

**STATE OF MICHIGAN
IN THE SUPREME COURT**

**PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,**

v

No. 159709

**CHRISTOPHER LOUIS SINDONE,
Defendant-Appellant.**

**Court of Appeals No. 340328
Circuit Court Case No. 17-000304-01-FH**

**PLAINTIFF-APPELLEE'S APPENDIX
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THE STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

MR. CHRISTOPHER SINDONE,

Criminal Case
Bench Trial
17-0000304-01

Defendant.

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Proceedings had in the above entitled matter
before the HONORABLE KELLY RAMSEY, Circuit Court Judge for
Detroit, Michigan, on June 29th, 2017.

APPEARANCES:

MS. BARBARA LANNING, ESQ.
1441 St. Antoine Street
Detroit, Michigan 48226

Appearing on behalf of the Plaintiff,
The People of the State of Michigan

MS. PATRICIA SLOMSKI, ESQ.
2324 E. 11 Mile Road
Warren, Michigan 48091

Appearing on behalf of the Defendant,
Mr. Christopher Sindone

REPORTED BY: DOREEN PICKETT, CSR 6695
1441 St. Antoine Street
Detroit, Michigan 48226

1 MS. LANNING: People would waive your Honor.

2 THE COURT: Any objection to the waiver of her
3 opening?

4 MS. SLOMSKI: No, your Honor and I reserve mine.

5 THE COURT: Noted.

6 Call your first witness.

7 MS. LANNING: The People would call Ms. Jennifer
8 Sindone.

9 THE COURT: I'm going to step off the bench for
10 just a second. Come forward ma'am and step up to my clerk
11 and raise your right arm she's going to give you an oath
12 to tell the truth.

13 Was thereupon called as a witness herein, and
14 after having been first duly sworn, was examined and
15 testified as follows 11:59 am:

16 J E N N I F E R S I N D O N E

17 DIRECT EXAMINATION

18 THE COURT: Somehow that chair turns backwards
19 but it easily faces forward. If you'd take a seat in the
20 witness chair.

21 THE WITNESS: Yes, your Honor.

22 THE COURT: And have a seat and make yourself
23 comfortable and pull the mic in front of you. Ms. Lanning
24 if I can have a moment please tell me your name.

25 THE WITNESS: Jennifer Mary Sindone.

1 THE COURT: Spell.

2 THE WITNESS: J-E-N-N-I-F-E-R M-A-R-Y
3 S-I-N-D-O-N-E.

4 THE COURT: All right.

5 And Ms. Sindone, that microphone is pretty
6 sensitive so it should amplify your voice as long as you
7 speak in a normal tone.

8 Make yourself comfortable. Ms. Sindone, there
9 are a couple of do's and don't's about being on the
10 witness stand.

11 The lady in front of you is both recording and
12 by way of transcription is typing down every word that
13 everyone says in this courtroom and me and you included.

14 As a result of that I'm going to ask you not to
15 nod your head in response she can't see or hear that. And
16 please try to remember not to use um hum, um um, uh uh,
17 because again we don't want to guess if it is a yes or no.

18 Fair enough?

19 THE WITNESS: Yes, your Honor.

20 THE COURT: Both of the people asking questions
21 are attorneys. If they ask you a question you don't
22 understand never assume, never guess.

23 And it's okay to say to them I don't understand
24 and I'll make sure that the question is asked in a manner
25 and fashion that makes sense to you, good.

1 THE WITNESS: Yes, ma'am.

2 THE COURT: And my last rule is remember that um
3 those of us in this room were not there. So it's helpful
4 if you try to remain from using the word he, she, we,
5 they, us, them and instead put in the person's name.

6 Fair enough?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Thank you, all yours.

9 MS. LANNING: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MS. LANNING:

12 Q. Ms. Sindone, I'm going start off on do you know a man by
13 the name of Christopher Lewis Sindone?

14 A. Yes, ma'am.

15 Q. Who is Christopher Lewis Sindone to you?

16 A. My husband.

17 Q. Do you see Mr. Sindone in court?

18 A. Yes.

19 Q. Could you point to him and identify an article of clothing
20 that he's wearing?

21 A. Green.

22 MS. LANNING: Your Honor, for the record, let it
23 reflect that the witness has identified the defendant, Mr.
24 Christopher Sindone.

25 THE COURT: So reflected.

1 MS. LANNING: Thank you.

2 BY MS. LANNING:

3 Q. How long have you been married to the defendant?

4 A. Six years.

5 Q. All right.

6 And over the course of those six years um, is it
7 a happy marriage, a marriage you want to be apart of?

8 A. Not any longer.

9 Q. All right.

10 And approximately when did it become a marriage
11 that you did not want to be apart of.

12 A. Roughly a year and a half to two years ago.

13 Q. Okay.

14 So that would be approximately um June 2015 um
15 through approximately December of 15 January 2015; is that
16 fair.

17 A. I'm sorry, I didn't hear you.

18 THE COURT: Let's go off the record just for a
19 minute.

20 (12:02 pm off the record for a defendant from
21 the next courtroom who is being put into custody and is
22 wailing in the lockup very loudly and disrupting this
23 Court's proceedings)

24 THE COURT: All right.

25 Let's try to go back on the record. I note

1 *there was a disturbance for the record in my neck door*
2 *neighbor's courtroom and I apologize. I think that we can*
3 *safely proceed but if there is excessive noise please*
4 *pause again.*

5 *MS. LANNING: Thank you your Honor.*

6 *BY MS. LANNING:*

7 Q. *Ms. Sindone when we left off you testified that*
8 *approximately a year and a half to two years ago that is*
9 *when you started to not to want to be apart of the*
10 *marriage anymore; is that fair?*

11 A. *Yes.*

12 Q. *And so that will put us back to June 15th, 2015 to January*
13 *2016?*

14 A. *Roughly, yes ma'am.*

15 Q. *Did you ever take any steps --*

16 *THE COURT: Stop.*

17 *(Once again defendant from next door courtroom*
18 *wailing again loudly 12:05 pm)*

19 *THE COURT: Let's try again, I'm sorry.*

20 *BY MS. LANNING:*

21 Q. *So is it fair to say that it would have been approximately*
22 *June 2015 I think I moved past that question. Did you*
23 *ever take any legal steps to remove yourself from the*
24 *marriage?*

25 *MS. SLOMSKI: Judge, I think we're far a field*

1 I'm not sure exactly why that would be relevant.

2 MS. LANNING: Certainly speaks to the motive for
3 the defendant's actions.

4 THE COURT: I'm going to overrule the objection
5 and ask Ms. Lanning to make sure that she ties this
6 together and not turn it into a collateral issue.

7 MS. LANNING: Certainly.

8 BY MS. LANNING:

9 Q. Ms. Sindone was there a time that you separated from Mr.
10 Sindone?

11 A. On different occasions, yes.

12 Q. Okay.

13 And was it the type of relationship where you'd
14 separate and get back together?

15 A. Yes, ma'am.

16 Q. All right.

17 And when you were living with Mr. Sindone what
18 address were you living with him at?

19 A. 1975 North Outer Drive Monroe, Michigan 48161.

20 Q. So is it fair to say that the marital home was on North
21 Outer Drive in Monroe?

22 A. Yes, ma'am.

23 Q. All right.

24 And is there a time when you became associated
25 with the property at 25173 Middlesex in the city of

1 *Woodhaven County of Wayne, State of Michigan.*

2 A. *Can you repeat that please.*

3 Q. *Did you purchase or lease or rent property at 25173*
4 *Middlesex street in the city of Woodhaven County of Wayne*
5 *State of Michigan?*

6 A. *Yes.*

7 Q. *All right.*

8 *And when approximately, well, first of all, did*
9 *you buy it, sale it, rent it? How did you become*
10 *associated with that property?*

11 A. *I purchased the home.*

12 Q. *Okay.*

13 *And what is at that property? Is it an*
14 *apartment is it a house.*

15 A. *It's a mobile home.*

16 Q. *Okay.*

17 *When did you purchase that mobile home?*

18 A. *Um, November 28th, 2016.*

19 Q. *Okay.*

20 *And when you purchased that mobile home what was*
21 *the purpose of that.*

22 A. *To remove myself from the marriage.*

23 Q. *All right.*

24 *And in purchasing that mobile home is that a*
25 *purchase that you and Mr. Sindone the defendant made*

1 together?

2 A. No.

3 Q. All right.

4 Is Mr. Sindone's name on the deed, the contract,
5 the landlord tenant agreement anything associated with
6 that property?

7 A. No, he is not.

8 Q. Okay.

9 And you testified that you bought that property
10 in November 28th, 2016?

11 A. Yes, ma'am.

12 Q. All right.

13 And between the dates of November 28th, of 2016
14 and December 24th of 2016 in the in that approximate month
15 were you and the defendant living there together.

16 A. At the Woodhaven address.

17 Q. Correct?

18 A. No. We were not.

19 THE COURT: Pardon me Ms. Lanning, can I have
20 your date again on the last question.

21 MS. LANNING: Certainly, November 28th, 2016
22 through December 24th of 2016.

23 THE COURT: Thank you.

24 MS. LANNING: All right.

25 BY MS. LANNING:

1 Q. And on December 24th, 2016 was there some of your personal
2 property in this Woodhaven trailer?

3 A. Yes.

4 Q. What type of personal property did you have the in the
5 trailer?

6 A. Clothing, um, my children's clothing, um, decorations for
7 Christmas due to the season, um, shovels and those sorts
8 of things.

9 Q. And did you have bedsheets there?

10 A. Yes, I did.

11 Q. All right.

12 Between the period of time November 28th, 2016
13 when you first bought that trailer and December 24th of
14 2016 did you spend the night at that Woodhaven trailer.

15 A. Yes, I did.

16 Q. All right.

17 And when you purchased the trailer um November
18 28th of 2016 was there any damage whatsoever to the
19 trailer?

20 A. Small um, small things.

21 Q. Okay.

22 Was there any fire damage to trailer when you
23 purchased it?

24 A. No, there was not.

25 Q. All right.

1 And um in terms of electricity and water, did
2 you have those hooked up to that residence?

3 A. Yes, I did.

4 Q. All right.

5 And whose name would the water and electricity
6 be in?

7 A. Understood my name.

8 Q. All right.

9 And when you purchased that trailer do you
10 recall how much you purchased it for.

11 A. Around 12 hundred dollars.

12 Q. Okay.

13 And then from then on after the purchase date
14 were you expected to make monthly payments?

15 A. Yes.

16 Q. What were the monthly payments?

17 A. 585 per month plus other fees.

18 Q. So in terms of value you may an initial payment of 12
19 hundred dollars and then you would make subsequent
20 payments of 585 per month plus fees?

21 A. I was suppose to, yes.

22 Q. Okay.

23 And you testified that you had water hookup and
24 electricity hooked up to the Woodhaven trailer. Were
25 those working to your knowledge as of December 23rd, 2016?

1 A. Yes, ma'am.

2 Q. All right.

3 And I want to take you to December 23rd of 2016
4 when was the last time um as of that date you had been in
5 that trailer in Woodhaven.

6 A. I'm sorry can you repeat that.

7 Q. When was the last time you were in the trailer in
8 Woodhaven around December 23rd of 2016?

9 A. I was in the home December 22nd, and December 23rd.

10 Q. All right.

11 And when you left the home on December 23rd of
12 2016, where did you go?

13 A. To work.

14 Q. All right.

15 And where do you work?

16 A. Flat Rock Manhime on Gibraltar road.

17 Q. All right.

18 And when you left the home in Woodhaven on
19 December 23rd, 2016 what time was it approximately?

20 A. 6:30 in the morning.

21 Q. All right.

22 And when you left at 6:30 am on December 23rd
23 what was the condition of that home.

24 A. Everything was as I left it.

25 Q. All right.

1 *Had there been any fire damage prior to you*
2 *leaving at 6:30 on December 23rd, 2016.*

3 A. *No, ma'am.*

4 Q. *All right.*

5 *And did there come a point after the early*
6 *morning hours of December 24th, 2016 that you went back*
7 *and saw the condition of that home in Woodhaven.*

8 A. *I did not see the home on December 24th until later that*
9 *afternoon.*

10 Q. *Okay.*

11 *And when you saw the home later in the afternoon*
12 *of December 24th of 2016 what kind of condition was it in?*

13 A. *Not very good.*

14 Q. *All right.*

15 *When you say not very good, what do you mean?*

16 A. *Fire damage.*

17 Q. *All right.*

18 *What area of the house was there fire damage?*

19 A. *Mainly my bedroom, and in the living room but there was*
20 *smoke damage throughout the home.*

21 Q. *Okay.*

22 *And could you just gave us a description when*
23 *you walk in the front door of that mobile home what are*
24 *you looking at.*

25 A. *The living room.*

1 Q. *Is there anything to the right or left?*

2 A. *There was a couch to the right of me and um a wall and a*
3 *window to the left of me. And in the front of me was my*
4 *hallway leading into other bedrooms and a restroom and a*
5 *kitchen.*

6 Q. *All right.*

7 *And as of December 23rd and December 24th of*
8 *2016 did the defendant have permission to be in your*
9 *house.*

10 A. *No.*

11 Q. *Okay.*

12 *And to your knowledge where was the defendant*
13 *living on December 23rd and December 24th of 2016?*

14 A. *This 19275 North Outer Drive Monroe address.*

15 Q. *All right.*

16 *And after um, this case was initiated did the*
17 *defendant contact you um in any way?*

18 A. *Yes.*

19 Q. *All right.*

20 *How did the defendant contact you?*

21 A. *Through US mail and through telephone calls.*

22 Q. *Written letters?*

23 A. *Yes.*

24 Q. *All right.*

25 *And I want to specifically refer to a letter*

1 *dated June 27th, 2017. Did you receive a letter that day?*

2 A. *Yes, I did.*

3 Q. *All right.*

4 MS. LANNING: *Your Honor, may I approach.*

5 THE COURT: *You may.*

6 BY MS. LANNING:

7 Q. *Handing you Ms. Sindone a four page document. I want you*
8 *to take a look at that and tell me if you can identify*
9 *what that is?*

10 A. *This is a letter from Christopher Sindone.*

11 Q. *Okay.*

12 *In the course of the marriage to the defendant*
13 *you had occasion to see his handwriting previously?*

14 A. *Yes.*

15 Q. *Is that handwriting in that letter consistent with his*
16 *handwriting as you know it to be?*

17 A. *Yes.*

18 Q. *All right.*

19 *And do you recall and that's a copy of the*
20 *letter; is that fair to say?*

21 A. *Yes.*

22 Q. *Do you recall receiving the actual letter?*

23 A. *I did not receive the actual letter.*

24 Q. *Okay.*

25 A. *It was given to me in a copy.*

1 Q. Okay.

2 *And the person that you obtained that letter*
3 *from, who was that?*

4 A. Attorney Kory Shimek.

5 Q. And that attorney what kind of law does he practice?

6 A. Family, divorce.

7 Q. Is that your divorce attorney?

8 A. Not at this time.

9 Q. Previously, was that attorney your divorce attorney?

10 A. Yes.

11 Q. Had you receive previous letters from the defendant?

12 A. Yes.

13 Q. All right.

14 *And the handwriting is that consistent with the*
15 *other letters that you had received.*

16 A. Yes, ma'am.

17 Q. And the content of that letter does that talk about
18 *personal details of your life and the defendant's life as*
19 *well.*

20 A. Yes.

21 Q. All right.

22 *And now I want to specifically refer to the*
23 *highlighted portions of that letter. Do you recall*
24 *reading that specific portion in the original letter that*
25 *you saw?*

1 A. Yes.

2 Q. All right.

3 In that highlighted portion when does the
4 defendant say.

5 MS. SLOMSKI: I'm going to object to that. At
6 this point I don't think that she should be reading a
7 potential exhibit into the record.

8 Certainly she can testify of her own personal
9 knowledge what is said or she can refresh herself if she
10 would like to do that if necessary.

11 THE COURT: I understand, Ms. Lanning.

12 MS. LANNING: Certainly, I'll ask the question a
13 different way.

14 THE COURT: Certainly.

15 BY MS. LANNING:

16 Q. Do you recall the defendant saying, now I admit a fire did
17 happened. I fell asleep with the candle lit but I woke up
18 and put the fire out?

19 A. Yes.

20 Q. And do you recall reading that in the original letter as
21 well?

22 A. Yes.

23 Q. Okay.

24 Could you describe to the Court the nature of
25 your relationship with the defendant on December 23rd and

1 *December 24th of 2016?*

2 A. *Can you repeat that I'm sorry.*

3 Q. *Can you describe the nature of your relationship with the*
4 *defendant on December 23rd going into December 24th, of*
5 *2016?*

6 A. *We were in the proceeding of a divorce at that point.*

7 Q. *All right.*

8 *Do you and the Defendant have children in*
9 *common?*

10 A. *Yes.*

11 Q. *As of December 23rd, 2016 were things between you and the*
12 *defendant amicable were you guys friendly or was there a*
13 *dispute?*

14 A. *There was a dispute.*

15 Q. *Thank you.*

16 *MS. LANNING: I have nothing further.*

17 *THE COURT: Cross examination.*

18 *MS. SLOMSKI: Thank you, your Honor.*

19 *CROSS EXAMINATION*

20 *BY MS. SLOMSKI:*

21 Q. *Um, Ms. Sindone I have some questions I want to ask you*
22 *and stop me if you or if I ask something that you don't*
23 *understand, okay?*

24 A. *Yes, ma'am.*

25 Q. *Okay.*

1 *As I understood from your direct testimony Ms.*
2 *Sindone you were married to Mr. Sindone the defendant in*
3 *this case for about six years or so.*

4 A. *Yes.*

5 Q. *And during that period of time did you live was your*
6 *primary residence the address that has been testified to*
7 *in Monroe?*

8 A. *Yes.*

9 Q. *All right.*

10 *And at that address, at that address I would be*
11 *safe in concluding that there are minor child living*
12 *there?*

13 A. *Yes.*

14 Q. *How many children were the product of your marriage to Mr.*
15 *Sindone?*

16 A. *A set of twins.*

17 Q. *Okay.*

18 *And what are their ages?*

19 A. *Eight.*

20 Q. *Okay.*

21 *And there was another child that also lived at*
22 *that address?*

23 A. *Yes.*

24 Q. *And what, what, is that child also your natural biological*
25 *child?*

1 A. No.

2 Q. Okay.

3 *Would it be fair to say that that child is that*
4 *Mr. Sindone is the biological parent of that child.*

5 A. Yes.

6 Q. *And it would also be fair to say that um with respect to*
7 *that child SSI or some kind of security survivorship*
8 *benefits were being paid regularly to the family?*

9 *MS. LANNING: Objection as to relevant.*

10 *MS. SLOMSKI: Goes to motive.*

11 *MS. LANNING: Motive as part of the defendant?*

12 *MS. SLOMSKI: Motive as to testify about --*

13 *THE COURT: All right.*

14 *I'm going to overrule the objection there is not*
15 *a jury here I can separate it. But please tie it up*
16 *quickly.*

17 *MS. SLOMSKI: Yes, your Honor.*

18 *BY MS. SLOMSKI:*

19 Q. *The child was receiving SSI or survivors benefit?*

20 A. Yes.

21 Q. *They were approximately nine hundred or a thousand dollars*
22 *a month?*

23 A. No.

24 Q. *Initially, how much? Back into 2016 at or about the time*
25 *that there was a fire at your house what was the child*

1 *receiving?*

2 A. *683.*

3 Q. *Okay.*

4 *Thank you.*

5 *And um, now you've indicated that the divorce*
6 *was initiated in this case mid December of 2015 is that*
7 *correct or 16 excuse me started, filed?*

8 A. *Started in 2016.*

9 Q. *And it would be correct that Mr. Sindone was the person*
10 *that filed the divorce pleadings; is that right?*

11 A. *Yes.*

12 Q. *All right.*

13 *And from when -- strike that. When did you*
14 *actually physically separate from Mr. Sindone?*

15 A. *November 28th in 2016.*

16 Q. *Okay.*

17 *If I recall madam, did you spend any time with*
18 *Mr. Sindone on the 23rd of December of 2017.*

19 A. *2016.*

20 Q. *Yes, excuse me 2016 at the Monroe street address a couple*
21 *days before Christmas?*

22 A. *Yes.*

23 Q. *Okay.*

24 *And was Mr. Sindone staying at that address with*
25 *you at the time?*

1 A. *At what address?*

2 Q. *The address in Monroe?*

3 A. *He was living there I was not.*

4 Q. *Okay.*

5 *When did when did you move out of the of that*
6 *residence?*

7 A. *November 28th, 2016.*

8 Q. *Okay.*

9 *So if I understand you correctly on December*
10 *23rd you went back to that address the primary principle*
11 *address on Monroe?*

12 A. *To do visitations.*

13 Q. *Okay.*

14 *That's fine. Because Mr. Sindone had custody of*
15 *all of the children at that point?*

16 A. *No.*

17 Q. *Okay.*

18 *They were there visiting or you had shared*
19 *custody?*

20 A. *There was nothing in court yet.*

21 Q. *Okay.*

22 *That's fine.*

23 *So approximately what time did you go to that*
24 *residence?*

25 A. *Later in the afternoon between 4 and 6 pm.*

1 Q. Okay.

2 *And were other people present at the time you*
3 *were there?*

4 A. No.

5 Q. *Did there come a time that you left the residence to go to*
6 *the Middlesex address?*

7 A. *Rephrase that please.*

8 Q. *Yes, you indicated that you were at the principle or*
9 *marital home back on the December 23rd and you had come*
10 *over to visit the children.*

11 *Um, what I want to know is did there come a time*
12 *that you actually left, you left before you were going to*
13 *work? Did you leave to go anywhere at any point after you*
14 *arrived that day.*

15 A. *I would live my Middlesex address to go to work.*

16 Q. *Okay, okay.*

17 *Perhaps you don't understand me. What time did*
18 *you come over to the address on the 23rd; if you know?*

19 *THE COURT: The Monroe address.*

20 *MS. SLOMSKI: That's correct, I'm sorry.*

21 *THE COURT: What time did you get there?*

22 *THE WITNESS: Between 4 and 6 pm.*

23 *BY MS. SLOMSKI:*

24 Q. *Okay.*

25 *And would it be fair, strike that. What time*

1 *did you leave that Middlesex address? Not the Middlesex*
2 *address the Monroe address?*

3 *THE COURT: The Monroe address?*

4 *BY MS. SLOMSKI:*

5 Q. *If you know.*

6 A. *I'm going to say between 9 pm and 11 pm.*

7 Q. *Okay.*

8 *And am I to understand that you at that point*
9 *went immediately to the Middlesex address?*

10 A. *No.*

11 Q. *Okay.*

12 *Do you know you ultimately arrived back at the*
13 *Middlesex address. Is that right? Did you ever go back*
14 *there in the early morning hours of the 23rd?*

15 A. *No, I was not able to.*

16 Q. *All right.*

17 *Now, would it be fair to say that at the time*
18 *that um from time of purchase of this particular mobile*
19 *unit to the time that a fire occurred in there that it was*
20 *in a state of disarray?*

21 *That you were in the process of working on this*
22 *particular house or having work done?*

23 A. *There were things that needed to be done, yes.*

24 Q. *Okay.*

25 *And those would include?*

1 A. *Fixing floors, um, putting drywall up, minor, minor, minor*
2 *fixtures to the home.*

3 Q. *There was a working kitchen in that house?*

4 A. *Not at the time, no.*

5 Q. *Okay.*

6 *Were there holes in the flooring.*

7 A. *No.*

8 Q. *Was there black mold on the walls?*

9 A. *Not that I recall.*

10 Q. *Okay.*

11 *Well you were living there right?*

12 *Okay.*

13 *All right.*

14 *In conjunction with the filing of an answer to*
15 *the divorce petition initiated by Mr. Sindone did you*
16 *indicate that you had been living in Monroe and had*
17 *continuously been living in Monroe for at least 14 days*
18 *before the actual filing of this petition or 12-21, 12-12*
19 *I stand corrected 12-12-2016.*

20 A. *Can you say that again please.*

21 Q. *Yeah, I want to know at the time that at the time of um of*
22 *your answers in the filing of the divorce petition*
23 *responses, that you indicated that you were in fact*
24 *residing or had resided in Monroe for at least 14 days*
25 *before the initiation of the divorce proceedings, right?*

1 *Would the divorce papers refresh your recollection*
2 *about --*

3 *MS. LANNING: I would like to see what you are*
4 *referring to.*

5 *BY MS. SLOMSKI:*

6 Q. *Okay.*

7 *Would your divorce papers refresh your*
8 *recollection concerning where you were living on or about*
9 *the 23rd date of December of 2016?*

10 A. *Yes.*

11 Q. *Okay.*

12 *If I understand these papers correctly you are*
13 *indicating that you had not lived with Mr. Sindone after*
14 *December 2nd of 2016; is that right? Is that what you*
15 *represented? Is that what was represented?*

16 *THE COURT: Wait a minute, wait a minute, wait a*
17 *minute, hold on, the question you just asked is a*
18 *different question than the question you asked prior that*
19 *you gave her those papers to refresh.*

20 *And now there are two questions on the floor and*
21 *neither one of them have been answered. So I got a*
22 *question mark in my mind.*

23 *MS. SLOMSKI: I'll withdraw both of them she*
24 *probably does not remember and nor I do.*

25 *THE COURT: So you are withdrawing both of them*

1 and I also have a question that I'm looking for someone to
2 tell me the date of the filing. You keep referring to 14
3 days prior to. I don't have the December date in my
4 notes.

5 MS. SLOMSKI: Okay.

6 Just for the record of identification Judge the
7 filing was on December 12th.

8 MS. LANNING: She was served on the 12th.

9 MS. SLOMSKI: December 12th and she was served
10 on the 21st.

11 THE COURT: So December the 12th is 16 and
12 served on the 21st.

13 MS. SLOMSKI: Yes.

14 THE COURT: Okay.

15 And you are withdrawing the two questions that
16 remain without the line of question.

17 MS. LANNING: The People will list that per the
18 divorce proceeding was listed as a resident of the County
19 of Monroe under the legal qualification of resident.

20 But the I don't know if that is relevant for
21 this proceedings but the People are willing to stipulate.

22 THE COURT: I don't know either. But one would
23 think that the document speaks for themselves so let's get
24 a stipulation here.

25 MS. LANNING: The People stipulate that Ms.

1 *Sindone identified herself as a resident under the legal*
2 *implication of resident of Monroe County for these divorce*
3 *proceedings for the time period of 10 days prior to*
4 *December 20th.*

5 *THE COURT: No the filing was the 12th.*

6 *MS. SLOMSKI: 30th.*

7 *So that it is clear from the paperwork she filed*
8 *a counter answer on December 30th of 2016.*

9 *THE COURT: Counsel, there are two attorneys I*
10 *wouldn't mind speaking to. So why don't you discuss those*
11 *papers.*

12 *MS. LANNING: Judge, we've got it, December 20th*
13 *is the date that this would have been the date of filing*
14 *is the 30th but 10 days prior would of put us at December*
15 *20.*

16 *So from December 20th to December 30th as*
17 *reflected in the divorce document Ms. Sindone identify*
18 *herself as a resident of Monroe County for the legal*
19 *implications of the word resident.*

20 *MS. SLOMSKI: We'll so stipulate to that.*

21 *THE COURT: What happened to the 12th day I just*
22 *wrote down.*

23 *MS. LANNING: The 12th date was the date that*
24 *the defendant filed the papers but that is immaterial*

25 *MS. SLOMSKI: So then they were later served*

1 *but.*

2 *THE COURT: Fine.*

3 *So December 20th to December 30th the divorce*
4 *papers reflect that Jennifer Sindone identified herself as*
5 *a resident at the Monroe address for the filing of the*
6 *divorce; is that the correct stipulation.*

7 *MS. SLOMSKI: Um December 30th of 2016.*

8 *THE COURT: I said December 20th through*
9 *December 30th.*

10 *MS. SLOMSKI: Oh, yes that's correct your Honor*
11 *sorry.*

12 *THE COURT: Okay.*

13 *We're going to stip to this.*

14 *MS. LANNING: People are satisfied with that*
15 *stipulation.*

16 *THE COURT: Are you satisfied as well.*

17 *MS. SLOMSKI: I am your Honor thank you very*
18 *much.*

19 *THE COURT: All right.*

20 *MS. SLOMSKI: One moment please.*

21 *THE COURT: This is the Monroe address, correct?*

22 *MS. SLOMSKI: Yes.*

23 *THE COURT: Yes, got it.*

24 *MS. SLOMSKI: Nothing further, your Honor.*

25 *THE COURT: Very briefly, your Honor.*

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REDIRECT EXAMINATION

BY MS. LANNING:

Q. Um, Ms. Sindone, you were questioned about who it was that started the actual divorce proceedings, do you remember that line of questioning?

A. Yes.

Q. And do you remember testifying that it was Mr. Sindone that initially filed the divorce proceedings?

A. Yes.

Q. And had there been conversations between yourself and the defendant regarding filing the divorce proceedings?

A. Yes.

Q. And was this a um, were you also interested in filing divorce proceedings or was this something that was a mutual consensus? How did that come about?

A. It was more me than him.

Q. Okay.

And did the defendant at any point tell you why he file divorce proceedings?

A. Because I asked him to.

Q. Okay.

And back you were asked questions about the time line of the December 23rd date you testified on direct examination that December 23rd approximately 6:30 am you were going to work.

1 A. Yes.

2 Q. So you leave the Woodhaven house at 6:30 am to go to work,
3 correct?

4 A. Yes.

5 Q. And then approximately somewhere between 4 pm and 6 pm you
6 get to the Monroe house for the purposes of visiting your
7 children?

8 A. Yes.

9 Q. All right.

10 And you leave that house sometime between 9 and
11 11 pm.

12 A. Can you say that again.

13 Q. You leave the Monroe house sometime between 9 and 11 pm?

14 A. Yes.

15 Q. When you left the Monroe house I don't want to know where
16 you went, but did you go back to the Woodhaven house?

17 A. No.

18 Q. All right.

19 So overnight on December 23rd into the early
20 morning hours of December 24th, 2016 you were not present
21 at the Woodhaven house; is that correct?

22 A. Yes.

23 Q. And you were asked about fixing or repairs that needed to
24 be done to the house in Woodhaven, do you recall that line
25 of questioning?

1 A. Yes.

2 Q. *About the working kitchen?*

3 A. Yes.

4 Q. *All right.*

5 *And despite not having a working kitchen you*
6 *spent the night and slept in the house in Woodhaven; is*
7 *that correct.*

8 A. Yes.

9 *THE COURT: Wait, wait, wait can you I have a*
10 *date please?*

11 *BY MS. LANNING:*

12 Q. *Between the period you first bought the house in Woodhaven*
13 *and December 23rd, 2016 in that approximate month you had*
14 *spend the night in the Woodhaven house?*

15 A. Yes.

16 Q. *And you had personal property in this Woodhaven house?*

17 A. Yes.

18 Q. *And you had at least two bills in your name that went to*
19 *that Woodhaven house; is that correct?*

20 A. Correct.

21 Q. *All right.*

22 *And did you ever bring home meals to eat at that*
23 *Woodhaven house.*

24 A. Yes.

25 Q. *Okay.*

1 *So fair to say that Woodhaven house is a place*
2 *that you ate, slept, received bills.*

3 A. *Yes.*

4 Q. *All right.*

5 *And we talked about the divorce proceeding and*
6 *you having listed as a legal residence of Monroe County.*
7 *During that period of time were you also spending the*
8 *night at the Woodhaven house?*

9 A. *Yes.*

10 Q. *All right.*

11 *Thank you.*

12 *MS. LANNING: Nothing further.*

13 *THE COURT: Recross.*

14 *RE CROSS EXAMINATION*

15 *MS. SLOMSKI: Just a couple of questions.*

16 *BY MS. SLOMSKI:*

17 Q. *Did Mr. Sindone ever visit that house or stay at that*
18 *house on Middlesex, your trailer?*

19 A. *He was never present there, no.*

20 Q. *Okay.*

21 *Did he have a key, if you know?*

22 A. *No.*

23 Q. *You keep the house locked?*

24 A. *Yes.*

25 Q. *Okay.*

1 MS. SLOMSKI: Nothing further.

2 THE COURT: Redirect.

3 MS. LANNING: No, your Honor.

4 THE COURT: I have a question. Am I correct
5 that you returned to the Middlesex home on December 24th
6 and that's when you first saw the fire damage?

7 THE WITNESS: Yes.

8 THE COURT: What time was that?

9 THE WITNESS: I don't recall what time the
10 police allowed me into the home.

11 THE COURT: Okay.

12 Was it daylight.

13 THE WITNESS: Yes.

14 THE COURT: Did you go to work on the 24th of
15 December?

16 THE WITNESS: No.

17 THE COURT: And I am going to back up I didn't
18 understand the place of your employment. It was Flat Rock
19 what?

20 THE WITNESS: Manhime.

21 THE COURT: What is that.

22 THE WITNESS: It is a car auction.

23 THE COURT: Okay.

24 Thank you.

25 So you did not work that day?

1 THE WITNESS: No.

2 THE COURT: Caused you to return to the
3 Middlesex house on the 24th.

4 THE WITNESS: Um I received a phone call stating
5 that my house had burned.

6 MS. SLOMSKI: I objection to that.

7 MS. LANNING: It is offered as to why she did
8 what she did. It is not offered for the truth of the
9 matter asserted.

10 MS. SLOMSKI: It is a bench trial so.

11 THE COURT: So you received a phone call,
12 correct?

13 THE WITNESS: Yes.

14 THE COURT: As a result of that phone call how
15 did you respond?

16 THE WITNESS: I was in shock.

17 THE COURT: Okay.

18 You went to the Middlesex house, correct?

19 THE WITNESS: Yes.

20 THE COURT: Trailer, what time.

21 THE WITNESS: I'm going to say close to evening
22 between 3 pm and 5 pm.

23 THE COURT: And you had -- that was the first
24 time you had been back to the Middlesex house since you
25 left for work the previous day on the 23rd at 6:00 in the

1 morning.

2 THE WITNESS: Yes.

3 THE COURT: You didn't spend the night there.

4 THE WITNESS: No.

5 THE COURT: You didn't spend the night at the
6 Monroe house.

7 THE WITNESS: No.

8 THE COURT: Why did you pause for so long in
9 response to the question of Ms. Lanning did this gentlemen
10 Mr. Sindone have a key to that house.

11 THE WITNESS: He made keys to a house that he
12 was not allowed to be in.

13 THE COURT: So Ms. Lanning asked you did Mr.
14 Sindone, Christopher Sindone have keys to the Middlesex
15 house you took a long time to answer and then you said,
16 no, correct?

17 THE WITNESS: Yes.

18 THE COURT: Why did it take such a long time to
19 answer?

20 THE WITNESS: I'm not sure.

21 THE COURT: Okay.

22 Based on the Court's questions do you have any
23 additional questions Ms. Lanning.

24 MS. LANNING: Yes, Judge. And just for
25 clarification the original question about the keys came

1 *from Ms. Slomski?*

2 *THE COURT: Pardon me I stand corrected.*

3 *REDIRECT EXAMINATION*

4 *BY MS. LANNING:*

5 Q. *When you testified he made keys to a house he was not*
6 *suppose to be in, what house are you referring to?*

7 A. *The Middlesex address in Woodhaven.*

8 Q. *Okay.*

9 *So to your knowledge did he in fact have keys to*
10 *get into the house on Middlesex?*

11 A. *Yeah, he obtained them during the timeframe from November*
12 *28th through December 24th.*

13 Q. *Do you know specifically when he got keys?*

14 A. *I do not.*

15 Q. *And did you give him a spare set of keys?*

16 A. *No.*

17 Q. *Did you give him your keys to make a copy of?*

18 A. *No.*

19 Q. *How did you come to know that he did in fact have keys to*
20 *the trailer?*

21 A. *He told me.*

22 Q. *All right.*

23 *Do you recall approximately when he told you*
24 *that.*

25 A. *I do not.*

1 Q. *All right.*

2 *And in response to the defendant telling you*
3 *that he had made keys to the trailer what did you tell*
4 *him.*

5 A. *That he needed to give the keys back to me or I needed to*
6 *change the locks.*

7 Q. *All right.*

8 *And did he in fact give the keys back to you.*

9 A. *No.*

10 Q. *Did you change the locks?*

11 A. *No.*

12 Q. *Why not?*

13 A. *I was not able to.*

14 Q. *Okay.*

15 *Why not?*

16 A. *Lack of funds.*

17 Q. *Okay.*

18 *And so when you were asked question from Ms.*
19 *Slomski about whether or not the defendant had keys you*
20 *testified that he did not, correct?*

21 A. *Correct.*

22 Q. *And why did you testify that he did not have keys?*

23 A. *Because at first he did not. And then later he obtained*
24 *them by making them himself.*

25 Q. *Okay.*

1 *Ms. Sindone have you ever testified in a Court*
2 *proceeding before?*

3 A. *Yes.*

4 Q. *How are you feeling sitting up there today?*

5 A. *Very nervous.*

6 Q. *All right.*

7 *So is it fair to say that you did not give Mr.*
8 *Sindone keys but to your knowledge he did make them for*
9 *himself.*

10 A. *Yes, ma'am.*

11 Q. *And after you came into that knowledge he told you that*
12 *you told him to give the keys back?*

13 A. *Yes.*

14 Q. *Thank you.*

15 *MS. LANNING: I have nothing further.*

16 *MS. SLOMSKI: Thank you.*

17 *Briefly one permission to exceed the cross*
18 *examination to a question I did not ask.*

19 *REXCROSS EXAMINATION*

20 *BY MS. SLOMSKI:*

21 Q. *During the 23rd when you were together with Mr. Sindone*
22 *and the children were people drinking and having alcohol?*

23 A. *We had a couple of drinks.*

24 *THE COURT: Who is the we in your sentence?*

25 *THE WITNESS: Excuse me your Honor.*

1 THE COURT: That's okay.

2 THE WITNESS: Myself and the defendant.

3 MS. SLOMSKI: And Mr. Sindone as well.

4 BY MS. SLOMSKI:

5 Q. What were you drinking, if you recall?

6 A. Fireball whiskey.

7 Q. Fireball whiskey, okay. And you were drinking like over
8 what period of time on that day from the time you arrived
9 until the time you left?

10 MS. LANNING: Judge I am going to object as to
11 relevance. Ms. Sindone is not an eye witness to any crime
12 her credibility after the point in time she consumed
13 alcohol is not relevant.

14 And she is not testifying to any of those facts
15 so I object as to relevance.

16 MS. SLOMSKI: I'm offering it for that purpose I
17 am offering it since the defense just said as brought out
18 by the prosecution in this case was one of accident.

19 And that testimony could be relevant on the
20 question of that.

21 THE COURT: I'm going to overrule the question
22 you can answer the question.

23 THE WITNESS: Can you repeat the question
24 please.

25 MS. SLOMSKI: Sure.

1 BY MS. SLOMSKI:

2 Q. What time let me start out this way so that it is easier.

3 What time did you arrive at the Monroe address?

4 A. Between 4 and 6 pm that evening.

5 Q. Okay.

6 And you left that residence at?

7 A. The defendant and I both left.

8 Q. Okay, that's fine.

9 But what time did you leave?

10 A. Between 6 and 6:30 pm.

11 Q. Okay.

12 And so for a couple of hours or so you were
13 drinking this whiskey; is that fair?

14 A. Maybe an hour.

15 Q. Okay.

16 Judge I don't have anything further.

17 MS. LANNING: Judge, I have redirect on that.

18 THE COURT: I hope so.

19 REDIRECT EXAMINATION

20 BY MS. LANNING:

21 Q. Ms. Sindone, you said the defendant and you both left the
22 Monroe house; is that correct?

23 A. Yes.

24 Q. All right.

25 Why did you leave the Monroe house.

1 A. *We left to go Christmas shopping for our children.*

2 Q. *Okay.*

3 *And did you in fact go Christmas shopping*
4 *together?*

5 A. *Yes, we did.*

6 Q. *Okay.*

7 *When you were done Christmas shopping where did*
8 *you go?*

9 A. *Back to the Monroe address.*

10 Q. *And after you got back to the Monroe address did you spend*
11 *the night there?*

12 A. *No.*

13 Q. *All right.*

14 *When you left the Monroe address, well, I'm*
15 *sorry. When you first left to go Christmas shopping did*
16 *you drive, did you walk, did you take a bus?*

17 A. *We drove.*

18 Q. *Did you drive together?*

19 A. *Yes.*

20 Q. *Who was the driver?*

21 A. *Christopher.*

22 Q. *Okay.*

23 *And how long were you Christmas shopping?*

24 A. *Maybe an hour or two.*

25 Q. *All right.*

1 And after you got back to the Monroe house after
2 you were done Christmas shopping, um, did there come a
3 point in time you left?

4 A. Yes.

5 Q. All right.

6 And did Mr. Sindone remain at the house or did
7 he leave?

8 A. He left by police officer.

9 Q. Okay.

10 And what happened? Why did Mr. Sindone leave by
11 police officer?

12 A. He started to yell at me this is it, this is it. I can't
13 believe it's over. And he started to pack a bookbag with
14 survival gear saying he was going to go into the cold and
15 freeze and um because I didn't want him anyway.

16 And so then I proceeded to call 911 because he
17 had made statements about wanting to commit suicide to
18 himself.

19 Q. All right.

20 Was um after you called 911 the police arrived?

21 A. Yes.

22 Q. And to your knowledge the defendant was taken away?

23 A. Yes.

24 Q. All right.

25 And did you continue to have communication with

1 the defendant? Well, approximately what time was the
2 defendant taken away by police officers, if you recall.

3 A. I'm going to say roughly between 9:30 pm and 11:00 pm on
4 December 23rd.

5 Q. All right.

6 And Ms. Sindone is it fair to say as all of this
7 was happening on December 23rd you are not wearing a watch
8 paying attention to time.

9 A. Correct.

10 Q. So after the defendant is taken away by police officers do
11 you have contact with him again either the night of the
12 December 23rd or the early morning hours of December 24th?

13 A. Yes.

14 Q. How do you have contact with the defendant?

15 A. Between text messages and phone calls.

16 Q. All right.

17 And so approximately what time were was that
18 subsequence contact that text message and phone call? Was
19 it late night or early morning hours.

20 A. Late night into early morning hours.

21 Q. Okay.

22 And um, what was the nature of those
23 conversations those text messages?

24 A. He was stating excuse me Christopher Sindone was stating
25 that he was going to do something to my personal vehicle.

1 Q. *All right.*

2 *So were these text messages and conversations*
3 *threatening in nature?*

4 A. *Yes.*

5 Q. *All right.*

6 *And as a result of those text messages did you*
7 *do anything else?*

8 A. *Meaning?*

9 Q. *Did you try to meet up with him? Did you, you know*
10 *contact him further? What did you do after you got these*
11 *threatening text messages?*

12 A. *We excuse me, the defendant and I were still texting back*
13 *and forth.*

14 Q. *Okay.*

15 *And when was the last text message that you*
16 *received from the defendant?*

17 A. *December 24th, 2016 at 12:14 pm.*

18 Q. *And that would be 12:14 in the afternoon?*

19 A. *Yes.*

20 Q. *And what did that text message say?*

21 A. *Oh shit, the cops are here again.*

22 Q. *Okay.*

23 *And when you are receiving these text messages*
24 *in the early morning hours of December 24th late night of*
25 *December 23rd, I don't want you to tell us where you were*

1 *but you were not at the Woodhaven house, correct?*

2 A. *Correct.*

3 Q. *And you were not with the defendant, correct?*

4 A. *Correct.*

5 Q. *Thank you.*

6 *MS. LANNING: I have nothing further.*

7 *MS. SLOMSKI: Just briefly.*

8 *RE CROSS EXAMINATION*

9 BY MS. SLOMSKI:

10 Q. *And additionally were you aware back in December of 2016*
11 *that Mr. Sindone was taking a number of prescription*
12 *drugs?*

13 A. *Yes.*

14 Q. *And would they have included percocet?*

15 A. *Yes.*

16 Q. *Yes, and do you recall what other drugs he was also taking*
17 *at that time?*

18 A. *Yes.*

19 Q. *Okay.*

20 *What was he's taking?*

21 A. *Um, Flexeril and there was another medication I don't*
22 *remember the name of it.*

23 Q. *Do you remember what the purpose of taking medications*
24 *were for?*

25 A. *For a previous back injury.*

1 Q. Okay.

2 Thank you.

3 THE COURT: Ms. Lanning.

4 MS. LANNING: Nothing further.

5 THE COURT: Okay.

6 MS. SLOMSKI: I nothing.

7 THE COURT: I have a timeline question. You
8 said that you arrived at the Monroe street address on or
9 about December 23rd from 4 to 6, correct?

10 THE WITNESS: Yes.

11 THE COURT: Then you said on your first go
12 around that you left that address at between 9 and 11 pm,
13 correct?

14 THE WITNESS: Yes.

15 THE COURT: But now you're telling us that you
16 and Mr. Sindone left together to go Christmas shopping for
17 your children; correct?

18 THE WITNESS: Yes.

19 THE COURT: And that you left to go Christmas
20 shopping somewhere around what time.

21 THE WITNESS: Shortly after I arrived between
22 6:00 and 6:30 pm.

23 THE COURT: Okay.

24 But you had also been drinking fireballs for an
25 hour before you guys left, correct?

1 THE WITNESS: No

2 THE COURT: Well, when did that happen.

3 THE WITNESS: That was after the Christmas
4 shopping.

5 THE COURT: So you were gone Christmas shopping
6 somewhere around 6:00 or 6:30.

7 THE WITNESS: Um hum, yes.

8 THE COURT: How long were you at the house
9 before you left for shopping.

10 THE WITNESS: Not very long.

11 THE COURT: And then you returned from shopping
12 you said you shopped for an hour or so?

13 THE WITNESS: Yes.

14 THE COURT: And then you went back and had
15 fireballs together.

16 THE WITNESS: Yes.

17 THE COURT: You left to go somewhere at what
18 time?

19 THE WITNESS: After he was um placed in a police
20 vehicle I was asked to leave.

21 THE COURT: You were there in Monroe when that
22 happened?

23 THE WITNESS: Yes.

24 THE COURT: You took the children.

25 THE WITNESS: The children were not present at

1 *that time.*

2 THE COURT: *Well, where did they go.*

3 THE WITNESS: *They were at their grandmother's*
4 *house.*

5 THE COURT: *You were there to visit the*
6 *children?*

7 THE WITNESS: *That day yes but they were not*
8 *present.*

9 THE COURT: *Well, I thought you testified that*
10 *you went there to visit the children.*

11 THE WITNESS: *I did but they were not present.*

12 THE COURT: *So the children were not there when*
13 *you arrived between 4 and 6?*

14 THE WITNESS: *Correct.*

15 THE COURT: *Were you angry about that.*

16 THE WITNESS: *I was upset, yes.*

17 THE COURT: *Where did you go shopping.*

18 THE WITNESS: *Five and below I believe in*
19 *Taylor.*

20 THE COURT: *Were the children with your parents*
21 *or his parents.*

22 THE WITNESS: *His mother.*

23 THE COURT: *And you testified that Christopher*
24 *Sindone was suicidal, threatening to go out into the cold*
25 *and freeze himself, correct.*

1 THE WITNESS: Correct.

2 THE COURT: He was taken away by the police,
3 correct.

4 THE WITNESS: Correct.

5 THE COURT: Yet he was texting you a few hours
6 later that evening into the morning, correct?

7 THE WITNESS: Correct.

8 THE COURT: Based on the Court's question Ms.
9 Lanning.

10 REDIRECT EXAMINATION

11 BY MS. LANNING:

12 Q. Ms. Sindone do you know where the defendant was taken
13 after he was taken away by police officers?

14 MS. SLOMSKI: Objection that would be
15 speculative.

16 MS. LANNING: If she knows she can certainly
17 testify to it?

18 THE COURT: Well, answer yes or no.

19 THE WITNESS: Yes.

20 BY MS. LANNING:

21 Q. All right.

22 Where was Mr. Sindone taken?

23 THE COURT: Well --

24 MS. LANNING: If she has personal knowledge of
25 where he was taken she can certainly testify to that.

1 THE COURT: Can you lay a foundation as to how
2 she would know?

3 BY MS. LANNING:

4 Q. How do you know where Mr. Sindone was taken?

5 A. I was informed by the police officer.

6 MS. SLOMSKI: Same objection, move to strike.

7 THE COURT: Hearsay.

8 MS. LANNING: It's not, all right that's fine
9 we'll just get it in through another witness. No further
10 questions for this witness.

11 MS. SLOMSKI: Nor do I your Honor.

12 THE COURT: Okay.

13 Now, may she be excused or?

14 MS. SLOMSKI: People ask that she be allowed to
15 remain in the courtroom.

16 THE COURT: How about you?

17 MS. SLOMSKI: Um, I would defer to the Court.

18 THE COURT: Well, I guess I want to know if any
19 one of you are thinking about the potential of recalling
20 her.

21 MS. LANNING: Depends on how the testimony comes
22 out your Honor.

23 MS. SLOMSKI: So she should be excluded from the
24 courtroom.

25 MS. LANNING: Well, my recalling her would be

1 *dependant on if the defendant testifies and what he says*
2 *so the people's request would be that she be allowed to*
3 *remain in the courtroom with the exception of that*
4 *testimony.*

5 *MS. SLOMSKI: Given the speculative nature of*
6 *that and the possibility of her being recalled I think it*
7 *inappropriate to violate the sequestration order.*

8 *I would ask if the prosecutor wishes her to*
9 *remain that's fine but she needs to be sequestered.*

10 *THE COURT: I'm ready to rule.*

11 *MS. LANNING: Judge, it's within the Court's*
12 *discretion.*

13 *THE COURT: All right.*

14 *Ms. Jennifer Sindone you are still under*
15 *subpoena. You may not discuss the questions asked of you*
16 *or answers given or private anyone with your impression of*
17 *the Court proceeding.*

18 *You may step down but the Court is going to*
19 *continue the sequestration order as it relates to Jennifer*
20 *Sindone. So I'm going to invite you back into the witness*
21 *room.*

22 *THE WITNESS: Okay.*

23 *THE COURT: All right.*

24 *Can I have a road map from the counsel it's 1:00*
25 *I know we got a terribly late start for a variety of*

1 *was released approximately 3:00 am on December 24th.*

2 *MS. SLOMSKI: That's an accurate recitation of*
3 *the stipulation your Honor.*

4 *THE COURT: Okay.*

5 *Let me just repeat there. There is a*
6 *stipulation that Christopher Sindone was admitted to the*
7 *Monroe County Hospital psychiatric unit December 23rd,*
8 *2016 and released on or about December 24th, 2016,*
9 *correct?*

10 *MS. LANNING: At 3:00 am.*

11 *THE COURT: At 3:00 am. I have that down that*
12 *is a correct stipulation?*

13 *MS. SLOMSKI: Yes.*

14 *THE COURT: I shall receive the stipulation as*
15 *articulated.*

16 *MS. LANNING: Thank you your Honor. The People*
17 *call Ms. Laurie Stasa.*

18 *THE COURT: All right.*

19 *Please come forward ma'am and stand in front of*
20 *my clerk I'll give you an oath to tell the truth.*

21 *Was thereupon called as a witness herein, and*
22 *after having been first duly sworn, was examined and*
23 *testified as follows 1:02 pm:*

24 L A U R I E S T A S A

25 D I R E C T E X A M I N A T I O N

1 THE COURT: Have a seat that chair always turns
2 backwards but it is going to easily turn forward as soon
3 as you get yourself up to the witness stand.

4 Turn the chair around perfect have a seat and
5 pull the arm of the microphone so the microphone is in
6 front of you. And perfect, tell me your name please.

7 THE WITNESS: Laurie Stasa.

8 THE COURT: And spell it.

9 MS. STASA: L-A-U-R-I-E.

10 THE COURT: And would you spell your last name.

11 THE WITNESS: S-T-A-S-A.

12 THE COURT: Take the silver part pull it in
13 front of you and pronounce it.

14 THE WITNESS: Stasa.

15 THE COURT: Normally the microphone works fine
16 if you speak up it will amplify your voice accordingly.
17 And there are a couple of dos and don'ts.

18 Please don't say um hum, uh uh, um um, or nod
19 your head in response to an answer. We are both by way of
20 stenography and recording every word that is said in the
21 courtroom, fair enough.

22 THE WITNESS: Yes.

23 THE COURT: If possible refrain from using he,
24 she, us, they, and put in actual names it will make it
25 easier for the attorneys and I to follow your testimony.

1 And lastly, Ms. Stasa, if anybody ask you a
2 question you don't understand never assume or guess tell
3 them you don't understand the question and I'll make sure
4 that it gets asked in a manner and fashion that make sense
5 to you.

6 Fair enough?

7 THE WITNESS: Yes.

8 THE COURT: Ms. Lanning.

9 MS. LANNING: Thank you.

10 BY MS. LANNING:

11 Q. Ms. Stasa, do you know a gentlemen by name of Christopher
12 Sindone?

13 A. Yes, I do.

14 Q. Do you see him in court?

15 A. Yes.

16 Q. Can you point to him and identify an article of clothing
17 he is wearing?

18 A. Greens.

19 MS. LANNING: For the record the witness
20 identified the defendant, Christopher Sindone.

21 THE WITNESS: So noted.

22 BY MS. LANNING:

23 Q. Ms. Stasa how do you know Christopher Sindone?

24 A. He is my son.

25 Q. All right.

1 *Ms. Stasa I want to take you back to December*
2 *23rd of 2016 first of all do you have grandchildren?*

3 *A. Yes, I do.*

4 *Q. All right.*

5 *Are those the defendant's Mr. Sindone's*
6 *children?*

7 *A. Yes, they are.*

8 *Q. All right.*

9 *And back on December 23rd of 2016 were you*
10 *watching those children?*

11 *A. Yes.*

12 *Q. Where were you when you were watching those children?*

13 *A. At my home in Flat Rock.*

14 *Q. All right.*

15 *And um, when you were watching the children on*
16 *December 23rd of 2016 at your home in Flat Rock was that*
17 *an overnight visit were they spending the night at your*
18 *house.*

19 *A. Yes.*

20 *Q. Did there come a point in time on December 24th of 2016*
21 *that you had contact with Mr. Sindone?*

22 *A. Yes.*

23 *Q. And approximately what time did you have contact with on*
24 *December 24th of 2016 with Mr. Sindone?*

25 *A. Before 8 am.*

1 Q. All right.

2 And how did you know it was before 8 am?

3 A. It was very early the children were still sleeping and I
4 was in bed also.

5 Q. All right.

6 And this contact was this a phone call, a text
7 message, was it in person the visit?

8 A. He did come to my house.

9 Q. All right.

10 And that was before 8 am on December 24th of
11 2016?

12 A. Yes.

13 Q. All right?

14 And when Mr. Sindone got to your house can you
15 describe his demeanor what he looked like what he was
16 acting like.

17 A. His actions were fast he was in a hurry.

18 Q. All right.

19 And um was this how he ordinarily acted or was
20 there something peculiar or unusual about his behavior?

21 A. That is not how he normally acts he was in a hurry to grab
22 the kids and go.

23 Q. And what did um Mr. Sindone tell you um, when he got to
24 your house?

25 A. He was here to take his kids. And I said, well, I was

1 going to be bringing them back at one o'clock because it
2 was Christmas Eve, but he could take them I mean they're
3 his kids.

4 But he was demanding just to go outside to the
5 kids they didn't even have shoes on. So I sat down at the
6 table because I could see he was aggravated.

7 Q. Okay.

8 When you say that you were going to bring the
9 children at 1:00 pm that day because it was Christmas Eve
10 was that the original plan?

11 A. Yes.

12 Q. So Mr. Sindone showing up to your house before 8 am on
13 December 24th, 2016 was not part of the original plan?

14 A. No.

15 Q. All right.

16 And how old are these kids.

17 A. They were eight.

18 Q. Okay.

19 And did the kids when Mr. Sindone told them to
20 go outside, go outside?

21 A. They started to but then I helped them find their shoes
22 and get their coats because it was cold.

23 Q. All right.

24 December 24th, 2016 in Michigan what was the
25 weather like.

1 A. *It was very cold.*

2 Q. *All right.*

3 *You helped to dress the children and get their*
4 *shoes on their feet?*

5 A. *Yap I got their coats down and they put their own shoes on*
6 *but it was very quick.*

7 Q. *All right.*

8 *At that point did Mr. Sindone say anything else*
9 *to you?*

10 A. *Yes.*

11 Q. *What did he tell you?*

12 A. *He said he lit a candle to burn that place down so she*
13 *won't no where to live.*

14 Q. *When he said he lit a candle to burn that place down do*
15 *you know the place that he was referring to?*

16 A. *Yes.*

17 Q. *And where was that?*

18 A. *The residence that his wife was living at.*

19 Q. *All right.*

20 *And his wife is that Ms. Jennifer Sindone?*

21 A. *Yes, it is.*

22 Q. *All right.*

23 *Do you know where that residence was about?*

24 A. *Yes, I do.*

25 Q. *And where was that at?*

1 A. *That was in Woodhaven off of Vanhorn road.*

2 Q. *All right.*

3 *And after Mr. Sindone told you he lit candles to*
4 *burn that place down so she won't have no where to live*
5 *did you call the police?*

6 A. *I said what to him and then he repeated it and he left*
7 *with the kids then .*

8 Q. *Did you after he repeated what he told you, did you get*
9 *any information about what time this happened?*

10 A. *I did ask him.*

11 Q. *What did he say?*

12 A. *I said when, after he said it the second time and he said*
13 *4 am.*

14 Q. *4 am?*

15 A. *Yap.*

16 Q. *All right.*

17 *And after that what did you do?*

18 A. *I threw my coat on and drove over there.*

19 Q. *All right.*

20 *And when you say over there, where are you*
21 *referring to?*

22 A. *I'm sorry the residence that his wife was living at in*
23 *Vanhorn road off of Vanhorn in Woodhaven.*

24 Q. *All right.*

25 *So when you got to the Woodhaven residence did*

1 *there come a point in time you called the police.*

2 A. *Yes.*

3 Q. *All right.*

4 *And have you previously heard that recording?*

5 A. *Yes.*

6 Q. *And is that your voice talking to the dispatcher?*

7 A. *Yes, it is.*

8 MS. LANNING: *People would move for the*
9 *admission of exhibit number four.*

10 MS. SLOMSKI: *No objection.*

11 THE COURT: *Are you going to play it for us Ms.*
12 *Lanning?*

13 MS. LANNING: *Yes.*

14 *(Playing of the video at 1:10 pm)*

15 THE COURT: *I'm sorry I just couldn't hear you*
16 *and the statement at the same time does that complete the*
17 *entirety, Ms. Lanning.*

18 MS. LANNING: *Yes.*

19 MS. SLOMSKI: *I just want to indicate for the*
20 *record there was a lot of corroborative which would be*
21 *what is potentially not offered as corroborative hearsay*
22 *obviously there was some parameters in terms of the 911*
23 *calls and it appears they are interviewing rather than*
24 *taking 911 emergency information.*

25 *Obviously, I know that the Court is the finder*

1 of fact and has handled many, many trials the Court will
2 consider it for whatever weight it has.

3 MS. LANNING: And Judge just for the record,
4 that call was five minutes and 35 second long there was
5 some dead time in the middle of the call but it was
6 admitted as people's four.

7 THE COURT: I just heard it and you have no
8 objection to it's admission, correct?

9 MS. SLOMSKI: No, only subject to my
10 qualification that I indicated that I thought it exceeded
11 the 911 but I had would conference the Court who is
12 experienced and would know the extent to which it is
13 properly admitted.

14 THE COURT: The Court is likely to consider the
15 doctrine in its entirety and accept the entire 911 case
16 and receive it into evidence.

17 MS. SLOMSKI: Thank you, your Honor.

18 THE COURT: Ms. Lanning any additional
19 questions?

20 MS. LANNING: No, nothing further.

21 THE COURT: Cross examination.

22 CROSS EXAMINATION

23 BY MS. SLOMSKI:

24 Q. Yes, I just have a few questions. There has been some
25 previous planning I would gather around the holidays with

1 *Laurie the kids that were staying with you the twins there*
2 *had been planning about the fact that they were going to*
3 *be at your house, right?*

4 A. *I'm Laurie.*

5 Q. *I'm sorry?*

6 *THE COURT: Jennifer.*

7 *MS. SLOMSKI: Jennifer, excuse me.*

8 BY MS. SLOMSKI:

9 Q. *There had been planning about the children being there*
10 *staying at your home on the 23rd and into the 24th, right?*

11 A. *Yes, they come to my house often.*

12 Q. *Okay.*

13 *And so and you in fact had discussed all of that*
14 *with Jennifer as well, right?*

15 A. *Yes.*

16 Q. *And did you know what about what time, strike that. Who*
17 *picked the kids up? Did you pick the kids up or did*
18 *somebody else on the 23rd and bring them to you?*

19 A. *I don't recall that day.*

20 Q. *Okay.*

21 *And do you know what time the children were at*
22 *your residence?*

23 A. *I worked the day before so they were after um, I work*
24 *until 5:00 pm.*

25 Q. *Okay.*

1 *So they would have arrived at your house*
2 *sometime after 5:00 pm?*

3 A. *Yes.*

4 Q. *That is on the 23rd, right?*

5 A. *Yes.*

6 Q. *Okay.*

7 *And again, you don't remember if Laurie or*
8 *anyone else picked up the children to bring them to your*
9 *house?*

10 A. *Do you mean Jennifer?*

11 Q. *I do and I apologize profusely. Um, you don't recall*
12 *whether Jennifer dropped those children off?*

13 A. *No, I don't. Sometimes she will drop them and sometimes*
14 *I'll pick them up it just varies on what's going on.*

15 Q. *But certainly there was prearranged plans or understanding*
16 *between you and Jennifer that they were going to spend*
17 *some time with their grandmother, correct?*

18 A. *Yes, as I said they often spend weekends at my house.*

19 Q. *Okay.*

20 *Now, you indicated that strike that. Would it*
21 *be fair to say that you had no contact with Mr. Sindone*
22 *until the early morning hours around 8:00 of December*
23 *24th, from December 23rd you had no contact with him?*

24 *THE COURT: That was kind of complicated.*

25 *THE WITNESS: I don't understand what you are*

1 *asking me.*

2 *THE COURT: Can you ask if she had contact with*
3 *her son on December 23rd that's what you are getting at*
4 *right?*

5 *BY MS. SLOMSKI:*

6 Q. *That's a better way to ask that. Did you have contact*
7 *with your son on the 23rd of December?*

8 A. *Yes, I believe he called my cellphone.*

9 Q. *Okay.*

10 *Did you actually talk to him on the 23rd.*

11 A. *Yes.*

12 Q. *Okay.*

13 *And did you see him anytime on the 23rd.*

14 A. *No.*

15 Q. *So the 24th early morning hours at eight o'clock or so you*
16 *are saying he came to your residence?*

17 A. *Is that a question.*

18 Q. *Yes, is it?*

19 A. *Yes, he came to the house.*

20 Q. *He came to your residence; is that right?*

21 A. *Yes.*

22 Q. *And how far away do you from the Middlesex address?*

23 A. *Um, miles on minutes?*

24 Q. *Miles and or minutes?*

25 A. *I'm not sure depends on traffic I guess I don't know.*

1 Q. Do you know how many miles? How far away does it take 10
2 minutes to get there, 20 minutes to get there?

3 A. Maybe 5 or 6 minutes, there was no traffic out that
4 morning.

5 Q. Okay.

6 That's fine. How long was there Sindone at your
7 house?

8 A. Not very long.

9 Q. Okay.

10 A. As I said he was quick.

11 Q. Okay.

12 And you indicated that he was aggravated, would
13 it be fair to say he was agitated, he was --

14 A. Yes.

15 Q. Okay.

16 A. If that's the word you want to use.

17 Q. Well, I don't want to use the word, you use --

18 A. Well, you used it agitated, aggravated, I said he was
19 quick.

20 Q. Okay.

21 You then you went over to the house and you did
22 a 911 call, right?

23 A. Yes.

24 Q. And you talked to officers on the scene?

25 A. Yes, I did.

1 Q. Do you know an officer by the name of officer Clark?

2 A. I don't remember the name of the officers there.

3 Q. Okay.

4 And at the time that you had conversations with
5 these officers did you tell them that that while you were
6 on the scene your son was living there and having marital
7 problems?

8 A. Absolutely, not.

9 Q. Okay.

10 MS. SLOMSKI: Nothing further.

11 THE COURT: Any redirect?

12 MS. LANNING: Very briefly, your Honor.

13 REDIRECT EXAMINATION

14 BY MS. LANNING:

15 Q. Ms. Stasa you were asked that last question about whether
16 you told Officer Clark that your son was living in that
17 trailer in Woodhaven your response was absolutely not; is
18 that correct?

19 A. That is correct.

20 Q. Why do you say absolutely not?

21 A. Because my daughter in law was living by herself.

22 Q. All right.

23 A. And she had separated from him.

24 Q. Thank you.

25 MS. LANNING: Nothing further.

1 MS. SLOMSKI: Nothing further of this witness.

2 THE COURT: Can you tell me one more time please
3 um, Ms. Stasa what exactly your son said that he did to
4 the trailer on Middlesex?

5 THE WITNESS: He said he lit candles to burn
6 that place down.

7 THE COURT: Thank you.

8 Based on the Court's inquiry is there anything
9 from the people?

10 MS. LANNING: Yes, your Honor.

11 REDIRECT EXAMINATION

12 BY MS. LANNING:

13 Q. Um, Ms. Stasa you testified that Mr. Sindone told you he
14 lit candles to burn that place down. Was there more to
15 that statement or a reason that he did that?

16 A. So she wouldn't have nowhere to live.

17 Q. All right.

18 So in the entirety of the statement was that he
19 lit candles to burn that place down so that she wouldn't
20 have anywhere to live?

21 A. Yes.

22 Q. All right.

23 And he told you he did that at approximately
24 four am.

25 A. I did say when.

1 Q. *Did you say it like that when?*

2 A. *Yes, I was sitting at my dining room table I was not*
3 *standing and I needed to know if I need to call 911?*

4 Q. *Okay.*

5 *After you asked Mr. Sindone when that's when he*
6 *told you 4 am?*

7 A. *Yes.*

8 Q. *Thank you.*

9 *MS. LANNING: I have nothing further.*

10 *THE COURT: Recross.*

11 *MS. SLOMSKI: No, your Honor.*

12 *THE COURT: Anything else?*

13 *MS. LANNING: No, your Honor.*

14 *THE COURT: All right.*

15 *Stasa did I pronounce that correct?*

16 *THE WITNESS: Stasa.*

17 *THE COURT: May Ms. Stasa step down and be*
18 *excused?*

19 *MS. LANNING: Yes.*

20 *THE COURT: You are welcome to stay in the court*
21 *room and you are welcome to walk out of the front door and*
22 *you are welcome to go in the witness stand (sic) but you*
23 *are excused and thank you for being here.*

24 *THE WITNESS: Thank you.*

25 *THE COURT: Counsel, I would like to take a*

1 *break from this case and manage something else and allow*
2 *my staff to have a lunch break.*

3 *And um let's pick this up no later than 2:15 is*
4 *that acceptable?*

5 *MS. LANNING: Yes.*

6 *MS. SLOMSKI: Yes.*

7 *THE COURT: Okay.*

8 *All right.*

9 *Officer, you may go back.*

10 *(Court takes a lunch break)*

11 *THE COURT: All right.*

12 *We're back in the matter of Christopher Sindone*
13 *all parties are present Mr. Sindone and Ms. Slomski and*
14 *Ms. Lanning.*

15 *MS. LANNING: People call Detective Grunwald.*

16 *THE COURT: Okay.*

17 *Sir, please stand here and you'll get an oath to*
18 *tell the truth.*

19 *Was thereupon called as a witness herein, and*
20 *after having been first duly sworn, was examined and*
21 *testified as follows 2:35 pm:*

22 *N I C K G R U N W A L D*

23 *DIRECT EXAMINATION*

24 *THE COURT: All right.*

25 *Sir, to the witness stand. Tell me name sir*

1 *after your make yourself comfortable.*

2 *THE WITNESS: Sergeant Nick Grunwald for the*
3 *Woodhaven police department.*

4 *THE COURT: Last name spell that.*

5 *THE WITNESS: G-R-U-N-W-A-L-D.*

6 *THE COURT: Thank you.*

7 *Ms. Lanning.*

8 *MS. LANNING: Thank you.*

9 *BY MS. LANNING:*

10 Q. *Sergeant Grunwald, you told the Court you are employed*
11 *with the Woodhaven police department?*

12 A. *Yes.*

13 Q. *How long have you been so employed?*

14 A. *For 19 years now.*

15 Q. *All right.*

16 *And your current title within the police*
17 *department is Sergeant?*

18 A. *Yes, it is.*

19 Q. *All right.*

20 *I want to take you back to December 24th, 2016.*
21 *Um while working in your capacity were you working on that*
22 *day?*

23 A. *Yes, I was.*

24 Q. *While working in your capacity as a sergeant for the*
25 *Woodhaven police department did you have occasion to go to*

1 25173 Middlesex in the city of Woodhaven, State of
2 Michigan, County of Wayne?

3 A. Yes, I did.

4 Q. What brought you out there?

5 A. At the time I was assigned to the detective bureau and I
6 was a detective for Woodhaven since May 2014. And um I
7 received a call at home in reference to that address and I
8 responded.

9 Q. All right.

10 And what time approximately did you respond to
11 that address on Middlesex?

12 A. I believe approximately I received a call around 11:00 in
13 the morning. And um I was in the city at the time and my
14 response time was 5 to 10 minutes.

15 Q. And when you made it to that address um were you the first
16 responder there?

17 A. No, I was not.

18 Q. Okay.

19 And who was there? What entities were present
20 at the address when you arrived?

21 A. When I arrived I believe one of the responding officers
22 was there officer Carrier I believe. Woodhaven fire
23 department was still on scene.

24 Q. Officer Carrier is C-A-R-R-I-E-R?

25 A. Yes, ma'am.

1 Q. All right.

2 And the Woodhaven fire department was on the
3 scene as well.

4 A. Yes.

5 Q. All right.

6 And when you made it to that location what was
7 your observations?

8 A. My observations at first I observed the listed address the
9 trailer on Middlesex and the scene had police caution tape
10 around the front of it.

11 Q. All right.

12 So the scene had already been secured by the
13 time you had arrived?

14 A. Yes, it was.

15 Q. And the trailer was there anything notable about the
16 trailer?

17 A. The only thing that I noticed was the front of the trailer
18 which actually is the front bedroom of the trailer. The
19 window in the front was covered with some type of black
20 ash or soot.

21 Q. All right.

22 And did you make entry into that trailer?

23 A. Yes, I did.

24 Q. And did you document that scene in any way?

25 A. I photoed as I arrived. I started from the outside and

1 *work in. And I stamp pictures of the front of the*
2 *residence.*

3 *And um several shots I believe from the porch*
4 *area the living area and the area from where the incident*
5 *occurred from the front bedroom.*

6 *MS. LANNING: May I approach your Honor.*

7 *THE COURT: You may.*

8 *BY MS. LANNING:*

9 Q. *I'm going to hand you what has been premarked and shown to*
10 *counsel as people's proposed exhibit 5 through 27?*

11 A. *Thank you.*

12 Q. *Sergeant if you could take a look at the exhibits and let*
13 *me know when you are done looking at them?*

14 *THE COURT: Five through 27.*

15 *MS. LANNING: Correct.*

16 *THE COURT: Okay.*

17 *BY MS. LANNING:*

18 Q. *All right.*

19 *Do you recognize those photographs?*

20 A. *Yes, I do.*

21 Q. *What are those photographs?*

22 A. *These are photographs that I took as I first responded.*

23 *Like I said earlier I usually shoot from the outside in*
24 *and these appear to be in order at which time I took these*
25 *photos.*

1 Q. All right.

2 Safe to say these are all photographs of the
3 interior and exterior of the 25173 Middlesex.

4 A. Yes.

5 MS. LANNING: The people would move for the
6 admission of five through 27.

7 MS. SLOMSKI: I've discussed these exhibits and
8 provided them to Mr. Sindone and we have no objection to
9 their introduction.

10 THE COURT: They shall be received.

11 MS. LANNING: Permission to publish.

12 THE COURT: You may.

13 BY MS. LANNING:

14 Q. Looking at exhibit five and it is also behind you whenever
15 it is easier to look at that, could you explain what this
16 is?

17 A. This is our information sheet basically it gives the date
18 and such. The address where the offense occurred and
19 usually the case number at that time I did not have the
20 case number when I arrived.

21 Q. All right.

22 And what is the date on the envelope there.

23 A. December 24th, 2016.

24 Q. All right.

25 And is that 25173 Middlesex.

1 A. Yes, ma'am.

2 Q. And looking at exhibit 6 and 7 can you tell the Court what
3 these are?

4 A. This is the street, street level when I first arrived with
5 the white yellow caution tape in front of the trailer.
6 And this would be the second photograph that was taken
7 prior to moving closer to the inside of the residence.

8 Q. And the um window that you testified to this bedroom
9 window that had the dark um, I don't know if you describe
10 it as ash or soot substance could you see that in this
11 photograph?

12 A. I believe you can it's more towards the right hand corner
13 of the photograph.

14 Q. Okay.

15 Looking at people's exhibit six do we see it
16 more clearly in this photograph?

17 A. Yes.

18 Q. All right.

19 So that would be on the right hand side of the
20 picture.

21 A. Yes.

22 Q. All right.

23 And looking at people's exhibit 8 can you
24 explain what this is?

25 A. As I walked down the porch I observed these three oil

1 *cans. At the time I didn't know for sure if these were*
2 *involved.*

3 Q. *So when you're taking these photographs do you have*
4 *information whether or not, whether or not accelerants*
5 *were used in the fire?*

6 A. *Not at the time, no.*

7 Q. *All right.*

8 A. *These were on the porch and to the left of the front door*
9 *and I photographed these and later collected these as*
10 *possible evidence.*

11 Q. *All right.*

12 *And exhibit nine is that a lighter on the front*
13 *porch.*

14 A. *That is a blue bic lighter this was if you went back to*
15 *people's exhibit number eight where the cans are you can*
16 *see in the top left corner where the blue bic lighter this*
17 *is just a that was just a separate picture of that*
18 *lighter.*

19 Q. *All right.*

20 *And ten is that just a different view?*

21 A. *That is a different view that includes all three plus the*
22 *bic lighter.*

23 Q. *All right.*

24 *And 11?*

25 A. *This is a photograph standing in front of the standing in*

1 *the threshold of the front door um taking a photograph of*
2 *the living area.*

3 Q. *All right?*

4 *Is there a dining room table and other items?*

5 A. *Yes.*

6 Q. *Documented in the photographs?*

7 A. *Yes.*

8 Q. *All right.*

9 *Twelve.*

10 A. *Twelve this is the bedroom where the fire started. Um,*
11 *this picture would be taken from as you are standing and*
12 *looking at the bed in the back in the back rest or*
13 *headboard.*

14 Q. *All right.*

15 *And you said looking at the bed is there a bed*
16 *depicted in this photograph?*

17 A. *Not at this time no. But um there are other photographs*
18 *to show that at one time there were ones.*

19 Q. *All right.*

20 *And 13?*

21 A. *Um, just another view of the mattress.*

22 Q. *All right.*

23 *That mattress are you familiar with what type of*
24 *mattress that was?*

25 A. *Not, I don't recall for sure if it was um originally I*

1 *believe it was possibly a waterbed type because there was*
2 *some vinyl at the bottom of the bed which will be*
3 *consistent with a water bed*

4 Q. *Would that also be consistent with an air mattress?*

5 A. *Yes.*

6 Q. *Do you know if there was a box spring and bed frame or was*
7 *it just the mattress on the floor?*

8 A. *It was just the mattress on the floor.*

9 Q. *All right.*

10 *Exhibit 14 and 15?*

11 A. *These are just also photographs while I was actually with*
12 *the fire chief in this room at the time. And he pointed*
13 *out several burn consistencies on the wall that's what*
14 *this picture would show.*

15 Q. *All right.*

16 *So you were directed to take 14 and 15 by Chief*
17 *Clark of the Woodhaven fire department.*

18 A. *Yes, ma'am.*

19 Q. *All right.*

20 *And 16?*

21 A. *This um is just a cellphone it was located on a counter in*
22 *that same bedroom near which you can see is actually the*
23 *windows towards the front of the trailer.*

24 Q. *All right.*

25 *So the cellphone and other personal property*

1 *would have been located in the bedroom as well.*

2 A. *Yes.*

3 Q. *All right.*

4 *And 17?*

5 A. *This is um actually the shot of the bedroom from the*
6 *actually the bedroom and the living room area connect.*
7 *And this door separates the bedroom from the living room*
8 *area. And this is just the shot from the living room*
9 *area.*

10 Q. *All right.*

11 *Is that a dresser and mirror we see there.*

12 A. *That is a dresser and that is actually a window.*

13 Q. *Okay.*

14 *Is that the --*

15 A. *In front of the trailer.*

16 Q. *Is that the black soot?*

17 A. *Yes.*

18 Q. *That you testified to on the window?*

19 A. *Yes, ma'am.*

20 Q. *And 18?*

21 A. *These were pictures from the living area there is the*
22 *couch on the left and this is kind of like a wood*
23 *dresser --*

24 Q. *All right.*

25 *And was there.*

1 A. -- as I describe it.

2 Q. Was there any charring or burning in the living room that
3 you observed?

4 A. Not that I observed, no.

5 Q. At the time you are taking these photographs are you aware
6 of what was used to start the fire?

7 A. No.

8 Q. Okay.

9 And 19 and 20 is just another picture of that
10 cellphone and personal property?

11 A. Yes.

12 Q. And 21 is that um from the living room table as well?

13 A. Yes, it is.

14 Q. 22 is that just a close up of the cellphone from the
15 previous exhibit?

16 A. Yes, ma'am.

17 Q. And 23 is that property on the living room table?

18 A. Yes.

19 Q. And 24 is that more drawn out view of that living room
20 table?

21 A. Yes, ma'am.

22 Q. 25 is that just a different angle of the front porch with
23 oils?

24 A. I believed so yes.

25 Q. And 26 can you explain what that is?

1 A. That um is as you see the bedding was kind of peeled away
2 I believe this is the right I'm sorry left rear corner of
3 the bed.

4 Um you can see where the dressers are up to the
5 left. And um as we peeled back the bedding you can tell
6 the plastic or vinyl type mattress underneath that's why
7 that picture was taken.

8 Q. All right.

9 And the bed has got at least some blankets or
10 sheets on it?

11 A. Yes, there was.

12 Q. And 27?

13 A. Um, this is just something that as I'm looking at the
14 living room um at the time um I don't know if this was the
15 owner of the trailer's property or maybe it was left
16 behind.

17 Q. Just something that peaked your interest?

18 A. Yes.

19 Q. All right.

20 Thank you.

21 MS. LANNING: I have nothing further.

22 MS. SLOMSKI: I have no questions of this
23 witness.

24 THE COURT: Thank you.

25 THE WITNESS: Thank you, your Honor.

1 THE COURT: Is Officer Grunwald free to go?

2 MS. LANNING: Yes.

3 MS. SLOMSKI: Yes.

4 THE COURT: Did I say your name right?

5 THE WITNESS: Close enough.

6 THE COURT: Spell it.

7 THE WITNESS: G-R-U-N-W-A-L-D.

8 THE COURT: I missed the R.

9 THE WITNESS: That's okay.

10 THE COURT: Officer or Detective Grunwald you
11 may step down and you are free to stay or free to leave.

12 THE WITNESS: Thank you.

13 THE COURT: Next.

14 MS. LANNING: People would call Chief Clark.

15 THE COURT: Back on the record. Sir, you can
16 stop in front of my clerk and take an oath to tell the
17 truth.

18 Was thereupon called as a witness herein, and
19 after having been first duly sworn, was examined and
20 testified as follows 2:49 pm:

21 M I K E C L A R K

22 DIRECT EXAMINATION

23 THE COURT: Tell me your name.

24 THE WITNESS: Michael Clark fire Chief for the
25 city of Woodhaven.

1 THE COURT: Is Officer Grunwald free to go?

2 MS. LANNING: Yes.

3 MS. SLOMSKI: Yes.

4 THE COURT: Did I say your name right?

5 THE WITNESS: Close enough.

6 THE COURT: Spell it.

7 THE WITNESS: G-R-U-N-W-A-L-D.

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19 after having been first duly sworn, was examined and
20 testified as follows 2:49 pm:

21 M I K E C L A R K

22 DIRECT EXAMINATION

23 THE COURT: Tell me your name.

24 THE WITNESS: Michael Clark fire Chief for the
25 city of Woodhaven.

1 THE COURT: Michael Clark.

2 THE WITNESS: Correct.

3 THE COURT: All right.

4 Ms. Lanning.

5 BY MS. LANNING:

6 Q. You are the fire chief for the city of Woodhaven?

7 A. Correct.

8 Q. And how long have you been the fire chief for the city of
9 Woodhaven?

10 A. Since July 2015.

11 Q. And prior to being the Chief as of July 2015 how were you
12 employed?

13 A. I was a fire fighter worked my way up through the ranks
14 and I've been with the city of Woodhaven since 1994.

15 Q. Okay.

16 1994?

17 A. Yes.

18 Q. So shame on my math that would be 23 years?

19 A. That's correct.

20 Q. All right.

21 And during well to become a fire fighter is
22 there special training you have to receive or education.

23 A. Yes, that's correct Fire Academy, EMS Academy that is
24 involved.

25 Q. You successfully completed those academies?

1 A. Yes, I have.

2 Q. And have there been continued training you have either
3 hosted or attended?

4 A. Yes, constantly.

5 Q. Are you updated in all of your certifications?

6 A. I am.

7 Q. And as a Fire Chief for the city of Woodhaven have you had
8 to testify as an expert?

9 A. Not as an expert witness, no.

10 Q. Okay.

11 You testified you have been employed with the
12 Woodhaven fire department for 23 years, correct?

13 A. That is correct.

14 Q. And have you ever taken training or classes as to um cause
15 and origin of a fire?

16 A. Yes, I have.

17 Q. All right.

18 And approximately how many hours of training or
19 classes have you taken as it pertains to cause and origin
20 of fires.

21 A. I have a curriculum vitae I could submit that it has all
22 of my training records.

23 Q. Certainly, I would appreciate that?

24 THE COURT: Do we need extra copies of this? Is
25 this the first time you are seeing this Ms. Lanning?

1 MS. LANNING: Yes, I will take additional
2 copies.

3 THE COURT: If you take a moment and provide
4 additional copies.

5 MS. LANNING: Thank you.

6 THE COURT: I would note for the record that
7 both prosecution and defense have a copy of Chief Clark's
8 curriculum vitae.

9 MS. LANNING: Thank you, your Honor.

10 BY MS. LANNING:

11 Q. And Chief Clark you have provided a 1,2,3,4,5,6 page
12 document; is that fair?

13 A. That is correct.

14 Q. All right.

15 THE COURT: Can you just pause a moment and let
16 Ms. Slomski have a look at that.

17 MS. LANNING: Certainly, your Honor.

18 THE COURT: Good.

19 MS. SLOMSKI: Yes.

20 THE COURT: Back on the record.

21 BY MS. LANNING:

22 Q. Chief Clark you testified that you have cause and training
23 in cause and origin of fires?

24 A. That is correct.

25 Q. All right.

1 And in 2001 you attended the National
2 Association of Arson and Regional Seminars and received a
3 certificate.

4 A. Yes, that is correct.

5 Q. All right.

6 And in 2008 you became certified in the
7 international association of arson investigator fire and
8 arson investigations.

9 A. That is correct.

10 Q. And next to that you have tested?

11 A. That means a test was taken at the end and you had to have
12 a passing score to be certified.

13 Q. And did you pass that test?

14 A. Yes.

15 Q. And you are so certified?

16 A. Yes.

17 Q. And under your professional membership you are a member of
18 the International Association of Arson Investigators?

19 A. Yes, that is correct.

20 Q. And you are also a member of the International Association
21 of Arson Investigators of Michigan chapter; is that
22 correct?

23 A. Yes.

24 Q. And also as a member of the International Association of
25 Investigator's Unit?

1 A. Yes.

2 Q. And in your just practically speaking in your experience
3 have you had occasion to investigate cause and origin of
4 fires?

5 A. Yes, I have.

6 Q. All right.

7 And approximately how many times in your 23 year
8 career with the Woodhaven Fire Department have you
9 investigated cause and origin of fires?

10 A. Approximately 53.

11 Q. Okay.

12 MS. LANNING: People would move to qualify Chief
13 Clark as an expert in the field of fire cause and origin
14 investigations.

15 MS. SLOMSKI: May I voir dire.

16 THE COURT: Yes, you may.

17 MS. SLOMSKI: Thank you very much.

18 VOIR DIRE EXAMINATION

19 BY MS. SLOMSKI:

20 Q. If I understand with respect to your membership these are
21 largely ceremonial organizations is that right? I mean
22 your participation in the international association of
23 arson investigators, right?

24 A. No, they provide classes and training.

25 Q. Okay.

1 *Did you attend any classes to the international*
2 *association of arson investigators.*

3 A. *Yes, I have they are ongoing classes.*

4 Q. *Are they enumerated in the multiple page curriculum vitae*
5 *that you have provided to the Court and counsel?*

6 A. *I don't have all of my prerequisite classes.*

7 Q. *Do you know when did you become a member of the*
8 *international association of arson investigators?*

9 A. *I believe I became a member in 2001.*

10 Q. *2001 and it's through this organization that you are*
11 *telling this Court that you have taken numerous classes?*

12 A. *That is correct.*

13 Q. *That resulted in certification?*

14 A. *That is correct.*

15 Q. *All right.*

16 *And certifications so that I understand were in*
17 *what particular areas or discipline of arson*
18 *investigation.*

19 A. *Mainly cause and origin.*

20 Q. *Mainly cause and origin. How many classes did you*
21 *anticipate you had attended between 2001 and today's date?*

22 A. *Most of the classes were 40 hour work or 40 hour classes.*
23 *And the initial class was 2 weeks 60 hours so some of the*
24 *prerequisites and extra classes that I have taken it's got*
25 *to be up in the 170 hours.*

1 Q. Okay.

2 *But your curriculum vitae indicates that the*
3 *last formalized training um concerning um, concerning um,*
4 *arson investigations occurred in that's just respect to*
5 *your curriculum vitae 2008; is that right?*

6 A. *That is the last formal, yes.*

7 Q. *That's the last formal one where you were actually*
8 *certified. What were you certified in?*

9 A. *Cause and origin.*

10 Q. *Cause and origin.*

11 *All right.*

12 *And how long was this class?*

13 A. *The class in 2008 I believe was a week long. So I believe*
14 *it says 40 hours there.*

15 Q. Okay.

16 *That's fine. And so then am I to understand*
17 *that in conjunction with your and in conjunction with your*
18 *participation in this seminar put on by the international*
19 *association of arson investigators that you have*
20 *subsequent since 2008 had other training or experience or*
21 *certification in the area of cause and origin of fires.*

22 A. *I do belong to a down river arson task force so I did*
23 *investigate fires with them through that period.*

24 Q. *When you say that period what do you mean?*

25 A. *From the 2008 until 2015 when I left the group.*

1 Q. *But there was no certifications or anything that was*
2 *attached.*

3 A. *No.*

4 Q. *The only certification you had was the most recent one of*
5 *2008?*

6 A. *That is correct.*

7 Q. *Okay.*

8 *If I understood you correctly you've never*
9 *testified in either state or federal court as an expert in*
10 *the area of cause and origin.*

11 A. *I have not.*

12 Q. *Okay.*

13 *MS. SLOMSKI: Nothing further your Honor.*

14 *THE COURT: And any redirect on voir dire?*

15 *MS. LANNING: Judge, yes very briefly.*

16 *BY MS. LANNING:*

17 Q. *Chief Clark you testified that your last formal training*
18 *in cause and origin was in 2008, correct?*

19 A. *That is correct.*

20 Q. *And subsequent to that formal training you were acting in*
21 *the capacity as a lieutenant to the Woodhaven Fire*
22 *Department; is that correct?*

23 A. *That is correct Lieutenant and Captain and then up the*
24 *ranks to Fire Chief.*

25 Q. *You're getting a little bit ahead of me. In your capacity*

1 *as lieutenant did you use that training from 2008 and*
2 *before to determine cause and origin of fires?*

3 A. *Yes.*

4 Q. *And in your capacity as a captain for the Woodhaven fire*
5 *department did you use that training to assist you in*
6 *determining cause and origin of fire?*

7 A. *Yes.*

8 Q. *And in your capacity as the Fire Chief for the city of*
9 *Woodhaven have you used that training to assist you in*
10 *origin and cause of fires?*

11 A. *Yes, I have.*

12 Q. *And city of Woodhaven has been your employer for the past*
13 *23 years?*

14 A. *Correct.*

15 Q. *And of the 53 fires that you have investigated do you know*
16 *how many of those have proceeded to a formal trial in*
17 *court?*

18 A. *When I was with the arson task force they had 11 that went*
19 *to trial.*

20 Q. *All right.*

21 *And of those 11 were there other experts who*
22 *were called in those cases.*

23 A. *Yes, there was.*

24 Q. *All right.*

25 *Thank you.*

1 MS. LANNING: I have nothing further as to that
2 issue.

3 THE COURT: Any additional voir dire?

4 MS. SLOMSKI: No, your Honor.

5 THE COURT: And I trust you have a motion on the
6 table to have Chief Clark certified as an expert in cause
7 and origin of fire?

8 MS. LANNING: I do your Honor and I would base
9 that on not only Chief Clark's experience and professional
10 membership but his education and present responsibilities
11 as well.

12 MS. SLOMSKI: Judge, I would object to um his
13 qualification as an expert in this matter. His last
14 formalized training being in 2008 a lot has happened I
15 would think in the science field since that period of
16 time.

17 Being a fire person or a person that assist in
18 gathering evidence is not tantamount to being a qualified
19 forensic expert to make source and origin that the
20 information that's been provided to this Court is scant on
21 the question of his actual ability to make those kinds of
22 determinations.

23 And um I understand that the Court could say
24 that it goes to the weight rather than the sufficient of
25 his testimony.

1 And of course the Court can consider it give it
2 whatever weight based upon what I would say lack of
3 credentials.

4 This is a bench trial but I would argue that he
5 should be precluded from rendering.

6 THE COURT: There are two things I would like to
7 add you had his curriculum vitae marked as it is proposed
8 exhibit.

9 MS. LANNING: 28.

10 THE COURT: Any objection to the receipt of
11 proposed exhibit 28.

12 MS. SLOMSKI: No, to the extent that we both
13 utilized it no objection.

14 THE COURT: May I have my own copy please.

15 MS. LANNING: The People would move for the
16 admission of the exhibit.

17 MS. SLOMSKI: No objection.

18 THE COURT: And the curriculum vitae of Chief
19 Clark shall be received into evidence. And I'm going to
20 take a moment to peruse it. I'm going to ask Chief Clark
21 a question. I realize this may be a school for
22 certification but subsequent to 2008 have you attended
23 seminars and various updates?

24 THE WITNESS: I have attended seminars and we do
25 get CE's which is online continue education and online

1 *training as well as a short four hour seminar.*

2 *THE COURT: How many of those have you taken.*

3 *THE WITNESS: Usually about five times a year we*
4 *recertify.*

5 *THE COURT: So you take whatever the required*
6 *training is to continue certification.*

7 *THE WITNESS: That is correct.*

8 *THE COURT: And you remain certified because of*
9 *the continued training.*

10 *THE WITNESS: That is correct.*

11 *THE COURT: So you received your certification*
12 *in 2008 but you continue to have to review it.*

13 *THE WITNESS: I have to take continuing credits*
14 *to maintain it.*

15 *THE COURT: Based on the Court's question any*
16 *additional dialog or voir dire?*

17 *MS. LANNING: Judge, I would just indicate that*
18 *while there is a lack of formal training to become*
19 *certified in the field there is this continuing education*
20 *that Chief Clark has maintained and kept up with and*
21 *remained certified.*

22 *And I think the argument because of his original*
23 *inception or original qualification and certification was*
24 *so long ago is tantamount to saying because a person*
25 *passed the bar 20 years ago they may not be qualified to*

1 *practice law because it's been so long since they passed*
2 *the bar.*

3 *I think that the People would continue to move*
4 *to qualify Chief Clark as an expert.*

5 *THE COURT: And do you have any other voir dire*
6 *based on the Court's questions?*

7 *MS. LANNING: No, your Honor.*

8 *THE COURT: No, Ms. Slomski.*

9 *MS. SLOMSKI: No, I have no further questions I*
10 *stand on my argument.*

11 *THE COURT: What did you do at Eastern Michigan*
12 *University in 2013 sir.*

13 *THE WITNESS: That was fire school staff and*
14 *command. That was administration preparing myself for*
15 *fire chief.*

16 *THE COURT: Okay.*

17 *Fair enough. So that's additional training,*
18 *correct?*

19 *THE WITNESS: That is correct.*

20 *THE COURT: So the Court heard the arguments of*
21 *prosecution and the defense and had an opportunity to*
22 *review people received exhibit 28.*

23 *And the Court finds that um well I graduate from*
24 *law school an awful long time ago and have remained in*
25 *this position.*

1 And the Court indicates the Chief graduated and
2 received the necessary certifications albeit in 2008. But
3 for him to continue to remain in the position of an
4 investigator for cause and origin of fire.

5 He has continued to maintain his certification
6 by online continuing educational classes. And it is
7 evident that he continues to excel in his field and it is
8 evident by the various promotions to um Sergeant,
9 Lieutenant, Captain and on staff at a Eastern Michigan
10 University fire staff command and promoted to chief in
11 2015 and has investigated 53 fires.

12 The Court notes the objection and will receive
13 the testimony of Chief Michael Clark, Fire Chief Michael
14 Clark as an expert in the origin of cause of fires.

15 MS. LANNING: Thank you your Honor.

16 BY MS. LANNING:

17 Q. Chief Clark I want to take you back to December 24th, 2016
18 were you working on that day?

19 A. Yes, I was.

20 I was called in actually.

21 Q. All right.

22 And when you were called in did you have
23 occasion to go to 25173 Middlesex in the city of Woodhaven
24 County of Wayne State of Michigan.

25 A. Yes.

1 Q. *What brought you out there?*

2 A. *Um, call of possible mobile home fire.*

3 Q. *All right.*

4 *And when you responded to that address was it in*
5 *fact a mobile home.*

6 A. *It was in fact a mobile home.*

7 Q. *All right.*

8 *And when you got there what were your*
9 *observations.*

10 A. *The first crews arrived I arrived shortly after. No smoke*
11 *showing no flame showing at the time. Our crew made entry*
12 *and found light smoke in the living room.*

13 *And went into the front bedroom the bedroom door*
14 *was closed. And um no fire, no flames were there, heavy*
15 *smoke at the top. And there was some evidence of some*
16 *burning.*

17 Q. *All right.*

18 *And I want to direct your attention um behind*
19 *you to people's exhibit 15. Can you tell us what's*
20 *depicted in people's exhibit 15.*

21 A. *Yes, that's the front bedroom that we made entry into the*
22 *entrance goes into the living room.*

23 Q. *All right.*

24 *And can you tell us anything about the burn*
25 *patterns depicted in the photograph.*

1 A. *The burn pattern clearly shows in the way we investigate*
2 *fires we look for the least burnt portion to the most*
3 *burnt portion.*

4 *And usually a pretty good pattern of smoke*
5 *demarkation you can see there with the lighter color the*
6 *unburned section and the more black and chard areas being*
7 *the most burnt area that points to a point of origin.*

8 Q. *All right.*

9 *This is a silly question. When you responded to*
10 *that area and did an investigation, did you make the*
11 *determination that a fire had occurred?*

12 A. *Yes, we did make the determination that a fire had*
13 *occurred.*

14 Q. *All right.*

15 *And were you able to determine where that fire*
16 *originated from?*

17 A. *Um, with the signs of demarcation fire grows up and out*
18 *from the point of origin. We determined that it probably*
19 *started at the head of the mattress.*

20 Q. *And the mattress in the bedroom that is depicted here in*
21 *people's exhibit 15?*

22 A. *Correct, the mattress is not shown in the picture there.*
23 *That is just the wall above where the mattress was.*

24 Q. *All right.*

25 *And was there in fact a mattress that had been*

1 *burned in that room.*

2 A. *Yes, there was an inflatable type mattress and it still*
3 *had covers on it and remanent's of pillows and some*
4 *blankets on it.*

5 Q. *And covers is that like sheets?*

6 A. *Sorry.*

7 Q. *Covers like bed sheets?*

8 A. *I believe there were some blankets on there.*

9 Q. *Okay.*

10 *And were you able to make a determination um*
11 *regarding the fire whether or not it was beside the bed or*
12 *on the bed.*

13 A. *It appeared to be right at the head of the bed um*
14 *somewhere near the pillows or on the pillows.*

15 Q. *All right.*

16 *And did you inspect um the electrical unit in*
17 *the room.*

18 A. *We did.*

19 Q. *All right.*

20 *What was the result of that inspection.*

21 A. *All electrical systems appeared to be functional and we*
22 *also checked the fuse box or the breaker box and no*
23 *indication of anything being short circuited.*

24 Q. *All right.*

25 *And what does that mean to you when there is no*

1 *indication of it being short circuited.*

2 A. *It usually means that it wasn't caused by an electrical*
3 *problem.*

4 Q. *All right.*

5 *Were you able to make a determination if*
6 *accelerant was used.*

7 A. *Sample were taken I did not see the lab reports on the*
8 *samples.*

9 Q. *All right.*

10 *So to your knowledge there was no accelerant*
11 *used.*

12 A. *As far as I know nothing was used.*

13 Q. *All right.*

14 *Did you make a determination whether the fire*
15 *was accidental or intentional.*

16 A. *The determination on that is um --*

17 MS. SLOMSKI: *I'm going to object to that. That*
18 *exceeds his scope of his expertise. The question of*
19 *deliberateness is fact finding question for the trier of*
20 *fact.*

21 MS. LANNING: *The original question was if the*
22 *Chief was able to make a determination whether or not the*
23 *fire was intentional or accidental.*

24 *And I will rephrase it to mean accidental in a*
25 *way that is accidental as a water heater issue or an*

1 *electrical issue verses human cause.*

2 *Whether that is you know intentional or not is*
3 *certainly an issue for the trier of fact.*

4 *MS. SLOMSKI: Could we ask those questions in*
5 *the manner in which she asked?*

6 *THE COURT: He's not answering the one that she*
7 *is rephrasing intentionally. But please don't ask the*
8 *next one in a compound fashion if we go through the items*
9 *separately.*

10 *MS. LANNING: Certainly.*

11 *BY MS. LANNING:*

12 Q. *So Chief Clark, were you able to make a determination if*
13 *the fire was accidental in a way that is commonly*
14 *associated with being accidental whether it be electrical*
15 *an issue with the water heater at the time of the*
16 *inspection?*

17 A. *At the time of the investigation we ruled out appliances*
18 *or any electrical hazards that may have started it. As*
19 *far as appliances or spontaneous combustion we did rule*
20 *that out.*

21 Q. *Were you able to make a determination on observations*
22 *about how the fire started?*

23 A. *The cause of ignition was undetermined. On what exactly*
24 *started the fire. The only thing we can come down to is*
25 *a point of origin.*

1 Q. All right.

2 And so when you have a cause of origin that is
3 undetermined what would be consistent with that finding?
4 If I don't use an accelerant but light a pile of clothes
5 on fire, would you be able to make a determination about
6 that or would that be undetermined.

7 A. Well, it would be undetermined on what ignited the fire.
8 We would find a point of origin. But as far as the cause
9 it could be several different things.

10 That's one of the reasons we took the sample to
11 look for an accelerants.

12 Q. And to your knowledge there was no accelerant found?

13 A. As far as I'm aware of there was no accelerant found.

14 Q. When you investigate the scene did you look for any
15 extinguisher if someone had used a fire extinguisher would
16 there have been remanent's?

17 A. Yes, there would have been remanent's of any type of fire
18 extinguisher and there was none.

19 Q. Okay.

20 And no water as well.

21 A. No water as well. We never put any water on the fire
22 there was no water in the bedroom as well.

23 Q. In your training and experience and expertise, do you know
24 how this fire seized to burn or stopped burning?

25 A. At the time we arrived the bedroom door was closed and it

1 *probably used up the oxygen in that space and actually*
2 *snuffed itself out.*

3 Q. *Were the windows closed as well?*

4 A. *The windows were closed and very blackened.*

5 Q. *All right.*

6 *So when a fire takes place in a room like the*
7 *room that you investigated where the windows and doors is*
8 *closed or are closed, um, is it -- would it be common for*
9 *a fire to snuff itself out due to lack of oxygen.*

10 A. *Yes, it would.*

11 Q. *And when you arrived to the house um the fire department*
12 *had cut off the power and gas to the house; is that*
13 *correct?*

14 A. *That is correct.*

15 Q. *And I want to direct your attention to people's exhibit*
16 *12. What type of pattern do we see on the wall there the*
17 *burn pattern?*

18 A. *That's what we call a V pattern. Fire tends to burn up*
19 *and out. Which is very well depicted on the back wall*
20 *that shows the remanent's of the blow up bed.*

21 *And the point of origin the fire pointing to or*
22 *the V pattern tells us that the fire started near the head*
23 *of the bed where the pillows were.*

24 Q. *All right.*

25 *So between that burning and the burning on the*

1 ground and the burning that I asked you about previously
2 in people's 15 is that what you use to determine where the
3 point of origin for the fire was?

4 A. Yes, that is correct.

5 Q. Was there um was there damage to the ceiling of the
6 bedroom?

7 A. The ceiling was charred but not burnt a lot of smoke
8 damage.

9 Q. What does charred mean?

10 A. Heavy heat not possible flames but intense heat.

11 Q. Was there heavy smoke damage to the rest of the bedroom,

12 A. Yes, there was.

13 Q. Thank you.

14 MS. LANNING: Nothing further.

15 THE COURT: Ms. Slomski cross.

16 MS. SLOMSKI: Yes.

17 CROSS EXAMINATION

18 BY MS. SLOMSKI

19 Q. In, addition to doing an initial investigation in this
20 case um and, and taking photographs you did take
21 photographs?

22 A. Yes.

23 Q. And those were the subject matter of the marked exhibits?

24 A. Yes, they have my photographs.

25 Q. Oh, okay that's fine. You indicated that there were other

1 *pictures was that by the responders the initial people*
2 *that came on the scene?*

3 A. *I believe the detectives took picture also.*

4 Q. *That would have been before you arrived on the scene?*

5 A. *That would have been after.*

6 Q. *That would have been after, okay.*

7 *Thank you.*

8 *Now in addition to your examination of the*
9 *interior of that mobile home, did you have occasion to*
10 *have any contact with the woman by the name of Ms. Sidone?*

11 A. *No.*

12 Q. *Did you have any opportunity to have any contact with any*
13 *female persons?*

14 A. *No.*

15 Q. *I'm going to show you for the record of identification an*
16 *incident report number 000190 and ask you whether or not*
17 *you can identify this report?*

18 THE COURT: *Watch yourself of the cord, look up*
19 *look up, look up. Should we clear up the record that the*
20 *audio visual cord is two feet above the ground and you*
21 *were walking into it.*

22 MS. SLOMSKI: *I thank you for that. I think we*
23 *can do that I didn't have my glasses on at that point.*

24 THE COURT: *I'm sorry I am cautious about that*
25 *on every trial and hence the outburst from the Court.*

1 MS. SLOMSKI: No, I'm grateful. We've already
2 called to this building one ambulance today we don't need
3 another one.

4 THE COURT: Go on Ms. Slomski I am sorry but you
5 were not paying attention to that cord.

6 MS. SLOMSKI: I wasn't that is true.

7 BY MS. SLOMSKI:

8 Q. I want you to look at that particular report and see if
9 that is familiar to you?

10 A. What's underlined there.

11 Q. Yes?

12 A. Yes, that was the unusual reports we got from the 911 call
13 see female on scene states but we did find that was
14 inaccurate that is from the first reports that we seen.

15 Q. Okay.

16 So the report the first report that you received
17 then was is that there was a woman on the scene; is that
18 right?

19 A. Yes.

20 Q. And she indicated that her son was residing in that mobile
21 home?

22 A. No, that was actually after we arrived and that's when we
23 were told on the 911.

24 Q. Okay.

25 So when in your report when it says a female on

1 *the scene states that her son lived there this was not*
2 *information that you took but you received from other*
3 *sources.*

4 A. *Yes.*

5 Q. *Okay.*

6 *Thank you.*

7 *MS. SLOMSKI: Nothing further.*

8 *THE COURT: Redirect.*

9 *MS. LANNING: Very briefly.*

10 *REDIRECT EXAMINATION*

11 *BY MS. LANNING:*

12 Q. *Chief Clark you were asked about the information from the*
13 *911 operator about a female son residing at the home, do*
14 *you recall being asked about that?*

15 A. *Yes.*

16 Q. *All right.*

17 *And so that information that is provided from*
18 *the 911 dispatcher to someone else to someone else who put*
19 *that in the report?*

20 A. *That is correct.*

21 Q. *So it is kind of like a game of telephone?*

22 A. *Exactly.*

23 Q. *All right.*

24 *And you testified you found that later to be*
25 *inaccurate?*

1 A. *That's true.*

2 Q. *Thank you.*

3 MS. LANNING: *I have nothing further.*

4 MS. SLOMSKI: *Nothing further.*

5 THE COURT: *May Chief Clark be thanked and*
6 *excused from the courtroom?*

7 MS. SLOMSKI: *Yes.*

8 MS. LANNING: *Yes.*

9 THE COURT: *Sorry for keeping you so long. You*
10 *are free to stay or free to leave. Step down at this*
11 *time.*

12 THE WITNESS: *Thank you.*

13 THE COURT: *Next witness.*

14 MS. LANNING: *Your Honor, with that the People*
15 *rest.*

16 THE COURT: *All right.*

17 *Ms. Slomski, do you need a moment to correct*
18 *your thoughts to decide how you would like to proceed and*
19 *talk to your client?*

20 MS. SLOMSKI: *Yes, your Honor.*

21 THE COURT: *Okay.*

22 *Give you a couple of minutes off the record.*

23 *(3:22 pm off the record)*

24 *(Back on the record at 3:27 pm)*

25 THE COURT: *Back on the record in the matter*

1 *concerning Christopher Sindone. Ms. Slomski, have you had*
2 *sufficient time?*

3 *MS. SLOMSKI: I have your Honor. And I've had*
4 *the occasion to advise and to talk at length with Mr.*
5 *Sindone and his absolute right to testify.*

6 *And as the Court as the fact finder would*
7 *certainly not hold his failure to do so. After being*
8 *fully advised of his options in this case he tells me he*
9 *wishes to testify; is that right Mr. Sindone.*

10 *MR. SINDONE: Yes.*

11 *THE COURT: Ms. Slomski, you did reserve an*
12 *opening statement.*

13 *MS. SLOMSKI: Yes, at this point I would waive*
14 *my previously reserved opening statement.*

15 *THE COURT: So noted. And um I would like to*
16 *ask Mr. Sindone a couple of questions under oath if I may.*
17 *Sir, would you stand and raise your right arm.*

18 *Was thereupon called as a witness herein, and*
19 *after having been first duly sworn, was examined and*
20 *testified as follows 3:28 pm:*

21 *C H R I S T O P H E R S I N D O N E*

22 *DIRECT EXAMINATION*

23 *THE COURT: Mr. Sindone, do you understand that*
24 *you are presumed innocent?*

25 *MS. SLOMSKI: Yes.*

1 THE COURT: And the prosecutor has the burden of
2 proof and they have to prove your guilt beyond a
3 reasonable doubt?

4 THE WITNESS: Yes.

5 THE COURT: And that you have a right to remain
6 silent?

7 THE WITNESS: Yes.

8 THE COURT: And um it is your choice to take the
9 witness stand?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Anybody forcing you or threatening
12 you to take the witness stand?

13 THE WITNESS: No.

14 THE COURT: Anybody made any promises to you?

15 THE WITNESS: No.

16 THE COURT: Anyone arm twisting you?

17 THE WITNESS: No.

18 THE COURT: Have you thought about this for a
19 good long time?

20 THE WITNESS: Yes.

21 THE COURT: And has Ms. Slomski spent time
22 discussing this issue?

23 THE WITNESS: Yes.

24 THE COURT: And it is always whoever is in that
25 seat's choice as to whether or not they want to plead

1 *guilty or take the witness stand. How would you like to*
2 *proceed?*

3 *THE WITNESS: I'm going to take the witness*
4 *stand.*

5 *THE COURT: All right.*

6 *Fair enough.*

7 *Ms. Slomski, if I could just have a few minutes.*

8 *THE COURT: Sir, tell us your name?*

9 *THE WITNESS: Christopher Sindone.*

10 *THE COURT: Spell both.*

11 *THE WITNESS: C-H-R-I-S-T-O-P-H-E-R*
12 *S-I-N-D-O-N-E.*

13 *THE COURT: You heard me tell the other*
14 *witnesses the do's and don't's about being on the witness*
15 *stand. No um hum, um um, uh uh or nodding your head*
16 *right?*

17 *THE WITNESS: Yes.*

18 *THE COURT: And try to use peoples names instead*
19 *of pronounces he and she we and they, right?*

20 *THE WITNESS: Yes.*

21 *THE COURT: If either Ms. Lanning or Ms. Slomski*
22 *ask you a question you don't understand never guess or*
23 *assume I'll tell you to phrase it in a manner that works*
24 *for you.*

25 *THE WITNESS: Okay.*

1 THE COURT: Ms. Slomski.

2 C H R I S T O P H E R S I D O N E

3 DIRECT EXAMINATION

4 BY MS. SLOMSKI:

5 Q. Mr. Sindone do you know a person by the name of Laurie
6 Stasa?

7 A. Yes.

8 Q. And who is Laurie Stasa to you?

9 A. My birth mother.

10 Q. Your birth mother. Did she raise you?

11 A. Yes.

12 Q. Okay.

13 And do you know a person by the name of Jennifer
14 Sindone.

15 A. Yes.

16 Q. And what is Jennifer Sindone's relationship to you?

17 A. My wife.

18 Q. She's your wife and you're currently married to Ms.
19 Sindone?

20 A. Yes.

21 Q. Okay.

22 How long -- strike that. Where were you
23 residing in December of 2016?

24 A. 1975 North Outer Drive in Monroe.

25 Q. Okay.

1 And the Monroe street address you had resided at
2 for how long?

3 A. About seven years at that address.

4 Q. Okay.

5 And was that during your marriage.

6 A. Yes.

7 Q. So the entire time that you were living with your wife Ms.
8 Jennifer Sindone at that address?

9 A. Yes.

10 Q. Okay.

11 And was anyone else living at that residence
12 besides yourself and your wife?

13 A. Our children and occasionally we've had people live with
14 us for a while you know friends and stuff that needed a
15 place to stay.

16 Q. When you say children do you -- how many children are we
17 talking about?

18 A. Matthew is my 13 year old and our twins mine and
19 Jennifer's twins.

20 Q. So Matthew is not the Ms. Sindone is not the biological
21 mother of Matthew?

22 A. No.

23 Q. And you have custody of Matthew?

24 A. Yes.

25 Q. Is that right?

1 A. Yes.

2 Q. Okay.

3 *Back in December in the middle of December of*
4 *2017 did there come a time that you filed a petition for*
5 *divorce in the Monroe Circuit Court.*

6 A. Yes.

7 Q. *And it would be fair to say that at time there had been a*
8 *long term contentious difficult and contentious between*
9 *you and your wife?*

10 A. *It started a month ago.*

11 Q. Okay.

12 *And up to that point the relationship was*
13 *otherwise satisfactory?*

14 A. *We've had our arguments and stuff you know every married*
15 *couple does.*

16 Q. Okay.

17 *But at any event you filed a request for divorce*
18 *when?*

19 A. *I filled it out and filed it the 12th of December. I*
20 *served her with it the 21st of December.*

21 Q. Okay.

22 *With respect to the Middlesex address had you*
23 *ever been involved in the negotiation or purchase of the*
24 *trailer?*

25 A. *Jen took care of it all.*

1 Q. *She took care of it all.*

2 A. *Yes.*

3 Q. *By the way, whose name is on your house and residence and*
4 *utility on the Monroe street?*

5 A. *Just Jennifer and the electric is under Jennifer Newman.*

6 Q. *Okay.*

7 *So your name is not on either of the marital*
8 *dwelling?*

9 A. *Neither.*

10 Q. *Is that house purchased or are you renting?*

11 A. *We brought for a hundred dollars like the Middlesex one.*

12 Q. *Okay.*

13 *Let me back you up here, you're indicating that*
14 *the two of you purchased it for a hundred dollars.*

15 A. *Yes.*

16 Q. *The Monroe house?*

17 A. *Yes.*

18 Q. *And that would be true of the trailer as well?*

19 A. *Yes.*

20 Q. *Do you know when the trailer was purchased?*

21 A. *The Monroe one.*

22 Q. *Yes?*

23 A. *In 2010.*

24 Q. *In 2010?*

25 A. *November 10, 2010.*

1 Q. Okay.

2 *Now, I want to direct your attention back to the*
3 *afternoon hours of December the 23rd of 2017, where were*
4 *you?*

5 A. *You mean 16.*

6 Q. *Sixteen, yes, thank you. I'm sorry. 12-23-16?*

7 A. *About what time.*

8 Q. *Early afternoon hours?*

9 A. *I was at home in Monroe, at the Monroe house.*

10 Q. *Who was with you?*

11 A. *The children, the kids.*

12 Q. *The children were with you on that day, okay. Did there*
13 *come a time when your wife came to the Monroe street*
14 *address?*

15 A. *After I picked her up from work.*

16 Q. Okay.

17 *How is it that the two of -- how is it that you*
18 *came to be picking her up at work was there some --*

19 A. *We went to dinner and we went to finish our Christmas*
20 *shopping.*

21 Q. Okay.

22 *When you say dinner you are talking about noon*
23 *time lunch or something of that?*

24 A. *It was about 5 or 6 or so.*

25 Q. *What time?*

1 A. PM.

2 Q. What time did Jennifer arrive at the house?

3 A. I went and picked her up from work.

4 Q. Okay,?

5 All right.

6 A. About 5:30 or 6:00.

7 Q. Okay.

8 And so at that point was there any children in
9 your home?

10 A. Laurie came and picked them up.

11 Q. Okay.

12 So Laurie, being your mother?

13 A. Or it might have been Tom I'm not sure or it might have
14 been her husband or whatever.

15 Q. When you say that Laurie picked up the children you mean
16 all three of them?

17 A. Yes.

18 Q. Okay.

19 And so she picked them up shortly before your
20 wife arrived?

21 A. I went and picked up Jennifer from work.

22 Q. Right?

23 A. Was Jennifer present when your mother picked up the
24 children.

25 THE COURT: His mother?

1 MS. SLOMSKI: His mother, yes.

2 THE WITNESS: No, she was at work.

3 BY MS. SLOMSKI:

4 Q. Okay.

5 That's fine. How long, how long were you and
6 Jennifer in the home?

7 A. In the Monroe.

8 Q. Yes?

9 A. Seven years at that address.

10 Q. I'm talking about how long were you physically at the
11 house? Strike that. Did you go to dinner first and then?

12 A. I picked her up from work.

13 Q. And then you went to dinner?

14 A. And then we went to dinner and five below.

15 Q. Okay.

16 That's fine. And then we went back to your
17 house.

18 A. Then we went back to Monroe, yes.

19 Q. Okay.

20 And how long was Jennifer at the Monroe address
21 house.

22 A. I don't know when she left because the police took me to
23 the Monroe hospital emergency room room.

24 Q. Do you know approximately what time it was that you were
25 conveyed to the emergency room?

1 A. *It was the clock in the emergency room room said 9:30 I*
2 *think.*

3 Q. *Okay.*

4 *And you would were in the hospital from 9:30*
5 *until when the following day.*

6 A. *We left at 3:00 am.*

7 Q. *You left at 3:00 am?*

8 A. *The mental evaluation guy give me a ride back to the*
9 *house.*

10 *THE COURT: Can I have an answer to we left who*
11 *the we is? We left at 3:00 am.*

12 *THE WITNESS: The mental evaluation guy from the*
13 *hospital.*

14 *THE COURT: Okay.*

15 *And the other person in the we is you.*

16 *THE WITNESS: Yes.*

17 *THE COURT: Okay.*

18 *Thank you.*

19 *Sorry for the interruptions.*

20 *MS. SLOMSKI: No clarification needed to be*
21 *made.*

22 *BY MS. SLOMSKI:*

23 Q. *Um, and at the time that is immediately before you went to*
24 *the hospital was there anything that was happening um*
25 *between you and your wife?*

1 A. *She was wrapping the presents and we were talking and it*
2 *turned into an argument somehow and I was trying to leave.*

3 Q. *Okay.*

4 *Had you had anything to drink during that time.*

5 A. *About six red apple ales.*

6 *THE COURT: Red apple ale.*

7 *MS. SLOMSKI: Okay.*

8 *THE WITNESS: And the fire ball.*

9 *THE COURT: Was I right red apple ale.*

10 *THE WITNESS: Yes.*

11 *BY MS. SLOMSKI:*

12 Q. *So you were drinking beer and whiskey?*

13 A. *Yes.*

14 Q. *Do you know how much you had before you were taken to the*
15 *hospital?*

16 A. *About six beers and a half of print of the fireball.*

17 Q. *Okay.*

18 *In addition to that were you taking any other*
19 *kind of medications?*

20 A. *I was on Percocet 10, Flexeril, Nortriptyline and I was*
21 *smoking medical marijuana.*

22 Q. *Okay.*

23 *THE COURT: Can we have that again please.*

24 *THE WITNESS: Percocet 10.*

25 *THE COURT: Percocet 10.*

1 THE WITNESS: That's 10-325 what it says on the
2 bottle. And the Flexeril are 10 milligrams and
3 Nortriptyline those are 25 milligrams.

4 THE COURT: And the last one?

5 THE WITNESS: Medical marijuana.

6 THE COURT: Plus six beers plus a half pint of
7 fireball.

8 THE WITNESS: Yes, ma'am.

9 BY MS. SLOMSKI:

10 Q. When did you take the medications?

11 A. I take it as needed throughout the day. I am prescribed
12 the percocet three times a day and the Flexeril twice and
13 the Nortriptyline three times a day.

14 Q. When was the last time you took Percocet on December 23rd?

15 A. Um, I think I took it right before I went to pick her up.

16 Q. Okay.

17 So you took it about an hour or an hour and a
18 half before you started to get the beer and whiskey?

19 Q. Probably about two to three hours before but I you know I
20 took it again too, you know.

21 A. Um um.

22 Q. Have you ever drink before on Percocet?

23 A. Every now and then it's not like a habit or anything every
24 now and then.

25 Q. Because you know that it would be a dangerous combination?

1 A. Yes, I know.

2 Q. Have you ever had an overdose or anything of that like as
3 a result of combining alcohol and that medication?

4 A. No.

5 Q. How does that medication affect you?

6 A. It just makes my back stop hurting.

7 Q. Okay.

8 And with respect to the half pint of whiskey and
9 the six pack of beer how does that impact you.

10 A. I was pretty drunk.

11 Q. Okay.

12 Did you have difficulty moving.

13 A. Not really walking I mean maybe a little bit, I don't
14 know.

15 Q. Do you know whether or not when you were taken to the
16 hospital if they did any kind of toxicology screen?

17 A. They took blood.

18 Q. Okay.

19 Did they do anything to um dilute or change
20 the --

21 A. No.

22 Q. Okay.

23 So just drawing -- all right, okay. And over
24 what period of time were you taking or drinking this stuff
25 a short period of time?

1 A. *Probably about an hour and a half or so an hour to an hour*
2 *and a half.*

3 Q. *What about Jennifer was she using anything?*

4 A. *She had couple of beers and some fireball.*

5 Q. *Okay.*

6 *Now as I understood it there was an argument or*
7 *some contention that occurred between the two of you that*
8 *resulted in you being ultimately taken to the hospital; is*
9 *that right?*

10 A. *Yes.*

11 Q. *And you were released at 3:00 in the morning?*

12 A. *Yes.*

13 Q. *Okay.*

14 *After being released from the hospital you*
15 *indicated that you were taken home is that right by some*
16 *hospital supportive people?*

17 A. *Yes.*

18 Q. *And by home, what do you mean?*

19 A. *19785 North Outer Drive, yes in Monroe.*

20 Q. *Okay.*

21 *That's good. Let me ask you this question, have*
22 *you ever stayed at the mobile park.*

23 A. *In Woodhaven.*

24 Q. *Yes?*

25 A. *Not overnight.*

1 Q. *Did you have keys to that particular dwelling?*

2 A. *Yes, I had keys.*

3 Q. *And how did you happen to acquire them?*

4 A. *Jen gave me a key and told me to make a copy.*

5 Q. *Did you ever pick your kids up there?*

6 A. *No.*

7 Q. *Okay.*

8 *But she's the one that told you to make a copy.*

9 A. *Yes.*

10 Q. *And then you gave her back original keys?*

11 A. *Yes.*

12 Q. *Okay.*

13 *Now I want to take you back to the three o'clock*
14 *when you were released and at the house. How much time*
15 *did you stay at Monroe before you ended up going somewhere*
16 *else.*

17 A. *Um, it takes about 15 minutes to get across town from the*
18 *hospital to the house and then I was --*

19 Q. *When you say the house, what house?*

20 A. *Monroe 1975.*

21 Q. *Okay.*

22 *So you arrive and then --*

23 A. *About quarter after three.*

24 Q. *Okay.*

25 *Then where did you go after that.*

1 A. *I was probably there for a half hour for maybe 45 minutes.*

2 Q. *Okay.*

3 *And then where did you go?*

4 A. *I drove to Woodhaven.*

5 Q. *Why did you drive to Woodhaven?*

6 A. *I thought that's where Jen was.*

7 Q. *Why were you looking for Jen?*

8 A. *Because she um wasn't home and she wouldn't tell me where*
9 *she was.*

10 Q. *Okay.*

11 *So you then proceed to go to the Woodhaven*
12 *address.*

13 A. *Yes.*

14 Q. *Because you had some expectation you might find her there?*

15 A. *Yes.*

16 Q. *So when you arrived was there anyone present?*

17 A. *No.*

18 Q. *Okay.*

19 *And tell us would you what you did when you*
20 *arrived at that at the mobile home.*

21 A. *Well, she wasn't there and it was just a couple of hours*
22 *from morning so I was going to stay there until morning in*
23 *hopes she'd show up there.*

24 Q. *What was your mental condition at the time were you tired?*

25 A. *I was really tired.*

1 Q. *Were you still under the affects of the combination of*
2 *alcohol and prescription drugs?*

3 A. *Yes.*

4 Q. *Okay.*

5 *So you went into the house and you are telling*
6 *the Court you were tired and feeling the affects of these*
7 *combination of alcohol and the drugs and at that point you*
8 *decided to go to bed?*

9 A. *Yes.*

10 Q. *Okay.*

11 *That would have been in the bedroom which we've*
12 *seen photographs of?*

13 A. *Yes.*

14 Q. *And as marked exhibits?*

15 A. *Yes.*

16 Q. *Okay.*

17 *And um after you went to sleep did something*
18 *unusual happen?*

19 A. *Well, I had candles lit before I had it lit to like to*
20 *have a night light and to counter the smell of the*
21 *marijuana I was smoking.*

22 Q. *Okay.*

23 A. *I must have passed out and when I woke up there was a*
24 *fire.*

25 Q. *Okay.*

1 When you -- what's the size of that bed.

2 A. It was a queen bed.

3 Q. It was a queen size?

4 A. It was a queen size air mattress.

5 Q. Where was the fire was it in relationship to where you
6 were sleeping?

7 A. Like the middle of the mattress I would say. I was right
8 by the pillows I was laying across the bed I was not
9 laying in the bed I was laying across the bed and I put
10 the candle down.

11 Q. You put the candle down on the bed?

12 A. On the floor.

13 Q. On the floor, okay. And um after when you were awoken to
14 the fire what did you do, if anything?

15 A. Well, the air mattress like burst and I blew out most of
16 it and I slapped it and then I didn't see any flames and I
17 hung out for a little bit for about ten minutes and I was
18 like no where to sleep so I left.

19 Q. You slapped it bare handed?

20 A. Yes.

21 Q. Did you have gloves?

22 A. No, bare handed.

23 Q. Okay.

24 So why did you leave? Did you leave?

25 A. There was no where to sleep then.

1 Q. Okay.

2 I would be correct that you didn't call the fire
3 department.

4 A. Well, the fire was out. But I thought the fire was out.

5 Q. Okay.

6 You thought the fire was out so there was no
7 immediate necessity for taking any further action?

8 A. Right.

9 Q. Is that what I'm to understand?

10 A. Yes.

11 Q. Okay.

12 After the fire is extinguished do you know what
13 time that was?

14 A. No idea it had to have been after four.

15 Q. Do you know where you went after you left the mobile home?

16 A. Back to Monroe.

17 Q. You went back to Monroe and was anyone else at the house
18 at the time?

19 A. No.

20 Q. How long were you at the Monroe address?

21 A. I woke up at 8:00 in the morning.

22 Q. Okay.

23 So you had about a couple of hours of sleep.

24 A. Yes.

25 Q. Two?

1 A. *Something like that.*

2 Q. *Still feeling the effects of the alcohol and percocet?*

3 A. *I don't know.*

4 Q. *You don't know, all right. And after you woke up there*
5 *was no one else in the house?*

6 A. *No.*

7 Q. *So you then went where, if anywhere?*

8 A. *I went to Laurie's to pick up the kids.*

9 Q. *Because that was the prearranged agreement?*

10 A. *No, I just wanted to pick them up.*

11 Q. *Okay.*

12 *And how did you know that the children would be*
13 *there.*

14 A. *Because she picked them up or her or Tom picked them up*
15 *one of the two picked them up.*

16 Q. *Okay.*

17 *I understand. So when you went to your mother's*
18 *house did you have any kind of verbal disagreement her or*
19 *any kind of contention with her?*

20 A. *No.*

21 Q. *Were you racing about to get your children?*

22 A. *No.*

23 Q. *Were you disagreeable in any way or urging her they had to*
24 *move immediately?*

25 A. *No.*

1 Q. Okay.

2 And um did you ultimately take custody of the
3 children?

4 A. I took them home with me, yes.

5 Q. Okay.

6 And um you seen that your mother testified in
7 this Court she indicated to you during her testimony that
8 you told her to that you had intentionally set the fire.
9 You heard her testimony.

10 A. Yeah, I heard her say that.

11 Q. Yeah, is that the truth?

12 A. No, it's not the truth.

13 Q. Why would your mother say that?

14 A. I have no idea.

15 MS. LANNING: Objection, calls for the witness
16 to testify about the testimony and veracity of another
17 witness.

18 MS. SLOMSKI: That's true I'll withdraw that.

19 BY MS. SLOMSKI:

20 Q. You didn't tell your mother that?

21 A. No.

22 Q. Do you know if there's any kind of relationship between
23 your mother and your wife?

24 A. She's my wife she's her daughter in law, Jennifer is.

25 Q. Okay.

1 *There was no unpleasantries or anything of that*
2 *sort that was exchanged between you and your mother at her*
3 *house the early morning hours of the 24th?*

4 A. *No.*

5 Q. *All right.*

6 *MS. SLOMSKI: I don't have anything further*
7 *thank you.*

8 *THE COURT: Ms. Lanning don't get up. It's ten*
9 *minutes to four and we need to quit for the day.*

10 *MS. LANNING: Judge I can do ten minutes or*
11 *less. We have responsibilities in the courtroom regarding*
12 *prisoners and she has redirect and we have closing*
13 *arguments and so we're not going to finish today.*

14 *MS. SLOMSKI: Do you want us to come earlier*
15 *tomorrow whatever the Court chooses.*

16 *THE COURT: I think we're too full I want to*
17 *finish it at 1:30 Monday.*

18 *MS. SLOMSKI: Monday is the 3? I'm available.*

19 *THE COURT: Good, I hope so.*

20 *MS. SLOMSKI: Got it.*

21 *THE COURT: That means we're not going to finish*
22 *it because with ten minutes to four there is no way we're*
23 *going to finish this she's got to come back anyway with my*
24 *deepest apologies.*

25 *It's okay with me if the officer in charge does*

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THE STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

MR. CHRISTOPHER SINDONE,

Criminal Case
Jury trial
17-0304-01

Defendant.

-----/

Proceedings had in the above entitled matter
before the HONORABLE KELLY RAMSEY, Circuit Court Judge for
Detroit, Michigan, on July 3rd, 2017.

APPEARANCES:

MS. BARBARA LANNING, ESQ.
1441 St. Antoine Street
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Appearing on behalf of the Plaintiff,
The People of the State of Michigan

MS. PATRICIA SLOMSKI, ESQ.
2324 E. 11 Mile Road
Warren, Michigan 48091

Appearing on behalf of the Defendant,
Mr. Christopher Sindone

REPORTED BY: DOREEN PICKETT, CSR 6695
1441 St. Antoine Street
Detroit, Michigan 48226

1 *order of sequestration.*

2 *MS. SLOMSKI: No objection.*

3 *THE COURT: All right.*

4 *She's present in the room.*

5 *MS. LANNING: Yes, your Honor.*

6 *MS. SLOMSKI: Yes.*

7 *THE COURT: So she is exempt from the*
8 *sequestration with the acquiescence of the defense are you*
9 *prepared to go?*

10 *MS. SLOMSKI: I believe that I had finished*
11 *questioning and we left off at cross examination of Mr.*
12 *Sindone.*

13 *THE COURT: Right.*

14 *We're good to go I am going to swear him back in*
15 *it's been over a weekend since we last saw him. Sir,*
16 *raise your right arm.*

17 *Was thereupon called as a witness herein, and*
18 *after having been first duly sworn, was examined and*
19 *testified as follows:*

20 C H R I S T O P H E R S I N D O N E

21 DIRECT EXAMINATION

22 *THE COURT: Back up on the witness seat. That*
23 *is my understanding of where we are I stopped the*
24 *prosecution from cross I believe was it Friday?*

25 *MS. LANNING: Yes.*

1 MS. SLOMSKI: Yes.

2 THE COURT: Fair enough is there anything else
3 you would like to ask on direct?

4 MS. SLOMSKI: No, not at this time.

5 THE COURT: Then cross can begin Ms. Lanning.

6 MS. LANNING: Thank you, your Honor.

7 BY MS. LANNING:

8 Q. Mr. Sindone, if I say anything or speak to fast or confuse
9 you just let me know, okay.

10 A. All right.

11 Q. Do you remember testifying last Thursday that it was you
12 who filed for divorce first?

13 A. Yes.

14 Q. And you told Jennifer that you filed for divorce because
15 you wanted her to quit her job, correct?

16 A. Yes.

17 Q. Because that job you didn't want her working there and you
18 wanted her to spend more time with the kids, correct?

19 A. Yes.

20 Q. All right.

21 And in fact Jennifer did file a counter divorce,
22 correct?

23 A. Yes.

24 Q. All right.

25 And you have asked her a number of times to drop

1 *that counter divorce, correct?*

2 A. *No.*

3 Q. *No?*

4 A. *No.*

5 Q. *All right.*

6 *Do you recall in a letter dated January 30th,*
7 *2017 writing to Jennifer?*

8 A. *Yes.*

9 Q. *All right.*

10 *And you wrote her a 14 page single space letter*
11 *on that day, correct?*

12 *THE COURT: Can I hear that again 14 page.*

13 *MS. LANNING: Single space.*

14 *THE COURT: Okay.*

15 *MR. SINDONE: I Don't think it was that many*
16 *pages.*

17 *MS. LANNING: All right.*

18 *May I approach?*

19 *THE COURT: You may.*

20 *THE WITNESS: I might be wrong I wrote a few*
21 *letters.*

22 *BY MS. LANNING:*

23 Q. *Mr. Sindone feel free to look that document over?*

24 A. *This is January 30th.*

25 *THE COURT: Of what year, sir.*

1 THE WITNESS: Of 17.

2 MS. LANNING: Sorry, if I misspoke that's the
3 date I'm talking about.

4 THE WITNESS: Yeah, I wrote this letter, yeah.

5 BY MS. LANNING:

6 Q. That's your handwriting?

7 A. Yes.

8 Q. How many pages is that?

9 A. A lot 14, yeah 14.

10 Q. Okay.

11 I'll take that back, thank you. And in that
12 letter on page 13 you wrote to Jennifer you have to stop
13 this before it destroys our kids lives more than it
14 already has.

15 Kids with a dad in jail or divorced parents are
16 way more likely to fail in life than kids with parents
17 that stay together there is too much divorce nowadays
18 people see it as an easy way out.

19 That's what you wrote to Jennifer in that the
20 page, correct.

21 A. Nodding.

22 Q. I'm sorry is that correct?

23 A. Yes, that's correct.

24 Q. On the next page you tell Jennifer you are still married
25 for now and divorces get dropped everyday, correct?

1 A. Yes.

2 Q. All right.

3 In addition you wrote Ms. Sidone in access of a
4 hundred pages is over the course of the period of time you
5 have been incarcerated; is that correct?

6 A. Yeah, maybe that might be right.

7 Q. All right.

8 And in those letters you ask her not to leave
9 you and remain a family; is that correct.

10 A. Yes.

11 Q. All right.

12 And now, you testified that you have custody of
13 or did have custody of your 13 year old son; is that
14 correct?

15 A. Yes.

16 Q. And his biology mom passed away; is that correct?

17 A. Yes.

18 Q. You testified you were medicated. Do you recall you
19 testified you were under the influence of Nortriptyline
20 and Percocet and medical marijuana?

21 A. Yes.

22 Q. On that day you also consumed fireball whiskey, correct?

23 A. Yes.

24 Q. And you also consumed I believe you said six red apples
25 ale, correct?

1 A. Yes.

2 Q. All right.

3 *And you testified that you had previously*
4 *combined that set of medications with alcohol, correct?*

5 A. Yes.

6 Q. And you knew that it was dangerous, correct?

7 A. Yes.

8 Q. All right.

9 *And Nortriptyline is that antipsychotic,*
10 *correct?*

11 A. It was prescribed to me for to help me with sleeping.

12 Q. Okay.

13 *So on December 23rd of 2016 into the early*
14 *morning hours of December 24th of 2016, there came a point*
15 *when you were taken by police officers to the Monroe*
16 *County Hospital?*

17 A. Yes.

18 Q. And you didn't want to go to Monroe County Hospital; is
19 that fair?

20 A. That's fair.

21 Q. All right.

22 *So after you were released from the Monroe*
23 *County Hospital you um first went to the house in Monroe,*
24 *correct?*

25 A. Yes.

1 Q. *All right.*

2 *And Jennifer was not there, correct?*

3 A. *Nope.*

4 Q. *And you went to Woodhaven looking for Jennifer, correct?*

5 A. *Yes.*

6 Q. *When you got to Woodhaven Jennifer was not there, correct?*

7 A. *Right.*

8 Q. *You wasn't where you expected her to be?*

9 A. *Yes.*

10 Q. *You were not happy with that, were you?*

11 A. *I wouldn't say that I was just kind of disappointed she*
12 *wasn't there.*

13 Q. *Okay.*

14 *Kind of disappointed.*

15 *All right.*

16 *And then you testified this whole fire was an*
17 *accident, right?*

18 A. *Yes.*

19 Q. *You testified that you lit a candle, right?*

20 A. *Yes.*

21 Q. *And at this time you were drunk, right?*

22 A. *Yes.*

23 Q. *And you were high?*

24 A. *Yes.*

25 Q. *All right.*

1 And you lit that candle and placed it on the
2 bed?

3 A. No, not on the bed on the floor.

4 Q. Okay.

5 On the floor next to the bed?

6 A. Yes.

7 Q. All right.

8 And you did that despite knowing that that was
9 dangerous, correct?

10 A. Yes, I wasn't thinking right I was drunk and stuff.

11 Q. All right.

12 You did it despite knowing it was dangerous but
13 you were drunk and stuff.

14 A. Right.

15 Q. All right.

16 And you testified that this fire you woke up and
17 the air mattress itself was on fire, correct?

18 A. The blankets were and the bed.

19 Q. The blankets were on fire?

20 A. Yes.

21 Q. And those were blankets on the bed that you were on,
22 correct?

23 A. Yes.

24 Q. You testified that you slapped the fire out with your bear
25 hands, correct?

1 A. Yes.

2 Q. *But you didn't get any injuries from that?*

3 A. No.

4 Q. *All right.*

5 *Now, you testified that this was an accident but*
6 *do you recall texting with Ms. Laurie Stasa on December*
7 *24th, 2016 at approximately 12:39 in the afternoon?*

8 A. Yes.

9 Q. *All right.*

10 *And you told her that a cop told Jennifer that*
11 *the trailer is marital property and if you feel like --*

12 A. *The text says the van.*

13 Q. *Well, the text say its, right?*

14 A. *The van is marital property. We were talking about the*
15 *van.*

16 Q. *All right.*

17 *Well, you didn't burn up the van, right.*

18 A. No.

19 Q. *You just burned up the trailer?*

20 A. *I didn't burn up anything.*

21 Q. *Well, in that testimony you say it is marital property and*
22 *if you feel like burning it you can, right?*

23 A. *The van the cop told her it is marital property if I feel*
24 *like burning it I can. The van, the cop said that to me.*

25 Q. *Okay.*

1 *You didn't burn up the van did you Mr. Sindone?*

2 A. *No.*

3 Q. *All right.*

4 *You said this was an accident but in the letter*
5 *to Ms. Jennifer Sindone you told her this was God's work,*
6 *right?*

7 A. *No, not that.*

8 Q. *All right.*

9 *I'm going to refer you to a letter the same*
10 *letter that is January 30th, 2017 letter the third page*
11 *I'm going to give you an opportunity to review that first*
12 *paragraph there where the yellow highlighting is.*

13 *Is that your handwriting, Mr. Sindone?*

14 A. *It is.*

15 Q. *Okay.*

16 *And in that letter you tell Jennifer this is*
17 *God's work, right?*

18 A. *I said the water in Woodhaven is being messed up like in*
19 *Flint. If this accident would have not happened we*
20 *wouldn't have been in that house drinking tainted water*
21 *getting sick.*

22 *It would have been mostly the kids drinking the*
23 *water because they only really drink koolaide I told you*
24 *this whole thing was God's work.*

25 Q. *Okay.*

1 So you told Ms. Sidone that this fire was God's
2 work.

3 A. I sure did.

4 MS. LANNING: I have nothing further.

5 CROSS EXAMINATION

6 BY MS. SLOMSKI:

7 Q. Just to follow up on that briefly, Mr. Sindone. So am I
8 to understand when you said that this was God's work it
9 meant that your children, yourself, your wife would be
10 protected from drinking contaminated water?

11 A. Yes, it was on the news that the water was contaminated in
12 Woodhaven for like a whole month or something.

13 Q. Mr. Sindone did you intentionally set that trailer on
14 fire?

15 A. No ma'am.

16 Q. Did you intend to live in that trailer with her?

17 A. Yes.

18 Q. Did you have any expectations that your relationship was
19 going to work?

20 A. We were scheduled to go to marriage counseling on January
21 17th.

22 MS. SLOMSKI: I have nothing further.

23 Thank you.

24 MS. LANNING: No followup.

25 THE COURT: What time did you leave the

1 *hospital?*

2 *THE WITNESS: It was 3 am the um the mental*
3 *evaluator guy gave me a ride home.*

4 *THE COURT: Did you have anything else to drink*
5 *when you got home.*

6 *THE WITNESS: I finished off the fireball I had*
7 *another beer and smoked a joint rolled another one to take*
8 *with me to Woodhaven expecting Jennifer to be there.*

9 *You know I was going to stay there.*

10 *THE COURT: So you finished off the fireball?*

11 *THE WITNESS: It was like a half of pint.*

12 *THE COURT: Left?*

13 *THE WITNESS: There was a whole pint that I*
14 *bought it was like half left.*

15 *THE COURT: So you finished that and you had*
16 *another red ale.*

17 *THE WITNESS: Yes.*

18 *THE COURT: You smoked a joint.*

19 *THE WITNESS: Yes, I took my pills.*

20 *THE COURT: So you took more pills.*

21 *THE WITNESS: The first one I had taken. I*
22 *didn't take the Nortriptyline earlier in the day the last*
23 *time I had taken them it was 5:30 before I went and picked*
24 *up Jennifer from work.*

25 *I took Percocet Flexeril before I drank*

1 anything.

2 THE COURT: So you took another round of those
3 three drugs?

4 THE WITNESS: Yes.

5 THE COURT: Smoked a joint and another bottle of
6 red ale and another half of pint of fireball?

7 THE WITNESS: Yes.

8 THE COURT: How did you get from Monroe to
9 Woodhaven?

10 THE WITNESS: I drove.

11 THE COURT: After the half pint?

12 THE WITNESS: Yes.

13 THE COURT: After the beer.

14 THE WITNESS: Yes.

15 THE COURT: After the joint.

16 THE WITNESS: Yes.

17 THE COURT: After the three pills.

18 THE WITNESS: They weren't I had just taken them
19 before I left so they were in my system yet the pills were
20 not. They take like an hour before they start working.

21 THE COURT: So they were not digested yet.

22 THE WITNESS: Yes.

23 THE COURT: Ms. Lanning could I see the text
24 message that you were too speedy for my writing.

25 MS. LANNING: I'm sorry I'll mark it as an

1 *exhibit, your Honor.*

2 *THE COURT: Thank you.*

3 *When you mark it as an exhibit will I find who*
4 *it went to and the date on it.*

5 *MS. LANNING: The time your honor but the*
6 *recipient is just a phone number and there is no date on*
7 *it.*

8 *THE COURT: Got it. What number is that going*
9 *to be?*

10 *MS. LANNING: 29.*

11 *THE COURT: Any objection to exhibit number.*

12 *MS. LANNING: No, I'm sorry it is going to be*
13 *exhibit number three.*

14 *THE COURT: Got it.*

15 *Any objection to the exhibit?*

16 *MS. SLOMSKI: No, your Honor.*

17 *THE COURT: Shall be received.*

18 *You told us today that the blankets were on*
19 *fire?*

20 *THE WITNESS: Yes.*

21 *THE COURT: I thought you told us on Friday that*
22 *the air mattress exploded that's what you were beating off*
23 *with your hand.*

24 *THE WITNESS: The blanket on the air mattress*
25 *burst the air mattress from the fire.*

1 THE COURT: So it got so hot in there that the
2 air mattress burst.

3 THE WITNESS: Well, it melted. The blanket on
4 the air mattress burst.

5 THE COURT: What burst?

6 THE WITNESS: The air mattress burst it melted a
7 hole.

8 THE COURT: Okay.

9 And you were able to put out the fire with your
10 bare hand.

11 THE WITNESS: The air mattress was blew most of
12 it out it wasn't huge.

13 THE COURT: So just how big was that fire?

14 THE WITNESS: Um, well a couple of feet big I
15 don't know.

16 THE COURT: A couple of feet.

17 THE WITNESS: It was like a yard across I don't
18 know, I'm not sure.

19 THE COURT: Okay.

20 A couple of feet to a yard how many feet are in
21 a yard?

22 THE WITNESS: Three.

23 THE COURT: Three feet in a yard, okay. What
24 was the name of the guy that drove you home?

25 THE WITNESS: I'm not sure he said he was in the

1 *mental evaluation. The guy told me his name but I don't*
2 *remember it.*

3 *THE COURT: But was it a man verses a woman?*

4 *THE WITNESS: It was a man he looked like Jack*
5 *Black.*

6 *THE COURT: Okay.*

7 *Let me just look at my notes from Friday to see*
8 *if I wrote any questions.*

9 *THE COURT: What was the rush to pick up your*
10 *kids.*

11 *THE WITNESS: I just wanted them home. I had*
12 *picked them up earlier the week before too.*

13 *THE COURT: But in essence Mr. Sindone you had*
14 *been up all night, correct?*

15 *THE WITNESS: I slept for a couple of hours.*

16 *THE COURT: Where.*

17 *THE WITNESS: In Monroe.*

18 *THE COURT: I don't have any other questions Ms.*
19 *Slomski do you have any additional questions?*

20 *MS. LANNING: I do not, your Honor.*

21 *THE COURT: How about you Ms. Lanning do you*
22 *have any additional cross based on the Court's questions?*

23 *MS. LANNING: No.*

24 *THE COURT: Thank you.*

25 *Mr. Sindone, you may step down. Ms. Slomski*

Sentencing Transcripts

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THE STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
THE PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,
Criminal Case
Sentence
17-0000304-01
MR. CHRISTOPHER SINDONE,

Defendant.

-----/

Proceedings had in the above entitled matter
before the HONORABLE KELLY RAMSEY, Circuit Court Judge for
Detroit, Michigan, on August 1st, 2017.

APPEARANCES:

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The People of the State of Michigan

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Appearing on behalf of the Defendant,
Mr. Christopher Sindone

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I N D E X

WITNESS

PAGE

No witnesses called

E X H I B I T S

ADMITTED

No exhibits offered

Sentencing Transcripts

RECEIVED by MSC 6/26/2020 11:24:36 AM

1 August 1st, 2017

2 Detroit, Michigan

3 - - - -

4 (Proceedings start at 10:39 am)

5 THE CLERK: People versus Christopher Sindone
6 17-0304 here for sentencing.

7 MS. LANNING: Good morning Barbara Lanning on
8 behalf of the People.

9 MS. SLOMSKI: Patricia Slomski on behalf of
10 Christopher Sindone.

11 THE COURT: And sir, your name please.

12 THE WITNESS: Christopher Sindone.

13 THE COURT: All right.

14 Thank you.

15 The Court um is in receipt obviously of the
16 presentence investigation report and sentencing
17 guidelines. I would also like to note for the record that
18 the people have submitted a sentencing memorandum. And I
19 know that you are in receipt of same because you were here
20 yesterday correcting it; is that correct?

21 MS. SLOMSKI: Yes, I in fact I received it from
22 the prosecutor. I was here to collect the presentence
23 report in contemplation of this mornings sentencing.

24 THE COURT: So you have had an opportunity to
25 review it.

Sentencing Transcripts

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1 MS. SLOMSKI: I have I reviewed both documents
2 and their contents with Mr. Sindone.

3 THE COURT: All right.

4 Let's discuss the sentencing guideline. First
5 PRV scores is there anything that the people would like to
6 bring to the Court's attention regarding PRV scores.

7 MS. LANNING: No, your Honor I believe that they
8 are correctly scored in the sentencing information report.

9 THE COURT: How about you Ms. Slomski.

10 MS. SLOMSKI: I am in agreement they are
11 accurate.

12 THE COURT: All right.

13 Fair enough.

14 As to the OV's Ms. Lanning.

15 MS. LANNING: As to OV's your Honor I believe
16 the People would be in a better position to articulate
17 some of the requested corrections after we hear from the
18 complaining witness in this case.

19 THE COURT: I'm okay with that any, quarrels?

20 MS. SLOMSKI: I'm okay doing it that way but I
21 have never done it that way. But I have no objections to
22 doing it that way.

23 THE COURT: Fair enough.

24 Ms. Lanning if you'd like to present a victim's
25 impact statement or if the parties are here and wish to

Sentencing Transcripts

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1 speak you are welcome to do so.

2 MS. LANNING: Thank you your Honor. I believe
3 both Ms. Jennifer Sindone and Ms. Laurie Stasa would both
4 like to address the Court.

5 THE COURT: I believe she just stepped out of
6 the courtroom why don't I give you a moment to speak to
7 her.

8 MS. LANNING: If I could have just one second
9 your Honor.

10 THE COURT: All right.

11 Back on the record in the matter concerning
12 Christopher Sindone. And I would note for the record that
13 while we're talking about taking a victims impact
14 statement I believe that the complaining witness who I
15 believe is the mother of Mr. Sindone's children his
16 youngest two children I think, and the complaining witness
17 and I know that they are husband and wife perhaps no
18 longer but at least separated. I thought I saw her
19 walking out of the room is that her?

20 MS. LANNING: It was your Honor and I thank the
21 Court for giving me an opportunity to speak. She had to
22 excuse herself to the restroom she became ill she is
23 throwing up in the bathroom.

24 THE COURT: Okay.

25 We'll still give her the time that she needs.

Sentencing Transcripts

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1 MS. LANNING: She asked me to share with the
2 Court that she is concerned even with this conviction and
3 any pending sentence for Mr. Sindone that she fears that
4 Mr. Sindone will still try to get to her and the children.

5 THE COURT: You made mention of a second voice
6 that would like to speak is that Mr. Sindone's mother?

7 MS. LANNING: Is it your Honor.

8 THE COURT: Should we I'm sorry what is the
9 complaining witnesses name Jennifer Sindone?

10 MS. LANNING: That's correct.

11 THE COURT: All right.

12 Let's just pause off the record for a moment.
13 Ms. Sindone has another case. I want to give her another
14 three minutes to collect her thoughts to see if she would
15 like to come back in.

16 MS. LANNING: Thank you.

17 (Pass the case at 10:45 am)

18 (Back on the record at 10:51 am)

19 THE COURT: We're back on the record in the
20 matter concerning Christopher Sindone all parties are
21 present and Jennifer Sindone is present in the room. I
22 would just like to perhaps speak to both individuals Mr.
23 Sindone's mother as well. You are both welcome to speak
24 and Ms. Lanning could speak for you if you choose to do so
25 it's up to you both there is no pressure.

Sentencing Transcripts

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1 MS. LANNING: Thank you.

2 THE COURT: How would they like to proceed?

3 We're going to have you come and sit in the witness box
4 not the witness box but the jury room the jury seat. I
5 know what would you come down closer to the end juror seat
6 one that way the microphones are on and you are closer to
7 them, okay.

8 MS. STASA: I need her to read it for me.

9 THE COURT: Ms. Lanning why don't you express
10 what you are reading.

11 MS. LANNING: Certainly your Honor. Ms. Stasa
12 is present in the court today she provided a written
13 letter I'll read into the record. As I begin to write
14 this letter with pen and paper in my hand I have gone over
15 this letter in my head over and over. It is as if I am a
16 loss for words when it comes to seeing how you let your
17 life turn out. You and nobody but you have been in
18 control of your life and the decisions that you have made
19 along the way. You say that you can't work because you
20 were in a car accident that broke your back. But what you
21 fail to say is that the accident happened in the middle of
22 the night drugs and alcohol were involved. You made this
23 decision knowing that you had the mother of your twins at
24 home. Bad choices have put you where you are today. Now
25 I want to talk about the morning of December 24th

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1 Christmas Eve. After you smashed the windows and put
2 water in your wife's gas tank of the van, you then set
3 fire to her house. When you told me this you stated, so
4 she couldn't leave you. And I want to say this to you as
5 your mother and I'm your mother. You cannot make or force
6 anyone in life to love you. On your court date when the
7 court found you guilty your wife Jennifer wanted to
8 explain it to your children in a family setting. After
9 eating and letting your kids play we all sat down to talk
10 and explained you will not be coming home. The kids were
11 asked if they had any questions. And note Jennifer
12 Sindone Laurie Stasa and Tom Stasa were present. Your
13 eight year old daughter asked if you would have a blanket
14 and pillow the answer given to her was yes and there is a
15 cook there to cook for you. Your eight year old son asked
16 if they could still keep the knives hidden so that your
17 son Matthew who is 14 years old could protect them from
18 you if you ever get to come home. And later that night
19 your daughter Kilose said to me I won't miss my dad
20 because he gives me bloody noses. How sad. From the
21 moment you told me what you did you involved me in a
22 crime. I sat for a moment and I prayed Lord what should I
23 do. I knew at that moment what I had to do. I would not
24 let any harm come to anyone. As I drove to the house to
25 see if it was on fire I prayed for it not to be true. I

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1 *can still picture the very elderly lady next door coming*
2 *out of her house to ask the police if her and her husband*
3 *were safe. As I come to close of this letter I want to*
4 *say you denied I'm your mother. You are my son and have*
5 *put me in a bad position. However, you are my son and I*
6 *love you. Even with that being said I ask the Court to*
7 *not release Chris from court and jail. I feel if he is*
8 *released harm or death will come to myself and my family*
9 *and that's signed by Ms. Stasa.*

10 *THE COURT: Thank you.*

11 *And Stasa; is that correct.*

12 *MS. LANNING: That's correct.*

13 *THE COURT: She is the mother of Christopher*
14 *Sindone. And I pronounced it in my head Ms. Stasa is that*
15 *I don't know if that is correct, I'm sorry um.*

16 *MS. STASA: Stasa.*

17 *THE COURT: Anything else you would like to say?*
18 *She's shaking her head, no.*

19 *MS. STASA: No.*

20 *THE COURT: Okay.*

21 *I would note that Ms. Jennifer Sindone is also*
22 *present in the jury box Ms. Stasa is there anything you*
23 *would like to say? Again, you are welcome to speak there*
24 *are no rules you can speak as little or as long as you*
25 *want. And you can certainly remain silent it is your*

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1 *choice Ms. Sindone.*

2 *MS. SINDONE: You know what you did. You have*
3 *hurt our kids and me numerous times.*

4 *THE COURT: You hurt our children and me.*

5 *MS. SINDONE: Several times.*

6 *THE COURT: Several times I missed several*
7 *times, thank you.*

8 *MS. SINDONE: I just don't know how you could do*
9 *something like that. I don't understand it. For months*
10 *I've been thinking about it and I still don't understand.*
11 *Your Honor, his children and I are still very scared. My*
12 *daughter has nightmares it is very hard to calm her down*
13 *sometimes it's at two, three, four or five in the morning.*
14 *I want her to have a father that she respects and who*
15 *looks up to I just don't know how she's going to do that*
16 *with you. Any of them. I want you to have counseling. I*
17 *want you to be a better person. Your Honor, I'm asking*
18 *that he stays incarcerated due to the fear that his*
19 *children have and me as well.*

20 *Thank you.*

21 *THE COURT: Thank you.*

22 *Anything else, Ms. Sindone.*

23 *MS. SINDONE: No ma'am.*

24 *THE COURT: Ms. Stasa and Ms. Sindone you are*
25 *welcome to sit there or you are welcome to take a seat in*

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1 the gallery.

2 MS. LANNING: Judge, I have two questions I want
3 to asked Ms. Sindone.

4 THE COURT: You may.

5 MS. LANNING: Ms. Sindone you indicated that you
6 wish Mr. Sindone to stay incarcerated because of the fear
7 that your children have and you have. The fear that you
8 have is that a result of this incident that Mr. Sindone
9 has been convicted for?

10 MS. SINDONE: Yes and others.

11 MS. LANNING: And Ms. Sindone the trailer that
12 you had in Woodhaven did you have neighbors around that
13 trailer?

14 MS. SINDONE: Yes.

15 MS. LANNING: And do you know how many neighbors
16 you had?

17 MS. SINDONE: Um, I'm not quite sure on that. I
18 know I think every house was full from across the street
19 to on the same side of me quite a few neighbors.

20 MS. LANNING: More than five?

21 THE WITNESS: Probably yes.

22 THE COURT: Okay.

23 I would like to ask a question. I did not
24 understand in Ms the mother's letter Ms. Stasa's letter
25 the issue of water in the gas tank and maybe the window.

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1 MS. LANNING: Ms. Sindone could you elaborate on
2 that.

3 THE WITNESS: The night that Christopher excuse
4 me the morning that Christopher was released from um
5 Monroe Pro Medical Hospital when he returned when he was
6 brought back to our marital home in Monroe he proceeded to
7 smash my car windshield and place water in my gas tank.

8 THE COURT: Okay.

9 Thank you.

10 All right.

11 MS. LANNING: Thank you your Honor.

12 THE COURT: I understand now. Anything else? I
13 think they're standing to move.

14 MS. LANNING: Thank you.

15 THE COURT: So that does complete victim impact
16 statements.

17 MS. LANNING: It does.

18 THE COURT: And now OV's Ms. Lanning your
19 sentencing memorandum speaks to various offense variables
20 OV's and I'd like you to articulate your change on the
21 record.

22 MS. LANNING: In terms of OV's 1 OV 1 is
23 presently scored at 0 points. The people would ask that
24 it be scored at 20 points. A scoring of 20 points is
25 appropriate where the victim was subjected or exposed to

1 *harmful biological substance incendiary device or*
2 *explosive devices and there are some other options in that*
3 *that OV as well. But the People focus on the incendiary*
4 *device. The evidence presented at trial I can submit to*
5 *the Court that the candle used by Mr. Sindone to light*
6 *that trailer on fire was an incendiary device it was used*
7 *for creating a fire. In terms of victim's here the victim*
8 *is not only Ms. Sindone who owns the trailer who clearly*
9 *was not present at the time that the fire was set, however*
10 *there was testimony from Laurie Stasa that there was*
11 *neighbors home at the time she addressed that in her*
12 *victim impact letter. However, the woman that came out to*
13 *speak to the police to ask if her and her husband was*
14 *safe. And in addition to Ms. Stasa that reported to the*
15 *trailer and was exposed to that, there were the responding*
16 *first responders both from the Woodhaven police department*
17 *and the Woodhaven fire department. And the people rely on*
18 *the case when you set forth by the Michigan Court of*
19 *Appeals in People versus Fawaz, F-A-W-A-Z- at 299 Mich.*
20 *App 55 at 62 and 63. In terms of scoring OV's first*
21 *responders are victims for the purposes of that.*

22 *THE COURT: You have combined OV's in your*
23 *articulation.*

24 *MS. LANNING: Yes.*

25 *THE COURT: Because the number of victims is OV*

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1 9 and the incendiary device you would like me to score is
2 OV 1 so I am going to go by the item by item I'd like to
3 have Ms. Slomski comment.

4 MS. LANNING: Yes, Judge I only brought up the
5 definition of the victim because the victim's exposure to
6 that device is relevant to OV 1.

7 THE COURT: So noted. She's recommending 20
8 points to OV 1 is there any response?

9 MS. SLOMSKI: It's properly scored at 0.
10 Critically here we're talking about the victim. Unless
11 we're characterizing the victim as the trailer there was
12 no one child, no mother, no grandmother, anywhere in
13 proximity. Conceitedly grandmother did come later on, was
14 outside. Conceitedly, for purposes of argument although
15 the incendiary nature of the candle I think is also scored
16 somewhere else and could be problematic. But um, there is
17 simply no contemporaneous victim that was subject to
18 present, current, now and an aggravated use of a weapon.
19 This is a candle depending upon versions and certainly the
20 Court made its finding about whether or not Mr. Sindone
21 intentionally placed the candle on the bed which resulted.
22 Critically, the testimony is we didn't have an ongoing
23 fire. We had smoldering and damage but there was no
24 active fire or any active anything. Which is which I
25 would fairly characterize a risk or any reasonable risk to

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1 *either neighbors down the street or to the responding fire*
2 *officer. All of that is extraordinary speculative of Ms.*
3 *Lanning's theory if the neighbor grandmother had a heart*
4 *attack he would be responsible for attempted manslaughter*
5 *as well. At some point we are getting conjectural and*
6 *defeating in some ways in my opinion the real reason for*
7 *why we are sentencing in this case is a consideration of*
8 *what the Court has already made findings of fact of and*
9 *the specific antecedent and the rehabilitative potential*
10 *for Mr. Sindone. This is way out in left field with all*
11 *due respect. There is no contemporaneous victim. Nobody*
12 *was nobody -- this was an burned trailer that was*
13 *unoccupied. Certainly all sorts of Pandora's boxes that*
14 *could happen. There is a lot that is the domino but we're*
15 *way out in left field scoring points in this regard. I*
16 *think the plain and clear meaning is contemporaneous*
17 *victim exposed to incendiary device in this case. I would*
18 *say in a technical way is a candle is an incendiary*
19 *device.*

20 THE COURT: *Is or isn't?*

21 MS. SLOMSKI: *Is, but that's on a continuum of*
22 *one to ten is more like a two incendiary rather than a*
23 *Molotov cocktail which is more like a nine or a ten. So I*
24 *think that is something that the Court should also*
25 *consider. So I think OV 1 is properly scored.*

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1 MS. LANNING: Judge if I could briefly respond.
2 A contemporary victim as Ms. Slomski has described second
3 degree arson is second degree arson because there is no
4 victim present. If there was a contemporaneous victim as
5 Ms. Slomski described it would also be first degree arson.
6 So in that looking at it like that the guidelines should
7 exclude scoring of OV 1 in cases of second degree arson if
8 it so required a contemporaneous victim. But second
9 degree arson is not excluded so I submit to the Court that
10 the guidelines account for this scenario and I would ask
11 that the Court to score it at 20 points.

12 MS. SLOMSKI: Just a brief response. Ms.
13 Lanning is wrong respectfully. Arson one requires
14 occupied. Not neighbors or people down the street. It
15 requires occupied. That is there in. So to that extent
16 someone that's living a half a block down would not
17 escalate a case of arson two to arson one. I just simply
18 point that out.

19 MS. LANNING: And I agree with Ms. Slomski the
20 victim, a neighbor would not escalate arson two to arson
21 one. So I'm asking the Court to account for neighbor in
22 this scoring.

23 THE COURT: So noted I'm going to continue to
24 think through your argument as we move along I'll give you
25 an answer before the close of sentencing. Let's move on

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1 to your recommendation for the recommendation you um
2 suggested OV 2 was correct Ms. Sindone. Do you have any
3 quarrels with OV 2?

4 MS. SLOMSKI: No, your Honor.

5 THE COURT: All right.

6 OV 3 is scored at 0. The sentencing memorandum
7 for Ms. Lanning indicates 0. And OV 4, Ms. Lanning's
8 memorandum is asking for 10 points on 4 it is currently
9 scored at 0. This seems to be an easy 10 points to this
10 Court. Um certainly the Court has heard the statements
11 from the separated wife and mother today. And um Ms.
12 Lanning is there and views their testimony during the
13 adjudication phase. Ms. Lanning any arguments to support
14 your request for 10 points or psychological harm?

15 MS. LANNING: Nothing that has not been
16 previously stated your Honor.

17 THE COURT: Ms. Slomski.

18 MS. SLOMSKI: Well, I would object to that. And
19 if the Court were inclined to score points under that
20 particular guideline I would ask for the writer of the
21 presentence investigative report to be here. For
22 reference I am referring to page what is labeled as page
23 two of that particular report prepared by the presentence
24 or the Michigan Department of Corrections evaluator. At
25 the time that the agent talked to Jennifer Sindone she

1 *reported that there was no injury, there was no counseling*
2 *that was required and no one was hurt. That seems in my*
3 *mind to be fairly divergent for what she reported to this*
4 *Court. So based upon that Judge it looks to me like if*
5 *the Court was going to score those points we would require*
6 *the probation agent to come in and say exactly what*
7 *happened so that the Court could make a determination of*
8 *credibility relative to these competing versions.*

9 *MS. LANNING: And Judge I would submit that*
10 *rather than asking the reporter what their interpretation*
11 *of what Ms. Sindone said was we could just ask Ms. Sindone*
12 *herself.*

13 *She's already submitted to the Court that she is*
14 *fearful as a result of this as well as the other*
15 *implications that this crime has had on only her but her*
16 *children.*

17 *MS. SLOMSKI: No, I would use that as extrinsic*
18 *impeachment. I absolutely would require her if she said*
19 *she didn't say it or she said she's got a new version*
20 *would clearly require the agent in this case the Court*
21 *would be making a determination.*

22 *Certainly she can say she didn't say it to the*
23 *agent and certainly she can say what she said. But we*
24 *have at this point a fundamental divergent statement to*
25 *the probation department there is no harm, no hurt, no*

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1 *peril, verses what she said in Court.*

2 *So if the Court were to make a determination I*
3 *would say to the Court it would require an evidentiary*
4 *hearing where the probation agent can tell you exactly*
5 *what she said so that then you can make a determination on*
6 *the question solely of credibility of what she told you in*
7 *Court.*

8 *THE COURT: Any other comments?*

9 *MS. LANNING: No, your Honor.*

10 *THE COURT: Ms. Sindone, could I ask a question*
11 *Ms. Sindone can you come back here? I would also note for*
12 *the record that the accompanying material regarding*
13 *sentencing guidelines indicate that treatment being sought*
14 *or immediate treatment is not conclusive regarding the*
15 *scoring of 10 points.*

16 *Ms. Sindone, I trust you have heard the*
17 *arguments here of both counsel.*

18 *MS. SINDONE: Nodding.*

19 *THE COURT: And when you spoke to the probation*
20 *officer or the investigator do you remember the question*
21 *about any psychological harm to you.*

22 *MS. SINDONE: No, I do not your Honor.*

23 *THE COURT: All right.*

24 *Do you remember what your responses was?*

25 *MS. SINDONE: No, I do not.*

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1 *THE COURT: All right, so noted.*

2 *No other questions for Ms. Sindone does anyone*
3 *wish to question her?*

4 *MS. LANNING: No, your Honor.*

5 *MS. SLOMSKI: No, your Honor.*

6 *THE COURT: Sorry to trouble you. The Court has*
7 *heard the testimony or the arguments of both people in*
8 *this matter.*

9 *The Court is denying the request to bring in the*
10 *author of this report. We have the source of the*
11 *statement before this and the Court would indicate that*
12 *both the demeanor of the victim, complaining witness in*
13 *this case, was evidence on the witness stand.*

14 *Her statements before the Court today. The need*
15 *for a moment to collect herself is evident on this record*
16 *and so is logic, wisdom and common sense.*

17 *When we speak to the need for an impact*
18 *statement includes not only Jennifer Sindone but the*
19 *children of Jennifer and Christopher Sindone.*

20 *When they grow up with knowledge that they're*
21 *father intentionally lit their home on fire or created*
22 *such a knowing risk of danger that he left a candle*
23 *burning.*

24 *And or to use his words that defy logic, wisdom*
25 *and common sense, that he put out a yard length of fire*

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1 *himself with his hand.*

2 *That clearly would allow for the conclusion that*
3 *there is a psychological injury requiring professional*
4 *treatment to either Ms. Sindone or the children.*

5 *And the Court would note that immediate*
6 *treatment is not a prerequisite for that scoring and the*
7 *Court is scoring OV 4 at 10 points.*

8 *MS. LANNING: And OV 4 through OV 8 should be*
9 *scored at 0 points.*

10 *MS. SLOMSKI: No objection to that scoring we*
11 *agree.*

12 *THE COURT: Certainly noted.*

13 *MS. LANNING: And in terms of OV 9 it is*
14 *presently scored at 0 points and the people ask that it be*
15 *scored at 10 points.*

16 *The scoring of 10 points is appropriate 2 to 9*
17 *victims were place in danger of physical injury or death.*
18 *Here I submit to the Court for terms of in terms of*
19 *scoring the OV 9 each of the responding officers including*
20 *Chief Clark from the Woodhaven fire department count as*
21 *victims under People versus Fawaz.*

22 *Ms. Laurie Stasa who went first went to the*
23 *house after Mr. Sindone told her that he set fire to the*
24 *trailer so that Ms. Sindone wouldn't have any place to*
25 *stay.*

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1 As well as the surrounding neighbors and at the
2 very least we know at least two people the woman that
3 approached the officers and Ms. Stasa's present and her
4 husband who was present at the time.

5 THE COURT: Anything else.

6 MS. LANNING: No.

7 THE COURT: Ms. Slomski I am looking at you.

8 MS. SLOMSKI: I'm sorry I had my glasses up so I
9 couldn't see. Yes, I object to OV 9 and I pretty much
10 articulated earlier why I objected to that.

11 But I believe victim means threat and harm
12 contemporaneous. I don't know anything about these
13 neighbors I don't know how far they live away that is all
14 speculative.

15 And they're perception or concerns as elderly
16 people I don't know would allow to objective believe of
17 harm. In terms of the responding officers or um the
18 defendant's mother we had a smoldering I'm not even sure
19 that the grandmother went in she was outside.

20 And with respect to these to the Woodhaven fire
21 department I'm not sure exactly how many people. But the
22 bottom line it had smoldering they didn't go inside, they
23 didn't put out a fire inside of the bedroom.

24 So I would suggest to you no contemporaneous
25 folks, coupled with no attenuated people means that OV 9

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1 *is properly scored at 0.*

2 *THE COURT: Ms. Lanning I don't need any further*
3 *comments from you. The Court is scoring this at 10*
4 *points.*

5 *And the Court is also citing People versus*
6 *Chambers which indicates that the statute includes victim*
7 *as each person who is placed in danger of injuring or loss*
8 *of fire.*

9 *That includes the grandmother on the scene, that*
10 *includes the neighbors. I would note for the record that*
11 *the fire in question was in a trailer.*

12 *Obviously, the comment that an elderly neighbor*
13 *came out and asked if they were in danger includes them as*
14 *a victim.*

15 *And the close proximity of the trailers in this*
16 *area allows for a conclusion that a fire has an absolute*
17 *mind of it's own.*

18 *A fire is not controlled by any individual at*
19 *the scene. It is contained, at best. The fire chief*
20 *expert in this case spoke to the good fortune that the*
21 *lack of oxygen in this room where the fire was lit*
22 *accounted for the lack of damage in this case.*

23 *The fact that there was a lack of oxygen does*
24 *not mitigate victims in this case. It is simply for the*
25 *good fortune of Mr. Sindone that this fire did not*

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1 *completely engulf the trailer and endanger further the*
2 *responding police and endangered further the responding*
3 *fire department and endanger every single individual*
4 *driving by that trailer on their way to or from work, and*
5 *endangered every trailer in the proximity of their home*
6 *also being engaged and engulfed in flames.*

7 *But for the good fortune of the door being shut*
8 *and the fire snuffing itself out due to the lack of oxygen*
9 *was the opinion of the fire chief.*

10 *There is clearly two to nine potential victim's*
11 *that were placed in danger of physical injure or death.*
12 *And OV 9 should receive the scoring of 10 points. Your*
13 *objection is noted for the record.*

14 *MS. SLOMSKI: Thank you, your Honor.*

15 *MS. LANNING: Thank you, your Honor.*

16 *THE COURT: The People agree that OV 10 and 11*
17 *should be scored at 0 points.*

18 *MS. SLOMSKI: No objection to that scoring.*

19 *MS. LANNING: In terms of OV 12 it is presently*
20 *scored at 0 points and the people would ask that it be*
21 *scored at 5 points.*

22 *The scoring of 5 points is appropriate one*
23 *contemporaneous felonious criminal act involving a crime*
24 *against a person was committed.*

25 *Here the testimony of Ms. Sindone is that Mr.*

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1 *Sindone the defendant in this case did not have permission*
2 *to enter her home. That he did enter that home and*
3 *obviously was inside of that home without Mr. Sindone's*
4 *permission.*

5 *And while inside did commit arson in the second*
6 *degree and I would submit to the Court that standard at in*
7 *terms of scoring these guidelines is preponderance of the*
8 *evidence and I would ask that OV 12 be scored at 5 points.*

9 *THE COURT: Anything Ms. Slomski.*

10 *MS. SLOMSKI: Yes, I object to the scoring of*
11 *any points with respect to OV 12 for two reasons. One,*
12 *there was a dispute of facts on what I would regard at*
13 *this trial as a collateral matter.*

14 *They is were divorced she gave him a key he had*
15 *a key --*

16 *THE COURT: He had a key made, I remember.*

17 *MS. SLOMSKI: -- that was all that was a matter*
18 *that was never addressed by the trial Court obviously it*
19 *was a collateral consideration.*

20 *And secondly, there was no indication or*
21 *anything that suggest that the defendant was going to be*
22 *charged or had been charged with second degree home*
23 *invasion.*

24 *I would suggest that the absence of such charges*
25 *would be appropriate adaption of that as a theory for*

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1 guideline escalation.

2 I think that um I understand what she said, the
3 Court heard the Court testimony or the defendant's
4 testimony.

5 Obviously, there is a point of dispute in this
6 matter and I'm not sure that given the testimony and what
7 the Court heard would allow this to rise to a level of the
8 Court concluding independently that there was in fact a
9 second degree home invasion occurring in here with shared
10 --

11 And parties at the trailer with shared
12 activities and contact with the child and contact with
13 her.

14 I think that stretches and the prosecutor would
15 have a hard time proving that beyond a reasonable doubt in
16 front of any fact finder Judge or jury.

17 THE COURT: Anything else Ms. Lanning.

18 MS. SLOMSKI: No.

19 THE COURT: Sorry, did I cut you off.

20 MS. SLOMSKI: No, I meant no I have nothing
21 further.

22 MS. LANNING: Judge, in response addressing the
23 key issue that issue was brought about at trial regardless
24 of how Mr. Sindone got a key whether it was given or
25 whether he made it himself.

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1 I ask Ms. Sindone if he had permission on
2 December 23rd or 24th of 2016 to enter her house and she
3 said no, he did not.

4 And I would ask the Court to look at the entire
5 circumstances surrounding the evening on the 23rd and the
6 early morning hours of the 24th.

7 Mr. Sindone was involuntarily taken to Monroe
8 County Hospital and evaluated for psychiatric purposes for
9 evaluation and treatment.

10 He was subsequently released at approximately
11 three am and again begin sending Ms. Sindone threatening
12 text messages.

13 In terms of the home invasion not being charged
14 as the Court is aware general trials is the horizontal
15 prosecution unit not a vertical unit meaning that I'm not
16 the prosecutor that charged the case.

17 Had I been the prosecutor I would have charged
18 the home invasion in the second degree. And whether or
19 not it was would have been provable beyond a reasonable
20 doubt at trial is not at issue here because the standard
21 is preponderance of the evidence.

22 And I submit to the Court that those two
23 elements of home invasion in the second degree he entered
24 without permission and that he committed a felony while he
25 was inside are proven by preponderance of the evidence

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1 *standard.*

2 *MS. SLOMSKI: I would respond briefly this is a*
3 *marital couple in the process of divorce with children*
4 *he's been there sort of like if he's ever had permission*
5 *be there given of the marital circumstances in this case*
6 *after the fact you can't say that he was denied such or*
7 *didn't want them then.*

8 *It is sort of like an easement if you keep*
9 *coming back you are there. I just don't think it rises to*
10 *the level of attempted home invasion by preponderance of*
11 *the evidence theory or.*

12 *And of course if the prosecution was confident*
13 *that sufficient evidence had been presented earlier it*
14 *could have been the subject of a Goecke motion which it*
15 *wasn't.*

16 *MS. LANNING: A Goecke motion requires that it*
17 *would have been originally charged Geocke ask the Court to*
18 *evaluate discretion. I'll leave it at that.*

19 *THE COURT: I know, I know.*

20 *All right.*

21 *The Court clearly understands both of your*
22 *arguments regarding the 12. The Court could probably*
23 *posture an argument to support your position.*

24 *The issue of this volatile marriage, who had*
25 *what, who had the easement to enter the others property is*

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1 to tenuous for this Court and I'll leave it is scored at
2 0.

3 MS. LANNING: Thank you, your Honor.

4 MS. SLOMSKI: Thank you, your Honor.

5 THE COURT: We're down to all 0's which of
6 course Ms. Slomski would support except for OV 19 the
7 people are about to argue for 10 points.

8 MS. SLOMSKI: The defense is in agreement with
9 the Court's characterization.

10 MS. LANNING: The People would ask for OV 19
11 which is scored at 0 to be 10 it is appropriate the
12 offender attempted to interfere with the admission of
13 justice.

14 Here the evidence brought about at trial and I
15 asked Mr. Sindone on cross examine about the subject of
16 the letters he sent to Ms. Sindone.

17 He sent her more than one hundred single space
18 pages of letters making numerous request for her to not to
19 come to Court and testify.

20 And I would submit that the statements made by
21 Mr. Sindone to the police were untruthful that the Court
22 evaluated that and scored OV 19 at 10 points.

23 MS. SLOMSKI: With respect to those arguments I
24 would just bring to two points to the Court's attention.
25 I'm not sure in the content of children and whether or not

1 we can rise that to the level of obstruction that's
2 obviously the Court's determination in this matter about
3 whether or not or not.

4 Obviously, I think it is a determination that is
5 properly made by the Court with respect to that position.
6 With respect to the false information provided by the
7 police he indicated he was there.

8 What he didn't indicate was he didn't advocate
9 his fifth amendment right to remain silent. He didn't say
10 that he did it in the sense that he intentionally
11 maliciously set the fire.

12 So I'd leave it to the Court's discretion about
13 interpretation I would object to the prosecutors
14 interpretation.

15 THE COURT: Ms. Lanning was there not something
16 received into evidence by way of text messages is that the
17 evidence sticker that I see.

18 MS. LANNING: There was a text message sent to
19 Ms. Stasa regarding this offense but it just in sum and
20 substance it is marital property if I feel like burning it
21 I can.

22 THE COURT: That's what it was, okay fair
23 enough.

24 MS. SLOMSKI: That's accurate.

25 THE COURT: I can see the highlighted evidence

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1 *sticker. I wanted to read it again. Anything else that*
2 *um the prosecution and defense wants to put forward to the*
3 *Court?*

4 *MS. SLOMSKI: No, your Honor.*

5 *THE COURT: All right.*

6 *The Court is well aware of the prolific writing*
7 *of Mr. Sindone. The Court in fact has um, I don't know*
8 *but two inches plus of pages in my hands right now, that*
9 *were once filed In Pro Per motions that were later*
10 *withdrawn when you were assigned to this case.*

11 *The Court also is well aware of the hundreds of*
12 *single space written letters that were sent. The Court*
13 *recalls the testimony regarding um not to come forward,*
14 *not to cooperate, not to testify in this matter.*

15 *That is easily allowing for the conclusion that*
16 *there is an interference with the administration of*
17 *justice when one ask another to either lie to or not come*
18 *to Court or not to cooperate with the prosecution and*
19 *police which allows for the scoring of 10 points on OV 9.*

20 *The Court is back to reaching a conclusion on OV*
21 *1 in this matter. This is the aggravated use of a weapon.*
22 *The Court would note that incendiary device is defined as*
23 *including the gasoline or flameable substance.*

24 *A blow torch a firebomb or other similar device.*
25 *And the Court would indicate that the weapon in this case*

1 *is the device that started this fire.*

2 *And hence the Court is going to go back to and*
3 *now see Ms. Lanning's argument regarding OV 9 that the*
4 *victim in this case included but are not limited to the*
5 *all response teams whether it be police or fire.*

6 *The threat and danger of a fire to neighbor in*
7 *question. And um obviously Mr. Sindone's mother went to*
8 *that scene um either to see for herself or to protect.*

9 *And the Court concurs with the prosecution*
10 *position that there is a harmful device that was used that*
11 *subjected the parties to danger.*

12 *And that is a warranted scoring of 20 points.*
13 *And when the Court does the calculation we are at 80*
14 *points. Does that still leave us as a six?*

15 *You asked for 85 points did the Court deny your*
16 *one request, Ms. Lanning if you would check the grids*
17 *please.*

18 *MS. LANNING: Certainly, your Honor.*

19 *MS. SLOMSKI: For the purposes of the record*
20 *could we have the question with and without the*
21 *supplementation.*

22 *THE COURT: Yes, so I am at 65 where am I --*

23 *MS. SLOMSKI: 20 for 01 OV 1, 10 for --*

24 *THE COURT: 65 I'm still at 65.*

25 *MS. LANNING: I believe that's correct your*

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1 Honor.

2 MS. SLOMSKI: Yeah, 65 yes.

3 THE COURT: When I added up what you said in
4 your memorandum I thought I read 85 but I only see 65. Is
5 that correct?

6 MS. LANNING: That's correct your Honor I
7 apologize bad mouth. The total of the OV's as scored by
8 the Court are 65 points.

9 THE COURT: And OV level is?

10 MS. LANNING: Five on the B grid.

11 THE COURT: Not six.

12 MS. LANNING: Right.

13 THE COURT: All right.

14 And the sentencing guidelines range is?

15 MS. LANNING: 78 months to 195 months.

16 MS. SLOMSKI: That's with the sub, correct.

17 MS. LANNING: Correct, as scored by probation
18 the guideline minimum range was 51 to 127.

19 MS. SLOMSKI: Without the corrected guideline
20 without supplements the range is?

21 MS. LANNING: Are you saying about the habitual?

22 MS. SLOMSKI: Without the habitual.

23 MS. LANNING: 78 to 130.

24 MS. SLOMSKI: Okay.

25 Thank you.

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1 THE COURT: So 78 to 130 without the habitual
2 and 78 to 195 with the habitual.

3 MS. LANNING: Correct.

4 And technically your Honor, the People did not
5 have the benefit of having the felony conviction from Ohio
6 at the time of the charging of this information.

7 So what happened was Mr. Sindone was originally
8 charged as an habitual offender fourth. However, the
9 charges listed were duplicative in which there was a
10 receiving and concealing in which Mr. Sidone was convicted
11 and placed on HYTA probation and subsequently revoked.

12 So that was listed as two convictions which was
13 an error on the part of the people the people amended the
14 information to reflect third.

15 And so he is a true fourth because of the
16 failure of the people to have the information about the
17 conviction from Ohio he remains being sentenced as an
18 habitual third.

19 MS. SLOMSKI: Just for point of clarification in
20 looking at the presentence report I am only counting three
21 felonies rather than four including the Toledo.

22 MS. LANNING: Three felonies is all that is
23 required.

24 MS. SLOMSKI: Okay, I'm sorry I misspoke. Thank
25 you, you are correct.

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1 THE COURT: You're good with the habitual Ms.
2 Slomski.

3 MS. SLOMSKI: Yes, that's yes but it is a
4 technical matter she could have charged. She charged it
5 as a three so we're treating it as a three.

6 THE COURT: All right.

7 I'd like to pause for a moment and manage a
8 housekeeping matter on another case. We'll go off the
9 record for a second. Let me see both counsel.

10 MS. LANNING: Thank you.

11 MS. SLOMSKI: Thank you.

12 (11:32 am off the record for a brief break).

13 (Back on the record at 11:33 am)

14 THE COURT: All right.

15 We're back on the record in the matter of
16 Christopher Sindone. All parties are present. The Court
17 is signing off on the guideline 78 to 130 and 78 to 195
18 with the habitual.

19 And objections are noted for the record. Ms.
20 Slomski are there any additions, corrections deletions to
21 the presentence investigation report.

22 MS. SLOMSKI: Um, no your Honor there is not.

23 I just I would like to indicate a couple of things.

24 Briefly, one I would like the Court to know the age well
25 it does not matter for purposes of the habitual I think

1 that is something that would maybe impact the
2 discretionary issues of whether or not the case is
3 properly considered within the Court's discretions and
4 under the supplemental section.

5 That goes to the fact that not only the nature
6 of the offenses but their vintage nature. Receiving and
7 concealing in 1995. Plead as an attempt.

8 And 2007 resisting and obstructing and 2009
9 attempted B and E which occurred in Toledo. Mr. Sindone
10 has never been incarcerated.

11 The most he ever did was the 6 months on the
12 resisting and obstructing. And the prosecutor's
13 memorandum notes a domestic related offense that was
14 connected to that 2007.

15 It's in the memorandum that case was dismissed
16 as a result of the plea agreement on that resisting and
17 obstructing.

18 And objected to by Mr. Sindone so I just want to
19 note the correction in the plea. There has never been any
20 domestic violence allegations charges or anything of that
21 formerly indication of child abuse file complaints PPO's
22 anything of that nature until articulated today at
23 sentencing in front of this Court.

24 I would ask the Court to given the nature of the
25 offenses the fact that Mr. Sindone has never been in

1 *prison no juvenile record.*

2 *I hesitate to say that any felony is a matter of*
3 *concern or that the Court obviously shouldn't consider*
4 *these things in contact in formulating an appropriate*
5 *sentence.*

6 *But there is just not of the nature of the*
7 *events or the degree that I would think in given their*
8 *age. I would ask the Court and I am not asking for the*
9 *Court to rule at this point but I would ask the Court to*
10 *consider not supplementing no assaultive contact in any of*
11 *this.*

12 *Again, I would hesitate to say limited value*
13 *because they are all felonies. But I would ask the Court*
14 *the Court is mindful of the reasons why I'm making the*
15 *argument and I am asking the Court on behalf of the*
16 *defendant not to utilize in this case the supplemental*
17 *information.*

18 *And um with respect to the report itself it is*
19 *largely accurate. There is some information that is*
20 *missing. He has in fact he was in fact using marijuana*
21 *daily.*

22 *He indicates he was taking prescribed medication*
23 *for his back pain. And Mr. Sindone would like the Court*
24 *to know that he had a medical marijuana card up until the*
25 *time he went to jail he was not illegal securing those*

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1 *drugs either the back pain medicine or the marijuana.*

2 *Obviously, the government and I take a different*
3 *kind of position in terms of the um severity of this on a*
4 *graded continuum. This is after all --*

5 *THE COURT: Are you moving on to closing*
6 *arguments.*

7 *MS. SLOMSKI: Yes.*

8 *THE COURT: I asked if there was any additions*
9 *corrections or deletions.*

10 *MS. SLOMSKI: None other than what I made.*

11 *THE COURT: Pause for a moment. Are there any*
12 *additions corrections or deletions?*

13 *MS. LANNING: Well, in response to the assertion*
14 *that Mr. Sindone's aggravated domestic violence was*
15 *dismissed as a result of the plea on the resisting and*
16 *obstructing, I submit to the Court is not true.*

17 *His lien information reflects that he plead*
18 *guilty not only to the resisting and obstructing police*
19 *officer a felony but also to the aggravated domestic*
20 *violence.*

21 *MS. SLOMSKI: Mr. Sindone disputes that and the*
22 *presentence report supports his version.*

23 *MS. LANNING: The presentence report reflects*
24 *there was a conviction for assaulting, resisting and*
25 *obstructing and domestic violence looking at envy 8 of*

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1 11.

2 MS. SLOMSKI: So noted he disputes.

3 THE COURT: But the register of actions reflects
4 and so does this report he disputes.

5 MS. SLOMSKI: Yes.

6 THE COURT: Any other additions, corrections,
7 deletion because I'm going to give Mr. Sindone an
8 opportunity to speak before final argument of both
9 counsels.

10 MS. LANNING: No, your Honor.

11 MS. SLOMSKI: I have nothing further to say your
12 Honor in that regards.

13 THE COURT: Mr. Sindone the same privilege to
14 you as to others. You are welcome to address the Court
15 there is no rule.

16 You can speak as little or as long as would you
17 like. And you don't have to say anything if you chose not
18 to say anything. Mr. Sindone do you care to address the
19 Court.

20 THE WITNESS: Yes.

21 THE COURT: All right.

22 Please stand and go on sir.

23 THE WITNESS: I just want to say I love my wife
24 and kids I'd never do anything to hurt them. And I had an
25 accident you know.

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1 I just it was a mistake. It was an accident,
2 you know. I'm sorry for all of this but it was really was
3 an accident. And I'd never hurt my kids or my wife.

4 THE COURT: When you say an accident you are
5 speaking about what? You define the word accident to me?

6 THE WITNESS: I fell asleep with the candle lit
7 and it started a fire.

8 THE COURT: Okay.
9 That's what you define as an accident.

10 THE WITNESS: It was an accident.

11 THE COURT: Anything else Mr. Sindone you'd like
12 to say.

13 THE WITNESS: No, that's all.

14 THE COURT: Okay.
15 Thank you.

16 Now closing arguments, Ms. Lanning.

17 MS. LANNING: Your Honor, I respectfully submit
18 to the Court that the Court should sentence Mr. Sindone as
19 an habitual third because he is an habitual offender
20 third.

21 Technically fourth but because of the lack of
22 information regarding the Ohio offense and to this date
23 has been charged as an habitual offender third.

24 And I would submit to the Court that Mr.
25 Sindone's criminal history reflects an escalating pattern

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1 *of behavior that does include assaultive offenses.*

2 *And as we heard from Ms. Sindone the morning of*
3 *December 24th after he's released from the hospital he*
4 *pours water in her gas tank and smashes her windshield.*

5 *I would submit to the Court this offense is*
6 *serious and it is reflexive not only to an arson to a*
7 *trailer but as a means of trying to control Ms. Sindone.*

8 *And as we've heard from Ms. Sindone during the*
9 *trial the purpose of him setting this fire to the trailer*
10 *is so that Ms. Sindone wouldn't have any place to go.*

11 *He's trying to control her in every aspect of*
12 *her life. And this offense is more serious than what is*
13 *reflected in the charges.*

14 *With that I would respectfully request that the*
15 *Court sentence at the top of the guidelines to term of*
16 *incarceration of 16 to 40 years in the Michigan Department*
17 *of Corrections.*

18 *That is a sentence within guidelines and it does*
19 *not require the Court to articulate compelling reason to*
20 *depart because it is within those guidelines.*

21 *THE COURT: Thank you.*

22 *MS. SLOMSKI: Yes, very briefly because I've*
23 *articulated a lot of my concerns and I know the Court is*
24 *aware of the concerns the prosecution recommendation on a*
25 *partially burned bed and smoldering.*

1 *There was damage but her request is onerous*
2 *under the circumstances of the case. The Court should*
3 *take into consideration I would ask that the Court*
4 *sentence within the non-habitualized guidelines in this*
5 *matter.*

6 *Mr. Sindone had just gotten out of the hospital*
7 *and he's never been in prison never been subject to any*
8 *kind of rehabilitative matters, 16 years onerous.*

9 *I've had homicide cases that didn't ask for*
10 *those kinds of numbers. We'd leave it in the Court's*
11 *discretion.*

12 *THE COURT: The Court has had an opportunity to*
13 *consider the sentencing. Obviously, since I presided over*
14 *the bench trial in this matter the Court has read the*
15 *investigators report.*

16 *The Court has reviewed Mr. Sindone's history of*
17 *three previous felony convictions and eight misdemeanors.*
18 *And the Court has considered the testimony before the*
19 *Court by way of the victim's impact statement and Mr.*
20 *Sindone's before the Court.*

21 *And sadly recalls many sad facts before the*
22 *case. The Court tells Mr. Sindone if he disagrees with*
23 *the conviction and sentence in this matter he has an*
24 *absolute right to appeal this Court to the Michigan Court*
25 *of Appeals.*

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1 And Mr gentlemen sheriff is going to bring a
2 form that outlines to him how he goes forward with an
3 appeal. And your signature on that form Mr. Sindone
4 acknowledges that I have advised you of your appellate
5 rights in this matter.

6 And your signature does not begin an appeal but
7 merely an acknowledgment that I have given you your rights
8 to do so. The Court would also at the time indicate that
9 his sentence will include 650 restitution.

10 136 state cost and 130 crime victim assessment
11 cost and 13 hundred court cost and 400 dollars for
12 attorney fees.

13 And the Court is troubled again by the
14 circumstances of this case. And the Court is well aware
15 of the fact that the guidelines are advisory at this
16 time.

17 But certainly acknowledges the importance of the
18 guidelines and the goal to guide the Court to the right
19 sentence and similar to all individuals under the same set
20 of circumstances.

21 His mother's words are in my head right now.
22 When she speaks of the individual she raised and who sits
23 before the Court today.

24 And the Court is aware that perhaps Mr. Sindone
25 has a medical issue before the Court but it did not escape

1 my notice that the car accident although it left Mr.
2 Sindone with injuries that may be an impairment that
3 affects him throughout the last years of his life, um the
4 Court clearly heard his mother say that it was drugs and
5 alcohol caused.

6 And clearly, drugs and alcohol played a role in
7 Mr. Sindone's continuing and erratic behavior in his life.
8 But his ingestions of those were drugs by his choice.

9 The ingestion of the three powerful psychotropic
10 drugs that he took in question were by his choice. Mixed
11 with coupled with complicated by the choice to drink six
12 beers.

13 The choice to drink a half pint of fireball.
14 And the Court mentioned at the time and continued to find
15 appalling the use of the word medical before the admitted
16 ingestion of ingestion of marijuana.

17 We're not smoking medical marijuana to eliminate
18 back pain. The circumstances of this case allows for a
19 clear conclusion that the usage of marijuana was not for
20 medical purposes and but was in fact to alter a state of
21 mind and be high.

22 Not withstanding being hospitalized before the
23 fire was intentionally set and or created such a danger
24 that the outcome of burning down the trailer was the
25 likely result.

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1 *You leave the hospital, how you were released*
2 *mind boggles me. And how you went back home and then*
3 *finished the half pint of fireball and drink one more beer*
4 *and smoked more marijuana on your way to tracking down,*
5 *stalking, intimating and putting in fear your soon to be*
6 *ex-wife allows for the conclusion that Jennifer Sindone*
7 *and your children rightly fear you.*

8 *The Court also reflects the statement of Laurie*
9 *Stasa and I apologize for the mispronunciation of the name*
10 *your mother on the witness stand commenting that she was*
11 *afraid of you.*

12 *You take what you want when you want it Mr.*
13 *Sindone. And that is reflective in your previous*
14 *convictions before this Court.*

15 *You steal, you take what you want as evidence by*
16 *the receiving and concealing stolen property. And even*
17 *back in 1995 you lacked sufficient control over yourself,*
18 *your behavior that your HYTA status was revoked and*
19 *probation was closed without improvement.*

20 *And that was in 1995 with the gift of having the*
21 *first of your 11 charges removed from your record way back*
22 *when.*

23 *You blew it because you could not exercise*
24 *sufficient self control to follow the simple rules of life*
25 *that you cannot live your life in a manner and fashion*

1 *that does not bring harm to others.*

2 *Way back when 22 years ago you couldn't control*
3 *your behavior. Now we have 22 more years of excuses,*
4 *choices, and you consider yourself the victim. Shameful.*

5 *And in the past 22 years we have continued drug*
6 *use, continued justification of psychotropic medications*
7 *and continued justification of medical marijuana.*

8 *And as correctly pointed out by the prosecution*
9 *although there are several retail frauds the Court is*
10 *mindful of the continuing at risk to other crimes*
11 *throughout your record including resisting and obstructing*
12 *the police.*

13 *Including aggravated assault and domestic*
14 *violence. To the incident before the Court where we have*
15 *the circumstances if you won't come back to me I'll take*
16 *your car away so you can't get away.*

17 *That didn't work so I'll burn down your place in*
18 *your words so that you have no place to stay. This is*
19 *about control and Mr. Sindone you do not have the right to*
20 *control others.*

21 *You are selfish, you are unpredictable, and you*
22 *are dangerous. And for any child to be afraid of a parent*
23 *is a crime far bigger than what is before the Court.*

24 *I am afraid of my father is shameful, shameful.*
25 *So, the Court does consider the habitual offense notice*

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1 *and will take that into the Court's consideration.*

2 *And therefore the minimum guideline range is 78*
3 *to 195 months. And it is the sentence of this Court to*
4 *sentence Mr. Sindone to 12 to 40 years with the Michigan*
5 *Department of Corrections.*

6 *He's already been given advise of rights. That*
7 *completes this hearing. I want everybody to remain seated*
8 *in the courtroom and that completes this hearing.*

9 *MS. LANNING: Judge, I'm sorry there was the*
10 *sentence in count two as well.*

11 *THE COURT: Pardon me, I'm sorry.*

12 *MS. SLOMSKI: So the sentence on count one is 12*
13 *to 40 years. I would note that count two is the arson*
14 *prep to burn.*

15 *The Court is going to sentence him on the prep*
16 *to burn for 5 to 10 years to be sentenced concurrent with*
17 *the 12 to 40 on the arson.*

18 *MS. SLOMSKI: Thank you, your Honor.*

19 *MS. LANNING: Thank you.*

20 *THE COURT: Second degree. That completes this*
21 *hearing.*

22 *MS. LANNING: Thank you.*

23 *MS. SLOMSKI: Thank you, your Honor.*

24 *THE COURT: Oh, and I am sorry I should also*
25 *note that he is entitled to 218 days of jail credit.*

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MS. LANNING: Yes.

MS. SLOMSKI: Yes, thank you. Advice of right?

THE COURT: I advised him I do that first. That completes this hearing.

(Proceedings concluded)

- - - - -

R E P O R T E R C E R T I F I C A T E

I, DOREEN PM PICKETT, Certified Shorthand Reporter, in and for the State of Michigan, do hereby certify that the foregoing transcript from my stenographic writing is comprised of a true and accurate transcript of the proceedings taken in the above-entitled matter.

IS/DOREEN PICKETT

DOREEN PM PICKETT, CSR 6695
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Detroit, Michigan 48226
Telephone: (313) 224-6658

Dated: December 16th, 2017

Michigan Arson Statutes v Preparation to Burn Comparison Chart
Michigan Arson Statutes v Preparation to Burn Comparison

6/2020
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| <p>Arson: A person who willfully or maliciouslyⁱ burns, damages, or destroys by fire or explosive.</p> | <p>Arson Maximum Penalty (Max. fine as listed, or 3 times value of the property damaged or destroyed, whichever is greater)</p> | <p>Preparation to Burn Maximum Penalty (Max. fine as listed, or 3 times value of the property damaged or destroyed, whichever is greater)</p> | <p>Preparation to Burn (MCL 750.79): A person who uses, arranges, places, devises, or distributes an inflammable, combustible, or explosive material, liquid, or substance or any device in or near a building, structure, other real property, or personal property with intent to commit arson.</p> |
|--|--|--|--|
| <p>First-Degree Arson (MCL 750.72): (1) Multiunit building or structure; at least 1 is a dwelling (750.72(1)(a)); (2) Building, structure, other real property that results in physical injury (750.72(1)(b)); (3) Mine (750.72(1)(c))</p> | <p>Felony; Life or term of years; \$20,000 Fine</p> | <p>Felony; 15 years; \$20,000 Fine</p> | <p>Prep to Burn (1)(e) (1) Dwelling and insured and intent to defraud insurer (750.79(1)(e)(i)); (2) Dwelling and results in physical injury (750.79(1)(e)(ii))</p> |
| <p>Second-Degree Arson (MCL 750.73): (1) Dwelling (750.73(1))</p> | <p>Felony; 20 years; \$20,000 Fine</p> | <p>Felony; 10 years; \$15,000 Fine</p> | <p>Prep to Burn (1)(d) (1) Combined property value of \$20,000 or more (750.79(d)(i)); (2) Combined property value between \$1,000 to \$20,000 and 2 prior convictionsⁱⁱ (750.79(1)(d)(ii)); (3) Property value over \$2,000 and insured and intent to defraud (750.79(1)(d)(iii)); (4) Building, structure, other real property and results in injury (750.79(1)(d)(iv));ⁱⁱⁱ (5) Building, structure, other real property and insured and intent to defraud (750.79(1)(d)(v));^{iv} (6) Dwelling (750.79(1)(d)(vi))</p> |
| <p>Third-Degree Arson (MCL 750.74): (1) Any building or structure (750.74(1)(a)); (2) Personal property with value of \$20,000 or more (750.74(1)(b)(i)); (3) Personal property with value of \$1,000 or more and prior conviction (750.74(1)(b)(ii))</p> | <p>Felony; 10 years; \$20,000 Fine</p> | <p>Felony; 5 years; \$10,000 Fine</p> | <p>Prep to Burn (1)(c) (1) Combined property value between \$1,000 and \$20,000 (750.79(1)(c)(i)); (2) Combined property value between \$200 and \$1,000 and prior conviction^v (750.79(1)(c)(ii)); (3) Building, structure, real property (750.79(1)(c)(iii))^{vi}</p> |
| <p>Fourth-Degree Arson (MCL 750.75): (1) Personal property with value between \$1,000 to \$20,000 (750.75(1)(a)(i)); (2) Personal Property with value \$200 or more and prior conviction (750.75(1)(a)(ii)); (3) Woods, prairie, or grounds (750.75(b))^{vii}</p> | <p>Felony; 5 years; \$10,000 Fine</p> | | |
| <p>Fifth-Degree Arson (MCL 750.77): (1) Personal property with value of \$1,000 or less and prior conviction (750.77(1))^{viii}</p> | <p>Misdemeanor; 1 year; \$2,000 Fine</p> | | |

Michigan Arson Statutes v Preparation to Burn Comparison Chart
Michigan Arson Statutes v Preparation to Burn Comparison

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| <p><u>1-Year Misdemeanor Arson</u> (MCL 750.78): (1) Personal property value between \$200 to \$1,000 (750.78(1)(a)(i)); (2) Personal property value less than \$200 and prior conviction (750.78(1)(a)(ii))</p> | <p>Misdemeanor; 1 year; \$2,000 Fine</p> | <p>Misdemeanor; 1 year; \$2,000 Fine</p> | <p><u>Prep to Burn (1)(b)</u> (1) Combined property value between \$200 and \$1,000 (750.79(1)(b)(i)); (2) Combined property value less than \$200 and prior conviction (750.79(1)(b)(ii))</p> |
| <p><u>93-Day Misdemeanor Arson</u> (MCL 750.78): (1) Personal property valued less than \$200 (750.78(1)(a)(iii)); (2) Negligent, careless, reckless setting fire to hotel and endanger life/property of another (750.78(1)(b))</p> | <p>Misdemeanor; 93 Days; \$500 Fine</p> | <p>Misdemeanor; 93 Days; \$500 Fine</p> | <p><u>Prep to Burn (1)(a)</u> (1) Combined value less than \$200 (750.79(1)(a))</p> |

- ⁱ Alternative state of minds noted where required.
- ⁱⁱ Third-degree arson only requires one prior conviction. MCL 750.74(b)(ii).
- ⁱⁱⁱ Except if guilty under MCL750.79(1)(c)(iii), (d)(v), or (d)(vi), or (e).
- ^{iv} Except if guilty under MCL750.79(1) (c)(iii), (d)(vi), or (e).
- ^v Correlates with both fourth and fifth-degree arson.
- ^{vi} Except if guilty under MCL 750.79(1)(d) or (e).
- ^{vii} Willful or negligent state of mind required for arson of woods, prairie, grounds. MCL 750.75(1)(b).
- ^{viii} Intentional, not willful or malicious, state of mind required. MCL 750.77(1).