

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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3 RICHARD E. BURGESS, |
4 Plaintiff, | CIVIL CASE NO.
5 v. | 3:11-CV-01129 (CSH)
6 TOWN OF WALLINGFORD; CHIEF |
7 DOUGLAS L. DORTENZIO, in his |
8 Official and Individual |
9 Capacities; SERGEANT MICHAEL | January 8, 2013
10 COLAVOLPE, in his Official and |
11 Individual Capacities; OFFICER |
12 GABRIEL GARCIA, in his |
13 Individual Capacity; OFFICER |
14 DEVIN FLOOD, in his Individual |
15 Capacity; and MARK VANAMAN, |
16 Defendants. |
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DEPOSITION OF GABRIEL GARCIA

Taken on behalf of the Plaintiff in the above-entitled cause, before Kristine A. Paradis, LSR 338, a Court Reporter and Notary Public within and for the State of Connecticut, on Tuesday, January 8, 2013, at 3:06 p.m., at the Hamden Government Center, 2750 Dixwell Avenue, Hamden, Connecticut, pursuant to the Federal Rules of Civil Procedure.

TYSZKA COURT REPORTING SERVICES
189 Old Forge Road
West Hartland, Connecticut 06091
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1 APPEARANCES:

2 For the Plaintiff:

3 LAW OFFICES OF RACHEL M. BAIRD
379 Prospect Street
4 Torrington, Connecticut 06790-5238
860.626.9991

5 BY: RACHEL M. BAIRD, ESQ.
6

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

8
HOWD & LUDORF
9 65 Wethersfield Avenue
Hartford, Connecticut 06114
10 860.249.1361

BY: KRISTAN M. MACCINI, ESQ.

11
12 Also Present:

13 Richard Burgess
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S T I P U L A T I O N S

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It is stipulated and agreed by counsel for the parties that all objections are reserved until the time of trial, except those objections as are directed to the form of the question.

It is stipulated and agreed between counsel for the parties that the proof of the authority of the Notary Public, before whom this deposition is taken, is waived.

It is further stipulated that any defects in the Notice are waived.

It is further stipulated that the deposition may be signed before any Notary Public.

1 (Deposition commenced: 3:06 p.m.)

2

3 GABRIEL GARCIA, Deponent, of Hamden
4 Police Department, 2900 Dixwell Avenue,
5 Hamden, Connecticut 06518, being first
6 duly sworn by the Notary Public, was
7 examined and testified, on his oath, as
8 follows:

9

10 DIRECT EXAMINATION

11

12 BY MS. BAIRD:

13 Q Good afternoon, Officer Garcia. How are
14 you?

15 A Good afternoon. Okay.

16 Q What is your full name?

17 A Gabriel Garcia. My middle name also?

18 Q Sure.

19 A Gabriel Yoruba Garcia.

20 Q Okay. Have you ever been deposed
21 before?

22 A I have been.

23 Q How many times?

24 A Once.

25 Q I'll just briefly go over some of the

1 ground rules. And if anything I ask is not clear,
2 indicate and I'll try to clarify it.

3 If your attorney objects, wait a second
4 and leave us to discuss it and then we'll go on
5 from there. If you need a break, just tell me;
6 okay?

7 A Sure.

8 Q Okay. You are a member of the Hamden
9 Police Department currently?

10 A Yes.

11 Q And how long have you been on the Hamden
12 Police force?

13 A As of June 2010.

14 Q And prior to working with the Hamden
15 Police force you were with Wallingford, right?

16 A Yes.

17 Q How long were you with Wallingford?

18 A September 2005.

19 Q Did you work for any police departments
20 prior to Wallingford?

21 A No.

22 Q When did you graduate high school?

23 A 1998.

24 Q And what did you do between graduating
25 high school and joining the Wallingford Police

1 Department?

2 A I graduated from college, Western
3 Connecticut State University. I entered the
4 military, the Army, the Connecticut Army National
5 Guard.

6 Q And are you an officer with the Hamden
7 Police Department now?

8 A Yes, I am.

9 Q Since leaving the Wallingford Police
10 Department, have you kept in contact with any of
11 the police officers there?

12 A Some.

13 Q Have you kept in contact with Sergeant
14 Colavolpe?

15 A No.

16 Q Have you kept in contact with Officer
17 Gonzalez?

18 A Once -- I think we talked once or twice.

19 Q Have you kept in contact with Officer
20 Fraenza?

21 A No.

22 Q How about with Officer Devin Flood, have
23 you kept in contact with him?

24 A No.

25 Q Any contact with Lieutenant Martino?

1 A No.

2 Q And the one time or so that you talked
3 to Officer Gonzalez, did you discuss Mr. Burgess's
4 case at all?

5 A No.

6 Q I want to direct your attention then
7 back to May 16, 2010. Do you recall being
8 dispatched to the Yale Billiards Hall?

9 A I don't recall being dispatched --

10 Q Okay.

11 A -- but --

12 Q Do you recall going to the Yale
13 Billiards Hall?

14 A I do recall.

15 Q And like I did with some of the other
16 witnesses in this case, since it's been so long, I
17 don't want it to be a guessing game. So, I'm
18 going to give you what's already been marked as
19 Plaintiff's Exhibit B from the July 27, 2012
20 deposition. There you go.

21 And if I could direct your attention in
22 that Exhibit B to page 4, the fourth page in. Do
23 you see where it lists a name, Officer Garcia, on
24 that page?

25 A Yes.

1 Q And after the name it has "2-5 North
2 Colony and Cherry." What does that mean?

3 A That was the area I was assigned that
4 evening or that day.

5 Q And --

6 A That shift.

7 Q So, is it area 2-5 --

8 A Yes.

9 Q -- you were assigned to?

10 A I believe so.

11 Q Did that area include the Yale Billiards
12 Hall?

13 A No.

14 Q And for what reason, if you know, were
15 you heading towards the Yale Billiards Hall at
16 that time?

17 A If I was going, I was dispatched there.

18 Q Okay. And what information did you have
19 when you were dispatched there?

20 A From what I recall is it was some kind
21 of disturbance. There was a male with a firearm.

22 Q How long did it take you to get to the
23 Yale Billiards Hall from the time you were
24 dispatched?

25 A I'm not sure.

1 Q And when you got to the Yale Billiards
2 Hall, were any other police officers there?

3 A I'm not sure.

4 Q Did you go with any police officers to
5 the Yale Billiards Hall?

6 A There were other units that responded to
7 the call, yes.

8 Q And do you recall seeing any officers at
9 Yale Billiards?

10 A Yes, I do.

11 Q Who do you recall seeing?

12 A I'm not sure everybody who was there.
13 I'm not sure of all officers that responded there.
14 I know there were other officers there.

15 Q What did you do when you first got
16 there?

17 A I don't recall.

18 Q If I could direct your attention to
19 page 6 of Exhibit B that you have in front of you.
20 It's the sixth page in from the front.

21 About halfway down in the page it has a
22 name, Officer Garcia, indicating 2-5. What was
23 your intention in giving that statement "2-5"?

24 A Here (indicating)?

25 Q I'll count down. The seventh statement

1 down where it says, "Officer Garcia."

2 A Okay. I'm not sure.

3 Q Is that to provide --

4 A Maybe to --

5 Q -- your location?

6 A Maybe to call back -- dispatch

7 responded, so maybe to communicate to dispatch.

8 Q And what does 2-5 communicate?

9 A That's communicating my zone and my

10 area. That's what I'm referred to that evening.

11 Q Okay. So, that was --

12 A It's my --

13 Q -- your call signal?

14 A Correct. Correct.

15 Q Okay. And then in the two lines down

16 from there it has, "Officer Garcia," and then it

17 says, "Check out 207, 271, 537, 207, 271, 537."

18 What do those numbers mean?

19 A No clue. I'm not sure.

20 Q Do they reference a location?

21 A Don't believe so. I don't know what it

22 means.

23 Q Do you use any similar numbers in your

24 work with the Hamden Police Department currently?

25 A I don't believe so.

1 Q Did you speak to anyone when you got to
2 the Yale Billiards Hall?

3 A I don't remember.

4 Q Do you remember speaking to a Mark
5 Vanaman?

6 A I don't remember.

7 Q Okay. Do you remember who the
8 complainant was when you got to Yale Billiards
9 Hall?

10 A No.

11 Q Who was the arresting officer at the
12 scene?

13 A I don't know. I don't remember who it
14 was.

15 Q Had you already obtained work with the
16 Hamden Police Department as of May 16, 2010?

17 A It was at that time, yes, I believe so.

18 Q And when was it exactly when you left
19 the Wallingford Police Department?

20 A It would have been the end of May that
21 year.

22 Q The end of May 2010?

23 A Correct.

24 Q And what reason did you leave
25 Wallingford?

1 A There were several reasons, but Hamden
2 Police Department has more opportunity and better
3 benefits. It's more of a diverse town.

4 Q What do you mean? "Diverse" in what
5 way?

6 A Diverse in the population. You have
7 more -- you have different areas of Hamden. You
8 have a large minority population in Hamden; you
9 don't have a large -- very large minority
10 population in Wallingford.

11 Q And how did that impact your decision to
12 leave Wallingford?

13 A How do you mean?

14 Q Well, you -- I had asked you for what
15 reason you left Wallingford, and you listed that
16 Hamden was more diverse. So, I was asking how
17 that impacted it.

18 A The town is a more diverse town.
19 There's different types of crime that also occur
20 in Hamden. As a police officer, you know, if
21 you're looking and you're interested in doing
22 police work, you might want to go to a town that
23 has a little bit more variety of crimes to be
24 handled, to be solved, to be -- to help the
25 community there.

1 Q Was there any discussion at the scene on
2 May 16, 2010 about you being the arresting police
3 officer?

4 MS. MACCINI: Objection to form.
5 You can answer if you understood the
6 question.

7 THE WITNESS: I don't recall.

8 BY MS. BAIRD:

9 Q Okay. If I were to tell you that
10 Officer Flood had testified that he was assigned
11 to be the arresting officer because you were
12 getting ready to leave the department, does that
13 sound familiar?

14 MS. MACCINI: Objection to form.

15 THE WITNESS: I don't recall.

16 BY MS. BAIRD:

17 Q Okay. What do you recall about what
18 happened after Sergeant Colavolpe arrived?

19 A I -- to tell you the truth, I don't know
20 the sequence of events. I know police officers
21 arrived. There was a call, a disturbance, a male
22 with a firearm. Police officers responded; there
23 was an arrest made.

24 I don't -- the details of what occurred
25 there, the interviews, interactions with people,

1 the officers who were there, I don't really
2 remember that well. I couldn't tell you.

3 I know that the arrestee -- I recall him
4 having pamphlets on him related to firearm laws,
5 seemed very cocky. He was compliant, but his
6 demeanor was cocky. And, I mean, that's what I
7 remember.

8 Q While you were working for the
9 Wallingford Police Department, how many calls did
10 you receive and respond to involving an individual
11 with a firearm?

12 A Not many. If -- I -- it wasn't many.

13 Q Has it been more with the Hamden Police
14 Department?

15 A Yes.

16 Q When -- in your experience when you've
17 been called to respond to incidents involving
18 individuals with firearms, do you take them
19 seriously?

20 A You should take all calls you respond to
21 seriously.

22 Q In terms of officer safety?

23 A I mean, of course you're -- you know,
24 you're a little -- I would say a little more
25 cautious than I think normally would kind of set

1 something off, but you should normally be cautious
2 when you respond to calls.

3 Q In responding to Yale Billiards on
4 May 16, 2010 to a call of a man with a gun, were
5 there any precautions that you took when you
6 arrived there?

7 A I don't recall.

8 Q So, there's nothing about that incident
9 with the man with the firearm when you were a
10 Wallingford Police Department officer that stands
11 out in your mind?

12 MS. MACCINI: Objection to form.

13 BY MS. BAIRD:

14 Q Can you answer?

15 A I don't understand what you're
16 looking --

17 Q Well, let me ask you this: When you got
18 there and it was a call about a man with a gun and
19 you arrived, were there any dead people laying
20 around?

21 A No.

22 Q You would recall that, right?

23 A I recall people.

24 Q Are you saying that --

25 A Dead people laying around?

1 Q Okay. Were there?

2 A No, I didn't see any dead people laying
3 around.

4 Q Okay. Was there anybody injured or
5 bleeding when you arrived?

6 A Not that I noticed. Not that I recall.

7 Q Okay.

8 A No.

9 Q Is it possible that there could have
10 been injured people and you just don't recall
11 today?

12 A It's possible there could have been
13 injured people inside. I don't know. There was
14 no medical call.

15 Q Uh-hum.

16 A So, as far as I'm concerned or recall, I
17 didn't see anybody injured. Is it possible? I
18 mean, many things are possible. But as far as I
19 know, I saw, or anything that I came in contact
20 with, I didn't any see any person injured. Nobody
21 came to me and said they were injured.

22 Q Did you see any -- did you take any
23 precautions to get people out of harm's way when
24 you arrived?

25 A I don't recall.

1 Q Do you know if any people were in harm's
2 way?

3 A I don't recall.

4 Q Do you know if there were any children
5 there in harm's way?

6 A I don't recall if there was any children
7 there.

8 Q Well, if there were, you certainly would
9 have done something, right?

10 A Absolutely.

11 Q Yeah. You certainly would have helped
12 people get out of harm's away when you arrived
13 there, right?

14 MS. MACCINI: Objection to form.

15 Where are we? Are we outside or are we
16 in the pool hall?

17 MS. BAIRD: Anywhere. If he
18 remembers anything.

19 BY MS. BAIRD:

20 Q I mean, would you --

21 A If I could determine that somebody was
22 in harm's way, then, you know, appropriate action
23 would be taken is what I'm asking (sic) you.

24 Q When you got there, did you try to
25 identify where the person with the gun was?

1 A I don't recall how -- what unfolded
2 after I arrived on scene; okay? You can continue
3 to ask me and I can continue to tell you.

4 I arrived on scene. I don't recall
5 who -- what officers responded, what officers I
6 interacted with there. I don't recall who I
7 interacted as far as witnesses or any other
8 persons there.

9 Q Uh-hum.

10 A What I recall was your client here was
11 eventually placed in handcuffs. He was compliant
12 to what we -- what -- I believe he was compliant;
13 it appeared to me he was compliant. His demeanor
14 was cocky; he had pamphlets on him. That's what I
15 recall.

16 Now, I mean, you can ask me a million
17 and one questions about other things -- if there
18 were people injured, if there were little kids
19 running around, if I felt that -- if it's possible
20 they were in danger. You can continue to ask me.
21 I don't recall what was there and what exactly
22 occurred.

23 Q Did you place Mr. Burgess in handcuffs?

24 A I do not recall.

25 Q Well, you indicated that you remember he

1 was placed in handcuffs.

2 A He was transported. He was arrested.

3 That's procedural; okay?

4 Q I could have it read back. You said

5 that -- you said that you remembered that

6 Mr. Burgess was placed in handcuffs. Do you

7 remember that or were you just saying you

8 remembered --

9 A Okay.

10 Q -- because that would have happened?

11 A Because it's a procedural thing. He's

12 arrested.

13 Q So, do you remember it or not?

14 A He was placed in handcuffs.

15 Q Who placed him in handcuffs?

16 A I don't recall who placed him in

17 handcuffs.

18 Q Was it you?

19 A I don't recall.

20 MS. MACCINI: Objection to form;

21 asked and answered. He says he doesn't

22 remember.

23 BY MS. BAIRD:

24 Q Do you recall him being transported?

25 A I don't know who transported him. I

1 don't recall.

2 Q Okay.

3 A I don't . . .

4 Q After May 16, 2010 when the arrest was
5 made and he was transported, as you've testified,
6 did you discuss the case with anybody?

7 A I don't recall.

8 Q Did you engage in any investigation with
9 regard to a complaint that Mr. Burgess made
10 against Officer Flood?

11 A I'm unaware of that.

12 Q Okay.

13 A I don't recall.

14 Q Let me show you a document. It's
15 Exhibit P. It's already been admitted as an
16 exhibit, Officer Garcia.

17 Did you receive a memo similar to
18 Exhibit P from Lieutenant Martino with regard to
19 an internal affairs investigation?

20 A I don't believe so.

21 Q Did you ever -- were you ever questioned
22 with regard to an internal affairs investigation
23 while you were with the Wallingford Police
24 Department?

25 A No. Un-uh. No, not that I recall

1 regarding this. And I don't know when this was
2 conducted, but I was no longer in the police
3 department. Look at the date, 6/21/2010.

4 Q Uh-hum.

5 A I was no longer in the police
6 department.

7 Q Okay. So, you don't remember getting
8 one in May while you were with the police
9 department?

10 A No.

11 Q Did anyone from Wallingford contact you
12 after you left the police department to ask you
13 questions about Mr. Burgess's arrest?

14 A Not that I recall.

15 Q Do you have any memory of approaching
16 Mr. Burgess prior to his arrest on May 16, 2010?

17 A No.

18 Q Do you have any recall when you were
19 approaching Mr. Burgess where his gun was?

20 A No.

21 Q So, in this incident where there was a
22 man with a gun and you were a police officer and
23 there were civilians around, you do not remember
24 approaching Mr. Burgess where his gun was located?

25 A No.

1 MS. MACCINI: Objection to form.

2 BY MS. BAIRD:

3 Q Okay. Did you go to the police academy?

4 A I did attend the police academy.

5 Q Okay. And what year did you attend it?

6 A 2005.

7 Q And you graduated?

8 A Yes, I did.

9 Q And then did you do field training with

10 Wallingford?

11 A Yes, I did.

12 Q Did they do a good job training you?

13 MS. MACCINI: Objection to form.

14 THE WITNESS: It's open to

15 interpretation.

16 BY MS. BAIRD:

17 Q What -- what, if anything, were you

18 taught about firearm -- let me ask you this: Did

19 you take any firearms classes while you were at

20 the training academy?

21 A Correct. I did.

22 Q And do you remember what those classes

23 consisted of?

24 A Firearms safety.

25 Q Okay.

1 A Using a firearm, qualifying with a
2 firearm on the range.

3 Q While you were still -- what was your
4 last day at Wallingford?

5 A I'm not sure of the exact date.

6 Q Okay. This is a memo dated May 27,
7 2010. It's exhibit -- Plaintiff's Exhibit J.
8 Have you ever seen that memo before?

9 MS. MACCINI: Take your time and
10 read it.

11 (Pause.)

12 MS. BAIRD: While he's doing that,
13 if I could have this marked as the next
14 exhibit. There you go.

15

16 (Plaintiff's Exhibit R:

17 Marked for Identification.)

18

19 THE WITNESS: I don't recall if I
20 received this or not.

21 BY MS. BAIRD:

22 Q Did you ever talk directly with Chief
23 Dortenzio while you were a police officer at
24 Wallingford?

25 A Not so much, but I did. Not frequently.

1 It wasn't --

2 Q Okay. Do you recall talking to Chief
3 Dortenzio about this arrest of Mr. Burgess on
4 May 16, 2010?

5 A No.

6 Q Did you take any part in the booking
7 process after Mr. Burgess returned to or was taken
8 to the Wallingford Police Department?

9 A I don't recall.

10 Q Have you ever been in the Yale Billiards
11 Hall?

12 A I have been.

13 Q When did you go in?

14 A I've gone -- I've been there off duty
15 with a friend who lived in Wallingford before.
16 I'm not sure of the date.

17 Q Do you know if it was before May 16,
18 2010?

19 A It would have been before then.

20 Q Did you go in on May 16, 2010 to the
21 hall as part of the response?

22 A I don't recall.

23 Q Did you know the billiards hall owner,
24 Robert Hilton?

25 A No.

1 Q When was the last time you were there?

2 A I don't recall.

3 Q Do you know --

4 A I don't think I would have gone there
5 after leaving -- I don't go to Wallingford,
6 period. So, after I was -- I don't -- I was no
7 longer hired or after I transferred to Hamden, I
8 don't go to Wallingford. It's not a place I hang
9 out, so . . . I most likely would not have ever
10 been on that premise after, I guess, that date
11 on --

12 Q Is there a reason you don't hang out in
13 Wallingford?

14 A It's a little far from where I live so,
15 you know . . .

16 Q I'm handing you what's just been marked
17 Exhibit R.

18 MS. MACCINI: Take your time and
19 review that.

20 BY MS. BAIRD:

21 Q And after you've had time to read it,
22 I'll ask you if you've ever seen it before.

23 (Pause.)

24 A Okay.

25 Q Have you ever seen Exhibit R before?

1 A I don't recall if I've -- printed out
2 report? No, I don't recall if I've ever read this
3 report.

4 Q Did you provide any information to
5 Officer Flood while he was drafting this report?

6 A I don't recall.

7 Q Did you talk to Officer Flood after the
8 incident, after the response on May 16, 2010 with
9 regard to what happened?

10 A I don't recall.

11 Q Did Officer Flood ask you any questions
12 about what you had done at the scene on May 16,
13 2010?

14 A I don't recall.

15 Q Okay. Let me hand you another report.
16 This is Plaintiff's Exhibit N. I'll ask you the
17 same question whenever you're ready, about if
18 you've ever seen that before.

19 (Pause.)

20 A Okay.

21 Q Have you ever seen that report,
22 Exhibit N?

23 A No.

24 Q Did you ever work on any cases with
25 Detective Houlihan while you were with the

1 Wallingford Police Department?

2 A I don't recall.

3 Q Do you know who --

4 A I probably did.

5 Q -- Detective Houlihan is?

6 A Yes, I do.

7 Q And when you say you probably did, what
8 would cause a patrol officer to work with a
9 detective at Wallingford?

10 A Not sure. If there -- if they were
11 looking to locate maybe somebody with a warrant
12 and they need extra manpower. From the patrol
13 division, you normally would send cases over to
14 the detective bureau. So, cases that needed
15 further, in-depth investigations, you might send
16 the case over and they might come back and ask you
17 a couple questions: Hey, what happened here?
18 That sort of deal. Not actually working
19 investigating cases hand-in-hand. Not so much.
20 Patrol wouldn't do that with the detective
21 division.

22 Q Okay. After May 16, 2010 at Yale
23 Billiards, did you ever see Mr. Burgess again?

24 A No, I don't believe so.

25 Q It --

1 A I didn't recognize him.

2 Q Right. What was Mr. Burgess arrested
3 for on May 16, 2010?

4 A I don't know what it says there on the
5 report. What is it, disorderly conduct, breach of
6 peace?

7 Q What was said to Mr. Burgess at the
8 scene in terms of what he was being arrested for?

9 A I don't recall.

10 Q Do you know if Officer Flood is still
11 with the Wallingford Police Department?

12 A I know he works in Cheshire Police
13 Department.

14 Q After May 16, 2010, were you present at
15 any roll calls where the issue of whether openly
16 carrying a pistol in Connecticut was addressed?

17 A I don't recall. I don't believe so, no.

18 THE WITNESS: I need to make a
19 phone call, if you excuse me.

20 MS. BAIRD: Uh-hum.

21 MS. MACCINI: For the record --

22 MS. BAIRD: It's a break, yeah.

23 THE WITNESS: Yes.

24 MS. MACCINI: For the record,
25 Officer Garcia needs to start his shift

1 at 4:00 o'clock. He needs to call his
2 supervisor. Do you --

3 MS. BAIRD: I probably have
4 about --

5 MS. MACCINI: Is it going to be
6 much longer?

7 MS. BAIRD: -- maybe five more
8 minutes. Why don't -- are you going to
9 go out there and I'll talk to my
10 client --

11 MS. MACCINI: Sure, yeah.

12 MS. BAIRD: -- and see -- just
13 touch base.

14

15 (Recess taken: 3:44 p.m. 3:47 p.m.)

16

17 BY MS. BAIRD:

18 Q Okay. Let's wrap this up then. I just
19 want to make sure that you've told me everything
20 you remember about that night. I could ask you:
21 Is there anything you remember that you haven't
22 told me, but I know that's probably too broad.
23 So, you'll have to bear with me. But that really
24 is the point I'm trying to get to, is there
25 anything you remember that you haven't told me.

1 So, let's get this straight. Do you
2 remember traveling to the scene after you were
3 dispatched?

4 A Do I remember going? Do I remember the
5 drive?

6 Q Yes.

7 A What route I took? No, I don't.

8 Q Okay.

9 A I have no clue.

10 Q In looking back now, can you remember
11 being dispatched and going to the scene? Is there
12 anything about that that you recall?

13 A There's nothing that sticks out in my
14 mind.

15 Q Is there anything that you recall after
16 you -- between the time you arrived at the scene
17 and the time when you indicate that Mr. Burgess
18 was acting cocky?

19 A No, there's nothing.

20 Q Is there anything you recall between the
21 time you indicate Mr. Burgess was acting cocky and
22 the time when you left the scene?

23 A There's nothing else that really sticks
24 out.

25 Q Is there anything you recall about where

1 Mr. Burgess's gun was when you approached him?

2 A No.

3 Q Okay. Is there anything you recall at
4 any time about where Mr. Burgess's gun was while
5 you were on the scene?

6 A No.

7 Q And do you recall any other incidents in
8 Wallingford where you responded to a report of a
9 person with a firearm?

10 A Not in particular.

11 MS. BAIRD: Okay. That's it.

12 Thank you. All set.

13 MS. MACCINI: All right. You're
14 free to go.

15

16 (Deposition concluded: 3:49 p.m.)

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STATE OF CONNECTICUT

I, KRISTINE A. PARADIS, LSR 338, a Notary Public
duly commissioned and qualified in and for the State
of Connecticut, do hereby certify that pursuant to
Agreement, there came before me on the 8th day of
January, 2013, the following named person, to wit:
GABRIEL GARCIA, who was by me duly sworn to testify
to the truth and nothing but the truth; that he was
thereupon carefully examined upon his oath and his
examination reduced to writing under my supervision;
that this deposition is a true record of the
testimony given by the witness.

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 this
action.

IN WITNESS THEREOF, I have hereunto set my
hand this ____ day of _____, 2013.

KRISTINE A. PARADIS, LSR #338
Licensed Shorthand Reporter

My Commission expires:
May 31, 2013

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INDEX

WITNESS PAGE

GABRIEL GARCIA

Direct Examination by Ms. Baird 4

PLAINTIFF'S EXHIBITS

(For Identification)

EXHIBIT PAGE

R Wallingford Police Department report;
2 pgs. 23

Reporter's note: Exhibits retained by
Attorney Baird.

JURAT

1
2
3 RICHARD E. BURGESS, |
4 Plaintiff, | CIVIL CASE NO.
5 v. | 3:11-CV-01129 (CSH)
6 TOWN OF WALLINGFORD; CHIEF |
7 DOUGLAS L. DORTENZIO, in his |
8 Official and Individual |
9 Capacities; SERGEANT MICHAEL | January 8, 2013
10 COLAVOLPE, in his Official and |
11 Individual Capacities; OFFICER |
12 GABRIEL GARCIA, in his |
13 Individual Capacity; OFFICER |
14 DEVIN FLOOD, in his Individual |
15 Capacity; and MARK VANAMAN, |
16 Defendants. |
17 - - - - - X

18 With the addition of the changes,
19 if any, indicated on the attached errata
20 sheet, the foregoing is a true and
21 accurate transcript of my testimony
22 given in the above-entitled action on
23 January 8, 2013.

24 _____
25 Gabriel Garcia

26 Subscribed and sworn to before me, the undersigned
27 authority, on this, the _____ day of
28 _____, 2013.

29 _____
30 My Commission expires:
31 kap

ERRATA SHEET

1
 2 The ORIGINAL JURAT and ERRATA SHEET must be notarized
 (even if there are no corrections) and returned
 3 within 30 days of receipt to the attorney who took
 the DIRECT EXAMINATION. All other counsel of record
 4 must be sent a COPY, along with a COPY to our office
 for our records.

5

6 Page	Line	From	To
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18 Date Gabriel Garcia

19
 20 Sworn to before me this _____ day of
 _____, 2013.

21
 22 _____
 23 Notary Public

24 My Commission expires: _____

25 kap