

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

SHEET 46

Court Decision

90

1 recall where they went afterwards?
2 MR. MILLER: He said they got to the car
3 together and he did not recall where they went next.
4 THE COURT: Okay.
5 MR. COMET: Correct.
6 THE COURT: All right. All right. I want to
7 be fac-- I want to be accurate. So, that's what the
8 videotape says?
9 MR. COMET: Audiotape. Yes.
10 THE COURT: Audiotape. Okay. All right.
11 All right.
12 And, finally, Detective McDonald testified
13 that he also learned through his investigation that at
14 a court appearance -- and, again, this was admittedly
15 hearsay -- but Tyrone was overheard telling one of his
16 co-defendants that they were caught because of that rat
17 Derek.
18 And now on cross-examination -- again, Mr.
19 Comet was very thorough -- very thorough in his -- in
20 establishing the inconsistencies in Justin's statement.
21 He also was thorough as far as establishing the lack of
22 corroboration in regards to Justin's statement. He
23 also established a potential motive for Justin
24 fabricating his statement, his admitted dislike of his
25 client, Tyrone.

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91

1 With regard to Natalia's testimony -- again,
2 I was not clear frankly in what was recorded and what
3 was not recorded. But at the end of Mr. Comet's cross,
4 it was clear to me, at least, that the -- any ID that
5 may or may not have occurred of the juvenile Tyrone by
6 Ms. Cortes was not recorded. So, that to me is the
7 only thing that was clear.
8 But, again, he did an excellent job in
9 pointing out the inconsistencies in some of Justin's
10 statements, as well as, again, the lack of -- of other
11 witnesses identifying his client as the perpetrator.
12 I also heard the test-- brief testimony of
13 Tyrone Roy. I found Tyrone to be credible as a
14 witness. And clearly the -- the reason Tyrone Roy was
15 called is to establish time line, indicating that,
16 again, he and another friend, Anthony Man-- Mancini,
17 picked up Tyrone at his house at approximately 9:40,
18 9:45. At approximately 10 p.m. they went to
19 McDonald's. They ate food there for about ten or 15
20 minutes. And then Anthony drove Tyrone Stephens home,
21 which would have taken about another ten or 15 minutes.
22 So, I think the juvenile's argument here is
23 that, again, the time line -- and, again, the act was
24 alleged to have occurred at 10:13 p.m. -- that Tyrone,
25 at that time, would have either been at McDonald's or

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