

DIRECT EXAMINATION BY MS. LIPSKI:

1 **Q.** Good afternoon, Officer Kelly.

2 **A.** Good afternoon.

3 **Q.** By whom are you currently employed?

4 **A.** I am employed by the New York State Police Department.

5 **Q.** How long have you been a police officer?

6 **A.** Approximately twelve years.

7 **Q.** I am going to direct your attention to the date of this incident, October
8 4, 2000. Were you on duty that evening in a marked police car?

9 **A.** Yes, I was.

10 **Q.** Who were you with, if anyone?

11 **A.** I was with my partner.

12 **Q.** What is your partner's name?

13 **A.** Warren Jones.

14 **Q.** And where were you in the car?

15 **A.** I was in the passenger's seat.

16 **Q.** Where, physically, were you and your partner located around 10
17 o'clock at night on October 4th?

18 **A.** We were facing southbound in our marked police vehicle on the

1 corner of Oak and Main.

2 **Q.** Were you driving or stationary?

3 **A.** Stationary.

4 **Q.** The vicinity of Oak and Main where you were, can you tell the
5 members of the jury what is located there, what types of buildings?

6 **A.** It is a business section. There are stores. It's a main intersection
7 of the city.

8 **Q.** Can you turn around a little and tell me if you recognize the area
9 shown in this diagram?

10 **A.** Yes.

11 **Q.** You said you were on Main Street. In which direction were you
12 facing?

13 **A.** Facing southbound.

14 **THE COURT:** What exhibit number is that?

15 **MS. LIPSKI:** I think it's number 5.

16 **THE COURT:** I want the record to be clear.

17 **MS. KEYS:** It is number 5.

18 **Q.** Can you show the Court and jury exactly where your car was parked?

19 **A.** Approximately right in front of the sidewalk.

20 **Q.** You have indicated an area on the map in the vicinity of where it

1 says Oak. This would be the southbound lanes?

2 **A.** Yes.

3 **Q.** Were you in the main road or the service road?

4 **A.** Service road.

5 **Q.** Were you actually against the curb?

6 **A.** Yes, that's against the curb. The plaza area here on the map,
7 bounded by Lincoln Avenue, is the train station, Main Street
8 train station.

9 **Q.** Were you doing something in relation to the train while you were
10 there?

11 **MS. KEYS:** Objection. That's irrelevant.

12 **MS. LIPSKI:** I think it is relevant.

13 **THE COURT:** Overruled.

14 **MS. LIPSKI:** Thank you.

15 **THE COURT:** Proceed.

16 **A.** We were on routine patrol answering radio runs and responding to
17 pedestrians who approached us.

18 **Q.** How long would you say that you had been there or how long a
19 period of time were you at that location until something happened?

20 **A.** Approximately fifteen to twenty minutes.

1 **Q.** The intersection that we are talking about that you have referred to,
2 you are familiar with that location?

3 **A.** Yes.