

EXHIBIT G

(Portions of 9/11/2008 Trial Transcript)

STATE OF MICHIGAN
IN THE 41B DISTRICT COURT FOR THE COUNTY OF MACOMB

THE PEOPLE OF THE STATE OF MICHIGAN,

vs

File No. 08-2313SC

THOMAS ANDREW D'ANGELO,

Defendant.

JURY TRIAL

BEFORE THE HONORABLE SHEILA MILLER, DISTRICT JUDGE

Clinton Township, Michigan September 11, 2008

APPEARANCES:

For the PEOPLE:

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Assistant Prosecuting Attorney
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For the DEFENDANT:

Mr. Thomas Tomko, P40804
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TABLE OF CONTENTS

WITNESSES: PEOPLE	PAGE
PAUL RAYMOND PARENT	
Direct Examination	25
Cross Examination	35
Re-Direct Examination	43
DEBORAH BODNER	
Direct Examination	
Cross Examination	71
DONNA DAVIDSON	
Direct Examination	72
Cross Examination	82
Re-Direct Examination	84
LARRY NEAL	
Direct Examination	85
Cross Examination	101
JEAN FRANCOIS	
Direct Examination	114
Cross Examination	
THOMAS D'ANGELO	
Direct Examination	120
Cross Examination	133

WITNESSES: DEFENDANT

None Called

EXHIBITS	OFFERED	ADMITTED
Defense Exhibit A-Firefox Log		page 98
Defense Exhibits B, C, photos		Page 136

A That's true, I did not.

Q And so you never saw that?

A I saw his hand enter into his opened, opened zipper, and massage his genitals.

Q From your perspective, massaging his genitals, correct?

A Yes, sir, I believe he was stroking and he was also pumping with his hand.

Q That's from your perspective?

A That's what I saw. It's whenever he was chirping or grunting when he was watching the photo on the terminal.

Q You also, you also mentioned something about three times, you saw this occur on three occasions?

A Three different occasions within a forty-five minute period, but there was others, other chirpings or grunting, which I didn't bother to watch.

Q And you also mentioned something else about ten or fifteen. Is the ten or fifteen you meant, was the ten or fifteen times you saw him observing this pornography?

A No, no sir.

Q What was ten or fifteen?

A Ten or fifteen was, was relevant to the pattern of his grunting and also putting, entering his hand into his crotch area and massaging his genitals.

Q Wait, now I'm confused.

A It was a -

Q So when you're at the library, you're familiar with the layout of the library, correct?

A Yes.

Q I'm a little confused, if I go up to the second floor of the library and I get up the stairs, am I going to the right or to the left to get to the adult library section?

A You're going to the left.

Q To the left?

A Yes.

Q And that's where the computer lab is?

A Well, when you go down the left, you enter, like the librarian lady said, the non-fiction adult area and then there's a desk, sort of in the middle, like toward the computer lab and you have to walk to the back of the library to go into the computer lab, in its own room.

Q Describe for us the computer lab?

A The computer lab has four terminals with about six rows, I believe, and there's like a little partition in between you know, like the first and second set, and then there's the additional sets after that.

Q Oh, and by the way, you know, on the day that this happened, this was April 12th, 2008, do you remember that day?

A Yes.

Q On that day, were you getting any treatment, any medical

treatment for any condition?

A Well, I had discussed, I had a problem, I started working out in early April, like the first week in April, I was athletic in school throughout my academic career, I ran track and played football and what not and yes, I developed a jock rash in the first week of April from working out.

Q Did you seek any medical advice?

A No, I didn't seek medical advice, but I did ask a doctor that I know for advice on what, what kind of, you know, lotion, or whatever I should put on it, so-

Q You sought some doctor's advice then?

A Yes.

Q And you said it was a jock itch condition, did it give you any symptoms?

A Well, a jock rash usually develops first and I have very sensitive skin so I've gotten these over the years, you know, on a regular basis and it usually starts out as a rash first and sometimes it develops into like an itching type of thing, if it lasts long enough.

Q Okay. Shortly after this incidence, were any photographs taken?

A Yes, the day after the incident.

Q Would you recognize those photographs?

A Yes, I would.

Q Let me show you what's been marked as defendant's exhibit B and C, take a look at those Tom and tell me when you're done.

A Yes.

Q Do you remember those pictures being taken?

A I sure do.

Q Are those pictures that show you?

A Yes, they do.

Q And what does it show?

A It shows that I have a jock rash on the right side of my groin, where my thigh meets, you know, like the side of my testicle, there.

MR. TOMKO: Judge, we move for admission of exhibits B and C.

MR. STEINHART: No objection, Your Honor.

THE COURT: Non verbal response.

BY MR. TOMKO:

Q So did this cause a, cause a itching condition for you?

A Yes, the day I was in the library, I noticed the itching started getting worse, progressively worse.

Q What time did you go to the library on April 12th, 2008?

A I actually went to the library, it was probably about one or one-thirty or so. I remember the Red Wings played that afternoon. It was like a play off game or something.

Q Now let's allege that you unzipped your pants when you were in the library. Did that ever happen?

A Absolutely not?

Q Did you ever reach inside your pants?

A No, I did not.

Q Did you ever pump yourself?

A I never pumped myself.

Q But you had a rash condition?

A Yes, I did have a jock rash on the right side, that's correct.

Q Is it possible you scratched yourself?

A I believe I did scratch myself a few times, yes.

Q Now at some point, the police came. Is that true?

A Yes.

Q And when the police came, what happened?

A Well, I was sitting there, like I said, reading the Today Show transcript and the next thing I know, there's two gentlemen behind me and they tap me on the shoulder and one of them said, would you stand up, please? I said, yes. I realized they were police officer's, I said, what did I do wrong? I don't understand why I'm being arrested or handcuffed?

Q Did they, were you ever asked what happened that day?

A Yes, what happened was the officer-

Q Were you asked, first of all?

A Was I what?

Q Did one of the police officer's ask you what happened?

A Yes, he pulled me out of the computer lab and took me outside the door in the non-fiction part of the library and he didn't really ask me. What he did was he immediately said was, so, you're looking at porn in there, eh? That's what he said, quote, unquote.

Q Did you respond?

A Yes. I said absolutely not, I would never look at porn in the library.

Q Were you ever asked what happened besides that?

A Well, I didn't get a chance to respond, hardly, he came back with his second phrase, was, we have a gentleman here that says you were masturbating in there as well, quote, unquote. And I was like, whoa, that's absolutely false and I want to know who is making this allegation, that's what I said.

Q Okay. And then what happened?

A Well then, then he turned around and stated, don't you know there's surveillance video's in the computer lab? And I said, no, I didn't know that, but I would like to take a look at them.

Q Did that ever happened?

A No. He immediately took me outside. I was handcuffed behind my back and he took me out, down both sets of

stairs and out of the front and put me in the car which was in the circular driveway, in the front, yeah.

Q Well, you know, before the police came, did anybody from the library say anything to you?

A No, they did not.

Q Did Mr. Parent say anything to you?

A No, he never did, no.

Q So, the first time you ever knew anything was going on that was unusual, was when two police officers' were behind you, tapping you on the shoulder?

A That's correct.

Q Did you ever open up any e-mails with picture attachments that day?

A No, I did not.

MR. TOMKO: That's all I have, Judge.

THE COURT: Cross-exam?

CROSS EXAMINATION

BY MR. STEINHART:

Q Is it your statement that you made absolutely no noises that day in the computer lab, is that correct?

A Absolutely no noises, yes.

Q And you're saying that you never touched yourself, is that correct?

A I did scratch myself a few times as, you know, I had the rash, as indicated.

MR. STEINHART: No, Judge.

MR. TOMKO: No, Judge.

(At 4:03 p.m., jurors exit courtroom, Court recesses)

(At 5:07 p.m., jurors enter courtroom)

THE COURT: Thank you, please be seated everyone. Has the jury reached a verdict?

FOREPERSON: We have, Your Honor.

THE COURT: All right. You're the foreperson?

FOREPERSON: I am.

THE COURT: Would you read the verdict, please?

FOREPERSON: Read what we checked?

THE COURT: Yes.

FOREPERSON: We, the jury, find the defendant not guilty.

THE COURT: Thank you. All right, juror number eleven, in seat number one, was that and is that your verdict?

JUROR ELEVEN: Absolutely.

THE COURT: Juror number fifteen in seat number three, is that, I'm sorry, was that and is that your verdict?

JUROR FIFTEEN: Yes.

THE COURT: Juror number sixty-four, in seat number four, was that, sir, and is that your verdict?

JUROR SIXTY-FOUR: Yes.

THE COURT: Juror number thirty-five in seat five, was that and is that your verdict, ma'am?

JUROR THIRTY-FIVE: Yes.

THE COURT: And juror number forty-one, in seat number six, was that and is that your verdict?

JUROR FORTY-ONE: Yes.

THE COURT: And juror number seventeen, in seat number seven, sir, was that is that your verdict?

JUROR SEVENTEEN: Yes, Your Honor.

THE COURT: Thank you. We appreciate your attention and the time that you took with this case, and you are, hereby, excused. Often, the attorney's would like to ask you questions, to see what stood out in your minds, to ask you for any feedback or criticisms, so if you would like, you don't have to, but if you would like, you can hang on in the jury room, and I will be with them to come back and get your comments, okay? Thank you.

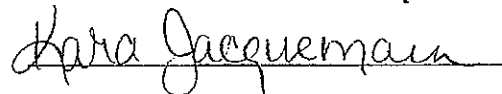
(At 5:09 p.m., jurors exit courtroom, proceedings concluded)

STATE OF MICHIGAN)

COUNTY OF MACOMB)

I certify that this transcript, consisting of 184 pages, is a complete, true, and correct record of the proceedings and testimony taken in this case on September 11, 2008.

Dated: June 8, 2010



Kara Jacquemain, CER #7863

41B District Court

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