

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF PUTNAM

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THE PEOPLE OF THE STATE OF NEW YORK

INDEX NO. 2-2009
- against -

MARGARET DE-PASS,

Defendant.

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20 COUNTY CENTER
Carmel, New York
OCT. 15, 2009

B E F O R E: HON. JAMES F. REITZ
County Court Judge

JURY TRIAL

WITNESS: MARK PADIN

Michael McDonough, Official Court Reporter
20 COUNTY CENTER
Carmel, New York 10512
(845) 208-7848



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2 A P P E A R A N C E S:

3 ADAM LEVY, ESQ.,
4 District Attorney
5 40 GLENEIDA AVE.
6 CARMEL, NEW YORK 10512

7 BY: MARY JANE MACCRAE, ESQ.,

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10 SCOT HERSH, ESQ.,
11 PARK STREET
12 PEEKSKILL, NEW YORK 10566
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CROSS EXAMINATION

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A. Yes.

Q. And, can you tell me whose number that is?

A. That is your phone number, from your cell phone.

Q. Do you remember speaking with me on the phone that afternoon Mr. Padin, that night actually because it is 8:35 p.m.

A. Yes.

Q. Do you remember the conversation?

A. I recall you called to talk to Joshua and that is what I recall, you called to talk to Joshua.

Q. Isn't it true that you had said that Joshua was ill and was sleeping at the time?

A. That may be true.

I don't recall.

I don't recall the conversation.

I remember that you called to talk to Joshua.

I don't remember if you talked to him.

Q. Do you remember if you were at

CROSS EXAMINATION

1
2 home or if you were at your work at Pace Law
3 School at that time?

4 A. I'm not certain.

5 I think that I was at home.

6 But, actually I remember, I was
7 home.

8 Q. You were home on the night of
9 November 17th at that time?

10 A. Yes.

11 Q. You did not explain anything about
12 Joshua being with you at the school or being
13 at the day care sick or anything, nothing to
14 your recollection?

15 A. I don't recall that.

16 I do remember getting a call from
17 you and being at home and you wanting to
18 talk to Joshua.

19 That is what I remember right now.

20 Q. Mr. Padin, you testified that at
21 about 10:30 that night I appeared at the
22 home and you allowed me to visit with Joshua
23 for awhile.

24 If I may draw to your attention --

25 MS. DE PASS:

RE - DIRECT EXAMINATION

1
2 relevance to the issues we're addressing in
3 this matter.

4 THE COURT: Alright.

5 Based upon that and everything
6 that I have heard I will sustain the
7 objection.

8 MS. DEPASS: No further questions,
9 Your Honor.

10 THE COURT: Alright.

11 Thank you, very much.

12 THE COURT: All right.

13 Mrs. MacCrae.

14 ASSISTANT DISTRICT ATTORNEY - MS.
15 MAC CRAE: Briefly, Your Honor.

16 May I have Exhibit B, please?

17 Show it to the witness, please.

18 RE-DIRECT EXAMINATION:

19 Q. Mr. Padin what is that?

20 A. This is a letter that Margaret has
21 written to the Judge in a divorce case.

22 And, an article, actually it is an
23 article written acknowledging corruption
24 that she was wanting to publish to
25 newspapers, law schools and politicians in

RE - DIRECT EXAMINATION

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2 Miami, New York and California, Mark and
3 Margaret wedding invitees, White Plains
4 public and, other undisclosed recipients.

5 Q. And, in the center of the document
6 there appears to be a photocopy of some
7 other document.

8 Can you explain that?

9 A. Yes.

10 It is a copy of some hand written
11 notes that I wrote which were the result of
12 an attorney client conversation with my
13 attorney, Louis Gebhardt about something
14 that, about a proceeding that happened in
15 Court and a decision.

16 Q. And, did you provide them to Miss
17 DePass?

18 A. No, I did not.

19 Q. And, where were they maintained by
20 you?

21 A. I believe they were in a brief
22 case that I had, that I kept, you know, I
23 keep secured, as secure as possible.

24 Q. And, did you at some point notice
25 that the brief case was missing?

R E C R O S S

RECROSS EXAMINATION:

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3 Q. Mr. Padin, if you could look at
4 Defendant's "B"?

5 Could you look at the very top in
6 the right hand corner.

7 Is there a date in there?

8 A. It says 11-16-08.

9 Q. And, if that was done on 11-16-08
10 is there a possibility that it could have
11 been in your brief case?

12 A. Well, I know that these notes, I
13 keep all of my notes together and they were
14 in my brief case at some point in time, I
15 know that.

16 Q. And, is that entire document as it
17 is presented in your hand is that a document
18 that you constructed?

19 Is that your document or is that
20 just your hand written notes on the very
21 top?

22 A. This is a document that was
23 created by you with a copy of my attorney
24 client notes that I had kept which were
25 privileged.

R E C R O S S

1
2 Q. Alright.

3 And, can you tell me approximately
4 what date did you have that conversation
5 with your attorney?

6 ASSISTANT DISTRICT ATTORNEY - MS.
7 MAC CRAE: Objection.

8 THE COURT: I will sustain.

9 MS. DEPASS: Your Honor, if I may
10 ask, I think that it is very relevant that
11 he advises what date it is because if he is
12 trying to allege that those notes were in
13 his brief case on the 19th when actually
14 those notes might have been taken months
15 before.

16 THE COURT: I'm not going to allow
17 you to ask questions about when he spoke to
18 his attorney about a case.

19 I don't think that it is
20 appropriate.

21 MS. DEPASS:

22 No further questions, Your Honor.

23 THE COURT: Alright.

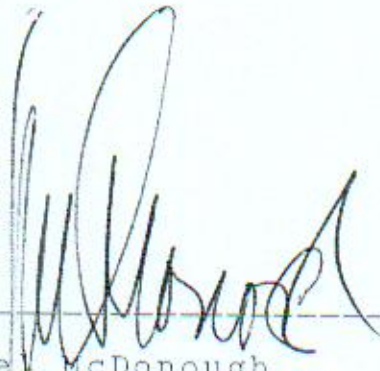
24 Thank you.

25 Are you all set.

CERTIFICATION

C E R T I F I C A T I O N

Certified to be a true and accurate
transcription of the aforesaid proceedings
to the best of my knowledge and ability.

A handwritten signature in black ink, appearing to read "Michael McDonough", is written over a horizontal dashed line.

Michael McDonough
Official Court Reporter