

STATE OF NEW JERSEY v STEPHEN F. SCHARF -- May 25, 2011

SHEET 1

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CRIMINAL PART
BERGEN COUNTY
INDICTMENT NO. 09-08-1485
APP. DIV. NO. A-1580-11T4

STATE OF NEW JERSEY,)
)
Plaintiff,)
)
v.) TRANSCRIPT
) of
) TRIAL
STEPHEN F. SCHARF,)
)
Defendant.)

Place: Bergen Co. Courthouse
10 Main Street
Hackensack, NJ 07601

Date: May 25, 2011

BEFORE:

HONORABLE PATRICK J. ROMA, J.S.C.

TRANSCRIPT ORDERED BY:

HELEN GODBY, ESQ. (Office of the Public Defender,
Appellate Section, 9th Floor, 31 Clinton Street,
P. O. Box 46003, Newark, New Jersey 07102)

APPEARANCES:

WAYNE MELLO, ESQ.
(Bergen County Prosecutor's Office)
Attorney for the State

EDWARD J. BILINKAS, ESQ. and
SARA SENCER MCARDLE, ESQ. (Bilinkas Law Group)
Attorneys for the Defendant

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I N D E X

	Page
JURY QUESTIONS	6
EXHIBITS	Iden. Evid.
J-1 Jury Questions	6
J-3 Jury Question	20
THE COURT	
Decision	21,25

Colloquy

1 THE COURT: Could I see the attorneys at
2 sidebar for a moment?
3 (Sidebar)
4 MR. BILINKAS: Hi, Judge.
5 THE COURT: Hi. Let me get to the question.
6 Apparently, one of the jurors said a Court cannot --
7 (Indiscernible) --
8 UNIDENTIFIED: I would agree and I think --
9 (Indiscernible) -- and we had to produce --
10 (Indiscernible) -- doesn't have any thought about this
11 -- (Indiscernible)
12 MS. MCARDLE: That makes sense.
13 UNIDENTIFIED: Right.
14 UNIDENTIFIED: That's a good idea.
15 THE COURT: I will dismiss it, I'm sure.
16 UNIDENTIFIED: Okay.
17 THE COURT: What I'm going to do -- I can
18 make a general announcement --
19 UNIDENTIFIED: We're not on the record, are
20 we?
21 THE COURT: -- if there are any sort of
22 commitments or different kinds of things that -- in
23 other words, it will be general enough --
24 (Indiscernible) -- but, you know --
25 UNIDENTIFIED: Judge, I can take care of

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1 that.
2 THE COURT: Okay.
3 UNIDENTIFIED: Sure.
4 THE COURT: Great.
5 MS. MCARDLE: Uh-huh.
6 UNIDENTIFIED: Are you going to need to take
7 your break (Indiscernible) you're getting it put off.
8 UNIDENTIFIED: Oh, them or another --
9 (Indiscernible).
10 UNIDENTIFIED: We reviewed the question,
11 Judge, and we have the same response with regard to all
12 the -- (Indiscernible) apparently there's another one
13 (indiscernible) and the exhibits that are in evidence.
14 THE COURT: A pretty interesting question
15 especially the one about -- (Indiscernible).
16 UNIDENTIFIED: Let me ask you something --
17 (Indiscernible) -- there is testimony specifically --
18 UNIDENTIFIED: Yeah.
19 UNIDENTIFIED: -- dealing with that.
20 UNIDENTIFIED: It can't be directed to the --
21 UNIDENTIFIED: I understand.
22 UNIDENTIFIED: -- testimony.
23 UNIDENTIFIED: Yeah. But suicide --
24 (Indiscernible) -- payable in 1992.
25 UNIDENTIFIED: Well, he's saying would it be

1 payable -- (Indiscernible) -- saying the money be
2 otherwise available in 1992.
3 UNIDENTIFIED: (Indiscernible).
4 UNIDENTIFIED: But I thought there --
5 (Indiscernible) -- that's probably to do with the --
6 whoever (Indiscernible).
7 UNIDENTIFIED: The way that came about --
8 UNIDENTIFIED: I don't know but I'm thinking
9 if maybe -- (Indiscernible).
10 UNIDENTIFIED: If you get suicide and goes --
11 (Indiscernible) --
12 UNIDENTIFIED: That's a good -- that's a good
13 possibility.
14 MS. MCARDLE: Yeah. Because you have a two-
15 year --
16 UNIDENTIFIED: There is a two-year period
17 of --
18 MS. MCARDLE: Yeah.
19 UNIDENTIFIED: -- contestability.
20 UNIDENTIFIED: Well, that's why you have the
21 elements -- (Indiscernible).
22 UNIDENTIFIED: How -- (Indiscernible) --
23 UNIDENTIFIED: (Indiscernible) -- there was.
24 There was no testimony regarding that --
25 (Indiscernible) -- relied upon the --

Jury Questions

1 UNIDENTIFIED: Well, there was. It was clear
2 that night. And if they look at the pictures they
3 don't see (Indiscernible) --
4 UNIDENTIFIED: You know something, could have
5 had a shower in between and no one would know the
6 difference.
7 UNIDENTIFIED: (Indiscernible).
8 THE COURT: Bring them out. I'll take care
9 of it and I'll -- (Indiscernible).
10 UNIDENTIFIED: Okay.
11 UNIDENTIFIED: -- testimony and exhibits.
12 UNIDENTIFIED: Huh?
13 UNIDENTIFIED: The testimony and exhibits --
14 (Indiscernible).
15 (Sidebar concluded)
16 (Off the record. Back on the record.)
17 (Jury entering the courtroom)
18 THE COURT: Ladies and gentlemen, welcome
19 back. Please be seated. I have your three questions
20 which we have marked as J-1. And the first part, "What
21 bag was the hammer in, a red bag or blue - which was
22 inside?"
23 Number two, "Suicide-would insurance be
24 payable in '92?"
25 Three, "Did it rain the night of the incident

Jury Questions

1 or before the next day's pictures of the rocks?"
2 I have consulted with the attorneys and the
3 response would be as follows. That you are to rely
4 upon your recollection of the testimony.
5 Let me also indicate to you this is an audio
6 visual courtroom. If for some reason you needed to
7 have some portion of any testimony played back, we have
8 the capability of being able to do it as long as you
9 tell us what you're looking for. It's one additional
10 feature that we have in this courtroom for the actual
11 testimony. As I said, not only audio, but also video
12 can be played back. So that's perhaps is something
13 that you may need during the course of your
14 deliberations.
15 But with respect to these three questions,
16 you are to rely upon your recollection of the
17 testimony and the exhibits which have been marked into
18 evidence. All right.
19 Now one other thing. Given the fact that
20 there will always be some sort of conflicts that come
21 up, different things that pop up, you get very little
22 notice, all you need to do is to make me aware so I can
23 make the attorneys aware and whatever assistance I
24 might be able to give you, I will do whatever is
25 necessary to assist you.

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Jury Questions

8

1 With that said, some of you may have
2 commitments that arose on short notice, something that
3 happened, whatever it might be. What I'm saying is
4 that I -- I want and I know you'll do this, but I'm
5 just going to re-emphasize it, I want your focus to be
6 on this case not on some other aspect of something that
7 you have to be some place, you have to do something,
8 you have a -- a commitment to be there. If there is
9 some assistance that the attorneys and myself can
10 render you, we -- we will assist you in any way
11 possible. Okay.

12 I have kept it generally vague because this
13 way if there is something there that you're not sure of
14 that you can bring it to my attention. The bottom line
15 is we want you to stay focused on this case. We don't
16 want you worrying about some other situation, and if
17 there is something that you need to tell us about
18 you'll -- you'll let me know. All right.

19 Now having answered your questions as best as
20 we can, please resume your deliberations. And, Number
21 11, if you would stay behind I want to ask you a
22 question. All right. Sheriff's officers, please
23 return the jurors to the jury room.

24 (Jury exits the courtroom. Juror 11 remains.)

25 THE COURT: Yeah. Can I see the attorneys?

Jury Questions

9

1 (Sidebar)

2 THE COURT: (Indiscernible) -- that you would
3 like me to bring -- (Indiscernible) -- concerning that
4 matter -- (Indiscernible) --

5 JUROR: (Indiscernible).

6 THE COURT: Do not discuss this with the
7 other jurors.

8 (Sidebar concluded)

9 THE COURT: Sheriff's officer? Thank you.

10 (Juror exits courtroom)

11 (Off the record. Back on the record.)

12 THE COURT: We have the latest jury question.

13 UNIDENTIFIED: Yes.

14 THE COURT: We want you to go home at four
15 o'clock. They know that it's going to take us time to
16 set up and queue the equipment. We'll work on that,
17 we'll bring them up and we'll send them home for the
18 evening. Bring out the jury.

19 MR. BILINKAS: Judge, I think we need to --
20 W--?

21 MR. MELLO: Yeah.

22 MR. BILINKAS: Some of the things that they
23 want to read back, I don't think they're clear. You
24 know, she -- we may need to clarify who they are
25 talking about it before they go. Like the three -- the

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1 three women, there is more than three women. Who are
2 you talking about? You mean the person regarding
3 the -- (Indiscernible)
4 THE COURT: You want their names?
5 MR. BILINKAS: Well, who are -- who are they
6 talking about? And -- and when you talk about the
7 person talking about religion, that's Aronberg
8 (phonetic) --
9 MR. MELLO: Gunderstof (phonetic) --
10 (Indiscernible).
11 MR. BILINKAS: Well, if they have that ques--
12 they have a question mark.
13 MS. MCARDLE: (Indiscernible).
14 MR. BILINKAS: So I mean Aronberg never
15 talked to my client. Who -- who do they mean?
16 UNIDENTIFIED: Okay.
17 UNIDENTIFIED: They never tell us.
18 UNIDENTIFIED: Right.
19 MR. BILINKAS: But then they have a question
20 mark here.
21 THE COURT: Well, I think it's pretty clear
22 when they talk about the individual talking about
23 religion.
24 THE COURT OFFICER: Jury entering.
25 (Jury enters the courtroom)

1 THE COURT: Okay. Welcome back, ladies and
2 gentlemen of the jury. All right. Please be seated.
3 I'm reading through the questions and in anticipation
4 of queuing the equipment so that it's ready for you in
5 the morning, you might be able to assist us. If you
6 could indicate specifically who you're requesting in
7 questions two and three, I think it would be helpful.
8 All right.
9 JUROR: Did you read what we wrote?
10 THE COURT: Sorry?
11 JUROR: Did you read what we wrote?
12 THE COURT: I did.
13 JUROR: No. I mean -- I mean --
14 THE COURT: I -- if I can. As to question
15 number two, "Can we see the testimony of the Washington
16 Township policeman who was talking about religion with
17 Stephen Scharf?"
18 MADAM FORELADY: Okay.
19 THE COURT: Now my question is, is there a
20 specific individual or individuals that you are
21 requesting?
22 MADAM FORELADY: We don't remember his name.
23 The police officer from Washington Township.
24 THE COURT: I understand that.
25 JUROR: Not the one that was talking about

Jury Questions

12

1 being in the service as well. The one who was very
2 religious and was talking about God and --
3 (Indiscernible).
4 THE COURT: Again, I cannot -- I don't want
5 to suggest the name of the person but --
6 JUROR: Gunder (phonetic) something.
7 THE COURT: I'm sorry?
8 JUROR: Gunder something?
9 JUROR: Gunders.
10 MR. MELLO: Gunderstor (phonetic).
11 JUROR: Yeah.
12 JUROR: Gunder something.
13 THE COURT: Okay. Let -- let me do it this
14 way. Let me do it this way. Why don't you go back
15 inside and as to question two and three, give us the
16 names as best as you recall, all right, with your
17 collective input. And then when we finish with this,
18 then I'll discharge you for the evening and I'll see
19 you in the morning. All right. Sheriff's officers?
20 (Jury exits the courtroom)
21 MR. BILINKAS: Judge, if I may?
22 THE COURT: Let's wait until the alternates
23 are out, too. Okay.
24 MR. BILINKAS: Obviously, with regards to
25 number two, the specific question reads, "Can we see

Jury Questions

13

1 the testimony of the Washington Township Policemen" --
2 not policeman.
3 THE COURT: Singular.
4 MR. BILINKAS: Singular.
5 THE COURT: Okay. But --
6 MR. BILINKAS: -- "who was taking about
7 religion with Scharf." That is clearly Aronberg. I
8 believe they have the -- the name confused with
9 Gunderstor.
10 THE COURT: They used the name Gunderstor.
11 MR. BILINKAS: They used --
12 THE COURT: I don't know if they did that
13 because they're looking for another person or they
14 mistakenly identified Aronberg as Gunderstor.
15 MR. BILINKAS: And -- and what my concern is
16 when the woman mentioned Gunderstor the prosecutor said
17 Gunderstor, and I didn't yell out Aronberg. And -- and
18 again from my standpoint, from a defense standpoint,
19 there is a huge difference between Aronberg and
20 Gunderstor and --
21 THE COURT: Okay.
22 MR. BILINKAS: -- I don't -- I don't want it
23 suggested --
24 THE COURT: Well, they're going to come back.
25 MR. MELLO: They're going to come back and

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1 ask for who they want. They could ask for one or both.
2 THE COURT: And whoever they ask for that's
3 what we'll give them.
4 MR. MELLO: And they may ask for one and then
5 ask for the other.
6 THE COURT: Now as to the three waitresses,
7 there again, my recollection is there were more
8 witnesses but let them identify who the individuals
9 are.
10 Let's talk about number one. Pink pill found
11 in red bag in evidence along with matches, never
12 mentioned, why was it never addressed. Being that it
13 is in the red bag in evidence, and can we find out what
14 it is.
15 MR. BILINKAS: I don't know of pink pill,
16 Judge. And, again, I'm looked in the bag at times and
17 I -- I didn't see a pink pill. There is no pink pill
18 that's ever been inventoried, any --
19 MR. MELLO: I don't either.
20 THE COURT: I -- I thought when I saw that I
21 thought maybe I had missed something. I went through
22 the notes. I -- I have no recollection, no information
23 regarding any pink pill found in a red bag.
24 MR. BILINKAS: Judge, in -- in light of this
25 circumstance, I would specifically request that you

1 instruct the jury that it has absolutely nothing to do
2 with this case. They are -- they are to disregard --
3 THE COURT: But do you remember any testimony
4 regarding a pink pill?
5 MR. MELLO: There is no testimony regarding
6 pink pill or matches.
7 THE COURT: Okay. Now that we've established
8 that how do you want to convey this to the jury so that
9 we can move on from number one?
10 MR. BILINKAS: I would suggest that the pill,
11 the matches have absolutely nothing to do with this
12 case, you are to disregard it.
13 THE COURT: Prosecutor?
14 MR. MELLO: Well, the matches make some sense
15 in the sense that there is a candle in the bag. The
16 pink pill --
17 THE COURT: Where did the pink pill come
18 from?
19 MR. MELLO: I don't know. Mr. Bilinkas
20 looked in it and he doesn't know either.
21 THE COURT: There was some mention of candle
22 and the matches, I think.
23 MR. BILINKAS: I mean I absolutely have no
24 problem with a -- with the matches, but a pink pill I'm
25 thinking the jury is thinking that it was something

1 maybe to drug her or whatever. And, again, that has a
2 very negative connotation to -- to me.
3 MR. MELLO: Maybe what we can do is this.
4 Let's -- let's reserve on that and think about it, and
5 -- and reform on that tomorrow. And let's see what
6 they say about the others. Because it's going to take
7 some time to get that tape set up and so forth.
8 THE COURT: My concern is they're asking
9 about something that was not in evidence.
10 MR. BILINKAS: Right. And, again, as I stand
11 here --
12 THE COURT: And -- and it's not --
13 MR. BILINKAS: -- two-and-a-half years
14 later --
15 THE COURT: Yeah. We're not supposed to ask
16 questions of them, but at -- at the same time, I -- I
17 don't know how they were able to come up with this
18 description.
19 MR. BILINKAS: Well, obviously, there is a
20 pink pill in the red bag that went into the jury room.
21 MS. MCARDLE: It's never been inventoried --
22 (Indiscernible) --
23 MR. BILINKAS: There has never been any
24 inventory, any discussion.
25 THE COURT: Okay. Let's -- let's do this.

1 Let's spend the night thinking about it and then in the
2 morning we'll resolve it.
3 I think number four is pretty clear cut.
4 Want to see brother's testimony.
5 MR. BILINKAS: Yes.
6 MR. MELLO: Yes. I think we all agree that
7 whatever the testimonies they request should be --
8 THE COURT: Whatever it is it's direct and
9 cross.
10 MR. MELLO: Right.
11 THE COURT: To be fair to both sides.
12 MR. MELLO: Correct.
13 THE COURT: Okay.
14 MR. MELLO: But I think we can -- we can at
15 this point dismiss the jury with the instruction that
16 we'll have that queued up tomorrow as soon as we
17 know --
18 THE COURT: Okay.
19 MR. MELLO: -- what they want.
20 THE COURT: But they're going to give us the
21 names right now.
22 MR. BILINKAS: Judge, Mr. Mello?
23 MR. MELLO: Yes.
24 MR. BILINKAS: What I'm concerned about is
25 letting them go, Judge, and then, you know, wondering

1 about the pink pill. I mean under any circumstances,
2 it's not in evidence and it should not be considered by
3 -- by them. We -- to let them go and -- and spend the
4 night thinking about this pink pill, again, that's a
5 slippery slope from my -- from my standpoint, from the
6 defense standpoint.
7 THE COURT: The pink pill could be a
8 medication for all we know.
9 MR. BILINKAS: Right. It could be anything.
10 THE COURT: It could be anything. It could
11 be Plavix for all I know. Why don't we -- why don't we
12 just think about it. Whatever type of instruction I
13 can give it tomorrow. It will have much more force and
14 effect because it's closer in time.
15 MR. BILINKAS: And -- and perhaps, Judge, we
16 can get that bag and take a look at that pink pill so
17 we --
18 THE COURT: Well, were either of you aware of
19 any pink pill?
20 MR. MELLO: No.
21 THE COURT: -- in the -- in the bag?
22 MR. BILINKAS: If it was anywhere in the
23 discovery, I don't -- I don't recall it.
24 MS. MCARDLE: And it wasn't listed in any
25 property list either, Your Honor. You know, any

1 inventory that was done.
2 MR. MELLO: We're going to have to check the
3 inventories. I -- I just don't remember it.
4 MR. BILINKAS: Yeah. Just --
5 THE COURT: All right. One way or another
6 we'll take care of it.
7 MR. MELLO: Yeah.
8 (Off the record. Back on the record.)
9 THE COURT: They are requesting one, Officer
10 Gunderstor; two, Ms. McAuliffe (phonetic) -- Mr.
11 McAuliffe; and three, Hillfring (phonetic) -- Hillfridy
12 (phonetic). Those are the three individuals.
13 MR. MELLO: Gunderstor, Hillfry (phonetic)
14 and the brother?
15 THE COURT: And the brother, McAuliffe.
16 MR. MELLO: Judge, I think we can accommodate
17 the Court with the necessary equipment for playback.
18 If, Di (phonetic), you can --
19 THE COURT: I'll have that set up in the
20 morning.
21 MR. MELLO: -- have what's got to be played
22 and we'll try to get it up a little bit early, Judge,
23 so --
24 THE CLERK: (Indiscernible).
25 MR. MELLO: Huh?

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Jury Questions

20

1 THE CLERK: (Indiscernible).
2 MR. MELLO: You know, I -- I don't know. I
3 would have to check.
4 THE CLERK: You know what, I'll -- I'll
5 (Indiscernible) --
6 THE COURT: All right. Let's -- is this
7 another list?
8 THE COURT OFFICER: No. That's just the --
9 (Indiscernible).
10 THE COURT: Let's bring the jury out.
11 (Colloquy among counsel)
12 THE COURT: The -- the tape is running. All
13 right.
14 MR. MELLO: Let's see if I can get Diane that
15 answer. I know I have it somewhere in here.
16 (Off the record. Back on the record.)
17 (Jury enters the courtroom)
18 THE COURT: The alternates. All right.
19 We're waiting for the alternates. You may be seated.
20 (Alternate jurors enter the courtroom)
21 THE COURT: Okay. The alternates have
22 entered the room. We have your new question which we
23 have designated as J-3. The people that you would like
24 to -- the testimony that you would like to have read
25 back to you by way of the equipment, the audio visual

Court Decision

21

1 equipment would be Officer Gunderstor, Mr. McAuliffe,
2 and Ms. Hillfridy. Is that correct? Okay. We're
3 going to set that up for tomorrow, and it will be
4 available to be played back to you.
5 At this time I'm going to allow the jury to
6 go home. You will stand in recess until 9 a.m.
7 tomorrow. Do not discuss this case with anyone. As I
8 have indicated to you each and every day the
9 possibility of press coverage increases. You are not
10 to read or listen to any media accounts, not to speak
11 with anyone, not to discuss this case in any manner
12 whatsoever with anyone even amongst yourselves. Don't
13 watch any
14 law-related programs, don't provide any research by way
15 of Google or any other provider. Have a good evening,
16 and I will see you in the morning. Thank you.
17 (Jury exits the courtroom)
18 (Off the record. Back on the record.)
19 (Sidebar)
20 THE COURT: You're number 11, right?
21 JUROR: Yes.
22 THE COURT: Okay. (Indiscernible) -- perform
23 your service?
24 JUROR: Thank you. (Indiscernible).
25 UNIDENTIFIED: That's what I said.

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1 THE COURT: Thank you.
2 (Sidebar concluded)
3 (Off the record. Back on the record.)
4 THE COURT: I just wanted to be clear about
5 this. It has to do with this pill that was found in
6 the purse. My first inkling or understanding would be
7 perhaps it was some type of medication that either
8 party was taking.
9 MR. MELLO: It could have been.
10 MS. MCARDLE: She was taking BuSpar, I
11 believe, and Xanax, Your Honor.
12 MR. MELLO: I don't know that there is
13 testimony to that.
14 MS. MCARDLE: There is no testimony. It's
15 part of the notes.
16 THE COURT: I understand.
17 MR. BILINKAS: I think the therapist
18 testified she was prescribed specific medication for
19 depression. I asked her if she prescribed it, she said
20 no, there was a doctor prescribing the medication. And
21 -- and she may have mentioned what it was.
22 MR. MELLO: May have. I -- I don't recall
23 but I -- I think --
24 THE COURT: Assuming that it's a medication,
25 there is going to be a number on it. You can pretty

1 much figure out what it is but it's not part of the
2 case --
3 MR. MELLO: It's not evidence.
4 THE COURT: -- you didn't know that the pill
5 was there.
6 MR. MELLO: It's not evidence.
7 THE COURT: It's not in evidence.
8 MR. MELLO: And certainly --
9 THE COURT: And they're not to speculate
10 or --
11 MR. MELLO: I -- I think -- I think --
12 MR. BILINKAS: -- the toxicology -- came
13 back --
14 MR. MELLO: -- if I might, the tox (phonetic)
15 says negative for any of these kinds of things which if
16 she was taking these prescriptions at the time that
17 should have come up, but -- but I -- I think where both
18 Mr. Bilinkas and I are moving toward is it certainly
19 was not an item of evidence, therefore, it's an anomaly
20 of the evidential package and it should not be part of
21 the deliberations. I think that's where we're both
22 moving to, and I think an instruction along those lines
23 will take care of the problem.
24 And I think also with respect to the tox --
25 UNIDENTIFIED: (Indiscernible) --

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1 MR. MELLO: -- with respect to the tox,
2 Judge, that's in evidence. That report was put in
3 evidence so they'll have that, too, so --
4 MR. BILINKAS: I'm going to -- I'm going to
5 suggest that that toxicology report be referred to --
6 (Indiscernible) -- these circumstances and I'm sure
7 that we'll let Mr. Mello think about it overnight. But
8 --
9 MR. MELLO: I think -- I think I'm not going
10 to be in agreement with that. I think it unduly
11 focuses the issue. It's not evidence. It is not
12 something that can be speculated about, and I think
13 that that should be enough.
14 THE COURT: Well, fortunately --
15 MR. MELLO: I think we can -- we can think
16 about it tonight and talk about it tomorrow.
17 THE COURT: -- I think we're fortunate to
18 have such a conscientious group.
19 MR. MELLO: Yes.
20 THE COURT: They seem to be doing their job,
21 asking questions and, in fact, have brought something
22 to our attention that -- that we didn't know.
23 MR. MELLO: You know, it may have been in the
24 -- you know in some recess of -- of the bag. Who is to
25 say. I just want -- I -- I want to check the -- the --

1 the inventory because I don't recall -- (Indiscernible)
2 --
3 MR. BILINKAS: Yeah. I know. Can I look at
4 the -- (Indiscernible) --
5 THE COURT: (Indiscernible). Here is the
6 evidence. Maybe you could check it and see if there is
7 a number on the pink pill so that we can ascertain if
8 it is, in fact, a form of medication.
9 (Counsel searching through pink bag)
10 THE COURT: You found it? Is there a number
11 on it?
12 MR. BILINKAS: There is like some letters on
13 it.
14 UNIDENTIFIED: U5 or something I. There is
15 it A-- ASP. ASR. ASR.
16 THE COURT: Mr. Mello?
17 MR. MELLO: Yes.
18 THE COURT: Why don't you take a look. If it
19 appears to be some type of medication.
20 (Counsel conferring)
21 MR. MELLO: Well, it's not in her blood, so
22 and it might have even been Mr. Scharf's.
23 THE COURT: Okay. We'll take care of that in
24 the morning.
25 MR. MELLO: Thank you, Judge.

Colloquy

26

1 THE COURT: Thank you and have a good
2 evening.
3 (Proceedings concluded)

27

CERTIFICATION

I, Janet Slivka, the assigned transcriber, do hereby certify the foregoing transcript of proceedings in the Bergen County Superior Court on May 25, 2011, digitally recorded, Time Index from 1:47:51 to 1:58:48; 1:53:55 to 2:00:17; 3:54:02 to 4:06:24; 4:09:40 to 4:11:16; 4:11:57 to 4:14:02; 4:14:19 to 4:15:09; and 4:16:12 to 4:21:21, is prepared in full compliance with the current Transcript Format of Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded to the best of my knowledge and ability.

/s/ Janet Slivka

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April 25, 2013

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