

Ex. 75

1 BRANCATO/30

2 Statement of: Dominic Franza
3 Made to: Detective Gennaro Giorgio
4 Date and Time: November 6, 1991, 3:10 p.m. to
5 3:56 p.m.
6 Place: Court Building, 111 Centre Street,
7 New York, N.Y. 10013, Ninth Floor
8 Associate Reporter: Thomas Cimirro
9 Present: A.D.A. John Brancato, SCO V.
10 Caroli, SCO D. Persad, and Alan
11 Brenner, (Esq. for Franza.)

12 * * *

13 DETECTIVE GIORGIO: It's 3:10 p.m. It's
14 November the 6th, 1991. I'm Detective Gennaro
15 Giorgio. In the room is Mr. Brenner, the attorney
16 for Mr. Dominic Franza, and two Supreme Court
17 Officers present.

18 DEFENSE COUNSEL: A.D.A. Brancato has chosen
19 not to be present during the proceeding.

20 DETECTIVE GIORGIO: Okay. We're here pursuant
21 to your client Mr. Franza to submit handwriting
22 specimens.

23 DEFENSE COUNSEL: That's correct.

24 DETECTIVE GIORGIO: I will ask Mr. Franza to
25 submit to-- well, I'll start with a signature which

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I'll ask him to write. There are 20 blank sheets of paper here, and two pens. And I'll ask Mr. Franza to write the name Julio or Julio Ortiz.

DEFENSE COUNSEL: Do you want a particular spelling or--

DETECTIVE GIORGIO: --did he know how to spell it? I can spell it for him.

DEFENSE COUNSEL: It's your exemplar. So you require a print?

DETECTIVE GIORGIO: Julio. Julio is J-U-L-I-O. And Ortiz, O-R-T-I-Z.

DEFENSE COUNSEL: Fine. Go ahead.

A (Witness complies.)

DETECTIVE GIORGIO: Okay. I see the first one Mr. Franza has printed. I would ask you to write it in script.

A Oh. Okay.

DETECTIVE GIORGIO: Okay?

DEFENSE COUNSEL: Detective, I'm going to ask that as each one is prepared to go ahead and initial--

DETECTIVE GIORGIO: --sure--

DEFENSE COUNSEL: --letter it and initial.

DETECTIVE GIORGIO: Okay.

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DEFENSE COUNSEL: So there's no confusion of the chain of custody, and so that I don't have to be a witness at some subsequent date.

(Detective Giorgio writes letters.)

(Witness signs papers and Detective Giorgio initials them.)

DETECTIVE GIORGIO: Okay. On Number 14 Mr. Franza wrote Ortiz. Ortiz. So I'll just--

DEFENSE COUNSEL: --do you have another form?

DETECTIVE GIORGIO: That's okay. We'll make it 14.

A I did? I'm sorry.

DETECTIVE GIORGIO: That's alright. I'll give you another one. Okay. We have 21.

(Witness signs paper and Detective Giorgio initials it.)

DETECTIVE GIORGIO: Okay. Okay. On these next ones I will ask Mr. Franza on the date to put April 4th of '91.

DEFENSE COUNSEL: Can you do a sample for him?

A Yeah.

DEFENSE COUNSEL: Would that make it easier? Will you do it that way? Okay.

DETECTIVE GIORGIO: April 4th. If I see it's not conforming. April 4th of 1991.

1 A April in full or abbreviation?
2 DETECTIVE GIORGIO: No.
3 A A-P-R-I-L?
4 DETECTIVE GIORGIO: You can write the number
5 a-- 4/4.
6 DEFENSE COUNSEL: Four dash four slash '91?
7 DETECTIVE GIORGIO: Right. 4/91.
8 DEFENSE COUNSEL: He says, April 4, '91. You
9 write the way you understand it to be. Okay?
10 DETECTIVE GIORGIO: Okay. Let me explain it.
11 Four slash 4/91.
12 A Four slash 4/91?
13 DETECTIVE GIORGIO: Okay. On the next line it
14 states, to the order of. I like you to write
15 Federal Express. Okay. And on the line beneath
16 that I like you to write Julio Ortiz, 750 West
17 181st Street, New York, New York 10033. Okay. On
18 the next one the date is-- on the next one I like
19 you to print Federal Express and print Julio Ortiz.
20 Is that clear?
21 A Same address. Write?
22 DETECTIVE GIORGIO: Everything the same.
23 Four slash four 91. Federal Express printed. And
24 print Julio Ortiz, 750 West 181st Street.

1 A W. for West or you want to spell the whole
2 West?

3 DETECTIVE GIORGIO: No. W. is fine. New
4 York, New York 10033. Now, if you want to keep that
5 one just to--

6 DEFENSE COUNSEL: --alright--

7 DETECTIVE GIORGIO: Okay?

8 A Okay.

9 DETECTIVE GIORGIO: I'll make this 1A. This
10 will be 2A. Just to leave it there.

11 DEFENSE COUNSEL: And how much of each do you
12 want?

13 DETECTIVE GIORGIO: As many as are here. I
14 believe it's 20 also.

15 DEFENSE COUNSEL: Equally divided between the
16 two times?

17 DETECTIVE GIORGIO: No, just continue what
18 you're doing.

19 DEFENSE COUNSEL: All right. This is not what
20 you want?

21 DETECTIVE GIORGIO: But that's okay. If
22 you-- what you're doing, if we get to 21, again
23 I'll ask him to do 21.

24 (Witness signs forms and Detective Giorgio
25 initials forms.)

1 A How many is that? How many more do I have to
2 go?

3 DETECTIVE GIORGIO: That's 9A. You have 11
4 more.

5 A 11 more.

6 DETECTIVE GIORGIO: It will really be 12 with
7 the other printed one.

8 DEFENSE COUNSEL: I'll be right back.

9 A Okay.

10 (Defense Counsel leaves at 3:20 p.m.)

11 DETECTIVE GIORGIO: If your hand is tired and
12 you want to take a break you can.

13 (Witness signs forms and Detective Giorgio
14 initials them.)

15 A What's that?

16 DETECTIVE GIORGIO: That was-- this one's
17 13. Now it's 14.

18 (Defense Counsel returns at 3:24 p.m.)

19 DETECTIVE GIORGIO: You made a mistake. No,
20 I'm sorry. It's okay. It's okay. Go ahead.
21 Go ahead. No, I was just checking something.

22 A That's it?

23 DETECTIVE GIORGIO: No, this is you got two
24 more to go. That's it. Two more. Okay. The

1 last one will be 21A., because the first one was
2 done in script. Okay. I have 15 envelopes here.
3 Okay. In this upper corner I like you to write
4 Julio Ortiz.

5 DEFENSE COUNSEL: Print or write?

6 DETECTIVE GIORGIO: A-- print. 750 West a
7 181st Street on the second line, and the third
8 line, New York, New York 10033.

9 A The same thing like whatever before? The same
10 shit?

11 DETECTIVE GIORGIO: Print.

12 A Street. New York, New York 10033?

13 DETECTIVE GIORGIO: Correct. Do it on 15 of
14 those. On all of the envelopes. This one will
15 be 1B.

16 (Witness signs envelopes and Detective
17 Giorgio initials them.)

18 DETECTIVE GIORGIO: I'll ask you again if
19 you want to take a break to rest your hand?

20 A (No response.)

21 DETECTIVE GIORGIO: Okay.

22 (Witness signs envelopes and Detective
23 Giorgio initials them.)

24 DETECTIVE GIORGIO: That's the last one.

25 A Okay.

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DETECTIVE GIORGIO: No. That one. The one you're doing now. Okay. On these next envelopes--

A --15 again. Right?

DETECTIVE GIORGIO: Yeah, I like you-- it's alright. I like you to print Nelson Dacosta, in care of (c/o) Josephine Mendez.

A Do you want me to write it?

DETECTIVE GIORGIO: Just to address it as if you were addressing it.

DEFENSE COUNSEL: However you would write care of. However you would write care of.

A I would write it underneath the name that you're sending it to?

DEFENSE COUNSEL: However you would write it. Josephine Mendez.

DETECTIVE GIORGIO: In care of, (c/o) Josephine Mendez. 485 West 187th Street, New York, New York 10033.

A The same thing. Right?

DETECTIVE GIORGIO: Okay. On a-- on those I like you to write, New York. The first New York out. Spell all of New York and then you could state just the N.Y. Okay?

A All right. Abbreviate on the last you say?

1 DETECTIVE GIORGIO: You got it.

2 A Let me just get some room on it.

3 DEFENSE COUNSEL: 1C?

4 DETECTIVE GIORGIO: 1C on this first envelope.

5 (Witness writes on envelopes and Detective
6 Giorgio initials them.)

7 (Defense Counsel leaves at 3:37 p.m.)

8 DETECTIVE GIORGIO: Okay. I'm going to ask you
9 to do--

10 A --hold up and wait until my attorney comes
11 back. Okay?

12 DETECTIVE GIORGIO: Okay.

13 A Take five I guess.

14 DETECTIVE GIORGIO: This is the same thing.
15 It's not anything different. It's just that the
16 first one you didn't spell out New York.

17 A Oh, you want to do one and one you said?

18 DETECTIVE GIORGIO: Well, one, and the second
19 one you neglected to put an address on it.

20 A You want me to put it in between? It's up to
21 you.

22 DETECTIVE GIORGIO: All right.

23 A Whatever you want me to do.

24 DETECTIVE GIORGIO: All right. In between.

25 A Put the address. And what was the other one?

1 DETECTIVE GIORGIO: And the other one just you
2 hadn't spelled out the New York.

3 A Okay. Okay.

4 (Defense Counsel returns at 3:45 p.m.)

5 DETECTIVE GIORGIO: Okay. And I have 15 more
6 envelopes. And on that one I like you to
7 write--

8 A -- where?

9 DETECTIVE GIORGIO: As you were. Address it
10 similar to this one.

11 A Okay.

12 DETECTIVE GIORGIO: Myra Franza. Print.

13 DEFENSE COUNSEL: Print

14 DETECTIVE GIORGIO: Myra Franza. And beneath
15 that Josephine Mendez.

16 A Right below it?

17 DETECTIVE GIORGIO: As you would address it.
18 As you would address an envelope with two names,
19 485 West 187th Street. And in this one it's just
20 the letters. It's not spelled out.

21 A N.Y.? N.Y.? The same zip code?

22 DETECTIVE GIORGIO: Correct.

23 A Okay. Okay.

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1 DETECTIVE GIORGIO: On the following envelopes
2 I would like you to put Josephine Franza-- I'm
3 sorry, Josephine Mendez beneath Myra Franza.

4 DEFENSE COUNSEL: The first time he asked you
5 to do it was that way. Now, he's asking you to do
6 it that way.

7 A Okay. No problem.

8 DETECTIVE GIORGIO: And this will be 1D. And
9 in consecutive numbers after that.

10 (A.D.A. Brancato enters the room at 3:46 p.m.)

11 A Myra first?

12 DETECTIVE GIORGIO: Myra first.

13 (A.D.A. Brancato and Defense Counsel leave the
14 room at 3:47 p.m.)

15 A Like that. Right?

16 DETECTIVE GIORGIO: Correct. Okay. If you
17 would for the remaining-- this is 5D. that I'm
18 marking now. For the remaining 10, would you put
19 Myra in print, but all large letters. Do you
20 understand what I'm saying? Here you've got a
21 large M. and lower Y-R-A. I like the Myra .
22 spelled in all printed capital letters.

23 A Oh, I understand what you're saying.

24 DETECTIVE GIORGIO: Okay.

1 A Okay. All right. I'll wait to my lawyer comes
2 back. What has to be done here? Are these the last two
3 or more to go after this?

4 DETECTIVE GIORGIO: No, that's all there is.
5 Maybe we should get it.

6 A I can take a break anyway?

7 DETECTIVE GIORGIO: Yeah.
8 (Recess taken at 3:50 p.m.)

9 A Josephine Mendez large?

10 DETECTIVE GIORGIO: No.

11 A Just Myra?

12 DETECTIVE GIORGIO: Just the Myra.
13 (Recess ends at 3:51 p.m.)

14 (Defense Counsel returns at 3:51 p.m.)

15 DETECTIVE GIORGIO: We stopped at 10 minutes
16 of four p.m. In the first five he did a capital
17 M. and lower case M-Y-R-A.

18 DEFENSE COUNSEL: Right.

19 DETECTIVE GIORGIO: M-Y-R-A. I'm asking him
20 for the remaining 10 to do the name Myra all in
21 capital printed letters.

22 DEFENSE COUNSEL: That's fine.

23 A Okay.

24 DEFENSE COUNSEL: Go ahead. We certainly
25 want to be cooperative.

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A Just the first name to capital?

DETECTIVE GIORGIO: Yeah.

A In caps. And then the other one?

DETECTIVE GIORGIO: The rest how you have been doing it.

(Witness signs documents and Detective Giorgio marking them.)

(A.D.A. Brancato enters the room at 3:55 p.m.)

DETECTIVE GIORGIO: Okay. We're done. It's a-- about four minutes to four.

DEFENSE COUNSEL: And Detective, are you satisfied that Mr. Franza has complied with all your requests?

DETECTIVE GIORGIO: Yes, he has.

DEFENSE COUNSEL: Are you satisfied that he's complied with the order, Mr. Brancato?

(A.D.A. Brancato nods.)

DEFENSE COUNSEL: Is that a yes?

MR. BRANCATO: Yes.

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LABORATORY

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Date 4/4 19 91
To The
Order Of FEDERAL EXPRESS
Julio Ortiz 750 W 181 ST NY NY 10032

Date 4/4 19 91
To The
Order Of FEDERAL EXPRESS
Julio Ortiz 750 W 181 ST NY NY 10032

Date 4/4 19 91
To The
Order Of FEDERAL EXPRESS
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Order Of FEDERAL EXPRESS
Julio Ortiz 750 W 181 ST NY NY 10032

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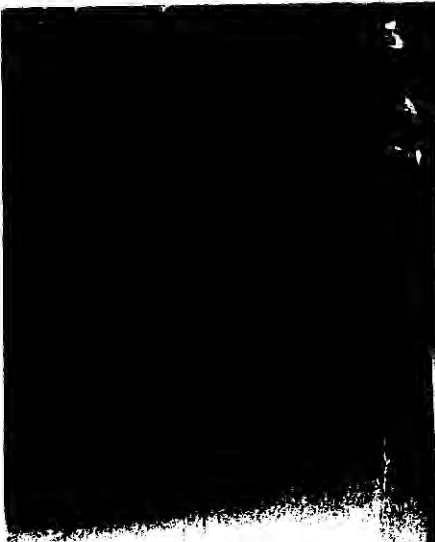
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NY NY 10032

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485 W 157 St
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Myra Frank
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Myra Frank
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Myra Frank
1050 Mine Street
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LABORATOR

Date 4/4 19 91
To The
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Julio Ortiz 750 W 181 ST NY NY 10033

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NE/SON DAKOSTA
CO JOSEPHINE MENDEZ
485 W 187 ST
NY NY 10033

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CO JOSEPHINE MENDEZ
485 W 187 ST
NEW YORK, NY 10033

NE/SON DAKOSTA
CO JOSEPHINE MENDEZ
485 W 187 ST
NEW YORK, N.Y. 10033

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NE/SON DAKOSTA
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NEW YORK, N.Y. 10033

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NE/SON DAKOSTA
CO JOSEPHINE MENDEZ
485 W 187 ST



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NY NY 10032

Josephine
485 W 181 ST
NY NY 10032

Myra Frank
Josephine
485 W 181 ST
NY NY 10032

Myra Frank
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Myra Frank
Josephine
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