

February 6, 2009

Testimony of Alessandro Biscarini, a witness

The witness, warned in the sense of Article 497 of the Code of Criminal Procedure, reads the procedural formula.

Personal details: Biscarini Alessandro, born in Rome Dec. 27, 1980

President. - The Public Prosecutor may proceed with the examination.

*Examination by Public Prosecutor Mignini*

Public Prosecutor. - Look, do you remember how the mobile phones were discovered?

Witness. - Yes, the morning of November 2 I was in the garden; I was responding to a call and I saw a mobile phone in the garden, in the open space in front of the house. Not knowing whose phone it could be, I picked it up and carried it into my family home to ask if it belonged to someone. Since it did not belong to any of the family members, my parents called the Questura thinking it could belong to one of the two policemen who had come the night before to perform a site inspection at our house, as a result of a phone call we had received. The Questura told them to bring the phone to the postal police for investigation so they brought it, {167} towards ten o'clock, they took it there – my mother and father went to the postal police to bring that phone. Later, towards eleven forty-five, noon, my sister together with a cleaning lady/housekeeper found a second mobile phone in... also in the garden. They also took it back to the house; I was inside and then my sister called my mother saying that we had found the second phone and later she joined her and they brought it together, this second one also, to the postal police.

Public Prosecutor. - Lister, what was the brand of these phones? The first and second one.

Witness. - OK, the one I found was a Motorola; the second, I don't remember the brand.

Public Prosecutor. - Did the phone that you had taken ring?

Witness. - No, the phone I had taken did not ring, it was turned off.

Public Prosecutor. - And the one your sister picked?

Witness. - Yes, when she brought it into the house, one time she put it on the table; I saw that it was ringing; we were around to talk about our discovery and saw the phone ringing, and the name of the caller appeared on the display, a certain Amanda.

Public Prosecutor. - Amanda?

Witness. - Yes.

Public Prosecutor. - What time was that?

Witness. - It must have been towards eleven forty-five, noon.

Public Prosecutor. - Of the second...

Witness. - November second.

Public Prosecutor. - Regarding the times, you have said... did you go to the postal police?

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Witness. - No, I did not go.

Public Prosecutor. - You took... so you gave the mobile phone to your mother?

Witness. - Yes... I found it towards 9, soon after nine {168} in the morning. Then, just as I brought it into the house, I put it on the table and after I had brought it to my parents, after the phone call and according to the instructions received from the Questura, from the agent who responded, they took it to the postal police.

Public Prosecutor. - As for the other mobile phone, do you know the time when it was taken to the postal police or not?

Witness. - My sister left at once, let's say five-ten minutes after the discovery, so it must have been past noon, more or less at noon.

Public Prosecutor. - I have no other questions.

President. - The civil party, if there are questions.

Counsel. - One question, President.

President. - Yes, please.

*Examination by the counsel for the civil party*

Counsel. - Regarding the area where you found the phone in the garden, no, as you have said before, can you clarify the location of the garden relative to the street, relative to the access to your house and so on?

Witness. - Yes, the part of the garden where I found the first mobile phone is right behind the gate, around 15-20 meters from the street; there is a driveway to the house; near the driveway, there is access to an open space, there's a garden, in the open space there are neither trees nor anything, more or less in the middle of this small space will be [a plural noun expected]... the garden, there was this mobile phone. So relative to the street, there was twenty meters more or less, so twenty meters.

Counsel. - When you talk about the gate, you refer to the gate that provides access to the street, basically?

Witness. - Yes, the entrance to the house that gives access to the street.

Counsel. - Understood. What about the second one?

Witness. - The second one, I don't know exactly; it wasn't I {169} who found it but... more or less close

by, however not exactly because I didn't find it; from what I was told, more or less close by.

Counsel. - I have no other questions. Thank you President.

President. - There are no questions. If there are no other questions, the witness is discharged.