

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

vs.

OTN-H 695 630-5

JOHN GAGLIARDI,

Defendant.

PROCEEDINGS:
Motion for
Return of property

Filed By:
Amanda K. Haffenden, RPR
Official Court Reporter

DATE:
February 24, 2004

HELD BEFORE:

Hon. Lawrence J. O'Toole

COUNSEL PRESENT:

For the Commonwealth:
Anthony Krastek, Esq.

1 THE COURT: All right. What are we
2 doing with this case? I read your motion, your
3 reply, that this case has already been in front
4 of Judge DeAngelis.

5 MR. KRASTEK: That's correct, Your
6 Honor.

7 THE COURT: And Judge DeAngelis has
8 ruled that in some fashion to do what?

9 MR. KRASTEK: Well, basically, he's
10 never granted the motion for return of
11 property. There have been times that we tried
12 to resolve this, short of Court Order, and
13 we've even done it after Judge DeAngelis ruled
14 three times against the defendant. And we
15 haven't been able to accomplish the return,
16 even though I keep winning the motion for
17 return of property in its various forms. This
18 is simply -- this is the same motion, Your
19 Honor.

20 THE DEFENDANT: Okay. Your Honor,
21 that's not so, what he's saying. I wanted the
22 computer drive not to be taken out --

23 THE COURT: Time out. I don't care
24 about all that. This case has a history, does
25 it not?

1 THE DEFENDANT: Yes.

2 THE COURT: This has been in front of
3 Judge DeAngelis, has it not?

4 THE DEFENDANT: Yeah. He ruled on
5 it. Yeah, he ruled that they were supposed to
6 give me everything back.

7 MR. KRASTEK: No, Your Honor.

8 THE COURT: That's not what I read in
9 here.

10 MR. KRASTEK: If you see Exhibit A,
11 it's very telling, Exhibit A in my answer.
12 It's very telling the kind of tortured history
13 this case has.

14 THE COURT: Why is this so confusing?
15 Why can't you two get along?

16 THE DEFENDANT: Well, first off, he
17 brought the computers over to my office, and I
18 asked them if they were going to hook them up,
19 because they took them and disconnected them
20 and took them away. I have an expert that can
21 tell you that a computer -- they could have
22 took everything out of my computer right in my
23 office. They was there over three hours, and
24 they could have put it on to another drive, and
25 they had everything that was on my computer.

1 THE COURT: They didn't do that.
2 They took your computer.

3 THE DEFENDANT: Okay.

4 THE COURT: So we're beyond that
5 point.

6 THE DEFENDANT: Then they never
7 brought -- there's two pages --

8 THE COURT: My point is, Judge
9 DeAngelis has already issued written rulings;
10 is that correct?

11 MR. KRASTEK: Yes, Your Honor, at
12 least three.

13 THE DEFENDANT: In the transcripts,
14 in the transcripts, you can see where they
15 agreed to give me these items back, copies of
16 these items. I never got nothing back.

17 THE COURT: How can I do something
18 different than what Judge DeAngelis did?

19 THE DEFENDANT: Well, you can ask
20 him -- they took pictures of my invention
21 inside the warehouse. It didn't have nothing
22 to do with the office, of both my multi-lift
23 elevator, multi-stage lift elevator, and then I
24 had natural gas co-generation that I'm working
25 on. You get either electric or heat free, but

1 they took all these pictures in there.

2 They admit that they took the
3 pictures. They won't give me my pictures back.
4 That has nothing to do with this letter that
5 they say I forged that I didn't forge. It
6 doesn't have nothing to do with that, and they
7 go into the warehouse. Their search warrant
8 they had didn't allow them to go into the
9 warehouse, didn't tell them to go into the
10 warehouse, but they did.

11 Then they had me open cabinets and
12 different things in the warehouse, and then
13 they says, Oh, oh, close those cabinets,
14 because they seen stuff in there that didn't
15 have nothing to do with --

16 THE COURT: But the story you're
17 telling me, the narrative is something, I take
18 it, that has been gone over between you and
19 Mr. Krastek and Judge DeAngelis; is that right?

20 THE DEFENDANT: Correct.

21 THE COURT: All right. Well, then --

22 THE DEFENDANT: But they did agree --
23 unless he wants to stand here and lie, they did
24 agree that they were going to give them back to
25 me. I never got them back. I never got

1 nothing back.

2 THE COURT: Well, I heard you say
3 that you made attempts to resolve this?

4 MR. KRASTEK: Yes, Your Honor. Even
5 though we feel we properly took the computer
6 and all the materials, as a courtesy, when we
7 take a computer, we copy the hard drive. You
8 can't tell the difference between the copied
9 hard drive and the regular hard drives, and
10 we've made efforts to give it back to him, even
11 though we keep winning the motions for return
12 of property, but it's that part, that courtesy
13 that he won't -- there's always a problem when
14 we try to return it to to him.

15 THE COURT: Well, it seems to me I
16 can't change any ruling Judge DeAngelis has
17 made. He has the same jurisdiction I do and
18 the same authority that I do; theoretically,
19 you could go from judge to judge to judge in
20 the courthouse until you could find somebody to
21 make a ruling in your favor, and that would be,
22 as I understand the law, illegal. Okay?

23 THE DEFENDANT: There's a suit that I
24 have. You have it in the pleadings there.

25 THE COURT: Yes, I saw it.

1 THE DEFENDANT: That the county now
2 has taken the case into federal court, another
3 case that I have.

4 THE COURT: I saw that, sir.

5 THE DEFENDANT: Okay. And I guess if
6 you want to make an order that I can go to the
7 Superior Court with, I'd like to get that.

8 THE COURT: Well, I'm going to deny
9 your request and relief as something I can't
10 entertain because it's already been ruled on by
11 Judge DeAngelis. Okay. Have you ever appealed
12 from any of Judge DeAngelis' rulings?

13 MR. KRASTEK: All of them. They've
14 all been denied by the Superior Court.

15 THE DEFENDANT: Krastek, I'm going to
16 ask you one question: Did you ever join the
17 Masons? Did you? I'd like to know.

18 THE COURT: Did you ever look at a
19 dollar bill? See that pyramid on there? You
20 know what that's about, don't you? Read your
21 history.

22 Thank you for coming in. Sorry I
23 can't help you out here.

24 (Whereupon, the proceedings were
25 concluded.)

1 COMMONWEALTH OF PENNSYLVANIA)
2) SS:
3 COUNTY OF ALLEGHENY,)
4

5
6 CERTIFICATE OF REPORTER
7

8 I, Amanda K. Haffenden, do hereby certify that the
9 evidence and proceedings are contained fully and
10 accurately in the machine shorthand notes taken by me
11 at the hearing of the within cause, and that the same
12 were transcribed under my supervision and direction,
13 and that this is a correct transcript of the same.
14
15

16 _____
17 Official Court Reporter
18 Court of Common Pleas
19

20 The foregoing record of the proceedings upon
21 the hearing of the above cause is hereby approved and
22 directed to be filed.
23

24 _____
25 Judge