

STATE OF NEW JERSEY IN THE INTEREST OF T.S. -- December 20, 2012

SHEET 34

McDonald - Recross

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1 Q Was anything actually stolen, taken?
2 A You don't need it to be to --
3 Q That wasn't my question.
4 A -- for a robbery.
5 Q Was anything actually stolen?
6 A No. But it was still a robbery.
7 Q I -- I understand. I was leading to another
8 question. But you're saying there was nothing actually
9 stolen, correct?
10 A There was nothing actually stolen. The hat was
11 actually taken, but it was returned.
12 Q Okay.
13 THE COURT: Was it returned -- when was it
14 returned?
15 THE WITNESS: At the scene. The -- the
16 victim said, that's my hat -- one of the victims said,
17 that's my hat and the individual gave it back to him.
18 THE COURT: Okay.
19 THE WITNESS: I don't recall which one it
20 was.
21 BY MR. COMET:
22 Q Is it possible that the hat fell off during
23 the scuffle and, therefore, not really robbed?
24 A Well, according to the victim, it was taken off.
25 Q Other than -- sorry. Based on the audiotapes

McDonald - Recross/Colloquy

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1 of the witness, the victims -- oh, I'm sorry. Let me
2 go back. I apologize. Let me go back. Did any of the
3 victim's identify my client?
4 A Yes.
5 Q Which victim id--
6 A I'm sorry. Not the victims.
7 Q Did any of the victim's identify my client?
8 A No. No.
9 Q Did any of the co-defendants, other than
10 Justin Evans who was accused himself of -- of wearing a
11 mask, did any of them identify my client?
12 A No.
13 MR. COMET: Nothing further, Judge.
14 THE COURT: Okay. Thank you. Anything else?
15 MR. MILLER: No. No, Your Honor.
16 THE COURT: Okay. Thank you, Detective
17 McDonald.
18 THE WITNESS: You're welcome.
19 THE COURT: I -- my staff have not had a
20 break and I apologize to them. Ho-- I understand
21 you're going to call some witnesses? How many?
22 MR. COMET: One -- one person.
23 THE COURT: Oh. One person?
24 MR. COMET: Yes. Just to corroborate my
25 client's statement and to dis--

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