

Excerpts of Trial Transcripts, dated May 19, 1994:
Testimony of Thomas Rich, pp. 328, 336-337

EXHIBIT 7

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF ERIE : CRIMINAL TERM : PART 12

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4 THE PEOPLE OF THE STATE OF NEW YORK
5 -vs- Indictment #91-1510-001
6 BENJAMIN CASTRICONE, JURY TRIAL
7 Defendant.

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9 VOLUME II
Erie County Hall
Buffalo, New York
May 19, 1994

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B e f o r e: HONORABLE PENNY M. WOLFGANG,
Supreme Court Justice

A p p e a r a n c e s:

KEVIN M. DILLON, ESQ.
Erie County District Attorney
By: PATRICIA I. CARRINGTON
Assistant District Attorney
Appearing for the People

JOHN J. CARNEY, III, ESQ.
Appearing for the Defendant

Liliana G. Cirulli
Official Supreme
Court Reporter

1 Colloquy

2 five-minute recess.

3 MR. CARNEY: Judge, could we have you look
4 at the paper that has Joe Castricone's name and
5 make a determination on that document?

6 THE COURT: All right. The District
7 Attorney handed me two police reports, one-page
8 papers. One states the name of Joseph
9 Castricone and one states the name of Benjamin
10 Castricone, and I'm handing both to defense
11 counsel. I don't know what you could make of
12 any of it. Certainly he's entitled to look at
13 it, but I believe one you've already received
14 in any case.

15 MR. CARNEY: No, Judge, I have the
16 original prints from the Holding Center.

17 (Whereupon, Jury present.)

18 MS. CARRINGTON: The People call Sergeant
19 Thomas Rich.

20 THE CLERK: Jurors, Defendant, all counsel
21 present, Your Honor.

22 T H O M A S R I C H, Buffalo, New York, having been
23 duly called and sworn as a witness on behalf of the
24 People, was examined and testified as follows:

25 DIRECT EXAMINATION BY MS. CARRINGTON:

roughness to it.

Q. Was there anything, any kind of material on the handle at all?

A. Well, because of the type of door that -- it is either a door that is used on a daily basis in their business for the entrance of customers, and I don't know how many customers a day they would have going out of that door, but there was a lot of hands that grasped that door handle and thereby there was a constant deposit of perspiration and trace material and build-up, and it's also exposed to the exterior weathering conditions, rain, sun, heat, whatever, and that would cause the -- there was a film like on the back side.

Q. Were you able to obtain any prints at all from that handle?

A. Yes, there was, I believe, three partial prints that were -- I was able to view on the back side, only one of which was sufficient in detail to be examined for identification.

Q. And that one print that you were able to examine for identification, did you compare it to the Defendant Benjamin Castricone?

A. Yes, I did.

Q. And what was the results of that comparison?

A. There was no match with his fingerprints.

Q. Okay. Did you also have occasion to dust for fingerprints in the interior door in the restaurant?

A. Yes.

Q. Showing you what has been marked into evidence as People's Exhibit 2, what do you recognize that photograph to be?

A. This is another photograph that I took. It shows the front of the customer side of the service counter and off to the left-hand side is a wooden door with a metal door knob on it that allows access to the rear of the service counter. That's the door I processed.

Q. What part of that door did you process?

A. I processed the door handle and the wooden area surrounding it.

Q. And what if anything or results did you obtain?

A. No fingerprints of identification value were developed on that.

Q. Now, does that mean no one used that door or no one used the handle?

A. No, it means that I did not develop any, develop any fingerprints other than were sufficient to be identified.