

**DIRECT EXAMINATION BY MS. LIPSKI:**

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

**A.** Good afternoon.

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

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

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

**A.** Approximately twelve years.

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

**A.** Yes, I was.

**Q.** Whom were you with, if anyone?

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

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

**A.** Warren Jones.

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

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

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

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

corner of Oak and Main.

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

**A.** Stationary.

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

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

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

**A.** Yes.

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

**A.** Facing southbound.

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

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

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

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

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

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

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

says Oak. This would be the southbound lanes?

**A.** Yes.

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

**A.** Service road.

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

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

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

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

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

**THE COURT:** Overruled.

**MS. LIPSKI:** Thank you.

**THE COURT:** Proceed.

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

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

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

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

**A.** Yes.