

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.

Q 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?

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

on Mr. Young?

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.

Q -- after you were called to the scene.

THE COURT: Is there an objection?

MR. KATZER: Yes.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q Did you receive any information concerning Mr. Young on the night of September 21 concerning Clara Satterfield?

MR. KATZER: Objection.

THE COURT: Sustained.

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

who Vera Michaelson was?

MR. KATZER: Objection.

THE COURT: Overruled.

A Can you repeat the question, sir?

Q 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.

Q 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.

Q 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.

Q 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.

Q Was it after 7:30?

A Definitely after 7:30.

Q From whom did you receive that information?

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)

Q Well, prior to the time that you entered Vera 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.

A That's correct. I did.

Q And isn't it a fact the F.B.I. agent that was there was Agent James Rose?

A I believe that was his name, yes, sir.

Q And isn't it a fact you received information from

Agent Rose?

A That's correct, I did.

Q 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.

Q 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.

THE COURT: Sustained.

Q Did you receive any information about Vera Michaelson's apartment from any source other than Agent Rose?

MR. KATZER: Objection.

THE COURT: Sustained.

Q Did you know how long Vera Michaelson lived in that apartment?

MR. KATZER: Objection.

THE COURT: Sustained.

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.

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 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 Police.

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

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?

Q 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?

A That's correct.

Q Were they from the Intelligence Unit of the State Police?

A I have no idea.

Q You indicated that you were not in charge of the search. Who was in charge of the search?

A The highest ranking officer was Deputy Chief John Reed.

Q Was he actually present during the search?

A That's correct, I believe he was.

Q Was he the person who gave directions and orders to the other members of the search party?

A I guess you could say so. There weren't any 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?

A There was myself; there was Detective Murray; *Murphy*
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

right now as far as names.

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.

Q What directions were given with regard to positioning of the officers in the search party? Where was everybody located?

A In the hallway.

Q All fifteen?

A Some were in the stairwell, the exits on each end of the hallway, but everybody was in the hallway.

Q Can you describe the physical location and indicate where the various units were located?

A No, I cannot.

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?

Q Well, at least the floor area of Apartment 7-K.

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 ~~my~~ knowledge.

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 senior officer present at the time?

THE WITNESS: Deputy Chief Reed, sir.

THE COURT: Continue.

BY MR. OLIVER: (cont'd)

Q How many officers initially entered the apartment?

A Probably six. I don't know.

Q Who were they?

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.

Q 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?

A Well, the lights were all off. Apparently everybody was sleeping.

Q And what was the first thing that happened?

A We turned the lights on and told everybody to freeze, we were police, and we were executing a search warrant for the apartment.

Q And when you walked in the apartment -- when you turned the lights on, what did you see?

A I found myself standing in what I guess would be called the living room. There was a sofa in front of me. On the other side of the sofa was a mattress laying on the floor with a black male lying face down. Across from him was some type of small sofa or cot with another black male lying on that.

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

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?

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 on.

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 Initially, yes.

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?

A No, sir, I did not.

Q And in whose custody had you left him? In somebody's custody?

A That's correct.

Q Whose custody did you leave him in?

A No one in particular.

Q Well, at that point how many police officers were inside the apartment?

A I have no idea.

Q Ten?

A I have no idea.

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,

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 A foot, foot and a half, maybe.

Q And was it Lieutenant Murphy who woke Mr. Estes?

Is that correct?

A Detective Murphy.

Q Detective Murphy?

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.

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?

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 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.

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?

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 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 living room.

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.

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 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.

Q 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

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 hallway, is that correct?

MR. KATZER: Objection.

THE COURT: Overruled.

Q Would you describe the physical layout of the apartment?

A As I said, you enter the apartment door. You 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.

Q O.K. Which hallway was it that the three occupants were brought to prior to the commencement of the search?

A It was at the junction of both hallways. The one that led to the bedroom and the one that came

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.

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.

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 after we initially entered.

Q What officers participated in the searching of the apartment?

A Well, there was myself, Detective Murphy, 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.

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

A Yes, sir, he was.

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)

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?

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.

Q Did the state police officers participate in the searching?

A I believe they did.

Q Do you know who they were?

A As I stated before, I do not.

Q And who would know in the Albany Police Department?

MR. KATZER: Objection.

THE COURT: Sustained.

BY MR. OLIVER: (cont'd)

Q In total, to the best of your knowledge, including yourself, Detective Murray, Detective Lounsberry, Deputy Chief Reed, the F.B.I. agents, the state