

1                                   OFFICER CAROL POON,  
2   having been first duly sworn, testified as follows:

3                                   DIRECT EXAMINATION

4   BY MR. ACKLIN:

5           Q     Please introduce yourself to the jury.

6           A     I'm Officer Poon.  I work for West Side  
7   Patrol, night shift.

8           Q     And how long have you worked for West Side  
9   Patrol, night shift?

10          A     About four years.

11          Q     What is your current assignment there?

12          A     I'm patrol officer.  I was assigned to either  
13   work at the patrol or work at a desk.

14          Q     And what are the duties to work at the desk or  
15   work patrol?

16          A     For patrol, we run calls.  Whatever calls we  
17   are dispatched to, we take it.  We on-view stuff for  
18   different scenarios -- of whatever we see on the  
19   street.

20                               For a desk officer, we stay at the  
21   station answering phone calls from the citizen or when  
22   there is walk-in -- people who walk into the station  
23   who would like to file a report or whatever necessary  
24   that we need to do.

25          Q     Were you working on the desk or patrol on

1 March 30th, 2013?

2 A I'm scheduled to work at the desk that day.

3 Q And what shift were you working?

4 A I'm working night shift.

5 Q While working night shift that day, did you  
6 ever make contact with Elena Rastgoo and Ferdous  
7 Abdollahzadeh?

8 A Yes.

9 Q And how did you first make contact with them?

10 A She walked into the station.

11 Q And by "she," do you mean both of them or one  
12 of them?

13 A Both of them walk into the station.

14 Q When they walk into the station, could you see  
15 their emotional state?

16 A They look very afraid.

17 Q And did you have a conversation with them  
18 while they were still looking very afraid?

19 A Yes.

20 Q How did they look afraid?

21 A They had a hard time expressing themself.

22 Q Why did they have a hard time expressing?  
23 Were they too happy, laughing too much? What was it?

24 A It is more of somebody had gone through some  
25 kind of scenario where they need to put it back

1 together to explain it to the officer.

2 Q It sounded like they were pretty shaken up?

3 MR. SILVERMAN: Leading.

4 THE COURT: Sustained.

5 Q (By Mr. Acklin) Now, did you talk to them  
6 while they were still in this state where they looked  
7 like they needed to put it all together?

8 A Yes.

9 Q And would you say that when you were talking  
10 to them, they still seemed to be somewhat excited?

11 A Yes.

12 Q What do their voices sound like?

13 A Very scared.

14 Q And were they very -- they weren't calm or  
15 anything like that?

16 A They were not calm. They were speaking --

17 MR. SILVERMAN: Objection, nonresponsive.

18 THE COURT: Okay. If you would, Officer,  
19 just stop with, They were not calm; and see if there is  
20 any follow-up.

21 Q (By Mr. Acklin) Since they were not calm, what  
22 were they like?

23 A They were frightened.

24 Q And did they tell you any information while  
25 they were still under this condition of being

1 frightened and afraid?

2 MR. SILVERMAN: Objection to hearsay.

3 THE COURT: At this point it can be a  
4 "yes" or "no" answer.

5 THE WITNESS: Can he ask the question  
6 again?

7 Q (By Mr. Acklin) Did they tell you any  
8 information while they were still in this excited,  
9 frightened state?

10 A Yes.

11 Q And do you remember what they told you?

12 MR. SILVERMAN: May we approach, Your  
13 Honor?

14 THE COURT: Yes, sir. Come on up.

15 MR. SILVERMAN: Thank you.

16 (At the Bench, on the record)

17 MR. SILVERMAN: It's four hours later.

18 THE COURT: We've got to make sure that  
19 it qualifies as an excited utterance, if indeed it  
20 does. He says four hours. I didn't hear anything  
21 other than they came to the station that day.

22 MR. ACKLIN: They came -- well, Your  
23 Honor --

24 THE COURT: If you are going to try to do  
25 it, let's get it in and see if --

1 MR. SILVERMAN: It's midnight.

2 THE COURT: Pardon?

3 MR. SILVERMAN: It's midnight, according  
4 to the offense report.

5 THE COURT: Well, let's see.

6 (In open court)

7 Q (By Mr. Acklin) And around what time of day  
8 was it that you encountered Ferdous and Elena Rastgoo?

9 A Somewhere around 10:30 -- 10:00 o'clock. I  
10 can't remember the exact time.

11 Q So it was about 10:00, 10:30 that night?

12 A Uh-huh.

13 Q How long did it take to calm them down?

14 A I would say in about -- a good 15 to 20  
15 minutes before I actually understand what is going on.

16 Q Was it easy to calm them both down?

17 A No.

18 Q And why not?

19 A Everything is in broken words. There is a  
20 language barrier; and, also, they were not able to  
21 express themself until I keep asking questions.

22 Q And that was both women, correct?

23 A Correct.

24 Q And was there anything, at least in the  
25 office, that would have made them afraid at the time?

1           A       You mean, at the police station?

2           Q       Yes, ma'am.

3           A       No.

4           Q       Do you remember what they said to you at that  
5 time?

6                       MR. SILVERMAN:   May I approach again,  
7 Your Honor?

8                       THE COURT:   "Yes" or "no" answer at this  
9 point.

10                      "Yes" or "no"?   Do you remember what they  
11 said to you, "yes" or "no"?

12                      THE WITNESS:   Yes.

13                      THE COURT:   Be ready.

14                      MR. SILVERMAN:   Yes, sir.

15           Q        (By Mr. Acklin) And did they explain to you  
16 the reason why they were so upset?

17           A        Yes.

18           Q        And was the frightened fear that you saw on  
19 them related to the reason they explained for them  
20 being so upset?

21                      MR. SILVERMAN:   Objection, that's  
22 hearsay.

23                      THE COURT:   Well, that's not the  
24 objection I would use, but that will be sustained.

25                      MR. SILVERMAN:   Thank you.

1 MR. ACKLIN: Pass this witness.

2 CROSS-EXAMINATION

3 BY MR. SILVERMAN:

4 Q Good afternoon, Officer. How are you?

5 A Good.

6 MR. SILVERMAN: May I approach the  
7 witness?

8 THE COURT: Yes, sir.

9 Q (By Mr. Silverman) I want to show you  
10 Defendant's Exhibit No. 2, and this is the police  
11 offense report. You wrote a police offense report in  
12 this case?

13 A Yes.

14 Q Is this the police offense report you wrote?

15 A Yes.

16 Q And could you direct me to the entire police  
17 offense report that you wrote? How many pages of  
18 Defendant's Exhibit No. 2?

19 A I don't know how many pages it is. We just  
20 type on the screen.

21 Q Has the State shown you your offense report  
22 before you testified?

23 A I looked at it before at the computer  
24 downstairs.

25 Q Okay. I just want to make sure that as you

1 and I are discussing this, that we are talking about  
2 the same thing.

3 MR. SILVERMAN: If I could ask the State  
4 to tender a copy of the offense report?

5 MR. ACKLIN: Is it the same one you have?

6 MR. SILVERMAN: Yeah, I just want to make  
7 sure.

8 (Tendering)

9 MR. SILVERMAN: May I approach the  
10 witness?

11 THE COURT: Yes, sir.

12 Q (By Mr. Silverman) If you can take a look at  
13 it and let me know if that's the police offense report  
14 you wrote in this case?

15 A Yes, sir.

16 THE COURT: Let's have it marked.

17 MR. SILVERMAN: I'll make this  
18 Defendant's Exhibit No. 3.

19 Q (By Mr. Silverman) Could you please tell the  
20 jury what Defendant's Exhibit No. 3 is.

21 A Offense report.

22 Q Okay. And the part -- did you write -- and  
23 I'm showing you page 1, page 2, page 3, page 4, page 5,  
24 page 6, page 7, page 8, and page 9.

25 Did you author all of pages 1 through 9?

1 A No, sir.

2 Q Okay. What part of Defendant's Exhibit No. 3  
3 did you author?

4 A One -- two and a half.

5 Q Okay.

6 THE COURT: Excuse me? Is that two and a  
7 half pages or one --

8 THE WITNESS: It ends right in the middle  
9 of it.

10 MR. SILVERMAN: It's 2.5 pages.

11 THE COURT: Okay.

12 Q (By Mr. Silverman) So that's what I just  
13 wanted to discuss with you.

14 MR. SILVERMAN: And I'm going to tender  
15 back the remainder of the six and a half pages, to the  
16 State.

17 Q (By Mr. Silverman) And it's Officer Poon?

18 A Poon.

19 Q P-O-O-N?

20 A Correct.

21 Q And how long have you been a police officer?

22 A Four years.

23 Q Okay. And you have received different  
24 training as a police officer?

25 A Yes.

1 Q You have been trained in how to investigate  
2 cases?

3 A Yes.

4 Q And you have been trained in the law?

5 A I'm sorry?

6 Q The law. You have been trained in the law?

7 A Yes.

8 Q You understand that your burden of proof as a  
9 police officer and to arrest a person is probable  
10 cause?

11 A Yes.

12 Q And that a jury's burden of proof to convict a  
13 person is proof beyond a reasonable doubt?

14 A Yes.

15 Q A much higher burden of proof?

16 A Yes.

17 Q And pretty much -- the way it works is that --

18 THE COURT: Just ask questions, please.

19 Q (By Mr. Silverman) If a witness comes in and  
20 tells you something -- that something happened, that  
21 can be enough for probable cause?

22 THE WITNESS: Can I just --

23 THE COURT: Ma'am, just answer the  
24 question "yes" or "no." If there's a follow-up needed,  
25 or an explanation needed, one of the attorneys will

1 follow up or seek an explanation.

2 THE WITNESS: Thank you.

3 Q (By Mr. Silverman) Right?

4 A No.

5 Q I beg your pardon?

6 A Can you rephrase the question?

7 Q When these two ladies came in and you visited  
8 with them, there were no physical signs of injury,  
9 right?

10 A Yes.

11 Q There were no physical signs of injury?

12 A At that point, I did not see it.

13 Q Okay. Nothing, right?

14 A I did not take off their clothes or anything  
15 like that. From the face down, no.

16 Q Okay. and police offense reports are tools,  
17 right?

18 A Yes.

19 Q And you write a police offense report almost  
20 immediately after something takes place or you are told  
21 something?

22 A Yes.

23 Q While everything is fresh on your mind; is  
24 that right, ma'am?

25 A Yes.

1 Q And, for example, this police offense report  
2 was typed up at midnight?

3 A Yes.

4 Q While the facts were still fresh in your mind?

5 A Yes.

6 Q And you would agree with me that a police  
7 offense report should be an honest, accurate, detailed  
8 rendition of what took place?

9 A What complainant told me.

10 Q And your observations as a police officer,  
11 right?

12 A Yes.

13 Q There's nothing in your police offense report  
14 that says that either of these ladies were nervous?

15 A I'm not required.

16 Q Well, ma'am, that's not my question. My  
17 question is: In your police offense report, you didn't  
18 document that either of these ladies was nervous.

19 It's a "yes" or "no" question.

20 A I didn't answer that question.

21 Q Okay. Well, that would be an observation that  
22 you would make; is that right?

23 A Yes.

24 Q And something that would be memorialized in a  
25 police report?

1 A No.

2 Q Are you familiar with something called false  
3 allegation?

4 A No.

5 Q Are you telling this jury that in the years  
6 you have been a police officer, you have never heard of  
7 a situation where somebody falsely accuses somebody of  
8 something?

9 MR. ACKLIN: Objection, relevance.

10 THE COURT: Sustained.

11 Q (By Mr. Silverman) Have you ever dealt with  
12 somebody that in a situation like this -- have you ever  
13 dealt with domestic violence cases?

14 A Yes.

15 Q Would you agree with me that those are  
16 emotionally charged situations?

17 A Yes.

18 Q Would you agree with me that sometimes people  
19 may not be a hundred percent honest about what happened  
20 in an emotionally charged situation like that?

21 A No.

22 Q Okay. So you are telling this jury that  
23 people are always honest in those situations?

24 MR. ACKLIN: Objection, argumentative.

25 THE COURT: Sustained.

1 Q (By Mr. Silverman) You said yes?

2 THE COURT: Sustained.

3 MR. SILVERMAN: Pass the witness.

4 MR. ACKLIN: Briefly, Your Honor.

5 THE COURT: All right.

6 REDIRECT EXAMINATION

7 BY MR. ACKLIN:

8 Q Do you remember Elena and Ferdous being  
9 nervous when you spoke with them?

10 A Yes.

11 Q Do you remember it clearly?

12 A Yes.

13 Q And do you have any doubt about it?

14 A No.

15 MR. ACKLIN: Pass the witness.

16 THE COURT: Any recross?

17 RECROSS-EXAMINATION

18 BY MR. SILVERMAN:

19 Q You don't know what happened out there at the  
20 Dillard's parking lot, do you?

21 A No.

22 MR. SILVERMAN: Pass the witness.

23 THE COURT: Thank you.

24 May this witness be excused?

25 MR. ACKLIN: Yes, Your Honor.

1 THE COURT: Thank you, Officer. You are  
2 excused. I'm sure the State has your phone number to  
3 get in touch with you if, for some reason, your service  
4 is required again. Thank you very much.

5 Call your next witness.

6 MR. ACKLIN: State rests, Your Honor.

7 THE COURT: State rests.

8 What says the Defense?

9 MR. SILVERMAN: May I see the clerk's  
10 file, Judge?

11 (Tendering)

12 MR. SILVERMAN: Thank you.

13 THE COURT: Yes, sir.

14 Ladies and gentlemen -- no, I'm not going  
15 to do that.

16 State has rested. What says the Defense?

17 MR. SILVERMAN: May we approach?

18 THE COURT: Yes.

19 (At the Bench, on the record)

20 MR. SILVERMAN: Since the State rested,  
21 at this point in time I'm going to move for a directed  
22 verdict that the State failed --

23 THE COURT: Let's take the jury out so  
24 you can do it.

25 (In open court)