

1 SUPERIOR COURT OF NEW JERSEY
2 CRIMINAL DIVISION-HUDSON COUNTY
3 INDICTMENT NO. 0435-03-07
4 APP. DIV. NO. A-3348-11T3

5 STATE OF NEW JERSEY :

6 COMPLAINANT :

7 -vs-

8 ELMO M. RIVADENEIRA :

9 DEFENDANT :

10 TRANSCRIPT
11 OF
12 PROCEEDINGS
(TRIAL)

13 Place: Hudson County Courthouse
14 595 Newark Avenue
15 Jersey City, NJ 07306
16 Date: September 29, 2011

17 BEFORE:

18 THE HONORABLE PAUL M. DE PASCALE, J.S.C.

19 And a Jury

20 TRANSCRIPT ORDERED BY:

21 HELEN C. GODBY, ESQ.
(OFFICE OF THE PUBLIC DEFENDER)

22 APPEARANCES:

23 JOHN R. MULKEEN, ESQ.
(ASSISTANT PROSECUTOR, HUDSON COUNTY)
24 FOR THE STATE

25 JOHN ZUNIC, ESQ.
(JOHN ZUNIC, ESQ.)
FOR THE DEFENDANT

26 PATTIE JOHNSON, C.C.R.
27 OFFICIAL COURT REPORTER
28 HUDSON COUNTY COURTHOUSE
29 595 NEWARK AVENUE
30 JERSEY CITY, NEW JERSEY 07306

1 I N D E X

2	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
3	ANNE MARIE DAHL (104 Hearing)				
4	BY MR. MULKEEN	5		22	
5	BY MR. ZUNIC		15		
6	LAUREN TEICHER				
7	BY MR. MULKEEN	37			
8	BY MR. ZUNIC		51		
9	DAVID CLATTENBERG				
10	BY MR. MULKEEN	53			
11	BY MR. ZUNIC		58		
12	ANTHONY BATISTA				
13	BY MR. MULKEEN	61			
14	BY MR. ZUNIC		67		
15	RIVADENEIRA				
16	BY MR. MULKEEN	68		74	
17	BY MR. ZUNIC		73		
18	ANNE MARIE DAHL				
19	BY MR. MULKEEN	77		97	
20	BY MR. ZUNIC		90		
21	DET. BRIAN O'MALLEY				
22	BY MR. MULKEEN	99			
23	ALEXIS T				
24	BY MR. MULKEEN	105		163	
25	BY MR. ZUNIC		156		
26	GEORGE DOMANSKI				
27	BY MR. MULKEEN	167			
28	BY MR. ZUNIC		175		

17 INDEX TO EXHIBITS

18	NUMBER	DESCRIPTION	IDENT.	EVD.
19	S-63	statement of Ann Marie	3	
20	S-64	report 8-19-11	3	
21	S-65	report 1-16-06	3	
22	S-66	report 8-20-05		
23	S-67	second interview with Anne Marie & Grace Stella	3	
24	S-68	second interview with Anne Marie Stella	3	
25	S-69	report 10-2-06	3	
26	S-70	report		
27	S-71	report buccal swabs from Defendant	3	

1 the door and get out.

2 Q What, if anything, were you wearing on your
3 feet when you jumped out of the car?

4 A I had nothing.

5 Q What happened to your shoes or sneakers?

6 A He took everything.

7 Q How did the ground feel when you were
8 barefoot at that time?

9 A It was dirt and rocks and glass everywhere.

10 MR. MULKEEN: I am going to ask if this could
11 be marked for Identification S-80, I apologize.

12 (Whereupon S-80 is marked for Identification which is
13 a brown paper bag.)

14 (Whereupon S-80A is marked for Identification which are
15 overalls.)

16 Q I am going to show you, I apologize,
17 Alexis. I apologize for doing this. I got to ask you
18 take a look --

19 THE COURT: I think she's seen it, sir.

20 Q -- can you please tell us, do you recognize
21 this?

22 A Yes.

23 Q What are these?

24 A Those are the -- that's the jumper that he put on
25 me before he put me into the car.

1 THE COURT: Record should reflect the witness
2 is referring to exhibit 80 A. You may proceed, sir.

3 Q How confident if, at all, are you that those
4 are the same ones?

5 A They are big and they had Winnie the Pooh on them
6 and they are dirty.

7 Q I am going to ask you, where did you see the
8 -- when his -- when he dropped you off in this lot that
9 you described, where was his car positioned and in
10 relation to that white car?

11 A He pulled it behind the white car.

12 Q Now, at that time I asked you about this car
13 that was identified as S-32 for Identification, the
14 picture, did there come a point in time when you saw
15 that car in the daylight on May 18th, if you recall?

16 A No.

17 Q Okay. Now, after you got out of the car,
18 where did you go, if any place?

19 A I ran out of the lot and I figured he might have
20 turned left, so I turned right.

21 Q What, if anything, did you see when you
22 turned right?

23 A I saw a whole bunch of houses.

24 Q And what, if anything, did you do with those
25 houses?

CERTIFICATION

I, PATTIE JOHNSON, License Number XI01125, an Official Court Reporter in and for the State of New Jersey, do hereby certify the foregoing to be prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate non-compressed transcript to the best of my knowledge and ability.

/s/ Pattie Johnson

Official Court Reporter

HUDSON COUNTY COURTHOUSE

Pattie Johnson, CR
Date: *May 6, 2014*