





MAJOR MICHAEL A. KOPY,  
having been duly sworn, was examined  
and testified as follows:

EXAMINATION BY MS. TOOHER:

Q. Would you state your full name for the record, please.

A. Michael A. Kopy.

Q. And where are you currently employed?

A. I am employed by the New York State Police.

Q. And what is your rank?

A. My rank is Major and I am also designated as the Troop Commander of Troop NYC, which is the five boroughs of New York City.

Q. And how long have you been in that position?

A. I have been employed by the Division of State Police for just over 21 years. The last seven months of which I have been the Major/Troop Commander.

Q. So just for clarification, when did you become the Major/Troop Commander?

A. I believe it was March 8th, 2007.

Q. And I'm sure you have a lot of responsibilities in that position, but do you have

duties concerning the provision of ground transportation to dignitaries in the state?

A. Yes, they have become part of my duties as a Troop Commander.

Q. And when you say they became, was it upon your initial appointment in March or soon thereafter?

A. It was not something that was brought to my attention on March 8th that said, here is one of your duties. It was just something that was part of my duties that came along and we handled it.

Q. And what are your responsibilities in that regard?

A. Just generally speaking, it is viewed that I am the point person with the Division of State Police with regard to, with regards to matters that may affect the State Police in New York City within the troops. The Troop Commanders are the primary point of contact, so any matter that would involve the State Police would involve me.

I don't know if that's answering your question.

Q. How does that pertain to ground

transportation?

A. The people who are assigned to Troop NYC would be responsible for handling ground transportation assignments and as such, they would be, those issues would be under my purview.

Q. And in your experience, have you provided ground transportation to Senator Joseph Bruno?

A. In my experience prior to March 8th or after March 8th?

Q. No, after March 8th.

A. Yes.

Q. And did you have experience prior to March 8th in that regard?

A. No, not with Senator Bruno.

Q. And Senator Bruno, what is entailed from your perspective in providing transportation to Senator Bruno?

A. What were the assignments?

Q. What was your role?

A. What was my role?

Q. Yes.

A. I had always almost no role other than this was something that happened in my troop and ultimately I am responsible for their things. Did I have any role? No. A request would come to me

and would get forwarded on, but I was not driving the car or providing any direct assistance.

Q. Okay, but the request comes to you?

A. Requests did come to me, yes.

Q. And who would the requests come from?

A. The request came from the Superintendent's office or the First Deputy Superintendent's office.

Q. So if Senator Bruno was to receive ground transportation in New York City, the request would come to you from the Superintendent or the Deputy Superintendent's office?

A. Yes. But if I can answer, you know, it has come to my attention since previous questioning that, you know, other requests did not come directly to me. I believe they went to other people within the organization. So some requests did come to me.

Q. What requests are you aware of that went to other individuals?

A. I believe that there was a request in the end of June that went to Senior Investigator Williams directly and bypassed me. I can't recall if I was on vacation that day or not.

Q. And are you aware of any other requests

that came in that did not go through you?

A. No, not, not that I recall right now.

Q. And approximately how many times have you received requests for ground transportation for Senator Bruno?

A. I would say I believe that there were three, that there were three occasions.

Q. There were only three requests since March of '07?

A. Boy, three? Four? I mean we're certainly not talking a dozen. And I'm sorry to answer that, but the number of requests I think was less, less than half a dozen. Four, five maybe.

Q. So that would be in March --

A. And maybe -- I'm trying to step back. I'm just keep looking really at the three dates in question. I don't remember having more than five requests for Senator Bruno --

Q. Okay. So if --

A. -- that came to me.

Q. If Investigator Williams had testified earlier today that there were roughly a dozen in the last six months --

A. I would not say that Anthony is wrong. I

would say at this point I can't recall with specificity as Anthony has, so you know I would not say he's wrong and probably I don't recall that number.

Q. Okay. But do you recall -- and we'll get to the three that you mentioned earlier in a moment -- other requests beyond those three?

A. For transportation? No, I really don't. I remember that there were e-mails that would come down and maybe because they're not part of the three, I am not recalling them right now, but I don't recall.

I will say this, Leave, and I -- maybe I am hoping this can help you a little bit more, but when it came to a request for transportation or this type of assignment, it was inconsequential for the Troop Commander. I really wasn't paying attention. It may come through and I sent it off to someone else who's ultimately got to handle it and it's really not something I pay a whole lot of attention to, say prior to July 1.

Q. Right. And you indicated that they come by e-mail. Is it the practice that you've received the request for ground transportation by e-mail?

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A. Yes, I would say they came by e-mail, but I don't know what the real practice is. I mean there was no hard set rule that it had to come by e-mail. It could come by cell phone -- excuse me, not cell phone -- by telephone. I believe that prior to my getting there, some of them may have come by telephone, but...

Q. I'm just going to show you what's previously been marked --

A. Can I further answer that?

Q. Sure.

A. I don't think that there was any set way to say this is exactly how a request for transportation assignment has to be received in Troop NYC. My experience was that they came to me via e-mail.

Q. Okay.

A. That may have been not the case in the past, but from my experience it was just e-mail.

Q. I'm just going to show you very quickly what's been marked Commission Exhibit 11, and it's a one page e-mail. Have you seen this previously?

A. Yes, I am familiar with this.

Q. And the date on that?

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A. The top date is from Olga to myself,  
4/3/2007.

Q. Okay. So that's April 3rd, 2007, and can  
you identify that document?

A. This is an e-mail. Further? It's an  
e-mail from Olga -- from me to Olga stating that  
Anthony is handling something.

Q. And what is he going to be handling?

A. There was an original e-mail that's below  
this as a part of this exhibit that says from Olga  
to Anthony with a carbon copy to myself as well as  
my secretary and the subject is ground  
transportation Senator Bruno.

Q. So is this --

MR. VALLE: Leave, I think that  
was a misstatement. To the  
witness and cc to --

A. Okay, to me.

BY MS. TOOHER:

Q. Is this a request for ground  
transportation for Senator Bruno?

A. Yes, request has been made by Leslie in  
Senator Bruno's office for ground transportation  
for the Senator, plus three, on April 5th.

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Q. And this is not one of the dates that you were referring to when you said the three dates earlier; is that correct?

A. I believe that the dates were in May, the three dates that have come to question. So this would have been April 5th, yes.

Q. So this is just reflective of another time that you might have provided transportation for Senator Bruno?

A. Yes, and certainly I apologize if I said three or four.

Q. No, that's okay.

A. I want to be clear as possible. I was just thinking three and it certainly was less than six, six or less.

Q. Okay. I just want the record to be clear that there were other occasions that you received requests to provide transportation.

And is there any kind of protocol when those requests come in as far as keeping records or keeping track of them?

A. Is there or was there?

Q. Was there originally when you came on board?

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A. Not as of March 8th that I was aware of that there was something that, you know, was going to happen.

Q. And did there come a time when you established a protocol?

A. Oh, yes.

Q. And when was that?

A. End of May, beginning of June.

Q. And what was the protocol you put in place?

A. I would say protocol has a bit of formality to it, which wasn't there. What I would say is we're going to save copies of the itineraries for future reference.

Q. And did you relay that to other people in your command?

A. I did.

Q. And who did you relay that to?

A. That would have been Senior Investigator Williams.

Q. And how was that relayed to him?

A. Personally, me to him.

Q. Face-to-face?

A. Across the table with him standing at my

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office, but it was a personal conversation.

Q. Was there anything beyond, we will retain the itineraries?

A. In what term? What with regard? Was there anything further, further conversation?

Q. Yes.

A. No. Anthony keep these in your office and I am not saying keeping these because I was holding something. We need to keep these for future reference.

Q. And when you say "these," what do you mean?

A. Itineraries for information relating to transportation assignments.

Q. The e-mail I just showed you, Commission's Exhibit 11, would that be the type of document you would retain?

A. No, I wasn't talking about that because that was already within the e-mail system and it was recoverable. There had come to be where in speaking with Leslie from Senator Bruno's office, not me, but Anthony, that itineraries were forwarded back and forth. Those are what I wanted saved.

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Q. Do you recall receiving a request on or about April 30th for transportation for Senator Bruno?

A. I don't recall that. If there is an e-mail there, I probably did if there's a reference to it.

MR. TEITELBAUM: Can I just jump in for a second?

MS. TOOHER: Certainly.

MR. TEITELBAUM: Could you explain to us what prompted the introduction of this system of document retention sometime in May or June that you just talked to us about?

A. Where I told Anthony, hey, save these?

MR. TEITELBAUM: Yes.

A. I had gotten requests for prior information and we had to go out and piece together the information. And I wouldn't say it come to my attention, but we knew there were itineraries, and then a month or two later we're trying to piece it together from memory, by talking to people to see if somebody had it.

I was hopeful that by saving these documents that we had, if the request came up

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again for future documentation, we would just be able to go pull it and say, okay, here's exactly what happened on that day.

MR. TEITELBAUM: The request of piecing together itineraries from, I guess we're talking about from your staff, is that with regard to this matter when you went out and did that? Did that prompt --

A. Is that what prompted me to make this?

MR. TEITELBAUM: Yeah, yeah, yeah.

A. It was prompted as a result of the fact that, you know, nobody had information regarding what our activities were on that day, so at least we would know where they were. And the documents had already been provided to us ahead of time, so it was just simple to save them as opposed to throwing them away, which had been the practice before March 8th, which later came to my attention.

BY MS. TOOHER:

Q. When you say they had been provided beforehand, the documents had been provided beforehand, can you explain that?

A. Yes, but I'm not explaining it on

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first-hand knowledge. They were never provided directly to me, but there were conversations in one of those e-mails that said contact Leslie in Senator Bruno's office for information regarding his trip, and it has come to my attention that during those contacts either there were handwritten notes based on information provided by the Senator's office or actual printed out information that we either faxed or e-mailed to Anthony regarding itineraries.

Q. Okay. So it's not these contact e-mails that you're speaking about, it's some additional itinerary that goes either to Mr. Williams or one of the drivers?

A. Yes. I mean, you know, I think there were many of them that have come to my attention outside the few I've spoken about. Pretty much March 8th and there were some after March 8th, but there were documents there that were typed out itineraries that showed times and dates of locations that had to be visited and they were to be given to the investigators to be used as a guide as to where the Senator was going to be taken.

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Q. And they were given --

A. That's the document.

Q. They were given by the Senator's office?

A. It would be fair for me to say yes, although I don't know that firsthand. I'm believing so. I know this went to Anthony, contact the Senator's office and get the information.

So yes, I'm sure that they came from the Senator's office, although I don't know that firsthand.

Q. You know the information came from the Senator's office?

A. Yes.

Q. But you're not sure as to the form it may have come from them to Williams?

A. I know that the form came, in the past had come in printed form typed up with specific times and locations, and I believe that there were times where there was nothing printed up. It was just handwritten based on telephonic communication. I don't know this firsthand. I know this from reading documents and having spoken with Anthony.

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Q. I'm going to show you what's been marked as -- well, I'm sorry, go back. I asked you if you recall getting a request on April 30th for ground transportation for Senator Bruno. Do you recall receiving that request?

A. I don't recall the specifics of an April 30th request, but if it was in an e-mail, yes, I did receive it.

Q. Okay. Do you recall receiving a request to provide transportation on May 3rd and 4th for Senator Bruno?

A. No, I'm sorry not -- I don't recall those specific things.

Q. I am going to show you what's been marked as Commission's Exhibit 13, and I ask if you can identify that document?

A. Yes.

Q. And can you tell me what it is?

A. This is an e-mail with a thread below it from myself to Jeanette in the Superintendent's office.

Q. What is your understanding as to what that e-mail is?

A. The original line was Leslie from Senator

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Bruno's office called for transportation arrangements with subsequent information on Thursday, May 3rd, and Friday, May 4th, regarding his arrival, the staff members, locations he had to go, and then his departure arrangements.

My reply is, okay, Anthony W. -- which is Anthony Williams and it almost always is Anthony Williams or Anthony W. Will handle and advise, and Jeanette says, okay. I also called Anthony for him to check his e-mail.

So Anthony probably had not received it at that point, where I would get it over the Blackberry.

Q. And so you would have forwarded this to Mr. Williams or forwarded the information to Mr. Williams?

A. Yes. I would have forwarded it, or if I had seen that Anthony was carbon copied on an original e-mail, I would have known that Anthony was taking caring of it or I may have told him, hey, check your e-mail.

Generally speaking, if I saw Anthony was on something, it wasn't my concern, so there was no need for me to forward Anthony. He's not the

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type of employee I had to stay on top of. Anthony knew had how to take care of these things and anything he gets, by the time I get to him, he's got the answer, you know.

Q. Do you have any recollection about this trip at all, this request?

A. Yes, but my recollection is not as to when it occurred. I do know the May 3rd and 4th trip is one of the three trips we had talked about with Colon, that overnight trip, but I have no recollection about that trip when it was ongoing, meaning the request and anything that was going on.

As I said earlier, it's -- at the point it was inconsequential to my work, and I don't mean to trivialize it.

Q. I understand.

A. I'm really trying to help put the mindset as to what I was doing behind my desk when I got something like this.

Q. So you don't recall being in contact with anyone else regarding this trip. Did you speak with anyone in the Executive Chamber?

A. No, nor have I ever spoken with anyone in

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the Executive Chamber.

Q. Did you speak with your Superintendent about it to your recollection at that time, at the time the request was made?

A. No, I don't recall that.

Q. And you mentioned that there were subsequent communications concerning this trip, the May 3rd and 4th trip. Can you explain those?

A. I don't know if I said subsequent communication, subsequent recollection of understanding about this trip. So when, with regards to May 3rd and 4th, I believe this was one of the trips that was reconstructed and go back and find out the information.

Does that answer your questions?

Q. I think so. I am going to have a few more. And when you talk about the reconstruction, what are you talking about?

A. There was a request from -- and I use the term request -- there was a request, a directive, an understanding from the Superintendent to locate -- Let me step back.

The Superintendent wanted to know did we have the itineraries or information on this, this

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trip, let's say.

Q. The May 3rd and 4th trip?

A. Yes. I can't remember if it was just that trip or there were a couple of trips together, but certainly the May 3rd and 4th trip was one of them because I ultimately typed something up on it, so I know that was one of the trips.

There was a request for this information, okay? It turned out that we did not have anything with regard this, with regards to this and it was later, what I termed reconstructed.

Q. I'm going to show you what's been marked Commission's Exhibit 21.

A. Okay.

Q. And ask you if you can identify this document.

A. That's a -- what this is, this is a photocopy of a small, yellow sticky pad that was on my desk as I was talking to the Superintendent and I wrote this information down. This is all my handwriting.

Q. And can you tell me what this information is?

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A. The dates May 3rd, 4th, 24th, copies of itinerary, and reconstruct both those two being a bullet format underneath the dates. The number, I don't know what phone number that is. So...

Q. Okay.

A. But that's a phone number somewhere.

Q. And what do these notes reflect?

A. This is part of my conversation with the Superintendent.

Q. So May 3rd, 4th, and 24th, what is that an indication of?

A. Those were the days that this, I would say, would be trips that the Senator had to New York City.

Q. And copies of itinerary?

A. Yeah, the Superintendent probably said, hey, do you have copies of the itinerary, and I wrote that down or I may have said that.

I don't want to put words back there. I can't recall specifically, but there was discussion about the copies of itinerary or reconstruct.

Q. Okay, and the reconstruct, was that to reconstruct the itineraries?

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A. To reconstruct the events.

Q. Okay.

A. That was my word, that was my terminology.

Q. And was there any sort of statement from the Superintendent?

A. I believe he said, I'll get back in touch with you, and there may have been another phone call, but I don't recall that with certainty. I think that the conversation was, hey, if we don't have copies of this, what do you want me to do? Do you want me to reconstruct this or not?

Q. Were there a series of phone conversations about this?

A. When you say a series, I don't believe a series in, you know, a call and then five minutes a call and then a call five minutes. There were a couple of phone calls.

Q. So there was more than one phone call?

A. I believe so, yes, but I don't recall over what period of time. I don't think that this was something we were talking about every, you know, five, ten minutes.

I kind of recall that we had a

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conversation one afternoon, and I think I was sitting in my office, and maybe it was towards the latter part of the day. I don't know if we had another call that day. If it was, it was towards the latter part of the evening, not the latter part of the evening, latter part of the afternoon or later the next day.

Q. Can you put some type of approximate date on this?

A. I can't offhand, but I am sure that there are documents around, as I recall from previous interviews that I was able to put dates. And I don't mean to say it in a bad way, but there were dates. I do know that it was prior to the last Wednesday in May because I was away on vacation, I left.

I don't remember -- You know what? I can't tell you right now with certainty, but I think that there are documents that if I had in front of me, I can refresh my recollection.

Q. Okay. So to the best of your recollection it's the end of May?

A. End of May. Yes. You know what? I can tell you in the future because I ultimately typed

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up documents that would be, you know, had a date and time stamp on it.

Q. Okay. I am going to show you --

A. As a matter of fact, the fax cover page, does it have a print on there?

MS. TOOHER: Can we have this marked as Commission's exhibit --

THE WITNESS: Is there a date on there?

MS. TOOHER: No.

THE WITNESS: Then that's not going to help.

MS. TOOHER: One second.

(Commission Exhibit 25 marked for identification.)

BY MS. TOOHER:

Q. I am going to show you what's been marked as Commission's Exhibit 25. It's a Facsimile Transmission Report from the New York State Police, Troop NYC, Manhattan. Can you identify this document?

A. Yes.

Q. What is it?

A. It's a fax cover sheet that was prepared

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by me.

Q. And do you recall when you prepared this fax cover sheet?

A. This would have been after the telephone call, and actually this fax sheet was the sheet that this was on, that yellow sticky pad. You have it there. On that one, that actually sat on that document. I was --

MR. TEITELBAUM: What's the exhibit number of that?

THE WITNESS: Twenty-one.

MR. TEITELBAUM: Twenty-one, okay, and the one in your hand?

THE WITNESS: Is 25.

BY MS. TOOHER:

Q. When you say 21 sat on 25, you faxed it that way?

A. No, no. There was a yellow sticky pad --

Q. Right.

A. -- that, you know, was right on here. So somehow I had it, a yellow sticky pad, which is Exhibit 21, sat right here on 25 as I was writing notes.

Q. But this indicates two pages were sent

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from you to the Superintendent.

A. Correct.

Q. Do you recall what you sent to the Superintendent?

A. No, I absolutely don't, but I think it would have been one of the synopsis, one of the transportation assignments, the reconstruction. So I don't know exactly which one it was, but it was, it was most likely one of them.

Q. When you -- to say the synopses, synopsis, how many were there?

A. I believe that there were three.

Q. And was that the first thing you sent the Superintendent in response to this request?

A. I believe this was, in fact, yes.

Q. I'm going to show you what's previously been marked as Commission's 23.

A. Okay, this would have been -- yes, and I recall this.

Q. Okay. Can you tell me what this document is?

A. This was given to me by Anthony, I'm almost positive, regarding the transportation assignments.

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Q. When you say given to you by Anthony, was that pursuant to a request from you?

A. Yes, this was as a result of the request from the Superintendent, which came to me, which ultimately went to Anthony to obtain the documents.

Now again, I can't say with certainty, but what I believe is that this would have been the fax going like this, okay? If it was two pages, it was contained like that.

Q. Do you know how this document came about? You indicated you made a request to Investigator Williams?

A. Yeah, yes.

Q. And what was the nature of that request?

A. This was a continuation of the Superintendent requesting the information. Now again, I wasn't going to do that myself. It ultimately had to go to somebody. Anthony, get a hold of the investigators, find out what they have so we can reconstruct this.

Q. And this document was what was provided in response to your request to Investigator Williams?

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A. Yes, I believe so. This came from Anthony to me.

Q. Okay, and I note that there's May 3rd and 4th, May 17th, and May 24th. There's three dates on this request, but your sticky note only indicates May 3rd and 4th and the 24th. Can you explain that?

A. I can't, other than I probably made a mistake in writing down the dates, you know, just remembered the 17th. So I, I have no reason why it was only May 3rd, 4th -- May 3rd, 4th and 24th, and the 17th wasn't included.

Q. On the bottom of this document, there's some notes. Can you identify that handwriting?

A. That's mine. That's my, that's my notes.

Q. Can you read that for me?

A. Well, sep pages would have been my abbreviation for separate pages. Trip to Senator Bruno, I probably would have been writing that as trip to New York City for Senator Bruno. Just trying to keep it as I'm trying to keep track of what I'm being told. It's my attempt at shorthand.

Q. And who was telling you this?

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A. That would have been the Superintendent, although I don't recall that specifically. This was the only other person talking to me.

Q. About?

A. About this.

Q. These trips?

A. Yes, yes.

Q. So the Superintendent asked you to put on separate pages, indicate it was a trip for Senator Bruno and put it on bond paper?

A. Yes.

Q. And did you produce documents as a consequence of that request?

A. I did.

Q. And you created those yourself?

A. I did.

Q. On the top of this document, it says Michael Kopy, transport documents.

A. Yeah.

Q. Can you tell me what that means?

A. That would have been a computer generated attachment on the top of it. I don't know if I saved that in my computer or not or if that came to me, if I had Anthony send it to e-mail or how

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it got to that point.

I do know that there were, that from that point, it got put into what I consider a more, I wouldn't say more formal format, but more acceptable format.

Q. When you say acceptable --

A. I had to send it back to the Superintendent. You know, I just couldn't send it, you know, back like this. You know, I just put it onto the bond paper and make it look...

Q. And had you received instruction from the Superintendent --

A. On the bond paper, yes.

Q. Okay. Had the Superintendent received this? Did you forward this to him?

MR. TEITELBAUM: What is "this" that you're referring to?

MS. TOOHER: I'm sorry, Commission's Exhibit 23.

A. I am -- I don't want to speculate, but I believe maybe this went like that, but I'm not certain and maybe the Superintendent can answer that one. I don't know if he received that. I wouldn't say that he didn't.

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As I said, over this time I don't remember specifically sending that. I believe that that could have been the two pages, and I am holding up 25 and 23, going like that.

BY MS. TOOHER:

Q. But you indicated that you did, in fact, put them on separate pages?

A. Later I did, yes, I did.

Q. And followed the rest of the instructions?

A. Yes, I did.

Q. I'm going to show you what's been marked Commission's 1, 2 and 3, and I ask you if you can identify these documents.

A. These are the documents I spoke of just a second ago about putting them on the bond paper.

Q. And you are the one who put these onto separate pages and put the captions on and created these documents?

A. (Witness indicating.)

Q. Did you have any assistance --

A. Yes, that's me.

Q. And did you have any assistance in that?

A. The assistance, no, and actually typing

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it, no. The assistance was in getting the information.

Q. And who provided that to you?

A. That was Anthony. And let me clarify, that was Anthony going and getting it from the investigators.

Q. And why did he go and get it from the investigators?

A. You know, I just didn't go and call the investigators. I would have had to go out to each investigator and have them prepare the information. I don't want to say it was a chain of command issue, it's just that Anthony, here, take care of this.

Again, it wasn't really a big part of my work. There was other things going on within the Troop Commander's office and I wouldn't take the time to go call investigators and do this. Anthony, kind of do this for me. Kind of delegated it.

Q. You testified earlier that you received e-mails and itineraries on these trips?

A. No, and if I did, that was in error and I made a mistake. I did not personally receive

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e-mails and itineraries.

I believe that e-mails and itineraries were provided to either Anthony and/or possibly the investigators based on conversations with Leslie and Senator Bruno's office. They never came to me. But, you know, it's my understanding that that's how the information was conveyed. But no, I never received the e-mails from Senator Bruno's office.

Q. And did you ask Investigator Williams if he had the previous itineraries on these trips?

A. I believe that, yes, there was a conversation initially. Hey, do we have anything on these trips?

Q. And what was his response?

A. I'll look into it and, you know, follow up on that. I don't think they had anything, and that's really when it went to what I term the reconstruction.

Q. And when you say reconstruction, that's the documents that end up being Commission's 1, 2 and 3?

A. The documents that you have as 1, 2 and 3 are the final product of the reconstruction

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process. So -- and I use the term reconstruction. Just go back and get the information that we had in locations that we were at.

Q. Did you have conversations with the Superintendent about that process that you were reconstructing the itineraries?

A. There was no conversation about the process of reconstructing it. He told me to reconstruct.

Q. So you were following orders from the Superintendent at this point?

A. Yes.

Q. And did there come a time where you provided these documents to the Superintendent?

A. Oh, yes.

Q. And how did you do that?

A. I believe that they were faxed up.

Q. They were faxed. You had a fax cover sheet for that?

A. I believe. I'm not certain.

Q. Is it possible that you had e-mailed them to him?

A. Yes, it is possible. Though I would rather try and state with certainty, but I can't

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recall at this point, and I think by saying it's possible, it just -- I don't know what I can use to refresh my recollection.

I am sure you have it. I apologize. You know, I don't want to answer questions that things are possible. If there's something I can do --

Q. I understand and we would really prefer that you keep your testimony to the facts as you know them.

(Commission Exhibit 26 marked  
for identification.)

BY MS. TOOHER:

Q. I am going to show you what's been marked --

A. Can I make one statement? The facts as we know them? We just offer here I'm trying to provide the information as best as I can recall from my personal actions.

Unfortunately, there have been numerous articles and stories and other sorts of information, so times when I am hesitating I am trying to move away from information I gleaned from reports to what I actually know just myself.

Q. Okay.

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MR. TEITELBAUM: Major, we're not inferring from your pauses that you're concocting something.

THE WITNESS: No, no, I appreciate it, but there's a lot going on. I am reading stories everyday in the newspapers and sources around the state and I'm trying to separate that from --

BY MS. TOOHER:

Q. From your actual recollection.

A. From my actual recollection.

Q. I am going to show you what's been marked Commission's Exhibit 26, and this is an e-mail from Preston Felton to William Howard dated 6/6/2007, Forward: Info.

A. Okay.

Q. And then the string I think you used the term earlier is from you on 6/6 at 5:10?

A. Okay, so the thread below -- was this attached with this?

Q. I was going to ask you that question.

A. Okay. I don't know. I would say it would be reasonable that they were attached, but I

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don't recall so that I can't answer that the Superintendent sent this. I don't remember sending other information that -- I don't remember sending anything else to the Superintendent.

MR. TEITELBAUM: When you say it's reasonable to think that a document was attached to 26, what document are you referring to?

A. I am referring to the Commission Exhibit 1, 2 and 3.

MR. TEITELBAUM: Thank you.

A. So that they would have been attached.

Can I stop and just ask my counsel one question, please? Not my counsel, but a lot of information was forwarded, so I don't know if -- I don't want to answer I don't know if these things got e-mailed. I want to say yes, but I don't know exactly what the Superintendent sent to Bill Howard at the Chamber. It's just not within my thing. If this thread is attributed to me, I would say it would be reasonable that these three would have went, although I can't say with certainty. It's just outside my knowledge base.

BY MS. TOOHER:

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Q. I understand that, but you had received instruction to put these onto bond paper and --

A. Yes.

Q. -- and in forwarding the information to the Superintendent --

A. Yes.

Q. -- whether it be by fax or by e-mail, that would be virtually impossible; is that correct?

A. Can -- What would be impossible?

Q. To put the itineraries onto bond paper. What was your understanding as to how they would be put on bond paper?

A. I want to clarify when I use the term bond paper, this is, you know, any type of piece of paper is bond paper. So just whatever would come out of the printer or would be used in connection with a PC.

MR. VALLE: I think he said  
an e-mail would be bond paper.

THE WITNESS: No, no, no.

BY MS. TOOHER:

Q. What was your understanding as to that instruction?

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A. Type it up, individual pieces, individual pieces of paper.

Q. So your understanding as far as those instructions was to put them on separate sheets of paper?

A. Yes.

Q. And you don't recall how you relayed these documents to the Superintendent?

A. No, I don't. I don't recall.

Q. The June 6th --

A. I just -- I have to step back and I know that we have, at least I, personally, have gone through my e-mails and asked all of my subordinates to look at e-mails and go through, you know, all of our documents. So if it was e-mailed, I just can't imagine that we don't have it at this point.

Q. When you say we don't have it at this point --

A. We -- and I term us here in the room -- that you don't have it because everything I had, I would imagine had come here.

Q. We received documents from the State Police through Mr. Valle.

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A. Right.

Q. What you provided to Mr. Valle, only he can answer as to what's been provided to us.

MR. VALLE: We have not been able to find the attachment. We provided that, the attachment exists, that's exactly what we had. You know, with this line, there wasn't any reference to an attachment.

MS. TOOHER: So you're understanding as to this was that there was not an attachment with this e-mail?

MR. VALLE: No, it would appear that there must have been an attachment because the follow-up says see attached.

MS. TOOHER: But you have not been able to find it in the records of the State Police and e-mailed this?

MR. VALLE: Yeah, I am not certain how attachments may be

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retained vis-a-vis the actual mail line. I can look into that. I can look into if you would like specifically as to whether our information unit can attempt to retrieve an attachment.

MS. TOOHER: Can you tell me --

MR. VALLE: I am not sure why it would not be referenced here, because obviously there's a line from Major Kopy.

MS. TOOHER: Correct.

MR. VALLE: Which presumably was sent to Preston Felton.

MS. TOOHER: But we also don't have an e-mail from Major Kopy. We have the line from Major Kopy, but we don't have the earlier e-mail thread.

MR. VALLE: No, from Major

--

MS. TOOHER: From Major Kopy to --

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MR. VALLE: Well, I think we do. I think this is it, from Olga Codi. You would just see the line Olga Codi and if they had anything in the body of the message, it would appear there. So I think that this is the sum and substance of the message with an attachment to this line. Am I clear?

MS. TOOHER: That there would have been no content to the e-mail?

MR. VALLE: Other than an attachment, a direct attachment that came with the e-mail, but not incorporated into the body.

BY MS. TOOHER:

Q. Do you recall sending an e-mail of that nature to the Superintendent?

A. No, but it would not be unlikely just to forward something without writing on it. So if I was going to send something, if I had sent something to somebody, I would just, you know.

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MR. VALLE: What I would be happy to do is specifically bring this particular e-mail to the attention of our information technology people and see if they can reconstruct, if there's anything else that is retained, you know, in those tapes. I don't know that tapes retain attachments or they just retain the body of the transmission. I don't know how attachments...

MR. TEITELBAUM: Ask your people.

MR. VALLE: Excuse me?

MR. TEITELBAUM: Ask your people. That would be great.

(Whereupon, a request was made by Mr. Teitelbaum.)

THE WITNESS: What day was that?

MS. TOOHER: June 6th.

THE WITNESS: June 6th, okay.

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MR. TEITELBAUM: Major Kopy, had you had another circumstance in which the Superintendent said to you to put something on bond paper? Was this the first time he had ever done that, that you can recall?

A. Yes, that I recall. I believe that that was the first time.

MR. TEITELBAUM: The reason I am asking is because given, given your position as the, as the person who is in charge of the NYC unit -- group, it just strikes me as unusual for a Superintendent to tell somebody of your rank to put something on a particular kind of piece of paper. Don't you find that unusual?

A. I don't know if it would be appropriate for me to comment on what the Superintendent tells me to do. I don't know if it's unusual or not. There are things that we do put on bond paper as it pertains to confidential accounts and such.

MR. TEITELBAUM: Let me ask this question. When bond paper was designated as the kind of paper for this information to be placed on, that's in contrast to what other kinds of paper?

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A. In report form, in memorandum form, on a lead sheet.

MR. TEITELBAUM: When you say memorandum form, as I understand the term bond paper, it is a type of paper as opposed to how the information on the page gets formatted. Is that your understanding?

A. Maybe I was the one who was using bond paper in a term inappropriately. When I say bond paper, I am referring specifically to a blank piece of white paper.

MR. TEITELBAUM: I see.

A. And that's all that I refer to bond paper as.

MR. TEITELBAUM: So there are memo papers? In other words, it says from and to on a piece of paper?

A. Yes, their heading with the State Police, internal correspondence. There's letter format.

MR. TEITELBAUM: Wasn't this an internal correspondence?

A. It ultimately was an internal correspondence, yes, in terms that I sent something forward that was a request from the

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Superintendent.

MR. TEITELBAUM: So it was internal?

A. Yes.

MR. TEITELBAUM: Can you tell us now why it is that something -- that this sort of information would not have been put on a memo format since it was internal?

A. I can't tell you.

MR. TEITELBAUM: Did it occur to you at any point in time that you were receiving these instructions from the Superintendent that this information was going to find its way into the hands of third parties outside the State Police?

A. Can I rephrase your question? Did I think that this was going to find its way --

MR. TEITELBAUM: Given the nature of the instructions that you were getting.

A. No, no, no.

MR. TEITELBAUM: In retrospect, in retrospect as we sit here today, is it fair to say that the reason that it was not put in memo form, but put on blank white paper, was because the intention was to put it in the hands of third parties outside of the State Police? From your

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perspective.

A. Can you just rephrase that question?

MR. TEITELBAUM: Yes. I'm asking you now to look at this.

A. Today?

MR. TEITELBAUM: Right. Monday morning quarterback, to use a common expression, to look back on it, was this instruction to put it on plain white paper, rather than memo paper from whom -- from/to, which you say was used for internal communications, was it fair to say that the reason you received this instruction to put it on plain white paper, was that the intention was to have it go outside the State Police? That it was, in fact, in other words, not going to be an internal document?

A. I don't know, because I think that if it was the intent to go outside, it could have gone on any type of paper.

MR. TEITELBAUM: Alright. So can you tell me, given what you just said, why would it be something that someone would designate on plain white paper?

A. I don't know why it was designated plain

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white paper, although possibly a Superintendent can say that. I don't think that this couldn't have gone, now that we're looking at it in retrospect, to anyone at any source, if it was on memorandum form, or if it was in a letter or report form, I think it could have gone across in any which way.

MR. TEITELBAUM: It could have gone outside in any of those formats?

A. Any which way. I don't think it could only go outside on this format.

MR. TEITELBAUM: I understand.

A. And to me it seems like, you know, you're asking me to think a couple of steps away from me. It could have gone out on any format. I was asked to put it on bond paper and I did it.

MR. TEITELBAUM: Okay.

BY MS. TOOHER:

Q. Did you ever -- were you ever informed that this information was being gathered pursuant to a FOIL request?

A. I don't recall that with any specific content. I know there's been a lot of talk on FOIL requests and I don't remember any

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conversation specifically about a FOIL.

Q. Do you recall any conversation that this was being gathered for a request from the Executive Chamber?

A. I remember in previous testimony -- and I need to refer back to that -- that there was some conversation about the Chamber. I don't recall if that was initiated by me or by the Attorney General's Office.

I don't recall when I was speaking with the Superintendent if this was going to go to the Chamber or where, and I apologize, but there had been some talk and in glancing over my previous statements today, I think that there was some conversation there.

Q. There was some conversation in your testimony or --

A. Yes.

Q. -- or there was some conversation with the Superintendent?

A. No, I don't recall any conversation with him.

Q. You --

A. Can I break that down? There's a lot

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down on the table. FOIL, I recall almost nothing about. I think that there was some conversation regarding the Chamber, but I don't remember exactly what that was. And the reason I highlight on it -- and I'm sorry to interrupt you -- it's the term Chamber. It just sticks out in my mind.

MR. TEITELBAUM: I want to be clear so the record is clear. You're now talking about your prior testimony as opposed to a conversation with the Superintendent when the Executive Chamber was being referenced?

A. Yes.

MR. TEITELBAUM: Am I correct?

A. Correct, and I believe that testimony was before the Attorney General's Office.

BY MS. TOOHER:

Q. And I'm sorry, I'm just not clear.

A. So I'm all over the table here.

Q. You do not have any recollection of discussing the Executive Chamber with the Superintendent regarding these documents?

A. I don't recall.

Q. Okay.

A. I'm sorry.

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Q. Fair enough. Are you familiar with the Times Union article that appeared on July 1st concerning these documents?

A. Yeah. I'm familiar with multiple Times Union articles and I remember seeing one time an article in particular.

Q. And what article is the one that stands out in your memory?

A. There was an article that had attached these three documents to it, and I believe that that was on a Sunday morning at the beginning or end of one of my vacations.

MR. VALLE: Specify what document.

THE WITNESS: Exhibits 1, 2 and 3.

BY MS. TOOHER:

Q. And do you recall when your vacation was?

A. Yeah, this was my summer vacation. It was in July.

Q. Okay. So if I said to you that an article came out on July 1st concerning the ground transportation, is it possible that that's the article?

A. It was the July 1st article and that's the date.

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Q. And did you see that article in hard copy or did you see it on the Internet?

A. No, I saw it on the Internet.

Q. And what stood out about that article for you?

A. That these transportation assignments that we had spoken about earlier and produced, Exhibits 1, 2 and 3 -- 1, 2 and 3, I'm pretty sure all three were on there, was in the article.

Q. And why did that stand out?

A. I typed these things and they're here in this article. So I don't know why it stood out, but it was okay.

Q. Did you do anything as a consequence of seeing this?

A. Yes, I did. I tried to call the Superintendent.

Q. And what happened?

A. I tried a couple of times and I remember having a conversation with him and saying, hey, just so you know, these things, they're online today in the Albany Times Union.

Q. Were you surprised to see them there?

A. Yeah, yeah.

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Q. Was it your understanding that these documents were solely going to the Superintendent?

A. My understanding was I had been given, not a directive, but I had been requested by the Superintendent to get documents and send them to him. I don't know where they were going after that, but I knew I was sending them to the Superintendent.

Q. Did you expect them to be going to the media?

A. No.

Q. Had the Superintendent mentioned anything about them going to the media?

A. No, no, he didn't say these things were going to the media. There was no mention of the media. When I typed these things up -- let me be clear when I typed them up, I thought they were going to the Superintendent. I had no idea where they were going after that.

Q. Are these the types of documents that you would expect to be released to the media?

A. I don't know what can be released and what shouldn't be released. Would I expect it? I think that in this day and age, I mean there are,

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I don't want to say open books, but things go out to the media.

Q. Would you expect that the documents you prepare and send to the Superintendent would go to the media?

A. You're asking me a wide range question there. I think I produced documents under separate from these that, you know, may at some point and have in the past been sent to the media for review. Did I expect these? No.

Q. Did you have any concerns when you saw that these had gone to the media?

A. You use a term concern. I had no personal concern. I didn't have any concern. I found it, I don't want to say unusual. I was surprised.

Q. What was your reaction? You say you were surprised.

A. I was surprised. It's online and I said, Why is this? I typed it and it's here in the paper.

MR. TEITELBAUM: Major Kopy, I believe you testified that you have never been asked to have this kind of information compiled in

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the past. And when I say this kind of information, I'm talking about the information that's contained in 1, 2 and 3; am I accurate? You had never been asked before?

A. No, no.

MR. TEITELBAUM: And did you ask the Superintendent why you were being asked to have this information compiled?

A. No, no. But can I follow that up?

MR. TEITELBAUM: Yeah, sure.

A. It's not for me to ask the Superintendent.

MR. TEITELBAUM: I understand.

A. And I don't mean that in a bad way. It's -- if the Superintendent calls down, I'm a new major. The Superintendent wants something done, I have to take care of it.

MR. TEITELBAUM: Did he tell you why this was being requested?

A. No, no.

MS. SULLIVAN: When you spoke to him on July 1st when the article came out and you said, hey, did you see the paper, what was his reaction?

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A. It was a very quick telephone call. He said he's busy. I think he was watching a movie or something. I had tried him a couple of times.

MS. SULLIVAN: Was he aware of the article?

A. I believe that he said yes, he was.

MS. SULLIVAN: Did he have any reaction to the itineraries being published in the newspaper?

A. No, not -- I don't think he had any reaction at all that I could attribute to anything. Like I said it was a very quick phone call. He said he was watching a movie maybe or doing something and it felt as if I was interrupting something that he was doing. So okay, kids up, I'm not going to carry this on.

MS. SULLIVAN: Did you discuss with him that article again?

A. No, I don't believe so.

MR. TEITELBAUM: This was on July --

A. No, I don't believe I discussed that article with him again.

MR. TEITELBAUM: This was on July 1st, you called him?

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A. It was that day.

MR. TEITELBAUM: What day?

A. July 1st. I'm almost positive it was a Sunday. It was July 1. It was the first time that these documents appeared in the Albany Times Union.

MR. TEITELBAUM: For the record, July, that was July 1, and July 1 was a Sunday. Have you ever called the Superintendent on a Sunday before?

A. I don't know if I -- I have called the Superintendent in the past on other matters. You know, not on a Sunday, I don't usually call him on a Sunday.

MR. TEITELBAUM: Do you ever call him on Sunday about a news article or call him at all about a news article?

A. No, no.

MR. TEITELBAUM: This was a special news article? It merited a phone call on a Sunday, you know.

A. It was a heads up. I wanted to make sure that, you know, Did you see this? Did you see this in the paper? This was something that was

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sent up and it's there.

BY MS. TOOHER:

Q. I'm going to show you what's been marked as Commission's Exhibit 5.

A. Yes, I see that.

Q. And I ask you if you've ever seen that document before.

A. Yes, I have seen this document. I've seen documents similar to this and I believe that I've seen this one specifically. Although, you know, I'm not saying yes, I know it by the content there.

Q. And when do you recall first seeing this document?

A. I don't recall specifically saying -- I want to say that this document or one identical to it was in the Albany Times Union on that July 1.

Q. And this is --

A. Can I back up? I have seen other documents formatted with this font and prepared similar to this from Senator Bruno's office. I'm saying I've seen this one. I'm telling you, yes, this is probably 1 to 10 that I've probably seen. I'm going to speculate that this is one in the

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Albany Times Union. The 17 and 18 for some reason stand out to me. 17th.

Q. It stands out because it's one of the itineraries --

A. Right.

Q. -- that you prepared, and this is one of the documents that appeared in the Albany Times Union.

A. Okay.

Q. The itinerary on this document from Senator Bruno's office is different from the itinerary that you prepared on Senator Bruno. Can you explain those discrepancies?

A. I can't. What I'll say is this was on the information that was provided to me.

MR. TEITELBAUM: "This" is?

A. I'm referring to Commission Exhibit 2. So my comment on this, that this was the information provided to me by Anthony as stated earlier, and to just look and say, okay, it's close here to this one, I don't know why.

MR. TEITELBAUM: "This one" is?

A. I'm sorry, Exhibit 23.

MR. TEITELBAUM: Otherwise the

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record is unclear. It's incomprehensible.

A. I don't know why this is different from this. This here is the information that was provided to me.

MR. VALLE: "This" again being?

BY MS. TOOHER:

Q. Commission's Exhibit 5 is different from Commission's Exhibit 2. Do you recall ever providing Commission's Exhibit 5 to the Superintendent?

A. No, no, not that I recall. I did not provide Commission Exhibit 5 or another copy.

Q. You say that with some certainty?

A. Yes.

Q. Did you ever provide Commission's Exhibit 5 --

A. Because if Commission Exhibit 5 had been in my possession, there would have been no need to reconstruct what I'm referring to as Commission Exhibit 2.

Q. Why not?

A. The information would have been there and it would have been readily available. We didn't have to go back and have the information come to

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me as is noted in Exhibit 23. This is how I can state with certainty.

Q. So you would have provided this to the Superintendent as opposed to reconstruction?

MR. TEITELBAUM: "This" being?

BY MS. TOOHER:

Q. You would have provided Commission's Exhibit 5 to the Superintendent instead of providing a reconstruction?

A. Yes. We're going back in retrospect. I may have, if you're asking what I would have done personally, I may have taken the information verbatim and put it on this or just sent this out. I don't know what I would have done. What I'm telling you is that I did not have Commission Exhibit 5.

Q. Have you ever sent Commission's Exhibit 5 to anyone?

A. No.

Q. Are you familiar with any other requests for reconstruction of itineraries for Senator Bruno's ground itinerary after these initial three requests?

A. I will say yes, in that I later received

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-- oh, no, no, I later received a request from the Public Information Officer for a whole wide range of issues in Troop NYC, but to reconstruct whether we had received anything else, is that the question?

Q. Yes.

A. No.

Q. Are you aware of any other itinerary being reconstructed by Troop NYC for Senator Bruno's ground transportation?

A. Not in the period I was there. Not since March 8th ended, as it came to my attention that that occurred prior to March 8th.

Q. And what about after the May 24th itinerary here?

A. No, no. Not that I'm aware.

Can I stop there for one second to ask a question? I think there was something in the end of June that Anthony worked with them that was separate from me, so...

Q. And you were not involved in that at all?

A. No. It later came to my attention and I believe it came to my attention as a result of being -- as providing testimony to either the IG

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or the AG.

MR. VALLE: Do you mind if we can establish when the witness was on vacation because I believe he testified --

MR. TEITELBAUM: Go ahead and put it on the record. When were you on vacation?

A. I took vacation, I believe it was from the last Thursday in May through Memorial Day. I got back the following Friday, maybe June 1 or -- and I don't think I came to the office until the following Monday after that and I was on vacation the end of, the end of July, end of June, I might have started. I typically take that week off. The first week in July.

BY MS. TOOHER:

Q. I'm going to show you what's previously been marked as Commission's Exhibit 4. It's a ground transportation for June 27th? 26?

A. Okay.

Q. Are you familiar with that document?

A. I am not familiar with this one and I did not prepare this. Although it's in the similar

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format, this was not prepared by me. I don't know if I've been provided this document at the previous agencies that I have testified before. I can't say it with certainty.

Q. But did you not create this document?

A. I did not.

Q. Did you have any other inquiries beyond the Superintendent concerning Senator Bruno's itineraries?

A. I later spoke with Colonel Harney and I don't --

Q. Who is Colonel Harney?

A. He's number two, Acting First Superintendent.

MR. VALLE: He's not the Acting First Deputy. He's the First Deputy Superintendent assigned to the Superintendent's office.

THE WITNESS: I'll get my head handed to me tomorrow.

MR. VALLE: It's a technicality issue because we have acting people and he's

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assisting the Acting  
Superintendent in the office of  
Superintendent, but he's only a  
Deputy Superintendent.

BY MS. TOOHER:

Q. And what was your conversation with  
Deputy Superintendent Harney?

A. He was inquiring about the process and  
looking at how things were done when it came to  
providing transportation, assignments to  
dignitaries or elected officials.

Q. And when did this conversation occur?

A. This was probably mid-July, end of July,  
that time frame.

Q. So this is after the July article in the  
Times Union?

A. I believe so.

Q. And did he discuss with you any of --

A. I think this was not -- I can state this  
to you, this was not before July. I think this  
was towards the end of July, beginning of August.

Q. And did he discuss with you the  
reconstruction documents or the chain of events in  
forming these documents?

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A. With regards to either the three that I've produced or this one?

Q. Uh-huh.

A. No, I think the topic was more of a global picture, okay? How are we going to go forward when we get additional requests? What are we going to do?

Q. Were there any changes made as a result of those conversation?

A. There was nothing put in policy yet as to what changes are going to be made. We just had discussion on how we're going to report on these in the future. How they're going to be handled, but nothing that has come from his office yet.

Q. What was your understanding of -- as to how they would be handled?

A. I believe that we're going to have them put on a, I don't want to say a lead shift, but adopting case on it, adopting a case, numerical sequential case number associated with each work so each of these would have been one work event and it starts with the year 2007 and then the next sequential number.

Q. And the ground transportation requests

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would now be put on a lead sheet?

A. Correct, and I believe that that may have been -- the past, that was done in the past.

Q. But you don't know?

A. I can't recall with certainty as to how they're done. I believe that they were handled by taking the lead with the investigator who would adopt a case number and state, okay, on June, or May 17th provided transportation for Senator Jones or whoever.

Q. Is that in advance of the transportation or following the transportation?

A. Usually following the transportation because if it got cancelled, he wouldn't want to say that I did this.

Q. So the document would not be completed until after the transportation was complete?

A. I'm sorry?

Q. After the transportation was completed?

A. I'm sorry, I thought you said leaked.

Q. I understand. That would be created after the transportation was provided?

A. Correct, or the assignment was completed.

Q. Or the assignment was completed. Are

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lead sheets public documents?

MR. VALLE: Counsel, if we can clarify public documents because as you know, a public document can be a statute, which is presumptively public --

MR. TEITELBAUM: Counsel, counsel, please, you're getting into the testimony now. It's not appropriate. Let the question stand. Let the witness answer the question.

A. Can I ask you to restate that?

BY MS. TOOHER:

Q. Are lead sheets public documents?

A. That was something that I think would be answered by the Public Information Officer. I don't know why not, okay? But it's not really within my purview, so maybe the Public Information Officer would say what gets released and what doesn't.

Q. Would you release a lead sheet to the public?

A. I would be bound to follow the

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instructions in the division in that regard to contact the Public Information Officer, and the question to me is just not within my purview.

MR. TEITELBAUM: Do you follow a protocol?

A. I would follow the protocol. I will be bound to.

Would I release it? If you called me and said, hey, would you take care of this? I'd like to, but I would say, hey, this is what we have to do. I refer and I would contact the Public Information Officer and say, hey, is this something we can release? And if she said yeah, I'd give it to you.

I wouldn't send you to the Public Information Office if you had a request, but if that was something that could be released.

Q. Did you receive any other inquiries concerning Senator Bruno after the July 1 article?

A. I did, yes.

Q. And who were they from?

A. I received them from the Public Information Officer who had a series of requests for information. I'm saying that they're with

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Senator Bruno. I'm almost positive. There were a group, number of elected officials, Governor, Lieutenant Governor, and Senator Bruno and a handful of other officials.

Q. When you say the Public Information Officer, who are you referring to?

A. That would be Captain Laurie Wagner, and I believe her title is Public Information Officer.

MR. VALLE: Let the record reflect that the Public Information Officer for the New York State Police is Lieutenant Glenn Miner. Information Public Officer is the specific title of the records access officer who handles FOIL requests on behalf of the State Police. The Public Information Officer handles requests from the media generally for the State Police.

THE WITNESS: Can I take a minute? Can I get a glass of water?

MR. TEITELBAUM: Off the

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record.

(Discussion off the record.)

BY MS. TOOHER:

Q. So you received a request from Captain Laurie Wagner; is that correct?

A. Yes, I did.

Q. And what was the nature of that request?

A. As I recall, they were for copies of travel records, travel logs and such.

Q. And do you have travel logs and travel records for Senator Bruno beyond these?

MR. TEITELBAUM: "These" being?

MS. TOOHER: I'm sorry, Commission's 1, 2 and 3.

A. Yes.

BY MS. TOOHER:

Q. And what is the nature of those documents?

A. Okay, it later came that Anthony Williams found a file folder containing a host of documents relating to travel assignments prior to my taking over. Those were additional documents that were sent up.

Q. And those were documents that predated

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your tenure in this position --

A. Yes.

Q. -- is that correct? And during your tenure in this position have there been travel logs, records beyond Commission's 1, 2 and 3 kept on Senator Bruno, to your knowledge?

A. No, not that I'm aware of. No, not that I'm aware of. Not that were caused at my direction or request. If they were, they may have been inadvertently kept by some investigator in his folder and they later found it.

Q. And did you receive any other requests on Senator Bruno?

A. Without having those requests in front of me and they were sent to me, I think I got them via e-mail or fax, I can't recall, one of them had to come by fax because she couldn't send it to me by e-mail.

Q. "She" being Captain Wagner?

A. Captain Wagner, excuse me.

Q. Did you receive any requests from Glenn Miner concerning Senator Bruno?

A. No, no, and if I brought Glenn Miner's name that was, that was a mistake, or PIO

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position.

MS. TOOHER: He did.

THE WITNESS: I didn't. I didn't.

MR. VALLE: Yes, I did. He  
brought the PIO in.

THE WITNESS: I made a  
mistake by using the term PIO.

BY MS. TOOHER:

Q. Did you ever see any inquiries concerning threats or threat assessments concerning Senator Bruno?

A. I believe that after July 1 or towards the end of July, there were some discussions about threat assessments. I know that -- Can I stop for one second? I want to say -- Let me say threat assessments. I can tell you they were post July 1, towards the end of July. I don't recall with certainty if it was with regards to Senator Bruno or not. I have had additional requests for assistance providing security with regards --

Q. Could you speak up a little?

A. With regards to providing security for State Senator or State Assembly person after all of this and I believe a threat assessment was done

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for that individual, but it was not done by Troop NYC.

Q. And do you know who that individual was?

A. Yes, it's just not on the top of my head right now. A Senator from, I want to say Jamaica Queens or Senator from Jamaica Queens has received a handful of threats that has been reported to us and we were requested to provide security for, I think it was a her, for her as she made her stops.

Q. But you don't recall receiving an inquiry concerning Senator Bruno in that regard?

A. No, no. I...

Q. Have you discussed your testimony here today with anyone prior to coming here?

A. Yes.

Q. And who did you discuss it with?

A. Well, within my family, I've discussed it with my father and my wife. Outside of my family within the division, I have mentioned it to Anthony. I had to tell Anthony that he was coming and I discussed it with two other captains that I happen to know.

Q. And did you discuss any of the underlying facts and circumstances?

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A. No, no.

Q. And did you have any conversations with the Superintendent about your testimony?

A. No.

Q. And did you have any conversations with anyone from the Executive Chamber?

A. No, no. For the record, I don't know anybody from the Executive Chamber.

Q. And did you have any discussions with Mr. Valle?

A. Just pertinent -- not pertinent conversation. About my previous testimony and counsel has not told me anything other than come in and just tell them what happened, in sum and substance.

Q. And did you review any documents before coming here today?

A. The other day -- I maintained since this, since we got these request, I've maintained a, I don't want to say folder or file, I don't want to maintain that term. A retained a copy of every document I sent out in response to any requests and it sits on the floor in my office and I began to review those hopefully to refresh my

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recollection, and I just, you know, I stopped and put it down and put it back and that was the extent of it.

Q. And do those documents pertain to the time frame from say May through June, July, or is it after that event? What's the time frame cover of those documents?

A. They span from probably two years before I got promoted to I think the last request was from Captain Wagner.

Q. And in reviewing those documents were there any documents that were pertinent to the ground transportation of Senator Bruno?

A. Yes. But I think, I believe that they were all here right now.

Q. Are there any that you recall not seeing here today?

A. Yes. I don't know if they're pertinent in that they have -- in my mind I'll use the term pertinent. They have his name; they pertain to his ground transportation; and Troop NYC.

Q. Do you know the time frame for those documents?

A. Yes. They span from probably two years

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before I got there to say this point here.

Q. I think that we would request if there are documents from say January through July that pertain to this ground transportation of Senator Bruno and the request for the recreation of documents, that those documents be provided.

A. Yes.

Q. If they have not already been provided.

A. I have an entire pile. If you're making that request to me right now, okay, I have an obligation to do what I can. I would ask if this can come to the division --

Q. We can certainly do that.

A. -- in that fashion.

MR. VALLE: I think we already requested those documents.

THE WITNESS: Okay, it's the same thing with the lead sheet giving the lead sheet out. I've got an appointment obligation I have to fulfill.

MR. TEITELBAUM: You'll take care of it?

MR. VALLE: I'll take care

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of it.

MS. TOOHER: We probably have those documents, but we would just like to...

MR. VALLE: Some of the documents you're talking about were provided or discussed I believe before in reference to a request by the FOIL officer. The documents previous to this incident?

THE WITNESS: Yes. It's, you know, it's a wide range question. All I'm saying is I have a stack of documents that have come to my desk as a result of this situation.

MR. VALLE: I'll make a point of reviewing the documents the witness is referring to if there's -- this stack of documents and make sure that every document he is referring to or that is within his possession

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has either already been turned over or I will turn them over.

THE WITNESS: Can I clarify?

He has everything that I have.

MS. TOOHER: Okay.

THE WITNESS: I'm sorry.

I'll only saving this so that I have a copy down the road.

MR. TEITELBAUM: Major, there's been prior testimony concerning training of troopers who drive dignitaries concerning maintaining these dignitaries in a safe condition; that they're not harmed.

Are you familiar with that kind of training?

A. I know that there is training out there. I'm not familiar with the extent.

MR. TEITELBAUM: Have you had that kind of training?

A. I have had training, yes, as provided by the Secret Service, but I don't know if it's -- it wasn't as a result of what I was going to be doing here. It's not pertinent to this type. It was more with regards to my assignment as a captain in

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Westchester and conducting escorts and motorcades of, you know, highly elected officials from different places.

MR. TEITELBAUM: In your present position or in your prior positions that you've held in the State Police, have you become aware of the concerns that your agency has concerning the safety of dignitaries where they're being transported in vehicles?

A. I'm aware that we're concerned with the safety of anybody that we're transporting. I don't know if I've become aware of that. It's just something that, you know, I know.

MR. TEITELBAUM: Do you know what the particular concerns are when transporting these people in New York City, you know, by the State Police? What concerns --

A. Get them there safely, get them there on time, and make sure everything goes well.

MR. TEITELBAUM: And getting them there safely, is that simply avoiding an automobile accident or something else that they're concerned about?

A. It's all encompassing. There's no

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specific thing. I mean we're -- I would imagine I would want the investigators to, you know, use extreme caution and exercise due diligence when they're transporting someone from one location to another.

MS. TOOHER: I think that's all. Thank you very much for coming and we appreciate your testimony.

THE WITNESS: Okay. That's it?

MS. TOOHER: That's it.

MR. VALLE: We can do another hour if you'd like.

THE WITNESS: I just...

MR. TEITELBAUM: Do you want to put something on the record?

THE WITNESS: You know, I hope that that was helpful. I'm certainly looking forward to answering more of these questions, you know. I tried to give you the best information I could as it was from my

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recollection.

MR. TEITELBAUM: We appreciate it.

THE WITNESS: If I can say one thing also. Some of my answers here may be different from answers that I provided to the Attorney General and to the Inspector General, and if they are a little different, I hope you look at the fact I had to give one statement within three hours and I don't consider it different, just improvements upon each other based on my recollection as things went forward.

MR. TEITELBAUM: We understand.

MS. TOOHER: Thank you.

THE WITNESS: Thank you.

(Whereupon, the interview was concluded at 3:40 p.m.)

STATE OF NEW YORK )

SS.

COUNTY OF SARATOGA)

I, CHRISTINE GREENAWAY, Registered Professional reporter and Notary Public for the State of New York, do hereby certify that the foregoing transcript to which this Certificate is annexed is a true and correct transcript of my original stenographic notes.

I further certify that I am neither an attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and furthermore, that I am not a relative or employee of any attorney or counsel employed by the party hereto or financially interested in the action.

Christine Greenaway

I N D E X

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EXHIBIT NUMBER  
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(INTERVEIWEE: ANTHONY WILLIAMS)

Exhibit 11  
17 E-mail dated 4/3/2007 3:32:35 PM  
From: Olga Cordi To: Michael Kopy

Exhibit 12  
19 Handwritten note, On or about April 5, 2007

Exhibit 13  
  
20 E-mail dated 4/30/2007 10:45:47 AM  
From: Michael Kopy; To: Ricciardone, Jeanette  
Exhibit 14

21 E-mail dated 5/16/2007 12:07:01 PM  
From: Anthony Williams To: Donaldson, Randolph  
Exhibit 15

28 E-mail dated 5/21/2007 3:06:58 PM  
From: Preston Felton; To: Williams, Anthony  
Exhibit 16

32 Dated 5/27/2007 12:59 PM  
From: Darren Dopp/NYEC To: William Howard  
Dated 5/27/2007 12:58 PM

Exhibit 17  
34 E-mail dated 5/21/2007 4:16:02 PM  
From: Jeanette Ricciardone To: Williams, Anthony

Exhibit 18  
34 E-mail dated 5/22/2007 9:15:52 AM  
From: Preston Felton To: Williams, Anthony

Exhibit 19

39 E-mail dated 5/23/2007 10:25:46 AM

From: Preston Felton To: Williams, Anthony

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PAGE (INTERVIEWEE: ANTHONY WILLIAMS)

Exhibit 20

42 E-mail dated 5/23/2007 3:11:43 PM  
From: Preston Felton To: William  
Exhibit 21

49 Handwritten note May 3, 4, 24  
Copies of Itinerary; Reconstruct  
Exhibit 22

49 Facsimile Transmission Report  
From: Michael Kopy To: Superintendent  
Exhibit 23

51 Typed Sheet May 3, 4, 27 and 24th

Exhibit 24

81 E-mail dated 7/2/2007 3:14:52 PM  
From: Thomas Marmion To: Felton, Preston

(INTERVIEWEE MAJOR MICHAEL KOPY)

Exhibit 25

117 Facsimile Transmission Report  
From: Kopy To: Superintendent

Exhibit 26

128 E-mail dated 6/6/2007 5:11:35 PM  
From: Preston Felton To: William Howard