

A That's correct. I'm not exactly sure of the

time but it was around 7:30, quarter to eight.

Yes, sir.

Q Can you tell me exactly what was said in the call you received that called you to the State Quad parking lot?

A In the call I received it was broadcast,

"Detective Tanchak, report to the parking lot at

the State University."

Q Prior to the time you received that call had you

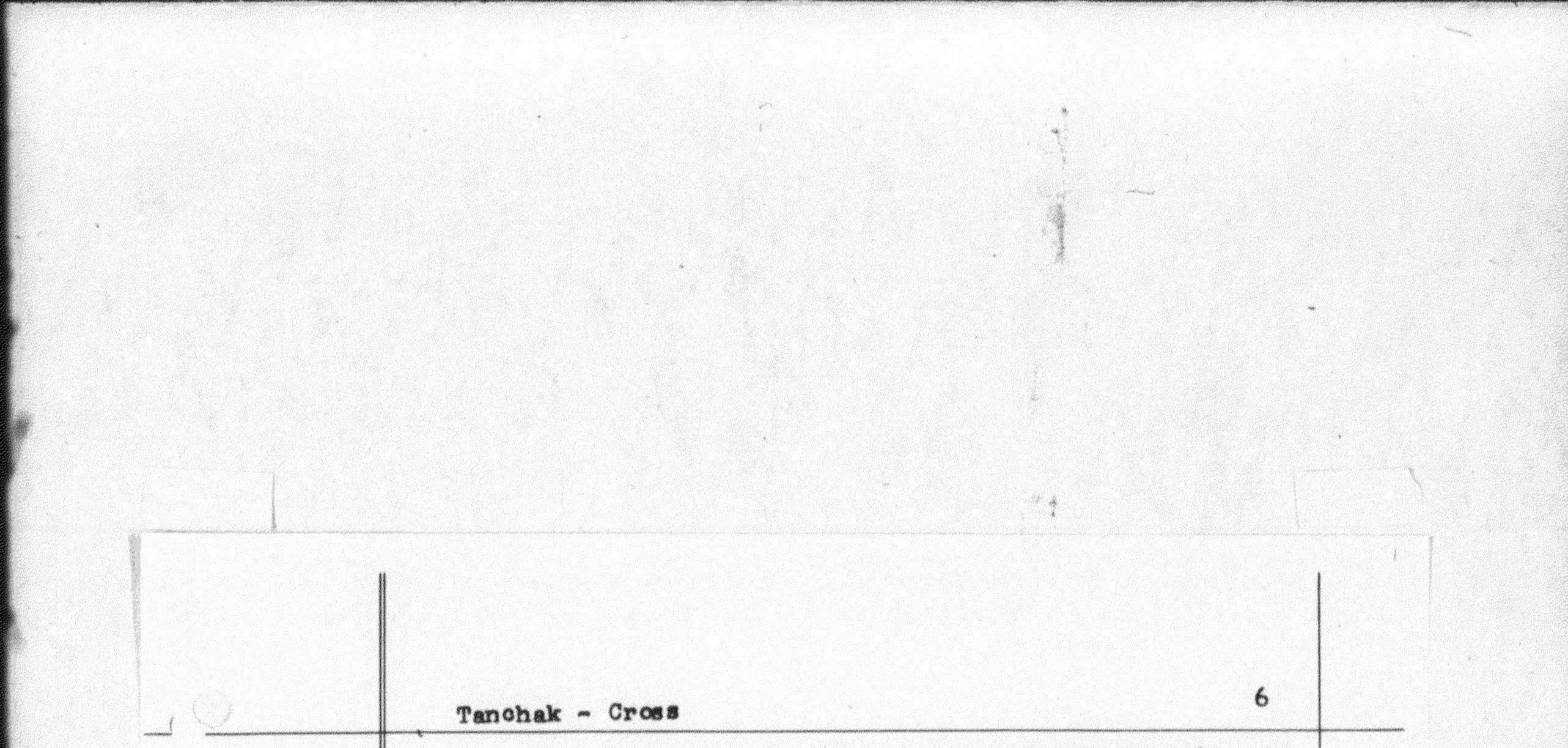
heard the name Michael Young?

A No, sir, I did not. Not prior to that, no, sir.

Q And had you received any information concerning

the license plate number of Mr. Young's car from any source? A Prior to that? Q Yes. A Yes, sir. Q And where and when was that? A There was a radio transmission that there was a stolen car being driven around in that area. I had no idea that Michael Young's name was involved in it at that time, just the plate number itself,





the make and the color of the car and where it was

and that units were looking for it.

And where were you when you received this call?

A I didn't receive the call. I merely listened

to a broadcast that was put out. I was in the

City of Albany.

Q Where were you?

Q

A I have no idea. In the city, sir.

Q You can't recall?

A No, I don't.

Q And where were you when you received the call to

report to the scene?

A In the City of Albany, sir.

- Q And who was it that ordered you to the scene? A I believe it was Detective Lieutenant William Murray.
- Q What is his position in the Albany Police

Department?

A Detective Lieutenant.

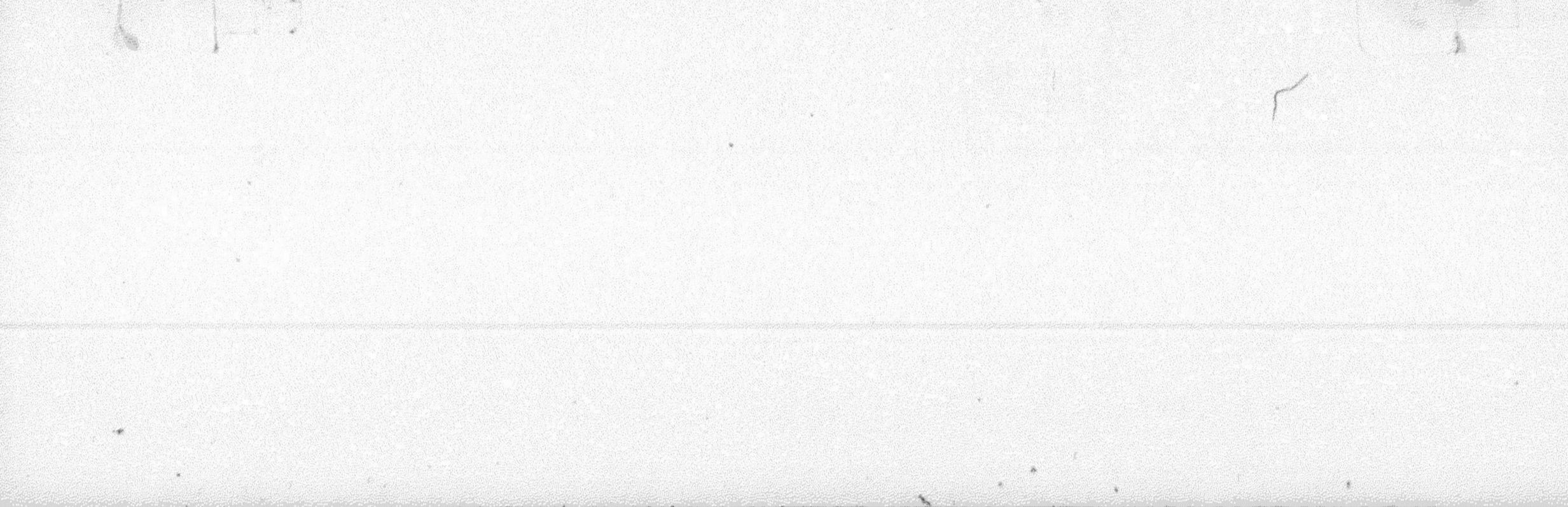
Q Is he in charge of any particular unit?

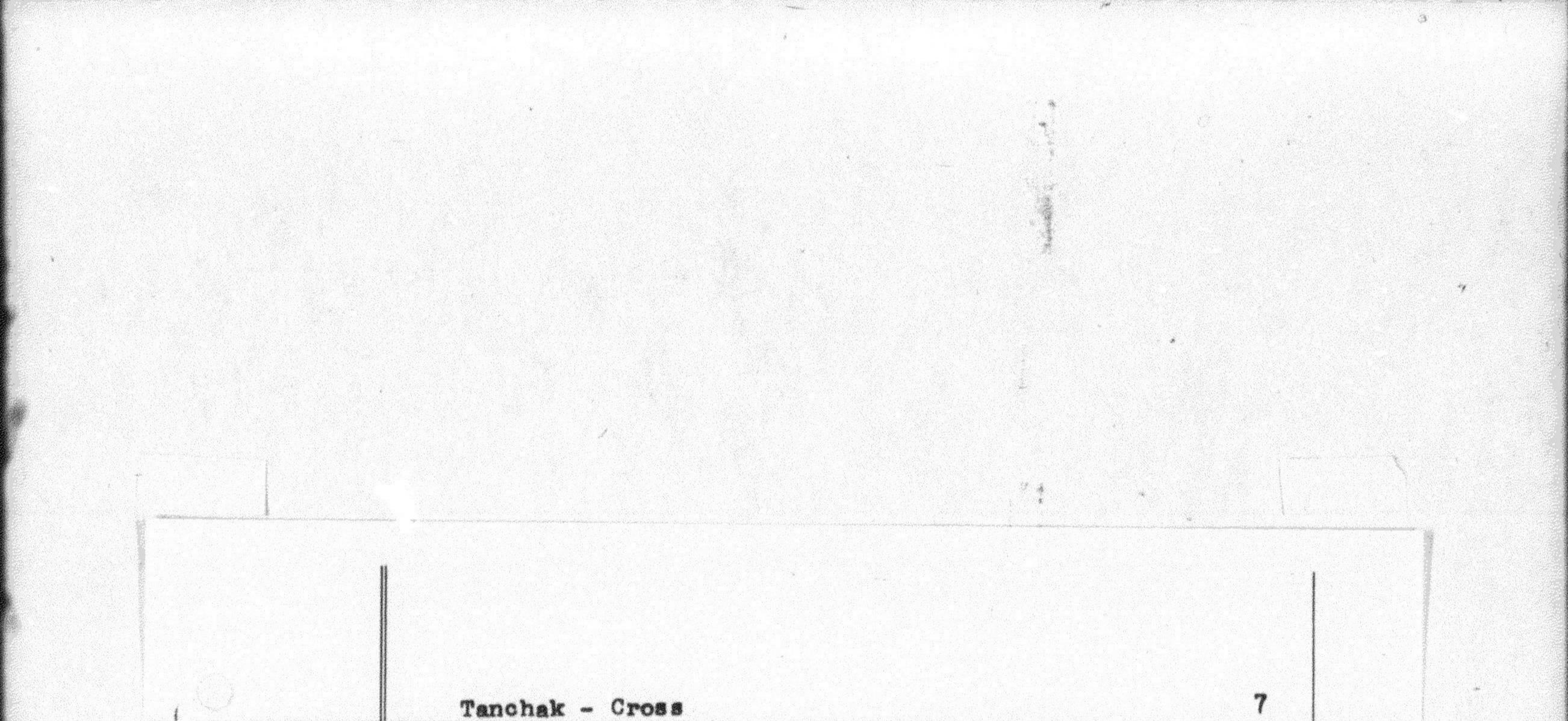
A He's one of the lieutenants in charge of the

detective office.

Q Prior to that you had no knowledge of any surveillance

Q ....





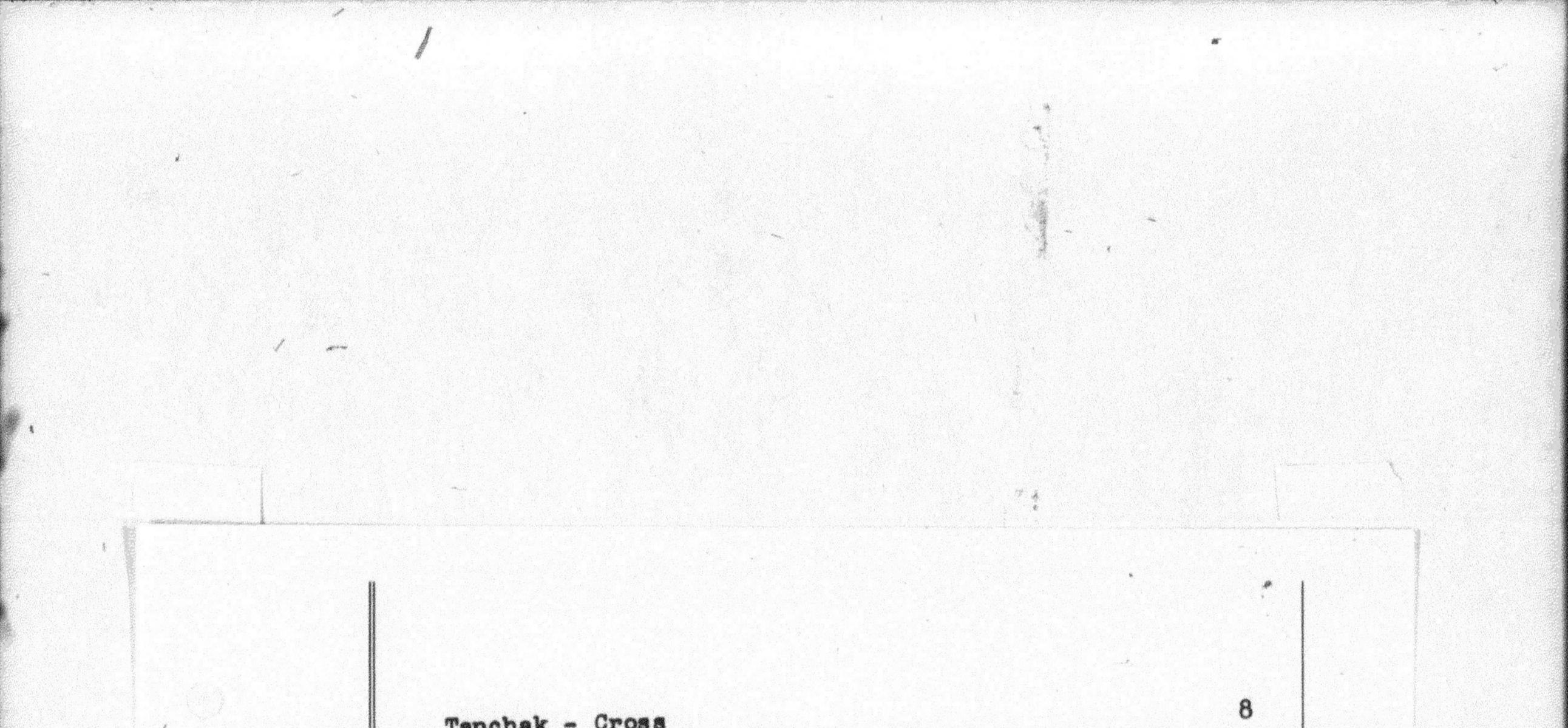
on Mr. Young?	
MR. KATZER: Objection.	
THE COURT: Sustained.	
BY MR. OLIVER: (cont'd)	and a second
Q Prior to that had you received any information	
concerning Mr. Young from any source whatsoever?	
MR. KATZER: Objection.	
THE COURT: Sustained.	
BY MR. OLIVER: (oont'd)	
Q Now, on the night of September 21 did you receive	
information concerning Mr. Young?	
MR. KATZER: Objection.	
Q after you were called to the scene.	
	MR. KATZER: Objection. THE COURT: Sustained. BY MR. OLIVER: (cont'd) Q Prior to that had you received any information concerning Mr. Young from any source whatsoever? MR. KATZER: Objection. THE COURT: Sustained. BY MR. OLIVER: (cont'd) Q Now, on the night of September 21 did you receive information concerning Mr. Young? MR. KATZER: Objection.

THE COURT: Is there an objection? MR. KATZER: Yes. THE COURT: Sustained. BY MR. OLIVER: (cont'd) Did you receive any information concerning Mr. Young Q on the night of September 21 concerning Clara Satterfield? MR. KATZER: Objection. THE COURT: Sustained.

Prior to the night of September 21, did you know Q,



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Q

Q

Q

who Vera Michaelson was?

MR. KATZER: Objection.

THE COURT: Overruled.

A Can you repeat the question, sir?

Prior to the night of September 21 did, you know who

a person was by the name of Vera Michaelson?

A No, sir, I did not.

W Did there come a time on the night of September 21

when you informed or were told by Vera Michaelson ---

MR. KATZER: Objection.

THE COURT: Yes. Sustained.

BY MR. OLIVER: (cont'd)

Q Well, the apartment that you searched, 400 Central

Avenue, whose apartment was that?

A Vera Michaelson, sir. ~

Prior to the time you searched the apartment did

you receive information about Vera Michaelson?

A I wouldn't say -- well, I guess you could say

it was information in a way; yes, sir.

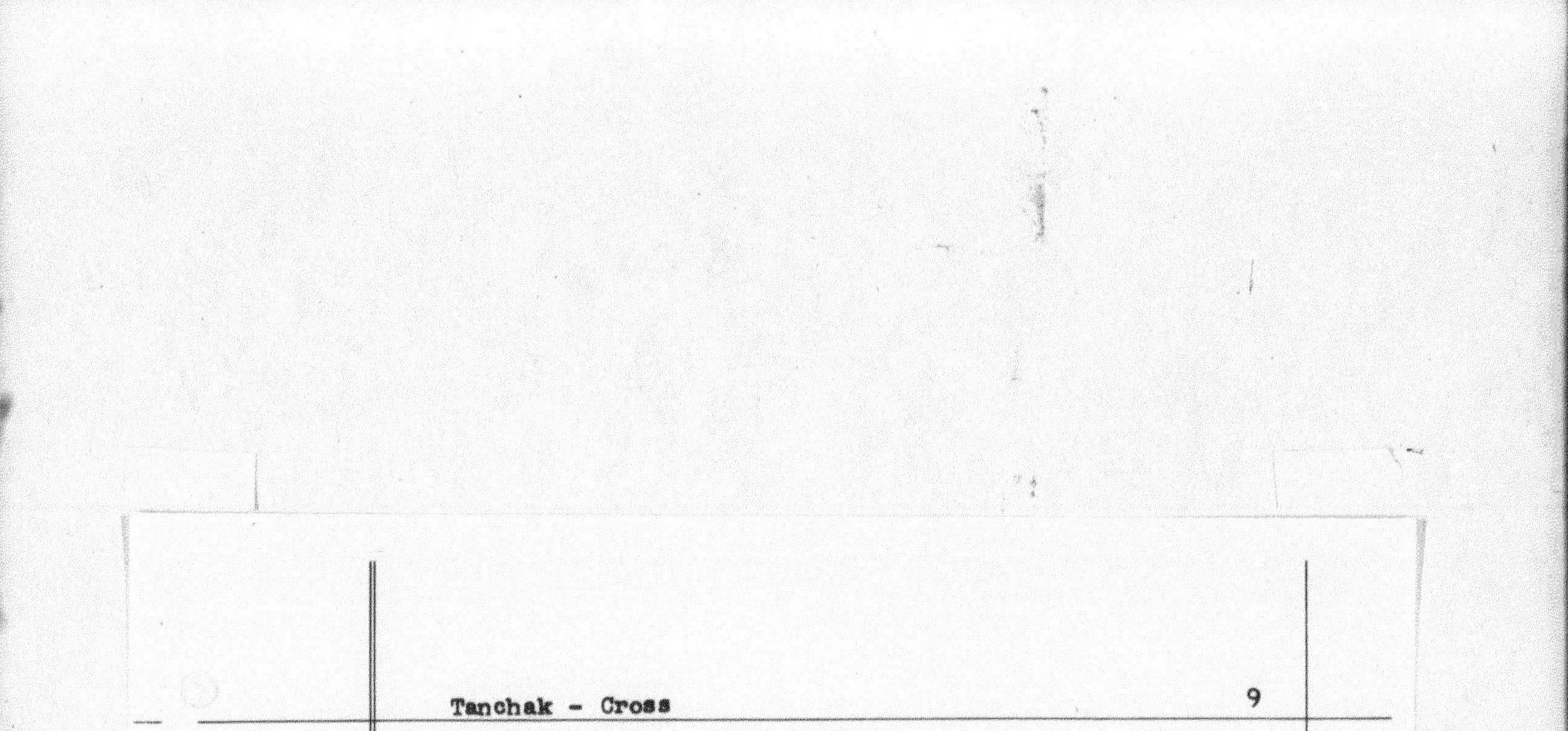
Approximately where and when did you receive that

information?

A I was down at the detective office when I

received that information. The time, I couldn't





tell you. I don't recall.

Was it after 7:30? Q

> Definitely after 7:30. A

From whom did you receive that information? Q

MR. KATZER: Objection.

THE COURT: Approach the bench,

gentlemen.

(An off-the-record discussion was

had by Court and counsel at the bench out of the

hearing of the jury and the reporter.)

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Well, prior to the time that you entered Vera Q

Michaelson's apartment did you have a meeting with certain F.B.I. agents and members of the district attorney's office and Detective Murray? MR. KATZER: Objection. THE COURT: Overruled. That's correct. I did. A And isn't it a fact the F.B.I. agent that was Q there was Agent James Rose? I believe that was his name, yes, sir. A And isn't it a fact you received information from Q





Tan	shak - Cross 10
	Agent Rose? A That's correct, I did. And isn't it a fact that the source of Agent Rose's information was an infiltrator on the demonstration
	committee? MR. KATZER: Objection. THE COURT: Sustained. What was the source of Agent Rose's information? MR. KATZER: Objection. THE COURT: Sustained.
Q	Were you told what the source of Agent Rose's information was?
	MR. KATZER: Objection.

MM. NATZEN: 00 300 010000 THE COURT: Sustained. Did you receive any information about Vera Q Michaelson's apartment from any source other than Agent Rose? Objection. MR. KATZER: THE COURT: Sustained. Did you know how long Vera Michaelson lived in Q that apartment? Objection. MR. KATZER: THE COURT: Sustained.

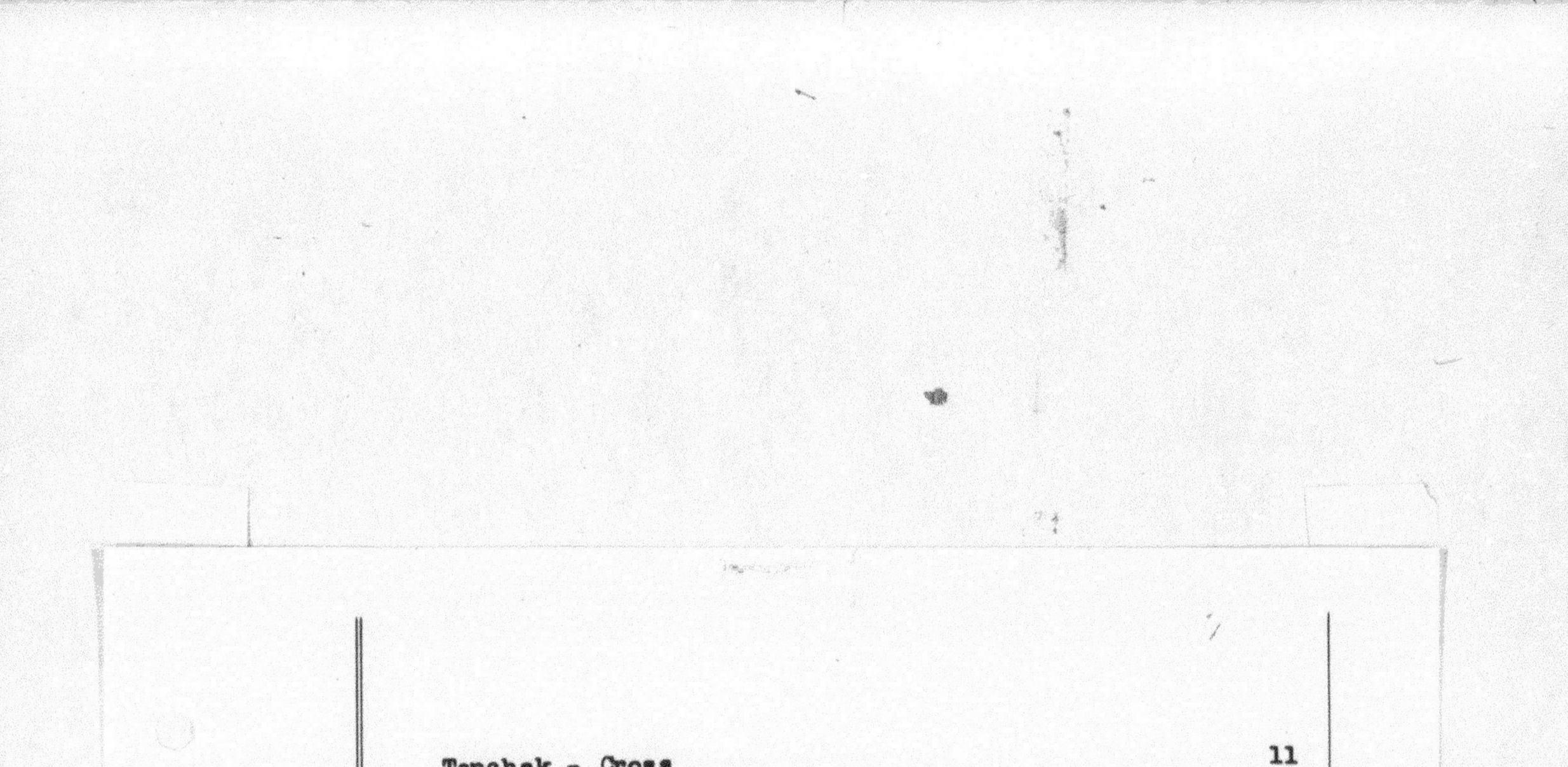
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Tanchak - Cross
BY MR. OLIVER: (cont'd) Q Did you know if anyone else was staying in Vera Michaelson's apartment at that time? A At the time of what, sir?
Q During this meeting. A I was informed that there was; yes, sir. Q What persons were you informed were staying at this apartment at that time?
MR. KATZER: Objection. THE COURT: I'm going to sustain the objection. Now, I have indicated to you previously this line of questioning calls for hearsay answers and I am not going to permit it. Do I make myself

## clear?

MR. OLIVER: Yes, Your Honor.

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THE COURT: Very well.

BY MR. OLIVER: (cont'd)

Q Prior to your entry into the apartment at 400

Central Avenue, did you, of your own personal

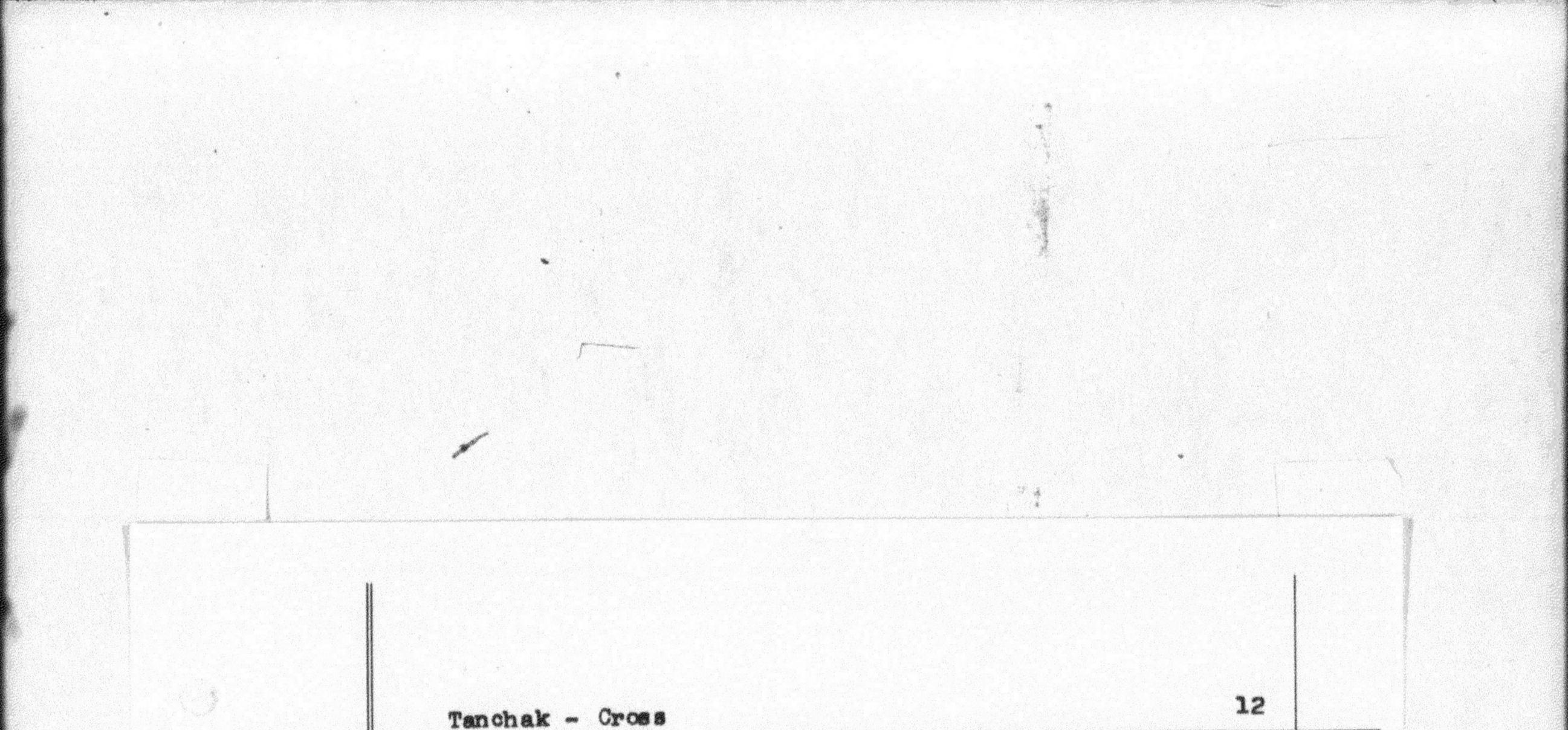
knowledge, know who was staying in that apartment?

MR. KATZER: Objection.

THE COURT: Overruled.

A My own personal knowledge? No, sir.





	Q Prior to your entry into the apartment did you, of your own personal knowledge, know of any alleged weapons or anything of that nature in the apartment?
	MR. KATZER: Objection.
	THE COURT: Yes, I'm going to sustain
	the objection.
	MR. OLIVER: Judge, I'm asking for
	his personal knowledge.
	THE COURT: I don't see the relevancy
	of it. He went to the apartment with a search
	warrant. All right? Now, continue your cross
	examination based on the direct testimony of the
and the second se	

## witness yesterday.

BY MR. OLIVER: (cont'd)

Q How many police agencies were involved in entering

and searching the apartment?

- A Actual police agencies, I believe it was three.
- Q Would you indicate what they were?
  - A The Albany Police Department, the Federal

Bureau of Investigation, and the New York State

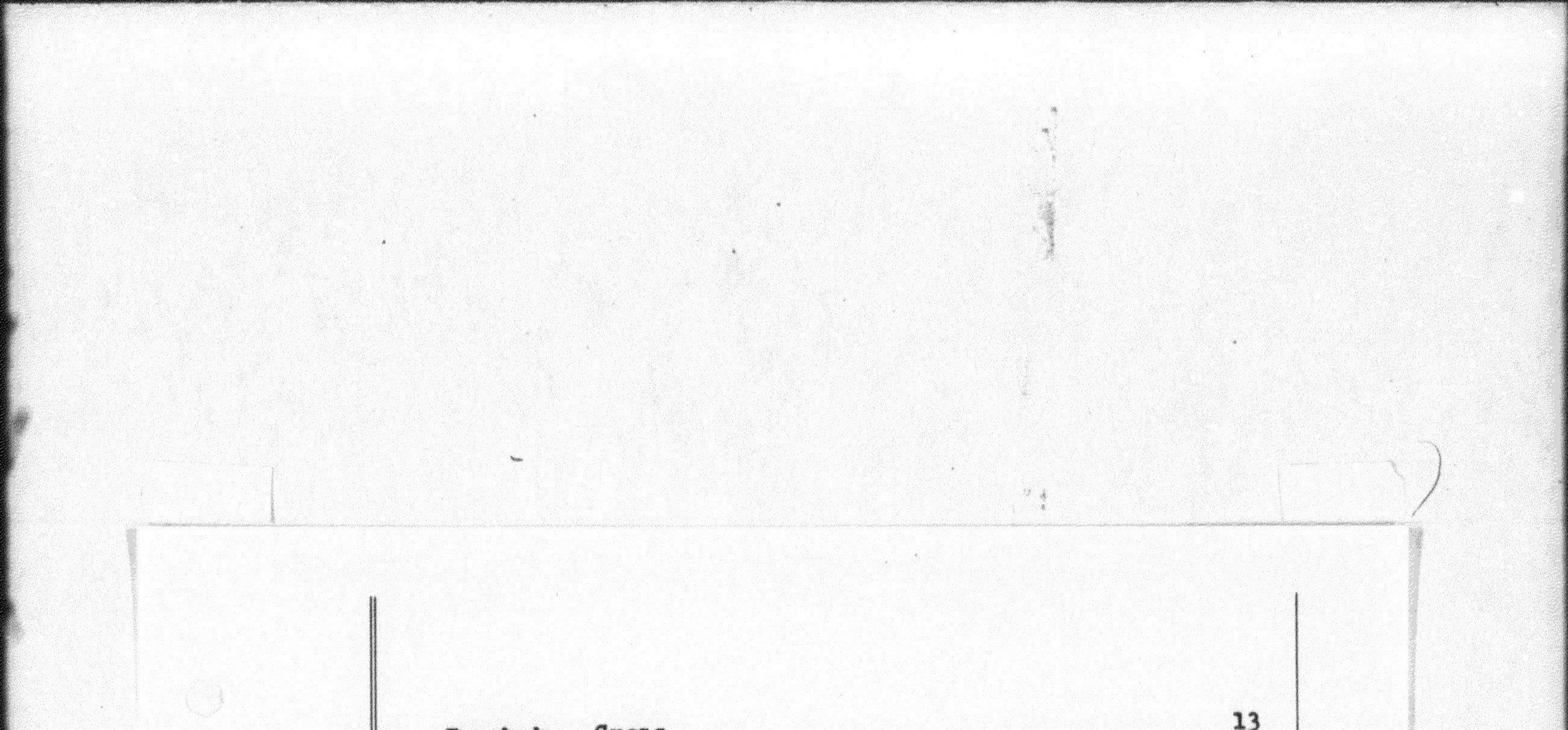
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Q And how many officers, in total, were involved in

.

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Tanc	hak - Cross
Q	the search or the raid or whatever you call it? A You want to know how many officers were present that went to the apartment? Yes, sir. Total number.
	A Just an estimate, I would probably say ten to
	fifteen. I don't know.
Q	That's just an estimate? Ten to fifteen?
	A I would say yes. Yes, sir.
Q	How many F.B.I. agents?
	A I have no idea.
Q	Who were the F.B.I. agents?
	A The only one that I know by name is Agent
	Joe Bross. The others, I don't know.
Q	Agent Rose didn't go on the search?
	A I don't recall if he did or not.
Q	Special Agent Daly didn't go on the search?
	A I don't know Special Agent Daly.
Q	What officers from the New York State Police went
	on the search, to your knowledge?
	A I have no idea.
Q	Were they in state trooper uniform?
	A No, sir, they were not.
Q	They were in plainclothes?

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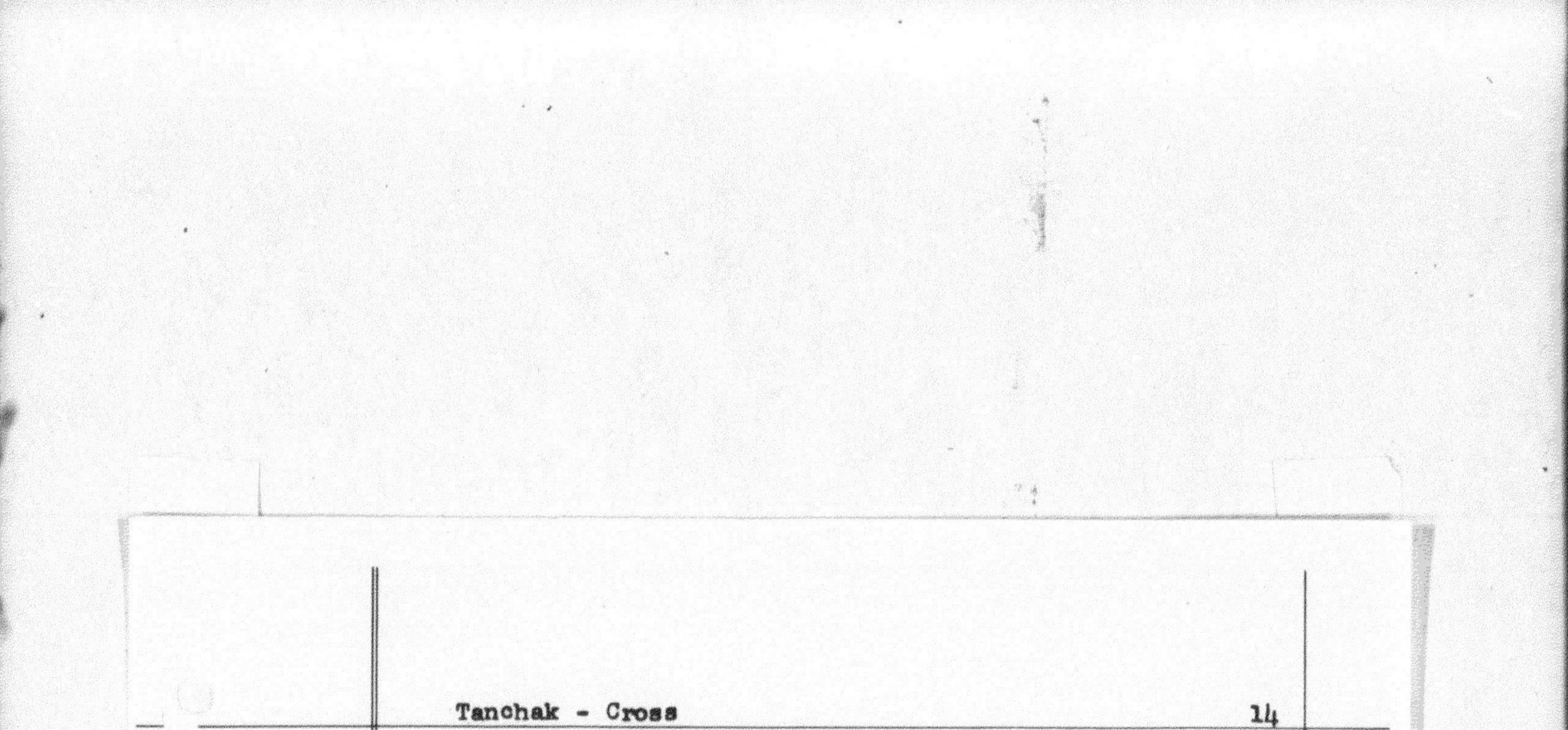
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- - That's correct. A
- Q Were they from the Intelligence Unit of the State Police?
  - I have no idea. A
- You indicated that you were not in charge of the Q
  - search. Who was in charge of the search?
  - The highest ranking officer was Deputy Chief A John Reed.
- Q Was he actually present during the search?
  - That's correct, I believe he was. A
- Was he the person who gave directions and orders Q
  - to the other members of the search party?
  - I guess you could say so. There weren't any A

orders actually given, just a search that was

conducted.

Q

What members of the Albany Police Department were

engaged in the search party, to your knowledge?

There was myself; there was Detective Murray; A

Detective Sergeant Lounsberry; then there was

Detective Cunningham; Detective Pariseau; I believe

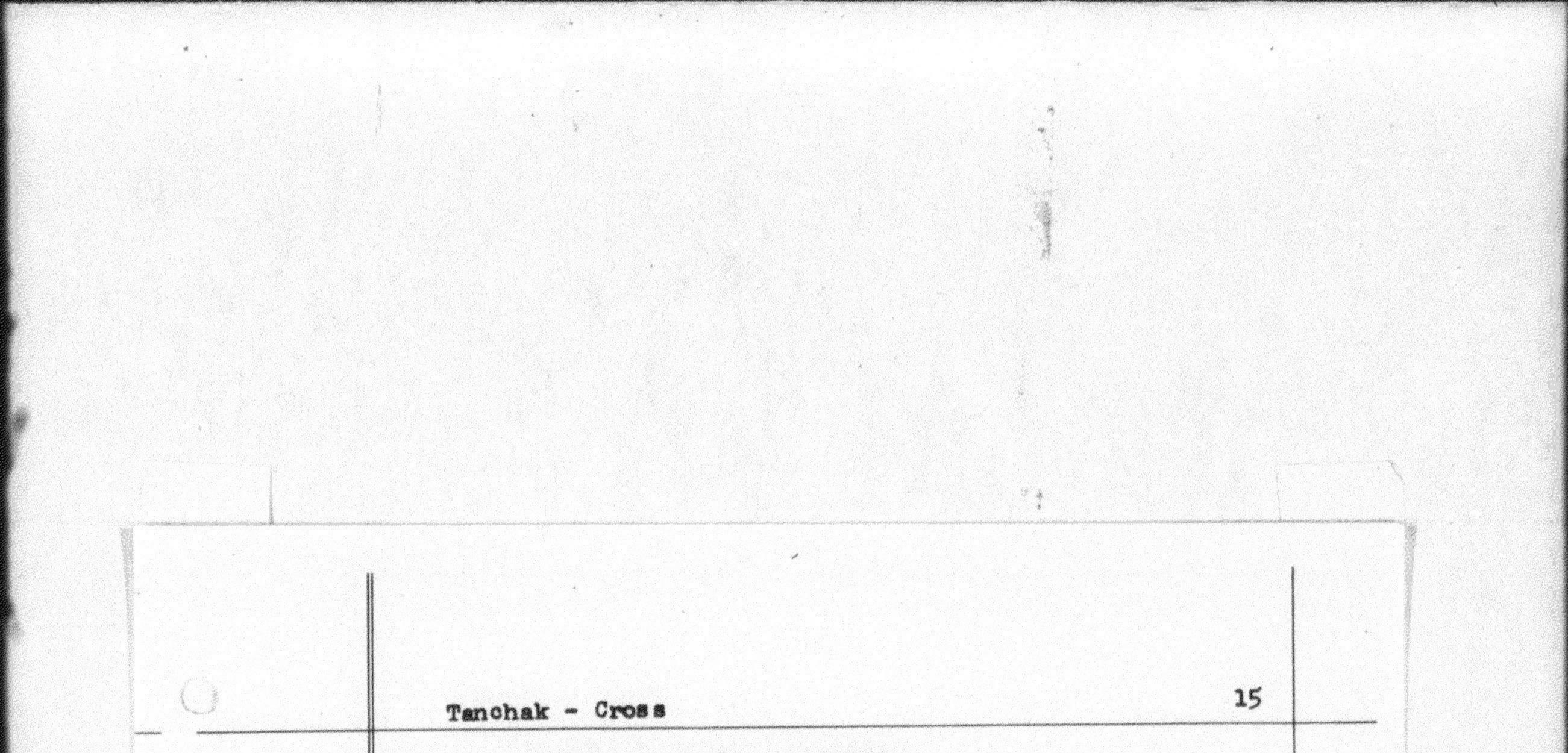
Detective Lieutenant Murray was with us; Deputy

Chief Reed; Detective Malone. I'm sure there were

others but that's the only ones I can come up with



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right now as far as na	nos	•	
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- Q All right. Thinking on it a moment can you recall any others?
  - A No. Like I said, that's all I can recall.
- Q Do you know how many officers from the state police

were involved?

- A I have no idea.
- Q They were in plain clothes?
  - A That's correct.
- Q Now, can you describe for us exactly what the

procedure was when you arrived -- withdrawn. What

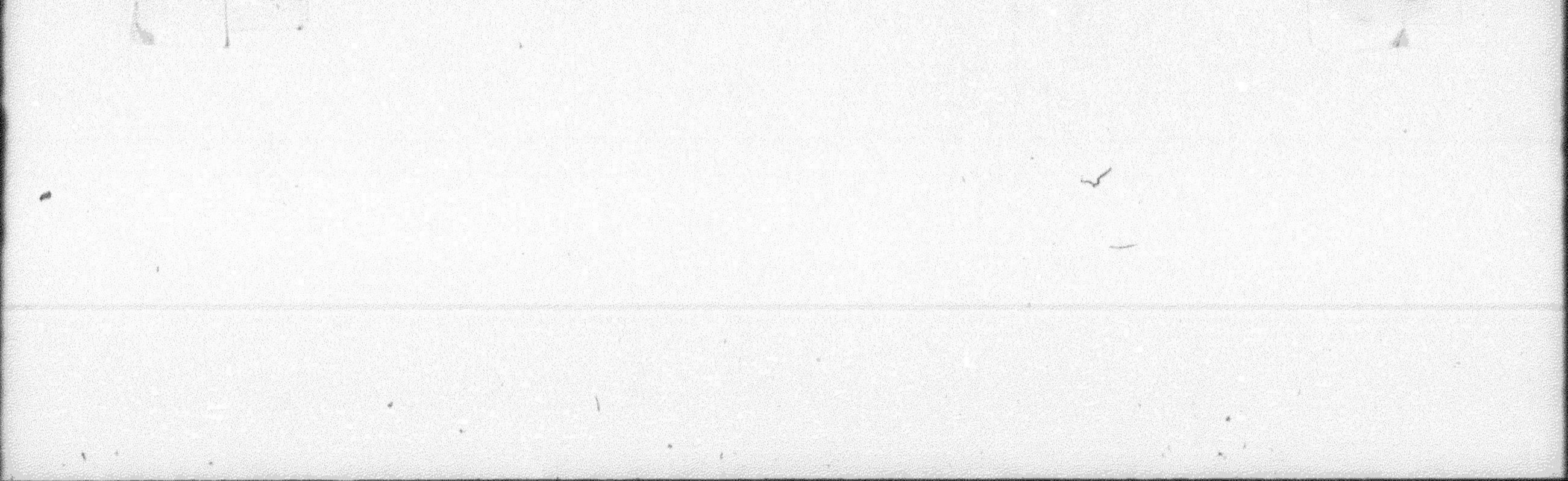
time did you arrive at the door of Apartment 7-K?

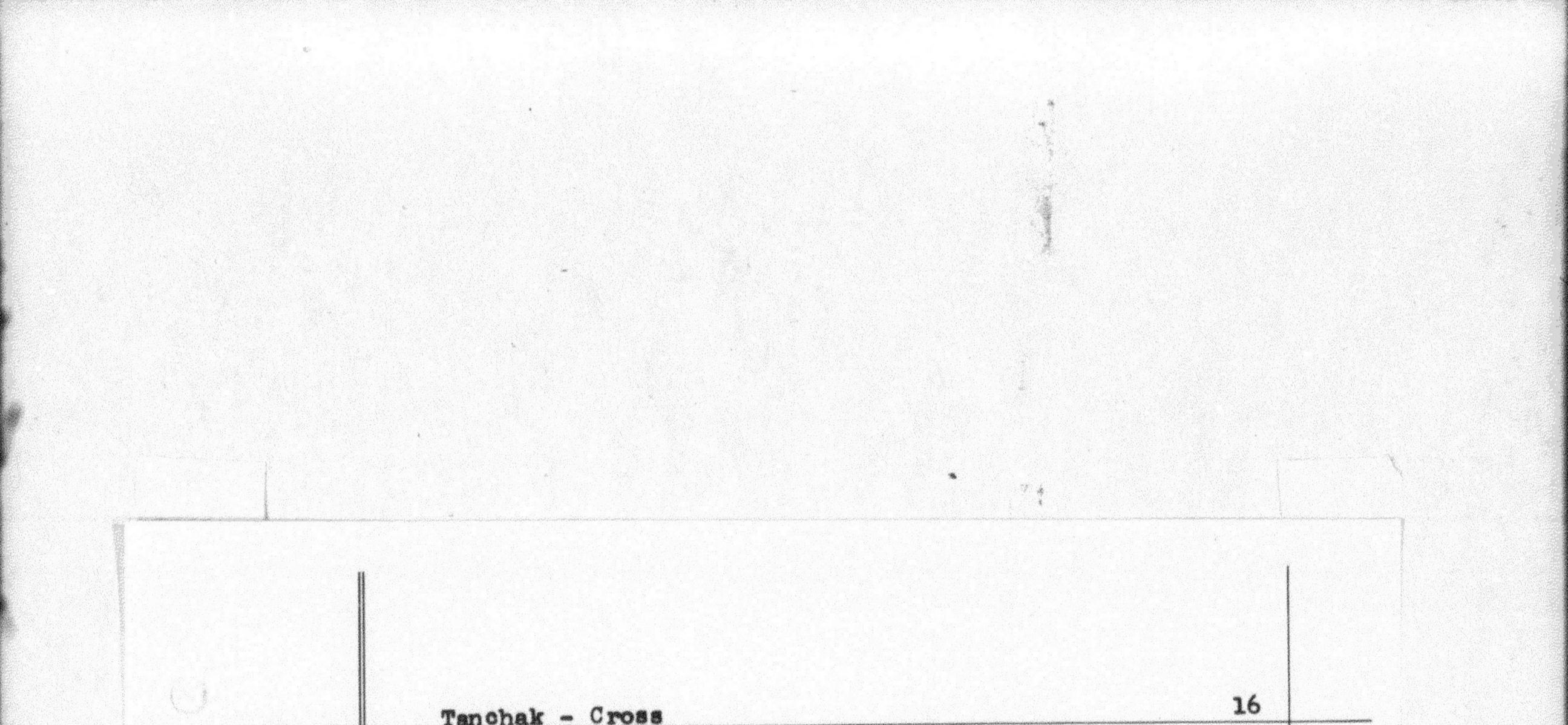
A Probably around 3:15 in the morning.

and the second second

What directions were given with regard to Q positioning of the officers in the search party? Where was everybody located? In the hallway. A All fifteen? Q Some were in the stairwell, the exits on each ٨ end of the hallway, but everybody was in the hallway. Can you describe the physical location and indicate Q where the various units were located? No, I cannot. A

SA.





	Tan	<u>ohak - Cross 10</u>
	Q	Well, there was a hallway and there was a door to
		Apartment 7-K?
		A Do you want a description of the apartment
		building? Is that what you want?
an a	Q	Well, at least the floor area of Apartment 7-K.
	6	A We went up the elevator. The apartment, I
		believe, was off to the left. There was a big
		long hall and apartments on each side of the
		hallway.
	Q	Where were the various police officers stationed,
		to your knowledge?
		A I don't have that knowledge. I don't know.

In the hallway. I was at the front door of the

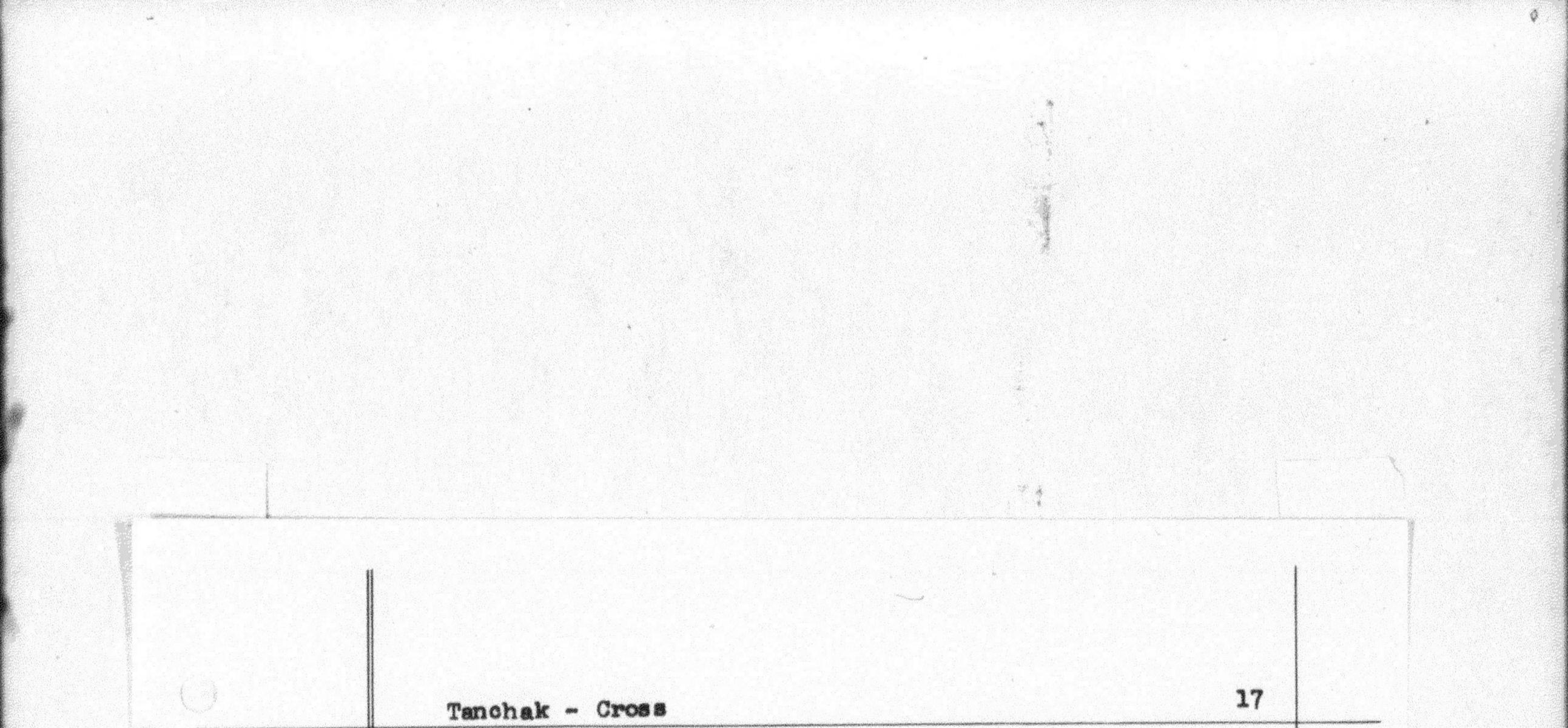
apartment.

- Q You indicated there were officers at either end of the hallway?
  - A That's correct, I believe there were.
- Q Was there a back door to this apartment?
  - A No, there was not.
- Q So were officers stationed in the lobby of the

building or on the roof or at any other locations

- in the building, to your knowledge?
- A Not to maknowledge.





and the state of the	and any more which and the addition of the second second	
*****	Q	Would it be Chief Reed who would be the responsible
		person with knowledge of that type?
		MR. KATZER: Objection.
		THE COURT: Sustained. Who was the
	un platet States	senior officer present at the time?
		THE WITNESS: Deputy Chief Reed, sir.
		THE COURT: Continue.
	BY M	R. OLIVER: (cont'd)
	Q	How many officers initially entered the apartment?
		A Probably six. I don't know.
	Q	Who were they?
63		A Myself the ones I'm sure of were myself,
		Detective Murphy, Detective Sergeant Lounsberry,

and I believe Deputy Chief Reed entered initially

with us. Lieutenant Murray, I believe, also.

That's all I can recall right now. I'm sure there

were more but like I said, I don't know who they

were. They were behind me.

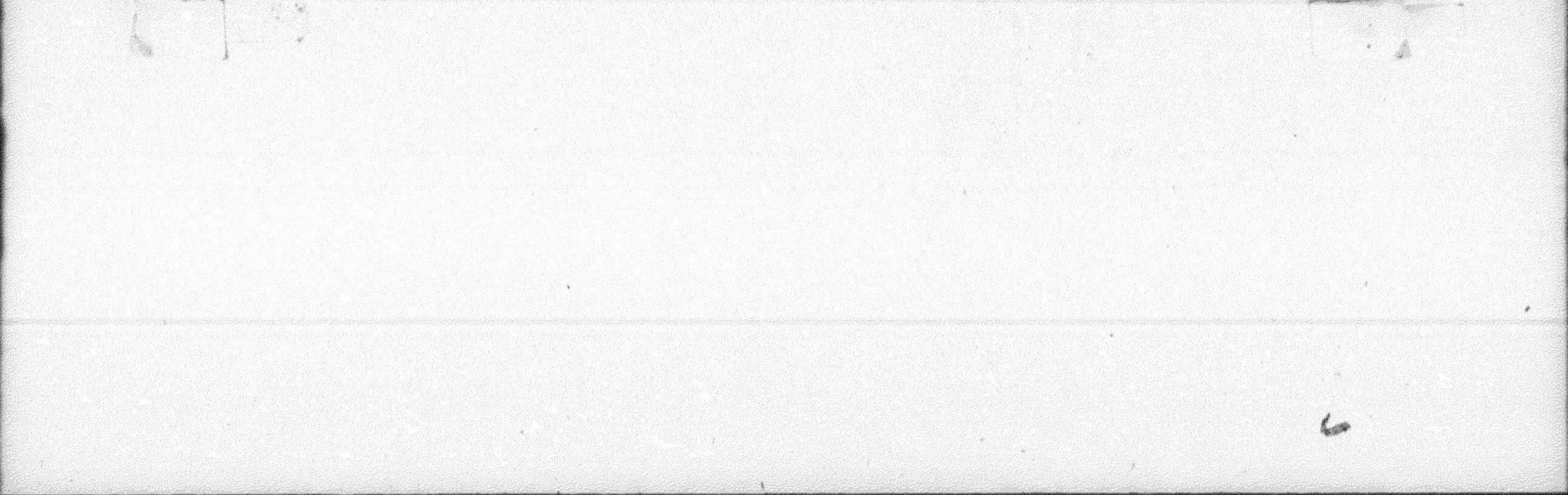
Q Did the F.B.I. agent go in with you?

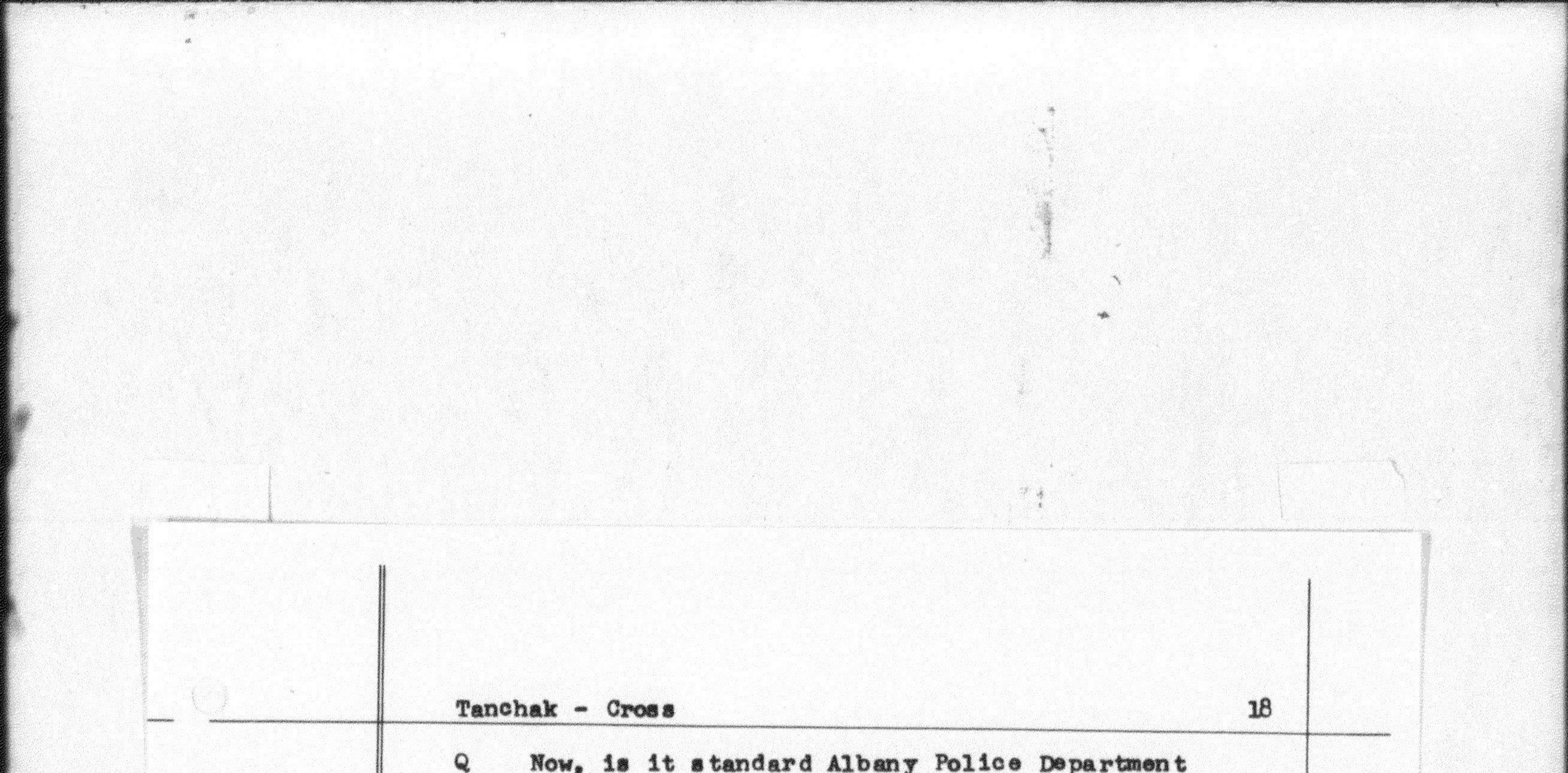
A Initially? I don't know.

Q You don't know whether the state police agents

went in with you?

A Initially, I don't know.





Now, is it standard Albany Police Department procedure to have F.B.I. agents and state police officers in a search party for a stolen car or a

weapon?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

- Q You have conducted searches pursuant to search warrant before?
  - A That's correct, I have.
- Q How many officers generally go on a search to

prosecute a search warrant?

MR. KATZER: Objection.

THE COURT: Sustained.

- Q All right. How did you gain entrance to the apartment?
  - A Initially, we had a key for the lock and the security chain was on which was kicked open.
- Q You kicked the door in, is that correct?
  - A The door was opened with a key and the

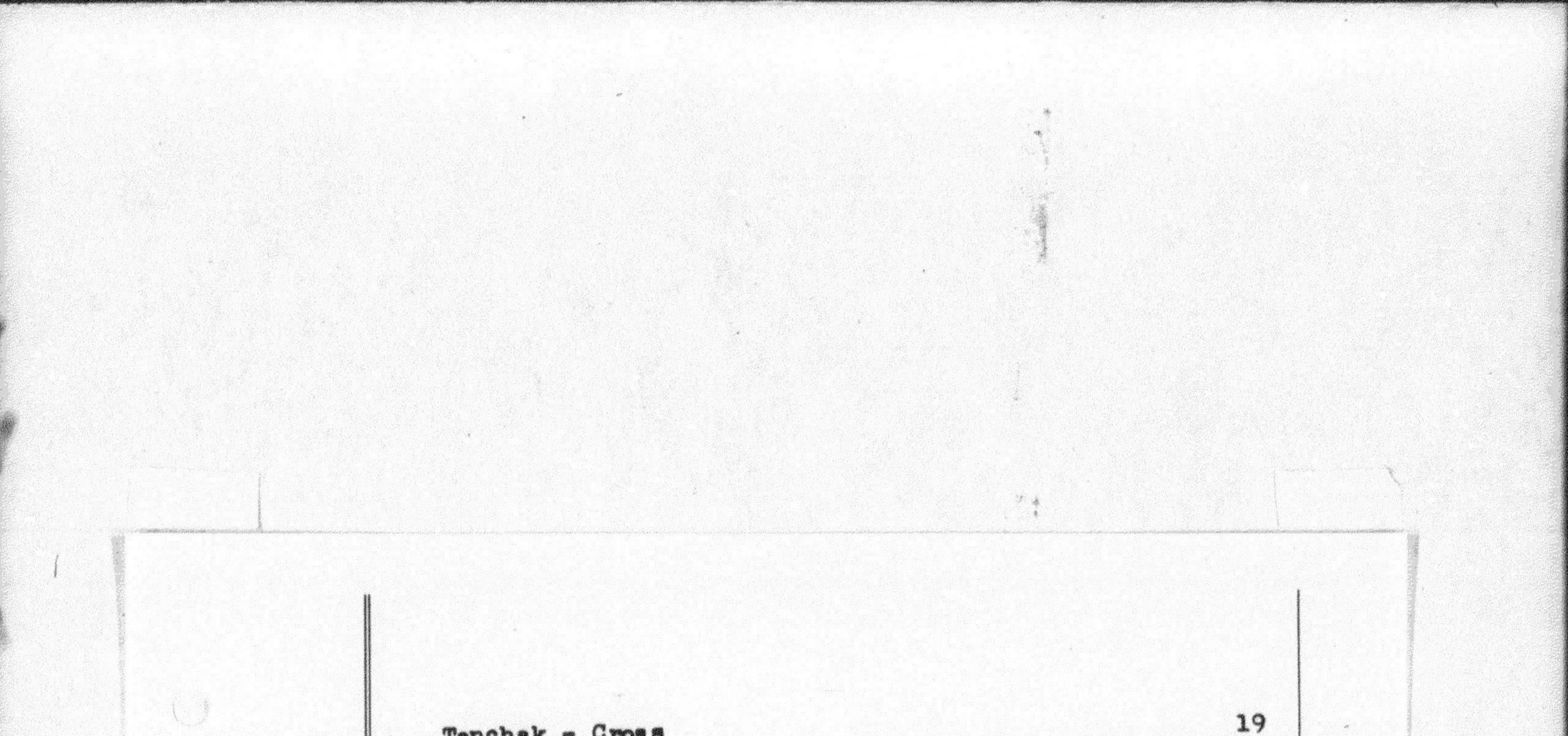
security chain stopped it. It opened about that

much, at which time a foot was put to it. Yes, sir.

Q And what was going on inside when you went in?

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Tanchak - Cross		
A Well, the lights were all off. An everybody was sleeping. Q And what was the first thing that happe A We turned the lights on and told of	anad? averybody to	
freeze, we were police, and we were ext search warrant for the apartment. Q And when you walked in the apartment - turned the lights on, what did you see A I found myself standing in what I be called the living room. There was	- when you ? guess would	
front of me. On the other side of the mattress laying on the floor with a bl lying face down. Across from him was	ack male	

small sofa or cot with another black male lying on

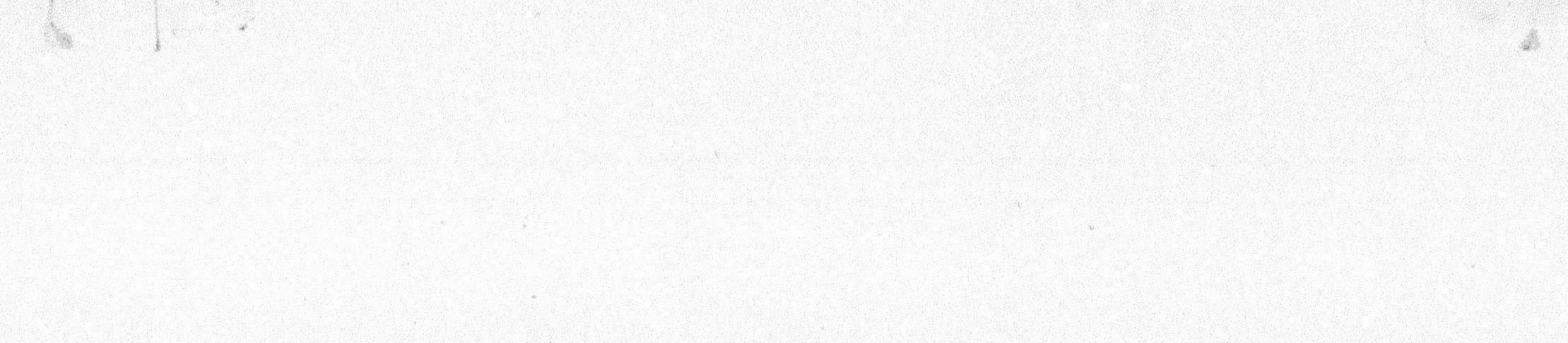
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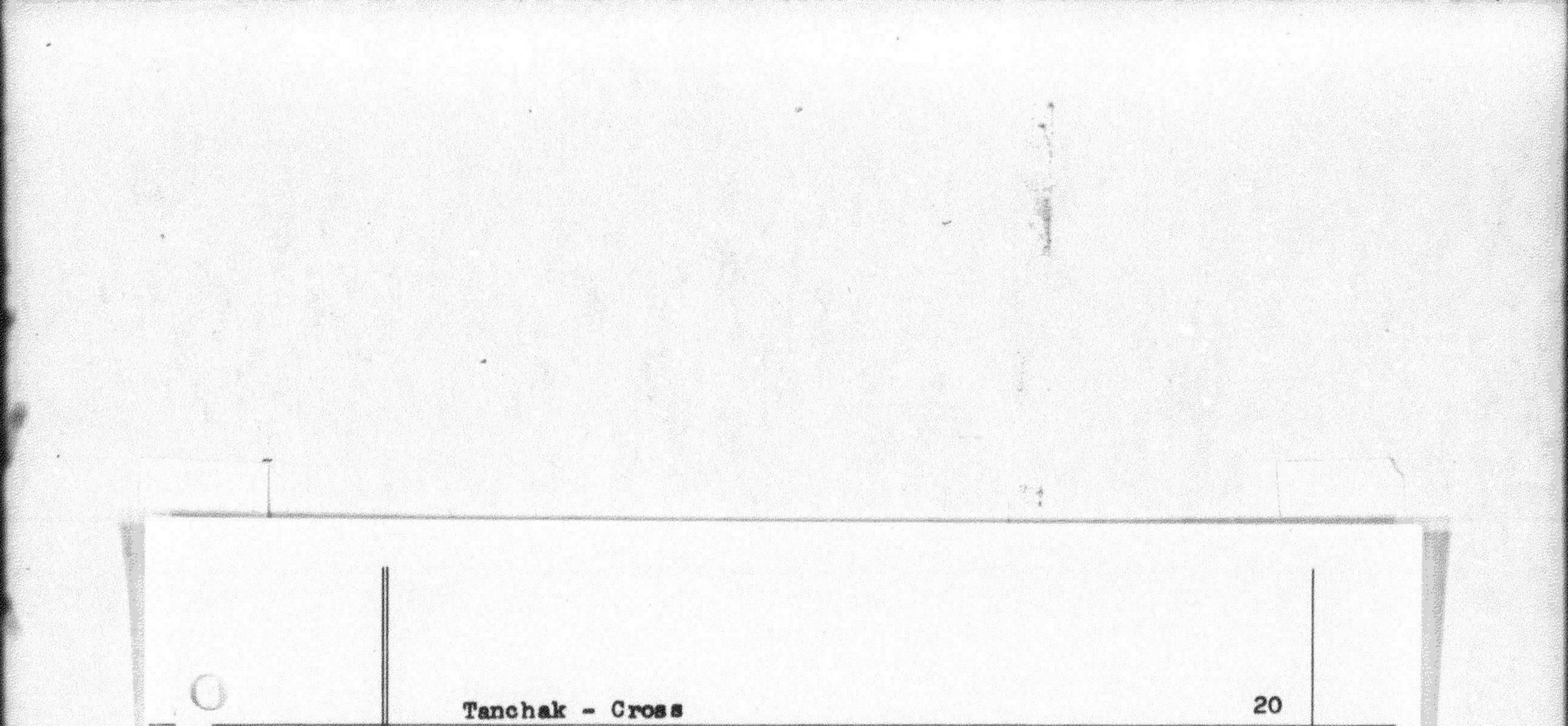
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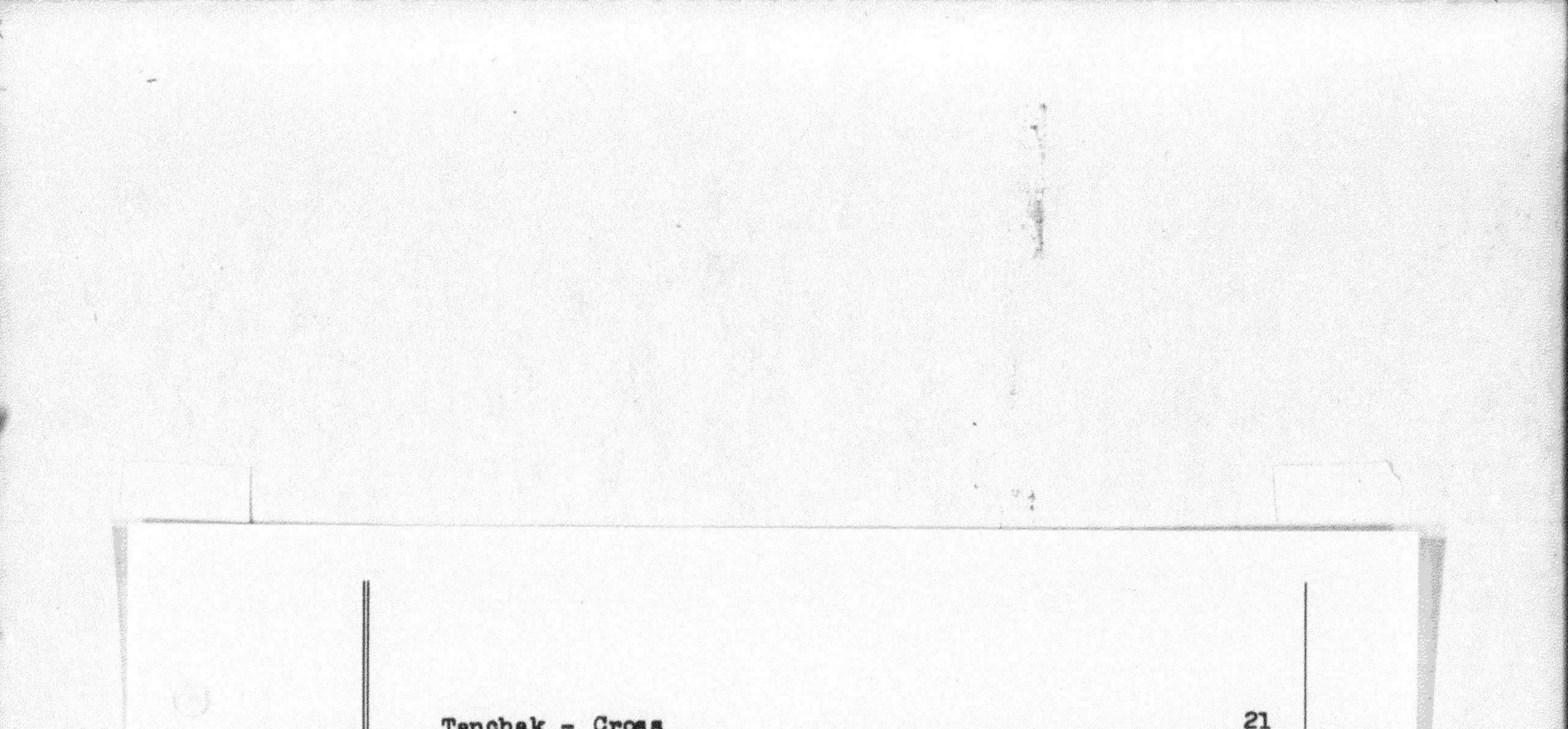
- Q So there were two black males in the living room
  - asleep, is that correct?
  - A That's correct.
- Q And what did you do with them?
  - A I told them not to move.
- Q Did they move?
  - A Well, they moved at my commands; yes, sir.
- Q I assume you had a weapon drawn, is that correct?





	A That's correct, I did.
Q	Everybody had their weapon drawn, didn't they?
	A I don't know about everybody. I had mine.
Q	You saw the other officers in the apartment?
	A I saw myself and Detective Murray and the rest
	were behind us.
Q	Detective Murray?
	A Murphy. I'm sorry.
Q	He had his weapon drawn?
	A That's correct, he did.
Q	There came a time when you turned around and saw
	some of the other officers, isn't that correct?
	A Eventually.

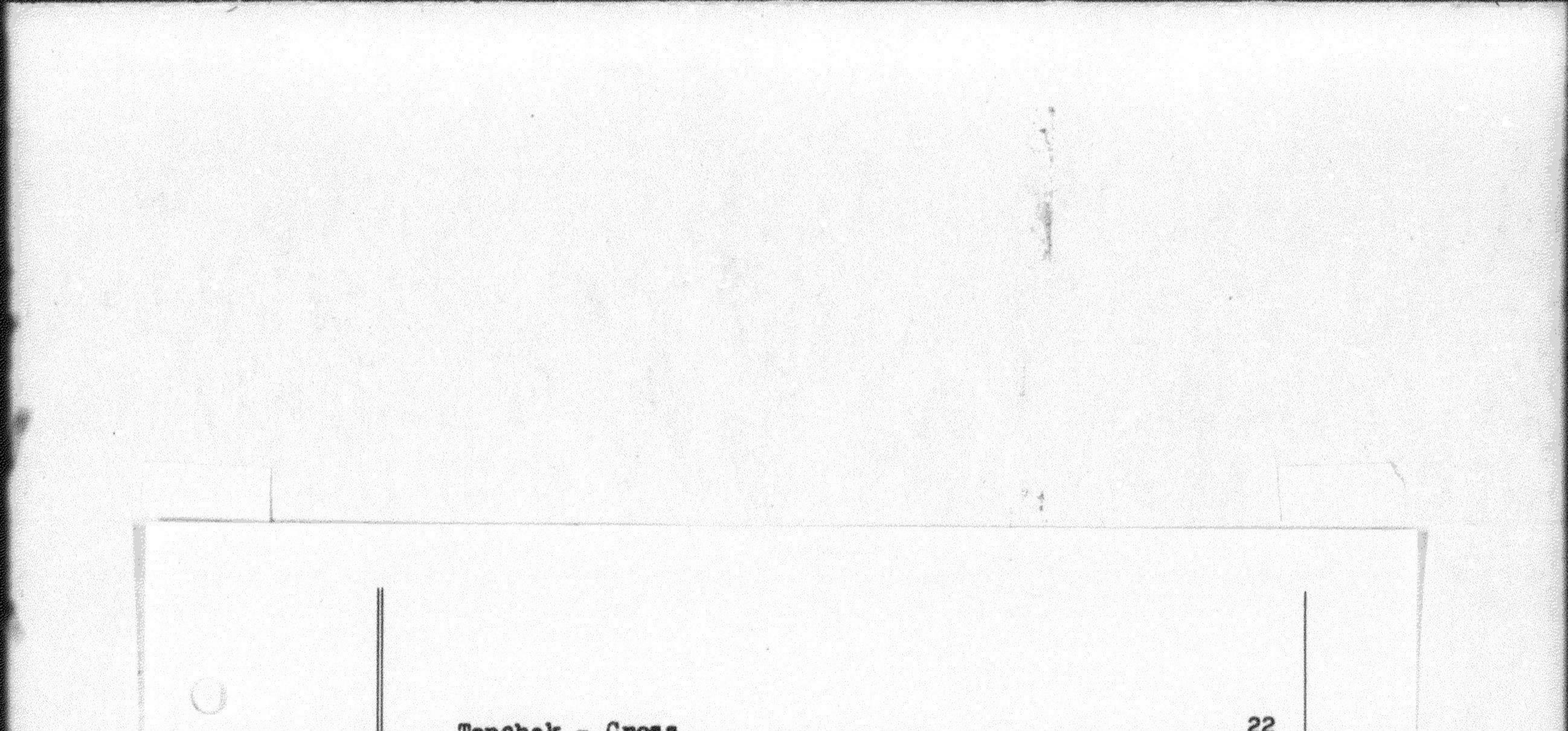
- Q They had their weapons drawn?
  - A No, they did not.
- Q They did not?
  - A No, sir.
- Q After you ordered them not to move, then what did
  - you order them to do?
  - A I spoke with a subject later identified as
  - Michael Young. I was kneeling down next to him.
  - He had his hands -- they were under the pillow or
  - whatever he was lying on -- the blankets -- and I



Tanchak - Cross 21	ļ
advised him to remove his hands very slowly and I dealt with Mr. Young mostly and I believe Detective Murphy dealt with Mr. Estes. Q What was the very next thing you did with them?	
A They were stood up and handcuffs were placed on them.	
Q In front of or behind their backs? A No, their hands were placed behind their backs.	
Q You handcuffed them? A That's correct.	
Q At that time did you have any criminal charges against them? A No, sir, I did not.	

Q	You handcuffed them, is that correct?
	A That's correct, I did.
Q	All right. Then what did you do?
	A At that time all three were advised of their
	rights.
Q	Did you have any criminal charges against them at
	that time?
	A No, sir, I did not.
Q	You advised them of their rights because you placed
	them under arrest at that time, isn't that correct?

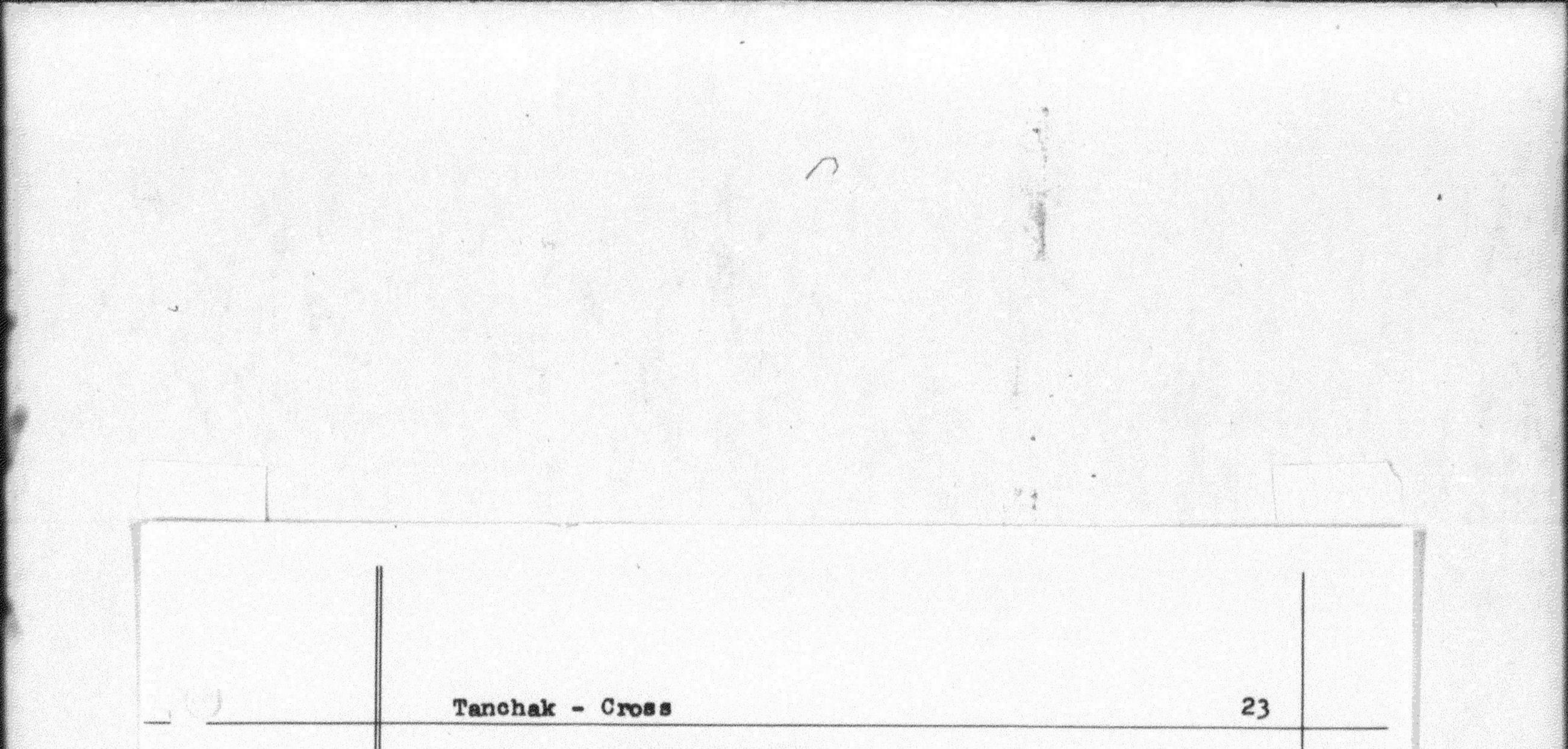




Tanchak - Cross	no
A No, sir, I did not.	
Q Did you tell them why you were handcuffing them?	
A I believe they were told.	
Q What were they told?	
A That they were being handcuffed so that they	(
were secure so that we could conduct a search	
pursuant to a search warrant signed by Judge Keegan.	
Q is that standard operating procedure when you are	
conducting a search and you don't have any charges	
against somebody, that you handcuff them?	
MR. KATZER: Objection.	
THE COURT: Sustained.	
BY MR. OLIVER: (cont'd)	

- Q Then what did you do with them next?
  - A I didn't do anything with them next. I then conducted a search.
- Q Well, what happened to them? All right. Were they dressed when you woke them up?
  - A Just in, I believe, they had their underwear or.
- Q Did they get dressed?
  - A I don't know. I don't recall.
- Q So Mr. Young was initially in your direct custody,
  - is that correct?





A	Ini	tial	ly,	yes.
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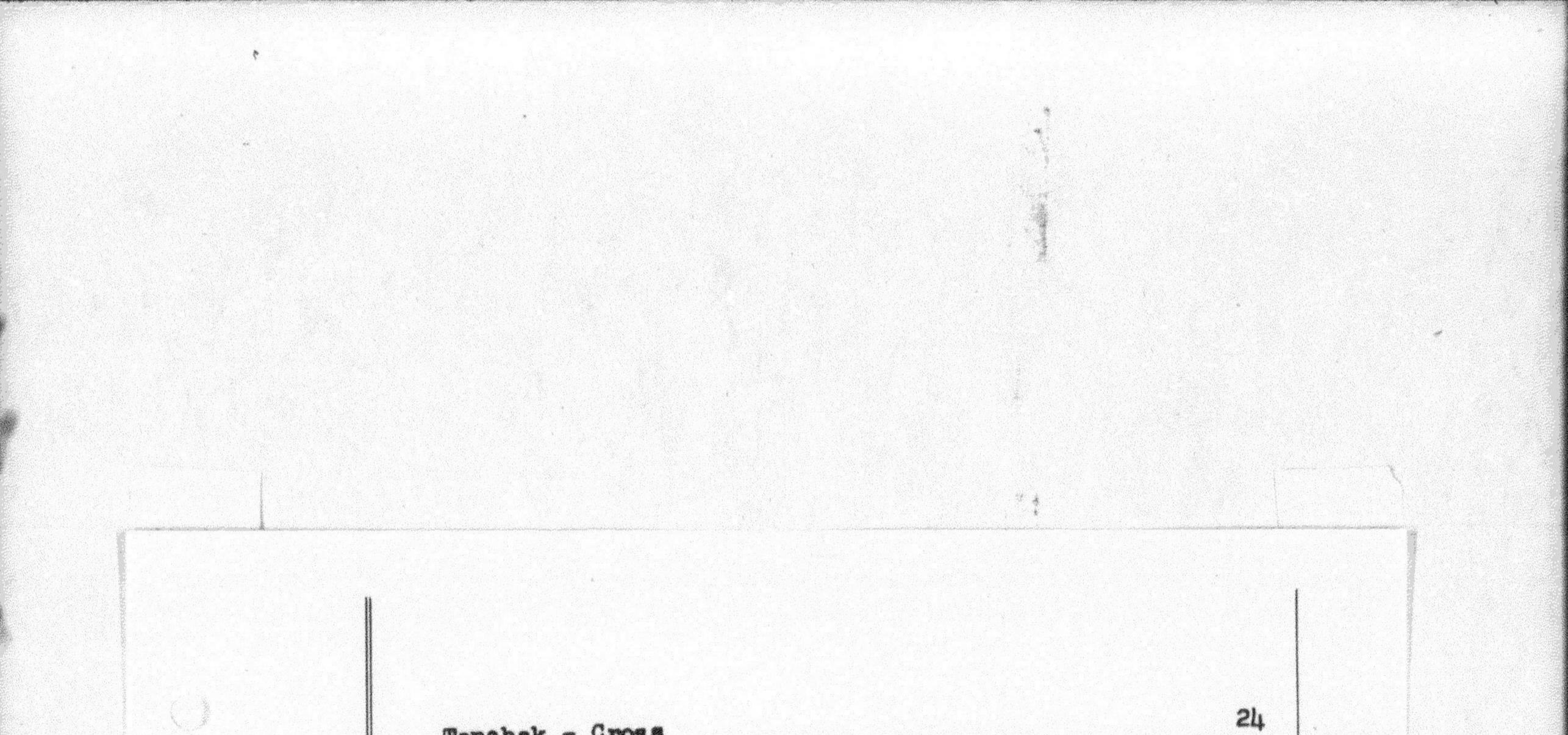
- Q You handcuffed him?
  - A That's correct, I believe I did.
- Q Then you left him to conduct a search, is that correct?
  - A That's correct.
- Q Where was Mr. Young when you left him?
  - A I believe he was standing by the hallway as you enter the apartment -- not the outer hallway,

the hallway inside the apartment at the head of the

living room or parlor.

- Q And did you leave him alone there?
- No, sir, I did not. A And in whose custody had you left him? In somebody's Q custody? That's correct. A Whose custody did you leave him in? Q No one in particular. A Well, at that point how many police officers were Q inside the apartment? I have no idea. A Q Ton ?
  - A I have no idea.

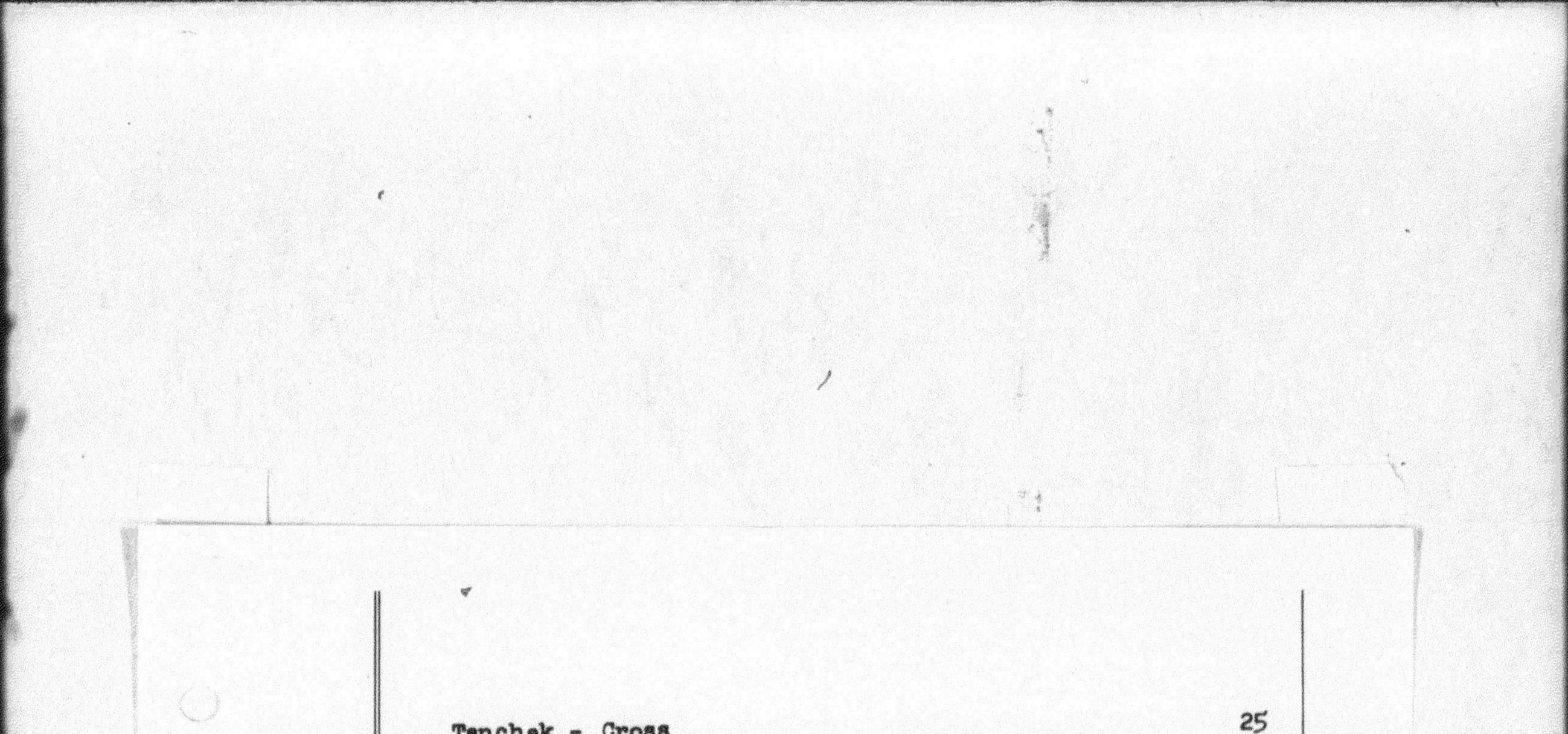
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Tanchak - Cross
THE COURT: What is your best
estimate?
THE WITNESS: It could have been ten.
There could have been five. I would probably have
to say seven, maybe.
BY MR. OLIVER: (cont'd)
Q You left him in somebody's custody?
A That's correct, I did.
Q Did you take him outside the apartment into the
outer hallway?
A I did not; no, sir.
Q When you left him did he have his clothes on?
A When I left him?

Q Yes. A No, sir. Just his -- I believe he had a T-shirt and a pair of shorts on.
Q Mr. Estes, where was he? A He was in the apartment. I believe he might have been standing next to Mr. Young. I don't know.
Q Now, when you went down to talk with Mr. Young while he was on the bed, did you wake him up? A No, there wasn't any need for it.
Q And when you were talking -- you were kneeling down,



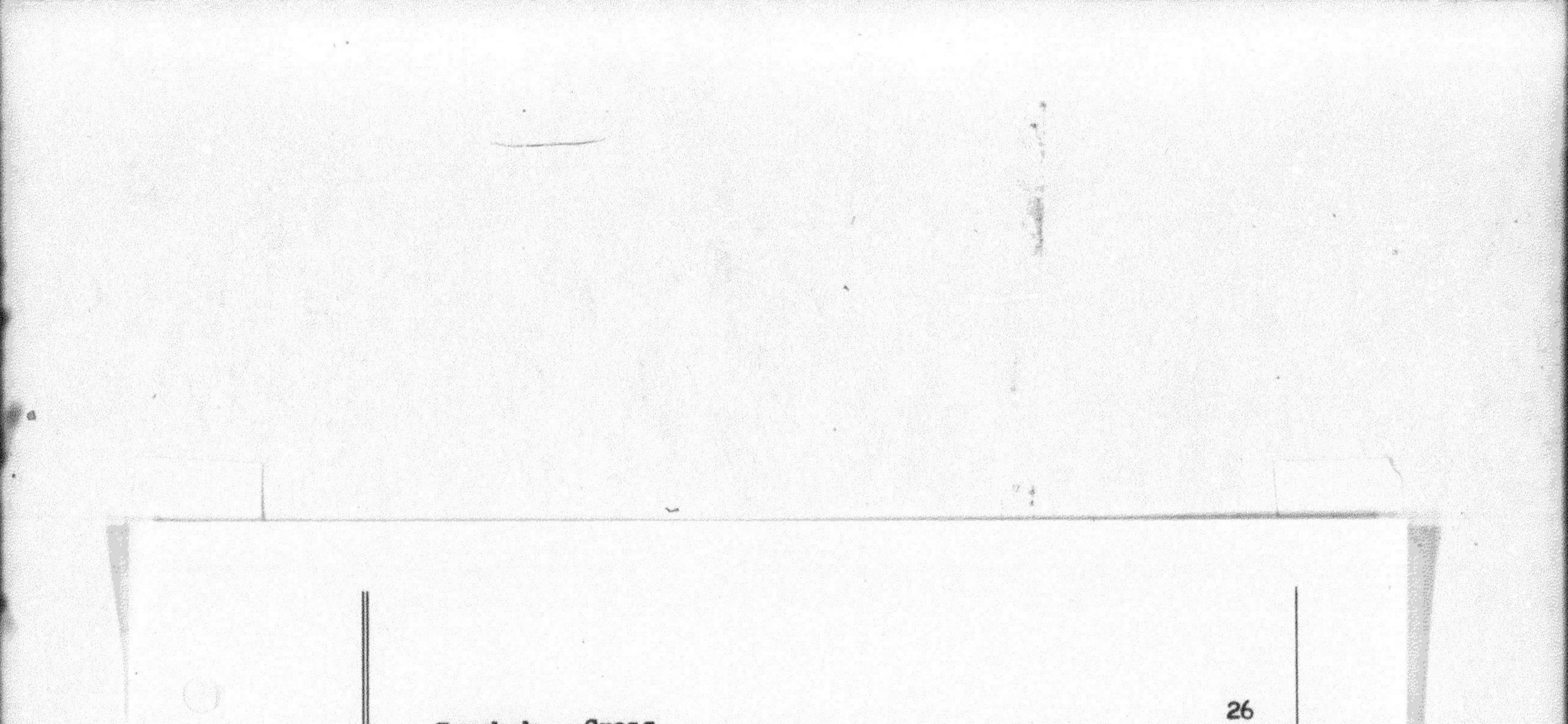


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were you, when you were talking to him? A I believe I was down on one knee. Q You had your gun pointed at him? A That's correct, I did.	
Q And you had your gun pointed at his head? A I can't say it was his head. I don't recall. It was pointed at him; yes, sir. Q How far away from him were you?	
A Myself? Q Yes, sir. A Afoot, foot and a half, maybe.	
Q And was it Lieutenant Murphy who woke Mr. Estes? Is that correct?	

- A Detective Murphy.
- Q Detective Murphy?

in the second

- A Yes, sir, I believe it was. Yes, sir.
- Q Did he also kneel down and talk with Mr. Estes?
  - A I have no idea what he did.
- Q You didn't observe that?
  - A No. I was busy.
- Q Now, did you observe when you entered the
  - apartment -- did you observe Miss Michaelson?
  - A I did, eventually.



	Tanchak - Cross
	Q When you initially went in the apartment, did you observe her? A No, I did not. Q When was the first time that you observed her?
	A After Mr. Young was secured.
	Q And at what point was that?
4	A What do you mean what point? Timewise?
	Q When do you consider having been secured? What do
	you mean by that?
	A Once there were handcuffs on him.
	Q Prior to the time that Mr. Young was handcuffed
	where was Miss Michaelson?
	A All I can say is she was in a back bedroom. I

N New management

didn't see her back there. I was told she was in

there.

Q Was anybody else in the bedroom there?

A I have no idea.

Q Well, was there anybody else in the apartment?

A No.

Q Besides the three of you?

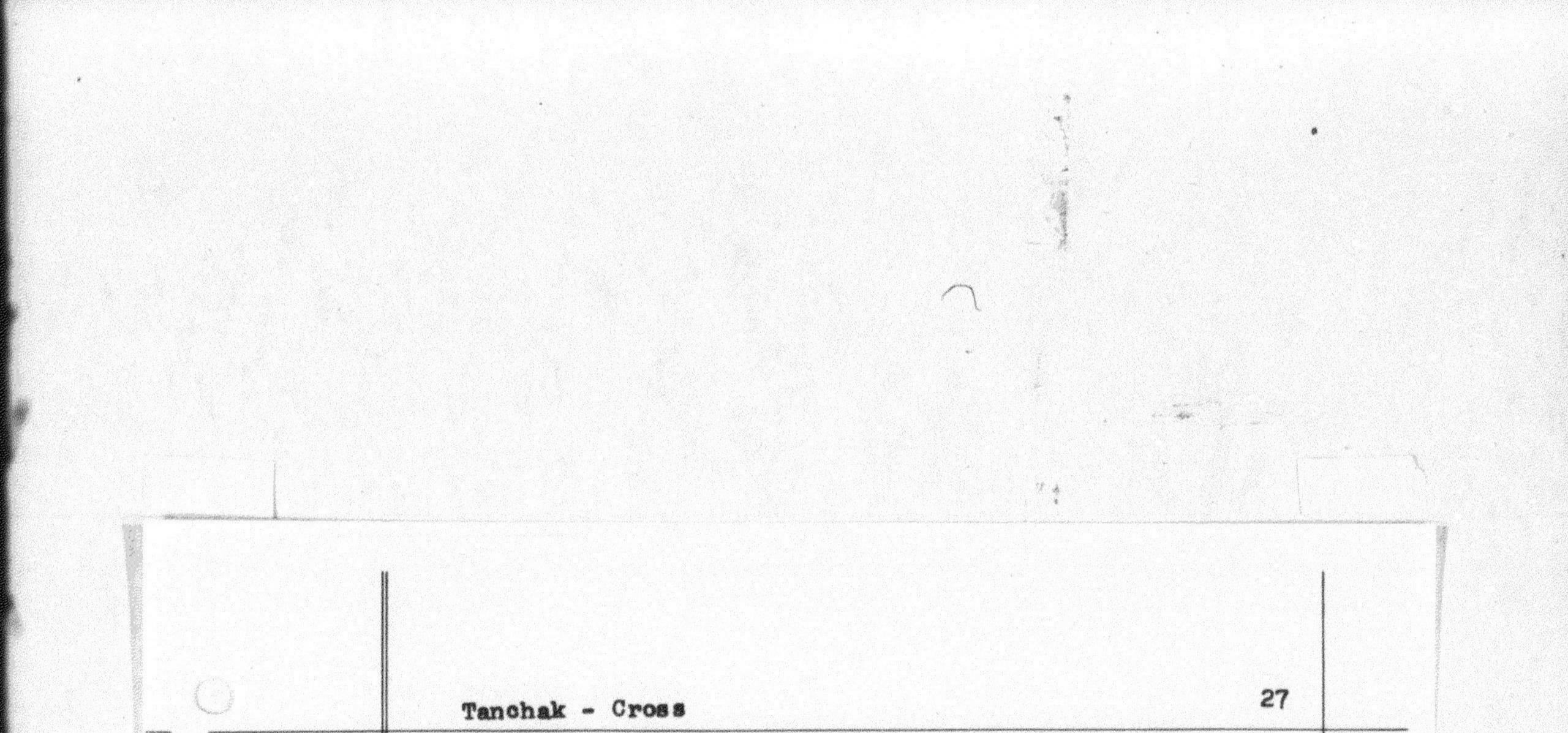
A No, just the three I mentioned.

Q Did you see Miss Michaelson exit from the bedroom?

A No, I did not.

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Q	You didn't see her? Isn't it a fact she was ordered to crawl out of the bedroom on her hands	
	and knees?	
	A I have no idea.	
Q	You have no idea?	andre and state of the state of t
	A No, I do not.	
Q	The bedroom opens up into the living room, isn't	
	that correct?	
	A As I recall, there's a hallway and the bedroom	
	is off the hallway. It doesn't open directly into	
94	the living room as I recall.	
Q	How far away is it?	
	A The bedroom from the living room? Ten,	

fifteen feet, maybe.

Q You have no recollection of Miss Michaelson

crawling out of the bedroom at that point?

MR. KATZER: Objection.

THE COURT: Overruled.

A As I said, no, I don't.

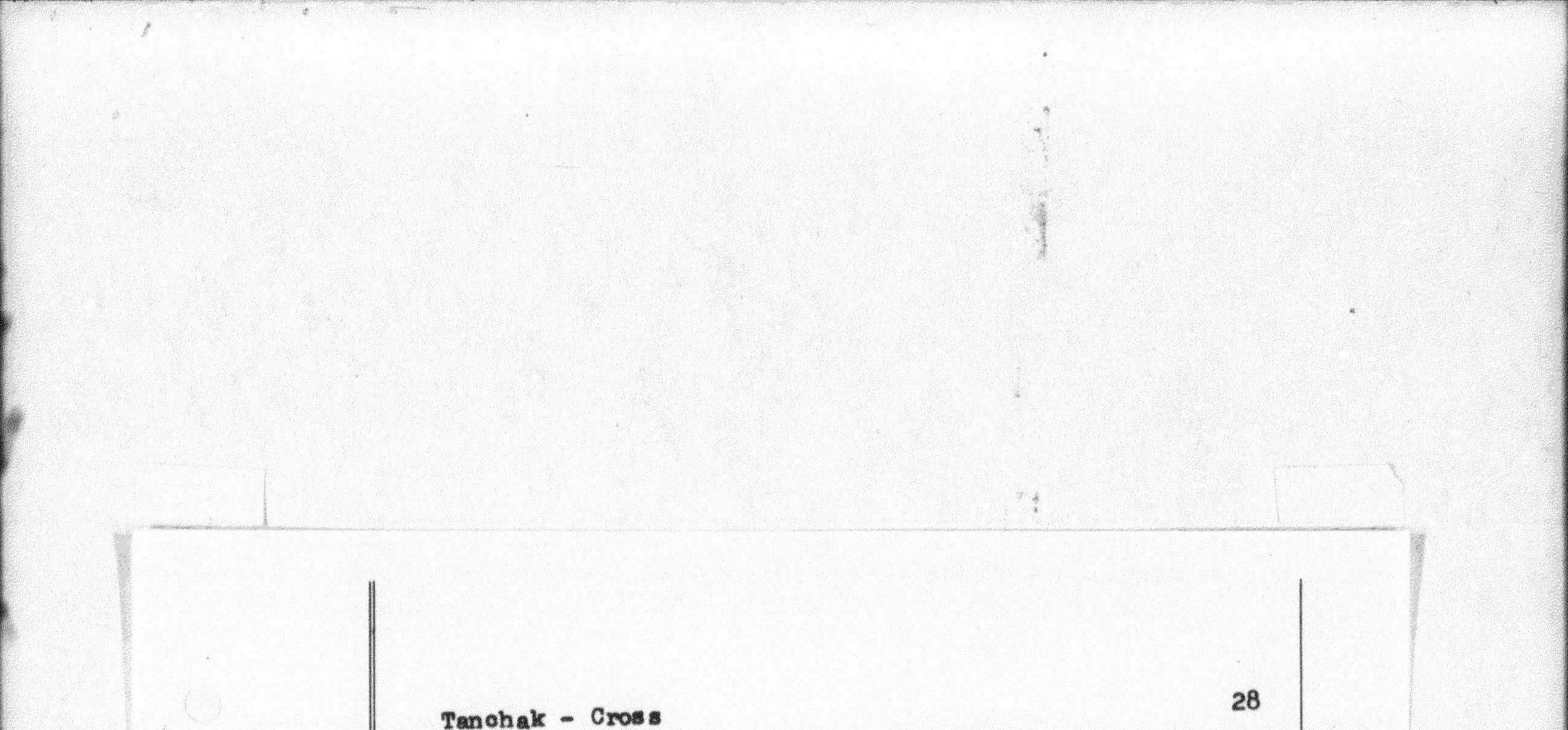
Q Did you see Miss Michaelson prior to the time you

commenced your search?

A Yes, sir, I did.

Q You did? Prior to the time you commenced the search?





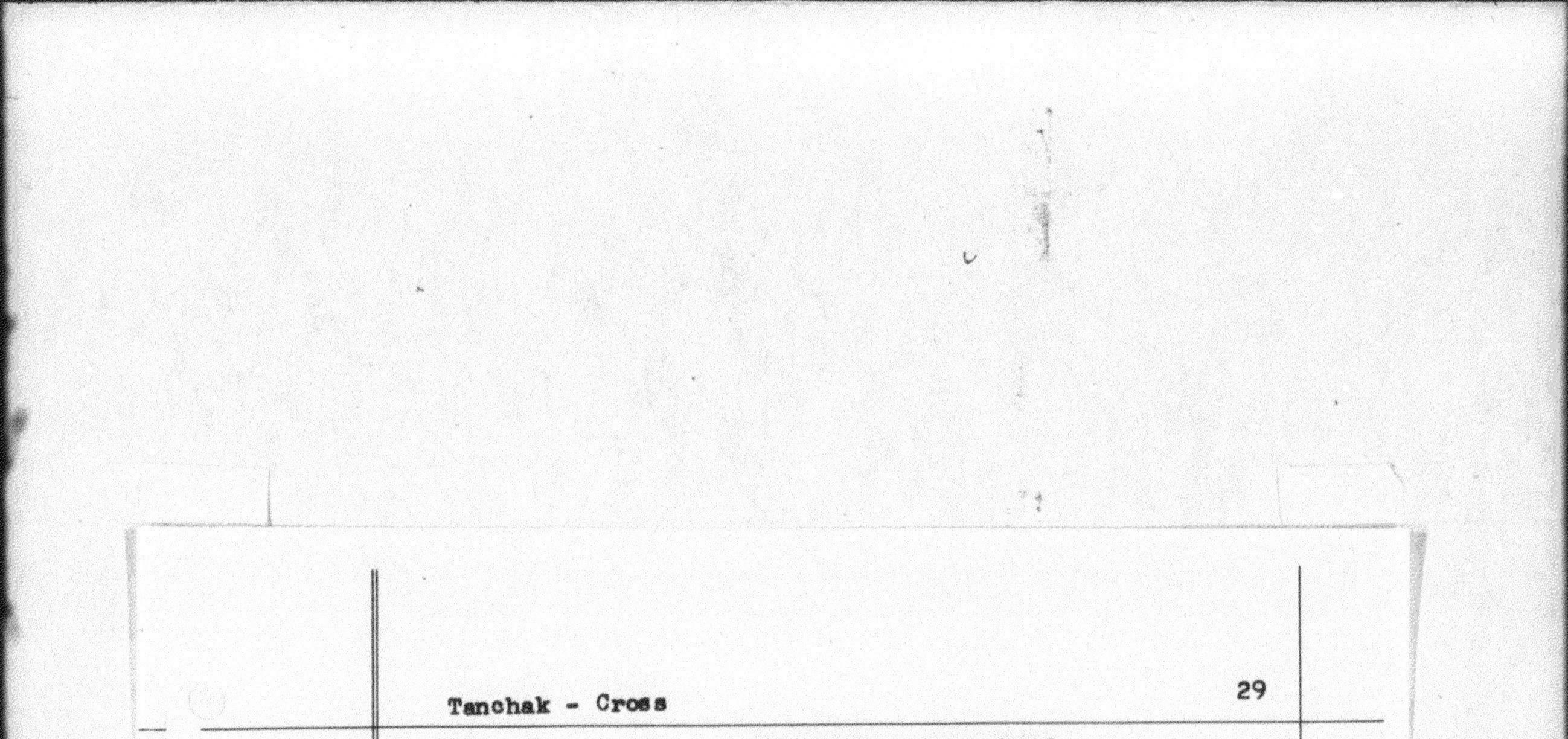
A Yes. Q Where was she? A When I first saw her I believe she was standing, like I said, at the hallway there off the
Q She was standing with Mr. Young and Mr. Estes? A That's correct. Q What was she wearing?
A I believe she had a nightgown on, as I recall. I'm not really sure. I'm guessing. A nightgown, though, as I recall it.
Q You don't recall it? A No.

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Q So you had them standing there essentially in their briefs with Miss Michaelson, is that correct? MR. KATZER: Objection. THE COURT: Sustained. BY MR. OLIVER: (cont'd) Q Were these people under arrest at this time? A No, sir. Q Was that the normal procedure that you do when you conduct a search? MR. KATZER: Objection.





THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q

Q At that time did you have any probable cause

whatsoever to arrest any of these people?

MR. KATZER: Objection.

THE COURT: Sustained.

Q How much time passed between the time you initially entered the apartment and the time that the three occupants were placed standing in the hallway together?
A Five minutes. I don't know. I wasn't watching

the time but I would say probably five minutes.

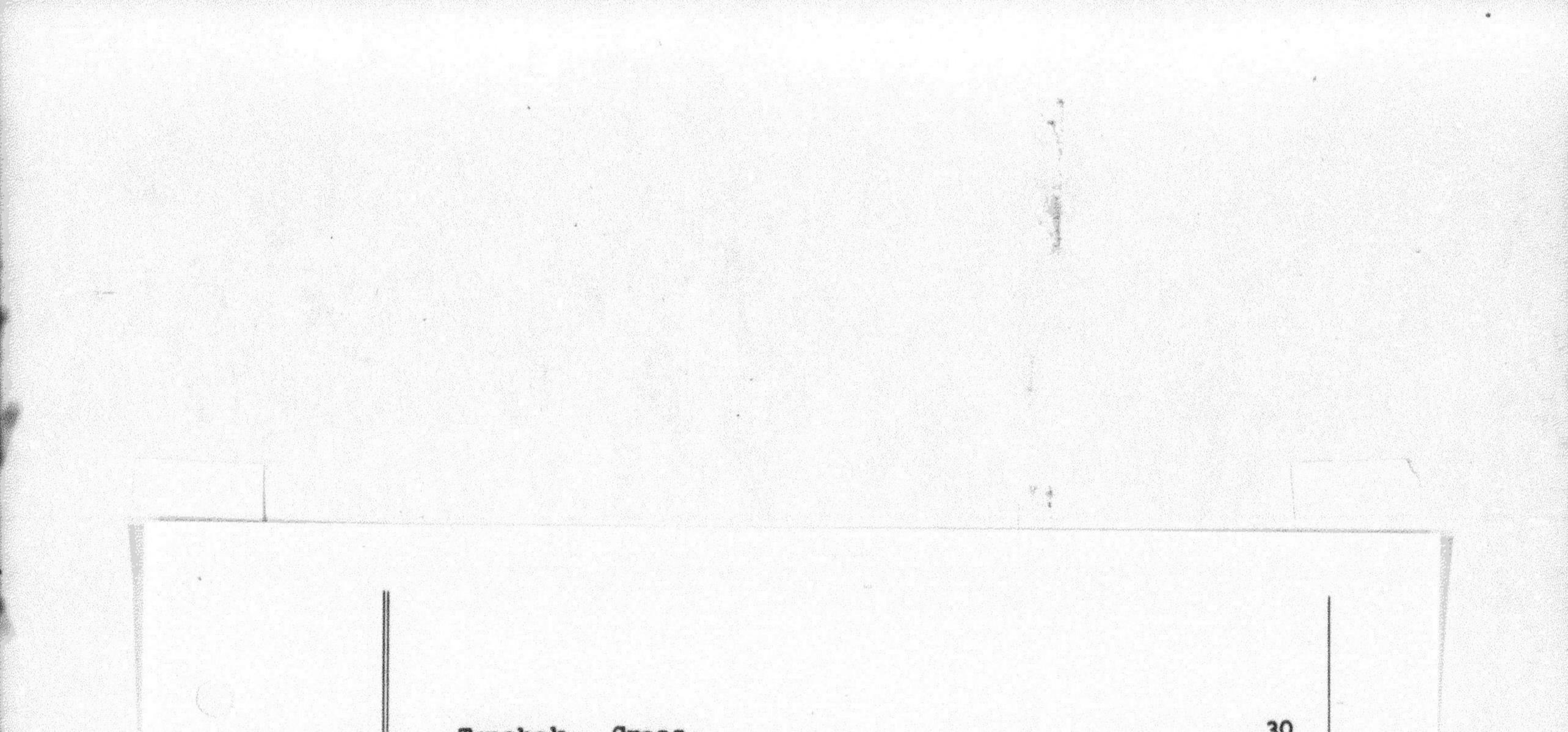
About five minutes? Prior to that time had any

searching activity been conducted, to your knowledge? A Yes. Q Yes? A Yes. Q Who was conducting the searching activity? A I did. Q Didn't you indicate that you brought Mr. Young into the hallway and then you commenced your searching activity? A As soon as I got him off the bed I went under



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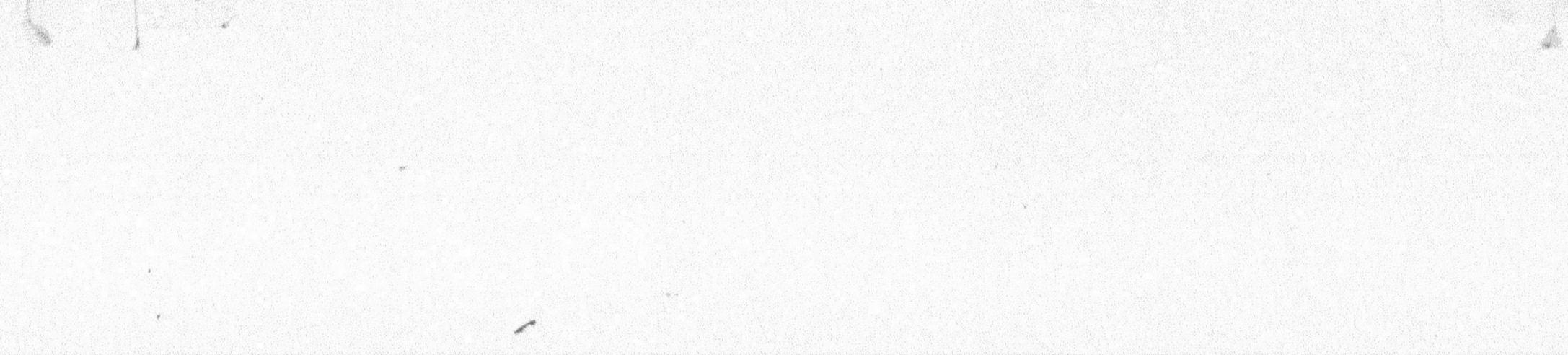
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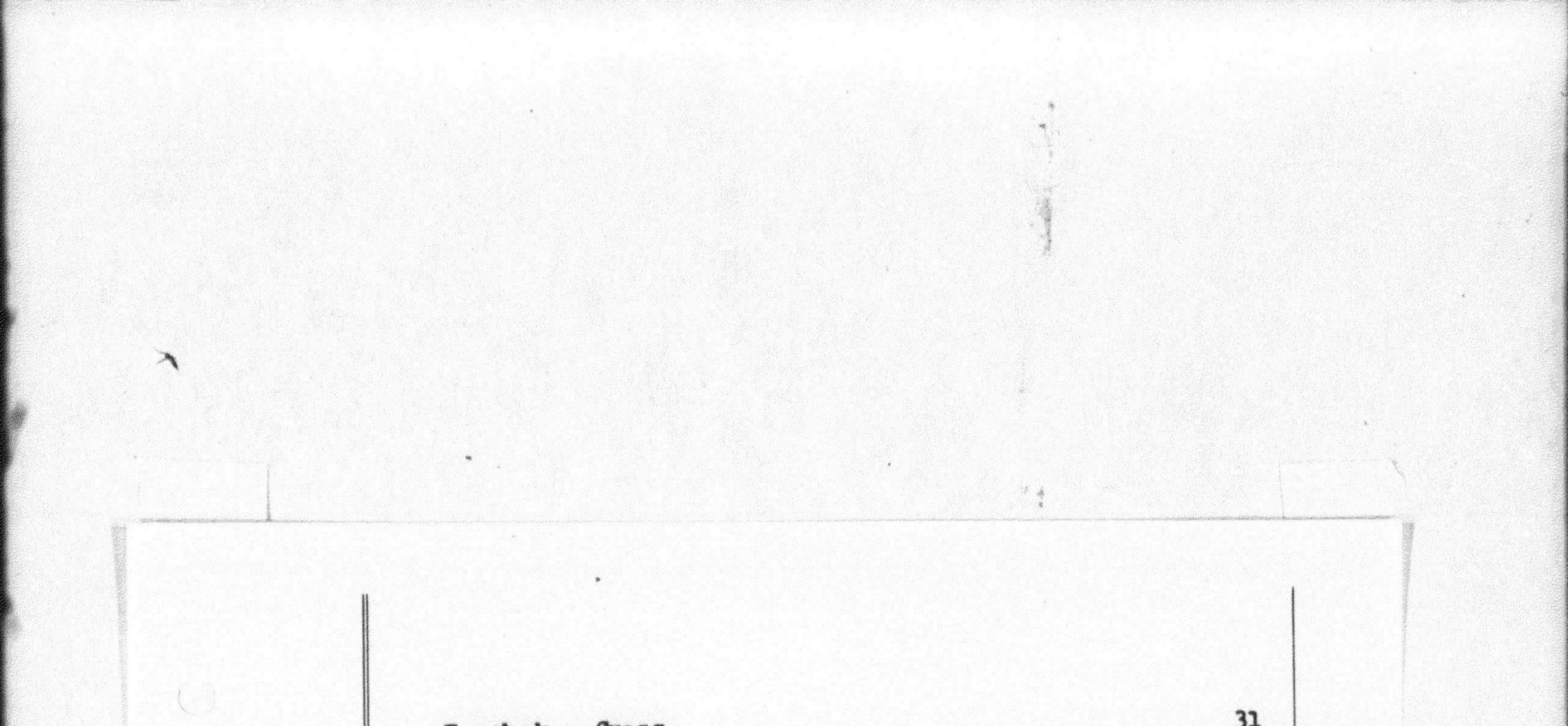
 Tanchak - Cross	<u> </u>
his pillow and searched. Q What did you find? A Nothing. Q Other than that had any searching activity	
commenced, to your knowledge? A Not that I recall. Q So the three of them were herded into the h is that correct? MR. KATZER: Objection.	allway,
THE COURT: Overruled. Q Would you describe the physical layout of t apartment? A As I said, you enter the apartment doo	

LF NEW Y RECEIPTING THE PART OF THE T are in a small hallway. The kitchen area was off to your left. Your living room was right in front of you. Then the hallway went to the right and down that hallway there was a bedroom. I believe across the hall was a bathroom from the bedroom. O.K. Which hallway was it that the three occupants Q were brought to prior to the commencement of the search? It was at the junction of both hallways. The

one that led to the bedroom and the one that came



A



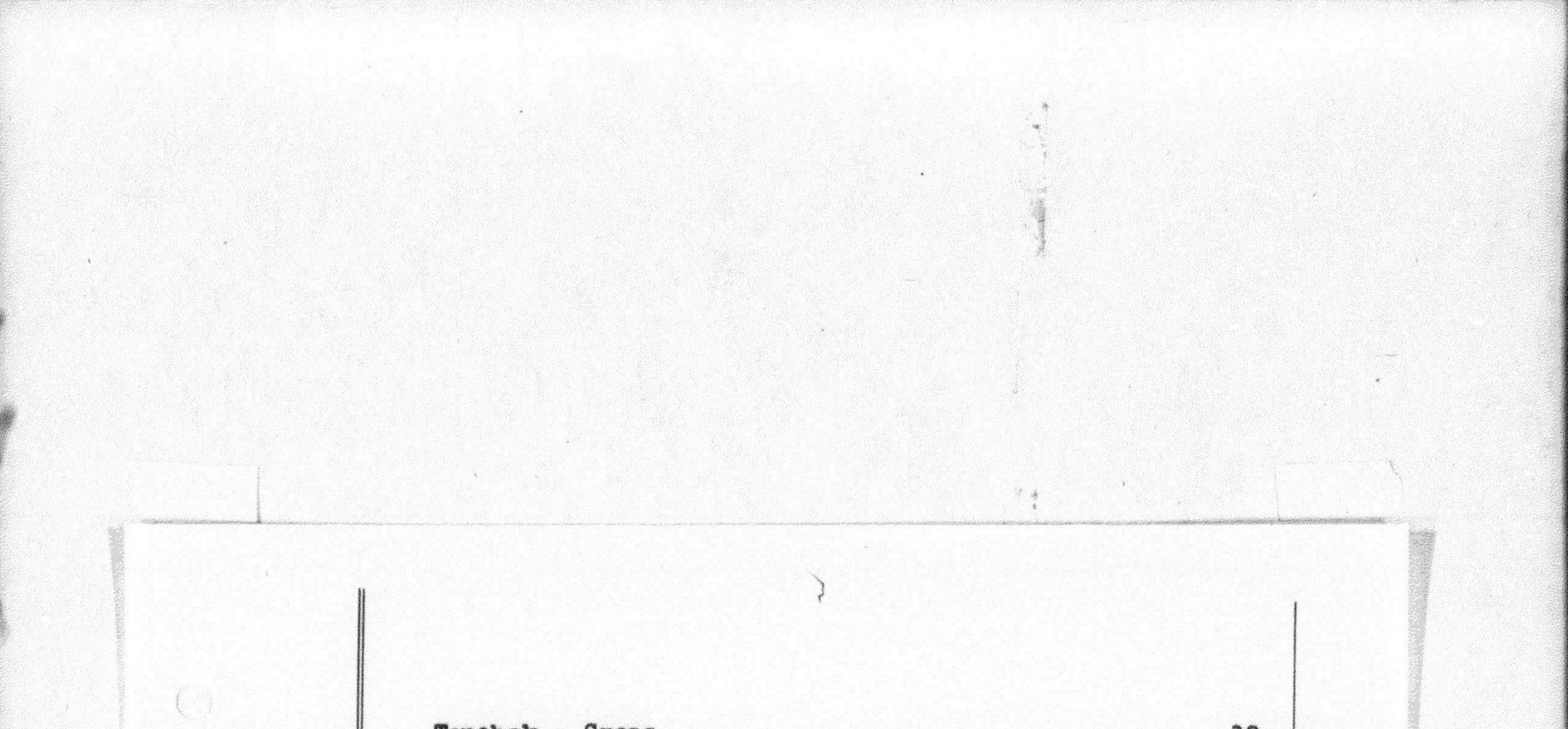
Tanchak - Cross	neuween anna colaithe
to the front door. They weren't in the hallway. They were at the head of both hallways. Let's put it that way. Q What position were they in? Standing? Sitting?	
A I believe they were standing up. Q And isn't it a fact that the occupants were removed from the apartment? A Well, yes. They were removed. Yes, sir.	
Q When were they removed from the apartment? A Timewise, I don't know. Q Well, were they in the apartment all the time you were searching?	
A No. sir, they were not.	

A No, sir, they were not.
Q When, in the course of events as you recall them, were they removed from the apartment?
A Let's put it this way, from the time we entered the apartment until the time they were taken out was probably twenty minutes after we initially entered the apartment. That's just a guess. I'm saying twenty minutes.
Q So it's your testimony that they were in the

apartment while you were doing the searching?

A While I had started it, yes, sir, they were.





Tanchak - Cross 32
Q Is it your testimony that they were in the apartment when you allegedly found this speed loader and ammunition? A That's correct, they were.
Q They were right there in the apartment? Were they watching you? A I don't know if they were watching particularly me but they were there.
Q And isn't it a fact that they were moved from the apartment almost immediately upon your entry into the apartment? A Like I stated, to my best recollection it was
about twenty minutes often us initially entend

- about twenty minutes after we initially entered.
- What officers participated in the searching of the Q apartment?

Well, there was myself, Detective Murphy, A

Detective Sergeant Lounsberry. They were immediately in my area. As far as I know, that was it. I know

others were searching but I can't give you names

because I don't know. I didn't actually see them.

And during that time was Deputy Chief Reed in the Q apartment?

Yes, sir, he was. A

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	Tanchak - Cross 33
	Q Now, is it ordinary to have a deputy chief of the Albany Police Department along on a search warrant? MR. KATZER: Objection. THE COURT: Sustained.
	BY MR. OLIVER: (cont'd)
ναν.	Q Have you ever been on an execution of a search warrant when there has been a deputy chief? MR. KATZER: Objection.
	THE COURT: Sustained.
	Q Do you know if Deputy Chief Reed participated in the searching? A I believe he may have; yes, sir.

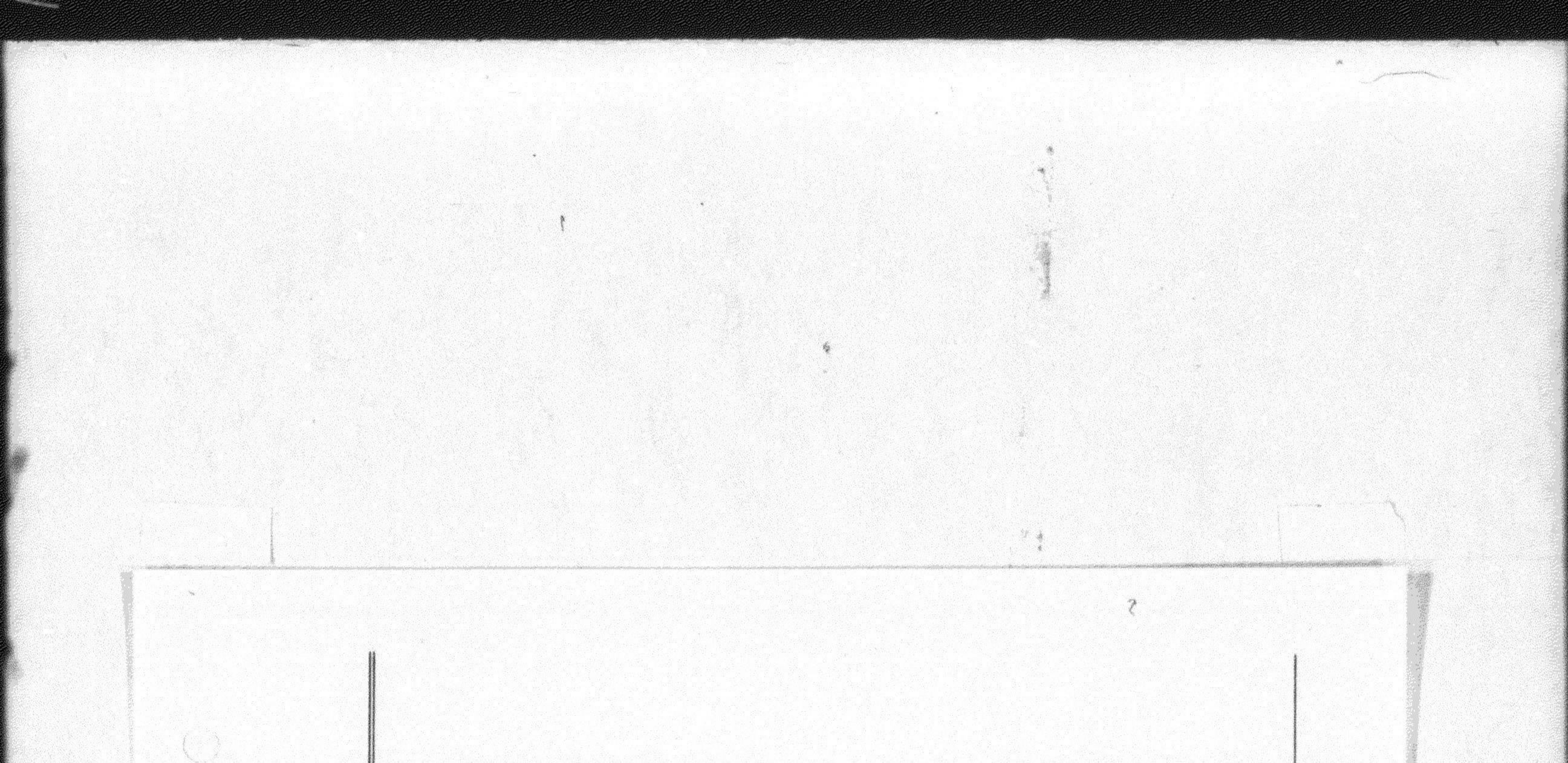
- Q Do you know if Lieutenant Murray participated in searching?
  - A That, I don't know.
- Q Do you know if Detective Malone participated in the
  - searching?
    - A I don't believe he did at all. No, sir.
- Q Do you know if Detective Cunningham participated
  - in the searching?
  - A I don't know.
- Q Do you know if Detective Pariseau participated in the searching?

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Tan	chak - Cross 34
	A I don't know.
Q	Do you know if others I haven't mentioned
	participated in the searching?
	MR. KATZER: Objection.
	THE COURT: Overruled.
	A Yes. Others did. I don't know their names.
	Like I said, the agents from the F.B.I. and the
	state police.
Q	Did the agents from the F.B.I. participate in the
	searching?
	A I believe they did, yes, sir.

Did the state police officers participate in the 0

searching?

-Set

I believe they did. A

Do you know who they were? Q

> As I stated before, I do not. A

And who would know in the Albany Police Department? Q

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

In total, to the best of your knowledge, including Q

yourself, Detective Murray, Detective Lounsberry,

Signality.

Deputy Chief Reed, the F.B.I. agents, the state

