



	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
1				
2	<u>WITNESSES FOR</u>			
	<u>THE STATE:</u>			
3	Marion Hilferty	3	17	60
4	Patricia Teague	70	83	118
5	Maureen Glennon	119	125	139
6	Maureen Durante	142	146	
7	Anna Rolfson	155	159	164
8				
	<u>EXHIBITS</u>		<u>Ident.</u>	<u>Evid.</u>
9	S279 - photo			10
	S51 - statement			22
10	D234 - 11/24/93 report		106	
	D235 - copy of 11/24/93 report		106	
11	D237 - fax of March 4, 2003		109	
	D236 - 1/23/03 report		109	
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 COURT OFFICER: Jury entering.

2 THE COURT: All right, welcome back ladies  
3 and gentlemen of the jury. You may be seated. Madam  
4 clerk, roll call.

5 (COURT CLERK DOING JURY ROLL CALL - ALL PRESENT)

6 THE COURT: All right. Good morning, ladies  
7 and gentlemen. Our next witness will be Marion  
8 Hilferty. She is seated at the counsel table, she was  
9 involved in an accident, she is in a wheelchair, you're  
10 not to speculate as to the nature of her injuries.  
11 Normally, the witness would be -- testifying from the  
12 witness stand. In this case, as an accommodation to  
13 the witness she'll be testifying from the counsel  
14 table; is that understood? Are we ready to proceed?

15 MR. MELLO: We are Judge.

16 THE COURT: Place the witness under oath.

17 COURT CLERK: Raise your right hand.

18 M A R I O N H I L F E R T Y, WITNESS, DEFENDANT.

19 COURT CLERK: State your name for the record.

20 THE WITNESS: Marion Hilferty.

21 THE COURT: All right. Good morning. You  
22 may begin.

23 DIRECT EXAMINATION BY MR. MELLO:

24 Q Good morning, Ms. Hilferty.

25 A Good morning.

1 Q If you would, would you tell us where you  
2 presently reside, ma'am?

3 A I reside at 130 Overlook Drive in Clinton, New  
4 Jersey.

5 Q I'm going to ask you if you would to  
6 concentrate on keeping your voice up so the members of  
7 the jury, the Court and all parties can hear the  
8 answers to your questions; all right?

9 A Okay.

10 Q Now, if you would, would you tell us if you  
11 are presently employed?

12 A No, I've retired.

13 Q Can you tell us the employment that you  
14 retired from?

15 A I was a corporate officer for the public --  
16 publicly traded Amex company. We were a management  
17 consultants and I was the corporate secretary involved  
18 -- shareholders, the board of directors -- company and  
19 I was there thirty five years.

20 Q Again, you have a bit of a soft voice. I'm  
21 going to --

22 A Sorry.

23 THE COURT: All right. Can that microphone  
24 be moved a little closer to the witness?

25 COURT CLERK: It doesn't seem -- I don't

1 know.

2 MR. MELLO: Judge, may we inquire if -- if  
3 the jury can hear Ms. Hilferty?

4 THE COURT: If at any time you cannot hear a  
5 witness, please let me know and I will instruct the  
6 witness to speak louder and/or more clearly; all right?  
7 Please continue.

8 MR. MELLO: It seems that there was a bit of  
9 a problem hearing the answer to the first question.

10 THE COURT: Let's try it again.

11 MR. MELLO: So, let's try that again.

12 BY MR. MELLO:

13 A Okay.

14 Q If you would, would you tell us the  
15 employment that you retired from?

16 A All right. I was the secretary of a publicly  
17 traded Amex corporation. I dealt with the board of  
18 directors, the chairman, the shareholders and held  
19 annual meetings for the shareholders and attended board  
20 meetings. So, the function of the administration of  
21 the corporation and its investors.

22 Q Can you tell us how long you were so  
23 employed?

24 A I was there approximately thirty five years.

25 Q And can you tell us approximately when you

1 retired from that employment?

2 A I retired five years ago.

3 Q Now, I'm going to begin our discussion this  
4 morning by asking you if you recall a woman Jody Ann  
5 Scharf?

6 A Yes, I do. She was my friend.

7 Q Can you tell us approximately when you met  
8 Jody Ann Scharf?

9 A I met her about nineteen -- let's see -- 1986 and  
10 I met her in a restaurant. We used to eat at the same  
11 restaurant every day.

12 Q Do you happen to recall that particular  
13 restaurant?

14 A Yes. Well, actually there's two we went to but,  
15 the -- initial meeting was at the -- The Store  
16 Restaurant in Basking Ridge, New Jersey and the second  
17 was the Somerset Hills Hotel in Warren.

18 Q Can you tell us if you were, during this  
19 period of time aware of Mrs. Scharf's employment?

20 A Yes, I was. As a matter of -- well, she was in  
21 the environmental consulting business.

22 Q And?

23 A --

24 Q Do you recall the --

25 A Arena, I think it was. Arena.

1 Q All right. And did that have any connection  
2 to your business?

3 A Yes, it did. Because one of our businesses -- we  
4 owned several -- to form the corporation and the one  
5 that we owned was the consulting firm for environmental  
6 waste and clean up and that was the same thing she was  
7 doing, I'm sure.

8 Q Can you tell us how your relationship with  
9 Jody Ann Scharf developed from its beginnings in 1986?

10 A We used to go to the same -- apparently she  
11 operated in that territory and I -- my office, the  
12 headquarters was right down the street from this -- the  
13 restaurant, which was the one that everyone in the  
14 area, the professional people, the office people would  
15 go to. And -- well, it was busy, a very busy  
16 restaurant. So, a lot of times we'd all be standing  
17 waiting to get seated and they would ask you, would you  
18 share a table? Or will you seat here or would you sit  
19 there? And so, Jody and I said we'll sit together.  
20 So, that's how Jody and I met each other and we both  
21 read -- we were both reading the newspaper and that  
22 kind of -- we started our conversation that way. And  
23 then, we talked about the job -- similarity and the  
24 same interests. So, we kind of hit it off.

25 Q Okay. Now, as you began this relationship

1 and as you say, hit it off with Jody; can you tell us  
2 if the relationship in terms of your friendship  
3 deepened?

4 A Yes, it did. As you can -- well, you can imagine  
5 that women in -- in business world they tend to talk to  
6 each other and when she found out that I was divorced  
7 or had been divorced for about at least fifteen years,  
8 we then got into talking about different things of  
9 marriages and what happened and how did this go and  
10 that go?

11 Q And as the years went by, did you become  
12 better friends with her?

13 A We became very friendly. We would see each other  
14 after work for a cocktail or we would see each other on  
15 a weekend on a Saturday. On several occasions I met  
16 with her and her son at a restaurant and also once at  
17 the mall to see a movie. So, I had been with Jonathan  
18 a couple times; her son.

19 Q Now, with respect to the friendship as it  
20 developed over a period of years; did you confide in  
21 her?

22 A Yes.

23 Q And is it fair to say that in a similar vain  
24 she confided in you?

25 A Yes, she did. And I also think she was also

1 trying to get -- information or advice or -- on her  
2 concerns as to what she should do -- her particular  
3 situation.

4 Q Okay. What situation are you referring to?

5 A She was frightened, very, very frightened of her  
6 husband. He -- I never -- she just was so scared.  
7 I've never -- I told her she had to stop being scared.  
8 She had to stand up for herself and get her life  
9 straightened out and get it together. No matter what.  
10 So, I just said, you got to do it. If you need any  
11 help, I'll be there.

12 Q Now -- now, in terms of your discussions with  
13 Mrs. Scharf and the fear that she expressed to you; did  
14 she at any time have a conversation with you relative  
15 to a photograph?

16 A Yes. Jody was very afraid of her husband so she  
17 -- and he -- who I thought sounded scary. I probably  
18 would have been afraid of him also, but she showed me  
19 his picture and she said I want you to take this  
20 picture and look at it and keep it for you know, a  
21 little why because she said, if you see this person I  
22 want you to know that that's my husband Stephen. And I  
23 said, well he looks a little scary. And I said okay.  
24 I looked at the picture and took the picture and I just  
25 -- I kept it for a few days. And I thought well, I

1 know what this man looks like because I'm good with  
2 faces. That's kind of my -- been my business -- good  
3 with voices and faces. So, I gave it back to her  
4 eventually and I never did him see him so.

5 Q Did you -- or do you recall something about  
6 the photograph --

7 A Absolutely.

8 Q -- other than the individual in it?

9 A Absolutely. A strange thing is I play the piano  
10 and I remember the fella had -- a plain shirt on, white  
11 or blue, I wasn't quite sure. It was twenty years ago  
12 and he was sitting on a piano stool, and I play the  
13 piano. I looked at it, I thought oh, he's sitting on a  
14 piano stool and I -- I wouldn't forget that. I mean  
15 that I would know. So, I you know, it was one of those  
16 things.

17 MR. MELLO: Any objection in evidence? S279  
18 in evidence --.

19 THE COURT: In evidence, without objection.

20 MR. MELLO: Thank you, Judge.

21 Q I'm going to show you what's been marked now  
22 in evidence S279 and ask you if you recognize that  
23 particular photograph?

24 A That's it. That's the photo. Without question,  
25 that's it.

1 MR. MELLO: Thank you. If I could just take  
2 one moment Your Honor to -- the jury.

3 Q If it's okay, I'm going to direct your  
4 attention now to September of 1992, all right?

5 A Yes. Yes.

6 Q Now, with respect to the conversations that  
7 you've testified to regarding Jody's fear of her  
8 husband; was that a continuing discussion over a period  
9 of time?

10 A Constantly. That's all she talked about. That  
11 and her son, Jonathan. Talked about -- very afraid for  
12 her life. She felt that he was going to really hurt  
13 her. -- so, so frightened I mean to the point where  
14 she was crying. -- and I said, look if I can help you,  
15 please let me know. She just was really scared to  
16 death of him. Just -- I just said I don't understand.  
17 You just have to get out of this. This isn't right.  
18 You can't live this way.

19 Q Now, during this period of time, do you  
20 recall that she drank?

21 A I've been asked that question before. That was  
22 1992 over twenty years ago. People had cocktails at  
23 lunch and cocktail hours after work or pre h'orderves  
24 and all of that. We would go and we would have a glass  
25 of wine, maybe two. At lunch with our lunch.

1 Sometimes we had to sit at the bar because there were  
2 no seats because we both had to get back to work so we  
3 always wound up -- you know we didn't care where we  
4 were sitting. We would order whatever the special was  
5 and we'd start out with a glass of wine. Yes.

6 Q Now, is it fair to say that as anyone might,  
7 on occasion she might've over indulged in -- in  
8 alcohol?

9 A That's an interesting question because Jody was a  
10 very large woman typically. Very tall and everything.  
11 And we used to laugh because we used to say you know --  
12 I never saw Jody ever, every stumble or anything. We  
13 would always say she had a wooden leg. We were  
14 kidding. But, she -- I never saw her ever inebriated.  
15 I never saw her trip or fall or anything. Never.

16 Q Now, with respect to that proverbial wooden  
17 leg, I guess you mean by that she had a great tolerance  
18 for alcohol?

19 A She had a fabulous tolerance. -- more than I  
20 could -- because I'm -- I'm smaller. She was quite --  
21 drink. She was a very sweet person.

22 Q Do you recall that she died in September of  
23 1992?

24 A Yes, I do.

25 Q With respect to that period of time

1 relatively near or approximate to September of 1992,  
2 let us say within a six month period or so; did you  
3 become aware that she had become acquainted with and  
4 involved with men other than her husband?

5 MR. BILINKAS: Judge, again he's leading the  
6 witness.

7 THE COURT: All right.

8 MR. BILINKAS: He's telling them what to say.

9 MR. MELLO: I'm -- I'm asking her if she  
10 became --

11 MR. BILINKAS: No.

12 MR. MELLO: -- aware of --

13 THE COURT: Let's try another question.

14 Thank you.

15 Q Let me ask you this. Did you discuss any  
16 relationship with a male other than Mr. Scharf with  
17 Jody?

18 A You mean someone that she would leave Mr. Scharf  
19 for or --

20 Q No. I mean did she --

21 A She was intimate with?

22 Q -- begin to see anyone that you were aware  
23 of?

24 A Oh. Well, she was a very personable person. She  
25 would speak to anybody in the -- you know, I do too.

1 When you're in business you know, you have to act like  
2 you know, a professional. She would talk to anyone.  
3 She did mention she had met somebody in Hoboken that  
4 she took, I guess it was the PATH or whatever. And she  
5 also met a gentlemen at the Somerset Hills Hotel when  
6 she was there one time for cocktails or something.  
7 But, never anybody that was a steady boyfriend or  
8 anybody that she had any relationship with that was of  
9 any intimate or other nature. She just really was a  
10 very good mother and a frightened wife. You know, I  
11 wish I could have helped her. I feel really bad about  
12 the situation. She just did not know what to do. --  
13 when I told her she had to get her life together.

14 Q Now, with respect to the relationships or  
15 acquaintances that you just described with two  
16 particular males, can you give us a sense of -- in  
17 relation to her death the time period that this was  
18 happening?

19 A You know, it wasn't discussed very often and it  
20 was probably within maybe six months, eight months, not  
21 -- nothing more than that. She just -- that wasn't  
22 really what she was looking for. She was just looking  
23 for a safe place for her and her son. She wasn't  
24 looking for a man to -- to get her out of there or to  
25 help her. And I told her, she had to help herself.

1 Q In -- in regards to helping herself and --  
2 and other men; did you become aware of any form of, if  
3 you will dating service or some such thing that -- that  
4 she might have mentioned to you?

5 A Well, we talked about it. We laughed about it.  
6 But, that was about it. She didn't name any dating  
7 service --. -- talking to me now, how come you don't  
8 try one of those kinds of conversations? That was kind  
9 of -- I said nah --.

10 Q Now, before the period of time that you refer  
11 to with respect to the other men you've mentioned you  
12 had, I think you testified to many conversations about  
13 her marriage and troubles in the marriage.

14 A Yes. We talked about that frequently because she  
15 knew I had gotten divorced and I was -- been living by  
16 myself for twenty years or so. And I -- we just went  
17 through it, what you had to do and how you had to do  
18 it. You know, I said you have to establish your own --  
19 . You got to make sure everything is okay, financially  
20 for you and your son. And that was basically the way  
21 we talked.

22 Q Now, in that past, before the period of time  
23 you refer to, did she refer in any way in her  
24 confidences to you about any other men?

25 A No. None at all.

1 Q Did she discuss with you relationships that  
2 her husband may have had?

3 A She -- she said that other women either called the  
4 house or other women were involved. He was involved  
5 with other women. That's what she told me. She didn't  
6 give me any names or anything like that.

7 Q Now, I'd like to focus your attention in that  
8 period of time, generally around Labor Day of 1992; do  
9 you recall that general period of time?

10 A I certainly do because during that period of time  
11 she was going to serve -- have divorce papers served on  
12 Stephen. And she was very afraid of it. She talked  
13 about it. I don't know whether I can tell you --

14 Q And what did she say?

15 A Yea. She said that I'm so frightened that once  
16 these papers are served on my husband that I --  
17 something's going to happen to me -- because she said  
18 if something happens to me you'll know who did it. She  
19 said, I just want you to know that I know that he  
20 really -- he wants me gone. So, -- he -- he did and I  
21 just said, hey Jody you know that's. She said no.  
22 It's -- it's really bad.

23 MR. MELLO: No further questions.

24 THE COURT: Cross examination.

25 MR. MELLO: Judge, for purposes of this

1 examination -- stand --?

2 THE COURT: You may.

3 MR. MELLO: Thank you. If I need to address  
4 the Court --.

5 THE COURT: Sure. Mr. Bilinkas, you may  
6 proceed.

7 MR. BILINKAS: Thank you, Judge.

8 CROSS EXAMINATION BY MR. BILINKAS:

9 Q Good morning, Ms. Hilferty.

10 A Good morning.

11 Q You were a close friend of Ms. Scharf's;  
12 correct?

13 A Yes.

14 Q And you indicated that you and her would  
15 speak often; correct?

16 A Correct.

17 Q You guys, you'd go out to lunch; correct?

18 A Correct.

19 Q And -- and talk about both your divorce and  
20 her divorce?

21 A As well as other subjects. Yes.

22 Q Okay. Was your divorce amicable?

23 A Very.

24 Q And with regards to her conversations with  
25 you concerning divorce, you'd give her advice; correct?

1 A Yes.

2 Q And did she confide in you with regards to  
3 her plans?

4 A No. I just told her she had to go see a lawyer  
5 and get everything done -- talking about. Go and get  
6 it started.

7 Q And when did you first tell her to go get it  
8 started?

9 A I would have to say I told her many times.

10 Q And -- and would it be fair to say that she  
11 talked to you about divorce for a number of years  
12 before she actually filed a complaint?

13 A Yes. Because she --.

14 Q Okay. And with regards to those discussions  
15 she obviously didn't file a divorce complaint until  
16 September of 1992; correct?

17 A That's correct. Yes.

18 Q Now, you were interviewed by the Prosecutor's  
19 Office in September of 92; correct?

20 A Several occasions. Yes. Yes. Correct.

21 Q When you -- when you say several occasions --

22 A Well, I was interviewed by the different --.

23 Q Okay. Other than the Prosecutors Office, who  
24 interviewed you?

25 A The insurance company.

1 Q An investigator for the insurance company?

2 A From the life insurance company, came to my office  
3 and -- and sat down and talked to me for a while. Yes.

4 Q Okay. And -- and who was that person?

5 A I don't recall his name but, he did come to my --  
6 my place of business and discussed the -- insurance  
7 policy that had been taken out on Mrs. Scharf's life --  
8 on Jody's life. -- her husband as far as I know.

9 Q Okay. And did he give you any of the  
10 circumstances with regards to that policy when he spoke  
11 to you?

12 A No. He really didn't. He just asked me if I knew  
13 about it and -- and did I know about -- marital  
14 situation and -- and I guess the violent nature of the  
15 -- you know, the things that were happening -- the way  
16 she was -- he was treating her. She was so frightened  
17 --.

18 Q Now --

19 A That's -- that's really what -- you know, the fear  
20 was growing.

21 Q Okay. Now, with regards to the different  
22 statements that you gave, none of them were tape  
23 recorded or video taped; correct?

24 A None were tape recorded, video taped or did I ever  
25 have a chance to review any of them for their accuracy.

1 Q Now, with regards to your testimony today --

2 A Yes.

3 Q -- were you provided with a copy of -- of the  
4 other peoples interview statements?

5 A Of the statement that I made?

6 Q Yes.

7 A Yes. And at that time, that's when I said, I  
8 didn't say that.

9 Q So, is it your testimony that those interview  
10 statement that you reviewed are not accurate?

11 A No. There -- I would say there's one statement  
12 that I completely objected to. That was it.

13 Q But, you'll agree with me that at least with  
14 respect to one portion of that statement, it was not  
15 what you said; correct?

16 A One statement is not what I said. It was  
17 misinterpreted. But, the rest of the statement  
18 correct.

19 Q Now --

20 A And not having the opportunity to review it, I  
21 mean I didn't understand that.

22 Q That bothered you?

23 A It didn't bother me until I saw it.

24 Q And then, nineteen years after you see it,  
25 you see something that's inaccurate in it; correct?

1 A Exactly.

2 Q And -- and that bothered you?

3 A Yes, it did.

4 Q Now, in your discussions with Ms. Scharf did  
5 she ever express that she was concerned that in the  
6 divorce proceedings it would be alleged that she would  
7 be an -- she was an unfit mother?

8 A No. She was -- no. All she talked about was  
9 Jonathan.

10 Q Did she -- did she ever indicate to you that  
11 she had a conversation with a woman at her home and her  
12 and that woman started arguing about her being an unfit  
13 mother?

14 MR. MELLO: Judge, I'm going to --

15 A I don't --

16 MR. MELLO: I'm going to -- unnamed, unknown  
17 woman who was making some kind of an accusation -- some  
18 kind of aspersion which really should not be part of  
19 these proceedings.

20 MR. BILINKAS: Judge, this has to do the  
21 conversation that Jody Scharf had with Ms. Hilferty  
22 with regards to something that happened that's relevant  
23 to a possible divorce proceeding.

24 THE COURT: Was there a conversation?

25 A No.

1 THE COURT: I'm asking you, Mr. Bilinkas that  
2 if you put it in the -- in terms of was there a  
3 conversation we could move off from here.

4 MR. BILINKAS: Okay.

5 BY MR. BILINKAS:

6 Q Ms. Hilferty, when you were talking to Ms. --  
7 Scharf about filing a divorce complaint, did she  
8 indicate to you -- did she have a conversation with you  
9 that she and another woman had an argument about her  
10 being an unfit mother?

11 A Never.

12 MR. BILINKAS: Could we mark this --?

13 Q Ms. Hilferty, I'm going to show you S51.

14 MR. MELLO: Judge, before there's an  
15 examination -- going to object that this refers to a  
16 conversation that may have been had between Jody Scharf  
17 and some unnamed woman --

18 THE COURT: Who's statement?

19 MR. MELLO: -- saying certain things.

20 MR. BILINKAS: It's her statement Judge and  
21 -- and Ms. Scharf told her about this conversation.

22 MR. MELLO: That doesn't make it admissible.  
23 Doesn't make it relevant. This is some woman, unnamed  
24 who may have had a conversation with Ms. Scharf, who  
25 passes certain aspersions on Ms. Scharf --

1 THE COURT: Let me be clear about --

2 MR. MELLO: -- and we know who it is.

3 THE COURT: -- this is what Ms. Scharf said

4 --

5 MR. BILINKAS: This is what Mrs. Scharf said

6 to her.

7 THE COURT: Okay. I'll allow it. Over

8 ruled.

9 MR. BILINKAS: Okay. Thank you.

10 CROSS BY MR. BILINKAS:

11 A Where is -- where is that?

12 Q I'm -- I'm going to ask you to refer to --

13 A -- you tell me where.

14 Q Okay. Page number two. The fourth full

15 paragraph.

16 A Here? All right.

17 Q Do you remember telling the Prosecutors

18 detective --

19 A No. I don't --

20 Q Let me -- let me finish the question.

21 A Okay. I'm sorry.

22 Q Do you remember telling the Prosecutors

23 detective that one time last year an unidentified woman

24 called Jody at her home and started arguing her with

25 Jody that she was unfit mother to her son, Jonathan?

1 A No. I don't recall her using the word unfit.

2 Q Do you have any idea how the Prosecutor put  
3 that word in his statement?

4 A I do not know.

5 Q It -- it --

6 A I would not have used that word. No. That's not  
7 my -- I wouldn't have said that.

8 Q Is that the one instance that you disagreed  
9 with in your report that you previously referred to?

10 A There's one out of -- this one here.

11 Q And -- and again, for the record you're  
12 referring to page four where it says Jody had a  
13 drinking problem and --

14 A Which is --

15 Q -- when she drank she could not function very  
16 well.

17 A That's incorrect. I just got through testifying  
18 that we laughed and joked about a wooden leg, which was  
19 -- I've never seen Jody -- I never saw Jody drunk,  
20 ever.

21 Q So --

22 A She enjoyed -- you know, she enjoyed her wine like  
23 most people do.

24 Q As do I.

25 A Yes, and I never saw her drink anything other than

1 wine. No hard liquor. Nothing.

2 Q So, as you -- as you --

3 A I would not -- I would not have said that. I  
4 would have said yes, she could drink. -- it was what I  
5 said. She could drink. But, -- apparently that got  
6 mixed up, I don't know how it was misconstrued but, if  
7 I can offer this that I was with Jody one night when I  
8 was a little and we both left the restaurant, we had  
9 dinner and when we drove home -- she followed me home  
10 and then when she got home, she called me. She said,  
11 are you okay? I said, I'm fine. I said, I'm fine. I  
12 just felt a little you know. But, she's -- she was  
13 fine. She even had -- to call me on the phone to make  
14 sure that I was okay.

15 Q Okay. Now, with regard to the statement that  
16 you made to the Prosecutors detective -- and again,  
17 correct me if I'm wrong, where it said that you said at  
18 one time last year an unidentified woman called Jody at  
19 her home and started arguing with Jody and that she was  
20 an unfit mother to her son Jonathan. Is it your  
21 testimony that the Prosecutors detective misinterpreted  
22 what you said?

23 A Yes. Because I never used the word to say ever  
24 that Jody was an unfit mother and I wouldn't have  
25 repeated it to anyone because she was not.

1 Q Do you have -- do you have any idea what  
2 word you told him that --

3 A I have no idea.

4 Q -- caused him to misinterpret your language  
5 and write the term unfit?

6 A None what so ever.

7 Q Okay. Now, would you agree with me that that  
8 investigator even says that you explained that argument  
9 and said further, this incident may have stemmed from  
10 the time that local Police responded to the Scharf's  
11 home due to Jonathan being left alone for a long period  
12 of time.

13 A That's what I recall.

14 Q Did you say that?

15 A Yes, I did. But, I did not say unfit mother.

16 Q So, again -- just so I understand this.

17 A Right.

18 Q You did tell the Police about a conversation  
19 that you had with -- with Jody that the Police were  
20 called because Jonathan was left alone for a long time;  
21 correct?

22 A Correct.

23 Q And then there was some specific conversation  
24 that you had with Jody with regards to an argument;  
25 correct?

1 A Yes.

2 Q And -- and what was the gist of that argument  
3 about?

4 A With the other woman? Is that what you're talking  
5 about?

6 Q Yes.

7 A She was just very upset that she was -- the woman  
8 called and was hollering about it and that the Police  
9 were called --

10 Q Hollering about what?

11 A Well, whatever. I --

12 Q Well, what -- what exactly did she say?

13 A I don't know what the woman said to Jody.

14 Q Jody didn't tell you why she was --

15 A She said --

16 Q -- upset? Why --

17 A Yes. She was upset that a woman -- an unknown  
18 woman would call her and --

19 Q And say what?

20 A And say that the Police -- she must have called  
21 the Police because her son was, I guess ten years old  
22 and he was probably by himself. How that woman found  
23 out he was by himself, I have no idea.

24 Q Okay. So, it's --

25 A Couldn't tell you.

1 Q Before we move on, these statements contained  
2 in the Prosecutors memorandum regarding their interview  
3 with you --

4 A Right.

5 Q -- at least as far as that statement is  
6 concerned, certain things have been misinterpreted;  
7 correct?

8 A Absolutely.

9 Q Okay. Now, let's got to that -- that second  
10 area. The one that you testified you have a problem  
11 with. Specifically, where in that report the  
12 Prosecutors detective says that you said Jody had a  
13 drinking problem. When she drank she could not  
14 function very well. Now, can you tell me exactly what  
15 you told the detective?

16 A I didn't say that at all. I said Jody could  
17 drink. That's all I said. She could drink.

18 Q And so -- and -- and that's the specific  
19 recollection of --

20 A That was it.

21 Q -- nineteen years ago? That's all you ever  
22 said? And for some reasons the Prosecutors detective  
23 writes Jody had a drinking problem. When she drank,  
24 she could not function very well.

25 A I would never say that. Never. And I'm under

1 oath. I would never ever say that.

2 Q And how about this? Did you tell them that  
3 Jody was out socially -- when Jody was out socially she  
4 would overindulge due to the fact that Stephen would  
5 not allow Jody to drink at home; did you say that?

6 A I said something like that.

7 Q Well, do you recall exactly what you said  
8 nineteen years later?

9 A Yea. I -- I think I said -- I mean, not exactly  
10 word for word but, I know that I said that Jody -- he  
11 didn't like Jody drinking. And that when Jody was  
12 drinking with someone you could have a conversation,  
13 could loosen up a little, that she enjoyed her  
14 drinking. Yea. That's what I felt. She had -- you  
15 know, was comfortable, calm, rational but, I never said  
16 she was ever drunk or an unfit mother or any of that  
17 stuff.

18 Q So --

19 A I have no idea how that --

20 Q -- for -- for what --

21 A -- I told you, if I had seen this I would have  
22 said, that's incorrect.

23 Q For whatever reason, based on what you just  
24 told me the Prosecutors detective interpreted what you  
25 said because they put it in their report, Jody had a

1 drinking problem and when she drank she could not  
2 function very well; correct?

3 A I have no idea where that came from. Not from my  
4 mouth.

5 Q Okay. Now, did -- did Jody ever tell you  
6 that Stephen didn't let her drink at home?

7 A She said he didn't like drinking. He frowned upon  
8 it.

9 Q Well, do you have any idea how the  
10 Prosecutors detectives got from that statement, Stephen  
11 would not allow Jody to drink? Do you have any idea?  
12 Did you say anything that would suggest that?

13 A I did not speak as strongly as you're saying that  
14 sentence. I said that Jody's husband did not like  
15 drinking.

16 Q I mean, did Jody tell you that she drank at  
17 home all the time?

18 A No -- didn't.

19 Q She specifically told you that she didn't  
20 drink in her own house?

21 A No. She said that he did not like drinking.

22 Q There's a difference.

23 A Yea. But --

24 Q Did she tell you --

25 A She never told me that.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q -- drink? Did she ever tell you that she didn't drink at home?

A No.

Q Based on what she did tell you, did you infer that that was the case?

MR. MELLO: Judge.

THE COURT: Is there an objection?

MR. MELLO: Calls for speculation. -- asking --.

THE COURT: Sustained. Ask another question.

BY MR. BILINKAS:

Q Now, you've reviewed this report; correct?

A I have. Yes.

Q And -- and --

A A couple days ago.

Q -- we've got -- okay. And we've got over two specific instances --

A Right.

Q -- where you said there's inaccurate statements in there; correct?

A Correct.

Q Is anything else inaccurate in there?

A Not that I'm aware of.

Q Well --

A -- I read all of the statements. And as I read

1 them like, this one was the most outrageous.

2 Q The first one?

3 A This one. Yea. That was --

4 Q The first statement that you gave to the  
5 prosecutor is the most outrageous one; correct?

6 A It's just wrong. Those two particular instances.

7 Q Just two?

8 A -- yes.

9 Q You're sure just two?

10 A You want me to sit here and read it again?

11 Q Well, maybe it'd be quicker if I point  
12 something out to you and ask you something?

13 A Well, yes --.

14 Q On page three.

15 A Okay.

16 Q Second paragraph, did you tell the  
17 Prosecutors detective Stephen had not threatened Jody  
18 verbally in the past? Did you say that? Yes or no?

19 A Threatened meaning, threatened to kill her or  
20 threatened to hurt her? Threatened what?

21 Q You tell me. Did you use the term --

22 A All I know is that she was -- was threatened by  
23 his behavior toward her. She was afraid of him.

24 Q Well, did you tell the detective --

25 A Yes, I did.

1 Q -- Stephen had not threatened Jody verbally  
2 in the past?

3 A Right.

4 Q Now, she talked to you and -- and you helped  
5 her from an advisors standpoint with her filing the  
6 divorce; correct?

7 A Yes.

8 Q And she indicated to you based on your direct  
9 testimony that some time in Labor Day --

10 A Before Labor Day.

11 Q -- excuse me?

12 A Before Labor Day.

13 Q How -- how much before Labor Day?

14 A Not that far. I would say maybe a couple of weeks  
15 before Labor Day.

16 Q That she was concerned about Stephen Scharf  
17 hurting her when he got the divorce complaint;  
18 correct?/

19 A Exactly. She was afraid he would hurt her. --  
20 really -- not just her but, really hurt her.

21 Q Really, really hurt her?

22 A Yea.

23 Q Okay. Now, did she tell you in any of these  
24 conversations that she had mailed the divorce complaint  
25 and that her husband had had it for over three months?

1 A No.

2 Q She never mentioned that?

3 A No.

4 Q She said it was going to be served over Labor  
5 Day, is what she told me.

6 Q So -- and did she say that when he got the  
7 complaint that she was afraid of what he was going to  
8 do? Or words to that effect?

9 A No. That's not how that happened. I did not see  
10 her again after the complaint was served -- dead.

11 Q I'm talking about your Labor Day  
12 conversation.

13 A It was before Labor Day.

14 Q Right -- a few days before --

15 A Before --

16 Q -- Labor Day? A few weeks?

17 A I'd say a week or two, maybe ten days.

18 Q Okay. And -- and as far as you can remember,  
19 she never told you two, three months before that he  
20 already had had the complaint?

21 A No. She did not tell me that. She said if  
22 something happens to me after the papers are served,  
23 you'll know who did it. She was very afraid that he  
24 was going to take her life.

25 Q Okay. And --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A And he wanted her son and he wanted everything.

Q She was concerned about Mr. Scharf getting custody of her son? Did she say that to you?

A No. She just was concerned. She wanted Jonathan with her. She felt that Jonathan would be safer and --

Q With her?

A With her.

Q And -- and would you agree that she'd do just about anything to make sure Jonathan stayed with her?

Based on your conversation --

A No. Within --

MR. MELLO: Objection, Your Honor.

A -- reason.

THE COURT: Is there an objection?

MR. MELLO: Objection. Speculative.

MR. BILINKAS: Well, based on their conversation --

MR. MELLO: Based on anything. He's asking her to read into the mind of another human being.

THE COURT: Can you answer the question?

THE WITNESS: Let me have the question again and then, I'll -- I'll start again.

Q She discussed with you how -- how much she wanted her son; correct?

A Right.

1 Q But, like any mother?

2 A Right. Exactly.

3 Q Like any father; correct?

4 A Yes.

5 Q And she was concerned about maybe not getting  
6 her son --

7 A She never told me that she was concerned about not  
8 getting her son. She felt that Jonathan would be with  
9 her.

10 Q It was something that she felt very confident  
11 about; correct?

12 A Yes. And she -- yes.

13 Q Now, did she ever tell you that specifically  
14 that she felt that in no way would Stephen Scharf, her  
15 husband harm Jonathan?

16 A We didn't discuss whether he would harm him or  
17 not.

18 Q Can you look on page three?

19 A She wanted --

20 Q Do you recall telling the Prosecutors  
21 detective, Jody stated to Hilferty that Stephen would  
22 not harm Jonathan and that the son knows about his  
23 father? Did you tell the detective that Stephen  
24 Scharf, according to Jody would not harm his own son?

25 A Yes, I did say that.

1 Q Well, do you remember saying it now?

2 A Yes. Yes. I do remember saying it. Yes.

3 Q And did you also tell him it was felt that

4 Jonathan would prefer to be with the mother?

5 A Yes.

6 Q Now, when you say -- did you use the word

7 felt like that's what she believed?

8 A I was with them on occasions and they were very

9 close.

10 Q And were you ever with Stephen Scharf and his

11 son on occasion?

12 A Never.

13 Q Did you use the term felt back in 92?

14 A Yes.

15 Q So, it wasn't something that was for sure;

16 correct? That's just what she believed based on what

17 you know?

18 A Yes.

19 Q Did she ever indicate that she talked to

20 Jonathan about who he wanted to be with?

21 A No.

22 Q Now, how often would you see Ms. Scharf back

23 then?

24 A Depending on our work schedules, we would see each

25 other four times a week. Sometimes lunch, sometimes

1 after work and if not we'd talk to each other on the  
2 phone.

3 Q Now, at some point in time, Ms. Scharf starts  
4 dating; correct?

5 A I wouldn't -- I don't know whether it was  
6 considered dating. But, she started seeing -- she told  
7 me of two other men that she had met.

8 Q Well, do you recall -- look on page four --

9 A Yes, she was --

10 Q -- the second paragraph that --

11 A --.

12 Q -- that Jody began to socially date. Did you  
13 use those exact terms or is that a mis --

14 A No, I'd like to -- no, no. I think I probably did  
15 say date but, I didn't mean -- I just meant she was  
16 casually seeing somebody.

17 Q Okay. Well, do you recall saying in the same  
18 breath there were two men that Jody met at Somerset  
19 Hills Hotel and they became intimate? Did you -- did  
20 you use the word intimate?

21 A No.

22 Q And -- and would you agree with me that the  
23 term intimate means sex?

24 MR. MELLO: It could mean different things to  
25 different people Your Honor.

1 THE COURT: I'm sorry?

2 MR. MELLO: It certainly can mean different  
3 things --

4 MR. BILINKAS: Well, what --

5 MR. MELLO: -- to different people. -- that  
6 suggestion by Mr. Bilinkas.

7 MR. BILINKAS: I'll withdraw the question.

8 THE COURT: Thank you.

9 BY MR. BILINKAS:

10 Q What does the term intimate mean to you?

11 A When you get to -- to know someone closely. Know  
12 them --

13 Q Sexually?

14 A Not necessarily sexually. You can get to know  
15 someone closely.

16 Q Is it --

17 A You know some -- some people that you get along  
18 with so well that you know what they're thinking. I  
19 mean it depends. But, I would never, ever -- into that  
20 or go into the sex as my first thought about intimacy.

21 Q Okay. And is it your sworn testimony today  
22 that you never told or never used the word intimate  
23 when describing her dating relationship to the  
24 Prosecutor?

25 A What I meant when I said intimate, I meant that

1 she was friendly with people, which I told you before.

2 She was very compassionate, she was a loving person.

3 You would open up and talk to her.

4 Q Now, did you meet this guy Bob?

5 A No.

6 Q Did you meet Rob?

7 A No.

8 Q In all the times that you were with Mrs.

9 Scharf --

10 A Yes. No --

11 Q -- she never introduced --

12 A -- she was never --

13 Q -- you to any of these men?

14 A No.

15 Q She talked about them though; correct?

16 A She talked about them but, not often.

17 Q Well, when did she start talking about Bob

18 from Hoboken?

19 A He had -- I don't remember the date that she did

20 but, apparently she had taken the PATH going through

21 Hoboken and was coming home from New York and she

22 apparently stopped at a restaurant and met him there.

23 That's all I know.

24 Q And -- and how many times did she go out with

25 him?

1 A I have no idea.

2 Q So, she didn't tell you all the details of  
3 her dating relationship?

4 A Not at all.

5 Q How about Rob?

6 A No. Same thing. Not at all.

7 Q How many times did she go out with him?

8 A I have no idea.

9 Q Do you know when she first started to go out  
10 with him?

11 A No. But, he -- he worked near the Somerset Hills  
12 Hotel it would be any time she had gone in there for  
13 lunch without me or for a cocktail after work without  
14 me.

15 Q Okay. So, when she was with other men she  
16 didn't ask you to come along; correct?

17 A No, I was never included.

18 Q She -- she kept that personal to herself?

19 A Yes, she did.

20 Q Now, irrespective of what she did or didn't  
21 do, back in September specifically September 25<sup>th</sup>, 1992  
22 you told the Prosecutors Office that Jody was dating a  
23 number of men; correct?

24 A A number of men?

25 MR. MELLO: Judge, I'm sorry --

1 Q Two.

2 MR. MELLO: Now -- now --

3 THE COURT: Hold on.

4 MR. MELLO: -- the interview -- been clear.

5 She talked about two men. Not a number of men and that  
6 suggestion is not appropriate.

7 MR. BILINKAS: I -- I didn't mean that Judge.

8 THE COURT: Then clear it up.

9 Q You told -- you told the Prosecutor back in  
10 September of 92 --

11 A Right.

12 Q -- that Jody was dating two -- that you knew  
13 of, men; correct?

14 A Yes.

15 Q And she kept her dating life to herself so to  
16 speak; correct?

17 A Correct. Yes. I was happy she was even speaking  
18 to other men after the way she was being treated.

19 Q Well, didn't you say she was always social  
20 and friendly?

21 A Yes. But, I wouldn't have been that way. I kept  
22 telling you that.

23 Q Irrespective of how you would be, she was  
24 always friendly and talking --

25 A She was a very --

1 Q -- to other men and women?

2 A -- yes, she was very -- she had a very  
3 professional demeanor.

4 Q And --

5 A She always had a suit on. She always looked nice  
6 and was dressed nice. She always looked like a lady.  
7 She was intelligent. Talked about her son to  
8 everybody.

9 Q Okay. Now, aside from these two men, isn't  
10 it a fact that back in September of 92 you told the  
11 Prosecutor that Jody was using a dating service;  
12 correct?

13 A I don't know this dating service. Yes, we  
14 discussed that.

15 Q Okay. But, my point is you informed the  
16 Prosecutor of that fact.

17 A He asked me. Yes.

18 Q And you even gave him the number of the radio  
19 station in --

20 A Because we --

21 Q -- Phillipsburg; correct?

22 A -- listened to the same radio station and we  
23 laughed about it. We were joking about the -- the  
24 whole scenario of dating services, period.

25 Q When you say joking about it, based on your

1 conversation with her, are you trying to say that you  
2 didn't think that she would follow through with  
3 something like that?

4 A I wasn't sure.

5 Q Well, based on -- conversation, she indicated  
6 that she met?

7 A No. She just said that she was looking into it.

8 Q Well --

9 A I don't even know the name of the dating service.

10 Q When you say looking into it, can you look on  
11 page four again?

12 A Hmm mmm.

13 Q Did you tell the Bergen County detective,  
14 Jody additionally became involved in a dating service?

15 A Yes.

16 Q Did you use the term involved?

17 A Yes. But, I didn't use it the way you are using  
18 it.

19 Q Well, can -- can you tell me how you used it?

20 A I meant that she was just looking into it. She  
21 was taking --

22 Q Did you say looking in or did you say  
23 involved?

24 A Well, I said involved but, I didn't mean it the  
25 way you're --.

1 Q I don't mean to construe anything. I'm just  
2 trying to --

3 MR. MELLO: --.

4 THE COURT: All right. Let's move on.

5 MR. BILINKAS: Understood. Understood.

6 Q Now, you say you last spoke to Jody when?

7 A I spoke with her before Labor Day. I don't know  
8 the exact date.

9 Q Do you know the day of the week?

10 A No, it was -- I do not. I don't recall the day of  
11 the week because I'm not good with days -- of that week  
12 that we saw each other. It was all depending on our  
13 schedules. My birthday was after Labor Day and I was  
14 waiting to hear from her.

15 Q Okay. Now, what time did Jody normally get  
16 off work?

17 A Her schedule was flexible. She was on the road.  
18 So -- probably get on maybe four or five. Something  
19 like that. But, I would meet her like 5:30.

20 Q Okay.

21 A But, it wasn't every day. But, it was --

22 Q Right.

23 A Occasionally.

24 Q But, she basically got off somewhere between  
25 four and five?

1 A I would think so.

2 Q Well, based on your relationship with her,  
3 the times you met her, you -- your best estimate is  
4 four or five?

5 A It depended on where her clients were or what site  
6 she was at, would depend on what time she would show  
7 up. So, I never knew from what direction she was  
8 driving.

9 Q What time would you get off work?

10 A I would get off work, 5:30, 6:30, 7:30, whenever.  
11 I was there all the time because I was living by myself  
12 --

13 Q When you say there, where do you mean?

14 A At work.

15 Q Okay.

16 A I was a half an hour from my home and I was  
17 flexible in terms of time.

18 Q Okay.

19 A I didn't have any children at home. So, I had no  
20 problem with time.

21 Q Okay. What time would you normally meet Jody  
22 at the store to have a drink?

23 A That would be lunch time. I would go to lunch at  
24 one o'clock, 1:30.

25 Q Okay. And -- and at lunch time you and her

1 would have the few drinks?

2 A No. Not a few drinks. We'd have wine. One  
3 glass, maybe two glasses of wine.

4 Q Okay. Would you ever meet her after work at  
5 happy hour?

6 A Everybody went to happy hour. Free h'orderves,  
7 all of that, everybody in all the offices in that area  
8 went.

9 Q And -- and did Jody go to happy hour?

10 A She would go because it was at the Somerset Hills  
11 Hotel and she was near there. I worked -- my building  
12 was right down the street from it.

13 Q Okay. And -- and how many times did you and  
14 Jody Scharf go to happy hour after work?

15 A It depended on the schedule during the week.

16 Q Approximately, how many times?

17 A Maybe two times.

18 Q Two times a week?

19 A Maybe two times a week. Yea. Or maybe one week  
20 it would be once, next week it might be three. It all  
21 -- it was just to catch up on what was going on with  
22 each other.

23 Q And -- and do you know who was watching her  
24 son when she was at happy hour?

25 A I have no idea what arrangements she had for child

1 care. I -- don't have children myself so it wasn't  
2 something that I would say, who's watching your child?

3 Q Okay. Did you also have drinks with her at  
4 The Tewksbury Inn?

5 A On Saturday's. Yes. Once or twice. Jonathan was  
6 there once with us.

7 Q On many other times, he wasn't; correct?

8 A Right.

9 Q And would you drink on those days?

10 A We would meet for lunch and probably have a beer  
11 or something like that. That was it. We weren't into  
12 heavy drinking.

13 Q Okay. And when she was with you without her  
14 son, do you have any idea -- did she ever talk to you  
15 about who her son was with?

16 A No. That was --

17 Q Long time ago?

18 A Well, it's not that so much. That was not a topic  
19 that was on -- the number one question I'd ask her  
20 because I didn't have any concerns about --.

21 Q Okay. -- you said she always talked about  
22 her son; correct?

23 A Yes. But, she didn't tell me that so and so's  
24 watching him today or --

25 Q Did she say what her son was doing at the

1 time?

2 A Not at that time but, I knew what her son was like  
3 interested in, video games and things like that.

4 Q How about sports?

5 A Oh, yea. I think he was interested. -- think it  
6 was soccer. I think it was --.

7 Q Did you -- do you -- do you have the specific  
8 recollection of what Jody Scharf said with regards to  
9 what her sons interests were?

10 A I spoke with Jonathan and he was interested in  
11 video games and I think he liked to ride his bike.  
12 But, I don't -- we didn't talk about baseball or soccer  
13 or anything. I just thought because he was in school  
14 that probably they had programs he might have been  
15 interested in. But, Jody did not mention ever going to  
16 any games.

17 Q Jody never bragged about her kid playing  
18 sports or anything like that?

19 A No. No.

20 Q Did you go to Jody's funeral?

21 A I went to the viewing.

22 Q And did you see Stephen Scharf there?

23 A Yes, I did.

24 Q Did he have any scratches or marks on his  
25 face?

1 A I don't know. I wasn't looking for any. There  
2 were no obvious scratches or marks but, I mean I was  
3 there because I was in grief over Jody. But, I didn't  
4 look at him looking for things.

5 Q But, you had a conversation with him;  
6 correct?

7 A Yea, I introduced myself. I shook his hand. I  
8 said, I'm Marion Hilferty --

9 Q Okay. Now --

10 A -- a friend of Jody's.

11 Q -- my specific question is, during your  
12 conversation with him, did you see any marks on his  
13 face or hands when you shook his hand?

14 A No, I did not.

15 Q Now, did Jody ever tell you that she was  
16 using a dating service by the name of Matchmaker  
17 International or Incorporated?

18 A No. But, they certainly advertised enough on the  
19 radio and all of that. I'm sure everybody's heard of  
20 it. But, she never said that word at all.

21 Q When -- when you say guys laughed about it on  
22 the radio, what dating service was she referring to?

23 A Just the one that she said she heard advertised on  
24 a particular station.

25 Q Okay. Do you know what the name of that

1 dating service was?

2 A I don't remember that. No.

3 Q Did you hear that ad?

4 A Not that often. I -- not that often. No.

5 Because I wasn't interested in that. I would turn the

6 news on. I would push that off.

7 Q And how did the conversation concerning

8 laughing about the dating service come about?

9 A We were talking about another woman, another

10 friend of ours. That's all.

11 Q Okay. And -- and what did Jody say about the

12 dating service?

13 A Didn't say anything. She didn't tell me anything.

14 I don't know whether she went to them, if she went to

15 them, if she gave them a picture. I don't know

16 anything about that.

17 Q I'm trying to ask you what specifically you

18 recall nineteen years ago about the conversation that

19 you had concerning the dating service?

20 A Well, it was in jest. Saying -- I said Jody, most

21 people today if they're trying to meet a nice person

22 seems they're going to dating services. I said they're

23 advertised everywhere and we have a friend who was

24 using the dating service. I didn't know the -- who she

25 was using. But, we laughed because we said, can you

1 imagine when they see your picture? It was a joking  
2 type of thing.

3 Q Okay. Now, when you were talking about Ms.  
4 Scharf preparing for her divorce, did she ever have a  
5 conversation with you with regards to money?

6 A No. We did not discuss money.

7 Q Did -- to your knowledge was she putting  
8 money aside in plans of getting divorce?

9 A No. But, I had said that that it was I had done.

10 Q You had done what?

11 A Established my own credit and put aside money for  
12 myself, when I was going through my divorce.

13 Q And -- and --

14 A She never --

15 Q -- you told her that?

16 A I told her that she ought to think about that?

17 Q And -- and -- and can I assume that when you  
18 recommended that to her that was to be with her  
19 husbands knowledge?

20 A Absolutely not.

21 MR. MELLO: Objection. Judge --

22 THE COURT: All right. Your objection?

23 MR. MELLO: Speculation.

24 THE COURT: Sustained.

25 MR. MELLO: It's asking --.

1 Q When you were talking about this issue, did  
2 you tell her that you took money and without your  
3 husbands knowledge put it aside for your eventual  
4 divorce? Did you tell her that? That that's what you  
5 did.

6 A I told her that I was advised that if you're  
7 married and you -- you don't have your own credit, when  
8 you go to -- after your divorce -- I was married  
9 fifteen years. You've established no credit in your  
10 name. So, I was told to get an Exxon credit cards, one  
11 of those gas cards that you had to pay in thirty days.  
12 I was told to set up my own checking account, which I  
13 did with the basic amount of money. And then I was  
14 also told -- that, just have some cash in case  
15 something happened and I had to get out right away.  
16 Which I thought was good advice. And that's all I  
17 said. And in terms of my marriage, that was another  
18 story.

19 Q That was a what?

20 A My marriage is not here for -- we're talking about  
21 Jody.

22 Q Now --

23 MR. BILINKAS: Do you have the second  
24 prosecutor statement?

25 Q I'm going to show you the second statement

1 here.

2 A Okay.

3 Q And -- and this was done over ten years after  
4 your first statement; correct?

5 A Right. They came to my office again. A different  
6 people.

7 Q But, from the Bergen County Prosecutors  
8 Office; correct?

9 A Well, that's what they always said. Yes. And  
10 they showed me their I.D.'s.

11 Q And did they re-interview you?

12 A They said that they were -- had -- reopened this  
13 case and they were just following up on my prior  
14 statements.

15 Q Okay. And would you agree with me that with  
16 regards to everything that you told them ten years ago,  
17 the only reference in this report that you reviewed  
18 before your testimony today is that Ms. Hilferty  
19 related information that she provided detectives with  
20 during the interviews; correct?

21 A Right. Correct.

22 Q So, even though you -- did you tell them  
23 everything that you told them before?

24 A No, I didn't tell them -- I told them -- I  
25 answered the questions that they asked.

1 Q So, they didn't even ask you about what you  
2 said ten years ago; correct?

3 A They asked me questions. Whatever question they  
4 asked me, I answered honestly.

5 Q Okay. Did they ask you the same questions  
6 that were asked to you in 92?

7 A Similar but not the same. I don't remember the  
8 questions that were asked.

9 Q And will you --

10 A I just answered them.

11 Q -- and will you agree with me that in that  
12 report --

13 A This one?

14 Q Yes. They don't reiterate all of the  
15 questions and all of the answers that you gave them on  
16 that day; correct?

17 A No. I wouldn't say that. I'm saying that I  
18 answered whatever questions they asked.

19 Q Okay. Well, in -- in this particular memo --

20 A Hmm mmm.

21 Q -- is there anything about --

22 A We just went over generally what was discussed at  
23 first.

24 Q You mean in 92; correct?

25 A Hmm mmm.

1 Q And will you agree with me that what you said  
2 in 92 is not contained in that report?

3 A It's not contained --

4 Q New information is; correct?

5 A Correct. And I had not even seen a written copy  
6 of what had transpired in 1992.

7 Q When you gave that statement; correct?

8 A Yep. Never received any information. Couldn't  
9 get -- couldn't look at it, didn't know what they were  
10 talking about.

11 Q And so, when you gave this statement --

12 A Hmm mmm.

13 Q -- after you talked to them, all they put in  
14 that statement was the new information that you gave  
15 them, that's not in the 92 statement; correct?

16 A I -- what's in this statement is what they asked  
17 questions of. That's it. Whatever they asked me I --  
18 I answered. I don't know where you're going with this.  
19 But --

20 Q Okay. Let me tell you --

21 A Always --

22 Q Let me tell you exactly where I'm going with  
23 this.

24 A Please.

25 Q If -- if you look on the bottom of page one.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A Hmm mmm.

Q Where it says Ms. Hilferty reiterated --

A Right.

Q -- information that she had. Meaning in 92,  
provided detectives with during previous interviews;  
correct?

A Yes. It was a general overview of what was  
discussed.

Q And my point is, and this is exactly where  
I'm going to, there is no way for you, me or this jury  
to know what you told the detective about the previous  
interview because it's not contained in this document;  
correct?

MR. MELLO: I'm going to object to --

A No. I didn't know that they hadn't --

THE COURT: Sustained.

A -- already read this. I didn't know --

THE COURT: Do not --

A -- copy that.

THE COURT: Hold on.

MR. MELLO: Counsel --

THE COURT: When there's an objection, do not  
speak. The objection is sustained.

Q Before you talked to them in 2003, they never  
gave you a copy of what you said in 2002; correct?

1 A No. Never got a copy of anything I said.

2 Q Okay. And my specific question is, in 2003  
3 did they ask a lot of the same questions that they  
4 asked to you in 2002?

5 A I just answered the questions. I was at work,  
6 they asked me questions, I answered them. I said, you  
7 know, I've been through this before. I was interviewed  
8 before. But, you know I -- I don't know where you're  
9 going with that. I just answered honestly the  
10 questions they asked me and you know, just the general  
11 whatever happened to Jody way back when she was killed.

12 Q And during the interview in 2003, would you  
13 agree with me that that is the first time that you ever  
14 mentioned anything about the photograph concerning  
15 Stephen Scharf; correct?

16 A I didn't get it until around the time of the you  
17 know -- yes, that's correct.

18 Q So, ten years go by, they're talking to you  
19 about what you know and -- and you tell them about this  
20 photograph; correct?

21 A Right.

22 Q And when did you first see that photograph  
23 that since 92, that the prosecutor showed you?

24 A When did I first see it? I saw it when she showed  
25 it to me because she wanted me to know --

1 Q Okay. I'm --

2 A -- what he looked like to see if I saw him.

3 Q -- asking you --

4 A That's when I first saw it.

5 Q Okay. And you said you gave it back to her;  
6 correct?

7 A Yes.

8 Q My question is, from that point until your  
9 testimony here in court today --

10 A Hmm mmm.

11 Q -- have you ever seen the photograph before?

12 A Only -- yes. I'll say yes. But, only after I was  
13 asked to describe the photograph.

14 Q --

15 A Because of it being twenty years ago and I  
16 completely described the person in the photo, what he  
17 had on and where he was sitting and what he was sitting  
18 on.

19 Q And when was this?

20 A That was when I received -- that was shortly  
21 before I received my subpoena to testify from the  
22 Prosecutors and from you I received --.

23 Q And when you received the subpoena from me --  
24 one moment. Did you tell the person giving you the  
25 subpoena that you were going to be a hostile witness?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A For you. Yes.

Q For me?

A I said for the prosecution -- I -- I don't understand why the defense has called me since I'm her friend and --

Q And the term you used --

A -- I said that I would be -- I would be a hostile witness is what I said.

MR. BILINKAS: I think I'm Judge -- I'm done Judge, if I could have a brief moment?

Q Did you testify in the grand jury?

A No. And I was quite -- did not understand why I was subpoenaed by both sides and I expressed that concern. Also I was told to appear and I was getting ready to appear and I was not notified that there was no court the day I was supposed to appear. I had to call and find out. I called your office.

THE COURT: Any other questions?

MR. BILINKAS: No, Judge. I'm done.

THE COURT: Re-direct.

MR. MELLO: -- Judge. I just have a few questions.

RE-DIRECT BY MR. MELLO:

Q When you said that you said to the investigator employed by Mr. Bilinkas's firm that you

1 would be hostile to him, do I take that to mean your  
2 testimony is adverse to his interests?

3 MR. BILINKAS: Leading Judge.

4 MR. MELLO: Well, then why don't -- I'll just  
5 ask this.

6 THE COURT: Okay. Ask the question.

7 Q Tell us what you meant by that?

8 MR. BILINKAS: Thank you.

9 A I thought it was -- I thought it was -- well, I  
10 thought it was preposterous that they would ask me, who  
11 was a close friend of -- and really broken up about the  
12 whole thing over the last twenty years that they would  
13 have the gall to ask me to testify for the defense.

14 Q Notwithstanding, are you here to tell the  
15 truth?

16 A I'm here to speak for Jody, who can't speak for  
17 herself because unfortunately she was killed.

18 Q And does that mean you are here to tell the  
19 truth --?

20 A Absolutely. I went through all this and I was  
21 going to be here no matter what.

22 Q And have, for example I instructed you to  
23 tell the truth no matter where it is?

24 A Exactly.

25 MR. BILINKAS: Judge.

1 MR. MELLO: Well, Judge this is based on the  
2 cross examination regarding hostility.

3 MR. BILINKAS: I don't mind the area Judge.  
4 But, when he says did I instruct you to tell the truth?  
5 That is leading.

6 MR. MELLO: All right.

7 MR. BILINKAS: All his questions have --

8 THE COURT: All right.

9 MR. BILINKAS: -- been leading, Judge.

10 MR. MELLO: I -- I see. Okay.

11 THE COURT: Next question.

12 MR. MELLO: Thank you, Judge.

13 Q Let me ask you this, let's talk about the  
14 interviews that you had in 1992 and 1993 that Mr.  
15 Bilinkas discussed with you; all right?

16 A Yes.

17 Q Did you discuss with the detectives the  
18 terrible fear that Jody had of her husband?

19 MR. BILINKAS: Leading.

20 Q Did you --

21 THE COURT: It's leading. Sustained.

22 Q Tell us the crux of what you discussed with  
23 the detectives.

24 A I explained Jody's feelings about her husband, her  
25 fear of the -- she was -- he was -- she had told me

1 that he was in the reserves, that he was a major or  
2 something, I don't remember. That he would go to  
3 reserves and of course, being a major and all, I'm sure  
4 he was -- a solder, he could handle guns and all that  
5 and we talked about that. And I said, how afraid of  
6 him are you? And she said, I'm very afraid of him.  
7 I'm terrified of him. And at that point, I said well  
8 you got to get out of this. This isn't good. You  
9 can't live like this. You can't have your son living  
10 like this. She said I know. She said I'm just -- I'm  
11 always looking over my shoulder. I'm always afraid.

12 Q Now, with regard to those discussions of  
13 fear, were those over a long period of time?

14 A Oh, all the time.

15 Q With respect to as time approached her death,  
16 can you tell us if they intensified or not?

17 A Absolutely intensified.

18 Q Now, Mr. Bilinkas used a term about preparing  
19 for her divorce you would call that?

20 A Hmm mmm.

21 Q Now, I want you -- I want you to tell the  
22 jury about that fear and tell us if you think that was  
23 when she told you those things, preparing for a  
24 divorce?

25 MR. BILINKAS: Objection. Calls for

1 speculation.

2 MR. MELLO: Judge, this is completely --

3 MR. BILINKAS: Can we be heard at sidebar

4 Judge?

5 MR. MELLO: -- cross examination. That's

6 exactly what kind of question he was asking and I

7 should be able to have this jury -- hear it.

8 THE COURT: Let's go to sidebar.

9 (AT SIDEBAR)

10 MR. BILINKAS: Judge, he's -- he's asking her

11 to speculate with regards to you know, the motives of

12 Ms. Scharf. And -- and I don't think that's -- that's

13 appropriate here.

14 THE COURT: -- the question once more.

15 MR. MELLO: At the cross examination --

16 THE COURT: The question.

17 MR. MELLO: The question I want her to answer

18 is I want her to describe how Jody described the fear

19 that she felt.

20 MR. BILINKAS: I have no -- I have no

21 objection to that.

22 MR. MELLO: And if she could -- and if she

23 could feel that fear? As opposed to preparing for --

24 MR. BILINKAS: If she could feel that fear?

25 Ask her to describe --

1 THE COURT: A description.

2 MR. BILINKAS: I have no objection to that.

3 But, the next question, can she feel that fear?

4 THE COURT: All right. A description is  
5 allowed.

6 MR. MELLO: She can answer that.

7 MR. BILINKAS: Let's get -- what's really on  
8 --.

9 MR. MELLO: I'm -- I'm going to ask her to  
10 describe her demeanor.

11 MR. BILINKAS: No problem with that.

12 THE COURT: You can -- you can certainly ask  
13 that question.

14 MR. MELLO: Okay.

15 (END SIDEBAR)

16 MR. MELLO: Thank you, Judge.

17 RE-DIRECT BY MR. MELLO:

18 Q Now, as I was saying I want you to focus on  
19 that period of time close to the time of death  
20 especially.

21 A Yes.

22 Q And I want you to focus on Jody's discussions  
23 with you regarding fear; all right?

24 A Yes.

25 Q Can you tell us her demeanor as she told you

1 of her fear of the defendant?

2 A She was very afraid that he was going to kill her.  
3 She told me that he was extremely frightening and she  
4 was afraid he was going to harm her and possibly kill  
5 her because she said to me if anything happens after  
6 this, I want you to know who did it. He -- you know,  
7 that he's the person that did it. Which I thought -- I  
8 said, Jody, I -- that -- are you that frightened? She  
9 said, yes I'm extremely frightened.

10 Q As she told you those words, can you tell the  
11 jury her physical demeanor as she told you those words?

12 A She was --

13 MR. BILINKAS: Judge, that's the exact  
14 question he just asked her.

15 MR. MELLO: That's -- that's --

16 MR. BILINKAS: I assume she's going to repeat  
17 the same answer that's not responsive.

18 MR. MELLO: No, I'm asking --

19 THE COURT: Physical demeanor is different.

20 Over ruled. Ask the question.

21 MR. MELLO: -- I'm asking a different  
22 question.

23 BY MR. MELLO:

24 Q She was visibly shaken. You could tell.

25 Very nervous, very -- you could tell.

1 Q Thank you.

2 THE COURT: Anything further?

3 MR. MELLO: Nothing.

4 THE COURT: Mr. Bilinkas, re-cross?

5 MR. BILINKAS: Nothing, Judge.

6 THE COURT: The witness is excused. We're  
7 about to take a break at this time. Ten minute break.  
8 Sheriff's Officer?

9 (JURY EXITS)

10 (BREAK IN HEARING)

11 (AT SIDEBAR)

12 THE COURT: It's on. Right? That's all you  
13 need to know?

14 UNIDENTIFIED FEMALE: Yep.

15 THE COURT: Okay. Why don't we just go  
16 through the agreement that he reached.

17 MR. MELLO: Yes, sir.

18 THE COURT: With regard to --

19 MR. MELLO: If I might?

20 THE COURT: Sure.

21 MR. MELLO: -- Mr. Bilinkas and I have  
22 discussed the prospective testimony of Ms. Teague.  
23 Though, she obviously brings expertise to the table and  
24 with a special background with respect to her sessions  
25 in therapy with Jody Scharf. She will not be asked to

1 opine on a diagnosis. She will simply indicate that  
2 she was treating Ms. Scharf for depression. She will  
3 not refer to the following topics; she will not refer  
4 to let us call it the boat incident related by Ms.  
5 Scharf to her in therapy.

6 THE COURT: The boat incident being the  
7 incident on the Raritan River?

8 MR. MELLO: Exactly. And she will not refer  
9 to --

10 THE COURT: Excuse me. Excuse me.

11 COURT OFFICER: Order in the court, please.

12 MR. MELLO: Thank you, Judge. She will not  
13 refer to any condition of Herpes contracted by Mr.  
14 Scharf. And she will not refer and use the term  
15 battered wife syndrome.

16 MR. BILINKAS: All right. -- making any  
17 diagnosis. Again, I have no problem with the  
18 depression.

19 MR. MELLO: I'm going to ask her and I will  
20 lead -- well, I won't lead. I guess I'm actually going  
21 to ask her and if you like I will use that -- may I ask  
22 if you were treating her for certain condition --  
23 depression -- words to that effect. If you let me do  
24 that I'll make sure --.

25 THE COURT: All right. In agreement?

1 MR. BILINKAS: Yes, that -- that was -- my  
2 previous objections with discussions --.

3 MR. MELLO: Okay. All right.

4 MR. BILINKAS: Thank you.

5 (END SIDEBAR)

6 (JURY ENTERING)

7 THE COURT: Welcome back, ladies and  
8 gentlemen of the jury. You may be seated. Mr. Mello?

9 MR. MELLO: Yes, Judge. We're ready but,  
10 just --

11 MR. BILINKAS: -- just one question with the  
12 --.

13 MR. MELLO: Ready Judge. State calls  
14 Patricia Teague.

15 THE COURT: Good morning. Please step up  
16 here, face the court clerk.

17 COURT CLERK: Raise your right hand.

18 P A T R I C I A G T E A G U E, WITNESS, SWORN.

19 COURT CLERK: State your name for the record.

20 THE WITNESS: Patricia G. Teague.

21 THE COURT: All right. Please have a seat.  
22 If you would, try to keep your voice up and use the  
23 microphone.

24 THE WITNESS: Okay.

25 THE COURT: You may begin.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MELLO: Thank you, sir.

DIRECT EXAMINATION BY MR. MELLO:

Q Good morning, Ms. Teague.

A Good morning.

Q I'd like to begin my questioning by asking you to discuss your background and education and training in the context of therapies and before I do, I'd like to give you a document and ask if you recognize this document. You may take it out of the sleeve if you like.

A I do recognize this document.

Q And do you recognize that document to be in effect your resume, your curriculum vitae?

A I do.

Q All right. If you would, let me begin by asking you if you would discuss with the jury your educational background and if you would, would you begin with your studies at the college level and go forward from that point; all right?

A Sure. I have a graduate degree from Newark State College, now Kean University of New Jersey. And I have a graduate degree from Rutgers University --

MR. BILINKAS: Judge, if I may, can I get specific dates?

MR. MELLO: Yes, I'm -- I'm going to do that.

1 MR. BILINKAS: In light of the fact that  
2 we're talking about something in 92.

3 MR. MELLO: I'm going to do that.

4 THE COURT: Please.

5 Q Let's -- let's -- let's do this. Let's start  
6 with your college education; can you tell us where you  
7 went to undergraduate school first?

8 A Hmm mmm.

9 Q And when you graduated that particular school  
10 and what particular degree you received from that  
11 school. If you would.

12 A Okay. I attended Newark State College, now Kean  
13 University of New Jersey from 1964 to 1968. I was -- I  
14 received a BA degree in elementary education and with a  
15 minor in special needs children. I taught special  
16 needs kids for seven years at Midland, a blue ribbon  
17 school and --

18 Q All right. Now, I will get to your teaching  
19 appointments. Let me continue with your educational  
20 background and re-visit where you began.

21 A Okay.

22 Q You've just told us about your undergraduate  
23 study. Now, I'd like you to describe the graduate  
24 study that you underwent.

25 A My graduate study was a specialization in

1 emotionally disturbed children and I did a -- an essay,  
2 a thesis rather, I did a thesis on the specialization  
3 of emotional disturbed children.

4 Q Now, where did you do your graduate studies?  
5 What school?

6 A The first graduate study which referred to  
7 education only was Newark State College, now Kean  
8 University of New Jersey.

9 Q Now, I'm referring -- perhaps, I wasn't  
10 clear. Your graduate work, your post undergraduate  
11 work; where did you go to school?

12 A Rutgers University.

13 Q Okay. Did you receive a masters degree?

14 A I did.

15 Q What was the masters degree in?

16 A Clinical social work.

17 Q And when did you receive that masters in  
18 clinical social work?

19 A 1982.

20 Q Now, can you tell us something about your  
21 work post graduate studies?

22 A Yes.

23 Q Can you tell us about that employment?

24 A Oh, well I received further education after my --

25 Q I -- well, let's continue with that. Go

1 ahead. What further education did you have?

2 A I went to New York City where I trained in  
3 clinical -- I attended the American Institute of  
4 Psychotherapy and Psychoanalysis and that provided  
5 training for me -- low cost training for people who  
6 attended the clinic. I worked with that clinic in my  
7 own -- in an office that I had sublet and after three  
8 years I was made a fellow of the institute.

9 Q Maybe you could lower that microphone and  
10 speak into it.

11 A Is that better?

12 Q I think so. Thank you. All right. Now, can  
13 you tell us you referred to your teaching experience,  
14 can you tell us your further work experience?

15 A Yea. So, I was doing clinical studies -- I'm  
16 sorry, I was -- I was working with patients from the  
17 clinic of the American Institute, post. And after that  
18 I went to -- when I -- I was in private practice in New  
19 York City for seven years.

20 Q All right. And what did that private  
21 practice entail in New York City? What did you do?

22 A I provided clinical services for adults and  
23 individuals in depression, anxiety, relationships.

24 Q And would that be therapies in terms of  
25 emotional and psychological difficulties that patients

1 had?

2 A Absolutely.

3 Q Now, following that employ can you tell us  
4 how you were thereafter employed?

5 A Well, I worked in New York for seven years,  
6 decided to come back to New Jersey and in New Jersey I  
7 opened my office in private practice but, I also worked  
8 for Family Service of Morris County with families and  
9 children, adults and couples.

10 Q All right. Let's start with your work with  
11 Family Services in Morris County; all right?

12 A Okay. Hmm mmm.

13 Q Would you please discuss with the jury the  
14 kind of work that you did in that particular employ?

15 MR. BILINKAS: Can I get a time frame for the  
16 record?

17 THE COURT: Please.

18 Q If you would describe your employment with  
19 Family Services of Morris County and the general time  
20 period that you were employed in that manner?

21 A Okay. I think approximately in the mid 80's, I  
22 was in New York and -- back to New -- I'm sorry, I  
23 transitioned back to New Jersey in the mid 80's and I  
24 did that for a number of reasons. Basically, because  
25 the cost kept escalating in New York City and I wanted

1 to be closer to home. So, what kind of work did I do  
2 specifically?

3 Q Yes.

4 A The same thing that you noted before, which was  
5 psychological and relationship difficulties that people  
6 have.

7 Q Now, in addition to the work that you've  
8 described thus far, do you and did you maintain a  
9 private practice as a therapist?

10 A Absolutely. At the same time that I worked for  
11 Family Service of Morris County I also worked for  
12 myself in the evenings. And the population was family,  
13 adults, children, groups, mental health, addictions,  
14 anxiety, depression, incest, marital, women's issues,  
15 infertility and relationship difficulties and disabled.

16 Q Now, how long have you maintained a private  
17 practice?

18 A Twenty eight years.

19 Q And can you describe your private practice as  
20 it exists today? What kind of treatments and therapies  
21 do you conduct?

22 A Pretty much what I just told you before with the  
23 addition of children and special needs children.

24 Q And with respect to treatments of individuals  
25 with psychological problems, are you insurance

1 approved?

2 A Yes. I'm a licensed clinician.

3 Q And you are a licensed clinician?

4 A Absolutely.

5 Q All right.

6 MR. BILINKAS: Can I have a time frame Judge  
7 with regards to the license?

8 A -- on licensing?

9 Q When were you licensed?

10 A In New York, I was licensed in 1983. In New  
11 Jersey I was licensed in 1994.

12 Q Thank you. Now, what I'd like to do now is  
13 I'd -- I'd like to discuss a particular patient; all  
14 right?

15 A Hmm mmm.

16 Q And that patient is Jody Ann Scharf.

17 A Okay.

18 Q Understood?

19 A Yes.

20 Q Did there come a point in time in your  
21 practice that you engaged in therapy with a woman known  
22 as Jody Ann Scharf?

23 A Yes.

24 Q Can you tell us first when you first became  
25 engaged in therapy with Jody Ann Scharf?

1 A That would be July of 1990.

2 Q And again, I'm going to ask you to  
3 concentrate on keeping your voice up so that the  
4 members of the jury and the Court and all parties can  
5 hear the answers to your question -- any question; all  
6 right?

7 A Okay.

8 Q Now, when you began to engage in therapeutic  
9 sessions with Mrs. Scharf can you tell us the general  
10 nature of your treatment, which is to say what  
11 condition were you treating her for?

12 A I was treating Jody Ann for serious depression.

13 Q All right. Now, what I'd like to do is I'd  
14 like to ask you with respect to your treatment of Jody  
15 Ann Scharf for serious depression, can you tell us the  
16 sources of the depression that you found in treatment?

17 MR. BILINKAS: Objection, Judge. Calls for a  
18 diagnosis.

19 MR. MELLO: No, it doesn't Judge. I'm going  
20 to -- I'm asking for the --

21 MR. BILINKAS: Forces --

22 MR. MELLO: -- information that she gave.

23 MR. BILINKAS: It calls for an opinion.

24 MR. MELLO: It does not call for opinion.

25 And I thought --

1 THE WITNESS: Well, I --

2 MR. MELLO: -- we had this discussion just a  
3 few moments ago.

4 THE WITNESS: I am licensed to -- to  
5 diagnosis --

6 THE COURT: Hold on. Hold on. There's an  
7 objection. Don't say anything.

8 THE WITNESS: I'm sorry.

9 THE COURT: Mr. Bilinkas?

10 MR. BILINKAS: He brought out the reason and  
11 again, anything else Judge, I think is opinion and he's  
12 not offering her as an expert.

13 MR. MELLO: Judge, I'm asking her to discuss  
14 with this jury --

15 MR. BILINKAS: Judge, can we be heard at  
16 side?

17 MR. MELLO: -- what the patient told her.

18 MR. BILINKAS: Can we be heard at sidebar so  
19 there's no speeches before the jury?

20 (AT SIDEBAR)

21 MR. BILINKAS: Judge, I -- I have no  
22 objection to him saying -- I thought that we agreed on  
23 this, that -- that --

24 MR. MELLO: Yea, I thought --

25 MR. BILINKAS: -- she was treating her for

1 depression but, any -- the basis of the depression and  
2 all that stuff, that's not state of mind. That's  
3 expert opinion.

4 MR. MELLO: No. No. I'm asking her what  
5 Jody and she discussed.

6 MR. BILINKAS: That's not what you just asked  
7 her. You asked her --

8 MR. MELLO: Well, then -- then I'll --

9 MR. BILINKAS: -- the basis --

10 MR. MELLO: -- rephrase the question to her.

11 THE COURT: Okay. What will be the question?

12 MR. MELLO: The question will be, can you  
13 tell us the discussions that you had with Ms. Scharf in  
14 the context that your treating for depression?

15 THE COURT: That's not objectionable?

16 MR. BILINKAS: That's not objectionable.

17 THE COURT: Okay.

18 (END SIDEBAR)

19 BY MR. MELLO:

20 Q Now, Ms. Teague. Ms. Teague?

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

22 Q If you would, as I was saying I'm going to  
23 refer you now to the context of your treatment of Jody  
24 Ann Scharf for serious depression and ask you the  
25 discussions that you had with her in that context.

1 A In that context the -- the discussions which were  
2 sessions were about Jody Ann's feelings of abuse and  
3 verbal, mental, physical abuse which led to her  
4 feelings of serious depression.

5 Q Can you tell us who, if she did; can you tell  
6 us if she indicated who was the source of the abuse  
7 that you refer to?

8 A Yes. She felt that it was her husband, Stephen  
9 Scharf.

10 Q Okay. Can you tell us what she told you  
11 about the abuse that she suffered by Mr. Scharf?

12 A Well, she said that he made her feel worthless.  
13 That he was known to hit her. That he could be very  
14 punitive. And she was very, very fearful of him. She  
15 was fearful of not doing whatever he wanted her to do.

16 Q Did she discuss with you in that context  
17 anything relative to extramarital relations had by Mr.  
18 Scharf?

19 A Yes.

20 Q What did she tell you?

21 A She said he maintained a private phone in his  
22 bedroom where women called. She said that she found  
23 pictures of women he was with, who were nude. And that  
24 he was with -- definitely with other women and -- and  
25 didn't make any secret about it.

1 Q Did she discuss with you in that context of  
2 relations with other women, anything regarding a  
3 telephone?

4 A Well, that he received many telephone calls on his  
5 private phone, which was located in their bedroom.

6 Q Now, I'm going to ask you specifically to  
7 think about your sessions in the time period of August  
8 of 1992; all right?

9 A Okay.

10 Q Now, you began seeing her I believe you said  
11 in July of 1990; am I accurate?

12 A That's correct.

13 Q And can you tell us from July of 1990 forward  
14 to August of 1992, how often did you see Ms. Scharf in  
15 therapeutic session?

16 A I saw her every week.

17 Q Can you tell us with respect to the weekly  
18 sessions that you saw her; can you tell us her  
19 schedule, which is to say did she keep every visit?  
20 Did she miss visits?

21 A She was very diligent. I would say she missed  
22 absolutely no sessions. Remarkably.

23 Q Now, in August of 1992 did you have occasion  
24 to see her in therapeutic session?

25 A I saw her every week.

1 Q And I'm going to direct your attention  
2 specifically to the sessions in August of 1992;  
3 understood?

4 A Yes. That would be about a month before the  
5 event.

6 Q And by the event you mean her death?

7 A Correct.

8 Q If you would, would you tell us the  
9 discussions that you had with Mrs. Scharf in August of  
10 1992 as it might relate to the Palisades?

11 A Yes. Mrs. Scharf came in and told me that her  
12 husband had come home and told her that he had climbed  
13 to the Palisades and overlooked a beautiful view and he  
14 would like to take her there. That she could pack a  
15 picnic basket and that they could enjoy a picnic on the  
16 cliffs overlooking the view.

17 Q Did she tell you anything about her knowledge  
18 of the cliffs or not?

19 A Well, she said she never -- I've never been there  
20 but, I know it's a bunch of cliffs and I asked her, if  
21 she intended to go? And she said, no. I told Stephen  
22 I was -- he was crazy, I -- I wouldn't go at all.

23 Q At any time in 1992 did Mrs. Scharf discuss  
24 reconciling with her husband?

25 A Absolutely not.

1 MR. MELLO: Thank you, Mrs. Teague.

2 THE WITNESS: Your welcome.

3 THE COURT: Cross examination?

4 CROSS EXAMINATION BY MR. BILINKAS:

5 Q Ms. Teague, you were first licensed at -- in  
6 New Jersey two years after Ms. Scharf's death; correct?

7 A That's correct. But, my New York license  
8 permitted me to see people anywhere, as long as I was  
9 insurance covered and licensed.

10 Q And -- and you had full time job and you  
11 would see people at night at your house; correct?

12 A No. No. That was prior. That was when I was  
13 working for Family Service. That was -- Family Service  
14 was approximately, I left there -- let me double check.

15 Q Go ahead. Check your resume. Kind of hard  
16 to remember back then?

17 A No, it's not hard at all. I just wanted to double  
18 check my facts. I was in private practice, I was not  
19 working for Family Service at that time.

20 Q So, can you explain your -- your business  
21 operations back in 1992?

22 A Hmm mmm. I had an office, which I had rented, I  
23 was licensed, I was both a licensed LCSW and a licensed  
24 psychotherapist --

25 Q --

1 A A fellow of the American Institute. And I was  
2 able to collect insurance and to diagnose.

3 Q Now, back then --

4 A Hmm mmm.

5 Q -- in August and September of 92, how many  
6 patients did you have in your office?

7 A Well, it fluctuated. Why do you ask?

8 Q Because I think it's important. How many  
9 patients did you have back in August and September of  
10 1992? A number.

11 A It changed --

12 Q Not a name.

13 A -- from day to day. So, you want me to be  
14 specific? That's like how many people are in the  
15 office when you go to the dentist? It fluctuates.

16 Q Okay. Well, can you give me then a number as  
17 to the general number of patients that you carried at  
18 the time?

19 A Well, let's see in August of 92 --

20 Q Yes.

21 A Hmm mmm. Probably at that time, it was twelve.

22 Q You were treating twelve different patients?  
23 That's your recollection back then?

24 A Right.

25 Q And can you tell the ladies and gentlemen of

1 the jury who referred Jody Scharf?

2 A Yes. It was Jody's former boss.

3 Q And what's his name?

4 A Jack Ariama (phonetic).

5 Q And -- and how do you know him?

6 A I answered an ad to rent his office. He  
7 advertised an office and I answered the ad.

8 Q And he referred Ms. Scharf to you?

9 A Exactly. Yes.

10 Q And -- and what was your business or --  
11 arrangement with Ms. Scharf?

12 A Initially, her employer felt badly that -- looked  
13 like her job was going to end, so he asked me to see  
14 her and he offered to pay for her sessions. When he  
15 stopped paying for her sessions because he went  
16 bankrupt, he made provision for me to continue at that  
17 same place of employment and -- and that's what I did  
18 which was very nice of him because he sort of -- he  
19 gave me a break.

20 Q So, did you have a -- a written agreement  
21 with Ms. Scharf as to what your fees would be?

22 A No. That always depends on the contract that the  
23 individual has with the insurance company.

24 Q Okay. And you indicated that her employer  
25 was paying the fees; correct?

1 A Right. So, there was no specific contract.

2 Q And so, there was no agreement between you  
3 and your patient as to how you got paid; is that your  
4 --

5 Q She knew. She knew that Mr. Ariama was  
6 paying for her therapy.

7 A My question is, is it your testimony that there  
8 was no written agreement between you and your patient  
9 with regards to how you were going to --?

10 A That's right.

11 Q And as you sit here today, isn't a written  
12 agreement required?

13 A Depends on the circumstances. Certainly if you  
14 were to come to me today I would ask you for a written  
15 agreement because it would pertain to insurance. In  
16 this case, Mr. Ariama asked me if I would see Mrs.  
17 Scharf. I don't know if Mrs. Scharf had anything at  
18 all to do with that. Meaning --

19 Q Did you talk to your patient about the fee  
20 arrangement?

21 A Yes. She knew that Mr. Ariama was paying.

22 Q And what was Mr. -- Ariama paying?

23 A I can't remember. I believe it was between -- at  
24 that time in the 90's? Between seventy five and a  
25 hundred dollars per session.

1 Q And you saw her every week; correct?

2 A Yes. That's correct.

3 Q And how long did Mr. whatever his name is,  
4 continue to pay for her sessions?

5 A Not too long. Perhaps a few months, until he went  
6 -- until he actually was removed from the -- well, he  
7 wasn't removed. He removed himself due to bankruptcy.  
8 It was kind of a nice gift he was giving her because  
9 the business was ending. He was a nice guy.

10 Q And how did he pay you? Check? Cash?

11 A Well, he didn't pay me cash, so I guess -- pay me  
12 by check.

13 Q Did he pay you out of his business account or  
14 as -- out of his personal pocket?

15 MR. MELLO: You know Judge I'm not sure --  
16 first of all I -- I let Mr. Bilinkas inquire generally  
17 as to this and that's fine. But, now he's been asked  
18 -- the witness is being asked to speculate and quite  
19 frankly, the relevancy of this to the singular  
20 testimony --

21 THE COURT: I think the relevance is  
22 questionable.

23 MR. BILINKAS: I'm trying to test her memory  
24 with regards to this patient.

25 THE COURT: Well, then -- then do it a

1 different way. I -- I think you're getting into areas  
2 now that are not relevant. The objection is sustained.

3 Q Well, did you keep any records of the  
4 payments you received with regards to your treatment of  
5 Jody Scharf?

6 MR. MELLO: Again, Judge I'm going to object  
7 now to -- to this continued line as not being relevant.

8 MR. BILINKAS: -- records Judge?

9 MR. MELLO: Whether she had records or not,  
10 how she was paid or not is not relevant to the inquiry  
11 or the subject matter of her direct testimony which was  
12 the statement made by patient to her.

13 THE COURT: When you use the term records,  
14 what do you mean?

15 MR. BILINKAS: At this point I'm referring to  
16 financial records. I am then going to go into patient  
17 records between her and her patient.

18 MR. MELLO: I -- I don't --

19 THE COURT: I don't understand the relevance  
20 of financial records.

21 MR. BILINKAS: Judge, it may have something  
22 to do I would argue with regards to the amount of money  
23 she was paid, which I believe is always a subject of  
24 cross examination.

25 MR. MELLO: No, I think -- I think not. I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

think I respectfully disagree.

THE COURT: I'm going to sustain the  
objection. Move on.

Q As you sit here today, do you recall exactly  
the number of times you met with Ms. Scharf?

A I would need a calendar and count it up. Weekly  
with the exception of holidays and vacations.

Q How many times would that --?

A Well, I don't know. I would have to have a  
calendar and go back two years weekly with the  
exception of holidays and vacations.

THE COURT: Can we -- just a different way.  
Did you say July of 1990?

THE WITNESS: Right.

THE COURT: Obviously up until August --

THE WITNESS: Right.

THE COURT: -- of 92?

THE WITNESS: Right.

THE COURT: Every week?

THE WITNESS: Yes.

THE COURT: Did not miss a session?

THE WITNESS: Except if --

THE COURT: When there was a holiday?

THE WITNESS: Or vacation.

THE COURT: I don't think we need to go any

1 further. Another line of questioning would be  
2 requested.

3 Q Now, the first time you saw Ms. Scharf, did  
4 you take any notes with regards to what she told you?

5 A I -- I took notes.

6 Q Can you tell me where those notes are?

7 A No, I cannot.

8 Q The second time you saw her and talked to  
9 her, did you take notes?

10 A I took notes. The notes have disappeared. I  
11 don't know if they were mis-filed or what. But, if  
12 there's something in particular you would like me to  
13 recall, I'd be glad to try it.

14 Q What's the first conversation you had with  
15 her when she first walked into your office?

16 A First conversation I had with her was basically  
17 very basic information. Married, children, address,  
18 telephone number, how long she's worked for Jack, how  
19 she felt about him and what brought her here? And why  
20 does she think that Mr. Ariama referred her to me?

21 Q How about the second time you met her? The  
22 following week; do you recall exactly what you and her  
23 discussed?

24 A The -- more of the same. It's not -- it's not all  
25 covered in one session.

1 Q So, you do realize that as a licensed  
2 therapist you're supposed to keep accurate notes of  
3 your sessions with your patients; correct?

4 A I had notes that I could understand. They were on  
5 tape and they read something like this, JA referred JS  
6 plus ST, Stephen and -- I'm sorry, SJ, Stephen and  
7 Jonathan. Yes.

8 Q Would you -- would you agree with me that  
9 those notes, if you had them here today would relay  
10 each and every significant detail as to what Ms. Scharf  
11 and you talked about?

12 A I'd have to disagree because by law records do not  
13 need to be kept any longer than seven years.

14 Q Well --

15 A By law.

16 Q -- for instance, when you found out that she  
17 was dead in 92 --

18 A Hmm mmm.

19 Q -- did the Prosecutor ask you for your notes a  
20 short time after her death?

21 A No. I never met the Prosecutor.

22 Q The Prosecutor's --

23 A In 92.

24 Q When did you first meet the Prosecutor?

25 MR. MELLO: I'm sorry. Is he referring --

1 MR. BILINKAS: The Prosecutors detective.

2 MR. MELLO: -- is he referring to me or to --

3 A I don't know.

4 MR. MELLO: -- another Prosecutor? I wasn't  
5 there in 1992.

6 THE COURT: The Prosecutors Office, I think  
7 was the questions. Mr. Bilinkas?

8 Q When did you first meet with representatives  
9 from the Prosecutor to discuss this case?

10 A I believe it was some time in 1993 or late 92.

11 Q 92 or 93; correct?

12 A Correct.

13 Q And did they ask you if you had notes as the  
14 therapist for Ms. Scharf?

15 A Yes. And I didn't have any notes that would be  
16 understood by anyone but myself.

17 Q Well, did they ask you to -- to transcribe  
18 those notes so everyone else could understand them?

19 A I -- I told them I did not have notes. See, I had  
20 a little tape recorder that I would record from time to  
21 time and then erase. That's what I have.

22 Q Did -- did you tell them that?

23 A No.

24 Q You didn't tell them when they asked you if  
25 you had notes?

1 A I felt they were referring to formal notes.  
2 Formal written notes that anybody could understand;  
3 that's what I felt they were referring to. And I was  
4 --

5 Q Let me make sure -- let me make sure I  
6 understand this. The Prosecutors in either 92 or 93  
7 that I assume asked you for your file, your patient  
8 file for Ms. Scharf; correct?

9 A They came to my office and they asked me if I had  
10 a file on Ms. Scharf.

11 Q Did you have a file on Mrs. Scharf?

12 A They asked me if I had formal notes on Ms. Scharf.

13 Q Did they ask you if you had a file or formal  
14 notes --?

15 A They asked me -- actually, they didn't ask me  
16 either of those. They asked me if Jody Ann Scharf was  
17 my patient. Had been my patient.

18 Q And -- and then you told them yes. At any  
19 point in time in 92 or 93, did they ask to get your  
20 file?

21 A No.

22 Q At some point, did they ask to get your  
23 notes? Especially after you talked to them.

24 A They asked me if I could give them any notes that  
25 I had and I said no. I'm sorry. They asked me if I

1 had any notes and I said no, I do not.

2 Q Well, did you tell them about this tape  
3 recorder?

4 A No, I did not.

5 Q Did they ask you about this tape recorder?

6 A No, they did not.

7 Q These other eleven patients that you had at  
8 that time; were there files for those patients?

9 A I don't think I need to reveal that. It's part of  
10 confidentiality.

11 Q I'm not asking you anything that's in those  
12 files. I'm asking you, did those individuals have an  
13 actual file with notes that someone could understand;  
14 did they?

15 A Yes.

16 Q And can you tell me why Jody Scharf didn't  
17 have an actual file with notes that anyone could  
18 understand?

19 A Because I felt that it was an informal arrangement  
20 with Mr. Ariama. I had no idea how long I would be  
21 seeing her and during the sessions I was very reluctant  
22 to transcribe the notes. The tapes rather. I was  
23 reluctant.

24 Q Okay. When -- when you say the relationship  
25 as far as her boss is concerned, that only last for two

1 months; correct?

2 A You mean as far as his paying me?

3 Q Him paying. Yea.

4 A Maybe it was three.

5 Q But, at some point, he stops paying you for  
6 her sessions; correct?

7 A Correct.

8 Q At that point in time did you have a fee  
9 arrangement with Jody Ann Scharf?

10 A Yes.

11 Q And -- and what was that arrangement?

12 A It was that she then told me that she had  
13 insurance, which paid for her sessions.

14 Q And do you recall the name of the insurance  
15 company?

16 A No, I don't. But, Mr. Scharf could probably tell  
17 you what insurance company he had eighteen years ago.

18 Q Was that in your file?

19 A The insurance company?

20 Q Yes.

21 A I'm sure it was relevant at the time or I couldn't  
22 have collected.

23 Q Now, you continued to see Mrs. Scharf for  
24 approximately another year and a half after her boss  
25 stopped paying; correct?

1 A Right.

2 Q And at any point in time, did you ever  
3 transcribe any of those notes in those weekly sessions?

4 A No. You mean during the time Mr. Ariama was  
5 paying for Jody Scharf; is that correct?

6 Q When he was paying or when her insurance  
7 company was paying?

8 A Well, of course. When her insurance company was  
9 paying, I had to provide them.

10 Q Where are those notes now?

11 A I told you. We are permitted to destroy all notes  
12 and all confidentiality and all records after seven  
13 years.

14 Q Okay. In 1992 when you were advised of her  
15 death and you were talking with the Prosecutors Office,  
16 that was within the seven year period that you speak  
17 of; correct?

18 A Yes.

19 Q And is it your testimony that after you  
20 talked to the Prosecutor in either 92 or 93 you allowed  
21 these notes to be destroyed?

22 A Yes. The client was deceased. I didn't see any  
23 point.

24 Q Well, aren't you obligated to keep those  
25 notes for seven years? Legally?

1 A They were kept for a couple of years but, like I  
2 said, once the -- once the client is deceased there's  
3 no point to keeping --

4 Q Is that your understanding of the law? When  
5 you say there's no point. I'll withdraw that question.  
6 You find out Jody Scharf dies in September of 92;  
7 correct?

8 A Correct.

9 Q The Prosecutor either within a month or so  
10 comes and talks to you; correct?

11 A Correct.

12 Q And -- and they're -- they're telling you  
13 they're investigating a homicide case; correct?

14 A Correct.

15 Q And you know at that point that you have  
16 notes that will tell the most inner secrets of your  
17 patient in your possession; correct?

18 A They questioned me; okay?

19 Q Irrespective of -- questions.

20 A I gave them -- I gave them all the answers that  
21 they asked me at that time.

22 Q But, those notes at that point in time when  
23 they questioned you, you realize that those notes  
24 would contain basically the sum and substance of all of  
25 your interviews with Ms. Scharf; correct? Correct?

1 A The sum and substance of every interview I had  
2 with her?

3 Q Correct. That you had to submit to the  
4 insurance company --

5 A I didn't have to --

6 Q -- to get paid for.

7 A I don't submit notes to the insurance company.  
8 That's confidential. Everything is confidential.  
9 Okay?

10 Q Okay. Well, at some point the --  
11 confidentiality is lifted; correct?

12 A It's never lifted. Unless, as in this case it --

13 Q A Judge --

14 A -- involves a death and a Judge has to permit  
15 opening of the records.

16 Q Okay. And once the Judge did that, would you  
17 agree with me that that was within the seven year  
18 period that you were obligated to save your notes and  
19 files; correct?

20 A Right.

21 Q For instance, the Judge authorized the  
22 Prosecutor to get Jody Scharf's file and notes;  
23 correct?

24 A And there weren't -- I couldn't locate the notes  
25 and so therefore, they asked me -- they came several

1 times, they asked me questions, I answered all of them.  
2 They had evidence that the Judge had released my  
3 confidentiality. I answered all of them to the best of  
4 my ability.

5 Q Okay. So, irrespective of what your answers  
6 were, did they ask you for your file and notes?

7 A They asked me for the notes. The notes have been  
8 mis-placed. There were very few notes. I had taken  
9 them into a little micro-tape. But, I told them I'd be  
10 happy to accommodate them any way I could. Of course,  
11 I was concerned.

12 Q Now, when you say very few notes, you saw her  
13 on a weekly basis for what about an hour each time?

14 A That's right. It was an hour, sometimes an hour  
15 and a half.

16 Q And -- and can I assume that -- for that  
17 entire hour and a half that you and her talked about  
18 her problems; correct?

19 A That is correct.

20 Q For instance, you talked about Mr. Scharf  
21 dating other women; correct?

22 A Correct.

23 Q Did you ever talk to her about her dating  
24 other women -- other men?

25 A To my knowledge, she did not.

1 Q Did she tell that she had hired a divorce  
2 lawyer?

3 A Yes.

4 Q When did she do that?

5 A She -- I believe she went to -- Michelle.

6 Q Do you know Mr. Michelle?

7 A No, I don't. But, I -- I know him only by  
8 telephone.

9 Q Now, when did Jody Scharf tell you that she  
10 had hired a divorce lawyer?

11 A Several months, maybe even -- several months  
12 before. Several months before she went to -- Michelle.  
13 She told me she was looking for an attorney and --  
14 several months before the event.

15 Q So, it's your recollection that Mrs. Scharf  
16 first went to Mr. Michelle several months before her  
17 death? That's your recollection?

18 A It is.

19 Q Would it surprise you to know that the  
20 divorce complaint was mailed to my client three months  
21 before?

22 MR. MELLO: Objection. Can you give a  
23 specific date?

24 MR. BILINKAS: I'll withdraw the question.

25 MR. MELLO: Not three months --

1 THE COURT: Ask another question.

2 MR. MELLO: -- can you give a specific date?

3 Q So, irrespective of that last question --

4 MR. MELLO: Thank you.

5 Q -- which I'll withdraw.

6 THE COURT: And look for an appropriate place  
7 to stop. It's almost 12:30.

8 MR. BILINKAS: This is fine, Judge.

9 THE COURT: Right now? Okay. We'll break  
10 until 1:30.

11 (BREAK IN HEARING)

12 (JURY ENTERING)

13 THE COURT: Welcome back, ladies and  
14 gentlemen of the jury. You may be seated. Sheriff's  
15 Officer? Madam clerk, roll call.

16 (COURT CLERK DOING JURY ROLL CALL - ALL PRESENT)

17 THE COURT: Ready to proceed?

18 MR. BILINKAS: Yes, Judge.

19 CONTINUED CROSS EXAMINATION OF MS. TEAGUE:

20 Q Ready?

21 A Hmm mmm.

22 Q Ms. Teague, just so I understand the  
23 specifics with regards to your treatment of Jody  
24 Scharf; you treated her for approximately two years and  
25 two months; correct?

1 A Correct.

2 Q And that entire time you had a New York  
3 license; correct?

4 A Correct.

5 Q And -- and you were treating her in New  
6 Jersey; correct?

7 A Correct.

8 Q And when she started to pay you through her  
9 insurance, did you submit those bills in New York or  
10 New Jersey?

11 A I really don't remember. But, I submitted them  
12 with my license number on it so.

13 Q Okay. Now, when the Prosecutors detectives  
14 first came to you back in October of 1993, did they  
15 tell you that they believed that Mrs. Scharf's death  
16 was not an accident?

17 A Yes. They told me too it was written up in the  
18 newspaper in that manner. And the -- I did not see the  
19 article myself but, it was -- it contained the words  
20 suspicious death. I could not recall the exact title.  
21 -- the words probably, woman falls to suspicious death  
22 or something similar.

23 Q Okay. What specific words did the Bergen  
24 County detectives use, if you recall?

25 A We believe it was a suspicious death.

1 Q A homicide?

2 A Yes. I don't know --

3 Q They --

4 A -- if they said -- homicide. They said,  
5 suspicious death. We're investigating Jody Scharf's  
6 suspicious death.

7 Q Now, did they say words to the effect that  
8 they did not believe that Jody Ann's death was an  
9 accident?

10 A I think they did.

11 Q They basically were telling you that they  
12 believed that Mr. Scharf killed his wife; correct?

13 A That is not exactly what they said. What they  
14 said was at the time of her death we -- we felt we  
15 didn't have the technology to prove it and now we think  
16 we may.

17 Q Okay. Now, when -- when you talk about the  
18 statements that they made to you, Prosecutors  
19 detectives concerning technology, I assume that was  
20 said in January of 2003; correct? Not October of 93.

21 A I don't recall.

22 Q Well, you recall two separate meetings with  
23 the Prosecutors Office; correct?

24 A Correct.

25 Q Did one occur on October 27<sup>th</sup>, 1993 and a

1 second one in January, over ten years later, 2003?

2 A One occurred 11/4/93.

3 Q Which one was that? And what are you  
4 referring to up on the stand?

5 A I'm referring to report of the investigation of  
6 the Officer's who investigated, 11/4/93.

7 Q You mind if I take a look at that? Can I see  
8 your -- looking at? Can I see what else is in your  
9 file?

10 A Certainly.

11 Q When -- when you say 11/24/93?

12 A Hmm mmm.

13 Q Okay. Do you think that's the day of the  
14 report as opposed to October 27<sup>th</sup>, 93 as the day that  
15 they interviewed you?

16 MR. MELLO: Mr. Bilinkas, I'm sorry. Can I  
17 see the document that you have and that --? Maybe, you  
18 can have her identify the documents? If you want.

19 MR. BILINKAS: Yea.

20 MR. MELLO: Fine.

21 Q Just for the record, can -- can you identify  
22 these documents here that you have in this file?

23 A Sure.

24 Q The one you have in your hand is?

25 A This is a report of investigation dated 11/4/93

1 and the first paragraph states that on Wednesday,  
2 October 27<sup>th</sup>, 1993 I --

3 Q And that's a report; correct?

4 A That is a report by the Officers.

5 Q Okay. And that's not a statement -- your  
6 actual words? That's someone else's report; correct?  
7 You didn't author that report by specific --?

8 A Well, let me look on page two. Yes. I authored  
9 it to the extent that I gave input as to this interview  
10 to the Officers.

11 Q Understood. And you also have another copy;  
12 correct? Correct?

13 A What do you mean I have another?

14 Q You have another copy of the exact same  
15 report; correct?

16 A Well, I probably ran it off on my xerox.

17 MR. MELLO: Mr. Bilinkas, you know what might  
18 be helpful? As the witness identifies the two or three  
19 reports that are there, maybe we could have the exhibit  
20 number for the record to be sure we're talking about  
21 the same exhibits; okay?

22 MR. BILINKAS: Okay.

23 A Here --

24 MR. BILINKAS: Let's -- let's mark these.  
25 Can I have some stickers, please?

1 Q The first report that you refer to -- the  
2 first report that you've identified as investigators  
3 report dated 11/24/93 --

4 A Hmm mmm.

5 Q -- Detective Alver's --

6 A Hmm mmm.

7 Q -- concerning your interview on October 27.

8 A Correct.

9 Q Okay. I'm -- I'm labeling that D234 for  
10 identification.

11 A Okay.

12 Q You also have a copy of that report --

13 A --.

14 Q -- that exact same report; correct?

15 A Correct.

16 Q Can I see that?

17 A Sure.

18 Q I'm going to label that for identification  
19 D235.

20 A But, it's the same report.

21 Q Well, is there a fax date on that report that  
22 is not on the first report that you first mentioned?

23 A Wait a minute.

24 Q You got your glasses there?

25 A They're in my purse. Right.

1 Q With regards to the copy that --

2 THE COURT: Excuse me. That microphone would  
3 better serve you if you take the strap up and elevate  
4 it a little bit.

5 THE WITNESS: Oh, thank you.

6 A I have a hair on my glasses. I'm sorry. Okay.

7 Q There is something different on this copy;  
8 correct?

9 A Hmm mmm.

10 Q And -- and there's a date, March --

11 A Fourth.

12 Q -- fourth, 2003.

13 A Yea.

14 Q Correct?

15 A Correct.

16 Q When -- when did you get a copy of this  
17 report?

18 A Well, let's see I got a copy I guess -- there was  
19 a fax --

20 Q Prosecutor gave you a copy of this report in  
21 2003; correct?

22 A Well, I don't know if this is the fax number.  
23 But, if this is the fax number then it was faxed to the  
24 Prosecutors Office and then given it to me for some  
25 reason because that is not my fax number.

1 Q That's the Prosecutors fax number.

2 A Oh, okay.

3 Q And did the Prosecutor fax you a copy of your  
4 report -- your first report before they took this  
5 second statement?

6 A I'm sorry. I don't understand your question.

7 Q Okay.

8 A Did the Prosecutor fax me a report before they  
9 took the --

10 Q They interviewed you a second time in 2003.

11 A No. Not to -- not -- not that I recall.

12 Q There's another piece of paper that you have  
13 and that has the same fax date; correct? March 4,  
14 2003; correct?

15 A You mean this one?

16 Q No. This one right here that says, Office of  
17 County Prosecutor, facsimile cover sheet to Patricia  
18 Teague, from Detective Greg Knowles (phonetic) of the  
19 Bergen County Prosecutors Office Homicide Squad. Do  
20 you recall getting that fax from the Prosecutors  
21 Office?

22 A Yes.

23 Q And did the Prosecutor show you statements  
24 from other people?

25 A No.

1 Q Is it true -- and I'm going to label this  
2 D237 for identification. This document is a fax from  
3 the Bergen County Prosecutors Office; correct?

4 A Yes.

5 Q It's dated March 4<sup>th</sup>, 2003; correct?

6 A Yes.

7 Q And the re says Jody Ann Scharf interview  
8 2003. Please check for info on former boss John and  
9 notes. Thank you. Do you recall getting that?

10 A They weren't -- those comments were not directed  
11 to me.

12 Q Who is this to?

13 A Wait a minute. I'm sorry. Yes. This comment was  
14 that I could not remember Mr. Ariama's last name.

15 Q Okay. And it also talks about notes;  
16 correct? Former boss John and notes.

17 A Hmm mmm.

18 Q Okay? And isn't it a fact that when you gave  
19 your statement in 2003 you told the Police, the  
20 Prosecutors detective that you thought you did have  
21 notes?

22 A I said, I may have notes. They may have been mis-  
23 filed is what I said.

24 Q Okay. Your January 23<sup>rd</sup>, 2003 report is also  
25 in this file and I'll mark that D236. When did you get

1 a copy of that report? And who gave you that?

2 A Where is it signed?

3 Q Well, irrespective of who signed it, this is  
4 a document that you brought up to the stand that was in  
5 your possession; correct?

6 A Yes.

7 Q Okay. And all I'm asking you is when did you  
8 get these copies to keep with you of someone else's  
9 memo as to what you supposedly said. When did you get  
10 these in your possession?

11 A I don't know. That's dated January 23<sup>rd</sup>, 2003 so  
12 I have to assume it was within that time frame.

13 Q So -- so, you've had these reports for eight  
14 years; is that your testimony?

15 A Yes.

16 Q And you have another copy of the exact same  
17 report. Basically, you have two copies of both the  
18 reports from the Prosecutors Office; did you get them  
19 all at the same time or did you get them at different  
20 times?

21 A -- the report is exactly the same. Is that what  
22 you're asking me?

23 Q No.

24 A There's two copies of the same report.

25 Q And I'm asking, did you get both copies of

1 the same report at the same time?

2 A I really don't recall. I have a free wheeling  
3 fax, people send me copies every day of --

4 Q Well, would -- would you agree that D223,  
5 your January 2003 statement is not a faxed copy?

6 A Okay.

7 Q Well, don't -- I don't want you to agree with  
8 me just because I said it. Would you agree that this  
9 piece of paper isn't fax paper?

10 A There -- there is no -- I use paper like this to  
11 fax. I'm not a paper specialist but, I don't think  
12 there is such a thing -- maybe there is, as a special  
13 fax paper.

14 Q And would you agree with me that if it was  
15 faxed to you that the date and the faxing information  
16 would be on the top of it like these other faxed  
17 documents that I've gone over with you?

18 A Well -- okay, counselor you'll forgive me, I don't  
19 understand what it is that you're trying to determine.  
20 I would appreciate clarification.

21 Q Okay. I'm -- I'm trying to determine how  
22 long you've been in possession of the Prosecutors  
23 detectives interview report of you before you testified  
24 to the facts that you did today? How long have you had  
25 those documents in your possession to review them? To

1 study them? To make sure your answer is exactly what's  
2 contained in those reports?

3 MR. MELLO: Objection to the form --

4 Q That's my point.

5 MR. MELLO: -- of the question, Your Honor.

6 THE COURT: Ask a question.

7 Q How long have you had those documents?

8 A Well, I really couldn't be specific. They date  
9 back to 2003.

10 Q Well, don't they date back to 1993? The two  
11 first reports.

12 A Yes.

13 MR. MELLO: The document is a 1993 report.  
14 That's accurate.

15 A That's accurate.

16 Q And when did you get the 93 report?

17 A Well, I got them in November of 93.

18 Q So, you've had that report for over eighteen  
19 years; correct?

20 A Yes.

21 Q And you've -- and you've had the 2003 reports  
22 in your possession since 2003; correct?

23 A I have the 2003 report in my?

24 Q Possession since 2003; correct?

25 A I would assume so.

1 Q Now, you talked about not having any notes  
2 and putting your information on some Dictaphone;  
3 correct?

4 A It wasn't a Dictaphone. It was --

5 Q What was it?

6 A -- a little tiny mic. Like a tape mic.

7 Q A tape recorder; correct?

8 A Yea --

9 Q And that --

10 A -- but it was tiny.

11 Q Irrespective of how big it was, it was  
12 something that recorded your exact words; correct?

13 A Yes.

14 Q Okay. And with regards to that tape, did you  
15 prepare and maintain for Mrs. Scharf a contemporaneous  
16 permanent client record that accurately reflected the  
17 clients contact with you?

18 A No. I kept that on the notes and I will tell you  
19 why.

20 Q No. I want to ask you --

21 MR. MELLO: Judge, I'm sorry. May the  
22 witness just finish the answer to the question.

23 THE COURT: She'll finish her response.

24 MR. MELLO: Thank you.

25 Q All right. Tell me why you didn't transcribe

1 the notes over two and -- two year, two month period?

2 A Because I have an office in which people come and  
3 go, I come and go and frankly, I thought that Mr.  
4 Scharf may attempt to come into the office. I had no  
5 idea if he knew I was or where I was located.

6 Q And that's why you didn't transcribe --

7 A I had --

8 Q -- specific words?

9 A -- I had specific knowledge of each session on my  
10 tape, little microphone. That's right. That is why.

11 Q And how many tapes did you have specific  
12 knowledge about Mrs. Scharf over this two year, two  
13 month period?

14 A Probably --

15 Q How many tapes did you actually have?

16 A Probably one a month.

17 Q And was there any treatment plan or  
18 evaluation that you put on this tape?

19 A Of course.

20 Q Was she under any medications?

21 A Yes, she was.

22 Q What medications was she taking?

23 A She was taking an antidepressant and an anti-  
24 anxiety.

25 Q And did you prescribe them?

1 A No, I did not. I'm not able to prescribe.

2 Q Okay. Did you refer her to someone?

3 A I did.

4 Q Okay. And in that or on that tape, did you  
5 set down the specific medication that she was taking  
6 during this two year period?

7 A No, that is the position of the psychiatrist. Not  
8 a licensed social worker.

9 Q Did you in that tape devise a treatment plan  
10 or service plan?

11 A The treatment plan was to develop a sense of self  
12 worth in Mrs. Scharf so that she would no longer  
13 tolerate abuse.

14 Q Okay. And did you make progress notes with  
15 regards to you counseling sessions with her?

16 A I didn't have to make progress notes. I could see  
17 the progress weekly.

18 Q And just so I'm clear on this point and this  
19 is the last question I'm going to ask you --

20 A Okay.

21 Q -- concerning your notes; the reason why you  
22 never transcribed these or this -- these tapes for over  
23 a two year period is because you thought Mr. Scharf  
24 would break into your office?

25 A Exactly.

1 Q And what? Steal your file?

2 A No. Steal Jody's file.

3 Q I meant your file on Jody.

4 A That's correct.

5 Q And couldn't you have kept that file in a  
6 secure location?

7 A There have been several incidents going back where  
8 files have been taken even though they were in a  
9 supposedly secure location.

10 Q Could you have brought them to your house?

11 A I could have. Maybe, I should have. Maybe I  
12 would have. But, I did not.

13 Q Now, when the Prosecutor first came -- the  
14 Prosecutors detective first came to talk to you, you  
15 told them that Jody Scharf was aware of the fact that  
16 there was a life insurance policy on her; correct?

17 A Yes. Correct.

18 Q And she even talked to you about getting a  
19 medical physical; correct?

20 A In -- excuse me. Yes, I believe it was in July,  
21 Jody told me that Stephen had come home and told her  
22 that he had taken out a policy on both her and himself.  
23 He -- I believed or she believed it was between two  
24 hundred and three hundred thousand dollars. And the  
25 purpose of that policy was that they were going through

1 a divorce so Stephen said he would somehow use it to  
2 get a condo. Maybe he would put it up as security. He  
3 would use it to get a condo and the condo fell through.  
4 He wasn't able to get the condo. I think that Jody  
5 went along with the --

6 MR. BILINKAS: Objection. That's -- I don't  
7 believe that's responsive.

8 MR. MELLO: I believe it --

9 MR. BILINKAS: I think Jody --

10 MR. MELLO: I believe it was responsive but  
11 --

12 MR. BILINKAS: -- went along.

13 Q Did she have a specific discussion with you?

14 MR. MELLO: She said that. If Jody said  
15 that.

16 THE COURT: Hold on a second. Let her  
17 finish.

18 Q Did Jody say anything to you about that?

19 A Well, she told me that -- about this and that she  
20 went along with it because she hoped to -- that if he  
21 had the condo, she would be alone in the house with her  
22 son.

23 MR. BILINKAS: Nothing further.

24 THE COURT: Re-direct?

25 MR. MELLO: Very simply.

1 RE-DIRECT BY MR. MELLO:

2 Q You remember the testimony you gave about  
3 Jody telling you that Mr. Scharf wanted to take her to  
4 the Palisades?

5 A Yes.

6 Q Did you remember that vividly?

7 A Oh, absolutely.

8 MR. BILINKAS: Judge --

9 MR. MELLO: Thank you. Nothing further.

10 Q Oh, by the way do you need any notes to  
11 remember that?

12 A No, I don't.

13 Q Thank you.

14 THE COURT: Anything further?

15 MR. BILINKAS: No, Judge.

16 THE COURT: You may step down.

17 THE WITNESS: Thank you.

18 THE COURT: Next witness.

19 MR. MELLO: Maureen Glennon, please.

20 THE COURT: Please step up. Face the court  
21 clerk.

22 COURT CLERK: Raise your right hand.

23 M A U R E E N G L E N N O N, WITNESS, SWORN.

24 COURT CLERK: State your name for the record.

25 THE WITNESS: Maureen Glennon.

1 THE COURT: Please have a seat. You may  
2 begin.

3 MR. MELLO: Thank you, Judge.

4 DIRECT EXAMINATION BY MR. MELLO:

5 Q Good afternoon.

6 A Good afternoon.

7 Q I'm going to ask you, if you would  
8 concentrate on keeping your voice up so that the jury,  
9 the Court and all parties can hear the answers to any  
10 questions that are asked; okay?

11 A Okay.

12 Q What I'd first like to do is ask you where  
13 you presently reside?

14 A Eight Deerfield Road, Oxford, New Jersey.

15 Q And how long have you lived at that address?

16 A About nineteen years.

17 Q And who do you live there with presently?

18 A My husband.

19 Q Do you have any children?

20 A Yes, I do but they're all grown. They're married

21 --

22 Q Okay. How many?

23 A I have three children.

24 Q That are all grown and married?

25 A Yes, they are.

1 Q Great. What I'd like to do is ask you if  
2 you're presently employed?

3 A Yes, I am.

4 Q And in what capacity?

5 A At Cassidy Transportation. I'm a bus driver for  
6 handicap children.

7 Q And if you would I'd like to now begin to ask  
8 you questions of events that transpired in the past;  
9 all right?

10 A Okay.

11 Q And I'd like to ask you first to direct your  
12 attention to 1992; all right?

13 A Okay.

14 Q And I'd like to ask you if you were employed  
15 in 1992?

16 A Yes, I was.

17 Q Can you tell us where you were employed in  
18 1992?

19 A I was employed at Schooley's Mountain Inn as a  
20 server and also I was still working for Cassidy  
21 Transportation as a bus driver.

22 Q At that time, did you know a women named Jody  
23 Ann Scharf?

24 A Yes, I did.

25 Q Can you tell us approximately when you first

1 met Jody Scharf?

2 A Probably in about 1990 -- somewhere around there I  
3 had known her.

4 Q Can you tell us --

5 A -- two years.

6 Q -- the circumstances under which you met Jody  
7 Scharf in or about 1990?

8 A She used to come in with her son and -- they used  
9 to have games across the street at the park, we were  
10 open up in the morning and we had -- hot chocolate and  
11 you know, sandwich stuff and she used to come in and  
12 get him a little hot chocolate or herself coffee and go  
13 over to the game or drop him off.

14 Q Okay. Can you give us a sense of -- of -- of  
15 the kind of establishment that Schooley's Mountain Inn  
16 was?

17 A It was small, neighborhood restaurant and pub and  
18 we served breakfast, lunch and dinner. And the  
19 neighborhood, a lot of people come in and to have --

20 Q Is it --

21 A -- to eat.

22 Q Is the kind of place where people kind of get  
23 to know each other and --

24 A Oh, yes.

25 Q -- frequent?

1 A It was you know, a lot of children come in with  
2 their families and stuff and people were friendly,  
3 neighborhood, a lot of people knew each other.

4 Q Now, can you tell us how your friendship  
5 developed with Jody Scharf after you met her in 1990 at  
6 the Inn?

7 A She used to come in with her son and I had a big  
8 garden, we used to -- we got to be very friendly  
9 because we used to talk about gardening and recipes and  
10 different things and I got to be friendly with her. I  
11 mostly saw her on Saturdays. And -- and that's how we  
12 become friends, we started talking more about garden  
13 and recipes and children. I had children -- my  
14 children were young then, I still had a fourteen year  
15 old and a -- a seventeen year old, so.

16 Q And in the context of that friendship did she  
17 at some point begin to confide in you regarding more  
18 personal aspect of her life?

19 A Yes, it was probably the spring probably before  
20 she died and everything she had confided in me -- that  
21 she was upset that her husband had a whole another  
22 lifestyle, whole another life besides the one that they  
23 were living. He had a -- a girlfriend, a boat and a --  
24 and a truck and she was upset about it.

25 Q Do you recall that she died in September of

1 1992?

2 A Yes.

3 Q She died on September 20, 1992. Did you see  
4 her before that?

5 A The Saturday before she passed.

6 Q Okay. Would that be the immediate Saturday,  
7 September 19<sup>th</sup>?

8 A Correct.

9 Q First of all, let's -- let's tell the jury  
10 where you were on that Saturday, September 19, 1992  
11 when you saw Jody.

12 A I was working and that I had opened up for  
13 breakfast. I was serving breakfast and I was there for  
14 lunch and dinner. She come in earlier with her son,  
15 Jonathan and then she -- I believe there was something  
16 across the park that he was going to and then, she had  
17 come back the later part of the day to have a bite to  
18 eat in -- in the later part of the afternoon.

19 Q Okay. Now, I want to focus your attention  
20 specifically to that point in time, the latter part of  
21 the afternoon when she came back; all right?

22 A Yes.

23 Q Can you tell the jury what happened at that  
24 particular time on Saturday, the nineteenth of  
25 September?

1 A Well, I was pretty busy and she was trying to talk  
2 to me in reference to what was going on in her life at  
3 that particular time, she seemed to be a little upset  
4 and I just didn't have time to speak with her because I  
5 had a lot of customers and she had passed me a note and  
6 that because I didn't have the time to sit and talk  
7 with her. And then, we spoke a little bit here and  
8 there and then she had left.

9 Q Did you look at the note?

10 A Yes, I did. At the end of my shift.

11 Q Can you tell us about the note?

12 A The note was that her husband was served with  
13 papers the day before on Friday. He was very unhappy  
14 about it and that she was kind of afraid and that and  
15 all she wanted to do was have -- she just wanted him  
16 out of the house and he was not going to go along with  
17 it. It was -- the fact and she had a phone number, she  
18 wanted me to call her later.

19 Q Did you call her later?

20 A No, I didn't.

21 Q What did you do with the note?

22 A I had thrown it away at the end of the shift.

23 Q Would you shortly thereafter find out that  
24 she had died?

25 A Yes.

1 MR. MELLO: Thank you, Mrs. Glennon.

2 THE COURT: Cross examination?

3 CROSS EXAMINATION BY MR. BILINKAS:

4 Q Good afternoon, Ms. Glennon.

5 A Good afternoon.

6 Q You never gave a recorded or video taped  
7 statement to the Prosecutors Office; correct?

8 A Correct.

9 Q Have you seen the memo prepared by Detective  
10 or Investigator Hernest with regards to your interview?

11 A Yes.

12 Q Were you given a copy of that?

13 A Yes.

14 Q Now, you worked at Schooley's Mountain;  
15 correct?

16 A Correct.

17 Q And who -- who was the owner of Schooley's  
18 Mountain?

19 A Kap and Nancy Hizinger (phonetic).

20 Q Friend of yours?

21 A Excuse me?

22 Q Friend of yours?

23 A They were -- they were the owners.

24 Q Friend of yours?

25 A They were -- I guess.

1 Q Any doubt in your mind?

2 A Yes. We were -- we were friendly. We were  
3 friendly. We didn't hang out together. We were  
4 friendly.

5 Q How about Durante (phonetic)? Friend?

6 A Yes. I do know -- yes.

7 Q At that time you were a very good friend of  
8 hers?

9 A I did not hang out with Maureen Durante. I knew  
10 her, I worked with her. These were work people. I did  
11 not go out with them socially. I worked two jobs. I  
12 had a young family at home. I didn't go -- out  
13 socially. We were friends at work but we -- I did not  
14 see them on a social basis.

15 Q How about Rolfson?

16 A Who?

17 Q Rolfson, the -- strike that. But, as far as  
18 Durante and the owner of Schooley's Mountain, you guys  
19 were friends of each other from a work standpoint;  
20 correct?

21 A Yes.

22 Q And Jody came into Schooley's Mountain many  
23 times over the years; correct?

24 A I -- I believe so.

25 Q When you say you believe so, do you recall --

1 A I wasn't there so I don't know. I -- I'm only --  
2 I only could state -- I work Tuesday's and Thursday  
3 evenings and Saturday and that. I didn't visit that  
4 place -- I didn't go back into work and that. But, I  
5 very rarely saw Jody during the week. I mostly saw  
6 Jody on Saturday's.

7 Q Okay. So, you don't recall seeing her on the  
8 nights that you worked during the week?

9 A No. Very rare did I see her during those nights.

10 Q And it's your testimony that she would  
11 frequent the place on the weekend; correct?

12 A On Saturdays. I don't know about Sunday's. I  
13 know about Saturday's.

14 Q Because that's when you worked; correct?

15 A Right.

16 Q And on Saturday's would she be alone or with  
17 her son?

18 A It -- more of the time she was with her son.  
19 Sometimes she'd come with her son. If there wasn't  
20 anything going on at the park and it wasn't every  
21 Saturday either. It wasn't every Saturday that I saw  
22 her and that. But, when there was a lot going on at  
23 the park, I did see her more often when there was you  
24 know, things going on for Jonathan.

25 Q And -- and did you ever talk to her about why

1 Jonathan was at the park? What he was doing there?

2 A Well, it was sports most of the time.

3 Q What kind of sports?

4 A I don't remember right now which ones it was. It  
5 was soccer, maybe baseball. I'm not sure.

6 Q Did she brag about her son like a lot of  
7 parents do as far as their playing sports?

8 A I just know that -- did she brag about him and  
9 everything?

10 Q Talk about him?

11 A Yea. She -- she you know, she loved her son, you  
12 could see that. She was very good with him. He was a  
13 very kind, gentle, very well mannered, very polite,  
14 they had seemed to had a good rapport.

15 Q All right. When -- when she came to the --  
16 to Schooley's Inn on those Saturday's, did she leave  
17 her son to play the sports and come into the  
18 restaurant?

19 A No, they --

20 Q Or --

21 A -- she'd come in before and that with him and  
22 then, they would leave and go over there. And then,  
23 she maybe would come back later for lunch with him,  
24 sometimes dinner, sometimes she wouldn't come back at  
25 all.

1 Q Okay.

2 A And that. And several times she used to come in,  
3 I used to have a basket of vegetables for my big garden  
4 and we shared.

5 Q Okay. Did she ever come in alone without her  
6 son?

7 A Once in a while she'd come. Yea. She'd have a  
8 bite to eat.

9 Q Now, this -- this note that you're talking  
10 about, you indicated that it said something about being  
11 afraid of Stephen Scharf?

12 A Yes. I know that -- there was -- she said that he  
13 was served with papers and that he wasn't happy about  
14 it, she was afraid and that you know, to give her a  
15 call later and that she wanted him out of the house.

16 Q And she definitely wanted him out of the  
17 house the note said; correct?

18 A Yes. The note says, I want him out -- I just want  
19 him out of the house. Call me. And I did not call  
20 her.

21 Q Now, on that day did you tell her to get a  
22 restraining order against her husband?

23 A On that day when she was trying to talk to me when  
24 I was busy and everything and she was saying something  
25 about her being afraid and everything, I says well if

1 you're afraid then you should just get a -- a  
2 restraining order.

3 Q And she never talked to you about any  
4 physical abuse; correct?

5 A No. No. No.

6 Q So, can -- can you tell me why --

7 A Because he didn't want the divorce. He was upset  
8 and angry about the divorce and her getting divorced,  
9 that's what that was about.

10 Q And she wanted him out of the house; correct?

11 A Because she was afraid of confrontation with him.  
12 She didn't want Jonathan to see anything and she just  
13 didn't you know, she just wanted him to go.

14 Q Okay. Well, he got the divorce according to  
15 you, based on your conversation with her what? The day  
16 before?

17 A The divorce papers.

18 Q The divorce papers? The day before; correct?

19 A Correct.

20 Q Okay. And she stayed in the house that night  
21 I assume?

22 A I don't know.

23 Q Based on your --

24 MR. MELLO: Objection. How would she --

25 A I -- I didn't get into -- I was too busy.

1 MR. MELLO: -- how would she know that? How  
2 would she know that?

3 THE COURT: Your objection is?

4 MR. MELLO: My objection is, he's asking the  
5 witness to speculate.

6 THE COURT: Sustained.

7 Q Did she tell you that -- strike that. It's  
8 your recollection that in addition to the note she told  
9 you she was afraid of him?

10 A Yes, she was afraid and that she wanted him out of  
11 the house. He was angry about her serving the papers.

12 Q And was that a conversation or was that in a  
13 note?

14 A It was in the note and then she was trying to talk  
15 to me around and -- as I was serving and stuff and she  
16 was trying to get my attention to talk to me. And I  
17 couldn't talk to her at that time so, she just passed  
18 me the note to -- to call her later what was -- and  
19 about what. But, we already had discussed it a little  
20 bit and -- and that was you know, I didn't have  
21 anything more -- it was the end of a long day and I  
22 wished that I did call her and that and that's why I'll  
23 never forget the note.

24 Q All right. But, again I'm -- I'm asking you  
25 while you're waiting tables a conversation between

1 yourself and Jody Scharf about her being afraid of  
2 Stephen Scharf; correct?

3 A Yes. She was afraid.

4 Q Okay. And was Jonathan there hearing all of  
5 this?

6 A No, this was the later part of the day.

7 Q Where was Jonathan if you know?

8 A I don't know where Jonathan was. I don't know if  
9 he was -- where -- I don't know where he was.

10 Q And although, she was talking to you about  
11 that, she never indicated to you that he had ever hit  
12 her before or verbally abused her before or anything  
13 like that?

14 A No. I didn't -- we did not -- I did not discuss  
15 that. It was just about this once incident.

16 Q And with regard to this one incident even  
17 though she never mentioned anything about any physical  
18 or verbal abuse, you suggested to get a restraining  
19 order to get him kicked out of his own house; correct?

20 A She said she was afraid of him. That he -- that  
21 she was afraid of him and that the way he was acting.  
22 There was something -- she was afraid of him --

23 Q Okay.

24 A -- and that was it. We didn't get into detail. I  
25 said well if there's anything wrong and you're afraid

1 of him, just get a restraining order. And I was busy  
2 and that was it. I just -- if somebody's afraid of you  
3 and you're afraid of somebody because of the way  
4 they're acting, that was just something I said at that  
5 particular time.

6 Q And -- and you do realize, you get a  
7 restraining order of someone, the Police forcibly  
8 remove that person from the house; you understand that;  
9 correct?

10 A Correct.

11 MR. MELLO: Objection to what her -- I'm  
12 sorry.

13 THE COURT: Your objection?

14 MR. MELLO: It's not relevant to what she  
15 understands what might happen in any given situation.

16 MR. BILINKAS: Judge, she suggested --

17 MR. MELLO: Well, that's fine. He can ask  
18 her why --

19 MR. BILINKAS: -- she -- and I want to know  
20 --

21 MR. MELLO: -- she suggested it.

22 MR. BILINKAS: -- what her understanding is  
23 with regards to the specific suggestion that she made  
24 to Jody Scharf. Who had indicated she wanted her  
25 husband out of the house.

1 THE COURT: I'll allow it. Over ruled.

2 Q What's your understanding of a restraining  
3 order? Kicking someone out of the house; correct?

4 A I didn't think of it -- even about -- at that  
5 particular moment, all I was thinking was somebody was  
6 telling me that they were afraid of their husband  
7 because they were -- the way he was acting, that he was  
8 very angry that she even -- that she filed for -- for  
9 divorce and that she was afraid of him. It was just a  
10 -- a reaction of telling somebody if you're afraid get  
11 a restraining order. That was all. I wasn't -- I --  
12 at that particular time I had a lot -- I was waiting on  
13 a lot of people. I didn't give a -- a real thought to  
14 this -- only if somebody saying that they were afraid  
15 and when you're afraid of somebody that was -- that was  
16 my reaction to say --

17 Q Okay.

18 A -- at that time.

19 Q And --

20 A I didn't give a thought about anything else.

21 Q Understood. Understood. And Jody's response  
22 to that suggestion was she was going to talk to her  
23 lawyer about that; correct?

24 A Right.

25 Q Now, you indicated that Jody talked to you

1 about her marital problems at different points;  
2 correct?

3 A Well, she talked -- I think when she was upset  
4 about -- about him having a whole different life  
5 besides --

6 Q Going out with other women; correct?

7 A Well, just that she didn't get into great detail.  
8 She just mentioned that one time and that. She  
9 mentioned another time about you know, a woman coming  
10 to the door and she was upset about that. Different  
11 things but, she would mention it but, we didn't get  
12 into great detail about it. She was just upset.

13 Q Do you recall having the specific  
14 conversation with Jody Scharf that the husband had  
15 telephoned officials that Jonathan's school stating  
16 that Jody was an unfit mother? Did you have a  
17 conversation with her regarding the allegation that she  
18 was an unfit mother?

19 A She -- she did mention that to me and that and I  
20 don't -- I -- she was upset about it of course that he  
21 would say something like that because of course she  
22 felt as though she wasn't.

23 Q Okay. But, the -- the term unfit mother was  
24 spoken by Jody Scharf in the conversation with you;  
25 correct?

1 A That her husband --

2 MR. MELLO: -- spoken apparently by Mr.  
3 Scharf.

4 A By her husband said that.

5 Q Right. Her husband had made a statement to  
6 actual school officials, according to Jody that she was  
7 an unfit mother; correct?

8 A Correct.

9 Q Now, on September 19<sup>th</sup> did you have dinner  
10 with Jody Scharf at the end of September at any point?

11 A Did I have dinner with her?

12 Q Did you have dinner with her?

13 A No.

14 Q Okay. Did Jody Scharf have dinner at  
15 Schooley's Mountain on September 19<sup>th</sup>?

16 A A later part of the day she had something to eat.

17 Q Did she have something to drink?

18 A Yes, she did.

19 Q And would you agree with me that most of the  
20 time she came there at lunch time or after lunch hours,  
21 she was drinking?

22 A When she didn't have her son. She would stop,  
23 have a glass or two of wine. Maybe, a glass of wine  
24 and then she would take a -- she'd buy a bottle of wine  
25 and go home.

1 Q A gallon bottle?

2 A Never. I never saw a gallon bottle.

3 Q Does Schooley Mountain sell gallon jugs?

4 A I don't remember right now. It was a gallon -- so  
5 I mean there were all different sizes. Just, it was a  
6 liquor store.

7 Q Was Jody's consumption of alcohol above  
8 average?

9 A Well, I guess I -- at that particular time people  
10 ask if it's above average -- one, two -- one's average,  
11 two's average, if somebody has three or maybe she was  
12 above average when she went home.

13 Q Well, did you --

14 A I don't know.

15 Q -- did you tell the detective back in 92 that  
16 Jody's consumption of alcohol was above average?

17 A Yea. Probably above average. Somebody would  
18 drink more than two is above average. One or two.

19 Q Like above two?

20 A Well, because she brought the bottle of wine home,  
21 I thought she was having more.

22 Q Did she ever express to you that Stephen  
23 Scharf didn't allow her to drink at home or any words  
24 to that effect?

25 A No.

1 Q Now, you weren't a close, close friend of  
2 Jody's; correct?

3 A Excuse me?

4 Q Were you a close friend of Jody's?

5 A No.

6 Q Never socialized with her; correct?

7 A No.

8 Q She did talk to you about dating two  
9 different men; correct?

10 A No. Not two different men. She didn't say -- she  
11 went out to drinks one time, there was -- she was --  
12 that was towards the end and everything that she did go  
13 out on like a date where she went out to dinner and --  
14 and -- and drinks with a gentlemen. Yes and she was --  
15 somebody else that was on the team and that -- the  
16 soccer team for the son or something. One of the  
17 teams.

18 Q So, is that one or two men we're talking  
19 about here?

20 A Well, she only told me about the one date. She  
21 didn't -- she said somebody else -- she was interested,  
22 that she wanted to start dating again.

23 Q She was interested --

24 A Because she was lonely. She wanted to start  
25 dating again.

1 Q Did she ever talk to you about any dating  
2 service that she was using?

3 A No. Not at all.

4 MR. BILINKAS: Check my notes, Judge.

5 Q Did you go to Jody Scharf's wake?

6 A Yes.

7 Q Did you see Stephen Scharf there?

8 A Yes.

9 Q Did you go up to him and pay your  
10 condolences?

11 A No, he come up to me.

12 Q Okay. And did you have a conversation with  
13 him?

14 A Yea -- yes, he asked me how I knew Jody, shook my  
15 hand, asked me how I knew Jody and I told him.

16 Q And did you see any scratches or marks on his  
17 face --

18 A No.

19 Q -- during that discussion with him?

20 A No, I didn't.

21 MR. BILINKAS: Nothing further.

22 RE-DIRECT BY MR. MELLO:

23 Q Anything about his demeanor at that wake that  
24 you noticed?

25 A Yes, I noticed that he -- he was greeting

1 everybody. He was friendly, he didn't seem to be  
2 grieving much.

3 Q Will you ever forget that moment in time  
4 where she gave you that note?

5 A No. Never. Because I didn't call her. I'll  
6 never forget it.

7 MR. MELLO: Nothing further.

8 THE COURT: Anything further?

9 MR. BILINKAS: No, Judge.

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

11 Next witness.

12 MR. MELLO: Maureen Durante.

13 MR. BILINKAS: Judge, before the witness gets  
14 -- could I be heard sidebar --?

15 (AT SIDEBAR)

16 MR. BILINKAS: Judge, I understand my -- the  
17 Court's ruling. I understand you know, that I put my  
18 continuing objection on. I expect the Prosecutor  
19 basically to put another three witnesses to say the  
20 exact same thing that Jody says, she was afraid of my  
21 client and I think its gotten to the point where it's  
22 cumulative and that it shouldn't proceed any further.  
23 All these witnesses are basically going to say the  
24 exact same thing. And again, I've -- the Court has  
25 ruled and three or four different witnesses have said

1 pretty much the exact same thing --

2 THE COURT: So, your objection is that it's  
3 cumulative? Your response?

4 MR. MELLO: These are different witnesses,  
5 each of whom who says something different. To say that  
6 they all express fear or that fear of the husbands  
7 expressed to them does not make it cumulative, does not  
8 make it inadmissible and these are different people  
9 from different parts of her life that are testifying to  
10 different statements that she made.

11 MR. BILINKAS: All these women -- the three  
12 that are coming up --

13 MR. MELLO: No, there's not three that are  
14 coming up.

15 MR. BILINKAS: Excuse me.

16 MR. MELLO: There's this witness and I have  
17 one final witness.

18 MR. BILINKAS: Okay.

19 THE COURT: So, we're at sidebar for one  
20 witness?

21 MR. MELLO: Is that --

22 MR. BILINKAS: No, no, no. Your -- you're  
23 putting on Rolfson?

24 MR. MELLO: Yes.

25 MR. BILINKAS: Okay. And -- and again, how

1 many people have testified that she said she was afraid  
2 of him? The therapist --

3 MR. MELLO: Okay. Each of these witnesses  
4 comes from a different perspective, a different part of  
5 her life and to say -- I can have five people who  
6 witnessed the same acts that doesn't make it  
7 cumulative. Each perspective is different, every piece  
8 is different.

9 THE COURT: Okay. All right. The objection  
10 is that it's cumulative. Let's see what they have to  
11 say. You can make further objections.

12 MR. BILINKAS: Okay.

13 (END SIDEBAR)

14 THE COURT: Please step up, face the court  
15 clerk.

16 COURT CLERK: Raise your right hand.

17 M A U R E E N D U R A N T E, WITNESS, SWORN.

18 COURT CLERK: State your name for the record.  
19 State your name for the record.

20 THE WITNESS: Oh, Maureen Durante.

21 THE COURT: Please have a seat.

22 DIRECT EXAMINATION BY MR. MELLO:

23 Q Good afternoon, Ms. Durante.

24 A Hi, Mr. Mello.

25 Q How are you?

1 A Okay.

2 Q I'm going to ask you a series of questions.  
3 I'm going to ask you to concentrate on keeping your  
4 voice up so that we can all hear the answers to your  
5 questions; all right?

6 A Okay.

7 Q I'm going to go back into the past; all  
8 right?

9 A Yes.

10 Q And I'm going to ask you about 1992;  
11 understood?

12 A Yes.

13 Q Did you know a woman known as Jody Ann  
14 Scharf?

15 A Yes, I did.

16 Q Can you tell us approximately when you met  
17 Jody Ann Scharf?

18 A I guess it was the early 90's.

19 Q Can you tell us the circumstance under which  
20 you met Jody Ann Scharf?

21 A She was a neighbor who became a friend.

22 Q When you say neighbor, did you live in a  
23 complex in which she lived?

24 A Yes.

25 Q And where was that?

1 A It was in Long Valley, New Jersey, Washington  
2 Township.

3 Q Can you tell us in September of 1992 if you  
4 were employed?

5 A Yes, I was.

6 Q Can you tell us where you were employed?

7 A Schooley's Mountain Inn restaurant, Schooley's  
8 Mountain, New Jersey.

9 Q Did you have occasion to on occasion see Jody  
10 Scharf at the at establishment?

11 A Yes, I did.

12 Q Are you familiar with a person known as  
13 Maureen Glennon?

14 A Yes, I am.

15 Q Was she in fact a co-worker of yours at that  
16 time?

17 A Yes, she was.

18 Q I'm going to specifically now direct your  
19 attention to Saturday, September 19, 1992.

20 A Okay.

21 Q Do you recall that date?

22 A Yes.

23 Q Do you recall if you were working on that  
24 date?

25 A I believe I was a customer that day.

1 Q On that date that you were a customer, did  
2 you have occasion to see Jody Scharf?

3 A Yes, I did.

4 MR. BILINKAS: -- what day is that again?

5 MR. MELLO: September 19, Saturday.

6 MR. BILINKAS: Thank you.

7 Q Did you have a conversation with her on  
8 Saturday, September 19 at that establishment?

9 A Yes, I did.

10 Q Can you tell the members of the jury if you  
11 recall that conversation?

12 A Yes, I do.

13 Q Can you tell the members of the jury what  
14 that conversation was?

15 A Well, she had come in to drop off some clothes for  
16 one of the co-workers that her son had outgrown and she  
17 was talking about her husband, she had filed him with  
18 divorce papers and he had threatened her life, he  
19 refused to sign them. She also added that there was a  
20 life insurance policy on her that was signed and not by  
21 herself. She did fear for her life but, she wanted to  
22 go home because her boy was at home.

23 Q Did she say to you anything specifically in  
24 terms of her fear for her life? Regarding this service  
25 of the divorce papers.

1 A Well, she said when he received the papers that he  
2 would see her dead before he'd let her -- before he  
3 would sign them.

4 MR. MELLO: Nothing further.

5 THE WITNESS: Thank you.

6 THE COURT: Cross examination?

7 CROSS EXAMINATION BY MR. BILINKAS:

8 Q Did you just say that during this  
9 conversation with Jody Scharf that she said something  
10 to you about a life insurance policy?

11 A Yes, she did.

12 Q That she never signed it?

13 A Yes, that's what she told me. Yes.

14 Q You -- you've been interviewed two separate  
15 occasions; correct?

16 A Yes.

17 Q One by the Prosecutors detective; correct?

18 A Yes.

19 Q And one by the insurance company.

20 A I don't recall being interviewed by the insurance  
21 company.

22 Q I'm going to show you, that's 165, the Bergen  
23 County Prosecutors Office memo; is this a interview  
24 memo of your interview back in September of 1992?

25 A Well, I imagine it is but, I don't recall speaking

1 with an insurance company. Only my local Police.

2 Q Okay. I'm going to -- I'm going to get to  
3 that in a little bit. Can you tell me if this memo,  
4 S165 is a copy of the memo of your interview with the  
5 Prosecutors Office?

6 A Yes.

7 Q And can you -- it's really not that long, can  
8 you take a look at it? It's two pages and see if  
9 anywhere contained in that there's any reference to  
10 Jody Scharf telling you there was a life insurance  
11 policy that she never signed.

12 A I don't see it on here, no.

13 Q Well, let me make sure you look at the second  
14 page. I don't want to --.

15 A Oh, okay.

16 Q It's not on there; is it?

17 A I don't see it on here, no.

18 Q Okay. Do you have a specific recollection of  
19 telling the Prosecutors Office that Jody Ann Scharf,  
20 when she told you these other statements about being in  
21 fear of her life from her husband, told you that she  
22 had a life insurance policy that she never signed?

23 A She had told me that at one visit to the  
24 restaurant. Yes. I'm not -- I don't recall if it was  
25 that exact day.

1 Q When -- when was it?

2 A I saw her more than once at the restaurant so I  
3 wouldn't know. It's eighteen years ago.

4 Q Did you ever tell the Prosecutor that?

5 A I don't know. I guess not if it's not written. I  
6 know she did say she thought it was a secretary that  
7 would have signed it.

8 Q Did you ever tell the Prosecutor that in that  
9 report?

10 A Not in this report. But, I believe I did say it  
11 at my kitchen table recently.

12 Q Was anybody taking notes when they were  
13 talking to you in your kitchen --

14 A Yes. Yes.

15 Q They were definitely taking notes?

16 A A few. Not lengthy.

17 Q Just writing things down? When -- when you  
18 told them about your saying that she never signed the  
19 life insurance policy, did you see them write that  
20 down? That's a pretty important fact. You'd agree  
21 with me; right?

22 A It would be an important fact. Yes.

23 MR. BILINKAS: Prosecutor, is there any  
24 report regarding this recent interview?

25 MR. MELLO: No.

1 A I believe that might have been with detective and  
2 the other detective. Shouldn't -- the Prosecutor. I  
3 had two interviews.

4 Q Okay. I'm going to show you S166, which is  
5 an -- interview report from a Mark Rusele (phonetic).  
6 Do you recognize that name as an investigator from the  
7 insurance company?

8 A No.

9 Q This report is dated 8/31/93. Can you tell  
10 me if --

11 A I don't recall ever interviewing with an insurance  
12 company. My local Police.

13 Q Okay. But, irrespective of where they were  
14 from, do you recall being interviewed by someone else  
15 in 8/31/93?

16 A Not really. No.

17 Q Okay. Can you take a look at this interview  
18 report and see if in that report there's any mention of  
19 this conversation that you said you had with Jody  
20 Scharf concerning the life insurance policy not being  
21 signed by her?

22 A No, I don't see that.

23 Q So, is it your recollection that the first  
24 time you ever told anyone associated with law  
25 enforcement about this most recent statement was when

1 you met with the Prosecutors Office a short time ago?

2 A I'm sure that I discussed it but, like I said it  
3 is eighteen years ago.

4 Q So, you're not sure; correct?

5 A I guess. I don't recall talking to an insurance  
6 company.

7 Q Now, you were friends with Jody Scharf?

8 A Yes.

9 Q Did she talk to you about dating other men?

10 A Never.

11 Q Never?

12 A No. I never saw her with another man. She did  
13 not discuss another man. She discussed women at Mr.  
14 Scharf's place of business.

15 Q She would discuss his indiscretions; correct?

16 A Correct.

17 Q Never discussed to your knowledge, her dating  
18 other people; correct?

19 A Correct. I never saw her with another man.

20 Q Did you ever go out and socialize with her?

21 A Just like a neighborhood tricky tray affair we  
22 had. She was with her husband at the time to that  
23 affair and she would come in alone after work now and  
24 then.

25 Q Would she drink when she came in after work?

1 A Very little. And if she ever had her son with her  
2 she didn't drink at all.

3 Q Now, can you tell -- strike that. You went  
4 to the wake; correct?

5 A Yes, I did.

6 Q And is that the first you met Mr. Scharf?

7 A No, I believe it was that tricky tray event  
8 previous.

9 Q And what was his demeanor there when you met  
10 him?

11 A At the tricky tray or at the wake?

12 Q At the tricky tray first.

13 A He was bland, boring. Most couples were dancing,  
14 he didn't seem to be very social --.

15 Q Would you describe him as someone with no  
16 personality and was like a bump on a log?

17 A Yes, I would.

18 Q Now, at the wake -- prior to the wake you had  
19 talked to members from the Washington Township Police  
20 Department; correct?

21 A Yes.

22 Q Did they talk to you about the case at all?

23 A They just said it was pending. I recall asking  
24 why would you incriminate her and they said they  
25 couldn't get into that. I also said that I observed

1 scratches on his face and around his eyes especially  
2 and that he had make up -- camouflage it.

3 Q That's what I want to ask you about. You're  
4 at the wake; correct?

5 A Yes.

6 Q You have an opportunity to go up and talk to  
7 Mr. Scharf; correct?

8 A Yes.

9 Q And you notice scratches on his face?

10 A Yes, I did.

11 Q And would -- did that appear suspicious to  
12 you in light of the fact that his wife had just fallen  
13 off of a cliff?

14 A Yes.

15 Q And when you looked further did you see what  
16 you thought was make up attempting to hide these  
17 scratches on his face?

18 A Yes.

19 Q And did you immediately go tell the  
20 authorities?

21 A I don't know when I told the authorities. I guess  
22 when they came to see me.

23 Q And those scratches couldn't have been caused  
24 by someone who was crying or rubbing his eyes based on  
25 your observations?

1 A No. I don't think you would break your skin by  
2 just rubbing. It would appear that was nails.

3 Q A woman's nails?

4 A Well, I don't know who's nails.

5 Q Did the Washington Police tell you when they  
6 talked to you that immediately after his wife fell that  
7 his hands, his face, his entire body was examined and  
8 there were absolutely no marks found on him?

9 A They did not tell me that.

10 Q And that they even took pictures to verify  
11 that fact.

12 A They did not tell me and I did see it.

13 Q And when you saw these scratches that didn't  
14 look like crying, did you go back to Schooley's  
15 Mountain and tell -- Rolfson, Glennon what you had  
16 observed at the wake? Did you repeat that to them?

17 A I don't know if I did or not.

18 Q You didn't mention what you saw at the wake?

19 A I must have. I think they were at the wake as  
20 well.

21 Q You must have? And did they see the same  
22 things? Did they talk to you about that?

23 A I would assume.

24 Q You remember that? You all talked about  
25 this. About scratches on Stephen Scharf's face right

1 after his wife's death that he attempted to cover up  
2 with make up? You talked about it; correct?

3 A I guess so.

4 MR. BILINKAS: Nothing further.

5 MR. MELLO: Nothing. Thank you.

6 THE COURT: Any further questions? No?

7 MR. MELLO: No. Thank you.

8 THE COURT: You may step down.

9 THE WITNESS: Thank you.

10 (AT SIDEBAR)

11 MR. MELLO: I think we're going to take five  
12 -- shortly.

13 THE COURT: Okay.

14 MR. MELLO: Right?

15 THE COURT: It'll be just -- do.

16 (END SIDEBAR)

17 THE COURT: We're going to take a short break  
18 and then we have one last witness for the day; all  
19 right?

20 (BREAK IN HEARING)

21 MR. BILINKAS: -- I'm just making that  
22 continuing objection that I made at last sidebar with  
23 regard to --.

24 THE COURT: Okay.

25 (PAUSE)

1 (JURY ENTERING)

2 THE COURT: Welcome back, ladies and  
3 gentlemen of the jury. You may be seated. The witness  
4 will face the court clerk. All right? Face the court  
5 clerk. Okay, call your next witness.

6 MR. MELLO: Anna Rolfson Moller, please.

7 THE COURT: Please face the court clerk.

8 COURT CLERK: Raise your right hand.

9 A N N A R O L F S O N M O L L E R, WITNESS, SWORN.

10 COURT CLERK: State your name for the record.

11 THE WITNESS: Anna Moller Rolfson --.

12 THE COURT: All right. You may begin.

13 MR. MELLO: Thank you, sir.

14 DIRECT EXAMINATION BY MR. MELLO:

15 Q Good afternoon.

16 A Good afternoon.

17 Q I'm going to please address your remarks to  
18 the jury and keep your voice up so that the members of  
19 the jury can hear your answers, the Court and all  
20 parties concerned; all right?

21 A Yes.

22 Q I'm going to direct your attention to 1992;  
23 all right?

24 A Yes.

25 Q I'm going to ask you if you knew a woman

1 known as Jody Ann Scharf?

2 A Yes, I did.

3 Q Can you tell the jury when you first met Jody

4 Ann Scharf?

5 A She -- she used to come in for lunch. I was a --

6 full time bartender at the Somerset Hills Hotel.

7 Q Can you tell us approximately when you met

8 Mrs. Scharf?

9 A I knew her for a -- about two years. Two years

10 before she died.

11 Q Can you tell us how your friendship

12 developed?

13 A Her and another lady would come in and have lunch

14 there with me a couple of times a week while I was

15 tending bar. The bar was very quiet as far as

16 customers so they came in and had lunch with me. She

17 was in having lunch with me a couple times a week, two

18 three times a week.

19 Q Can you tell us whether or not your

20 friendship with Mrs. Scharf became a good one?

21 A Yes.

22 Q Can you tell us your recollection of Mrs.

23 Scharf?

24 A What kind of woman she was?

25 Q Yes.

1 A Sweet, gentle, caring, nice.

2 Q Did she, during the course of your friendship  
3 begin to confide in you?

4 A Yes.

5 Q In particular did she begin to confide in you  
6 with respect to her marital situation?

7 A Yes.

8 Q Can you tell us what she told you about her  
9 marital situation?

10 A Well, she didn't have a good marriage at that  
11 time. She said her husband was very abusive. She said  
12 there was different women calling on the answering  
13 machine, he came and go as he pleased. She was scared  
14 of him. She really didn't want to be in the marriage  
15 actually.

16 Q Now, in terms of the fear that you've just  
17 expressed; can I ask you if you ever had a conversation  
18 with her regarding a photograph of Mr. Scharf, her  
19 husband?

20 A Yes. She -- she showed him -- she was filing --  
21 she had been filing for a divorce and she was scared so  
22 she showed me a photograph of him in case he ever came  
23 in there that I would give him -- give her a call to  
24 let her know that he was -- you know, she was scared of  
25 him.

1 Q I'm going to show you a photograph that's  
2 been marked S279 in evidence and ask you if you -- view  
3 that photograph and tell us if you recognize that  
4 photograph?

5 A Yea. That's definitely the picture she showed.

6 MR. BILINKAS: Counsel, for the record; is  
7 that the exact same photograph --

8 MR. MELLO: It is.

9 MR. BILINKAS: -- the other one?

10 MR. MELLO: It is.

11 BY MR. MELLO:

12 Q I'm going to ask you if you recall her death?

13 A Yes.

14 Q I'm going to ask you if you saw her just that  
15 weekend of her death?

16 A I saw her the Friday before she died.

17 Q Can you tell us what happened when you saw  
18 her the Friday before she died?

19 A She was very upset that day. She came in and --  
20 and she -- she was scared and I asked her what was  
21 wrong and she said she was afraid he was going to kill  
22 her because of the divorce.

23 MR. MELLO: Nothing further.

24 THE COURT: Cross examination?

25 CROSS EXAMINATION BY MR. BILINKAS:

1 Q Are you absolutely positive that that exact  
2 photograph is the one that she gave you?

3 A Yes. She didn't give it to me. She showed me the  
4 picture.

5 Q Did you physically take control of that?

6 A Physically take control of the picture? No. She  
7 showed it to me, that's all. I didn't have a copy of  
8 it -

9 Q Okay.

10 A -- at the bar with me.

11 Q And -- and how long did you look at -- study  
12 this photograph?

13 A Well, she had it there for one full lunch time.

14 Q And how long did you look at it for?

15 A As long as she had it sitting on the bar. I was  
16 making drinks for other people but, I did see it for --  
17 for a good maybe ten, fifteen minutes it sat on the  
18 bar.

19 Q And was she drinking at the bar?

20 A Yes.

21 Q And she told you that she wanted to show you  
22 this exact photograph because she wanted you to know if  
23 you saw him around there?

24 A Yea. She was afraid he was following her and I  
25 don't know what she -- she was afraid of him. So, yea

1 she said if he ever comes in here please -- please give  
2 me a call.

3 Q Wouldn't she be able to tell whether or not  
4 he came to the place?

5 A Not if he came in there when she wasn't there.

6 Q Why would he go there when she wasn't there?

7 A I don't know. Looking to see if --

8 Q Did you ask her about that?

9 A -- looking to see if she was around, maybe.

10 Q Did you ever in the two years that you knew  
11 her ever see him walk into this establishment?

12 A No, I did not.

13 Q And when she's walking around putting the  
14 photograph on the bar, did she have the divorce  
15 complaint right next to it?

16 A No.

17 Q Did she show you the divorce complaint?

18 A She did show me the papers at one point when she  
19 was getting ready to file for them. Only because I had  
20 already been through a divorce myself.

21 Q Did you talk to her about the divorce?

22 A Yes.

23 Q And was your divorce amicable?

24 A Pretty much.

25 Q Did you give her advice with regards to

1 divorce?

2 A Well, actually amicable? No. My husband left me  
3 so it was very hard for me to -- but, yea in -- in a  
4 sense we talked about the divorce. I didn't tell her  
5 what to do or how to do it. I told her she needed a  
6 lawyer.

7 Q And when did you first tell her that?

8 A When she was -- told me that she was thinking  
9 about filing for divorce.

10 Q When was that in your relationship?

11 A Maybe, a few months after I knew her, I believe.  
12 Or maybe even a year. I'm not quite sure, it was a  
13 long time ago but.

14 Q Okay. So, approximately a year before her  
15 death she's talking to you about --

16 A Well, she wasn't talking about the divorce then.  
17 She was talking about the abusive relationship. In the  
18 course of all the conversations, like I said it was a  
19 long time ago, we did get into the fact that she said  
20 she was thinking about -- she had to get the divorce  
21 from him.

22 Q When was that?

23 A Well, I don't -- remember. Sorry.

24 Q And you're sure that this is the exact same  
25 photograph?

1 A Well, I'm pretty -- yea, I'm pretty sure.

2 Q Well, when you say pretty sure --

3 A Well, yea I'm positive. It looks like the  
4 photograph I saw.

5 Q Is it the same size?

6 A Well, it's -- no, it's not the same size. I  
7 believe it was smaller. I just remember his face.

8 Big, small, little photograph, I remember that -- his  
9 face.

10 Q Now, let's save some time. Prosecutor, will  
11 you stipulate there was no formal statement other than  
12 the interview --?

13 MR. MELLO: I will.

14 Q Have you had an opportunity to review the  
15 detectives interview report regarding his interview  
16 with you?

17 A Yes.

18 Q And -- and when did you do that?

19 A When I spoke to -- when I spoke to them.

20 Q Now, you said Jody Scharf showed you a copy  
21 of the divorce complaint at some point.

22 A She had divorce papers. I didn't actually -- I  
23 was bartending, I didn't actually take the thing and  
24 read it word for word. She said she had her divorce  
25 papers.

1 Q And when did she tell you that? Months  
2 before her accident?

3 A Oh, yea. Well, no. I believe she had the divorce  
4 papers on her maybe two, three weeks before her  
5 accident.

6 Q -- and -- and did she just pull them out and  
7 show them to you or did she keep them out in the open?

8 A No. She just said well now I'm really scared  
9 because I'm filing for divorce.

10 Q And she showed you them?

11 A Well, she had them in her pocket, I guess. She  
12 took them, I didn't -- like I said I didn't even read  
13 them -- read them. But, I know what divorce papers  
14 look like.

15 Q And that was months before?

16 A I would say a couple -- no, the divorce papers I  
17 don't remember how -- how -- how long before she had  
18 showed them to me. To be honest. But, I know that she  
19 showed them to me.

20 Q I show you what has been marked D91 and ask  
21 you to refer to the last sentence in the first  
22 paragraph. Isn't it a fact that you told the detective  
23 it was two months before hand?

24 A Well, I would say it was approximately -- yea,  
25 that's what I said before. It was like, maybe two

1 months before. I'm not absolutely positive. It was  
2 twenty years ago.

3 Q Okay. And did she tell you that her husband  
4 had already been sent a copy of the divorce complaint  
5 and -- and received it in the mail by this time?

6 A Not that -- no, I don't -- I don't remember her --  
7 I don't remember either way whether she said that or  
8 not. I just know she was filing for divorce.

9 Q Now, you had conversations with her with  
10 regards to Mr. Scharf seeing other women; correct?

11 A Yea. Yes.

12 Q Did she ever tell you that she was dating  
13 other men?

14 A No, never.

15 Q Was she the type of person based on your  
16 relationship with her that would do something like  
17 that?

18 A I don't -- I don't believe so. No.

19 MR. BILINKAS: Nothing further.

20 RE-DIRECT BY MR. MELLO:

21 Q On September 18 when she told you that she  
22 thought her husband would try to kill her, did she tell  
23 you why he would try to kill her?

24 A Because of the divorce. She was afraid of -- of  
25 Jonathan and -- and him being so abusive before that.

1 She was scared.

2 MR. MELLO: Nothing further.

3 THE COURT: Anything further?

4 MR. BILINKAS: No.

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

6 We're going to recess at this time. We'll continue  
7 next Tuesday, April 26<sup>th</sup> at nine a.m. Once again I  
8 will instruct the jury not to watch, read or listen to  
9 any media accounts, not to watch any law related  
10 programs, not to have any conversations of any nature  
11 concerning this case. Have a good weekend. I will see  
12 you next Tuesday at nine a.m. Thank you.

13 (HEARING CONCLUDED)

14

15

16

17

18

19

20

21

22

23

24

25

1 Certification

2 I, Kerry Lang, the assigned transcriber, do hereby  
 3 certify the foregoing transcript of proceedings on CD  
 4 No. 1, from index number 9:54:44 to 11:17:50,  
 5 11:35:35 to 12:26:43, 1:54:22 to 3:08:47 and 3:25:32 to  
 6 3:40:48 is prepared in full compliance with the current  
 7 Transcript Format for Judicial Proceedings and is a  
 8 true and accurate non-compressed transcript of the  
 9 proceedings as recorded.

10

11 *Kerry Lang*  
 Kerry Lang AOC#614

Date 1-23-11

12

13

14 \_\_\_\_\_  
 KING TRANSCRIPTION SERVICES  
 65 Willowbrook Boulevard  
 15 Wayne, New Jersey 07470  
 (973) 237-6080

\_\_\_\_\_  
 (Date)

16

17

18

19

20

21

22

23

24

25