

ROBERT W. SPOZARSKI, having been duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. FAGAN:

Q What is your name?

A Robert W. Spozarski.

Q Your occupation?

A Detective, City of Pittsburgh.

Q How long have you been a police officer?

A 10 years.

Q When did the individual known as Marvin Miller come to your attention in relation to the complaint of September 30?

A The victim, Michael Miller?

Q Yes.

A That was the day of the robbery on September 30.

Q As a result of receiving that complaint, what did you do?

A I went to the hospital to attempt to interview him. He was in poor condition. I couldn't interview him.

As a result of your investigation, did you subsequent

issue warrants for the arrest of anyone?

A No, I didn't. }

Q Were warrants issued?

A Warrants were issued for George Brooks for robbery, of  
Michael Miller. And he was arrested October 30 --  
well, October 1st.

Q Two days following this incident he was arrested,  
for this incident. Well, the next day?

A The first, the next day.

Q And did you apprise him of why he was being arrested?

A Yes. I advised -- he was arrested by the plain  
clothes officer from No. 2 and No. 4. He was brought  
to the Public Safety Building where I had an oppor-  
tunity to talk to him.

Q All right. When was that?

A That was approximately 4:00 p.m. on October 1st.

Q And what went on between the two of you at that  
time?

A I advised him of his constitutional rights.

Q Yes?

A In regards to the robbery of Michael Miller. He  
waived his rights and signed the rights form. And

at this point, I asked him about the robbery, where Michael was beaten and robbed.

Q What did he have to say?

A He stated that he didn't rob him. He said that he along with his partner beat Michael Miller because Michael Miller allegedly raped his partner's mother, and he denied taking any money from him.

Q Did he indicate who the other individual was who was with him?

A No.

Q How did you get the name of the other individual?

A There were warrants issued for George Brooks and a few of his associates, and it popped up later on in the investigation.

Q Has the other individual been placed under arrest as yet?

A No. We're still looking for him.

Q [ This defendant indicated to you that he did participate in the beating of the man, but he denied taking any personal property from him?

A Yes. He specifically stated that he pushed Brooks, Miller into the alley, knocked him down and

stated that his partner did the kicking.

Q He denied participating in removing any personal property or sharing in anything that was taken?

A Right.

Q But he did not reveal who he was with?

A No.

MR. FAGAN: Cross examine.

CROSS EXAMINATION

BY MR. METINKO:

Q Okay. Officer, you got this initial complaint on September 30, is that correct, the day of the alleged incidents?

A My report is there. I can be more accurate. It's right in the folder there.

Q Take it.

A The date of my report is October 1, 1975.

Q October 1st?

A Yes.

Q [ That was when you received the report of the incident from September 30, is that correct, involving Michael Miller?

A Right. That morning I received a report. I went

out to the hospital. That would have been the next day, the day after the actual incident, and I went to the hospital to interview the victim.

Q Okay. And you never got to interview the victim?

A When I got there, the doctor informed me that he just had a cardiac arrest, and I couldn't interview him. I didn't think that I would be able to talk to him for a while, so I left.

Q You say a warrant was subsequently sworn out and he was arrested pursuant to that warrant? }

A There were more than one warrant for his arrest regarding robberies. This just happened to be one of them.

Q This was one of them?

A Right.

Q [ The incident involving Michael Miller? }

A Yes. }

Q How was his name connected with that robbery?

A George Brooks?

Q Yes.

A Well, in my investigation after interviewing Mrs. Terry.

emergency room area, Mrs. Campbell. She told me over the phone that she gave all this information to No. 4 plainclothes officer. Like I said, I realized that the investigation was overlapping. I stopped. I didn't go any further. No. 4 plainclothes officers had the warrant issued for the arrest of George Brooks.

Q I see. Do you know who?

A Steve Calfo.

Q Was it pursuant to that warrant that he was arrested?

A Yes. The plainclothes officer from No. 4 and No. 2 arrested George Brooks. Brought him to the Public Safety Building. We had other outstanding warrants for other robberies.

Q Now, then you talked to him subsequently?

A Right.

Q Where did that take place?

A It was in the cell block in the investigative branch, the holding cell area.

Q Is that the Public Safety Building?

A Yes, the second floor.

Q There you questioned him concerning this particular

incident?

A Yes, right.

Q And he gave you a statement, is that correct?

A Yes. He gave me a statement, an oral statement as to what happened.

Q Nothing was reduced to writing?

A I was about to finish for the day. No. 4 had the outstanding warrants for him. I found out at this time, Calfo was with me at this time when I advised him of his rights. Brooks told me what happened. I mentioned it to guys in the robbery section, Hutton to be exact, and they later interviewed him more formally than that. I left.

Like I said, I more or less terminated the investigation because of No. 4's involvement. Hutton and McGreevy interviewed him.

Q Is this the rights form that was read to him?

A Yes (handing).

Q And he told you that they did not rob that man, is that correct?

Right.

But that there was a beating incident?

A Yes.

Q In which the other individual kicked the person?

A George specifically stated that he pushed him into the alley, knocked him down, and his partner did the kicking.

Q All right, that's all.)

MR. FAGAN: That's all. You may step down.

(Witness excused.)

MR. FAGAN: That's our case.

THE COURT: Does the defense have anything?

MR. METINKO: Is Officer Hutton here?

MR. FAGAN: You want to call him as your witness?

THE COURT: He's your witness, do you understand that?

MR. METINKO: Yes.

THE COURT: Is he here?

MR. FAGAN: Yes.