

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS D'ANGELO,

Plaintiff:

-vs-

Case No. 2:10-c-12195
Hon. Lawrence P. Zatkoff
Magistrate Judge Mona Majzoub

PAUL PARENT, CLINTON TOWNSHIP, a
municipal entity, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON, in
their official an individual capacities,
jointly and severally,

Defendants:

_____ /

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

THOMAS D'ANGELO,

Plaintiff:

-vs-

Case No. 10-944 NO
Hon. Matthew S. Switalski

PAUL PARENT, CLINTON TOWNSHIP, a
municipal entity, NICHOLAS DYKAS,
JASON FIGURSKI and KEITH WATSON, in
their official and individual capacities,
jointly and severally,

Defendants:

_____ /

The deposition of THOMAS D'ANGELO, taken
before Lisa M. Fix, a Certified Shorthand Reporter and
Notary Public for the County of Wayne, State of
Michigan, at 615 Griswold, Suite 1115, Detroit,
Michigan, on Thursday, the 16th Day of December, 2010,
at 2:00 p.m.

EXHIBIT

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- 1 A I can't recall.
 2 Q Okay. What was the name of the last business that
 3 you owned or worked at?
 4 A The last one I did was -- I set up some employee
 5 discount cards for a couple hospitals.
 6 Q What was the name of that company?
 7 A I didn't have a formal name.
 8 Q You set up --
 9 A Self-employment.
 10 Q You set up what, discount cards did you say?
 11 A Yeah, employee discount card for a couple
 12 hospitals.
 13 Q What is an employee discount card for a hospital?
 14 A It's a card where the human resources department
 15 gives out to their employees. It's a free perk
 16 for working there.
 17 Q And what kind of discounts do they get?
 18 A You know, like mostly restaurants.
 19 Q Is it like that --
 20 A Car wash, that kind of thing.
 21 Q Is it kind of like that book that the kids used to
 22 sell for schools that get discounts?
 23 A Entertainment Book?
 24 Q Yeah, like Entertainment Book.
 25 A Sort of, but it's like on a plastic card.

- 1 Q What was the company that ran that?
 2 A Restate the question.
 3 Q Okay. Is this a program that was sponsored and
 4 funded by the hospitals?
 5 A No. What happened was I would go out into the
 6 business community and sell a spot on the card to
 7 an advertiser, that way the hospital gave it away.
 8 It was free to the hospitals.
 9 Q Okay. And you were paid to do that?
 10 A Yeah, by the businesses.
 11 Q Okay. How much did you earn the last year you
 12 worked doing this?
 13 A The last year I worked? I don't know, maybe
 14 \$1,500.00.
 15 Q For the year?
 16 A Yeah.
 17 Q Total compensation for the year approximately
 18 2006, would you agree?
 19 A I don't believe it was 2006.
 20 Q What year was it?
 21 A The last one was 2008, I believe.
 22 Q Okay. Well, you said you hadn't -- you've been
 23 unemployed for three years and now it's 2010. So
 24 I go back to 2007, 2006.
 25 A Well, I'm not sure on the dates.

- 1 Q Okay. But the last year you worked you made
 2 \$1,500.00 that year, correct?
 3 A Yeah.
 4 Q You were living in the apartment in Mount Clemens
 5 at the time, correct?
 6 A Yes.
 7 Q What was your rent?
 8 A My ma's rent was 500.
 9 Q I'm sorry, I didn't hear that, your what?
 10 A My mother's rent --
 11 Q Oh, okay.
 12 A -- was about, I don't know, a little over 500 a
 13 month.
 14 Q And you lived with your mom there?
 15 A Yes.
 16 Q And your mother's name was on the lease?
 17 A Both our names were.
 18 Q Did you contribute to the rent?
 19 A In past years, yeah.
 20 Q And you lived in that apartment quite a long time,
 21 didn't you?
 22 A Yeah.
 23 Q How old were you when you moved into that
 24 apartment?
 25 A I'm not sure. Probably -- I don't know. I can't

- 1 remember.
 2 Q Well, you were born 7-2-62; is that correct?
 3 A Yes.
 4 Q Okay. So you would have been what, at least 18
 5 because you said you moved in in the '80s
 6 sometime?
 7 A Late '80s. I was probably in my late 20s, I
 8 guess, 30s.
 9 Q After you graduate -- what year did you graduate,
 10 or what year did you receive your associate's
 11 degree from Macomb Community College?
 12 A 1983.
 13 Q And did you become employed after you had that
 14 associate's degree?
 15 A Yes.
 16 Q Where did you work?
 17 A I worked for a company called Quality Water and
 18 Air.
 19 Q Quality Water and Air?
 20 A Water and Air, yes.
 21 Q And where's that located?
 22 A It was located in Warren, Michigan.
 23 Q Is it out of business now?
 24 A I don't know.
 25 Q How long did you work at Quality Water and Air?

1 anything like that?
 2 A Oh, no.
 3 Q Is your mom still alive?
 4 A No, she passed away this year.
 5 Q My condolences.
 6 A Thank you.
 7 Q Have you had any contact at all with any police
 8 department other than the Clinton Township P.D?
 9 A What do you mean by any other contact?
 10 Q Any contact at all other than a speeding ticket or
 11 anything like that? Have you ever been arrested
 12 for anything?
 13 A Yes, I was arrested once.
 14 Q When were you arrested?
 15 A Long time ago. I believe it was the early '80s.
 16 Q And what were you arrested for?
 17 A Shoplifting.
 18 Q Where?
 19 A In Warren.
 20 Q Which store were you at?
 21 A I believe it was K Mart.
 22 Q What happened as a result of that?
 23 A Well, I was a college student at the time, so I
 24 just pled guilty, paid my fine and that was it.
 25 Q That's all there was associated with it was just a

1 fine?
 2 A Yes.
 3 Q No probation?
 4 A No.
 5 Q Did you have to make restitution to K Mart?
 6 A It was only like a \$20.00 item.
 7 Q So they let you go with the \$20.00 item, you had
 8 to just pay the fine?
 9 A No, I didn't take it.
 10 Q You got caught with it --
 11 A Yeah.
 12 Q -- correct?
 13 A But I never took it out. I mean I never kept it.
 14 Q Okay. Any other contact with the police
 15 departments other than traffic --
 16 A No.
 17 Q -- moving violations?
 18 A None.
 19 Q And other than this one that we're here on today?
 20 A No, no contact.
 21 Q Okay. The incident that took place here in your
 22 complaint says April 8th, but the Police Report
 23 and everything else we have says April 12th. Do
 24 you know what day it was?
 25 A I'm pretty sure it was the 12th. It was a

1 Saturday.
 2 Q Okay.
 3 A April 12th.
 4 Q And that was at the Clinton Township library?
 5 A Yes, the main -- there's three Clinton Township
 6 libraries.
 7 Q This is the one at Romeo Plank and Canal, right?
 8 A Yes.
 9 Q Okay. Had you ever been there before April 12th
 10 of 2008?
 11 A Yes, many times.
 12 Q How often did you go to the library before
 13 4-12-08?
 14 A Probably two to three times a week.
 15 Q Did you hold a library card from the Clinton
 16 Township library?
 17 A Oh, yes.
 18 Q Do you still have that card?
 19 A Yes, I do.
 20 Q Do you still carry it with you?
 21 A I believe I have it, yes.
 22 Q Can I take a look at it, please, if you have it
 23 with you?
 24 A It's in my jacket up in the office.
 25 Q Okay. I take it your driver's license is up there

1 also?
 2 A Yeah.
 3 Q Okay. Do you have a valid Michigan driver's
 4 license?
 5 A Yes.
 6 Q Is it just a regular license, or is it a CDL?
 7 A Regular license.
 8 Q Okay. So how long had you been going to the
 9 Clinton Township library prior to May 12 -- April
 10 12th of 2008?
 11 A Regularly.
 12 Q I mean how many years had you been doing it?
 13 A How many years?
 14 Q Or months, or whatever it was.
 15 A Ah, well, that's the newer library there and it
 16 was just built like, you know, maybe five years
 17 ago.
 18 Q Right, it's on the campus there, correct, where
 19 the municipal, the township hall is and so forth,
 20 right?
 21 A Just north of there, yeah.
 22 Q Right.
 23 A But they have like a south branch on Gratiot, as
 24 well, so.
 25 Q Right. Now, you -- so you frequented the main

1 came up behind me and --
 2 Q How did you notice them?
 3 A Well, I noticed them when they said please stand
 4 up and put your hands behind your back.
 5 Q Do you know who said that?
 6 A Yeah, a police officer.
 7 Q Do you know which police officer?
 8 A No, I can't recall which one.
 9 Q Can you describe him?
 10 A Ah, well, they were both white males, one was
 11 probably in his late 20s, and the other one was
 12 probably a little older than that, maybe mid 30s,
 13 40'ish, I don't know.
 14 Q Okay. And one of those two officers told you to
 15 please stand up, using what you just said, please
 16 stand up, put your hand behind your back, correct?
 17 A Yes, that's what they said.
 18 Q What did you do then?
 19 A I stood up and realized it was the police, and I
 20 said what did I do wrong?
 21 Q Would you have stood up if just anybody said
 22 please stand up, put your hands behind your back?
 23 A No, I wouldn't.
 24 Q Why did you stand up this time?
 25 A Because I saw they were police officers.

1 Q How did you know they were police officers? Did
 2 you turn around?
 3 A They were in uniform. Yeah, I turned around.
 4 Q Did you turn around and look --
 5 A Yes.
 6 Q -- after they said it, right?
 7 A Yeah.
 8 Q So you heard this, then you turned around and saw
 9 the officers, right, then stood up?
 10 A Yeah.
 11 Q Okay. Stood up, realized it was a police officer.
 12 What happened? You asked what have I done wrong?
 13 A Yeah, what did I do. What did I do wrong.
 14 Q Why did you ask them that?
 15 A Well, whenever somebody comes in and handcuffs you
 16 you want to know why they did it.
 17 Q Oh, so you've been cuffed before you were asked
 18 this, you asked this question?
 19 A Well, I don't know.
 20 Q I'm trying to find the sequence of events that
 21 occurred on this day. So they came in, somebody
 22 came in?
 23 A I asked them in the process of them handcuffing
 24 me.
 25 Q You were being cuffed?

1 A Yes.
 2 Q Okay. And what was the response you got?
 3 A At that point nothing.
 4 Q They didn't say anything?
 5 A Not in the computer lab, no.
 6 Q When was the first time they said anything to you?
 7 A Well, one of the officers -- can I point at this?
 8 Q Absolutely, use anything you want.
 9 A One of the officers grabbed me and escorted me out
 10 of the lab right outside the door right here --
 11 Q Okay. Let's back up just a second.
 12 A -- and stopped.
 13 Q You were handcuffed right behind computer 24?
 14 A Yes, I was.
 15 Q And one of officers escorted you to the door on
 16 the south end of the computer lab, correct?
 17 A Yes.
 18 Q Just one of them?
 19 A One of them escorted me.
 20 Q Do you know which officer that was?
 21 A Um, I only know the officer that showed up at my
 22 trial.
 23 Q Okay.
 24 A And that was officer allegedly Officer Figurski.
 25 Q Okay. Did Figurski walk you down this aisleway?

1 A I can't recall if it was him or the other one. I
 2 don't know.
 3 Q But you didn't see him or --
 4 A Well, yeah, I saw him.
 5 Q Okay.
 6 A But I don't know any of those cops.
 7 Q Well, you saw Figurski at trial, right?
 8 A Yes.
 9 Q And was it Figurski that walked you down, or do
 10 you know?
 11 A I believe it was.
 12 Q Okay. So Officer Figurski walks you down the
 13 aisle to the door on the south end, correct?
 14 A Yes.
 15 Q And what happens there, if anything?
 16 A Well, we were standing outside the door, and
 17 that's when he told me his words were, quote, "So
 18 you're looking at porn in there, aye?" That's
 19 what he said to me.
 20 Q Okay. Did the officer look at the computer, if
 21 you know, when he arrested you?
 22 A I think the other one did that stayed behind, he
 23 was looking at the computer.
 24 Q And what did you respond?
 25 A I said, "Absolutely not, I was not looking at

1 porn."
 2 Q Then what happened?
 3 A And before I could finish that statement he said
 4 we have a gentleman here that says you were
 5 masturbating, as well. That's what he told me.
 6 Q This is Officer Figurski?
 7 A I believe it was.
 8 Q We have a gentleman that says you were
 9 masturbating?
 10 A Yeah, that's what he told me.
 11 Q And, in fact, that gentleman came into your trial
 12 and said the same thing, didn't he?
 13 A Not exactly, from what I can remember.
 14 Q He didn't come to trial and say he saw you
 15 masturbating?
 16 A He came to the trial, but not that I can recall
 17 that he ever said that. He didn't really repeat
 18 what he said on the Police Report.
 19 Q Okay. What did he say at trial, as you recall?
 20 A He didn't say much. He claimed I was looking at
 21 pornography.
 22 Q Okay.
 23 A And then he claimed that I had my zipper down and
 24 stuff like that.
 25 Q Did he say you had your penis outside of your

1 pants?
 2 A No, I don't think he ever said that.
 3 Q You don't think -- you don't recall the trial?
 4 A I recall it, but I can't remember exactly what
 5 everybody said.
 6 Q How long was the trial?
 7 A Almost the whole day, I think.
 8 Q All right. So it was a one day trial, right?
 9 A Yeah. Yeah.
 10 Q And you don't remember what the man accused you of
 11 masturbating said at your trial?
 12 A Well, he claimed I was looking at pornography.
 13 Q Right.
 14 A Okay. But if I remember right -- I can't recall.
 15 You'd have to read the transcript.
 16 Q Okay. Well, I got the transcript.
 17 A Okay.
 18 Q I'm trying to remember what you recall, though.
 19 I'm trying to have you remember what you recall
 20 him saying, because this is your case -- this was
 21 your case.
 22 A I just know it was all false, okay, let me tell
 23 you that.
 24 Q Well, how do you know if it was false if you don't
 25 remember what was said?

1 A What I mean is I never was looking at porn and I
 2 was never masturbating.
 3 Q Okay.
 4 A That's what I want to make clear.
 5 Q But Officer Figurski or a Clinton Township police
 6 officer told you that they were told that --
 7 A Yes.
 8 Q -- a patron had said you were masturbating at the
 9 computer, correct?
 10 A Allegedly.
 11 Q Right. Okay. So he tells you why you're being
 12 arrested -- or no, he didn't say why you were
 13 being arrested, so he says you're looking at porn
 14 in there?
 15 A Yes.
 16 Q And we have a gentleman here that says you're
 17 masturbating, correct?
 18 A Yes.
 19 Q What else, if anything, did the officer say to
 20 you?
 21 A He said don't you know there's surveillance video
 22 in there, as well? That's what he said.
 23 Q Okay. Anything else?
 24 A Well, I told him I'd like to look at that
 25 surveillance video is what I told him.

1 Q Do children go in the computer lab?
 2 A Not in the adult lab, no.
 3 Q Is that an adult lab?
 4 A Yes, it is.
 5 Q Strictly to 18 year olds or older?
 6 A Yes.
 7 Q And then what happened?
 8 A Then he -- he took me out, he took me out toward
 9 the west, you know, like around the bend and took
 10 me down the stairs. There's like two sets of
 11 stairs there.
 12 Q Okay. Right.
 13 A And then he led me out of the front of the
 14 library.
 15 Q And you were cuffed the whole time, right?
 16 A I was cuffed the whole time, yes.
 17 Q Did he stop and talk with anybody at the library
 18 while he was escorting you out?
 19 A He didn't, no.
 20 Q Okay. Did you ask to talk to anybody in the
 21 library while you were there that day in cuffs?
 22 A Repeat the question, please.
 23 Q Did you ask to speak to anybody in the library
 24 after you had been cuffed?
 25 A I didn't ask to speak.

1 Q Okay.
 2 A But I told the officer to -- if I was allegedly
 3 looking at pornography to check with the computer
 4 text because they could probably pull it up and
 5 find out what I was looking at.
 6 Q Do you know if they ever did that?
 7 A I don't know.
 8 Q Okay. Didn't come out at trial?
 9 A What?
 10 Q It didn't come out at trial whether or not they
 11 looked at the computer or the tech looked at
 12 the --
 13 A The library personnel?
 14 Q Right. Right.
 15 A No, not that I'm aware of.
 16 Q Okay. All right. So you're led out of the
 17 library, then what happens?
 18 A Well, he opened the back seat of the car and I sat
 19 down, I was still handcuffed, and my feet were
 20 hanging out of the car, you know, like sideways.
 21 Q Okay. So he opens the door, you're cuffed behind
 22 your back, correct?
 23 A I'm cuffed, yes.
 24 Q You sit down in the car with your legs still
 25 extended out, correct?

1 A Yeah, I'm kind of like sideways, you know.
 2 Q Right. Right.
 3 A With my legs sticking out of the car, yeah.
 4 Q What happened then?
 5 A Well, what happened was nothing. I was sitting
 6 there, I was thinking that they're going to check
 7 with the computer tech, and they were going to let
 8 me go, you know, because I didn't do what I was
 9 accused of, and then what happened at some point
 10 was the officer that put me in the car, he reached
 11 down and took my legs and he shoved them real hard
 12 into the car.
 13 Q Took your legs --
 14 A And he pushed them really hard.
 15 Q Pushed or took? You said took your legs.
 16 A Well, you know, he reached down beside my legs and
 17 he -- because I was sitting with my --
 18 Q Right.
 19 A -- knees out, you know --
 20 Q Uh-huh.
 21 A -- like sideways to the car.
 22 Q Correct. Right.
 23 A And so he reached down and grabbed this leg like
 24 this and he shoved both of them in real hard.
 25 Q Did he turn you all the way around?

1 A Pretty much, yeah, to get me in the car, yeah,
 2 totally into the car.
 3 Q Okay. Then what happened? Did you say anything
 4 to the officer?
 5 A Did I say anything?
 6 Q Right.
 7 A Yeah, I remember I yelled like ouch, you know,
 8 because he -- when he shoved my legs in my left
 9 knee hit the doorjamb of the car pretty hard.
 10 Q Okay. Is that's what's depicted in the
 11 photographs that were attached to Answers to
 12 Interrogatories?
 13 A Yes.
 14 Q So then you're in the vehicle; is that correct?
 15 A Yes.
 16 Q Okay. And forgive me, what did you say again to
 17 him when he put your legs in the car? Did you say
 18 anything to him?
 19 A I didn't say anything. I think I yelled.
 20 Q Why?
 21 A Because he hurt my knee.
 22 Q Then what happened?
 23 A Then he got into the squad car.
 24 Q Again, this is Officer Figurski, as far as you
 25 recall?

1 A As far as I recall --
 2 Q Okay.
 3 A -- it was him. He looked like the guy I seen at
 4 the trial.
 5 Q Okay. So he gets in the car and what happens?
 6 A He gets in the car and he started making
 7 derogatory comments to me.
 8 Q What did he say to you?
 9 A He said stuff like why don't you do that shit at
 10 home? Don't you have a computer at home?
 11 Q Okay. Anything else?
 12 A At that moment?
 13 Q Yeah, while you're in the car.
 14 A Oh, while we're sitting in the car he was waiting
 15 I think for the other officer that was still in
 16 the building, the one that was left, you know, at
 17 the computer there.
 18 Q Okay. So while he's waiting, what you believe
 19 he's waiting for the other officer he says to you
 20 why don't you do that shit at home?
 21 A Yes.
 22 Q And don't you own a computer?
 23 A Yeah, that's what he said.
 24 Q Okay. All right. Now, do you own a computer at
 25 home?

1 A At that time I didn't, no.
 2 Q Did you respond to his question about the
 3 computer?
 4 A Yeah.
 5 Q Did you say no, I don't own a computer?
 6 A Yeah.
 7 Q Okay. And did you ask him what he meant, or do
 8 you know what he meant when he said do that shit
 9 at home?
 10 A I think I had to ask him.
 11 Q What do you think he meant?
 12 A I assume he meant, you know, masturbate.
 13 Q Did you ever ask him if that's what he meant?
 14 A No.
 15 Q So you don't really know what he meant by that
 16 statement, do you?
 17 MR. KUHN: I'll object, it
 18 calls for speculation.
 19 MR. PEACOCK: No, it doesn't.
 20 It's a real simple yes or no question.
 21 Q (Continuing by Mr. Peacock) Do you know what he
 22 meant by that statement?
 23 A Well, I don't know why else he would have said it.
 24 Q Okay. And my question, do you know what he meant
 25 by that statement?

1 A Well, I feel strongly that he meant that --
 2 Q It's real simple, do you know?
 3 A No, I didn't exactly.
 4 Q Okay. So did the other officer ultimately come to
 5 the car?
 6 A Yeah.
 7 Q Okay. Did he get in the vehicle?
 8 A Yes.
 9 Q Prior to getting in the vehicle did he say
 10 anything to you?
 11 A Prior to getting into the vehicle?
 12 Q Right. Right.
 13 A No, I was in the vehicle.
 14 Q I know.
 15 A So I couldn't have heard him if he said something
 16 outside of the vehicle.
 17 Q Well, you don't know that, do you?
 18 A I didn't hear anything.
 19 Q Okay. And the officer got in the passenger side?
 20 A Yes.
 21 Q And did he say anything to you when that officer
 22 got in the vehicle, the second officer?
 23 A No, he didn't say anything directly to me.
 24 Q Okay. You were then transported to the Clinton
 25 Township P.D?

1 A Yeah.
 2 Q Okay. On the transport did either of the officers
 3 say anything to you that you thought was
 4 derogatory?
 5 A Oh, yes.
 6 Q What did they say to you?
 7 A The driver, who I believe is Officer Figurski,
 8 said, "I bet you know what the sex offender list
 9 is, don't you, Mr. D'Angelo?" That's what he said
 10 to me.
 11 Q Do you know what he meant by that, or why he said
 12 it?
 13 A Well, it's pretty self-explanatory, you know.
 14 Q Maybe to you. I don't know what he meant by it,
 15 if that's what he said.
 16 A Well, he was implying that I was on the sex
 17 offender list, that's what he was --
 18 Q And you know that for a fact?
 19 A That's the way I took it.
 20 Q Okay. That's the way you took it, okay.
 21 A Yeah.
 22 Q Anything else did he say on the transport?
 23 A He asked me if I've ever been arrested.
 24 Q Okay. What'd you say?
 25 A I told him yeah, back when, you know, when I was

1 in college that I mentioned to you earlier.
 2 Q Okay. Anything else said during the transport?
 3 A I think he said after that, after I told him, he
 4 said is that all? And I said yeah.
 5 Q He said is that all when you said you were
 6 arrested back in college --
 7 A Yeah.
 8 Q -- for shoplifting?
 9 A Yeah. In other words, how many -- is that all, is
 10 that the only arrest is what he said.
 11 Q Okay. And you responded?
 12 A I said yeah, that's it, I've never been in trouble
 13 before.
 14 Q Anything else?
 15 A He said, a --
 16 Q I'm talking about during the transport.
 17 A What Figurski said?
 18 Q Or either, or the other officer.
 19 A Yeah, I believe he said, "Well, the judge might
 20 take it easy on you then," or something to that
 21 effect, but.
 22 Q When you said you believe that's what he said, why
 23 do you say it like that, you believe that's what
 24 he said?
 25 A Well --

1 Q He either said it or he didn't say it.
 2 A He said that, I believe that's what he meant.
 3 Q Well, what did he say? Tell me what he said.
 4 A Well, I told him -- he asked me if I've ever been
 5 arrested.
 6 Q He asked back in college or back when you stole
 7 stuff from college?
 8 A Yeah, back in college I stole something for my ma,
 9 okay? And he said, "Is that it?" And I said,
 10 "Yeah." And his response was, "Well, maybe the
 11 judge will take it easy on you then."
 12 Q Okay.
 13 A That's what he said.
 14 Q Anything else said during the transport?
 15 A Not that I can recall.
 16 Q Okay. And then you get to the Clinton Township
 17 P.D?
 18 A Yeah.
 19 Q They take you in through a sally port or into the
 20 building?
 21 A Yes. Correct.
 22 Q They escorted you out of the vehicle?
 23 A Yeah, one of them did, I can't remember.
 24 Q Any incidents there?
 25 A When I got out?

1 Q Right.
 2 A No.
 3 Q Did they lodge you in a jail cell?
 4 A No, they -- I went through a door and they took me
 5 into what looked like a booking area.
 6 Q Okay. Were you cuffed to anything?
 7 A I was still handcuffed, yeah.
 8 Q And did anybody say anything to you in the booking
 9 area?
 10 A Yeah, as soon as we walked through the door there
 11 was another officer there that wasn't at the
 12 scene, he was working in the building there in
 13 that room and he asked, who I believe is Figurski.
 14 Q Uh-huh.
 15 A "What do we have here?"
 16 Q Okay. And what did Figurski say?
 17 A He said, "We have another one, quote, unquote,
 18 from the library."
 19 Q Do you know what he meant by that?
 20 A No.
 21 Q Okay. What happened then?
 22 A Well, he -- there's like a concrete bench, I went
 23 down and sat down there. He sat me down there and
 24 I was still handcuffed.
 25 Q You sat on the bench?

1 A Yeah.
 2 Q For how long?
 3 A Oh, I don't know, maybe 30 minutes or so.
 4 Q Then what happened?
 5 A Well, I asked him several times what am I being
 6 charged with.
 7 Q And what did he say?
 8 A He didn't say anything.
 9 Q Okay. Then what happened?
 10 A And then I looked over to my left and I saw a sign
 11 on the wall that said you can use your ATM card
 12 for bail, or something to that effect.
 13 Q Okay.
 14 A And at one point I asked him how does that work,
 15 can I?
 16 Q You asked who?
 17 A Who I believe was Officer Figurski.
 18 Q Figurski, okay.
 19 A I asked him how does that work, referring to the
 20 sign, do I give you my ATM card and the pin number
 21 and you get my money, blah blah blah, you know,
 22 etcetera etcetera. He didn't really respond to
 23 that.
 24 Q Okay. Then what happened?
 25 A And then I had kept asking him, I said, "Well,

1 what am I being charged with," because he never
 2 said anything to me.
 3 Q Did he ever respond to that question?
 4 A Yeah, one point he got irritated at me, he was
 5 visibly upset.
 6 Q By visibly upset what do you mean?
 7 A I could tell by the expression on his face and he
 8 was pointing his finger at me, and he said, "We're
 9 going to charge you with a felony," is what he
 10 said.
 11 Q Okay. When you say his face had an expression,
 12 what do you mean, was it red or what was it?
 13 A Well, I just -- I didn't -- I got the impression
 14 he didn't like me asking him these questions.
 15 Q How many times did you ask him at that point when
 16 you got up to that point?
 17 A How many times did I ask him what?
 18 Q What am I being charged with.
 19 A Several times. I can't remember exactly.
 20 Q So he said we're going to charge you with a
 21 felony, correct?
 22 A Yeah.
 23 Q Then what happened?
 24 A And then I believe he left, or walked out of the
 25 room, I should say, and the officer that was in

1 didn't have enough money on him.
 2 Q Then what happened?
 3 A And then -- oh, then I asked the booking officer,
 4 directly in front of me there was a sign, a
 5 different sign on the pole that said you can call
 6 this 800 number, or 866 toll free number and use
 7 your like Master Card or Visa for bond, as well.
 8 Q Okay.
 9 A And because at that point I'm wondering how am I
 10 going to get out of here. And I asked the booking
 11 officer, I said well, can I call that number and
 12 bail myself out, you know, with my Master Card --
 13 Q And what did he say?
 14 A -- with my debit card? And he said that doesn't
 15 work any longer, or that doesn't -- you know,
 16 that's not -- they don't do that no more, or
 17 something like that.
 18 Q All right.
 19 A He said --
 20 Q Okay. Then what happened?
 21 A Then he took me, I believe it was him that took me
 22 off to a cell.
 23 Q The booking officer took you to a cell, to a
 24 holding cell?
 25 A Yeah. Yeah.

1 Q You were never cuffed again?
 2 A Not that I remember.
 3 Q Anybody else in the holding cell when you got
 4 there?
 5 A No, it was empty.
 6 Q Okay. Then what happened?
 7 A So I sat there and I just waited for somebody to
 8 come, you know.
 9 Q How long did you sit there before someone arrived?
 10 A I can't recall exactly. Maybe an hour, hour
 11 and-a-half maybe.
 12 Q And then who arrived?
 13 A Well, then some other officer opened my cell and
 14 said that I had people in the lobby, you know,
 15 friend of mine.
 16 Q Did he release you?
 17 A Yeah, he walked me out to the front lobby and he
 18 said take a seat.
 19 Q Yes.
 20 A And I saw my neighbor Bill out there, and he was
 21 with another neighbor of ours too.
 22 Q Who? What's that neighbor's name?
 23 A His name is Bob.
 24 Q Bob what?
 25 A I believe it's McVey, I believe.

1 Q Is Bob McVey a resident of that apartment
 2 building?
 3 A He was at that time.
 4 Q Okay. Is he now?
 5 A I don't believe so.
 6 Q When's the last time you saw Bob McVey?
 7 A Probably that year, '08.
 8 Q '08.
 9 Do you know where Bob McVey
 10 lives now?
 11 A No, I don't.
 12 Q Okay. So you go out into the lobby, there's Bob
 13 McVey and Bill Siorakes?
 14 A Siorakes.
 15 Q Siorakes, I'm sorry.
 16 A Yeah.
 17 Q And the officer tells you to take a seat?
 18 A Yeah.
 19 Q And what'd you do, took a seat?
 20 A Yeah.
 21 Q And what happened then?
 22 A I believe it was because he was doing some kind of
 23 paperwork.
 24 Q Uh-huh.
 25 A And one of them had posted, you know, gave them

1 the money for my bond.
 2 Q Okay.
 3 A And the guy at the front window, and then he
 4 called me out, back up and he gave me like a
 5 receipt, you know, like a bond receipt.
 6 Q All right.
 7 A And that's the first time I saw what I was being
 8 charged with.
 9 Q What were you charged with?
 10 A On the bottom they wrote indecent exposure.
 11 Q Okay. Were you then released?
 12 A Yes.
 13 Q Okay. What's the next thing that happened in
 14 relation to this event, the trial?
 15 A Could you be more specific?
 16 Q Like I mean you met with your criminal lawyer, I
 17 suspect?
 18 A Yeah. Well, within a week I called my criminal
 19 attorney.
 20 Q Okay. And then was there an arraignment?
 21 A Oh, well, I don't know what you call an attorney,
 22 like the initial hearing, you know.
 23 Q Go to court?
 24 A Well, no, they said -- they said you'll get
 25 something in the mail, you know, when I left the

1 arrested me.
 2 Q Okay.
 3 A Because they never responded.
 4 Q Do you know what basis they had to arrest you?
 5 MR. KUHN: Same objection,
 6 calls for speculation.
 7 MR. PEACOCK: No, no, no, it
 8 doesn't. It says do you know. If you don't know,
 9 say I don't know.
 10 THE WITNESS: No, I don't
 11 know.
 12 Q (Continuing by Mr. Peacock) Okay. Now, in your
 13 Answers to Interrogatories, I think also in your
 14 complaint -- well, have you received any kind of
 15 medical treatment as a result of this arrest?
 16 A No.
 17 Q Any psychological treatment?
 18 A No.
 19 Q Psychiatric treatment?
 20 A No.
 21 Q Gone to a priest or a pastor?
 22 A No, I don't go to church.
 23 Q Okay. Sought any counseling from anybody other
 24 than your lawyer?
 25 A Well, just friends, you know.

1 Q What friends have you sought counsel from related
 2 to this incident?
 3 A Who I discussed it with you mean?
 4 Q No, sought counsel.
 5 A Well, my friend Karen.
 6 Q Okay. Karen?
 7 A Yes.
 8 Q Anybody else?
 9 A My sister Pam.
 10 Q Pam what?
 11 A Lindsey.
 12 Q Where's Pam Lindsey live?
 13 A Fraser.
 14 Q What's her address?
 15 A Same one I gave you earlier. I'm with her right
 16 now.
 17 Q Okay.
 18 A I'm at her house right now.
 19 Q And what did you talk to your sister about?
 20 A Well, she -- she was gone in Florida the weekend
 21 this happened, and when she came back I told her
 22 what happened.
 23 Q Okay. Anything else?
 24 A What do you mean anything else?
 25 Q Did you tell her anything else other than what

1 happened? Did you say I'm having horrible
 2 nightmares, or I got the sweats, or --
 3 A Well, yeah, I was visibly upset when I told her
 4 about it, yeah.
 5 Q Okay. So you told her about it, and anything
 6 else?
 7 A Yeah, she said that she would go talk to the
 8 library director.
 9 Q Okay. And did she go talk to Larry Neal, as far
 10 as you know?
 11 A Yeah, she did.
 12 Q So did you confide in her anything else other than
 13 what happened?
 14 A Well, I told her how upset I was and how much I
 15 couldn't sleep.
 16 Q Okay. How long couldn't you sleep?
 17 A I had trouble sleeping for months after that.
 18 Q How long?
 19 A Well, at least up until the trial it was pretty
 20 constant.
 21 Q Okay. The trial was September 11th, right?
 22 A Yeah.
 23 Q So you had trouble sleeping, or loss of sleep up
 24 until September?
 25 A Yeah.

1 Q Oh. Describe the loss of sleep for me.
 2 A Well, I'd sit there and, you know, think about
 3 what happened to me, and I couldn't understand why
 4 I got arrested for something I didn't do and, you
 5 know, and I had a lot of feelings. I was angry,
 6 sad, depressed.
 7 Q Who were you angry at?
 8 A Who was I angry at?
 9 Q Right.
 10 A Just anybody that had something to do with, you
 11 know, my false arrest.
 12 Q Okay. Well, tell me who you're angry with.
 13 A Well, ah, I was angry with whoever alleged I did
 14 it.
 15 Q Okay.
 16 A Which later turned out to be Mr. Parent.
 17 Q Right.
 18 A And then I was angry that they even brought the
 19 charge to begin with --
 20 Q Okay.
 21 A -- based on what my sister was told by Larry Neal
 22 when she met with him.
 23 Q Okay.
 24 A And I was just angry in general.
 25 Q Okay. And anybody else other than Paul Parent?

1 A Well, I was angry at the police officers for
 2 treating me the way they did.
 3 Q You mean what part of that were you angry about?
 4 The knee thing?
 5 A The knee thing, and the verbal stuff they were
 6 giving me.
 7 Q Well, okay. Is there some other verbal stuff that
 8 you haven't told me about?
 9 A Possibly. I can't -- might not recall everything.
 10 Q Did you keep any notes relative to what occurred
 11 during your arrest?
 12 A No.
 13 Q Take any record, anything?
 14 A No.
 15 Q Anything to help trigger your mind as to what
 16 happened on that day?
 17 A Well, no, I -- it's part of the reason I couldn't
 18 sleep is I had a lot of flashbacks, you know --
 19 Q Okay.
 20 A -- of what had happened.
 21 Q And you didn't see anybody for that, huh?
 22 A No.
 23 Q Why?
 24 A Primarily because I don't have medical insurance.
 25 Q Okay. So other than your sister, telling her what

1 happened, and the fact that you are having some
 2 sleep issues, anything else you told your sister
 3 about?
 4 A Not that I recall.
 5 Q Okay. Do you have a new found fear of the police
 6 department?
 7 A Yes.
 8 Q You do?
 9 A Yeah.
 10 Q For what?
 11 A Well, after this happened to me, ah, you know, I'm
 12 out driving around and a cop pulls up behind me I
 13 get real anxious, anxiety.
 14 Q I get that all the time.
 15 A Yeah.
 16 Q I ain't done nothing wrong yet.
 17 A Yeah.
 18 Q Most people get anxious when the police pull up
 19 behind them, wouldn't you agree?
 20 A Yeah, I'm talking more anxious than a person.
 21 Q Why? Why do you get anxious?
 22 A Because of what happened to me.
 23 Q Because you got arrested because somebody made a
 24 complaint against you?
 25 MR. KUHN: Objection as to the

1 foundation.
 2 MR. PEACOCK: Well, he's
 3 already testified that he understands that Paul
 4 Parent made an allegation against him.
 5 Q (Continuing by Mr. Peacock) So and the police
 6 responded to the allegation, as far as you know --
 7 A Yeah.
 8 Q -- isn't that correct?
 9 A Yeah.
 10 Q So if you've done nothing wrong, you don't have
 11 anything to be anxious about other than the normal
 12 fears people have against police officers?
 13 A Well, I'd say it's a little more worse than that.
 14 Q How is it worse than that?
 15 A Because prior to the incident, you know, if a cop
 16 pulls up behind you you might be worried about,
 17 you know, getting a traffic ticket, like you said.
 18 Q Right.
 19 A Well, after I went through this, you know, who
 20 knows what could happen? They could pull me over,
 21 arrest me for anything they want and I don't know,
 22 I was paranoid after it.
 23 Q They never did, though, did they?
 24 A No.
 25 Q And as far as you know, nobody else ever made any

1 complaints about you, did they?
 2 A No.
 3 Q Okay. You said at the time this incident you
 4 weren't dating anybody; is that correct?
 5 A Well, I was going out with Karen.
 6 Q I thought she was your friend at that time and FOB
 7 or FWB?
 8 A Yeah.
 9 Q Okay. But you weren't dating her because you
 10 stopped dating her years ago is what you said?
 11 A Well, I think women define dating differently than
 12 men.
 13 Q Well, I won't go there. I'm not even going to
 14 touch that. In your situation you felt --
 15 A But I date --
 16 Q -- you personally felt you weren't dating her, you
 17 were just kind of going out and hanging around,
 18 correct?
 19 A Yeah, we're good friends.
 20 Q Okay. So did that affect your relationship with
 21 Karen, this arrest affect that relationship?
 22 A Sure, it did.
 23 Q How?
 24 A Because I didn't really have many people to talk
 25 with about it, and I vented a lot of my

1 frustration and anger about what happened to me.
 2 Q To Karen?
 3 A When I was with Karen, yeah.
 4 Q Okay. And then how did that affect your
 5 relationship?
 6 I guess I should ask you,
 7 describe the relationship before this arrest and
 8 tell me how it changed after the arrest.
 9 A Well, how it changed was I was -- afterwards I was
 10 pre-occupied with what happened to me and I'd
 11 bring it up a lot with her, you know.
 12 Q Did your relationship with her change other than
 13 this is a new added conversation?
 14 A Well, yeah, she would, you know, I would get mad
 15 about different things, you know, related to the
 16 arrest, you know, and then she would complain like
 17 why are you, you know, taking it out on her, or
 18 something she thought.
 19 Q What did you take out on her that related to the
 20 arrest?
 21 A Well, I wasn't taking it out, I was just venting,
 22 basically.
 23 Q Okay. And in the approximate four months that
 24 went by from the time you were arrested until the
 25 time of trial how many times did you vent with

1 Karen?
 2 A Quite a few times.
 3 Q Greater than a hundred?
 4 A I don't know. I can't remember exactly.
 5 Q Any other changes with your relationship with
 6 Karen other than you vented with her, or this
 7 became a new conversation in your relationship?
 8 MR. KUHN: Objection, that's a
 9 compound question.
 10 THE WITNESS: Not that I
 11 recall.
 12 MR. KUHN: No, don't answer
 13 it, it's a compound question. He's got to clarify
 14 the question. Which is he asking, he's asking two
 15 different things.
 16 MR. PEACOCK: No, I'm just
 17 asking --
 18 MR. KUHN: You said one or the
 19 other.
 20 MR. PEACOCK: No, no, I said
 21 has the relationship changed.
 22 MR. KUHN: Can you repeat the
 23 question then, please?
 24 MR. PEACOCK: No, don't repeat
 25 the question.

1 MR. KUHN: I'm asking her to
 2 repeat the question.
 3 MR. PEACOCK: This is my
 4 deposition, Mr. Kuhn. I'll rephrase the question
 5 if you're -- if you think it's a compound
 6 question.
 7 MR. KUHN: It sure is.
 8 Q (Continuing by Mr. Peacock) Other than your
 9 venting with Karen about the incident that was the
 10 subject of this incident, how else did it affect
 11 your relationship?
 12 A I'm not sure I know what you mean.
 13 Q Well, you said it affected your relationship. You
 14 told me that you vented with her.
 15 A Yeah.
 16 Q Okay. What else happened in the relationship?
 17 Did she stop seeing you?
 18 A No. No.
 19 Q Did she stop sleeping with you?
 20 A No.
 21 Q Okay. What else happened other than you vented
 22 with her?
 23 A Nothing else happened.
 24 Q Okay. You answered interrogatories in your
 25 complaint that you suffered some pain. Is that

1 the knee pain?
 2 A Yeah.
 3 Q Okay. Any other pain?
 4 A No.
 5 Q What was the cost -- what was your defense cost?
 6 A I can't recall exactly. I gave them the bills.
 7 Q Well, was it more than \$5,000.00?
 8 A No, it was a little less than that.
 9 Q Was it more than 4,000?
 10 A I can't recall.
 11 Q You don't recall what you had to pay your lawyer
 12 for this incident, your criminal lawyer for this
 13 incident?
 14 A Well, I didn't have much money, I gave him my bond
 15 money basically after the trial.
 16 Q Okay. How much was your bond?
 17 A 500.
 18 Q So is there an administrative cost with bond when
 19 you get your bond money back, do you have to pay
 20 an administrative cost on that?
 21 A I don't recall.
 22 Q Did you get 500 back?
 23 A Yeah.
 24 Q Did you get it, or did the person that posted the
 25 bond get it?

1 A They mailed it to me.
 2 Q Okay. Did you ever give it to the person that
 3 posted the bond?
 4 A No, I paid them the money before that happened.
 5 Q Okay. So you get -- do you know how much the
 6 check was you got from the bond, for the bond?
 7 A 500.
 8 Q So you paid 500 and you got 500 back?
 9 A Correct.
 10 Q Yes?
 11 A Correct.
 12 Q And you gave that to your criminal lawyer,
 13 correct?
 14 A I actually signed the check over to him.
 15 Q Okay. Were there any other costs associated with
 16 your defense, criminal defense?
 17 A Well, yeah, I had a balance.
 18 Q Okay. What was the total charge on your criminal
 19 defense?
 20 A I don't recall exactly.
 21 Q Okay. You said it was under 5,000, though, right?
 22 A Yeah.
 23 Q Was it greater than 2,500?
 24 A I don't recall.
 25 Q Okay. And you've not had any psychiatric,

1 psychological treatment; is that correct?
 2 A No.
 3 Q Other than your thinking of this incident, have
 4 you sustained any other -- or have you undergone
 5 any other kind of mental anguish?
 6 A Oh, yeah.
 7 Q Like what?
 8 A Well, it's like I described, you know, I had a lot
 9 of -- I was sad a lot, you know.
 10 Q Why were you sad a lot?
 11 A Because of what happened to me.
 12 Q Okay.
 13 A I was tearful.
 14 Q Did you cry?
 15 A At times. At times, yeah.
 16 Q How often did you cry?
 17 A I can't recall.
 18 Q More than ten?
 19 A Probably.
 20 Q More than 20?
 21 A I can't recall.
 22 Q Greater than ten?
 23 Anything else other than being
 24 sad and crying?
 25 A Yeah, I -- like I said, when I went out I was -- I

1 was -- I kind of had a fear of going out to a
 2 public place, you know, after that.
 3 Q Because of what?
 4 A Because of what happened to me at the library.
 5 Q What was your fear of going to other public
 6 places, though?
 7 A Well, part of it was the humiliation of being
 8 handcuffed in a library where I went to on a
 9 regular basis, and on the busiest day of the week,
 10 on a Saturday. You know, it was humiliating for
 11 me. I didn't know if anyone was in there that
 12 knew me or what.
 13 Q Was there anybody that knew you?
 14 A Not that I know of.
 15 Q No one's come to you and said we saw you, we were
 16 there, we saw you get arrested?
 17 A Actually there was one incident after the arrest,
 18 ah, there was one incident.
 19 Q Who? Who and what?
 20 A I went to my --
 21 Q Excuse me, that's compound. Who was it?
 22 A It was a stranger, a young male at a -- I went to
 23 my nephew's little league game behind the library,
 24 right behind the library.
 25 Q And so somebody came up to you?

1 A No, I was walking up to the diamond and I heard
 2 the kid say a remark to his friend, "That's the
 3 guy that got arrested at the computer lab."
 4 Q Did you ever get that person's name?
 5 A No.
 6 Q Did you ever do anything about that, like confront
 7 him or ask him what he's talking about, or what
 8 are you saying?
 9 A I just -- no, I just walked away.
 10 Q You just let it go.
 11 Any other incidents like that?
 12 A People noticing me?
 13 Q Well --
 14 A Yeah.
 15 Q I guess, you tell me.
 16 A Not that people noticed me, that I got arrested.
 17 Q You said you had a fear of going out because of
 18 what happened, that somebody might have seen you;
 19 is that correct?
 20 A Yeah.
 21 Q Did you ever go anywhere where somebody came --
 22 other than this baseball thing where some kid made
 23 a comment to his buddy?
 24 A Yeah.
 25 Q Did you ever go somewhere where somebody came up

1 to you and said hey, we saw you get arrested, or
 2 that's the guy that got arrested?
 3 A No, he was the only one.
 4 Q So over two years other than that one incident
 5 nobody ever said anything to you about you being
 6 arrested?
 7 A Actually when I went to the supermarket a woman
 8 came up to me at Meijer's after the trial,
 9 actually.
 10 Q And said?
 11 A She was the -- one of the juror members.
 12 Q Okay. So have you stopped going to social
 13 functions?
 14 A I don't go to as many as I used to.
 15 Q Tell me the ones you have not attended as a result
 16 of this incident.
 17 A Well, I don't mean social functions, I mean just
 18 going out to public places, period.
 19 Q Is there any social event that you did not attend
 20 as a result of this incident?
 21 A I don't attend many social events, so I can't
 22 remember.
 23 Q You can't remember, or there aren't any?
 24 A I can't remember going, no.
 25 Q Stress, has your stress level changed?

1 A Sure. Yeah.
 2 Q Tell me about that.
 3 A Well, during the whole time, you know, I was very
 4 stressed, because again I couldn't understand why
 5 I was arrested and prosecuted for something I
 6 didn't do.
 7 Q After the trial and the verdict came back did that
 8 relieve the stress?
 9 A Some of it, yeah.
 10 Q You still have some added stress in your life
 11 because of what occurred?
 12 A Yeah.
 13 Q Tell me about that.
 14 A Well, it's like I mentioned earlier, you know,
 15 when I go out and I see police I get anxious, and
 16 that kind of a thing.
 17 Q Other than that, the police, what other added
 18 stress or anxiety do you have?
 19 A Nothing I can recall at this moment.
 20 Q And the only -- and you've not received any kind
 21 of medication as a result of this incident; is
 22 that correct?
 23 A No medication, although I do use cream for the
 24 pain on my knees sometimes.
 25 Q Oh.

1 A Like pain cream.
 2 Q What's the medication you use for your knees?
 3 A It's over-the-counter stuff.
 4 Q What is it?
 5 A I don't know. There's several different kinds.
 6 Q You don't know what it is?
 7 A Ah, like the creams.
 8 Q What's it for?
 9 A Well, my knee hurts sometimes.
 10 Q What do you mean it hurts?
 11 A Well, when I go out and it's rainy or it's cold it
 12 hurts -- it hurts me sometimes.
 13 Q So weather affects it?
 14 A Yeah.
 15 Q Tell me where it affects it in the knee.
 16 A It's the area below the kneecap.
 17 Q Show me where it is.
 18 A You want to see my knee?
 19 Q Just show me where the pain is.
 20 A It's right where that knot is that's sticking out
 21 there.
 22 Q Okay.
 23 A Here's the kneecap. I don't know what it is.
 24 Q And you haven't seen a doctor for that?
 25 A No.

1 Q Has it impaired your ability to do anything?
 2 A Ah, yeah, like when I used to kneel down on my
 3 knees, you know, I wouldn't have any pain, but now
 4 I have -- I don't know if it's the cartilage there
 5 or whatever, it's sticking out now and it hurts me
 6 when I kneel on it.
 7 Q When do you kneel? You don't go to church you
 8 said, right?
 9 A Yeah.
 10 Q Right?
 11 A I don't go to church.
 12 Q Okay. So you don't have to worry about kneeling
 13 in church?
 14 A Well, it could be anything.
 15 Q So when do you kneel? Tell me when you kneel.
 16 A When I'm working on my car. When I'm playing with
 17 my nephew.
 18 Q Working on car. How often do you work on car?
 19 A Whenever it needs it.
 20 Q Well, how often is that? When was the last time
 21 you had to work on your car and you had to kneel?
 22 A When I changed my oil.
 23 Q When was that?
 24 A About a month ago.
 25 Q Prior to that, when was the last time you had to