

# Boston Police Department Miranda Warning

Name: Philip MANKOFF  
Address: 8 High Point Circle, 301 Quincy  
Date: 4-20-09 Time: 246 PM

Before we ask you any questions, you must understand your rights:

You have the right to remain silent. PM  
Initials

Anything you say can be used against you in a court of law or other proceedings. PM  
Initials

You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning. PM  
Initials

If you cannot afford a lawyer and you want one, a lawyer will be provided for you by the Commonwealth without cost to you. PM  
Initials

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time until you talk to a lawyer. PM  
Initials

I, Philip Mankoff, have read and understand the above rights as explained to me by Det Harr, and I am willing to make a statement at this time without a lawyer being present.

Signed [Signature]

Witness R. A. Kenny

COMMONWEALTH OF MASSACHUSETTS

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COMMONWEALTH OF MASSACHUSETTS

v.

PHILIP MARKOFF

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INTERVIEW OF PHILIP MARKOFF

DATE: April 20, 2009

PRESENT:

Philip Markoff

Detective Dennis Harris

Detective Robert Kenney

FINAL

INTERVIEW OF PHILIP MARKOFF

DET. HARRIS: All right. For the record today's date is April 20, the year 2009. The time is 2:45 p.m., the speaker Detective Dennis Harris of the Homicide Unit, and also present, Detective Robert Kenney. The young man being interviewed here this afternoon is Mr. Philip -- would you pronounce and spell your last name, please?

MR. MARKOFF: Markoff, M-A-R-K-O-F-F.

BY DET. HARRIS:

Q And with that, also, Philip, I'm going to produce a -- just you've agreed to go on tape from the outset, so therefore, there's no need to fill out that form, but now I'm going to produce a Boston Police Department Miranda warning sheet and advise you of your rights.

All right. Would you spell your first name, please?

A P-H-I-L-I-P.

Q One L?

A Yeah.

Q And spell your last name?

A M-A-R-K-O-F-F.

Q Double F?

A Yeah.

Q Markoff. And what's your address, please?

A Do you want my local address?

Q Yes.

A 8 Highpoint Circle.

Q 8 Highpoint --

A Circle, Apartment 301.

Q And where is that?

A Quincy.

Q And today's date is 4/20/09, and the time is  
2:46 p.m.

All right. Philip, before we ask you any questions you must understand your rights, okay. You have the right to remain silent. Do you understand that?

You have to respond so that the tape picks it up.

A Yes, I understand.

Q Would you do me a favor? Would you place your initials in that space there?

A [Pause].

Q You can hang onto the pen there for a second.

Anything you say can and use -- can be

1           used against you in a court of law or other  
2           proceedings. Do you understand that?

3    A       Yeah.

4    Q       Would you put your initials there, please?

5    A       [Pause].

6    Q       You have the right to talk to a lawyer for  
7           advice before we ask you any questions and to  
8           have him or her with you during questioning. Do  
9           you understand that?

10   A       Yeah.

11   Q       Place your initials there, please.

12   A       [Pause].

13   Q       If you cannot afford a lawyer and you want one,  
14           a lawyer will be provided for you by the  
15           Commonwealth without cost to you. Do you  
16           understand that?

17   A       Yeah.

18   Q       Put your initials right there.

19   A       [Pause].

20   Q       If you decide to answer questions now without a  
21           lawyer present, you will still have the right to  
22           stop answering at any time until you talk to a  
23           lawyer. Do you understand that, sir?

24   A       Yeah.

1 Q Place your initials in that space.

2 This next, let me see it for a second.

3 I, there's a blank space, have read and  
4 understand the above rights as explained to you  
5 by me, and I will print my name, Detective  
6 Harris, and I am willing to make a statement at  
7 this time without a lawyer being present.

8 Would you like to speak to us now  
9 relative to some questions we have to ask you?

10 A Well, it depends what they're about. Maybe I  
11 should speak to a lawyer.

12 Q Well, it's up to yourself, and it's a decision  
13 you have to make.

14 A Well, what's this about?

15 Q Well, it's about a series of incidents that have  
16 gone on, and we just have some questions. As  
17 you're well aware of, there's been some reports  
18 of some robberies and a homicide, and we've been  
19 following a ton of leads as a result of that  
20 stuff, and you're a person of interest at this  
21 point, and we'd like to speak to you relative to  
22 that.

23 A Okay. Maybe -- can you get me a lawyer, though?

24 Q Can I get you a lawyer?

1 A Yeah.

2 Q You have a right to get your own lawyer  
3 yourself.

4 A Well, I don't -- I don't know. I don't know  
5 where to get a lawyer from.

6 Q I mean, is that your decision, that you'd rather  
7 have a lawyer than to speak with me?

8 A I mean, yeah. I don't really know what this is  
9 about, but I probably should. I don't want to  
10 say something.

11 Q It's up to yourself. Is that your request that  
12 you want a lawyer?

13 A Sure. I mean, can you get me one?

14 Q Well, would you -- just so we understand, to  
15 understand what's going on. Would you like to  
16 have an attorney here today and then continue  
17 some questioning, or would you like not to speak  
18 at all and get an attorney, because, I mean, you  
19 can make a phone call. You can try to have an  
20 attorney here and you can go through the  
21 proceedings with an attorney present, if that's  
22 your wish.

23 A Yes. I'd feel more comfortable with an attorney  
24 present, if you could provide me with somebody.

1 Q Well, one of your next rights is you have a  
2 right to make a phone call. We'll let you make  
3 a phone call, and if you want to try to find an  
4 attorney and have an attorney respond here.

5 A No. You can just have someone here who does  
6 this.

7 Q We have an attorney that does this?

8 A Or, you know, you know what I'm trying to say?

9 Q I do know what you're trying to say. You want  
10 to consult with an attorney before we move  
11 forward, is that correct?

12 A Sure.

13 Q All right.

14 DET. KENNEY: Detective Kenney for the  
15 record.

16 BY DET. KENNEY:

17 Q Just so that it's clear. You're asking us to  
18 try to provide you an attorney. You don't have  
19 an attorney --

20 A Yeah, I don't have a lawyer. I don't know where  
21 to get a lawyer.

22 Q Okay. And you absolutely don't want to talk to  
23 us unless you have an attorney before you talk  
24 to us, because the thing of it is, I'm going to



1           be very frank with you. I'm sure you have some  
2           idea of what we're looking at here, right? You  
3           have some idea of what we're talking about?

4       A     Not really.

5       Q     Well, you live in the area and you've been  
6           watching the news.

7       A     I don't really watch the news.

8       Q     Do you read the newspapers?

9       A     No.

10      Q     Not at all?

11      A     No. People my age don't really watch.

12      Q     So you don't watch the news, all right.

13                       Well, the detective talked about it  
14           briefly, that there's a number of incidents that  
15           have happened in the area. Your physical  
16           description and that you're a white male with  
17           light-colored hair has triggered our interest in  
18           you to some -- a certain extent, but as you can  
19           imagine, there's about probably 80,000 other  
20           people that are about your height, about your  
21           facial features, about your hair color.

22      A     Yeah.

23      Q     You're a person of interest because of these  
24           things and some other things. We would like to

1 talk to you about that, but we're not going to  
2 talk to you if you insist on having an attorney.

3 A What are the other things?

4 Q Well, until we get through this format, we can't  
5 talk to you about anything.

6 A Okay, well --

7 Q But we have to -- we have to make sure that your  
8 rights -- I mean, we're going to be zealous in  
9 making sure that your rights are preserved.

10 A All right.

11 Q That is our obligation to the law and our  
12 obligation to you.

13 A So I would like -- I would like, can you provide  
14 me with an attorney then?

15 BY DET. HARRIS:

16 Q We're not going to provide you an attorney.  
17 We'll make -- we'll allow you to make a phone  
18 call and you can inquire, okay.

19 A It says you'll provide me with one.

20 Q Well, that's -- that's the process, sir, that  
21 says there. Like, if, in fact, you ended up in  
22 the court --

23 DET. KENNEY: If you were indigent.

24 Q And the courts found you indigent, then they

1 would provide you an attorney. That's in a  
2 different proceeding. This right now, you're,  
3 like, number one, you're not under arrest,  
4 correct?

5 A But you said I could have a lawyer for this.

6 Q Well, the form is you have a right to an  
7 attorney, okay. We don't actually give people  
8 attorneys. You can hire an attorney to move  
9 forward or at some point, if you were  
10 arrested --

11 A I don't think I can afford an attorney.

12 Q Well, I mean, that's -- you know, I mean, that's  
13 -- phone calls can be made to a company, the  
14 public defender's office, and maybe they can  
15 make one available to you. However, you're not  
16 the deciding factor of whether or not you can  
17 afford an attorney. The court's are. But the  
18 bottom line as far as this interview goes,  
19 Philip, so we're clear, is you have a right to  
20 have an attorney with you while you're being  
21 questioned if you so choose, okay.

22 A Okay.

23 Q Or you can shut down, you don't want to speak to  
24 us because you want to take -- take advantage of

1 one of your rights and get an attorney, and you  
2 can postpone this until that time.

3 The way that works, if we're going to  
4 provide you with an attorney, we being the  
5 Commonwealth of Massachusetts, that means that  
6 there's a process in place if you were arrested,  
7 brought before a court, and you tell the court  
8 that, hey, look at, I can't afford an attorney  
9 and I want one, and it's at that point, they'll  
10 either deem you indigent where you absolutely  
11 because of the information you provide them  
12 cannot afford one and they'll provide you with a  
13 public defender. However, if they find that you  
14 have the means, either with family or other  
15 areas to afford an attorney, then they'll tell  
16 you to get an attorney before the next court  
17 date, to hire an attorney yourself. But right  
18 now, you can, you know, we can see what's going  
19 on. If you want an attorney, that means we shut  
20 down, okay.

21 A But I can stop at any time, right?

22 Q Well, that's another one of your rights. If you  
23 understand that as we read, you can proceed.

24 You can talk to us. It's your right. You have

1 to waive it, though. You have to tell me that,  
2 hey, look at, I understand my rights fully and  
3 I'm willing to talk to you, and I can stop at  
4 any time, also. That's one of your rights.

5 A So do you want me to fill this out, the rest of  
6 it?

7 Q Yeah, fill that out. And is that your  
8 understanding, that you're willing to talk to me  
9 or you want to waive that?

10 A Well, you said I can stop at any time.

11 Q You can stop at any time.

12 A Well, I just want to hear what's going on from  
13 you, so we can start.

14 Q Okay. Just so we're clear though, we're going  
15 on the record. You asked for an attorney.  
16 Detective Kenney, just in terms of filling  
17 out --

18 A From what you were saying, explaining it to me,  
19 I thought, like, you would provide me with one.

20 Q Oh, yeah. We just don't give people attorneys.

21 A Well, that's what I thought, like, would happen  
22 so. I may have misunderstood.

23 Q So the fact that you inquired about your  
24 interpretation of that right, was that I had an

1 attorney waiting outside and I'd let you speak  
2 to an attorney or something along those lines?

3 A Well, that's what I thought. That was my  
4 understanding.

5 Q Okay. Your thoughts now is that you understand  
6 what I've explained to you.

7 A I understand if I want an attorney now, I have  
8 to get one myself.

9 Q Right. Yes, or make a phone call and, you know,  
10 have one made available to you. We're not going  
11 to give you one.

12 A I wouldn't really know who to call to be an  
13 attorney.

14 Q But, I mean, that's what phone calls and that's  
15 what -- there is advice out there for you to  
16 follow up on that. But before we move forward,  
17 Philip, you're clear on the fact that as you sit  
18 here, you're willing to speak and you know that  
19 right where you can shut down at any particular  
20 time?

21 A Yeah, I know -- I know I can shut down at any  
22 time.

23 Q Okay. So you're aware of that, and you're aware  
24 of the way it works?

1 A I just want to hear what's going on, so you can  
2 start.

3 Q But rather than for you just to find out what  
4 this is all about, you're clear about your  
5 rights?

6 A I know my rights.

7 Q You know your rights. Have you ever been  
8 advised of your rights in the past?

9 A No.

10 Q No. This is the first time?

11 A I believe so, yeah.

12 Q You've never been -- had any interaction with  
13 the police before?

14 A I used to be on a youth court, so I used to read  
15 rights.

16 Q Oh, you used to read rights.

17 A One, when I was like 15.

18 Q Oh, yeah. Read rights to other people or just

19 --

20 A Yeah. It was a youth court.

21 Q What does that mean?

22 A It's an alternative for family court for, you  
23 know, youths.

24 Q Oh, youth court, I'm sorry. I didn't pick that

1 up. I thought you said the youth corp.

2 A Oh, I'm sorry.

3 Q That's okay, youth court. So you did -- you're  
4 familiar with the rights then, right?

5 A Yeah, I think we figured them out.

6 Q Okay, very good. As I alluded to early on about  
7 that, there's been a lot of stuff gone on, and  
8 as a result of that stuff, there's been hundreds  
9 of tips coming in here, and if you haven't read  
10 the paper, you really don't have a clue as to  
11 what we're talking about?

12 A No. I really don't read the paper or watch the  
13 news.

14 Q So in the last week or two, you haven't heard  
15 anything about some stuff that's been going on  
16 in and around Boston regarding Craigslist?

17 A No, I really don't watch the news.

18 Q Okay. Well, just let me give you a brief  
19 synopsis of what we're doing then, okay.

20 A Okay.

21 Q There's been a series of incidents, robberies of  
22 young girls in and around the Boston area.

23 A Okay.

24 Q And as a result with that, the Boston Police



1 Department and other agencies have asked the  
2 public for some help. They actually printed  
3 some surveillance photographs of people that  
4 they thought might be involved in this case, and  
5 as a result of that, asking the press for some  
6 help, it generated an awful lot of phone calls.  
7 People are saying, gees, I think the guy who  
8 lives next door to me might be a person of  
9 interest.

10 A Mm-hmm.

11 Q Somebody else is calling, you know, I work in  
12 such and such a place, and, you know, this dude  
13 who comes in here every day, you know what it  
14 is. You know what I'm saying?

15 A Mm-hmm.

16 Q So we are following up each and every lead that  
17 comes across the phones. I can tell you as I  
18 sit here in my limited capacity, there's a  
19 photograph in one of the surveillance  
20 photographs or a couple of the surveillance  
21 photographs that's a strong likeness and image  
22 to yourself, Philip.

23 A Okay.

24 Q One of the reasons why you're here. So I was

1 going to ask you, you live in Quincy. Do you  
2 frequent the Boston area at all?

3 A I go to school there in Boston.

4 Q You go to school. And what school do you go to?

5 A Boston University School of Medicine.

6 Q Okay. And you live in Quincy. Do you commute  
7 back and forth?

8 A Some days, yes.

9 Q All right. Do you have -- who -- do you have  
10 like a small circle of friends that you  
11 associate with?

12 A I don't really have too many friends since I  
13 live in Quincy. I moved there with my fiancée.

14 Q Okay. And how long have you been at BU?

15 A Two years.

16 Q And what's your fiancée's name, Philip?

17 A Megan.

18 Q Megan. And her last name?

19 A McAllister.

20 Q McAllister. Is she a Boston girl or --

21 A No. She's from New Jersey.

22 Q From New Jersey. I can't believe you have --  
23 you don't listen -- and again, what do you do?

24 What do you focus on in school? What's your

1 major?

2 A I'm a medical student.

3 Q You're a medical student.

4 A So I'm doing hematology and oncology right now.

5 Q So you're balls deep in the books?

6 A Yeah.

7 Q Okay. Have you no understanding, nothing about  
8 seeing any press, anything in the news, anything  
9 sensational at all?

10 A I don't really -- I think, like, young people  
11 like me, we don't often watch, like, I don't  
12 watch local news. I'm not from Boston.

13 Q And how old are you?

14 A 23.

15 Q 23. I guess I can relate to that. I have kids  
16 myself that age and as far as reading the  
17 papers, so I guess I can go along with that.  
18 But let me tell you that there have been some  
19 incidents, and you do match a description.

20 Tell me this. Have you ever been to  
21 some of the hotels downtown Boston in the past  
22 week or so?

23 A Not in the past week.

24 Q Okay. And before the past week, maybe two

1 weeks, three weeks. Can you tell me when was  
2 the last time?

3 A Well, my dad was -- my dad and his wife were in  
4 Boston maybe in February, and they stayed at a  
5 hotel.

6 Q Okay. And what hotel was that?

7 A I don't remember. It's one of the ones near  
8 Prudential Center.

9 Q Near Prudential Center. Is that the last time,  
10 Philip, that you were at a hotel?

11 A I believe.

12 Q All right. Could you have been there like  
13 recently and just don't recall it or --

14 A I could have, like, walked to the lobby.

15 Q Okay. Do you have a memory of doing that  
16 recently?

17 A I don't have a memory of it off the top of my  
18 head.

19 Q All right. If you'd think for a second, is  
20 there a possibility that maybe you did do  
21 something like that?

22 A Walk through the lobby?

23 Q Yeah.

24 A Maybe. I don't remember.

1 Q What would cause you as a medical student from  
2 BU to walk through a lobby?

3 A Well, the Prudential Center, isn't it connected  
4 to all the hotels? So as to go from, like, walk  
5 through the Prudential Center --

6 Q Yeah.

7 A -- don't you often walk through hotel lobbies?

8 Q Yeah. What hotel is connected to the Prudential  
9 Center, and I don't frequent --

10 A I won't really know them that well.

11 Q Well, do you have -- do you have, what brings  
12 you to the Prudential Center, if you don't mind?

13 A I've been there a handful of times.

14 Q Yeah. Is there just like coffee or shopping, or  
15 what brings you down there?

16 A All those reasons.

17 Q Yeah, all those. But no one --

18 A Restaurants.

19 Q No one hotel jumps out at you as far as --

20 A Not really.

21 Q All right. You do have a specific memory of  
22 being in one in that area when your mom and dad  
23 were in town?

24 A Yeah. They were in one.

1 Q Okay. And where are your parents from?

2 A Syracuse, New York.

3 Q Syracuse. Okay, and how long have you been in  
4 the Boston area? What year are you in at BU?

5 A I'm finishing up my second year.

6 Q Your second year, all right. And have you lived  
7 at that Quincy address since then?

8 A Since I started. No, I lived in South Boston,  
9 and then I moved to Quincy.

10 Q How does it feel to be wrapped up in this stuff?  
11 I mean, this is -- is this your first time being  
12 involved with this? And I know you said you  
13 worked at the youth court. What do you think  
14 about being dragged in here on a --

15 A I don't know. I was trying to figure out what  
16 was going on.

17 Q Okay. And as you know, I mean, if you have some  
18 familiarization with the courts, especially in  
19 something, it's an investigation. You know the  
20 unit you're in now. Did you see the sign when  
21 you walked in the door?

22 A No.

23 Q It says the Homicide Unit, and I introduced  
24 myself as a homicide detective.

1 A Okay.

2 Q So that tells you at least something, something  
3 that we're talking some serious stuff here,  
4 okay, and following tips.

5 And ever since, going back to the OJ  
6 case, the sensationalism of the OJ case, which  
7 causes the public to respond in following leads,  
8 we're kind of like, you know, we're at, you  
9 know, a point where people call stuff in and we  
10 follow up on it regardless of what it is,  
11 because in the courts, people will say, well,  
12 you know, 45 phone calls come in; you followed  
13 up one or two of them. Why didn't you do them  
14 all?

15 And I can tell you is that there's a  
16 strong likeliness of one of the photographs in  
17 the surveillance photos such as yourself. So I  
18 was just maybe hoping that you had some  
19 explanation. Say, if I gave you a date of a  
20 couple of weeks ago, if you were to tell me  
21 there's a reason why you were there and the  
22 person in the photograph was deemed to be you,  
23 then maybe you'd have a logical explanation for  
24 being in that area, but you don't seem to call

1 to mind --

2 A Well, I went out to eat at the Cheesecake  
3 Factory in the last -- maybe a couple weeks ago.

4 Q Which is right there?

5 A Yeah.

6 Q Do you remember the day that might have been or  
7 the --

8 A I don't remember the date.

9 Q And I understand, because sometimes I don't even  
10 know that, you know, what day of the week it is,  
11 what date it is now. But as far as, you know,  
12 going out to a restaurant, people might say,  
13 well, I like it there on Wednesday nights  
14 because they have a good special, or do you  
15 happen to remember --

16 A No, I don't go out to eat much. I went out  
17 with Megan and a couple friends, and we go  
18 shopping there sometimes at the Prudential  
19 Center.

20 Q All right. And when you say, was that a couple  
21 of weeks ago?

22 A I don't remember when it was.

23 Q You don't remember the day or anything like -- I  
24 can imagine a BU student --



1 A It might have been two weeks ago, three weeks  
2 ago. I don't remember.

3 Q A BU medical student, if you just, you know,  
4 maybe a Monday night is the night that you hit  
5 the books hard or Tuesday night, maybe you do  
6 the books and the gym. Maybe a Wednesday,  
7 you're a little bit more available to, you know,  
8 get something. It doesn't ring a bell?

9 A I don't remember when it was. It was probably a  
10 few weeks ago.

11 Q All right. But you remember Megan and a couple  
12 of friends at the Cheesecake Factory?

13 A Yeah.

14 Q Do you remember who the friends are that were  
15 with you?

16 A Yeah.

17 Q And who were they?

18 A Peter Keenan.

19 Q Peter Keenan?

20 A Yeah.

21 Q And who else?

22 A His girlfriend, Ya Min.

23 Q Ya Min.

24 A Shwee. They're students in my class.

1 Q Can you spell her -- she's a student, a medical  
2 student as well?

3 A Yeah.

4 Q Ya Min. What's her last name?

5 A Shwee.

6 Q Shwee, any idea? I see a little smile. I know  
7 you're laughing at me because I wouldn't even  
8 take a shot at it. But so no specific memory,  
9 huh?

10 A I don't really remember.

11 Q There's a couple of different locations in the  
12 last few weeks, a couple of different hotels  
13 where there's image and likeliness, tall, white  
14 guy, good looking kid, same color hair, same  
15 frame, same structure as yourself in some of  
16 these photographs, and, you know, just as far as  
17 justifying why you were there, or we're looking  
18 for some help so we can, you know, move forward.  
19 But you can't bring to mind any specific --

20 Like, are you familiar with, say, the  
21 Westin Hotel?

22 A Which one, the Western?

23 Q Yeah, the Westin, W-E-S --

24 A I think I've heard of that. I think my brother

1           stayed there.

2       Q     Okay. Do you know when he may have stayed  
3           there?

4       A     Oh, it was a while ago, maybe a year ago or so.

5       Q     Was there any reason or anything at all to cause  
6           you to have been there in the last couple of  
7           weeks?

8       A     I mean, maybe if I was walking through it.

9       Q     Yeah. Well, can you call something to mind,  
10          Philip? What would have brought you in there to  
11          walk through it?

12      A     I'm not sure. I don't remember.

13      Q     Can you place the Westin? Can you picture the  
14          Westin, though? Can you picture where it is,  
15          you know, strategically located?

16      A     It's next to the Prudential Center, isn't it?

17      Q     Yes. Well, if you're looking at the Prudential  
18          Center and the Cheesecake. Say if you walked up  
19          Huntington Ave. on the outside, the left, the  
20          Cheesecake is on the left-hand side, and then  
21          moving forward straight inbound, the Westin  
22          would be up on your right-hand side? Can you  
23          picture it?

24      A     I guess. It sounds familiar.

1 Q Yeah.

2 A I think it connects to the Prudential Center.

3 Q Yeah.

4 A Because I think when my brother was staying  
5 there, I walked back and forth. I think there's  
6 a connection.

7 Q Over the footbridge?

8 A I guess. I don't really remember.

9 Q But you have no clear memory of being there in  
10 the last couple of weeks?

11 A I don't remember, no. No clear memory.

12 Q All right. Now, there's another hotel down  
13 moving closer to the Cheesecake Factory, the  
14 Marriott?

15 A Okay.

16 Q Can you picture that at all?

17 A Yeah. I've eaten at the bar there.

18 Q Oh, at the bar. What's the name of that place?

19 A It's a sports bar. I watched a Red Sox playoff  
20 game with Ya Min and Pete there.

21 Q A playoff. So last year, was that the last time  
22 you were there?

23 A At the bar?

24 Q Yeah.

1 A I think so. I'm not sure.

2 Q Okay. Could you have been there in the last  
3 week or two?

4 A It's possible. I don't remember. I don't think  
5 -- I wasn't -- I wasn't at Champion's. I think  
6 it was Champion's is the name of that.

7 Q Champion's the name of the sports bar?

8 A Yeah. I've been there a couple of times.

9 Q You're a pretty sharp kid, unless it's true, the  
10 way it is on TV with medical students and stuff,  
11 you're just flat out. I mean, it's only been a  
12 week or two. You don't have a memory of being  
13 there in the last week or so?

14 A No. I haven't really done anything in the last  
15 week.

16 Q So moving away from today, the 19th, 18th, 17th,  
17 16th, 15th, 14th.

18 A That doesn't really help me.

19 Q It doesn't help you?

20 A No, I'm not --

21 Q I'm just trying to jog your memory at all. Tell  
22 me this. Were you at a bar yesterday at a  
23 hotel, the 19th?

24 A At a hotel?

1 Q Yeah.

2 A No.

3 Q All right. If you were at a bar but not a  
4 hotel?

5 A Yesterday?

6 Q Yeah.

7 A I don't think I did anything yesterday.

8 Q Okay.

9 A Megan came home, so.

10 Q And again, I'm just trying to help you.

11 A I was with Megan last night.

12 Q I'm just looking for an understanding as to the  
13 way these tips are coming in, and if people  
14 think that it's you or it could be you, because  
15 of your likeness to these photographs.

16 A Okay.

17 Q I'm just trying to help jog your memory so to  
18 speak. Yesterday is out. You didn't do  
19 anything yesterday, you're saying.

20 A No, I was with Megan.

21 Q 19th, 18th.

22 A I went out with Megan.

23 Q All right. Do you have a memory of where you  
24 may have gone?

1 A Yeah. We went to -- it was off 24, Route 24,  
2 next to the Olive Garden.

3 Q Off Route 24. In Braintree?

4 A No, no. In Stoughton.

5 Q Stoughton. The Olive Garden in Stoughton.

6 A There was -- it's a weird chain. It's a chain  
7 next to the Olive Garden; not Bugaboo Creek. It  
8 was one of those -- it's a barbecue place. It  
9 was a chain. Olive Garden was busy.

10 Q I don't get out too much either, obviously.

11 All right, move away from the 18th. Go  
12 to the day before that, the 17th.

13 A I don't really remember what I was doing.

14 Q 16th? Any --

15 A I don't remember what I was doing.

16 Q -- hotels, bars?

17 A Where?

18 Q Anywhere, anywhere. And I'm just trying to help  
19 you remember.

20 A I don't remember.

21 Q It doesn't help?

22 A No, I don't think I was at --

23 Q 15th, 14th, a couple of weeks, nothing?

24 A I don't remember all the dates.

1 Q And again, I can understand. And for the most  
2 part, we have such hectic lifestyles, and I can  
3 only imagine what yours is like as a medical  
4 student, with remembering from one day to the  
5 next. But, I mean, somebody who doesn't  
6 frequent hotels, only when parents or family's  
7 in and around town, I would think that maybe  
8 you'd remember that, you'd have a reason to  
9 remember it.

10 You know, because I tell you something,  
11 the photographs are pretty -- pretty clear as to  
12 why people would call suggesting, you know, to  
13 take a look at you, but you don't have any  
14 memory of being there, in any of these places in  
15 the last couple of weeks. Is that true, or are  
16 you saying it could be possible?

17 A I don't really remember, to be honest. I mean,  
18 I might have been there when I was at the  
19 Cheesecake Factory or something. I don't  
20 remember.

21 Q Or you wouldn't have gone over there and got a  
22 room afterwards? You're a college student, and  
23 it sounds like your money is lacking, so you  
24 wouldn't have gone over to get a room with



1 Megan, correct?

2 A When? What night?

3 Q Any night in the last couple of weeks?

4 A Well, we rented -- we're going to get a room at  
5 Foxwoods tonight.

6 Q Oh, you were going to Foxwoods tonight?

7 A Yeah, I booked a room tonight, yeah.

8 Q Okay. You booked a room down there?

9 A Yeah.

10 Q At what hotel, do you know? Do you remember?

11 A The Foxwoods hotel.

12 Q Okay.

13 A MGM.

14 Q That's -- that's the name of it?

15 A It's the MGM Grand.

16 Q Okay. Do you gamble?

17 A Sometimes.

18 Q Yeah.

19 A So I get discounts on hotel rooms.

20 Q Oh, not bad, not bad. I've been down there  
21 once. That's when it first opened up, but that  
22 was many years ago. That's why it didn't ring a  
23 bell when you said Foxwoods hotel. But other  
24 than that, when was the last time you had a

1 room, that you booked a room?

2 A That I booked a room?

3 Q Yeah.

4 A I don't know. It probably would have been at  
5 Foxwoods.

6 Q It would have been at Foxwoods. Recently?

7 A Could be.

8 Q Yeah. When?

9 A I don't remember. I go to Foxwoods a lot.

10 Q Do you go down there a lot? Do you gamble a  
11 lot?

12 A I don't know. I don't know what a lot is.

13 Q Yeah.

14 A I go down there once in a while. I wouldn't say  
15 a lot.

16 Q Once a week, once a -- maybe couple of days?  
17 Once a month?

18 A It varies.

19 Q Yeah. And do you oftentimes stay there or do  
20 you get --

21 A I stay there sometimes, yeah.

22 Q What do they call it, the rooms there, comp  
23 rooms or something?

24 A Well, I really don't get comp rooms. I'll get

1           like a discount room. So a lot of times if I go  
2           down there, I'll, like, inquire about a room to  
3           see if they have any left.

4    Q       What goes through your mind as I'm asking all  
5           these questions? I know you're a pretty bright  
6           kid. What goes through your mind?

7                        I know you try to -- you said that, you  
8           know, you understand what's happening and you're  
9           trying to figure out what's going on. What's  
10          going through your mind? Do you have an  
11          understanding of what this is all about?

12   A       Yeah, I understand what you're telling me.

13   Q       Do you understand?

14   A       Yeah, I think I can understand.

15   Q       Yeah, we're following up on stuff. And, you  
16          know, in this homicide business and in these  
17          serious investigations, robbery, 99 percent of  
18          the time, investigators, we spend trying to  
19          prove who did not commit the crime as opposed to  
20          who did do the crime. Do you follow me?

21   A       Mm-hmm.

22   Q       And that's where we spend an awful lot of our  
23          work. We have to cross our T's and dot our I's.  
24          And especially in a case like this, where you

1 reach out to the public and ask for help, it  
2 makes things a lot more tedious for us. And as  
3 you sit there and somebody who's a person of  
4 interest because of the images and the  
5 likenesses on the surveillance footages, it kind  
6 of makes our job that much more difficult, you  
7 know, and we appreciate your cooperation, but  
8 it's serious business. It's serious business.

9 And I can tell you this. And as I've  
10 said homicide a couple of times, clearly, you  
11 must think that it involves a murder. I've also  
12 mentioned the word robbery, and it involves  
13 robbery. And sometimes, Philip, when things  
14 happen, it's a pretty ugly situation. We don't  
15 mean them to happen, you know. They may happen  
16 accidentally, but as kids when we do something  
17 stupid or we start to go down a road we  
18 shouldn't, we get some advice that, you know, at  
19 the time, if some shit happens and it's ugly, it  
20 only makes things worse if you lie about it. So  
21 if you're afforded an opportunity to just be  
22 truthful and explain, attempt to explain your  
23 side of the story so to speak, it just makes  
24 things a lot easier, you know, moving forward,

1 and especially when you have complicated  
2 situations.

3 When there's lies attached to it, it  
4 just kind of makes things really, you know, that  
5 much more complicated. And it's difficult, it's  
6 difficult to rationalize, you know, why things  
7 happen, you know.

8 And again, that's why it's kind of like  
9 for me to try to ask you to remember if you were  
10 in a hotel; myself, now, in a limited capacity  
11 and, you know, so much money, if I was at a  
12 hotel, that would be something that, yeah, sure,  
13 I remember that. I was down at the Marriott  
14 just three nights ago. I was with a, you know,  
15 a hot-looking girl. We had a couple of drinks,  
16 and I was trying to get a room or something. I  
17 mean, those are memories that we'd always have,  
18 but to you, I mean, you're going to Foxwoods all  
19 the time. Maybe that's the explanation for why  
20 you can't call it to mind for not being there.

21 But then again, if you're willing to  
22 work with me and try to -- try to, you know,  
23 figure out if you were there, that might explain  
24 why we're sitting here today. But if you sit

1           there and you just have no -- absolutely,  
2           positively no memory of being there, it just --  
3           it just doesn't help things, you know.

4   A       Well, I said I have no specific memory. I might  
5           have walked through there.

6   Q       Yeah. But that's what I mean.

7   A       Like, I walk through there often. I don't know  
8           specifically, though.

9   Q       So is there a possibility that you walked  
10          through there in the last couple of weeks?

11   A       Yeah, I said that.

12   Q       Okay. But -- and I know you said that, I know  
13          you said that, but there should be a little more  
14          to it, though.

15                        What would cause you to walk through say  
16          the lobby of the Marriott? Just to see what's  
17          happening there? To see what's going on in the  
18          bar or --

19   A       Didn't I already answer that?

20   Q       No, not really, not really. Just a casual  
21          stroll through there?

22   A       Aren't they all -- don't you have to walk  
23          through like all the hotel lobbies --

24   Q       No, no.

1 A -- to get to places?

2 Q No, not necessarily.

3 A Don't they all cut through? That's my  
4 understanding of it.

5 Q Not necessarily. I mean, the mall -- and again  
6 --

7 A Well, I'm not really sure then. I don't know  
8 the mall one.

9 Q Okay, all right. I mean, no specific intention  
10 or direction or destination when you're in any  
11 of those places? Just a casual stroll through  
12 the lobbies might explain why you were captured  
13 on a surveillance?

14 A It could, I guess. I don't really know.

15 Q Well, tell me this. Do you -- do you have  
16 anything to do with Craigslist at all? Do you  
17 kind of like advertise or --

18 A No.

19 Q -- buy clothes or buy cars, or do anything like  
20 that on Craigslist?

21 A Well, I've looked at, like, for apartments and  
22 stuff.

23 Q Do you? Just recently?

24 A I guess, like I probably would glance at them.

1 I've used Craigslist before to search for my old  
2 apartment.

3 Q To do what?

4 A To search for my old apartment.

5 Q The one you're in now or the one prior to that?

6 A Or I don't know if I got it off Craigslist or  
7 some other list, but when I was searching I used  
8 it.

9 Q While I'm thinking about this, what is your date  
10 of birth? I don't know whether I asked you that  
11 at the outset, did I?

12 A February 12, 1986.

13 Q February 12, 1986. And that's your address in  
14 Quincy. And what is your home phone number,  
15 please?

16 A In Quincy?

17 Q Yes.

18 A 617 --

19 Q Yeah.

20 A 481 --

21 Q Yeah.

22 A 9198.

23 Q And that's the hard line or is that a cellphone?

24 A That's my home phone.



1 Q And do you have a cellphone?

2 A I do.

3 Q What is your cellphone number?

4 A 315-569-7753.

5 Q All right. Now, do you have an e-mail address?

6 A Yeah.

7 Q And what is that?

8 A Phil.markoff@gmail.com.

9 Q What is it? I'm sorry.

10 A Phil, P-H-I-L --

11 Q Yeah.

12 A -- dot Markoff@gmail.com. And my school e-mail  
13 is forwarded to that one, too.

14 Q And what's your school e-mail?

15 A PMarkoff@bu.edu.

16 Q Okay. And that's the only e-mail addresses you  
17 have?

18 A No. I have another one I used for playing  
19 Internet poker.

20 Q For doing what?

21 A For playing Internet poker and fantasy baseball.

22 Q All right. What's that one, do you know?

23 A That is -- let me try to think. I haven't used  
24 it in a while. I had played fantasy baseball

1 last year. It's like something stupid. It's:

2 My team's on steroids.

3 Q My team's on steroids.

4 A At Yahoo dot com.

5 Q All right. Any other e-mails or anything?

6 A I've had like a lot over the years.

7 Q Do you?

8 A They come and go. I had one -- I used to play  
9 pinochle online.

10 Q Do you?

11 A It's called Damn I'm good at pinochle at Yahoo  
12 dot com.

13 Q Damn I'm good at pinochle?

14 A Yeah. I had one e-mail address that my dad took  
15 over because that was the first e-mail address.

16 Q What is that?

17 A I don't remember. It was at hotmail. I had it  
18 years ago, and he was using it and he just kept  
19 it.

20 Q Did you ever have one at live --

21 A [Inaudible] Markoff.

22 Q -- at live dot com?

23 A I had a hotmail one.

24 Q What was that one?

1 A I just said. It was -- my dad uses it now, I  
2 think.

3 Q Okay, okay. Is that the same thing as live;  
4 hotmail?

5 A Is it? I don't know.

6 Q I don't know. I'm not that familiar with that  
7 stuff myself. Do you think it is?

8 A I'm not sure.

9 Q Hotmail are two different servers, aren't they,  
10 or two different --

11 A Well, Windows -- Windows owns hotmail. It's  
12 Microsoft Windows hotmail.

13 Q Okay, all right. Gambling; you like to gamble  
14 it sounds like, pinochle, poker Internet?

15 A Well, pinochle's not gambling.

16 Q It's not?

17 A I've never gam -- I didn't know you could gamble  
18 at pinochle. That's news to me.

19 Q I guess you can gamble at anything if you want  
20 to, you know.

21 So I don't know. Let's talk about  
22 Craigslist. When was the last time you were on  
23 Craigslist?

24 A I do not remember.

1 Q You do not remember. I mean, again, can we do  
2 that --

3 A Was I on it two weeks ago, a month ago? I don't  
4 remember.

5 Q Could you have been? I mean, that's the next  
6 question.

7 A I guess, yeah.

8 Q All right. You know, a lot of times, Philip,  
9 and you've got to bear with me and it might  
10 sound stupid, but, you know, a lot of times we  
11 know the answers to the questions, but it's just  
12 -- it's affording you an opportunity to, you  
13 know, be completely forthright with me and just  
14 in the interest of helping to get this done.

15 A Okay.

16 Q Helping to clear your name or to, you know, as I  
17 said, we spend an awful lot of time trying to  
18 prove who did not commit the crime, you know.  
19 So if you can work with me a little bit.

20 A I'm trying to.

21 Q I know you are. So let me ask you once. When  
22 do you think was the last time you may have --

23 A I don't know.

24 Q All right. You have no idea?

1 A I don't know.

2 Q All right. Does that indicate that it's been  
3 that long that you just don't have a memory of  
4 it or --

5 A I'm not sure what that indicates.

6 Q Okay. So if I was to ask you were you on it  
7 this morning, that would be a no.

8 A I was not on it this morning.

9 Q All right. What about yesterday?

10 A I don't know. I don't remember.

11 Q Okay, all right. So as far as that goes, now,  
12 have you had any problems that, you know, with  
13 some females lately in any of the -- in any  
14 situation?

15 A No.

16 Q Part of this investigation involves some women  
17 who have been assaulted, and that's what caused  
18 the police to respond and that's what caused us  
19 to, you know, post some photographs looking for  
20 help, because it all started in some rooms.

21 Now, being familiar with the courts, how  
22 old were you when you worked in the courts?

23 A It wasn't really the courts. It was a local  
24 thing.

1 Q Okay. But, I mean, you have some understanding  
2 and clearly, you're a bright kid. In order to  
3 have the police involved, nine out of ten times  
4 you have a victim that makes a phone call, and  
5 then the investigation starts and then witnesses  
6 give some direction and that causes the police  
7 to do stuff, and in some instances such as this,  
8 ask for help and posting photographs looking for  
9 some identification.

10 Is there anything along those lines  
11 where, and I know you don't have a specific  
12 memory, is there anything where you may have  
13 encountered a female in a hotel room and things  
14 may have gone awry?

15 A No.

16 Q And she would have been pissed off at you to  
17 call the police?

18 And again, keep in mind, just something,  
19 some food for thought, Philip, is sometimes  
20 girls call the police if they feel they've been  
21 slighted and, you know, they may make stuff up  
22 to complain about something, and that's when I  
23 go back to what I said sometime a little  
24 earlier, is there's always two sides to a story,

1 and when you're afforded an opportunity to  
2 provide your version, that might explain things.  
3 But until we have all the pieces of the puzzle,  
4 we're kind of left with, you know, me trying to  
5 -- as if I'm a dentist, trying to pull teeth or  
6 getting some information from you and attempting  
7 to jog your memory.

8 Do you have any specific memory of  
9 having a hassle with a girl?

10 A No.

11 Q You may have left, and she was pissed off to the  
12 point where she may have wanted to call the  
13 police?

14 A No.

15 Q Can you recall anything like that?

16 A I just answered that four times.

17 Q Okay, four times. You're right, you're right.  
18 And again, just be patient with me. It's not  
19 easy when, you know, the way we're dealing with  
20 this, okay. Are you patient? All right.

21 So no specific memory, no hassles with  
22 any girls whatsoever, not in the Westin hotel,  
23 the Marriott hotel, no problems, no problems?  
24 What does that mean?

1 A I already answered this.

2 Q Okay. And again, just because --

3 A Four times.

4 Q -- the tape doesn't it up. That's why I asked  
5 it once again.

6 The car that you're driving, is that  
7 listed to you?

8 A No. It's listed to my father.

9 Q Your father's car. Do you have a second vehicle  
10 as well?

11 A No.

12 Q No. Is there anything that you can tell us that  
13 might help us in what I'm asking you about?

14 A I don't think so.

15 Q All right. And again, we're kind of at a loss  
16 here because you have absolutely no clue,  
17 according to you, about what's been going on in  
18 and around the City of Boston regarding women  
19 who have been assaulted, correct? No clue?

20 A Yeah, I haven't been --

21 Q No clue? Never seen anything in the paper?

22 A No, that's true.

23 Q Never seen anything in the paper? Never seen  
24 anything on the news in the last couple of days?



1 A No, I really don't watch the news.

2 Q Your girlfriend would not have brought it to  
3 your attention? Gees, look at this, I just saw,  
4 you know --

5 A No, I don't really watch the local news.

6 Q So no conversations with anyone, with anybody in  
7 your circle of travel --

8 A No.

9 Q -- that may have mentioned as to what's going  
10 on here, right?

11 What about outside the City of Boston?  
12 Any hotels other than Foxwoods that you may have  
13 visited lately?

14 A Not other than Foxwoods.

15 Q Not other than Foxwoods. Have you been in Rhode  
16 Island at all lately?

17 A Well, I go through Rhode Island to get to  
18 Foxwoods.

19 Q And do you stop? Have you stopped going through  
20 Rhode Island at a hotel at all?

21 A Maybe to get gas.

22 Q Okay. At a hotel?

23 A At a hotel?

24 Q Yeah.

1 A You wouldn't get gas at a hotel.

2 Q Well, that's what I asked. Had you stopped --

3 A I don't think so.

4 Q -- on the way through? You don't think so.

5 You don't think you were at a hotel in Rhode  
6 Island?

7 A I don't think so.

8 Q Okay. And you seem to be getting a little  
9 frustrated.

10 A Yeah, because you keep on asking me the same  
11 questions.

12 Q Well, I moved on from the Westin and I moved on  
13 from the Marriott, and now I'm in the State of  
14 Rhode Island. You say that you go to Foxwoods  
15 all the time, and I'm just asking if maybe you  
16 had stopped into a hotel in Rhode Island.

17 A Maybe. I don't know.

18 Q Okay. What do you think? What do you think?  
19 Where do you think I'm going with all this?

20 A I don't know.

21 Q What are your thoughts? Talk to me for a  
22 minute. Instead of answering all the questions,  
23 tell me what your thoughts are. Tell me what  
24 you feel right now, because you seem to be

1 getting a little frustrated with me, and I can  
2 understand. I can understand where you're  
3 coming from, but Phil, let me say this to you,  
4 okay.

5 If, in fact, you are the guy in the  
6 photographs, that's one thing, because you could  
7 just be simply that guy passing through the  
8 hotel, passing through the lobby, somebody  
9 that's out with your girlfriend at the  
10 Cheesecake Factory, walking through, going to a  
11 parking lot to get in your car to go home. It  
12 would be that simple.

13 But it also could be the guy who just  
14 left a hotel room where something went awry, and  
15 you're leaving there and you are a suspect who  
16 has a story to be told. Whatever happened in  
17 the hotel room, that speaks to a certain set of  
18 facts. If you happen to be the guy that's  
19 leaving that hotel room and is picked up on  
20 surveillance cameras, you may have another piece  
21 of that story and you could just throw that on  
22 the table right now and that may explain things.

23 Or you could be as we said, just simply  
24 that guy passing through. But is it more than a

1 other than just maybe I passed through? Do you  
2 have a thing? Do you hook up with girls that  
3 you meet and you just don't want Megan to know  
4 about it? Which is perfectly understandable.

5 Over the years a lot of times, a guy's  
6 sitting there. They want to tell a story, but  
7 they don't want to jeopardize relationships.  
8 They don't want to ruin an engagement. They  
9 don't want to end up in divorce court because  
10 they have these things for, you know, they have  
11 a girlfriend on the side or something. So that  
12 may prevent them from being completely honest,  
13 and something like that, that's like a barrier  
14 in this business. If it's that simple and  
15 that's what throws me off, you know, then trust  
16 me, the thing to do is just to be honest and  
17 throw it out there and explain why this is going  
18 on. Explain why you're sitting here in the  
19 Homicide Unit, you know, at 3:00 o'clock in the  
20 afternoon.

21 There's an explanation for everything,  
22 you know. Things happen for a reason, Philip.  
23 We can't have back what happened, but we can  
24 make it right. And how do we make it right?

1 Just by being honest, just by being honest.  
2 When we start dancing around the truth, that's  
3 where things get all kind of discombobulated,  
4 and you kind of look at me, you get frustrated,  
5 hey, I answered that already. And that's what  
6 happens when you're dancing around the truth. I  
7 think you know -- I think you know that you may  
8 have been in some of these places. I think you  
9 know that, but you're just not clear as to how  
10 you want to tell me, you know.

11 And the best thing to do when the shit  
12 hits the fan, as I said earlier, also, is just  
13 to man up; look at, this is -- this is what  
14 happened, but this is why it happened. That's  
15 not who I am. I didn't do those things. This  
16 is what actually happened. This is my story.  
17 I'm not a stupid little shit. I know what  
18 happened, and I know why it happened, and I can  
19 make it right by just being honest.

20 That honesty is the key to, you know,  
21 just move forward, and it opens up all those  
22 different doors when you're honest with  
23 yourself, and it actually -- the honesty is what  
24 explains our behavior. Without honesty,

1 one-sided stories can be pretty ugly, can be  
2 real ugly, because all we have is the evidence  
3 at the scene, and that scene can be ugly and can  
4 speak to -- it can speak to ugliness without  
5 this answer over here. Do you follow me?

6 Again, you're just nodding. The tape  
7 doesn't pick that up. I'm sorry.

8 A Sure, I'm following you.

9 Q You're following me. Do you understand what I'm  
10 saying?

11 A Yes, I understand what you're saying.

12 Q I mean, if we have an incident in the Westin  
13 hotel and some girl is there, and she's irate  
14 and she's pissed because of this or because of  
15 that, that's her version. And the same if you  
16 move onto the next girl and to the next girl.

17 But there was somebody else that was  
18 there, some person that left, some person that's  
19 walking through the lobby afterwards who has a  
20 story to be told. And Philip, if you are that  
21 person, I can tell you now is the time just to  
22 be completely forthright and give your version,  
23 because left untold, it doesn't look good, you  
24 know. If that evidence has to speak for itself,

1 that speaks to ugliness, you know.

2 It's not easy, Philip, and things  
3 happen, stuff happens, but we can make it right.  
4 Fall back to when we're, you know, brought up.  
5 Little lies turn into big lies and big lies  
6 turns into, you know, big bags of shit, so to  
7 speak, you know. But if we step up and speak  
8 from the heart, hey, okay, listen, nobody ever  
9 meant for things to go the way they went, but  
10 this is what happened.

11 Maybe -- maybe, maybe it was an  
12 accident. Maybe he was -- maybe you were  
13 provoked or maybe, you know, things -- things  
14 got ugly and you were a victim here at some  
15 point, you know, but who knows, unless you speak  
16 up, Philip. Who knows? Who will ever know?  
17 Right now, we're left with one side of the  
18 table, one set of facts.

19 I'm just asking you, Philip, if you, you  
20 know, can find it in yourself to man up and step  
21 up if that's you, that's beyond that casual  
22 stroll through the hotel, to speak to it, to  
23 speak to what might have happened, what might  
24 have went wrong, because it's happening. It's

1           happening, and I think you deserve it to  
2           yourself just to step up and lay it on the  
3           table, you know. It is what it is. There's no  
4           making it right, but we can end it with the  
5           truth, you know, and explain, put a  
6           justification to why it happened.

7                        I'm going to ask you, Philip, the first  
8           incident that I spoke to at the Westin Hotel, a  
9           girl was robbed, did you have anything to do  
10          with that?

11        A     No.

12        Q     Philip --

13        A     Well, I just answered you.

14        Q     There was a girl in a hotel room that was tied  
15          up and robbed in the Westin. That's her story.  
16          Were you in that room that night?

17        A     I didn't tie up and rob anybody.

18        Q     You didn't tie up and rob anybody. Could you  
19          have been in that room and maybe somebody else  
20          did?

21        A     No.

22        Q     No. Is there any -- do you have an  
23          understanding of what it is I'm talking about to  
24          you when I'm asking you just to step up and --



1 A I'm listening to what you're saying. It doesn't  
2 really apply to me.

3 Q No, okay.

4 A You're just like telling me a story. I don't --

5 Q Oh, I'm telling you a story.

6 A I don't have anything to add to it.

7 Q Okay. Well, I'm telling you a story, as if that  
8 right now in this story, your role in this story  
9 is you're the casual stroller, maybe.

10 A Well, I don't -- I'm not in this story. I don't  
11 know.

12 Q Well, you are in the sense that you're sitting  
13 here as the story unfolded prior to your  
14 arriving here. Your role in the story is that  
15 of, maybe, somebody who passed through the hotel  
16 lobby. That's your role, correct? That's --  
17 maybe?

18 A I don't know how to answer that.

19 Q And it is. And again, it's only a scenario that  
20 I'm applying to this story as it's unfolding  
21 here, and I'm asking that if you're the guy that  
22 was more of the -- more than the casual  
23 stroller, that may have been up in the room  
24 somehow, some way, some shape or form, got

1           enticed into a room and something got ugly,  
2           maybe you have an explanation as to what might  
3           have happened up there.

4   A       I don't really know what you're talking about,  
5           and I could -- I mean, this is why I wish I had  
6           a lawyer here because I could just be like  
7           nodding along and agreeing to something that  
8           you're saying.

9   Q       And that's fine.

10   A       Because I don't really mean that that didn't  
11           happen.

12   Q       And again, Philip, you're alluding to a lawyer  
13           and we need to, you know, expound upon that.

14                   If you want a lawyer, we are stopping  
15           this interview right now because that's one of  
16           your rights, okay. That's a right that you  
17           have. If you are that unsure of proceeding  
18           without a lawyer --

19   A       Well, the way you're -- the way you're phrasing  
20           things, it seems like I could just be nodding or  
21           saying yes, and the way you're questioning me, I  
22           could be agreeing to anything by saying yes or  
23           no. I don't really -- That's why I wish someone  
24           was here to, like, tell me that I'm, by nodding

1 my head or something, I'm agreeing to something  
2 you're saying.

3 Q No, and that's fine. And, you know, the bottom  
4 line --

5 A That's why I wish I had one. I don't really  
6 know who to call for a lawyer.

7 Q Well, that's fine. You know what? We're going  
8 to stop this interview because you want an  
9 attorney. That's your choice if you want an  
10 attorney, correct?

11 A I guess, if you're just going to keep asking me  
12 the same questions over and over.

13 Q Okay. And again, just so you're clear, as far  
14 as your nodding and agreeing to anything, you  
15 know what's going on. You're not agreeing or  
16 nodding to anything you don't want to. You've  
17 understood the questions so far. You've alluded  
18 to having an attorney present, so we're going to  
19 give you that, okay?

20 A Can you get me one or --

21 Q We'll make some phone calls. Pardon me?

22 A If this is going to keep going on like this --

23 Q No, but it's your choice.

24 A -- can you get me one?

1 Q You can -- we can make some calls right now. If  
2 you would like an attorney to come and counsel  
3 with you this afternoon and then continue this,  
4 that's your right. We can do that, we can do  
5 that.

6 DET. KENNEY: Hold on a second, please.

7 Q Okay. And that's what you want to do?

8 A Sure, I guess.

9 DET. HARRIS: Detective Kenney.

10 BY DET. KENNEY:

11 Q We're getting "I guess, I guess, I guess." You  
12 don't want to be asked the same questions over  
13 and over again. That's what I'm understanding  
14 from what you're saying. So if you don't mind,  
15 I'd like to ask you some different questions.  
16 You're not invoking your right to an attorney.  
17 You're saying --

18 A Can I get one? Because you're going to keep  
19 asking -- if you're going to keep asking me the  
20 same questions, I told you I don't know what  
21 you're talking about. So can you get me an  
22 attorney?

23 Q I'm not going to ask you the same questions.

24 A Well, if you can get me an attorney, I would

appreciate it.

Q We've already explained to you we can't get you an attorney.

A Well, who did you say I could call? You said you can make phone calls.

DET. HARRIS: We'll end the interview. If you want an attorney, we'll end the interview, all right.

MR. MARKOFF: Okay.

DET. HARRIS: All right.

MR. MARKOFF: Yeah.

DET. KENNEY: I want to be clear about this. You're invoking your right to an attorney?

MR. MARKOFF: Yeah, sure.

DET. KENNEY: You're refusing to speak to us without an attorney present?

MR. MARKOFF: I guess, if --

DET. KENNEY: It's not a guess. It has to be a yes or no. Question, the bottom line here is I understand what --

MR. MARKOFF: I just wish you could get me a lawyer because I feel like I'm just sitting here and --

DET. KENNEY: You're getting frustrated because you don't want to keep answering the same questions over and over again.

MR. MARKOFF: Well, and, you know, I could, with what you're saying. You're saying giant paragraphs, and he says yes or no, but who knows what yes or no means, what he's saying to me.

DET. KENNEY: So how about if we change the line of questioning?

MR. MARKOFF: Can you just get me someone?

DET. KENNEY: Yes.

MR. MARKOFF: You mentioned you could, I mean. Thank you.

DET. HARRIS: The time is 3:35 p.m., April 20, the year 2009. Thank you.

[End of recording.]

RRK