

**PRESENT:**

**FRANCES DI BIASE,  
Clerk of the Court.**

**DENISE STANGLE, C.S.R.  
and Official Albany County  
Court Reporter.**

**Transcript of proceedings held  
at a Trial Term of the Albany County Court, at the Albany  
County Courthouse, Albany, New York, commencing on  
March 2, 1982.**



MR. KATZER: Thank you, Judge.

The People call Officer Michael Lascoe.

MICHAEL LASCOE,

having first been duly sworn, was examined and testified  
as follows:

DIRECT EXAMINATION

BY MR. KATZER:

Q Officer Lascoe, for the record please state your  
name.

A My name is Michael A. Lascoe.

Q By whom are you employed?

A State University of New York.

Q And in what capacity are you so employed?

A Campus Public Safety Officer.

Q Were you so employed on September 21, 1981?

A Yes, I was.

Q And how long have you been employed as a Public  
Safety Officer for the State University of New  
York at Albany?

A At Albany approximately just short of four years;  
for the State of New York, short of ten years.

Q And what were you doing before you were a Public  
Safety Officer for SUNY at Albany?



A Before I was Public Safety Officer at SUNY at Albany, I was Public Safety Officer at SUNY at New Paltz.

Q Now, in your capacity as Public Safety Officer at SUNY, Albany, have you had occasion to become familiar with the geographical layout of the State University of New York at Albany campus and the surrounding area?

A Yes, I have.

MR. KATZER: I would like this marked as People's 1 for identification.

(A chart was marked People's Exhibit 1 for identification.)

BY MR. KATZER:

Q Officer Lascoe, I am going to show you what's been marked as People's 1 for identification and ask you if you can identify that.

A Yes. This is a map of the State University campus at Albany.

Q And does that map fairly and accurately portray the layout of the SUNY campus as it existed on September 21, 1981?

A Yes, it does.



Q And does it fairly and accurately portray the layout of the SUNY campus in relation to the surrounding area within the City of Albany?

A Yes, it does.

MR. KATZER: At this time, I offer People's 1 into evidence.

MR. KUNSTLER: No objection.

THE COURT: Any objection?

MR. OLIVER: Just take a look at it.

No objection.

THE COURT: Received without objection.

(People's Exhibit 1 for identification was received and marked in evidence.)

BY MR. KATZER:

Q Now, Officer Lascoe, I'm going to ask you if you could just display that to the jury. You can do it while you are sitting there, and if you could just briefly describe for them what is exhibited on that map.

A This is a basic layout of the campus at Albany. These are the towers of the main dormitory quads. This is the State quad and dormitories that are



surrounding it, State quad dorm. And this is the State quad parking lot.

Q You indicated the State quad parking lot. If you could, could you mark that with an X and Magic Marker?

A Done (indicating).

Q Now, there are certain roads leading into or around and leading from the State quad parking lot; is that correct?

A That's correct.

Q Could you please tell the jury what those roads are?

A We have what is termed the perimeter road on the campus which is this road; runs around the perimeter of the campus. And this is an entrance into the parking lot and there are a couple other entrances such as here and here (indicating). This is an access road that leads from Washington Avenue onto the perimeter road and from this entrance, this access road, you can enter straight across into the parking lot.

Q Now, could you just show the jury where Washington Avenue is on that map once again?



A This is Washington Avenue right here.

Q And are you familiar with the building known as the Thruway Hotel?

A Yes, I am.

Q And where is that located as it would appear on that map?

A It would be located directly opposite this intersection.

Q O.K. Would you mark with an H where the hotel would be?

A Done (indicating).

MR. KATZER: Thank you. Now, I am going to have this marked as People's 2 for identification.

(A photograph was marked People's Exhibit 2 for identification.)

BY MR. KATZER:

Q Showing you People's 2 for identification, Officer, please identify that, if you can.

A It's an aerial view of State quad parking lot, the Hyatt House, Hyatt Thruway House, Hellman Theatre, State Police Academy.

Q And does that fairly and accurately portray the



location of the State quad parking lot vis-a-vis the Hyatt House and the other geographical landmarks around the campus?

A Yes, it does.

MR. KATZER: At this time I offer People's 2 in evidence.

MR. KUNSTLER: No objection.

MR. OLIVER: No objection.

THE COURT: Received without objection.

(People's Exhibit 2 for identification was received and marked in evidence.)

BY MR. KATZER:

Q Now, Officer, for the benefit of the jury, if you could just for a moment describe for them what you previously identified as the State quad parking lot and the Hyatt House.

A O.K. This is the State quad parking lot. This is the access road that leads from Washington Avenue to the perimeter road and into the State quad parking lot.

Q Where is the Hyatt House located?

A This is the Hyatt House up here.



MR. KATZER: O.K. Thank you.

(Two maps were marked respectively  
People's Exhibits 3 and 4 for identification.)

BY MR. KATZER:

Q Officer, I am going to show you what's been marked as People's 3 and 4 for identification. Have you had an opportunity to review these prior to testifying in Court?

A Yes, I have.

Q Let me just ask you to look at it right now for a moment until they are in evidence. What does People's 3 and 4 portray or can you identify what is portrayed in People's 3 and 4?

A It's a utility type map of the State quad parking lot and the area.

Q And what would it indicate?

A Indicates basically location of islands and of lighting fixtures.

Q And do those maps fairly and accurately portray the layout of the State quad parking lot as it existed on September 21, '81?

A Yes, it does.

MR. KATZER: I offer People's 3 and 4



into evidence.

MR. KUNSTLER: No objection.

MR. KATZER: Officer, People's 3 and 4 are identical; is that correct?

THE WITNESS: Yes.

MR. OLIVER: No objection.

THE COURT: Received without objection.

(People's Exhibits 3 and 4 for identification were received and marked in evidence.)

MR. KATZER: With the Court's permission, I would request that the Officer be able to point out to the jury what actually is portrayed on this map.

THE COURT: Very well.

BY MR. KATZER:

Q Officer Lascoe, if you would, could you come to this easel and describe for the members of the jury what is depicted on this map?

A This is the parking lot. This is the parking lot and this is the individual lanes where the cars park. This is the perimeter road. This is the access road that leads to Washington Avenue and the



Hyatt House, Thruway House would be right above there (indicating).

Q Now, Officer Lascoe, there are certain lines depicted on this map. Could you be more specific and tell the jury what they are?

A This would be an island. This would also be an island and this would be an island.

Q When you say an island, what do you mean?

A It's a concrete island used to separate the parking lanes. These lines are just -- just connect, straight line connecting where the lights are. There is no island here. The cars pull in and are supposed to park perpendicular to these lines.

Q And there are certain square markings on this map. What do they indicate?

A The square markings are light poles and the numbers attached to them, S7D8, S77, et cetera, are the designation of light poles. They are marked on the light poles so that if a light is out or whatever we can report it by just giving them the number so they can fix it.

Q Now, Officer, if you would, by taking a look at People's 2 in evidence and the map which is People's



3 in evidence, could you show the jury how they coincide?

A O.K. This is the parking lot and this is the coinciding part of the parking lot at about this point here. This is the access road. This is the access road on this map (indicating).

Q Where would the Thruway House be?

A The Thruway House would be up in this general area up here as is depicted here.

Q O.K. Thank you. You can take your seat on the witness stand for a few more moments, Officer. I will have you back down here again.

A O.K.

Q Now, Officer, I am going to call your attention to September 21, 1981. Were you on duty that particular day?

A Yes, I was.

Q What time did you go on duty?

A Three p.m.

Q And were you still on duty at 7 p.m. in the evening?

A Yes, I was.

Q I'm going to call your attention to approximately



7 p.m. on the evening of September 21 and ask you to tell the jury where you were and what you were doing.

A At 7 p.m., I was patrolling the State quad parking lot, the one depicted on the map. I was travelling in a northerly direction on the west side of the parking lot. I entered the second to last lane, which is the lane before, before the island at the top of the marks.

Q I think rather than you repeating your testimony, with the Court's permission, it might be better if you can show the jury and if you can mark your location on the map as you are testifying with a green marker. Why don't you describe for the jury your location at 7 p.m. on September 21?

A O.K. This is a traffic lane on the west side of the parking lot and I was travelling north (indicating), up this lane and then I entered into this parking lane here. I was travelling down this lane. At that time I noticed a gray Mercury enter the parking lane into the parking lot.

Q Would you denote that with another color so everything is --



A The vehicle entered the parking lot and got to approximately this point here, I would say, and I was a little bit further up. I was a little bit further up. I was probably within about 15 to 20 feet of the vehicle and the Mercury turned (indicating) abruptly and began to leave the parking lot.

Q And in which way did the vehicle, the Mercury, leave the parking lot?

A It left the way it entered and on the access road straight up and then turned right east onto Washington Avenue.

Q O.K. Thank you. With that in mind, Officer, let's look at the details a little bit more, of that testimony. First of all, would you describe the lighting conditions for the jury as it existed at approximately 7 p.m. that evening?

A Clear and no problem seeing whatsoever.

Q What about artificial lighting? Were these lights on as depicted on the map?

A Yes. They go on at approximately 7 o'clock.



A The defendant in the blue sweater.

MR. KUNSTLER: We'll stipulate,  
Judge.

BY MR. KATZER:

Q And what position was he occupying in the car?

A Driver.

Q Now, looking in the courtroom here today, do you see the occupant, the other occupant of the car in the courtroom here today?

A I can't be certain but it appears to be Mr. Young.

Q But you are not certain.

A I'm not certain on that.

Q All right. Fine. Now, you indicated that there came a time when the Mercury turned around and left the parking lot; is that correct?

A That's correct.

Q When the Mercury did that, what, if anything, did you observe?

A I observed that the vehicle did not bear one of the University decals which all members of the college community must have on their vehicles affixed to the left rear bumper of the vehicle.

Q And upon making that observation, what did you do?



A I called my dispatcher and had them run a check on the plate.

Q What exactly did you request your dispatcher to do when you say run a check on the plate? Tell the jury what that is.

A I had the dispatcher put on the computer, the New York State computer, the license plate 507JVD and what I requested was to know whether there was any stolen information on the vehicle; also the make, the model and -- the make and the color of the vehicle and the year of the vehicle.

Q Now, the time that you requested that information, approximately where were you in the parking lot?

A That was at the point where the vehicle had already turned and we were proceeding -- they were proceeding out of the parking lot onto the access road and I was following them.

Q Did there come a time when you received an initial dispatch from your dispatcher in response to your request?

A Yes, there did.

Q And what was the substance of that dispatch?

A The substance of that dispatch was that the vehicle



was registered to a Mr. Young with his address and that it was on a -- should have been on a gray Mercury, which it was on.

Q Now, where were you when you received that information?

A We were just turning onto Washington Avenue.

Q And were you following the Mercury?

A Yes, I was.

Q Now, after you received that information, what did the Mercury do?

A The Mercury proceeded just for a short while on Washington Avenue and entered the State Office Building campus.

Q That would be in this direction; is that correct?

A That's correct.

Q What did you do upon receiving that first dispatch and learning that the car did, in fact, check out with the plate?

A Since the car did check out with the plate, I just continued on Washington Avenue with the intent of turning around further down to return to the campus.

Q You didn't continue to follow the Mercury, did you?

A No, I did not.



Q Did there come a time when you received a second dispatch from your dispatcher?

A Yes. Approximately 15 seconds to 30 seconds later, I received a dispatch that the vehicle was reportedly a stolen vehicle.

Q And at the time that you received this second dispatch, where were you?

A I was past the State Office Building entrance further down on Washington Avenue.

Q Were you following the Mercury at this time?

A No. It had already gone on to the State Office Building campus.

Q Now, upon receipt of the second dispatch that the car was reported stolen, what did you then do?

A I immediately turned my vehicle around on Washington Avenue and headed back in the direction of the campus, in the direction of the Hellman Theatre and the Thruway House.

Q What happened then?

A I observed an Albany Police Department unit in front of me. It was a sergeant's unit. I pulled him over into the area of the Hellman Theatre which is adjacent to the Thruway House and I reported



to him what I had observed and the fact that it was a stolen vehicle.

Q Specifically what did you tell this Albany Police sergeant?

A I told him that I observed a vehicle, a Mercury bearing 507JVD in the State quad parking lot. I had followed it out onto Washington Avenue and that after it had entered the State Office Building campus, I received the dispatch that it was a reportedly stolen vehicle.

Q Did you tell the Albany Police sergeant that the car was registered to one Michael Young?

A No, I did not. I just told him that it was reportedly a stolen vehicle.

Q Now, what did the Albany Police sergeant do? That would be Sergeant Epting, by the way, wouldn't it?

A That's correct. That was Sergeant Epting.

Q What did Sergeant Epting do with this information?

A He relayed it via his police radio to his units in the area.

Q And were you present when he did that?

A Yes, I was.

Q And how did he do that?



A Via police radio.

Q Now, what did you do then?

A I returned to the campus to continue patrol and in hopes of maybe spotting the vehicle again.

Q Now, I'm going to call your attention, Officer, to approximately 7:30 p.m., about a half hour after the events that we are just speaking of. Did you have occasion again to be in the State quad parking lot at approximately 7:30?

A Yes, I did.

Q And if you would and with the Court's permission once again, would you come up here and show the jury where you were in the State quad parking lot at 7:30? You can use a pen this time, blue ink, for 7:30.

A I was positioned approximately here (indicating).

Q Draw that a little bigger. Can you mark an L for Lascoe?

A O.K. And there was another Albany Police unit next to mine here.

Q Do you know who was in that Albany Police unit?

A That was Officer Igoe.

Q Why don't you mark that with an I?



- A And there were two parked vehicles here. This vehicle had a temporary Pennsylvania registration on it that was expired and Officer Igoe was checking it out and I noticed that he was checking. So I came over to see if I could assist him in any way.
- Q O.K. Now, Officer Lascoe, you indicated that there were two cars parked perpendicular to this cement island; is that correct?
- A That's correct.
- Q At 7:30, were there any other cars, to the best of your recollection, occupying the parking positions or anywhere in the lane indicated by this parking lane?
- A No, not to my recollection. I don't recall any vehicles in the immediate area.
- Q O.K. Now, you were in a vehicle; is that correct?
- A That's correct.
- Q What kind of vehicle were you in?
- A It's a marked University police vehicle 724.
- Q When you say marked, tell the jurors what a marked police SUNY vehicle is.
- A It's a two-tone tan vehicle with a red light bar on top, spotlight, State of New York, Department of



Public Safety in a seal on the side of the vehicle.

Q And was the spotlight on top operating at the time or was it off?

A The spotlight is located on the side of the vehicle. It was off at the time.

Q What about the lights on the roof? Are there lights on the roof?

A Yes, there are.

Q And were they operating at the time or were they off?

A They were off at the time.

Q And what about Officer Igoe's car? What kind of vehicle was he in?

A He was in a marked Albany Police Department unit, which is a black unit with the Albany seal on the side and two red lights, one on either side on the roof.

Q Now, Officer Lascoe, if you can, can you estimate the distance between your police vehicle and the cement island as it existed on September 21, 1981?

A Approximately 20 feet.

Q And were there any other cars between your police vehicle and the cement island?



A No, there weren't, not to my recollection. No.

Q And there was a clear path of movement in this parking lane; is that correct?

A Yes.

Q O.K. You can resume your witness stand. Thank you.

Now, Officer Lascoe, you testified that at 7:30 approximately you were in this westerly position in the parking lot with Officer William Igoe of the Albany Police Department. Had there been another Albany Police Officer at this location?

A Yes. A few minutes after I showed up, Officer DePaulo in Albany Police Department unit 15 showed up at that location. He wanted to see if he could find out any further information on the description of the vehicle that I had spotted earlier.

Q And what did Officer DePaulo then do?

A After he got the information, he confirmed it with me. He turned to leave the area where we were. I did not see exactly where he went.

Q O.K. So in the west end of the lot, in any event, is yourself and Officer Igoe in marked police vehicles; is that correct?



A That's correct.

Q And you were checking out a parked vehicle, correct?

A That is correct.

Q Did there come a time when you saw or heard something which caused you to leave that location?

A Yes, there did.

Q Could you please tell the Court and the jury what happened?

A A few minutes after Officer DePaulo left our location, I heard him over the radio and verbally calling for assistance. He was approximately one-half to three-quarters of the way down that same traffic lane and he had the gray Mercury stopped.

Q Would that be in this area?

A Yes, it would.

Q Over here. Is it fair to say it's in the vicinity of the traffic light?

A In the vicinity of that center light pole, yes.

Q And you indicated that he had the Mercury stopped. First of all, describe the Mercury that we are talking about.



A It was the same one I had seen earlier, the gray Mercury with the New York plate 507JVD.

Q And in what position or how did he have this Mercury stopped?

A The vehicle, the Mercury was facing towards the access road in that general direction and Officer DePaulo's car was facing towards the Mercury.

Q Now, upon responding to Officer DePaulo's request for assistance and going to the scene, what did you then do?

A Officer Igoe and myself were not in our vehicles at the time. We got into our vehicles. I myself in the University police unit responded over to where Officer DePaulo was. I positioned my vehicle on the right rear side of it; in other words, the passenger's side of the gray Mercury.

Q Did you get out of your police vehicle?

A Yes, I did.

Q What did you then do?

A I got out of my police vehicle and since Officer DePaulo had his weapon drawn, I drew my weapon and I covered the occupant of the vehicle from the passenger's side of the vehicle.



Q Now, were you able to look into the vehicle as you covered him, as you just testified?

A Yes, I was.

Q Now, through what window did you look into the vehicle?

A I positioned myself on the passenger's side so I could look both partially through the front passenger's side window and the rear passenger's side partly because I wanted to make sure there was no one in the back seat either lying down or whatever in the back seat and I had a partial view of the front.

Q Now, who else was there or in the nearest vicinity of the Mercury and Officer DePaulo's vehicle?

A The only other people in the vicinity were Officer Igoe and Officer DePaulo of the Albany Police Department.

Q Where was Officer Igoe standing?

A Officer Igoe was standing directly perpendicular to the driver's door.

Q And Officer DePaulo was in front of the driver's door.

A He was slightly in front of the driver's door.



Q O.K. Now, let's concern ourselves with what you saw when you looked into the Mercury. How many occupants did you see in the Mercury?

A There was one occupant in the Mercury in the driver's seat.

Q And who was that occupant?

A The defendant Mr. Spearman.

Q And that would be the same individual who you saw driving the car at 7 p.m.; is that correct?

A Yes.

Q Now, tell the Court and jury what observations you made of the defendant Spearman as you looked into the car at approximately 7:30 p.m.

A I could see -- from what I could see, I could just barely see his left hand and it appeared to be on the steering wheel. His right hand I could not see at all and it wasn't in the vicinity of the steering wheel as far as I could tell. Officer Igoe and Officer DePaulo both, on several occasions, asked Mr. Spearman to step out of the vehicle and he did not move in that direction. I did note that on two distinct occasions Mr. Spearman's right shoulder went towards the passenger's side, did lean, dip in



two distinct motions towards the passenger's side of the vehicle.

Q Now, while this was going on, while you made this observation, Officers DePaulo and Igoe were on the scene; is that correct?

A That is correct.

Q And they were making certain directions or commands at the defendant; is that correct?

A That is correct.

Q Now, did there come a time when the defendant Spearman was, in fact, taken out of the Mercury?

A Yes. Yes, he was taken out of the vehicle.

Q And do you recall who did that?

A I'm not sure whether it was Officer DePaulo or Igoe, I'm not sure which.

Q And do you recall what happened to the defendant Spearman after he was taken out of the Mercury?

A Yes. He was removed from the Mercury and placed in the rear passenger's seat of the Albany Police unit number 15.

Q He was taken from his vehicle, the Mercury, to an Albany Police vehicle; is that correct?

A That's correct.



Q Now, who did that? Who took him from the Mercury to the Albany Police car?

A Officer DePaulo placed him in the Albany Police unit.

Q O.K. Now, where were you when Officer DePaulo was doing that?

A While he and Officer Igoe were taking him over to the police unit, I stood by the Mercury.

Q Did there come a time when Officer DePaulo returned to the Mercury?

A Yes, after Mr. Spearman was placed in the vehicle.

Q The police vehicle; is that correct?

A Yes. Right.

Q And when Officer DePaulo returned to the Mercury, what did he do?

A He waited for his supervisor, Lieutenant Kosakowski, to arrive.

Q And then what happened?

A Then they initiated a search of the interior of the vehicle.

Q Now, about how long a time period lapsed between the time the defendant Spearman was taken from his vehicle, put in the police vehicle and the police,



the Albany police, initiated the search of the Mercury?

A Approximately five minutes.

Q Now, during that time period, where were you?

A During the period of the search, I was standing at the rear of the Mercury talking with some of my fellow officers from my department who had shown up on the scene.

Q During the time period before the search, the five minutes between the time that Spearman was taken from his vehicle, put in an Albany Police vehicle and the Albany Police Officers searched the vehicle, where were you during that time?

A I was next to the Mercury securing the scene, making sure that no one went into the vehicle.

Q Now, during that time period, did anybody enter the vehicle?

A No.

Q Now, Officer Lascoe, prior to September 21, 1981, at approximately 7 p.m., had you ever heard of Michael Young?

A No.

Q Had you ever heard of John Spearman?



A No.

Q Had you ever been advised by your superiors or by anybody else about Michael Young?

A No.

Q The same thing about John Spearman?

A No.

Q Did you know about an automobile license plate 507JVD?

A No, I did not.

MR. KATZER: Thank you, Officer.

I have nothing further.

CROSS-EXAMINATION

BY MR. KUNSTLER:

Q Officer Lascoe, my name is William Kunstler. We've met before briefly, did we not?

A Yes, we did.

Q And with reference to that particular night, that is September 21, Nineteen Hundred and Eighty-one, as you've testified, you've indicated, I think, that the lighting conditions in the parking lot were good, you could see clearly; is that correct?

A Yes.

Q Now, I want to ask you just a few questions before