

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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RICHARD E. BURGESS,
Plaintiff,

V

TOWN OF WALLINGFORD; CHIEF DOUGLAS
L. DORTENZIO, in his Official and
Individual Capacities; SERGEANT
MICHAEL COLAVOLPE, in his Official
and Individual Capacities; OFFICER
GABRIEL GARCIA, in his Individual
Capacity; OFFICER DEVIN FLOOD, in
his Individual Capacity; AND MARK
VANAMAN,

Defendants.

* * * * *

DEPOSITION OF MARK VANAMAN - VOLUME II

Taken on behalf of the Plaintiff in the above-entitled
cause, before Patricia Tyszka, Registered Merit Reporter,
License No. 46, Notary Public, in and for the State of
Connecticut, on Wednesday, December 19, 2012, at 9:42 a.m.,
at the Law Office of Rachel M. Baird, Stonegate
Professional Building, 379 Prospect Street, Torrington,
Connecticut, pursuant to the Rules of Civil Procedure.

TYSZKA COURT REPORTING SERVICES
189 Old Forge Road

West Hartland, Connecticut 06091

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APPEARANCES

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For the Plaintiff:

LAW OFFICES OF RACHEL M. BAIRD
379 Prospect Street
Torrington, Connecticut 06790-5238
BY: RACHEL M. BAIRD, ESQ.
(860) 626-9991

For Defendants Town of Wallingford, Chief Dortenzio,
Sergeant Colavolpe, Officer Garcia, Officer Flood:

HOWD & LUDORF
65 Wethersfield Avenue
Hartford, Connecticut 06114-1121
BY: KRISTAN MACCINI, ESQ.
(860) 249-1361

For Pro Se Defendant, Mark Vanaman:

Mr. Mark Vanaman

[REDACTED]
[REDACTED]

Also Present:

Richard Burgess

STIPULATIONS

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IT IS STIPULATED by counsel that formalities as to the proof of the authority of the Notary Public and sufficiency of Notice are waived.

IT IS STIPULATED and agreed between counsel that all objections, except as to form, are reserved to the time of trial.

IT IS FURTHER STIPULATED and agreed that the reading and signing of the deposition is waived.

1 MARK VANAMAN,
2 Of [REDACTED],
3 having been again duly sworn, was examined and
4 testified as follows:

5
6 MS. BAIRD: Do you want to read it and sign
7 it? You want us to send you a copy of it for
8 you to read it over?

9 THE WITNESS: What was that again?

10 MS. BAIRD: She is going to make a
11 transcript of this.

12 THE WITNESS: Right.

13 MS. BAIRD: Do you want us to send you a
14 copy of it so you can read it and --

15 THE WITNESS: No.

16 MS. BAIRD: Okay. You trust her to make an
17 accurate one?

18 THE WITNESS: Yeah. She's got a couple
19 different ways she is doing it, so --.

20 MS. BAIRD: Okay.

21 Why don't we get started with marking this
22 as Exhibit C.

23 (Plaintiff Exhibit C marked for I.D.)

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DIRECT EXAMINATION

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BY MS. BAIRD:

Q I'll give you the actual one that was marked by the court reporter, the official Exhibit C for today's deposition. Do you recognize that two-page document that I just handed you?

A Yes.

Q And what is it? As you --

A It's a statement that I gave to the police department. The Wallingford Police Department.

Q Okay. And how did you go about making this statement to them? It looks like it's typed out. Did you type it?

A No. This one here I went into -- I went into the Wallingford Police Department. They called me to come down.

Q And is the date reflected on that statement of May 17th, 2010 accurate, to your recall?

A I would assume, only because of the date on it. I don't recall the actual date.

Q Okay. Do you know if it was the day following the actual --

A I think it was. I think it was. It was either the next day or two days after.

1 Q Do you recall the last time you had an
2 opportunity to look at this two-page statement that we've
3 marked as Exhibit C?

4 A Would have been the day of. The day it was -- I
5 gave my statement.

6 Q Okay. And since the day you gave the statement,
7 if it was, in fact, May 17th, 2010, you haven't had an
8 opportunity to look it over again?

9 A No.

10 Q Did you get a copy of the statement after you
11 made it?

12 A I don't recall. I might have.

13 Q Sure.

14 A I don't --

15 Q Okay. Well, what I'd like to do is go through
16 the statement, and if there's anything inaccurate in the
17 statement or anything that was left out of the statement
18 that you think is important, give you an opportunity to
19 fill it in at this point. Okay?

20 A All right.

21 Q It's not a long statement, so I don't think the
22 process should take very long. Okay?

23 A All right.

24 Q Let's start with, of course, your date of birth
25 is correct; [REDACTED]?

1 A Oh, okay. Yes.

2 Q Okay. And your home address and phone number are
3 correct. Right?

4 A Yes. Still current.

5 Q Okay. Let's start with the first sentence then.
6 It says, "I, Mark Vanaman, give this statement to Officer
7 Flood." And I'm not going to read it exactly as it's
8 written; I may just sort of paraphrase it, but I'm looking
9 at the first sentence. You know, you gave this statement
10 to him, you know, about an incident, and it says here the
11 incident occurred on or about 5/17, at approximately
12 7:05 p.m.

13 A Yes.

14 Q Okay. And so --

15 A That's what it says.

16 Q And so it looks like you gave the statement on
17 the same day maybe.

18 A I -- I don't think I would have.

19 Q Okay.

20 A Because I know afterwards I went to -- I went
21 home.

22 Q And --

23 A Is there a time on this? 2142. It could have
24 been the same day.

25 Q Okay.

1 A It could have been, with that time. Because that
2 would have been about the same time that I was finished up
3 with pool.

4 Q Sure. And we all know it's been over two years.

5 A Yeah.

6 Q And at that time you were employed as a bail
7 bondsman, it says.

8 A Yes.

9 Q Are you still employed as a bail bondsman?

10 A Actually I'm back with them, yes.

11 Q Okay. Well, tell me a little bit about that.
12 What does a bail bondsman do?

13 A Well, as a bail bondsman I bond people out of
14 court, out of police departments. Anybody that's been
15 arrested.

16 Q Do you work for another company --

17 A Yes.

18 Q And what company did you work for at that time,
19 on May 17th?

20 A Ali Baba Bail Bonds.

21 Q How long had you been working for Ali Baba Bail
22 Bonds?

23 A Ooh. I've been working off and on for them for
24 about nine years.

25 Q And when you say nine years, does that take us up

1 to the present, nine years --

2 A Correct. I'm still there.

3 Q -- back from today?

4 A Yes.

5 Q Have you worked for any other bail bond
6 companies?

7 A I actually had my own for a while, yes.

8 Q And what time period did you have your own?

9 A I couldn't say exactly because of the -- you
10 know, I don't want to give the wrong time. Yeah. I
11 couldn't tell you exactly when. I know I was working for
12 Ali Baba Bail Bonds at the same time because for them I
13 do -- I do bail bonds and I'm a bail enforcement agent.

14 Q Well, that was going to be my next question. A
15 bail enforcement agent, how does a bail enforcement
16 agent's job differ from a bail bondsman?

17 A A bail bondsman job you take people out of court
18 or out of jail that have been arrested. A bail
19 enforcement agent, when somebody has FTA'd out of court --
20 which is a failure to appear -- it's my responsibility to
21 go track them down and bring them back.

22 Q And have you done both of these jobs at the same
23 time?

24 A Yes.

25 Q And are you currently a bail enforcement agent?

1 A Yes.

2 Q And back in May of 2010 were you a bail
3 enforcement agent?

4 A Yes.

5 Q Do you have to have a license from the state or
6 any other entity to be a bail bondsman?

7 A Yes. From the State of Connecticut.

8 Q And how about a bail enforcement agent?

9 A The same. Through the state.

10 Q Is it the same license or different?

11 A No; they're two different licenses.

12 Q When did you first get your bail bondsman
13 license?

14 A Ooh. Probably about six years ago.

15 Q And how about your bail enforcement agent
16 license?

17 A That was about 10 years ago.

18 Q Other than being a bail bondsman and a bail
19 enforcement agent, do you have any other occupations where
20 you earn a living from?

21 A Well, with the time that I took off from doing
22 the bail bonds, I drive a tractor-trailer.

23 Q And what kind of routes do you go on --

24 A It's local.

25 Q -- in your tractor-trailer?

1 A It's all local. I mean I'm not doing it at this
2 point, but I was -- I did it for about six months in the
3 middle of it all.

4 Q Do you have a CDL?

5 A Yes.

6 Q Do you still have a CDL?

7 A Yes.

8 Q How long have you had a CDL?

9 A Ooh. About 18 years now?

10 Q Okay. So you've been driving trucks for a while.

11 A Yes.

12 Q Have you ever done other than local routes? Long
13 hauls?

14 A No.

15 Q And when you do the local routes, do you work for
16 particular companies?

17 A Yes.

18 Q What companies have you worked for?

19 A The last one I worked for was New England Motor
20 Freight. And the one before that was Con-way Central
21 Express. Both out of Meriden.

22 Q And you've mentioned that you took a break from
23 being a bail bondsman? Am I correct in that?

24 A Yes.

25 Q And what was the reason for that?

1 A Drama.

2 Q Okay. And when did this break occur?

3 A Let's see. I went back to doing it October of
4 this year.

5 Q Okay.

6 A Yeah. So for two years I took a break going back
7 this October.

8 Q Did you also --

9 A I still did it -- I apologize. I still did it
10 part-time, but not on a full-time basis. Like I -- with
11 the bail bonds, you know, you get calls all times of day
12 and night and stuff like that, so what I did was I would
13 just -- if it was somebody I knew, I did it. So I didn't
14 go to courts and stuff like that, so it wasn't a full-time
15 thing.

16 Q So you didn't work, for example, for Ali Baba --

17 A Oh, yeah, I still did.

18 Q You did.

19 A Yeah.

20 Q Okay. And you maintained your license?

21 A Yes.

22 Q Did you also take somewhat of a same kind of
23 break from being a bail enforcement agent?

24 A No. If I got called to do any, I did; but I
25 wasn't doing it full-time again.

1 Q And during this break period, you drove a local
2 truck for about six months?

3 A Yes.

4 Q You drove a local route for about six months?

5 A Yes.

6 Q Did you have any other occupations -- wait, wait.

7 Did you have any other occupations during these
8 two years besides driving a truck locally and, you know,
9 doing some bondsman work and some bail enforcement agent
10 work?

11 A Yes.

12 Q And what was the other occupation?

13 A I did security.

14 Q Okay. Security. Did you work for a security
15 company?

16 A Yes.

17 Q Which one?

18 A SOS Security.

19 Q What was your assignment?

20 A I was a security -- what did they -- I don't know
21 what they label it. Security site manager.

22 Q Had you had prior experience in --

23 A Yes.

24 Q -- doing security work?

25 A Yes.

1 Q What site did you manage as the security site
2 manager?

3 A For SOS?

4 Q For SOS.

5 A 505 Hudson Street in Hartford, Connecticut. That
6 is the same building that DCF is in.

7 Q Did you do that during this two-year period we've
8 been discussing?

9 A Yes.

10 Q So it sounds like you began doing security work
11 back in 2010. With SOS?

12 A I think that was the time.

13 Q And prior to going with SOS back in about 2010,
14 it sounds like, what was your prior experience with
15 security work?

16 A Way back when when I was 21, I used to -- I
17 worked at a nuclear power plant in Haddam Neck,
18 Connecticut.

19 Q You got that job when you were 21?

20 A Yes.

21 Q Did you work for a security company?

22 A Yes.

23 Q Which one?

24 A Burns International Security.

25 Q Did Burns International Security company train

1 you for that position?

2 A Yes.

3 Q What training did you receive?

4 A It was -- I think it was a month-long process.
5 We had to go through all regulations and policies and
6 everything else on the site and, since it was nuclear, we
7 had to get certified to be able to work within a nuclear
8 power plant and know the dos and don'ts of certain
9 situations. Also, at the firing range we had to get
10 certified through them every six months.

11 Q How long did you work at the nuclear site --

12 A For two years.

13 Q -- for Burns?

14 A For two years.

15 Q So from about 21 to 23 years old?

16 A Yes.

17 Q And the month-long training process that you
18 received, was that on site or at a special training
19 location?

20 A It was on site, but it was not considered on
21 site. It was all within the same property, but it wasn't
22 on site as far as within the perimeter of the nuclear
23 power plant. If you understand that.

24 Q Was this your first experience with security work
25 then, when you were 21 working for Burns?

1 A No.

2 Q What was your experience before that?

3 A I think I was 18, and I worked security at
4 Masonic Home and Hospital in Wallingford.

5 Q Were you still in high school when you started
6 that job?

7 A No.

8 Q And how long did you work security at the Masonic
9 Home in Wallingford?

10 A I could not even begin to tell you. Back then it
11 was way too long.

12 Q And did you graduate from high school?

13 A No. I actually quit high school when I was
14 17-and-a-half and went into the service. Both my mom and
15 dad had lost their jobs and there was no money coming in,
16 so it was the easiest way for me to help out.

17 Q Okay. And what high school was it you were
18 attending when you left --

19 A Maloney High School --

20 Q -- for the service?

21 A -- in Meriden. I'm sorry.

22 Q I'm trying to ask my questions fast to get them
23 out before --

24 A Yeah. I'll sit back. Sorry.

25 Q So it sounds like you were in your senior year at

1 Maloney?

2 A Actually, no. I had stayed back, so I was -- I
3 was in tenth grade still.

4 Q And what branch of the service did you join?

5 A Army.

6 Q What was your -- what do they call it? An MOS?

7 A It was 62F which was a crane operator.

8 Q So you went through basic training?

9 A Yes.

10 Q Was that in South Carolina?

11 A No. It was actually in Fort Leonard Wood,
12 Missouri.

13 Q And you went to training school to be the crane
14 operator?

15 A Correct.

16 Q And how long did you stay in the army?

17 A Eight years.

18 Q Where were you stationed?

19 A I was in the Reserves.

20 Q Okay. So how long were you active?

21 A For the -- active as far as?

22 Q Well, you were active when you were in basic,
23 obviously?

24 A Yes.

25 Q And then you were probably active when you were

1 in training school?

2 A Correct.

3 Q And then did you go right into the Reserves?

4 A Yes.

5 Q And was your Reserve unit back here in
6 Connecticut?

7 A Yes.

8 Q Where was your unit located?

9 A Wintergreen Avenue, New Haven.

10 Q Would you go to Reserve meetings once a month?

11 A Yes.

12 Q And then did you do annual training during the
13 summer?

14 A Yes.

15 Q So it sounds like you did that for eight years?

16 A Yes. I actually switched out of that unit and
17 they transferred me to a unit in Middletown.

18 Q And you received an Honorable discharge?

19 A Yes.

20 Q Did you remain a crane operator the entire time,
21 the 62F?

22 A No. Because no one in Connecticut had a crane
23 even.

24 Q So what was your new MOS?

25 A I don't remember what the code was for it, but I

1 was -- I did maintenance away on -- for railroads.

2 Q Why did you leave the Reserves?

3 A I was done with them.

4 Q Fair enough. Did you ever have the opportunity
5 to go overseas while you were in the Reserves?

6 A No.

7 Q Okay. So it sounds to me like you were done with
8 the military when you were about 25? Eight years? 17
9 plus eight?

10 A Yeah. Somewhere around there.

11 Q All right. And while you were in the Reserves
12 you worked for the Masonic Home?

13 A Yeah. I had a lot of different jobs.

14 Q Okay. Did they all have to do with one kind of
15 work or career or --

16 A No.

17 Q -- was it a mixture?

18 A It was just whatever. Whatever I came up with
19 that week.

20 Q Was there a time when you settled into a job that
21 you felt like was your career, what you wanted to do?

22 A Yes.

23 Q And when was that?

24 A Wow, that was kind of early. I was -- I was 19,
25 I think. Yeah, I was 19. I worked for a place for two

1 years and I really enjoyed it.

2 Q What was that place?

3 A Lake Grove School.

4 Q What did you do at Lake Grove?

5 A I was a residential counselor for emotionally
6 disturbed adolescents. Actually, I was there for five
7 years.

8 Q Did you live on site?

9 A No.

10 Q And during that five years did your job duties
11 remain the same?

12 A No.

13 Q How did they change?

14 A I went from a counselor to a weekend super -- a
15 weekend cottage supervisor, then I went to a weekend
16 campus supervisor.

17 Q Okay. You stayed there overall for I think you
18 said two years?

19 A I was actually there for five.

20 Q Five.

21 A Yes.

22 Q Okay. You started when you were about 19?

23 A Yes.

24 Q And did you continue in that kind of work after
25 that five years?

1 A No.

2 Q What did you do next?

3 A Bounced again.

4 Q Okay. Did you ever go back to that kind of work
5 with kids or emotionally disturbed kids?

6 A For a short period of time I worked for a place
7 in New Haven; Saint Francis. Yeah.

8 Q Okay. And other than the security work you did
9 for the Masonic Home, for Burns, and for SOS, did you work
10 for any other companies or any other establishments doing
11 security work?

12 A Yes.

13 Q Which ones and when?

14 A Wow. I can't remember the name of it. Oh, RPS
15 Security.

16 Q Where are they located?

17 A They were located in Meriden.

18 Q No longer?

19 A No. The owner's passed away.

20 Q And what kind of security work did you do for
21 them?

22 A I did an outside mall that we had in Meriden. It
23 was an armed position, as was the nuclear power plant.
24 And I did for them escorting of visiting nurses into areas
25 that were crappy.

1 Q How long did you stay with RPS?

2 A I think two-and-a-half years.

3 Q Okay. So other than RPS, Burns, SOS, the Masonic
4 Home --

5 A That's it.

6 Q -- did you work for any other security companies?

7 A That's it.

8 Q Any other kind of security work?

9 A No.

10 Q And I gathered from your comment that the work
11 you did for RPS Security was an armed position.

12 A Correct.

13 Q Did that security company have armed and unarmed
14 positions?

15 A Yes.

16 Q Okay. And how was it determined whether somebody
17 would have an armed position?

18 A Whether they were certified.

19 Q Okay. And when you say "certified," do you mean
20 a blue card?

21 A Correct.

22 Q When did you first obtain a blue card?

23 A When I worked for Burns International Security.

24 Q And when you got your blue card, did you already
25 have a pistol permit?

1 A Actually, I got it at the -- I got my pistol
2 permit like six months prior to my blue card.

3 Q And what kind of training if any did you go
4 through prior to getting your pistol permit?

5 A Just classroom and range time.

6 Q And was that training for your pistol permit
7 provided through any employer?

8 A No.

9 Q Do you recall if it was an NRA course?

10 A It was an NRA instructor that I knew.

11 Q Okay. So just looking at the notes I've taken,
12 when you began working for Burns am I correct that you got
13 your pistol permit when you were 21?

14 A Correct.

15 Q And you've held it continuously since that time?

16 A No. The state now regulates it that if you're
17 not employed doing armed security, that they won't let you
18 renew it unless -- it's like a sponsorship type thing now.

19 Q And that's your blue card. Right?

20 A Correct.

21 Q Right. So you probably last had your blue card
22 back when you worked for RPS, maybe?

23 A Yes.

24 Q Okay. And how about your pistol permit, have you
25 held that continuously --

1 A Yes.

2 Q -- since you were 21?

3 A Yes. Continuously.

4 Q Are you an instructor, an NRA instructor for
5 pistol permit classes?

6 A No.

7 Q And then you had mentioned that you had another
8 armed position, and that was with Burns. Correct?

9 A Correct.

10 Q Back on May 17th of 2010, did you have an
11 opinion, based on your training and experience, as to
12 whether a person in Connecticut holding a valid permit
13 could carry openly, could carry concealed? Either.

14 MS. MACCINI: Objection to form.

15 THE WITNESS: I still answer that?

16 BY MS. BAIRD:

17 Q Well, I was asking --

18 A Well, I didn't know what --

19 Q No; just hold on.

20 A I don't want to -- yeah, I don't want to --

21 Q Hold on one second.

22 MS. BAIRD: I just want to engage in a
23 conversation, and I'm not sure about the answer
24 to this myself. Do you have standing to object
25 to questions given to him since you're not his

1 attorney? I'm just curious.

2 MS. MACCINI: I certainly do. I'm
3 objecting as representing my clients. That's a
4 confusing question, so I can object to the form
5 of the question. Absolutely.

6 MS. BAIRD: Okay.

7 MS. MACCINI: I'm not objecting on his
8 behalf, I'm objecting for the record on behalf
9 of my clients.

10 MS. BAIRD: Okay. I'm not sure about that;
11 I've never researched it. It seems a little odd
12 to me. But I just wanted to get your -- have
13 you researched it? Or you're sure of that?

14 MS. MACCINI: I think it's standard
15 procedure based on my practical experience over
16 the last 12 years. That's how it's always done.

17 MS. BAIRD: Okay.

18 MS. MACCINI: I'm surprised that you would
19 question my objecting to that lengthy compound
20 question that he probably didn't understand.

21 BY MS. BAIRD:

22 Q Well, you're free to tell me -- I didn't instruct
23 you at the beginning of this --

24 MS. BAIRD: And I know you've got 12 years
25 experience and that's great, but I also find

1 that no matter how much experience one has in
2 life we still have things to learn. That's been
3 my experience.

4 BY MS. BAIRD:

5 Q Mr. Vanaman, if there's ever a question I ask you
6 that you don't understand, we can engage in a very polite,
7 courteous conversation with each other about whether you
8 understand the question. Because we all want to be polite
9 and courteous to each other here. That's above all.
10 Okay? So let me ask the question again.

11 A Thank you.

12 Q And if you don't understand it, just tell me.
13 Okay?

14 On May 17th of 2010, am I correct that you had
15 had some experience with having a pistol permit?

16 A Yes.

17 Q Am I correct that you had received some training
18 with regard to having a pistol permit?

19 A Yes.

20 Q Am I correct that you had held a blue card for a
21 period of time?

22 A Yes.

23 Q And that to hold that blue card you had received
24 training?

25 A Yes.

1 Q That you had worked for a number of security
2 companies, two of which, Burns and RPS, had required you
3 to be an armed security guard. Correct?

4 A Yes.

5 Q Okay. So what I'm asking you is on May 17th,
6 2010, based on all this experience that I've just
7 detailed, did you hold an opinion about whether you as a
8 pistol permit holder could openly carry your pistol or
9 revolver?

10 MS. MACCINI: Objection to form.

11 A It was my understanding that it did need to be
12 concealed at all times.

13 BY MS. BAIRD:

14 Q Okay. What training or experience had led you to
15 have that understanding?

16 MS. MACCINI: Objection to form.

17 A If I can recall, back when I first got my permit
18 it used to be called a concealed weapons permit. I never
19 noticed that it had changed. I mean since that time I've
20 gone back and I've looked at my pistol permit and it does
21 not say that.

22 When taking my blue card, the blue card was to
23 open -- so that I could openly carry it doing security.
24 With my bail enforcement, my license is so that I can
25 openly carry it while working.

1 So my train of thought with it being -- and I
2 remember when I went through it, it was -- when I first
3 went through the class it was that you could not carry it
4 openly. That's what was being taught at the time.

5 BY MS. BAIRD:

6 Q Okay.

7 A And then why would I need two other permits if I
8 can openly carry it anyways?

9 Q When you say "two other permits," what other
10 permits are you referring to?

11 A My blue card.

12 Q Right.

13 A And my bail enforcement license.

14 Q And you also had a license to be a bail bondsman,
15 too. Right?

16 A Yes. I have one.

17 Q And what does your bail enforcement agent license
18 specifically say, to you, about carrying a firearm?

19 A That I can openly carry my firearm while in --
20 while in process of an apprehension.

21 Q Is it a requirement as a bail enforcement agent
22 to have a permit? Are there bail enforcement agents that
23 don't have permits?

24 A I'm not sure.

25 Q I'm not sure either, that's why I was asking you.

1 A Because I know they teach it in a two-course
2 phase. They teach the criminal and the law section, and
3 then they also have the firearm section. So --

4 Q Okay.

5 A That would be something to take up with the State
6 Police, I guess. Or an instructor that teaches the
7 course. They may be able to even answer it.

8 Q Right. Okay. So you've just answered my
9 question with regard to May 17th, 2010, your understanding
10 of holding a pistol permit and whether that allowed you to
11 openly carry it. Has your understanding changed in any
12 way since May 17th, 2010?

13 A I have read what was -- what legislative and
14 everybody else has put out for the law and it doesn't --
15 it doesn't say you can't and it doesn't say you can. So
16 to me it leaves it up to interpretation. It doesn't say
17 you can't, so who is to say you can, and vice versa.

18 Q So let me ask you some questions now about the
19 actual date of May 17th, 2010. Okay?

20 A Okay.

21 Q Okay. And it has been over two years. And
22 actually, we were in the process of going through your
23 statement when we got a little waylaid into your
24 background.

25 Are there any jobs or employments that we didn't

1 cover in my questioning?

2 A No.

3 Q Okay. We went over some security work, we went
4 over some military, we went over some work with
5 emotionally disturbed kids. Any other professions?

6 A Well, I mean like I said, I've had little jobs
7 here and there doing roofing and siding and stuff like
8 that, but nothing -- no.

9 Q How long have you lived at 313 Grove Street in
10 Meriden?

11 A I think 12 years now.

12 MS. BAIRD: Break.

13 (Brief discussion held off the record.)

14 BY MS. BAIRD:

15 Q What was it that made you return to security work
16 back in 2010, to SOS?

17 A It's something I knew I was good at and something
18 that the opportunity arose; the gentleman that was doing
19 the hiring for SOS I had worked with at Burns.

20 Q And would you go back to security work if an
21 opportunity came up?

22 A Would have to be a good opportunity.

23 Q And why did you stop in October 2012 working for
24 SOS?

25 A They lost the account.

1 Q Okay. So you're back full-time to doing bail
2 enforcement and bail bondsman work now.

3 A Correct.

4 Q For Ali Baba.

5 A Yes.

6 Q Looking at Exhibit C in front of you, the second
7 paragraph of writing starts with: On May 17th, 2010, at
8 about 6:00 p.m. went to Yale Billiards located 950 Yale
9 Avenue to play pool in a league that I am in.

10 So it sounds to me like you've been to Yale
11 Billiards before.

12 A Yes.

13 Q As of May 2010, how long had you been going to
14 Yale Billiards?

15 A Wow. Probably from the time that he opened. I'm
16 not sure when he -- you know. Yeah, from the time he
17 opened. Which I'm not sure of the date.

18 Q And do you still go to Yale Billiards?

19 A Yes.

20 Q Okay. Are you still in a league there?

21 A Yes.

22 Q The second sentence in Exhibit C talks about: At
23 about 7:05 p.m., I noticed about four pool tables away
24 from me a white male approximately five-ten to five-eight,
25 approximately 250 pounds, with a mustache, goatee, and his

1 hair in a ponytail.

2 Does that sound accurate?

3 A Yeah; except for you said five-ten and it's
4 five-seven.

5 Q Oh, okay. Five-seven to five-eight. So that
6 sounds accurate?

7 A Yes.

8 Q And do you recognize anybody in this room as
9 being that person?

10 A Yes.

11 Q And that's Mr. Burgess over there. Right?

12 A Yeah. Without the ponytail.

13 Q Okay. And is that the first time you had ever
14 seen this individual that you can recall?

15 A Yes.

16 Q You didn't recognize him, in other words.

17 A No.

18 (Plaintiff Exhibit D marked for I.D.)

19 BY MS. BAIRD:

20 Q There's four pages to Exhibit D. Do you
21 recognize what is portrayed in these four pages, these
22 pictures?

23 A Yes.

24 Q Okay. Is it Yale Billiards?

25 A The first one I know is.

1 Q Okay.

2 A The others I'm not a hundred percent sure.

3 Q Okay.

4 A And I'll explain why I'm not a hundred percent
5 sure. Because he has changed the layout of the pool hall
6 a couple of times. This last page, page four, looks like
7 a back room he had, but I'm not a hundred percent sure.

8 Q Okay. So then we'll just address ourselves to
9 the first page because that's a page you recognize.

10 A Okay. Yes.

11 Q With regard to the first page, is that table that
12 you're referencing in your statement, Exhibit C, the four
13 pool tables away from you, is that in that first page of
14 Exhibit D? Can you see it?

15 A The -- if you're looking at the picture on the
16 first page, the table center left of that page is
17 approximately where I was.

18 Q Okay. Could you take the black pen that I have
19 and mark on there like a line towards the table that you
20 just referred to?

21 A Yup. (Drawing.)

22 MS. BAIRD: And Attorney Maccini, do you
23 agree, maybe we will put an "A" next to that
24 just for the record to show the line that he
25 just made?

1 MS. MACCINI: It's your deposition.

2 MS. BAIRD: Okay. That sounds like an
3 agreement.

4 BY MS. BAIRD:

5 Q Yes. So we'll put "A" down.

6 A (Drawing.)

7 Q So in Exhibit D when it has "A" and a line
8 pointed to a table, describe what that table was. Are you
9 saying --

10 A That's the table that we were playing at.

11 Q Got it. Okay. And when you say "we," who were
12 you there with?

13 A My team.

14 Q How many -- I don't know much about billiards.
15 How many people are on a team?

16 A We have eight.

17 Q Were all eight people at that one table?

18 A I could not recall.

19 Q Okay.

20 A This was a Sunday night, so we play within two
21 tables. Because it's both eight ball and nine ball we
22 play, so it would have been within that area.

23 Q Did your team have a name?

24 A Actually, yeah. It's called Friends.

25 Q And is this team still together?

1 A Not all the same people, but yeah. People come
2 and go.

3 Q And the team that you're on, is it still called
4 Friends?

5 A Yes.

6 Q Has Mr. Hilton changed the billiards club, if you
7 know, since May of 2010?

8 A I'm not sure when -- what the time frame was that
9 he did.

10 Q Okay. I'm going back to Exhibit C, your two-page
11 statement then. After that sentence that I just read, you
12 apparently go on to describe what Mr. Burgess was wearing:
13 Blue shirt, shorts, and sneakers. And then the next
14 sentence it states: I noticed the male was wearing a gun
15 on his right hip in a holster and two extra clips on his
16 belt.

17 Is that accurate? That's what you noticed?

18 A Yes.

19 Q In looking at Exhibit D, does that picture show
20 where Mr. Burgess was when you noticed him wearing the gun
21 on his right hip?

22 A No.

23 Q Okay. In looking at Exhibit D, at the
24 photograph, are you able to say in what direction
25 Mr. Burgess was from you? In other --

1 MS. MACCINI: Objection to form.

2 A Towards the bottom right where the -- down over
3 in -- so this is -- if you're looking at the page, the
4 bottom right where it's marked Plaintiff's Exhibit No. D.

5 BY MS. BAIRD:

6 Q So I'm looking at Exhibit D as well, page one.
7 There were tables that aren't portrayed in this photograph
8 that extended off the photograph, down and to the right.

9 A Correct.

10 Q Okay. Could you make an arrow in the direction
11 of that table that you're talking about? And I know this
12 is all sort of approximate.

13 A Do you want a "B" on that one?

14 Q Yes.

15 A (Drawing.)

16 Q Going forward then in your statement, Exhibit C,
17 it talks about observing that Robert Hilton, the owner of
18 Yale Billiards, was talking with the man wearing the gun.

19 Do you know if you observed Mr. Burgess before
20 he was in a conversation with Mr. Hilton, or when you
21 observed Mr. Burgess was he already in a conversation
22 with Mr. Hilton?

23 A I am not a hundred percent on that one.

24 Q Okay. Well, tell me what you first remember when
25 you observed Mr. Burgess.

1 A I remember seeing Mr -- Burgess, right? Sorry --
2 with the firearm on him. I turned to one of the members
3 of -- my teammate that was actually the NRA instructor
4 that I got my license -- my permit through, and I asked
5 him, "Is there -- "Can you carry your weapon openly," I
6 said, "because as far as I know, you can't. He goes, "As
7 far as I know, you can't." And that's when I went over
8 and approached him.

9 Q So this is the same NRA instructor that gave you
10 the class back when you were 21?

11 A Yes.

12 Q And what's his name?

13 A Larry Jurczak.

14 Q J?

15 A J-u-r-z-c-a-k, I think?

16 Q And is he from Meriden?

17 A He is from Portland.

18 Q Does he still give NRA courses?

19 A No. Not that I'm aware of.

20 Q And what did Mr. Jurczak -- did he have a
21 response when you asked him that question?

22 A He told me that he -- as far as he knew, he
23 did -- that you had to have it concealed.

24 Q Other than Mr. Jurczak, did you talk to anybody
25 else on your team at that time?

1 A No.

2 Q So why did you ask Mr. Jurczak that?

3 A Just to make sure what I was thinking was right.

4 Because sometimes, you know, people are wrong with things.

5 Q So did you do anything after Mr. Jurczak gave you

6 his opinion?

7 A That's when I walked over and asked Mr. Burgess

8 to cover up his weapon.

9 Q Was anybody else talking to Mr. Burgess when you

10 walked over and asked him to cover up his weapon?

11 A I know his girlfriend was with him. I don't know

12 if they were talking or anything else. It was just the

13 two of them at the table at that point.

14 Q Did Mr. Jurczak go with you?

15 A No.

16 Q Did you ask him to go with you?

17 A No.

18 Q Did you tell him you were going to go over there?

19 A No.

20 Q Why did you choose to approach Mr. Burgess?

21 A To ask him to cover it up.

22 Q But why was -- why?

23 A I'm just one of those guys that I just -- if I

24 see something wrong I always -- I guess I always put

25 myself into it, which is -- you know, probably shouldn't

1 have done at times. But I always -- you know, I mean --
2 yeah, it's just what I do.

3 Q Okay. Were you there for any of Mr. Burgess's
4 conversation with Mr. Hilton?

5 A No.

6 Q Okay. And, in fact, I'm looking at your
7 statement, Exhibit C, and it states here: I waited for
8 Robert to walk away from the man to see if he was going to
9 cover up his weapon.

10 A Yeah.

11 Q Okay. The next sentence states: I saw that
12 Mr. Burgess began shooting pool again and noticed that he
13 did not cover up his weapon.

14 Did you notice that?

15 A I'm looking for this one.

16 Q Okay. Take your time. I'll point it out if you
17 need me to.

18 A (Reviewing.) Okay. Got it.

19 Q Okay: I saw that he began shooting pool again
20 and noticed that he did not cover up his weapon.

21 A Correct.

22 Q At that time before you approached Mr. Burgess,
23 did you know what he and Mr. Hilton had been discussing?

24 A No.

25 Q Okay. Was there a reason you expected

1 Mr. Burgess to cover up his weapon after he finished his
2 conversation with Mr. Hilton?

3 A I was -- my thing when I seen that there, I was
4 hoping that Mr. Hilton had said something. I've known
5 Mr. Hilton for a while, and he's kind of like one of these
6 passive people that -- you know, he doesn't like -- he
7 doesn't like any type of conflict or anything else like
8 that there. So sometimes something will happen and he
9 just won't say anything about it, rather than, you know,
10 you know this is your place; you know, make sure it's
11 okay, everything's right.

12 Q Were you aware of any rules that Mr. Hilton had
13 about carrying firearms in his billiards hall?

14 A No. None.

15 Q Had you ever discussed it with him?

16 A No.

17 Q Had you ever carried a firearm into Mr. Hilton's
18 billiards hall?

19 A No.

20 Q Even concealed.

21 A No.

22 Q Do you know if anybody else had?

23 A Never seen anyone.

24 Q Right. That's the only way you would know is by
25 observing.

1 A Right.

2 Q Okay. When you saw Mr. Hilton and Mr. Burgess
3 together talking, could you hear what they were saying?

4 A No.

5 Q What was Mr. Hilton's demeanor?

6 A It was Bobby demeanor. Bobby's very laid back
7 and -- so his demeanor is always laid back.

8 Q Okay. And could you observe Mr. Burgess's
9 demeanor?

10 A Yeah. He didn't seem in a threatening manner or
11 anything.

12 Q And if you recall, what was your tone of voice
13 when you approached Mr. Burgess and asked him to cover up
14 his weapon?

15 A To me it was normal. I know because of my
16 hearing -- because I don't always wear hearing aids,
17 especially when I go to shoot pool because I don't want to
18 hear most of the people -- I get told that I raise my
19 voice. So it could have been raised more than normal.
20 But that's just so that I can even hear myself.

21 Q And when you walked from your pool table
22 approximately four pool tables away, were people playing
23 pool? Did you see people playing pool?

24 A Within the pool hall?

25 Q Yes.

1 A Yeah.

2 Q Was anybody else approaching Mr. Burgess as you
3 approached him?

4 A No. Not that I recall.

5 Q Okay. I'm in your statement again, and I'm at
6 the point four lines up in the paragraph that has your
7 statement. It says, "The male then asked me if I was a
8 police officer." I'll let you find that.

9 A (Reviewing.) Okay. Got it.

10 Q Is that accurate? Do you recall Mr. Burgess
11 asking you if you were a police officer?

12 A Yes.

13 Q Okay. And what did you -- the next sentence
14 which says, "I replied, 'No, a concerned citizen" --

15 A Yes.

16 Q -- is that accurate?

17 A Yes.

18 Q Did you say anything else to him?

19 A Other than asking him to conceal his weapon, no.

20 Q Okay. Did you tell him you were a bail bondsman?

21 A No.

22 Q Bail enforcement agent?

23 A No.

24 Q Former security?

25 A No.

1 Q Okay. And then it says Mr. Burgess -- "the man
2 -- "then replied, 'Then get the fuck away from me'."

3 Is that what you recall him saying?

4 A Yes.

5 Q In what tone of voice did he say it?

6 A I mean, it was a stern voice.

7 Q Had you ever heard that word "fuck" used in the
8 billiards hall before?

9 A Oh, yeah.

10 Q The statement then goes on to say, "Are you going
11 to cover your weapon or not?" That's -- "I then said back
12 to him, 'Are you going to cover your weapon or not?'" Is
13 that accurate?

14 A Yes.

15 Q You said that to him?

16 A Yes.

17 Q Okay. And the next sentence, is that accurate?
18 "He then said, 'No, I am not going to cover my weapon'."

19 A Correct.

20 Q And again, at this point when you asked him "are
21 you going to cover your weapon or not," had your voice
22 changed from when you first approached him?

23 A I think I actually got calmer.

24 Q And how about --

25 A Because I remember leaning in closer to him

1 because -- just to like -- so that we had eye-to-eye
2 contact.

3 Q Did you get closer to Mr. Burgess?

4 A My feet did not move. I just leaned towards.

5 Q Were you touching him?

6 A No. Not at all.

7 Q Okay. And how about Mr. Burgess? When he said
8 "no, I'm not going to cover my weapon," did his voice
9 change at all from when you first approached him and he
10 said "get the fuck away from me"?

11 A No. They were both in the same tone.

12 Q Now, did you notice if there were other people
13 playing pool at Mr. Burgess's pool table?

14 A Just his girlfriend. Well, a woman at that
15 point. I didn't know it was his girlfriend, but --.

16 Q Did you notice if any of the pool tables in the
17 area of Mr. Burgess's pool table, if any of the people
18 playing at those pool tables were watching you?

19 A I -- I couldn't recall because I was speaking to
20 Mr. Burgess and that's who I was paying attention to.

21 Q Okay. Do you recall if people from the pool hall
22 approached the pool table you were at with Mr. Burgess to
23 watch?

24 A Not when I -- not that I recall.

25 Q Going on in your statement on Exhibit C, the last

1 sentence on the first page that continues into the second
2 page, "I told him if he was not going to cover his weapon
3 then I was going to call the police." Is that accurate,
4 Mr. Vanaman? Did you say that?

5 A Okay, there it is. Yes.

6 Q The man then replied, "Good that's what I want
7 you to do." Is that accurate?

8 A Yes.

9 Q Did Mr. Burgess say anything other than "good
10 that's what I want you to do"?

11 A No. Because once he said that I walked away.

12 Q And when you walked away, where did you go?

13 A Outside.

14 Q Did you go directly outside from the pool table
15 where Mr. Burgess was?

16 A Yes.

17 Q Did you, in fact, call the police?

18 A Yes.

19 Q Did you use your cell phone to call the police?

20 A Yes.

21 Q And when you made the call, were you outside --

22 A Yes.

23 Q -- or inside?

24 A I was outside.

25 Q Did you have any conversations with Mr. Hilton

1 after you left Mr. Burgess's pool table, but before you
2 made the phone call to the police?

3 A Not that I recall.

4 Q What were the members of your team, if you know,
5 doing at the pool table where you had been playing pool,
6 as you left the pool hall?

7 A I would imagine shooting pool. I didn't look
8 over, so --.

9 Q And as you left Mr. Burgess's table to go
10 outside, what did you notice in the pool hall?

11 A People shooting pool.

12 Q Did you notice any disturbance in the pool hall?

13 A No. No.

14 Q When you left the pool hall, did other people
15 leave with you at the same time?

16 A I don't know because I walked to the far end of
17 the parking lot even.

18 Q Now, in your statement on the second page there
19 is that last paragraph, and we've already discussed the
20 first sentence where it says you've had a pistol permit
21 for 24 years.

22 A Okay.

23 Q And then it's a little confusing because it says
24 you were not carrying a firearm on 5/16/2010.

25 MS. MACCINI: Objection to form.

1 A Right. That night I was not carrying a firearm.

2 BY MS. BAIRD:

3 Q Right. So let's try to straighten this out then.

4 Look at the first page.

5 A Okay.

6 Q It talks in the first paragraph about an incident

7 occurred on or about 5/17. It could have also occurred

8 5/16, correct, if you look at the second page?

9 MS. MACCINI: Objection to form.

10 A Yeah, I mean --

11 BY MS. BAIRD:

12 Q Well, whenever it occurred, you mean that you

13 weren't carrying a firearm the night of the occurrence.

14 Right?

15 A Right.

16 Q Okay. Good enough.

17 A If you look at the two dates, the 5/16 on the

18 last page and the 5/17, and then you go back to my

19 beginning testimony that I thought it was the day after

20 the incident, that would -- that would -- that would

21 explain the two different dates.

22 Q Okay. Good.

23 So going forward then, we already talked about

24 you've been a bail enforcement agent -- let me just go

25 through here and see if I have any other questions.

1 Oh, let me ask you about this. In your
2 statement on the second page of Exhibit C you state, and
3 I'll quote you: I became very concerned for the safety
4 of myself and the other people in the pool hall because
5 in my opinion this was not normal behavior.

6 Mr. Vanaman, by "normal behavior" do you mean it
7 wasn't normal to be carrying a pistol openly?

8 A It wasn't normal to be carrying a pistol openly,
9 and it wasn't normal to be carrying a weapon in a pool
10 hall.

11 Q And based on your training and experience that
12 you had in May of 2010, did you know of any law or
13 regulation or ordinance that prohibits carrying a firearm
14 in a pool hall?

15 A No.

16 Q Other than it not being normal to openly carry a
17 pistol and to openly carry a pistol in a pool hall, was
18 there other behavior that you observed by Mr. Burgess that
19 was not normal behavior?

20 A No.

21 Q And other than him openly carrying the pistol and
22 openly carrying the pistol in a pool hall, was there
23 anything else about Mr. Burgess that caused you to become
24 concerned for your safety?

25 A No.

1 Q And other than Mr. Burgess openly carrying a
2 pistol and openly carrying a pistol in a pool hall, was
3 there anything else that made you concerned for the safety
4 of other people in the pool hall?

5 A No.

6 Q The next sentence states, "I felt" -- I'm back at
7 Exhibit C on page two.

8 A Yes.

9 Q "I felt threatened by this man's actions."
10 I know this is repetitive. I'll ask you the
11 same thing again then. Other than Mr. Burgess openly
12 carrying the pistol and openly carrying the pistol in a
13 pool hall, was there anything else about Mr. Burgess that
14 you felt threatened by?

15 A No. Nothing other than him carrying the weapon
16 openly.

17 Q The last sentence of your statement talks about
18 when the police arrived -- at Exhibit C, on page two --
19 that you lifted your shirt up and turned around so they
20 could see you weren't carrying a weapon.

21 Did they ask you to do that?

22 A No. Because they were being called on a -- you
23 know, for a weapons call, I wanted to let them know that I
24 wasn't, because I don't like having guns pointed at me.

25 Q Okay. Prior to May of 2010, had you made any

1 other complaints to the police about -- well, let's put it
2 that way -- about what you suspected to be unlawful
3 behavior or activity?

4 A No.

5 Q How did it come about that you met with the
6 police to make a statement? Did they call you?

7 A That's what I -- that -- I'm pretty sure that
8 they called me, but --.

9 Q And did you go down to the police station?

10 A Yes.

11 Q I'm going to give you Exhibit B that we already
12 marked at our last meeting on July 27th, 2012. I know you
13 saw this document on July 27th, 2012, but have you ever
14 had an opportunity to read this document before?

15 A Other than that day? No.

16 Q Okay. And that day you didn't have an
17 opportunity to read it, did you?

18 A Right.

19 Q Okay. What I'm going to do is ask you some of
20 the same types of questions I've already asked you because
21 this transcription in Exhibit B attributes certain
22 statements to you, and I want to ask you and make sure
23 that you believe they're accurate statements.

24 A Right.

25 Q On page one of Exhibit B, I'll start with

1 Dispatcher, Mark Vanaman, Dispatcher, Mark Vanaman; I'll
2 count each of those as one. You know, I'm just trying to
3 direct your attention to what I'm getting at. So if you
4 go four statements down to your statement that begins with
5 "yeah"?

6 A Yup.

7 Q Okay. So that's what I'm referring to. It
8 states that: I asked him if he was going to cover his
9 weapon and he told me it was none of my business, he
10 didn't need to.

11 Is that accurate? Basically.

12 A Yeah.

13 Q Okay. Going further down, five statements up
14 from the bottom where it begins with "Mark Vanaman: Yup"?

15 A Okay.

16 Q You state: I know you're not supposed to carry
17 it, especially in a place that has alcohol.

18 Was that your understanding at the time, that
19 carrying a firearm in a place that serves alcohol was not
20 allowed?

21 A You're not supposed to carry it in a place that
22 has alcohol if you're consuming alcohol. That's what it
23 was meant, but --.

24 Q Okay. Did you see Mr. Burgess consuming alcohol?

25 A No.

1 Q Had you been consuming alcohol that evening?

2 A No.

3 Q Were you scared at all when you approached
4 Mr. Burgess?

5 A No.

6 Q I'm on the second page, and it looks like you've
7 already turned to the second page of Exhibit B. The
8 second line down where it has "Mark Vanaman" and it begins
9 with "Yeah."

10 A Yup.

11 Q What do you mean by "he gave the owner big
12 balls"? What does that mean?

13 A I couldn't recall. I --

14 Q Is that a phrase that you used?

15 A No.

16 Q Okay.

17 A I don't know what I would have meant by that at
18 this point. If you'd asked me a couple of years ago I
19 might have been able to tell you.

20 Q Sure. And it says here: The owner asked
21 Mr. Burgess to leave.

22 What do you recall about Mr. Hilton asking
23 Mr. Burgess to leave?

24 A Today, at this point, I don't recall it at all
25 because it's been, what, two-plus years.

1 Q Right.

2 A So. Yeah.

3 Q While you were outside after you called the
4 police, approximately how long did it take the police to
5 come?

6 A Oh, I couldn't even -- I could not even -- time
7 goes by it seems like so slow, it's hard to --

8 Q Well, what did you do between the time you called
9 the police and the time the police came?

10 A Oh, I stayed out in the parking lot, and I stayed
11 on the phone with the dispatcher.

12 Q Did you stay on the phone the entire time with
13 the dispatcher?

14 A Yes, until the -- until the first cruiser pulled
15 up.

16 Can I take a quick break for a second?

17 MS. BAIRD: Why don't we take a break.

18 Good idea.

19 (A recess was taken at 10:47 a.m.)

20 (The proceedings resumed at 10:56 a.m.)

21 BY MS. BAIRD:

22 Q When you ended the conversation -- or when the
23 conversation with the police dispatcher ended, were the
24 police already there?

25 A I'm pretty sure they were.

1 Q While you were on the phone with the dispatcher,
2 did you observe anybody else leaving the billiards hall?

3 A I really -- I wasn't paying attention. I seen
4 Mr. Burgess sitting out on the front bench out there and I
5 was just keeping my eye on him.

6 Q Okay. And the woman that Mr. Burgess was with,
7 did you see her outside?

8 A I think she was. I'm not a hundred percent sure,
9 but I think she was.

10 Q The bench that Mr. Burgess was sitting on, was
11 that near the pool hall?

12 A It was right outside the -- right outside the
13 front door, to the right.

14 Q Was Mr. Burgess talking to anybody?

15 A I couldn't remember two years after.

16 Q Were there any people around Mr. Burgess that
17 you --

18 A I'm sure there were. Because that's a smoking
19 area.

20 Q Did you talk to anybody between the time you
21 finished talking to Mr. Burgess in the pool hall and when
22 you made the phone call to the police?

23 A I don't think so, but I'm not a hundred percent
24 sure. I know I went outside to call the police.

25 Q And after you hung up from your conversation with

1 the dispatcher, other than the police did you talk to
2 anybody at the scene?

3 A One more time with that?

4 Q Oh, yes, definitely.

5 You hung up the phone with the dispatcher. You
6 finished your conversation with the police dispatcher.

7 A Okay.

8 Q Did you talk to anybody after that at the scene?

9 A Once I went back into the pool hall. Yes.

10 Q Okay. When the police drove up, did you talk to
11 them?

12 A Yes.

13 Q And what did you observe, if anything, about the
14 police approaching Mr. Burgess?

15 A When they first came in, they parked -- what they
16 do, they call it perimeter; they created a perimeter
17 around the area. And then they -- I'm not sure if they
18 walked up or if a cruiser pulled up into the front, but
19 when they approached him they just -- they kind of walked
20 up.

21 Q And in this perimeter that you saw the police
22 established, was it a perimeter where they cleared
23 everybody out from inside the perimeter?

24 A No. Because I'm not sure if there was anybody
25 within the perimeter. That's -- you know? So they

1 created -- you know, they set up cars in different parts
2 of the parking lot and then approached.

3 Q Were you inside the perimeter?

4 A No.

5 Q Could you observe Mr. Burgess inside --

6 A Yes.

7 Q -- the perimeter?

8 A Yes.

9 Q You could. And did you observe anybody in the
10 smoking area inside the perimeter?

11 A Like I said, I can't recall if there was. I'm
12 sure there probably were because it's a smoking area.

13 Q How long did you talk to the police after they
14 arrived at the pool hall?

15 A Before? After? Or --

16 Q Well, the first time. When they first arrived.

17 A Before they approached Mr. --

18 Q Yes.

19 A Probably just a couple of seconds, just to
20 indicate who Mr. Burgess was.

21 Q And did you give them any other information other
22 than pointing out Mr. Burgess?

23 A I'm not sure. I -- I might have told them who I
24 was, that I called; but I couldn't tell you 100 percent
25 what any conversation was at that point.

1 Q And do you know who the police officer was that
2 you spoke to?

3 A No. There were like -- there were quite a few.

4 Q After that occasion you've just described where
5 you spoke to a police officer initially, was there another
6 occasion that same day at the scene where you spoke to a
7 police officer?

8 A I'm not sure.

9 Q Okay. Did any police officer approach you after
10 that to get your, you know, phone number, address, all
11 that kind of information?

12 A I mean, I'm sure they did because they have it;
13 but I don't recall who it was or anything else that I
14 spoke with. If I did.

15 Q Were you outside the pool hall to observe when
16 Mr. Burgess was taken into custody by the police?

17 A Yes.

18 Q And what did you observe about the police taking
19 Mr. Burgess into custody?

20 A Well, they approached him and you could see that
21 there was some dialogue going back and forth. They had
22 him -- I think they had him stand up and then they took
23 his weapon from him, and then I'm not sure if they put him
24 in handcuffs right away, but at some point they had put
25 him in handcuffs.

1 Q When the police took Mr. Burgess's firearm from
2 him, was the firearm still in the same place it was when
3 you first observed Mr. Burgess carrying it in the pool
4 hall?

5 A Yes. It was still in his holster.

6 Q After you saw the police take Mr. Burgess into
7 custody, did you see them put him into a cruiser?

8 A I don't recall seeing that. I think once that
9 they put him in handcuffs, I think I just went back into
10 the pool hall.

11 Q Okay. And when you went back into the pool hall,
12 where did you go?

13 A To the table that I indicated in Exhibit D.

14 Q Okay. On page one?

15 A Yes.

16 Q With the "A" pointing to it.

17 A Correct.

18 Q Who, if anyone, was at that table when you
19 returned to it?

20 A Would have been my team.

21 Q And what was your team doing?

22 A Shooting pool.

23 Q Again, I'm not a pool player, so was there a time
24 when you had a turn that you missed because you were
25 outside?

1 A No.

2 Q Okay. So did you begin playing pool again?

3 A When and if it became my turn.

4 Q Okay. Did anybody at your pool table ask where
5 you had been?

6 A Yeah.

7 Q And what did you say?

8 A I told them I went outside to call the police.

9 Q And Mr. -- is it Jursik (phonetic)?

10 A Jurczak, yes.

11 Q Jurczak was still at the table?

12 A Correct.

13 Q Did anybody ask you any questions about calling
14 the police?

15 A No. They just asked why. I said because the guy
16 over there had a gun on and, you know, it was out and
17 wearing it out in the open, and I called the police so
18 that they could decide what needs to be done.

19 Q Okay. When you went back into the pool hall,
20 were people playing at -- could you observe people playing
21 pool at the other pool tables?

22 A Oh, yeah.

23 Q Was Mr. Hilton in the pool hall when you returned
24 back into the pool hall?

25 A I'm not sure if he was in there or if he was

1 outside. I couldn't tell you.

2 Q After you called the police, do you recall any
3 conversations you had with Mr. Hilton about the incident?

4 A I don't recall any, not until like after I got
5 notice that I was being sued.

6 Q Okay. On page three of Exhibit B --

7 A Okay.

8 Q -- at the very bottom there's a statement by
9 Mr. Hilton, and three lines up from the bottom of the page
10 I'll quote directly: I was actually going to call you and
11 then one of my customers made a scene about it, so that's
12 what happened.

13 Do you know if Mr. Hilton's referring to you as
14 a customer who made a scene about Mr. Burgess?

15 MS. MACCINI: Objection to form.

16 A I wouldn't know --

17 BY MS. BAIRD:

18 Q Okay.

19 A -- what Mr. Hilton meant by it.

20 Q Did you observe anybody else in the pool hall
21 making a scene about Mr. Burgess?

22 MS. MACCINI: Objection to form.

23 A I don't know because I'd left. Could have been
24 after.

25

1 BY MS. BAIRD:

2 Q Okay. It could have been after you left to go
3 call the police?

4 MS. MACCINI: Objection to form.

5 A Right. Because Mr. -- according to what I'm
6 looking at here, Mr. Hilton called after I had called. So
7 I was outside when he called.

8 BY MS. BAIRD:

9 Q Okay. You made the one statement to the police
10 that you've discussed today as Exhibit C. Correct?

11 A Yes.

12 Q Other than that occasion when you made that
13 statement and spoke to the police, and then the occasions
14 you've already talked about at the scene where you spoke
15 to the police, have you talked to the police on any other
16 occasions about this incident?

17 A No.

18 Q Do you recall making any other statements after
19 you made the statement in Exhibit C?

20 A Not that I recall.

21 Q Okay. Are you aware of what happened with regard
22 to Mr. Burgess's arrest?

23 A As far as?

24 Q As far as it going to court.

25 A Yeah; it was dismissed or something like that

1 there.

2 Q How did you learn that?

3 A From a gentleman that called me in reference to
4 Mr. Burgess.

5 Q Okay. And this gentleman that you're referring
6 to --

7 A I couldn't recall his name. It was -- it wasn't
8 long after the incident.

9 Q Could he have been a police officer?

10 A No.

11 Q Okay.

12 A He said he had something to do with this -- what
13 is that? That O.C. whatever -- hold on. The organization
14 that Mr. Burgess is involved with.

15 Q Oh, okay. Connecticut Carry?

16 A Yes. Yes.

17 Q Or CCDL?

18 A One of those, yeah.

19 Q Okay. Let me look --

20 A I'm not sure which one it was. He just --

21 Q If you go to page three of Exhibit D --

22 A Yup.

23 Q -- it mentions an organization, and it was
24 actually Mr. Hilton that referred to it. CCDL?

25 A Yeah. I knew it had something to do with the

1 organization because he said that he was calling on behalf
2 of Mr. Burgess and the organization that I had never heard
3 of before. So --.

4 Q Okay.

5 A I -- you know.

6 Q Does the name Ed Peruta sound familiar?

7 A I've heard the name, but I don't know if it was
8 from that phone conversation.

9 Q Well, let's focus on this phone conversation then
10 where you learned that Mr. Burgess's case had been
11 dismissed.

12 A He had said that it had been dismissed and asked
13 if I knew of that it was legal to openly carry. And I
14 told him that I did not.

15 Q Did he ask you anything else?

16 A Well, he started raising his voice at me telling
17 me that I need to know -- since I carry a firearm I need
18 to know all these things. And I told him that I didn't
19 know who he was and why he's calling me, and for him not
20 to call me anymore and I hung up on him.

21 Q Okay. And did he call you again?

22 A No.

23 Q Did anyone from the court call you to discuss
24 Mr. Burgess's case?

25 A No.

1 Q Did anyone from the Victim Advocate's office call
2 you for your position on what should happen to
3 Mr. Burgess's case?

4 A No. Actually, the Victim Advocate was also on
5 505 Hudson Street where I was working.

6 Q Did you make any contact with the court to give
7 an opinion about what should happen to Mr. Burgess's case?

8 A No.

9 Q Why not?

10 A It's not my place. That's what they get paid to
11 do is make their decisions.

12 Q Do you know if since May 2010 in your visits to
13 Yale Billiards whether Mr. Hilton has posted any signs
14 about firearms?

15 A I haven't noticed.

16 Q Okay. Have you discussed with Mr. Hilton since
17 May of 2010 the policy at Yale Billiards with regard to
18 carrying firearms?

19 A No.

20 Q Did you take pictures of Mr. Burgess's car in the
21 parking lot of Yale Billiards?

22 A No.

23 Q Did you ever see a video or some sort of
24 recording taken on the premises of Yale Billiards of
25 Mr. Burgess being there --

1 A No.

2 Q -- on the day in question?

3 A No.

4 Q Have you ever discussed with Mr. Hilton the
5 existence of such a recording taken of Mr. Burgess at Yale
6 Billiards on the day in question?

7 A No.

8 Q Other than your discussion -- I'm going to mess
9 up this name again. Mr. Jursik?

10 A Jurczak, yes.

11 Q Jurczak. Other than your discussion with
12 Mr. Jurczak about Mr. Burgess carrying his firearm on the
13 day in question, did you discuss with anybody else in Yale
14 Billiards prior to calling the police Mr. Burgess carrying
15 that firearm?

16 A No.

17 Q Prior to you calling the police, did you hear
18 anybody else in Yale Billiards discussing Mr. Burgess
19 wearing a firearm?

20 A Not that I recall.

21 Q Did you talk to the police -- and I'll start with
22 at the scene -- about whether it was legal to openly carry
23 a firearm?

24 A I am not a hundred percent sure, so I couldn't
25 say.

1 Q Okay. Did you discuss with the police when you
2 were giving your statement, whether it was legal to carry
3 a firearm?

4 A Whatever is in my statement is what would have --
5 yeah. No. So it's not in there, so I -- I don't recall a
6 conversation.

7 Q Do you recall any discussion with a member of the
8 Wallingford Police Department after this incident, about
9 the legality of openly carrying a firearm?

10 A I -- I'm not sure. I don't -- I don't recall.
11 Yeah, I don't recall. Because I mean even when I did go
12 to make this statement, he wasn't -- his charges weren't
13 anything about the firearm. So I'm sure it never came up,
14 even.

15 Q Well, I'm not quite sure I understand your
16 statement. When you say that the charges weren't anything
17 having to do with the firearm, other than the firearm did
18 you indicate to the police that Mr. Burgess had engaged in
19 any unlawful conduct?

20 MS. MACCINI: Objection to the form.

21 A No. Other than him having this firearm open
22 carried.

23 MS. BAIRD: If we could take a 10-minute
24 break and I'll see what I have to do to wind it
25 up. I'll talk to Mr. Burgess. We may almost be

1 done. At least my part of it.

2 (A recess was taken at 11:15 a.m.)

3 (The proceedings resumed at 11:27 a.m.)

4 MS. BAIRD: This is going to be E.

5 (Plaintiff Exhibit E marked for I.D.)

6 BY MS. BAIRD:

7 Q Before we get to that that I just gave you, if we
8 could go back to Plaintiff's Exhibit C, your statement.

9 A Okay.

10 Q On the second page. Six lines up on the second
11 page from the end of the last paragraph.

12 A Okay.

13 Q It says: I felt threatened by this man's actions
14 because I did not know him or what he was going to do with
15 his weapon.

16 Did Mr. Burgess, other than openly carrying his
17 firearm and openly carrying it in a billiards hall, do
18 anything to make you concerned about what he was going to
19 do with his weapon?

20 A No. Other than just having it exposed, and never
21 in all my life seeing anything like that.

22 Q Okay. And when you were outside calling the
23 police and talking to the dispatcher before the police
24 arrived, did you observe Mr. Burgess do anything other
25 than sit on the bench?

1 A No.

2 Q Did you observe him get up?

3 A Not that I can recall. I think he stayed at the
4 bench.

5 Q You have in front of you Exhibit E, and I mainly
6 gave it to you just to refer to while reading certain
7 statements and asking if you agree with them.

8 A Excuse me?

9 Q I mainly gave you Exhibit E just to kind of read
10 along when I'm asking you about certain statements.
11 Because this isn't your statement, correct --

12 A Okay. Correct.

13 Q -- on Exhibit E. Right?

14 A Correct.

15 Q You've never seen this before.

16 A No.

17 Q Okay. Do you recall seeing Mr. Burgess pacing
18 back and forth outside the billiards hall while you were
19 talking to the police on dispatch?

20 A I couldn't recall.

21 Q With regard to the second paragraph on Exhibit E,
22 it talks about numerous patrons inside Yale Billiards
23 becoming uncomfortable.

24 A Let me find that part.

25 Q It's in the second paragraph.

1 A That's what's written.

2 Q Okay. Did you tell dispatch that there were
3 numerous patrons inside Yale Billiards becoming
4 uncomfortable?

5 A Did I tell dispatch that?

6 Q Yes.

7 MS. MACCINI: Objection to form.

8 A I'd have to refer back to the documentation that
9 was offered to me about my phone call.

10 BY MS. BAIRD:

11 Q Okay. Well, you don't have to do that now.

12 A Okay.

13 Q Do you recall numerous patrons inside Yale
14 Billiards becoming uncomfortable before you left the pool
15 hall?

16 A Not at this point.

17 Q When you spoke to Mr. Burgess in the pool hall,
18 did Mr. Burgess express any opinions to you about carrying
19 firearms?

20 A I don't understand your question.

21 Q Okay. And again, that's why I have Exhibit E.
22 So I'll direct you four paragraphs down on Exhibit E. The
23 last sentence makes a reference to pro-gun views.

24 MS. MACCINI: Objection to form.

25

1 BY MS. BAIRD:

2 Q Do you see that?

3 A What part of that paragraph do you want me to
4 look at?

5 Q Do you want me to point it out?

6 A Yes, please.

7 Q Right there.

8 A Pro-gun views.

9 Q Yes. On Exhibit E there is a reference to
10 pro-gun views. And my question to you is in talking to
11 Mr. Burgess on the day in question, did he express to you
12 views that you interpreted as pro-gun?

13 MS. MACCINI: Objection to form.

14 A Not that I recall.

15 BY MS. BAIRD:

16 Q Okay. Did Mr. Burgess express to you any views
17 about firearms?

18 A Not that I recall.

19 MS. BAIRD: I don't have any further
20 questions. Thank you.

21 MS. MACCINI: I have a few questions.
22
23
24
25

CROSS-EXAMINATION

1
2
3 BY MS. MACCINI:

4 Q Good morning, Mr. Vanaman. My name is Kristan
5 Maccini, and I represent the Town of Wallingford and
6 several individual officers in this matter, as you know.

7 Looking at Plaintiff's Exhibit B, the statement
8 you gave --

9 A B?

10 Q I'm sorry. No. C, the statement you gave to
11 Officer Flood. The statement is dated May 17th, 2010.
12 Correct?

13 A Yes.

14 Q Your memory the day after the incident would be
15 clearer than it is today. Correct?

16 A Yes.

17 Q All right. Looking at the second page of your
18 statement, second paragraph, third sentence I want to read
19 into the record. You state: In all of my experiences I
20 have never seen anyone carry their weapon out in the open
21 like this man was doing. I became very concerned for the
22 safety of myself and the other people in the pool hall
23 because in my opinion this was not normal behavior.

24 You don't dispute that you made that statement
25 to Officer Flood, correct, when you gave your written

1 statement?

2 A Correct.

3 Q When you observed Mr. Burgess, did you observe
4 the ammunition he was carrying?

5 A I observed magazines, yeah. Two magazines.

6 Q Okay. And did anything about that cause you
7 concern?

8 A Yeah. It's an awful lot of magazines to be
9 shooting pool with. I don't carry that when I do bail
10 enforcement.

11 Q So did that seem to you to be abnormal behavior?

12 A Yes.

13 Q Your next sentence you say: I felt threatened by
14 this man's actions because I did not know him or what he
15 was going to do with his weapon.

16 You don't dispute that you stated that.

17 Correct?

18 A Correct.

19 Q Can you elaborate on that? What do you mean
20 "because I did not know him or what he was going to do
21 with his weapon"?

22 A Well, I've never met Mr. Burgess, and with all
23 the -- with all the incidents with firearms as far as -- I
24 mean, I know for a while there there were people coming
25 into McDonald's and shooting up and different -- different

1 incidents where people just come into a random place and
2 start shooting for who knows what reason. And so that was
3 a concern.

4 Q And you didn't know Mr. Burgess prior to May
5 16th, 2010. Correct?

6 A Correct.

7 Q You've never seen him before.

8 A No.

9 Q And in all your times at the Yale Billiards club
10 since its opening in the early '90s, you had never seen
11 anybody come into that club with an open -- openly
12 carrying a weapon. Correct?

13 A Correct.

14 Q Is it fair to say you were worried about what
15 Mr. Burgess's intentions were with the weapon?

16 A Oh, yes.

17 Q And when you went up to speak with him about it,
18 he did nothing to alleviate that concern. Correct?

19 A No.

20 Q Would you explain his conduct as provoking in any
21 way?

22 A At what point?

23 Q When you approached him and asked him to conceal
24 his weapon.

25 A Provoking. That is -- I felt more provoked to

1 call the police department. Because when I said I would,
2 he told me to go ahead, that that's what he wanted.

3 Q That's what I was getting at. Did it seem like
4 he wanted a police response to the situation?

5 A Oh. Yes.

6 Q Looking at Exhibit E, paragraph two of Officer
7 Flood's synopsis, I'll read it into the record. Second
8 sentence Officer Flood state -- or actually the officer
9 who is the author of this synopsis, and we don't know who
10 that is by this one page that's been submitted as an
11 exhibit, but it's indicated that he and Officer Garcia
12 spoke with Mark Vanaman who was in the parking lot at the
13 time.

14 Do you recall speaking with Officer Flood and
15 Officer Garcia in the parking lot?

16 A I know I spoke to somebody. I don't know which
17 officers they were.

18 Q Okay. And then it goes on to say Mr. Vanaman
19 explained that the male subject that was sitting on the
20 outdoor bench, Richard Burgess, was carrying an exposed
21 firearm and that numerous persons inside Yale Billiards
22 became uncomfortable to the point that you left the
23 establishment to call the police because Mr. Burgess was
24 refusing to conceal his weapon.

25 A Okay.

1 Q As you sit here today, do you dispute telling
2 that to Officer Flood and/or Officer Garcia?

3 A I don't dispute it. I just don't recall it.

4 Q Okay. So you could have told them that.

5 A Yeah.

6 Q How many people were in Yale Billiards at the
7 time of the incident?

8 A Ooh. I would say usually -- I'm not exact on the
9 numbers, but I would say somewhere around 20 to 25. Wait.
10 It's got to be more than that because just my two teams
11 is -- with the two teams it's 16. Yeah, you're looking
12 more like 40 or 50, I'd say.

13 Q Did you note whether there were any children in
14 the establishment?

15 A Yes.

16 Q And where were the children with respect to the
17 position of Mr. Burgess?

18 A There was one child at the table -- if you're
19 looking towards the back of the pool hall from the front
20 door, where Mr. Burgess's table was it -- the child and
21 his father were at the table to the right. Right next to
22 it.

23 Q Do you know one way or another whether this
24 patron and his child stayed after you approached
25 Mr. Vanaman?

1 A After I approached Mr. Burgess?

2 Q I'm sorry. After you approached Mr. Burgess,
3 yes. Thank you.

4 A I'm not sure.

5 Q Did you note any patrons exiting the pool hall at
6 all after you approached Mr. Burgess?

7 A I couldn't tell you.

8 Q You don't know one way or another?

9 A No.

10 Q When you returned from outside to go back to
11 playing pool after the police response, were there still
12 40 to 50 people in the establishment?

13 A As much as I can recall. I'm not sure.

14 Q You don't know one way or another?

15 A I don't know one way or another.

16 Q Can you say whether the amount of patrons
17 decreased?

18 A I couldn't tell you one way or another.

19 Q Okay. Did you feel threatened by Mr. Burgess's
20 behavior?

21 A By his behavior of having -- by carrying an open
22 weapon, yes.

23 Q Anything in addition to the fact that he was
24 carrying an open weapon?

25 A Just that I didn't know what he -- why he would

1 be. There was -- in my eyes, there is no reason to be
2 carrying an open firearm.

3 Q Did the amount of ammunition he had factor in to
4 how you felt at all?

5 A Oh, yeah. I mean, you're carrying that much
6 ammunition, it's -- you're either -- if you're carrying
7 that even for defense reasons you're -- you obviously
8 think you're in an area or situation that you need that
9 much ammunition for. And if he thinks he needs that much
10 ammunition to be in the pool hall, for whatever reason,
11 then I have a concern that if he needs that much
12 ammunition to be in that pool hall, should I be there?
13 Should anybody else be there? Or, you know, why is it?

14 MS. MACCINI: I don't have any further
15 questions. Thank you.

16

17 REDIRECT EXAMINATION

18

19 BY MS. BAIRD:

20 Q Mr. Vanaman, if you were concerned about
21 Mr. Burgess having that much ammunition, why did you ask
22 him just to conceal his weapon?

23 A Because that's what I do. I -- if he had just
24 concealed his weapon, then it doesn't show as if he's a
25 threat. But since he was very adamant about saying no,

1 and the way he said no, it made it even more of a concern
2 for me that is he stable or isn't he.

3 Q Okay. So if Mr. Burgess had concealed his
4 ammunition and concealed his firearm --

5 A Yes.

6 Q -- then that would have been fine?

7 A Yes. Because to me it would have shown a common
8 courtesy for other people and a thought process. Where I
9 didn't get that feeling.

10 Q And since May 2010, have you discussed with
11 Mr. Hilton posting a sign at the pool hall indicating no
12 firearms allowed?

13 A No.

14 Q Why not?

15 A It's his business.

16 Q Okay. But you go there.

17 A And that's my choice.

18 Q And in May of 2010, you were concerned enough to
19 approach somebody about it.

20 A Correct.

21 Q Are you concerned that other people might come in
22 with firearms?

23 A No; because I've never seen it except for that
24 one incident, and if I seen it again I'd call the police
25 again.

1 Q Okay. But all it takes is one time, correct, for
2 somebody to --

3 A Correct.

4 Q -- use a firearm?

5 A That's why I would call the police again.

6 Q You had indicated that one of your concerns was
7 that you didn't know Mr. Burgess. Correct?

8 A Yes.

9 Q So, for example, if Mr. Jurczak had openly
10 carried a firearm that night would you have been
11 concerned?

12 A I -- I can't answer that because I know him and I
13 know he would never do that.

14 Q Well, I want to ask you, though, because you did
15 indicate that one of the reasons you were concerned was
16 that you didn't know Mr. Burgess --

17 A Right.

18 Q -- correct?

19 A Correct.

20 Q If you did know someone and they were openly
21 carrying a firearm at the pool hall, would that still be a
22 concern?

23 A Like I said, anybody that I know that carries a
24 firearm would not carry it openly. So it's not even
25 something that I could imagine.

1 Q Okay. How old was the child that was in the pool
2 hall that night?

3 A He was probably about 10.

4 Q Okay. And there was drinking in the pool hall?

5 A What was that?

6 Q There was drinking in the pool hall?

7 A Yes.

8 Q And what is this child's parent's name?

9 A I have no clue.

10 Q Do children often come to that pool hall?

11 A Yes.

12 Q Do you know what league he was playing with, his
13 father?

14 MS. MACCINI: Objection to form.

15 A I wouldn't assume that he does play in a league.
16 The league that I play for, at least, you have to be of
17 legal age to be able to play. Unless there is -- there is
18 a juniors division, but he's even too young to play -- he
19 was even too young to play in the juniors division.

20 BY MS. BAIRD:

21 Q So let me just get this straight. You had no
22 problem with Mr. Burgess carrying ammunition as long as he
23 hid it that night. Correct?

24 MS. MACCINI: Objection to form.

25 A It was more to find the state of his mind when I

1 approached him, to see if -- I mean any normal person
2 would just talk to you and say, okay, you know, if this is
3 bothering you -- or they would just -- you know, I don't
4 know. But he -- he became, you know, very defensive and
5 swore at me and --

6 BY MS. BAIRD:

7 Q Okay. "Very defensive." Let's go over that
8 because I thought we had done that. Exhibit C is your
9 statement.

10 A Well, I said "stern" before. That's what it was.

11 Q Okay. Do you have Exhibit C in front of you?

12 A C?

13 Q Yes.

14 A Yes.

15 Q On Exhibit C, we went over on the first page
16 three lines up from the bottom that Mr. Burgess said,
17 "Then get the fuck away from me." Correct?

18 A Correct.

19 Q Okay. And you had approached Mr. Burgess and
20 were telling him what to do. Correct?

21 A I was asking him what to do.

22 Q Okay. And did you have any authority over
23 Mr. Burgess?

24 A No.

25 Q In your experience when you approach people and

1 ask people to do things for you, do they always do them?

2 A Not always.

3 Q And are they wrong when they don't?

4 A What was that?

5 Q When people don't do what you ask them to do, are
6 they always in the wrong?

7 A No.

8 Q Okay. Should everybody just do what Mr. Vanaman
9 asks them to do?

10 A Well, in my reality, in my perfect world it would
11 be yes. But no.

12 Q Okay. And when you had mentioned that he became
13 defensive, are you referring to that statement "then get
14 the fuck away from me" as a defensive statement?

15 A Yes.

16 Q And then again in Exhibit C on page one, it says,
17 "No, I am not going to cover my weapon." Is that what you
18 interpret as defensive?

19 A That was stern. And even the "get the fuck away
20 from me," it was a stern. I mean when I use "defensive,"
21 it might have been a wrong word. But it was very stern.

22 Q Okay.

23 A You know? Yeah.

24 Q Well, let me get this straight. You're a man.
25 Correct?

1 A Yes.

2 Q Mr. Burgess is a man. Correct?

3 A Yes.

4 Q You said you approached him. Correct?

5 A Correct.

6 Q And that although your feet didn't move, you got
7 close to him. Correct?

8 A I leaned towards him.

9 Q You leaned towards him.

10 A Yeah.

11 Q Did he lean towards you?

12 A He had leaned over the pool table because that's
13 what -- if I could show you how the -- this piece of
14 paper, if this was the table, he was standing at what we
15 call the head of the table and I was standing halfway, at
16 the center of the table. So I leaned over the table.

17 Q Oh.

18 A And he had leaned over so that we -- you know,
19 there was half a table still between us.

20 Q Okay. And then on Exhibit C at page two it talks
21 about "good, that's what I want you to do." Do you see
22 that as a defensive statement by Mr. Burgess?

23 A No. To me, that was a statement that he was
24 finally getting what he wanted.

25 Q Okay. And other than the statements that we've

1 just reviewed, did Mr. Burgess do anything else indicating
2 to you that he was acting in a defensive manner?

3 A Other than carrying a firearm with two magazines,
4 no.

5 Q Okay. Did the Wallingford Police Department ever
6 interview you or talk to you about a complaint that
7 Mr. Burgess had made against you?

8 A When they had called me -- when they had called
9 me to make my statement here dated 5/17 of 2010, I think
10 they had told me that I need to come down and do a formal
11 complaint because Mr. Burgess had made a complaint. And
12 that was as far as it went.

13 Q Okay. Did they tell you who Mr. Burgess had made
14 a complaint against?

15 A No.

16 Q Were you aware -- are you aware that Mr. Burgess
17 did file a complaint of disorderly conduct against you
18 with the Wallingford Police Department?

19 A No.

20 Q Are you aware that Mr. Burgess had told the
21 Wallingford Police Department that he felt threatened by
22 you when you approached him?

23 A No.

24 Q The Wallingford Police Department never said
25 anything about that?

1 A No.

2 MS. BAIRD: Okay. No further questions.

3 MS. MACCINI: I don't have any further
4 questions.

5 MS. BAIRD: I guess we're all done then.

6
7 (Whereupon, the witness was excused and the
8 proceedings were concluded at 11:52 a.m.)

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CERTIFICATE

STATE OF CONNECTICUT)
) SS: West Hartland, Connecticut
COUNTY OF HARTFORD)

I, Patricia Tyszka, a Notary Public duly commissioned and qualified in and for the County of Hartford, State of Connecticut, do hereby certify that pursuant to notice there came before me on the 19th day of December 2012, at 9:42 a.m., the following named person, to wit: MARK VANAMAN, who was by me again duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that the reading and signing of the deposition is waived. I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this _____ day of _____, 2013.

Patricia Tyszka, LSR, RMR
Notary Public
License No. 00046

My Commission Expires
May 31, 2015

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