

NEW YORK CITY POLICE DEPARTMENT  
DEPUTY COMMISSIONER OF TRIALS

One Police Plaza  
New York, New York

Tuesday  
July 27, 2023  
11:00 A.M.

RESPONDENT: POLICE OFFICER JERMACK ROMERO  
24072/2021

REPORTER: VANESSA WALKER

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

BEFORE: HONORABLE VANESSA FACIO-LINCE  
Assistant Deputy Commissioner-Trials

FOR THE DEPARTMENT: STEPHANIE MCCARTHY, ESQ.  
Department Advocate's Office

FOR THE RESPONDENT: ERIC SANDERS, ESQ.  
THE SANDERS FIRM, P.C.  
30 Wall Street, 8th Floor  
New York, New York 10005

1 POLICE OFFICER JOHNSON: Good morning  
2 calling case 24072/2021, Police Officer Jermack Romero.

3 HONORABLE FACIO-LINCE: Counsel, state  
4 your appearances.

5 MS. MCCARTHY: Stephanie McCarthy for the  
6 Department.

7 MR. NEWMAN: -- Morris Newman (phonetic)  
8 also for the Department.

9 MR. SANDERS: Eric Sanders for police  
10 officer Jermack Romero.

11 HONORABLE FACIO-LINCE: Good to meet you.  
12 And good morning, Officer Romero. You all may be  
13 seated.

14 Another preliminary, I want to note for the  
15 record that I did receive copies of the exhibits. I  
16 don't know how many of them will be admitted with all  
17 of them. I'm sure you will enlighten me. There are 20  
18 that I have.

19 MS. MCCARTHY: A lot of them are premarked  
20 in anticipation. I only expect to bring in 1 through  
21 10. If other issues come up, other things may end up  
22 coming up.

23 HONORABLE FACIO-LINCE: Mr. Sanders, I see  
24 there's no stipulation, no objections?

25 MR. SANDERS: No objection. One through

1 10 is perfect.

2 (Whereupon, Department's Exhibits 1  
3 through 10 were received into evidence.)

4 HONORABLE FACIO-LINCE: Just so I know in  
5 terms of timing, how many witnesses do you intend for  
6 today?

7 MS. MCCARTHY: Should only be two to three  
8 today.

9 HONORABLE FACIO-LINCE: Can you tell me  
10 who they are?

11 MS. MCCARTHY: We have Danielle Romero, I  
12 have investigating officer, Sergeant James Rahill, he  
13 was the arresting officer.

14 HONORABLE FACIO-LINCE: You said you don't  
15 anticipate calling more witnesses beyond today?

16 MS. MCCARTHY: I don't anticipate it.

17 HONORABLE FACIO-LINCE: You anticipate  
18 calling any witness, Mr. Sanders?

19 MR. SANDERS: No. We can proceed.

20 HONORABLE FACIO-LINCE: Without further  
21 adeu, that we need to how longing keep there's one is  
22 there anything else we need to take care of?

23 MS. MCCARTHY: If you look at the charges  
24 and specs, we cited both the administration guide and  
25 penal law. And some we're only proceeding through the

1 administrative guide and penal law.

2 HONORABLE FACIO-LINCE: Which ones are you  
3 proceeding with in the administrative guide only?

4 MS. MCCARTHY: Numbers one and three.  
5 Number two only already cited the AG.

6 HONORABLE FACIO-LINCE: Okay. I will hear  
7 opening statements.

8 MS. MCCARTHY: Commissioner, on the night  
9 of September 30, 2021, 18-year-old Danielle Romero  
10 stood back against the wall, arms blocking her face as  
11 the man she thought loved her, the Respondent, held a  
12 fist over her head. "I can break your face right now."  
13 He threatened. Police Officer Jermack Romero was  
14 bigger than her, stronger than her, and 20 years older  
15 than her. When he threatened her, she believed it.

16 That night began as any other ordinary night  
17 at the Respondent's place. They ordered dinner and  
18 they ate together. They were enjoying some cocktails  
19 together but the night took a turn when Ms. Romero made  
20 a joke about the Respondent's relationship with his  
21 best friend, Bruce. The Respondent called her a hating  
22 ass bitch and said to her, "this is why you can't  
23 drink." Bear in mind, Ms. Romero was only 18 years old  
24 at the time, and the Respondent, he was 38.

25 You will hear from the victim herself about

1 everything that transpired after the joke that evening.  
2 She'll tell you that they bickered that the Respondent  
3 told her to get out the apartment. She gathered her  
4 things and she left without incident. She was outside  
5 his apartment trying to summon a cab while on the phone  
6 with her cousin when the Respondent came back out to  
7 argue with her some more. The Respondent, very much a  
8 grown man himself, chided 18-year old Danielle Romero  
9 for not acting like a grown woman because a grown woman  
10 would leave, not call anybody.

11 The two bickered, but Respondent ultimately  
12 invited Ms. Romero back inside where she accepted.  
13 While in the apartment they went into the bedroom. The  
14 Respondent had the lights off. Ms. Romero turned them  
15 on. She wanted to speak. She wanted to talk about  
16 their argument. Mr. Romero warned her not to fucking  
17 play with him and to turn the fucking light off. And  
18 then he started to countdown like he might do a child.  
19 He started five, four, and Ms. Romero was not amused  
20 and finished the countdown for him, 3, 2, 1.

21 Ms. Romero will tell you that the Respondent  
22 jumped out of the bed, grabbed her bags and threw it  
23 into the hallway. Then he came back into the apartment  
24 into his bedroom to throw something else out of the  
25 apartment. Her. She'll tell you she knew he was

1 coming to get her. She jumped on the bed to avoid  
2 being grabbed by him. The Respondent jumped on the  
3 bed, too. The Respondent escalated the situation. He  
4 jumped on the bed and grabbed Ms. Romero by her hair.  
5 He dragged her off the bed and through his apartment.  
6 Ms. Romero tried to find her feet and frailed on to  
7 something to boxers which ripped off. Respondent grabs  
8 her by the arm and continues to drag her through the  
9 apartment. Ms. Romero broke free and punched Mr.  
10 Romero in the mouth, causing him to bleed. And even  
11 then, he didn't diffuse the situation.

12 It was then he cornered her, with fist over  
13 head and threatened to break her face. "I can rip  
14 shit, too." He told her. He grabs the clothes, he  
15 grabs the collar of her sweatshirt and rips it down the  
16 middle and also rips the chain off her neck. For good  
17 measure, he veers back and spits the blood from his  
18 mouth all over her face. Respondent gets close to her  
19 face and tells her, now I'm reporting you as EDP.

20 Ms. Romero had learned from him what EDP  
21 meant. She didn't know what to do but she did what we  
22 hope all teenagers would do in that moment, she called  
23 her mom. Ms. Romero's mother -- I'm sorry. She called  
24 her mom on FaceTime. Ms. Romero's mother saw blood all  
25 over her daughter's face. Ms. Romero told her mother

1        what had just happened. She told her mother about the  
2        fight. The Respondent rips the phone out of her hand  
3        and hangs up the phone. He said "I didn't call 911, I  
4        only was only pretending, why did you call your  
5        mother." Ms. Romero had already seen the blood and she  
6        had already called for help.

7                Ms. Romero had left in a cab that another  
8        family member called for her. The Respondent left as  
9        well. When the 50th Precinct stopped to the location,  
10       everybody was gone. Ms. Romero was almost home when  
11       she received a call from the 50th Precinct to come to  
12       the station. As requested she made her way to the  
13       precinct. She did what they asked her and answered  
14       their questions and told them exactly what happened.  
15       She took pictures of herself and also let them take  
16       pictures of her in the precinct of her injuries.  
17       Scratches to her neck where her chain was ripped off,  
18       scratches on her face from the scuffle. Blood splatter  
19       on her face and sweatshirt, bruises on her arms.  
20       You'll see these photos.

21               At approximately midnight that evening, the  
22       Respondent is at 50th Precinct where is he placed under  
23       arrest for the aforementioned -- here Respondent is  
24       charged with engaging with verbal and physical  
25       altercations with Ms. Romero disconnecting her call

1 with her mother, spitting blood in her face and ripping  
2 her sweatshirt and chain off her neck. During the  
3 course of this trial, you will get to hear from  
4 Ms. Romero herself. You will see she is nervous to be  
5 here today but she is going to tell you the truth about  
6 what happened.

7 Commissioner, at the conclusion of this  
8 trial, the Department is asking the court to find  
9 Respondent guilty of each specification and impose  
10 recommended penalty of termination of the Respondent  
11 consistent with the disciplinary metric. Thank you.

12 HONORABLE FACIO-LINCE: Do you wish to  
13 make an opening?

14 MR. SANDERS: The Department just is  
15 laying out what they believe to be -- presented to the  
16 case. But I want the Commission to pay attention to  
17 the facts in the documents. You just heard a whole  
18 resuscitation about this alleged confrontation about  
19 these two parties. Meanwhile, in her own language, she  
20 had written, she clearly says that she was asked by the  
21 Police Officer Romero to leave her apartment. And she  
22 punched him in the face. And this is going to boil  
23 down to who is credible -- whether the primary  
24 aggressor law was applied and what defenses Romero has  
25 because at that point when he terminated her right to



1 be there. He then can use physical force to remove her  
2 from the apartment. That's what happened in this case.

3 I'm glad that Ms. Romero is going to show up,  
4 because unlike most cases, we get PSAs, we get a live  
5 version of what she told the police that day. There's  
6 no evidence and there will be no evidence that Romero  
7 did anything, meaning Police Officer Romero through the  
8 witness's own testimony. He asked her to leave, she  
9 refused to leave, he used physical force for her to  
10 leave. That's what this case is about. This case is  
11 not about intentional assault. It's not about a  
12 19-year-old -- she was 19 at the time, it's not about  
13 him being large or small. It's about applying the law  
14 equally to people. He doesn't lose his right when he's  
15 a police officer.

16 Hopefully, all the available evidence in this  
17 case that you find the defendant not guilty of all  
18 charges. Thank you.

19 HONORABLE FACIO-LINCE: Thank you.  
20 Department, you may call your first witness.

21 MS. MCCARTHY: The Department calls our  
22 first witness, Ms. Danielle Romero.

23 HONORABLE FACIO-LINCE: Good morning, do  
24 you swear or affirm the tell the truth and nothing but  
25 the truth?

1 MS. ROMERO: I do.

2 HONORABLE FACIO-LINCE: State your name  
3 and spell it for the record,.

4 MS. ROMERO: Danielle Romero,  
5 D-A-N-I-E-L-L-E, R-O-M-E-R-O.

6 HONORABLE FACIO-LINCE: I'm going to ask  
7 that you speak as loudly as you can into the microphone  
8 because the court reporter will be taking down  
9 everything that you say. I will ask that you use  
10 verbal responses because she can't take down movements  
11 or head shakes. And I also ask that you wait for a  
12 question to be completed before you begin answering.  
13 You have any questions before we proceed?

14 THE WITNESS: No.

15 DIRECT EXAMINATION BY

16 MS. MCCARTHY:

17 Q. Good morning, Ms. Romero.

18 A. Good morning.

19 Q. Ms. Romero, are you currently employed?

20 A. No.

21 Q. Why weren't aren't employed?

22 A. I just had a baby.

23 Q. About how long ago?

24 A. A month ago.

25 Q. Prior to being on maternity leave, were you

1 employed?

2 A. Yes.

3 Q. Where have you worked in the recent parts?

4 A. I was working at Chelsea Pier at one point  
5 and then a smoke shop.

6 Q. Ms. Romero, I want to direct your attention  
7 to September 30th of 2021. How old were you at that  
8 time?

9 A. 19.

10 Q. On that date, were you in a relationship with  
11 anybody?

12 A. Yes. With Jermack Romero.

13 Q. When did you and Jermack Romero meet?

14 A. August of 2020.

15 Q. So approximately how long before?

16 A. I met him ending of July, beginning of  
17 August.

18 Q. How old were you when you met him?

19 A. I was 17.

20 Q. How old was?

21 A. 38 -- I'm sorry.

22 Q. Approximately is fine. How did your  
23 relationship come about?

24 A. My mother was in a relationship, you can say  
25 with his partner. And they had went out on a double

1 date and my friend had given him my Instagram and  
2 Jermack wrote me through Instagram.

3 Q. I want to clarify, where exactly did you  
4 first meet him?

5 A. Orchid Beach.

6 Q. Were you with anybody that day?

7 A. I was with my mom.

8 Q. Was he tending the beach as a guest?

9 A. No. He was on duty.

10 Q. Was he in uniform?

11 A. Yes.

12 Q. That's how him and your mother met?

13 A. That's how his partner and my mom met.

14 Q. And you were there?

15 A. Yes.

16 Q. After he reaches out to you through  
17 Instagram, how does the relationship evolve?

18 A. We spoke a little bit through Instagram, we  
19 exchange phone numbers, we planned a date and we went  
20 out. That's what happened.

21 Q. Did you go on multiple dates after that?

22 A. Yes.

23 Q. Did there come a point when the relationship  
24 became official?

25 A. I want to says November of that year.

1 Q. How would you characterize your relationship  
2 with him at that point?

3 A. It was good. It was fun.

4 Q. After that point, how would you describe  
5 characterize the relationship?

6 A. It started to get a little bit rocky. Moving  
7 toward the end of the year.

8 Q. What do you mean by rocky?

9 A. We would get into arguments frequently and we  
10 would argue maybe once, twice a month.

11 Q. Were they big arguments?

12 A. At first they started off at small things, if  
13 he felt like I didn't disrespect him, if I didn't  
14 wanted to go out with my friends. It turned into him  
15 kicking me out of the apartment, him throwing my stuff  
16 out of the apartment. Him telling me to go.

17 Q. This went on for approximately how long?

18 A. Up until the incident on September 30th.

19 Q. Again, I want to the redirect your attention  
20 to September 30, 2021, were you and the Respondent  
21 together on that date?

22 A. Yes.

23 Q. In a relationship on that date?

24 A. Yes.

25 Q. Where were you that day?

1 A. I was inside his apartment.

2 Q. How long had you been there that day?

3 A. I was there since the prior night.

4 Q. You had slept over?

5 A. Yes.

6 Q. Was Mr. Romero also there with you all day?

7 A. Yes.

8 Q. Did he leave at any point and return?

9 A. Only in the morning to do his normal routine,  
10 go to the gym, go get something eat and come back.

11 Q. How would you characterize that day?

12 A. It started off fine. And I was sleeping for  
13 most of the day. And that was it.

14 Q. What, if anything, unusual occurred that  
15 evening?

16 A. We weren't having sex prior to that evening,  
17 and it was just a little bit unusual that he started to  
18 engage in sexual activities with me.

19 Q. Is there a reason why?

20 A. He just said that he was taking new gym pills  
21 and that it wasn't working.

22 Q. That evening, you became intimate again?

23 A. Yes.

24 Q. What, if anything, occurred after that?

25 A. He asked me if I wanted to have a drink with

1 him, which I obviously said okay. We decided to order  
2 food and hang out for a little bit.

3 Q. Did that evening take a turn for the worse at  
4 some point?

5 A. Yes.

6 Q. Can you tell me what happened?

7 A. After we had finished eating, he got up to  
8 the kitchen to get a pastry that he bought earlier in  
9 the day. He said that he was going to send it to his  
10 friend Bruce. I made a joke, you're going to send it  
11 to your girlfriend. That's when he said, "it's always  
12 the hating ass bitches. You're a hating ass bitch."

13 It wasn't anything serious to me and I let it  
14 go and he told me I should leave. I asked him if he's  
15 sure he wanted me to go. I grabbed my stuff, I started  
16 packing and I headed towards the exit where I waited  
17 for a cab.

18 Q. When you say you headed toward the exit, did  
19 you exit his apartment?

20 A. Yes.

21 Q. Where were you waiting for the cab?

22 A. I was waiting inside this hallway that's in  
23 front of his apartment door. It's a secluded hallway.

24 Q. Does anyone else have access to this hallway?

25 A. Yes.

1 Q. It's not part of his apartment?

2 A. No.

3 Q. You left his apartment?

4 A. Yes.

5 Q. What did you do when you're in a hallway?

6 A. I was on the phone with my cousin -- at  
7 first, I was calling an Uber. Uber said there was  
8 nothing available around. I was trying Lyft, Lyft said  
9 there was nothing available. So I called my cousin and  
10 asked him if he'll be able to call me a cab. That's  
11 when, I guess Jermack was listening from the opposite  
12 side end of the door, and he asked me who I was talking  
13 to. I told him and he asked me to hang up the phone  
14 and asked me to come back inside.

15 Q. When you were talking to your cousin, were  
16 you telling him about the argument you just had?

17 A. Yes.

18 Q. You went back inside?

19 A. Yes.

20 Q. What happens once you go inside?

21 A. Jermack was laying down --

22 Q. This is in the bedroom?

23 A. Yes, he's in his bedroom. So I walked toward  
24 the bedroom. He was laying down. I turned on the  
25 light, he asked me to turn off the light, which I



1 didn't. And he went, "you think it's a game, you think  
2 it's a fucking game. Just lay down and going to  
3 sleep." I told him I wanted to talk to him because I  
4 felt like every other week I was on the other opposite  
5 end of the door, and he wasn't going for it.

6 And then he began to countdown from five. I  
7 said 3, 2, 1. He got off from the bed and he turned  
8 off the light. When he turned off the light switch,  
9 the light switch broke. So I jumped on top of the bed.  
10 He had taken my bad and threw it out of the apartment.  
11 And he came back inside to, I guess, try to get me out  
12 the apartment. I was on top of the bed so we were  
13 running around the room --

14 Q. What do you mean by running around the room?

15 A. We were basically chasing each other. Well,  
16 he was chasing me and I was trying to get away from him  
17 so he wouldn't catch me. When he did catch me, he  
18 caught me by my hair and dragged me out the room. I  
19 was holding on to his boxers. His boxers started to  
20 rip. So I was on the floor and his genitals are out  
21 and I'm trying to stand up, grabbing on to his shirt.  
22 When I finally stood out, he was holding me by his arm  
23 and I was telling him to let go of me, I started not to  
24 feel well. I started to feel like I was going to black  
25 out.

1 Q. Is he still dragging you at this point?

2 A. He's pulling me and I'm pulling back -- I'm  
3 telling him to let go. And I then strike him in the  
4 face. He began to bleed profusely from his mouth and I  
5 walked out of the apartment. I guess he went to change  
6 his shirt and his boxers. He came back outside of the  
7 apartment and I --

8 Q. You left the apartment now?

9 A. I'm outside of the apartment now. I'm in  
10 that hallway now.

11 Q. Okay.

12 A. When he -- he came out of the apartment after  
13 he changed his shirt and his boxers and he went back  
14 inside because he said he's going to call me in as an  
15 EDP. I called my mom and prior to calling my mom, he  
16 spit all the blood that was in his mouth in my face.  
17 When I called my mom, she thought he had beaten me.  
18 And she decided to call the police and say that he and  
19 I are in a domestic dispute, and something is going on  
20 because my face is bloody.

21 Q. What were you wearing with the spit in your  
22 face?

23 A. I was wearing a quarter zip and sweatpants.

24 Q. What, if anything, with your quarter zip?

25 A. I guess because I ripped his boxers. "You

1 want to rip stuff, I can rip shit, too." He taken me  
2 by the sweater, and he ripped it. And when he ripped  
3 it, he took my name chain with it. So I had took off  
4 the shirt and I put on my work shirt that I had packed  
5 earlier. And at this point we are in a corner and he  
6 cornered me. He said do you know I can break your  
7 fucking face in. You're lucky, I think it's my mom  
8 that's here with me right now because I can break your  
9 face in.

10 Q. Was he doing anything when he was doing this  
11 to you?

12 A. His hands in a fist.

13 Q. His hands in a fist?

14 A. I don't know how to explain how it.

15 Q. Was what it over your head?

16 A. No.

17 Q. In your face?

18 A. Yes. Kind of.

19 Q. What happened next?

20 A. At that point, he had went outside -- he was  
21 on the phone, or pretending, saying my girlfriend just  
22 hit me, I need you to come and pick her up. I assumed  
23 that he was calling another police officer. He went  
24 back inside. When he came back inside, he saw I was  
25 still on the phone, he snatched the phone, hung up the

1 call. "Why did you call your phone, I wasn't really  
2 calling you as an EDP."

3 The situation had already gotten out of hand.  
4 He went back outside and closed the door. My  
5 grandmother called me and told me that my cab was  
6 already outside and the situation is gone and just go  
7 home so I got in my cab and I left.

8 Q. Where did you go in the cab?

9 A. I went home.

10 Q. Did you actually make it home?

11 A. Yes, I got to the front of my house before  
12 the officers at the 50th precinct called me.

13 Q. What happened when they called?

14 A. They asked me who were they speaking to and  
15 they wanted me to go to the 50th Precinct and nobody  
16 was in trouble. They wanted to ask me a couple of  
17 questions. I told them I was already in front of my  
18 house. They said it's okay, they have a ride for me to  
19 go back home they just want to talk. I dropped my  
20 stuff off at home and I went back.

21 Q. I want to go back to the beginning of the  
22 argument where it all started. The first argument  
23 about the joke, about Bruce. How were -- what kind of  
24 volume was he speaking at you?

25 A. At first it started off monotone, and then it

1 got into -- escalated where he's raising his voice.

2 Q. Was he cursing at you?

3 A. Only with the "hating ass bitch" part and  
4 once we got inside, he was just like "I can break your  
5 fucking face".

6 Q. After that first argument, you left?

7 A. Yes.

8 Q. Did you pack your own bag?

9 A. Yes.

10 Q. When you left, and you were on the phone with  
11 your cousin, was the apartment door closed?

12 A. Yes.

13 Q. And he opened the apartment door?

14 A. Yes.

15 Q. What did he say to you when he opened the  
16 door?

17 A. He asked me who was I on the phone with, and  
18 I told him my cousin, and he asked me to hang up the  
19 phone and come back inside. So I did that. When I  
20 came back inside, the situation escalated. Being  
21 outside of the apartment after us getting into that  
22 altercation when my mom hung off the phone, he asked me  
23 why do I have to call people. That's not what a grown  
24 woman does, a grown woman would've gotten up and left.

25 Q. I want to talk about when you go into the

1 apartment and you go into the bedroom, was he already  
2 in the bedroom when you walked in?

3 A. Yes, he was laying down.

4 Q. The lights on or off?

5 A. They were off, and I turned them on.

6 Q. What were you saying to him?

7 A. I was telling him let's speak about the  
8 situation, we've been together a little while now. I  
9 think it's ridiculous that I'm always on the opposite  
10 end of the door.

11 Q. Opposite end of the door meaning what?

12 A. Every time we fight, he has the habit of  
13 kicking me out and telling me to leave.

14 Q. How would you describe his voice when he was  
15 telling you to turn the light off and when he began to  
16 countdown?

17 A. He was very aggressive and his tone was  
18 assertive, his tone was very, I'm serious turn off the  
19 light and I couldn't. And that's when -- he didn't  
20 raise his voice yet. His voice wasn't risen until we  
21 were already outside the apartment in that hallway.

22 Q. After he stands up and comes over to the  
23 light switch, you stated that he broke the light  
24 switch?

25 A. Yes.

1 Q. How did that happen?

2 A. He hit it with the remote, like trying to  
3 flick it off. So the case of the light switch broke.

4 Q. The light is off at this point?

5 A. Yes.

6 Q. Did you turn it back on?

7 A. Yes.

8 Q. What did he say after you turned it back on?

9 A. He told me to turn off the fucking light and  
10 go to sleep, and I think it's a joke and I'm playing  
11 with him. He didn't say like --

12 I need a moment. I'm sorry. Can I see  
13 something to refresh my memory, I'm blanking right now.

14 Q. What would refresh your recollection?

15 A. Past interviews.

16 Q. We do have those.

17 MS. MCCARTHY: I'm going to move on.

18 HONORABLE FACIO-LINCE: You're going to  
19 withdrawn the question. Just give your witness a  
20 moment.

21 THE WITNESS: I'm ready.

22 Q. It's understandable that you're upset. How  
23 are you feeling about being here today?

24 A. It was a last minute decision. I decided  
25 last minute on Friday that I was going to come.

1 Q. Why is that?

2 A. I didn't want to come because -- I felt bad.  
3 I didn't want the same thing to other officers, and IB  
4 -- I didn't want to ruin his career. This is something  
5 he worked for. I felt that at the end of the day I  
6 didn't deserve what happened, considering the way I  
7 treated him during out relationship. I never  
8 disrespected him, I never asked him for anything.  
9 Anytime he needed a person, I was there for him,  
10 anytime he wanted to cry, I was there for him. I think  
11 today was the perfect opportunity to show him you did  
12 this to yourself and you deserve to be punished for  
13 that.

14 Q. If you can explain, why are you crying right  
15 now?

16 A. I just honestly don't want to be here. I'm  
17 tired of talking about the situation. I've had anxiety  
18 since the day it happened. I have anxiety any time  
19 after that, I've spoken to him, that I've seen him.  
20 I'm tired of -- I have a baby now. I don't want to  
21 continue to deal with something that happened two years  
22 ago.

23 Q. We completely understand. Do you need  
24 another minute before we continue?

25 A. No, we can continue.



1 Q. I want to go back to the bedroom, at what  
2 point did he grab your hair?

3 A. He grabbed my hair when he was already  
4 standing up -- he threw my bag out of the apartment.  
5 When he came back into the apartment, we like ran  
6 around for maybe a minute before he jumped on the bed  
7 and caught me by my hair.

8 Q. Did you jump on the bed first?

9 A. Yes.

10 Q. Why did you jump on the bed?

11 A. I just had a feeling, like we were going to  
12 get into a altercation so I was trying to avoid it  
13 before it began.

14 Q. But you got your hair grabbed?

15 A. Yes.

16 Q. Now you're both on the bed and he's holding  
17 you on the bed?

18 A. He's on the bed now, I'm in front of the bed  
19 frame. Now he's walking off the bed.

20 Q. Still holding you by the hair?

21 A. Yes.

22 Q. How hard is he holding you?

23 A. Pretty tight. I don't know how you would  
24 describe it, but at the time I had really short hair so  
25 he was pretty close to my scalp. His hand was full of

1 my hair.

2 Q. One hand or two?

3 A. Just one.

4 Q. When you're being pulled by the hair from the  
5 apartment, are you walking upright?

6 A. No, I'm on the ground. He's dragging me and  
7 I'm holding on to his boxers so he's standing behind  
8 me.

9 Q. Are you trying to stand up?

10 A. Yes.

11 Q. How are you ultimately able to stand up?

12 A. I believe I grabbed on his shirt, he finally  
13 let go of my hair. When I stood up, we were in the  
14 hallway of his apartment. We're still inside so in  
15 between the kitchen and the bathroom. And he began to  
16 grab on to my -- I don't know what you call this --  
17 this the forearm (indicating)?

18 MS. MCCARTHY: The witness is gesturing  
19 toward her triceps.

20 HONORABLE FACIO-LINCE: The left or right?

21 THE WITNESS: He's holding on to both of  
22 my triceps.

23 A. So as we were going back and forth he was  
24 trying to get me out the apartment at this point but I  
25 was asking him to let me go and that's when I began to

1 feel like I was going to black out and that's when I  
2 punched him in the face.

3 Q. How hard was he holding on to your arms?

4 A. Tightly that I ended up with a pencil length  
5 bruise on the back of my triceps.

6 Q. What happens after you -- going back to the  
7 blacking out, has that ever happened before to you?

8 A. No.

9 Q. When you felt that you were going to black  
10 out, what's happening in your head?

11 A. I was starting to feel very hot and I do  
12 remember still telling him to let me go, let go, let  
13 go. And he wouldn't let go. And that moment, I can't  
14 remember anything else. I just know that I hit him in  
15 the face that he finally let got off me and I made my  
16 ways towards the exit of the apartment.

17 Q. And you make it to the exit?

18 A. Yes.

19 Q. You leave the apartment again?

20 A. Yes.

21 Q. So you're outside of his door, where is your  
22 bag at this point?

23 A. My bag is outside of the apartment.

24 Q. It's been there the whole time?

25 A. It's been there the whole time.

1 Q. The apartment door is closed again?

2 A. Yes.

3 Q. Then what did you do when you were now in his  
4 hallway?

5 A. At first I started picking up my belonging  
6 from the floor because --

7 Q. How did they fill spill out of your bag?

8 A. He had threw them outside of the apartment.

9 Q. So I was picking up my belongings at first.  
10 Jermack followed me outside, I guess he realized he's  
11 with his genitals out. He went inside to change, put  
12 on a different shirt, put on a different boxer. He  
13 came outside. I was sitting on the ground, crying. He  
14 then spit on my face. When he spit on my face, that's  
15 when he said, I'm going to call you in as an EDP. When  
16 he said that, with all the blood on my face, I called  
17 my mom, hey, he's calling me in. I might get arrested.  
18 I might be at the 50th Precinct that's by his house,  
19 she started to get nervous because she saw blood all  
20 over my face. When she saw the blood --

21 MR. SANDERS: Objection. She didn't know  
22 what's in his mother's mind. I'm trying not to  
23 interrupt.

24 HONORABLE FACIO-LINCE: Sustain. When you  
25 testify, testify about what you saw. You can't testify

1       what someone else is thinking.

2                       THE WITNESS:   Okay.

3               A.     So she saw blood on my face, she said that  
4 she was going to call the police, asked me for his  
5 address and where we were at. She called the police.  
6 When he realized that I was on the phone with her, he  
7 snatched the phone out my hand. He hung it up and he  
8 said, why do you have to call your mom. A grown woman  
9 wouldn't do that. A grown woman could just get up and  
10 leave.

11                   At one point, after that, we had gotten into  
12 a corner and he had told me, you're lucky I don't break  
13 your fucking face in right now. I can break your  
14 fucking face. It's probably my mom who is here with me  
15 right now and that's why I don't break your fucking  
16 face in.

17                   After that, my grandmother calls me and tells  
18 me just leave. Your cab is outside. It's done and  
19 over with, your mom already called the police. Go  
20 home. That's when I walked outside. I was crying for  
21 a little bit. I got inside my cab with all my stuff  
22 and once I got to the front of my house, the officers  
23 from the 50th Precinct called me.

24               Q.     Was your sweatshirt ripped after the call  
25 with your mother or before?

1 A. I don't remember.

2 Q. You mentioned that he said he was going to  
3 called in a EDP?

4 A. Yes.

5 Q. Did you known what that meant at the time?

6 A. Yes.

7 Q. How did you know?

8 A. Prior to the situation, one of the days  
9 Jermack was working, he told me he had responded to an  
10 EDP and he told me it meant emotionally distressed  
11 person.

12 Q. When you called your mother, was it through  
13 regular telephone, how did you call your mother?

14 A. I called her on FaceTime.

15 Q. There was a camera on?

16 A. Yes.

17 Q. She was able to see your face?

18 A. Yes.

19 Q. And you could see her face?

20 A. Yes.

21 Q. When you said the Respondent said he could  
22 break your face in and his mother was with him, what  
23 did that mean?

24 A. Which part that his mother was with him?

25 Q. Yes.

1           A.    Well his mother is deceased so I guess he was  
2           saying that she was there in spirit with him, telling  
3           him not to do it, that it's not worth it.

4           Q.    I want to talk about the sweatshirt that was  
5           ripped. It was a sweatshirt?

6           A.    Yes. It was a quarter zip.

7           Q.    What kind of material it was made out of the?

8           A.    Cotton.

9           Q.    Was it thicker than a T-shirt?

10          A.    Yes, a little bit.

11          Q.    A little bit more sturdy than a T-shirt?

12          A.    Yes.

13          Q.    I want to talk about the necklace. What kind  
14          of necklace was it?

15          A.    It was a gold name chain.

16          Q.    Did you ever see it again after that night?

17          A.    No.

18          Q.    Did it mean a lot to you?

19          A.    Yes.

20          Q.    Where did you get it from?

21          A.    My mom.

22          Q.    After the sweatshirt was ripped, how far down  
23          did the rip go?

24          A.    It past the zipper so I want to say mid torso  
25          area.

1 Q. Could it be worn again after that?

2 A. No.

3 Q. Were you wearing the sweatshirt when he spit  
4 blood in your face?

5 A. Yes.

6 Q. Did blood get on the sweatshirt?

7 A. Yes.

8 Q. When you're on the phone with your  
9 grandmother outside the apartment, she tells you just  
10 leave, the apartment door is closed?

11 A. Yes.

12 Q. Had he gone back inside the apartment?

13 A. Yes.

14 Q. And you left?

15 A. Yes.

16 Q. Did you see him leave also?

17 A. No.

18 Q. You left and he was inside the apartment when  
19 you left?

20 A. Yes.

21 Q. If you know, was he present at any point when  
22 you were told that 911 had been called already, only if  
23 you can answer that?

24 A. I don't remember.

25 Q. You already testified that you took a cab to



1 the 50th Precinct, what happens when you get there?

2 A. When I get there, two officers come and greet  
3 me they take me into a back room and one of the  
4 officers ask me if I had a black eye and I said no. He  
5 asked me to just check myself out in the bathroom which  
6 I did. Then they sad sat me down, tow they told me  
7 they wanted to ask me a couple of questions about the  
8 incident.

9 Q. Did they ask you questions?

10 A. Yes.

11 Q. Did you answer those questions?

12 A. Yes.

13 Q. You told them exactly what happened?

14 A. Yes.

15 Q. Did you show them your ripped sweatshirt?

16 A. Yes.

17 Q. Did you show them -- withdrawn.

18 At this point, did you notice whether or not  
19 you had sustained any injuries?

20 A. No.

21 Q. Did there come a time when you did?

22 A. Yes.

23 Q. When did you realize?

24 A. I realized I had the bruising on my arm and  
25 couple of scratches on my neck and face after the

1 interview with IAB.

2 Q. Did you show them these injuries?

3 A. Yes, I took a picture of it on my phone.

4 Q. Did anyone else take photographs of you?

5 A. The officers took photographs of the injuries  
6 I sustained and they took photos of the photos I had  
7 taken.

8 Q. Did you give them your sweatshirt as well?

9 A. I know that I took it out of my bag. I'm not  
10 a hundred percent sure if they took it.

11 Q. But you showed it to them?

12 A. Yes.

13 Q. Were you able to show them your necklace?

14 A. No.

15 Q. Why not?

16 A. It was gone. It was ripped during the  
17 altercation with Jermack.

18 MS. MCCARTHY: I'm asking the witness be  
19 shown what is in evidence as Department's Exhibit -- I  
20 plan to go through all ten photos. I don't know if you  
21 want to give them at the same time.

22 HONORABLE FACIO-LINCE: We can give them  
23 if there's no option for that. We can give them all at  
24 once. And you can go through them individually.

25 MS. MCCARTHY: They are numbered.

1                   (Whereupon, the aforementioned document  
2 was presented.)

3           Q.    I'm asking that you look at the picture  
4 marked number one.  What are we looking at here?

5           A.    This is a photo of a photo that I took on my  
6 phone, the blood that Jermack had spit on my face.

7           Q.    The phone in this photo is your phone?

8           A.    Yes.

9           Q.    From the night of the incident?

10          A.    Yes.

11          Q.    Can you describe where the blood is on your  
12 face?

13          A.    It's around my eyes, on my nose, a little bit  
14 on my lip and my forehead.

15          Q.    When did you take this photo?

16          A.    I took it right before I left the apartment.

17          Q.    You're actually in his apartment when you  
18 took this photo?

19          A.    I'm in the hallway of his apartment.

20          Q.    Outside of his apartment?

21          A.    Yes.

22          Q.    In that hallway?

23          A.    Yes.

24          Q.    Is the door behind you, his apartment door?

25          A.    Yes.

1 Q. Prior to arriving at the precinct, did you  
2 wipe any of his blood off?

3 A. No.

4 Q. The shirt that you're wearing in the picture,  
5 is this the shirt that was ripped?

6 A. No.

7 Q. You changed?

8 A. Yes. It's my work shirt I was wearing.

9 Q. Why did you change?

10 A. He ripped the shirt I was wearing originally,  
11 the quarter zip and I had nothing under.

12 Q. When did you change?

13 A. I changed while he was inside his apartment.

14 Q. And you were in the hallway?

15 A. Yes.

16 Q. You had your bag with you?

17 A. Yes.

18 MS. MCCARTHY: I'm now asking the witness  
19 be shown Department's 2.

20 (Whereupon, the aforementioned document  
21 was presented.)

22 Q. Which is photo two, on the right hand corner,  
23 what are we looking at?

24 A. It's a photo of the blood on my face that  
25 Jermack spit on me.

1 Q. Did you take this photo?

2 A. No.

3 Q. Do you remember who did?

4 A. The officers at the 50th Precinct took this  
5 one.

6 Q. It was taken that night of the incident?

7 A. Yes.

8 Q. In addition to the blood on your face --  
9 withdrawn.

10 Can you specifically say where it is on your  
11 face in this photo?

12 A. It's on my forehead, on the bridge of my  
13 nose, the tip of my nose, around my nose ring, and that  
14 is it.

15 Q. Anything else observable in this photo on  
16 you?

17 A. I have two cuts, close to my collarbone.

18 Q. The scratches that you have on your face in  
19 this photo, were those photos --

20 MR. SANDERS: Objection. She's describing  
21 blood but they're scrapes. I'm trying not to  
22 interrupt.

23 HONORABLE FACIO-LINCE: Can you rephrase  
24 your question.

25 MS. MCCARTHY: I believe the witness

1 testified that she has a laceration to her collarbone.

2 HONORABLE FACIO-LINCE: That is correct.

3 Q. I will refer to the laceration to your  
4 collarbone, where did you obtain that laceration?

5 A. They were done when Jermack ripped the  
6 sweatshirt and the chain.

7 Q. Did you have that laceration prior to the  
8 incident?

9 A. No.

10 MS. MCCARTHY: I'm asking the witness be  
11 shown what is in evidence as Department's 3.

12 (Whereupon, the aforementioned document  
13 was presented.)

14 (Whereupon, the aforementioned document  
15 was presented.)

16 Q. What are we looking at here?

17 A. This is a picture of my fist.

18 Q. What, if anything, can we observe on your  
19 fist in this photo?

20 A. They are bruised and they have cuts on them.

21 Q. You recall when you sustained the bruise and  
22 cuts?

23 A. The left hand that has the bruise and cut is  
24 from when I punched him in the mouth. And the red on  
25 the right-hand side is from when I punched the wall.

1 Q. Just for the record, can you specify which is  
2 left and right using the rings on the fingers?

3 A. My left one is the one with the diamond, my  
4 right one is the one with the crown ring.

5 Q. How did your hands feel after that incident?

6 A. They hurt.

7 MS. MCCARTHY: I'm now asking the witness  
8 be shown what is in evidence as Department's 4.

9 (Whereupon, the aforementioned document  
10 was presented.)

11 Q. What are we looking at in this photo?

12 A. This is a photo of a photo that I had taken  
13 of my arm while inside the 50th Precinct bathroom.

14 Q. Which arm is this?

15 A. This is my right arm.

16 Q. What do we have in this photo?

17 A. It's the bruising that I sustained while  
18 Jermack was grabbing on to me.

19 Q. Did you have that bruising prior to the  
20 incident that night?

21 A. No.

22 Q. How did your arm feel at the end of that  
23 night?

24 A. It was very sore and just sore to the touch.

25 MS. MCCARTHY: I'm asking the witness be

1 shown what is in evidence as Department's 5.

2 (Whereupon, the aforementioned document  
3 was presented.)

4 Q. Who took this photo?

5 A. My mother.

6 Q. Do you recall when it was taken?

7 A. The next day.

8 Q. What's it is a photo of?

9 A. The injury on my arm.

10 Q. Which arm is this?

11 A. The right arm.

12 Q. What part of your arm is this?

13 A. The triceps.

14 Q. Can you describe the injuries you sustained  
15 to your triceps?

16 A. It was just bruising from Jermack holding on  
17 to me.

18 Q. How did this arm feel after the incident?

19 A. The same. Just or sore to the touch.

20 Q. Did you have that bruising prior to the  
21 incident?

22 A. No.

23 MS. MCCARTHY: Now asking the witness be  
24 shown what is in evidence as Department's 6.

25 (Whereupon, the aforementioned document



1 was presented.)

2 Q. Ms. Romero, what is this a photo of?

3 A. This is a photo of the sweatshirt that I was  
4 wearing that Jermack had ripped off of me.

5 Q. Do you recall who took this photo?

6 A. I believe it was the IB officer.

7 Q. Sir, can you describe what you see in this  
8 photo?

9 A. It's my sweatshirt with blood and ripped  
10 torso area.

11 Q. Can you specify which part of the sweatshirt  
12 there's blood?

13 A. From my point of view, it's on the left-hand  
14 side where it has the letters P and I.

15 Q. And approximately how long would you say that  
16 the tear is?

17 A. I don't know. I just know that it was down  
18 to belly button area for the average person.

19 Q. Did your sweatshirt look like that prior to  
20 the incident with Mr. Romero?

21 A. No.

22 Q. Did it have any blood on it?

23 A. No.

24 Q. Did it have a rip down the middle?

25 A. No.

1 MS. MCCARTHY: Asking the witness be shown  
2 Department's 7.

3 (Whereupon, the aforementioned document  
4 was presented.)

5 Q. What is a photo of?

6 A. A close up photo of the blood that Jermack  
7 spit on me.

8 MS. MCCARTHY: Now I'm asking the witness  
9 be shown what's received in evidence as Department's 8.

10 (Whereupon, the aforementioned document was  
11 presented.)

12 Q. What is this a photo of?

13 A. This is a photo of me that the IB officers  
14 took after my interview with them.

15 Q. This is that night of the incident?

16 A. Yes.

17 Q. What are you doing in this photo?

18 A. I'm showing them the scratches and the  
19 bruising on my face and neck.

20 Q. Can you specify where the scratches are?

21 A. The scratches are on my neck, my collarbone  
22 area, on my face, upper cheek bone and the bruising is  
23 on the middle of my cheek.

24 Q. How did you get those scratches and cruise  
25 bruises?

1 A. During my altercation with Jermack.

2 Q. How did they feel after the incident?

3 A. I couldn't feel them in that moment but the  
4 next day they were burning and sore.

5 Q. Prior to the incident, did you have these  
6 scratches and bruising?

7 A. No.

8 MS. MCCARTHY: Asking the witness been  
9 shown Department's 9.

10 (Whereupon, the aforementioned document  
11 was presented.)

12 Q. What is this a photo?

13 A. A photo of me that the officers in the  
14 50th Precinct took.

15 Q. Is this a different angle?

16 A. Yes.

17 Q. What side of your face is this?

18 A. The left side of my face.

19 Q. What are you doing in this photo?

20 A. I'm showing them the scratches on my neck.

21 Q. Do you recall how you sustained those  
22 scratches?

23 A. Yes.

24 Q. How?

25 A. During the altercation with Jermack.

1 Q. Is that from when he ripped the necklace off  
2 of you?

3 MR. SANDERS: Objection.

4 A. Yes.

5 HONORABLE FACIO-LINCE: It is leading. If  
6 you can rephrase.

7 Q. When did you sustain those scratches?

8 A. I sustained those scratches when Jermack  
9 ripped the necklace off my neck.

10 MS. MCCARTHY: I'm asking the witness be  
11 shown Department's 10.

12 (Whereupon, the aforementioned document  
13 was presented.)

14 Q. Ms. Romero what is this a photo of?

15 A. A photo of me that I took the next day.

16 Q. You took this photo yourself?

17 A. Yes.

18 Q. Could you describe what we see in this photo?

19 A. You see the bruising that I sustained in this  
20 altercation with Jermack and the scratches on my cheek  
21 and the lower cheek and on my neck.

22 Q. Why were you taking this photo?

23 A. I was taking the photo so that I can show  
24 Jermack what he did to me.

25 Q. In terms of the scratches to your neck, do

1       you recall how you got those?

2           A.    Yes.  I got them when Jermack ripped the  
3       necklace off my neck.

4           Q.    There's also a longer vertical laceration to  
5       your upper cheek, do you recall how you sustained that  
6       laceration?

7           A.    Yes.  During the altercation with Jermack.

8           Q.    Specifically, do you recall at which point?

9           A.    No.

10          Q.    The bruising to the center of your cheek, do  
11       you recall how you sustained that?

12          A.    No.

13          Q.    Did you have that prior to the incident?

14          A.    No.

15          Q.    How did your face feel the next day?

16          A.    The scratches burned but other than that, it  
17       felt fine.

18          Q.    Ms. Romero, how do you feel about being here  
19       today?

20                   MR. SANDERS:  Objection.  It's the  
21       objection.

22                   HONORABLE FACIO-LINCE:  You can answer.

23          A.    I did not want to be here today.

24          Q.    Why did you decide to come here today?

25          A.    I decided to come here because I feel that

1       it's only right that you guys get to hear what happened  
2       to me and that's all.

3                   MS. MCCARTHY: I have no further  
4       questions.

5       CROSS EXAMINATION BY

6       MR. SANDERS:

7           Q.     Good morning. You kept referring to the  
8       altercation, right?

9           A.     Yes.

10          Q.     Is it fair to say that the two of you were in  
11       an altercation?

12          A.     Yes.

13          Q.     Using your words?

14          A.     In my words, I would say that -- I'm sorry.  
15       Can you rephrase your question.

16          Q.     Repeatedly throughout your direct testimony  
17       you're using the word altercation, right?

18          A.     Yes.

19          Q.     What do you mean by altercation?

20          A.     What my definition of an altercation is:  
21       When you are in a situation with somebody, when someone  
22       is the aggressor, whether someone else is the victim or  
23       you both are the aggressor.

24          Q.     Let's talk about this case. You said earlier  
25       in the testimony from the Department that you were home

1 in his apartment, correct?

2 A. Yes.

3 Q. Are you a leaseholder of that apartment?

4 A. No.

5 Q. He's the only leaseholder of that apartment,  
6 as far as you know?

7 A. Yes.

8 Q. Were you a guest?

9 A. Yes.

10 Q. As a guest, can he ask you to leave at any  
11 point in time he wants?

12 A. Of course.

13 Q. He asks you to leave, you believe you're  
14 obligated to leave?

15 A. Yes.

16 Q. Earlier in that day, did you have any drinks?

17 A. Yes.

18 Q. What kind of drinks did you have?

19 A. A cocktail.

20 Q. What type of cocktail?

21 A. Like the ingredients inside it?

22 Q. Was it alcohol?

23 A. Yes.

24 Q. What type of alcohol beverage?

25 A. Hennessy.

1 Q. How many drinks did you have?

2 A. We both equally have.

3 Q. How many drinks did you have?

4 A. Two cups.

5 Q. Within what time frame?

6 A. Time frame of what? From when we started  
7 drinking to the altercation?

8 Q. Yes?

9 A. Probably within an hour.

10 Q. So two drinks, how large was the glass?

11 A. I want to say they were regular red cups.  
12 I'm not sure the ounces of the cup.

13 Q. The larger red cups?

14 A. No.

15 Q. Smaller red cups?

16 A. Yes.

17 Q. Eight ounces?

18 A. If you had a cup to show me, I can clarify  
19 that, but I'm not sure.

20 Q. I'm asking you, did the police officer ever  
21 go to the location and perform an investigation?

22 A. I'm not sure.

23 MS. MCCARTHY: Objection.

24 MR. SANDERS: I'm asking if she knows.

25 HONORABLE FACIO-LINCE: Overruled.



1 Q. How many ounces of alcohol did you power for  
2 in that cup?

3 A. I wasn't the one that made the drinks,  
4 Jermack did.

5 Q. You both voluntarily consume at least two  
6 drinks?

7 A. Yes.

8 Q. Within an hour or so, there's this  
9 altercation, right?

10 A. Yes.

11 Q. If I remember your testimony, this  
12 altercation started with a joke?

13 A. Yes.

14 Q. About Bruce being his girlfriend?

15 A. Yes.

16 Q. At that point he was upset?

17 A. Yes.

18 Q. Did he ask you to leave?

19 A. Not initially.

20 Q. At that point did he ask you to leave?

21 A. He asked me to leave after he called me a  
22 hating ass bitch. He then said I think you should just  
23 go. I asked him, are you sure you want me to go. He  
24 said just go. I got up, packed my bags and left.

25 Q. So you left the apartment, right?

1 A. Yes.

2 Q. At some point you came back in?

3 A. After he asked me, yes.

4 Q. He say anything to you to get you to come  
5 back in?

6 A. He asked me who was I on the phone with and  
7 when I told him I was on the phone with my cousin, he  
8 asked me to hang up and come back inside.

9 Q. Why did you go back inside?

10 A. Because he asked me to.

11 Q. Other than him asking you why, did you feel  
12 it was a volatile situation?

13 A. Like him speaking to me in that manner?

14 Q. Yes, that you left the apartment, initially?

15 A. I only left because he asked me to leave. If  
16 he didn't ask me to leave, I would've brushed it off.

17 Q. The time that you went back into the  
18 apartment, did you feel threatened?

19 A. At the time, no.

20 Q. You went to resolve whatever disagreement you  
21 had?

22 A. Yes.

23 Q. Now you're back inside the apartment, once  
24 you are back inside the apartment, do you consume any  
25 other alcohol?

1 A. No.

2 Q. What about Officer Romero, does he consume  
3 any other alcohol?

4 A. To my knowledge, no.

5 Q. The point that you go back to the bedroom?

6 A. Yes.

7 Q. The light is off at the time?

8 A. Yes.

9 Q. Where was Officer Romero at the time?

10 A. He was laying on the bed.

11 Q. With the lights off?

12 A. Yes.

13 Q. You entered the bedroom?

14 A. Yes.

15 Q. Why were you going into the bedroom?

16 A. Because that was our common area in the  
17 apartment.

18 Q. What were you going in his bedroom to do?

19 A. To talk.

20 Q. You said a little bit earlier you turned the  
21 light on?

22 A. Yes.

23 Q. Why did you turn the light on?

24 A. Because I don't know anybody who talks in the  
25 dark.

1 Q. At the time, was Officer Romero asleep?

2 A. No, he's awake.

3 Q. Did he tell you he wanted to speak to you?

4 A. No, he told me to go get ready for bed  
5 basically.

6 Q. Do you think -- one and a half years you were  
7 in a relationship, do you think at some point maybe  
8 he's trying to diffuse things, let's just not talk  
9 right now?

10 A. I'm not sure.

11 Q. You're not sure, based on your past  
12 experience in the relationship with him, did you ever  
13 have any other disagreements?

14 MS. MCCARTHY: Objection.

15 HONORABLE FACIO-LINCE: Overruled.

16 A. Yes.

17 Q. Sometimes did Officer Romero say let's calm  
18 down?

19 A. In our past altercations and disagreements,  
20 Officer Romero has been aggressive to me. He's never  
21 tried to diffuse the situation. He has only ever been  
22 aggressive, thrown me out of the apartment and waited  
23 to see what I was going to do.

24 Q. I'll get to that. You're saying aggressive,  
25 did he ever punch you?

1 A. Pulling my hair --

2 Q. I asked you if -- did he ever punch you?

3 A. No.

4 Q. Did he ever punch you, even in this  
5 situation, did he punch you throughout this whole  
6 September 30, 2021?

7 A. No.

8 Q. At that point, you turn the light on, what  
9 did Officer Romero say to you when you turn the light  
10 on?

11 A. When I turn the light on, he told me to turn  
12 the fucking light off and go to sleep.

13 Q. What did you do in response to that?

14 A. I turn off the light, the light was off. And  
15 I had told him that I wanted to speak to him because it  
16 was ridiculous the amount of times I was on the  
17 opposite end of the door.

18 Q. At that time, he was upset, right?

19 A. Yes.

20 Q. You were upset, right?

21 A. Yes.

22 Q. He says, right now he doesn't want to talk,  
23 or some version of those words, right?

24 A. Yes.

25 Q. Why did you feel the need to then want to

1 talk to him when he already said let's just not talk at  
2 this point, we're both upset?

3 A. Because I was feeling tired of the abuse I  
4 had endured during my relationship with Jermack.

5 Q. You felt that you needed to be heard at that  
6 point, right?

7 A. Yes.

8 Q. What happened next?

9 A. He began to countdown, he starts at five, I  
10 finished him off and I said 3, 2, 1. He got upset, he  
11 stood up from the bed, he went to turn off the light  
12 switch, he hit it and the casing of the light switch  
13 broke. I then stood on top of the bed, he --

14 Q. Why did you stand on top of the bed when he  
15 turned the light off?

16 A. Because I felt like he was going to attack me  
17 at some point.

18 Q. Did he attack you at that point?

19 A. At this very moment, no.

20 Q. Did he ask you to leave?

21 A. At this moment, no.

22 Q. When did he ask you to leave?

23 A. He didn't ask me to leave at all. All he did  
24 was take my purse out of the bed and he threw it out of  
25 the apartment. I guess suggesting that it's time for

1 me to go.

2 Q. Do you remember being interviewed by the  
3 Department of investigation in this case?

4 A. Yes.

5 Q. Do you remember he asked you to leave?

6 A. Yes but he asked me to leave prior to him  
7 turning on the light switch. He asked me to switch  
8 when I had made the joke about Bruce and calling me a  
9 hating ass bitch.

10 Q. Prior to today's testimony, what documents  
11 did you review in preparation for your testimony here  
12 today?

13 A. The transcripts with IB and the officer.

14 Q. What about the domestic incident report that  
15 was filled out?

16 A. I didn't --

17 MR. SANDERS: I want to premark this  
18 Respondent's A and see.

19 Q. The day that you filled out September 30,  
20 2021 at the 50th Precinct.

21 A. Okay.

22 Q. Did you have an opportunity to review it?

23 A. Yes.

24 Q. You recognize that document?

25 A. Yes.

1 Q. What do you recognize it to be?

2 A. I recognize it being the document that I  
3 filled out at the 50th Precinct.

4 Q. Is there a particular page that you filled  
5 out on that document?

6 A. Yes.

7 Q. Which page?

8 A. The second page.

9 Q. How do you know that you filled it out?

10 A. This is my handwriting.

11 Q. Any other identifying that you can identify  
12 your signature on that page?

13 A. Yes.

14 Q. When did you fill out that page?

15 A. On September 30, 2021.

16 Q. How long after the incident --

17 A. There's not really a time stamp on it, so I  
18 don't know.

19 MR. SANDERS: I want to enter that as  
20 Respondent's Exhibit A.

21 HONORABLE FACIO-LINCE: Any objection?

22 MS. MCCARTHY: I would like to voir dire  
23 on the exhibit.

24 HONORABLE FACIO-LINCE: Sure.

25 VOIR DIRE BY



1 MS. MCCARTHY:

2 Q. You filled this out the night of the  
3 incident?

4 A. Yes.

5 Q. Does it contain every single detail of what  
6 happened that night?

7 A. No.

8 Q. Would you say this is a full and complete  
9 narrative of every step of the incident that night?

10 A. No.

11 Q. When you were filling this out, can you  
12 describe your state of mind in that moment?

13 MR. SANDERS: Objection. I'm going to  
14 withdraw it.

15 HONORABLE FACIO-LINCE: I believe it's a  
16 voir dire.

17 Q. When you were filling this out, if you  
18 recall, what was your state of mind when you were  
19 filling this out?

20 A. My mind was all over the place, considering  
21 what had just happened.

22 MS. MCCARTHY: Nothing further.

23 HONORABLE FACIO-LINCE: Do you have an  
24 objection to this document coming in as Defendant's  
25 Exhibit A?

1 MS. MCCARTHY: Yes, we object to it being  
2 admitted.

3 HONORABLE FACIO-LINCE: On what basis?

4 MS. MCCARTHY: It's an incomplete  
5 narrative of the incident.

6 HONORABLE FACIO-LINCE: Right, but I can  
7 take it for what it is. You asked her some questions.  
8 And she's answered them, presumably truthfully. And so  
9 -- I understand that it may not contain every part of  
10 what happened that night, that's fine, I can take  
11 notice of it. Is there another reason?

12 MS. MCCARTHY: That's it.

13 HONORABLE FACIO-LINCE: Over your  
14 objection, I can accept this as Respondent's Exhibit A.

15 (Whereupon, Respondent's Exhibit A was  
16 received into evidence.)

17 (Whereupon, the aforementioned document  
18 was presented.)

19 FURTHER CROSS EXAMINATION BY

20 MR. SANDERS:

21 Q. How did you receive a copy of that domestic  
22 incident report, did the police give you that to fill  
23 out?

24 A. Well, yes, they had given it to me to fill  
25 out.

1 Q. Did they explain to you what the purpose of  
2 that domestic incident report is?

3 A. Yes.

4 Q. Also in that report, there's a rip off sheet  
5 it has on there, the primary aggressor and other formal  
6 language that goes on, do you remember receiving that  
7 when the police officer spoke to you?

8 A. No.

9 Q. Did they explain to you what the purpose of  
10 that form is?

11 A. I don't remember.

12 Q. You understood that the second page of that  
13 form is that the alleged complainant can put their  
14 narrative of what their claim is what occurred?

15 A. Did they explain that to me, no.

16 Q. Did you have an opportunity to review that  
17 document?

18 A. They had given me a copy, yes.

19 Q. I'm asking did you have a chance to review  
20 the document today while we're here in court?

21 A. Yes.

22 Q. Now that you had an opportunity to look at  
23 that document, do you recall you telling the police  
24 that he asked me to leave?

25 A. Can I have one moment to read it one more

1 time.

2 Q. Sure.

3 A. Where on here did I write that he asked me to  
4 leave. I stated that I then left the premises and made  
5 my way to the 50th Precinct at the end.

6 Q. That's why I'm asking -- you didn't write  
7 that on the domestic incident report?

8 A. No.

9 Q. Did you write on the domestic incident report  
10 that you punched him?

11 A. I said that I striked (sic) him.

12 Q. Did anyone ask you at what point did you  
13 strike him?

14 A. No.

15 Q. The domestic incident report, that was  
16 written in your handwriting, right?

17 A. Yes.

18 Q. Did anyone tell you what to write?

19 A. No.

20 Q. You wrote it in your own words?

21 A. Yes.

22 Q. Did police tell -- rush you, tell you time  
23 was a factor, tell you how long it take?

24 A. No.

25 Q. Did the police explain to you that you can

1 fill out multiple sheets if you want to, to explain  
2 your narrative?

3 A. No, they didn't explain that to me.

4 Q. Did you ask them for another document because  
5 you told them for example, this is not everything that  
6 happened, I want to make sure I get it complete?

7 A. No.

8 Q. When you wrote it that document, that was the  
9 complete version of the narrative that you claim  
10 happened at that address, on the day of September 30,  
11 2021?

12 A. This is summarized.

13 Q. Did you tell anyone it was a summary?

14 A. No.

15 Q. As far as the police is concerned, they  
16 arrested Jermack based upon your representation that  
17 day?

18 MS. MCCARTHY: Objection.

19 HONORABLE FACIO-LINCE: On what basis?

20 MS. MCCARTHY: Commissioner, I'm not sure  
21 she can respond as to what the basis of the arrest was.

22 HONORABLE FACIO-LINCE: I don't believe  
23 she can. I agree. So sustained.

24 Q. Do you know what did you tell the police --  
25 that's for another day.

1           In that domestic incident report, does it  
2 show that you left the apartment voluntarily, and then  
3 go back in the apartment voluntarily and that's when  
4 the domestic altercation happened?

5           A.    No.

6           Q.    Why didn't you include that in the reporter?

7           A.    As I said before, it was just a summary of  
8 the incident.

9           Q.    So at some point you were spoken to by the  
10 sergeant that night, what's known as a call out, do you  
11 remember that?

12          A.    If you're speaking about IB, I do recall  
13 speaking to them, yes.

14          Q.    Do you remember telling investigatives that  
15 Jermack Romero asked you to leave the apartment?

16          A.    I do not remember. If you have something  
17 that I can refresh my memory with.

18          Q.    Let's talk about these pictures. You claim  
19 in the pictures, 1 through 10, that happens during the  
20 altercation, right?

21          A.    Yes. The physical altercation which Jermack.

22          Q.    That was a physical altercation between you  
23 and Romero, correct?

24          A.    Yes.

25          Q.    The point you claim that he grabbed your

1 arms, right?

2 A. Yes.

3 Q. When he grabbed your arms, did he say  
4 anything to you at the time?

5 A. I don't remember.

6 Q. Fair to say you don't remember because you  
7 were upset?

8 A. No.

9 Q. Why don't you remember?

10 A. I don't remember because there was a lot of  
11 commotion going on, him grabbing me off the bed, him  
12 trying to stand up, the dog was barking. It was all  
13 too much for me to process at one moment.

14 Q. Because now of the two of you are in  
15 emotional conflict?

16 A. Fair to say.

17 Q. Romero, how tall is he, do you know how tall?

18 A. He's taller than me. I'm 5'8, he's maybe  
19 6'1, 6'2.

20 Q. How much did he weigh?

21 A. 250.

22 Q. Do you consider him a strong person, you said  
23 he worked out all the time, right?

24 A. Yes.

25 Q. At any point in time did he punch you in the

1 face?

2 A. No.

3 Q. Did he try to throw you into the wall?

4 A. No.

5 Q. You testified earlier about the hands, right?

6 A. Yes.

7 Q. Your left hand, you claimed, you punched  
8 Romero, correct?

9 A. Can I see the photo --

10 (Whereupon, the aforementioned document  
11 was presented.)

12 MS. MCCARTHY: Department's 3.

13 A. The hand with the bruise with the crown ring  
14 is the hand that I punched Jermack with.

15 Q. That would be on the right side of the  
16 picture that you're looking at because -- referencing  
17 when she looks at it again, but that's the left --  
18 that's represented by the right side of the photo,  
19 right?

20 A. Yes.

21 Q. That's the punch that you threw to Romero,  
22 correct?

23 A. Yes.

24 Q. The right one you said you hit the wall?

25 A. Yes.



1 Q. Why did you hit the wall?

2 A. I hit the wall because I was upset.

3 Q. Fair to say you were upset too, right?

4 A. Yes.

5 Q. When you hit the wall, was it while Romero  
6 was holding on to your arms?

7 A. No.

8 Q. When did you hit the wall?

9 A. I don't remember.

10 Q. Did you tell the police during the course of  
11 this investigation that you hit Romero with your left  
12 arm?

13 A. I did not specify what hand. I don't believe  
14 I specified my hand.

15 Q. The police took pictures of your hand, do you  
16 know why they took pictures of your hand?

17 A. No.

18 Q. Do you know if there was a representation  
19 made that these injuries to your hands as a result of  
20 Romero as opposed to you causing your own injury by  
21 striking the wall and striking Romero?

22 A. I was not aware of that.

23 Q. The right hand you struck which wall?

24 A. The outside wall, already outside of the  
25 apartment.

1 Q. You were outside of the apartment, you struck  
2 the wall outside the apartment?

3 A. Yes. But the hand with bruising was inside  
4 during the physical altercation.

5 Q. The arms that you said you have a bruise on,  
6 you said you testified earlier that that's from Romero  
7 grabbing you?

8 A. Yes.

9 Q. Where was he grabbing you, where did it  
10 occur?

11 A. Inside his apartment.

12 Q. Where inside his apartment?

13 A. The hallway between his kitchen and bedroom.

14 Q. How far is it from the exit part of the  
15 apartment, the kitchen and bedroom?

16 A. I don't remember.

17 Q. Do you know if anyone showed you during the  
18 course of this investigation, whether or not they took  
19 pictures of inside the apartment?

20 A. Nobody showed me pictures, no.

21 Q. You already testified that your shirt ripped,  
22 right?

23 A. Yes.

24 Q. Is it your testimony that Officer Romero  
25 grabbed you and just ripped your shirt?

1 A. Yes.

2 Q. Is that what he did to you or did it occur  
3 during a scuffle?

4 A. He grabbed my shirt and ripped it.

5 Q. Was he trying to pull you out the apartment?

6 A. No.

7 Q. What --

8 A. -- I was already outside the apartment when  
9 he ripped the shirt including my necklace.

10 Q. Did he say anything before?

11 A. You want to rip shit, I can fucking rip shit  
12 too.

13 Q. Did he make a reference to what he was  
14 talking about?

15 A. No.

16 Q. You said you were trying to call someone,  
17 right?

18 A. Yes.

19 Q. You said he took your phone?

20 A. Yes.

21 Q. Where did that occur, inside or outside the  
22 apartment?

23 A. Outside of the apartment.

24 Q. Was that the first time you went outside the  
25 apartment or the second time?

1 A. The second time.

2 MS. MCCARTHY: Nothing further.

3 HONORABLE FACIO-LINCE: Any redirect?

4 RE-DIRECT EXAMINATION BY

5 MS. MCCARTHY:

6 Q. Ms. Romero, you stated that you and  
7 Mr. Romero had been drinking, correct?

8 A. Yes.

9 Q. Where did the alcohol come from that night,  
10 did you bring it?

11 A. No.

12 Q. Where did it come from, if you know?

13 A. It was already inside his apartment.

14 Q. Who made the drinks?

15 A. Jermack.

16 Q. Do you recall how much he poured?

17 A. No.

18 Q. Were they strong, if you recall?

19 A. I don't recall.

20 Q. How old were you at that time?

21 A. I was 19.

22 Q. Ms. Romero, you were asked on cross  
23 examination about prior physical aggression?

24 A. Yes.

25 Q. You said there was prior incidents of

1 aggression?

2 A. Yes.

3 Q. Can you share those with us today, to the  
4 best of your recollection?

5 A. I just need to take a minute.

6 Q. Do you want a glass of water. Do you want to  
7 start or --

8 A. Can we wait until the water comes.

9 Q. Are you okay to start?

10 A. Can you ask me the question one more time.

11 Q. On cross examination, you were asked about  
12 prior physical aggression, you mentioned that without  
13 going into specific incidents, what kinds of abuse had  
14 there been in the past?

15 A. There's -- I don't know how would you  
16 describe being thrown out an apartment being completely  
17 naked, I don't know what abuse you would call that.  
18 There was multiple occasions where Jermack had -- I  
19 wear glasses, and I can't see and Jermack knows I can't  
20 see without my glasses. There were multiple instances  
21 where he had taken my glasses off my face to -- I guess  
22 to disable me or make me feel smaller than him.  
23 There's -- you can say verbal abuse where he made me  
24 feel less than a woman because of my age or because of  
25 the way I did things. I don't know what type of abuse

1       you would call those.

2               Q.     What about physical things?

3               A.     Pulling the hair, fighting -- not him hitting  
4       me, but pulling me, pulling me by my hair. I would  
5       describe physical as when he snatched my glasses off my  
6       face and scratched me. Pulling me to the point when I  
7       was trying to get off of him, my nails broke.

8               Q.     The hair pulling, approximately how many  
9       times has that occurred before?

10              A.     Maybe four or five times.

11              Q.     You were together for how long?

12              A.     A year and a half.

13              Q.     Had you ever called the police on him in the  
14       past?

15              A.     No.

16              Q.     Did you ever fill out a DIR in the past?

17              A.     No.

18              Q.     Why not -- to the question about calling the  
19       police?

20              A.     I didn't want to jeopardize his job.

21                      MS. MCCARTHY: I have nothing further.

22                      MR. SANDERS: Nothing further.

23                      HONORABLE FACIO-LINCE: Your testimony is  
24       concluded today. Thank you. You can step down.

25                      The time is now 12:35, let's take a

1 ten-minute recess. You can call your next witness.

2 (Whereupon, a short recess was taken.)

3 HONORABLE FACIO-LINCE: My plan for the  
4 remainder of the day is to have you complete your  
5 witness, we'll take a meal break and then we will  
6 resume in the afternoon. Okay. Call your next  
7 witness.

8 MS. MCCARTHY: The Department is calling  
9 Sergeant James Rahill.

10 HONORABLE FACIO-LINCE: Sergeant, do you  
11 swear or affirm to tell the truth in all proceedings  
12 today?

13 SERGEANT RAHILL: I do.

14 HONORABLE FACIO-LINCE: State and spell  
15 your name.

16 SERGEANT RAHILL: Sergeant James Rahill,  
17 J-A-M-E-S, R-A-H-I-L-L.

18 DIRECT EXAMINATION BY

19 MS. MCCARTHY:

20 Q. Good morning, sergeant.

21 A. Good morning.

22 Q. How long have you been employed by the NYPD?

23 A. A little more than 11 years.

24 Q. During those 11 years, have you been  
25 assigned?

1           A.    I've been assigned to 32nd Precinct, in  
2           Midtown South precinct, Manhattan South -- and now I'm  
3           at 23rd Precinct.

4           Q.    While at the 50th Precinct, have you had  
5           multiple titles?

6           A.    Yes.

7           Q.    What titles are those?

8           A.    Patrol sergeant and public safety sergeant.

9           Q.    I want to the direct your attention to  
10          September 30, 2021, were you working that day?

11          A.    I was.

12          Q.    Do you recall what tour you worked that day?

13          A.    4 to 12.

14          Q.    On that date, what was your title?

15          A.    I was the patrol supervisor.

16          Q.    Did there come a point in time that evening  
17          in that situation, you had to make an arrest?

18          A.    Yes.

19          Q.    Do you recall the name of the person you  
20          arrested?

21          A.    Jermack.

22          Q.    Can you briefly explain how you came to place  
23          Jermack Romero under arrest?

24          A.    I received a call from my officer s in the  
25          field that there was an assault in progress so I



1        responded to the location. We conducted an  
2        investigation and Mr. Romero was placed under arrest at  
3        the 50th Precinct.

4            Q.    Do you recall who called you?

5            A.    Officer Goodwin.

6            Q.    Are you aware of how they were alerted to the  
7        assault in progress?

8            A.    There was a 911 call.

9            Q.    Do you recall what time the 911 call came in?

10          A.    I think a little bit after 8:00 P.M.

11          Q.    You stated you went to the location, do you  
12        recall what the location was?

13          A.    I believe it was 3620 Oxford Avenue.

14          Q.    What is that?

15          A.    It's an apartment complex in Riverdale.

16          Q.    Approximately what time did you arrive there?

17          A.    Approximately 8:30.

18          Q.    What happened after you arrived there?

19          A.    When I arrived there, Officer Goodwin had  
20        explained he was speaking to the complainant's mother  
21        on the phone. We conducted a canvass in order to track  
22        down the apartment that this 911 incident occurred in.

23          Q.    Did you ultimately find the apartment?

24          A.    It took a while but we were able to locate  
25        the apartment.

1 Q. Why did it take a while?

2 A. The doorman explained that that apartment  
3 does not exist in that building. So after a thorough  
4 canvass, we were able to locate it on the side of the  
5 building. It's like an offset.

6 Q. How were you ultimately able to find the  
7 apartment?

8 A. I don't recall. I just was canvassing with  
9 numerous officers. I don't remember.

10 Q. You find the apartment, what happened next?

11 A. We knock on the door, we get no answer. It  
12 was my lieutenant and other officers, we continue to  
13 knock on the door. I remember specifically my  
14 lieutenant knocking on the door, we were getting no  
15 answers. So I decided to leave and left officers there  
16 in case someone arrived.

17 Q. How many officers did you leave there?

18 A. Two. The sector concerned.

19 Q. At a point you're knocking on the door, do  
20 you recall approximately what time it is at that point?

21 A. I don't really recall. It shouldn't have  
22 been -- approximately 8:50. I remember taking a good  
23 15 to 20 minutes, if I got there around 8:30 maybe  
24 8:50, around.

25 Q. You stated that you left how many officers at

1 the door?

2 A. I remember leaving at least two, the sector  
3 Charlie.

4 Q. Why did you do that?

5 A. Sector Charlie is the one that recovered that  
6 area. In case someone did show up, they would notify  
7 me immediately and myself or the lieutenant would  
8 respond back there.

9 Q. How long did you tell those guys to stay at  
10 the door?

11 A. I don't remember if I specifically gave them  
12 a time set. But I know it was at least until their end  
13 of tour, and I did plan on sending them relief if need  
14 be for a midnight.

15 Q. When was their end of tour?

16 A. Around 11:20 at night.

17 Q. During the time you had left officers there,  
18 did you ever receive notifications from then that  
19 anyone arrived at the apartment?

20 A. No.

21 Q. Where did you go after that location?

22 A. I went back to the 50th Precinct.

23 Q. Why were you going back to the 50th Precinct?

24 A. Because I was going to interview the victim.

25 Q. How did you know she's there?

1           A.     Someone contacted me.  Someone told me she  
2 was going to head to the 50th Precinct, they got in  
3 touch with her on the phone.

4           Q.     Do you recall the victim's name?

5           A.     Yes.

6           Q.     What was her name?

7           A.     Danielle Romero.

8           Q.     What happened when you got to 50th Precinct?

9           A.     When I got back to the 50th Precinct, myself  
10 and lieutenant, cleared out an interview room in the  
11 juvenile room, and activated our cameras and basically  
12 conducted an interview of her.

13          Q.     How did she appear to you when you were  
14 interviewing her that evening?

15          A.     She appeared forthcoming, cooperative.

16                 MR. SANDERS:  Objection.  He doesn't know  
17 what's the description of the person's forthcoming.  
18 You can describe an outward appearance.  You can't tell  
19 someone is credible --

20                 HONORABLE FACIO-LINCE:  Overrule the  
21 objection.

22                 MS. MCCARTHY:  I can rephrase the  
23 question.

24                 HONORABLE FACIO-LINCE:  Why don't you  
25 rephrase the question.

1 Q. Physically, did you observe anything about  
2 Ms. Romero that evening when you were interviewing her?

3 A. Some blood around her neck. That's all I can  
4 say.

5 Q. In terms of her demeanor, how would you  
6 describe her demeanor, that meaning when you were  
7 interviewing her?

8 A. Cooperative.

9 Q. When you say cooperative, what do you mean?

10 A. That she was eager to explain what happened.  
11 She wasn't timid about it.

12 MR. SANDERS: Objection. These are  
13 characterizations. You can't read what's in someone's  
14 mind. I'm noting it for the record.

15 HONORABLE FACIO-LINCE: I agree that you  
16 cannot testify about the operation of someone's mind.  
17 But I heard the officer saying, and we can have it read  
18 back, he said cooperative, and then he defined it as  
19 eager to explain what happened. And that is the  
20 description that one can provide.

21 MR. SANDERS: I made my objection for  
22 characterization for the same objection that I'm  
23 making.

24 HONORABLE FACIO-LINCE: It's overruled,  
25 but go ahead.

1 Q. Did you notice anything else about her  
2 demeanor that evening?

3 A. Not that I recall.

4 Q. Did she seem emotional?

5 A. No.

6 Q. How did she seem to you?

7 A. Detailed; again, cooperative.

8 Q. While you were interviewing her, did she at  
9 any point express an interest in a particular outcome  
10 for being present that evening?

11 A. No.

12 Q. Was she asking you guys to do anything on her  
13 behalf?

14 A. No.

15 Q. Did she tell you she wanted Jermack Romero  
16 arrested?

17 A. No.

18 Q. Did she share any opinion with you as to what  
19 she wanted to happen?

20 A. No.

21 Q. I want to talk about her physical appearance  
22 that evening. Did you memorialize her physical  
23 appearance in any way that evening?

24 A. I did.

25 Q. How did you do that?

1           A.    I took pictures with my department phone.

2                   MS. MCCARTHY:  I'm asking that the witness  
3   be shown what's in evidence as Department's 1, 2, 3, 4,  
4   7 and 8.

5                   (Whereupon, the aforementioned documents  
6   were presented.)

7                   MS. MCCARTHY:  I'm withdrawing number 8.

8           Q.    Sergeant, the photos that you have in front  
9   of you are Department's exhibits, do you recognize  
10 these photos?

11          A.    I do.

12          Q.    How do you recognize them?

13          A.    They are the photos I took.

14          Q.    When did you take those photos?

15          A.    During that interview.

16          Q.    What do they document?

17          A.    They document her physical appearance, her  
18 injuries.

19          Q.    After reviewing those exhibits that are in  
20 evidence, can you state now what you physically  
21 observed about her that evening?

22          A.    I observed scratches to her forehead, her  
23 neck area, as well as cuts to her knuckles on her  
24 hands, and as well as there was bruises apparent.

25          Q.    Anything to her property?

1           A.    Her sweatshirt she explained was ripped, as  
2   well as there was noticeable blood on it.

3           Q.    Did she tell you where this blood was from?

4           A.    She explained that on her face was some of  
5   her blood as well as she was spit on, which could've  
6   been her boyfriend's blood as well.

7           Q.    I know this is difficult to make a timeline,  
8   but approximately at what time were you interviewing  
9   her?

10          A.    I don't recall exactly. It would've been not  
11   too long after nine. I don't recall specifically the  
12   time.

13          Q.    Would you say it was after 10:00 P.M.?

14          A.    It's possible. I don't recall.

15          Q.    Approximately how long did you interview her  
16   for?

17          A.    Maybe ten minutes, fifteen minutes.

18          Q.    What did you do after interviewing her?

19          A.    I would've docked my body camera and I got  
20   interviewed by investigations and duty captain.

21          Q.    How was the duty captain notified about this  
22   incident, if you know?

23          A.    Either me or my lieutenant notified him. I  
24   don't remember. One of the supervisors in the field,  
25   there was only one, two, me and my lieutenant would've



1 called the duty captain to explain what happened.

2 Q. Would they call before or after interviewing  
3 Ms. Romero?

4 A. After.

5 Q. Do you recall what time you were being  
6 interviewed?

7 A. A little -- right around midnight.

8 Q. Approximately what time did you place officer  
9 Jermack Romero's under arrest?

10 A. After that interview. That was a little  
11 after midnight before 1:00 a.m.

12 Q. I'm going to go back to your observations of  
13 the complainant at the time of your interview with her,  
14 did she appear to be intoxicated?

15 A. No.

16 Q. Did she appear to be impaired in any way?

17 A. No.

18 Q. Did you make an observation or any indication  
19 of anything on her, any indication of her being under  
20 the influence or intoxication?

21 A. No.

22 Q. You were in a small room?

23 A. Correct.

24 Q. Within small close proximity?

25 A. Yes.

1 Q. For approximately --

2 A. At least ten to fifteen minutes.

3 Q. I'm going to jump back forward in time to the  
4 arrest, you arrested him approximately around midnight?

5 A. Correct.

6 Q. What was he being placed under arrest for?

7 A. Assault 3.

8 Q. Do you know approximately what time he walks  
9 into the precinct that evening?

10 A. I don't. I don't have the exact time  
11 approximately right around being interviewed.

12 Q. While you were being interviewed?

13 A. Yeah, around midnight probably.

14 MS. MCCARTHY: I have nothing further.

15 CROSS EXAMINATION BY

16 MR. SANDERS:

17 Q. Let me ask you a question, did you receive  
18 training with respect to how to handle domestic  
19 incidents?

20 A. Right. I did.

21 Q. When was the last time you received that  
22 training?

23 A. In the police academy, terms as well as a  
24 refresh training.

25 Q. Do you recall part of what they call who was

1 the primary aggressor?

2 A. That's correct.

3 Q. What do you understand that to mean?

4 A. In a domestic violence situation, there's two  
5 parties. One party might have significant injuries  
6 than another party. You base that on stories and doing  
7 your own investigation as well.

8 Q. To your understanding, the training -- the  
9 fact that someone has injuries does not necessarily  
10 mean they were assaulted, right?

11 A. That's possible, yes.

12 MR. SANDERS: If you show the witness  
13 Department's 3.

14 (Whereupon, the aforementioned document  
15 was presented.)

16 Q. Do you see that picture?

17 A. I do.

18 Q. What do you recognize that picture to be?

19 A. That's of Danielle Romero, I took that  
20 picture.

21 Q. You took that picture?

22 A. Correct.

23 Q. Why did you take that picture?

24 A. Because she had a laceration to one of her  
25 knuckles to one of her hands.

1           Q.    You testified a little bit earlier that you  
2 performed an investigation?

3           A.    That's correct.

4           Q.    How did she receive those injuries to her  
5 left hand?

6           A.    According to her story?

7           Q.    Yes?

8           A.    Her story was that they were engaged in a  
9 physical fight and that she sustained cuts.

10          Q.    Did she tell you that she actually punched  
11 Jermack Romero with her left hand?

12          A.    She told me she punched him. I remember she  
13 told me, but I don't remember what hand.

14          Q.    Did you document it anywhere in the  
15 investigation of the police department?

16          A.    It was recorded on body camera.

17          Q.    Other than body cam, did you document  
18 anywhere in the police department investigation that  
19 she in fact told you she struck Romero?

20          A.    It's on the domestic incident report that she  
21 states that she struck. That's the only place.

22          Q.    But I'm asking about what you did?

23          A.    I did not.

24          Q.    Is that part of your training, she's now told  
25 you that she's struck someone, now you have to make an

1 assessment based on the procedural law to determine --

2 MS. MCCARTHY: Objection.

3 MR. SANDERS: It's a chain question I'm  
4 asking --

5 HONORABLE FACIO-LINCE: Let's allow  
6 Mr. Sanders to complete his question, and then you can  
7 tell me what your objection is.

8 Q. Once you make a determination that someone  
9 else has now may have committed a crime, the department  
10 policy, you're supposed to determine who the primary  
11 aggressor is consistent with penal law, isn't that part  
12 of training?

13 A. Yes.

14 Q. Did you do that?

15 A. I determined the primary aggressor based on  
16 how I felt and my lieutenant felt at the scene during  
17 the interview with the victim.

18 Q. How you felt, is that part of your training?

19 A. I made a determination.

20 Q. Is that part of your training, how you felt,  
21 or -- you're -- objective analysis, you have two  
22 parties --

23 MS. MCCARTHY: Objection. The objective  
24 subject determination is not relevant.

25 HONORABLE FACIO-LINCE: I'm going to

1       overrule, and let him answer. Mr. Sanders, I'm going  
2       to ask that you not ask compound questions so he can  
3       answer them in time.

4               MR. SANDERS: I understand.

5               Q. As part of your training in the police  
6       department, now you have a party -- an alleged because  
7       at the time you're interviewing Ms. Romero, she's an  
8       alleged victim, correct?

9               A. Yes.

10              Q. Because the investigation is supposed to at  
11       least try to determine who is the person that committed  
12       the crime?

13              A. Correct.

14              Q. Did she tell you how she injured her hands?

15              A. I don't recall.

16              Q. But you do read it in the domestic incident  
17       report, correct?

18              A. I believe so, yes.

19              Q. At that point you read it in the domestic  
20       incident report, was that before or after Jermack  
21       Romero was arrested by you?

22              A. I don't recall.

23              Q. Your lieutenant who was with you, did you  
24       tell your lieutenant she's claiming that she struck  
25       Romero and now we have to try to find out who the

1 primary aggressor is?

2 A. She was aware of that. She witnessed her  
3 statement saying that.

4 Q. Did you try to make an determination who the  
5 primary aggressor was?

6 A. I did.

7 Q. How did you do that?

8 A. The injuries of Danielle Romero were  
9 significant. She was cooperative with police and  
10 stayed on scene and that's how I made the  
11 determination.

12 Q. Is that consistent with your training in the  
13 police department?

14 A. Yes.

15 Q. You didn't feel the need to interview  
16 Mr. Romero to see if in fact he was injured?

17 A. I was unable to. He wasn't on scene.

18 Q. Eventually, he's placed under arrest?

19 A. Yes.

20 Q. Who placed him under arrest?

21 A. I did.

22 Q. Who placed the handcuffs on him?

23 A. I was the arresting officer.

24 Q. What was his physical condition?

25 A. He was sober, clear, cooperative.

1 Q. Do you remember whether or not he had an  
2 injury to his lip?

3 A. I don't remember.

4 Q. Did you take pictures of him?

5 A. No.

6 Q. Why not?

7 A. I don't recall.

8 Q. Isn't that part of your training, you're  
9 supposed to take pictures of the person that alleged  
10 assaulting another person?

11 A. If they're alleging that.

12 Q. You didn't take pictures of him?

13 A. He didn't allege that he was a victim to me.  
14 At no point.

15 Q. But you did read in the domestic incident  
16 report that your victim claims that she punched him in  
17 the lip?

18 A. That's correct.

19 Q. You didn't want to --

20 A. At no point did he claim if he was assaulted.

21 Q. I'm asking do you think that's consistent  
22 with your training whether or not you should see if he  
23 was assaulted?

24 A. No.

25 Q. What about her right hand, did Danielle



1 Romero tell you how she got injured to her right hand?

2 A. Yes, she did.

3 Q. What did she tell you?

4 A. When she was engaged in the physical  
5 altercation with Jermack that's when she sustained  
6 those injuries.

7 Q. How did she sustain the injuries to your  
8 right hand?

9 A. When she was tussling with him.

10 Q. She told you she was?

11 A. She said they were both fighting with each  
12 other and that's when the injuries occurred.

13 Q. Did she tell you that she sustained an injury  
14 on her right hand, which is the left part of the photo,  
15 that she actually punched the wall?

16 A. Yes, she told me that. I don't remember if  
17 it was outside or inside the wall but she told me she  
18 punched the wall.

19 Q. Well, number three, is this representative of  
20 an assault at the hand of Jermack Romero, number three,  
21 did he cause these injuries?

22 A. Of the hand, I'm not sure. She admitted  
23 punching the wall, she states that they were also in  
24 engaged in a physical fight. I'm not even sure if she  
25 knows where it came from. It could've come from the

1 wall or that physical fight.

2 Q. Department's 8, the domestic incident report,  
3 can we show it to the witness?

4 (Whereupon, the aforementioned document  
5 was presented.)

6 Q. Take a look at that document.

7 A. Yes.

8 Q. Do you recognize that document?

9 A. I do.

10 Q. What do you recognize that document to be?

11 A. The domestic incident report.

12 Q. Were you present when that document was  
13 filled out?

14 A. I was.

15 Q. As part of your duties and responsibilities  
16 as supervisor on other occasions, did you have  
17 opportunity to review other domestic reports?

18 A. I have.

19 Q. You see a box in the middle, one of the  
20 questions asked whether there were any other factors in  
21 this case such as alcohol, things like that?

22 A. Yes.

23 Q. You see it? Right on the first page.

24 A. Yes, I see it.

25 Q. It says --

1 A. It says possible drugs or alcohol.

2 Q. That's for the suspect or complainant?

3 A. Suspect.

4 Q. Anything checked in?

5 A. Yes.

6 Q. What's checked in?

7 A. Says possible drugs or alcohol use, yes.

8 Q. Who checked that box?

9 A. Officer Baptiste (phonetic).

10 Q. Did he tell you why he checked that box?

11 A. No.

12 Q. Going further down, it talks about the  
13 complainant. Read that area. Just read the witness.

14 A. The witness. NA -- witness's NA.

15 Q. It asks you in another section, where it says  
16 victim, you see the victim box?

17 A. Yes.

18 Q. And then it also makes -- ask you to  
19 reference for any factors that may be involved in this  
20 case, you see them?

21 A. I don't know which one you're talking about.

22 Q. Let me ask you this way. Did you ask  
23 Danielle Romero whether or not she consumed alcohol?

24 A. Did I ask Danielle Romero, yes.

25 Q. What did she tell you?

1 A. She said she got two cocktails.

2 Q. Did you document that anywhere in your  
3 investigation that the alleged victim consumed alcohol  
4 and that may be a factor in your evaluation, did you  
5 write that down anywhere?

6 A. No.

7 Q. Did you document it on any police department  
8 record that the alleged victim may have consumed  
9 alcohol?

10 A. No.

11 Q. Why not?

12 A. I'm not sure.

13 Q. Is that part of your training that you're  
14 supposed to document specifically on that domestic  
15 incident report whether or not a person maybe under the  
16 influence of alcohol?

17 A. Yes.

18 Q. What did you put -- well, you didn't fill out  
19 this incident report?

20 A. The officer did.

21 Q. You reviewed it as a reviewing supervisor?

22 A. Yes.

23 Q. Did you review it as the arresting officer?

24 A. Yes.

25 Q. What did he put in that space?

1           A.    I'm looking for the space that you're talking  
2           about specifically.

3           Q.    You didn't ask the question so I'm not going  
4           to belabor the point.   A couple more.

5                   Did Danielle Romero during the course of her  
6           interview tell her, that they were involved in a  
7           physical confrontation?

8           A.    Yes.

9           Q.    Meaning both parties were involved in the  
10          physical confrontation?

11          A.    Yes.

12          Q.    Did Danielle Romero tell you that Officer  
13          Romero asked her to leave the premises?

14          A.    Yes.

15          Q.    Did she leave the premises?

16          A.    She left and came back.

17          Q.    What about the second time, did she leave?

18          A.    Yeah, eventually she does leave.

19          Q.    Does she tell you how she sustains injuries  
20          to her arm?

21          A.    The bruising.

22          Q.    And that would be Department's 4 and 5.

23                   (Whereupon, the aforementioned document  
24          was presented.)

25          Q.    Did you take that picture?

1 A. One of them, I did not.

2 Q. Which one did you take?

3 A. I took this one. This one I did not.

4 Q. That's 4, right?

5 A. That's 4.

6 Q. You took that picture, if you don't recall --

7 A. Yeah, I don't recall.

8 Q. Do you recall seeing that injury?

9 A. No.

10 Q. You don't recall seeing an injury, what about  
11 Department's 5?

12 A. No, I did not see this injury.

13 Q. With respect to the -- let me ask you this:  
14 During the course of that interview, did Danielle  
15 Romero tell you that Jermack Romero punched her at any  
16 time?

17 A. No.

18 Q. Based upon your interview of Ms. Romero, did  
19 you conclude her injuries, you said there was scrapes?

20 A. Yes.

21 Q. You believe at the time that those scratches  
22 were results of the tussle between the two parties?

23 A. I believe so, yes.

24 MR. SANDERS: Nothing further for me.

25 HONORABLE FACIO-LINCE: Do you have

1 redirect?

2 MS. MCCARTHY: Yes.

3 RE-DIRECT EXAMINATION BY

4 MS. MCCARTHY:

5 Q. Did you make a determination as to who the  
6 primary aggressor is?

7 A. Yes.

8 Q. When you make this determination, what  
9 information are you considering?

10 A. The victim's or witness's on scene, their  
11 stories and their level of injuries. Stairs.

12 Q. Is it fair to say you consider the totality  
13 of the facts?

14 A. Yes.

15 Q. Is it fair to say that if someone told you  
16 they punched someone, they could have still been the  
17 victim in the situation?

18 A. Correct.

19 Q. What are some of the factors that she told  
20 you that led you to determine that Mr. Romero was the  
21 primary aggressor?

22 A. She said she called her relatives for help  
23 because she planned on leaving. Her boyfriend took the  
24 phone from her in an effort to have her stop calling.

25 Q. Was there any other factors that led you to

1 determine he was the primary aggressor?

2 A. Her broken chain that she claimed and the  
3 injuries to her face.

4 Q. Did you also make observations about her  
5 clothing?

6 A. She had a ripped sweater.

7 Q. Sergeant, you testified on cross, you didn't  
8 ask Mr. Romero questions that evening?

9 A. That's correct.

10 Q. Is there a specific reason you didn't ask  
11 questions that evening?

12 A. He was -- usually it's common to leave that  
13 task to investigation and internal affairs. They would  
14 normally explain their side of a story in front of a  
15 delegate that's more common to deal with than myself.

16 Q. Because Ms. Romero was --

17 A. He wasn't on scene the night I was doing the  
18 interview with Danielle Romero.

19 Q. I mean, specifically what's his job?

20 A. He was a police officer.

21 Q. A police officer is under arrest, and  
22 internal affairs is getting involved, would you say  
23 that it's protocol for the arresting patrol officer to  
24 wait for internal affairs to interview them?

25 A. Yes, and the duty captain.



1 Q. Who makes the determination that he should be  
2 placed under arrest?

3 A. The duty captain.

4 Q. You didn't make the ultimate determination to  
5 arrest him?

6 A. No.

7 Q. What is the duty captain basing his  
8 determination on?

9 MR. SANDERS: Objection.

10 MS. MCCARTHY: I'll rephrase.

11 Q. Did you speak to the duty captain that  
12 evening?

13 A. I do.

14 Q. Did you relay to him what information you  
15 gathered from Mr. Romero?

16 A. I did.

17 Q. What did he tell you after he relayed the  
18 information?

19 MR. SANDERS: Objection. What she's  
20 trying to do -- I'm going to let it go. But it creates  
21 another problem by him. The duty captain is not here.  
22 He can say why he gave the direction. He's trying to  
23 get the sergeant to give the reasoning of it, which may  
24 not -- that's not the substance of this case. It's  
25 just misconduct. I don't think it's proper. Let's

1 have the duty captain come in and explain if they want  
2 to explain why he was placed under arrest.

3 HONORABLE FACIO-LINCE: I don't think the  
4 question was why the duty captain, the only thing she  
5 said is what did the duty captain say to you after.

6 MR. SANDERS: Okay. I'm going to withdraw  
7 my question. It sounds like she's going into the same  
8 reasoning.

9 HONORABLE FACIO-LINCE: If she goes there  
10 then we might have a different ruling for this  
11 particular question. I'm going to overrule and allow  
12 the sergeant to answer the question that was asked by  
13 Ms. McCarthy.

14 A. I'm sorry. Can you repeat the question.

15 Q. When you speak to the duty captain after your  
16 interview, you're with Ms. Romero?

17 A. Yes.

18 Q. What does he say to you after you relay the  
19 information?

20 A. That he's under arrest.

21 Q. I want to ask you about the bruising to her  
22 arms that you were shown photos of previously. Are  
23 they still in front of you?

24 A. No.

25 Q. Did she complain about her arms hurting?

1 A. She mentioned it.

2 Q. But you didn't see the bruising at that time?

3 A. Correct. She was wearing long sleeves, and  
4 at the time it wasn't visible to me right away.

5 Q. She didn't pull up her sleeve to show you?

6 A. No.

7 Q. You did take that photo?

8 A. I don't remember if I took -- I know I didn't  
9 take the one on screen, investigations took it. The  
10 other one, I don't remember if I took it or if it was  
11 off her phone. I don't remember.

12 Q. But you did take some photos of photos on her  
13 phone?

14 A. Yes.

15 Q. Is it typical as a sergeant, you obviously  
16 know a lot of injuries?

17 A. Yes.

18 Q. In your work?

19 A. Yes.

20 Q. You've seen a lot of bruising?

21 A. Yes.

22 Q. Based on what you know about injuries and  
23 bruising, is it common for bruising to appear  
24 differently the next day?

25 A. Yes.

1 Q. Did the bruising look worse or better the  
2 next day?

3 A. Worse the next day.

4 MR. SANDERS: There are a lot of leading  
5 questions this whole trial and I'm trying not to  
6 complain about it.

7 HONORABLE FACIO-LINCE: You can make  
8 objections to how you think it's not appropriate. It's  
9 not about interrupting. The record has to be what it  
10 has to be. If you have to make an objection, please  
11 do.

12 MS. MCCARTHY: I have no further  
13 questions.

14 MR. SANDERS: Quick follow up.

15 RE-CROSS EXAMINATION BY

16 MR. SANDERS:

17 Q. Did you actually go to the scene of the  
18 alleged crime, and go review to see if it's consistent  
19 with the statement that you were given by Danielle  
20 Romero?

21 A. I did not go into the apartment. I went  
22 outside the apartment.

23 Q. I'm talking about inside the apartment?

24 A. No.

25 Q. Second question, before you gave information

1 to the duty captain, did you communicate to him that  
2 the alleged victim claims that she punched Romero?

3 A. No because he would've interviewed her as  
4 well.

5 Q. All I'm asking, did you communicate it?

6 A. No.

7 Q. Prior to the arrest of Romero, you knew this  
8 information because she told you that she punched  
9 Romero first -- let me rephrase it. She punched  
10 Romero, correct?

11 A. Yes, she told me she did.

12 Q. At any point before he was placed under  
13 arrest, did you, you were the assigned arresting  
14 officer, look at Romero and see if he was in fact  
15 injured?

16 A. No.

17 HONORABLE FACIO-LINCE: Your testimony  
18 here is concluded. Thank you for your time.

19 The time is 13:28, I would like to take a  
20 recess, about an hour and we will come back at 14:30.

21 (Whereupon, a short recess was taken.)

22 HONORABLE FACIO-LINCE: Ms. McCarthy, I  
23 think we have one more witness that you are going to be  
24 calling.

25 MS. MCCARTHY: Calling no more witnesses.

1 HONORABLE FACIO-LINCE: We are up to your  
2 case, Mr. Sanders.

3 MR. SANDERS: Calling Police Officer  
4 Jermack Romero.

5 HONORABLE FACIO-LINCE: Do you swear or  
6 affirm to tell the truth in all proceedings today?

7 POLICE OFFICER ROMERO: I do.

8 HONORABLE FACIO-LINCE: State and spell  
9 your name for the record.

10 POLICE OFFICER ROMERO: Jermack Romero,  
11 J-E-R-M-A-C-K, R-O-M-E-R-O.

12 HONORABLE FACIO-LINCE: You may proceed.  
13 DIRECT EXAMINATION BY

14 MR. SANDERS:

15 Q. What's your date of appointment?

16 A. July 10th, 2006.

17 Q. Did there come a point in time when you  
18 attend the Police Academy?

19 A. Yes.

20 Q. For what time period?

21 A. Time period.

22 Q. How long did you go --

23 A. The academy is six months, approximately.

24 Q. Did there come a point in time you graduated  
25 from the academy?

1 A. Yes.

2 Q. What was your first assignment?

3 A. They sent me to Bronx for patrol. That's  
4 where I started my assignment, at graduate.

5 Q. How long were you there?

6 A. The last 16 years of my career.

7 Q. Let's direct your attention right to this  
8 case, September 30, 2021, do you remember that date?

9 A. Yes.

10 Q. Were you still employed with New York City  
11 Police Department?

12 A. Yes, I was.

13 Q. Back then, were you in a personal  
14 relationship with someone?

15 A. Yes.

16 Q. What's her name?

17 A. Danielle Romero.

18 Q. How did you know her, how did you meet her?

19 A. I met Danielle Romero at the beach.

20 Q. Which beach?

21 A. Orchid Beach in the Bronx.

22 Q. Around what time period?

23 A. During the summer of 2021 -- 2020.

24 Q. At the time of September 30, 2021, were you  
25 in a personal relationship with her?

1 A. Yes, I was.

2 Q. Did you ever live together?

3 A. No.

4 Q. What happened on September 30, 2021?

5 A. We was home, myself and Danielle Romero, we  
6 had ordered some food and we were watching TV.

7 Q. Anything occur before that?

8 A. Before that, no. We were just home.

9 Q. Did there come a time point in time when  
10 there was an incident in your apartment?

11 A. Yes.

12 Q. About what time did that incident occur?

13 A. Late in the evening, might've been around  
14 after seven around there. I don't recall the time.

15 Q. What was the incident, what was it about?

16 A. We had a verbal argument in regards to a  
17 friend of mine had text me. He had text me pictures of  
18 his outing that he went out. Bruce -- usually when I  
19 go out, I take pictures of where I'm at and send it to  
20 him. I asked him, hey, you've been here before. That  
21 occurred with the text message. We were laying in the  
22 bed and Danielle Romero asked me is that your  
23 girlfriend texting you. And I told her no, that's  
24 Bruce. You know who it is. And then we just went back  
25 and forth in regards to the text.



1 Q. During the course of your relationship is  
2 that the first time she's ever asked you about text  
3 messages?

4 A. No.

5 Q. Are there other occasions?

6 A. Yes.

7 Q. After you said this was your friend Bruce  
8 breeze, what happened next?

9 A. She kept insisting, saying you're right, your  
10 only girlfriend, you're always with him, you pay more  
11 attention to him than me. So we were going back and  
12 forth. Arguing in regards to that. I didn't want to  
13 argue because I knew what it was going to lead to. If  
14 you keep going this route, you may as well go home. I  
15 don't want to fight, I don't want to argue.

16 Q. Prior to that, did you have any alcohol?

17 A. Yes.

18 Q. What type of alcohol did you consume?

19 A. I made a cocktail of Hennessy and cranberry.

20 Q. How many drinks did you have?

21 A. Might've been one or two.

22 Q. What about Danielle, did she consume any  
23 alcohol?

24 A. She probably had about one.

25 Q. What happened next -- you testified that you

1 asked her to leave, you might as well leave?

2 A. Yes.

3 Q. Did she respond to that?

4 A. She said why should I leave, we're arguing  
5 back and forth. I told her I don't want to argue with  
6 you, you basically want to fight over nonsense. It was  
7 my day off, I know the next day I had to perform my  
8 overtime. I was not in the mood to argue about  
9 nonsense.

10 Q. At that time, where were you located?

11 A. I was in my bedroom.

12 Q. Where was she?

13 A. In the bedroom as well.

14 Q. What happened next?

15 A. We started arguing, she kept insisting, I  
16 said no, no, she said let's talk about. I told her --  
17 you should just leave. She had a bag next to the bed  
18 with the belongings because when she comes over she has  
19 something to stay with. I grabbed her bag and I put it  
20 outside my apartment door.

21 Q. How far is the bedroom from the entry way  
22 door coming to the apartment?

23 A. I'm going to say five, six feet away.  
24 Approximately.

25 Q. You placed it outside for what purpose?

1           A.    I told her I want -- I told her she should  
2 just go home.

3           Q.    How did Danielle Romero respond to that?

4           A.    She said okay, you want me to go home, I'll  
5 go home. And she went outside the apartment. As I  
6 went back behind her, I said come back inside, I know  
7 it was stupid arguing; sending someone home for  
8 nonsense. So I invited her back in the apartment. I  
9 shut the light off, I didn't want to fight. I told her  
10 repeatedly it's nonsense -- that we're fighting over  
11 nonsense. I don't want to deal with it. And I lay  
12 back down on the bed.

13          Q.    -- did you go to sleep?

14          A.    No, I just laid down. I told her I wanted to  
15 sleep.

16          Q.    Where was Danielle Romero at the time when  
17 you were laying on the bed?

18          A.    She was sitting by the door, actually  
19 standing up to the entrance of the bedroom.

20          Q.    Did she say anything to you?

21          A.    She stated that no, we're going to talk this  
22 out now. So she turned on the light, started to argue  
23 more. I told her, you got to let this go, I'm not in  
24 the mood to fight, I'm not in the mood for arguing. I  
25 put the light on. In the middle of me telling her that

1 if this is going to continue, just forget it. Just go  
2 home. Go. I don't want to deal with it. At this time  
3 I was already agitated. So I quickly got up, I turned  
4 the light back off. She turned it back on, and we just  
5 kept arguing.

6 Q. Did there come a point in time where there  
7 was a physical interaction between yourself and  
8 Danielle Romero?

9 A. Yes.

10 Q. When did that occur?

11 A. Once I told her to leave.

12 Q. How did this physical interaction occur?

13 A. I told her she should get her bag and just  
14 leave. I was doing the countdown, five, four, I'll  
15 give you until five seconds to leave. And she started  
16 counting down, 3, 2, 1 on her own. So that bothered me  
17 so I quickly got up. I then grabbed her by the arms,  
18 took her out of my apartment in that instant moment.  
19 In the midst of that happening, she was fighting back,  
20 that's how my boxers, my shirt, and I think grabbing on  
21 to her sweatshirt, sweater, whatever she had on, broke  
22 off.

23 Q. Before you placed your hands on her, did you  
24 say anything to you?

25 A. I stated you should go home.

1 Q. Did she leave?

2 A. She did not leave.

3 Q. You said you grabbed her, what happened next?

4 A. We started tussling by the door. Like I  
5 said, she was grabbing on to my clothing.

6 Q. Which door, the bedroom door or the exit  
7 door?

8 A. The exit door to the apartment.

9 Q. When you back up, at the point when you ask  
10 her to leave, where were you in the apartment?

11 A. I was in the bedroom still.

12 Q. When you grabbed her, where were you in the  
13 apartment?

14 A. On the bed.

15 Q. How did she get to the exit door?

16 A. I grabbed her when I got up, and I told her  
17 she needed to leave. I told her now you have to go.  
18 And she said I'm not going anywhere.

19 Q. How did she get to the exit door?

20 A. I was tussling. She finally stepped out. We  
21 were both out on that vestibule -- my apartment has a  
22 little area where it's still part of the apartment,  
23 there's another door that leads the building. We both  
24 made it out there and we were arguing while we were in  
25 there. And that instant moment, I don't know what came

1 over. She just punched me in the face.

2 Q. Where did she punch you in the face?

3 A. On my lip.

4 Q. You said that's outside in the hallway?

5 A. Right. Outside the hallway, yes.

6 Q. After that, what happened next?

7 A. I was shocked that she punched me in the  
8 face. As that happened, I remember my lip was swole  
9 up, so I quickly went like this (indicating) to see  
10 what injury I had, if I had.

11 MR. SANDERS: Full motion. He was  
12 motioning with your left hand.

13 Q. What are you trying to describe?

14 A. To see if I had any blood on my hand because  
15 my lip felt swole. So I was shocked it happened so  
16 fast that I spit, because I felt like had I had  
17 something on my lip, and it was blood.

18 Q. Where was Danielle Romero at the time?

19 A. She was directly in front of me.

20 Q. Did you say anything to her?

21 A. I don't recall what I said, but I know I was  
22 saying I couldn't believe you just punched me in the  
23 face.

24 Q. Did she say anything in response to you?

25 A. I don't recall. I don't remember. I know it

1 was more of a screaming, yelling. I zoned out for a  
2 little bit because I was just in shock that she punched  
3 me in the face.

4 Q. What happened next?

5 A. Once that happened, I remember seeing her  
6 using the phone. I don't know who she was calling. I  
7 quickly, I said to myself, something held me back, I  
8 had lost my mom, my mom came to my mind. I said this  
9 is not worth it. I walked back to the hall, put her  
10 belongings by the door and I went back inside my  
11 apartment.

12 Q. After you close the door to your apartment,  
13 did you have any other interactions with her?

14 A. No. She just kept knocking on the door.

15 Q. After that date, September 30, 2021, have you  
16 had any further contact with her?

17 A. After that date, yes.

18 Q. Meaning you contacted her?

19 A. No, I never contacted her.

20 Q. Did she try to contact you?

21 A. Yes, she has.

22 Q. How many times has she tried to contact you  
23 between the time you were arrested until the day of  
24 this trial?

25 A. I'm going to say multiple times. Probably

1 like ten times. I can't give you an exact number but  
2 she did reach out to me, calling me private.

3 Q. Did you ever speak with her?

4 A. I did.

5 Q. What was the conversation about?

6 A. I was letting her know that she didn't want  
7 to talk because she wanted to get back with me, meaning  
8 the relationship. I was letting her know that I was  
9 stressed out, I was put in a position where I have to  
10 travel out to the city for central booking, the case  
11 was still pending, I wasn't allowed to talk to her.  
12 She said she understood, she would wait, and she kept  
13 going on. Every other month try to reach out to me,  
14 even last week she reached out to me through a text  
15 that I showed you.

16 Q. During the course of the incident inside the  
17 hallway, did you take Danielle Romero's phone out of  
18 her possession?

19 A. I did.

20 Q. Why?

21 A. I was curious to find out who she was  
22 calling, because I wanted to let the mother -- I  
23 realized then it was her mother. I had to let her know  
24 this is not Danielle Romero's blood, this is my blood,  
25 she just punched me in the face. I spit it out because



1 I was shocked that I got punched. And then, right  
2 after that, I gave her the phone back and I went back  
3 inside the apartment.

4 Q. Did there come a point in time when you were  
5 placed under arrest?

6 A. Later that night I was told to report to the  
7 50th Precinct.

8 Q. When you went to the 50th Precinct, do you  
9 recall the sergeant that testified earlier as being the  
10 arrest officer?

11 A. Yes.

12 Q. Did he take any pictures of you?

13 A. No.

14 Q. Did you have any injuries on your face that  
15 day?

16 A. Yes, I did.

17 Q. Did anyone from the police department take  
18 any pictures of you?

19 A. No.

20 Q. Did there come a point in time after this  
21 incident of the arrest, that you were interviewed by  
22 the Department?

23 A. The Department interviewed me.

24 Q. During the course of that department  
25 interview, did you explain to the sergeant what you

1 claim occurred?

2 A. Yes.

3 Q. Did you tell them whether or not you were  
4 injured?

5 A. Yes.

6 Q. Did they ask you if you had any evidence to  
7 support that you were injured on the night of  
8 September 30, 2021?

9 A. No.

10 Q. Did you have evidence that you were injured  
11 September 30, 2021?

12 A. Yes, I have pictures.

13 Q. Did you give them to the investigators?

14 A. No.

15 Q. Why not?

16 A. They didn't ask me. I had it with me, I told  
17 them I did have pictures.

18 Q. Why did you volunteer that information to  
19 them?

20 A. I don't know. Instant moment, I was just --  
21 I was the victim there, too, as well. I felt like they  
22 were against me. Whether I said something or not --

23 Q. Did anyone ask you if you had evidence of  
24 your clothing being ripped?

25 A. No.

1 Q. What did you do with the clothing that day of  
2 your incident, September 30, 2021?

3 A. I threw it out in the garbage.

4 MR. SANDERS: Nothing further.

5 CROSS EXAMINATION BY

6 MS. MCCARTHY:

7 Q. Officer, you stated that you met Ms. Romero  
8 while you were at Orchid Beach, correct?

9 A. Yes.

10 Q. You were working that day, right?

11 A. Yes.

12 Q. You were on duty when you met her?

13 A. Yes.

14 Q. How old was she when you met her?

15 A. I think she was 18 years old at the time.

16 Q. How old were you?

17 A. I was 37, 38.

18 Q. Your partner, you had a partner that day?

19 A. Yes.

20 Q. He was chatting with Ms. Romero's mother?

21 A. Yes.

22 Q. How did you come to go on a date with  
23 Ms. Romero?

24 A. Well, my partner and I went out that night,  
25 that evening with other friends and Danielle Romero's

1 mother. My partner got the information of her  
2 Instagram and that's how I was able to chat with her  
3 the next day.

4 Q. But you had met her in person earlier at the  
5 beach that day?

6 A. Yes, briefly.

7 Q. You're aware that she was 17 or 18 at the  
8 time?

9 A. Yes.

10 Q. Up until the date of the incident,  
11 September 30, 2021, you've been together for a little  
12 over a year, correct?

13 A. Just about.

14 Q. It was an official relationship, correct?

15 A. Yes, you can say that.

16 Q. How would you characterize that relationship?

17 A. Just like any other relationship. We all  
18 have ups and downs. No one is perfect. For the most  
19 part, we did good. We traveled together out of the  
20 states. But like any other couple, couple arguments.

21 Q. You would do things together?

22 A. For the most part.

23 Q. Go out together?

24 A. Yes.

25 Q. Go out to clubs together?

1 A. We went to one club with her one time.

2 Q. Bars together?

3 A. For her birthday, to east, yes.

4 Q. You guys would drink together?

5 A. Sometimes.

6 Q. But she's under 21 at this point, correct?

7 A. Yes.

8 Q. Did you ever discuss your job with her -- did  
9 you ever discuss work with her?

10 A. She would ask me stuff, what I was doing, how  
11 was work and I let her know what was going on. I try  
12 not to say too much but you can say we had  
13 conversations about work.

14 Q. But sometimes you might complain about work,  
15 right?

16 A. Yes. Sometimes.

17 Q. Might complain about a tough arrest you  
18 might've had?

19 A. Not really.

20 Q. Might tell her that you had to handle a  
21 difficult EDP on a certain day?

22 A. Sometimes I brought that up to her attention.

23 Q. I know you know the mother, correct, but did  
24 you know other family members?

25 A. No. Her mother and her little sister.

1 Q. You said you got along with her mother?

2 A. For the most part, yes.

3 Q. You said you would get into arguments over  
4 small things?

5 A. Yes.

6 Q. What kinds of things?

7 A. Majority pictures, posts on Instagram, of  
8 girls that liked my posts, stuff like that. Boyfriend,  
9 girlfriend, stuff.

10 Q. Just to clarify, pictures that you would  
11 post?

12 A. Yes.

13 Q. Pictures that you would like?

14 A. Well, she would ask me questions about who is  
15 this girl that's liking your pictures, et cetera.

16 Q. Those were the only kinds of things you  
17 argued about?

18 A. Majority of times, yes.

19 Q. Instagram?

20 A. Instagram posting, texting my friend, Bruce.

21 Q. You had argued about text messages with Bruce  
22 before?

23 A. Before this, yes.

24 Q. Did those arguments end like this argument  
25 did?

1 A. No.

2 Q. You guys never had an incident with police  
3 involved before, right?

4 A. No.

5 Q. You never called the police on her before?

6 A. No.

7 Q. Did she have keys to your apartment?

8 A. She did not.

9 Q. So you usually let her in?

10 A. Yes.

11 Q. But, in prior disputes, you kicked her out of  
12 your apartment before?

13 A. Told her to go home. I don't want to call it  
14 kicking out of the apartment but told her to go home.

15 Q. Did she go home?

16 A. A lot of times she did, yes.

17 Q. A lot of the times?

18 A. Multiple times, I would say two, three times  
19 that we had disagreements and I told her to go home.

20 Q. Two or three times you told her to leave your  
21 apartment and she did -- approximately how many times  
22 would you say you told her to leave?

23 A. Top, three, four times.

24 Q. This was a regular occurrence?

25 A. Didn't happen often but it happened when it

1 did.

2 Q. You guys were only together for about a year?

3 A. Just about.

4 Q. It happened three or four times in a span of  
5 a year?

6 A. If you want to say that.

7 Q. Is that what you would say?

8 A. Three, four times within a year frame that  
9 we've together -- I don't know the exact amount.

10 Q. I want to talk about your career, you've been  
11 a cop for 15 years?

12 A. Roughly.

13 Q. You've made dozens of arrests at this point?

14 A. Just about.

15 Q. You've received a lot of training at this  
16 point?

17 A. Yes.

18 Q. You've also probably made arrests for  
19 domestic incidents, correct?

20 A. I have.

21 Q. You've been taught how to deescalate  
22 situations, right?

23 A. Yes.

24 Q. How to handle confrontation?

25 A. Correct, yes.



1 Q. You've been taught to do things like separate  
2 the parties when you first get to the scene, correct?

3 A. Yes.

4 Q. As an officer you've also received training  
5 in hand-to-hand combat, correct?

6 A. Yes.

7 Q. I want to talk about the night of the  
8 incident.

9 You said it occurred at about 7 or 8:00 P.M.,  
10 correct?

11 A. Just about.

12 Q. Approximately?

13 A. Yes.

14 Q. It was after you had eaten dinner?

15 A. Yes.

16 Q. Were you still drinking at the time you  
17 started?

18 A. No.

19 Q. You drank with dinner or before?

20 A. While I was eating.

21 Q. When the argument started, you were both done  
22 drinking?

23 A. Yes.

24 Q. You stated that you drank more than her,  
25 correct?

1 A. I probably had one more cup, yeah.

2 Q. You were drinking what?

3 A. Hennessy and cranberry.

4 Q. Did the argument start with a text, right?

5 A. Yes.

6 Q. Like other arguments before?

7 A. You can say that.

8 Q. You stated that you didn't want to continue  
9 the conversation with her because you knew where it was  
10 going to lead to, what did you mean by that?

11 A. I just didn't want to argue and fight. She  
12 was in my apartment. I didn't want her to leave. It  
13 was nonsense, it was stupid to fight over a text  
14 message.

15 Q. You had told her to leave, right?

16 A. Yes, I did tell her.

17 Q. Because you knew where the argument was going  
18 to lead to?

19 A. I didn't want to be a part of it.

20 Q. How did you know where it was going to lead  
21 to?

22 A. I didn't know where it was going to lead.

23 Q. Where did you think it was going to lead?

24 A. Her crying. She usually cries when we fight  
25 and argue.

1 Q. You were trying to avoid that?

2 A. Yes.

3 Q. You stated that you picked up her bag and put  
4 it outside the door?

5 A. Yes.

6 Q. You gently placed it outside the door?

7 A. I grabbed it. I don't remember if I put it  
8 gently but I just put it outside the door.

9 Q. You were angry at this point?

10 A. I was mad, not angry.

11 Q. Upset to take her bag and get it out your  
12 apartment?

13 A. For her to leave, yes.

14 Q. That was your way of getting her to get out  
15 your apartment?

16 A. Yes.

17 Q. Was she -- she willingly left, right?

18 A. The first time, yes.

19 Q. She's outside your apartment in this  
20 vestibule, right?

21 A. Yes.

22 Q. This vestibule is not part of your apartment?

23 A. It's an entrance to my apartment, there's  
24 another door that leads out to go outside. So she's  
25 there still in my apartment, section there.

1 Q. Do you have furniture in this vestibule?

2 A. I have a radiator.

3 Q. This vestibule is accessible by porters?

4 A. The porter and myself.

5 Q. So it's a hallway?

6 A. It's a small, square hallway like the size of  
7 this cube (indicating).

8 Q. There's a door to your apartment that meets  
9 with vestibule?

10 A. Yes.

11 Q. There's another door that leads outside?

12 A. Yes.

13 Q. You can lock your apartment door and whoever  
14 is in the vestibule can't get in?

15 A. Right.

16 Q. You have multiple doors, right?

17 A. Right.

18 Q. When she's out there, you tell her to come  
19 back inside?

20 A. I did.

21 Q. Because you felt that it was a silly  
22 argument, right?

23 A. Right.

24 Q. You went back into the bedroom, turn the  
25 light off, around what time is this?

1 A. Between 7 and 8, I don't remember.

2 Q. She turned the light on because she wanted to  
3 talk to you more about the night, right?

4 A. Right.

5 Q. She wanted to talk this out?

6 A. Yes.

7 Q. She didn't want to fight it out?

8 A. She wanted to talk it out.

9 Q. But you didn't want to talk it out?

10 A. I did not.

11 Q. You stated that you were agitated at this  
12 point, right?

13 A. Because she kept insisting that she wanted to  
14 talk, yes.

15 Q. For the second time you tell her to leave,  
16 right?

17 A. Not yet. Because she kept going on me back  
18 and forth as to what happened with me kicking her out  
19 again, arguing about the text message and I didn't want  
20 to talk about it so I told her I don't want to talk  
21 about it. She kept going on and on. And that's when I  
22 did the whole thing with the countdown stuff.

23 Q. You said she was saying to you about being  
24 kicked out again, correct?

25 A. She wanted to talk about that and the text

1       messaging with Bruce.

2           Q.    You did a countdown out loud, right?

3           A.    Yes.

4           Q.    You said you were bothered at this point,  
5       right?

6           A.    I was starting to get bothered, yes.

7           Q.    You were counting down to let her know  
8       something was going to happen if you went to zero?

9           A.    Nothing was going to happen. I was going to  
10      tell her to leave again.

11          Q.    You didn't tell her before you started  
12      counting down?

13          A.    No. When I was doing the countdown, I'm  
14      going to count and I want you out of my apartment.

15          Q.    You told her to leave before you started  
16      counting down?

17          A.    Right.

18          Q.    What were you planning on doing when you got  
19      to the 0?

20          A.    Nothing. The same thing I did the first  
21      time, grab her things and this time, for real, just  
22      leave.

23          Q.    But this time, you quickly got up, right,  
24      after you hit 0, after she finished the countdown for  
25      you?

1 A. Yes, I got up.

2 Q. Quickly, you said?

3 A. After she counted down the stuff, yeah.

4 Q. You didn't grab her things this time, right?

5 A. No, I grabbed her.

6 Q. Where did you grab her?

7 A. On her arms.

8 Q. Both arms?

9 A. Both arms.

10 Q. Were you pulling her?

11 A. Pushing her to get out toward the exit doors.

12 Q. And she's resisting her pulling her, right?

13 A. Fighting me, grabbing on to my shirt, pulling  
14 on my boxers.

15 Q. You had her arms?

16 A. Her arms. I'm grabbing her arms, her hands  
17 are in between my chest, as she's holding on to my  
18 shirt and that's when the tussle happened.

19 Q. How did she get low enough to rip your boxers  
20 off if you're holding on to her arms and you both are  
21 standing up and you're pushing her out of the  
22 apartment?

23 A. Tussle from the bedroom to the door, as I'm  
24 pushing her out, she was able to grab whatever she can  
25 just to rip it off. Until I became fully naked.

1 Q. Your shirt was ripped off as well?

2 A. Yes.

3 Q. You're holding on to her arms and she's  
4 managing to get low enough and use her hands to rip  
5 your boxers off?

6 A. By the time we reach the back door exit, she  
7 had already slipped out of the arm because now she's  
8 holding on to my clothes trying to avoid from not  
9 breaking, pulling my shirt, my boxers.

10 Q. When did you let go of her?

11 A. When I reached the exit door to open up the  
12 door.

13 Q. I want to clarify where you were when you  
14 grabbed her, you said you were on the bed when you  
15 grabbed her?

16 A. On the bed in the bedroom.

17 Q. Where was she when you grabbed her?

18 A. She was by the inches of the bedroom, by the  
19 light switch.

20 Q. Had you gotten up at one point to turn the  
21 switch off again, right?

22 A. Before the fight, yes.

23 Q. This is when you are going on, off, on off?

24 A. Yes.

25 Q. Did you break the light switch?



1           A.    I didn't break it, I shut it and the piece,  
2           the outside piece, that holds the light, came off, like  
3           the back.

4           Q.    So you hit it pretty hard?

5           A.    To break it at that moment, I guess.

6           Q.    You grabbed her pretty hard, right?

7           A.    Grabbed her pretty hard, I don't recall  
8           grabbing her pretty hard. Just grabbed her to get to  
9           the exit.

10          Q.    You grabbed her hard enough that she can't  
11          from your bedroom door to your apartment door, she's  
12          trying to get out of your grip and you got her, right?

13          A.    Right.

14          Q.    You're holding on to her arm, so she can't  
15          necessarily get out of your grip --

16                   HONORABLE FACIO-LINCE: I'm sorry, off the  
17          record.

18                   (Whereupon, a discussion was held off the  
19          record.)

20          Q.    So you grab her arms pretty hard, right?

21          A.    I don't recall to say I grabbed it hard. I  
22          just grabbed it for her to move toward the exit door.

23          Q.    You've been shown the photos of the bruising  
24          to her arm, right?

25          A.    Right.

1 MS. MCCARTHY: I'm asking that the witness  
2 be shown what's in evidence as Department's 4 and 5.

3 (Whereupon, the aforementioned document  
4 was presented.)

5 Q. This bruising on her arms, that's from when  
6 you grabbed her and attempted to pull her out your  
7 apartment, right?

8 A. Seems like it, yes.

9 Q. These are pretty substantial bruises, right?

10 A. From what it looks like.

11 Q. As an officer you've seen injuries like this  
12 before, right?

13 A. Of course.

14 Q. Did you have bruising anywhere on your body  
15 after this?

16 A. I had a couple of bruises on my body. The  
17 only thing I was worried about was my lip when I got  
18 punched.

19 Q. I actually want to talk about when you threw  
20 her bag out of the apartment into the hallway. Where  
21 was she when you moved her back?

22 A. She was in the living room.

23 Q. And she was just sitting there?

24 A. No, she was following me.

25 Q. To the apartment door?

1 A. To go to the exit, yes.

2 Q. This the first time she leaves or the second  
3 time?

4 A. Well, it happened twice.

5 Q. You took her bag out twice?

6 A. Right.

7 Q. When she's following you, is that the first  
8 time or second time?

9 A. Both times she followed me. The first time  
10 she followed me and I put the bag outside and she went  
11 outside.

12 Q. The second time she followed you?

13 A. The second time we were tussling at that  
14 time. I already had taken her bag outside. That's  
15 when the tussling started. She was directly behind me.

16 Q. So she followed you the second time?

17 A. Yes.

18 Q. She followed you to the apartment door?

19 A. The exit door.

20 Q. You also said you dragged her by her arms to  
21 the apartment door?

22 A. Yes.

23 Q. But if she was already at the apartment door,  
24 why would you have to drag her?

25 MR. SANDERS: I don't think he used the

1 word drag.

2 MS. MCCARTHY: Pulled her by her arms.

3 THE WITNESS: Right.

4 Q. If she followed you to the apartment door,  
5 you're already there?

6 A. She was preventing you from not throwing the  
7 bag outside.

8 Q. The grabbing now happened at your apartment  
9 door?

10 A. No.

11 Q. It didn't start in the bedroom when you got  
12 up out of the bed?

13 A. It did start in the bedroom and then we moved  
14 closely to the exit door. That's when I lost grip of  
15 her because we were fighting at that moment, breaking  
16 my shirt, my boxers. I was opening the door to put the  
17 bag outside still, and that's when we made it into the  
18 vestibule area.

19 Q. Are you trying to pull her out of the  
20 vestibule as well?

21 A. Somehow we made it out of the vestibule and  
22 that's where she initially punched me.

23 Q. I'm trying to focus on her being pulled out  
24 of the apartment. It's my understanding it started in  
25 the bedroom and led to the front door. But that you

1       were also followed by her when you went to throw her  
2       bag out the front door, where did you put your hands on  
3       her?

4             A.     When I put the bag out the door, I went to  
5       grab her again to get her out, because her bag is  
6       outside so I went to grab her again.

7             Q.     She didn't follow you out to the --

8             A.     The second time, yes, because I was throwing  
9       her bag out in that moment. We were fighting in  
10      between, tussling. I let go of her to grab her bag,  
11      open up the door again, grab her again, get out my  
12      apartment.

13            Q.     That's when she struck you in the face?

14            A.     Yes.

15            Q.     But you didn't think you should call the  
16      police at that point?

17            A.     No. I just wanted her to leave.

18            Q.     She was outside your apartment at that point?

19            A.     Yeah, that's when I went back inside and  
20      closed the door.

21            Q.     You spit in her face before you did that?

22            A.     The spit in her face happened when the  
23      initial punch. I felt something on my lip and I spit  
24      it out, like a reaction. That's when I said, I can't  
25      believe you punched me in the fucking face. I went

1 back inside, locked the door and that was the end of  
2 it.

3 Q. You were in close proximity of her when you  
4 spit, correct?

5 A. Yes.

6 Q. I'm?

7 MS. MCCARTHY: I'm asking the witness be  
8 shown Department's 1 and Department's 7.

9 (Whereupon, the aforementioned document  
10 was presented.)

11 Q. Looking at Department's 1, photo of her face,  
12 the blood splatter on her face is your blood, right?

13 A. Yes.

14 Q. You saw that after you did that, right?

15 A. It happened so fast, yeah.

16 Q. But you saw the fast land on her, right?

17 A. Yes.

18 Q. In Department's 7, which is the photo of her  
19 sweatshirt, there's also blood, right?

20 A. Yes.

21 Q. So you must've been spitting -- must've been  
22 a lot of blood, right?

23 A. There's one instant spit of blood which got  
24 on her and all her clothes.

25 Q. One spit resulted in blood from the top of

1 her forehead to below her chest, upper chest, that's  
2 what you're saying?

3 A. Yes.

4 Q. But you're saying you were close to her when  
5 you did this, right?

6 A. Yes.

7 Q. As an officer, have you observed instances  
8 where people had spit blood or blood splatter?

9 MR. SANDERS: Objection.

10 HONORABLE FACIO-LINCE: What's your  
11 objection?

12 MR. SANDERS: I'm going to withdraw.

13 A. I responded to a lot of jobs where people  
14 have blood on their faces.

15 Q. Are you familiar, based on your experience  
16 with training, how blood splatters?

17 A. Am I familiar?

18 Q. Are you familiar with it, blood splatters in  
19 the shape of a cone?

20 MR. SANDERS: Objection. This is the  
21 scientific to debunk, and everything else so why are we  
22 talking about it?

23 HONORABLE FACIO-LINCE: I'm going to ask  
24 the same objection regarding the blood splatter.

25 Q. But you had to spit blood pretty hard to get

1 blood from the top of her --

2 MR. SANDERS: Objection.

3 Q. How hard would you say you spit the blood?

4 A. I don't recall. It was a reaction.

5 Q. You got to the top of her forehead to her  
6 chest?

7 A. I don't remember aiming, and it was spur of  
8 the moment and I was shocked that she punched me.

9 Q. At this point, you guys are loud with each  
10 other, right?

11 A. Right after the spit, I went back inside the  
12 apartment and shut the door.

13 Q. Did you come back out again?

14 A. I did not.

15 Q. When did she call her mother?

16 A. Right after the spit.

17 Q. You didn't leave right away, right?

18 A. Because she called her mother right then and  
19 there, that's -- I didn't know who she was calling. I  
20 let her know this is not her blood, this is my blood.  
21 I gave her the phone back and I went back to the  
22 apartment.

23 Q. You took the phone from her, right?

24 A. To see who it was that she was calling, yes.

25 Q. You didn't know who she was calling when she



1 had her phone out?

2 A. At the moment, no.

3 Q. Why did you take her phone from her?

4 A. To ask her who she was calling.

5 Q. Why not ask her?

6 A. I did ask her, she didn't tell me so I  
7 grabbed her phone to see who she was FaceTiming.

8 Q. Were you worried about who she was  
9 FaceTiming?

10 A. No, I wanted to clarify that obviously --  
11 whoever she's talking to, that the blood on her face is  
12 not her blood.

13 Q. But you hung up the phone, right?

14 A. I don't recall that. I gave the phone back  
15 to her and I went back to the apartment.

16 Q. You were previously interviewed at this  
17 incident, right?

18 A. Yes.

19 Q. By investigative unit?

20 A. Yes.

21 Q. You were asked about hanging up the phone,  
22 right?

23 A. I don't recall. When I gave the phone back  
24 to her, I don't know if I hung it up. I gave it back  
25 to her and I went back to the apartment.

1 Q. Isn't it true when you were asked about  
2 hanging up the phone that you said that your thumb  
3 accidentally hung up the phone because iPhones are  
4 sensitive?

5 A. When I gave it back, yeah, I might've touched  
6 it, hung it up and gave it back to her.

7 Q. So it did end the call?

8 A. I don't recall if it hung up or not. I just  
9 gave it back to her.

10 Q. I'm going to read from Department's --

11 MR. SANDERS: When she does it, then I'll  
12 decide if I'm going to object what she's trying to do.  
13 I'm guessing she's trying to go towards a prior --  
14 statement -- I have to hear what she's going to ask.

15 MS. MCCARTHY: It's more of a refreshing  
16 memory. I'm unclear what his position is right now,  
17 maybe I can clarify.

18 HONORABLE FACIO-LINCE: Okay.

19 Q. So are you saying now that you accidentally  
20 did hang up the phone when you grabbed it?

21 A. I don't recall what I said at the interview.

22 Q. Do you recall what actually happened?

23 A. Grabbing the phone, seeing who she was  
24 talking about, which I saw that it was her mother. To  
25 clarify that it's not her blood, it's my blood and I

1 gave the phone back. I don't know if I clicked it and  
2 hung up. I don't remember.

3 Q. Did you tell her mother?

4 A. I did tell her mother.

5 Q. On the phone at that moment?

6 A. Yes, briefly, yes.

7 Q. At this the point you're in the vestibule  
8 outside of the apartment, still, right?

9 A. After?

10 Q. When the phone incident happened?

11 A. Yes.

12 Q. You said to her, that you were going to call  
13 her in as an EDP, right?

14 A. I might've said that.

15 Q. You used the word EDP with her, right?

16 A. I might've said that, yeah.

17 Q. Because you taught her what EDP means, right?

18 A. Yes.

19 Q. Does the witness still have Department's  
20 seven in front of them. I just want to show it again.

21 (Whereupon, the aforementioned document  
22 was presented.)

23 Q. Aside from the blood on it, you see that the  
24 sweatshirt is ripped significantly?

25 A. Yes.

1 Q. You agree that you have to pull on someone's  
2 clothing to rip the sweatshirt?

3 A. I mean, yeah.

4 Q. During this altercation you're grabbing her  
5 by the arms, right?

6 A. Yes.

7 Q. You're pulling her to the door, right?

8 A. Yes.

9 Q. At some point she breaks free of your hands,  
10 right?

11 A. Yes.

12 Q. That's when she punches you?

13 HONORABLE FACIO-LINCE: You have to answer  
14 yes or no.

15 A. Yes.

16 Q. You are no longer holding on to her arms,  
17 right?

18 A. Yes.

19 Q. The physical scuffle is over, right?

20 A. In the vestibule before she punched me.

21 Q. After she punched you?

22 A. This had already happened with the tussling  
23 before getting to the exit door.

24 Q. Her sweatshirt rips when you're pulling her  
25 by the arms?

1           A.    I don't recall. We were tussling. She was  
2 holding on to my stuff, I was holding on to hers.  
3 That's how it happens.

4           Q.    The sweatshirt rips right down the middle,  
5 right?

6           A.    I can't see by this picture, but it looks  
7 like it's halfway broken.

8           Q.    But you were holding her by her arms during  
9 the tussle, right?

10          A.    Right.

11          Q.    And her necklace was also ripped during this  
12 tussle?

13          A.    It' broken broke while we were tussling. I  
14 don't I don't remember her having a chain around her  
15 neck. I don't recall.

16                MS. MCCARTHY: I'm asking the witness be  
17 shown what's in evidence as Department's 10, 9, 8, and  
18 2.

19                (Whereupon, the aforementioned document  
20 was presented.)

21          Q.    Looking at Department's two, there should be  
22 a number in the corner. You see there's a laceration  
23 to her collarbone, right?

24          A.    Yes.

25          Q.    Blood splatter on her forehead, right?

1 A. Yes.

2 Q. A little bit of blood on the tip of her nose  
3 as well as on her nose ring, right?

4 A. Yes.

5 Q. It looks like a small laceration to the  
6 forehead as well as, right?

7 A. I can't tell if that's a laceration or dry  
8 blood.

9 Q. The laceration to her collarbone, that  
10 occurred during the physical tussle, right?

11 A. If that's what it is -- I don't.

12 MS. MCCARTHY: I want to jump to  
13 Department's 8.

14 Q. Again, you see the same laceration to the  
15 collarbone, in the front center?

16 A. Yes.

17 Q. You can also see two horizontal lacerations  
18 to her neck, right?

19 A. I see, yes.

20 Q. And then a small one up along her jaw by the  
21 bottom of her ear?

22 A. Yes.

23 Q. Looking at Department's 9, you see that same  
24 laceration to the center of the collarbone, right?

25 A. Yes.

1 Q. There's some bruising to her cheek, right?

2 A. Yes.

3 Q. And then looking at Department's 10. You can  
4 see very clearly, two lacerations to her neck,  
5 horizontal, right?

6 A. Yes.

7 Q. Bruising to her cheek, right?

8 A. Yes.

9 Q. A small laceration along her jaw below her  
10 ear?

11 A. Yes.

12 Q. A longer laceration on her upper cheek close  
13 to her hairline?

14 A. Yes.

15 Q. So as an officer you've seen a lot of  
16 injuries from altercations, right?

17 A. Yes.

18 Q. Would you say that the scratches to her neck  
19 are pretty consistent with having your sweatshirt and  
20 necklace ripped off by someone's hands?

21 A. What do you mean by that? Can you rephrase  
22 that.

23 Q. These marks are from when you ripped her  
24 sweatshirt off and her necklace off, right?

25 A. In the tussle, right.

1 Q. These are not marks from being pulled by her  
2 arms, right?

3 A. It happened so fast. Everything happened all  
4 at once.

5 Q. These are injuries to her arms?

6 A. With the being ripped, the shirt, my clothes.  
7 It could've been because I was trying to get her out of  
8 the apartment.

9 Q. These are not injuries to her arms, right?

10 A. No.

11 Q. These are injuries to her face and neck,  
12 right?

13 A. Yes.

14 Q. During this tussle, where she sustained these  
15 injuries, you didn't decide to disengage, right?

16 A. Disengage?

17 Q. Yes.

18 A. What do you mean by disengage?

19 Q. You didn't walk away?

20 A. Until I got her out of the apartment, yes. I  
21 walked away.

22 Q. This tussle is occurring by the apartment  
23 door, right?

24 A. By the apartment door and the vestibule.

25 Q. You could have separated yourself from her,



1 right?

2 A. Could I -- she still wouldn't have been at  
3 the apartment if I didn't tell her to get out.

4 Q. You could've backed away from the physical  
5 tussle?

6 A. Probably, yes.

7 Q. You stated that you might have told her you  
8 were going to report her as an EDP?

9 A. In the instance that it happened, yes.

10 Q. You did?

11 A. I remember saying something about EDP.

12 Q. Do you remember what you said?

13 A. That I was going to call 911 and say that she  
14 was an EDP.

15 Q. But you didn't actually call 911?

16 A. I did not.

17 Q. You didn't seek any help from anyone, right?

18 A. No.

19 Q. You didn't call anyone in her family?

20 A. No.

21 Q. Any friends?

22 A. No.

23 Q. Instead of separating yourself from her, you  
24 continued to engage with her?

25 A. Until I got her out of the apartment.

1 Q. You get her out of the apartment, you go back  
2 inside?

3 A. After she punched me, and I told her mother  
4 what had happened, I went back inside.

5 Q. Did you see her again that night?

6 A. I did not.

7 Q. So you didn't see her leave, right?

8 A. No, because she stood there and I went back  
9 into my apartment. I went to the bathroom to said my  
10 lip.

11 Q. But you left, right?

12 A. Later on, like ten minutes later, I went for  
13 a walk, yes.

14 Q. Where did you go for a walk?

15 A. Around the neighborhood.

16 Q. Approximately what time did you say you left  
17 the apartment?

18 A. Happened after the -- I don't know. I would  
19 say 9:30, I don't recall the time. It's like 15,  
20 20 minutes after I realize she's not there anymore.

21 Q. Do you know how she left?

22 A. I don't know. I know that she was trying to  
23 call an Uber.

24 Q. You didn't see her leave, right?

25 A. I didn't see her leave, no.

1 Q. You don't know how she left?

2 A. Like I said, I remember her saying she was  
3 calling an Uber so I assume she.

4 Q. Ten minutes later you leave the apartment?

5 A. Approximately.

6 Q. You don't know if she's gone?

7 A. I looked through the peephole to see if she  
8 left the vestibule and she wasn't there.

9 Q. She still could've been outside?

10 A. She could've.

11 Q. And you knew that 911 had been called by her  
12 mother, right?

13 A. I didn't know yet. I only knew because I  
14 received phone calls 25, 30 minutes later by my  
15 delegates.

16 Q. You weren't leaving your apartment to avoid  
17 police response?

18 A. No, because I didn't think she was going to  
19 call 911.

20 Q. But you never returned to your apartment that  
21 night, right?

22 A. I went for a walk and I came back home. Yes,  
23 I went back home.

24 Q. What time did you get back home?

25 A. I don't remember the time.

1 Q. When you got back to your apartment, there  
2 were officers standing outside of your door, right?

3 A. No one was at my apartment when I got back.

4 Q. No one was standing outside?

5 A. No.

6 Q. What time did you get back?

7 A. I don't remember. I don't recall.

8 Q. After you go back to your apartment, you go  
9 to the 50th Precinct?

10 A. I went home, I took a shower. By that time I  
11 already spoken to my delegate, he told me what I had to  
12 do. So I followed his instructions and went to the  
13 50th Precinct.

14 Q. You're not placed under arrest until  
15 midnight, right?

16 A. Whatever time. I don't know if it was  
17 midnight, I just know I turned myself in.

18 Q. How long were you walking around for?

19 A. Half hour, 40 minutes. I don't remember the  
20 time frame.

21 Q. This is after the incident, right?

22 A. Yes.

23 Q. Ten minutes after the incident ends?

24 A. More or less.

25 Q. And the incident occurred between 7 and

1 8:00 P.M., right?

2 A. Around there.

3 Q. How long would you say the incident lasted?

4 A. It happened so fast. I don't know, five, six  
5 minutes. It happened so fast. I don't know the time  
6 frame. But it happened so quickly.

7 Q. So you're saying that you left ten minutes  
8 after the incident ends, which is you left ten minutes  
9 after the incident ends?

10 A. I don't know the time frame. Maybe 10,  
11 20 minutes after the incident happened.

12 Q. 20, 30 minutes later you come back?

13 A. I went for a walk and that's when I started  
14 to get phone calls from my delegate to tell them what  
15 had happened. That's when I knew she really did call  
16 the police.

17 Q. So you go back to your apartment?

18 A. I go back to the apartment because I know I  
19 had to return my gun, my machine and stuff like that.  
20 It's a procedure you have to go through when you go  
21 through the situation I was going through. I went back  
22 home, take a shower, got dressed and I was picked up by  
23 my delegate.

24 Q. This is about 30 minutes after you get home,  
25 right?

1           A.    Roughly around that time. I don't remember  
2 the time frame.

3           Q.    There's no police officer standing at your  
4 door?

5           A.    No.

6           Q.    You were alone?

7           A.    I live alone.

8           Q.    Do you recall when the delegate came to pick  
9 you up?

10          A.    If I forget his name -- I can't think of it  
11 off the top of my head right now. Pierre Lopez.

12          Q.    Do you recall when he got to your apartment?

13          A.    I don't recall.

14          Q.    When you were out on your walk, you were  
15 getting calls, right?

16          A.    I was getting calls but I wasn't picking up  
17 the calls. People calling me, friends I didn't want to  
18 talk to.

19          Q.    Friends that you work with?

20          A.    No. Just out of work.

21          Q.    Were you also receiving calls from numbers  
22 you didn't know?

23          A.    The only number I didn't know was my  
24 delegate's number. I didn't have his number stored. I  
25 didn't know who it was.

1 Q. So you did recognize his number?

2 A. I didn't recognize his number so I picked up.

3 Q. You did or didn't?

4 A. I didn't recognize the number so when I  
5 picked up, he told me who it was, I said okay, I didn't  
6 know it was you.

7 Q. You picked up a number you didn't recognize?

8 A. Right.

9 Q. Was that the only number that you didn't  
10 recognize that called you?

11 A. That I remember, yeah.

12 Q. Why did you go for a walk?

13 A. To go for a breather, after what had  
14 transpired. I was just thinking why did it happen the  
15 way it did. I was still in shock she punched me in the  
16 face.

17 Q. You felt like you needed to cool off?

18 A. I just needed to think, to find out why it  
19 happened.

20 Q. To find out what happened?

21 A. Yeah, her punching me in the face, what had  
22 happened. Not listening, just leaving the apartment  
23 when she should have.

24 Q. You're spending time on your walk thinking  
25 about everything that just happened?

1 A. Yes.

2 Q. Recapping everything that happened?

3 A. Recapping, thinking it was a nightmare in my  
4 eyes.

5 Q. You were also thinking about what you had  
6 done to her, right?

7 A. Everything that happened. Not specifics.  
8 Just everything that happened.

9 Q. Including what you had done?

10 A. Everything.

11 Q. Were you concerned for her at all at this  
12 point?

13 A. I was disappointed.

14 Q. Were you worried at all?

15 A. I was upset, I was worried everything. More  
16 disappointed.

17 Q. What were you worried about?

18 A. Worried why it happened, worried about why  
19 did she go this route. She never put her hands on me  
20 before. One of those you think about, why things  
21 happen the way it did. I knew that it was completely  
22 over when that happened.

23 Q. You didn't call her?

24 A. I did not.

25 Q. You weren't concerned about her whereabouts?



1 A. I did not.

2 Q. You didn't call her mother?

3 A. I did not.

4 Q. You had her mother's number, right?

5 A. I did.

6 Q. You had a good relationship with her mother?

7 A. I did.

8 Q. Good enough to call her and tell her about  
9 what happened?

10 A. Don't recall that.

11 Q. Well, you didn't call her, right?

12 A. I don't recall calling her mother, no.

13 Q. You left your apartment because you knew  
14 police was coming, right?

15 A. No. I did not know police were coming, I  
16 just told you. I left the apartment for a breather,  
17 take a walk, figure out what was going on.

18 Q. Did you think that you could've ran into her  
19 when you left the apartment?

20 A. It's a possibility.

21 MR. SANDERS: Commissioner, I'm still  
22 trying to understand how does this relate to these  
23 three specs? All these other stuff going around in  
24 circles is just wasting time.

25 HONORABLE FACIO-LINCE: Do you have an

1 objection?

2 MR. SANDERS: Note my objection is  
3 relevance to this case, all this is not relative. He's  
4 not relative for going for a walk or not calling the  
5 mother. Can we stick to the specifications.

6 HONORABLE FACIO-LINCE: Ms. Do you have a  
7 response he's objecting to Ms. Sanders to objecting to  
8 the relevance of your line of questioning.

9 MS. MCCARTHY: I'm trying to establish a  
10 timeline of the evening that he's part of, and what  
11 happens afterwards is also part of it because they were  
12 both at the precinct that night.

13 HONORABLE FACIO-LINCE: I guess to  
14 Mr. Sanders, I'm not sure whatever transpires -- he's  
15 not charged with anything regarding events that may  
16 have happened after the incident, at least that's not  
17 reading the charges and specifications. I guess are  
18 you trying to get to something in particular, if so,  
19 could you care to offer, make an offer of proof outside  
20 of --

21 MS. MCCARTHY: I think if I can establish  
22 that he was gone for a long time in terms of his  
23 consciousness -- conscious guilt after the incident.

24 HONORABLE FACIO-LINCE: I'm going to  
25 overrule the objection with the understanding that

1 Ms. McCarthy, if you're trying to get to that, would be  
2 best to ask more direct questions. I don't want to  
3 tell you how to drive your case but I think there are  
4 more direct questions that you can ask him without  
5 having to go through each of these steps.

6 MS. MCCARTHY: Understood.

7 Q. Between the time of the incident occurring  
8 and the time you were placed under arrest is four  
9 hours, right?

10 A. Probably. I can't give an answer to that.

11 Q. You stated on direct you had injuries, right?

12 A. I did.

13 Q. Did you take photos of those injuries?

14 A. I did.

15 Q. You didn't give them to anybody, right?

16 A. No.

17 Q. You didn't give them to the investigators?

18 A. No.

19 Q. You didn't give them to the arresting  
20 officer?

21 A. No.

22 Q. You didn't bring any of her clothes?

23 A. No.

24 Q. Did you take photos of her clothes?

25 A. No.

1 MS. MCCARTHY: I have nothing further.

2 MR. SANDERS: Just brief.

3 RE-DIRECT EXAMINATION BY

4 MR. SANDERS:

5 Q. The fact that you are a police officer, did  
6 you lose your rights as a citizen to all the protection  
7 of laws available to you?

8 MS. MCCARTHY: Objection.

9 MR. SANDERS: This is why I'm asking  
10 because I'm going to make an argument for -- he's still  
11 a citizen. He's a member of the service but not an  
12 inanimate object. He's still a person.

13 HONORABLE FACIO-LINCE: Agreed.

14 Q. Are you still entitled to protection of all  
15 the laws in the United States like any other citizen?

16 A. Yes.

17 Q. Do you know if you're required to retreat in  
18 your own apartment?

19 MS. MCCARTHY: Objection.

20 A. Yes.

21 Q. Are you required --

22 HONORABLE FACIO-LINCE: I think there was  
23 an objection. What is your objection?

24 MS. MCCARTHY: This is like a legal  
25 question.

1 HONORABLE FACIO-LINCE: It is a legal  
2 question and I'm curious, from the officer is qualified  
3 to make that answer. He may, he may not.

4 MR. SANDERS: I'm asking with the  
5 combination of both and I will argue to the court.  
6 What the Department did -- the reason I'm asking, well,  
7 you didn't disengage. Like he has to engage in his own  
8 apartment. That's why I'm asking.

9 Q. Do you know if you're required to disengage  
10 in your own apartment?

11 A. Yes.

12 Q. What is your understanding of the law?

13 A. That I'm allowed to remove someone from my  
14 apartment that does not live there.

15 MR. SANDERS: Nothing further.

16 HONORABLE FACIO-LINCE: Anything further?

17 MS. MCCARTHY: I have nothing further.

18 HONORABLE FACIO-LINCE: Your testimony is  
19 complete. You may step down. I'm going to close a  
20 short five-minute recess before we have our summations  
21 now that Respondent has rested.

22 Let's come back in five minutes.

23 (Whereupon, a short recess was taken.)

24 HONORABLE FACIO-LINCE: Are we prepared  
25 for summations?

1           MR. SANDERS: Today's case is an  
2     unfortunate circumstance which we are seeing all too  
3     often. A clash between personal, intimate  
4     relationships, text messages, social media. I wish I  
5     could abolish all that. 99 percent of the time,  
6     they're trying to come to trial and -- but, this is not  
7     about the behavior itself, it's how the Department  
8     manages it. The Department, it's probably going on  
9     more times than even I was here, where they keep  
10    mentioning members of the service. To me, they are not  
11    members of the service. Just bunch of people doing law  
12    enforcement jobs. They don't always handle things in  
13    the best way, very vulnerable, they are just people.  
14    And this was an unfortunate situation. If we didn't  
15    get anything out of what happened here today, we got  
16    disappointment on both sides.

17           But the question is, did Romero engage in  
18    this conduct. The Department will have you believe  
19    that police officers lose their right when they became  
20    police officers. The law still applies to them as  
21    well. The problem is, this case had inherent bias in  
22    this evaluation from the very beginning.

23           How the law was applied, as well as how the  
24    sergeant himself told you he felt like. Those are the  
25    magic words. Any trained investigator that has been

1       trained by this police department, finest people in the  
2       world, knows that felt has nothing to do with an  
3       objective analysis. Let's talk about it.

4               As you see, Ms. Romero and Mr. Romero neither  
5       one of them called the police. People have conflicts  
6       all the time. And to think people don't have  
7       conflicts. We're living in the real world, people have  
8       conflicts all the time. The question is they how they  
9       resolve. This scenario started from one reason,  
10      because Ms. Romero just didn't leave. All she had to  
11      do was leave. That would've -- we wouldn't be here.  
12      As far as we know, there would be no situation.  
13      Physical interaction. The reason you know it happened,  
14      and it's something what I would call a Freudian slip.

15             Because the way she's describing her  
16      testimony. She never said -- and it's very clear --  
17      that Romero punched her in the face, he never used  
18      physical assault against her. She kept talking about  
19      the altercation of the tussle, which gives her  
20      credibility because she admits that they were tussling.  
21      The question is how did it start.

22             If you take these two individuals testimony,  
23      it started because he wanted her to leave and she  
24      wanted to talk and that's how this whole thing  
25      happened. The question is at what point this started.

1 He agrees that he asked her, "I told her to leave," now  
2 the question is what happened. She's claiming she went  
3 out of the apartment multiple times. And Officer  
4 Romero claiming he brought her in to calm things down,  
5 go to sleep, no, I want to talk now. Now it gets to a  
6 point where he now wants to physically remove her.

7 The Department will have you believe, you  
8 can't do that, you have to disengage. Last time I  
9 checked, there's still laws to protect people in their  
10 own home. And police officers are entitled to use  
11 that. We try to go trial, we don't have to apply the  
12 laws. If you are going to analyze one's behavior, you  
13 have to see if they are acting consistent with their  
14 rights. First thing, we don't call it the counsel --  
15 doctrine, Article 35. It is very clear in the penal  
16 law, you can use physical force to remove someone from  
17 your home if they are engaging in criminal trespass.

18 The last time I checked, the only person who  
19 can give Ms. Romero permission to remain in his home is  
20 Officer Jermack Romero. Once he says your license to  
21 be here has now been cancel, revoked, you have to  
22 leave, you don't have a right to stay there. He asked  
23 her to leave. She didn't want to leave. So now he's  
24 physically trying to remove her. I know it sounds,  
25 he's a man. The law has no gender. There's no woman,



1 there's no man. There's a human being that has a right  
2 to protect themselves in their own home. The result is  
3 chaos. He tries to remove her, from the home, they get  
4 in a physical altercation. If you look at it, I still  
5 don't understand what happened other than they were  
6 both upset. The question is, what was the police's  
7 obligation once they went to the home. Then we know  
8 the police didn't go to the home. They made an  
9 assumption. She had the more serious injuries so  
10 therefore he had to be the primary or physical  
11 aggressor.

12 That's not what the criminal proneural law  
13 says. And I remember when that came out. I remember  
14 that DIR changed. It was changed specifically to  
15 protect female victims who would go to the police and  
16 the police would come up with their version of events  
17 and the female victims, mostly, would not be able to  
18 tell what happened.

19 So what happened is, the police would give a  
20 version of, and this is how the DIR was resigned,  
21 specifically this way. In '96, and I was downtown and  
22 I doing this kind of work. This form was designed  
23 specifically so the victim can put their own statement  
24 on the second page. It wasn't designed for them to put  
25 everything but certainly if there was going to be a

1 summary, there should be a proper representation.

2 So what do we know now that Sergeant Rahill  
3 from the 50th Precinct. I asked him when she told you  
4 she punched Officer Romero in his face, did you go  
5 speak to Officer Romero before he was placed under  
6 arrest? No. Now at that point you know you have to  
7 determine whether it was a primary aggressor. That's  
8 what the law says. He assumed based on her injuries  
9 that she was the victim, which is contrary to the law.  
10 The fact that you have injuries doesn't mean you are a  
11 victim. There are supposed to be objective analysis,  
12 and that wasn't done in this case. It wasn't done in  
13 the criminal side and it certain wasn't done on the  
14 Department side.

15 What they did, the officer supposed to, the  
16 officer supposed to. All these value judgments as  
17 opposed to looking for an objective analysis and apply  
18 the law as it's supposed to be applied. We also know,  
19 by her own admission, Ms. Romero assumed alcohol,  
20 whether she's under age or not, but she consumed  
21 alcohol. Just as Police Officer Romero both consumed  
22 alcohol. That's not written anywhere in these reports  
23 that might have been a factor. Sergeant says, well, I  
24 didn't think she was fine. How do you know? You never  
25 even engaged in an objective analysis. He has zero

1 credibility. If you look at the keywords of Dove  
2 (phonetic) -- which is a 2014 case, the second circuit  
3 case. It talks about this whole thing, about a  
4 credible plaintiff, a creditable complainant. And it's  
5 all these factors to consider. You can't ignore that  
6 and don't document it anywhere. That's a factor to be  
7 considered. It was not written in any police records.

8 Now they go to arrest Romero, don't apply  
9 Article 35. Well, he has a right, that is his  
10 apartment, he's the only leaseholder and we may not  
11 have liked the result, but legally he can do that if he  
12 wanted to. The fact that she has injuries as a result  
13 of her not leaving, it's not against anyone's law. The  
14 law covers this. And there's another part to this.  
15 That wasn't even considered. Under the administrative  
16 code 8-107.1, that is the domestic violence code and  
17 that applies to males and females. Because if you come  
18 to trial long enough, you can believe, they will have  
19 you believe that males can never be victims of  
20 anything. That law is very specific.

21 Officer Romero told the investigators that he  
22 was assaulted, that he had injuries. They didn't do a  
23 further inquiry. They substantiated against him,  
24 didn't bother to ask if he has evidence but he does.  
25 If he was injured, they automatically assumed that he

1 was the aggressor because he's male. In fact, if you  
2 listen to the Department's opening. Talks about how  
3 big he is, how he's strong. That's classic gender bias  
4 stuff. Nothing to do with anything. The question is  
5 if he engaged in assault outside the bounds of the law  
6 and the answer is no. He is big, he's not that much  
7 larger than the alleged complainant, Ms. Romero. But  
8 this is a classic thing that happens in these cases  
9 that talk about male and female dynamics. He's bigger  
10 than her, larger than her, that has nothing to do with  
11 anything. The question is who the primary physical  
12 aggressor. The fact that you wind up with the short  
13 end of the stick, that's of no legal consequence. You  
14 get hurt because you engage in conduct you shouldn't  
15 engage in.

16 That law, administrative code 8-107.1, is  
17 specifically designed to protect employees who are  
18 afraid to talk about they were victims of domestic  
19 violation. That means a lot of different things.  
20 Physical violence, threats with their job and --  
21 technically there are only two cases on record because  
22 there are cases, with matters with the Department of  
23 corrections which talks about this very thing. We have  
24 people that are assaulted, we have people that complain  
25 about things that happen to them, but they are afraid.

1 They weren't interested, they automatically assume it  
2 was my fault. That's what people do when they are  
3 domestic violence. And males are not going to complain  
4 because men crying in this society they are looked at  
5 as weak and everything else. Meanwhile that's what  
6 happened to him. He has pictures of his injuries. No  
7 one bothered to ask.

8 If he was injured and she admits that she  
9 injured him, the question is why wasn't he interviewed.  
10 He should've been interviewed just like her before you  
11 determine that he was the primary physical aggressor.  
12 There is no misconduct here. And for the Department to  
13 suggest that somehow he's supposed to disengage because  
14 he asked her to leave a couple of times. Now, he's  
15 required to disengage in his own apartment. If he was  
16 outside then he has an disengagement obligation.  
17 Especially if he's not in his duties and  
18 responsibilities as a police officer. Then he has an  
19 obligation to retreat first.

20 But in your apartment here, there's no  
21 obligation. All he did was get her out of the  
22 apartment. She may have been sustained injuries in the  
23 tussle, there's no dispute about that. But what he did  
24 is not outside bounds of law and certainly his duties  
25 and obligations as a police officer is follow the law.

1 And that means on and off duty and he is entitled to  
2 protect himself. There is no misconduct here. The  
3 fact that there was an altercation is of Ms. Romero's  
4 doing.

5 The fact that he grabbed her phone, well, the  
6 allegation was he was grabbing the phone because she  
7 was attempting to call assistance. And she also  
8 testified I called my mother, she's upset about what  
9 happened. He said he saw the mother on the phone, once  
10 he told what happened, he disengaged and went back into  
11 the apartment. There's no evidence that's contrary.  
12 As a matter of fact, Ms. Romero even confirmed there  
13 was no other further contact.

14 The Department wants to make these things,  
15 well, he ripped her shirt and chain. I'm assuming if  
16 you're having a tussle, the way the Department will  
17 have you believe, they are just not moving together in  
18 unison. If you ever had been a tussle, human beings  
19 fight. If you're not trying to hurt the person, you're  
20 going to get into a big tussle. They are both going to  
21 grab and strangle everything. And the bottom line is,  
22 eventually he got her out of the apartment.

23 But in no time did she say, and that's Ms.  
24 Romero that he intentionally did anything to her. They  
25 were both upset. There's no misconduct. What we have

1 is a set of unfortunate circumstances that may not have  
2 been handled in the best way. But there was no  
3 misconduct. There was no intention to assault her,  
4 general statute, which is some intentional punch, kick,  
5 something like that. He was basically trying to get  
6 her out of the apartment.

7 And before I finish, which I know that the  
8 Department is being disingenuous with this case is in  
9 particular, number three, with the hands. The  
10 Department took this picture as a sign she was somehow  
11 assaulted until Ms. Romero admitted on the stand, I got  
12 this injury on my left hand by punching him and the one  
13 on the right hand by punching the wall outside of the  
14 apartment. Now, we can think whatever we want to think  
15 about the person, sounds like she was upset. That  
16 doesn't sound like a person that was just standing  
17 there and I'm being taken advantage of. It sounds like  
18 someone who was pretty upset and aggressive herself.  
19 When this picture is being presented to the court, it's  
20 being presented as somehow Mr. Romero caused this.  
21 This is what's being ingenuous, this is what's been  
22 misleading in this case from the beginning.

23 About the domestic incident report in her own  
24 words. The Department tried to blunt what the  
25 Respondent is going to do through me is by saying, the

1 domestic incident report was only a summary of things  
2 that's going on. Disingenuous. Because most people  
3 that are complaining wouldn't even speak like that.  
4 Would they use the word summarize, no. Only if they  
5 know they write stuff on a piece of paper and that's  
6 it. Summarization comes from the Department. People  
7 don't speak that way. That's why I questioned her. If  
8 she would say, I wrote the best I could write. People  
9 get questioned about these all the time, they don't  
10 speak like this. This doesn't support the Department's  
11 position about what really happened. What it does,  
12 support the version that Officer Romero talks about,  
13 because nowhere does it describe any amount of great  
14 detail that she came up with that would suggests they  
15 were fabricated because she showed her true motivation.  
16 Initially, she didn't want to come to the trial because  
17 she said she was suffering anxiety.

18 She also said she's been in communication, at  
19 least try to contact Romero. He said he never tried to  
20 contact her. Up until a couple of days before. She  
21 said I'm sorry this has happened to you. She knows  
22 what she did. He she got upset, she lost her cool and  
23 that's why we're here. We want you to now look at all  
24 the opportunity and the evidence and find him not  
25 guilty of all charges, thank you for your time.



1 HONORABLE FACIO-LINCE: Thank you.

2 MS. MCCARTHY: Commission, the  
3 Department's -- preponderance of evidence,  
4 specification 1 that on September 30, 2021, Respondent  
5 engaged in a physical altercation with Ms. Danielle  
6 Romero causing injury to her. That on specification  
7 two, also on the same date, during that same  
8 altercation, Mr. Romero responded to disconnected  
9 Ms. Romero's phone call with her mom.

10 On specification 3, Respondent spit in her  
11 face the blood in her mouth; ripped her sweatshirt and  
12 broke the necklace off her neck. Given the evidence  
13 before the court, the only appropriate penalty that  
14 addresses misconduct is termination.

15 Ms. Romero came before you today and  
16 testified about what happened on the night of  
17 September 30, 2021. This is more than just an  
18 unfortunate situation, this was a violent situation.  
19 After they got in the argument she left and came back  
20 inside after Respondent's request. You heard her tell  
21 you she tried to talk to him and he menacingly counted  
22 down, which he admitted to and then he went after her.  
23 Believe that she was going to come after her because  
24 this wasn't the first time this happened. Wasn't the  
25 first time Respondent had gotten physical with her.

1 She was expecting it. Respondent escalated the dispute  
2 into a physical one. She got on the bed to get away  
3 from him. She didn't want to engage with him  
4 physically, but that didn't stop the Respondent. Mr.  
5 Romero grabbed her by the hair and dragged her off the  
6 bed by her arms and hair, and dragged her out the  
7 apartment by her arms and hair. You heard her tell she  
8 ripped her boxers when she was being grabbed because  
9 she was looking for anything to hold on to to gain her  
10 footing. She told us she finally stood up and took the  
11 opportunity to defend herself causing the Respondent to  
12 bleed, he spit that blood right back in her face,  
13 ripped her sweatshirt and ripped the necklace off her  
14 neck.

15 As if everything he did wasn't enough,  
16 Respondent took a step away further and said she report  
17 her as EDP and knew because when she tried to make the  
18 phone call, he took the phone because he needed to know  
19 who she was calling. And she wouldn't tell so his  
20 response is to snatch the phone and see who she's  
21 calling.

22 We have ten photos in evidence that shows all  
23 the injuries she sustained during this incident, much  
24 of which you see substantial bruising to each of her  
25 arms. The Department submits to the court that the

1 Respondent had to use a significant amount of force,  
2 during that prolonged struggle to cause that bruising  
3 and scratches to Ms. Romero's arms, neck and face. The  
4 photos in evidence corporate another violence  
5 altercation took place in which Ms. Romero sustained  
6 the brunt of the injuries. The Department has never  
7 seen any photos of the Respondent's so called injuries.  
8 They weren't provided to the investigators by the  
9 Respondent. He said he was never asked for them. They  
10 weren't brought here today.

11 We also have in evidence a domestic incident  
12 report, which when you have the chance to review it,  
13 the narrative she provides is fully consistent with the  
14 narrative she gave today. She had over an hour to talk  
15 about it, with substantial more detail, than what she  
16 wrote on ten lines that she wrote on the piece of paper  
17 the night of the incident at the precinct. You see  
18 that the main points are all there, everything is  
19 consistent. The defense suggests that she was coached  
20 to say that it was a summary of the incident, that she  
21 was just summarizing what happened, but she also said  
22 in the stand, she hasn't reviewed this report before.  
23 This was not part of her witness prep. When you're  
24 able to review the testimony, you can see she said she  
25 hadn't seen it before.

1 I also want to talk about her demeanor on the  
2 stand. She was extremely forthcoming and consistent.  
3 She was honest with her own actions about the  
4 altercation. She admits to punching him in the face,  
5 she admits to ripping his boxers off. You also heard  
6 from Sergeant James Rahill, his testimony was also  
7 forthcoming. When he didn't know an answer, he said I  
8 don't know. He didn't fill in blanks with things he  
9 just wanted to fill in. Between the testimony that you  
10 heard today from Ms. Romero herself, which she could  
11 have embellished if she wanted to. She could've made  
12 things up if she wanted to, she could've made things  
13 much more worse for the police officer, as well as  
14 Sergeant Rahill. They are not trying to railroad the  
15 Respondent.

16 You heard from the Respondent as well. He  
17 sat before us and he admitted to dragging her by the  
18 arms and that he was shown the injury photos and  
19 admitted causing those bruising and admitted the  
20 scratches occurred during the altercation. The  
21 bruising to her arm are extremely substantial. The  
22 Department admits you have to pull on someone really  
23 hard to cause that scale of bruising. He admits to  
24 spitting blood on her but stated it was accidental  
25 reaction, a shock moment that he had. But if you look

1 at the blood on her face and her shirt, it's from her  
2 forehead to the middle of her chest. You have to be  
3 spitting pretty hard to get it all over somebody like  
4 that. For an accident, he has a pretty good aim. He  
5 admits that her sweatshirt and chain probably ripped  
6 during the scuffle. But the scuffle would have to be  
7 pretty intense for a sweatshirt to rip. It is also  
8 unclear at what point if he's only grabbing her by the  
9 arms as they were struggling. He admits to taking her  
10 phone from her because he needed to know who she was  
11 calling. He needed to know because he was worried she  
12 was going to call 911 and he threatens to report her as  
13 an EDP. This is an act of intimidation because he  
14 knows that she knows what that means because he taught  
15 her. Commissioner, the Respondent admits what he can't  
16 deny and denies what he can't admit. He cannot  
17 minimize his aggression. He admits it was so intense  
18 that he recognizes he had to go cool off after the  
19 incident. Cool off from what? The Department submits  
20 that he had to cool off because he was the primary  
21 aggressor at this incident, he was at a ten.

22 After this incident, it takes hours for him  
23 to be placed under arrest at the 50th Precinct. The  
24 Respondent's account and his testimony here today  
25 doesn't comport with logic and common sense. But the

1 injury photos you have in evidence, the domestic  
2 incident report, as well as testimony, fully consistent  
3 with the complainant's account. The Respondent has  
4 provided an explanation for everything that is less  
5 than plausible. Additionally, the Respondent came here  
6 today and characterized himself as the victim and  
7 stated he took injury photos but he was never asked so  
8 he never gave them to anybody. He had every  
9 opportunity to tell police officers he wanted to press  
10 charges against her and he didn't. As everybody in  
11 this room probably knows, it's called a cross complaint  
12 and it happens all the time.

13 I would also like to note that he's facing  
14 charges under the administrative guide, not the penal  
15 law. There's no -- doctrine as far as administrative  
16 guide as a police officer, he has a different code of  
17 conduct he has to adhere to on and off duty.

18 Regarding specifications, 1, 2 and 3, all  
19 occurring contemporaneously with the same altercation  
20 for engaging in a physical altercation, causing injury,  
21 spitting blood at his victim, disconnecting her phone  
22 call, the Department looks to disciplinary guidelines,  
23 page 35 for physically acts of domestic violence with  
24 physical injuries and/or physical injuries indicative  
25 of a sustained and prolonged physical struggle or a

1 physical act. The resulting penalty in misconduct is  
2 termination. Department submits that the physical  
3 injuries of Ms. Romero are significant but indicative  
4 of sustained prolonged and physical act of struggle.  
5 The bruises around her arms, scratches around her face  
6 and neck, tells the Respondent forceable dragged her  
7 around holding her arms as tightly as he could and also  
8 ripped her shirt and necklace off her body. We know  
9 she was trying to break free when this is happening and  
10 trying to stand on other own two feet. This is all  
11 after dragging her by her hair and spitting blood on  
12 her face and preventing her from finishing her phone  
13 call with her mother. And then tells her he'll report  
14 her as an EDP and tell her he can break her face. The  
15 Respondent came up here and minimized his conduct and  
16 then stated that he's disappointed in her for what she  
17 did to him that night. Even if the court doesn't find  
18 the altercation to constitute a prolonged or sustained  
19 physical act called for determination.

20 The totality acts of similarly calls for  
21 termination also page 35. The Respondent's actions are  
22 unbecoming for a member of the service who are  
23 entrusted with helping members of the public, victims  
24 just like Ms. Romero herself. The Respondent's  
25 behavior was inconsistent with the values of department

1 and incompatible of being a uniformed member of the  
2 service. Department admits all specifications by  
3 preponderance of the evidence -- but that the  
4 aforementioned circumstances aggravate the fact that  
5 call for Respondent's dismissal from the Department.  
6 Thank you.

7 HONORABLE FACIO-LINCE: Thank you. At  
8 this time I am reserving decision.

9 Officer Romero, should I find you guilty of  
10 any specifications that are charged, I will be  
11 reviewing your employment record in connection with any  
12 recommendation that I make regarding the -- the review  
13 will generally include the duration of prior formal  
14 disciplinary action, if any, and prior discipline  
15 monitoring, if any, department resignation, if any, and  
16 consideration of your last three formal performance  
17 evaluations. You have the right to review your own  
18 employment record. If there is anything in your  
19 employment history besides what I already mentioned  
20 that you wish to have considered on the issue of  
21 penalty, please have your attorney submit this material  
22 to our office no later than three business days from  
23 today.

24 A draft of my report and recommendation will  
25 be sent to you through your attorney for comment, and



1 your comments on the draft decision will be sent to the  
2 police commissioner along with my report and  
3 recommendation. Do you understand everything I just  
4 said?

5 POLICE OFFICER ROMERO: Yes.

6 HONORABLE FACIO-LINCE: Do you have any  
7 questions?

8 THE WITNESS: No.

9 HONORABLE FACIO-LINCE: With that said, we  
10 have concluded for today. Thank you everyone.

11 (Time noted: 4:42 P.M.)  
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C E R T I F I C A T E

STATE OF NEW YORK )

ss:

COUNTY OF NEW YORK )

I, VANESSA WALKER, a shorthand reporter within  
and for the State of New York, do hereby certify that  
the within is a true and accurate transcript of the  
statement taken on 07/25/2023.

I further certify that I am not related to any  
of the parties to this action by blood or by marriage,  
and that I am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 25th day of July, 2023.

Vanessa Walker  
Vanessa Walker