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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ESSEX

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MARSHA FINNAN, :
 :
 Plaintiff :
 -versus- : TRIAL
 TERENCE FINNAN, : TESTIMONY
 : READBACK
 :
 Defendant. :
-----X

Essex County Government Center
Elizabethtown, New York
January 8, 2008
January 9, 2008
January 10, 2008

P r e s i d i n g :

THE HONORABLE KEVIN K. RYAN
Acting Justice Supreme Court

A p p e a r a n c e s :

ARA ASADOURIAN, Esq.
Appearing on behalf of Plaintiff.

Terence Finnan, Defendant.
Appearing pro se.

R e p o r t e d B y :

AMIE MARTINA, RPR
Official Court Reporter

2 (This is an EXCERPT of trial testimony. Requested
3 readback testimony by the jury as follows):

4 DIRECT-EXAMINATION OF MARSHA FINNAN BY MR. ASADOURIAN:

5 Q. Was there a period of relative calm at that early
6 period of seeing Dr. Smith in the marriage?

7 A. Yeah, I'd say that things were pretty dormant and
8 I even felt optimistic enough that we decided to build a
9 small extension to our house in Keene.

10 Q. While you were in the process of building that
11 was there a new blowup?

12 A. A new blowup there was indeed.

13 Q. Why don't you tell the jury about that.

14 A. So what happened, Mr. Finnan had made the designs
15 for building the extension and it was September of 2002
16 and we needed to get -- have cement footings for the
17 extension.

18 Mr. Finnan made the arrangements to have the
19 cement truck come to our house and Mr. Finnan thought
20 that between him, Vicky and me that we could take care of
21 doing what was needed in terms of pouring the cement.
22 The cement truck was to arrive I'd say 3 or 3:30, and
23 Mr. Finnan just said go pick Vicky up from school early
24 and make sure to come back, and I did as I was told.

25 So just as we were getting -- Vicky and I were

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2 arriving back in Keene, the cement truck was there and
3 the first thing that happened was Mr. Finnan said, "You
4 weren't here in time. You weren't here. You weren't
5 ready."

6 He was angry just from the beginning and we were
7 ready. What we had to do was make sure to tamp the
8 cement to make sure it had no airholes and so on. But
9 what happened was this was a huge, huge amount of work.
10 I mean, it was physically demanding, and Vicky and I did
11 what we were told. I think we did okay, and we were able
12 to finish this in time constraint because otherwise the
13 cement would cure.

14 We were exhausted, and after we were done
15 Mr. Finnan yelled at us again and Mr. Finnan said, "You
16 weren't here on time. I'm just the one that's doing
17 everything. I'm doing all this fuckin' work and you guys
18 are so lazy." I mean, I just felt I was ready to
19 collapse. I had worked really above and beyond what I
20 could physically endure and then I was getting this
21 hollering not only at me, but at my daughter.

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25 CROSS-EXAMINATION OF MARSHA FINNAN BY MR. FINNAN:

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2 Q. You testified when the footings for the extension
3 were poured that I was doing various things to Vicky.
4 What were these things that happened to Vicky at that
5 time when the footings were poured?

6 A. Well, actually, when those footings were being
7 poured I remember that there was a man that was helping,
8 his name is Greg and he was helping, and we were all
9 working hard and Vicky and I were helping with the
10 cement, and that it was a job that had to be done very,
11 very quickly, otherwise the cement would dry.

12 And it was after -- we thanked Greg, he left, we
13 thanked him for his help. It was after when we got into
14 the house and at that point Mr. Finnan yelled at both me
15 and Vicky for not being there on time and for not working
16 hard enough.

17 Q. Excuse me. Which version is your official
18 version, the one that you told earlier where it happened
19 Vicky was there and she was abused, and now you're
20 changing it since you know a witness is going to come
21 testify that Vicky -- that none of that happened? You're
22 changing it now to a second thing. Which one is true;
23 which version of that story is true?

24 A. I sit here and this is an event that occurred in
25 2002 and the event occurred. Vicky and I were both

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there. And in my earlier testimony what I'd left out was that Greg was there as well.

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DIRECT-EXAMINATION OF GREGORY KREIGER BY MR. FINNAN:

Q. Were you present on the day that the footings were poured for the foundation?

A. Yes, I was.

Q. Was Victoria Finnan there at that time?

A. No, she was not.

Q. Who was there?

A. Myself, you, Marcia and the driver of the cement truck.

Q. You didn't see Victoria at any place at all, did you?

A. No, I did not.

Q. It couldn't have been possible somewhere she was hiding or something, do you think so? We didn't see her; let's leave it at that.

A. I didn't see her.

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