

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY
5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS) Indictment Nos. 79-69 to 75, and
8) 79-2378 to 79-2403.
9 vs.)
10) Charges: Murder, etc.
11 JOHN WAYNE GACY)

12 BEFORE HON. LOUIS B. GARIPPO
13 and a Jury.

14 10:00 o'clock a.m., Monday,
15 Februy 11th, A.D., 1980.

16 Court met pursuant to adjournment.

17 Present;

18 Hon. C. Bernard Carey, State's Attorney of
19 Cook County, by:

20 Mr. William J. Kunkle,
21 Mr. Robert R. Egan,
22 Mr. Terry Sullivan,
23 Mr. James M. Varga,
24 Assistant State's Attorneys of Cook County,
on behalf of The People;

Mr. Sam L. Amirante and
Mr. Robert M. Motta,
on behalf of the Defendant.

FILED

MAY 1 1980

MARGAN M. FINLEY
CLERK OF THE CIRCUIT COURT
CRIMINAL DIVISION

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I N D E X

2-11-80 to 2-12-80, incl.

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
DENNIS JAMES JOHNSON	579	587		
ROBERT KIRKPATRICK	594	601	604	605
GERALD LOCONSOLE	607			
JOSEPH KOZENSZAK	617	644	657	
ROBERT ZIMMERMAN	660	676	682	
RICHARD RAPHAEL	683	702	712	713
TONY ANTONUCCI	714	736	750	
DAVID CRAM	757	874	936	
MICHAEL ROSSI	938	1000	1064	

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THE COURT: Objection is sustained.

MR. SULLIVAN: Q Did you, at any time, help Mr. Gacy bury any bodies down there?

A No, I did not.

MR. SULLIVAN: Thank you, sir. Nothing further, your Honor.

MR. MOTTA: I have no further questions.

THE COURT: You may step down.

(Witness excused.)

THE COURT: All right. Call your next witness.

MR. SULLIVAN: Michael Rossi.

THE CLERK: Would you raise your right hand, please.

(Witness sworn.)

MICHAEL ROSSI,
a witness called on behalf of the People of the state of Illinois, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. KUNKLE:

Q State your name, please, sir.

A Michael A. Rossi.

Q Now, Mike, you are going to have to hold the microphone about four inches from your mouth,

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1 right up in front of you.

2 A Okay.

3 Q State your name again.

4 A Michael Rossi.

5 Q Spell your last name for the court reporter.

6 A R-o-s-s-i.

7 Q How old are you, MIke?

8 A Twenty years old.

9 Q Are you married?

10 A Yes.

11 Q Do you have any children?

12 A Yes.

13 Q How many?

14 A One.

15 Q And what is your --

16 THE COURT: Hold the microphone steady. Hold the
17 microphone steady.

18 MR. KUNKLE: Q What is your business or occupation?

19 A I'm a carpenter.

20 Q And are you a member of a Union?

21 A Yes.

22 Q You hold a Union card as a carpenter?

23 A Yes.

24 Q Michael, in 1976, approximately around late

1 May -- around May 22nd, 1976, did you meet a man by
2 the name of Gacy?

A Yes, I did.

4 Q How did you happen to meet him?

5 A I was working for a plumbing contractor at
6 the time.

7 Q What is the plumbing contractor's name?

8 A Max Gussis.

9 Q And did you meet John Gacy through your
10 contracting work?

11 A Yes, I did.

12 Q How did that happen?

13 A The man was over working on his plumbing
14 and he had brought me along one day.

15 Q How much were you making when you were working
16 for Max, the plumber?

17 A I would work the mornings for him and get,
18 approximately, \$25.

19 Q Was he giving you a full 40-hour work week?

20 A No, he wasn't.

21 Q Did you have conversation with John Gacy
22 about that time about what you might be able to make
23 working for him?

24 A Yes, I believe I did.

1 Q What did he offer you?

2 A I think he offered me \$3 an hour and
guaranteed me 40 hours a week.

4 Q This man that you have been referring to
5 as Gacy in your conversations, and in your testimony
6 here in court, do you see that man present in the
7 courtroom today?

8 A Yes, I do.

9 Q Would you point him out for the ladies and
10 gentlemen of the Jury?

11 A (Indicating.)

12 Q What color suit was he wearing?

13 A A blue suit.

14 MR. KUNKLE: May the record reflect that the
15 witness has pointed to and described the Defendant.

16 Q Did you, in fact, start working for Mr. Gacy
17 in the contracting business in late May of 1976?

18 A Yes, I did.

19 Q Now, what type of work were you doing for
20 him when you first started out?

21 A Labor work mostly.

22 Q What kind of labor?

23 A Landscaping, painting, carpentry.

24 Q By the way, Mike, how far did you go in school?

1 A Just the middle of my tenth year.

2 Q And where did you go to school?

 A Morton East.

4 Q Now, while you were working in May, either
5 for Max the plumber or for John Gacy, did you ever
6 have occasion to go into the crawl space beneath
7 Gacy's house?

8 A yes, I did.

9 Q And was that when you were working for
10 Max or later when you were working for John?

11 A Both occasions.

12 Q All right. When is the first time that you
13 went down there?

14 A When I was working for the plumber.

15 Q All right. And what is the reason for you
16 entering the crawl space?

17 A If I remember correctly, the gentleman
18 wanted a new dishwasher hooked up and we were running
19 a water line.

20 Q I direct your attention to an object setting
21 out here in the middle of the courtroom floor which
22 has been labeled as People's Exhibit No. 77 for
23 identification.

24 Do you recognize what that wooden object is?

1 A It looks like the hatch to the crawl space.

2 Q The entrance to the crawl space?

3 A Yes.

4 Q Okay. And that's the crawl space in Gacy's
5 house that you were talking about, is that right?

6 A Yes.

7 Q Now, when you went down there that first
8 time to run this line for the dishwasher, did you
9 notice whether there were any windows in that crawl
10 space?

11 A Not that I could notice.

12 Q Okay. And was there a light down there of
13 any kind?

14 A There was a light right underneath the hatch,
15 as you walked in a switch with a light adjoining, and
16 if you wanted further lighting, you would have to
17 bring it down yourself.

18 Q Okay. When you worked down in that crawl
19 space the first time, did you notice anything unusual?

20 A Not really.

21 Q Now, once you started working for John Gacy
22 in late May of 1976, do you recall the names of some
23 of the other people that were working for him in your
24 crew, at that time?

1 A Randy, Stuart, and this friend, Jeff.
2 I don't recall his last name. Ron Smith and a
3 secretary by the name of Dee.

4 Q And did Dee work at the house?

5 A Yes.

6 Q And she took care of the books there and
7 the records, things like that?

8 A I believe she did.

9 Q How were the employees' time on the job?
10 How did you keep track of that, at that time?

11 A We had records on them on time cards.

12 Q Who would fill out the time cards?

13 A Normally, the employees themselves.

14 Q And would those then go back to the office?

15 A Yes, they would.

16 Q Now, during the first month or two that you
17 worked for Gacy in his construction business, did
18 you ever go inside his house other than the time
19 that you mentioned putting in the light for the
20 dishwasher?

21 A Yes, I believe I did.

22

23

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5-2-1
"I did."

1 Q And on how many occasions would you say?

A Almost daily.

2 Q Now, during those first couple of months
3 when you would go in this house, did you notice
4 anything unusual with the house?
5

6 A Well, after a rain, there would be a musty
7 odor. Every time it rained, there would be an odor.

8 Q And did you ever, yourself, talk to anybody
9 else about this or hear any of the other employees or
10 people that would be in the house complaining about
11 the odor?

12 A Constantly.

13 Q In May and June of 1976, where were you living?

14 A At home, with my mother.

15 Q Now, during that first period that you worked
16 for Gacy, do you remember working at a location called
17 Schmendl's No. 4?

18 A Yes, I did.

19 Q And what type of place was that?

20 A It was a hot dog stand.

21 Q And what is the basic job that your crew
22 was doing there?

23 A A little bit of remodeling work.

24 Q All right. Now, during that early time period

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1 that you were working, would you see John Gacy there
2 at the job site at Schmendl's?

A On occasion.

4 Q And also did you have occasion to see him
5 at his home after work?

A Yes, I did.

7 Q During those first months that you worked for
8 him, did you notice anything unusual about him?

A No, I didn't.

10 Q Did he run his business like a business?

A Yes, he did.

12 Q What was his basic personality like to you?

13 A Oh, off the job he was friendly, an easy
14 going person.

15 Q How about on the job?

A On the job, he would like to crack the whip.

17 Q What do you mean by that, crack the whip?

18 A He would like performance. He would like
19 his money's worth.

20 Q When did you see John back at his house --
21 when you would see John back at his house, did he keep
22 his office there for the business records and so on?

A Yes, he did.

24 Q Did he, himself, work on the books and issue

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1 checks and so forth?

2 A Yes, he did.

3 Q Did you ever notice him having any problems
4 with that in terms of keeping track of the accounts
5 and running the business?

6 A No, sir.

7 Q Now, during the first couple of weeks that
8 you worked for Gacy, the end of May through the middle
9 of June, did you personally ever see John Gacy taking
10 any pills?

11 A No.

12 Q Did you see him smoking any marijuana?

13 A On occasion.

14 Q How often?

15 A I couldn't put a finger on it.

16 Q Well, did you see him on the job site out
17 at work, would he be smoking on a joint out there?

18 A Weekends more or less.

19 Q On weekends?

20 A Yes.

21 Q And that was a period through May 27th through
22 June 13th, is that right?

23 A Yes.

24 Q Now, during that same period that I just

1 mentioned, do you know who, if anyone, was living in
-2-4 2 the Defendant's home at 8213 West Summerdale?

A Just himself.

4 Q During the time that you worked for John
5 Gacy, did he throw any big parties at the house?

6 A Oh, every year he threw a party.

7 Q All right. 1976 -- did those parties have
8 themes or sort of a format?

9 A Yes, they did.

10 Q In 1976, what was the theme of the party?

11 A Bicentennial.

12 Q Do you remember the date of that party?

13 A I am not certain.

14 Q Well, was it within the first couple of weeks
15 of July?

16 A Yes, it was.

17 Q Could it have been July 10th of 1976?

18 A Yes, it could have been.

19 Q Now, just before that party, say a week or
20 two before that party, did anyone other than the
21 Defendant come and stay at his home for a period?

22 A Not to my knowledge.

23 Q All right. Do you know whether his mother
24 visited in that summer at all?

1 A I think she did.

2 Q All right. Do you remember if that was
before the party or after the party?

4 A She usually came before the party, so she
5 would come prior to it.

6 Q Now, not only that first summer in 1976, but
7 in the last years that you worked for John Gacy, did you
8 have occasion to see him mother coming up to visit from
9 time to time?

10 A Yes.

11 Q What was the longest stay that she ever stayed
12 at the house, that you can recall?

13 A I think, approximately, a month.

14 Q Now, speaking specifically with this first
15 visit before or around the time of the bicentennial
16 party and any of the later ones that you can recall,
17 did you ever have any conversations with the Defendant
18 about his attitude towards his mother's visit?

19 A Yes, I did.

20 Q What was the nature of that conversation?

21 A Oh, more or less, I would ask him why he would
22 be upset when she would come around to visit.

23 Q Did he get upset when she would come around
24 to visit?

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A Within a week, yeah.

Q Not right away but within a week?

A Yes.

Q What is it that he told you that upset him about her visits?

A That he didn't have much freedom when she was around.

Q All right. On June 1st of 1976 or thereabouts, did you work at a job at a person's home by the name of Sanford Kanter?

A Yes, I did.

Q And on that particular job, do you remember seeing the Defendant at the job?

A I don't believe so.

Q Okay. Were you working, at that time, with Ron Smith?

A Yes, I was.

Q After the job at Kanter's house, did you have occasion around June 11th, which was a Friday and Monday, June 14th, to be putting siding on the Defendant's home?

A Yes, I believe I did.

Q And what was the purpose for working at the Defendant's home, at that time, putting new siding up

1 and so on?

5-2-7

2 A He would like to make cosmetic improvements on
his house prior to the party.

4 Q Now, during that time in early June -- toward
5 the middle of June of 1976 that you worked at the
6 Defendant's house, did you do any work or go into the
7 crawl space at that time?

8 A Could you repeat that?

9 Q All right. During early and mid-June of 1976,
10 you were working at the Defendant's house putting up
11 siding.

12 While you were doing the siding job, did you
13 ever do anything in the crawl space?

14 A I don't believe so.

15 Q On Tuesday, June 15th, after working about
16 six hours at Sanford Kanter's, did you go to the
17 Defendant's house and spend about an hour stacking
18 material?

19 A I believe so.

20 Q And did you see anything unusual, at that
21 time, at the house?

22 A No, I didn't.

23 Q While you were working for the Defendant,
24 did you meet another young man by the name of David Cram?

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A Yes, I did.

2

Q And about when was that?

A Sometime in August.

4

Q That would be in the later Summer of 1976?

5

A Yes.

6

Q Do you remember what the job you were working on, at that time, that you first saw David with the crew?

8

9

A It was called Hoppi's. It's a hot dog stand.

10

Q Now, do you know whether or not for a period of a month or two that David Cram, in fact, lived at John Gacy's house?

12

13

A Yes, I believe so.

14

Q All right. Now, after Cram moved out of the house, what did you do?

15

16

A I moved in the house.

17

Q Okay. When would that have been, around late September of 1976?

18

19

A Yes.

20

Q Now, after the time that you had moved into the house with John, did you have occasion to meet a young man with a crew by the name of Godzik?

22

23

A Yes, I did.

24

Q Now, about November 19, 1976, were you working at a job site called Bruce & Ken's Pharmacy?

1 A Yes, I believe I did.
2 Q Do you recall whether or not you ever saw

3 Godzik on that job site?

4 A I am sure I saw him at least one time.

5 Q All right. Now, did you ever have any
6 conversation with Greg Godzik?

7 A Yes, I did.

8 Q All right. And do you know or did you
9 find out from him how it was that he happened to be
10 working construction, at that time?

11 A I think it was a friend of his who referred
12 him to the company.

13 Q All right. Did it have anything to do with
14 his school?

15 MR. AMIRANTE: Objection.

16 MR. MOTTA: Objection.

17 THE COURT: Sustained.

18 MR. KUNKLE: Q All right.

19 During the fall of 1976, did you have a
20 steady girlfriend?

21 A Yes, I did.

dia., 1

Q What was her first name?

2

A Cathy.

4

Q Now, did she ever spend any overnight time at John Gacy's house?

5

A Yes, she did.

6

Q And on how many occasions?

7

A Once.

8

Q And when was that?

9

A Around Thanksgiving time.

10

Q And that was in 1976?

11

A I think so.

12

Q During December of 1976, did you have occasion to work at any site that was a job that you were doing for the Defendant but didn't have anything to do with the construction business?

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A During December?

17

Q Right.

18

A I am not sure.

19

Q Well, did you ever work at the Tree Lot?

20

MR. AMIRANTE: Objection.

21

MR. MOTTA: Objection, leading.

22

THE WITNESS: A Yes.

23

THE COURT: Overruled.

24

MR. KUNKLE: Q Could you tell the ladies and

1 and gentlemen of the Jury what the tree lot was?

2 A It was just a Christmas tree lot. It was
3 a church parking lot that at Christmastime, the
4 Defendant and another contractor were partners on
5 selling Christmas trees.

6 Q All right. Around December 12th and
7 December 13th of 1976, did you put in some time at
8 the tree lot?

9 A I believe so.

10 Q And do you recall whether or not during the
11 times you were working at the tree lot in December of
12 1976 whether or not you saw the Defendant, John Gacy,
13 there?

14 A I believe I saw him.

15 Q All right. Did you notice anything particularly
16 unusual about him, at that time?

17 A No.

18 Q Now, during the winter months of 1976 and
19 1977 or December of 1976 through January of 1977, did
20 you ever have occasion to take a ride with the Defendant
21 to Bughouse Square?

22 A Yes, I did.

23 Q Would you tell the ladies and gentlemen of
24 the Jury how that came about?

1 A Well, one time Mr. Gacy was talking to me
2 about --

MR. MOTTA: Objection, as to foundation.

4 THE COURT: Well, --

5 MR. KUNKLE: Q Do you recall, specifically,
6 the date of the conversation when you then took the
7 trip to Bughouse?

8 A Not specifically, no.

9 Q Was it in either late December or early
10 January of '77?

11 A Yes.

12 Q Was anyone else present besides yourself and
13 the Defendant?

14 A No.

15 Q Do you remember before you got in whatever
16 vehicle you got in to take the trip where you were
17 when you had the conversation?

18 A At 8213 Summerdale.

19 Q At the Defendant's house?

20 A Yes.

21 Q All right. And what is the nature of the
22 conversation?

23 A The word Bughouse Square was brought up, and
24 I didn't understand it. So then the Defendant proceeded

1 to explain to me the nature of the place and then
2 followed with a tour of the area.

3 Q Well, as he explained it to you, the nature
4 of the place, what did he say to you? What did he
5 tell you it was?

6 A It was a pickup area for men or boys.

7 Q All right. And did he, in fact, take you
8 in a vehicle to that area?

9 A Yes, he did.

10 Q Did he point it out to you?

11 A Yes, he did.

12 Q Did you have any conversation about the
13 are while he was pointing it out to you?

14 A Yes, he did.

15 Q What did he say to you, at that time?

16 A Well, it was, like, a tour that you would
17 take with a guide. He just laid it out to me, what
18 was what and that's it.

19 Q All right.

20 MR. AMIRANTE: Objection.

21 MR. MOTTA: Objection, to the witness' character-
22 ization, Judge. If there was a conversation, I would
23 ask him to relate what it was.

24 THE COURT: Have you related the conversation?

1 THE WITNESS: To the best of my knowledge.

2 THE COURT: All right.

3 MR. KUNZLE: Q Now, during the time that you
4 were living in the Defendant's home, did you notice
5 anything unusual about the pattern of hours the
6 Defendant would keep at night?

7 A He liked to work all hours, day and night.

8 Q And was he -- was a regular pattern for him?
9 A Yes, it was.

10 Q And were there any occasions where you had
11 already been in bed and you would hear him go out
12 and leave?

13 A Yes, I did.

14 Q And that did even occur on work nights or
15 week nights?

16 A Yes, it did.

17 Q And on some of these occasions, what time of
18 the morning would he be leaving the house?

19 A Well, I would imagine anywhere from after
20 midnight to the early morning hours.

21 Q And during that same period, around January
22 of 1977, did he ever mention to you with any specific
23 conversation as to why he liked to be out at night
24 or what he was doing?

1 A He just said that he liked to go out and
2 drive around and see what he could pick up.

3 Q Now, in January -- around mid and late
4 January of 1977, between January 19th and January 21st,
5 did you work at a job at 2220 North Leamington?

6 A I believe I did.

7 Q And was that in a private home or some
8 commercial job?

9 A It was a residence.

10 Q And do you recall whether or not you saw
11 the Defendant during working hours on any of those
12 dates and on those jobs on Leamington?

13 A On occasion.

14 Q Did you notice anything unusual about him,
15 at that time?

16 A No, sir.

17 Q Now, during this period of time in January
18 of 1977, you were still living at the house?

19 A Yes.

20 Q Did you notice anything particularly unusual
21 about the Defendant, his appearance or his habits
22 during that time between January 19th and January 21st,
23 1977?

24 A No, sir.

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Q And do you recall about how long you stayed in the Defendant's home?

A I think it was until April.

Q All right. And did you move to an apartment of your own in April of 1977?

A Yes, I did.

Q Now, did you begin paying rent on that apartment about April 19th, 1977?

A Yes.

Q Did you move in right away when you started paying rent or had you already been living there for a period?

A I had moved in just prior to that.

Q Were you doing some remodeling of your own apartment?

A Yes.

Q So you would have moved out of John Gacy's home and into your apartment sometime in early April of 1977?

A Yes, I did.

Q Now, during the time that you worked for the Defendant, did you ever go out of town with him on jobs?

A Yes.

1 Q And on how many occasions would you say
2 you did that?

A Oh, quite a few.

4 Q And what was the longest period of time
5 that you ever spent on one of those trips?

6 A I would say just over a week.

7 Q Now, up until early November of 1978, were
8 you still working for John Gacy?

9 A Yes.

10 Q Now, during that entire period of time,
11 you also had occasion to socialize with John Gacy?
12 Did you not?

13 A Yes.

14 Q And with these social occasions, would take
15 place at his home?

16 A Mostly.

17 Q Did you ever go out to a bar with him?

18 A On occasion.

19 Q And during those occasions, did you have
20 an opportunity to observe John Gacy as a drinker?

21 A Yes.

22 Q How would you describe John Gacy as a
23 drinker?

24 A I would say that he could handle his liquor.

1 Q Did you ever see him in a state where he
2 couldn't control himself because of booze?

3 A Not really.

4 Q Now, you said that he could handle it when
5 he wanted to.

6 Did he always drink a lot when you went out?

7 A I guess it depended on his moods.

8 Q Well, when he didn't drink a lot, his mood
9 was different, what would he do?

10 A He would be the same normal self, kidding
11 around, goofing around with people.

12 Q Well, when he did drink more rather than
13 less, did you notice any change in him?

14 A He was a little happier.

15 Q All right. And the night of August 11, 1978,
16 did you see John Gacy on that night and in the early
17 morning hours of August 12th?

18 A I believe so.

19 Q And was that at or near a tavern in Cicero,
20 Illinois?

21 A Yes.

22

23

24

5-4-1
"Yes."

1 Q Would you tell the ladies and gentlemen of
2 the jury what happened that night?

3 A Well, that night we had been out to a couple
4 of different taverns prior to that and got in an
5 argument with the Defendant.

6 Q Do you now know what the argument was about?

7 A Over a pool game, I believe.

8 Q And as a result of that argument, did that
9 argument turn into a physical fight?

10 A Yes, it did.

11 Q Was that outside on the street?

12 A Yes, it was.

13 Q And it involved you and the Defendant?

14 A Yes, it did.

15 Q Who won?

16 A I walked away.

17 Q And as a result of that fight on August 11th
18 and 12th of 1976, did you stop working for the Defendant
19 for a period?

20 A Yes, I did.

21 Q Now, during the time that you knew the
22 Defendant and were working for him, did you ever purchase
23 a car from him?

24 A Yes, I did.

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Q And what type of vehicle was that?

A It was a white '71 Plymouth Satellite.

MR. KUNKLE: I would ask, your Honor, that this photograph be marked as People's Exhibit No. 83 for identification.

(Exhibit marked.)

MR. KUNKLE: Q I show you a photograph marked People's Exhibit No. 83 for identification.

Do you recognize the vehicle portrayed in that photograph?

A Yes, I do.

Q What do you recognize it to be?

A A white '71 Satellite.

Q Is that the car that you bought from John Gacy?

A Yes, it is.

Q When is the first time you saw that car?

A In the winter months.

Q The winter months of what year?

A I think it was '76 and '77.

Q If it was '77, then it would be January or February in the winter of 1977, is that right?

A Yes.

Q Okay. And how did you happen to see that

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vehicle and where did you first see it?

A I saw that vehicle for the first time on Clark Street.

Q About how far north?

A It was, approximately, six blocks south of Ohio Street.

Q How far is that from the location of Bughouse Square area that you talked about earlier?

A Not too far.

Q How did you happen to see this particular vehicle at that place on Clark Street?

A Mr. Gacy brought me over to the location.

Q For what purpose?

A To pick up the car.

Q What, if anything, did you do with that car after you got to that location?

A Got in it and started it up and drove it to his home.

Q And the keys were in the car?

A He handed me the keys.

Q John Gacy handed you the keys to that car?

A Yes.

Q After you drove that vehicle back to Gacy's house, did you have a conversation with him relative

1 to your purchasing that vehicle?

5-4-4 2 A Yes, I did.

3 MR. KUNKLE: I would ask that this be marked,
4 your Honor, as People's Exhibit No. 84 for identification.

5 (Exhibit marked.)

6 MR. KUNKLE: And I would also ask that the second
7 exhibit be marked as People's Exhibit No. 85 for
8 identification.

9 (Exhibit marked.)

10 MR. KUNKLE: Q I show you what's been marked
11 previously as People's Exhibit 84 for identification
12 and ask you to look at both sides of that.

13 Do you recognize that document or piece of
14 paper?

15 A Yes, I do.

16 Q What do you recognize it to be?

17 A A title for the '71 Satellite.

18 Q All right. And what is the name of the
19 previous owner on the front side of that document?

20 A John Szyc or Szyc.

21 Q And is that spelled S-z-y-c?

22 A Yes, it is.

23 Q And what is the make or model of the
24 vehicle as described in the title?

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A Year, '71, model, Plymouth Satellite, body style, two-door.

Q And on the rear or the back of the assignment and title section, what are the names that are printed on the top line as being the parties to whom the vehicle has been transferred to?

A Michael Rossi and John Gacy.

Q And what is the address listed?

A 8213 Summerdale.

Q And what is the signature that's written below as the signature of the seller?

A John Szyc.

Q S-z-y-c?

A Yes.

Q Now, is that dated with a notary's date?

A Yes, it is.

Q And what is the date?

A The 6th day of February, '77.

Q All right. I show you another document that's been marked as People's Exhibit No. 85 for identification and ask you to look at the front.

Do you recognize the description of the vehicle on the front of it?

A Yes, I do.

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Q What do you recognize it to be?

A A '71 Plymouth Satellite, two-door.

Q And what are the names of the parties transferring the vehicle?

A Michael Rossi and John Gacy.

Q And who is the vehicle being transferred to on the back?

A Michael Rossi.

Q Okay. Could you explain to the ladies and gentlemen of the jury why the first title was filled out with your name and the name of John Gacy and the second one was a transfer from the two of you to yourself?

A Well, because I wanted the car at the time for my work, and I didn't have the money. So Mr. Gacy offered to sell me the car and put up the money in advance if I paid him back on a weekly basis, but he also wanted to have his name on the title until I paid him off to get the clear title.

Q Once you had, in fact, paid him off the price that he had asked for the car, did he then sign the entire title over to you?

A Yes, he did.

Q And that was on the second document that I showed you, People's Exhibit 85 for identification is

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1 where that was depicted, is that right?

2 A Yes.

3 Q Now, the seller on the original title, John
4 Szyc, did you ever see anyone sign that line?

5 A No, I didn't.

6 Q Did you ever meet anyone named John Szyc?

7 A No, I didn't.

8 Q Did you ask the Defendant how it was that he
9 happened to get that car from John Szyc or whoever had
10 owned it?

11 A Yes, I did.

12 Q And what did he say?

13 A He told me that the man was selling his car,
14 he had no further use of it because he was going to
15 California.

16 Q After you had the fight with John Gacy on
17 August 11th and 12th of 1978, who did you work for then?

18 A No one, I believe, at the time.

19 Q All right. Did you eventually go back to work
20 in the contracting business?

21 A Yes, I did.

22 Q About when was that?

23 A I would say it was around the end of the year.

24 Q Between the time you purchased the vehicle

1 from the Defendant, did you continue on driving that
vehicle up through December of 1978?

3 A Yes, I did.

4 Q Now, in the early part or mid-December of
5 1978, were you working on a job site known as Lessom
6 Drugs on North Avenue and Pulaski?

7 A Yes, I was.

8 Q Specifically directing your attention to
9 Monday, December 11, 1978, were you working on that job
10 site?

11 A Yes, I was.

12 Q Who were you working for at that job site?

13 A I was working for Richard Rapheal.

14 Q Wasn't this, in fact, the same crew of Gacy's
15 that you had worked with before?

16 A Yes, it is.

17 Q But you had made arrangements with Rapheal
18 directly?

19 A Yes, I did.

20 Q Now, on that same date, December 11, 1978,
21 did you spend the afternoon going somewhere other than
22 working on a job site?

23 A I don't recall.

24 Q During that period -- strike that.

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Before you went back to work for Rapheal,
after leaving Gacy, did you file a claim for unemploy-
ment?

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A Yes, I did.

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Q And at any time, did you go into an unemployment office to inquire about payments on that claim?

A Oh, yes, I did.

Q And was that in the afternoon of December 11, Monday, December 11, 1978?

A I believe so.

Q You worked on the north Avenue Lessom site on the morning and went to the unemployment office in the afternoon?

A Yes.

Q At about 4:50 p.m. on that day, did you have a telephone conversation with the Defendant?

A Yes, I did.

Q And was that relating to your business?

A Yes, it was.

Q During that telephone conversation regarding business with the Defendant, John Gacy, at 4:50 p.m. on Monday, December 11, 1978, did he sound unusual or did you notice anything funny about his voice on the phone, at that time?

A No, I didn't.

Q Directing your attention to Tuesday, December 12, 1978, did you again work at the Lessom Pharmacy job?

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A Yes, I did.

Q And approximately 2:30 in the afternoon,
did you see the Defendant in the company of David
Cram at that job site?

A Yes, I did.

Q Did you have a conversation with the
Defendant, at that time?

A Yes, I believe I did.

Q And what was the nature of that conversation?

MR. AMIRTANTE: Objection.

THE COURT: What is the basis?

MR. AMIRANTE: He said he believes he did.
I don't know the time, place, who was present, founda-
tion.

MR. KUNKLE: Q At 2:30 p.m. at Lessom Drug Store
site at North Avenue and Pulaski, with the Defendant,
John Gacy, did you have a conversation?

A Yes.

Q And what did you talk about?

A Going for Christmas trees later that evening.

Q Were were you going to go for Christmas
trees?

A There is a prairie on the back of Cumberland
and right around Bryn Mawr where we usually went to

1 pick up Christmas trees.

Q Now, you say you usually went there to pick
3 up Christmas trees, were you -- where did you expect
4 to find Christmas trees at that location?

A Well, I was lucky enough the last year to
6 have found six -- approximately five or six Christmas
7 trees all wrapped up in that field.

Q That wasn't a field where anybody was
9 conducting a Christmas tree sale business or anything
10 like that, was it?

A No, it wasn't.

Q Between 9:00 and 9:30 p.m. on that same
13 night, Tuesday, December 12, 1978, did you go over
14 to Gacy's house?

A Yes, I did.

Q What were you driving, at that time?

A A '78 black Chevy van.

Q And did that '78 black Chevy van have any
19 marking or commercial notations on it?

A Yes, it did.

Q And what was that?

A It stated P.D.M. Contractors.

Q And was that one of John Gacy's vehicles?

A Yes, it was.

1 Q By the way, do you know where that van was
over the night of December 11, 1978?

3 A Yes, I do.

4 Q Where was that?

5 A It was out in front of my apartment.

6 Q You drove that van home from the job on
7 Monday night? the 11th, and drove it to work on the
8 morning of the 12th?

9 A Yes.

10 Q And then you drove it over to Gacy's house
11 in the evening hours on the 12th?

12 A Yes.

13 Q Now, did you see anyone when you drove
14 up to Gacy's house on that night?

15 A Yes, I did.

16 Q Who did you see?

17 A There was, why, three or four detectives.

18 Q Do you know what department they were from?

19 A DesPlaines Police Department.

20 Q And what were they doing?

21 A They were there to interview -- to interview
22 Mr. Gacy.

23 Q What were they trying to do, if anything,
24 when you arrived?

1 A They were trying to get somebody to answer
the door.

3 Q Did you have a conversation with them, at
4 that time?

5 A Yes, I did.

6 Q And did they remain there for some time
7 trying to get into the house?

8 A Yes, they did.

9 Q And did you remain there as well?

10 A Yes, I did.

11 Q Eventually, did someone open one of the
12 doors to the house from the inside?

13 A Yes.

14 Q Who was that person?

15 A Mr. Gacy.

16 Q About how long were the policemen waiting
17 outside trying to get into the house before Mr. Gacy
18 opened the door?

19 A About 20 minutes.

20 Q Directing your attention to the large plat
21 or drawing -- stand up, if you have to, Mike, to see
22 around the bench there, 8213 West Summerdale, is
23 at the top, which was previously -- which has previously
24 been referred to as People's Exhibit No. 1 for

1 identification.

2 Do you recognize the lot and the building
3 portrayed on that plat?

4 A Yes, I do.

5 Q What do you recognize it to be?

6 A John Gacy's residence.

7 Q All right. And as you look at that drawing
8 of the house, there appear to be two doors. One is
9 at the top or north end, approximately the middle of
10 the structure, and one is at the south end or the
11 larger rectangle to the right there where the addition
12 is put on there.

13 Are those the only two doors to the house?

14 A Yes, they are.

15 Q Which of these two doors, the front door
16 or north door or the back door or south door was it
17 that Mr. Gacy opened to let the police in?

18 A I believe it was the back door.

19 Q Did you go into the house behind the
20 police officers?

21 A No.

22 Q After the police had left, were you inside
23 the house?

24 A Yes, I was.

1 Q While you were in the house, did the
2 Defendant, John Gacy, make any phone calls or
3 received any phone calls?

4 A Yes, he did.

5 Q After that phone call, did you have a
6 conversation with the Defendant as to whether or not
7 you were going to continue your plan and go out after
8 the Christmas trees?

9 A Yes, I did.

10 Q Was anyone else there at the time besides
11 yourself and the Defendant?

12 A No.

13 Q And what did the Defendant say to you, at
14 that time, about going after the trees?

15 A He told me to go over to Mr. Rhode's
16 Christmas Tree Lot and that he would follow shortly
17 thereafter.

18 Q Where did you have this conversation with
19 him in the house?

20 A I believe it was in the office.

21 Q All right. Did you mention anything to him
22 or did he mention anything to you about these police
23 officers that had been there to see him just before
24 you came in?

1 A Yes, I believe so.

Q And what did he say?

3 A Well, he had asked me to tell him what they
4 -- what they were questioning me about outside.

5 Q What did you say?

6 A Just general information.

7 Q Did you say anything to the Defendant or
8 did he say anything to you relative to any Christmas
9 tree ornaments?

10 A Yes.

11 Q What was that?

12 A Well, I needed some additional Christmas
13 tree ornaments, so Mr. Gacy got them for me that
14 evening.

15 Q Were the ornaments loose or were they
16 packaged in any way?

17 A They were put up in the attic, I believe.

18 Q Were they in boxes?

19 A Yes.

20 Q How many boxes of ornaments did Mr. Gacy
21 give you?

22 A I would say about three.

23 Q And he got those boxes from the attic?

24 A Yes.

1 Q Did you attempt to go up in the attic and
help him bring them down?

3 A I was going to, but he told me to stay at
4 the stairs and he would hand them down to me.

5 Q And did he, in fact, alone go up into the
6 attic and hand the boxes of Christmas tree ornaments
7 down to you?

8 A Yes, he did.

9 Q What did you do with them?

10 A I carried them out to the van.

11 Q Was Gacy -- as Gacy had directed you, then
12 you did go to Rhode's Christmas tree lot on Cumberland?

13 A Yes, I did.

14 Q Did you see a person you know to be Ron
15 Rhode at that location?

16 A Yes, I did.

17 Q Did you do anything with reference to any
18 Christmas trees at that location?

19 A Yes, I did.

20 Q What was that?

21 A I ended up buying a Christmas tree.

22 Q What did you do with the tree?

23 A I put it in the back of the van.

24 Q How long did you wait at the Christmas tree

1 lot waiting for Mr. Gacy?

A. Approximately an hour.

3 Q That would have been until 10:00 or 11:00
4 o'clock?

5 A Yes.

6 Q Did he show up during that time?

7 A No, he didn't.

8 Q Did you go anywhere?

9 A Then I left Rhode's tree lot and went back
10 to the house.

11 Q Did you see the Defendant when you arrived
12 at his house?

13 A Yes, I did.

14 Q And where was he?

15 A He was on the circular driveway.

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"drive-
way."

1 Q Would that have been the north end of the
lot or in front of the house?

3 A Yes, it would be.

4 Q And was there a vehicle out there in the
5 circular drive?

6 A Yes, there was.

7 Q What vehicle was that?

8 A A black Oldsmobile.

9 Q That was the Defendant's black Oldsmobile?

10 A Yes.

11 Q At that time, did you go anywhere with the
12 Defendant?

13 A Yes, I did.

14 Q And what vehicle did the two of you leave
15 in?

16 A The panel van.

17 Q The van that you had been driving?

18 A Yes,

19 Q And where did you go?

20 A We went over to Prairie.

21 Q And that was the one you spoke about earlier
22 where you had found Christmas trees the year before?

23 A Yes.

24 Q When you got there, did either of you get out

1

of the van?

A No.

3

Q Why not?

4

A Because Mr. Gacy forgot his boots.

5

Q All right. What did that have to do with getting out of the van?

7

A It was muddy.

8

Q Do you know where Mr. Gacy kept his boots?

9

A At home.

10

Q Where?

11

A Sometimes in his car, sometimes in the house.

12

Q Did he have more than one set of boots?

13

A Yes, he did.

14

Q Did he keep any boots relative to the crawl space?

15

16

A Yes, he did.

17

Q And where did he keep those boots in relationship or with the entrance to the crawl space?

18

19

A Within one foot of it.

20

Q All right. When you decided not to get out of the van at Prairie to look for the trees, did you go anywhere else?

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A Then we proceeded to Ron Rhode's tree lot.

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Q By the way, about how long would it take to

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get from the Defendant's house to this Prairie by
Bryn Mawr and Cumberland?

A Approximately a minute and a half.

Q And how long would it take to get from that
location to Rhode's tree lot?

A A few minutes.

Q What, if anything, did you see when you went
to Rhode's tree lot?

A Rhode was gone.

Q What did you do then?

A Turned around and went back to John's house.

Q Did he get out of the van at his house?

A Yes, he did.

Q Did you go into the house with him?

A No, I didn't.

Q Where did you go?

A Home.

Q Calling your attention to the next day,
Wednesday, December 13th, were you working at Richard
Rapheal's house at that time?

A Yes, I was.

Q And in the early morning, what did you do
for Rapheal at his own home?

A I chopped some ice off his roof and gutter

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area and proceeded to lay heater coils.

Q From there, did you go to the Shell station for gas and then to the Lessom job again?

A Yes, I did.

Q Did you get to the Lessom job again somewhere at 10:00 o'clock in the morning?

A Yes.

Q Did you see the Defendant at that job?

A Yes, I did.

Q Did you have a conversation with him about 10:00 o'clock at the Lessom job?

A I believe so.

Q Can you recall any of the details of that conversation?

A I think they were business-related.

Q Did you notice anything unusual about the Defendant, at that time?

A No.

Q Now, a couple of days later on Friday, December 15th, 1978, did you place a telephone call to the DesPlaines Police Department?

A Yes, I did.

Q And did you talk to Investigator Pickell and Lieutenant Kozenczak, at that time?

1 A Yes, I did.

2 Q And you had a conversation with them over
3 the telephone?

4 A Yes.

5 Q Directing your attention to Sunday, two
6 days later, December 17th, 1978, did you physically
7 go to the DesPlaines Police Station at 7:00 o'clock p.m.?

8 A Yes, I did.

9 Q Did you have a conversation with Detective
10 Pickell, at that time?

11 A I believe so.

12 Q During that conversation, did you give
13 Detective Pickell the names of previous persons that
14 had worked for John Gacy?

15 A Yes, I did.

16 Q Did you have any conversation with Detective
17 Pickell, at that time, relative to any wallet that
18 you or David Cram had found?

19 MR. MOTTA: Judge, at this time, objection to the
20 leading nature.

21 THE COURT: Sustained.

22 MR. MOTTA: Thank you.

23 MR. KUNKLE: Q Monday, December 18, 1978, the
24 next day; do you know a tavern by the name of Coach's

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Corner?

A Yes.

Q Did you go there on that date?

A Yes.

Q Did you see anyone you knew, approximately, at 5:30 p.m. at that tavern?

A Yes, I did.

Q Who was that?

A I believe it was Mr. Gacy and Eddie Hefner.

Q And did you have a couple of beers and have a conversation with them, at that time?

A Yes, I did.

Q Did you notice anything unusual about the Defendant, at that time?

A No, sir.

Q Directing your attention now to the next day, Tuesday, December 19th, 1978, did you go to the Defendant's home before going to any job site that morning?

A I'm not sure.

Q All right.

Did you pick up any power tools or blueprints on that particular day?

A Yes, I did.

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Q Where did you pick up those power tools or blueprints?

A 8213 Summerdale.

Q In the morning, afternoon, or evening?

A Morning.

Q And when you picked up those tools or prints, did you see the defendant, John Gacy?

A Yes, I did.

Q Did you have a conversation with him, at that time?

A Yes, I did.

Q Was anyone else present besides yourself and the Defendant?

A I believe not.

Q Would you tell the ladies and gentlemen of the jury what the Defendant said to you, at that time, and what, if anything, you said to him?

A It had to be business-related.

Q At any time up to this point, Tuesday, December 19, 1978, had the Defendant seemed irritated to you or anxious or nervous about the police or your talking to them?

MR. AMIRANTE: Judge, I am going to object to the leading nature of that question.

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THE COURT: Well, --

MR. AMIRANTE: Ask him. Don't tell him.

Mr. Kunkle is testifying.

THE COURT: Overruled.

THE WITNESS: Would you repeat the question?

MR. KUNKLE: Okay.

Q Did he appear nervous or anxious to you about this police investigation prior to Tuesday, the 19th?

A I believe so.

Q All right.

What did you observe in the Defendant that made you think that he was getting anxious or nervous about the police investigation?

A Oh, he was complaining about the two shadows otherwise known as the two DesPlaines police officers that had followed him everywhere he went.

Q When was he doing that complaining? Was that on the morning of the 19th or sometime prior to that?

A It was prior to it.

Q Directing your attention to the next day, Wednesday, December 20, 1978, in the evening hours around 6:45 p.m., did you see the Defendant, John Gacy, at your home?

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A Yes, I did.

3

Q Strike that.

What time did you arrive at your home?

4

A It was in the evening hours.

5

Q Okay. Do you know for sure what time the

6

Defendant arrived there?

7

A No.

8

Q He was already there when you arrived, is

9

that right?

10

A Yes.

11

Q Okay. Now, when you arrived home, was anyone

12

else present outside your house besides the Defendant?

13

A Two police officers.

14

Q Do you know who they were?

15

A Not right offhand.

16

Q All right. Do you know if they were from

17

DesPlaines?

18

A Yes.

19

Q Did you have any conversation with them?

20

A Yes, I did.

21

Q Did you ask them to do something for you?

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A I asked them to accompany me and go upstairs

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with me into my home.

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Q And is your apartment on the second floor of

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the two-story home?

A Yes, it is.

Q And did, in fact, the officers go into your house with you?

A Yes, they did.

Q Did you have any conversation with the Defendant up in your own apartment?

A I believe so.

Q Do you remember any details of that conversation?

A Not really, it was job-related.

Q The police officers were present, at that time, were they not?

A Yes, they were.

Q All right. Did both of the police officers and the Defendant then leave your apartment?

A Yes, they did.

Q Directing your attention to the next day, December 21st of 1978, did you receive a telephone call from the Defendant, John Gacy, that morning?

A I believe so.

Q Did he ask you to do anything relative to business in that telephone call?

A He had wanted me to come out to his house

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and pick up some magazines and get rid of them for
him.

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Q Anything else?

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A He had asked about a little bit of drugs.

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drugs.

1 Q What did he say about drugs?

2 A That he wanted to get it all out of his
3 house.

4 Q Did he say anything to you about any tools
5 also, at that time?

6 A Yes, he did.

7 Q What did he want you to do with the tools?

8 A Bring them out to his house.

9 Q Did you tell him whether or not you would
10 be willing to take the tools all the way up to his
11 house?

12 A I told him I couldn't make it.

13 Q So, did you reach some compromise about
14 what you were to do with the tools?

15 A Yes, I did.

16 Q What was that?

17 A I had agreed to bring the tools over to
18 David Cram's house.

19 Q And do you recall where Cram's house is
20 located?

21 A Belleplaine.

22 Q About 11:15 p.m. on December 21, 1978, did
23 you, in fact, go to Cram's house to drop off the
24 tools?

1 A Yes, I did.

2 Q While you were there, the Defendant arrived?

3 A I believe he was there before me.

4 Q All right.

5 Did you go into David Cram's house, at
6 that time?

7 A Yes, I did.

8 Q Before you went into the house, did you
9 have any conversation with the Defendant?

10 A I don't believe so.

11 Q All right.

12 After you went into the house, who was present
13 in the house with you and the Defendant?

14 A David Cram.

15 Q Anyone else?

16 A Not in the immediate room.

17 Q And did you have a conversation with the
18 Defendant at that time?

19 A Yes, we did.

20 Q Did you notice anything unusual about the
21 Defendant, at that time?

22 A Well, he was very emotionally disturbed.

23 Q All right. How about his physical appearance,
24 anything unusual about that?

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A Very nervous, breaking into tears.

Q What, if anything, did he say to you, at that time?

A Well, at that time, he proceeded to tell myself and David about confessing to his lawyers the night before to over 30 killings.

Q Did he say anything else?

A That was the high point of the conversation.

Q He was very emotional during this time?

A Yes, he was.

Q Did he say anything relative to his fears about what had happened?

A I believe I left the residence right away.

Q Now, you testified earlier that when you had first been working for Max the plumber and had gone to the Defendant's home, you had been in the crawl space to install a line for a dishwasher, is that right?

A Yes.

Q Now, did you later, during the time that you worked for and knew the Defendant, have occasion to do any other work in that crawl space?

A Yes, did.

Q And do you recall what year or about when

1 that was?

A Summer, late summer.

3 Q Would it have been one of the first summers
4 you worked for him or later on?

5 A I think it was the following summer.

6 Q Right after you started in June, then you
7 had a winter and then that following summer, so that
8 would be the summer of 1977, is that correct?

9 A The end of it, the end of the summer.

10 Q At that time, what job or what did you do
11 relative to the Defendant's crawl space under his
12 home at 8213 Summerdale?

13 A I was to go down into the crawl space and
14 dig a trench line for some drain tile.

15 Q Do you recall what part of the crawl space
16 or where if you can make reference to that drawing --
17 what area you were digging in?

18 A It's number 13.

19 Q The number 13?

20 A Yes.

21 Q For the record, there is a horizontal orange
22 bar with a No. 13 over the top left edge of it.

23 With reference to that No. 13, what direction
24 did you dig?

1 A Towards 16.

2 Q A horizontal line between 13 and 16?

3 A Yes.

4 Q How deep a trench did you dig?

5 A It was, between, my knees and my hips.

6 Q And about how wide?

7 A Approximately a foot.

8 Q While you were digging that trench, did you
9 see any new drain tile anywhere around the property?

10 A No.

11 Q On either that occasion or any later occasions,
12 did other employees that were working on the crew with
13 you get assigned to go into the crawl space and dig?

14 A Yes.

15 Q Did the Defendant ever ask you to go down
16 in the crawl space and dig on another occasion?

17 A I believe he had requested it.

18 Q Were you willing to go down there and dig
19 again?

20 A Not a second time.

21 Q Were you willing to stick around the premises
22 and supervise newer employees who would get the job of
23 going down and digging?

24 A Yes.

1 Q Now, on these occasions when either you,
yourself, or other employees under your supervision
3 were asked to dig trenches in the crawl space, did
4 the Defendant express any concern or care about where
5 the particular digging would go on?

6 A He would give -- he would go down into the
7 crawl space and give a specific area in which to dig.
8 He would, actually, mark it out with sticks.

9 Q And if someone deviated or started to go
10 off line to the specific plan that the Defendant laid
11 out for the digging, what would he do?

12 A He would get very upset.

13 Q Although you never dug in the crawl space
14 again, yourself, did you do any other job relative
15 to the crawl space?

16 A Yes, I did.

17 Q What was that?

18 A I had the task of spreading eight or 900
19 pounds of lime throughout the crawl space.

20 Q How deep a layer did eight or 900 pounds of
21 lime make in that crawl space depicted in that flat?

22 A At least a half an inch thick.

23 Q Within a few days after you performed that
24 job, did you notice anything different about the

5-7-7

1 Defendant's house?

A The odor was gone.

3 MR. KUNKLE: Nothing further.

4 THE COURT: All right.

5 Ladies and gentlemen, we are really
6 accomplishing a lot today, so if we take a break,
7 we will resume in a few minutes.

8 (WHEREUPON, there was a recess had
9 in the above-entitled cause.)

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THE COURT: You may proceed, Mr. Amirante.

MR. AMIRANTE: Thank you, your Honor.

CROSS EXAMINATION

BY MR. AMIRANTE:

Q Good afternoon, Mr. Rossi. How are you doing?

A Pretty good, thanks.

Q The first thing I want to do is ask you to calm down a little bit. I notice you have been real nervous on the stand. Just calm down.

Secondly, I notice, Mr. Rossi, that you referred to Mr. Gacy -- well, you referred to the man sitting over here in the light blue suit in such terms as "Mr. Gacy," and "the Defendant." All these years you have known him, is that how you have referred to him? "Mr. Gacy, the Defendant" -- what did you call him?

A John, the Duke, Mr. Gacy, Colonel.

Q So, there were a number of terms of friendship and affection and so forth, isn't that correct?

A Yes.

Q How many times did you rehearse your testimony before you came up here?

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A Not once.

Q You talked to your lawyer about it?

A (No response.)

Q Come on, Mr. Rossi. You have a high-priced lawyer. Did you talk to your lawyer about it?

MR. KUNKLE: Objection. Ask that it be stricken.

THE COURT: Objection sustained to the remark.

MR. AMIRANTE: Q Mr. Rossi, didn't you tell my investigators when they came to talk to you that you had a high-priced lawyer and he said not to talk to us? Did he tell you that?

MR. KUNKLE: Objection.

THE COURT: Objection sustained.

MR. AMIRANTE: Q As a matter of fact, for what reason did you have to hire an attorney, Mr. Rossi?

MR. KUNKLE: Objection.

THE COURT: Overruled.

THE WITNESS: 'Cause it's my right.

MR. AMIRANTE: Good answer.

MR. EGAN: Obejction to counsel's commentary in the answers.

MR. AMIRANTE: Q How old are you?

A Twenty.

Q How old were you when you met John Gacy?

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A Sixteen.

Q And before you met Mr. Gacy, you were working for Max -- was it Max Gussis, Max the plumber?

A Yes, it was.

Q How long were you working for Max?

A A few months.

Q Okay. What were you doing for him?

A Plumbing, labor work.

Q What did you do before that?

A Went to school.

Q Have you ever done anything besides labor, plumbing work, carpentry?

A No, sir.

Q You clowned a little, didn't you. You played clown?

A Yes.

Q How many times did you play clown ?

A Oh, less than a dozen.

Q And who did you play clown with?

A Mr.Gacy.

Q Where did you play clown.

A Various places.

Q Specifically where did you play clown.

A Birthday parties.

6-1-4

1 Q What kind of birthday parties?

A Children's birthday parties.

3 Q How old were the children?

4 A Very young; three, four, five.

5 Q Where did you have these parties? Where were
6 they?

7 A Somewhere in the northwestern suburbs.

8 Q What northwestern suburbs?

9 A No idea.

10 Q And how many of those parties did you go to?

11 A One of that nature.

12 Q And what was your name as a clown?

13 Did you have a name?

14 A Patches.

15 Q And what was -- did you have another clown
16 with you when you went there, another clown?

17 A Mr. Gacy.

18 Q What was his name?

19 A Pogo (phonetic.)

20 Q How did you act at parties? What did you do?

21 A Like clowns.

22 Q How do clowns act?

23 A Goof around, carefree.

24 Q Did you make the kids laugh?

6-1-5

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A Yes, I did.

Q Did Mr. Gacy make them laugh?

3

A Yes, he did.

4

Q What did Mr. Gacy do to make them laugh?

5

A He would do various funny stunts, make animals out of balloons, jokes of that nature.

7

Q Anything else?

8

A Blow whistles, just clowning around.

9

Q Did he ever hurt any of the kids?

10

A No.

11

Q Do you think he was a pretty good clown?

12

A Yes, sir.

13

Q Where else did he clown?

14

A He clowned at drug picnics.

15

Q What picnics?

16

A Annual pharmacists' Drug Association.

17

Q Drug Association picnics?

18

A Yeah.

19

Q And that was for all the people of all ages, right, a picnic?

21

A Right.

22

Q Hospitals?

23

A Yes, I heard he did.

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Q What hospital?

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A Children's Memorial, possibly.

Q How many times did you see Mr. Gacy perform as a clown?

A Less than a dozen.

Q And when he performed as a clown, did he always do basically the same routine?

A Yes.

Q And what was that routine?

A He would like to get out there and make people laugh.

Q What was your function?

A The same thing.

Q Did you enjoy being a clown?

A It was fun.

Q Did it seem like he enjoyed being a clown?

A I think he did.

Q Were his feelings like that authentic, that he enjoyed being a clown?

A Sure.

Q He certainly didn't seem like a phony, did he?

A Not in that respect.

Q Not in that respect. Would you say he is a man of -- kind of multi-faceted man, as Mr. Motta

6-1-7

1 would say? A complex kind of man, a man of many
facets?

3 A In other words, a busy man.

4 Q Busy?

5 A Yes.

6 Q Would you classify him as a work-aholic?

7 A Yes, I would.

8 Q About how many -- well, how do you reach that --
9 that opinion, that decision, of a work-aholic?

10 A Working beside him for 18, 19 hours straight.

11 Q John Gacy would work that many hours straight?

12 A Sure would.

13 Q Did he do that a lot? I mean, that's kind of
14 hard.

15 A When the job had to be done.

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done. 1

Q So, did he seem pretty responsible in that respect in getting the work done?

3 A Very responsible.

4 Q Did he seem proud of that?

5 A Sure.

6 Q What did he do when he wasn't working those
7 18, 19 hours a day that you saw? You lived with him
8 for a while. What did he do?

9 A Watched T.V.

10 Q Anything else?

11 A Do book work.

12 Q Anything else? Book work -- book work for his
13 job?

14 A For the company.

15 Q Even when he wasn't working on construction
16 later on, he was doing book work for the company?

17 A All the time.

18 Q Always the company, the company, the company?

19 A Yes.

20 Q He wanted to succeed?

21 A Yes, sir.

22 Q Mr. Rossi, I am going to go all the way back
23 to, I guess, May 22, 1976, when you met John Gacy.

24 Okay?

1 A (No response.)

2 Q Did he approach you and ask you for a job,
3 or did you approach him and ask him, or was it
4 arranged through Max the plumber, or how did this
5 happen?

6 A Max arranged an interview.

7 Q Okay. And the interview was at night at
8 his house, at Mr. Gacy's house on Summerdale, is
9 that correct?

10 A No, it isn't.

11 Q Where was the interview?

12 A It was at his house on Summerdale in the
13 daylight hours.

14 Q What time?

15 A Oh, it was approximately around lunchtime.

16 Q And who else was present when you had this
17 interview?

18 A Well, Max.

19 Q Anybody else?

20 A Not that I recall.

21 Q What did you talk about?

22 A I was telling him what a good worker I was.

23 Q What did he tell you?

24 A He said he would give me a chance.

1 Q A chance at what, the job?

A Yes.

3 Q Any strings attached?

4 A Not right offhand.

5 Q Didn't he offer you a drink, Mr. Rossi?

6 A A drink?

7 Q Yes.

8 A I don't believe he offered me a drink that
9 day.

10 Q Did he offer you anything?

11 A Not that day.

12 Q Pop, milk?

13 A Kool-Aid I think I may have had.

14 Q Did he offer you anything else besides Kool-Aid?

15 A Not really.

16 Q Did he ask you how liberal you were?

17 A Yes.

18 Q And when he asked you how liberal you were,
19 did you tell him anything -- did you tell him if you
20 were liberal or if you weren't liberal or ask him what
21 he meant?

22 A I wanted him to explain himself.

23 Q did he?

24 A Yes, he did.

1 Q And did he say liberal had to do with sex?

A Yes, he did.

3 Q And did you tell him you didn't want to
4 hear about that stuff?

5 A Yes, I did.

6 Q And when you told him you didn't want to
7 hear about it, what did he do? Did he grab you?

8 A Dropped the subject.

9 Q Just dropped the subject?

10 A Yes.

11 Q What did you look like then? Did you have
12 blond hair?

13 A Basically the same.

14 Q The same as it is now?

15 A Yes.

16 Q About how much did you weigh?

17 A Approximately at that time 160 pounds.

18 Q How tall -- how tall were you?

19 A Same height, about five eight, five seven,
20 around there.

21 Q Now, after that, that first instance in
22 his house or -- I am sorry. At the same time -- it
23 was sometime in the afternoon on May 22, '76, did --
24 after that subject was dropped, did he say anything

1 else to you? Did he try to lead into it again?

A He started discussing his -- the hot dog
3 stand that was going on.

4 Q This would have been the hot dog stand he
5 was working on, he was building in construction at
6 the time?

7 A Yes.

8 Q Anything else about sex or being liberal?

9 A Not at that time.

10 Q Was he married, by the way?

11 A Well, he had explained to me he was just --
12 just been divorced.

13 Q His ex-wife was living there, though, wasn't
14 she, Carol?

15 A Not at the time.

16 Q Later on, she went back to living there?

17 A Well, I knew of her coming on weekends.

18 Q Who was living at the house then?

19 A No one that I believe at that time.

20 Q Just Mr. Gacy?

21 A Yes.

22 Q Now, when you had the conversation with him,
23 the interview, what room did that take place in?

24 A The office.

1 Q That office would be in the front of the
house as you go in through the front door to the
3 left?

4 A To my right.

5 Q To your right?

6 A yes.

7 Q And if you are going in to the house, to
8 your right? You are talking about on the chart up
9 here, right?

10 A It would be to the left as you walked in.

11 MR. KUNKLE: I don't know if the Jury is confused.
12 Could we have the witness --

13 MR. AMIRANTE: Okay.

14 THE COURT: It would be where the No. 1 and 5
15 is?

16 THE WITNESS: Yes, sir.

17 MR. KUNKLE: All right.

18 MR. AMIRANTE: Q That's where the office was?

19 A Yes.

20 Q How long did that conversation take place?

21 A Maybe 15, 20 minutes.

22 Q Where did you go after it was over?

23 A Home.

24 Q Where was home?

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1 A On Drake.

Q Who did you live with?

3 A Pardon me?

4 Q Who did you live with?

5 A My mother.

6 Q Anybody else?

7 A My brother.

8 Q You didn't go back there that night, did
9 you, to see Mr. Gacy?

10 A No.

11 Q And then you checked in for work the next
12 day?

13 A Yes, I did.

14 Q Now, after that initial conversation about
15 -- what did you think about that? I mean, you were
16 16 years old. The guy is hiring you to work as a
17 construction worker, and he starts asking if you are
18 liberal. Do you think anything about that?

19 A It was a first.

20 Q It was a first. Now, did that ever happen
21 after that?

22 A (No response.)

23 Q Or just tell me the next time that it happened.

24 A I don't recall.

1 Q It never happened.

MR. MOTTA: Could we have a brief side bar? I
3 am sorry, Mr. Amirante.

4 MR. AMIRANTE: You want a side bar?

5 THE COURT: All right. On the record?

6 MR. MOTTA: (Indicating.)

7 (WHEREUPON, a conversation was had
8 between Court and counsel outside the
9 record and outside the hearing of the
10 Jury; after which, the following proceedings
11 were had in open court within the presence
12 and the hearing of the jury, to-wit:)

13 MR. AMIRANTE: Q Mr. Rossi, it's -- after that
14 first time -- I believe you just answered that. AFTER
15 that first time during the interview, Mr. Gacy never
16 approached the subject of being liberal or having sex
17 again with you, is that correct?

18 A No.

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6-2-1
"No."

1 Q No or yes -- no, it's correct, or what?

A No, he brought it up again.

3 Q Oh, okay. And do you remember -- was this
4 soon after the first time? The last day, two days
5 later?

6 A I don't recall.

7 Q How did he bring it up, just out of the
8 clear blue sky?

9 A Usually.

10 Q Well, tell me how. What did he say? Kind
11 of grab you or pat you or just start talking? What
12 did he do?

13 A He would start with a conversation.

14 Q About what?

15 A I don't recall.

16 Q You don't recall?

17 A No.

18 Q Did you ever see those handcuffs in his
19 house?

20 A Yes, I did.

21 Q When was the first time that you saw them?

22 THE COURT: Keep your voice up, Mr. Amirante.

23 MR. AMIRANTE: I am sorry.

24 Q When was the first time that you saw them?

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A When we were going into a clowning -- we were going to go clowning somebody. He brought them along.

Q Is that what he used them for, clowning?

A (Indicating).

Q Is that yes?

A Yes. Yes, sir.

Q Did you ever see him use them for anything else?

A Not to my knowledge.

Q What do you mean not to your knowledge? Did you ever see him use them for anything else, yes or no?

A No, sir.

Q You aren't going to get mad at me?

A No, sir.

Q I am not blocking the view of your lawyer back there watching you?

A No, sir.

MR. KUNKLE: I object to that. I ask that it be stricken and counsel be admonished.

THE COURT: The statement will be stricken and the -- the statement is stricken.

MR. AMIRANTE: Q Okay. Now, you indicated that

1 you went down into that crawl space when you worked
for Max and later when you worked for John Gacy, is
3 that correct?

4 A Yes, sir.

5 Q When you went down in the crawl space the
6 first time, it had to be before May 22, 1976, right?

7 A Before the 27th.

8 Q Before the 27th?

9 A Yes.

10 Q Okay. Did you notice anything unusual down
11 there then?

12 A Well, slight odor, a lot of bugs, a lot of
13 mud.

14 Q What kind of an odor? Damp, musty odor?

15 A Yes.

16 Q I mean, you went down there at later times,
17 and you still noticed that damp, musty odor?

18 A Yes, sir.

19 Q When did Mr. Gacy give you the keys to his
20 house?

21 A I believe when I moved in.

22 Q Which would have been -- what month and year?

23 A Around September of '76.

24 Q That was right after David Cram moved out?

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A Yes, sir.

Q Okay. You were paying John Gacy \$25 a week room and board -- room, is that correct?

A Yes, sir.

Q Okay. That didn't include food or anything?

A No, sir.

Q And when you were living there, was anybody else living there with you and Mr. Gacy?

A No, sir.

Q Where did you sleep?

A In the room right behind the bathroom.

Q (Indicating.)

THE COURT: What numbers are those?

THE WITNESS: 13, 18, 16.

MR. AMIRANTE: Q What room did Mr. Gacy sleep in?

A The adjoining room, 19, 20 and 17.

Q It was in the adjoining room?

A Right across the hall.

Q How long did you live there?

A 'Til April, '77.

Q Okay. Now, in that time period, during all that time, did this conversation about sex come up again, being liberal, when you were in the house alone together?

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A Yes, sir.

Q How many times?

3

A I don't recall.

4

Q More than two, less than 20? How many times?

5

A I don't know.

6

Q Every night?

7

A I don't recall.

8

Q But it came up?

9

A Yes, sir.

10

Q What time would it come up?

11

A I don't recall.

12

Q What room were you in when it would come

13

up?

14

A Anywhere.

15

Q Did Mr. Gacy ever come in your room when you were sleeping or almost asleep?

17

A On occasion.

18

Q What did he do?

19

A He was usually coming in to complain about something that wasn't done or needed to be done.

21

Q Something about the job?

22

A Job or house.

23

Q And what else would he say or do?

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A That's about it.

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Q He would come in your room when you were sleeping?

A He would remind me about back-due rent.

Q You never talked about sex?

A On occasion.

Q Well, tell me. What did he say? What did he talk about? What did he do to you?

A I don't recall.

Q You don't recall that?

A No.

Q How old were you?

A Twenty.

Q You were 20 then?

A No, sir. Sixteen then.

Q And you don't recall these conversations or activities about sex, do you?

A No, sir.

Q As a matter of fact, Mr. Rossi, you engaged in sexual activities with Mr. Gacy -- or, Mr. Rossi, you engaged in sexual activities with Mr. Gacy, didn't you?

MR. KUNKLE: Objection.

THE COURT: Overruled -- sustained as to the form.
~~Sustained as to the form.~~

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MR. AMIRANTE: Q Did you ever engage in sexual activities with Mr. Gacy?

MR. KUNKLE: Objection.

THE COURT: Overruled.

THE WITNESS: No, sir.

MR. AMIRANTE: Q How many times did he ask you?

A I don't know.

Q Did you know him to be either homosexual or bisexual?

A Yes, sir.

Q When did you find out?

A About the end of May.

Q The end of May, 1976?

A '76.

Q Did you tell anybody?

A Couple of people.

Q Who did you tell?

A I don't recall.

Q Did he tell you -- did he tell you not to tell anybody, or was he kind of matter-of-fact about it -- well, liberal minded --

A Yes.

Q Kind of matter-of-fact. He didn't threaten you or order you not to tell anybody, did he?

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A No, sir.

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Q During the time that you both lived with

him and worked with him on and off, I believe you said his basic personality was friendly, easy going, outside of the job; is that right?

A Yes, sir.

Q His basic personality on the job is that he wanted performance, is that right?

A Yes, sir.

sir.

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Q Now, you indicated a number of times -- in Mr. Kunkle's questions, he asked if Mr. Gacy acted in an unusual manner, okay. What is the usual manner for Mr. Gacy? What is usual?

A Normal, normal activity.

Q What is normal for Mr. Gacy?

A Construction supervisor, crack the whip on the jobs, see that things are going along smoothly.

Q What about this other stuff that he did, the -- you know, the talk about sex, the trips down to Bughouse Square? Is that normal?

A For some people.

Q Did you think it was a little wierd? You were what, 16 years old?

A Yes, sir.

Q What did he say about people down at Bughouse Square when you went down there?

A He just told me that that was the location where people were that had sex with males. Males with males.

Q Anything further than that?

A He said it was for money.

Q Did he suggest that you do it with him?

A Yes, sir.

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Q What was your response?

A It was no.

Q Just no?

A No, sir.

Q Did he get angry with you at all?

A Yes, sir.

Q What did he do?

A Pout.

Q Pout?

A Yes, sir.

Q Just pout?

A (Indicating.)

Q Didn't he get kind of nervous -- did he seem kind of nervous when he told you about that?

A No, sir.

Q Did you ever smoke marijuana with Mr. Gacy?

MR. KUNKLE: It's not Mr. Gacy.

MR. AMIRANTE: with Mr. Gacy.

Q Did you ever smoke marijuana with Mr. Gacy?

A Yes, sir.

Q How many times?

A I don't know.

Q Did you ever smoke marijuana and drink with him at the same time, smoke and drink?

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1 A Yes, sir.

Q How many times?

3 A No idea.

4 Q Okay. Now, when he did this, did he fall
5 asleep?

6 A If he was tired.

7 Q He didn't always fall asleep?

8 A No, sir.

9 Q Did you ever do it with him, or did he ever
10 do it when you were living with him?

11 A Yes, sir.

12 Q Okay. Did he ever fall asleep?

13 A On occasion.

14 Q Okay. Where would he fall asleep?

15 A On the couch in the den.

16 Q And what would you do after he fell asleep?

17 A Go to bed.

18 Q Where would he be when you got up?

19 A Sometimes on the couch, sometimes in his
20 bed.

21 Q What time in the morning -- when you worked
22 with John Gacy, what time did he start work?

23 A About 8:00 o'clock.

24 Q 8:00 o'clock. He would be ready to work at

1 8:00 o'clock in the morning?

A Yes, sir.

3 Q What time in the morning would he awaken
4 when you were living with him?

5 A Around 7:30, quarter to 8:00; sometimes
6 earlier, sometimes later.

7 Q Okay. Now, Mr. Rossi, you indicated you
8 had been driving around in a white Plymouth Satellite,
9 is that correct?

10 A Yes, sir.

11 Q Okay. And you said you received that car
12 from Mr. Gacy?

13 A Yes, sir.

14 Q You know whose car that was, don't you?

15 A What?

16 Q Do you know whose car that was?

17 A That was John Szyc's.

18 Q And do you know how to spell the name?

19 A I do now.

20 Q When did you find out it was John Szyc's
21 car?

22 A When Mr. Gacy sold me the title.

23 Q When was that?

24 A The night I decided to buy it.

1 Q Do you know what night that was?

A Same day that I went and picked the car up.

3 Q Did you ever meet John Szyc?

4 A No, sir.

5 Q You never saw him in Mr. Gacy's house?

6 A No, sir.

7 Q You don't remember what night it was that
8 you got the car or what night it was that you went
9 and applied for the title, is that correct?

10 A It was wintertime.

11 Q Okay. When you applied for the title, you
12 knew John Szyc's name then, didn't you?

13 A Yes, sir.

14 Q And as a matter of fact, when you applied
15 for that title, Mr. Rossi, you forged John Szyc's
16 name, didn't you?

17 A No, sir.

18 Q You didn't sign his name on anything?

19 A Not to my knowledge.

20 Q Did the police ever tell you when they
21 questioned you that you signed John Szyc's name, or
22 did they ask you if you signed John Szyc's name?

23 A They asked me.

24 Q You denied it?

1 A Yes, sir.

Q You still deny it?

3 A Yes, sir.

4 Q Would you say Mr. Gacy is a lonely person --
5 or when you knew him all those years, would you say
6 he was a lonely person?

7 A To an extent.

8 Q Would you say he liked to clown?

9 A Yes, sir.

10 Q Would you say he liked to go to different
11 activities like the Moose Lodge?

12 A Yes, sir.

13 Q How many times did Mr. Gacy tell you that
14 he liked boys as well as he liked women, or did he
15 say he had a preference?

16 A I don't recall.

17 Q Did he ever talk about his father?

18 A Once or twice.

19 Q Did you ever partake or participate in any
20 parties at Mr. Gacy's house?

21 A Yes, sir.

22 Q How many?

23 A Three.

24 Q Three. I mean, were these the big parties

1 with a lot of people?

A Yes, sir.

3 Q And how would Mr. Gacy act at these big
4 parties?

5 A Like a good, happy host.

6 Q Did he do anything strange?

7 A Not really.

8 Q Did he sit in the corner with the guys and
9 smoke dope?

10 A I don't recall sitting in the corner and
11 smoking dope at the parties.

12 Q Now, besides the three big parties, did you
13 have any other parties at John Gacy's house besides
14 those big wingdings that he had?

15 A Not really.

16 Q You never partook in any kind of party at
17 all?

18 A Not really.

19 Q Did you ever use his house when he was out
20 of town?

21 A Yes, I did.

22 Q For what purpose?

23 A When he was out of town?

24 Q Yes.

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A Just to go over there, have a couple of drinks.

Q How often?

A Not often.

Q How many times did you go over there when he was out of town?

A I go there all the time.

Q Every day?

A Just about.

Q How long would you stay? Would you sleep there?

A I would go there to check on the house as requested.

Q So, how long did you stay there?

A Sometimes five minutes, sometimes five seconds, sometimes a few hours.

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"hours."

1 Q Okay. You never had a party at his house
when he was gone, did you?

3 A No, sir.

4 Q Did you ever have a party at his house when
5 he was there?

6 A No, sir.

7 Q Did you ever see him bring any young boys
8 in his house your age? Pick-ups?

9 A Co-workers.

10 Q Did you see him bring any pick-ups in his
11 house?

12 A Not really.

13 Q Did you ever see him rape anybody?

14 A No, sir.

15 Q Did he ever rape you?

16 A No, sir.

17 Q You hesitated a little bit. What were you
18 hesitating for?

19 A It's my prerogative.

20 Q I see. Did he ever put a rope around your
21 neck?

22 A No, sir.

23 Q Did he ever do anything strange at all to
24 you?

6-5-2 1

A Not really.

Q So, it's fair to say the whole time you knew
3 John Gacy from 1976 until right now, he has been nothing
4 but a pretty good guy to you, is that right?

5 A For the most part.

6 Q What about for the other part?

7 A We have had our scrapes.

8 Q What kind of scrapes?

9 A Disagreements.

10 Q Did he ever beat you up?

11 A Well, yes, I think so.

12 Q He did. How many times?

13 A Once.

14 Q When was that?

15 A Couple of years back.

16 Q Where?

17 A At his girlfriend's house.

18 Q At his girlfriend's house he beat you up?

19 A Yes, sir.

20 Q Where was that?

21 A Pardon me?

22 Q Where was that, in the City, in the suburbs?

23 A In Chicago.

24 Q Who was the girlfriend?

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A Evelyn Preby. (Phonetic.)

Q He was going out with her at the time?

A I think they were engaged.

Q Okay. He just beat you up out of the clear blue sky?

A No, sir.

Q What provoked him?

A I don't recall.

Q Well, he didn't come up to you and start beating on you out of the clear blue sky. Something would have had to provoke him I would think. What was it?

A I don't recall.

Q How did he beat you? Did he hit you, slap you, kick you?

A Scratched my left eye and attempted to choke me.

Q What did you do, just stand there?

A I fought back a little.

Q Was his girlfriend there?

A Yes, she was.

Q She was standing right there?

A Yes, she was.

Q And how long did that last?

1 A A few seconds.

6-5-4 Q Okay. What did he do, just lunge at you?

3 A More or less.

4 Q What do you mean, more or less? Did he
5 lunge, did he pounce? What did he do? Did he just
6 attack you or what?

7 A If I recall it, we had started out wrestling,
8 and he accused me of getting a little too rough and
9 got very upset. And that's when the fight occurred.

10 Q How upset? Real upset?

11 A Enough to give me a black eye for about three
12 days.

13 Q Who stopped the fight?

14 A Evelyn.

15 Q Okay. Now, you got into another fight
16 with him, too, didn't you?

17 A Yes, sir.

18 Q And that was in front of your mother's
19 tavern?

20 A Yes, sir.

21 Q And it was not only you and Mr. Gacy; there
22 were three of you fellows, isn't that correct?

23 A Well, in the immediate fight it was me and
24 Mr. Gacy.

6-5-5

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Q Did a pretty good number on him, didn't you?

A It happened.

3

Q What?

4

A Something of that extent.

5

Q As a matter of fact, he didn't even strike a blow, did he?

7

A It was more like a lunge to choke me again.

8

Q A lunge?

9

A Yes.

10

Q But he never struck a blow, did he?

11

A Not after I started.

12

Q What did you do to him?

13

A Punched him.

14

Q How hard?

15

A Would you like a demonstration?

16

Q If that's the way you feel.

17

A It was pretty hard.

18

Q AND did you put him in the hospital?

19

A Yes, sir.

20

Q Did you call the ambulance?

21

A My mother did.

22

Q Now, after that fight with Mr. Gacy, you say you did not continue to work with him, is that right?

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A No, sir.

Q As a matter of fact, he filed a criminal complaint against you, didn't he?

A Yes, sir.

Q As a matter of fact -- strike that.

Now, after that -- that fight, Mr. Gacy filing a criminal complaint, did you have occasion to go back to work for him or -- did you have occasion to go back to work for him?

A After that fight, yeah, I worked with him, not for him.

Q You went back to work for him. Did he --

MR. KUNKLE: Objection. He just said he worked with him, not for him. And now he starts the question, "When you went back to work for him."

THE COURT: Sustained.

MR. KUNKLE: Thank you.

MR. AMIRANTE: Q Did he threaten you in any manner?

A No, sir.

Q Didn't he tell you that he was going to beat you up or get even with you for beating him up?

A No, sir.

Q How did he treat you?

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A Pretty good.

Q Did you ever suspect that anything funny was going on in that house on Summerdale?

A No, sir.

Q How many times did you see John Gacy angry?

A A lot.

Q On the job?

A Yes.

Q How would he act when he got angry?

A He would get hot-headed and start yelling.

Q Would he jump up and down like a little kid?

A To that effect, throw tools, the spraygun.

Q Did you ever see him get sick?

A Yes, sir.

Q How many times?

A Oh, at least a dozen.

Q Okay. And when you saw him get sick, what happened to him when he got sick?

A He would usually get pale.

Q Then what?

A And break out in a cold sweat.

Q And then what?

A Go to bed.

Q Did you ever see him do anything more than that?

6-5-8

1 Did you ever see him have an attack, like a heart
attack, a stroke?

3 A I believe something close to that nature.

4 Q What was that?

5 A He got sick one day. We were working -- it
6 was a hot day, and we were working real hard for one
7 of the picnics, at the parties. And -- I don't know.
8 I am not an authority to think he had a stroke, but I
9 know he got sick.

10 Q But he got sick?

11 A Yeah.

12 Q Did he complain about his health a lot?

13 A On occasion.

14 Q What did he say? Did he say he had a heart
15 condition?

16 A Yes, sir.

17 Q Did he ever tell you that he had leukemia?

18 A Yes, he did.

19 Q What else did he say was wrong with him?

20 A I don't recall.

21 Q But he did talk about his health?

22 A Yes, sir.

23 Q Did he ever say his health prevented him
24 from doing things, to you?

6-5-9

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A No. He told me a person could do anything
they put their mind to.

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to.

1 Q So his health didn't seem to stop him?

A No.

3 Q Yet he would complain about it, right?

4 A Yes, sir.

5 Q Now, Mr. Rossi, I just wanted to talk
6 about these last few days you saw Mr. Gacy when you
7 were working with him. Now, on December 12th I
8 believe you said you were -- walked up to the driveway
9 of Mr. Gacy's house at approximately 9:00 o'clock of
10 9:30, walked up to the house and there were police
11 officers there, is that correct?

12 A No, sir.

13 Q You saw police officers there on the 12th,
14 did you not?

15 A Yes, sir.

16 Q What time was that?

17 A Approximately 9:00, 9:30.

18 Q Okay. And you say they were standing out
19 there trying to get in the house about 20 minutes,
20 is that right?

21 A From the time that I was there, it was
22 approximately 15 to 20 minutes until anyone entered
23 the house.

24 Q And so -- how long were they in the front,

1 the policemen?

A To my knowledge, about 20 minutes.

3 Q Okay. Then, they went in the back and
4 entered the house?

5 A Oh, they were -- they were a couple in
6 front, and there were officers circling around the
7 house.

8 Q Okay. But nobody went in there for at
9 least 20 minutes, is that correct?

10 A Yes, sir.

11 Q And after they left, you went into the house,
12 is that right?

13 A I was in the house.

14 Q And Mr. Gacy went up into the attic?

15 A Yes, sir.

16 Q Where were you when he did that?

17 A In the hallway.

18 Q In the hallway below the attic?

19 A Yes, sir.

20 Q What was Mr. Gacy wearing?

21 A I believe he was wearing blue pants and just
22 a leisure shirt.

23 Q And when he went up into that attic, he
24 went up there to get Christmas tree ornaments?

1 A Yes, sir.

2 Q How did he appear to you? Did he appear to
3 be normal at that time? Anything unusual?

4 A Well, there had been a death in the family,
5 but outside of that, he was okay.

6 Q He was upset. Who died?

7 A An uncle or something.

8 Q He was upset about that?

9 A Slightly.

10 Q But that seemed to be all that bothered
11 him, right?

12 A Yes, sir.

13 Q Did he seem bothered when he went up into
14 the attic, or was he his old self bringing the ornaments
15 down?

16 A Normal.

17 Q Now, you went -- after you went there, you
18 went over to Rhode's Christmas tree lot?

19 A Yes, sir.

20 Q When you returned to Mr. Gacy's house later
21 on, you say his black Oldsmobile was right in front
22 of the house?

23 A Yes, sir.

24 Q Was it up close to the door?

1 A Yes, sir.

2 Q Okay. And when you -- when you left the
3 house now after you saw the Oldsmobile in front of
4 the door, did you leave with Mr. Gacy?

5 A Yes, sir.

6 Q And what vehicle did you take?

7 A The Black Chevy van.

8 Q The van. Where was the van parked in
9 relation to the Oldsmobile?

10 A Within the first 15 feet of the driveway
11 as you pull in; within five feet of the Oldsmobile.

12 Q Okay. Then you went driving around with
13 Mr. Gacy, is that right?

14 A Yes, sir.

15 Q About how long did you drive around with
16 him?

17 A Approximately -- couldn't have been more
18 than ten minutes.

19 Q What time of night was that?

20 A It was after 11:00.

21 Q It was after 11:00?

22 A Yes.

23 Q Did he tell you that he had an appointment,
24 that he was supposed to get to the DesPlaines Police

1 Station that night when you were driving around?

2 A I stood in the house when he had been told
3 or requested to make it to the DesPlaines Police
4 Department.

5 Q You were in the house when the police were
6 talking to him?

7 A After a while.

8 Q But now, it was about 11:00 -- 11:00 o'clock
9 or so that Mr. Gacy told you that he had to go to
10 the police department, or did he just drive around?

11 A We just drove for the Christmas tree, and
12 that was it.

13 Q What were you talking about?

14 A Well, he was -- he mentioned something about
15 the police -- he was curious to know why they were
16 questioning him about the Piest kid.

17 Q How was he acting?

18 A Fairly normal.

19 Q Okay. Now, when you went back to the house
20 with him, he dropped you out and you got back in your
21 Plymouth, and you went home, right?

22 A No, sir.

23 Q What did you do?

24 A I never got out of the van.

1 Q You took the van home?

A Yes, sir.

3 Q Now, on December the 20th, you state that
4 John Gacy was at your house at approximately 6:45 p.m.,
5 is that correct?

6 A Yes.

7 Q On December 20, 1978, is that right?

8 A Yes.

9 Q Okay. Where were you before that?

10 A The DesPlaines Police Department, I believe.

11 Q Okay. How long were you in the DesPlaines
12 Police Department?

13 A For some time.

14 Q How long? What time did you go there?

15 A Well, early afternoon, I believe.

16 Q Okay. Were you taken there, or did you go
17 there voluntarily?

18 A A little of both.

19 Q And you got home at approximately 6:45 p.m.,
20 and John Gacy was at your house?

21 A Yes, sir.

22 MR. KUNKLE: Objection. That's not what he
23 testified to. He testified he got home at 9:00 o'clock
24 and Gacy was there.

1 MR. AMIRANTE: Q You got home at 9:00 o'clock
on December the 20th?

3 A Yes, sir.

4 Q And all you had were some job-related
5 conversations, is that right?

6 A Yes.

7 Q Gacy seemed pretty normal?

8 A Yes, sir.

9 Q Now, the next morning -- okay. Gacy left
10 your house about what time?

11 A Not more than within ten minutes of my
12 arrival.

13 Q Did he tell you where he was going?

14 A No, sir.

15 Q So, you say he left at approximately 9:10 p.m.
16 then?

17 A Approximately.

18 Q okay. But he didn't tell you where he was
19 going?

20 A Not to my knowledge.

21 Q Did he make any phone calls from your house?

22 A I don't recall.

23 Q Did he receive any phone calls at your house?

24 A I think you called him.

6-6-8

1 Q What time was that?

A I don't know.

3 Q Now, did he say where he was going when
4 he left?

5 A It's cloudy, but there is a possibility he
6 said he was going to see you.

7 Q It's a possibility; he didn't say that,
8 though?

9 A I am not sure.

10 Q And that was about 9:10 p.m.?

11 A It was somewhere in there.

12 Q Sometime between 9:00 o'clock and 9:10 he
13 got a phone call in the ten minutes he was there, and
14 you were there with him?

15 A I think so.

16 Q Okay. He seemed pretty normal and at ease?

17 A Sure.

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6-7-1
"Sure."

- 1 Q He wasn't taking any drugs or anything, was
he?
- 2 A Not that I could recall.
- 3 Q You weren't taking any drugs or anything,
4 were you?
- 5 A No, sir.
- 6 Q Okay. Now, you didn't see him again now
7 until the next morning, is that correct, the 21st?
- 8 A I believe so.
- 9 Q You say you got a call from him the next
10 morning, right?
- 11 A Yes.
- 12 Q He wanted you to go to his house and pick
13 up some things?
- 14 A Yes, sir.
- 15 Q You agreed to meet him at David Cram's house?
- 16 A Yes.
- 17 Q When you were at David Cram's house, you said
18 you were going to bring some tools over to Cram's house?
- 19 A Yes, sir.
- 20 Q When you were at David Cram's house, you had
21 a conversation with Mr. Gacy, is that right?
- 22 A Yes, sir.
- 23 Q And that conversation was with you and Mr. Cram,
24

6-7-2

1 is that right?

A Yes, sir.

3 Q Okay. At that time Gacy seemed to be, would
4 you say, emotionally disturbed?

5 A Yes, sir.

6 Q And he told you something to the effect that
7 he said he told his lawyers that he killed over 30
8 people, is that what he said?

9 A Yes.

10 Q I mean in exact words. What were his exact
11 words?

12 A I don't recall.

13 Q You don't recall the exact words?

14 A No, sir. I was a little upset after that.

15 Q Did he say anything about the syndicate to
16 you?

17 A I believe he did.

18 Q Where is -- think hard. What were his exact
19 words?

20 A He said something of the nature that he had
21 done a lot of bad things, he had been involved with
22 over 30 syndicate-related killings.

23 Q That's what he told you?

24 A I believe so.

6-7-3

1 Q He told that to David Cram, too?

A I believe so.

3 Q Okay. Did he seem very emotionally dis-
4 turbed?

5 A Yes.

6 Q Did he say goodbye to you?

7 A Yes, sir.

8 Q Did you ask him why he was saying goodbye?

9 A No, because I said goodbye first.

10 Q You said goodbye to him first? Why?

11 A I was leaving, immediately after that
12 statement.

13 Q What did you think when he said that?

14 A I thought I better not be in that house.

15 Q Okay. And would he -- when he said goodbye
16 to you, what did you think he meant?

17 A Just goodbye.

18 Q Did he seem -- strike that.

19 Okay. Right after he said that to you,
20 you left, you took off?

21 A Yes, sir.

22 Q And that was the last time you saw him until
23 today?

24 A Yes, sir.

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Q Did you see him get in the car with David Cram after he said that?

A No, sir.

Q Did he tell you where he was going from your -- from Cram's house?

A He wanted to go visit his father.

Q Where was his father?

A Some cemetery.

Q When he was crying, was he faking it?

A I don't believe so.

Q He cried hard, or just kind of whimpering?

A A substantial amount.

Q Besides telling you that one statement, did he say anything else to you?

A He wanted his power tools.

Q Did he tell you about any appointments he had later that morning?

A He wanted to go see his father. That's all I could recall.

Q And that was it.

(Brief pause.)

MR. AMIRANTE: Q I am sorry, Mr. Rossi. I want to go back a little bit. In regard to that automobile, do you recall the Plymouth, the 1971 Plymouth

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you were driving, John Szyc's car? Did you have your own license plates on that car?

A Yes, sir.

Q Do you recall an instance in the winter of 1977-'78 in a gas station?

A Yes, sir.

Q Now, that incident in the gas station in the winter of '77-'78 --

MR. KUNKLE: Objection. I ask to be heard.

THE COURT: Okay, on the side.

(WHEREUPON, Court and counsel adjourned to the side bar outside the hearing of the Jury; at which time, the following proceedings were had, to-wit:)

THE COURT: What is it?

MR. KUNKLE: The plate that was on there from Szyc -- I mean there was no conviction. There has been no criminal convicted based on this. He was trying to bring up some apparent time on his behalf by not having a proper license plate on the car.

MR. MOTTA: He knew those were Szyc's plates.

MR. KUNKLE: Pardon?

MR. MOTTA: He knew those were Szyc's plates.

MR. KUNKLE: It's not a criminal conviction that

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can be brought out in this kind of a proceeding.

What the hell -- I mean, it's not even a misdemeanor.

It's a traffic offence.

MR. AMIRANTE: It's a fact.

MR. KUNKLE: Please. He is given a title --

THE COURT: Well, you are taking about -- about a minute and a half between every question.

MR. AMIRANTE: Okay.

THE COURT: Let's move along.

(Whereupon, Court and counsel returned to open court within the presence and hearing of the jury; at which time, the following proceedings were had, to-wit:)

MR. AMIRANTE: Q Okay. Isn't it a fact, Mr. Rossi, that in the winter of '77-'78 or sometime thereafter, you were convicted of theft, stealing some gasoline?

A No, sir.

Q That you were charged with that?

MR. KUNKLE: Objection.

THE WITNESS: No, sir.

MR. AMIRANTE: Q There was an incident in a gas station regarding a '71 Plymouth in the winter of '77-'78, is that correct?

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6-7-7

1

A (No response.)

Q Is that correct?

3

A No, sir.

4

Q It is not? Did you always have your own

5

license plates on that car?

6

A I didn't drive it 'til I got my plates.

7

Q But there were somebody else's plates on

8

that car, weren't there?

9

A Yes.

10

Q You knew whose plates they were?

11

A The last owner's.

12

Q How long were those plates on the car?

13

A Until I purchased a clear title and was

14

able to get my plates myself.

15

Q Okay. Now, when you got that clear title,

16

did it come directly to you, the title to the car

17

come to you?

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you?

1

A No, sir.

3

Q And you never -- you never filled out the application for the title, that's your testimony?

4

Did you ever apply --

5

MR. KUNKLE: That was not it.

6

THE COURT: That was not the -- that was not the testimony.

7

8

MR. AMIRANTE: Q Did you ever apply for the title transfer on that car?

9

10

A Well, yes, sir.

11

Q Okay. Did you sign the application for the title transfer?

12

13

A Yes, sir.

14

Q You signed your own name?

15

A Yes, sir.

16

Q Nobody else's name?

17

A Not to my knowledge.

18

MR. AMIRANTE: One second, Judge.

19

(Brief pause.)

20

MR. AMIRANTE: Q Okay. Just a couple of more questions regarding this title, Mr. Rossi.

21

22

Did you ever at any time fill out a form called the VSD 9 for title No. S700068, being a State title and registration application and sign the name

23

24

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1 of John Szyc? Did you ever do that?

2 A Well, the -- at the Elston Avenue Station,
3 the Illinois Driver's Station, I had to fill out
4 another application for title.

5 Q So you did do that then?

6 A Yes, sir. It's standard procedure.

7 Q And you signed John Szyc's name, is that
8 right?

9 A Yes, sir.

10 Q Okay. Were you ever charged with forgery
11 for that?

12 A No, sir.

13 Q Did the State's Attorney ask you about that
14 in regard to this case?

15 A Yes, sir. They asked me if I signed the
16 title itself.

17 Q What did you tell them?

18 A No, sir.

19 Q Did they threaten to charge you with anything
20 or did they charge you? Are you under indictment for
21 anything right now?

22 A No, sir.

23 Q Come here a minute, Mr. Rossi.

24 A (Indicating.)

1 THE COURT: Just ask the witness to step down.

DEPUTY SHERIFF: Step over there. (Indicating.)

3 MR. AMIRANTE: Q Mr. Rossi, would you step up
4 to the board a minute? Where did -- will you please
5 point to where you dug this first trench for the
6 drain tile? For the record, pointing to State's
7 Exhibit No. 1 for identification.

8 A (Indicating.)

9 Q Where, No. 13?

10 A Yes.

11 Q Where the orange rectangle is?

12 A Yes.

13 Q About how long was that?

14 A (Indicating.)

15 THE COURT REPORTER: I didn't hear.

16 THE COURT: Yes, speak up.

17 THE WITNESS: About ten feet.

18 THE COURT: About ten feet.

19 MR. AMIRANTE: Q Okay. You dug another trench,
20 or is that the only one? So, you never -- you never
21 dug over there (indicating)?

22 A No, sir.

23 Q Or over here? (Indicating.)

24 A No, sir.

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1 Q Or over here? (Indicating.)

A No, sir.

3 Q Or over here? (Indicating.)

4 A No.

5 Q Or over here? (Indicating.)

6 A No.

7 Q Or over there? (Indicating.)

8 A No.

9 Q Or over there or over there, or over there?

10 (indicating.)

11 A No, sir.

12 Q In the dining room, did you dig in the
13 dining room?

14 A No.

15 Q What about behind the house, did you dig
16 over there?

17 A No.

18 Q You only dug in one spot?

19 A Yes.

20 Q That was for the drain tile?

21 A Yes, sir.

22 Q You said you didn't see any drain tile there,
23 right? You can take the stand.

24 You said you didn't see any drain tile?

1 A Right.

Q There was a broken pipe down there, right?

3 A I don't recall.

4 Q You don't recall if there was a broken pipe
5 in the crawl space at that time?

6 A No, sir.

7 Q Did you ever -- did you ever go down there
8 with David Cram?

9 A Yes, sir.

10 Q How many times were you in the crawl space
11 with David Cram?

12 A I think on one occasion.

13 Q Were you digging together down there?

14 A No, sir.

15 Q What were you doing down there?

16 A Seeing how he was doing -- digging himself.

17 Q When was that?

18 A I don't recall.

19 Q Okay. Mr. Rossi, did you have a conversation
20 with these gentlemen to my right here before you came
21 in here today? Did you ever talk to them?

22 A Yes, sir.

23 Q How many times?

24 A Well, less than a half dozen times.

1 Q Was your lawyer present during those
conversations?

3 A Pardon me?

4 MR. KUNKLE: Objection.

5 THE COURT: Overruled.

6 MR. AMIRANTE: Q Was your lawyer present during
7 these conversations?

8 A Some of them.

9 Q Now, you knew John Gacy or you thought at
10 least -- I am sorry -- John Gacy was either bisexual
11 or homosexual, right?

12 A Yes, sir.

13 Q And he did proposition you, right?

14 A Yes, sir.

15 Q And you even beat him up once, right?

16 A Yes, sir.

17 Q And he even beat you up once, right?

18 A Yes, sir.

19 Q And you knew other people who knew John Gacy,
20 is that right?

21 A Yes, sir.

22 Q And you did work at the Democratic Headquarters
23 and other political or job-related things for Mr. Gacy,
24 is that right?

1 A Yes, sir.

2 Q And you weren't always with Mr. Gacy when
3 you did it, right?

4 A Right.

5 Q And you were at other functions and different
6 places with people who knew John Gacy and he wasn't
7 there, is that right?

8 A Yes, sir.

9 Q And in all this time and all you knew about
10 John Gacy and in digging in a crawl space, did John
11 Gacy at any time ever really strike you and strangle
12 you and hit you and beat you? Did he ever do that?

13 A No, sir.

14 Q Did he ever threaten to kill you?

15 A Many times.

16 Q When?

17 A Various occasions.

18 Q Who was present?

19 A Different people.

20 Q And for what reason?

21 A Different things.

22 Q Did he ever do it?

23 A No.

24 Q Did he ever follow up on it?

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A Apparently not.

Q Did he ever attempt to do it -- I am sorry?

3

A Did he ever attempt?

4

Q Did he ever attempt to do it?

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"do it?"

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A I wouldn't know how to answer that.

Q Well --

A I could say that one time, yes.

Q Did he ever put you in handcuffs?

A No, sir.

Q Did he ever tie you up?

A No, sir.

Q Did he ever put you on a board?

A No, sir.

Q When he threatened you, these were threats in the course of your kind of fights and jousting with him, wouldn't it be?

A Yes, sir.

Q It wasn't any time where he just came right up to you and warned you or threatened you, is that right?

A Right.

Q And these fights and jousts and so forth you got into were more like horseplay, and then they would get into more serious fighting?

A Yes, sir.

Q So, you would say it -- when he said it to you, it was out of more or less anger on the spur of the moment, right?

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A I would imagine so.

Q And after that, he probably -- or he did apologize, is that right?

A Yes, sir.

MR. AMIRANTE: No further questions.

MR. KUNKLE: I will be very brief, your Honor, I promise.

REDIRECT EXAMINATION

BY MR. KUNKLE:

Q Mr. Rossi, I show you a document previously marked People's Exhibit No. 84 for identification, a certificate of title of a motor vehicle for the State of Illinois. On the back, is there the name, John Szyc?

A Yes, there is.

Q Did you sign that title?

A No, sir.

Q When Mr. Gacy gave you this title, was it already signed "John Szyc"?

A Yes, sir.

MR. KUNKLE: I ask that this be marked, your Honor, as People's Exhibit No. 86 for identification.

(Exhibit marked.)

MR. KUNKLE: Q I show you what has been marked

1 as People's Exhibit No. 86 for identification and
ask you if you recognize that.

3 A Yes, sir.

4 Q And is this State of Illinois Form VSD9,
5 down here on the right-hand corner?

6 A Yes, sir.

7 Q And is this a form for applying for license
8 plates?

9 A Yes, sir.

10 Q And at the top is the name "Michael A. Rossi"
11 written in as the owner's name?

12 A Yes, sir.

13 Q And is also the name, "John W. Gacy" written
14 in as a co-owner's name?

15 A Yes, sir.

16 Q You wrote both of those names, didn't you?

17 A Yes.

18 Q You also wrote down the address, "8213
19 Summerdale," didn't you?

20 A Yes, sir.

21 Q You also signed your name as the signature
22 of the owner, "Michael A. Rossi," did you not?

23 A Yes, sir.

24 Q You also signed for John W. Gacy, did you not --

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1 or did he sign?

A No, he signed.

3 Q All right. And down here at the bottom where
4 it says, "New Vehicle Information, from whom did you
5 buy," did you write in a name?

6 A Yes, sir.

7 Q What was that name?

8 A John A. Szyk.

9 Q Now, who told you to write in the name of
10 the former owner on the application for plates?

11 A The woman at the Elston Avenue -- what you
12 call it -- driving vehicle inspection building.

13 Q And nobody charged you with forgery, did
14 they, Mr. Rossi?

15 A No, sir.

16 Q Except Mr. Amirante.

17 MR. MOTTA: I don't think the histrionics are
18 necessary, Judge.

19 MR. AMIRANTE: It's late in the day.

20 THE COURT: It helps when the lawyer is talking
21 at the end of the day.

22 All right. Ladies and gentlemen, this
23 concludes the evidence you will hear today. I didn't
24 think we were going to go this late.

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DEPUTY SHERIFF: Court is still in session.

Everybody be seated.

THE COURT: We have everyone talking. All right. Well, that's what happens at the end of the day.

All right. But fortunately, we have picked up actually an extra half day. So, you know very -- I am very pleased that we were able to proceed this far today. Court is adjourned. We will make different arrangements for you to eat tonight; you may be happy with them.

And during the evening, please do not discuss this case with anyone. It may be easy for people to, again, ask you how are things going and make inquiries like that. Avoid any of those -- any of those encounters. And we will resume tomorrow at 10:00 o'clock. Have a good evening.

(Whereupon, the above-entitled cause was adjourned until 10:00 o'clock A.M., February 13th, A.D., 1980.)

FILED

MAY 1 1980

MOH AN M. FINLEY
CLERK OF THE CIRCUIT COURT
CRIMINAL DIVISION