

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: CRIMINAL PART
3 BERGEN COUNTY
DOCKET NO.: 09-08-1485
A.D. # _____

4 STATE OF NEW JERSEY,)

5 Plaintiff,)

6 vs.)

7 STEPHEN SCHARF,)

8 Defendant.)

TRANSCRIPT
OF
TESTIMONY

9 Place: Bergen County Courthouse
10 10 Main Street
Hackensack, NJ 07601

11 Date: April 6, 2011
Volume 2 of 2
12 Pages 201 - 206

13 BEFORE:

14 HONORABLE PATRICK ROMA, J.S.C.

15 TRANSCRIPT ORDERED BY:

16 STEPHEN MARTINEZ, ESQ., (Office of the Public
Defender)

17 APPEARANCES:

18 WAYNE MELLO, ESQ., (Assistant Prosecutor)
Attorney for the State

19 EDWARD BILINKAS, ESQ.
20 SARA MCARDOE, ESQ.
JASON ALTERBAUM, ESQ.
21 Attorney's for Defendant

22 Kerry Lang
KING TRANSCRIPTION SERVICES
23 FRANK H. ULRICH
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24 Wayne, NJ 07470

25 Audio Recorded
Recording Opr: Diane Gundlah

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WITNESSES FOR
THE PLAINTIFF:

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
James Lynam	3	46		
Joseph Hornyak	113	138		
Robert Hernest	153	159	173	173
Ted Ehrenburg	176	186		

EXHIBITS

	<u>Ident.</u>	<u>Evid.</u>
SM14 & 15 - consent forms		68
SM17 & 18 - polygraph forms		122

1
2 (CONTINUATION OF DAY'S PROCEEDINGS FROM
3 VOLUME I)

4 Q But, the point is this statement was made
5 prior to the prosecutor and the Palisades Police
6 Department Investigator leaving the scene; correct?

7 A That's correct.

8 Q And for whatever reason you chose not to
9 inform them of this conversation with Mr. Scharf;
10 correct?

11 A That's not true.

12 Q Why not?

13 A I -- I explained that there was a conversation and
14 they should be concerned about that. But, at no time
15 was Bergen County willing to stay at that time. I
16 didn't conceal it.

17 Q No -- not time -- I didn't hear your last
18 answer.

19 A I said I didn't conceal it.

20 Q I'm not saying you concealed it.

21 A Oh, okay.

22 Q I'm not even suggesting that.

23 A Okay.

24 Q My point is that they were there, this
25 statement was made and for whatever reason you never
conveyed your conversation to them before they left?

1 A It was not a long conversation. I explained to
2 them that we had a conversation and they were packing
3 up and they left.

4 Q I don't understand what you mean you had a
5 conversation? You had a conversation with the Bergen
6 County Prosecutors Office after Mr. Scharf said this,
7 before they left?

8 A I -- as they were packing up I -- my remembrance
9 was that they were leaving, I said you know I had a
10 conversation with them and they said yea we talked to
11 him earlier and we interviewed him. I said okay. So,
12 they left the scene, I went back to headquarters to
13 have a -- hopefully, a lengthy conversation with them
14 and that's when I called them the next morning.

15 Q Okay. Just so I have this straight in my
16 mind. You have this conversation with Mr. Scharf
17 before the prosecutors office leaves you attempt to
18 talk to them about this conversation; correct?

19 A Right.

20 Q And then, they indicate hey, we already
21 talked to him, you know, don't worry about it and
22 leave, or words to that effect?

23 A They -- they said they had already interviewed him
24 and they were done at that point.

25 Q They basically didn't want to hear what you

1 had to say?

2 A I -- I can't characterize what -- what they wanted
3 me to -- what they wanted to know or didn't know.

4 MR. BILINKAS: No further questions.

5 MR. MELLO: Nothing.

6 THE COURT: Nothing?

7 MR. MELLO: No re-direct. Thank you.

8 THE COURT: You may step down. Thank you.

9 THE WITNESS: Thank you, Your Honor.

10 (TESTIMONY CONCLUDED)

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Certification

I, Kerry Lang, the assigned transcriber, do hereby certify the foregoing transcript of proceedings on CD No. 1, from index number 9:17:41 to 10:25:12, 10:48:04 to 12:07:50, 1:37:21 to 2:44:36 and 2:46:29 to 3:56:00 is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate non-compressed transcript of the proceedings as recorded.

Kerry Lang
Kerry Lang AOC#614cc

Date 1/13/12

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