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IN THE MUNICIPAL COURT OF PHILADELPHIA
COURTROOM 603 CRIMINAL JUSTICE CENTER
1301 FILBERT STREET

COMMONWEALTH :

VS :

NADINE PELLEGRINO : 

COMMONWEALTH

VS.

NADINE PELLEGRINO : 

MARCH, 28, 2008

PHILADELPHIA, PENNSYLVANIA

BEFORE: HONORABLE THOMAS F. GEHRET J.

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APPEARANCES :

ANDRE MARTINO, ESQ.
ASSISTANT DISTRICT ATTORNEY
FOR THE COMMONWEALTH

JOHN ELBERT, ESQ.
FOR THE DEFENDANT

- - -

REPORTED BY: HEIDI B. DONALDSON

OFFICIAL COURT REPORTER

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INDEX

WITNESS

DR

CR

RDR

RCR

TSA OFC. LAURA LABBEE

4

TSA OFC. DENISE KISSINGER

11

2

3

COMMONWEALTH'S EVIDENCE

4

ALL PARTIES SWORN

5

THE COURT CRIER: JOHN ELBERT FOR

6

MRS. PELLEGRINO.

7

MR. ELBERT: MAY WE BEGIN?

8

THE COURT: HAVE I DONE ANY ACTION

9

ON THIS CASE?

10

MR. ELBERT: YES.

11

THE COURT: HOW COME WE'RE STILL

12

DOING IT?

13

LET ME SEE COUNSEL SIDEBAR.

14

(OFF-THE-RECORD DISCUSSION.)

15

THE COURT: SO, THIS IS A TRIAL?

16

MR. ELBERT: YES.

17

MR. MARTINO: CALL THE TSA OFFICER

18

LAURA LABBEE.

19

THE COURT CRIER: DID HE WAIVE

20

ARRAIGNMENT, YOUR HONOR?

21

MR. ELBERT: WAIVE ARRAIGNMENT,

22

ENTER PLEA OF NOT GUILTY.

23

TSA OFFICER LAURA LABBEE, BADGE

24

8442, WITNESS HEREBY SWORN

25

MR. MARTINO: MAKE A MOTION FOR

2 SEQUESTRATION OF ALL WITNESSES.

3 THE COURT: DO YOU HAVE WITNESSES?

4 MR. ELBERT: CHARACTER WITNESSES.

5 I HAVE A FACT WITNESS OUTSIDE THE
6 COURTROOM.

7 THE COURT: THE CHARACTER WITNESS
8 CAN STAY IN THE COURTROOM.

9 MR. ELBERT: LIKewise, MAKE THE SAME
10 MOTION.

11 MR. MARTINO: SEQUESTRATION IN
12 EFFECT.

13 DIRECT EXAMINATION

14 BY MR. MARTINO:

15 Q. GOOD MORNING.

16 WERE YOU ON DUTY AS A TSA OFFICER JULY 29,
17 2006, 7:05 PM.?

18 A. YES.

19 Q. DID YOUR TOUR TAKE YOU TO PHILADELPHIA
20 INTERNATIONAL AIRPORT 8500 ESSINGTON AVENUE?

21 A. YES.

22 Q. IS THAT IN THE CITY AND COUNTY OF
23 PHILADELPHIA?

24 A. YES.

25 Q. ON THAT DATE, TIME AND LOCATION, DID YOU COME

2 IN CONTACT WITH ANYONE YOU SEE IN THE COURTROOM
3 TODAY?

4 A. YES.

5 Q. WHO WOULD THAT BE?

6 A. THE YOUNG LADY OVER HERE.

7 MR. MARTINO: LET THE RECORD REFLECT
8 THE OFFICER INDICATED THE DEFENDANT BY POINT
9 OF FINGER.

10 BY MR. MARTINO:

11 Q. TELL THE COURT WHAT, IF ANYTHING, OCCURRED ON
12 THAT DATE, TIME AND LOCATION, THAT BRINGS YOU TO
13 COURT TODAY?

14 A. ON THAT DAY--

15 THE COURT: SPEAK LOUDER.

16 THE WITNESS: ON THAT DAY THE
17 PERSON -- ON THAT DATE, THE PERSON SEATED TO
18 THE LEFT OVER HERE ASSAULTED ME WITH A
19 CARRY-ON BAG.

20 MR. MARTINO: OBJECTION.

21 MR. ELBERT: OBJECTION.

22 THE COURT: SUSTAINED.

23 BY MR. MARTINO:

24 Q. TELL US WHAT THE DEFENDANT DID THAT DAY?

25 A. SHE WAS COMING OUT OF A PRIVATE SCREENING ROOM

2 AT THE SECURITY CHECK POINT WHERE I WORK.

3 THE COURT: OUTSIDE THE ROOM?

4 THE WITNESS: IT WAS -- I WAS
5 STANDING AT THE DOORWAY. SO, SHE WAS INSIDE.
6 I WAS STANDING RIGHT ON THE BOUNDARY TO BE IN
7 AND OUT OF THE ROOM, AND SHE STRUCK ME WITH
8 HER BAG.

9 MR. ELBERT: OBJECTION.

10 THE COURT: SUSTAINED.

11 MR. MARTINO: I HAVE ANYTHING THAT
12 HAPPENED IN THE ROOM MOTION.

13 THE COURT: SHE JUST SAID IT WAS IN
14 THE DOORWAY.

15 BY MR. MARTINO:

16 Q. WHAT, IF ANYTHING, OCCURRED INSIDE THE ROOM?

17 A. INSIDE THE ROOM THERE WAS EXPLETIVES THAT WERE
18 SAID BY THE DEFENDANT. THERE WAS SHOES THROWN FROM
19 INSIDE THE ROOM INTO THE OUTSIDE PART OF THE ROOM.

20 MR. ELBERT: OBJECTION.

21 THE COURT: INTO THE OUTSIDE PART OF
22 THE ROOM?

23 THE WITNESS: INTO THE CHECK POINT.

24 BY MR. MARTINO:

25 Q. WHERE WERE THE SHOWS THROWN FROM?

2 A. INSIDE.

3 THE COURT: SHE THREW THEM OUT OF
4 THE ROOM. THE TESTIMONY, THAT'S IN THE
5 DOORWAY OR OUT OF THE ROOM IS EXCLUDED,
6 BECAUSE THERE WAS A FILM OF THIS, WHICH WAS
7 NOT PROVIDED TO DEFENSE COUNSEL.

8 MR. MARTINO: THAT'S CORRECT.

9 THE COURT: THE SHOES CAME OUT OF
10 THE ROOM.

11 BY MR. MARTINO:

12 Q. WERE THE SHOES IN THE ROOM?

13 THE COURT: LISTEN, SUSTAINED. DO
14 YOU UNDERSTAND? MOVE ON.

15 BY MR. MARTINO:

16 Q. WHAT PART OF THE DOORWAY? WERE YOU IN THE
17 OUTSIDE OR THE INSIDE?

18 A. I WAS HOLDING THE DOOR OPEN. SO, I WAS
19 ACTUALLY STANDING OUTSIDE OF THE ROOM.

20 MR. ELBERT: OBJECTION, MOVE TO
21 STRIKE THIS WITNESS'--

22 THE COURT: SHE JUST SAID WHERE SHE
23 WAS. THAT'S ALL SHE SAID.

24 BY MR. MARTINO:

25 Q. WHAT, IF ANYTHING, OCCURRED INSIDE THE ROOM?

2 A. THERE WAS A LOT OF SCREENING INSIDE THE ROOM.
3 WHEN WE SCREEN PEOPLE INSIDE THE PRIVATE SCREENING
4 AREA--

5 THE COURT: SCREAMING?

6 THE WITNESS: SCREENING, BUT THERE
7 WAS SCREAMING, TOO.

8 THE COURT: SCREAMING IS NOT--
9 BY MR. MARTINO:

10 Q. WHAT, IF ANYTHING, DID THE DEFENDANT DO INSIDE
11 THE ROOM?

12 A. THERE WAS NO PHYSICAL CONTACT INSIDE OF THE
13 ROOM, IF THAT'S WHAT YOU'RE GETTING AT.

14 MR. MARTINO: NO FURTHER QUESTIONS.
15 OFFER FOR CROSS.

16 MR. ELBERT: NO QUESTIONS.

17 THE COURT: THANK YOU.

18 MR. MARTINO: COMMONWEALTH CALLS TSA
19 OFFICER--

20 TO CLARIFY, I DON'T KNOW WHAT THE
21 QUARTER SESSIONS FILE SAYS, BUT MY NOTES ON MY
22 FILE SAYS THAT THE EVENTS TAKING PLACE OUTSIDE
23 THE ROOM. THERE'S NO MENTION ON MY NOTES FROM
24 THE LAST LISTING THAT SAYS--

25 THE COURT: IF IT'S HAPPENING IN THE

2 DOORWAY, THAT'S OUTSIDE OF THE ROOM.

3 MR. ELBERT: REFER TO THE NOTES OF
4 TESTIMONY FROM THAT HEARING.

5 THE COURT: WAIT A SECOND. IS WHAT
6 I SAID CORRECT OR INCORRECT?

7 MR. ELBERT: CORRECT.

8 TSA OFFICER DENISE KISSINGER,
9 WITNESS HEREBY SWORN

10 THE COURT: BOTTOM LINE, CAN'T TAKE
11 TESTIMONY ON THINGS THAT WOULD BE ON THE FILM,
12 BECAUSE THAT'S NOT BEST EVIDENCE.

13 MR. MARTINO: MY ONLY ISSUE WOULD BE
14 THAT--

15 THE COURT: IT'S NOT A TECHNICAL
16 THING.

17 WHERE INSIDE THE ROOM, OUTSIDE THE
18 ROOM. THE DOORWAY WOULD HAVE BEEN ON FILM,
19 OKAY. IT'S NOT A TECHNICAL ISSUE. INSIDE THE
20 DOOR VERSUS OUTSIDE THE DOORWAY. IF IT'S
21 HAPPENING NEAR THE DOORWAY OR SOMETHING IS
22 COMING OUT OF THE DOORWAY, IT WOULD HAVE BEEN
23 ON THE FILM. SO, ANY TESTIMONY I GET IS NOT
24 BEST EVIDENCE ON THAT. OKAY.

25 GO AHEAD.

2 DIRECT EXAMINATION

3 BY MR. MARTINO:

4 Q. GOOD MORNING.

5 A. GOOD MORNING.

6 Q. WERE YOU ON DUTY AS A TSA OFFICER JULY 29,
7 2006, 7:05 PM.?

8 A. YES.

9 Q. DID YOUR TOUR OF DUTY TAKE YOU TO 8500
10 ESSINGTON AVENUE?

11 A. YES.

12 Q. WHAT'S THAT LOCATION?

13 A. PHILADELPHIA INTERNATIONAL AIRPORT.

14 Q. IS THAT IN THE CITY AND COUNTY OF
15 PHILADELPHIA?

16 A. YES.

17 Q. ON THAT DATE, TIME AND LOCATION, DID YOU COME
18 IN CONTACT WITH ANYONE YOU SEE IN THE COURTROOM
19 TODAY?

20 A. YES.

21 Q. WHO WOULD THAT BE?

22 A. THE DEFENDANT.

23 MR. MARTINO: INDICATING THE
24 DEFENDANT.

25

2 BY MR. MARTINO:

3 Q. TELL HIS HONOR WHAT, IF ANYTHING, OCCURRED
4 INSIDE OF THE ROOM AT THAT LOCATION?

5 A. THE DEFENDANT WAS SELECTED FOR--

6 THE COURT: CAN'T HEAR.

7 THE WITNESS: THE DEFENDANT WAS
8 SELECTED FOR SCREENING. SHE ASKED FOR HER
9 PRIVATE SEARCH. WHEN INSIDE THE ROOM, I WAS
10 COMING BACK INTO THE ROOM, AND MY SUPERVISOR
11 LAURA LABBEE WAS HOLDING THE DOOR OPEN FOR
12 HER. AND AS THE DEFENDANT PICKED UP THE BAG,
13 WHICH SHE WAS WALKING OUT, AND SHE STEPPED OUT
14 OF HER WAY AND HIT HER WITH THE BAG.

15 MR. ELBERT: OBJECTION.

16 THE COURT: WHERE DID THIS HAPPEN?

17 THE WITNESS: INSIDE THE PRIVATE
18 SEARCH AREA.

19 THE COURT: WAS THE DOOR OPEN?

20 THE WITNESS: SHE WAS--

21 THE COURT: WAS IT IN THE DOORWAY?

22 THE WITNESS: SHE WAS STANDING
23 INSIDE THE ROOM HOLDING THE DOOR OPEN WITH HER
24 ARM.

25 THE COURT: SUSTAINED.

2 MR. MARTINO: NO FURTHER QUESTIONS
3 FOR THIS WITNESS.

4 MR. ELBERT: NO QUESTIONS.

5 THE COURT: STEP DOWN.

6 MR. MARTINO: COMMONWEALTH RESTS FOR
7 ITS CASE IN CHIEF.

8 THE COURT: COUNSEL, YOUR HANDS WERE
9 TIED, NOTHING YOU CAN DO. THERE'S NOTHING I
10 CAN DO. COUNSEL IS ENTITLED TO THIS FILM, AND
11 IT WAS NOT PROVIDED. OBVIOUSLY, IT'S NOT A
12 CITY THING; IT'S THE AIRPORT HOMELAND
13 SECURITY, WHATEVER.

14 NOT GUILTY.

15 MR. ELBERT: MOVE FOR JUDGMENT OF
16 ACQUITTAL.

17 THE COURT: NOT GUILTY.

18 HEARING CONCLUDED.
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I HEREBY CERTIFY THAT THE PROCEEDINGS AND EVIDENCE ARE CONTAINED FULLY AND ACCURATELY IN THE NOTES TAKEN BY ME ON THE TRIAL OF THE ABOVE CAUSE, AND THAT THIS COPY IS A CORRECT TRANSCRIPT OF THE SAME.

Heidi Donaldson

OFFICIAL COURT REPORTER
COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

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