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Transcript of [REDACTED]

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1

1 IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY,
2 MARYLAND
3 -----x
4 [REDACTED] :
5 Plaintiff, :
6 v. : Case No.
7 [REDACTED], : [REDACTED]
8 Defendant. :
9 -----x
10
11 Deposition of OFFICER [REDACTED]
12 Baltimore, Maryland
13 Tuesday, November 15, 2016
14 10:03 a.m.
15
16
17
18
19
20 Job No.: 127037
21 Pages: 1 - 36
22 Reported by: Linda H. Cole

3

1 A P P E A R A N C E S
2 ON BEHALF OF PLAINTIFF:
3 [REDACTED]
4 MILLER & ZOIS, LLC
5 One South Street
6 Suite 2540
7 Baltimore, Maryland 21202
8 (410) 553-6000
9
10 ON BEHALF OF DEFENDANT:
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16
17
18
19
20
21
22

2

1 Deposition of OFFICER [REDACTED] held at the
2 offices of:
3
4
5 MILLER & ZOIS, LLC
6 One South Street
7 Suite 2540
8 Baltimore, Maryland 21202
9 (410) 553-6000
10
11
12
13
14 Pursuant to notice, before Linda H. Cole, Notary
15 Public of the State of Maryland.
16
17
18
19
20
21
22

4

1 C O N T E N T S
2 EXAMINATION OF OFFICER [REDACTED] PAGE
3 By [REDACTED] 5
4 By [REDACTED] 34
5
6
7 E X H I B I T S
8 (Exhibits retained by Mr. Fiore.)
9 [REDACTED] DEPOSITION EXHIBIT PAGE
10 Exhibit 1 Maryland Vehicle Accident Report 5
11 Exhibit 2 Photographs A through M 5
12 Exhibit 3 Diagram 25
13
14
15
16
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21
22

5

1 PROCEEDINGS
2 OFFICER [REDACTED] [REDACTED]
3 having been duly sworn, testified as follows.
4 (Exhibits 1 through 2 were premarked for
5 identification and were retained by counsel.)
6 EXAMINATION BY COUNSEL FOR PLAINTIFF
7 BY MR. FIORE:
8 Q Would you state your full name for the
9 record, sir?
10 A Officer [REDACTED] [REDACTED]
11 Q And your duty station, sir?
12 A (Unintelligible) police crash team.
13 Q Officer, my name is [REDACTED] I'm an
14 attorney, and I represent [REDACTED] who is the
15 pedestrian in a vehicle versus pedestrian accident
16 that happened on September 19, 2013.
17 Did you have some involvement in
18 investigating that occurrence?
19 A Yes.
20 Q I want to ask you some questions today
21 about yourself and about your investigation of that
22 occurrence.

6

1 If at any time I ask you a question and
2 you don't hear it or you don't understand it, please
3 tell me that and I'll repeat the question for you or
4 I'll ask it a different way.
5 You were sworn today with the same oath
6 that you would take at the trial of this case. So,
7 if you answer any question for us today, we all
8 shall take it that you heard the question and that
9 you understood it and that you then gave your sworn
10 answer; is all of that clear?
11 A Yes.
12 Q Have you ever had your deposition taken
13 before in an official capacity?
14 A Yes.
15 Q In connection with your investigation of
16 motor vehicle accidents or something else?
17 A Both.
18 Q Both?
19 A Uh-huh.
20 Q Okay. How many times have you had your
21 deposition taken with regard to motor vehicle
22 accident investigation, approximately?

7

1 A Two or three, to the best of my
2 recollection.
3 Q Have you ever testified in court with
4 regard to a motor vehicle accident and your
5 investigation of it?
6 A Yes.
7 Q Did you testify as a fact witness or an
8 expert witness --
9 A Yes.
10 Q -- or both?
11 A Expert.
12 Q And what area of expertise were you
13 qualified in in that case?
14 A Crash reconstruction.
15 Q Can you tell us your background as far as
16 your training and experience in crash reconstruction
17 investigation?
18 A I have a Bachelor of Science -- well, I
19 have a bachelor's degree in physics from
20 Randolph-Macon and 14 years in the police department
21 and eight years on the crash team.
22 I have -- I don't recall the exact hours,

8

1 but it's over 200, a couple hundred hours of
2 training with like Levels 1, 2, 3, pedestrian,
3 motorcycle, crush -- I mean, there's a multitude of
4 schools. Again, I can't remember them all right
5 now.
6 Q Was some of that training with the
7 police department?
8 A Except for the college degree, all of the
9 other training was with the police department.
10 Q And you have conducted accident
11 reconstruction investigations in your career as a
12 police officer, I take?
13 A Yes.
14 Q How many have you done where you were the
15 lead investigator, if you will, approximately?
16 A I'm thinking. Usually I write around 30
17 reports a year, and I've been doing it for eight
18 years, so that's --
19 Q A lot of reports?
20 A I mean, with actual reconstruction, maybe
21 200.
22 Q And you're approximating?

9

1 A Yes.

2 Q Have you had any contact with me before

3 today?

4 A I don't think so.

5 Q Have you had any contact with [REDACTED],

6 the attorney who represents the driver of the

7 vehicle in this incident, before today?

8 A No.

9 Q With regard to that pedestrian versus car

10 incident that happened on September 19, 2013, what

11 was your role in that investigation?

12 A Lead investigator.

13 Q Were there others that assisted you in the

14 investigation?

15 A Yes.

16 Q How many others?

17 A I don't recall.

18 Q But you were the lead?

19 A Uh-huh; yes.

20 Q Were you the first officer upon the scene

21 that day?

22 A No.

10

1 Q When you arrived, had the scene been

2 secured by other officers?

3 A Yes.

4 Q Exhibit 1 in the deposition is your -- is

5 the state of Maryland Motor Vehicle Accident Report,

6 No. [REDACTED].

7 Is that a report you had any hand in

8 preparing?

9 A Yes.

10 Q What was your involvement in preparing

11 that report that's Exhibit 1?

12 A I wrote the report.

13 Q Did anyone else give you input into the

14 report as far as police officer personnel go, not

15 fact witnesses?

16 A I don't recall.

17 Q The incident is reported on Exhibit 1 as

18 happening on September 19, 2013, at 1800 hours.

19 Is that in accord with your recollection?

20 A Honestly, I don't -- it was over three

21 years ago. I don't recall every detail. That's why

22 I write the report. So, if it's on the report,

11

1 that's what happened.

2 Q I guess I should ask you this

3 question first. Do you have -- as you sit here

4 today, do you have any independent recollection of

5 the incident that's documented on Exhibit 1?

6 A Honestly, the only thing I remember is, I

7 believe this is the same crash, the guy had dog poop

8 on his shoe and that's how we got an AOI. It's like

9 the smear mark of dirt on the road is the only thing

10 I really remember about the crash because it was

11 odd. It's like one of those random things. It

12 never happens, and it happened.

13 Q And the AOI is what?

14 A Area of impact. I apologize.

15 Q So you do recall that because it's an

16 unusual fact.

17 Do you recall independently anything else

18 about your investigation?

19 A No.

20 Q And it would assist you to look at your

21 report, I take it, and your papers as you are

22 testifying?

12

1 A Yes.

2 Q Okay. So please feel free to do so.

3 You arrived on the scene, and you do

4 remember you weren't the first officer on the scene?

5 A I wouldn't have been the first officer.

6 My unit is called secondary. After it is deemed the

7 person is injured enough and they are going to a

8 trauma center and have a certain amount of injuries,

9 we are called in to do the investigation.

10 Q So you know you weren't the first officer

11 on the scene because of that fact?

12 A Yes.

13 Q When you arrived at the scene, do you have

14 any recollection of getting there and what you saw

15 when you got there?

16 A No.

17 Q What would have been your protocol back on

18 September 19, 2013, to investigate an accident of

19 this nature?

20 You received a call saying it was a car

21 and a pedestrian; did you have that much

22 information?

13

1 **A** If we -- if the crash came up, the police
2 **responded, and patrol units would request the crash**
3 **team and we responded, we would go to the scene and,**
4 **I guess, get out and talk to witnesses, analyze the**
5 **scene, take measurements and photographs, and**
6 **respond to the hospital. I guess that's normal**
7 **protocol.**
8 Q When you arrived, were you alone?
9 **A I don't recall.**
10 Q What would have been the practice; would
11 you have been alone or would you have had someone
12 with you?
13 **A Usually, it's one officer per car, and we**
14 **work the entire county so it's not -- other people**
15 **could have been other places in the county and they**
16 **all go to the crash so we respond at different**
17 **times. So I don't recall.**
18 Q What equipment did you have with you; did
19 you have a digital camera?
20 **A For the unit, yes, because we use a**
21 **digital camera for pictures, but each car has**
22 **different equipment in it. I mean, usually it's**

14

1 **measuring equipment, like a wheelie-walker, tape**
2 **measures, levels, that kind of thing. But, as in**
3 **who brought the camera that was used, I don't**
4 **recall.**
5 Q Did you take the pictures?
6 **A I don't recall if I did or not.**
7 Q The pictures that are marked as Exhibit 2
8 and they are subtitled A through M, do you recognize
9 those as pictures from this file?
10 **A Yes. The only the thing I'd say is that's**
11 **my arm --**
12 Q Okay.
13 **A -- on J.**
14 Q On Exhibit 2J, you recognize your arm, and
15 it's the exhibit of the hand holding the shoe?
16 **A Yes. So, by that, I would surmise that I**
17 **took the pictures.**
18 Q When you arrived at the scene, do you have
19 any recollection of speaking with the operator of
20 the motor vehicle identified as Lisa Michelle
21 Barracato?
22 **A I don't remember talking to her**

15

1 **individually.**
2 Q Do you recall ever speaking with the
3 pedestrian [REDACTED] ?
4 **A I don't recall if I spoke to the**
5 **pedestrian.**
6 Q Looking at your report that's labeled as
7 Exhibit 1, does that assist you in determining
8 whether you had any interaction with either the
9 pedestrian [REDACTED] or the vehicle driver
10 [REDACTED] ?
11 **A Does it assist me in recalling if I spoke**
12 **to them?**
13 Q Yes. In other words, if you look at that,
14 does that refresh you; would you say, oh, yeah, I
15 spoke with the lady or I spoke with the man?
16 **A If I wrote in the report that I spoke to**
17 **the individual, then I spoke to them. In this**
18 **instance, both of them completed written statements**
19 **and I just copied their written statements. So, by**
20 **that, I would say, no, I did not talk to them.**
21 Q What would have been the practice back
22 then; normally, would you speak with witnesses or

16

1 would one of your subordinates speak with the
2 witnesses?
3 **A When we arrive at a scene, we all take**
4 **different jobs just to facilitate, I guess, handling**
5 **the crash quicker to open up the roadway. So**
6 **somebody does pictures, somebody does measurements,**
7 **somebody talks to witnesses, somebody talks to the**
8 **drivers. So the jobs get shuffled up every time we**
9 **go.**
10 Q So you can't say who would have done --
11 **A Yeah.**
12 Q -- that task on September 19, 2013?
13 **A No.**
14 Q There is a statement from the driver which
15 is part of Exhibit 1, the second to last page, and
16 then also from a witness named Grant Baber. You're
17 looking at those statements right now.
18 Looking at them, does that assist at all,
19 jog your memory, as to whether you were involved in
20 the completion of this statement?
21 **A By completion of the statement, what do**
22 **you mean, like taking the statement from the**

17

1 individual?
2 Q Yes.
3 A No, it doesn't. I would say, like, our
4 normal protocol is I don't take the statement, but
5 my name is on the long form because that's -- they
6 all have to filled out. Since it's my report, I get
7 all the statements and I just put my name on them --
8 Q Understood.
9 A -- before we turn in the report.
10 Q Okay. That's why I was asking.
11 So I know you don't have any independent
12 recollection of this specific accident, but take me
13 through the steps that you would go through when
14 investigating an accident of this nature back at
15 that time.
16 A Um --
17 Q Just in summary form. You don't have to
18 go into great detail.
19 A I respond to the scene, and I get out.
20 Usually I walk the scene to get an idea of what
21 happened, if there's any evidence on the road,
22 damage to the car, see if there are witnesses.

18

1 Then it's take notes of the car, note any
2 vehicle damage, take photographs of the car,
3 photograph the scene, make note of any evidence in
4 the roadway of either shoe scuffs, hats, shoes,
5 blood.
6 Then measure the scene, measure the
7 evidence that we found, and talk to the witnesses
8 and drivers, if they are available and at the scene.
9 Then, once the on-scene investigation is complete,
10 then usually it's respond to the hospital and speak
11 to the individuals involved.
12 Q And you don't have any recollection of
13 going to the hospital and speaking with [REDACTED]
14 [REDACTED]?
15 A No.
16 Q Exhibit 2 is the photographs taken at the
17 scene, we believe. The third picture, photo C
18 labeled down in the corner, shows -- it looks like
19 an officer is in the vehicle I presume trying to get
20 data from the hookup in the vehicle.
21 Is that you in that photograph?
22 A No.

19

1 Q Do you know who that was?
2 A By the boots, I cannot.
3 Q Do you have an idea what that individual
4 is doing in that photograph?
5 A Probably either making note of what's
6 going on inside the car or trying to hook up the EDR
7 to do an image of the air bag monitor.
8 Q Do you know if any EDR data was downloaded
9 for this crash in that vehicle?
10 A The only thing I can say is if it's not in
11 the report -- I mean, if it's in the report, it was
12 done. If it's not in the report, it didn't get
13 done. Because sometimes you can download a car and,
14 if it's not severe enough, it doesn't record
15 anything.
16 Q I know you don't have great
17 recollection -- independent recollection because of
18 the number of crashes you investigate, but when you
19 arrived do you recall if the motor vehicle was in
20 the general vicinity that is shown on photograph 2A?
21 A The only the thing I can testify to is
22 that it is, I guess, protocol that if we're called

20

1 the scene is left alone. So cars are not supposed
2 to be moved before our arrival; and, if they are, we
3 are noted, like we are given notation.
4 Q And you don't have any notation that this
5 vehicle was moved before you arrived on the scene?
6 A Correct.
7 Q There were cones set up as shown in
8 photograph 2A.
9 Would those be cones you would have placed
10 just from your practice or would they have been put
11 there before you arrived?
12 A I would say it's standard practice for a
13 patrol to cone items, especially in pedestrian
14 crashes, that are of interest, shoes, hats, and
15 that. So they know, if somehow somebody kicks it
16 and it's moved, they still have the general area of
17 where it was.
18 So we usually do not put down cones. I
19 mean, it has happened in the past, but as a general
20 practice usually a patrol does it.
21 Q On page 2 of Exhibit 1, which is the
22 police report, in the middle of the page there's a

21

1 heading, quote, Part 2: Observations (of the
2 investigator).
3 Are you the investigator referred to
4 there?
5 **A Yes.**
6 **Q** So those were your observations in the
7 narration underneath part 2?
8 **A Yes.**
9 **Q** Let's go down to the one thing that you do
10 specifically recall because it was unusual and that
11 is the dirt mark in the road.
12 Was it dirt or was it, in fact, dog feces
13 or a combination of both?
14 **A I think it was a combination of both**
15 **because it was unusual. Shoe scuffs are very hard**
16 **to find and to have one on scene is kind of -- it's**
17 **a rarity. The dirt on the shoe makes the shoe**
18 **scuff. Like I said, that's the only thing I**
19 **remember from the crash.**
20 **Q** Fair enough. How did you determine that
21 the -- strike that.
22 There's a photo in Exhibit 2, subphoto D,

22

1 the fourth one down.
2 Is that a photo of the transfer of the
3 dirt or dog feces to the roadway that you're talking
4 about remembering?
5 **A Yes.**
6 **Q** And it's your opinion that shows what?
7 **A It shows where the shoe was located when**
8 **it was, I guess, abruptly moved sideways. That**
9 **would be considered the AOI, area of impact.**
10 **Q** Going on down, photo J is the shoe, and
11 we've already commented you remember that's you hold
12 the shoe there?
13 **A Uh-huh.**
14 **Q** Did you take that photograph or would
15 someone else have taken it?
16 **A I would have taken it.**
17 **Q** Okay. In determining that the transfer of
18 the soil to the roadway was the point of impact, did
19 you use any calculations or was it just your
20 reckoning from what you saw?
21 In other words, did you use any analysis
22 to arrive at that or was it just from a visual

23

1 inspection and a deduction-type conclusion?
2 **A From my experience in doing crash**
3 **reconstruction, when you have a shoe scuff, that's**
4 **the area of impact. It's where the pedestrian was**
5 **standing when he was struck by the vehicle.**
6 **Q** Did you measure where that scuff mark is
7 in reference to any point?
8 **A Yes.**
9 **Q** What page of the report are you looking
10 at?
11 **A Page 5.**
12 **Q** On page 5, in the middle of the page, it
13 says, quote, area of impact, dash, 29 feet, 11
14 inches east and 8 feet, 11 inches north of the
15 reference point; is that what you're looking at?
16 **A Yes.**
17 **Q** Up above that writing on page 5 of Exhibit
18 1 is your description of what you used as the
19 reference points.
20 Can you read that part into the record?
21 **A The east curb of Beechfield Avenue and the**
22 **south curb of Wilkens Avenue were used as reference**

24

1 **points for the following measurements.**
2 **Q** Okay. And then you measured the road
3 dimensions of Wilkens Avenue?
4 **A Yes.**
5 **Q** And that's not using the reference points.
6 That's just measuring the roadway; correct?
7 **A Yes.**
8 **Q** Then, beneath that, you have measurements
9 of the wheel position of all four wheels of the
10 vehicle.
11 Are those measurements taken with regard
12 to the reference points?
13 **A Yes.**
14 **Q** Can you show me maybe using page 9 of the
15 report, the page with the diagram -- is it possible
16 to show me or show us, because we have some
17 confusion, where those reference points are, if we
18 come around and take a look?
19 **A Okay.**
20 **Q** And the reason I'm asking is because I had
21 a little trouble getting it.
22 **A If you look on --**

25

1 Q Do you mind if we stand around you?
2 A **See how I have this marked here and that**
3 **marked there? They are my references. I'm using**
4 **the curb here.**
5 MR. FIORE: Okay. Let's do this, then.
6 Let's mark this as the next exhibit.
7 (Exhibit 3 was marked for identification
8 and was retained by counsel.)
9 Q We're talking about the reference points
10 that you used in Exhibit 1 to take some
11 measurements. I'm showing you now what is marked as
12 Exhibit 3.
13 Can you identify what that is?
14 A **A copy of my diagram, handwritten diagram.**
15 Q And would this diagram have been created
16 at the scene or at some point later?
17 A **At the scene.**
18 Q Can you show us on Exhibit 3 the reference
19 points you're using when you say you're using the
20 east curb of Beechfield Avenue and the south curb of
21 Wilkens Avenue as reference points?
22 A **The east curb of Beechfield and the south**

26

1 **curb of Wilkens.**
2 Q Okay. And then you have drawn in a
3 rectangle which depicts the approximate place of the
4 vehicle?
5 A **Yes.**
6 Q And you have drawn in a stick figure that
7 depicts the approximate place of the resting point
8 for the pedestrian?
9 A **Yes.**
10 Q And you have drawn in a dark line along
11 the curbing.
12 Does that indicate the sewer grate?
13 A **No. That's just a reference for myself to**
14 **know what curbs I used as reference points.**
15 Q Okay. So the two dark lines along the
16 curbing are just indications of that's the reference
17 point -- those are the reference points?
18 A **Yes.**
19 Q So, in your report where you say the right
20 front wheel was 37 feet, 9 inches east and 9 feet --
21 and 4 feet, 0 inches north of the reference point,
22 can you show us on Exhibit 3 where you're measuring

27

1 from?
2 A **If this is the point, and I measure -- you**
3 **said the right front wheel?**
4 Q Yes, the first entry there for unit one.
5 A **It's 37 feet, 9 inches from this curb.**
6 Q From the east curb of Beechfield?
7 A **Yes.**
8 Q Okay. Was there anything else that
9 factored into your determination of the AOI other
10 than, essentially, the dead reckoning of seeing the
11 scuff mark on the road versus the shoe?
12 A **The one thing I would say is that it**
13 **coincides with the damage on the vehicle. It kind**
14 **of lined up in the middle of the vehicle. The**
15 **damage lined up in the middle of the vehicle so it**
16 **all -- I would say they coincided with each other.**
17 Q The area of the resting place for the
18 pedestrian, did any calculations go into that other
19 than the fact that that's where the blood was, the
20 pool of blood, which I think is shown in one of the
21 photographs?
22 Did anything else go into your calculation

28

1 of the final resting point of the pedestrian other
2 than the pool of blood?
3 A **Calculation or measurement?**
4 **Because the resting point was not**
5 **calculated, but measured.**
6 Q And it was measured from the reference
7 point to the pool of blood?
8 A **Yes.**
9 Q I understand.
10 Did you have any idea of the speed of the
11 vehicle just from what you saw there?
12 A **From my experience, it looked like a**
13 **low-speed impact.**
14 Q And were you basing that on the damage to
15 the motor vehicle?
16 A **It's the damage to the motor vehicle and**
17 **the distance from where the pedestrian was struck to**
18 **where they came to final rest. The higher the**
19 **speed, the greater the distance.**
20 Q And I would presume the more damage to the
21 car --
22 A **Yes.**

29

1 Q -- likely as well?
2 You hadn't done the calculations to come
3 up with the approximate speed the vehicle was going
4 at the scene. Just eyeballing it, your conclusion
5 was, well, this wasn't a high-speed impact?
6 **A Correct.**
7 Q And you don't recall the driver of the
8 vehicle saying anything to you as far as what her
9 speed was?
10 **A No.**
11 Q There is a statement by the witness, Grant
12 Baber, on the last page of Exhibit 1 where he states
13 or writes that the vehicle, the black SUV, was
14 "traveling at a high rate of speed."
15 Did you attach any significance to that
16 statement?
17 **A No.**
18 Q Why not?
19 **A Most witnesses have a false perception of**
20 **speed.**
21 Q Do you remember speaking with Mr. Baber?
22 **A No.**

30

1 Q Mr. Baber also writes "he -- meaning the
2 pedestrian -- was in the crosswalk at the time."
3 Did you attach any significance to that
4 statement?
5 **A No.**
6 Q Why not?
7 **A Well, the area of the impact put the -- I**
8 **mean, the shoe scuff put the area of impact outside**
9 **of a crosswalk. So pedestrians have -- not**
10 **pedestrians, excuse me, witnesses don't have the**
11 **best recollections.**
12 Q Was there a crosswalk at the intersection
13 there where the accident occurred, where this
14 pedestrian was crossing?
15 **A For Wilkens Avenue where the crash**
16 **occurred there was no crosswalk.**
17 Q Are you saying there were no painted
18 crosswalk lines on the roadway?
19 **A No.**
20 Q That's correct, there were no painted
21 crosswalk lines on the roadway?
22 **A Correct.**

31

1 Q Go ahead.
2 **A If I recall, there were some on the west**
3 **part of the intersection. There was a crosswalk to**
4 **cross Wilkens Avenue.**
5 Q Is there such a thing in Maryland law as
6 an unmarked crosswalk?
7 **A There is. I think it's called an implied**
8 **crosswalk.**
9 Q And what's an implied crosswalk?
10 **A I don't have the definition.**
11 Q What's the general understanding?
12 I'm not holding you to the words of any
13 statute, but what is your understanding of the
14 implied crosswalk?
15 **A Where you have -- the sidewalk comes down**
16 **and the curb is lowered for ease of, I guess,**
17 **getting off the curb to go onto the street. When**
18 **you have that but no crosswalk, like no painted**
19 **crosswalk, that would be implied.**
20 Q So a pedestrian crossing there would be
21 entitled to the protections of a crosswalk even
22 though there's none painted on the roadway?

32

1 **A I would -- I don't know.**
2 Q How wide is your standard crosswalk when
3 one is painted on the roadway?
4 **A I don't know the specific dimensions, but**
5 **usually I would say eight to ten feet.**
6 Q And you're approximating?
7 **A It's an approximation.**
8 Q In your experience, are they usually
9 uniform sizes when they're painted or do they vary
10 in what you've seen?
11 **A They vary.**
12 Q Do you know where Mr. [REDACTED] entered
13 the roadway of Wilkens Avenue?
14 **A As in?**
15 Q Can you identify within a few feet where
16 he entered the roadway?
17 **A No.**
18 Q Is your understanding of where he was, at
19 least when the contact occurred, limited to that
20 scuff mark from the shoe that's in the roadway?
21 **A Yes. There's physical evidence that puts**
22 **him at that location.**

33

1 Q Do you have any evidence that he was
2 crossing the roadway in anything other than a
3 straight line?
4 A **No evidence.**
5 Q Do you have any evidence of any other
6 pedestrian crossing the roadway with him?
7 I know you don't have specific recall of
8 it, but does anything in your investigation, looking
9 at Exhibit 1, give you any indication that there was
10 more than one pedestrian crossing the roadway?
11 A **No.**
12 Q And that includes even the statement of
13 the driver, Ms. Barracato; right?
14 A **Yes.**
15 Q Your report concludes, essentially, that
16 the pedestrian is at fault for this accident.
17 Why is that?
18 A **There's not a marked crosswalk.**
19 **Basically, the pedestrian is illegally in the**
20 **roadway. Cars have the right of way.**
21 Q Were you able to determine the color of
22 the traffic lights for Wilkens or Beechfield at the

34

1 time the contact occurred?
2 A **Was I able to determine the specific light**
3 **color?**
4 Q Yes.
5 A **No.**
6 MR. FIORE: Those are all of the questions
7 I have for you, Officer. Thank you so much.
8 EXAMINATION BY COUNSEL FOR DEFENDANT
9 BY MR. COHEN:
10 Q I'll be very brief. Good morning again.
11 A **Good morning.**
12 Q My name is Adam Cohen. I represent the
13 driver, Lisa Barracato, involved in this incident.
14 Do you know either [REDACTED] or
15 Lisa Barracato?
16 A **No.**
17 Q And one of the findings that you would
18 have noted at the scene would be skid marks if there
19 were any; correct?
20 A **Yes.**
21 Q Were there any skid marks that you noted
22 at the scene?

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1 A **If it's not in the report, I didn't make**
2 **notes of it, I didn't see it.**
3 Q Okay. And, had there been skid marks,
4 those would have been measured; is that correct?
5 A **Yes.**
6 Q And put into your analysis as to the speed
7 and the like; is that correct?
8 A **Yes.**
9 MR. COHEN: Those are all the questions I
10 have.
11 MR. FIORE: Thank you, Officer.
12 (Discussion off the record.)
13 MR. FIORE: In the presence of defense
14 counsel, I advised the witness generally of his
15 right to waive or read and sign the transcript. The
16 witness told us that he elects to waive the reading
17 and signing.
18 Is that correct, Officer?
19 THE WITNESS: Yes.
20 THE REPORTER: Can I get your order?
21 MR. COHEN: Copy.
22 (Off the record at 10:40 a.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC
2 I, Linda H. Cole, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true and
5 correct record of the testimony given; that said
6 testimony was taken by me stenographically and
7 thereafter reduced to typewriting under my
8 supervision; and that I am neither counsel for,
9 related to, nor employed by any of the parties to
10 this case and have no interest, financial or
11 otherwise, in its outcome.
12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 18th day of
14 November, 2016.
15 My commission expires July 19, 2018
16
17
18
19 _____
20 NOTARY PUBLIC IN AND FOR
21 STATE OF MARYLAND
22