

STATE OF NEW YORK
COUNTY COURT

COUNTY OF ALBANY

THE PEOPLE OF THE STATE OF NEW YORK

-against-

MICHAEL R. YOUNG,
JOHN H. SPEARMAN, JR.,

Defendants.

EXCERPTS OF PROCEEDINGS

BEFORE:

HON. JOHN J. CLYNE,
Albany County Court Judge.

APPEARANCES:

For the People:

HON. SOL GREENBERG,
Albany County District Attorney,
BY: MICHAEL KATZER,
Assistant District Attorney.

For the Defendant YOUNG:

Lewis Oliver, Esq.,
21 Barclay Street,
Albany, New York,
Retained Counsel.

For the Defendant SPEARMAN:

WILLIAM M. KUNSTLER, ESQ.,
Kunstler and Mason,
853 Broadway,
New York, New York 10003,
Retained Counsel.

Defendant SPEARMAN and YOUNG
in Person.

Q And were they on, in fact, at 7 o'clock that evening?

A Yes, they were.

Q Now, you testified that you saw a certain automobile come into the parking lot. Could you describe that automobile a little more specifically for the jury?

A It was a gray Mercury. It was bearing New York license plate 507JVD.

Q Were you able to look into the automobile?

A Yes. I could see that there were two occupants in the vehicle, two black males. The driver rode lower in the seat than the passenger so I presume that the driver was shorter than the passenger. The passenger also appeared to have facial hair.

Q Now, as you sit in Court here today, are you able to identify anyone in the courtroom as being in the car the first time you saw it on September 21, if you can?

A Yes. I can identify Mr. Spearman.

Q And do you see Mr. Spearman in the courtroom here today?

A Yes, the defendant (indicating).

Q Well, can you describe him, please?

<u>WITNESSES</u>	<u>INDEX</u>				<u>DATE TESTIFIED</u>
	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	
<u>For the People:</u>					
MICHAEL LASCOE	13	42 74	--	--	3/2/82
WILLIAM IGOE	84	101 129	--	--	3/2/82
PETER DE PAULO	144	166 199	--	213	3/2/82
GILBERT REYNDERS	215	216	--	--	3/2/82
EUGENE KENDRICK	219	224	--	226	3/2/82
<u>For Defendant YOUNG:</u>					
CLARA SATTERFIELD	340	350 358	--	--	3/4/82
MICHAEL R. YOUNG	364	389 402	--	--	3/4/82
<u>For Defendant SPEARMAN:</u>					
JOHN H. SPEARMAN	414	431	--	--	3/4/82

A No, he did not.

Q Did he ask you anything about a John Spearman?

A No, he did not.

Q And when you went to court that morning, you were arraigned; is that correct?

A That's correct.

Q O.K. And what was your bail?

MR. KATZER: Objection.

THE COURT: Sustained.

THE WITNESS: I did not have any bail.

THE COURT: Just a moment.

Sustained.

BY MR. OLIVER:

Q Well, when did you first get bail set?

MR. KATZER: Objection.

THE COURT: No. I'll reverse myself. You may inquire what the bail was set at and what happened. Go ahead.

BY MR. OLIVER:

Q That morning what was your bail set at?

A It wasn't set that morning. The morning of the 22nd it wasn't. I was held without bail.

Q And how long were you held without bail?

A I was held without bail to, I think, Thursday. I am not quite sure. I think it was Thursday morning or so.

Q And when was the game played?

A The game was played on Tuesday, the 22nd.

Q And at any time while you were in Albany, did you have a gun or ammunition or a Speedloader?

A No, I did not.

Q Have you ever seen this Speedloader here? When was the first time you saw this People's Exhibit 15?

A The first time I saw it I was in Albany Police Department and Detective Tanchak showed it to me and I didn't say anything.

MR. OLIVER: O.K. I have no other questions.

THE COURT: You may examine.

MR. KATZER: Thank you, Judge.

CROSS-EXAMINATION

BY MR. KATZER:

Q Mr. Young, you said Detective Tanchak showed you People's 15 at Albany police headquarters; is that correct?

A That's correct.

Q He didn't ask you to touch it, did he?

A No.

Q A lot of other police officers around there, though, weren't there.

A No.

Q Just John Tanchak, right?

A That's right.

Q Now, you testified that you were a member of SART and the Communist Workers Party, correct?

A That's correct.

Q Are there members of these organizations across the United States in certain cities?

A I would assume so. I can't say from personal knowledge.

Q Well, you testified that there was a rugby game to be played in Chicago on September 19; isn't that correct?

A That's correct.

Q Was there an organization of SART in Chicago in the September 19th area?

A From my understanding, yes.

Q Did you have any dealings with any Chicago members

of SART with respect to that rugby game?

A I personally didn't. I know other members of SART did.

Q Do you know any members of the Communist Workers Party in Chicago?

A No, I don't.

Q Do you know any members of the Communist Workers Party in New York, New York City?

A Yes, I do.

Q That's where you hail from; is that correct?

A That's correct.

Q You came up to Albany for the express purpose of participating in a demonstration with respect to the rugby game, correct?

A That's correct.

Q And you came up in late August or early September; is that correct?

A That's correct.

Q And you were certainly here on September 21, 1981; is that correct?

A That's correct.

Q That's a period of about three weeks, correct?

A About, yes.

Q And had you left the area during that three-week time period?

A Left what area?

Q Albany.

A Yes, I did.

Q How many times?

A Approximately twice.

Q And you would stay in Albany for what, a week, ten days at a time?

A No, not that long; at best four days.

Q Well, if you arrived, let's just say September 1, and you were here four days, that would bring us to September 5. Then you left; is that correct, roughly?

A Roughly.

Q When would you come back to Albany?

MR. OLIVER: I object.

THE COURT: Sustained. Sustained.

BY MR. KATZER:

Q Do you recall when you last left Albany on September 21?

A Excuse me. Could you --

Q Certainly. Do you recall when you last left Albany

before September 21?

A Not the date. I don't recall.

Q Do you recall when you last arrived in Albany before September 21, how long had you been in Albany prior to your arrest on September 21?

A We arrived in Albany Monday morning, the day before the protest.

Q Now, you testified in response to your attorney's questionings that you attended the Federal Court-house at approximately 4:15 p.m. when the decision was issued by the Federal court judge; is that correct?

A That's right.

Q And you made some statements which were recorded on videotape and were shown to the public through the news media, correct?

A That's correct.

Q And you were here when that was played for the jury on the videotape, correct?

A That's correct.

Q And that was you on the screen, correct?

A No doubt.

Q Then it is your testimony, Mr. Young, that you went