

STATE OF MICHIGAN
IN THE SUPREME COURT

APPEAL OF THE COURT OF APPEALS' UNPUBLISHED OPINION (2-1 DECISION) AFFIRMING THE TRIAL
COURT'S DENIAL OF THE MOTION TO SUPPRESS STATEMENTS

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

-v-

S.Ct. No. 160436
COA No. 346775
Oakland Co. Cir. Ct. No. 2017-265-355-FJ

MUHAMMAD ALTANTAWI,
Defendant-Appellant.

DEFENDANT-APPELLANT'S APPENDIX

Submitted by:

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PEOPLE
v
ALTANTAWI, MUHAMMAD,,
Plaintiff,
Defendant,

Ex. A: TC Order 11-20-18

NO: OAKLAND COUNTY 17-265355-FJ



HON JUDGE MARTHA D. ANDERSON
PEOPLE v ALTANTAWI.MUH

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant's Motion to Suppress Due To Miranda Violation and Lack of Consent To Search and Seize Property

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

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In addition:

DATED: 11/20/2018

HON. MARTHA D. ANDERSON
Circuit Court Judge

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MUHAMMAD ALTANTAWI,

Defendant-Appellant.

UNPUBLISHED
September 5, 2019

No. 346775
Oakland Circuit Court
LC No. 2017-265355-FJ

Before: GADOLA, P.J., and SERVITTO and REDFORD, JJ.

PER CURIAM.

Defendant appeals by leave granted¹ the trial court’s orders denying his motion to suppress the contents of a digital video recording (DVR) device and defendant’s statements during his August 22, 2017 police interview. We affirm.

I. BACKGROUND

This interlocutory appeal arises from the events concerning the death of defendant’s mother, Nada Huranieh, which occurred on August 21, 2017. Huranieh was found dead at approximately 6:30 a.m., from an apparent fall from a second story window in a guest bedroom of the family home onto a patio. Huranieh and her three children, 16-year-old defendant, his nine-year-old sister SA, and his 14-year-old sister AA, were the only people in the house at the time of Huranieh’s fall. Dr. Altantawi, Huranieh’s husband and the children’s father, did not live at the family home at the time and did not have keys to the house because he and Huranieh were going through a divorce.

After the fall, Farmington Hills police officers dispatched to the family home noticed the odd position of Huranieh’s body on the patio, and the circumstances regarding the fall caused

¹ *People v Altantawi*, unpublished order of the Court of Appeals, entered March 7, 2019 (Docket No. 346775).

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them to believe that Huranieh's fall may not have been accidental. When they arrived at the scene and walked around the exterior of the house, Detective Ryan Molloy and Sergeant Richard Wehby noticed several security cameras installed around the home's property. Inside the guest bedroom from which Huranieh fell, they found a ladder near the window and a bottle of Tilex, a cleaning solution but not a window spray. When Detective Molloy asked Dr. Altantawi whether the security cameras worked, Dr. Altantawi said that they did not. Defendant also told Detective Molloy that he did not think that the security cameras worked.

On August 22, 2017, Detective Molloy spoke with the interior decorator for the family home who stated that the security cameras at the house worked. Later that day, Detective Molloy and Detective Jason Hammond returned to the home to find the DVR and analyze its contents. When Detective Hammond knocked on the door, Dr. Altantawi answered and gave the police permission to look for the DVR. Dr. Altantawi and Detectives Molloy and Hammond unsuccessfully searched part of the house for the DVR. Eventually, after speaking with the interior designer and an employee from the security company that installed the security cameras, Dr. Altantawi and the detectives found the DVR in the furnace room adjacent to an exercise room. Detective Molloy asked Dr. Altantawi if the police could review the contents of the DVR and Dr. Altantawi agreed to permit them to take the DVR. The detective recorded that conversation.

The police took the DVR to the station, accessed its contents, and located video relevant to the time of Huranieh's fall. A camera captured video footage that showed a light on in the guest bedroom and shadows cast by the light. A camera recorded Huranieh's body from a different angle as it fell and landed on the ground. Footage showed that a shadow of a figure left the bedroom and after a few seconds the light in the guest bedroom turned off. The police reviewed the recorded video and discerned another person's presence in the guest bedroom when Huranieh's body fell out the window. The police officers testified that, on close examination, the footage depicted a person drag a body into the room and flip the body out of the window. The video showed movement in front of the window and a ladder being placed in front of the window from which Huranieh fell. Because Sergeant Wehby believed that a homicide had taken place inside the house, he instructed another police officer to start drafting a search warrant while he and Detectives Molloy and Hammond returned to the home. Sergeant Wehby initially wanted to have Dr. Altantawi take the children to the police station so that they could be interviewed. The police were unsure who may have been involved in Huranieh's death and inside the guest bedroom with Huranieh.

When Detective Molloy, Detective Hammond, and Sergeant Wehby arrived back at the family home, Dr. Altantawi invited them inside the house. The police asked him to take the children to the police station. Dr. Altantawi advised that he preferred that they speak with the children at the residence because they would be more comfortable at home. Sergeant Wehby and Detective Hammond accompanied Dr. Altantawi upstairs where they located defendant. Dr. Altantawi directed the police officers to a dining room table and prayed with defendant before leaving the house to pick up AA at the school library. After Dr. Altantawi left the house, defendant sat at the table with the police officers in the dining room, located in an open floor

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plan with access to other areas including the kitchen and a living area. None of the police officers advised defendant of his *Miranda*² rights. The police officers started to review the timeline with defendant. The police did not restrict defendant's movements and he freely got up during the interview and used the restroom and also got himself a bottle of water. Sergeant Wehby encouraged defendant to be honest and suggested that defendant had been in the bedroom with Huranieh when she fell. Defendant eventually told the police officers that he held the ladder for Huranieh while she was cleaning a window, but failed to pay attention, which somehow caused her to fall. The police questioned defendant for approximately 40 minutes. Approximately 20 minutes later, the police arrested defendant and charged him with first-degree premeditated murder in violation of MCL 750.316(1)(a).

Defendant moved to suppress the DVR video and his statements to the police during the August 22, 2017 police interview. The trial court denied his motions following an evidentiary hearing. Defendant sought leave to appeal those decisions and this Court granted his application.

II. STANDARD OF REVIEW

We review de novo the trial court's ruling on a motion to suppress evidence. *People v Woodard*, 321 Mich App 377, 383; 909 NW2d 299 (2017). The trial court's factual findings are reviewed for clear error. *Id.* at 382. We also review for clear error "[t]he trial court's decision regarding the validity of consent" *People v Mahdi*, 317 Mich App 446, 460; 894 NW2d 732 (2016) (quotation marks and citation omitted). Clear error exists when this Court is left with a definite and firm conviction that the trial court has made a mistake. *People v Barbarich*, 291 Mich App 468, 471; 807 NW2d 56 (2011).

III. ANALYSIS

A. THE DVR EVIDENCE

Defendant first argues that the trial court erred by denying his motion to suppress the DVR video because Dr. Altantawi did not voluntarily give the police his unequivocal consent to take the DVR. We disagree.

" 'The Fourth Amendment of the United States Constitution and its counterpart in the Michigan Constitution guarantee the right of persons to be secure against unreasonable searches and seizures.' " *Woodard*, 321 Mich App at 383, quoting *People v Kazmierczak*, 461 Mich 411, 417; 605 NW2d 667 (2000), citing US Const, Am IV; Const 1963, art 1 § 11. A seizure of property within the meaning of the Fourth Amendment "occurs when there is some meaningful interference with an individual's possessory interests in that property." *Woodard*, 321 Mich App at 383 (citation and quotation marks omitted). Generally, a seizure conducted without a warrant is unreasonable per se. *Id.* However, "[c]onsent is an exception to the warrant requirement" and permits a warrantless seizure so long as the consent is "unequivocal, specific, and freely and intelligently given." *Mahdi*, 317 Mich App at 460 (citation omitted). "Whether consent to

² *Miranda v Arizona*, 384 US 436, 86 S Ct 1602, 16 L Ed2d 694 (1966).

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search is freely and voluntarily given presents a question of fact that must be determined on the basis of the totality of the circumstances.” *Id.* (citation omitted). “The standard for measuring the scope of a suspect’s consent under the Fourth Amendment is that of ‘objective’ reasonableness—what would the typical reasonable person have understood by the exchange between the officer and the suspect.” *Id.* (quotation marks and citation omitted). When the prosecution seeks to rely upon consent to justify the lawfulness of a search, it must prove that the consent was, in fact, freely and voluntarily given. *People v Farrow*, 461 Mich 202, 208; 600 NW2d 634 (1999). The prosecution does not satisfy this burden by “showing no more than acquiescence to a claim of lawful authority.” *Id.*

Only a person whose property is subject to a seizure or a third party who has common authority over the property can give the consent necessary to justify a seizure. *Lavigne*, 307 Mich App at 540, citing *People v Brown*, 279 Mich App 116, 131; 755 NW2d 664 (2008). “Common authority is based on mutual use of the property by persons generally having joint access or control for most purposes.” *Brown*, 279 Mich App at 131 (citation and quotation marks omitted). As a preliminary matter, Dr. Altantawi possessed the authority to give the police consent to search the family home and take the DVR. Dr. Altantawi was the only living legal owner of the home at the time the police searched the house and took the DVR. Even if Dr. Altantawi was prohibited from entering the property, he still had a legal ownership interest in the property because he and Huranieh had not yet finalized their divorce. Therefore, Dr. Altantawi possessed the ability to give the police consent to search the house and take the DVR.

Defendant claims that the police used a tactical procedure known as “knock and talk,” which is a tactic that the police employ for the purpose of investigating suspected wrongdoing. *Lavigne*, 307 Mich App at 538. The “knock and talk” procedure typically involves police who, having some knowledge that they believe justifies further investigation but is insufficient to constitute probable cause for a search warrant, approach an individual suspected of engaging in an illegal activity at the individual’s residence, identify themselves as police officers, and ask for “consent to search for the suspected illegality or illicit items.” *People v Frohriep*, 247 Mich App 692, 697; 637 NW2d 562 (2001).

In this case, the police suspected that something unusual occurred upon inspecting the position of Huranieh’s body on the patio and the state of the guest bedroom where she fell out of the window. Officer Jordon and Detective Molloy both tried to find out whether the security cameras around the house worked and they desired to find out what the security camera footage contained. The record reflects that defendant, AA, and Dr. Altantawi said that they did not think the security cameras worked. After Detective Molloy spoke with the interior designer who reached out to the security company that installed the security cameras and confirmed that the cameras worked, he and Sergeant Wehby agreed that the police needed to investigate the security camera footage. When Detectives Hammond and Molloy went to the home to seek consent to search for the DVR, they had not yet sought a search warrant for the house. As soon as Dr. Altantawi opened the door for Detectives Hammond and Molloy, Detective Molloy told Dr. Altantawi that the police “had received some information that the surveillance system was possibly working” and that he wanted to see if cameras were working at the time of Huranieh’s fall.

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The record indicates that the police used the “knock and talk” procedure to further investigate possible criminality concerning Huranieh’s death and that they lacked probable cause to obtain a warrant at that time. The practice of “knock and talk,” however, does not automatically violate an individual’s constitutional protections, though the “right to be free of unreasonable searches and seizures may be implicated where a person, under particular circumstances, does not feel free to leave or where consent to search is coerced.” *Id.* at 698. The same general rules that govern police conduct are applied to the circumstances of the particular case whenever the “knock and talk” tactic is used. *Id.* at 698-699.

Detective Molloy testified that Dr. Altantawi allowed him and Detective Hammond inside his house to search for the DVR after they informed him that they believed the DVR to be operational. The record reflects that Dr. Altantawi did not know where the DVR had been installed in the house. After searching several parts of the house accompanied by Dr. Altantawi, Detective Molloy called the interior designer and the security company for information about the DVR’s location. Once located, Detective Molloy began to record his conversation with Dr. Altantawi. The following exchange took place:

Detective Molloy: You can understand that, right? So, what we want to do is, we want to, ah, just take that, take a look at it . . . either, ah, either have our guys take a look at it or some computer people so they can pull the information off of it and just make sure there’s nothing on tape that’s suspicious or anything like that.

Dr. Altantawi: Yeah, but I mean, if we don’t go by what the people, you know: he-said-she-said

Detective Molloy: I know. And this is more Let’s, let’s make sure there’s nothing on it and then just move on with anything. Okay? No problems with that?

Dr. Altantawi: I mean I don’t know. I don’t think I have a problem with that. But, like I said, the whole thing is shocking to me. Again, you know The situation is bizarre.

* * *

Dr. Altantawi: I know there was cameras, but I didn’t know they were there.

Police Officer: Okay. You don’t mind if we take it in and take a look, though?

Dr. Altantawi: So, I don’t know.

Police Officer: We’ll get it back to you soon as we can.

Dr. Altantawi: Mmmm. I mean, I guess I don’t have any issue with that.

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Police Officer: Okay. Alright. I appreciate it. We'll get it back to you when we can.

“Whether consent to search is freely and voluntarily given is a question of fact based on an assessment of the totality of the circumstances.” *People v Borchard-Ruhland*, 460 Mich 278, 294; 597 NW2d 1 (1999) (citations omitted). “The presence of coercion or duress normally militates against a finding of voluntariness.” *Id.* Knowing the right to deny consent, however, is not a necessary prerequisite for valid consent. *Id.*

In this case, evidence established that Dr. Altantawi knowingly and voluntarily invited the police officers into his home. The transcript of the audio recording of Dr. Altantawi's conversation with Detective Molloy establishes that Dr. Altantawi voluntarily consented to allow the police to take the DVR. The record reflects that the police never threatened Dr. Altantawi with arrest, caused him duress, or coerced his consent. Although the police did not advise Dr. Altantawi of his right to deny the police consent to take the DVR, knowledge of the right to deny the police consent is only one factor for consideration in determining whether he voluntarily gave his consent. *Id.* De novo review of the record indicates that Dr. Altantawi understood that he could have refused to allow the police to take the DVR, but he consented when the police specifically asked for his permission. Although he expressed reservation at first, he ultimately told the police that he did not “have any issue with” the police taking the DVR.

During the evidentiary hearing, Dr. Altantawi testified that Detectives Molloy and Hammond barged into his home and demanded to know the DVR's location. Dr. Altantawi also claimed that the recorded conversation took place after Detective Molloy unplugged the DVR and walked upstairs with it under his arm. Dr. Altantawi attempted to suggest that the police had already exercised control over the DVR before asking for consent to take it. Detective Molloy, however, testified that he obtained Dr. Altantawi's consent before unplugging the DVR. The issue of consent presents a question of fact and often involves credibility determinations. *People v Chowdhury*, 285 Mich App 509, 525; 775 NW2d 845 (2009). The trial court found that Dr. Altantawi's testimony lacked credibility and Detective Molloy's testimony was more credible. The audio recording and its transcript, and the testimony of witnesses at the evidentiary hearing, support the trial court's conclusion that Dr. Altantawi consented to the search of his home and that he consented to the police taking and investigating the contents of the DVR. The trial court, therefore, properly denied defendant's motion to suppress the contents of the DVR.

B. DEFENDANT'S POLICE INTERVIEW

Defendant next argues that the trial court erred when it denied his motion to suppress his statements to the police during the August 22, 2017 police interview on the grounds that the police subjected him to a custodial interrogation that violated his Fifth Amendment rights because the police did not provide him a *Miranda* warning. We disagree.

Both the Fifth Amendment, US Const, Am V, and the Michigan Constitution, Const 1963, art 1, § 17, “‘protect persons in all settings in which their freedom of action is curtailed in any significant way from being compelled to incriminate themselves.’” *People v Honeyman*, 215 Mich App 687, 694; 546 NW2d 719 (1996), quoting *People v Schollart*, 194 Mich App 158, 164; 485 NW2d 312 (1992), quoting *Miranda*, 384 US at 467. In *Miranda*, the United States

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Supreme Court held that before a person may be subjected to a custodial interrogation, the person must be warned that “he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney either retained or appointed.” *Miranda*, 384 US at 444. This Court reviews “the totality of the circumstances to determine whether a defendant was in custody at the time of the interrogation.” *People v Cortez*, 299 Mich App 679, 691; 832 NW2d 1 (2013).

“[W]hether a person was ‘in custody’ for purposes of *Miranda* warnings is a mixed question of fact and law, which must be answered independently after review de novo of the record.” *People v Barritt*, 325 Mich App 556, 561; 926 NW2d 811 (2018) (citation omitted). We review for clear error a trial court’s factual findings concerning the circumstances regarding the statements that a defendant gave to the police. *Id.* A trial court’s finding is clearly erroneous if, after reviewing the entire record, this Court “is left with a definite and firm conviction that a mistake has been made.” *Id.*

Every citizen has a constitutional right against self-incrimination. *Id.*, citing US Const, Am V; Const 1963, art 1, § 17. In *Barritt*, this Court explained:

To effectuate this right, the police must warn a defendant of his or her constitutional rights if the defendant is taken into custody for interrogation. Statements made by a defendant to the police during a custodial interrogation are not admissible unless the defendant voluntarily, knowingly, and intelligently waives the constitutional right against self-incrimination. [*Id.* at 561-562 (citations omitted).]

When a defendant is taken into custody for interrogation, the police must provide a *Miranda* warning. *People v Cortez (On Remand)*, 299 Mich App 679, 691; 832 NW2d 1 (2013), quoting *Miranda*, 384 US at 444. *Miranda* warnings, however, are not required unless the questioning amounts to a custodial interrogation. *People v Steele*, 292 Mich App 308, 316; 806 NW2d 753 (2011). “Generally, a custodial interrogation is a questioning initiated by law enforcement officers after the accused has been taken into custody or otherwise deprived of his or her freedom of action in any significant way.” *Id.* (citations omitted). Whether a suspect is in custody depends on the totality of the circumstances with respect to the interrogation. *Barritt*, 325 Mich App at 561-562. Courts must “ascertain whether, in light of the objective circumstances of the interrogation, a reasonable person would have felt he or she was not at liberty to terminate the interrogation and leave.” *Id.* (citations and quotation marks omitted). Factors that this Court must consider include: “(1) the location of the questioning, (2) the duration of the questioning, (3) statements made during the interview, (4) the presence or absence of physical restraints during the questioning, and (5) the release of the interviewee at the end of the questioning.” *Id.* at 562-563 (citations and quotation marks omitted).

In *Howes v Fields*, 565 US 499, 509; 132 S Ct 1181; 182 L Ed2d 17 (2012), the United States Supreme Court clarified that not

all restraints on freedom of movement amount to custody for purposes of *Miranda*. We have declined to accord talismanic power to the freedom-of-movement inquiry, and have instead asked the additional question whether the relevant

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environment presents the same inherently coercive pressures as the type of station house questioning at issue in *Miranda*. [Citation and quotation marks omitted.]

The Supreme Court explained that *Miranda* custody generally involved situations where persons have been cut off from normal life and abruptly transported into a “police-dominated atmosphere” where they may feel coerced into answering questions. *Id.* at 511 (citations omitted).

Interrogations conducted within a suspect’s home are not per se custodial. *Beckwith v United States*, 425 US 341, 348; 96 S Ct 1612; 48 L Ed2d 1 (1976). A suspect is deemed to be “in custody” only when a reasonable person believes that he or she is not free to leave. See *Yarborough v Alvarado*, 541 US 652, 663; 124 S Ct 2140; 158 L Ed2d 938 (2004). In *Yarborough*, the United States Supreme Court held that when a minor is involved, the test is not whether a reasonable minor would believe he or she is free to leave, but whether a reasonable person would believe so. *Id.* at 667. A custodial interrogation occurs when a “police-dominated atmosphere” creates the “inherently compelling pressures which work to undermine the individual’s will to resist and to compel him to speak where he would not otherwise do so freely.” *People v Elliott*, 494 Mich 292, 305; 833 NW2d 284 (2013) (quotation marks and citation omitted). A custodial interrogation can occur anywhere if it generates “‘that sort of coercive environment to which *Miranda* by its terms was made applicable’” *Barritt*, 325 Mich App at 565, quoting *Oregon v Mathiason*, 429 US 492, 495; 97 S Ct 711; 50 L Ed 2d 714 (1977).

In this case, the record establishes that, after watching the security camera footage, the police desired to return to the family home and request that Dr. Altantawi take the children to the police station for questioning. The police arrived at the family home and Dr. Altantawi let them inside the house. The police informed him that they sought clarification on the timeline of events. Dr. Altantawi did not want the children to go to the police station to prevent their further traumatization following the death of their mother. He offered the police the opportunity to speak with the children at their home. The police entered the home and, although they were armed, they did not draw their weapons at any time. At around 3:30 p.m., shortly after the police arrived, Dr. Altantawi indicated that he needed to pick up AA from the school library. The police offered to do so, but he declined and went himself. Before leaving, he went upstairs to locate defendant. He permitted the police to accompany him. When they found defendant, he accompanied his father and the police downstairs. Before Dr. Altantawi left to pick up AA, the police inquired whether they could speak with defendant in his absence. Dr. Altantawi spoke with defendant who appeared to agree to speak with the police. Dr. Altantawi consented and permitted the police to remain at the home to speak with defendant.

Defendant and the police sat down at the table in the dining room which was open to other rooms in the house. The record reflects that the police did not command defendant to sit there or tell him that he could not leave. The police did not tell defendant that he had to answer their questions. Defendant never asked to terminate the interview or leave. Sergeant Wehby testified that during the interview defendant went to get himself a bottle of water and also went to use the restroom. The record reflects that the police did not restrict defendant’s movements or restrain him in any way. The police did not arrest defendant or tell him that he was under arrest before the interview.

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The recorded interview lasted approximately 40 minutes. The record does not indicate that the police subjected defendant to a coercive questioning environment. Rather, they asked questions and defendant freely responded to the police officers' questions that he felt like answering; and when he did not want to speak about a topic further, he told the police and stopped talking about it. The police did not attempt to force defendant to speak further on such topics. The police spoke in a reasonable tone and did not raise their voices. They expressed sensitivity to defendant when he expressed grief at losing his mother, while gradually explaining some of the events that took place preceding Huranieh's fall.

The record reflects that the trial court analyzed the totality of the circumstances and made findings consistent with the testimony of witnesses at the evidentiary hearing and the evidence presented to the trial court. The trial court listened to the recorded interview. The trial court found credible the police witnesses' testimonies which were consistent with the recorded interview. The trial court found that Dr. Altantawi's testimony lacked credibility because of noteworthy discrepancies between his description of events and the recorded interview. The trial court found that Dr. Altantawi fabricated some facts and exaggerated others. The evidentiary record supports the trial court's findings.

The recorded interview indicates that the police suggested to defendant that Huranieh may not have accidentally fallen on her own. Defendant initially denied that he was in the guest bedroom with Huranieh, but he offered contradictory facts and gradually changed his story. Defendant eventually told the police that he was in the guest bedroom when Huranieh fell out the window. He stated that he held the ladder for Huranieh while she cleaned a window but she fell.

The record does not establish that the police pressured defendant or hindered his ability to act under his own volition. The record reflects that the police discontinued the interview at Dr. Altantawi's request. The police did not arrest defendant until later. Sergeant Wehby called for a uniformed police officer to transport defendant to the police station. Approximately 20 minutes later, the uniformed police officer arrived at the family home to arrest defendant and transport him to the police department.

Under the totality of these circumstances, we cannot conclude that a reasonable person would not have felt at liberty to discontinue the interview and leave. *Yarborough*, 541 U.S. at 663. De novo review of the entire record in this case establishes that the police did not place defendant in a custodial environment and subject him to a custodial interrogation within the

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meaning of *Miranda*.³ Therefore, the trial court did not err by denying defendant's motion to suppress his statements made during the August 22, 2017 police interview.

Affirmed.

/s/ Michael F. Gadola

/s/ James Robert Redford

³ We acknowledge our dissenting colleague's citation to and reliance on *JDB v North Carolina*, 564 US 261; 131 S Ct 2394; 180 L Ed 2d 310 (2011). In *JDB*, the Supreme Court remanded the case for a determination of whether or not JDB was in custody at the time he made his inculpatory statement. At the time he made his statement, JDB was a 13-year-old seventh grader, taken by a uniformed officer from his social studies class and escorted to a conference room. While in the closed conference room, he was questioned for 30 to 45 minutes by two police officers and two administrators. He was not given the opportunity to speak to his grandmother before he was questioned.

In *JDB*, the Court wrote: "The question remains whether J.D.B. was in custody when police interrogated him. We remand for the state courts to address that question, this time taking account of all of the relevant circumstances of the interrogation, including J.D.B.'s age at the time." *Id.* at 281.

In the instant case, taking into account all the evidence of record, including the age of defendant, we believe defendant was not in a custodial environment when he met with law enforcement officers in the dining room of his home.

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MUHAMMAD ALTANTAWI,

Defendant-Appellant.

UNPUBLISHED
September 5, 2019

No. 346775
Oakland Circuit Court
LC No. 2017-265355-FJ

Before: GADOLA, P.J., and SERVITTO and REDFORD, JJ.

Servitto, J. (*concurring in part and dissenting in part*)

I respectfully dissent from the majority’s conclusion that defendant was not subject to a custodial interrogation within the meaning of *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966), and that the trial court therefore did not err by denying defendant’s motion to suppress his statements made during the August 22, 2017 police interview. In all other respects, I agree with the majority.

In *Miranda*, the United States Supreme Court defined “custodial interrogation” as “questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.” *Id.* Whether an individual’s freedom of movement was curtailed, however, is simply the first step in the analysis; the next step asks the additional question of whether the relevant environment presents the same inherently coercive pressures as the type of station house questioning at issue in *Miranda*. *People v Elliott*, 494 Mich 292, 311; 833 NW2d 284(2013) (citations and quotation marks omitted). Thus, whether a person is “in custody” is an objective inquiry that takes into account two discrete inquiries—what were the circumstances surrounding the interrogation and, given those circumstances, would a reasonable person feel he or she was free to terminate the interrogation and leave? *JDB v North Carolina*, 564 US 261, 270; 131 S Ct 2394; 180 L Ed 2d 310 (2011). In order to determine how a suspect would have gauged his or her freedom of movement, courts must examine the following circumstances surrounding the interrogation:

- (1) the location of the questioning;
- (2) the duration of the questioning;
- (3) statements made during the interview;
- (4) the presence or absence of physical

Ex. B: COA Opinion 9-15-19

restraints during the questioning; and (5) the release of the interviewee at the end of the questioning. [*People v Barritt*, 325 Mich App 556, 562–63; 926 NW2d 811 (2018) (internal citations omitted)]

Here, the facts are undisputed that the police spoke to defendant earlier on August 22, 2017, in order to obtain information about his mother’s death. Officer Molloy testified that defendant’s father gave police permission to speak to defendant. Molloy testified that he asked defendant to describe the events of the previous day and he did, including providing one comment concerning his mother and the accident that Molloy found odd. The police then took video from the home’s security system and left.

The police returned when information gleaned from the security video indicated that likely only defendant, his two sisters, and their mother were in the house at the time of her death, and it appeared that someone was in the room with her prior to her fall. Molloy testified that from the video, it appeared as if someone had “flipped” defendant’s mother out of the window, and police wanted to talk with defendant and one of his sisters again to determine who was in the room at the time of the incident.

Defendant did not pick the time or location of the later police interrogation. Instead, upon the police’s return to defendant’s home, defendant’s father indicated that he would prefer that police speak to defendant there, rather than the police station. Several officers were then allowed into the home by defendant’s father. His father went upstairs, followed by police, to retrieve defendant and bring him downstairs.

Defendant was only 16 years old and, although the police questioned him in his home, the only adults in the home were police officers. Defendant’s father had to pick up defendant’s sister from school and left defendant alone with the police. Despite that police maintained that they were merely attempting to “nail down the timeframe,” they persistently told defendant that he knew more than he was telling them and repeatedly suggested that his mother’s fall might not have been an accident. They also told defendant that the person in the room with his mother appeared to be male (they stated they were 99.9% sure the person was male). Three officers participated in the questioning while other officers were obtaining a search warrant for the home at the same time as the questioning. At the end of the questioning, defendant’s father returned and stated that he did not want the police to speak to defendant anymore without an attorney present, and that he wanted all his children to sit together. The officers refused to allow defendant to sit next to his sister, stating that the officers with the search warrant would show up soon. One of the officers stated, “until that happens we’re—we’re keeping everybody here, okay?” Thus, defendant was not released after the interview but instead kept at the home, under the supervision of the police, in a police dominated atmosphere, and away from his sisters. Thereafter, when one of the officers asked defendant for the passcode to his phone, defendant’s father objected, and again told the officer not to speak to defendant without an attorney present. These circumstances amount to a custodial interrogation, particularly when one considers that defendant was a juvenile.

By its very nature, custodial police interrogation entails “inherently compelling pressures.” *Miranda*, 384 US at 467. That pressure is so immense that it “can induce a frighteningly high percentage of people to confess to crimes they never committed.” *Corley v*

Ex. B: COA Opinion 9-15-19

United States, 556 US 303, 321; 129 S Ct 1558; 173 L Ed 2d 443 (2009). “That risk is all the more troubling—and recent studies suggest, all the more acute—when the subject of custodial interrogation is a juvenile.” *JDB v North Carolina*, 564 US at 269.

We have observed that children generally are less mature and responsible than adults, that they often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them, that they are more vulnerable or susceptible to outside pressures than adults, and so on. Addressing the specific context of police interrogation, we have observed that events that would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens. No matter how sophisticated, a juvenile subject of police interrogation cannot be compared to an adult subject. [*JDB v North Carolina*, 564 US at 272–73 (internal citations, quotation marks, and punctuation omitted)]

The totality of the circumstances set forth above, including defendant’s age, indicates that defendant was in custody while the police were questioning him. I would therefore have found that the trial court erred in denying defendant’s motion to suppress his statements made during the August 22, 2017 interrogation.

/s/ Deborah A. Servitto

Order

Ex. C: SC Order grant MOAA 4-21-20

Michigan Supreme Court
Lansing, Michigan

April 21, 2020

Bridget M. McCormack,
Chief Justice

160436

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160436
COA: 346775
Oakland CC: 2017-265355-FJ

MUHAMMAD ALTANTAWI,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 5, 2019 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the juvenile defendant was subjected to a “custodial interrogation” without being advised of his *Miranda* rights. *Miranda v Arizona*, 384 US 436, 444 (1966). In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant’s brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee’s brief. The parties should not submit mere restatements of their application papers.

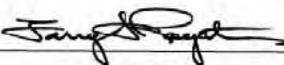
The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



s0407

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 21, 2020


Clerk

Ex. D: Hrg Tr 9/21/18 [excerpt]

STATE OF MICHIGAN

6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN

v

File No.: 2017-265355-FJ

MUHAMMAD AL-TANTAWI,

Defendant.

_____ /

EVIDENTIARY HEARING

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Friday, September 21, 2018

APPEARANCES:

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TRANSCRIBED BY:

THERESA'S TRANSCRIPTION SERVICE
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Lansing, Michigan 48909-1067

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Ex. D: Hrg Tr 9/21/18 [excerpt]

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Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q Okay. And your duties at the Farmington Hills Police now,
2 what do they entail?
- 3 A I'm a patrol officer so I respond to calls for service,
4 traffic enforcement and on view activity.
- 5 Q All right. You've received training for your job?
- 6 A Yes, Sir.
- 7 Q What kind of training do you have?
- 8 A I attended the Arizona Law Enforcement Academy in Phoenix,
9 Arizona and then I've attended training throughout my career
10 in different types of investigations, road patrol, tactical
11 driving instructor --(undecipherable)-- stops, drug
12 recognition and other fields (ph) related to being a patrol
13 officer.
- 14 Q Have you responded -- we you a patrol officer in Phoenix
15 too?
- 16 A Yes, I was.
- 17 Q Okay, have you responded to homicide scenes?
- 18 A Yes, Sir.
- 19 Q How many?
- 20 A At least a hundred.
- 21 Q Hundred, okay. And you've got basically 12 years as a
22 police officer?
- 23 A Correct, Sir.
- 24 Q Okay. Were you on duty on August the 21st, 2017 around 6:40
25 in the morning?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A Yes, Sir.

2 Q Were you in uniform?

3 A Yes, Sir, I was.

4 Q In a marked car?

5 A That's correct.

6 Q Where were you?

7 A I was in the northern portion of Farmington Hills, I was
8 approximately in the area of 12 Mile between Orchard Lake
9 and Farmington Road.

10 Q Did anything happen at about that time, 6:40?

11 A Yes. I received a radio call for an address on Howard Road.

12 Q And do you know what the address was? Is it 36933 Howard?

13 A That sounds correct, Sir.

14 Q Okay, and --

15 THE COURT: Excuse me, Mr. Skrzynski, I just
16 need to pause here for a moment.

17 MR. SKRZYNSKI: Sure.

18 THE COURT: Are you from the Oakland Press?

19 UNIDENTIFIED SPEAKER: Yes.

20 THE COURT: All right, you're not going to be
21 taking any photographs, is --

22 UNIDENTIFIED SPEAKER: I was told head shots
23 are okay.

24 THE COURT: Head shots are okay, I just want
25 to place that on the record that you've been informed. I

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 don't want --

2 UNIDENTIFIED SPEAKER: I understand.

3 THE COURT: -- the defendant being shown in

4 --

5 UNIDENTIFIED SPEAKER: Understood.

6 THE COURT: -- the garb that he's in.

7 UNIDENTIFIED SPEAKER: And anyone else is
8 okay, though, right?

9 THE COURT: Not the -- no one else is --
10 that's fine but as far as the defendant goes, just a head
11 shot.

12 UNIDENTIFIED SPEAKER: Yes.

13 THE COURT: Okay? Understood? Thank you.

14 UNIDENTIFIED SPEAKER: Yes.

15 THE COURT: You may proceed, Mr. Skrzynski.

16 MR. SKRZYNSKI: Thank you.

17 BY MR. SKRZYNSKI:

18 Q Okay, and When you were dispatched to that area what were
19 you told on the radio?

20 A I was told that a approximately 33-year-old female was
21 injured, had fallen 10 to 29 feet, that there was bleeding
22 and that CPR had been started.

23 Q All right, so what did you do?

24 A I responded to the house on Howard Road and as I pulled into
25 the driveway I was flagged down by a younger female.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 Q Did you come to learn that young lady's name?

2 A Yes, it was Aya.

3 Q Okay, A-Y-A?

4 A That's correct.

5 Q And did you come to understand who she was?

6 A Yes, she was the daughter of Nada.

7 Q Okay, and who is Nada?

8 A Nada was the female that I had been called -- who had been
9 found on the back patio.

10 Q All right, so that would be the woman that was on the patio?

11 A Correct.

12 Q Was that Nada Huranieh?

13 A That's correct.

14 Q Okay. So, once you greeted Aya what happened?

15 A She told me that she's over here and directed me back
16 towards the patio on the west side of the house.

17 Q Okay. And did you get to that location?

18 A Yes, Sir, I did.

19 Q Okay.

20 MR. SKRZYNSKI: May I approach, Judge?

21 THE COURT: Yes, you may.

22 MR. SKRZYNSKI: Thank you.

23 BY MR. SKRZYNSKI:

24 Q Officer, I want to show you some photographs and ask you if
25 you recognize these?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 A Okay.
- 2 Q This is People's proposed Exhibit number 1, is that a
3 photograph?
- 4 A Yes, it is.
- 5 Q And do you recognize that?
- 6 A That's the -- both the upper and lower patio on the west
7 side of the house.
- 8 Q Okay, and in that picture can you see the person that you
9 actually saw on the patio?
- 10 A I can see a white sheet covering what looks like the body of
11 the person.
- 12 Q Okay. Showing you Exhibit 2, is this a photograph?
- 13 A Yes, it is.
- 14 Q And what does that show?
- 15 A That's a photo of Nada.
- 16 Q Okay, laying on the patio?
- 17 A That's correct.
- 18 Q Okay, and that's how you saw her?
- 19 A Minus the medical equipment around her, yes.
- 20 Q They hadn't arrived yet?
- 21 A Correct.
- 22 Q Okay. By the way, did they get there while you were there?
- 23 A Yes, they did.
- 24 Q Okay, and proposed Exhibit number 3, does that depict there
25 the distance between Ms. Huranieh and the west wall?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 A Yes, Sir, it does. That appears to be the same distance she
2 was from the wall when I found her.
- 3 Q Okay. There's also a rag in that picture?
- 4 A Yes, Sir.
- 5 Q And that's to the -- as are looking at the picture to the
6 right of the victim?
- 7 A Correct.
- 8 Q Okay. And Exhibit number 4, can you tell us what that is?
- 9 A It appears to be the open window that was located above --
10 directly above the patio where Nada was found.
- 11 Q Okay. And Exhibit number 5, is that a photograph?
- 12 A Yes, it is.
- 13 Q Can you tell us what that is?
- 14 A That is the bedroom that has the open window in the last
15 one, graph (ph). That's --(undecipherable)-- bedroom.
- 16 Q And Exhibit number -- proposed 6, do you know, is that a
17 photo?
- 18 A Yes, it is.
- 19 Q What does it depict?
- 20 A It appears to be a photo looking out the open window from
21 the second story, second half story bedroom down to where
22 Nada was lying.
- 23 Q Okay, and it depicts her?
- 24 A Yes, it does.
- 25 Q Is she covered with a sheet?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A No, not in that photo she's not.

2 Q Okay, and Exhibit number 7, is this -- can you -- is that a
3 photograph?

4 A Yes, it is, Sir.

5 Q Do you know what that depicts?

6 A That's a similar view as the last photograph, Nada lying on
7 the ground, but there's a sheet covering what appears to be
8 Nada lying on the patio below the open window.

9 Q Okay. In that picture do you -- there is a white bar at the
10 bottom of the picture?

11 A Yes, Sir.

12 Q Do you know what that is?

13 A That's the ledge.

14 Q Okay, and was there --(multiple speakers)--

15 A It looks like --(multiple speakers)--

16 Q -- do you --(multiple speakers)-- about the ledge?

17 A There's a dent or a divot on the stucco ledge. It's
18 approximately five to six feet below the window ledge.

19 Q All right, and Exhibit number 8, is that a photograph?

20 A Yes, it is.

21 Q What is this?

22 A That's the same stucco decorative ledge but blown up and you
23 can see the dent in the ledge.

24 Q Okay.

25 MR. SKRZYNSKI: I would move to admit 1 - 8.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 (At 8:57:24 a.m., People's Exhibits 1 through
2 8 are offered)

3 MR. SCHIANO: Can I see them one more time?

4 BY MR. SKRZYNSKI:

5 Q Oh, by the way, those are true and accurate representations
6 of what you saw that day?

7 A Yes, they are.

8 Q Okay.

9 MR. SCHIANO: No objection for the purpose of
10 this hearing.

11 THE COURT: All right, then the court will
12 admit People's 1 through 8.

13 (At 8:58:11 a.m., People's Exhibits 1 through
14 8 are admitted)

15 MR. SKRZYNSKI: May I approach?

16 THE COURT: Yes. Thank you.

17 BY MR. SKRZYNSKI:

18 Q All right, and can you just show the Judge on Exhibit number
19 1, that's the side of the house, can you -- does that Depict
20 the open window that you spoke about?

21 A This is the open window.

22 MR. SCHIANO: Can I approach if they're going
23 to talk about it, please?

24 THE COURT: Yes, absolutely.

25 BY MR. SKRZYNSKI:

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q Okay, tell us where that is.
- 2 A So this is the lower patio, the upper patio where I found
3 Nada and then here's the open window directly above the
4 patio.
- 5 Q Okay, can you show us number 2? And you said that's a
6 photograph of Ms. Huranieh?
- 7 A That's correct. And then the -- obviously, the metal --
8 (undecipherable)-- was not there when I first got there, but
9 that does -- and neither was the sheet.
- 10 Q Okay.
- 11 A But that does look like her placement when I first arrived.
- 12 Q All right, and can you see the next one? That's exhibit
13 what?
- 14 A This is Exhibit number 3.
- 15 Q All right, and that you said depicted her body covered with
16 a sheet but it's -- it depicts the length -- the distance
17 between the wall and where she was lying?
- 18 A Yes. The distance between where she was lying and the wall
19 appears to be the same distance as when I first arrived.
- 20 Q And can you show us Exhibit number 1 again?
- 21 A Certainly.
- 22 Q And show us which wall that is.
- 23 A So it would be this western wall of the house.
- 24 Q And that's the same wall where the window -- the open window
25 is?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A Correct.

2 Q Where you found it?

3 A Yes, Sir.

4 Q Okay, thank you. And then the next -- next one?

5 A So this is Exhibit number 4 and this would be the open
6 window that's directly above the patio.

7 Q Can you see that ledge?

8 A Yeah. It's tough with the light on it. There's a
9 decorative ledge that kind of sticks out a couple inches
10 from the face of the stucco wall.

11 Q Okay.

12 A (Inaudible).

13 Q Is that way you saw the defect?

14 A Yeah, you can even see it a little bit in this photo over
15 here.

16 Q Okay. And the next photo?

17 A This is Exhibit number 7.

18 Q And where are you -- where is that taken, what vantage point
19 is that taken?

20 A This would be taken from the open window looking down and
21 you can see there's the stucco ledge and this would be the
22 patio.

23 Q And can you point out where the defect is? Can you see it?

24 A (Inaudible).

25 THE COURT: Okay.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 BY MR. SKRZYNSKI:

2 Q And the next photo?

3 A This appears to be number 6, just a little out of order. So
4 this is looking out the window down to the patio.

5 Q And that's with the body uncovered?

6 A Correct.

7 Q All right, that's the body of -- and can you point out where
8 that rag is?

9 A Here's the rag.

10 Q Okay, and what do you see --

11 A This is looking down, it's to the left, but when you're on
12 the patio it's still there.

13 Q And can you give us the last one, Exhibit number 8?

14 A Here's number 8. So this would be looking out the open
15 window down that same wall with the stucco and then you'd
16 see the sheet on the patio, but then here's a closeup of the
17 divot in the stucco, the dent.

18 Q Okay. Those are all the pictures, right?

19 A Correct.

20 Q Okay.

21 A Oh, I'm sorry, there's one more.

22 THE COURT: No, there's one more.

23 THE WITNESS: There's one more.

24 BY MR. SKRZYNSKI:

25 Q Oh, all right.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A There we go. They got a little jumbled up. So this is
2 number 5. This would be the inside of the bedroom. Here's
3 the open window that we were looking out of.

4 Q Okay. Just so the court knows.

5 THE COURT: Thank you.

6 BY MR. SKRZYNSKI:

7 Q All right, so you said that you were led to that side, the
8 west side of the house?

9 A Yes, Aya brought me back over to the west side of the house.

10 Q Okay, and what was going on when you got back there?

11 A When I got back there I observed -- so --(undecipherable)--
12 learned that Muhammad was up on the upper patio and he was
13 kneeling down next to the body of Nada and he had his left
14 hand on her chest and his right hand was holding the cell
15 phone up to his head and it appeared he was trying to do
16 chest compressions with his left hand.

17 Q All right. Do you see him in the courtroom today?

18 A Yes, I do, he's seated to my left in the blue shirt.

19 MR. SKRZYNSKI: Okay, would the record
20 reflect that the witness has identified the defendant, Mr.
21 Al-Tantawi?

22 THE COURT: Yes, the record will so reflect.

23 MR. SKRZYNSKI: Thank you.

24 BY MR. SKRZYNSKI:

25 Q What happens then?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A I ran up to the patio, I informed both the kids that I would
2 be taking over CPR and I requested that they go to the end
3 of the driveway to flag down the fire department. It's a
4 long driveway and it's kind of tough to see from the road
5 where the house is, so I wanted to make sure that the fire
6 department could get back there.

7 Q Okay. Before we go on, he said that Aya was the daughter of
8 Nada, did you come to understand the relationship between
9 the defendant and Nada?

10 A Yes, he's the son of Nada.

11 Q Okay. Okay, what happened when you came and saw him doing
12 CPR?

13 A So I told them to go to the end of the driveway and I did a
14 quick assessment on Nada, check for a pulse, check for
15 bleeding and then I didn't find any bleeding, I didn't find
16 any pulse, I could not tell that she was breathing so I
17 began CPR. And then I advised -- radioed that I needed fire
18 and a supervisor.

19 Q You said that you couldn't find any bleeding?

20 A No.

21 Q There was no blood around her at all?

22 A I did not find any and I wasn't wearing gloves and I padded
23 all around your body and underneath to see if there was
24 bleeding because obviously, if there was hemorrhaging I need
25 to take care of that before I start doing CPR.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q Okay. At that time you said that you wanted to begin CPR?
- 2 A After I did the assessment, yes, Sir.
- 3 Q And what was your impression of Ms. Huranieh's condition
- 4 when you looked and saw -- did those checks?
- 5 A I could tell the body felt warm but no breathing, no pulse.
- 6 I didn't feel that she was alive at that point.
- 7 Q Okay. Now, as you were doing the -- how long did you do the
- 8 CPR?
- 9 A Approximately three to five minutes.
- 10 Q All right, and what happened -- did you do anything while
- 11 you were doing the CPR?
- 12 A I did get on the radio I believe twice, once to ask for fire
- 13 and then once to ask for a supervisor.
- 14 Q And when you ask for fire, why do you ask for that?
- 15 A Because it's an advanced medical personnel who can treat her
- 16 beyond my capabilities.
- 17 Q Okay.
- 18 A And it's standard. Anytime you have somebody injured we
- 19 request medical personnel.
- 20 Q All right. As -- were you making an assessment of the scene
- 21 as you did this?
- 22 A As I was doing CPR, not at that point. I mean, I made
- 23 observations directly around me. I noticed there was a rag
- 24 on the ground and then I did notice the open window. That
- 25 was kinda part of the quick initial assessment just to see

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 what injuries I should be looking for.

2 Q And what were your impressions when you made that
3 assessment?

4 A It appeared that she had suffered a fall.

5 Q Okay. And did you -- did you see what you might expect to
6 see from a person who suffered a fall?

7 MR. SCHIANO: Objection --

8 THE WITNESS: At that initial point --

9 THE COURT: Just a second.

10 MR. SCHIANO: There's no foundation for this
11 officer --

12 MR. SKRZYNSKI: All right.

13 BY MR. SKRZYNSKI:

14 Q Have you seen people who are victims of false?

15 A Yes.

16 Q Have you, yourself, been the victim of a fall?

17 A Yes.

18 Q Okay, and what -- how many times have you seen something
19 like that?

20 A Other people who have fallen?

21 Q Yes.

22 A Approximately 30 to 50. I couldn't really put an exact
23 number on it.

24 Q Mm-hmm. And do you usually make observations of the -- when
25 you see the fall victims?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A Yes.

2 Q Okay. What do you -- is there some kind of consistent
3 finding?

4 A I couldn't say consistent. Every situation is different.
5 It depends upon the circumstances that led to the fall.

6 Q So did this seem like a typical fall to you?

7 MR. SCHIANO: Objection, Judge. That's not a
8 proper foundation for -- he said they're all different, how
9 can he testify to this one as being consistent? He said --
10 (multiple speakers)--

11 MR. SKRZYNSKI: Well, he can answer the
12 question that he -- that they're all different.

13 THE COURT: Well, he did say that, so.

14 MR. SKRZYNSKI: Okay.

15 THE COURT: Either rephrase your question or
16 move on.

17 BY MR. SKRZYNSKI:

18 Q Did -- what specific observations did you make that arrested
19 your attention?

20 A At that initial point I was still focused on the CPR waiting
21 for the fire to get there.

22 Q Okay, they came -- they came eventually said, right?

23 A That is correct.

24 Q Okay, and then they took over the CPR?

25 A Yes, they did.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q Then what happened?
- 2 A I went inside to speak with both Muhammad and Aya.
- 3 Q What happened there?
- 4 A I asked them when was the last time they had seen, who we
5 learned was their mother, Nada, and I asked them, so they
6 said that -- Muhammad --
- 7 Q When you say "they" who are you talking?
- 8 A I'm sorry, I'm speaking to Aya and Muhammad at this point.
- 9 Q Okay. And who speaks?
- 10 A Both of them were speaking.
- 11 Q Okay, what happened?
- 12 A Muhammad said he had last seen her approximately 2000 hours
13 or 8:00 o'clock the night before and that he had gone to bed
14 at approximately 2300 hours.
- 15 Q And that was 11:00 o'clock?
- 16 A Yes. Sorry. And then Aya mentioned that she had woken up
17 this morning at 6:30 and she had not seen her mother and she
18 had called for her and that was unusual. And then she had
19 walked to her mother's bedroom, so that will be on the first
20 floor, and --(undecipherable)-- found her and then started
21 walking through the house, and when she went up to the
22 second floor she saw that there was a light on in the west
23 bedroom, and when she went into that room she looked out the
24 window and saw her mother on the patio.
- 25 Q Okay. And then what? What did she say?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 A She had called Muhammad and they had both gone outside and
2 Muhammad had called 911.
- 3 Q Muhammad or?
- 4 A Muhammad, yeah.
- 5 Q Okay. Are you positive that she said that?
- 6 A I don't recall if -- I know Muhammad was on the phone with
7 911 when I got there.
- 8 Q When you got there.
- 9 A Correct.
- 10 Q Okay.
- 11 A I don't recall if she said she initially called or Muhammad
12 actually called. I just know he was on the phone with 911
13 when I got there.
- 14 Q All right, so you were told that -- did you find out how
15 many people were there?
- 16 A In the house?
- 17 Q Yes.
- 18 A Muhammad and Aya told me that -- I think just Muhammad told
19 -- Muhammad told me that it was he, his sister, Aya, his
20 sister, Sidra (ph) and their mother, and they were the only
21 people in the house.
- 22 Q Okay, and no one else had come in?
- 23 A He told me that no one else was there.
- 24 Q Okay. Did you come to learn anything about Sidra, the
25 youngest daughter?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A Yes, later on I did. Well, initially they told me that she
2 was upstairs sleeping and then later I learned that she had
3 some developmental disabilities.

4 Q Okay. Is that all that Muhammad told you?

5 A In that initial conversation with he and I, yes.

6 Q Okay, what happened then?

7 A I went outside and I contacted the fire personnel, I gave
8 them Nada's information, which I had gotten from Muhammad
9 and Aya, and then I had also -- in that initial conversation
10 with Muhammad and Aya I had asked if there was any history
11 of depression of suicide attempts with Nada.

12 Q And what happened?

13 A Aya told me that there was not, Muhammad told me that his
14 mother had taken pills in the past and that he had witnessed
15 that.

16 Q And Aya told you that there wasn't any?

17 A Aya denied that.

18 Q She denied it?

19 A Yes.

20 Q After he said it?

21 A Correct.

22 Q Okay. When did you ask him that?

23 A That was in the initial conversation. I asked them when was
24 the last time they had seen their mother and then I had
25 asked them who all was in the house and then I asked if

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 possibility of a previous suicide attempt with this person.

2 Q Okay, what happened then? Were you thinking look in terms
3 of the suicide?

4 A I hadn't made any determination at that point.

5 Q Okay.

6 A I then went back inside and that's when I contacted Muhammad
7 and I again, because I wanted to get a more thorough story
8 of what had surrounded them finding her and what happened
9 before.

10 Q What happened?

11 A That's when I spoke with them and asking about Nada's usual
12 habits in the morning, both of them informing that she was
13 usually up earlier in the morning. Aya mentioned that she's
14 usually up at 4:30 or 5:00 to clean the house every morning.
15 And then that they normally leave for school at 6:30 and
16 Nada takes the children to school. And then Muhammad
17 mentioned that he had woken up at 6:30. The second time I
18 talked to him he said he got up at 6:30.

19 Q At 6:30?

20 A Yes. The first time he had mentioned it was a little before
21 6:00, he had heard her, and then when he said he woke up at
22 6:30 he realized that it was late and they should have been
23 going to school. And then that's when Aya told me that she
24 had walked through the house and she got up to the second
25 story bedroom and she had noticed the windows open and

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 looked out and seen her mother out there.

2 Q Okay. And neither one of them had seen her that morning?

3 A Neither one of them said that they had seen her that morning
4 the second time I talked to them all.

5 Q Okay. You said that the -- okay. What happened then?

6 A I then went back out, Officer Ahmad arrived on scene. I
7 asked him to stand by with the children inside the house.
8 Sidra was still upstairs sleeping at this point. And then I
9 went back out to the patio to contact fire personnel to
10 determine if they were going to be transporting or what the
11 status of Nada was.

12 Q Okay, then what?

13 A I was contacted by the firefighter in charge of the scene
14 and he asked if he could -- if I could escort him upstairs
15 to look out the window that was directly above where Nada
16 was found.

17 Q Did he tell you why he wanted to do that?

18 A He wanted to determine what injuries, if any, they needed to
19 be looking for and he wanted to see from up there how she
20 could have landed and what else they should be trying to
21 assess.

22 Q Did the -- do you know whether the fire department personnel
23 working on her had made any kind of determination about her
24 condition?

25 A They were still treating her at that point. They were still

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 doing CPR.

2 Q Okay.

3 A I knew it was serious but they had not stopped treating her
4 at that point.

5 Q All right. What happened next?

6 A I escorted the firefighter upstairs to the second story
7 bedroom and I had asked Aya how to get up there because it's
8 a large house and there's several staircases, so she kind of
9 pointed how to get up there. And then I escorted him into
10 the room and we both looked out the window.

11 Q All right, and that was Exhibit number --

12 MR. SKRZYNSKI: I'm sorry, Judge --
13 (undecipherable)-- the exhibits --(undecipherable).

14 THE WITNESS: I believe it's number 5 is the
15 inside of the room.

16 MR. SKRZYNSKI: Okay, Exhibit number 5.

17 THE COURT: This one?

18 THE WITNESS: Yes, your Honor.

19 BY MR. SKRZYNSKI:

20 Q All right, and that's -- when you walked in is that what you
21 saw?

22 A Yes.

23 Q Okay, can you --

24 A That's how it looked.

25 Q All right, and what -- that -- can you just describe the

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 things that were in there?

2 A It's a -- well, it appears to be a guest bedroom. There's a
3 step ladder that was underneath the open window and that
4 window is about three, three and a half feet off the ground.

5 Q Okay.

6 A And then on the step ladder was a bottle of cleaning
7 supplies, I think it's Tilex.

8 Q Tilex?

9 A Yeah, I believe it was Tilex that's sitting on the -- yeah,
10 appears to be Tilex, sitting on top of the step ladder.

11 Q Okay, and what did you notice about the windows?

12 A I noticed that the -- if you were looking out the window,
13 the window pane on the right was open and swung out and then
14 there was -- appeared to be spray marks on the outside of
15 the window.

16 Q Of the window that was open?

17 A Correct.

18 Q Okay.

19 A And that was about all the observations I have of the
20 window.

21 Q What happened then?

22 A We both looked out the window and that's when we saw the
23 dent in the stucco ledge. It was a lot easier to see from
24 above than below. And then looked at the placement of
25 Nada's body.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q About how far down below the window was the ledge?
- 2 A Approximately five to six feet.
- 3 Q Okay. And did you also note that defect in it?
- 4 A I did.
- 5 Q Okay, and that was one that was depicted in the picture?
- 6 A That's correct, Sir.
- 7 Q All right, right happened then?
- 8 A Both the firefighter and I began trying to figure out how
- 9 her body could have landed that way.
- 10 Q Okay, so you discussed --
- 11 A And how she may have -- if she had and how she may have also
- 12 struck that ledge.
- 13 Q Okay. Do you know which part you were thinking about?
- 14 A Both. It was how she would have gone out the window to both
- 15 strike that ledge and then also land the way that she was.
- 16 Q Okay. Did you notice anything about the defect itself,
- 17 could you see anything specific about it?
- 18 A From that point I couldn't tell you. I could just see that
- 19 there was a dent in it.
- 20 Q Okay. What happens then?
- 21 A Both the firefighter and I could not come up with a scenario
- 22 from standing there that would have led to her placement and
- 23 having struck that ledge without having kicked the ladder
- 24 out or without there having been some claw marks or nail
- 25 marks in the window, like somebody trying to catch

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 themselves.
- 2 Q Okay.
- 3 A We didn't come up with a conclusion at that point, we just
4 couldn't come up with an answer for how she had landed the
5 way she was and also potentially struck that ledge.
- 6 Q And the purpose of doing this was?
- 7 A To determine what other injuries we may be looking for.
- 8 Q Okay, I see. And that was for treatment purposes?
- 9 A Yes, that's why we were up there.
- 10 Q Okay. What happens then?
- 11 A I escorted the firefighter back down because he wanted them
12 to continue assessing the body. I took him back down and
13 then I went and I stood with -- stood by with Officer Ahmad
14 and Muhammad and Aya.
- 15 Q Did you ask them anything else, the two children?
- 16 A I did. I asked them if they had moved Nada's body, because
17 that would have been the most logical explanation for why
18 things weren't adding up.
- 19 Q And what did they say?
- 20 A They said they had not.
- 21 Q Okay. What happens then?
- 22 A I stood by until Sergeant Harold (ph) got there and then
23 Detective Molloy and Sergeant Wehby.
- 24 Q Was the father of the defendant and Aya, was he there?
- 25 A Not initially, no. I had asked Muhammad and Aya if they had

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 any other family members close by and they said that their
2 father lived relatively close.

3 Q Okay. Did they tell you why he was not there?

4 A They said that their parents are going through a divorce.

5 Q Okay. Did there come a time when you spoke with the father?
6 Did he come to the scene?

7 A He did come to the scene but I had spoken with him previous
8 to that on the phone.

9 Q Did somebody direct you to do that?

10 A Muhammad had called him. I had directed Muhammad to call
11 his father to respond because I knew how serious things were
12 with Nada and I wanted another adult family relative there.

13 Q Okay, and their other relatives you said were where?

14 A They said all their other family was out of the country.

15 Q Okay, so what happens?

16 A Muhammad later called his father, Bassel, and asked me to
17 speak with Bassel on the phone. Bassel was requesting to
18 speak to an officer.

19 Q Okay, and did you talk to him?

20 A I did.

21 Q What'd you tell him?

22 A I explained that his wife had suffered an injury, that it
23 was serious, and that he needed to be there for his
24 children.

25 Q Okay. And was there a problem with that?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 A He expressed some reservations because he was court ordered
2 not to be there and he was on a tether and I told him that
3 he needed to respond anyways, that his children needed him
4 there.

5 Q Okay. And what happens?

6 A He later responded to the house.

7 Q Do you know if he -- about how soon after the phone call did
8 he get there, do you know?

9 A I can't recall. It was within an hour.

10 Q Okay. What happens -- you said that Detective Molloy and
11 Sergeant Harold came to the scene also?

12 A Correct.

13 Q What happened then?

14 A I briefed them on what I had found and they began taking
15 over the investigation. I do recall that we were directed
16 to walk around the exterior of the house, which I did that
17 with Detective Molloy and Sergeant Harold.

18 Q When you walked around the exterior of the house what did
19 you do that for?

20 A We were looking for any forced entry, any obvious pry marks,
21 any other unlocked or open doors or windows, and then also
22 any cleaning sprays on any of the other -- cleaning marks or
23 sprays on any of the other windows of the house.

24 Q And what did you find?

25 A I did not find any other unlocked doors or windows, did no

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 find any obvious damage or pry marks to any doors or windows
2 that looked like they had been forced open, and I didn't
3 find any other spray marks on any other --(coughing)-- but I
4 did observe several security cameras placed around the
5 house.

6 Q Okay. Did you observe a security camera in the area where
7 Ms. Huranieh was lying?

8 A Yes. There was one on the -- under the eaves pointing down
9 towards the patio.

10 Q Can you show it to the Judge --

11 MR. SKRZYNSKI: Judge, can you hand him
12 Exhibit number 1 please --

13 THE COURT: Sure.

14 BY MR. SKRZYNSKI:

15 Q And then can you show the Judge where that security camera
16 is?

17 A So that security camera -- it's kinda tough, it's up in this
18 corner.

19 THE COURT: Okay.

20 BY MR. SKRZYNSKI:

21 Q Okay. And you said there were other cameras around the
22 house?

23 A Yes, Sir.

24 Q Okay. What did you do then?

25 A I went back inside and I asked Muhammad and Aya if they knew

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

1 about face first on direct examination, didn't you?

2 A One of my observations, both mine and the firefighter's when
3 we were up there, was thinking that if she had gone out face
4 first it did not make sense the way that she was landing.
5 We also thought if she'd gone out backwards how she would
6 have been landing, and that wasn't adding up to the way we
7 thought somebody who would have fallen from that distance
8 either.

9 Q Well, let's talk about your first observations you made to
10 the scene on the back patio there.

11 A Sure.

12 Q You came around the corner, it's a long walk from the
13 driveway up around the house, fair to say?

14 A It's a decent distance, yeah.

15 Q Okay, and you were with Aya at the time, correct?

16 A I was following her, yes.

17 Q She was directing you where to go, correct?

18 A Correct.

19 Q When you came around the corner and saw Muhammad on top of
20 his mother performing CPR, correct?

21 A He wasn't on top of her, he was kneeling next to her.

22 Q Okay, kneeling next to her, you saw his hand on her chest,
23 correct?

24 A Yes.

25 Q You heard him talking to the 911 operator, correct?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 A I heard him on the phone, I didn't know it was a 911
2 operator til I got all the way up there.
- 3 Q And when you got there you saw him perform the CPR, fair to
4 say?
- 5 A I saw him pressing his left hand on her chest, yes.
- 6 Q You came up to that patio and you stopped, isn't that a fair
7 statement?
- 8 A I didn't -- you're going to have to rephrase that.
- 9 Q You walked up to the scene of the patio, you stopped, you
10 went on the radio for a couple seconds, correct?
- 11 A No.
- 12 Q You didn't walk directly to the body.
- 13 A Yes, I did.
- 14 Q Did you ever watch a video of yourself from the security
15 camera that has been provided in evidence?
- 16 A No, I have not.
- 17 Q Okay, did you ever see what you actually did when you
18 approached the body on video?
- 19 A I have not watched it on video, no, Sir.
- 20 Q Did you ever see and hear that you said at the time you put
21 your hand on her chest twice and said, "She's DOA," do you
22 recall saying that?
- 23 A I don't recall saying "DOA," no.
- 24 Q Do you recall only performing CPR for two chest
25 compressions?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q And you found nothing?
- 2 A Correct.
- 3 Q When you say you saw no blood, you saw that she had suffered
- 4 a wound to the head though, correct?
- 5 A I did not see the wound when I first got there. I padded
- 6 everywhere, checked for blood underneath, but I don't recall
- 7 seeing an actual wound.
- 8 Q You rolled her over?
- 9 A No, I did not roll her over.
- 10 Q Did you check under her head?
- 11 A I padded around and under her head --
- 12 Q You said you --
- 13 A -- there was also --(multiple speakers)-- pools of blood.
- 14 Q You said you had no gloves on though, correct?
- 15 A Correct.
- 16 Q You didn't observe any physical damage or injuries to her
- 17 face either, did you?
- 18 A No, I didn't.
- 19 Q You didn't see any bruising to her lip, did you?
- 20 A I did not. I don't recall seeing any, no.
- 21 Q You didn't make any observations or tell in any reports you
- 22 saw any damage to her hands or to her face or to her legs,
- 23 correct?
- 24 A I did not see any, no.
- 25 Q And that was your assessment because you were trying to see

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 if she had any other injuries, correct?
- 2 A Correct.
- 3 Q When you had talked to Aya, Aya had told you that she had
4 woken up at around 6:30. She also told you that she tried
5 calling her mother, do you remember her telling you that?
- 6 A She said she tried calling her twice.
- 7 Q Okay, did you ever ask to see her cell phone to see what
8 time she called her at?
- 9 A At that point I thought she had been yelling, I didn't think
10 you needed to use a cell phone inside your own house.
- 11 Q But she told you she tried calling her, right?
- 12 A Yeah. And again, I assumed she was yelling, calling for her
13 mother.
- 14 Q Well, did you ever check her phone call -- any phone calls?
15 She told you she woke up at 6:30, correct?
- 16 A I did not check her phone, no.
- 17 Q She had a phone on her, correct?
- 18 A I don't recall.
- 19 Q You never saw her with her phone in her hand?
- 20 A I don't recall, no.
- 21 Q You saw a phone in Muhammad's hand?
- 22 A Yes, when he was talking to his father.
- 23 Q Okay. I'm talking at the scene, when you came the first
24 time to the scene he was talking to 911, right?
- 25 A Yes, he was on the phone then.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q Did you make the determination of who he was talking to at
2 the time?
- 3 A I could -- once I got down next to the body I could hear our
4 dispatcher on the phone with him.
- 5 Q What was the dispatcher saying, do you recall?
- 6 A I don't recall.
- 7 Q Wasn't she saying one, two, three four; one, two, three,
8 four?
- 9 A I don't recall.
- 10 Q Did you make any observations -- you said you went up to the
11 upstairs room where the window was open, did you make any
12 observations of any band-aid or anything on the windowsill
13 there?
- 14 A I don't recall a band-aid being on the windowsill.
- 15 Q You never saw anything of that nature?
- 16 A I just don't recall seeing a band-aid on the windowsill.
- 17 Q And again, you didn't secure anything in that room, did you?
- 18 A You're going to have to explain what you mean by securing
19 anything in that room.
- 20 Q Well, I assume that in your hundred homicide investigations
21 you've put up either police tape or something to make sure
22 people don't get into a potential crime scene, you know what
23 that is, right?
- 24 A Yes, I do know what a crime scene is, thank you.
- 25 Q And did you do that in this case?

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 A I did not put up crime scene tape in this case.
- 2 Q either downstairs or up in that room, fair to say?
- 3 A Correct.
- 4 Q And you said that when you were inside with the children
5 that the firefighters were still performing some type of CPR
6 on Nada, is that right?
- 7 A Correct.
- 8 Q What was the time period, if you recall, from the time you
9 sent the kids inside until the firefighters arrived and they
10 performed CPR, do you recall?
- 11 A Within a few moments. I'd say probably three to four
12 minutes.
- 13 Q And you --
- 14 A At most.
- 15 Q And you indicated that there was a period of time from when
16 you made the phone call -- or you asked Muhammad to make the
17 phone call to his father til when his father arrived,
18 correct?
- 19 A Correct.
- 20 Q You were aware that he was in I think Canton at the time,
21 right?
- 22 A I believe that's correct.
- 23 Q Okay, and that would take him about an hour?
- 24 A I don't know that he was in Canton. I was told that he was
25 in Canton.

Ex. D: Hrg Tr 9-21-18 [Off. Jordan excerpt]

- 1 Q Okay. And it would take him an hour to get Farm -- to the
2 house, is that right?
- 3 A I couldn't tell you how long it would take him to get there.
- 4 Q But there was some concern that you were aware of that he
5 had an order -- a protection order to stay away from that
6 house, correct?
- 7 A The only thing I knew is what Bassel told me, is that he was
8 not supposed to be at the house and that he was on -- I
9 believe he said he was on a tether.
- 10 Q Well, you have access to these type of records, don't you,
11 that you can look on your computer and see if someone's not
12 allowed to be at a certain premises?
- 13 A I would have accessed that, yes, Sir.
- 14 Q So did you check to see whether or not he had the ability to
15 be at that house?
- 16 A No, I did not.
- 17 Q So do you know if he was lying to you?
- 18 A I have no way of knowing. Not at that point.
- 19 Q That was one of his concerns to come over there, is that he
20 wasn't allowed over there, right?
- 21 A Correct.
- 22 Q But you gave him the permission somehow that you claim to
23 have had to give him the permission to come over there,
24 correct?
- 25 A I told him that he needed to respond because I had minor

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Okay. Did you come to the scene by yourself?
- 2 A I did.
- 3 Q All right, what happens?
- 4 A I arrived on scene, Officer Jordan was there and Sergeant
- 5 Haro was there and they kind of briefed me on the situation,
- 6 and then they walked me back towards the west side of the
- 7 house, the patio where the body was.
- 8 Q Okay. And what did you see?
- 9 A I saw the -- what appeared to be a body laying on the patio
- 10 covered in a sheet and there was some medical equipment
- 11 around.
- 12 Q Was -- at that point was the medical examiner on the scene?
- 13 A No.
- 14 Q That examined -- investigator?
- 15 A No, there wasn't.
- 16 Q Was there fire personnel there?
- 17 A I think the fire personnel were actually leaving as I was
- 18 pulling in.
- 19 Q Okay.
- 20 A So I don't remember. I think I passed some of them as I was
- 21 walking --(multiple speakers)--
- 22 Q I see. So there was -- did you come to know that that --
- 23 the person lying on the patio was Nada Huranieh?
- 24 A Yes.
- 25 Q Okay. That person had been pronounced dead?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Yes.
- 2 Q Okay, you were aware of that?
- 3 A Yeah, that was part of the brief that Officer Jordan and
4 Sergeant Haro gave me.
- 5 Q All right, so the -- Ms. Huranieh was underneath a sheet,
6 what happened then?
- 7 A I was advised that the medical examiner had already been
8 contacted and that the -- her husband was on the way. He
9 had already been called as well. I kinda took a look at
10 the, you know, the entire surrounding, kinda the patio, the
11 window above --
- 12 Q What about the window above?
- 13 A They just kinda pointed out, like this -- obviously, this is
14 where she -- we believe she came out of.
- 15 Q Well what did you notice about that window?
- 16 A There was no screen in the window.
- 17 Q Was it open or closed?
- 18 A The window was open.
- 19 Q Okay.
- 20 A They also pointed out what appeared to be a def -- or an
21 indentation in the -- an overhang just below the window.
- 22 Q Okay, on the ledge?
- 23 A Yeah. We call it a --(inaudible).
- 24 Q When you -- did you -- was the sheet removed from the body?
- 25 A At that time, no.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Okay.
- 2 Q Okay, so that's where that conversation occurred?
- 3 A Yes, Sir.
- 4 Q And then in order to get to the -- where the -- not his body
5 was, you had to walk around the house, around the front of
6 the house?
- 7 A Yes.
- 8 Q And then up on the other side -- if -- which way is north on
9 that?
- 10 A North is actually down.
- 11 Q Down, okay.
- 12 A Yes.
- 13 Q Okay, so the west -- the left -- the right side of -- to
14 you, the right side of the diagram is actually the west, is
15 that correct?
- 16 A That is correct.
- 17 Q Okay, thank you. All right, so when you were having this
18 conversation by the garage did he tell you anything else?
- 19 A I mean, we had -- I don't know specifically. I mean, we had
20 a pretty -- pretty long conversation about, you know...I
21 don't remember all the specifics of it, I'm sorry.
- 22 Q All right. Did he tell you anything about the garage
23 itself?
- 24 A Oh, yeah. I asked who had keys, who had keys to the house,
25 if he had a key to the house, he said he believed that he

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 did. He told me that because of the probation that he
2 hadn't been at the house in over a year and that even when
3 he was living there they never used the keys, they always
4 entered through the garage.

5 Q Was there -- were there doors on the front of the garage?

6 A Yeah, three garage doors.

7 Q All right, and --(multiple speakers)--

8 A (Multiple speakers).

9 Q -- where is the front of the garage, just --

10 A Actually, it faces out east.

11 Q Okay, so that garage is facing out east, right?

12 A Yes.

13 Q All right --

14 A So you pull in --

15 Q -- and the doors --

16 A -- from that way.

17 Q -- the doors are on the east side then?

18 A Yes, Sir.

19 Q All right. And he said that -- was there a door inside the
20 garage that led into the house?

21 A Yes.

22 Q Okay, and he said that they would -- they would use that
23 door?

24 A Yes.

25 Q All right. Did you ask him anything else?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 A Sure, we talked about just that, you know, in the
2 conversation with Jordan and Haro that, you know, this was -
3 - like he said, there's no -- it's not a natural death, it's
4 not a obvious suicide, so it was kind of suspicious, so I
5 asked him if we could conduct an investigation.

6 Q By investigation what do you mean?

7 A Going in the house, take a look around, see any signs of,
8 you know, anything possibly criminal, take photographs,
9 collect evidence.

10 Q All right, and what did he say?

11 A He said he didn't have a problem with that.

12 Q Okay. And again, that was in this conversation outside the
13 garage?

14 A Yeah.

15 Q All right, so what did you do then?

16 A I advised the other people, the other officers on scene,
17 sergeant, my -- Sergeant Wehby had arrived at that time,
18 Detective Hammond was also arrived, and then myself,
19 Detective Wehby and -- or, I'm sorry, Sergeant Wehby and
20 Detective Hammond conducted a walk-through of the house.

21 Q All right. Your desire to do that was based on what facts?

22 A Based on she's deceased. We have -- you know, she fell out
23 of a -- you know, it was reported to us that she fell out
24 the window. Again, the orientation of the body. I found it
25 also, not suspicious, just something that alarmed me was the

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Okay. And that's when they removed the -- Ms. Huranieh's
2 body?
- 3 A Yes.
- 4 Q Okay. So you basically comply with his desires, did you
5 not?
- 6 A Yes.
- 7 Q All right. Did you ask any questions of him or anybody else
8 about those surveillance cameras?
- 9 A Yes. I asked --
- 10 Q Who did you ask?
- 11 A I asked -- I asked Muhammad if they were working, you know,
12 a very brief conversation, he told me he didn't want to talk
13 to me -- he didn't want to talk right now, and then I asked
14 Bassel and he said he didn't -- he didn't believe that they
15 were working either.
- 16 Q Okay. Mr. Al-Tantawi said --
- 17 A I'm sorry, yes. Yes, Sir.
- 18 Q Okay. So what happens then?
- 19 A It was shortly after that the -- Mr. Al-Tantawi had left
20 with the children.
- 21 Q All right. And what happened then?
- 22 A Like I said, I mean, I actually left -- ended up leaving the
23 scene shortly after them to start reports and things like
24 that.
- 25 Q Okay. Was any evidence collected that day during that walk-

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 through?
- 2 A Yes, there was.
- 3 Q Didn't go through -- do you know what was collected?
- 4 A Specifically, I can't remember what was collected at that
5 time. I wasn't part of the evidence collection.
- 6 Q Okay. All right, so did you leave the scene eventually?
- 7 A Yes.
- 8 Q All right. Did you make any comments to Mr. Al-Tantawi, you
9 know, while -- before he left with the kids about the
10 investigation?
- 11 A Yeah, I told him that it was ongoing and that I would be in
12 touch with him.
- 13 Q Okay. Now, at that point where do you go?
- 14 A Back to the station.
- 15 Q Back to where?
- 16 A Back to the station.
- 17 Q Okay, and what do you do there?
- 18 A Started writing report. I was contacted -- as I walked in I
19 was told by the front desk that they had received phone
20 calls from the tether company that he had violated the
21 tether and then I called his probation officer to speak to
22 her about his violation of the -- entering the exclusion
23 zone.
- 24 Q And what happened then? Did you have that conversation?
- 25 A Yeah.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q And what happened during that conversation?
- 2 A Then I just told her that he was -- he was called there by
3 the responding officers in order -- you know, they're
4 conducting an investigation, we need to turn the kids over
5 to him.
- 6 Q Okay, and did you do anything further about that?
- 7 A We actually requested her to obtain the tether points to
8 actually show that, you know, it was working at the time and
9 where he was and where he's, you know, coming from I guess.
- 10 Q Did you ask her about any violations before the time he
11 showed up to get the kids?
- 12 A Yeah. Yep, I made sure that he had and entered that area --
- 13 Q And he had not?
- 14 A No.
- 15 Q All right. So only when he came to get the kids is that's
16 when he --
- 17 A Yes.
- 18 Q All right. So what else happened, was that it for the day?
- 19 A I -- no, I received several phone calls.
- 20 Q From whom?
- 21 A Different members of the community, friends of Nada. There
22 were several phone calls. One was -- she claimed to be
23 Nada's lawyer or her attorney.
- 24 Q All right, well did you answer those phone calls?
- 25 A Yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q Okay, and then that was it for the day?

2 A Yeah.

3 Q All right. Now I want to point out the next day, August the
4 22nd.

5 A Yes.

6 Q All right. Now, when you first went over there on the 21st
7 you didn't arrest the defendant --

8 A No.

9 Q -- by the way, the defendant's in the courtroom today?

10 A Yes.

11 Q Okay, and he's wearing what color?

12 A Blue.

13 MR. SKRZYNSKI: Okay, let the record reflect
14 he's identified the defendant.

15 MR. HART: Wait a minute, I'm wearing blue
16 to.

17 MR. SCHIANO: Me too I guess, but.

18 MR. SKRZYNSKI: Well --

19 THE WITNESS: Blue jumpsuit.

20 MR. SKRZYNSKI: What's that?

21 THE WITNESS: It's a blue jumpsuit.

22 MR. SKRZYNSKI: Okay.

23 THE COURT: All right. Yes, the record will
24 so reflect. Thank you.

25 MR. SKRZYNSKI: Thank you.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 THE COURT: Let's move on.

2 BY MR. SKRZYNSKI:

3 Q All right. The next day you came into work?

4 A Yes, Sir.

5 Q About what time?

6 A Approximately 7:00 a.m.

7 Q Okay, what happens?

8 A Kinda going about regular business and at some point, you

9 know, we're talking about the case and at some point I get

10 called by -- her name is Ms. Rheam (sp), and she advised us

11 that she was the interior decorator when they had actually

12 purchased the house to help decorate it, and she said that

13 even if they hadn't -- she had talked to the company who put

14 in the -- or, I don't know if it was put in or updated, the

15 surveillance system, but that she was sure -- she had spoken

16 with them and she assured me that it would actually be

17 working even if they hadn't -- unless they had unplugged it.

18 Q So she said she had called the company that installed it and

19 they told her and then she told you?

20 A Yes. She was already familiar that it was there because she

21 was the decorator for the house --

22 Q Okay.

23 A -- and she uses a company.

24 Q All right, so what do you do?

25 A I --

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q After you heard that what did you -- did you formulate a
2 plan?
- 3 A Sure. I went in, I talked to my boss.
- 4 Q Who's your boss?
- 5 A Sergeant Wehby.
- 6 Q Okay.
- 7 A And I advised him, you know, we kinda went over, hey, this
8 seems like -- you know, might actually be on video, so he
9 told us, you know, we were going -- myself and Detective
10 Hammond were already going to go respond out there so he
11 agreed that that's what we should do. I called up Bassel --
12 I'm sorry, Mr. Al-Tantawi, I called him up and asked him if
13 he was at the house and if I could come by and talk to him.
- 14 Q What'd he say?
- 15 A He said, "Sure, come on over."
- 16 Q All right, so what happens?
- 17 A Detective Hammond and I respond.
- 18 Q All right. Let me ask you this, this is Jason Hammond?
- 19 A Yes.
- 20 Q Okay, it's H-A-M-M-O-N-D?
- 21 A Yes.
- 22 Q All right, and what are you both wearing that day?
- 23 A The same thing as the day before, dress slacks and Polos.
- 24 Q Okay, neither are in uniform?
- 25 A No.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q When you come what kind of a car do you come in?

2 A Plain clo -- or an unmarked Impala.

3 Q Okay. Do you have weapons?

4 A Yes.

5 Q Where are they?

6 A On my hip.

7 Q And are those visible?

8 A You pull the Polo out over top of it, so I mean, it is -- if
9 you know what you're looking for, yes, you can definitely
10 see that there's something there, but --

11 Q You can see something was there?

12 A Yes.

13 Q All right, but did you -- did you exposure weapons when you
14 went in there?

15 A No.

16 Q Did you brandish them?

17 A No.

18 Q Okay.

19 THE COURT: Mr. Skrzyński, I'm sorry, I have
20 to pause, it's bench warrant time for me.

21 MR. SKRZYŃSKI: Oh, sorry.

22 THE COURT: So, that's quite all right. I
23 have to do my bench warrants and then we'll resume, so.

24 MR. SKRZYŃSKI: Thank you.

25 THE COURT: Okay?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 victim?
- 2 A Yes, I did. I reviewed Detective Jordan's report.
- 3 Q And that was it?
- 4 A And the ET reports, so.
- 5 Q Yeah, so that was all the evidence that was taken?
- 6 A Yes.
- 7 Q Okay. Now, on the 22nd, the following day now, you said you
8 had called Mr. Al-Tantawi, told him that you would like to
9 come over and he said come on over, so you go there and you
10 established your in plain clothes, you have weapons which
11 are concealed under your shirt and that you're driving an
12 unmarked car?
- 13 A Yes, Sir.
- 14 Q All right. When you get there what happens? And you're
15 with Detective Hammond who's dressed in the same manner?
- 16 A Yes.
- 17 Q All right, what happens?
- 18 A We knocked on the door, Mr. Al-Tantawi came to the door, we
19 spoke to him, I advised him that I had received some
20 information that the surveillance system was possibly
21 working during this time and if it were I'd like to at least
22 -- we would like to take a look at it and see if it was
23 operational during the time of the incident.
- 24 Q Did he respond to you?
- 25 A Yeah, absolutely.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q What'd he say?

2 A He said, "Sure, go ahead." He even -- he said he didn't
3 know where it was that. Again, he didn't think that it was
4 working. Then he kind of led us through the house into an
5 area that he believed that he -- that it would be, and that
6 was in the basement kinda underneath the stairs. There's a
7 room, I don't know what they would call it, but it's kind of
8 like a -- I don't know, it would be a closet I guess and
9 there was just like systems, operational systems for I
10 believe the cable TV and the Internet and things like that.

11 Q What specifically were you looking for?

12 A A DVR system.

13 Q And would you explain what a DVR is?

14 A A digital video recording system.

15 Q Okay, that would be --

16 A It looked like maybe a DVD player or a blue ray player. It
17 has cords coming out of the back that hooked up to cameras.

18 Q Okay, and that would be recording the cameras?

19 A Yes.

20 Q Okay. Did he understand that?

21 A Yeah.

22 Q Okay. So, you go down to the basement first, there's
23 nothing there, there some equipment but not that --

24 A There's equipment, but yeah, it didn't appear to be what we
25 were looking for, no.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q What happens then?
- 2 A I remembered during the walk-through I saw some like older
3 equipment in a closet upstairs.
- 4 Q The walk-through meaning the walk-through on the previous
5 day?
- 6 A Yes. Yep, on the previous day.
- 7 Q You had seen some equipment in a closet upstairs?
- 8 A Yes.
- 9 Q So what happened?
- 10 A We went up there --
- 11 Q Well, did you mention that to him?
- 12 A Yes.
- 13 Q And what --
- 14 A I did, yes.
- 15 Q -- what did he say?
- 16 A He said, "Okay, you can go check that out."
- 17 Q Did he go with you?
- 18 A Yes, he went with us. He was actually leading -- he led us
19 there.
- 20 Q He's walking ahead of you?
- 21 A Yeah.
- 22 Q And he's not under guard or arrest or anything like that?
- 23 A No.
- 24 Q All right, this is his house?
- 25 A This is his house, yeah.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Okay, so you go up there and what happens?
- 2 A I find that closet, I -- again, that -- we opened up, that's
3 not the equipment we're looking for, that's not even plugged
4 in. It seems to be an old DVR system, or an old recording
5 system for the surveillance.
- 6 Q At that point what happens?
- 7 A I ended up calling Ms. Rheam and --
- 8 Q And Ms. Rheam is?
- 9 A The person who called, the interior decorator --
- 10 Q Okay.
- 11 A -- who advised me that they would -- she believed it would
12 be working, and she actually provided me with the phone
13 number of the company that installed it.
- 14 Q And what did you do?
- 15 A I contacted the company. I was -- I don't know if it was
16 his personal phone or it was the company phone number, but I
17 spoke to a Chris, I believe it's Edmond (sp) --
- 18 Q Mm-hmm.
- 19 A -- and he told me exactly where I would be able to find it.
20 He said it was -- the DVR system was in a closet in the --
21 in the workout room on the second floor.
- 22 Q Okay. And that's where you were?
- 23 A We were just outside of there.
- 24 Q Okay, that's where you had found this equipment that wasn't
25 operating?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Correct, the older and operable.
- 2 Q So what happened then?
- 3 A Then the entire room was a closet so I actually had -- he
4 said --
- 5 Q Well, go ahead, I'm -- did you -- did you instruct Mr. Al-
6 Tantawi what you had -- the conversation --
- 7 A Yeah. Yep, he was standing right there the whole time. I
8 said, okay, I was told that it was in here, I was looking --
9 I was actually looking around as I had the guy on the phone
10 still. The whole room is lined with closets, and then he
11 stopped me and he said, "No, it's actually -- it's in like a
12 furnace room that's attached to that room."
- 13 Q And where was Mr. Al-Tantawi when this was going on?
- 14 A Standing right by us, by Detective Hammond and I.
- 15 Q Did he object to anything?
- 16 A No, Sir.
- 17 Q Okay, what happened?
- 18 A I opened the furnace room and I located the DVR system, the
19 recording system sitting on a little table, like kinda
20 tucked away back behind the furnace.
- 21 Q All right, what happens then?
- 22 A I asked the guy what do I need to do to --
- 23 Q What guy?
- 24 A The -- Chris Eglin (ph).
- 25 Q The guy on the phone?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 A Yep. I told him I'd have it back to him as soon as, you
2 know, we didn't need it anymore.

3 Q All right. Then what happened after that?

4 A As we were walking out -- or out of the workout room, I
5 guess you can call it, I asked him if Muhammad was here. I
6 was just really checking in on him, I wanted to see how he
7 was doing, and he said, "Yeah, he's right here in his room,"
8 which happens to be the first room right there to the right.

9 Q And the person you're talking about directing this is Mr.
10 Al-Tantawi?

11 A Yes.

12 Q Okay, go ahead.

13 A Yep, he said, yes, he's here in his room. I made contact
14 with Muhammad.

15 Q Did you ask Mr. Al-Tantawi if you could talk to him?

16 A Yeah.

17 Q And what'd he say?

18 A He said it was okay.

19 Q Okay. And Mr. -- the defendant was in the room, what
20 happened?

21 A Mm-hmm. I was -- I just talked to him, I asked him how he
22 was doing. You know, we asked him about the surveillance
23 system, he knew how to use it, how to -- how it worked, he
24 said he believed that it wasn't working, that his mom used
25 to access it via her phone but that was several phones ago

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 and he didn't think that it was -- like the information
2 would still be on her phone.

3 And then he -- he asked me where the cameras
4 were, I told him I didn't know exactly, I just knew where
5 some of them were, the ones I had seen on the previous day
6 on the outside --

7 THE COURT: Okay, I'm sorry, who asked you?

8 THE WITNESS: Muhammad. I'm sorry, Ma'am.

9 THE COURT: That's all right, I just wanted
10 to make sure in my mind I know who you were referring to.

11 THE WITNESS: And Muhammad also -- I don't
12 know if I said it, he asked me if there was any cameras on
13 the inside of the house.

14 BY MR. SKRZYNSKI:

15 Q And you said what?

16 A I didn't know.

17 Q And did you?

18 A No, I didn't know.

19 Q Okay. Did he say anything else? Did you ask them anything
20 about the previous day?

21 A I'm sorry, Sir, I didn't hear.

22 Q About the previous day.

23 A Yeah, I'd asked him to just kinda go through it real quick.
24 He told me he got up at 6:00 and that, you know, he had
25 taken a shower, he was notified by his sister --

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Did he tell you where the shower was?
- 2 A It was in his room.
- 3 Q It's an attached bathroom?
- 4 A Yes, attached bathroom. All the -- all the -- all the
- 5 bedrooms have attached bathrooms.
- 6 Q How big is this house?
- 7 A I don't know exactly. I would assume somewhere in the area
- 8 of 8,000 square feet.
- 9 Q Eight thousand?
- 10 A It's very big.
- 11 Q Okay. And each of the bedrooms has an attached bath?
- 12 A Yes.
- 13 Q I see, okay. So he said that he was up at 6:00, he got in
- 14 the shower in the attached bathroom, what happened?
- 15 A And then he was notified by Aya that their mom fell and then
- 16 he exited the house with Aya.
- 17 Q Did she tell him anything about was he going to call 911 or
- 18 anything like that?
- 19 A I think -- I think Aya was calling 911. I think he -- no,
- 20 Aya called 911.
- 21 Q Okay. All right, and did he described to Aya's behavior at
- 22 that time? Or her demeanor?
- 23 A Honestly, I don't really recall.
- 24 Q Okay. What happened then? He said that Aya had contacted
- 25 911, what happened?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Yep, and then they went out the -- they went out the garage
2 door and ran around and saw Nada laying on the patio.
- 3 Q And what did he do?
- 4 A He -- he -- he had talked to 911 and he was doing CPR.
- 5 Q Had he also called 911?
- 6 A No, I think they had switched phones at some point.
- 7 Q Okay, he and Aya had switched phones?
- 8 A Yes.
- 9 Q Okay, so -- and that was while the 911 was on the phone?
- 10 A Yes.
- 11 Q I see. So, and he did what, CPR? I'm sorry, did you say
12 that?
- 13 A Yes.
- 14 Q Okay. What else did he say? Did he mention anything about
15 his home atmosphere?
- 16 A Oh, yeah. Yeah, we talked about that.
- 17 Q What did he say?
- 18 A He said that he confirmed that they had been going through a
19 divorce and it's been contentious at times. You know, he'd
20 spent most of the -- or he gets along with his dad much
21 better than his mom.
- 22 Q Did he mentioned that his -- you said he'd get along much
23 better with his dad, did he say that -- did he tell you what
24 that meant?
- 25 A Yeah, he said that they would talk on the phone, they would

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 meet for -- they met for dinner maybe -- not the night
2 before but several nights ago.
- 3 Q Several, what do you mean?
- 4 A Two or three nights before, so that was a Sunday night to
5 Monday morning when the incident happened, I think he was
6 talking about Friday --
- 7 Q Okay.
- 8 A -- but I wasn't -- I don't know if I asked him exactly which
9 day he had met -- dad had dinner together.
- 10 Q Did he -- and he -- did he mention any other activities that
11 they had together?
- 12 A They would go to prayer together.
- 13 Q Okay. Did he make any comments about his mother?
- 14 A That they argued a lot lately but it's been getting better.
15 Their relationship's been getting better.
- 16 Q And did he mention anything about the accident itself, the
17 accident that you at that time thought?
- 18 A Yeah. Yeah, he mentioned that he wasn't surprised.
- 19 Q He wasn't surprised at what?
- 20 A He wasn't surprised that she fell out the window.
- 21 Q Why?
- 22 A He said that it -- because she had had several car accidents
23 in one week several months ago.
- 24 Q So he said he wasn't surprised --
- 25 A Yeah, he just wasn't surprised that she had fallen out the

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 window.
- 2 Q Okay. So after -- does that -- anything else?
- 3 A Just the whole -- I don't know, again, it seemed odd to me.
- 4 I don't know why you would say that.
- 5 Q Okay. All right, well did you do anything further or have
- 6 any further conversation?
- 7 A At that time?
- 8 Q Yes.
- 9 A I don't think so.
- 10 Q Okay. So what did you do?
- 11 A Myself and Detective Hammond transported the recording, DVR,
- 12 back to the station.
- 13 Q And what did you do?
- 14 A We plugged it into a, just a standard computer monitor that
- 15 you'd find anywhere else, we turned it on, it had an
- 16 administrator screen, it had like a logon and a password.
- 17 The logon just said admin. It's a pretty standard DVR
- 18 system. So we tried a couple different passwords, which are
- 19 -- when you buy a DVR system they come with a password, and
- 20 a lot of times those are the same.
- 21 Q Like what would be those kind of passwords?
- 22 A Like all zeroes or -- with the two we tried they were all
- 23 zeroes and a one. And then one, two, three, four, five,
- 24 six, seven. Those are both pretty common.
- 25 Q And what happened?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A And the second one was correct, one through seven.
- 2 Q The one through seven? And it started the DVR?
- 3 A Yep.
- 4 Q So what happened?
- 5 A It's a pretty easy operational system, you search a time and
6 date so we searched, you know, the 21st, gave us about a
7 four -- or about a 24 hour -- it gave us a 24 hour window
8 and we just kinda scrolled along the bottom and found where,
9 you know, there was a body on the patio and we just kinda
10 backed it up from there. While reviewing the video you
11 could -- you can see that, you know, there's a light on in
12 that room and what would be the makeup -- or the guest
13 bedroom, and the body comes out -- you know, Nada's body
14 comes out the window and hits the ground.
- 15 Q So that was actually depicted on the DVR?
- 16 A Not -- not exactly that. What you have is, you have -- the
17 camera's actually on the top part of the first floor.
- 18 Q Yeah.
- 19 A She actually comes out the second floor window, so the
20 camera's kinda shooting down towards the patio and we
21 learned from looking at all the cameras are the points of
22 entry, they're all facing on the points of entry.
- 23 Q All the cameras on the outside of the house?
- 24 A Yeah, on the outside of the house are all pointing at points
25 of entry, and that patio -- right next to the patio there's

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 two entry doors into the basement. So it wasn't designed to
2 cover that, but --

3 Q Would you look at Exhibit number 1 --

4 A Sure.

5 Q -- and just tell us what area --

6 THE WITNESS: Oop, sorry, Judge.

7 THE COURT: That's okay.

8 BY MR. SKRZYNSKI:

9 Q -- that's all right, what area are you in?

10 A Yep, right here.

11 Q And what are you -- can you point out to the Judge?

12 A Sure. So this is the camera right there and that kinda
13 covers maybe right about that angle right there.

14 THE COURT: Okay.

15 BY MR. SKRZYNSKI:

16 Q And does it cover that strip of grass that's right next to
17 the patio?

18 A Yeah, and it goes all the way to write about there.

19 Q All right, and you said that you saw the video at that time
20 --

21 A Yes.

22 Q -- and depicted some things. Okay. You've had a chance --
23 you looked at that video several times, haven't you?

24 A Yes, I have.

25 Q All right.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 MR. SKRZYNSKI: Judge, I would ask -- I've
2 got a CD, which I would ask the court to play. I can play
3 it on my laptop at the bench if you like, or if the court
4 can -- can certainly play it at the bench, this is a -- this
5 is a copy of the fall, is that correct?

6 THE WITNESS: It appears so, yes.

7 MR. SKRZYNSKI: Yeah. And I'd like to play
8 that for the court.

9 THE COURT: All right. Are you hooked up to
10 be able to do that?

11 MR. SKRZYNSKI: I can do that, yeah. I've
12 actually got this on my computer so I won't need to plug it
13 in.

14 THE COURT: Oh, that's fine.

15 MR. SKRZYNSKI: This is playing this. If I
16 may approach?

17 THE CLERK: There's an HDMI cord if you want
18 to plug it into the laptop I can play it on the TV.

19 THE COURT: We can play it on the TV. That
20 might be -- might be better for my aging eyes here.

21 THE CLERK: (Inaudible). You may need an
22 adapter --(inaudible).

23 MR. KEAST: Here, I got it.

24 THE COURT: Trust me, if I didn't have these
25 younger people around, Mr. Skrzynski, I --

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 MR. SKRZYNSKI: Exactly.

2 THE COURT: -- I wouldn't know what -- all I
3 use is my mouse and push some buttons here.

4 MR. HART: (Multiple speakers)-- I'm going to
5 call my daughter.

6 MR. SKRZYNSKI: Exactly.

7 THE COURT: I think my grandson who is two
8 and a half can do better than I can, that's for sure.

9 BY MR. SKRZYNSKI:

10 Q All right, is this what you saw, Officer?

11 A Yes, Sir.

12 Q And on the left side is the shadow you saw?

13 A Yes. So these are the shadows depicted from the light in
14 the room. You can see there this is what we noticed the
15 second time through, that the shadow -- after she comes out
16 there's obviously a shadow that disappears from the room and
17 leave. And then several seconds here, the light in the room
18 actually turns off.

19 Q Well, did anything else happen with the shadow first?

20 A Yeah, there's -- it comes back into play here, right about
21 now. You can see there's obviously movement. I think
22 there's another instance where there's movement in front of
23 the shadow -- or in front of the window --(inaudible).

24 Q What was -- did you notice what just went by the window?

25 A Yeah, when we slowed it down it appears to be the ladder

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 being placed in front of the window.

2 Q That was the ladder? Okay, next --(undecipherable)--

3 MR. SKRZYNSKI: Would the court like to see
4 it again?

5 THE COURT: Please.

6 BY MR. SKRZYNSKI:

7 Q Do you note the time that's on there?

8 A Yes, it's currently 5:54 and -- well, 5:55 right now --

9 Q On the video.

10 A -- when it's happening. It's 5:54 and several seconds.

11 MR. SKRZYNSKI: Okay.

12 THE COURT: Thank you.

13 BY MR. SKRZYNSKI:

14 Q All right, so you are sitting with who while you're watching
15 it?

16 A We're actually standing. We have a little computer area and
17 there's several people there, including Detective Hammond
18 and Sergeant Wehby.

19 Q So what happens at that point?

20 A We kind of -- we watched it several times to kind of made
21 sure what we were seeing is what we all believed, and then
22 we determined that there was obviously another person in
23 that room when she --(undecipherable)-- out the window.

24 Q Just in the room?

25 A Obviously in the room. When I look closer at it, it appears

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 to me that someone drags a body into that room, sets -- sets
2 her --

3 Q Well no, I just want -- don't tell me what --

4 A Okay.

5 Q -- you think leads up to it --

6 A Sure.

7 Q -- what do you see in the video that causes concern?

8 A It looks like she's flipped out of the window.

9 Q By the other person?

10 A Yes.

11 Q So the other person's not simply in the room?

12 A No, not to me, no.

13 Q All right. All right, at that point what do you do?

14 A We respond. We make a plan to respond back to the house and
15 question people who were there at the time.

16 Q Okay.

17 MR. SKRZYNSKI: Judge, If I may just
18 interrupt for one moment?

19 THE COURT: Yes.

20 MR. SKRZYNSKI: When defense made their
21 motion for this hearing I asked the court to divide the
22 hearing into a consent portion for the DVR --

23 THE COURT: Right.

24 MR. SKRZYNSKI: -- and then secondly the
25 interview portion. And I think that what the detective is

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Yes.
- 2 Q Would you agree with me that the house was in a fairly
3 pristine, clean --
- 4 A Absolutely.
- 5 Q Let me finish the question, I apologize, because we're going
6 to be talking over each other and it's not gonna come over
7 very well. Fair to say that the room and the house was in a
8 fairly pristine condition?
- 9 A Yes.
- 10 Q In terms of when you looked at the room where she fell out
11 of, there appeared to be no sign of any struggle, correct?
- 12 A No, there didn't appear to be, no, Sir.
- 13 Q And there wasn't any things tipped over or beds messed up,
14 correct?
- 15 A In that room?
- 16 Q In that room.
- 17 A No, there was not.
- 18 Q And when you had a chance to view the body of Nada did you
19 see any bruises or marks on her face?
- 20 A I don't believe so, no.
- 21 Q Did you look at her hands? You've been a detective for how
22 long?
- 23 A Five and a half years.
- 24 Q Okay, and are you familiar with what are known as defensive
25 wounds or defensive struggle marks?

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 MR. SKRZYNSKI: Okay.

2 BY MR. SKRZYNSKI:

3 Q When you get there what happens?

4 A When I get there I observed father, Bassel, in the driveway.
5 I believe Muhammad, his sister, Aya, and Sidra were inside
6 the residence.

7 Q Did you come to know how old Muhammad was?

8 A Not at that moment. At some point in time during that day I
9 did, yes.

10 Q How old was he?

11 A He was 16.

12 Q And do you know how -- did you come to learn how old Aya
13 was?

14 A Aya was I believe 14.

15 Q Okay.

16 A And Sidra was 9. I'm not sure about the...

17 Q Okay. Did you have much contact with Sidra that day?

18 A No, Sir. I was advised she's -- has some learning
19 disabilities, is not very verbal or doesn't do well with
20 strangers. She is -- she can talk and she is -- can
21 communicate, she attends school but she's not comfortable
22 around new faces until she gets to know them.

23 Q Okay. So when you tell -- you meet Sergeant Haro and Mr.
24 Al-Tantawi where was it, at the garage you said?

25 A That was in the driveway, yes. And Mr. Al-Tantawi was not

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 with Sergeant Haro at the time. We were speaking privately.
2 I did not speak to Bassel when I first got there and
3 Sergeant Haro was kind of giving me the lowdown on what was
4 going on. He said there's three kids in the house, he's the
5 dad, he's got a tether, he's out on bond, he's not supposed
6 to be at the residence, but he explained that there's no
7 other family members that they could call in order to come
8 over for the children, especially Sidra, so they told him to
9 go ahead and come to the residence even though he was going
10 to be in violation of his probation or bond with the 47th
11 District Court.

12 Q All right. But he was -- he was the homeowner?

13 A Correct. He was the homeowner, yes.

14 Q Okay. He just was instructed by a court not to have contact
15 with those people?

16 A No, he was --(multiple speakers)-- have contact with the
17 children but he could not have contact with the victim,
18 Nada, or be at the residence.

19 Q Okay. Be at the residence.

20 A Correct.

21 Q Okay.

22 A But due to the circumstances of having no other relatives,
23 immediate relatives we were -- I did not speak directly with
24 Muhammad or his sister, I was told by Detective Molloy that
25 there is no other family in country but there's an aunt, I

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 believe an aunt and uncle in England and everyone else lived
2 in Syria. So at that particular moment there's no one to
3 turn the children over to and there was no relatives.

4 Q Okay. And that's why --

5 A That's why Doctor Bassel was called to the residence, even
6 though he was going to be violated in the court order that
7 -- the court order did not prohibit him from having contact
8 with the children, so to facilitate with the children,
9 that's why the father was called to the scene.

10 Q Okay. When you -- did you have contact with Mr. Al-Tantawi?

11 A After I spoke to Sergeant Haro I went inside the residence,
12 brief -- offered condolences to Muhammad and Aya and I
13 talked -- or Detective Molloy was inside the residence. At
14 that point in time I walked outside and asked for the -- how
15 to get to where the body was laying and I was advised -- so
16 I walked out of the house, the residence, walked down the
17 side of the house to where evidence technician Swanderski
18 was already on the patio taking pictures. There was a body
19 underneath a white blanket that the paramedics had covered
20 up laying on the patio and I briefly looked around the scene
21 there, the open window, I noted the spray marks on the
22 window, I noted the dent --

23 Q When you say you looked at the scene?

24 A I observed the scene as to where the victim was laying
25 covered in a blanket, I could see the -- approximately at

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 that point of the level of the house it would be a third
2 story, the window was open, the one half of the window was
3 open, I could see the screen had been removed, I could see
4 that there was an opaque film, something dripping down the
5 closed window, like it had been sprayed with some type of
6 fluid. I noted that there was a dent in the stucco
7 approximately four or five feet below the window ledge and I
8 noted a white towel on the ground. I noted an empty water
9 bottle and I noted a set of like iPhone, the white earbud
10 cords that were sitting off approximately 10 feet on top of
11 the --

12 Q A bench?

13 A A bench or --(undecipherable)-- a bench, it's a part of the
14 wall or half wall that was over there.

15 Q Okay. All right, and did you assess the scene?

16 A I made that brief assessment, yes, as far as --

17 Q What were you told when you got there? I mean --(multiple
18 speakers)--

19 A I was advised --

20 Q -- what was your understanding?

21 A I'm sorry?

22 Q What was your understanding?

23 A My understanding was that the victim had -- was cleaning the
24 upstairs window of that bedroom and she must have fell out,
25 somehow she ended up on the patio floor.

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 Q Okay. Now, when you see the -- what is your impression of
2 the scene when you see there?

3 A My impression of the scene right then and there, again, the
4 body is covered, I could tell the proximity of where the
5 body laid to the residence, I could tell that it was very
6 unkept (ph), it wasn't like a -- the patio area -- that part
7 of the yard or residence did not tend (ph) to be used at
8 all. There was weeds 2 feet high growing up between the
9 bricks on the -- the paver bricks. It did not look like a
10 well-kept area that you would be that concerned about what
11 it looked like as far as cleaning windows and stuff like
12 that. But it was not like a well manicured lawn in the
13 back. The patio was overgrown, there was not -- it didn't
14 look like it was well cared for.

15 Q Okay. In your mind did the position of Mrs. Huranieh, did
16 that -- or Ms. Huranieh, did that comport with what you
17 understood to be the --(multiple speakers)--

18 A With -- with the idea that she was -- that nobody saw it,
19 that nobody at this time we knew had seen anything, said
20 that she was cleaning -- must of been standing on the ladder
21 cleaning the window and she fell out the window. My
22 observation was that the way the position of the body of --
23 would have been different than what was projected there on
24 the ground. At that time I had not talked to any of the
25 fire department guys, I don't know if the body had been

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 moved yet or if there was any manipulation of the body. I
2 just know that for somebody that was leaning out of a
3 window, I couldn't picture in my mind how you could lean out
4 of a window and fall and hit the side of a building. You'd
5 be falling away from the window. It struck me as odd that
6 -- and you would be further away than where you were --
7 where the proximity to the wall.

8 Q So you're making a motion with your hand and your arm, I
9 mean, you were -- you're sort of going like that?

10 A I was concerned that if somebody's leaning out of a window
11 --

12 Q Yeah, show us with your hand what you mean.

13 A If you're leaning out of a window you would fall -- and tend
14 to fall away from where you are standing.

15 Q Your head -- the head is where your hand is?

16 A Yeah, I'm sorry, this would be my hand. I'm sorry, I missed
17 the shoulder (ph). The -- that you'd fall, whether you're
18 facing this way or this way you would fall and your head
19 would be the furthest object from the house. I found it odd
20 that the head was the closest part of her body to the house.
21 And it was a very short distance away. I could not picture
22 in my mind how that could happen naturally cleaning the
23 window.

24 Q Did you see any signs of blood around there?

25 A At that point in time, no, Sir, I did not see -- again, she

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

- 1 was covered with a blanket.
- 2 Q Okay. Do you eventually see her without it?
- 3 A Correct.
- 4 Q And what about at that time?
- 5 A The -- I would have -- again, I would have, especially
6 seeing numerous car accidents, natural accidents, trauma to
7 the head, trauma to the body, the distance I estimated about
8 25 feet or better that there would be --
- 9 Q That she fell?
- 10 A That she fell, the body fell, that there would've been --
11 and the way she landed on the back of her head, that the
12 head was laying on the -- the back side of her head was
13 laying on the concrete blocks, that there would've been some
14 type of blood pooling or blood on the concrete or on her
15 body.
- 16 Q But there was --
- 17 A I did not -- I did not observe any blood on the concrete, I
18 did not move the body. I did observe some blood that was on
19 her -- like streaking down her cheek and it was later
20 determined that that was due to a medical procedure that
21 they had -- when they tried to intubate her, so I was
22 advised that that's what caused the blood.
- 23 Q Okay. All right, so what do you do at that point now?
- 24 A At this point in time I'm going to go back into the house
25 and look at the area that she fell from, and again, the

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 earlier conversation with Sergeant Haro and advised it was
2 an accident, there was rumors of past suicide attempts,
3 there was the estranged father, there was -- there was a
4 bunch of stories swirling around.

5 Q Before you went up to the room did you do anything else
6 outside?

7 A I -- while I was there before I went into the first -- I
8 started looking around the house because I looked up and
9 what I saw was a hornets nest and I thought it was a camera
10 and then I took a better look at it and I'm like, oh, it's
11 just a damn hornets nest, but I turned and look but there --
12 and I saw the camera over here in the -- on the eaves
13 underneath the gutters and then as I stepped back I could
14 see another one further up the house going towards the
15 garage area going to the north I guess.

16 Q Okay, so then what do you do at that point?

17 A I walked back up around that way confirming that the --

18 Q Which way?

19 A Back through the grass towards the garage --

20 Q Okay, like around --

21 A I'm sorry, yes, Sir.

22 Q The bottom of that diagram?

23 A Correct.

24 Q Okay.

25 A And I observed that there was another camera up there, I

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 walked past the kintry -- kitchen entry door from the
2 outside and walked around the garage and went back into the
3 house and made my way up to the room that had the window
4 open above where the victim was laying.

5 Q Do you know if the -- the defendant and his siblings were
6 still on the scene at that time with their father?

7 A They were still on the scene at that time -- at the moment I
8 went upstairs they were on the scene. When I came back
9 down, unbeknownst to me, Sergeant Haro had given permission
10 for Mr. Al-Tantawi to take the kids out of the residence
11 while we did our investigation and they said they were
12 taking them to Panera or taking them somewhere to get
13 something to eat.

14 Q Did you confer with anybody regarding those cameras before
15 you went upstairs?

16 A No, Sir.

17 Q About whether they were --(multiple speakers)--

18 A I mentioned -- I might have mentioned to Detective Molloy,
19 because I did have a discussion with Detective Molloy, I'm
20 not sure if it was then or after, and he said that he had
21 already asked both the father and the son and they said that
22 to their knowledge those cameras were on the residence when
23 they purchased it and that they've never been used.

24 Q Okay. Then you go upstairs?

25 A Correct.

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 Q Okay, what do you see?

2 A I go upstairs to the room that had the open window where the
3 woman allegedly fell out of the window and I walked in,
4 stood in the doorway of that entrance. The first thing I
5 noticed was a -- like a three step ladder that was directly
6 in front of the open window --

7 Q And that was what was depicted in Exhibit 5?

8 A I -- I'd have to look at Exhibit 5 and see.

9 MR. SKRZYNSKI: Thanks, Judge.

10 BY MR. SKRZYNSKI:

11 Q Is that Exhibit 5?

12 A Yes, Ma'am. This is -- yes, Sir, this is the -- this is how
13 the room looked when I walked into it, this is how the set
14 up looks. There was some type of -- I thought it was a
15 fancy hanger but evidently something that you get wrinkles
16 out of your clothes over here, and there was a three step
17 ladder right directly in front of the open window, this
18 window was open, the screen was here to the left --

19 Q The screen is to the left of the window?

20 A Correct.

21 Q It's taken out?

22 A Yes, Sir, it's removed from the window.

23 Q And it's leaning on the floor?

24 A There's -- you can't really tell from this one, you can see
25 a little bit of the streaking, there had been some type of

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 fluid that was sprayed on the outside of the closed window
2 and I also observed the bucket with some type of unknown
3 liquid in it. I observed a bottle of Tilex sitting on the
4 top step. That struck me as odd, and I observed her cell
5 phone -- or a cell phone, I didn't know if it was hers, a
6 cell phone that was vibrating on the dresser. You know,
7 when you don't -- it will say that you got messages and it
8 looked like she had four or five messages that hadn't been
9 responded to.

10 Q Okay. And what do you -- what is your assessment of that
11 scene?

12 A My assessment of that scene, the first thing that struck me
13 as odd was the positioning of the ladder directly in front
14 of the window that -- and the Tilex that was on top of it.
15 I figured if you're cleaning the window and you're standing
16 on the ladder and you slipped, that that ladder would have
17 slid, it would have moved out or fell over. Something would
18 have caused it to fall over or move from being right there
19 perfectly in that location in front of the window. And
20 also, I found it odd that if somebody was standing on -- if
21 they were standing on the ladder and it slipped out from
22 under them that the Tilex bottle would still be standing.
23 It was a full -- pretty much a full bottle and it -- I think
24 that top-heavy it would have tipped over onto the floor.
25 That struck me as odd.

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 Q All right.

2 A And it also struck me as odd is that if they said she was
3 cleaning the window that there were no rub marks or streaks
4 in the opaque liquid that had been sprayed on the outside,
5 whether it was Tilex or whatever it was. It wasn't like
6 anybody was in the process of cleaning it. There was no
7 white marks, it was all just where somebody sprayed it and
8 it was just dripping down, there were no smear marks or
9 anything like that.

10 Q Okay. What happened then? So what is your -- what's --
11 what's going through your mind? What is your plan of action
12 at this point?

13 A At this point in time it's like you're still trying to
14 figure out like -- still trying to figure the scene out. Is
15 it possible this woman was cleaning the window and just fell
16 out the window, you know, standing on the ladder. It was
17 just -- the little things, like the Tilex, the no pooling of
18 blood at the bottom of the -- where she laid, no obvious
19 signs of physical injuries like bones protruding out or, you
20 know, indented heads or something from landing from 29 feet
21 onto concrete. None of that was noted. But I mean, is it
22 possible? I mean, I don't know, I wasn't there, I don't
23 know how she went out the window. How did that dent get put
24 on the side of the wall? Was she hanging from the window
25 and kicked it? What -- you know, it's all sorts of

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 different things. You're trying to figure out what is the
2 scenario that this happened?

3 Q And what happens then?

4 A I did look out the window to get a view from -- just to get
5 a better shot of the distance. At that time I can get a
6 better shot of -- or a better view of the indentation on the
7 stucco and from what I could see it appeared to be strands
8 of black hair that were sticking out of the stucco that were
9 -- it looked like fresh damage to the stucco and it looked
10 to be hairs. Again, I'm 5 feet away, I'm looking at it, I
11 could see the hairs, could it have possibly been some type
12 of material used for the building of that little ledge, I
13 don't know, but I know it was something that I thought was
14 strands of hair, so I made note to the evidence technician
15 that to try and to zoom in when they're taking pictures and
16 get pictures of the -- if that's hair in there.

17 I also observed a -- what I would at the time
18 didn't know it was a Band-Aid. It looked like something --
19 a brown piece of something on the windowsill on the inside
20 of the residence.

21 Q And where was that on -- which windowsill?

22 A On the open window.

23 Q Okay, and where on the sill was it?

24 A It would -- almost -- it was on the bottom on the inside of
25 the residence on the flat part and it was just like just

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 right there on the edge. It was just like, you know --

2 Q Was it on the side of the closed window or the open window?

3 A It was on the -- I'm sorry, I thought -- it's on the open

4 windowsill.

5 Q Okay. All right. And you said it was dark hair?

6 A Yes, Sir, it appeared to be darker hair.

7 Q And Ms. Al-Tantawi -- Ms. Huranieh had dark hair?

8 A Correct.

9 Q Okay. What happens next?

10 A I am going to proceed to make my way down -- back

11 downstairs. Like I said, it's a very big house, there's two

12 sets of stairwells and the one that I had come up I had

13 inadvertently walked past, so I'm walking across the length

14 of the upstairs of the residence and I observed the

15 bedrooms, they're kinda -- the doors are open, look and see

16 there's a bedroom, there's a bedroom, there's a bedroom. I

17 get to the end of the hallway where the stairwell goes down,

18 there's like a workout room there, the door was open to

19 that, you could see a weight bench and workout equipment in

20 there. I walked in there, glanced around, didn't see

21 anything out of the ordinary. I turned, there's a sauna,

22 built in sauna, there's -- it kind of leads into a restroom

23 area where there's a bathtub, toilet, the laundry tub/sink

24 and a washer and a dryer.

25 Q And did you make any observations about the washer and

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 dryer?

2 A When I walked in the washing machine is the first thing on
3 my right when you walk in, I just happened to glance over
4 and I could see that it was -- the digital display was
5 flashing an error code. And it was an open front, it's a
6 front loading washing machine so it's a glass door, and I
7 could see that the water was built up inside the washing
8 machine. I could see what was -- I would describe as a bath
9 mat wet sitting in the water up against the glass and I
10 could also see flakes, like little rubbery flakes floating
11 in the water and stuck to the front of the glass door.

12 Q Okay.

13 A I just thought that was odd.

14 Q (Undecipherable)?

15 A I mean, it was -- you know, your washing machine's backed up
16 --

17 Q Yeah.

18 A -- why you wouldn't try and fix it, why would you let the
19 water stand in there or whatever, you know, so.

20 Q Did you make any observations of the dryer?

21 A The dryer's also a front loader with the wash. I could see
22 that inside there there was a pair of -- the thing that
23 struck me as odd about it, there's was a pair of blue jeans
24 and a pair of white underwear. I was wondering why you
25 would wash darks with whites. I figured that, you know, you

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 -- you know, I'm not the greatest clothes washer in the
2 world either, at least I know that, you don't mix blues and
3 whites together, especially jeans because the close will
4 run.

5 Q Okay, what do you do --

6 A Or the colors will run and make the white stuff blue, you
7 know, powder blue or something.

8 Q Okay. So what do you do next?

9 A I left out of that room and made -- went down the stairwell,
10 which dropped me out front by the garage and I went back
11 outside. I think that was about the time that the medical
12 examiner was showing up approximately, and Mr. -- Doctor
13 Bassel and the kids were already gone. That's when I
14 thought that they left.

15 Q Okay, and the medical examiner, what happened when that
16 person came?

17 A The medical examiner came and we got out evidence tech who
18 is still just taking pictures of the outside of the
19 residence and she joined him as far as removing the sheet,
20 taking pictures of the body, taking pictures of the hands,
21 any marks on the body, and they rolled the body over, they
22 took pictures of, you know, the signs of lividity and stuff
23 like that on the body.

24 Q When they rolled the body over did you make any
25 observations?

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

- 1 A I noticed that it was damp underneath there but it was like
2 just wet damp, there was no -- there was not -- there was a
3 spot of blood may be one inch, if that, by a half inch of --
4 it seemed like around the head area.
- 5 Q Was there -- you said it was wet damp, had it been raining?
- 6 A No, Sir, it had not been raining.
- 7 Q Okay, did you notice the back of the -- of Ms. Huranieh's
8 pants, what she was wearing?
- 9 A Yes. She was wearing some type of like pajama pants.
- 10 Q And what -- did you make observation about that?
- 11 A That was damp around the crotch region -- the crotch region
12 also there appeared to be blood down there, like maybe --
13 like on the clothes, like it was her time of the month or
14 something like that.
- 15 Q Okay, but the amount of dampness on her pants, how would you
16 characterize that?
- 17 A There was the front and the back of her pants were soaked
18 wet, like the whole pants weren't wet, it was the crotch and
19 waist area and stuff like that.
- 20 Q Okay, and then actually -- there was actually a damp mark on
21 the patio --
- 22 A On the patio, yes.
- 23 Q -- that's where she was lying?
- 24 A Correct.
- 25 Q Okay. What happens then?

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

- 1 Q Okay. Do you recall how long the family was gone for and
2 you had free access to the house during that period of time?
- 3 A It was maybe an hour, if that.
- 4 Q And during that period of time how many of the Farmington
5 Hills Police Department had access to the entire house and
6 walked through the entire house? Do you recall?
- 7 A The only people -- persons that I recall being inside the
8 house were evidence tech Swanderski, she's also listed as
9 Tribe (ph) on -- it's the same person, Officer Tribe and
10 Officer Swanderski. Myself, and I don't recall if I was
11 ever upstairs with Detective Molloy at the time. I know
12 that -- because the kids were in the house that they were
13 kinda staying down in that area. Officer Ahmad, he didn't
14 have -- he didn't go around the house, or I didn't see him
15 walking around the house, that's it to my knowledge.
- 16 Q Well, you said that you worked a number of homicides, you
17 said six while you've been here in Farmington Hills,
18 correct?
- 19 A Yes. Three -- or two of those have been cold case
20 homicides, but --(undecipherable).
- 21 Q And you have information on the 21st, you see the cameras
22 that are located throughout the house and the family members
23 tell you they don't think they're working, that's what they
24 tell you, right?
- 25 A They said that they have never been used since they've lived

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 there.

2 Q Okay, but you never verified that?

3 A Other than asking the 16-year-old, no, I had not.

4 Q You understand what I mean by "verify," right? Did you have

5 a -- do you understand what the word "verify" means?

6 A I am very aware of what the word "verify" means. As far as

7 --

8 Q So in other words --

9 A -- how do you want me to verify it?

10 Q Well, you looked through the house, right?

11 A Yes, I did look through the house.

12 Q You saw equipment -- DVR equipment and other equipment

13 throughout the house, correct?

14 A I saw electronic equipment in the basement and under the

15 stairwell and that's the only electronic equipment that I --

16 as far as anything recording device. They also had a big

17 screen television down there and a lot of gaming stuff for

18 the kids downstairs.

19 Q But you had free access to the house for over an hour,

20 correct?

21 A Correct.

22 Q And you -- you never, ever took the time to find out where

23 these cameras came back from the house is what you're trying

24 to tell us?

25 A Again, Sir, it's almost an 8,000 square-foot house, I'm not

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

- 1 video camera was recording --
- 2 Q Sure.
- 3 A -- was present.
- 4 Q Sure.
- 5 A Our plan, as you call it, is our job. We go and we
6 investigate to determine what has transpired.
- 7 Q I appreciate that. So tell me, when Molloy hears about the
8 security camera and you decide not to go verify if anything
9 works, that was part of your for our investigation of the
10 house, is that right?
- 11 A I was advised that the cameras do not work, the equipment in
12 the basement is not related to the camera system. That was
13 the only equipment that we were aware of in the residence of
14 an 8,000 square-foot house nobody went behind the furnace on
15 the third floor and looked for electronic devices to be
16 stored in that area.
- 17 Q Okay. But you had free access to the entire house is what
18 I'm asking you, right? No one told you you couldn't go in
19 there, right?
- 20 A No one denied us entry anywhere.
- 21 Q Okay. Matter of fact, they left the house, right?
- 22 A Correct.
- 23 Q Going back to your laundry skills for a second.
- 24 A Okay.
- 25 Q The washer and dryer that you see, you don't know how long

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

- 1 the washer had been on pause for any period of time,
2 correct?
- 3 A Correct.
- 4 Q Could have been for 12 hours, correct, from the night
5 before?
- 6 A And it could've been 12 minutes. Don't know.
- 7 Q Don't know. And the clothes that were in the dryer, do you
8 know if they were male or female clothes?
- 9 A At that time, no, I did not.
- 10 Q Did you take --
- 11 A They looked like -- I'm sorry, I take that back, the whitie
12 tighties looked like boy underwear, yeah.
- 13 Q Okay, did you take them out and look at them?
- 14 A No, Sir.
- 15 Q Did you pull them out and see --(multiple speakers)--
- 16 A At that time, no, I did not. I just know they were --
- 17 Q If we don't talk one at a time one of us is going to get in
18 trouble here, so we both talk fast, I apologize. You didn't
19 pull the clothes out of the dryer, you just saw them,
20 correct?
- 21 A Correct, through the open -- the clear window.
- 22 Q Clear enough. Anything else -- so you didn't open it up and
23 pulled them out is what I'm asking, you just looked through
24 the glass?
- 25 A No, Sir, I did not open them up and pull them out.

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

- 1 Q And the same with the bath mats that you saw floating in
2 water, you didn't pull that out and take a look at that
3 either?
- 4 A No, Sir.
- 5 Q And you never secured any of this evidence then, correct?
- 6 A No, Sir. Again, at that time I didn't realize --(multiple
7 speakers)--
- 8 Q Okay. Nope, that's great. You were aware that the
9 daughter, Aya, had told Detective Molloy that the mother was
10 up cleaning early every day, correct? You heard that
11 testimony?
- 12 A She said that she got up in the morning and did things
13 around the house, yes, before getting the kids up for
14 school.
- 15 Q Cleaning, right? That's what the testimony was, right?
- 16 A Yes.
- 17 Q Okay, so you said that was odd too even though the daughter
18 had told you that the mother was up cleaning early every
19 day?
- 20 A No, Sir, I said cleaning a window at 5:30 in the morning was
21 odd to me. As far as getting up and cleaning and vacuuming
22 and doing dishes, no, that's not odd.
- 23 Q She didn't tell you what she was cleaning -- Aya didn't say
24 what she was cleaning, she was just cleaning the house,
25 right?

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 A I believe the -- I don't know what his testimony was, but --
2 (undecipherable)-- report it says that she gets up in the
3 morning and she'll vacuum, do some light cleaning, she gets
4 her coffee, as a bite to eat, gets her makeup on and then
5 wakes the kids up for school.

6 Q Okay. You were aware that there was the order in effect
7 that the father was not allowed back at the house, you
8 talked about the tether, correct?

9 A Correct.

10 Q And you verified the fact that he wasn't anywhere near the
11 scene, correct?

12 A I personally did not. I had one of my detectives, I believe
13 it was Detective Smith, do that.

14 Q And that was all part of the fact that when you left the
15 house at 12:00 o'clock not knowing whether this was a
16 suicide, a homicide or an accident, that you wanted to
17 verify some of this information, correct?

18 A Correct.

19 Q All right.

20 A Especially with the past history of the domestic --(multiple
21 speakers)--

22 Q Sure, sure, sure. And you had used the word, there was an
23 abusive relationship here, correct?

24 A From doing a --(undecipherable)-- search of the residence,
25 the previous calls, it shows there was some domestic issues,

Ex. D: Hrg Tr 9-21-18 [Sgt. Wehby excerpt]

1 some domestic arrests, he is on tether for domestic, and we
2 also combined it with the phone calls that we were getting
3 of people saying that he was abusive and all this other
4 stuff, let's run his tether, find out if he was anywhere
5 near the house.

6 Q And he was not allowed at the house, correct?

7 A He was not -- he was not allowed within a certain distance
8 of the house. I'm not sure what that distance was.

9 Q Well, you know the orders are on the computers, you can say
10 where it says he's not allowed to see her or be on the
11 premises, correct?

12 A I already said that. Yeah, but he -- you're saying at the
13 residence, he can't be within a certain distance of the
14 residence is what I'm saying --(multiple speakers)-- and he
15 can't be by her. He can see the kids.

16 Q Exactly. That Band-Aid that you saw, that was on the ledge
17 where she had fallen off, correct?

18 A It was on the inside of the window on the --
19 (undecipherable)-- makeup --(undecipherable). And again,
20 I'm not a hundred percent sure it was a Band-Aid. It was
21 kinda the same color brown, it was kinda crinkled on one end
22 so it looked like -- I did not inspect it to see if it was
23 verified as a Band-Aid, it was a piece of material that was
24 on the --(multiple speakers)--

25 Q Did you take that as evidence?

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

- 1 had contact with Detective Molloy and Sergeant Haro.
- 2 Q Okay, and they informed you of your wife's condition at that
3 time, correct?
- 4 A Yes. And I was devastated right there.
- 5 Q Okay, and --
- 6 A Of course, they told me she is -- I mean, now everybody
7 knows.
- 8 Q Did there come a time --
- 9 A She passed away.
- 10 Q Okay. Did there come a time that morning that you and your
11 children left the residence?
- 12 A That morning, yes.
- 13 Q Where did you go?
- 14 A I went to take them to breakfast because they were
15 devastated and they didn't eat anything.
- 16 Q And did -- what, if anything, did the Farmington Hills
17 Police Department say to you in terms of allowing you to go
18 and do that? Did they say anything to you?
- 19 A They were already at my house, so many police officers, when
20 I arrived in and outside the premises, so I walked in the
21 house and I see my kids and there's a police officers all
22 the way in the back, now I remember Officer Ahmad, A-H-M-A-
23 D, beside my daughter, Aya, who was on the phone, and then
24 there are police officers I think everywhere, in and out.
- 25 Q My question was though, what, if anything, did they say to

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 before you left to go to Panera or what did you say to them,
2 do you recall?

3 A I have to ask them for permission, you know, to care for the
4 kids and to take them to eat something. They gave me
5 permission to leave.

6 Q And do you know what they were doing when you left? Where
7 were they? Were they inside the house, outside the house?

8 A Again, yes, inside and outside the house.

9 Q Do you recall giving them permission to do anything inside
10 the house?

11 A No. They were already there.

12 Q And what time did you arrive back at the house, if you
13 recall?

14 A So just before noon I think.

15 Q Okay.

16 A Like late morning.

17 Q And when you got back at noon do you recall at what time the
18 Farmington Hills Police Department left your residence that
19 day, the 21st?

20 A I'm sorry, can you repeat?

21 Q What time did they leave the residence on the 21st?

22 A It was Monday, we come back from Panera, which is like
23 close, about like -- I can't remember when we came back from
24 Panera. I think around noon time.

25 Q Okay. All right, and --

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 THE COURT: I'm sorry, I didn't -- around
2 what?

3 THE WITNESS: Noon. Noon time.

4 THE COURT: Around noon, okay.

5 BY MR. SCHIANO:

6 Q You came back around noon, my question was, when did the
7 Farmington Hills Police Department leave the residence, do
8 you recall?

9 A Let me try to remember. When I came back Sergeant Haro was
10 there I remember, other officer were there, afternoon
11 sometimes. Maybe in the afternoon.

12 Q 12:00, 1:00 o'clock?

13 A Yeah, probably 1:00 clock, yes.

14 Q Okay, and the next time you hear from the Farmington Hills
15 Police Department was when?

16 A Later on that day. Around 3:00, 4:00 p.m. I think I got the
17 call from Detective Molloy and at that time he's calling me
18 telling me, Bassel, did you tell the kids that your wife
19 passed away? I'm like, "Not yet." I'd just like a few
20 hours, I'm trying to prepare them. And how can I tell
21 Muhammad, Aya and Sidra like right now? What -- the kids
22 knew at good point -- at this point that she had -- she's in
23 the hospital at Beaumont and she had severe injuries. So
24 you need to give me time. I cannot just throw this
25 bombshell on them. He said, "Bassel, you have a small

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 window." I remember exactly what he say, like this, "You
2 have a small window." I'm like, "Why?" He said, "People
3 are calling," and he quoted a name --(undecipherable)-- last
4 name, Zeni. She's -- he told me, I said, what's happening,
5 and he said like she's been calling and asking questions all
6 the time and, you know, and you need to tell the kids like
7 right now, it's small window. I'm like, "This is unreal.
8 What she have to do with this? Why she asking you question,
9 what she's calling you for? I need to -- I need time."

10 Q Okay.

11 A With my kids.

12 Q All right, so that conversation happened at 3:00 o'clock on
13 the 21st?

14 A 3:00 to 4:00 o'clock.

15 Q Okay. When was the next contact you had with the Farmington
16 Hills Police Department?

17 A The next contact, again, Detective Molloy, and Detective
18 Jason Hammond came to my house next day, would be Tuesday,
19 August 22nd, around 2:00 p.m., give or take.

20 Q Did they call you before that or did they just show up?

21 A Yes, they did call me. Detective Molloy call me. I
22 remember exactly he call me like a few minutes before and he
23 asked me, "Hi, Bassel," I'm like, "Hi," and I had his name
24 saved and I know that it was Detective Molloy. I think he
25 said Detective Molloy. I said, "Yes, Hi, Ryan, Detective

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 Molloy." He said, "Where are you, Bassel?" I said I'm home
2 and I was preparing the kids to all go to pick up Aya and
3 leave. I didn't tell them that, but so anyhow, I said I'm
4 home. He said, okay, and he hang up and then maybe 10
5 minutes, I don't remember exactly how many, but it's been
6 short time, he showed up on my door with Jason Hammond.

7 Q And what happened then?

8 A Then they knock the door, I think first they were trying to
9 -- they were outside the house, they knock the door -- I
10 opened, so I have multiple -- the house had multiple doors,
11 so the main door which usually do not use, the Detective
12 Hammond, Detective Molloy were standing right there and then
13 they came to the side door, which I opened, and after they,
14 you know, knock the door or rang the bell, and then
15 Detective Molloy start conversation and asked to -- I mean,
16 with all respect to everybody here, but I have to say the
17 truth, all right, so please, you know, he start saying
18 something --(undecipherable)-- does not make sense to me --
19 (undecipherable). He barge in my house with Jason Hammond
20 talking about the cameras outside not working. I'm like,
21 "What?" He said, "Cameras not working." I'm like, "I don't
22 know, like I don't know what you're talking about."

23 And then he asked me where is the DVR? How
24 you view the cameras or something to that -- to me. He's
25 talking about the cameras not working. I told him I don't

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 know, I've been out of the house for about one and a half
2 year, I just came yesterday, and then he start asking me
3 more specific questions about those cameras not working and
4 the DVR. And I told him I don't know what is a DVR, I don't
5 know the monitor, I gave him the -- the whole time the
6 system is old, more than 40 years, I don't know about any
7 details. Then --(multiple speakers)--

8 Q Where in the house did he -- did he try taking you places in
9 the house?

10 A I'm sorry?

11 Q Where did you go in the house after he came in?

12 A So right after that he start asking where's the DVR, where
13 is the DVR, I said, "Sir, again, I don't know." And he
14 said, "Follow me to the basement." At the door where he
15 enter from, the side door, is like four or five feets away
16 from the stairs down to the basement, he said, "Probably the
17 basement." I said, "I don't know." So, he walked there
18 with Jason and I'm following with them. And then he starts
19 searching the house, searching the basement and the
20 basement's like 4,000 square foot, and he opened closets and
21 one of the closets had like --(undecipherable)-- devices,
22 like the modem, the sound system. Anyhow, so he opened and
23 we looked there and he said, "It's not there." I said, "I
24 told you I don't know."

25 And where else it could be? "I don't know."

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 Then he kept searching on his own and he goes up all the way
2 to the second floor, the corridor, and there is a closet in
3 there so I gave him --(undecipherable)-- searching the
4 second floor hallway now and there's a closet there. He
5 opened one of them and he start searching it. And he see
6 two old DVD/VHS kinda, you know, player there and he said,
7 "Oh, this is an old one." And then he close that closet
8 door and he called a person, "Hey" -- her name is --
9 (undecipherable)-- she's an interior designer, and he put
10 his cell phone and he called Rhema --(undecipherable)-- and
11 he said, "Hi, Rhem, I did not find it," or something like
12 this. And then they start talking and I'm watching, like
13 what's going on here, I'm just like in this house as a
14 stranger, I have no say.

15 He's talking to somebody outside and then the
16 Reem (ph) guided him to call another person whose name is
17 Chris Enderman (ph), and I know Chris because he's the guy
18 who installed the camera system in my house from the
19 company, that's his company, which was referred to us by
20 Rhema --(undecipherable)-- interior designer.

21 Then, okay, so we take a pen and a paper
22 from, you know, his -- and he write down -- she gave him
23 Chris's number and name and then he hanged up with her,
24 thank you and hang up, and then he called Chris. Talked to
25 Chris and I tell him, of course he introduce himself,

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 Detective Molloy and I'm looking for this DVR and I was so
2 surprised that me in the house 40 years I don't remember
3 anything about where is the DVR. Chris, he gave him a very
4 detailed -- like a GPS location where is that DVR place?

5 So, he starts telling him, go here and then
6 open -- so right at the end of the hallway there's an
7 exercise room, he told me go to that exercise room, there
8 are multiple closet, and so he walked -- and is following
9 his instructions, he goes there, he see multiple closet, he
10 told him, not this closet, not this closet, he said
11 mechanical kinda closet we have with the furnace on the
12 second floor. You open that one and there you will find the
13 DNR -- the DVR.

14 Q All right, so stop for a second. When you opened the closet
15 where the furnace is, where was the DVR?

16 A So you open the closet like this, the furnace will be in
17 your face here, and then there's a lot of mechanical --
18 (undecipherable)-- or something and then on the left side
19 would be the DVR on the small table.

20 Q So was it in plain view when you opened the door?

21 A No, it wasn't. The door was closed.

22 Q No, when you opened the door and looked in the closet you
23 could see it though, correct?

24 A Yes.

25 Q Okay, that's my question.

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 A (Undecipherable)-- tight.

2 THE COURT: You could see the DVR when you
3 opened the closet doors?

4 THE WITNESS: Yes, when you opened the closet
5 door you will see the furnace tube, whatever you call it,
6 and then to the left side sitting there is the DVR.

7 BY MR. SCHIANO:

8 Q You said it's sitting there, what is it sitting on?

9 A A small like coffee table.

10 Q On the coffee table.

11 A Right.

12 Q It wasn't hidden, was it?

13 A No, it was sitting there -- always been there since --
14 (undecipherable)-- and that how Chris was able to locate it
15 to him, it was sitting there for 40 years.

16 Q Okay. At some point you're in the closet and the closet --
17 it's not a big closet, is it?

18 A No, it's very small.

19 Q All right, so there's -- the Detective Molloy, yourself and
20 Hammond are all in the closet or are you in the exercise
21 room?

22 A So now --

23 Q Where are you?

24 A I'm at the closet door, or just like --(multiple speakers)--

25 Q Were both detectives inside the closet, or not?

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 Q You were told you couldn't be at that house, correct?

2 A Of course, yes.

3 Q You didn't have authority to be in that house, correct?

4 A No.

5 Q You didn't have authority to give permission to anybody in
6 that house because of the order directing you not to be in
7 that house, correct?

8 A Correct. Yes. I was subpoenaed to go there to care for the
9 kids.

10 MR. SCHIANO: I have nothing further.

11 CROSS-EXAMINATION

12 BY MR. SKRZYNSKI:

13 Q How owned the house?

14 A Excuse me?

15 Q Who owned that house at that time?

16 A What do you mean by who owned that house?

17 Q What do you think that means?

18 A At that house I have no contact order with the house.

19 Q Did you own the house?

20 THE COURT: Legally. Legally did you own the
21 house?

22 THE WITNESS: It was my house and my late
23 wife name on the title if that's what you're asking?

24 BY MR. SKRZYNSKI:

25 Q Yeah, so you owned the house at the time you were put out of

Ex. D: Hrg Tr 9-21-18 [Dr. Altanawi excerpt]

1 the house by the court, isn't that right?

2 A I was not sure about that, Sir.

3 Q You thought they took your house away from you without
4 paying you for it? That's what you thought?

5 A Excuse me, Sir?

6 Q Is that what you thought?

7 A I thought what?

8 Q That they took your house away from you without paying you
9 for it?

10 A Who are "they"? I do not know what -- expect.

11 Q So you thought you were no longer the owner of the house
12 when you were summoned over there on the morning of August
13 the 21st, is that right?

14 A You want me to explain?

15 Q Yes.

16 A Thank you. So, just like may be a few weeks before that we
17 have a settlement meeting in that court between me and my
18 wife --

19 Q Right.

20 A -- and the house we're talking about came in that meeting
21 who's gonna have the house. So, we were just at that time
22 we're not sure she would have the house or we gonna split it
23 or she cannot sell it or what. So, I said -- as owning of
24 that house at that point I was not sure. Later on I have no
25 contact order with it.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 UNIDENTIFIED SPEAKER: On a Friday?

2 THE COURT: On a Friday. On a Friday.

3 UNIDENTIFIED SPEAKER: I'm in.

4 THE COURT: Okay.

5 MR. SKRZYNSKI: If I can have just one
6 moment, your Honor?

7 Okay, your Honor, as to the issue of whether
8 Miranda is necessary in this, People call Detective Molloy.

9 THE COURT: You're fine, Detective. I'll
10 just remind you that you are still under oath.

11 MR. MOLLOY: Yes, thank you.

12 RYAN MOLLOY

13 (At 3:31:53 p.m., recalled as a witness sworn, testified as
14 follows):

15 THE COURT: Sure you don't want some water?

16 THE WITNESS: I'm all set. Thank you very
17 much. Sure, I appreciate the offer.

18 REDIRECT EXAMINATION

19 BY MR. SKRZYNSKI:

20 Q All right, now as you -- you've already testified in the
21 last hearing that you observed the DVD after having obtained
22 the DVR and you say with the consent of Mr. Al-Tantawi, and
23 you said that after looking at it you decided that you would
24 have to interview the family again?

25 A Yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q And what was the purpose of that?
- 2 A Trying to find out if there's anymore information that we
3 didn't have already. I mean, we observed someone in the
4 room with her, she appeared to be, you know, thrown out the
5 window so we wanted to go and see -- talk to anybody and
6 find out who may have been in that room.
- 7 Q All right. So what do you do?
- 8 A We arrived there myself, Detective Hammond again and
9 Sergeant Wehby, we made contact with Bassel --
- 10 Q Did you go together in the same car?
- 11 A I don't remember. I think we might have gone in two or
12 three cars.
- 13 Q Were your cars unmarked?
- 14 A They're unmarked police cars.
- 15 Q Were you wearing uniforms?
- 16 A No, I was not.
- 17 Q All right, you were dressed --
- 18 A The same thing I was wearing earlier in the day.
- 19 Q Okay, so basically, what are you wearing, again --(multiple
20 speakers)--
- 21 A The same clothes, khakis or dress pants and a Polo.
- 22 Q Okay, and again, you have the side arm still with you?
- 23 A Yes. I'm required to wear that anytime I'm working.
- 24 Q And it's -- is it covered?
- 25 A Yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Okay. So, the three of you go there and what was -- what
2 was your plan to going over there, what was gonna happen?
3 What did you want to have happen?
- 4 A We wanted to talk to Muhammad and Aya. Not Sidra,
5 obviously, we didn't talk to her and just see if there was
6 any more information.
- 7 Q Did you have an idea about where you wanted to do that?
- 8 A Back at the police department.
- 9 Q All right, why did you want to go back there?
- 10 A So everything (ph) to be interviewed. Or sorry, all the
11 interviews could be recorded.
- 12 Q Oh, so at the police department you have a recording
13 devices?
- 14 A Yes.
- 15 Q Okay.
- 16 A There's several rooms that are set up with recording
17 devices.
- 18 Q Okay. So, what do you do?
- 19 A We talked to Bassel, we just --
- 20 Q Wait a second, the three of you went to the door?
- 21 A Yeah.
- 22 Q Which door did you go to?
- 23 A I'm not sure. I believe it's this one that he calls the
24 side door or the entry --
- 25 Q Can you get off the witness stand for a moment and just --

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 A Sure.

2 THE WITNESS: Do you mind, Judge?

3 THE COURT: No, go right ahead.

4 MR. SKRZYNSKI: And just point to it.

5 THE WITNESS: I believe it was this one here
6 because this is where I --(inaudible)-- earlier, so this
7 store.

8 MR. SKRZYNSKI: Well, move to the side so the
9 Judge can see it.

10 THE COURT: That one right there. Okay.

11 THE WITNESS: So there's like a walkway here
12 and there's another one that kinda goes underneath to a door
13 here and then around, so we were at this one here.

14 BY MR. SKRZYNSKI:

15 Q Okay.

16 A And I think there's another large door. No, that's this
17 one, sorry. So it was this one here.

18 Q Okay, so you go there, you knock on the door and what
19 happens?

20 A Tell them that we -- you know, we have additional
21 information and we'd like to talk to, you know, talk to the
22 children and him and he calls him and says -- we ask if --
23 who's there, he tells us that Muhammad is there and Sidra's
24 upstairs -- or Sidra's around, I believe Muhammad was
25 upstairs and Aya is at school. He calls Muhammad down --

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Wait a second. Did you tell him what your idea was as far
2 as where you wanted to go?
- 3 A Yeah, we --
- 4 Q Well, that's what I'm asking you, I want you to tell me
5 exactly what's going on.
- 6 A Yeah, we requested that, you know, he take the kids and
7 himself to the station and he said he didn't want to do
8 that.
- 9 Q All right. What was his demeanor like toward you?
- 10 A It was fine. He was, you know, cooperative again.
- 11 Q And this was how long after you had been there to pick up
12 the DVR? That's the same day, right?
- 13 A Same day. I'd say by the time we got it back and looked at
14 it, got it set up, it was probably maybe an hour and a half,
15 two hours later.
- 16 Q So it's two hours later now, you're going back to talk to
17 the same person?
- 18 A Yeah. It might've been a little more.
- 19 Q All right, and you're saying that this person greeted you at
20 the door?
- 21 A Yeah. Actually, it was right about two hours --
22 (undecipherable) yeah.
- 23 Q And how did he seem to you?
- 24 A He was fine. He may have been -- maybe a little surprised
25 to see us I guess, but he was -- you know, he was welcoming,

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 he was -- there was no issues, you know, he was cooperative.
- 2 Q Okay. And what did you tell -- who's talking?
- 3 A I think it's kind of a combination of all of us. I didn't
- 4 know exactly who said what and when, but, you know, we just
- 5 had a conversation with him.
- 6 Q But again, the substance of the conversation?
- 7 A We wanted to talk to the kids --
- 8 Q And you said at the police department?
- 9 A Yes.
- 10 Q Okay. And what does he say?
- 11 A He said he didn't want them subjected to that. I don't
- 12 remember exactly how he worded it but he said he'd rather
- 13 have them spoken to at the house.
- 14 Q Okay. And what is your response?
- 15 A He said it was fine.
- 16 Q Okay. When you were there was there anything on the radio
- 17 or anything?
- 18 A Well, just after he said it was fine he said that Muhammad
- 19 was upstairs, that they were -- they were just about to pray
- 20 and he asked that they be allowed to conduct their prayer,
- 21 and we say, "Sure," and, you know, there was prayer music
- 22 and they had a prayer right in the -- I guess you'd call it
- 23 the family room there.
- 24 Q And who was in there?
- 25 A Muhammad and Mr. Al-Tantawi.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q And had Muhammad been in that room when you first got there?

2 A No. I believe he was upstairs.

3 Q Well, how did he come downstairs?

4 A Bassel called him down.

5 Q Okay. Did you go upstairs with Bassel?

6 A At that time?

7 Q Yes.

8 A No.

9 Q Did anybody?

10 A I don't think so, no.

11 Q You don't think so?

12 A I don't think so. I can't say a hundred percent.

13 Q Well, after he went to call Muhammad where did you go?

14 A When they were doing the prayer?

15 Q Yes.

16 A First standing kinda in that area between the laundry room

17 and dining room in the kitchen area --

18 Q Okay, well you have to --

19 A -- and in that voided place.

20 Q -- come down and --

21 A Sure.

22 Q -- demonstrate that.

23 A Thank you. Kinda in this -- in this area here.

24 Q Okay. And did -- did Bassel go upstairs?

25 A Sir, I don't recall exactly how it came to be that Muhammad

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 came downstairs. I believe -- I thought he had just called
2 him but he may have gone up there real quick.

3 Q Anyway, the defendant ends up downstairs?

4 A Yes.

5 Q In the family room?

6 A Yes.

7 Q With his father?

8 A Yes.

9 Q And what were they doing there?

10 A They were praying.

11 Q Okay. And then what happens?

12 A They -- I mean, it didn't last a very long period of time,
13 maybe 10 minutes or so. We had continued to talk to Bassel,
14 we asked if we -- where, you know, he wanted to talk to
15 Muhammad, he kinda pointed out at us --

16 Q Did he say anything to you about where he was gonna be?

17 A Yeah, that was kinda all a part of the same conversation.
18 He said that he had to go and pick up Aya from school.

19 Q Okay, where was she?

20 A She was at school that day.

21 Q Okay.

22 A Come to find out later that the bus from the International
23 Academy actually -- or from her school drops them off at the
24 -- I believe it's the library in Farmington Hills. So, you
25 know, Sergeant Wehby and Mr. Al-Tantawi we're kind of having

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 a conversation about how he can make arrangements to have
2 her picked up or, you know, he'd send a couple of the school
3 liaison guys or a couple detectives in plain clothes and --
4 Q And Detective Wehby's saying this to him?
5 A Yeah. He's having a conversation with Bassel.
6 Q Okay, and what hap -- what is Mr. Al-Tantawi's response?
7 A No, he said that he wanted to go get her.
8 Q Okay. And then what?
9 A We had talked, he said that we could, you know, go ahead and
10 talk to Muhammad and kinda pointed to the table right there
11 in the little dining area.
12 Q So he knew you were gonna talk to him while he was gone?
13 A Yes.
14 Q You were going to talk to Muhammad while Mr. Al-Tantawi was
15 gone?
16 A Yes, Sir.
17 Q Okay, and Mr. Al-Tantawi pointed out a table?
18 A Yeah, there's like a very large table in that dining area.
19 Q And he says you can sit and talk there?
20 A I don't know if you directly said it but he kinda motioned
21 us to there.
22 Q Can you get up and show us on the diagram where that area
23 is?
24 A Absolutely. It's right here. So this is the table we were
25 at. It's kinda right in this area.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q Okay, and so the table runs basically North and South in the
2 room?

3 A Yeah, like perpendicular to that wall.

4 Q And how big of a table is that?

5 A I don't recall exactly how many -- how many chairs there
6 were but it's a fairly large table.

7 Q Well, fairly large, is it like to chairs on either side of
8 the table?

9 A No, more like four or six on each end and then, you know,
10 two really -- a big chair on the one end and then another
11 chair on the other, so --(multiple speakers)--

12 Q Are you saying four to six on each side?

13 A Each side.

14 Q And then a chair on either end? Is that what you're saying?

15 A It might've been three large chairs on either side, but it's
16 bigger than your standard size kitchen table.

17 Q Okay.

18 MR. SKRZYNSKI: May I approach the witness?

19 THE COURT: Certainly.

20 BY MR. SKRZYNSKI:

21 Q I want to show you proposed Exhibit number 13 here and ask
22 you if you recognize this? Is this a photograph that I'm
23 showing you?

24 A It is a photograph, yes.

25 Q Okay, and is that a photograph of that room where you were

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 that day to have the conversation?

2 A Yes, it was.

3 Q Okay.

4 MR. SKRZYNSKI: We move to admit --

5 MR. SCHIANO: No objection.

6 BY MR. SKRZYNSKI:

7 Q Well, that's a true and accurate representation?

8 MR. SCHIANO: Still no objection.

9 BY MR. SKRZYNSKI:

10 Q All right. Now, does that picture show the --

11 A Thank you, your Honor.

12 Q -- portion of the table where you people sat down to talk?

13 A It shows a part of it. Might be -- it looks like right here
14 we're gonna cut out, but we would have been on this end of
15 the table.

16 Q So as you're looking at the picture you would have been off
17 the picture to the right?

18 A To the right.

19 Q Okay, so there was more table and more chairs on that side?

20 A Yes, I believe so.

21 Q Okay. So, how -- what is the seating -- well, does Bassel
22 leave?

23 A Yes. At some point he does leave.

24 Q Okay, and did anybody ask him about where they could sit?

25 A Yeah. Actually, the table -- the chair that is on the very

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 end, I guess if you're looking at the table on that picture
2 on the far right side where it would be considered the head
3 of the table, there's a very large chair that's much bigger
4 than the other ones that are on the side. Actually,
5 Sergeant Wehby asked Mr. Al-Tantawi if he could sit there.

6 Q Why? Do you know?

7 A I don't know, maybe it was like a cultural thing.

8 Q Okay. All right. Oh, okay.

9 A I mean, he didn't want to upset the head of the household.

10 Q All right, and what did Mr. Al-Tantawi say?

11 A He said it was fine.

12 Q Okay. So, is Detective Wehby sitting at the head of the
13 table?

14 A Yes, he's sitting at the head of the table.

15 Q Okay, let me just go over here and...So that would be like
16 around -- around here?

17 A Yeah.

18 Q At the head of the table?

19 A Yes.

20 Q All right, and seated to his left is whom?

21 A On that side of the table is Muhammad.

22 Q All right, so basically on the west side of the table over
23 here is Muhammad?

24 A Yes.

25 Q And then where are you sitting?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Directly across from Muhammad.
- 2 Q On the east side of the table?
- 3 A Yes.
- 4 Q And where is Detective Hammond sitting?
- 5 A Hammond is sitting to my right.
- 6 Q So Hammond -- so it's Wehby over here at the head, the
7 defendant to Wehby's left, you across from the defendant and
8 Hammond to the right of you?
- 9 A That is correct, Sir.
- 10 Q Okay. And what happens then?
- 11 A We -- you know, we start to interview Muhammad, go over what
12 happened basically the night before the incident, so the
13 night of the 20th, we saw his mom that day. You know, he
14 indicated to us that she had gone to bed pretty early --
- 15 Q Well, before you get into that --
- 16 A Sure.
- 17 Q -- let me just ask you this, were the other two detectives
18 also in plain clothes?
- 19 A Yes.
- 20 Q Were they dressed similarly to you?
- 21 A Yes.
- 22 Q And they had firearms?
- 23 A Yes. Again, we are required to wear them.
- 24 Q Okay, are they concealed?
- 25 A Yeah, I believe so, yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q Okay, and what would the defendant have been looking at as
2 he was seated at the table?

3 A Just from -- you know, roughly, you know, mid stomach or
4 lower part of the chest up.

5 Q But I mean, what was he looking --

6 A Oh, he's looking at me.

7 Q Well -- okay --

8 A He's kinda --

9 Q -- and behind you is what?

10 A A wall.

11 Q A blank wall?

12 A I think there's like -- from that picture I'm able to
13 recognize like a large mirror back there.

14 Q Okay, a large mirror.

15 A I'm not sure if he was --(multiple speakers)--

16 Q Is that under the arch?

17 A Yeah, that arch is a mirror --(multiple speakers)--

18 Q Okay. All right, and those blinds on those windows, those
19 two windows in the picture, were they closed like they are
20 in the picture?

21 A Yes.

22 Q Okay, so there was no vision outside?

23 A No.

24 Q All right. Were you accompanied by anybody when the three
25 of you came over?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A I guess --(undecipherable)-- hard to say just yes or no to
2 that. There are other officers, other detectives that we
3 knew were on the way but when we first got there it was just
4 us three.
- 5 Q Okay, and did anybody else come in the house while you're
6 talking to the defendant?
- 7 A At some point there was some movement back there you could
8 hear, but no, there wasn't like people standing around or
9 sitting with us or anything like that.
- 10 Q And did any come into view?
- 11 A No, not that I -- I didn't see any --(inaudible).
- 12 Q All right. There was a time when Mr. Al-Tantawi returned to
13 the house, right?
- 14 A Yeah.
- 15 Q Okay, and a police officer came in the house at that time,
16 correct?
- 17 A Yes.
- 18 Q Okay. Now, all right, at the beginning of this interview
19 what's your approach to this?
- 20 A Approach to the interview?
- 21 Q Yes. Who's doing most of the talking?
- 22 A Sergeant Wehby is doing most of the talking.
- 23 Q Okay, and did you advise the defendant of Miranda?
- 24 A No, we did not.
- 25 Q Why not?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A Because he wasn't under arrest at that time.
- 2 Q Okay. And how were the three of you addressing him?
- 3 A Like how were we speaking to him?
- 4 Q Yes.
- 5 A Yeah, I mean, it was a regular conversation. I mean, no one
- 6 was yelling or threatening or, you know, it was just a
- 7 regular conversation, walk us through your day, walk us
- 8 through the night before and what happened, and then it just
- 9 proceeded from there.
- 10 Q You said that there were some noises, you know, that you
- 11 heard. Did the defendant's demeanor change at all when you
- 12 heard those noises behind you?
- 13 A No.
- 14 Q Okay, he just --
- 15 A Not that I noticed.
- 16 Q Okay. Was there an indication that he was in need of food?
- 17 A No, Sir.
- 18 Q Did he say he was hungry?
- 19 A No.
- 20 Q Did he say he was thirsty?
- 21 A There might have been one point where he -- he was talking
- 22 about thirst, but I think that was after.
- 23 Q After the interview had ended?
- 24 A Yes.
- 25 Q Okay, but during the interview or before the interview did

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 -- I will listen to all of it.

2 MR. SCHIANO: Thank you.

3 MR. SKRZYNSKI: Okay, so move to admit.

4 (At 3:51:24 p.m., People's Exhibit 14 and 15
5 are offered)

6 MR. SCHIANO: No objection.

7 THE COURT: It's admitted.

8 (At 3:51:27 p.m., People's Exhibit 14 and 15
9 are admitted)

10 THE COURT: All right.

11 MR. SKRZYNSKI: And I -- like I said, I gave
12 the court a copy of the transcript and the CD.

13 THE COURT: Okay, just one second here.

14 Okay.

15 BY MR. SKRZYNSKI:

16 Q Did there ever come a point where you told the defendant
17 that he should not leave, that he had to stay where he was
18 sitting during the course of the interview?

19 A No.

20 Q All right. You said that -- did you learn how old he was?

21 A Yeah, we had -- through the investigation --

22 Q How old was he?

23 A -- at some point we had -- I believe he was 16.

24 Q Okay. Sixteen years old? All right. And this diningroom
25 area -- as a matter of fact, did -- was the defendant

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 familiar with that dining room table?

2 A I would assume so, it's in his --

3 MR. SCHIANO: Objection, Judge --

4 BY MR. SKRZYNSKI:

5 Q I mean, did he ever --

6 MR. SCHIANO: Objection.

7 BY MR. SKRZYNSKI:

8 Q Was he sitting in his own chair that he usually sat on?

9 A I --(inaudible).

10 Q Okay. Did you -- was there handcuffs placed on him at any
11 time?

12 A No, Sir.

13 Q All right, and --

14 A During that interview I guess --

15 Q Yeah.

16 A No.

17 Q Okay. Eventually there were, correct?

18 A Yes.

19 Q And that was long after the interview was over.

20 A Yes, Sir.

21 Q Okay. And he was after the interview was over and some time
22 has passed he was arrested and he was transported to the
23 police department, is that correct?

24 A Yes, Sir.

25 Q Okay. Now, during the course of this interview what

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 happened?

2 A We -- we had already started to notice some of the
3 discrepancies in what he was telling us so we had him
4 provide another statement, when he got up, what he was
5 doing, how he came to be notified, and he kinda started
6 again, he got up, he took a shower, he -- as he was getting
7 out of the shower getting ready he was notified by his
8 sister that mom had fallen out the window and he went out --
9 went out with her to, you know, to check on his mom. That
10 was kinda the first step. And then we kinda -- you know,
11 Sergeant Wehby was doing most of the talking, but we advised
12 him that we believed that there was more information, that
13 he wasn't being -- he wasn't providing us with all the
14 information that he had.

15 And eventually he would -- he would come on
16 to say that he was -- he had -- he didn't -- we made it very
17 clear, we asked him that had he left his room prior to Aya
18 notifying him that his mom was -- (At 3:54:40 p.m., hearing
19 abruptly stopped, restarted at 3:54:41 p.m.) -- outside and
20 he said no. His original statement was that it was no.
21 Then we eventually -- he came around, we told him, you know,
22 there's more information out there.

23 Q And what we're talking about?

24 A Well, we knew that there was somebody in the room.

25 Q Okay, did you know it was him?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 speaking to him. I can't comment on anything that happened
2 outside, I wasn't there.

3 Q Okay, but you were well aware that not only yourself,
4 Hammond and Wehby were in the house but there were other
5 officers securing the premises at the time you were talking
6 to the -- to Muhammad, isn't that a fair statement?

7 A It's a fair statement that I knew that the other detectives
8 were going to arrive, yes.

9 Q Arrive and make sure no one came into that house without
10 your permission, isn't that a fair statement?

11 A No, I didn't -- I didn't give anyone any direction.

12 Q But when you talked to the officers and had this plan to
13 come over and talk to Muhammad and Aya, it was your intent
14 to -- strike that. You believed that there were -- that he
15 was a suspect, is that a fair statement?

16 A At what point?

17 Q Well, when you viewed the video.

18 A There was a potential that he was, yes.

19 Q Okay, so that's -- you discussed that, that it looked like a
20 male according to you, correct?

21 A Yeah, it could have been --(multiple speakers)--

22 Q You thought that -- you told us before, earlier this morning
23 that whoever was in the room dragged the body across the
24 room, that was your opinion at the time, right?

25 A Yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 Q Okay, so your opinion there's only a male and a female in
2 the house, you assumed it was a male, correct?

3 A No, I think you're making a large assumption there. If I
4 would have talked to Aya first, he said, "Yeah, go ahead and
5 talk to Aya," and she said, you know, there was 20 other
6 people in the house last night --

7 Q But you had talked to everybody earlier on the 21st, you
8 knew there was only the three people in the house, right?

9 A I didn't talk to them.

10 Q You never talked to anybody?

11 A I didn't talk to Aya and I talked to Muhammad for about 20
12 seconds.

13 Q But you and your other officers, the other detectives, all
14 knew who was in the house on the 21st, correct?

15 A We had known what they told us, who -- who was in the house
16 on the 21st.

17 Q And so after you view the video you go over there with the
18 suspicion that Muhammad was involved somehow, correct?

19 A Suspicion that someone else was involved.

20 Q Okay, and you lie to Bassel and you tell him that oh, we
21 just want to check on a timeline, remember saying that?

22 That's in the -- it's in the transcript, I mean --

23 A Not specifically, but --

24 Q You want me to read it to you? I mean, if you don't know --

25 A No, that's okay.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q I mean, if you don't --
- 2 A I don't remember it specifically, no.
- 3 Q Okay, but you say something to the effect of, oh, we just
4 want to check on the timeline.
- 5 A Right, and that's part of the --
- 6 Q Well, that wasn't really true, right?
- 7 A No, that is absolutely true.
- 8 Q Well, you lied to him, you didn't tell him that there was a
9 video, did you? You kept that from him, right?
- 10 A That's two -- you're asking me two different questions.
- 11 Q I'll do it one at a time then. You never told him you had a
12 video you wanted to question Muhammad on, did you?
- 13 A No.
- 14 Q You never told Bassel that you had a video that you wanted
15 to question Muhammad on, did you?
- 16 A No.
- 17 Q You never told him that his son was gonna be a suspect at
18 the time, did you?
- 19 A Like I said, it wasn't until we actually sat down with him
20 in the interview before we --
- 21 Q Yes or no, Detective?
- 22 A -- said that.
- 23 Q Did you tell him that or not?
- 24 A I just said that it was a -- it's not a yes or no question.
- 25 Q Okay. Did you tell Muhammad that he was free to go when he

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 sat down at the table?
- 2 A I didn't specifically tell him, no.
- 3 Q Well, that's a simple question, yes or no, did you tell him
- 4 he was free to go or did you tell him he had to stay and
- 5 talk to you?
- 6 A No, I didn't -- we didn't tell him that he was free to go.
- 7 Q Okay, and you know he was 16 years old at the time, correct?
- 8 A Yes, I did.
- 9 Q Did you do any background check on him at all?
- 10 A What kind of background check?
- 11 Q Medical history, educational history at all?
- 12 A I knew he was -- attended the International Academy.
- 13 Q Did you know that he was involved in a serious car accident
- 14 a year prior where he was -- had a concussion, two broken
- 15 vertebrae and significant injuries, did you know that?
- 16 A No, I did not at the time.
- 17 Q Did you ask him about that?
- 18 A Nope.
- 19 Q Normally when you question people on interrogations you ask
- 20 them if they've had any medical history, if they've taken
- 21 any drugs, have they slept, have they eaten, did you do that
- 22 in this case?
- 23 A If I asked him any of those questions?
- 24 Q Yeah.
- 25 A I didn't ask him those questions --(multiple speakers)--

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q You've taken statements from people before in the past,
2 haven't you?
- 3 A Yes.
- 4 Q And you sat them down and you said have you taken any
5 alcohol or drugs before today, remember -- I assume you do
6 that?
- 7 A Yes, that is something that --(multiple speakers)--
- 8 Q Do you suffer from any --
- 9 A -- is done from time to time.
- 10 Q -- disease or defect, you ask those questions, correct?
- 11 A On occasion.
- 12 Q Right, you never did that in this case though, correct?
- 13 A No, we did not.
- 14 Q All right. And --
- 15 A To be fair, he didn't look like he was...
- 16 Q He didn't look like it and that's the best you can tell us,
17 right?
- 18 A Sure.
- 19 Q Okay. So at some point you got yourself across from him
20 with your hidden gun and you got Wehby next to him in the
21 big old chair and you got Hammond to your right, correct?
- 22 A Wehby is not sitting directly next to him, he's --
23 Muhammad's on his own side of the table.
- 24 Q He's -- he's by himself, right?
- 25 A Yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q So in that --
- 2 A Wehby -- Wehby's at the head, Muhammad's here.
- 3 Q Wehby's got the big -- that big hooded chair?
- 4 A (Multiple speakers)-- chair.
- 5 Q Looks like it's some type of a space ship of some sort,
- 6 right?
- 7 A You could say that, Sir, yeah.
- 8 Q All right, and then you got -- you two are directly across
- 9 the table from him, right?
- 10 A Yes.
- 11 Q All right, and you begin to question him, correct?
- 12 A Do you mean me specifically or the three of us together?
- 13 Q You say Wayby's (ph) doing most of the questioning, right?
- 14 A Webby (ph), yes.
- 15 Q I'm sorry, I apologize.
- 16 MR. WEHBY: And everybody --(inaudible).
- 17 MR. SCHIANO: (Undecipherable)-- it's all
- 18 right.
- 19 BY MR. SCHIANO:
- 20 Q So, would it be a fair statement to say that during the
- 21 course of that 40 minute interview the word "accident" is
- 22 used by Wehby on a number of different occasions?
- 23 A Yes.
- 24 Q Probably about 20 to 25 times.
- 25 A I -- I don't know how many times, but yes, it was used.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Matter of fact, that was the story that you folks were
2 feeding to him the entire 40 minutes, just tell us it was an
3 accident, correct? That's what you were telling him? You
4 suggested that to him a number of times, just --
- 5 A Sure.
- 6 Q -- tell us it's an accident?
- 7 A That -- yeah, that was suggested.
- 8 Q Okay, but that wasn't suggested by Muhammad, that was
9 suggested by Sergeant Wehby during the interrogation that,
10 just tell us it was an accident, and that was said over and
11 over and over again to him.
- 12 A I think it was more of the context if it was an accident you
13 need to tell us.
- 14 Q Okay.
- 15 A Not, this was an accident and tell us it was an accident.
- 16 Q But that was said to him on a number of occasions, just tell
17 us it was an accident, we know it was an accident, you
18 remember those words coming out of your mouth, or Wehby's
19 mouth or Hammond's mouth at the time?
- 20 A I think that's not in the context that you're saying it
21 right there, no.
- 22 Q Okay. Let me just back up a second. When you came into the
23 house and Bassel approached you and Muhammad was upstairs,
24 isn't it fair to say that Bassel attempted to go upstairs to
25 get him and you restricted him from going up there?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 THE COURT: (Inaudible).

2 THE WITNESS: What's that? Yes, it is,
3 Ma'am.

4 THE COURT: Okay, that's the full volume.

5 THE WITNESS: I did hear my voice. I'm the
6 one who says, "Is your son up there?"

7 BY MR. SCHIANO:

8 Q So you're the one that tells him not to go upstairs then?

9 A Honestly, I don't recall. I mean, I'm sure if it's on video
10 I'm sure I'll be able to tell you if it's me or not. Yeah,
11 so neither of those voices are me.

12 Q Okay. (Audio continues playing).

13 A The one that says, "That is cool down" (ph) is not me.

14 Q Keep going. Who is that?

15 A That's Sergeant Wehby. Should I stop it?

16 Q No. You could stop it right there.

17 A Did you say stop it, Sir?

18 Q Stop it please, yeah.

19 A I'm sorry, I couldn't hear you, it's right in my ear.

20 (At 4:23:16 p.m., Audio Interview Stopped)

21 BY MR. SCHIANO:

22 Q So at some point you hear Sergeant Wehby talking to Muhammad
23 saying, "Come -- you're gonna come downstairs with us,"
24 right? That's what he said?

25 A I just heard it on there, yes.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Okay, so the father's not with him on the second floor,
2 correct?
- 3 A It doesn't appear that he is. I don't know.
- 4 Q You don't hear his voice, do you?
- 5 A I don't hear his voice.
- 6 Q You hear Sergeant Wehby talking about an air gun, you hear
7 Sergeant Wehby saying, yeah, he kinda gets it, all right, so
8 what this is, nothing more, we're just trying to narrow down
9 some stuff, just trying to make sure everything's covered
10 and everything like that, so, all right, and then Muhammad
11 says, "Come with you guys?" question mark. And Wehby says,
12 "Yeah, we're just gonna go downstairs and wait for your dad
13 to come down. I think he's looking for your sister. You
14 want to grab a seat, that's fine." That's what he says, you
15 hear that on the tape, correct?
- 16 A Yes.
- 17 Q Okay, so the father doesn't go up and get him, the officers
18 go upstairs and bring him down to the diningroom table, is
19 that a fair statement?
- 20 A Again, Sir, I don't know. I don't know if he was there with
21 them. Just because he's -- you don't hear his -- his voice
22 on the audio, I can't say whether or not he was there.
- 23 Q You don't hear his voice but all you hear is Wehby talking
24 to Muhammad and Muhammad talking back and the father -- no
25 father voice the whole time, fair to say?

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 A That is fair to say, yes.
- 2 Q And you hear the son saying you want me to come with you
3 guys and you guys meaning, I assume, police officers, not
4 his father, correct?
- 5 A Yeah, I think so, yes.
- 6 Q And on top of it Wehby says something to the effect of,
7 "Yeah, we're gonna wait for your dad to come down." So --
8 but dad's not there. Wehby says that right on the
9 statement, right?
- 10 A Are you asking me to --
- 11 Q Do you want to look at the transcript?
- 12 A No. I mean, that's what we all just heard, yes.
- 13 Q Well, I'm just asking you, does that refresh your
14 recollection? You were downstairs --(multiple speakers)--
- 15 A I wasn't -- like I said, it doesn't refresh my recollection,
16 I wasn't there. I can't just hear it on the tape though.
- 17 Q Okay, but when he was brought downstairs he was brought
18 downstairs by the officers, you were there when he came down
19 the stairs, weren't you?
- 20 A At some point I was there, yes. I already testified that I
21 don't remember exactly how he got downstairs.
- 22 Q Okay. You don't know how he got downstairs, you don't know
23 what you were doing and you don't know where you were in the
24 house, is that what you're telling me?
- 25 A I said I came in, I was in that little area there, I don't

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

1 even remember exactly where I was standing at every point
2 during the entire time I was at the house, no. That is
3 correct, I don't remember that.

4 Q All right. But nonetheless, you -- who had the tape
5 recording device, you don't know who it was? Was it Hammond
6 or yourself?

7 A It was one of the two. I don't remember. I believe it was
8 actually me, but.

9 Q Did you tell the defendant or the defendant's father that
10 they were all going to be tape recorded?

11 A No.

12 Q No. So it was something you kept concealed in your pocket?

13 A I think Hammond actually had it, I'm sorry. I wasn't there,
14 I didn't --

15 Q Whatever device was, was hidden so that these people didn't
16 know they were being tape recorded, fair to say?

17 A No, I keep it out.

18 Q Well, you said Hammond had it so who had it?

19 A Well, I believe Hammond had it, but I wouldn't -- I don't
20 know what Hammond told them or didn't tell them.

21 Q Well, you were present, I would assume, for at least 99
22 percent of this interview, right?

23 A Yes.

24 Q Okay, did you hear him say it was going to be tape recorded?

25 A No.

Ex. D: Hrg Tr 9-21-18 [Det. Molloy excerpt]

- 1 Q Okay. Let's go back a second to the idea here that the
2 father tells you folks that he's gonna go get his daughter,
3 Aya, at a place three miles away, right? And it's your
4 testimony that you speak with Muhammad for close to 40
5 minutes, right, the whole period of time --
- 6 A Yeah, somewhere between 30 and 40 minutes, yeah.
- 7 Q And it's your testimony that he never tries to get back into
8 the house until you're all the way done getting a statement
9 from the defendant, is that what your testimony is?
- 10 A Yes.
- 11 Q After 40 minutes.
- 12 A Yeah, that -- when he -- when he walked in and the sergeant
13 talked to him he said I don't want you guys to talk to him
14 anymore, we stopped.
- 15 Q And you don't -- do you remember saying to you folks when he
16 came back in, "I told you I need an attorney, I should get
17 counsel as an attorney (ph), I told you --(undecipherable)--
18 counsel an attorney"? You remember him saying that to you?
- 19 A I remember him saying that.
- 20 Q What's that?
- 21 A I remember him saying that, yes.
- 22 Q Okay, and do you remember him saying that before he left?
- 23 A No.
- 24 Q But you remember him saying it when he got back?
- 25 A Yes.

MUHAMMAD AL-TANTAWI
INTERVIEW

D1 DETECTIVE 1
D2 DETECTIVE 2
F DEFENDANT'S FATHER
MA DEFENDANT, MUHAMMAD AL-TANTAWI
D3 DETECTIVE 3

D Going downstairs?

F No, no, I'm going upstairs (inaudible)

D Um, hold on a second. Is your son up there?

F I don't know where he's. He's somewhere here.

D2 Can you call him down?

F Yeah.

D2 And your daughter, other daughter...
(Inaudible)

D2 That's cool, man.

F Yeah.

D2 I like that.

F Let me see where my daughter is.

D2 Okay

D1 Yeah, I think she was ... I think she just went down, ah, the other bedroom, the master bedroom.

F Sidra. Sidra. Sidra.

D1 Yeah, I think she went down to the master bedroom, it looked like.

D2 You know, my son would freak out to have that pellet gun.

MA Yeah. It's a...It's an
air soft gun.

- D2 I know, but it's like...How fast does it fire?
- MA Ah, I think it's like 350 RPM's. Something like that.
- D2 Geeze.
- MA Yeah.
- D2 That is cool. You do a lot of, the...
- MA Air soft?
- D2 Air soft stuff.
- MA Sometimes (Inaudible).
- D2 Yeah he kind of gets it...He does it like (unintelligible) up there or whatever.
Alright, so what this is, nothing but we're just trying to narrow down some stuff,
just trying to make sure every thing's covered and everything like that.
So...Alright?
- MA ...come with you guys?
- D2 Yeah, we're just gonna go downstairs and wait for your dad to come down. I
think he's just looking for your sister. You just want to grab a seat? That's fine.
- D1 (inaudible)
- D2 Yep.
- D1 Just gonna talk to him here. They want to go down and pray for a second.
(Inaudible)
- F So I go pick up my daughter?
- D2 I'm still waiting to hear back. They're checking with the school right now to see if
they've let them out yet, or if the bus...
- F No, no, they already let them out - 2:30. The bus is, is gonna stop at three-thirty
now.
- D2 Okay, hold on one second.
- F So I have like five minutes now, eight minutes.

- D2 Yeah, if you want to go...If you want to head up to the library and pick her up, and ah...
- D1 We're gonna stay here and talk with him. That's alright, right?
- F (inaudible)
- D2 We're just trying to nail down the times, and anything that they might not think is big, something she might have said or something like that, or wasn't feeling well or stuff like that.
- F Okay.
- D2 We'll be here when you get back. You got a (unintelligible) on you?
- D1 No, I don't. Is, is their daughter here somewhere, still?
- UN Yeah, the twelve year old's back there. She's watching the Ipad.
- D1 Okay.
- UN Just if we can...Is there a way we can turn off the music, sir? OK. Oh it's all interconnected, right?
- MA Yeah
- D1 Just like an Ipad. Who sits here? You guys ever eat dinner here? Or eat here at all?
- MA Yeah, I sit right here. Actually...(inaudible).
- D1 You have a job?
- MA Ah, no. I got (inaudible)
- D1 Oh, where she getting a job at?
- MA Ah, same area as...That's where my mom works.
- D1 Oh yeah?
- MA Yeah.
- D1 Franklin Athletic Club?
- MA Uh-huh.

- D1 Okay, (inaudible)... if I can spread all this stuff out here. Just give me one second, alright? See if I can do it. Here, take this one.
- MA I'm fine.
- D2 I'm sorry. What's your name again, sir?
- MA Muhammad.
- D2 Muhammad, I'm Richard.
- MA Nice to meet you, Richard.
- D2 Um, again, we're sorry about your loss. I'm sure it's tough.
- MA It is.
- D2 Um, like I said, we're just kind of trying to go through things here and find out what, what transpired, if anything your mom might've said or way she was acting or anything like that that might've lead you guys to believe, you know, that she was upset about something or anything. So, can you just kind of walk us through? Like did you have school yesterday?
- MA No, I didn't.
- D2 You missed school yesterday?
- MA Yeah, I missed school.
- D2 Okay, what, what... When you... I guess not yesterday.
- MA Day before. It was Sunday. So, not that either.
- D2 Okay, so did you... What, what went on... Start, like, Sunday evening. What was going on Sunday evening?
- MA I mean, not really anything. We all stayed in our rooms for the most part. Like, both my sisters are on their computers. I'm on my computer. I mean, we ate lunch. She's walking around the house. I think she came back with my sister from getting school supplies.
- D2 Uh-huh.

- MA And then, I didn't really talk to her much. She was talking to my sister, and, like I said, I was paying attention with my phone, eating. That's about it.
- D2 Alright, so about what time did you guys have lunch?
- MA I ate around, like, six, six-thirty.
- D2 Six, or six-thirty? Alright. Ah, what was she doing the whole time? Did she seem upset? What kind of mood was she in?
- MA She seemed fine, I'd say. I mean she... Like I say, she came back with school supplies and went straight to her room. So then, she slept, like, for a few hours later.
- D2 Your mom did?
- MA Uh-huh.
- D2 So what time does she normally go to bed?
- MA Normally, I'd say around ten, maybe nine, late nine-thirty.
- D2 Nine-thirty, ten? Do you recall what time she went to bed last night?
- MA Around late seven, maybe early eight, I think.
- D2 Know why she'd go to bed three hours earlier, or...
- MA No. Like I said, we didn't really talk much yesterday. So...
- D1 By "yesterday," you mean Sunday night?
- MA Sunday night.
- D1 Sunday night going into Monday?
- D2 Okay. Alright. How were things between, you know, your mom and your sisters? You know, girls always arguing about something or fighting about something. Or, you getting in trouble for anything lately? You know, is your mom mad at anybody about anything?
- MA I'd say just, ah, normal, like... You know?
- D2 Teenage stuff?

Ex. E: Def. Interrogation Tr 8-22-17

- MA Parent...Yeah...Parents...Like, couple days ago, like, my sister, her room was pretty dirty, so, you know, my mom told her to clean her room. That's about... That's about it.
- D2 You got a beautiful house here. Your mom clean it? Or do you have a cleaning lady?
- MA No, we all clean. It's what we do. So, like, if I make a mess, I have to clean up, at lunch.
- D2 Would you ever talk to my sixteen year old son and maybe see if he can follow that same...Um, so your mom goes to bed about seven, seven-thirty...
- MA Sunday.
- D2 And what are your sisters doing? Or do you know?
- MA My youngest sister, she's, she's gone to sleep, and then, my other sister, she's on her computer, and I'm on my computer.
- D2 So you guys, you never really see each other the whole evening?
- MA No, not really.
- D2 Okay. You're in your room the whole time?
- MA Yeah. Ah, well, I went to pray to the mosque and got on my bike. I came back around...So I left around eight-thirty, and I came back around nine-fifteen.
- D2 Is that...Now, forgive me, I'm not so knowledgeable about your religion and stuff. Is that something you do every day? Or is it...
- MA Yeah.
- D2 Every day?
- MA Five times a day.
- D2 Okay so you ride your bike...
- MA Yeah.
- D2 to the...
- MA Mosque.

D2 Where, whereabouts?

MA Ah, so sometimes I go to one called Tawhweed Center. That one's a bit far.
Usually, I just take my bike, and I go with my friend, and the other one's closer.
It's right over here on twelve. It's called MCM.

D2 Okay. And you went there by yourself yesterday?

MA Yeah.

D2 Okay, what time was that?

MA Ah, like I said, around the latest one, around eight-thirty to nine-fifteen.

D2 That's when you went?

MA Yeah.

D2 So, what time do you have to leave here to ride your bike to get there in time? Or
is it just when you show up?

MA No, no. I left at eight, eight thir... The time I left my house was eight-thirty.

D2 You left the house at eight-thirty?

MA Yes.

D2 And then, what time did you get back?

MA Nine-fifteen.

D2 Nine-fifteen? Alright. And you didn't go with your friend yesterday?

MA No.

D2 Now, do the women not have to go and pray?

MA No.

D2 They don't? I mean it's just... I don't know. What nationality are you?

MA Huh?

D2 What nationality are you?

MA Um, I was born here, but my ethnicity is Syrian.

D2 Alright. I'm Lebanese only by last name, and I can order food. That's about it.
The, ah, so the girls don't have to go to pray five times a day?

Ex. E: Def. Interrogation Tr 8-22-17

- MA Yeah. They just pray at home usually.
- D2 Okay so you just...That's an option? You can do...sometimes pray at home?
- MA Yeah.
- D1 How long does the prayer last?
- MA I'd say like twenty minutes max. Like ten minutes for the prayer, and then, you have ten minutes to talk with the people, talk with friends.
- D1 Okay, and then they, like, close the doors?
- MA No, no. The door's open all day.
- D2 Were you there with any friends yesterday?
- MA Yeah. I was...I didn't go with them, but I saw a couple people. Yeah.
- D2 Okay. Um, so, you're saying your mom went to bed before you left?
- MA Yeah.
- D2 And when you got back she was not up.
- MA (Inaudible)
- D2 You just assumed she was asleep or whatever.
- MA I mean, I mean, it's normal. Sometimes I also leave, like, at night to do the same thing. You know? So I didn't really think anything of that.
- D2 I'm sorry?
- MA I said, sometimes I leave at night, and I come back, and she's asleep. So...
- D2 Okay.
- MA Yeah. Just normal.
- D2 You don't have to let her know, "Hey mom, I'm back from prayer?" Or anything ... like that?
- MA No. She knows. So...
- D2 Okay. Did you see your sisters or anybody up there when you got home?
- MA Yeah, not really. Like no...Not like face to face. I saw my sister in her room. Her lights was on. I heard, I heard her moving around. So....

Ex. E: Def. Interrogation Tr 8-22-17

- D2 Okay.
- MA Yeah.
- D2 What, ah...Now where does your mom work?
- MA Um, Farmington, or Franklin, Frank, Franklin Athletic Club.
- D2 Okay, does she work every day, or is she by appointment only?
- MA Pretty sure it's every day. If she...I'm not familiar with it myself. She doesn't really, like, tell me much, but what I've heard from my sister, it's like, she has clients, and they schedule it with her. That's how her schedule kind of works.
- D2 Does...The people ever come here to work out?
- MA No.
- D2 Okay, it's just...
- MA It's at the gym, yeah.
- D2 It's at the gym. Do you know if she worked yesterday, or the day before yesterday - Sunday?
- MA I don't think so cause, like I said, she left with my sister pretty early in the morning to get schools supplies. So, I don't think so.
- D2 Okay, about what time did they get back from that?
- MA Ah, maybe like, four or five-ish.
- D2 Okay, and, did she say...make any complaints, saying she wasn't feeling well or...
- MA Like I said, nothing really directly to me, and...
- D2 How did she seem to you, the limited time that you saw her yesterday? I mean, did she seem like she's in good spirits? She was normal? She was upset?
- MA Normal, yeah. Like usually when she goes in her room, like, that's it. She stays there for a while, occasionally comes sometimes out to eat food, maybe help my little sister. That's it. That's about it.
- D2 How are... Do, do you and your mom get along well?

Ex. E: Def. Interrogation Tr 8-22-17

- MA Yeah. I mean, we're pretty normal. We've been pretty normal for, like, a while. Like, the only time I, um...I told you this morning, ah, we kind of had issues you could say, beginning with, like, the divorce case, but that's about it.
- D2 How long's that been going on?
- MA Ah, nearly two years. Year and a half now.
- D2 Okay. How long....Your dad doesn't stay here, correct?
- MA No, he doesn't stay here.
- D2 Okay. When does...Damn it. I know, but I need my phone. Can you...
- D1 ...back pocket.
- D2 Can you see the pink case?
- D1 It was back there, anyway, when you were walking around.
- D2 Can you run out to my car and see if it's in the car? And turn my car off so I don't run out of gas. Um...
- D1 Smith's out there too (inaudible).
- D2 So does...Do your...So, your dad doesn't come over here?
- MA No.
- D2 Okay. Do you ever see your dad?
- MA Yeah, I see my dad occasionally.
- D2 I mean, do you go stay with him? Or you just...
- MA No, I'm not staying with him, but because the divorce... There's not a trial. Like, nothing's started, so there's no, like, custody meetings or anything yet..
- D2 Uh-huh.
- MA ...from what I know. So...
- D2 Alright, so, like, how often do you talk to your dad?
- MA Say pretty...Like maybe every three, every three to four days.
- D2 Three to four days? You guys pretty close?
- MA Yeah.

Ex. E: Def. Interrogation Tr 8-22-17

- D2 Alright. I mean, if you had an issue or problem, would you go to your dad or your mom?
- MA I'd go to my mom first cause she's my, you know, immediately there.
- D2 Uh-huh.
- MA And then, if it's something major, like my mom can't handle it, then I'll go to my dad.
- D2 Okay, does...Now, does... Your mom and dad speak?
- MA Not directly. No, not directly.
- D2 You know, so you don't...never hear them on the phone talking or anything like that?
- MA Not that I'm aware of.
- D2 Alright, does your ah...So they've been separated for almost two years.
- MA Almost, yeah.
- D2 Alright. Now this...
- D1 It'll be two years in February, right?
- MA Yeah, Feb...Yeah.
- D2 I'm not trying to get too personal or anything like that, just....Is your mom seeing anybody? Do you know? Or, do, you know, does she...
- MA Like a therapist?
- D2 No, like ah, a boyfriend. Or does she have any male friends she hangs out with that you know of?
- MA Yeah, I saw a couple a long time ago. Maybe, like, eight months, nine months ago I saw some. Not really close, but, yeah, I know she hangs... We use to go to the gym to with her.
- D2 Hello?
- MA Yeah, we use to go to the gym with her to...And I know she has a couple of friends there. So, you know...

Ex. E: Def. Interrogation Tr 8-22-17

- D2 Like, would you say boyfriends or just friends?
- MA I, I don't know. The last time I went to that gym was, like, three years ago so...
- D2 Oh, okay.
- MA I don't know how far things would have gone, if you know what I'm saying.
- D2 Yeah, that's fine. I said... I know it's tough, questions and stuff like that. It's just stuff we've got to answer 'cause something's kind of, you know... Things are kind of odd about this. Um, now, are you guys staying here? Are... They plan on selling the house, do you know? Or...
- MA I think ,yeah, they're selling the house, this house.
- D2 They are gonna sell this house? Did your mom have any place that she was moving to or been looking around or anything, that you know of?
- MA She's not, not real good at...She told me, but yesterday, I heard my sister talking about that they got a new house, that she got a new house. So...
- D2 Oh, you did?
- MA Yeah, that's what my sister said. So...
- D2 Do you know where that is?
- MA No.
- D2 Alright. Who's that?
- D1 That's the 12 year old.
- D2 Oh, okay. I was like, "I'm seeing things."
- D1 She, she can't really talk to us.
- D2 Okay, um, so you don't know if your mom's having any problems with anybody... or anything like that?
- MA No.
- D2 Alright, so, you go to bed about what time?
- MA Um, like school, day before school, I'd say maybe, usually maximum eleven-thirty.

- D2 Eleven-thirty? So what time did you go to bed Sunday night, about?
- MA Eleven-thirty.
- D2 Will you guys call Bob, find out what he needs? Um, so last night you went to bed about...
- MA Yeah.
- D2 About eleven-thirty?
- D1 Sunday night, right?
- MA Sunday night, yeah.
- D2 Now, would you know if somebody came over to the house last night? I mean, if somebody came in the house or anything, would you know?
- MA I, I should, yeah. Most likely, I should probably be able to pay attention.
- D2 I mean, would there be, like, a door chime or anything like that?
- MA Yeah. The thing is, on Sunday, I had a pretty bad ear infection, so I couldn't really hear from one ear. So if I sleep on this ear, I can't really hear that much. But I should be able to pay attention if someone came over.
- D2 Okay, so to your knowledge nobody came over Sunday night?
- MA No.
- D2 Okay, what time did you get up Sunday morning?
- MA I got up around six o'clock and six-o-five I got into the shower.
- D2 And then, what?
- MA Ah, so, I took a shower. Around, like, fifteen minutes later, so, like, maybe six-twenty, six-twentyish, I started to put my clothes, got my school stuff ready. And then, around six-thirty, that's when my sister yelled.
- D2 Which sister was this, your younger sister or your older sister?
- MA The middle, the middle sister. And that's when things kind of took off.
- D2 What did she say when she's...

Ex. E: Def. Interrogation Tr 8-22-17

- MA She's like...ah, ah...She, she... "My mom fell." And then, I'm like, "What?" I'm like, ah, "She fell. I called the, I called the cops already. I already talk with them." It's like, "No, no, no. We have to go outside." So I'm like, "Okay." So then, we went across... like, all the way around the house. And I really don't know what to do from there. So, I went back inside, got some water for her, went back outside and then, that's when the oper...She gave me the phone and told me to talk to the operator. And the operator told me to do CPR.
- D2 Do you know how to do CPR or just...
- MA Very basic.
- D2 Very basic? Alright.
- D1 What do you mean by that?
- MA Like, ah, go in the middle of the chest... You do it rhythmically. Push, like. Make sure, you know, air's going in, basically.
- D1 Okay, and that's what you did?
- MA Yeah, until the cop came over.
- D1 Okay, alright.
- D2 How's, ah, your sister's relationship with your mom?
- MA Pretty good. Same thing, like I say, if they don't do something right, you know, they get in trouble for it - not clean their room, "Clean your room." And stuff like that.
- D1 No big arguments or anything with your sister lately?
- MA Not that I know of, no.
- D2 Um, okay. Your mom's habits... What time... You said she normally goes to bed around ten, ten-thirty. Last night, she went to bed early. What time does she normally get up?
- MA I'd say, maybe, like... The average is five, five-thirty.

Ex. E: Def. Interrogation Tr 8-22-17

- D2 Five, five-thirty? Do you know...I mean, I'm sure she's not seeing clients that early in the morning. So what's she... What's her habits in the morning?
- MA Um, get herself ready, use the bathroom and then go upstairs. Or no, go eat something very basic, and then, drink coffee usually, and then, go upstairs, do her makeup, go back downstairs, get clothed and then go back upstairs and wake everyone up.
- D2 Okay, does...So are you saying you don't have a...sorry, um...You don't have a cleaning lady?
- MA No, we used to a long time ago, but we haven't basically for the past two years, so... now (inaudible).
- D2 Okay.
- D1 When you go to sleep at eleven-thirty, and you wake up six o'clock, do you go right in your room? Or, you got...use the bathroom right in that room, right?
- MA Yeah.
- D1 Okay. Did you get up again, like, I don't know, like you do...Sometimes, at night, I get up two or three times. You know? Did you get up at all during the night? Were you walking around anywhere? Nothing. So, go to sleep at eleven-thirty, you don't hear anything, don't see anything, don't come out of your room? Ah, get up at six, six-thirty, sixish.
- MA Yeah.
- D1 And you go in the bathroom, and you take a shower.
- MA Yeah.
- D1 Getting ready for school?
- MA Yeah.
- D1 Okay, then your sister...How do...She knock on the door? She call you? What, what happened? She scream?

- MA I heard her scream in the, you know, in the make-up room, and then, she came over. Like I said, I couldn't hear that well so I said, "What?" And then I ran to her. She ran to me, and then, she's just like, "I'm on the phone. We have to do this." I'm like, "Okay." So then, I go outside.
- D2 Okay, alright. Now we've noticed that, you know, there's a security system here. Do you know how that works?
- MA No. It's not...I wasn't even, like, aware that we had more cameras in the back of the house.
- D2 You weren't aware there's cameras all around outside of the house?
- MA No. I knew there were, like, some in the garage and stuff like that. But I didn't know any, like, specifics about it.
- D2 Do you know the code to it?
- MA No.
- D2 You don't know how to access it or anything like that?
- MA No...no one has, really... I mean, it's just kind of there...No one used anything since we moved here, so...
- D2 Do you know where it's kept?
- MA The code?
- D2 The like, the hard drive and everything for the...
- MA No.
- D2 You don't know where that's kept?
- MA No. I thought it was in the, like, in with the wi-fi room, but apparently not, because this morning, ah, you guys went (inaudible) or something like that.
- D2 Okay, well we did. We took it, and it's working. So, everything's on video as to what transpired. So, we're trying to find out if you have anything that you want to say about that, or...
- MA Not really, no.

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- D2 Well, you say, "not really." I mean, just...
- MA No, no.
- D2 Okay. Well, we're one hundred percent sure that this wasn't accidental.
- MA Oh.
- D2 See what I'm saying? Okay, so, what we're trying to figure out is what happened and why it happened 'cause, watching the video, nobody leaves the house.
- MA Yeah.
- D2 So there's your mother, you, your sister and your little sister. That's what we're trying to figure out - is to what happened. If it was an accident. If it was an argument. If it was something that was, you know, spontaneous - something accidental. That's what we need to know because we want to follow... We want to get a resolution to this. I know you do too.
- MA Yeah.
- D2 Accidents happen all the time. You know, somebody could be helping somebody with something, holding the ladder, something like that, and something happens. That's why we need to know what happened. And that's why we're looking to you - because you're the oldest. And we've watched the video, and we're trying to see what your input into this is as far as how your mother ended up falling out the window.
- MA I mean, is there like any specific question you ask me? Where should I go from?
- D2 I want you to start from the beginning. Tell me what happened.
- MA Okay. So, I woke up six o'clock, and then, you know, my sister's awake already, you know? She's also getting ready, and I assume my little sister's getting ready. So, went in 6:05, after I used the bathroom. Took my clothes off, stuff like that. Get, got in the shower, and fifteen minutes, later, you know, finished taking a shower. Dry myself off. Actually, I didn't even finish doing my hair. My hair was

still wet. So I, I... When it happened, I was kind of, like, clueless as to what to do.

And then...

D2 Okay. Well, what happened?

MA What do you mean?

D2 How did she go...fall out the window?

MA I, I don't know. I mean, I saw... I, I shouldn't... I, I didn't see anything until after everything happened. I, I went straight outside. My sister told me that she fell out the window when, when she called me. And then she's like, you know... I'm like, "How did she fall?" She's like, "She had this stool thing or whatever. The window's off. The screen's off." And then, she's like, "We have to go." And I'm like, "Okay."

D2 Did your sister see what happened?

MA Yeah, she's the one who found out exactly.

D2 I'm sorry?

MA She's the one who found out, like, the whole scene or whatever.

D2 Was she there? When it happened? Or were you there when it happened?

MA Ah, no. I was...I don't know if she...I don't want to say anything about my sister. But, I just know that she was...She was awake before me.

D2 Somebody was there. We know that. It's on video.

MA Mm-hm

D2 So, we know that somebody was there when it happened. We're trying to find out if it was something done by accident, which...accidents happen all the time, it doesn't change anything, or if it was done on purpose.

MA Mm-hm

D That's what we're trying to find out.

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- MA Yeah, I, I don't wanna...Like I said, I don't want to say anything about my sister. But, I mean, if it comes down to it, then yeah, she was awake before me. That's all I have to say.
- D2 She was awake before you? What time does she normally get up?
- MA Oh, ah, five-forty, five-fifty not too (inaudible) me.
- D2 But, you're telling me right now that you weren't in the room, like maybe helping her clean the windows, or holding the ladder or anything like that when this happened? When this accident happened?
- MA No.
- D2 'Cause, what we're trying to say is, if something like that did happen, now's the time so that we can explain it. We can't explain it when we go, and we get these still photos enhanced and everything else from this video. That can be an issue later on down the line. That's why, if it's something now, we can say, "Yeah, I was helping my mom clean out the windows, and she was having trouble with the screen," or something like that. "And I was trying to hold the ladder, and she slipped and fell. And I panicked." That's something you need to tell us now. Because if that happened, then we need to know what happen, how it happened. Because if... I'm not saying, a lie, but if you say something that's not truthful, even though you know it's an accident and then we, we prove that it wasn't an accident, you know...Accidents can be looked at one of two ways. They can be looked at as an accident, or they can be looked at that somebody did it on purpose. And I would like to know that this was just an accident.
- MA Yeah, ah, I'm, it has to be an accident, yeah.
- D2 But, we need to know the person...from the person that was in that room, how it happened. That's what we're getting at.
- MA I, I really... I really... I don't know what to say. I mean...

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- D2 I just want you to say the truth. And if that... 'cause... if what you've been saying is the truth, and that's the truth, then that's fine. I just don't want to prove something wrong down the line, and then, "Okay, well he didn't tell you... He wasn't truthful there. Well then, maybe it wasn't an accident." That's what we're trying to figure out.
- MA Yeah.
- D2 We know that somebody was in the room. And we're about 99.9 percent sure it's a male that was in the room...
- MA Uh-huh.
- D2 ...from the picture, from the video. But we have to slow it down, to get a snapshot of it, and that's what MSP's doing right now. We got it shipped out to the state lab, and they're gonna blow it up. And it's gonna show who was there. So, that's the point I'm trying to get at. If it was something that, you know, you were embarrassed. "Shit, I didn't hold the ladder good enough." Or something like that. "I turned around to look at my phone, and I was supposed to be holding the ladder. And she fell." That's, that's all explainable. But if you're not being truthful with us now, it's hard to look back on that in the future and say, "Okay, it was an accident because he was being truthful with us." You see what I'm saying?
- MA Yeah. I, I, I mean I... I don't know. I really... It's just confusing right now. I don't... I, I just need to think about this to be honest. I mean, I was, I was the one who was pushing on her chest.
- D2 And I understand that. An accident; like; could've happened. Sure, that's what you're gonna do. You're gonna try and save your mom, especially if it was an accident. That's what I'm saying. We're not denying that. That's all on video - of you giving her CPR and stuff like that, going back and getting her water and all that stuff like that. That's all on video. So we're just... We just need to know what happened in that room.

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MA I mean...

D2 I mean, now's the time. If we're gonna, if we're gonna be honest about it, we got to be honest about it now, 'cause once this, this ball gets rolling, it's at the prosecutors and stuff like that, to explain something was an accident or not...Now's the time we need to do it.

MA Yeah.

D2 So, I mean...Like I said, it's a perfect...If you're like any other teenage kid, I'm sure you're in there... Here's my kid helping me do something, you know, hitting me in the hand with the hammer and everything else. Is that, is that something that could happen?

MA Yeah. I mean, if ... Yeah, if I was in the room, probably, like, I just woke up, you know? Not being able to pay attention to anything. So, I mean...

D2 Well, I'm not saying...Is that what happened? That's what we're trying to figure out.

MA I mean, may...I don't want to say, "Yes," because, like I said, I mean...I woke up at six o'clock, 6:05, jumped in the shower. So, I'm trying to see, like, if that's possible for me to not, like...what I would normally do. And I just... I don't know. It doesn't seem like it.

D2 So you don't recall if you were helping her or not?

MA No.

D2 Alright. If you're...Knowing what time you got up, and knowing what you did - and you brushed your hair, and you washed, took a, your shower and did your hair and stuff like that. You're gonna remember that...if you were helping her.

MA Yeah.

D2 It's very simple.

MA Uh-huh.

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- D2 So let's get out in front of this. And let's say what it is, so we can try and help you out here. Is that what happened?
- MA I, I... Not...I didn't really...No, not really. I was...
- D2 Well then tell me, really, what happened.
- MA I mean, I don't know what else to say besides what I've already said, like...
- D2 Well, you keep saying that you're... "Not really." You don't remember if you could have been in there helping her. You remember everything else, it seems like. You remember getting water, talking to dispatchers and doing CPR and getting up in the morning and getting ready for school and stuff like that. So, it happened at that time. So, if you remembered all that, you should've remembered what happened then, is what we're saying. I mean, if you were in the room with her, then just say you were in the room with her.
- MA I mean...Now... I mean, the only thing that I really did was, you know, take off my...After I took off my clothes, um, I saw her walking upstairs with some stuff. And she said to go get spray bottle.
- D2 Uh-huh
- MA And I brought her that. I just...That's it. I left.
- D2 Come on, Muhammad. You're almost there. Just tell us what happened. And did she slip on the ladder or...What was she doing? You know, you didn't remember all that stuff before.
- MA I mean she, she was cleaning the window clearly. But, I mean, not while I was in the room. And now, she was...even worse to know that she could have been because of me, but...
- D2 Well, I'm sure it wasn't because of you. I mean, accidents happen. Accidents happen all the time. That's what we want to do. I don't want to see you get in trouble for us proving that you're not being truthful with us. So that's why I want you to tell us what happened now.

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- MA Like I said I, I don't know.
- D2 You got to know. Now you remember getting the spray bottle for her and being in the room. So what was going on?
- MA Go ahead.
- D2 No, go ahead.
- MA She wanted to clean the window, and then, she had cloth and the bucket or whatever. And so I brought her the, the spray bottle, or, you know? The window cleaner.
- D2 Uh-huh.
- MA And then, I went, I went back to my room to take my shower. That's, that's it.
- D2 Muhammad.
- D1 You already told us that you didn't leave your room before.
- MA I did?
- D2 You said your sister came in and got you.
- D1 You got up at six. You didn't leave your room. You went right to the bathroom.
- D2 And then you get ready for school.
- D1 Now we remember that you're helping mom out in there, okay? I feel like there's more. There's absolutely more.
- D2 There's got to be more. I can tell by the way, just...It's...You're gonna feel a lot better so we can get this explained out as an accident but...Will you find out what he wants? So, what was going on? What happened? If...It's still an accident if you're looking at your cell phone, and she slips.
- MA Okay, I don't, didn't really want to say that.
- D2 Is that what happened? It's okay. Seriously, accidents happen, alright? We just need to know.
- MA It's my mom's life, man.

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- D2 Muhammad, I understand that. I understand that whole heartedly. We just need to know why, so we don't look into this further, okay? What happen? Muhammad, it's alright.
- MA Okay, so when I, when I woke up, like I told you, she was going upstairs to, to clean the window and stuff like that. I didn't really overlook it. I was going downstairs to drink water first. So, I thought she was going to do her makeup. And then, I went back upstairs. And then, she was cleaning the window, and then, she's like ah, in English it'd mean, "Bring me, bring me, you know, something to clean the window with." So, I had brought her the, ah, ah, the spray bottle. And she already had her, the ladder in there, or stool, whatever it's called, and, ah, the wiper and the, ah, bucket. So I went, and she was, she, she was taking the window, the thing off.
- D2 Uh-huh.
- MA Screen off. And then she...And then I helped her take it off. And then, I left, I left the room. So before I left the room, she was, you know, getting up on the window. And then, that's when I, that's when I went...And her, what's it called? And then, she like, you know (in Arabic). She told me to, to be there so I could help hold the ladder - hold on it 'cause it was shaking a little bit. So I came over. She tried... I don't...
- D2 Just tell us. You've gone this far, bud.
- MA She went, she went, she, she went on the ladder. She, she sprayed it already, and then she tried to lean over. I was standing there, you know, holding the ladder, and just looking around. Not really... I'm holding it. I don't think I'm supposed to look at it the whole time. So, I'm holding it. And then, she leans over, and she, she trips. And then, something got stuck on, I don't know what it was. So, I went over like that. And then, that's when she fell. And I didn't know what to do, so I,

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so I just went take a shower 'cause I thought I was dreaming or whatever. So I, I wanted something else to happen, and that's when everything happened.

D2 Okay. So you're saying that she slipped while she was on the ladder? Something got caught where?

MA I think it's like a piece of cloth. I don't know. I'm, like... The turning handle - I think that's what it's called.

D2 Okay.

MA I, I, I, I looked down. I didn't wanna... I, I didn't want to do... I didn't, I didn't know what to do, I mean. So, like I said, I thought it was, like, a dream. And so, I went into my room immediately. And I just wanted to forget about it because I just saw my mom fall, man.

D2 I understand that. I understand that. I understand that. So, the video's not gonna show anything different?

MA No. No.

D2 You guys weren't arguing about anything or anything like that?

MA No.

D1 We wanted... We did look at the video.

MA Uh-huh.

D1 And although they're gonna, they're gonna fix it up and make it picture perfect and clear for us, the video shows something different. It does. And you know it does, right?

D2 Hello.

MA I'm not... It's, it's what you're saying. I'm just gonna agree with what you say.

D1 You agree with what I say? You know what it shows, and you know what you just told us. It's pretty close.

D2 Okay. They're coming in. That's fine. Alright.

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- D1 It's pretty close to what happened, okay? But, that's not the whole truth, and you know it. And this is, this is the time to tell us the whole thing, okay? This is, this is, this is your chance to, to, to tell us the whole thing. Even, even when you're telling us, you know... We know, we know more than... We, we knew that you were in there with her, okay? Alright? And we, we need you to really... Could you just step out for a second? Um, we, we, we know, we know there's more to it. And, like I said, that video is gonna get cleared up. But we can already see that there's more in there, you know? We, we all know it. Now's your time, okay? Now is your time to come clean because...
- MA I don't want to think about.
- D1 ...it shows exactly what happened.
- MA I'm not gonna think anymore about what specifically happened .
- D2 Hello.
- MA That's, that's... I don't know. I don't want to blame you guys for doing your job and everything, but I don't know.
- D2 Who are you? I'm Richard.
- MA She slipped over. I could've helped her but... I'm not... I don't want to say anything.
- D1 You don't wanna say what?
- MA More about it.
- D1 I understand. I know. But we need, we need to get the whole truth out here. We, we need to know everything okay? And right now, you're, you're very close to telling us, okay? There's, there's much more to it. And it's all on the video, okay? Now, now's your time. Do the... It's time to do the right thing.
- MA I, I don't know how to explain it. It's literally... My mom's...
- D1 I know. I know. It's your mom.
- MA That's, that's it. I'm... She was cleaning the window

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D1 Yeah

MA She stood on it. She leaned over. I came over. She fell. I looked over, and that, that's it.

D3 And what caught... You said something caught the ledge?

MA I saw earlier or late last night, I saw like a thread. So, I'm assuming something with her pants got caught.

D3 Okay, and did you reach out for her or anything like that? There any part of you be outside the window or any part of your...

MA Yeah, towards my mom, like.

D3 Right, sure.

MA Like that. I'm gonna go over to run...But then as soon as she's...She...Once she's like that, what... I can't really do anything. I'm not that strong, you know.

D3 Yeah, so when she started to fall, how was she? Was she leaning up? Was she face down?

MA She was like leaning down, I think.

D3 Like, so she was on, like, her back?

D1 Like, kind of like doing something like that?

MA Mm-hm

D3 Now, was she wiping the window when, at that time...

D1 You said she's standing up here.

D3 ...like you said, you were holding the...

D1 Explain it to us.

D3 You were holding the...

MA Yeah, yeah. No, she was starting to basically...She had just sprayed.

D3 Uh-huh.

MA And then she, she takes the cloth. And then, she's like that, and that's when the window was like, the, the stool was right next to the window.

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- D1 Right, right.
- MA So, I mean, it's kind of on me (inaudible) the window basically. So, when she leans over, I'm holding the thing. And then, she had, like, one foot on and then the other foot over. And then she, she falls, like, slips over.
- D3 So one foot was on the step stool and the other was on the...
- MA It's kind of like both.
- D3 The railing of the window?
- MA I think.
- D1 She, like, standing outside? On the inside?
- MA She's...No, no, no. She's...I don't know how to explain it. It's better if I just go upstairs and show you.
- D3 Just tell us. Tell us as best you can.
- MA She's just... She...
- D3 She was reaching out with her...Is she right handed or left handed?
- MA She's right handed, yeah.
- D3 Okay, so kinda...
- MA Here's...There's...I'm sitting on it right now, the stool. I'm her. Here's the window, over here. Spray, spray. And then, like that, and then that's when she, she went over the, whatever you want to call it, the windows.
- D3 The window sill, sill?
- MA Yeah, and then that...
- D3 And she just...
- MA Yeah, well she's about to...Yeah, and then, something got caught in her foot. And then she's still about, I thought...Everything was going really fast in my head. So I thought that was a long amount of time, you know, before I could go and grab her.
- D1 Yeah, everything happens in slow motion, right?

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MA Yeah. And then, by the time, you know, I move the stool, I come over to grab her foot, she's already half way down. And I look down, and then, that's when, when I told the other person here I, I didn't want to think about anything.

D3 Uh-huh.

MA My mom just died. I thought I was dreaming, you know?

D3 Uh-huh.

MA So...

D3 I understand, um...

Stopped at 48:10

Ex. F: Hrg Tr 10-8-18 [excerpt]

STATE OF MICHIGAN

6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN

v

File No.: 2017-265355-FJ

MUHAMMAD AL-TANTAWI,

Defendant.

_____ /

EVIDENTIARY HEARING

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Monday, October 8, 2018

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Ex. F: Hrg Tr 10-8-18 [excerpt]

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None

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Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

- 1 Q You got over to the house between 3:00 and 3:20, does that
2 sound familiar?
- 3 A That sounds about right, yes, Sir.
- 4 Q Okay, so prior to that time you had had a conversation at
5 least -- and viewed this video with those individuals prior
6 to going over to the house, fair to say?
- 7 A Yes.
- 8 Q All right, and you had obtained that video approximately
9 1:00 o'clock that day, right?
- 10 A That sounds about right, yes, Sir.
- 11 Q So between 1:00 o'clock when you obtained the video and 3:20
12 when you got to the house you had these conversations or at
13 least these meetings with these other individuals and viewed
14 the video prior to going back over to the house on Howard
15 Road, fair to say?
- 16 A Yes.
- 17 Q Okay, and I'm a little ignorant here, I'm not from this
18 area, tell me how many police officers are employed by the
19 Farmington Hills Police Department, if you can tell me?
- 20 A The -- I don't know the exact number right now, I can give
21 you an approximate.
- 22 Q Ball park it for me.
- 23 A We have 105 total officers. That includes patrol
24 investigations and all command, detectives, everybody.
- 25 Q So on an average day how many officers are working? I mean,

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

1 not all of them I take it, right?

2 A No.

3 Q Half or quarter of them probably?

4 A It depends on the shift and it's police work, it's
5 different, you know?

6 Q But at least three of you, the investigators plus some
7 patrol officers, went over to the house on Howard Road that
8 day, correct?

9 A Eventually or what time?

10 Q Well, at first the three of you went over, correct?

11 A Yes.

12 Q And that would be yourself, Waybe (ph) and Hammond, correct?

13 A Yes.

14 Q And we aware of any other officers that accompanied you to
15 the house at Howard Road when you arrive there at 3:20?

16 A That accompanied us or were on the way there?

17 Q Let's go with on the way there, that sounds good.

18 A Yes, I believe Smith was on the way there and McDonald and
19 possibly Detective O'Neil (sp).

20 Q Okay, so at least -- I'm bad at math, at least six of you
21 are on your way over to this house to meet with the family,
22 correct?

23 A Yes.

24 Q Because you told Mr. -- the doctor when you walked into the
25 house, "We want to bring you all back to the station house,"

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

- 1 A That's correct, yes.
- 2 Q And he also told you that, you know, he didn't want his
3 daughter, Sidra, or Muhammad or Aya, talked to at that point
4 either, correct?
- 5 A No, he did not say that.
- 6 Q Didn't he tell you to wait till he got back?
- 7 A No, he did not.
- 8 Q Well, you knew, and correct me if I'm wrong because I'm not
9 around -- from here, you knew he was only going about five
10 or ten minutes away, correct, to pick up his child? Right?
11 The library.
- 12 A Yes. Yeah --(multiple speakers)--
- 13 Q And you knew that one of your officers actually followed him
14 the entire way to and from, correct?
- 15 A I did not know that, no.
- 16 Q Did you find out after the fact that was done?
- 17 A I guess so, yes.
- 18 Q You know it was done, right?
- 19 A I honestly didn't know if he was -- he followed him to the
20 library or not, I didn't --(multiple speakers)--
- 21 Q Well, after this investigation -- during -- you found out
22 during the course that he was followed back and forth,
23 correct?
- 24 A I --
- 25 Q You said you guess so, you know it happened, right?

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

- 1 Q We'll move on. So prior to going into the house had you
2 considered Muhammad a suspect then?
- 3 A I think at this point, you know, we were considering
4 everyone who was there could possibly be a suspect.
- 5 Q Everyone that was in the house? Sidra was a suspect?
- 6 A Well, I guess not Sidra, Sidra has some disabilities. We
7 just -- we didn't know what they were going to say when we
8 talked to them, so yes, it is possible that Muhammad was a
9 suspect.
- 10 Q So prior to going in there did you discuss with Wehby and
11 Hammond that he was a suspect?
- 12 A Yeah.
- 13 Q Okay, and you never told him that when you came into the
14 house, correct?
- 15 A No.
- 16 Q You ever told him that you believed this wasn't an accident
17 at any point, did you? During the course of your 40 minutes
18 talking with Muhammad did you ever tell him we do not
19 believe this was an accident, we believe this was
20 intentional, did you tell him that at any time?
- 21 A No.
- 22 Q Matter of fact, the entire time you talked to him you kept
23 on suggesting to him that this was an accident, just tell us
24 it was an accident, isn't that a fair statement?
- 25 A That I said that?

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

- 1 Q Well --
- 2 A That we as a collective --
- 3 Q Let's go with -- since you're testifying or the group it
4 appears here --
- 5 A Yes.
- 6 Q -- was that --
- 7 A Yes, that was a suggestion, yeah.
- 8 Q Was that your strategy going into talking with him to say --
9 convince him it was an accident? Was that something
10 discussed prior to going in?
- 11 A No.
- 12 Q Who suggested that first, Wehby?
- 13 A Yes.
- 14 Q Did I get that right?
- 15 A You did get that right. Yeah, while we were in there.
- 16 Q All right, so it was him that suggested it was an accident
17 and he said that about 20 or 25 times in the course of about
18 40 minutes, is that a fair statement?
- 19 A I don't know how many times he set up, but he did say it
20 multiple times, yes.
- 21 Q During the course of -- and again, I think we talked about
22 it the last time, but there was never any time that you read
23 him any Miranda warnings or told him he was free to go, did
24 you?
- 25 A No. We --

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

- 1 Q That's a yes or no, you never did that, right?
- 2 A No.
- 3 Q Okay. Was he ever told that he could not answer any
4 questions, stop answering any questions?
- 5 A No.
- 6 Q I listened to the tape, you never ascertained his level of
7 education at all, due to?
- 8 A Did we ask him or --
- 9 Q Yes, did you ask him how far --(undecipherable)-- in school,
10 anything like that?
- 11 A No, Sir.
- 12 Q No. Did you ever him, you know, how he was feeling, if he
13 was sick or if he had ate anything that day?
- 14 A No, Sir.
- 15 Q You knew his mother had passed away the day before, correct?
- 16 A Yes.
- 17 Q And he had appeared appropriately distressed when you are
18 talking to him?
- 19 A (No audible response).
- 20 Q He seemed upset, didn't he?
- 21 A When?
- 22 Q When you are talking to him.
- 23 A Which day? That time?
- 24 Q During the 40 minutes you are talking to him.
- 25 A At some points he did.

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

1 truth to you folks?

2 A The exact number of times?

3 Q Right.

4 A No.

5 Q Did you recall the number of times that you suggested to him

6 it was an accident? I think we talked about this before.

7 A I don't.

8 Q You indicated before that it wasn't -- were you doing any

9 questioning at all? You said Wehby was doing all the

10 questioning, correct?

11 A Wehby was doing most of the questioning, yes.

12 Q Did you interject at all during the course of the 40

13 minutes?

14 A Yes, very -- very few times, yes.

15 Q A few times.

16 A Mm-hmm.

17 Q At any time while you were talking with Muhammad did you

18 indicate to him that he did not have to answer any of your

19 questions?

20 A No, we didn't say that.

21 Q At any time while you were talking to him did you tell him

22 that you considered him a suspect?

23 A No.

24 Q Do you recall a comment being made by either Wehby or

25 yourself, on page 22 down towards the bottom of the page,

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

1 "Come on, Muhammad, you're almost there, just tell us what
2 happened and did she slip on the ladder or what was she
3 doing, you know, you don't remember all that stuff before?"
4 Remember that being said?

5 A I do recall that, yes.

6 Q Who said that?

7 A I believe that was Sergeant Wehby.

8 Q And you go on to say -- or he says, "Well, I'm sure it
9 wasn't because of you, I mean, accidents happen, accidents
10 happen all the time, that's what we want to do. I don't
11 want to see you get in trouble from us by proving that you
12 are not being truthful with us, so that's why I want you to
13 tell us what happened now." Is that you or that was Wehby?

14 A Wehby.

15 Q Again, a plea for him to be truthful to you at that point?

16 MR. SKRZYNSKI: Well, objection. Judge, this
17 transcript is in evidence. The tape of the disk of the
18 actual interview is in evidence. The actual words that were
19 said, the context in which they were said are in evidence.
20 And his inter -- his asking him for his interpretation and
21 taking isolated lines here and there, I mean, that's almost
22 meaningless in light of the fact that the entire thing is in
23 evidence, and it's up to the court to take the saying in its
24 entirety. The whole test of custody is an objective test in
25 which the court takes into consideration all the

Ex. F: Hrg Tr 10-8-18 [Det. Molloy excerpt]

1 Q There was nobody supervising Sidra confining her to any
2 place, was there?

3 A No, there was not, Sir.

4 Q And you didn't order her to sit any place?

5 A No, Sir.

6 Q Did you order the defendant to sit at any place?

7 A No, Sir.

8 Q Okay. As a matter of fact, the position where he was
9 sitting at the table, was that his normal place to sit at
10 dinner?

11 A I believe it was, Sir, yes.

12 Q Okay. And this was taking place in their diningroom, is
13 that correct, over -- just to the right of the garage there?

14 A Yes, Sir.

15 Q That's this area right here? I'm pointing to this exhibit
16 --(inaudible)? I can't read it.

17 A That was the entryway, Sir.

18 Q But --

19 UNIDENTIFIED SPEAKER: Twelve.

20 BY MR. SKRZYNSKI:

21 Q Oh, this right here. All right, you're right, this down
22 here?

23 A Yes.

24 Q And that's the diningroom area, that's where the interview
25 was taking place?

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 Q Okay. And as far as how you were going to interview the
2 three kids, what was your plan?

3 A I originally wanted to go to the residence to have the
4 father bring the children back to the station to interview
5 them at the station.

6 Q Why was that?

7 A Well, it's more of a -- it's more of a comfortable place for
8 the detectives to be sitting at doing an interview, and
9 also, we have the recording -- the rooms are video recorded
10 and audio recorded for documentation purposes. That's the
11 original intent for to get to the -- having them done at the
12 police station so they could be recorded.

13 Q Okay. What happens next?

14 A We -- I'm sorry, we went to the residence on Howard Street,
15 we spoke to the father, Bassel, and explained our intention,
16 that we'd like to go over with the children --

17 Q Wait, before we get there, when you went there how did you
18 go?

19 A Myself -- I drove myself and Detective Gerrick -- I mean,
20 sorry, Detective Hammond, Detective Molloy rode together and
21 I'd also requested that a uniformed patrol officer make the
22 scene over at the house because the story had already hit
23 the news and I didn't want -- also, we have the case, press
24 started showing up, reporters started showing up telling
25 them I didn't want anybody coming onto the property. Also,

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 just to wear plain clothes. Also just to have uniform
2 presence, you know, because we're anticipating a search
3 warrant and wanted to get the house -- a uniformed officer
4 there so people understand that's a police situation that's
5 going on, not just a bunch of guys with guns walking around.

6 Q Okay. So, was somebody tasked with doing that?

7 A (Multiple speakers)-- security officer Bretz, I believe.

8 Yes, it was Officer Bretz.

9 Q Okay. Did he accompany you to the house?

10 A No, Sir, he met us at the house.

11 Q Oh, he was there already when you got there?

12 A No. We got there and he arrived. We arrived about the same
13 time, we arrived at the same time I believe.

14 Q And where did he go?

15 A He was tasked to park at the end of the driveway.

16 Q At the end of the driveway?

17 A Correct. That's like a 400 long foot driveway I believe.

18 MR. SKRZYNSKI: If I may just have one
19 moment, your Honor? (Inaudible).

20 MR. KEAST: May I, Judge?

21 THE COURT: Yes.

22 MR. SKRZYNSKI: Okay, is that 17?

23 MR. KEAST: This is 17.

24 MR. SKRZYNSKI: Okay.

25 BY MR. SKRZYNSKI:

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

- 1 Q All right, this is proposed Exhibit number 17, you recognize
2 that?
- 3 A Yes, Sir, that's the residence to which the incident took
4 place.
- 5 Q Okay. Okay, Officer, I'm going to give you a la -- or Mr.
6 Keast is going to give you a laser pointer. Yeah, that, and
7 can you show us where the house is?
- 8 A Here's the residence right here.
- 9 Q Okay, that seems like it's on the middle left portion of
10 that drawing?
- 11 A Correct.
- 12 Q Okay. And the driveway?
- 13 A Here's the driveway. This is a landing pad, there's an
14 entrance to the garage doors here, there's three garage
15 doors, and this is the driveway, it comes down and crosses
16 the creek, it comes down to here, this is Howard Road right
17 here.
- 18 Q Okay. And that's a long white line that seems to cut across
19 the -- about the mid point of the picture, right?
- 20 A Correct. The cement driveway, the longest white cement
21 driveway on there.
- 22 Q Okay, and about how long of a driveway is that?
- 23 A I had said earlier I thought it was around 400 feet. That
24 looks -- that's measured out, it looks like from the roadway
25 to the apron of the parking up there it's 353 feet.

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

- 1 Q Okay.
- 2 A So a football field, a little over a football field.
- 3 Q Okay. So it's quite a lot.
- 4 A And plus, this is all -- this looks like this picture was
5 taken in the Winter time, this is all -- you can't see the
6 residence from the roadway during the Summer time. This is
7 in August. I mean, this is all greened up and trees and
8 this is a wetland area, this is all reeds and all this
9 foliage and stuff around here, all this is all greened up so
10 you can't see anything from over here --
- 11 Q So that's the area on the picture below the driveway and the
12 --(multiple speakers)--
- 13 A Correct, below to the right of the residence, just between
14 the house and the Howard Street, the roadway is a creek, a
15 wetland and you see how the creek winds through here towards
16 the golf course, this is all heavily wooded area that was
17 thick with foliage, and the reeds. And then you can see the
18 bushes right here come all the way up to the driveway,
19 there's a little bridge, and then they start again on the
20 other side of the driveway.
- 21 Q All right, so that area that you were pointing to, that's a
22 -- the creek goes --(multiple speakers)--
- 23 A That's a bridge over a waterway, yes, Sir. The bridge runs
24 through -- a creek runs underneath that bridge.
- 25 Q Okay.

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

- 1 A It continues down through --(multiple speakers)--
- 2 Q And where was Officer Bretz supposed to be stationed?
- 3 A Officer Bretz was down here at the end of the driveway.
- 4 Q Okay, he's --
- 5 A I don't know if he's exactly at the end of the driveway or
- 6 to the left or to the right, but he was at the end of the
- 7 driveway.
- 8 Q But that was his instruction?
- 9 A Correct.
- 10 Q And he's in a marked car?
- 11 A He's in a fully marked car with lights on top. I'm not sure
- 12 if it was an Explorer. I think it was an Explorer.
- 13 Q Okay. All right, you can have a seat. Now, you were
- 14 wearing a side arm?
- 15 A Correct.
- 16 Q How was that -- could -- was that visible?
- 17 A No, Sir. I normally would have -- we don't wear shirt and
- 18 ties unless we're going to court, I wear a golf shirt or
- 19 like a long sleeve three button up shirt that I would use to
- 20 cover my firearm.
- 21 Q Okay. Were all three of you dressed in that same manner?
- 22 A Correct.
- 23 Q Okay, you, Molloy and him?
- 24 A Correct.
- 25 Q All right. So your side arms were not showing?

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 A Again, we're all standing around this area, we're kinda
2 reiterating what our intentions were to kinda go over the
3 timeline and what exactly had transpired, see what we were
4 missing from yesterday. Bassel was beginning talking about
5 having to leave to pick up Sidra -- not Sidra, Aya, who was
6 getting off -- getting out of school. And that's when I had
7 the conversation of, you know, I can make arrangements to
8 have her picked up. You know, the school liaison guys, we
9 can have somebody pick her up at school, and I actually made
10 the phone call to I think Detective Lavin (ph) or Detective
11 -- yeah, it was Detective Lavin, to see about getting
12 Hammond or Detective Miller or there -- our school liaison
13 officers to make contact at the International Academy and
14 say, hey, we're gonna come out there and pick Aya.

15 Q Okay, and your purpose for doing that was what?

16 A So that Bassel could remain at the residence and while we're
17 interviewing Muhammad and Sidra.

18 Q Okay. What did he say?

19 A He refused our assistance of having Aya picked up and said
20 that, you know, he would pick her up. And I was like, you
21 know, we don't mind, it's not a hassle for us to pick --
22 have Aya picked up. And he goes, well, she's not in White
23 Lake at the International Academy, she's at the library.
24 And I'm like, "Oh, that's even better, it's closer, we can
25 send somebody over to pick her up." At that point in time

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 the subject changed to Bassel's still going to go pick up
2 Aya but he wanted to -- he said that him and Muhammad are
3 about to pray and asked if they could pray real quick before
4 he left to go pick up Aya, and I didn't have a problem with
5 that, so --

6 Q Okay, you'd come to find out that they were Muslim?

7 A Correct. Yes, Sir.

8 Q And this is part of their --

9 A Very limited knowledge of the Muslim religion, but yes, I
10 know that they pray several times a day, so I was, "Sure, go
11 ahead." So they went into this area right here, the family
12 room.

13 Q Okay.

14 A And that's where there was music playing and -- I'm sorry, I
15 guess it's music, it was a different language, I don't know
16 if it was reciting some prayers or what it was.

17 Q Cantor or something?

18 A Yes, Sir. And they were in this area right here and they
19 were over this corner of the room --

20 Q And that's the lower right-hand corner of the family room,
21 is that correct?

22 A Correct. And that's where that lasted five, seven minutes I
23 believe.

24 Q Did somebody accompany them into the room to watch them?

25 A No, Sir. We stayed over here. We could -- I see them but

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

- 1 we weren't like -- we were, I don't know, 25, 30 feet away
2 from them.
- 3 Q Okay.
- 4 A Or more --(inaudible)-- guess.
- 5 Q And as far as you -- you considered, what did you think they
6 were doing?
- 7 A I assumed they were praying. They don't speak the language
8 so I'm not sure what they could have been saying to each
9 other, but that's -- they were over here in this corner and
10 they were speaking their native language, and whether it was
11 prayer or what they were doing, I don't know.
- 12 Q Okay. What happened then?
- 13 A After they prayed Muhammad -- I mean Bassel advised that he
14 was going to be leaving to go pick up Aya and at that point
15 in time we sat down at -- there's a diningroom table right
16 here that runs this way, long ways this way --
- 17 Q That's north and south on the picture?
- 18 A Correct. And we sat at this table, it was a rather large
19 table. Detective Hammond set on I believe the west side of
20 the --
- 21 Q Well, where did you sit at the -- well, before we do that
22 did you have any other conversation with Bassel before he
23 left?
- 24 A No, other than he's going to -- after making efforts to try
25 and pick up Aya for him he advised that he would pick up Aya

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 and we advised, okay, well we're gonna -- we'll stay here
2 and talk to Muhammad, and he said, "Fine."

3 Q Did he ever tell you, "Don't talk to Muhammad" --

4 A No, Sir.

5 Q -- "until I return"?

6 A At no point did he say that.

7 Q Okay. But you said you mentioned we were going to talk to
8 him while you're gone --

9 A Correct.

10 Q -- and he said, "Okay"?

11 A So he left Sidra and Muhammad there with us --

12 Q So he actually left?

13 A Yes, Sir, he left the residence.

14 Q Okay. And then you said -- now, you were talking about the
15 diningroom table.

16 A Correct.

17 Q Go ahead.

18 A According to the picture the table would have run north and
19 south, it's a very large table, I think it sat one, two,
20 three, four, five, six -- three on each side of the table,
21 fairly large chairs, and two -- a chair at the end of each
22 -- each -- at the head of the table. I sat -- Detective
23 Molloy, Detective Hammond went to the -- what would be the
24 west -- west side of the table --

25 MR. SKRZYNSKI: Can --

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 THE COURT: Yes, you may.

2 MR. SKRZYNSKI: -- Mr. Keast approach? Thank
3 you.

4 MR. KEAST: This is 13.

5 BY MR. SKRZYNSKI:

6 Q All right, he's handing you Exhibit number 13, it's already
7 in evidence, and do you recognize that?

8 A Yes, Sir, this would be the diningroom table that we sat at.

9 Q Okay, now that's not the entire table --(multiple speakers)
10 --

11 A No, Sir.

12 Q -- in the picture?

13 A This is not --

14 Q Can you show the court that --

15 A This is not the entire table. It starts -- one end starts
16 here, this is the end that I was sitting at and Muhammad was
17 sitting here, Detective Molloy was sitting here, Detective
18 Hammond was sitting there.

19 Q The area that you were sitting at, that's outside the
20 picture?

21 A Yes, Sir, it's outside the picture.

22 Q Okay, it's on the right -- right side of the picture past
23 the edge of the picture?

24 A Correct.

25 Q To the right of the picture as you're looking at it?

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 A Correct.

2 Q Okay. I just wanted to make a record about that. All
3 right. Thank you. And then so you're at the head of the
4 table and Muhammad is sitting at which side of you?

5 A He was -- well, first off, I asked if it was okay to sit at
6 the head of the table because that chair was more ornate and
7 I didn't want to disrespect his family or his religion. I'm
8 not sure if there was any significance or what the -- I just
9 know the chair was more ornate than the other chairs so I
10 assumed that that was for his father. I wasn't sure, I
11 asked him if it was okay to sit there and he said, "Fine,
12 you can sit there." So I sat at that head of the table,
13 it's not pictured here, and Muhammad sat to -- would be
14 sitting to my left, Detective Molloy and Detective Hammond
15 were to my right.

16 Q All right, so they're Molloy and Hammond are on opposite
17 sides of the table than the defendant?

18 A Correct.

19 Q And how far away are you seated from the defendant?

20 A I would say -- if I was sitting in a chair normally could I
21 reach out and touch him, no. If I could -- when I lean
22 forward I could probably reach forward and touch him or
23 something, you know, the corner of the table, so I would say
24 -- I mean, body to body we're probably four feet away, five
25 feet away.

Ex. F: Hrg Tr 10-8-18 [Sgt. Wehby excerpt]

1 Q Okay.

2 A About four feet away.

3 Q And how about Detective Molloy and Detective Hammond, how
4 far away are they?

5 A Again, it's -- I would say the -- probably greater than the
6 width of the tables that the defense and you have, it was --
7 at minimum it was as wide as that table, probably a little
8 bit wider because it was a diningroom table, so they were
9 sitting -- they couldn't just reach out and touch somebody
10 or you would have to get up and lean way over the table to
11 try and touch somebody on the other side.

12 Q Okay. So as the defendant's sitting there what is he
13 facing? Do you know? What part of the room?

14 A Oh --(undecipherable).

15 Q Yeah, I'm sorry.

16 A I didn't know what you were talking about.

17 Q Yeah, he's facing --(inaudible).

18 A So if the table's running long ways this way he would be
19 facing towards the laundry room, maybe you could see that
20 stairwell, I'm not sure, there's a wall on this side of the
21 diningroom, he could surely turn his head a little bit and
22 see the kitchen, there's a big island right here. In order
23 to see this part of the house he would -- or he'd have to
24 turn around in his chair and look over his shoulder. So,
25 he's looking at -- from where he's sitting right here I -- I

Ex. F: Hrg Tr 10-8-18 [Off. Bretz excerpt]

- 1 THE COURT: Mm-hmm.
- 2 BY MR. KEAST:
- 3 Q And this long address -- I'm sorry, this long driveway
4 connects the address to Howard Street, is that correct?
- 5 A That's correct.
- 6 Q Okay. If you could please, please show the court where you
7 parked when you initially arrived on the scene.
- 8 A Actually, it's just out of the -- off the -- if you go just
9 -- it's a little further down Howard Road here.
- 10 Q Okay.
- 11 A So the driveway I was in is on the opposite side of the
12 street, it's just not on there.
- 13 Q Gotcha. Okay. And when you arrived on scene were there any
14 other marked units there?
- 15 A I don't recall if it was there or not yet, but Officer
16 Swanderski was to meet me there.
- 17 Q Okay. At some point in time were you notified that a
18 civilian, that is, Doctor Bassel Al-Tantawi, was going to
19 leave the address at 36933 Howard?
- 20 A I was advised of that.
- 21 Q Okay. Did you actually see that happen?
- 22 A I did not.
- 23 Q Now --
- 24 A Not to my knowledge.
- 25 Q Okay. At some point in time did you and Officer Swanderski

Ex. F: Hrg Tr 10-8-18 [Off. Bretz excerpt]

- 1 actually move from the street to the driveway?
- 2 A We did.
- 3 Q All right, and approximately how long after you arrived did
4 you do that?
- 5 A I don't recall specifically. Could have been 20 minutes
6 estimation. I don't recall though.
- 7 Q Where did you and Officer Swanderski park when you did that?
- 8 A At that time there was -- when we were advised that Mister,
9 is it Al-Tantawi?
- 10 Q Yes.
- 11 A He was leaving, I believe there was two detectives that had
12 been present at the driveway and we were directed to replace
13 them there.
- 14 Q Okay. And so both your vehicles moved to the driveway?
- 15 A Correct.
- 16 Q All right. Now, as you and Officer Swanderski were at the
17 driveway did a vehicle attempt to pull in the driveway?
- 18 A It did.
- 19 Q All right, tell us about that please.
- 20 A We were there, again, directed back to the driveway. It's
21 typical with any scene that was involved as a crime scene
22 that we would provide security at those scenes.
- 23 Q Okay, so if you're asked to be -- I think you stated
24 perimeter security by an investigator --
- 25 A Yes.

Ex. F: Hrg Tr 10-8-18 [Off. Bretz excerpt]

1 Q -- does that also include not letting anyone just in or out
2 as they see fit?

3 A It would, yes.

4 Q Okay, so as a matter of course did you stop that vehicle?

5 A We did.

6 Q All right, and tell us about that please.

7 A At that time we stopped the vehicle as it was entering the
8 driveway, the gentleman driving the vehicle indicated that
9 he was the father of -- his son was in the home and that I
10 believe the defendant, he indicated that he wanted to get in
11 to speak with him.

12 Q Okay, now did you speak with that individual or was Officer
13 Swanderski speaking with that person?

14 A I think we were both at some point speaking with him, but I
15 think Officer Swanderski had the primary conversation with
16 him.

17 Q Okay. Tell us what happened next.

18 A At that point I was unfamiliar with him or anyone in the
19 family at that point. That was my first time at the
20 residence there. At that point I was in contact with
21 Sergeant Wehby, I needed to contact him as I was familiar
22 with who it was and whether he should be allowed in.

23 Q Okay, and why did you want to have contact with Sergeant
24 Wehby?

25 A He was the highest ranking officer on the scene.

Ex. F: Hrg Tr 10-8-18 [Off. Swanderski excerpt]

- 1 A We were sent out there -- bottom line, at that point I was
2 under -- I was briefed on the fact that there was some
3 additional information that was developing and that they
4 were seeking out a search warrant at that time. Myself and
5 Officer Bretz were assigned to scene security.
- 6 Q Okay, and did you actually arrive at that 36933 Howard
7 address in Farmington Hills?
- 8 A I did.
- 9 Q And when you first pulled up to the address tell us -- well,
10 first of all, did you ever -- at that point in time did you
11 drive up the driveway to the house?
- 12 A No. Prior -- I mean arriving there --
- 13 Q When you first arrived there.
- 14 A When I first arrived there I was -- I was not directly on
15 the scene. I was just -- if I recall I was just east of the
16 scene down the road, Howard, which it runs east and west
17 between Halsted and Drake area.
- 18 Q Okay. Now, were you there alone or with somebody else?
- 19 A No, I was in my own car. I was in my own --
- 20 Q Were there any other marked units in the area?
- 21 A The only other marked unit that I knew that was en route was
22 Officer Bretz, but we drove separate.
- 23 Q Okay. Did you arrive first?
- 24 A No, I don't be -- I mean, to say I was -- I believe he
25 actually technically arrived first. I was also loading up

Ex. F: Hrg Tr 10-8-18 [Off. Swanderski excerpt]

1 some additional evidence collection equipment that we keep
2 in our evidence tech lab, so.

3 Q Okay. Now at some point in time did you move from your
4 position on Howard to the driveway of 36933 Howard?

5 A Yes.

6 Q Okay, and approximately how long after you arrived in the
7 area did you move to that position?

8 A It was within a few minutes. I mean, maybe five minutes, if
9 that.

10 Q All right, and tell us why the decision to move from Howard
11 to the driveway?

12 A Well, at that time I was -- I was under the -- I don't want
13 to say knowledge or assumption, I was told to stay out of
14 sight of the address until I later learned Mr. -- I'm sorry,
15 I'm gonna mispronounce it.

16 THE COURT: Al-Tantawi.

17 THE WITNESS: Correct.

18 THE COURT: Al-Tantawi.

19 THE WITNESS: Left the scene to go pick up
20 his daughter.

21 BY MR. KEAST:

22 Q Okay, and did you actually see Mr. Al-Tantawi drive away
23 from the --

24 A I don't recall seeing him drive away, honestly.

25 Q All right. So you're on scene for a few minutes on Howard

Ex. F: Hrg Tr 10-8-18 [Off. Swanderski excerpt]

- 1 A Of course.
- 2 Q Okay. And so --
- 3 A We were some -- some miles away from the station, so.
- 4 Q Okay, and so at some point you pull in this driveway and you
5 and Bretz are facing opposite directions but you're blocking
6 any egress from the driveway I take it, correct?
- 7 A Correct. We were car-to-car right at the tail end of that
8 driveway --(multiple speakers)--
- 9 Q And your instruction specifically was not to allow anyone
10 down that driveway, correct?
- 11 A Our main objective was scene security, correct, up or down.
- 12 Q Okay, and if anybody came you had to get permission from the
13 person in charge to allow them down the driveway I take it,
14 correct?
- 15 A Correct.
- 16 Q And at some point -- were you aware of who Bassel was prior
17 to that time?
- 18 A Yes.
- 19 Q Had you met him before?
- 20 A Yes.
- 21 Q So you knew who he was?
- 22 A Briefly.
- 23 Q Okay.
- 24 A I didn't have a major interaction with him.
- 25 Q Okay, but --

Ex. F: Hrg Tr 10-8-18 [Dr. Altantawi excerpt]

- 1 Muhammad?
- 2 A Excuse me?
- 3 Q Did you have a prayer session with Muhammad before that?
- 4 A What do you mean, a conversation?
- 5 Q Did you pray?
- 6 A Oh, yeah.
- 7 Q All right, so tell me something, in your house there's three
8 levels, there's the upstairs, the second floor, the first
9 floor and the basement.
- 10 A Correct.
- 11 Q Is there a specific room in your house that is designated as
12 a prayer room?
- 13 A Yes, it -- we have --
- 14 Q What's --(undecipherable)-- makes it a specific room being a
15 prayer room?
- 16 A So it's -- from the time we start renovating the house, when
17 we got the house we make designated area all the way in the
18 basement like a prayer area, which had like -- like an area
19 facing the direction for the prayer and it's a prayer area.
20 Because we made it in the basement all the way down in the
21 opposite direction where we were standing in the main floor,
22 so I'm standing with the officer on the main floor, all the
23 way in the opposite direction down in the basement, that
24 area is about 500 feet away.
- 25 Q Okay. And when you asked the detectives that it was time

Ex. F: Hrg Tr 10-8-18 [Dr. Altantawi excerpt]

1 for you to pray with Muhammad did you ask to go to the
2 basement?

3 A Absolutely, and they --

4 Q And what did they tell you?

5 A -- said, "No." They refused. They said, "You pray here."
6 And they pointed like four feet away from them. And I have
7 no other option but me and my son to pray like within the
8 custody of the police, and they're watching us and talking,
9 whispering. It was very intimidating.

10 Q All right, so --

11 A But we have no other option.

12 Q All right, so at that point after you've prayed is there a
13 discussion between yourself and the sergeant and the
14 detective as to what you're going to do and what they're
15 going to do?

16 A After the prayer?

17 Q After the prayer.

18 A Yes. So right after we finished our prayer, maybe it took
19 us about two minutes, I rushed to the door to get to the car
20 because I explained to them I have only like five minutes to
21 get my daughter. On the way on me leaving the house to my
22 car Detective Molloy again start talking -- requesting for
23 me to allow him to talk to Muhammad. I'm like, "No," we
24 start arguing. And I could not fathom he -- he doesn't take
25 no for an answer, so he get like charging on me want to talk

Ex. F: Hrg Tr 10-8-18 [Dr. Altantawi excerpt]

1 to my son after I kept consistently refusing him to talk to
2 my son.

3 Q Okay, but at some point you left the house though, correct?

4 A Correct.

5 Q Okay, and were you -- where did you go and how far away was
6 it?

7 A So I have no other options but to rush to get my daughter
8 from the street and come back in about seven, eight minutes
9 I was back.

10 Q Okay, but as you up the driveway on Howard Road there, tell
11 the court how many police cars or officers you saw dotted on
12 the driveway as you left the --(multiple speakers)--

13 A Right, so --

14 Q -- the --

15 A -- it's a long the driveway, so I'm leaving the garage -- as
16 I'm leaving from the garage to the outside driveway about
17 seven police cars between cover and cover total from the
18 garage door all the way to the middle where there's a bridge
19 over the driveway full of police cars. And I was, of
20 course, surprised at what all of this about?

21 Q Hold up People's 17 here. This is depicting your driveway
22 from the house down to the road on Howard Road, correct?

23 A Correct. Yes.

24 Q And you indicated there was seven police cars?

25 A Yeah, so you want me to come down and --

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

STATE OF MICHIGAN

6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN

v

File No.: 2017-265355-FJ

MUHAMMAD AL-TANTAWI,

Defendant.

EVIDENTIARY HEARING, JUDGE'S RULING

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Tuesday, November 20, 2018

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Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

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Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 Pontiac, Michigan

2 Tuesday, November 20, 2018 - 9:20:05 a.m.

3 THE CLERK: Your Honor, calling People versus
4 Al-Tantawi, case number 2017-265355-FJ.

5 MR. SKRZYNSKI: Morning, your Honor, my name
6 is John Skrzynski, I'm here for the People.

7 MR. KEAST: Thank you, Marc Keast on behalf
8 of the People.

9 MR. SCHIANO: Judge, good morning, Michael
10 Schiano on behalf of the defendant.

11 MR. DASS: Good morning, your Honor, Clarence
12 Dass on behalf of the defendant, who's present.

13 THE COURT: Good morning, counselors, you may
14 be seated. All right, we're here this morning to render --
15 the court -- to hear the court's opinion with respect to the
16 evidentiary hearings that the court had in this matter as it
17 relates to the consent to seize the DVR and also with
18 respect to the request to suppress the statements that were
19 made by the defendant.

20 As you will remember, we had actually two
21 separate hearings in the sense that we dealt with one issue
22 first and then the other, so I we'll start with the consent
23 issue. And I just want to note for the record that in
24 addition to sitting through the hearing, of course, I
25 reviewed the written transcripts, I also listened to the

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 nothing in the totality of the circumstances that would lead
2 this court to believe that there was any coercion of any
3 kind to force Doctor Al-Tantawi to allow the police to take
4 the DVR.

5 There was one issue that was raised by the
6 defense in that if the court finds that the doctor was found
7 to have given consent then the consent was not valid as the
8 doctor had no authority to be in the house, therefore, he
9 had no authority to give consent to taking the property.
10 But this was a marital home. At that time the victim was
11 deceased so she certainly couldn't give any consent. Doctor
12 Al-Tantawi had a legal right to the property, it was his
13 home even though he may not have been living there, so he
14 would have been the legal owner and the only individual that
15 would have had authority to consent to allow the DVR to be
16 taken.

17 Therefore, This court finds that based upon
18 the totality of the circumstances that consent was properly
19 given and that the defendant's request to suppress the video
20 is denied.

21 Then the next motion was the motion to
22 suppress the statements of the defendant to Sergeant Wehby,
23 Detective Molloy and Detective Hammond. The defense
24 indicates that the police erred in a number of things.
25 First, that they did not have the defendant's father present

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 during the questioning, that they questioned him outside of
2 his presence. Also, that he was not provided his Miranda
3 rights in this matter, and Miranda requires that the rights
4 be given if an individual's deprived of his freedom in any
5 significant way.

6 And once again, in determining whether or not
7 to suppress these statements the court must examine the
8 totality of the circumstances. The court must look at the
9 circumstances surrounding the interrogation. Given the
10 circumstances would a reasonable person find that he was not
11 at liberty to terminate the interrogation and leave, and
12 it's an objective test to resolve the ultimate inquiry, was
13 there formal arrest or restraint on freedom?

14 And the defendant's Age is a factor but it's
15 only one factor to be considered and it is not necessarily
16 determined or a significant factor in every case.

17 What transpired here, based upon the
18 testimony that this court heard, was that after the police
19 looked at the video they wanted to return to the home and
20 question the children, but when they are initially went
21 there what they wanted was Doctor Al-Tantawi to bring the
22 children to the police station to be questioned and to be
23 interviewed there were everything could be recorded.

24 Doctor Al-Tantawi did not want that to occur.
25 He felt the children were traumatized enough as it was. He

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 didn't feel that taking them to the police station was the
2 appropriate thing to do and the police acquiesced and
3 indicated they would speak to the children at the home.

4 At that particular time the defendant was in
5 the house, as well as the youngest daughter, but the middle
6 child was at school and it was towards the end of the school
7 day, I believe, if my memory serves me correctly, and Doctor
8 Al-Tantawi indicated he had to go pick up his daughter from
9 the library. The police offered to have an unmarked police
10 car go pick her up so that he could be at the house while
11 they question the defendant, the doctor refused that inquir
12 -- that request and that he wanted to go and pick up his
13 daughter himself, which he was allowed to do.

14 The only thing the court can point to with
15 respect to the doctor's statement was when the police
16 indicated that they wished to have the children questioned
17 at the police station the doctor indicated, "Should I have
18 an attorney here?" And the police responded, "It's just
19 standard procedure." And in essence, they were trying to
20 get a timeline down as to what had occurred the day and
21 evening of the victim's death.

22 What ensued after that was, of course, the
23 discussion about pickup up Aya from the library and the
24 police were going to remain there. They asked before the
25 doctor left if they could speak with Muhammad, the

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 defendant, in his absence and although it's not part of the
2 actual written transcript, if you listen to the audio of the
3 discussion, the doctor must -- appears to be talking to the
4 defendant, Muhammad, and asked him if that was okay if they
5 talked to him and the defendant's answer is not completely
6 audible, but it appears that he seems to indicate he doesn't
7 have a problem with that, and the police do say they're just
8 trying to get the timeline down.

9 And so they begin to question Muhammad. The
10 question is -- takes place in the dining room of the family
11 home at the dining room table. They asked Muhammad where he
12 usually sets and he sits in the chair that he normally has
13 when he eats at that table. The detectives -- and other two
14 detectives sit across from Muhammad and Sergeant Wehby sits
15 at the head of the table, after he asks permission if it's
16 okay for him to sit there.

17 And they question Muhammad about what had
18 occurred the day preceding the death of his mother and they
19 do question him on -- with respect to certain things that he
20 says. He changes his, you know, his position as to where he
21 was, what he was doing, what was going on as the
22 interrogation continues.

23 Now, he's in his own home, a substantially
24 large home by all accounts, he's not handcuffed, he's not
25 told that he can't move from where he's sitting. According

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 his request that the children be spoken to at home.

2 He certainly, when asked if the detectives
3 could speak with Muhammad while he went to pick up Aya, he
4 looked at Muhammad and asked him if that was okay with him
5 and it appears from the audio that Muhammad said, "yes," and
6 that's the way it proceeded.

7 When Doctor Al-Tantawi returned -- oh, the
8 other thing that the doctor indicated was that his house was
9 swarming with police. That doesn't appear to be the case.
10 There were police outside the home but they weren't visible
11 to anybody that was inside the home where Muhammad was at.
12 And it also didn't appear that there were more than three
13 people -- three officers in the home during the time that
14 Doctor Al-Tantawi was there, and even subsequent to that.
15 Those are the -- there's only three voices, other than the
16 defendant's, that are heard on that tape.

17 The other thing is when Doctor Al-Tantawi
18 testified that they wouldn't allow him to go up with them to
19 retrieve Muhammad, who was in his room at the time. If you
20 listen to the audio you can tell that he followed the
21 police, indicated that Muhammad was probably up in his room
22 and, you know, since it's not a video I can't tell who was
23 in lead, but it appears that Sergeant Wehby at least was up
24 there, one of the detectives, although I don't know if it
25 was Detective Hammond or Detective Molloy, and Doctor Al-

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 Tantawi. And then because Doctor Al-Tantawi was asking
2 where the youngest child, Sidra, was, and I believe one of
3 the detectives indicated that she may have gone down the
4 stairs to the master bedroom, and then the doctor goes
5 looking for Sidra, and Muhammad comes down the stairs with
6 at least Sergeant Wehby and the other detective that was up
7 there.

8 So, the fact that he was restrained from
9 going up the stairs to get his child was totally fabricated
10 by Doctor Al-Tantawi. That isn't what the transcript
11 indicates, it's not what the audio indicates either.

12 Also on his return the doctor exaggerated the
13 amount of time that he was kept from going back into the
14 home. It's true that officers were stationed at the bottom
15 of the driveway because at that point in time it appeared
16 that this was a crime scene and a search warrant was being
17 obtained and they were waiting for the search warrant in
18 order to search the home.

19 So, he was stopped. That was evident by the
20 testimony of the two officers that were positioned at the
21 bottom of the driveway, which was an extremely long
22 driveway, 253 feet or something like that. At most, the
23 officers indicated that it could have been 15 minutes that
24 -- before Doctor Al-Tantawi was allowed to go up. Doctor
25 Al-Tantawi said it was 30 minutes that he was kept down

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 there.

2 He also indicated that, of course, it was
3 only seven minutes or so to get his daughter but it took
4 longer than that for him to go get his daughter and come
5 back. So, when he went up the driveway with the police
6 officers in what was described or testified to as a caravan
7 for officer safety, he was allowed into the house. Sergeant
8 Wehby went to the door to speak with them and that's when
9 Doctor Al-Tantawi says he wants them to stop talking with
10 his son, he wants his son not to say anything else and that
11 he wants an attorney, that his attorney said to do that.
12 And that stopped everything. Not much of anything was going
13 on at the point in time he came back up the driveway and
14 into the house, but for all intents and purposes,
15 questioning ceased at that particular point in time.

16 So that basically, and looking at *People*
17 *versus Barrett*, which defense pointed out here was a case to
18 look at with respect to the issues here, this court doesn't
19 find that the factors laid out in *People versus Barrett* have
20 been met by the defense.

21 The only issue this court would have would be
22 the fact that Muhammad was 16 years of age at the time.

23 Now, what the court has learned during this
24 process through other hearings that the court has had is
25 that Muhammad was going to the International Academy and

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 from with this court understands the International Academy
2 to be, it's a school for extremely bright students, and even
3 during the questioning that this court listened to, it's
4 apparent that Muhammad is a bright young man. So, I don't
5 feel that his age, at least his educ -- based upon his age
6 and what this court feels is a highly intelligent young man,
7 that he didn't understand what was going on. I think he did
8 understand what was going on.

9 Was he afraid not to talk to the police
10 because of his age? I did not get that impression. And I
11 say that because based upon his statements during the
12 questioning he certainly understood how much information to
13 give. It was only when pushed and -- not pushed, pushed is
14 a very strong word, when he was prodded and questioned
15 further that he would expand his story. And as I indicated,
16 when it appeared that the detectives were not believing what
17 he was telling them and he knew that they pretty much
18 suspected that this was not an accident with respect to his
19 mother, that he indicated he didn't want to talk about it
20 anymore, he just didn't want to talk about it. That does
21 not strike this court as someone who, because of his age,
22 was incapable of putting an end to questioning if he wanted
23 to, of knowing that he didn't have to answer the questions.

24 So, based upon the totality of the
25 circumstances in this particular case, even though Muhammad

Ex. G: Hrg Tr 11-20-18 [Judge's Ruling excerpt]

1 was 16, this court does not find that the defense has proven
2 a basis to suppress the statements that he made to the
3 police, so the defendant's motion to suppress is denied.

4 Go ahead, Mr. Schiano.

5 MR. SCHIANO: Judge, thank you. Based upon
6 the court's ruling we would ask the court for a stay at this
7 point to take this up to the Court of Appeals.

8 THE COURT: The court will grant your
9 request.

10 All right, thank you.

11 MR. SCHIANO: Will submit an order to the
12 court.

13 MR. SKRZYNSKI: Judge, can we just clarify
14 here, the trial date is now December the 3rd, are we staying
15 -- I mean is the court staying this matter past that date?
16 Because I'm getting witnesses. I mean, airline tickets and
17 stuff.

18 THE COURT: It's more than likely that it's
19 not going -- the trial is not going to go on December 3rd.

20 MR. SKRZYNSKI: So the trial --

21 THE COURT: So I will stay the trial, yes.

22 MR. SKRZYNSKI: Okay, and pending a new date?

23 THE COURT: Pending -- yeah, the outcomes
24 from the Court of Appeals.

25 MR. SKRZYNSKI: All right. Very well, your