon at

0024

1 that time?

2 A. Yes, there was another boy in there.

3 Q. Was he a teenage boy?

4 A. Yes, teenager.

5 Q. What happened next?

6 A. I was trying to explain to the short lady
7 police officer that in the scuffle that my sandal
8 came off, can she please go get it. I spoke to her
9 in Spanish. She told me that that's not her
10 problem.

11 Q. Did she tell you that in Spanish?

12 A. No, she said it in English.

13 Q. You said this is the short female officer.

14 Is this the first officer that you encountered at
15 the scene?

16 A. Yes. And they shut the doors and I was
17 trying to like get off the little seat that they

18 have because I couldn't -- because I was on my knees
19 since they pushed me. The teenage boy, he helped
20 me, like he told me how to get up and --

21 Q. At some point, were you joined in the paddy
22 wagon by your son, Benny?

23 A. Yes.

24 Q. How long were you in the paddy wagon before
0025

1 Ben joined you in there?

2 A. I'd say about 15, 20 minutes.

3 Q. How about Ben end up in the paddy wagon
4 with you? What did you see?

5 A. Well, when they opened the door, he was all
6 bloody.

7 Q. I'm sorry. I know this isn't easy. If I
8 want to take a minute, take as long as you need.

9 Okay?

10 A. Thank you. I asked him, what did they do,
11 why is he like that. And they didn't answer me.
12 When they brang him in he was like, mom, calm down
13 because you crying and the blood is gushing out and
14 it's hurting me more so just calm down. I kept
15 asking, what happened. He said, mom, I tried to get
16 in the car and this police officer they just like
17 tried to wrestle me down and since I didn't want to
18 go down because Jessica they were bothering Jessica
19 they just started hitting me. I asked him where
20 Aisha was he said I don't know where she is at. So
21 I started like banging my feet because he was
22 telling me that he couldn't breathe and I banged my
23 feet and my daughter was banging her feet Suzette
24 and they opened the wagon the Spanish shorter lady
0026

1 she was like, oh, what is he doing, I'm not taking
2 no one to the hospital, I don't want no bloody
3 person in my van, I'm not transporting nobody. The
4 officers that arrested me he was like she was like
5 get him out of here get him out and I think it was
6 Frazier or somebody came and he was asking for water
7 my son and they like pulled him out and sat him on
8 the edge the doors were open and he asked the lady
9 in Spanish can I have some water she said, oh, I
10 just bought a bottle of water but I drank from it.

11 He said I don't care just can I have water she gave
12 him some water they shut the doors again and I don't
13 know what happened from there.

14 Q. Okay. I don't know if I asked you this
15 before. At that time on November 11, 2005, how old
16 was Benny?

17 A. 21.

18 Q. Okay. I know I asked you this question as
19 well. The officer who arrested you, I think you
20 described him as 5'6 and heavy-set, about 200
21 pounds. Is that right?

22 A. Yes.

23 Q. Any other physical description for him?
24 Maybe you saw the color of his hair?

0027

1 A. Dirty blonde.

2 Q. Dirty blonde?

3 A. Yes.

4 Q. Okay. Once Benny is taken out of the paddy
5 wagon, what happens next? Did they close the door
6 to the paddy wagon?

7 A. Yes they closed the doors and they started
8 the paddy wagon and they drove us to the 25th
9 District.

10 Q. Do you know the names of the officers who
11 drove you to the 25th District?

12 A. No.

13 Q. Do you know which officers it was?

14 A. It was the short lady the Puerto Rican and
15 herself that arrested me but I don't know names.

16 Q. Okay. Now you said that they took you to
17 the 25th District. Did they take your daughter as
18 well, Suzette?

19 A. And the teenage boy.

20 Q. Okay. What happened after you arrived at
21 the 25th District?

22 A. They helped us out and they put us in this
23 room and they handcuffed us to this chair thing and
24 they started asking us questions like my name and

0028

1 where I live and how much I weigh. And then the
2 police officer that arrested me asked me well asked
3 me and my daughter which one of you all spit at me.

4 Q. Okay.

5 A. And I was shocked I was like what are you
6 talking about. He was like which one of you all
7 spit in my face. Me and my daughter looked at each
8 other like what is he talking about. He kept saying
9 it. He said well then you are both going down to
10 downtown. He just kept saying it. I was like none
11 of us spit at you sir. He was like one of you all
12 spit in my face. We kept saying no. And then
13 Officer Frazier came in and he asked for my daughter
14 Suzette and she went out. And he kept writing his
15 statement or whatever he wrote and then they took me
16 to and they stand me straight and they were looking
17 at me. I don't know what they were doing. Then
18 they said, well, put them both together they put me
19 in this cell and I was waiting like for my daughter
20 to come, but she never came.

21 Q. Okay. At any point up to that point, were
22 you told why you had been arrested?

23 A. No.

24 Q. Did you at any point during this incident

0029

1 spit on any officer?

2 A. No.

3 Q. Did you use obscenity toward any officers?

4 A. No.

5 Q. Did you see your daughter spit on anyone?

6 A. No.

7 Q. Did you see your daughter use obscenities
8 towards any officer?

9 A. No.

10 Q. I should say did you hear her?

11 A. Right. No.

12 Q. So you were taken to a cell and you were by
13 yourself in that cell?

14 A. No I was with a white girl she was sick she
15 was just lying there.

16 Q. Your daughter was never brought to the cell
17 with you?

18 A. No.

19 Q. How long were you in that cell?

20 A. Probably 16 hours.

21 Q. Did you ask anyone while you were there did

22 you talk to any officers while you were waiting?

23 A. The one time that a police officer came he
24 gave us bread and water and I asked him could you
0030

1 tell me why I'm here he was like I really don't know
2 what to tell you and then I asked him about my
3 daughter and he said she has piercing she was like
4 the one that has piercing I said yes he was like,
5 oh, she left.

6 Q. Okay. You said you were in the cell there
7 for approximately 16 hours when did you get out of
8 the cell? Was it the next day?

9 A. Yes, next day.

10 Q. About what time the next day was it?

11 A. I really don't know. I know it was like
12 9:00 or 10:00 a.m. and they fingerprinted me and it
13 was a lady I asked her do you know what I'm being
14 charged with and she said aggravated assault the
15 third or something and that's all she told me.

16 Q. What happened after that?

17 A. They brang me back to the cell.

18 Q. How long did you stay in the cell?

19 A. A while. A couple more hours and then they
20 took me to 8th and Race.

21 Q. 8th and Race?

22 A. Yes.

23 Q. Why did they tak you to 8th and Race, do
24 you know?

0031

1 A. No.

2 Q. What happened after you went over to 8th
3 and Race what happened when you got to the 8th and
4 Race?

5 A. They stand me against the wall and they I
6 guess they were calling people one by one and I went
7 to this room and the lady there she told me if I
8 wanted to keep my jacket or my trade my should I and
9 keep my shirt on I said no it is cold I'll keep my
10 hoodie on she took the string off and put it in an
11 envelope. And they walked me to another this to
12 cell and they left me there.

13 Q. How long were you in the jail there?

14 A. Hours. For me it was eternity, but

15 probably like six, seven hours.

16 Q. What happened then?

17 A. They kept calling people out to go see the
18 judge and they called me and I went to this other
19 room and it was like a screen and I spoke to the
20 judge through the screen and he gave me I released
21 on my own re cock sense after that I that's when I
22 made the phone call.

23 Q. Okay. Did you call home?

24 A. Yes.

0032

1 Q. Were you released after that did the police
2 release you?

3 A. Probably in hours I left there yes.

4 Q. Were you charged with a crime?

5 A. Yes.

6 Q. What did the please what crime were you
7 charged with do you know?

8 A. It was something aggravated assault of the
9 third he put it with a three. I don't know what is
10 that.

11 Q. Did you eventually have a trial? Did you
12 go on trial?

13 A. I didn't -- I went to court and my kids
14 father he appointed me a lawyer.

15 Q. I don't want you to tell us anything that
16 you and your lawyer said to each other. Okay?

17 A. All right.

18 Q. Don't say anything you and your lawyer had
19 to say to each other?

20 A. Okay.

21 Q. Did you end up having a trial in front of
22 the judge?

23 A. No.

24 Q. Did you plead guilty to any crime?

0033

1 A. The lawyer told me is there was a program
2 ADR or something that I should take it because.

3 Q. I don't want to ask you about what the
4 lawyer told you. Okay? You were told there was a
5 program called ARD. Did you recognize this?

6 A. Yes. Yes.

7 Q. Did you do that?

8 A. Yes.

9 Q. ARD?

10 A. Yes.

11 Q. Okay. Did you lodge a complaint with the
12 Police Advisory Commission about this incident?

13 A. I don't understand.

14 Q. The Police Advisory Commission came out to
15 a community meeting. Did you attend that community
16 meeting?

17 A. Yes.

18 Q. Is there anything else about this incident
19 that I haven't asked you that you think is important
20 to tell the Commission? Is there anything that I
21 have forgotten to ask you or not asked you that you
22 think is important as far as the details of what
23 happened?

24 A. No, that's it.

0034

1 MR. HAYES: Okay. I don't have
2 any further questions. The commission
3 members may have additional questions for
4 you. Thank you.

5 MR. NIX: Commissioner Rosario,
6 do you have questions of this witness?

7 - - -

8 EXAMINATION

9 - - -

10 BY MR. ROSARIO:

11 Q. When you were down on the ground, were you
12 handcuffed?

13 A. Yes.

14 Q. And you were on the ground handcuffed?

15 A. Yes.

16 Q. That's when they stepped on your daughter's
17 face, while you had your hands cuffed?

18 A. Yes.

19 Q. Then they wanted you to get up with your
20 handcuffs on?

21 A. Yes.

22 Q. Am I right?

23 A. Yes.

24 Q. And they never read the Miranda warnings to

0035

1 you, your rights?

2 A. No.

3 MR. ROSARIO: No further
4 questions.

5 MR. NIX: Commissioner
6 Stapleton, do you have questions for this
7 witness?

8 - - -

9 EXAMINATION

10 - - -

11 BY MR. STAPLETON:

12 Q. If you could, take me back for a minute to
13 the scene when you were arrived that evening. You
14 got a call from your daughter. You understood that
15 there had been a fight?

16 A. Yes.

17 Q. And you immediately headed over to Diane's,
18 a dance house. Were there other parents there also
19 to pick up their children?

20 A. No.

21 Q. No other parents?

22 A. Not that I seen, no.

23 Q. How many children were outside in the
24 street at that point?

0036

1 A. Well, there was like 15, but most of them
2 had their -- surrounded them in the gate because
3 there's like a gate. He had them in there.

4 Q. Were there children out to the street on
5 the curve that you described?

6 A. No there weren't in the curve. They were
7 inside.

8 Q. You estimate there were about 15 children
9 and then how many police officers were there?

10 A. Like a dozen.

11 Q. You described as you were walking back to
12 your car seeing an a fight between a police officer
13 and some one?

14 A. Between several police officers.

15 Q. And one individual, two individuals? How
16 would you describe it? I'm trying to get an
17 understanding what was going on?

18 A. He was on the ground and they were

19 hitting --

20 Q. Who is the he?

21 A. David. -- and he they were hitting him
22 with the nightstick.

23 Q. Your daughter asked you to intervene?

24 A. Yes.

0037

1 Q. And you then decided to go over and get
2 involved and at that point was a confrontation
3 between the police officers and someone who was on
4 the ground?

5 A. Yes.

6 Q. Did the officers tell you at that point to
7 step back, to stay away from it, let them control
8 it?

9 A. A Puerto Rican officer, yes, the lady.

10 Q. Your response at that point was?

11 A. Turn around and go.

12 Q. So when you were struck by the officer with
13 the back of the nightstick, this happened while you
14 were walking away from this incident?

15 A. He was already across on the street on the
16 pavement, yes.

17 Q. At this point there are no other parents
18 around you are the only parent with your daughter
19 walking away and you're struck by police officers?

20 A. Yes.

21 Q. As you are leaving?

22 A. Yes.

23 Q. Was there anything that you said that
24 would -- that you think would have provoked the

0038

1 officer?

2 A. No.

3 Q. I'm trying to understand why the officer
4 would strike you if you're walking away from the
5 incident you are not involved it you are across the
6 street at this point?

7 A. That's what I'm trying to understand, too,
8 until this day I really don't know why.

9 Q. No other parents around. No other adults
10 around other than the police officers. They were
11 inside the gates, the people helping Hector?

12 A. They were inside, but out -- not that I've
13 seen, no. In matter of seconds it got so crowded
14 that, I mean, while I was on the floor. I don't
15 know, like more cops came in, more, because when
16 they were pushing me to the paddy wagon all the
17 street it was filled.

18 Q. As you make your way from the dance hall at
19 this point away from that confrontation between the
20 police officers and the one person on the ground, is
21 your daughter recognized?

22 A. Yes.

23 Q. Then there's another flare-up with an
24 officer with you for no reason?

0039

1 A. For no reason.

2 - - -

3 EXAMINATION

4 - - -

5 BY MR. NIX:

6 Q. Ms. Pinero, the first clarification, you
7 mentioned a moment ago Hector. Can you explain who
8 is Hector and what he was doing? Who is Hector,
9 first of all?

10 A. He's the head of Grupo Fuego.

11 Q. Hector Cerano?

12 A. Yes.

13 Q. Did you see what Hector was doing at any
14 point while your involved in this incident?

15 A. He was looking out the gates. And I waved
16 at him. I was -- because I had Aisha. I was like,
17 Hector, I'm leaving, I have Aisha. He waved back
18 and I'm walking to my car.

19 Q. Do you know if he saw what had happened to
20 you after that?

21 A. I don't know.

22 Q. You mentioned an undercover officer at a
23 nightstick is that the one that you said was pushing
24 pushed you into the taller officer?

0040

1 A. Yes.

2 Q. When you say undercover he was not wearing
3 a uniform?

4 A. No he wasn't wearing a uniform.

5 Q. But he had the nightstick?

6 A. Yes.

7 Q. You know he was a police officer. Any
8 other way besides the nightstick that you knew he
9 was a police officer?

10 A. Yes.

11 Q. Was there any other things besides the
12 nightstick? Did he say, I'm an officer, flash a
13 beige? Did he say anything?

14 A. No.

15 Q. And I think counsel was asking before,
16 ultimately this has come before us to this panel,
17 the Police Advisory Commission, because you filed a
18 complaint with us, with the Police Advisory
19 Commission, or do you know?

20 A. I really don't know. I know I went to a
21 meeting.

22 Q. At the Lighthouse?

23 A. Yes.

24 Q. A few days after the incident?

0041

1 A. Yes.

2 Q. A lot of communities were there and some of
3 us were there as well?

4 A. Yes.

5 Q. After that you answered questions
6 individually with somebody or they filled out a form
7 or something?

8 A. Yes. I was talking to a microphone. They
9 were taking my statement, yes.

10 Q. Have you filed any other types of
11 complaints against the City, the police for anything
12 that you are aware of?

13 A. No.

14 Q. My only other question, having read your
15 statement and you mentioned that you were verbally
16 abused in some way both while you were either on the
17 ground or around that time. I want to make sure.

18 From your statement it seems that they used
19 a derogatory term for Puerto Rican and they said
20 spic. Do you recall that was said? Was that used
21 against you? Was that the word that you heard used
22 against you by police officers?

23 A. Yes.

24 Q. Do you have any recollection who or can you

0042

1 describe any of the officers that may have used that
2 term towards you or your daughters?

3 A. No, because I was on the ground.

4 Q. But you clearly heard it directed towards
5 you?

6 A. Yeah, to me and my daughter.

7 MR. NIX: Commissioners or
8 Counsel, do you have anything further for
9 this witness? Okay. Ms. Pinero, thank
10 you again for your time. Thank you for
11 taking the time to come and testify.
12 You're free to stay while we call the next
13 witness. Thank you.

14 MR. HAYES: At this time, the
15 Commission would call Suzette Martinez

16 - - -

17 EXAMINATION

18 - - -

19 BY MR. HAYES:

20 Q. Ms. Martinez, my name is Michael Hayes. As
21 Mr. Nix mentioned earlier, I serve as counsel to the
22 Commission. One of my jobs is to ask questions of
23 witnesses and officers who were involved in
24 incidents.

0043

1 In keeping with my job, I'm going to be
2 doing that with you in just a few moments. Before I
3 do, I have a couple of explanatory comments for you.

4 First, seated to my right is Sandy, who is
5 a court reporter. She is writing down in shorthand
6 everything that we say. Because she is writing down
7 what we say, I'd ask that when you respond to
8 questions you do so verbally and don't nod your head
9 because Sandy won't hear it and she won't write it
10 down.

11 The second request I have for you is that
12 when you respond to questions keep your voice up so
13 that Sandy can hear it and write it down. I'll try
14 to speak slower when I'm asking questions so that
15 she catches everything that we are saying. If it

16 goes too fast, then she won't be able to record it
17 all.

18 As I ask you questions, if you don't
19 understand any question, if my question is unclear,
20 just tell me so. I'll rephrase the question and try
21 to make it a clearer question.

22 Before I start asking you questions about
23 what happened on November 11, 2005, I want you to
24 know that witnesses who appear before the Commission
0044

1 have the right, if they want to, to make an opening
2 statement of a few minutes.

3 Do you want to make an opening statement to
4 the Commission about what happened?

5 A. On my behalf of like what I saw?

6 Q. On your own behalf. You have a right to
7 make an opening statement if you want. Otherwise,
8 we will go right into the questions?

9 A. No, we could go right into the questions.

10 Q. Okay. I want to go back in time to
11 November 11, 2005. How old were you then?

12 A. 19.

13 Q. At that time were you familiar with a dance
14 group called Grupo Fuego?

15 A. Yes, I was.

16 Q. How do you know about them?

17 A. My sister was in one of his groups.

18 Q. When you say his groups, are you talking
19 about Mr. Cerano?

20 A. Yes.

21 Q. You said that he had several groups. Were
22 the groups based on ages of kids?

23 A. Yes, ages.

24 Q. In November of 2005, how old was your
0045

1 sister?

2 A. 15? 14.

3 Q. Was she in one of the younger groups of
4 Grupo Fuego?

5 A. Yes.

6 Q. Were you ever apart of Grupo Fuego?

7 A. No.

8 Q. On the evening of November 11, 2005, what

9 were you doing?

10 A. I was in my house with my mother. We were
11 watching TV.

12 Q. At some point, did you receive a phone call
13 or did you or your mother ever accept a phone call
14 from your sister?

15 A. Yes, we did.

16 Q. Who answered the call?

17 A. I think she called my house.

18 Q. Did you pick up the phone or did your mom
19 pick up the phone?

20 A. I don't remember.

21 Q. Okay. What did Aisha have to say? Why did
22 she call?

23 A. She said she was inside the building
24 waiting for us to go pick her up because there was a
0046

1 big fight outside.

2 Q. Do you remember what time that call came
3 in?

4 A. No, I don't remember.

5 Q. When you say that your sister said she was
6 inside the building, what building are you talking
7 about?

8 A. On I and Luzerne.

9 Q. I and Luzerne Streets?

10 A. Yes.

11 Q. Is that where Grupo Fuego was meeting that
12 night?

13 A. Yes.

14 Q. What did you do after your sister called
15 and you had told you what happened?

16 A. I called my brother and my mom and I
17 started making our way to where she was at.

18 Q. Was your brother named Benny?

19 A. Yes, he is.

20 Q. Why did you call Benny?

21 A. To see if he will get there before I did.

22 Q. Does he live closer to I and Luzerne
23 Streets?

24 A. He was at his girlfriend's house.
0047

1 Q. Where does she live or did she live then?

2 A. American and Allegheny.

3 Q. Is that closer to Luzerne?

4 A. Yes.

5 Q. Were you home with your mother at this
6 point?

7 A. Excuse me?

8 Q. Were you and your mother home together at
9 this point?

10 A. Yes, we were watching TV.

11 Q. Did the two of you hop in the car to go
12 pick up Aisha?

13 A. Yes.

14 Q. How long did it take you to get there?

15 A. About ten minutes.

16 Q. What happened when you arrived there? What
17 did you see when you arrived there?

18 A. When I got there, I seen like this big
19 chaos. I seen like all these cops there and there
20 was like a bunch of -- like a crowd across the
21 street from the dance hall. And they were beat on
22 this one particular boy. I'm not sure what's his
23 name.

24 Q. About how many officers did you see there,
0048

1 if you were to guess? How many officers were there
2 when you arrived? How many officers?

3 A. About four or five of them.

4 Q. How many police cars did you see?

5 A. Can't even give count to be honest. There
6 were a lot.

7 Q. Were there a lot of kids in the street?

8 A. There were kids there, but they were coming
9 out of the hall.

10 Q. Okay. You said that there was a ruckus or
11 something going on across the street?

12 A. Right.

13 Q. What was that? What was going on across
14 the street?

15 A. They were hitting this one boy.

16 Q. When you say they were hitting --

17 A. The police were hitting this one particular
18 boy.

19 Q. Were there any other kids around there?

20 A. There were kids, but I mean he was the only
21 one that they had against the fence.

22 Q. How many other kids were around there, if
23 you were to guess? How many other kids were on that
24 side of the street?

0049

1 A. None because they were like around --
2 because like they were probably away from where they
3 were at on the same side and some across the street.

4 Q. How many kids were out there on the street,
5 if you were to guess? How many kids were out there?

6 A. Like 100.

7 Q. 100 kids.

8 MR. HAYES: Mr. Anderson, can you
9 pull up the picture of the building?

10 BY MR. HAYES:

11 Q. I know it was nighttime that you went out
12 there. Do you recognize what Kelvin's put up there
13 on the video screen?

14 A. Yes.

15 Q. Is that the dance hall where Grupo Fuego
16 was that night?

17 A. Yes.

18 Q. Do you see there's a fence out front of the
19 building there? It is kind of like an enclosure,
20 that fence?

21 A. Um-hum.

22 Q. How many kids were behind that fence? Was
23 there a lot of kids behind that fence?

24 A. I can't even say. There was so many cops

0050

1 out. They probably were coming out of there.

2 Q. When you arrived, there were about --

3 A. It was like a group of people there.

4 Q. Okay. All on the street there somewhere
5 about 100 kids?

6 A. Probably more because I mean the dance hall
7 probably holds more than 100 kids, but I mean there
8 was a lot of people out there.

9 Q. You mentioned that there were officers in
10 an altercation with this one kid across the street.
11 Were there any other altercations going on? Was
12 there any other fights or ruckus going on in the

13 street there?

14 A. After we seen that, we told my sister to
15 keep on walking and we were walking. And like there
16 was like so many police officers, so like we thought
17 that everything would be okay after we seen that,
18 but I mean, they were like, you know, pushing people
19 and whatever. So I told my mom, let's just leave,
20 we don't need to be in this, we only came to pick up
21 our sister.

22 We was walking. This one cop behind us
23 pushed us like with his nightstick, pushed me and
24 mom. Immediately we turned to him and asked him

0051

1 what was going on, that we were walking. He was
2 like, shut up, keep on walking, shut up. When he
3 pushed us the first time we hit this one big, husky
4 cop. He was like -- he turned around, if you bump
5 me one more time I'm going to lock you guys up so
6 the --

7 Q. I want to stop you there for a second. I
8 want to back up a little bit before we go on from
9 there. You mentioned that there were several police
10 officers with a boy across the street?

11 A. Right.

12 Q. Did your sister Aisha know that boy? Did
13 she know who he was?

14 A. Probably, yeah.

15 Q. Did Aisha ask your mom to intervene?

16 A. Yes.

17 Q. What happened then?

18 A. My mom went across the street and she went
19 to ask what was going on because she felt bad the
20 way they were actually hitting him and she is a
21 mother herself.

22 And my sister was crying to her to see if
23 she could stop what was going on, see if he did
24 something wrong or was it because, you know, they

0052

1 wanted to just to that. When she went across the
2 street, she had asked what happened. They just told
3 her to mind her business and keep on walking.

4 Q. What happened then?

5 A. After that, I was walking and then we -- me

6 and my mom met together, but I don't know like
7 between that what happened.

8 Q. You said that you and your mom were
9 walking. Where were you talking to?

10 A. The car.

11 Q. Did your mom use any obscenity toward the
12 officers over there? Was there any cussing going
13 back and forth?

14 A. There was this one short Puerto Rican lady.
15 She like told her, you know, to mind her business
16 and keep on walking, that was none of his business.

17 Q. At that point, you and your mom start
18 walking back towards the car. How about Aisha, was
19 she walking with you?

20 A. She was walking like ahead of us. I think
21 she saw my brother.

22 Q. Okay. You mentioned that you started
23 walking back towards the car and an officer pushed
24 you with a nightstick?

0053

1 A. Right.

2 Q. Can you describe that officer?

3 A. He had a gray hoodie, if I'm not mistaken.
4 He had blue jeans. He was a black officer -- or I
5 mean he was black and I figured he was an officer
6 because he had a nightstick.

7 Q. He wasn't wearing a uniform?

8 A. No, he wasn't.

9 MR. HAYES: Kelvin, can you pull
10 open the inset? Is this the one we marked
11 up before?

12 MR. ANDERSON: Yes.

13 MR. HAYES: I'm sorry. I
14 apologize. Okay.

15 BY MR. HAYES:

16 Q. I have a request for you, Ms. Martinez.
17 Could you come up with me to the video screen here.
18 I just want to have you point out approximately
19 where it was that this officer pushed you with the
20 nightstick.

21 Okay. Now this is Luzerne Street. Where
22 were you when the officer pushed you with the
23 nightstick? You are pointing to about where you

24 were?

0054

1 A. Right here.

2 Q. You were on the sidewalk there?

3 A. Yes.

4 Q. Where was the car parked?

5 A. After -- probably more parked in the west
6 on Luzerne Street, this way on Luzerne Street. Yes.

7 MR. HAYES: Kelvin, can you mark
8 that spot where --

9 BY MR. HAYES:

10 Q. He's going to put a dot up to mark the
11 spot. If you think he's off, tell him and he'll
12 move it?

13 A. Yes.

14 Q. Okay. I have another request for you. You
15 mentioned that there was a boy -- or officer
16 involved with a boy across the street. Could you
17 show us about where that was across the street?

18 A. Right here.

19 Q. Now, was that on the sidewalk or on the
20 street?

21 A. It was on the sidewalk.

22 MR. HAYES: Kelvin, can you mark
23 that spot?

24 BY MR. HAYES:

0055

1 Q. Is that about right?

2 A. Over here. Right there.

3 Q. Okay. Thank you very much. You can sit
4 back down. Thank you. I'm sorry to back you up
5 that way.

6 You mentioned that you and your mom got
7 pushed into another officer. You describe him as a
8 husky officer. Any other description for that
9 officer? Any other physical description for him?
10 Was he white, black?

11 A. He was white.

12 Q. White officer. Did you see the color of
13 his hair?

14 A. No, I don't remember.

15 Q. Okay. Were you pushed into his back?

16 A. Yes.

17 Q. What happened next? What happened after
18 you got pushed into that officer's back?

19 A. He turned around and told us if we -- like
20 he thought we was playing around behind him. So if
21 we got pushed into him one other time he was going
22 to arrest us.

23 Q. Did you respond to the officer? Did you
24 say anything?

0056

1 A. We told him there was someone behind us
2 pushed us with the nightstick. He wouldn't listen
3 to us.

4 Q. What happened then?

5 A. Now we kept on walking and then he pushed
6 us again like this time he pushed was like with this
7 force. I really literally hit him hard. When I
8 turned around, he just grabbed me, just like threw
9 me against the floor.

10 Q. You say that you got pushed into the
11 officer again?

12 A. Yes.

13 Q. Was it the officer with the nightstick who
14 pushed you into him?

15 A. Yes.

16 Q. Then you said you got sent down to the
17 ground?

18 A. Yes. Well, when he pushed me the cop --
19 like I turned around to tell the cop like why did he
20 do that again. I told him we was just walking, we
21 couldn't run in front of cops. They would have
22 thought what we were running for. We just was
23 walking right behind him. When he pushed us for the
24 second time, I went to turn around to say something

0057

1 like, you know, why did you push us again. Then the
2 cop turned around and just grabbed me and body
3 slammed me on the floor.

4 Q. You said the cop body slammed --

5 A. Well, the cop that we ran into.

6 Q. That's what I was asking.

7 A. Right.

8 Q. How about your mom, where was she when this
9 happened?

10 A. She was right next to me. She was trying
11 to explain to the cop that was trying to throw me on
12 the floor that it wasn't my fault.

13 Q. Okay. What happened then? You got taken
14 down to the ground; is that right?

15 A. Yes. It was -- actually he grabbed me and
16 my mom and he pushed us. When he pushed us, me and
17 my mom, like the cop turned around and threw us both
18 on the floor. And after that like there was
19 probably like five or six cops on top of us trying
20 to --

21 Q. Were you on your stomach?

22 A. Yes, I was.

23 Q. Were you handcuffed? Did they handcuff
24 you?

0058

1 A. Well, they before putting the -- they were
2 trying to put the cuffs on me, but at the time they
3 had my arms all the way like going towards up. I
4 was trying to tell them that what is was going on.
5 He had my leg up on my back like, you know, pushing
6 me down. I couldn't believe it. I was trying to
7 explain to him that I didn't do anything.

8 I was trying to tell my mom what was going
9 on. She was trying to explain to him and he just --
10 I couldn't see what cop was it because he grabbed
11 me, put his foot on my face and kept on pushing my
12 face to the ground.

13 I was telling him what I am way doing so
14 wrong, I didn't doing anything. My mom trying to
15 explain to him. He's just telling us, shut the F
16 up, I don't want to hear what you got to say, you
17 are going down to the district.

18 We were asking him like before -- after I
19 was arrested, I was telling him could he pull my
20 pants up and the -- you could have seen my rear-end.
21 He was like, you walk like that, we are going to
22 treat you the same way you treat yourself.

23 I was asking him, I didn't even doing
24 nothing. After they were pushing us, he pushed us I

0059

1 seen it's -- I think his name was Frazier. He
2 grabbed me from the back and was pushing me. And

3 then he pushed me into to -- he had a white shirt
4 on -- I think he was like the lieutenant.

5 And I was telling him what was going on.
6 He was like, I don't want to hear it, there's
7 nothing you can say that's going to get you out of
8 this. I was trying to get on the step to get in the
9 paddy wagon. He was pushing me. I told him I
10 couldn't reach the step.

11 He had kept on like manhandling me and
12 putting up the cuffs on my back. I was telling him,
13 you hurting me. He was like, I don't give a fuck, I
14 don't care, I don't care. That was it.

15 Q. I'm going to back up a little bit again.
16 You were on the ground and one of the officers
17 handcuffed you at that point? And you mentioned
18 that an officer put his foot on your face?

19 A. Right.

20 Q. You were lying down on your stomach. Was
21 your head turned to the side?

22 A. Yes, I was lying this way. I was speaking
23 to my mom. She was on the other side of me.

24 Q. I want to make sure the record's clear.

0060

1 You said you turned your head to the right; is that
2 right?

3 A. Yes.

4 Q. You see your mom and talk to your mom?

5 A. Yes.

6 Q. Was it a male officer, do you know?

7 A. Yes.

8 Q. He put his foot on the side of your face?

9 A. Yes, it was on my face like he was actually
10 laying down and his foot was on my face he was
11 putting his foot like that I was asking, what's
12 going on. I was telling my mom -- my mom was like,
13 can you get your foot off her face.

14 Q. When the officer did this were you
15 handcuffed at that point in time?

16 A. They were handcuffing us.

17 Q. They were in the process of handcuffing you
18 at the time?

19 A. Yes.

20 Q. Were you resisting the officers?

21 A. No. I was telling him if he could let go
22 of my feet. He had it bent all the way back up. I
23 couldn't even lay right. I was telling him if he
24 could let my leg go a little bit and he could have
0061

1 put the cuffs on me because I wasn't resisting. I
2 wasn't fighting back. I was asking what was going
3 on, what did I do wrong.

4 Q. Where were your arms when this was
5 happening?

6 A. Behind my back.

7 Q. Was there one officer on top of you,
8 multiple officers on top of you, do you know?

9 A. Well, there's the one on my face. Then
10 there was the one holding my legs and my arms
11 together. And I don't remember who else. I mean, I
12 seen another one next to my mom standing up.

13 Q. Okay. You said once the officers -- did
14 the officer take his foot off your face once you got
15 handcuffed or how long did he have his foot on your
16 face?

17 A. After I asked him what happened and my mom
18 was telling him to get off like after he like -- you
19 know, like if you stepping on someone? Like that's
20 how he was. After he did that, he let me go and the
21 officer already had cuffed me.

22 Q. How long would you say he had his foot on
23 you?

24 A. Probably not even a minute. Probably
0062

1 like -- probably a minute.

2 Q. Okay. Once you got handcuffed, did the
3 officers pick you up? How did you get up?

4 A. He was telling me to get up on my own even
5 while he had my foot up. He was telling me to get
6 up, like he kept on going like that for me to get
7 up. I was like, I couldn't, I can't, your foot is
8 up against my back.

9 He kept on going like doing to me. I was
10 like you are hurting my arms, they're already
11 cuffed, I can't go nowhere. After a while my mom
12 told him that, you know, why are you doing this to
13 me.

14 He let go of my leg and there was this
15 other officer standing right there, which was -- if
16 I'm not mistaken, that was probably the one who had
17 his foot in my face. He just told him -- like he
18 grabbed me up like by my cuffs and was lifting me
19 up. I told him that my pants were falling, if he
20 could help me, but he didn't want to listen to me.

21 Q. Can you describe that officer that you
22 spoke to?

23 A. Which, the one that cuffed me?

24 Q. The one that you asked to help you with

0063

1 your pants.

2 A. That was the one cuffing me.

3 Q. Did you see him?

4 A. Yes, that was -- he was the one with green
5 hoodie.

6 Q. With the gray hoody?

7 A. The black officer. I think his name was
8 Officer Frazier.

9 Q. Is that the same officer that had his foot
10 on your face or was that a different officer?

11 A. No. There was another one on the side, but
12 I don't remember exactly who he was.

13 Q. You talked to the Commission about the fact
14 that once you got up they took you over to paddy
15 wagon; is that right?

16 A. Yes.

17 Q. Officer pushed you into the paddy wagon?

18 A. Like he was telling me to get in, but I
19 couldn't because I couldn't even step up because my
20 pants was long, that the way he had me on the floor
21 my bra was up. I had my breast hanging. My shirt
22 was still up and I was trying my best to get up, but
23 I couldn't.

24 He kept on like forcing me, like pushing me

0064

1 to get up. After that, I guess he seen that I
2 wasn't going nowhere, like he pushed me up to the
3 step. Then he threw me in there. When I fell
4 there, I think there was someone in there.

5 Q. At any point when this is going on did you
6 curse at any of these officers?

7 A. I just kept on asking him, what did I do.

8 Q. Did you spit at any officers?

9 A. No.

10 Q. At any time?

11 A. No.

12 Q. Once you get into the wagon you mentioned
13 there was someone else in there?

14 A. Yes.

15 Q. Who was in there? Do you know who it was?

16 A. I know him -- well, I know his name is, I
17 think, Alfredo. He was sitting in there. He was
18 arrested. I'm not sure for what.

19 Q. A teenage boy?

20 A. Yes.

21 Q. Was he part of Grupo Fuego, do you know?

22 A. Yes.

23 Q. Was your mom put in the paddy wagon with
24 you?

0065

1 A. After I got in she was put in.

2 Q. What happened next?

3 A. When they put me in, I tried to make my way
4 up. And the boy, I guess looked the way I was
5 laying on the floor, got me back up. I pushed
6 myself up and he helped me sit back down.

7 Once I sat down my mom was coming in and I
8 asked her what was she arrested for. She told me
9 the same thing, she doesn't know. I was trying to
10 help her get on the seat, too, because they have --
11 she only had one sandal on. I was trying to see if
12 they could find her sandal. She was walking
13 barefoot, one on and -- one sandal.

14 They don't want to listen. After that they
15 opened the paddy wagon doors. I was telling the
16 lady, the short lady was Puerto Rican, if she could
17 find my mom's sandal and she just closed the door.
18 And then she opened it back up and they were putting
19 my brother in.

20 Q. Benny?

21 A. Benny, yes.

22 Q. Okay. You mentioned that they put your
23 brother Ben in the wagon. Was he handcuffed?

24 A. He was handcuffed and he was bleeding out

0066

1 his head.

2 Q. Okay. What happened next?

3 A. When they were was putting him in the lady
4 was telling him she didn't want him in there because
5 he was injured she was saying that she didn't want
6 no one in her vehicle with that was bleeding.

7 So then my mom was trying to explain to
8 them like why did they hit him. She just closed the
9 door. My brother couldn't breathe. We was like
10 banging on the paddy wagon trying to tell them that
11 he was about to faint in there, as much blood that
12 was coming down. He was drenched in blood.

13 When they opened them, we was asking if --
14 he could breathe and if he could have drank some
15 water. When my mom was telling her and that he
16 can't breathe in here, they pulled him out and he
17 was telling him that he couldn't breathe and he was
18 really thirsty.

19 She was like, well, I got water in the
20 front of the -- in the front and I have -- I drunk
21 out of it. He said, I don't care, I just want
22 something to drink because my mouth is drying, I
23 can't even speak.

24 She then took him and called for another

0067

1 paddy wagon to take him and that -- she had asked if
2 they could take him. I don't know after that. They
3 closed the door. I don't know what else happened
4 after that.

5 Q. Were you and your mom eventually taken to a
6 police station?

7 A. Yes, we were.

8 Q. Do you know what district that was?

9 A. It was the one on B. I think that's where,
10 B and Luzerne.

11 Q. At that point did you know why you had been
12 arrested? Did you have any idea?

13 A. No.

14 Q. Did you have any idea why you had been
15 arrested?

16 A. No.

17 Q. Do you know what the Miranda warnings are?

18 A. Excuse me?

19 Q. Do you know what the Miranda warnings are?

20 A. No.

21 Q. Did you ever see one of the TV police shows

22 where they say to the suspect, you have the right to

23 remain silent, you have the right to an attorney?

24 Did you ever hear the police say that on TV?

0068

1 A. Yes.

2 Q. Did any police officer say that to you

3 during this incident?

4 A. No, they didn't.

5 Q. What happened when you arrived at the

6 police station?

7 A. I was taken out of the paddy wagon -- well,

8 we stood in there for like about five minutes in the

9 back while they got out and left us in there.

10 Q. When you were there, were you able to fix

11 your pants? Were you able to fix your shirt?

12 A. No. When I got out, we was taken to this

13 room and there was like two officers sitting down at

14 a desk. And then we -- and my mom and the young man

15 that was with us was in that room. They started

16 asking questions.

17 Then I just asked them, before you ask me

18 anything about me can I ask why I was arrested. The

19 lady was like, I don't know why you were arrested.

20 Then Officer Frazier walked in and told him -- for

21 me to give them my name, my social security, where I

22 lived at and to take off my tongue piercing and that

23 I had to take off my shoelaces. And I think I had a

24 hoodie on and I had to take off my string off my

0069

1 hoodie.

2 Q. Did they take your handcuffs off at that

3 point?

4 A. No, they had cuffed us to this chair.

5 Q. You had a handcuff on a chair with one

6 hand?

7 A. Yes. At that time I pulled up my pants. I

8 fixed my bra that was out of place. Then I started

9 asking them why did I have to take off my stuff and

10 why was I being arrested.

11 Then I know they separated me and my mom.
12 They give me this little pouch that I had to put my
13 jewelry in and then we bring -- put my jewelry in.
14 He just said to leave -- like he just escorted me to
15 the back of the district and he let me walk out from
16 the back.

17 I told him, can I use a phone because I
18 don't have like no way to get in touch with anybody.
19 He said I couldn't use no phone, that I had to leave
20 out the back. At that point I left and I walked out
21 the back way. And I walked to the front and at that
22 time I seen my boyfriend.

23 Q. Okay. While you were in there at the
24 station, did any officer ask you or your mom who
0070

1 spit at me? Do you remember an officer asking you
2 that question?

3 A. There was an officer that asked that
4 question if we spit at him but --

5 Q. Can you describe that officer?

6 A. He was a white officer. He was light
7 skinned. I know he had short hair. I think he was
8 pushed back in the teeth, if I'm not mistaken.

9 Q. Did you respond?

10 A. I told him we didn't spit in his face. I
11 told him I didn't. He asked my name. He asked the
12 young man. The young man told him, we didn't spit
13 in your face. That's how we left it.

14 Q. Did you at any point tell the officers that
15 you spit at the officer? Did you ever say, yes, I
16 spit at you?

17 A. When he was taking my mom we were standing
18 together and he said, well, one of you guys are
19 going down for spitting in my face. I kept on
20 telling him, we didn't spit in your face. My mom
21 said, I didn't spit in your face.

22 One of you two got to go down for spitting
23 in my face and one of on you are going to take the
24 blame for it. My mom was like, for my daughter not
0071

1 to take the blame I will. I was like, no, mom. I
2 didn't want my mom to be arrested or taken down to
3 anywhere.

4 We was being abused the way they was
5 treating us and manhandling us and throwing us all
6 over as if we was like garbage or an animal. No. I
7 said, all right then, you know, I'll take the blame
8 for it, which I didn't do. He was like -- Officer
9 Frazier -- no, I'm just going to let her go, you can
10 take her. And he took my mom.

11 Q. He took your mom after you said --

12 A. After Officer Frazier told me that I could
13 leave, they was taking my mom to the back. And
14 then, you know, they told me that I could have left.

15 Q. You said after you went out the back door
16 of the station you went around front?

17 A. Yeah.

18 Q. Your boyfriend was there?

19 A. Yes.

20 Q. Do you have any idea how he knew you were
21 there?

22 A. Because my sister had called one of my
23 friends and my friend had called him. So he would
24 have probably thought I was there, so he was waiting

0072

1 outside until I got there.

2 Q. Okay. Did you receive any -- were you
3 injured at all during this incident? Did you
4 receive any injuries?

5 A. I had -- I mean, the way he -- when he had
6 his foot on my face, I had like probably a couple
7 scratches right here. I mean, I had -- I was sore
8 for a couple days after that.

9 Q. Were you ever told why you were arrested?

10 A. No.

11 Q. Did you seek medical attention?

12 A. No, I didn't.

13 Q. After this incident the Police Advisory
14 Commission participated in a community meeting at
15 the Lighthouse. Did you attend that community
16 meeting?

17 A. Yes, I did.

18 MR. HAYES: Okay. I have no
19 further questions for you. The Commission
20 members may have some additional questions
21 for you.

22 MR. NIX: Commissioner Rosario,
23 do you have questions for this witness?

24 - - -

0073

1 EXAMINATION

2 - - -

3 BY MR. ROSARIO:

4 Q. Ms. Martinez, the black person in civilian
5 clothes with the nightstick, did he identify himself
6 as being a police officer? Did he show you a badge?
7 Did he show you --

8 A. No, he didn't.

9 MR. ROSARIO: Thank you.

10 MR. NIX: Commissioner Stapleton,
11 do you have any questions for
12 Ms. Martinez?

13 BY MR. STAPLETON:

14 Q. I want to go back to this scene and try to
15 understand, as I asked your mother, what was
16 happening. When you arrived you described -- the
17 word you used was chaos as you got to the Fuego
18 dance hall?

19 A. Yes.

20 Q. There's police officers on one side of the
21 street dealing with someone who was down on the
22 street and being struck by the police officers at
23 that point?

24 A. Right.

0074

1 Q. There are children coming out of the dance
2 hall on the other side of the street?

3 A. Yes.

4 Q. You described approximately 100 people --

5 A. Yes.

6 Q. -- in that area. The police officers are
7 trying to move people away from the away from the
8 fight?

9 A. Right.

10 Q. You go there to get your sisters a 14
11 year-old. You find her and instead of leaving to go
12 to your car you first go over to where the police
13 officers are involved in this fight?

14 A. My mother.

15 Q. You your mother went over. She is then
16 told to leave that area that the police officers are
17 involved in an incident and they don't want
18 civilians around they are asking you to leave that
19 area is that correct?

20 A. Well there was before she even got close to
21 their there was a Puerto Rican short lady telling of
22 one to move my mom wanted to ask her you know that
23 you know what was going on. When she told my mom to
24 mind her business you know it ain't your business

0075

1 keep on walking she then proceeded to where my
2 sister was walking because she was crying because
3 sheets as un set that her friends was getting you
4 know hit.

5 Q. Did it bother you that the police officer
6 said this is none of your business and may have he
7 or she words?

8 A. I told my mom you know let's just keep on
9 walking to the car.

10 Q. As soon as it's over he said it's none of
11 your business turn around and walked away?

12 A. Yes.

13 Q. No words exchanged nothing that would?

14 A. I was calling my sister actually because
15 she was like further you know walking up. I was
16 calling her to see if she saw my brother and I guess
17 she did and she kept ongoing there was like a lot of
18 people screening you heard all this you know
19 screaming and people yelling and that's how.

20 Q. Sure sounds like a scary seen with a lot of
21 things going on people around a lot of confusion?

22 A. Yes.

23 Q. At some point this officer started to push
24 you push your Honor mom with their night sticks

0076

1 pushing you away from the dance hall. Tap someone
2 turns around and says why are you doing that?

3 A. Yeah we turned I told my mom I was like he
4 just pushed us we both turned why are you pushing us
5 he said just keep on fucking walking keep on fucking
6 walking you shouldn't even be here we telling him we
7 was picking up my little sister after that we kept

8 on walking then he pushed us after he first time he
9 pushed us the cop white cop turned around toll us if
10 he would were run into him again he was going to run
11 us again. He pushed us again that's when I hit him
12 like really hard. Me and my mom turned around yes
13 he went to four him we was already on the ground.

14 Q. Why do you think this all blew up the way
15 it did what do you think cause nine police officers
16 to react the way they did?

17 A. I don't know I was only going to pickup my
18 sister.

19 Q. I'm trying to understand this is such a
20 mystery to me because I see in my mind's eye the
21 scene you described with a lot of chaos people
22 around noise officer trying to deal with an
23 incidents where somebody's getting beaten and
24 officer trying to keep the crowds away from that

0077

1 scene you are originally or your mom goes over they
2 tell her to get away it's none offer his business
3 starts to walk away somebody pushes you get away you
4 had stop and say why are you pushing me?

5 A. That's all I said.

6 Q. And do you think it's possible that the
7 officers reacted to your question because I think
8 several times you said you were asking why are you
9 doing this why are you doing this?

10 A. After I was on the ground.

11 Q. But let's I want to get to when your
12 grounds but before that could it have been the fact
13 that you were questioning the officers instructions
14 to get away that caused the evaluation ears to
15 reacts?

16 A. Why I asked him why he push me.

17 Q. Yes?

18 A. Why did he push me for if I was walking
19 it's not like if I was standing there looking at you
20 know what's going on I was listening to what he they
21 were telling me to walk and that's what I was doing
22 why would he push me if I was walking.

23 Q. If he thought he was trying to move people
24 away from the area could he have been thinking that

0078

1 you were disregarding list instructions?

2 A. Why if I am walking towards where he told
3 me to walk.

4 Q. That's what I'm trying understand?

5 A. He instructed us to keep on walking we
6 couldn't back to the dance hall we will to keep on
7 walking where we would were walking where our car
8 was parked that's what we were doing there was cops
9 in front of us we couldn't bypass that is because
10 there was paddy wagon already in the street.

11 Q. It keep pushing you. Ultimately you get
12 pushed into another officer thinking that you pushed
13 him?

14 A. Probably on purpose. Probably thought we
15 ran into him being -- you know, play around or rude
16 or to bother him or to aggravate him. In reality we
17 was just walking to the car because it was cops
18 behind us and, like she said, it was none of our
19 business. All my intentions was there to get her
20 safe, to get my sister out of there and to leave.

21 Q. The officer that you get pushed into his
22 back, he doesn't know. He's trying to control a
23 crowd?

24 A. He's probably -- I think he was controlling
0079

1 the people in front of me. There was a lot of kids
2 there. He was probably was telling them to keep on
3 walk.

4 Q. He gets pushed and he doesn't know what's
5 happening, so he turned around and reacts to being
6 pushed and pushes you to the ground?

7 A. Right.

8 Q. Now, at this point you are on the ground
9 and you're continuing to say, why are you doing this
10 to me?

11 A. Yes.

12 Q. And he's saying what to you?

13 A. He's just like -- they were cursing at us
14 like telling us to shut up, you know, you're already
15 here, you guys ran into me. I was just asking him,
16 what did I do, I don't understand, what am I getting
17 arrested for, I didn't do nothing.

18 I didn't you know put up a fight or

19 nothing. I just laid there like, you know -- and I
20 was already being like restrained so hard. My foot
21 was against my back. I couldn't move anywhere. My
22 pants was off of my rear-end.

23 Q. That's what I am trying to understand.
24 Don't misunderstand the nature of my questions.

0080

1 This doesn't makes sense to me that the police
2 officers would attack you guys for walking away.
3 I'm trying to just get a better understanding of
4 what was happening here.

5 You're on the ground now, as I understand
6 it, you are cooperating completely?

7 A. Yes. I didn't fight with them.

8 Q. So there would be no reason for --

9 A. For them to arrest, never.

10 Q. They may have had a reason to arrest you if
11 they thought that you were part of this crowd. I
12 thought we started with the idea that this officer
13 had his back to you and you fall into the officer,
14 turned around not knowing why you fell into him and
15 pushes you to the ground and then decides he is
16 going to subdue or arrest you.

17 You said you were not resisting or anything
18 at that point, but for some reason another officer
19 comes and puts his foot on your face?

20 A. Right, because I tried to tell him why I
21 was getting arrested.

22 Q. Okay. You are asking him why are you doing
23 this to me?

24 A. Yes.

0081

1 Q. Maybe that's what's prompting them to then
2 react, because you are not listening?

3 A. Because I'm laying on the ground telling
4 him, why are you arresting me, that don't give you
5 the right to put your foot on your face.

6 Q. I'm trying to understand what's happening
7 at that time.

8 A. Well, you are asking me why.

9 Q. I'm trying to figure out factually what
10 happened. I think I understand now that you are on
11 the ground. As I understand your testimony, you are

12 cooperating with the officers, but you are asking
13 this whole time, why are you doing this to me, which
14 is a natural reaction. I'm not --

15 A. Yeah.

16 Q. -- what's happening -- why are you doing
17 this to me?

18 A. Yes.

19 Q. And these officers are trying to deal with
20 a crowd and they're not answering your question and
21 at that point trying to subdue you, holding you
22 down?

23 A. Obviously they weren't answering my
24 question. Why they kept on telling me to shut up

0082

1 and that I was already been being arrested for
2 something that I don't even know what I was doing.

3 I mean, walking towards where you told me
4 his vehicle was to keep straight. That's exactly
5 what I was doing. Then to get pushed behind to
6 someone else and then to get arrested for what
7 that's, all I was asking like, why was I -- we're
8 being arrested.

9 Q. That's what we are trying to understand.
10 You get pushed into somebody. He turns around. He
11 doesn't know that you've been pushed into him. All
12 he knows is he's been hit by somebody from the
13 crowd?

14 A. Yes.

15 Q. He turned around and he pushes you to the
16 ground right away?

17 A. Yes. He grabs me and he throws me on the
18 floor.

19 Q. Forcefully?

20 A. Yes.

21 Q. Then another officer comes over and puts
22 his foot on your face?

23 A. Yes.

24 Q. At this point you are not resisting. All

0083

1 that you are doing is saying, why are you doing this
2 to me?

3 A. Yes.

4 Q. Not struggling, not trying to get away, not

5 raising your voice, not cursing?

6 A. Yes.

7 Q. Just asking?

8 A. Why.

9 Q. Why are you doing this to me?

10 A. Why.

11 Q. They keep this force. Now they view you as
12 doing something wrong. We can't quite understand
13 that. I guess --

14 A. I don't understand why either. I would
15 like to know why was I arrested and why wasn't I,
16 you know, like arrested by a female cop and was --
17 why was I being walked to a paddy wagon with my
18 rear-end sticking out and why would someone put
19 their foot in my face for no reason.

20 Q. That's what we are trying to understand.

21 A. All I want is why.

22 Q. We have an opportunity to ask the police
23 officers. We are trying to understand this, too.

24 It is for us difficult to understand how this could

0084

1 escalate so quickly into a situation where you are
2 there to pick up your sister and the next thing you
3 know you are in the back of a police wagon.

4 A. Right.

5 Q. That's what we are trying to get to the
6 bottom of. Don't misunderstand my questions here.
7 I'm trying to get a feeling for that night. You are
8 there going for a specific purpose, trying to leave
9 and then ending up at the end of a night in the back
10 of the paddy wagon. We have a lot of questions for
11 police officer about it.

12 From your perspective, what I understand
13 you saying tonight, you weren't resisting anybody,
14 you weren't raising your voice, you weren't using
15 any swear words, you weren't spitting at anyone?

16 A. No.

17 Q. And the only thing I think that I can see
18 that may have resulted in your ending up in the
19 police wagon is falling into an officer who didn't
20 know how you got to be pushed into that officer, had
21 his back to you.

22 You are pushed by another officer with his

23 nightstick or bat and you fall into him, which,
24 again, I could see all this happening. I see the
0085

1 officer turns around and instead of trying to
2 understand what was happening his immediate reaction
3 was to throw you forcefully on the ground. Another
4 officer comes over he put his foot on your face.

5 You're not resisting?

6 A. Right.

7 Q. You are asking. That's what we need to get
8 to the bottom of. Thank you that was very helpful.

9 A. You are welcome.

10 - - -

11 EXAMINATION

12 - - -

13 BY MR. NIX:

14 Q. Ms. Martinez, I just have a couple
15 questions in follow up on what Mr. Stapleton said.
16 It occurred that somehow the police got the
17 impression that they were spit on deliberately. It
18 seems to me they were thinking it was you or your
19 mother or the other boy, whether there was a grudge
20 or -- coming out of that. That's what it seems
21 like.

22 The gist of my question, I want to -- when
23 you were at the police station there was an officer
24 that you described white, was short-haired. He was

0086

1 asking who spit on me. Was that at the station?

2 A. Yeah, that was -- I mean, when he first
3 asked who spit on him?

4 Q. Yes.

5 A. That was when we were inside the paddy
6 wagon. He opened the door after and said who spit
7 on him. We was already sitting down waiting to be,
8 you know, approached by someone to ask what
9 happened.

10 Q. That was before you even left to go to the
11 station? You are still at the scene sitting in the
12 van?

13 A. Right.

14 Q. He opened the door and asked you?

15 A. Who spit on me. When he opened and --

16 actually he said, who the hell spit on me.

17 Q. Then sometime later you are down at the
18 police station and the same officer's coming around?

19 A. Yes.

20 Q. This is a guy. It's a white guy. Do you
21 remember how tall or how old or anything you can
22 help identify --

23 A. He wasn't old.

24 Q. Was he over 40?

0087

1 A. He probably was around 35, 40. He's not
2 old, but I mean --

3 Q. He had short -- what color was his hair?

4 A. I don't remember.

5 Q. He's the same one that asked several times,
6 did you spit on me?

7 A. Yes.

8 Q. Was he also the officer that you were
9 pushed into by Officer Frazier?

10 A. I wasn't pushed into Frazier.

11 Q. Officer Frazier pushed you into somebody?

12 A. Yes.

13 Q. Another officer then threw you on the
14 ground?

15 A. There was other cops in front of us. The
16 other one I was -- was the one I was pushed into.

17 Q. It was a different officer than the one
18 asking, who spit on me?

19 A. No.

20 Q. The one, he was also white?

21 A. He was tall and he was like heavy set. He
22 was husky.

23 Q. He was taller than the one who was asking,
24 who spit on me?

0088

1 A. Yes.

2 Q. Do you remember his hair color or anything?
3 I'm trying to distinguish these two white officers.
4 One you were shoved into. The other one's walking
5 around saying, who spit on me.

6 A. Yes.

7 Q. Anything else you can distinguish these two
8 by for me?

9 A. No.

10 Q. And following on the same -- I'm trying to
11 identify these two officers you are talking about.
12 Do you have any other distinguishing factors about
13 the one -- probably hard to see -- but who stepped
14 on your face?

15 A. I'm not sure.

16 Q. You don't know if it was the one who asked
17 about, who spit on me?

18 A. No.

19 Q. If I understand correctly, they let you go.
20 They took you there. You were handcuffed. They got
21 information, but they did not charge you formally?

22 You were never charged and you never had to
23 go to trial or anything?

24 A. Yes, they let me go.

0089

1 Q. Now, also in some of the statements and
2 some of the information I have there's allegations
3 that one of the officers used a derogatory statement
4 towards you or your mother in calling you spics?

5 A. Yes.

6 Q. Do you know who said that or can you
7 recognize or identify in any way?

8 A. When I was laying on the floor, yeah, he
9 was one -- there was one standing next to my mom. I
10 couldn't hardly see him. That's while my leg was up
11 on my back. I was trying to look to tell my mom
12 what was going on what happened whatever and there
13 was one standing. If I probably see him I probably
14 know who he is.

15 Q. He said that?

16 A. Yes, he was one standing that was calling
17 us names. And Officer Frazier was -- he was another
18 one that was calling us names, too. He had told
19 me -- when he was trying to pick me up he was
20 telling me, oh, you Puerto Rican bitch, get -- like
21 pushing me to get up and I kept on telling him I
22 couldn't get up.

23 Q. Frazier was referring to your ethnicity?

24 A. Yes.

0090

1 Q. But you don't know who the one standing

2 there was actually.

3 A. I heard someone else, but I just didn't see
4 his face.

5 Q. Last little bit of questions have to do
6 with -- did you see -- besides David, I think, as
7 being the kid that your younger sister knew across
8 the street being hit by police, did you see any
9 other altercations between police and kids, police
10 and adults going on besides what ended up happening
11 to you and your mom?

12 A. No.

13 Q. Do you know who Hector Cerano is?

14 A. Yes.

15 Q. You know him, would recognize him if you
16 would see him there?

17 A. Yes.

18 Q. Did you see him there at all?

19 A. Yes.

20 Q. What was he doing? What was his
21 interaction at the time, if you saw him?

22 A. I seen him in the back of a cop car.

23 Q. In the back of a cop car?

24 A. Yes.

0091

1 Q. That's the only time, I mean, you saw him?

2 A. Yes.

3 Q. You didn't see him in any altercations or
4 anything?

5 A. No.

6 MR. NIX: Thank you,
7 Ms. Martinez. Do the panel members have
8 anything else? Thank you for taking your
9 time to come and give your testimony.

10 It's very important to this process to get
11 to have everybody's statements.

12 Believe me, we have questions of
13 the police and taking civilian and
14 witnesses tonight and on several other
15 nights. We will continue with the police
16 I think in two weeks on this. Again, if
17 nobody else has anything, thank for your
18 testimony. You are excused.

19 MR. HAYES: Aisha, my name is

20 Michael Hayes. I serve as counsel to the
21 Police Advisory Commission. I've got a
22 quick question before we start.

23 How old are you today?

24 THE WITNESS: 16.

0092

1 MR. HAYES: I want to note for
2 the record that your mom, Ms. Pinero, is
3 still here with us.

4 Ms. Pinero, your daughter is 16.
5 She is a minor. In order to have her
6 testify before the Commission, I'd like to
7 ask for your permission to have your
8 daughter testify.

9 Ms. Pinero, again, my name is
10 Michael Hayes. We spoke a little while
11 ago. You testified before the Commission
12 about what happened on November 11, 2005.

13 The Commission would like to
14 talk to your daughter and ask her
15 questions about what happened that night.
16 In order for the Commission to do so,
17 because your daughter is only 16, we need
18 your permission as her mother to have her
19 testify.

20 MS. PINERO: You have my
21 permission.

22 MR. HAYES: Thank you,
23 Ms. Pinero. We appreciate it.

24 - - -

0093

1 EXAMINATION

2 - - -

3 BY MR. HAYES:

4 Q. Aisha, I'm going to ask you some questions
5 about what happened on November 11, 2005 over on
6 Luzerne and I Streets, where the Grupo Fuego dance
7 event happened. Before I do, I want to make a
8 couple things clear about how this process works.

9 The woman to my right, her name is Sandy,
10 and she's a court reporter. She writes down
11 everything that we say. In order for her to write
12 down what we say, we have to do a couple things for

13 Sandy.

14 One is we have to speak up, otherwise she
15 can't hear us and write down what we say. The other
16 thing we have to do for Sandy is we have to talk a
17 little bit slower than we normally would so she gets
18 all the words that we say.

19 The third and final thing that we have to
20 do is we have to verbalize our responses. If you or
21 I nod our head, she will probably miss it because
22 she is looking at her keyboard. She might not be
23 looking at you or I.

24 I'm going to ask you questions about what

0094

1 happened that night. If any of my questions are
2 unclear, if you don't understand a question that I
3 ask, just tell me so. I'll try to clarify the
4 question for you. Don't hesitate to tell me that
5 you don't understand. I want you to understand the
6 questions that I'm asking.

7 Okay. We will get going here. I want to
8 take you back in time to November 11, 2005. At that
9 time you were 14 years old?

10 A. Yes.

11 Q. Your mom mentioned that there's different
12 steps in the Grupo Fuego dance group, that there's
13 levels, I guess.

14 A. Yes.

15 Q. Were you part of the Grupo Fuego dance
16 group?

17 A. Yes, I was in step.

18 Q. What step were you?

19 A. It is -- what does it mean?

20 Q. Yes.

21 A. It's Students Technical Education Program.

22 Q. What does Grupo Fuego do?

23 A. They take kids off the street and it's a
24 dance group.

0095

1 Q. Do you know a gentleman named Hector
2 Cerano?

3 A. Yes, that was my director.

4 Q. He's the director of Grupo Fuego?

5 A. Yes.

6 Q. How many kids are part of Grupo Fuego?

7 A. There's two -- there's three different

8 groups, so I don't --

9 Q. Okay.

10 A. Step usually runs like close to like 200

11 students, depending like who is on and some like --

12 there's -- sometimes it's a little bit, sometimes

13 there's more, like people drop out and more people

14 come in.

15 Q. Is it limited to one school or two schools

16 or is it --

17 A. It's different schools.

18 Q. Okay. The Commission has been talking

19 about these events involving Grupo Fuego, but was

20 Grupo Fuego the like highest group?

21 A. Yes.

22 Q. It is the most advanced dance group?

23 A. Yes.

24 Q. So kids in the step group, they hope to

0096

1 become part of the Grupo Fuego group as they learn

2 more?

3 A. Yes -- well, we all just like doing what we

4 like doing, which is dancing, so it didn't matter

5 what group we was in as long as we performed. So

6 that wasn't a problem.

7 Q. There were hundreds of kids who were part

8 of the program; right?

9 A. Yes.

10 Q. How long had you been part of the STEP

11 program before November 11, 2005? How long had you

12 been part of the group?

13 A. Well, I was the youngest member in STEP

14 when I first started. I was about 11 years old or

15 10 and I had gotten awards for that. So I'd say

16 about like three years.

17 Q. Okay. How often did the step group get

18 together?

19 A. We got together every Tuesday and Thursday.

20 Q. Where did you get together?

21 A. At the Lighthouse.

22 Q. Is that a community center?

23 A. Yes.

24 Q. Now, on November 11, 2005, you didn't get
0097

1 together at the Lighthouse, did you?

2 A. No, it was a fund raiser party.

3 Q. Fund-raising party?

4 A. Yeah, to raise funds for our costumes and
5 other necessary things.

6 Q. Had you ever been to a fund raiser before?

7 A. All the time when we threw them.

8 Q. Where was this fund raiser held?

9 A. At Diana's Ballroom.

10 Q. Diane's Ballroom? Is that located on
11 Luzerne Street?

12 A. Yes.

13 Q. How many kids went to this fund raiser?

14 A. The fund raiser wasn't only hosted for the
15 group members. It was hosted for like everybody
16 that wanted to come so --

17 Q. Did you sell tickets to it? Is that how
18 you raised funds?

19 A. Yeah. Yes.

20 Q. Were members of the STEP group and Grupo
21 Fuego, you got sold tickets to friends and --

22 A. Yeah. Like we will have fliers and we will
23 hand them out in school. Then when they would come,
24 they'll pay at the door.

0098

1 Q. Okay. So on November 11th, what time did
2 this fund raiser start?

3 A. If I'm not mistaken, around 7:00.

4 Q. About 7 o'clock? How many kids -- I know
5 it's kind of a guess; right?

6 A. Um-hum.

7 Q. About how many kids went to the fund
8 raiser?

9 A. Just giving a guess, I'm not sure. Like
10 50, 70 like.

11 Q. Okay.

12 A. Maybe more. It was a crowd. The whole
13 room was filled.

14 Q. Okay. You had friends there from the STEP
15 group; right?

16 A. Yes, from the STEP group and from our

17 school.

18 Q. Okay. You are there at the fund-raising
19 party and this was a dance event, so you guys were
20 dancing at the fund raiser?

21 A. Yes.

22 Q. At some point during the night, did a fight
23 break out?

24 A. Yes.

0099

1 Q. What happened?

2 A. Well, this -- I was standing and all of the
3 sudden the crowd started getting rowdy and right
4 there I knew like a fight was going down.
5 Somebody -- I forget they're Arabian or -- Arabic or
6 Arabian -- they jumped a hispanic guy. They whooped
7 on him.

8 Q. You mentioned that some kids who were
9 Arabic got into a fight --

10 A. Yes.

11 Q. -- with --

12 A. His name is -- I know him by Bobblehead, so
13 I don't --

14 Q. Do you know his --

15 A. I don't know his real name.

16 Q. -- his birth certificate name. I'm
17 guessing it's not Bobblehead. How did you know
18 Bobblehead?

19 A. That's my cousin's cousin.

20 Q. It's your cousin's cousin?

21 A. Yeah.

22 Q. This has very little to do with the
23 Commission's investigation. How did he get the
24 nickname Bobblehead?

0100

1 A. I'm not sure. That's a growing up name, a
2 nickname.

3 Q. Okay. So there's a fight. Did this fight
4 break out on the dance floor?

5 A. Yes, inside the Diane's Ballroom.

6 Q. What happened next?

7 A. After that, Bobblehead -- well, I don't
8 know his name -- had went outside and most of the
9 crowd had followed him, but then Hector Cerano

10 closed the door. Like he locked the doors and tried
11 too calm everybody down.

12 Then like out of nowhere -- Diane's
13 Ballroom has like two entrances. The side entrance,
14 like I guess Bobblehead tried to get back in because
15 the Arabic boys was trying to hold on him again
16 outside, so he was trying to get back in.

17 He was banging on the door and nobody
18 opened the door. When they opened the door, a group
19 of cops was outside and they were pointing the
20 tasers inside the ballroom. So then --

21 Q. Let me stop you right there. You said that
22 this fight broke out on the dance floor and then
23 Bobblehead went out the front door; is that right?

24 A. Um-hum.

0101

1 Q. Did somebody escort him out the front door?
2 Did he just walk out the front door on his own?

3 A. I don't know if somebody escorted him.
4 Like the crowd was like so much that I didn't -- I
5 couldn't see. I just know he walked out. Like most
6 of the people from inside the ballroom left, too.

7 Q. How about the kids who were fighting with
8 Bobblehead, what did they do?

9 A. Like him and the Arabic boys like rushed
10 outside. I guess they ran outside and like they
11 stood outside. That's why he tried to get back in.

12 Q. I want to stop you for a second. When you
13 went to this fund raiser, the kids go to the fund
14 raiser, you said that they paid their money at the
15 door; is that right?

16 A. Yes.

17 Q. Who did they pay their money to?

18 A. Hector Cerano's sister.

19 Q. His sister?

20 A. Yes.

21 Q. Is there any security? Was there any
22 security there?

23 A. Usually he has a girl check the girls and a
24 guy check the guys.

0102

1 Q. When you say check the girls and guys, you
2 mean pat people down?

3 A. Yes.

4 Q. When you say he has a girl check the girls,
5 who is the girl?

6 A. I'm not sure.

7 Q. Was it a member of the group?

8 A. Yeah. It is usually -- when we have like
9 the group parties, it's somebody from the group.
10 Like we all help out, like afterwards we all clean.
11 So it was one of the group members, but I'm not sure
12 who it was.

13 Q. Do you remember if the kids were part of
14 the STEP group?

15 A. Who was fighting?

16 Q. No. The kids who were putting the other
17 kids down.

18 A. Yeah, they were from the group.

19 Q. Which group were they from?

20 A. I'm pretty sure -- I'm thinking Fuego.

21 Q. From Fuego?

22 A. Yes. He usually have the people at the
23 door that are from Fuego.

24 Q. Okay. Are they teenagers? Are they --
0103

1 A. Yes.

2 Q. -- kids in high school?

3 A. Yes.

4 Q. -- so that night on November 11th, was it
5 Grupo Fuego members who patted kids down at the
6 door? Is that right?

7 A. Yes.

8 Q. Were there any security guards --

9 A. No.

10 Q. -- anywhere inside the hall?

11 A. No.

12 Q. Were there any other adults inside the
13 hall? I know Hector was there. He's the director.
14 His sister was there collecting the money and
15 tickets. Were there any other adults?

16 A. I'm not sure because they're like -- like I
17 said, I think it was Hector's brother-in-law, which
18 is Jasmine's husband. He's there all the time. And
19 I'm not sure like. And if I'm not mistaken, one of
20 the ladies that -- she -- I think she is one of the

21 Fuego member's parents, but I don't know if she was
22 there that night. I don't remember.

23 Q. Okay. How big was the hall? How many
24 people could fit inside the hall? This is a big
0104

1 room that we are in right now. Was the hall bigger
2 than this room?

3 A. It's just -- it's long. I'd rather say
4 it's longer than wide. It's not that big.

5 Q. Okay. We have got a Mr. Anderson sitting
6 over here. He has a high-tech power point projector
7 up there with a picture of Luzerne Street. You can
8 see on there that there's a thumb tack.

9 Do you recognize that building?

10 A. Yes.

11 Q. Is that Diane's Ballroom? It's a long,
12 thin building, isn't it?

13 A. Yes.

14 Q. How did you get over to Diane's Ballroom
15 that night?

16 A. My mother took me.

17 Q. When this fight broke out, you mentioned
18 that the people who were in the fight went out the
19 front door and a whole lot of kids followed them out
20 the front door?

21 A. Yes, but Hector stopped most of them like.
22 Then he was like -- he got on the mic. He was
23 trying to calm everybody down and everybody stood
24 calm.

0105

1 Q. Did he shut the doors?

2 A. He locked the doors.

3 Q. Do you know how many kids got outside?

4 A. No, because I wasn't outside.

5 Q. You said that Bobblehead tried to get in
6 the side door. How do you know that?

7 A. Because when they had opened the door he
8 was standing right there, but then like right when
9 they -- I seen his face there and then the cops just
10 like came right up. It's like a ramp, if I'm not
11 mistaken, to the side. And the cops just came right
12 there. They was just was pointing all the tasers
13 inside. That's when they closed the door again when

14 we see that.

15 Q. How many officers were out there?

16 A. It was like five of them.

17 Q. Was Bobblehead still outside?

18 A. Well, it was like five of them at the door.

19 I'm not sure about the rest outside. I don't know.

20 When they closed the door, I don't know what he did

21 from there.

22 Q. What happened next?

23 A. After that, I had wanted to go home. So

24 like Hector dismissed the party. Everybody wanted

0106

1 to leave and they didn't feel comfortable, so

2 everybody was going outside and --

3 Q. Did Hector get on the microphone to dismiss

4 the party?

5 A. Yeah, because when they throw parties

6 the -- like Diane's, I think that's her name that

7 owns the hall, everyone that throws a party say if

8 there's a fight the party ends, but if there's not a

9 fight the party can continue. Depending on the

10 party that's -- he has to follow by their rules.

11 Q. Okay. Did Mr. Cerano get on the microphone

12 and say the party is dismissed?

13 A. I think. I'm not sure. I don't remember,

14 but mostly everybody didn't want to stay there like

15 after that fight.

16 Q. Did folks go out the front door or the side

17 door or both doors?

18 A. I went out the front. Mainly everybody was

19 going out the front. I'm not sure about the side

20 door.

21 Q. Once you got out the front door -- you see

22 the picture that Mr. Anderson put up there. Is that

23 the front of the dance hall, front of the building?

24 A. Yes.

0107

1 Q. Do you see there's a fence there?

2 A. Yes.

3 Q. When kids come out the front door, were

4 they still on the inside of the fence or were they

5 out in the street?

6 A. They were just out on the street.

7 Q. Where was Mr. Cerano when this was going
8 on?

9 A. I'm not sure.

10 Q. What did you do? Did you go out on the
11 street?

12 A. Well, yeah, I came out the gate, which is
13 right there. And I was standing like -- you see
14 where the pathway is at right there?

15 Q. Yes.

16 A. I was standing there and I called my mom
17 and I had told her that I didn't feel comfortable
18 anymore and that I wanted to go home.

19 Q. Did you tell your mom that a fight
20 happened?

21 A. Yeah, I told her it was a fight. She told
22 me call me, if anything happens call me and I'll
23 just go over there.

24 Q. Your mom told you right.

0108

1 A. Yes.

2 Q. You called your mom. You told her there
3 was a fight and that you wanted to go home?

4 A. Yes.

5 Q. What did your mom say?

6 A. She said she will be right on her way.

7 Q. Okay. How many kids were out in the street
8 at that point?

9 A. I'm not sure. I just remember when I seen
10 David that's all. Like I seen David and my friend
11 and then my other friends.

12 Q. Who is David?

13 A. David was the one that first got beat up by
14 the cops. David, he is a member of Grupo Fuego.

15 Q. Is he a member of the STEP group or Grupo
16 Fuego?

17 A. Grupo Fuego.

18 Q. When you got outside of the dance hall, how
19 many police were out there?

20 A. Too many to count. It was like the whole
21 district was out there.

22 Q. Was it more than ten?

23 A. It was -- it was like all these paddy
24 wagons, helicopters. Like they acted like it was

0109

1 something like -- well, first -- no, I'm mistaken.

2 I'm sorry.

3 At first there was only a little bit.

4 There was only like probably five cop cars, but then

5 when -- I don't want to go further until --

6 Q. When you first got out there you said there

7 were about five cop cars?

8 A. Yes.

9 Q. How many police officers do you think were

10 out there?

11 A. I'm not sure.

12 Q. Was there more than ten, less than ten?

13 A. There was some because I'm -- I was

14 mistaken because there was some not dressed and some

15 dressed.

16 Q. Okay. When you got outside, what was the

17 scene? Was it chaotic? Were there kids all over

18 the place?

19 A. It was kind of like everybody was walking

20 their own separate ways. Some people was waiting

21 outside for their parents to come pick them up or

22 whomever was going to pick them up.

23 Q. You mentioned that something happened with

24 David. How do you know David?

0110

1 A. Because I was in the group with him.

2 Q. What happened with David?

3 A. Well, it was a female -- I forget her

4 name -- and my friend Chino and they was all

5 together. And the girl, she was like kind of hyped

6 because she couldn't find her sister.

7 A cop -- a police officer had went up to

8 her and like he got like -- like he was talking to

9 her like not appropriate. Like he talked saying bad

10 things, but I don't know what they were saying. I

11 seen her arguing with the cop.

12 So they tried to like -- my friend Chino

13 grabbed her to try to calm her down. Then the cop

14 started talking with Chino, so David went up to

15 Chino trying to calm him down. And like David and

16 Chino gave each other like a hug.

17 Q. Let me stop you right there.

18 A. Okay.

19 Q. I want to make sure we get everything out
20 here. The girl, you said she was hyped. She was
21 excited? She was upset?

22 A. She was upset because she couldn't find her
23 little sister and the cop was like, you have to
24 leave. And he was like telling her, you have to
0111

1 leave.

2 Q. So she and the officer were arguing a
3 little bit back and forth --

4 A. Yes.

5 Q. -- because she was upset that she can't
6 find her sister and the officer is yelling her,
7 you've got to leave?

8 A. He was like, you have to go home, but
9 saying it like -- you could say it in a nice way,
10 but he wasn't saying it nice. She was trying to
11 explain, I'm trying to find my little sister and
12 once I find her I'll leave. He didn't want to
13 understand that. Like he was trying to tell her to
14 leave.

15 Q. Then you said Chino went over --

16 A. To calm her down.

17 Q. -- to calm her down. Is his name Alfredo?

18 A. Yes.

19 Q. How do you know Alfredo?

20 A. He was also in the group.

21 Q. Was he in the STEP group?

22 A. He was in Grupo Fuego.

23 Q. When Chino goes over to calm her down, he
24 gets into an argument with the police officer; is
0112

1 that right?

2 A. Yeah, because the police officer was
3 telling him, mind your business, go about your
4 business. He's like, I'm doing you a favor, I'm
5 trying to calm her down.

6 Q. Can you describe that police officer, the
7 physical description?

8 A. No.

9 Q. Was it a male officer?

10 A. It was a male officer, but I cannot

11 describe him.

12 Q. Did you see the color of his skin?

13 A. He was white but --

14 Q. Okay.

15 A. It was too many cops. Like after that it's
16 too much I can't remember.

17 Q. Okay. Now, Chino and the officer start to
18 argue. You they said that a young man you named
19 David from Fuego went over and was hugging Chino.

20 A. Like he wants to calm him down and like
21 move him away. Once they seen, the cops had thought
22 that they were fighting.

23 Q. They thought that Chino and David were
24 fighting?

0113

1 A. Yes. So like all the -- like the copy that
2 were there, they was running over there and
3 they like -- after that it was a whole commotion.
4 Like the cops was just swinging. And then like I
5 was -- my mom had pulled up. She had came already.

6 Q. One step at a time. When David hugs Chino,
7 the police think they're fighting and all the police
8 rushed over to that area and there's a commotion
9 there?

10 A. Yes.

11 Q. When did your mom arrive?

12 A. Like two minutes after that happened. Like
13 she was like so close. Like it happened and then
14 she like came.

15 Q. How about your sister, did she come, too?

16 A. She was with my mother.

17 MR. HAYES: Can you do the street
18 view, Kelvin?

19 BY MR. HAYES:

20 Q. If you wouldn't mind, could you come up
21 here with me to the screen up here? Okay. I'll get
22 you a microphone so Sandy can hear you. You can
23 come over here with me.

24 This is Luzerne Street right here and right

0114

1 here is Diana's Ballroom. Now, where was Chino when
2 he got into the argument with the officers? Can you
3 point to where they were?

4 A. At first we was here.

5 Q. That's where Chino was?

6 A. I was here and Chino was like right here in
7 the middle of the street.

8 Q. Okay.

9 MR. HAYES: Kelvin, could you
10 mark where Chino was.

11 BY MR. HAYES:

12 Q. He's going to mark it with a dot. Tell him
13 if he's off and he'll move it. Right about there?

14 A. A little bit -- like right here. He was
15 there and I was like over here. He was going down
16 here. He's -- the entrance. He was right here. I
17 was like right -- he was a little -- yeah, I was
18 like right here. He was right in front of me.

19 Q. Okay. He gets into an argument with the
20 officer and then David comes over and hugs him.

21 Were they still right there?

22 A. Like they was there, but they was like
23 walking and trying to calm each other down. And
24 then the cops like just came and they all ended up

0115

1 where this gate is at and the cop was just beating
2 him up right here.

3 MR. HAYES: Kelvin, can you mark
4 that spot, too?

5 BY MR. HAYES:

6 Q. Were they on the sidewalk right here?

7 A. All right on top of David.

8 Q. Okay.

9 A. There's a --

10 MR. ANDERSON: Here?

11 THE WITNESS: Like this is the
12 gate; right? Yeah.

13 BY MR. HAYES:

14 Q. Now, by the time they get to the gate --

15 A. Actually, over a little bit more. It was
16 just like straight, right here.

17 MR. HAYES: Got that Kelvin.

18 MR. ANDERSON: Yes.

19 THE WITNESS: I was right here.

20 BY MR. HAYES:

21 Q. Now, where were the police and David and

22 Chino when your mom arrived?

23 A. They were on the gate.

24 Q. They were on the gate. Okay. I think

0116

1 that's all we need to do with the screen. We can
2 sit back down.

3 When your mom and sister arrived, what did
4 you say to them and what did they say to you?

5 A. They asked me what was going on. I said
6 that it was a fight inside the ballroom, but it was
7 so hectic that I didn't have time to talk. So I had
8 told my mom, I said, they're beating on my friend,
9 the cops are beating on my friend over there.

10 So my mom had walked -- we had walked over
11 there and my mom was like trying to ask them like,
12 what are you guys doing, this is a minor.

13 Q. Did you and your mom and your sister walk
14 over there?

15 A. Yes.

16 Q. How many police officers were over there?

17 A. At that time the whole district was there
18 because they -- over the walkie I heard officer -- I
19 don't know how he -- it was like so many. He said,
20 officer down. When he said officer down, that
21 street was filled with police officers helicopters.

22 Q. There were police helicopters above the
23 scene?

24 A. Yes, it was helicopters.

0117

1 Q. Did they have spotlights down on the street
2 ?

3 A. Yes.

4 Q. Would you say it was chaotic out there?

5 A. It was chaos then like.

6 Q. Did you see how many kids were on the
7 street at that point?

8 A. It was a lot.

9 Q. A lot of kids. When your mom went over and
10 asked the police officers, what are you doing to
11 this boy David, what did the police officers say?
12 What did they do?

13 A. Oh, you spic, mind your business, keep on
14 walking. Like saying cruel --

15 Q. I know this isn't easy stuff, but what
16 specifically did the officers say? Did they use
17 that word, spic?

18 A. Yes.

19 Q. Did you see an officer use that word or did
20 you just hear it?

21 A. I just heard it. It was too many cops and
22 I couldn't be spot on. Like two or three of them.
23 I'm not sure who said that. It was a male, though.
24 I know that.

0118

1 Q. It was a male officer. Did you see the
2 color of his skin?

3 A. No.

4 Q. When this officer said this to you, what
5 did you do?

6 A. We walked away. She said, sorry, Aisha, I
7 can't help him.

8 Q. Your mom said that to you?

9 A. Yes. I was crying because I was very close
10 to David. Like he was a good friend of mine and I
11 was crying because I felt bad for him. She told me,
12 I'm sorry, I can't do nothing about it.

13 Q. Where did you and your mom and sister walk
14 to?

15 A. We walked across to the sidewalk and we was
16 going down that way.

17 Q. I want to make sure I make it clear. You
18 walked to the sidewalk on the side of the street
19 where the dance hall is?

20 A. Yes, and made a left.

21 Q. You started going past the dance hall to
22 the left?

23 A. Yes, because if -- you see that factory?
24 You see that parkway like -- no.

0119

1 Q. The parking lot?

2 A. Yeah, that parking lot. Down -- see that
3 path?

4 Q. The path into the parking lot? That
5 pathway that goes in the parking lot from the
6 street?

7 A. There. My mom had her car there -- well,

8 she had it a little bit down there, but my brother
9 had his car there.

10 Q. Your brother had his car in the parking
11 lot. Was your mom's car in the street? Was it on
12 Luzerne Street?

13 A. It was on the side. It was like -- yeah,
14 it was -- where that factory's at. It was on the
15 side, but the whole scene happened where my
16 brother's car was parked. He wasn't in the parking
17 lot. He was on that parkway right whether.

18 Q. He was not in the parking lot. His car was
19 parked on the driveway that goes into the parking
20 lot?

21 A. Yes.

22 Q. You said that's where you walked to?

23 A. That's where we got to because the whole
24 commotion happened before we even had -- like the
0120

1 whole commotion with my mother happened before we
2 even got to the car.

3 Q. Now, you said a commotion happened with
4 your mother. Tell us what happened.

5 A. Well, I was walking with my brother and my
6 mom was in back -- it was me and my mom -- I mean,
7 me and my brother and there was a police officer and
8 then it was my mom. Then there was another police
9 officer.

10 Q. When did your brother arrive?

11 A. He arrived right after the cops had told my
12 mom to leave.

13 Q. Right after your mom -- the officers told
14 your mom to leave your brother arrived?

15 A. Yes.

16 Q. Did he say anything?

17 A. No. He just -- we was just going back to
18 our cars. He was asking like what was going. And
19 we was like, we will talk about it later, let's just
20 get out of here.

21 Q. How about your sister, was she with you,
22 too?

23 A. Yes, she was with me.

24 Q. You said that you walked across the street.
0121

1 Who was in front and who was behind?

2 A. It was me and my brother the ones in the
3 front and then it was another police officer --
4 no -- yeah. It was an another police officer and
5 then it was my mom and my sister and then another
6 police officer. When I looked back like that's what
7 I seen.

8 Q. Can you describe the officer who was behind
9 you and your brother?

10 A. He was like a big -- like he was really
11 big.

12 Q. He was tall?

13 A. Yes, and white, built. And that's all I
14 can remember for him.

15 Q. Your mom and your sister were behind that
16 officer; right?

17 A. Yes.

18 Q. There was another officer behind them?

19 A. Yes.

20 Q. Can you describe him?

21 A. Officer Joe Frazier.

22 Q. You believe his name Officer Frazier?

23 A. Yeah, he's the one.

24 Q. Was he an African-American officer?

0122

1 A. Yes. He was in just regular clothes.

2 Q. Regular clothes. So why were there
3 officers between you? Why was there officers behind
4 your mom? Why was there officers behind you?

5 A. I'm not sure. When we crossed the street,
6 that's how it ended up. The cops was there. We was
7 just walking. I'm not sure how that came about.

8 Q. Were they escorting you across the street?

9 A. No, they wasn't escorting us.

10 Q. Were they telling you to move along, to get
11 out of there?

12 A. Yes, they was telling us to move along. We
13 were saying, we are on our way to our cars now.
14 They kept on saying, move along and saying curse
15 words and like not speaking in the way that you
16 should be speaking.

17 Q. What curse words did the officers use?

18 A. Like -- excuse my language -- get to the

19 fucking car, get -- like calling us spics and saying
20 all that other --

21 Q. There were only two officers at this point,
22 the officer behind you and Officer Frazier?

23 A. Yes.

24 Q. What officer used that word?

0123

1 A. The tall one.

2 Q. The white officer behind you?

3 A. Yes.

4 Q. He used that word, spic?

5 A. Yes. I'm not sure about the one that was
6 behind him. I couldn't hear what was behind him.

7 Q. The officer behind you was angry?

8 A. Yes, furious.

9 Q. Did he have a baton in his hand? Did he
10 have a nightstick?

11 A. Yes.

12 Q. Did you or your brother say anything to
13 that officer?

14 A. No.

15 Q. What happened next?

16 A. We kept on walking and then -- like I heard
17 like a little bit of commotion. Officer Joe
18 Frazier, he kept on pushing my mother and my sister.

19 Q. How do you know that?

20 A. Because the officer behind us, he kept on
21 turning around and telling them, if you push me once
22 again then I'm going to lock you guys up. Like we
23 kept on trying to figure out what was going on.

24 We were just like saying, let's just get to

0124

1 the car before something else happens. So then
2 Frazier pushed my mother again. That's when the cop
3 in back of us got really upset. He turned around.
4 It wasn't one officer. It was two of them. I'm
5 sorry. And one of them, he grabbed my mother and my
6 sister.

7 Q. You said there were two officers behind
8 you?

9 A. Yes.

10 Q. You described one as tall --

11 A. One was short and stockier. He was -- I

12 think he was bald headed.

13 Q. I want to make sure the record is clear
14 that Sandy's going to write. There was one tall
15 officer behind you. Was he bald?

16 A. No, I don't remember, I'm not sure.

17 Q. Was he built?

18 A. Yeah, he was built.

19 Q. There was a shorter officer with him?

20 A. Yeah, and he was real heavy.

21 Q. He was heavy set?

22 A. Yes, he was heavy set, but he was short.

23 Q. How tall was he?

24 A. I'm not sure.

0125

1 Q. Was he less than 6 feet?

2 A. He was shorter than the other one. That's
3 how I could see he was shorter, because the other
4 one was bigger and he was smaller.

5 Q. Was he bald?

6 A. Yes.

7 Q. Or balding?

8 A. He was like shiny. He was bald.

9 Q. What color was he?

10 A. He was white.

11 Q. A white officer. Okay. About how old was
12 the short fellow?

13 A. I'm not sure.

14 Q. Do you know which one of those officers
15 used that word, the spic word?

16 A. The tall one.

17 Q. The tall one did. Okay. Did you hear the
18 short one say anything like that?

19 A. They both was saying nasty comments.

20 Q. Did the short officer use that word,
21 though?

22 A. Yes, they both were saying it.

23 Q. Now, you mentioned that your mom got pushed
24 into the tall officer; is that right?

0126

1 A. Well, both of them like.

2 Q. Got pushed into both of them?

3 A. Because he was pushing both my sister and
4 my mother with the nightstick.

5 Q. The second time that the officers got
6 pushed, you said that one of the officers --

7 A. They turned around.

8 Q. Turned around and then what happened?

9 A. They threw my mom and my sister on the
10 floor. And the shorter one was the more -- that was
11 the one doing more action. Like the tall one just
12 like put them on the floor and the short one, he had
13 his boot in my sister's face.

14 Q. Okay. The tall one threw them on the
15 ground; right?

16 A. Both of them like -- one took her and one
17 took -- but I'm not sure he who took who.

18 Q. They threw both on the ground?

19 A. Yeah. He had cuffed them --

20 Q. What happened when they threw them on the
21 ground?

22 A. They were questioning like, why are you
23 doing this, we are trying to get to our cars. He
24 was like, oh, you fucking pushed me and I told you
0127

1 once and I'm not going to tell you again.

2 Q. Was this the tall officer or the short
3 officer?

4 A. The short one.

5 Q. Was it just those two officers on top of
6 your mom and your sister?

7 A. After that happened, like once the cops
8 seen a commotion going on, more cops would come.
9 More cops were coming to like the scene where it was
10 happening.

11 Q. When this was going on, where were you and
12 your brother?

13 A. We were right there. We were questioning
14 them like, what are you doing, why are you guys
15 doing this. They was like, oh, mind your fucking
16 business, you have to leave. So when we was
17 questioning them, the white cop was just like oh --
18 like putting his feet in my sister's face.

19 Q. Help me out. Was said one was tall and the
20 other was short. Was it the tall officer or the
21 short officer?

22 A. The shorter one. He was putting like his

23 foot in my sister's face and he saying he was
24 telling my mom, oh, how do you like that, and saying
0128

1 all this. He was like, how do you like that. My
2 mom was like, could you get your foot off her face.
3 My sister's like trying to cover her face,
4 but she can't do much because she had the cuffs on
5 her. He was like, oh, do you like this. And my mom
6 was like really upset and they like were questioning
7 him, what's going on.

8 And I just told my brother -- I was like,
9 let's leave and let them calm down and they'll
10 probably let them up. So we're walking back and the
11 taller one --

12 Q. Were you walking back towards the car?

13 A. Yes. Where it happened, we wasn't so far
14 away from the car.

15 Q. How many feet away from the car do you
16 think you were?

17 A. Do you see like where the sidewalk ends?

18 Q. Yes. Right by the driveway?

19 A. Yeah. A little bit more.

20 Q. To the right?

21 A. To the right.

22 Q. And down to the sidewalk?

23 A. Yes. Like right there.

24 Q. Okay.

0129

1 A. It wasn't so far away from there.

2 Q. You and your brother kept walking towards
3 the car?

4 A. Yes.

5 Q. Then what happened?

6 A. Where the grass is at, we was like --
7 that's where they pushed my brother. The taller
8 one, he went after my brother. Like I guess he was
9 mad because my brother was like the bigger person
10 and walked away from the scene instead of putting
11 more -- so we was walking and like my brother --
12 like I turned and I felt somebody coming behind us.
13 I see him the going like this.

14 I told my brother, Benny, like you have to
15 duck. When my brother ducked, my brother turned

16 around. And once he seen my brother like he dodged
17 it, he got really mad. So he just started swinging
18 on my brother.

19 Q. Did your brother say anything to this
20 officer to get this officer mad? Did he say
21 anything to the officer?

22 A. He didn't say nothing to the officer. He
23 was walking to the car, but when the cop was
24 swinging my brother was acting like, why are you
0130

1 doing this to me, I didn't do nothing to you.

2 He wasn't just saying nothing. He was just
3 like swinging and once -- a lot of cops, like six
4 officers, like seven officers, just started coming
5 and started swinging on my brother.

6 I'm like trying to stop them. I'm like,
7 what are you guys doing. And sister-in-law's in the
8 car. I'm like, why are you all doing this. So then
9 I was just like, Baby, run, Baby, I told him.
10 That's my brother's name. We call him Baby. I was
11 like, run.

12 When my brother went to turn around the
13 officer just hit him on his head, but my brother
14 didn't know that is head was like that. They threw
15 him on the car. When my brother went like this and
16 put his hands on the car, he seen the blood. He's
17 like, I'm bleeding, you guys hit me.

18 Then he was like, why you all doing this.
19 Like my brother was just questioning them. They was
20 like, oh, shut the fuck up, mind your business, and
21 saying all this stuff. He is like, but I'm asking a
22 questions, like I didn't do nothing to you. When my
23 sister-in-law seen that commotion, she came out the
24 car.

0131

1 Q. What's your sister-in-law's name?

2 A. Jessica Lebron.

3 Q. What happened when she came out of the car?

4 A. Like she is like -- she was so nervous like
5 she couldn't say nothing. She was like, what are
6 you all doing, that's my -- she was questioning them
7 like -- well, we all was questioning them like, why
8 are you doing this, he didn't do anything.

9 The officer said like -- he swing like at
10 her belly. When I seen that, I stood in shock. I
11 couldn't believe that I seen that. I was like -- I
12 was so worried because she was due to have my
13 nephew. Like I started panicking.

14 I was going up to them. I was like, why
15 did you do that, she pregnant. He was like, oh, she
16 didn't mind her fucking business, she need to get
17 out of here. I said, she's pregnant. Well, this is
18 not a place for her to be at, saying all this stuff.
19 This was the tall officer.

20 Q. Hold on. First, I want to go back to your
21 brother, Ben. Who was the officer that came over
22 and swung at Ben?

23 A. The tall one.

24 Q. Then other officers converged -- other
0132

1 officers came over; right?

2 A. Yes.

3 Q. Who was the officer that struck Ben in the
4 back of the head?

5 A. The tall one, but I could remember there
6 was a short hispanic lady. I think she had glasses
7 on. There was another one, a white guy, and he had
8 glasses on.

9 Q. Any other description for the fellow with
10 the glasses?

11 A. He was skinny.

12 Q. Was he tall, short, skinny?

13 A. He wasn't -- he was taller than her, but
14 she was really short. He was a little bit taller
15 than her. He was like skinny.

16 Q. Who was it that swung a baton at your
17 sister-in-law?

18 A. It was the big officer.

19 Q. The tall officer?

20 A. Yes. That's after he struck my brother.

21 Q. How many times did he swing at your
22 sister-in-law?

23 A. Once.

24 Q. He hit her in the belly?

0133

1 A. Yes.

2 Q. How many months pregnant was your
3 sister-in-law?

4 A. She was due.

5 Q. So she was eight or close to nine months
6 pregnant?

7 A. Yes, she was due. Yeah, she was like due
8 any time.

9 Q. What did she do when the officer hit her?

10 A. Like she started breathing like harder.
11 Like she couldn't breathe as much. She was like out
12 of breath. I was like -- I didn't know what to do.
13 I just went up to her and I'm like, are you all
14 right. She was like, I can't breathe. That's all
15 she said, I can't breathe. She was trying to gasp
16 for air.

17 I was saying, I need help. And the tall
18 officer was like, oh, shut her the fuck up. I'm
19 like, she need help, could you call the ambulance,
20 she's pregnant, she needs help.

21 That's when he point the taser at her body.
22 That's when I jumped in front of it. He put the
23 light on. I was like, you're not going to taser
24 her, like she's pregnant, can't you see she is
0134

1 pregnant.

2 He was like, she needs to be quiet, she's
3 running her mouth. I said, she can't breathe, she
4 needs help. I was screaming for help. I'm like,
5 she needs help.

6 He was like, oh, what you want to be
7 Mrs. Hero, use your super woman -- like he was
8 saying all this nasty stuff s to me like, oh, you
9 all spics, you all need to mind your own business,
10 go about your business, keep on walking.

11 I said, this is my sister-in-law and you're
12 not going to taser her. That's when he took the
13 taser off her. He was like, well, just shut her up,
14 just shut her up. I was like, she needs help. Like
15 I'm just telling him like, could you call an
16 ambulance for me. That's all I was asking for her.
17 Nobody was giving me their undivided attention.

18 Q. Where was your mom and your sister when
19 this was going on?

20 A. They were on the floor to the paddy wagon.

21 Q. Did you see them after that?

22 A. I didn't see nobody after that.

23 Q. What about your brother?

24 A. He was on the car and they were arresting

0135

1 him. They had the cuffs on him and like he was
2 like, you are putting them too tight. And once he
3 said that like more blood started coming out of his
4 head. It started gushing out more. He's like,
5 they're too tight.

6 Q. Okay. The police officer arrested your
7 brother. Do they take him to the paddy wagon?

8 A. Yes.

9 Q. How about your sister-in-law?

10 A. She was going like crazy in the street.

11 Like she was like, I can't breathe. That's when the
12 short hispanic lady, she was pushing me. I'm like,
13 I'm not going to go anywhere, I'm not leaving her
14 stranded, I can't go nowhere, like both of my rides
15 are gone and my sister-in-law can't drive because
16 she is pregnant.

17 And she is like -- then she pushed me. I
18 was like getting away from her to go back to my
19 sister-in-law and I'm like -- I'm screening like, I
20 need help. That's all I was screaming, I need help,
21 I need help.

22 Nobody was giving me their undivided
23 attention. They was just walking and laughing.
24 Some was just walking like if nothing was going on.

0136

1 She is like trying to breathe and I was so scared
2 because thought I was going to lose my nephew.

3 Q. How did you and your sister-in-law get out
4 of there?

5 A. Well, we crossed the street and there was a
6 guy with a car and he had gave me his phone. And I
7 was thinking of who to call, but I didn't have no
8 one in mind. I'm like, I can't call nobody, like I
9 don't know who to call.

10 I'm screaming, I need help. There was this
11 African-American lady who she like -- she was
12 like -- she was ignorant, but she helped us. She

13 was like, why were you screaming like you crazy. I
14 said, they just hit her with the nightstick in her
15 belly and she's due. And she was like, you need to
16 calm down, you hyper than her.

17 I said, well, if somebody would help me
18 then I wouldn't be hyped. I was trying to tell her
19 to just call the ambulance. She was like, she needs
20 to calm down, why is so hyped like that. I'm like,
21 she just hit her with her nightstick, you have to
22 understand that. So that's when she called for an
23 ambulance.

24 I was just like crying because I was so

0137

1 scared. She was like, you need to be quite because
2 you're getting her more worried, you need to get
3 away. I'm like, there's nowhere I can go, there's
4 nowhere.

5 So they're trying -- the ambulance, like
6 they came fast. They rushed up to her and they was
7 like trying to help her. So then they was taking
8 her and I was going to go with her. They was like,
9 you can't go, you're a minor, you can't go inside.
10 I'm like, okay.

11 So I was in the middle of the -- that's
12 Luzerne; right?

13 Q. Yes.

14 A. I was in the middle of Luzerne with a
15 crowd of chaos all by myself. I didn't know what to
16 do. None of the cops were nice. They were all
17 ignorant. None of them wanted to help me and I was
18 like so scared because the cops were going crazy.

19 Q. How did you get out of there? How did you
20 leave there?

21 A. My sister's friend had seen me. Like she
22 came up to me and she's like, what's wrong. And
23 like she came up to me and gave me a ride.

24 MR. HAYES: Okay. I have no

0138

1 further questions, but the Commission
2 members may have some more questions for
3 you.

4 MR. ROSARIO: No questions.

5 MR. NIX: Mr. Stapleton?

6 MR. STAPLETON: I don't think I
7 have any questions. I would like to say
8 that you are one of the most remarkable 16
9 year olds I've seen ever come before us.

10 You should be very proud of your
11 daughter. She showed an enormous amount
12 of composure, poise and confidence.

13 Your testimony was very
14 thoughtful and forthright. I genuinely
15 appreciate your coming in. I hope that if
16 my daughter were in your setting she would
17 be as thoughtful and direct. You really
18 did a terrific job tonight. It was very
19 helpful to us.

20 BY MR. STAPLETON:

21 Q. The only question I had was related to one
22 comment you made about an officer down. Was that
23 something you heard, because that has significance
24 to us in terms of how police officers respond?

0139

1 A. When I heard that I looked around and I was
2 trying to see if an officer was down. And I didn't
3 see. I was like very -- like why would they say
4 that. I was trying -- really trying to think why
5 would they say there's an officer down when no one
6 is down, no guns was pulled out or nothing.

7 Q. Is that something that a police officer
8 said?

9 A. A police officer said it over the walkie.

10 Q. At that point there was a helicopter with
11 a --

12 A. There was no helicopter. When they said
13 that, the helicopter came. They had the lights on
14 and pointing at everybody. The cops all -- these
15 cops was coming from this direction of Luzerne and
16 this direction of Luzerne, parking all crazy. Like
17 they came like so fast that I couldn't even believe
18 it. I was like, wow. Like it was cops in a matter
19 of seconds.

20 Q. That could have been as a result of this
21 sentence that there was an injured officer and they
22 were all responding --

23 A. Yes.

24 Q. -- to that. I think that that does have

0140

1 significance in their radio system and call for a
2 certain kind of response.

3 A. Yes.

4 MR. STAPLETON: Thank you very
5 much. It was very helpful.

6 MR. NIX: Ms. Martinez, I agree
7 it was very articulate and very composed
8 testimony. My daughter would be saying,
9 and I was like and she was like, and he
10 was like. I wouldn't be able to
11 understand what she was saying. It was
12 very articulate.

13 BY MR. NIX:

14 Q. That also got my attention as well, I mean,
15 as you know, that officer down. It can mean that an
16 officer's been shot. They do react like that.

17 I want to be clear. You heard that over
18 the radio or you heard the walkie-talkie say that?

19 A. Yes.

20 Q. That somebody somewhere said that and it
21 came over all their walkie-talkies?

22 A. Yes. It was like heard, because it was
23 like -- it wasn't a lot of cops, but it was cops.
24 Then after that the whole Luzerne was full of cops.

0141

1 Q. Because that's the reaction that happens
2 with that statement.

3 A. Yes.

4 Q. You're absolutely certain you heard over
5 the walkie-talkies that phrase, "officer down" --

6 A. Yes.

7 Q. -- and then that's when that happened. But
8 you are also certain that you didn't see an officer
9 down or --

10 A. No. When I heard that, I was like, there's
11 an officer down and like I didn't hear no gunshots.
12 I didn't hear any -- I was like, it couldn't be,
13 there was no officer down.

14 Q. As far as weapons that officers use, you
15 saw tasers pointed -- when you first opened the
16 doors, there were tasers pointing and then you

17 closed the doors?

18 A. Yes.

19 Q. Tasers pointed at the people to stay --

20 threatening them to stay in --

21 A. Yes.

22 Q. But no tasers that you know were released

23 or fired?

24 A. No.

0142

1 Q. Then the only other weapons were

2 nightsticks people used?

3 A. Yes.

4 Q. No guns drawn that you saw?

5 A. No.

6 Q. I just want to -- what happened to

7 Bobblehead eventually? I'm wondering where did he

8 go?

9 A. I'm not sure. The crowd was so I didn't

10 see him.

11 Q. My other question was about the fight

12 across the street. There was a woman, a girl who

13 you couldn't find her sister, and then Chino went

14 over to calm her down, but then he got into an

15 argument with the police, so then David went to calm

16 him down. It was only David that was beaten and

17 Chino wasn't beaten or Chino wasn't --

18 A. It was both of them. Like it was cops

19 crowded them, so I couldn't really see like -- like

20 I seen David, like he was on the floor.

21 Q. What we don't have is evidence of Chino

22 being beaten or anything like that. We have

23 statements and photographs of David being beaten,

24 but not Chino. You think what happened was --

0143

1 A. It was like -- I don't know where Chino

2 went. I don't know if they had arrested him. I'm

3 not sure. I was just -- I just seen David. Like I

4 knew David was on the gate and I knew he was getting

5 hit.

6 Q. As far as when there was -- you didn't see

7 your mother and sister in the police van or anything

8 like that, so you don't know who the boy in the van

9 was with them and it wasn't Chino or -- as far as

10 you know?

11 A. Yes.

12 MR. NIX: Thank you again.

13 Thanks for your cooperation. Thanks for
14 taking the time to you and all of your
15 family for coming down and giving your
16 statements in what really is an important
17 investigation. It's an important role to
18 get the civilian viewpoint on it. Thanks
19 again.

20 If there's no questions from
21 anybody else, we will be standing in
22 recess tonight until tomorrow night with
23 other witnesses. Thanks again for your
24 cooperation. We will go ahead and stay in

0144

1 recess.

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3 (Whereupon, the hearing concluded at 8:46 p.m.)

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1 C E R T I F I C A T E

2 I hereby certify that this is a true record of

3 the hearing taken in this matter.

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Sandra J. Worrell, RPR

Date: November 1, 2007

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19 (The foregoing certification of this transcript does
20 not apply to any reproduction of the same by any
21 means, unless under the direct control and/or
22 supervision of the certifying shorthand reporter.)

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