

1 McKenna - People - Direct

2 THE COURT: Overruled.

3 A No.

4 Q You indicated that after telling Yusef Salaam the  
5 purpose of the interview, you advised him of his Miranda  
6 Warnings.

7 Did you do that from a written card, or did you do that  
8 from memory?

9 A No. I did it from a written card from the Police  
10 Department.

11 MS. LEDERER: I would ask, please, if this card  
12 could be marked as People's 175 for identification?

13 (People's exhibit 175 marked for  
14 identification.)

15 MS. LEDERER: Show that to the witness.

16 (Handed up to and examined by the witness.)

17 Q I ask you to please look at what's been marked as  
18 People's 175 for identification.

19 Do you recognize what that is?

20 A I do.

21 Q And what do you recognize that to be?

22 A That's a police department form, Miranda Warnings.

23 Q I would ask you to look at the other side of the  
24 exhibit.

25 Is there any writing on the other side?

1 McKenna - People - Direct

2 A There is.

3 Q At the time that you -- at the time that you read  
4 Yusef Salaam his Miranda Warnings on the evening of April 20,  
5 1989, was there any writing on the back of that card?

6 A No.

7 Q Other than the writing that now appears on the back  
8 of that card, is that the same card that you used to advise  
9 Yusef Salaam of his Miranda Warnings on April 20th of 1989?

10 A Yes.

11 Q And are those the rights that you read to him?

12 A Yeah, they are.

13 MS. LEDERER: Your Honor, at this time, I would  
14 offer People's 175 in evidence.

15 (Handed to and examined by defense attorneys.)

16 MR. BURNS: No objection.

17 THE COURT: All right. Mark it.

18 (People's Exhibit 175 received in evidence and  
19 appropriately marked.)

20 THE COURT: Let me see it.

21 (Handed up to, examined by the Court, and  
22 returned.)

23 (Handed up to and examined by the witness.)

24 Q Detective, I ask you to look at People's 175 in  
25 evidence, and read the rights that you read to Yusef Salaam on

1 McKenna - People - Direct  
2 the night of April 20th of 1989, and indicate what answer, if  
3 any, Yusef Salaam gave to each right, as you read it to him.  
4 A "You have the right to remain silent and refuse to  
5 answer questions. Do you understand?"  
6 At that point I looked at Mr. Salaam, and he, he moved his  
7 head up and down.  
8 And I told him he would have to answer me either yes or  
9 no, and that I was reading something, and I needed a yes or no  
10 answer.  
11 At that time he answered "Yes."  
12 I said to him, "Anything you say may be used against you  
13 in a court of law. Do you understand?" He said "Yes."  
14 "You have the right to counsel, to consult an attorney,  
15 before speaking to the police, and to have an attorney present  
16 during any questioning now and in the future. Do you  
17 understand?" He said, "Yes."  
18 "If you cannot afford an attorney, one will be provided  
19 for you without cost. Do you understand?" He answered "Yes."  
20 If you do have an attorney --"  
21 "If you do not have an attorney available, you have the  
22 right to remain silent until you have had an opportunity to  
23 consult with one. Do you understand?" He said "Yes."  
24 "Now that I have advised you of your rights, are you  
25 willing to answer questions?" He said "Yes."

1 McKenna - People - Direct

2 Q After you advised him of the rights, as you've just  
3 indicated, and he responded, as you've described, what, if  
4 anything, did -- what, if anything, happened?

5 A Again, I said, "I want to talk to you about the  
6 assault."

7 He said, "Before you go any further, I wasn't in Central  
8 Park." He denied being in Central Park.

9 Q What, if anything, did you say when he said that?

10 A I said to him that I had reason to believe that he  
11 was in Central Park, that detectives went to his apartment  
12 with his name, and that they would not have gone to his  
13 apartment, they certainly didn't go through this whole  
14 building and take young fellows out of the building.

15 I said, "They went to your particular apartment, looking  
16 to speak to you."

17 I said, "I know you were in Central Park."

18 He said, "I was not in Central Park."

19 I said to him, "Look, whether -- whether you talk -- when  
20 you speak to me will determine whether you go home or you stay  
21 here for the night.

22 I said, "Do you understand I know you were in the park?"

23 He said, "I was not in Central Park."

24 I asked about four or five times, and he continually  
25 denied being in Central Park.

1 Mckenna - People - Direct

2 I then said to him, "Look, I don't care if you tell me  
3 anything, I don't care what you say to me, we have  
4 fingerprints on the jogger's pants on her jogging shorts,  
5 they're satin, they're very smooth surface. We have been able  
6 to get fingerprints off them.

7 I'm just going to compare your prints to her, the prints  
8 that we have on the pants, and if they match up, you don't  
9 have to tell me anything because you're going for rape."

10 He looked at me and he said to me, "I was there, but I  
11 didn't rape her."

12 I said, "Well, why don't you just tell me what did happen  
13 then, if you were there, you tell me what happens, and we'll  
14 see what happens from there."

15 Q At that time, did Yusef Salaam make a statement to  
16 you on what happened in Central Park on the night of April 19,  
17 1989?

18 A He told me what happened in Central Park .

19 Q What, if anything, did Yusef Salaam tell you about  
20 what happened in Central Park on the night of April 19th of  
21 1989?

22 A He, Yusef said, approximately eight o'clock, he was  
23 outside of his building on Fifth Avenue with a group of  
24 friends, and they included Kevin, Ra -- Kevin, Rao, Corey,  
25 Patrick, Raheem, Sheron and Dennis. He said there was others.

1 McKenna - People - Direct

2 They went to Central -- they were intending to go to  
3 Central Park to have some fun.

4 He told me that a group from the Taft houses, he  
5 estimated that it would be about 15 in number, join his group,  
6 and that they all went into Central Park.

7 He said they entered the park and they went to the road  
8 near the baseball field.

9 He said they stood around, waiting for some people to  
10 come by.

11 He said, a short time later, a bum come up the road, and  
12 he was eating and carrying a bag.

13 He said that a guy from the Taft Houses, he doesn't know  
14 his name, but he had gold caps on his teeth, went up to the  
15 bum, punched him, knocked him down, somebody took the food,  
16 and somebody poured the beer on the bum, he said but everybody  
17 started beating on the bum, and then, when it stopped, they  
18 dragged the bum off the road, and they put him into the grassy  
19 area.

20 He said then he noticed the jogger come by, they tried to  
21 catch the jogger, but they couldn't, he ran away from them.

22 He said, at that point, they heard police sirens, so,  
23 they all scattered and they broke up, they all ran different  
24 ways.

25 He said, a period of time went by, and they met down at

1 McKenna - People - Direct

2 the baseball field, and they regrouped.

3 He said, at this point, he was with a group of people, he  
4 doesn't identify them, they saw a bike, with a man and a woman  
5 on the bike, a tandem bike.

6 He said he stepped -- they stepped out the road, they  
7 tried to stop them, but the man who was on the front sped up,  
8 to him it looked like he was coming right at Yusef, and he  
9 stepped out of the way, and the man, somehow or another  
10 managed to get through the crowd of people. He said, at that  
11 point, he walked across, over -- he walked up to the hill, and  
12 across the road, and he got into a tree line, or in by the  
13 trees.

14 He said, the next thing he remembers is that he saw a  
15 female jogger coming down the path.

16 Kevin ran out and stopped her. She started to struggle  
17 with Kevin.

18 He said he stepped up to her, and he hit her with a pipe.

19 He said she went down, but she was still struggling. So,  
20 he hit her with a pipe again.

21 He then said he then went down on the floor, and he was  
22 feeling her tits.

23 He said her shirt was on, but then Corey took her shirt  
24 off and lift it above her tits, and he started to feel her  
25 breasts again.

1 McKenna - People - Direct

2 He said, then somebody took her pants off, but he doesn't  
3 know who took the pants off.

4 And Kevin got on top of her, and, to quote him, "Kevin  
5 started to fuck her."

6 He said, Kevin got off, and Corey got on, and Corey  
7 fucked her.

8 He said, then Corey got off, and two other guys, but he  
9 doesn't know who they are, they got on her, and they fucked  
10 her.

11 He said then he just, he just left.

12 He said there came a time, later on, when he went down to  
13 the trees again, and he met up with the guy with the gold  
14 tooth.

15 He said they were standing in the tree line, and this  
16 jogger with a green army jacket came by.

17 He said he was a little leery of this jogger, he thought  
18 maybe the guy might have a gun or something, a weapon in his  
19 pocket.

20 It's -- it appeared to him to be like an army fatigue  
21 jacket, a lot of pockets.

22 He said he was afraid to go out after the guy, but the  
23 guy with the gold tooth from the Taft houses stepped out, and  
24 punched the jogger, the male jogger, in the head.

25 He said the male jogger crouched down.



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

McKenna - People - Direct

He then come out of the woods, and he ran up behind the jogger, and he gave him three hits in the head with his fists, Mr. Salaam did.

He said, at that point, then we heard what sounded to him more police sirens and lights coming, and he decided to run.

He ran out of the park on the West side and took the subway.

While he was on the subway, he was on the subway with the guy with the gold tooth and three others.

MR. BURNS: I'm going to object to that, your Honor.

That's outside of the park. Not responsive to the question.

THE COURT: Come up here. Step down.

\*\*\*\*\*

(TRANSCRIPT CONTINUES ON THE FOLLOWING PAGES.)