


IN THE MUNICIPAL COURT OF PHILADELPHIA  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CRIMINAL TRIAL DIVISION

COMMONWEALTH :  
:

VS. :   
:

NADINE PELLEGRINO :

COMMONWEALTH :  
:

VS. :   
:

NADINE PELLEGRINO :

IN CAMERA HEARING

JUNE 4, 2007

COURTROOM 603

CRIMINAL JUSTICE CENTER  
PHILADELPHIA, PENNSYLVANIA

- - -

BEFORE: THE HONORABLE THOMAS F. GEHRET, J.

- - -

REPORTED BY: NANCY SEIGAFUSE MCNEELY  
OFFICIAL COURT REPORTER

- - -

1 APPEARANCES :

2

3

DISTRICT ATTORNEY'S OFFICE

4

BY: MARIAN BRACCIA, ESQUIRE

5

ASSISTANT DISTRICT ATTORNEY

6

7

PAUL HETZNECKER, ESQUIRE

8

ATTORNEY FOR THE DEFENDANT

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

DR CR RDR RCR

RENEE TUFTS 6  
LISA ECKL 19

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COURT CRIER: CASES 9 AND 10 ON  
YOUR HONOR'S LIST.

- - -

IN CAMERA HEARING

- - -

MR. HETZNECKER: YOUR HONOR,  
THIS IS THE CASE OF COMMONWEALTH  
VERSUS NADINE PELLEGRINO, AND WE ARE  
HERE AT MY REQUEST. I HAD REQUESTED  
INFORMATION FROM -- JUST TO GIVE  
SOME BACKGROUND -- FROM THE  
TRANSPORTATION SECURITY  
ADMINISTRATION, A REPRESENTATIVE  
HERE, MISS ECKL.

THE COURT: WHO'S HERE?

MS. ECKL: LISA ECKL, E-C-K-L.

THE COURT: AND YOU ARE AN  
ATTORNEY?

MS. ECKL: YES.

MS. TUFTS: I'M RENEE TUFTS,  
T-U-F-T-S, AIRPORT MANAGER.

MS. HUTCHINS: SHARON HUTCHINS,  
ASSISTANT CITY SOLICITOR HERE ON  
BEHALF OF THE AIRPORT.

1 MS. BRACCIA: MARIAN BRACCIA ON  
2 BEHALF OF THE COMMONWEALTH.

3 THE COURT: AND YOUR CLIENT IS  
4 HERE.

5 MR. HETZNECKER: YES, NADINE  
6 PELLEGRINO.

7 THE COURT: WHO'S TESTIFYING?

8 MR. HETZNECKER: ACTUALLY MISS  
9 TUFTS IS GOING TO TESTIFY.

10 THE COURT: WE'LL SWEAR HER IN.  
11 RENEE TUFTS, HAVING BEEN DULY  
12 SWORN, WAS EXAMINED AND TESTIFIED AS  
13 FOLLOWS:

14 THE COURT: WHAT IS YOUR  
15 ADDRESS AT THE AIRPORT?

16 MS. TUFTS: 8500 ESSINGTON  
17 AVENUE, TERMINAL E, EXECUTIVE  
18 OFFICES.

19 THE COURT: THANK YOU.

20 - - -

21 DIRECT EXAMINATION

22 - - -

23 BY MR. HETZNECKER:

24 Q. MISS TUFTS, YOU'VE STATED YOUR POSITION.  
25 WHAT ARE YOUR RESPONSIBILITIES?

1 THE COURT: WAIT. WHAT IS HER  
2 POSITION? I THOUGHT --

3 MR. HETZNECKER: SHE STATED HER  
4 PARTICULAR POSITION.

5 THE WITNESS: I'M THE AIRPORT  
6 SECURITY MANAGER FOR THE CITY OF  
7 PHILADELPHIA.

8 MY MAIN RESPONSIBILITY IS  
9 LIAISON TO THE TRANSPORTATION  
10 SECURITY ADMINISTRATION AND KEEPING  
11 OUR REGULATORY REQUIREMENTS FOR THE  
12 CITY OF PHILADELPHIA IN RELATION TO  
13 THE TRANSPORTATION SECURITY  
14 ADMINISTRATION REQUIREMENTS.

15 THE COURT: WHO'S YOUR PAYCHECK  
16 FROM?

17 THE WITNESS: CITY OF  
18 PHILADELPHIA.

19 BY MR. HETZNECKER:

20 Q. YOU ARE RESPONSIBLE FOR MAINTAINING THE  
21 RECORDING DEVICES, OR AT LEAST HOUSING THE  
22 TAPES OR RECORDINGS FROM THE RECORDING DEVICES  
23 IN THE AIRPORT; IS THAT CORRECT?

24 A. YES.

25 Q. TELL US HOW THAT PROCEDURE WORKS,

1 BRIEFLY?

2 THE COURT: WELL, IT'S KIND OF  
3 A BROAD QUESTION.

4 BY MR. HETZNECKER:

5 Q. YOU HAVE CAMERAS AT EVERY AREA; IS THAT  
6 RIGHT?

7 A. YES, CAMERAS AT EVERY SECURITY CHECK  
8 POINT AND ANY ACCESS CONTROL MEASURE.

9 THE COURT: YOU DON'T HAVE TO  
10 PUT ON THE RECORD WHERE YOUR CAMERAS  
11 ARE, BUT BE SPECIFIC IF THERE'S A  
12 CAMERA LOOKING AT YOUR AREA THAT YOU  
13 ARE TALKING ABOUT HERE.

14 BY MR. HETZNECKER:

15 Q. SPECIFICALLY JULY 29, 2006 AT TERMINAL

16 B. NOW, YOU WERE REQUESTED TO LOOK TO SEE  
17 WHETHER OR NOT THERE WERE ANY TAPES THAT WERE  
18 PRESERVED, RECORDINGS THAT WERE PRESERVED,  
19 FROM THAT LOCATION?

20 A. CORRECT.

21 Q. AND WHAT DID YOU DO TO FULFILL THAT  
22 REQUEST?

23 THE COURT: IS THERE A SPECIFIC  
24 LOCATION ON TERMINAL B?

25 MR. HETZNECKER: TERMINAL B,



1 PASSENGER SCREENING AREA COMING  
2 THROUGH.

3 THE COURT: AFTER THEY GO  
4 THROUGH?

5 MR. HETZNECKER: I'LL CLARIFY,  
6 YOUR HONOR

7 BY MR. HETZNECKER:

8 Q. AS THEY'RE GOING THROUGH AND AFTERWARDS?

9 A. AND THAT WAS PART OF THE DIFFICULTY,  
10 BECAUSE THERE'S THE SECURITY CHECK POINT  
11 LANES, AND FROM THE INFORMATION I GOT, YOU  
12 WERE ASKING FOR THE PRIVATE SCREENING AREA.

13 Q. NO. THE REQUEST WAS -- I UNDERSTOOD THAT  
14 THERE WAS NO CAMERA INSIDE THE PRIVATE  
15 SCREENING AREA.

16 A. RIGHT. WE DO NOT PUT CAMERAS IN PRIVATE  
17 SCREENING AREAS OR THE ENTRANCE TO THE PRIVATE  
18 SCREENING AREA.

19 THE COURT: REALLY? YOU DON'T  
20 EVEN HAVE IT ON THE OUTSIDE LOOKING  
21 AT THE DOOR?

22 THE WITNESS: OUR POLICY IN  
23 CONJUNCTION WITH THE TRANSPORTATION  
24 SECURITY --

25 THE COURT: YOU DON'T NEED TO

1 TELL US THE POLICY. THE QUESTION IS  
2 IS THERE ANY CAMERA LOOKING AT THE  
3 DOOR?

4 THE WITNESS: NO.

5 BY MR. HETZNECKER:

6 Q. WHERE DOES THE VIEW END IN RELATIONSHIP  
7 TO THE PRIVATE SCREENING AREA?

8 A. THE END OF THE BELT -- I DON'T HAVE ANY  
9 ANGLE. THE CAMERA LOOKS AT THE BELT AND THE  
10 LINE THAT THE PEOPLE ARE COMING THROUGH.

11 THERE'S NO VARIANCE AS TO CAMERA ANGLE OR  
12 WHATEVER, IT'S TO GET THE FACES OF THE PEOPLE  
13 COMING THROUGH AND THEIR PERSONAL BELONGINGS  
14 COMING THROUGH, THAT'S WHERE THE CAMERAS ARE.

15 Q. AND THE CAMERA -- AND THE RECORDINGS OF  
16 THOSE, OF THE PASSENGERS COMING THROUGH, ARE  
17 HELD FOR HOW LONG?

18 A. 30 DAYS. IF WE GET A REQUEST WITHIN THE  
19 30 DAYS OF THE INCIDENT, WE PULL IT AND  
20 ARCHIVE IT, BUT IT HAS TO BE WITHIN 30 DAYS OF  
21 THE INCIDENT. IN THIS CASE IT WAS NOT  
22 RECEIVED WITHIN 30 DAYS.

23 THE COURT: IS IT TAPE OR  
24 DIGITAL?

25 THE WITNESS: DIGITAL.

1 BY MR. HETZNECKER:

2 Q. SO THE DIGITAL RECORDINGS WOULD BE  
3 PRESERVED AND ARCHIVED WHICH WOULD BE  
4 REQUESTED EITHER FROM T.S.A. OR --

5 A. LAW ENFORCEMENT OR T.S.A.

6 Q. OR A PRIVATE INDIVIDUAL?

7 A. NO; CRIMINAL CASES OR TRANSPORTATION  
8 SECURITY ADMINISTRATION.

9 Q. WELL, THIS IS A CRIMINAL CASE.

10 A. I WOULD NEED TRANSPORTATION SECURITY  
11 ADMINISTRATION TO GIVE ME A REQUEST OR THE  
12 ARRESTING OFFICER IN THE CASE TO GIVE ME THE  
13 REQUEST.

14 THE COURT: JUST, YOU KNOW  
15 WHAT, IF YOU ARE TALKING ABOUT  
16 DIGITAL, YOU'RE TALKING ABOUT  
17 SOMETHING REALLY SMALL. WITH ALL  
18 THE STUFF THAT'S HAPPENING, I WOULD  
19 THINK YOU WOULD WANT TO KEEP IT --  
20 YOU COULD KEEP THAT FOREVER. I'M  
21 NOT SAYING WHAT YOU DID -- I DON'T  
22 KNOW WHY YOU WOULD GET RID OF IT.  
23 SUPPOSE YOU'RE LOOKING BACK --  
24 SUPPOSE SOMETHING HAPPENED AND YOU  
25 WANT TO LOOK BACK AND SEE, YOU KNOW,

1 WITH ALL THE TERRORISTS. YOU DON'T  
2 HAVE TO EXPLAIN IT TO ME, IT'S JUST  
3 MY OPINION.

4 THE WITNESS: IF WE HAD THE  
5 CLIP, WE WOULDN'T GET RID OF IT,  
6 MEANING IF WE HAD THE REQUEST. IT'S  
7 A CONTINUOUS STREAM.

8 THE COURT: I'M NOT TALKING  
9 ABOUT THIS CASE, MY COMMENT IS  
10 SOMETHING IN GENERAL.

11 IF YOU'RE GETTING RID OF VIDEO  
12 TAPES, I COULD SEE IT, BUT LITTLE  
13 DISKS WHICH HOLD -- YOU COULD FILE  
14 LIKE A WHOLE YEAR IN A BOX, IT WOULD  
15 SEEM TO ME FOR A CAMERA, BUT THAT'S  
16 MY OPINION.

17 GO AHEAD.

18 BY MR. HETZNECKER:

19 Q. SO MY UNDERSTANDING IS WHAT THE JUDGE  
20 MENTIONED IS THAT IT WOULD BE EASY TO ARCHIVE  
21 ALL THE TAPE, HOLD IT FOR A YEAR OR LONGER,  
22 AND THAT'S NOT DONE?

23 A. NOT FOR -- NO. THE MEMORY THAT WOULD BE  
24 REQUIRED FOR ALL OUR CAMERAS, IT'S NOT  
25 PLAUSIBLE UNDER OUR CITY BUDGET OR MEANS.

1 Q. SO HOW IS IT ACTUALLY TAPED OVER?

2 A. IT'S A CONTINUOUS STREAM OF A DIGITAL  
3 RECORDER, SO IT'S ARCHIVED FOR 30 DAYS,  
4 CONTINUALLY STREAMED.

5 THE COURT: YOU CAN USE THE  
6 CHIPS OVER AGAIN.

7 BY MR. HETZNECKER:

8 Q. NOW, IN THIS PARTICULAR CASE THERE WAS A  
9 REQUEST MADE, AND WHAT DID YOU DO TO TRY TO  
10 FIND OUT WHETHER OR NOT THERE WERE --

11 A. THE ONLY REQUEST THAT WAS MADE WAS THE  
12 ONE I GOT FROM YOU, THAT I'M AWARE OF.

13 THE COURT: WAS THAT PAST THE  
14 30 DAYS?

15 THE WITNESS: THAT WAS THREE  
16 WEEKS AGO.

17 THE COURT: SO IT WAS PAST THE  
18 30 DAYS?

19 THE WITNESS: YES.

20 THE COURT: I DON'T NEED  
21 SPECIFICS.

22 BY MR. HETZNECKER:

23 Q. AND THERE WAS A REQUEST MADE, YOU'RE  
24 AWARE OF, THAT WAS MADE BACK IN JANUARY BY A  
25 PREVIOUS ATTORNEY, MR. GUILIANI?

1 A. YES, BUT IT WAS STILL PAST 30 DAYS.

2 Q. DID YOU MAKE A CHECK?

3 A. ANY REQUEST WE GET WE MAKE THE CHECK. MY  
4 STAFF IS VERY DILIGENT ABOUT THAT.

5 Q. SO DO YOU RECALL LOOKING FOR THAT  
6 PARTICULAR, AGAIN THAT PARTICULAR TIME PERIOD,  
7 LOOKING FOR ANYTHING IN THE ARCHIVE FOR THAT  
8 TIME PERIOD?

9 A. YES.

10 Q. BACK IN JANUARY?

11 A. YES, IN JANUARY AND THIS LAST SUBPOENA.

12 Q. AND WHO DID YOU COMMUNICATE THAT  
13 INFORMATION TO WHEN YOU DISCOVERED IT WAS NOT  
14 ARCHIVED?

15 A. BACK TO THE LAW DEPARTMENT IS MY  
16 RECOLLECTION.

17 Q. AND JUST SO WE ARE CLEAR ABOUT THIS, WHAT  
18 YOU WERE LOOKING FOR IS ANY VIDEO TAPE FOR  
19 THAT TIME PERIOD?

20 A. VIDEO TAPE?

21 Q. DIGITAL RECORDING?

22 A. THE LANES -- WE TAKE THE GENERAL  
23 INFORMATION WE HAVE AND THEN WE TAKE THE  
24 ANGLES THAT WE HAVE TO TRY AND PIN DOWN THE  
25 TIME AND WHAT EVERYBODY WAS TALKING ABOUT. SO

1 WE LOOK FOR THE AREA THAT WAS MENTIONED AND  
2 THE REQUEST AND FOUND NOTHING.

3 Q. AND TO THE BEST OF YOUR RECOLLECTION,  
4 THERE WAS NO COMMUNICATION FROM T.S.A. TO  
5 AIRPORT SECURITY TO ARCHIVE THAT TAPE?

6 A. NO.

7 Q. AND NO REQUEST FROM THE CITY OR FROM THE  
8 POLICE DEPARTMENT?

9 A. NO.

10 Q. TO THE BEST OF YOUR RECOLLECTION?

11 A. TO THE BEST OF MY KNOWLEDGE, NO.

12 Q. UNDER WHAT CIRCUMSTANCES WOULD A -- WOULD  
13 THE T.S.A. GENERALLY ASK FOR THAT TAPE TO BE  
14 ARCHIVED? YOU SAID IN A CRIMINAL PROSECUTION?

15 A. IT DEPENDS ON THE CASE AND BASED ON THE  
16 COMPLAINT. WHEN THE TRANSPORTATION SECURITY  
17 ADMINISTRATION GOES TO THE RECORDING  
18 STRUCTURE, I NORMALLY GET A CALL FROM THEIR  
19 AVIATION SECURITY INSPECTORS; NOT A CALL,  
20 ACTUALLY I REQUEST EVERYTHING IN WRITING, TO  
21 REVIEW THE TAPE OR DIGITAL RECORDING. I DON'T  
22 RECALL EVER GETTING THE REQUEST, AND THIS IS  
23 OVER A YEAR AGO. I DEAL WITH A LOT OF  
24 REQUESTS, BUT NORMALLY IF THERE'S A COMPLAINT  
25 AGAINST A PERSON, WITHIN THAT 30 DAYS THAT

1 COMPLAINT IS LODGED AND WE PULL UP THE TAPE,  
2 IF THERE IS ANY.

3 Q. SO WHEN YOU SAY COMPLAINT, YOU MEAN A  
4 CRIMINAL COMPLAINT LODGED?

5 A. OR A CIVIL PENALTY, BECAUSE THE  
6 TRANSPORTATION SECURITY ADMINISTRATION HAS THE  
7 RIGHT TO GIVE CIVIL PENALTIES FOR INDIVIDUAL  
8 ACCOUNTABILITY. SO IT'S NOT ALWAYS CRIMINAL,  
9 IT COULD BE A CIVIL PENALTY.

10 Q. JUST SO WE'RE CLEAR ABOUT IT, IT'S  
11 CONTINGENT ABOUT T.S.A. REQUESTING THAT TAPE  
12 TO BE ARCHIVED FOR IT TO BE SAVED?

13 A. CORRECT.

14 Q. AND WITH RESPECT TO SENSITIVE SECURITY  
15 INFORMATION, IS THERE A CATEGORY OF DIGITAL  
16 RECORDINGS THAT IS SIMPLY EXCISED OUT FROM  
17 YOUR NORMAL PROCEDURE AND HELD BY T.S.A. THAT  
18 IS CONSIDERED SENSITIVE SECURITY INFORMATION?

19 A. NO.

20 Q. SO THERE ISN'T A SEPARATE CATEGORY OF  
21 STUFF THAT WOULD BE ACCESSED BY ANYONE ELSE  
22 OTHER THAN T.S.A.?

23 A. NO.

24 Q. WHEN I SAY STUFF, I MEAN RECORDINGS?

25 A. NO.



1 Q. AND YOU FOLLOW THEIR PROCEDURES?

2 A. I HAVE TO. BEING THE AIRPORT OPERATOR, I  
3 MUST FOLLOW THE PROCEDURES SET FORTH.

4 Q. AND THEIR REGULATIONS DO NOT REQUIRE  
5 ARCHIVING?

6 A. CORRECT. IN FACT, THE TRANSPORTATION  
7 SECURITY ADMINISTRATION DOES NOT REQUIRE  
8 C.C.T.V., THAT'S SOMETHING THE CITY OF  
9 PHILADELPHIA HAS DONE ABOVE AND BEYOND THE  
10 REGULATION FOR THE SAFETY OF OUR PASSENGERS.

11 Q. SO THE SENSITIVE SECURITY INFORMATION  
12 CATEGORIES THAT T.S.A. HAS IS IMPOSED ON THE  
13 CITY OF PHILADELPHIA; IS IT NOT?

14 A. YES, BECAUSE IT'S A SCREENING FUNCTION.  
15 YOU CANNOT RELEASE ANY INFORMATION TO THE  
16 PUBLIC THAT MAY OR EVEN BY LOOKING AT IT CAN  
17 DESCRIBE THE SCREENING FUNCTION.

18 Q. JUST TO FINALIZE THIS, IN ORDER TO GET  
19 ANY RECORDING ARCHIVED, IT WOULD HAVE TO BE  
20 FROM T.S.A.'S REQUEST OR THE CITY OF  
21 PHILADELPHIA POLICE DEPARTMENT'S REQUEST?

22 A. OR F.B.I.

23 Q. OR F.B.I. OTHER THAN THAT YOU WOULD NOT  
24 ARCHIVE UNLESS THERE IS A COURT ORDER?

25 A. CORRECT.

1 Q. SO EVEN IF A CITIZEN HAD REQUESTED THE  
2 TAPE BEING ARCHIVED WITHIN THE 30 DAYS?

3 A. WE WOULD NEED A COURT ORDER.

4 Q. AND IF YOU DID NOT SECURE THAT COURT  
5 ORDER, YOU HAD NO OBLIGATION TO HOLD THAT?

6 A. CORRECT.

7 Q. HOW ABOUT SUBPOENAS?

8 A. SUBPOENAS GO THROUGH THE CITY OF  
9 PHILADELPHIA, SAME AS A COURT ORDER.

10 Q. SO A SUBPOENA WOULD BE HONORED?

11 A. RIGHT.

12 Q. SO IF IT WAS ISSUED TO PRESERVE THAT  
13 ARCHIVING, YOU WOULD DO THAT?

14 A. CORRECT.

15 Q. AND NOTIFY T.S.A. THAT IT WAS DONE?

16 A. YES. ANY TIME I SHARE THAT INFORMATION  
17 WITH ANYONE I MUST NOTIFY THE TRANSPORTATION  
18 SECURITY ADMINISTRATION.

19 MR. HETZNECKER: MAY I HAVE A  
20 MOMENT WITH MY CLIENT?

21 THE COURT: YES.

22 BY MR. HETZNECKER:

23 Q. IT'S MY UNDERSTANDING THAT THERE WAS A  
24 LETTER SENT FROM T.S.A. TO MY CLIENT  
25 INDICATING THAT THERE WAS AN INVESTIGATION

1       BASED ON THIS INCIDENT WITHIN THE 30 DAYS.

2       ARE YOU AWARE OF THAT?

3       A.     I WOULDN'T BE.   IT'S THE TRANSPORTATION  
4       SECURITY ADMINISTRATION POLICY, NOT MINE.

5       Q.     ARE YOU AWARE OF WHETHER OR NOT THERE WAS  
6       A FOLLOW-UP REQUEST BY T.S.A. TO VIEW THE TAPE  
7       ANY TIME AFTER THE 30 DAYS?

8       A.     I AM NOT AWARE OF ANY FOLLOW-UP REQUEST,  
9       NO.

10                               MR. HETZNECKER:  IF I COULD  
11                               JUST ASK MISS ECKL A FEW QUESTIONS.

12                               THE COURT:  SHE'S AN OFFICER OF  
13                               THE COURT.  SHE DOES NOT NEED TO BE  
14                               SWORN.

15                               AT WHICH TIME THE FOLLOWING  
16                               QUESTIONS WERE ASKED OF MS. LISA  
17                               ECKL...

18                               - - -

19                               DIRECT EXAMINATION

20                               - - -

21       BY MR. HETZNECKER:

22       Q.     ARE YOU AWARE OF ANY LETTER THAT WAS  
23       SENT?

24       A.     WE SENT MISS PELLEGRINO REGARDING THE  
25       CIVIL ENFORCEMENT ACTION IN THIS CASE THAT HAS

1 NOW BEEN PUT ON HOLD TO RESOLUTION OF THE  
2 CRIMINAL ACTION. SO THERE IS A CIVIL ACTION  
3 ENFORCEMENT, AND MISS PELLEGRINO WAS GIVEN THE  
4 OPPORTUNITY TO PROVIDE A STATEMENT TO OUR  
5 AVIATION SECURITY INSPECTORS IN CONJUNCTION  
6 WITH THE INCIDENT, BUT SHE DID NOT DO SO I  
7 BELIEVE BECAUSE SHE WANTED TO HOLD OFF UNTIL  
8 THE RESOLUTION OF THE CRIMINAL CASE, WHICH IS  
9 COMMON IN THESE INCIDENTS.

10 Q. AND THAT LETTER WAS ISSUED WHEN? DO YOU  
11 HAVE A DATE OF THAT LETTER? I DON'T HAVE A  
12 COPY OF THAT LETTER.

13 A. I MAY ACTUALLY HAVE IT, BUT IN THIS CASE  
14 VIDEO TAPE WAS NOT REQUESTED BY T.S.A. WITHIN  
15 30 DAYS BECAUSE THE MAJORITY OF THE INCIDENT  
16 TOOK PLACE IN THE PRIVATE SCREENING ROOM WHERE  
17 THEY KNEW THERE WAS NOT A VIDEO CAMERA NOR WAS  
18 THERE ONE AT THE ENTRANCE OF THE DOORWAY. SO  
19 OUR INSPECTORS DID NOT BELIEVE THAT WAS  
20 NECESSARY IN THIS CASE, AND I ACTUALLY DON'T  
21 HAVE THE CIVIL -- WAIT, ACTUALLY, LET'S SEE,  
22 AUGUST 7, 2006 T.S.A. --

23 THE COURT: CAN WE PHOTOCOPY  
24 THAT?

25 MS. ECKL: SURE.

1 THE COURT: WE'LL GET TWO  
2 COPIES, ONE FOR THE ATTORNEYS AND  
3 ONE FOR THE DA.

4 MS. BRACCIA: DO WE NEED ONE  
5 FOR THE QUARTER SESSIONS FILE?

6 THE COURT: NO.

7 BY MR. HETZNECKER:

8 Q. I'M SORRY, MISS ECKL, THE DATE OF THIS  
9 WAS WITHIN THE 30 DAYS, AUGUST 7, 2006?

10 THE COURT: WHAT'S THE DATE OF  
11 THE INCIDENT?

12 MR. HETZNECKER: JULY 29, 2006,  
13 SO THIS IS WITHIN A WEEK, JUST  
14 BEYOND A WEEK, YOUR HONOR.

15 BY MR. HETZNECKER:

16 Q. SO THIS IS AS YOU STATED REQUESTING A  
17 LETTER FROM HER OR STATEMENT FROM HER ASKING  
18 FOR HER RESPONSE. WHAT WOULD BE THE CIVIL  
19 PENALTIES?

20 A. WE HAVE THE OPPORTUNITY TO ISSUE CIVIL  
21 PENALTIES IN THE RANGE OF UP TO \$10,000 FOR  
22 VIOLATION OF SECURITY REGULATIONS, AND  
23 DEPENDING ON THE INCIDENT, THE RANGE OF  
24 PENALTY VARIES, AND SO THIS IS A PROCESS THAT  
25 WE'RE GOING TO GO THROUGH AFTER THE CRIMINAL

1 CASE IS RESOLVED IN THIS MATTER.

2 THE COURT: CAN YOU DO IT IN  
3 LIEU OF THE CRIMINAL CASE?

4 MS. ECKL: NO, IT'S CIVIL,  
5 COMPLETELY DIFFERENT, AND THE  
6 REGULATION IS CITED THERE.

7 BY MR. HETZNECKER:

8 Q. THERE'S A COUPLE OF PIECES OF DISCOVERY  
9 WHICH I NEED SOME RESPONSE TO. THERE'S A  
10 STATEMENT FROM LAURA LABEE?

11 A. YES. THAT SHOULD HAVE BEEN PROVIDED.

12 Q. THERE WERE THREE WITNESS STATEMENTS  
13 TAKEN?

14 A. YES.

15 THE COURT: WHAT IS THE NAME  
16 YOU ARE TALKING ABOUT?

17 MR. HETZNECKER: IT'S  
18 L-A-B-E-E, LAURA IS THE FIRST NAME.

19 I DON'T SEEM TO HAVE HER FORMAL  
20 STATEMENT. I HAVE WHAT APPEARS TO  
21 BE T.S.A. INCIDENT REPORTS FROM  
22 DENISE KISSINGER, FRANK DILWORTH,  
23 MISS MALIK, AND ANOTHER ONE. THERE  
24 ARE TWO FROM DENISE KISSINGER, TWO  
25 FROM DILWORTH, AND ONE FROM THOMAS

1 CLEMENS.

2 MS. ECKL: YOU SHOULDN'T HAVE  
3 ONE FROM DILWORTH. DILWORTH JUST  
4 REVIEWED --

5 THE COURT: HE'S GOT IT.

6 MR. HETZNECKER: I DO HAVE IT.  
7 THIS WAS PROVIDED BY THE DA'S  
8 OFFICE.

9 THE COURT: WHAT DO YOU HAVE  
10 FOR LABEE? WHAT DO YOU HAVE?

11 MS. ECKL: I HAVE DENISE  
12 KISSINGER'S STATEMENT, LAURA LABEE'S  
13 STATEMENT, AND ABDUL MALIK'S  
14 STATEMENT. I HAVE THREE STATEMENTS.

15 MR. HETZNECKER: YOU DON'T HAVE  
16 LAURA LABEE'S STATEMENT?

17 MS. ECKL: I DO.

18 THE COURT: CAN THESE BE  
19 PROVIDED?

20 MS. ECKL: THEY HAVE BEEN. IT  
21 SHOULD BE THE THREE RIGHT HERE.

22 MS. BRACCIA: I HAVE THE SAME  
23 ONES THAT MR. HETZNECKER HAS.

24 MS. ECKL: MAY I LOOK AT  
25 THOSE?

1 MS. BRACCIA: SURE.

2 MS. ECKL: I THINK THIS IS WHAT  
3 I HAVE IN MY FILE. YEAH, THESE ARE  
4 THE THREE I HAVE AS WELL.

5 THE COURT: THIS ISN'T LABEE?

6 MS. ECKL: IT SHOULD BE THE  
7 FIRST ONE -- NOPE. I PROVIDED THAT  
8 TO AMELIA.

9 MR. HETZNECKER: AT THIS TIME I  
10 WOULD REQUEST ANY OTHER STATEMENTS  
11 PREPARED BY T.S.A. IN CONJUNCTION  
12 WITH THIS INVESTIGATION.

13 THE COURT: WE'LL MAKE TWO  
14 COPIES OF THAT.

15 MR. HETZNECKER: FOR THE  
16 RECORD, ARE THERE ANY OTHER  
17 STATEMENTS IN CONJUNCTION WITH THIS  
18 INVESTIGATION?

19 MS. ECKL: NO, NO WITNESS  
20 STATEMENTS.

21 MR. HETZNECKER: ANY OTHER  
22 STATEMENTS RELATED TO IT? ANY OTHER  
23 DISCOVERY THAT I WOULD BE ENTITLED  
24 TO?

25 MS. ECKL: NO, THAT'S NOT



1 PRIVILEGED, INVOLVING AN ATTORNEY'S  
2 REVIEW.

3 MR. HETZNECKER: WHEN YOU SAY  
4 PRIVILEGED, JUST SO I'M CLEAR ABOUT  
5 IT, I DON'T WANT TO INTRUDE ON  
6 ANYTHING. WHEN YOU SAY PRIVILEGED,  
7 THERE WERE OTHER T.S.A. EMPLOYEES  
8 THAT ARRIVED ON THE SCENE INCLUDING  
9 A MANAGER WHO WAS AN AFRICAN  
10 AMERICAN MAN WHO HAD SPOKEN TO  
11 SEVERAL OF THE T.S.A. EMPLOYEES AS  
12 WELL AS MY CLIENT. YOU HAVE NO  
13 STATEMENT FROM HIM?

14 MS. ECKL: I HAVE NO STATEMENT  
15 FROM ANY OTHER WITNESSES OR ANY  
16 OTHER T.S.A. EMPLOYEES REGARDING  
17 THIS INCIDENT.

18 MR. HETZNECKER: AND THOSE  
19 STATEMENTS THAT YOU PROVIDED TO THE  
20 COMMONWEALTH WERE THE SAME  
21 STATEMENTS THAT WERE PROVIDED TO THE  
22 POLICE ON THAT DATE OR ON THE DATE  
23 FOLLOWING THE INCIDENT, BECAUSE I  
24 BELIEVE IT'S DATED JULY 30; IS THAT  
25 CORRECT?

1 MS. ECKL: YES. WE WOULD HAVE  
2 SHARED THESE WITH THE POLICE IF THEY  
3 ASKED FOR THEM.

4 MS. BRACCIA: DID THE DEFENDANT  
5 MAKE ANY WRITTEN STATEMENTS?

6 MS. ECKL: I DON'T HAVE A  
7 WRITTEN STATEMENT FROM THE  
8 DEFENDANT, NO.

9 MR. HETZNECKER: JUST ONE  
10 QUESTION IN CONJUNCTION WITH THE  
11 QUESTION JUST ASKED. WAS THERE ANY  
12 STATEMENT TAKEN FROM HER HUSBAND BY  
13 T.S.A.?

14 MS. ECKL: I DON'T HAVE A  
15 STATEMENT.

16 MR. HETZNECKER: HARRY WALTON?

17 MS. ECKL: I DON'T HAVE A  
18 STATEMENT FROM THE DEFENDANT NOR HER  
19 HUSBAND. MAYBE THE POLICE DID, BUT  
20 I DON'T HAVE A COPY OF IT.

21 MS. BRACCIA: I HAVE COMPLETE  
22 DISCOVERY AND I HAVE NO STATEMENT  
23 FROM THE DEFENDANT'S HUSBAND OR FROM  
24 THE DEFENDANT.

25 MR. HETZNECKER: OKAY. THANK

1                   YOU.

2                   THE COURT:    ARE YOU DONE?

3                   MR. HETZNECKER:   WE'RE DONE.

4                   THE COURT:    TALK TO YOUR

5                   CLIENT.

6                   MR. HETZNECKER:   THE LETTER  
7                   FROM MR. GUILIANI, DO YOU HAVE THAT  
8                   IN YOUR FILE?    I DO HAVE A LETTER  
9                   THAT APPEARS TO BE DATED IN  
10                  JANUARY.    IS THERE ANY EARLIER  
11                  LETTER REQUESTING THE VIDEO TAPES?

12                  MS. ECKL:    I BELIEVE JANUARY IS  
13                  WHAT I HAVE.    I'LL CHECK.

14                  MR. HETZNECKER:   IF YOU COULD  
15                  CHECK.

16                  THE COURT:    PLEASE ASK YOUR  
17                  CLIENT TO WAIT OUT IN THE  
18                  COURTROOM.

19                  MR. HETZNECKER:   I APPRECIATE  
20                  YOU ALL COMING IN.   I'M SORRY FOR  
21                  ANY INCONVENIENCE.

22                  THE COURT:    DO YOU NEED A COPY  
23                  OF THIS TRANSCRIPT?

24                  MR. HETZNECKER:   I DO.

25                  THE COURT:    I DON'T WANT YOUR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CLIENT TO HAVE A COPY.

MR. HETZNECKER: I AM NOT GOING  
TO GIVE HER A COPY, ABSOLUTELY NOT.  
I'LL PRESERVE THAT WITHIN THE FILE.

- - -

HEARING CONCLUDED

- - -