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SUPERIOR COURT OF NEW JERSEY
CRIMINAL DIVISION - UNION COUNTY
INDICTMENT NOS. 63-01-86 and
210-02-87

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STATE OF NEW JERSEY, :
Complainant, :
vs. :
BYRON A. HALSEY, :
Defendant. :

TRIAL TRANSCRIPT

Date: March 2, 1988
Place: Union County Courthouse
Elizabeth, New Jersey

B E F O R E:

THE HONORABLE WILLIAM L'E WERTHEIMER, J.S.C.

TRANSCRIPT ORDERED BY:

DAVID L. KERVICK, ESQ.

A P P E A R A N C E S:

ELEANOR J. CLARK, ESQ. and
EDMUND J. TUCKER, ESQ.
Assistant Prosecutors
for the State

JOAN D. VAN PELT, ESQ. and
DOLORES M. DELABAR, ESQ.
Deputy Public Defenders
for the Defendant

YVONNE DORTCH, C.S.R.
OFFICIAL COURT REPORTER
License NO. XI01280

1 Q Specifically can you tell me what those areas
2 were?

3 First, what was the first area he seemed to have a
4 problem with?

5 A About how he put the nails into [REDACTED]'s head.

6 Q How did it come about that you say that there
7 was a problem, what happened?

8 A This was going to be his statement, a truthful
9 statement. There were facts in this case known to
10 Lieutenant Lynch and myself and during the course of this
11 narrative portion of the statement, there was how the
12 nails were put into [REDACTED]'s head.

13 Q When that question was posed to the defendant
14 what did he do?

15 A He answered at that time crowbar. His initial
16 response was crowbar.

17 He grinned at us.

18 Q And when the defendant answered crowbar and
19 grinned, what, if anything, did you do?

20 A Lieutenant Lynch said to him, "Now, Byron, you want
21 to give us a truthful statement? You know, a crowbar, is
22 that the truth?"

23 Then he came up and he said, "Hammer."

24 He grinned again.

25 Lieutenant Lynch was saying to him, "Byron, you're

1 playing games with us. You want to give us a truthful
2 statement and you know that's not the truth."

3 Then he mentioned chair.

4 He grinned again.

5 Lieutenant Lynch again was telling him that, you
6 know, you're the one that wants to give us a truthful
7 statement. You're not being truthful with us.

8 Then he finally did tell us what he used to drive
9 the nails into [REDACTED]'s head.

10 Q Any time was it suggested to the defendant
11 what the answer should be?

12 A No.

13 Q Did there come a point in time that that type
14 of situation arose again?

15 A Yes.

16 Q Would you tell us about that?

17 A There came a time with the scissors, scissors that
18 were located at the scene.

19 Q Tell me what transpired, what happened.

20 A There was a question posed about what did you do
21 with the scissors, as I recall. His answer was he used
22 the scissors to poke Tyrone in the face or something of
23 that nature.

24 Then there was a second part to the question about
25 the size of the scissors.

1 Q When that question was posed to the
2 defendant, what did he do?

3 A Well, he answered the question about poking him
4 with the scissors in the face.

5 But when he asked him for the size of the scissors
6 we had him use his fingers and he was not being truthful
7 with us at that point.

8 Q What did he do? What was the gesture he
9 made?

10 A Well, the scissors that were found at the scene
11 were little scissors and we subsequently used a unit of
12 measurement which most people could be familiar with,
13 which would be a Kool filter king cigarette. But his
14 initial time I would say he had it about a foot, he had
15 the scissors about the size of the foot.

16 Q When the defendant first made the description
17 or measurement by gesturing, what, if anything, did you or
18 Lieutenant Lynch do?

19 A We again said, you know, Byron, you've already -- I
20 mean, he's already gone through everything, telling us
21 exactly what has occurred and yet he starts playing a game
22 with us. This is almost at the end of the statement and
23 we're saying -- we asked him. We said, Byron, you know
24 the scissors weren't that long or words to that effect.

25 He was grinning but every time he would be

1 deceptive with us he would grin and he grinned initially
2 with the measurement of the scissors. Then he brought it
3 smaller.

4 We said, Byron, this is suppose to be a truthful
5 statement by you and you're not being truthful with us on
6 this particular question.

7 Then he made -- then we used the Kool filter
8 cigarette as a unit of measurement and that's what he said
9 the size of the scissors were.

10 Q Was there another time during the taking of
11 the written statement that the defendant appeared to have
12 difficulty with any specific area?

13 A Yes. The question about the underpants that were
14 later found to be underpants that were in [REDACTED]'s mouth.

15 Q What happened then that made you think that
16 was difficult or what was unusual about how the
17 defendant's response was?

18 A He wouldn't answer the question.

19 Q What do you mean he wouldn't answer?

20 A We asked the question and he didn't answer and
21 there was quite some delay before he did answer.

22 He picked his hair. He was actually picking the
23 roots out of his hair and putting them in the ashtray and
24 they were catching fire.

25 Q Did he eventually answer the question?

1 A Yes. He did.

2 Q Now. Was there another occasion when the
3 defendant was asked a question that sticks out in your
4 mind?

5 A Yes, with [REDACTED] and the nails in the head. He
6 told us that if he had two cups of black coffee at that
7 time he could remember more about it.

8 Q Why did that stand out in your minds?

9 A Well, the request was odd in itself but also all
10 this time that he was drinking coffee, it was always
11 regular, cream and sugar.

12 Q Did he indicate to you why black coffee would
13 be helpful?

14 A He says it makes him mad and he can remember things
15 better.

16 Q Now, Detective Pfeiffer, did there come a
17 point in time toward the end of the statement when the
18 defendant was asked a statement and something unusual
19 happened?

20 A Yes. In all statements that we take from any
21 defendant one of the last questions is, how have you been
22 treated since you have been here with us.

23 Q Did you ask the defendant that on November
24 16th, 1985?

25 A Yes, we did.

1 Q What was his answer?

2 A He said that we beat him and wouldn't feed him.

3 Q Now, Detective Pfeiffer, what happened when
4 the defendant said that?

5 A We were taken aback by it and we said, oh, come on,
6 Byron. And he laughed and he said, "You treated me very
7 good."

8 Q Is that first answer of the defendant
9 recorded in the sworn written statement?

10 A No, it's not.

11 Q Is it recorded in your report?

12 A It is. I believe.

13 Q Now, Detective Pfeiffer, you talked about
14 breaks and rest periods.

15 When the defendant was giving the third statement
16 on November 16th, 1985 did he have have other
17 conversations with you other than about the crime?

18 A Yes, he did. He would reflect about his life at
19 times.

20 Q Can you tell us what, if anything, you
21 remembered about those conversation?

22 A Lieutenant Lynch memorialized on that but I
23 remember during the first rest period that we had he
24 talked about how he's been pushed around all his life,
25 people give him shit. It was basically that. If I had

1 Lieutenant Lynch's report, as I say, he memorialized on
2 that whole entire conversation.

3 Q Would that refresh your recollection?

4 A Yes, ma'am, it would.

5 MRS. CLARK: Your Honor I would like to have
6 something marked.

7 THE COURT: S-258.

8 (Report of Lieutenant Lynch is marked S-258
9 for identification.)

10 Q Detective Pfeiffer, I show you what is marked
11 S-258 for identification.

12 Do you recognize that?

13 A Yes, this is the four-page report written by
14 Lieutenant Lynch.

15 Q Have you seen that on prior occasions?

16 A I have.

17 Q And would you take a perusal of that S-258
18 for identification and see if that refreshes your
19 recollection?

20 A About during the first rest period?

21 Q Yes.

22 A Yes.

23 Q Detective Pfeiffer, as a result of refreshing
24 your recollection, can you tell us now what kind of
25 conversations did the defendant have with you and

1 Lieutenant Lynch during that first period?

2 A He talked about how he was pushed around all his
3 life, that people gave him shit. All he wanted to do is
4 have people talk to him. He had no family. He was born
5 in jail.

6 MS. VAN PELT: Excuse me. He appears to be
7 reading. I want the record to reflect if he's
8 reading.

9 THE COURT: If your recollection is
10 completely refreshed, don't read. If it's not
11 completely refreshed and you have to go back to
12 refresh your recollection, let us know.

13 A Well, I'm reading it and talking.

14 Q Take as much time as you need.

15 Detective Pfeiffer, could you testify generally as
16 to what the defendant said in this conversation on
17 November 16th, 1985 without looking at it at all?

18 A Yes, I could.

19 Q And is the reason you're looking at it you're
20 trying to get a verbatim account?

21 A That's correct.

22 Q Detective Pfeiffer, why don't you give us a
23 general recollection then will go back to the verbatim?

24 A He talked about how people always gave him shit.
25 He's been pushed around all his life. He talked about

1 being born in prison and nobody understands him or would
2 talk to him. He had trouble talking.

3 Q Now. Do you recall on another occasion the
4 defendant having any conversation about some of the past
5 events in his life?

6 A Yes but I was not there during that total taking of
7 that particular interrogation.

8 Q Do you recall what you did hear about the
9 defendant's recollection of his life?

10 A I remember him -- he talked about the National
11 Guard, him being in the National Guard. That's the first
12 time I knew he had been in the National Guard. He talked
13 about how he had fucked up in the National Guard and he
14 got, I believe, a general discharge.

15 He talked about his -- he had a couple children.
16 He had twin girls, I believe. He talked about them but I
17 wasn't there during the whole time of that.

18 Q Detective Pfeiffer, when you say you weren't
19 there for the whole time, where were you?

20 A I went to the bathroom.

21 Q The items you just told us about are the
22 things you heard yourself?

23 A That's right.

24 Q Now, Detective Pfeiffer, did the defendant
25 have any other conversations beside the ones you just tol

1 us about and beside the ones that are memorialized in the
2 sworn written statement during the evening of November
3 16th, 1985?

4 A I don't recall any.

5 Q Do you think you would refresh your
6 recollection by looking at Lieutenant Lynch's report?

7 A Probably.

8 Q Take time to do that.

9 A Yes.

10 Q Does that refresh your recollection at all?

11 A Yes, it does.

12 Q Did the defendant ever pose any questions to
13 you and Lieutenant Lynch during the time you were taking
14 the sworn written statement?

15 A Yes, he did.

16 Q Tell us what kind of questions he posed.

17 A He wanted to know -- he asked Lieutenant Lynch if
18 he thought anybody else was involved.

19 Q And when the defendant asked that question,
20 what, if anything -- what response was given back?

21 A Lieutenant Lynch asked him if anything or anybody
22 was involved.

23 Q Did the defendant answer?

24 A He did answer. But he wanted Lieutenant Lynch to
25 answer that question.