

Exhibit B

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION - MERCER COUNTY
3 DOCKET NO. MER-L-2330-23
4 DAVID MARCOU, Executor of the :
5 Estate of Jodi Marcou, Deceased;:
6 and DAVID MARCOU, individually, :
7 Plaintiffs, : CIVIL
8 vs. : ACTION
9 ELHAJJMALIK DIALLO, an :
10 individual; ESTATE OF DAMAJIA :
11 JENAY HORNER, Deceased; JENNIFER:
12 HORNER, an individual; ARBINA :
13 (CAPTION CONTINUED ON PAGE 2....)

14
15 VIDEOTAPED DEPOSITION OF:
16 MARK FREDA
17 DATE: TUESDAY, JUNE 11, 2024
18 COMMENCING AT 10:29 A.M.
19
20 RENZI LEGAL RESOURCES
21 Court Reporting, Videography & Legal Services
22 2277 STATE HIGHWAY #33, SUITE 410
23 HAMILTON SQUARE, NEW JERSEY 08690
24 TEL: (609) 989-9199 TOLL FREE: (800) 368-7652
25 www.RLResources.com No. 432482

1 (CAPTION CONTINUED....)
2 ASANI, an individual; MARK :
3 FRED A, an individual; :
4 MUNICIPALITY OF PRINCETON, a :
5 municipal entity; PRINCETON :
6 FIRST AID & RESCUE SQUAD, a :
7 business entity; PRINCETON :
8 FIRE DEPARTMENT, a municipal :
9 entity; JOHN DOES 2-15, :
10 fictitious individuals; and :
11 ABC COS 4-15, fictitious :
12 business entities, :
13 Defendants, :

14 -----x

15
16 Computer-aided transcript of the
17 videotaped deposition testimony of MARK FRED A, taken
18 stenographically in the above-entitled matter before
19 JOSEPHINE A. SCHEUERMAN, a Certified Court Reporter,
20 License #30XI00092800, and Notary Public of the
21 State of New Jersey, at the office of Hoagland,
22 Longo, Moran, Dunst & Doukas, LLP, 40 Paterson
23 Street, New Brunswick, New Jersey, on Tuesday, June
24 11, 2024, commencing at 10:29 a.m.

25

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25 (APPEARANCES CONTINUED ON PAGE 5.....)

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25 (APPEARANCES CONTINUED ON PAGE 6....)

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15 Vincent Maggiano, Videographer

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1 I N D E X

2 WITNESS PAGE

3 MARK FREDA

4 Examination By Mr. Leonardis 8;183

5 Examination By Mr. Acker 156;180

6 Examination By Mr. Coluccio 169

7 Examination By Mr. Gelber 173

8 Examination by Ms. Cummings 179

9

10 E X H I B I T S

11 ID DESCRIPTION PAGE

12 Freda 1 Resume of Mark Freda 8

13 Freda 3 Document Production from 8

14 Princeton First Aid and

15 Rescue Squad

16 Freda 4 Policy of Princeton First 8

17 Aid & Rescue Squad

18 Freda 5 Supplemental Statement of 8

19 Mark Freda

20 Freda 7 Application for Blue 187

21 Light Permit

22 (EXHIBITS RETAINED BY COUNSEL.)

23

24 R E Q U E S T S

25 (NO FORMAL REQUESTS WERE MADE.)

1 (Documents, marked as Exhibits Freda
2 1 through Freda 6 for identification prior to
3 commencement of deposition.)

4 VIDEOGRAPHER: Today's date is
5 June 11th, 2024, and the time is approximately
6 10:29. We're now on the video record for the
7 videotaped deposition of Mark Freda.

8 MR. FREDA: Freda.

9 VIDEOGRAPHER: Freda.

10 Counselors present will be noted in
11 the stenographic record.

12 At this time, we'd ask our court
13 reporter to administer the oath.

14 - - -

15 M A R K F R E D A, having been duly sworn, was
16 examined and testified as follows:

17 - - -

18 EXAMINATION BY MR. LEONARDIS:

19 Q. Okay. Mr. Freda, good morning. My
20 name is Nick Leonardis. I represent the estate of
21 Jodi Marcou in regard to her unfortunate passing
22 from a motor vehicle collision on November 7 of
23 2021. You're familiar with that incident, are you
24 not?

25 A. Yes.

1 Q. We're here today to take your
2 deposition related to the facts surrounding that
3 incident, your involvement in the incident, and any
4 facts you may know related to events that occurred
5 before the crash, the crash itself, and some events
6 that may have taken place afterwards.

7 My questions are going to call for
8 your own personal information, what you may have
9 heard from investigation, what you may have heard
10 from some others, and some of my questions may call
11 for estimates such as time or distance or feet. If
12 that's the case, I'd like you to give me your best
13 and reasonable estimate. If you feel you would be
14 guessing and you can't give any type of estimate
15 whatsoever, please let me know that and we'll move
16 on.

17 There's a lot of attorneys in the
18 room. You have a few different attorneys for
19 different reasons. If either of them or any of them
20 or all of them say the word objection, hold off on
21 your answer. We will work out our differences and
22 instruct you on how to proceed, but their objection
23 will most likely preserve the record and we will
24 instruct you to answer the question either way.

25 If you don't understand my question,

1 if it didn't make sense or you didn't hear it
2 because of the air conditioner or any reason, let me
3 know. I'll repeat it, I'll rephrase it in a fashion
4 that does make sense for you. Fair enough?

5 A. Yes.

6 Q. Okay. We're in a small room, but
7 keep your answer loud enough so we can all hear it.
8 If for some reason you didn't hear my question --

9 A. Sure.

10 Q. -- just let me know. I'll move on.
11 It is a relatively informal setting.
12 We're in an -- an attorney's office, but the
13 testimony today does carry the same weight as if we
14 were in a courtroom in front of a judge and in front
15 of a jury. You understand that; right?

16 A. Yes, I do.

17 Q. Okay. Do you have any questions
18 before we start?

19 A. No, I do not.

20 Q. Okay. Prior to today's deposition,
21 how many times in the past have you been deposed for
22 any reason?

23 A. I have not.

24 Q. Okay. In your capacity as the mayor,
25 have you had to give any kind of recorded statements

1 or interviews for any reason?

2 A. I'm sure a number of things I've
3 done. I mean, you know, our meetings and stuff are
4 all recorded.

5 Q. Okay. Prior to this litigation, have
6 you been involved in any other litigation as a
7 plaintiff or a defendant?

8 A. No.

9 Q. By whom are you currently employed?

10 A. Princeton First Aid and Rescue Squad,
11 and the municipality of Princeton, I guess, also.

12 Q. Yeah. Right. So I'll -- I'll make
13 it easier for you. I'll come over here.

14 All right. Your employment currently
15 is with the Princeton First Aid and Rescue?

16 A. That's correct.

17 Q. And then also with the municipality
18 of Princeton?

19 A. That's correct.

20 Q. All right. Any other employment?

21 A. No.

22 Q. Any other public service where you
23 work as a non-employee? Volunteer?

24 A. I volunteer with the Princeton Fire
25 Department. I'm on -- I'm on a couple different

1 boards.

2 Q. Okay. As it pertains to your
3 employment right now with the Princeton First Aid
4 and Rescue, is your job duties and title the same as
5 they were back in November of '21?

6 A. Yes.

7 Q. Okay. And your title back in
8 November of '21 and today is what?

9 A. President.

10 Q. As for your employment with the
11 township or the municipality of Princeton, what is
12 your job title?

13 A. Mayor.

14 Q. How long have you been the mayor?

15 A. This is my fourth year.

16 Q. Is this your first term?

17 A. Yes, it is.

18 Q. When does your term expire?

19 A. The end of this year.

20 Q. Okay. Have you run for mayor for the
21 following term?

22 A. Yeah, I am now. Yes.

23 Q. Okay. You're currently engaged in
24 that? They had the primaries last week?

25 A. That's correct.

1 Q. Right?

2 A. The primary was, yeah, earlier this
3 month.

4 Q. How did you do in the primary?

5 A. I ran unopposed.

6 Q. Okay. When's the election?
7 November?

8 A. In November.

9 Q. Okay. You expect to run unopposed
10 again?

11 A. I --

12 Q. Not sure yet?

13 A. I have no idea.

14 Q. As it pertains to the fire
15 department, what is your current role?

16 A. I'm just a firefighter, volunteer
17 firefighter.

18 Q. Okay. Back in November of '21, same
19 role?

20 A. That is correct.

21 Q. Have you ever had any other job title
22 with the volunteer fire department? President, any
23 kind of board role with them?

24 A. At one point in time I was president
25 of the fire company within the Princeton Fire

1 Department. Many, many decades ago I was chief of
2 the department.

3 Q. Okay. You mentioned you're on
4 several boards. What type of boards are you on?

5 A. Dorothea VanDyke McClean Association
6 is a nonprofit. It's in Princeton. Spirit of
7 Princeton is another group I'm on.

8 Q. How long have you been with the fire
9 department?

10 A. Since 197 -- 1974.

11 Q. Had you ever been the chief of the
12 fire department?

13 A. Yes.

14 Q. What are the job duties as the chief?

15 A. To oversee the operations of the fire
16 department day-to-day basis, direct fire operations
17 on a call.

18 Q. Okay. Was that in 1989?

19 A. That would have been probably eighty
20 -- '87, I think.

21 Q. Okay. Not that it's -- I marked your
22 resume as -- as Freda Number 1. Just -- you can --
23 I'll give you a copy so you have it.

24 A. All right. Thanks.

25 Q. We'll run through it together.

1 A. Oh. '89. Sorry.

2 Q. That's okay.

3 So I have your resume up here. Just
4 -- we'll go through it together.

5 A. Okay.

6 Q. So Princeton First Aid and Rescue,
7 April of 2018 to present; correct?

8 A. Correct, as a paid employee of the
9 Princeton First Aid Squad.

10 Q. Okay.

11 (Discussion held off the stenographic
12 record.)

13 CONTINUED EXAMINATION BY MR. LEONARDIS:

14 Q. Okay. So, Mr. --

15 MR. LEONARDIS: We're back on?

16 Q. Okay. So, Mr. Freda, I handed you
17 your resume. I just want to go through it with you.
18 So some dates, maybe, you know, they weren't
19 accurate.

20 Princeton First Aid and Rescue
21 started April of '18 to the present; correct?

22 A. As a paid employee, yes.

23 Q. As a paid employee. What about prior
24 to being a paid employee?

25 A. I joined as a volunteer in 1975.

1 Q. Okay. From '18, 2018 to the present,
2 as the president, what are your job duties?

3 A. I'm the -- the head of the first aid
4 squad. I'm the chief executive of the first aid
5 squad.

6 Q. What does that mean as far as duties?

7 A. I report to a board of trustees. I
8 oversee the -- the operations of the squad, work
9 closely with the chief of the squad and the other
10 officers of the squad to carry out our mission to
11 provide EMS service to the community of Princeton.

12 Q. Okay. What about policies and
13 procedures as it relates to the first aid squad as
14 the president, what's your involvement with the
15 policies and procedures?

16 A. Policies and procedures that oversee
17 EMS or rescue operations come under the chief in the
18 line office. Administrative policies, financial
19 policies, fundraising, et cetera, would come under
20 me.

21 Q. Okay. What training have you
22 received in the years with the first aid and rescue
23 squad as it pertains to training for yourself of
24 their policies and procedures?

25 A. Well, when I was in -- well, since

1 I'm not an EMT, when I was an EMT, I would have had
2 to have been familiar with all policies and --
3 operating policies and procedures that oversee the
4 work of the EMTs. I -- yeah, I'm not sure I
5 understand. Go ahead.

6 Q. Sure. Well, as a paid employee, do
7 you undergo training so that you're aware yourself
8 of the policies and procedures of the first aid and
9 rescue squad?

10 A. I don't undergo training, no.

11 Q. What do you undergo in order so that
12 you're familiar with their policies?

13 A. I -- I'm aware of the policies, and
14 I've discussed the policies with the line office.

15 Q. As it pertains to those policies and
16 procedures, where would we find those? Are they
17 kept at the rescue squad?

18 A. Yes.

19 Q. Is there a hard copy?

20 A. I don't -- well, I guess we could
21 print a hard copy. It's all --

22 Q. All in the computer?

23 A. It's all electronic. Yeah.

24 Q. Okay. You would have access to them;
25 right?

1 A. That's correct.

2 Q. All right. Back in November of 2021,
3 were you yourself familiar with the policies and
4 procedures of the Princeton First Aid and Rescue
5 Squad?

6 A. Generally, yes.

7 Q. Okay. How did you generally become
8 aware of them?

9 A. Just in my -- just by being a member
10 of the squad.

11 Q. Did you ever have any responsibility
12 for training other EMS personnel on policies and
13 procedures?

14 A. No.

15 Q. Okay. As it pertains to the E -- the
16 first aid squad's policy and procedure relating to
17 use of blue lights, you were aware of those
18 policies?

19 A. Yes.

20 Q. Back in November of 2021, you were
21 aware of those policies as well; correct?

22 A. Yes.

23 Q. Okay. Back in November of 2021, what
24 was your understanding of the policy of the
25 Princeton First Aid and Rescue Squad as it relates

1 to the use of blue lights?

2 A. Use is -- use is allowed when you're
3 responding to a call.

4 Q. When you say responding to a call,
5 what do you mean by that?

6 A. So if you're -- if the first aid
7 squad would report to be dispatched to a call,
8 meaning an incident of some type, EMS call, a rescue
9 call, and the member's responding and they had a
10 blue light, they're allowed to use the blue light in
11 route to the first aid building.

12 Q. Only to the first aid building?

13 A. As a general policy, members would
14 respond to the building and not to the scene.

15 Q. What was your understanding of
16 whether that policy for the Princeton First Aid
17 Squad was any different when you were using a
18 private vehicle?

19 A. Well, I mean, the blue light would
20 only -- you'd only have the blue light on in a
21 private vehicle.

22 Q. Okay. What was your understanding of
23 the policy of the Princeton First Aid and Rescue
24 Squad as to the allowance of using the blue light
25 for anything unrelated to responding to an actual

1 EMS call?

2 A. That's not allowed under the policy.

3 Q. Why do you say that?

4 A. 'Cause the policy -- well, the policy
5 says when you'll use the blue light. You'll use the
6 blue light when you're responding to a call.

7 Q. The blue light -- you had a blue
8 light in your vehicle at the time?

9 A. That's correct.

10 Q. That blue light that you had, did you
11 have it as a Princeton First Aid and Rescue Squad
12 employee or a fire -- a volunteer fire person, or
13 both?

14 A. We had it for both.

15 Q. What was your understanding of the
16 policy and procedure of the volunteer fire
17 department back in November of '21 on the use of
18 blue lights?

19 A. Pretty much the same policy.

20 Q. Okay. Did you have any knowledge as
21 to whether the policy and procedure of the volunteer
22 fire department of Princeton permitted a fire person
23 or the chief to use a blue light if not going to an
24 actual fire response call?

25 A. No.

1 Q. Was not allowed?

2 A. Correct, not allowed. Sorry.

3 Q. Did you have the blue light for any
4 of your work as -- as the mayor?

5 A. No.

6 Q. Did you ever use the blue light in
7 your capacity as the mayor?

8 A. No.

9 Q. What about in your personal usage of
10 your vehicle? Would you ever use the blue light in
11 your personal use?

12 A. No.

13 Q. Okay. Would it be fair to say that
14 your activation of or use of the blue light in your
15 car would either be one or both for the first aid
16 squad or for the fire department?

17 MR. ACKER: Objection to form.

18 Q. Is that fair to say?

19 MR. ACKER: Objection to form.

20 MR. LEONARDIS: What's the objection?

21 MR. ACKER: What's the objection?

22 MR. LEONARDIS: Yeah.

23 MR. ACKER: Can I hear the question
24 back?

25 (Whereupon, the last question was

1 read by the reporter.)

2 MR. ACKER: So my -- so I don't think
3 it's fair to say. I object to the form. I think at
4 issue is the use of the blue light in this case, so
5 I object to the form of the question.

6 MR. LEONARDIS: Okay. I'm just
7 confused as to the objection to form so I can try to
8 fix the form of the question, but your objection is
9 to the inference that he was using it in his
10 capacity as what?

11 MR. ACKER: I don't know what
12 capacity he was using it in, so.

13 BY MR. LEONARDIS:

14 Q. Okay. Let me try it this way.

15 You've indicated to me that the use
16 of the blue light is either in your capacity with
17 the Princeton First Aid and Rescue or your capacity
18 as a volunteer fire person; correct?

19 A. I believe what I've said to you so
20 far is you asked me what the policies where and when
21 that blue light was allowed to be used, and I
22 responded as to when they're allowed to be used
23 under the policies of those two organizations.

24 Q. Right. And then I asked you do you
25 ever use your blue light for your own personal use,

1 and you said no to me. Is that accurate?

2 A. That's accurate.

3 Q. Okay. So if you don't use the light,
4 the blue light in your personal use, but you do use
5 the blue light in your capacity as the first aid and
6 rescue or fire department, can you think of any
7 other times when you would activate your blue light
8 other than in your capacity with the first aid squad
9 or your capacity with the fire department?

10 A. Not counting the day of this
11 incident, I would say I could not think of a time I
12 would do that.

13 Q. Okay. On the date of this incident,
14 you did activate your blue light, did you not?

15 A. That is correct.

16 Q. Okay. And did you activate your blue
17 light in your own personal capacity, or in your
18 capacity as the mayor, or your --

19 A. I would say --

20 Q. Hold on.

21 A. I'm sorry.

22 Q. -- the capacity as the mayor or the
23 first aid or the fire department, or one or more of
24 those?

25 A. I would say as the mayor.

1 Q. Why do you say that?

2 A. Well, because there was no dispatch
3 at the time I activated the blue light of either the
4 fire department or the first aid squad, so it would
5 be impossible to act as a member of either of those
6 organizations at that time.

7 Q. Are you aware of any policies or
8 procedures back in November of '21 that existed with
9 the Township of Princeton as to the use of blue
10 lights?

11 A. No. I -- no. I believe the policies
12 come from either the fire department or the first
13 aid squad, not from the town.

14 Q. Okay. Did you receive any training
15 from any of those entities on the use of the blue
16 lights prior to November of '21?

17 A. I don't know that I received training
18 other than here's the policies.

19 Q. When you say "here's the policies,"
20 that's something that you mean you were provided
21 with the written policies?

22 A. Well -- I was -- I'll say I was made
23 aware of them, the policies. I can't say to you,
24 yes, I was given a copy of the policy or not. I
25 mean --

1 Q. Okay.

2 A. I've been a member too long to
3 remember that.

4 Q. Right. So -- and, listen, I
5 understand. I just want to know from as we sit here
6 today, do you have any recollection as to how it was
7 you became familiar with, if you were familiar with,
8 the policies of either the fire and rescue, or --
9 the first aid and rescue, or the fire department as
10 to the use of the blue light?

11 A. I mean, I don't specifically
12 remember. I just know that I'm aware of both
13 policies.

14 Q. Okay. Would it be fair to say in
15 your capacity as the mayor, the municipality of
16 Princeton has not provided you with any training on
17 the use of the blue light? Is that accurate?

18 A. Yeah, I would say so.

19 Q. Okay. Are you aware whether any
20 policy exists with the municipality of Princeton on
21 whether any of their employees including the mayor
22 can use a blue light in the capacity as the mayor?

23 A. Not that I'm aware of.

24 Q. Okay. Would you think that the use
25 of the blue light on November -- November 7 of '21

1 was consistent or inconsistent with the policies of
2 the municipality of Princeton?

3 MR. ACKER: Note my objection to
4 form, what he thinks is consistent and inconsistent.
5 The policies, they speak for themselves, but --

6 Q. As the mayor of Princeton, do you
7 have any understanding as to whether the use of the
8 blue light on November 7 of '21 was consistent or
9 inconsistent with any of the policies of the
10 municipality of Princeton?

11 A. I don't know.

12 Q. As we sit here today, do you have an
13 understanding as to whether the use of the blue
14 light on November 7 of '21 was consistent or
15 inconsistent with the policies and procedures of the
16 first aid and rescue squad of Princeton?

17 A. Inconsistent.

18 Q. Tell me why.

19 A. Well, again, as I explained, if
20 you're not dispatched to a call, then you're not
21 supposed to use the blue light.

22 Q. Okay. Do you have an understanding
23 as to whether the use of the blue light on November
24 7, 2021, was consistent or inconsistent with the
25 policies and procedures of the Princeton Fire

1 Department?

2 A. Same. Same answer.

3 Q. Inconsistent?

4 A. Correct.

5 Q. And for the same reason?

6 A. And for the same reason.

7 Q. Okay. Now, understanding that you
8 had full knowledge of the policies and procedures of
9 both the first aid squad, fire -- first aid and
10 rescue and the fire department that it would be
11 inconsistent in using the blue light, explain to me
12 why you activated your blue light on November 7,
13 2021.

14 A. 'Cause I felt it was a prudent thing
15 to do as I passed other vehicles to -- yeah, I just
16 thought it was a prudent thing to do as I passed
17 other vehicles.

18 Q. What was your intention? What was
19 going through your mind, your intent, when you
20 activated the blue light?

21 A. I wanted to position myself so I
22 could call 911 and report where I saw the -- the
23 vehicles, the -- where they were going, what
24 direction.

25 Q. When you say as you passed other

1 vehicles, what other vehicles are you speaking of?

2 A. Oh. I -- I don't know -- I mean, I
3 can't tell you --

4 Q. Vehicles where? Vehicles in the
5 roadway?

6 A. Yes. Sorry. Yes.

7 Q. Okay. Those vehicles were on Route
8 27?

9 A. I passed some vehicles on Snowden
10 Lane, and I passed some vehicles on Route 27, yes.

11 Q. Okay. When you passed the vehicles
12 on Snowden Lane, those vehicles were stopped at the
13 light at Route 27; correct?

14 A. Yes, there were vehicles stopped at
15 that light. Correct.

16 Q. Okay. And you passed those vehicles
17 by going into the oncoming lane of traffic?

18 A. That would be correct.

19 Q. With your blue light on before
20 reaching the light at Nassau Street or Route 27?

21 A. That'd be correct.

22 Q. You made the left onto Route 27?

23 A. Yes.

24 Q. And then additionally passed more
25 vehicles on Route 27; correct?

1 A. Correct.

2 Q. Okay. When you passed the vehicles
3 on Route 27, you had your blue lights on still;
4 correct?

5 A. I believe so, yes.

6 Q. Okay. And when you passed the
7 vehicles on Route 27, you did so by crossing the
8 double yellow line to get into the southbound lane
9 of travel and travel north; correct?

10 A. Correct.

11 Q. Okay. How many vehicles do you think
12 you passed on Route 27 driving northbound in the
13 southbound lane?

14 A. Two or three.

15 Q. When you passed those two or three
16 vehicles traveling north in the southbound lane on
17 Route 27, your blue lights were still on; correct?

18 A. I believe so, yes.

19 Q. When you passed the vehicles that
20 were stopped on Snowden Lane at the intersection of
21 Nassau Street and Route 27 and you entered the
22 opposing lane of traffic, your blue lights were
23 still on; correct?

24 A. I believe so, yes.

25 Q. Okay. In total, would you say you

1 passed between four and six vehicles in total from
2 Snowden Lane and Route 27?

3 A. That's likely.

4 Q. And all those vehicles that you
5 passed, the four to six vehicles you passed in the
6 opposing lane of traffic, traveling in the opposite
7 direction of traffic; correct?

8 A. In the -- right, in the opposing
9 lane. Correct.

10 Q. Your actions of passing the two or so
11 cars on Snowden Lane in the opposing lane, is that
12 an action that is consistent or inconsistent with
13 the policies and procedures of the Princeton First
14 Aid and Rescue?

15 A. I think under state law -- well, let
16 me say inconsistent, 'cause I should not have been
17 using the blue light under their policy at that
18 time.

19 Q. Okay. If you were to pass stopped
20 traffic on Snowden Lane in an unmarked private
21 vehicle without the blue lights on, would that be
22 consistent or inconsistent with the policies of the
23 Princeton First Aid and Rescue?

24 A. Well, I'm sorry. Just -- could you
25 say that again?

1 Q. Sure. I thought your answer was I
2 shouldn't have been using the blue light. But if
3 you had passed stopped traffic on Snowden Lane as
4 you're approaching Nassau Street.

5 A. Okay.

6 Q. You didn't have your blue light on,
7 but you still passed oncoming traffic over the
8 double line.

9 A. Okay.

10 Q. Would that be consistent or
11 inconsistent with the policies of Princeton First
12 Aid and Rescue?

13 MR. COLUCCIO: I object to the form.

14 A. Well, I wouldn't -- I'm -- I'm just
15 getting confused, because it sounds to me like
16 you're asking --

17 Q. Okay.

18 A. That sounds like -- that I'm acting
19 in the first aid squad role when I'm just driving my
20 car down the street and passing a car.

21 Q. I'll rephrase it.

22 Your answer sounded to me like the
23 inconsistency of the policy was that you activated
24 your blue light.

25 A. Correct.

1 Q. Okay. I'm asking, do you think that
2 passing stopped traffic into the opposing lane on
3 Snowden Lane, would that action be consistent or
4 inconsistent with any of the policies of the
5 Princeton First Aid Squad?

6 A. I believe it would be consistent,
7 'cause under the state statute, if you're using the
8 blue light, if traffic yields to you, you're allowed
9 to pass as long as it's safe to pass.

10 Q. What state law are you talking about?

11 A. I -- I can't give you a statute
12 number, but there's a state statute that regulates
13 the use of blue lights by volunteer firefighters and
14 EMS personnel.

15 Q. Is it your understanding that the
16 state statute on the use of blue lights would allow
17 you in your private vehicle to pass oncoming traffic
18 over a double yellow line into the opposing lane?
19 Is that a -- that's something you think state law
20 allows?

21 A. Yeah. I believe that if the -- well,
22 yeah. I mean, if traffic has -- is yielding to
23 you --

24 Q. Uh-huh.

25 A. -- you're allowed to pass it.

1 Q. When doing what?

2 A. When responding to a call.

3 Q. Okay. In this particular case, were
4 you responding to a call?

5 A. No.

6 Q. Okay. In this particular case, on
7 November 7 of 2021, do you think your conduct in
8 passing stopped traffic on Snowden Lane with or
9 without the blue lights on, would that have been
10 consistent with the policies of First Aid and
11 Rescue?

12 A. No.

13 MR. COLUCCIO: Objection to the form.

14 THE WITNESS: Sorry.

15 Q. Would the conduct of passing stopped
16 traffic and driving into the opposing lane in your
17 private car with or without the blue lights on,
18 would it be consistent with the policies of the fire
19 department?

20 A. No.

21 Q. Would it be consistent with any
22 policies, you're aware of, of the municipality of
23 Princeton?

24 A. Not that I'm aware of.

25 Q. Okay. Now, understanding it's not

1 consistent with any of the policies, why did you
2 decide to pass stopped traffic on Snowden Lane as
3 you're approaching Nassau Street?

4 A. I thought that it was in order to
5 allow me to see where these vehicles were going to
6 call 911 to say here's where these vehicles are
7 going so the police would know where they were.

8 Q. Okay.

9 A. That was my intent.

10 Q. You're approaching Nassau Street;
11 right?

12 A. Correct.

13 Q. There's one of two ways they can go,
14 left or right; correct?

15 A. Or straight.

16 Q. Or straight. Why was it that you
17 decided it was your job to notify 911 operators of
18 where those vehicles were going?

19 A. I thought it was a responsible thing
20 to do as the mayor.

21 Q. Okay. Did you believe it was the
22 responsible thing to do as the mayor to pass stopped
23 traffic into oncoming traffic as you were
24 approaching Nassau Street?

25 A. I felt that what I was doing was

1 conducted in a safe enough manner that, yes.

2 Q. Okay. So as we sit here today, you
3 believe that passing stopped traffic, going over a
4 double line, driving into opposing traffic with a
5 blue light on was the proper thing to do?

6 A. There was no opposing traffic.

7 Q. Opposing lane of travel.

8 A. Okay. Well, there's a big -- I'm
9 sorry. I'm just trying to make sure that I
10 understand your question. There was no traffic
11 coming at me.

12 Q. Okay. As we sit here today, do you
13 still believe that passing stopped traffic on
14 Snowden Lane, crossing a double yellow line, going
15 into the oncoming lane of traffic with your blue
16 light on was the proper thing to do when you were
17 not responding to an emergency call for fire rescue,
18 fire department, or the mayor?

19 A. I'm not sure.

20 Q. Well, give some thought to it.

21 As we sit here today, do you think
22 that was the proper thing to do?

23 A. I am not sure.

24 Q. Why do you say you're not sure?

25 A. Well, because at the time I felt it

1 was the proper thing to do.

2 Q. Okay. As we sit here today, do you
3 still feel that way?

4 A. I still feel at the time it was the
5 proper thing to do, yes.

6 Q. Okay. Would you have done it again?

7 A. I don't know.

8 Q. You make the turn onto Route 27. You
9 travel again with your blue lights on; correct?

10 A. I believe so, yes.

11 Q. You pass at least two or three more
12 vehicles; right?

13 A. I believe so.

14 Q. You cross a double yellow line and
15 travel north in the southbound lane; right?

16 A. Well, I can't tell you whether I was
17 in the opposing lane or if the cars yielded to me.
18 I -- I don't know that.

19 Q. Okay.

20 A. Never mind. Sorry.

21 Q. At this point, you're not responding
22 to any fire call; right?

23 A. That's correct.

24 Q. You're not responding to any
25 emergency first aid or rescue call?

1 A. Correct.

2 Q. Okay. Do you think it was the proper
3 thing to do at that point in time, to travel with
4 your blue light on?

5 A. At -- at the time I thought it was.

6 Q. As we sit here today, do you think it
7 was the proper thing to do?

8 A. I don't know.

9 Q. Can you think of anything that would
10 -- you can tell me that would lead us to think
11 that's consistent with any of the policies and
12 procedures?

13 A. No.

14 Q. Okay. Do you have any understanding
15 as to whether that would be consistent with the
16 state statute that you just discussed to us,
17 traveling on Route 27 with the blue light on, not
18 responding to first aid call, not responding to fire
19 call in your private vehicle? Is that consistent
20 with state policy?

21 A. I believe not.

22 Q. Why do you say you believe not?

23 A. Well, my understanding of the state
24 statute is that that probably is not allowed. I'd
25 have to go read the statute, but I believe that's --

1 Q. Okay. Understanding that it's not
2 allowed by state statute, why did you do it?

3 A. I thought it was the proper thing to
4 do at the time.

5 Q. Okay. But you were aware of the
6 state statute; right?

7 A. Correct.

8 Q. You were aware that this was
9 violation of a state statute?

10 A. That is correct.

11 Q. Understanding it violates state
12 statute, understanding it's inconsistent with the
13 first aid and rescue policies, understanding it's
14 inconsistent with the fire department policies, why
15 did you think it was the right thing to do?

16 A. Well, the actions of other people in
17 attempting to steal vehicles and steal vehicles from
18 residents of Princeton is also highly illegal and
19 improper and wrong, so if I could provide
20 information to the police as to where the vehicles
21 were headed, then that might be of use to them, I at
22 the time thought that was appropriate.

23 Q. Okay. So at that point in time, you
24 were acting as the mayor in the interest of trying
25 to stop people from stealing vehicles from your

1 Princeton Township or Princeton municipality
2 residents; right?

3 A. I don't know that I'd say I was
4 trying to --

5 MR. ACKER: Objection to the form of
6 the question as far as his acting as the mayor, but
7 --

8 MR. BONTEMPO: Same objection.

9 (Whereupon, the last question was
10 read by the reporter.)

11 MR. LEONARDIS: I'll -- I'll rephrase
12 it. Read his last answer back to me, please.

13 (Whereupon, answer on Page 38, line
14 16 through 22, was read by the reporter.)

15 BY MR. LEONARDIS:

16 Q. Okay. The actions of others in
17 stealing vehicles from residents of Princeton is a
18 highly illegal act, that's what you said; right?

19 A. If that's what she just read, yes.

20 Q. Okay. Your actions that day in
21 passing vehicles in the opposing lane of traffic on
22 Snowden and Route 27 had to do with you wanting to
23 get involved in stopping these stolen vehicles, and,
24 I guess, apprehending the people who were stealing
25 them; right?

1 A. I would say no to stopping. I would
2 say no to apprehending. All I was trying to do was
3 provide information to the police for them to do
4 their job.

5 Q. Okay. And -- and --

6 A. I was not trying to do the job of the
7 police department.

8 Q. Okay. Do you know if your pursuit of
9 the vehicles that were stolen --

10 A. I was not pursuing anyone.

11 Q. What were you doing, sir?

12 A. I was following from a distance.

13 Q. Okay.

14 A. I would not say I was pursuing. I
15 was at no time pursuing anyone.

16 Q. What is your definition of following?

17 A. Being within eyesight of the other
18 vehicle at this time, I would say. At that time.
19 Sorry.

20 Q. What is your definition of pursuing?

21 A. If you're pursuing someone, I imagine
22 that you have the intent of trying to catch up with
23 them.

24 Q. Okay. As you were following these
25 vehicles -- how many vehicles were you following?

1 A. Well, when we -- when they first came
2 onto Snowden, there were two, and at some point on
3 Snowden the second one, the one in the back,
4 disappeared, so there was one vehicle at that time.

5 Q. Okay. And you were following that
6 vehicle. Which one was it, do you know? What
7 color?

8 A. Black or blue.

9 Q. Okay. As you were following that
10 vehicle on Snowden, you had your blue lights on?

11 A. I believe so.

12 Q. How fast were you going on Snowden?

13 A. On Snowden, I -- I don't know.

14 Q. Give me an estimate.

15 A. 30, 35.

16 Q. Okay. Is it your testimony under
17 oath as we sit here today that the highest speed
18 your vehicle reached on Snowden Lane was 30 to
19 35 miles an hour?

20 A. My original answer to you was I don't
21 know. You asked me to estimate.

22 Q. Okay.

23 A. So I can't tell you what exact speed
24 I was at.

25 Q. As we sit here today, is it your

1 testimony under oath that your best estimate of your
2 speed, the highest speed you ever reached on Snowden
3 Lane was 30 to 35 miles an hour?

4 A. Well, I'm going to go back to I don't
5 know, because you're --

6 Q. Okay.

7 A. I -- I think I don't know is the
8 accurate answer.

9 Q. Okay. Do you think your vehicle
10 reached a speed of 40 miles an hour on Snowden?

11 A. Again, I don't know.

12 Q. Would you be -- would you have reason
13 to dispute that? If someone were to say the
14 estimated speed of your vehicle based on the footage
15 obtained by the video cameras, on the resident
16 cameras, was in excess of 40 or 45 miles an hour,
17 would you disagree with that?

18 A. Without having seen the video or
19 being presented with something, I don't know how I
20 could comment one way or the other.

21 Q. Okay. Do you think your vehicle ever
22 exceeded 25 miles an hour on Snowden?

23 A. I'm sure it did.

24 Q. Okay. What's the speed limit on
25 Snowden?

1 A. It might be 25 the whole way, or it
2 might be a section. I think it's -- yeah, I think
3 it's -- in that area it was 25.

4 Q. When your vehicle exceeded 25 on
5 Snowden, that was at the point that you were
6 following the black or the blue vehicle; right?

7 A. Correct.

8 Q. And at the time you were following
9 that vehicle, your blue light was on; right?

10 A. I believe so, yes.

11 Q. Okay. Understanding that you're
12 following that vehicle in excess of the speed limit
13 with a blue light on, you would consider that to be
14 following a vehicle and not pursuing a vehicle?

15 A. When I activated my blue light,
16 neither of the other vehicles were in sight, I had
17 lost sight of them, and that's when I decided to
18 pass the other vehicles, to see if I could regain
19 sight and see where they were going.

20 Q. Where were you on Snowden when you
21 activated your blue light?

22 A. I would assume that I was somewhere
23 in the area of Franklin Avenue.

24 Q. Okay. So you had that light on from
25 Franklin Avenue till you reached 27, left it on,

1 turned onto 27, and then went south --

2 A. I believe so.

3 Q. -- went north that time; right?

4 A. Some -- yeah, somewhere along there.

5 Q. So from the moment you turned the
6 blue light on until the moment you get to the crash
7 site, the blue lights are always on; right?

8 A. I believe so.

9 Q. When's the first time that you recall
10 seeing any of the stolen vehicles on Snowden?

11 A. The two vehicles pulled out in front
12 of me literally from a side street.

13 Q. On Snowden?

14 A. Onto Snowden. Correct.

15 Q. Okay. And how far were they from
16 you?

17 A. I don't know. A few hundred feet,
18 maybe, a hundred feet. Less could be. I'm not
19 sure.

20 Q. When you see both of those vehicles,
21 is that when you turned the blue light on?

22 A. No.

23 Q. Is that when you start following
24 them?

25 A. No.

1 Q. When do you start following them?

2 A. After they passed other vehicles and
3 I lost sight of them.

4 Q. When do you regain sight of them?

5 A. I'm sorry.

6 Q. When do you regain sight of one or
7 both of them?

8 A. I never regained sight of the second
9 vehicle. The first vehicle, I only became aware
10 that it was still on Snowden when it passed a number
11 of cars as it approached the intersection -- or as
12 it approached the line of cars at the intersection
13 of 27 and Snowden.

14 Q. At that point in time, as you're on
15 Snowden, did you have knowledge as to whether or not
16 the Princeton Police Department was aware of the
17 stolen vehicles?

18 A. Yes, I did.

19 Q. Did you have knowledge as to whether
20 the Princeton Police Department were actively
21 looking for these vehicles?

22 A. Oh, I imagine they were, yes.

23 Q. There were a number of different
24 Princeton Police vehicles going around town that day
25 looking for these vehicles; right?

1 A. Yes.

2 Q. Okay. So there was no issue with
3 Princeton Police doing their job; right?

4 A. Not that I know of.

5 Q. Okay. Did you ask Princeton Police
6 Department to provide their assistance in following
7 any of these vehicles?

8 A. Well, that was why --

9 Q. Did you --

10 A. That's why I called 911.

11 Q. Okay. When you called 911, were you
12 already on Route 27?

13 A. Correct.

14 Q. Okay. At no point in time did you
15 call 911 on Snowden; correct?

16 A. That's correct.

17 Q. Okay. Where were you on 27 when you
18 called 911?

19 A. Well, I don't -- I don't know
20 exactly. I had gotten onto 27, passed a couple
21 cars, pulled back in the proper lane of traffic and
22 dialed 911.

23 Q. Okay. What's the highest speed you
24 got, your vehicle got to on Route 27?

25 A. I'm going to estimate somewhere

1 around 45, 50.

2 Q. Okay. As we sit here today, is it
3 your testimony that the highest speed your vehicle
4 got before the crash was 45 to 50 miles an hour?

5 A. That's my estimate.

6 Q. Okay. I don't want you to guess. Is
7 that your fair and reasonable estimate, 45 to 50?

8 A. That's my best guess, yeah. I mean,
9 I wasn't --

10 Q. The vehicle that you were following
11 on Route 27, how fast was that going?

12 A. Much faster.

13 Q. Okay. When you passed traffic
14 traveling north on Route 27, and you went into
15 oncoming lane of travel, did you increase your speed
16 to pass those vehicles?

17 A. Well, I went faster than they were
18 going, but they had just turned onto 27, so, I mean.

19 Q. Okay.

20 A. So it wasn't like they were going any
21 great speed at that point.

22 Q. But you were accelerating at that
23 point; right?

24 A. That's true.

25 Q. As you were passing stopped -- I'm

1 sorry. As you were passing traffic on Route 27
2 driving in the opposing lane of travel, where was
3 the other vehicle you were following?

4 A. Initially -- well, let me think about
5 that. I don't know exactly -- I mean, it was ahead
6 of me. I don't know exactly if it was fully in the
7 proper lane or if it was in the middle of the road,
8 but I know it was -- it was ahead of me going
9 straight, and then the car began to swerve a number
10 of times as they lost control.

11 Q. Would it be fair to say that the
12 vehicle you were following on Route 27 had not yet
13 passed any other vehicles on 27 as you were passing
14 vehicles on 27?

15 A. No. It had to pass every vehicle
16 that I passed, plus it passed other vehicles.

17 Q. Okay. So that vehicle first passed
18 several vehicles on 27?

19 A. Correct.

20 Q. That vehicle went into oncoming --
21 into the opposing lane to pass those vehicles;
22 right?

23 A. Correct.

24 Q. And your blue lights are on; right?

25 A. When I was on 27. Correct.

1 Q. Okay. And then as that vehicle
2 passes traffic, you then pass traffic, the same cars
3 that that stolen car had just passed; right?

4 A. Well, yeah. At some point after it
5 was on 27, 'cause I didn't -- I wasn't right behind
6 it when they pulled onto 27.

7 Q. Okay. Let -- let me try it this way.
8 You're on Route 27, you're following
9 the black Jeep; right?

10 A. Okay.

11 Q. Okay. There's been -- the police
12 records show that one of the stolen vehicles was a
13 black Jeep, one was a gray Range Rover. Does that
14 sound about right?

15 A. That sounds right.

16 Q. Okay. So let's call it the black
17 Jeep.

18 A. Okay.

19 Q. As you make the turn onto 27, you're
20 -- you're following this black Jeep; right?

21 A. Okay.

22 Q. Right?

23 A. Yeah.

24 Q. Okay. The black Jeep then passes
25 traffic north on 27 by going into the southbound

1 lane?

2 A. Yes. I mean, I couldn't see it
3 initially till I got onto 27. Sorry. I'm just --
4 I'm trying to give an accurate answer.

5 Q. And then you equally pass the same
6 traffic that's northbound in the southbound lane and
7 get back into northbound traffic; right?

8 A. Well, I didn't pass as much traffic
9 as that vehicle did.

10 Q. I -- I didn't ask if they did.

11 A. I'm sorry.

12 Q. But what I'm trying to get at is
13 this: The stolen black Jeep is passing vehicles
14 traveling northbound; right?

15 A. Okay.

16 Q. Yes? Yes or no?

17 A. Yes. It had to, yes.

18 Q. Okay. You then pass several vehicles
19 that are traveling north on Route 27 so that you
20 could continue to follow the stolen black Jeep;
21 right?

22 A. Okay.

23 Q. Am I correct?

24 A. Yes.

25 Q. Okay.

1 A. I believe that's accurate.

2 Q. Do you call the 911 after you pass
3 those vehicles?

4 A. Yeah, pass -- as I said, I passed two
5 or three vehicles, pulled back into the proper lane
6 and I dialed 911.

7 Q. Okay. And at that point in time as
8 you're dialing 911 after you pass two to three
9 vehicles on Route 27, where is the stolen black
10 Jeep?

11 A. It is some distance ahead of me and
12 there's vehicles in my lane between me and him.

13 Q. Okay. And do you pass any more
14 vehicles --

15 A. I do not.

16 Q. -- at that point in time?

17 No?

18 A. No. I'm sorry. I do not.

19 Q. Okay. And then as you're passing
20 those two or three vehicles and you get back into
21 northbound lane of travel with your blue light on,
22 how fast are you traveling?

23 A. I would -- well, under the speed
24 limit or at the speed limit.

25 Q. Had your vehicle ever exceeded the

1 speed limit on Route 27?

2 A. You know, I don't think so. I -- I
3 don't -- I -- I doubt it.

4 Q. Okay. What speed would you estimate
5 the black Jeep was traveling?

6 A. Well, I think actually when I called
7 911, I might have said that vehicle's going
8 somewhere like 60 to 70 miles an hour. It was
9 accelerating rather rapidly.

10 Q. Okay. And then what happens?

11 A. And then they apparently lost
12 control. Well, they -- I guess when they were
13 trying to pass a vehicle, they swerved and it was a
14 very wide swerve to the left. Then they came back.
15 They made two very wide swerves, two or three, and
16 at that point probably on the -- again, I can't
17 remember the exact number of times they swerved
18 around traffic, but at one of them is when they --

19 Q. What -- what is your impression as we
20 sit here today as to why the stolen black Jeep was
21 traveling so fast on Route 27?

22 A. I imagine --

23 Q. What was it getting away from?

24 A. I imagine they were trying to leave
25 town.

1 Q. Okay. Do you know if they were
2 trying to evade anybody?

3 A. I have no idea.

4 Q. Do you know if they were trying not
5 to be followed by anybody?

6 A. I have no idea.

7 Q. Do you know if the actions of you
8 following them with your blue lights on and also
9 passing traffic on Route 27 contributed to them to
10 speeding in the way that they did?

11 MR. BONTEMPO: Objection to the form
12 of the question.

13 MR. ACKER: Join in that.

14 A. I'm sorry. Could you just repeat the
15 question?

16 Q. Sure.

17 (Whereupon, the last question was
18 read by the reporter.)

19 A. I doubt that.

20 Q. Why do you say you doubt that?

21 A. Well, when I passed the vehicles on
22 Snowden, they had already gone around those cars,
23 and I really didn't even notice the vehicle was
24 there until they went around the cars.

25 Q. Let me just stop you. When you say

1 "they," was it both cars that were going around the
2 stopped traffic?

3 A. I'm sorry. "They" as in plural
4 number of people in the vehicle. Sorry.

5 Q. Okay. This is just the black Jeep at
6 this point; right?

7 A. Just the one vehicle. Correct.

8 Q. Okay.

9 A. And then by the time I was on 27,
10 that vehicle was a fair distance ahead of me, and --
11 and as I came onto 27 and pulled back into the
12 proper lane, they were already passing other
13 vehicles, so, again, I don't know.

14 Q. Do you have any training -- did you
15 have any training as of November of 2021 on pursuit
16 of vehicles?

17 A. No.

18 Q. Did you have any training related to
19 following of vehicles in your capacity as the mayor,
20 first aid, or fire?

21 A. No.

22 Q. Do you have any understanding, or did
23 you have any understanding in November of '21 as to
24 the pursuit and policy or the policies on pursuit as
25 it pertains to the Princeton Police Department?

1 A. Not specifically, no.

2 Q. Okay. What about today? Do you know
3 what those policies are?

4 A. No, not -- I mean, no, not
5 specifically.

6 Q. Did you have any knowledge in
7 November of '21 as to what the Attorney General
8 guidelines were for pursuit of vehicles?

9 A. Just what I would have read in the
10 newspaper.

11 Q. Okay. What was your understanding
12 from reading it in the newspaper?

13 A. That police pursue a vehicle, and at
14 some point if they feel it's unsafe to continue the
15 pursuit they would stop.

16 Q. Okay. And what is your understanding
17 as to why they should do that, if they feel it's
18 unsafe they should discontinue pursuit?

19 A. I'm sorry.

20 Q. What's your understanding of why that
21 policy is in place, if the police officers feel it's
22 unsafe they should discontinue pursuit?

23 A. It's a risk assessment, as far as I
24 know, and the risk becomes --

25 Q. A risk assessment for what?

1 A. For the possibility of greater harm.

2 Q. To who?

3 A. To anyone. To the police officer,
4 the person being pursued, or someone else.

5 Q. Okay. And what risk assessment did
6 you do as you were operating your vehicle on
7 November 7 of '21 on Snowden Lane when you activated
8 your blue lights? What assessment, risk assessment
9 did you do?

10 A. My assessment was that if I had the
11 blue light on, it would be safer for me and for the
12 cars I was about to pass. They would have some idea
13 that I was coming around them.

14 Q. Okay. Did you do any risk assessment
15 as to the safety of other operators and passengers
16 in vehicles in the surrounding areas?

17 A. I made sure there were no cars coming
18 in the opposing lane when I passed those vehicles.

19 Q. What risk assessment did you do as
20 you were driving on Route 27 passing traffic in the
21 opposing lane of travel?

22 A. Same as I had done on Snowden. I
23 pulled back into the proper lane and dialed 911.

24 Q. But what risk assessment did you do
25 for the safety of others as you were doing this

1 conduct?

2 A. I looked to see there was no opposing
3 travel coming. It appeared to be safe to pass the
4 vehicles.

5 Q. But that's a risk assessment for you;
6 right?

7 A. And for the vehicles I was passing.

8 Q. To make sure it's safe for you?

9 A. Right.

10 Q. Okay. So you did a risk assessment
11 for yourself and the vehicles you were passing;
12 correct?

13 A. Correct.

14 Q. Did you do a risk assessment for any
15 other vehicles that were driving on the road when
16 you passed oncoming traffic with your blue lights on
17 on Route 27?

18 A. At the time I felt what I was doing
19 was safe.

20 Q. Not my question.

21 My question is, did you perform a
22 risk assessment for the safety of other vehicles on
23 the roadway, not just yourself and the cars you were
24 passing, when you decided to pass traffic on Route
25 27 with your blue lights on?

1 A. I would say that since I felt it was
2 safe to do that I made that risk assessment. Yes.

3 Q. So explain to me your risk
4 assessment. When you performed this risk
5 assessment, tell me what you said to yourself and
6 what was going through your mind as to the safety of
7 others on the roadway.

8 A. I -- I think you're asking me to
9 provide something that I cannot provide.

10 Q. Well, you had mentioned to me that
11 the -- the -- your understanding of the policies is
12 they're supposed to do a risk assessment, the police
13 do a --

14 A. But I'm not a --

15 Q. -- risk assessment?

16 A. Right. Okay.

17 Q. But you're not what?

18 A. No. Go ahead.

19 Q. You're not what? You're not a police
20 officer; right?

21 A. Well, that is accurate.

22 Q. Okay. As a police officer -- let me
23 ask you this: As the mayor, are you familiar with
24 what police officers are supposed to do as far as
25 the risk assessment in pursuing vehicles?

1 A. I have a general idea.

2 Q. What is your general idea?

3 A. That they make a decision at some
4 point to continue or not continue.

5 Q. They or dispatch or both?

6 A. I -- I would imagine -- I don't know.
7 I don't know the answer to that.

8 Q. So explain to me the risk assessment
9 that was going through in your mind as to the safety
10 of other vehicles on the roadway as you're following
11 a stolen vehicle, passing traffic on Route 27 with
12 your blue lights on. And if you didn't do a risk
13 assessment, tell me that as well.

14 A. Okay. Since all these decisions are
15 made in a short period of time, I believe that what
16 I did was safe in how I passed other vehicles, and
17 was safe in that I was calling 911 to alert the
18 police as to where the vehicle was since that
19 vehicle was operating at a high rate of speed, and
20 based on the way the vehicle was passing others,
21 that they likely did not have full control of their
22 vehicle. So, yes, I thought it was prudent for the
23 police to know where that vehicle was.

24 Q. Okay. The stolen vehicle you were
25 following was at a high rate of speed; right?

1 A. That is correct.

2 Q. And that vehicle was at a high rate
3 of speed when you passed the traffic on Route 27;
4 correct? It was already at a high rate of speed;
5 right?

6 A. Well, I imagine it was at a high rate
7 of speed at some point. I --

8 Q. Okay.

9 A. I can't say that.

10 Q. Understanding that the stolen vehicle
11 that you're following is traveling at a high rate of
12 speed which required you to pass two or three cars
13 on 27 to try to follow it, did you ever give any
14 consideration to the fact that you could be placing
15 the lives of other vehicles in the roadway in
16 danger?

17 A. I did not feel I was doing that.

18 Q. Okay. As we sit here today, do you
19 feel you did that?

20 A. I do not feel I placed anyone in
21 danger.

22 Q. Okay. As we sit here today under
23 oath, do you feel that your conduct that day placed
24 the safety of others in the roadway in danger?

25 A. I do not believe so.

1 Q. Would you have done it again?

2 A. I don't know the answer to that.

3 Q. Well, give some thought to it.

4 Knowing what you know now, would you
5 have done the same -- would you have performed the
6 same conduct?

7 A. You're talking about a future
8 incident? Sorry. I'm just trying to --

9 Q. No. Understanding everything that
10 you know that happened that day, would you have done
11 the same thing?

12 A. I -- I don't know how I go back in
13 the past and change what I did. I don't -- I don't
14 understand how I can do that.

15 Q. Understanding everything you know
16 that took place on November 7, '21, would you have
17 engaged in the same conduct, in passing stopped
18 traffic, passing traffic on 27, driving with your
19 blue lights on, and following a stolen vehicle?
20 Would you have done it again?

21 A. I don't know.

22 Q. You don't know?

23 A. I don't know.

24 Q. So that means you may do it again?
25 If you don't know --

1 A. No. Wait a minute.

2 Q. Well, I'm just asking, if you don't
3 know.

4 A. You're asking me -- you're asking me
5 two different questions.

6 Q. No.

7 MR. BONTEMPO: Objection to the form
8 of the question.

9 A. You're asking me would I change
10 something I did in the past, but then it sounded
11 like your last question was asking me would I do it
12 again in the future. I mean, which one --

13 Q. Not -- I'm not asking in the future.
14 Understanding everything you know
15 about November 7, 2021, would you have done it
16 again?

17 MR. ACKER: Note my objection to the
18 form.

19 MR. BONTEMPO: Same objection.

20 A. I don't know.

21 Q. Understanding that a crash occurred
22 which killed Jodi Marcou as you were following a
23 vehicle at a high rate of speed --

24 A. A vehicle --

25 MR. BONTEMPO: Objection to form.

1 A. I was not at a high rate of speed.

2 Q. As you were following -- as you were
3 following a vehicle that was traveling at a high
4 rate of speed while you were operating with your
5 blue lights and passing other cars, would you have
6 done that again?

7 A. I don't know.

8 Q. And as we sit here today, you don't
9 believe that any of your conduct that day
10 contributed to the cause of this collision?

11 A. I believe not.

12 Q. Did you receive any reprimands from
13 any of the municipality -- strike that.

14 Did you receive any reprimands from
15 either the municipality, the fire department, or the
16 rescue and first aid squad for your conduct that
17 day?

18 A. From the first aid squad I did.

19 Q. What misconduct and reprimands did
20 you receive, sir?

21 A. They reprimand for improper use of
22 the blue light.

23 Q. Did you fight that charge?

24 A. I did not.

25 Q. Why not?

1 A. Because it was improper use of the
2 blue light.

3 Q. Okay. Was that the only thing they
4 reprimanded you for, improper use of the blue light?

5 A. Yes.

6 Q. That's it?

7 A. I believe so.

8 Q. What was the reprimand? What did
9 they do?

10 A. I'm sorry.

11 Q. When they reprimanded you, what was
12 the penalty?

13 A. The penalty that I wasn't allowed to
14 drive squad vehicles or respond to squad calls for
15 some period of time.

16 Q. This is marked as Freda 4.

17 A. Okay.

18 Q. I'll let you know. Hold on a second.

19 Freda 3. If you go to -- it was --

20 I've marked it as Freda 3, but it was listed as

21 Exhibit 4 in the first aid squad's responses.

22 There's a W-4 form from 2018. That's a W-4 form
23 that you filled out for your employment?

24 A. Appear --

25 Q. With the first aid.

1 A. Yeah, appears to be.

2 Q. Okay. What's your salary?

3 A. Today or then?

4 Q. Well, then.

5 A. I'm sorry?

6 Q. Then.

7 A. Then my salary was \$135,000 a year.

8 Q. All right. So your employment with
9 the first aid, the first squad and rescue was
10 \$135,000 back then. What is it now?

11 A. It's 84,000.

12 Q. Why less?

13 A. I don't work as many hours.

14 Q. Okay. February 14 of 2018, you
15 received an offer of employment, did you not?

16 A. Yes.

17 Q. Okay. You were employed by the
18 Princeton First Aid and Rescue Squad President
19 Oversight Committee which could review and adjust
20 your benefits at its discretion; correct?

21 A. At -- at that time, yes.

22 Q. Okay. On Page 5 of that document, it
23 looks like there was a disciplinary action taken
24 against you?

25 A. Yes.

1 Q. And that was by the Operations
2 Committee?

3 A. Yes.

4 Q. Did they have a hearing on that?

5 A. The hearing that I was present at?

6 Q. Yes.

7 A. No.

8 Q. Okay. Did you provide any testimony?

9 A. No.

10 Q. Did you have a chance to speak to
11 anybody before the suspension?

12 A. I believe I talked to the chief of
13 the squad.

14 Q. Okay. What did you say to him?

15 A. I think he wanted to know if I had
16 actually used the blue light, and I said yes.

17 Q. Okay. Who was the chief?

18 A. A gentleman named Matt Stiff.

19 Q. S-T-I-F-F?

20 A. That's correct.

21 Q. Okay. And when Mr. Stiff asked you
22 if you used the blue light and you said yes to him,
23 what was his response?

24 A. I don't recall.

25 Q. Did he seem pleased?

1 A. I don't know how he felt.

2 Q. Okay. Did you give him explanations
3 as to why you did it?

4 A. I do not believe so.

5 Q. Okay. Under the section called
6 Disciplinary Action on August 17 of '23, they said
7 you violated SOP 3.3 for driving eligibility. Are
8 you familiar with that standard operating procedure?

9 A. Yes.

10 Q. Okay. What is your understanding of
11 what that operating procedure calls for?

12 A. Well, in a nutshell, improper use of
13 the -- improper use of the blue light.

14 Q. Why was it improper?

15 A. 'Cause I wasn't responding to a call.

16 Q. There's different standard operating
17 procedures for response in private vehicles;
18 correct?

19 A. Different from -- from what? I'm
20 sorry.

21 Q. Private owned vehicle as compared to
22 fire -- or first aid and rescue vehicles?

23 A. Yes.

24 Q. Okay. You are aware that that
25 operating procedure says that "each member must

1 strictly adhere to all applicable motor vehicle
2 laws"; correct?

3 A. That's correct.

4 Q. "Privately owned vehicles are not
5 provided with the same exemptions that are provided
6 to emergency vehicles"; correct?

7 A. Correct.

8 Q. Okay. What does it say right after
9 that? "No member" --

10 A. "No member of the organization will
11 be permitted to violate any motor vehicle laws,
12 including but not limited to speed limits, going
13 through traffic control devices, passing in an
14 unsafe manner."

15 Q. Okay. On this particular day,
16 November 7 of 2021, you violated the motor vehicle
17 laws by passing through controlled devices, did you
18 not?

19 A. I did go through the intersection. I
20 can't tell you whether the light was red or green.

21 Q. Okay. And you passed stopped traffic
22 by going into the opposing lane of traffic; correct?

23 A. That is correct.

24 Q. Okay. They put here that you are not
25 to violate the speed limits. Do you know if they

1 suspended you for violating the speed limit?

2 A. And I believe it -- no. I believe it
3 was a violation of the blue light policy.

4 Q. Okay. It says on the top there,
5 "Therefore, are not afforded any exemptions or
6 special privileges under state law."

7 That refers to your private vehicle;
8 correct?

9 A. I'm sorry. Where? Where are you?

10 Q. If you go to the bottom of the --
11 bottom of that page, the beginning of the next page.
12 Let's try it this way.

13 A. Sorry.

14 Q. "Private vehicles are not emergency
15 vehicles, and therefore are not afforded any
16 exemptions or special privileges under state laws."

17 Do you agree with that statement?

18 A. Yes.

19 Q. Okay. Under blue light driving, what
20 does it say? "Members must" --

21 A. "Must comply with all New Jersey MVC
22 rules and regulations regarding the use of blue
23 lights."

24 Q. Okay. Did you do that in this
25 particular case? Did you comply with the New Jersey

1 Motor Vehicle code?

2 A. No.

3 Q. Why not?

4 A. Because I activated my blue light, so
5 that was inconsistent.

6 Q. All right. It says "members may
7 utilize permitted blue lights only" for what?

8 A. Emergency responses.

9 Q. Okay. Were you responding to an
10 emergency response?

11 A. Not for the Princeton First Aid
12 Squad, no.

13 Q. For anybody?

14 A. No.

15 Q. "Blue lights are 'courtesy lights'"
16 "and do not" what?

17 A. "Do not" --

18 Q. "And do not give."

19 A. Yeah. Sorry.

20 Q. Go ahead. You can go. "And do not."

21 A. "Do not give the driver the right of
22 way over other vehicles nor the ability to" discard
23 -- "disregard" -- sorry -- "normal traffic laws."

24 Q. Okay. The blue lights do not give
25 you the right of way over other vehicles; correct?

1 A. Correct.

2 Q. Nor the ability to discard (sic)
3 normal traffic laws?

4 A. Correct.

5 Q. On this particular day, November 7 of
6 '21, you did discard (sic) several traffic laws, did
7 you not?

8 A. Yeah, but I don't know if I agree
9 with the word several, but yes.

10 Q. Okay. Well, you passed over a double
11 yellow line; right?

12 A. Yeah.

13 Q. You exceeded the speed limit; right?

14 A. Okay.

15 Q. You used the blue light when you were
16 not responding to an emergency response?

17 A. Yeah.

18 Q. That violates a New Jersey statute;
19 right?

20 A. Correct.

21 Q. So that's at least three violations
22 of New Jersey Motor Vehicle laws; correct?

23 A. Okay.

24 Q. Am I correct?

25 A. I believe you are.

1 Q. The finding of the department was
2 that policies were not followed. Do you agree with
3 that?

4 A. Yes.

5 Q. And "as a general lack of sound
6 judgment being used." Do you agree with that, that
7 a general lack of sound judgment was used?

8 A. I do not agree with that.

9 Q. Why not?

10 A. Because I at the time thought I was
11 using sound judgment.

12 Q. Okay. Well, at the time I know you
13 may have thought you were using sound judgment, but
14 as we sit here today, do you still believe that you
15 were using sound judgment in your conduct?

16 A. I do.

17 Q. Okay. Even though you violated at
18 least three motor vehicle laws, you still believe
19 that your conduct that day included sound judgment?

20 A. Yes.

21 Q. Your blue light was taken away for at
22 least 30 days?

23 A. Correct.

24 Q. Did they give it back to you?

25 A. Well, they never physically took

1 possession of it. They just said don't use it.

2 Q. Well, it says here, "Blue light
3 permit needs to be surrendered."

4 Did you surrender the permit?

5 A. As -- no, I don't think they took
6 physical possession of it.

7 Q. Okay. It says on here you're
8 supposed to surrender the blue light permit to the
9 issuing department immediately. Did you do that?

10 A. No. As a -- no.

11 Q. This is Freda 4. Okay. Are you
12 familiar with what that is? Is that the --- is that
13 the policy of --

14 MR. ACKER: Did you say what it was?

15 Q. Yeah. Is that the pol -- it's marked
16 as the policy of the Princeton First Aid and Rescue
17 Squad.

18 A. Yes. This is the policy here.

19 Q. This is listed as Policy Number S3.3.

20 A. Yep.

21 Q. Okay. Subject line says: "Driving
22 and Use of Emergency Warning Devices." You see
23 that?

24 A. I see that.

25 Q. Okay. It discusses what's called an

1 Annual Refresher Training. "The Line Office will
2 conduct annual refresher training for all drivers of
3 the Squad."

4 Did you receive that annual refresher
5 training?

6 MR. COLUCCIO: I object to the form
7 of the question.

8 A. Yes. We have a requirement that
9 everyone takes -- yeah, there's a yearly course that
10 you have to take for driving.

11 Q. Okay. And when you take that yearly
12 course, there's some -- some kind of documentation
13 that you completed the course successfully?

14 A. Yes.

15 Q. That would be in your file?

16 MR. COLUCCIO: Object to the form of
17 the question.

18 Q. That should be in your file?

19 A. Should be.

20 Q. Okay. Did you take the annual
21 refresher course in 2021?

22 A. I would -- I believe so.

23 Q. Okay. Is that a video?

24 A. Yeah, I -- I believe it was a video
25 at that time.

1 Q. Okay. And how do you watch that? Is
2 it on a computer?

3 A. Yeah, on -- it'd be on the computer.
4 Sorry.

5 Q. Okay. And since you're still on the
6 -- on the first aid squad, how would we get access
7 to that refresher training video? Where would we
8 find it?

9 A. I guess the chief could provide that.

10 Q. Okay. What does that refresher
11 training on -- training video include?

12 A. Use of the vehicle.

13 Q. Use of the vehicle with the blue
14 lights?

15 A. Well -- no. It's geared towards
16 emergency vehicles, not towards a personal vehicle.

17 Q. Okay. Does it talk about use of blue
18 lights in private vehicles?

19 A. I don't believe so.

20 Q. Okay. There's a section called "Use
21 of Emergency Warning Devices." You're familiar with
22 that?

23 A. Yeah, generally.

24 Q. Okay. This -- you would consider
25 this to be a nonemergency situation, when you were

1 driving your car?

2 A. When I'm driving my personal vehicle?

3 Q. Yeah. On November 7th, was that an
4 emergency situation for you?

5 A. It was not an emergency situation --
6 I'm sorry.

7 MR. COLUCCIO: Objection to the form
8 of the question.

9 You can answer.

10 A. Okay. It was not an emergency
11 situation for the Princeton First Aid and Rescue
12 Squad.

13 Q. Did you consider it an emergency
14 response for any entity such as the municipality of
15 Princeton, the first aid or the fire department?

16 MR. ACKER: Objection to the form.

17 A. It was not an emergency response for
18 the Princeton Fire Department. I don't know if I'd
19 term it an emergency response or not for the
20 municipality in my role as mayor. Probably not, but
21 --

22 Q. What does it say as to traveling with
23 the flow of traffic for nonemergent responses?

24 A. "Nonemergent responses shall not
25 utilize emergency warning devices, therefore

1 apparatus shall drive with the flow of traffic."

2 Q. Okay. That would mean that the --
3 whoever's responding for the first aid and rescue
4 squad shall travel with the flow of traffic, right,
5 for nonemergency responses; right?

6 A. Well, yeah. Well, the specific
7 line's geared to when you're driving a squad
8 vehicle, but, yes.

9 Q. Okay. So when you're driving a squad
10 vehicle for nonemergency responses, you don't use
11 your blue lights; right?

12 MR. COLUCCIO: Objection to the form
13 of the question.

14 Q. Am I correct?

15 A. Sorry, but the emergent -- the squad
16 vehicles have a different lighting system than a
17 private vehicle.

18 Q. Okay.

19 A. I just --

20 Q. I understand.

21 For -- for nonemergency squad
22 response, regardless of the color of the lights, you
23 shall not use emergency warning devices; correct?

24 A. Correct.

25 Q. That includes any of the lights?

1 A. That's correct.

2 Q. Okay. And the driver shall travel
3 with the flow of traffic?

4 A. Correct.

5 Q. Okay. What is your understanding of
6 why that policy is in place for nonemergent
7 responses: No lights and travel with the flow of
8 traffic?

9 A. Well, there's no reason to try to
10 force your way through traffic or to move traffic
11 out of your way. If it's not emergent situation,
12 you just -- however long it takes you to get
13 wherever you're going is fine.

14 Q. Okay. Do you think that's also a
15 safety -- a safety policy?

16 A. Yes.

17 Q. Safety for yourself?

18 A. For yourself and others.

19 Q. And others on the roadway; correct?

20 A. Correct.

21 Q. Okay. What about in emergency
22 responses? What are the vehicles supposed to do or
23 not do related to emergency lights or sirens?

24 A. Well, you use lights and sirens in
25 order to announce, A, your presence and your

1 intention to request that other vehicles yield to
2 you so you can go around them.

3 Q. Any time?

4 A. When you have your lights and sirens
5 on?

6 Q. Well, when -- when is -- on an
7 emergency response, when are you allowed to use
8 lights and sirens?

9 A. During the entire response.

10 Q. Okay. It says up here for "Emergency
11 Response," just read that for me, if you can.
12 "Vehicles should not."

13 A. Oh. Yeah. Well, I'm sorry. How you
14 asked that question, in my mind being a member of an
15 emergency organization is different. I -- if you're
16 responding to an emergency call, you have your
17 lights and sirens on the entire time.

18 This specific policy for the squad,
19 this section of it, talks about once you have a
20 patient in your vehicle, in an ambulance, you then
21 determine whether that patient needs to be taken to
22 a hospital in an emergency mode or a nonemergency
23 mode.

24 Q. Okay. "Vehicles should not use
25 emergency lights or sirens unless they do so while

1 responding to a call."

2 You were not responding to a call;
3 correct?

4 A. That is still correct.

5 Q. "Or transporting a patient."

6 You were not transporting a patient;
7 correct?

8 A. That is correct.

9 Q. As it pertains to the right-of-way of
10 other vehicles, in blue, it says, "Emergency vehicle
11 drivers should be aware that the civilian vehicle
12 operators may not react in the manner in which is
13 expected or felt to be appropriate"; correct?

14 A. That's correct.

15 Q. What is your understanding of why
16 that policy is in place?

17 A. To protect yourself and the others.
18 And others.

19 Q. 'Cause civilian operators may not
20 respond the way you would expect them to respond;
21 right?

22 A. That is correct.

23 Q. There's a section on Page 7 of this
24 document that relates to "Response in private owned
25 vehicles." Now, this is only when you're responding

1 to an emergency call in your private vehicle; right?

2 A. Yes.

3 Q. Okay. What does it say? "When any
4 member."

5 A. "When any member responds to the
6 station or to the scene of an emergency in his or
7 her private vehicle, each member must strictly
8 adhere to all applicable motor vehicle laws."

9 Q. Okay. In this particular case, even
10 though you're not responding to a call, you did not
11 strictly adhere to the motor vehicle laws; right?

12 A. That is correct.

13 Q. There's at least three motor vehicle
14 statutes that we've already confirmed that you
15 violated that day; right?

16 A. It appears so.

17 Q. It says here on the bottom,
18 "Privately owned vehicles" -- or "Privately
19 owned" -- and I'll switch it.

20 A. Okay.

21 Q. -- "vehicles are not provided with
22 the same exemptions that are provided to emergency
23 vehicles"; correct?

24 A. That is correct.

25 Q. Okay. What does it say right below

1 that?

2 A. "No member of the organization will
3 be permitted to violate any motor vehicle laws,
4 including but not limited to speed limits, going
5 through traffic control devices, passing in an
6 unsafe manner."

7 Q. Okay. As we sit here today, are you
8 still of the opinion that passing traffic over a
9 double yellow line on Route 27 was safe?

10 A. The manner in which I passed those
11 vehicles I felt was safe.

12 Q. Under what statute do you find that
13 it is ever acceptable for a private vehicle to cross
14 over a double yellow line and pass traffic?

15 A. I'm not aware of one.

16 Q. Okay. Can you think of any time when
17 it is permissible for any driver to pass traffic on
18 Route 27 over a double yellow line?

19 MR. ACKER: Objection to form. Any
20 driver in what capacity?

21 Q. Any driver other than a police
22 officer.

23 Can you think of any time where it is
24 permissible under state law for a private driver to
25 pass over a double yellow line and pass stopped

1 traffic and still consider that to be consistent
2 with the -- with the law?

3 A. Off the top of my head, no.

4 Q. Okay. Can we agree that your passing
5 of vehicles over a double yellow line on Route 27
6 would not be considered passing in a safe manner?

7 A. I would not agree.

8 Q. Okay. What is it about that that you
9 considered to be passing in a safe manner?

10 A. In an unsafe manner would mean that
11 you were giving -- paying no attention to what's
12 going on around you, and that I was paying attention
13 to what was going on around me.

14 Q. Okay. What about that makes it okay
15 to pass over a double yellow line --

16 A. Well, I didn't say that made it --

17 Q. -- that made it safe?

18 A. That wasn't your question.

19 Q. Okay.

20 A. Your question had to deal with unsafe
21 manner.

22 Q. Okay. So you thought it was safe but
23 still in violation of the statute that you can't
24 pass double yellow lines; right?

25 A. I think that would probably be

1 accurate.

2 Q. Okay. What were you doing in the
3 area that day? What brought you to the area?

4 A. A phone call from a resident.

5 Q. Okay. Who called you?

6 A. I'm sorry?

7 Q. Who called you?

8 A. Dina Shaw.

9 Q. Who's Dina Shaw?

10 A. Dina Shaw is a woman who was at the
11 scene where one of the cars was attempted to be
12 stolen.

13 Q. Yeah, but who is Dina Shaw? As it
14 pertains to the municipality of Princeton, who is
15 Dina Shaw?

16 A. She's a resident.

17 Q. That's it? Is she a councilwoman?

18 A. No.

19 Q. Was she ever a councilwoman?

20 A. Not that I know of. No, I don't
21 think so.

22 Q. Was Dina Shaw ever a politician?

23 A. I don't --

24 Q. Part of the Democratic party in
25 Princeton?

1 A. She might be a member of the
2 Democratic party, but she was never an elected
3 official.

4 Q. How did Dina Shaw get your cell
5 number to call you?

6 A. I -- I'm not sure. I've known Dina
7 for a long time, so a lot of people have my cell
8 number. I mean, it's public. It's publicly
9 available, actually.

10 Q. Okay. Do you know Dina socially?

11 A. Have I seen her in social situations?
12 Yes.

13 Q. Have you ever seen her in political
14 settings?

15 A. Yes, I have.

16 Q. Has she ever been to fundraisers for
17 you?

18 A. I don't know. I -- I don't know. I
19 haven't had -- I don't -- I don't know.

20 Q. Okay. If I were to tell you Dina
21 Shaw was a councilwoman in the municipality of
22 Princeton, that doesn't ring a bell with you?

23 A. No. I -- I think that's incorrect.

24 Q. Okay. All right. I thought she was.

25 A. No. I think she ran for council at

1 one time.

2 Q. Okay.

3 A. But --

4 Q. All right. So Dina calls you and she
5 says what?

6 A. She says, "Someone tried to steal our
7 car, I called the police and the police aren't here
8 yet. Can you please come over?"

9 Q. Okay. Did she call you as just a
10 private concerned citizen, calling you as a
11 concerned citizen, or did she call you in your
12 capacity as the mayor?

13 MR. ACKER: Objection to form.

14 You can answer the question as to
15 Dina Shaw, but I can't instruct the witness not to
16 answer.

17 MR. BONTEMPO: You can answer if you
18 can.

19 A. Yeah. I -- I assume she called me
20 because I'm the mayor. She wouldn't have called me
21 otherwise.

22 Q. So Dina calls you and she says --
23 just one more time. What did she say?

24 A. Something along the lines of "someone
25 tried to steal our car. I've called the police and

1 the police aren't here yet."

2 Q. And she asked you to come over?

3 A. Correct.

4 Q. What did you tell her?

5 A. I said, "Okay. I'll be there in a
6 little bit."

7 Q. Okay. When you were going over to
8 Dina's house on Clover, what was your intention?
9 What were you looking to accomplish there?

10 A. Just go talk to her.

11 Q. Were you aware prior to her call that
12 there had been any stolen vehicles in Princeton?

13 A. Yeah, I believe others had been
14 stolen prior to that.

15 Q. Well -- bad question.

16 On that particular day, had you been
17 aware --

18 A. No.

19 Q. -- that there were any other vehicles
20 being stolen?

21 A. No.

22 Q. Do you have a scanner in your car?

23 A. No.

24 Q. No police scanner?

25 A. No.

1 Q. Are you able to any -- in any way
2 monitor --

3 A. No.

4 Q. -- dispatch or anything like that?

5 A. No.

6 Q. All right. You get to Dina's house,
7 and what happens?

8 A. Dina, her husband -- I forget. Her
9 -- some of her children or whatever. I forget
10 exactly who was there. Some number of people. And
11 she was upset saying the police haven't come here.

12 And I said, "I saw a couple police
13 cars on my way here and they're probably all in the
14 general area trying to find whatever vehicle that
15 you described to them."

16 Q. Okay. Were there any police officers
17 at Dina's?

18 A. Yeah, I mean, eventually. Yeah.

19 Q. How long after you got there did the
20 police arrive at Dina's house?

21 A. I -- I don't know. Not sure.

22 Q. You think you got there before or
23 after any of the officers to Dina's house?

24 A. I did not see a police officer at her
25 house when I arrived.

1 Q. When's the first time you remember
2 seeing any officer at Dina's house?

3 A. Shortly after I got there. I don't
4 remember exactly.

5 Q. Did you have any conversations with
6 the officer?

7 A. I would -- I'm sure I said hello, but
8 I would have thought he would have interacted with
9 Dina and her husband prior -- I don't know why he
10 would have talked to me. I don't -- you know, I --
11 hard to remember.

12 Q. Okay. What did Dina ask you to do,
13 if anything, in your capacity as the mayor related
14 to her car almost being stolen?

15 A. I think when I first --

16 THE WITNESS: I'm sorry.

17 MR. ACKER: Objection to form.

18 You can answer the question.

19 A. Okay. I'm sorry. Can we just --
20 tell me the question again?

21 Q. Sure. What did Dina, if anything,
22 ask you to do when you got to her house?

23 A. I don't know that she asked me
24 anything other than she, I think, expressed, hey,
25 I've called the police and they're not here, and

1 that's when I said to her, "They're in the area
2 looking for whatever you called about."

3 Q. Okay. Did -- did you believe the
4 police had things under control at that point in
5 time?

6 A. I don't know that I really thought
7 about that. I know that they were doing -- they
8 were looking -- they had responded to the call.

9 Q. Okay. How long were you at Dina's
10 house that day?

11 A. I -- I don't know. Maybe 10 minutes
12 or so. I don't know.

13 Q. Okay. Just take me through what's
14 going on while you're at Dina's.

15 A. For me, just some general standing
16 around while the police talked to Dina and her
17 husband, and I don't know who else was there.

18 Q. Okay. You know her husband as well,
19 do you not?

20 A. Yeah, somewhat.

21 Q. What's her husband's name?

22 A. I -- sorry you asked me that. I'm
23 not sure, to be honest.

24 Q. Did you have conversations with him
25 at the house?

1 A. It's possible.

2 Q. Did he make mention to you what if
3 any cars they were trying to steal from him?

4 A. Oh. Well, I think -- well, he -- he
5 or Dina pointed out, yeah, whatever vehicle they had
6 in the driveway.

7 Q. What was the car they had in the
8 driveway?

9 A. I don't know. Ferrari, Porsche,
10 something.

11 Q. Was there a red Ferrari in the
12 driveway?

13 A. Okay. That sounds right.

14 Q. And a Bentley? Do you remember the
15 Bentley SUV?

16 A. Could have been there. Don't know.

17 Q. Did Dina ask you to make any calls to
18 the police department to try to get the situation
19 taken care of?

20 A. I don't know. If she did, I again
21 would have told her the police are already in the
22 area, just --

23 Q. Okay. While you were at the house,
24 what if anything happens related to any of the
25 stolen vehicles?

1 A. Two vehicles show up right in front
2 of the house while we were standing there.

3 Q. Okay. What happens?

4 A. The -- I think it was one of her
5 children, maybe one of her sons, was across the
6 street and started yelling and pointing at the
7 vehicles to get the police officer's attention that
8 those were the two vehicles or -- anyway, go --
9 drawing attention to the vehicles. I don't know if
10 he was familiar with both or just one of them. And
11 then the police officer got in his vehicle, and I
12 guess at some point they saw the police officer and
13 then they left the scene.

14 Q. And that's it?

15 A. I'm sorry?

16 Q. That's it? Nothing else?

17 A. Well, that -- well, the police left
18 and I left.

19 Q. All right. The officer gets in his
20 vehicle; correct?

21 A. Correct.

22 Q. And what's he gonna do?

23 A. He appeared to go after the stolen
24 vehicles.

25 Q. And where do you go?

1 A. I went in the opposite direction.
2 Went to the end of Clover, made a left onto
3 Overbrook, sat at the intersection of Overbrook and
4 Snowden to see if any of the vehicles went by so I
5 could call 911 if they did. None did and I turned
6 onto Snowden to go home.

7 Q. To get to your house from Clover,
8 what -- well, let me ask you this: To get to Dina's
9 house from your house on Clover, what's the path of
10 travel you would -- you took?

11 A. First, my house is on Fisher.

12 Q. I'm sorry.

13 A. No, no. Good. I'm just, you know.

14 Q. So from Fisher Avenue to get to
15 Dina's house on Clover, what -- what roads did you
16 take?

17 A. I probably just went Fisher to
18 Leavitt, and then onto Franklin, and then a -- a
19 left onto Snowden.

20 Q. Okay. Let me see if I can track --
21 I'll track this with you.

22 All right. So Fisher's going to the
23 top, and a left on Leavitt; right?

24 A. Correct.

25 Q. And then you go to the end and make a

1 right on --

2 A. Franklin.

3 Q. Okay. And then Snow -- or Snowden
4 forks off; correct?

5 A. Correct. So I would have gone --

6 Q. You go to the left?

7 A. Correct.

8 Q. You travel that up to Clover?

9 A. Well, no. You have to go to -- that
10 first street up, I believe, is Abernathy.

11 Q. Okay.

12 A. 'Cause Clover is parallel to Snowden.
13 It doesn't intersect Snowden.

14 Q. Okay. All right. And then to get
15 back home from Dina's house, you would have took the
16 same path if nothing else had happened; right?

17 A. Well, I would have took the path that
18 I did take just because my vehicle was pointed
19 towards Overbrook and not to go back towards
20 Abernathy.

21 Q. Okay. To go back home, if nothing
22 had ever happened, what road would you have taken?

23 A. Again, based on where I was parked, I
24 would have went to Overbrook and come back to
25 Snowden and then repeated what I had done before.

1 Q. Okay. So you would have gone Snowden
2 straight back down, then a left on Leavitt and a
3 right on Fisher; right?

4 A. Yes.

5 Q. Okay. At no point in time if you had
6 gone straight home would you have had to take
7 Snowden in the direction of Route 27; correct?

8 A. I would not have had to.

9 Q. Right. Okay. So if you left Dina's
10 house and just decided to go straight home and not
11 look for any cars or look for, you know, any plates
12 to call 911, you would have went down Snowden to --
13 what's the next road?

14 A. Probably to Franklin.

15 Q. To Franklin, to Leavitt, back to
16 Fisher; correct?

17 A. Yeah, probably.

18 Q. Okay. And you would have never taken
19 Snowden all the way to 27, and you would have never
20 came across any of the stolen vehicles, correct, if
21 you just went home?

22 A. I would not have come across the
23 stolen vehicles if they had not pulled out in front
24 of me while I was on Snowden.

25 Q. Okay. All right. Where were you on

1 Snowden when they pulled out?

2 A. Somewhere between Overbrook and
3 Franklin. So there's two -- there's two --

4 Q. I'm going to ask you to just get up a
5 second 'cause I don't see Overbrook on here. Maybe
6 you could help me out here.

7 A. All right. One sec. I got to take
8 this off, 'cause it's taped -- taped.

9 Q. If you want to point it out for me, I
10 could try to help you out, but I -- I don't see it
11 on here. Where is Overlook -- Overbrook?

12 MR. GELBER: Is this marked as an
13 exhibit?

14 MR. LEONARDIS: It's a --

15 MR. GELBER: I mean, is this going to
16 show on the record?

17 MR. LEONARDIS: No. It's a Google
18 map.

19 A. Can -- can you --

20 MR. LEONARDIS: It'll show up on the
21 video.

22 A. -- come this way? I'm sorry. Can --
23 can you come further down?

24 Q. You tell me. Which way you want me
25 to go?

1 A. I think this is probably Aber -- this
2 is probably Abernathy, and this should be Overbrook.

3 Q. Okay. All right. So just point out
4 for me, if you can, if you went straight home from
5 Dina's house, just with your hand, just draw which
6 way you would have went.

7 A. Okay. I was in front of her house
8 pointed this way, so I would have just come here
9 again to Overbrook and then come down Snowden.

10 Q. Just -- just point it out with your
11 finger, 'cause Snowden forks off.

12 A. Okay. Yeah. Oh. Yeah, Snowden, and
13 then most likely I would have turned here, onto
14 Snowden.

15 Q. You would have went straight --
16 straight down Snowden; right?

17 A. Snowden to Franklin.

18 Q. Left on Leavitt; right?

19 A. Right onto Snowden, left onto
20 Leavitt, right onto Fisher.

21 Q. Okay. And where are you on Snowden
22 when you first see any of the stolen vehicles?

23 A. Somewhere up here. They probably
24 came off either Leabrook or Braeburn. Leabrook
25 possibly. I wasn't sure which side street they came

1 off of.

2 Q. Okay. Now, at that point in time,
3 when you saw the stolen vehicles, you didn't call
4 911; right?

5 A. Not initially, no.

6 Q. Okay. So you traveled all the way on
7 Snowden until it then forks off to another part of
8 Snowden; correct?

9 A. Well -- yeah. I traveled whatever
10 distance where -- from when I first saw it.

11 Q. So take me through your path of
12 travel. You see the stolen vehicle and you start
13 following it. Take us through the path.

14 A. I see the two vehicles. The two
15 vehicles came out of a side street, went through the
16 stop sign, came onto Snowden, passed the cars on
17 Snowden and then kept going somewhere. So I then
18 passed the vehicles on Snowden to see what direction
19 they went in.

20 Q. At that point, you were aware that
21 there were two stolen vehicles?

22 A. I was aware that there were two
23 vehicles that had pulled up in front of Dina's house
24 on Clover, and it appeared that both vehicles were
25 involved in whatever was going on because the

1 occupants of the vehicles were wearing some sort of
2 mask.

3 Q. All right. So take me through with
4 -- with your finger, just point it out for us. You
5 -- you -- you follow the vehicles which way, or at
6 least one of them. Take us to what you're doing.

7 A. Okay. So the vehicles pull out
8 somewhere, fast cars, and disappear from sight. So
9 I passed vehicles somewhere on Snowden. And as I'm
10 coming down Snowden I don't -- I don't see any of
11 the vehicles. And probably when I was somewhere in
12 the area of Rollingmead I could see the one vehicle
13 start to pass vehicles up here in the intersection.

14 Q. Okay. So, once again, I'm just
15 trying to follow with you. As you leave Dina's --
16 see where it says Princeton Music Lessons on the --
17 on the screen?

18 A. Yeah.

19 Q. Is it in that vicinity or somewhere
20 -- somewhere different?

21 A. No, no. No. Dina's house is --

22 Q. Okay.

23 A. -- pretty sure in this block.

24 Q. All right. So with your finger,
25 you're on Snowden. You're following one or both of

1 the cars; right?

2 A. Okay.

3 Q. Am I correct? Just show us where you
4 are as you're following them.

5 A. Well, it -- okay. Again, they pulled
6 out. They passed vehicles, so I lost sight of them.
7 I went around some vehicles. And then at some
8 point, probably in this area, I again saw this one
9 vehicle, which you've described as the black Jeep,
10 go around vehicles at this intersection.

11 Q. Right. Now, that's not your normal
12 path home; right?

13 A. Well --

14 Q. It's not -- it's certainly not the
15 direction of travel that you took to get to Dina's?

16 A. Well, it's different than the way I
17 took there, but depending what mood I'm in, I could
18 have taken Franklin or I could have came down here
19 to Hamilton and then came in this way.

20 Q. If -- if you hadn't seen any of the
21 stolen vehicles, you would have taken Franklin back
22 home to Leavitt and then Fisher; right?

23 A. Yeah.

24 Q. Okay.

25 A. Yeah, 50/50 chance I would have.

1 Q. All right. So the only reason you
2 were on Snowden approaching 27 is because you came
3 across one of the other cars; right?

4 A. Yeah, probably.

5 Q. Okay. All right. So on Snowden,
6 just point out for me where you think is the first
7 time you saw the black Jeep.

8 A. Well, somewhere in this area.

9 Q. Okay. And --

10 A. I think they came out of this side
11 street here.

12 Q. Do you ever lose sight of the black
13 Jeep?

14 A. Yeah. I lost sight of them.

15 Q. Both of them.

16 Okay. Now, do you call 911 at that
17 point in time to say, hey, I just saw both of the
18 vehicles on Snowden?

19 A. No, I did not. I figured I'd call
20 them when I got over here, but then over here I
21 didn't see either one of them.

22 Q. Okay. And then now if you point out
23 on Route 27, as you make that turn onto 27, about
24 where do you think you are when you call 911?

25 A. It was pretty quick. So, I mean, I

1 came around here. I don't know. In this general
2 area.

3 Q. Okay. I'm going to just come in a
4 little tighter. Can you point out for me
5 approximately where you were when you passed the
6 first line of traffic on 27?

7 A. Oh. Right here. I mean, like as
8 soon as I came around the -- as soon as I came onto
9 27.

10 Q. Okay. Thank you.

11 So there's a -- there was a body cam
12 from Officer Martinez. Does that name ring a bell
13 with you, Officer Martinez of Princeton?

14 A. That might have been the officer at
15 Dina's house.

16 Q. Yeah. I'll represent to you that --
17 that's -- we'll show it to you, but that's pretty
18 much who it is.

19 So I'm going to go through. This is
20 like a 20-minute video. I just want to kind of
21 speed it up just a touch so we don't go through the
22 whole thing.

23 When -- when you were at Dina's, at
24 that point in time.

25 A. Okay.

1 Q. Were you aware there was any cars
2 actually stolen?

3 A. No.

4 (Video playing.)

5 Q. Okay. So let's -- we'll just go
6 through this. I'm going to play it and stop it a
7 few times, but we'll just play it for a little bit.

8 A. Okay.

9 MR. MOORE: Can we mark the timestamp
10 where you're at in the video?

11 MR. LEONARDIS: Yes. Chad, if you --

12 MR. MOORE: The timestamp.

13 MR. LEONARDIS: If you look on the
14 top right.

15 MR. MOORE: Yeah.

16 MR. LEONARDIS: There's a timestamp
17 12:52:14 is where I'm starting it.

18 MR. MOORE: Right.

19 MR. LEONARDIS: But this will
20 continue to run on our video with the timestamp.

21 MR. MOORE: All right.

22 MR. LEONARDIS: Okay.

23 BY MR. LEONARDIS:

24 Q. Now, off behind the bushes there,
25 you'll see a red vehicle. That's yours; right?

1 A. I believe it is.

2 Q. Okay. So, now, as we're looking at
3 this, does this refresh your memory a little bit
4 that you actually arrived at the scene before the
5 officer got there?

6 A. I believe I did.

7 Q. So that's Dina?

8 A. Yeah. She's the person with the
9 dogs?

10 Q. The woman in the -- the woman in the
11 video by the dogs is Dina?

12 A. I believe so.

13 Q. The gentleman with his face blurred
14 is her husband?

15 A. I -- yeah, I think so. Makes sense.
16 Yeah.

17 Q. Now, the gentleman that's walking
18 behind the bushes that's going to be coming into
19 sight with the Boston College or University
20 sweatshirt is you; right?

21 A. Yes.

22 Q. I don't know why we're getting
23 choppy, but --

24 And what are -- do you recall what
25 you were talking to Dina about over here at this

1 point?

2 A. I think she was telling me she was
3 unhappy with the police, it took too long to get
4 there, that sort of thing.

5 MR. LEONARDIS: Is there a reason
6 we're so choppy, on the video?

7 (Discussion held off the stenographic
8 record.)

9 MR. ACKER: Can we go off the record?
10 Is that all right? I got to go use the bath --
11 restroom.

12 MR. LEONARDIS: Yeah. That's fine.
13 Take -- take one minute.

14 (Brief recess.)

15 VIDEOGRAPHER: The time is 12:16 p.m.
16 Counselors, you may proceed.

17 CONTINUED EXAMINATION BY MR. LEONARDIS:

18 Q. All right. Mr. Freda, we'll run
19 through -- this is the video. We'll going to just
20 stick with this for now, at Dina's house. So I
21 paused it just for one second. It's 12:53:49.
22 That's you with the hoodie and Dina; correct?

23 A. Correct.

24 Q. Okay. The two cars that are out --
25 there's three cars, but the two cars, the red

1 Ferrari and that champagne colored Bentley, were
2 those the two cars that she told you were trying to
3 be stolen?

4 A. I believe so, yeah. I remember the
5 red one specifically. I'm not sure if she said they
6 were trying to take the Bentley or not.

7 Q. Okay. And do you recall what if
8 anything the two of you are talking about here?

9 A. Again, I think she had thought the
10 police response was slow, and I had told her the
11 police were -- had been around the -- the area. I
12 noticed them as I drove over. And then I imagine
13 she was telling me what she had saw or what her --
14 whoever in her family had saw whatever they had
15 seen.

16 Q. Okay. This is Dina's husband right
17 here with the white shirt?

18 A. Yeah. Yes.

19 Q. Now, do you remember having any
20 conversations with the police as you're here?

21 A. Not that I recall.

22 Q. Are you able to hear the
23 conversations that are taking place between the
24 officer and Dina's husband since you were all
25 outside?

1 A. I'm sure we've overheard part of it.
2 It depends how close they were.

3 Q. So they go up right around to the
4 front of the door and they start -- he starts asking
5 them a little bit about what happened.

6 Are you able to hear all these
7 conversations?

8 A. I -- I don't remember, to be honest.

9 Q. Are -- are you trying to listen in
10 with the son or the -- the two as to what's --

11 A. I might have still been talking to
12 Dina. I'm not sure.

13 Q. Okay. A conversation takes place
14 between the officer and Dina's husband related to
15 police pursuit and chasing of the vehicles, and I'm
16 going to play it for you.

17 A. Okay.

18 Q. I want you to ask -- I wanted to ask
19 you if you heard this conversation.

20 MR. LEONARDIS: Now, just -- Chad,
21 just for record, it's blurry because that's the
22 police blurring out the video. So I can't give you
23 a timestamp, but they blur it out, I guess, for
24 people's safety.

25 BY MR. LEONARDIS:

1 Q. Were you able to hear that, that
2 there was a vehicle --

3 A. No.

4 Q. -- on Snowden 70 to 80 miles an hour?

5 A. No.

6 Q. Now, he asked the officer whether a
7 million-dollar-car falls under the guidelines that
8 would allow the police to pursue the vehicle. The
9 officer responds "it does not." Would you agree or
10 disagree with that?

11 MR. ACKER: Objection to form.

12 MR. BONTEMPO: Same objection.

13 You can answer it, if you can.

14 A. I would assume whatever the officer
15 told him was correct.

16 Q. Okay. Are you aware of any
17 guidelines that allows an officer or anyone to
18 pursue or follow a stolen vehicle to protect a
19 million dollars' worth of cars?

20 A. I -- no, I would not.

21 Q. Okay. I'm going to play this back
22 just a touch and let it run through.

23 (Video playing.)

24 (Video stops.)

25 Now, as he walks away from the

1 officer, he walks over to Dina which is exactly
2 where you are.

3 A. Okay.

4 Q. And he says to Dina, "They're chasing
5 the car now."

6 You were aware at that point in time
7 that the officers had located at least one of the
8 vehicles that was traveling at a high rate of speed;
9 right?

10 A. Could be. I don't remember that.

11 Q. Okay. And you heard what the officer
12 said about the AG guidelines and not chasing
13 vehicles that are traveling at excessive rates of
14 speed because of concern for the safety of others in
15 the roadway.

16 A. Correct.

17 Q. You heard that; right?

18 A. I just heard that now.

19 Q. Do you agree with that statement?

20 A. Sure.

21 Q. Okay. At the time that you were
22 following the stolen black Jeep on Route 27, that
23 vehicle was traveling at an excessive rate of speed,
24 was it not?

25 A. He was.

1 Q. And you would estimate the speed of
2 the black Jeep you were following on Route 27 at
3 between 75 and 80 miles an hour; right?

4 A. I think I said 60 to 70 earlier to
5 the question, but --

6 Q. Okay. In one of your statements to
7 the police, did you bring that speed up to at least
8 75?

9 A. Could be.

10 Q. Okay. Now, you would consider 75 to
11 be an excessive rate of speed?

12 A. I would.

13 Q. Would you consider 75 to be of such a
14 rate of speed that the Attorney General guidelines
15 would not allow any type of pursuit of that vehicle
16 for safety of the concern of others on the roadway?

17 A. Could be.

18 Q. Okay. Why did you continue to follow
19 the car on Route 27 and pass traffic, understanding
20 that it was traveling at an excessive rate of speed?

21 A. Okay. So let's just be clear. I
22 pulled onto Route 27. The car was not in my vision
23 when I pulled onto 27. I got past the cars that
24 were right there as I came onto 27 and pulled right
25 into the proper lane of traffic. So your -- your

1 question seems to misstate what I did.

2 Q. Understanding that there was a stolen
3 vehicle involved that was traveling on Route 27 at
4 an excessive rate of speed, and understanding what
5 the Attorney General guidelines are for the police
6 to do a pursuit.

7 A. Okay.

8 Q. As a private citizen, why would you
9 pass traffic with your blue lights on and continue
10 to follow that stolen vehicle who's traveling at an
11 excessive rate of speed, understanding that the
12 Attorney General guidelines already consider that to
13 be unsafe?

14 A. Right. So when -- as I said --

15 MR. BONTEMPO: Objection to the form
16 of the question.

17 THE WITNESS: I'm sorry. Go ahead.

18 MR. ACKER: Join.

19 MR. BONTEMPO: You can answer if you
20 can.

21 A. When I pulled onto 27, 'cause I did
22 not have sight of him, of that vehicle -- excuse
23 me -- until I got onto 27, so I did not know what
24 rate of speed they were going on 27 until I got onto
25 27, and as I said before, I pulled into the proper

1 lane of traffic and there was vehicles between me
2 and that vehicle, so I was -- whatever they were
3 doing at that point in time I was then aware of. I
4 wasn't aware of when I pulled onto 27 whether they
5 were doing five miles an hour or a hundred miles an
6 hour.

7 Q. You saw the black Jeep driving at an
8 excessive rate of speed on Snowden; correct?

9 A. I saw the black Jeep and this other
10 vehicle at a high rate of -- what I estimated to be
11 a high rate of speed on Snowden after they came onto
12 Snowden from whatever the side street was, and then
13 they disappeared from view.

14 Q. Understanding that you saw both of
15 those vehicles traveling on Snowden at an excessive
16 rate of speed.

17 A. Okay.

18 Q. And understanding that the Attorney
19 General guidelines don't even allow police officers
20 to pursue in that situation over the concerns of
21 safety of others, why did you continue to follow
22 that -- that black Jeep?

23 MR. BONTEMPO: Same objection to form
24 of the question.

25 You can answer.

1 MR. ACKER: Join.

2 A. All right. So -- I'm sorry. So when
3 one of the attorneys says that, am I supposed to
4 still answer, or should I just not answer?

5 MR. BONTEMPO: If you just wait for
6 us to put our objection on the record and then we'll
7 instruct you whether to answer or not, but you can
8 answer that question if you can.

9 A. Okay. I'm sorry. Every time I -- I
10 get distracted.

11 Q. So they're going to say objection.
12 They're preserving a record, but once they say
13 objection, unless they say don't answer, you answer.

14 A. Okay. I'm sorry. Could you just --

15 Q. Understanding that you observed the
16 stolen black Jeep and a -- and the gray Range Rover
17 traveling at an excessive rate of speed on Snowden,
18 which is a residential road, it's 25 miles an hour;
19 right?

20 A. I believe so.

21 Q. Okay. Understanding that, and
22 understanding that the Attorney General guidelines
23 don't even allow a police officer to continue
24 pursuit in that situation, why would you as a
25 private citizen continue to follow them given those

1 excessive speeds?

2 A. Okay. I don't believe the word
3 continue is used properly there, 'cause I really
4 didn't start to follow them till after I passed
5 those cars.

6 Q. Then why would you follow them?
7 Forget the word continue. Why would you follow them
8 given those sets of facts?

9 A. Simply to -- again, as I said, my
10 whole intent was to call 911 and say where these
11 vehicles were going.

12 Q. Okay. Understanding that the
13 Attorney General guidelines don't even allow a
14 police officer to pursue in that situation where
15 stolen vehicles are traveling at excessive rates of
16 speed that create undue risk of harm to others, why
17 would you as a private citizen activate your blue
18 lights and follow that vehicle on Snowden?

19 A. Okay. My thought process as you
20 asked that question is you're making an assumption
21 as if you were a police officer in pursuit at that
22 time and that you know specifically, factually, a
23 hundred percent that a police officer would not have
24 actually started to follow them at that point in
25 time. I don't agree with that premise.

1 Q. Okay. Do you believe that the police
2 should have continued to follow these stolen
3 vehicles at excessive speeds on Route 27?

4 MR. ACKER: Objection to form.

5 MR. BONTEMPO: Same objection.

6 You can answer.

7 A. There was no police on Route 27.

8 Q. Do you know whether there were police
9 on Snowden?

10 A. Not that I saw.

11 Q. Okay. Do you believe given the set
12 of facts that you know as to the speed of the other
13 vehicles, do you believe that the police would have
14 followed the Attorney General guidelines by
15 continuing pursuit on Snowden at excessive speeds?

16 A. I don't know what they would have
17 done.

18 Q. Okay.

19 (Video playing.)

20 Now, as her husband walks over to
21 Dina, which is right where you are, what's the
22 conversation going on?

23 A. I -- I can't honestly tell you that.
24 I can't remember that.

25 Q. Okay. Now, you're actually at the

1 house when the black Jeep shows up; right?

2 A. When two vehicles show up.

3 Q. Two vehicles show up.

4 That's the -- so that's the Range
5 Rover and that's the black Jeep that just walked --
6 went by; right?

7 A. Yes.

8 Q. Now, where do you go -- as the
9 officer is running towards his car --

10 A. Correct.

11 Q. -- where do you go?

12 A. I think I walked to my car.

13 Q. To do what?

14 A. As I said before -- well, at some
15 point I got in my car, and then I went down Clover
16 to Overbrook.

17 Q. Well, but the two stolen vehicles are
18 driving past the house simultaneous with the officer
19 running to his car; right?

20 A. Yeah.

21 Q. And simultaneous with the officer
22 running to his car, you immediately go to your
23 vehicle to get in your car?

24 A. I don't know if I went immediately,
25 but, yeah, at some point.

1 (Video stopped.)

2 Q. Okay. I took a still frame from the
3 video, and this is at 13:05:42. You see the officer
4 has his little clipboard in his hand?

5 A. Yeah, I do.

6 Q. Okay. This is you over here walking
7 from where you were on the driveway out toward the
8 grass to get to your car; right?

9 A. Could be.

10 Q. That's as you're leaving. I'll play
11 the video again, but I took it as a still frame.

12 A. Okay.

13 Q. So as the officer's running to his
14 car, you're already stepping off the driveway onto
15 the grass to get to your vehicle at 13:05:52; right?
16 That's 1:05.

17 A. Okay.

18 Q. Am I correct?

19 A. It appears that way.

20 Q. Okay. And what's your intention at
21 this point? Where are you going understanding that
22 the officer is now going to chase these vehicles?

23 A. As I stated before, my intent was to
24 drive to the intersection of Overbrook and Snowden
25 and sit there.

1 Q. Well, the officer had already seen
2 the vehicles.

3 A. Correct.

4 Q. The officer was going to take care of
5 it as a law enforcement officer of Princeton. Why
6 don't you just let the cops do their job?

7 A. I did let them do their job.

8 Q. But why did you look to assist them?

9 MR. BONTEMPO: Objection to the form
10 of the question.

11 You can answer.

12 Q. What made you think you needed to
13 assist the police by getting in your vehicle and
14 also looking for the cars?

15 A. I don't know that I'd say I was also
16 looking for the cars. I'd say my thought process
17 was there's two vehicles. There's one police car.
18 They could go in any number of directions. If I go
19 sit at that intersection and see one of the vehicles
20 go by without a police car behind it, I can call 911
21 and say one of the vehicles is headed in such and
22 such a direction.

23 Q. Right.

24 A. That was my exact thought process.

25 Q. But why didn't you just let the

1 police do their job without intervening?

2 A. I did not intervene. I didn't -- I
3 let the police do their job. I did not interfere
4 with the police in any way.

5 Q. Why -- then why get involved? Why
6 not let the police do their job as skilled and
7 trained professionals and not get involved in the
8 following of other stolen vehicles?

9 A. I had no intent to follow anybody at
10 that point in time.

11 Q. At some point you did though; right?

12 A. At some point when the two vehicles
13 pulled out directly in front of me, yes.

14 Q. As you're approaching your vehicle,
15 your intent at that point in time is to look out for
16 one or more of those two stolen vehicles; right?

17 A. That is correct.

18 Q. Your intent is not to get in your car
19 and say the police got this, I'm going to go home?
20 That was not your intent at that point?

21 A. That is correct.

22 Q. Your intent was to continue with your
23 involvement since Dina called you there as the mayor
24 and continue doing whatever you felt you could do to
25 keep involved in the situation; fair to say?

1 A. I'd say that's correct.

2 MR. BONTEMPO: Same objection as to
3 form.

4 Q. Fair to say?

5 THE WITNESS: Sorry. I'll slow down.

6 Q. Is that fair to say?

7 A. I think so.

8 Q. Okay. If you chose to stay with Dina
9 and her husband and let the police do what they do,
10 you would not have been involved in any way with
11 following or ever seeing any of these stolen
12 vehicles again; correct?

13 A. That's probably likely.

14 Q. Okay.

15 (Video playing.)

16 All right. This is where we left off
17 a second ago.

18 Now, you already took off in your car
19 going where?

20 A. Could be.

21 (Video paused.)

22 Q. Okay. And you're going -- you're
23 going which way?

24 A. The opposite direction of the -- that
25 the police car went.

1 Q. How do you know which way the
2 officer's going? He's still in the driveway.

3 A. Well, I would imagine that he would
4 pursue the two vehicles.

5 (Video playing.)

6 (Video paused.)

7 Q. Now, the only question I have at this
8 point is you were aware of a black Jeep that was
9 stolen; correct? That's what -- did you have
10 knowledge at that point that there was a black Jeep
11 that was stolen or no?

12 A. No.

13 Q. Okay. How did you know that these --
14 these vehicles were both stolen vehicles and not
15 just the black Jeep?

16 A. I don't know at that point that I
17 knew one or either or both were stolen.

18 Q. Right. The only thing you knew was
19 what Dina told you, was that a black Jeep had come
20 up to the house and tried to steal their cars;
21 right?

22 A. Okay.

23 Q. That was the only knowledge you had
24 was a black Jeep; right?

25 A. Okay.

1 Q. Even the police didn't know at that
2 point that a gray Range Rover had even been stolen;
3 right?

4 A. Could be. I don't know.

5 Q. Okay. So understanding that to your
6 knowledge at that point in time there's just one
7 vehicle that's stolen, a black Jeep, how do you know
8 that you're chasing two vehicles?

9 A. How do I know the police are chasing
10 two vehicles?

11 Q. How do you know that you're looking
12 out for two vehicles?

13 A. 'Cause two vehicles paused or stopped
14 in front of the house and the occupants of both
15 vehicles both had a mask on.

16 Q. Okay. You were able to see that from
17 where you were?

18 A. That's correct.

19 Q. Okay. What were the occupants
20 wearing in both of those vehicles?

21 A. Mask. Black mask. Appear to be
22 black mask with some sort of white markings maybe.

23 (Video playing.)

24 Q. Okay. Have you ever seen this video?

25 A. No.

1 Q. I'll represent this is Officer
2 Martinez. This is Officer Martinez.

3 A. Okay.

4 (Video paused.)

5 Q. Okay. Now, you -- you can hear in
6 the video the officer is with his dispatcher giving
7 him step-by-steps of where he's going, what roads
8 he's turning on, and whether or not the other
9 vehicle is complying with -- with stopping; right?

10 A. Yes.

11 Q. Okay. Is that consistent with your
12 understanding of the police policy?

13 A. I -- I don't know enough detail of
14 the police policy.

15 Q. But he's -- he's in constant contact
16 with ditch patch (phonetic) -- dispatch telling him
17 what he should or should not be doing; right?

18 A. I -- I don't know what -- I don't --
19 yeah, I don't know that.

20 (Video playing.)

21 (Video paused.)

22 Q. So now the officer is now on Snowden.
23 That's actually the road that you're on when you see
24 the black Jeep; right?

25 A. I have no idea where this officer is

1 right now compared to where I am.

2 Q. Okay. So the officer just said he's
3 on Snowden, but Snowden happens to be the same road
4 you are on when you see the black Jeep; right?

5 A. Yes.

6 Q. Right?

7 A. But I don't think this is
8 simultaneous.

9 Q. Okay.

10 (Video playing.)

11 (Video paused.)

12 Okay. You could hear at this point
13 in time the dispatcher tells the officer -- or the
14 officer tells the dispatch the other vehicle's on
15 Snowden are going 80 miles an hour. You heard that?

16 A. I -- but I'm having a hard time
17 hearing it. Sorry. My hearing aid just makes it
18 tough to hear.

19 Q. I'll represent to you the officer
20 just said that the other vehicle was going 80 miles
21 an hour on Snowden.

22 A. Okay.

23 Q. The dispatcher said, "Cut it off."

24 A. Okay.

25 Q. Okay. At any point in time while

1 you're traveling on Snowden and you saw the black
2 Jeep, did it also reach speeds of about 80?

3 A. I have no idea.

4 (Nest video playing.)

5 Q. Okay. This is a Nest video from one
6 of the homes. I think it was 159 Snowden Lane.

7 A. Okay.

8 Q. There's no timestamp on it, but if
9 you watch here, you'll see a vehicle pass by from
10 right to left.

11 A. Okay. Right to left. Okay.

12 Q. You see how slow that vehicle's
13 going; right?

14 A. Okay.

15 Q. And then you'll see another vehicle
16 pass another vehicle. That's the black Jeep, is it
17 not?

18 A. I think so.

19 Q. Okay. Let's just bring it back a
20 second.

21 Okay. As we slow it down a little
22 bit, you'll see a black Jeep is passing improperly
23 on the other lane --

24 A. Okay.

25 Q. -- a car. You see that?

1 A. Okay. I see that.

2 Q. Okay. Within about let's just say
3 five seconds.

4 A. Okay.

5 Q. Tell me what car is passing by.
6 Who's this?

7 A. That appears to be me.

8 Q. Okay. So the black Jeep on Snowden
9 passes illegally -- let me go back a little bit --
10 another vehicle right there.

11 A. Okay.

12 Q. One, two, three, four, five, six,
13 about six-ish seconds later you come flying by;
14 right?

15 A. I come driving by.

16 MR. BONTEMPO: Object to form.

17 Q. You -- you come by; correct?

18 MR. LEONARDIS: I'll rephrase it.

19 Q. About six seconds later you -- we can
20 see your red Jeep coming right after the black --
21 your red Expedition coming back after the black
22 Jeep; correct?

23 MR. GELBER: Object to form.

24 MR. LEONARDIS: Object to form what?

25 MR. GELBER: Because there's no

1 testimony that this time sequence -- you're counting
2 seconds off a video, and you don't know if this
3 video -- there's no foundation --

4 MR. LEONARDIS: Okay.

5 MR. GELBER: -- that this video
6 records time accurately, and you're using pejorative
7 terms like "flying by" and --

8 MR. LEONARDIS: I rephrased it. I
9 rephrased that.

10 BY MR. LEONARDIS:

11 Q. All right. So at any point in time
12 on Snowden, do you see the black Jeep in the
13 vicinity of this house?

14 A. No, I don't believe I did.

15 Q. Okay. And can you estimate your
16 speed for us as you're going by this house?

17 A. I cannot.

18 Q. Okay. Is it your representation as
19 we sit here today that as your car drives by Snowden
20 past this camera, you did not know the black Jeep
21 was a few seconds ahead of you?

22 A. Right. Yeah. If you want to bring
23 the map up again, I can maybe better explain that.

24 Q. Okay. This is a clip right after
25 that, and everybody has the full video, but this is

1 the same camera, and the -- the gray Jeep can be
2 seen with Officer Martinez in pursuit. You see
3 that?

4 A. Oh, that's behind me?

5 Q. That's -- that's probably about
6 30 seconds after you.

7 A. Okay.

8 Q. Okay. Now, understanding that you
9 had already passed the camera with the black Jeep
10 with Officer Martinez then coming with the gray
11 Range Rover.

12 A. Okay.

13 Q. Describe for me where on Snowden you
14 were when you saw the gray Range Rover.

15 A. The only time I saw the Range Rover
16 was when they pulled in front of me. They passed
17 vehicles and I didn't see that vehicle again until
18 at the scene of the accident.

19 Q. Okay. How would you describe Snowden
20 as a road? Is it flat? Is it -- in this area where
21 the house is, flat, straight?

22 (Video stopped.)

23 A. Well, you're just -- this is probably
24 just past the bend in the road, I would think, a
25 little further down from the bend. So the road

1 starts -- you start to go down a hill as you keep
2 going to the left.

3 (Video playing.)

4 Q. In this section of the video here --
5 if we just stop it a second. Okay. We stop it
6 right there. Had any part of your car ever left the
7 lane of travel you were traveling in to cross over
8 the double yellow line?

9 A. I don't -- I don't -- I don't know.
10 I mean, I appear to be in the right lane, but I
11 can't say for sure.

12 Q. Okay. When you decided to pass
13 traffic on Snowden, was that closer to 27?

14 A. I did pass the traffic -- well, yes,
15 I'm -- if I understand the question correctly.

16 Q. On Snowden, when you passed those two
17 or so cars, is that closer to Route 27?

18 A. Yeah, I passed the cars at the -- at
19 the -- at the intersection.

20 Q. At the intersection? At the light?

21 A. Yeah.

22 (Video stopped.)

23 Q. Okay.

24 Okay. You had given a statement to
25 the prosecutor's office, did you not? You were

1 asked to come into the station and provide a
2 statement?

3 A. That's correct.

4 Q. Okay. The statement that you
5 provided to them at that point in time, is there
6 anything about that statement that you found was
7 inaccurate?

8 A. In looking at the written statement
9 afterwards, yeah. There appeared to be a line in
10 one of the paragraphs that said I had activated the
11 blue light and the car sped away, and it should
12 have -- that terminology should have been reversed.

13 Q. On your written statement?

14 A. I believe so.

15 Q. Okay. What about in the recorded
16 statement, the video that -- recording that you gave
17 to the prosecutor's office?

18 A. Oh. I'm sorry. Ask me again what
19 you're asking me.

20 Q. Sure. At some point in time, were
21 you asked to come down to the police station and
22 give a statement to the detectives?

23 A. Correct.

24 Q. Okay. And was there any portion of
25 that video-recorded statement that you felt was

1 inaccurate statements to the police?

2 A. Yeah. That's why we made an amended
3 statement later, later on.

4 Q. And how was it that you came to say
5 to yourself, hey, some of what I may have said to
6 the police may have been less than accurate?

7 A. Because I was confused when the
8 police were talking to me. I just felt that I had
9 to think about it more and then.

10 Q. The police had asked you at the
11 station whether or not you had or had not activated
12 your blue lights, and I believe you said to them
13 that you didn't activate the lights until after the
14 crash had occurred and you had arrived at the scene;
15 right?

16 A. That could be.

17 Q. Okay. That would not be accurate?

18 A. Correct.

19 Q. Okay. This supplemental statement
20 that you had provided we marked as Freda 5 you gave
21 on November 21 of -- 23 of '21; correct?

22 A. Yes.

23 Q. Okay. And that was to what? Clarify
24 certain things?

25 A. That's correct.

1 Q. Okay. And who prepared this
2 statement for you, if anybody?

3 A. I worked with one of my attorneys on
4 that.

5 Q. Okay. Is there anything about this
6 written supplemental statement that you feel was
7 inaccurate?

8 A. At the end of the second paragraph, I
9 think the way that's worded is misleading.

10 Q. Okay. This particular supplemental
11 statement was prepared by you with the assistance of
12 counsel; right?

13 A. Yep.

14 Q. I would imagine --

15 A. That's my recollection.

16 Q. I would imagine you reviewed it in
17 detail before signing it?

18 A. I would hope I had.

19 Q. Okay. And on the bottom you actually
20 went so far as to certify that the foregoing
21 statements are true; correct?

22 A. Correct.

23 Q. Okay. Understanding that you read
24 the statement, that you certified that the foregoing
25 statements are true, how is it that there are

1 inconsistencies?

2 A. People make honest mistakes.

3 Q. Okay. Just read the second paragraph
4 to us -- for us, if you can.

5 A. "I was on my way home on Snowden Lane
6 when the two vehicles that had shortly before fled
7 from Clover Lane sped onto Snowden Lane from a side
8 street. Both vehicles rapidly entered Snowden Lane
9 and traveled south. I decided to try to get close
10 enough to see where they were headed so I could call
11 911 and provide operator with the direction of
12 travel. At some point on Snowden Lane I activated
13 the blue light on my windshield. The two cars sped
14 away."

15 Q. Okay. And is some part of that
16 inaccurate?

17 A. Well, I think it reads -- it doesn't
18 read correctly.

19 Q. How should it read?

20 A. The two cars had sped away before I
21 activated my blue light.

22 Q. Okay. The way it is written, at some
23 point on Snowden you activated your light, your blue
24 light on the windshield, and then the two cars sped
25 away. That's what is written down that you

1 certified to; right?

2 A. I understand that's what's written
3 there.

4 Q. Okay. And then you signed this
5 certified statement. And who sent it into the
6 police? Yourself or your attorney?

7 A. I believe my attorney did. I
8 believe. I think.

9 Q. Just read the next paragraph, please.

10 A. "I came within view of one of the
11 cars as it approached the intersection of Nassau
12 Street, Route 27, and Snowden Lane. I was about to
13 call 911 when the car passed the stopped cars at the
14 intersection. I decided to get to Route 27 to see
15 which way they were going in order to call 911. I
16 entered Route 27 headed north towards Kingston. I
17 believe I passed two cars and then returned to the
18 proper lane as I called 911. There was at least one
19 vehicle in front of me, maybe more, in my lane of
20 traffic. While on the phone with 911, the car,
21 black Jeep, began to swerve from one side of the
22 road to the other. I cannot recall if this was due
23 to them passing a car or not. The last time they
24 swerved, they were involved in the collision. I
25 reported this to 911."

1 Q. You did not include in the statement
2 that you had also passed some vehicles in the
3 opposing lane of travel on Snowden; right?

4 A. In this statement?

5 Q. In this statement.

6 A. No, I don't see that here.

7 Q. Okay. You made a 911 call related to
8 your following of that black Jeep?

9 A. I -- yes, I made a 911 call to report
10 where that vehicle was.

11 Q. Okay. Not on Snowden, but on 27;
12 correct?

13 A. Correct.

14 Q. Okay. So the 911 call's about two
15 and a half minutes. I just want to go through it
16 with you.

17 (911 call played.)

18 (911 call paused.)

19 MR. LEONARDIS: Do we have a -- I
20 can't control the volume from here. No, it doesn't
21 -- it doesn't lower though is what I'm saying. So
22 just -- I don't want it super loud. Just lower that
23 one. Yeah. Lower it to like maybe 25.

24 (911 call played.)

25 (911 call paused.)

1 BY MR. LEONARDIS:

2 Q. This is your call; correct?

3 A. Correct.

4 Q. Okay. Would it be fair to say that
5 your call to the 911 operator was a few seconds
6 before the crash, maybe five or six seconds before
7 the crash?

8 A. Could be.

9 (911 call played.)

10 (911 call stopped.)

11 Q. And your best estimate as to the
12 speed of that black Jeep at the moment it crashed
13 was what?

14 A. Well, I said today I thought it was
15 60 or 70. You're saying I might have said a higher
16 speed in one of my statements, so.

17 Q. Okay. So you estimate the speed of
18 the Jeep at the moment it crashed at about 60 or 70,
19 and the speed of your vehicle at that point in time
20 was what?

21 A. 45 or less. I was in a line of
22 traffic.

23 Q. 45 or less.

24 The video recorded statement you gave
25 to the police, did they ask you what the speed of

1 your vehicle was?

2 A. I don't recall.

3 Q. Did they ask you what the speed of
4 the other vehicles were?

5 A. I -- I imagine. I don't know, or I
6 don't recall, I guess, would be more accurate.

7 Q. There was a woman who gave a
8 statement to the detectives that she saw the black
9 Jeep traveling at a certain speed and then saw a red
10 SUV right after it also traveling very fast. Would
11 you disagree with her statement that you were
12 traveling very fast?

13 MR. GELBER: Object to form.

14 A. Where? Where -- where was this?

15 Q. If -- I'll play it for you. If this
16 woman --

17 A. No. Where was this woman? Where was
18 I?

19 Q. I'll play it. You can listen to it.
20 I'll let you figure it out.

21 (Video recorded statement is played.)

22 BY MR. LEONARDIS:

23 Q. If this woman's testimony was that
24 your vehicle was traveling in excess of the speed
25 limit, not 45 or less but much higher than that,

1 would you disagree with that?

2 A. I would.

3 Q. Okay. If she were to estimate your
4 speed at least at 70 to 75 miles an hour, you would
5 disagree with that as well?

6 A. Absolutely.

7 Q. If she estimated the speed of the
8 black Jeep at over 90 miles an hour, would you
9 disagree with that?

10 A. I -- I know they were going fast. I
11 can't say how fast they were going.

12 Q. The permit that you received or the
13 application for the permit that you made for that
14 blue light, did you make that application through
15 the mayor's office, through the fire department,
16 through first aid, or -- or all of the above?

17 A. I don't remember whether I made it
18 through the fire department or the first aid squad,
19 but the blue light permits, as far as I -- well, I'm
20 pretty sure go through the -- go to the town, to the
21 clerk's office, and then the mayor or someone, the
22 then mayor or someone would have signed off on it.

23 Q. The mayor would sign off on it?

24 A. I believe the mayor or someone there
25 would sign off on it.

1 Q. Okay.

2 A. The mayor or someone else would sign
3 off on it.

4 MR. LEONARDIS: I thought I marked
5 that as an exhibit. What are we up to? 7 or --

6 COURT REPORTER: 7 would be the next
7 one.

8 MR. LEONARDIS: All right. I'll --
9 just remind me to mark this before we leave. So
10 this is the blue light permit. We'll mark it as
11 Freda 7. I just have to mark it up. Okay.

12 BY MR. LEONARDIS:

13 Q. So this -- is this your application
14 for the blue light permit, sir?

15 A. Yep. I would say so.

16 Q. Is that your handwriting?

17 A. Yeah.

18 Q. All right. On the bottom, let's see,
19 here in blue, is that your signature?

20 A. Yep.

21 Q. Okay. Who's the signature of the cap
22 -- chief or captain of the organization, do you
23 know?

24 A. I -- I'm sorry. I don't -- I don't
25 remember --

1 Q. Okay.

2 A. -- who -- who would have signed for
3 the fire department at that time.

4 Q. And who was the mayor, do you know?

5 A. In 2016? I believe Liz Lempert was
6 the mayor.

7 Oh, yes, there's her name. Yeah.

8 Q. Where do you have her name?

9 A. Her name's typed up there.

10 Q. Oh, Liz. Okay. I gotcha. All
11 right.

12 Okay. When you arrived at the scene
13 of the crash, tell me what if anything you did.

14 A. I positioned my vehicle so that
15 vehicles would have to go around me so not to come
16 close to the vehicles involved in the crash. I got
17 out of my vehicle, and right after I got out of my
18 vehicle, the other -- what ended up being the other
19 stolen vehicle pulled up behind me. They paused for
20 a few seconds and then they drove away.

21 Q. Okay. That would be the gray Range
22 Rover?

23 A. That's correct.

24 Q. Okay. So the gray Range Rover pulls
25 up. Does it drive by slowly and then eventually

1 stop for a second or two?

2 A. I thought it -- it's my recollection
3 is it stopped for a brief -- very brief time.

4 Q. Takes a look and then continues on?

5 A. Correct.

6 Q. And as I understand Route 27, it
7 would continue on into Kingston?

8 A. Probably.

9 Q. Through South Brunswick and
10 eventually into Franklin?

11 A. Yeah, if they stay on 27. Sure.

12 Q. And somehow make their way out of
13 town; right?

14 A. Yeah.

15 Q. To your knowledge, were there any
16 incidents involving a crash or injuries related to
17 the gray Range Rover?

18 A. I -- I have no knowledge of that.

19 Q. Okay. At the time of this crash, you
20 were not following the Range Rover; right?

21 A. The Range Rover was not a vehicle I
22 could see. No.

23 Q. Okay. The Range Rover as we saw in
24 the video earlier was initially being followed by
25 Officer Martinez, and then according to dispatch

1 they discontinued the pursuit, and then the gray
2 Range Rover made its way out of town; right?

3 A. I assume.

4 Q. Passed you, stops for a second or
5 two, observes the situation, and then leaves without
6 incident; correct?

7 A. I believe so.

8 Q. Okay. To your -- to your knowledge,
9 the only crash and the only incident that resulted
10 in a fatality that day was with the black Jeep that
11 you were following at the time of the crash; right?

12 A. The black Jeep, yes. That was
13 involved in an accident, yes.

14 Q. The black Jeep that you were
15 following at the time of the crash; correct?

16 A. Yes, I guess you could state it that
17 way.

18 Q. Were you aware of any police officers
19 from the municipality of Princeton who had followed
20 the black Jeep or pursued the black Jeep in any way
21 prior to the crash?

22 A. Well, initially when they left Clover
23 Lane.

24 Q. Okay. At any point on Route 27, do
25 you have any knowledge of any police officer issuing

1 any pursuit on Route 27?

2 A. I do not have knowledge of that.

3 Q. The speed limit on Route 27 is what?

4 A. 45.

5 Q. Okay. One lane each direction;

6 correct?

7 A. Yes.

8 Q. Double yellow lines all the way;

9 right?

10 A. Yes.

11 Q. Snowden Lane is a residential road?

12 A. Correct.

13 Q. 25 miles per hour?

14 A. I'm pretty sure it's 25.

15 Q. Double --

16 A. It might be 30, but I think it's 25.

17 Q. Double lines each direction, no

18 passing; correct?

19 A. Correct.

20 Q. Correct?

21 A. Yeah, correct.

22 Q. Okay. At the scene after the gray

23 Jeep drives away, take me through what you're doing

24 at the scene.

25 A. I took a look at the -- the people in

1 the different vehicles, see if there was any way to
2 render aid. If I recall correctly, I think the
3 police arrived pretty swiftly, and then I don't know
4 how long, you know, first aid squad and fire
5 department started to arrive, and I was trying to
6 help the police and the first aid people get to the
7 -- get to the -- the woman that was trapped in
8 the -- the car that had been coming into Princeton.

9 Q. The Acura?

10 A. From Kingston. Yeah.

11 Q. Do you know what her name was?

12 A. Jodi. And I think the last name is
13 Marcou. I'm not sure how to pronounce the last
14 name.

15 Q. You know where she was going?

16 A. I have no idea.

17 Q. Do you know where she lives?

18 A. I believe she lived in Kendall Park.

19 Q. You said you were assisted -- I don't
20 know. Did you say you were assisting first aid and
21 police, or not?

22 A. Yeah. Initially, yes.

23 Q. What did you do? Like, what were you
24 doing, what were you seeing?

25 A. We were trying to figure out if there

1 was a way to get to -- to Jodi in her vehicle, and
2 at one point we were trying to pry open her
3 passenger door, trying to find a way, if there was a
4 way to climb up to the driver door.

5 Q. Okay. Describe for me what you
6 observed as to the vehicles in the roadway.

7 Where were the vehicles? What did
8 they look like?

9 A. You know, all I remember is that
10 Jodi's vehicle was high up in the air, and I -- my
11 recollection, I guess, is that the black Jeep had
12 somewhat gone under it and that caused that to be up
13 in the air, and I don't know. The Jeep must have
14 been at some sort of angle 'cause you couldn't get
15 to the door, the driver's door of Jodi's vehicle.

16 Q. The time of the crash was about one,
17 little after one p.m.; right?

18 A. I don't know. Could be.

19 Q. Okay. The videos that we watched,
20 like 1:09.

21 A. Oh. Whatever.

22 Q. So around one-ish in the afternoon on
23 a Sunday.

24 A. Okay.

25 Q. Right? This was a Sunday?

1 A. I think so, yeah.

2 Q. Okay. It was a nice day out in
3 Princeton, it wasn't raining or anything?

4 A. Correct.

5 Q. It was right by Carnegie Lake?

6 A. I don't -- I don't think -- no, I
7 don't think it was by the lake yet. The lake, I
8 think, is further down the road.

9 Q. Okay. All right. Approaching the
10 lake though?

11 A. Oh, yeah. Sure.

12 Q. All right. Would you consider that
13 generally to be a busy day, a busy time of the day
14 for people driving on Route 27 in that area?

15 A. I -- I'm not sure what you'd call
16 busy. I mean, there's traffic on the road.

17 Q. Okay. It's a weekend for people to
18 go in and out of Princeton?

19 A. If they --

20 Q. To go to Nassau Street?

21 A. They could.

22 Q. To go shopping?

23 A. Could be.

24 Q. They go to the florist to buy flowers
25 for their daughter's wedding, things like that?

1 A. Possible.

2 Q. Okay. What did you see in
3 relationship to any of the people that were
4 occupants in the vehicles?

5 A. Well, as I said, Jodi was trapped in
6 her vehicle nonresponsive, unconscious. And there
7 were, I believe, three people in the other vehicle,
8 all of whom were unconscious.

9 Q. Okay. What if any first aid did you
10 render?

11 A. The police were rendering first aid
12 before I was.

13 Q. Okay. What observations did you make
14 of the first aid they were rendering to Jodi?

15 A. Well, I think they were attempting to
16 get to Jodi, and then the first aid squad would have
17 taken that over when they got there.

18 Q. Okay. Tell me what your observations
19 were of the actions of the police or fire to get to
20 Jodi.

21 A. Trying to find a way to get -- try --
22 again, trying to get a ways to -- trying to find a
23 way to get to her in her vehicle.

24 Q. Okay. How close were you able to get
25 to the vehicle at any point in time, Jodi's vehicle?

1 A. Well, very close to it.

2 Q. Okay. What did she look like?

3 A. She appeared to -- well, I --
4 appeared to be dead.

5 Q. Okay. Can you ident (phonetic) --
6 can you describe what she looked like? White,
7 black, old, young, middle-aged?

8 A. Well, a white woman. I -- I don't
9 know that I thought of how old she was or that I
10 recollect what -- how old she looked to be.

11 Q. Did you make any other -- any other
12 observations of her while you were there?

13 A. I'm sorry. What was the last part of
14 that?

15 Q. Did you make any other observations
16 of her while you were there?

17 A. No. I don't think so.

18 Q. Were you there when they removed her
19 from the vehicle?

20 A. I'm not sure.

21 Q. Were you there when they removed any
22 of the three people from the black Jeep at the
23 scene?

24 A. Well, initially they had to pull one
25 or two of the people out of the Jeep just so they

1 could provide -- try to provide first aid to them.

2 Q. Okay. Did you hear any statements
3 that anybody in that vehicle made to anyone at the
4 scene?

5 A. In the black -- from -- from the
6 black Jeep?

7 Q. From the black Jeep.

8 A. No. I believe they were -- no.
9 Nobody was conscious.

10 Q. Okay. Did you have any conversations
11 with any of the officers at the scene?

12 A. I told one officer that I thought I
13 had seen the accident.

14 Q. Okay. After the crash, on days
15 following the crash, weeks following the crash, have
16 you spoken with any of the police officer or --
17 officers or any of -- anyone as part of the
18 investigation related to this crash?

19 A. No. The only people I would have
20 talked to were the county prosecutor people.

21 Q. Other than your attorneys in this
22 case, who else -- and the county prosecutor's
23 office, who else have you spoken to related to the
24 events that took place on January 7th?

25 A. No one. No one in any detail.

1 Q. You've been the president of the
2 first aid squad for how long?

3 A. Since I was hired in 2018.

4 Q. Okay.

5 A. As a paid person.

6 Q. If we take you out of the equation
7 and we say it was another employee of the first aid
8 and rescue squad who had done exactly what you did.

9 A. Okay.

10 Q. Would you have suspended them?

11 MR. COLUCCIO: Objection to the form
12 of the question.

13 Q. As the president?

14 MR. BONTEMPO: Same objection.

15 Answer it if you can.

16 A. There's a process for someone to be
17 suspended, so.

18 Q. Would you have recommended suspension
19 as the president?

20 A. It's possible. I don't know.

21 Q. As the president of the first aid
22 squad, if it was someone other than yourself, would
23 you have recommended the revocation of their blue
24 light?

25 MR. COLUCCIO: Same objection.

1 MR. BONTEMPO: Same objection.

2 You could answer if you can.

3 A. I -- again, it's a hypothetical. I
4 don't know.

5 Q. It is.

6 A. Yeah.

7 Q. If the actions that you took that day
8 were taken by someone else on the first aid and
9 rescue squad, would you have recommended revocation
10 of their blue light?

11 A. I don't know. Without having gone --
12 without having gone through our disciplinary process
13 and hearing the person, I do not know what I would
14 have said.

15 Q. Same facts that took place in this
16 case that you're very familiar with. If the same
17 exact facts took place, and it wasn't you that was
18 driving but it was another employee of the first aid
19 and rescue squad or an employee of the fire
20 department, would you have recommended their rev
21 (phonetic) -- their suspension?

22 A. I don't --

23 MR. COLUCCIO: Continue my objection.
24 You can answer.

25 MR. BONTEMPO: Join.

1 A. Yeah. I don't know. I can't answer
2 that. Both agencies have a process that you have to
3 go through before you --

4 Q. Okay.

5 A. -- come to a decision, and --

6 Q. As the president, are you part of the
7 process for the first aid squad?

8 A. For someone else?

9 Q. Yes.

10 A. Probably.

11 Q. Okay. Understanding that you're a
12 part of the process, what would your vote have been?

13 A. Again, since this is hypothetical,
14 and I don't know what the person, this other person
15 might have said or explained, I can't say what I
16 would have said.

17 Q. Same exact fact pattern as we have
18 here. Just take you out of the equation as the
19 driver.

20 A. I don't know.

21 Q. Just take you out of the equation as
22 the driver and make it one of the other drivers. As
23 the president, would you have voted for suspension?

24 A. I don't know.

25 MR. BONTEMPO: Note my objection.

1 Q. Would you have voted -- would you
2 have voted for the revocation of their blue light?

3 A. I don't know.

4 MR. COLUCCIO: Same objection.

5 Q. Why don't you know given these sets
6 of facts?

7 A. Again, I don't think I can render an
8 answer to that because I have to hypothetically
9 imagine what the discussion and the hearing might
10 have been, and without that as a basis I don't
11 know -- I don't think it's a fair question.

12 Q. Well, I'm giving you the same exact
13 set of facts that took place here.

14 A. Yeah, but you're assuming that I'm
15 hearing, but I -- there's no -- this hypothetical
16 person is not in front of me. I have not heard
17 their statement. I don't know what I would do.

18 Q. This hypothetical person is you with
19 a different name. Same fact pattern, same events,
20 same mindset, same everything. Understanding that
21 they activated a blue light when not responding to
22 an emergency situation, we can agree that that
23 violates the policies of the first aid and rescue;
24 right?

25 A. We can.

1 Q. Understanding that they crossed over
2 double yellow lines in traffic violating at least
3 one if not more motor vehicle regulations,
4 understanding all that, as the president of the
5 first aid squad, just given that, forget that
6 somebody died, would you have recommended
7 suspension?

8 A. I don't know.

9 Q. Given those sets of facts, would you
10 have recommended a revocation of their blue light?

11 A. I don't know.

12 Q. As president of the first aid squad,
13 what involvement do you have in disciplinary
14 actions?

15 A. It depends what the violation is.
16 The violations could be handled at different levels
17 within the organization.

18 Q. The violation is improper use of a
19 blue light and violation of the motor vehicle
20 regulations when responding to a nonemergency
21 situation.

22 A. It probably would have involved just
23 the line office and not the president.

24 Q. Have you given any other recorded
25 statements or written statements other than the ones

1 we've gone through today?

2 A. No, I don't -- I don't think so, no.

3 Q. Where did you go after the scene?

4 A. I believe I went home.

5 Q. What'd you do?

6 A. I -- I don't know.

7 Q. Well, this is certainly not something
8 that happens every day; right?

9 A. That's true.

10 Q. Okay. And when you went home, do you
11 think you just sat down and had lunch? Do you think
12 you thought about the situation? What do -- what do
13 you recall happening?

14 A. I do -- I do not recall what I did
15 when I went home.

16 Q. Okay. Take me through the remainder
17 of your day as best you can after this crash and
18 after Jodi Marcou died. Take me through the rest of
19 your day.

20 A. I -- I don't know.

21 Q. Take me through the rest of your week
22 after Jodi died.

23 A. I -- it's two and a half years ago.
24 I can't -- I don't know what I did that week.

25 Q. Did you speak to any of the other

1 mayors from either Prince -- either South Brunswick
2 or Franklin related to this incident?

3 A. No, I did not.

4 Q. Have you ever spoken to Charley Cary
5 about this?

6 A. No.

7 Q. No?

8 A. No.

9 Q. You know Charley; right?

10 A. I know who he is. I think I've only
11 met him once.

12 MR. LEONARDIS: Okay. That's all I
13 have for you. Thank you.

14 THE WITNESS: Yeah. Thank you.

15 VIDEOGRAPHER: Let's go off the
16 record one moment. 1:12.

17 (Pause in proceedings.)

18 VIDEOGRAPHER: The time is 1:13.

19 Counselor, you may proceed.

20 EXAMINATION BY MR. ACKER:

21 Q. All right. Mayor Freda, my name's
22 Casey Acker. I'm an attorney with the Lenox Law
23 Firm. We represent the municipality of Princeton
24 and Princeton Fire Department in this lawsuit.

25 I'm just going to have some followup

1 questions for you regarding the testimony you've
2 given today. I'm gonna try not to rehash any of the
3 questions that were asked so I might jump around a
4 little bit.

5 The most important instruction, if I
6 ask you a question, you don't understand it, let me
7 know so I can rephrase it or ask it a different way,
8 otherwise if you answer a question in the manner in
9 which I asked it, I'm going to assume you understood
10 it when you answered it. Okay?

11 A. Got that.

12 Q. Is that fair?

13 A. Yes, sir.

14 Q. All right. And just -- I guess I'll
15 work backwards. You were -- you were shown the
16 permit application for the blue light a moment ago.
17 You remember that?

18 A. Yes.

19 Q. And just so I'm clear, you were
20 issued that blue light -- or when you were issued
21 that blue light, that was not in your capacity as
22 the mayor; correct?

23 A. Correct.

24 Q. Okay. Do you know what capacity you
25 were issued that blue light in?

1 A. As a member of the fire department.

2 Q. Okay. And you testified that you
3 were in the appropriate lane of traffic prior to you
4 making the 911 call; correct?

5 A. I believe so.

6 Q. Okay. Do you know how long you were
7 in that appropriate lane of traffic prior to you
8 making that 911 call?

9 A. I would say -- I would imagine I
10 might have been dialing before I was even in that --
11 in that lane or immediately. I mean, it was very
12 quick.

13 Q. Okay. And that would have been on
14 Route 27; correct?

15 A. That's correct.

16 Q. Okay. And there was some testimony
17 regarding your initial statements to the detectives
18 and your supplemental statement. Do you recall
19 that?

20 A. Yes, I do.

21 Q. All right. And I just want to be
22 clear for the record. Your -- your testimony is,
23 and correct me if I'm wrong, that the two cars sped
24 away before you activated your blue light?

25 A. Absolutely.

1 Q. Okay.

2 MR. LEONARDIS: On Snowden or on 27,
3 counsel? I thought he gave testimony earlier --

4 Q. Well --

5 MR. LEONARDIS: -- he put them on on
6 Snowden and never shut them off.

7 Q. Well, let's -- why don't we do it
8 this way just so we can try to clear up the record.

9 A. Okay.

10 Q. When did you first -- when do you
11 recall first activating your blue light, on which --
12 on which road?

13 A. On Snow --

14 MR. LEONARDIS: Asked and answered,
15 but you can answer.

16 A. Okay.

17 MR. LEONARDIS: You can answer.

18 A. Okay. Snowden Lane.

19 Q. Okay. And so from the time you
20 activated your blue light up until the accident, you
21 never deactivated it; is that fair?

22 A. No, I'm pretty sure I did not.

23 Q. Okay. And so what I want to know
24 then is, is -- is it your recollection -- I guess it
25 would have been on Snowden -- that the two cars sped

1 away before you first initiated your blue light?

2 A. Absolutely.

3 Q. Okay. Now, we watched the video from
4 the Ring Doorbell camera on Snowden. Do you recall
5 that?

6 A. Yes, sir.

7 Q. All right. And correct me if I'm
8 wrong, but my observation, it didn't appear when we
9 saw your red vehicle go past the residence that your
10 blue light was on at that point in time?

11 MR. LEONARDIS: Objection to form.
12 I'm not sure you can say that, but objection.

13 Q. Do you know if -- do you know --
14 well, when you saw the video, did you see your blue
15 -- blue light activated at that point in time?

16 A. I did not see it on.

17 Q. All right. So from watching that
18 video, would you -- would you assume, or do you
19 think you activated your blue light before or after
20 you passed that residence in the Ring video?

21 MR. LEONARDIS: Objection. It calls
22 for speculation.

23 A. Yeah, I mean, I -- I would be
24 guessing. I'm sorry.

25 Q. Okay. That's fine. I don't want you

1 to guess.

2 And when you first observed the two
3 vehicles, I think you said that they had pulled out
4 of a side street; is that accurate?

5 A. That's correct.

6 Q. Okay. And you were on what road at
7 that point in time?

8 A. I was on Snowden.

9 Q. You were on Snowden. Okay. And I
10 think you testified, and correct me if I'm wrong,
11 you're unsure which exact side street they pulled
12 out of?

13 A. Yeah. Right. Correct.

14 Q. Okay.

15 A. I'm not exactly sure.

16 Q. And when you first observed them pull
17 out of the side street, were they already passing
18 vehicles?

19 A. Right. They came through the -- both
20 vehicles came through the stop sign without stopping
21 and then immediately passed vehicles that were in
22 front of them on Snowden.

23 Q. Okay. Was your blue light activated
24 at that point in time?

25 A. No, it was not.

1 Q. Okay. There was video shown when you
2 were at Diana Shaw's house. Do you remember that?

3 A. Yes.

4 Q. At some point in the video, I
5 observed you on your cell phone. Do you know who
6 you were talking to while you were at the Shaw
7 residence?

8 A. Hmm. I -- I'd be guessing.

9 Q. Okay.

10 A. I'm not sure.

11 Q. I don't want you to guess.

12 A. Okay. Sorry.

13 Q. If you don't remember something,
14 that's perfectly fine.

15 A. Okay.

16 Q. And back in November of 2021, you
17 were the mayor of the municipality of Princeton;
18 correct?

19 A. Yes.

20 Q. All right. And what were your
21 responsibilities as the mayor of the municipality of
22 Princeton back in November of 2021?

23 A. You're -- I guess you're the --
24 you're the head of the -- you're seen as the head of
25 the town. You work with staff and other elected

1 officials deciding policies, budgets, other
2 day-to-day decisions of the town.

3 Q. Okay. You'd agree that your
4 responsibilities as the mayor of the municipality of
5 Princeton did not include following stolen vehicles?

6 A. Yes.

7 Q. Okay. So you would agree that you
8 were acting outside the scope of your
9 responsibilities as the mayor of the municipality of
10 Princeton when you followed that stolen vehicle with
11 your private vehicle which is at issue in this case?

12 MR. GELBER: Object to the form of
13 the question.

14 MR. LEONARDIS: Objection. Calls for
15 a legal conclusion.

16 Q. You can answer the question.

17 A. I -- I -- I feel that what I was
18 doing was within the realm of what I should be doing
19 as mayor.

20 Q. Okay. Maybe you can just expound
21 upon that for me and explain why it is you feel that
22 way.

23 A. Well, there was an illegal activity
24 happening in the town that I'm mayor of, and it
25 seemed that -- that I should not ignore.

1 Q. Okay. Do you know if your
2 responsibilities as the mayor are delineated any --
3 in any documentation anywhere?

4 A. Yeah, they're -- there's probably in
5 the -- in the town ordinances, there might be
6 something as to the role of the mayor, and there's a
7 state statute that outlines briefly the role -- or
8 not the role, but, I guess, some of the
9 responsibilities or duties of a mayor under the
10 borough form of government.

11 Q. So just so I'm clear, even though
12 your responsibilities do not include following
13 stolen vehicles, you feel that it was the right
14 thing to do as the mayor?

15 A. Correct.

16 Q. Okay. And you'd agree with me, when
17 you activated your blue light, you did that as a --
18 as a private citizen to follow the vehicles?

19 MR. LEONARDIS: Objection to form.

20 A. I believe I've answered that, that I
21 thought I was acting as the mayor of the town.

22 Q. Okay. So just so I'm clear, even
23 though that blue light was permitted to you not in
24 your mayoral capacity, you believe that the use of
25 the blue light was in your mayoral capacity?

1 MR. LEONARDIS: Asked and answered.

2 Q. You can answer.

3 A. Yes.

4 Q. Okay. On how many prior occasions to
5 this accident had you used the blue light in your
6 mayoral capacity?

7 A. I would imagine none.

8 Q. Okay. Correct me if I'm wrong. You
9 passed approximately two or three vehicles on Route
10 27 prior to the collision happening?

11 A. That's correct.

12 Q. All right. Do you know how long it
13 was after you passed the approximate two or three
14 vehicles that the collision occurred?

15 A. I -- no. I'd -- I'd be guessing.
16 I'm not sure.

17 Q. Okay. Don't want you to guess.
18 When you first turned onto Route
19 27 -- I think you turned it would have a left from
20 Snowden?

21 A. Correct.

22 Q. All right. Can you -- if you recall,
23 what did -- what do you recall observing when you
24 first turned onto Route 27 and you -- and you were
25 operating your vehicle? What do you -- what do you

1 recall seeing?

2 A. That there were couple -- a couple
3 cars there that I went around.

4 Q. Okay. Could you see the -- the black
5 Jeep at that point in time when you first turned
6 onto Route 27?

7 A. I -- I don't believe so. I don't
8 think I saw it till I was pulling back into my lane
9 of traffic.

10 Q. And that would have been after you
11 passed the approximate two or three vehicles?

12 A. Yes.

13 Q. Okay.

14 A. I believe that's accurate.

15 Q. And you would have saw the -- the
16 black Jeep prior to making the 911 call, correct, on
17 Route 27?

18 A. Right. Right. Right.

19 Q. When you made the call from Route 27?

20 A. Right. Right. I made the call when
21 I could see the Jeep. That's correct. Right.

22 Q. And, now -- and, again, correct me if
23 I'm wrong. I don't think at any point in time when
24 you were on Route 27 just prior to the collision and
25 from the point you turned onto Route 27 and the

1 collision, you never saw that second vehicle, the
2 vehicle that wasn't the black Jeep; correct?

3 A. Correct. I did not.

4 Q. Okay. And when you first observed
5 the black Jeep on Route 27, what do you recall that
6 vehicle doing?

7 A. I think it was pass -- trying to pass
8 other vehicles, if I remember correctly.

9 Q. Do you recall what lane of traffic it
10 was in?

11 A. I'm not exactly sure. I'm not sure.

12 Q. Okay. Just give me one second.

13 I think this was asked. I apologize
14 if you answered this, but do you remember any of the
15 -- the words that were spoken when you received the
16 phone call from Dina --

17 A. From Dina Shaw?

18 Q. -- Dina Shaw?

19 A. I mean, I -- I think it was pretty
20 much along the lines of, Mark, somebody tried to
21 steal one of our cars, called the police, they're
22 not showing up, can you come over here? Something
23 along those lines. I can't say for sure.

24 Q. That's fair. Do you recall at any
25 point in time prior to November 7, 2021, if Dina

1 Shaw had ever called you to her residence for any
2 issue she was dealing with, that she had called the
3 police and she was looking for a response?

4 A. No, pretty sure not.

5 Q. Do you know if there's any
6 documentation written anywhere that delineates as
7 part of your responsibilities as the mayor of
8 Princeton authority to, you know, follow suspected
9 stolen vehicles?

10 A. I would imagine not.

11 Q. You're not aware of any such
12 documentation; fair?

13 A. I am not.

14 Q. When you put the blue light on your
15 vehicle, you'd agree that the -- the suspected
16 stolen vehicles were already driving erratically?

17 A. Oh, yes.

18 Q. Again, I think this was asked, and I
19 think I know the answer, but just so I'm clear, you
20 don't have any training in any capacity in
21 high-speed pursuit of vehicles?

22 A. No.

23 Q. Or pursuit of vehicles in any regard?

24 A. Correct.

25 Q. And on November 7, 2021, you didn't

1 have any conversations with any individuals, you
2 believe, from the Princeton Police Department that
3 communicated to you that they thought you should
4 follow the vehicles?

5 A. No.

6 Q. No, that those -- none of those
7 conversations ever happened; correct?

8 A. Correct.

9 Q. Okay.

10 MR. ACKER: All right. I don't think
11 I have any other questions for you, sir. I do
12 appreciate your time. There may be some questions,
13 maybe some followups, so thank you.

14 THE WITNESS: Thank you.

15 MR. LEONARDIS: None from me.

16 MR. COLUCCIO: I have some questions,
17 but I'd like to use the restroom if we can take a
18 10-minute break.

19 VIDEOGRAPHER: We'll go off the
20 record. 1:27.

21 (Brief recess.)

22 VIDEOGRAPHER: We're going to get
23 back on the record. The time is 1:37.

24 Counselor, you may proceed.

25 EXAMINATION BY MR. COLUCCIO:

1 Q. Hi, Mr. Freda. My name is Daniel
2 Coluccio. I represent the first aid squad here.

3 I'm just going to ask you a couple of
4 questions. As a quick reminder before I do, the
5 same instructions that you've heard before from
6 previous attorneys still apply. If you don't
7 understand anything I say, please let me know.

8 A. Yes.

9 Q. So I'd like to ask a couple of
10 followup questions. I'd like to ask a couple of
11 followup questions about the blue light permit you
12 received.

13 A. Yes.

14 Q. You testified earlier that you
15 received a blue light permit in your capacity as a
16 volunteer of the fire department.

17 MR. LEONARDIS: Asked and answered.

18 Q. I want to -- yes. I wanted to ask
19 you, what exactly was the process you had to go
20 through in order to obtain that blue light permit?

21 A. You -- you fill out a form. An
22 officer of the department signs it, and then it gets
23 forwarded to the clerk's office, municipality
24 clerk's office.

25 Q. Do you recall who you spoke with at

1 the fire department about that?

2 A. No. I -- I don't. I mean, that was
3 dated 2016, so, sorry.

4 Q. Was there anything that the fire
5 department required you to do when you wanted to
6 obtain the blue light permit?

7 A. No, not -- no, other than be
8 available to answer calls. That would be it.

9 Q. Did the application itself require
10 you to do anything? For example, were there any
11 kind of trainings or classes you had to take or
12 videos you had to watch?

13 A. I -- I -- I don't think there's
14 anything associated -- anything like that associated
15 with the application for the blue light. I don't
16 think so.

17 Q. Okay. After you obtained your blue
18 light permit in 2016, did you ever inform anyone at
19 the Princeton First Aid Squad that you had obtained
20 a blue light permit?

21 A. I would imagine I did, 'cause it was
22 pretty common practice. We have a number of people
23 that were members of both organizations, so usually
24 you get your permit from one and use -- be able to
25 use it for both.

1 Q. Okay. On the day of the accident,
2 did you speak with anyone at the first aid squad
3 about the fact that you had used your blue lights to
4 follow stolen vehicles?

5 A. I do not believe so.

6 Q. And as president of the first aid
7 squad, have you ever approved a person's blue light
8 permit?

9 A. Usually the chief would do that.

10 Q. Okay. So you don't recall any time
11 where you've done that?

12 A. I don't.

13 Q. Okay.

14 A. I don't.

15 Q. And does the first aid squad require
16 a person who's applying for a blue light permit
17 through the first aid squad to do anything other
18 than submit the paper application?

19 A. Correct. You submit the application
20 and do whatever the yearly required training is.

21 MR. COLUCCIO: I'm sorry. Could you
22 -- could you read that question back?

23 (Whereupon, the last answer was read
24 by the reporter.)

25 Q. What is the required training? If

1 you could expound on that.

2 A. We had a video that you're supposed
3 to watch on a yearly basis about driving a vehicle.

4 Q. Okay. Are you -- are you referring
5 to the annual refresher training that was discussed
6 earlier today?

7 A. Yes.

8 Q. Okay.

9 Just a second.

10 MR. COLUCCIO: That's all I have.

11 THE WITNESS: Thank you.

12 MR. GELBER: I have a couple
13 questions.

14 VIDEOGRAPHER: Okay. Just bear with
15 us one moment.

16 The time is 1:41.

17 EXAMINATION BY MR. GELBER:

18 Q. Mr. Freda, as you know, my name's
19 Darren Gelber. I'm your personal attorney. I just
20 want to ask you a few very quick questions.

21 At any point on November 7, 2021, did
22 your car come into physical contact with any other
23 car?

24 A. No, it did not.

25 Q. Did it come into contact with any

1 pedestrian?

2 A. No, it did not.

3 Q. On November 7, 2021, was your car
4 equipped with a siren or any other audible sound
5 device?

6 A. No, it was not.

7 Q. So, I take it, that you didn't use
8 any sound device activated in your car?

9 A. That's correct.

10 Q. The light, the blue light that we've
11 been talking about, does it sit on your dashboard
12 when it's in use?

13 A. Correct.

14 Q. At any point, did the blue light get
15 taken outside of your car or placed on the roof of
16 your car?

17 A. No, it did not.

18 Q. It plugs into your cigarette lighter?

19 A. Yes. Sorry. I had to think about
20 that.

21 Q. Okay. Now, we've seen -- based on
22 your -- on your knowledge of that blue light, do you
23 know about how far away it's visible to somebody
24 when it's activated?

25 A. I -- I'm -- I'm not sure. I'd have

1 to guess.

2 Q. Is the blue light when it's
3 activated, is it more visible during the daytime or
4 at nighttime?

5 A. More at night.

6 Q. And the collision that we're talking
7 about here and the videos that we've seen seem to
8 have taken place at about one in the afternoon; is
9 that right?

10 A. Yes, I believe so.

11 Q. Was it a bright day that day?

12 A. Yes. It was a sunny day.

13 Q. In the prior occasions where you've
14 used that blue light for purposes consistent with
15 the policies, for example, to respond to the first
16 aid building.

17 A. Yes.

18 Q. Have you encountered situations where
19 people who -- who are in front of you when you have
20 the blue light on don't seem to notice it or don't
21 pull over?

22 MR. LEONARDIS: Objection as to form
23 as to what other people may notice or not notice.

24 Q. You can answer.

25 A. Okay. Yeah, I would say there are --

1 yes, there are times when vehicles would not respond
2 to the blue light.

3 Q. So the fact that the blue light may
4 be on inside your vehicle, there's no guarantee that
5 anybody in front of you is actually going to see it;
6 is that a fair statement?

7 MR. LEONARDIS: Objection. Calls for
8 a legal conclusion and an opinion testimony.

9 Q. You can answer. You've been asked a
10 lot of opinion questions today.

11 A. Yeah, I'd -- I'd say that's very
12 possible.

13 Q. Now, on November 7, 2021, do you have
14 any reason to believe that the operator of the black
15 Jeep even knew you had a blue light activated?

16 A. I have no basis to say yes to that.

17 Q. The prosecutor's office conducted an
18 investigation of this entire fatal collision; is
19 that right?

20 A. Correct.

21 Q. And is it correct to say that you
22 have not been charged with committing any crime?

23 A. That is correct.

24 Q. And is it fair to say that you have
25 never been charged with committing a motor vehicle

1 violation based on anything that happened on
2 November 7, 2021?

3 A. That is correct.

4 Q. In your capacity in public service,
5 whether it be as a member of the fire department or
6 a member of the first aid and rescue squad, or even
7 as mayor, have you come to learn of a policy or a
8 practice or a custom in Princeton where all
9 municipal employees and municipal officials are
10 expected to be the eyes and ears of the police
11 department?

12 A. Yes.

13 Q. And what does that mean in your mind?

14 A. Well, I think we encourage all our
15 employees to pay attention to what is happening in
16 town and report, update other municipal departments
17 on whatever situations might be that the other
18 departments should be aware of or get involved in.

19 Q. And having been called to the house
20 in what you believe to be your capacity as the mayor
21 on that day, did you continue to act that day in a
22 manner in which you believe you were serving as the
23 eyes and ears of the police department?

24 A. Yes, I think that's a fair
25 representation.

1 Q. From your standpoint, based on
2 everything you saw and you did that day, November 7,
3 2021, do you have any reason to think that your use
4 of the blue light played any role in the collision
5 that ultimately claimed the life of Ms. Marcou?

6 MR. LEONARDIS: Objection. Calls for
7 a legal conclusion.

8 Q. You can answer.

9 A. No, I do not believe it had anything
10 to do with it.

11 Q. And why do you say that? What makes
12 you say that?

13 A. I -- based on the distance I was from
14 the vehicle, based on the fact that their erratic
15 driving, high-speed driving had started before I
16 became involved in the incident, the fact that, I
17 mean, they were doing an illegal activity and the
18 police obviously were well aware of what vehicles
19 they were looking for, so I imagine that their only
20 thought was to get out of our town.

21 MR. GELBER: I have no other
22 questions. Thank you.

23 MR. ACKER: I just have maybe one or
24 two followup, unless anybody else wants to go.

25 VIDEOGRAPHER: The time is 1:47.

1 Counselor, you may proceed.

2 EXAMINATION BY MS. CUMMINGS:

3 Q. Good afternoon, sir. My name is
4 Helen Cummings. I'm from the law office of
5 Campbell, Foley, Delano and Adams, and we represent
6 the owner of the black Jeep.

7 At the time this incident happened,
8 or on the day this incident happened, did you have
9 any knowledge as to when that Jeep had been stolen?

10 A. No.

11 Q. Have you since come to learn any
12 information whatsoever about when that Jeep had
13 initially been stolen?

14 A. I -- I -- I don't recall. I know
15 that I learned at some point it was stolen, but I --
16 I don't recall any detail as to from where or when.

17 Q. Okay. Do you have any idea as you
18 sit here today what town that black Jeep had been
19 stolen from?

20 A. I'm sorry. I have forgotten that.

21 Q. Okay. Did you ever at any time have
22 any contact whatsoever with the owner of the black
23 Jeep?

24 A. No, never.

25 MS. CUMMINGS: Okay. I have no

1 further questions. Thank you.

2 THE WITNESS: Thank you.

3 VIDEOGRAPHER: Stand by.

4 Okay. Going back on, 1:48.

5 Counselor, you may proceed.

6 MR. ACKER: Thank you.

7 FURTHER EXAMINATION BY MR. ACKER:

8 Q. Attorney Casey Acker once again.

9 The cell phone you had on November 7,
10 2021, was that a personal cell phone, or was that
11 issued to you by one of your employers?

12 A. It was my personal phone.

13 Q. Okay. Are you aware that the powers
14 and duties as the mayor are delineated, they're
15 written under laws?

16 A. Yeah, under statute or -- or local
17 ordinance.

18 Q. Okay. You're aware that there are
19 statutes and local ordinance that delineate what
20 your powers and duties are as a mayor?

21 A. Yes.

22 Q. And you're aware that -- are you
23 aware if any of those powers and duties that are
24 delineated under the law, whether any of those
25 include following stolen vehicles?

1 A. Not that I'm aware of.

2 Q. Okay. Are you aware -- aware of any
3 other code, statute, law, rule, or regulation that
4 permits you to pursue a stolen vehicle in your
5 capacity as a mayor?

6 MR. GELBER: Object to form.

7 Q. You can answer.

8 A. I -- the word pursue concerns me.

9 Q. Oh.

10 A. 'Cause I wasn't pursuing anyone, so.

11 Q. That's fair. That's fair.

12 Let me ask it a different way.

13 Are you aware of any code, statute,
14 law, rule, or regulation that permits you to follow
15 stolen vehicles in your capacity as a mayor?

16 A. I am not aware of that.

17 Q. Okay. You indicated that there was
18 some sort of custom or practice that you've become
19 aware of that the municipal employees are the eyes
20 and ears of the police department. Did I hear you
21 correctly?

22 A. Yeah. I think my answer pretty much
23 said all the employees are the eyes and ears of --
24 of the -- of every department, and, you know, report
25 things to other departments as needed.

1 Q. Do you know if that practice is
2 memorialized in writing anywhere, any documentation
3 within the municipality?

4 A. I'm not sure.

5 Q. Okay. And is that something that
6 you've come to learn just through your experience,
7 or is that something somebody told you?

8 A. That's more of an experience thing.
9 I think it's more of a cultural thing that we expect
10 of our staff.

11 Q. Okay. I think this might be my last
12 question for you, sir.

13 I understand that you believe you
14 were following in your mayoral capacity, correct,
15 but would you agree with me that the blue light
16 wasn't permitted to you for use in your mayoral
17 capacity?

18 A. Yeah. I don't -- yeah. I -- I -- I
19 think that might be a correct statement. I know
20 there are mayors in New Jersey that are issued
21 lights by their town, but I have no idea how they
22 get them, to be honest.

23 Q. You weren't issued a light in
24 Princeton as the mayor; correct?

25 A. That is correct.

1 MR. ACKER: All right. Thank you,
2 sir.

3 THE WITNESS: Thank you.

4 FURTHER EXAMINATION BY MR. LEONARDIS:

5 Q. Sir, just a few followup.

6 Your attorney had asked you questions
7 of whether you were charged with any violations of
8 motor vehicle offenses. You answered no to that;
9 right?

10 A. That's correct.

11 Q. But you did agree earlier that you
12 violated at least three motor vehicle codes and
13 rules; correct?

14 A. Correct.

15 Q. One would be speeding; correct?

16 A. Correct.

17 Q. Two would be 39:4-89 which is
18 improper passing on double yellow lines; right?

19 A. Okay.

20 Q. Is that correct?

21 A. Yeah. I don't know the -- yeah, the
22 numbers, but, yeah.

23 Q. Forget the statute number, but
24 improper passing?

25 A. Okay.

1 Q. And then third would be the violation
2 of the New Jersey Statute Annotated regarding the
3 use of the blue light cam, the blue lights. 39:3-54
4 says "emergency warning lights may be operated only
5 while the vehicle is being used in answering a fire
6 or emergency call."

7 You violated that as well; right?

8 A. Correct.

9 Q. So without going any further, at
10 least three different motor vehicle violations as
11 you were following the black stolen Jeep at the time
12 of the crash which killed Jodi Marcou; correct?

13 A. That appears to be correct.

14 Q. Did you have any dash cams in your
15 car?

16 A. I do not.

17 Q. Any GPS tracking, anything like that?

18 A. I do not.

19 Q. Now, the blue light that you
20 activated, you activated it for a specific purpose;
21 you activated it on Snowden because you wanted to
22 get around stopped vehicles; correct?

23 A. Correct.

24 Q. And you wanted them to know that you
25 were going to pass them so you activated your blue

1 light as what you said earlier as a safety manner;
2 right?

3 A. Correct.

4 Q. You wanted people who were on the
5 road and operating vehicles to see you and you
6 thought the blue light would make it better?

7 A. That's correct.

8 Q. Okay. So when you activated the blue
9 light, you expected that other drivers in the
10 roadway, including those that may be -- you may be
11 following would see you; right?

12 A. No.

13 Q. No?

14 A. No. I expected the vehicles directly
15 in front of me to see that light.

16 Q. Okay.

17 A. I didn't expect a vehicle at any
18 distance to see it.

19 Q. But you left it on the entire length
20 of Route 27 until the crash occurred; correct?

21 A. I believe that's accurate.

22 Q. Okay. And as you're driving on Route
23 27 and you're passing vehicles, do you have any
24 reason to think they would not have seen this
25 flashing blue light on your dash?

1 A. Well, we were a fair distance away
2 and there were vehicles in between us.

3 Q. Okay. So is it your testimony as we
4 sit here today that you do not think the vehicles
5 that you were approaching and the vehicle you were
6 following could not see this blue light, or is it
7 just pure speculation on your part?

8 A. Well -- right. I'd have no way to
9 know what's actually happening in another vehicle.

10 Q. Right. Okay.

11 MR. LEONARDIS: Okay. That's all I
12 have. Thank you.

13 THE WITNESS: Thank you.

14 MR. ACKER: Thank you, sir.

15 VIDEOGRAPHER: The time is 1:53.

16 This concludes today's video deposition. We're
17 going off the video record.

18 Okay. We are off the video record.
19 Thank you.

20 Helen, I'm going to disconnect. Did
21 you need to speak with anybody?

22 MS. CUMMINGS: I just need a hard
23 copy of the transcript, when anyone gets a chance.
24 I don't need a video copy, if that's possible.

25 COURT REPORTER: Thank you.

1 (Discussion held off the record.)

2 MR. ACKER: I'll take an electronic
3 copy. That's all I need. That's fine.

4 MR. COLUCCIO: Same.

5 (Application for Blue Light Permit,
6 marked as Exhibit Freda 7 for identification.)

7 (Deposition is concluded at 1:53
8 p.m.)

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1 CERTIFICATE OF OFFICER

2
3 I, JOSEPHINE A. SCHEUERMAN, a
4 Certified Court Reporter and Notary Public of the
5 State of New Jersey, do hereby certify that prior to
6 the commencement of the examination MARK FREDA was
7 duly sworn by me to testify to the truth, the whole
8 truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the
10 foregoing is a true and accurate transcript of the
11 testimony as taken stenographically by and before me
12 at the time, place, and on the date hereinbefore set
13 forth, to the best of my ability.

14 I DO FURTHER CERTIFY that I am
15 neither a relative nor employee, nor attorney or
16 counsel of any of the parties to this action, and
17 that I am neither a relative nor employee of such
18 attorney or counsel, and that I am not financially
19 interested in the action.

20 

21 _____
22 JOSEPHINE A. SCHEUERMAN, CCR

23 CCR NO. 30XI00092800

24
25 DATE: August 9, 2024

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