

FRANCESCO PAGANO v. TOWNSHIP OF POHATCONG, et al.  
March 13, 2012

SHEET 72

Pagano - Cross

142

1 on what you put in your report, right?

2 A Correct.

3 Q And it was your expectation when you prepared  
4 the report that you would have to rely on that report  
5 when you testified at a later proceeding, right?

6 A Correct.

7 Q And your testimony at the suppression hearing  
8 was also based on what was in your report, right?

9 A Correct.

10 Q If new information had come to your attention  
11 between when you prepared your report and when you  
12 testified in court, wouldn't you have a duty to take  
13 that into consideration in what you put in your  
14 testimony?

15 A Absolutely. But I never had that opportunity.  
16 The tape that we're talking about here was removed out  
17 of my vehicle, disappeared for six months as a  
18 retaliation against me. And then all of the sudden  
19 after I testified at grand jury and a suppression  
20 motion the tape appears.

21 Q All right. But in answer to my question you  
22 agree that you would have to take any new information  
23 into consideration when you testify if it bears on the  
24 substance of your testimony, right?

25 A Absolutely.

Pagano - Cross

143

1 Q Now, there were disciplinary charges against  
2 you in connection with this motor vehicle stop, right?

3 A There was accusations made against me. Nothing  
4 was ever brought out to me exactly to what the  
5 accusations were. Numbers were given against me,  
6 numbers. And basically I was told if I wanted to see  
7 what the accusations were they were going to stop the  
8 investigation right there and move on to the next  
9 level. And, again, everything started as I turn in

10 Lieutenant McBride for sexually assaulting two officers  
11 at work and turned it in to the chief.

12 MR. HARRINGTON: This is not answering my  
13 question, Your Honor. I'm asking if there were  
14 disciplinary charges against you in connection with the  
15 Orion Gray motor vehicle stop.

16 THE COURT: Okay. Just answer the question.

17 THE WITNESS: Yes.

18 BY MR. HARRINGTON:

19 Q All right. So yes is the answer, right?

20 A Yes.

21 Q Okay. And those charges were pending at the  
22 time that you resigned your employment, right?

23 A Afterwards, yes.

24 Q And you settled and resolved those charges in  
25 part by agreeing to resign and retire, right?

FRANCESCO PAGANO v. TOWNSHIP OF POHATCONG, et al.  
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SHEET 74

Pagano - Cross

146

1 Q Mr. Pagano, remember counsel asked you some  
2 questions about the disappearance of the M.V.R. tape in  
3 Officer Paulus' car; the reappearance of the tape from  
4 your car, and the disciplinary action that was  
5 instituted against you. And you answered that you  
6 believe you were the subject of retaliation. Remember  
7 that?

8 A Correct.

9 Q Who do you believe was retaliating against  
10 you?

11 A Lieutenant McBride.

12 Q Why?

13 A In the beginning of 2007 I was approached by two  
14 officers from my shift. They stated to me that while  
15 at headquarters they were sexually touched by  
16 Lieutenant McBride. I filed a report with the chief  
17 which he was away at the time down --

18 MR. HARRINGTON: I'm going to object to this  
19 as irrelevant.

20 THE COURT: How is this relevant?

21 MR. NULTY: Well, Judge, it's relevant  
22 because there's allegations of what happened and why.  
23 You know what happened with the Paulus tape, the  
24 implication maybe he did something with it. What  
25 happened to his tape. The inference being he did

Pagano - Redirect

147

1 something with it. Well, Judge, it's fair to say the  
2 inference is something else happened to it.,

3 THE COURT: I'll allow it. Okay. I'll allow  
4 it.

5 BY MR. NULTY:

6 Q Continue please.

7 A I wanted to report it right away to Chief Hager  
8 but he was away. So I wanted until he came back.  
9 Since I wasn't -- I had to report it and the next level  
10 would be Lieutenant McBride. Above him was the chief.  
11 So I waited for the chief to come back from his class.  
12 In the meantime, a whole bunch of investigations  
13 started against me from that day on.

14 Q Did Lieutenant McBride's attitude towards you  
15 change after that?

16 A Absolutely.

17 Q Did the chief's attitude towards you change  
18 toward you after that?

19 A Absolutely.

20 Q And do all of these charges come subsequent  
21 to that?

22 A Correct.

23 MR. HARRINGTON: Objection. Irrelevant. All  
24 these other charges are not relevant.

25 MR. NULTY: All these other charges are not