

Official Trial Transcript

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Testimony of Charles Nuanes

Direct Examination by Mr. Lopez (Prosecution), Pages 83, 84

...Q: Can you explain to the jury what you did?

A: Very well. Well, of course the initial copy was made of the Two Minute Warning, but it doesn't slow the tape down to real time where you can actually sit down in front of the TV and watch a movie, which is real time. The way the recording mode is, at this particular establishment is not in real time, so the video coverage, if you don't play it on that particular player, it goes real fast, so you can't actually sit there and watch it. You need that player to slow it down.

So once we had one copy that was made, that particular frame, onto a VCR, we then had to duplicate that process again, put it in another VCR, attach another VCR to that and slow it down one more step to actually get to where you can be able to see something.

...

Voir Dire Examination By Mr. Baiamonte, Pages 85-87

Q: Am I understanding this correctly that this is a modification of the original piece of evidence?

A: Yes.

Q: What the State proposes to show is not the way the tape, as designed or as engineered and built and installed, of the Two Minute Warning surveillance cameras shows, correct?

A: Yes.

Q: And I know you've taken a couple of steps in the process to distill or condense or modify, whatever word you want to use, to create this tape. But this is not an exact replica of what the surveillance camera at the Two Minute Warning captured that evening, correct?

A: What you are seeing, is you're seeing a version that's been slowed down. Is it a replica of a tape? I would have to say yes.

Q: When I viewed this earlier, it still had that jerky aspect to it, and it doesn't look like real time to me. Would you agree with that?

A: Yes.

Q: And there are portions of the subject's movements which are not accurately captured on this tape, correct?

A: Well, I think all the portions are captured on the tape. What you will see is a slower version of it.

Q: Well, on the stills that have been produced as a result of this tape, I see that there is a second or two interval between each still. Would you agree with that?

A: Yes.

Q: So it's not - I mean, there are pieces missing of this equation that are not contained in this tape that the State would like to introduce, correct?

A: I would have to disagree.

Q: Well, this is not a fair and accurate rendering of the events captured on the surveillance camera of the Two Minute Warning, correct?

A: That is a fair and accurate, yes.

Q: But there are portions missing off this tape because you don't have the proper equipment. The only proper equipment lies at the Two Minute Warning, and we don't have that in this court here today.

A: Well, the way the recording system records, that's a feature that the recording system has, that it records that way. That has nothing to do with the way we replicated it or duplicated it. That's the way the initial system records. I have no control over that.