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March 9, 2020

Honorable Mark Chase, J.S.C.
Superior Court of New Jersey
Camden County Hall of Justice
101 South 5th Street, Suite 430
Camden, New Jersey 08104

**RE: State v. Jeremy Benson, Indictment No. 19-09-2195-I
Returnable March 27, 2020 at 1:30 p.m.**

Dear Judge Chase,

Please accept this letter brief in support of Mr. Benson's pretrial motion to suppress certain identification evidence from trial.

PRELIMINARY STATEMENT:

"[T]he possibility of mistaken identity is real."

- Chief Justice Stuart Rabner in *State v. Henderson*, 208 N.J. 208, 218 (2011).

During an identification procedure at the Camden County Metro Police Department's headquarters, Police Officer Rubi Rivera showed eight photographs in sequence to a robbery victim. When the victim was unable to make a conclusive identification, Officer Rivera showed him the photographs in sequence three more times, for a total of four views. At the conclusion of the third round, the victim said that one photo "looks like him, but not." Officer Rivera told the victim that "it has to be a yes or a no. We can't be in the middle." She then showed the sequential array for the fourth and final time. And only then did the victim identify a photograph of Jeremy Benson. The identification procedure was unduly suggestive and should be suppressed.

FACTS & PROCEDURAL HISTORY

On September 17, 2019, Samuel Rodriguez was robbed at gunpoint at about 8:00 a.m. as he was working on his car, in an empty lot next to his house at the intersection of North 32nd and Rowe Streets, in Camden. The entire robbery lasted less than 20 seconds.¹ During the incident, the perpetrator aimed a handgun at Mr. Rodriguez's face the entire time, never letting the firearm's aim going below Mr. Rodriguez's chest. *See* DA004². Mr. Rodriguez called 911 and soon thereafter described his assailant to responding investigators as a black male with dark skin, about 5'4" to 5'7" in his early 20s and clean shaven. *See* DA008.

Utilizing a combination of privately-owned and city-operated surveillance footage in the area, investigators decided that the perpetrator had driven a particular Honda Odyssey to the robbery and then fled in the same vehicle, this notwithstanding additional, nearly identical vehicles are in some of the same footage. But by focusing in on a particular vehicle and disregarding the rest, the investigators decided that Jeremy Benson was likely using the relevant Odyssey at the time of the occurrence.

During the afternoon of September 17th, investigators with the Camden County Metro Police Department showed a sequential photo array to Mr. Rodriguez that included their first suspect, Tommil Roberson. However, Mr. Rodriguez did not identify Mr. Roberson as the culprit, or any other person in that photo array.

At approximately 11:20 p.m. on September 17th, investigators brought Mr. Rodriguez to police headquarters to participate in another sequential photo array, this time including Mr. Benson. Mr. Rodriguez was a native Spanish speaker and did not speak English. As a result, Police Officer Rubi Rivera conducted the identification procedure at headquarters wholly in Spanish, but the State

¹ The robbery was captured on video surveillance and included as part of the State's discovery. A copy of the video is enclosed with a hard copy of this brief that will be mailed to this Court after the brief is electronically filed.

² This citation format refers to the Defense Appendix attached hereto. The appendix has bates numbers on each page to differentiate the items cited

provided a translated transcript in discovery. *See* DA009-020. She showed him eight photographs in sequence.

The first time Officer Rivera showed Mr. Benson's photograph to Mr. Rodriguez, the witness said, "He looks like this one. I'm not sure but he does look like him in the face." DA020. Officer Rivera shuffled the photographs and showed each to Mr. Rodriguez sequentially again. This time, while looking at the photograph of a filler, Mr. Rodriguez told Officer Rivera that "[h]e looks like him." DA013. Soon thereafter, when shown Mr. Benson's photograph, Mr. Rodriguez said that "[t]his one does look like him." DA014.

Given the equivocal answers to the second time through the photos, Officer Rivera shuffled the photographs and offered them sequentially to Mr. Rodriguez sequentially a third time. But before the third showing, Officer Rivera told Mr. Rodriguez that "you will . . . have to say yes or no. We cannot be in the middle." DA015. Then she proceeded to show the photographs. This time, when he reached Mr. Benson's photograph, Mr. Rodriguez told the officer:

This is the one that looks like him. Out of all the photographs that I've seen this is the one that he has the same form and physical shape of face. That's the only thing. If I can see the video, the, the outline of his nose. He is the one that looks more like him than the other people. That I can see more or less. I can't say that it's him because it's a photograph. He didn't have a beard. But I was looking at his face while he said to me, "give me fucking money". That is what stands out to me, his face. It's the closest thing that I could see from that person.

DA016.

Again, given the equivocal answers, Officer Rivera shuffled the photographs and offered them to Mr. Rodriguez sequentially a fourth time. Prior to showing the photographs again, Officer Rivera admonished him that, "Unfortunately, it has to be a yes or no. We can't be in the middle." DA017. Officer Rivera then showed the photos to Mr. Rodriguez again. This time, when they reached Mr. Benson's photograph, Mr. Rodriguez told the officer, "Yes, I'm going to sign this one." DA019. Soon thereafter, a warrant was sworn out for Mr. Benson's arrest.

LEGAL ARGUMENT

Point I

This Court should suppress the eyewitness identification testimony of Mr. Benson’s father and brother, because introduction of that evidence would violate Mr. Benson’s due process right to a fair trial as well as the evidentiary rules of court.

The procedures used by the State in securing an identification from Mr. Rodriguez was unconstitutional under both the New Jersey and United States Constitutions. The resulting identification evidence is unreliable. The identification evidence should be suppressed due to the constitutional violations.

A. New Jersey Due Process

The Due Process Clause of the New Jersey Constitution prohibits the introduction of an out-of-court identification that presents a very substantial likelihood of irreparable misidentification. In *State v. Henderson*, 208 N.J. 208 (2011), our Supreme Court laid out a framework for applying that legal standard to the criminal investigations and prosecutions.

In *Henderson*, the Supreme Court started its analysis with the acknowledgment that juries place more trust in eyewitness identifications than virtually any other form of evidence, *id.* at 237, but that eyewitness identification is the “greatest cause of wrongful convictions in this country,” *Id.* at 231 (citing *State v. Delgado*, 188 N.J. 48, 60 (2006)). The Court noted that “memory is a constructive, dynamic, and selective process.” *Henderson*, 208 at 245. Given that memory is malleable, the Court noted that two broad categories of factors impact how memory is retained: system variables and estimator variables. *Id.* at 247.

System variables are factors like lineup procedures which are within the control of the criminal justice system. Estimator variables are factors related to the witness, the perpetrator, or the event itself—like distance, lighting, or stress—over which the legal system has no control.

Id. (internal citations omitted).

The Court went on to analyze a non-exhaustive list of system variables³ and estimator variables⁴ at length. After doing so, the Court announced a revised framework for analyzing out-of-court identifications based on the Due Process Clause found in Section 1 of Article 1 of the New Jersey Constitution. *Id.* at 287, fn. 10. The Court held that the defendant must initially show some evidence that a system variable led to a suggestive out-of-court identification that could lead to a mistaken identification. *Id.* at 288. Upon making that threshold showing by the defendant, the State must then offer proof in the form of both system variables and estimator variables that the identification is reliable. *Id.* Finally, “the ultimate burden remains on the defendant to prove a very substantial likelihood of irreparable misidentification.” *Id.* Should the defendant succeed in that showing, the identification should be suppressed.

i. Multiple Viewings & Confirmation Bias

The *Henderson* Court recognized that “eyewitness confidence can be influenced by factors unrelated to a witness’ actual memory of a relevant event.” 208 N.J. at 236 (citing Amy Bradfield Douglass & Nancy Steblay, “Memory Distortion in Eyewitnesses: A Meta-Analysis of the Post-identification Feedback Effect,” 20 *Applied Cognitive Psychol.* 859, 864-65 (2006) (addressing effects of confirmatory feedback on confidence)).

The effects of confirmatory feedback are substantial and permanent. In a classic setting, providing “confirming feedback” to a witness usually occurs when the police tell a witness that he or she made a correct identification, which can make the witness more confident in the accuracy of that identification, even if the witness had identified an innocent person. Gary L. Wells & Amy L. Bradfield,

³ The system variables analyzed are: blind and double-blind administration of photograph arrays, pre-identification instructions, lineup construction, avoiding feedback and recording confidence, multiple viewings, sequential and simultaneous lineups, composites, and showups. *Id.* at 248-261.

⁴ The estimator variables analyzed are: stress on the witness, weapons focus, duration of time to observe perpetrator, distance and lighting, witness characteristics, characteristics of the perpetrator, memory decay, race-bias, private actors, and speed of identification. *Id.* at 261-272.

“‘Good, You Identified the Suspect’: Feedback to Eyewitnesses Distorts Their Reports of the Witnessing Experience,” 83 *J. Applied Psychol.* 360 (1998). Positive confirmatory feedback can alter the witness’s memory for the event. *Id.*; Daniel B. Wright & Elin M. Skagerberg, “Postidentification Feedback Affects Real Eyewitnesses,” 18 *Psychol. Sci.* 172 (2007).

This contaminating effect of feedback – namely its distortion of witnesses’ certainty in their identification, recollections of the quality of their view, and how much attention they paid – is one of the most widespread, powerful, and profoundly consistent effects documented in the psychological literature and found across laboratories as well as in the field. Wells & Bradfield, *supra*, 83 *J. Applied Psychol.* 360.

Indeed, the memories of witnesses for events and facial details are easily tainted, distorted, or completely altered by visual and verbal information, which the witness receives after the event and/or identification procedure. Carolyn Semmler & Neil Brewer, “Postidentification Feedback Effects on Face Recognition Confidence: Evidence for Metacognitive Influences,” 20 *Applied Cognitive Psychol.* 895 (2006); Susan Dixon & Amina Memon, “The Effect of Post-Identification Feedback on the Recall of Crime and Perpetrator Details,” 19 *Applied Cognitive Psychol.* 935 (2005); Amy L. Bradfield *et al.*, “The Damaging Effect of Confirming Feedback on the Relation Between Eyewitness Certainty and Identification Accuracy,” 87 *J. Applied Psychol.* 112 (2002).

Post-event information is often delivered to witnesses in the form of feedback confirming the “accuracy” of the witnesses’ identification (and, by extension, of their memory of the event). Wells & Bradfield, *supra*, 83 *J. Applied Psychol.* 360. A meta-analysis by Amy Bradfield Douglass & Nancy Steblay in 2006 demonstrated that the effect of confirming feedback was consistent, reliable, and robust, with large effect sizes obtained for most dependent measures (including retrospective certainty, opportunity to view, and attention paid). Douglass & Steblay, *supra*, 20 *Applied Cognitive Psychol.* 859 (2006). Indeed, its documentation in a meta-analytic review is indicative of the strength of the confirming feedback effect on witnesses’ memories.

Recently the Third Circuit’s Task Force on Eyewitness Identifications (hereinafter “Third Circuit Task Force”) issued a report in which it cautioned that “an eyewitness who hears or reads a media report describing a suspect may absorb that information and integrate it with his or her memories, distorting what the eyewitness believes that he or she has seen.” REPORT: 2019 REPORT OF THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT TASK FORCE ON EYEWITNESS IDENTIFICATIONS, 92 TEMP. L. REV. 1, 25 (2019). For that reason, the Task Force recommended that witnesses are “not to discuss the matter with anyone and to avoid media and social media accounts of the event.” *Id.* at 16.

The Task Force went on to caution that the science behind human memory demonstrates that memories change depending on what information a witness is exposed to:

The science of human memory reveals that stored memories are malleable and change in response to the accounts of others—a serious concern for the validity of eyewitness identification. An eyewitness’s interactions with other people have the potential to significantly modify the witness’s memory of faces encountered and other event details at the scene of the crime and to inflate confidence. Research demonstrates that an eyewitness may be influenced by being exposed to co-witness’s description of a facial feature, learning that a co-witness made an identification, or learning that a co-witness made an identification confidently. Other sources of suggestivity include exposure to Internet or other media accounts of the event.

Id. at 62 (internal citations and quotations omitted).

The Court in *Henderson* also recognized that “[v]iewing a suspect more than once during an investigation can affect the reliability of the later identification. The problem, as the Special Master found, is that successive views of the same person can make it difficult to know whether the later identification stems from a memory of the original event or a memory of the earlier identification procedure.” 208 N.J. at 255. Repeated viewings are a species of confirmation bias wherein it is the repetition of the viewings themselves that provides the confirmation. Even more problematic for this matter, repeated viewings artificially inflate the witness’s sense of familiarity, a key issue in this case.

See, e.g., Colin Tredoux *et al.*, Eyewitness Identification, in 1 Encyclopedia of Applied Psychology 875 (Charles Spielberger ed., 2004).

The Third Circuit Court Task force concluded as follows regarding multiple viewings by one witness:

Researchers substantially agree that a witness should be provided with only one opportunity to make an identification of the same suspect. Repeated identification attempts with the same suspect increase the chance of error and can inflate witness confidence. The Task Force recommends that multiple identification procedures with the same witness and suspect be avoided.

92 TEMP. L. REV. 1, 16 (footnotes omitted).

In the instant matter, Mr. Rodriguez was shown the photographs in sequence four times. And peppered throughout his identification, he noted that his memory of the case was colored by the surveillance footage of the incident. *See, e.g.,* DA012, DA016. This creates precisely the problem that researchers, our Supreme Court and the Third Circuit warned against; it is just as likely that Mr. Rodriguez is identifying Mr. Benson based on his prior viewings of the photographs and video as it is that he is identifying Mr. Rodriguez as the individual he encountered while working on his car. And once he began to home in on the photograph of Mr. Benson, further views simply confirmed his earlier thought that the Mr. Benson was the culprit. But as the research has demonstrated, that type of identification leads to misidentifications at trial. This is particularly troubling, because in earlier rounds of the photographs, Mr. Rodriguez indicated that other photographs also resembled his assailant.

After reviewing the photographs the first time, Mr. Rodriguez told Officer Rivera that “[h]e looks like this one. I’m not sure but he does look like him in the face . . . You can see him closely on the video. He looks a lot like this one.” DA012. That was Mr. Rodriguez’s answer, no purpose was furthered by multiple showings other than permitting Officer Rivera an opportunity to coax him into a more concrete identification, which is exactly what the officer did.

ii. Instructions

The *Henderson* court held that “[t]he failure to give proper pre-lineup instructions can increase the risk of misidentification.” *Henderson*, 208 N.J. at 897. And the Third Circuit Task Force also noted that, “It is exceedingly difficult to know if the witness made an identification because something suggested the identity of the suspect **or made the witness feel compelled to select someone from the lineup or photo array.**” 92 TEMP. L. REV. 1, 15 (emphasis added). As a result, the Third Circuit Task Force recommended that investigators administering the identification procedure should refrain from making any statements that could be construed as feedback. *Id.*

Notable for its absence is any binding or persuasive authority that would tend to indicate that Mr. Rodriguez – or any other witness – must be unequivocal in his identification. Just as the law permitted Mr. Rodriguez to make an unequivocal identification, it also allowed for the possibility and likelihood that Mr. Rodriguez would not be certain. It was only Officer Rivera who decided that ‘maybe’ was not good enough. Mr. Rodriguez was honest in stating that he could not make an identification. Given the nature of confirmation bias and the opportunities he had for viewing the video surveillance, the probability of a misidentification was already high. But, by adding in four viewings and a command that he must be unequivocal, Officer Rivera violated the New Jersey Constitution and the strictures of *Henderson*.

iii. Estimator Variables

In addition to the system variables at issue, certain estimator variables should lead this Court to have further concerns of a misidentification. Mr. Rodriguez clearly evinced weapons focus during the mere 20 seconds he came face-to-face with the perpetrator. And Mr. Rodriguez is Hispanic and was making a cross-racial identification of a black man. The identification procedure is flawed. The estimator variables, though by no fault of the State, exacerbated an already shaky identification. As a result, the identification procedure should be suppressed.

B. Federal Due Process

Notwithstanding the New Jersey Supreme Court's interpretation of the state's Due Process Clause, the United States Supreme Court has its own standard that applies in all cases. And by that standard—which is typically thought to be more forgiving to law enforcement—the identification procedure should be suppressed.

In *Manson v. Brathwaite*, 432 U.S. 98 (1977), and *Neil v. Biggers*, 409 U.S. 188 (1972), the Supreme Court held that courts must exclude out-of-court identifications that are the product of unduly suggestive identification procedures, which result in a very substantial likelihood of misidentification.

The Supreme Court held that the factors a court should consider include: (1) the witness's opportunity to view the person committing the crime; (2) the witness's degree of attention; (3) the accuracy of the witness's description of the person committing the crime; (4) the witness's level of certainty in the identification; and (5) the time that passed between the crime and the identification. *Manson*, 432 U.S. at 114-15; *Biggers*, 409 U.S. at 199-200. Then, “[a]gainst these factors is to be weighed the corrupting effect of the suggestive identification itself.” *Manson*, 432 U.S. at 114.

Here, the witness's opportunity to view the person committing the crime is minimal. The incident lasted less than 20 seconds and Mr. Rodriguez's own statement makes clear that he was heavily focused on the firearm, not the perpetrator. And Mr. Rodriguez was far from certain of his identification, and only made the identification after twice being told by Officer Rivera that he had to be certain and 'maybe' was not good enough. Given the four sequential showings, the identification procedure was unduly suggestive even by the comparably lax federal standards. And as a result, this identification evidence should be suppressed and excluded from trial.

CONCLUSION

Mr. Benson respectfully requests this Court to enter an order suppressing the pretrial identification made by Mr. Rodriguez, as well as an order precluding Mr. Rodriguez from offering identification evidence at trial. In the alternative, Mr. Benson requests an evidentiary hearing in order to determine the effect that Mr. Rodriguez's viewing of the surveillance had on his eventual identification, as well as any other factual issues that are relevant to the instant motion.

Respectfully submitted,

LAW OFFICE OF DAVID M. SIMON, LLC
Attorney for Jeremy Benson

BY: /s/ David M. Simon
DAVID M. SIMON, ESQUIRE

CC: Assistant Prosecutor Barry Sullivan (*via eCourts*)

Reviewed by: _____

Date: _____

1 STATEMENT OF VICTIM ON SCENE: SAMUEL RODRIGUEZ
 2
 3 CASE NO.: CCPO#19-5154
 4
 5 INTERVIEW DATE: Saturday, July 20th, 2019
 6
 7 TIME: Not stated
 8
 9 INTERVIEW PLACE: Victim Samuel Rodriguez Residence
 10
 11
 12 TAKEN BY: Unidentified Male Officer
 13 Camden County Metro Police Department
 14
 15
 16 Officer Rubi Rivera (Badge #858)
 17 Camden County Metro Police Department
 18 Assisting with Translation
 19
 20
 21 TRANSCRIBED BY: Dalia Lopez/Domestic Violence Unit
 22 Camden County Prosecutor's Office
 23 Transcribing from Spanish to English
 24
 25
 26 TRANSCRIPTION DATE: September 20, 2019
 27

 28
 29 LEGEND:

30
 31 UM: Unidentified Male Officer
 32 RR: Officer Rubi Rivera (Badge #858)
 33 SR: Samuel Rodriguez
 34

 35
 36 STATEMENT BEGINS:

 37
 38 UM: Over what he told them to what happened.
 39

 40 **TRANSLATION BEGINS FROM SPANISH TO ENGLISH:**

 41
 42 RR: **El Detective quiere saber si tu le dar que fue lo que paso um, temprano**
 43 **cuando los otros detectives vinieron. Que fue lo que paso en cortas**
 44 **palabras?**

 45
 46 (The detective wants to know if you would tell him what happened, um, earlier
 47 when the other detectives came. What happened in short words)?
 48

DA001

CCPO/19005154/00000155

1 SR: **Mire allí...yo estaba cuando llame el 9-11 ellos vinieron. Hicieron el**
 2 **reporte. Pidieron la cámara. Que no chequearon la cámara.**

3

4 (Look there...I when I called 9-1-1, I was there when they came. They did the
 5 report. They asked for the camera. That they hadn't checked the camera).

6

7 RR: **Quien los detectives?** (Who, the detectives)?

8

9 SR: **Si. De lo, de los que estaba allí.** (Yes. From the, the ones that were there).

10

11 RR: So, he said he called 9-1-1.

12

13 UM: No, tell him it's only from the incident. What? What happened? How?

14

15 RR: **Que fue lo que, el lo que quiere saber que fue lo que paso? El incidente**
 16 **que tu llamaste a la guardias? Que fue lo que paso?**

17

18 (What was it that, what he wants to know is what happened? About the incident
 19 where you had to call the officers? What happened)?

20

21 SR: **Yo estaba afuera que iba inspeccionar mi camión a moto vehículos. A la**
 22 **vaina de motores. Estaba sacando lo que es el clac de la bocina y la**
 23 **sirena de atrás que estaba mala para quitar la. Pasar pa Auto Zone**
 24 **comprar la pieza. Poner la. Ir a Motor vehículo a inspeccionar.**

25

26 (I was outside checking my vehicle to take it for inspection at the Motor Vehicles.
 27 The place for autos. I was taking out the piece of the speaker and the horn from
 28 the back cause they were bad to get rid of it. Was going to go to AutoZone to
 29 buy the part. To put it on. Then go to Motor Vehicle for the inspection).

30

31 RR: **Para un minuto.** (Stop for a minute).

32

33 He was checking his vehicle. He was going to take to uh, to get it inspected. He
 34 was fixing some parts, minor parts in the vehicle.

35

36 UM: Mhm.

37

38 RR: Um, that he was trying to fix before he got the vehicle inspected to get an
 39 impact voice.

40

41 UM: And this is outside his house?

42

43 RR: Yes.

44

45 UM: Um, (Address provided)?

46

47 RR: **Y tú estabas afuera** (Address provided)?

48

- 1 (And you was outside of 'Address provided')?
2
- 3 SR: **Si, en la yarda.** (Yes, in the yard).
4
- 5 RR: He said yeah, he was in his yard.
6
- 7 UM: Okay. Okay. And it's, it's 8:09 right now on Saturday, July 20th, of 2019. Was this
8 about 8:00 in the morning? That it happened about 12 hours ago?
9
- 10 RR: **A qué hora paso eso?** (At what time did this happen)?
11
- 12 SR: **E, yo hable con la hija mía a las 7 y 55 mas o menos. Y a la 7:56.**
13
14 (Uh, spoke to my daughter at around 7:55 more or less. And at 7:56).
15
- 16 RR: **Fue como las 8:00 de la mañana?** (It was like 8:00 o'clock in the morning)?
17
- 18 SR: **8:00 de la mañana. 8:05 mínimo a la hora.**
19
20 (8:00 in the morning. Minimally at around 8:05).
21
- 22 RR: He says minimum between 8:00, 8:05 a.m.
23
- 24 UM: Okay. So, what happened from there? He's outside fixing and then what
25 happened?
26
- 27 RR: **So, que paso después? Tu estaba a chequeando las piezas para ir a
28 buscar las?**
29
- 30 (So, what happened afterwards? You were checking so that you can go get the
31 pieces)?
32
- 33 SR: **Saque las pieza, la bocina. Estaba recogiendo un tablón para ir me al
34 lado de atrás a sacar la, la otra, la otra pieza de repente cuando levanto
35 el tablón veo un moreno de raza negra que viene al frente. Caminando
36 a paso rápido. Sección al (Inaudible) al tres. Y al de (inaudible) de la
37 esquina (Address provided) de la casa veo que corrió hacia a mí. Y de
38 repente saco la pistola y me dijo, "give me fucking money."
39**
- 40 (I took out the pieces, the speaker. I was picking up a board to go to the other
41 side to take out the, the other piece when all of the sudden while I was pulling
42 out the hood, I see a black man coming towards me. Walking rapidly. Near the
43 section of 'inaudible' at 3. And at the 'inaudible' corner of 'Address provided' of
44 the house I see him running towards me. And he suddenly took out a pistol and
45 said to me, "give me fucking money").
46
- 47 RR: So, he says he goes to the back and he just start taking the pieces of...out that
48 he needed to get fixed. He says when he glances up from the hood of the car,

1 he sees a black unknown male, kind of like out of breath rushing. He makes it to
2 the corner of his residence, (address provided), and when he looks at him, he
3 basically charged him. He says pulls out a handgun and tells him give him, give
4 him your fucking money.
5

6 UM: Okay. And then he, and then what happens from there?
7

8 RR: **Después que paso? Entonces pues si no tengo encima. E, le digo no**
9 **tengo dinero. Con la pistola así señalando al frente mi cara y el pecho.**
10 **Nunca la bajo hacer solo sino al frente.**
11

12 (After that what happened? Then, well, I don't have any on me. Uh, I tell him I
13 don't have money. He was pointing the pistol at my face and chest. Never
14 lowered it only had it towards my front).
15

16 RR: He says he's telling him he doesn't have any money and he says he's pointing
17 the handgun right in front of his face uh, his face and his chest. Never pointed
18 the gun lower than his chest.
19

20 UM: Okay.
21

22 SR: **Yo le dije que no tenia dinero. El seguía dice "money". Entonces entro**
23 **la mano en la cartera con la mano del izquierda mientras tenia con la**
24 **derecha la pistola. Me saco la cartera y automáticamente se fue**
25 **corriendo por el medio de los caros el (Inaudible) y el Ford e, 250 una,**
26 **una.**
27

28 (I told him that I didn't have any money. He kept saying, "money". Then with his
29 left hand he reached for my wallet while he had the gun in his right hand. He
30 took out my wallet and automatically went running in between cars; the
31 'inaudible', and a Ford uh, 250, a, a).
32

33 RR: So, he says he's holding the handgun with his right hand. He takes his left hand
34 reaches into his back uh, right pocket. Takes out his wallet um, and then flees in
35 between the vehicles and runs out.
36

37 UM: Okay. Did he see him come or go in a car? Or anything like that? Any vehicle?
38

39 RR: **Tu no viste, tu no lo viste el, el venir con un caro? Salirse de un caro?**
40

41 (You didn't see, you didn't see him, him come in a car? Get out of a car)?
42

43 SR: **El después que vi la cámara que estaban los detectives pude verlo en el**
44 **momento que estaban buscando el sistema que paso por el frente. Se**
45 **parqueo a donde esta el poste de luz en la Rowe y de la Rowe salio por**
46 **el lao del chofer y se vino a las de la cinco a la 32.**
47

1 (After I saw the cameras that the detectives were there reviewing the system, I
2 was able to see the moment he passed in front of me. He parked next the light
3 post at Rowe and from Rowe got out of the driver's side and went towards 5th
4 and down to 32nd St).

5
6 RR: So, he said he didn't know he was in a vehicle until the detectives came and saw
7 the video and then he sees him that he parked on Rowe street.

8
9 UM: Till, till he watched the video? Okay.

10
11 RR: Like from there he then got in the vehicle and drove off.

12
13 UM: Can you have him just describe this guy to me?

14
15 RR: **Como? Tú le puedes describir a él como lo físicamente lo que él tenía
16 puesto o describir lo a el?**

17
18 (How? Can you give him a physical description of what he had on or can you
19 describe him)?

20
21 SR: **Estaba totalmente vestido de negro. Pantalón corto, vestura estaba
22 negra. Gorra negra. Y los saca (inaudible) no pude ver los muy bien
23 pues como tenía la, la...estaba mirando su rostro. Na' más le pude ver
24 un poco la cara mirar y fue algo rápido.**

25
26 (He was totally dressed in black. Shorts, black shirt. Black cap. And the shoes
27 'inaudible', I couldn't see them too good since he had the, the...I was looking at
28 his face. I could only see his face a little bit and it happened so fast).

29
30 RR: He couldn't see his footwear, black pants, black T-shirt, black baseball cap. Dark
31 female, young.

32
33 UM: Dark male or female you said?

34
35 RR: I mean dark male. I'm sorry.

36
37 UM: Oh, oh. Okay. Did um...how, well, how about height and weight?

38
39 RR: **Como cuanto de estatura y cuánto pesaba más o menos?**

40
41 (Like how tall and how much does he weight more or less)?

42
43 SR: **El mínimo creo yo diría que es un 5.4" o un 5.6".**

44
45 (I believe, I would say the minimum 5.4" or 5.6").

46
47 RR: He said minimum 5, between 5.4/5.6.

48

1 SR: **200/180 libras mínimo el peso.** (Minimum 200/180 pounds).

2

3 RR: He says 180, 200 pounds.

4

5 UM: Okay. And I know that he just looked at the photo array and you said he didn't
6 make a selection. Did anyone resemble in that, in that photo array the suspect at
7 all? Anyone stand out to him?

8

9 RR: **Él dice que el entiende que no escogiste a nadie con la fotografía pero
10 nadie en esa fotografía te salio que podía hacer el sospechoso? De las
11 fotos que te enseñamos?**

12

13 (He says that he understands that you didn't pick anyone from the photographs
14 but did anyone in those photographs stand out to you as being the suspect?
15 From the photos that we showed you)?

16

17 SR: **No, no, no. Todos tienen barba y el andaba rasurado y.**

18

19 (No, no, no. They all had beards and he was clean shaven and).

20

21 RR: He says...he says they all have beards and mustaches. He says the suspect had
22 uh, was clean shaven.

23

24 UM: Well, other than that because like we, you said in the array that could have been
25 different. Besides that, could he have been in there without a beard?

26

27 RR: **Si esa persona tenía bigote and no estaba afeta'o tu podía identificar
28 lo? No, no salía nada los ojos, la cara? Nada te salio? Si no tuvieran.**

29

30 (If that person had a mustache and wasn't shaven would you be able to identify
31 him? Did anything stand out, the eyes, the face? Nothing stood out? If they
32 didn't have it)?

33

34 SR: **Podrían ayudar me mas si me enseñarían una foto, un video de lo que
35 paso aquí con la gorra a según ta la persona. Me ayudaría más.**

36

37 (You all could help me more by showing me a photo, a video of what happened
38 here; the person wearing the cap. It would help me more).

39

40 RR: He said, he said maybe if he saw the video again or anything like that, he could
41 probably identify him.

42

43 UM: Okay. Alright, well, we're done now. We'll tell him we're going to get out of here.
44 I'll, I'll get him, show him the video that uh, he had and then we can...okay.

45

46 RR: **Él te va a enseñar el video y entonces terminamos.**

47

48 (He's going to show you the video and then we will conclude).

1 UM: He wants to come up.

2

3 RR: **El video arriba.** (The video is upstairs).

4

5 SR: O, okay.

6

7 UM: Yeah, you want to try.

8

9

10 STATEMENT ENDS.

11

12

13

14

15

16

17

18

19

20

21

22

1907200175 (0800) Abreu 9/9/

Samuel Rodriguez

11-02-80

511 N. 32nd St.

862-235-2794

Came up 32nd St.

"Give me money"

Ⓡ hand Firearm

Walled back Ⓡ pocket

Blk wallet "Echo"

- NJ DL, Dominican ID

- \$300 - \$500

- \$1,000 Dominican Pesos @ 20

PNC Bank Debit Card

S - Bl/m o/s Blk/hat, Blk/shorts

5'4" - 5'7", 180-200 lbs., Sandals

Clean Shaven, early 20's

Fled down Rowc → 31stDet.  #20

DA008

CCPO/19005154/00000024

Reviewed by: _____

Date: _____

1 STATEMENT OF: SAMUEL RODRIGUEZ
2
3 CASE NO.: CCPO#19-5154
4
5 INTERVIEW DATE: July 20, 2019
6
7 TIME: Begin Time: 11:25 a.m. End Time: 11:35 a.m.
8
9 INTERVIEW PLACE: Camden County Metro Police Department
10 Camden, New Jersey
11
12
13 TAKEN BY: Officer Rubi Rivera (Badge #858)
14 Camden County Metro Police Department
15 Conducting Interview in Spanish
16
17
18 TRANSCRIBED BY: Dalia Lopez
19 Camden County Prosecutor's Office
20 Transcribing from Spanish to English
21
22
23 TRANSCRIPTION DATE: September 18, 2019
24

25
26 LEGEND:

27
28 RR: Officer Rubi Rivera (Badge #858)
29 SR: Samuel Rodriguez
30

31 (TRANSCRIBED FROM THE AUDIO/VIDEO CD/DVD)
32

33 STATEMENT BEGINS:
34

35 **TRANSCRIPTION BEGINS FROM SPANISH TO ENGLISH:**
36

37 RR: **So, yo te voy a hacer la foto. Soy Oficial Rivera. Um, nosotros hablamos**
38 **temprano de la fotografía. Son las 11:25. Está listo?**
39

40 (So, I'm am going do the photos. I am Officer Rivera. Um, we talked to you
41 earlier about the photographs. It is 11:25. Are you ready)?
42

43 SR: **Si.** (Yes).
44

45 RR: **Te voy a leer lo mismo de temprano. Un momento le voy a enseñar**
46 **unos cuantos de fotografías uno a la vez. Usted debe de con...de coger**
47 **el tiempo necesario cuando estas examinando cada fotografía. Usted**
48 **no debe de concluir que la persona que ha cometido el crimen esta en**

DA009

CCPO/19005154/00000135

1 el grupo de fotografías simplemente porque le estoy enseñando este
 2 grupo de fotografías. Usted observadamente, no se requiere escoger de
 3 esas fotografías y usted no debe sentirse obligado para escoger una
 4 fotografía. Las fotografías serán presentadas en una orden a la vez. No
 5 sé, no le estoy en cualquier manera tratando de pasar le influencia en
 6 su decisión por esta orden que se presenta las fotografías. Avise me
 7 inmediatamente se reconoce la persona en la foto que cometió el
 8 crimen. Todo fotografía serán presentadas a usted aunque usted
 9 seleccione una fotografía. Por favor, tenga en presente que el estilo de
 10 penado, barba y bigote cambia fácilmente. La gente aumenta y rebajan
 11 de peso. También las fotografías nunca reflejan el color de la persona.
 12 Si usted selecciona una fotografía por favor no me pregunes si yo
 13 estoy de acuerdo o tu suporto en tu decisión. Es su selección que
 14 cuenta. Por favor no hable sobre la fotografía que seleccionaste con
 15 otros testigo que la, los podemos preguntar que examinen esas
 16 fotografías. Yo leí las instrucciones. Yo los entiendo. No otras
 17 instrucciones fueron dadas a mi por el investigador. Puedes firmar me
 18 aquí?

19
 20 (I'm going to read to you the same thing from earlier. In a moment I'm going to
 21 show you some photographs one at a time. You should...you should take the
 22 necessary time you need when examining each photograph. You should not
 23 assume that the person that has committed the crime is in the group of
 24 photographs simply because I'm showing the group of photographs. Obviously,
 25 you are not required to chose one of the photographs and you shouldn't feel
 26 obligated to choose a photograph. The photographs will be presented in order. I
 27 don't, I'm not in any way trying to influence your decision by presenting the
 28 photographs in order. Advise me immediately if you recognize the photo of the
 29 person who committed the crime. Every photo will be presented to you even if
 30 you select a photograph. Please, keep in mind that the style of hair, beard and
 31 mustache can change quickly. People gain weight and lose weight. Also, the
 32 photographs never reflects the person's color. If you select a photograph, please
 33 do not ask me if I agree or if I support you in your decision. It is your decision
 34 that counts. Please, do not talk about the photograph that you selected with
 35 other witnesses who are going to be asked to examine these photographs. I've
 36 read the instructions. I understand them. No other instructions were given to me
 37 from the Investigator. Can you sign right here)?

38
 39 (Detective Rivera slides over the Photo Display Form to Samuel Rodriguez).

40
 41 SR: (Samuel Rodriguez signs the Photo Display form).

42
 43 RR: **Su nombre completo?** (You complete name)?

44
 45 SR: Samuel De Rodriguez-Torres.

46
 47 RR: **Su dirección?** (Your address)?

48

1 SR: (Address provided).
2
3 RR: **Fecha de nacimiento?** (You're date of birth)?
4
5 SR: (Date of Birth provided).
6
7 RR: **Voy ahora a mezclar las fotos.**
8
9 (I'm now going to shuffle the photos).
10
11 (Detective Rivera shuffles the photographs).
12
13 **Foto número uno.** (Photo number one).
14
15 (Detective Rivera places a photograph on the table).
16
17 SR: (Samuel Rodriguez looks at the photograph).
18
19 **No. No se parece a él.** (No, he doesn't look like him).
20
21 RR: **Puedes poner me las iniciales?** (Can you put the initials here)?
22
23 SR: (Samuel Rodriguez signs the back of the photograph).
24
25 RR: **Ponlo por aquí en el lao. Voltea lo pa bajo.**
26
27 (Put them here on the side. Turn them facing downward).
28
29 SR: (Samuel Rodriguez places the photograph on the side facing down).
30
31 RR: **Foto número dos.** (Photo number Two).
32
33 (Detective Rivera hands Samuel Rodriguez a photograph)
34
35 SR: (Samuel Rodriguez looks at the photograph, writes on the back of the
36 photograph and places it on the side face-down).
37
38 RR: **Foto número tres.** (Photo number three).
39
40 (Detective Rivera place a photograph in front of Samuel Rodriguez).
41
42 SR: (Samuel Rodriguez looks at the photograph, signs the back of the photograph
43 and places it on the side face-down).
44
45 RR: **Foto número cuatro.** (Photo number four).
46
47 (Detective Rivera slides the photograph to Samuel Rodriguez).
48

1 SR: (Samuel Rodriguez looks at the photograph, signs the back and looks at it again;
2 places on the side face-down).
3

4 RR: **Foto número cinco.** (Photo number five).
5

6 (Detective Rivera slides the photograph to Samuel Rodriguez).
7

8 SR: (Samuel Rodriguez looks at the photograph, signs the back and places it on the
9 side face-down).
10

11 RR: **Foto número seis.** (Photo number six).
12

13 (Detective Rivera slides the photograph to Samuel Rodriguez).
14

15 SR: (Samuel Rodriguez stares at the photograph signs the back).
16

17 **Este me parece. Pero no estoy seguro.**
18

19 (This one looks like him. But I'm not sure).
20

21 (Samuel Rodriguez stares at the photograph and places the photograph on the
22 side face down).
23

24 **Son parecido pero no me siento seguro.**
25

26 (They look alike but I'm not so sure).
27

28 RR: **Foto número siete.** (Photo number seven).
29

30 (Detective Rivera slides a photograph to Samuel Rodriguez).
31

32 SR: (Samuel Rodriguez looks at photograph and points to it; signs the back).
33

34 **El parece a este. No estoy seguro pero si me parece más a la físico.**
35

36 (He looks like this one. I'm not sure but he does look like him in the face).
37

38 (Samuel Rodriguez looks at the photograph again).
39

40 **Se puede ver cercarlo en el video. Me semejó mucho a ese. Eso no.**
41

42 (You can see him closely on the video. He looks a lot like this one. That the
43 thing).
44

45 RR: **Foto número ocho.** (Photo number eight).
46

47 (Detective Rivera slides a photograph to Samuel Rodriguez).
48

1 SR: (Samuel Rodriguez looks at the photograph, signs the back; hands the
2 photograph back to Detective Rivera),

3

4 **Nada más semeja a la siete. Se me ve más parecido a la siete.**

5

6 (He looks like seven only. He looks more like seven).

7

8 RR: **Quieres revisar los fotos otra vez?**

9

10 (Do you want to review the photos again)?

11

12 SR: (Samuel Rodriguez slightly nods head yes).

13

14 RR: **Se van a mezclar otra vez.** (They're going to be shuffled again).

15

16 (Detective Rivera shuffles the photographs).

17

18 **Puedes tomar se su tiempo...a chequear la foto.**

19

20 (You can take your time...to check the photo).

21

22 **Foto número dos.** (Photo number two).

23

24 (Detective Rivera slides a photograph to Samuel Rodriguez).

25

26 SR: (Samuel Rodriguez looks at the photograph). No.

27

28 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

29

30 **Foto número cuatro.** (Photo number four).

31

32 SR: (Samuel Rodriguez looks at the photograph). No.

33

34 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

35

36 **Foto número seis.** (Photo number six).

37

38 SR: (Samuel Rodriguez looks at the photograph places it on the left side of the
39 table).

40

41 RR: No?

42

43 SR: (Samuel Rodriguez picks up the photograph).

44

45 **Se me ve parecido.** (He looks like him).

46

47 (Inaudible whispering).

48

1 RR: **Foto numero uno.** (Photo number one).
2
3 (Detective Rivera slides a photograph to Samuel Rodriguez).
4 SR: (Samuel Rodriguez looks at the photograph and places on the side face-down).
5
6 **No, este no.** (No, not this one).
7
8 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).
9
10 **Foto número siete.** (Photo number seven).
11
12 SR: (Samuel Rodriguez looks at the photograph, points to it and places it on the left
13 side of the table).
14
15 **Este si se parece.** (This one does look like him).
16
17 RR: **Tiene que ponerlo aquí.** (You have to put it here).
18
19 (Points to the right side of the table).
20
21 SR: (Places the photograph on the right side of the table with the other
22 photographs).
23
24 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).
25
26 **Foto número tres.** (Photo number three).
27
28 SR: (Samuel Rodriguez looks at the photograph and places it on the table face
29 down).
30
31 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).
32
33 **Foto número ocho.** (Photo number eight).
34
35 SR: (Samuel Rodriguez looks at the photograph).
36
37 **La siete es la que más coincide con el rostro del.**
38
39 (Seven is the one that mostly looks like his face).
40
41 RR: **Quieres ver lo otra vez?** (Do you want to see them again)?
42
43 SR: **El siete. No, el siete lo que yo veo. Si puedes chequear lo. Creo que el**
44 **siete sí.**
45
46 (Seven. No, seven is the one that I can see. If you want to check it. I believe it's
47 seven).
48

1 RR: **Si, yo te lo puedo dar todo otra vez.** (Yes, I can give them to you again).

2

3 (Detective Rivera shuffles the photographs).

4 **Cuando, si tú, si crees que es esa persona tu le vas a poner tu firma. Y**
 5 **vas a decir que tu lo...tienes que decir si o no. No podemos estar en el**
 6 **medio. Tienes que decir si lo voy a identificar que esta fue la persona y**
 7 **tu le pones tu firma. Sino se quedan con las iniciales. Foto numero dos.**

8

9 (When, if you, if you believe that, that's the person you will sign it. And your
 10 going to say that you will...have to say yes or no. We cannot be in the middle.
 11 You have to decide if that is the person and put your signature on it. If not, they
 12 will have to use your initials. Photo number two).

13

14 (Detective Rivera slides a photograph to Samuel Rodriguez).

15

16 SR: (Samuel Rodriguez looks at the photograph). No.

17

18 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

19

20 **Foto número ocho.** (Photo number eight).

21

22 SF: (Samuel Rodriguez looks at the photograph and places back in the pile).

23

24 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

25

26 **Foto número cinco.** (Photo number five).

27

28 SF: (Samuel Rodriguez looks at the photograph and places it back in the pile).

29

30 **No, no, ese no.** (No, no, not this one).

31

32 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

33

34 **Foto número tres.** (Photo number three).

35

36 SF: (Samuel Rodriguez looks at the photograph nods head no).

37

38 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

39

40 **Foto número siete.** (Photo number seven).

41

42 SF: (Samuel Rodriguez looks at the photograph).

43

44 **Este es el que se me parece. Todas las fotos que e visto este es el más**
 45 **que tiene la forma en lo físico de el de la cara. Es lo único. Si veo el**
 46 **video y puedo ver la, la, el fecio de la nariz. Es el que mas se me parece**
 47 **de esta gente. Que puedo mas o menos reconocer. No puedo decir que**
 48 **es el porque es una foto. No tenia bigote. Pero en la cara ven mirar me**

1 **cuando me dijo, "give me fucking money". Es lo que mas se me refleja,**
 2 **la cara. Es lo mas cerca que pude ver a la persona que pude ver.**

3
 4 (This is the one that looks like him. Out of all the photographs that I've seen this
 5 is the one that he has the same form and physical shape of face. That's the only
 6 thing. If I can see the video, the, the outline of his nose. He is the one that looks
 7 more like him than the other people. That I can see more or less. I can't say that
 8 it's him because it's a photograph. He didn't have a beard. But I was looking at
 9 his face while he said to me, "give me fucking money". That is what stands out
 10 to me, his face. It's the closest thing that I could see from that person).

11
 12 (Samuel Rodriguez signs the back of the photograph and hands it over to
 13 Detective Rivera).

14
 15 RR: **Tu firma?** (Your signature)?

16
 17 SF: Hm?

18
 19 RR: **Tu identificaste a esa persona?** (You identified that person)?

20
 21 SF: **Es lo que mas se me refleja.** (That is what stands out to me).

22
 23 RR: **So, tiene que firmar me. Tiene que firmar me detrás del retrato si tu**
 24 **dices que ese fue la persona.**

25
 26 (So, you have to sign. You have to sign on the back if you say that this is the
 27 person).

28
 29 SF: **Pero necesito de ha.** (But i need to).

30
 31 RR: **Yo no puedo enseñarte el video antes de enseñarte el retrato. Tienes**
 32 **que.**

33
 34 (I cannot show you the video before I show you the picture. You have to).

35
 36 SF: **Pues no. Me quedo así como sea.** (Well, no. However, I'll keep it like that).

37
 38 RR: **Esta Bien.** (That's fine).

39
 40 (Detective Rivera slides a photograph to Samuel Rodriguez).

41
 42 **Foto número uno.** (Photo number one).

43
 44 SF: (Samuel Rodriguez looks at the photograph and places it on the pile).

45
 46 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).

47
 48 **Foto número seis.** (Photo number six).

- 1 SF: (Samuel Rodriguez looks at the photograph and places it on the pile). Um-um.
2
- 3 RR: (Detective Rivera slides a photograph to Samuel Rodriguez).
4
- 5 **Foto número cuatro.** (Photo number four).
6
- 7 SF: (Samuel Rodriguez looks at the photograph and whispers), no.
8
- 9 RR: **Quieres ver las fotos otra vez?** (Do you want to see the photos again)?
10
- 11 SF: **No necesito ya. El que la siete es que se mas semeja, pero no.**
12
13 (I don't need it already. Seven is the one that looks like him, but not).
14
- 15 RR: **Si uh, infortunadamente tiene que o es si o no. No podemos estar en el**
16 **medio. So, si tu dice que la fácil de el de la cara y to' de ese tu puedes**
17 **decir que es el.**
18 **Sino puedes decir que no.**
19
- 20 (Yes, uh, unfortunately it has to be a yes or a no. We can't be in the middle. So,
21 if you say that the, that his face and everything is him, you can say that it's him.
22 If not, you can say no).
23
- 24 SF: **Y si no hago caso y no es él?** (And if I don't make a case and it's not him)?
25
- 26 RR: **Como que si no es él?** (What do you mean if it's not him)?
27
- 28 SF: **Que no sea él?** (That it might not be him)?
29
- 30 RR: **Ellos, los detectives te contactan. Si es el o no es el. Si tu no escoja a**
31 **nadie fue como temprano. Si tu crees que esa persona puede ser la**
32 **persona tu mirando la foto, tu le de tu firma.**
33
- 34 (The detective will contact you. If it's him or not him. If you don't pick anyone
35 then it'll be like earlier. If you believe that this is the person by you looking at the
36 photo, give it your signature).
37
- 38 SF: **Pues ellos chequean con la...con el sistema?**
39
- 40 (Well, they check with the...in the system)?
41
- 42 RR: Mhm. Mhm.
43
- 44 SF: **Pues dame yo lo firmo.** (Well, give it to me, I'll sign it).
45
- 46 RR: **Te voy a enseñar los retratos otra vez. Como quiera. Los voy a mezclar.**
47 **Tu firma el retrato que tu piensa que es el sospechoso con el incidente.**
48 **Y me vas a firmar y me vas a decir que es el.**

1 (I'm going to show you the pictures again. Whatever. I'm going to mixed them
2 up. Sign the picture that you think is the suspect from the incident. And your
3 going to sign it and tell me it's him).

4
5 (Detective Rivera shuffles the photographs and slides a photograph to Samuel
6 Rodriguez).

7
8 **Foto número seis.** (Photo number six).

9
10 SF: (Samuel Rodriguez looks at the photograph). No.

11
12 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).

13
14 **Foto número uno.** (Photo number one).

15
16 SF: (Samuel Rodriguez looks at the photograph and places it on the table).

17
18 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).

19
20 **Foto tres.** (Photo three).

21
22 SF: (Samuel Rodriguez looks at the photograph and places it on the table).

23
24 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).

25
26 **Foto cinco.** (Photo five).

27
28 SF: (Samuel Rodriguez looks at the photograph and places it on the table).

29
30 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).

31
32 **Foto ocho.** (Photo eight).

33
34 SF: (Samuel Rodriguez looks at the photograph and places it on the table).

35
36 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).

37
38 **Foto cuatro.** (Photo four).

39
40 SF: (Samuel Rodriguez looks at the photograph and places it on the table).

41
42 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).

43
44 **Foto siete.** (Photo seven).

45
46 SF: (Samuel Rodriguez looks at the photograph, nods his head slightly, and signs the
47 back of the photograph).

48

1 **Si yo te voy a firmar este.** (Yes, I'm going to sign this one).
2
3 RR: **Esta bien.** (That's fine).
4
5 SF: **En dado caso que es seguro mismo.** (This is for sure based on this case).
6
7 RR: **El número siete?** (The number seven)?
8
9 SF: (Nods his head yes).
10
11 RR: (Detective Rivera slides a photograph over to Samuel Rodriguez).
12
13 **Foto dos.** (Photo two).
14
15 SF: (Samuel looks at the photograph and places it on the table).
16
17 RR: (Detective Rivera writes on the Photo Array form).
18
19 **So, me vas a firmar aquí diciendo que tu seleccionaste el, la fotografía**
20 **que fue número siete. Correcto?**
21
22 (So, you're going to sign here saying that you've selected a, a photograph that is
23 the number seven. Correct)?
24
25 SF: (Samuel Rodriguez nods his head).
26
27 RR: **Me vas a firmar aquí. Vas a poner en, en printer su nombre completo,**
28 **dirección y numero de telefono.**
29
30 (You're going to sign here. You're going to put in, in print your full name,
31 address and telephone number).
32
33 (Detective Rivera slides over the Photo Array form to Samuel Rodriguez).
34
35 SF: (Samuel Rodriguez signs the Photo Array form).
36
37 RR: **Alguna pregunta en los papeles?** (Any questions about the papers)?
38
39 SF: **Los papeles de esto?** (The papers about this)?
40
41 RR: **De los que yo te leí, no tienes alguna pregunta antes de terminar esta**
42 **vez?**
43
44 (The ones that I read to you, do you have any questions before we conclude this
45 time)?
46
47 SF: (Shakes head no). No.
48

1 RR: **Son las 11:35.** (It is 11:35).

2

3 (Detective Rivera signs the Photo Array form).

4

5 **De me un segundo. Pude quedarse ahí. Yo vengo ahora.**

6

7 (Give me a second. You can stay here. I'll come back soon).

8

9

10 STATEMENT ENDS.

11