

0001

1 POLICE ADVISORY COMMISSION

2

3 INVESTIGATIVE REPORT IN THE MATTER OF:
4 GRUPO FUEGO

5

6 COMMISSION FILE NO: 061678-90

7

8 I.A.D. FILE NO.: 05-1171

9

10 ---

11 Friday, 02 November 2007

12 City Council Chambers

13 City Hall-Room 400

14 Philadelphia, Pennsylvania

15

16 *Six O'Clock in the evening*

17

18 ---

19 BEFORE: ROBERT NIX, Presiding Officer

20 COMMISSIONER JOSEPH T. STAPLETON, ESQ.

21 COMMISSIONER OSCAR ROSARIO

22

23 APPEARANCES:

24 MICHAEL HAYES, ESQUIRE

25 DENNIS G. YOUNG, ESQUIRE

26 Counsel to the Police Advisory Commission

27

28 ---

29

30

31

32

33

0002

1 I N D E X

2

3 ---

4

5 WITNESS:

6

7 HECTOR SERRANO

8 By Mr. Hayes: Page 07

9 By Mr. Young: Page 54

10 By Commissioner Rosario: Page 71

11 By Commissioner Stapleton Page 73

11 By Presiding Officer Nix Page 87

12

13 DAVID NERIS

14 By Mr. Young: Page 97, 145

15 By Mr. Hayes: Page 130, 146

16 By Commissioner Stapleton: Page 133

17 By Presiding Officer Nix: Page 135

18

19 ALFREDO SANCHEZ

20 By Mr. Young: Page 146

21 By Commissioner Rosario: Page 176

22 By Commissioner Stapleton: Page 177

23 By Presiding Officer Nix: Page 177

24 -----

25

0003

1 PRESIDING OFFICER NIX: Good
2 evening, ladies and gentlemen.

3 My name Robert Nix.

4 I am a member of the Philadelphia
5 Police Advisory Commission.

6 I am Presiding Officer of the
7 panel hearing established to receive testimony
8 in evidence in the matter of Grupo Fuego,
9 Designated as Police Advisory Commission
10 Complaint No. 061678-90.

11 Also participating this evening
12 as panel members are Joseph Stapleton and
13 Oscar Rosario, both fellow members of the
14 Police Advisory Commission.

15 Counsel to the panel this evening
16 is Dennis Young and Michael Hayes.

17 Before I call this panel hearing
18 to order, it's appropriate that we take a
19 moment of silence out of respect for Officer
20 Cassidy; and, indeed, the fact that three
21 other officers have been shot this week, in
22 one week, in Philadelphia.

23 So please recognize with a moment
24 of silence.

25 -----

0004

1 (Moment of Silence)

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
0005
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

PRESIDING OFFICER NIX: Thank you.

My prayers go out to the Cassidy family.

I will now call this panel hearing to order.

This hearing will be conducted in accordance with the duly-adopted rules of the Philadelphia Police Advisory Commission.

The rules which apply to panel hearings of the Police Advisory Commission state as follows:

Any witness called to testify may present an opening statement, not to exceed five minutes, given prior to the testimony.

Ordinarily, the initial examination and questioning of witnesses shall be conducted by counsel to the Commission, or counsel of his designation.

At the conclusion of counsels' questioning, panel members may question witnesses in an order determined by the Presiding Officer.

As to the rights of witnesses

appearing before the panel, any witness may be accompanied and advised by an attorney, but the attorney may not otherwise participate in the hearing.

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

Failure to comply with these conditions shall be submission grounds for the exclusion of the attorney from any further participation in the hearing.

A witness may not be excused from attending or testifying because a witness failed to obtain an attorney, or because his attorney was excluded from participation in a hearing for violation of the conditions set forth above.

19 The hearing panel has determined
20 that as to any witness on notice to appear
21 before the panel, that they will be
22 sequestered, and that that will be to preserve
23 the integrity of the fact-finding process.

24 To sequester means that the
25 witness will be in another room and will not

0006

1 be permitted to hear the testimony of any
2 other witness until after their own testimony
3 is completed.

4 Finally, let me say that this is
5 a very important matter.

6 It is an important matter for the
7 participants;

8 It is an important matter to the
9 citizens of Philadelphia; and, as such,
10 everyone in attendance is asked to refrain
11 from outbursts or expressions of emotion in
12 order to maintain the dignity of the process
13 so that this proceeding can be conducted with
14 the same respect that is accorded to a
15 judicial tribunal.

16 In that regard, I ask that
17 everyone remain seated during the presentation
18 of the testimony, and please turn all cell
19 phones off or onto vibrate.

20 Mr. Hayes, are you prepared to
21 call your first witness?

22 MR. HAYES: Yes, Mr. Nix.

23 PRESIDING OFFICER NIX: If all
24 the witnesses present -- maybe could we swear
25 them in in a group, anybody that's testifying

0007

1 this evening.

2 At this time I am going to ask
3 any witness to please step forward to be sworn
4 in.

5 -----

6 (Hector Serrano and David Neris, sworn)

7 -----

8 PRESIDING OFFICER NIX: I am going
9 to ask Mr. Neris to rise and leave the room

10 and follow out Mr. Melendez to a waiting room
11 until called.

12 MR. HAYES: We would ask
13 Mr. Serrano to step forward to the witness
14 desk here, please.

15 -----

16 HECTOR SERRANO, after having been duly sworn,
17 was examined and testified as follows:

18 *EXAMINATION BY MR. HAYES*

19 Q. Mr Serrano, my name is Michael Hayes. And I,
20 along with my friend and colleague, Dennis Young,
21 serve as counsel to the Police Advisory Commission.

22 And part of our job is to ask questions of
23 witnesses, complainants, police officers, during
24 the hearings that we conduct.

25 And in keeping with our responsibilities, I am
0008

1 going to ask you questions about things that
2 happened on the evening of November 11th, 2005.

3 But before I do, I would like to clear up a
4 couple things about the way the process works.

5 First, Lisa is sitting on my right, and she's
6 a court reporter, and she's writing down everything
7 that we say.

8 So I ask that when you respond to questions,
9 you do so verbally, because if you nod your head,
10 she's not going to get it.

11 The other thing that I try to do when someone
12 is taking testimony, like Lisa is, is that I try to
13 talk a little bit slower than I normally would to
14 make it easier for Lisa.

15 Finally, if you don't understand any question
16 that I ask, or that Dennis asks, or that any
17 Commission panel member asks, if it's an unclear
18 question, just say so and we will try to clarify
19 the question and restate it.

20 Okay?

21 Before we get started, folks who appear before
22 the Commission have the right, if they wish, to
23 make a brief opening statement.

24 Would you like to make an opening statement to
25 the Commission before we begin with questions?

0009

1 A. No.

2 Q. Okay.

3 I will get started here.

4 Mr. Serrano, I would like to -- before we go
5 back to November 11th, 2005, I would like to ask
6 you a few questions about the group that you
7 founded and that you're the director of, Grupo
8 Fuego.

9 Give the Commission an idea what the group is
10 and what it does.

11 Could you explain for the Commission, when was
12 Grupo Fuego founded?

13 When did you found Grupo Fuego?

14 A. In 1987.

15 And, basically, Grupo Fuego is a professional
16 dance team that travels around the country. And we
17 represent the city and state in salsa, ballroom,
18 and cha-cha competitions. And we train our
19 afterschool program, Step, which consists of 120
20 kids as well.

21 And, basically, we teach low income students
22 with low income families for the whole entire year
23 for \$60.00. And that's our community service for
24 that community.

25 Q. The Commission heard last night a little bit
0010

1 about the Step program.

2 Is there another program in connection with
3 Grupo Fuego called Caliente?

4 A. Yes.

5 Caliente is the beginner dance team.

6 Grupo Fuego is considered our professional
7 dance team; Caliente is our intermediate; and, Step
8 is the afterschool program.

9 So if the kids are doing well in the
10 afterschool program -- honors, maintain good
11 grades -- they're then stepped up into Caliente.
12 And then they learn the process, and from Caliente
13 they go on to Grupo Fuego.

14 Q. Are there age limitations on Grupo Fuego?

15 A. Yes. There's actually requirements to be in
16 Grupo Fuego.

17 First of all, they have to be 13 and up.

18 And, most importantly, they have to do between
19 60 and 80 hours of service per year, as well as
20 honor students.

21 So all of my students that come within the
22 program, they start off maybe with a C or D, or
23 maybe B. But by the time of their fourth report
24 card, we keep grade copies of the statistics, all
25 the students are honor students.

0011

1 Q. When, if ever, does a Grupo Fuego graduate out
2 of the program?

3 Is it only for high school students?

4 A. It's only for high school students.

5 They will graduate from the program when they
6 feel as though it's their time.

7 They make the call.

8 For example, I have a student, Madeline
9 Michelle Canales, she was with me for five years.

10 She actually resigned in June because she's
11 now a freshman in Westchester University. So she
12 just does performances once every three months, or
13 whenever she has the urge to perform with us.

14 Q. How many members of the three -- I know it's
15 not three groups -- but how many members are there,
16 total, in the Grupo Fuego family there?

17 A. There -- at this time, we have eight in Grupo
18 Fuego; we have 14 in Caliente; and about 120 or so
19 in the afterschool program now.

20 Q. The program is not limited to one high school,
21 is it?

22 A. No.

23 We actually consist of public, charter,
24 Catholic, parochial, all over.

25 We actually have students from New Jersey,

0012

1 from Delaware, and King of Prussia.

2 So the word gets that far.

3 They have to drive an hour to just to come to
4 our program and to perform with Caliente.

5 Q. Where does the group -- is practice the right
6 word?

7 A. Yes.

8 We practice, yes.

9 We actually -- thank God, with the reputation
10 we have, Grupo Fuego has -- we actually practice at
11 Dianna's Ballroom, a restaurant and nightclub on
12 the second floor.

13 So the owner lets us practice on the second
14 floor seven days a week, or whenever the building
15 is open.

16 So we practice on the second floor seven
17 days -- 2, 3, 4, days, whenever we need it.

18 As well as the owner's daughter, she's a part
19 of the program as well. And she was also skeptical
20 in leaving her daughter to join a dance team. So
21 with the reputation that we have, she actually
22 upon -- had her daughter apply with us.

23 Q. Now, you founded Grupo Fuego?

24 A. Yes.

25 Q. Does the group -- is the group an entity?

0013

1 Is it a nonprofit entity or charitable entity?

2 A. The group is actually under the umbrella of
3 the Lighthouse, the nonprofit organization.

4 So, to this day, we had three, four, five
5 thousand. We haven't any donations.

6 Donations we received was maybe \$500.00 or
7 \$1,000.00 to purchase costumes, or take the kids to
8 a leadership retreat.

9 So, our goal is going to be in 2008 to become
10 a 501(c)3.

11 We actually have about 420 kids on a waiting
12 list to be in the afterschool program.

13 Q. Are there any other -- I hesitate to say
14 adults, because there are members of Grupo Fuego
15 who clearly are adults, like the student you
16 mentioned in Westchester.

17 Are there any other folks like yourself who
18 are not members of Grupo Fuego but are there to
19 help run the program and organize it and run it?

20 A. To help us?

21 On and off throughout the year I would say
22 everyone in the community, whether they are
23 Latinos, Caucasians. Directors, organizations,
24 city officials. The Director of the Lighthouse.
25 Parents from Grupo Fuego.

0014

1 We have owners of stores.

2 We have owners of restaurants.

3 They're not a part of Grupo Fuego, just their
4 store, but they still take time out either to
5 collect money when we have a candy sale.

6 We have other nonprofit organizations that let
7 us practice there, that let us use the copy
8 machines.

9 So, it's, like, a support from the entire
10 community, the entire city, but also even the
11 Secretary of State Ortiz, he also comes down and
12 attends our functions, and also maybe gives us a
13 sponsorship check for \$500.00 to send us to compete
14 in Miami.

15 Q. Thank you for the background information.

16 I know the Commission appreciates it to
17 understand.

18 We want to get the whole picture, so that's --
19 it's important that we learn more about Grupo
20 Fuego.

21 I want to kind of shift to a point in time,
22 November 11, 2005.

23 Grupo Fuego held an event at Dianna's
24 Ballroom; is that right?

25 A. Dianna's Ballroom.

0015

1 Q. Okay.

2 What was the event?

3 A. The event -- the afterschool program was
4 hesitant to compete in the 2005 parade, so we
5 actually came up with the funds to purchase their
6 costumes.

7 So, the kids created the choreography on their
8 own, and they competed, winning first place in the
9 Puerto Rican Day Parade overall.

10 Out of 100 or so dance clubs that competed,
11 they won overall champions.

12 So we rented the ballroom, Dianna's Ballroom,
13 to celebrate their accomplishments on first place,
14 and second place for Grupo Fuego.

15 So what we were going to do -- which we do
16 every year -- is have a fundraiser for it, our

17 winning the parade, and then that money we use
18 towards our Black & White Gala that we have every
19 year.

20 Q. So the event was for two purposes:

21 One was to celebrate the victory; and the
22 second was a fundraising aspect?

23 A. Correct.

24 Q. Did you organize the event as the director?

25 A. Yes.

0016

1 Q. Diane Guzman, is she the owner of the
2 building?

3 A. Yes.

4 Q. Did you enter into a contract with her to
5 lease the ballroom?

6 A. Correct.

7 Q. The -- how much did you have to pay to lease
8 the ballroom that night?

9 A. If I'm not mistaking, between \$700.00 and
10 \$900.00.

11 Sometimes, depending on how much we make with
12 the tickets that we sell, she'll charge us \$700.00.

13 And if she sees we sold more students, she'll
14 charge us \$900.00.

15 Q. Was this fundraiser open only to Grupo Fuego,
16 Caliente, Step students, or was it open to other
17 students as well?

18 A. It was open to other students.

19 We actually continued -- after November 11th
20 we honestly thought that -- I actually told myself
21 I would never, ever, ever, do an event like that.

22 I've been doing them for -- until 2005 -- for
23 eight years, and I've never had an incident like
24 that.

25 But after that night I said I would vow never

0017

1 to do it.

2 And we usually is open to the public, to high
3 school students, that come in.

4 Parents drop them off. And we never, I mean,
5 had anything like that.

6 It freaks me out.

7 I mean, it was just crazy that night.

8 Q. Do you know -- when this event happened on the
9 11th, before the event started, did you know how
10 many students you were going to have there, or do
11 folks come to the door and pay at the door and come
12 in?

13 A. We usually have between 300 and 350 at every
14 single fundraiser that we have. And we actually
15 had to close the doors sometimes.

16 Kids still want to pay \$20.00, \$30.00 just to
17 come in for an hour.

18 That's why we're trying to get a facility --
19 and we have city leaders helping us -- for a bigger
20 establishment to have the kids occupied seven days
21 a week.

22 Q. On November 11th, before the event started,
23 you didn't know how many students you were going to
24 have; just however many come, that's what you were
25 going to have?

0018

1 A. That's correct.

2 Q. The building, Dianna's Ballroom, did you have
3 events there before?

4 A. Yes, correct.

5 Q. You had events there before?

6 A. Yes.

7 Q. Can you tell the Commission about the
8 building; the dimensions and the capacity of the
9 building?

10 A. The capacity? Um, I didn't see the
11 certificate.

12 And I vowed after November 11th, I do my
13 research now on everything I do.

14 I know there's a certificate that states the
15 occupancy of the barroom.

16 But Dianna, she actually told us it holds up
17 to 350 without tables and chairs, and it's
18 comfortably for the students.

19 And it has one, two -- it actually has three
20 exits.

21 Three exits.

22 It has two emergency exits, and then the
23 entrance. So it has three exits, which we keep
24 chaperones at every exit just in case of an

25 emergency.

0019

1 So there's three exits.

2 Q. But Diane told you that the capacity was
3 approximately 350?

4 A. Yeah.

5 Q. For the -- okay.

6 A. Because she also informed us that a relative
7 of hers is an officer -- I believe her ex-husband
8 or a relative -- and that she doesn't want to go
9 over her occupancy because they could shut her
10 down.

11 So she always is at the door, too, making sure
12 it doesn't go over.

13 Q. On November 11th, 2005, did you have to turn
14 people away?

15 A. Yes.

16 It actually was the first time ever that in an
17 hour that we had that many students.

18 We usually have the parties from nine to
19 midnight; of course before the curfew and all.

20 Now we have them from 8:00 to 11:30, and we
21 give the students a half hour to get home before
22 the curfew.

23 Q. Who -- how do you know how many kids have come
24 in?

25 Who is counting heads?

0020

1 A. Well, we actually have wristbands.

2 And the wristbands that we actually have, we
3 actually set 350 wristbands.

4 And then, ever since November 11th, now the
5 wristbands have numbers. So that's even an easier
6 way to keep count and track as the students come
7 in.

8 We actually had, about three weeks ago
9 Licenses & Inspections came to one of our events
10 because they got a phone call that we were over
11 capacity. And when they came in, we were perfect.

12 We weren't over capacity. We passed the
13 inspection, and everything was perfect. And they
14 apologized, and they were helpful, with officers as
15 well as with Licenses & Inspections.

16 Q. Was there a problem with the wristbands?

17 Were kids copying the wristbands?

18 A. You can't replicate the wristbands, because
19 the wristbands, Cafe Cubana gives us wristbands.

20 And they're a nightclub. And they're the wristbands
21 that they use in the nightclubs. So they're
22 numbered.

23 They're computerized, and they have numbers.

24 So we keep track of them, the number that we

25 started. It was a total of 350.

0021

1 Q. On November 11th were you using numbered

2 wristbands?

3 A. No. Just regular wristbands. Just 350

4 wristbands.

5 Q. Was there a problem with kids copying the

6 wristbands?

7 A. No.

8 Q. Why did you switch to the numbered wristbands?

9 A. Because -- I think it was Officer Polanco that
10 actually recommended that if I ever wanted to, and
11 if I wanted to continue -- because I told Officer
12 Polanco I'm never going to do it.

13 He said, "Don't say that now. These kids need
14 you." He said, "If you do, you should keep numbers
15 so you can keep track of it for your sake." So I
16 said okay.

17 Q. I just want to make sure the record is clear
18 for the Commission.

19 On the night of November 11th, 350 kids came
20 in the front door and they had wristbands on?

21 A. Yes.

22 Q. And there were more kids who wanted to come
23 in, but you turned them away because you reached
24 capacity?

25 A. They were waiting outside.

0022

1 And what we do is, for example, if three come
2 in, and let's say they hang around for about an
3 hour, hour-and-a-half, and they leave, we cut their
4 wristbands, just like we do now.

5 So we cut their wristbands, so when they
6 leave, we actually give it to another student.

7 So you still have those students that hang
8 around hoping to get in if a student comes out as
9 well.

10 Q. Now, I want to back up a little bit to the
11 contract with Diane Guzman.

12 Did that contract have anything to say about
13 security at this event?

14 A. I can't recall. But she did ask me, and we
15 did have security.

16 She asks me all the time.

17 Q. What did you do for security for this event?

18 A. We actually had a retired police officer that
19 actually checks all of our students, as well as
20 three or four -- it was three assistants that also
21 are security for the local nightclub as well.

22 And they also have -- they have done security
23 in numerous nightclubs, and as well as the parents
24 that were there.

25 We have about, I believe, 15 -- between 15 and
0023

1 18 parents as well.

2 Q. Now, on November 11th you're saying that there
3 was a retired police officer there serving as
4 security?

5 A. Yes.

6 Q. What's that officer's name?

7 A. Mr. Angel Rivera.

8 Q. Can you spell that for the court reporter?

9 A. Sure. A-N-G-E-L; Rivera, R-I-V-E-R-A

10 Q. And you mentioned that there were three other
11 security persons there.

12 Do you know who were they?

13 A. It was three of his assistants.

14 Q. Three of his assistants?

15 A. Yes.

16 They always come.

17 Q. Do you know who they were?

18 A. They have actually -- they have always worked
19 with us, but at this time I don't remember their
20 names.

21 He would know.

22 Q. Are they adults?

23 A. Yes, definitely.

24 Q. Did you -- did any of the Grupo Fuego students
25 provide security that night?

0024

1 A. That night.

2 There are floaters.

3 They just go around and check at that time.

4 They aren't considered security.

5 They do check the kids, make sure everything

6 is fine at that time because -- I believe maybe

7 only one or two were 18, but the rest of them were

8 under 18.

9 Q. Do -- on November 11th did the kids attending
10 the event get patted down?

11 A. Yes.

12 Q. Who did the patting down?

13 A. Mr. Angel Rivera and his security.

14 Q. Did he have any female security with him?

15 A. Yes.

16 Q. One of his assistants?

17 A. One; one, yes.

18 Q. Did she do the patting down of the females?

19 A. Yes.

20 And, actually, when they're doing the patting

21 down, they even take out pens and pencils.

22 They take out everything.

23 I mean, you name it, they find it.

24 I'm just shocked. They find everything.

25 Q. You mentioned that there were maybe a dozen or

0025

1 more parents there as well?

2 A. Yes.

3 Q. Were they given formal responsibilities, or

4 were they attending the event as parents?

5 A. No.

6 Usually when a parent comes to the

7 fundraisers, they know to look out at the jam and

8 to float around; make sure that the kids don't

9 dance too provocative on the dance floor, or that

10 the exits are right, and that everything is just

11 running smoothly.

12 Q. Was Diane there that night?

13 A. Yes.

14 Q. Who collected money from the kids?

15 When the kids came up to attend, who collected
16 the money?

17 A. My sister, Jasmine.

18 Q. Jasmine?

19 A. Yes.

20 She's been the only person collecting money
21 the past 10 years.

22 Q. You mentioned that the event started somewhere
23 around 9:00; is that right?

24 A. Yes.

25 Q. What did you do?

0026

1 I mean, what were -- what did you take on as
2 your responsibilities at the event?

3 A. Well, we actually get there about an hour
4 before. She doesn't allow us before that. But we
5 get there an hour before.

6 We make sure all the tables, all the chairs,
7 are set up for the fundraiser.

8 We make sure -- we have a little pep talk and
9 prayer to make sure that everything goes well.

10 We make sure all the students of Grupo Fuego,
11 Caliente, and Step, they're actually at their
12 locations where they have to be, because everyone
13 rotates every hour.

14 We decorate the party. And I give everyone
15 their duties.

16 And as to me, everyone knows that I make sure
17 that everyone is on top of their game, as we say.

18 That everyone at the door, they're checking
19 the kids.

20 That everyone making rounds makes sure who has
21 wristbands.

22 That if they go between the dance floor, that
23 everything is okay, fine.

24 That there's no dispute or arguments.

25 I just make sure that everything, everywhere,

0027

1 all over.

2 Q. You mentioned before that there were three
3 exits in Dianna's Ballroom?

4 A. Yes.

5 Q. Was anybody in charge of guarding those exits

6 to make sure?

7 A. Yes. Fuego and Caliente dancers.

8 But it's also chaperones as well.

9 We always rotate every hour.

10 Q. Were any kids trying to get in the other
11 entrances?

12 I'm just remembering when I was a teenager if
13 I went to an event.

14 A. Of course. They always try get in. But they
15 bang the door, but they can't get in.

16 Q. You can't open them from the outside?

17 A. No, you cannot.

18 Q. At some point during the event, did a fight
19 break out?

20 A. At the event when I was there, no.

21 Q. Were you there the entire time?

22 A. I stepped out for a few minutes to get more
23 cases of water.

24 Like I told you, between nine and ten I didn't
25 expect that amount of people that were there, so I
0028

1 stepped out, just to get a few cases of water.

2 Q. Do you remember what time you stepped out?

3 A. I would say around 9:45 p.m.

4 I'm, like, two minutes away from the ballroom,
5 so I may have been back around maybe 10:00, 10:15.

6 Q. When you got back to the ballroom, was
7 anything going on?

8 A. I got the phone call.

9 My sister immediately gave me a phone call.

10 The moment -- and this is the second time --
11 that's why I'll never, ever, ever do it again --
12 this is the second time that I actually left a
13 fundraiser in 10 years and I get a phone call.

14 And my sister says, "Come over here. It's
15 ridiculous. The cops are beating your dancers."

16 "I'm going over there now."

17 And when I get there, that's when I see David
18 holding Alfredo Sanchez.

19 And he's just holding him.

20 I get out, and with my eyes, I see David
21 holding Alfredo Sanchez with his back turned, when
22 the officer just hit David.

23 And when David dropped, and I saw that, one of
24 my other old dancers, Roberto, he went to go get
25 David, and he got hit.

0029

1 When I went to go check on my dancers, because
2 the parents -- these kids are with me, they travel
3 with me all over the country, so to me they're my
4 sons and daughter -- so when I went to go help
5 them, it was like eight, ten, officers around my
6 two dancers, my three dancers. And they just kept
7 on hitting them. And I'm trying to get in. And
8 they're dragging me by my shirt. They were pushing
9 me on the floor; "No, no, you not allowed."

10 "No, I'm doing the hosting. It's me. It's my
11 party."

12 They said, "Back off, Spic, back off."

13 I said, "No, they're bleeding to death."

14 Parents are coming, pulling up.

15 When the parents are pulling up, the parents
16 are getting beaten.

17 Like, it was, like, a movie, like.

18 It was unreal.

19 I swear, I thought it was a dream.

20 I never, ever, would imagine this to happen in
21 Philly.

22 Like, ridiculous.

23 Q. When you returned from getting the cases of
24 water, you got this phone call when you were out
25 there getting these cases of water?

0030

1 A. Uh-huh.

2 Q. When you drove back, where did you park?

3 A. I parked about 30 feet -- 30 to 40 feet from
4 where David was getting hit.

5 Q. Did you park on Luzerne Street?

6 A. On Luzerne, yes.

7 Q. Mr. Anderson over here has just pulled up a
8 PowerPoint picture of Luzerne and I Streets.

9 And Dianna's Ballroom is kind of in the middle
10 there with the yellow thumbtack.

11 I would ask you to come up with me to the
12 screen, because I want to ask you where some things
13 happened.

14 A. Sure.

15 Q. We can't stand directly in front of the screen
16 because if we do, a short guy like me doesn't block
17 it all out.

18 Maybe I do.

19 We have to stand over here to the side.

20 But let me give you this microphone.

21 Take a look up here at the streets up here

22 (indicating).

23 Could you point out for the Commission and for
24 Mr. Anderson approximately where David and Alfredo
25 were when you saw David holding Alfredo?

0031

1 A. If the ballroom is right here (indicating),
2 they were right across the street right here
3 (indicating).

4 Q. And is that about right where we put that dot?

5 A. Yes.

6 They were, like, on the right here
7 (indicating) on the sidewalk, like, getting hit.

8 Q. I think that's all we need right now.

9 When you returned to Luzerne Street -- when
10 you got that phone call and you came back, can you
11 give the panel a general sense of what was going on
12 in the street at the time?

13 You've told us what was happening with David
14 and Alfredo. But, in general, what's happening out
15 there in the street?

16 A. When I got there and I saw the situation with
17 David, and I couldn't go to David or Alfredo, I
18 went inside the party.

19 The first thing I said was, "Keep the kids,
20 the rest of the kids that are in there, keep them
21 inside."

22 Q. How many kids -- when you arrived, how many
23 kids were outside?

24 A. I'd say -- honestly, like, between 40 to 50, I
25 believe.

0032

1 Maybe a little bit more, I think.

2 They were scattered all around.

3 People were scattered all over the streets.

4 Q. Approximately how many police officers did you

5 see out there at that time?

6 A. When I pulled up, it must have been about --
7 maybe there were about eight or ten surrounding
8 David and the two guys, and around -- no, like all
9 over as well around, there were way more than that.

10 And then --

11 Q. Let me run through it with you here.

12 So you arrived back at the scene and you saw
13 David and Alfredo and Roberto and the officers
14 around them, and you said that you tried to
15 intervene.

16 What did you do?

17 A. I tried to pick David up.

18 Like, I wanted him inside the ballroom.

19 I didn't want those people hitting him.

20 He was passed out. Like, his face was covered
21 in blood.

22 Like, there was no point of just continuing to
23 hit a kid that was already unconscious.

24 That was, like, abuse, I would think it is.

25 Q. So were you talking to any officer in

0033

1 particular, or when you went to intervene did you
2 intervene with one officer?

3 A. I spoke to one officer.

4 And I actually told him if I can go get my
5 kids.

6 And he was like, "No. You're going to get
7 under arrest. They offended, and they dragged an
8 officer down."

9 I was like, "What?"

10 I said, "Do you see how puny those kids are?"

11 I said, "No, they need their parents." And he said,
12 "They going to get locked up now."

13 So I started -- my sister --

14 Q. Before you go on, could you describe that
15 officer?

16 A. Sure.

17 He was maybe brownish dark hair;
18 light-skinned; taller than me; and really --

19 Q. Husky?

20 A. Husky, yeah.

21 Q. Caucasian?

22 A. Caucasian.

23 Q. Did you ever get that officer's name?

24 A. No.

25 I actually started writing the badge numbers
0034

1 down of all of them, and that's when the main
2 lieutenant, or whoever was there, one of the main
3 officers, grabbed the paper and he threw it in my
4 face.

5 Q. We're going to talk about that.

6 You just mentioned something that that officer
7 said to you.

8 The officer told you that one of the kids
9 dragged an officer down; is that right?

10 A. He said that he offended him.

11 Q. He offended him?

12 A. Yes.

13 Q. Did he say anything about an officer going
14 down?

15 A. He said that one of the kids tried to hit an
16 officer.

17 Q. I just want to -- I am asking you this
18 question because one of our witnesses last evening
19 said that she heard over a police radio, "Officer
20 down."

21 So if one of the officers -- if this officer
22 told you that an officer went down, we need to know
23 that.

24 Did the officer say anything to you about an
25 officer going down, or being taken down?

0035

1 A. He said that like you said.

2 I'm just saying it because we heard it from
3 students. But he said that one of the students,
4 they offended -- not offended, but they tried to,
5 like, hit him. So I'm not sure what's the proper
6 word for that.

7 Q. After the officer told you this, what did you
8 do?

9 A. I told him, I said, "That's ridiculous."

10 I said, "There's no way."

11 I said, "These kids are with me seven days out
12 of the week."

13 I said, "There's no way."

14 I said, "Why are you hitting him?"

15 I said, "You continue to hit him."

16 And I said, "David was only grabbing," and I
17 told him, and I explained to this one officer, I
18 said, "If Alfredo Sanchez," and I told him that,
19 which I don't believe if the one kid is on the
20 floor already, why would the other one get hit for
21 no reason, his back was turned.

22 And when the other -- Roberto went to get
23 David, then he got hit for no reason, too.

24 That's when I was like, two kids were hit for
25 no reason for trying to get Alfredo Sanchez into

0036

1 the ballroom.

2 Q. Remember now, I am trying to take things one
3 step at a time.

4 What happened next?

5 A. Then I went and I told -- I told the D.J. to
6 stop playing the music and to keep everyone inside.

7 And I got on the microphone and I said,
8 "There's an incident outside, please do not go
9 outside."

10 I said -- it's amazing, because even when
11 Licenses & Inspections came two or three weeks ago,
12 they actually gave me recognition. I have control
13 under these kids. I have full control.

14 So I told them, "You cannot go outside."

15 I said, "There's an incident happening."

16 They stood there.

17 Q. When you returned to the club, did you see
18 Angel Rivera or the other security guards outside?

19 A. They were inside.

20 They were trying to control, because the kids
21 were trying to come out.

22 Because they also heard that David, one of the
23 dancers, was getting hit.

24 Q. Okay.

25 Now, did David or Alfredo or Roberto have any

0037

1 responsibilities that night?

2 A. Yes.

3 Q. Did they have any jobs to do?

4 A. Yes.

5 Q. What jobs did they have to do?

6 A. They actually -- which they do at every jam --
7 they make sure that when it's their turn, to check
8 the doors, that no one comes in.

9 Make sure the bathrooms -- that there's, like,
10 two people at a time in the bathroom.

11 Make sure that if something spills, to clean
12 it up.

13 To make sure to check around if there's little
14 arguments.

15 Everything.

16 They help out with everything.

17 Q. Did anyone tell you that evening that there
18 had been a fight inside the ballroom?

19 A. No.

20 Q. Okay.

21 A. They told me there was an argument in the
22 ballroom, but not a fight.

23 Q. Did they tell you anything else about the
24 argument?

25 A. No.

0038

1 Q. Did they tell who was involved in the
2 argument?

3 A. No.

4 Q. You went back inside and you told the kids to
5 stay inside?

6 A. Uh-huh.

7 Q. And you got on the microphone and did that.
8 What did you do next?

9 A. Then that's when my sister told me to get a
10 paper and pen and start writing the badge numbers
11 of the officers that are hitting the students and
12 parents that are just trying to get home.

13 Q. Your sister told you to do that?

14 A. My sister. The chaperones.

15 Everyone was telling me, "Get a pen now and
16 start writing these numbers down."

17 Q. What did you do?

18 A. I went outside, and the first -- I saw -- the
19 first person that was getting hit was Susie

20 Martinez's son. We call him Baby. I don't know his

21 real name.

22 Q. If I told you his name was Benny Martinez --

23 A. Benny Martinez, yes.

24 He was just getting hit.

25 He just went to pick up his sister.

0039

1 I mean, he was gushing blood.

2 And then I saw his wife. She was pregnant.

3 She was hit.

4 And then I saw more parents and more dancers.

5 I saw three of my girls that actually come to

6 our fundraisers all the time, their shirts were

7 open, their bras was showing. They were hit, too.

8 It was just like a free-for-all.

9 Every officer was hitting a kid that was

10 trying to get home and walking by.

11 Q. When you say people were getting hit, getting

12 hit with what?

13 A. The nightsticks.

14 They were getting hit with the nightsticks.

15 The officers that didn't have nightsticks,

16 they were just, like, ripping them up by their

17 collars of their shirts, and just, like, pushing

18 them, and just throwing them on the floor, and just

19 dragging them like they were trash bags.

20 Q. What did you do?

21 A. I continued to write the numbers.

22 And then one of the -- he must have been one

23 of the two of the head officers there, when he saw

24 me writing the numbers, he was like, "What the fuck

25 you think you doing? What the fuck you think you

0040

1 doing?"

2 And I said, "I'm doing my job. I'm writing

3 the numbers."

4 Q. Why do you say he's one of the head officers

5 there?

6 A. Because everyone was responding to him, and he

7 had a different shirt.

8 He had -- I believe he had a white shirt.

9 Q. He had a white shirt on?

10 A. Yes.

11 A white or a very, very light blue shirt.

12 But he was the one that had a different color
13 shirt. And everyone was responding to him.

14 And every time I asked the officer, they said,
15 "He's the man. He's the one we respond to."

16 Q. Could you describe that officer; a physical
17 description?

18 A. He was an older -- one of the older officers.

19 Kind of like the hair here (indicating), kind
20 of like bald up here (indicating).

21 Q. Receding hairline?

22 A. Yes.

23 Husky and tall.

24 Q. Caucasian?

25 A. Caucasian.

0041

1 Q. How old would you say he was?

2 A. He must have been, like -- maybe his early
3 40's or late 40's.

4 In the 40's, maybe.

5 Q. What color hair?

6 A. Like a grayish-white.

7 Q. Did you ever get that officer's name?

8 A. I have his badge number.

9 Q. What was that officer's badge number?

10 A. That's when he ripped up the paper and slammed
11 me against the fence.

12 Q. You don't have the badge number as we sit
13 here?

14 A. No.

15 Q. I'm sorry, we stopped in the middle.

16 This officer came up to you and said what?

17 A. He said, "Do you know that that's
18 disrespectful to write a badge number in front of
19 officers. Do you know that we hate that?"

20 He was like, "That's like a smack in the face,
21 kid."

22 And I was, "I'm doing what they told me to
23 do."

24 And he was like, "Oh, you know what, I'm tired
25 of you."

0042

1 That's when he grabbed the paper, he threw it
2 in my face, and he handcuffed me, and threw me on

3 the fence.

4 And then -- I just know that the parents were
5 there, too. And they were going crazy, because for
6 no reason he went to use a stun gun, or whatever
7 that was, to shock me.

8 When he pulled it out, that's when all the
9 parents were like, "No, no, please."

10 They started crying and screaming.

11 Q. Now, hold on.

12 Did he take out this stun gun, or Taser, did
13 he take this out before you were handcuffed or
14 after?

15 A. After I was handcuffed.

16 Q. I think this might be a good time to go back
17 up to the picture, if you don't mind, okay?

18 A. Sure.

19 Q. Could you point on the photograph up there,
20 you said you were pushed up against the fence.

21 Would you point to where that happened?

22 A. Right here (indicating), close to the
23 entrance.

24 This is a fence right here (indicating). So
25 it's like right there (indicating).

0043

1 Q. I have a couple more questions.

2 You mentioned that the officer pushed you up
3 against the fence, handcuffed you, and then took
4 out a Taser; is that right?

5 A. Yes.

6 Q. How did you know that he took out a Taser?

7 A. Because one of the pieces, we stood with it
8 after the party.

9 The pieces, I think it was the Taser gun. I
10 think you lock it. Or there was a piece of it, and
11 we found it on the grass where I was thrown on the
12 floor.

13 Q. Did the officer take you down to the ground
14 there?

15 A. Yeah.

16 Well, from the fence to the ground.

17 Q. Were you put inside a police vehicle --

18 A. Yes.

19 Q. -- or a police wagon?

20 A. A police vehicle.

21 Q. Where was that police vehicle located?

22 Would you point that out up here?

23 A. It was actually on I Street, not on Luzerne.

24 It was on the corner of I, right here

25 (indicating).

0044

1 Q. Is that approximately where the patrol car
2 was?

3 A. Yes.

4 Q. You can sit back down.

5 Thank you.

6 The officer puts you up against the fence,
7 takes you down to the ground, and puts handcuffs on
8 you on the ground.

9 Is that where he put the cuffs on?

10 A. He put the handcuffs while he was -- like, I
11 was on the fence. So he was, like, pushing me
12 against the fence and putting the handcuffs on me
13 (indicating.)

14 Q. Did he take you down to the ground after that?

15 A. Yeah.

16 That's when he started saying, "You have the
17 right to remain silent," and he said that.

18 Q. Did he have anything else to say to you at
19 that point?

20 A. Yeah. A lot of curse words.

21 He called me -- you name it. Every curse word.

22 He's like, "I'm tired of kids like you".

23 "I'm tired of having to clean up after these

24 Spics and niggers around this neighborhood."

25 "You all a bunch a low-lifes and trash."

0045

1 He kept calling me Spic.

2 And when I actually talked back to him --
3 which I shouldn't, but I was angry -- I was, like
4 "Don't call me Spic no more. I'm not a Spic."

5 He was like, "I call you what I feel like."

6 He called me a wimp.

7 He started calling me the P-word, and all
8 these things and stuff like that when he was
9 walking me to the car.

10 Q. This is the same officer?

11 A. Same officer.

12 Q. Now, he put you inside the patrol car?

13 A. Pushed.

14 No, he threw me in there.

15 He didn't put me in there.

16 He was mad, he threw me in there, and

17 started -- before he did, he started making sure I

18 had nothing in my pockets or anything like that.

19 So he was, like, doing it on purpose.

20 And instead of, like, patting me down, he was,

21 like, patting me hard and, like, and making sure I

22 didn't have -- like, who would hold anything in

23 their collar?

24 He was, like, gripping me up on my neck like I

25 was a puppet. And then, like, checking my waist,

0046

1 and hitting me against the car.

2 He was, like, "Okay, you clean." And that's

3 when they -- not they, he just threw me inside the

4 back seat.

5 Q. How long were you inside the patrol car?

6 A. For about 20 minutes, I believe.

7 Q. How did you get out of the patrol car?

8 A. Because Officer Polanco -- they asked me for

9 my name, and I said, "It's on the license." And I'm

10 going to admit, I was being sarcastic, because he

11 had my driver's license. So he asked me, and I

12 said, "It's on my license." He said, "You being a

13 smartass?" And I was like, "You have it." And

14 that's when I started crying. He was like, "Aww,

15 look at this wimp." He was like, "Trying to be

16 Martin Luther King. Trying to keep kids off the

17 street." He was like, "Shut up." And that's when

18 Officer Polanco was saying like, "Come on, chill."

19 And that's when I told him who I was.

20 Q. I want to make sure the record is clear as to

21 who was saying what.

22 Which officer had your license?

23 A. The one who put me in the car.

24 Q. The one who put you in the patrol car?

25 A. Yes.

0047

1 Q. And he asked you for your name?

2 A. Yes.

3 Q. And you told him, "You've got it; you've got
4 my license?"

5 A. Yes.

6 Q. And then he said those other things to you --

7 A. Yes.

8 Q. -- about Martin Luther King?

9 A. Yes.

10 He was -- when he had me against the fence,
11 the parents kept on telling him, "He's a good guy,
12 he tries to keep the kids off the streets. Just
13 leave him alone."

14 And he was like, "Blah, blah, blah, blah,
15 blah," like making fun of the parents.

16 Q. But another officer told this officer to stop
17 it, or to chill out?

18 A. Yes, to chill out.

19 Q. Was that Officer Polanco?

20 You mentioned Officer Polanco.

21 A. It was -- I'm 99 percent, yes, it was Officer
22 Polanco.

23 Q. How do you know it was Officer Polanco?

24 A. Because he was the only one that apologized to
25 us once that was over.

0048

1 He came -- he actually stood and came inside
2 the ballroom and apologized on behalf of the
3 district. And he said, "This shouldn't have gone
4 this far," and, "I know something got out of hand,
5 but I apologize."

6 And I said, "Why didn't you help us. You
7 Latino." I said, "They always consider us
8 minorites. You were there. You could have said
9 something."

10 He was like, "Look, I just want to say I'm
11 sorry." I said, "That's not good enough," I said,
12 "Because now I have kids, parents, and everyone I
13 have to deal with. I have to file complaints and
14 everything. You should have said something."

15 I said, "Come on, you Latino. You saw your
16 own people getting hit. You saw Blacks and Latinos
17 and all these white officers. And not to be
18 racist, but the white officers are hitting us."

19 I said, "You're an officer, you need to
20 protect us. These kids were getting hit."

21 And he was like, "I know, I know. Calm down,
22 kid."

23 I said, "No, I'm not going to calm down."

24 I said, "You should have said something. I
25 thank you for apologizing on the district, but you
0049

1 didn't do anything to us. Why are you apologizing
2 for something you didn't do?" I said, "It was
3 everyone else. It's not fair," I told him.

4 Q. Now, I want to back up a minute, okay?

5 This officer told the other officer to chill
6 out?

7 A. Yeah.

8 Q. Is that what he said?

9 A. He was like, "I got it. I got this."

10 He was like, "What's your name?"

11 I was like, "Hector Serrano."

12 So, he kind of like butt in, like, in a way
13 that he wanted him to let him take over the
14 questions. And then he asked me where do I live;
15 who am I. I told him. Then he asked me a few
16 questions.

17 Q. Okay.

18 What happened after that?

19 A. And that's when they both left, left the car.

20 Officer Polanco stood around the car, and one
21 guy threw me in there, started talking to the other
22 officers.

23 And then my students that left that were still
24 waiting around the fundraiser, they surrounded the
25 cop car, and they started saying, like, "Let him go
0050

1 free. Get him out of the car. You have the wrong
2 person. Why do you have him in there. There's,
3 like, no way. He shouldn't be in there."

4 And the officers just kept on pushing all of
5 them from the car, and just not -- like, telling
6 them "Come on, guys, back up." They were just,
7 like, pushing them, pushing them.

8 And then a few minutes later after they left,
9 the officer that threw me in the car, he said, "I'm

10 going to do you a favor," he said, "but I want you
11 to get all these Spics and niggers out of here, and
12 you have a few minutes to do it." And he was like,
13 "I'll let you go."

14 So he was like, "I'm being a nice guy."

15 I said, "You ain't being a nice guy," I said,
16 "Because the first thing Monday I'm calling the
17 City leaders; I'm calling the newspapers."

18 He was like, "There you go again, thinking you
19 Martin Luther King."

20 He said, "You ain't nobody, kid. Who are you?
21 No one knows you. I don't know you, so you think
22 this community knows you?"

23 I said, "Because you ain't Latino, that's
24 why."

25 And that's when he was just, like, "Shut up,"

0051

1 and continued.

2 And, again, speaking to officers, and now
3 going to community meetings and volunteering on
4 several committees, I realize that what he said,
5 "I'm doing you a favor to leave," I should have
6 left and not continued to talk. But out of anger
7 I said -- I was mad. I didn't want him to keep on
8 disrespecting me.

9 Q. So what happened then?

10 A. I left.

11 I went back inside the ballroom.

12 And when I went inside the ballroom, that's
13 when I saw all my kids, like, crying.

14 It was -- that's the part -- that kind of,
15 like, got me mad, because there were shirts broken
16 and, like, the girls, they felt like trash; like,
17 the officers calling them whores. And they were
18 just all crying at the party.

19 They were all crying.

20 Like, why did this happen to us. Like, it
21 shouldn't have happened.

22 And the ironic thing was we went to a Stop The
23 Violence conference a week prior to November 11th
24 with Power 99FM, and we were the only afterschool
25 program, and we outnumbered every school and every

0052

1 program to know about the law.

2 And one of the girls was saying, "Do you see,
3 we went to that conference, for what? So we could
4 get hit? And it wasn't even our fault." And they
5 were just crying.

6 And all the parents -- I just wanted to end
7 it. I didn't want to work with no more kids.

8 They were beaten, like, and hurt.

9 Q. I have a couple more questions for you, and
10 then Mr. Young may have questions, and some of the
11 Commission members may have questions for you.

12 I just have a couple more.

13 First, this is -- I'm asking you to look back
14 in time now to November 11th.

15 In a sense, I am asking you to do that.

16 Do you think it's a good idea to have events
17 where anyone can come?

18 I know you know the Grupo Fuego kids, they
19 work with you day to day to day, but do you think
20 it's a good idea to have events where folks you
21 don't know come -- where folks come to the door and
22 you don't know who they are, but they're coming to
23 this event?

24 A. We -- actually, we've been doing this for
25 eight years in 2005, and in eight years we make the
0053

1 decision of who to let in.

2 And if they look -- I don't know -- if they
3 look clean-cut, and they don't look like
4 troublemakers -- and we check on them -- we let
5 them in. Because my kids know that they represent
6 Grupo Fuego.

7 They dress with baggie jeans, they dress with
8 baggie shirts. But when they're recognized, and
9 when you get to know them, they're honor students.

10 When they go to a gala, they dress right.

11 Only because they're dressed differently, I'm
12 not going to turn them away.

13 As long as they look clean-cut, and they're
14 there to have a good time, and they don't have no
15 pens or pencils or anything, we're going to let
16 them in because we make that judge of character.

17 Now, even if they're 18 and they, like, 6'5"

18 And they don't look like they belong there, we
19 don't let them in.

20 Even if they smell like cigarettes at these
21 parties -- and they smoke the cigarettes outside,
22 which we've seen -- sorry, you can't come in.

23 "Why?" Because you smell like cigarettes.

24 We don't want to take any chance with stuff
25 like that.

0054

1 Q. How do you know how old the kids are?

2 A. High school IDs.

3 Q. You collect high school IDs?

4 A. We check the high school I.D.

5 Q. What if a kid doesn't have a high school ID?

6 A. If the kids don't have high school IDs, I know
7 them, or my sister knows them. Because they go to
8 our program, they don't have to bring them because,
9 of course, they have been to our functions. We
10 know that.

11 The only ID we don't check are the ones that I
12 know where they live; I know their parents; I know
13 who they are.

14 Q. Do you write down the names of kids who attend
15 or no?

16 A. No.

17 MR. HAYES: I have no further
18 questions.

19 -----

20 *EXAMINATION BY MR. YOUNG*

21 Q. Mr. Serrano, first of all, let me thank you
22 for testifying.

23 I hate microphones, but I guess I have to use
24 it.

25 I do have a few follow-up questions.

0055

1 You mentioned, and you testified, that you've
2 had events at this particular ballroom before; is
3 that correct?

4 A. Yes.

5 Q. How many times have you had fundraising events
6 at this ballroom prior to the November 2004
7 incident?

8 A. A few times.

9 Q. 2005, I'm sorry.

10 A. Two or three times.

11 Q. Two or three times.

12 And that was over one event per year, or --

13 A. We have between six and ten per year.

14 Q. You said --

15 A. I need a tissue.

16 Q. Okay.

17 Are you ready?

18 A. Yes.

19 Q. Okay.

20 So you had about six to ten fundraisers per

21 year?

22 A. Yes.

23 Q. And you had them at different locations other

24 than Dianna's Ballroom?

25 A. Correct.

0056

1 Q. Have you ever had any type of incident like

2 this happen prior to this?

3 A. No.

4 If it's, like, my kids being hit by officers,

5 no.

6 There is always arguments, where if the

7 students have disputes and a fight maybe, like,

8 once a year outside of the event, but we handle it

9 in less than a minute.

10 We take care of it the moment it happens.

11 Q. Do you recall whether there have been any

12 incidents prior to November of 2005 in which the

13 police officers were either called or had to arrive

14 in response to any fighting, or anything like that?

15 A. We actually call the officers.

16 I call officers, but that's just to clear up

17 the -- wherever we have the event, to clear up the

18 premises.

19 Q. And, prior to this incident, how many times do

20 you think you had to call officers in order to

21 quell any incidents that were happening?

22 A. You mean, like, fights?

23 Q. Yes. Fights, or disagreements, or --

24 A. Maybe, like, three times in the last eight

25 years. Pushing it, four.

0057

1 But we call every single jam so they can just
2 clear up the front.

3 Q. You also testified that Dianna personally was
4 at the door that night?

5 A. Yes.

6 Q. Did she remain at the door the entire night,
7 or does she have other responsibilities that you
8 know of?

9 A. No, she was there at the event at the
10 entrance.

11 And then while the whole thing was going on,
12 we didn't see her until the end.

13 Q. And you mentioned that you had a security
14 force, for lack of better words, and that entailed
15 a retired police officer, and two to three of his
16 assistants, one of which was a female; is that
17 correct?

18 A. Correct.

19 Q. Were they paid for their services that night,
20 or was this on a volunteer basis?

21 A. No. I paid my security.

22 But that night we didn't -- they said forget
23 about it because of the fact of what had happened.

24 Q. Do you recall -- as this incident was
25 unfolding, do you recall seeing any of the security

0058

1 personnel; mainly, the retired officer?

2 A. Yeah. They were at the entrance.

3 My exact rules are that I told them was don't
4 let none of the kids come out until I tell you;
5 don't let them come out. And they made sure that
6 no one came out.

7 Q. So it's your testimony that they maintained
8 their position at the entrance while the whole
9 incident was unfolding; is that correct?

10 A. Yes.

11 Q. And that was according to your instructions?

12 A. Correct.

13 Q. Okay.

14 You also testified that you saw David Neris
15 being beaten by some police officers; is that
16 correct?

17 A. Yes.

18 Q. And you used the word unconscious?

19 A. Yeah.

20 Q. What made you think he was unconscious?

21 A. Because he didn't move.

22 He was on the floor.

23 He was -- the first time they hit him with the

24 nightstick he fell. He only tried to get up one

25 time.

0059

1 The first time he tried to get up, that's when

2 they hit him again.

3 After that, we didn't see David get up.

4 That's when I panicked, because he was still on the

5 floor. They still kept on him.

6 In my mind, that's ridiculous. He's already,

7 like, passed out, why continue to hit him. Like,

8 leave him alone and stop.

9 Q. And, in your mind, you thought he was passed

10 out because you didn't see him moving anymore?

11 A. No; no.

12 Q. So you saw him get hit once, and then he sort

13 of kind of tried to get up, and then you saw him

14 hit again?

15 A. Right.

16 Q. Did you see him get hit any more times; more

17 than two times?

18 A. Yes.

19 Q. How many times did you see him get hit?

20 A. I can't -- I know they kept on until they

21 turned to Alfredo and Roberto, too.

22 Q. And at this point I am going to ask you just

23 to guess or give me a guesstimate.

24 Do you think you saw him get hit more than

25 five times?

0060

1 A. I'm getting -- yes.

2 Q. More than ten times?

3 A. No, I don't think more than ten times.

4 Q. Do you recall --

5 MR. STAPLETON: I'm going to ask

6 that you not guess.

7 Could you just testify as to what

8 you saw; how many times you saw the person
9 hit.

10 To guess, I don't think it's
11 appropriate for this proceeding.

12 THE WITNESS: Sure.

13 Q. From what you recall, you can't say how many
14 times specifically you saw David get hit; is that
15 correct?

16 A. Specifically, no.

17 I just know -- he was about five times.

18 Five or more, yes.

19 Q. And was there one or two officers involved in
20 hitting David?

21 A. It was several.

22 It was one officer. And then the rest of them
23 came.

24 One officer was hitting him, and the rest of
25 them weren't hitting him, but they were surrounding

0061

1 him.

2 Q. So there were several officers standing around
3 watching, and there was at least one officer who
4 was doing the hitting?

5 A. Yes.

6 Q. And I don't know if you testified to this
7 earlier. If you did, I apologize.

8 But could you describe, if you can, the
9 officer that was hitting David?

10 A. Um, I would say about my height.

11 About, maybe, 250.

12 Dark hair.

13 Light-skinned; not too light.

14 And that's it, because we couldn't get close
15 at all because the officers wouldn't let us.

16 Q. When you say light-skinned, do you mean black
17 or white?

18 A. White.

19 Q. As you sit here today, do you know the
20 officer's name or badge number?

21 A. No.

22 Q. Outside of seeing David get hit, did you see
23 anyone else get hit?

24 A. Yes.

25 Several of my old Step students, and my

0062

1 current Step students, which we actually have
2 pictures, which we actually turned in -- I should
3 have brought them today -- their shirts were being
4 ripped. The nightstick's mark on their neck.

5 And we actually went to the 24th 25th District
6 to file a complaint so they could see the girls and
7 guys. And then they told us that that's not where
8 we filed complaints; we have to go to Rhawn or
9 somewhere on the Boulevard -- Dugan or Duncannon.

10 And they told us we have to go all the way up
11 there, they don't take those complaints at the 24th
12 25th District.

13 Q. It would be helpful if you still had copies of
14 the pictures, to forward them over to the Executive
15 Director, Bill Johnson, if you could.

16 A. Yes.

17 Q. You mentioned earlier that you sold tickets to
18 this event, to this fundraiser?

19 A. Yes.

20 Q. Did you sell tickets just on the date of the
21 event?

22 A. Just that day.

23 Q. At the door?

24 A. Yes.

25 Q. And do you know the composition of the

0063

1 children that ultimately purchased tickets and were
2 accepted into the fundraiser?

3 A. I'm sorry, I don't understand.

4 Q. The composition -- you mentioned there were
5 Hispanic youth. You also mentioned there were
6 black youth.

7 A. Yes.

8 Q. Were there white youth there?

9 A. Yes.

10 Yes, we do have a lot of white students from
11 Cardinal Dougherty. We have them from Edison High
12 School. So we do have white students as well.

13 I would say about 10 percent; 10, 15 percent
14 are white.

15 I would say about the same for

16 African-American.

17 And the rest, the majority, is Latinos.

18 Q. And some of those white students were at the
19 fundraiser that night?

20 A. Yes.

21 Q. And do you have any Arabic students in your
22 program?

23 A. No.

24 Q. Were you aware that there were Arabic students
25 at the event?

0064

1 A. I was aware that there were two Arabics that
2 started trouble, and they were in the corner where
3 I was -- where the cop car was at, the patrol car,
4 there were two Arabics there.

5 But, no.

6 They were arguing. They were arguing, yes.

7 Q. When you say they were in the corner, you mean
8 outside of the ballroom?

9 A. Outside of the ballroom, yes.

10 Q. Are you aware, or do you know, if they were
11 inside of the ballroom at your event?

12 A. Again, like Mr. Stapleton said, I don't want
13 to guess, but the one that would know would be my
14 sister because she was at the door.

15 I'm at the door 24/7 to see how many people
16 come in.

17 Q. And, so, you're not sure if those Arabic
18 students, if they were there, whether they
19 purchased tickets?

20 A. Correct.

21 Q. You also mentioned that there was a certain
22 officer who, I guess, threw you up against the
23 fence and handcuffed you; is that correct?

24 A. Yes.

25 Q. Did he handcuff you from the back or the

0065

1 front?

2 A. Back.

3 Q. Did he use conventional handcuffs, the ones
4 you see on T.V.?

5 A. I just know they hurt, and my hands were
6 turning purple-blue.

7 Q. So you think he handcuffed you too tight?

8 A. He did it on purpose.

9 I kept on telling him, "Stop, it's hurting me.

10 I can't feel my fingers."

11 And he was, "There's more to come."

12 And I think that's why when I was telling him
13 what I told you previously earlier he was checking
14 my neck see if I have weapons, he was checking me
15 like this (indicating). That's where I knew I was
16 going to get it, when he was -- kept on telling me
17 "There's more to come."

18 Q. And I think you testified to this, but just so
19 it's clear, in terms of the series of events, you
20 were first thrown against the fence, and then you
21 were handcuffed; is that your testimony?

22 A. Yes.

23 Q. Outside of being thrown against the fence, was
24 there any other physical contact that the officer
25 had with you?

0066

1 A. At the car.

2 Q. Okay.

3 And what happened there?

4 A. That's when he started checking me. And he
5 was checking to make sure I didn't have no weapons.

6 And he checked my neck.

7 He checked my pockets.

8 He was, like, throwing me against the car
9 making sure everything was fine.

10 And then when he was done, he pushed me in the
11 car.

12 Q. Were you injured at all during this frisk when
13 you were pushed into the car?

14 A. I was just pushed.

15 I mean, if you consider, like, light bruise
16 here and there. But, not --

17 Q. By the way, since the incident, or because of
18 the incident, did you ever get any medical
19 attention?

20 Did you ever receive any medical attention?

21 A. No.

22 Q. You also mentioned in your testimony that
23 there were certain officers who had called the

24 girls inappropriate names.

25 Do you remember that?

0067

1 A. Yes.

2 Q. Do you remember the names that you said they
3 called them?

4 A. Yes.

5 Q. Did you personally hear that, or is that what
6 someone told you?

7 A. No, I personally heard that.

8 They were calling -- this is where I say I
9 thought this was like the movies.

10 I would never imagine officers to talk that
11 way to young teenagers.

12 Like, it was unreal.

13 To call Latinos Spics, Black people niggers,
14 and call girls whores, that, to me, was the most
15 unreal from officers. And I think that's why we
16 are now intimidated by officers, because of things
17 like that.

18 Q. And you heard this during the altercation
19 outside of the barroom?

20 A. Correct.

21 Q. I mean outside of the ballroom.

22 A. Yes.

23 Q. Do you know whether there was any altercation
24 involving police officers inside the ballroom?

25 A. No.

0068

1 Q. Okay.

2 No, you don't know; or, no, there wasn't?

3 A. No, there was no altercations, that I know of.

4 Q. Do you know whether the police officers
5 actually went inside the ballroom?

6 A. A few of them, yes.

7 Q. But you're not aware of any altercation
8 involving those police officers?

9 A. No.

10 Q. Have you had any fundraisers since this time?

11 A. Yes.

12 It took me a year to -- after November 11th we
13 waited a year to do the next event.

14 And, actually, let me rewind back.

15 From November 11th we waited -- we actually
16 had another event. And it was actually -- we
17 called it the Pride & Justice Jam. Something like
18 that.

19 And I said if you still support Fuego,
20 Caliente, and Step after the incident, please come
21 support us. And it was a good turnout.

22 And, actually, we did speak to Johnny Irasari,
23 that worked at the Lighthouse, and he gave me Email
24 addresses and fax numbers.

25 And now that I do recall, that was actually

0069

1 pretty helpful because we actually had the officers
2 working with us.

3 So, we actually -- we didn't wait a year. It
4 was actually a few months after that incident. And
5 the officers actually came out, and they parked
6 their car in front of the ballroom of Dianna's and
7 where we have the other ballroom. They actually
8 helped us.

9 So ever since November 11th, we had an event
10 last week.

11 What I do now, I Email them and I fax them, or
12 I fax them the flier. And I send it to Captain
13 Thomas Wright or McDonald, or the officers.

14 And we actually now have officers that come
15 in. They ask me if everything is fine.

16 So it's -- now we take the right measurements
17 that we need to to make sure that that incident
18 doesn't happen again.

19 Q. Okay.

20 So if I understand you correctly, you have had
21 fundraising events at Dianna's Ballroom since
22 November of 2005?

23 A. Since November of 2005.

24 Q. How many times have you returned back to the
25 ballroom?

0070

1 A. I think it was maybe twice.

2 One to two times.

3 Q. On those two subsequent occasions you've taken
4 the responsibility of supplying the security; is
5 that correct?

6 A. Yes; yes.

7 Q. As part of that, you have contacted the Police
8 Department?

9 A. The police district.

10 Q. And they have supplied a police officer --

11 A. Yes.

12 Q. -- to be there?

13 A. They were really, really helpful.

14 Yes.

15 Q. Does the police officer sit in the car outside
16 of the ballroom, or is he inside the ballroom?

17 A. He waits in the car outside.

18 He'll come in maybe for, like, 45 minutes, and
19 he'll leave for 15, and park again, and then leave,
20 so.

21 Q. And have you had any problems or incidents at
22 the subsequent fundraising events?

23 A. After the November 11th, no.

24 MR. YOUNG: Nothing else.

25 Thank you.

0071

1 PRESIDING OFFICER NIX:
2 Commissioner Rosario, do you have any
3 questions?

4 MR. ROSARIO: Yes.

5 -----

6 *EXAMINATION BY COMMISSIONER ROSARIO*

7 Q. Mr. Serrano, how are you today?

8 A. Fine, thank you.

9 Q. I understand that tickets were sold by
10 students.

11 Did these students have parental permission to
12 sell these tickets?

13 A. Excuse me?

14 Q. Tickets were sold by students?

15 A. Uh-huh.

16 But the tickets were sold that day, not before
17 the event.

18 Q. Okay.

19 Is Grupo Fuego a bona fide entity?

20 I mean, are you registered?

21 Do you have the 503?

22 A. No.

23 Q. And you have a board of directors?

24 A. We have a board have directors; yes, we do.

25 We have parents that are board of directors,

0072

1 yes.

2 Q. Okay.

3 About 350 kids attended this affair.

4 Out of the 350 kids that were there, there

5 were adults, too; correct?

6 A. Correct.

7 Q. So that means that -- about how many of these

8 young people would you say were underage; in other

9 words, kids under 18?

10 A. I would say out of 350 students under 18 years

11 old, I say maybe --

12 Q. Eighty percent?

13 A. Eighty percent. I would say that would be

14 correct.

15 Q. And they also had parental permission to

16 attend this affair?

17 They were accompanied by someone?

18 A. When the kids are dropped off at the

19 functions, most the students' parents come up to me

20 and they say, "If you're here, and this is your

21 event, that's fine."

22 Q. It's okay to attend.

23 And you had a large, large, crowd that night.

24 And you already had, I think, five security

25 guards?

0073

1 A. Four.

2 Q. Four.

3 And the retired police officer?

4 A. It was three and a retired police officer.

5 Q. Okay.

6 Were they in uniform?

7 A. Yes.

8 All black.

9 They had shirts that says "Security."

10 Q. Was there any -- I know you have food and

11 drinks. But you didn't have no alcohol, did you?

12 A. Oh, definitely not.

13 MR. ROSARIO: Thank you.

14 No further questions.
15 PRESIDING OFFICER NIX:
16 Commissioner Stapleton, do you
17 have questions for the witness?

18 COMMISSIONER STAPLETON: I do.

19 -----

20 *EXAMINATION BY COMMISSIONER STAPLETON*

21 Q. The complaints that we're considering in these
22 proceedings are both complaints of physical abuse
23 and complaints of verbal abuse.

24 And the testimony I've heard so far on the
25 verbal abuse, to me, is unthinkable, if not

0074

1 unforgivable, and we certainly will be looking into
2 those allegations.

3 I haven't heard anything to contradict what
4 you said so far.

5 If the officers said what they said, I find it
6 inexcusable, and the subject is very serious.

7 What I would like to ask you about is more the
8 complaints of physical abuse.

9 You said at one point that the officers were
10 striking people for no reason?

11 A. Yeah.

12 I can honestly tell you, and like I said at
13 the hearing, with a lie detector -- I'm not lying
14 to you, Mr. Stapleton -- kids were running to their
15 parents' cars -- running -- trying to get away from
16 that scene.

17 And officers were saying, "Come over here,
18 kid," hitting them.

19 That's why I really thought that this was a
20 dream.

21 It was the most unreal thing that I've seen.

22 Girls, kids, my 12 year old and 13 year old
23 students, were being pushed.

24 I mean, it was unreal.

25 It was chaotic.

0075

1 It was -- I couldn't believe it.

2 I really, really couldn't believe it.

3 Q. One of the parents described the scene in last
4 night's testimony as chaotic; that it was chaos

5 when she arrived.

6 Would that fairly describe the scene when you
7 arrived?

8 A. No.

9 Not until -- no, definitely no.

10 No.

11 Not until, maybe, when the officer handcuffed
12 me.

13 And when he handcuffed me, that's when my
14 sister went inside the party and she said let the
15 rest of the kids go home before it gets worse.
16 Because the parents and my sister thought I was
17 going to get locked up. And I wasn't going to keep
18 the kids inside the party and explain to the
19 parents when they came.

20 When the officer was taking me to the car and
21 the kids were coming out, they were, like, running
22 to try to get to the car. So they were taking me
23 away, and the kids were trying to run home.

24 I'm not sure if it was an assumption of the
25 officers, that they thought these kids were going

0076

1 to roll on them or gang up on them.

2 But you have officers that are 250, 200, 300
3 pounds; tall. Puny, scrawny, little kids that are
4 13, 14, 15 or older, that with one little push of
5 the officer they will drop.

6 For some reason -- and, again, this is just
7 what shocks me why -- like, why -- would they hit
8 and treat these kids just to push them just so they
9 can think that they're tough; you know, we're
10 police officers, we're allowed to do this and we're
11 going to get away with it.

12 That's the way I saw it.

13 That day was the most unreal day that I have
14 seen.

15 The only time that I saw that was on T.V. in a
16 film.

17 I saw it with my own eyes: Officers hit 13,
18 14, 15 year old kids for no reason.

19 When I mean hit, I mean grab them by the
20 jacket, push them to the floor, hit them with the
21 nightstick on the kneecaps. Hitting the girls on

22 their backs. Ripping their shirts. Verbally
23 calling them names.
24 Never, ever, would I imagine I would see
25 something like that, ever.

0077

1 Q. When you arrived, didn't you testify there was
2 a fight going on?

3 A. That there was a what?

4 Q. There was a fight going on.

5 A. They called me and they said I had to come
6 over here.

7 Q. When you came, when you arrived from Luzerne
8 Street, didn't you say, where that red dot was,
9 there was a fight going on?

10 A. No. That's what I was told.

11 Q. So you didn't see any officers hitting any
12 anybody at that point?

13 A. No.

14 You mean two kids fighting?

15 Q. No, I mean the officers striking --

16 A. Oh, yeah.

17 I saw when the officer hit David.

18 I thought you meant two kids.

19 Q. That's when you arrived?

20 A. When I arrived, I saw David holding Alfredo
21 Sanchez.

22 And when David was holding Chino, as we call
23 him, the officer hit David from the back and hit
24 him. That's when he fell.

25 David was holding Alfredo Sanchez like this

0078

1 (indicating).

2 He was holding him; like, just holding him;
3 trying to hold him to push him over there.

4 I saw with my own eyes, David was taking
5 Chino -- Alfredo -- Sanchez to the ballroom right
6 across the street.

7 The officer hit him from the back.

8 And when Roberto came from this way
9 (indicating) to go get the guys to bring them over
10 here (indicating), that's when Roberto also got
11 hit.

12 Q. When you arrived, you didn't know what had

13 provoked that altercation between the police
14 officers and those youths who were outside?

15 A. Correct.

16 Q. You could only see something that is going on,
17 so you come into it in progress, and your action is
18 to get right involved in it because you described
19 it like they're your own children, and you see one
20 of your dancers and you go over to help.

21 As you're going into it, are you saying to the
22 officers "I'm the executive director here; I'm the
23 head of Grupo Fuego?"

24 A. Exactly. That's what I told them.

25 When I got out of my car, I thought there was
0079

1 nothing because of the fact that the officers were
2 basically -- if I can demonstrate?

3 Q. If you can, you have to explain it so that the
4 court reporter can write it down.

5 It's okay. It's very helpful to explain what
6 you're doing.

7 A. The officers were just, basically, making sure
8 that everyone with their nightsticks -- making sure
9 it's okay, with the nightsticks, like, swinging at
10 them.

11 Then the officers are, like, in a half-circle
12 with the nightsticks making sure everything was
13 fine.

14 Alfredo, David, so I see with my eyes that
15 officers are here (indicating), and David and
16 Alfredo are here (indicating).

17 And, all of a sudden, for no reason, out of
18 the blue, from there to try to get to my dancers,
19 the officer hits David and then comes in and he
20 hits him again.

21 Q. So your conclusion that there was no reason to
22 hit him is based on coming into this and seeing the
23 officers trying to hold people back?

24 A. Yes.

25 Q. And then an officer coming in, and could have
0080

1 been trying to break up the fight; but, perhaps,
2 using more force than you think is necessary?

3 A. Correct.

4 Well, break up a fight? See, that's the
5 thing.

6 Like, I don't know why, because this is --
7 this is what -- it's crazy for me.

8 If they said, just like I heard, that David or
9 even Alfredo, I'm saying hit, or an officer down,
10 my assumption -- again, I'm not in the police
11 academy -- if Alfredo hit an officer, why would an
12 officer surrounded him? He would have taken him to
13 the floor right there and then.

14 If right now I'm a police officer and they hit
15 my partner, I'm going to take them down.

16 Why would you let David come grab him and go
17 to the ballroom and then swing at him out of the
18 blue? Like, okay, you know what, wham.

19 To me, that didn't make sense.

20 After I heard what they said, the officer was
21 down, where was the officer? I didn't see with my
22 own eyes, I didn't see no officer was down.

23 There was no officer that was there that was
24 beaten.

25 I didn't see no officer.

0081

1 The only thing that I saw was my students
2 getting beaten.

3 And after that incident with David, there was
4 about 30 or 40 more that was trying to get away
5 from that area.

6 Q. Do you think the officers were trying to
7 control the crowd?

8 They realized that they were outnumbered. If
9 there were 350 people in that dance hall, and let's
10 say you had ten police officers --

11 A. No, I don't think -- it wasn't ten officers.

12 I said it was between 50 and 60 officers.

13 It wasn't ten.

14 Q. Fifty or 60 officers?

15 A. Oh, definitely.

16 It was just ten around David.

17 But throughout -- in a matter of minutes, more
18 cop cars came. In a matter of minutes.

19 When -- I mean, out of the blue.

20 We even had a helicopter from NBC10 that was

21 over us.

22 It was, like, ridiculous.

23 And it was a lot; I would say about 20, 25,

24 cop cars and van cars.

25 So it must have been about, like, 50 officers

0082

1 there.

2 So, we were -- we felt as though we were
3 outnumbered because it wasn't 350 kids that were
4 there all in one section. Half of them ran for
5 their life.

6 So it wasn't that 350 kids were there.

7 Keep in mind when I came in that David -- it
8 was only, maybe, like 50 at that time.

9 Like I said, when Mr. Hayes said it was only
10 50, it wasn't -- and it was -- and they weren't
11 around the officers, they were just on the premises
12 of Dianna's Ballroom.

13 Q. How much time elapsed from when you arrived on
14 the scene and the Channel 10 News camera is over
15 the top?

16 A. I say, tops, 15 minutes.

17 Fifteen, 20 minutes.

18 That's when more vans and cop cars came.

19 Q. So in a 15 minute span this escalated from an
20 incident out in front of the ballroom to 50 or 60
21 police officers, a news camera helicopter flying
22 over top, children coming out, parents trying to
23 get to their children, the officers trying to
24 control the crowd, and officers using their batons,
25 without cause, you believe, to strike people?

0083

1 A. To strike people.

2 Like, right now we have 250 kids that came to
3 our Halloween party, and the officers that assist
4 us in the 24th and the 25th District, they just
5 flashed the flashlights on their cop car, and the
6 kids, like, go home. They get away.

7 But there was -- they weren't saying get away
8 with the nightsticks. They were saying get away
9 with ignorant words.

10 They could say get away, go home, and call
11 your parents.

12 And, you know, before I forget this part, the
13 officers are telling us, "Call your parents; call
14 your parents to pick you up." A few officers; a few
15 kind officers.

16 But when the parents were coming, they didn't
17 want to let us -- they didn't want the kids to go
18 with their parents because the parents that were
19 coming, they were being pushed about, too.

20 And they were so afraid.

21 Where is the parents? We asked can you please
22 come to the hearing Monday -- which we still had a
23 great turnout -- no, no, because there's officers
24 there. If I testify against an officer, they might
25 hit me.

0084

1 That's the impression they have, even to this
2 day.

3 And I told them I had to be here, and I told
4 them it's like no, no, because we're in City Hall,
5 they can't hit us.

6 Q. That's certainly a very unfortunate outcome of
7 this.

8 And as I said at the outset, I find the
9 complaints as to verbal abuse to be something that
10 we're going to have to get into with the police
11 officers involved in this crowd control situation.

12 What I was really trying to understand is the
13 dynamic between 350-plus people coming out of the
14 dance hall, what we understood to be a report that
15 there was an officer that was injured, and officers
16 coming in, as they do. And I believe it's a very
17 dangerous job. They don't know whether any of
18 those students or dancers have knives, guns, or any
19 kind of weapons.

20 They're coming in, and their mind-set is crowd
21 control.

22 And you're coming in. They don't know you.

23 You're approaching officers who are trying to
24 settle a situation.

25 And it sounded very explosive, people coming

0085

1 out, people coming around. And in a matter of what
2 you describe as 15 minutes this went from one fight

3 into a melee.

4 It must have been very scary for everyone; for
5 the parents, the children, and for you.

6 A. Like, again, after the incident, it's true
7 what you said that when they said -- when they said
8 on the intercom, a phone call, a police officer
9 down. And the more officers that come in,
10 they're -- I guess they already set in their minds
11 to go in a different way.

12 But this is just my assumption. Again, it's
13 not from the police academy, but shouldn't the
14 officers see -- that they see a fight -- take care
15 of those people. They see people cursing, hit
16 those people -- or not even hit them, take care of
17 them people and lock them up.

18 When you have scrawny 13, 14 year old kids
19 that are running, trying to get home, walking --
20 and this is another one, Aiesha Martinez was one.
21 She's walking to her brother. Walking.

22 This is a little 13, 14 year old, chunky
23 little girl. And for an officer to push her and
24 say, "Hurry up. Hurry up, little girl. Hurry up,
25 you Spic."

0086

1 See, things like that are the things that got
2 me. Why would you stoop to that level, a grown man
3 to a 13 year old girl?

4 See, that was the part that it was just sad.

5 Q. There are a lot of lessons to be learned from
6 this event.

7 Your testimony has been very helpful.

8 I think we're all gaining a better
9 understanding of that dynamic.

10 It's been useful for me to hear your
11 testimony. And I can tell from the emotion from
12 reliving it that it was very difficult for you.

13 It's going to be very hard for us, these
14 complaints about the verbal abuse, that I think led
15 to heightening the tension, the physical stuff.

16 I am trying to get my own arms around it under
17 the dynamic of the officers coming into a crowd
18 that's out of control trying to do things.

19 A. If I could mention one thing.

20 Like you say, since November 11th, because of
21 Mr. Sylvester Johnson and the 24th and 25th
22 District, I have attended a couple of their
23 meetings, so I think it was -- just we learned a
24 lot of how to handle situations.

25 Like, again, Licenses & Inspections, police
0087

1 officers, came in to the Halloween jam. And when
2 they came -- honestly, we actually got scared when
3 they came in. They came in already with the
4 flashlights. And I just got on the microphone. I
5 was like, "Look, they're here to do their jobs.
6 Everyone just chill; calm down."

7 I said that about 30 times.

8 The officers were impressed. They were good.

9 It was something that we learned, and we don't
10 want that to happen again.

11 I'm telling you, it was ridiculous.

12 COMMISSIONER STAPLETON: Thank
13 you.

14 PRESIDING OFFICER NIX:

15 Mr. Serrano, I have a few
16 follow-up questions.

17 We've almost worn you out, I can
18 tell.

19 I don't want to do that, I just
20 want to get a couple more things in.

21 -----

22 *EXAMINATION BY PRESIDING OFFICER NIX*

23 Q. One point I wanted to be a little more clear
24 about in your earlier testimony, and that is when
25 you were thrown up against the fence by -- it was

0088

1 an officer in a white shirt, if I understood your
2 testimony correctly -- the entire interaction of
3 the arresting and of handcuffing you and putting
4 you in a police car was done primarily by that
5 particular officer you described as having a white
6 shirt?

7 A. Like a light white, sky blue white shirt.

8 Q. I'm not sure who this was we're talking about,
9 but what I wanted to be clear about is the part
10 about the Taser.

11 Did he threaten, first of all --

12 A. Yeah, definitely.

13 He -- like, I thought I was going to be dead.

14 At first I thought it was a gun.

15 When he took it out, I said, "Oh, my God, I'm
16 shot."

17 And then that's when it was, no, he got a
18 Taser.

19 And then a piece came out, and it stood on the
20 grass.

21 And that's when Dianna, she said her relative
22 is an officer. She said they were going to, like,
23 stun gun me, or shock me.

24 And then -- but it was, he took it out. He
25 was going to use it if it wasn't for the parents.

0089

1 Q. Let me stop you again.

2 When he took it out, you saw him take it out?

3 A. Yeah.

4 He had it in one hand with my hands, and he
5 took it out.

6 Q. You saw it?

7 A. Yes.

8 Q. You were already handcuffed?

9 A. Yes.

10 Q. And also you mentioned Aiesha Martinez.

11 And you said you saw her walking.

12 Did you see her walking, walking slowly, at
13 some point?

14 A. Yes.

15 I saw her walking to her brother and her
16 sister-in-law.

17 I saw her walking towards them. And they were
18 just bugging her and pushing her.

19 Q. This is before you got thrown up --

20 A. Yes.

21 Q. And did you see Aiesha's mother?

22 Did you see her?

23 A. Again, Mr. Stapleton said if I don't know.

24 But my memory is vague on this part, so I
25 don't know.

0090

1 Q. Did you see Benny Martinez?

2 A. Yes, definitely.

3 He was the one that was hit.

4 He was hit.

5 Q. And this was before, again, what happened to
6 you, when you were detained you saw what happened
7 Benny Martinez?

8 A. Yes.

9 Q. And you saw them hit him, or what did you see
10 exactly?

11 A. When I was walking towards -- like, I was
12 walking towards further because -- before that
13 happened to me, I was telling kids, "Go home, go
14 home." And when I saw them approach Benny, I just
15 kept saying, "He's a good guy; he's a good guy."
16 And he was just on the floor.

17 Q. Who did you say "he's a good guy" to?

18 A. Two officers.

19 The officers that were already handcuffing him
20 after he was covered in his blood.

21 Q. Did you see his girlfriend, fiancé?

22 A. I saw her get hit.

23 Q. The girlfriend, you saw her get hit?

24 A. Yes. She got hit.

25 And then when she got hit, she was, like,

0091

1 "Oh, my God, my baby."

2 "Oh, my God, my stomach hurt."

3 And she was like, "Oh, my God."

4 And that's another thing, a pregnant woman is
5 saying she's hurt, and they were, like, "Oh, you'll
6 get over it."

7 That was the response of the officers, instead
8 of calling and saying, you know what, can you get
9 an ambulance.

10 Q. What I'm trying to get at is, more
11 specifically, tell us in a description, if you
12 remember, of who, for instance, hit a pregnant
13 woman?

14 Was it a white officer; was it a Black
15 officer; was it a Hispanic officer?

16 A. I can't recollect.

17 An officer with a uniform.

18 Q. With a uniform?

19 A. Yes.

20 Q. Another question I had:

21 I've heard several people mention the
22 helicopter right away on the scene.

23 You said it was a Channel 10 News helicopter?

24 A. One of the people had a clip. He recorded it
25 on his phone while it was showing on NBC-10

0092

1 He recorded it, and showed me it the next day.

2 And he said, "Look, Hector." And when he recorded
3 his T.V. on his phone, you saw the event from
4 NBC10.

5 Q. You saw it on NBC-10 the next day on the news?

6 A. No. His phone.

7 He recorded it.

8 Q. But it was from an NBC-10 newscast of the
9 event?

10 A. Yes.

11 Q. But that's why you think it was an NBC-10 News
12 helicopter?

13 A. Yes.

14 Q. It may have been a police helicopter.

15 And what I'm going to ask you:

16 Was there a spotlight on?

17 Was the light suddenly lit up from above from
18 the light of a helicopter?

19 A. I don't remember that part.

20 Q. Finally, again, what's really troubling me is
21 to hear the use of ethnic slurs; in particular,
22 calling people Spics to your face.

23 Was this -- can you testify that the officer
24 in the white shirt who was detaining you and taking
25 you to the car, he, out of his mouth, called you a

0093

1 Spic?

2 A. He called me that.

3 I don't like to use curse words. And anyone
4 that knows me, they know that I just don't like to.

5 But if I say the words, they're the words that
6 he said.

7 And he called me -- Spic was one of the many
8 that he called me.

9 He called a me F-A-G-G-O-T.

10 He called me the P-word.

11 He called me mother-F.

12 You name it.

13 I don't know, I think it's because of the fact

14 I spoke to the other officer, and I should have

15 never gone and written his badge number of that

16 officer, because that's what got him heated.

17 Q. He got mad?

18 A. That's when he was -- he grabbed the paper, he

19 threw it, and that's when he started.

20 Then I got really, really, upset, because I

21 had a good list of officers that where hitting the

22 students. And I got cop cars numbers. And that

23 got him heated, because maybe he would have thought

24 well, you know what, he actually knows the numbers

25 now.

0094

1 Q. Mr. Serrano, I have a statement that you gave

2 earlier. And in it it said in the statement where

3 you described at some point you were screaming to

4 chaperones to call Juan Ramos, to call Angel Cruz,

5 and call the media.

6 Do you recall any of that?

7 A. Yes, I do remember.

8 Q. Was that -- at what point?

9 A. Actually, when he handcuffed me and he threw

10 me on the floor, and when he picked me back up,

11 that's when I was being hesitant to go to the car.

12 Like, not hesitant against him, but I was

13 jumping, trying to get the phone number to Angel

14 Cruz, the state representatives. I know Juan

15 Ramos -- I know all their cell phones and home

16 numbers. So I was looking for their cell phones

17 and home numbers, and everyone that works here in

18 City Hall.

19 I'm like, "Call Juan Ramos, call Angel Cruz."

20 I said, "Call the secretary of state."

21 He's like, "Shut up; shut up, you Spic."

22 He said, "I run the City. You know what this

23 is? This is me. I run the show around here. So

24 if you want anything. You know what, you going to

25 get you ass locked up. Your ass is locked up."

0095

1 Number one thing I said, "You don't know
2 nothing." He was like, "I run the show. I'm the
3 man. I'm the man."

4 Q. At some point you guys then -- sounds like
5 there was a back and forth arguing; you were
6 excited, angry, and he was angry that you were
7 talking down?

8 A. Yeah. Because the moment that I said -- I was
9 screaming the numbers to the state representative
10 and the city leaders, he was like, "Oh, the Spic
11 I'm the one." And I said, "No, they're definitely
12 going to be there on Monday." He's like, "No, no,
13 no."

14 He just kept on saying that he's the man.

15 That's all he kept on saying.

16 Q. Given the chance now to look back on that, and
17 you've said several times now at this point if
18 something like that ever happened, you had a
19 confrontation, would you still continue to argue
20 with police as you were being led away in
21 handcuffs?

22 A. If an officer tell me to drop, I'm going to
23 drop.

24 I just know that if something happens in
25 anything, just to remember the badge number, and
0096

1 don't write it down in front of their face.

2 I know a lot -- I learned a lot from this
3 incident.

4 Q. It sounds like it.

5 It sounds like it.

6 Thank you.

7 PRESIDING OFFICER NIX: That's
8 all I have. Unless, again, there is any
9 follow-up from any of the Commissioners or
10 counsel.

11 Mr. Serrano, thank you again.

12 It's very helpful to have your
13 testimony in detail.

14 I know it sounds tedious, and
15 took a lot of your time, but it's very helpful
16 to have the detail that you were able to
17 provide to the panel.

18 Thanks for taking your time to
19 come down here tonight, and you're excused as
20 a witness.

21 You're welcome to hear the rest
22 of the testimony.

23 Thanks again.

24 THE WITNESS: Thank you.

25 PRESIDING OFFICER NIX: We will

0097

1 now call Mr. Neris.

2 -----

3 DAVID NERIS, after having been previously
4 sworn, was examined and testified as follows:

5 *EXAMINATION BY MR. YOUNG*

6 Q. Hello, Mr. Neris.

7 I hope I pronounced your last name correctly.

8 At the time of the incident in November of
9 2005, how old were you?

10 A. I just turned 16.

11 Q. Could you spell your first and last name for
12 the record?

13 A. D-A-V-I-D; N-E-R-I-S.

14 Q. Is that your mother seated over there
15 (indicating)?

16 A. Yes.

17 Q. If you ever need any break, or if you need to
18 use the bathroom, let us know.

19 My name is Dennis Young.

20 I am counsel for the Police Advisory
21 Commission.

22 You have been asked, and agreed, to testify
23 regarding the incident that happened at Dianna's
24 Ballroom back in November of 2005.

25 Do you recall that incident?

0098

1 A. Yes.

2 Q. Seated to my right is my colleague and friend
3 Michael Hayes, who may also ask you some questions.

4 Seated to my left -- your immediate right --
5 are panel members Robert Nix, Joe Stapleton, and
6 Oscar Rosario.

7 And also seated to your far right is Coleman
8 Anderson, who is an employee of the Police Advisory

9 Commission.

10 Before we begin the questioning, there's some
11 housecleaning matters that I would like to go over
12 with you.

13 Number one, seated to your immediate left is
14 Lisa, who is a court stenographer.

15 She's taking down everything that we say.

16 To make here life a little bit more easier,
17 and to hopefully get us out of here a little
18 earlier, I ask that while I am talking, you listen;
19 and when you obviously answer, I'll make sure I
20 listen so we're not talking at the same time so
21 that Lisa can properly record what we say.

22 Is that okay?

23 The other thing I would ask you to do is to
24 try to avoid nodding your head up or down or
25 sideways so that she can accurately record what we

0099

1 say. Is that okay?

2 We're not here to trick you.

3 We're not here to deceive you.

4 What were here to do is ask you questions so
5 the panel members can better understand what
6 happened that night in question.

7 Is that okay?

8 A. Yes.

9 Q. If there's ever a time you don't understand my
10 question, or if you don't know the answer to my
11 question, simply say "I don't know" or "I don't
12 recall."

13 And if you want me to rephrase a question that
14 you don't understand, I will be happy to do so.

15 A. Okay.

16 Q. The last instruction that I would ask, as you
17 give testimony, try to limit it to what you know;
18 specifically, your own personal knowledge about
19 what happened.

20 A. Okay.

21 Q. If there is a situation where someone told you
22 something that happened, if you want to tell the
23 panel about that, please do so. But just let us
24 know that it's something that someone else told
25 you.

0100

1 We're going to try to limit your testimony to
2 what you recall happening, and to what you recall
3 seeing and hearing.

4 A. Okay.

5 Q. Okay.

6 Are you currently a member of the dance group?

7 A. Yes.

8 Q. Okay.

9 And back in 2005 were you a member of the
10 dance group?

11 A. Yes.

12 Q. And back in 2005, what was your -- what
13 capacity -- in what capacity were you a member of
14 the dance group?

15 A. Meaning?

16 Q. Were you part of --

17 A. Yes, I was a part of the group.

18 Q. And I know that Hector Serrano testified
19 earlier tonight about there being three different
20 phases, if you will, of the dance group. And one
21 of those phases was the afterschool program; the
22 Step program.

23 A. Yes.

24 Q. Back in 2005 were you a member of that?

25 A. I was a member of all of them.

0101

1 I was a member of Step, Caliente, and Grupo
2 Fuego.

3 Q. So you were a member of all three programs?

4 A. Yes.

5 Q. And during the night in question, you had a
6 certain responsibility at the fundraising event; is
7 that correct?

8 A. Yes.

9 Q. What was your responsibility?

10 A. Just to keep a eye out on the outside near the
11 parking lot. And if I see anything, report it back
12 to Hector or one of the security guards.

13 Q. When you refer to the parking lot, are you
14 referring to the parking lot that would be, I
15 guess, adjacent, to, or next to, the ballroom?

16 A. On the right side of the ballroom.

17 Q. So --

18 A. That side (indicating).

19 Q. We have a pointer.

20 Is that correct?

21 A. Yes.

22 Q. Let the record reflect to the right side of
23 the ballroom, like you stated.

24 Were you stationed outside of the ballroom
25 during the night in question?

0102

1 A. I was stationed, but not that long.

2 It just was a quick glance, just to go out
3 there to make sure everything was good, and then
4 just come right back.

5 Q. When you say come right back, you went -- you
6 went where?

7 A. Right there -- in front of the driveway.

8 Before you enter the parking lot there was a
9 driveway, there's a gate, and I was right there.

10 Q. So your responsibility throughout the night
11 was?

12 A. To make sure that there's nobody going into
13 the cars, because there were cars parked that day.
14 And if I see anything suspicious I would go back
15 and tell my director.

16 Q. But you didn't necessarily stand out there the
17 entire night?

18 A. No.

19 Q. So you went out there, and you came back into
20 the ballroom, and then every so often you went back
21 outside?

22 A. Yes.

23 Q. Do you recall how often you went back outside
24 that night?

25 A. Twice.

0103

1 Q. When you were inside, did you have any role or
2 responsibility?

3 A. Just to make sure that nothing was going to
4 start off at the party, and to see that everything
5 was clear; everything was good.

6 Q. Mr. Serrano testified that there were
7 individuals who were stationed at the door who were

8 either accepting money or, I guess, giving out
9 tickets, allowing people to come in, and/or
10 providing some type of security at the door.

11 Were you part of any of that responsibility?

12 A. No.

13 Q. Do you know who was?

14 A. Honestly, I don't know.

15 I know there was two guys there searching
16 everybody who walked in, and that's all.

17 Q. Do you know who those two guys were?

18 A. No.

19 Q. Were they boys from the dance club?

20 A. No, no.

21 They were older.

22 Q. They were older people?

23 A. Yes.

24 Q. The panel understands that this was a pretty
25 large event in terms of number of people that were

0104

1 there.

2 A. Yes.

3 Q. Would you agree with that?

4 A. Yes.

5 Q. Do you know how many people were there?

6 A. Um, around a hundred, if that.

7 Q. Was it crowded?

8 Was the ballroom crowded?

9 A. It was crowded, but it wasn't too, too
10 crowded.

11 Q. When you say 100, did that include both
12 children and adults?

13 A. Honestly, I can't say.

14 Q. Do you know how many adults were there?

15 A. Yeah. There were, like, around, estimate, 10,
16 15.

17 Q. And the rest would have been children?

18 A. Children, yes.

19 Q. Was this the first fundraising event you
20 attended?

21 A. No.

22 Q. How many had you attended prior to this?

23 A. Many prior to this.

24 Like I said, this is a part of my group. It's

25 to help us out. So it's mandatory to be there.

0105

1 Q. Now, this event occurred roughly two years

2 ago?

3 A. Yes.

4 Q. How long have you been a member of the dance

5 group?

6 A. Four years.

7 Q. So probably, roughly, 2003 you started?

8 A. Yes.

9 Q. So at the time of the incident you would have

10 been familiar with the organization for about two

11 years?

12 A. Yes.

13 Q. Do you recall whether there was any security

14 in the ballroom?

15 A. There was security in the ballroom, yes.

16 Q. How many people were providing security?

17 A. That I remember, three.

18 Q. Where were they located?

19 A. There were two in the front. And when I

20 walked in I saw one security guy just looking

21 around at the crowd, and then that's it.

22 Q. How did you know these people were security?

23 A. Because they had all black on.

24 They had all black.

25 And you could tell. They really stick out.

0106

1 Q. They weren't young and part of the dance club?

2 A. Right.

3 Q. Do you recall any other people you identified

4 as security other than those three people?

5 A. No.

6 Q. Now, you mentioned you were providing, to some

7 degree, some responsibility of looking out to make

8 sure that the parking lot was secure; to make sure

9 that things were going on okay.

10 Were there any other students that were in the

11 same position as you were, that had responsibility

12 just to check on things to make sure --

13 A. Yeah. We all did. We all had responsibility.

14 Because, like I said, this was our fundraiser,

15 so we had to make sure that nothing went wrong.

16 And if something went wrong, we had to go back to
17 tell.

18 We're not going to ruin it.

19 Q. You say we all did. You testified that there
20 was over a hundred children?

21 A. Yeah.

22 Q. Are you saying that all hundred --

23 A. No, no.

24 I'm talking about everybody that's part of the
25 group.

0107

1 Anybody who is in the group at that time,
2 everybody had their own little duty.

3 Q. I understand.

4 How many students do you think were there that
5 were part of the dance group that night?

6 A. Um, close to, like, ten.

7 Q. Okay.

8 A. Ten, 15.

9 Q. Do you recall seeing any police officers that
10 night, prior to any incidents happening?

11 A. No.

12 Patrolling the streets, that's all.

13 Q. At some point during the night you became --
14 you were involved with an altercation with the
15 police officers?

16 A. Yes.

17 Q. Why don't you tell the panel what happened?

18 A. Well, that night, like I said, I was going
19 out. That was my second time going out, just to
20 check the parking lot. And that's when I seen a
21 friend of mine, Alfredo Sanchez, in a altercation
22 with an officer.

23 I hear words going back and forth. He was a
24 part of the group at that time. So I went on my
25 own to go grab him to at least to calm him down to

0108

1 take him away so he wouldn't have to go through any
2 headaches with the officers or whatnot, and then
3 what's when I got hit.

4 Q. You said Alfredo had an altercation with the
5 police officers.

6 Did that happen inside the ballroom or

7 outside?

8 A. Outside.

9 Q. Were you aware of any other -- were you aware
10 of any altercations that happened inside the
11 ballroom?

12 A. No.

13 Q. Describe for the panel how you were hit.

14 A. Well, when I was grabbing Alfredo in, like, a
15 bear hug -- we were facing each other -- and I was
16 trying to go across the street near the gates just
17 to calm him down, and all I know is I slipped my
18 head to the right a little bit and then I just
19 fell.

20 I don't remember a lot.

21 Right then and there, he just hit me and I
22 fell.

23 I had my back turned to him, so I didn't know
24 if it was him, that cop, or which cop it was.

25 Q. When you say I don't know -- you said I don't
0109

1 know if it was him, that cop.

2 Had you seen that cop prior to --

3 A. Yeah.

4 I seen that cop -- I seen the officer when I
5 was coming out when I seen them arguing, when
6 Alfredo and him were talking, arguing, whatever.
7 That's when I seen -- I looked at his face and I
8 told him, "I got him."

9 That's my exact words, "I got him." I have him
10 to calm him down or whatnot. And that's when
11 everything went down.

12 Q. I'm going to use the diagram so that we can
13 sort of kind of put individuals in certain
14 positions, is that okay?

15 I may ask you to help me out.

16 So, if I can, this is Dianna's Ballroom
17 (indicating)?

18 A. Yes.

19 Q. This is Luzerne Street (indicating).

20 And I guess to the far left would be I Street?

21 A. Yes.

22 Q. Does this diagram look familiar to you?

23 A. Yes.

24 Q. You mentioned Alfredo was in an altercation
25 with a police officer.

0110

1 Why don't you come up, by the way?

2 If you could, for the panel members -- step to
3 the side here -- why don't you point to where you
4 believe Alfredo was in an altercation with the
5 police officers?

6 A. By that time the whole streets were blocked.

7 The cops were right here (indicating).

8 This is where everything happened, right here
9 (indicating).

10 I found Alfredo across the street.

11 Q. You just testified that Alfredo was in an
12 altercation with the police officers here
13 (indicating)?

14 A. Yes.

15 Q. You sort of kind of grabbed him and you took
16 him here (indicating)?

17 A. Yes.

18 Q. Why don't you point to where you ultimately
19 ended up with Alfredo?

20 A. Right here on the sidewalk (indicating).

21 When Alfredo was having the discussion with
22 the officer right here (indicating), at that moment
23 I was grabbing him and walking. So while they were
24 exchanging their words, I was trying to calm him
25 down.

0111

1 So that whole thing was taking place, and I
2 got hit right here (indicating).

3 Q. You can sit down.

4 I have some follow-up questions to your
5 testimony.

6 David, you mentioned that Alfredo was in a
7 discussion with the police officer. And I've
8 described it as an altercation, but I want to make
9 sure the record is clear as to what you saw.

10 Was Alfredo and the police officer in a verbal
11 discussion?

12 A. Honestly, I'm not sure.

13 It's when I was going out there, all I heard
14 was a girl talking to an officer. They were

15 arguing; I think something about a little sister.
16 Her little sister was inside the building and the
17 cop wouldn't let her go grab her to go home, or
18 something like that. And I think that's how the
19 altercation happened.

20 I'm not sure, but that's what I was told.

21 Q. Did you see the officer hit Alfredo at any
22 time?

23 A. No.

24 Q. Did you hear the officer verbally abuse
25 Alfredo at that time?

0112

1 A. Yes.

2 Q. What do you think was said?

3 A. Honesty, I know it was curses, but I'm not
4 sure.

5 I'm not sure what he said.

6 But I know for a fact that it was cursing.

7 Q. Let's talk about everything else that was
8 going on so that I have a better understanding.

9 When there was a confrontation between Alfredo
10 and the police officer, what else was going on
11 around?

12 Were there other officers there?

13 A. Yeah.

14 There were so many officers there. And then,
15 I don't know, it was like a movie.

16 Everything didn't seem real.

17 Officers were grabbing kids left and right.

18 Because when I came outside everything was a big
19 wreck already.

20 Something happened prior to that outside,
21 outside the building. That's when the cops came.

22 And then that's how everything fell in place, with
23 something that happened outside.

24 So everything was already a big ruckus.

25 Q. So, when you came outside the second time from

0113

1 the ballroom, there were already people outside,
2 already students outside, already officers outside;
3 is that correct?

4 A. Yes.

5 I'm not sure -- it was mostly the students

6 that were at the party, because there was a lot of
7 kids there, so I wouldn't know.

8 But, yeah, everything was already happening
9 outside.

10 Because when that whole thing happened, the
11 gates was supposed to be closed where that parking
12 lot is at. So that's why when I went out the
13 second time to make sure.

14 Those are gates right there, where that
15 driveway's at (indicating).

16 There's a gate where you can open and close it
17 where the cars can go in and whatnot.

18 At that time I was supposed to close the gate.

19 When I closed the gate, that's when everything
20 happened; when I seen Alfredo having his little
21 discussion with the officer and whatnot. And
22 that's when I went myself to go over to grab him.

23 Q. How many people do you think -- how many
24 people do you think were outside?

25 A. At least 25; at least.

0114

1 Q. And out of those 25 people, how many officers
2 do you think were at the scene?

3 A. There were a lot. There were a lot.

4 Honestly, with no exaggeration, close to 50.

5 Q. And you're not sure why the officers are at
6 the scene?

7 A. No.

8 Like I said, they -- there was a problem
9 outside already that wasn't a part of our group.

10 Q. And you don't know what that problem was?

11 A. No.

12 Q. So once you drag Alfredo to the opposite side
13 of Luzerne Street, you testified that there was an
14 officer that came from behind?

15 A. Yes.

16 The officer that he was having a discussion
17 with -- they had a distance between each other, the
18 officer and Alfredo. And the officer was coming
19 in -- like, he was coming in closely. So that's
20 when I pulled him away. And I guess he kept on
21 coming. And he hit me.

22 Q. Okay.

23 And when you say you pulled him away, you
24 testified earlier that you were standing
25 face-to-face with Alfredo?

0115

1 A. Like a bear hug. Face-to-face.

2 So I had his arms -- his arms were straight
3 down, and I had his arms covered, like a bear hug
4 (indicating).

5 Q. Do you recall at that time what the officer
6 was saying to Alfredo?

7 A. No.

8 Q. Do you recall what Alfredo was saying to the
9 officer?

10 A. No.

11 Q. Did you say anything to Alfredo at that time?

12 A. I was trying to make him relax.

13 I said, "Chill, chill. You don't want to get
14 in trouble. You don't want to let locked up."

15 That's all I said.

16 Q. Did you say anything to the officer?

17 A. No.

18 Like I said earlier, "I got him." That's it.

19 Q. Did you identify to the officer that you were
20 Alfredo's friend?

21 A. He didn't care.

22 He wouldn't care.

23 Q. I understand that. But did you say --

24 A. No.

25 Yes.

0116

1 I said -- I guess he got the picture, if me
2 and him were talking. I was trying to calm him
3 down.

4 Q. What happened next?

5 A. Honestly, I don't know.

6 I just fell to the ground.

7 Only thing I remember, when I got hit,
8 everything looked real slow for me. And the last
9 thing I remember I was in the car, the cop car,
10 bleeding.

11 Q. How many times do you recall getting hit?

12 A. Twice, that I know of.

13 Q. At any time did you ever see the officer that

14 hit you?

15 A. No.

16 After he put me in the vehicle, the cop car.

17 Q. And the first time that the officer hit you, I

18 guess it's your testimony that your back was

19 turned?

20 A. Yeah.

21 Q. And you would have been facing --

22 A. I would have been facing those gates right

23 there (indicating).

24 I would have been facing this way

25 (indicating).

0117

1 Yeah -- no, the opposite way.

2 I was facing that way.

3 Q. And the officer approached you from behind?

4 A. On the angle. On the left.

5 From this side (indicating).

6 Yeah.

7 Q. So when Alfredo was having a conversation with

8 the officer, Alfredo was standing here

9 (indicating), then the officer would have been over

10 here (indicating)?

11 A. Around there.

12 I'm not sure.

13 Q. And you think the officer came from this

14 direction (indicating)?

15 A. Yes.

16 Q. And you never saw the officer hit you?

17 A. Nope.

18 Q. Do you know what the officer hit you with?

19 A. The nightstick.

20 Q. And how do you know that?

21 A. It had to be.

22 It had to be, because it was -- it went so

23 fast.

24 And then after I was in the car -- after I was

25 in the cop car, I distinctly saw him talking to

0118

1 another cop, his other cop friends, and showing

2 them the nightstick and --

3 Q. We're going to take it, if you will, in slow

4 motion.

5 So you were hit the first time?

6 A. Yes.

7 Q. And you immediately fell to the ground; is
8 that correct?

9 A. Yes.

10 Q. What happened next?

11 A. Like I said, I'm not sure.

12 I was on the ground. And then the next thing
13 I remember, I was in the cop car bleeding.

14 I was trying to figure out where I was at,
15 because at that moment I didn't even -- I didn't
16 even know what was happening.

17 Q. Did the officer that hit you, did he say
18 anything to you --

19 A. No.

20 Q. -- before he hit you?

21 A. Nope.

22 Q. Did he say anything to you while he was
23 hitting you?

24 A. No.

25 Q. You mentioned that you think you got hit
0119

1 twice?

2 A. Yes.

3 Q. Where did the second hit come in at?

4 A. In the front of my head.

5 Can I stand up?

6 Q. Sure; absolutely.

7 A. Because while I was grabbing him, I was
8 grabbing him like this (indicating), and I turned
9 my head slightly to the right.

10 When I turned, that's when I got hit the first
11 time, and I fell.

12 When I was falling, I guess he struck me the
13 second time. It was right here (indicating).

14 Q. The first hit, the baton, hit you where?

15 A. On the back of my head.

16 Q. Then the second one was toward the front?

17 A. Toward the front of my head.

18 Q. You mentioned that when you were put in the
19 police car you recall that your face was bleeding?

20 A. My whole face was full of blood.

21 Q. From the back of the head?

22 A. Back of my head. My whole back was drenched
23 in blood.

24 And I had a hat on that day, too.

25 My hat was full of blood.

0120

1 I don't remember having my hat on that night.

2 A friend my mine came and showed me the hat. I was
3 in disbelief.

4 He showed me the actual hat, and it was full
5 of blood.

6 My whole face was full of blood.

7 The only thing you saw was my eyes.

8 Q. Were you bleeding in both the front and back
9 of your head?

10 A. Yes.

11 Q. So you were bleeding from both blows?

12 A. Yes.

13 Q. Do you recall being hit the second time?

14 A. I don't.

15 Q. And the next thing you recall you said was
16 that you were in the back of the police car?

17 A. Yes.

18 Q. What happened next?

19 A. They -- the one officer told me, he said, "The
20 ambulance is coming. We're going to clean you up
21 and let you go." That's what he told me.

22 And when the ambulance came, they said
23 something to the cop, and they took me straight to
24 the hospital, to St. Christopher's.

25 Q. Who took you to the hospital, the ambulance or
0121

1 the police officer?

2 A. The police officer.

3 They transferred me to a paddy wagon.

4 Q. So they took you out of the police car and
5 they put you into a paddy wagon?

6 A. Yes.

7 Q. And did they do that before or after the
8 ambulance?

9 A. After the ambulance came.

10 Q. So did you see the ambulance arrive?

11 A. Yes.

12 Q. Do you know why you weren't taken in the

13 ambulance?

14 A. No.

15 I asked them that, too.

16 Q. Were you the only one in the paddy wagon?

17 A. Yes.

18 Q. They took you immediately to the hospital?

19 A. Yes.

20 Q. Which hospital was this?

21 A. St. Christopher's.

22 Q. What happened there?

23 A. There they gave me, I believe, 12 staples

24 each; each cut. And then from there, they sent me

25 back to the district.

0122

1 Q. To the district police?

2 A. The 24th District.

3 Q. How long were you at the hospital for?

4 A. A couple hours.

5 Three, at the most.

6 Q. And you were treated in the emergency room?

7 A. Yeah.

8 Q. And you recall you received 12 staples for the
9 front wound?

10 A. And the back wound.

11 Q. And 12 for the back wound.

12 So 24 staples in all?

13 A. Yes.

14 Q. Did you receive any other attention for any
15 other injuries?

16 A. No.

17 Q. And do you recall being hit anywhere else
18 other than the front and the back of your head?

19 A. No.

20 Q. Okay.

21 What happened once you arrived at the police
22 station?

23 A. At the police district, I stood in the holding
24 cell for a couple hours.

25 And then the next day -- next mid-day -- they

0123

1 transferred me over to the Youth Study Center.

2 Q. So you stayed overnight at the police
3 district?

4 A. Yes.

5 Yeah, and then I stood overnight again at the
6 Youth Study Center.

7 Q. So the next day they transported you to the
8 Youth Study Center?

9 A. Yes.

10 Q. And you stayed there another night?

11 A. Yes.

12 Q. At some point you were released, obviously?

13 A. Yeah.

14 I was released the next morning.

15 Q. Did you ever have a chance to call your
16 mother?

17 A. At the police district, no.

18 She was at the hospital prior to that because,
19 like, the group is, like, a big family.

20 So once everybody saw what was happening, they
21 called my mother. They called my whole family.

22 Q. At some point, while you were at the hospital,
23 your mother came with other people?

24 A. Yes.

25 Q. You had an opportunity to speak with your
0124

1 mother?

2 A. Yes.

3 Q. Your mother knew at that point you were going
4 to be transferred to the police district?

5 A. Yes.

6 Q. And you believe you spent, between the police
7 district and the Youth Study Center, about
8 two-and-a-half days?

9 A. Yes, two-and-a-half days.

10 Q. Have you had any follow-up treatment for your
11 injuries?

12 A. No.

13 Q. And are you fully healed in terms of your
14 scars or anything?

15 A. Not fully.

16 Yeah, I fully healed, you could say that.

17 Q. I want to take you back to the incident prior
18 to your altercation with the police officer.

19 When you came out to patrol, when you saw
20 Alfredo having a discussion with a police officer,

21 you mentioned that there was a bunch of people out.

22 Do you recall seeing anything else?

23 A. Yeah. There was a group of guys -- that's the

24 fight -- there was a fight outside Dianna's

25 Ballroom. There was fight outside. And that fight

0125

1 had nothing to do with us.

2 So when I went outside, everything was gearing

3 up. That's when the cops came.

4 And prior to the incident with Alfredo, I

5 spoke with a officer who came to that car.

6 Q. Let's talk about that.

7 So, when you came outside the second time to

8 do your patrolling, do you recall seeing a fight?

9 A. Yeah.

10 The fight was dying down as soon as I came

11 out.

12 Q. And where was the fight?

13 A. Right near where the "D" is at.

14 Around there.

15 Q. Here (indicating)?

16 A. Yeah.

17 Q. Was it in a parking lot, or was it on the

18 street?

19 A. It was in the street. And they were trying to

20 move it in the parking lot.

21 Q. When you say they were trying to move it, who

22 are you referring to?

23 A. The guys that were fighting.

24 Q. How many guys do you think were fighting?

25 A. There were at least five, because they were

0126

1 jumping this one guy.

2 Q. So there was a big fight here of at least five

3 guys, and you say they weren't associated with the

4 dance club or the ballroom?

5 A. No.

6 Q. And it went from here (indicating), sort of

7 kind of up this way (indicating)?

8 A. They tried to travel. And then as soon as

9 they seen the cops -- that's when I was coming out,

10 I seen everybody running. And I was clueless.

11 Q. When you came out, you saw this altercation;

12 you saw this fight?

13 A. Uh-huh.

14 Q. At that point you saw the fight, did you see
15 any police officers?

16 A. That's when the police officers were coming.

17 Q. So simultaneously to seeing the fight you also
18 saw police officers?

19 A. Yeah.

20 Q. And Alfredo was already outside at that time?

21 A. Yes.

22 Q. Was there any way to distinguish any members
23 of the dance club or the ballroom from this other
24 group of individuals?

25 A. No.

0127

1 Q. So everyone was wearing regular clothes?

2 A. Yes.

3 Q. So no one at the dance club had, maybe, a
4 sweatshirt on that said, maybe, dance club?

5 A. No.

6 Q. Now, once the police arrived, and prior to the
7 police interaction with Alfredo, did you have a
8 chance to either see or hear, other than the fight
9 you just mentioned, any other interaction between
10 anyone with the dance club and the police officers?

11 A. I had interaction with the officer.

12 Because when the cops came, I spoke to -- it
13 was a Caucasian man. And he asked me what was
14 happening. And I told him I was part of the group,
15 and that a fight broke out, a fight broke out, and
16 they were jumping one guy. He said, "All right" --
17 his exact words were, "All right, just go over
18 there."

19 He was talking to one of his friends. He
20 said, "Watch him," about me.

21 He told me to go back inside, and when I was
22 going inside, that's when everything happened.

23 Q. So prior to you coming to the assistance of
24 Alfredo, you were approached by an officer who
25 asked you what happened?

0128

1 A. I approached the officer.

2 Q. You approached the officer?

3 A. Yes.

4 Q. And the officer told you to go back inside?

5 A. Yes.

6 Q. And at that point you saw Alfredo getting into
7 a discussion with another officer?

8 A. Yes.

9 Well, the officer told me go to the side, and
10 my instinct was telling me to go inside. So I was
11 going inside. And that's when I seen the whole
12 conflict with Alfredo.

13 Q. Can you please describe for the panel, if you
14 remember, the officer who was having a discussion
15 with Alfredo?

16 A. He was a -- he was stocky.

17 He was sort of stocky, Caucasian man. That's
18 all I remember.

19 When I was walking, all I saw was somebody
20 real stocky.

21 Real, real stocky.

22 Q. Was he in uniform?

23 A. Yes.

24 Q. What color was his uniform?

25 A. Black and blue; blue shirt.

0129

1 Q. He had a blue shirt?

2 A. Yes.

3 Q. Dark blue shirt?

4 A. Yes.

5 Q. Was he wearing a hat?

6 A. Yes.

7 Q. He was?

8 A. Yes.

9 Excuse me, he wasn't wearing a hat.

10 He wasn't wearing a hat.

11 Q. Do you remember the color of his hair?

12 A. No.

13 Q. You testified that you believed you were hit
14 with a police baton twice?

15 A. Yes.

16 Q. The officer that was doing this, did he ever
17 say anything to you throughout this altercation?

18 A. No.

19 Q. Okay.

20 He never asked you your name?

21 A. No.

22 Q. He never asked you what you're doing?

23 A. He asked me while I was in the car.

24 He asked me my name.

25 He asked me while I was in the car, while I

0130

1 was in the police car.

2 Q. Did he ever use any abusive language; call you
3 any derogatory names?

4 A. No.

5 He was just joking around with his cop friends
6 about how he hit me.

7 MR. YOUNG: Nothing else.

8 PRESIDING OFFICER NIX: Mr. Hayes?

9 MR. HAYES: I have a couple
10 questions in follow-up.

11 -----

12 *EXAMINATION BY MR. HAYES*

13 Q. My name is Michael Hayes.

14 My first question is:

15 You mentioned that there were about five guys
16 outside jumping one guy, and that these five guys
17 were not associated with Grupo Fuego.

18 Could you describe those guys?

19 A. Only thing I know for sure is they were
20 Arabic.

21 Q. They were Arabic?

22 A. Yes, they were Arabic.

23 Q. And do you know a fellow associated with Grupo
24 Fuego whose nickname is Bobblehead?

25 A. I think that was the guy who was getting

0131

1 jumped.

2 If I'm not mistaking, that's who I think it
3 is.

4 Q. You also testified that an officer told you to
5 go to the side?

6 A. Yes.

7 Q. And you were starting to go back inside when
8 you saw Alfredo having a discussion with an
9 officer?

10 A. Yes.

11 Q. How heated was that discussion?

12 A. Honestly, everything happened in that moment.

13 So I'm not sure how deep they got into that
14 little argument.

15 Q. I'm asking you the question because you
16 testified that your instinct when the officer told
17 you to go to the side was I better go inside.

18 So I'm asking the question, because something
19 must have convinced you not to follow that
20 instinct.

21 What was it about this discussion between
22 Alfredo and the officer that made you say I'm not
23 going inside, I'm going to go get Alfredo?

24 A. The group is like family. He's a brother. So
25 if I see somebody in need, I'm going to try to be
0132

1 there and help him out.

2 Q. What did you think was going to happen to
3 Alfredo if you didn't go there?

4 A. He would have been locked up, or worse.
5 He would have gotten beaten.

6 Q. The only other question I have for you is
7 about the officer that hit you.

8 You mentioned the officer hit you from behind
9 and hit you twice.

10 You also said that it was the same officer who
11 was having this discussion with Alfredo.

12 How do you know that?

13 A. Because while I was walking up to grab
14 Alfredo, he was walking to Alfredo.

15 He -- while I was walking, he was walking.
16 And I got to Alfredo first. And I'm calming him
17 down; cooling him down. And that's when
18 everything -- everything went down.

19 Q. I understand that's when everything went down.

20 But if you got hit from behind, how do you
21 know it was that officer?

22 A. Because I was turning my head.

23 He was the only one close to me.

24 Q. The last thing, the last question I have is:

25 When you put your arms around Alfredo, you said, "I
0133

1 got him, I got him." Is that right?

2 A. Yes.

3 MR. HAYES: Nothing else.

4 PRESIDING OFFICER NIX:

5 Commissioner Rosario?

6 COMMISSIONER ROSARIO: No

7 questions.

8 PRESIDING OFFICER NIX:

9 Commissioner Stapleton?

10 MR. STAPLETON: One really basic

11 question.

12 -----

13 *EXAMINATION BY COMMISSIONER STAPLETON*

14 Q. What were you expecting the officer to do when
15 you intervened in a confrontation between a police
16 officer and your friend?

17 A. Honestly, honestly, I honestly thought that he
18 was going to -- I understand, and to see me trying
19 to cool him down, you know what I'm saying, I
20 really thought that he was not going to back off
21 because that's his job, not back off. But at least
22 he would get the idea that, all right, I guess he's
23 a part of the group, I guess he knows this guy,
24 that he is trying to help him out. That's what I
25 thought.

0134

1 Q. So your expectation --

2 A. Yeah, my expectation --

3 Q. -- was that a police officer is going to step
4 back and say he'll handle it?

5 A. No, no, no, no.

6 My expectation was nowhere near like that.

7 When he saw me, I expected that -- okay, he
8 knows that -- he could assume we're real close.

9 Q. Why would he assume that?

10 A. No guy -- no guy -- around North Philly or
11 whatever would let another guy grab him like that.
12 No type of way.

13 And how the streets are, no -- there's no
14 chance.

15 Q. So the police officer should have reasonably
16 concluded that you were close enough to him that he
17 could step back?

18 A. At least that he can know that it is all

19 right.

20 At least this guy has his head on straight,
21 that he could cool him down before he gets himself
22 into something.

23 Q. I didn't hear you say you cooled him down; you
24 were trying to cool him down?

25 A. Yes, I was trying to cool him down.

0135

1 Q. But not successfully?

2 A. No.

3 Q. Okay. Thank you.

4 -----

5 *EXAMINATION BY PRESIDING OFFICER NIX*

6 Q. Mr. Neris, I just have one follow-up question
7 on what Mr. Hayes asked you, and it's about that
8 fight that may have been a jumping of Bobblehead.

9 We heard about Bobblehead a little last night.

10 Nobody knows his name.

11 It looks like to you he was the one in an

12 altercation with the Arabic guys.

13 You described them as Arabic.

14 How do you know they were Arabic?

15 A. Because you know how, like, in a small town
16 everybody knows everybody? That's the same thing
17 in a neighborhood. You see them.

18 I don't know the guys from anything.

19 I don't know them better than anybody else.

20 I know that they are Arabic because of the way
21 they talk, or whatever music they play.

22 Q. They weren't Hispanic?

23 A. They weren't Hispanic.

24 They could pass for Hispanic, though.

25 Q. But you could distinguish them from the

0136

1 neighborhood?

2 A. Yes.

3 Q. How old were they?

4 A. I'm not sure.

5 Q. You didn't recognize them?

6 You didn't know them?

7 A. No.

8 Q. You're sure they weren't part of the group?

9 A. No.

10 Q. And I've heard about the altercation with -- I
11 think his nickname is Chino.

12 What is his name? Alfredo. And I've heard
13 several versions of it.

14 I want to be really clear about this. There
15 was not physical contact because there was
16 distance?

17 A. There was a big gap between the officer and
18 Alfredo.

19 Q. It was all verbal?

20 A. Uh-huh.

21 Q. Do you know what it was about?

22 A. Like I said, how they told me it, it was all
23 about a girl trying to get her little sister to go
24 home, because at that time the cops were being real
25 rude.

0137

1 They'll grab a girl and push them.

2 They were really, like, touchies. You know
3 what I'm trying to say there?

4 There was a whole bunch of cops and I guess,
5 like, they took their own way to do it, doing
6 stuff, and I guess she felt some type of way.

7 Q. So if I understood both the testimony last
8 night and yours, there was a girl who wanted to
9 find her little sister, and she was upset she
10 couldn't find her, and the cops were making her
11 leave, and that her upsetness was what made Alfredo
12 Sanchez go over to help her, and that ended up
13 being a verbal altercation with one of the cops?

14 A. Honestly, in my eye, I guess he was trying to
15 calm her down. And in some way in that whole time
16 something happened. The officer said something to
17 him, or he said something to the officer. I'm not
18 sure.

19 I think that's how everything got into play.

20 Q. And you were doing --

21 A. Yeah, and I was trying to calm him down.

22 Q. As far as you can see, there was nothing
23 physical at that time between Alfredo and that
24 officer? In fact, you got to Alfredo first?

25 A. Yes.

0138

1 Q. But he was coming to him at the same time.

2 And when you said -- you testified you said,

3 "I got him," did you look at the officer?

4 A. I was moving my head slightly to the right.

5 As soon as I said, "I got him, I got him." --

6 Q. That's when you got hit?

7 A. Yes.

8 Q. Do you know if had you a chance --

9 A. I didn't have a chance to turn half my cheek.

10 Q. Did you have the chance to get that entire
11 thought out?

12 A. Not the second time.

13 I said it twice.

14 Q. You said?

15 A. "I got him," the first time. And as soon as I

16 said, "I got him," that's when I --

17 Q. You got him, meaning?

18 A. Yes --

19 Q. I guess what I'm trying to figure out is is it
20 possible that they didn't know what you meant by "I
21 got him" when you got him in a hug to sort of
22 diffuse the situation?

23 A. In my tone -- I didn't have an aggressive
24 voice to make the officer believe that I was trying
25 to do something.

0139

1 Like, me and him were talking prior to that
2 whole whatever happened.

3 Q. And what I'm trying to get at is do you have
4 any firsthand knowledge of whether that registered
5 with the policeman?

6 Did you look -- did you guys make eye contact
7 and say, "I got him?"

8 A. Like I said -- no.

9 Q. You were just turning to see --

10 A. As soon as I was turning to see if he heard
11 me, that's when I got struck.

12 Q. So you know you said, "I got him, I got him,"
13 but you can't be sure if the officer you were
14 turning to see to make sure the officer knew what
15 you meant, and that's when you got hit. And you
16 never got to realize whether the officer understood
17 or not, you were hit?

18 A. Yes.

19 Q. And as far as the officer, if I understood the
20 final questions, there weren't enough around, close
21 enough around, in your peripheral view for it to be
22 anybody but the officer that --

23 A. There was other officers around him. But he
24 was the only one close enough to get that far and
25 that fast to catch up to me.

0140

1 Q. So could you estimate the distance from where
2 he started before -- I will take it back and make
3 it easier to say.

4 You got to Alfredo first, and that officer was
5 also going to Alfredo.

6 How far away was the next closest officer from
7 Alfredo?

8 A. Let's say if I'm Alfredo, the officer was
9 coming around here (indicating). So the next
10 officer was, like, at least 5 feet away from him,
11 from the other officer.

12 Q. Go ahead.

13 A. Like, the other officers were, like -- weren't
14 about the situation. And I guess as soon as he saw
15 the one officer come by, they went to help him as
16 backup, I guess.

17 Q. Did you notice if -- I mean, there was the one
18 officer that we established was coming towards
19 Sanchez and you, even though you got there first.

20 But did you notice if any other of these
21 officers were also coming towards you at the same
22 time?

23 A. Yeah, yeah.

24 You could see them -- just by the streetlights
25 you could see. Because where I was going there

0141

1 were cop cars. So, I guess that was, like, a safe
2 zone. You could say it was a safe zone. That's
3 what I was trying to indicate; I have him, I'm
4 trying to relax him, there was no more he was going
5 to say.

6 Q. What I'm trying to get at, I guess you were
7 facing Sanchez. And if you were facing Sanchez,
8 what direction were you facing?

9 Were you facing back towards the ballroom?

10 A. Yeah, towards the ballroom and facing the
11 gate.

12 Q. And do you know if there were police at that
13 time that were behind you?

14 Were there police all around?

15 A. I'm pretty sure.

16 Q. Again, I'm trying to see if there's any way to
17 establish for certain that it was this officer that
18 was the actual one that struck you.

19 A. I remember it clear as day.

20 When him and Alfredo was having that talk,
21 that's when I took my good look.

22 I took a good look at him, because I seen
23 everything that was going around.

24 So, in my head I'm thinking this is going to
25 go bad. But, at the same time, I'm hoping that he

0142

1 could view it and see how everything is turning out
2 so we wouldn't have to have no bad resolution.

3 Q. You described him as stocky and white, that's
4 what I got.

5 A. He was at least 5'5"; 5'6".

6 Q. Could you estimate, was he taller than Sanchez
7 or shorter?

8 A. He was around the same height as both of us.

9 Me and Alfredo is around the same height.

10 Q. He's about your height?

11 A. Yeah.

12 Q. Can you estimate his age at all?

13 A. No, I can't, really.

14 Q. But you saw him, the same guy, after you were
15 in the car and you came back?

16 A. Yeah.

17 That's how I knew it was him. Because when he
18 came back to the car, he said something, and he was
19 joking around with his buddies, and he was showing
20 them the nightstick. That's how I know I had to
21 get hit with a nightstick.

22 The car is, like, right near the entrances for
23 the garage, the parking lot, and that's where I was
24 put at.

25 When I seen he was calling for an ambulance,

0143

1 he was having jokes with his friends about how he
2 hit me.

3 He can't be nobody else because he pulled out
4 the nightstick, he started laughing. I seen
5 everybody looking at me.

6 Q. They where looking at you while he was showing
7 his nightstick around?

8 They were then looking at you while were you
9 seated in the car?

10 A. Yes.

11 Q. About how many officers were there?

12 A. That he was talking to? Like, four.

13 Including him.

14 Q. About how far away from the car were they
15 standing that you could see them?

16 A. About 5 feet.

17 Q. When he showed them this, they all looked in
18 your direction?

19 A. Yes.

20 Q. My last question is:

21 While at the Youth Study Center and all of
22 that, were you charged with anything?

23 A. No.

24 I had an advocate for about seven months.

25 After the trial went on, they found me not guilty.

0144

1 Q. You actually went to a trial?

2 A. Yes, I actually had a trial.

3 I had a lawyer.

4 I went through a whole trial.

5 Q. And, ultimately --

6 A. Yes.

7 Q. -- you went through the entire disposition.

8 At the end of it, they said, no, this is
9 unfounded?

10 A. Yes.

11 I had nothing but witnesses with me, so.

12 Q. And did the officer testify?

13 A. Yes.

14 The officer was there at the same time.

15 And he looks exactly how I said. Exactly.

16 Q. Did he testify?

17 A. Yeah.

18 He testified that he only hit me once, and it
19 was to detain me, and it was in front of my head.

20 But there's no given way.

21 Q. But you were -- ultimately you ended up having
22 to go to trial?

23 This was a full trial before a judge?

24 A. Before a judge. No jury.

25 MR. ROSARIO: I would like with
0145

1 his permission to look at his head, if it's
2 okay.

3 THE WITNESS: Yes, you could see.

4 PRESIDING OFFICER NIX:

5 Commissioner Rosario, if you
6 would be willing to go and look.

7 COMMISSIONER ROSARIO: Thank you.

8 -----

9 PRESIDING OFFICER NIX: I think
10 counsel has one last question.

11 MR. YOUNG: I have one more
12 question.

13 -----

14 *EXAMINATION BY MR. YOUNG*

15 Q. As a result of the trial, do you know now, as
16 you sit here today, the officer's name?

17 A. I guess Swift.

18 Officer Swift.

19 MR. YOUNG: And can mom confirm
20 that?

21 Mom, do you know the officer's
22 name?

23 THE MOTHER: It was Swift.

24 Q. He was the officer that appeared at the trial
25 and testified?

0146

1 A. Yes.

2 THE MOTHER: Yes.

3 MR. YOUNG: Thank you.

4 PRESIDING OFFICER NIX: Never
5 trust a lawyer when they say they just have
6 one question.

7 MR. HAYES: I have, what I hope

8 is, the last question.

9 -----

10 *EXAMINATION BY MR. HAYES*

11 Q. Do you know what you were charged with?

12 A. Starting a riot; assault on an officer.

13 I had quite a number of charges against me.

14 I had at least eight or nine.

15 PRESIDING OFFICER NIX: At least
16 eight charges?

17 THE WITNESS: Yes.

18 A. I had -- if I'm not mistaking, I had at least
19 four misdemeanors.

20 I think I had two felonies.

21 MR. YOUNG: Nothing else.

22 Thank you.

23 PRESIDING OFFICER NIX: Thanks
24 again for your time and cooperation and all of
25 your testimony. It is always very helpful.

0147

1 We are going to take a lot of
2 testimony. It is going to continue for
3 another five days, at least.

4 Thanks again for coming in and
5 taking the time; that you're willing to come
6 in and answer the questions in a forthright
7 manner. It has been very helpful.

8 Thanks again for you and your
9 family to get to this point.

10 We will now dismiss you.

11 Is there another witness?

12 There is? Okay.

13 You are dismissed.

14 You're welcome to sit.

15 Alfredo Sanchez, please.

16 -----

17 (Witness sworn)

18 -----

19 ALFREDO SANCHEZ, after having been duly
20 sworn, was examined and testified as follows:

21 *EXAMINATION BY MR. YOUNG*

22 Q. Good evening, Mr. Sanchez.

23 My name is Dennis Young, and I represent as
24 counsel for the Police Advisory Commission.

25 The gentleman just walking away is my

0148

1 colleague and associate. He also represents the

2 Police Advisory Commission.

3 I, along with him, will ask you some questions

4 regarding what happened on November 11th, 2005.

5 Okay?

6 A. Yes.

7 Q. Do you recall that incident?

8 A. Yes.

9 Q. Seated to my left -- my immediate left -- is

10 the Chair of the Police Advisory Commission, Robert

11 Nix, and panel members, Joe Stapleton and Oscar

12 Rosario.

13 Seated to your immediate right is Coleman

14 Anderson. He's an employee of the Police Advisory

15 Commission.

16 We would like to ask you some questions

17 regarding what happened on that night.

18 Before we get into that, I just want to go

19 over some things that, hopefully, would allow the

20 question and answer session to go a lot smoother,

21 if you will.

22 A. Yes.

23 Q. Seated to your right -- immediate left is

24 Lisa, the court stenographer. And she's writing

25 down everything that everyone says.

0149

1 To make here life a lot easier, I ask that we

2 not talk at the same time.

3 So when I'm talking, please try not to talk.

4 And when you're talking, I'll try not to talk, so

5 she can accurately report everything that we say.

6 Is that okay?

7 A. Yes.

8 Q. Also, I ask that you answer verbally, which is

9 what you're doing, and try to avoid nodding your

10 head.

11 Is that okay?

12 A. Yes.

13 Q. Is there anything that's prohibiting you from

14 testifying today?

15 A. No.

16 Q. How old are you?

17 A. Nineteen.

18 Q. And at the time of the incident back in 2005

19 how old were you?

20 A. I think I was 16.

21 Sixteen going on 17, probably.

22 Q. And are you currently a member of the dancing

23 group Grupo Fuego?

24 A. No, I'm not.

25 Q. Back in 2005 were you a member of the Grupo

0150

1 Fuego?

2 A. Yes.

3 Q. And back on November 11 of 2005, it's the

4 panel's understanding that there was a fundraiser

5 being held at Dianna's Ballroom.

6 Is that true?

7 A. Yes.

8 Q. What was your responsibility on that

9 particular night?

10 A. Um, it was just basically all the members of

11 the dance group, we had to, like, circle around the

12 hall, make sure it was being kept clean, nobody was

13 starting any fights, nobody was doing anything

14 illegal.

15 Make sure everybody was just having a good

16 time.

17 Q. So, for all intents and purposes, you were

18 part of, I guess, the security detail?

19 A. Yes.

20 Q. Were there other security people there that

21 weren't part of the dance group?

22 A. Yes.

23 Q. And do you know who those individuals were?

24 A. I'm not sure who they were, but it was

25 probably a couple of them; like four.

0151

1 They had -- they were singled out. They had

2 black shirts with "Security" on the back.

3 Q. Do you know where they were stationed at the

4 time of the fundraising event?

5 A. No.

6 Q. Was there any security at the front door?

7 A. During certain times they were at the front
8 doors, and other times they were walking around
9 outside the hall.

10 Q. When did you become a member of the dancing
11 group?

12 A. I think it was probably September of 2005.

13 Q. So you had been -- prior to that, you had been
14 a member of it for a couple of months?

15 A. Yes.

16 Q. And were you part of the afterschool program?

17 A. Yes.

18 Q. Now, at some point, it's the panel's
19 understanding that you were confronted by a police
20 officer outside the dance ballroom; is that
21 correct?

22 A. Yes.

23 Q. How did you get outside?

24 A. What had happened was a fight broke out in the
25 parking lot section of the ballroom.

0152

1 A couple people ran outside.

2 The cops were called.

3 The cops pulled up. They broke up the fight.

4 Some people ran from the scene. Others ran inside
5 the building.

6 I came outside the building.

7 While the cops were sitting right there where
8 the parking lot was -- there was probably, like,
9 two cop cars -- bottles started flying towards the
10 cops.

11 Then, like, in another five or ten minutes a
12 whole bunch of cop cars just came; probably, like,
13 10, 15 paddy wagons, cars.

14 Helicopters overhead.

15 From there I seen one of the our friends,
16 Erica Martinez. So I started talking to her.

17 She wanted to go back inside the building,
18 inside the hall.

19 The officer stated no one was allowed to go
20 back in the hall until everything was controlled.

21 She said, "My little sister is in there. I
22 have to watch her. Can I go get her?"

23 The officer said, "No. Step away. Leave."

24 So I grabbed her. We started walking across
25 the street.

0153

1 While we were walking across the street
2 towards where -- you see that? You see that orange
3 box right there (indicating)?

4 Q. Right.

5 A. Towards that parking lot we were walking
6 across the street. The officer stated to me that
7 we were Spics.

8 He said something, "A bunch of Spics."

9 So that's when I turned around, and I was
10 like, "That's real inappropriate." And that's when
11 he came up to me, he grabbed me, slammed me against
12 the gate right there where the orange box is at
13 (indicating).

14 It was like a little scuffle right there.

15 David ran over and grabbed me and told the
16 officer, "No, no, I got him. I got him. Can you
17 let him go? I got him. I'll take him inside."

18 From there, like, three other officers jumped
19 on top of us, and we both fell to the floor.

20 And while we were both on the floor, more just
21 came and started having -- started hitting us with
22 batons.

23 Q. I want to go back -- and thank you for that
24 summary.

25 I want to sort of kind of go step-by-step

0154

1 through the testimony that you just offered the
2 panel.

3 You mentioned that there was a fight outside
4 in the parking lot?

5 A. Yes.

6 Q. You're referring to the parking lot on this
7 side of the building (indicating)?

8 A. Right towards the entrance, right near the
9 street.

10 Right there (indicating).

11 Q. This is where a fight broke out?

12 A. Yes.

13 Q. And how many people do you think were involved
14 in that fight?

15 A. It was probably about seven -- it was, like,
16 about 6, 7 people rolling on one person.

17 Q. Now, what was the racial composition of the
18 people in this fight?

19 A. One Hispanic, and I think the others were
20 Filipino.

21 Q. The Hispanic person, was he the one that
22 was --

23 A. He was the one that they were fighting; that
24 they were jumping.

25 Q. And was that person part of the dance group?

0155

1 A. He wasn't part of the dance group, but he was
2 pretty much like an active member of the dance
3 group.

4 Like, everybody knew him.

5 He used to come to the parties, show support.

6 He used to come to our practices sometimes.

7 Q. Was he, at some point, inside the ballroom
8 attending the fundraiser?

9 A. Yes.

10 Q. And these Filipino, were these all males?

11 A. Yes, all males.

12 Q. The Filipino males, were they also, at some
13 point, part of the -- inside of the ballroom and
14 part of the fundraiser?

15 A. Yes.

16 Q. Do you know whether the altercation occurred
17 inside the ballroom and then spilled outside, or
18 whether it started outside? Or don't you know at
19 all?

20 A. I wasn't too sure.

21 I just only recall the outside altercation.

22 I don't recall any inside altercation.

23 Q. Now, again -- and I don't know if you answered
24 this, so I'll ask again.

25 At some point you obviously saw this fight.

0156

1 How did you get outside?

2 Why were you outside?

3 A. From on the inside of Dianna's Ballroom
4 there's a side door leading out to the parking lot.

5 That door was open.

6 We seen -- well, I seen a big crowd just rush
7 out that door, that side door, and I heard people
8 yelling there was a fight.

9 So I ran out through the front door. And a
10 couple other people ran out with me from the dance
11 group because that was mainly what we were supposed
12 to do.

13 Everybody was there for a good time; no fights
14 or anything.

15 So, we ran outside. And as soon as I got
16 outside, that's when the fight had already broken
17 up and the cops were coming.

18 And they pulled up right there (indicating).

19 Q. So the side door was located on this side of
20 the building (indicating)?

21 A. Yes.

22 Q. So the door was open?

23 A. Yes.

24 Q. And certain people saw that they were fighting
25 outside and certain people started running outside?

0157

1 A. Yes.

2 Q. And I guess you couldn't get out that door, so
3 you ran to the front door?

4 A. Yes.

5 Q. Okay. And you ran outside?

6 A. Yes.

7 Q. And by the time you got outside -- well, when
8 you got outside, tell the panel, what did you see?

9 A. Like, towards my left, I looked towards my
10 left, and that's when a whole bunch of males were
11 just walking away.

12 The cops pulled up, pulled up right on top of
13 the parking lot.

14 The cops were there for about a minute or two,
15 and then, like, I just start hearing bottles
16 crashing to the floor and hitting the cop cars.

17 Q. How long were you outside before you started
18 to see police cars pull up, or were they already
19 there?

20 A. Just -- it was about two police cars already
21 that just pulled up when I came out.

22 And I was outside for about five, ten, minutes

23 when more police cars started coming. After the
24 bottles had fallen on top of police cars, like, 5,
25 10 minutes later more police cars came.

0158

1 The chopper came.

2 Q. This is the second time you mentioned a
3 chopper.

4 A. I'm not sure if it was a police helicopter or
5 a news helicopter.

6 Q. Was there one or more than one?

7 A. I just knew there was one.

8 It just had a spotlight, like, right around
9 the surrounding area.

10 Q. If you could for me, you mentioned that there
11 were a group of four or five males involved in the
12 fight, and then you mentioned that there were
13 people inside the ballroom, students, who came
14 running out, and you came running out the front
15 door.

16 Was there other people, other students, with
17 you running out the front door?

18 A. Everybody was just rushing out.

19 Q. Everybody was rushing out?

20 A. Everybody who heard about the fight was just
21 rushing out; pouring out.

22 Q. So, if you can, and I don't want you to guess,
23 except that maybe you give us a range, when you
24 finally came outside, how many people do you think
25 were outside at that time?

0159

1 A. Between 30 to 50.

2 Q. And how many officers do you think were at the
3 scene at that time?

4 A. About four.

5 Two in each squad car.

6 Q. Now, you mentioned that there were bottles
7 being thrown.

8 Were the bottles being thrown by the males who
9 were involved in the fight, or were they being
10 thrown by others?

11 A. I'm not too sure, because when I came outside,
12 like I said, everybody started spreading out. And
13 I was standing there, right in front of the

14 ballroom, looking out to my left, and all you heard
15 was shoosh, shoosh, and everybody just started
16 ducking.

17 And I wasn't too sure where it came from.

18 Q. You weren't sure if it came from the group of
19 males that was fighting or from people inside the
20 ballroom?

21 A. Yes, I wasn't sure.

22 Q. And these bottles were being thrown at the
23 police cars?

24 A. Yeah.

25 They were being tossed in the air and falling

0160

1 directly on the police cars in the middle of the
2 street.

3 Q. At that time you said there was four police
4 cars there?

5 A. Two.

6 Q. Two police cars?

7 A. Two police cars parked on top of the sidewalk
8 where the fight had took place.

9 And about 5, 10 minutes after that, that's
10 when more police cars came.

11 Q. Two police cars, about four officers; is that
12 right?

13 A. Yes.

14 Q. Where were the officers at the time that you
15 came out of the building?

16 A. They were just pulling out of their patrol
17 cars and walking around their patrol cars telling
18 everybody to go home; "Break it up."

19 Everybody was walking away.

20 Q. So when these bottles were being thrown up in
21 the air and hitting the police cars and hitting the
22 street, were the police officers inside their car
23 or outside their car?

24 A. They were outside.

25 Q. At some point -- you testified that at some

0161

1 point you went to the assistance of a young lady;
2 is that correct?

3 A. Yes.

4 Q. What was her name again?

5 A. Erica Martinez.

6 Q. And on this diagram, where was Erica Martinez?

7 A. You see the middle of that intersection?

8 Right there (indicating), a little over to the
9 left, in the middle of the street.

10 Right about there (indicating).

11 Q. Now, was Erica Martinez outside prior to you
12 coming outside, or did she come outside with you?

13 A. I'm not sure if she ran outside behind me, or
14 if she had already been outside.

15 Q. Is she part of the dance club?

16 A. She's part of Step.

17 Q. So, she's part of the afterschool program?

18 A. The afterschool program.

19 Q. Did you see Erica Martinez -- prior to her
20 going outside, did you see her inside the ballroom?

21 A. Yes.

22 Q. So at some point she was inside the ballroom
23 and came outside?

24 A. Yes.

25 Q. So you walked over to her?

0162

1 A. Yes.

2 Q. And you were assisting her because of what?

3 A. She said she was looking for her little
4 sister, and that she needed to grab her jacket from
5 inside the ballroom.

6 Q. What happened next?

7 A. I was walking with her.

8 She -- we started walking towards the
9 ballroom.

10 That's when all the cop cars had already came.

11 And the cops were, like, standing right in front of
12 the gate in front of the entrance telling nobody
13 that they couldn't go in, they couldn't enter.

14 Everybody that was inside had to stay inside.

15 Everybody that was outside had to stay
16 outside.

17 So she was explaining to the police officer,
18 "My little sister is in there. My mom told me to
19 watch her. We came out, I need to get her and grab
20 my jacket and I'll take her home."

21 The police officer said, "Nobody can enter.

22 Just stay out here, wait until everybody comes
23 down."

24 Q. So the police officers were lined up here
25 (indicating)?

0163

1 A. Yes.

2 Q. How many officers do you think were lined up?

3 A. I'm not pretty sure.

4 Q. They weren't allowing you or anyone else to go
5 back inside the ballroom?

6 A. I guess.

7 Q. They weren't allowing people who were trying
8 to come out to come out?

9 A. Yes.

10 Q. So, for all intents and purposes, they were
11 trying to maintain the number of people that were
12 already outside to make sure that the crowd didn't
13 grow?

14 A. Yes.

15 Q. So the police officer told you and Erica that
16 you can't go back in?

17 A. Yes.

18 Q. What happened next?

19 A. From there we started crossing the street and
20 standing around that parking lot and wait until
21 everybody left.

22 Q. This parking lot (indicating)?

23 A. No.

24 Across the street.

25 Right down.

0164

1 Q. Here (indicating)?

2 A. No.

3 Down.

4 That parking lot right down there where the
5 arrow's at (indicating).

6 Down there (indicating).

7 Q. This parking lot; I'm sorry.

8 I forgot about that one.

9 A. We were walking across the street.

10 We were going to stay right there until
11 everybody -- like, all the commotion had died down,
12 until everybody calmed down, and we was going to

13 try to see if we could see her little sister coming
14 out.

15 When we got to the middle of the intersection,
16 that's when the officer stated something and said,
17 "A bunch of Spics."

18 And that's when I turned around and I
19 acknowledged him by saying, "Oh, well, that's very
20 inappropriate. Me, I'm Puerto Rican."

21 Q. We're going to talk about that in a minute.

22 So, you walked that way to here (indicating),
23 and you walked back up to here (indicating)?

24 A. We were going to walk towards the parking lot,
25 and that's when the cop stated.

0165

1 Q. Okay.

2 Do you recall what the officer looked like
3 that said these things?

4 A. No.

5 Q. And you said the officer called you a Spic?

6 A. Yes.

7 Q. And your response was, "That's inappropriate."

8 A. Yes.

9 Q. Is that what you said?

10 You sure?

11 A. Not in the exact words.

12 Q. Tell me exactly what you said.

13 A. It wasn't a verbal argument, but I turned
14 around, and I just let him know that I didn't feel
15 comfortable with him calling me a Spic.

16 Q. Okay. I understand.

17 What was his response?

18 A. His response was to grab me by my shirt, slam
19 me up against the gate.

20 Q. And the gate you're referring to is the gate
21 down here by the parking lot (indicating)?

22 A. Yes.

23 Q. This gate here (indicating)?

24 A. Yes.

25 Q. So he called you names.

0166

1 You, in your own special way, told him that
2 that was inappropriate, and he grabbed you and
3 threw you up against the fence?

4 A. Yes.

5 Q. What else happened?

6 A. From right there (indicating) when he slammed
7 me against the fence, that's when David came
8 running across the street.

9 I'm pretty sure it was across the street.

10 David grabbed onto me -- like, he gave me a
11 bear hug -- while the officer still had his arm
12 around me.

13 And David was talking to the officer, "Let him
14 go. I'll take him inside. I'll calm him down," or
15 whatever.

16 From there, more officers rushed us. We fell
17 to the floor.

18 And while we were on the floor, that's when
19 they started hitting us with the batons.

20 Q. And just so that it's clear to the panel and
21 it's clear on the record, after you responded to
22 the officer, the officer grabbed you by your shirt
23 --

24 A. Yes.

25 Q. And he is facing you?

0167

1 A. Yes.

2 Q. So he sort of kind of throws you up -- if this
3 is the fence (indicating), he sort of kind of
4 throws you back into the fence?

5 A. Yes.

6 Q. So the officer's back is to the --

7 A. Towards the ballroom.

8 Q. -- facing the fence?

9 A. Yes.

10 Q. And David Neris comes up?

11 A. Yes.

12 Q. And he grabs both you and the officer?

13 A. No.

14 He just grabs me.

15 Q. Now, did he grab -- was he on your left side
16 or was he on your right side?

17 A. He was on my right side.

18 Q. Your right side. So from this side
19 (indicating)?

20 A. I'm up against the fence.

21 The officer is right here holding me
22 (indicating).

23 David comes up, and he grabs me from my right
24 side, puts his arm around my waist, and says, "I'll
25 take him in. I'll calm him down."

0168

1 Q. Do you know if the officer had seen David come
2 up?

3 A. Yes, he seen David come up.

4 When David hugged me, the officer looked at
5 him. And then another officer came, and that's
6 when we all fell to the floor.

7 Q. Okay.

8 What happened after you fell to the floor?

9 A. After we fell to the floor, I sprawled my
10 hands out and my legs. I was stretched out on the
11 floor. The officer was on top of me with his
12 knees.

13 David was on the floor.

14 When I looked over to the side, David had his
15 hands like this over his head (indicating).

16 I seen blood pouring out from the front of his
17 face.

18 And from there, that's when the cops grabbed
19 my arms, put me in handcuffs, and pulled me up and
20 took me away.

21 Q. Did you see one of the officers or both of the
22 officers hit David?

23 A. It was -- it was multiple officers hit David.

24 Q. More than two?

25 A. Yes.

0169

1 Q. More than five?

2 A. About three to five.

3 About three to five.

4 Q. Do you know how many times they hit David?

5 A. Not exactly, but it was multiple times.

6 Q. Can you describe the officers?

7 A. Not, like -- I was on the floor.

8 I took a quick glimpse.

9 I seen David like this (indicating), blood
10 coming out of his head.

11 That's when the other officers grabbed me on

12 the floor, grabbed me, picked me up, put handcuffs
13 on me and put me in the back of the paddy wagon.

14 Q. Let me ask you this:

15 The officer that initially approached you and
16 grabbed you, can you describe that officer?

17 A. No, I cannot.

18 Q. Was he white?

19 A. Yes.

20 Q. Was it a male?

21 A. It was a male.

22 Q. Was he taller than you shorter than you?

23 A. I'm not sure.

24 Q. How tall are you?

25 A. How tall am I?

0170

1 I'm five-foot eleven. Five-foot ten.

2 Q. Was he heavysset, or was he skinny?

3 A. He was a bit heavier than me.

4 If I weighed him, probably 200, 210.

5 Q. Did he have a hat on?

6 A. No, no hat.

7 Q. Was he in police uniform; full uniform?

8 A. Yes.

9 Q. Can you describe, outside of him, any of the
10 other officers that were involved in the
11 confrontation with you and David?

12 A. It was a few Caucasian, a few
13 African-American, and there was about four females.

14 Q. And what happened -- were you handcuffed on
15 the ground?

16 A. No, I wasn't handcuffed on the ground.

17 I was sprawled down on the ground. The
18 officer has me on my back. Another officer came,
19 had his hands on me.

20 When they started hitting David, they picked
21 me up, cranked me on the head, handcuffed me, and
22 put me in the back of paddy wagon.

23 Q. Did you know what they did with David?

24 A. No, I wasn't too sure what they did with
25 David.

0171

1 Q. You just said they put you in the back of the
2 paddy wagon?

3 A. Yes.

4 Q. What happened at that point?

5 A. When I was in the back of the paddy wagon, I
6 was there by myself.

7 About five minutes later they brung in three
8 more people; a mother, her daughter, and her son.

9 Her son had a big gash in the back of his
10 head. He was bleeding. His jersey was all full of
11 blood. And her daughter was, like, pissed off
12 because her brother was all bleeding, and the mom
13 was obviously pissed off.

14 It was just us four in the back of paddy
15 wagon.

16 Q. Did you eventually go down to the police
17 station?

18 A. Yes.

19 About 20 to a half hour -- 20 minutes to a
20 half an hour they came back to the paddy wagon,
21 opened the book doors.

22 A guy with a white shirt, a police officer --
23 I'm not sure, a Sergeant, a Lieutenant -- he
24 started making decisions on who he was going to let
25 go and who he was obviously going to take to the
0172

1 district.

2 I'm not too sure if he let the guy with the
3 gash in the back of his head go.

4 They put me in the back of squad car and took
5 me down to the district.

6 Q. What happened at the district?

7 A. At the district, I stood there about 20
8 minutes.

9 And then after 20 minutes, after all the
10 process -- taking off my belt, my shoestrings, and
11 all of that -- they put me in a cell room.

12 Like, 20 minutes later, that's when David came
13 in.

14 He was stitched up in the front of his head,
15 the back -- I think it was in three places he had
16 staples in his head.

17 Q. We know that David eventually went to the
18 Youth Study Center.

19 Did you also go to the Youth Study Center?

20 A. No, I did not.

21 I was picked up probably 20 minutes after

22 David was taken to the Youth Study Center.

23 Q. So you were released?

24 A. Yes.

25 Q. Were you ever charged?

0173

1 A. Yes.

2 Q. What were you charged with?

3 A. I think it was riot, resisting arrest,
4 disorderly conduct, and -- I'm not sure. I think
5 it was two other offenses.

6 Q. And what happened to those charges?

7 A. They gave me -- I think it was, like, three to
8 six months probation.

9 They sent me to I and Tioga. There's, like, a
10 little mall, like a Family Court there.

11 I was assigned to a person in there.

12 I had to go, like, twice a month -- two or
13 three times a month -- for a drug test; random drug
14 test.

15 Q. So you eventually went to court?

16 A. Yes.

17 Q. In front of a judge?

18 A. Yes.

19 Q. Or was it a jury?

20 A. It was in front of a judge.

21 Q. Did you plead guilty, or did the judge find
22 you guilty?

23 A. My public defender took a plea for the
24 probation.

25 Q. And do you remember what you pled guilty to?

0174

1 A. No.

2 Q. But you think that your punishment was four
3 months probation?

4 A. Yes.

5 Q. And did you do your probation?

6 A. Yes, I did.

7 Q. Are you currently on probation now?

8 A. No, I'm not.

9 Q. I just want to go back, and I have one last
10 question:

11 You mentioned that the initial officer called
12 you a Spic?

13 A. Yes.

14 Q. Did any other officers verbally abuse you?

15 A. Not -- not towards me.

16 Q. I'm just asking you about you.

17 A. No.

18 Q. Other than you being wrestled to the ground
19 and being handcuffed, did any officer ever
20 physically abuse you?

21 A. No.

22 Q. Were you ever hit with a baton?

23 A. No.

24 Q. Were you ever sprayed with mace?

25 A. No.

0175

1 Q. Were you ever Tasered?

2 A. No.

3 Q. Now, as it relates to what you recall
4 happening as you were out there, outside of what
5 happened to you, do you recall any other officers
6 using inappropriate language with anyone else?

7 A. Just curse words.

8 Q. And do you recall who those officers were?

9 A. I don't recall who the officers were, but they
10 were basically speaking to everybody that was
11 outside of the hall.

12 Q. So they were speaking generally?

13 A. In general.

14 Q. Do you think they were using these cuss words
15 just to control and maintain what was going on?

16 A. I'm not sure if they was trying to control it.

17 To me, it seemed like it was making the matter
18 worse, because they just kept calling everybody
19 B's; and go the F home; get the F out of here. And
20 everybody was just getting mad.

21 Q. Do you recall whether any officers directly
22 and specifically called David any names?

23 A. No.

24 Q. No, you don't recall; or, no, it didn't
25 happen?

0176

1 A. No, I don't recall.

2 Q. But you don't recall any of the officers that
3 were there in a confrontation with you and David
4 calling either you or David any names?

5 A. No.

6 MR. YOUNG: I have no further
7 questions.

8 MR. HAYES: No questions.

9 PRESIDING OFFICER NIX:

10 Commissioner Rosario, do you have
11 any questions for Mr. Sanchez?

12 COMMISSIONER ROSARIO: Yes.

13 -----

14 *EXAMINATION BY COMMISSIONER ROSARIO*

15 Q. Mr. Sanchez, you are also called Chino?

16 A. Yes.

17 Q. The persons that I believe you were having a
18 fight with, the Filipinos or Arabs, or whatever,
19 were they part of the party?

20 A. I wasn't -- a few of them were inside of the
21 party.

22 I don't think that all of them were inside of
23 the party.

24 Q. Did you know those people?

25 A. Did I know them?

0177

1 Q. Yes.

2 A. No.

3 Q. They were not invited to the party, right?

4 A. The party was basically for teenagers to have
5 a place to hang out.

6 Teenagers, obviously, aren't supposed to be in
7 bars and nightclubs, so it was a teenage jam.

8 Q. Those guys, were they grownups?

9 They were not kids, right?

10 A. They were probably in their 17s to 19;
11 probably 20 years old.

12 Q. And they were fighting with you?

13 A. Not with me. With one of the other kids who
14 were at the party.

15 Q. Okay.

16 Thanks.

17 PRESIDING OFFICER NIX:

18 Commissioner Stapleton, do you

19 have any questions?

20 COMMISSIONER STAPLETON: Yes.

21 -----

22 *EXAMINATION BY COMMISSIONER STAPLETON*

23 Q. Did you say that the officer had his arm
24 around you when David tried to intervene?

25 A. The officer had me by my shirt, pushed up

0178

1 against the gate. And that's when David came,
2 grabbed me around my waist, and gave me a bear hug.

3 COMMISSIONER STAPLETON: Thank
4 you.

5 PRESIDING OFFICER NIX: I have a
6 few questions.

7 -----

8 *EXAMINATION BY PRESIDING OFFICER NIX*

9 Q. Mr. Sanchez, just a couple of questions.

10 The guy that was in the fight outside was that
11 Bobblehead?

12 A. Yes.

13 Q. Do you know his real name?

14 A. I think his real name is Victor.

15 Q. But it's Bobblehead was the one in the
16 altercation?

17 A. Yes, Bobblehead.

18 Q. Do you know if it started inside, or it
19 spilled outside?

20 A. I wasn't too sure.

21 I just know about the outside altercation.

22 Q. And you said they were Filipino or Arab.

23 What made you say Arab?

24 A. Just the way their eyes were.

25 The hair.

0179

1 I have a few Filipino friends, so.

2 Q. So they weren't Puerto Rican?

3 A. No, they weren't Puerto Rican.

4 Q. You didn't know any of them, you said.

5 A. No.

6 Q. My last question is about the bottles.

7 This struck me -- it's the first time we heard
8 this. The bottles flying towards the cops. There
9 were only two police cars there.

10 A. Yes.

11 Q. And bottles somehow were thrown at them, and
12 they crashed on the police cars and you say they
13 broke.

14 A. Yes.

15 Q. Am I correct that they were glass?

16 A. Yes. Like Snapple bottles.

17 Q. So were they -- was there beverages in glass
18 bottles served inside the dance hall?

19 A. No, there were not.

20 It was all canned beverages.

21 Q. Canned beverages and bottles of water?

22 A. And plastic bottles of water.

23 Q. No glass inside the dance hall?

24 A. No.

25 PRESIDING OFFICER NIX: That's

0180

1 all I have.

2 Gentlemen?

3 MR. YOUNG: I have no further
4 questions.

5 David, thank you for your candid
6 testimony. We appreciate it.

7 PRESIDING OFFICER NIX: Alfredo,
8 Chino, thanks again for taking the time to
9 come down here and give your testimony.

10 There are no other witnesses
11 tonight.

12 We will stand in recess until our
13 next hearing, which is the week after next.

14 Thank you very much.

15 (Hearing concluded)

16 (Time noted: 9:15 p.m.)

17 -----

18

19

20

21

22

23

24

25

0181

1
2
3 C E R T I F I C A T E
4
5

6
7 I HEREBY CERTIFY that the proceedings
8 and evidence are contained fully and
9 accurately in the Notes taken by me on the
10 argument, hearing, or trial of the above
11 cause, and that this is a correct transcript
12 of same.
13

14
15 _____
16 LISA J. AMATUCCI, RPR, CSR
17 Registered Professional Reporter
 and
18 Certified Shorthand Reporter
 State of New Jersey
19

20
21
22 THE FOREGOING CERTIFICATION of this
transcript does not apply to any reproduction(s) of
23 the same by any means unless under the direct
control and/or direction of the certifying Court
24 Reporter.
25