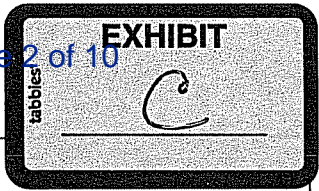


EXHIBIT "C"



UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERRY RAY CORLISS, Plaintiff : NO. 5:08-CV-5624
 :
 vs. :
 :
 DALE STOKES AND THE CITY OF ALLENTOWN, Defendant :

COPY

DEPOSITION OF RUDOLF E. HOOGENBOOM

Taken in the law offices of Worth Magee & Fisher, 2610 Walbert Avenue, Allentown, Pennsylvania, on Wednesday, March 25, 2009, commencing at 11:50 a.m., before Mandy L. Betz, Registered Professional Reporter.

APPEARANCES:

WORTH, MAGEE & FISHER
 By: ROBERT J. MAGEE, ESQ.
 2610 Walbert Avenue
 Allentown, Pennsylvania 18104
 -- For the Plaintiff

LAVERY, FAHERTY, YOUNG & PATTERSON
 By: ROBERT G. HANNA, JR., ESQ.
 225 Market Street - Suite 304
 Harrisburg, Pennsylvania 17108
 -- For the Defendants

ALSO PRESENT: Jerry Ray Corliss
 Dale K. Stokes

BETZ REPORTING
 P.O. Box 761
 Emmaus, Pennsylvania 18049
 (610) 966-7881

INDEX TO WITNESSES

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RUDOLF E. HOOGENBOOM By Mr. Magee	3

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<u>Exhibit</u>	<u>Description</u>	<u>Page</u>
Hoogenboom 1	Police report	23

1 (Hoogenboom Exhibit Number 1 was
 2 marked for identification.)
 3 (It is stipulated by and between
 4 counsel for the respective parties that the reading,
 5 signing and sealing of the deposition is waived, and
 6 that all objections except as to the form of the
 7 question are reserved until the time of trial.)

* * *

8
 9 RUDOLF E. HOOGENBOOM, having been
 10 duly sworn, was examined and testified as follows:

* * *

EXAMINATION

13 BY MR. MAGEE:

14 Q. Would you tell us your name, please?
 15 A. Police Officer Rudolf Hoogenboom,
 16 R-U-D-O-L-F, H-O-O-G-E-N-B-O-O-M, shield number 113,
 17 Allentown Police Department.
 18 Q. Let me guess. You've testified before?
 19 A. Yes. I worked in New York City.
 20 Q. I'm sorry?
 21 A. I worked in New York City. I was going
 22 to give my old shield number.
 23 Q. I saw you hesitate and was wondering.
 24 A. Yes.
 25 Q. Sir, my name is Bob Magee. I'm a lawyer

1 here in Allentown. I'm representing Jerry Ray
 2 Corliss who has brought a claim against the City of
 3 Allentown and Officer Stokes regarding an incident
 4 which took place at the Home Depot on October 6th,
 5 2008. My information is that you were one of the
 6 officers who eventually responded to the site --
 7 A. Yes.
 8 Q. -- and have some knowledge of what took
 9 place. And it's for that reason that I've asked you
 10 to come here today so I can ask you some questions.
 11 I know you've testified before, but have you
 12 testified in a civil deposition before?
 13 A. Yes. Well, I wouldn't say a deposition,
 14 but I've testified in civil trials before.
 15 Q. Okay. Depositions are a little bit
 16 different than trials, so let me go over some ground
 17 rules that might help facilitate this proceeding. I
 18 don't expect we're going to be here that long, but,
 19 of course, I told Officer Stokes that and we were
 20 here for two hours.
 21 This is a question and answer
 22 format. I get to ask questions and you get to give
 23 me answers. The court reporter seated to your right
 24 is taking down everything that is said
 25 stenographically. So it's important that you wait

5

1 until I finish my question before you begin to
 2 answer it, because if we get two people talking at
 3 the same time, it might create a problem.
 4 You also have to verbalize all of
 5 your answers because she has to take it down. And
 6 if you do things like um-hum or huh-uh, that makes
 7 it difficult for her to transcribe that and it might
 8 come back confused. So try to verbalize those
 9 answers and stay away from things such as uh-huh or
 10 huh-uh.
 11 It's my job to ask questions that
 12 you understand. If you don't understand or don't
 13 hear my question, please let me know that and I will
 14 repeat or rephrase the question and make sure you
 15 understand what I'm trying to get at by virtue of
 16 asking that question. Fair enough?
 17 A. Sure. Yes.
 18 Q. Saying that I don't know or I don't
 19 recall is a perfectly acceptable answer if that's,
 20 in fact, the case. You're not allowed to speculate
 21 or to guess, but you are allowed to estimate. If
 22 you are giving us an estimate, please make sure that
 23 you tell us that this is an estimate and not an
 24 exact science. Fair enough?
 25 A. Fair enough.

7

1 Allentown Police Department?
 2 A. A little over a year. About a year and
 3 three months.
 4 Q. I'm sorry. You're right. I take it you
 5 weren't required to receive any additional training
 6 to become a member of the Allentown Police
 7 Department, at least any --
 8 A. Basically refresher training, you know.
 9 Updates, you know, becoming familiar with
 10 Pennsylvania law.
 11 Q. Got it.
 12 A. And, you know, physical -- physical
 13 tactical training, things of that nature.
 14 Q. You're a police officer as opposed to a
 15 corporal, a sergeant, a lieutenant?
 16 A. Yeah, patrolman.
 17 Q. Patrolman, okay. In New York City is it
 18 legal to -- at least when you were last there and
 19 familiar with the laws, was it legal to openly carry
 20 a firearm?
 21 A. No.
 22 Q. Was that a state law or New York City
 23 law that made that illegal?
 24 A. I'm not 100 percent versed on it, but I
 25 think it's more or less state. You can carry a

6

1 Q. Okay. Again, I don't think we're going
 2 to be here that long, but if you want to take a
 3 break for whatever reason, just let us know and
 4 we'll be happy to accommodate that.
 5 You're a member of the Allentown
 6 Police Department?
 7 A. Yes, I am.
 8 Q. How long have you been a member of the
 9 Allentown Police Department?
 10 A. Since December of 2007.
 11 Q. Okay. And would you just highlight for
 12 me your educational background?
 13 A. Well, I graduated Martin Van Buren High
 14 School in New York.
 15 Q. What year?
 16 A. 1979. I went to Five Towns College in
 17 Long Island, two year associate's degree in applied
 18 science. I worked in the New York City Police
 19 Department for 20 years, graduated from the New York
 20 City Police Academy, and I worked in south Bronx,
 21 Washington Heights area.
 22 Q. For 20 years?
 23 A. Eight years as a police officer, 12
 24 years as a sergeant.
 25 Q. How long have you been with the

8

1 firearm, but you have to have a carry permit and,
 2 you know -- and along with that permit, it can't be
 3 displayed. It can't be displayed on your person.
 4 Q. Good enough. From the time you became
 5 an Allentown police officer up until October 6th of
 6 2008, did you receive any training on the legality
 7 or illegality of openly carrying a firearm in the
 8 City of Allentown?
 9 A. I don't recall.
 10 Q. Do you recall -- this might be a
 11 difficult question and if you can't answer it,
 12 that's fine. But do you recall when you first
 13 became aware that it was legal to openly carry a
 14 firearm in the Commonwealth of Pennsylvania or the
 15 City of Allentown? Let's limit it to the City of
 16 Allentown.
 17 A. I have heard of a new law coming out
 18 that was being pretty much challenged, but I wasn't
 19 100 percent versed on it.
 20 Q. Could you repeat that?
 21 A. I became -- I became familiar through
 22 the media and, you know, sources outside of the
 23 Allentown Police Department that -- about a new law
 24 coming out involving, you know, firearms.
 25 Q. That what was going to do what? What

9

1 was your understanding of the new law?

2 A. I think it was basically saying that,

3 like, in the City of Allentown, that you couldn't

4 carry a firearm; that you couldn't carry a firearm

5 without a permit, something to that nature.

6 Q. But did you ever receive any formal

7 training on that particular issue?

8 A. We've received formal training, but I --

9 we've received some training, but I don't recall

10 whether I had gotten any prior to the incident.

11 Q. Did you have -- have you already

12 received your mandatory Act 180 training for 2009?

13 A. That's the updates?

14 Q. Yes, sir.

15 A. Yes.

16 Q. You got that in January?

17 A. I believe January or early February.

18 Q. Fair enough. How about for 2008, do you

19 remember when you got those mandatory training or

20 legal updates?

21 A. I believe we got them -- I don't

22 remember exactly when I got them.

23 Q. You were working October 6th of 2008?

24 A. Yes.

25 Q. As I understand, the City of Allentown

11

1 A. South side, yes.

2 Q. Were you by yourself?

3 A. Yes.

4 Q. And somewhere around 3:30 you were on

5 routine patrol in the south side?

6 A. Yes.

7 Q. Okay. And you got a call of something

8 going on at the Home Depot?

9 A. Yes.

10 Q. Tell me about that.

11 A. I received -- Officer Stokes came over

12 the air. He stated that he was at the Home Depot on

13 South Glenwood Street and he had a male stopped with

14 a 49, which is a firearm. And I knew nothing more

15 other than that. You know, I responded to the

16 location.

17 Q. Do you recall if Officer Stokes'

18 transmission was a request for backup or just a

19 general informational, here's where I am, here's

20 what's going on?

21 A. It was a request for another car to

22 respond over there.

23 Q. And without giving away too many secrets

24 about how the Allentown Police Department works,

25 were you the only patrol car assigned to south side

10

1 is divided into patrol sectors?

2 A. Districts, yes.

3 Q. Districts, okay. Fair enough.

4 What shift were you working that

5 day?

6 A. I believe it was a middle shift, which,

7 depending on the car, it was either a 1415 start,

8 which is 2:15 p.m., or a 1445 start, which is 2:45

9 p.m.

10 Q. Got it. But anyway, you're on duty at

11 3:30 on that day?

12 A. Yes.

13 Q. And were you assigned to a particular

14 district that day?

15 A. I was on the south side. I don't recall

16 the car number, but it was probably -- it was either

17 301 or 302.

18 Q. Okay. Are you usually assigned to the

19 south side or does that change from day to day or

20 week to week?

21 A. No. I'm a floater. I kind of, like, go

22 where they -- where I'm needed because I don't have

23 a permanent car yet.

24 Q. Okay. But on this particular day you

25 just happened to be assigned to south side?

12

1 at that time?

2 A. I believe there were other cars, but

3 they had -- but they may have been assigned to other

4 duties.

5 Q. Okay.

6 A. So I was -- I was the available car and

7 so I responded.

8 Q. And you let the comm. center know that,

9 you know, I'm on it?

10 A. Yes.

11 Q. Or you gave them some secret numbered

12 code indicating you would be the one responding?

13 A. I responded that I was going over there.

14 Q. And you did go over there?

15 A. Yes.

16 Q. Lights and siren?

17 A. Yes. I do believe I went over there

18 because -- because of the nature of the call, I had

19 no idea what I was going to, so I expedited my

20 arrival over there.

21 Q. And when you expedite your arrival, how

22 do you do that?

23 A. Well, I turn my lights on and I don't

24 recall -- I mean, the traffic was moving pretty good

25 that day, so --

13

1 Q. Do you recall where you were when you
 2 got the call?
 3 A. I was by -- I believe I was somewhere
 4 near the Wawa, which is Lehigh Street, maybe about
 5 half a mile away.
 6 Q. Okay. Is this the first time you recall
 7 getting a call of a man with a gun while working for
 8 the City of Allentown?
 9 A. No. I've had -- I mean, I've heard
 10 other calls.
 11 Q. Have you responded to other calls?
 12 A. Yes.
 13 Q. And have you -- when you arrived on the
 14 scene to the location, was the individual -- were
 15 you able to see an individual who was in possession
 16 of a gun?
 17 A. On prior instances?
 18 Q. On prior instances, yes.
 19 A. No, not -- not in the City of Allentown.
 20 I haven't -- you know, I haven't responded on any
 21 calls yet where -- you know, where I showed up on
 22 the scene and somebody had already been disarmed or
 23 anything of that nature.
 24 Q. And certainly, no, you didn't -- within
 25 the City of Allentown you haven't responded to any

15

1 A. Mr. Corliss.
 2 Q. Had the empty holster?
 3 A. He had the empty holster. And Officer
 4 Stokes was there. And there was a firearm on the
 5 shelf behind Officer Stokes.
 6 Q. Were they facing each other?
 7 A. Officer Stokes was facing Mr. Corliss.
 8 Q. And was -- where were Mr. Corliss's
 9 hands and arms?
 10 A. I don't recall.
 11 Q. Were they up in the air?
 12 A. No. No. He was -- his hands were to
 13 the side. He was in a relaxed position.
 14 Q. Okay. And how far apart were they,
 15 could you tell?
 16 A. Two feet; two, three feet.
 17 Q. How close -- I assume you went up to
 18 this Officer Stokes and Mr. Corliss?
 19 A. Yes.
 20 Q. And how close did you get to them?
 21 A. About the same distance that they were.
 22 Q. All right. And they were having a
 23 conversation of some sort?
 24 A. Yes.
 25 Q. Tell me what you remember about the

14

1 calls where you actually saw an individual with a
 2 firearm that you had to disarm?
 3 A. No.
 4 Q. So you get to the Home Depot. And do
 5 you know where within the store this activity was
 6 going on?
 7 A. It was in the tool section.
 8 Q. How did you know that?
 9 A. I didn't. Well, actually, no. He
 10 did -- when I arrived at the location, he mentioned
 11 on the radio that it was -- that he was in the tool
 12 section.
 13 Q. Did you know where the tool section was?
 14 A. Yes, because I've been to the store
 15 before.
 16 Q. Officially and unofficially or --
 17 A. Both.
 18 Q. What did you do when you arrived?
 19 A. I responded to the tool section.
 20 Q. Tell me what you saw.
 21 A. Officer Stokes had Mr. Corliss -- he was
 22 basically in the tool section. Mr. Stokes was
 23 standing there with his -- he had a holster on his
 24 side. His holster was empty.
 25 Q. Mr. Corliss?

16

1 conversation.
 2 A. All I know is that Officer Stokes was
 3 jotting down -- he had, I guess, pieces of
 4 identification. He was jotting down information in
 5 his -- on a note pad. That's about it.
 6 Q. Did you participate in any discussions
 7 with Mr. Corliss or Officer Stokes during this
 8 incident?
 9 A. Yes. Mr. Stokes -- Mr. Corliss asked me
 10 for my shield number.
 11 Q. You gave it to him?
 12 A. I gave him my shield number.
 13 Q. The Allentown or the New York City
 14 shield number?
 15 A. The Allentown.
 16 Q. All right. Go ahead.
 17 A. He asked for my shield number. I gave
 18 him my shield number. And he told me something
 19 about his rights to carry a firearm. And he pulled
 20 a pamphlet out of his pocket and asked me if I would
 21 like to take a look at it.
 22 Q. And how did you respond?
 23 A. I declined because, you know, I didn't
 24 want to -- I didn't really feel that it was -- at
 25 that point, that it was necessary for me to take a

17

1 look at that.

2 Q. As you approached this incident in the

3 tool section, what was your understanding about the

4 legality or illegality of openly carrying a firearm

5 in the City of Allentown?

6 A. I knew that it was -- that it was

7 somewhat a gray area, but that's -- but I didn't

8 know the specifics of the -- of the law.

9 Q. Go ahead. So you had this exchange with

10 Mr. Corliss where he offered you the pamphlet?

11 A. Yes.

12 Q. And then tell me with as much detail as

13 you can remember how the incident unfolded.

14 A. Well, he asked me if I wanted to take a

15 look at the pamphlet and -- which I told him no.

16 But he was telling me about, you know, his right to

17 carry a firearm in the public. I don't remember

18 specifically what he said.

19 And I basically -- I basically

20 stood there and just stayed with Mr. Corliss while

21 Officer Stokes stepped off to the side. And I guess

22 he -- I believe Officer Stokes went through standard

23 checks that we do and I believe he made a phone

24 call.

25 Q. Did Officer Stokes at any time during

19

1 and Mr. Corliss was not -- he was not going to be

2 allowed to walk, just walk away at that point?

3 A. Well, because we were -- he was -- we

4 were conducting an investigation.

5 Q. What were you investigating?

6 A. Well, I wasn't the one that initiated

7 the whole thing. I was basically standing by and

8 Mr. Corliss was with me, but he wasn't -- you know

9 what I mean? He didn't express any desire to leave

10 or anything like that. He was very cooperative.

11 Q. Throughout the entire time you were in

12 his presence he was very cooperative?

13 A. Yes.

14 Q. All right. But with that being said, at

15 the same time he was not free to just walk away if

16 he had chosen to do that because he was under

17 investigation?

18 A. Well, it never got to that point where,

19 you know, he said that he wanted to leave, so --

20 Q. Well, as you understand search and

21 seizure law as updated by your annual Act 180

22 training, Mr. Corliss was being detained, was he

23 not?

24 A. Yes.

25 Q. All right. So go ahead. Tell us what

18

1 this encounter ask you for any advice on how to

2 handle the situation?

3 A. No.

4 Q. Did you at any time during the course of

5 this encounter offer any advice on how the situation

6 should be handled?

7 A. No.

8 Q. Did you have any information that Mr.

9 Corliss at any time had unholstered the firearm, had

10 been waving it around, had been threatening any

11 employees or customers at the Home Depot?

12 A. Well, no. But Officer Stokes did

13 mention to me that he stopped him because -- because

14 some customers had concerns about him walking in the

15 store with a firearm.

16 Q. Was that the extent of the information

17 Officer Stokes gave you regarding the behavior of

18 Mr. Corliss?

19 A. Yeah. I had very little information.

20 He just mentioned that some customers had stopped

21 him and -- or had mentioned to him that Mr. Corliss

22 was in the store with a firearm and exposed.

23 Q. Okay. I take it that Mr. Corliss --

24 while Officer Stokes was off making his radio calls

25 or phone calls, whatever they were, you were there

20

1 happened next. I mean, Officer Stokes is off doing

2 his phone calls. You have this pamphlet exchange.

3 A. Officer Stokes came back a short time

4 later and basically -- basically told Mr. Corliss

5 that -- you know, that he was free to leave but

6 mentioned -- mentioned that the Home Depot really

7 didn't want him to be in the store; you know, that

8 they -- that they suggested that he -- that he not

9 come to the store with his firearm exposed.

10 Q. Okay. What did Mr. Corliss say or do?

11 A. He said, fine, because I really don't

12 want to shop here anymore. And we all walked out

13 to -- out of the store. He walked out to his car.

14 Officer Stokes walked him out to his car, where he

15 gave him his firearm and his magazine back.

16 Q. Did you walk out to the car with him?

17 A. Yes.

18 Q. So it was you, Officer Stokes, Mr.

19 Corliss, out the store to Mr. Corliss's car?

20 A. Yes.

21 Q. And at that point Officer Stokes gave

22 him back his firearm --

23 A. Yes.

24 Q. -- magazine and the chambered round?

25 A. Yes.

21

1 Q. Was Sergeant Vargo around for this?

2 A. He was around. I don't recall if he --

3 if he walked out with us to Mr. Corliss's car, but

4 Sergeant Vargo had arrived some time after I had

5 arrived and had departed sometime right around the

6 time that we had exited the store.

7 Q. Did Sergeant Vargo have -- did you

8 overhear Sergeant Vargo giving any instructions,

9 guidance, or advice to Officer Stokes about how to

10 handle the situation?

11 A. No.

12 Q. Did you hear Officer Stokes ask Sergeant

13 Vargo for any advice or guidance on how to handle

14 the situation?

15 A. No. I don't recall.

16 Q. Is it -- in the training you've received

17 for detention, do you also think about that or talk

18 about that as a Terry stop?

19 A. Yeah. I mean, I'm familiar with the

20 Terry stop.

21 Q. And would you -- was it your view that

22 Mr. Corliss was subjected to a Terry stop?

23 A. I don't know. I think it was more like

24 an investigative detention. I don't know if you

25 would say that's the same thing, but it was more or

23

1 him --

2 Q. Him being Mr. Corliss?

3 A. Mr. Corliss. I do recall Mr. Stokes --

4 Officer Stokes having some -- some kind of -- he may

5 have had a permit, carry permit.

6 Q. Is it your understanding that a carry

7 permit is required before you can openly carry in

8 the City of Allentown? Was it your understanding at

9 that time?

10 A. I understand that if you're in Allentown

11 you're -- you're supposed to have a carry permit.

12 But if I'm correct, it's supposed to be covered.

13 But that's the gray area.

14 Q. Let me show you what's been marked as

15 Hoogenboom Number 1. Would you take a look at that?

16 A. Okay. Okay.

17 Q. Do you recognize that document, sir?

18 A. Yes.

19 Q. Would you tell me what it is?

20 A. It's an incident report.

21 Q. Relating to the incident at Home Depot?

22 A. Yes.

23 Q. And that's your incident report?

24 A. Yes.

25 Q. I notice that your name appears on the

22

1 less just an investigative detention to find out,

2 you know, whether Mr. Corliss was legally allowed to

3 carry the firearm as he did.

4 Q. Did you have any information to believe

5 that he was not legally entitled to carry the

6 firearm as he did?

7 A. I don't -- I don't recall.

8 Q. What's your understanding of what's

9 required before a police officer can conduct an

10 investigatory detention of a citizen?

11 A. Well, I guess -- I guess he's got to

12 have reasonable suspicion that a crime has or may be

13 occurring.

14 Q. Did you yourself have any information

15 that a crime -- that criminal activity was afoot or

16 that a crime had been or might be in progress?

17 A. I think -- I don't want to say yes or

18 no, but I just -- based on the -- based on the

19 nature of the call, you know, he was stopped and,

20 you know, we were just conducting an investigation

21 as to whether he was -- you know, whether he was

22 licensed to carry a firearm as he did.

23 Q. Did you have some reason to believe that

24 he was not licensed to carry the firearm as he did?

25 A. I don't recall, because I remember

24

1 bottom but there's no signature. Despite the

2 missing signature, you're confident that's the

3 report you prepared in the aftermath of this

4 incident?

5 A. Yes.

6 Q. Can you tell from that report or do you

7 have any information from any source to tell us what

8 time this incident started?

9 A. It started at 1536, 3:36 p.m.

10 Q. All right. And --

11 A. Roughly.

12 Q. Roughly. What's the significance of

13 that time? Is that the time you got the call from

14 Officer Stokes? Is that the time you arrived at

15 Home Depot?

16 A. No. I believe that's the -- from the

17 time that he called over the radio, that was -- that

18 was basically the time that was logged into the

19 computer.

20 Q. What's your estimate of the amount of

21 time you spent at the Home Depot until, you know,

22 you escorted Mr. Corliss out to his vehicle?

23 A. I estimate maybe about 15 minutes.

24 Q. Okay. Is there any -- when you were --

25 when the incident was completed at the Home Depot,

25

1 which means that Mr. Corliss was in his car and
 2 driving away, did you have to log on to the comm.
 3 center or let the comm. center know that you were
 4 back in action, so to speak?
 5 A. Yeah. Yes.
 6 Q. What's the call sign for that, to let
 7 the dispatcher know that you are now -- the
 8 incident's over and you're now available for other
 9 duties?
 10 A. We usually tell them RF 10-8.
 11 Q. RF 10 --
 12 A. Report filed, 10-8. 10-8 is the code
 13 indicating you're back in service.
 14 Q. Okay. Do you have any information from
 15 any source, including Exhibit Number 1 which you
 16 have in front of you, as to what time that RF 10-8
 17 was called in to your comm. center?
 18 A. Well -- well, the computer -- the
 19 computer usually when you -- when you're preparing
 20 your report, the computer usually has a disposition
 21 time, you know, but I don't see it on this report.
 22 Q. To your knowledge, is there any source
 23 you could go to to figure out what time that RF 10-8
 24 call was made?
 25 A. Well, you would have to -- you would

27

1 have. Thank you.
 2 (Deposition concluded at 12:22 p.m.)
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
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 14
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 16
 17
 18
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 22
 23
 24
 25

26

1 have to actually go onto our ICIS system. You know,
 2 a supervisor could probably go onto the ICIS system
 3 and determine that.
 4 MR. MAGEE: Mr. Hanna, can you get
 5 that for me, or try to get that for me?
 6 (Discussion held off the record.)
 7 (A brief recess was taken.)
 8 BY MR. MAGEE:
 9 Q. You've had a chance to look at that
 10 incident report then?
 11 A. Yes.
 12 Q. Is there anything you want to add,
 13 anything you want to change, anything you want to
 14 edit, anything you want to delete?
 15 A. No. I just -- I just see that -- I
 16 didn't have the report on me, but I just see that,
 17 you know, Officer Stokes had conferred with
 18 Sergeant -- Sergeant Lake over at our criminal
 19 investigation division and he just conferred with
 20 him on the whole incident. Sergeant Lake is pretty
 21 knowledgeable about the rights of persons to carry
 22 firearms, so --
 23 Q. So nothing you want to change in there?
 24 A. No.
 25 MR. MAGEE: Okay. That's all I

28

1
 2
 3 *April 5, 2009*
 4
 5
 6
 7 I hereby certify that the evidence
 8 and proceedings are contained fully and accurately
 9 in the notes taken by me of the testimony of the
 10 within witness who was duly sworn by me, and that
 11 this is a correct transcript of the same.
 12
 13
 14 *Mandy L. Betz*
 15 Mandy L. Betz
 16 Registered Professional Reporter
 17 Notary Public
 18
 19 The foregoing certification does not apply to any
 20 reproduction of the same by any means unless under
 21 the direct control and/or supervision of the
 22 certifying reporter.
 23
 24
 25

Prepared By: 09863
Prepared Date: 10/10/2008

ALLENTOWN POLICE DEPARTMENT
Offense Report
INCIDENT NUMBER: 08081049-00

INCIDENT INFORMATION

Date Reported: 10/06/2008 Time: 1536
Report Officer: H7062 (HOOGENBOOM)
Approval Officer: K9582 (KENNEDY)
Invest Officer:
Date Occurred: 10/06/2008 Time: 1536
Location: 1951 GLENWOOD ST SW Pref: Apt:
City: ALLENTOWN State: PA Zip: 18103-
Latest Poss Date: Time:
Rpt District: 728 Beat: B301 Shift: B
Command Area:
Damage Prop: \$0 Stolen Property: \$0 Stolen Vehicle: \$0
Disposition: CLEARED - NO ARREST Disposition Date: 10/06/2008

OFFENSES

Offense: UC4519 (OTHER PUBLIC SERVICE)
IBR Code: Att/Comp: UCR: 4519 UCR Arson:

WITNESS/INV PARTY

Name Type: OTHER Name: GORLISS, JERRY R
Address: 3006 KLEIN ST ALLENTOWN, PA 18103
Bldg: Apt #: 134A
Phone: (610) 791-9965 SSN: DOB: 02/08/1971 Sex: M Race: W
DL Number: 29648560 State: PA Hgt: 5'11 Wgt: 250 Hair: BLN Eyes:
Employer: Phone:
Emp Addr:
Bldg: Apt #:

Name Type: OTHER Name: LUTZ, RICK
Address:
Bldg: Apt #:
Phone: SSN: DOB: Sex: M Race:
DL Number: State: Hgt: Wgt: Hair: Eyes:
Employer: THE HOME DEPOT Phone: (610) 791-5990
Emp Addr: 1951 GLENWOOD ST SW ALLENTOWN, PA 18103
Bldg: Apt #:

Name Type: REPORTING PARTY Name: PO STOKES, DALE
Address:
Bldg: Apt #:
Phone: SSN: DOB: Sex: M Race: W
DL Number: State: Hgt: Wgt: Hair: Eyes:
Employer: ALLENTOWN POLICE DEP Phone: (610) 437-7753
Emp Addr: 425 HAMILTON ST ALLENTOWN, PA 18101
Bldg: Apt #:

ALLENTOWN
Hoogenboom
1
MLB 3-25-09
PERICAD 800-631-6969

Prepared By: 09863
Prepared Date: 10/10/2008

ALLENTOWN POLICE DEPARTMENT
Offense Report
INCIDENT NUMBER: 08081049-00

NARRATIVE

DISPATCHED TO THE HOME DEPOT AT 1951 GLENWOOD ST SW, AT THE REQUEST OF PO STOKES, WHO WAS HOLDING A MALE WITH A FIREARM AT THE LOCATION.

UPON ARRIVAL, PO STOKES WAS DETAINING MR CORLISS, WHO WAS STANDING IN THE TOOL AREA WITH AN EMPTY GUN HOLSTER ON HIS RIGHT SIDE WAIST. PO STOKES HAD MR CORLISS' FIREARM UNLOADED AND SAFEGUARDED NEARBY. MR CORLISS IMMEDIATELY ASKED ME FOR MY BADGE NUMBER, WHICH WAS PROMPTLY GIVEN, WHICH MR CORLISS HAD WRITTEN DOWN, ALONG WITH PO STOKES BADGE NUMBER. MR CORLISS ASKED ME IF I WANTED A FLYER HANDOUT ON THE RIGHTS OF FIREARMS OWNERS IN PA. MR CORLISS STATED THAT HE HAD A GLOCK MODEL 23, 40 CALIBER HANDGUN ON HIS PERSON WHEN HE WAS STOPPED.

APPARENTLY, PO STOKES WAS OFF-DUTY AND WALKING IN THE STORE, WHEN STORE EMPLOYEES AND CUSTOMERS MADE HIM AWARE OF A MALE WALKING AROUND WITH AN EXPOSED HANDGUN ON HIS WAIST.

PO STOKES STATES THAT HE STOPPED MR CORLISS AFTER A STORE EMPLOYEE POINTED HIM OUT, ASKED HIM IF HE HAD IDENTIFICATION, THEN ASKED MR CORLISS TO PUT HIS HANDS UP IN THE AIR SO THAT PO STOKES COULD DISARM HIM.

PO STOKES DETAINED MR CORLISS LONG ENOUGH TO CONDUCT CHECKS OF MR CORLISS' IDENTITY, FIREARMS PERMIT AND 10-29 CHECKS. PO STOKES CALLED SGT LAKE AT CID AND VERIFIED THAT MR CORLISS WAS PROPERLY LICENSED TO CARRY A FIREARM, AND THAT MR CORLISS WAS WELL WITHIN HIS CIVIL RIGHTS TO CARRY HIS FIREARM IN THE MANNER THAT HE HAD.

RICK LUTZ, STORE MANAGER, ASKED AN ASSISTANT MANAGER TO ADVISE MR CORLISS THAT THE STORE WOULD PREFER THAT HE CONCEAL HIS FIREARMS WHEN FREQUENTING THE HOME DEPOT, HOWEVER, MR CORLISS STATED THAT HE PREFERRED NOT TO DEAL WITH ANY ESTABLISHMENT THAT DID NOT ALLOW HIM TO CARRY HIS PROPERLY LICENSED FIREARM IN THE MANNER THAT HE PREFERRED.

MR CORLISS WAS ESCORTED OUT OF THE STORE, AND WAS GIVEN BACK HIS FIREARM AND MAGAZINE/LIVE ROUNDS, BY PO STOKES, WHO HAD EXPRESSED THAT PERSONS WERE ALARMED WHEN THEY SAW THE FIREARM EXPOSED ON MR CORLISS' WAISTBAND.

SGT M. VARGO WAS PRESENT AT THE LOCATION.

REVIEWED by HOOGENBOOM, RUDOLF

APPROVED by KENNEDY, KEVIN R.

FILED
OCT 10 2008
ALLENTOWN